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Lewis & Clark Law School Professor Aliza Kaplan (front) and her Criminal Justice Reform Clinic’s Ramos Project team are working to ensure that everyone with a nonunanimous jury conviction has access to the courts, assistance with filing and information related to the U.S. Supreme Court’s recent Ramos decision. As freelance writer Len Reed reports in the story that begins on Page 18, it’s all part of an effort to address the repercussions of a law that was deeply rooted in Oregon’s racist past.

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FROM THE EDITOR

Making Compliance a Treat

By Gary M. Stein

Mandy Collingham, the division’s management assistant, agrees.

“We would have to send multiple reminders, copy management on those emails and even in a few cases submit our division’s forms without a few attorneys,” Collingham says. “Eventually, they got them turned in, but it was a nightmare. Neither Phyllis nor I looked forward to this time of the year.”

Cue the cinnamon bombs.

“In 2017, I felt like I needed to come up with a plan to collect all the forms without all the resistance I was getting,” Nelson says. “I had all summer to come up with a plan, and one day it came to me that I should run a contest among the seven sections.”

She told her brother, who owns a trophy shop, what she was trying to accomplish, and he agreed to create an award for the winning section. “He thought it was a great idea,” she says. “He gave me a trophy for free, and he also engraves it free of charge for me.”

She also decided to offer an additional incentive.

“I decided I would bake some treats to accompany the trophy, along with a thank-you card for the section that won the contest,” she says. In the first year, the treat was Carmel Apple Cinnamon Roll Lasagna. The second year it was a cake, and the third year was the aforementioned Apple Carmel Cinnamon Bombs.

Needless to say, the reactions have been overwhelmingly positive — although it’s not quite clear whether it’s the trophy, the baked goods or just the spirit of competition that gets folks excited.

“We don’t tell them when a section has completed turning in all the forms, and Phyllis does not announce the winning section until we have all the forms from the entire division,” Collingham says. “It is quite funny, because they try to trick her into telling them what forms are still missing from their sections and also who won. We have to lock up the book because they try to come take a peek.

“Phyllis is very smart and doesn’t spill the beans, but she does egg them on along the way,” Collingham adds. “At the end, she sends a blank email that just says ‘And The Winner Is,’” and then waits 10-15 minutes to send out another that actually announces the winner.”

Collingham and Nelson both think the attorneys like the idea of sections competing against each other, with the bonus of a...
Who will win the trophy this year for being the first section in the Oregon Department of Justice’s General Counsel Division to turn in all of its regulatory compliance paperwork? More importantly, what kind of baked goods will accompany the award?

Trophy and treats are awarded at the victorious section’s meeting right after all of the forms are turned over to ODOJ’s Administrative Services department — typically in mid-December. Nelson says she hasn’t decided what this year’s treats for the winning section will be. But she is sure of one thing.

“Since I started this, the responses to me have been so much better,” she says. “I now enjoy collecting the forms from the attorneys.”

***

Compliance season is well underway, of course. MCLE information was sent to OSB members in late October, with PLF assessments set to follow before Thanksgiving and the first notice for bar fees and IOLTA payments scheduled for the first week of December. Note:

- The first official default date for PLF assessments or requests for exemption is Jan. 11, 2021; a $100 late fee will be assessed on Jan. 12. Members who fail to pay their PLF assessment or fail to file a proper exemption will have 60 days from the official default date before they are suspended from the Oregon State Bar. More information is available online at osbplf.org/assessment-exemptions/overview.html

- Bar membership fees and IOLTA forms must be submitted by Feb. 1, 2021. Late fees of $100 for active members and $50 for inactive, retired and pro bono members will be added to the membership fee on Feb. 2; if not paid by April 1, suspension begins April 2. For more on IOLTA reporting, go to osbar.org/IOLTA; for details on membership fees, visit osbar.org/fees/FeeFAQ.html.

- Pursuant to a recent Supreme Court order, the deadline to complete required MCLE credits has been moved from Dec. 31 to April 30. This change is permanent and will apply to all future reporting seasons. The new MCLE deadline for all active bar members in all reporting cycles to electronically certify and submit reports is May 31. If you are sent a notice of noncompliance and the noncompliance is not cured by the deadline specified in the notice, the MCLE program manager will recommend to the Supreme Court that you be suspended from membership. If you have questions about MCLE deadlines and reporting instructions, visit osbar.org/mcle/index.html or email mcle@osbar.org.

Reach Editor Gary M. Stein at (503) 431-6391 or gstein@osbar.org.
LETTERS

‘A Remarkable Leader’

After 27 years on the U.S. Supreme Court, Justice Ruth Bader Ginsburg, a brilliant jurist and beloved role model, has died. This devastating news was deeply felt by current and former judges across America, including by us, women who have served the state of Oregon as judges. From her inspiration over these many decades, each of us has drawn courage and strength to overcome challenges in pursuing a legal career and to answer the call to the bench.

Justice Ginsburg was a remarkable leader and steadfast advocate for women’s rights and equal rights for all, and in her measured but zealous and persistent manner she paved the way for all of us who followed. She demonstrated an unwavering commitment to the rule of law, engaged in tireless efforts to achieve justice, and she exhibited grace and civility in all these endeavors.

These traits enabled her to see the humanity in all and work amicably with others despite differing views of applicable law. Her written and spoken words were approachable in a way that made the law accessible to all.

Justice Ginsburg’s integrity and openness contributed to public confidence in the justice system, and she was very generous with her time as a speaker. It is difficult to accept her death. But on behalf of 99 current and former women judges of the Oregon Supreme Court, Oregon Court of Appeals, circuit courts from counties around the state and the U.S. District Court of Oregon, we will go forward by striving to live up to the legacy Justice Ginsburg has left to guide us.


Expand the Celebration

OSB member Sandra Smith Gangle proposed expanding the annual “Celebrate Oregon Lawyers” event from 50-year members to include 40-year members (“Letters,” April 2020). She pointed out that many women were unable to complete law school and start their legal careers until their 30s and might not live long enough to participate in a 50-year celebration.

I support her proposal.

A 50-year celebration is effectively limited to bar members who were fortunate enough to have graduated from high school around age 18, completed college around 22, graduated from law school around 25, passed the bar exam around 25 and then lived the next 50 years to age 75. A 40-year celebration would be open to members generally age 65 and older. Many members retire around 65, which could make the “Celebrate Oregon Lawyers” event a capstone for them.

The bar’s celebration is essentially a reunion of bar members, where they can reminisce and applaud each other’s accomplishments. Forty-year bar members who are 65-75 may be more available and interested in coming together than those age 75 and older. While golden wedding anniversaries occur at 50 years, a bar celebration of long-term members can occur before five decades have passed.

The celebration is based on longevity. Let’s expand it to include 40-year members.

William Greer, Portland

Editor’s note: Bar CEO Helen Hierschbiel says the OSB will indeed include 40-year members in its Celebrate Oregon Lawyers event, beginning in 2021. “I think it is a nice idea,” she wrote to William Greer and Sandra Smith Gangle, “and I appreciate you bringing it up.”

Welcome to the Bar

Nathaniel Woodward’s letter (August/September 2020) brought into focus the many challenges overcome and still facing the class of 2020.
As a member of the Oregon and Washington bars, I’ve practiced with and against hundreds of lawyers over the past 35+ years. The vast majority are dedicated professionals who work hard on behalf of their clients and our profession. That said, I’ve also encountered dozens who are lazy, incompetent and/or unethical, all of whom presumably passed one or more bar exams, which did nothing to “filter” our profession or protect their clients.

No asterisk necessary, Mr. Woodward. Welcome to the bar.

Joel Delman, Seattle, Wash.

Facing Witnesses

It is true, as stated in “Bring in the Jury” (August/September 2020), that having witnesses remove their masks during jury trials in the COVID-19 era “so defendants can see witnesses face to face” helps “ensure (defendants’) Sixth Amendment rights.”

However, the Sixth Amendment simply provides the accused with the right “to be confronted with the witnesses against him” It is Article I, Section 11 of the Oregon Constitution that expressly guarantees to the accused the right “to meet the witnesses face to face.”

Little did the framers of the Oregon Constitution anticipate how literally that provision would have to be applied!

Municipal Court Judge Chris Dunfield, Corvallis

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Ball Janik’s Hall Helps Team Restore Power, Connectivity

Ball Janik Partner Damien R. Hall knows that in a time of uncertainty, internet connectivity and electrical power have become even more critical for work, education and staying in touch with loved ones. So when the Holiday Farm Fire burned more than 27 miles of fiber optic lines in the McKenzie River Valley in September, Hall stepped up to provide pro bono services and partnered with Elevate Technology Group to help restore Wi-Fi and emergency management services to the impacted area.

Elevate worked around the clock with community volunteers to help restore services and connections between equipment in the area that impacted functioning communication towers several miles away. Hall contributed his expertise related to connectivity while waiting for licensed and franchised telecommunication carriers/cable providers to restore normal infrastructure.

To learn more about the effort, visit balljanik.com/4672-2.

Juvenile Defender Center Assesses Oregon’s System

The National Juvenile Defender Center recently released a report called “Advancing Youth Justice: An Assessment of Access to and Quality of Juvenile Defense Counsel in Oregon.” Among the findings: Black youth in the state are more than 2.5 times more likely to be referred to juvenile authorities than white youth.

Native youth are 1.5 times more likely than white youth to enter the juvenile justice system, the report found. Black and Native youth are more than 2.5 times more likely to be sentenced to secure correctional facilities than white youth. And Black youth are 4.5 times and Hispanic youth are 2.5 times more likely to be transferred to adult court than white youth.

Native youth are 1.5 times more likely than white youth to enter the juvenile justice system, the report found. Black and Native youth are more than 2.5 times more likely to be sentenced to secure correctional facilities than white youth. And Black youth are 4.5 times and Hispanic youth are 2.5 times more likely to be transferred to adult court than white youth.

Those racial disparities exist at every decision point in the juvenile court process, according to the report, which calls for juvenile defenders and all juvenile court stakeholders to fight against systematic disparate treatment of youth of color.

“...and the findings in this report that we need to continue to take steps to ensure justice for children,” Chief Justice Martha L. Walters says. “The judicial branch’s two-year strategic campaign, issued in January 2020, includes a commitment to address many of the concerns noted in the report, and we intend to work with the Legislature to accomplish our mutual goals.”

To read the full report, go to tinyurl.com/AdvancingYouthJustice.

Willamette Law Partners With University of Alaska Southeast

Willamette University College of Law has announced an admissions program benefiting students from the University of Alaska Southeast (UAS). The new 4+3 Direct Admission Program allows undergraduate UAS students and alumni to be admitted to Willamette Law based on certain academic credentials.

The 4+3 Direct Admission Program includes four years of study at UAS and three at Willamette Law. Students admitted to the program are guaranteed a $10,000 scholarship, renewable each year they are enrolled at Willamette Law in good standing.

There is no Alaskan law school, so Willamette has long filled the gap for students in the 49th state. Many prominent Alaska

By the Numbers

Telecommuting

For many lawyers, COVID-19 has made working remotely a commonplace occurrence. But that’s a big change from just a year ago, according to the ABA 2019 Legal Technology Survey Report, which found that only about 55 percent of legal professionals telecommuted in any significant way before the pandemic struck. For those who did, though, these were their favorite alternatives to the office:

88% Home

26% Hotels

23% Vacation Homes

21% Coffee Shops, Cafes and Other Public Places

14% Other Offices

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Quotable

“For the first time, there was a clear recognition by the federal government that the rights of people with disabilities, whether that be an employment setting, in a public setting or even at a college and university, that we have rights and we can no longer be segregated and discriminated against.”

— Emily Cooper, legal director for the nonprofit Disability Rights Oregon, marking the 30th anniversary of the Americans with Disabilities Act. The bill was signed into law on July 26, 1990, by President George H.W. Bush, who announced: “Let the shameful wall of exclusion finally come tumbling down.”

Source: Portland Tribune (Oct. 7, 2020)
Understand the Duties that Arise from Consultations

Meeting Prospective Clients

By Sarra Yamin

A recent Bar Counsel article ("A Vacation from Ethics?" August/September 2020) included a question that touched upon prospective client conflicts. Here we will delve more deeply into the duties owed to prospective clients under ORPC 1.18.

Keep Expectations Clear

A prospective client is a person who consults with a lawyer about the possibility of forming a client-lawyer relationship. While this may seem like common sense, it is best not to assume that all parties to an interaction share this understanding of the relationship.

A prospective client is not the same thing as a client. The barista who chats about her recent car accident with a lawyer-customer while foaming milk, however, may think of herself as a client or a prospective client. More commonly, the prospective client who meets with an attorney once may believe that an attorney-client relationship has been formed, even if that is not the case.

Oregon’s “reasonable expectations” test determines an individual to be a client if the person has a reasonable expectation under the circumstances that such a relationship exists. In re Weidner, 310 Or 757 (1990).

Although there is some overlap between duties owed to clients and those owed to prospective clients, the duties are not coextensive. For instance, the special rule on prospective clients, RPC 1.18, is a useful ethics rule in part because it allows for attorneys to undertake representation in specific circumstances that other conflict rules, such as RPCs 1.7, 1.9 and 1.10, would otherwise prohibit if an attorney client relationship existed.

As such, to ensure that the rule on prospective clients will apply, a savvy attorney should strive to keep a prospective client’s expectations clear by explicitly informing them that they are a prospective client, and refraining from providing the prospective client with legal advice.

Further, if no attorney-client relationship results from the consultation, the attorney should make sure to return any copies of documents the prospective client shared, and send a non-representation letter clarifying that there is no attorney-client relationship. The Professional Liability Fund’s website helpfully offers sample non-representation letters for Oregon lawyers seeking a form.

Duties Owed to Prospective Clients: Confidentiality

Rule 1.18 identifies two duties owed to prospective clients: confidentiality and avoidance of conflicts. The confidentially provision, RPC 1.18(b), is the more familiar of the two, as it applies to prospective clients the same confidentiality duties owed to former clients under RPC 1.9.

To fully understand the contours of the duties at issue, however, requires a bit of flipping through the pages of the Oregon Rules of Professional Conduct.

First, when outlining the duty of confidentiality to prospective clients, RPC 1.18 refers back to the protections afforded by RPC 1.9. RPC 1.9(c) states:

A lawyer who has formerly represented a client in a matter or whose present or former firm has formerly represented a client in a matter shall not thereafter: (1) use information relating to the representation to the disadvantage of the former client except as these Rules would permit or require with respect to a client, or when the information has become generally known; or (2) reveal information relating to the representation except as these Rules would permit or require with respect to a client.

Generally speaking, otherwise confidential information may only be disclosed with a prospective client’s informed consent, RPC 1.6(a), or when a specific exception to the duty of confidentiality applies. RPC 1.6(b).

RPC 1.9(c) also contains the term “information relating to the representation of a client,” which RPC 1.0(f) defines to include attorney-client privileged information, as well as other information gained in the professional relationship that the client has requested be held in confidence, the disclosure of which would be embarrassing to the client or the disclosure of which would likely be detrimental to the client. This definition of protected information, therefore, is bootstrapped into the duty of confidentiality to prospective clients required by RPC 1.18(a).
Duties Owed to Prospective Clients: Avoidance of Conflicts

The remainder of RPC 1.18 relates to how to recognize, avoid and address conflicts that could arise due to prospective clients and legal consultations. It is important to begin with the foundational understanding that consultation alone can give rise to a conflict of interest.

Imagine, for instance, that theoretical spouses A and B are separating and each wants custody of their shared child. Spouse A approaches Lawyer X regarding possible representation, but eventually decides to retain someone else. When Spouse B later asks Lawyer X to modify the custody orders regarding the same child, Lawyer X will need to consider whether the prior consultation with Spouse A creates a conflict of interest.

Under RPC 1.18(c), Lawyer X may be permitted to represent Spouse B, in the same or a substantially related matter, so long as Lawyer X did not receive information from Spouse A that could be significantly harmful to Spouse A in the matter. Now, if Lawyer X is the cautious type, with plenty of work to pay the bills and a preference for avoiding drama, she may choose not to enter into this analysis. After all, folks rarely take kindly to seeing their opposing party represented by a lawyer they previously consulted, and they often assume it’s not permitted. But regardless of whether Lawyer X would be allowed under the rules to take on Spouse B as a client, she may have to deal with a motion for her disqualification before the court, or a complaint to the bar delving into application of the rule to the nuances of the specific situation.

What a party believes might be significantly harmful to their case may be much broader than what the attorney believes to be so, and may depend on information beyond the scope of the initial consultation. The rules do not require Lawyer X to consult with Spouse B, and Lawyer X is entitled to use her own best professional judgment. However, if Lawyer X wishes to proceed, she may yet again find value in recalling her obligations to former clients under RPC 1.9.

Though RPC 1.18(c) does not specifically point to the rule, the term “substantially related matter” is defined in RPC 1.9(d). Other jurisdictions have looked to their equivalent former client conflict rules in considering whether a matter was

The primary difference between the conflict analysis applied to former clients under RPC 1.9 and one applied to prospective clients under RPC 1.18 is that an attorney is only disqualified under 1.18 if they received information that might be “significantly harmful” to the prospective client, a narrowing distinction not applied to former client conflicts.

Whether information could be significantly harmful to the prospective client is fact-dependent. In addressing that issue, other states have considered whether the information is publicly available; would likely be disclosed in discovery; relates to motives, strategies or weaknesses; or has the potential to impact settlement proposals. See e.g., Disciplinary Bd. of the Supreme Court v. Carpenter 863 N.W.2d 223 (N.D. 2015).

Screening

For the sake of our hypothetical, we will assume that Lawyer X did receive information that could be significantly harmful to Spouse A and is disqualified from the representation.

For instance, let’s presume that Spouse A disclosed an ongoing, debilitating illegal substance use issue and confessed it was completely undermining Spouse A’s ability to care for children. Let’s also presume that Spouse A had successfully hidden the issue from Spouse B. Lawyer X would conclude that the two matters are substantially related, and that information gained from Spouse A may be significantly harmful to Spouse A’s ability to maintain custody or parenting time in the custody modification matter against Spouse B.

