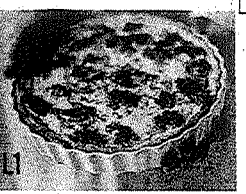


Kentucky wins 8th NCAA title

Portland's Terrence Jones scores 9 points • SPORTS, D1

Quiche
for Easter

FOODDAY+LIVING, F1

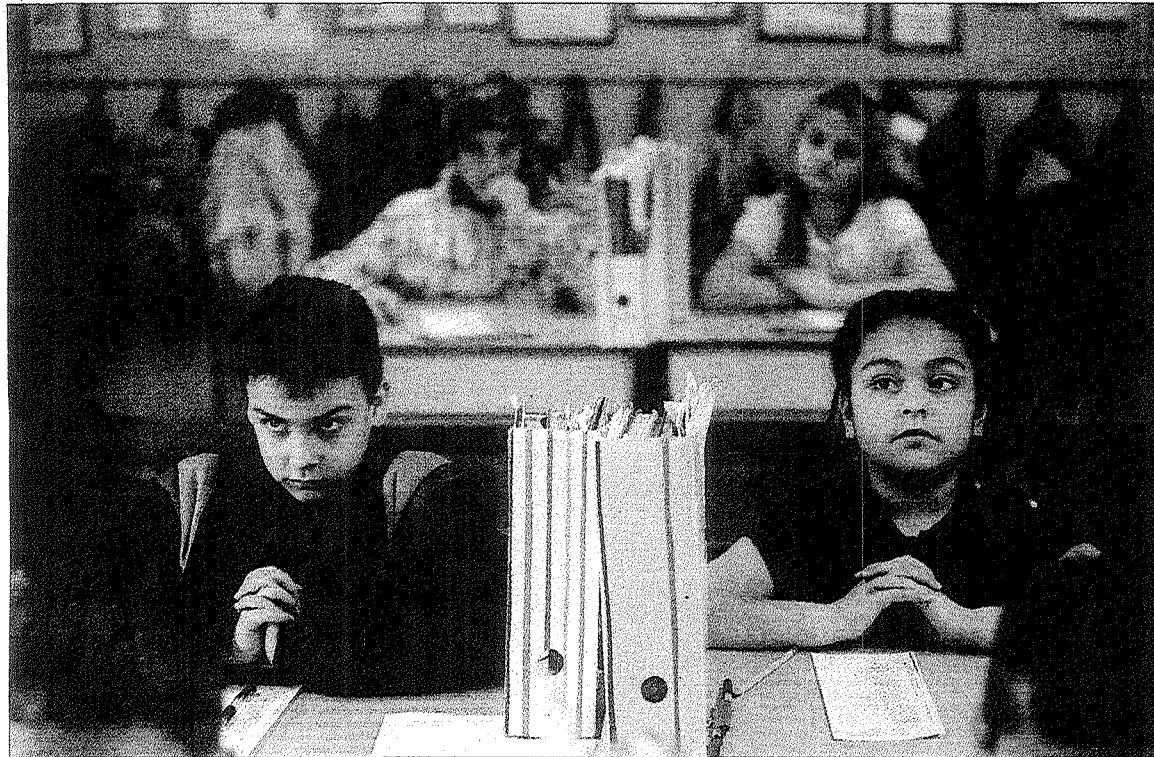


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MICHAEL LLOYD/THE OREGONIAN

Fourth-graders Eamon Schultz (left) and Gaby Abac, both 10, wait for instructions for a spelling test at Reynolds Arthur Academy. The Troutdale charter school increased student scores on state tests more than any other elementary charter school in the country.

Students score, teachers profit

A Troutdale charter happily picks up federal bonuses some schools scorned

By **BETSY HAMMOND**
THE OREGONIAN

Teachers at Reynolds Arthur Academy in Troutdale spurred the biggest gains in individual students' reading and math scores of any elementary charter school in the nation the past two years. For that, a national charter group soon will hand each teacher and the principal bonuses of \$4,000 or more.

Many teachers unions, including the one in Oregon City that turned away millions of dollars in federally funded bonuses last fall, oppose rewarding teachers for raising student test scores.

But not Reynolds Arthur Academy's non-union teachers. They express only mild discomfort, if any, at having their professional effectiveness judged by how much their stu-

dents improve on multiple-choice tests.

"It's a fair assessment," says fifth-grade teacher Mary Massey, who notes that schools and students in every state face pressure to do well on standardized state tests.

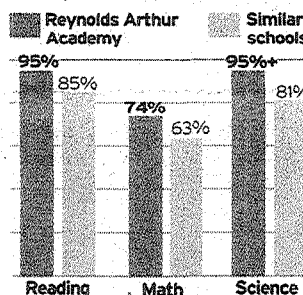
Whether and how to use student achievement gains to evaluate and reward teachers is one of the hottest topics in education these days. The Obama administration helped fuel the controversy by requiring some schools and states to institute test score-based bonuses for teachers to win millions of dollars in federal grants.

