Animals’ Best Friends
Oregon Takes the Lead in Advocating for All Creatures
“No one should EVER die on the floor of a jail cell from neglect.”
— Attorney Tim Jones

“Government officials, and those they contract with, have an obligation to provide adequate medical and mental health care to those who are detained or incarcerated in our jails and prisons. Failure to do so is a violation of rights protected by the United States Constitution.”
— Portland Attorney Tim Jones, Tim Jones PC

“We felt blessed when Tim Jones agreed to take our case. We wanted justice for the daughter we loved, and we wanted change. Thanks to the hard work and legal skill of Tim, John Coletti, and Gene Hallman, the truth of our daughter’s death was uncovered. It was important to us that Oregonians knew the truth, and we were never silenced. We pray that Madaline’s death continues to be a catalyst for change.”
— Russ and Mary Pitkin

www.timjonespc.com
Michelle Blake offers her hand to one of the residents of the Wildwood Farm Sanctuary, a haven for abused and neglected animals in Newberg. The program is one of many that have benefitted from Oregon’s role as a leader in the field of Animal Law, as Kate Taylor explains in a special report that begins on Page 20.

Photo by Jaime Valdez
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OHSU & Doernbecher FOUNDATIONS
A Beautiful Noise

By Gary M. Stein

More than 100 magazine editors, social media specialists, marketing managers and communications directors gathered in Cleveland recently for a three-day workshop sponsored by the National Association of Bar Executives. As a NABE newbie, it was my first chance to compare notes with folks who, like me, are focused on entertaining, educating and informing legal professionals.

Music played a big role at the convention. After all, Cleveland is home to the Rock & Roll Hall of Fame — an impressive edifice built on the site where disc jockey Allan Freed named a musical style in the early 1950s that would change the world forever.

Freed was a boundary-smashing, trend-setting evangelist of rock 'n' roll, which started on Southern levees and plantations and absorbed the best of folk, country, gospel and rhythm & blues to create something that, in Freed’s words, “is bigger than all of us.” It’s no surprise, then, that every NABE attendee could remember the first concert they ever experienced — an ice-breaker question on Day One of the convention that yielded responses ranging from Aaron Carter and Britney Spears to Kenny Chesney, The Monkees, Kings of Leon and Metallica.

Freed would have been disappointed that there was no dancing, I think, but he would have loved watching such diverse tastes meld into a shared experience, just as they did at his Moondog Coronation Ball — the first rock ’n’ roll concert ever — more than six decades ago.

Then as now, it turns out, we have more in common then we might have imagined.

For example, I learned at NABE that bars across the country are making diversity a top priority in an effort to attract and retain members who better reflect the communities they serve, much as Freed sought to honor disparate musical tastes in the 1950s. Meredith Avakian, president and chief messaging officer of a consulting firm called Comm Unity (communitybymza.com), encouraged conference attendees in Cleveland to continue those efforts, urging them in her keynote address to create and nurture welcoming communities where all members can thrive.

In a private conversation later, she and I talked about Freed’s legacy — and about what the Bulletin can do in its continuing efforts to promote an “all means all” philosophy.

I told Avakian that our magazine was doing a better job every day — whether through the creation of a regular Diversity, Equity & Inclusion column or the use of diverse perspectives in articles throughout the publication. For example, I told her, recent stories have looked at how juvenile justice reform impacts communities of color, how workplace sexual harassment affects women lawyers, how a death-row investigator’s acclaimed novels are influenced by her role as a foster mom to three children of color, and how one lawyer’s advocacy efforts were sparked by the birth of a daughter who experiences Down syndrome.

One of our DEI columns focused on the obstacles faced by lawyers with sight or hearing challenges, I noted. Another profiled the IDEA Squad at Dunn Carney, which is fostering open discussions of DEI issues. OSB President Chris Costantino

HOW TO REACH US: Call (800) 452-8260, or in the Portland area call (503) 620-0222. Email addresses and voicemail extension numbers for Bulletin staff are: Gary M. Stein, editor, gstein@osbar.org (ext. 391); Mike Austin, associate editor, maustin@osbar.org (ext. 340); Kay Pulju, communications director, kpulju@osbar.org (ext. 402); and Spencer Glantz, classified ads and lawyer announcement ad rates and details, advertising@osbar.org (ext. 356), fax: (503) 684-1366. Display advertising: Contact LLM Publications at (503) 445-2240 or law@llmpubs.com.
examined the concept of systemic bias in a story called “Breaking Down Barriers.”

Still, I told Avakian, I know we can do better. The Bulletin has tended to mostly include diverse voices in stories about diversity, rather than use diverse lawyers and judges as sources in all of the stories we write, regardless of topic. That’s an important next step, she agreed — and one we’re committed to taking.

The ultimate goal, I said, is for the Bulletin to represent all members of the bar and to include diverse voices throughout the magazine, not just as sources in stories but also as writers and photographers.

Allan Freed would no doubt approve.

In describing the allure of rock ‘n’ roll, Freed said that “it’s the rhythm that gets to the kids. They’re starved of music they can dance to, after all those years of crooners.” In much the same way, my NABE colleagues and I agreed, it’s time to replace years of inequality with something to which we all can dance.

Editor Gary M. Stein saw Deep Purple at his first concert, which was held at Pauley Pavilion on the UCLA campus in Los Angeles. Reach him at (503) 431-6391 or gstein@osbar.org.

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Our Editorial Policy

All articles published in the Bulletin must be germane to the law, lawyers, the practice of law, the courts and judicial system, legal education or the Oregon State Bar. All opinions, statements and conclusions expressed in submitted articles appearing in the Bulletin are those of the author(s) and not of the editor, other editorial staff, employees of the Oregon State Bar, or members of the Board of Governors. Publication of any article is not to be deemed an endorsement of the opinions, statements and conclusions expressed by the author(s). Publication of an advertisement is not an endorsement of that product or service. Any content attributed to the Oregon State Bar or the Board of Governors is labeled with an OSB logo at the top of the page or within advertising to indicate its source or attribution.
Discounting ‘Policies of Fear’

Thank you for publishing “Offering a Chance at Redemption” (August/September 2019). I wanted to address Clackamas County District Attorney John Foote’s claim that Measure 11 accelerated a steady decline in Oregon’s crime rate; it’s false. Oregon’s crime rate was already declining before Measure 11 was enacted; the declining crime rate was also a nationwide trend.

Looking at state and nationwide data from the past 30 years, there exists no consensus or body of conclusive evidence to prove that laws like Measure 11 reduce or deter crime. In short, longer prison sentences do not deter crime for young people or adults, and recidivism rates decline with age whether or not someone is imprisoned.

These results are not unique to Oregon. A 2014 national study commissioned by the U.S. Department of Justice found that “there is little convincing evidence” that mandatory minimum sentences have significant crime reduction effects.

Mandatory minimums like Measure 11 reflect policies of fear, racism and retribution, not evidence-based practices for public safety. But one issue that comes up for me again and again is why those who struggle to end mass incarceration are seemingly the only ones who have to provide facts, data and evidence saying as much.

Because we all want better safety outcomes. We all want a society without harm where everyone can flourish. So the question I’d like to put to those who support Measure 11 and other policies of mass incarceration is this: What is your evidence to support such policies in achieving the outcomes we all desire?

Maya Rinta, Portland

Free Speech and Public Forums

The Bulletin article about freedom of speech and social media platforms (“Comments, Followers and Friends,” July 2019) discusses “public forum doctrine,” which is a classification system that divides “public forum” speech into traditional forums, designated forums and nonpublic forums. The Supreme Court has delineated different standards for speech in each forum. The trouble is that this system gives the courts authority to regulate speech by deciding how each “forum” is protected.

Congress is supposed to make no law abridging the freedom of speech, and this applies to courts as well. But under public-forum doctrine, courts can read the newspaper and decide what is strict scrutiny, what is a traditional public forum and more. Courts are human and should not have this power. They should abandon the public forum doctrine: no restraint over Facebook and no obligation of any government to provide “forums.”

As to government speech, the government should be able to speak for itself, be able to select a forum and be able to control whoever else speaks in that forum because that is all part of the government’s message. The president can use tweets any way he likes and choose the people who respond to the tweets, as a use of the executive power, which the court can’t tamper with.

This is all fine, but what if the government does create an intentional public forum, as opposed to a forum designed to express what the executive wants? A New England town meeting is a public forum where everyone can attend, but how can speech be preserved without creating a taxonomy of judicial rules, and how impossible would that be?

These are difficult questions but not as critical as protecting the right of the executive branch to speak for itself, and protecting the right of people and institutions to speak, which courts might hinder by applying “strict scrutiny.” Do not let the camel poke its nose under the tent.

Roger Ley, Portland

Letters to the Editor

The Bulletin welcomes letters. They should be limited to 250 words. Preference is given to letters responding to letters to the editor, articles or columns recently published in the Bulletin.

Letters must be original and addressed to the Bulletin editor. Unsigned or anonymous letters will not be published. (There are exceptions. Inquire with the editor.) Letters may not promote individual products, services or political candidates.

Letters may be edited for grammatical errors, style or length, or in cases where language or information is deemed unsuitable or inappropriate for publication. Profane or obscene language is not accepted.

Send letters to: Editor, OSB Bulletin, P.O. Box 231935, Tigard, OR 97281. Or you may email them to editor@osbar.org.
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New Award to Honor Chief Justice Walters

Lane County Women Lawyers and Oregon Women Lawyers will present the first Chief Justice Martha Walters Award at a special lunchtime ceremony on Friday, Dec. 13.

The first award winner: the Hon. Martha Walters herself.

The Chief Justice Martha Walters Award was created to recognize a Lane County attorney who has demonstrated leadership in pursuit of equal justice for all. This year’s ceremony is scheduled for noon at the Downtown Athletic Club (999 Willamette St.) in Eugene. Tickets are $35, and tables are available.

For more information, visit tinyurl.com/ChiefJusticeWaltersAward.

Oregon Paralegal Association Plans 40th Annual Convention

Sgt. Troy King, leader of the Portland Police Bureau’s Crisis Negotiation Team, will serve as the keynote speaker when the Oregon Paralegal Association hosts its 40th Annual Convention and Business Meeting on Nov. 8-9 at Chinook Winds Casino Resort in Lincoln City.

King’s presentation will highlight two full days of seminars and workshops on topics that range from immigration and diversity to estate planning, employment law and “tips from the trenches.”

For more information and registration information, go to oregonparalegals.org.

OCDLA Benefit Dinner, Auction Set for Dec. 6

The Oregon Criminal Defense Lawyers Association will host a banquet dinner and benefit auction on Friday, Dec. 6, at The Benson Hotel (309 S.W. Broadway) in Portland. Longtime Portland attorney Susan Elizabeth Reese will be honored with the Ken Morrow Lifetime Achievement Award at the event, which is open to the public.

Tickets start at $75. Call the OCDLA at (541) 686-8716 to buy tickets.

USDCHS Annual Dinner Taking Place on Nov. 7

The U.S. District Court of Oregon Historical Society invites all OSB members to a night of conversation, conviviality and a few surprises at the 2019 USDCHS Annual Meeting and Fall Dinner, which is scheduled for 5:30 p.m. on Thursday, Nov. 7, at the Sentinel Hotel (614 S.W. 11th Ave., Portland).

During the evening, the society will honor U.S. District Court Judge Anna Brown with the 2019 Lifetime Service Award and will host “May She Please the Court: Oregon Women in Front of and Behind the Federal Bench,” a conversation with prominent judges and attorneys.

For more details, visit usdchs.org/2019-annual-dinner-and-Isa-presentation.

MBA to Host Bench, Bar & Bagels on Nov. 13

The Multnomah Bar Association will host the 11th annual Bench, Bar & Bagels event from 7:30-8:30 a.m. on Wednesday, Nov. 13, at the offices of Tonkon Torp (888 S.W. Fifth Ave., Suite 1600) in Portland. Attendees can join colleagues and members of the judiciary for a light breakfast and coffee.

The event is offered at no cost to MBA members and judges and is $10 for non-members. RSVP to Kathy Modie at kathy@mbabar.org.

Ebony and Ivory Gala Scheduled for Dec. 6

The Oregon Chapter of the National Bar Association will host the 2019 Ebony and Ivory Gala Dinner at 5:30 p.m. on Friday, Dec. 6, at the Embassy Suites (319 S.W. Pine St.) in Portland.

The evening will include dinner, dancing, networking opportunities and an update on issues of importance to the African American legal community. Registration is $150 per person, and business/semi-formal attire is strongly suggested.

By the Numbers

Why Law School?

More students pursue law degrees because of their interest in public service than for the potential for high salaries, according to a 2018 survey of 22,189 undergraduates at 25 four-year institutions and 2,727 first-year law students at 44 law schools across the country. Among the most commonly cited reasons for attending law school:

44% Pathway to career in politics, government or public service

42% Passionate/high interest in legal work

35% Opportunity to be helpful to others or useful to society

32% Chance to advocate for social change

31% Access to high-paying jobs

Source: “Before the JD,” conducted by the Association of American Law Schools and co-sponsored by the ABA Section on Legal Education and Admissions to the Bar
Quotable

“These folks have gone through something different that’s unique to our culture and our population as veterans. This isn’t the most original statement, but: If your country broke you, we owe it to you to try to fix you.”

— Washington County Deputy District Attorney Tucker Rossetto, following the graduation this fall of U.S. Army veteran Frank Damato from the county’s Veterans Treatment Court program. Rossetto served in the U.S. Army National Guard and advocated for the program, which was built on drug court and mental health court models and is currently working with 13 veterans. For more on Oregon’s specialty court programs, see the January issue of the Bulletin.

Source: Beaverton Valley Times (Oct. 9, 2019)
Proper Training and Supervision of Non-Lawyer Assistants is Crucial

Avoiding Ethical Drama

By Daniel Atkinson

Join the lawyers of a small firm as they learn valuable lessons about lawyers' ethical duties.

ACT I: Training and Supervision of Non-Lawyer Assistants

Shae K. Ground sighed as she opened the front door of Ground, Hogg & Day, her small firm in Punxsutawney, Oregon. Murphy's Law seemed to be all they practiced anymore.

Today, Shae was bracing herself to let another legal assistant go. Her paralegal Norm had advised a client seeking a parenting time modification to "bait" the other parent into violating a restraining order. He had even drafted and given the client an affidavit to sign once the trap was sprung.

Farrell Hogg came up the front steps, looking hangdog. Farrell represented the fiduciary in an acrimonious conservatorship. "I'm not sure about Nan," he said, referring to his own legal assistant. "I asked her to email the draft inventory to the client, and she sent it directly to the protected party! Who, need I remind you, is represented."

Summer Day was pacing the hall, flushed. "You know Nelson, one of those interns from the law school clinic helping out on the murder case? He said things to a reporter, and now the court is accusing me of breaking some rule."

They agreed to meet that afternoon to discuss what to do, and Shae kicked off the meeting. "What if the problem isn't who we're hiring," she asked, "but how we're training and supervising them?"

***

Oregon Rule of Professional Conduct 5.3, concerning non-lawyers employed or retained, supervised or directed by a lawyer, has two parts. First, it obliges us to make reasonable efforts to ensure that the conduct of non-lawyers is compatible with our own professional responsibilities.1 Second, it specifies circumstances where we might be held responsible for such a person's conduct as if we had engaged in it personally — broadly, when the conduct is ordered by or knowingly ratified by the lawyer, or if the lawyer has sufficient supervisory authority, knows of the conduct at a time when it may be corrected or mitigated, and fails to take remedial action.2

These two sides of RPC 5.3 — the duty to train and supervise, and the imposition of direct responsibility for non-lawyer conduct — are supplemented in other RPCs. All such provisions can potentially apply not just to employees, but also to independent contractors or vendors, as for example a private investigator3 or a document management service.4 Let's look at the mistakes at Ground, Hogg & Day to see how some of these provisions work.

First, as to Shae: While Norm's freelance advice and drafting constitutes the unauthorized practice of law, Shae did not order or ratify Norm's efforts, and she may be able to take remedial measures, saving her from responsibility under RPC 5.3(b). Other rules might apply, though. RPC 5.5(a) provides that we may not "assist another" in practicing law in violation of the regulations of the local jurisdiction.5

Additionally, RPC 8.4(a)(1) defines "misconduct" to encompass violating the RPCs "through the acts of another." Shae may yet avoid direct responsibility under these rules if Norm acted without her knowledge or assistance. However, that defense raises the issue of whether Norm has been sufficiently trained and supervised to reasonably ensure that he conduct himself appropriately. Shae may have violated RPC 5.3(a).6

Meanwhile, Farrell is in hot water for Nan's contact with a represented party. This might constitute a violation of RPC 4.2 by Hogg, as the rule encompasses not only direct communication, but also causing another to communicate improperly with such a party.7 RPC 4.2 is interpreted broadly and applied strictly to effect its purposes, which include protecting represented parties from interference with their client-lawyer relationship and preventing the uncounseled disclosure of confidential information.8 Oregon courts have found violations even for contacts resulting from negligence or ignorance of the prohibition.9

But that's not the whole of it for Hogg. Nan's email also breached his client's confidentiality. While the disclosure was not knowing or intentional and hence not likely a violation of RPC 1.6(a), confidentiality rules also oblige us to make
reasonable efforts to prevent the inadvertent or unauthorized disclosure of information relating to the representation of a client. RPC 1.6(c). This may be viewed as a supplemental obligation to RPC 5.3(a) to train and supervise employees.

Finally, Summer has roused the ire of the court due to her intern’s carelessness. Subsection (e) of the rule relating to trial publicity, RPC 3.6, obliged her to exercise reasonable care to prevent her employees from making extrajudicial statements she herself would be prohibited from making. As with RPC 1.6(c), this may be viewed as a supplemental duty to RPC 5.3(a) as well.¹⁰

***

Shae handed around some materials from the PLF, suggesting they immediately provide them to all staff and hold a training meeting to go over them. There was a short memo for support staff discussing the importance of keeping matters from the office in confidence and of refraining from providing legal advice. There was another memo specifically about confidentiality, which included an optional “pledge” or more formal “agreement” for employees.¹¹

“But what about Nan’s email to the wrong party? How did that happen?” asked Summer.