If Lawyer X is a solo practitioner, the analysis stops here (unless both spouses are willing to waive the conflict). RPC 1.18(d) (1). However, if our Lawyer X is a part of a law firm that also includes Lawyer Y, representation by another member of the firm may be possible under RPC 1.18(d) (2). Specifically, Lawyer Y would be able to represent Spouse B if:

“(2) The lawyer who received the information took reasonable measures to avoid exposure to more
disqualifying information than was reasonably necessary to determine whether to represent the prospective client; and

(i) The disqualified lawyer is timely screened from any participation in the matter; and

(ii) Written notice is promptly given to the prospective client.”

While Lawyer Y and Spouse B may be pleased to find that there is a way for the firm to take on the representation, it is worth spending a little time parsing the language of 1.18(d)(2) before jumping in head-first.

In order to take advantage of this provision, the firm must have engaged in some pre-planning, before Spouse A even comes through the door, to identify and implement reasonable measures to limit the information received from prospective clients through its client intake system. In this case, the firm has tailored the questions included on its intake forms, engaged in a firm-wide discussion about consistent intake practices and provided information to prospective clients about the reasons for limiting the information collected during a consultation.

Once the firm has implemented reasonable measures required for compliance with RPC 1.18(d)(2), how and when does Lawyer Y determine that Lawyer X took reasonable measures to avoid exposure in this particular case? Assuming a well-functioning system for checking conflicts, this should occur before Spouse B has her initial consultation.

The firm must also determine what procedures are reasonably adequate under the circumstances to isolate Lawyer X from participation in the matter and protect the information that Lawyer X is obligated to protect. RPC 1.1(n). While screening measures are not explicitly prescribed by the ORPCs, the duty not to communicate about the matter, as well as any other screening measures, should be clearly understood by both the screened attorney and any attorneys working on the matter.

Other appropriate screening measures may include restricting access to firm files and circulating written notice and instructions to all firm personnel regarding the screening, among others. See “Don’t Forget to Shut the Screen Door,” by Amber Hollister (Oregon State Bar Bulletin, June 2016).

Lastly, we turn to compliance with the notice requirements of RPC 1.18. Here ABA Model Rule Comment 8 provides guidance: “Notice, including a general description of the subject matter about which the lawyer was consulted, and of the screening procedures employed, generally should be given as soon as practicable after the need for screening becomes apparent.”

With attention to the requirements of the rule, thoughtful consideration of firm practices and effective expectation setting, the firm can navigate RPC 1.18 to avoid not only conflicts, but unnecessary headaches as well.

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ENDNOTES

1. This type of one-directional interaction without a reasonable expectation that the lawyer is willing to discuss the possibility of representation does not fall within the rule. Comment 2, ABA Model Rule 1.18.

RBG’s Lessons on Writing and Collegiality

In Her Own Words

By Suzanne E. Rowe

Each of us grieves in an individual way. When U.S. Supreme Court Justice Ruth Bader Ginsburg died on Sept. 18, I reached for a book. “My Own Words” is a collection of the justice’s writing over 75 of her 87 years, and it provided me solace and inspiration over that dark weekend and in the weeks since.

Written with Mary Hartnett and Wendy W. Williams, the book includes the expected — and still exceptional — excerpts from Justice Ginsburg’s lectures, briefs and opinions. She aimed to follow that guidance, plying her craft with care. “I try to give people the picture in not too many words,” she writes, “and I strive to find the right words.” She also appreciated that care in other writers: “… I notice with pleasure when an author has chosen a particular word, a particular place, for the picture it will convey to the reader.”

Justice Ginsburg sometimes had help in finding the right word. During her Supreme Court confirmation hearing, she related how her secretary had encouraged her to use gender discrimination rather than sex discrimination. “Let me tell you,” the secretary explained, “the audience you are addressing, the men you are addressing … the first association of that word is not what you are talking about.” She suggested the “grammar-book term” gender instead of sex, to avoid distraction.

Keep it tight: In the same confirmation hearing, the nominee Ginsburg quoted retiring Justice Byron White, whose seat she would fill, on judicial writing. White said that Supreme Court opinions should be “clear and crisp, leaving as little room as possible for disagreement about their meaning.”

She summed up her goal for writing opinions this way: “If confirmed, I will take that counsel to heart and strive to write opinions that both ‘get it right’ and ‘keep it tight.’”

Writing is hard: Justice Ginsburg’s work ethic is well known and intimidating to those of us who require sleep. “Work at the U.S. Supreme Court is ever challenging, enormously time consuming, and tremendously satisfying,” she writes. “We are constantly reading, thinking, and trying to write so that at least lawyers and other judges will understand our rulings.”

She recognized that lawyers and legislators don’t always meet that goal, describing ERISA as a “candidate for the most inscrutable legislation Congress has ever passed.”

Memorable words work: Her co-authors describe Justice Ginsburg’s voice, whether in written opinions or in speaking engagements, as “modest and measured” with a “distinctive” style. Further, “her point is often captured in a memorable quotation from someone else or a notable and quotable pithy quip of her own.”

In the latter category, I place her vivid imagery in her dissent in Shelby County v. Holder: “Throwing out preclearance (of proposed voting law changes) when it has worked and is continuing to work to stop discriminatory changes is like throwing away your umbrella in a rainstorm because you are not getting wet.”

RBG on Feedback

Throughout “My Own Words,” Justice Ginsburg returns to the theme of feedback. She recognizes that constructive criticism strengthens analysis and writing. She embraces what I often tell my students, that the critique is not personal but professional; it’s not about the individual but the idea.

Questions before the Supreme Court rarely have easy answers, but “by reasoning together at our conferences,” the justice writes, “and with more depth and precision, through circulation of, and responses to, draft opinions, we ultimately agree far more often than we divide sharply.”

A chapter on the Court’s “workways” includes several pages about how judicial opinions are strengthened by comments...
from other justices.15 “In truth, much more often than not, my colleagues’ comments help me to improve an opinion,” Justice Ginsburg writes. “And there is nothing better than a good dissent to force one to sharpen her presentation for the Court.”16

(I noted with pleasure that the justice often preferred “she” as the third person singular pronoun, especially when talking about judges. When I was in law school, “she” never referred to lawyers and only reluctantly referred to judges after Justice Sandra Day O’Connor joined the bench.)

Notwithstanding their differences in ideology and style in writing dissents, Justice Ginsburg included among her fond memories of Justice Antonin Scalia his dissent in the VMI case.17 She wrote the majority opinion, holding that exclusion of women from the Virginia Military Institute violated equal protection. Justice Scalia gave her a draft of his dissent a bit in advance so that she would have more time to answer his critiques of her opinion.18

“My final draft was more persuasive thanks to Justice Scalia’s searing criticism,” she writes. “Indeed, whenever I wrote for the Court and received a Scalia dissent, the majority opinion ultimately released improved on my initial circulation. Justice Scalia homed in on the soft spots, and gave me just the stimulation I needed to strengthen the Court’s decision.”19

Displaying her sense of humor, Justice Ginsburg notes that occasionally not having time for feedback is advantageous. She had fewer than 15 hours to write her remarks for the Rose Garden ceremony where President Bill Clinton introduced her as the Supreme Court nominee. He had called her with his decision at 11:30 p.m. the night before, after staying up late to watch a basketball game. The ceremony was at 2 p.m.

Without input from speechwriters or administrative officials, she showed her remarks to the president just minutes before delivering them. In those remarks, she offered heartfelt thanks, provided a quick history lesson, shared a story of her granddaughter and the first lady singing a toothbrush song in nursery school, and saluted her mother, who did not live “in an age when women could aspire and achieve, and daughters are cherished as much as sons.”20 Her words left the president and many others in tears.

RBG on Collegiality

“My Own Words” makes clear the value Justice Ginsburg placed on collegiality.

In her confirmation hearing, she quoted an Irish justice: “Courtesy to and consideration for one’s colleagues, the legal profession, and the public are among the greatest attributes a judge can have.”21 In remarks about Justice Sandra Day O’Connor, she said, “Collegiality is key to the effective operation of a multi-member bench.”22

Collegiality existed for Justice Ginsburg despite ideology, and the book makes clear that she particularly valued collegiality across ideological lines. Her friendship with Justice Scalia is legendary, and of course operatic. She called Chief Justice William Rehnquist “hands down the fairest and most efficient” boss she’d had.23

She took issue with dissents that castigate colleagues on the bench. And while she didn’t name names, she did use the dissenters’ own words as examples of failed collegiality. I am not so kind, and I suggest the authors should be recognized for the caustic atmosphere their words created:

- “Orwellian” — Justice Anthony Kennedy;
- “Profoundly misguided” — Justice John Paul Stevens;
- “Not to be taken seriously” — Justice Antonin Scalia; and
- “A jurisprudential disaster” — Justice Antonin Scalia.

As ever, Justice Ginsburg included examples across the ideological spectrum, and examples from both concurring and dissenting opinions.24

RBG on RBG

Justice Ginsburg describes her own writing this way: “I prefer and continue to
aim for opinions that both get it right and keep it tight, without undue digressions or decorations or distracting denunciations of colleagues who hold different views."

As the justice concludes at the end of many speeches and many chapters of “My Own Words,” I can only say, "I concur."

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ENDNOTES

2. Id. at xvii.
3. Id. at 20.
4. Id.
5. Id. at 188. This secretary is named in the book only as Millicent, but I noted that, in introductions before delivering her opening statement to the Senate Judiciary Committee, Justice Ginsburg thanked not only family, but also “my friends, my law clerks, my secretaries.” Id. at 180.
6. Id. at 187.
7. Id. at 63.
8. Compare the justice as presented at page 194, working until 4 a.m., with mere mortals.
9. Id. at 59.
10. Id. at 90.
11. Id. at 193.
13. I note that, as a law professor, she incorporated skills into her courses, requiring students to write briefs and engage in the legislative process. Ginsburg, supra n.1, at 114-15.
14. Id. at xx.
15. Id. at 212.
16. Id.
19. Id. at 40.
20. Id. at 177.
21. Id. at 187.
22. Id. at 89.
23. Id. at 195.
24. In her Madison Lecture, she provided a longer list of “intermediate denunciations”: folly, ludicrous, outrageous and inexplicable. The opinions containing these adjectives were written by Justices White, Scalia and Blackmun. Id. at 236. Her friend Justice Scalia appears most often on these lists.
Focus in Oregon Shifts to Reviewing Cases and Addressing Implicit Bias

— By Len Reed
Reviewing Cases As Among Jurors
n April of this year, the U.S. Supreme Court issued a decision in *Ramos v. Louisiana* that ended nonunanimous jury verdicts in state criminal courts.\(^1\)

“Wherever we might look to determine what the term ‘trial by an impartial jury trial’ meant at the time of the Sixth Amendment’s adoption — whether it’s the common law, state practices in the founding era, or opinions and treatises written soon afterward — the answer is unmistakable,” Justice Neil Gorsuch wrote for the 6-3 majority.\(^2\) “A jury must reach a unanimous verdict in order to convict.”

The decision could mean the reversal and potential reconsideration of hundreds — if not thousands — of criminal convictions by juries in Oregon. And while some legal professionals have concerns, many welcome the decision — even while wondering how Oregon became the only state in the nation to allow nonunanimous (or “split”) juries in criminal cases.

Until recently, we were one of two. In November 2018, voters in Louisiana approved a constitutional amendment eliminating this practice in their state. In 2019, the Oregon Legislature took up the issue. The House Rules Committee received public testimony on House Joint Resolution (HJR) 10, a bill that would amend the Oregon Constitution to allow juries to impose verdicts in felony cases only by unanimous agreement. If passed, HJR 10 would have been referred to Oregon voters at the next general election.

The measure had broad support in the legal community. The Oregon District Attorneys Association testified in support. The Oregon Criminal Defense Lawyers Association and the Oregon Department of Justice also submitted testimony in support, along with Vanessa Nordyke on behalf of the OSB as immediate past president. Aliza Kaplan, a law professor at Lewis & Clark Law School in Portland, was a strong and public advocate for the measure.

Although HJR 10 easily passed out of the House, it died in the Senate in the waning days of the session in light of the pending Supreme Court review. Two days later, *Ramos v. Louisiana* was set for argument before the U.S. Supreme Court.

And so, state court and government officials in Oregon have over the past several months launched a review of judicial policies and procedures — motivated, they say, by a desire to ensure that in the future, justice here is ultimately and equitably served.

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Aliza Kaplan came to Portland in 2011 from New York, where she’d taught law, to teach at Lewis & Clark Law School and helm its Criminal Justice Reform Clinic. She bore into Oregon’s history and judicial ways, and says she found herself in a rosy, aspirational but ultimately damaging space — a realization that inspired her in part to fight for an end to nonunanimous jury verdicts.

“We’re living in a liberal utopia,” she says. “And now we’re seeing the bursting of that bubble. ... The fact that I’m from elsewhere helps.”

For five or six years, Kaplan worked with colleagues in Louisiana and with a few defense lawyers and law students in Oregon on a couple of cases and amicus briefs. In January 2017, she published a widely read article in the *Oregon Law Review*\(^3\) in which she argued that “allowing nonunanimous jury verdicts not only contributes to perpetuating the structural racism in Oregon’s criminal justice system, but it leaves little faith in our deliberative jury process.”

Kaplan cited “the state’s tarnished history in regards to systemic racial prejudices,” a history that she found “deep and covers all aspects of society.” She wrote that it was a murder trial involving a Jewish suspect, and a lone juror’s refusal to convict him, that prompted Oregon voters to amend the state’s Constitution.

As if to underscore the impact of the law, Kaplan noted in her *Oregon Law Review* article that an Office of Public Defense Services calculation published in 2009 estimated that nonunanimous jury verdicts were rendered in more than 40 percent of all felony jury verdicts in Oregon.

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In his *Ramos* opinion, Justice Gorsuch provides a succinct summary of the issue:\(^4\)

Accused of a serious crime, Evangelisto Ramos insisted on his innocence and invoked his right to a jury trial. Eventually, 10 jurors found the evidence against him persuasive. But a pair of jurors believed that the State of Louisiana had failed to prove Mr. Ramos’s guilt beyond reasonable doubt; they voted to acquit.

In 48 States and federal court, a single juror’s vote to acquit is enough to prevent a conviction. But not in Louisiana. Along with Oregon, Louisiana has long punished people based on 10-to-2 verdicts like the one here. So instead of the mistrial he would have received almost anywhere else, Mr. Ramos was sentenced to life in prison without the possibility of parole.

Why do Louisiana and Oregon allow nonunanimous convictions? Though it’s hard to say why these laws persist, their origins are clear.

Interestingly, the court’s decision reversed its previous stances on nonunanimous juries. In *Apodaca v. Oregon*,\(^5\) for example, the justices had ruled by a 5-4 vote in 1972 that the constitutional right to a trial by jury was not violated by a nonunanimous verdict in state court. (The case refers to Robert Apodaca and two other Oregon men who were convicted of felonies by split jury votes; the Oregon Court of Appeals had affirmed their convictions, and the Oregon Supreme Court had denied review.)

Since the Apodaca ruling, Oregon has continued to allow nonunanimous jury convictions in all non-murder felony cases. Last year, in fact, Oregon Attorney General Ellen Rosenblum — who opposes split verdicts herself — submitted a brief to the U.S. Supreme Court saying that a ruling that the Sixth Amendment requires unanimity on state prosecutions could “invalidate convictions in hundreds if not thousands of cases” in Oregon and Louisiana.

For Justice Gorsuch, though, an overriding issue was the practice’s racist roots. “Courts in both Louisiana and Oregon have frankly acknowledged that race was a motivating factor in the adoption of the states’ respective nonunanimity rules,” he wrote for the majority, noting that the 1934 change to the state’s constitution can be traced “to the rise of the Ku Klux Klan and efforts to dilute the influence of racial, ethnic and religious minorities on Oregon juries.”

“Every judge must learn to live with the fact he or she will make some mistakes,” Justice Gorsuch wrote. “It is something else to
Kaplan has a New York way of putting it. “It’s so pretend what we’ve been living under,” she says, pausing for a moment before adding, “Racism doesn’t fit into the Portland narrative, but we’ve had to be told that (by the high court).”

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The price of being right could be huge. According to Kaplan, any current case in which a jury has not yet rendered a verdict and any case that is on appeal but does not have a final ruling is directly affected by the Ramos decision.

In his dissenting opinion to Ramos, Justice Samuel Alito warned that the ruling could trigger “a potential tsunami of litigation on the jury unanimity issue. At a minimum, all defendants whose cases are still on direct appeal will presumably be entitled to a new trial if they were convicted by a less-than-unanimous verdict and preserved the issue in the trial court. And at least in Oregon, even if no objection was voiced at trial, defendants may be able to challenge their convictions based on plain error.”

In a statement following the high court’s ruling, Rosenblum said her office was “well prepared” to address the consequences for Oregon’s justice system, noting that “we have been working closely for months with our appellate courts and with the leadership of the criminal defense bar to plan our case review and the judicial process that will ensue.”

But truth be told, it remains unclear exactly how many cases will ultimately be reversed and possibly retried — or how far back Oregon will go to set things right.

When Louisiana chose to stop allowing nonunanimous jury decisions, it decided to be prescriptive: Jury verdicts would need to be unanimous from 2018 forward. No retroactivity. No consideration of cases on appeal. Nothing from the past, lest it be too onerous and costly to manage. Only: Going forward.

But Oregon made no such choices for itself, and its courts could ultimately be flooded with past cases to be retried, testing the system’s operational capacity and the Legislature’s funding of it.

The Oregon Judicial Department, the Oregon Department of Justice and the Office of Public Defense Services are still working to identify convictions on appeal that could be reversed and returned to trial court. As of late July, though, the ODOJ reported that 583 cases were at various stages of the appeals process, each one claiming full or partial error in relation to Ramos.

The bottom line: Dozens of cases have already been reversed and returned to trial courts for possible retrial. However, hundreds more — if not thousands — derive from convictions years ago.

— Len Reed

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Nonunanimous Juries’ Racist Origins

Oregon’s struggle with race, diversity and tolerance began long ago.

In the 1840s, freed slaves were barred from remaining in the state because of an Exclusion Law; any Black person who stayed risked a public whipping. In 1859, as Oregon gained statehood, its Legislature wired into the state’s Constitution a provision barring Blacks from settling or owning property — the only state in the union to do so.

