Despite Challenges, Solos Find Freedom, Flexibility and Personal Fulfillment
I am an Oregonian. Representing Oregonians in serious injury and wrongful death claims is more than a passion. It is personal.

WASHINGTOLN COUNTY: $10 Million, Death in Jail
MULTNOMAH COUNTY: $2 Million, Construction Injury
CURRY COUNTY: $1.2 Million, Maritime Injury
KLAMATH COUNTY: $1 Million, Construction Injury
TILLAMOOK COUNTY: $1.4 Million, Medical Negligence
BENTON COUNTY: $1 Million, MVA Drunk Driving Death
MARION COUNTY: $5 Million, Medical Negligence
UMATILLA COUNTY: $1 Million, Construction Injury
MULTNOMAH COUNTY: $2 Million, Medical Negligence
COOS COUNTY: $1.2 Million, Maritime Injury
JACKSON COUNTY: $10 Million, Brain Injury

TIM JONES PC
Trial Attorney

When choosing an attorney for Referral or Association, consider that attorney’s experience, skill and results.
Nik Yanchar is one of the growing number of Oregon lawyers who have opted to open solo practices, many after abandoning the security of a larger firm. The challenges of going it alone can be daunting, Yanchar and others told writer Susan G. Hauser for the story that begins on Page 18, but the rewards often include freedom, flexibility and personal fulfillment.

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Susan and Arnie love Oregon. In fact, they love it so much they focus their time and resources on helping kids grow into valuable community members. Their well-planned fund helps countless kids over the hurdles of poverty, which helps Oregon stay strong and vibrant. **We help make this happen.** See how Susan, Arnie and others have joined together with Oregon Community Foundation to improve the lives of all Oregonians through the beautiful power of philanthropy at [oregoncf.org/YOU](http://oregoncf.org/YOU).
‘We Are In Uncharted Territory’

By Gary M. Stein

here is optimism. There is uncertainty. And there is the story of one young woman whose final immigration interview was scheduled at the U.S. Embassy in Casablanca on April 2.

The woman — the fiancé of one of Portland attorney Diane Grover’s clients — had tried in mid-March to arrange for her required medical exam before the interview. But none of the doctors she reached in Morocco were able to help, she discovered, because they were all working full-time on that nation’s response to the growing coronavirus pandemic.

As it turns out, that didn’t matter. Because a few days later, the woman’s interview was canceled.

“I do not know when her interview will be rescheduled, but I suspect it will be at least a couple of months. I also suspect that all U.S. embassies and consulates will be closed around the world,” Grover told me in the pandemic’s early days. “That will have a snowball effect on people trying to legally immigrate to the United States.”

Another of Grover’s clients wanted to visit his wife in Saudi Arabia while her green card application was pending, but travelers were blocked from entering that country in late March.

“On a human level, I feel so sorry for these wonderful young couples, who were looking forward to starting their lives together,” Grover says. “Young love will just have to wait!”

Indeed, much of life as we knew it will have to wait as the world — and the legal profession — grapples with the coronavirus/COVID-19 pandemic. (See “Adapting to a ‘New Normal,’” Page 34.) In Oregon, Gov. Kate Brown issued a mandatory “stay at home” order in late March, restricting all but essential travel and closing businesses where people cannot consistently keep their distance from one another.

The state’s judicial system has not been immune. Chief Justice Martha Walters bracketed Brown’s order with a series of restrictions on court proceedings and operations, which she asked the OSB to distribute to members and collect their feedback for her review. Among members’ concerns: the duration of court closures, with some arguing for a 180-day continuance of civil cases; requirements for attorneys to appear physically in court when matters could be held by phone or videoconference; the lack of online options for pro se litigants who are often forced to go to court to review their case records; and more.

Several lawyers also asked for clarification of the status of legal services under Brown’s order, arguing that at least some of those services are “essential” and that lawyers should be able to continue to work with their clients. That was certainly the hope of attorney Judy Parker, who told me in late March that “my industry — the alcohol industry — has fallen upon its knees.”

“I spent the first weekend — the one directly before the governor closed public tasting rooms and restaurants and bars — talking to panicked clients about how to fire all of their staff. It broke my heart,” Parker says. “The following week was a blur of talking down anxious clients and reassuring them. I spent many hours texting clients on how to legally make same-day deliveries and offering suggestions on ways to increase capital.”

And now?

“I have no idea what day it is. I’m in a haze,” Parker says. “My husband is an essential services worker, so he leaves the house every day. I know it’s the end of the day when he comes home.”

Aurora Levinson, whose firm handles workers compensation cases from the employer side in Oregon and Washington, has also been especially busy. She and her colleagues at Wallace Klor Mann Capener & Bishop have several hospitals and delivery companies as clients — “so you can imagine this is really the front lines,” she says.

Among Levinson’s first projects: drafting policy documents on how employers should proceed if and when an employee files an injury claim for contracting COVID-19. Like Parker and legal practitioners across the region — including employees of the Oregon State Bar — she’s now completing the rest of her work at home.

“Working remotely has been a new experience for most people at my firm,” Levinson notes. “There was a scramble to make sure everyone would be able to keep working, which I think is really admirable.”
Everyone has pitched in, been patient and stayed mostly calm.”

Several firms opted to maintain some semblance of normalcy in the early days of the pandemic, even if that meant coming up with new workplace rules. In Vale, for example, sole proprietor Carol Skerjanec met with the other attorneys who share office space with her; they agreed that clients and perspective clients must be interviewed by telephone before getting an in-office appointment to determine whether work can be done with telephone and internet communication only. In-person meetings now are scheduled just one day per week, on Thursdays.

“One attorney has a criminal defense practice. If he is required to see clients other than Thursdays, he will see them after 5 p.m., when everyone else is gone,” Skerjanec says. “Clients are not allowed to bring other persons with them as support, and each attorney is responsible for wiping down any surface area where there was exposure to their clients.

“We have disinfectant wipes prominently placed in every room of the office and hand sanitizer in each office,” Skerjanec adds. “Our staff is now taking turns working from home. Of course, all of this is subject to change when we see what works and what doesn’t.”

Pete Meyers, a solo practitioner in Portland, also opted to maintain office hours during the pandemic’s early days. “The core of my business is sending written notices,” he told me in late March, “and I don’t have a printer at home. Besides, landlord-tenant first appearances are postponed. Trials and hearings, too.”

Overall, Meyers says he’s not worried. “Not only do I have enough work and can adapt my business to do other kinds of work, but I’ve been working too hard lately and would welcome a slowdown,” he says. “I’ve got the requisite one year of income in the bank. I’ve also had, in years past, a far less rigorous flu-season protocol and didn’t get sick. But if I do get sick and die, I’ve also got my succession plan done and my personal representative appointed. I just worry about my 13-year-old son, who I haven’t finished training. We will miss each other. But he will be OK.”

Levinson also finds herself thinking about her children — and about the future. “I have a 2-year-old and a 6-year-old, so home office is also home school and day care,” she says. “It’s actually been a lot of fun to be with everyone — I hadn’t had the chance to spend this much time with my kids and family in years.

“But it’s not all rosy,” Levinson admits. “We’re constantly worried about the future, when schools will open again, whether our friends will be able to reopen their businesses...”

In a letter to bar employees in late March, CEO Helen Hierschbiel addressed that uncertainty by noting that “we are in uncharted territory.”

“But while the events that led us here are unsettling (at best), every day we work in this new environment — taking care of ourselves, our families and the communities we serve — we build our own resilience and we strengthen our community,” Hierschbiel wrote. “Please reach out to your colleagues to maintain the day-to-day connections that we all enjoy. Stay healthy in body and spirit. Be kind to one another.”

Thanks to members of the Bulletin Editorial Advisory Committee for their help with this story. Reach Editor Gary M. Stein at (503) 431-6391 or gstein@osbar.org.
Courtney, Legislature Key to Launching Renovation

We appreciated Melody Finnemore’s excellent article on the extensive seismic upgrade and other renovations now underway on our historic Oregon Supreme Court Building in Salem. (“Ready for the Next Century,” February/March 2020). The article and pictures capture the scope of the project and its importance to the judiciary — and citizens — of the state.

We also want members of the bar and the public to know that a project of this magnitude does not take place in a vacuum. Legislative and judicial leaders have long known that the 1914 Supreme Court Building would be vulnerable in any serious earthquake, and that the aging plumbing, electric and HVAC systems have needed replacement for decades. Past Judicial Department budgets often included a funding request for modernization of the building, if the Legislature could secure adequate resources.

Toward the end of the 2017 legislative session, Senate President (and lawyer, OSB member and former Oregon Court of Appeals clerk) Peter Courtney approached then-Chief Justice Thomas Balmer with the possibility of using state bond funding to finally begin this critical work. The Oregon Judicial Department agreed to take on this once-in-a-lifetime renovation.

Despite the substantial disruption to the staff and judges of the Supreme Court and Court of Appeals, the operations of the State Law Library and appellate records — with 60 individuals required to move to temporary space far from downtown Salem — doing the modernization now was the right choice. It will preserve our iconic building for future generations and make life and work better and safer for the judges, lawyers and staff who will be using the building over the next century. It also will drastically reduce energy and water usage within the building, contributing to more efficient and sustainable government operations.

The 2017 Legislature approved $6 million to begin the modernization project, and staff from the Judicial Department, the state’s Department of Administrative Services and Hennebery Eddy Architects began the extensive planning process for the complicated seismic upgrade and replacement of other systems, the acquisition and preparation of adequate temporary office space, and the huge move from one location to another. That work provided the basis for Chief Justice Martha Walters to return to the 2019 Legislature and — again with the help of Senate President Courtney and other legislative leaders — secure a commitment of $27.8 million in bond funding to move forward with actual construction.

Now, as Ms. Finnemore’s article describes very well, we have made the move to temporary quarters, entered into the necessary contracts and are rapidly proceeding with the first stages of the 24-month construction period. We are excited to finally have broken ground on this project. But the judicial branch could not have done it without the strong support of the legislative and executive branches, which we deeply appreciate.

Chief Justice Martha Walters
Justice Thomas Balmer
Oregon Supreme Court

Correction

A photo caption accompanying the article “Ready for the Next Century” in the February/March issue of the Bulletin incorrectly identified the man talking with Justice Thomas Balmer about the renovation of the Supreme Court building in Salem as project manager Nicholas Larson. The man is actually Jamey Shaw, construction superintendent for project general contractor Fortis Construction. The Bulletin regrets the error.

Letters to the Editor

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

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

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

Send letters to: Editor, OSB Bulletin, P.O. Box 231935, Tigard, OR 97281. Or you may email them to editor@osbar.org.
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OAAP, PLF Respond to Pandemic With Online Meetings, Resources

In response to health recommendations and precautions related to the coronavirus and COVID-19, the Oregon Attorney Assistance Program has canceled some meetings and CLEs through May. But the organization says it does plan to offer some of those events via remote access, and its attorney counselors will still be available to meet with clients by telephone or online.

Already on the schedule: online recovery-focused video meetings for lawyers, judges and law students. The meetings, which are designed to provide “a confidential, safe, friendly and respectful environment for those seeking healthy and sustainable recovery from alcohol and other drugs,” will be held Mondays at 5:30 p.m., and Wednesdays and Fridays at 12:30 p.m.

For information on how to access the meetings, contact Attorney Counselors Bryan Welch at bryanw@oaap.org or Doug Querin at douglasq@oaap.org. For additional resources from the OAAP, including resources for dealing with stress, anxiety or depression and tips for how to thrive in these challenging times, go to oaat.org or call (503) 226-1057.

Note: The OSB Professional Liability Fund is also offering resources online, including inPractice blog articles on staying the course during the COVID-19 pandemic; working and meeting during a time of social distancing; thriving during times of uncertainty; and restoring a sense of control by reducing information overload. Find them at oshplf.org/inpractice.

And for the latest information about how the coronavirus and COVID-19 are impacting the practice of law in Oregon, go to osbar.org.

U.S. Attorney’s Office Warns About New COVID-19 Scams

U.S. Attorney Billy J. Williams says several new fraud schemes are already exploiting the evolving coronavirus public health emergency by targeting vulnerable populations.

Scammers are setting up websites, contacting people by phone and email and posting disinformation on social media platforms, Williams says. They’re selling fake at-home test kits or going door-to-door performing fake tests for money; offering fake cures, vaccines and advice on unproven treatments; pretending to be doctors and hospitals that have treated a friend or relative for COVID-19, and demanding payment for that treatment; soliciting donations for individuals, groups and areas affected by COVID-19; sending emails designed to trick recipients into downloading malware or providing personal and financial information; and more.

In response, Williams urges Oregonians to verify the identity of any company, charity or individual that contacts them regarding COVID-19; be wary of unsolicited emails offering information, supplies or treatment for COVID-19 or requesting personal information for medical purposes; and research any charities or crowdfunding sites soliciting donations in connection with COVID-19, especially when they ask for payments in cash, by wire transfer, by gift card or through the mail.

Anyone who believes they have been the target or a victim of an outbreak-related fraud scheme should contact the FBI’s Internet Crime Complaint Center online at IC3.gov.

By the Numbers

Employment After Graduation

More law school graduates are accepting jobs at law firms and in government after graduation and fewer are heading to corporations, nonprofits and law school jobs, according to the most recent data compiled by the ABA Section of Legal Education and Admissions to the Bar. Statistics for 2019 grads are still being compiled, but for members of the Class of 2018:

- 71% Work at jobs that require bar passage. That’s up from 68.7 percent for 2017 graduates.
- 46% Found work at law firms within 10 months of graduating. That’s up from 39.3 percent for the Class of 2012 — the first graduating class after the Great Recession.
- 12% Took government jobs, up from 10 percent for the Class of 2012. Another 11.5 percent of 2018 graduates took jobs in business and industry — down from 14.9 percent six years earlier.
- 9.8% Accepted judicial clerkships, up from 7.3 percent six years ago.
- 1.1% Went into solo practice, down from 2.3 percent in 2012.
- 7.3% Were unemployed 10 months after graduation. That’s an improvement over the Class of 2013, which had an 11.2 percent unemployment rate 10 months after graduation.

Note: The COVID-19 pandemic has cast doubt over the employment market for 2020 law graduates, but industry experts say traditional job-hunting skills still apply. For more, see the story on Page 28.
Quotable

“Every single person now knows what it’s like to feel vulnerable. And pro bono efforts are all about serving people who are vulnerable. So what I think — what I hope — is that we as lawyers and as members of society will come out of this remembering what it’s like to be vulnerable.”

— Attorney Susan Davis, reacting to a reported nationwide increase in volunteers looking to help people and businesses with issues like eviction, domestic violence, debt collection, government benefits and more. The greatest potential impact of the coronavirus pandemic, she tells Law360, could be that it “bolsters commitment to serving those in need.”
What Happens When Lawyers Face a Formal Complaint?

Anatomy of a Disciplinary Trial

By Mark A. Turner

Disciplinary trials are one of the ways that the bar acts to preserve the integrity of our profession. But unless you have had to navigate the process, you may not have spent much time thinking about how they are conducted.

We rely on volunteers, both lawyers and members of the public, to serve on the Disciplinary Board and make the system work. The Disciplinary Board comprises seven regions, and each region has a volunteer attorney chair. Disciplinary Board members are appointed by the Oregon Supreme Court for three-year terms. I encourage you to consider serving sometime as a lawyer volunteer.

The Bar Rules of Procedure (BRs) govern disciplinary proceedings. These proceedings are neither civil nor criminal in nature — they are sui generis. BR 1.3. The BRs have been adopted by the bar’s Board of Governors and approved by the Oregon Supreme Court. ORS 9.542(1). (They can be accessed via a link on the Oregon State Bar website.) Disciplinary trials are generally heard by a three-person panel consisting of the adjudicator and two members of the Disciplinary Board.

**Investigation and Pre-Hearing Procedures**

The bar performs the initial intake, investigation and prosecution of complaints. The bar’s Client Assistance Office is responsible for the intake and evaluation of complaints. When a complaint alleges professional misconduct, the Client Assistance Office may gather more information from the complainant, ask the lawyer to respond to the allegation, or both. It then reviews the matter to determine whether to refer it to the Disciplinary Counsel’s Office for investigation.

Referral happens if “there is sufficient evidence to support a reasonable belief that misconduct may have occurred.” BR 2.5(b)(2). It is wise to retain counsel to handle disciplinary matters of any significance. It is also wise to cooperate with the bar in its investigation. Failure to cooperate can result in suspension from practice, and often results in an additional charge against a respondent. See Rule of Professional Conduct 8.1(a).

The Disciplinary Counsel’s Office presents the results of its investigation to the State Professional Responsibility Board (SPRB). The SPRB determines whether probable cause exists to believe misconduct has occurred. BR 2.6(c)(1). The SPRB decides whether to dismiss a complaint, order more investigation, admonish the attorney, refer the attorney to the State Lawyers Assistance Committee or file a formal complaint.

This article addresses only what happens when a formal complaint is authorized.

When that happens, the complaint is served on the respondent attorney, who must answer within 14 days of service. Extensions of time are routinely allowed for good cause, but the system is meant to be expeditious and the adjudicator is tasked with making this happen.

Both sides are entitled to discovery to prepare for trial. The rules allow for requests for admission, requests for production and depositions. BR 4.5(b)(1). Discovery disputes are resolved by the adjudicator. “Discovery in disciplinary proceedings is intended to promote identification of issues and a prompt and fair hearing on the charges.” BR 4.5(a). Discovery must be completed 14 days prior to trial.

Upon written notice from the Disciplinary Counsel’s Office or the adjudicator, the appropriate regional chair of the Disciplinary Board appoints one attorney member and one public member from that region to sit with the adjudicator, who presides over all trial panels throughout the state.