Farrell blushed. “She didn’t really know who the client was.” There had been no screening before he met with the client, and the file was set up based only on his half page of scribbled notes. The name of the proposed protected person was all that was in the formal file. Farrell had the rest “up here,” he said, tapping his temple.

“It’s the same for me!” Shae replied. “I never had any discussion with Norm about boundaries he needs to observe with clients. We hired these folks to help us. It goes to waste if we don’t tell them how. It starts with better training.”

Shae pulled out a couple more PLF forms. “Let’s each run through this office systems checklist¹² and this one that discusses how to set up an office procedures manual.”¹³

ACT II: Falling Through the Cracks

It was a new day. Checking her email, Shae’s mood quickly soured. In her modification case, the opposing party had filed their own petition for a restraining order. No objection was filed. It had become permanent
and the client was livid. Shae checked her calendar and the file notes. There was nothing. She had just assumed Norm would calendar the time for filing the objection.

Meanwhile, Farrell stood in Shae’s doorway. “I have to withdraw from the conservatorship,” he said. A conflict had been missed because only the name of the protected person was checked against the database — it was the only name on the file.

“We have big trouble!” shouted Summer from across the hall. Summer waved a check for $50,000 from her client in the murder case. She had given it to Nan to deposit into the trust account. When the client’s first bill came due, Summer had then written herself a check for her fees. But Nan had not deposited the check.

***

In the absence of clear procedures, the partners at Ground, Hogg & Day had each let something big go overlooked.

Shae had only assumed Norm would take the initiative to calendar the opposing party’s petition and the time for filing an objection. Now the restraining order, unopposed, was permanent — potentially a matter of incompetent representation, neglect and legal malpractice.

Conflicts of interest are found on the basis of all facts which, by the exercise of reasonable care, a lawyer should have known. Farrell had failed to communicate with Nan regarding the identities of all parties and other significant case information. Nan had been inadequately trained in conflicts screening and case management. Farrell knew who his client was, even if he did not share that information with the rest of the office. By the exercise of reasonable care, he also should have known that another partner in his office had taken on a case directly adverse to his client.

As for Summer, she had failed to train Nan on how to handle client funds, and also did not follow up to confirm the deposit of her client’s retainer before writing a check against it. In addition to a possible violation of RPC 5.3(a) due to negligent training and supervision, Summer violated RPC 1.15-1 in multiple ways. Her client’s check had not been promptly deposited into a lawyer trust account. And, because the client’s check was not deposited, when Summer wrote herself a
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Daniel Atkinson is an assistant general counsel and Client Assistance Office attorney for the Oregon State Bar. Reach him at datkinson@osbar.org.

ENDNOTES
1. RPC 5.3(a)
2. RPC 5.3(b)
3. See In re Taylor, 23 DB Rptr 151 (2009) (Lawyer gave blank trial subpoenas to investigator, who used one to obtain education records contrary to statutes; lawyer ratified conduct by use of the records.)
6. See Mahoning County Bar Ass’n v. Lavelle, 836 N.E.2d 1214, 21 Law. Man. Prof. Conduct 655 (Ohio 2005) (Lawyer’s failure to establish office procedures to ensure that delegated tasks are completed properly allowed staff to alter dates on clients’ documents, falsely notarize papers, and send out phony court filings).
7. RPC 4.2: “[A] lawyer shall not communicate or cause another to communicate on the subject of the representation with a person the lawyer knows to be represented by a lawyer on that subject…”
8. ABA Model Rules of Professional Conduct, Rule 4.2, Comment (1).
9. See In re McCaffrey, 275 Or 23 (1976) (Negligence); In re Venn, 235 Or 73 (1963) (Ignorance).
10. See OSB Formal Ethics Op 2007-179 (rev 2016) (discussing prosecutor’s responsibility under RPC 5.3 for an investigator’s statements violating RPC 3.6).
11. Ethics for Support Staff (rev 05/19) and Confidentiality in the Office (rev 05/19), by the Professional Liability Fund (PLF).
14. See RPC 1.1 (Competence) and 1.3 (Diligence).
15. RPC 1.0(h).
16. RPC 1.15-1(a), (b), (c); See In re Cottle, 29 DB Rptr 79 (2015).
17. Conflict of Interest Systems (rev 06/2014), PLF.
18. Conflicts of Interest Self Audit (rev 02/2015), PLF.
“Don’t let the perfect get in the way of the good,” they say. That sounds like an excuse to produce subpar work. Because the legal profession demands more of lawyers than “good enough,” this month’s column will share tips for making our writing perfectly error free.

To compile this list, I asked some of the most punctilious writers I know to share their editing and proofreading processes. But before sharing their advice, I offer this one enormous caveat: These tips won’t get to the substance of what you write — you’re on your own for that. Instead, I hope they will help you root out typos, inconsistencies, confusing sentences, grammatical mistakes and formatting errors.

Most of these tips share a common theme: freshening your perspective. The thread that loops them all together, though, is time. Careful editing takes a lot of time.

Choose Print

Of those careful editors I asked, nearly everyone said they edit in print, rather than on a screen. This helps for a few reasons.

First, reviewing a hard copy changes the scenery. One writer said, “Proofreading a brief, memo or other document on the computer screen you just spent hours/days/weeks staring at means you will be staring at the very same, familiar landscape again.” That leads to an overfamiliarity with the look of the document, which can cause a writer to do things like inadvertently fill in missing words or fail to notice homonyms, as familiarity can be confused for correctness.

Second, our eyes and brains just don’t work as well when reading on screens. On screens more than paper, readers tend to read in an “F” pattern, focusing most intently at the top of the screen, with our attention dwindling progressively as we move toward the right side and bottom. If that “F” pattern carries through to reading while editing, our editing will be less careful as we move down the screen. Moreover, formatting issues can also be harder to spot on a long, scrolling document than on paper, where we can more easily compare pages.

Admittedly, printing drafts uses more resources than reviewing on a screen. But using a resource is not always the same as wasting a resource. If using more paper is a concern, print two-sided or print on scrap paper from the recycle bin. And of course, there are likely other ways to reduce waste to offset the additional paper one uses when editing.

Change the View

Changing a document’s look can help us as much as changing the medium. To get a new perspective, give your document a makeover or vary the order in which you look at it.

Above, I described a writer who becomes too familiar with a document’s appearance on the screen to see mistakes on that screen. Similarly, a writer who has written in one font and size might become too familiar with the document’s appearance to see issues, even in print. Punctuation mistakes, spelling mistakes and omitted words are so familiar that we don’t see them or we think they look OK.

So mix it up. Before printing, change the font and size to something unfamiliar to trick your brain. When seen anew, mistakes like a misused “it’s” might stand out. Increasing the print size will also help tired eyes find small issues. For example, a comma is easier to distinguish from a period, and extra spaces between words are more obvious in a larger font.

Distance Yourself

Perhaps the best tool for freshening perspective is to take time between writing and editing. Almost every writer I asked does this. Most try to find at least a day between writing and editing to clear their mind.

Generally, to find sentences that don’t make sense and organizational issues, the more time the better. Sure, a sentence or section of a memo or brief made sense when we wrote it. But a day or more later, when we can’t subconsciously fill in logic
gaps or missing words with what we think we wrote, we’re more likely to see the issues that will plague our readers. Typos will be more obvious, too, when the text is a little less familiar.

Some readers might have rolled their eyes at the idea of taking a full day or more between writing and editing. I get it. When deadlines loom, do what you can to create distance: take a half-hour break; briefly turn to another matter to change the subject; listen to a bit of music; or take a walk before returning to edit.

One busy writer told me he always waits at least 30 minutes before returning to a document to edit. He described editing immediately after writing as “a little like swimming right after lunch — you probably won’t die, but why take a chance?”

Use the Book

Several years ago, I worked with a law student who wrote beautifully and carefully. Once when we met to talk about her work, I asked her how she managed to write perfect citations in every paper. She said, “Well, I have this citation guide with all the rules in it. So I read them.”

Ah, of course.

To some readers, grammar and citation errors stand out on the page like a bright, flashing light. Small errors might have a small impact on a writer’s credibility; bigger errors will have a greater impact. Luckily, all of those citation errors are avoidable in our profession because we have detailed legal citation manuals. The manuals help, though, only if a writer uses them.

When a writer cites an unusual source or feels pretty sure she knows how the citation should look, she should consult a citation manual rather than guess. The same is true for grammatical issues. When a writer has that itching sense that a word or phrase seems off, better to look it up in a style manual than to cross one’s fingers and hope for the best. The truth is out there.

Learn From Your Mistakes

Everyone makes a mistake now and then, even when trying our best. Frequent readers of this column might remember some of mine. (Thanks for the emails, by the way.)
The mistake that still churns my stomach was misspelling the word “embarrassed” on my college application. I did this after the recruiter told us that applications with spelling errors would not be considered. I wrote a letter of apology to the admissions office, and they let me in anyway. As you can imagine, I haven’t misspelled “embarrassed” since.

As you edit (or receive feedback on your writing), take a little extra time to draw up a checklist of your errors. Over time, you might discover patterns, like frequently writing in the passive voice or misplacing modifiers. That checklist will help with the next tip: working in phases.

**Work in Phases**

Even the most careful editor cannot edit a document in one pass. A better strategy is to edit in phases. Search for particular issues with each pass through a document.

For example, one might first edit for sentence-level grammar issues. Next, once the document sounds as it should, one might look for spelling errors. Punctuation errors could be reserved for a third pass. Then citations. And when all of the text is in place, check for formatting issues like consistent spacing between paragraphs, headings and tab insets.

Trying to do it all once asks too much of our brains; we’ll have greater success with more focused tasks.

A writer who knows her habits can work through a document systematically. With a customized checklist of one’s own common errors in hand, a writer can check extra carefully for those issues on the next project, issue by issue.

**Avoid Making Errors in the First Place**

Most of the advice in this column has been about catching errors. But writers can take steps to avoid some errors from the start.

Unique information like dates, addresses, names and numbers can trip up a writer. And in legal writing, those unique details can make a huge difference. For example, by inadvertently omitting a few zeros in a series of loan documents, a fellow associate once secured only $139,000 in debt when the promissory note was for $139,000,000. And we have all read...
stories about misnomers in which a lawyer misnamed a party in litigation (i.e., suing XYZ Corp. but failing to use its legal name, Xylophone Yellow Zoo Corporation). Those errors can often be remedied, though even when corrected, they can cause delay and embarrassment.

One tip for avoiding these kinds of errors is to write unique information out once and perfectly in one master document. Type the information — dollar amounts, proper names, addresses, citation information — into a list. Then scrutinize that list until confident that it is perfect. From that perfect list, copy and paste the data into the documents.

An incorrectly spelled name or an incorrect dollar amount will be easier to spot when it stands alone on a piece of paper than when it’s embedded into a larger document. Characters are easier to see when they’re not buried amidst paragraphs of text. Further, proofreading the details at the outset reduces the risk that exhaustion will yield lazier proofreading and more mistakes at the end.

Use Technology Wisely

While Spell Check is no substitute for proofreading, as one judge emphasized in my survey, technology can help in limited ways. The key is to know its limits.

First, using CTRL+F can unearth some mistakes or inconsistencies, though you’d have to know what to look for. If one wanted to find all instances of two spaces after a period, for instance, searching for “.  ” will reveal them.

For issues that recur across documents, some programs’ grammar and spelling rules are helpfully customizable. One writer (who takes the opposite side in the one-versus-two-spaces-after-periods debate) created a new rule to identify one space after a period as a grammatical error. A squiggly line appears on her screen everywhere one space occurs in every document she reviews. Spell Check can be further customized for proper nouns so that it will (mostly) identify where a name is spelled wrong and ignore the correct ones.

Some technology will go even further. Reading aloud was a commonly cited proofreading tip, but visually impaired writers and those who struggle to listen intently while reading may find that tool
less useful. For those writers, having the computer read aloud to them might help. I tend to tune it out after a paragraph or so, but others use it to catch awkward phrasing and other sentence-level issues.

Finally, some fee-based programs run more in-depth grammar checks than Word can. Here, exercise caution. These programs should be a starting point for your own editing. Once the program has flagged an error, a thoughtful editor should work to understand why and decide whether the program is correct. (It isn’t always correct.) In that way, technology can aid but should not replace our own careful reading.

As an added bonus, relying on technology can preserve your relationships. One writer said, “Unlike when you have to recruit another human to read your work, (the program) never gets annoyed at having to check another draft.”

Conclusion

When I joined a firm in my first months of practice, a senior partner instilled in me the importance of careful editing. He told the new associates he expected we wouldn’t get the law right every time at first — the law was new to us, and the senior lawyers were there to coach us through that. But he would not excuse typographical errors, format errors and grammar issues.

“These are the minimum lawyering skills we expect of you,” he said. “Clients shouldn’t pay their hard-earned money for your typos.” They were grounds for termination.

That partner scared the daylights out of me, but he was right. Whether senior or junior, we should all strive to meet the demands of our professional bar and to make our documents as perfect as possible, even when time is hard to come by.

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ENDNOTES

1. I’m kidding. This is often excellent advice because perfectionism is stifling and cruel.
Oregon Takes the Lead in Advocating for All Creatures

Animals’ Best Friends

| By Kate Taylor
The starving horse on a neglected farm. The bunny behind bars in an animal testing lab. The scarred dog living with a cruel owner.

Advocates have long argued that such creatures deserve legal rights. Yet until recently, the law — or in some cases, those responsible for enforcing the law — has largely continued to view them as property, no different than bicycles or toasters.

Slowly but surely, that view is changing.

The emerging field of animal law — simply defined as the combination of statutory and case law that impacts nonhuman animals, including pets, wildlife and those used in research and entertainment or raised for food — is one of the nation’s fastest-growing legal areas.

“There have been animal lawyers for a few decades now, but none of the early ones (myself included) were taught animal law in school,” says Clinical Law Professor Kathy Hessler, who serves as director of the Animal Law Clinic and the Aquatic Animal Law Initiative at Lewis & Clark Law School. “It took a while before people doing animal law even referred to themselves as animal lawyers.”

The first animal law class was briefly offered in the late 1980s. By 1992, a handful of law schools were offering similar classes, and that number began multiplying in the early 2000s. Today, more than 150 law schools — including those at Willamette University and the University of Oregon — have offered at least one animal law class.

At Lewis & Clark, the Center for Animal Law Studies now offers 16 classes during the school year and three more in the summer on a regular basis. In the past seven years alone, more than 50 students have graduated from the school with animal law LL.M. degrees, and more than 100 J.D. students have graduated with an animal law focus. (See “Real Legal Work for Real Animals,” Page 24.)

More than a decade ago, the Oregon State Bar responded to animal law’s rapid growth by creating an Animal Law Section, according to Rajesh Reddy, director of the Animal Law LL.M. program at Lewis & Clark and the bar section’s chair. The section arranges animal law networking and continuing legal education events around animal law issues, and many other states have now followed Oregon’s example.

“Most if not all states have or have had an active animal law section, thanks to the fact that the field has grown so dramatically over the years,” Reddy says. “It’s a testament to lawyers taking up this important work and educating their peers on these issues that matter to people in their communities.”

As the field has grown, a surge of legal action and advocacy has started to make life better for animals. Not surprisingly, some of the biggest advances are taking place in Oregon.

“Oregon is in the vanguard in this area, and it’s really exciting. People here are recognizing animals as sentient creatures who deserve our respect,” says Hessler, the world’s first full-time animal law professor and a leader of the first and largest animal law program.

Oregon — which has the nation’s fourth-highest pet ownership rate, according to the American Veterinary Medical Association — is also home to the country’s only full-time animal cruelty prosecutor. Through a grant from the Animal Legal Defense Fund, attorney Jacob Kamins works out of the Benton County District Attorney’s Office in Corvallis to bring animal abusers from across the state to justice.

So far, Kamins has prosecuted cases in Benton and 20 other counties and assisted or trained law enforcement officers and prosecutors in nine others.
Being the first prosecutor of his kind brings great fulfillment but great pressure, Kamins says, since he never forgets the pain, stress and fear that the victims he’s trying to protect are feeling. And he never forgets that “what I do will be looked at very closely as to whether that position should even exist.”

That’s why Kamins spends so much time training other prosecutors, law enforcement officers, animal service officers and humane agents in the best practices for investigation and prosecution.

“That way, even when I’m not there in person,” he says, “I can rest easy knowing these cases are well-handled.”

Great for Animals, More to Be Done

With such momentous firsts, it’s no wonder Oregon shines when compared with most other states. Oregon ranks second strongest in animal protection laws, just after Illinois, according to the national nonprofit Animal Legal Defense Fund. In other words, Oregon deserves its animal-friendly reputation, Hessler says — and it’s only getting kinder.

“More and more people view their companion animals as part of the family,” says Hessler, who has co-authored two books on the practice and teaching of animal law, and animals in other areas like agriculture and science continue to gain rights. “Things are improving, but slowly — especially for animals in agriculture and research. But there is definitely reason to be hopeful that the development and enforcement of animal protection laws will continue to improve.”

Across the country, animal advocates in other states have seen patchy but steady success gaining legal protection for animals. Many communities are fighting animal abuse more effectively by boosting coordination between law enforcement and animal and human service agencies, according to the national animal welfare organization American Humane.

There are also more felony-level penalties for animal cruelty nationwide and more than half the states are calling for psychological counseling for those convicted of animal abuse, according to American Humane.

Yet each state has a different framework of protection laws, leaving animals in some states more protected than others.

Illinois, Oregon and Maine offer animals the most protection against abuse, while Iowa, Mississippi and Kentucky offer the least, according to the national Animal Legal Defense Fund’s 2018 rankings. In determining protection levels, the organization considers laws that prevent abuse and neglect, as well as those that require certain treatment, such as medical care, shelter, food and water.

