



Nancy Kerns Oral History Interview, November 21, 2014

Title

“An Attorney Makes Her Way in Eastern Oregon”

Date

November 21, 2014

Location

City Hall, Pendleton, Oregon.

Summary

In the interview, Kerns discusses her family background and upbringing in Klamath Falls, including her early interests in sports and her family connections to OSU. She then describes her enrollment at Oregon State, her adjustment to college, and her academic progression while an undergraduate. Of particular note are Kerns' memories of the American Studies program during her years of association. She also reflects on her social life during college, the climate on campus during the mid- and late-1970s, her internship in the Oregon legislature, and her initial thoughts on pursuing the law as a career.

Kerns next recalls her life as a law student at the University of Tulsa, and provides a detailed accounting of studying and taking the Oregon bar exam. From there, she outlines the early chapters of her career, including her first job working for Nike, her first legal position in Klamath Falls, and her clerkship for the Oregon Trial Court.

The remainder of the interview concentrates on the years that Kerns has spent living and working in Pendleton. In this, she reflects on her first arrival in northeast Oregon, the means by which she was offered a position as deputy district attorney for Umatilla County, and her activities while filling this position, including her early experiences arguing cases in court. She then shares her memories of her work in private practice and in teaching at Blue Mountain Community College; her service on the Umatilla County Mental Health Board and the Umatilla County Planning Commission; her return to the public sector as assistant city attorney for Pendleton; and her promotion to city attorney in 2011.

As the interview nears its conclusion, Kerns discusses the challenges that she has faced as a women attorney, the changes that she has observed during her years in eastern Oregon, and her continuing connections with OSU. The session ends with Kerns' advice for students considering a career in the legal profession.

Interviewee

Nancy Kerns

Interviewer

Chris Petersen

Website

<http://scarc.library.oregonstate.edu/oh150/kerns/>

Transcript

Chris Petersen: Alright Nancy, if you could please introduce yourself with your name and today's date and our location.

Nancy Kerns: My name is Nancy Kerns, we are in the city of Pendleton. We are at City Hall in the suite where my office is. I'm an attorney for the city of Pendleton. And this is November 21st, 2014.

CP: Right. We're in a room filled with artifacts from one of Pendleton's sister cities in Japan, I believe.

NK: That's correct. We have visitors annually come here from Japan as we send visitors to there as well. And they always bring us interesting artifacts, which we have displayed many of in this room.

CP: Well we will talk a lot about your OSU days and the arc of your career, and talk a little bit about Pendleton and northeast Oregon and your experience of both. But I'd like to start at the beginning and your upbringing – you were born in Klamath Falls?

NK: That's correct.

CP: And what was your parents' background?

NK: My parents, my father was also born in Klamath Falls, my mother was born in Lakeview, and so made it a little ways in life. And I grew up there. I had the good fortune to grow up a few houses from one set of grandparents and about a mile from another set of grandparents. And three of those grandparents were a part of my life until I was in my mid-thirties. And so I had a very wonderful relationship with close family.

CP: What were your parents' occupations?

NK: My father had an RV dealership and he enjoyed self-employment. I worked for him many summers and vacations, and I'm a little familiar with that business. My mother taught high school for a few years early in her career, and then after having children she stayed at home and supported family needs for the rest of her life.

CP: How was Klamath Falls as a place to grow up?

NK: I think it was a good place to grow up. I had a great deal of family there. The community is a modest size. The environment there is; living is geared toward outdoor activities. There's a wonderful lake there where we did a lot of water skiing when I was young. There are a lot of sailing activities that go on there. We're close to good skiing. A lot of wildlife. A fun place for kids to be outdoors and my family did a lot of that kind of outdoor type of activities.

CP: What else interested you as a girl, besides the outdoors?

NK: I was a tomboy. I was the only girl in the neighborhood, so I learned to survive playing normal kids sports. And I kind of got the best of both worlds – I got to do girl things, Barbie dolls, but also played sports. I was the youngest and the only girl, so I got stuck with steady outfield a lot when we played baseball. Once in a while they'd let me bat. It was a fun environment to grow up in.

CP: How was school for you?

NK: I liked school. Interestingly, I attended the same grade school, junior high, and high school that my parents did. And that seemed pretty normal to me at that time, and now I realize that that's kind of an unusual thing, that most people's lives are a lot more transitory. And so there was a lot of familiarity with the world that I grew up in.

CP: I'm interested in, as far as high school is concerned anyway, extracurricular activities or any sort of impactful memories from the high school days.