That exclusionary bias soon metastasized to include Jews and Catholics as well. Minority communities that formed after World War I were met in 1922 with the establishment of the Oregon branch of the Ku Klux Klan; the Klan would soon claim more than 30,000 members here, and marches were held in cities across the state.

The result: Oregon, viewed by some historians as birthed to be a white utopia, remains one of the whitest states in the nation, with more than 75 percent of its residents white and just 2 percent Black.

While the average of combined minorities claimed nearly 40 percent of the national population in the 2018 Census, Oregon weighed in at just 24.7 percent.

Oregon’s use of nonunanimous juries in felony cases is part of that exclusionary history. It was adopted in the wake of a single case in the 1930s, in which a Jewish defendant, Jacob Silverman, was accused of complicity in the murder of two people. Silverman was ultimately convicted of manslaughter, after one juror remained unconvinced the state had proved murder.

In the weeks that followed his trial, a media-fueled narrative formed that immigrant and non-white jurors were unfit, with the Morning Oregonian stating that “Americans have learned...that many peoples of the world are unfit for democratic institutions, lacking the traditions of the English-speaking peoples.” Other editorials commented that “the increased immigration into America from southern and eastern Europe, of peoples untrained in the jury system, have combined to make the jury of twelve increasingly unwieldy and unsatisfactory.”

Shortly thereafter, the Oregon Constitution was amended to permit 10-2 verdicts, fundamentally altering jury deliberations. As a consequence of this change, countless defendants have been judged by juries that have not always represented the growing diversity of our community. Perhaps partly as a consequence of that, Oregon now incarcerates African Americans at a rate almost 50 percent higher than the national average, and nearly double that of Washington state.

ON PAGE 18: Lewis & Clark Law School Law School Professor Aliza Kaplan (front) poses with the Criminal Justice Reform Clinic’s Ramos Project team, which is working to ensure that everyone with a nonunanimous jury conviction has access to the courts, assistance with filing and information related to the U.S. Supreme Court’s Ramos ruling. Behind Kaplan, from left: attorney Michaela Gore, law student Colin Bradshaw, project administrator Natasha Pickens, law student Bijal Patel and attorney Laney Ellisor. Both Gore and Ellisor are former law students at Lewis & Clark. Photo by Jaime Valdez
Responding to Ramos

whose appeals are final and for which the convicted defendants have served or are serving time in Oregon prisons. In those cases, officials say, the convictions cannot be further appealed and the only remaining option in Oregon courts may be to seek post-conviction relief.

In an interview, Oregon Solicitor General Benjamin Gutman was plain: “The number of cases affected,” he says, “depends on legal questions we don’t have answers to yet.”

Within her Criminal Justice Reform Clinic, Kaplan now oversees a group of lawyers and law students who run a very busy Ramos Project, which conducts an active outreach to those who may seek a retrial. As of midsummer, Kaplan’s Ramos team — attorneys Michaela Gore and Laney Ellisor (both former Lewis & Clark students), current law students Colin Bradshaw and Bijal Patel, and project administrator Natasha Pickens — had sent out more than 500 information packets, mainly to prison inmates considering a challenge to their convictions by nonunanimous jury decisions.

While the coronavirus pandemic makes in-person consultations at prisons impossible, the numbers of potential cases only grows. Says Kaplan: “People are suffering unconstitutional convictions.”

Noting that post-conviction cases that will decide the issue of retroactivity are still in their early stages, she argues that the state should avoid technical issues surrounding the subject and grant new trials wherever convictions can be vacated.

“Anyone convicted with a nonunanimous jury, whenever it happened, should get to start over,” she says.

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On the heels of the U.S. Supreme Court ruling, the Oregon District Attorneys Association noted that it had supported the unsuccessful efforts in the Legislature to send the issue of nonunanimous juries to voters, saying lawmakers could have eliminated “the uncertainty of retroactivity.”

“However, it is a hallmark of our justice system that it should be difficult to take someone’s liberty,” ODAA officials said in a statement. “This is evidenced by the fact that in criminal cases a defendant is presumed innocent and the state prosecutor must prove guilt beyond a reasonable doubt. Adding the requirement of unanimity is another important safeguard.”

That said, Clackamas County District Attorney John Foote argues that going back into cases that were decided long ago is potentially “wrong-headed and nasty.” He told the Bulletin he feels the consequences of doing so are “manifestly unfair to victims” and “a lucky break for defendants.”

“This is not justice,” he says.

Foote’s argument: Overall, the guilty are no less guilty for less-than-unanimous decisions.

“We still try to convince every juror” in such cases, he says. “(The court’s ruling) is not some new major protection for people. It will make it harder to convict people of felonies. That’s all it’s going to do.”

In judging any case for retrial, prosecutors must consider the amount of time passed, time served, how well the victims can withstand another trial and whether witnesses are still available — or even alive.
Jeff Howes, Multnomah County’s first assistant district attorney, told the Bulletin in late July that he knew of 55 cases that would be returned to his office, but that there would be many more to come.

And there was no set template, he said, for determining which cases would be retried.

“Our first move is to reach out to victims,” Howes says. “If you were a victim eight years ago, maybe you didn’t know about Ramos. ... We need to bring a trauma-informed approach.”


That’s followed by perhaps the most important question of all: “Will the interests of justice be served?”

Several cases have already been returned to Foote’s Clackamas County office by the Oregon Supreme Court for reconsideration and possible retrial. He says he anticipates that most returned cases will center on sex abuse against adult women and children.

One of the cases returned to him in May involves Roy Allen Richards, convicted by a 10-2 vote for the first-degree sex abuse of a 7-year-old girl. The jury had been instructed at trial that it could render a nonunanimous verdict.

Another Clackamas County case involves Isidro Flores Ramos, who admitted climbing through the bedroom window of a Milwaukie apartment in 2017 and molesting a 9-year-old girl but denied raping her. In less than 90 minutes of deliberations, jurors convicted him unanimously on multiple counts, but nonunanimously — by a 10-2 vote — for attempted rape.

Flores Ramos was sent to prison for 27 years after the imposition of consecutive sentences, which were affirmed by the Oregon Court of Appeals. The case was subsequently heard by the Oregon Supreme Court in August and is currently under advisement. Significantly, the jury in the case had been instructed that a nonunanimous vote of 10-2, minimally, would stand as a guilty verdict.

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A judge’s instructions to the jury are central in weighing past cases and also in framing the right decision process going forward. Unanimity is now the clear law of the land — no exceptions in Oregon and Louisiana anymore — and instructions to juries must, going forward, reflect that.

But the drive to eliminate nonunanimous verdicts derives in large part from efforts to eliminate bias among jurors, whose closed deliberations are commonly referred to as being “the black box” of justice in which bias can play out in subtle ways and influence the outcome.

And while court principals say they are concerned with all forms of bias, nothing worries them more than the unseen-but-bedrock-deep type implicated in structural racism: implicit bias.

“I talk about this in my jury instructions: the implicit, unconscious biases ... or the way that our minds have been conditioned to deal with situations,” says Multnomah County Circuit Court Judge Melvin Oden-Orr. “Some people have in mind what a criminal looks like.

“I tell them that having actual or implicit bias doesn’t automatically disqualify them from jury service,’” Judge Oden-Orr adds. “I believe it empowers jurors not to ‘call each other out,’ but to raise with one another the question of whether a position they are taking is based on bias as opposed to actual evidence. The question is, ‘Can you be fair?’”

In Deschutes County, Judge Raymond Crutchley is asking the same kind of questions. In September, he told the Bend Bulletin that his instructions to jurors now include this passage from the state’s updated Uniform Criminal Jury Instructions: “We all have feelings and assumptions, perceptions, fears and stereotypes. Some biases we are aware of, and others we might not be fully aware of. Our biases can reflect how we act, favorably or unfavorably, toward someone. Bias can affect our thoughts, how we remember, what we see and hear, who we believe or disbelieve, and how we make important decisions.

As you consider the evidence, please also consider any biases or assumptions that you may have. Your verdict must not be affected by bias or assumptions that were based on a perception of an individual’s disability, gender, gender identity, race, religion, ethnicity, sexual orientation, age, national origin or socioeconomic status.”

Outside his courtroom, Judge Oden-Orr and a small committee of judges are preparing to move forward with the Multnomah County Impartial Jury Project, which will focus on minimizing the impact of implicit bias in jury trials.

“This issue is broader than Ramos,” he says. “Fairness is our goal.”

It’s also the goal of the Committee on Bias in the Justice System in Oregon, which includes judges (Oregon Supreme Court Justice Adrienne Nelson, Judge Bronson James and federal Magistrate Judges Jolie Russo and Mustafa Kasubhai), Federal Public Defender Lisa Hay, U.S. Attorney Billy Williams and a handful of practicing civil and criminal attorneys. With funding from the Oregon Judicial Department and Oregon’s federal courts, they have produced a video (available online at tinyurl.com/OregonBiasVideo) to educate jurors about implicit bias.

“By bringing together prosecutors, defense attorneys, civil practitioners and judges from both the state and federal systems,” Hay says, “our committee examines the justice system through different perspectives in order to identify needed structural change to eliminate bias.”

The committee also drafted model jury instructions about implicit bias, which were submitted for review to OSB subcommittees that worked to update the directions given by judges. “In light of the events of this past summer and the (Oregon) Chief Justice’s statement about systemic racism in the judicial system,” says attorney and committee member Tiffany Harris, “we are now exploring ways to expand and continue our work.”

That statement from Oregon Supreme Court Chief Justice Martha L. Walters included the appointment of 24 people to a Criminal Justice Advisory Committee that will advise her on a range of topics related to racial justice reforms; the panel, which includes lawmakers, circuit court judges and representatives from other state agencies, public safety associations and community groups involved in criminal justice system issues, was scheduled to hold its first meeting this fall.

“We have an opportunity in this moment, and we cannot tolerate a return to business as usual,” the chief justice says. “I want to ensure I am hearing directly about changes we need to make, throughout Oregon.”
In a recent roundtable discussion, Multnomah County Deputy District Attorney Mariel Mota bluntly underscored the structural depth of racism: “Every system we work in is racist,” she said. “You don’t have to be a racist to have a disproportionate impact that is racist.”

In an interview later with the Bulletin, she reflected on the impact of the requirement for unanimous jury decisions. “There will be no change in my day-to-day — prep is the same,” she said. “But the (jury) deliberation process may take longer.”

What kind of impact will that have? In her influential Oregon Law Review article, Kaplan cites a 2016 nonunanimous verdict to convict Olan Jermaine Williams, a married Black college graduate, in which the jury found itself under time pressures. After four hours of “black box” discussion, jurors were split on a 9-3 vote.

Interrupted by a clerk who asked whether the jury would return for deliberations the next day, Kaplan wrote, one juror announced she’d be unavailable and, indeed, was running late that night because of her childcare arrangement. She suddenly switched her vote, pushing the jury to a 10-2 guilty verdict that sent Williams to prison.

A requirement for unanimity would likely have forced deeper deliberations by jurors in the Williams case, Kaplan argues — if with an unknowable effect on the final verdict.

The U.S. Supreme Court’s Ramos ruling was for most prosecutors inevitable. In September, Mota was reviewing a case she previously brought for which the guilty verdict was rendered on an 11-1 vote. “In 2019, we knew Ramos was being heard by the court,” she says. “I knew with the 11-1 vote that I’d see this case again.”

But, she adds, “We were prepared for this decision — to make sure we’d hit the ground running.”

Still, there is uncertainty about the broader scale of the case’s impact ahead — in staffing and budget needs — on the operations of Oregon’s judicial system. Reviewing and retrying cases is time-consuming and expensive. As Solicitor General Gutman said in a July interview, “Does Ramos only apply to cases on appeal, or do we go back in time and view the court record retroactively?”

In August, the Oregon Supreme Court heard five cases on appeal following the U.S. Supreme Court’s decision in Ramos. Each deals with a different set of issues. For example, two cases — including Flores Ramos’s appeal — examine how Ramos applies when a jury returned a series of guilty verdicts, some unanimous and some not. Two others involve how Ramos applies when a jury was instructed that it could return a nonunanimous verdict but ultimately returned a unanimous verdict. And one involves a jury that, after being instructed that it could return a nonunanimous decision, was then not polled after returning a guilty verdict. As part of resolving those cases, the court is expected to issue some additional guidance on the subject of plain error. Until then, things remain unclear.

Asked in the summer for a potential scale of impact if cases all the way back to 1934 were reviewed, Gutman said: “I don’t even know the number.” Separately, he added, “It’s a huge unknown about capacity.”

In an August interview, Foote expressed concern about actions the Oregon Supreme Court could take. Calling retroactivity “a
huge question” that could affect “tens of thousands of cases,” he said conceding cases retroactively would be “a terrible mistake.” His concerns, however, were less financial or operational within Oregon’s many court systems than they were about whether justice would be undercut.

But money comes into it. The Legislature’s willingness to fund Oregon’s judicial system could come into play. Oregon’s disinclination to act and set its own limits before “being told,” as Kaplan puts it, could turn out to be very expensive.

“The tab has finally come due,” Gutman says. “It may be a huge price for this historical practice.”

Why didn’t Oregon fix it sooner?

“I wish I could tell you,” Gutman says.

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Kaplan remains steadfast, moving with her students and extended network of colleagues case-by-case.

“At some point, the Oregon Supreme Court will have to deal with retroactivity under Oregon law,” she says. “Until it addresses retroactivity, we just keep litigating and moving forward.”

Because the number of information requests sent to her Ramos team has continued to grow, Kaplan has successfully appealed to a number of law firms in Portland to review cases on a pro bono basis. Among them is Tonkon Torp, whose Anna Sortun, co-chair of the firm’s litigation department, has accepted several cases for review.

Sortun says the work is excellent experience for younger members of the firm, although she snagged one of the cases for herself involving an inmate now at the Oregon State Penitentiary. While it’s “frustrating that we have to litigate this issue,” she says, “it’s gratifying to work on a case that could make a big difference in somebody’s life.”

That seems to be what drives Kaplan ultimately, and she’s been heard by many along the way. As Multnomah First Assistant District Attorney Howes says of Kaplan: “She is a presence. She’s growing her influence in the justice system here. And it’s good.”

That’s a compliment that Kaplan appreciates.

“None of my criticism is personal,” she says. “I’m a social justice lawyer; calling out injustice is part of my job. And I also get to teach the next generation of social justice lawyers to stand up for what’s right.”

ENDNOTES

1. Ramos v. Louisiana, No. 18-5924, 590 U.S. ____ (2020). Read the decision online at supremecourt.gov/opinions/19pdf/18-5924_n6io.pdf
2. Ramos at 4.
3. See scholarsbank.uoregon.edu/xmlui/handle/1794/22247
5. Ramos at 1.
7. Ramos at 2

Len Reed is a Portland writer. Reach him at lenreed33@gmail.com.
“Objection, your honor; relevancy.”

“Basis, counsel?”

“FRE 608(2) prohibits use of specific acts in order to support the credibility of the witness.”

“Our honor? 608(2) makes an exception for certain criminal convictions.”

“Overruled.”

And the trial goes on, the lawyers wading deeper into the murky waters of character evidence. Only these aren’t really lawyers. They’re 15-, 16- and 17-year-olds, students participating in the Classroom Law Project’s statewide High School Mock Trial Competition. By the time they are ready in early spring for regional elimination rounds, they know their way around the character evidence rule as well as — and maybe even better than — a second-year law student after an in-depth class on the federal rules of evidence.

According to Jessica Gallagher, the senior program manager at Classroom Law Project who oversees the state competitions, mock trial participants get exposure to the structure and rules of the courtroom and court system while learning the lasting skills of public speaking, teamwork, research and collaboration.

“It’s a way to bring the law alive for students,” she says, “and to give them a voice in what otherwise might seem a very distant judicial system.”

To a large degree, these high schoolers have Oregon lawyers and judges to thank for their preternatural ease in the courtroom — volunteers who say coaching the teams offers as many benefits for them as it does for the students.

“To watch students grow from simply regurgitating facts and objections to critically analyzing the text and listening to opposing counsel, it’s remarkable,” says Charles Steele, a coach for the past two years at West Linn High School. “To know that I had a small part in their development is incredibly rewarding.”

Steele is one of dozens of Oregon legal professionals who serve as volunteer
mentors and coaches for teams of kids who, acting as lawyers, witnesses and courtroom clerks, are getting an introduction to civic education and the role of the courts in the American justice system. Another enthusiastic volunteer is Victor Reuther, whose day job is with Legislative Counsel in Salem.

“Invariably, even when I show up for practice exhausted, I leave feeling inspired and excited about the students’ growth and potential,” Reuther says.

James Babcock of Lake Oswego agrees. He says he enjoys collaborating with the classroom teacher and other coaches at Riverdale High School in Portland.

“It is a fun break from traditional legal practice,” Babcock says.

Some lawyers say they have even learned more about the law from working with students. Jason Kropf, a deputy district attorney for Deschutes County who volunteers at Summit High School in Bend, is one of several coaches who say they were surprised to see they improved their own skills as a result of their mock trial experience.

A regular in the courtroom over many years, Kropf can say that, when objectionable evidence is proffered, “You know it when you see it.” But having to explain a rule of evidence to high schoolers and walk them through an analysis of hearsay or the ideas of propensity and prior bad acts requires him to step back.

“It’s made me sharper on evidence,” Kropf says.

Classroom Law Project provides workshops for teachers on implementing mock trial strategies in their classrooms. The volunteer coaches, who earn pro bono credit that they can include in their annual mandatory reporting to the Oregon State Bar, work hand-in-hand with those teachers, most of whom take on the mock trial project as an extracurricular activity.

It’s a powerful partnership, says attorney Andrew Lauersdorf, who volunteers as a coach at St. Mary’s Academy in Portland.

“The teacher and I have a great working relationship,” he says. “We share in teaching the civics aspect of the mock trial program, with him teaching about our justice
system in general and me breaking things down in greater detail to teach about the practical application of the theories, values and rules at play in civil and criminal trials.”

The Competition Begins

Now that classes are back in session, albeit online for many schools, hundreds of Oregon high schoolers are already gearing up to compete again — locally, statewide and, for one especially skilled team, nationally.