Here are just a few ways Oregon leads most other states in the fight against animal abuse:

- Police in Oregon don’t need a warrant to seize animals who are clearly in danger from criminal cruelty, thanks to a 2014 Oregon Supreme Court ruling. That case was followed by another in 2016 in which the court further decided that warrants are not needed for veterinarians who are engaged in medical treatments, and that drawing blood under those circumstances is not a “search” under the Fourth Amendment.

- When a court case involves a group of abused animals — such as a herd of horses or a home filled with 45 cats — the court can consider each animal to be an individual victim. The Oregon Supreme Court first made this ruling, which makes a more severe penalty likely, in a 2014 case. That decision was ultimately vacated because the court concluded that it didn’t have jurisdiction, but the Oregon Court of Appeals adopted its reasoning in a separate 2015 decision and several others since.

- Oregon in 2005 put an end to the timeworn idea that “you can’t leave property to property” by passing a statute that allows pet owners to leave money in trust for the care of their pets. This offers legal support so that pets are cared for in the way the original owner intended.

Despite such progress, animal advocates say Oregon has far to go to do right by its pets. For example, it isn’t one of the three states that have created legal frameworks for “pet custody.”

In divorce or legal separation cases in Alaska, Illinois and California, courts can no longer decide who gets a pet the same way it decides who gets a lawnmower. Instead, the court making custody decisions must consider the pet’s welfare and can decree sole or shared ownership.

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Just a few years ago, there was no such thing as an advanced animal law degree. Students who wanted to practice animal law had to piece together their own curriculums, and only Lewis & Clark Law School students could get an animal law certificate showing that they’d specialized in that study area.

Students who weren’t at Lewis & Clark — which has long offered the greatest variety of animal law classes — often had to take classes there to fulfill their animal law requirements.

But Lewis & Clark changed all that in 2012, when it began offering the world’s first and only advanced legal degree in animal law. The school’s postgraduate Master of Laws (LL.M.) program was created for U.S. and international students who want to practice, teach, research or do public policy work in animal law.

The program started small but is steadily growing, with seven graduates the first year and a dozen graduates this year. In the past seven years, more than 50 students have graduated from the school with animal law LL.M. degrees, and more than 100 J.D. students have graduated with an animal law focus. Staff expect class numbers to keep climbing as the field of animal law expands.

The school’s Center for Animal Law Studies, which regularly offers 16 animal law courses during the school year and three in summer, is a milestone in the evolution of a field that’s always faced critics and skeptics. The center is funded in part by the Animal Legal Defense Fund (ALDF), and there are many points of collaboration between the two organizations. ALDF has been a client of the Animal Law Clinic, and some of its attorneys teach in the animal law program. A number of Lewis & Clark animal law graduates have been hired by ALDF, too.

It’s “exciting that animal law is growing and getting more recognition,” says Frances Chrzan, a 27-year-old 2019 graduate who passed the Oregon bar exam in July and now works at the New England Anti-Vivisection Society. It’s important to celebrate each step forward, she says, since many still don’t consider animal law a legitimate legal area of practice or study. (See “Animals’ Best Friends,” Page 20.)

“Animal law wasn’t recognized as a field at all in the early days,” says Clinical Law Professor Kathy Hessler, who serves as director of the Animal Law Clinic and the Aquatic Animal Law

Real Legal Work for Real Animals

By Kate Taylor

Clinical Law Professor Kathy Hessler (left), director of the Animal Law Clinic and the Aquatic Animal Law Initiative at Lewis & Clark Law School, meets with students Prisca Daka and Amy Wilson. Daka, who came to the animal law program from Zimbabwe, is also the national coordinator for the Global Youth Biodiversity Network, an international network of youth organizations and people devoted to stopping the loss of biodiversity. Photo courtesy of Lewis & Clark Law School
Initiative at Lewis & Clark. “After folks started writing law review articles and the first animal law casebook was published, those of us in the field were better able to help people understand what it is and that it is a serious area of legal study. Some folks understood quickly, and some still don’t think it’s real.”

Chrzán, originally from Indiana, has dealt with skepticism from “professional peers, friends and random people. I try not to focus on it too much, because there are other things that matter more, like the animals themselves. For all the people working (in animal law), and all the others whose minds are starting to open regarding animal protection issues, animals still suffer and die constantly.”

Immediate Hands-On Experience

That feeling — that animals everywhere needed help yesterday — pervades student consciousness and lends an urgency to school work, which often takes place in actual courtrooms, farms and homes. Student work in the Animal Law Clinic — an intensive course that operates as a small law firm within the law school — also helps real animals, Hessler says.

As part of her studies at the law school, Chrzán did legal work for Newberg’s Wildwood Farm Sanctuary through the Animal Law Clinic. The bucolic 98-acre sanctuary is a haven for all kinds of abused and neglected farm animals, as well as wildlife. Resident animals include bunnies and chickens who once lived in restrictive indoor cages; male calves separated from their mothers at birth and discarded by dairies; and goats, horses and other animals nearly starved to death by neglectful farm owners.

Working under Hessler’s supervision, Chrzán and fellow student Adrienne Craig helped to develop emergency and other operational policies for the sanctuary, which aims to educate the public about the treatment of farmed animals. As part of that work, the two students combed through national and international animal sanctuary standards, researched contingency policies and helped clarify standards for volunteers to follow.

“It’s surreal to get to do real legal work for real animals who need and deserve the support and advocacy,” says Chrzán, who like all animal law students tailored her curriculum to her own passions and career aspirations. “The most rewarding parts of my legal education have been when I’ve worked directly for the animals.”

Lindsay Vierheilig, a 26-year-old 2019 graduate, spent much of her time last year researching the emotional capabilities of small fish, including bettas, and helping to draft the emotional pain section of a new casebook. The casebook, expected to be published in spring, is the first of its kind. Vierheilig contributed research to the book, which is designed to educate future attorneys about the legal implications of animal emotions.

In her effort to bolster the argument that bettas can experience suffering, Vierheilig spent days sifting through research on the capabilities of those and other fish to experience pain, suffering and other negative emotions. It was challenging work, she says, because research on the topic is limited. She did, however, find plenty of information suggesting that fish are more than pretty decorations.

“Scientists are continuously proving that animals such as fish are far smarter and more emotionally complex than we ever imagined,” Vierheilig says, “and they do indeed feel pain similarly to the way we do.”

Another law student, 27-year-old Prisca Daka, also spent much of the past year researching the emotional capabilities of fish and other aquatic animals. As part of her studies, she worked as an aquatic animal clerk for the Animal Legal Defense Fund and the Center for Animal Law Studies with ALDF attorney Kelly Levenda, former Aquatic Animal Law Initiative fellow Rebecca Jenkins; and Hessler.

In that position, she pored over research for a new textbook to be used in a new Aquatic Animal Law course. Both the course and the forthcoming textbook are the first of their kind and aim to help students better understand the law related to aquatic animals. The work follows the development of the Aquatic Animal
Law Initiative, a new effort by the Animal Law Clinic (started by Hessler) to increase legal resources related to aquatic animals.

“These are animals we do not see every day, and they may seem foreign to us,” Daka says. That’s why it’s so important to “illuminate their existence so that we see and protect them through law.”

Daka, who came to Lewis & Clark from Zimbabwe, is also the national coordinator for the Global Youth Biodiversity Network, an international network of youth organizations and people devoted to stopping the loss of biodiversity. Her work on the textbook and for the initiative, she says, fueled her passion for giving voice to all animals, including those we rarely see or think about.

Protecting Abused, Neglected Animals

Sahana Ramdas, a 28-year-old 2019 graduate, came to Lewis & Clark from India, where she practiced law and animal advocacy to stop poachers and wildlife trackers. This year, she worked with other students in the Animal Law Clinic on behalf of ALDF, drafting and developing a bill that would allow courts to appoint animal advocates to address the interests of animals who’ve been abused or neglected. The draft Oregon Court Appointed Animal Advocate Program would allow experts to advocate for animal victims in cruelty cases.

Court-appointed advocates would assist courts by gathering information from veterinarians and other experts and contributing information about the victims’ pain and suffering. They would assist judges by conducting research, gathering information from veterinarians, animal control officers and law enforcement officials. They’d also make recommendations, taking into account animal victims’ interests.

Having representatives in court is vital if abused animals are going to find justice in court, Ramdas says, “especially since criminal courts are overburdened with other kinds of crimes.”

She’s passionate about fair treatment of all animals and ultimately wants to spread legal education on animal protection and environmental conservation throughout India and the world. Like many other animal law students, she agonizes about abused and endangered animals everywhere.

“What troubles me the most is how wildlife species are going extinct or (becoming) endangered because of our massive exploitative tendencies,” says Ramdas, who is currently interning in ALDF’s criminal justice program. “Mankind has encroached upon their natural habitats, continues hunting animals for recreation and labels it as wildlife management. Also, there are no strong laws to protect farmed animals’ well-being and humane management.”

As graduates this year leave the program for all kinds of animal law careers, they say helping animals through their schoolwork has fueled them with passion and armed them with what they need to become effective animal lawyers.

“I saw my legal education and efforts making a direct, positive impact on behalf of animals,” says ALDF senior staff attorney David Rosengard, who earned both a J.D. and LL.M. at Lewis & Clark. “The program gave me strong animal law mentorships and practical experiences both in and outside the classroom. I was also able to tailor my study to fit my particular interests, which in turn has enabled me to go deeper into inspiring animal issues as a practicing attorney. Looking back, I can say with certainty that my life has been profoundly changed for the better.”

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In Oregon and other states, the court simply divides all marital property, including pets, equitably between the parties. This, Hessler says, is not in pets’ best interest.

While prosecuting cases all over Oregon, Kamins says he’s constantly thinking of other ways the state could better protect animals from abuse. The state could add probation resources such as mental health treatment for animal cruelty offenders, he suggests. It could provide better training for animal services officers who investigate animal cruelty offenses. And it could toughen the statutory ban on animal possession for offenders. (The ban for even the worst animal abuse is just 15 years.)

Fighting for progressive pet laws — especially when they involve abused animals — should be a priority for all residents, even those who don’t care for animals, says Josh Marquis, former Animal Legal Defense Fund board vice chair and current advisory board member. Marquis also serves as co-chair of the National Law Enforcement Council, which is dedicated to enforcing federal, state and local laws against animal cruelty.

“Cruelty to animals isn’t an isolated, easily compartmentalized act of aggression,” says Marquis, who is also a former Clatsop County district attorney and past president of the Oregon District Attorneys Association. Study after study shows that animal abusers often also commit violent crimes against humans, he says.

“When we stamp out animal cruelty and apprehend people who have lost empathy for the suffering of others,” Marquis says, “we make our communities safer for everyone.”

Kate Taylor is a Portland-area freelance writer. Reach her at katetgolightly@gmail.com.

ENDNOTES
5. ORS 130.185 (This statute, passed in 2005, replaces an earlier law approved by the Legislature in 2001.)
The Power and Peril of Alcohol’s Connection to the Legal Profession

By Jennie Bricker
The toast we make as we raise a glass of beer, wine or liquor. Yet ironically, alcohol is probably not as good for us as we’d like to think. The hubbub about the health benefits of drinking red wine, for example — copying the French, with their low rates of cardiovascular disease — has faded, the resveratrol-as-antioxidant theory more or less debunked.

That’s bad news for wine lovers, certainly, but for attorneys the news is even worse. The American Bar Association reports3 that members of the legal profession experience alcohol use disorders twice as often as the general population. Among the attorneys surveyed, between 21 percent and 36 percent qualified as problem drinkers; among law students, 43 percent reported binge drinking in the two weeks prior to the survey.

Drinking is part of the culture and tradition of practicing law, it seems. But why? What makes us drink, if not to our health?

**Bread, Beer and Monks**

Whatever it is, we’ve been doing it for 10,000 years, according to Tom Standage in A History of the World in 6 Glasses. At the end of the last Ice Age, hunting-gathering humans discovered wheat and barley grains could be dried and stored, then cooked into a tasty gruel.

But pottery wasn’t invented until 6000 B.C., and that meant dry storage was imperfect. The grain sometimes got moist, which was bad. Or was it?

Moistened grain makes enzymes that convert starch into maltose sugar. Malted grain is sweet. Our ancestors liked it. Then they made another accidental discovery that they liked even more. When the gruel sat around for a while, something crazy happened: Wild, airborne yeast fermented the sugar and turned it into alcohol. The process worked especially well with gruel made from malted grain. Presto! The first beer!

According to “From Beer to Eternity,” in Time Magazine’s special edition on beer, archaeologists have long debated what motivated our hunter-gatherer ancestors to give up the nomadic life and settle down to farming. Was it to make beer, or was it to make bread? University of Pennsylvania professor Solomon Katz believes beer was the motive — that early humans were willing to go to great lengths to create intoxicating beverages.

By 2500 B.C., bread and beer were mainstays of both nutrition and commerce. Archaeological records show that the workers who built the pyramids received daily wages of three loaves of bread and eight pints of beer. According to Standage, the two grain-based staples were so fundamental to Egyptian society that the combined hieroglyphs for “beer” and “bread” formed the symbol for “food.”

As early as the 6th century, beer was brewed in monasteries. The order of St. Benedict has centuries of brewing experience, rooted in St. Benedict’s precepts: Benedictine monks should welcome travelers with food and drink, and they should remain self-sufficient and live “by the labor of their hands.” That tradition continues at the Benedictine Abbey in Mt. Angel, where the monks pump water from the monastery’s well and grow hops3 on the abbey’s own land. The brewery’s signature (and renowned) beer is called Black Habit. Its motto: “Taste and believe.”

When Don Williams became a committee member with the Benedictine Brewery, he says the job reminded him of his time spent working with lawyers. Though he is not an attorney himself, he spent 25 years at Schwabe, Williamson & Wyatt — first as business manager and then as chief operating officer. Before that, he worked for the Oregon State Bar.

Williams, who is not a monk and in fact is not even Catholic, became heavily involved in the planning and development of the brewery’s St. Michael Taproom. At one point, the monks asked about compensation; hewing to a tradition as old as the pyramids, Williams responded, “I’ll do it as a volunteer, but how about throwing in beer and indulgences?”

Mt. Angel’s Black Habit ale is Williams’ current favorite, though he also admits to a fondness for a happy hour PBR (Pabst Blue Ribbon). But the beer made at Saint Sixtus Abbey in Belgium is said to be the best on the planet. Joe Tucker, author of the online forum “RateBeer,” reports that the allure of Westvleteren is more than its flavor.

“It’s more than the molecules in the bottle; there’s a genie in there too,” he writes. “That whole story of how you got the beer, and where and when you’re drinking it, that’s part of the experience of tasting it.”

**Stories and Places**

Oregon attorney Margaret Kirkpatrick would raise a glass to acknowledge that sentiment, but for her it would be a glass of single-malt whisky rather than beer. As a Stoel Rives associate, she took a year off in 1986-87 to earn a master’s degree in Comparative Constitutional and Administrative Law from the University of Edinburgh. She admits that her motivation was only partly academic.

During her year in Scotland, Kirkpatrick hosted 44 visitors. Most wanted to tour one of Scotland’s many distilleries. Invariably, visiting friends would purchase a bottle of whisky during the tour, fail to finish it before their departure, and leave the remnants with her.

“I got very good at ‘blind tastings,’” she says.

Does Kirkpatrick drink blended whisky? She does not.

“Blended whisky doesn’t have the character and uniqueness of the single malts,” she explains. “The single malts have the taste of the place where they’re made.”
One of her favorite whiskies is smoky, peaty Tallisker, made on the Isle of Skye — one of Kirkpatrick’s favorite spots.

That sense of place is also important to attorney Judy Parker, who focuses her practice on the Oregon wine industry. For Oregon wines, she says, “place is such an important concept that we have a name for it — ‘terroir.’” Terroir refers to characteristics that make wine unique to the place it comes from, including climate, altitude, soil and even farming practices.

According to Parker, Oregon wines are terroir-driven. “The wine reflects the place,” she says, “rather than the personality of the winemaker.”

There are rules to protect the integrity of Oregon wines. Hyland Durant, whose law practice focuses on the food and beverage industry, says Oregon is “pretty stringent in labeling requirements,” which she views as a benefit to the industry.

Other jurisdictions are less strict. For example, labeling requirements in California require a wine labeled “pinot noir” to contain only 75 percent pinot noir grapes; California winemakers also typically add coloring to the bottle, and California regulations allow that. An Oregon pinot noir must contain 90 percent pinot noir grapes, and no coloring additives are allowed. Almost all of Parker’s clients use 100 percent.

In her observation, most of the winemakers who take advantage of the 90-percent rule are from California. “It’s a different philosophy of wine-making,” Parker says.

Oregon’s philosophy has made it a national and international contender in the world of wines. Writing for The Oregonian, Michael Alberty reports “across-the-board increases in sales, number of wineries and acreage planted” in 2018. By the end of 2018, Oregon had 793 wineries, an increase of 24 from 2017. “I'm astounded at how many small producers are entering the industry all the time,” Durant says, and there’s always a lot going on. The would-be wine connoisseur can easily find a wine-tasting, a bus tour or a release party. Oregon vineyards host all sorts of classy events: weddings, art exhibitions, even yoga.
The culture surrounding beer is a little different.

Williams, who authors a blog called “Thebeechaser,” has recounted visits to around 350 bars (and counting) in the Pacific Northwest, including the Dirty Shame Saloon, Durty Nellys, Stammtisch, Bar of the Gods, Sniff Cafe and the Stanley Rod & Gun Whitewater Saloon, owned by the now-deceased (but still legendary) Casanova Jack. Despite his blog’s title, what Williams really seems to be chasing in a land that inhabitants have nicknamed “Beervana” are the stories he finds in taverns, breweries and dive bars.

Williams began beer chasing and blogging after a visit to Lumpy’s Landing in Dundee. There, he formulated his premise: that “each bar has its own ambiance, history and regulars that deserve narration.” He sits at the bar and coaxes each place’s stories from the owner, the bartender and the locals who gather there.

