

**Oregon State Bar
Special Meeting of the Board of Governors**

July 24, 2015

12:00 p.m.

Oregon State Bar Center

Tigard, Oregon

Open Agenda

- | | | |
|---|---------------|----------------|
| 1. Call to Order | | |
| 2. Member's Room at OSB Center | Action | Exhibit |
| 3. New Executive Director's Contract [Mr. Spier] | Action | Exhibit |
| 4. Budget Discussion | Inform | Exhibit |
| 5. Approve co-sponsorship of CEJ Call to Action | Action | Exhibit |

Camille Greene

Subject: FW: Fw: Out of the Archive. -- More -- and a note on Square Footage.

From: Richard Spier

Sent: Tuesday, July 14, 2015 8:55 AM

To: Camille Greene

Subject: FW: Fw: Out of the Archive. -- More -- and a note on Square Footage.

For agenda.

One more Bulletin article..... construction update which gives the square footage of the building.

Surely, there is space **somewhere amid the 73,000 square feet in the OSB's building** to house a lactation room, other than by slicing and dicing and discarding the Members' Room.

From the OSB Bulletin October 2007

Update on the New Bar Center

Construction is moving along inside the new bar center located at 16037 S.W. Upper Boones Ferry Rd., near Durham Road in Tigard. Walls are going up on the interior of the third and second floors. Developer OPUS Northwest has set a completion date of Dec. 20, 2007.

The first floor will house a large multi-purpose conference center with up-to-date audio and video technology, mostly planned for recording CLE seminars. It will also be available for rental sometime after the move-in, which is planned for the weekend of December 22.

Frank Hilton, from the law firm of Dunn Carney, has donated a set of oak office furniture inherited from his father, also an attorney. It will be used to create a members' room on the second floor for any bar member visiting the bar center. A computer with Internet connection and a printer will be available in the room, which the bar's legal heritage group is helping to decorate in a 1930s-1940s style.

The bar's library, open to all bar members, will be housed on the third floor, next to the CLE publications department. CLE seminars and video replays will begin at the new bar center after the first of the year. Large programs will continue to be provided in downtown Portland.

The OSB signed a lease/purchase agreement in 2006 to build the **three-story 73,000-square foot building**. The Board of Governors is committed to funding the new building without raising membership fees. The current OSB Center in Lake Oswego has been sold, and the bar is currently leasing that facility. More information and background on the board's decision process is available on the bar's website at www.osbar.org.

From the OSB Bulletin, July 2007.

It seems the "Members Room" was contemplated in the original OSB building plans.

Loving collection spanning eight years, up for the taking. Disgraceful.

A Call for Something Old

The OSB Legal Heritage Interest Group is seeking contributions of "old documents" to be used in decorating the Members' Room at the new OSB Bar Center, now under construction in Tigard.

The group plans to decorate the room in a 1930s to 1940s décor, and has already secured the contribution of period office furniture (courtesy of OSB member and former Board of Governors member Frank Hilton) to allow the room to resemble a law office of the time.

Chair Janet Kreft of Gresham says the group is seeking old documents such as wills or deeds, "short, one-page documents that can be framed and mounted." When completed, the room will be made available for visiting members of the bar as a place to work or relax before or between appointments at the bar center.

Contact Kreft at (503) 465-9900 or jkreft@teleport.com for more information or to arrange contributions.

The nearly 125,000-square-foot building is located near the intersection of Southwest 72nd Avenue and Upper Boones Ferry Road, just off of Interstate 5 (Carman Drive exit). The offices of both the OSB and the Professional Liability Fund will occupy much of the building. Other space will be made available for lease. Construction is slated to be complete by this December.

From: [Theresa Kohlhoff](#)
To: [Elizabeth A. Biermann](#); [Richard Spier](#); [Camille Greene](#)
Subject: Re: BOG Representative - July 24th Meeting re: Members Room/lactation space issue
Date: Friday, July 17, 2015 5:02:27 AM

Good morning. Thank you for your email. I am forwarding it with the request that it be added as an exhibit to the July 24th agenda.

On Thu, Jul 16, 2015 at 11:16 AM, Elizabeth A. Biermann <Ebiermann@lindsayhart.com> wrote:

Dear Ms. Kohlhoff –

I am writing to you in your capacity as a Region 5 Board of Governors representative. I understand that there will be a meeting on July 24 in which the BOG will decide what to do about the members room/lactation space at the OSB Center. Through OWLS, I have been made aware that bar building is at 100% occupancy with no empty offices and so there will be a decision regarding whether to preserve the Members Room that is currently reserved for nursing mothers or others with health issues who need privacy outside of a bathroom. I think maintaining a space where women can nurse, or other people may have privacy for other health needs, is vitally important to the nature of the type of legal community I want to be part of.

I have been a nursing mother and a full-time lawyer since December 2014 and I have experienced the challenges posed by my decision to continuing to nurse first hand. I believe it is important to have a physical space which promotes the ability of women to continue working in the field of law – including attending meetings at the bar or CLEs that may be held at the bar.

It is truly stressful to be put in the position of having to struggle to find a place to pump during the day if I am outside of my office. As a lawyer I have struggled to find a place to pump during depositions at other attorney's offices, at CLEs, and during trial in Multnomah county. It is so difficult to find accommodation for pumping that it starts to seem that the message is that women should not be in the workforce full time if they elect to nurse. On a side note, the World Health Organization recommends breastfeeding until age 2, and the American Academy of Pediatrics recommends breastfeeding until at least age 1. Thus, there are numerous women for whom this issue of breastfeeding and needing a quiet and private space for pumping is actually turns into *years* of dealing with this issue. I think it is important for the bar to support women in fully

participating in CLEs, member groups and events at the OSB by providing them a physical space that meets their needs, makes them feel included, and does not send the subtle message that new mothers should not really practice law. A physical room to support privacy for nursing or other health needs demonstrates the Bar's commitment to inclusion and supporting the presence of women in the practice of law.

Thank you,

Elizabeth

Elizabeth A. Biermann | Attorney

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LINDSAY HART, LLP

1300 SW 5TH AVENUE, SUITE 3400

PORTLAND, OR 97201-5640

P: 503.226.7677 | F: 503.226.7697

www.lindsayhart.com

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Theresa M. Kohlhoff

ATTORNEY AT LAW

7512 N Berkeley

Portland, Oregon 97203

(503) 286-1346

<http://www.northportlandattorney.com/>

"...do good: we will meet one another there." Pope Francis

From: [Theresa Kohlhoff](#)
To: [Katie M. Eichner](#); [Richard Spier](#); [Camille Greene](#)
Subject: Re: BOG Representative - July 24th Meeting re: Members Room/lactation space issue
Date: Friday, July 17, 2015 5:03:39 AM

Good morning. Thank you for your email. I am forwarding it with the request that it be added as an exhibit to the July 24th agenda.

On Thu, Jul 16, 2015 at 11:24 AM, Katie M. Eichner <KEichner@lindsayhart.com> wrote:

Dear Ms. Kohlhoff,

As a pregnant attorney, and soon to be nursing mother, I fully support and join in my colleague's comments below.

This is an issue of vital importance to the inclusion of women in our profession.

Thank you,

Katie

Katie M. Eichner | Attorney

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From: Elizabeth A. Biermann
Sent: Thursday, July 16, 2015 11:16 AM
To: theresakohlhoff@gmail.com
Cc: sstevens@osbar.org
Subject: BOG Representative - July 24th Meeting re: Members Room/lactation space issue

Dear Ms. Kohlhoff –

I am writing to you in your capacity as a Region 5 Board of Governors representative. I understand that there will be a meeting on July 24 in which the BOG will decide what to do about the members room/lactation space at the OSB Center. Through OWLS, I have been made aware that bar building is at 100% occupancy with no empty offices and so there will be a decision regarding whether to preserve the Members Room that is currently reserved for nursing mothers or others with health issues who need privacy outside of a bathroom. I think maintaining a space where women can nurse, or other people may have privacy for other health needs, is vitally important to the nature of the type of legal community I want to be part of.

I have been a nursing mother and a full-time lawyer since December 2014 and I have experienced the challenges posed by my decision to continuing to nurse first hand. I believe it is important to have a physical space which promotes the ability of women to continue working in the field of law – including attending meetings at the bar or CLEs that may be held at the bar.

It is truly stressful to be put in the position of having to struggle to find a place to pump during the day if I am outside of my office. As a lawyer I have struggled to find a place to pump during depositions at other attorney's offices, at CLEs, and during trial in Multnomah county. It is so difficult to find accommodation for pumping that it starts to seem that the message is that women should not be in the workforce full time if they elect to nurse. On a side note, the World Health Organization recommends breastfeeding until age 2, and the American Academy of Pediatrics recommends breastfeeding until at least age 1. Thus, there are numerous

women for whom this issue of breastfeeding and needing a quiet and private space for pumping is actually turns into *years* of dealing with this issue. I think it is important for the bar to support women in fully participating in CLEs, member groups and events at the OSB by providing them a physical space that meets their needs, makes them feel included, and does not send the subtle message that new mothers should not really practice law. A physical room to support privacy for nursing or other health needs demonstrates the Bar's commitment to inclusion and supporting the presence of women in the practice of law.

Thank you,

Elizabeth

Elizabeth A. Biermann | Attorney

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PORTLAND, OR 97201-5640

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Theresa M. Kohlhoff
ATTORNEY AT LAW
7512 N Berkeley
Portland, Oregon 97203
(503) 286-1346
<http://www.northportlandattorney.com/>

"...do good: we will meet one another there." Pope Francis

From: [Theresa Kohlhoff](#)
To: [Mavel Morales](#); [Richard Spier](#); [Camille Greene](#)
Subject: Re: Writing in Support of a dedicated Lactation Room/Sick Room
Date: Friday, July 17, 2015 5:04:31 AM

Good morning. Thank you for your email. I am forwarding it with the request that it be added as an exhibit to the July 24th agenda.

On Thu, Jul 16, 2015 at 11:24 AM, Mavel Morales <mavelmorales@gmail.com> wrote:

Theresa & Josh: It is rare for me to take the time out of my already hectic schedule to write to my BOG representatives but I believe this issue merits the time. Honestly, can we just get this done because it is the right thing to do. The Oregon State Bar should be a model for every public venue and employer. A dedicated room for those that need the space is the right thing to do. If the OSB doesn't have the space currently then the space should be created. This should have been a consideration when this space was chosen so any cost associated with getting a lactation room should be added to the day to day costs of doing business. Honestly, its embarrassing that this is even a discussion that has to occur. Life is stressful enough without having to wonder whether you are better off going to your car to use your breast pump then the OSB. The room should at a minimum be clean, have a table, chair, outlet, lighting, paper towels, hand sanitizer and a lock to indicate occupancy.

Thank you for your time.
Mavel Morales
OSB #06096

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[Theresa M. Kohlhoff](#)
[ATTORNEY AT LAW](#)
[7512 N Berkeley](#)
[Portland, Oregon 97203](#)
[\(503\) 286-1346](#)
<http://www.northportlandattorney.com/>

["...do good: we will meet one another there." Pope Francis](#)

From: [Elisabeth Zinser](#)
To: [John Mansfield](#); [Sylvia Stevens](#)
Cc: [Ray Heysell](#); [Richard Spier](#); [Theresa Kohlhoff](#); [Audrey Matsumonji](#); [Ramon A. Pagan](#); [Travis Prestwich](#); [Joshua L. Ross](#); [Timothy L. Williams](#); [James C. Chaney](#); [Guy Greco](#); [Vanessa A. Nordyke](#); [Kathleen J. Rastetter](#); [Per A. Ramfjord](#); [Charles A. Wilhoite](#); [Kerry L. Sharp](#); [Helen Hierschbiel](#); [Camille Greene](#)
Subject: Lactation Room issue
Date: Sunday, July 12, 2015 8:21:08 AM
Attachments: [11D467DC-522D-4CE2-8EEC-76823FA6908F151.png](#)

Sylvia and John, I too wonder why this is a BOG policy matter. I think Sylvia's response was diplomatic and informative. That said, it appears to me that it was a 'misstep' to have not had a courtesy communication with Legal Heritage ahead of decision, assuming knowledge of the investments made by those focused on the preservation of history in that space. Being the BOG Liaison to that group, I regret not helping out in such a communication, given that it was made a BOG matter. Now I think we do need to be a party to any further action/communication, and I am glad to participate as Liaison if Rich/Ray/Sylvia would like me to. I'll be attending meetings on July 24, driving back early from family visit in Spokane.
Elisabeth

Sent from my iPhone

On Jul 10, 2015, at 10:05 AM, MansfieldLaw <john@mansfieldlaw.net> wrote:

Just a question: is this topic something the BOG should be involved in?