Historically, more than a thousand students have participated annually in the state competition. The impact of the COVID-19 pandemic has and will continue to require changes in the format of the program, however, and it’s possible that not every team will be back this year.

Gallagher reports that the biggest change for the 2020-21 school year is that every event will be a virtual competition. That’s a good news/bad news situation: Teams won’t have the travel costs they incurred in the past, but they will have new technology expenses.

Jesuit High teammates take a moment to confer during last spring’s mock trial competition in Portland. Photo by Jaime Valdez

“Some schools will need digital help,” Gallagher explains, “such as devices for students who don’t have them at home, Zoom subscriptions and so on.”

Regardless, work for the 2021 competition is well underway.

Teachers traditionally select (and sometimes help craft) the mock trial scenario that all teams will use in early fall. This year’s event involves a civil case in federal court, based on 42 USC 1983, in which a newspaper reporter accuses a police officer of violating his 4th Amendment right to be free from unlawful seizure (arrest) because the reporter was exercising his First Amendment right of freedom of the press while covering a demonstration.

By October, teachers generally are lining up lawyer coaches and recruiting student participants. The official mock trial packet arrives in November, and the teams (usually 11 students each) are officially formed, learning and practicing together for the next three months.

Kropf, a long-time coach, reports that from January to March, he commits two to three afternoons or evenings a week to the team, depending on how many other volunteer lawyers step up to help. Other lawyer-coaches say they also commit anywhere from 50 to 150 hours to their teams during the school year, depending on how far in the competition their teams advance.

Many teachers and coaches say they participate in the program because they had such a positive experience on mock trial teams when they were in high school themselves. Mary Thomas, vice principal and teacher-coach at Summit High School in Bend, participated in mock trial in high school. She almost went into law instead of teaching, she remembers, and believes that mock trial is an extraordinary pedagogical tool.

Students listen intently as mock trial “lawyers” make their case during the 2020 regional competition in Portland. Photo by Jaime Valdez

“It develops knowledge of the judicial system, critical thinking skills, interpersonal skills and teamwork,” she says. In addition, “it allows me to have a connection with the law and to work with students outside my original area of teaching.”

At Grants Pass High School, Dianne Mackin is the club adviser for the mock trial team. “I’ve actually always had an interest in law,” she says. “My parents really wanted me to be a lawyer — I could and would argue about anything and everything.”

But Mackin had no desire to go to law school, “so here I am now, and I don’t have plans to step down. Mock trial really is a lot of fun.”

Babcock participated in mock trial for four years of high school. “I have pretty distinct memories,” he says, “of being terrified of speech classes and, at one point, holding a piece of paper during a speech and watching it shake while I tried to talk.”

Mock trial was the cure, and Babcock has now coached for more than 10 years.

Lauersdorf didn’t have his first mock trial experience until law school. But later, “when my daughter joined her high school mock trial team, I started helping her prepare and eventually stepped into the role of coach.” He’s now completed his seventh year of coaching at St. Mary’s Academy in Portland.

Steele was a junior at West Linn High School when he became involved with mock trial. “That year, we won our first state title, defeating West Salem,” he says, “and it honestly got me hooked on the competition.”
It wasn’t until recently, though, that Steele’s schedule allowed him to come back to the program to coach what can be an incredibly time-consuming activity.

Union County District Attorney Kelsie McDaniel is not only the coach of the La Grande High School team, but also a regional coordinator for the program, responsible for recruiting high school teachers in northeast Oregon to commit to leading their own teams. She comes by her enthusiasm naturally. Growing up in Portland, she attended Grant High School and joined the formidable mock trial team there. “We won at state,” she notes, “and we went to nationals.”

McDaniel says the students she’s spoken with are excited that the mock trial competition will carry on this year despite the COVID-19 pandemic. “It may look a little bit different,” she says, “but it will be one of the few extracurricular activities still available and will provide a small sense of normalcy.”

Volunteer coaches are excited, too. Clackamas County Deputy District Attorney Jeffrey Nitschke, who works with the team from West Linn High School, notes that the Clackamas County Bar Association (CCBA) helps put on the Clackamas regional competition every year.

“We are very happy that, even in the face of COVID restrictions, Classroom Law Project is organizing a virtual mock trial competition,” Nitschke says. “While it will be challenging, keeping students excited and engaged is a worthy effort. Members of the CCBA have already been involved in helping coach students virtually, and are heartened to be able to help students as well as keep themselves engaged in the community.”

Advancing in the Competition

Seven regional competitions are held in February each year; in the past, those events took place at courthouses in Clackamas, Deschutes, Multnomah, Lane, Washington, Union and Jackson counties. This school year, they will be conducted via Zoom. So will the state finals, which are held over two days in early March. Even the national finals in May — an event at which Oregon has been represented since 1987 — will feature the new format.

In the pre-COVID spring of 2020, though, Oregon’s regional events were packed with families and friends and local media, and the 78 mock trial teams from across the state wore their most lawyerly outfits as they settled into their chairs at counsel tables.

For the girls, that uniformly meant stern black suits. Quite a few male wrists and ankles were on display, as many of the boys sported suits that had fit them six months earlier — when they were four inches shorter. But style wasn’t really high on the list of concerns as team members listened to competition instructions. They were ready to perform.

Coordinators explained the scoring method and then moved on to the rules of engagement. “First rule,” intoned McDaniel to the teams assembled in La Grande, “is no crying in the courtroom.”

Other rules directed parents and other audience members to refrain from catcalling and other disruptive behaviors. Then trial judges briskly entered the courtrooms in a swirl of black, and the game was on. A couple of hours later, winners were announced, and 18 teams knew they were going to the state finals two weeks later.

Teams arrived on a rainy Friday morning at the Mark O. Hatfield United States Courthouse in downtown Portland. They bottlenecked at security and then swarmed the lobby. Said one girl, bouncing in excitement, to a teammate: “Oh my God. We’re in a federal courthouse. We. Are. In. A. Federal. Court. House.” Contagious giggles swept the teams up the stairs to the courtrooms.

Two days later, West Linn High School had won the right, for the sixth time, to represent Oregon at the national competition in Washington, D.C. The event was almost canceled because of the pandemic, but it was eventually restored as a video competition, and West Linn won seventh place.

No one knows, of course, whether the virtual-court format will continue after this school year. But lawyer Brett Hall, who works with the Sunset High School team in Washington County, says he believes that Courtroom Law Project’s plan is “an amazing opportunity for everyone to learn new ways to approach the practice of law.”

This year’s participants will be pioneers in developing remote-litigation strategies that may eventually be the way law is practiced, he says.
Obstacles for Some Teams

Not all mock trial teams are created equal, of course. Big-town teams often have an advantage over their small-town counterparts, several lawyer-coaches say, and socioeconomic distinctions also show.

“Schools that offer mock trial as an official class with required attendance, like West Linn’s ‘Honors Law A: Trial Procedure,’ have a very significant advantage over other schools when it comes to regional and state mock competitions,” Lauersdorf says.

Summit High School’s Thomas says one solution to the problem is to incorporate mock trial preparation into an existing class, or to make the program its own for-credit class. Although that hasn’t happened at Summit, Thomas has created optional crash courses for winter and spring breaks for interested students.

North Portland’s Jefferson High School has no mock trial class. “Also, none of the students on the team have lawyers for parents, while many other teams are coached by lawyer-parents,” says lawyer-coach Laura Salerno Owens of Markowitz Herbold. More than half of Jefferson’s student body is Black, and the neighborhood is low on the socio-economic ladder.

“Many of the students work or must care for younger siblings,” says Salerno Owens, making coordinating practice sessions a challenge. “Practices are not every day, but once a week in the evening.”

Teacher Wendy Shelton started the Jefferson mock trial team in 1998 with support from Markowitz Herbold, including lawyer Matt Levin, and from PGE counsel Lisa Kaner. That first team had only eight members. By the 2018-19 season, the school fielded three teams, one of which advanced to the state competition for the third time in four years.

The Jefferson program blossomed when the Owen M. Panner Inn of Court began to fund it. The weekly practice sessions started to include dinner, and the program required an annual overnight trip to the Oregon coast, where, as Owens describes it, “the students run through the problem, team build and have an unforgettable high school experience.”

But that experience is often hard to duplicate outside the Portland metro area, where the reality is that for some small schools, just fielding 11 students to make up a team is a difficult task.

Larry Sullivan, whose practice is in Vale, says a successful mock trial program must have a commitment from the school, from local lawyers — and from parents. In big schools in the metro area, he says, some of the parents are lawyers and are very supportive. But in a rural environment, he notes, the parents usually don’t even know what mock trial is. They support the program, but they can’t contribute lawyering skills.

Sullivan was the only lawyer-coach for Vale High School’s team until the teacher in charge of the squad retired two years ago and the program ended altogether. “At one time, both Ontario High School and Nyssa High School had teams, but they no longer do,” he says. “Ontario stopped having a team for the same reason Vale has stopped: The teacher who organized the team retired.”

Money was also an issue, Sullivan says. The cash-strapped schools didn’t have enough financial flexibility to commit to the program, he says, even though the Malheur County bar offered to help cover program expenses. (Entry fees for participation in
the regional and state contests total $750 per team; for the team that reaches the national competition, there are additional costs.)

Solo practitioner Holly Preslar of Grants Pass tells a similar story. She was recruited by a teacher in Cave Junction to create the rural Illinois Valley High School mock trial team in 1995 when the Josephine County courts first sponsored an all-county competition. Preslar continued with the team for 10 years; in nine of those years, the tiny school went to the state finals in Portland.

“It was very rewarding seeing the enthusiasm of these young people, and the spark that was ignited in some for the law,” she says. “And it was a rewarding experience for me also to see kids from a poorer, more economically depressed region show they could compete with more privileged students.”

But when Preslar left the program, the only lawyer in Cave Junction at the time didn’t take it on, and the program there ended.

Other small teams have found a way to succeed despite those kinds of hurdles, though. Some, like Grants Pass High School and St. Mary’s School in Medford, are even lucky enough to have more than one lawyer-coach lending their expertise.

In 2020, civil practitioners Mark Lansing and Rachele Selvig rotated shifts of after-school training in Grants Pass; the team advanced to the state finals, as it regularly does. St. Mary’s School benefits from the skills of coaches Tracy McGovern and Alicia Wilson, both with the Frohnmayer Deatherage firm, and from teacher Kacey Dewing — “a powerhouse,” according to the Classroom Law Project’s Gallagher — who has managed the program for several years. The St. Mary’s team finished third in the state last year.

“The bottom line, says Oregon Supreme Court Justice Adrienne Nelson, is that “we have to invest in our young people and provide them with opportunities to see beyond where they are and dream without limitations.”

“It is so heartwarming to see the students excel and feel pride and confidence that they can achieve in ways they never knew were possible,” says Justice Nelson, a past president of the Panner Inn of Court and a long-time supporter of the Jefferson program. “With this experience, they understand that their lives are not confined by their ZIP codes.”

Everybody Wins

Whether a team goes all the way to the state championships or not, the learning experience stays with the students and their coaches. Reuther points to the safe space the program provides for students to have honest conversations about complex societal issues. Selvig recently found herself and her team, for example, in a discussion about gender identity and a debate over pronouns in light of the demands of the law for precision and clarity.

For Jade Lansing, who participated as a high school mock trial team member for three years more than a decade ago, “the most lasting lesson is that there are innumerable sides to any story, and the same ‘facts’ can fall in different light depending on who’s narrating them and who’s asking the questions.”

In college, Lansing studied international relations. She now lives in Belgium, working for an international company. “I’m sure my experience with mock trial informed how I process and analyze information,” she says, and she gained a lot of confidence in public speaking.

That kind of confidence may in fact be the best benefit of participation in the mock trial program. “The new students join mock trial shy and nervous,” Reuther says, “and consistently finish the season more confident and assertive.”

Sullivan recalls a student who was essentially homeless, couch surfing with friends; Vale teacher David Eyler singled out the boy for the team, which went to state with the boy in the role of lawyer. Sullivan ran into the young man a couple of years later at a store, where he was now a retail manager.

“He said he had listed his mock trial experience on his resume, which impressed local management,” he says. “He thanked me profusely for my help. He said he never would have had the confidence to even apply for the job if he hadn’t been through mock trial.”

College student Autumn Michel participated in the program for two years while she was at Grants Pass High School. “Mock trial impacted my confidence dramatically,” she says. “I was never a shy individual, but it is different having confidence socially and then confidence academically. Mock trial gave me a space to feel confident in my academic ability, and I have forever been grateful for this.”

Lawyer-coaches say they’re grateful for their participation too and inspired by the students they meet. Mock trial “helps me reconnect with some of the reasons I became a lawyer in the first place,” says Lauersdorf.

Adds Reuther, “In some way, because the students present a generational shift in perspective and values, one which I think will better society, working with them offers a refreshing glimpse into the future.”

Janay Haas is a frequent contributor to the Bulletin. Reach her at wordprefect@yahoo.com.
A 21st Century Courthouse

New Multnomah County Facility Aims to Improve Users’ Experience

Story By Phil Favorite
Photos by Jonathan House

It’s hard to imagine how Multnomah County’s historic, 106-year-old central courthouse and its gleaming $324.5 million replacement could be any more different.

Rising 17 stories at the west end of the Hawthorne Bridge in downtown Portland, the new Multnomah County Central Courthouse features the look and feel of a modern high rise, standing in stark visual contrast to its nearby predecessor — the grey, eight-story, neoclassical building that served as the county seat since its completion in 1914.

A recent tour of the new courthouse — which officially opened to the public on Oct. 5 — revealed the results of countless hours of planning and professional input from hundreds of sources — a thoughtful design intended to improve the user experience for both the public and the legal professionals working there.
The 464,700-square-foot building, which took four years to build, also includes a host of seismic features designed to keep occupants safe during an earthquake and allow the courthouse to remain functional afterward.

“The historic courthouse had its charms, but it also had a lot of downsides,” says Hon. Stephen K. Bushong, Multnomah County Circuit Court’s presiding judge, who thanked state lawmakers and county officials for partnering to fund the project. “The big difference is that the new building is modern and accessible. It’s a functional building that will be impressive to the public, as it should be, and very usable for the court.”

A grand, two-story lobby with soaring expanses of glass and large, colorful murals greets visitors as they enter the new courthouse at 1200 S.W. First Ave. State-of-the-art, easy-to-follow signage and an information desk staffed by a “court navigator” direct visitors according to their needs, with the first three floors of the building designed mainly to help the public with more basic court-related functions.

An open stairwell leads to the primary customer service area on the second floor, where self-help kiosks (with interfaces available in multiple languages and for those that are sight-impaired) allow visitors to get their questions answered and their needs met in a much more organized fashion than was possible in the old courthouse.

According to Trial Court Administrator Barbara Marcille, the design and layout of the public information area fits the design theme for the entire building, “using the principles of procedural fairness and equity.”

“We realize that about 99 percent of the people coming to the courthouse are in a stressful situation,” she says. “They’re probably going through a difficult time, so we are trying to find a way to de-escalate their situation as much as possible.”

Also on the second floor, the Crane Room — a part of the reclaimed Jefferson Station Building incorporated into the overall design of the new courthouse — is set up to handle high-volume, non-jury matters — traffic and parking citations, small claims and landlord/tenant matters, for example — with comfortable waiting areas, terminals with orientation videos to explain procedural options, four smaller courtrooms and private consultation spaces where lawyers and clients can meet.
With an urban-industrial look that stands apart from the newly constructed parts of the courthouse, the Crane Room is an example of how problems with the aging courthouse were addressed through planning for the new building.

“This room was set up to mitigate unnecessary chaos,” Marcille says.

Throughout the building, the more glitzy spaces are reserved for the public. For example, the jury assembly area features an east-facing wall of windows offering dramatic views of the Willamette River and Mount Hood on clear-weather days. The roomy area also has space for about 130 people to gather, a business area with charging stations and other plug-ins for laptops, a kitchen area and a large conference space that can be cordoned off for another group of up to 100 additional people.

Because of the COVID-19 pandemic, many of the public areas will have additional plexiglass barriers installed and signage will indicate that social distancing is required. Some areas, such as jury deliberation rooms or small conference rooms, may not be usable for a while. But even with these limitations, Marcille says, the new facility will provide a better overall experience, protect the physical safety of those in the courthouse and improve access to justice in Multnomah County.

Lawyers will appreciate the improved functionality of the building, especially on floors eight through 17, where most of the trial courtrooms are located and reachable by six public elevators. (The building also includes a service elevator and three others for use by judges and by deputies transporting jailed defendants.) Digital monitors with docket displays are located throughout the building, and various small, courtroom-adjacent private rooms have been designed and reserved for lawyer-client meetings on trial days.

“There was no space in the old courthouse for lawyers to meet with their clients or their witnesses. They’ve been meeting in the hallways,” Judge Bushong says. “Now we have some actual rooms so that people can have private conversations.”

The courtrooms were carefully designed for improved functionality, with state-of-the-art video conferencing available and the inclusion of acoustic paneling to help all parties follow the proceedings more easily.
The Crane Room is located in the reclaimed Jefferson Station Building that was incorporated into the overall design of the new courthouse. The area is named for the 20-ton crane that was used to move equipment in the old building, which was the original electrical substation for the Portland Railway Light & Power Company. The crane remains in place and is visible in the public waiting area.

Judges’ portraits line a wall at the new Central Courthouse, which features public art of some kind on every floor.
Multnomah County Presiding Judge Stephen K. Bushong and Trial Court Administrator Barbara Marcille walk through one of the new courthouse’s 44 courtrooms, which include bigger wells, state-of-the-art video conferencing capability and acoustic paneling to help all parties follow the proceedings more easily.

In the old courthouse, especially in the larger courtrooms, it was really hard to hear,” Judge Bushong says. “That’s a big improvement throughout this entire courthouse. Because of acoustics, we’re not going to have a lot of art on the walls of the courtrooms. We opted for functionality. We want to be able to hear people better in our courtrooms.

“Lawyers who are trying cases will have larger courtrooms, with a bigger well so they can move around the courtroom with their clients and their witnesses,” he adds. “All the courtrooms are roughly the same, unlike the historic courthouse where some of the courtrooms were really tiny and not very user-friendly for lawyers trying cases.”

In describing the new courthouse, Bushong acknowledges the bells and whistles that help give the building its modern feel, but he says that it’s the building’s functionality that really stands out.