[0:04:58]

NK: I enjoyed sports in high school and that was before Title IX, so we had limited sporting opportunities. But I participated in track, volleyball, some basketball, swimming, and a flag football team that always competed. So I got to do a number of sporting events.

I joined the debate team and took a class in high school debate, and really enjoyed that competition and found some success in it. And so that was a very good experience for the kind of education that I pursued and for the career that I ultimately chose.

CP: Had your parents gone to college?

NK: My parents both went to OSU.

CP: Ah, ok.

NK: Just like all the other schools that we all went to. So I came to OSU with some legacy coming in.

CP: Did they ever talk about their OSU experience?

NK: They did. We were on a family vacation at the coast when I was about ten years old, and stopped in Corvallis on our trip home. And they showed my brother and me around campus and we got to see the places where my folks had lived. And that gave me a nice perspective of what college looks like and is supposed to be like, and as I heard them talk about their college experiences as I grew up, then I had a nice mental framework for what all did that look like. And I think it had an influence on my feeling that OSU was a place that I could go and be comfortable.

CP: So is that essentially the reason why you decided on Oregon State?

NK: You know, I'm not sure. I think I had a number of friends that went to OSU and I liked Corvallis, I liked the sense of that smaller community where a student could get on a bicycle or walk and get around pretty well. But I'm sure it influenced.

CP: Was it a pretty easy adjustment for you, going from high school to college?

NK: I found it to be an easy adjustment. I lived in Finley Hall for the first two years that I was there, and I think there were at least a dozen other students from Klamath Falls that I had known in high school that were also there at the same time. So I went there with some friendships and some familiarity with people.

CP: Well, from my study of your academic record it looks like you bounced around a little bit in terms of what you thought you might want to do in school. You went from the College of Liberal Arts to Business, and back to CLA. Do you want to talk a little bit about how that progressed for you?

NK: Well, in reality I think I thought, when I started college, that I really would have been interested in a career in teaching. But in the '70s it was well-known that there weren't any jobs for teachers, and so I thought "well, I'll study liberal arts and find some other application of a general education." And so I started as a History major and I enjoyed it, but I got to thinking that that might not be too practical. So I then changed my major to Business, and I was a Business major for, I don't know, a year or so. And I realized that that really wasn't what I wanted to do for a living.

[0:10:03]

So I then became acquainted with Dr. McGrath, I think his name was, in the College of Liberal Arts. And he chaired a small department in American Studies. And he offered me the opportunity to be able to get a degree in American Studies with the flexibility to recognize – I got a minor in Business as a part of my degree – and the other studies that I had done would fit nicely in his department. And I was interested in politics and political science and that area fit in with what he offered, and I was able to do an internship in the Oregon legislature for six months. And that worked within his department's framework, so it was something that fit for me, and I continued in his program and graduated with a degree in American Studies.

CP: Tell me more about the internship.

NK: I worked for the senator from Klamath Falls, who was the Senate Majority Leader, in, I think that was 1977. So I worked in an office that had three or four permanent staff people and several interns working through them. I think I followed a couple of committees and attended all of their hearings and kept track of what that committee was doing and made regular reports. I dealt with constituents and their particular concerns. I did some research. That's the crux of my recollection of it.

CP: Was it an environment that you thrived in?

NK: Yeah, I enjoyed it. I enjoyed the people, the jovial outgoingness of politics, I thought, was fun.

CP: So did you think at this point that you might be entered politics as a career at some point?

NK: Oh, I don't know about that. But I've always found political issues interesting and the personalities that are involved in shaping political policy.

CP: I'm interested in learning a bit more about the American Studies major – were their actual classes in American Studies or was this more of an interdisciplinary degree where you took classes from throughout the CLA?

NK: It was interdisciplinary, but there were specific classes that the department taught. I would take one or two of those classes every term. They were largely seminar-type classes, and I remember working very hard in those classes. It sounds now like it must have been an easy major but it was pretty challenging. We read a lot of political philosophy and historical materials, and wrote weekly position papers that then were dissected by the class. And there was always a lot of pressure to really produce good written work for those seminar classes, because your peers were going to go through the paper and put a lot of red lines in it and give you constructive criticism for your work. And I wanted very much to have the respect of my peers, so I worked very hard in those classes.

CP: So it sounds like they were almost hybrid classes of political science and history?

NK: Correct. Some cultural anthropology. I took several classes that were connected with the Religious Studies department and some examination of the role of religion in American culture. A good variety.

[0:15:07]

CP: Were there any other professors who made a particular impact on you? You mentioned Mr. McGrath.