John

From: "Katherine H. O'Neil" <kon@graffoneil.com>
Date: Friday, July 10, 2015 at 9:36 AM
To: Stevens Sylvia <sstevens@osbar.org>
Cc: Ray Heysell <rrh@roguelaw.com>, Richard Spier <rspier@spier-mediate.com>, Theresa Kohlhoff <theresakohlhoff@gmail.com>, Audrey Matsumonji <healingsun@frontier.com>, Travis Prestwich <travis@slamlaw.com>, "Ramon A. Pagan" <rpagan@outlook.com>, "Joshua L. Ross" <jross@stollberne.com>, Charles Wilhoite <cawilhoite@willamette.com>, "Timothy L. Williams" <tim@rdwyer.com>, "David B. Avison" <Dbalawoff@abanet.org>, "Janet D. Kreft" <jkreft@teleport.com>, "James C. Chaney" <jchaney@thechaneyfirm.com>, John Mansfield <john@mansfieldlaw.net>, Elisabeth Zinser <elisabethz@charter.net>, Guy Greco <greco@pioneer.net>, Vanessa Nordyke <vanessa.a.nordyke@doj.state.or.us>, Per Ramfjord <paramfjord@stoel.com>, "Kathleen J. Rastetter" <kathleenras@clackamas.us>, Kerry Sharp <kerrysharp@earthlink.net>, "dck@karnopp.com" <dck@karnopp.com>, dbalawoff <dbalawoff@comcast.net>, Paul Nickell <pnickell@osbar.org>
Subject: Re: Request for injunction/Members Room

Thanks for the prompt response, Sylvia.

I am grateful to Theresa Kohlhoff who has asked that this issue be put on the next BOG agenda. I hope that members of the Legal Heritage

Committee past and/or present will be allowed to make a presentation in favor of retaining the Members Room. We welcome the due process.

Whether or not there is a need for a lactation room is beyond my concern. My concern is retaining the Members Room on Heritage Hall intact.

But since the issue is being framed as legal heritage v. lactation, I would ask you to be clear with both the BOG and supporters of the Members room on who actually will be using the lactation room? Will it be OWLS members attending committee meetings at the OSB? How many lactating women attend these meetings? Is the room for OSB staff? How many lactating mothers are there on the staff now? I realize that lactation is not a permanent condition but who's at OSB HQ as staff or visitors now who would actually use the room? Are there figures available to show that there will be more use of the room after conversion than now?

The OSB will change to meet the needs of our younger members. And I hope that these younger members will also come to realize that the world -- and the OSB -- didn't start when they appeared on the scene. The Members Room and the Heritage Hall can be reminders to them that they stand on shoulders of those who came before them and worked very hard to create and maintain the OSB as the best state bar in the U.S. [Second place goes to the state bar of Minnesota -- for the record.]

Thanks for your consideration.

Best wishes -

KO'N

Katherine H. O'Neil
kon@graffoneil.com

On Jul 9, 2015, at 4:40 PM, Sylvia Stevens <sstevens@osbar.org> wrote:

Katherine and others:

The lactation room that we are creating will be primarily for members and it was suggested to us by members of OWLs who were surprised that the OSB was so late coming to the game on this. It will still be available to other members when not in use by

a nursing mom and in fact it will probably still be called the Members' Room. In order to accommodate the modern use, however, we need to change out the furnishings. If at all possible (and I think it will be) we will keep the photo binders and other collected materials in the room.

I appreciate the sentimental attachment to the Members Room. As Katherine suggests, the current iteration of the room came to be after Frank Hilton donated his father's 1920's era office furniture. We added two reproduction glass-front bookcases.

With all due respect to the Legal Heritage Interest Group, the Members Room gets very little (almost no) use from members. The decision to repurpose the room was not made lightly, but it needed to be in the "public" part of the building and that is really the only workable space. The only other possibilities were two small conference rooms that get pretty regular use and one of them cannot be adequately locked when in use by a nursing mother. All in all, I expect the Members' Room will continue to be rarely utilized.

I am sorry this matter has caused so much consternation, but we have to change with the times and address the needs of our younger members. This will be our "modern legal heritage." (By the way, Frank Hilton thought this was a fine idea and didn't hesitate to say "sell the furniture" and put the money to good use.)

<image001.gif>Sylvia Stevens

Executive Director

503-431-6359

sstevens@osbar.org

Oregon State Bar • 16037 SW Upper Boones Ferry Road • PO Box 231935 • Tigard, OR 97281-1935 • www.osbar.org

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From: Katherine O'Neil

Sent: Thursday, July 09, 2015 4:18 PM

To: Sylvia Stevens; Ray Heysell; Richard Spier; Theresa Kohlhoff; Audrey Matsumonji; Travis Prestwich; Ramon A. Pagan; Joshua L. Ross; Charles A. Wilhoite; Timothy L. Williams; James C. Chaney; John Mansfield;

Elisabeth Zinser; Guy Greco; Vanessa A. Nordyke; Per A. Ramfjord;
Kathleen J. Rastetter; Kerry L. Sharp
Cc: dck@karnopp.com; Janet D. Kreft; dbalawoff; Paul Nickell
Subject: Request for injunction/Members Room

Dear Colleagues -

I respectfully request that Sylvia and the Board of Governors reconsider the decision to repurpose the Members Room on Heritage Hall into a lactation room for staff. And, *if* a staff lactation room is the highest and best use of that particular room, then I respectfully request that the BOG work with the Legal Heritage Committee to find a new location for the Members Room before the repurposing. In the meantime, the Members Room should remain undisturbed and its historic artifacts preserved.

I was shocked and saddened that the decision to dismantle the room for use by staff was made at all and really angry that the lawyers who created the room -- I'd say lovingly created -- where not notified well in advance and allowed to defend the room and the concept behind its creation. And, for that matter, to cooperatively work with OSB staff to find a new location for the room.

I believe that the idea of a members room originated with Karen Garst, former OSB director, as part of a celebration of OSB history made possible by the move to the new building. The Members Room was a project of the Legal Heritage Committee over several years. The contents of the room were collected with care and thought. Janet Kreft was very actively involved at this stage and can be consulted on the significance of each item in the Members Room. She also just learned that the room was to be dismantled from David Avison who saw an OSB ad placing the room's furniture up for sale.

I hope that you will call a halt to this project and reconsider the importance of the Members Room to OSB members and especially to the Legal Heritage Committee. The room is, after all, "our" spot at the bar. The room and the Heritage Hall honors us all.

I understand that the OSB building belongs to staff as well as to members. And there may be a legal requirement that a lactation room be provided to staff. [And it's a respectful service to provide.] But to convert *the* Members Room on Heritage Hall to a staff purpose really is a slap in the face to the Legal Heritage Committee.

I'm attaching David Avison's email to Rich Spier and Sylvia Stevens as other BOG members would not have read it.

Thank you for your consideration -- well, for your reconsideration.

Best wishes -

Katherine O'Neil
former Legal Heritage Chair

Katherine H. O'Neil
kon@graffoneil.com

From: DBA Office
[mailto:Dbalawoff@comcast.net]
Sent: Wednesday, July 08, 2015 10:32 AM
To: Sylvia Stevens
Cc: Richard Spier
Subject: FW: Antique Office Furniture for Sale

Sylvia,

This advertisement was brought to my attention yesterday. As you may know, I am a long-time member (and former chair) of the OSB's Legal Heritage Interest Group. I believe that the furniture in this advertisement to be the furniture found in the "Members' Room" at the OSB Center.

You of course know that the "Members' Room" is a long-time project of the OSB's Legal Heritage Interest Group. That room doesn't make much sense with the furniture absent, so I was initially puzzled as to why those items are being offered for sale. If the furniture was to be replaced or upgraded, I was also surprised that the Legal Heritage Interest Group was not asked for input or, at least, appraised of the proposed change.

In subsequent queries about this advertisement; I have been told that there is not going to be a "Members' Room" at the Oregon State Bar Center, thus the current room is being repurposed. If this is true, I am

astounded that input from the OSB's Legal Heritage Interest Group (or at least a "heads up") was not sought as part of the decision process. As the Members' Room was clearly the "baby" of the Legal Heritage Interest Group, why were we not consulted? One wonders as to how the volunteer time spent on bar committees and groups like ours are valued by the staff and perhaps the Board of Governors. What was the process that led to this decision? Why was the key volunteer interest group not part of the process? Perhaps this a matter that should be brought to the House of Delegates or Board for policy development.

As you may know, two of the OSB's Legal Heritage Interest Group's other long-time projects are the women's and minority displays at the Bar Center. Hopefully, if the walls upon which these displays are located are being considered for "repurpose", a process that includes consultation with the OSB's Legal Heritage Interest Group will be followed.

As a OSB volunteer on both committees and the legal heritage interest group; it is disappointing the way this matter has and is being handled.

David B. Avison

David B. Avison

Attorney at Law
14523 Westlake Drive
Lake Oswego, OR 97035
Dbalawoff@comcast.net
Fax: 503.620.5369
Phone: 503.670.1951

From:

OWLSLISTSERVE@yahogroups

[.com](#)
[mailto:OWLSLISTSERVE@yahoogroups.com] **On Behalf Of**
Sylvia Stevens
sstevens@osbar.org
[OWLSLISTSERVE]
Sent: Monday, July 06, 2015
1:45 PM
To:
'owlslistserve@yahoogroups.com'
Subject: [OWLSLISTSERVE]
[SPAM]: Antique Office
Furniture for Sale

The OSB has some old oak office furniture for sale, so let me know if you are interested. I believe it dates to the 1930s or 1940s. We have a roll-top desk with lots of cubbies/drawers, a regular desk, two side chairs and a file cabinet with two standard file drawers and 12 shallow ones (about 2" deep). If you (or someone you know) would like to have a vintage office, this is for you.

If interested, stop by the OSB office to see or I can send pictures.

Price negotiable.

<image001.gif>Sylvia Stevens
Executive Director
503-431-6359
sstevens@osbar.org

John Mansfield
971.271.8615
mansfieldlaw.net

From: [Theresa Kohlhoff](#)
To: [Gamblin, Amanda T.](#); [Richard Spier](#); [Camille Greene](#)
Subject: Re: Lactation Room
Date: Friday, July 17, 2015 11:58:21 AM

Good morning. Thank you for your email. It will be added as an exhibit to the agenda at the meeting on July 24th.

On Fri, Jul 17, 2015 at 11:14 AM, Gamblin, Amanda T. <AGamblin@schwabe.com> wrote:

Hello BOG Region 5:

I very much appreciate your service to the bar on behalf of all of us! I want to express my support for a lactation room. Anything that's not a bathroom is necessary. A sink and a mini-fridge are ideal. Whether it's the members room or not, is not my concern.

Pumping is one of the most stressful times in a mother's career. It's embarrassing to run an extension cord from the outlet next to the sink under the bathroom stall and sit on the toilet pumping while other bathroom users wonder what the rhythmic mechanical noise is coming from your stall. It's embarrassing to beg the judge as your bra is getting damp that you absolutely MUST have a break RIGHT NOW that is long enough for you to walk back to your office and pump (the courthouses don't have lactation rooms for lawyers – at least they didn't in my day). It's embarrassing when your male colleagues walk in on you when you've ducked into the nearest conference room (or your car) during a meeting because there's nowhere else to go. All of these and more (you should have seen the window washers' faces!) happened to me back when I was juggling the job on one knee and the babies on the other. A quiet place to pump nearby can make a big difference to women who are trying to decide whether practicing law is worth it.

