Celebrating Oregon Lawyers

Above and Beyond
The 2020 OSB Annual Awards

Giving Back
The 2020 Pro Bono Challenge

Building Bridges
Honoring the Class of 1970

Plus:
Closing the Gender Gap, Increasing Diversity and Other Reasons to Rejoice
Choosing an attorney for Referral or Association depends on the attorney’s experience, skill and results.

“I have associated with Tim on several cases. He’s authentic, respectful of the clients and others, and thoroughly dedicated to winning the case. If he accepts your case, he will do whatever it takes to resolve it successfully or win at trial.” — ATTORNEY GENE HALLMAN, PENDLETON

“When a case comes in that is large and important, I armor up by calling Tim Jones to associate with me. He is one of the hardest workers I have ever seen... there is no quit in him.” — ATTORNEY MIKE STEBBINS, NORTH BEND

“Tim and I have worked together on large and complex cases. Tim is thorough, tenacious, and clients who entrust their case to Tim can rest assured that we will see their case through without compromise, with the singular goal of achieving the best result possible.” — ATTORNEY JOHN COLETTI, PAULSON COLETTI, PORTLAND
In the midst of a pandemic and social unrest and against the backdrop of wildfires across the state, it’s important to remember the good and important work that Oregon’s legal professionals are doing in 2020 to make life better for all of the state’s residents. Much of that work is honored here, in a special issue of the Bulletin that pays tribute not only to award winners, but also to the strides made toward creating a bar and a community where everyone can thrive.
In a year of unprecedented crises and unique challenges, it’s important to remember the good and important work that Oregon’s legal professionals are doing to make life better for all of the state’s residents.

Much of that work is being honored this month in a very special issue of the Bulletin, which pays tribute not only to winners of the OSB’s Annual Awards and Pro Bono Challenge, but also to the accomplishments of the Class of 1970 and the strides that have been made over the past 50 years toward creating a bar and a community where everyone can thrive.

In the pages that follow, you’ll read about the remarkable gains made by women in the law, and how the face of Oregon’s legal profession has grown increasingly diverse. You’ll hear unique perspectives from Oregon Supreme Court Chief Justice Martha Walters and OSB President Liani Reeves, and look back with lawyer Donald Bowerman at the creation of the Professional Liability Fund and Oregon Attorney Assistance Program.

Even Rebekah Hanley’s Legal Writer column and Nik Chourey’s Bar Counsel article offer reasons to celebrate, and why not? It’s important to honor award winners, of course, but it’s equally important to acknowledge that there’s just something special about being a legal professional in Oregon.

The way we treat each other, the way we represent our clients and the way we interact with the communities we serve should make all of us proud.

Gary M. Stein
Bulletin Editor
Celebrating Individuality and the Power of Collaboration

‘We Are Woven Together’

By Chief Justice Martha L. Walters

The ideas that fascinate me are not complex or novel, but there is something that draws me to them again and again. Like rocks, they can be ordinary and serve only to steady, but they also can be picked up and marveled at. For me, they are compelling truths.

One is that we can see aspects of life simultaneously, in two opposing ways. For instance, we can see people as individuals who think and act independently, and at the same time, we can see people as woven together, indistinguishable and inseparable.

When I think back over my more than 40 years as a member of the Oregon State Bar, I can think of so many lawyers whose independent, forward thinking has been our strength: great scholars, advocates, mentors and leaders. Some articulated new, even radical, ideas; some saw injustice or opportunity for improvement and set out, deliberately, to bring change. Some I knew or still know personally:

- Hon. Hans Linde focused our attention on our state constitution;
- Hon. Betty Roberts advocated for women’s rights and brought women into the legal profession and onto the bench;
- John VanLandingham fought and is fighting to make housing affordable and rental policies fair; and
- Hon. Adrienne Nelson helped to create and is championing a video for jurors on implicit bias.

We must encourage the rising of such stars and discourage the amalgamation of thought. As Joseph Brodsky said, “Broken eggs make me grieve, the omelet makes me vomit.”

In my career as a lawyer, I am most proud of my representation of unique individuals who had the courage to take a stand against an unjust status quo — against sexual harassment, excessive use of force, unlawful discrimination, unsafe or unethical working conditions. I learned from them how horrendously difficult it is to row against the societal tide, and that you can’t do that without keeping your eye on your own North Star.

I also learned that even when individuals are awarded remedies for wrongs, their victories alone will not bring the change that is necessary. In my career as a lawyer, I am least proud of my lack of focus on the need for systemic change. I worked hard for my individual clients, and their willingness to call ‘Enough!’ did make others take note. I am also thankful for the opportunity to participate in the work of the Uniform Law Commission and the Oregon Law Commission. Those organizations and the tremendous lawyers who volunteer their time to advance their missions draft legislation that, if enacted, can make more change more quickly than is achievable through litigation.

But so many unmet needs remain. We do not yet have a system of justice that is equally fair, open and accessible to all, including those who are not represented by lawyers.

We do not yet have a system of justice that lives its aspirations. But by referring to it as a system, we recognize that justice depends not only on the courageous individual, but also — and I think even more — on the unheralded many. As we celebrate the lawyers of the Oregon State Bar this month, let’s celebrate every single practitioner who listens, calms, explains, resolves and advocates.

Let’s celebrate those who teach and educate, hire and employ, mentor and advise, volunteer and give.

I wish the world could know how hard Oregon lawyers work and how much they care. You are gracious and kind. You patiently ask questions and provide legal options. When you take people on as clients, you take responsibility for their legal problems. But you also learn about their families and their human needs.
You put in the time that is necessary, whether you can charge for it or not.

There are nights when you don’t sleep; days when you are thinking through a problem in the shower and you can’t remember if you already shampooed; meals on end of pizza or peanut butter crackers. You take out loans to make payroll; give bonuses when times are good. You join community boards, advise friends and work pro bono.

I wish the world could know how hard Oregon judges work and how much they care. You are respectful and present. You ask the hard questions and give people answers that you do not always want to give and that they do not always want to hear, recognizing their human consequences. You take the time that is necessary, knowing that you do not have it, and get up to do it again.

I wish the world could know how collaboratively so many Oregon practitioners and judges have worked during the COVID-19 pandemic that we are now enduring. Together, we figured out how our courts could remain open and conduct essential proceedings without jeopardizing public safety. We had to do things differently and we did, holding thousands of proceedings by remote means so that judges, staff and the public did not have to come into our courthouses, and even conducting jury trials — with sufficient social distancing, vigilant cleaning and masks provided by bar members — to preserve the right of criminal defendants to speedy trial.

It is true that we could not do everything. And we do have a significant number of pending cases that must be resolved. But I want the world to know how amazing it was that we did not close for a day because of the pandemic, and to give tribute to the collective effort it took to find a way to serve those needs and to fulfill our responsibilities.

And not only that! Members of the bar participated and are currently participating in many workgroups designed to ensure that we look to the future and build on the changes we have implemented to work even more effectively. Liani Reeves, our amazing bar president, gets out frequent messages to practitioners, keeping them informed of the frequent changes in court practices while coping with her own challenges and grief. Our Strategic Campaign is in full swing, and we will soon be bringing you news of our progress on the four commitments we have made to the people of Oregon.

You may already be aware that we have expanded electronic filing for abuse prevention protective orders. We have projects in the works to create a website — a portal — with centralized information for members of the public who have legal needs and questions, and to undertake listening sessions to learn more about those needs and questions and how we can be more inclusive, responsive and fair. It is a difficult time, but it is an exciting time!

In all this, some may — and, like Liani, some certainly will — stand out. But there is a way in which individual striving matters naught. For in our system of justice, we are indistinguishable; we succeed or fail, cumulative deed upon deed, as one. And we are woven together. Nothing is right for one unless it is right for all. What benefits one, inures to the benefit of all.

That, as Dr. Martin Luther King Jr. said so much better, is the “interrelated structure of reality.” The Oregon State Bar provides a network of mutuality, of which I am proud to be an infinitesimal part. ■

Hon. Martha L. Walters is chief justice of the Oregon Supreme Court. Reach her at Martha.L.walters@ojd.state.or.us.
BRIEFS

By the Numbers

Where Attorneys Practice

Atlantic and New England states have the most lawyers per thousand residents in the United States, according to the American Bar Association’s recently released 2020 Profile of the Legal Profession. The top five states, the report says: New York (9.5), Maryland (6.7), Massachusetts (6.2), Connecticut (5.9) and Vermont (5.8). Oregon ranks 30th (2.9), with South Carolina, Arkansas and Arizona tied for the fewest lawyers per thousand residents (2.1).

The ABA report also listed the actual number of lawyers in every county, using data provided by state bar associations. Here are the five Oregon counties with the most lawyers, according to the report:

- Multnomah: 5,655
- Washington: 1,309
- Marion: 1,260
- Clackamas: 1,042
- Lane: 855

On the other end of the Oregon spectrum: Morrow County has just two attorneys, according to the report; Gilliam, Sherman and Wheeler counties each have one attorney. To see the full 150-page report, go to tinyurl.com/ABAProfile.

Panel to Advise Chief Justice on Racial Justice Reforms

Oregon Supreme Court Chief Justice Martha L. Walters has appointed 24 people to a Criminal Justice Advisory Committee that will advise her on a range of topics related to racial justice reforms and the coronavirus pandemic.

“Courts, community organizations and public safety entities must work together to better serve the interests of justice during this time of great challenge and change,” Walters says. “We have an opportunity in this moment, and we cannot tolerate a return to business as usual. I want to ensure I am hearing directly about changes we need to make, and that our courts are taking a leadership role in ensuring justice throughout Oregon.”

The committee, which will be chaired by Polk County Circuit Court Judge Rafael Caso, will include legislative Judiciary Committee chairs Sen. Floyd Prozanski and Rep. Janelle Bynum, three circuit court judges and representatives from other state agencies, public safety associations and community groups involved in criminal justice system issues.

The committee has been asked to make recommendations in several areas, including remote proceedings and in-person appearances that best serve individuals and entities in the criminal justice system; implementation of a statewide pretrial release program; collection and analysis of data on race and ethnicity to address disproportionate outcomes; imposition and collection of court-ordered financial obligations to reduce negative impacts and improve collection rates; processes to ensure that courts do not create or exacerbate disparate impacts for Black, Indigenous and other people of color; and instructions to jurors and others to mitigate the effect of bias during fact-finding and decision-making.

The first meeting of the committee was scheduled to be held virtually on Oct. 1.

Donate Face Masks for Oregon Courts

Chief Justice Martha L. Walters is asking the Oregon legal community to help the court system by either donating disposable masks or making masks for courthouse use.