Both the bar and the respondent may challenge any member for cause. The adjudicator rules on challenges for cause against the other panel members. The regional chair rules on any challenges for cause against the adjudicator. Each of the parties also has one peremptory challenge, which can only be used against the attorney or public member of the panel, not the adjudicator. The rules allow the parties to stipulate to having the trial before the adjudicator alone, but no one has done so to date.

The adjudicator rules on all prehearing matters. Once a trial panel is set and all challenges resolved, the adjudicator must promptly set a hearing date. The hearing must be held no less than 91 days and no more than 182 days from the date the adjudicator announces the time and place of the hearing. Postponements may be granted for good cause shown, but the system is meant to move quickly.
Either party may request a prehearing conference — or the adjudicator may order one — to discuss any pretrial matters. Pretrial conferences are not generally needed. BR 4.6 also provides for a separate conference designed to narrow factual and legal issues for trial and to explore the possibility of settlement. This conference must be held if requested by either party. The adjudicator appoints a member of the Disciplinary Board who is not on the trial panel to conduct these conferences. In practice, they are rarely requested — only one has been held since my appointment in January 2018.

**Trials**

Trials are held in the county in which the respondent maintains an office, in which the respondent resides or in which the offense is alleged to have been committed. A respondent may consent to venue elsewhere.

For convenience, hearings for charges involving attorneys in Multnomah, Washington and Clackamas counties are held at Oregon State Bar Center in Tigard, unless the respondent prefers a Multnomah County or Clackamas County location. Hearings are usually held in conference rooms at the Bar Center that are equipped to handle video and telephonic testimony. When the hearings take place in other locations, the Disciplinary Board clerk finds appropriate accommodations in law offices, hotels, government buildings and courthouses.

Trials are conducted just as civil and criminal trials — opening statements, presentation of the parties’ cases in chief, rebuttal and closing arguments.

In the past, panel chairs could take different approaches. Sometimes, a panel chair had no litigation experience whatsoever, leading to haphazard procedures. In the current system, the parties can be confident ahead of time regarding how the trial will be conducted. Direct, cross and redirect examination are allowed, followed by questions from the panel, if any.

I allow the parties additional questions if the panel’s questions prompt the need for response or clarification. My goal at all times is procedural fairness, and if procedures need to be modified to accomplish that, they are.

At the hearing, the adjudicator rules on all questions of procedure and evidence. The Oregon Evidence Code does not apply. Any evidence possessing “probative value commonly accepted by reasonably
prudent persons in the conduct of their affairs” is admissible. BR 5.1(a). Perhaps the most common difference in evidentiary presentations in disciplinary hearings is that hearsay is not excluded merely because it is hearsay. Incompetent, irrelevant, immaterial and unduly repetitious evidence is to be excluded. *Id.*

A respondent is presumed innocent of any charge. *In re Jordan*, 295 Or 142, 156, 665 P2d 341 (1983). The bar has the burden of proving by clear and convincing evidence that a respondent committed the pleaded violation. BR 5.2. This is a high standard. “‘Clear and convincing evidence’ means that the truth of the facts asserted is highly probable.” *In re Morrow*, 297 Or 808, 817, 688 P2d 820 (1984) (quoting *Cook v. Michael*, 214 Or 513, 527, 330 P2d 1026 (1958)).

The trial panel deliberates after the parties have finished, in person or by teleconference. We must issue a written decision within 28 days after the hearing ends, the transcript is settled or post-hearing briefs (if requested) are filed, whichever is later. Trials are all transcribed. Extensions of time to complete an opinion can be granted by the adjudicator.

The adjudicator now authors all opinions in which he or she sides with the majority. This significant change means that rarely, if ever, will volunteer lawyer members of the Disciplinary Board be asked to write an opinion. One of the factors that caused delay under the old system was the difficulty of writing a complex and thorough opinion while maintaining a full-time practice. Now, the burden on Disciplinary Board members is greatly reduced. If the time commitment ever dissuaded you from volunteering in the past, please give it another thought.

Opinions must include specific findings of fact, conclusions of law and a disposition. Dissenting opinions are allowed if the panel is not unanimous. BR 2.4(h)(2). It is only in the event that the adjudicator is disqualified or dissents that a lawyer panel member will write an opinion.

**Discipline**

If the panel finds that a violation has been proved, it must impose discipline. Discipline can be a public reprimand, a suspension of from 30 days to five years, or disbarment. Although probation is a permissible form of sanction under the language of BR 6.2, the Supreme Court held in
In re Obert, 336 Or 640, 656, 89 P3d 1173 (2004), that it does not favor probationary terms unless they are the result of stipulated discipline.

In assessing appropriate discipline, a trial panel refers to the ABA Standards for Imposing Lawyer Sanctions (Standards). The Standards set forth an analytical framework for determining an appropriate sanction that involves three factors: the duty violated, the lawyer’s mental state and the actual or potential injury caused by the conduct. The panel makes a preliminary determination of sanction, and then may adjust it based on aggravating or mitigating circumstances. We also then determine whether the sanction is consistent with Oregon case law, modifying it appropriately if it is not.

Either party may appeal a trial panel decision within 30 days of the issuance of the opinion. Appeal is directly to the Oregon Supreme Court. Review is mandatory. The Supreme Court reviews disciplinary decisions de novo. The only area in which the court will defer to trial panel findings is express credibility assessments based on subjective factors, such as the witness’s demeanor and manner of testifying. In re Fitzhenry, 343 Or 86, 103, 162 P3d 260 (2007).

Disciplinary proceedings are matters of grave concern to respondents and to the bar as a whole. Participating in the process is a rewarding way of providing an essential public service. You can access volunteer opportunities through the bar’s website at osbar.org/volunteer/volunteeropportunities.html.

Mark A. Turner has served as adjudicator for the Oregon State Bar’s Disciplinary Board since January 2018. Reach him at mturner@osbar.org.
Enjoying Others’ Work Can Improve Your Own

Want to Be a Better Writer? Read!

By Rebekah Hanley

You likely have a long to-do list that includes at least a few writing projects. You have a brief to draft and a client email to get out. There’s also a letter to opposing counsel, a new family-leave policy for your office and a marketing piece for your firm’s website.

The materials you need for each of those projects are stacked in tidy piles that are engulfing your desktop. You’d like to focus on refining your writing skills, but you can’t find the time. You’re too busy writing.

Push all those piles of paper to the side. Now, where is that novel your friend recommended — the one that’s been collecting dust for the past three months? Pick it up. It’s time to read.

Reading might be the best thing a busy lawyer can do to become a stronger writer. That’s true for many reasons. Immediately, you will experience the dividends of language immersion: imitation, inspiration and improved communication.

**Diversion**

One reason to allow yourself to get pulled into a book of personal interest is the valuable diversion that reading provides.

**Recreation**

Reading allows you to unwind by withdrawing from demanding social interactions while still connecting with others: the characters in the book. That’s true regardless of whether the characters are real people or works of fiction. You can pause the performance of life and sink into the role of audience.

When you read a book, you exit the narrative arc of your own story and allow the passages of text to carry you to another setting. That kind of temporary escape can relieve stress. Simply put, pleasure reading is an intellectually stimulating form of recreation, and recreation supports happiness.

**Efficiency**

Moreover, reading for pleasure can help you maintain balance in your life, which can boost your productivity. Taking a break from your work can help you be more efficient when you return to it. If your writing progress stalls, forcing yourself to continue can be counterproductive.

Of course, reading is not the only way to switch gears; you might instead take a walk, grab some food or transfer your focus to a different project. Just don’t rule out the possibility that reading a chapter of a book — be it magical realism, graphic novel, memoir or any other genre — is exactly what you need to get yourself moving again.

**Perspective**

Stepping away from the work on your desk can also improve your ultimate work product. Most lawyers have learned from experience that a time-out between drafting and revising is useful: it creates the distance required for objective assessment. You will likely notice new opportunities to tighten and brighten your writing when you revisit it with fresh eyes.

But reading the polished work of others — immersing oneself in carefully crafted language — offers even more benefit for professional writers like lawyers.

**Immersion**

Immersion in another person’s powerful prose can help you develop your ear and, as a result, your ability to craft compelling written work.

When you marinate food, it absorbs the flavor-rich fluid in which it sits; similarly, when you immerse yourself in well-written prose, you absorb the patterns and resulting rhythm of the text. You see — and hear, inside your head — the ways in which em-dashes (in place of commas or parentheses) shape a sentence. You suffer the blow of vivid verbs. You notice a succinct sentence. Surrounding yourself in written language boosts your familiarity and thereby enhances your fluency.

This is true no matter what you choose to read.

In a poem, you might stumble over an effective metaphor or renew your appreciation of how alliteration affects audience. In a biography, you might encounter a previously unfamiliar word or phrase. In a novel, you might notice the carefully composed hook that drew you in; the meticulous detail that transported you to a different time and place; and the propelling power of the pointing words that created cohesion, effortlessly moving you from one sentence to the next.

Like poets, biographers and novelists, lawyers write. And “a well-read writer has a better vocabulary,” Paul Heavenridge
notes; a writer who reads “recognizes the nuances of language and distinguishes between poor and quality writing.” That familiarity, author Stephen King has written, “creates an ease and intimacy with the process of writing.”

Having ease and intimacy with language can improve both process and product,” King adds: “The more you read, the less apt you are to make a fool of yourself with your pen or word processor.” That’s because you imitate what you read, find inspiration in others and become a more effective communicator as a result.

Imitation

Once you notice the particular techniques another writer has employed to capture and retain your attention — and then to communicate complex ideas with clarity and precision — you can imitate those techniques. Imitation will probably happen automatically. Without realizing it, you will replicate some aspect of the works you have read. Before we become writers, we become readers, consumers of the written word. We naturally recreate the kind of material that we read.

As we mature and progress through formal education, we read increasingly complex texts. Eventually, we work our way up to reading formal legal writing, which can be fairly dry and dense. But it doesn’t have to be. We do ourselves and our readers a favor when we make our writing accessible by mimicking the style of non-legal authors.

We can orchestrate this kind of imitation. I often assign reading to my legal writing students with explicit instructions: “Examine this memo. Dissect this brief. Notice how these experienced legal writers organize and explain their arguments. Now mimic them.” I don’t ask them to read and imitate inaccessible, stuffy writing that is clogged with legalese; instead, we review documents in plain English that read more like magazine articles or short stories.

This activity is like an exercise recommended by Bryan Garner in which you engage in a conscious effort to copy the style of other writers. The exercise directs you to study an effective passage, put it aside and then attempt to recreate it. In examining the differences between the original work and your copy, you are bound to discover choices the original author made that you did not notice until they were absent. This technique, which Garner calls “sedulous aping,” can be an effective way to add tools to your writing toolkit.

Inspiration

Close examination and mimicry help developing writers think through document-level concerns and legal analysis. Those activities allow novices to better understand the tone and polish that legal readers expect and the level of detail necessary to support an argument.

But novices are trying to process all that and much more, so they may overlook the way other writers use word choice, sentence structure and punctuation to achieve clarity and persuasion. Turning their attention to more familiar literature permits them to isolate familiar variables, like cohesion, coherence and cadence, that remain important when writers transition to the law from other disciplines.

Reading non-legal prose provides inspiration to present things in a new way — to override your default mode and possibly achieve greater clarity or persuasion in the process. Dropping into a work of fiction can help you appreciate the power of storytelling tools as applied in the context of legal writing. Reading experimental works might invite you to think about not just a person but perhaps also a rule or judicial decision as the protagonist in a “story” you write — or to consider the court’s resolution of an issue as the climax of that story.

It’s hard to know what exciting things might happen as you begin to examine your writing from a new perspective.

Improved Communication

Just like novelists and essayists, we lawyers write to communicate ideas. Our work succeeds only if our readers receive the messages that we intend to send. Our legal writing improves with practice; it also improves through feedback from readers who tell us where they got confused, bored or frustrated. And our legal writing improves when we read. So you should give yourself permission to read for pleasure, even when you’re busy with writing projects.

No, wait. Give yourself permission to read because you’re busy with writing projects.

Protecting time to read for pleasure can be challenging for lawyers with lives full of professional and personal responsibilities. If you spend your workday staring at text, you may be particularly disinclined to pick
up a book in your free time. But it’s worth doing anyway, not only for relaxation but also for the professional payoff: new tools for turning out outstanding work product.

So, you want to become an even more effective legal writer? What are you reading?

Rebekah Hanley teaches legal research and writing and professional ethics at the University of Oregon School of Law; in March, she earned her MFA in Creative Writing. She thanks Professors Suzanne Rowe and Liz Frost for the opportunity to write this guest column and for their helpful suggestions. She also thanks the students in her spring 2020 Intensive Writing course for sharing their thoughtful reactions to a draft version of this column. Darcy Conners, Makenzie Kaiser, Justin Leste, Ryan McDermott, Jake Reimer and Dakota Steele: this column is stronger because of your efforts.

ENDNOTES

1. If relaxation is a primary goal, select your reading material thoughtfully. Choose reading that will recharge your battery, not deplete it. For that reason, when you need a break, look for an essay, story or book in your genre of choice. You are unlikely to derive the same benefits from skimming a collection of hastily written news stories about politics and pandemics. So don’t surf the web, get lost in a book.

2. Indeed, reading can even be a therapeutic remedy prescribed to support mental health. See “Can Reading Make You Happier?” by Ceridwen Dovey (The New Yorker; June 9, 2015), newyorker.com/culture/cultural-comment/can-reading-make-you-happier; GoodTherapy, “Bibliotherapy,” goodtherapy.org/learn-about-therapy/bibliotherapy (last updated May 9, 2016).


5. Id.


8. Id.
Despite Challenges, Solos Find Freedom, Flexibility and Personal Fulfillment

By Susan G. Hauser
“N o man is an island,” wrote 17th-century English poet John Donne. But for the growing number of Oregon lawyers who have opted to open solo practices, going it alone — especially after abandoning the security of a larger firm — can feel like floating untethered in a tumultuous sea.

The challenges of establishing an office of one’s own can be daunting. Solo practitioners must attend to the small but necessary tasks that would otherwise be performed by paralegals and administrative staff, for example, all while maintaining both a positive bank balance and a positive mental outlook.

In spite of the challenges, though, going solo is a popular choice. According to the Oregon State Bar, roughly 40 percent of lawyers actively practicing in Oregon are in solo or small firms. And many say it was the right choice for them, as they now reap the rewards of freedom, flexibility and personal fulfillment.

But at the end of the day, Lake Oswego attorney John Koch says, the best (and worst) part of being a “true solo” isn’t the flexibility. It’s that the practice is all yours.

“You’re completely on the hook for your mistakes,” he says, “but you also get to take full credit for your successes.”

Wearing Two Hats

In the beginning, of course, it isn’t easy. Launching a solo practice means you’re suddenly not just an attorney, but also an entrepreneur — and running a business isn’t really part of a law school education. Besides, being in business encompasses much more than just making savvy decisions. For example, how’s your typing? Can you send a letter?

“I remember trying to tri-fold a letter for the first time,” Koch says with a chuckle. “I managed to go through law school without picking that up.”

Although he’s following in the footsteps of his father, who also owned his own business, Koch initially found working for himself a challenge. Now more than three years into his estate planning practice in Lake Oswego, he calls the experience “a huge maturing process on so many levels” and says he has new respect for his dad — “one thousand percent more.”

Other solos say they gained skills and confidence from previous work experience. Teresa Statler, a Portland immigration lawyer, recalls that “when I was in college, I had summer jobs as a secretary. So I always have done my own typing and document preparation. I also had two other careers before I was admitted to the bar, so I was comfortable with a lot of the elements of a law practice, such as bills and administrative things.”

Kiren Rockenstein’s first law firm job in Oregon was at a small IP litigation firm in Hillsboro. “When it was time to move on from that firm,” she says, “I thought, ‘I can do this myself.’ I wanted the freedom of my own firm.”

Having a business background and an entrepreneurial family, Rockenstein thought she was all set to hang out her shingle as an intellectual property and immigration lawyer in Portland. “But that didn’t make (going solo) any less harrowing,” she says. After a year on her own, she credits her success to a collegial community of lawyers and her willingness to seek input and advice from them.

So does Elizabeth Inayoshi, an employment attorney from Hillsboro. For 30 years, Inayoshi worked in program and divisional operations management at Intel Corp. “I had a leg up,” she says of the experience gained from her previous career. “I did know how to run a business. But the scale at which I was operating was significantly different from what I faced on my own.”

Fortunately, there was an app for that — and books, blogs, podcasts, email lists, etc.

Ryan Mauck, an entertainment lawyer in Bend, says he read everything he could get his hands on before launching his practice. His recommendations: a book, The Small Firm Road Map; a blog, My Shingle (myshingle.com); and a podcast, New Solo, at legaltalknetwork.com.

(The Oregon State Bar and the Professional Liability Fund also offer books and CLEs for solo and small-firm practitioners, as well as an annual “Learning the Ropes” program and mentoring for new lawyers. For details, visit osbar.org and osbplf.org.)

Lisa Kenn, a Portland family law attorney, says she added to her store of knowledge by setting up information interviews with a number of attorneys. Then she organized all the advice she gathered in a spreadsheet so she could survey the suggestions in various areas related to her new profession.

On the cover: Nik Yanchar, a Portland employment, personal injury and LGBTQ+ lawyer, is on his second stint as a solo practitioner. “There were a lot of hard lessons the first time,” he recalls. “I learned I need to be around other attorneys. I can’t isolate myself, because I drive myself crazy.” Photo courtesy of Nik Yanchar
In the end, he says, the experience “made me an incredibly better lawyer. But I wish I had always lived like I was going to make the minimum and just socked the rest away.”

Kenn also has a cautionary tale to share.

“At the time I left my associate position to go solo, I probably had $15,000-$20,000 in outstanding client billings,” Kenn notes — a situation that made her realize that ensuring she got paid was essential as a solo, particularly because family law attorneys are required to bill by the hour and may not charge contingent fees. “You have to collect your retainer up front, and then ensure that your clients replenish their retainers when their accounts run low,” she says. “If you don’t, you will constantly be playing catch-up with your practice expenses.”