NK: There was an attorney in Corvallis who taught as an adjunct professor, and his name was Helmut Schreima. And he was very well-known in Oregon for his expertise in real property law. And he taught a couple of classes each year that – and I took several classes from him – and he was an amazing teacher and an amazingly brilliant person. He was a native German and he spoke with a pretty strong accent, and his classes would always be really large at the beginning of the term and then, I think a lot of people had trouble understanding him and would drop the class, and winnowed out to be kind of small toward the end. But I learned a great deal from him – I took business law, property law, commercial law, maybe. And he was a very good teacher who gave me a very nice background in those areas.

CP: Interesting. So you were sort of trending in the direction of law at this point?

NK: Well, I think taking those classes from him helped get me thinking about the reality of going to law school, and I liked those classes. I remember wanting to – he kept track, he gave the same type of exam every term, and no one had ever scored more than something like 220 points on any of his exams. And I remember thinking, "I could probably do that." And I worked very hard and I came pretty close but I didn't quite get there. But it was interesting material, I really liked it.

CP: What was social life like for you at OSU? You mentioned there were a lot of people from Klamath Falls, I would gather that probably helped, at least initially.

NK: It did. There were lots of people that I knew. The two brothers that grew up next door to me throughout my childhood both lived in the same dorm complex. So it was kind of like I had a couple of brothers there. And we all were very friendly and helpful to one another, and I remember life in the dorm as being a warm social experience. Everybody kind of knew everybody, and things were generally pleasant and congenial. Someone in my dorm, and I'm not sure that I know where the influence came from, but people would get together and organize a trip, once or twice a year. And we'd rent an entire motel at the beach for a weekend, and all the eighty people would go off for a beach trip. We went skiing at Sunriver, a couple of other trips like that that were really a lot of fun. A unique experience, I think, to get that many college kids organized and in one place at one time. It worked out really neat. I wasn't involved in organizing those trips and I'm not sure who did, but it was a lot of fun.

CP: Did you participate in any outdoor activities like you had growing up in Klamath Falls? There's certainly plenty of opportunity for that around Corvallis.

NK: Yes. I had several friends that liked to ski, and we would try to go have a few ski trips during winter term. I took skiing as a class one winter term and I learned a lot of little things about skiing that truly make a big difference. It was an amazing class, but you had to be gone all day whatever day of the week – it must have been a Friday. And that was kind of hard to work with the rest of your schedule, so I only did that once.

[0:20:15]

And otherwise enjoyed taking a bike trip on an afternoon and in my younger days I was a runner, so I kind of knew my way around the neighborhoods around campus. And I tried to be outdoors a little bit, as much as you can when it's raining a lot.

CP: Did you have any hangouts?

NK: I was an MU person. I found the right level of peace and quiet, but not too peaceful and quiet. The library was a little too quiet for my taste, so I could always find a place at the MU to sit. I did a lot of reading, so I could find a place where the world would be going on around me but it wouldn't be distracting, and I found that a comfortable environment.

CP: Were you involved with any campus groups or extracurricular sorts of things?

NK: I remember being involved in a club for people that were interested in law school and kind of researched law schools and researched how to study for the LSAT and some of those things. I did intramural sports, I guess with friends from the dorm. That was fun. I don't remember too much otherwise.

CP: Did you have a job? I know you went back to help your dad out at the RV dealership, but any jobs in Corvallis?

NK: In Corvallis, I worked at Arnold Dining Hall, as did a lot of my friends. And it was as much a social experience as it was a work experience. And the beauty of it was that you could eat for an amazingly small amount of money. They would charge you per item what you ate, and you could eat for a larger chunk of time during the dinner hour, say. So you could eat before you worked or after you worked, and it was convenient and a lot of fun.

CP: What was your sense of, when you think back on your time at OSU, the climate on campus or within the student body? Do you have any thoughts on that?

NK: That was the late '70s. The world then, I think, was concerned with, we were just beginning to think about conservation of energy. And the Trojan Nuclear Plant was in the process of being determined to be shut down, and there was a lot of student opinion that I would compare a lot to today's young people and their concerns for the environment. Maybe OSU is more influenced by the study of science and created more questioning attitudes of our energy policies, but I think that was a predominant social theme that young people talked about when I was young.

CP: That's interesting. So I would gather that these sorts of things would come up in your American Studies classes a lot?

NK: Yeah, I think so.

CP: So you were sort of a group of people who were very engaged with current events, I'm sure.

NK: Yes. We, I think, kept up fairly well with current events. We had the *Daily Barometer*, which I understand they don't have?

CP: No, it's still around.

NK: Is it around? OK. And I think that was the primary news source; that and, in that world, we didn't have other forms of electronic media, so everyone listened to the radio. And you always got news with any radio station in those days. So radio, I think, was a predominant source of information for young people then.