The effort is being coordinated for the Oregon Judicial Department by the Oregon Association of Defense Counsel (OADC), which estimates the current need at 1,200-1,500 masks per day for jurors, employees or visitors who come to court without them.

Donations can be sent to or dropped off at the OADC office, 147 S.E. 102nd Ave., Portland, OR 97216. Questions about drop-off or mailing? Contact the OADC’s manager, Geoff Horning, at ghorning@oadc.com.

New Study Explores Diversity of Law Students

Enrollment in law school has declined by 25 percent over the past decade. There are now more women than men pursuing a career in law. And Asian Americans, once the fastest-growing group in law schools, have experienced the steepest decline in recent years.


The study, authored by Miranda Li, Phillip Yao and California Supreme Court Justice Goodwin Liu, provides a comprehensive analysis of recent U.S. law school enrollment trends since the economic downturn and financial crisis of the late 2000s.
Quotable

“I tell law students … if you are going to be a lawyer and just practice your profession, you have a skill — very much like a plumber. But if you want to be a true professional, you will do something outside yourself … something that makes life a little better for people less fortunate than you.”

— U.S. Supreme Court Justice Ruth Bader Ginsburg, during a conversation in 2017 with Professor Jane Shaw at Stanford University’s annual Rathbun Lecture on a Meaningful Life. Justice Ginsburg died Sept. 18 after suffering complications from metastatic pancreatic cancer. She was 87.

For a full draft of the ABF study, visit americanbarfoundation.org/news/10298.

‘Taste for Justice’ Virtual Fundraiser Set for Oct. 17

St. Andrew Legal Clinic, which focuses on helping Oregonians of modest means with legal issues, usually gathers its supporters and sponsors in the fall for a fund-raising evening filled with world-class wines, decadent food and intriguing auction packages. This year, though, guests will be participating from home.

The 15th annual Taste for Justice is scheduled for 5:30 p.m. on Saturday, Oct. 17. It will include a paddle raise, raffle and live auction. An online silent auction will also be available from Oct. 10-19 as part of the festivities.

To register, go to salcgroup.org/taste.

“As part of my estate planning lawyer costume this Halloween, I have a power of attorney form for you to sign to authorize me to distribute all of your remaining candy.”

Glick
Civility, Kindness Engender Respect for the Legal Profession

Why Professionalism Matters

By Nik Chourey

C onsistent with our theme of celebrating Oregon lawyers, this month’s Bar Counsel column discusses the intersection of two core elements of our identities as lawyers: our regulatory obligations, otherwise known as ethics under the Rules of Professional Conduct (“RPC”); and professionalism.

Attorney ethics require that we meet minimum standards delineated by duties to our clients, duties to the tribunal, duties to opposing counsel and third-parties, and duties to the profession. The RPCs are rules binding on all attorney members. ORS 9.490.

Professionalism, on the other hand, is aspirational, drawing directly upon the best in us and our profession. It reflects the way we treat each other, the way we represent our clients and the way we interact with the communities we serve. And it is why, since 2003, the Oregon Bench and Bar Commission on Professionalism has awarded the annual Edwin J. Peterson Professionalism Award.

The Professionalism Award is given to recipients who consistently act in accordance with the OSB Statement of Professionalism, which notes that “professionalism fosters respect and trust among lawyers and between lawyers and the public, promotes the efficient resolution of disputes, simplifies transactions and makes the practice of law more enjoyable and satisfying.”

Attorney Kate Wilkinson puts it another way. In nominating John C. Gartland for the Professionalism Award in 2011, she talked about the value of treating everyone — staff, other lawyers and clients — with the same level of respect. “I have never heard John raise his voice in anger or frustration. He works gracefully, helps people respectfully and contributes to his profession and community wholeheartedly,” Wilkinson said. “To me, that is the essence of professionalism.”

“On many occasions, I have met people at various functions and heard countless stories of ‘John helped my parents,’ ‘He helped my sister,’ etc. John has helped an astonishing number of people in our community,” Wilkinson said. “When I think of John Gartland, I often think that’s the kind of lawyer I want to be when I grow up.”

Respect for All Voices

That commitment to treating others with respect has applied to past Professionalism Award winners, too.

In his nomination of award recipient David Bartz in 2016, former Urban League of Portland President and CEO Michael Alexander said “I have always found him to be a candid but balanced voice who takes great pains to hear and respect the parallel truths that often surround complex and divisive dilemmas. He brings an integrity and respect for all voices and stakeholders without ever failing to represent the interests of his clients and his firm.”

In 2015, former Oregon Supreme Court Justice Jack L. Landau praised award winner Alycia Sykora, saying she demonstrated a “commitment to the values of professionalism — including promoting the integrity of the courts, supporting educating the public about the legal system and improving the image of the legal profession in the eyes of the public.”

Attorney Ron Roome echoed Justice Landau’s words, recounting his experiences serving as a mediator and arbitrator in cases where Sykora appeared for her clients. In one particularly contentious case, he said, “her actions underscored her drive to serve justice, to do the right thing. But the equally remarkable fact is that she did so knowing all the while that her efforts would benefit a demanding and antagonistic opposing pro se party that made her life, and my life as an arbitrator, very difficult over the course of a year or so.”

Professionalism may be aspirational, but that kind of behavior matters more than ever now — and lawyers are well-positioned as problem-solvers to model civility and kindness. By doing so, they engender respect for the rule of law, and they enhance the reputation of our profession.

Crossing the Professionalism Line

Let’s imagine a hypothetical scene. It is day three of a contentious trial, which has included media coverage. The plaintiff’s family has attended the trial and been vocal and critical of defense counsel throughout the week. In a moment of frustration and total depletion, defense counsel turns toward the gallery and angrily “shushes” the family members, and then calls out their inappropriate behavior and “glaring level of utter and complete ignorance.” This all happens in the presence of both the jury and the media (i.e., the public).
The attorney’s courtroom conduct earns a rebuke from the judge, coverage on the nightly news and, later, a bar complaint. While the complaint is ultimately dismissed, the damage has been done to the public’s perception of our profession.

Consider also the bar complaint itself. Using our ethics lens, we know that our cooperation with a resultant disciplinary investigation is required under RPC 8.1(a). Such cooperation takes valuable time away from our practice, while vigilant professionalism minimizes exposure to bar complaints.

Every year, the OSB receives roughly 2,000 inquiries about lawyers’ conduct from the public and bar members. Of those, roughly 40 percent and 20 percent respectively relate to the conduct of the complainant’s own lawyer or the opposing counsel. The top four topics of inquiry: competence, diligence, honesty and communication.

It’s important to note that upwards of 80 percent of bar complaints are either dismissed or resolved by the Client Assistance Office, the early screening level of investigation. But while we might take comfort in knowing that those complaints were found to raise no actionable ethics issues, this misses the big picture — for both the profession and the public.

We can be ethical and still cause harm if we lose our connection to professionalism. While the Rules of Professional Conduct require bar prosecutors to meet their burden by clear and convincing evidence, no such burden exists to breach the professionalism barrier and increase exposure to a bar complaint. More importantly, attorney missteps with professionalism damage the reputation of the profession and cause real harm to the public.

Alternatively, it is the public that most benefits from those lawyers who hold themselves to the highest of professional standards, even with cases or clients that make life particularly difficult — and we have all been tried in this capacity at one point in our careers.

Positive Role Models

Clackamas County Circuit Court Judge Susie L. Norby recently reflected on professionalism from her view on the bench, finding inspiration in a list of what the court calls “Bail Out” attorneys who are willing to serve pro bono in order to represent indigent clients who object to guardianships...
or conservatorships, or to “rescue the court when misbehavior is detected by parties or attorneys handling probate estates.”

“The quality and dedication of the attorneys who volunteer to be on this list is remarkable,” Judge Norby says. “The court must often ask them to work within tight timelines, yet they represent their clients exceptionally well.”

One particular attorney stands out for reasons that go beyond his capable legal work, Judge Norby says. “He is our ‘go-to’ lawyer when an important hearing is set for the very next day, especially when it involves a client who may not be easy to communicate with but who needs careful attention. This lawyer never fails to accept the case, even when he must reschedule other obligations to get the work done.”

Last fall, Norby says, the attorney agreed to represent an elderly woman diagnosed with dementia who wanted to object to having a fiduciary appointed to her. The lawyer went to meet his client at her home the same day he was appointed by the court, and represented her at the hearing the next day. The hearing was otherwise uneventful, but it wasn’t the end of the lawyer’s new relationship with his client.

“When he went to her home to meet her, he saw compelling signs that she was on her own in the world, having lost family and friends over the years until she had no one left to connect her to the world,” Judge Norby says. “He began to visit her at least weekly, on his way home from the office after work, often bringing her groceries. But even that was not all.”

With the holiday season approaching, the lawyer spoke to his Rotary Club and recruited members to send Christmas cards to his client. Her dementia was at a stage where she didn’t know that these were strangers, Judge Norby says; she thought she had dozens of friends and put the cards up all around her home.

“More than that, her volunteer lawyer arranged for a surprise for her on Christmas Day. He worked with her local fire department, which sent a decorated truck to park outside her home. The firemen knocked on her door and let her tour the holiday fire truck,” Judge Norby says. “It made her feel special and festive, and connected to the world.”

There has never been another hearing in the protective proceeding case for which the lawyer was appointed, but Judge Norby
says she knows he will be there if one is ever set in the future. And he will know his client, and her wishes, very well.

“This is my favorite story of an attorney going above and beyond for a client who never has, and never could, pay him in money. But this attorney has said that he feels he is rewarded every time he makes her smile,” Judge Norby says. “Now that’s professionalism.”

Nik Chourey is deputy general counsel for the Oregon State Bar. Reach him at nchourey@osbar.org or connect with him on the bar’s Legal Ethics Helpline at (503) 431-6475.

ENDNOTES

1. See https://www.osbar.org/_docs/rulesregs/orpc.pdf
2. See https://www.osbar.org/professionalism/awards.html
3. See http://www.osbar.org/_docs/forms/Prof-ord.pdf
4. RPC 8.1(a) An applicant for admission to the bar, or a lawyer in connection with a bar admission application or in connection with a disciplinary matter, shall not: (1) knowingly make a false statement of material fact; or (2) fail to disclose a fact necessary to correct a misapprehension known by the person to have arisen in the matter, or knowingly fail to respond to a lawful demand for information from an admissions or disciplinary authority, except that this rule does not require disclosure of information otherwise protected by Rule 1.6.

Legal Ethics Assistance

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

The assistance that bar staff provides is informal and nonbinding. Lawyers seeking confidential ethics advice about the propriety of their previous decisions or actions should consult a private attorney.

