

About the Firm

Our firm, Bullivant Houser Bailey PC, represents clients nationwide who rely upon our success as trial lawyers, our practical business advice and our expertise in insurance coverage. While we practice out of offices in the western U.S., our reputation is respected nationally, where we have managed client needs across many jurisdictions. Our clients tell us that our legal talents are matched by the service we provide them.

Our attorneys have a long history of complex insurance coverage and commercial litigation success as well as extensive experience in products liability and other casualty litigation. Bullivant business attorneys have represented mid-size and growth companies in connection with a range of corporate legal affairs including finance and intellectual property. Our employment lawyers fill a dual role, advising clients on compliance and performance issues while handling litigation that may arise.

Bullivant attorneys are well known in their profession and their communities, leading national and regional legal associations and supporting groups that strengthen the communities in which we practice. Others have recognized us, too, including Martindale-Hubbell, Chambers USA, *Super Lawyers* and *Best Lawyers*.

Firm History

V.V. Pendergrass, born August 19, 1895 in Eureka Springs, Arkansas, received his general education in the public schools of Oregon. He graduated from Northwestern College of Law in Portland, Oregon in 1922, but was admitted to the Oregon State Bar in 1921 in accordance with admission rules of the time.

Among his office associates in the early 1920's were Shelby Wiggins, Osco Roehr, Hugh L. Barzee and Clifford E. Zollinger. Cliff Zollinger left to become in-house counsel for the First National Bank of Portland. Mr. Pendergrass was then General Counsel and a member of the Board of Directors of that bank which had been established by the Corbett and Failing families in the 1870's. V.V. Pendergrass became recognized as the "dean" of bank lawyers in Oregon. When Frank Belgrano became president of the First National Bank of Oregon, he asked Mr. Pendergrass to accompany him to San Francisco, California, to advise him in connection with the successful affiliation of the bank with a holding corporation in California. Mr. Pendergrass, and then later, Pendergrass Spackman & Bullivant, and still later, Pendergrass Spackman Bullivant & Wright, continued to act as legal counsel for the bank until 1969.

In 1938 V.V. Pendergrass, Charles R. Spackman, Jr., and R.R. Bullivant joined together (with Gordon H. Keane as a Junior Partner) as Pendergrass, Spackman & Bullivant, located in the Pacific Building in Portland. The only associate was Carlisle B. Roberts, who later became judge of the Oregon Tax Court.

V.V. Pendergrass' expertise was not confined to banking law; as he was counsel to many Oregon corporations and was skilled in the field of wills and trusts.

He was active in local charitable and civic organizations throughout his long, distinguished career until his retirement at the age of 75. His son, Walter H. Pendergrass, joined the firm as an associate in 1950 and continues to practice with the firm in an "Of Counsel" capacity into the 21st Century.

Charles R. Spackman, Jr., born November 20, 1896, in Dubois, Pennsylvania, attended Reed College and received his legal education at Northwestern College of Law. He was admitted to the Oregon Bar in 1923. He practiced alone for the greater part of his early law career, until becoming a partner with V.V. Pendergrass.

Noted as an excellent trial lawyer, Spackman was counsel for Standard Accident Insurance Company at the time he joined the firm. Over the years, he developed a corporate practice and had many loyal and devoted individual clients. He was President of the Multnomah Bar Association and a member and Vice President of the Oregon State Bar Board of Governors. He was an enthusiastic golfer and a member of the Waverley Country Club. It was while playing golf in 1968 that he suffered a fatal heart attack on the 12th hole at Waverley.

R.R. "Rupe" Bullivant, born on November 29, 1903, in Portland, Oregon, attended public schools and earned his college and law school degrees from the University of Oregon. He was admitted to the Oregon State Bar in 1926. In 1938, both he and Mr. Spackman were teaching part-time at Northwestern College of Law, and many of Oregon's prominent lawyers and Judges studied under them.

Mr. Bullivant was then counsel for the Oregon Milk Distributors Association, having drafted the Oregon Milk Control legislation. He was recognized as an expert in the field of agricultural cooperatives. A year or two after the firm was organized, Mr. Bullivant acted as counsel for the General Adjustment Bureau and began developing a wide practice in the insurance field. He also became counsel for the Portland Terminal Railroad Company, organized by the principal railroad companies serving the City of Portland.

In 1937 he became a member of the Board of Governors of the Oregon State Bar and in 1938 its youngest president at the age of 35.

Mr. Bullivant was appointed as one of the three Oregon members of the National Conference of Commissioners on Uniform State laws and served in that capacity until his death September 25, 1992.

In addition to all his legal work and activities, Mr. Bullivant engaged in many civic activities and was a member of the Portland City Planning Commission in its early days.

Mr. Bullivant's long-time secretary, Virginia Richardson, was a highly-valued, loyal employee of the firm for 44 years.

In 1941, Gordon H. Keane left the firm to form a partnership with Robert A. Leedy. Bob Leedy and Hugh Barzee later rejoined the firm as partners, at which time the firm's name was changed to Bullivant Wright Leedy Johnson Pendergrass & Hoffman.

