In Pursuit of Well-Being
Oregon’s Legal Community Makes Healthy Living a Priority
“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.”
— RUS AND MARY PITKIN

TIM JONES PC
Trial Attorney
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Barran Liebman running club members Heather Fossity (from left), Donovan Bonner and Francisco Castillo dash through Portland’s South Waterfront on one of their weekly after-work outings – just one example of the well-being efforts underway throughout Oregon’s legal community. Our Special Report begins on Page 14.

Photo by Jonathan House
One person. One single, generous person, just like you, can make an impact. And when generous people, just like you, join together, they can make an exponential impact.

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Taking Care of Each Other

By Gary M. Stein

Employees at Landerholm Family Law gather for a firm-wide event at least every couple of months so that office relationships have an opportunity to grow outside the workplace.

In the past year alone, they’ve had a potluck barbeque, gone to two hockey games and held a bowling night. They’ve attended fundraising and sponsorship events, and thrown going-away or celebratory parties at local restaurants.

Why?

Because founding partner Lewis Landerholm and his team have seen the frightening statistics about the impact of mental health issues and substance abuse on the legal profession and made a commitment early on to create an atmosphere of well-being at their firm.

“He’s not alone, of course. Law firms in Oregon and across the country are increasingly providing nontraditional benefits to lawyers and staff — from flexible work arrangements to more paid volunteer time, on-site gyms, pet-friendly offices and more — in an effort to emphasize the importance of a work-life balance.

More importantly, they are implementing policies and programs designed to remove the stigma that has often kept legal professionals from admitting that they have a problem and that they need help.

“We try to create an atmosphere that allows people to take care of themselves without feeling shamed,” Landerholm says. “By offering internal benefits that provide easy access to mental health care, a network of referrals we can reach out to and an office policy that allows for flexible schedules rather than an iron fist, our employees have been able to experience the freedom needed to take care of their family and their own needs as situations come up.”

That’s critically important in the legal profession, which is why the Oregon State Bar has made lawyer well-being a top priority in recent years. It’s also why, for the first time ever, the Bulletin is devoting an entire issue to just one topic.

Inside this month’s magazine, you’ll certainly find a recap of the grim statistics. But you’ll also get a glimpse into the work being done by the Oregon Attorney Assistance Program to improve lives. You’ll learn about the unique concerns of law students, diverse lawyers and those at different stages of their careers.

And you’ll discover what law schools and firms are doing about those concerns — firms like Landerholm Family Law, where an open-door policy encourages staff to feel that they can talk to the firm’s... continued on next page...
owner and partners about any problems, frustrations or requests they may have.

“As an employer, I don’t need to know all of the details of an employee’s circumstance if they’re not comfortable sharing, and we don’t require in-depth explanations to justify taking time off,” Landerholm says. “But I do need to make sure that my employees have access to people they can talk to if the need arises.”

Parents at the firm can work from home when necessary or leave early to pick up their kids. Employees experiencing personal hardships have been allowed to work from home part-time or take an unplanned day off while they get their feet underneath them. Rather than create an office atmosphere based solely on performance, Landerholm Family Law works with employees to accommodate their life needs outside of the office.

And did I mention that the firm allows every employee one stress-busting massage per month? Or that a “Kudos” system based on employees’ nominations results in a monthly drawing for personalized gifts? Or that Lewis Landerholm buys every employee a cake on their birthday? The results, he says, have benefitted the firm and its clients as much as his employees.

“It seems like a no-brainer,” Landerholm says, “but happy, healthy attorneys do a much better job at taking care of clients, so why would we not put effort and resources into ensuring that our employees feel taken care of?”

At the end of the day, Landerholm says, there’s no way to truly eradicate the highs and lows that are simply part of the human experience.

“What we can do, however, is provide benefits and opportunities for our employees that can promote relaxation, laughter and connection,” he says, “or that just remove the pressure of needing to always be ‘on’ and have perfect performance regardless of life events outside of the office.”

Reach Editor Gary M. Stein at (503) 431-6391 or by email at gstein@osbar.org.
Teaching Indian Law

Jessie Young, an adjunct professor at Lewis & Clark Law School, is quoted in the Bulletin ("Defining ‘Indian,’” May 2019) as saying she’d like to see a robust Indian Law program at Oregon law schools.

In the mid-1990s at the University of Oregon, I took Indian Law from Professor Mary Wood. It was part of my environmental law certificate, which included public lands law, ocean and coastal law, law of the sea, hazardous waste law and environmental law clinics. I felt it was important to have a legal understanding of issues in Lincoln County and the relationship with our neighbors, the Confederated Tribes of Siletz Indians. Tribal Courts and Tribal Law is a course that has been added since my attendance. That would have been helpful, as I eventually became a member of the Siletz Tribal Court Bar.

Professor Wood is the founding director of the school’s nationally acclaimed Environmental and Natural Resources Law Center and is faculty leader of the program’s Conservation Trust Project, Sustainable Land Use Project, Native Environmental Sovereignty Project and Food Resilience Project. She has published extensively on climate crisis, natural resources and native law issues. Her famous great-grandfather, Charles Erskine Scott (CES) Wood, was best known for his relationship with the famous Nez Perce Indian leader, Chief Joseph. He also sent his son Erskine, Mary Wood’s grandfather, to live for two summers with Chief Joseph’s family on the Colville Indian Reservation in Washington State.

Because there was no mention of this coursework or Professor Wood in the article, I feel compelled to set the record straight.

Nyla L. Jebousek, Newport

A Path Toward Healing

I want to thank you for including your informative, thoughtful and touching memorial to Ron Talney ("If Only I Had Known,’ August/September 2019) in the Bulletin. I was privileged to know him when acting as the attorney for his daughter Allison’s estate in obtaining a wrongful death settlement and an underinsured motorists’ claim settlement following her tragic death.

From the outset, I was deeply impressed by Ron’s handling of this profound loss and his ability to focus on necessary tasks in the midst of what was visibly a struggle for an anguished parent. My admiration for his character increased when, two decades later, I received a copy of The Archives of Silence — A Father’s Memoir, Ron’s 100-page memoir of his and Linnette’s first year following Allison’s death, along with a personal note from Ron.

He told me that it wouldn’t be an easy read, and it wasn’t. But in the clear, expressive and touching style for which he was long known as a writer, Ron chronicled the slow, cathartic journey the family traveled through those hard months to what I sensed was a livable degree of acceptance and at least the beginnings of a path toward healing. I truly hope it was so.

Mike Gentry, Lake Oswego

Wrong Message

I would like to provide some feedback regarding the closing piece (“Photo Finish”) in the June edition of the Bulletin. Without taking away from any of the individuals depicted there, the picture certainly reinforces the idea that law (and lawyers) are exclusively white and male.

As a woman lawyer, it bothers me to see this stereotype celebrated and reinforced — especially by a bar publication that is funded by all of our dues. The piece also notes that it is members of “Oregon’s Great Legal Generation.” Is that meant to imply that other generations are not as great?

I urge you to consider this perspective in choosing pieces for the magazine and to show an appreciation for how much women and people of color have struggled to make our profession more inclusive and reflective of society.

Kate A. Wilkinson, 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 Letters to the Editor to editor@osbar.org.
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McKINLEY IRVIN
FAMILY LAW
Bernick Leaving PLF, New CEO Sought

Carol Bernick, CEO of the Professional Liability Fund for the past five years, is returning to Davis Wright Tremaine. She is set to serve as a strategic partner with a focus on mentoring, training and career development of associates, especially women and lawyers of color.

“Closing the gender and race gap present in the partnership track of large law firms has been a passion of mine my entire professional life,” says Bernick, who previously worked at DWT for 25 years. “Yet the decision to leave the PLF was not easy: the quality of work performed by the entire staff is its hallmark.”

To apply for the PLF’s open CEO position, visit osbplf.org. Applications must be submitted before Oct. 16, with a desired starting date of Dec. 1, 2019.

AILA Gala to Celebrate Immigration Advocates

Tickets are on sale now for Oregon American Immigration Lawyers’ Vibrant Communities Gala, which is scheduled from 5:30-9:30 p.m. on Thursday, Oct. 24, at the Exchange Ballroom (123 N.E. Third Ave.) in downtown Portland.

During the evening, several individuals will be honored for their work with Oregon’s immigrant communities. They include:

- **Xiomara Torres**, Oregon Immigrant Achievement Award (recognizing and celebrating the accomplishments of an immigrant who has made significant and lasting contributions to the Oregon community);
- **Nicole Nelson**, Gerald H. Robinson Award for Excellence in Advocacy (recognizing the accomplishments of an AILA Oregon Chapter member who has demonstrated excellence as an advocate for the rights of immigrants); and
- **Hala Gores, Rima Ghandour and Edie Rogoway**, Richard M. Ginsburg Outstanding Leadership for Immigrant Rights Award (recognizing outstanding leadership and advocacy on behalf of the immigrant community in Oregon).

All proceeds from the event will be donated to nonprofit immigration service providers in Oregon. To purchase tickets ($150), go to ailaoregon.ejoinme.org.

Ater Wynne Merges With Buchalter

Portland-based law firm Ater Wynne has joined forces with Buchalter, a regional firm with more than 275 attorneys in California, Arizona and Washington. The merger took effect Oct. 1; in Portland, the firm now will be known as Buchalter Ater Wynne.

Ater Wynne employs 22 lawyers and more than 20 staffers at its offices in Portland’s Pearl District. It represents clients in more than 20 states, specializing in M&A, banking, real estate, health care, technology, global trade and commercial litigation.

Todd A. Mitchell, Ater Wynne’s managing partner, will become managing shareholder of the Portland office and a member of Buchalter’s board of directors and executive committee.

PLF CLE for New Lawyers Planned for Oct. 30-Nov. 1

The Professional Liability Fund is sponsoring “Learning the Ropes,” a practical skills CLE for new admittees and lawyers entering private practice. The CLE includes information on developing a successful practice and avoiding legal malpractice; advice on setting up effective office systems; presentations by lawyers working in various practice settings and

continued on next page...

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**By the Numbers**

**A Fair Wage?**

The average salary for lawyers in the United States is $144,230, according to the latest figures from the U.S. Bureau of Labor Statistics. That’s a 1.6 percent jump from 2017 to 2018, the BLS says, compared to a 2.1 percent rate of inflation for the same period.

Here’s how that pay compares to the averages for a few other occupations:

- **Anesthesiologists**
  - $267,020
- **Petroleum Engineers**
  - $156,370
- **Aircraft Pilots/Flight Engineers**
  - $146,660
- **Police Officers**
  - $65,460
- **Secondary School Teachers**
  - $64,230
- **Waiters and Waitresses**
  - $25,830

Note: BLS statistics cover wages for all lawyers but do not include profits for law firm partners and shareholders. The average wage for all occupations in the U.S.: $51,960.
“It has always been my goal to make the office feel welcoming and inclusive to everyone that works in, or visits, our office. I am looking forward to enhancing our public spaces with pictures and artwork that reflects our shared values of diversity and inclusion.”

— Multnomah County District Attorney Rod Underhill, announcing in an email to staff that he was removing the framed photographs of more than 30 former district attorneys — all of them white men — from the front lobby of the DA’s office. The idea was suggested by the agency’s 12-member Equity, Dignity and Opportunity Council.

Source: The Oregonian (Aug. 21, 2019)

If you have a bar number and password for the OSB website, log in at osbpjf.org/home/login.html, then select CLE and Upcoming CLE. If not, log in at osbpjf.org/home/non-member-login.html with the username “lawstudent” and password “lawstudent1.” You may also register by completing the registration form on the PLF website and submitting a $75 check.

For more information about “Learning the Ropes,” contact DeAnna Shields at (503) 639-6911 or deannas@osbpjf.org.

“October 2019

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M ost articles in The Legal Writer are about writing well. They dig into delightful details about grammar, punctuation, word choice and editing. But this article is not about writing well, except to the extent that, to write well, you have to be well. This column is about you, and it offers a few suggestions for maintaining (or attaining) your well-being while writing.

Planning a Schedule
Planning a writing schedule can promote the writer’s well-being. A schedule can make a large piece of writing seem more manageable by providing set times to write and creating deadlines for smaller chunks of the final product. Here’s how:

First, consider how long this project might take, and factor in the due date. Then find blocks of time where you will place fingertips on keyboard, or clutch a pen, and write. The blocks might be as short as 30 minutes each day, or as long as a few hours. Assuming that you have to eat and sleep, and hoping that you have people in your life who might like to see you, avoid thinking that you’ll devote every second of the next two weeks to writing.

Next, try to decide on a strategy so that you can gauge your progress. Will you write at least three pages per day? Or will you complete a certain task each day: statement of facts on Tuesday, Part I on Wednesday and the thornier Part II by Friday? Do you want to address the easiest issues first so that you feel progress, or do you prefer to get the hardest part behind you?

Whatever your approach, be sure to build in time for revising and editing, and consider those victory laps. A schedule can be a life-saver for the writer who is a first-class procrastinator. Instead of generating record amounts of angst each day, the writer can feel a small sense of accomplishment with each writing session she concludes and every interim draft she completes.

A schedule can also help you avoid all-nighters, which didn’t promote well-being in college and won’t promote well-being now.

Gaining Confidence
Approaching writing with confidence can contribute to your overall well-being. You might begin by reflecting on past projects that you completed successfully, or remembering praise that you received from a colleague or judge.

Because we all have insecurities about some part of our writing, consider steps to shore up your confidence when you are between major projects. Are you often unsure about how you structure your argument or wonder if that structure is clear to readers? Are there points of grammar or punctuation that nag you throughout your writing and editing? You can gain confidence by reviewing articles or blogs on writing, or having a favorite writing textbook nearby. (Forgive the shameless promotion, but the Oregon State Bar maintains an archive of all articles from The Legal Writer column.)

You might also ask a colleague or two for help. As a very pertinent example, when I wasn’t confident about this article, I workshopped it with a small group of students. The process took just 15 minutes but improved the final product immeasurably.

Receiving Feedback with Grace
Receiving feedback can be one of the more stressful parts of writing, so your writing well-being will skyrocket when you come to terms with feedback.

The key is to remember that the feedback is not personal but is directed at the document. The best feedback should help you improve your writing in general, with benefits far beyond any particular project.

One attorney told me that he craves feedback, no matter how negative. He once told a supervising attorney, “Keep criticizing me. It’s making me better.” While not all of us have that amount of grace, most of us can be more graceful when we’re told our document isn’t perfect, especially if the feedback comes with suggestions for improving.

Conclusion
Few of us approach writing projects with the calm, cool detachment of “Star Trek’s” Mr. Spock, but we can all be well as we endeavor to write well.

In fact, planning a schedule, working to gain confidence and receiving feedback
with grace are quite logical steps for healthy legal writers. Even those who are not half-Vulcan.

Suzanne E. Rowe is the James L. and Ilene R. Hershner Professor at the University of Oregon School of Law, where she teaches courses in legal writing, legal research and advocacy. She is grateful for the feedback of students in her 2019 Writing Colloquium.

ENDNOTES
1. The archive is at https://www.osbar.org/publications/bulletin/legalwriterarchive.html
2. Other articles in this column have addressed that stress. See, e.g., Accepting Criticism with Grace, by Elizabeth Ruiz Frost (December 2017).
3. If you frequently give feedback, you might refer to my article about how to give it both kindly and effectively. Difficult Conversations, by Suzanne E. Rowe (December 2014).
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In Pursuit of Well-Being

Oregon’s Legal Community Makes Healthy Living a Priority

By Melody Finnemore
Oregon’s Legal Community Makes Healthy Living a Priority

By Melody Finnemore
A s an attorney and judge, Martha Walters has heard myriad anecdotes about colleagues struggling with stress, anxiety and depression and turning to alcohol or drugs to cope.

“There’s so much trauma that comes before them every single day,” says Walters, chief justice of the Oregon Supreme Court. “People who come before judges many times have suffered trauma, either through abuse, addiction or mental health challenges. There are all sorts of reasons that they’ve suffered trauma.”

Walters notes that judges hear cases in which people have inflicted harm on others or have been victims of heinous crimes. The judges are impacted by hearing these cases, as are the attorneys representing each party and the courtroom staff.

“These people every single day listen and care and are open, and it can have an effect on them. We have to think about how to help them with that really unusual type of work in the midst of that trauma on a daily basis,” she says.

“It’s very difficult to publicly discuss mental health issues, and we need to do a better job than we have,” Walters adds. “I’m really glad the bar has taken the initiative to examine this issue openly, because it’s very important for our attorneys to be aware of the dangers that can arise when they are working as hard as they work and undertaking the challenges of the job.”