Members with questions can call the ethics helpline at (503) 431-6475 to be connected to the first available bar staff attorney.
You’re All Invited to a Celebration of Good Legal Writing

It’s Party Time!

By Rebekah Hanley

Remember parties? Birthdays, anniversaries, retirements, weddings, baby showers, bar mitzvahs, holidays, awards ceremonies and just-because gatherings? We greeted each other, mingled over hors d’oeuvres, shared meals and toasted one another. We networked in person. We lingered over long conversations. Those types of gatherings tend to be large, and so they have vanished from our calendars for more than six months; we can continue to savor our memories of past shindigs, but we can’t know precisely when we’ll be able to celebrate in person at the next one.

Luckily, we don’t need a big soiree to mark important moments. Since March, we’ve confirmed through extensive personal experience that technology, intimate household get-togethers and the great outdoors can all provide suitable substitutes for large parties.

But also, thank goodness for writing. It can open doors, create worlds and shrink distances much greater than six feet. Because of writing, we don’t need to log in to Zoom or meet in the park wearing masks for today’s important event. Indeed, a written “party” might be the perfect way to celebrate legal writing.

And so, I cordially invite you to join me for this celebration of legal writing in Oregon and beyond.

Welcome

Greetings, friends! I was inspired to throw this written party honoring you, Oregon’s legal writers, when the theme of this month’s Bulletin helped me realize just how much we have to celebrate. Life is too short to pass on an opportunity to formally recognize and collectively appreciate the joys of legal writing and our community’s commitment to doing it well.

As we are all arriving, let’s reflect on a shared value. Our discipline requires a generous portion of detail-oriented writing. Every word must be precise. Every fact must be confirmed. Every citation must be double-checked. I know that can sometimes feel tedious. But it can also generate joy. Think back to a time when you set out to explain in writing a complex legal concept to a non-lawyer audience. You drafted a sentence that seemed clear at first but, upon review, tripped you up. You revised it several times, and still it was awkward. Open to competing interpretations. Too long. Too dense. Too abstract.

And then you saw it: the lawyer-made sparkly diamond version of what, just hours earlier, had been a dull lump of coal. It retained all the original elements, but your labor had given it so much more beauty and strength. That’s a process, a product and a deeply satisfying feeling to celebrate.

Moreover, that joy was hard won. It was the result of an intense dedication to your craft and a deep commitment to advancing a client’s interests. That our legal community is devoted to the pursuit of clearly crafted communication is yet another reason for us to celebrate.

Mingle

As you settle in, scanning the room for friends and food, allow me to call your attention to the ice sculpture before you. It was meticulously carved into the shape of an appellate brief by a team of artists, and it has been preserved in a large freezer until this event. Isn’t it beautiful?

Today, just as it was unveiled, it began its slow melt. Now a large crowd has gathered around it, inspecting its every detail.

The crowd’s focused attention on the ice sculpture reminds me of the way opposing counsel, law clerks and judges critique a paper brief’s every legal argument, factual characterization and citation to authority. Because of that anticipated — and appropriate — scrutiny, lawyers spend a tremendous amount of time organizing, revising and polishing in an effort to tighten and brighten their written product. They strive for perfection (if it exists), even though their work product will begin to slowly melt immediately upon completion.

The governing law will inevitably evolve, and of course the facts of each client’s case are unique. So the next time the lawyer sits down to write on the same topic, she will have to recreate much of her work anew: She will take the puddle, refreeze it into a block of ice and begin to carefully chisel her next written creation.

Feast

Did you find your place card for our feast? Or actually, since this is a magazine-based celebration, can you get your hands on a sandwich? It’s time to eat. The main course today is a celebration of the power of the written work we generate.

After all, the memoranda drafted by counselors, the contracts written by
advisors and the articles published by scholars operate like lightbulbs, allowing readers to see what had been obscure. If your clients or my students had to rely exclusively on labyrinthine statutory language and the ancient (read: pre-Plain English movement) judicial opinions interpreting it, frustration would likely overtake their will to power through. Contemporary, reader-focused legal writing is clear and straightforward. It promotes efficiency and facilitates meaningful access. Let’s celebrate that!

Moreover, the briefs written by advocates can change decision-makers’ minds and, as a consequence, improve clients’ lives. Clients hire lawyers not just to tell their stories, but to get results. The most creative legal storytellers weave fact and law together into a compelling narrative that helps clients feel seen and draws settlements and court-ordered remedies within reach.

Let’s celebrate that, too.

Finally, from one angle, the opinions composed by judges appear to be mere collections of ordinary words and legal citations arranged on the page for the purpose of resolving a dispute. But those arrangements of words and citations are so much more. They are law. Lawyers take this as a given — obvious and mundane — as early as their first weeks of law school. But it’s worth pausing to appreciate how everyday language, skillfully manipulated by legal writers, transforms into binding legal authority.

All precedent is legal writing crafted by legal writers. Cheers to that!

A Toast

Clink, clink. Your attention, please. We’ve already recognized the important written contributions that veteran lawyers make to our discipline every day. Now I’d like to take a moment to recognize the extraordinary recent effort invested by a few particularly hard-working legal writers in our community.

Please raise your ... coffee mug? Water bottle?

Here’s to the recent law school graduates and other bar applicants who have spent scores of hours over the past few months writing practice essays in anticipation of taking the bar examination. Bar applicants generate a significant volume of legal writing just before and during that time-pressured test. Even those students who opted to bypass the exam this year, accepting the pandemic-prompted diploma privilege instead, dutifully completed many weeks of dedicated bar preparation.
But for those who did sit for the exam during the pandemic or will do so soon, their exam essays and performance test answers offer just a hint of the quality writing they will produce as lawyers under more comfortable and realistic circumstances.

In short, the bar exam writing components are high-stakes projects that require an immense amount of knowledge and judgment, along with a variety of skills. Cheers to those just entering our profession who in recent months have worked diligently on advancing those skills. We are excited to have you at our party, and we look forward to mentoring you, just as we have mentored all new bar friends. May your future legal writing adventures be intellectually stimulating and professionally fulfilling!

**Farewell**

I’ll send you on your way with a party favor: permission to pause.

Legal writing is both exhilarating and exhausting. At some point, you press “send,” and your document flies to its destination. At that moment, remember to protect time to care for yourself. Self-care is an investment that will position you to attack your next writing project with the energy it needs and deserves.

**Thank-You Note**

Writing is a collaborative endeavor. We often partner with others, co-drafting to pull together a large project. Then we rely on peers to review our work because their constructive criticism makes our work stronger.

We know for certain that the writing we complete is effective when our proofreaders and other audiences tell us and show us that our written work communicates our ideas precisely and persuasively. Indeed, our writing connects us to our readers, and our work as legal writers is to tirelessly search for ways to connect better.

Thank you for joining this admittedly experimental written party. Did it work? I’d be grateful for your feedback. And of course, I look forward to celebrating in person — at a bar lunch, awards ceremony or quick coffee — very soon!

*Rebekah Hanley teaches legal research and writing and professional ethics at the University of Oregon School of Law. She thanks Professor Suzanne Rowe, Professor Elizabeth Frost and LRW Program Manager Barbi McLain for their suggestions.*

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A Special Tribute to Members of the Class of 1970 and the Winners of the 2020 OSB Awards and Pro Bono Challenge
Celebrating Oregon Lawyers

A Special Tribute to Members of the Class of 1970 and the Winners of the 2020 OSB Awards and Pro Bono Challenge
Cheryl Coon’s passion for the law began in high school, when she volunteered as a Spanish interpreter for clients of the newly created Community Legal Services of Philadelphia. Over the next 50 years, she would advocate for marine mammals, the coastal zone, endangered salmon and spotted owls, marine reserves, Oregon fishing communities and disabled refugees, all with a view to “tikun olam,” the Jewish call to repair the world.

“My path has been unconventional, and as a result, I have loved being a lawyer,” Coon says. “Although I first took a job with a large Philadelphia firm, I soon realized that for me, career satisfaction meant taking chances and doing unconventional things.”

Over the course of her career, Coon would go on to serve as an assistant attorney general in both the U.S. Virgin Islands and in Oregon. For six years, she worked for committees in the U.S. House and Senate. And in 2016, she founded and became the unpaid executive director of Refugee Disability Benefits Oregon, an organization that would later become known as RISE — Refugee and Immigrant Services & Empowerment, the first nonprofit in the Pacific Northwest dedicated to serving and empowering refugees and immigrants experiencing disabilities.

She is particularly proud of RISE, she says, for identifying a Social Security Administration error, repeated dozens of times across the country, that deprived Special Immigrant Visa holders of more than six years of benefits. The nonprofit filed a class action to compel the agency to correct those errors.

For those efforts and more, Coon is being honored this month with the Oregon State Bar’s Award of Merit, the bar’s highest honor, which recognizes an Oregon lawyer who has made outstanding contributions to the bench, the bar and the community at large while exhibiting the highest standards of professionalism.

“To receive this recognition for my work means the world to me,” Coon says. “I hope that it will inspire young lawyers to take chances and to have adventures with their law degrees.”

Coon is one of nine legal professionals being honored by the bar in October. This year’s annual awards are part of “Celebrate Oregon Lawyers,” a special themed issue of
the Bulletin that also includes tributes to 50-year members and winners of the Pro Bono Challenge.

Here’s a look at this year’s OSB Award recipients:

— Award Of Merit —

Cheryl F. Coon

Cheryl Coon’s first legal job was with Drinker Biddle & Reath, a Philadelphia firm that sent her in 1978 to take depositions in the U. S. Virgin Islands. A year later, she returned there to accept a position with the Virgin Islands Attorney General’s Office, where she would do battle with Hess Oil under new federal laws that protected the coastal zone.

Two years out of law school, she wrote the territory’s coastal zone regulations and fought to protect Hans Lollik Island, just off the north coast of St. Thomas, from development. Hans Lollik is still pristine today.

Returning to the mainland during the Reagan years, Coon went to work as legal counsel in Congress, serving on both the House and Senate sides and becoming one of the first female staff directors of a subcommittee for the Committee on Science, Technology and Space. After investigating the Challenger disaster in 1986, she moved to Oregon and began a decade with the Oregon Attorney General’s Natural Resources Section. During Coon’s time there, she inaugurated the Department of Fish and Wildlife’s use of natural damage claims to recoup environmental losses.

After leaving the Attorney General’s Office, Coon worked for the Portland Audubon Society on the effort to establish Oregon’s first marine reserve while finding ways for affected coastal communities, notably Port Orford, to realize sustainable fishing economies. She returned to private practice in 2010, joining Swanson Thomas & Coon to lead its Social Security Disability Insurance team.