And while you’re at it, don’t forget about taxes. Maria Coburru-bias, a Salem immigration attorney who moved home to Oregon after working for a California firm, says that when she started her solo practice here, she concluded that she couldn’t afford to continue without professional tax guidance. “I really suffered the first two years paying taxes as a sole proprietor, as opposed to getting LLC status and asking for S corporation

“Money Sense”

As a new solo, it may take a while before money starts flowing in — especially if your area of practice is paid on a contingency basis. James Mills of Portland, who describes himself as a generalist, notes that some of the work he does is on contingency, while other work is paid per an hourly fee.

“It is feast or famine, and it is cyclical,” says Mills, who has 20 years of experience, 17 as a solo. “Just be aware of it and plan and budget accordingly. It’s hard to predict. There are times when you’re going to be flush, and times when you are not.”

Arnold Wuhrman knows that only too well.

A bankruptcy lawyer who has been working out of his Lake Oswego home since moving from Southern California in June 2018, Wuhrman learned a hard lesson after failing to prepare for an inevitable drop in earnings following an exceptionally good run. In 2002, the bankruptcy lawyer filed bankruptcy himself.

“In the end, he says, the experience “made me an incredibly better lawyer. But I wish I had always lived like I was going to make the minimum and just socked the rest away.”

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And while you’re at it, don’t forget about taxes. Maria Coburru-bias, a Salem immigration attorney who moved home to Oregon after working for a California firm, says that when she started her solo practice here, she concluded that she couldn’t afford the expense of hiring an accountant. Later, she concluded that she couldn’t afford to continue without professional tax guidance.

“I really suffered the first two years paying taxes as a sole proprietor, as opposed to getting LLC status and asking for S corporation

Beate Weiss-Krull looked forward to joining a large firm after law school, but when both her daughters were born with a rare metabolic disorder, she returned to her original goal of being her own boss to have more flexibility in caring for her children. Today, her daughters are healthy teenagers and Weiss-Krull works from home. Photo by Jonathan House
Tips For Going It Alone

Money Sense
- Keep your overhead low.
- Consider whether your chosen area of law is hourly or contingent.
- Don’t be afraid to ask for a retainer to make sure you get paid.
- Budget and save. You will be glad you did during lean years.
- Look into office sharing with other professionals (not necessarily lawyers).
- If you can’t afford a receptionist, update your phone message daily.
- Check into the availability of free or low-cost spaces for meeting clients through the Oregon Trial Lawyers Association, Multnomah Bar Association or Professional Liability Fund.
- Consider practicing in a small town to keep costs and competition low.

Building Your Practice
- Sign up to do contract attorney work.
- Don’t pass up opportunities to network. Pass out your business card freely.
- Attend and volunteer to be a greeter at CLEs and give your business card to everyone you meet.
- Participate in group email lists. Ask and answer questions.
- Join all specialty bars and bar sections relevant to your area.
- Volunteer to hold an executive position or join a committee in order to meet more people.

Technology
- Try out various case management systems before investing.
- Check out Fax by Email, Google Voice and other low-cost options.

Resources
- Read the BarBooks provided free to members by the OSB; use the bar’s online database and the free subscription to fastcase.com.
- Find a mentor through the OSB.
- Schedule a meeting with one of the PLF’s practice management attorneys, read PLF publications and sign up for the program “Learning the Ropes.” It’s all available at osbplf.org.

Self-Care
- Prioritize self-care to ward off spiraling stress. Exercise, eat well and sleep well.
- Combat loneliness and isolation through regular social interaction with colleagues.
- Arrange with another lawyer to “babysit” your practice so you can take a vacation.

Arnold Wuhrman

Statler, who has had her own law practice since 1994, says her motto from the beginning was “Keep Your Overhead Low.” It’s a good rule of thumb when starting out, she says, one that has allowed her to budget wisely throughout her 26 years as a solo.

For her first eight years, Statler worked out of what she describes as a hole-in-the-wall office in the New Market Theater, an historic building in downtown Portland. She did her own billing, “usually on Sunday mornings when I could either ride my bike downtown or park for free on the street. Phones don’t ring on Sundays much, usually, so you can focus on the bills.”

Statler has since left solitude behind, graduating to convivial co-sharing of office space with small firms. But she’s still reaping the rewards of careful budgeting through the years.

“I rarely work on weekends,” Statler says, “and I always take a lunch break — away from my desk.”

Setting Up Shop

As Statler and others have found, going solo doesn’t mean you have to be alone. Nik Yanchar, a Portland employment and personal injury lawyer, is on his second stint as a solo practitioner. What’s made his second effort more successful, he says, is moving from a one-person office to a co-sharing arrangement with other attorneys.

“We ask each other questions,” he says. “They’re all in other areas, so they can provide a fresh perspective.”

Mauck, who went solo after leaving a large Los Angeles firm and moving his family to Bend, also started out working from home before joining a co-working space for professionals called The Collective NWX. “And I love it,” he says. “I forgot how much I missed being able to talk to other people at the water cooler.”

While looking for a co-sharing space after moving to Portland four years ago from Oakland, Calif., Mills explored a variety of co-sharing spaces available. He checked out a WeWork space in Pioneer Square, which he described as “an open bullpen space modeled after Silicon Valley.” But he eventually decided that a more private office, at NedSpace on the 11th floor of the Union Bank Building downtown, was better suited for his personal injury and business litigation work.

“The place I leased has a large conference room for meetings and depositions, and office space and smaller conference rooms,” Mills says. “It also has co-working space where you can meet other professionals, writers or software developers.”

That said, some solos eschew the idea of paying additional rent when a home office works just fine.

“I have the ultimate cyber practice,” Wuhrman says. “I am dumb-founded by the number of people who really didn’t care if they saw me, as long as they could email me. I do tons of work on the telephone and email, and I file electronically.”

He says most of his clients are in California. “Now,” he says, “I meet with them on the phone.”
Beate Weiss-Krull also works at home. She says she had looked forward to joining a large firm after law school, but when both her daughters were born with a rare metabolic disorder, she returned to her original goal of being her own boss to have more flexibility in caring for her children.

“At the time, there was no mentorship program at the bar,” she says, “so I found my own mentors.”

She set up a solo practice to allow a more flexible schedule, co-sharing an office with friends from law school. Today, her daughters are healthy teenagers and Weiss-Krull works from home, where she does estate planning, probate and international probate. She also acts as a U.S. agent on behalf of surgical instrument manufacturers from her hometown of Tuttlingen, Germany, helping in their dealings with the federal Food and Drug Administration.

“Honestly, I would not want it any other way,” she says. “I have my own schedule. No one tells me which clients to see, or which clients not to see. I work of my own accord.”

Lawyers with home offices who wish to meet with clients in a more professional setting can book downtown conference rooms for free through the Professional Liability Fund and Multnomah Bar Association or at low cost through the Oregon Trial Lawyers Association. Or they can follow Inayoshi’s advice: move, preferably to the suburbs or to a small town where competition is low.

When she moved her office from downtown Portland to downtown Hillsboro, Inayoshi says, her clientele grew considerably. “In Portland, there are a lot of people who do employment law. You come out to western Washington County and it’s a whole different ball of wax,” she says. “Here, I can count on one hand the attorneys who do employment law.”

Regardless of location, though, Fianna MacGregor-Whitman tells her fellow lawyers that “whatever your budget is for opening your own office, double it. You’d be surprised by how many things you don’t account for in the beginning, like phones that don’t work with your system, plumbing issues or the astounding amount of printer paper you’ll need.”

MacGregor-Whitman is a public defender and the Mental Health and Wellness Court attorney in Newport. Although her workload is filled by cases assigned by the court, she also started a solo practice earlier this year with her own office and the freedom to take other cases on the side. Her husband, a newly retired veterinary technician, has agreed to work as MacGregor-Whitman’s assistant, which she says will solve two problems: She needed someone to answer
her phone, and she needed an employee who would qualify her for group health insurance.

The learning curve has been steep for starting a solo practice, MacGregor-Whitman says, but that’s been mitigated by the support and advice she receives from colleagues.

“I have amazing colleagues and I’ve been learning a lot from them,” she says. “It’s just disappointing that you go through all that school and it doesn’t teach you enough.”

**Tech Talk**

Once an office is established and both a shingle and a website are up, the next big decision for solo practitioners often involves technology. With no paralegals or administrative assistants to help out, good software can be essential for success.

Rachel M. Edwards, a practice management attorney with the Professional Liability Fund, has led several CLEs on technology for the PLF and says a firm’s size does play a role in technology choices to a certain extent. Large firms generally have a bigger budget for it and can hire an in-house IT person or an outside consultant. Smaller and solo firms have smaller budgets and will be looking for technology that is less expensive and serves fewer people.

“There is so much technology out there so you really have to take a look at individual needs,” she says, adding a firm’s number of clients, practice areas, geographic location and comfort with using the system are other factors that need to be taken into consideration.

“I try to encourage people to think about general, overarching best practices,” Edwards says. “From the PLF perspective, we recommend a good system with at least a reliable calendar, email, document storage, conflict checking, timekeeping, billing, accounting and task management, as well as backup in case of a security issue or crash.”

When Yanchar first attempted going solo, he says he convinced himself he couldn’t afford practice management software. Today, he relies on such a system to keep his practice successful.

“The first time around, I didn’t have a system for quite a few months,” Yanchar says. “That’s what people suggested I do. But I’m like, ‘I can’t.’”

He thought he couldn’t spare the monthly fee; now, “it’s worth it,” he says. “It keeps me organized, and organization is probably one of the hardest things to do when you’re solo.”

Yanchar says he first tried Clio, a leading software system, but “I wasn’t a fan. It really comes down to how you think. It didn’t work.
well with my internal mental processes.” Instead, he chose MyCase, which he finds easier to navigate and convenient for his clients to check on their cases at any time. (Weiss-Krull, on the other hand, has used Clio for 10 years and says “it has transformed my practice.”)

Other solos say they’re incorporating low-cost or free programs like Fax by Email, Google Hangouts and Zoom into their practices. But many say that what they really miss is just having someone to answer their phone. Some have tried remote services, such as Portland-based Ruby Receptionists, but in the interests of keeping overhead low, most say they just do their best to handle calls themselves.

Statler’s approach includes changing her recorded phone message at least once a day.

“I think clients and potential clients really like and appreciate the fact that I answer my own phone,” she says. “I change my voicemail message daily and say specifically if I am out of the office in court, etc., so people have an idea of when I’ll be calling them back. I religiously return all phone calls, even if I just do so to say I can’t help the person.”

Kenn found a sublease arrangement with a larger immigration law practice where reception services are included in her monthly rent. “Having someone else initially answer the phone is a huge time saver for me,” she says. But Mauck says he asked himself what he needed to do “in order to give my clients the type of experience that I want to give them,” and concluded that there was a lot he just didn’t need.

“I don’t need a full-time receptionist, I don’t need a lot of really expensive case management software and custom CRM software,” he says. “So I don’t have it.”

Dave Bourgeau, who chairs the OSB’s Technology Law Section, says Mauck is probably on the right track after gauging his own needs and those of his clients. “For a new or solo firm,” Bourgeau says, “it might be a lot easier to just use your laptop and get by with what you have until you have enough clients to finance an upgrade.”

**Building a Practice**

But how best to attract those clients? Wuhrman remembers that sometime in the 1990s, he thought he would do well to promote his services by buying full-page ads in the Yellow Pages. In the end, he generated exactly as much in fees as he had spent on the ads.

He resolved then to try a better tactic: networking — going out and actually meeting people, colleagues and prospective clients alike.

“If you do the work and you’re good to your clients and to your professional colleagues, you get referrals,” he says. That approach worked. Even now, says Wuhrman, referrals account for 95 percent of his work.

Solo practitioners are in general agreement that networking is a fundamental key to success. Julia Fraser, who describes herself as “an anxious person by nature,” says it took the guidance of an incubator program — Clackamas Women’s Services Legal Empowerment Accelerator Program — to give her the confidence to launch her estate planning, family law and LGBTQ+ practice in Portland and to put her focus on employment and estate planning security for women.

“Just the networking opportunities have been really helpful,” she says. “I feel I have 20 more people that I can call on than I did before.”

Inayoshi says that when she started her practice, she didn’t just network. She got involved by joining committees, serving in executive positions, volunteering to help organize events, greeting participants, and asking and answering questions on group email lists.

“It got me a lot of referrals, because people then know your name, they know who you are,” she says. “You’re not one of 700 people who belong to an organization; you’re one of 10 or 15 that they know.”

What made the greatest difference for Rockenstein in starting her practice was “going out and joining bar committees in your particular area of interest and getting to know people who practice in that area, and getting to know people in allied areas around you. I would talk to people in all groups. You may get referrals from them.”

Salem immigration lawyer Maria Coburrubias (left) poses with client Eufrasia Enrique outside the offices of U.S. Citizenship and Immigration Services after Enrique qualified for U.S. citizenship. Coburrubias opened her solo practice after moving home to Oregon from California. Photo courtesy of Maria Coburrubias
“I find that it all happens quite organically,” she says. “For example, you’ll go to a lunch and meet everyone at your table and leave with their cards, and perhaps that will lead to something.”

Rockenstein cautions against limiting networking to attorneys in your own area of expertise. “From a business point of view, for client generation and referral generation, you’ll want to spread yourself a little more broadly than that,” she says.

Coburrubias agrees, saying she also takes advantage of small businesses, including restaurants, that will post her business card for free. Although her immigration practice is based in Salem, she grew up in Hood River; back then, her parents were undocumented agricultural workers and Coburrubias helped look after her seven younger siblings. Now as somewhat of a celebrity for being the first in her family to get an education, she gets much of her business from her hometown fans.

“If you go to Hood River, you’re going to see my business card up on the wall at Mexican stores,” she says with a laugh. “You’ll be surprised by the small businesses and restaurants that have my cards,” which have also been passed around by friends and family.

It’s important to remember, though, that building a practice doesn’t mean you have to accept every client who walks through the door. Kenn’s advice is to turn down work if something doesn’t feel right, as hard as it may be to turn away a potential paycheck.

“If your ‘Spidey sense’ starts tingling for whatever reason, listen to it,” Kenn says. “Trust that this may not be the right client for your practice, but that the next one will be.”

Self-Care

As chair-elect of the OSB’s Solo and Small Firm Section, Koch says he’s learned a lot about the challenges faced by solo and small firm practitioners. A familiar lament, he says, is that solos feel they can’t take vacations.

“There are solos who’ve said, ‘I haven’t gone on a vacation in 20 years,’” says Koch, who notes that the section is currently studying ways to lend a hand, perhaps by asking lawyers to temporarily handle a colleague’s practice.

That’s an idea that makes perfect sense to Statler.

“Get to know other solos in your area of practice, so that when you want to go on vacation, you can have this person be an emergency backup for your clients and cases,” she says. “Ask this lawyer to also review your mail at least once a week. And you do the same at their vacation time.”

Koch says what helps him keep an even keel is a study group of up to 20 estate attorneys that meets monthly. “By far,” he says, “that small group has probably been the most valuable thing for me in just going about my practice.”

Yanchar admits that one reason he threw in the towel after his first attempt at going solo was that he was just plain lonely. Having moved to Portland from Ohio, he had no friends and no family here. And then he set up a solo practice where he was all by himself.

“There were a lot of hard lessons the first time,” he recalls. “I learned I need to be around other attorneys. I can’t isolate myself, because I drive myself crazy.”

Yanchar also learned that he needed to be true to himself and run his law practice his way. His “shtick,” he says, is that he bills
himself as “Portland’s Casual Law Firm.” In his usual office attire of shorts and a T-shirt, at least five of his 18 tattoos are on full display.

“Being casual, I’ve had a lot of clients tell me it’s so easy to talk to me,” Yanchar says. “I like them to see that I’m a human being and they’re not just another number, another dollar sign, but an actual person going through some crazy stuff and needing help.”

Being yourself — and for the truly fortunate, taking a vacation — does go a long way in helping attorneys keep it together, solos say. Supportive groups and colleagues are also invaluable. But if a lawyer is struggling, experts say, help is available for free from the Oregon Attorney Assistance Program (oaap.org; (503) 226-1057), which offers confidential counseling.

The Soul of a Solo

To a person, every attorney interviewed for this article agreed that going solo has worked well for them.

“I’ve been in practice for 15 years and I have clients on both sides of the Atlantic,” Weiss-Krull says. “I go to Germany three times a year and visit my clients and my mother. Other attorneys contact me when the German language is needed. I found a niche market, something that I like.”

Law is Inayoshi’s second career, but she says the last thing she wanted was to be a newbie at a large firm. “I’d been a manager for most of my 30 years at Intel,” she says. “So I had no desire to be someone’s dogsbody.”

Kenn puts it more succinctly: “My main motivation (in going solo),” she says, “was that I wanted to be my own boss and implement my own ideas and practice methods — not someone else’s.”

Mauck agrees, saying he soured on working for a large firm precisely because his control over his own practice was limited. Now, he says, “I’ve found that I actually have a renewed interest in law due to that new flexibility in terms of the types of cases and the clients I can work with.”

Koch says he hasn’t worked for a large firm, “but I have worked in-house for a company. My experience was that if they found you were good at one thing, that’s what you were going to do all the time.”

Despite the challenges of working as a solo, Koch says, “at no point yet have I thought to myself, ‘I would rather be a cog in the machine again.’”

Susan G. Hauser is a Portland-area freelance writer. Reach her at susan.hauser@gmail.com.
An Uncertain Job Market
Will the COVID-19 Pandemic Impact Traditional Paths to Employment for the Class of 2020?