Thanks for listening,

Amanda

AMANDA T. GAMBLIN | Attorney
SCHWABE, WILLIAMSON & WYATT
1211 SW 5th Ave., Ste. 1900 Portland, OR 97204
Direct: 503-796-2903 | Fax: 503-796-2900 | Cell: 503-329-1858 | Email: agamblin@schwabe.com
Assistant: Blanche Niksich | Direct: 503-796-2461 | bniksich@schwabe.com
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Theresa M. Kohlhoff
ATTORNEY AT LAW
7512 N Berkeley
Portland, Oregon 97203
(503) 286-1346
<http://www.northportlandattorney.com/>

"...do good: we will meet one another there." Pope Francis

From: [Theresa Kohlhoff](#)
To: [Legaard, Brenna K.](#)
Cc: [Richard Spier](#); [Camille Greene](#)
Subject: Re: Members" Room/lactation space at the OSB Center
Date: Friday, July 17, 2015 11:57:09 AM

Good morning. Thank you for your email. It will be added as an exhibit to the agenda at the meeting on July 24th.

On Fri, Jul 17, 2015 at 11:06 AM, Legaard, Brenna K. <BLegaard@schwabe.com> wrote:

Hello, Region 5 BOG Reps:

I am writing to express support for creating a space in the OSB Center for pumping or other private health needs. I understand that the decision has been made to use the "Member's Room" for this purpose, and I think that's a fine idea.

I spent around three years of my professional life grappling with the need to periodically use a breast pump. I have never felt tension between my career and my family as acutely as when I was trying to discretely lug a breast pump around a professional setting trying to find a safe, sanitary, private place to use it.

I can tell you that pumping in a bathroom is a terrible option. It is unsanitary-- I was simply unwilling to feed my babies milk that was pumped in a toilet stall. Also, you'd be amazed at how fast a breast pump can deplete batteries, and there are no outlets in toilet stalls, not to mention no place to put anything. If there's no appropriate, dedicated place to pump, women who are lactating have to choose between pumping in a bathroom or a car or simply staying away. In order to welcome the participation of these women or enjoy the benefits of their talents, the OSB has to accommodate them.

I also vividly remember attending all day meetings at Nike WHQ a few months after my daughter was born, and realizing that even years ago, they had private, clean, comfortable places dedicated to just this purpose. I could slip away, take care of this issue, and then rejoin the meeting with no begging for space or bathroom occupation. It was wonderful. Nike made it easy for me, nursing mother though I was, to contribute my ideas, talents, and passion to meeting its needs, and I was delighted to do so. It was a win-win.

I was not driven out of the workforce by this issue, nor did I let it impact my decisions about what and how to feed my babies, but I can see how both of those things happen. The needs of nursing mothers have long been ignored, and it may be difficult for anybody who has

never lugged a breast pump around looking for unoccupied closets to see the need to make sacrifices to begin accommodating these needs. However, whether we know it or not, we are all invested in the efforts of lawyer-parents to take care of themselves and their little ones. We ignore those efforts to our detriment.

Thank you.

Brenna

BRENNA LEGAARD | Attorney

SCHWABE, WILLIAMSON & WYATT

1211 SW 5th Ave., Ste. 1900, Portland, OR 97204

Direct: 503-796-2471 | Fax: 503-796-2900 | Email: blegaard@schwabe.com

Assistant: Julie Olmstead | Direct: 503-796-2076 | jolmstead@schwabe.com

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Theresa M. Kohlhoff
ATTORNEY AT LAW
7512 N Berkeley
Portland, Oregon 97203

(503) 286-1346

<http://www.northportlandattorney.com/>

"...do good: we will meet one another there." Pope Francis

From: [Katherine O'Neil](#)
To: [Sylvia Stevens](#); [Ray Heysell](#); [Richard Spier](#); [Theresa Kohlhoff](#); [Audrey Matsumonji](#); [Travis Prestwich](#); [Ramon A. Pagan](#); [Joshua L. Ross](#); [Charles A. Wilhoite](#); [Timothy L. Williams](#); [James C. Chaney](#); [John Mansfield](#); [Elisabeth Zinser](#); [Guy Greco](#); [Vanessa A. Nordyke](#); [Per A. Ramfjord](#); [Kathleen J. Rastetter](#); [Kerry L. Sharp](#)
Cc: dck@karnopp.com; [Janet D. Kreft](#); [dbalawoff](#); [Paul Nickell](#)
Subject: Request for injunction/Members Room
Date: Thursday, July 09, 2015 4:18:11 PM

Dear Colleagues -

I respectfully request that Sylvia and the Board of Governors reconsider the decision to repurpose the Members Room on Heritage Hall into a lactation room for staff. And, *if* a staff lactation room is the highest and best use of that particular room, then I respectfully request that the BOG work with the Legal Heritage Committee to find a new location for the Members Room before the repurposing. In the meantime, the Members Room should remain undisturbed and its historic artifacts preserved.

I was shocked and saddened that the decision to dismantle the room for use by staff was made at all and really angry that the lawyers who created the room -- I'd say lovingly created -- where not notified well in advance and allowed to defend the room and the concept behind its creation. And, for that matter, to cooperatively work with OSB staff to find a new location for the room.

I believe that the idea of a members room originated with Karen Garst, former OSB director, as part of a celebration of OSB history made possible by the move to the new building. The Members Room was a project of the Legal Heritage Committee over several years. The contents of the room were collected with care and thought. Janet Kreft was very actively involved at this stage and can be consulted on the significance of each item in the Members Room. She also just learned that the room was to be dismantled from David Avison who saw an OSB ad placing the room's furniture up for sale.

I hope that you will call a halt to this project and reconsider the importance of the Members Room to OSB members and especially to the Legal Heritage Committee. The room is, after all, "our" spot at the bar. The room and the Heritage Hall honors us all.

I understand that the OSB building belongs to staff as well as to members. And there may be a legal requirement that a lactation room be provided to staff. [And it's a respectful service to provide.] But to convert *the* Members Room on Heritage Hall to a staff purpose really is a slap in the face to the Legal Heritage Committee.

I'm attaching David Avison's email to Rich Spier and Sylvia Stevens as other BOG members would not have read it.

Thank you for your consideration -- well, for your reconsideration.

Best wishes -

Katherine O'Neil
former Legal Heritage Chair

Katherine H. O'Neil
kon@graffoneil.com

From: DBA Office [<mailto:Dbalawoff@comcast.net>]
Sent: Wednesday, July 08, 2015 10:32 AM
To: Sylvia Stevens
Cc: Richard Spier
Subject: FW: Antique Office Furniture for Sale

Sylvia,

This advertisement was brought to my attention yesterday. As you may know, I am a long-time member (and former chair) of the OSB's Legal Heritage Interest Group. I believe that the furniture in this advertisement to be the furniture found in the "Members' Room" at the OSB Center.

You of course know that the "Members' Room" is a long-time project of the OSB's Legal Heritage Interest Group. That room doesn't make much sense with the furniture absent, so I was initially puzzled as to why those items are being offered for sale. If the furniture was to be replaced or upgraded, I was also surprised that the Legal Heritage Interest Group was not asked for input or, at least, appraised of the proposed change.

In subsequent queries about this advertisement; I have been told that there is not going to be a "Members' Room" at the Oregon State Bar Center, thus the current room is being repurposed. If this is true, I am astounded that input from the OSB's Legal Heritage Interest Group (or at least a "heads up") was not sought as part of the decision process. As the Members' Room was clearly the "baby" of the Legal Heritage Interest Group, why were we not consulted? One wonders as to how the volunteer time spent on bar committees and groups like ours are valued by the staff and perhaps the Board of Governors. What was the process that led to this decision? Why was the key volunteer interest group not part of the process? Perhaps this a matter that should be brought to the House of Delegates or Board for policy development.

As you may know, two of the OSB's Legal Heritage Interest Group's other long-time projects are the women's and minority displays at the Bar Center. Hopefully, if the walls upon which these displays are located are being considered for "repurpose", a process that includes consultation with the OSB's Legal Heritage Interest Group will be followed.

As a OSB volunteer on both committees and the legal heritage interest group; it is disappointing the way this matter has and is being handled.

David B. Avison

David B. Avison

Attorney at Law
14523 Westlake Drive
Lake Oswego, OR 97035
Dbalawoff@comcast.net
Fax: 503.620.5369
Phone: 503.670.1951

From: OWLSLISTSERVE@yahogroups.com
[mailto:OWLSLISTSERVE@yahogroups.com] **On Behalf Of**
Sylvia Stevens sstevens@osbar.org [OWLSLISTSERVE]
Sent: Monday, July 06, 2015 1:45 PM
To: 'owlslistserve@yahogroups.com'
Subject: [OWLSLISTSERVE] [SPAM]: Antique Office Furniture
for Sale

The OSB has some old oak office furniture for sale, so let me know if you are interested. I believe it dates to the 1930s or 1940s. We have a roll-top desk with lots of cubbies/drawers, a regular desk, two side chairs and a file cabinet with two standard file drawers and 12 shallow ones (about 2" deep). If you (or someone you know) would like to have a vintage office, this is for you.

If interested, stop by the OSB office to see or I can send pictures.

Price negotiable.



Sylvia Stevens
Executive Director
503-431-6359
sstevens@osbar.org

From: [Jennifer Bragar](#)
To: [Theresa Kohlhoff](#); [Audrey Matsumonji](#); [Travis Prestwich](#); [Richard Spier](#); [Ray Heysell](#); [Ramon A. Pagan](#); [Joshua L. Ross](#); [Charles A. Wilhoite](#); [Timothy L. Williams](#); [James C. Chaney](#); [John Mansfield](#); [Elisabeth Zinser](#); [Guy Greco](#); [Vanessa A. Nordyke](#); [Per A. Ramfjord](#); [Kathleen J. Rastetter](#); [Kerry L. Sharp](#); [Richard Spier](#); [Ray Heysell](#)
Cc: [Sylvia Stevens](#)
Subject: Lactation Space at the Bar Center
Date: Thursday, July 16, 2015 11:24:14 AM

President Spier and Members of the Board of Governors,

I received the below message from Heather Weigler regarding the absence of lactation space at the Oregon Bar Center. I know that every lactating working-mother can echo a story like Heather's about on-the-job pumping (one of my least favorite memories of a woman trying to "lean in" occurred in the parking lot outside the Benton County trailer offices). I echo all the bullet points near the end of Heather's message and hope that with your leadership, the Oregon Bar Center can provide a space for women to pump in privacy, and for others who have special health needs that require a secluded space.

I appreciate your volunteer efforts and diligence in finding a good solution for lactating lawyers and others who could use the space. Thank you for your consideration.

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JENNIFER M. BRAGAR

Associate | 503.228.3939 x 3208 Tel | 503.226.0259 Fax | jbragar@gsblaw.com

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► land use | condemnation | real estate e-forum: www.northwestlandlawforum.com

From: OWLSLISTSERVE@yahoogroups.com [mailto:OWLSLISTSERVE@yahoogroups.com] **On Behalf Of** Heather Weigler hlouweigler@gmail.com [OWLSLISTSERVE]
Sent: Thursday, July 16, 2015 10:32 AM
To: OWLS Listserve <owlslistserve@yahoogroups.com>
Subject: [OWLSLISTSERVE] BOG Considers Supporting Nursing Moms and Lawyers with Health Needs

Dear OWLS,

I became a mom while serving on the Board of Bar Examiners, which meant I had to attend half-day meetings at the OSB Center with a young baby at home. Because I was nursing, that also meant I had to find a way to pump breastmilk at least once while I was there.

There's not a lactation room/sick room at the OSB Center. Currently, as I understand it, women who ask for a space to pump while at the OSB Center are directed to the restroom. Most nursing moms feel as comfortable pumping in a restroom/locker room as they would preparing a meal there because IT'S A BATHROOM, but I don't actually know if that option

was presented to me. I don't know if I asked for space to pump or if I just asked whether there was a free conference room. I was new to mothering, to pumping, and to balancing it all with lawyering, and I might have been too embarrassed to be specific. It doesn't take most moms long to figure out that our profession often views our parenting as a weakness.

In any event, I do know I found myself in an empty conference room I was assured was not being used and that I thought had doors that locked. So I plugged in, strapped on a hands-free pumping bra, attached the hard cones that I've forgotten the technical term for (oddly made of clear plastic so one can really appreciate what happens to a human nipple hooked up to an electric pump), and got to work feeding my baby from afar.