“I worked with disabled folks and became interested and inspired by their struggles and courage,” she says. “Doing that kind of work, I found myself volunteering at IRCO (Immigrant and Refugee Community Organization) as a kind of ‘have lawyer will travel,’ going there monthly to meet with people on a pro bono basis.”

The more she did that, Coon says, the more interested she became in working with people from other countries who were trying to enter the United States. “As a Jew whose relatives had immigrated from Austria and Russia,” she says, “I could relate to their struggles, but I also was keenly aware of what a fortunate position I am in.”

In 2016, she founded RISE.

“Our work was aimed at empowering immigrants and refugees with health challenges, overwhelmingly very low-income people of color who live in poverty and speak English as a second language if at all,” Coon says. “All our clients had severe mental and physical challenges as a result of war trauma, challenges that created huge barriers to self-sufficiency.”

RISE opened its doors with 30 clients. Two years later, that number had quadrupled and the nonprofit’s 10-member board from nine different countries had identified initiatives to address the needs not
only of its clients, but also of their families and communities. That included identifying a network of vocational providers and job developers interested in offering real alternatives to refugees experiencing disabilities who are able to work, even if not full-time; and culturally responsive health care providers interested in taking new refugee clients through the Oregon Health Plan.

“We won disability benefits for 95 percent of our disabled refugee and immigrant clients, compared to the national average of 45 percent for all applicants,” Coon says. “Those wins translated to $330,000 in past-due benefits for our refugee clients, as well as the right to future benefits with an estimated value of $4.2 million.”

In 2019, Coon successfully transitioned RISE to the newly created legal program at IRCO, where the work continues while she focuses her time on political volunteer work.

— Wallace P. Carson Award —

For Judicial Excellence

Hon. Martha L. Walters

(For significant contributions to the judicial system by a current or retired state court judge or federal judge who is a model of professionalism, integrity and judicial independence.)

In a column she wrote for the Bulletin earlier this year (“Managing in Uncertain Times,” June 2020), Oregon Supreme Court Chief Justice Martha Walters says guiding the courts in the time of COVID-19 has been a “rollicking ride,” but one made easier by the help of her legal “family.”

Now, that family is paying tribute to her with the Wallace P. Carson Award for Judicial Excellence for navigating the pandemic’s turbulent waters — something she’s done while “working tirelessly to protect the integrity and viability of Oregon’s court system.”

“The ever-changing landscape of national- and state-level guidance and health directives would make it difficult, if not impossible, for many judicial officers to keep pace and remain responsive,” says Oregon Women Lawyers secretary Adele Ridenour, who wrote a nomination letter on behalf of OWLS’ awards committee. “Here, however, Chief Justice Walters has risen to the challenge.”

Even before COVID-19 was declared a pandemic, the chief justice began holding weekly conference calls with presiding judges and trial court administrators to make sure emergency procedures were in place. Within a week of Gov. Kate Brown’s emergency stay-at-home order in March, she issued the first in a series of Chief Justice Orders that have significantly impacted the way courts operate in Oregon — from postponing jury trials to outlining what courts must or should continue to do to keep parties, counsel, jurors, judges and staff safe.

She also worked closely with legislative leaders to extend statutory timelines for both civil and criminal cases, expand courts’ ability to conduct remote hearings and address other access-to-justice concerns.

“Between March and June, we went from severely restricting our services to those that were ‘essential’ to determining how to provide a fuller range of services while still keeping court staff and users safe,” Chief Justice Walters says. “Now we know with even more certainty that COVID will be with us for the foreseeable future, and we must continue to think creatively about how to better provide access to justice without jeopardizing health.”

Throughout the process, the chief justice has asked her legal family to help with that creative thinking. Frequent messages to Oregon State Bar members (see tinyurl.com/LetterToOSB) have repeatedly asked for input and suggestions on how her orders were working “so that we could quickly identify and address issues raised by practitioners.”

“We have also laid out four goals and 17 initiatives in our Strategic Campaign (read a summary online at tinyurl.com/OJDStrategicCampaign),” Chief Justice Walters says, “and I have asked a number of standing and ad hoc workgroups to make additional recommendations for changes.”

The pandemic continues to present ever-evolving hurdles to the pursuit of justice, she says, including declining state resources. But “the biggest hurdles we face,” the chief justice says, “are our own inabilities to imagine different ways of providing our services, to tolerate mistakes, to take the time that is necessary to really communicate and understand other perspectives, and to keep our mission at the fore. We need to work in partnership with others to determine — together — the best path forward.”

Thanks to her steady hand, that partnership seems to be working.

“During these unprecedented times, judges, staff and practitioners have worked and sacrificed for the common good,” the
chief justice says. “In so many instances, we banded together to serve our justice system and those who desperately need its protection. Those collegial efforts have been both rewarding and inspiring, and I hope we will be able to sustain them.”

Even the Award for Judicial Excellence is a reminder, she notes, of the role her legal family plays in helping her guide Oregon’s courts through the pandemic.

“When I think of having my name listed as a recipient of this award, I think, easily, of how I fall short. But I remind myself that the award is aspirational and given to one as a representative of many,” Chief Justice Walters says. “Receiving it makes me want to try even harder to live up to the example of the judges throughout this state who spend their days listening to the worst of which we humans are capable and deciding, without fear or favor, what the law deems best, but who, despite it all, still manage to laugh and dare to hope.”

— President’s Diversity & Inclusion Award

Chad E. Paulson

(For significant contributions to the goal of increasing minority representation in the legal profession in Oregon through progressive employment efforts, innovative recruitment and retention programs, advocacy or other significant efforts.)

Chad Paulson believes that diversity and equity efforts are meaningless without inclusion. People who do not feel appreciated, accepted and welcomed cannot fully share their talent, he says, and will not develop to their full potential.

That’s why Paulson has worked throughout his legal career not only to help promote and advance women and attorneys of color, but also to create a support network for them. Since 2017, for example, he’s been a member of the Leadership Council of Partners in Diversity (PiD), an affiliate of the Portland Business Alliance Charitable Institute that seeks to address employers’ critical needs for achieving and empowering a workforce that reflects the rapidly changing demographics of the Pacific Northwest.

As the current chair of PiD, he’s championed efforts to help relocated professionals of color connect with the multicultural community through networking events like “Say Hey,” civic engagement opportunities and personal relationships.

“It is leadership’s duty to create a place where everyone and especially the minority (whether of color, non-binary or disabled) is not only welcome,” Paulson says, “but where their experience and perspective is solicited and celebrated.”

Paulson was nominated for the Diversity & Inclusion Award by Naomi Levelle Haslitt, Joshua M.F. Sasaki and Iván Resendiz Gutierrez, three attorneys at Miller Nash Graham & Dunn who say Paulson’s success and diversity efforts at the firm paved the way for them and deeply impact-conscious acts by those with the ability to affect change. Simply put, the Oregon State Bar has benefitted from Paulson’s advocacy for others.”

So has the greater Portland community. Among his many volunteer commitments: Since 2005, Paulson has served on the board of directors of Janus Youth Programs, a nonprofit that provides services to at-risk youth, teen parents and formerly incarcerated young people in need of residential and re-entry services.

“I cannot express how fortunate I am. I was provided opportunities that few others have,” he says. “So participating in the com-
‘different,’ you were automatically out of contention for first place. It was not based upon content so much as similarity.”

That’s when Paulson says he learned how beneficial being part of the majority can be in legacy-driven systemic institutions. Today, Blount’s website contains a promise to proactively take steps to combat inequality in the workforce.

“As I joined these institutions as a leader,” Paulson says, “I made sure that I always reminded myself of the dangers of accepting the status quo, and of failing to advocate for underrepresented individuals.”

— President’s Membership Service Award —
Hon. Karrie K. McIntyre

(For significant contributions to other lawyers through efforts involving Continuing Legal Education programs or publications; committees, sections, boards or the bar’s legislative/public affairs process; or similar activities through local bar associations or other law-related groups.)

That’s no doubt because Judge McIntyre has been working at ground level to help Oregon children and families navigate the justice system throughout her career. She’s served as chair of the Lane County Family Law Advisory Committee and as a member of the State Family Law Advisory Committee (SFLAC). She worked with a legislative advisory panel on proposed changes to family law. And in 2019, Chief Justice Walters asked her to chair SFLAC — an appointment that took on added significance in the wake of COVID-19.

“During the pandemic,” says Lane County Presiding Judge Debra Vogt, “her unparalleled counsel has acted as a guiding light for both the bench and bar as we have all navigated through uncharted legal territory.”

It’s that role as a “guiding light” that earned Judge McIntyre this year’s Membership Service Award, although she is quick to acknowledge the work of other SFLAC and OSB members who “tirelessly come together time and time again to roll up their sleeves and tackle the difficult work of managing the court system at this challenging time.”

“The feet-on-the-ground perspective of the members of the advisory groups helps identify both urgent and emergent needs of litigants and courts, which is critical, particularly right now as things seem to change weekly with COVID-19 plans,” Judge McIntyre says. “We’ve made recommendations about prioritizing family law cases so that families can get much needed relief, which courts across the state have implemented either by Chief Justice or Presiding Judge orders.”

One notable example, according to Judge Vogt: Judge McIntyre recently worked to create a remote version of Lane County’s Domestic Relations Conference Mediation program, allowing dissolutions to proceed to judgment despite pandemic-imposed restrictions.

It’s important work, Judge McIntyre says, noting that in Oregon, more than two-thirds of all domestic relations cases have at least one party who is self-represented; in some counties, she says, that figure jumps to more than 90 percent. Much of the work of the advisory groups is focused on breaking down historical barriers to justice for these litigants both at the state and local levels, including exploring creative ways to have lawyers become more accessible to people who need them.

“The work is important to me because family law matters are often volatile, contentious and ridden with strife and high emotion,” Judge McIntyre says. “If the work that we do makes a litigant’s time of crisis even a little bit more manageable, then we are improving the system. The work is never done, but I am so appreciative of being involved in trying to find solutions.”

— President’s Public Service Award —
Tonia L. Moro

(For significant contributions to the public through efforts involving pro bono services; coordination of local public service law-related events, such as those associated with Law Day; service with community boards or organizations; or similar activities that benefit the public.)

In her letter nominating Medford attorney Tonia Moro for the President’s Public Service Award, Stacey McLaughlin doesn’t
mince words. Moro’s contributions to Southern Oregon communities, she says, “have changed lives, protected the environment and elevated right over wrong in unfathomable ways.”

That’s not an exaggeration.