He talks to characters like “Irish Mike,” decked out in black leather and a bushy beard, who serves as the local ambassador of Lincoln City’s Old Oregon Tavern — the “Old O.” Irish Mike once handed Williams two bucks and instructed him to pick out songs on the jukebox, adding, “Don’t screw it up!” The Old O features Tie-Dye Tuesdays and serves up an IPA called “Rusty Truck.” Williams’ jukebox selections (“Take It Easy” and “American Girl”) appeared to meet with Irish Mike’s approval.

Williams’ lawyer buddies often accompany him on beer-chasing missions. “Lawyers are social beings,” he says by way of explaining the association of attorneys with alcohol. “There are quite a few brewery owners who used to be lawyers,” he adds. “They are usually successful.”
Pinot grapes ripen in the sun at Adelsheim Vineyard in Newberg. By the end of 2018, Oregon had 793 wineries in operation, an increase of 24 from 2017.

Photo by Barbara Smith Randall

Charley Gee, an Oregon lawyer with his own personal injury practice, loves home beer brewing and believes the “lawyer brain” is especially well suited to it. “It’s a great hobby for lawyers,” says Gee. “You learn about it, you follow the steps and you come out with something really satisfying.”

Gee compares brewing to the practice of law, except that making beer often has better, clearer and quicker results — “two months,” says Gee, “and you’re drinking a beer you’ve brewed yourself. That’s a really satisfying ending.”

He also emphasizes that brewing is a social activity, part of what he describes as a “campfire culture” — jovial, without much complaining. Part of the social aspect is practical: filled kettles can be too heavy for one person to lift. The other part is camaraderie. In contrast to the sometimes competitive practice of law, home brewers are a laid-back, friendly lot. Everyone is encouraged to try their hand at home brewing, and other brewers freely teach the craft and offer advice.

Comrades and Colleagues

When Kirkpatrick returned to Stoel Rives after her studies in Scotland, she co-founded the “Wee Dram Society,” a Friday-afternoon gathering of lawyers who sampled single-malts together. The Wee Dram Society continued even after Kirkpatrick left the firm, years later, to take over as general counsel at NW Natural.

The gatherings were “great for building collegiality,” Kirkpatrick says. Part of that, she believes, is the whisky itself: Single malt gives the Wee Drammer a “warm, deep, mellow feeling” that seems in some ways specifically targeted to lawyers. Attorneys may “need more mellowing out” than most folks, Kirkpatrick says.

“Lawyers are intense,” she elaborates. “More competitive and more ego-driven than other professionals. You go hard, hard, hard all week. The Wee Dram Society gave us a place to go at the end of the work week to unwind before the weekend — a great way to spend time with your colleagues outside of the six-minute billable increment, the perfect thing for lawyers to drop their lawyer faces.”

For Gee, beer makes for the same kind of good connections. Gee, who graduated from the University of Oregon School of Law in 2011, says “we were told in law school to learn how to drink ‘professionally,’ because it’s such a part of the culture, so tied to being a lawyer.”

Gee makes use of the drinking culture in his marketing. It helps that he loves beer — although not in excess; he considers it unprofessional to get too intoxicated. So when Gee’s networking, he tries to limit himself to one drink.
Humans are not alone in this.

The dopamine effects of (a moderate amount) of alcohol compare to the electrodes sported by rats in the 1950s experiments conducted by James Olds and Peter Milner. The Olds/Milner experiments provided rats with a lever that, when pushed, stimulated the brain’s pleasure — or reward — center. The rats pushed the lever as much as 7,000 times per hour, preferring it over food, water or sex. To reach the lever, they would cross electrified grids that shocked their feet. Unless the experimenters interrupted their access to the lever, they would starve to death, ignoring readily available food.

A follow-up on the 1950s experiments gave rats a choice between plain water and water spiked with morphine, an opiate that elevates dopamine levels. The rats chose the spiked water and would continue drinking it until it killed them. But psychologist Bruce Alexander tried out a variation. Alexander noticed that the rats in the experiments were all alone, in small cages, and he wondered what would happen if they had company.

He created “Rat Park,” where the rats hung out in a more entertaining environment: The cages were a lot bigger and more comfortable, there was fun rat stuff to do (balls, tunnels, wood scraps), and there were other rats around. Alexander added the two water dispensers — plain and spiked — and the rats did not show a preference for the spiked water.

In 2015, Johann Hari gave a Ted Talk entitled “Everything You Think You Know About Addiction Is Wrong.” He summarizes Alexander’s work with Rat Park, research that suggests addiction is caused not by the drug itself, but by factors in the environment.

“The opposite of addiction is not sobriety,” Hari concluded. “The opposite of addiction is connection.”

The Other Bar

At the beginning of his legal career, O’Rourke says no one saw alcoholism as a disease. Rather, alcoholics were criticized as lacking willpower; they couldn’t control their drinking. When a lawyer was arrested for driving under the influence, it was common for the judge to reduce the charge to reckless driving and admonish the defendant to “drink like a man.”

But things changed in the 1980s.

Williams, who worked at the Oregon State Bar from 1979 to 1985, remembers that both the bar and the Professional Liability Fund grew concerned — “obviously, an impaired lawyer is a concern,” he says — and the result was the creation of the Oregon Attorney Assistance Program (OAAP), Oregon’s free and confidential counseling program for lawyers, judges and law students.

O’Rourke, who is president of a nonprofit group called The Other Bar Oregon, emphasizes that “impaired lawyers can recover from alcoholism and resume successful law practices.” For The Other Bar, the PLF and the OAAP, he says, the focus is on helping lawyers “save their lives and careers.”
O’Rourke himself stopped drinking early in his legal career. Of his 41 years as an attorney, he’s been in recovery for nearly 35. “Almost everyone understands now that alcoholism is not a matter of willpower,” he says. “It’s a disease and requires treatment.”

The Other Bar Oregon (theotherbaroregon.com; 503-221-1425) is not affiliated with the OAAP (oaap.org; 503-226-1057; 800-321-6227), but it grew from the same roots. In 1982, lawyer and recovering alcoholic Don Muccigrosso started a weekly lunch meeting at Wils Restaurant in Portland’s Union Station. They called themselves “The Other Bar” and set out to help lawyers struggling with alcoholism and addiction.

Muccigrosso, a transplant from New York, applied for admission to the Oregon State Bar, stating on his application that he was a “recovered alcoholic.” He was referred to the Character and Fitness Committee. But instead of being denied admission, Muccigrosso was offered a job: He became the first director of what would become the OAAP.

Parting Glass

Alcohol continues to be part of the culture of practicing law, of course. But if all of the national surveys are to be believed, it’s probably not a bad idea for attorneys to monitor their own alcohol consumption and keep an eye out for their colleagues. Both The Other Bar and the OAAP are good resources for lawyers whose drinking turns into substance abuse.

Parker and Durant say their clients — Oregon’s winemakers — are a close-knit, collaborative group. Part of that, Durant says, is watching out for one another — clients as well as colleagues — to make sure their alcohol intake doesn’t cross the line.

“That’s part of our ethical duty as lawyers,” she explains. “It’s also just part of being a good human.”

O’Rourke says he enjoys the “fellowship” of The Other Bar, the connections it creates between lawyers in recovery.

“People who get into recovery have great camaraderie,” he says. “And I’ve found those bonds to be more long-lasting, deeper and more genuine than any relationships I’ve had based on drinking.”

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ENDNOTES

2. Monastery brewers introduced the use of hops in beer-making, replacing a mix of spices and flowers called “gruit.” Hops are the flowers of an unremarkable plant called Climbing Wolf; they contain an antimicrobial acid.
3. “Indulgences,” the Roman Catholic equivalent of “time off for good behavior,” are bestowed by the Church to reduce the time the grantee spends in Purgatory after death.
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It’s a fall Wednesday night in Northeast Portland, where a group of Grant High students have gathered in the atrium of the remodeled school to prepare for upcoming battles.

The evening’s focus isn’t on football or other athletic endeavors, though. It’s on partisan gerrymandering — and the conversation is intense.

“We’ll try not to put you on the spot too much,” one of the team’s coaches says. “Except that’s the whole point here!”

This is a meeting of the Generals’ Constitution Team, one of nearly a dozen high school teams around the state that are now studying a series of open-ended questions based on the U.S. Constitution for the annual “We the People: The Citizen and the Constitution” competition.

The Center for Civic Education founded “We the People” in 1987; it’s administered in Oregon by the nonprofit Classroom Law Project. Cari Zall, senior program manager for the Portland-based nonprofit, says the program reaches more...
than 1,500 students in the state every year, nurturing a passion for American history and democracy.

And it isn’t just about the competition, she says, citing the more than 800 elementary, middle and high schools across the state that participate in simulated congressional hearings with their students over the course of the school year. Classroom Law Project also sponsors mock trials, courthouse tours, a civics conference for teachers and a Law Day conference for students.

“Every student who participates in a ‘We the People’ congressional hearing, from the youngest fifth-grader to the oldest high school senior, learns the power of their own voice,” says Zall, who serves as the program’s state coordinator in Oregon.

“This curriculum and the experience of authentic civic engagement elevates students’ understanding and motivates them to be an active participant in democracy.”

The Center for Civic Education releases the questions for each year’s “We the People” hearings in late August. This year, the topics range from voting rights and due process to freedom of expression and the self-incrimination clause of the Fifth Amendment.

At their recent Wednesday-night meeting, Grant High’s volunteer coaches — many of them lawyers who practice in the Portland area — asked students to explain how political and racial gerrymandering affect voters, their opinions about how voting districts are drawn and whether they think questions related to gerrymandering can even be decided by the courts.

And that was just the warm-up.

In a discussion led by Coach Megan Gleason, a member of the 2010-11 Grant High Constitution Team, students pored over the Federalist Papers and parsed Federalist No.10, James Madison’s essay in favor of a strong federal government. Coach Brad Grenham, an attorney in the solicitor’s office at the U.S. Department of the Interior, posed the occasional Socratic question to the team, and there was a pop quiz at the end.

Adding to the intensity: a natural rivalry between Grant and Lincoln High School, two Portland teams that have traditionally finished at or near the top of state and national competitions.

During a basketball game against Lincoln in 2017, for example, Grant students chanted “Con Law! Con Law! Con Law!” to proclaim their dominance in civics that year.

Grant senior Abby McFeeters-Krone says she likes the camaraderie the team brings. “What I enjoy most is that it’s not like a regular class,” she says. “Everyone wants to be here, and in fact had to put in a lot of effort to even get in.”

But she acknowledges that being part of the Grant team comes with some pressure “because we have been doing so well in the past.”

“I’m quite nervous about the competitions coming up,” McFeeters-Krone says. “My older brother was on the team two years ago and his team won at nationals, so there is this pressure coming at me from him, as well as the national expectation that we make it to the top.”

Sparking Passionate Debates

Ten Portland-area schools and one Salem school currently participate in the high school competition; most of the teams form at the start of the school year and then meet weekly — or more often as the tournaments near. Questions are divided into six units that align with the “We the People” textbook used in Oregon classrooms.

This season’s regional competition is scheduled for Jan. 11, 2020. The resulting top six teams will move on to the state competition at the Mark O. Hatfield U.S. Courthouse in Portland on Jan. 25 for the chance to go to Washington, D.C., where the national finals will be held in late April.
During the national tournament, students testify as constitutional experts before panels of judges acting as congressional committees. Each hearing begins with a four-minute opening statement, followed by a six-minute period of follow-up questioning that gives judges a chance to probe students’ depth of knowledge, understanding and ability to apply constitutional principles.

Winning teams at the Oregon state tournament receive plaques to display at their schools, and the state champion holds the Hal Hart Memorial Trophy for the year after winning. (Hart was a pivotal founding educator of “We the People” in Oregon.) The winners of the national tournament take home a trophy, and each student gets a medal to celebrate their accomplishment.

Winning is the goal, of course, but for a team that makes it all the way to nationals, says Zall, “the high point is just seeing D.C. and meeting their congressman and senators. Rep. Earl Blumenauer always comes down and says hello.”

While the teams at Grant and Lincoln meet regularly after class, students at most of the participating schools experience “We the People” as part of their civics and government curriculum. For example, Lake Oswego High has a beginning Constitutional Law class and then a semester-long Advanced Constitutional Law class that prepares students for the competition; although the Lakers gather for a retreat in January, almost all of their preparation happens in the classroom.

“The goal is that students still have a variety of extracurricular activities, after-school jobs and even a social life,” says teacher Gerrit Koepping, who founded the team with former LOHS teacher Bryan Censoni about 15 years ago. “I certainly don’t want students so stressed out that they no longer enjoy the study of government and law.”

Attorneys Dennis Leybold and Laura Kosloff have been a critical part of the LOHS team for more than a decade. In addition, Jordan Ramis shareholder Ed Trompke and former students Nick Lesage and Lee Pierce usually help at the retreat. The Lakers have finished as high as second at the state competition, Koepping says, “but usually we are somewhere between third and sixth.”

“I am comfortable with that,” he says, “because I focus on the student learning and growth that comes with preparing for the competition, and not the outcome of the competition itself.”

In Salem, Sprague High’s Constitution Team is developing under the guidance of teacher Jackie Pope, who was a member of her own Constitution Team when she attended high school in Lake Oswego.

“It is one of my fondest high school memories,” Pope says.

Every program is run differently. Like most of the other coaches, Pope often brings in lawyers and judges to cover various questions. “But this year,” she says, “the coaches are six seniors, so it’s all student-driven.”

She describes her class as politically diverse. Questions about whether students think the government has too much power spark passionate debate. The 10th Amendment is always a hot topic, she says, “and of course the Bill of Rights and the Second Amendment. You can never have a bad conversation about those.”

With more and more students becoming politically engaged, Zall says she expects the “We the People” program to grow in the coming years. Already, teachers in Southern Oregon are planning to begin training in the curriculum.
“We are excited to see schools and districts around the state begin to find ways to incorporate civic education through a dynamic program like this,” she says. “The benefits go beyond learning the Constitution in depth to providing students the opportunity to grow their historical and critical knowledge, to practice collaboration, teamwork, persuasive writing and public speaking, and to build a love for civic participation.”

Not-So-Secret Weapons

In Southwest Portland, meanwhile, Lincoln High’s Constitution Team traditionally holds a “Beach Boot Camp” in the summer to help students get to know each other and provide some basic facts about the Constitution. Once school begins in the fall, team members meet in regularly scheduled classes and for three hours every Tuesday night; individual units also gather with their coaches every weekend, with meeting times increasing as the January competitions near.

The Cardinals’ team, which has competed every year since “We the People” was founded, is now led by teacher Patrick Magee-Jenks and 10 outside coaches, including Stephen Griffith, Alison Brody, Jason Trombley, Louis Wheatley, Karen O’Connor, Jonathan Pulvers, Courtney Angeli, Jennifer Hill, Darin Sands and Jeff Edmundson.

Brody, a 1991 Lincoln High grad and former associate with Miller Nash Graham & Dunn, has worked with the team for 20 years. Griffith, a retired partner at Stoel Rives, has coached for 19 years. Eight of the coaches have volunteered with at least one national champion team.

“I love teaching. I love working with young adults. I love helping kids realize their potential. I love history and law. I love the challenge of designing government to meet the needs of people. And I love our imperfect country,” Griffith says. “I worry about the ignorance, selfishness and cynicism I see. They directly threaten America’s experiment in democracy. If I cannot serve in government to address this, the least I can do is educate 36 students each year on the value of education, unselfishness and ideals, so they can go out and make a difference.”

Griffith says the “public-spirited contributions” of Oregon lawyers and judges has immeasurably helped the state’s schools do well on the national stage.

“The Portland metropolitan area has fostered the greatest concentration of excellent ‘We the People’ programs in the country,” he says. “We all hope that excellence can spread throughout the state.”

Lawyer Shelley Larkins and Tim Volpert, a past board member of the Classroom Law Project, formed the Grant High team in 2000 in an effort to interrupt a long string of Lincoln victories. Recalls Larkins, “Tim said, ‘We have to at least give them a run for their money.’”

Larkins and Volpert had previously worked together on a landmark case that went to the U.S. Supreme Court in 1995: Vernonia School District 47J v. Acton, which upheld random drug
The kids were filled with smiles and excitement.

Larkins no longer practices law, while Volpert has opened his own practice and works with attorneys at Levi Merrithew Horst on cases involving civil rights and juvenile law. Both continue as coaches on Grant’s Constitution Team.

Says Larkins, “We tell the kids at the start that this is the best, most meaningful group project you will ever have.”

It probably doesn’t hurt that victory is almost always within reach. Historically, Grant and Lincoln have traded wins at state. In the past decade, for example, either the Generals or the Cardinals have brought home the first-place trophy from the state competition six times.

Portland lawyer Alan Karpinski and Oregon Tax Court Senior Judge Henry Breithaupt are veteran Grant High coaches who have logged 17 and 15 years with the school’s Constitution Team, respectively. Both became involved when their sons attended the Northeast Portland school.

“That’s what brought me in. Being both a lawyer and a history major in college, it appeared attractive,” Breithaupt says. “I consider real education to be learning how to think and analyze and communicate, as opposed to just gathering information on any particular subject or question. What the kids hopefully take from this program is real experience with careful and intensive reading, analysis and written and oral communication of ideas.”

Larkins says Judge Breithaupt has long been Grant’s not-so secret weapon.

“Tim calls him the mainframe, the supercomputer. He just knows so much,” Larkins says. “He can be intense, intimidating and demanding. He’s a stickler for precision and has trained many kids over the years not to say ‘um’ and ‘like.’”

Judge Breithaupt is taking a break from coaching this year, but he does plan to give several talks covering global issues of importance to all of the specific units covered by the competition. He says he’ll also emphasize the value of cooperation.

“Because five or six kids in the units must work together,” he says, “the kids learn, sometimes painfully, what real cooperation — or the absence of it — means.”

He recalls one competition where that was especially true. His team that year included just five students.

“The competition requires participation be balanced as much as possible, so shy members must become aggressive and the ‘best’ members must know when to allow others an opportunity to speak,” he says. “The coaches that year pointed out that one concept likely to lead to a question had a five-part answer. The kids divided the parts among themselves and practiced how to quickly express them if the question about the concept was asked.