By Cliff Collins
New lawyers’ job prospects have slowly improved every year since the Great Recession, but the coronavirus/COVID-19 pandemic has thrown a monkey wrench into forecasting new graduates’ fates.

After hiring of law school graduates plummeted across the country during the late 2000s, the American Bar Association says the employment market for law grads began to stabilize in 2012-13, and the National Association of Law Placement (NALP) says 2014 marked the first year that hiring actually increased since 2007.

Rebecca Ivanoff, assistant dean of the Center for Career Planning & Professional Development at the University of Oregon School of Law, notes that while the overall employment rate was up nationwide for the Class of 2018, the number of law school graduates was down and the number of available jobs decreased as schools began accepting and graduating smaller classes in the wake of the Great Recession. NALP confirms those statistics, reporting that “the number of graduates declined for the fifth year in a row after reaching a record high in 2013. Thus, the employment rate increased even as the number of jobs continued to decline.”

Nevertheless, Ivanoff says, “the University of Oregon law class of 2019 logged the highest employment rate since the recession, and our graduates are working in sought-after positions as reflected by the percentage of those in full-time, long-term jobs that require bar passage or for which having a J.D. degree offered an advantage.”

Devra Hermosilla, assistant dean of career services at Lewis & Clark Law School, agrees. She says employment figures for the school’s grads improved over the previous year for both the Class of 2018 and Class of 2019. Before the virus struck, she says, “the employment opportunities (were) higher than I’ve ever seen them, and on an uptick regionally and nationally.”

Will the current pandemic reverse that trend?

That’s all but impossible to predict, employment experts say, and real numbers for the Class of 2020 won’t even be available for at least a year. Schools track graduates for 10 months before reporting outcomes to the ABA in the spring of the year following graduation.

“Although it is really too early to tell how the COVID-19 pandemic will affect regional legal employers, I am hopeful that the health and financial effects will have passed or lessened by the time the Class of 2020 graduates are sworn into the bar of their choice in the fall,” Hermosilla says.

Ivanoff says it’s fair to assume that the pandemic “will have some impact on opportunities for our Class of 2020 graduates.”

“But what we know from past experience,” she says, “is that the cultivation of strong professional networks is key to our graduates’ continued success. During this time of uncertainty, my hope is that we continue to stay connected as a community as a way to both buoy our spirits and to share ideas and opportunities.”

Keys to Landing a Position

Ivanoff and other placement specialists say that no matter what the state of the economy is at any given time, traditional job-hunting skills still apply — and three key elements of that hunt are crucial to finding work: networking, connecting with mentors and being flexible about location. That advice certainly worked for Willamette University College of Law grads Nathaniel Y. Aggrey and Grant M. Elder, who both found good jobs after graduation.

For Aggrey, building a community of support was especially important. When he entered law school in 2013, “the legal market was not great” in Oregon, he says. “There was a lot of angst about getting jobs. As a result, many people discouraged him from pursuing a J.D.

But as an immigrant born in Ghana who came with his family to the United States, Aggrey had long carried with him “my sense to do the public good,” he says. “People helped me a lot when we came to the U.S. That sense of giving back was strong for me.”

Living in Salem with state buildings nearby, he was drawn to the idea of public service in government or politics. So during his first year in law school at Willamette, he took his first steps in that direction by participating in the Oregon State Bar’s Opportunities for Law in Oregon (OLIO) program, which “does outreach to incoming law students with diverse backgrounds,” he says. “I was told I have to network; I did that a lot.”

Aggrey found mentors who “made me realize what it took to become a lawyer,” and the importance of relationship-building in the eventual pursuit of legal employment. “OLIO had a lot to do with giving me the confidence to know I could get a job after graduation,” he says.

Aggrey spent his first two summers in law school as a clerk in the Washington County District Attorney’s Office. In February of his third year in law school, he was hired as a law clerk with a Lane County judge, a stint intended for one year to help new graduates, he says. The experience of being in court taught him “what it takes to be a trial attorney and a good lawyer.”

While clerking in Lane County, Aggrey began applying for the honors program with the Oregon Department of Justice. Harvard Law School describes honors programs as “the most common pathway for 3Ls and certain recent graduates to enter government service at the federal, state and local levels.” To his joy, he was accepted into the two-year program with DOJ in 2017.

Aggrey now is permanently employed with the department.

“I did the things necessary to get here,” he says. He credits determination, vigilance and the support of his family and mentors with helping him make it.

For Elder, meanwhile, being willing to practice in places where the greatest need existed was key. Now an attorney with Foster Denman in Medford, he says he “applied everywhere” when he finished his law degree at Willamette in 2018. He obtained an environmental law certificate from the school along with his J.D., and says he initially wanted to go into that field of law. But he found it prohibitively competitive, he says, and when a job opened up in Medford for a new litigator, he went for it.
“It’s been a really great experience,” says Elder, a Louisiana native. Medford is a good-size city that contains a “tight-knit, collegial legal community,” he says.

Besides the job, Elder says he was drawn to Southern Oregon by its close proximity to the outdoors. “That was something that was really appealing to me,” he says, as was the “great art community” in both Medford and Ashland.

When Elder finished law school and passed the bar, “it was difficult for other people to accept moving to a smaller city. They couldn’t see themselves living (in areas that small or that) far away. But I had my own views about what I was willing to do to get a job. ... While it is difficult to find a job, there are jobs out there if people are willing to get out there and work.

“I think Southern Oregon is a real opportunity for new lawyers and young lawyers,” he says.

That flexibility to go anywhere can be a key element to getting a job, whether in private practice or public-interest law. For instance, “if you’re willing to work in other parts of the state” besides the Portland metropolitan area, new attorneys can gain legal and trial experience by seeking positions as assistant district attorneys, says Clackamas County DA John Foote.

For about the past 15 years, Foote’s office has sponsored seven law-clerk positions, hiring law students seven to eight months before their graduation date. This arrangement with the state’s law schools allows students to continue earning school credits while at the same time “getting valuable experience going to court.”

It’s also a good opportunity for students to find out if they are a good fit as prosecutors, Foote says, adding that his and other DA offices sometimes hire clerks — as well as new graduates who have not clerked in their offices — as assistant district attorneys.

Opportunities East of the Cascades

The pre-pandemic market for public-interest lawyers has been especially good in Pendleton and Eastern Oregon in general. “We’re hurting” for new lawyers, says Kara Davis, assistant director of the nonprofit Intermountain Public Defender.

“Everyone out here is having trouble” finding people, Davis says, rattling off examples that include several private-practice openings, an aging attorney who has been trying to sell his solo practice, and an opening for the past year in the Umatilla County DA’s office. Her firm received about 20 to 25 applicants a year “when it was a tough market and when we’ve advertised, but we’ve never gone this long and not gotten” responses, Davis says.

Many new and recent graduates, especially during the recession years, have said they’d like to work in public-interest law but were saddled with high education debt and felt they had to pursue jobs in the private sector. But Davis doesn’t think salary should be a deterrent for new attorneys in her region.

She cites Intermountain Public Defender’s starting pay of $58,000, with no experience needed, as competitive with what new
hires would receive in many small private law firms across the state. The largest law firms “definitely pay a lot more than we do,” she acknowledges, but they are fewer in number and have fewer openings.

“I had six-figure debt coming out of law school,” says Davis, who grew up in The Dalles. But she wanted to practice in a rural area after working for a time in Washington, D.C., and found that the cost of living — including the ability to buy a house — was much more favorable in Pendleton than in the Portland area.

She says that while she loves the outdoors and the Pendleton Round-Up, she knows that not everyone feels the same way. But for those who do?

“I think there is a lot of demand for legal services in Eastern Oregon,” says Brent Smith, who practices with the law firm Baum Smith in La Grande. Oregon’s deep recession of the early 1980s “hit rural communities particularly hard,” he says. “As a result, there weren’t a lot of new lawyers establishing practices between, say, 1982 and 1992. Many of the lawyers with bar numbers in the 70s are now retiring. This creates need and opportunity.”

Smith’s firm hires new and recent graduates.

“The need is strong,” he says. “Our hiring remains stable. We are always looking for talented paralegals or attorneys that are interested in staying in a rural community. We hire summer law clerks occasionally. We don’t go look for them; they find us.”

Like Smith, who stresses that “in a rural community, your clients are more likely to need you to be a generalist,” Timothy G. Elliot of Elliott Riquelme & Wilson in Bend notes that practicing in places such as Central Oregon affords a new lawyer rich experience in learning many different aspects of law.

Elliot’s firm just hired two relatively recent law school graduates, and “we are going to hire in the future as well. We’re looking for a little bit different type of people,” he says — well-rounded, “coachable, trainable lawyers who have the highest ethics” and are dedicated to professionalism.

**Staying Closer to Portland**

For Oregon’s largest firms, the traditional hiring pattern has been quite different from that of most of the state’s other law firms.

Parna Mehrbani, who is now the hiring partner for Tonkon Torp after serving in the same role at Lane Powell, says hiring at the big Portland firms generally is either for laterals with some experience or for summer interns — and most large firms bring on only a small number of interns.

Still, she says, Tonkon Torp views those internships through a long-term lens, hiring students after their first or second year of law school with the intention that they will become permanent firm members once they graduate and pass the bar. In June, for example, the firm expects to begin interviewing potential interns from the Class of 2022 for slots that will begin in May 2021, with the intent of hiring them as permanent firm members in September 2022.

But even then, Mehrbani says, only two or three interns will be selected to begin this cycle; even in the best economic circumstances, the number usually has remained between just three and five. By contrast, she notes, a big New York or Chicago law firm might bring
on 30 summer clerks, although not all of those end up being offered permanent positions with the firms.

The consistent hiring format that large Portland firms use is “a tradition that goes back a long time,” Mehrbani says. “For students, it can be hard to get an entry-level position at a bigger firm if they don’t get a summer internship. But there are a lot of other opportunities out there that are closer in time to the date of taking the bar exam — for example, government jobs with the Department of Justice or with prosecutors’ or public defenders’ offices.”

In 2019, the Oregon Legislature increased funding for the latter, enabling the hiring of 30 new attorney positions in trial-level offices. Carl Macpherson, executive director of Metropolitan Public Defender in Portland, says his office has hired nine new attorneys who will start work in August after they pass the bar in July.

Metropolitan Public Defender starts interviewing in the fall of students’ last year of law school, hires between fall and early spring of that year and brings in new hires for training classes two weeks following the bar exam, Macpherson says. The need was great for new attorneys, he adds, and the hope is to increase salaries in a specialty where traditionally the caseloads have been too high and the pay too low.

“There are jobs available for people who want to do public defense,” Macpherson says.

The same is true for graduates wanting to work in legal aid, according to Janice R. Morgan, executive director of Legal Aid Services of Oregon.

“During the recession, our applicant pool skyrocketed” and included J.D. graduates who were even looking for legal assistant positions, she says. “We’re still getting good applicants, but the pools now are smaller.”

Applications for positions in the Portland area are “always higher than for rural areas,” Morgan says, adding that “we’re in the process of raising our salaries” and benefits are much improved. “But it’s difficult to estimate the impact of the pandemic on potential hiring,” she says. “If the economy heads into a recession, we’re likely to see an increase in demand for legal aid services.”

Morgan notes that during the last recession, Oregon’s poverty population increased dramatically — up 61 percent from 2000 to 2011, the eighth-largest increase in the nation.

“Unfortunately, in a recession,” she says, “we’re not able to increase staffing to meet the increased demand because our funding is more likely to go down than to go up in a difficult economy. During the last recession, as we were trying to grapple with the dramatic increase in legal needs, legal aid’s funding was cut 25 percent, resulting in a 20-percent decrease in staffing.”

The Clerkship Route

While always highly competitive, judicial clerkships exist as an option for new law graduates no matter the state of the economy, the University of Oregon’s Ivanoff says.

It’s an area in which the school’s graduates have excelled: For the class of 2019, 26.4 percent of UO law graduates who reported
employment by the employment status date were working in judicial clerkships, Ivanoff says.

Most clerkships are with judges or larger law firms, of course, but some smaller offices offer them as well. Lauren Faris, a student at Lewis & Clark Law School, aspires to join the ranks of legal aid lawyers via a clerkship in a private law firm. While attending law school part-time, she obtained a part-time clerkship beginning last November with Janet Hoffman & Associates in Portland to help with a case that’s headed to trial soon.

After attending Columbia Law School in New York for three years, Faris moved to Oregon and resumed her legal training at Lewis & Clark. She has worked as a paralegal and as a summer associate with Oregon Law Center, but she had no experience with criminal defense before joining Hoffman & Associates. She says she intends to parlay her experience as a clerk into finding a position in public interest law, specifically legal aid — and she’s very willing to start in a rural office to gain experience.

“I think having a clerkship will make me more competitive,” Faris says. “I do think it’s really important to get experience — practical, hands-on experience. It’s made me feel a lot more confident. Learning in a courtroom is not the same as having a clerkship.”

Janet Lee Hoffman, a veteran criminal defense attorney who heads the firm, agrees. Being an intern in a boutique firm such as hers gives clerks the chance to observe professionals up close and at work, “which you can’t get in law school,” Hoffman says. “The training takes a lot of supervision and is not an easy process for law firms, but it’s a very valuable experience back and forth.”

Hoffman says hiring for her small firm stayed pretty steady during the last recession, with somewhere between four and six associates usually on staff. But during that period, “there was a lot more competition for the top graduates,” she says. Today, she’s willing to hire new lawyers, but “they have to be exceptionally talented — people who are creative, great writers, who know themselves and are very articulate.”

Building Community

When Emily Lohman finished law school and passed the bar, she and fellow members of the Class of 2019 felt optimistic about the job market for new attorneys.

“Most were employed within a month, in jobs that required law degrees,” she says. “Most of my friends obtained the jobs they wanted. Very few didn’t.”

Lohman seconds one of Nathaniel Aggrey’s strongest contentions — that people who aspire to become attorneys don’t need to come from an affluent or advantaged background. Now a judicial clerk to Oregon Supreme Court Justice Adrienne Nelson, she has followed a long and difficult path toward her eventual goal of becoming a federal prosecutor.

Raised as the oldest of six children in rural Missouri, Lohman worked her way through college and law school and is now determined to serve the public.

“I wanted to be a lawyer because I wanted to commit to something greater than myself,” she says. “Growing up, I had a sense of duty to make sure everybody in our community had a fair shake.”

After college, Lohman got involved in advocacy groups and took it upon herself to try to curtail the activities of a payday lender who she says was “taking advantage of people.” She called the police about it, but was told she would need to go to the state Department of Justice about the matter.

“I had never heard of that,” says Lohman, who searched the internet for information about what the DOJ was and did. It was the moment, she says, when she knew: “This is what I wanted to do.”

She decided to move to Oregon and attended Willamette for the same reason as Aggrey: its proximity to state government. She calls her judicial clerkship “a dream come true,” noting that she will encounter numerous practice areas and “become familiar with highly complex subjects and arguments,” as well as sharpen her ability as a legal writer. After her one-year clerkship, she has a clerkship lined up with the Oregon Court of Appeals for two years. Her eventual goal includes running for public office.

Lohman also wants to serve as a role model for others who aspire to become attorneys but come from disadvantaged circumstances. “Those of us with marginalized backgrounds have to tell our stories, or people will continue to feel that the legal profession is inaccessible to them,” she says.

By working in government, Lohman says she wants to “bring fairness and restore our public trust in government. When people are not getting a fair shake, the everyday community folks are the ones who suffer. The more people who pursue government work who have the heart of a true public servant, the more we will start to see change.”

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ADAPTING TO A ‘NEW NORMAL’

Legal Community Faces Pandemic-Related Changes and Restrictions

By Melody Finnemore
When Gov. Kate Brown issued a statewide “stay-at-home” order in late March in response to the coronavirus/COVID-19 pandemic, legal professionals and law students had to adapt to a “new normal” virtually overnight. Attorneys established home offices and law professors and students conducted classes remotely, with members of the Class of 2020 wondering when — or if — they will participate in a commencement ceremony.

Despite all of that uncertainty, though, “there’s a lot of camaraderie and everybody telling each other to stay safe,” says Diane Cady, owner of Trillium Law in Beaverton. “We have a pretty tight personal and collegial legal community anyway, and now there are a lot of people reaching out through the various listservs to offer information and advice about getting through these times.”

A lot of information throughout the pandemic has come from Oregon Supreme Court Chief Justice Martha Walters, who bracketed Brown’s order with a series of restrictions on court proceedings and operations.1 Most trials and many other hearings now have been postponed until after June 1, unless an earlier trial is required by statute, the constitution or a case-specific court order.

Trials and other proceedings that do need to be held, including hearings to issue protective orders and orders in certain family, juvenile, guardianship and quarantine cases, will be conducted remotely if legally permitted and reasonably feasible. To make that possible, the Oregon Judicial Department has distributed more than 200 laptops and expanded its technology systems across the state. Chief Justice Walters’ orders also authorize courts to waive or suspend collection fees and expand the use of electronic signatures.

“We must continue to restrict the number of people coming into our courthouses to help limit the spread of the COVID-19 virus,” she says. “We will continue to fulfill our constitutional and statutory responsibilities and do our best to address immediate access-to-justice issues, but much of our work will have to be postponed to minimize the health risk in our communities.”

In a letter to OSB members, the chief justice said she planned to ask state lawmakers to give her the authority to impose additional restrictions and changes. Among other things, she wants to “suspend statutory and rule timelines that, under current law, cannot be extended for good cause, and expand the chief justice’s authority to require that proceedings be conducted by remote means.”

“If that authority is granted, I will be working with bar members and work groups to issue additional (orders),” Chief Justice Walters wrote, adding that lawmakers may also consider legislative concepts that would suspend statutes of limitations and similar laws and rules.

In the meantime, judges and court staff around the state cleared court dockets and modified proceedings for cases that couldn’t be postponed. In Umatilla County, for example, most activities were being conducted via teleconference to limit in-person contact. At the same time, the district attorney’s office stopped bringing witnesses before the grand jury, and Pendleton’s municipal court postponed all jury trials to the next quarter.