About halfway through that pumping session, a gentleman opened one of the conference room doors. He turned white, apologized, and exited with all due speed (thank you kind sir for your appropriate and swift response!). I never mentioned it to anyone at the OSB because, well, it was embarrassing for both of us.

Wouldn't it be great if that never, ever happened to anyone at the OSB Center again?

Oregon State Bar Executive Director Sylvia Stevens recently decided to dedicate a room at the OSB Center for use as a nursing/lactating/health room. This was in response to a perceived and expressed need for a space for women lawyers and staff at the bar center to have private space for pumping. The space could also be used by any attorney/staff person needing a private space (i.e. for a diabetic person to inject insulin).

The bar center is very short on space, so the decision was made to use the "Members Room" for multi-purposes. The Members Room was put together by the Legal Heritage Committee as a space to display historical artifacts. The Board of Governors has called a special meeting [on July 24th](#) to decide what to do about the Members Room/lactation space issue.

OWLS' Working Parents Committee invites all nursing moms and their supporters to let members of the BOG know your thoughts about this issue. Communications should be emailed or sent by no later than the middle of next week to be effective. Statements can be **emailed** to a regional BOG representative (see list here: http://www.osbar.org/leadership/bog/bog_mem.htm) **with a cc** to ED Sylvia Stevens at sstevens@osbar.org or sent **snail mail** to the OSB Board of Governors, attn: President Rich Spier, at OSB [PO Box 231935, Tigard, OR 97281](#).

Here are some of the Working Parents Committee's thoughts to get you started crafting your statement:

- OWLS supports allowing all members of the bar to fully participate in bar CLEs, member groups and events, including lactating women lawyers.
- Pumping in a bathroom is not a sanitary solution, which is why the Oregon legislature required employers to provide a separate space to pump.
- Some lactating women may be unlikely to ask for a space to pump if there is no clear space available. Women lawyers should not need to pump in a bathroom or their cars in order to participate in bar activities.
- There is a need for a private, clean space at the bar for women to pump. Currently, the bar

building is at 100% occupancy. There are no empty offices at the bar, and the existing conference rooms are utilized and needed for conference use purposes.

- Lactating lawyers are not the only lawyers with health needs. The room would also be available to other lawyers with health needs who require privacy.
- Creating a space for lactating lawyers in the Members Room is consistent with the bar's Diversity Action Plan, which purports to be a commitment to make the bar and its activities more inclusive to the membership. The bar should take leadership on this issue and embrace the needs of lawyer parents
- OWLS is committed to preserving Oregon legal history and has a dedicated Historian on its Board. It is OWLS understanding that the proposed modification of the Members Room would not remove the historical material from the room. Instead, with the permission of the original donor, the furniture in the room would be changed to make the room available for multiple purposes. The historical materials would stay in the room, and the bar would make room for a new kind of legacy - the legacy of lawyer parents fully participating in bar activities and the legal community.

As a member of the Working Parents Committee, I urge my fellow OWLS to lend their voices to the discussion in favor of inclusion and supporting the creation of a lactation/sick room at the OSB Center.

Heather Weigler

Posted by: Heather Weigler <hlouweigler@gmail.com>

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From: [Joshua L. Ross](#)
To: [Richard Spier](#)
Cc: [Sylvia Stevens](#)
Subject: Lactation room issue
Date: Thursday, July 16, 2015 3:25:50 PM

I won't be at the meeting next Friday, so wanted to send my .02 on this issue.

If I understand correctly, the issue is not *whether* to establish a lactation room, but only where that space should be. I understand Legal Heritage's concerns and share them. I actually sit in that room between meetings to do some work, and it's pretty cool. I appreciate the Members' Room greatly—in fact, the photos and books in that room have caused me to get less work done than I'd hoped at times. I also really enjoy the displays on women lawyers and diversity at the Bar. And, I also enjoy speaking to more seasoned members about the past and their experiences. I have no illusions that the world and the OSB started when my contemporaries and I appeared on the scene. While I would never say that we need to be reminded of that fact, I absolutely am glad that such reminders exist.

However, I do not believe that closing the current Members' Room will change that. It's a no brainer that we need to offer a safe, clean, private place for lactating mothers to pump or breastfeed—for all the reasons in Heather's email to OWLS that was forwarded this morning. Which members, visitors, and employees will use the room today or in the future, and how frequently, is not really a concern—the Bar needs to offer that space to its employees and members. Asking how many lactating women attend meetings is, frankly, a strange question to ask. This really is a no brainer.

I'm glad the issue was brought up and that Sylvia and others did the right thing to make this a quick decision. If there's any other possible space for a lactation room, the Legal Heritage room should be preserved. If there is not, and truly there is no other option for the Legal Heritage room or an alternative space to display some of the artifacts, then I support Sylvia's plan.

Josh

From: [Novick Eva H](#)
To: [Sylvia Stevens](#)
Subject: Re: BOG Considers Supporting Nursing Moms and Lawyers with Health Ne
Date: Tuesday, July 21, 2015 11:59:36 AM

I'm glad to hear there will be a dedicated place for nursing moms in the OSB center. I'm another attorney who's had to use the bathroom for pumping (at both the OSB center and at the Convention Center, when CLEs all used to be there). Although the bathroom facilities were nicer at the OSB center (a dedicated shower/changing room with a plug!), I fully support making it easier for lactating attorneys to attend CLEs and other Bar functions.

[Eva H. Novick, Assistant Attorney General, Financial Fraud/Consumer Protection Section](#)
[1515 SW 5th Ave., Suite 410, Portland, OR 97201](#)
Tel: 971-673-1880 | Fax: 971-673-1884 | eva.h.novick@doj.state.or.us

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Member's Room Discussion – Exhibits

- Exhibit 1, page 1: Oregon State Bar Bulletin clips
- Exhibit 2, page 2: U.S. Office of Personnel Management *Guide for Establishing a Federal Nursing Mother's Program*

Oregon State Bar Bulletin — JULY 2007

Bulletin Features 

Briefs

A Call for Something Old

The OSB Legal Heritage Interest Group is seeking contributions of "old documents" to be used in decorating the Members' Room at the new OSB Bar Center, now under construction in Tigard.

The group plans to decorate the room in a 1930s to 1940s décor, and has already secured the contribution of period office furniture (courtesy of OSB member and former Board of Governors member Frank Hilton) to allow the room to resemble a law office of the time.

Chair Janet Kreft of Gresham says the group is seeking old documents such as wills or deeds, "short, one-page documents that can be framed and mounted." When completed, the room will be made available for visiting members of the bar as a place to work or relax before or between appointments at the bar center.

Contact Kreft at (503) 465-9900 or jkreft@teleport.com for more information or to arrange contributions.

The nearly 125,000-square-foot building is located near the intersection of Southwest 72nd Avenue and Upper Boones Ferry Road, just off of Interstate 5 (Carman Drive exit). The offices of both the OSB and the Professional Liability Fund will occupy much of the building. Other space will be made available for lease. Construction is slated to be complete by this December.

Oregon State Bar Bulletin — OCTOBER 2007

Bulletin Features 

Bar News

Update on the New Bar Center

Construction is moving along inside the new bar center located at 16037 S.W. Upper Boones Ferry Rd., near Durham Road in Tigard. Walls are going up on the interior of the third and second floors. Developer OPUS Northwest has set a completion date of Dec. 20, 2007.

The first floor will house a large multi-purpose conference center with up-to-date audio and video technology, mostly planned for recording CLE seminars. It will also be available for rental sometime after the move-in, which is planned for the weekend of December 22.

Frank Hilton, from the law firm of Dunn Carney, has donated a set of oak office furniture inherited from his father, also an attorney. It will be used to create a members' room on the second floor for any bar member visiting the bar center. A computer with Internet connection and a printer will be available in the room, which the bar's legal heritage group is helping to decorate in a 1930s-1940s style.

The bar's library, open to all bar members, will be housed on the third floor, next to the CLE publications department. CLE seminars and video replays will begin at the new bar center after the first of the year. Large programs will continue to be provided in downtown Portland.

The OSB signed a lease/purchase agreement in 2006 to build the three-story 73,000-square foot building. The Board of Governors is committed to funding the new building without raising membership fees. The current OSB Center in Lake Oswego has been sold, and the bar is currently leasing that facility. More information and background on the board's decision process is available on the bar's website at www.osbar.org.



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Elizabeth Tedesco Milesnick
President, Oregon Women Lawyers
Elizabeth.Milesnick@MillerNash.com

July 22, 2015

Oregon State Bar Board of Governors
c/o Mr. Richard G. Spier
President, Oregon State Bar
rspier@spier-mediate.com

Re: OWLS' Support for a Health Room to Accommodate Lactating Mothers

Dear Members of the Board of Governors:

Thank you for your support of Oregon Women Lawyers, and Rich, for your visit to our Board of Directors meeting earlier this year. We appreciate knowing that OWLS has a voice at the bar and that you understand—and often share—many of our goals and concerns.

One of our shared goals, we believe, is to allow and promote full participation in bar functions, CLEs, and member groups and events at the OSB headquarters, for all members of the bar, including lactating women lawyers. As we understand it, however, lactating mothers are currently directed to use the bar's restroom/locker room for nursing or pumping. As you can imagine, many women are hesitant to transmit or collect milk for an infant in an environment in a place where people use the restroom. In fact, ORS 653.077 requires employers with 25 or more employees to provide a private location "*other than* a public restroom or toilet stall" for the expression of milk. We hope you agree that lactating women should not have to nurse or pump in a bathroom, or in their cars, in order to participate in bar activities.

There is, therefore, a need for a private, sanitary space at the bar for women to nurse and pump. For practical purposes, the room should also be accessible to visitors to the bar without the need to be admitted into the secured areas used by bar staff. We understand that the bar building is currently at full occupancy, with no empty offices and

Oregon State Bar Board of Governors
Mr. Richard G. Spier
Oregon State Bar
July 22, 2015
Page 2

conference rooms that are largely fully utilized, but that the Members Room is one such private, sanitary, and accessible place that could accommodate the needs of nursing and lactating women, as well as those with other health needs requiring privacy.

We understand the concerns of some that the Members Room should remain devoted to a focus on bar history and the preservation of historical documents. OWLS believes deeply in the value of history and has a dedicated Historian on its Board. It is our understanding that the proposed modification of the Members Room would not remove the historical material from the room. Instead, with the permission of the original donor, the furniture in the room would be changed to make the room available for multiple purposes, allowing a broader range of bar members to appreciate the history captured in the Members Room while using the privacy of that space to nurse, pump milk, or meet other health needs.

Creating a space for lactating lawyers in the Members Room is also consistent with the bar's Diversity Action Plan, which purports to be a commitment to make the bar and its activities more inclusive to the membership. We encourage the bar to take a leadership role on this issue, embrace the needs of lawyer-parents, and begin a new kind of legacy welcoming nursing and lactating women lawyers to full participation in activities taking place at the bar.

I look forward to seeing you at the Board of Governors meeting this Friday and will be available then for any questions you may have. Thank you for your time and consideration of OWLS' perspective on this important issue.

Sincerely,



ELIZABETH TEDESCO MILESNICK
President, Oregon Women Lawyers

cc: Executive Committee of the OWLS Board of Directors
OWLS Working Parents Committee
Sylvia Stevens, Executive Director, Oregon State Bar (sstevens@osbar.org)

From: [Richard Spier](#)
To: [Sylvia Stevens](#); [Camille Greene](#)
Subject: Fwd: Health/Privacy Room
Date: Wednesday, July 22, 2015 4:40:02 PM

Please add this also.