Carlisle B. Roberts left the firm in 1941 to serve in the United States Navy. When he returned from the service, he obtained a position on the legal staff of the Oregon Tax Commission and ultimately became Judge of the Oregon Tax Court.

After the departure of Gordon H. Keane and Carlisle B. Roberts, Charles E. Wright became an associate of the firm in September 1943. Mr. Wright was born March 21, 1906, in Portland, Oregon, educated in the public schools, including Lincoln High School, and was a graduate of Yale College and Yale Law School. He was admitted to the Oregon State Bar in 1933. After graduation he first associated with the firm of Platt Platt Fales Smith & Black in Portland from 1933 to 1937. He was then appointed to the Securities and Exchange Commission at its Seattle Regional Office where he became a senior Attorney until he resigned in 1943 to join Pendergrass, Spackman & Bullivant.

Mr. Wright engaged in many civic activities. He was a member of the Board of Trustees of The City Club of Portland, Portland Junior Symphony, Portland Art Association and The Catlin Gabel School.

Alan Hart, born October 7, 1909, in St. Paul, Minnesota, and a graduate of Stanford University and Yale Law School, joined the firm in 1946. Both Alan Hart and Charles E. Wright became partners on January 1, 1947. Alan Hart had been an instructor at Yale Law School, Assistant U.S. Attorney General, Department of Justice and General Counsel of Bonneville Power Administration before re-entering private practice. He had previously been associated for a short period of time with his father's firm, Hart Spencer McCulloch & Rockwood, now the Stoel Rives firm.

Mr. Hart remained with the firm until 1954 when, due to a conflict of interest between his client, Reynolds Metals Company, and a firm client, Fairview Farms, he left to become a partner in the firm of Krause Lindsay Nahstoll & Hart.

In 1950 the firm was joined by Walter H. Pendergrass, born January 26, 1925 in Portland, Oregon, a graduate of Stanford University and Stanford Law School. He became a partner of the firm in 1957. Donald H. Morrison was a graduate of the University of Washington and the Stanford Law School where he was a classmate of Walter H.

Pendergrass. Mr. Morrison joined the firm as an associate in 1953 and left the firm to become General Counsel of Pacific Northwest Bell in 1960, later becoming Vice President and General Counsel of The Ohio Bell Telephone Co. in Cleveland, Ohio.

Walter Pendergrass was a member of the Board of Visitors of Stanford Law School (1968-1971), chaired the Probate Committee of the Oregon State Bar (1973-74), and is a Fellow with the American College of Trust and Estate Counsel. He was active in his church, was a member of the Columbia Pacific Council of the Boy Scouts and a scoutmaster for more than a decade and received the Silver Beaver award. He also chaired the Stanford Alumni Assn. of Oregon for a term, and the Oregon Traffic Safety Commission for more than a decade.

Jack L. Hoffman was born in Portland, Oregon on August 30, 1922. He graduated from Linfield College in 1946 and from University of Oregon Law School in 1949. Prior to his association with the firm, he had been on the staff of the State of Oregon Law Revision Council whose project was to write the Oregon Revised Statutes. He became a partner in the firm in 1957 and retired in 1991.

Mr. Hoffman has engaged in many bar association and civic activities. He was elected to the Board of Directors and later served as President of the American Lung Association.

Darrel L. Johnson, born Sioux City, Iowa, August 15, 1915, received his undergraduate education at University of Oregon and the University of Oregon Law School. He served as Deputy City Attorney of the City of Portland for four years. He became associated with the firm on February 1, 1952, and became a partner in 1957. He worked primarily with Mr. Spackman in his early years with the firm, and became an outstanding trial attorney and skilled negotiator. He was president of the Oregon Chapter of the Arthritis Foundation. Mr. Johnson is now deceased.

Douglas G. Houser was born July 11, 1935, at Oregon City, Oregon, graduated from Willamette University and Stanford Law School, where he served as President of the Law School Student Body, and became associated with the firm in March of 1961 following discharge from the U.S. Army. He became a partner in 1965.

Within a few months of joining the firm, Mr. Houser joined with Cliff Zollinger and then-Oregon State Bar President Dick Nahstoll to teach lawyers statewide the difference between the Salas Act and the new Uniform Commercial Code which was to become the law in Oregon. He also received a Certificate of Appreciation from the Portland Public Schools for his work on a Pro Bono Opinion of the constitutionality of busing to achieve diversity in the Portland schools.

Mr. Houser is an internationally-recognized expert in insurance law and complex commercial litigation. By special appointment of the Oregon Supreme Court, he served as an Oregon State Circuit Court judge pro tem sitting in six counties and has also been active in the Oregon State Bar as a member of the Board of Bar Examiners and Chair of the Continuing Legal Education Committee and Judicial Administration Committee. He served as a member of the Board of Governors (1977-1980) and also served as Chair of the Judicial Fitness Commission.