Federal courts have also been impacted. In late March, Chief U.S. District Court Judge Marco Hernandez ordered that most district court proceedings be continued or resolved via telephone or video conference until further notice. Case-by-case exceptions will be considered by the applicable presiding judge after consultation with counsel, Judge Hernandez says.

Given that flexibility, U.S. Attorney Billy Williams says District of Oregon prosecutors and support staff will “continue working with federal, state, local and tribal law enforcement partners to safeguard the state’s justice system and protect the public’s safety and security during this difficult time.”

Investigations, the signing and execution of warrants, filing of charges and case litigation will all continue, Williams says, and COVID-19 fraud and civil rights coordinators in his office will target consumer financial fraud and civil rights violations resulting from the nation’s ongoing public health emergency.

“During this time of uncertainty and fear, it is more important than ever that all Americans look out for one another, act out of compassion and generosity, and look for opportunities to help their neighbors,” Williams says. “Likewise, federal law enforcement will continue doing our part to keep our communities safe.”

Staying Connected

Despite all of the changes to personal and professional lives, a common theme developed in the early weeks of the legal community’s pandemic response: the need to stay connected and continue communicating with clients, colleagues and others.

Most firms sent their lawyers and staff home to work remotely, using programs like Zoom, BlueJeans, Skype, Google Hangouts and GoToMeeting to host virtual gatherings. Stoel Rives and Lane Powell regularly emailed legal updates on a host of topics to clients who are business owners, employers and employees. Other firms provided updated information for clients and the public via podcasts and blogs.

Elliott P. Dale, an attorney with Landye Bennett Blumstein, launched a Facebook page2 to “streamline getting information on the changing landscape out to business owners, professionals and entrepreneurs.” His posts have addressed everything from federal bailout programs to tips for working remotely.

The goal, Dale says, is to help businesses “stay afloat, help people launch new businesses and adapt and overcome during this crisis. We’re all in this together.”

Many solo practitioners found themselves trying to define their own “new normal.” For Daniel Harris of Harris Mediation & Arbitration in Wilsonville, that meant conducting a recent two-day mediation session using Zoom.
“Remote lawyering is becoming the new reality, for now,” Harris says.

Jorden Piraino, chair of the Oregon State Bar’s Solo & Small Firm Section, says his Portland practice provides estate planning and other transactional work that people may not have seen as a necessity before, but he believes that may change in the weeks ahead.

“It’s hard to say what’s going to happen ultimately,” Piraino says, noting that the section’s listserv has been active with conversations from members that include how to handle notarizations of wills, power-of-attorney documents and other interactions that typically would be done in person.

“I’m considering adding a declaration for wills instead of a power-of-attorney affidavit” that would note an attorney was present, he says.

Cady, who serves as secretary of the Solo & Small Firm Section, says some of the initial challenges she faced in arranging for her associate and office manager to work from home included forwarding phone calls. She continues to work in her office while her husband works from home.

“My top priority is to make sure my employees get paid,” she says, “and I’m planning ahead to make cuts where I can.”

Caitlin Wong, a solo attorney and owner of CW Law, rents office space downtown and typically shares conference space and common areas with other attorneys and their staffs. She says the transition to working at home was a little disconcerting, but she has been able to make adjustments along the way.

“My business is usually a mix of estate planning, administration, business and tax work. Among my clients, there are some who are saying ‘We need to make this change immediately’ and other clients are saying ‘Let’s put a hold on that because now I have bigger fish to fry,’” she says. “This radically changed the priorities of a lot of people in terms of where they need to put their focus.”

Changes on Campus

Oregon’s three law schools have had to adapt, too. Curtis Bridgeman, dean at Willamette University College of Law, says the school converted to remote learning in mid-March and, while he was still awaiting systemic feedback from students after the shift, he was pleasantly surprised by how well the transition had gone.

“Some professors took to it more quickly than others, and some students took to it more quickly than others,” he says, “but we’re trying to make it as interactive as possible.”

Bridgeman says Willamette students already were connected through social media and have continued to communicate about their courses. The college implemented Zoom self-care and wellness sessions as well as remote counseling through its Bishop Wellness Center. It also reminded students about the Oregon Attorney Assistance Program.

“They are staying pretty well connected through their classes and also through student-affairs and student-wellness activities,” he says. “We do worry about the students who might be struggling that we don’t hear about. Our dean of students is the first point of contact and our Office of Student Affairs staff are all working remotely, so students can email them.”

Bridgeman says the college has canceled its May commencement ceremony and is determining whether to replace it with a virtual ceremony, postpone it to another time or combine it with next year’s ceremony.

“A lot about commencement is based on tradition,” he says, “It’s not clear what the most important part of that is for the students, so we’re collecting feedback from them and have launched a survey form.”

Like Willamette, Lewis & Clark Law School also was quick to alert students, faculty and staff about pandemic-related changes. In a letter to the law school community, Dean Jennifer Johnson noted that classes, clinical work and externships would all be done remotely. And Libby Davis, associate dean of student affairs, offered this reassurance: “Students aren’t being impacted by losing credits in any way.”

The law school made the decision early on to postpone its May commencement ceremony, Davis says, because students’ families were beginning to make travel plans to attend. Students were disappointed, she notes, but administrators created a forum where students could discuss options together about how to best replace the May ceremony.

“I think it was good because it gave them a way to commiserate together, which was helpful. What we really wanted was for them to weigh in and decide,” Davis says. The options included a virtual ceremony, but students ultimately said they would prefer to reschedule for the fall.

“They overwhelmingly said they felt it was essential to their law school experience to celebrate with their family and friends,” Davis says, noting that uncertainty about the July bar exam — including the possibility that it could be moved to the fall — will also impact decisions about commencement. (For the latest information about the exam, go to osbar.org/admissions.)

Davis says the law school’s overarching goal is to communicate as often as possible with students, faculty and staff.

“We’re all trying to be understanding about what a big challenge this is,” she says, “and how disconcerting and stressful it is on many levels.”

The same is true at the University of Oregon School of Law, where the Student Affairs team is holding weekly Zoom meetings for students to share their thoughts and concerns. The school also sends out a regular newsletter with updates and mental health tips.

“We’re really focused on trying to meet their needs as best we can as we continue to deliver a high-quality program of legal education,” says Marcilynn Burke, the law school’s dean. “Everyone has a slightly different situation, and these changes have differential impacts on people throughout our community.”

Burke praises UO students, faculty and staff for adapting quickly to changes like remote learning and the cancellation of May’s in-person graduation ceremony. The school is now looking at a variety
of commencement options, she says, including a virtual or in-person ceremony later this year.

“We know that this experience is one that people have been working toward for a long time,” Burke says, “so we’re working to identify an experience that will recognize and celebrate all of their hard work.”

Like their counterparts at Willamette and Lewis & Clark, graduating UO students are also worried about whether the bar exam will be held in July, according to Rebecca Ivanoff, assistant dean of the law school’s Center for Career Planning & Professional Development. But at the same time, Ivanoff says, they’re also excited about Oregon’s recently amended Law Student Appearance Rule, which now allows eligible students to appear in court under the supervision of a licensed attorney for up to a year after graduation.

“Especially in a compressed market, some of the opportunities we see are those with courtroom practices, such as family and criminal law,” Ivanoff says. “This rule offers an exciting opportunity for our students to provide value for an employer right away, regardless of the timing of bar results.”

Bar Offers Resources

Oregon State Bar employees have been working at home since mid-March, but that hasn’t prevented the OSB’s member- and public-facing programs from continuing unabated during the COVID-19 pandemic.

OSB notices and updates from Oregon courts and administrative agencies are regularly being posted to the bar’s website at osbar.org, and pandemic-related resources for lawyers (including a growing list of free online CLEs) are also available there. Several attorneys are providing FAQs to address the public’s concerns about COVID-19’s legal ramifications; that and other related information is online at osbar.org/public. In addition, the bar is seeking volunteer mentors and trainers and working to establish a pro bono program to provide free or low-cost legal assistance in the wake of the virus; see osbar.org/resources/COVID19Survey.html for details.

Calls to the bar’s lawyer referral program decreased by about 50 percent in the early days of the pandemic, but significant spikes have followed news updates about COVID-19’s spread. Among the most frequent topics:

- **Employment Law:** Callers were worried about being laid off, or they worked for employers who were not enforcing social distancing recommendations and were concerned they would be fired if they didn’t show up for work. They also asked about unemployment benefits and workers compensation claims.

- **Landlord/Tenant Law:** “People are worried about what will happen if they lose their job and they can’t pay rent,” McClendon says. Other callers had questions about 24-hour eviction notices and what to do if they are afraid they are sick and don’t want to contaminate others in their home.

- **Family Law and Estate Planning:** Estranged parents asked for help in determining how to manage parenting time when court proceedings are delayed, among other topics; other callers asked about updating wills, trusts and other documents.

Eric McClendon, the OSB’s referral and information services manager, says the call pattern has been similar to the one experienced by the bar during the Great Recession. He credits it to people thinking about their potential legal needs in between breaking news segments.

“We’re kind of a canary in a coal mine when there are changes,” McClendon says. “At some point, when we return to normal, there is just going to be an explosion of calls, so we’re preparing for that.”

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ENDNOTES

1. Chief Justice Martha Walters’ pandemic-related orders, as well as a letter she wrote to OSB members, have been posted to the bar’s website at osbar.org. A link to Gov. Kate Brown’s stay-at-home order is also located there.

2. Find Elliott Dale’s Facebook page at facebook.com/elliottdalearty.

3. For information about the Law Student Appearance Program, see Page 50 of the Oregon State Board of Bar Examiners’ Rules for Admission of Attorneys (revised Nov. 1, 2019). It’s available online at osbar.org/docs/rulesregs/admissions.pdf.

Resources

- For recommendations and advice from public health experts, visit the Oregon Health Authority website at tinyurl.com/OHAUpdates.

- For the latest information about how the coronavirus and COVID-19 are impacting the practice of law in Oregon, go to osbar.org/docs/resources/COVID19.pdf.

- For updates and information directly from the Oregon Judicial Department, go to courts.oregon.gov/Pages/default.aspx.

- For the latest information regarding federal courts in Oregon, go to tinyurl.com/DistrictCourtCovid19.

- For information on online recovery meetings and other programs designed to help lawyers, judges and law students dealing with stress, anxiety or depression, visit the Oregon Attorney Assistance Program at oaap.org.

- The OSB Professional Liability Fund is also offering resources online, including inPractice blog articles on staying the course during the COVID-19 pandemic and tips for working and meeting during a time of social distancing. Find them at osbplf.org/inpractice.
I can only imagine that many of us are going through one of the most difficult professional challenges of our lives and our careers, because despite all of the stay-at-home orders and social distancing requests, the effects of the COVID-19 outbreak will be felt long after the physical virus subsides.

It will take months or more to recover from the economic impacts alone of the shutdowns that impacted our own livelihoods and the livelihoods of our clients. And the emotional and psychological impacts from months of isolation, fear and uncertainty will likely also take a toll.

But this isn’t the first time in my career that I have seen external events profoundly disrupt our lives and our profession. I learned, for example, that I passed the bar and went to bed each night overwhelmed with the work that consumed me, and I woke up each morning fearing the headline of the day, fearing that I would be in the headline of the day, and wondering if I still had a job. The chaos that surrounded my work also had a significant impact on my personal life. During the last few months of the administration, I filed for divorce and rehomed my dog — difficult decisions I felt I had to make.

And when the governor finally resigned in February 2015, my 14-year career as a public lawyer came to an abrupt end. I went from serving the state’s highest office to being unemployed in a political split second. The career I had worked so hard to build was over, I was left alone and unemployed, and I felt unemployable.

I left the governor’s office with my faith shaken. My faith in people, in politics, in government and even in public service was lost. I had dedicated my entire career to public service and, at the end of the day, all of the things that drove me professionally led me to a pretty dark place. I had to pick up the pieces of my life and career, and start over.

I share this story because it taught me some valuable lessons that resonate with me today: with failure comes opportunity; being a lawyer brings incredible rewards; and the legal profession is a community of which I am proud.

In my months of unemployment following my fall from state government, I had many moments of self-doubt. I could not help but question the choices I had made. But part of my healing process was recognizing that this failure didn’t define me.

Looking back over my past decisions, I realized that the failure was not because I had made the wrong decisions; in fact, I knew in my heart and in my head that I made every decision motivated by being the best lawyer and the best person I could be. And looking ahead, I decided that the failure did not have to define my future either. I recognized that this failure gave me the opportunity to reinvent myself, to build...
myself back up. I emerged a better version of myself. And I recognized, during a time that felt like total failure, that everyone who succeeds also fails.

That brings me to the second lesson I learned. As I reflected back on my career — even the one that some may say ended in failure — I never lost faith in the power of the law and what it means to be a lawyer. I am so grateful for the opportunities I have had to use my law degree in profound and impactful ways. I am proud of the work that I did as a public lawyer to shape policy for the public, to help appoint more than 40 judges to Oregon’s trial and appellate courts, and to stand up in courts all over the state representing clients from the governor to crime victims.

I know I have helped people, both individually and as part of a community, and that I could only have achieved these experiences as a lawyer and because of the rule of law. So even when my job as a lawyer was lost, the value of my career as a lawyer has never been forgotten.

Finally, when I left the governor’s office, I learned what it meant to be a member of this community, the Oregon State Bar community. While my faith was shaken in a lot of things, what wasn’t shaken was my faith in Oregon lawyers. Once I stepped outside of the political realm, I was overwhelmed by the amount of support my professional network gave me. I experienced random acts of kindness and words of encouragement from colleagues and strangers alike. I see that community emerging today. During this time of crisis, lawyers are taking care of their clients and taking care of each other. Lawyers, judges and other legal professionals are coming together to discuss creative solutions and new ways to pick up the pieces of our lives and our practices in the aftermath of COVID-19.

So I want to thank you for making me proud to be a lawyer, and I send my best wishes to all of you for the healing and recovery and opportunities for reinvention ahead. I have a sincere hope that we will emerge from this crisis a better, more efficient, more prepared and more engaged profession and community.

If there is something that I can do as OSB president to help you or this community, I’d love to hear about it. ■

Liani JH Reeves is president of the Oregon State Bar. Reach her at lreeves@osbar.org.
When Portland-area children and families lose their closest loved ones, they often seek help at the nonprofit Dougy Center for Grieving Children & Families. And often, as they navigate the center’s softly lit meeting, reading and play spaces, they find themselves in a cozy room with veteran volunteer Jacqueline “Jackie” Kamins.

Kamins — who’s also an experienced litigator and recently appointed Oregon Court of Appeals judge — understands the despair so many of them feel. Because when she was just 19, Kamins herself lost nearly everything.

First her mother, pioneering researcher and author Myra Sadker, died while undergoing aggressive treatment for breast cancer. Then Kamins’ father, shattered by his wife’s unexpected death and unable to cope with single fatherhood, began drifting away from her and her older sister, Robin.

Heartbroken and profoundly destabilized by her mother’s death, Kamins returned from her Washington, D.C.-area family home to Columbia University in New York City to discover that a gulf had opened between her and her friends and classmates. She could no longer relate to issues and dramas about midterms, grades, dating and roommates. Worse, there was nobody she trusted enough to talk to about her overwhelming grief.

Before tragedy shredded the family, “I’d been asserting my independence and doing well with friends and school. But coming back … everything had changed,” says Kamins, 44, sitting recently in the comfortable Southwest Portland home she shares with her husband, attorney Jacob Kamins, and their two children, 5-year-old Molly and 9-year-old Mason.

“I felt like a totally different person,” Kamins recalls. “It was so lonely. I felt as if nobody understood me and what I was going through. I really struggled.”

Plunging headlong into her studies helped a little. Writing about her mother helped a little more. Months after losing her mother, Kamins honored Sadker with a short article in the December 1995 issue of The New York Times Magazine.

Known for her groundbreaking studies on gender bias in U.S. schools and her continual fight to make the world better for girls and women, Sadker had often appeared in the press. But this story, entitled “Myra Sadker: Mom, Malibu Barbie and Me,” is more personal than most. It relates 6-year-old Kamins’ desperate quest for one of the bronzed, wasp-waisted Barbie dolls and her feminist mother’s resistance and eventual capitulation. It shows, too, how Sadker never stopped guiding her daughter toward “not just for boys” toys she could use to create things. Toward active and intentional, rather than passive living.

As with so much of her parenting, the message sank in.

“Before long, I realized that Barbie didn’t do anything,” Kamins (whose surname then was also Sadker) says in the story, which flanks a black-and-white photo of Kamins and her mother standing with arms around one another on a beach. “I got sick of changing her clothes. But I found I could create little worlds with my Legos, and they never bored me. Mom used to tell this story to her friends to show how difficult it was to break sexist stereotypes, even in her own home.”

Still, what Kamins as a grieving college student really needed was a retreat like the Dougy Center. Sadly, no such resources existed at the time.

The art-filled facility, founded in 1982 and fueled by the help of 150 dedicated volunteers, offers a broad range of services and support groups, serving 550 children and their 425 adult family members monthly. Considered a world leader in the field, the Dougy Center is a model for more than 500 programs based in the U.S., Canada, Africa, Australia, Europe and Japan.

Kamins, a lifelong volunteer who’s donated endless hours to help homeless people, shut-ins, food banks, at-risk youth and more, never forgot the alienation she felt after losing her mother and the stable relationship she’d once shared with her father. So after shaking the depression that dogged her undergraduate years, graduating from the University of Virginia School of Law, passing the bar and landing progressively more interesting and rewarding jobs (See “Devoted to Public Service,” Page 41), Kamins began volunteering for the Dougy Center seven years ago.