“The judges’ areas are really not that impressive; they’re functional,” he says. “Nobody’s getting lavish chambers. But we’ll have more space to do the things we need to do, a building that is easier to navigate, and also have the technological upgrades we need to function going forward.”

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Cindi Chandler Polychronis focused on employment law during law school and, early in her career, realized that many employment issues could be prevented by better communication.

Polychronis also discovered that she liked resolving issues in ways other than litigation. Alternative dispute resolution was new at the time, and she respected the concept of being part of a consistent team that worked together to build something, rather than having clients come in and out of her life. So rather than practice law, Polychronis took her career in another direction.

“I had focused on employment law in my second and third years of law school and had practiced in an employment law firm,” she says, “so it felt like an obvious transition to human resources.”

Since then, she has run the human resources department for a professional services firm consisting of the largest veterinary medical practice in the world. She also led the human resources group at a hospitality company in the western United States. And in 2002, she moved to the engineering and consulting firm David Evans and Associates Inc. (DEA), where she is now chief administrative officer and senior vice president.

As chief administrative officer, she leads four of DEA’s corporate groups — risk/legal, human resources, communications and records management — as well as the administrative staff in DEA’s 30 offices. In addition, Polychronis sits on the board of directors for DEA and its parent company, serves as ethics officer and oversees the firm’s diversity and sustainability practices.

She also is the executive project manager of several strategic initiatives for DEA, including recently restructuring the organization to align with changing market needs. And she is a member of DEA’s retirement committee and deferred compensation committee.

Polychronis says her law degree plays a crucial role in her ability to do her work.

“Probably the biggest piece that helps me is the skill set I gained from law school — critical thinking, problem solving, communication and listening,” she says. “My job has a tremendous amount of variety, and I find myself using my legal skills every day, whether it is reviewing a contract, forming an argument, negotiating, public speaking or developing strategy.”
By Melody Finnemore

A Natural Fit

Polychronis earned her history and English degree from Northwestern University, and she completed her law degree at Santa Clara University School of Law in 1995. “I really enjoyed reading and writing and I also enjoyed arguing. People, especially my parents and sister, kept saying, ‘You should be a lawyer,’ and I thought ‘OK, why not?’ From a young age, I was very persistent in my arguments.

“I also grew up in a family where education was important,” she adds. “Our parents supported us and pushed us to achieve whatever we wanted to do.”

Polychronis was initially interested in civil rights law, until she joined a mentoring group and had coffee with a woman who became her mentor and friend. She offered Polychronis a job as a law clerk and then as an attorney, which introduced her to the plaintiffs’ side of employment law.

“What I found in practicing law, frankly, was that I realized that poor communication was a big cause of many employment law cases,” Polychronis says, “and I eventually decided to put my skills toward prevention.”

DEA isn’t involved in a lot of litigation, she notes, “but when litigation did occur, I found that I am in a good position to resolve issues or dispute them” because she understands the approach of plaintiffs’ attorneys. “If matters do need to go to outside counsel, I find that I’m able to better understand the process and to partner effectively in managing the cases.”

Polychronis manages all of the employment cases for the firm and its sister companies. One example: a wage-and-hour issue that involved a mistake in calculating commissions. “We quickly realized we had an error. I was able to establish rapport and trust with opposing counsel, and we resolved the case without outside attorneys’ fees,” she says.

Over the years, when the firm has faced complaints, Polychronis has been able to analyze a case, identify whether the firm has done something wrong and determine potential liability quickly. Her background allows her to decide when to hire outside counsel and fight a claim, which the firm has done through the appellate level when necessary.

“It also helps me to fight small claims effectively without hiring outside counsel if that’s appropriate. For the cases that fall somewhere in the middle, I sometimes manage them myself and sometimes bring in outside counsel. Because of my background, we are able to minimize the amount we spend on attorneys’ fees,” she says.

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Once the cultural work was in place, Polychronis and other company leaders developed a 10-year strategic direction that required reconsidering the firm’s structure, work, management and people processes. Through the restructuring, which Polychronis says was done in a “very collaborative manner with involvement of all DEA staff,” clients were placed at the top of the organizational chart.

“Our CEO, Al Barkouli, and I have done at least six tours of all 30 DEA offices to allow for employee engagement and input on all phases of this effort,” she says. “For example, when we developed the strategic direction and tactics, we asked all 800 employees to give input. This led to significant modifications and a final product that everyone could own.”

Advocacy and Education

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Polychronis earned her history and English degree from Northwestern University, and she completed her law degree at Santa Clara University School of Law in 1995. “I really enjoyed reading and writing and I also enjoyed arguing. People, especially my parents and sister, kept saying, ‘You should be a lawyer,’ and I thought ‘OK, why not?’ From a young age, I was very persistent in my arguments.

“I also grew up in a family where education was important,” she adds. “Our parents supported us and pushed us to achieve whatever we wanted to do.”

Polychronis was initially interested in civil rights law, until she joined a mentoring group and had coffee with a woman who became her mentor and friend. She offered Polychronis a job as a law clerk and then as an attorney, which introduced her to the plaintiffs’ side of employment law.

“What I found in practicing law, frankly, was that I realized that poor communication was a big cause of many employment law cases,” Polychronis says, “and I eventually decided to put my skills toward prevention.”

DEA isn’t involved in a lot of litigation, she notes, “but when litigation did occur, I found that I am in a good position to resolve issues or dispute them” because she understands the approach of plaintiffs’ attorneys. “If matters do need to go to outside counsel, I find that I’m able to better understand the process and to partner effectively in managing the cases.”

Polychronis manages all of the employment cases for the firm and its sister companies. One example: a wage-and-hour issue that involved a mistake in calculating commissions. “We quickly realized we had an error. I was able to establish rapport and trust with opposing counsel, and we resolved the case without outside attorneys’ fees,” she says.

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engineering industry event, she says, she encountered culture shock.

“I had come from a very diverse industry, and I was surprised at the lack of diversity at the meeting. At the black-tie event, three different people asked if I was attending with my husband. It was an eye-opening experience,” she says.

The industry has become slightly more diverse since then — as a whole, the architecture, engineering and construction sector is made up of 29 percent women and about 16 percent racially diverse employees, according to the latest statistics. But Polychronis says there is still significant and much-needed room for improvement, and as a female leader in the profession, she believes she has a responsibility to work for that improvement. So, in addition to her efforts within her company, she regularly visits with middle and elementary school students to talk about jobs in the architecture and engineering fields.

“Creating a stronger, more diverse pipeline for the industry starts with providing all types of young people with a vision for the roles they could play in our companies,” she says. “Seeing the inspiration on their faces gives me hope that the next generation will make even greater strides in improving the diversity of the industry.”

Portland Public Schools sponsors an in-depth, three-month course on bridge engineering in which students take a walking tour of Portland’s bridges and then build their own structures out of Popsicle sticks. Polychronis brings DEA engineers and planners to meet with the students and talk with them about potential careers in the field.

“You can’t ask for a more inspiring thing than to meet with third-graders in a classroom,” she says. “It’s fun to talk to kids who may have had no exposure to civil or bridge engineering.”

Polychronis also invites DEA staff to join her in presenting to students and serving as mentors in the AVID College Readiness Program, a nationwide program designed to improve college attendance and graduation among diverse and underrepresented students.

“Beyond being the right thing to do, it is no longer debatable that increased diversity makes for stronger organizations and has a significant impact on business results and performance,” she says. “Businesses like ours need to reflect our clients and the communities we serve. In addition, businesses are in a unique position to lead the transformative change that our society needs.”

Polychronis notes that DEA strives to be an industry leader in diversity, equity and inclusion. It awards five scholarships to women and minority candidates who are studying to work in the field. Polychronis chairs DEA’s Diversity, Equity and Inclusion Committee, which is helping to guide the firm’s efforts.

“Like the other work that I have described,” she says, “it is a collaborative effort that reflects the need to continue to learn from diverse voices and grow as a firm and as individuals.”

Helping Her Own

So much of Polychronis’ work is aimed at helping others, but her advocacy efforts are also incredibly personal. When she was in college, she interned with what is now the Disability Rights Bureau of the Office of the Attorney General in Illinois. It was exciting work, she says, because the opportunity came right after the passage of the Americans with Disabilities Act. That experience helped push her toward law school, and it sharpened her interest in advocacy, civil rights and employment law.

Thirty years later, Polychronis is now the mother of a 12-year-old daughter and a 9-year-old son, and her younger child experiences Down syndrome. Using her legal skills to advocate for people with disabilities has now become a part of her daily life.

“Sometimes that manifests informally in explaining why certain language is offensive or why inclusion is so important,” she says. And sometimes, it can involve a more formal use of her legal education and experience practicing law to help navigate public education programs such as Individualized Education Plans (IEP) and Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination on the basis of physical or mental disability.

“Going into an IEP meeting is a nerve-wracking experience,” she says. “My background and knowledge of the law are tremendous assets in my role as an advocate.”

Polychronis says that, prior to the COVID-19 pandemic, her son was fully included in a general education classroom and had the support he needed in a “wonderful school where the staff is committed to inclusion and his success.”

“Even so, the fact that my husband is a school counselor and I am an attorney has helped us navigate a system that is confusing, overwhelming and often intimidating for so many parents,” she adds. “On the few occasions that we have had to push the school district for supports that our son should re-
receive, we have been able to approach it from a position of knowledge and confidence.”

While taking a course on education law for children who experience disabilities, Polychronis was introduced to Disability Rights Oregon, a nonprofit advocacy organization that works to promote and defend the rights of people with disabilities. She joined its board of directors in 2017 and currently serves as vice president of the board.

“DRO’s work is instrumental in upholding the legal rights of people with disabilities. I am very proud to be a part of the organization,” she says.

Polychronis is especially proud of the work that DRO has done to support people with intellectual and developmental disabilities (ID/DD), such as the class action litigation in Lane v. Brown that helps make sure people who experience ID/DD have access to typical, rather than segregated, work settings. She calls DRO’s work during the COVID-19 pandemic “critical,” pointing to its advocacy for Senate Bill 1606, which requires hospitals to let people who experience disability have support staff in the hospital with them.

“They are also working very hard to prevent discrimination in the allocation of health care resources, which has directly resulted in people accessing needed health care that they would otherwise have not received,” she says.

Polychronis’ advocacy also extends to her leisure time, which she enjoys spending with her husband Kelly and children Kyliana and Athan. Among their favorite pre-pandemic activities: weekly games of inclusive basketball led by Coach Earl Chaney, who Polychronis describes as “an amazing volunteer.”

It’s a phrase that certainly applies to Polychronis, too.

“I’ve always been interested in equity, especially after focusing my college studies on minorities in America and interning in the Disability Rights Bureau. I’ve been so fortunate that my professional life has given me opportunities to continue to learn and grow in these areas of interest,” she says. “Like many other parents of children who experience disability, my interest in equity and inclusion has become intensely personal and extraordinarily important.”

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Melody Finnemore is a Portland-area freelance writer. Reach her at precisionpdx@comcast.net.
In a Stressful World, Baking Restores a Sense of Joy

Quarantine in the Kitchen

By Mai T. Nako

As a first generation Vietnamese-American, I grew up in a family that didn’t have much. Both of my parents worked long hours and were rarely home. At the time, my three sisters and I took care of each other, and we were responsible for cooking most of the family meals.

Later on in life, I enjoyed cooking as a way to have fun and to entertain my friends. But when Gov. Kate Brown declared a state of emergency earlier this year because of the COVID-19 pandemic, all of us were forced to spend more time at home — and more time cooking for ourselves.

Some Oregonians started tackling long-overdue home projects such as cleaning out basements or repairing that old deck; others relieved stress by going for long walks or upgrading home gyms. But for me and for many of my friends, it was our kitchens that became our sanctuaries. And we all discovered — or in some cases, rediscovered — that the joys of baking could not only relieve stress but also foster a sense of well-being.

Emily S.B. Fullerton, an attorney at Schwabe, Williamson & Wyatt, says that when the world feels like it is spinning out of control, there’s a level of comfort and safety associated with baking’s pairing of precision and instant gratification. Allison Widney, an attorney in the Staff Counsel’s Office at Allstate Insurance Company in Portland, says baking helps her feel closer to the grandmother who taught her how to cook.

And as for me, well, I’ve learned that in between juggling work responsibilities and homeschooling my 9-year-old son, there is nothing more gratifying than the smell of freshly baked goods that you made yourself.

Baking allows me to decompress and just enjoy the process of making something that brings joy.

Sourdough Bread

Ingredients

- About 2 cups well-fed starter
- 2 1/4 cups bread flour
- About half a packet of rapid-rise yeast (also helpful for sourdough novices, because this will ensure a good rise)
- 1 tablespoon kosher salt (not iodized)
- About 1 cup warm water.

(The measurements are approximations, because it is all about the dough’s consistency after the initial mixing — so more or less flour or water may be needed.)

Directions

1. Put all ingredients in a large bowl and either stir or use a dough hook until it’s still a shaggy mess but looks like it is on its way to being a dough (at least that is how Nigella Lawson describes it).
2. Then knead by hand or continue with the dough hook, adding more flour as needed, until the dough is dense and smooth. Put it into an oiled bowl (flip it once to coat with the oil), cover with plastic and let rise until doubled.
3. Put the dough on a clean kitchen surface and knead for about a minute into a round loaf, then cover with clean dry towel while the oven heats up to 400°F. (A pizza stone will add a nice crispness to the bottom of the loaf if you have one).
4. Put the dough on a piece of parchment and score with a razor blade. Put it in the oven on either a sheet tray or directly onto the pizza stone, and bake for about 45 minutes or until nicely browned and a tap on the bottom of the loaf sounds hollow.

— Emily S.B. Fullerton
I returned to baking after an extended absence brought on by law school and starting a family. The return was inspired in part because my son is now old enough to enjoy and appreciate what comes out of the oven, but also because I discovered that everything about baking — the ingredient set-up, the exact measurements, combining everything in particular order — all leads to a hopefully more-often-than-not successful outcome. And that’s a wonderful feeling.

**King Arthur’s Cinnamon Star Bread**

**Ingredients**

- 2 cups King Arthur Unbleached All-Purpose Flour
- 1/4 cup potato flour or 1/2 cup dried potato flakes
- 1/4 cup Baker’s Special Dry Milk or nonfat dry milk
- 3/4 cup plus 2-4 tablespoons lukewarm water, enough to make a soft, smooth dough
- 4 tablespoons unsalted butter, at room temperature
- 1 teaspoon vanilla extract
- 2 teaspoons instant yeast
- 2 tablespoons sugar
- 1 teaspoon salt

*For the filling*

- 1 large egg, beaten
- 1/2 cup sugar*
- 1 tablespoon cinnamon or 2 teaspoons Vietnamese Cinnamon*

*or substitute Cinnamon-Sugar Plus

**Directions**

1. First, measure the flour by gently spooning it into a cup, then sweeping off any excess. Next, sift the flour, potato flour and dry milk through a strainer; this is an important step to prevent lumps in the dough. (If you’re using instant mashed potatoes rather than potato flour, you can skip this sifting step.)

2. To make the dough: Combine all of the dough ingredients and mix and knead — by hand, mixer or bread machine — to make a soft, smooth dough.

3. Place the dough in a lightly greased bowl, cover and let it rise for 60 minutes, until it’s nearly doubled in bulk.

4. Divide the dough into four equal pieces. Shape each piece into a ball, cover the balls and allow them to rest for 15 minutes.

5. On a lightly greased or floured work surface, roll one piece of dough into a 10-inch circle. Place the circle on a piece of parchment, brush a thin coat of beaten egg on the surface, then evenly sprinkle with 1/3 of the cinnamon-sugar, leaving a quarter-inch of bare dough around the perimeter.

6. Roll out a second circle the same size as the first and place it on top of the filling-covered circle. Repeat the layering process — egg, cinnamon sugar, dough circle — leaving the top circle bare.

7. Place a 2 1/2-inch to 3-inch round cutter in the center of the dough circle as a guide. With a bench knife or sharp knife, cut the circle into 16 equal strips, from the cutter to the edge, through all the layers.

8. Using two hands, pick up two adjacent strips and twist them away from each other twice so that the top side is facing up again. Repeat with the remaining strips of dough so that you end up with eight pairs of strips.

9. Pinch the pairs of strips together to create a star-like shape with eight points. Remove the cutter.

10. Transfer the star on the parchment to a baking sheet. Cover the star and let it rise until it becomes noticeably puffy, about 45 minutes.

11. While the star is rising, preheat the oven to 400°F.

12. Brush the star with a thin coat of the beaten egg. Bake it for 12-15 minutes, until it’s nicely golden with dark brown cinnamon streaks; the center should register 200°F on a digital thermometer.

13. Remove the loaf from the oven and allow it to cool for about 10 minutes before serving. Dust with confectioners’ sugar and serve warm or at room temperature.

14. Store any leftover bread, well wrapped in plastic, at room temperature for several days. Freeze for longer storage.

— Mai T. Nako
OREGON LEGAL AID
A critical resource for Oregonians suffering during the COVID-19 Pandemic and economic crisis

Legal Aid Has Responded to the Emergency By:
• Immediately providing extensive information to the public about important changes in landlord/tenant, public benefits, and employment law related to COVID-19 crisis.
• Continuing to provide critical legal representation in domestic violence cases at a time when domestic violence crisis calls have increased.
• Rapidly shifting service delivery model to provide legal services remotely—all offices across the state are open to serve clients by phone and email.
• Expanding statewide hotline to help more clients with legal issues related to unemployment insurance, medical needs, and other public benefits.
• Advocating for health and safety for vulnerable Oregonians including farmworkers and homeless individuals.

In 2019, 112 legal aid attorneys helped nearly 39,000 poor and elderly Oregonians who had nowhere else to turn for legal help.

Civil legal aid in Oregon ensures fairness in the justice system. It provides essential services to low-income and vulnerable Oregonians who are faced with legal emergencies.

Legal Aid Provides:
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• Resources to help stabilize families and prevent a further slide into poverty.

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Oregon Lawyers supporting civil legal aid programs statewide.