[0:25:18]

CP: Did you have any connection – it doesn't sound like you, yourself, were involved – but were any of your classmates involved with student government? Or was that something that you were interested in at OSU?

NK: I did know a number of people involved in student government. I remember working on a campaign for somebody who ran for student body president. He was not successful in that campaign and I cannot remember his name at this point in time. But I do remember knowing people particularly through my Political Science classes and some of the liberal arts areas that were interested in student government and local political affairs. I think my interest was more in state-wide government, and maybe that came from having done an internship in the Oregon legislature.

CP: Were there any events of note that you remember when think of college? Anything that happened that sticks with you?

NK: Well I do remember, once, it snowed. [laughs] In Corvallis. And there was an accumulation of a couple of inches of snow and it got cold for a couple of days. And there were a lot of students that had grown up in the Willamette Valley that snow was a great rarity to them. And I think they closed the campus for a day and everybody went outside and played in the snow and had a lot of fun. But in terms of worldwide events, nothing too earth-shaking comes to mind.

CP: What do you remember of the town from that time period, of Corvallis itself?

NK: Corvallis was much smaller than it is now, as was the university. I think the university was about 17,000 students when I was there and it's somewhere around 27,000 now, I think.

CP: Yeah, I think it's at 30,000 including the online students.

NK: Oh really? Yeah. So it was a much smaller place. I asked my father how big the school was when he and my mother were there, and he thought it was about 4,000 students at that time. So it's an ever-evolving university. I guess that's good.

CP: Well you completed your degree in 1978. By then were you pretty sure you wanted to go into law? I mean, you went directly to law school at that point, so you must have been.

NK: I did. I think I was influenced by my older brother who had gone to law school, and he was happy with it. And I wasn't sure what else I would want to do, but I thought law would be interesting. So I decided to go on and study law. And I went to the University of Tulsa. It was a real joy to go somewhere where it didn't rain all the time.

CP: Why Tulsa?

NK: Well, it was Sun Belt and I had some friends that lived there, and it worked out to be the most attractive choice.

CP: Was it an adjustment, living in Oklahoma?

NK: It was, it was. I think everybody that grows up in the Northwest needs to leave for a little while to make you appreciate what a wonderful place Oregon and the Northwest is to live in - to have mild weather and have moderate culture. I didn't realize all those things until I moved somewhere else. I was ready to come back, by the time I was finished with law school.

CP: As you got into law school a little bit, did you feel that you were pretty well-prepared by your undergraduate studies?

NK: I think that I was. I mentioned having taken some law classes at OSU, and I focused my education at OSU largely on critical reading, analysis and writing of primary materials. And that's what studying the law boils down to as well. So I'd had quite a bit of practice at that and I think I was well-prepared.

[0:30:33]

CP: Well tell me about the life of a law student in Tulsa.

NK: Well, law school, I recall it being quite demanding and awfully repetitive. Its reading cases, reading cases, reading cases and more cases. The law classes that I took at OSU were taught in the Socratic Method and then, when I went to law school, I knew how that worked and what to expect. But I think a lot of people were surprised by the teaching style that's used in law school where questions aren't answered; they're replied to with additional questions. And people get called on in class and you're expected to be able to answer questions and explain things, so you had better have done your homework. It's a pretty demanding world.

CP: Did you have a specific focus within law in your studies?

NK: I didn't. I tried to take all of the classes that I knew would be on the bar exam. In looking back, I realize that a law degree is not a very specific skill-oriented degree, and there were some opportunities for classes in specialized areas that I had kind of wished I would have taken some of those.

CP: I guess maybe you answered this question already, but I'm wondering if learning law in Oklahoma would put you at a bit of a deficit coming back to Oregon, because the laws are different in the two different states? Or if it's a more general education that is applicable from place to place?

NK: I think the difference is the personal side of it. Not having gone to law school here, I went off to study the bar exam and I didn't know anyone. Whereas everybody else had gone to school with a good number of the people that were there, and they had an acquaintanceship and a local history that they took with them to the job market when they started working. And nobody was familiar with my school or what it was about or where I had studied. So that, I think, was something of a disadvantage.

CP: Was your intention always to go back to Oregon, did you think, throughout the process?

NK: Well I think I was open-minded about it until I got close to the end and really thought hard about it and realized that I did very much appreciate how nice living in the Northwest is. The Midwest, I think, is really nice people and really lousy weather; even worse than rain in the Willamette Valley. Tornados and snow storms kind of shut down a community from time to time, and that's pretty standard procedure for people there. But I found it to be non-standard for me.