Because of the loss she’s carried so long and the hard-won wisdom she can finally use to help others, Kamins says, the experience has been life-changing.

Support-group discussions and other volunteer work “saves me again and again,”
Judge Jacqueline “Jackie” Kamins cuddles with her 5-year old daughter Molly in their Southwest Portland home. Molly congratulated her mom with a crayoned picture in January after Gov. Kate Brown appointed Kamins to the Oregon Court of Appeals. Photo by Kate Taylor

Molly Kamins’ drawing for her mom reads, “Dear Mommy, Congratulations! For being a judge. I am so proud of you! Love, Molly.” Photo by Kate Taylor

Devoted to Public Service

Jackie Kamins always knew she wanted a public service career, and she used her platform as editor-in-chief of her law school newspaper to encourage others to do the same. Now that she’s Judge Kamins — a title she’s still adjusting to after being appointed to the Oregon Court of Appeals by Gov. Kate Brown in January — she can look back to see that most of her lawyering career was devoted to public service.

After graduating from the University of Virginia School of Law in 2002, Kamins clerked for Judge Kim McLane Wardlaw at the U.S. Court of Appeals for the 9th Circuit. After moving to Oregon, she spent a decade working as a senior assistant attorney general in the Oregon Department of Justice’s Trial Division, handling cases ranging from criminal to civil rights and class actions.

Of all the work she did at DOJ, Kamins says, she’s especially proud of negotiating an agreement that made Oregon one of the first states nationally to cover transgender health care services for its employees.

In 2019, Kamins joined the Markowitz Herbold law firm in Portland. She says she was drawn to the people who work there, as well as the firm’s strong government law practice. During her brief time at the firm, she exclusively represented pro bono and government clients.

In addition to her law practice, Kamins for 10 years has been an adjunct professor at Lewis & Clark Law School. She’s also served on the Oregon Chapter of the Federal Bar Association and last June became board president.

Besides spending time with her husband and two children, Kamins likes hiking (especially to Oregon waterfalls), cooking and reading (often three books at a time), “especially on the topic of neuroscience and its impact on implicit bias and criminal justice,” says the self-termed “nerd.” She likes writing, too, and has published articles in the Washington Post, New York Times Sunday Magazine and The Oregonian.

– Kate Taylor

she says, and helping other people at the center has even helped to mend a few of her oldest wounds.

“Right after my dad left, it was a struggle not to feel like it was my fault, like there was something wrong with me,” Kamins recalls. “But it’s really hard to feel that way when you can see the positive impact you have on someone’s life.”

Volunteering at the Dougy Center also lends balance to a life full of demanding legal work, she says.

“As lawyers, we spend a lot of time on the small stuff and it’s easy to lose a sense of grounding or perspective,” Kamins says. “It’s easy to get spun out by some stupid discovery dispute or how unfair opposing counsel (is being). It takes about 10
minutes at the Dougy Center to wash all that away.”

As she begins work as a judge, Kamins plans to continue volunteering at the center. The time she spends with clients there, she says, will continue to bolster her gratitude for the good in life and her empathy for other people.

“I think the most important trait for a judge is empathy, (and) it’s really hard to have empathy without experiencing hardship yourself,” Kamins says. “Once you experience hardship, and spend time with people facing much harder struggles, it becomes a lot easier to walk in someone else’s shoes.”

Besides being one of the center’s most reliable volunteers, Kamins brings deep presence to support group meetings, says Johnny Johnson, who has co-facilitated adult support groups with her during the past six years.

“She is a very caring listener who is able to give the participants a true feeling of being heard,” he says. “She listens without judging or giving advice, which so often accompanies their interactions with others. This gives (them) a chance to express themselves openly in a way they typically feel unable to do outside of group.”

Kamins and other volunteers who’ve lost someone they loved “often end up being the most attuned facilitators because they can relate to some aspects of what participants share,” says Program Director Alysha Lacey. “Jackie has a unique way of making every person in the room feel heard, while also leaving space for some levity in the many difficult aspects of grief.”

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

Resources

• For grief resources or information about volunteering at the Dougy Center, visit dougy.org.
• To donate to the Dougy Center, visit tinyurl.com/DonateToDougy.
Cannabis, both medical and recreational, has been legal in Oregon since 2015. The legislature and agencies continue to add to the statutes and rules to address this rapidly evolving area of law. Get the latest edition of *Oregon Cannabis Codebook* and have the statutes and related administrative rules in this growing area of law at your fingertips. [Code: CANNABIS2020]

This second edition of *Rights of Foreign Nationals* addresses issues affecting foreign nationals living in Oregon by combining relevant statutes, rules, and cases on matters such as domestic relations, employment, personal injuries, criminal offenses, business law, and public benefits. It includes a brand new chapter on airport issues. This valuable reference will help lawyers avoid potential pitfalls, and highlights situations in which standard advice for a citizen client might be inappropriate for a noncitizen client. [Code: RIGHTS2020]

Both of these publications are available for preorder — enter the code for each book at checkout and save 10% when you preorder by June 15. Preorder and view the full catalog at [www.osbar.org/publications](http://www.osbar.org/publications) or contact the order desk for help: (503) 431-6413.
‘Celebrate Oregon Lawyers’ to Include Annual Awards

Nominations are now being accepted for the 2020 Oregon State Bar Annual Awards, which honor OSB members for their contributions to member service, public service, diversity and inclusion, technology and innovation, sustainability and more.

This year’s awards will also feature a unique twist: For the first time ever, they’ll be presented at a gala event in October called Celebrate Oregon Lawyers. In addition to the OSB awards, the evening will include the bar’s traditional salute to 50-year members and recognition of those who provided significant access to justice through pro bono work.

There will be no sit-down dinner or long speeches at the event, which is scheduled from 5-7 p.m. on Thursday, Oct. 29, at the Sentinel Hotel in downtown Portland. Instead, guests can expect cool displays, heavy hors d’oeuvres and the opportunity to spend more time chatting with friends as they come and go as they please.

In addition, a special October issue of the Bulletin will shine an even brighter spotlight on all of the evening’s honorees. Fifty-year members have already been notified of the changes and pro bono hours have been counted. The nomination deadline for the 2020 annual awards is 5 p.m. on Tuesday, June 30. Forms and details are available online at osbar.org/osbevents.

Contact Cathy Petrecca at (503) 431-6355 or cpetrecca@osbar.org for more information.

Four Positions Open On Board of Governors

The Oregon State Bar is seeking candidates for four open seats on the Board of Governors — one each in Region 1 (Baker, Crook, Deschutes, Gilliam, Grant, Harney, Hood River, Jefferson, Lake, Malheur, Morrow, Sherman, Umatilla, Union, Wallowa, Wasco and Wheeler counties), Region 3 (Coos, Curry, Douglas, Jackson, Josephine and Klamath counties), Region 4 (Clatsop, Columbia, Lincoln, Tillamook, Washington and Yamhill counties) and Region 5 (Multnomah County).
The Board of Governors determines the general policies of the bar and approves its budget each year. It consists of 15 lawyers elected from eight regions, four public members appointed by the board and the non-voting position of immediate past president.

Candidates for the four open seats have until 5 p.m. on Friday, June 19, to file statements with the bar. Ballots and candidate statements will be sent to members on Oct. 5 via an email link to an online ballot, which must be completed by 5 p.m. on Oct. 19. Elected board members will begin their four-year terms on Jan. 1, 2021.

Go to osbar.org/leadership/BOG or contact Danielle Edwards at dedwards@osbar.org or (503) 431-6426 for more information.

Members Should Update Communication Preferences

The OSB sends out a variety of emails to members, from regulatory notices and CLE announcements to general bar news. And while bar members can’t opt out of receiving regulatory notices, they do have the option of opting in or out of other bar emails or having some sent to a secondary email address.

With COVID-19 changing the way we work, this is a good time to update your communication preferences to make sure you receive important information regarding OSB and court operations. To change your preferences, log in to the OSB website and go to your member dashboard. Click on the “Manage Your Profile” tab, then click on “Communication Preferences.”

Communications from the OSB about COVID-19 are sent as Bar News, so opt in to those emails if you want the most up-to-date information.

OSB MCLE is Now Paperless

The OSB’s MCLE department has gone paperless, with a new online system that makes it easier to serve OSB members and program sponsors.

Even with MCLE staff working remotely for the foreseeable future, sponsors can continue to submit accreditation applications and program attendance reports. Members can update their MCLE transcripts, pay MCLE late fees and electronically certify and submit their reports.

Visit the MCLE homepage for FAQs, or email specific questions to mcle@osbar.org.
**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.

**NICOLE E. SCHAEFER**

OSB #151476
Portland
90-day suspension, all but 30 days stayed, three-year probation

Effective Dec. 9, 2019, the disciplinary board approved a stipulation for discipline and suspended Portland attorney Nicole E. Schaefer for 90 days, with all but 30 days stayed pending successful completion of a three-year term of probation, for violations of RPC 1.1 (competence), RPC 7.1 (false or misleading statements), RPC 8.1(a)(1) (false statements made during a disciplinary matter) and RPC 8.4(a)(4) (conduct prejudicial to the administration of justice).

In 2018, Schaefer represented parties in two separate domestic relations proceedings. In one proceeding, Schaefer failed to appear at a scheduled court hearing, failed to provide notice to the court that she would not attend the hearing and did not provide her client with any guidance regarding the hearing. Thereafter, the court ordered Schaefer to appear at another court hearing with her client and scheduled that hearing by emailing Schaefer.

Approximately 20 minutes before she and her client were to appear in court, Schaefer contacted the court and asserted that she had just discovered the prior emails regarding the court appearance, and she informed the court that neither she nor her client would attend the hearing despite the court's order to do so.

In the other proceeding, Schaefer represented the husband in a dissolution proceeding. In preparation for a settlement conference, Schaefer submitted a settlement memorandum on behalf of her client that appeared to be a copy of her opposing counsel's memorandum with minor additions and edits. Schaefer also submitted a proposed property division spreadsheet that replicated the wife's form, indicating that Schaefer's client had agreed to an $80,000 equalizing judgment that the wife had proposed.

During the parties' settlement conference and upon questioning from the settlement judge, Schaefer indicated that she did not understand what she had proposed on her client's behalf, and it became clear that she had not communicated with her client regarding the property division that she had proposed. When the parties appeared close to settlement, the judge attended to another hearing and instructed the parties to speak directly to each other. After the wife's attorney notified the judge that the parties had a settlement to put on the record, Schaefer left the courthouse without informing the judge's staff. Thereafter, despite repeated attempts, no one could reach Schaefer that afternoon. Because her client had flown in from California, Schaefer's client requested that the parties put the settlement on the record without his lawyer present.

In a separate case in 2018, Schaefer created and maintained multiple websites to promote herself and her legal services. Her websites falsely asserted that Schaefer had completed thousands of criminal expungements, presented false testimonials from alleged clients, promised to prepare 50 pages of divorce paperwork in eight minutes and falsely represented that tens of thousands of divorces had been filed. While investigating the statements contained on Schaefer's websites, the bar requested that Schaefer provide all of her emails with her website developer. In providing one such email, Schaefer falsely represented the content of an email that she had redacted.

By engaging in the conduct described above, Schaefer admitted that she failed to provide competent representation in violation of RPC 1.1, made false or misleading communications about her services in violation of RPC 7.1, knowingly made a false statement of material fact in connection with a disciplinary matter in violation of RPC 8.1(a)(1) and engaged in conduct prejudicial to the administration of justice in violation of RPC 8.3(a)(4).

Her conduct was aggravated by a dishonest or selfish motive, multiple offenses and a submission of a false statement during the disciplinary process, but was mitigated by the absence of prior discipline, personal or emotional problems, inexperience in the practice of law and remorse.

**ANGELA TERESE LEE-MANDLIN**

OSB #974598
Bend
30-day suspension, all stayed, two-year probation

Effective Dec. 14, 2019, the disciplinary board approved a stipulation for discipline and suspended Bend attorney Angela Therese Lee-Mandlin for 30 days, all stayed, pending a two-year period of probation for violating RPC 1.1 (competence) and RPC 1.16(a)(1) (failing to withdraw from representation when the continued representation resulted in violation of the Rules of Professional Conduct).

In July 2014, clients retained Lee-Mandlin's firm to represent them in a products liability action. An associate attorney handled the case from that time until November 2016, when he left the firm. At the time, trial was scheduled for March 2017.

Lee-Mandlin had no prior experience handling product liability actions. When she began reviewing the file, she realized there were terms used throughout documents generated in discovery that she did not understand and realized that the matter was not a case for which she realistically could become sufficiently knowledgeable to take to trial. Lee-Mandlin attempted to find replacement counsel for her clients, but was unable to do so and remained their attorney of record.

After a defendant filed a motion for summary judgment, Lee-Mandlin was unfamiliar with such a motion and hired an outside attorney to advise her on how to respond. Due to a miscommunication with the court, a response to the motion was not filed on time, and the case was ultimately dismissed.

Lee-Mandlin admitted that while representing the clients, she failed to apply the legal knowledge, skill, thoroughness
and preparation reasonably necessary for the representation, and failed to withdraw from representation when her continued representation resulted in a violation of the Rules of Professional Conduct.

The stipulation listed prior discipline, multiple offenses and substantial experience in the practice of law as aggravating factors, but said Lee-Mandlin’s conduct was mitigated by the absence of a dishonest or selfish motive and her full and free disclosure and cooperative attitude towards the disciplinary proceeding.

CAROL J. FREDRICK
OSB #883705
McMinnville
Public reprimand

Effective Dec. 15, 2019, the disciplinary board approved a stipulation for discipline and publicly reprimanded McMinnville attorney Carol J. Fredrick for not adequately communicating with her client in violation of RPC 1.4(a).

Fredrick represented the father in a parenting time modification matter. In July 2017, the court ruled in favor of the mother. After the mother filed a motion for an award of attorney fees, Fredrick forwarded the motion to her client, but she did not discuss with him how to respond and did not file an objection.

In January 2018, the court granted the motion and entered a supplemental judgment against Fredrick’s client for $15,000. Despite receiving a notice of entry of judgment, Fredrick did not notify her client that the judgment had been entered against him, nor did she provide him with a copy of the judgment lien abstract that the mother’s attorney provided her in March 2018. Fredrick’s client learned of the judgment in October 2018, after Fredrick sent him a demand from the mother’s attorney to pay the judgment. Thereafter, when the client attempted to contact Fredrick about the judgment, Fredrick did not respond to his requests for information.

Fredrick admitted that she failed to keep her client reasonably informed about the status of the matter and did not promptly comply with reasonable requests for information in violation of RPC 1.4(a).

The stipulation acknowledged the aggravating factors of prior discipline and substantial experience in the practice of law. In mitigation, it noted that Fredrick did not act with a dishonest or selfish motive.
CLAYTON J. LANCE
OSB #852640
St. Helens
28-month suspension, 26 months stayed, three-year probation

Effective Dec. 26, 2019, the Oregon Supreme Court approved an amended stipulation for discipline and suspended St. Helens attorney Clayton Lance for 28 months, with 26 months stayed pending completion of a three-year term of probation, for violations of RPC 1.3 (neglect), RPC 1.5(a) (charging or collecting an excessive fee), RPC 1.5(c) (3) (nonrefundable fee without required disclosures), RPC 1.15-1(a) (failing to safeguard client funds), RPC 1.15-1(c) (failing to deposit client funds into trust account), RPC 1.15-1(d) (failing to render a full account), RPC 1.16(d) (duties upon termination of representation) and RPC 8.1(a)(2) (knowingly failing to respond to requests for information from a disciplinary authority).

In one matter, Lance accepted representation of a criminal defendant under an executed flat-fee agreement, but he did not complete that representation and did not refund any portion of the fee as required. When the bar inquired about Lance’s conduct, he failed to promptly respond.

In another matter, Lance accepted a flat fee from a criminal defendant without a properly executed fee agreement and failed to deposit that money into his trust account. Lance also failed to return any portion of that money at the termination of his representation. During the representation, Lance agreed to prepare documents permitting his client’s parents to manage his client’s affairs and take care of his child. However, he failed to prepare those documents for a period of five months.

In a third matter, Lance accepted representation of a criminal defendant for a flat fee without an appropriate fee agreement and deposited that money in his business account, not his trust account. He also failed to promptly respond to inquiries during the bar’s investigation.

And in a final matter, Lance entered into an agreement with a criminal defendant for a flat fee without the required language. While Lance completed substantial work on the matter, the fee agreement also contemplated him filing for post-conviction relief, which Lance did not do during the year and half following the appeal’s conclusion. The client became concerned about the timing of his post-conviction relief and
wrote to Lance twice, requesting his file. Lance did not respond. The client subsequently terminated Lance. Lance did not provide timely or complete responses to the bar’s requests for information during its investigation.

Lance stipulated that he neglected a client’s matter in violation of RPC 1.3; charged or collected an excessive fee in violation of RPC 1.5(a); entered into nonrefundable fee agreements without the necessary disclosures in violation of RPC 1.5(c)(3); engaged in trust account violations in violation of RPC 1.15-1(a), RPC 1.15-1(c) and RPC 1.15-1(d); failed to protect this client’s interests upon termination of representation in violation of RPC 1.16(d); and knowingly failed to respond to requests for information from a disciplinary authority in violation of RPC 8.1(a)(2).

The stipulation acknowledged that Lance’s conduct was aggravated by prior disciplinary offenses, a pattern of misconduct, multiple offenses, vulnerability of the victims and substantial experience in the practice of law. It was mitigated by personal and emotional problems, Lance’s good character and reputation in the community, and his remorse.

MICHAEL S. STERNER
OSB No. 101564
Portland
30-day suspension

Effective Jan. 31, 2020, the disciplinary board approved a stipulation for discipline and suspended Portland attorney Michael S. Sterner for 30 days for violating RPC 1.1 (competence), RPC 1.3 (neglect) and RPC 1.4(a) and RPC 1.4(b) (failing to adequately communicate with his client).