The American Bar Association agrees, and it has launched a nationwide initiative to address and improve well-being within the legal profession — an initiative embraced by the Oregon State Bar and other affiliated groups throughout the state.

The ABA Commission on Lawyer Assistance Programs partnered with the Hazelden Betty Ford Foundation to conduct a study on lawyer mental health and impairment. Published in early 2016 in the Journal of Addiction Medicine, “The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys” included surveys of 12,825 licensed, employed attorneys about mental health issues and the use of alcohol and drugs.

The study found that 28 percent of legal professionals experienced symptoms of depression, 19 percent struggled with anxiety and 23 percent felt stressed. Among the attorneys surveyed, between 21 percent and 36 percent qualified as problem drinkers. And those 30 years old and younger were more likely to have a higher score on the Alcohol Use Disorders Identification Test (AUDIT) than their older peers.

Overall, attorneys “experience problematic drinking that is hazardous, harmful, or otherwise consistent with alcohol use disorders at a higher rate than other professional populations,” the study reported.

Male attorneys scored higher on the AUDIT than their female counterparts, although female respondents’ anxiety and stress scores were higher than male scores. Solo practitioners in private practice reported the highest levels of depression, anxiety and stress, followed by lawyers working in private firms. Other difficulties reported were suicidal thoughts, social isolation, work addiction, sleep deprivation, job dissatisfaction and work-life conflicts.

Survey participants were asked about past mental health concerns over their legal career. The most common were anxiety (61.1 percent), depression (45.7 percent), social anxiety (16.1 percent), attention deficit hyperactivity disorder (12.5 percent), panic disorder (8 percent) and bipolar disorder (2.4 percent).

Responding to the Problem

In an article about the ABA report, Douglas Querin, an attorney councilor with the Oregon Attorney Assistance Program (OAAP), writes that well-being is not just “the absence of illness,” but a positive state of wellness. It’s for that reason, he notes, that the National Task Force on Lawyer Well-Being — consisting of the ABA’s Commission on Lawyer Assistance Programs and a broad coalition of other organizations — focuses on lawyer well-being in six primary areas: emotional health, occupational pursuits that cultivate personal satisfaction, creative or intellectual endeavors, spirituality, social connections and physical health.

Querin says many stakeholders in Oregon are committed to lawyer well-being and have already begun implementing some of the task force’s recommendations for improving wellness within the legal profession. (See “Encouraging Well-Being, Page 21.”) “However, there is always room for additional improvement when it comes to one of the most important issues for this and future generations of our legal community,” he writes.

The key, Querin and others say, is reducing the stigma surrounding mental health and changing the culture of a legal profession that makes it difficult for lawyers to admit weakness and seek help. Vanessa Nordyke, the Oregon State Bar’s immediate past-president, says law firms and other legal organizations in both the private and public sectors need to move away from an individualized focus on wellness and adopt a more systemic approach that creates a culture where employees are encouraged to have a strong work-life balance, enjoy coming to work and ask for help when they need it.

“As long as we make wellness a ‘you’ problem, people will continue to hide and feel alienated,” Nordyke says. “We need to recognize that the law is not an assembly line and you cannot treat attorneys like they are expendable.”

Among the steps Oregon has already taken to improve well-being among legal professionals is the Oregon Supreme Court’s recent approval of an MCLE rule requiring one hour per reporting period on the subjects of mental health, substance use and cognitive impairment. In response, workshops and other programs are being held all across the state.

Earlier this year, the Oregon New Lawyers Division partnered with the Lane County Bar Association to host a CLE focusing on lawyer well-being. Additional sessions were held in Washington

Hon. Martha Walters

Vanessa Nordyke
County, Pendleton and Bend; yet another is scheduled for Ontario in October.

Sarah Radcliffe, managing attorney for Disability Rights Oregon’s Mental Health Rights Project, became president of the Multnomah Bar Association in June and says she is focusing her year in office on lawyer caregivers and work-life balance. “Work-life balance is important for everyone, but it is especially urgent for people who have caregiving obligations at home,” she says. “Mostly I’m thinking about parents, but it’s also people who don’t have children and are caring for an aging parent or a loved one with a disability.”

Radcliffe has spent her career working for nonprofit legal organizations where the expectation is a 35-hour work week. As she has talked with lawyers who work in private firms, she has learned more about a toxic culture that demands longer work hours per week and leaves less time for family, friends or other interests outside of the office.

“From the perspective of my bubble, it seems really hard to manage,” she says. “Some of the rhetoric around lawyer wellness puts the onus on the individual and their self-care practices when, if our workplaces are built on a culture of overwork and intense stress and that structure doesn’t allow permission for self-care, that doesn’t reduce conditions for depression, addiction or stress. It also pushes women out of the practice when they’re put in this position of having to choose because it’s too difficult to balance work and family life.”

Michelle Ryan, chair of the OSB’s Quality of Life Committee, says her group provides speakers for the Oregon Women’s Wellness Retreat and the Opportunities for Law in Oregon program. It works with other legal organizations to provide speakers for the new mental health CLE seminars. It partners with law schools to promote wellness as well, and participates in Lewis & Clark Law School’s Bar Prowl, which is not a pub crawl but an opportunity for students to get to know practicing attorneys. In addition, the committee provides mindfulness-for-lawyers training and submits articles about well-being to the Bulletin.

The Quality of Life Committee also helped organize a Summit on Lawyer Well-Being at the OSB Center in Tigard this past January, where members of the committee facilitated small-group discussions on topics such as law firm/organizational support; substance abuse, addiction and mental health issues; special populations such as sole practitioners, rural lawyers and lawyers from non-dominant cultures; and healthy habits.

The summit was free and featured information about professional support and resources, as well as a panel of speakers who shared their personal experiences. It was spearheaded by
Nordyke, who says the gathering drew lawyers from across the state, as well as representatives from other state bar associations who wanted to learn how to organize a similar event.

Nordyke, who made lawyer well-being a top priority during her term as OSB president, has since led a series of wellness trainings for firms and other legal organizations and says she has heard a shift in tone about how people are talking about mental health and other subjects that were previously taboo.

“I do see progress, and it’s happening mostly informally,” she says. “I’m seeing a lot of interest from people in having a conversation about burnout, about stress, and about wanting to take more time out of the office. That conversation is spreading like wildfire.”

Dealing with Trauma

Nordyke recently spoke with a fellow bar member she has known for several years and says their conversation was the most open they’ve had to date. “He said he was taking his first vacation in 10 years and it was for two weeks, and he was looking forward to taking a sustained break to recharge his batteries,” she says. “Basically, lawyers are saying, ‘I’m not invincible. Even I, Mr. Important Lawyer and Ms. Important Lawyer, need a break.’”

During that conversation, the attorney told Nordyke that he knew a colleague who was contemplating suicide. He had talked with him about it, he said, but the lawyer was hesitant to seek professional help. “There was just a reluctance for a lot of different reasons,” Nordyke says. “Suicide in the profession is so high, but the profession is so good at hiding it. It’s been stigmatized.”

While she does hear some attorneys boast about being workaholics and highly functioning alcoholics, Nordyke says she is also hearing others talk about wanting to take better care of themselves mentally and physically.

“No one used to talk about these things, but I see a willingness now to at least talk about it informally. I’m also seeing lawyers who are willing to mention a need for wellness at all,” she says. “A lot of them are not ready to share their stories publicly, but they are ready to share with me now.”

Nordyke, a senior assistant attorney general in the Oregon Department of Justice’s Trial Division, says she is learning more about wellness from her own experiences as well. She says she is gaining a greater understanding of the compassion fatigue and secondary trauma many attorneys, judges, courtroom staff and others involved in the legal profession can experience.

“I was getting traumatized by reading police reports about sexual abuse, the forensic evidence and the photos,” she says. She knew she could turn to the OAAP for help (See “Lawyers Helping Lawyers,” Page 26), but “even then, I wasn’t ready and I just couldn’t unload.”

Her experience inspired her to read books for professionals who are regularly exposed to secondary trauma, such as first responders and health care workers. Nordyke recommends that the legal profession implement a trauma-informed approach to practicing law and adjudicating cases that include regular exposure to gruesome facts, aggrieved victims and other emotional elements.

“As my journey continues and I do more trainings and get into the weeds on this, I’m going to be getting more into secondary trauma and how lawyers can prepare for that. There are so many lawyers and judges who are exposed to this, and what would be helpful is for the DOJ to have trainings to prepare attorneys and judges for that,” she says. “One of the things about secondary trauma is that when people have this reaction they feel weak, and
attorneys and judges don’t like to feel weak. We need to let them know that it’s normal to feel this way and it’s human to have a reaction to these things.”

Nordyke’s next step is to become a trainer in trauma-informed care after attending Trauma Informed Oregon’s conference in October. “It’s high time that legal employers recognize the impact of secondary trauma on their lawyers,” she says, “and adopt trauma-informed practices to reduce the risk of burnout, mental health problems and substance abuse.”

She also advises law firms and other legal organizations in both the private and public sectors to move away from an individualized focus on wellness and adopt a more systemic approach designed to remove the stigma that has often kept legal professionals from admitting that they have a problem and that they need help.

Nearly one-quarter reported binge drinking two or more times in the two weeks prior to the survey, and 43 percent reported binge drinking at least once during that same period. Half of the law students surveyed said the chances of bar admission are better if a mental health or substance use problem is hidden.

Oregon’s law schools have taken several steps to address these issues, starting on the first day of orientation. Each of the state’s three law schools include information about well-being resources available on campus, including recreation and fitness activities, counseling services and tips on how to balance law school with other responsibilities in healthy ways.

All three law schools look at well-being as a combination of mental and physical health. As an example, Willamette University’s College of Law stocks its Bearcat Pantry with food for students experiencing food insecurity. Libby Davis, associate dean of student affairs for Lewis & Clark Law School, says it often hosts sessions with a representative from OAAP and the school’s counselor about how to deal with stress, anxiety, time commitments and the pressure they will face as students and as lawyers.

“We are hopeful that we are giving them enough information early on that they know there is going to be some stress no matter what and that there are resources to help them,” she says. “Our goal is to prepare them for how to take care of themselves when they are practicing.”

Among other wellness initiatives, Lewis & Clark Law School brings therapy dogs on campus during finals and provides coffee, snacks and quiet places to study during the bar exam. Davis says she is developing a calendar of group outings that include going for hikes, bike rides and walks, as well as yoga, gaming and other activities that encourage students to take a break. She hopes to get faculty involved so students can connect with potential mentors who have common interests.

Among other things, these law firms and organizations could consider rotating lawyers out of high-stress practice groups and make sure that attorneys take time off after traumatic cases or major projects. “This is where firms can come in and promote wellness days,” she says.

Noting that the Legislature recently passed a law allowing students to take mental health days, Nordyke suggests that employers in the legal profession include them in their compensation packages. “And they can call it whatever they want so people take those days without removing themselves from the leadership track,” she adds.

Starting in Law School

Many of the mental health issues and substance use problems faced by legal professionals impact law students in equal or greater numbers, according to the ABA/Hazelden Betty Ford Foundation study. It surveyed 3,300 law students from 15 law schools in 2016 and found that a significant number struggle with moderate to severe anxiety (23 percent and 14 percent, respectively), depression (17 percent) and suicidal thoughts (6 percent).
Recommendations

Here are some of the recommendations from the National Task Force on Lawyer Well-Being. Learn more online at lawyerwellbeing.net.

- Take action to minimize the stigma that is often attached to mental health and substance use disorders; encourage those with such conditions to seek help.
- Foster collegiality and respectful engagement throughout the profession; reduce chronic incivility that can foment a toxic culture that is counter to well-being.
- Promote diversity and inclusivity initiatives that encourage both individual and institutional well-being.
- Create meaningful mentoring and sponsorship programs, which research shows can aid well-being and career progress, particularly for women and diverse professionals.
- Guide and support the transition of older lawyers to, among other things, capitalize on the wealth of experience they can offer and, at the same time, reduce risks sometimes faced by senior lawyers challenged by the demands of technically evolving professional environments.
- De-emphasize alcohol at social events, and provide a variety of alternative non-alcoholic beverages at such events.
- Educate and inform the judiciary regarding signs and symptoms associated with substance use and behavioral health conditions so they are better able to identify when a lawyer may be in need of assistance.
- Add well-being-related questions to the multistate professional responsibility exam.
- In legal work environments, form active lawyer well-being committees; monitor for signs of work addiction and poor self-care; and actively combat social isolation and encourage interconnectivity.
- In law schools, create best practices for assisting law students experiencing psychological distress; provide training to law school faculty regarding student mental health and substance use disorders; and develop mental health and substance use disorder resources, including taking active steps to encourage help-seeking practices by students.
- Empower law students to help fellow students in need; facilitate a confidential recovery network for students; provide educational opportunities on well-being-related topics in law schools; and discourage alcohol-centered events.

“IT’S one of my top priorities,” she says, “because it can impact students in so many ways if they’re not taking care of themselves.”

The University of Oregon School of Law includes an OAAP representative in its orientation for new students, as well as members of its Health Center and Counseling Center, which provide free counseling and can make referrals for long-term mental health care. Students can also purchase an insurance package through the Health Center that includes mental health coverage.

The “Duck Nest,” located in the student union, offers therapy dogs during finals; group yoga, meditation and aromatherapy sessions; mental well-being workshops; and presentations on wellness and healthy eating on a budget. Nicole Commissiong, assistant dean for student affairs, says the law school planned a two-hour yoga session on a nearby lawn for students during the first weekend after orientation this fall, and is working with its student bar association to develop more wellness activities.

“Law school is hard and challenging, and students spend a lot of time sitting, thinking, writing and reading,” she says. “Sometimes people start to feel a little isolated, so it’s important to engage with friends and family, get outside and engage in physical activity, and just do things that nourish the soul.”

Faculty at the UO law school are encouraged to reach out if they see a student who is struggling and encourage them to get help from campus resources. Commissiong notes that faculty who teach legal research and writing are particularly in tune with students because the classes are smaller, and they have played an essential role in interventions.

“If I see a student who is overwhelmed and stressed out, I suggest that they take the night off,” she says. “They look at me like I’ve suggested the impossible and I ask, ‘What will happen if you do that?’ They say they will fall behind and I tell them, ‘Well, if you don’t do that you will continue to feel this way and that won’t help either.’ When they take my advice, they do say they feel better.”

The goal, Commissiong says, is simple.

“We want healthy, happy students,” she says, “to become healthy, happy lawyers.”

Melody Finnemore is a Portland-area freelance writer. Reach her at precisionpdx@comcast.net.

ON PAGE 14: Barran Liebman running club members Heather Fossity (from left), Donovan Bonner and Francisco Castillo dash through Portland’s South Waterfront on one of their weekly after-work outings — part of the firm’s wide-ranging efforts to boost camaraderie and create healthy stress outlets. “I treasure our run club and the camaraderie of bonding with colleagues through shared healthy habits,” Castillo says.

“Run club relieves stress, keeps me strong, healthy, relaxed and confident, and inspires me to get outside to play.”

Photo by Jonathan House
Law schools, firms and bar associations historically haven’t been great about offering support. But thanks to a growing awareness of lawyers’ and law students’ wellness needs, things are slowly changing in Oregon and around the country.

Lawyering can be a frenzied, stressful business. Long hours, deadlines and demands from all sides can leave attorneys and law students feeling drained, frazzled and even depressed.

Yet the rise of kinder, more compassionate law firms and law schools is helping many Oregon lawyers and law students shed stress and lead happier, healthier lives. Benefits like yoga classes, camaraderie-building social events and counseling can dramatically brighten life for those who study and practice law, says David Rosengard, a staff attorney with Portland’s Animal Legal Defense Fund.

“There’s a lot to stress about,” in lawyers’ and law students’ lives, says Rosengard, who also teaches and mentors law students at Lewis & Clark Law School. Heavy student loan debt, fear of failure and cutthroat competition for plum jobs are just a few of the problems that can plague them, he says.

Until recently, many faced those stressors alone.

“Historically, schools and firms and bar associations haven’t been great about offering support,” Rosengard says. Yet thanks to a growing awareness of lawyers’ and law students’ wellness needs, “things are changing. Slowly.”

On the Job

A 2016 study by the American Bar Association and the Hazelden Betty Ford Foundation showed high levels of problem drinking and other behavioral health problems among lawyers countrywide.

The study reported that 21-36 percent of licensed, employed attorneys qualify as problem drinkers, 28 percent struggle with some level of depression and 19 percent experience anxiety. The study also revealed that attorneys with 10 or fewer years of practice show the highest incidence of these problems.