“It was asked, and each of the kids flawlessly answered, with each member of the unit scoring participation points,” he says. “The kids were filled with smiles and excitement.”

It’s moments like those that make “We the People” a life-changing experience, Judge Breithaupt says.

“It is fine when very good students become even better,” he says. “However, the coaches are always thankful for times when shy students become much bolder in expressing themselves and when less intellectually confident students find out how hard work and serious attention make the difference.”

Karpinski, a partner at the Portland law firm that bears his name, is taking a one-year sabbatical from coaching but has historically taught the “We the People” unit related to the Bill of Rights. “I work with juveniles in the criminal justice system, so he brings those skills into the mix,” says Larkins. “He’s super kind and compassionate, and really brings the fun. The kids love him.”

For her part, Larkins says she continues her 19-year run as a coach because of the buzz she gets from working with students.

“They’re young,” she says of current team members, “while my kids are grown. I get a lot of energy from them and I’m always learning. In these times, it’s important to teach the kids to be active citizens. No matter what their eventual career path, everybody should know this stuff.”

Grant High has won the national competition three times, most recently in 2018; Lincoln has won six titles, its most recent win coming in 2016. (In 2019, Grant placed third at nationals, while Lincoln finished fourth.) But Larkins admits that other teams are knocking on the door.

“Franklin, Central Catholic and Lake Oswego are not far off,” she says, and competition is likely to only get stiffer as more schools form “We the People” teams.

Still, Karpinski says everyone comes away a winner from a program that transforms students from smart high school seniors into informed, skilled presenters of complex information.

“Sure, we savored the three national titles, and the wins by teams that made it to nationals,” he says. “But even teams that didn’t get out of state learned a ton and worked just as hard.”

What’s Grant’s formula for success?

“Demonstrate hard work. Pass on the power to the student. Hopefully get everyone on the unit to buy in, bond and develop curiosity about the topics,” Karpinski says. “The rest will remain a closely guarded secret.”

Classroom Law Project is funded through individual and corporate donations supported by law firms, foundation grants, the Oregon education community and the Oregon State Bar. It also receives generous support from the Mark O. Hatfield U.S. Courthouse, Lane County Courthouse and Gus J. Solomon U.S. Courthouse.

For more information about “We the People” and other Classroom Law Project programs, go to tinyurl.com/ClassroomLawProject. To make a financial contribution or sign up for the Civic Matters newsletter, go to classroomlaw.org.

Michaela Bancud is a Portland-area freelance writer. Reach her at mbancud@poofmagazine.com.
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Oregon State Bar
Months after being sworn in as a Linn County Circuit Court judge, Rachel Kittson-MaQatish says she still finds it difficult to believe she’s sitting on the bench — particularly given a past filled with personal challenges and professional hurdles.

Her colleagues say she’s achieved success because of hard work and perseverance. They use phrases like “open to learning,” “committed to clients” and “dedicated to the profession” to describe her. But Kittson-MaQatish says her journey would not have been possible without a lot of help from others.

“There was constant love and support from the community,” she says, “that helped me move forward.”

Still, it was an often-difficult journey. The baby’s father and his family filed a joint petition for custody, seeking parenting time for the father and visitation rights for the grandparents, and negotiations were difficult. Kittson-MaQatish could afford an attorney at times, but often had to represent herself pro se.

She says she understood the constitutional implications of an Oregon statute that awarded custody and visitation to third parties — a law that was drastically revised in 2001 after the U.S. Supreme Court ruled in Troxel v. Granville that the rights of grandparents, stepparents and other third parties shouldn’t trump the rights of “fit” or stable birth parents. But at 19, Kittson-MaQatish didn’t have the legal training or knowledge to raise or litigate the issue.

“It was that process of being exposed to the legal system and how important the process is for individuals that made me want to become an attorney,” she says now.

Working Toward a Goal

Kittson-MaQatish married young and moved often — her husband was a helicopter logger, and the couple had to relocate frequently. But the marriage ended quickly, and she soon found herself a single mother to two young children. She worked as a waitress and bartender and was a millworker for Willamette Industries and Boise Cascade before becoming an administrative assistant and going to school full time on scholarship at Linn-Benton Community College in Albany.

“Those things you get through, although you really have no idea how you are able to get through that. I would run home on my lunch hour from work and clean the house and get dinner ready for...
the evening,” she recalls. “If you’re moving toward a goal and you have to take on huge amounts of work to get there, you just do it.”

Kittson-MaQatish applied for and received financial support from The Ford Family Foundation in Roseburg, which allowed her the financial freedom to focus solely on her academics and parenting, and she earned a bachelor’s degree in business from Oregon State University. The foundation also supported her first two years at Willamette University College of Law, where former Oregon Supreme Court Chief Justice Paul De Muniz was one of her professors and served as a valued mentor.

Kittson-MaQatish married her current husband in the eight-day transition between OSU and Willamette. Muhannad “Mo” MaQatish is Middle Eastern and inspired her interest in other cultures and countries; in fact, she initially thought she would practice international law. But her experiences in law school and shortly after earning her J.D. in 2005 pointed her in another direction.

Kittson-MaQatish worked for Sweet Home attorney John Wittwer and then joined Morley Thomas and McHill in 2008. She says she chose the Lebanon firm out of her desire to learn litigation and the valuable mentorship she knew Thomas McHill could provide.

McHill, now a Linn County Circuit Court judge, served as Lebanon’s longtime city attorney while also practicing at his firm, and he often took Kittson-MaQatish to court with him. It wasn’t long before she could handle the cases on her own, McHill says, and he delegated work to her with confidence.

“She was always on top of things and a real hard worker and a learner, and that goes on today,” he says, noting that they frequently meet toward the end of each workday so Kittson-MaQatish can bounce ideas off him, ask questions and share the day’s events.

“She wants to make things the best they can be and learn things the right way, and it’s really nice to be working with her again,” McHill says. “When I think of Rachel, I think of somebody who has so many accomplishments and wants to be perfect and comes from the heart. I’m looking forward to many years of her serving the county.”

McHill learned about Kittson-MaQatish from Jessica Meyer, who had attended law school with her and highly recommended her as a colleague. The pair worked together as full-time associates and went on to become partners in the firm and to fill the role of Lebanon’s city attorney.

“I was honored to be partners with Judge Kittson-MaQatish for eight years in private practice prior to her taking the bench,” says Meyer, who attended Kittson-MaQatish’s investiture ceremony along with McHill, family and friends.
“She is one of the hardest-working people I know. In her private practice, she consistently went the extra mile for each one of her clients, and she continues that same level of commitment and effort in her new role at the Linn County Circuit Court.”

Serving the Community

When McHill was elected to the Linn County Circuit Court in 2011, Kittson-MaQatish and partners acquired Morley Thomas Law. In 2017, they also purchased Wittwer’s law firm, and her former employer was hired as a senior attorney at the firm before his retirement. When Kittson-MaQatish was elected to the bench, McHill became her presiding judge.

Her time at Morley Thomas Law, she says, was very valuable to her.

“I had many opportunities to see how different people lived,” she notes, adding that she also had the chance to work as a prosecutor for the City of Lebanon and as a contract attorney for civil commitment proceedings in Linn County, where she learned about people with mental health issues. She also practiced family law and did personal injury work.

Kittson-MaQatish began to consider becoming a judge as she and her fellow partners talked about which one of them would be well suited for the position. Given her strong background of community service, her colleagues quickly agreed it should be Kittson-MaQatish. She was elected to the bench in November 2018, and took her seat in January.

“I see a lot of people who are in distraught situations, and we see people in the worst times in their life in the courtroom,” she says. “When I was 19 and scared to death in the courtroom in my own legal battle, I so appreciated the people who came along beside me to help.”

When Kittson-MaQatish was sworn in, her robes were placed on her by her mother, Avis Kittson, and by Johnson, the high school athletic director who continues to be a mentor.

In addition to serving on the bench, Kittson-MaQatish’s community involvement has included serving on the Linn County Arbitration/Mediation Commission, the Sweet Home Economic Development Group and the Teen Court Advisory Committee. She was co-founder
of the Hero Half Marathon, which honored military members and their families, and the Willamette Street Law Program, which teaches law to at-risk youth. She has provided pro bono services for the Center Against Rape and Domestic Violence, was a guest lecturer for local high schools and Citizens Academy, and is a past president of the Optimist Club.

Among several awards, Kittson-MaQatish was named Linn-Benton Community College’s Distinguished Alumni in 2017, Lebanon’s Woman of the Year and Sweet Home’s Citizen of the Year in 2014, and an OSU Family Business Student of Excellence.

Now a grandmother, Kittson-MaQatish says her oldest daughter Josalyn is 30 and earning her master’s degree in licensed clinical social work; her 27-year-old son Jamie recently became a firefighter after serving in the Air Force for six years; and her 17-year-old and 13-year-old sons, Joseph and John-Luke, are still living at home. She has three grandsons from her two eldest children.

Along with spending time with their kids and grandkids — which involves watching a lot of baseball, basketball and football games — Kittson-MaQatish and her husband enjoy floating on inner tubes down the nearby Santiam River and attending local music concerts such as the Oregon Jamboree.

She says both her personal and professional lives continue to center around her longtime sense of community.

“In looking at a step toward the bench, I wanted to have a continued impact on my community and serve my community,” she says. “I’ve been here a long time and I care about the people here.”

Given all of the support she’s received, it’s clear they care about her, too.

Melody Finnemore is a Portland-area freelance writer and frequent contributor to the Bulletin. She can be reached at precisionpdx@comcast.net.
Oregon Women Lawyers Unveils Its Model Parental Leave Policy

‘Embrace Your Most Valuable Asset’

By Heather L. Weigler

Despite what you’ve heard about pregnancy lasting nine months, it takes the human body 40 weeks to birth a full-term baby. That’s 10 months, if you’re counting.

During that time, women are expected to keep working and carrying on with life as if they weren’t suffering from the annoying and sometimes debilitating symptoms of pregnancy. After even the least complicated birth, birth mothers need time to physically recover — and everyone needs time to adjust to the physical, emotional and psychological effects of becoming a parent.

If you live in the United States, you probably have to make that adjustment without paid leave from your job. The U.S. ranks dead last among industrialized nations in its support for new parents through federally mandated paid parental leave.1

Now, thanks to the OWLS Working Parents Committee, those Oregon employers have somewhere to turn. Formed to support lawyers who are parenting or contemplating becoming parents, the Working Parents Committee spent the past two years developing a sample policy that attempts to strike that balance. It’s available online at tinyurl.com/OWLSParentalLeave.

“Study after study has identified the numerous advantages of paid parental leave,” says Maya Crawford Peacock, co-chair of the Working Parents Committee and OWLS’ president-elect. “So we collected and studied the parental leave policies of as many legal employers and policy think tanks as we could, interviewed numerous Oregon stakeholders and drafted a model policy law firms can use to reap the many benefits of providing employees with paid parental leave.”

Those benefits are nothing to sneeze at. While it is often said that paid parental leave is just too expensive to implement, that myopic view ignores the long-term economic gains to employers who provide paid parental leave. For example:

- Paid parental leave policies boost employee retention and morale, according to the National Study of Employers conducted in 2014 by the Families and Work Institute. The result was greater productivity, the study concluded;
- Employers gain by retaining workers with specialized knowledge and skills and by avoiding the sizable cost of replacing employees, according to a 2012 report prepared for the Center for American Progress; and
- A majority of businesses in California, which has had a state-paid program in place for more than a decade, realized no increased costs as a result of the program, according to researchers Ruth Milkman and Eileen Appelbaum — and approximately 9% of employers actually reported costs savings.2

“Without a doubt, the most important thing to understand about running a law firm is the fact that our most valuable business assets are our people,” says Bonnie Richardson, who founded Richardson Wright more than 13 years ago. “One of the best ways to embrace your most valuable asset is to take care of your people when they need it the most. …That is why I have committed to paying my employees’ maternity and paternity leave. The money you invest in paying for your employees’ leave, you will see returned to you ten-fold in loyalty, gratitude and happiness, which make for a much more profitable business in the long run.”

Policy Promotes Social Positives, Gender and Racial Equality

Not only does paid parental leave make economic sense, it is also good social policy. Employee access to paid parental leave strongly correlates with decreased infant mortality,3 a widely used indicator of population health — and another metric by which every other industrialized nation outperforms the United States.4 Research also suggests that parents who are able to spend more time with their children as newborns, infants
and toddlers realize long-term benefits to their children’s health and development, including fewer problems with obesity, ADHD and hearing-related issues in elementary-school-age kids.7

The public health benefits of paid parental leave aren’t limited to children. Mothers who have access to paid parental leave are less likely to suffer from post-partum depression.6 And paternal involvement in infancy not only has a statistically significant effect on children’s socioemotional behavior; fathers who are involved in their children’s lives live longer, healthier lives themselves.7

Paid parental leave policies also promote gender and racial equality, making drafting a model policy squarely within OWLS’ mission to promote justice and equality by advancing women and minorities in the legal profession. Lack of access to paid parental leave worsens the severe gaps between the wealth of white and nonwhite families, and women of color bear the brunt of that disparity.8

Mothers who take parental leave have a higher likelihood of returning to the workforce, which helps women climb the career ladder and make strides toward closing the gender wage gap. Those strides are even longer if fathers also take advantage of paid parental leave, which has the additional benefit of providing children with a more gender-equitable model of parenting and work.9

The OWLS Model Parental Leave Policy does not differentiate between primary and non-primary caregivers and instead allows equal leave for parents regardless of their gender or caregiver status. The goal was to design a policy that promotes equity in the office and in the home.

“In crafting the policy, we took care to consider the needs of all parents — whether they are biological mothers and fathers, adoptive parents or foster parents, and whether they are full- or part-time employees — and to balance those against the cost to small- and medium-size employers of providing paid leave,” explains OWLS Past President Elizabeth Milesnick. “Ultimately, we believe employers who give parent-employees the financial freedom to create strong, secure bonds with their children will increase employee retention and morale, resulting in long-term gains for all involved.”

The OWLS Model Parental Leave Policy is targeted at law firms with 25 or fewer employees, because those firms’ employees are not eligible for leave under the federal Family and Medical Leave Act (FMLA) or the Oregon Family Leave Act (OFLA). Under the policy:

- A law firm would offer a minimum of six weeks of paid parental leave in addition to any other paid leave that the employee might be eligible for, with an additional six weeks of unpaid leave available (or more, at the firm’s discretion);
- The leave could be taken continuously or intermittently within the first 12 months after the precipitating birth, adoption or foster placement, and the employer would continue to cover the worker’s insurance premiums during the leave; and
- Employees would be required to notify the firm of their intention to take the leave as soon as possible, but no less than 30 days before the start of leave, to ensure the firm can take adequate steps to prepare for the employee’s absence.

While Oregon workers will soon be entitled to 12 weeks of paid leave underwritten by employer and employee contributions to an insurance-style plan akin to the workers’ compensation or unemployment insurance systems, this policy provides a stop-gap solution to small firms who are committed to OWLS’ mission. The OWLS Working Parents Committee encourages all Oregon law firms to recognize the economic, social and equity gains that flow from parental leave by customizing the Model Policy for their firms.

“My small firm has already adopted the policy and we look forward to seeing it in action later this year,” says Milesnick. “We were grateful that OWLS took the time to create a policy that is comprehensive, concise and fair, and allows firms of all sizes to be progressive on family leave without undue financial hardship.”

Heather L. Weigler is an OWLS past president. Reach her at hlouweigler@gmail.com.

ENDNOTES
4. “How does infant mortality in the U.S. compare to other countries?” by Selena Gonzalez and Bradley Sawyer. Published in July 2017 by the Kaiser Family Foundation.
For One Oregon Attorney, Celebrating Successes is Key

Anxiety, Depression and Trauma

By Holli Houston

I grew up in Eugene and had a fairly unremarkable childhood. My family had its share of issues, of course, but I was a resilient and optimistic kid, and I learned that if I worked hard, I could achieve almost anything I set my heart on. This attitude continued through college, law school and my first years of practice.

Then, however, things started to shift. My husband and I wanted children, but it wasn’t working. For the first time, something I desperately wanted was not paning out, and I was getting angry.

After about a year and a half of trying on our own, my doctor prescribed medication. I got pregnant right away, and I was overjoyed. Ecstatic. I ordered little cardboard boxes that looked like ovens with a little candle in them that looked like a cinnamon bun. We wrote my due date on them and were going to give them as presents on Christmas Eve as our big “reveal.”

But when we went in at seven weeks to hear the heartbeat, there wasn’t one. My doctor informed me I was going to miscarry. I was devastated, and my anger grew. I felt alone in my sorrow and in the humiliation and shame — that my body was betraying me. I was broken.

On Christmas Eve that year, while we were at my in-laws’ house, they got a call from my husband’s childhood friend. He announced that his wife was pregnant with their first child. Now I wasn’t just angry, I was furious. That was supposed to be my night, my announcement, my gift of joy to our family. I spiraled into a place of deep darkness that went on for months.

After more testing and trials and unsuccessful medical interventions, we met with an adoption attorney and decided to adopt domestically through the foster care system. After undergoing a series of interviews and reference checks, we were eventually selected to adopt a 4-year-old boy.

My son’s story is his to tell, but I can share that his earliest experiences taught him caregivers could not be trusted to meet his physical and emotional needs, nor could he trust any of them to be there from one day to the next. Attachment was impossible. His experiences caused invisible wounds, and those wounds cause him to lash out verbally and physically. More often than not, his violence has been directed at me.

His volatility produced isolation. We could not reliably keep plans, as the tantrums and blow-ups were unpredictable. I dreaded the phone ringing, fearing it was the school telling us we needed to come pick him up early. Again. The professionals we consulted could not tell us what the future held for him.