A client retained Sterner to assist her in vacating her rental residence due to the presence of toxic mold. Thereafter, Sterner represented the client in a civil action for personal injuries sustained while living in the rental residence, even though Sterner had no experience in handling toxic mold or landlord/tenant disputes.

Sterner filed a complaint in September 2013, but he did not require the defendants to make an appearance and did not move for an order of default or entry of default judgment. Sterner did not inspect the subject property, take depositions, request any discovery of the defendants, retain any experts or speak with his client’s treating
physician, upon whom his client was relying for proof of her injuries and causation. Due to Sterner’s inaction, the court dismissed his client’s complaint for want of prosecution in July 2015. Sterner failed to move to reinstate the case because he was unaware of Oregon’s Savings Statute. Thereafter, the case languished for another year and a half.

Sterner admitted that he failed to provide competent representation, neglected his client’s legal matter, failed to keep his client reasonably informed about the status of the case and failed to explain matters to the extent reasonably necessary to permit his client to make informed decisions regarding the representation.

The stipulation recited multiple offenses as an aggravating factor, but recognized the absence of prior discipline, absence of a dishonest or selfish motive, full and free disclosure or cooperative attitude toward the proceeding, inexperience in the practice of law and remorse as mitigating factors.

TODD STEPHEN HAMMOND
OSB #982468
Salem
60-day suspension, all stayed, two-year probation

Effective Jan. 31, 2020, the disciplinary board approved a stipulation for discipline and suspended Salem attorney Todd Stephen Hammond for 60 days, all stayed pending successful completion of a two-year probation, for violations of RPC 1.5(a) (charging or collecting an excessive or illegal fee) and RPC 1.8(a) (business transaction with a client).

Hammond agreed to represent a client in seeking disability benefits from the Department of Veterans Affairs (VA). In 2017, the VA determined that the client was 100 percent disabled and awarded him approximately $144,000. Pursuant to the parties’ fee agreement and federal regulations, the VA withheld approximately $29,000 as attorney fees. The VA’s policies required it to hold that money for 60 days to permit an appeal or a protest of those fees to be filed. Before the expiration of that time period, Hammond spoke with his client and requested that the client pay him his attorney fees directly from the funds that the client received, and the client did so.

Hammond admitted that his request for a direct payment was in violation of the applicable VA regulations and therefore in
violation of RPC 1.5(a), and that he also entered into a business transaction with a client in violation of RPC 1.8(a).

Hammond’s conduct was aggravated by prior disciplinary offenses (although those offenses were remote in time), a selfish motive, a pattern of misconduct, vulnerability of the victim and substantial experience in the practice of law. It was mitigated by his cooperation in the proceedings, and his remorse.

CRAIG WYMETALEK
OSB #964641
Hillsboro
Form B resignation

Effective Feb. 20, 2020, the Supreme Court accepted the Form B resignation of Hillsboro attorney Craig Wymetalek.

At the time Wymetalek tendered his resignation, the bar was prosecuting him for multiple violations of the Rules of Professional Conduct, including RPC 1.4(a) and RPC 1.4(b) (failing to adequately communicate with clients), RPC 8.4(a)(2) (committing a criminal act that reflects adversely on the lawyer’s honesty, trustworthiness or fitness as a lawyer in other respects) and RPC 8.4(a)(3) (engaging in conduct involving dishonesty, fraud, deceit or misrepresentation that reflects adversely on the lawyer’s fitness to practice law).

The bar alleged that in a post-judgment modification matter, Wymetalek forged signatures of judges on court orders, and made material misrepresentations to his client regarding the status of the case.

Additionally, at the time of his resignation, Wymetalek was under investigation in four other matters for violations of RPC 1.3 (neglect), RPC 1.4(a) and RPC 1.4(b) (failing to adequately communicate with clients) and RPC 8.4(a)(3) (engaging in conduct involving dishonesty, fraud, deceit or misrepresentation that reflects adversely on the lawyer’s fitness to practice law, including the conversion of client funds).

Note: Current disciplinary opinions and orders not yet published in the Disciplinary Board Reporter may be found at osbar.org/publications/dbreporter/2019.html.
Among Ourselves

Tonkon Torp attorney Karen Hobson has been appointed to the board of directors for the Estate Planning Council of Portland. The nonprofit organization provides educational opportunities for professionals in the estate planning field who practice in Oregon and Southwest Washington. Hobson is an attorney in Tonkon Torp’s estate planning practice group, where she advises individuals and high-net-worth families in estate planning and administration and assists clients with tax planning, business transactions and succession planning.

Stoll Berne recently received Benchmark Litigation’s awards for Oregon Firm of the Year and Impact Case of the Year. For the Impact Case of the Year, Stoll Berne attorneys Keith Ketterling, Tim DeJong, Jen Wagner and Lydia Anderson-Dana were co-lead counsel for the investors in a class action securities case arising out of the Aequitas Ponzi scheme, asserting claims against Lake Oswego-based Aequitas’ auditors, lawyers and others for participant/aider liability under the Oregon Securities Law. A settlement totaling $236.4 million was reached on behalf of approximately 1,600 investors.

Tonkon Torp attorney Sarah Einowski has joined the board of directors of Portland Youthbuilders. The nonprofit serves more than 200 youths a year in a unique wrap-around program that combines high school completion, vocational training, counseling and support. In addition to board duties such as helping organize fundraisers, Einowski will provide legal counsel to the organization.

Sandra Smith Gan- gle’s new memoir, “Madam Arbitrator,” detailing her career as an Oregon lawyer and labor arbitrator, has been released and is available through Amazon. The book tells of her early life in Brockton, Mass., where she watched shoe-factory workers carry picket signs seeking fair wages and working conditions and saw her mother fight for justice in a marital conflict, then deal with sexual discrimination in her employment. The Hon. Robert D. Durham, senior justice of the Oregon Supreme Court, wrote the foreword. Visit madamarbitratorgangelle.com for more information.

Moves

Albies and Stark has welcomed Maya Rinta to the firm as an associate attorney. Rinta represents individuals in employment and civil rights litigation. In addition to private practice, she has provided legal services through the Legal Aid Low Income Taxpayer Clinic, the Metropolitan Public Defender’s Community Law Office, the Lewis & Clark Criminal Justice Reform Clinic and the National Lawyers Guild.

Kristin Smith has joined Gevurtz Menashe as a family law associate. She previously worked in appellate law, exclusively in family law cases, in Beverly Hills, Calif., before moving to Oregon in 2014. She is a new member of the Oregon State Bar.

Wendy L. Laing has joined Eugene law firm Hutchinson Cox as of counsel. Her practice focuses primarily on estate planning, business transactions, real estate and legal work.
serving nonprofit organizations. In addition, Esack F. Grueskin has joined the firm as an associate, with a practice focusing primarily on civil litigation.

Mark R. Barzda has been named a shareholder of Gevurtz Menashe. He became of counsel with the firm in May 2016 and is certified as a practitioner in collaborative law, a discipline that focuses on alternatives to litigated family law matters. He will continue his practice handling divorce, custody/parenting time, child support, contempt and modifications, with an emphasis on alternative dispute resolutions.

Barran Liebman has welcomed Daniel Walker to the firm. Walker represents employers on a variety of employment issues, from day-to-day advice through the appeals process. Prior to joining Barran Liebman, he served as an appellate attorney for the State Accident Insurance Fund and served as a special assistant attorney general to the Oregon Department of Justice.

Elizabeth (Liz) Falcone, an attorney in Ogletree Deakins’ Portland office, has been elected equity shareholder at the firm. Falcone represents private and public employers in all aspects of employment law, including wage/hour matters, wrongful termination, discrimination and harassment litigation.

Sean Stokes has joined D’Amore Law Group as the firm expands its personal...
injury practice. Stokes is admitted to practice in the state and federal courts of Oregon, Connecticut and Massachusetts. He is active in the local legal community, participating in the Owen M. Panner Inn of Court and the Oregon Trial Lawyers Association and providing pro bono legal services to Portlanders in need.

Garrett Ledgerwood, an experienced bankruptcy and creditors' rights attorney, has joined the Portland office of Miller Nash Graham & Dunn. Ledgerwood brings with him extensive experience in representing lenders and creditors in bankruptcy, collection actions, loan modifications and workouts, non-dischargeability proceedings, foreclosures and receiverships, as well as borrowers in a variety of financing transactions.

Brandon Moore has joined the Corson & Johnson law firm in Eugene. During his time at the University of Oregon School of Law, Moore worked to pursue legal change to protect children's interests through the Oregon Child Advocacy Project. He now represents those who have been injured by car, truck and bicycle collisions; in industrial accidents; and by nursing home neglect and abuse.

In Memoriam

Merv Loya was born in Monmouth, Ill., on Feb. 20, 1940, and died of Alzheimer's disease on Jan. 22, 2020, in Eugene. The eldest son of Heimo and Eileen Loya and the grandson of Finnish immigrants, Loya was always proud of his heritage.

Loya received his bachelor's degree in music from Monmouth College (Illinois), where he played both the violin and piano. He spent his junior year in Finland becoming fluent in the Finnish language. After receiving a scholarship to attend Columbia University to study Uralic languages, he obtained his master's degree in political science. He followed that with a law degree from the University of Illinois College of Law.

After completing law school, Loya accepted a position with the Multnomah County Legal Aid Society in Portland. Later, he became director of Lane County Legal Aid in Eugene, where he worked to create the civil law clinic for law students at the University of Oregon. His career also included being the managing partner of the Eugene law firm of Johnson and Harang.

Eventually, Loya was hired as budget director of the University of Oregon School of Law, where he later became assistant dean and director of career services. He worked at the law school for 22 years. During his tenure at UO, and with the assistance of David Frohmayer, the former dean of the law school, he founded and taught the UO Law School Legislative Internship Program.

In 2009, Loya was awarded the UO School of Law's Meritorious Service Award. His other achievements included being president of the Lane County Bar Association and working on behalf of the Campaign for Equal Justice.

Loya had the innate ability to listen to and be a friend to all, including faculty, students, alumni and those in need. He is survived by his sister, Karin; brother, Alan; daughter, Kristen; son, Kari; granddaughters, Kamila; former wife, Nancy; and many, many friends and relatives.


Wilson earned his law degree from Northwestern University (Illinois) before coming to Oregon to join the Office of the Legislative Counsel. During his 30-year career, Wilson served as a deputy legislative counsel, senior deputy legislative counsel and chief deputy legislative counsel with responsibilities as chief editor of the Oregon Revised Statutes.

His bill-drafting expertise spanned workers' compensation, employment, state fiscal matters, agriculture, natural resources and fish and wildlife law. In the early 1970s, Wilson was the key drafter for recodification of the game code, an effort that he described to the 1971-72 Interim Committee on Natural Resources as a revision that simplified the language and consolidated the duplicative without altering the substance of the law.

Wilson's drafting work also contributed to Oregon's period of major workers' compensation law reform from 1987 to 1995. Most notably, Wilson crafted draft legislation for the Mahonia Hall labor-and-management work group that resulted in the workers' compensation reforms passed by the 65th legislative assembly at its one-day special session on May 7, 1990.

His colleagues remember Wilson as an excellent attorney, an able mentor and a very kind man. He also was a dedicated duck hunter, avid reader and excellent chef. Wilson's biennial drafting deadline weekend chili feed for the office inspired the annual LC Chili Feed, which for 28 years has been a successful fundraiser for the Governor's State Employees Food Drive benefiting the Oregon Food Bank.

Edward Harri Jr. passed away in Salem on March 1, 2020. He was born to Dr. Edward and Elsa Harri in Duluth, Minn., on July 8, 1946. The family moved shortly thereafter and Harri was raised in Dayton, Wash., with his sister, Elizabeth, and brother, James.

Harri earned his bachelor's degree from Walla Walla College, his master's from Montana State University and his J.D. from Willamette University College of Law. In 1971, Harri and Patricia (Pat) Tonole were married. They were married for 48 years and raised three children, Ed, Elizabeth and Erin.
Harri started his career as a law clerk for the Oregon Supreme Court. He served as deputy district attorney in Linn County. In 1986, he began teaching at Willamette University College of Law, where he was a professor of legal research and writing for 34 years, and assistant dean of student affairs for more than 20 years.

He also served on many college and statewide committees. In 2014, he was awarded the Oregon State Bar Membership Services Award for his extensive contributions to the field.

His greatest passions were family, art and cars (especially Cadillacs). He and Pat opened Wenaha Gallery in Dayton, Wash., in 1993. His favorite places to spend time were a family ranch in Dayton, Wash., and a family cabin on Fall Lake in northern Minnesota.

Harri was preceded in death by his parents and his sister. He is survived by his wife, his three children, his brother, five granddaughters and 13 nieces and nephews.

Elizabeth Perry, the first female attorney at Landersholm when she joined the firm in 1976, passed away in late 2019. She was 68. She spent her 40-year career helping clients with Medicaid and estate planning and administration matters.

Additional Notices

W. Wells Talmadge
61, Portland, Oct. 17, 2019

Allen Goldman
77, Coos Bay, Oct. 20, 2019

Thomas M. Sheridan
61, Lake Oswego, Oct. 21, 2019

Amy S. Baker
47, Portland, Nov. 8, 2019

Kevin Patrick Sullivan
64, Seattle, Wash., Jan. 7, 2020

Andrew S. Kierstead
57, Plymouth, Mass., Feb. 4, 2020

Allen B. Bush
67, Beaverton, Feb. 12, 2020

McGaughey + Erickson is pleased to announce

Jack Kinsey

has joined the firm as an associate

Jack focuses on securities litigation, business breakups, and regulatory & white collar defense. Jack brings a wealth of experience, having litigated over 30 jury trials and numerous bench trials and arbitrations in both criminal and civil matters.

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Portland, OR 97204

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FOR SALE


DOWNTOWN PORTLAND, 1000 BROADWAY, CLASS A SPACE, 23rd floor, receptionist, voice mail, conference rooms, copiers, scanners, phone, gym, showers, bike rack, starting at $750/mo, (503) 274-1680.

HILLSBORO – 2 elegant office suites 1 block from courthouse. $800.00/ea, utilities included w/first month free. For pics/info contact John Elliott: (971) 404-6631 or JMEDrum@Earthlink.Net.

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

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.

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.

VALUE OFFICE SPACE AVAILABLE IN THE HISTORIC AMERICAN BANK BUILDING - top floor overlooking Pioneer Courthouse Square (with Max stops), large support staff spaces also available. Rent includes reception, conference rooms, telephone system, internet, telephone lines and copier/ scanner for additional fee. Building has a gym with showers, bike parking and the windows open. Rent $1150/mo. for office, $450-$650/mo for support staff space. Contact Robert @ (503) 226-8122 or robert@wider haver.com.

TIGARD DOWNTOWN - Office Space. Beautiful 10 x 14 window office available in the vibrant and redeveloped downtown Tigard. Share space in a single level law office with two other estate planning attorneys. Prefer an attorney with a similar prac- tice. $1,275/month includes conference room, kitchen, security, telephone, utilities, access to postal and copier systems, and parking. Shared costs for reception. Contact Jerry (503) 639-4108.

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

LAKE OSWEGO WINDOW OR INTERIOR OFFICE WITH ALL-INCLUSIVE SERVICES NOW AVAILABLE! Mail service, phone reception, lobby signage, kitchen, 24/7 building and conference room access. 5200meadows.com OR Call (503) 726-5999.

LAKE OSWEGO WINDOW OR INTERIOR OFFICE WITH ALL-INCLUSIVE SERVICES NOW AVAILABLE! Mail service, phone reception, lobby signage, kitchen, 24/7 building and conference room access. 5200meadows.com OR Call (503) 726-5999.

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.

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 AVAILABLE IN DOWNTOWN PORTLAND – Nice upstairs office (11 x 14.5) with large window, never carpet and paint, and separate secretarial area with desk and chair outside door. $695. Building located on the corner of SW 6th and Clay near the transit mall. Full reception and custom telephone answering from 8:00 am to 5:00 pm, library w/fireplace, conference room, shower, all usual equipment. 7 experienced attorneys, 4 blocks to courthouse, coffee shop and restaurant next door, fitness center one block. Parking available $200/month. 211 SW Clay. George: (503) 226-3607.

OFFICE SPACE AVAILABLE IN THE HISTORIC AMERICAN BANK BUILDING - top floor overlooking Pioneer Courthouse Square (with Max stops), large support staff spaces also available. Rent includes reception, conference rooms, telephone system, internet, telephone lines and copier/ scanner for additional fee. Building has a gym with showers, bike parking and the windows open. Rent $1150/mo. for office, $450-$650/mo for support staff space. Contact Robert @ (503) 226-8122 or robert@widerhaver.com.

ONE BEAUTIFUL OFFICE AVAILABLE IN MODERN, CLASS A BUILDING IN DOWNTOWN PORTLAND – Two secretarial spaces are available as well. Located in proximity to Multnomah County and Federal courthouses. The office is within a suite shared by two established law firms. The office and the available conference rooms present your clients with knockout views of the West Hills. The location is on the top floor of the 1000 Broadway Building. Two conference rooms, kitchen and file room available to share and receptionist services provided as part of lease. Copier, fax and postage services available. Parking (not included), private gym, and bank in building. Call Scott Brown at (503) 228-5027.

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

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 current searches cover nearly all practice areas. Let’s talk in confidence. Candice Wilson Stayer, Stayer Legal Search LLC. cwstayer@stayerlegalsearch.com (503) 968-0901.

A PORTLAND METRO AREA AV-RATED LAW FIRM is seeking an Associate 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 interpersonal, analytical and organizational skills and a willingness to work in a demanding but informal and positive environment. As an associate you will also have the opportunity to work closely with senior attorneys to develop hands-on experience and to work collaboratively in a team environment. The ideal Associate will be licensed in Oregon or Washington. Dual licensure 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 position. Benefits include medical insurance, dental insurance, life insurance, long term and short term disability insurance and 401K options. Interested candidates must submit a cover letter, resume, transcript and writing sample to recruiting@bishopscrewservices.com to be considered for the position.