Sent from my iPhone

Begin forwarded message:

From: Kim Sugawa-Fujinaga <kims@mcewengisvold.com>
Date: July 22, 2015 at 4:35:06 PM PDT
To: "kathleenras@clackamas.us" <kathleenras@clackamas.us>, "paramfjord@stoel.com" <paramfjord@stoel.com>, "vanessa.a.nordyke@doj.state.or.us" <vanessa.a.nordyke@doj.state.or.us>, "mlevelle@sussmanshank.com" <mlevelle@sussmanshank.com>, "john@mansfieldlaw.net" <john@mansfieldlaw.net>, "tim@rdwyer.com" <tim@rdwyer.com>, "jross@stollberne.com" <jross@stollberne.com>, "rpagan@outlook.com" <rpagan@outlook.com>, "rspier@spier-mediate.com" <rspier@spier-mediate.com>, "theresakohlhoff@gmail.com" <theresakohlhoff@gmail.com>
Cc: "sstevens@osbar.org" <sstevens@osbar.org>
Subject: Health/Privacy Room

Dear BOG members:

As a working parent and frequent visitor to the Bar center for CLE events, specialty bar and section meetings and social events, I fully support a privacy room for lawyers with health needs, including lactating lawyers. I would agree that lawyers should not need to express milk in a bathroom stall or in their cars in order to participate in bar activities. There is a need for a private, clean space at the bar for women to do so and borrowing an existing conference room is not an acceptable alternative. I understand that a proposed room would also be available to other lawyers with health needs who require privacy. Prior to my daughter's birth I attended many bar meetings and would have welcomed a private and clean space to attend to my needs as a mother with gestational diabetes. Having a safe space to administer medically required shots would have been a blessing. Creating a space for lactating lawyers is consistent with the bar's Diversity Action Plan, and will demonstrate the bar's commitment to make bar activities more inclusive to the membership. I hope the BOG will embrace the needs of lawyer parents who comprise our legal bar constituency.

With best regards,
Kim Sugawa-Fujinaga

KIMBERLY A. SUGAWA-FUJINAGA | ATTORNEY AT LAW | ASSOCIATE

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Linkedin: www.linkedin.com/pub/kimberly-sugawa-fujinaga/3/934/46a/

Email: kims@mcewengisvold.com

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From: Megan Lemire <megan@lhpcclaw.com>

Date: July 22, 2015 at 4:54:42 PM PDT

To: rspier@spier-mediate.com

Cc: sstevens@osbar.org

Subject: lactation room at the bar center

Dear Mr. Spier:

In light of the BOG's upcoming discussion regarding an available space for women to express breast milk, I would like to voice my encouragement that the bar swiftly designate an appropriate place for this purpose. As an employer, the Fair Labor Standards Act requires that the bar provide "a place, **other than a bathroom**, that is shielded from view and free from intrusion from coworkers and the public, which may be used by an employee to express breast milk." 29 U.S.C. § 207(r)(1)(B) (emphasis added). Thank you for your attention to this issue.

Kind regards,
Megan Lemire

Megan R. Lemire
Lemire & Hirano, PC
0324 SW Abernethy Street
Portland, OR 97239
971.717.6577
megan@lhpcclaw.com

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From: [Theresa Kohlhoff](#)
To: [Camille Greene](#); [Richard Spier](#)
Subject: Fwd: Step One in Establishing a "break time space"/Members" Room topic
Date: Thursday, July 23, 2015 1:18:44 PM

Camille, this is another exhibit for tomorrow. Thanks.

----- Forwarded message -----

From: **Katherine H. O'Neil** <kon@graffoneil.com>

Date: Thu, Jul 23, 2015 at 1:12 PM

Subject: Step One in Establishing a "break time space"/Members' Room topic

To: "Richard G. Spier" <rspier@spier-mediate.com>, Theresa Kohlhoff
<theresakohlhoff@gmail.com>

Cc: "Janet D. Kreft" <jkreft@teleport.com>, "David B. Avison" <Dbalawoff@abanet.org>, "
<rachel.l.hull@gmail.com>" <rachel.l.hull@gmail.com>, Mary Anne Anderson
<maryannepdx@yahoo.com>

1. "Assess the agency's environment – Before creating a break time space in the workplace, assess the agency's workforce and environment to determine the necessary logistics of a program. **Consider the number of women who are likely to use the program**, who should be responsible for overseeing the program, what space should be available, whether additional resources should be made available to nursing mothers, and what record- keeping by the agency will be necessary. " *Emphasis added.*

Above is the #1 step that the federal Office of Personnel Management recommends in establishing a "break time space" which could be used for women to pump breast milk. The steps are at page 7 of the brochure which has been provided to the BOG by the Legal Heritage Committee.

I would respectfully request that the OSB staff go through the appropriate steps as outlined by the OPM -- or the BOG -- before a "break time space" is built out at OSB HQ. If you build it, they may not come because {1.} there is no need or {2.} the facility does not meet the need that is there.

I understand that no OSB staff member has requested a lactation room in any of the staff/management open sessions.

It is about impossible to deny a request ostensibly from a nursing mother. I'd think that this would be especially true if the person with reservations about the request is a male. It's an emotionally charged issue. But it is sound practice to do due diligence and follow the best practices that have been developed .

An interim step, of course, would be to allow any OSB member in need to use the Members' Room to pump. [Only modification needed would be to screen the glass door and install an inside lock.]

I'm sending this email to the two of you as you very kindly read my prior email and invited me to attend the BOG meeting. I'll be there though not in a speaking role.

Thanks for your consideration. And, also, thanks for your thoughtful service on the BOG. A

lot of responsibility and a long four years.

Best wishes -

KO'N

Katherine H. O'Neil
kon@graffoneil.com

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Theresa M. Kohlhoff
ATTORNEY AT LAW
7512 N Berkeley
Portland, Oregon 97203
(503) 286-1346
<http://www.northportlandattorney.com/>

"...do good: we will meet one another there." Pope Francis

UNITED STATES OFFICE OF PERSONNEL MANAGEMENT



Guide for Establishing a Federal Nursing Mother's Program

January 2013

a New Day for Federal Service

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INTRODUCTION

Section 4207 of the Patient Protection and Affordable Care Act (ACA) revises the Fair Labor Standards Act (FLSA) by requiring employers to provide nursing mothers with 1) reasonable break time to express milk for one year after her child's birth each time such employee has need to express breast milk; and 2) a private space, other than a bathroom, that is shielded from view and free from intrusion of others, to express breast milk. This legislation has significant impact on worksite accommodations for nursing mothers. In the United States, over one-third of all mothers working outside the home have children younger than two years of age. Many of these mothers desire and intend to exclusively breastfeed until their babies reach six months of age, at minimum. However, according to the Centers for Disease Control and Prevention, while 75 percent of mothers in the United States breastfeed from the start, only 22% of babies are still breastfed by the twelve-month mark.

There are many reasons why nursing mothers are unable to breastfeed for as long as they desire and returning to work is a primary factor (Wenjun, & Acosta, 2002). When working mothers receive workplace support, such as adequate space and time to express milk, support from supervisors and colleagues, and education, they are often able to continue to successfully breastfeed their child. Another complicating factor is lack of privacy in the workplace, as well as the commonly held fear that nursing mothers will be perceived as less productive if they choose to express breast milk during the workday. The ACA addresses these concerns.

The American Academy of Pediatrics recommends breastfeeding exclusively for at least the first six months after birth and, ideally, until or after the child is twelve months of age. The World Health Organization, the U.S. Surgeon General's Office, and the American Academy of Family Physicians agree. For example, the Surgeon General released a Call to Action in 2011 to support breastfeeding. Several action items were directed toward employment, such as ensuring that employers establish and maintain comprehensive, high-quality nursing mothers support programs for employees. In addition, the Healthy People Initiative, managed by the Office of Disease Prevention and Health Promotion at the Department of Health and Human Services (HHS), includes a goal for increasing the number of workplaces that provide nursing mothers support services from 25% to 38% of workplaces.

Continued breastfeeding offers a variety of noted benefits for mothers, their babies, and their employers. The ACA facilitates the continuation of breastfeeding and helps nursing mothers to better integrate their work and family needs. Many agencies go beyond the requirements of the legislation to actively support nursing mothers through various programs, resources, and facilities.

DEFINITIONS

Breastfeeding

It is difficult to assign a single definition to the term “breastfeeding,” because there are multiple behaviors that constitute breastfeeding. The term may be used in reference to full breastfeeding, partial breastfeeding, token breastfeeding, or exclusive expression of milk using a breast pump (Labbok & Krasovec, 1990). Moreover, within the categories of full and partial breastfeeding are further subtopics. Full breastfeeding is understood to be either exclusive breastfeeding (no other liquid or solid is given to the baby) or almost exclusive breastfeeding (vitamins, water, or other liquids are given to the baby occasionally in addition to breastfeeding). Partial breastfeeding includes varying levels of breastfeeding. Token breastfeeding refers to breastfeeding that is not for nutritive purposes. Rather, it is breastfeeding conducted for comfort and consolation to the infant. Token breastfeeding is minimal, infrequent, and irregular. The final category of breastfeeding is exclusive pumping. Some women may choose to exclusively pump breast milk for a variety of reasons. For example, it is sometimes more difficult to nurse babies with cleft palates or those born prematurely, or the mothers had early difficulties getting the baby to latch at the breast.

Workplace Support

As the Nation’s largest employer, the Federal Government strives to be a groundbreaker in the development of wellness programs and policies, including support for breastfeeding. The level of support provided to nursing mothers currently varies across workplaces. Support for breastfeeding in the workplace is defined by a variety of characteristics. These may include offering benefits and services to employees; educating employees about breastfeeding; providing time and space for nursing mothers to express breast milk; allowing flexible schedules for break time; providing mothers with the option to telework or work part-time; providing access to or resources for childcare; providing breast pumps or discounts to purchase breast pumps; offering lactation services and consultants; and providing an effective nursing mother’s program and facility. OPM urges agencies to support all nursing mothers to the fullest extent possible.

Private Space

A room for nursing mothers is private space a nursing mother can use to express milk. This space must be shielded from view and free from intrusion of others. A nursing mother’s room must be functional, with a private space with a place to sit and a flat surface, other than the floor, to place the breast pump and other supplies. Although there are no size or permanency requirements, these rooms should provide access to electricity for the use of a breast pump, as well as good lighting, a comfortable temperature, and proper ventilation. Further, a room for nursing mothers should be clean and agencies should provide cleaning wipes and paper towels. Nursing mother’s rooms with exceptional accommodations may include a breast pump provided

by the agency, refrigerator, microwave for sterilization of breast pump parts, comfortable chair, table, clock, mirror, and sink.

LEGISLATIVE BACKGROUND

The Affordable Care Act added a new subsection (r) to section 7 of the Fair Labor Standards Act (FLSA), requiring employers to provide nursing mothers with:

- 1) a reasonable break time to express milk for one year after her child's birth each time such employee has need to express breast milk; and
- 2) a private space, other than a bathroom, that is shielded from view and free from intrusion of others, to express breast milk.

Subsection (r) applies only to employees who are non-exempt from Section 7 of FLSA. However, on December 20, 2010, President Obama delegated his authority to regulate the conduct of Executive Branch employees (see 5 U.S.C. 7301) with reference to this topic to the U.S. Office of Personnel Management (OPM), to provide appropriate workplace accommodations for Executive branch civilian employees who are nursing mothers. In accordance with this authority, Director John Berry, in a memorandum dated December 22, 2010, established that it is the policy of the Federal Government to apply the same procedures specified in subsection 7(r) of the FLSA to Executive Branch civilian employees who are exempt from section 7 of the FLSA, as well.

Time for Breaks

As implemented for the Executive Branch, agencies should provide nursing mothers with a reasonable break time to express breast milk whenever needed throughout the workday. The frequency and duration of time necessary to express breast milk may vary depending on the needs of the nursing mother.

Location of Breaks

Agencies should provide nursing mothers with a private space, other than a bathroom, that is shielded from view and free from intrusion of others to express breast milk. While the space does not need to be exclusively dedicated to this purpose, a temporary space that meets the other requirements listed above is appropriate.

Compensation

The legislation does not require employers to compensate nursing mothers for breaks taken to express breast milk. However, if a nursing mother chooses to use an established compensated

break time as a time to express breast milk, then she must be compensated as she normally would.

For more information, please see:

The United States Department of Labor fact sheet:

<http://www.dol.gov/whd/regs/compliance/whdfs73.htm>

The Office of Personnel Management Memorandum, as well as answers to frequently asked questions regarding break time and space for nursing mothers:

<http://www.dol.gov/whd/nursingmothers/NMothersFederalEmplmnt.pdf>

BENEFITS

Supportive breastfeeding policies and practices in the workplace not only benefit the working mother but also provide a number of benefits to the baby *and* the employer. Listed below are some of the benefits for each of the three groups.