In light of those numbers, law firms are increasingly providing nontraditional benefits to lawyers, according to the 2019 Salary Guide for Legal Professionals, a study by the alternative legal services provider and consultancy Special Counsel. In 2018, the study showed, more than 50 percent of medium and large firms nationwide offered flexible work arrangements and roughly the same number provided paid maternity and paternity leave. Firms also offered more paid volunteer time, on-site gyms, pet-friendly offices and other nontraditional benefits, the study showed.

In Oregon, forward-looking law firms are providing all that and more. Some are raising spirits with free fresh fruit, other healthy food and shelves stocked with vitamins. Others have implemented programs to award “kudos” and reward MVPs with cash bonuses. Still more are ushering employees into yoga classes, meditation rooms and massage appointments, happy hour festivities and vineyard-bound party buses.

“My firm has a very supportive environment and does a lot around wellness,” says Heather Fossity, an attorney at Portland’s Barran Liebman, which specializes in employment, labor and benefits law. Among many wellness perks, the firm provides a quiet room where employees can meditate, do yoga, read or just rest.
With the firm’s encouragement, Fossity, a marathon runner, organized a running club in January that gathers after work on Mondays for weekly runs along the waterfront. It’s part of the firm’s wide-ranging efforts to boost camaraderie and create healthy stress outlets. Francisco Castillo, a paralegal at the firm, says the run club helps to keep him happy and relaxed.

“I treasure our run club and the camaraderie of bonding with colleagues through shared healthy habits,” Castillo says. “Run club relieves stress, keeps me strong, healthy, relaxed and confident, and inspires me to get outside to play.”

When firms approach staff needs with creativity and flexibility, it boosts morale and loyalty, says Traci Ray, Barran Liebman’s executive director. In the past few years, she’s been especially grateful for her firm’s child-friendly environment and flexible work arrangements, which allow her to work from home on Fridays. The arrangement makes it possible for her to volunteer in her children’s classrooms.

“Our kids love having me physically present on Fridays,” she says. “If it wasn’t for the flex hours, I wouldn’t know their teachers or coaches as well, and having the opportunity to watch them in both school and sports is very important to our family.”

Her co-workers, she says, are also always welcoming when her children visit. Eight-year-old Ensley, 6-year-old Rock and 3-year-old Sloan deliver mail, do other small tasks around the office and make art projects for everyone; the firm’s social events are especially fun for the children, Ray says, because they get to participate in activities and play throughout the office.

“My kids love where I work,” Ray says. “They all want to grow up to be lawyers and work at BL.”

More than once, Ray offered to give up her home day and rearrange her schedule so she could work from home on Mondays. Her clients, she says, “were on board with it, one of them even asked for it.”

“My partners told me it wasn’t necessary,” she says. “It was an awesome, reinforcing moment to me. Not only do I think flex time is important, but my team does too. I can do my job and do it well from home on Fridays, and my colleagues trust in me to be responsive and engaged and to do my work just as if I were in my office.”

She’s proud to be part of such a forward-thinking firm, Ray says.

“We actively encourage (flex time),” she says, “and there is no hidden agenda or negative consequences — think passive aggressive remarks or being left out of meetings, for example — for capitalizing on the opportunity to work outside of the office and thriving both professionally and personally.”

Time off is one of the most important kinds of benefits a firm can offer, many lawyers say. Flex time helps them build more balanced lives. Mental health days, vacations and sabbaticals give them desperately needed time to unwind and prepare for returning to work at full capacity.

“The field of law is very demanding,” says Darcy Norville, managing partner at Tonkon Torp. “It’s really valuable to take a break of sufficient duration to refresh and regroup and recharge.”

After 31 years as an attorney and 13 years as a partner at the firm, Norville was ready for a breather when she took her second three-month sabbatical in 2015. She spent the paid sabbatical — a benefit available to those who’ve been partners with the firm for five years and attorneys there for 10 — travelling in Southeast Asia with her husband. They explored a national park’s enormous caves in Vietnam and visited the Angkor Wat temples in Cambodia. The trip was especially meaningful because she also spent time with her son, who at the time was living in Beijing.

“When you’re on a short vacation, you’re still trying to keep all these balls in the air and continuing to work on clients’ matters while you’re out of the office,” Norville says. “But when you are on sabbatical, you really step away, let other people step up and work with your clients. When you’re gone that long, it’s wonderfully refreshing and rejuvenating.”

Then again, even a short break can have great value if it comes when attorneys and other legal staff most need it, says Elena Konzelman, marketing assistant for Landerholm Family Law, which has offices in Portland, Oregon City, Vancouver and Salem. She says she’s proud to work for a firm that’s so sensitive to attorneys’ and other staff’s needs.

“Moms have been shown flexibility (so they can be) available for their kids,” Konzelman says. The firm has allowed them “to rearrange their schedules so that they’re working from home on certain days, or leaving work early to pick up the kids.”

Employees distressed by personal hardships are also often “allowed to work from home part time or take an unplanned day off while they get their feet underneath them,” she says.

Granting employees that kind of help, Konzelman says, is far better than rigidly insisting everyone conform to a traditional
Marathon runner Heather Fossity, an attorney at Barran Liebman, organized a running club in January — with the firm’s encouragement — that gathers after work on Mondays for weekly runs. It’s part of the firm’s wide-ranging efforts, she says, to boost camaraderie and create healthy stress outlets.

Photo courtesy of Heather Fossity

schedule and watching them unravel mentally and physically.

“Rather than have a high turnover rate because an employee has concerns or personal trials that may not be ‘convenient,’ or an office atmosphere that is solely based on performance,” she says, Landerholm works with employees to accommodate their life needs outside of the office. This kind of compassion, she says, can powerfully boost employee loyalty and improve their overall well-being.

Victoria Blachly, a partner at Samuels Yoelin Kantor, agrees. She says the Portland firm balances a food-centric workplace — think top-notch home chefs and bakers who share generously of their talents — by encouraging employees to participate in charity events that involve healthy activities, like putting together walk teams for annual events sponsored by the Alzheimer’s Association or the Oregon Humane Society.

“Getting out together in the sun as a group, with family members and clients, and raising awareness and funds for worthwhile charities promotes teamwork, healthy activities and camaraderie,” Blachly says.

That’s an admirable goal, of course, but day-to-day life can often look different for rural attorneys, who often work at very small firms and must create their own wellness plans. Work can get stressful at the Law Office of Robert Raschio in Canyon City, for example, but there are no masseuses or party buses cruising through to help relieve stress.

Still, Raschio — the firm’s managing owner — has rules that help keep him and his attorneys from stressing out. He never brings work home to his family, he says, he clears his mind by doing things like day packing in Eastern Oregon’s beautiful wild areas and he regularly reminds the firm’s other two attorneys to do the same.

“They care a lot about the work they’re doing,” Raschio says, “but I always say, ‘You have to find ways to divorce yourself from the grind at the office. You have to get out and have fun.’”

At School

As law firms around the state seek new ways to bolster their attorneys’ health and happiness, Oregon law schools are doing the same. And that — according to a 2016 American Bar Association survey — can’t happen fast enough.

The Survey of Law Student Well-Being examined alcohol, drug and mental health issues among 3,300 law students in 15 law schools around the country. Among the surveyed students, an alarming 43 percent reported binge drinking at least once in
Almost one-quarter (22 percent) reported binge-drinking two or more times during that period. More than half reported drinking enough to get drunk at least once in the previous 30 days.

The survey also showed that 14 percent of law students used some prescription drug without a prescription in the previous year.

Figures on student depression were also bleak. Of law students surveyed, 17 percent experienced some level of depression during the past year. Fourteen percent experienced severe anxiety, 23 percent experienced mild or moderate anxiety and 6 percent reported serious suicidal thoughts.

“I’ve never met anyone who said ‘I was less stressed in law school,’” says Rosengard, the Animal Legal Defense Fund attorney who teaches and mentors students at Lewis & Clark Law School. “New students often don’t realize how hard it’s going to be. They have to learn to organize their thoughts differently. They have to learn a new language.”

Landerholm Family Law employees gather for a Halloween party. In the past year, the group has gone wine tasting via a party bus, had a potluck barbecue, gone to two hockey games, hosted a firm bowling night, attended fundraising and sponsorship events, and had at least a couple of going-away or celebratory parties for staff at local restaurants.

Photo courtesy of Landerholm Family Law

A whole vocabulary of new legal terms, that is, and alternate ways to use many words they already know. That, Rosengard says, can make their studies doubly challenging.

On top of that, students stress about law school’s enormous cost and how they’ll repay their debts, how they measure up against fellow students and whether they’ll be good enough to get the kind of job they want.

“My biggest stressors in law school have been imposter syndrome (doubting one’s accomplishments and fear of being discovered a ‘fraud’) and job searching,” says University of Oregon School of Law student Sarah Osborn.
Employees at Samuels Yoelin Kantor balance a food-centric office environment (think top-notch home chefs and bakers sharing generously of their talents) by participating in charity events that raise awareness and funds for worthwhile causes, promote teamwork and involve healthy activities, like this annual event sponsored by the Alzheimer’s Association. Photo courtesy of Samuels Yoelin Kantor

Her struggles at the school are common among students and exacerbated by the fact that many professors grade on a curve, she says. That means only a handful of students in a class of 60 or 70 get A grades — and grades in law school take on great significance, Osborn says, because many employers only hire students in the top 10 percent of their class.

Law students need far more wellness support than they’re getting, says Osborn, who is also vice president of the law school’s student bar association. Fortunately, she says, the state’s law schools — including her own — are taking steps in the right direction.

Lewis & Clark Law School, Willamette University College of Law and University of Oregon School of Law all offer mental health services, camaraderie-boosting social events and mentoring programs that match law students with attorneys or judges. (See related story, Page 14.)

For example, Osborn says, University of Oregon School of Law has ramped up its efforts to educate students about wellness resources when they first arrive and added mental health discussions around finals week. Osborn worked with last year’s student bar association president, Camille Krier, and administrators to help plan a variety of mental health initiatives and create LGBTQ+ equity trainings for faculty.

Moving forward, she wants to continue to work with the administration to provide more camaraderie-building social events because they help law students feel less isolated, more grounded and supported in their life and studies.

“It’s one of the biggest counters to imposter syndrome,” she says. “Meeting someone who can share their own journey or vulnerability is one of the best ways to know that everyone is struggling to balance their life and work.”

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

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There’s never a dull workday in the downtown Portland offices of the Oregon Attorney Assistance Program (OAAP), Oregon’s free and confidential counseling program for lawyers, judges and law students.

The attorney counselors there may spend their mornings meeting individually with fellow lawyers, helping them with a career-related issue, a family crisis or other personal concern. In the early afternoon, they may be facilitating a support group for lawyers who are working on developing healthier habits and a more satisfying life.

A quiet moment may allow counselors an opportunity to prepare for a presentation they’ll be giving later that evening to a law firm, a group of judges or to students at an Oregon law school. All the while, they stand ready to serve the clients who come seeking help from counselors who are especially tuned in to the unique challenges that come with the high-pressure, highly stressful profession of practicing law.

That’s because all of the counselors at the OAAP are also members of the Oregon State Bar. In addition to their counseling background, they all have practiced law and collectively have legal experience with everything from criminal defense and family law to mediation and litigation in state and federal court.

“I think the fact that we all practiced law makes us not just trustworthy but also easier for people to talk to,” says Shari Gregory, the OAAP’s assistant director. “We understand the language they are using. We’ve been there. We all have our own stories about the stresses involved from when we practiced ourselves.”

Since 1982, the OAAP has been helping Oregon-based lawyers, judges and law students acquire and maintain the skills needed to meet the demands of their personal and professional lives in a healthy way. Some clients are dealing with stress, depression, anxiety and other mental health issues. Others face alcohol or drug problems. Still others seek career counseling or advice on navigating significant transitions in their life. Regardless of the topic, the key to OAAP’s success is a strict policy of confidentiality, designed to eliminate any barriers that keep people from seeking assistance in the first place.

“We are a safe place to come for help,” says Gregory, a Licensed Clinical Social Worker and Rutgers School of Law grad who has been part of the OAAP team since 1999. “Lawyers are often very concerned about losing their licenses, their job or their reputation. By offering a safe place, we afford lawyers the opportunity to get the help that they need without feeling like there’s some sort of cost-benefit analysis they have to engage in.”

The OAAP is part of the Oregon State Bar Professional Liability Fund (PLF), a mandatory provider of primary malpractice coverage for Oregon lawyers since 1978.

“We value the support and safety lawyers feel in accessing the OAAP,” says Carol Bernick, chief executive officer of the PLF. “We also appreciate that the OAAP’s work helps lawyers avoid malpractice.”
Bernick says the PLF has an obligation to give its members the tools and support they need to succeed in their personal and professional lives. And that’s where the OAAP plays an especially important role, she says. “These are our colleagues, whose lives are sometimes in some kind of turmoil, and we want to help,” says Bernick, who was the partner-in-charge at Davis Wright Tremaine before joining the PLF in 2014. “We view the OAAP as a malpractice avoidance benefit.”

The OAAP and the PLF protect the confidentiality of the lawyers they work with. Indeed, the OAAP does not share confidential information with the PLF, the Oregon State Bar or any other entity, unless the client has requested it or it is legally required.

“The information flows the other way,” Bernick says. “When we have a lawyer who a claims attorney feels could use some type of support, we’ll refer them to the OAAP or call the OAAP ourselves. That person may already be known to the OAAP, but (the OAAP) will not say so. It then allows attorney counselors to proactively reach out to that person to see if there’s anything they can do or if there’s anything they need.”

Gregory says the system works well and protects the privacy of the lawyers who access the OAAP. Interestingly, that sometimes means that the OAAP and the PLF are working with the same lawyers, without knowing it.


Shari Gregory, the Oregon Attorney Assistance Program’s assistant director, says the fact that all of the OAAP’s attorney counselors have practiced law is a key factor in their ability to help clients. “We’ve been there,” she says. “We all have our own stories about the stresses involved from when we practiced ourselves.”

Removing the Stigma

While many of the personal problems and challenges that lawyers face are common to folks in all walks of life, there are many that are particularly exacerbated by the work-life stresses and strains of practicing law.

Released in 2016, a landmark study by the American Bar Association’s National Task Force on Lawyer Well-Being revealed widespread levels of problem drinking and mental health conditions in the legal profession. The study, called “The Path to Lawyer Well-Being: Practical Recommendations for Positive Change,” showed that:

- 21-36 percent of licensed, employed attorneys in the United States qualify as problem drinkers;
- 28 percent are struggling with depression;
- 23 percent are dealing with unhealthy stress; and
- 19 percent show symptoms of anxiety.

The numbers related to law students are equally alarming: 43 percent of respondents to the ABA “Survey of Law Student Well-Being” reported binge drinking at least once in the prior two weeks; 17 percent reported some level of depression; and 14 percent reported use of some prescription drug without a prescription in the prior 12 months.

“It’s basically the same kind of issues that are a product of the human condition,” says Douglas Querin, an attorney counselor for the OAAP. “But I think they can manifest themselves in different ways for lawyers.”

Querin practiced law as a trial attorney for 25 years in Oregon before shifting to a career as a counselor. (A licensed Professional Counselor and certified Alcohol and Drug Counselor, he’s been with the OAAP since 2006). In that time, he says he’s seen a change — not necessarily in the types of wellness issues lawyers face, but more in the willingness of the profession’s leadership to take on these issues.

Douglas Querin

“The thing that has changed is probably a greater awareness and sensitivity by the legal profession itself and by the leadership of the bar in recognizing the importance of well-being and the things that can be done to improve the condition of both the personal and professional experience of lawyers,” Querin says. “That study became something of a flashpoint for the profession and something the legal profession really couldn’t ignore.”

Querin also says there is an increasing awareness of the debilitating effects of mental health issues and the obstacles associated with accessing help, including a concern that asking for assistance will be judged as a weakness.

“Probably because of the stigma, some lawyers don’t seek help,” he says. “The hope is that by talking more about it, by having continuing education, that it will move away from the stigmatization surrounding some of these conditions and encourage people to seek help and assistance.”
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A Safe Place for Help

For lawyers seeking help for problems they’re facing in their personal life, the OAAP is a good place to start. Its trained counselors offer support and guidance to help attorneys get back on track to healthy habits in both their personal and professional lives, and they’ll travel statewide to meet with clients.

“Our services are available 24 hours a day, free and confidential. We offer short-term counseling, crisis intervention and support to lawyers through any type of life transition or illness,” Gregory explains. “We also help individuals connect to local resources and refer them to therapists or programs for longer-term counseling, substance use treatment or other services that are outside the services that OAAP offers.”