For more than 15 years, McLaughlin and other rural landowners — many elderly and on fixed incomes — had struggled to be heard in their fight to stop the proposed Pacific Connector Pipeline and Jordan Cove Energy projects because they lacked the financial resources or legal wherewithal to make their case. Even McLaughlin, who had worked for 30 years as a city manager in Oregon and California and as executive director for a council of governments, says she was “unprepared for the complexities of the legal system. We would definitely lose without an attorney, but we could barely come up with the court costs and fees.”

“I will never forget the moment on a coalition phone call when Tonia Moro said, ‘I’ll help,’” McLaughlin says. “Those two words changed the course of the project. Tonia didn’t just help, she won our day in court. She literally stopped the project in its tracks.”

Even though it was a temporary victory, McLaughlin says, “Tonia has stayed by our side. Two years later, she is still representing the interests of rural Oregonians and grassroots community groups in numerous cases before the Land Use Board of Appeals and the Court of Appeals” — so many cases, in fact, that even a partial list of Moro’s efforts goes on for more than a page.

Perhaps most importantly, Moro isn’t getting a paycheck for the bulk of her advocacy work.

“While money is essential and I need to earn it to live, it is not a prime motivator for my life,” she says. “My efforts arise from my sense of responsibility to humanity, democracy and to the law, and my convictions run deep. My legal skills have helped me find ways to mentor and foster participation in our democratic process and government, and I am rich for that.”
THOMAS, COON, NEWTON & FROST

CONGRATULATE OUR FORMER COLLEAGUE

CHERYL COON

on receiving

The Oregon State Bar’s Award of Merit

Cheryl’s remarkable accomplishments in a career that has spanned forty-three years include serving in the public and private sectors, the Oregon Attorney General's office for a decade and staffing in both houses of Congress.

From her advocacy for coastal zone management in the Virgin Islands, to her service as the first woman appointed Staff Director and Chief Counsel of the Investigations Subcommittee of the U.S. House Science, Technology and Space Committee, to her work on marine reserves in Oregon, to her legal advocacy for disabled refugees and immigrants, Cheryl has served our national and local community with creativity and distinction.

Cheryl’s career demonstrates what a determined, persistent, adventurous woman can accomplish. Congratulations!
She’s also working without the benefit of a built-in support network; after working for a variety of law firms and as a federal public defender for most of her 31-year career, she’s been on her own since May 2013.

“As a solo practitioner, I don’t have the benefit of walking across the hall and bouncing ideas off of colleagues as a matter of course,” she says. “I must rely heavily on my own judgment and experience, and that can be disconcerting, especially when I am up against deadlines.”

Moro says she first became aware of the Jordan Cove project in 2013, when she served as an organizing board member of Rogue Climate, a youth-led environmental justice organization. Southern Oregon started seeing the effects of climate change about that time, she says, before most of the rest of the state.

“So I also do this work to help the young folks in my community have hope for a future,” she says. “I cannot look away when so much of the past and future is at stake. Oregonians employ the long view, and I have been compelled to use my skills to remind us of that. After all, if you do not fight hard for what you believe, perhaps you don’t really believe.”

That kind of commitment to helping others has had a profound impact, McLaughlin says.

“Our reality for over a decade was that the law does not equate to justice, which is both disappointing and alarming,” she says. “Tonia Moro helped renew our faith in the legal system.”

— President’s Public Leadership Award —

Cassondra Sumrall

(For significant contributions by someone who is not a member of the OSB in any of the areas covered by the president’s awards to bar members.)
Five hundred people from around the state were poised to attend Oregon Women Lawyers’ Roberts and Deiz Award dinner when the COVID-19 pandemic forced Oregonians to shelter in place.

“With so much changing, courts on hold and our community separated from normal networking and collaboration, we knew we needed to take things online quickly,” Cassondra Sumrall says, “and that we would need to respond in new ways. This led to the development of unique programs tailored to provide real-time information that our members could use to navigate this unprecedented situation.”

As program coordinator for OWLS, Sumrall is responsible for facilitating the work of its chapters and committees and meeting the needs of more than 1,200 members statewide. There was no saving the in-person awards dinner, but she was able to provide the technology, coordination and back-end processes that allowed the organization to pivot its other traditionally in-person meetings and programming toward a fully digital and remote platform.

In doing so, she not only expanded the reach of OWLS’ programming to members outside the Portland metro area, but she also provided numerous attorneys and law students with a way to stay engaged and hopeful during difficult times. For that work, she is being honored this month with the Public Leadership Award.

“Immediately after the lockdown, we started a weekly casual hangout for folks needing to connect with others not in their household,” Sumrall says. “It was fun getting to know people we might not have the opportunity to connect with otherwise, and it helps so much to know what challenges other professionals in your field are facing and overcoming.”

Much of Sumrall’s work had a more serious purpose, of course. With help from lawyers at Perkins Coie, Markowitz Herbold, Foster Garvey and other firms, Sumrall and OWLS created:

- Programs on court responses to COVID to help inform attorneys about how the courts were adapting and responding to operational issues and provide updates;
- Programs to help new lawyers navigate remote work environments and remote depositions, and a series on how to develop business during challenging times; and
- Programs, designed in collaboration with the Professional Liability Fund and Oregon Attorney Assistance Program, to help lawyers in solo or small practices connect with other attorneys who could support or fill in for them when they were impacted by COVID. Additional programs offered advice for all lawyers on managing anxiety and building resilience in times of stress, including a mindfulness workshop.

Sumrall coordinated and facilitated a virtual town hall ahead of the May 2020 primary so that the five candidates for Multnomah County circuit court judge could reach a wider audience. OWLS collaborated with the OWLS Foundation, the Multnomah Bar Association’s Professionalism and Equity, Diversity and Inclusion committees and the OSB Civil Rights Section on a program to discuss the disparate impacts of COVID on communities of color in Oregon. And with less than 30 hours’ notice, Sumrall set up an online CLE training for OWLS’ Queen’s Bench Chapter so that Black Lives Matter protesters would have certainty about their legal rights and lawyers could take the first steps to become a certified ACLU legal observer; more than 80 people attended the live-streamed event.

“It takes a lot of routine tasks to bring these programs to reality,” Sumrall says. “But it is exciting when it all comes together to make a well-attended, valuable program that improves the lives of members.”

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President’s Sustainability Award —

Robb Shecter

(For significant contributions to the goal of sustainability in the legal profession in Oregon through education, advocacy and leadership in adapting sustainable business practices or other significant efforts.)

Robb Shecter began using his programming skills to provide greater access to justice and help Oregon lawyers do their work more efficiently while he was still a student at Lewis & Clark Law School.

“I wanted a quick and easy way to find referenced statutes while sitting in my Wills and Trusts class,” he says. “We were carrying printouts with us to each class and having to flip through the pages to find the relevant statutes. My first degree was in computer science, and so this all seemed very inefficient to me in the age of Wikipedia and Google. Looking online, I was surprised by how anticipated the resources were for the law.”

In 2009, Shecter launched OregonLaws.org, a website where lawyers and the public can read the Oregon Revised Statutes and, beginning earlier this year, the Oregon Administrative Rules — complete with annotations, relevant case law and secondary sources — for free. The website was a game-changer from the get-go.

“At the time, I simply wanted a tool that would benefit law students. I didn’t presuppose that I’d be making something good enough for lawyers and others to use,” Shecter says. “But I soon learned about the vast demand for better access to the law. And so OregonLaws.org grew into something that benefits many kinds of people.”
Schecter named his nonprofit Public.Law and has since created sister sites in California, Nevada, Texas and New York — all on a completely volunteer basis. And he continues to mentor other computer programmers seeking to expand access to justice all across the country. But from the start, he says, he also had another goal in mind for OregonLaws.org: increasing sustainability, and it’s for those efforts that Shecter is being honored this month with the President’s Sustainability Award.

“The most straightforward result of the website is the reduced need for printed copies when people can easily read the information online,” he says. “But for me, the more intriguing kind of sustainability is its future-proof knowledge infrastructure and the community it enables.”

Links to OregonLaws.org will never break, he says, thanks to “a simple scheme that bases the page URLs on their underlying legal citations. Years into the future, the software running the website may change, and the servers might move to hydropower in the Gorge, but every link to the site will continue to bring up the expected page.”

That permanent web of knowledge helps build sustainable communities of “informed citizenry,” Shecter says — people who can easily find, read and discuss the law by linking to it.

“My favorite example is from early on in the app’s development,” he says. “I discovered that the site’s transparent, permanent links were enabling online discussions across the political spectrum: Second Amendment advocates discussing concealed-carry laws, and bicycle commuters debating requirements for cyclists at stop signs.”

Shecter says he hopes to foster that kind of dialogue by continually updating and improving OregonLaws.org. For example, he’s working now on increased linking between Oregon Administrative Rules and Oregon Revised Statutes.

“When reading an ORS section, it’ll be great to see links to the regulations that the statute has enabled or authorized,” he says. “I’m also going to complete the ‘big three’ bodies of law by publishing and connecting the Oregon Constitution, interlinking it with the other two.”

Through Public.Law, he’ll also be tackling tricky new problems: page annotations and forums with verified attorney accounts; multi-jurisdictional search using a public classification system; and what he considers the “vertical dimension” problem of legal search: determining all the applicable jurisdictions and overlays for any geographical spot in the U.S.

“OregonLaws.org is committed to helping you,” he says to the state’s legal professionals. “I love feedback, and some of the current features are rooted in ideas floated to me by users of the app. If there’s anything you want to see, don’t hesitate to contact me.”
Michael Zhang & RecordSponge Oregon

(For significant contributions in Oregon toward promoting respect for the rule of law, improving the quality of legal services or increasing access to justice through new technology or other innovations.)

Qiu-Qiu Law founder Michael Zhang was working at the Metropolitan Public Defender’s office in its civil legal division when he realized that something needed to be done to ease the process of record expungement — a process so prone to human error, he says, that he calls Oregon’s expungement law the “Rule of Perpetuities on Complexity Growth Hormone.”

“It is over 2,000 words long and extremely complex due to a high number of simultaneously occurring rules. But those rules are objective and don’t require weighing subjective factors,” Zhang says. “This combination of complexity and objectivity makes expungement analysis a perfect task for a computer algorithm. Such was my thinking in the fall of 2018 when I approached an all-volunteer software development group called Code for PDX with the idea of creating a record expungement app.”

The result: RecordSponge, a software program that collects and processes results from Oregon’s online public records system (OECI) through an algorithm that determines each charge’s eligibility. RecordSponge also has a feature to generate expungement paperwork for charges that are deemed eligible.

“Anyone who wants to use RecordSponge can simply go to recordsponge.com,” Zhang says. “Search clients’ records by name and date of birth and RecordSponge will generate a summary of their eligibility.” That’s a huge improvement for two reasons, Zhang says.