For Agencies

Supportive breastfeeding policies and practices in the workplace can positively impact an agency's mission. Some benefits agencies may experience include the following:

- ***Productivity*** – Agencies that support their employees' use of this program facilitate greater workplace productivity. When such support is established, employees who breastfeed tend to have fewer absences and fewer instances of tardiness (than mothers who do not nurse their infants) because their infants are more resistant to sickness.
- ***Organizational Loyalty*** – Employees often feel increased loyalty to the agency because the implementation of an effective support program demonstrates that the agency supports the employee, her family, and her health.
- ***Recruitment and Retention*** – Worksite support programs serve as an attractive recruitment tool for employing top-notch candidates. These programs can facilitate positive public relations, which improve the agency image and its ability to recruit employees of the highest caliber. Agencies that offer effective programs often have higher retention rates of female employees. Such agencies have demonstrated a 94.2 percent retention rate of female employees, compared to the national average of 59 percent (Gartner, Morton, Lawrence, Naylor, O'Hare, Schanler, & Eidelman, 2005).

- **Job Satisfaction** – Having effective programs demonstrates support for employees and their health. Agencies that display support for their employees facilitate greater workplace satisfaction. There is improved morale in the workplace as well as a greater feeling of unity and closeness (Slavit, 2009).

For Mothers

Supportive breastfeeding policies and practices in the workplace provide significant benefits to nursing mothers, including the following:

- **Productivity** – Nursing mothers who use these programs and facilities in the workplace often demonstrate higher productivity than new mothers who do not (Berger, Hill, & Waldfogel, 2005). This is frequently attributed to a lessened emotional and psychological burden associated with being away from the baby, as well as higher energy and greater optimism.
- **Fewer Distractions** – Nursing mothers who are able to express breast milk in the workplace are better able to concentrate during the workday. A breast infection and/or a drop in her ability to produce milk can result if a mother is unable to express breast milk each time she feels the need to do so.
- **Absenteeism** – Nursing mothers who use these programs and facilities exhibit lower absenteeism (Slavit, 2009). Both mothers and fathers take fewer sick days for children's illnesses because infants who are breastfed are often healthier and better protected from various sicknesses and infections.
- **Overall Health** – There are several noted benefits to a mother's health if she nurses her child, including lower risks of breast and ovarian cancer, as well as a lower risk of diabetes (Labbok & Krasovec, 1990).

For Babies

Supportive breastfeeding policies and practices in the workplace have immediate and long-term benefits for the children of female employees who breastfeed. Some of these benefits include:

- **Health** – Babies who are breastfed experience positive impacts on their health as adults as well as better immune system development and functioning. Breastfeeding passes on antibodies to babies, which help protect their immune systems from disease. Breastfed babies tend to have fewer and less severe instances of certain short-term illnesses, including bacterial meningitis, diarrhea, ear infections, respiratory infections, urinary

tract infections; and certain chronic illnesses, including diabetes, lymphoma, leukemia, hypercholesterolemia, and asthma (Murtagh, & Moulton, 2011).

- **Obesity** – Babies who are breastfed have a reduced risk of both childhood and adult obesity (Drago, Hayes, & Youngmin, 2010).
- **Reduced Risk of SIDS** – Exclusive or partial breastfeeding is correlated with a decreased risk of sudden infant death syndrome (Vennemann et al., 2009). Exclusive breastfeeding for the first month of the baby’s life reduces the risk of SIDS by 50 percent, and partial breastfeeding for the first month of the baby’s life also considerably reduces the risk of SIDS, though slightly less so.

AGENCY GUIDANCE: ESTABLISHING A WORKSITE PROGRAM

To implement a successful program which meets the needs of employees and increases workplace satisfaction, the following regimen is recommended:

1. *Assess the agency’s environment* – Before creating a break time space in the workplace, assess the agency’s workforce and environment to determine the necessary logistics of a program. Consider the number of women who are likely to use the program, who should be responsible for overseeing the program, what space should be available, whether additional resources should be made available to nursing mothers, and what record-keeping by the agency will be necessary.
2. *Create a team* – If resources are available, create a team of work-life and wellness coordinators, facilities and building staff, a nurse, and a current or recent breastfeeding mother to identify the necessary components of the program and tailor the program to the specific needs of your agency’s employees. Other important staff members may include a member from the communications division, a representative supervisor or manager, and a representative co-worker to foster buy-in and support of the program. If possible, also incorporate the opinions of subject matter experts.
3. *Access resources* – Seek advice and review available resources, such as the Business Case for Breastfeeding, which is the main resource developed by HHS to address these issues. The information from this program can be downloaded from <http://www.womenshealth.gov/breastfeeding/government-in-action/>.
4. . Other resources include OPM’s Work/Life/Wellness Office, Health Resources and Services Administration’s Maternal and Child Health Bureau, the United States Department of Agriculture Special Supplemental Program for Women, Infants, and Children (WIC), International Lactation Consultant Association (ILCA), state or local

breastfeeding coalitions, breastfeeding support professionals, and La Leche League International.

5. *Create a break time space* – Work with the facilities and/or property management staff to make space available for employees. Some potential spaces include a sectioned off area of a larger room (either by permanent walls or portable partitions) or a vacant office. If possible, the space should have an electrical outlet and be lockable from the inside, and it should include or be near a source of hot and cold running water. Also, the room should be cleaned frequently and employees should be provided with cleaning wipes and disinfectant spray to wipe off the breast pumps after use.
6. *Provide Reasonable Break Time* – An agency should provide nursing mothers with reasonable time to express breast milk. The amount of time that an employee needs to express milk, as well as the frequency of these breaks, will vary according to each individual's needs. However, many mothers typically need to express their milk every 2-3 hours. Allowing a nursing mother to express breast milk each time she has the need to do so will help to maintain her milk supply and lower the risk of a breast infection.
7. *Establish room flexibility* – It is difficult for most nursing mothers to maintain a schedule that can always be anticipated; therefore, the scheduling procedure for room access should be flexible (while most nursing mothers will likely follow a daily pumping schedule, it is important that the room have flexible access).
8. *Consider the purchase of breast pump equipment* – Determine whether the agency will provide breast pump equipment, and if so, the type which will be provided. This is not a requirement under Federal law, although it provides greater convenience for employees and could therefore improve employee satisfaction. Agencies may also benefit from providing the equipment. For example, a nursing mother will be able to express milk more quickly and, therefore, she will have more time to focus on her work. It is important to make sure that breast pumps are regularly calibrated and checked for proper functioning.
9. *Publicize the program* – To ensure that nursing mothers know about the program, publicize the program well throughout the building, on the intranet, and/or through email updates. Providing information about the program supports employees and allows co-workers to understand the importance of pumping breast milk for nursing mothers. Agency recruiters should be informed of the program to discuss it with potential employees and applicants.
10. *Educate Staff at Initial Points of Access* – Security guards or other employees located at agency points of access should be educated about the location of the break time rooms, as well as the name and contact information of the program coordinator. In most instances,

nursing mothers will look to these individuals for assistance in locating a private space to pump milk. Additionally, security guards should be educated about the screening procedures for breast pumps and milk. Mothers should not have to put their breast milk through a metal detector or X-ray screening machine. Security guards should use their discretion and examine the actual pump manually.

11. *Educate Nursing Mothers* – Many mothers, particularly new mothers, desire the education needed to establishing nursing, as well as to sustain it over time. Consider providing this information through the dissemination of education materials, onsite prenatal breastfeeding classes, postpartum support groups, orientation sessions for the program, and/or consultations with consultants.
12. *Request feedback* – After creating a break time space, seek input from employees to ensure their needs are being met, as well as to demonstrate the agency’s investment in the program. Such feedback could be collected via surveys or focus groups. It is important to communicate to employees that the agency is always looking for ways to improve the program and facilities.

There are a variety of options for creating a successful program in the workplace. In this regard, there are three lists below. The first list represents, at minimum, what agencies are expected to provide in their nursing mother’s programs. The second list represents provisions that go beyond the standard break time space. Finally, the third list represents provisions that are typical of state-of-the art facilities.

What is Expected in a Nursing Mother’s Program

- A clean, private space (which can be temporary depending on the agency’s circumstances and employee demographics) created for the use of nursing mothers, which includes a place to sit and a flat surface other than the floor for the mothers to place their breast pump and other supplies
- Reasonable break time that supports an employee’s need to express breast milk – both in frequency and duration

Going Above and Beyond the Standard Nursing Mother’s Program

- In addition to the requirements of the law, a room that locks from the inside (which still allows entry from Emergency Response Personnel) or other way to secure the room from intrusion while being used
- A sink with hot and cold running water

- Access to a refrigerator to store milk, with freezer section, if possible, to freeze ice packs
- Access to electricity
- Multi-user hospital grade breast pumps provided for quick and efficient pumping
- Access to cleaning supplies (e.g., paper towels and cleaning wipes)
- Natural lighting in the provided space
- The room is kept at a comfortable temperature to ensure that nursing mothers can initiate milk flow
- A sign-up sheet, either online or posted, for use of the nursing mother's room

Best Practices

- A clean, permanent nursing mother's room created for the use of nursing mothers (assuming there are enough nursing mothers to warrant one)
- A room that locks from the inside (which still allows entry from Emergency Response Personnel) or other way to secure the room from intrusion while being used. A sink with hot and cold running water with high neck faucet and handle(s) and separate taps to control temperature of the water
- A refrigerator with a freezer section to freeze ice packs provided exclusively for the storage of breast milk
- Access to electricity
- Multi-user hospital grade breast pumps for quick and efficient pumping
- A daily cleaning regimen, provided by the agency
- Comfortable seating (e.g. ergonomic chairs, recliners)
- Soft lighting and calming décor
- Access to pregnancy and breastfeeding pamphlets, books, videos, and other resources
- Natural lighting in the provided space
- A sign-up sheet, either online or posted, for use of the nursing mother's room
- A comfortable temperature to ensure that nursing mothers can initiate milk flow

- A microwave for the sterilization of materials and supplies
- Contact information for consultants and guidance counselors
- Posted information on events and classes for one or both parents
- Prenatal education during lunch breaks for both mothers and fathers (i.e., “lunch and learns”)
- Breastfeeding literature for nursing mothers that addresses common issues (e.g., maintaining milk supply)
- Prenatal and breastfeeding education for co-workers to demonstrate the necessity and benefits of pumping in the workplace
- A handbook for management that details the policy of the nursing mother’s program
- A program manager or point of contact who is available and easily accessible for information regarding the nursing mother’s program
- Opportunities for feedback to the agency from employees about the nursing mother’s program and/or rooms
- A full-length mirror to allow mothers to check/adjust their clothing before leaving the nursing mother’s room
- A clock
- A bulletin board for posting pumping schedules, notices, and photos of the mother’s babies which can encourage milk flow
- Hooks to hang mothers’ bags of attachment kits and additional items needed when using the room

FEDERAL AGENCIES WITH SUCCESSFUL WORKSITE PROGRAMS

Many Federal agencies are working towards implementing outstanding programs in their workplaces. Some Federal agencies have already succeeded in doing so and have been recognized as having outstanding programs and facilities available to nursing mothers:

National Security Agency:

- Exceptional, award-winning program in existence since the 1980s
- Breast pumps are available, as well as refrigerators and microwaves
- Over 150 women are enrolled in the program at any given time
- Over 25 on-site rooms with individual room points of contact to ensure smooth operation
- Supervisors and employees work together to provide feedback regarding the program and improve as necessary, including an annual program survey
- Monthly Nursing Mothers Program overview sessions for soon-to-be or recently returned nursing mothers
- Robust Nursing Mothers Program website and Nursing Mothers Network blog and email aliases
- Twenty-four hour access with cipher locks
- Telephone to call 911 or receive emergency calls
- Prenatal educational kits that include breastfeeding information
- Lending Library with many materials regarding breastfeeding, as well as parenting
- Live, online, and DVD educational seminars on topics such as nutrition during pregnancy and breastfeeding
- Expectant and new parent open house
- Preservation-free flu shots that are offered to expectant and nursing mothers exclusively