The OAAP has served as a model program nationwide. It’s wide range of services reach more individuals than most lawyer assistance programs, and its staff of five attorney counselors — Gregory; Querin; Kyra Hazilla, who also serves as legal director of CASA for Children; Bryan Welch, a certified Alcohol and Drug Counselor who is himself in long-term recovery from alcohol; and Karen Neri, who joined the OAAP staff in 2018 after practicing family law for more than a decade — continue to fine-tune their skills and raise awareness of the program’s mission.

“We are truly grateful for the consistent support from the PLF’s CEO, the PLF Board of Directors, the OSB Board of Governors and the members of the Oregon State Bar,” says Barbara Fishleder, who has led the OAAP as executive director since 1989. “This support has made it possible for us to continually develop and offer programs and services that match the needs of Oregon lawyers, judges and law students.”

In addition to her work at the OAAP, Fishleder is also a founding member and current board member of the Oregon Lawyer Assistance Foundation (OLAF), a nonprofit organization that offers grants and loans to lawyers needing financial assistance for mental health or substance use treatment.

“It’s a great honor to assist lawyers through challenging situations and to contribute positively to our colleagues’ health and well-being,” Querin says. “The OAAP is here to help. All you have to do is call, and we will do all we can to help you. It’s really that simple.”

The Oregon Attorney Assistance Program is located at 520 S.W. Yamhill St., Suite 1050, in Portland; learn more by calling (503) 226-1057 or (800) 321-6227, or by visiting oap.org. Phil Favorite is a Portland-area freelance writer; reach him at philfavorite@gmail.com.
Challenges at Any Age

Unique Concerns Impact Every Stage of Legal Careers

By Cliff Collins

Chronic stress and high rates of depression and problem substance use affect attorneys at every age, from law school through retirement. It’s a health crisis, the American Bar Association emphasizes in a 2017 report, with unique well-being challenges at each stage of lawyers’ careers.

Young attorneys, often straddled with mountains of debt, face incredible pressure as they work to fit into a profession that continues to present economic and employment challenges. According to surveys by the ABA and others, although the overall economy has recovered from the 2008 recession, the improving entry-level legal employment market has not fully rebounded.

Meanwhile, lawyers in mid-career sometimes find their personal and professional goals colliding. And cognitive impairment can impact the performance of senior practitioners.

“There’s no question that the pressures of practicing law can be immense,” says Joel Sturm, an attorney with the Portland firm of Thuemmel Uhle & Eder.

As chair of the Oregon State Bar’s New Lawyers Division, Sturm says he’s especially encouraged that there is greater awareness of the mental health and well-being challenges facing new attorneys. “It’s an urgent issue,” he says, “and not one we can turn a blind eye to.”

Whenever the New Lawyers Division has presented programs focused on lawyer well-being from a mental health standpoint, all have been well-attended, Sturm says. The division encompasses about one-fourth of the OSB’s membership; it includes members who are age 36 or younger or who have been admitted to the bar in Oregon for fewer than seven years.

Citing both studies and personal observations, Sturm says a “troubling” dropout rate for lawyers after about five to seven years of practice is “not sustainable for the profession.” One of the studies he references, a report by the National Association of Women Lawyers, showed that although an equal number of women and men graduated from law school, more than 70 percent of the women had left the profession by their seventh year of practice. And other more recent studies have found that just under 20 percent of women who remain in the field are accepted as equity partners in major law firms.

For those young lawyers who do stay, coping with the pressure can be overwhelming. The Hazelden Betty Ford Foundation reports that in large-scale national surveys of professionals, individuals in the legal profession record higher rates of problematic drinking when compared with other populations. And a 2016 study in the Journal of Addiction Medicine found that attorneys in the first 10 years of practice experience the highest rates of problematic use (28.9 percent), followed by attorneys practicing for 11-20 years (20.6 percent) and continuing to decrease slightly after 21 years or more.

The researchers noted that previous studies had demonstrated a positive association between prevalence of problematic drinking and an increased number of years spent in the profession. But “our findings represent a direct reversal of that association,” they said.
Despite these daunting findings, Sturm says he remains “hopeful that with awareness comes greater emphasis on sustainable practices that will allow young attorneys to flourish and the profession I love to thrive,” even as members face the “dynamic strains of technical innovation and increasing competition.”

“I’m very proud of the work the Oregon New Lawyers Division has done to bring emphasis to attorney health and wellness,” he adds, “and not one we can turn a blind eye to.” Photo courtesy of Thuemmel Uhle & Eder

Bernick previously practiced for 25 years with Davis Wright Tremaine, including five years as managing partner of the Portland office. “So I’ve seen this issue from various sides,” she says, and what she’s found is that 20-plus years of practice is “a critical point for lawyers.”

Often they have reached a stage “where they are now working on more sophisticated and complex deals,” Bernick says. “If they are in a firm, their billable rate is too high to warrant having a more senior person on the file. And many are not experienced delegators.”

Attorneys in their mid-40s also may start asking themselves if “this is all there’s going to be in my professional life,” Bernick says, “or do I have a second act? And if I don’t make a move right now,” will that possibility close to them?

Added to those questions and the demands of work are worries about children moving into middle school or high school who require a different kind of parental time and focus than younger children. Moreover, these attorneys may need to help their own aging parents, which takes time and attention away from their practice. The combined result may be distraction, Bernick says, where their “head is not in the game.”

“Watching the claims for the past five years, I certainly have seen that phenomenon,” she says.

Male OSB members appear to be more likely than women to get into trouble in mid-career. PLF statistics show that for women age 40-50, the claims percentage is about the same as their percentage of the bar’s total membership; but for men, it’s higher.

Bernick surmises that one reason may be that female attorneys had to face these issues earlier in their career, when they initially had children.

The Impact of Aging

More and more bar members are continuing to practice past the traditional ages when people retire. As a result, the OAAP increasingly is receiving calls from law partners, family members, judges, friends, spouses, clients and others concerned about senior lawyers who show symptoms of cognitive impairment.

At the same time, scientific advances in early detection mean more attorneys are being diagnosed at younger ages — as soon as their early 50s, says the OAAP’s Gregory. “There’s a correlation with problem substance use and early cognitive issues as well,” she says. “It can bring on or aggravate that.”

Some signs of cognitive impairment include missed deadlines, repeatedly making the same mistakes and not remembering the first one, confusion, forgetfulness, disheveled appearance, loss of skills, irritability, dissatisfied clients and disciplinary problems.

When colleagues recognize that an attorney is experiencing cognitive decline, “the safest place to start is the OAAP,” advises
Douglas Querin, one of the program’s attorney counselors. OAAP can provide help and resources to the affected lawyer who is experiencing decline, and also to the lawyer’s family and colleagues. This can include offering information about where to go for a professional evaluation.

The majority of OSB members — 61 percent — practice in offices with one to six attorneys. But the single largest category by far is the one-lawyer office, at 29.4 percent, and some solo lawyers can be overwhelmed with the administrative tasks required to avoid claims, such as those arising out of missed deadlines. Still others diversify their practice to such a degree that they are sometimes working in new areas that may have unknown malpractice traps, Bernick notes.

But many older lawyers remain able and productive and bring their irreplaceable experience to their own practice and their firms, Bernick stresses. Competence is what matters, she says, not age if an individual is still healthy.

Even so, in a biological sense, some physical and mental decline inevitably comes with aging. Statistically, risk increases with age, Gregory points out: The likelihood of developing Alzheimer’s disease, the most common form of dementia, doubles every five years after age 65. After 85, the risk reaches nearly 50 percent.

Addressing the Problem

Some law firms are taking steps to address the needs of each generation. At Davis Wright Tremaine’s Portland office, for example, the firm employs a proactive approach in both its day-to-day culture and in specific steps it takes to encourage wellness and a sense of well-being.

DWT associates are under what partner-in-charge Bill Miner describes as a low billable-hours requirement of 1,800 hours, and 8 percent of that total can be applied to approved pro bono work. The latter allows associates “to devote almost a month of their time every year to something they’re passionate about,” Miner says.

New parents, both men and women, are allowed four months of paid leave and a reduction in billable-hour requirements during that period. Another family provision is an emergency backup program; if an associate “has to work on a deal or litigation while taking care of a child, spouse or parent, the firm will hire someone to come in and help with obligations,” Miner says.

In addition, Davis Wright Tremaine maintains an “associate wellness program” that allocates $1,600 a year for each associate, which can be applied in myriad ways. Examples range from buying a treadmill or gym membership to paying for daycare expenses. For its equity partners, the firm pays club expenses or dues to fraternal organizations and offers a two-month sabbatical after every 10 years.

There’s also a quality assurance committee consisting of two appointed lawyers — overseen by the firm’s general counsel — that looks out for potential cognitive issues, as well as points of distraction such as deaths in the family, divorces or problem substance use. The committee provides a safe place for attorneys to share their concerns, Miner says.

“Any lawyer is encouraged if worried about themselves or others to turn to this committee; the priority is making sure the lawyer is getting help,” Miner says. “Folks are encouraged to talk with these people. We recognize that it’s a problem when people don’t tell anybody about it.”

Barran Liebman’s pairing of a young attorney and a seasoned lawyer as co-managing partners implicitly imparts a perspective on the needs of different generations, says Executive Director Traci Ray. In 2017, the firm tapped Andrew Schpak — who formerly chaired the American Bar Association’s Young Lawyers Division — as co-managing partner with Edwin A. Harnden, who had served as managing partner for more than three decades.

In 2014-15, when Schpak chaired the ABA division, he initiated a health and wellness initiative that is still in place today.

“I started ‘Fit 2 Practice’ because the old adage that ‘You can’t take care of a client if you aren’t taking care of yourself’ resonates with me,” he explains. “The central goal all along was to drive home the point that we need to stop viewing taking care of ourselves as a luxury that we cannot afford, and instead start viewing self-care as something for which we must make time.”

Following what it views as healthful practices for all ages, Barran Liebman offers fresh fruit delivery each Monday, standing desks for all who want them and a running club that sponsors a team in the Hood to Coast Relay. Above all, Ray says, the firm listens to its team members’ expressed needs for what they perceive would make for a healthier and happier office.

“Our job is to create a workplace where people are set up to succeed,” Ray says, “and to give them what they need to do their job well.”

Cliff Collins is a Portland-area freelance writer. Reach him at tundra95877@mypacks.net.
A Need for Community

Workplace Culture Can Leave Diverse Lawyers Feeling Isolated

By Jillian Daley

Diverse attorneys — people of color, LGBTQ+ individuals or lawyers experiencing disability — may face greater stress or feelings of isolation, loneliness or invisibility in the workplace because of subtle or overt discrimination, a host of recent studies show.

Stereotypes abound in a work culture in which others make assumptions about diverse attorneys’ abilities and commitment, hold them to a higher standard or don’t believe that they belong. And that atmosphere can affect a diverse lawyer’s mental and physical well-being, creating roadblocks to career growth — including being excluded from networking opportunities, mentoring and desirable work assignments.

The result, the studies show, is a disproportionately high attrition rate.

Members of racial or ethnic minorities represented just under 17 percent of the lawyers that firms employed in 2017, according to the 2018 Vault/MCCA Law Firm Diversity Survey, but they comprised 22 percent of the attorneys who left the firms. Among associates, that departure number climbed to 28 percent — the highest reported in 11 years, including during the peak of the recession when diverse attorneys were hit particularly hard by layoffs. Eighty-five percent of female attorneys of color in the United States quit large firms within seven years of starting their practice.

What can be done?

Mahatma Gandhi’s advice to “be the change you want to see in the world” fuels one approach to fostering a more diverse, inclusive and equitable workplace culture, according to counselors, lawyers and judges who say that tools do exist to deal with difficult situations.

Karen Neri, an attorney counselor with the Oregon Attorney Assistance Program, says lawyers can lead the charge to improve workplace culture from the bottom up and encourage each other. But for that to happen, she adds, those in positions of authority must support the efforts with a top-down approach.

Washington County Circuit Court Judge Ramón A. Pagán agrees. Managers must be leaders and set an example by treating others with respect, he says. Yet, even young attorneys, paralegals and support staff can inspire change.

That’s certainly true at the Portland firm Dunn Carney. There, a cross-section of employees have formed the IDEA Squad to focus on issues of diversity and inclusion.

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“Diversity is not just an issue that affects attorneys,” says Melissa Busley, a partner in Dunn Carney’s trusts and estates practice and chair of the IDEA Squad. “We decided it couldn’t be a top-down process if we wanted to make system-wide changes. We wanted a lasting approach and buy-in from the whole firm.”

It can be difficult to start the conversation, Pagán says, but if you approach it from the perspective of wanting to be proactive rather than reactive, people will understand that. A young
attorney may not be sure about the right way to handle some situations, he adds, but asking a mentor — or helping to form a workplace committee — can help, even if it just means offering a sense of validation.

“A relationship with a mentor who offers strong advice gives you confirmation,” Pagán says, “because most of the time you realize you already thought of the same thing.”

He says it’s best to avoid a mentor who is someone so high up in your own organization that you’re nervous talking to them. It could be a colleague from outside the firm, a non-lawyer friend who can offer counsel — or even a parent.

“I know you think you’re a big shot attorney now, but your parents helped you before with this stuff,” Pagán says. “You need someone who will be open-minded about it.”

Pagán says no one should burn their bridges, but if something goes awry, most young attorneys should know that their first jobs won’t define their whole career. Some places may be too negative or resistant to improving, Pagán says, and you don’t have to stay.

“You have to be fearless,” he says. “There’s no job that’s worth sacrificing your principles.”

Rishi Puri, an associate in the Portland office of Lane Powell, agrees that some work atmospheres are unbearable. “You have to care about people as human beings and treat them as such,” he says, “and if you have a firm that doesn’t do that, I don’t know if there is any panacea for that.”

Some firms do exemplify a positive workplace culture, though. Puri says Lane Powell maintains a welcoming culture in which he feels cared about and comfortable voicing his opinion. Staff and attorneys there are treated equitably, he says, and the firm is committed to investing in education — such as inviting a speaker to discuss transgender issues — and establishing a safe space for dialogue.

“I think it’s important to create a space where people can voice their concerns, whatever that may be,” says Puri, one of the panelists at a diversity-themed CLE held at the OSB Center in late May. “I think the only way you’re ever going to change things is to create a space where you have that dialogue.”

What matters most at his firm is knowing that management is listening. “I think how you treat people every day shows their true value to a firm more than a one-off conference or a speaker ever could,” he says.

Dealing with Discrimination

Sometimes, discrimination can be subtle and hard to describe, let alone difficult to prove legally.

“Dealing with systemic issues such as discrimination or implicit bias — those that aren’t always out in the open and operate on a subconscious level — may not be something for which an ideal solution is possible,” Neri notes.

She says the emotional or mental harm from discrimination may not always be avoidable or definitively resolved. The lack of acceptance and belonging due to ethnic, racial or cultural differences and the inability to confront it head-on can be especially frustrating and hurtful — a situation that can be difficult for many attorneys who often consider themselves to be problem solvers.

Counseling can help, Neri says, by offering a way for attorneys to process a negative experience and create a plan to figure out what steps to take to handle a difficult situation.

“Counseling is a safe, warm and compassionate place for diverse attorneys to process their feelings around isolation, stress or stigma, and to create an action plan” she says. “There is likely to be pain or suffering that goes along with such negative experiences, which may not be fully resolved. But it’s part of our lived experience, and we can learn to work with it.”

In addition to the OAAP, Neri says, there are also a variety of organizations that support diverse attorneys. The Oregon State Bar’s Diversity & Inclusion Department (osbar.org/diversity) offers stipends, fellowships, mentoring and community-building events; its Opportunities for Law in Oregon (OLIO) program is designed to recruit and retain diverse legal talent in Oregon and increase the diversity of the OSB. Attorneys can also build community via affinity bars, including the Oregon Minority Lawyers Association, which are listed on the OSB website.

“When attorneys, especially diverse attorneys, start to share their experiences, it helps normalize these experiences and brings people together,” Neri says. “People know that they are not alone. There are other people who have gone through similar experiences. It encourages and inspires other people to share their stories as well.”

Puri says he felt less isolated by connecting with diverse attorneys through a program called Leadership Council and Legal Diversity. Fellows nominated by their law firms meet with other diverse attorneys from across the country, he says, and that’s given him a network of people who understand the issues faced by lawyers of color.
He says community has different meanings, and that while there are not many other Indian attorneys in Oregon, there are people who accept him and fill his soul.

“Maybe not a lot of people look like me, but I feel I can be myself,” he says. “I have a community here, even if they may not be the same skin color.”