CP: I'm sensing a trend here – it sounds like weather has played a big role in a lot of your life decisions.

NK: Well, to some extent that's true. For example, I live in Pendleton now and I like the weather here.

CP: Yeah, me too. Well, I've never heard a positive thing about studying for and taking the bar. Tell me about that whole process; it sounds like a nightmare.

[0:35:00]

NK: It's, of course, very intimidating and hugely challenging, and sort of all-encompassing. I took a study course and they set you up with a big huge couple of books of study materials and I worked very hard at it. I wanted to take it seriously and do well with it. You took the study course and you read the materials and you went to a class every day, and it was a four- or five-hour class, it was very intensive. And you just reviewed these materials and did lectures and took practice exams.

One of the things that this course provided was samples, or I think they were old exams that they had somehow got their hands on to give you to practice with. And I spent time with these old exams, practicing, and it occurred to me after a while that they were all the same. You know, how many questions can you ask an entry-level student about administrative law? And so the answer that you would give for that year or the next one or the next one – the answer is pretty much the same and that's what I needed to learn. So I focused my study with that in mind and it seemed to work out pretty well for me.

I remember going early in the morning on the weekends to the law library at Lewis & Clark College and setting up my little alarm clock in some little table in a corner, and actually taking a practice exam in the same time parameters as the actual exam. And I forced myself to do that two or three times, and it was not fun. It took a lot of will to get myself to do that, but I think it was a worthwhile practice. I took the bar exam. It was kind of a big huge feat that you just dreaded having to go deal with, but the time came and I went and I did it. And it turned out fine.

CP: What is the exam like?

NK: Well at that time it was a two-day event. One day of multiple choice questions, which were a multi-state exam. You just spent the whole day with multiple choice questions. I remember I would look at the possible answers and think, "well, number A, that's not right. Number B, that's not it. Number C, that's certainly not it. D, that's not it either." And then E would be all of the above. [laughs] And somehow you will yourself to choose one of those things and move on. So it's a pretty exasperating day.

CP: And then day two?

NK: The second day was essay exams. I think there were maybe twenty subjects that they could test you on, and you ended up taking maybe twelve essay exams. Each one was about a half hour. And they would hand out, I think, three at a time and say, "ok, here are three essays to write. You've got an hour and a half to do it," and you allocated your time accordingly.

CP: Wow, that sounds exhausting.

NK: It was exhausting. I was very happy when that was over.

CP: Well you passed the bar and you had a clerkship and a first job in Klamath Falls. Do you want to tell me about that time period?

[0:40:00]

NK: Well I actually graduated from law school and took the bar exam in the early '80s, which was the height of an economic recession. And jobs, particularly for starting attorneys, were very difficult to come by. So I was living in Portland and I went to work – I worked for Nike for, I think, about a year and a half. And I enjoyed that but it wasn't, to me, a meaningful career. So I looked around to find a legal opportunity and I worked in Klamath Falls for a law firm there for a period of time.

Then a law firm in Portland offered me a job that was a pretty good pay increase, so I thought, "I think I'll do that." And I moved to Portland and spent some time there. And I remember spending a huge amount of time in my car, traveling to some courthouse somewhere. And in the metro area, the courthouses are good distances from one another, and I think that was part of the life of practicing law, or the kind of law that I was practicing. And I didn't really enjoy being in traffic and spending so much time in my car. And it seemed that life in Portland in general was an awful lot of time sitting in my car, stuck in traffic, and that didn't appeal to me.

So I had been there for a while and a friend in Klamath Falls, who was a judge, called me one day and said, "we need a clerk, would you like to come here and be our clerk? And kind of give you a springboard to making a change if want to?" And I said, "sure, I would like to do that." And so I returned to Klamath Falls and I did that clerkship, and I really enjoyed it. It was primarily doing legal research for a number of judges and writing memos for them, and I liked that kind of academic sort of challenge in my work. And I completed that clerkship and then-

CP: So, if I could interrupt, in the process of deliberating on a trial, is that what was going on? They would point you in a specific direction saying, "I need to know more about this particular precedent or detail?"

NK: Yes, that was a frequent task for me. Once a week, one of the judges heard all of the motions that were filed in the court system there, so I had a stack of motions every week that I had to review and check the references and make sure that the citations really said what somebody was representing that they said. And then I would look at the briefing from both parties and write the judge an analysis of my view of which of the parties took the better position, or if they both missed the mark, or whatever the situation might have been. I really enjoyed it; I thought it was really interesting.

CP: So after that then you moved into a different position?