First, it’s important that people who are eligible to expunge records are able to do so. A frequently cited study shows that having a single conviction for drug possession decreases the likelihood of an employer “callback” by 50 percent for white men and more than 60 percent for Black and Latino men. Such a conviction is generally eligible for expungement in Oregon, but complexity in the law’s substance and procedure make crucial processes inaccessible to those who need them the most.

Second, the market price for expungement in Oregon is way beyond what most people caught up in the criminal justice system are able to pay, Zhang says, and legal aid organizations are not equipped to make up the difference. Attorney John E. Grant, who nominated Zhang for the Technology & Innovation Award, says RecordSponge allows providers to offer low-cost expungement services (under $300 in most cases), far less expensive than the typical $1,000-$2,000 flat fee that is often charged.

“We believe that at least part of the reason for the high price of expungement is the complexity of the law,” Zhang says. “We are hoping that by making expungement analysis available to all attorneys, the market price of expungement services will drop to something that people can actually afford, or it can simply become a service that attorneys provide as an add-on or as part of their pro bono work.”

Zhang is quick to point out that he didn’t write a single line of code for RecordSponge, “but I worked closely with the engineers the whole way, and I couldn’t be more proud of our team” — a group that includes Nick Schimek, RecordSponge’s first project manager; Hunter Marcks, its senior designer; Jordan Witte, its current project manager; and Kent Shikama, its senior software engineer.

Together, Zhang says, “we ultimately hope that simplifying reforms of Oregon’s expungement law will render RecordSponge obsolete. Rather than keeping RecordSponge relevant by retaining the expungement law’s impenetrable complexity, we support reforms that would make expungement requirements, timelines and procedures actually accessible.”

Román D. Hernández

(For significant contributions in Oregon toward promoting respect for the rule of law, improving the quality of legal services or increasing access to justice through new technology or other innovations.)

More than 60 years ago, Román Hernández’s parents emigrated from Mexico as migrant farm workers before settling in rural Eastern Oregon to raise a family. Hernández and his seven older brothers and sisters grew up working in the fields to supplement his family’s income, often spending 10 hours a day harvesting onions.

Often, he’d cut his fingers as he tried to work faster to make more money.

“Indeed, my fingers are still scarred from these injuries,” he says, “but they serve to remind me of where I come from, and they serve to never let me forget the plight of the disadvantaged.”

Today, Hernández serves as the managing partner of Troutman Pepper’s Portland office, where his national litigation practice focuses on employment law and commercial litigation. He regularly appears in state and federal courts, often on behalf of some of the largest corporations in America. He demonstrates professionalism...
daily in his practice, colleague Peter Ricoy says, “and he is well-respected by peers, members of the judiciary and opposing counsel alike.”

“His experience and knowledge of the legal industry, commitment to workplace culture and involvement in the community are what make him such an outstanding leader,” says Ricoy, who was a partner with Hernández at Schwabe, Williamson & Wyatt, where Hernández worked for 14 years and became the firm’s first Latino partner.

Benton County District Attorney John Haroldson agrees with Ricoy, saying Hernández has brought honor to the legal profession.

“Román’s professionalism is a manifestation of his values, expressed through altruistic action and engagement. His trademark has been an unassuming leadership approach that places service above self,” says Haroldson, who chairs the Bench and Bar Commission on Professionalism’s awards committee. “Román’s professionalism has been consistent as an Oregon attorney, as a nationally recognized leader, through his military service, and through his ongoing efforts to promote the legal profession for the next generation of attorneys. To Román Hernández, I say thank you for making the difference that lifts us all.”

Nowhere is that difference more visible than in Hernández’s commitment to the betterment of Oregon’s justice system for all Oregonians, including marginalized communities. He was one of three founders of the Oregon Hispanic Bar Association (OHBA) and the only person from Oregon to have served as president of the Hispanic National Bar Association (HNBA). In that role, he founded the HNBA Legal Education Fund, which develops pipeline programs for Hispanic youth considering entering the legal profession. He also advocated for the appointment of more Hispanics to federal courts and to U.S. Attorney positions around the country, and he worked with the U.S. Senate Judiciary Committee to assist with the confirmation of Hispanic nominees to the federal bench.

More recently, Hernández was appointed by the Oregon State Bar’s Board of Governors to serve on the advisory board of the OSB Leadership Academy, which has as its goal the training and development of the next generation of bar leaders from traditionally underserved and marginalized communities.

“In order to increase the diversity of the Oregon bar, we must be stalwart supporters of racial and ethnic bar associations, including supporting their events and members. We must also mentor and support individual law students and attorneys who may be struggling to understand where they fit in within Oregon’s legal profession,” he says. “I have been practicing law for almost 20 years, and I have seen people who I met as law students who are now successful and practicing attorneys. I find joy in seeing that because, little by little, the legal profession is becoming more and more diverse as those former law students put roots down in Oregon.”

Hernández’s efforts also extend into the community, where he has served on a wide variety of boards and committees for organizations that include Portland’s Council of Economic Advisors and the city’s COVID-19 Economic Recovery Task Force; the Hispanic Metropolitan Chamber; the Oregon Community Foundation, where he served as the first-ever chair of its Equity, Diversity and Inclusion committee; Oregon Health & Sciences University, where he was and remains the only Latino member of the board; and the Portland Branch of the Federal Reserve Bank of San Francisco, where he was the first Latino to serve as chair of the board of directors in the branch’s 100-plus-year history.

“I feel that I am living the ‘American Dream,’ which my parents had when they left Mexico and moved here to have and raise a family,” Hernández says. “They left family and friends behind and moved to a country where they did not know the language or culture, but they knew that it would provide better opportunities for themselves and the family that they planned to have.

“That a son of immigrants who once toiled in the fields of Eastern Oregon could receive the state’s highest professionalism award presented to an Oregon lawyer or judge is truly remarkable,” he adds. “I believe that it speaks to who we are as a society, and shows that all things are possible in this great nation through hard work, education, dedication and self-discipline. I am very proud of this award, and will always treasure it.”

Gary M. Stein is the editor of the Oregon State Bar Bulletin. Reach him at gstein@osbar.org.
"Bridge Over Troubled Water," the song released by Simon & Garfunkel in 1970 that went on to win the Grammy for song of the year, was a calm, pleading, comforting and hypnotic melody perfect for the troubled times.

According to the National Archives, 6,173 American troops tragically lost their lives in Vietnam in 1970. The infamous Kent State and Jackson State shootings both occurred in early May, leaving six students dead and 21 injured. The Wichita State and Marshall University football teams were involved in horrific plane crashes 43 days apart, with a total of more than 100 deaths between the two disasters. Both Jimi Hendrix and Janis Joplin overdosed in the fall of 1970. And Paul McCartney announced he was leaving the Beatles.

The waters most definitely were troubled in 1970.

But there was good news that year, too. The bridge over those troubled waters took the form of a deeper commitment to the environment, with the first Earth Day taking place in April 1970 and President Richard Nixon establishing the Environmental Protection Agency in December. Congress also passed the Clean Air Act to regulate air emissions from all sources.

In Oregon, the first and only state-sponsored rock festival, Vortex I, took place in Estacada that summer with the blessing of Gov. Tom McCall. The Trail Blazers officially entered the NBA as an expansion team and won the franchise’s first game in October. And who can forget the absurdity of the exploding whale in Florence in November?

For the applicants admitted to the Oregon State Bar in 1970, it was an exciting time to practice law in our state. Many got their start as an associate at a big firm or by hanging their
own shingles, while others began their legal careers on different paths. Sixty of them maintained their memberships for the past 50 years, including two women: Jeanyne Snow, who died in April; and Hon. Kimberly Frankel. (Actually, a total of four women were admitted to the OSB in 1970; to learn more, see the story on Page 44.) Not everyone submitted information for this article, but all are being honored as part of “Celebrate Oregon Lawyers” festivities.

Starting Strong

With efforts to protect the environment ramping up, Joe Leahy started as one of 19 new attorneys hired by the U.S. Department of Justice in the Land & Natural Resources Division “to defend litigation against federal agencies arising out of the National Environmental Policy Act of 1969.” As a side note, Leahy fondly recalls, “with 19 young attorneys, we had the best touch football team at Justice.”

Douglas Cushing started as an associate at Frohmayer & Deatherage in Medford. Due to circumstances beyond his control, he made partner quickly. “As a result of the 1971 wage/prize freeze imposed by the federal government,” he says, “I was made a partner by the end of 1971 to allow the firm to give me a raise at the end of that year!”

Doug Grim also remembers the difficult economic times in 1970, but he says that didn’t deter him from finding his first job. “While 1970 was not the best of economic times, I was able to be employed as an associate attorney with Yerkovich & Gilbertson. These two attorneys had left a firm to start their own firm,” Grim explains. “Not only was this my first position, but it has been the only firm with which I have been associated. The firm, which has grown both organically and by mergers, is now known as Brownstein, Rask, Sweeney, Kerr, Grim, DeSylvia and Hay.”

Marcus Ward says that upon admission to the bar in 1970, he moved with his family to Lakeview, opened a solo practice and ran as a write-in candidate for Lake County district attorney. “In November, I was elected with 80 percent of the voters writing my name on their ballot. (There were two other candidates running for the job.) My first day in office, there were 13 felony drug cases set for trial. Somehow, I won the first two and the rest pleaded guilty. A local at-

Incredible Accomplishments

With five decades of experience to their credit, this year’s crop of 50-year bar members has had a lasting impact on law in Oregon — both professional and personal. Robert Babcock made two oral arguments before the U.S. Supreme Court, for example, while Frank Whitaker got the chance to work with his dad.

Charles Williamson was new to Oregon; he had moved from Massachusetts, where he already had been a law clerk in a state court and practiced law for more than a year. He came to Oregon as a Volunteer in Service to America (VISTA) lawyer and was assigned to Multnomah County Legal Aid, where he worked for just $200 per month. But the low pay was offset, he says, by the chance to help draft and lobby for several bills, including the Residential Landlord-Tenant Act. Plus, he met his wife, Julie, at the agency, where she worked as an administrator.

Robert Bay and David Swanson served as deputy city attorneys for the City of Portland. Donald Hull started as a district attorney for Hood River County. Frank Yraguen started as a deputy district attorney for Douglas County. Richard Barron began his career as a deputy district attorney for Coos County. B. Rupert Koblegarde already was a practicing certified public accountant, so he simply added legal services to his firm.
Legal Aid make him most proud, especially serving as its executive director from 1973-77.

D. Charles Mauritz says his greatest legal accomplishment was “denying the government millions of dollars of additional tax revenue upon the death of Oregon citizens.”