That sense of community is crucial, Neri and Pagán agree, but it’s important that diverse attorneys also understand that they need to have outlets for channeling stress outside of the legal profession. No one should judge themselves based on only one aspect of their life, Pagán says; balance is critical.

“I think it’s huge to have an identity besides your professional one,” he says. “That’s why I play guitar. It helps with stress.”

The bottom line, Pagán and others say, is that while it’s true that diverse attorneys may suffer from isolation and stress, there is hope. Workplace culture can be improved from the bottom up or from the top down. Diverse attorneys can lower stress and limit isolation through connection, work-life balance, mentorships and counseling.

And given today’s charged political atmosphere, Puri says, a little kindness couldn’t hurt — especially from those who may not be diverse but care about those who are.

“People are coming to work with a heightened sense of anxiety,” he says. “Maybe you want to be more sensitive.”

Jillian Daley is a Portland-area freelance writer. Reach her at jillianbdaley@gmail.com.

ENDNOTES
2. The American Bar Association Commission on Women’s “Women of Color Research Initiative” explores the experiences of women of color in the law. For more information, go to tinyurl.com/ABAWomenofColor.
3. “Minority women are disappearing from Big Law — and here’s why,” by Liane Jackson, ABA Journal (March 2016).
4. Learn more at osbar.org/diversity.
‘Something Had to Change’

Judge and Lawyer Navigate Different Paths to Well-Being

By Judge Gregory F. Silver

One day at a time and with the help of friends, family members and colleagues, two legal professionals learn to take care of themselves and find their way back from the alcohol use and mental health issues that threatened to derail their careers.

My name is Greg, and I’m an alcoholic. That’s how I’ve been introducing myself at recovery meetings for more than 21 years. We don’t usually like to talk about alcoholism in our profession, but it’s time we did. Let me tell you some of my story.

The first time I got drunk was around the third Friday in September 1970. I was at a fraternity party at the University of Virginia. I started drinking around 9 o’clock in the evening because that’s when the party started, and that’s when I wanted to start drinking.

The last time I got drunk was Dec. 5, 1997. I was in my apartment in Clackamas. I started drinking around 7 o’clock in the morning because that’s when I woke up, and that’s when I had to start drinking.

In between, there were lots of good times and lots of bad times. Initially, I drank to fit in; drinking helped me feel like I belonged. As the years went on, though, I also relied on it to celebrate the good times, soothe the pain in the bad times and forget about the problems I didn’t want to deal with. Then it became a drink after work “just because,” followed by another and another for no good reason.

I went to law school after working in communications for 16 years. I knew I couldn’t drink like I had been and be successful in law school, so I promised myself I wouldn’t drink during the week. I basically kept that promise. But on Friday afternoons, I was one of the first to hit Zelda’s, the bar up the street from the University of Pittsburgh law school. Many people went there to unwind for an hour; I stayed well into the evening.

That experiment — limiting my drinking to weekends — convinced me that I could control my drinking. I certainly wasn’t an alcoholic.

I did well in law school and got a good job in Pittsburgh. Early in my career, I learned that drinking was an accepted part of our profession. Most firm and bar activities involved alcohol.

At first I handled things well, but it didn’t take long for my old drinking pattern to resume. While my colleagues could go out after work and stop after just one drink, I couldn’t. I spent a lot of weekends in the office, making up for the hours I had lost to drinking.

In 1997, my first wife and I moved to Oregon. For a while, my drinking slowed down — but only for a short while. I had reached the point where I had to drink. When my son called that November to invite me to go skiing, there was nothing I would have enjoyed more than spending time with him, but I knew I couldn’t go without drinking. And I knew that once I started, my drinking would get out of control. I said no. That was my bottom.

Over the course of 27 years of drinking, I had quit a thousand times. I never got a DUII, never had problems with the bar, never lost a job. I always had a family, a house, a car — so how could I be an alcoholic? But I finally admitted to myself — as I had known deep down for a long time — that alcohol had more control over me than I had over alcohol. I realized that something had to change, and knew I could not do it alone.
Help is Available

If you or someone you know is struggling with addiction, depression, mental health or some other issue, the Oregon Attorney Assistance Program can help you learn about new ways to merge healthier living with your legal practice. Call (503) 226-1057 or (800) 321-6227, or visit oaap.org.

Other resources include:

- Substance Abuse and Mental Health Services Administration (Samhsa.gov): This is the agency within the U.S. Department of Health and Human Services that leads public health efforts to reduce the impact of substance abuse and mental illness on communities across the country. You’ll find lots of information here on training, treatment, programs and policies.
- Mental Health America (mentalhealthamerica.net): This link allows you to take an online screening exam to help identify if you are experiencing a number of issues (bipolar, depression, anxiety, work health, etc.) and then provides a local referral based off your responses.
- National Alliance on Mental Illness (nami.org/Find-Support): NAMI’s website can help in assisting specific populations (LGBTQ, parents, etc.) living with mental illness or help anyone find a local chapter of the organization.
- American Counseling Association (counseling.org/aca-community/learn-about-counseling/what-is-counseling): Find information about the different counseling services that exist and links to resources in your area.
- Psychology Today (psychologytoday.com/us/basics): This link offers information about hundreds of mental health topics, including depression, anxiety, alcoholism, post-partum depression, etc. You’ll also find tests/assessments for hundreds of disorders (psychologytoday.com/us/tests) and links to therapists in your area by specialty, zip code, insurance provider and many other factors (psychologytoday.com/us).
- American Bar Association: The ABA Mental Health Guide (americanbar.org/groups/lawyer_assistance/resources/links_of_interest) provides a national resource database for websites/phone numbers of organizations that can assist with suicide prevention, chemical dependency, compulsive gambling, family support, mental health and more.

At times of crisis:

- Lines for Life (Linesforlife.org): In addition to education, training and advocacy efforts, this Oregon nonprofit operates a 24/7/365 suicide lifeline at (800) 273-8255. Other help lines are geared specifically to individuals and family members seeking crisis intervention, treatment referral and chemical-dependency information involving alcohol and drug abuse; to service members, veterans and their families; to seniors who are feeling lonely and having difficulty connecting; and to teens.
- National Suicide Prevention Lifeline (suicidepreventionlifeline.org): The crisis line at (800) 273-8255 is available 24/7/365.
- Suicide Prevention Resource Center (Sprc.org): In addition to the National Suicide Prevention Lifeline at (800) 273-8255, you’ll find a wealth of information here about a wide variety of suicide-prevention resources.

On Dec. 6, 1997, I checked myself into a treatment center. I didn’t know what it would be like, but I had run out of options. I learned that while a treatment center could get me sober, only active recovery could keep me sober.

The day after I finished inpatient treatment, I went to my first recovery meeting. I’ve been going to that meeting and many others ever since.

My marriage ended about a year into recovery. We had grown apart over the years, but I’m grateful she helped me move toward sobriety. Importantly, I made it through a divorce without taking a drink.

Today, some of my closest friends in recovery are lawyers and judges; others are convicted felons. No matter what our background is, we have a bond that transcends that background. I met my wife in recovery; we have a relationship I never dreamed possible.

When I applied for appointment as a circuit court judge, I wrote a letter to the governor discussing my alcoholism and recovery. No one brought it up in any of the interviews, so I raised it in all three. All I heard was “congratulations, nice job.” And here I am.

Twenty-two years ago, all I wanted was to be able to drink like other people — to be able to have that one drink after work. But I’ve learned that I cannot do that because I’m not like other people. I have a disease called alcoholism.

Medical science is very clear: This is not a moral failing. It is a progressive illness that gets worse as we continue to drink. People like us die from alcoholism and its effects every day. My real choice 22 years ago was to get sober or die.

What I did not expect then was what my life would be like now. I didn’t know that a life untethered to the demands of alcohol could be fulfilling, fun and allow me to contribute to our profession and society. It doesn’t happen immediately, but it does happen, one day at a time.

The Hon. Gregory F. Silver has served as a Multnomah County Circuit Court judge since 2013.

Ask for Help When You Need It

I have been asked to write a brief article about my experience with a claim that arose out of a wellness issue that I faced in my career. I’ve agreed not to use my name because of privacy concerns, but anonymity is the hard part. It would be much easier to just state the facts, the rule and the conclusion; after all, we all learned how to do that in law school, and I’ve done it for many years since.
Here, in general terms, is what happened.

Over the course of years, unresolved issues in my personal life began to interfere with my ability not just to practice law but to practice life. I was tired all the time, not sleeping well, and had trouble focusing. As an anniversary related to my personal issues arrived, these symptoms got worse.

My main mental occupation was unproductively processing my personal issues by myself, in my head. I would lie awake at night, unproductively processing. I would get up and pretend I was OK for my wife and kids. I would go to work and pretend I was OK for my clients and opposing counsel. But by early afternoon, I could not pretend anymore, and I would find myself going for a walk or simply lying down on my office floor, unproductively processing until it was time to go home and pretend I was OK for my wife and kids again.

In short, I was depressed.

Since I practice law alone and am very good at what I do in my day-to-day practice, no one noticed. I managed to manage almost all of my cases well, efficiently, effectively. My practice continued to grow, in fact, during these years.

“Almost all,” of course, is why I’ve been asked to write this article.

I accepted a case that was within my abilities, but outside my most common area of practice. The problem was that the case contained emotional issues for my client that were very similar to those I faced personally. The result was that I was not able to face the case. Every time I tried to pick up the file, I would find something else to do, because it simply struck too close to my emotional “home.” Eventually, I missed deadlines and opposing counsel filed a motion to dismiss.

Opposing counsel also did me a favor. She called the Professional Liability Fund (PLF) and told them that I needed help. Two things happened.

First, someone called just to ask me if something was happening personally that caused the situation. By then, I was finally in treatment for my personal issues and so could freely admit that the answer was yes, what it was, and that I was
already seeking professional psychological help with my personal issues. Had this not been so, the person calling would have helped me find help.

Second, we recognized that my client had a claim, and that repair counsel should be appointed. Repair counsel responded to the motion to dismiss. Details of my illness remained sealed, and the motion to dismiss was denied. Repair counsel found another attorney to take my client’s case. A happy ending.

The lesson here is simple.

If you have personal issues that are affecting your life, seek help before they interfere as much with your practice of life and law as I allowed mine to do. Call the help line yourself if you don’t know how to proceed. Don’t let pride, embarrassment or, in my case, really ironic ignorance stand in your way. Lawyers are people, and people have personal issues. Don’t let them lead to an illness that causes a claim.

Take care of yourself. Everyone knows that when an airplane loses pressure, you put your own mask on before you try and help others. The analogy is not perfect, but lawyers help other people with their problems, no matter what type of practice. So work on your own problems to ensure you can effectively help others, and know there are professionals who can help you do that.

You owe it to yourself, your clients, the court, opposing counsel, your family and your community.

Editor’s Note: While the Bulletin does not generally use anonymous sources or print unattributed stories, it agreed to do so for this first-person account because of privacy concerns for the author.
Please join us as we honor and celebrate these outstanding Oregon attorneys and judges at our annual awards luncheon.

Friday, November 15
Sentinel Hotel in Portland

2019 OSB Award Winners

OSB Award of Merit
Phylis Chadwell Myles

Wallace P. Carson Jr. Award for Judicial Excellence
Hon. Paula Brownhill
Hon. Janelle Factora Wipper

President’s Membership Service Award
Susan T. Alterman

President’s Public Service Award
Linda Jean Gast
Erick J. Haynie
Joshua D. Zantello

President’s Diversity & Inclusion Award
Román David Hernández
Julia Elizabeth Markley

President’s Sustainability Award
Melissa Powers

President’s Technology & Innovation Award
Amanda Caffall

The Oregon Bench & Bar Commission on Professionalism’s Edwin J. Peterson Professionalism Award
Hon. Rives Kistler

To register or for additional information, please go to www.osbar.org/osbevents or email events@osbar.org
Gradual Succession Offers Another Way to Capture Practice’s Value

By Lee Wachocki

My job sometimes involves difficult conversations with attorneys as they approach the end of their careers and reflect back on their contributions to clients’ lives, the community and the practice of law. As baby boomers reach retirement age, and as these conversations increase in frequency, one subject that often comes up is the desire to sell a practice.

What makes the conversation difficult is that not every practice can be sold, especially on short notice.

A fortunate few attorneys attract buyers easily: some work in a niche practice area, have clients with ongoing needs and appeal to firms seeking merger or acquisition; some make three times the average income for practice size and geographic area; some invested in transferable assets like a generic business name, a desirable office location or a heavily trafficked website; and some have potential buyers inside their practice, like a law partner or a business-minded associate.

But you might have a hard time attracting buyers if you own a solo practice or small firm, where the most valuable asset is you. In that case, you may achieve a better result by gradually transferring your value to someone else: a successor.

“Succession planning” means leaving your practice through a transition that captures value that might otherwise be lost. The idea is that you integrate a successor into your practice. They benefit from your skill, reputation and relationships; you benefit from their labor; and they eventually take over. You can benefit whether or not the transition ends in sale, and you’ll likely earn more from a transition than from a last-ditch attempt to sell.

Beyond financial gain, handing the reins to a successor could mean that your practice endures and you leave behind something meaningful. If this holds appeal, design the transition that works for you; there’s no magic formula. If not, you can always close or gift your practice. But don’t expect compensation without preparation.

If you want to see a return, don’t (as one valuation analyst puts it) “R.I.P. — Retire In Place.” Your return on investment may depend on what you invest in a successor.

Economic Value of a Successor

To understand why transitioning to a successor might yield a better return than an abrupt sale, a few economic principles are worth explaining.

The formula for determining your practice’s value is essentially the value of tangible assets (like furniture) plus “goodwill” (the value of intangible assets). Tangible assets won’t contribute much unless you own a building; the bulk of your practice’s value will come from goodwill. But not all goodwill is created equal.

Goodwill can be divided into two categories: “business goodwill” and “personal goodwill.” The Oregon Court of Appeals explained business goodwill as “value attributable to factors related to, or inhering in, the entity,” citing “relationships with suppliers, customers and employees … location, name recognition and reputation” as features that “engender customer loyalty regardless of who works there.” Personal goodwill consists of “increased earning capacity of a business attributable to an individual’s (often, the principal’s) skills, efforts, personality or reputation.”

In law, a practice has business goodwill if it draws clients no matter the attorney. A practice has personal goodwill if it draws clients because of the attorney.

The problem with trying to sell a small practice is twofold: It lacks business goodwill if an established attorney,
and not the institution, draws the business; and it may have personal goodwill in spades, but it loses that value if the established attorney leaves. To illustrate the first point, think of firms that “en-gender customer loyalty regardless of who works there”: big-name firms, specialty firms, firms with brand identity and firms where clients care less about the assigned lawyer than the fact that the lawyer works at the firm. Valuation analysts offer the dentist’s office as a source of business goodwill because it typically draws more patients due to location than the identity of the dentist.

Valuation analysts distinguish that from the relationship-based appeal of the average law practice, which brings me to the second point: If a practice is afloat because of one attorney’s personal goodwill, it will probably sink unless that attorney can transfer personal goodwill within the practice.

Theoretically, the value of succession planning is to cash in your goodwill through gradual transfer to an insider, rather than letting it evaporate through a sudden sale to an outsider. Valuation analysts will tell you that astute buyers only see value in a practice that can bring them money once the seller is gone.

You might have an extensive “book of business” (a list of current and former clients) full of institutions with ongoing legal needs, but a buyer who has no relationship with those clients has no guarantee they will stay once you leave. You might have an efficient assistant who runs the office and frees up your time to bill hours, but an outside buyer has no guarantee your staff will stick around. You might have a wide referral network that sends business through your door, but nobody refers clients to an attorney whose name they’ve never heard. You can produce tax returns showing how much you take home, but who will buy your practice without reason to believe they can replicate your success?

If succession planning might make economic sense for you, and if you have time to invest in a successor, think about some of the practical considerations that follow.

Choosing the Right Successor

What are the features of an attorney who can run your practice successfully? You know your practice, so making the list should be easy. But you may have to interview candidates if you don’t have an ideal successor in mind.

First, the ideal candidate will be interested in running a practice, not just practicing law. Many attorneys are content to put in long hours and never bother with the business side. Many firms hire workhorses, but a forward-thinking firm will look for rainmakers and include them on important clients’ cases.

If you work with an attorney who might fit your ideal profile for a successor, ask: “Would you be interested in running the practice?” If you need to find a successor outside your firm, disclose your transition goal in job postings and ask the question when interviewing candidates.