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30 Years Campaign for Equal Justice
JUSTICE ENDURES
Ingredients
1 stick butter
1 tablespoon milk or almond milk
3/4 cup brown sugar
1/4 cup white sugar
1 egg
2 teaspoons vanilla
1 1/2 cups gluten-free flour
1 teaspoon baking soda
1/2 teaspoon salt
1 cup white chocolate chips
1 cup dried cranberries

Directions
1. In a medium bowl, whisk the gluten-free flour, baking soda and salt evenly.
2. In another bowl/mixer, combine the butter and sugars together. Once combined, add the vanilla and egg.
3. Combine the dry mixture with the wet mixture, add white chocolate and cranberries, cover the bowl and let sit for 30 minutes.
4. Preheat oven to 350°F. Scoop the cookie dough with a spoon and place a few inches apart on the baking sheets. Bake for 10-12 minutes or until golden.
5. Let cool for 5 minutes and transfer to wire rack to completely cool.

Gluten-Free White Chocolate Chip Cranberry Cookies

— Allison Widney

Don’t get me wrong: Baking also includes messes, flour fights and utter failures. But when you cut into a brownie or a cake or a perfect sourdough loaf — well, for those brief moments, all feels well.

For me, baking for stress relief is not about burying your head in the sand and ignoring the problems that we all face today. Baking is, instead, just one of the many ways a person can take back a small bit of control, even for a few hours, and end up with a tangible, delicious expression of happiness in your small corner of the world.

I recently started working with sourdough starter, which takes care and attention, but it is much more forgiving than I had imagined. My starter was a gift from a dear friend, and it even has a name: Son of Startacus. The loaves I make are loosely based on a recipe in Nigella Lawson’s “How to be a Domestic Goddess” cookbook.

— Allison Widney
Allison Widney

As weeks of quarantine turned into months, it became very clear that I was going to have to do something other than watching Netflix to maintain my sanity — and baking has always been something of a stress reliever for me.

Another plus: My grandmother taught me how to bake, so every time I do it, it makes me feel closer to those memories.

I recently started baking gluten-free goods, which has been a new challenge. But I have figured out a great recipe for white chocolate chip cranberry cookies, which have quickly become one of my favorites.

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The 15th Amendment at 150 and the 19th Amendment at 100

Liberty and Justice for All

By Paul K. Stafford

Our nation annually commemorates Black history in February and women’s history in March; however, in 2020 we are commemorating the anniversaries of two seminal movements culminating in the ratification of two constitutional amendments — the 150th anniversary of the 15th Amendment and the 100th anniversary of the 19th Amendment.

It is no more possible to understand the significance of Black history or women’s history within the confines of a designated month than it is possible to understand the significance of these two amendments without first understanding the history of the Americans these amendments are intended to protect.

Whose America?

When explorer Christopher Columbus “discovered” the “Mundus Novus” in 1492, it had already been “discovered” by other explorers and was already inhabited by non-European men and women for centuries; however, soon after its “discovery,” America experienced a continuous influx of European colonists and African slaves

upon its shores — and a continuous subjugation of non-Europeans within its land. These men, women, non-Europeans, Europeans and slaves comprise the fabric of America’s history.

Through the Declaration of Independence, the 13 colonies formed a republic and declared the rights of its men (but not its women) and the independence of its colonists (but not its slaves), stating: “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the Pursuit of Happiness.”

The Articles of Confederation were drafted, favoring governance through state sovereignty over central authority. States were charged with the responsibility to safeguard the rights articulated in the declaration, but were less than successful in their charge. The Constitutional Convention was called, and a constitution was created.

Twelve proposed amendments followed, 10 of which were ratified and became the Bill of Rights.

After the ratification of the Constitution and the Bill of Rights, the federal government did not serve as the custodian of liberty, equality and voting rights. The Bill of Rights only applied to the federal government; equal protection was a concept absent from the Constitution, and the federal government deferred to the states on voting rights. However, after the Civil War — and through the 13th, 14th and 15th Amendments (often referred to as the “Reconstruction Amendments”) — and the 19th Amendment (referred to as the “suffrage amendment”), those protections were explicitly extended to men of all races, former slaves and women.

The ‘Reconstruction Amendments’

The Constitutional Convention was not intended for all Americans. Slavery remained after the ratification of the Constitution and the Bill of Rights, as did the continuing tension between Jeffersonian states’ rights and Hamiltonian federalism. During the Civil War, the Emancipation Proclamation declared free all persons held as slaves within the “rebellious states,” freeing millions of slaves in the U.S. at the time. Within this contextual focus upon liberty, the Constitution’s 13th Amendment (1865) abolished slavery in the United States.

Even with the 13th Amendment’s ratification, equality was a concept constitutionally unavailable to Blacks, made evident in Dred Scott v. Sandford in which the Supreme Court held that the Constitution was not intended to include citizenship for Black Americans, whether slave or free. The 14th Amendment (1868) addressed this disparity, stating that all persons born or naturalized in the United States are citizens of the U.S., and that no state shall make or enforce any law that abridges the privileges and immunities of citizens of the United States; nor shall any state deprive any person of life, liberty or property without due process; nor deny any person the “equal protection of the laws.” The 14th Amendment goes on to penalize the inhibition of the right of male citizens to vote, but says nothing of female citizens.

The 15th Amendment (1870) states that “[t]he right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.” Together, the 13th, 14th and 15th Amendments constitute the “Reconstruction Amendments”; however, the Compromise of 1877 saw the end of Reconstruction and the advent of Jim Crow laws in the South, which suppressed voting and effectively disenfranchised Black Americans, aided by the passage and implementation of Black Codes, generalizations
perpetrated through the “Dunning School,” and the federal court’s deference to states in condoning discriminatory actions.\textsuperscript{18}

This overt voter intimidation and suppression continued through the civil rights movement, the Civil Rights Act of 1964\textsuperscript{19} and the Voting Rights Act of 1965,\textsuperscript{20} and continues to have implications today through such cases as \textit{Shelby Cty. v. Holder}.\textsuperscript{21}

\textbf{The ‘Suffrage Amendment’}

The women’s rights movement was born in the process of advocating for the end of slavery and the rights of Black Americans — evidenced by abolitionists Lucretia Mott and Elizabeth Cady Stanton being barred from attending the 1840 World Anti-Slavery Convention in London. That prompted the Women’s Rights Convention in Seneca Falls, New York, in 1848 that resulted in the creation of the “Declaration of Sentiments,”\textsuperscript{22} which demanded equality with men before the law.

In 1866, the American Equal Rights Association — dedicated to suffrage for all regardless of race or gender — was formed. After the passage of the 14th Amendment, and with conflict over whether to support the 15th Amendment, the National Woman Suffrage Association (NWSA) focused on amendment of the Constitution and the American Woman Suffrage Association (AWSA) focused on amendment of state constitutions.

Following the Supreme Court’s 1873 ruling in \textit{The Slaughterhouse Cases}, refusing to extend the 14th Amendment rights associated with federal citizenship to state citizenship,\textsuperscript{23} and the court’s deference to discrimination the following year in \textit{Minor v. Happersett}, ruling that any remedy of woman’s suffrage should be sought at the state constitutional level,\textsuperscript{24} suffrage efforts continued. In 1890, the NWSA and AWSA merged to form the National American Woman Suffrage Association with Stanton as its first president. In 1896, the same year as the \textit{Plessy v. Ferguson}\textsuperscript{25} decision condoning “separate but equal,” the National Association of Colored Women was formed with the goal of achieving equality for women of color.

Due to the increasing political support for women’s suffrage — and due in part to the efforts of the National Woman’s Party\textsuperscript{26} and the 1916 election of Jeannette Rankin of Montana as the first woman elected to the U.S. House of Representatives — debate began on a suffrage amendment in 1918 in the U.S. House, and the
amendment passed. With the support of President Woodrow Wilson, the suffrage amendment was able to pass the U.S. Senate in 1919, using the language of the women's suffrage amendment of 1878 and mirroring the 15th Amendment, stating that "(t)he right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex." Upon the ratification of the 19th Amendment on Aug. 18, 1920, women were granted the constitutional right to vote.

Looking Ahead

What do the ratification anniversaries of the 15th and the 19th Amendments mean today? In this election year, the meanings ascribed to these anniversaries are varied. One meaning is undoubtedly that — although the field of candidates in a particular political contest often may not be diverse or representative of the electorate — men of color, former slaves and women must remain diligent as an informed electorate in the exercise of their enfranchisement. For example, with numerous female candidates, two Black candidates, an Asian-American candidate and the first openly gay presidential candidate, the 2020 Democratic presidential primary was the most diverse field of presidential candidates in this country's history; however, the majority of these diverse candidates did not survive long enough to see Super Tuesday.

It is also worth noting that, even following the presidency of a Black American, the Democratic presidential candidate was a 77-year-old white male who faced a 73-year-old white male in the November 2020 general election. Nonetheless — although voting rates vary among various demographics according to the type of election — a vote is a voice, and every vote matters in maintaining this republic.

A larger meaning is that the nation should respect, commemorate and be forever mindful of the historical struggle to give true meaning to its creed — being an indivisible nation, ensuring equality and espousing the inclusive concepts of liberty and justice for all — to men of all races and color through the passage of the "Reconstruction Amendments" and to women through the "Suffrage Amendment." Americans (and American history) must recognize and respect the societal and governmental evolution each amendment represents.

Finally, in commemorating the ratifications of the 15th and the 19th Amendments, we must acknowledge both the higher
calling and aspirational principles of our grand experiment in this pluralistic republic, as well as reaffirm that all Americans are essential toward forming a more perfect union.

Paul K. Stafford currently serves on the State Bar of Texas Diversity in the Profession Committee and is chair-elect of the State Bar of Texas African American Lawyers Section. He can be reached at pstaffordjd@gmail.com. This article was originally published in the June 2020 issue of the Texas Bar Journal; it is reprinted with permission.

ENDNOTES
1. U.S. Const. amend. XV (1870).
3. Subsequently named “America” for Italian explorer Amerigo Vespucci.
4. Approximately 20 slaves were brought to Point Comfort, Colony of Virginia, in August 1619.
5. Such as through the South Carolina slave code (1691), which served as a model for the Southern colonies, and the Virginia slave code (1705), which served as a model for the mid-Atlantic tobacco colonies.
7. Texas slaves received word of their emancipation on June 19, 1865, in Galveston — a date now commemorated annually as “Juneteenth.”
8. U.S. Const. amend. XII (1863).
9. 60 U.S. 393 (1857).
10. Consistent with the Civil Rights Act of 1866, which declared that all persons born in the U.S. were citizens, “regardless of race, color, or previous condition.”
11. U.S. Const. amend. XIV (1868).
12. Id.
13. Id.
14. Id.
15. Id.
17. Also characterized as “the second founding” by Dr. Eric Foner, DeWitt Clinton Professor Emeritus of History at Columbia University.
18. For example, see Civil Rights Cases of 1883 (109 U.S. 3 (1883)) and Giles v. Harris (189 U.S. 476 (1903)).
21. 570 U.S. 529 (2013), holding unconstitutional the Section 4(b) coverage formula of Section 4(b) in Voting Rights Act § 5 preclearance requirements.
22. Declaration of Rights and Sentiments (1848).
23. 83 U.S. (16 Wall.) 36 (1873).
24. 88 U.S. 162 (1874).
25. 163 U.S. 537 (1896).
26. Formerly the Congressional Union for Women’s Suffrage.
27. Women’s Suffrage Amendment (1878).
CLE Seminars

Solo and Small Firm Series
Cosponsored by the Solo and Small Firm Section
Monday, Nov. 16
Noon–1 p.m.
An SBA Perspective on the Paycheck Protection Program (PPP) and the Forgiveness Process
CLE Credits: 1 General
SOLO20-5

Friday, Nov. 20
8:30 a.m.–4:30 p.m.
Legal Ethics — Best Practices
CLE Credits: 6 Ethics and .5 Practical Skills
EBP20

Friday, Dec. 11
9 a.m.–12:20 p.m.
End of Life Care: How to Protect Our Clients’ Right to Decide
CLE Credits: 3 General
POLST20

Legal Publications

Chapters and full book PDFs, some with MS Word forms, are now available as individual eBooks from these titles:

- ADR in Oregon
- Criminal Law
- Family Law
- Damages
- Elder Law
- Guardianships – Full book PDF and zip file of forms

The following eBooks include individual chapters plus a full book PDF:

- Rights of Foreign Nationals
- Insurance Law in Oregon
- Veterans, Military Servicemembers, and the Law

In depth coverage on specific topics is now at your fingertips and portable. Our individual eBooks provide quick and easy access to the information you need. Purchase one or more chapters, or a full book PDF, for immediate download.

Order all OSB publications and eBooks and view the full catalog at www.osbar.org/publications or contact the OSB CLE Service Center for help: (503) 431-6413 or cle@osbar.org
FALL SALES

Don’t wait until the last minute to earn your CLE credits or expand your library of legal publications. Take advantage of the sales on a wide selection of OSB seminars and publications.

CLE Seminars Cyber Monday Sale

Cyber Monday Sale on Nov. 30

Get an unlimited 20% discount on all OSB CLE online seminars — on demand and MP3 downloads — purchased on Cyber Monday.

View the full catalog at www.osbar.org/seminars and use coupon code CYBER20 at checkout.

Legal Publications Clearance Sale

Sale runs through Dec. 31

Grab some great deals from our excess inventory:

- **Construction Law Codebook**, 2019 edition — 50% off
- **Oregon Probate and Uniform Trust Codebook**, 2019 edition — 50% off
- **Annie and the Octopus: Common-Law Indemnity**, 2018 edition — 50% off
- **Interpreting Oregon Law**, 2009 edition — 50% off
- **Oregon Attorney Fee Compilation**, 2014 edition — 50% off
- **Oregon Insurance Law Codebook**, 2020 edition — 30% off
- **Veterans, Military Servicemembers, and the Law**, 2018 edition — 20% off
- **Oregon Cannabis Codebook**, 2020 edition — 10% off

View the full catalog at www.osbar.org/publications and use coupon code FALL2020 at checkout. Or call the OSB CLE Service Center to place your order: (503) 431-6413.
Four Elected to Seats on Board of Governors

Four new members have been elected to the OSB Board of Governors for terms that will begin on Jan. 1, 2021, and end on Dec. 31, 2024.

The new members are:

**Region 1:** David Rosen, founder of High Desert Law in Bend;

**Region 3:** Christopher Cauble, a partner at Cauble, Selvig and Whittington in Grants Pass;

**Region 4:** Matthew McKean, a principal at McKean & Knaupp Attorneys in Hillsboro; and

**Region 5:** Gabriel Chase, managing partner at Chase Law in Portland.

In addition, the Board of Governors is expected to appoint a new public member at its meeting on Nov. 19. For more information, go to osbar.org/leadership/BOG.

195 Applicants Pass July 2020 Bar Exam

Ninety-three percent of the 210 applicants who sat for the July 2020 Oregon Bar Exam received passing marks, according to official results released in mid-September.

Of the 195 people who passed, 192 were taking the test for the first time; three were repeat applicants.

Passage of the Oregon Bar Exam is only one of the requirements necessary for admission to practice law in Oregon, and applicants may not practice in the state until they are sworn in as a member of the Oregon State Bar. An in-person admissions ceremony scheduled for Oct. 8 was canceled by the state Supreme Court because of the COVID-19 pandemic, but a virtual ceremony was held in its place. To watch a video of the ceremony, go to osbar.org/admissions/welcome.

For a complete list of applicants who passed the exam in July, visit osbar.org/admissions/julyexam.html.

MCLE Compliance Season Moved to the Spring

After receiving overwhelming support from the OSB membership, the Oregon Su-
The Supreme Court has ordered the MCLE compliance season moved to the spring. This change is permanent and will apply to all future reporting seasons.

The new MCLE deadline to complete required credits is April 30, and the deadline to electronically certify and submit reports is May 31. This change applies to all active bar members in all reporting cycles.

If you have questions about MCLE deadlines and reporting instructions, visit osbar.org/mcle/index.html or email mcle@osbar.org.

**Partnership Brings Pro Bono Legal Help to Wildfire Victims**

Thousands of Oregonians have survived this summer’s wildfires, only to face a dizzying array of legal challenges that inevitably follow major disasters — everything from lost deeds and wills to potential evictions and challenges securing federal assistance.

In October, the Oregon State Bar launched a Disaster Legal Services program, in conjunction with the Federal Emergency Management Agency and the ABA Young Lawyers Division. The program provides pro bono disaster-related legal services to those who live in the seven counties declared disaster zones. These include Clackamas, Jackson, Josephine, Klamath, Lane, Lincoln and Linn counties.

Responding to requests from OSB President Liani Reeves and Chief Justice Martha L. Walters, lawyers across the state have signed on to help. Specialized training has been established in three key areas: FEMA appeals, landlord/tenant matters and manufactured home issues. Additionally, the ABA has provided several dozen training videos in a wide variety of relevant areas.

A key need now is assisting FEMA applicants who face ineligibility because of lost documentation (lease agreements, deeds, photo IDs, etc.). FEMA has received approximately 20,000 applications for assistance from fire victims, and up to 40 percent of those applicants face ineligibility challenges.

Other areas of need may include contracts for housing repairs; power of attorney/estate administration; insurance claims (life, medical, property, etc.); mortgage foreclosure; guardianship and conservatorships; consumer protection; housing challenges; and replacement of lost legal documents. The program does not cover cases that will produce a money award.

The majority of Samuel Yoelin Kantor attorneys are barred in Washington and Oregon, with long-standing personal connections, relationships and clients in Clark County and SW Washington. We are your neighbors, and we’re ready to meet with you about your business and family legal needs at our offices in the Old Bell Building.
Additional partners in setting up this program have included the Red Cross, the Oregon Governor’s Office of Emergency Management, the Small Business Association and Legal Aid Services of Oregon.

To learn more or volunteer, visit osbar.org; a registration form will appear on your dashboard when you log in to the site.

Consider Excess Coverage from the PLF for 2021

Whether you are renewing your firm’s excess coverage with the Professional Liability Fund for 2021 or are considering excess coverage for the first time, now is a great time to apply.

The PLF offers excess coverage to Oregon law firms on an underwritten basis with limits ranging from $700,000 to $9.7 million. To apply, simply visit the PLF website and create an account on the Excess Portal.

For details, visit osbplf.org/excess-portal.