In response, I sunk into a place of depression and anxiety. I began to isolate myself further, refusing to ask for help from family or friends because I felt like our issues were too much and that it was unreasonable to burden anyone else with the load. I wasn’t sleeping much, and when I did sleep, it was not restful. I was too tired to cook, and cleaning was a monumental task. I had no motivation to exercise and no energy for self-control. I was exhausted, and I gained a significant amount of weight.

At work on most days, I could compartmentalize and focus on what I needed to accomplish. In some ways, I buried myself in my work because it was so much easier than what I was dealing with at home. But then, there were times when my home life spilled over, and I had to leave work abruptly to address the situation. On some days, I could not go into work at all, and I started to feel like the one area where I was competent was slipping away from me as well. It was terrifying.

I was grieving my son’s losses, as well as the loss of the life I thought I would have. I had dreamed I would have a family that resembled my own family of origin. That my son would grow up and find a fulfilling job — maybe get married and have children of his own. I dreamt that, perhaps, we would adopt again. My dreams were looking less and less realistic.

I daydreamed of running away from my life more than is probably healthy, and actually started putting plans in place to do so. But I slowly came to realize that I could either let my grief ruin me, or I could get help.

In 2015, I joined a grief support group at my church. Through the sharing of our stories in that group, I realized I had to bury my dreams. Not just set them aside, but truly let them go and grieve them fully. I would miss out on my son’s beauty.

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In 2015, I joined a grief support group at my church. Through the sharing of our stories in that group, I realized I had to bury my dreams. Not just set them aside, but truly let them go and grieve them fully. This was crucial, because while stuck in grief and anger, I would miss out on my son’s beauty.

I would miss his humor. And his giggles. I wouldn’t see his compassion toward
babies and animals. Most importantly, I would miss believing that there is hope for his healing, too. My bitterness would create for him a story he could not escape.

So over the past four years, I have dug a grave and buried my expectations, my dreams and my ideas of how it could have been. How it should have been. So that I could embrace what is and find beauty there, too.

I also finally admitted I was suffering ongoing trauma. I started meeting with a trauma counselor. After about two years of weekly sessions with him, I also sought help from my primary care provider, who prescribed anti-anxiety medication.

I have delved deeply into the concepts of shame and vulnerability, using author and research professor Brené Brown as a guide. I have learned what it means to be true to myself and live within my own integrity, even through the most challenging of circumstances.

I also talked with my supervisor and CEO when I needed it, and was able to arrange for temporary modified duties so that I was not at risk of making mistakes when the circumstances were particularly dire. I am grateful for the understanding and grace I received in this regard.

It has not been easy. But I am not alone. My faith community and professional supports have stood beside me. I have dear friends who have shown me that my family’s mess is not too much for them. Those people surround me and give me messages of hope that play louder than the tracks of hopelessness that sometimes get stuck on repeat in my brain.

My life remains incredibly complicated, but I have the supports I need to get through the dark days, and the people who will celebrate the successes with me.

Holli Houston is a claims attorney for the Professional Liability Fund.
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with Kwame Christian
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9 a.m.–12:15 p.m.
An Introduction to Negotiation and Conflict Management
3 Practical Skills credits*

1-4:45 p.m.
Advanced Negotiation Strategies and Tactics
3.5 General credits

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This collaborative project of OSB Legal Publications and the Military and Veterans Section is recognized as an outstanding legal resource, winning the ACLEA’s 2019 Award of Professional Excellence. The publication highlights the vast military presence in Oregon, underscoring the need for legal resources to support our veterans and military. It also provides information about legal rights and benefits that may alter how you practice when your client or opponent is a veteran or military servicemember.

Order by Nov. 30 and save 15% with coupon code VETS2019.

Order your copy and view the full catalog at www.osbar.org/publications or contact the order desk for help: (503) 431-6413.
Renovation Displaces Oregon Supreme Court

The Oregon Supreme Court has moved to a temporary location (2850 Broadway St. NE in Salem) to clear the way for safety and infrastructure updates to its historic 1914 building, the oldest government building on the Capitol Mall.

Renovation work is scheduled to begin in November to preserve and protect the historic structure and improve safety, function, efficiency and access. The project will include earthquake reinforcement and upgrades to heating, cooling, electrical, technology and plumbing systems to meet modern standards. Construction is expected to take two years.

Most Supreme Court oral arguments now are being held in the temporary location. The Appellate Commissioner’s Office and the Appellate Court Services Division are also being housed there. So is the State of Oregon Law Library, although in a reduced capacity. (Although physical materials are still available, court officials say, there may be some delay as many resources are being stored off-site.)

Most Oregon Court of Appeals arguments, meanwhile, are being held in the Oregon Department of Justice building at 1162 Court Street NE in Salem.

For more information, go to tinyurl.com/SupremeCourtMove.

New Multnomah County Courthouse Progressing

Construction continues on schedule and on budget for the new 17-story Multnomah County Courthouse in downtown Portland, which is tentatively scheduled to open on Monday, June 15, 2020.

The $324.5 million project, located at the west end of the Hawthorne Bridge at Southwest First Avenue and Madison Street, will replace a courthouse built between 1909 and 1914 that doesn’t meet current seismic codes, doesn’t comply with current Americans with Disability Act standards and, among other security concerns, has no secure pick-up and drop-off areas for people in custody.
If the construction schedule holds, courthouse operations will move from the old building at Southwest Fourth Avenue and Main Street to the new building during the week of June 11-14; both buildings will be closed June 11-12. There are still variables that could cause the schedule to shift, but those with more flexible dates should keep the move in mind when scheduling trials.

For updates on the project, visit multco.us/central-courthouse-project.

277 Applicants Pass Oregon Bar Exam

Seventy-five percent of the 367 applicants who sat for the July 2019 Oregon bar exam received passing marks, according to results posted in late September.

Of the 277 people who passed, 264 were taking the test for the first time; 13 were repeat applicants.

Successful exam applicants who completed all of the requirements for admission were invited to a special swearing-in ceremony on Oct. 3; it was held in Smith Auditorium on the Willamette University campus in Salem.

For the complete list of successful applicants, go to osbar.org/admissions.

Update MCLE Transcript Online

By logging on to their Member Dashboards, Oregon State Bar members may now populate their own MCLE transcripts with credits they have earned and electronically certify and submit their reports.

Detailed MCLE reporting instructions for active members whose reporting cycle ends Dec. 31, 2019, can be found at osbar.org/mcle.

Learn About Latest Scams

Legal professionals now have a one-stop resource for information about recent scams targeting Oregon lawyers, law firms and courts.

The new “Scam Alerts” page on the Oregon State Bar website (osbar.org) includes up-to-date information on recent scams reported to the OSB, as well as links to more information when available and instructions for reporting new scams.

Find all of that by clicking on the icon prominently displayed on the right side of the OSB homepage, or go directly to osbar.org/scamalerts.html.
Discipline

Note: More than 15,000 people are eligible to practice law in Oregon. Some of them share the same name or similar names. All discipline reports should be read carefully for names, addresses and bar numbers.

THOMAS K. DOYLE
OSB #972511
Portland
Public reprimand

On Aug. 23, 2019, the disciplinary board publicly reprimanded Portland lawyer Thomas K. Doyle for violations of RPC 1.4(a) (failure to keep a client reasonably informed or respond to requests for information) and RPC 1.4(b) (failure to provide information sufficient to permit a client to make informed decisions).

Doyle represented a plaintiff in a lawsuit that ended in a verdict for the defense. Shortly after the court entered an order awarding costs against his client, Doyle received an email from defense counsel offering to accept payment of the costs on a monthly basis until paid in full. Doyle did not communicate the offer to his client. Subsequently, the defendant resinded the offer to take monthly payments and garnished Doyle’s client’s wages to partially pay the costs.

Doyle’s conduct was aggravated by his substantial experience in the practice of law. It was mitigated by his remorse and an absence of a dishonest motive.

MARY J. GRIMES
OSB #880525
Redmond
30-day suspension

By order dated Aug. 29, 2019, the disciplinary board approved a stipulation for discipline suspending Mary J. Grimes for 30 days, effective Sept. 1, 2019, for violations of RPC 1.15-1(d) (duty to provide accounting upon request) and RPC 1.16(a)(3) (requiring an attorney to withdraw from representation if discharged).

After Grimes and her client agreed that Grimes would withdraw from representation and provide an accounting, Grimes waited nearly six months before sending a termination letter and an accounting to her client. Grimes’s delay in withdrawing and accounting to her client constituted violations of RPC 1.15-1(d) and RPC 1.16(a)(3).

Grimes’s conduct was aggravated by her prior record of discipline, multiple offenses and substantial experience in the practice of law. It was mitigated by her remorse and an absence of a dishonest motive.

CHRISTIAN V. DAY
OSB #932517
Portland
60-day suspension

On Aug. 28, 2019, the disciplinary board approved a stipulation suspending Christian Day from the practice of law for 60 days for violations of RPC 1.16(a) (failing to withdraw upon termination of representation) and RPC 8.1(a)(2) (failure to respond to the disciplinary authority).

Day represented a criminal defendant regarding numerous charges. Early in the representation, the client wrote to both Day and the judge and requested new counsel. Day did not follow up with either his client or the court regarding this request. Day’s failure to attempt to withdraw once his client sought his termination violated RPC 1.16(a).

In January 2019, disciplinary staff sought additional information regarding this matter. Despite a follow-up letter and a motion to compel his response, Day did not respond, which is a violation of RPC 8.1(a)(2).

Day’s conduct was aggravated by his prior record of discipline, multiple offenses and substantial experience in the practice of law. It was mitigated by his remorse and an absence of a dishonest motive.

ROBERT T. MAUTZ
OSB #640697
Wilsonville
30-day suspension

Effective Aug. 29, 2019, the disciplinary board suspended Wilsonville attorney Robert T. Mautz for 30 days for violations of RPC 3.3(a)(1) (knowingly making a materially false statement of fact to a tribunal); RPC 3.3(a)(4) (failing to disclose that which by law he was required to reveal to a tribunal); and RPC 1.9(a)(1) (former client conflict of interest).

In 2005, Mautz prepared wills and a trust for a married couple. In 2009, the husband executed a subsequent will that revoked the 2005 will. Mautz learned about the 2009 will in August 2010 after the husband’s death.

In January 2012, Mautz prepared and filed a petition to admit the husband’s 2005 will to probate. In so doing, Mautz falsely represented to the probate court that the 2005 will was the decedent’s last will and testament and that it had not been revoked. Mautz did not disclose the 2009 will to the probate court throughout the duration of the probate proceeding. This conduct violated RPC 3.3(a)(1) and RPC 3.3(a)(4).

In the spring of 2012, Mautz represented the wife’s co-trustee of her 2005 trust. While representing the co-trustee, Mautz threatened the wife with litigation about the 2009 will in August 2010 after the husband’s death.

Mautz’s conduct was aggravated by his substantial experience in the practice of law. It was mitigated by the lack of a dishonest or selfish motive and her cooperation with the proceedings.
and substantial experience in the practice of law. In mitigation, Mautz demonstrated an absence of prior discipline and full and free disclosure to the disciplinary board.

**SAMUEL A. RAMIREZ**
OSB #910883
La Pine
60-day suspension

Effective Sept. 11, 2019, the disciplinary board approved a stipulation for discipline suspending La Pine attorney Samuel Ramirez for 60 days for violations of RPC 1.3 (neglect); RPC 1.4(a) & (b) (inadequate client communication); and RPC 1.16(d) (failure to surrender papers and property upon termination).

Ramirez was hired by a professional fiduciary to pursue a financial elder abuse claim against a man who allegedly stole money from the protected person and convinced her to purchase property in his name. After filing a petition seeking to force the defendant to relinquish the property, he failed to attempt to serve the defendant for several months and did not accomplish service for more than a year.

In the interim, Ramirez did not communicate with the fiduciary, notify her of his difficulties with service or respond to a number of her requests for updates on the case and billing statements. After the fiduciary terminated Ramirez, she requested that he forward his complete file to replacement counsel and that he account for the advance retainer that he had been paid. Although Ramirez provided a majority of the file to the new attorney in a timely manner, it was not complete and he did not account for the fee paid until after bar involvement.

Ramirez’s conduct was aggravated by prior discipline, a pattern of misconduct, multiple offenses, a vulnerable victim and substantial experience in the practice of law. In mitigation, Ramirez did not act with a dishonest or selfish motive and was cooperative with the bar.

**SUZANNE K. TAYLOR**
OSB #903910
Salem
Public reprimand

Effective Sept. 23, 2019, the disciplinary board approved a stipulation for discipline publicly reprimanding Salem
attorney Suzanne K. Taylor for violations of RPC 1.4(a) (failure to keep a client informed about the status of a matter), RPC 1.4(b) (failure to explain a matter to the extent needed to permit a client to make informed decisions regarding the representation) and RPC 1.16(d)(1) (failure upon termination of representation to take steps reasonably practicable to protect a client’s interests).

After completing a court-appointed representation of a criminal defendant through trial, Taylor agreed to take steps to secure a referral for his representation on appeal. She failed to do so and, though contacted several times by the former client, failed to notify him of her failure to do so.

Taylor’s conduct was aggravated by her client’s vulnerability and her substantial experience in the practice of law. It was mitigated by the absence of a prior disciplinary record, the absence of a dishonest or selfish motive, the fact that she was dealing with personal problems, her cooperative attitude toward disciplinary proceedings, and remorse.

RONALD M. JOHNSON
OSB #880629
Prineville
18-month suspension, all stayed, pending 3-year probation

Effective Oct. 1, 2019, the Oregon Supreme Court approved a stipulation for discipline suspending Prineville attorney Ronald M. Johnson for 18 months for violations of RPC 1.3 (neglect); RPC 1.4(a) (duty to keep a client informed and respond to requests for information); RPC 1.5(a) (excessive fee); RPC 1.8(a) (business transaction with a client); RPC 1.15-1(d) (duty to promptly account for and provide client property upon request); RPC 1.16(d) (duty to protect a client’s interests upon withdrawal); and RPC 8.1(a)(2) (duty to respond to a disciplinary authority).

The suspension is stayed, pending Johnson’s successful completion of a three-year probation focusing on office management, improved diligence and better client communication.

In each of five separate matters, Johnson acknowledged neglecting his clients’ domestic relations matters to some extent in and around the year that his wife/legal
assistant fell ill and died. During this time, Johnson also failed to timely or adequately communicate with some of these clients and failed to complete certain matters or provide client funds or property on termination. In one instance, Johnson hired one of his clients to help in his office without informed consent following full disclosure. Johnson thereafter failed to adequately respond to the bar in four of the five matters.

Johnson’s conduct was aggravated by a pattern of misconduct, multiple offenses and substantial experience in the practice of law, but mitigated by a lack of prior discipline, absence of a dishonest motive, personal or emotional problems, and remorse.

The bar’s General Counsel’s Office is available to discuss prospective legal ethics questions related to a member’s own conduct. A staff attorney can help identify applicable ethics rules, point out relevant formal ethics opinions and other resources and share an initial reaction to callers’ ethics questions.

The assistance that bar staff provides is informal and nonbinding and is not confidential; no attorney-client relationship is established between callers and the lawyers employed by the Oregon State Bar. (Lawyers seeking confidential ethics advice about the propriety of their previous decisions or actions should consult a private attorney.)

Members with questions can call the ethics helpline at (503) 431-6475 to be connected to the first available bar staff attorney.
CORRECTION:
Hon. Jerome LaBarre, a senior judge and mediator, recently was appointed to the national panel of the Financial Industry Regulatory Authority as a dispute resolution mediator. FINRA is responsible for overseeing virtually all stockbrokers and brokerage firms in the United States. LaBarre served as a circuit court judge in Multnomah County for 18 years. Starting in 2018, he began his mediation practice, focusing on complex business, securities, financial and employment cases. (An item in the August/September issue of the Bulletin misstated Judge LaBarre’s new position with FINRA.)

The National Academy of Elder Law Attorneys has announced that NAELA Fellow Tim Nay has been named the 2019 recipient of the Theresa Award, which recognizes the outstanding efforts of those individuals who go above and beyond in helping and advocating for people with special needs. Established in 1992, the Theresa Foundation grants funds for arts, music, dance and recreational programs to help children with special needs attain the highest level of educational, artistic, emotional, physical and intellectual achievement possible.

Foley & Mansfield has been named one of 64 major U.S. law firms earning Mansfield Rule 2.0 Certification, which measures whether law firms have affirmatively considered at least 30 percent women, lawyers of color and LGBTQ+ lawyers for leadership roles, promotions and formal client pitches. In addition, Foley & Mansfield is among 99 firms that have committed to participate in Mansfield Rule 3.0, which broadens the candidate pool to lawyers with disabilities. The firm also has been recognized for its diversity efforts, ranking eighth on the 2019 National Law Journal Women in Law Scorecard, and was named a top firm on The American Lawyer 2019 Lawyer Diversity Scorecard.

Stoel Rives has announced that it has achieved Mansfield Rule 2.0 Plus Certification, affirming that it considers at least 30 percent women, lawyers of color and LGBTQ+ lawyers for leadership and governance roles, equity partner promotions, formal pitch opportunities and senior lateral positions. A program of Diversity Lab, the Mansfield Rule law firm certification program is designed to boost the representation of diverse lawyers in law firm leadership by broadening the pool of candidates considered for such opportunities.

Two Barren Liebman associates have been named to key leadership positions in the legal profession and beyond. Donovan Bonner has been named Scholar of the American Bar Association Young Lawyers Division. In addition, Bonner has been selected as vice chair of the Labor & Employment Committee and a member of the Men of Color Project in the Young Lawyers Division. At the same time, Nicole Elgin has joined the Ambassador Board for College Possible. Through this role, Elgin expects to support students with mentorship and resources to help them apply to, enroll in and graduate college.

Gevurtz Menashe has welcomed home attorney Jeffrey S. Matthews as its new family law of counsel. Matthews began his family law practice with Gevurtz Menashe in 1988 and practiced with the firm for 10 years. With more than 35 years of experience in Oregon family law cases, he focuses his practice on financially complex divorce cases that include the valuation and protection of high-net-worth estates, business interests and other property distribution issues. He is also skilled in high-conflict custody litigation.