Second, the ideal candidate will possess the attributes necessary to carry on your practice without besmirching your name. Your successor need not be an expert in your area of practice, because you can teach them your skills, but look for demonstrated capability and work ethic. Observe candidates in court if your practice involves litigation. Get a sense of candidates’ skills, style of representation and reputation by asking employers, co-workers, co-counsel, opposing counsel, judges or references.

Ask potential successors for their history of malpractice claims from the PLF, search for bar disciplinary actions, read client reviews. If your practice is rooted in a philosophy of representation that you want the candidate to carry on, ask the candidate about his or her philosophy and make sure they are aligned with or at least open to yours.

Third, choose your successor with your relationships in mind. Most of the value you hope to impart is relationship-based, so the right candidate should be able to easily integrate into your existing relationships. If you have staff, seek their input and include them in any interview process. If you get client referrals from attorneys, ask them about your candidates. Imagine how the candidates will be received by existing clients. Depending on how you structure the transition, you could miss out on future income if you leave the practice and then clients flee.

Once you have a finalist, consider a trial period before you commit to the

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Structuring the Transition

Now that you have your finalist, it’s time to iron out the details of the transition.

There is no prescribed length for the transition period. The transaction that transfers ownership, and your compensation, can be nontraditional. Beyond limits imposed by any partnership or operating agreement already in place, your biggest limitations are how long you can stay with the practice and what you and your successor can agree upon. Be creative.

Beware that, as attorneys, many of us are inclined to do everything ourselves despite the complexity, novelty or risks of mishandling the task at hand. In structuring your transition, the expertise of other professionals might be worth the investment.

An appraisal by a valuation analyst can give a sense of your practice’s value, for example, but it can cost thousands of dollars and is by no means required for succession. A valuation analyst could, however, help you and your successor determine the appropriate amount and method of your compensation if you are struggling to reach an agreement.

Valuation analysts generally agree that you stand to gain more from gradual transition than from a quick sale, by the way, but that doesn’t mean your succession plan will make you a fortune. Vet carefully, and request a candid assessment of whether an appraisal is worth the cost given the transition you envision.

In terms of ownership transfer, your role prior to departure and compensation, there is no single, perfect model. You can transfer ownership at the beginning of the transition, gradually throughout or on your last day. You can reduce your role by going “of counsel,” becoming an associate or making your successor a partner. If you transition. Intermediary steps like sending them contract work or bringing them on as associate or “of counsel” will help you make an informed final decision. The worst thing you can do is commit, only to realize that the transition will be a disaster. Money and closure are tempting forces, but regret lasts longer than temptation. If it isn’t working, better to know before agreements are signed, ownership interests are adjusted or money changes hands.
wish to sell, note that some financial institutions are willing to finance a higher percentage of the sale price if you agree to stay with the practice for a finite period of time and the buyer acquires an ownership interest prior to sale.

Compensation can take the form of payments in fixed amounts, a percentage of revenue or collections, some combination or something else entirely. You could bring your successor aboard, reduce the number of hours you work, pay yourself what you always paid yourself and depart when ready — no sale or further payment required. Your successor might insist upon a non-compete agreement; after all, they won’t benefit much from the transition if you become the competition, and ORPC 1.17(h) allows the sale to be conditioned on a non-compete agreement that would otherwise be prohibited by ORPC 5.6.

Whichever route you take, have an experienced business transaction attorney draft any purchase and sale agreement and other pieces of the collective “transaction documents.” Talk with a CPA or tax attorney about tax implications. The bottom line: Consult with professionals to eliminate surprises.

**Conclusion**

If you built your practice from the ground up, leaving it could be emotionally challenging — whether you wish to sell it, hand it off or simply close the doors. But don’t get caught up in the notion that your practice is only worth something if you can sell it. There is value in any transition that provides you with some income, gives you more time to spend with family and leaves a successor in the best possible position to care for your clients and carry on your legacy.

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Lee Wachocki is a practice management advisor for the Professional Liability Fund. He says special thanks go to Justin Farmer of Private Practice Transitions, Laura Markee of Markee Valuations, Greg Mettler of Greg L. Mettler PC and Jay Sickler of Cogence Group for their contributions to this article.

**ENDNOTES**

2. Id.
CLE Seminars

Broadbrush Taxation: Tax Law for Non-Tax Lawyers
Cosponsored by the Taxation Section
Thursday, Oct. 3, 9 a.m.–4:45 p.m., OSB Center
CLE credits: 7 General | BBT19 📚

Elder Law 2019: Delving Deeper into the Current Issues
Cosponsored by the Elder Law Section
Friday, Oct. 4, 8:30 a.m.–4:30 p.m., Multnomah Athletic Club, Portland
CLE credits: 6.25 General and 1 Access to Justice | ELD19 📚

21st Annual Oregon Trial Advocacy College
Thursday, Oct. 24: 9 a.m.–2 p.m. and Friday, Oct. 25: 8:30 a.m.–5:30 p.m.
Mark O. Hatfield United States Courthouse
10.5 Practical Skills* and 1 Ethics credits.
Optional self-study credit for online videos available
OTAC19 📚

Business Law 2019: Refreshing the Old and Learning What’s New — Practical Updates for Business Lawyers
Friday, Nov. 8, 8:30 a.m.–4:45 p.m., Multnomah Athletic Club
5.5 General and 1 Ethics credits | BUS19 📚

Basic Estate Planning for Oregon Taxable Estates
Cosponsored by the Estate Planning & Administration Section
Friday, Nov. 15, 8:30 a.m.–5 p.m., Multnomah Athletic Club, Portland
6 Practical Skills* and 1 Ethics | BEP19 📚

Negotiation and Conflict Management
Thursday, Nov. 21, Two half-day seminars, OSB Center | NGCM19 📚
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

* Credits count toward 45 credit CLE requirement.
Register now for Section Events & Annual Meetings

Oct. 10 | International Law
Miller Nash Graham & Dunn, LLP
Portland  SIL19

Oct. 10-12 | Family Law
Sunriver Resort  SFL19

Oct. 11 | Health Law Law
Heathman Hotel, Portland  SHL19

Oct. 16 | Taxation
Red Star Tavern, Portland  STAX19

Oct. 18 | Criminal Law
Stoel Rives, Portland  SCRIM219

Oct. 25 | Constitutional Law
UofO White Stag, Portland  SCONST219

Oct. 25 | Indian Law
UofO School of Law, Eugene  SIND19

Oct. 25 | Consumer Law
OSB Center, Tigard  SCL19

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Dec. 12 | Civility Matters
Dec. 13 | Professionalism

Legal Publications

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Preorder your copy of ADR in Oregon and view the full catalog at www.osbar.org/publications or contact the order desk for help: (503) 431-6413.
Volunteer Defense Counsel Sought

The Oregon State Bar is looking for members who are willing to volunteer their time to assist lawyers who are being investigated or prosecuted for disciplinary violations.

Volunteers provide pro bono representation for respondent lawyers in disciplinary matters as their time and availability permit. Volunteer defense counsel are expected to be familiar with disciplinary rules and the disciplinary process, although the bar does not require that they provide any particular level of service. In fact, it is anticipated that most of the volunteer services will be of a consultative nature in the early stages of an investigation or prosecution.

Volunteers serving as defense counsel in disciplinary proceedings are eligible to earn up to two MCLE ethics credits for each 12 months of service. If you are interested in participating on the Volunteer Defense Counsel panel, contact Danielle Edwards at (503) 431-6426; toll-free in Oregon at (800) 452-8260, ext. 426; or by email at dedwards@osbar.org.

OSB Legal Publication Wins International Award

The Association for Continuing Legal Education has given its Award for Professional Excellence in the Best Publication category to the Oregon State Bar for “Veterans, Military Servicemembers and the Law” — the first time an OSB publication has won the top ACLEA prize.

The publication was the brainchild of the Military and Veterans Law Section of the bar, which enlisted the OSB’s Legal Publications Department to make the much-needed resource a reality. It highlights the vast military presence in Oregon, underscoring the need for legal resources to support veterans and military.

The publication also provides information about legal rights and benefits that may alter how lawyers practice when their client or opponent is a veteran or military servicemember.
ACLEA members are professionals in the fields of continuing legal education and legal publishing. The organization’s annual ACLEA’s Best Awards are highly competitive, and winning projects represent the highest level of achievement for the staff and volunteers involved.

For more information or to order a copy of “Veterans, Military Servicemembers and the Law,” go to tinyurl.com/OSBVeteransLaw.

**New MCLE Reporting System Has Launched**

The bar’s MCLE department has launched a new online MCLE reporting system, allowing members to add CLE activities to their own MCLE transcripts. To use the new system:

1. Log on to your Member Dashboard at hello.osbar.org;
2. Go to the MCLE Reporting tab;
3. Click MCLE Dashboard;
4. Click Add Activity to Transcript;
5. Click on the type of activity you would like to add to your transcript and follow the instructions on the screen.

Contact the MCLE department at mcle@osbar.org or (503) 431-6368 with any questions.

**2020 PLF Excess Coverage Applications Now Available**

OSB members who want to purchase additional malpractice coverage to increase their 2020 coverage limits beyond the Professional Liability Fund’s mandatory requirement can now purchase coverage through the PLF website.

PLF Excess Coverage is available with limits of up to $9.7 million in total coverage. Applications are available at osbplf.org.

For more information, email excess@osbplf.org.

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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.

KIRKLAND T. ROBERTS
OSB #814415
Portland
Public reprimand

On June 5, 2019, the disciplinary board approved a stipulation publically reprimanding Kirkland T. Roberts for violations of RPC 1.16(d) (failure to reasonably take steps to protect client’s interests upon termination) and RPC 4.2 (communicating with a represented party).

Roberts accepted representation of a client in a personal injury case on a contingency fee basis, using a fee agreement that included a conversion clause that stated that the client would owe Roberts the reasonable value of his services if terminated by the client.

The client retained subsequent counsel and demanded, through that counsel, that Roberts turn over the file to his new attorney. After initially seeking clarification from his client that he actually wanted to terminate his representation, Roberts conditioned provision of the file on payment for the reasonable value of his services and a waiver of any claims against Roberts. The client declined Roberts’ proposal and again demanded the immediate release of his file.

When Roberts did not release the file, his former client filed a complaint with the Client Assistance Office. Five months later, Roberts wrote directly to the client, notifying him that the statute of limitations was approaching and offering to represent the client if the client would withdraw his complaint to the bar.

Roberts’ conduct was aggravated by the multiple offenses and his substantial experience as an attorney. It was mitigated by absence of a prior disciplinary record and a cooperative attitude toward the proceedings.

NICHOLAS A. HEYDENRYCH
OSB #061778
Tigard
7-month suspension

Effective July 26, 2019, the disciplinary board suspended Tigard attorney Nicholas A. Heydenrych for seven months for violations of RPC 1.2(a) (abiding by client’s decision), RPC 1.3 (neglect), RPC 1.4(a) (inadequate communication — two counts), RPC 1.4(b) (duty to inform), RPC 1.5(a) (charging or collecting an excessive fee), RPC 1.5(c) (3) (improper fee agreement), RPC 1.15-1(a) (duty to safeguard client property), RPC 1.15-1(c) (duty to hold client property in trust until earned — two counts), RPC 1.15-1(d) (failing to provide client property and to account to client — two counts) and RPC 1.16(d) (failing to protect client interests upon termination of representation), as a result of his conduct in four different matters.

In the first matter, Heydenrych accepted a retainer to draft wills for a couple. After he failed to respond to multiple inquiries about the status, the clients discharged him and asked for a return of their file. Heydenrych did not return the file until a month after a bar complaint was filed.

In a second matter, Heydenrych received a retainer to represent a client in a child custody matter. Shortly thereafter, he failed to respond to the client’s inquiries and failed to inform the client of a hearing, which she failed to attend as a result. When the client instructed him to obtain a reset of an upcoming trial, cease work, render an accounting and return any unearned fee, he failed to take any of the requested steps, making only a partial refund a month after the complaint was filed.

In a third matter, Heydenrych accepted a flat fee in a criminal matter, employing a written fee agreement that did not contain the appropriate disclosures to treat the retainer as unearned upon receipt, and failed to place the retainer in his trust account. He later failed to respond to the client’s request for an accounting.

Finally, Heydenrych permitted merchant fees to be deducted from his trust account; as a result, a client’s funds were used to pay the fees. He also wrote a check from the trust account for a business expense that was dishonored for insufficient funds.

During the pendency of the disciplinary proceeding, Heydenrych failed to respond to a request for production, a motion to compel or an order granting the motion to compel, and failed to appear for a deposition. He did not respond to a motion for sanctions, which was granted.

Heydenrych’s misconduct was aggravated by a pattern of misconduct, multiple offenses, bad-faith obstruction of the disciplinary proceeding by intentionally failing to comply with rules or orders of the disciplinary agency, substantial experience in the practice of law, and indifference to making restitution. It was mitigated by the absence of a prior disciplinary record.

DAVID WINSTON GILES
OSB #000096
Portland
120-day suspension; BR 8.1 reinstatement required

Effective July 29, 2019, the disciplinary board approved a stipulation for discipline suspending Portland attorney David Winston Giles for 120 days for violations of RPC 1.4(a) (duty to keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information) and RPC 8.1(a)(2) (duty to respond to lawful demands for information from a disciplinary authority), in connection with two separate matters.

In addition, Giles will be required to seek formal reinstatement pursuant to BR 8.1 at such time as he is eligible to seek reinstatement.
A few months after being hired in a personal injury matter, Giles's communication with the client became sporadic. Although he filed an action and timely served both defendants, his failure to file a proof of service resulted in a dismissal. Giles did not notify the client of the completion of service or of the dismissal.

Despite assuring the client and her husband that he would provide a status update every 30 days, he did not follow through. The client did not hear further from Giles until after she complained to the bar several months later.

Giles thereafter failed to respond to multiple inquiries from the bar related to the client’s personal injury matter and a second grievance, and he was eventually administratively suspended pursuant to BR 7.1 on both matters.

The stipulation said that Giles acted knowingly and that a suspension was warranted. However, Giles’s conduct was mitigated by the absence of prior discipline; absence of a dishonest motive; personal or emotional problems as a result of serious personal health issues; his attempts to minimize negative impact to his client by involving the Professional Liability Fund once his health issues became an impediment; and remorse.

KAREN MW KNAUERHASE
OSB #020663
Portland
Public reprimand

By order dated July 29, 2019, the disciplinary board approved a stipulation for discipline publically reprimanding Karen MW Knauerhase for violation of RPC 1.15-1(d) (failure to deliver client property).

Knauerhase provided a free consultation to a couple seeking legal advice about a trust. She took their original trust agreement and medical directive to review, suggest changes and estimate fees for future work. Thereafter, the couple made multiple attempts to contact her about returning their documents, but Knauerhase did not respond. She did not return their documents until almost 11 months after their consultation, and several months after they had complained to the bar.

Knauerhase maintains that, shortly after meeting the couple, she prepared
the original documents for mailing back to them and believed that she had in fact mailed the documents. However, she later discovered the unmailed envelope misplaced among other materials. She then promptly mailed the documents to the couple.

By failing to return the couple’s documents for more than 11 months, Knauerhase violated RPC 1.15-1(d). The stipulation said that her behavior was aggravated by Knauerhase’s substantial experience in the practice of law. It was mitigated by a lack of prior discipline, the absence of a dishonest or selfish motive, her significant personal medical issues and her expression of remorse.

SANDRA J. OSTER
OSB #933895
Portland
Form B resignation

Effective Aug. 1, 2019, the Oregon Supreme Court accepted the Form B resignation of Portland attorney Sandra J. Oster.

At the time of her resignation, a grievance was under investigation by the Oregon State Bar involving alleged violations of RPC 1.5(a) (charging or collecting a clearly excessive fee), RPC 1.8(a) (improper business transaction with a client) and RPC 3.3(a)(1) (false statement to a tribunal). The grievance was lodged by an opposing party in a dissolution proceeding in which Oster represented her nephew.

The resignation indicates that Oster’s client files in her possession had been or would be placed in the custody of Portland attorney David B. Wagner, with Oster’s clients notified accordingly.

ABIGAIL MOLINA
OSB #176383
Springfield
6-month suspension, all stayed pending 3-year probation

Effective Aug. 1, 2019, the disciplinary board approved a stipulation for discipline suspending Springfield attorney Abigail Molina for six months for violations of RPC 1.15-1(a) (failure to safeguard, segregate and maintain records of client property) and RPC 1.15-1(c) (failure to deposit and maintain client funds in trust). All of the suspension is to be
stayed, pending Molina’s completion of a three-year term of probation focusing on law practice management and trust account management.