OAAP Announces New ‘Thriving Today’ Blog

The Oregon Attorney Assistance Program has launched a new blog called “Thriving Today,” filled with current information, tips and food for thought that you can use to enhance your well-being.

Check out the latest posts and subscribe to the blog at oaap.org/thriving-today.

Have a CLE or MCLE Question? Here’s Who to Contact

Did you know the OSB’s MCLE Department and the CLE Seminars Department perform different functions for the bar? Here is who to call if you have a question about CLE programs or MCLE requirements and reporting:

- The CLE Seminars Department produces and distributes accredited CLE programming. If you have a question about purchasing or downloading a CLE course, or if you need assistance choosing CLE programs to meet your specific requirements, call the CLE Seminars Department at (503) 431-6413.

- The MCLE Department performs a regulatory function for the bar by enforcing the MCLE Rules and Regulations and ensuring bar member and program sponsor compliance. If you have a question about CLE program accreditation, MCLE requirements or MCLE reporting, call or email the MCLE Department at (503) 431-6368 or mcle@osbar.org.

Free Zoom CLE

Tuesday, November 17, 2020
11:30 a.m.–1 p.m.
Pacific Standard Time (PST)
CLE credits: 1.5 Access to Justice

Register now at www.osbar.org/seminars (search for AWMM20)

Additional partners in setting up this program have included the Red Cross, the Oregon Governor’s Office of Emergency Management, the Small Business Association and Legal Aid Services of Oregon.

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OAAP Announces New ‘Thriving Today’ Blog

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BAR ACTIONS

Discipline

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

W. FRANK ELSASSER
OSB #943004
Lincoln City
Form B resignation

Effective Sept. 17, 2020, the Oregon Supreme Court accepted the Form B resignation of former Lincoln City attorney W. Frank Elsasser.

At the time of his resignation, there was a grievance pending against Elsasser alleging violations of RPC 1.15-1(a) (requiring lawyer to hold client funds separate from their own funds in lawyer trust account) and RPC 1.15-1(b) (allowing lawyer to deposit lawyer’s own funds into a lawyer trust account only as necessary to satisfy bank requirements).

The resignation recited that all current client files and records have been or will be placed in the custody of Portland attorney Daniel R. Webert.

GARY B. BERTONI
OSB #781414
Lake Oswego
Form B resignation

Effective Sept. 30, 2020, the Oregon Supreme Court accepted the Form B resignation of former Lake Oswego attorney Gary B. Bertoni.

At the time of his resignation, there was a pending formal proceeding that alleged violations of RPC 1.15-1(a) (requiring lawyer to hold client funds separate from their own funds in lawyer trust account) and RPC 1.15-1(b) (allowing lawyer to deposit lawyer’s own funds into a lawyer trust account only as necessary to satisfy bank requirements).

In two of those matters, the bar alleged that Bertoni had converted restitution money paid to him by clients who were awaiting sentencing, converted funds entrusted to him by a third client and obtained trial fees and fees for legal services that he could not have earned because of a November 2018 suspension.

Among the multiple rule violations alleged by the bar were criminal conduct reflecting adversely on honesty, trustworthiness or fitness as a lawyer (RPC 8.4(a)(1)); conduct involving dishonesty, fraud, deceit or misrepresentation (RPC 8.4(a)(3)); conduct prejudicial to the administration of justice (RPC 8.4(a)(4)); knowingly making false statements to the bar in connection with a disciplinary matter (RPC 8.1(a)(1)); and lack of competence (RPC 1.1).

The resignation recited that all of Bertoni’s client files and records have been placed at a storage facility in the custody of Eider Gonzales, who can be reached by mail at PO Box 1517, Fairview, Oregon; or by phone at (503) 740-6485.

THOMAS DANIEL O’NEIL
OSB #900983
Salem
60-day suspension

Effective Oct. 24, 2020, the disciplinary board approved a stipulation for discipline and suspended Salem attorney Thomas Daniel O’Neil for 60 days for violations of RPC 3.4(c) (knowingly disobeying an obligation under the rules of a tribunal), RPC 8.4(a)(4) (conduct prejudicial to the administration of justice) and RPC 8.1(a)(2) (knowingly failing to respond to a lawful demand for information from a disciplinary authority).

In October 2018, O’Neil was subpoenaed as a witness at a post-conviction relief trial of a former client, but he failed to appear. The trial court granted a request to keep the record open so the former client’s new attorney could obtain O’Neil’s testimony. O’Neil, however, refused to cooperate over several weeks and did not remedy his failure to appear. O’Neil’s conduct violated RPC 3.4(c) and RPC 8.4(a)(4).

In March 2019, disciplinary staff sought additional information regarding this matter. Despite a follow-up letter and the imposition of an administrative suspension for failing to respond, O’Neil did not provide substantive answers for more than three months. O’Neil’s conduct violated RPC 8.1(a)(2).

The stipulation noted that O’Neil’s conduct was aggravated by multiple offenses and substantial experience in the practice of law. It was mitigated by the absence of a prior disciplinary record.

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

Gordy Welborn, managing partner at Hart Wagner, has been named chair of the Oregon chapter of the American College of Trial Lawyers. He will serve in this leadership position for two years. Welborn was inducted as a fellow in 2012 and has served as the vice chair of the Oregon chapter. He maintains an active practice throughout Oregon and Washington, focusing on the defense of professionals including physicians, medical clinics and hospitals, and attorneys and law firms.

Douglas D. Smith and Bradley D. Smith of Franchise Smiths have been ranked in Entrepreneur magazine’s annual list of the Top Franchise Suppliers for the second year in a row. The list recognizes top companies that provide services and support to franchisors and franchisees nationwide in 10 categories. Together, the Smiths were ranked No. 6 in 2019 and No. 7 in 2020 in the Legal Services category. To determine who are the top Franchise Suppliers, Entrepreneur surveyed more than 700 franchisors to find out which service providers they and their franchisees use, and what their satisfaction is with the quality, cost and value of those suppliers’ services.

Shayda Le, an employment law partner at Barran Liebman, has been named to the Portland Business Journal’s “Forty Under 40” Leading Executive list. She has been recognized for her legal work, her contributions to the profession and her broader community involvement.

Annelisa Smith has been named by the Daily Journal of Commerce as one of its Women of Vision award winners for 2020. Smith is co-owning attorney at McKean Smith. The awards honor women who strive to shape the communities of Oregon and Southwest Washington through their leadership, mentoring efforts, community involvement and promotion of industry diversity. Smith serves on the board of several legal committees, including acting president of the Oregon Academy of Family Law Practitioners and chair-elect of the OSB Family Law Section. She previously served on the Family Court Enhancement Project Committee and acted as conference chair for the annual OSB Family Law Conference. Smith also is a director on the board of the nonprofit Allies In Change and is one of the founding directors of BRAVO Youth Orchestras.

K&L Gates has been named “Law Firm of the Year” as part of the Changing Lawyer Awards 2020 program, which was held in October at the workflow software company Litera’s virtual conference. The annual Changing Lawyer Awards honor firms and others in the legal industry for their willingness to embrace and drive change through new technology, service models or behavior; the “Law Firm of the Year” award recognizes the firm that has most successfully reimagined the way they serve their clients. K&L Gates was recognized for its response to the challenges created by COVID-19, including being one of the first firms to establish a COVID-19 task force, producing an online resource center, shifting to a predominantly virtual work environment, starting ongoing one-on-one virtual “Conversations about Race” between a lawyer or allied professional and dynamic civic leaders of color in response to social injustices, and launching an equal justice pro bono effort to assist with voting rights, criminal justice reform and the rights of indigenous people.

Robert C. Joondeph, who served for 30 years as executive director of Disability Rights Oregon, was honored by the Multnomah Bar Association in October with its 2020 Professionalism Award in recognition of his advocacy on behalf of people with disabilities. During his tenure, DRO’s legal efforts helped reshape disability rights law in Oregon, propelling communities across the state to rethink how they set up schools, workplaces, places of business and public structures to ensure that people experiencing intellectual and developmental disabilities truly belong.

Moves

Donna Maddux has joined Lewis Brisbois as a partner in its data privacy and cybersecurity practice. She brings almost two decades of experience prosecuting a wide range of fraud and regulatory crimes on behalf of corporate and individual victims. She also serves as president of the Financial Crimes and Digital Evidence Foundation, a nonprofit organization dedicated to providing annual training and networking opportunities to professionals who fight fraud and cybercrime. She is also an executive board member for the Owen M. Panner American Inn of Court and is a past chair of the Criminal Law Section of the Oregon State Bar.

Natalie Pattison and Julie Preciado have joined Barran Liebman. Pattison
recently graduated with her J.D. from the University of Oregon School of Law; during her time at UO, she served as a law clerk for the U.S. Attorney’s Office. Preciado earned her J.D. from Willamette University College of Law, where she completed an externship for Chief Justice Martha Walters. Pat tison and Preciado also completed internships for Hon. Magistrate Judge John V. Acosta at the U.S. District Court (District of Oregon).

Tonkon Torp has announced two new hires. Erin Roycroft has joined the firm as an associate in its labor and employment practice group. She previously worked at the Oregon Court of Appeals, where she served as a judicial clerk for Hon. Scott Shorr for two years.

Kalia Walker has joined the firm’s litigation department. She focuses her practice on helping private and public companies navigate a broad range of disputes in state and federal courts. She has significant law experience, including defending discrimination and harassment claims and wage and hour violations. Walker also is a member of the Oregon Women Lawyers Board of Directors, the Owner M. Panner Inn of Court and the Oregon Chapter of the National Bar Association.

Clinton L. Tapper has announced the formation of the Tapper Law Firm. He will represent clients in complex civil litigation and continue his practice of representing insureds in first-party litigation throughout the state.

With 25 years of experience providing quality and affordable forensic economic services:

Calculating economic damages in personal injury; wrongful death; wrongful employment termination; commercial trucking and train accidents; medical malpractice; life care plans; and business losses.

Providing expert deposition, trial, and arbitration testimony.

Walter K. Lierman, Ph.D.

wlierman@theeconomicsgrp.com
503-957-9554
Theodore (Ted) Reuter has joined Wool Landon as a partner to spearhead the formation of its dispute resolution and litigation team, which will handle will contests, trust litigation, contested guardianship and conservatorship matters, as well as elder abuse and wrongful death claims, at trial and on appeal. Reuter brings more than a decade of experience in the state and federal courts of Oregon and Idaho, including briefing and arguing multiple matters before the Oregon Supreme Court.

Schwabe, Williamson & Wyatt attorney Amanda Gamblin has been elected to the firm’s board of directors. She is part of Schwabe’s real estate and construction, transportation, ports and maritime industry groups. With Gamblin’s appointment, the firm’s board is now 80 percent female.

In Memoriam

Matthew (Russell) Smebak Abts passed away peacefully at home in Minneapolis on May 22, 2020, with his wife at his side. His love of a good story and good people was evident throughout his life.

Abts was born on March 13, 1979, in Minneapolis to Thomas and Martha Abts. He grew up in Rochester, Minn., and developed a lifelong interest in programming, gaming and music. He left high school to travel through Europe.
When he returned, he earned his GED and joined the Air Force shortly before 9/11. He served as an intelligence analyst and specialized in Mandarin Chinese — and in not getting in trouble for reading Chinese comics while on duty. Upon leaving the service, he drove cross-country in his beloved Buick, doing research for the FBI and studying electrical engineering, finance and criminal justice.

Abts started and sold a private investigation firm in Colorado, earned his bachelor’s degree online, was an over-the-road truck driver, worked as an EMT, learned to sail and played in professional poker tournaments. He spent several years auditing circulation data for major U.S. newspapers and earning impressive loyalty-point balances at low-budget hotel chains.

In 2011, Abts received his juris doctorate from Lewis & Clark Law School. He completed an externship with an arbitration firm in Beijing, where he bought remarkably durable knock-off Ralph Lauren polo shirts that he wore throughout the rest of his life. He qualified as a CPA in 2014.

Through it all, his family says, he never ever stretched the truth about anything.

While living in a camper van in Southern Oregon and serving with AmeriCorps, Abts met the love of his life. He and Nancy Smebak moved to Champaign, Ill., where she earned her master’s degree. The couple relocated to the Twin Cities, where Abts went to work, in his words, “hunting down millionaires” for the IRS and Nancy began her career as a city planner. They were married in 2016, and their daughter, Helena, was born in 2018.

Abts is survived by his wife and daughter; parents Tom and Marti (Childs) Abts; and sister Amy of Rochester, Minn., and sister Jennifer Vail-Abts (spouse Amanda) of Seattle; as well as a great many far-flung friends he considered family.

There are plans to have an in-person memorial in the Northwest as COVID allows and at a time to be determined in the future. If you would like to be notified, contact Shannon Calt at shannon@shannon-calt.com for updates.

Portland lawyer Gary J. Zimmer passed away at the age of 70 on Oct. 9, 2020, from FTD, a rare and debilitating neurodegenerative disease.

As a boy growing up in Cleveland, Ohio, Zimmer loved going to Cleveland sporting
events with his dad and rollerskating every Saturday at the local rink. It was at that roller rink that he first spotted his future wife, Maureen (Mo) Bruening. In 1971, they were married and remained married up until his death.

Zimmer graduated from Cleveland State University (1972) with a degree in political science, and from law school at Case Western Reserve University (1975). Soon after graduation, he and Mo packed up and left Ohio, heading west to Oregon where he began his legal career as assistant county counsel under the leadership of George Joseph. In 1978, Zimmer entered private practice with Jack Kennedy and Garr King. In 1998, after 20 years at what had by then become Kennedy King and Zimmer, he established his own firm with Peter Bunch. Subsequently, he formed Zimmer & Associates, which ultimately became Zimmer, Bond, Fay & Overlund.

A “lawyer’s lawyer,” Zimmer was highly regarded by his fellow lawyers, making friends out of his allies and adversaries alike. Over the span of his 40-year career, he received professional recognition from Best Lawyers in America, Oregon Super Lawyers, the Oregon State Bar and the American Academy of Matrimonial Lawyers. For many of his later years, Zimmer could be counted on to join with Judge Elizabeth Welch and lawyer Bill Schulte, fellow domestic relations gurus, to present the Multnomah Bar Association’s much loved CLE programs on divorce law.

He never lost his love of roller-skating, spending many hours at Oaks Park skating with his cherished daughter, Cami. And Zimmer remained a lifelong baseball fan, regularly attending games in Seattle with his son, Max, both in their Cleveland caps.

Aside from his family and professional interests, Zimmer enjoyed his passion for staying fit and his love for a good game of pool with his friends. Everyone who knew him always appreciated his dry and quick sense of humor, his decency and his strong sense of kindmess to others.

He is survived by his wife, Maureen; son Max (32); daughter Cami (29); and granddaughter, Kennedy (11).
Philip Scott McCleery passed away on Sept. 15, 2020. He was 67 years old.

McCleery grew up in Southern California, complete with VW Bus and rooftop surfboard. At the University of California, Santa Barbara, he majored in political philosophy; upon graduation, he and his wife, Jane, opened a popular restaurant in the city.

As kids came along, McCleery and his wife felt law to be a more stable occupation and Eugene a better place to raise a family. He graduated from the University of Oregon School of Law in 1985 and, for the next 30 years, practiced at Doyle Garland Nelson McCleery & Wade in its various iterations.

McCleery brought a philosopher’s mind to the intricate interrelationships of bankruptcy and real estate. The Professional Liability Fund relied on McCleery to repair professional errors and omissions in bankruptcy cases before they damaged vulnerable clients or generated large claims against the PLF. McCleery and his longtime legal assistant, Kassie Avilla, guided many private clients large and small through complex real estate ventures and brushes with insolvency.

McCleery (a strong triathlete) and his wife (who ran the Boston Marathon) would often go for training runs way out in the countryside. In a practice area full of tension, he was unfailingly calm, kind and supportive of clients, colleagues and staff. He always welcomed new lawyers into the firm. Every single person who knew him will miss him.

McCleery is survived by lifelong spouse Jane, son Eamon (a lawyer in Seattle), daughter Ellen (a doctor on rotation in Sacramento) and son Patrick (a world traveler).

Additional Notices

Shelley Keller
48, Portland, June 15, 2020

Michael C. Haines
73, Oregon City, June 17, 2020

Donald W. Wicher
99, North Plains, Aug. 12, 2020

In mid-November, the Multnomah Law Library will move to its new location, the Sixth+Main Building, 1050 SW 6th Avenue, Suite 180, in the heart of downtown Portland. The library will continue to offer services remotely, including curbside book pickup and dropoff. Reach out to the law library staff at librarian@multlawlib.org, 503.988.3394, or www.multlawlib.org. The staff remains available to assist you even during these constantly changing times.

Librarian, Martha Renick
FOR SALE

LAW LIBRARY, COMPLETE SET
OREGON REPORTS and Oregon Appellate Reports, $4,500, (503) 650-8010.

OFFICE SPACE

ALL-INCLUSIVE OFFICE SPACE – Private secure offices include mail service, phone reception, internet, conference rooms, kitchen, signage, parking, 24/7 building access. No set up fee’s, use of furniture, on-site gym and 13th month waived! 5200Meadows.com or Call (503) 726-5999.

BEND, OLD MILL, 1924 CRAFTSMAN with cozy reception area with fireplace, kitchen, conference room. Upstairs office with internet for $650 per month/year lease.  May have some overflow of uncontested family law work. Contact: lilquin9927@gmail.com (541) 728-1974.

BEAUTIFUL 1897 VICTORIAN HOME CONVERTED TO OFFICES – 1785 Willamette Falls Drive - available immediately. Nice, light-filled upstairs offices with windows that open and overlook Willamette Falls Drive. Building has central A/C and good parking out front with large front porch and wicker furniture. Internet Wi-Fi and data cable are available. 2 offices available: each office is approx. 12'x13' (approx. 156 sq ft) with built-in closet/ storage at $595.00 each. Optional access to shared conference room. Furniture currently in offices available for additional lease or purchase cost or will be moved out. Possible basement storage available. Call or text Dean (503) 310-8089.

BEAVERTON ATTORNEY OFFICE BUILDING FOR OVER 40 YEARS ON S.W. 2ND AND TUCKER has two offices available with shared building reception area, library, conference room and parking. $500 monthly or longer lease option. Nine sole practitioners in building with some overflow/referral. Call Sheila at (503) 641-7888 or email shellawagnon@lawyer.com.