ASSOCIATE ATTORNEY, NEW-PORT, OR – Well established law firm representing a variety of local governments entities, business organizations and individuals primarily in civil matters seeking a proactive attorney with excellent research, writing and communication skills who can produce the high-quality work the firm is known for. We offer the opportunity to gain experience in a variety of areas of civil law while taking on significant responsibility under the guidance and mentoring of senior attorneys. Please submit resume, writing sample and professional references to davis@mrgdlaw.com.
ASSISTANT DISCIPLINARY COUNSEL – LITIGATION – The Oregon State Bar is currently seeking someone to provide counsel to the Bar in the evaluation, investigation, and litigation through trial and appeal of ethics complaints made against Oregon lawyers. Essential Duties include: Responsible for reviewing and evaluating disciplinary investigations, seeking authority for and pursuing formal proceedings, pursuing negotiated resolutions where appropriate, and recommending appropriate outcomes to the State Professional Responsibility Board (SPRB). Gather documents, interviews witnesses, conducts legal research, and analyzes facts and law. Represents the bar in formal disciplinary proceedings authorized by rule and/or the SPRB through trial or settlement and, when required, on appeal before the Supreme Court. Visit http://www.osbar.org/osbcenter/openings.html for job details. Equal Opportunity Employer.

BEND FIRM SEEKING SENIOR LITIGATION ATTORNEY – The thriving Bend and Portland law firm of Lynch Conger LLP is seeking an experienced senior litigator to add to our growing Bend team. This position will work with many of our existing clients to provide litigation services in Central Oregon. The position is flexible in that we will consider Senior Associate, Of Counsel, and Partner-level litigators. The ideal candidate should be licensed in Oregon, have at least 10 years civil litigation experience, bring their own partial book of business, demonstrate excellent client relations skills, and enjoy working in a family-oriented environment. We value enjoyable personalities and team players. Headquartered in Bend with suburban Portland/Lake Oswego office. Competitive salary, benefits, and bonus structure. Submit resume and cover letter to Office Manager Kaci Price at kprice@lynchconger.com.

CRIMINAL/JUVENILE/DOM REL ASSOCIATE – Five lawyer Roseburg firm with court appointed contract is hiring. We are looking for a committed advocate to do court appointed dependency, criminal, and delinquency as well as retained criminal and domestic relations work. Must be admitted to practice in Oregon, or have taken the most recent bar at time of application. Minor Felony qualified preferred, pursuant to the Standards for Court Appointed Lawyers. If not, then would prefer enough experience to qualify quickly. Computer skills required. Benefits include health insurance, retirement, vacation, friendly and supportive work environment, experienced attorney mentors, very experienced staff support and the opportunity to develop a private practice. Base salary depending on experience, plus 25% percent of retained income, which generally ranges from $3,000 to $7,500 per year. Send resume and cover letter to Att: James Arneson, Arneson, Stewart& Styarfy, PC 318 SE Jackson, Roseburg, OR 97470 or email to jarneson@arbonesongroup.com. Applications will be taken on a continuous basis until the position is filled.

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

PUBLIC RECORDS & MEDIA LAW ATTORNEY: The Reporters Committee for Freedom of the Press, a national nonprofit that provides pro bono representation and other legal resources to protect the First Amendment and newsgathering rights of journalists, seeks an Oregon attorney with 3+ years of litigation experience. The attorney will support journalists throughout Oregon as part of RCPF’s new Local Legal Initiative (rcfp.org/local), including by litigating public records and court access cases, conducting media law trainings, and managing relationships with our partners. Office space will be provided in Salem or Portland. Additional information at rcfp.org/work-at-rcfp.

OREGON PACIFIC BANK seeks attorney for position of Director of Trust Services to establish the direction, budget, policies and business development goals for a medium-sized Trust Department with offices in Eugene, Florence, Coos Bay, Roseburg and Medford. This position would be responsible for the operation of the Bank’s Trust offices focusing on developing and maintaining client relationships and in achieving overall departmental profitability. Bachelor’s degree in relevant discipline. J.D. preferred. Ten or more years of experience in trust administration or legal practice emphasizing trust, estate, and tax work. Salary commensurate with experience. Interested applicants should apply on-line at www.oppbc.com.

STAFF ATTORNEY wanted for nine-lawyer public defender’s office. Full-time. Must be a member of the Oregon State Bar by start date. We handle misdemeanor and felony criminal cases, as well as juvenile delinquency and juvenile dependency cases. We prefer an attorney with felony experience, but all candidates will be considered. Salary depends on experience, plus benefits. For information contact: Southwestern Oregon Public Defender Services, Inc. Attention: Laynie Wilson, Office Manager 465 Elrod Avenue Coos Bay, OR 97420. (541) 267-2472, laynie@swopds.org.

ST. HELENS MUNICIPAL COURT is accepting applications for experienced criminal defense attorneys interested in providing indigent defense services. Cases are heard on Mondays and attorneys can expect to be in court three days per month on average. Please submit resume, cover letters and references to: Matt Brown, Finance Director, 265 Strand Street, St. Helens, OR 97051 or by email: mattb@ci-st-helens.or.us or mailto:mattb@ci-st-helens.or.us.

SUSSMAN SHANK, LLP, A MEDIUM-SIZED, FULL-SERVICE COMMERCIAL LAW FIRM in Portland, Oregon has an immediate opening in its business practice group for a highly-skilled transactional lawyer, with a minimum of seven plus years experience as lead counsel on significant M&A transactions, creation and negotiation of commercial loan documentation, and outside general counsel advice. An ideal candidate has an advanced tax degree and shows dedication to business and practice development. Please address cover letters and resumes to our Chief Operating Officer, Steven T. Sequin. Contact info@privatepracticetransitions.com or call (253) 509-9224.

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

ESTABLISHED TUMWATER FAMILY LAW & ESTATE PLANNING PRACTICE that has a practice/case breakdown by revenue of 70% Family Law, 15% Elder Law, 10% Real Estate, and 5% Business. The Practice is located in a premier office building in the heart of downtown Tumwater, with 1,650sf of space that is also available for sale, if desired. With 2019 gross revenue right around $200,000 and 16 active clients, this Practice is poised for growth under new ownership. Contact info@privatepracticetransitions.com or call (253) 509-9224.

EXTREMELY PROFITABLE SEATTLE IMMIGRATION LAW PRACTICE that has average gross revenues of over $300,000. 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.

PRACTICES FOR SALE

CENTRAL WASHINGTON ELDER LAW & ESTATE PLANNING PRACTICE with a practice/case breakdown by revenue of approximately 34% Probate, 30% Estate Planning, 19% Guardianship, 13% Medicaid Planning, and 4% Vulnerable Adult. The Practice has average gross revenues of over $266,000 the last three years (2017-2019), with 2019 gross revenues over $300,000. 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.

www.grandronde.org or visit our website: https://www.grandronde.org/govern ment/tribal-court/court-programs/.

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of over $1,600,000 the last three (3) years (2017-2019). Even more, in 2019 the gross revenues were over $1,800,000! This successful firm has substantial advance fees in trust. The Practice employs two (2) attorneys in addition to the partners, seven (7) paralegals, three (3) full-time administrative staff, and one (1) part-time support staff. If you are interested in exploring this opportunity, would like the freedom to be your own boss and/or increase your current book of business substantially, then this is perfect for you. Contact info@privatepracticetransitions.com or call (253) 509-9224.

KING COUNTY PRACTICE SPECIALIZING IN MARIJUANA LAW with a stellar reputation within the community. In 2019, the Practice brought in over $750,000 gross receipts. The practice/case breakdown by revenue is 75% Cannabis Business Counsel, 15% Personal Injury and 10% Business Counsel. The Practice is located in a modern and thoughtfully designed, fully-furnished 3000SF office space that the Practice leases. The Practice employs seven (7) employees: four (4) attorneys including one licensed patent agent, (2) legal professionals, and (1) front desk person. If you are interested in exploring this opportunity, call or email us to set up a viewing or to learn more about this Practice. Email “King County Practice Specializing in Marijuana Law” to info@privatepracticetransitions.com or call (253) 509-9224.

LAW FIRM WANTED – Current seasoned in-house counsel seeks to purchase business law or other transactional firm. Preference in Seattle, Portland metro or virtual. Please contact me at nwlawfirmad@gmail.com.

PROFITABLE NORTHWEST ORION LAW PRACTICE located in Marion County. The Practice was established in 1991 and has a practice/case breakdown by revenue of 34% Probate and Trust Administration, 30% Estate Planning, 20% Real Estate Transactions, and 10% Business Law and Contracts. The Practice is completely turn-key and has a strong client base. If you are interested in exploring this opportunity, would like the freedom to be your own boss and build upon a thriving practice, then this practice is perfect for you! Email info@privatepracticetransitions.com or call (253) 509-9224.

PROFITABLE PIECE COUNTY LAW PRACTICE that has been a staple in Pierce County for over 20 years. In 2019, the Practice brought in over $700,000 in gross receipts! The practice/case breakdown is 35% Real Estate, 30% Residential, Commercial, Corporate, Employment, and General Litigation, 20% Personal Injury including Wrongful Death, 10% Business Formation, and 5% Other. The Practice is located in a 2,500 SF fully furnished office that is also available for sale, if desired. If you are interested in exploring this opportunity, would like the freedom to be your own boss and/or increase your current book of business substantially, then this is perfect for you. Email info@privatepracticetransitions.com or call (253) 509-9224.

PROFITABLE SNOHOMISH COUNTY PERSONAL INJURY PRACTICE that has been in business for more than 27 years. The practice/case breakdown by revenue is approximately 95% Personal Injury and 5% Other. The Practice is located in a 1,022 SF fully furnished office that is also available for sale, if desired. Contact info@privatepracticetransitions.com or call (253) 509-9224.

REAL ESTATE LEGAL PRACTICE WITH TWO LOCATIONS is headquartered in the fastest growing metro area in the fastest growing state (Idaho). This real property law firm has two locations (Spokane and Coeur d’Alene), three attorneys, three support staff, and average gross revenues over $625,000 the last three years (2017-2019). For more information on this turn-key practice, contact info@privatepracticetransitions.com or call (253) 509-9224.

SUCCESSFUL KING COUNTY INSURANCE DEFENSE PRACTICE that is located in the heart of Seattle and had 2019 gross revenues of $1,300,000. The Practice was established in 2006, has a great reputation in the legal community, and has five (5) total employees, including the owner. Contact info@privatepracticetransitions.com or call (253) 509-9224.

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

THRIVING GRANTS PASS OREGON FAMILY LAW PRACTICE with cases in Josephine and Jackson Counties. The owner has built a firm with a stellar reputation and desires to sell the business as a turnkey operation in order to retire. The average gross revenue for the past two (2) years is over $530,000, and the 2019 Seller’s Discretionary Earnings (SDE) was over $350,000! The practice/case breakdown is 100% Family Law. The Practice was established in 1975 and is located in a desirable, fully-furnished office. The Practice employs three (3) staff, including the owner. Email info@privatepracticetransitions.com or call (253) 509-9224.

THRUNING STEVENS COUNTY PERSONAL INJURY & FAMILY LAW PRACTICE that was established in 2009, has a strong client base, and brought in over $855,000 in gross revenue in 2018. The practice/case breakdown by revenue is approximately 48% Personal Injury, 43% Family Law, and 9% Other (Estate Planning, Probate, General Litigation, etc.). The Practice employs six (6) people: one (1) owner/attorney, one (1) associate attorney, three (3) legal assistants, and one (1) office administrator. Contact info@privatepracticetransitions.com or call (253) 509-9224.

THRUNING & WELL-ROUNDED PIERCE COUNTY LAW PRACTICE that has been a staple in Pierce County for over 20 years. The Practice is absolutely thriving with average gross revenues over $1.6 Million the last three years. The practice/case breakdown is 30% Trusts, Estates & Probate, 15% Business Formation, 15% Plaintiff Personal Injury, 15% Commercial & Corporate Litigation, 8% Real Estate, 7% Municipal, and 10% Other. Contact info@privatepracticetransitions.com or call (253) 509-9224.

WASHINGTON MEDICAL MALPRACTICE LAW FIRM with average gross revenues of over $1,600,000 that last three years (2017-2019), and weighted Seller’s Discretionary Earnings (SDE) of over $1,200,000. This successful firm is completely turn-key and employs five (5) staff, including the owner. The firm’s processes are very well documented, and the practice uses Google Suite allowing for easy remote access. If you are interested in exploring this opportunity, would like the freedom to be your own boss and/or increase your current book of business substantially, then this is perfect for you. Email info@privatepracticetransitions.com or call (253) 509-9224.

RECREATIONAL RENTALS

KIHEI, MAUI, HAWAII – Large oceanview 1BR-2BA condo, LR sofa/sleeper, two pools/spas, tennis, across from beach. Attorney discounts. ms@atterwyme.com (503) 291-1423; Video: https://www.youtube.com/watch?v=txEUMzELE – Pictures: sansmandmireidaho@gmail.com.

KONA, HAWAII – Lovely oceanfront 1 BR condo. Large MBR, vaulted ceilings, great view. Tennis, oceanside pool and spa, walk to town (503) 780-3139. For photos, email: nanevin@aol.com.

OCEANSIDE – Beach house on cliff side overlooking ocean and Netarts Bay. 3 bedrooms and 3 baths, 4 decks, fireplace, spa tub, washer/dryer, and fully equipped kitchen. $175 per night, $1000 weekly rate plus $125.00 cleaning fee. ASK ABOUT WINTER RATES. Contact Mary at mexmary@comcast.net or (503) 784-5277.

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PARTING THOUGHTS

Mindfulness in Litigation

By Richard G. Spier

Before I started my full-time practice as arbitrator and mediator (and for several years now, just mediator), my law practice was 100 percent civil litigation, in state and federal courts. Responding to unwelcome, stressful surprises was a constant part of the job.

You know what I’m talking about:
• The combative opposing counsel, making threats on the phone or by email;
• The unanticipated legal argument in a motion or response;
• The angry client;
• The possibly missed deadline; or
• The trial or hearing that seems to be going down the drain.

How can we avoid harmful overreaction and effectively deal with unexpected problems, even those requiring almost immediate action?

Recently, I got to thinking about some of my real-life experiences involving professionals other than lawyers who seemed to quickly — but also effectively and calmly — deal with even life-threatening emergencies. “Mindfulness” has become a cliché these days, but these professionals show that there is real benefit to a mindful response to stressful or emergency circumstances.

The Firefighters

While at home, I heard sirens nearby and smelled smoke. Going outside, I realized that there was a house fire around the corner, and joined the crowd of onlookers. It was a bad fire. The house seemed to be almost fully engulfed. One firefighter carried out an injured occupant.

Then I saw two firefighters approach the house carrying lightweight ladders, with axes on their belts. When they got to the house, they placed the ladders against the front wall, climbed to the roof and chopped holes to ventilate the house.

But they seemed to be walking so slowly. To me, they were almost floating to the house, rather than running as I would have expected.

I realized later that a video of them would have showed that they were moving reasonably fast. But what they were also doing was mindfully and constantly assessing the situation. Each movement was considered and measured. They didn’t want to fall. They didn’t want to land on a portion of the roof that was in flames. They mindfully considered each step.

The Doctor

We had some people over for dinner. I was washing dishes by hand, forgot that I had put a sharp carving knife in the wash pan and was distracted while turning and talking with the group in the kitchen. Suddenly felt excruciating pain, pulled my hand out of the water and saw what I thought was a fountain of blood (actually, only a little blood, but it looked bad when mixed with the dripping, soapy dishwater), and I screamed in horror.

Did I cut off my finger?

A medical doctor (who happened to be my wife) was startled by my scream. She looked up, stopped what she was doing and then very slowly walked toward me. In the moment, I wondered why she was taking so much time to respond to what I thought was a medical emergency.

Again, I realize now that a video would have shown that she was moving reasonably quickly, but mindfully and with care. She wanted me to calm down, and she was assessing whether or not this was a true emergency (commensurate with my scream) or a painful but minor cut (which ultimately required a bandage at home and one stitch at the ER).

The U.S. Navy Ship Captain

During the Vietnam War, I served as a U.S. Navy line officer aboard the USS Floyd B. Parks (DD884), a World War II-era destroyer. One morning, I was on the bridge while the Parks was steaming into Subic Bay in the Philippines. I had “the conn,” meaning that I was directing the headings and speed of the ship as we threaded our way into the harbor. Also on the bridge was our commanding officer, Commander James M. McCulloch, U.S. Navy.

I guess I lost concentration, because at one point, I heard Captain McCulloch slowly and calmly say, “Rich, if you keep heading this way, we’re gonna run aground.” I then saw that we were approaching some hills that came down to the water, and ordered “left full rudder.”

Disaster had been imminent, and Captain McCulloch was waiting to see if I realized it, which I hadn’t. But did he overreact? Did he raise his voice? Did he convey fear or anger? Did he even criticize me later? None of those. He was always in control, always mindful, and he seized the opportunity for a teaching moment.

We Lawyers

What’s the lesson? When things seem to be going wrong in litigation, stop and mindfully assess the situation.

Pause a moment (or a minute, or a day, if time permits) and seek full awareness of the situation before reacting. Don’t do or say something you’ll regret. Listen before attacking. Let the email sit awhile before sending it. Take a breath before responding to the belligerent lawyer on the phone. Read the motion slowly, then read it again. Sit calmly in the courtroom when things seem to be going sideways.

Be aware before you react.

Richard G. Spier is a full-time mediator in Portland and a former president of the Oregon State Bar. Reach him at rspier@spier-mediate.com.
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