Molina established a 501(c)(3) organization to provide low-cost immigration legal services (VITALS) and administered its Interest on Lawyer Trust Fund Account (IOLTA). Between November 2016 and January 2018, Molina either failed to document or to maintain records sufficient to establish the receipt, deposit and disbursement of client funds.

During one 30-day period, Molina transferred more than $5,000 out of the IOLTA to cover rent and payroll. Molina thereafter notified the VITALS board of a nearly $1,000 deficit in the IOLTA. Molina also informed the VITALS board that she had advanced $1,500 from the IOLTA to pay rent and had periodically made transfers from the IOLTA to cover various overhead expenses; in each instance, she estimated, without verifying, that there were sufficient earned fees to justify the transfers.

In response, the VITALS board terminated Molina’s access to the IOLTA and accepted her resignation as VITALS supervising attorney, on the condition that she provide accounting and client information to allow an auditor to reconcile the IOLTA. Molina delayed providing the requested records and later acknowledged having discarded some client fund receipts and bank deposit records after she believed she had input the pertinent information into tracking software.

The stipulation said Molina’s conduct was aggravated by a selfish motive, a pattern of misconduct and substantial experience in the practice of law. It was mitigated by a lack of prior discipline, absence of a dishonest motive, cooperation with the bar and remorse.

RONALD L. SPERRY III
OSB #091525
Roseburg
Public reprimand

Effective Aug. 7, 2019, the disciplinary board approved a stipulation for discipline publicly reprimanding Roseburg lawyer Ronald L. Sperry III for violations of RPC 1.2(a) (duty to abide by a client’s decision), RPC 1.4(a) (duty to keep a client reasonably informed) and RPC 1.4(b)
Sperry represented a client who was the court-appointed guardian of the client’s mother. When she got into a dispute with the court-appointed conservator and one of her siblings regarding her receipt of payments as guardian, she hired Sperry. She communicated to Sperry her objection to the accuracy of an annual accounting filed by the conservator; he agreed to file an objection, but did not do so and did not inform her that he had not done so. Later, after she had instructed him not to submit any pleading or approve any settlement until she had an opportunity to review it, Sperry agreed to the entry of an order reflecting settlement with the conservator without the client’s prior approval of the precise terms of the settlement.

Sperry’s conduct was aggravated by his substantial experience in the practice of law and the fact that there were multiple offenses. It was mitigated by the absence of a prior disciplinary history, the absence of a dishonest motive and the existence of personal or emotional problems that impacted his ability to organize his work and complete tasks.

ELIZABETH D. LOGSDON
OSB #073146
Astoria
Disbarment

Effective Aug. 10, 2019, the disciplinary board disbarred Astoria attorney Elizabeth Logsdon for violations of RPC 1.3 (neglect), RPC 1.4(a) & (b) (inadequate communication with clients), RPC 1.15-1(a), (c) & (d) (failure to properly handle and account for client property), RPC 1.16(a)(1)-3) (failure to withdraw under various circumstances), RPC 8.1(a) (2) (failure to respond to disciplinary authorities) and RPC 8.4(a)(3) (knowing conversion of client funds).

These violations occurred in two unrelated client matters.

In one matter, the client paid Logsdon a retainer to represent him in a criminal charge. Within a few months, Logsdon withdrew, having performed no services and having spent all of the client’s retainer. During this time, the Professional Liability Fund notified some of Logsdon’s (duty to explain a matter to the extent reasonably necessary to permit the client to make informed decisions).
clients that, effective immediately, Logsdon was closing her practice for health reasons, could no longer represent them and would be withdrawing from their cases. However, this client was not among those notified.

Within two months, another client hired Logsdon to represent him in a child custody case. She did not notify this second client that she had closed her practice or that she had any health issues that might impact her ability to represent him. Over the course of several months, the client asked monthly for an accounting, which Logsdon did not provide.

When Logsdon was administratively suspended for failing to pay her bar dues a few months later, she did not notify either client of her suspension. In the two months following Logsdon’s suspension, both clients terminated her and asked for a refund. Logsdon did not respond or provide a refund to either client.

As to both matters, Logsdon failed to respond to numerous bar inquiries seeking to investigate the matters — in some instances, acknowledging receipt of the inquiries but failing to provide the requested information.

The trial panel found that Logsdon acted knowingly in all respects and that both clients suffered actual injury. The trial panel concluded that the presumptive sanction was disbarment and, after finding five aggravating factors and two mitigating factors, imposed disbarment and ordered restitution to both clients.

CHANNAH ROSE
OSB #150058
Portland
Public reprimand

By order dated Aug. 14, 2019, the disciplinary board approved a stipulation for discipline publicly reprimanding Channah Rose for violations of ORS 9.160 (holding oneself out as a lawyer when not an active member of the bar) and RPC 5.5(a) (unauthorized practice of law).

In Oregon, Rose worked on contract as a remote associate for a Colorado law firm. In early May 2018, she was administratively suspended for failing to pay Oregon State Bar membership fees and to comply with the annual IOLTA

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reporting requirement. Notice of her suspension was emailed to her address on record with the bar, but she was unaware of the suspension until late December 2018, when she discovered the notice in a junk folder. Rose immediately ceased practicing law and applied for reinstatement. In her reinstatement application, she disclosed that she had practiced law during her suspension. Rose was not an active member of any other state bar.

By practicing law while suspended, Rose violated RPC 5.5(a) and ORS 9.160. Her behavior was aggravated by her substantial experience in the practice of law. In mitigation, Rose has no prior discipline, acted without a dishonest or selfish motive, made timely good faith efforts to rectify the consequences of the misconduct and made full disclosure and cooperated in the disciplinary matter.

LYNN EARL SMITH
OSB #901216
Lake Oswego
90-day suspension, all stayed pending 2-year probation

Effective Sept. 1, 2019, the disciplinary board approved a stipulation for discipline suspending Lake Oswego attorney Lynn Earl Smith for 90 days for violations of RPC 1.1 (competence) and RPC 5.5(a) (assisting in the unlawful practice of law).

All of the suspension is to be stayed pending Smith’s successful completion of a two-year probation focusing on better practice management and improved client services.

In four separate civil matters, Smith entered an appearance on behalf of a party who had been pro se prior to his appearance. In each case, he was asked by a paralegal acquaintance shortly before a scheduled court appearance to participate and assist the client. Smith was aware that the paralegal was not a lawyer, and that the clients were pro se prior to his representation.

In each case, Smith relied on information received from the paralegal to draft documents and/or represent the clients in their court appearances. Smith acknowledged not knowing who drafted the pleadings on behalf of his clients prior to his involvement or being aware that another paralegal had drafted them. Smith did not review any of the documents in
the courts’ files entered prior to his involvement.

In addition to doing little, if anything, to adequately prepare for these clients’ hearings — to the extent that he went into court and argued for relief based upon documents that the paralegals had drafted — Smith lent legitimacy to their pleadings. By arguing their merits, he thereby assisted non-lawyers in the provision of legal services. He also helped facilitate the documents drafted and filed by these non-lawyers, which were intended to impact their legal remedies in the various courts.

The stipulation said Smith’s conduct was aggravated by a prior record of discipline, a pattern of misconduct, multiple offenses and substantial experience in the practice of law. Smith’s conduct was mitigated by the absence of a dishonest motive, personal or emotional problems, cooperation in the bar proceeding and remorse.

Legal Ethics Assistance

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.
Among Ourselves

Wyse Kadish attorney Anne Koch has been elected president of the board of Oregon Volunteer Lawyers for the Arts. OVLA provides a pro bono clinic, workshops and resources for low-income creatives and small arts nonprofits. Koch has served as treasurer and a board member of OVLA since 2014.

Miller Nash Graham & Dunn has been ranked in the Top 25 nationally among similar-size firms (150-299 lawyers) in the annual “Best Law Firms for Minority Attorneys” list published by Law360. Law360 surveys law firms each year to determine national rankings based on a firm’s minority representation at the partner and non-partner levels. This is the second year that the firm has appeared on this list and the fourth year that it has been ranked in the Top Five of Law360’s “Best Law Firms for Female Partners” list.

Lauren Blaesing, a shareholder with Markowitz Herbold, has been recognized by the University of Oregon School of Law as one of its Outstanding Young Alumni in 2019. The award was created to recognize graduates who have made significant career, leadership and service contributions to their community and the legal profession within the first 10 years following graduation. Blaesing represents business clients in complex disputes. She has litigated cases involving partnership and commercial lease disputes, non-compete and non-solicitation agreements, financial elder abuse, business torts, breach of contract, class actions and professional negligence claims.

Ilene Munk has been named a fellow of the American Bar Foundation, an honorary organization of lawyers, judges, law faculty and legal scholars whose public and private careers have demonstrated outstanding dedication to the welfare of their communities and to the highest principles of the legal profession. Fellows are limited to 1 percent of lawyers licensed to practice in each jurisdiction. Munk is the managing partner of Foley & Mansfield’s Portland office. She is a member of the Oregon State Bar’s Environmental and Natural Resources Section and serves as vice-chair of the American Bar Association’s Superfund and Natural Resources Committee.

D’Amore Law Group founder Tom D’Amore was presented with a 2019 American Association for Justice (AAJ) Distinguished Service Award by AAJ President Elise Sanguinetti at the AAJ Board of Governors meeting on July 31, 2019, in San Diego. This is the third time that the AAJ has awarded D’Amore with this prestigious honor. The Distinguished Service Award recognizes members of the AAJ Board of Governors who during the past year have been of special assistance to the president of the association. D’Amore has served two terms as the budget committee chair of the organization, serves on various committees and recently served on a committee to select the organization’s new chief financial officer.

Tonkon Torp attorney Robert Koch has joined the board of directors for the Pioneer Courthouse Historical Society as its membership director. The society is an organization of judges, court staff, lawyers, historians, architects and exhibit designers who work to preserve and provide to the public the history of Portland’s Pioneer Courthouse.

Howard Arnett of Karnopp Peterson recently was honored by The Museum at Warm Springs with the prestigious Tawanat Award for his nearly four decades as an attorney for The Confederated Tribes of the Warm Springs Reservation of Oregon, as well as his work on tribal sovereignty, Indian Law development, government-to-government relations and gaming issues. The word “Tawanat” originates from the Ichishkiin language of the Warm Springs Tribe and means “following the traditions of our ancestors.” Arnett joins a distinguished list of prior Tawanat Award honorees, including Hon. Owen Panner (founding partner of Karnopp Peterson), two former governors of Oregon (Victor Atiyeh and Ted Kulongoski) and two former U.S. senators (Daniel Inouye and Gordon H. Smith).

The Victim Rights Law Center’s Oregon director, Jessie Mindlin, is the 2019 recipient of the American Bar Association’s Sharon L. Corbitt Award. Presented by the ABA’s Commission on Domestic and Sexual Violence, the award recognizes exceptional service and leadership in improving the legal response to domestic violence, dating violence, sexual assault and/or stalking by a lawyer from any area of practice,
including nonprofit, private firm, government, corporate counsel and the judiciary. The Victim Rights Law Center provides free, holistic legal services to victims of rape and sexual assault in Clackamas, Multnomah and Washington counties, and legal help statewide to sexual assault survivors on certain assault-related immigration, education and gender identity document changes. For more information about the Victim Rights Law Center, visit victimrights.org.

Portland law firm Rizzo Mattingly Bosworth has announced that attorney Avalyn Taylor has been reappointed to the board of directors for the Elakha Alliance. Named for the Chinook Indian word for sea otter, the Elakha Alliance is a nonprofit organization dedicated to restoring sea otters to Oregon’s coast. The sea otter, which was hunted to extinction in Oregon in the early 1900s, is both a keystone ecological species and a significant cultural icon for Oregon’s coastal tribes. Representatives from Oregon’s coastal tribes, including the Confederated Tribes of the Siletz Indians and the Coquille Indian Tribe, also are active on the Elakha Alliance board.

Moves

Steve Rosen has joined the Portland office of Gordon Rees Scully Mansukhani as a partner after more than two decades as a successful sole practitioner. He practices aviation litigation. In addition, Sean Stokes has joined the firm as an associate after maintaining a successful civil trial practice in Connecticut. His practice focuses on commercial litigation.
Roy Law Group has welcomed Jesse Cowell to the firm. He brings a decade of specialized experience in administrative law with him, including court and trial-like hearing litigation and briefings before state, regional and federal agencies and appellate courts across the West.

Lewis Brisbois has welcomed Elizabeth D. MacGregor as a partner in its Portland office. MacGregor joins the firm’s products liability and construction practices; she brings more than two decades of experience litigating casualty, products liability and construction defect cases. MacGregor is a member of the Defense Resource Institute, the Oregon Association of Defense Counsel and the Claims and Litigation Management Alliance.

Steve Mach has joined Davis Wright Tremaine’s Portland office as an associate with the real estate and land use practice group. Mach counsels real estate developers, investors and lenders on matters pertaining to acquisition, development and financing of real estate assets and also drafts and negotiates commercial lease agreements.

Thorp Purdy Jewett Urness & Wilkinson has announced that Hanna Kim has joined the firm as an associate attorney. After graduating from the University of Oregon School of Law, Kim clerked for the Hon. Josephine H. Mooney at the Lane County Circuit Court in Eugene. Kim has a general practice.
Thomas Scott has joined Foster Garvey (formerly Garvey Schubert Barer) as an associate in Portland. He focuses on helping real estate developers and corporate clients in transactions involving commercial property, including acquisition, lease and sale. Scott also represents commercial and retail tenants in lease negotiations and disputes with landlords. Additionally, he has significant corporate governance and M&A experience in diverse industries, such as health care, oil and gas, and publishing.

Gevurtz Menashe has welcomed two new family law associates to the firm. Erica Aquadro graduated from Saint Louis University School of Law in 2012 and is a member of the Oregon, Washington and Missouri state bars. She will continue her family law practice in Gevurtz Menashe’s Vancouver office, handling law-related matters in Washington. Caroline Brinster graduated from Lewis & Clark Law School in 2018 and will handle divorce, custody/parenting time, child support, contempt and modification for clients with legal matters in Oregon.

Will Stewart has joined Crew Janci as an associate. His practice focuses on representing survivors of childhood sexual violence against organizations that allegedly expose children to abuse. Stewart brings to the firm a decade of experience litigating in federal and state courts across the country on behalf of both plaintiffs and defendants.

Baxter Harder is excited to welcome Ryan A. Mulkins, formerly elected District Attorney from Josephine County, as a new member of our criminal defense team.

Duffy Kekel LLP is proud to announce the arrival of our newest attorney – Dominic M. Sagona

Dominic focuses his practice on estate planning, administration, and tax planning matters, helping his clients meet their planning goals. He also has experience representing clients in estate and trust litigation matters. His unique tax and litigation background allows him to address a wide variety of his client’s tax and estate planning needs, both in and out of the courtroom. Dominic is admitted to practice in Oregon, Arizona and Colorado.

dsagona@duffykekel.com
Congratulations to our new Office Managing Partner, Román D. Hernández.

We are proud to recognize the achievements and dedication of Román D. Hernández and congratulate him on being named Office Managing Partner of our Portland office.

With a diverse practice mix, workforce and footprint, Troutman Sanders has cultivated its reputation for a higher commitment to client care for over 120 years. Ideally positioned to help clients across sectors realize their business goals, the firm’s 650 attorneys transact for growth, resolve mission-threatening disputes and navigate complex legal and regulatory challenges.

Brendan McCarthy has joined Portland General Electric’s in-house legal department to focus on matters of advocacy related to the Portland harbor. He has more than 20 years of experience in government relations, lobbying and legislative advocacy, including 13 years with PGE’s government affairs department. He is a member of the Oregon State Bar’s Energy, Telecom and Utility Law Section and spoke at the section’s annual CLE in March 2019.

James A. Underwood has joined Harris Velázquez Gibbens, a law firm with offices in Hillsboro and Northeast Portland. Underwood’s practice focuses on providing a wide range of legal services for businesses and individuals in Oregon and Washington, including general counsel, entity formation, contractual matters, transactions, residential and commercial leasing, regulatory compliance, civil litigation, consumer and commercial collections, real estate, dispute resolution, probate and arbitration services.

Kjersten Turpen joins K&L Gates as a partner in the firm’s Portland office, representing employers in all aspects of employment law, including discrimination and harassment litigation, wage and hour claims, and comprehensive employment law counseling. She regularly litigates employment cases in state and federal courts, and in matters filed with administrative agencies. Turpen currently chairs the employment practices group of the Oregon Association of Defense Counsel.