Natalie Horwitz has been named an associate at Fisher Phillips, a national labor and employment law firm repre-
senting employers. Horwitz represents companies in all areas of employment litigation and advises on general employment and compliance issues, including disciplinary actions, settlement agreements, grievance responses, alternative disciplinary agreements, labor relations and performance improvement plans. She joins the firm after serving with the U.S. Army Corps of Engineers, where she handled labor and employment matters.

Fisher Phillips, a national labor and employment law firm that represents employers, has announced that Clarence M. Belnavis has been named managing partner of its Portland office. He reassumes the role after serving in the same capacity from 2007-09. Belnavis is a trial attorney who defends his clients in all aspects of employment litigation, from disability and discrimination claims to wrongful discharge. He currently serves as chair of the Oregon State Bar’s Labor and Employment Section.

Dylan Becker has been named to the litigation practice group at Jordan Ramis. Becker is a trial lawyer focusing his practice on insurance coverage and defense. He also has years of experience arbitrating personal injury, property damage and construction defect cases throughout Oregon and Washington.

Taylar Vajda has joined Wiscarson Law, which serves a wide range of needs for individuals with disabilities. For more than two decades, the Portland firm’s focus has been on special education law and ensuring that students receive a free, appropriate public education.

Emily Busse and Christina Andreoni have joined the firm as associates. Emily and Christina will represent the firm’s diverse client base in matters ranging from commercial real estate transactions, loan documentation, land use, corporate formation, and foreclosures.

At Tomasi Salyer Martin, we are always passionate about our clients’ success.

www.tomasilegal.com
In Memoriam

Hon. David Schuman, a widely respected jurist and longtime law professor at the University of Oregon, died Oct. 8 in Eugene. He was 75.

An avid bicyclist, Judge Schuman was involved in a serious cycling accident on Oct. 5 and died as a result of the injuries he sustained, according to a university spokesperson.

“The Oregon State Bar lost a leader with the death of Judge Schuman,” says Helen Hierschbiel, the bar’s CEO. “He was a tireless OSB volunteer committed to the bar’s work on diversity and inclusion and on advancing scholarship and the understanding of appellate and constitutional law. He had a great impact in Oregon, and will be missed.”

Judge Schuman, who was born in the Chicago suburb of Glencoe, Ill., was an accomplished speed skater as a teenager; as a 17-year-old, he placed second in the North American finals at 220 yards. Although he harbored some Olympic aspirations, he told Multnomah Lawyer in 2005, he passed up the opportunity because he was anxious to start school that fall at Stanford University.

He went on to earn a bachelor’s degree in Psychology from Stanford, a master’s in English from San Francisco State University and a Ph.D. in English Literature from the University of Chicago. Before attending law school, he taught English at the college level for nine years.

In 1981, Judge Schuman moved to Eugene to begin law studies at the University of Oregon School of Law, graduating with honors in 1984. He then served as a judicial clerk to Oregon Supreme Court Justice Hans Linde and as an assistant attorney general in the appellate division of the Oregon Department of Justice.

In 1987, Judge Schuman joined the University of Oregon’s law school faculty, where he taught constitutional law, criminal procedure, and legislation and administrative law; between 1994 and 1996, he also served as associate dean for academic

“I’ve heard from many of our law school graduates over the years that he was a great teacher and mentor,” University of Oregon President Michael Schill says. “He was a lawyer’s lawyer who had a profound impact on the university and the state.”

In 1997, Judge Schuman was appointed by Attorney General Hardy Myers to be his deputy attorney general in the Oregon Department of Justice, where he served until 2001. He returned briefly to the University of Oregon School of Law faculty, where he was promoted to the rank of full professor, before being appointed to the Oregon Court of Appeals by Gov. John Kitzhaber on March 5, 2001.

Judge Schuman was elected to a full six-year term on the bench in 2002 and re-elected in 2008. He retired in 2014 and returned the following year to the University of Oregon, where he served on the law school faculty until his death.

Judge Schuman is survived by his wife, Sharon; two children, Ben and Rebecca; and three grandchildren, Milly, Halina and Sage.

**Have an Item for the Bulletin?**

The Bulletin welcomes short items about Oregon lawyers and law firms for the Bar People pages of the magazine. Notices are published at no cost. Email notices to: editor@osbar.org.

Submissions are subject to editing and published in the order received. The Bulletin publishes photographs (single headshots only) with “Moves,” “Among Ourselves” and “In Memoriam” items. The fee is $20 for each photograph. The notice itself is still free.

Paid professional announcements are also an option. Inquire at advertising@osbar.org.

Questions? Call the Bulletin at (503) 431-6356 or (800) 452-8260, ext. 356.
FOR SALE

FOR SALE – Complete set of Oregon Reports and Court of Appeals Reports. PRICE: $9,015 Shelves available. Will deliver in Oregon. CALL: (541) 426-4912.

LAW LIBRARY, COMPLETE SET OREGON REPORTS and Oregon Appellate Reports, $5,500, (503) 650-8010.

LAW LIBRARY, COMPLETE SET OREGON REPORTS and Oregon Appellate Courts, $7,200, (503) 242-0005.

OFFICE SPACE
5200 MEADOWS EXECUTIVE OFFICE SUITES – Offering Executive Suites, mail service, phone reception, meeting rooms, business support and more. Call (503) 726-5999 or visit 5200meadows.com.

ACROSS FROM PORTLAND SOUTH WATERFRONT – Free parking with 11’ x12’ office in suite with plaintiff employment lawyers. Conference rooms, scanner/copier. $700/mo, assistant space also available. 3236 SW Kelly Avenue. Contact Don at (503) 223-2612, dpotter@nwemployeelaw.com.

CLASS A OFFICE SPACE IN SE PORTLAND – Window office with reception service available in friendly SE Portland law firm. Top floor of modern building, easy highway access, free parking. Access to kitchen, copy/scan and work areas. Will consider adding assistant space if right fit. $700 - $1,000/mo. Contact Alyssa at alysaf@fitzlawlaw.com or (503) 786-8191.

DOWNTOWN EUGENE, 975 OAK STREET – Spacious, view office in upper level of Class A Citizens Building. Ample staff space, copier and conference/library provided. Congenial atmosphere. Some work overflow probable. Would consider shared reception. $975/mo. Contact Terri at (541) 345-3333.

DOWNTOWN OFFICE SPACE in American Bank Building. 1 partner sized office available overlooking Pioneer Square with support staff space if desired. Conference room, copier, fax/internet/phone, receptionist included. Fitness center, showers and bike racks available in building. If interested, call Steve at (503) 223-5814 or sib@brischettolaw.com.

DOWNTOWN PORTLAND, 1000 BROADWAY. Class A space, 23rd floor, receptionist, voice mail, conference rooms, copiers, scanners, phone, gym, showers, bike rack, $750 to $1,500, (503) 274-1680.

EXTERIOR OFFICE 12’ X 13’ IN 7 ATTORNEY SUITE in 6th + Main building (used to be called Congress Center), available now. Includes reception, conference room, kitchen and access to high-volume copier. Building workout facility with shower. $875/mo, assistant space $100/mo. Contact Christine, (503) 242-1122, ctracey@nwlawfirm.com.

HILLSBORO DOWNTOWN OFFICE SPACE one block to courthouse, free reserved parking. Single private offices on month to month or longer. $325 per month. Larger suites also available. New Comcast high speed internet available! Call Jay Weil (503) 924-5772, or email jaymweil@aol.com.

JOHN’S LANDING OFFICE SPACE – Spacious Partner office with beautiful Willamette River view on the top floor in the Panorama Building at 4504 SW Corbett Avenue, Suite 200, Portland, Oregon on the corner of SW Corbett and SW Hamilton Avenues. Support staff space also available. Quiet, congenial, client friendly space with covered client parking and elevator to top floor from parking garage, access to common areas (reception, conference room, kitchen, shower). Rent includes receptionist service, phone system; copier/fax/scan (at cost). Office currently available. Contact Craig Nichols (503) 224-3018 or craig@nicholslawgroup.com.

LAKE OSWEGO KRUSE WAY – Class A Office Building. 4248 Galewood Street, Lake Oswego, OR 97035. Primarily Attorneys. Partner-sized, windowed offices. Receptionist, Phones, High Speed Internet, Conference Rooms available or included. Free parking. Office lease prices range from $600 to $1400 per month. Phone numbers or ported numbers available. Call for information. John (503) 675-4343.

LAW FIRM HAS TWO OFFICE SPACE TO SUBLEASE (150 & 170 sf) – Newly remodeled building in Griffith Park (off HWY 217, near Beaverton downtown). Free parking, internet & work station. You have the option to sublease one or two offices or make Virtual / Executive office arrangement. Rent is $200-600 depending on your needs. Contact Bao (503) 737-5621 or contact@askwang.com.

LAW FIRM OFFICE SHARE AVAILABLE AT KINON TOWER – Offices available on 6th floor of the Kinon Tower in downtown Portland. Two spacious, furnished city view offices, one inner office and one workstation offered. Includes reception, conference room and kitchen. Copier/scan, internet, telephone, provided at cost. Spaces available to sublease together or individually. Perfect for a small firm or sole practice. Building amenities include fully renovated lobby, elevators and restrooms, high-end premium finishes in common areas, collaborative tenant spaces, fully equipped conference rooms, private health club, coffee bar, on-site restaurants and convenience store, parking, bike hub and 24/7 security personnel. Contact Sonya Baker – sbaker@pregodonnell.com or (206) 287-1775.

NE PORTLAND CONVENIENT LOCATION – Large offices with reception services, phones, internet, copier, supplies, conference rooms and more included. Additional opportunities available as owner transitions to retirement. Price negotiable depending upon arrangement. (503) 256-0780.

OFFICE SPACE FOR RENT IN CENTRAL WESTSIDE LOCATION NEAR DOWNTOWN – Space is approximately half an office suite: three offices, as well as a paralegal space in ongoing consumer law practice. We are happy to discuss less space or additional office space. Copy machine, kitchen, and conference room are part of the suite. Offices are currently furnished and file storage space is available, as well. Depending on configuration rent is $700 to $2500. If interested call (503) 504-9057 or email callisonlegal@gmail.com.

OFFICE SPACE – JOHN’S LANDING – Looking for other professionals to share office space on the third floor of the River Park Plaza Building in John’s Landing with other sole practitioners and a small law firm. Current tenants include Estate Planners, Family Law, Elder Law, Tax Preparers and Investment Advisors. This is Class A space in a building that was built in 2003. Rent includes high speed Internet, phones, reception, voicemail, meeting rooms, kitchen and parking! We have two offices available at $600 each. We are looking for a one-year commitment. Please contact Bob Cronym at (503) 245-0894 or bob@haylaw.com.


PANORAMA BUILDING 5,000 SQUARE FEET OF GROUND FLOOR OFFICE SPACE 4504 SW CORBETT Convenient to Downtown. Panoramic River and River and Mountain Views. Space includes reception area, offices, conference rooms, cubicle areas and other amenities. Janitorial and basic utilities provided. Off and on street parking. All-inclusive lease $28 per square foot annually. Contact: (503) 866-7521.

PORTLAND DOWNTOWN – Remodeled & modern Class A office space on 9th Floor of 1000 SW Broadway Building. Currently available for sublet is 1 office and 1 smaller work space/ooffice. Offered together or separate. Price and terms are negotiable and depend on term and amenities. Usual amenities offered (conference room, kitchen, receptionist, copier, workout room, etc.). Contact Tim Lands @ (503) 220-1331 / tim@tlandslaw.com or Mark Olmsted @ (503) 445-4453 / mark@olmstedlaw.com.

SEATTLE DOWNTOWN VIEW OFFICES 5TH & PIKE – Need a Seattle office? Furnished executive office and workstations available, views from 25th floor of newly remodeled
520 Pike Tower. This turnkey sublease includes full-time reception; conference rooms; fax, postage, and copy machines; kitchen breakroom; coffee and tea service. Access to building gym, bike storage, and monthly parking available. This professional and convivial office share arrangement is perfect for a solo practitioner or small firm. If interested, please call Liz at (206) 340-1935.

TWO LAW OFFICES AVAILABLE DOWNTOWN at the Honeyman House, 1318 SW 12th Avenue, Portland. Professionally remodeled Victorian House. Easy street parking for clients, 10 minute walk to the courthouse, and easy freeway access. Amenities include law library, large conference room, access to copier and fax. One office is $600 per month and a smaller office is $425 per month. Both offices come with a free tenant parking place ($205/month value) with a minimum 30 month lease. Contact Allan at (503) 781-7887 or Eric at (503) 224-1212.

TWO OFFICE SHares IN DOWNTOWN PORTLAND 1 MONTH FREE WITH A 12 MO LEASE – One is 14x12 for $1,200 per month and the other is 15x10 for $1,025 per month. 10th floor office in Cascade Building. 2 blocks from Pioneer Square and MAX Transit hub. Alder Street Parking Garage across street. Rent includes reception, telephone/internet, office conference room, shred, copier & postage machine use. Building amenities: Gym, washer/dryer, tenant lounge. Contact Jamie @ (503) 243-2733 or email to csteward@luvaascobb.com.

DOWNTOWN
TWO LAW OFFICES AVAILABLE

TWO LAW OFFICES AVAILABLE

TWO LAW OFFICES AVAILABLE

TWO LAW OFFICES AVAILABLE

ASSOCIATE ATTORNEY – FAMILY LAW – Small, busy Portland family law firm seeks enthusiastic associate. Friendly, supportive work environment. 2-5 years relevant experience preferred. Email letter/resume to mark@kramer-associates.com or fax letter/resume, attn: Jamie: (503) 274-4774.

ASSOCIATE ATTORNEY, NEWPORT, OR: Well established law firm representing a variety of local government entities, businesses, organizations and individuals primarily in civil matters seeking a proactive attorney with excellent research, writing and communication skills who can produce the high-quality work the firm is known for. We offer the opportunity to gain experience in a variety of areas of civil law while taking on significant responsibility under the guidance and mentoring of senior attorneys. Please submit resume, writing sample and professional references to davis@maggdlaw.com.

ASSOCIATE ATTORNEY – PERSONAL INJURY – Solo attorney seeks associate attorney for growing personal injury practice located in the Tigard Triangle. This firm represents injured victims through the personal injury claim process with insurance companies and in court. Candidates must have 2-5 years of experience in personal injury practice, be competitive, highly motivated, and have a strong work ethic. Competitive compensation package. Please send cover letter, resume, and professional references to travis@mayorlaw.com.

CIVIL PRACTICE ATTORNEY – Luvaas Cobb’s Eugene office is looking to add an experienced attorney to their well-respected and growing firm. Candidates must have 3-6 years of experience in civil practice. Expertise in the areas of real estate, commercial law, business and corporate law, elder law and litigation are of particular interest. Strong research and writing skills, excellent communication skills, and attention to detail are necessary requirements. A competitive salary and benefit package will be offered to the right candidate. All submissions of interest will be kept strictly confidential. Please send written interest to Candyce L. Steward, Law Office Administrator, Luvaas Cobb, 777 High Street, Suite 300, Eugene, Oregon 97401, or email to csteward@luvaasco.com.

BANKRUPTCY / RESTRUCTURING ATTORNEY – Sussman Shank, LLP, a mid-sized, full-service commercial law firm in Portland, Oregon has an immediate opening in its Chapter 11 Bankruptcy and Restructuring Group. We are seeking an attorney with 3-7+ years’ experience in chapter 11 cases and business litigation. Candidate should also have meaningful, hands-on courtroom and office experience in handling significant UCC matters, business restructurings, commercial loan workouts, and receiverships. Please address cover letters and resumes to our Chief Operating Officer, Steven T. Seguin. Visit Sussman Shank’s website for information on the firm and its attorneys at www.sussmanshank.com.Competitive Benefits and Compensation. Ranked one of the 100 Best Companies to Work for in Oregon. Equal Opportunity Employer

COMMERCIAL & CORPORATE COUNSEL – Fall Creek Farm & Nursery is a US-based company with a keen focus on supporting the global blueberry industry with high-quality nursery stock and the best genetics available. Based out of Lowell, Oregon, Fall Creek has nursery operations in Oregon, Mexico, Peru, Spain, the Netherlands, and South Africa, with continued growth expected over the next 5 years. Fall Creek has an opening for a full-time in-house Commercial and Corporate Counsel to support commercial transactions globally and maintain the integrity of Fall Creek’s domestic and foreign corporate structure. The ideal candidate will have: • 4-7 years of experience in a position that requires drafting of legal documents and contract negotiations; private firm experience preferred. • Knowledge of intellectual property and business law. • Experience managing and driving for results from outside counsel. • Ability to identify risk and propose alternative solutions. • Demonstrated aptitude in managing independent projects within a team environment in a fast-paced, growing, and increasingly global company culture. • Ability to manage multiple projects and deadlines with strict attention to detail, careful time management and accurate priority-setting. • JD degree from an accredited law school and licensed to practice law in Oregon, or successfully pass the Oregon State bar exam within one year of hire. For more information and apply, please visit https://www.fallcreeknursery.com/careers/open-positions.EQUAL OPPORTUNITY EMPLOYER (8/23/19)
DOMESTIC RELATIONS ATTORNEY - Luvaas Cobb, a well-respected and long-established Eugene law firm, is looking for an attorney to join our busy family law practice. Candidates should have no less than 3 years of family law experience, have excellent communication skills, and be able to handle all aspects of the litigation process. In addition to being a professional and collegial place of employment, the firm also provides a competitive salary and benefit package. All submissions of interest will be kept strictly confidential. Please email your cover letter and resume to Candycze Stewart, Law Office Administrator, Luvaas Cobb, 777 High Street, Suite 300, Eugene, Oregon 97401 or by email to cesteward@luvaascobb.com.