Richard Noble looks back on his first jury trial in a medical-malpractice case as a highlight; he won and “got what was that time the highest jury verdict in Clackamas County — $406,000.” Frank Susak recalls traveling to Lima, Peru, to help get a client out of jail; after an “interesting trial,” as he describes it, he brought his client home — and that client is now a judge in Washington. And, Barron points to being selected for the Wallace P. Carson Jr. Award for Judicial Excellence in 2007, as well as trying as a judge a trial in which the State of Oregon sued the owners of the New Carissa, a ship that went aground on the coast off Coos County. It resulted in a $25M jury verdict for the state.

Of course, no look back on Oregon law careers would be complete without a mention of the Bhagwan Shri Rajneesh and his followers. Kenneth Novak represented 1000 Friends of Oregon in multiple proceedings against the religious group.

For Gary Galton, on the other hand, it’s not one specific case or issue that stands out; instead, he’s proud of having been an “ethical, honest and trusted advocate” to his clients and the legal community. Gordon Joelson echoes those sentiments, saying he’s proud of serving one community (Coos Bay) for 50 years.

Life Outside Law

Newly minted 50-year members say they’re also proud of their accomplishments outside the law. Brickley was a four-term mayor of West Linn. Woods is a retired commander in the U.S. Navy Reserve. Jernstedt dedicated his time outside the office to youth sports, coaching an incredible 28 seasons of basketball and soccer; he also served as a member of the Oregon Fish & Wildlife Commission (four years as the chair).

In 2006, Noble crossed the Atlantic Ocean on a 55-foot sailboat with four of his friends.

Spouses, children and friends figure prominently in many members’ extracurricular achievements. For example, Babcock dedicated his time to saving animals. “I helped my wife’s dog rescue organization to save a lot, probably several hundred, of death-row dogs from needless killing,” he says.

Dick Roy — who was on a three-month sabbatical from the practice of law in 1987 — made a decision with his wife to eventually quit the profession. They opted to “spend 100 percent of our time together and 100 percent of our discretionary financial resources to create and execute projects, mostly in Oregon, to advance Portland and Oregon as leaders in the national environmental movement,” Roy says.

By 1993, Roy had begun his new life as an unpaid co-director of nonprofits such as Northwest Earth Institute, Oregon Natural Step Network, Center for Earth Leadership and Eco-School Network.

Marcus Ward, who now lives in Payette, Idaho, says he and his wife of 56 years have logged more than 250,000 miles in their diesel motorhome in the last dozen years, traveling the country while visiting their seven children and 23 grandchildren, who live from coast to coast and in Alaska.

Timeless Advice

Through it all, 50-year members say they’ve seen the law change substantially and morph with the constantly evolving times. Williamson says one of the biggest changes between 1970 and now is that attorneys need to be specialized more than ever.

“In 1970, the OSB had no sections. There was little environmental law, minimal employment law, no mediation and practically no arbitration,” he says. “Housing and civil right law was in its infancy. Statutes and administrative rules have more than doubled since
1970. Then, most attorneys were general practitioners. If I passed the bar this year, I would try to concentrate on a single field or narrow area of law that I enjoyed and become a recognized expert in that arena."

What other advice would the bar’s 50-year members offer to young lawyers today? To manage these evolving times, some suggest finding a mentor and not thinking that you know it all.

“Despite the technological changes, which impact all of us today, I would urge a new lawyer to find a senior practitioner to learn how to find the courthouse and what goes into filing a lawsuit, and to observe the steps to trial or resolution,” says Cushing. “Meet judges and district attorneys when possible to learn all sides of the practice. Contribute on a pro bono basis where one can.”

“Find a mentor,” adds Wood. “Your education isn’t over yet.”

Trust also is a major theme for 50-year members.

“Your word is your bond,” Galton says. “Your reputation is everything.” Adds Hull, “Treat everyone, including opposing counsel, with courtesy and respect, as you would want to be treated.”

Joelson suggests the law can’t be your life. “Leave your practice in your office after work,” he says. “Serve on local community boards. Seek out advice from more experienced attorneys and remember you are selling your time. Manage it wisely.”

While new lawyers tend to fixate more on the process and type of law they practice, Swanson recommends understanding where you want to be first and then go from there. “Seriously consider where you

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want to live and practice law,” he says. “It is important to understand whether you prefer a big city with a lot of courts, judges and lawyers, or a smaller one with a smaller number.”

Whitaker wants new lawyers to be themselves, which can be difficult when first starting out and wanting to assimilate in a new firm. “Learn the craft and always be yourself,” he says, “not what others would like you to be.”

Grim wants to see a return to collegiality and cooperation between opposing counsel. He saw it in 1970, he says, but doesn’t see it nearly as much in 2020.

“When I started practicing, it was generally easy to work with opposing counsel. There was a friendly and cooperative attitude among practicing attorneys toward each other,” he says. “I believe this civility and collegiality among practicing attorneys to a large degree has fallen by the wayside. I would encourage attorneys starting out to try to restore such behavior.”

And while the waters may have been troubled 50 years ago, members of the OSB’s Class of 1970 say they’ve learned that patience may be the most important tool in navigating tumultuous times — something new bar members who are facing a world of uncertainty in 2020 can certainly understand.

“Be patient about your career development. It’s a long life,” Kelly says. “Work hard and ethically, and cherish your reputation for those two qualities. Figure out what you like and are good at, and pursue it.”

Michael Austin is the associate editor of the Oregon State Bar Bulletin. Reach him at maustin@osbar.org.

ENDNOTE
1. Of the 222 applicants who sat for the bar exam in 1970, 160 — or 72 percent — passed, while 62 failed.
The Class of 1970

Sixty people admitted to the Oregon State Bar in 1970 maintained their memberships for the past 50 years. We welcome them in 2020 as the newest 50-year members of the OSB.

Hon. Marshall L. Amiton
Robert E. Babcock
Hon. Richard L. Barron
Robert H. Bay
Gil W. Bellamy
Raymond J. Bradley
Alan K. Brickley
L. Thomas Clark
Jerome S. Cooper
Douglas P. Cushing
James M. DeCourcy
Hon. Henry R. Dickerson
Bruce E. Douglas
Michael B. Dye
Hon. Kimberly C. Frankel
Gary M. Galton
Alan J. Gardner
A. Kenneth Gough
Douglas R. Grim
Donald W. Hull
Kenneth E. Jernstedt
Gordon A. Joelson
Ronald I. Kales
Paul J. Kelly
B. Rupert Koblegarc
Joseph J. Leahy
Fred G. Long
Terrance L. McCauley
Stanley E. Martinson
D. Charles Mauritz
Jerry E. Melcher
Thomas D. Melum
Rhidian M. Morgan
C. Richard Noble
Robert E. Nordyke
Kenneth M. Novack
Rolf T. Olson
Daniel A. Post
Herbert A. Putney
Leo A. Reinikka
Robert Paul Ritter
R. Kenney Roberts
Gary E. Rhoades
Everett C. Ross
Richard E. Roy
Alan J. Schneider
David James Schreiner
Jeanysre R. Snow
Calvin N. Souther
John A. Strait
Frank J. Susak
David Lawrence Swanson
Robert F. VanNatta
Keith L. Walker
Marcus K. Ward
Kent C. Whitaker
Charles R. Williamson
Donald Winfree
Jerry R. Woods
Hon. Francisco J. Yraguen
Dan Harris still remembers the day, sometime in the mid-1990s, when his receptionist called to say there was an elderly woman in the lobby who wanted to talk to him about "a very serious matter."

“That was the day I met Jesse,” Harris says.

Jesse had just received notice that the Bonneville Power Administration was going to force her to sell the land next to her house so they could build an electric substation there, Harris says. She had been living in the little house for decades as the city had grown up around her, was now widowed and didn’t want to have an electric substation next to her house or be forced to move from the property she loved.

“Could I help her? Could this modest elderly lady stand up to the federal government? Well, of course I could help her,” Harris recalls thinking, “and yes, she could stand up to the federal government. We happen to live in a country where all people and parties, including the federal government, are ‘equal before the law.’”

So began what Harris — who practiced law for 14 years before being named a circuit court judge — calls one of the most interesting chapters of his legal career. He filed suit against the BPA in the 9th Circuit Court of Appeals in San Francisco and, not long after surviving the government’s motion to dismiss, entered into negotiations for the relocation of the substation to a different, more appropriate location.

“Little humble Jesse was equal before the law to the most powerful entity on the face of the planet,” Harris says. “And there are other cases like this one, where I found myself in a position to help someone who needed a knowledgeable advocate to help them enforce their legal rights — someone who couldn’t afford to access our system of justice with the help of counsel.

“In a nation governed by the rule of law,” he says, “lawyers are in a unique position to help citizens find redress or otherwise navigate the complex world we live in.”

Harris, who now maintains a full-time mediation and arbitration practice in Wilsonville, continues to do pro bono work. He and his wife Susan, a paralegal, recently served as legal volunteers for 18 months in the countries of the former Soviet Union, facilitating humanitarian projects in the region. He has co-chaired the Campaign for Pro Bono Winners Committed to Improving Access to Justice.
Equal Justice twice in the county where he worked and has given generously to the campaign over the years. He has also volunteered to serve on a special pro bono panel established by the Oregon State Bar to assist Oregonians impacted by COVID-19.

For those efforts, he joins a distinguished group of lawyers and law firms who are being honored by the OSB in October with Pro Bono Challenge awards for providing the most pro bono time in the previous year. This year marks the 21st anniversary of the awards, which are typically presented at a gala event in downtown Portland. This year, they’re part of the OSB’s “Celebrate Oregon Lawyers” celebration.

“The Challenge Awards allow us to give a well-deserved thank you to the handful of lawyers and firms who reported the most time, but they are just part of the Oregon State Bar’s pro bono story,” says Bill Penn, assistant director of the bar’s Legal Services Program, who oversees the pro bono awards. “More than 1,300 lawyers reported enough combined pro bono work in 2019 to equal 20 lawyers working full-time for underserved Oregonians.”

For more than 30 years, Oregon’s Aspirational Pro Bono Standard has encouraged lawyers to provide 80 hours of community service each year, including 20-40 hours of direct pro bono work for low-income individuals. Lawyers who cannot provide direct legal services are encouraged to donate to an organization like Legal Aid services are encouraged to donate to an organization like Legal Aid that works to increase access to justice.

In 2019, approximately 8.7 percent of Oregon’s active bar members reported contributing more than 41,000 hours of direct legal representation pro bono and more than 77,000 hours of public service of any kind. Since the OSB began keeping detailed records of pro bono reports in 2003, Oregon lawyers have reported providing direct pro bono legal services worth more than $172 million.