National Institutes of Health:

- On-site prenatal breastfeeding education classes (“How to Get Started with Breastfeeding?” and “Breastfeeding and Return to Work”)
- Telephone support for those on maternity leave seeking advice and solutions to problems
- Return-to-work consultation

On-site rooms equipped with breast pumps for employees, contractors, and visitors

- On-site lactation consultants
- Room schedule and sign-up access
- Cleaning supplies provided in each room
- Information on the statistics and benefits of breastfeeding

Department of Energy Headquarters:

- Demonstrates support for mothers returning to work who wish to continue to breastfeed their baby
- Advocates for nursing mothers who wish to take breaks during the workday to express breast milk
- Provides a separate room within each of its health clinics
- Provides assistance or consultation for nursing mothers; one nurse is a Certified Lactation Specialist

The Congressional Program:

- A policy for the utilization of the rooms includes a sign-up for three-month increments to maintain accountability and keep a record of usage
- Twenty-four-hour access with a security code to private rooms
- Hand air dryers, paper towels, and antibacterial wipes provided to assist with cleaning

- The rooms have daily cleaning service and are checked on a daily basis for supplies and cleanliness
- Each nursing mother's room has a sink
- Locations in multiple buildings for convenience of employees
- Comfortable leather seating and vinyl surfaces for easy clean-up with spills
- Refrigerators and microwaves in each nursing mother's room
- Televisions for employee viewing
- Telephones without caller ID to protect privacy of the employee
- To provide the best experience for nursing employees, the Legislative Branch determined the most universally used breast pumps and have provided them in the nursing mother's rooms
- Calming décor with soft lighting, neutral wall colors

RESOURCES

Aside from your health care provider and local consultants, the following organizations can provide additional information on breastfeeding. These organizations represent a few of the commonly-known resources and their inclusion in this Guide is for information purposes only and does not imply an endorsement of their programs or products.

American Academy of Pediatrics

The American Academy of Pediatrics provides important information and initiatives about breastfeeding for parents, professionals, and breastfeeding advocates. The website features information about the use of breast milk, the benefits of breastfeeding, and the correlation between childhood obesity and breastfeeding. Its Breastfeeding Residency Curriculum is utilized by employers and pediatricians attempting to develop an effective program in their workplaces. Additional family, community, professional, and external resources are available on the Breastfeeding section of the website.

Website: www.aap.org
Email: lactation@aap.org

National Headquarters:
141 Northwest Point Blvd.
Elk Grove Village, IL 60007
Phone: (847) 434-4000

Washington, D.C. office:
Department of Federal Affairs
601 13th Street NW, Suite 400 North
Washington, DC 20005
Phone: (202) 347-8600

LAMAZE International

LAMAZE International supports breastfeeding by promoting a natural and healthy approach to early parenting and child development. This resource provides a wealth of information on breastfeeding, as well as information for new parents on what to expect during the first months of a baby's life. Through its toll free line, it serves as a resource to parents on childbirth classes, pregnancy, and overall parenting.

Website: www.lamaze.org
Email: Use the "Submit a Contact Request" tab under "Contact Us" on website to email the organization at:

2025 M Street NW, Suite 800

Washington, DC 20036
International calls: (202) 367-1128
Toll Free: (800) 368-4404

International Lactation Consultant Association (ICLA)

This association is an international organization representing lactation consultants and other health care professionals in the realm of breastfeeding care. The ILCA website also features a directory for locating a lactation consultant to assist mothers, a Worksite Lactation Support Directory for employers, and a directory to identify speakers to spread awareness about breastfeeding care and lactation.

Website: www.ilca.org
Email: info@ilca.org

2501 Aerial Center Parkway, Suite 103
Morrisville, NC 27560
Phone: (919) 459-2075
Toll free: (888) ILCA-IS-U (452-2478)

La Leche League International (LLL)

This international organization is recognized as an authority on breastfeeding. LLLI focuses on the importance of breastfeeding as it relates to the health and development of the baby. The organization also encourages health care professionals, mothers, parents, and community members to attend any of the frequent national and international events and seminars hosted by the organization, which are posted on the website. The toll free help line is also available, as well as professional and lay publications and mother-to-mother support groups in many communities.

Website: www.llli.org

1400 N. Meacham Road
Schaumburg, IL 60173
Phone: (847) 519-7730
Toll free: (800) LALECHE (525-3243)
Fax: (847) 969-0460

National Center for Education in Maternal and Child Health

This organization is a national resource which provides information and educational sources as well as technical assistance to organizations, agencies, and individuals with maternal and child

health interests. The organization emphasizes the importance of program development, education, and knowledge as being crucial for improving the development and health of children and families.

Website: www.ncemch.org
Email: MCHgroup@georgetown.edu

MCH Library
Georgetown University
Box 571272
Washington, DC 20057
Phone: (202) 784-9770
Toll free: (877) 624-1935
Fax: (202) 784-9777

National Healthy Mothers, Healthy Babies Coalition (HMHB)

The HMHB is a renowned leader in maternal and child health, with over 100 national, professional, voluntary, and government organizations that share a common interest in growing healthy families at the core of its collaborative efforts. The HMHB provides an innovative forum for the partnership of public and private organizations, employers, policymakers, and consumers to promote and improve culturally and linguistically appropriate, community-based services that foster healthy mothers, healthy babies, and healthy families.

Website: www.hmhb.org
Email: info@hmhb.org

2000 N. Beauregard Street, 6th Floor
Alexandria, VA 22311
Phone: (703) 837-4792
Fax: (703) 684-5968

National Business Group on Health (NBGH)

The NBGH is working to improve health care financing and delivery. In the realm of breastfeeding and lactation, this organization strives to improve maternal and child health status, benefits, policies, and programs with web-based resources for employers and a model health benefit plan that includes lactation support services.

Website: <http://www.businessgrouphealth.org/>
Email: info@businessgrouphealth.org

20 F Street NW, Suite 200
Washington, DC 20001
Phone: (202) 558-3000

Fax: (202) 628-9244

U.S. Department of Agriculture Women, Infants, and Children Program (WIC)

The WIC program promotes breastfeeding as being important for the healthy development of the baby, as well as the health of the mother. The program caters specifically to pregnant women who are struggling financially, women who are breastfeeding, and children under the age of five. The program distributes vouchers and also entails mandatory nutrition education, so as to promote healthy early childhood development.

Website: <http://www.fns.usda.gov/wic>
Email: wichq-web@fns.usda.gov

3101 Park Center Drive, Room 520
Alexandria, VA 22302
Phone: (703) 305-2746
Fax: (703) 305-2196

National Women's Health Information Center, U.S. Department of Health and Human Services

The National Women's Health Information Center provides information and resources on how to improve the health and overall well-being of women and girls, which includes the advocacy and promotion of the benefits of breastfeeding. The National Breastfeeding Helpline is available on the website for information on breastfeeding and lactation, and the various partnerships with other major organizations allows for the sharing of a greater wealth of information and community knowledge. One focus of these partnerships has been to understand and alleviate the disparities in the realm of breastfeeding related to race and ethnicity.

Website: <http://www.womenshealth.gov>
Email: Use "contact and customer feedback form" on website to email the organization

Womenshealth.gov
8270 Willow Oaks Corporate Drive, Suite 101
Fairfax, VA 22031

Office on Women's Health
200 Independence Avenue, SW Room 712E
Washington, DC 20201
Phone: (202) 690-7650
Fax: (202) 205-2631

Helpline: (800) 994-9662
TDD: (888) 220-5446

Local Breastfeeding Specialists

Call the hotline below to find local breastfeeding specialists who can provide you with further information, resources, and programs in your area.

1-800-TELL-YOU

REFERENCES

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Appendix A: Check List for Creating a Nursing Mother's Room

What Agencies Must Provide:

- A non-bathroom space to express breast milk
- A space free from intrusion of co-workers and the public
- Flat surface or table (not the floor)
- Place to sit

What Agencies Should Provide Whenever Possible:

- Lock from the inside of the nursing mother's room
- Sink with hot and cold running water
- Refrigerator
- Access to electricity
- Multi-user hospital grade breast pumps provided for quick and efficient pumping
- Daily cleaning regimen provided by the agency, or cleaning supplies (e.g. paper towels and cleaning wipes)
- Soft and/or natural lighting
- Calming décor
- Pregnancy and breastfeeding pamphlets, books, and other resources
- Bulletin board of posted information on events and classes for one or both parents
- Sign-up sheet (online or posted) for use of the nursing mother's room
- Comfortable temperature
- Management handbook detailing the policy of the nursing mother's program



UNITED STATES
OFFICE OF PERSONNEL MANAGEMENT
Employee Services
1900 E Street, NW
Washington, DC 20415

EXECUTIVE DIRECTOR
EMPLOYMENT AGREEMENT

1. PARTIES. The parties to this Agreement are Oregon State Bar, PO Box 231935, Tigard, OR 97291-1935 (“OSB” or “Bar”) and ~~Sylvia E. Stevens, 1500 SW 11th Avenue, #303~~ Helen M. Hierschbiel, 5524 NE Mason, Portland, OR ~~97201-97218~~ (“Executive Director”).

2. NATURE OF EMPLOYMENT; DUTIES. The Bar hereby employs ~~Sylvia E. Stevens~~ Helen M. Hierschbiel as Executive Director on the terms and conditions set forth in this Agreement to perform the duties and carry out the responsibilities of the Executive Director in accordance with ORS Chapter 9, the OSB Bylaws and policies, the Executive Director’s job description and the direction of the OSB Board of Governors (“Board”). The Executive Director shall devote her principal time, attention and energy to the business of the OSB and shall not engage in any other remunerated business activity except with the express consent of the Board.

3. TERM. This initial term of this Agreement shall be from January 1, ~~2013-2016~~ through December 31, ~~2015~~ 2016. The Agreement ~~may~~ shall renew thereafter for additional one year terms unless terminated by either party.

4. COMPENSATION AND BENEFITS.

(a) *Salary.* The Executive Director shall receive an annual salary paid in bi-weekly installments or otherwise in accordance with OSB policy. The annual salary will be ~~\$185,711.29~~ \$185,000.00 during ~~2013-2016~~ and shall increase thereafter annually in an amount ~~determined between the Executive Director and the Board, but by~~ not less than the percentage increase granted to other OSB staff. The Board may also elect to increase the salary from time to time based on performance or other factors.

(b) *Benefits.* The Executive Director is eligible to participate in all benefit programs available to OSB employees including, without limitation, health, disability and life insurance; the Oregon Public Employees Retirement System; and the Oregon Savings Growth Plan or other deferred compensation plan.

(c) *Vacation, Sick and Other Leave.* The Executive Director shall be entitled to paid vacation, sick and other paid leaves on the same basis as other OSB employees of the same tenure.

(d) *Professional Dues.* The Bar shall pay the Executive Director's membership fees in the OSB, the American Bar Association, the Multnomah Bar Association, the National Association of Bar Executives, and any other professional organization reasonably related to the fulfillment of her responsibilities as Executive Director. Any annual membership that exceeds \$500 shall be first approved by the BOG.

5. EXPENSES. The Bar shall provide the Executive Director with an office and support staff as necessary for the discharge of her duties. The Bar will pay or reimburse the Executive Director for all ordinary necessary expenses incurred in the performance of her duties under this Agreement ~~and~~ in accordance with the policies and budget or as otherwise approved by the Board ~~including, without limitation, mileage at the IRS rate.~~

6. EVALUATION. The Board shall evaluate and assess the performance of the Executive Director annually on or before December 1 of each year in which employment is extended into the following year. The Executive Director shall receive a written summary of the evaluation with any recommendations and goals for the coming year.

7. TERMINATION.

(a) *By the Executive Director.* The Executive Director may terminate this Agreement at any time upon giving the Board, through its President, written notice not less than ninety (90) days prior to the date of the termination.

(b) *By the Bar (Without Cause).* The Bar may terminate this Agreement without cause at any time and without notice. In that event, the Bar will pay the Executive Director an amount equal to her net salary (after required and voluntary deductions) for ~~one year~~ six months or the remainder of the term of this Agreement, whichever is less. The Bar will also pay the required COBRA premiums to continue health insurance coverage for the Executive Director (including any coverage for her spouse in effect at the time of termination) for the remainder of the Agreement term.