NK: Well, I finished this clerkship which, by their nature, they go for a while and then you're finished. And someone else gets to be the clerk after you. So I had saved my money and I was going to travel a little bit. And so my first stop after leaving Klamath Falls on my big tour was Pendleton. My brother lived here and it was the Round-Up and I came to enjoy the visit here. And during the Round-Up – as you know, having grown up here – there are a couple of good parades. And my brother is an attorney and he introduced me to the guy that was standing next to me at the parade, who was the district attorney. So by about the end of the parade, he offered me a job. And I'm still in Pendleton.

[0:45:31]

CP: That's interesting. So you moved to Pendleton and it wasn't Round-Up when you got here, I assume, after that.

NK: I did, I continued on my trip. He graciously said, "yeah, you should take a little time off and then come back here when you're finished." So I started working here in the district attorney's office for him.

CP: What do you remember about your initial impressions of the area?

NK: That Pendleton is even smaller than where I grew up. And my perspective then, and my perspective even more so now, is how nice that is to live in a small town. Obviously and fortunately, most of the rest of the world doesn't feel that way, so I guess that's fine. They can't all come here and live because it wouldn't be wonderful. We need a certain amount of growth in this community and that's become an issue that I work a lot with now. But I like a smaller place where I know a lot of people, things are familiar and comfortable, and life is just easy here. You hardly ever wait in line to do things here, as opposed to, if you live in a larger city, you sit in your car in traffic, you wait in line at the bank, at the grocery store, all of those places. And that always made me feel like I was wasting my time. I just think the rhythm of small town living is very comfortable.

CP: Your initial position was deputy district attorney for Umatilla County, is that correct?

NK: That's correct, yes.

CP: What were your duties during this time period?

NK: At that time we had a system that worked pretty well; we had enough deputies that each deputy covered a particular courtroom, primarily. And I worked in a courtroom, on a several-times-a-day basis, with a very wonderful judge named Richard Courson, who is still living here in this community and still a wonderful guy. He and I got along great and I had a lot of fun. And I had not had, in my career up to that point, a whole lot of time being in the courtroom. So I wanted to develop those skills and have that experience. Everybody that I worked with, we all got along nicely and we encouraged one another as much as you can – you know, adversarial colleagues.

My brother, who was an attorney, worked in the public defender's office. So I had to try cases against him from time to time, and that was always fun. Those cases, you would sit in the middle of a trial and I would think, "now, if I make a big mistake in this trial, I'm going to hear about it at every Thanksgiving dinner for the next twenty years," so there's more personally at stake than just doing a good job. And it was fun to try cases with him because we both knew how the other thought and could anticipate what was going through the other person's mind. And it made it a much more challenging contest.

CP: Wow, that's interesting.

NK: It was fun. We had a good time.

CP: When people who aren't lawyers think about what lawyers do, they think about them arguing cases in front of a judge and a jury. How do you prepare for that? Especially early on, when you were learning how to do it, what was that like for you? It seems intimidating.

[0:50:10]

NK: It is somewhat intimidating and particularly when you're starting. I've always been blessed with friendships with colleagues who've been helpful to me. It's a matter, I guess, of you sit down and you look at the evidence in a case, and you do your best to predict how it's going to unroll. And you think about, "what are the possibilities that it goes this way or it goes that way, and what am I gonna do in both of those cases?" And you try to be prepared for a few of the possible eventualities. Sometimes it goes according to plan and other times you get really surprised by something from left field. That kind of makes it fun. I've always thought that with – mostly criminal law is what I have done in courtrooms – there's always a little hidden gem somewhere in the case. And it's a matter of thinking you know what it is, and discovering it, and how you react to it, that adds an exciting uncertainty to what you're doing.

CP: My notes indicate that you spent seven years in this position and then, after that, you spent seven more years in an independent legal practice. Is that correct?

NK: That's correct. I had one child at that time and a colleague invited me to share office space with him and he said, "you know, you're a mother and you're gonna need some flexibility in your schedule. And if you want to come here and start your own practice and be self-employed for a while, I'll help you get started here." And he, very kindly, was a terrific colleague to work with for a number of years.

CP: You did some teaching during this time period as well, is that correct?

NK: I did. We have a community college right here in this community, and at that time we had a pretty thriving law enforcement program, or department, at that community college. I think that there are still some colleagues that teach classes in the community college. I taught criminal law, business law, maybe. I think I taught a class on the culture of law, which was sort of interesting and different. I did that for a number of terms; I enjoyed the students and their young perspectives, and tried to get them to engage in discussion. It was fun.