Levi Merritrew Horst has welcomed Viktoria Safarian as the firm’s associate
in criminal defense and civil rights litigation. Safarian started her career at Metropolitan Public Defender, where she developed her motion writing, oral advocacy, trial practice, trauma-informed interviewing and negotiation skills. Prior to Harvard Law School, she spent two years as a Fulbright teacher in South Korea. Safarian was born in Armenia, grew up in Russia and Germany, and immigrated to the United States in 2001.

Hrishikesh “Hrish" Shah has joined Davis Wright Tremaine’s Portland office as an associate with the employment services practice group. Shah counsels clients on a wide array of employee benefits matters and assists plan sponsors with tax qualification, fiduciary duty and operational issues with respect to their benefit plans. Previously, Shah was an associate with the employee benefits team at Morgan, Lewis & Bockius in Chicago.

Jens Schmidt has joined the Eugene law firm of Hutchinson Cox. Schmidt’s law practice focuses on litigation in the areas of civil rights, personal injury, employment law, commercial law and construction disputes.

Markowitz Herbold has announced that Jacqueline (Jackie) Kamins has joined the business litigation firm as of counsel. Before joining Markowitz Herbold, Kamins spent nearly 15 years representing state and local governments. At Multnomah County, she served

Chief Executive Officer Position
The PLF is seeking a new CEO with a desired start date of December 1, 2019.
Application Deadline: October 16, 2019
Visit www.osbplf.org for more information.
as assistant county attorney, handling appeals and complex civil litigation in state and federal court. At the Oregon Department of Justice, she served in the Special Litigation Unit, which handles the most complex and significant cases facing the State of Oregon. While at the DOJ, she negotiated an agreement that made Oregon one of the first states in the country to cover transgender health care services for its employees.

David Rocker has joined McKean Smith, bringing more than 25 years of experience in wrongful death and other serious injury cases, business breakups, employment matters and regulatory entanglements. Rocker has represented companies and individuals in mission-critical legal disputes at the local, state and national levels.

Ashley Vaughn is now a partner with Gilion Dumas at Dumas & Vaughn (previously Dumas Law Group). Dumas and Vaughn have practiced together since 2012. They have formed a boutique law firm representing survivors of child sexual abuse and adult sexual assault and harassment, many times against institutions of trust such as churches, private schools and youth-serving organizations. They litigate cases in Oregon and across the United States.

2019 Pro Bono Awards Fair and Social
Thursday, October 24
World Trade Center in Portland

2-5 p.m. — 3 FREE CLEs
5-7 p.m. — pro bono fair, awards and social

Join us in celebrating Oregon lawyers and their pro bono efforts. This year marks the 30th Anniversary of the Oregon State Bar’s Pro Bono Aspirational Standard and the 20th Anniversary of the Pro Bono Awards.

Visit www.osbar.org/probono/probonofair.html for the CLE topics and reach out to Laura Greer with questions or to pre-register for one of the CLEs: lgreer@osbar.org

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LAW LIBRARY, COMPLETE SET OR - EGN REPORTS and Oregon Appellate Reports, $7,500, (503) 650-8010.

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 $200meadows.com.

ACROSS FROM PORTLAND SOUTH WATERFRONT – Free parking with 11’ x 12’ office in suite with HAH employee HAHs. Conference rooms, scanner/copier. $700/mo., assistant space also available. 3236 SW Kelly Avenue. Contact Don at (503) 223-2612, dporter@nvmemberlaw.com.

CLASS A OFFICE SPACE IN SE PORT - LAND, 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/scanner and work areas. Will consider adding assistant space if right fit. $700 - $1,000/mo. Contact Alyssa at alyssa@fitzwaterlaw.com or (503) 786-8191.

DOWNTOWN EUGENE, 975 OAK STREET – Spacious, view office in upper level of Class A Citizens Building. A ample staff space, copier and conference/office/ 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 next to Pio - neer Square. 1 office available with support staff space if desired. Conference room, copier, fax/internet/phone/ receptionist included. Fit center, showers and bike racks available in building. If interested, call Steve at (503) 223-5814 or sb@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, cttracey@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 jayweil@aol.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 & assistant 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 Bo (503) 737-5621 or contact@askwang.com.

LAW FIRM OFFICE SPACE AVAILABLE AT KOIN TOWER – Offices available on 6th floor of the Koin Tower in downtown Portland. Two spacious, furnished city view offices, one inner office and one work station offered. Includes reception, conference room and kitchen. Copier/scanner, internet, telephone, provided at cost. Spaces available to sublease together or individually. Perfect for a small firm or solo practice. Building amenities include fully renovated lobby, elevators and restrooms, high-end premium finishes in common areas, collabora tive 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 (503) 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 – 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, Fam - ily 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 Cronk at (503) 245-0894 or bob@naylaw.com.

OFFICE SPACE OPPORTUNITY FOR SMALL FIRM OR SOLE PRACTITIONER – Needs turnkey space (ser vices and amenities provided). Share Class A office on prestigious Kruse Way in Lake Oswego. Rent includes use of conference room, in - ternet and receptionist services. Additional services may include use of copier/printer/scanner and postage meter. Up to three offices available. Email susanne@grmlawyers.com.


PANORAMA BUILDING 5,000 SQUARE FEET OF GROUND FLOOR OFFICE SPACE 4504 SW CORBETT Convenient to Downtown. Panoramic 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.

TWO LAW OFFICES AVAILABLE DOWNTOWN AT the Honeymoon House, 1318 SW 12th Avenue, Port - land. Professionally remodeled Victorian House. Easy street parking for clients, 10 minute walk to the court - house, and easy freeway access. Ame - nities 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 Al - lan at (503) 781-7887 or Eric at (503) 224-1212.

TWO OFFICE SPACES 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, w/shower, tenant lounge. Contact Jamie @ (503) 243-2733 or jamie@kramer-assoclates.com.

WEST LINN OFFICE SPACE (HIS - TORIC WILLAMETTE) – Beautiful 1894 Victorian home converted to offices—1785 Willamette Falls Drive 2 offices available: each office approx. 12’ x 12’. Convenient to closets/ storage and includes right to reserve conference room; good parking available. Large front porch with wicker furniture. Wi-Fi available. $795 each or $595 for second when leased to - gether. Possible basement storage available. Call Dean (503) 310-8089.

POSITIONS AVAILABLE

It is the policy of the Bulletin to only list opportunities for em ployment that are consistent with OSB Bylaw 10.

A LATERAL MOVE IS A DIFFICULT DECISION, so let us find you the perfect fit. Since 2000, Stayer Legal Search has been connecting lawyers with great opportunities in all sizes of law firms and companies. Our cur - rent searches cover nearly all practice areas. Let’s talk in confidence. Can - dice Wilson Stayer, Stayer Legal Search LLC cwstayer@stayerlegalsearch.com (503) 968-0901.

A PORTLAND METRO AREA AV - RATED LAW FIRM is seeking an As - sociate Attorney to join their growing defense litigation practice. This firm represents employers and insurers in the areas of workers’ compensation, employment law and insurance defense. This is an excellent opportunity for new lawyers who have strong inter - personal, analytical and organizational skills and a willingness to work in a demanding but informal and posi - tive environment. As an associate you will also have the opportunity to work closely with senior attorneys to devel - op hands-on experience and to work collaboratively with the firm’s associates. The ideal Associate will be licensed in Oregon or Washington. Dual licen - sure is a big plus. Candidates should have strong research and writing skills, excellent verbal communication skills and have a competitive personality. This is a full time, full benefit pos - ition. Benefit package includes medi -
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100 Best Companies to Work for in Oregon and Compensation. Ranked one of the 100 Best Companies to Work for in Oregon, Creekside Services provides a supportive work environment. The firm seeks enthusiastic associates.

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@kraker-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, business organizations and individuals primarily in civil matters seeking a proactive attorney with excellent research, writing and communication skills. The firm 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@mgdlaw.com.

ASSOCIATE FOR PLAINTIFFS’ PERSONAL INJURY LAW OFFICE – Law Office of Charles Robinowitz seeks associate to be team member in small office of Charles Robinowitz, located downtown Portland. 2-5 years relevant experience expected. Send written interest to Candyce L. Steward, Law Office Administrator, Luvaas Cobb, 777 High Street, Suite 300, Eugene, Oregon 97401 or by email to csteward@luvaascobb.com.

COMMERCIAL & CORPORATE ATTORNEY – Fall Creek Farm & Nursery is a USDA-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 Caribbean, and South Africa. 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 the internal operations 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 law, contracts, and agreements 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 Lake Oswego, Oregon. Interested candidates should reply to this post by submitting a cover letter, resume and a writing sample in confidence to: magnolia@smithlaworegon.com.

EXPERIENCED CORPORATE/M&A ATTORNEY – Rose Law Firm is a 7+ attorney business-focused law firm in Lake Oswego. We seek an attorney with 15+ years experience in handling complex corporate/commercial transactions and associated client engagements—including file and team management. Position is ideal for someone wanting to transition away from the billable hour demands of a larger firm but still interested in maintaining a sophisticated practice and collaborating with a team of like-minded professionals. If you bring a partial book of business, that is great, but not necessary. This position requires someone with: (a) strong experience and reputation in corporate law/M&A; and (b) a desire to contribute to helping Rose Law thrive and expand. We offer competitive wages and benefits (health, dental, vision, 401(k)) and can be flexible with billable hour goals (between 1,200 – 1,800). Culture is very important: we take our work seriously, but do not take ourselves too seriously – large egos don’t function well here. To apply, send cover letter, resume, and references to Crystal Hutchens, chutchens@roselaw.com. For more details, please review: https://www.roselaw.com/careers.

LAND USE ATTORNEY – Tomasi Salyer Martin PC is an 9-lawyer, dynamic law firm in downtown Portland, with a strong commitment to providing excellent services to our land use, financial institution, and business clients, while enjoying a balanced life in the Pacific Northwest. We seek a land use attorney with at least three (3) years of land use experience, including preparation of briefs, permitting documents, and client advocacy before various tribunals. You will have the opportunity to work on complex land use cases, participate in hearings, and argue cases. Strong research and writing skills are essential. This position requires a license with the Oregon State Bar and admittance in Washington is a plus. We strongly value congeniality and teamwork among all our employees, and strive to think “outside the box” in our business model. We have been a majority women-owned firm since we opened our doors in 2012, and sup-

BEND FIRM SEEKING BUSINESS & REAL ESTATE TRANSACTIONS ATTORNEY – Lynch Conger LLP is a thriving Bend and Portland law firm seeking a 3-8 year associate with business and real estate transactional experience. Land use experience a plus. Headquartered in Bend with suburban Portland/Lake Oswego office. Competitive salary, benefits, and bonus structure. Family oriented firm. Principals only, no recruiters. Submit resume and short cover letter or email to Office Manager Kaci Price at kprice@lynchconger.com.

CIVIL PRACTICE 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 strictly confidential. Please send written interest to Candeyce Steward, Law Office Administrator, Luvaas Cobb, 777 High Street, Suite 300, Eugene, Oregon 97401 or by email to csteward@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 rate and we offer great DOE and 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, Davison & Brasier, PC is an established Corvallis law firm with decades of combined experience 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 experience in drafting legal documents and contract negotiations; private firm experience preferred. • Knowledge of intellectual property law, contracts, and agreements 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
port diversity in our hiring discussions. Interested applicants should send their resume and cover letter to jcharles@tomasislegal.com.

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

MILLEMMAN PEMBERTON & HOLM LLP located in McCall, Idaho seeks an attorney with a minimum of 3 years of experience. Ideal candidate is interested in practice areas of family law, criminal law, and general real estate, administrative practice. The successful applicant will have opportunity for a good fit for the firm culture. Must be a young lawyer with a thorough understanding of research, and writing skills, and be a good fit for the firm culture. Must be willing to pursue a general practice. Litigation experience is preferred. Successful applicant will have opportunity to practice in diverse areas including real estate, administrative practice, estate planning, business development, family law, criminal law, and general civil litigation. Compensation DOE. Please submit cover letter and resume to admin@mpmplaw.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 cdj@vf-law.com.

WASHINGTON COUNTY GENERAL PRACTICE LAW FIRM has an opportunity for an established sole practitioner to merge with our thriving business, business law, family law, trusts, wills, real estate and personal injury cases. We need an attorney that enjoys the practice of law and activities related to client development and promoting the success of the law firm with the ability and desire to assume full responsibility to manage the law firm within the next year. Please call (503) 469-1229 to schedule a meeting to discuss the opportunity to join our law firm.

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 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.

ESTABLISHED KING COUNTY REAL ESTATE & ESTATE PLANNING PRACTICE with a practice/case breakdown by revenue of approximately 50% Real Estate Planning & Probate, and 40% Real Estate, Business Law & Bankruptcy. Call (253) 509-9224 or email info@privatepracticetransitions.com for more information.

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PARTING THOUGHTS

Creating a Rewarding Career

By Michael Greene

I recently retired after practicing law for more than 45 years. During that time, I was also a Multnomah County pro-tem judge for more than 18 years, president of the Multnomah Bar Association, a member of the Board of Governors of the Oregon Trial Lawyers Association and chair of the Oregon State Bar Ethics Committee and the Client Security Fund. My law practice focused on legal malpractice and ethics matters, handling some 190 cases during 35 years.

From this experience, I would like to share what I believe are the most rewarding aspects of practicing law. I’ve learned that while economic success is important, it is not the only yardstick for measuring career satisfaction.

Consider the following:

1. Have Passion for what you do as a lawyer. The law offers many, varied opportunities; find the one that energizes you. Passion will help you manage the rough spots of practicing law. It will get you out of bed with enthusiasm, inspire your efforts and stimulate your energy.

2. Client-First is the foundation for a satisfying career. Although it is easy and tempting to think of yourself first, this can be dangerous, short-sighted and rarely fulfilling. Nothing beats the satisfaction of helping another.

3. Be Courteous To Everyone. Show courtesy by acts, not just words. This can be challenging in our adversarial system, but you’ll find that people cooperate with those who treat them with courtesy, especially opponents. Consistent good manners can take you farther in your career than brains alone.

4. Apologize When Appropriate. We all lose our tempers and fly off the handle. This goes with the adversarial turf of practicing law. When this happens, apologize. It is not a sign of weakness to admit that you lost control. Rather, it is a sign of confidence that will almost always be reciprocated.

5. Build Relationships with clients, judges and other lawyers, especially opposition lawyers. Remember the old saying: Good lawyers know the law, great lawyers know the opposition. Meaningful relationships build up over time and require nurturing — meeting over a cup of coffee, for example, or getting involved in bar association or community activities — but it’s worth the effort. Malpractice and ethics claims usually stem from broken relationships.

6. Recognize, Acknowledge And Manage Your Limitations. Failure to disclose or efforts to mislead clients about your qualifications is so much more dangerous than any short-lived gains. Transparency builds trust, so don’t hide your limitations; in a malpractice or ethics situation, it is easier for an unhappy client to make a mountain out of a mole hill on this issue.

7. Manage Client Expectations. This requires a continuing effort, but it will pay off in the long run. When you over-promise, you will usually regret it. It is always better to over-perform than under-perform. Educate your client so that the goals of representation are reasonable and achievable.

8. Communicate In A Complete And Timely Fashion. Be realistic, not fanciful. Be prompt with information, especially bad news. Never hide the ball from your client. Rather, explain and manage that information. Set up regular, scheduled status reports; always return phone calls. Try to explain both orally and in writing; effective learning takes repetition and useful memory requires reference points. Ignoring your client is the most common cause of malpractice and ethics claims.

9. Stay Within Yourself. For any successful lawyer, growth is essential, but the stretch should be reasonably within available resources and capacity. Grow and reach slowly, confidently and thoughtfully. Do not be reluctant to ask for help earlier, when more options are available, rather than later, when options are more limited.

10. Seize The Moment. All too frequently, delay can be deadly. Signing up a new client only begins the work, it is not the goal of the work. Controlled delay can sometimes be an effective strategy, but more frequently, unnecessary delay leads to lost opportunity. Never be too busy or too preoccupied to pay timely attention to a client’s questions, needs or problems. It is critical to calendar not only deadlines but also reminders. Live by your calendar, not your memory.

11. Fire A Client, If Necessary. Effective management of the attorney-client relationship does not require a lawyer to be a “mouthpiece.” If a client is focused on revenge, payback or unreasonable criticism, be on guard. If a client insists that he knows the law or process better than you, regardless of what you advise, be wary. These situations make client satisfaction most difficult to achieve. Never forget, of course, that there are specific ethical and court guidelines for ending representation.

Practicing law is challenging, rewarding and satisfying. Winning may be the ultimate goal, but how a lawyer gets the win can make winning much more rewarding.

Michael Greene is of counsel at Richardson Wright in Portland. Reach him at mike@richardsonwright.com.
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