(c) *By the Bar (With Cause).* The Bar may terminate this agreement for cause at any time by delivering to the Executive Director a written notice specifying the cause or causes for the termination. The termination will be effective thirty (30) days after delivery of the notice, and the Bar may suspend the Executive Director with pay during the any or all of the period prior to the effective date of the termination. For purposes of this Agreement, "cause" means conviction of a crime, dishonesty or other gross misconduct seriously prejudicial to the interests of the Bar.

(d) *Notice of Retirement.* Notwithstanding paragraph 7(a), the Executive Director will to the extent feasible provide the Board, through its President, with as much notice as possible (at least six months), in writing, of her planned retirement date.

8. INDEMNIFICATION. To the extent permitted by law, the Bar shall indemnify, defend and hold harmless the Executive Director and her heirs, administrators or executors and each of them, from any and all claims and causes of action of any kind, nature or description, including judgment principal, interest, costs and attorney fees, and all other reasonable costs and expenses and charges which they or any of them shall at any time hereafter sustain or incur or become subject to by reason of any claim against the Executive Director arising or resulting from her conduct in carrying out the her duties under this Agreement, except for gross negligence, willful misconduct or criminal acts of omissions, and provided further that the Executive Director, her heirs, administrators, executors or any of them promptly notifies the Bar of adverse claims or threatened or actual lawsuits. terms and conditions of this Agreement. In such event, the Executive Director, her heirs, administrators or executors, as appropriate, shall provide complete cooperation to the Bar, its attorneys and agents in such case to the extent possible.

9. DISPUTE RESOLUTION. (a) Mediation. Any dispute relating to this Agreement, excluding claims covered by worker's compensation insurance, shall be submitted first to mediation before a mutually-agreed mediator. If the parties are unable to agree on a mediator, either may apply to the Presiding Judge of Clackamas County Circuit Court. Each side shall pay one-half of the fees of the mediator, and its own attorney fees in mediation.

~~(b) with the Arbitration Service of Portland, Inc. or United States Arbitration and Mediation of Oregon, at the option of the filing party.~~ If mediation is not successful, the dispute shall be decided by final and binding arbitration through the Arbitration Service of Portland before utilizing a single arbitrator. The award of the arbitration may be enforced in any court having jurisdiction. ~~All costs of mediation and arbitration including filing fees and mediator and arbitrator's fees shall be paid by the Bar.~~

10. ATTORNEY FEES AND COSTS. The prevailing party in any arbitration and subsequent proceedings to enforce the award of the arbitrator as a judgment shall be entitled to recover reasonably-reasonable attorney fees and costs incurred in preparation or in the prosecution or defense of the arbitration or proceeding as fixed by the arbitrator or the trial court, ~~and including filing fees and the fees of the arbitrator.~~ if any appeal is taken from the decision of the trial court, reasonable attorney fees and costs shall be fixed by the appellate court.

11. VENUE. This Agreement has been made entirely within the State of Oregon and shall be governed by and construed in accordance with the law of the State of Oregon.

12. ENTIRE AGREEMENT; AMENDMENT; BINDING EFFECT. This Agreement is the entire understanding of the parties and it may be amended only in a writing signed by both parties. This Agreement is binding on and inures to the benefit of the parties and their respective heirs, successors and assigns.

13. WAIVER; SEVERABILITY. A provision of this Agreement may be waived only in a writing by the party waiving compliance. No waiver of any provision of this Agreement shall constitute a waiver of any other provision, nor shall any waiver constitute a continuing waiver. Failure to enforce any provision shall not operate as a waiver of such provision or any other provision. If any provision of this Agreement shall be invalid or unenforceable for any reason, the validity and enforceability of such provision in any other respect and of the remaining provisions of this Agreement shall not be in any way impaired.

OREGON STATE BAR

EXECUTIVE DIRECTOR

By: _____

~~Mitzi Nauele~~ Richard G. Spier, President

By: _____

~~Sylvia E. Stevens~~ Helen M. Hirschbiel

Dated: _____

Dated: _____

From: [Theresa Kohlhoff](#)
To: [Sylvia Stevens](#); [Richard Spier](#); [Helen Hierschbiel](#); [Ray Heysell](#); [Rod Wegener](#)
Subject: Request for a meeting
Date: Thursday, July 02, 2015 10:59:43 AM

I would like to propose that we all talk prior to the next BOG meeting.

As you are aware the budget looms. Rod has shown with numbers easy to understand that he needs more money over the next five years if the Bar is to operate as it has been up to day. The Budget and Finance committee preliminarily said they were good with taking the CSF \$30 and putting it into a reserve which would function as a rainy day fund. We did not say it could go into operating costs. Looking at his first draft, it is apparent that Rod not only needs the \$30 this year, but \$50 more next year, or he needs \$105 dollars over two years or he needs \$12 per year into eternity. He needs money. No one is questioning Rod's math on this.

BUT

Others are good at math, too, but are reluctant to raise the dues because they know where you spend money reflects values, priorities and needs. There is a genuine disagreement regarding the desirability, the effectiveness and the desire for some of the Bar programs and indeed, for the Bar as it is constituted presently.

I would like to propose a paid for, objective professional poll to determine membership support for the Bar and its programs, what programs are a priority to it and what they want to pay for them. What we have had up to now is anecdotal, big law firm reactions, survey monkey, a remark at a cocktail party and the like. It has been said that the participation of the membership is around 17 to 20%, but the basis for an interpretation of what that means has not been drilled down into it. Further the issue of protection of the public can be built into the poll. Real polls run about \$30 to \$50K and given that we are at a pivotal moment financially, it seems that we need to get to the bottom of this question: Does the membership or does it not want to try to operate as we have up to day.

(It is also obvious from Rod's figures that the page on the building features a whole lot of red. Yes, we are owner operators and yes, it is a long term investment but such a huge fixed cost has ramifications for the short term budget.)

Otherwise, a Washington type option is looking attractive: we have a fee of say, \$250, to cover the discipline and regulatory functions, and then everything else is opt in. This is so disruptive financially that I don't recommend it now.

I send this respectfully as chair of Budget & Finance. Charles has sent an email to Rod which you should have received, laying out the same themes in his specialized language.

We need to put our heads together and soon to find a reasoned path.

Theresa M. Kohlhoff
ATTORNEY AT LAW
7512 N Berkeley
Portland, Oregon 97203

(503) 286-1346

<http://www.northportlandattorney.com/>

"...do good: we will meet one another there." Pope Francis

From: Charles A. Wilhoite
Sent: Wednesday, July 01, 2015 4:52 PM
To: Rod Wegener
Subject: RE: Info for Mtg Today

I think we should consider bringing a recommendation to the president/board to:

1. Commit to a periodic (e.g., every 3 or 4 years) review of the value of OSB programs/prioritization of programs
2. Commit to a financial review of the economic value of the programs (i.e., economically positive, economically neutral, economically negative), considering the prioritization data received
3. Commit to a strategic assessment regarding the alternative of fee increases versus program reduction, considering the data received regarding the value/prioritization of programs and the economic performance of programs
4. Consider the information and make an informed decision/commitment regarding the structure/path of future budgeting processes that will support the “type” of bar the OSB will be (based on consideration of member input)
5. If fee increases are determined to be necessary and appropriate, complete analysis and develop a plan to support the magnitude and roll-out of the increases (i.e., whether they will be interval-based or recurring—i.e., inflationary/cost-driven on an annual basis)

We could develop a structure in which a reserve is established by allocating \$30 of the fee previously discussed to a “fee mitigation pool”. The pool would be relied upon to make up any budget deficit for the year (assuming status quo program delivery). Should operations/investments generate sufficient funds to cover operations, the pool is reserved, and would grow based on the second-year allocation to the pool. In effect, the fee structure is maintained as long as the pool exists to make up any operating deficits (once again, assuming status quo program delivery).

Should the pool be depleted in any year, we would then consider a fee increase to provide sufficient revenue over the next five-year period to cover projected annual operating costs (which would be based on status quo program delivery with normal operating cost inflation).

This, of course, is only a rough plan that we can discuss.

Just my thoughts.

Charles

From: Sandra Hansberger
Sent: Friday, July 17, 2015 11:27 AM
To: Sylvia Stevens
Cc: Gerry Gaydos
Subject: CEJ Call to Action

Hi, Sylvia. It was nice seeing you at the breakfast meeting this week. I'm writing to ask if the OSB will once again sign on to CEJ's Call to Action. I wanted to check in with you again because we've made a few changes in wording and have also updated the format of it. (We're working on lots of changes and updates in light of our 25th anniversary year!) Nothing substantive has changed, and the Call to Action closely mirrors the House of Delegates Resolution that passes each year with almost unanimous support. With your permission, we'd like to include the OSB logo, along with the logos of the I'm writing to ask if the OWLS board will once again sign on to CEJ's Call to Action. You signed on several years ago, but I wanted to check in with you again because we've made a few changes in wording and have also updated the format of it. (We're working on lots of changes and updates in light of our 25th anniversary year!) With your permission, we'd like to include the OSB logo, along with the logos of the OSB, OWLS, Oregon Law Foundation, MBA and OTLA on our Call to Action.

Also, I want to make sure that the OSB board knows how much we appreciate the OSB's work for access to justice, including our longstanding partnership to increase funding. At our June 27 board retreat our board set a goal in our annual fund drive of \$1.5 million, a 25% increase in honor of our 25th anniversary. During our fund drive that ended March 31, 2015, the Oregon legal community contributed \$1.2 million in support of legal aid. As other sources for legal aid funding fluctuate contributions from Oregon lawyers have remained strong. The Bar's leadership is critical in helping us reach these goals. As I'm sure you also know, the legislature awarded \$600,000 in the Christmas tree bill this year, which should help offset some of the anticipated federal funding cuts. We know that Susan Grabe was absolutely instrumental in this award. Thank you. My thanks certainly does not include the long list of ways the OSB supports CEJ and legal aid, but suffice it to say that we very much value the partnership. As we embark on our 25th year, we'll no doubt be calling on the OSB to help us reach out to Oregon lawyers and encourage their support for legal aid.

We plan on including the new call to action in our upcoming Annual Report which will go to print around the first of August. I apologize for not providing more notice, but as you know I have been out dealing with family medical issues.

Hope the summer is going well for you.

Best regards,

Sandra Hansberger, JD
Executive Director

Campaign for Equal Justice

620 SW Fifth Ave, Suite 1225

Portland OR 97204

503-295-8442

FAX: 503-417-8191

sandy@cej-oregon.org



Learn. Speak Up. Act.

- **Give** to the Campaign for Equal Justice. The best way to increase access is to create more legal aid staff attorney positions.
- **Volunteer** through one of legal aid's many volunteer lawyer projects and clinics, or help the Campaign for Equal Justice raise money for legal aid.
- **Learn** how legal aid services are delivered in your community so that you can make appropriate referrals for low-income clients.
- **Move** your IOLTA accounts to a "Leadership Bank." If all lawyers took this step, funding for legal aid could increase by as much as \$700,000—enough to fund two small rural legal aid offices. Contact the OLF at www.oregonlawfoundation.org.
- **Review** your IOLTA account for abandoned client funds. The funds are paid to the Oregon State Bar for appropriation to legal aid through the Oregon State Bar's Legal Services Program.
- **Educate.** Be a walking PSA (Public Service Announcement) for legal aid and CEJ. Proudly wear a "fact" button about legal aid to help spark conversations about the importance of access to justice.
- **Endow.** Take simple steps to endow your annual gift to the Campaign's endowment fund.
- **Speak Up.** Let state, federal and private funders know that access to justice is important.
- **Connect.** Ask your bar group to take action to support statewide legal aid programs in Oregon. Contact the CEJ for ideas.
- **Shop.** Support legal aid when you shop at Fred Meyer or Amazon. It costs you nothing, but supports legal aid.

- FOR MORE INFORMATION ON HOW YOU CAN BE INVOLVED ●
CONTACT THE CAMPAIGN FOR EQUAL JUSTICE.

WWW.CEJ-OREGON.ORG

503.295.8442