CP: It's a great opportunity to sort of mentor young people too, I'm sure; to serve as a role model. You also did some public policy work, it sounds like, during this period: Umatilla County Mental Health Board and also the Umatilla County Planning Commission. Can you tell me about your work with those two different commissions?

NK: I served on both of those commissions for a number of years, and I found them both interesting and a place to actually be involved in the impact of how my community evolved. And I took that very seriously. The planning commission, I remember a lot of late-night meetings that would go until midnight. And the amount of input that the public gives in the process of that commission doing its work is impressive. The commission, I think, during that era, achieved a lot of good policy and balanced, as much as you can – you're following a legal system and the controls of the precedent that the system provides – but we tried to encourage economic development and maintain the standards of livability that the Oregon law requires. And it's sometimes challenging.

[0:55:42]

CP: Were there any outcomes from that time period, or achievements, that you're particularly proud of?

NK: The most memorable matter that comes to my mind involved a person who wanted to change a land use overlay, which would be the allowed type of use for a particular area, involving doing quarry mining near the Umatilla Munitions Depot. The depot is now pretty much defunct, but at that time was still an active depot. And that concept was very controversial, I think largely because it was next to the freeway, where everybody was going to see all of these quarry activities. And it had impacts on neighboring land owners and their agricultural operations. It was, very clearly, a clash

of economic uses that weren't made to happen in the same place; they didn't go together. It did involve a long contested process that - I think we worked on it for a number of months, if not years.

CP: Well in 2006 you returned to the public sector in a different role than before, as the assistant city attorney for Pendleton, whereas before you were working for the county. What were the differences in these two jobs, the first job versus the second job?

NK: Well, when I worked for the county, I worked for the district attorney. I did do some work for the county helping the county attorney, but that was largely the practice of criminal law. And with the city, although I'm still the prosecutor, that's a pretty small fraction of my responsibility at this point, and the practice of municipal law is the greater focus for me. So it's an entirely different set of responsibilities and roles. I advise the city administration, the city council, and the risk management and legal needs of the city. So it's a larger and considerably different role.

CP: Well in 2011 you were promoted, I presume, from assistant city attorney to city attorney.

NK: I was. I inherited that role and have continued with it. I'm happy with it; I've found it to be challenging and satisfying.

CP: Was there a moment when it dawned on you that you were in charge?

NK: It happened kind of quickly. My predecessor retired a little unexpectedly, and suddenly I was here and my boss said, "well, you better get yourself prepared to deal with the string of needs that you didn't used to do but now you do."

CP: So what's a typical day like as city attorney, if there is such a thing?

[0:59:52]

NK: I'm the prosecutor in the municipal court, which hears only misdemeanors. So I'm in court first thing in the morning for a couple of hours. And I enjoy that work. I like dealing with people, and the interesting and uniqueness of people, and their problems and their issues, it's just interesting to me. In my court, we deal with a great many people who struggle socially. We have a lot of people who are dealing with homelessness, addiction, unemployment – life is really a struggle for a lot of reasons for a lot of the people who are in my court. And I'm the prosecutor, so I have an impact on how we deal with them in response to them having their struggles. And it's an exercise, at some point, in sociology. It's rewarding to connect somebody with some help that they can take seriously and improve their life. It doesn't happen real often, but we try to steer people in that direction. And I find that satisfying.

I advise the city council and attend their meetings a couple of evenings a month. I work on lots of leases and contracts and issues involving purchasing and how we deal with our budget. I do some real estate transactions and deal a lot with insurance claims. We do some litigation. I do work for the Pendleton Development Commission, which is a branch of the city government. We have been working very hard on community development and economic development here in Pendleton, and have seen some progress, and I find that a really interesting job. And I think, everybody involved in it, there's no textbook, there's no direction, particularly, that's planned out for us. We have to figure it out as we go. So it's challenging and really interesting.

CP: I'm guessing your work with the planning commission has been very helpful in preparing you for this sort of work.

NK: Somewhat. The city planning commission does a good job of working with those issues, but sometimes those issues need my assistance and I occasionally get involved in those things.

CP: Have there been many, or any, women who have been the city attorney of Pendleton before you?

NK: Not in Pendleton. There are a number of municipal attorneys in the state who are women. A pretty good body of female colleagues out there.

CP: Do you feel like a pioneer on some level? Or a trailblazer?

NK: I guess I do. I think when I started law school, about ten percent of the legal profession were women. And that changed very rapidly in the '80s and '90s, and I don't know the percentages at this point but I'm gonna guess that fairly close to half of the numbers that we have; a lot of them are women. And I think that my career development watched all of that blossom.