ESTATE PLANNING & ELDER LAW ATTORNEY – The Law Offices of Nay & Friedenberg LLC is recruiting for an attorney with five or more years of Estate Planning/Elder Law experience. We are looking for someone who possesses a strong work ethic, has fantastic interpersonal skills, is organized and takes initiative. You should be proficient at drafting complex estate plans and be a current member of the Oregon State Bar. This is a career partner track position. If you share our passion for touching lives and making a real difference, want to work with a team that values everyone’s contributions, and are willing to commit to 40-45 hours per week, we want to talk. Compensation is above market and we offer great benefits. Please email your cover letter and vita to estateattorney@nayfriedenberg.com. No calls, please. All submissions are strictly confidential.

ESTATE PLANNING AND BUSINESS ATTORNEY – Corvallis, Oregon Law Firm – Smith, Davidson & Brasier, PC is an established Corvallis law firm with decades of combined experience among our attorneys in the areas of estate planning, business, probate and trust administration, tax and real estate. As a firm we take pride in being a collegial and supportive law firm, which enables us to provide the highest quality of service to our clients. We are seeking an attorney with a minimum of three years of private law firm experience, who will be capable of immediately taking on responsibility for representing clients in one or more of our areas of practice, while also being able to work as part of a team with the other attorneys in the firm. A successful candidate must have excellent communication and writing skills, a strong commitment to providing high quality client service and a desire to practice law in Corvallis, Oregon. Interested candidates should reply to this post by submitting a letter, resume and a writing sample in confidence to njagnolia@smithlaworegon.com.

EXPERIENCED CRIMINAL DEFENSE ATTORNEYS, PORTLAND & HILLSBORO – Metropolitan Public Defender is seeking experienced attorneys with at least one to five years of criminal defense experience. Please send cover letter and resume via email to kconstan@mpdlaw.com.

FAMILY LAW ATTORNEY POSITIONS AVAILABLE – Schantz Lang PC, a Washington county-based firm, is seeking an associate attorney with at least 3 years of Family Law experience to join our team. We’re looking for someone who enjoys working in a fast-paced, team-focused environment. Please email your cover letter and resume to: annalise@schantzfamilylaw.com. All submissions are strictly confidential.

GREENSPOON MARDER is seeking a Litigation Associate for our Portland, Oregon office with at least 0-3 years of experience. The applicant must have experience or an interest in practicing on the landlord side of Landlord Tenant Law. Court experience is mandatory. Experience in Landlord discrimination defense preferred. Please send resumes to christina.pappas@gmllaw.com.

LINCOLN DEFENDERS & JUVENILE ADVOCATES, the indigent defense consortium for Lincoln County, is currently accepting applications from attorneys interested in providing contract indigent defense services for Lincoln County. We are seeking attorneys for a full time misdemeanor and felony case load. Applicants should have at least three years of criminal law experience. Please submit resume and cover letter to Lincoln Defenders and Juvenile Advocates, PO Box 1070, Newport, Oregon or you can email the same to cdj@vf-law.com.

LITIGATION ATTORNEY, CIS (TIGARD) – Become a trusted advisor and advocate for city and county law enforcement by defending law enforcement and employment claims. This includes defending excessive force, wrongful arrest and civil rights claims against law enforcement, as well as law enforcement related employment practices claims. The focus is on law enforcement, but the Litigation Attorney will defend other liability claims filed against local government in Oregon. The Litigation Attorney will primarily support the Senior Litigation Attorney, while handling a separate caseload. This position requires membership in good standing in the Oregon State Bar, admission to the U.S. District Court, and a minimum of three years’ experience, ideally with some portion spent defending law enforcement. The ideal candidate will have first or second chair trial experience in law enforcement and/or employment cases, as well as a background in public sector tort and civil rights law, familiarity with the insurance industry, and confidence in dealing with public officials. CIS has been a “Top Workplace” in Oregon six years in a row. Excellent wages and benefits (including PERS retirement), and free parking. To apply, go to: http://www.cisoregon.org/General/ojs.aspx.

SUSSMAN SHANK, LLP, A MIDSIZED, FULL-SERVICE COMMERCIAL LAW FIRM in Portland, Oregon has an immediate opening in its business practice group for a highly-skilled transactional lawyer with a minimum of seven plus years’ experience as lead counsel on significant M&A transactions, creation and negotiation of commercial loan documentation, and outside general counsel advice. An ideal candidate has an advanced tax degree and shows dedication to business and practice development. Please address cover letters and resumes to our Chief Operating Officer, Steven T. Seguin. Visit Sussman Shank’s website for information on the firm and its attorneys at www.sussmanshank.com. Competitive Benefits and Compensation. Ranked one of the 100 Best Companies to Work for in Oregon. Equal Opportunity Employer.

TRANSACTIONAL ATTORNEY – EUGENE LAW FIRM – Hershner Hunter LLP is interested in a business transactions attorney to fill an associate position. Hershner Hunter is a 20+ attorney and AV-rated regional law firm located in Eugene for 75 years. The associate position is partner-track, working within the business transactions group on a variety of matters, including business acquisitions and sales, real estate, formation of corporations and other business entities. The ideal candidate will have three to six years of experience, with experience in health care transactions preferred. Candidates should send materials to Nicholas Frost, at nfrost@hershnerhunter.com.

TRUSTS AND ESTATES ATTORNEY – Established and close-knit Bend law firm seeks trusts and estates attorney. The ideal candidate will have at least 3+ years of estate planning experience. The candidate will execute on a wide-variety of planning and administration of taxable and non-taxable estates. Firm is offering a partnership track, full benefits package, and career growth. The candidate must have excellent qualifications, strong listening skills, and a client-relationship focus. Please email resume, cover letter and writing sample to rmharbinson@hurley-re.com.

VIAL FOTHERINGHAM LLP is seeking experienced attorneys to support busy real estate, land use and estate planning, probate attorneys in our Oregon office. Candidates should have at least 4 years of experience in these practice areas. Looking for Oregon licensure, Washington helpful as well. Preferred candidates will have a thorough understanding of federal and state laws and regulations, have excellent writing and analytical skills, and an eye for detail. Please send resume and writing sample to cjdyufv-law.com.

PRACTICES FOR SALE

CENTRAL WASHINGTON ELDER LAW & ESTATE PLANNING PRACTICE with a practice/case breakdown by revenue of approximately 34% Probate, 30% Estate Planning, 19% Guardianship, 13% Medicaid Planning, and 4% Vulnerable Adult. The Practice has average gross revenues of over $253,000 the last three years (2016-2018) and is poised for growth under new ownership. The Owner of the Practice is open to selling the office building to the person who purchases the Practice, if desired. Contact info@privatepracticetransitions.com or call (253) 509-9224.

EAST KING COUNTY REAL ESTATE & ESTATE PLANNING PRACTICE that has been operating for more than 40 years! A true staple in the community, the practice offers a variety of services, focusing on Estate Planning (35%) and Real Estate (25%). Contact info@privatepracticetransitions.com or call (253) 509-9224.

ESTABLISHED ESTATE PLANNING, PROBATE & BUSINESS LAW PRACTICE with offices in King and Kitsap Counties. The practice/case breakdown is 60% Estate Planning & Probate, and 40% Real Estate, Business Law & Bankruptcy. Call (253) 509-9224 or email info@privatepracticetransitions.com for more information.

ESTABLISHED KITSAP COUNTY ESTATE PLANNING, GUARDIANSHIP & PROBATE PRACTICE that has been a staple in Kitsap County
for over 14 years. The practice/case breakdown is 40% Guardianships and Trusts, 25% Probate, 25% Estate Planning and 10% Other (Probate, Estate Litigation, GAL). The Owner runs the practice out of her home office, which makes this a great opportunity for an attorney wishing to grow his/her current practice and/or start a practice with an established book of business. The Owner took in over $125,000 in income and perks in 2017. Contact info@privatepracticetransitions.com or call (253) 509-9224.

ESTABLISHED PIERCE COUNTY INSURANCE DEFENSE PRACTICE that was established in 1998 and has over 125 active clients as of April 2019. The average gross revenue the last three years was over $1,071,000. The practice/case breakdown by revenue is 50% Bodily Injury, 10% Property Damage, 10% Product Liability, 10% Professional Liability, 10% Plaintiff Work, and 10% Other. Contact info@privatepracticetransitions.com or call (253) 509-9224.

ESTABLISHED PIERCE COUNTY PERSONAL INJURY PRACTICE that was established in 1980, has over 100 active clients, and has average gross revenues of over $775,000 the last three years (2016-2018). The practice/case breakdown by revenue is approximately 99% Personal Injury and 1% Other. The Practice is located in a 1,375 SF fully furnished office that the Practice leases. Contact info@privatepracticetransitions.com or call (253) 509-9224.

ESTABLISHED SEATTLE ESTATE PLANNING PRACTICE that has a practice/case breakdown by revenue of approximately 45% Estate & Trust Administration, 40% Estate Planning, and 15% Other (Collateral Matters, Estate Tax Preparation, Real Property Issues, etc). The Practice is located in the heart of downtown Seattle, has averaged gross revenues of over $286,000 the last three years (2016-2018), and is poised for growth under new ownership. Contact info@privatepracticetransitions.com or call (253) 509-9224.

ESTABLISHED TUMWATER FAMILY LAW & ESTATE PLANNING PRACTICE that has a practice/case breakdown by revenue of approximately 70% Family Law, 15% Estate Planning, 5% Real Estate, 5% Business, and 5% Other. The Practice is located in a 2,650SF building that is also available for sale, if desired. With 2018 gross revenue right around $200,000 and 166 active clients, this Practice is poised for growth under new ownership. Contact info@privatepracticetransitions.com or call (253) 509-9224.

REGIONAL AND INTERNATIONAL BUSINESS LAW PRACTICE with a stellar reputation and average gross revenues over $550,000 the last three years. The Practice/case breakdown is 50% Business Law, 35% Estate Planning, 10% General Legal Services, and 5% Intellectual Property. The Practice is located in East King County in a 2,000SF leased office space. Contact info@privatepracticetransitions.com or call (253) 509-9224.

SUCCESSFUL KING COUNTY INSURANCE DEFENSE PRACTICE that is located in the heart of Seattle and had 2018 gross revenues over $1,800,000. The Practice was established in 2006, has a great reputation in the legal community, and has five (5) total employees, including the owner. Contact info@privatepracticetransitions.com or call (253) 509-9224.

THINKING ABOUT BUYING OR SELLING A PRACTICE? If you are, we can help you! Guaranteed. Private Practice Transitions, Inc. is the preeminent provider of specialized brokerage services in the Northwest, catered specifically to the owners of professional services businesses -- like you! We have countless buyers and sellers waiting for the right opportunity. Take control of your tomorrow by calling us today at (253) 509-9224 or check our website at www.privatepracticetransitions.com.

THRIVING BEND OREGON LAW FIRM that has been a staple in the Bend community for over 42 years. In 2018, the practice brought in over $540,000 in gross revenues and over $357,000 in total owner perks. The practice has a case breakdown of 29% Civil, 21% Estate, 16% Family/Divorce, 16% Other (Contracts, Real Estate, Criminal, Business, PI, DUI, etc), 5% Land Use, 5% Landlord Tenant, 4% Corporate/LLC, and 4% Water Law. Contact info@privatepracticetransitions.com or call (253) 509-9224.

THRIVING STEVENS COUNTY PERSONAL INJURY & FAMILY LAW PRACTICE that was established in 2009, has a strong client base, and brought in over $855,000 in gross revenue in 2018. The practice/case breakdown by revenue is approximately 48% Personal Injury, 43% Family Law, and 9% Other (Estate Planning, Probatte, General Litigation, etc.). The Practice employs five (5) people: one (1) owner/attorney, three (3) legal assistants, and one (1) office administrator. Contact info@privatepracticetransitions.com or call (253) 509-9224.

THRIVING VIRTUAL APPELLATE LAW PRACTICE that has experienced 17%, 30%, and 47% YoY growth the last three years (2016-2018). In 2018, the firm’s gross revenues were over $915,000! The Practice was established in 2009, has a great reputation in the legal community, and has over 150 active clients as of January 2019. The owner would like to sell the Practice as a turn-key operation. The practice/case breakdown by revenue is 100% Appeals. Contact info@privatepracticetransitions.com or call (253) 509-9224.

THRIVING & WELL-ROUNDED PIERCE COUNTY LAW PRACTICE that has been a staple in Pierce County for over 20 years. The Practice is absolutely thriving with average gross revenues over $1.6 Million the last three years. The practice/case breakdown is 30% Trusts, Estates & Probate, 15% Business Formation, 15% Plaintiff Personal Injury, 15% Commercial & Corporate Litigation, 8% Real Estate, 7% Municipal, and 10% Other. Contact info@privatepracticetransitions.com or call (253) 509-9224.
furnished & well-equipped. Sleeps 4. Fi, DVD, CD, BBQ, washer/dryer, fully room, 1 bath Ranch Cabin, ideal for a – Warm, cozy, 2 bed - SUNRIVER cascarauctions.com . our web site at www.cascara, visit (800) 531-1130 aquatic & recreation facility. Contact ly & with free access to the Sharc Hardman, (503) 916-1787, or Fax contacted at his office: Christopher R. Hardman - Providing de - ADVICE & OPINIONS – Christo - FOR THE WILL FOR - SEARCHING TO SUBMIT A CLASSIFIED POSITIONS AVAILABLE $30 for the first 20 words, 50 cents each additional word. SERVICES $40 for the first 20 words, 50 cents each additional word. ALL OTHER ADS $40 for the first 20 words, 50 cents each additional word. Oregon State Bar members receive a $10 discount on these ads. COLOR Color may be added to any ad for an additional $20. BLIND ADS Add $15 to the cost of the ad for this service. BLIND AD REPLIES To protect the confidentiality of an anonymous advertiser as well as the reader, we offer the following service: if there is a firm you do not wish to respond to, list that firm (or firms) on a note along with your response to the blind ad. If the anonymous advertiser is a firm you have listed, your response will be recycled. Send both to blindad@osbar.org with the blind ad number in the subject line. Or, mail in a 9 x 12 inch envelope to Oregon State Bar, Attn: Blind Ad #[fill in the blank], P.O. Box 231935, Tigard, OR 97281. SUBMIT TO Email: advertising@osbar.org; fax: (503) 598-6911; mail: P.O. Box 231935, Tigard OR 97281, Attn: Advertising. For questions, contact Spencer Glantz at advertising@ osbar.org, (503) 431-6356 or (800) 452-8260 ext. 356. DEADLINES The first business day of each month for the following month’s issue.


LANGFORD ENTERPRISES – 23 years Owner / Operator of The Hom - eTeam Inspection Service 40 years Const. Background Seeking court cases in need of an Expert Witness for: • Construction Defects • Material Failure • Construction Applica - tions • Opinion on Home Building • Related Home Inspection issues. Greg Langford owner 503 675 7979 clackamas@hometeam.com.

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NOVEMBER 2019  •  OREGON STATE BAR BULLETIN 169
PARTING THOUGHTS

Parking-Lot Hugs

By Larry Sokol

You wouldn’t think that a parking lot you’d crossed hundreds of times before would suddenly hug you back after almost 50 years. But it happened to me a couple of months ago.

My son Max, a friend and I were happily chatting and heading to Max’s car when, just ahead of me, an elderly fellow with just a few wisps of beautiful white hair eased himself carefully, most cautiously, out of his car. He carried a cane and was accompanied by two women, one likely his wife of many years and another who was younger.

All looked like people you’d love to meet.

Good eyesight wasn’t necessary to see the wide, inviting smile on the man’s face — a look that instantly transported me back to Aug. 15, 1970, and the office of Robert H. Huntington at what was then the law firm of Davies, Biggs, Stayer, Stoel & Boley (now known as Stoel Rives). Bob held my thin resume in his hands at that long-ago meeting — and perhaps my future as well.

For me, it was the third or maybe fourth day of playing “pinball interview.” I was the stainless steel bearing bouncing up and down elevators and from one side of the city to another with so few points that I should have gotten my 10 cents back. But Bob’s humanity bolstered for a long time my hopes for a legal future in Oregon, and as I stood next to him in that parking lot last month, I told him that the interview with him still could light up even my few remaining brain cells.

In the parking lot, I babbled to Bob that of all the rejection letters, his was a beauty, completely uplifting and most of all encouraging. To tell you the truth, I thought he was offering me a managing partner job until the last sentence or two.

I had papered the bathroom with most of the “no thanks” letters I received. His I saved.

In the 1970s, when I faced lawyers from Bob’s firm — they represented some hefty companies — I’d always tried to stick my mug in his office and say hello. But time goes by, and while I often thought about him, we hadn’t seen each other in decades — until last month, when I gave Bob a cautious hug and floated off, feeling pretty much the same as I had leaving his office 49 years ago.

So, there you are. Busier than you’d like. Thinking of golf, or work, or riding your horse, or lunch, or the Portland Thorns. Maybe it’s sunny out — prime time for you or job applicants just out of school to be swimming laps. You feel to some extent a success, and in any event, you are certainly further along in your career than the anxious young person who probably showered and dressed up to meet you.

But remember: You have choices. And I hope you choose Robert Huntington’s path.

Be as helpful as you can. Try to advance the hopes, if nothing else, of the person sitting before you. Give them some encouragement, flip them some leads or some names. Maybe even pick up the phone and call a pal to ask if they would be willing to meet with the person. Bring in a couple of the friendliest lawyers in your office to meet them — particularly when you are not so much in a generous mood.

The extra 10 or 15 minutes you spend conducting that interview will pay off big time for you, the bar and the person you have kindly helped.

Try to advance the hopes, if nothing else, of the person sitting before you. The extra 10 or 15 minutes you spend conducting that interview will pay off big time for you, the bar and the person you have kindly helped.

Larry N. Sokol has been representing plaintiffs in medical negligence cases since completing his clerkship in 1971 for Hon. Herbert Scheub, chief justice of the Oregon Court of Appeals.
Get ready for the OSB’s annual compliance cycle

Compliance statements will be emailed to members in early December. Log in to the OSB website to find the items and deadlines that apply to you. Your member dashboard will show personalized information on bar fees, MCLE reporting, IOLTA reporting and PLF assessments, along with links to pay fees and file needed reports.

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