One such pot of money, called the Teacher Incentive Fund, was eventually turned down in Oregon City but will fund the bonuses at Arthur Academy. Sixty-six schools in seven Oregon

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2011 test scores

Percent in grades 3 to 6 (only grade 5 in science) who met or exceeded standards



Source: Oregon Department of Education
DAN AGUAYO/THE OREGONIAN

Deal ends fishing industry lawsuit

Oregon commercial fishermen had accused Clackamas-based Pacific Seafood of suppressing prices

By **JEFF MANNING**
THE OREGONIAN

Pacific Seafood Group has successfully fought off a class-action lawsuit by Oregon commercial fishermen that once seemed a major threat to the Clackamas-based company.

The fishermen claimed that Pacific used its immense market clout to suppress the price it paid for groundfish, Dungeness crab, shrimp and other products. They initially sought as much as \$520 million in damages and requested that Pacific be broken up.

What they will get instead is no monetary damages and a Pacific that remains intact. Pacific did make several "pro-competitive" pledges such as a promise not to concentrate its in-house fleet of fishing vessels in a single port or on a single commodity.

Q For more coverage of Pacific Seafood Group, go to oregonlive.com/environment

"Rather than go through the risk of trial and appeal, we decided that securing this deal helps establish more competitive conditions immediately rather than three years from now," said Mike Haglund, the Portland lawyer who conceived of and led the fishermen's case.

Todd Whaley, the Brookings fisherman who along with his father, Lloyd, was initially the only named plaintiff, said the settlement is "bittersweet."

"I'm pleased that we obtained the pro-competitive aspects that we did," Whaley said.

In an unusual and carefully negotiated statement, the fishermen acknowledged that the evidence they collected in the 22 months since the case was filed did not support some of their suspicions about Pacific.

"Extensive discovery revealed that some of what

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Pacific

Continued from Page One

fueled the antitrust concerns in this case has arisen out of mistrust and a lack of understanding between fishermen and seafood processors," the fishermen said in a written statement. "Plaintiffs also acknowledge that Pacific Seafood Group and Ocean Gold Seafoods (another processor initially included as a defendant) have made substantial investments that contributed to the development of international markets for West Coast seafood products that benefit the industry."

The settlement is a big win for Frank Dulcich, who built Pacific from a single fish shop in Southeast Portland to one of the largest processors and wholesalers in the country.

Even as he was fighting the class-action alleging Pacific was already too large and powerful, Dulcich led continued expansion. Last October, Pacific bought Coast Seafoods of South Bend, Wash., one of the largest oyster companies in the country.

U.S. District Judge Owen Panner granted the plain-



Pacific Seafood in Clackamas reached a settlement with Oregon commercial fishermen. Originally, the class-action suit they filed could have broken up the company.

BRIAN LEE
SPECIAL TO
THE OREGONIAN
2010

tiffs class status in February, a key legal victory for the fishermen. But there were also clear signs their case had big holes:

They reduced their damages claims to between \$50 million and \$75 million. The fishermen opted to drop the enormous Dungeness crab market out of their case altogether after determining that Pacific Seafood's share of the market was not large enough to warrant an antitrust claim.

Haglund said Monday he remains confident his fishermen clients would have won at trial. Mike Esler, a Portland lawyer who repre-

sented Pacific, disagreed. As the months of discovery progressed, Esler said, it became increasingly apparent that despite Pacific's huge presence, Northwest fishermen have other options. Many spend part of each season in Alaska, where Pacific has much more limited operations.

"Processors don't have market power over fishermen because fishermen have propellers," Esler said.

The litigants agreed in February to mediate the case before U.S. District Judge Michael Hogan. The Eugene judge has established

a reputation for successfully resolving complex legal disputes.

"This case could have gone on for years, including appeals," Hogan said in a news release. "The fishermen and the processors, especially Pacific Seafood Group, are to be commended for taking a statesmanlike approach to resolving this complicated case."

The settlement requires Panner's approval. He will hold a hearing on the matter in May.

Haglund and his law firm will get \$2.9 million in legal fees and expenses under the

agreement. Haglund said his firm agreed to reduce its normal fees by a third. The money will come from Pacific's insurer.

The pro-competitive measures agreed to by Pacific include:

- Ending its relationship with Ocean Gold Seafoods in 2016. Westport, Wash.-based Ocean Gold sold all its product to Pacific. Fishermen hope the end of that contract will increase competition.

- Pacific and Ocean Gold will report average wholesale prices to a seafood market reporting service if other processors do the same. Increasing transparency would help fishermen negotiate better prices, they believe, particularly in the shrimp market.

- Pacific and Ocean Gold will accept fish scrap from new processors. Disposing of fish waste is a major barrier to entry in the processing industry.

Pacific and Ocean Gold also agreed for 10 years not to retaliate against Todd and Lloyd Whaley and their two fellow named plaintiffs, Jeff Boardman of Depoe Bay and Brian Nolte of Brookings.

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