Mr. Houser serves as an Officer and Director of NIKE, Inc., which he incorporated and for which he served as General Counsel for many years. He also serves on the Board of Overseers of the National Judicial College and the RAND Institute for Civil Justice, part of the well-known "think tank" located in Santa Monica, California, and served on the Board of the American Judicature Society for years. He is past-Chair of the 35,000 lawyers that make up the American Bar Association's Torts & Insurance Practice Section; past President of the Federation of Defense & Corporate Counsel; General Counsel to the Society of Registered Professional Adjusters and President's Council of the Association Internationale de Droit des Assurances (AIDA); Treasurer and member of the Board of Directors of the Defense Research Institute; a Fellow in the American Law Institute; and Fellow of the International Academy of Trial Lawyers and American College of Trial Lawyers. He has tried cases in 20 different states and for many years was the only Oregon lawyer admitted in the U.S. Court of International Trade.

Mr. Houser is an active alumnus of Willamette University and is in his 27th year on the Board of Trustees. He also

served four terms on the Stanford Law School Board of Visitors. His community service has included serving the Episcopal Church as Senior Warden of his parish, a member of the Board of Directors of the Episcopal Diocese, and a Vice Chancellor of the Diocese, as well as serving on Boards for the Eagle Scouts, the Salvation Army and Waverly Children's Home.

Mr. Houser has been a frequent speaker and author on legal issues of national and international interest. His article "Concurrent Causation in First-Party Insurance Claims: Consumers Cannot Afford Concurrent Causation" (1986) was cited by the California Supreme Court in *Garvey v. State Farm Fire & Cas. Co.*, and his article entitled "Good Faith As A Matter of Law: The Insurance Company's Right To Be Wrong" translated and reprinted in the Canadian law journal *Assurances*, is frequently cited and was quoted with approval by the Washington Supreme Court in *Ellwein v. Hartford Accident & Indemnity Co.*

Ronald E. Bailey, born August 12, 1937, in Portland, Oregon, is a graduate of the University of Oregon (1959) and Willamette College of Law (1963), where he served as Associate Editor of the *Willamette Law Journal* and President of Phi Delta Phi legal fraternity. He became associated with the firm in 1963 and became a partner in 1969.

Mr. Bailey was a member of the Board of Governors of the Oregon State Bar (1981-1984) and also served as Vice President of the association (1983-1984). He was a founder and incorporator of the Oregon Legal Management Association and Multnomah Business Association, an association of Portland businesses. He is a past President of the Multnomah Business Association, the Oregon Association of Defense Counsel and the Oregon Law Foundation. He was very active in the International Association of Defense Counsel and the American Bar Association, serving as Chair of substantive law committees of both organizations.

In the field of legal scholarship, Mr. Bailey served (1) as Editor of the quarterly newsmagazine of the Oregon Association of Defense Counsel (OADC) (1988-2002); (2) as co-author of the 1992 and 2000 *Compendium of Products Liability Law (Oregon Chapter)* published by the Defense Research Institute (DRI); (3) on the Editorial Board of the quarterly newsmagazine of the Oregon State Bar Litigation Section (1990-present); (4) on the Editorial Board of the national monthly newsmagazine of the National Federal Bar Association (1996-2001); and (5) the Editorial Board of the national newsletter of Drug, Medical Device and Biotech Committee of DRI.

In 1968 Clifford E. Zollinger retired as in-house counsel for First National Bank of Oregon and came back to the firm in an "Of Counsel" position. He brought a wealth of experience in banking, commercial and real estate law. He was with the firm until his death in 1972.

In 1972 Robert A. Leedy, formerly a member of the firm of Barzee, Leedy & Tassock and a Past President of the Oregon State Bar, rejoined the firm as a partner and the name of the firm was changed to Bullivant Wright Leedy Johnson Pendergrass & Hoffman. Hugh Barzee, also a Past President of the Oregon State Bar, joined the firm in an "Of Counsel" position. Mr. Leedy, born August 5, 1909, in Portland, Oregon, was a graduate of the University of Oregon and the University of Oregon Law School. He was a member and President of the Board of Governors of the Oregon State Bar. He served for many years as Chancellor of the Episcopal Diocese of Oregon. Mr. Leedy died in 2001.

After being located in the Pacific Building for thirty-eight years, in 1977 the firm moved to the newly constructed Willamette Center. From twenty-two lawyers at the time of the move, the number increased to forty-four in 1984, when, it being again necessary to look for additional space, the firm moved into the then-new Pacwest Center. The firm outgrew the space in the Pacwest Building and moved into its present location in the Pioneer Tower in 1992.

The Honorable Charles S. Crookham retired from the bench in 1988 after many years as a judge, eight of them as the presiding judge, with the Multnomah County Court. He joined the firm as "of counsel" on January 1, 1989. He helped the attorneys with myriad questions regarding the procedures and practices of the court. He took a leave of absence to become Attorney General of Oregon and then returned to the firm to continue counseling the attorneys in the firm and participating in a very active mediation practice. Judge Crookham retired from the firm effective January 1, 2002.

The firm became known as Bullivant Houser Bailey in 1998 and presently has offices in Washington, Oregon, and California.