[1:04:58]

I can remember, as a young attorney, being referred to as "that gal who's an attorney." Which meant to me that that was very distinguishing, that that was my identity, because there weren't very many gals who were attorneys. And occasionally I would deal with a judge that wasn't familiar with having women in his courtroom, and they would kind of fumble with how to address me. When I worked in Klamath Falls, there was a judge that always called me my mother's name, and I would have to stop and chuckle a little bit when he would do that. And once in a while, a judge would refer to me as "honey" or "sweetie" or something like that. And I'd always kind of think, "couldn't you just call me by my name?"

CP: Well, you've been in Pendleton for closing in on thirty years now. When you think about the changes that you've seen in this community and the region, what strikes you the most about change?

NK: We are challenged here to find sustainable economic industry that can support people staying in small eastern Oregon rural communities. The traditional industries – agriculture, timber, natural resources – have seriously diminished and changed dramatically, both in terms of the effect of environmental restrictions and the change in technology – farming and agriculture employs a lot less bodies to do the same end product that it used to be. We don't have lumber mills to speak of in this part of Oregon anymore. So the places that traditionally provided family wage jobs fifty years ago are significantly reduced today. And people are challenged to grow up in a place like Pendleton, go to a university like OSU, and be able to return to where their families and their roots are, and find a viable way to make a living. It's not easy. And I think that's a huge challenge for little communities like Pendleton. We want young people to return here and have some job that they can make their way with, and be able to have a family and take care of a family, and still be able to live in a community where they're happy. That doesn't happen very much anymore.

CP: One area that's changed substantially in the last ten to fifteen years is the reservation, with the casino. What has been your observation as far as that development is concerned?

NK: Well, obviously the magnitude of the development that they have accomplished is really incredible. And everyone thinks of that as having built a casino, which is very successful and effective, but they have also done a very nice job of building an industrial park and involving themselves in a bunch of economic ventures that have given them good diversity and a real footprint in the economics of this area. They've done a very good job of that.

[1:10:00]

CP: Have the tribal government and the city collaborated on some of the development ideas that are on-going?

NK: There is a healthy relationship between the two entities. I've participated in some joint conferences, and, to some extent, yes we have. Their purposes and our purposes, and sometimes just the geographic difference between the city limits or the urban growth boundary and where they're located, separate us on some issues. But it's a positive relationship and a good collaboration.

CP: I want to ask, as we sort of close up a little bit, about continuing connection with OSU for you.

NK: Well, I'm happy to say that my youngest daughter started at OSU this fall.

CP: Oh, wow.

NK: So it's been very fun to go back to campus and take her there and to visit her. And in the process of choosing OSU, taking tours of the campus and getting reacquainted with the place. And it has changed a great deal in the time since I was there. It's much larger, there are so many more buildings, a much bigger footprint on the campus. But I've really enjoyed the opportunity to see it as it is now, and look at it the way it existed in my time, and compare it with what my parents told me about their years there, which would cover more than sixty years of experiencing that campus and seeing how

it's evolved. So because she's there, I look forward to spending a fair amount of time on the campus and keeping up with what's going on there. I'm very excited about that.

CP: Three generations of Beavers.

NK: That's right, yeah.

CP: What is your sense of how the university has changed so much? Your thoughts on where it's heading, I suppose.

NK: Well, obviously there are a lot more students and the parameters of that campus are limited, so you've got more people in the same space. So I noticed, when I visited there, just a lot more foot traffic. More people coming and going and doing things. And I think young people really find that vibrant and energizing, and I think that's a good thing. And, of course, it's a much larger institution so it offers students more choices, better academic talent can be attracted. It has more services to offer Oregon because it's a larger and greater institution. Ever-evolving.

CP: My last question for you is, what advice would you give to a student who is thinking about getting into the legal profession?

NK: I have found it to be a really interesting career that, it's about people. It's also about problems, and if you're a perfectionist and you want to fix everything, there's disappointment in that, because you can't fix it all. You can help people negotiate their problems, but you can't solve them all. It can be a difficult occupation to get going with. I think it was for me. I kind of had some fits and starts with finding the right thing for me to do and what felt right to me. But it also offers a huge variety in terms of how you can work in the law. There's a huge multitude of disciplines with the law. It's a big investment to spend three year of your life and what it costs these days to attend law school. So I guess young people need to think about that as well. Fortunately, when I went to law school it wasn't terribly expensive, but it is now. It's an important choice.

CP: Well Nancy, thank you very much for this. I appreciate you spending your time and sharing your memories of OSU, and telling us a little bit more about your career. It's been nice.

NK: Thank you. It's been very fun.

[1:15:25]