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

FOR SALE – CLOSE-INS NE PORTLAND OFFICE BUILDING – $975K - 2014 NE Broadway, OR Zoned, 2,164 Sq Ft, ADA accessible, 2 story plus basement storage. Reception area, support staff area, conference room, kitchen/copy room, 2 bathrooms, 5 office areas (some with cubicles). Great condition and location. Terms negotiable. Flexible financing/partial leaseback and other reasonable options considered. Inquiries to 2014BroadwayInquiries@gmail.com.

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.

TWO OFFICES AVAILABLE IN DOWNTOWN PORTLAND – Nice upstairs office (11 x 14.5) with large window, newer carpet and paint and separate secretarial area with desk and chair outside door. $650. Large (12 x 15) partially furnished office with balcony, newer carpet and paint and separate secretarial space outside office with desk. $850. 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. 6 experienced attorneys, 4 blocks to courthouse, fitness center one block. Parking available $200/month. 521 SW Clay. George: 503-226-3607.

OFFICE AVAILABLE IN THE BUTCHER & SMITH LAW FIRM SUITES – Located at 520 SW Yamhill St. across from Pioneer Courthouse Square. 121 sqft with large windows. Telephone system, copyscan machine services and front desk person available to greet clients. $1,010.00 per month. Inquires to Elizabeth at (503) 972-7380.

OFFICE SPACE – DOWNTOWN MILWAUKIE - 2027 SE Jefferson St. Single private office space available on a modified gross lease. Second floor office with separate entrance a 24/7 secured access system. Quiet and friendly environment shared with medical and financial professionals. Free parking behind building or on the street. Walking distance to downtown shops and restaurants. For more information, contact Lauren Lanclal at flancial@daywireless.com or (503) 794-3760.

OFFICE SPACE – FREE RENT FOR TWO MONTHS - JOHN’S LANDING – Looking for other professionals to share office space on the third floor of the River Park Plaza Building in John’s Landing with other sole practitioners and a small law firm. Current tenants include Estate Planners, Family Law, Elder Law, Tax Preparers and Investment Advisors. This is Class A space in a building that was built in 2003. Rent includes high speed Internet, phones, reception, voicemail, meeting rooms, kitchen and parking! We have five offices available between $500-$750 each. We are looking for a one-year commitment. Please contact Bob Cronk at (503) 245-0894 or bob@naylaw.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.

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

WE HAVE TWO OR THREE SPOTS IN OUR TERRIFIC SUITE – Two “partner” offices with Mt. Hood views plus interior office in welcoming, fully-equipped suite. Staff space options. 811 SW Naito Parkway, Suite 420. Fitness room, indoor bicycle storage, near MAX, bus & new courthouse! $1,250/month for largest, $1,000/month for second-largest, interior office/staff space TBD. NEGOTIABLE DUE TO COVID. Parking additional through landlord. Contact Lisa Butler at 503-445-2100, lisa@forumlawgroup.com.
POSITIONS AVAILABLE

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

A LATERAL MOVE IS A DIFFICULT DECISION, so let us find you the perfect fit. Since 2000, Stayer Legal Search has been connecting lawyers with great opportunities in all sizes of law firms and companies. Our 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.

ASSISTANT DISCIPLINARY COUNSEL – LITIGATION – The Oregon State Bar is looking for someone to provide counsel to the Bar in the evaluation, investigation, and, where appropriate, negotiated resolution of ethics complaints made against Oregon lawyers. Visit http://www.osbar.org/osbcenter/opportunities.html for job details. Equal Opportunity Employer.

ATTORNEY POSITION AVAILABLE – Small firm in Tillamook seeks attorney with general practice experience. Must be willing to commit to the community. Opportunity for partnership. Salary based on experience. Generous benefit package. Send resume and cover letter to Dustin A. Johnson, P.O. Box 544, Tillamook, OR 97141 or email to djohnson@pjntuthill.com.

ECONOMIC DEVELOPMENT ENTERPRISE FIRM SEEKS AN IN-HOUSE LEGAL ADVISOR offering spectacular executive office space at the Medford Airport. Opportunity to operate a private firm with our company interests kept as priority under a negotiable salary. Our enterprises include but are not limited to agriculture manufacturing, export/import of goods, agriculture education and charitable activities. Contact Misty Burris (541) 530-3613. oregoninstitute@gatherlandin.org.

FAMILY LAW PRACTICE/MENTORSHIP OPPORTUNITY IN BEND – A non litigation attorney with 30 years experience is willing to mentor a family law attorney who would like to practice in Bend. This is NOT an associate position. The right person would need to develop their own practice, pay rent ($650 per month) and bar fees. The founding partner just retired and there is enough work for two attorneys. Please check out Familylawbend.com and contact Lillian Quinn at 541 728-1974 or liliquinn927@gmail.com.

TRIBAL COURT SEEKS INDIGENOUS DEFENSE ATTORNEYS – The Confederated Tribes of Grand Ronde Tribal Court is seeking applications for our Indigenous Defense Program. These attorneys will represent children and parents for child abuse and neglect cases in our Tribal Court. Call (503) 879-4623, email CourtPrograms@GrandRonde.org or visit our website: https://www.grandronde.org/government/tribal-court/court-programs/.

PRACTICES FOR SALE

EXTREMELY PROFITABLE SEATTLE IMMIGRATION LAW PRACTICE that has average gross revenues 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. Email info@privatepracticetransactions.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@privatepracticetransactions.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.

TRIVING GRANTS PASS OR- EGON 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 turn-key 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 10% 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@privatepracticetransactions.com or call (253) 509-9224.

PROFITABLE NORTHWEST OR- EGON 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@privatepracticetransactions.com or call (253) 509-9224.

WASHINGTON MEDICAL MAL- PRACTICE 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@privatepracticetransactions.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. mjs@eterwynne.com (503) 291-1423; Video: https://www.youtube.com/watch?v=txEcUMFZeLE - Pictures: samsandmiriedaho@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 mxmlary@comcast.net or (503) 784-5277.

PARIS APARTMENT – At Notre Dame. Elegant 2 bedroom, 1 ½ bath, with lift. In the heart of Paris.

PROVENCE. 4 bedroom, 3 ½ bath house with stunning, panoramic view of Menerbes. Owned by OSB member (202) 285-1201 or (503) 227-3722.

SCOTTSDALE – North Scottsdale home near Troon and TPC golf courses. Newly furnished. 3BR, 2BA, 52” plasma TV, pool, outdoor barbecue. No smoking, no pets. Tony at (503) 221-2271.

SUNRIVER – Cascara Vacation Rentals - Over 120 homes & condos with hot tubs, free Wi-Fi, many pet friendly & with free access to the Sharc aquatic & recreation facil-
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Automate your Oregon estate plan - sdorval88@gmail.com. Dorval. (208) 690-9464

EXPERT WEATHER TESTIMONY

SUNRIVER – Warm, cozy, 2 bedroom, 1 bath Ranch Cabin, ideal for a weekend getaway. Fireplace, TV, Wi-Fi, DVD, CD, BBQ, washer/dryer, fully furnished & well-equipped. Sleeps 4. $95/night + $75 cleaning fee (541) 944-2694.

SERVICES


LEGAL NURSE CONSULTANT – Offering Board Certified Legal Nurse Consultants with the LNCC certification from the American Association of Legal Nurse Consultants—the gold standard in LNC credentialing. The only certification recognized by the American Board of Nursing Specialties. Offering the following services: review files for standards of care and any deviations that may have occurred, provide chronologies/summaries, demonstrative evidence, translate and interpret medical records. Expert Witness location services. Average length of experience in nursing for our consultants is 20 years and includes experience in clinical areas such as: Corrections Healthcare, Critical Care, Telemetry, Long-Term Care, Workers’ Compensation as well as many other specialties! Willamette Nurse Consultant Group, (971) 777-2687 info@willamettenurseconsultantgroup.com www.willamettenurseconsultantgroup.com.


FREELANCE CIVIL LITIGATION PARALEGAL & MEDIATION SERVICES – New and dynamic option for the legal community to obtain superior paralegal and mediation services. I have over 29 years of experience, expertise in Construction and Employment Law, including all aspects of litigation, mediation, arbitration and trial. Being freelance provides me the flexibility to offer my paralegal and mediation services for all who need assistance, from large law firms to solo practitioners without the burden of expensive overhead. Shawn Stanley-Slingshot Legal Services; shawn@slingshotlegal.com; www.slingshotlegal.com (503) 956-6629.

INVESTIGATION – Diligent Investigations is a full service investigation firm specializing in Surveillance, Background Investigations, Locates, Difficult Service of Process, Interviews and more. In Portland since 2012, Diligent Investigations has earned a reputation for professionalism and integrity. Contact Robert Grady (503) 985-6659 or email: dilinves@gmail.com.

LEGAL ETHICS DEFENSE: ETHICS ADVICE & OPINIONS – Christopher R. Hardman - Providing defense services against Bar disciplinary proceedings; legal ethics advice, consultations, and opinion letters. Mr. Hardman is a former Assistant Disciplinary Counsel of the Oregon State Bar Office of Disciplinary Counsel, and a former Bar prosecutor. He is a speaker and moderator at Ethics Continuing Legal Education Seminars sponsored by the Bar, New Lawyers Division and others. He may be contacted at his office: Christopher R. Hardman, (503) 916-1787, or Fax (503) 916-1789; 25 NW 23rd Pl Ste 6, PMB 497; Portland, OR 97210.

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NEW連結 – Link to our Facebook page for the latest breaking news and updates.

POSITIONS AVAILABLE

$30 for the first 20 words, 50 cents each additional word.

SERVICES

$40 for the first 20 words, 50 cents each additional word.

ALL OTHER ADS

$40 for the first 20 words, 50 cents each additional word. Oregon State Bar members receive a $10 discount on these ads.

COLOR

Color may be added to any ad for an additional $20.

BLIND ADS

Add $15 to the cost of the ad for this service.

BLIND AD REPLIES

To protect the confidentiality of an anonymous advertiser as well as the reader, we offer the following service: If there is a firm you do not wish to respond to, list that firm (or firms) on a note along with your response to the blind ad. If the anonymous advertiser is a firm you have listed, your response will be recycled. Send both to blindad@osbar.org with the blind ad number in the subject line. Or, mail in a 9 x 12 inch envelope to Oregon State Bar, Attn: Blind Ad #[fill in the blank], P.O. Box 231935, Tigard, OR 97281.

SUBMIT TO

Email: advertising@osbar.org; mail: P.O. Box 231935, Tigard OR 97281, Attn: Advertising. For questions, contact Spencer Glantz at advertising@osbar.org, (503) 431-6356 or (800) 452-8260 ext. 356.

DEADLINES

The first business day of each month for the following month’s issue.

DILIGENCE-ESTATE PLANNING APPRAISALS - Appraisal Valet can expedite your next residential appraisal assignment. We order, review and deliver hundreds of appraisals monthly throughout the Pacific Northwest allowing you to benefit from the excellent rapport we have established with the most qualified/experienced appraisers. Email admin@appraisalvalet.net or call (503) 828-9441 for a free quote.

STRESS, anxiety, depression psychotherapy and counseling; career counseling; confidential assistance improving strained relationships, clarifying career considerations, responding constructively to occupational, family, and individual emotional developments, transitions, etc. Standish McCreary III, J.D., Ph.D., Lic. psychologist (16 yrs. atty); (503) 228-0688.

The ONLY certification recognized as the gold standard in LNC credentialing. The only certification recognized by the American Board of Nursing Specialties. Offering the following services: review files for standards of care and any deviations that may have occurred, provide chronologies/summaries, demonstrative evidence, translate and interpret medical records. Expert Witness location services. Average length of experience in nursing for our consultants is 20 years and includes experience in clinical areas such as: Corrections Healthcare, Critical Care, Telemetry, Long-Term Care, Workers’ Compensation as well as many other specialties! Willamette Nurse Consultant Group, (971) 777-2687 info@willamettenurseconsultantgroup.com www.willamettenurseconsultantgroup.com.

NEED HELP WITH A BIG CASE?

Want to expand your practice? Want to take a vacation? Contact the OWLS Contract Lawyer Service. We can help. Fast! You contact us with project/job information. We immediately post the announcement to our contract lawyer listserve. You are promptly contacted by contract lawyers who meet your criteria. Free! No fee to post jobs or projects. You pay the contract lawyer you hire. Effective! Contract lawyers statewide. Many levels of experience. Many types of expertise. For more information, or to post a job, contact the OWLS office at (503) 841-5720 or email cassin@willamettenurseconsultantgroup.com.

POSITIONS AVAILABLE

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ACCOUNTANTS

Cogence Group, PC
Jay Sickler, CPA, CFF, ABV, ASA
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PH 503-476-7900 x1
jsickler@cogencegroup.com
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www.pdxcpas.com

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Portland, OR 97205
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FX 503-223-5179
serena@moronesanalytics.com
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Damage analysis, forensic accounting, fraud investigation, data analytics, intellectual property damages, lost wages, wrongful death, and business valuation.

BUSINESS VALUATIONS

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Blake J. Runckel
PO Box 82908
Portland, OR 97282
PH 503-235-7777  FX 503-235-3624
brunckel@corpval.com
www.corpval.com

Corporate Valuations, Inc. is a national business valuation and financial advisory firm founded in 1983. We offer a broad range of valuation services, including corporate valuation, gift, estate, and income tax valuation, buy-sell agreement valuation, financial reporting valuation, ESOP and ERISA valuation services, and litigation and expert testimony consulting. In addition, Corporate Valuations assists with transaction-related needs, including M&A advisory, fairness opinions, and strategic alternatives assessment.

We have provided thousands of valuation opinions for corporations of all sizes in a variety of industries. To paint an accurate picture, the valuation of a business or its underlying assets calls for a combination of science and experience. The business valuation consultants at Corporate Valuations offer practical insight into the strategic, operational, and financial affairs of the business—so you can understand the real value—regardless of industry. Our valuation opinions are well-reasoned and thoroughly documented, providing critical support for any potential engagement. Our work has been reviewed and accepted by the major agencies of the federal government charged with regulating business transactions, as well as the largest accounting and law firms in the nation in connection with engagements involving their clients.

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Laura Markee
412 W 12th St
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PH 971-201-7349
laura@markeevaluations.com
www.markeevaluations.com

We are experts in business valuation and financial damages analysis. Recognizing that a business value cannot be simplified to a formula, we ask questions and analyze industry and economic factors to understand what makes each business unique. The end product is a detailed valuation that is well documented, clear, and certifiably reliable.

Morones Analytics, LLC
Serena Morones
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Portland, OR 97205
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FX 503-223-5179
serena@moronesanalytics.com
www.moronesanalytics.com

Morones Analytics employs a diverse team of experts who investigate, analyze, and develop opinions on subjects of commercial damages, individual damages (lost wages, wrongful death), intellectual property damages, forensic accounting, fraud investigation, big data analytics, and business valuation. View our website to see our resume of cases and to meet our team of experts.

Stuart Weiss Business Valuations
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1050 SW 6th Ave, #1100
Portland, OR 97204
PH 503-223-3142
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Valuing family businesses since 2002. Reports in plain English. Stuart is a Certified Public Accountant and a Certified Business Appraiser (CBA) and ranked among the top 10% nationally by the American Society of Appraisers (ASA). Valuations are used for estate and gift tax, asset allocation, purchase price, and divorce matters. Specializing in business valuations, litigation support, and tax services.

BUSINESS VALUATIONS, CONT.

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William N. Holmes, CPA, CFE
7128 SW Gonzaga St, Ste 100
Portland, OR 97223
PH 503-270-5400  FX 503-270-5401
wnholmes@pdxcpas.com
www.pdxcpas.com

Fraud and Forensic Accounting / Economic Damages / Business Valuation / Commercial Litigation / Accounting and Tax Malpractice / White Collar Financial Crime / Expert Testimony / Full Service Public Accountants / Plaintiff and Defense. Mr. Holmes has approximately 25 years of experience in matters ranging from complex litigation, bankruptcy, class action, construction, contract disputes, embezzlement, employment, financial statements audits, intellectual property, personal injury, professional liability and malpractice, securities fraud, shareholder rights and tax issues.

Markee Valuations, LLC
Laura Markee
412 W 12th St
Vancouver, WA 98660
PH 971-201-7349
laura@markeevaluations.com
www.markeevaluations.com

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Morones Analytics employs a diverse team of experts who investigate, analyze, and develop opinions on subjects of commercial damages, individual damages (lost wages, wrongful death), intellectual property damages, forensic accounting, fraud investigation, big data analytics, and business valuation. View our website to see our resume of cases and to meet our team of experts.

Stuart Weiss Business Valuations
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Valuing family businesses since 2002. Reports in plain English. Stuart is a Certified Public Accountant and a Certified Business Appraiser (CBA) and ranked among the top 10% nationally by the American Society of Appraisers (ASA). Valuations are used for estate and gift tax, asset allocation, purchase price, and divorce matters. Specializing in business valuations, litigation support, and tax services.
As part of our Oregon Bar Association sponsorship, we specialize in setting up secure remote access to your business network and can help you with migrating to cloud-based solutions. Contact us for a free assessment.

## Attorneys’ Marketplace

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LawChamps is an online legal marketplace where clients and attorneys match for legal services, nationwide. We help solo attorneys focus on doing what they do best—practice law—by bringing them prescreened clients matched to their practice. Once connected, clients and attorneys can utilize our platform to work together virtually and remotely.

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[www.jdcourtbonds.com](http://www.jdcourtbonds.com)

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### COURT REPORTERS

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Portland, OR 97223

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**FX** 503-293-8499

info@isdreporters.com

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935 NW Everett St, Portland, OR 97209

**PH** 503-467-7900 x1

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Photo Finish

Portland lawyer Stephen Rickles was on his way to see a Cambodian temple in early daylight when a young girl caught his eye, her bicycle loaded with lotus flowers and roots.

Do you have a photograph you’d like to share – beautiful flowers and towering trees, perhaps? Snow-covered peaks or a gorgeous sunset? Let Bulletin readers tag along on your next outing by sending your favorite images our way for “Photo Finish.”

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