Those are impressive numbers, especially given the demands of a full-time legal practice. But Penn says several factors make it easier to do pro bono work in Oregon:

- **Liability coverage for volunteering with certified pro bono programs:** Oregon attorneys who do not have their own Professional Liability Fund coverage — like house counsel, government lawyers and active pro bono lawyers — can still volunteer and know they are covered either by a PLF pro bono policy or the organization’s third-party liability coverage;

- **Active Pro Bono Status:** Oregon lawyers can get all of the cost savings and lightening of CLE requirements as going inactive, but can still volunteer with certified programs;

- **MCLE credit for pro bono work:** Time-strapped Oregon lawyers can take on a pro bono matter instead of attending a CLE seminar — one hour of MCLE credit for every two hours of pro bono work (up to six MCLE credits per reporting period). Work with certified programs meets the criteria for credit, and other pro bono work is on an as-approved basis with the bar’s MCLE department; and

- **Modified conflict checking rules for pro bono work done in certain legal clinics:** RPC 6.5 means that under the right circumstances, lawyers do not need to return to their offices to run a full conflict check to help with a legal clinic.

Despite those incentives, many lawyers still say they simply don’t have time for pro bono work. But Bill Miner, partner in charge at Davis Wright Tremaine in Portland, says it’s simply a matter of setting priorities.

“For the attorneys that push back and say there’s not time, we break the numbers down for them,” says Miner, whose firm is being honored with a Pro Bono Challenge award this year. “To hit 30 hours would require dedicating a mere 2.5 hours a month, and to hit 50 hours would be only 4.2 hours a month. We spend more time watching cat videos on YouTube or doing other unproductive activities.

“If it’s a priority, any attorney can find at least half an hour a week to an hour a week for doing pro bono. It’s all about how you break down those numbers. And the impact on the community and for the individuals that need help is transformative and powerful.”

COVID-19 is already forcing lawyers to adapt and adjust, but Miner says the need for pro bono work during and after the pandemic will only become more important.

“Pro bono and community good are so engrained in DWT culture that even in the least profitable and darkest of times, we will not stop doing pro bono work,” he says. “We will respond by being innovative, thoughtful and impactful and ramping up our efforts, because the need will be greater than ever before to make sure at-risk and in-need communities and individuals receive access to the justice system in a meaningful way.”

Sadie Concepcion, a litigation associate with Tonkon Torp in Portland, agrees. She is also being honored with a Pro Bono Challenge award this year.

“Throughout the COVID-19 crisis, we have seen so many examples of communities coming together, and I am hopeful that the legal profession will continue to embody this spirit,” she says. “I was heartened to see the swift efforts that attorneys made as the crisis began to unfold, from distributing free resources to helping individuals and small businesses navigate the CARES Act to providing free estate planning for front-line medical workers. At Tonkon, the firm leadership has continued to support us engaging in pro bono activities and has created space for brainstorming ways to help members of our community who have been acutely affected by the pandemic.”

The winners of the 2020 Pro Bono Challenge awards are:

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**Sadie Y. Concepcion, Tonkon Torp**

Much of Sadie Concepcion’s pro bono work involves helping clients terminate their lifetime requirement to report as juvenile sex offenders. It’s a niche she discovered during a clinic at Northwestern University School of Law in Chicago, where the topic “spoke to my interest in the intersection of law, social science and trauma-informed services.”

“I took on my first pro bono project within a few weeks of starting at Tonkon,” says Concepcion, who was admitted to the bar in 2018. “Serendipitously, the firm, in partnership with Youth, Rights & Justice, had a pro bono program called the CLiF Project that provided the same sort of legal services I had worked on while in my law school clinic.”

Concepcion says that in light of their young age at the time of the offense and the extensive brain development that occurs during adolescence, juvenile sex offenders are uniquely responsive to rehabilitative interventions and have an extremely low recidivism rates.
rate. “Yet the lifetime registration require-
ment imposes onerous burdens on the in-
dividuals — many of whom were victims of
profound childhood physical, sexual and
mental abuse — that impede their ability
to find stable housing, maintain consistent
employment and access social supports, in-
cluding mental health and addiction treat-
ment services.”

Through her pro bono work, she says,
she has been able to help alleviate the

ONLD Member: Sadie Y. Concepcion, Tonkon Torp. Photo by Jonathan House

crushing stigma of a lifetime burden for ac-
tions her clients took as children. During
one particularly memorable relief hearing,
she recalls, the judge gave her CLiF client
an opportunity to speak to the court.

“She shared how important this day was
to her, two decades after her adjudication
as a 13-year-old, and the gratitude she felt
for everyone who had supported her on this
journey,” Concepcion says. “It was an im-
mensely moving and beautiful moment, as
this dark cloud that my client and her fam-
ily had been under for all these years finally
dissipated.”

It’s those moments that drive Concep-
cion to continue her pro bono work. In
addition to the CLiF Project, she has also
done work with the District of Oregon’s Pro
Bono Program, the ACLU of Oregon and
Legal Aid of Roseburg; she’s being honored
this year for contributing 277 hours in 2019.

To lawyers who want to get more in-
volved in service activities, she has one
donating to legal aid organizations, speak-
ing out for public policy changes or even
sharing information about important causes
within our social networks can serve as
meaningful ways to provide support.”

— Active Pro Bono Member —

Joe B. Richards, Oregon Law Center

Attorney Joe Richards says his first pro
bono experience came during the 1970s,
when he started seeing Saturday Senior
Services clients two to four times a year. But
the inspiration for serious pro bono work
struck him when he decided that 61 years of
non-stop private practice “was just the right
amount, and I looked around for how to
continue to use my problem-solving skills.”

He’s being honored this year for com-
pleting 677 hours of pro bono work with the
Lane County office of Oregon Law Center.

“Doing pro bono work at Lane County
Legal Aid (now Oregon Law Center) was
the right answer. It was landlord-tenant cases from the very start, and that is a special problem-solving challenge,” says Richards, who graduated from Willamette University College of Law and was admitted to the bar in 1954. He retired at the end of 2016 from the Luvaas, Cobb, Richards & Fraser law firm in Eugene after a career focused mainly on employment and labor law.

“My current legal practice is exclusively pro bono, representing tenants half-time in residential landlord-tenant cases,” he says. There’s a lull now because of COVID-19, Chief Justice Martha Walters’ order to reschedule all first appearances and Gov. Kate Brown’s executive order imposing a moratorium on residential evictions, but “I expect the work may soon exceed half-time for me for a time.”

Richards says he believes COVID-19 could well cause a spike in demand for pro bono services, and certainly for reduced-price services, because of the economic devastation it is sure to leave behind.

“I hope the profession can see its way clear to respond to that. I suspect it will in admirable terms,” he says. “For me, I can only respond by continuing to do what I am doing pro bono. And I intend to do that for the near future, since I am only 90.”

Harris graduated from the University of Oregon School of Law and entered the bar in 1983. He practiced law until 1997, served as a Jackson County circuit court judge from 1997 to 2013 and has maintained a full-time mediation and arbitration practice since 2013. His first pro bono experience came during a law school work study program at the legal aid office in Eugene.

“It was my first experience representing a client,” he says. “In that experience, I was impressed for the first time by the fact that I was in a position to help people navigate through difficult situations; and in this instance, people who couldn’t afford reasonable access to our justice system.”

Harris is being honored this year with a Pro Bono Challenge Award for completing 925 hours of pro bono work in 2019. His efforts overseas included providing assistance with the legal requirements associated with launching and maintaining hundreds of humanitarian projects in 14 different countries. But his pro bono work didn’t end when he returned to Oregon; he’s already signed up for the bar’s COVID-19 volunteer assistance program.

“If we believe in a system of government that aspires to the high standard of ‘liberty and justice for all,’ as we’ve repeated many times, then we are in a unique position to help achieve that goal,” he says. “To that end, every lawyer should commit to donating a reasonable number of hours every year to taking a deserving case where the person seeking justice is not in a position to pay you. These types of cases will be some of the most rewarding cases you will work on in your career.”

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“In a nation governed by the rule of law, lawyers are in a unique position to help citizens find redress or otherwise navigate the complex world we live in,” Harris says. “Here in Oregon, we enjoy a great tradition of lawyer service to the community. I think we will see many lawyers step up to help.”

— Lawyer At A Firm —

Lee Wyatt, Practicing with John Haub

Attorney Lee Wyatt is being honored for completing 2,000 hours of pro bono work in 2019, focusing primarily on veterans, the poor and the homeless with colleague John Haub.
Before COVID-19 changed the way nonprofits feed the homeless, Wyatt cooked for East County Aid and Comfort’s weekly communal meal for people living rough in East Multnomah County. She also sits on the fledgling nonprofit’s board of directors as it ramps up to providing unique and permanent housing options for homeless seniors.

For more about her work with Haub, see below.

— Small Firm —

Lee Wyatt and John Haub

As law partners, John Haub and Lee Wyatt share a commitment for using their experience and the law based not on who can pay, but on where their services are needed most. That’s why they focus on helping veterans and those with great need but few resources — clients who struggle to avoid or overcome barriers to success.

Haub is a retired Army colonel who also served the military as a legal advisor in several foreign countries; he graduated from Lewis & Clark Law School and was admitted to the Oregon bar in 1976. Wyatt’s spouse is a retired Navy commander and F-14 fighter pilot; she graduated from the University of Kansas School of Law, entering the Texas bar in 1989 and the Oregon bar in 1998.

Both are former prosecutors, with about 70 years of experience between them.

“We see a need for recognition that redemption and reform can become a reality,” Haub says. “We seek to help those who have committed crimes against others make amends. At the same time, we seek to help our clients become the productive members of society they want to be.”

To that end, Haub and Wyatt participate in “community service days,” where fines and fees are forgiven when people convert one hour of non-mandated addiction treatment or one hour of community service to a $100 value in reducing their Multnomah County fines and fees.

“The existence of outstanding fines and fees often prevent people from seeking expunction of crimes that block and prevent employment and decent housing,” Haub explains. “How can we expect people to overcome it all: pay those fines and fees, have their driver’s license suspended and tax returns seized by the state and get a mainstream job when potential employers all run background checks?”

Adds Wyatt, “Our work in setting aside records of arrests and convictions, in conjunction with Legal Aid Services of Oregon and the Clackamas County Bar Association, is part of our battle to decriminalize poverty.”

When it comes to working with veterans, Wyatt and Haub focus on “housing first” as a solution. “Once housed, we can see our clients work on addiction treatment, job search and health care issues,” Haub says, adding that the partners prepare wills for dying and ailing veterans and help the disabled seek VA and Medicare support.

To further assist veterans, Haub started the Veteran’s Legal Clinic at “Fort Kennedy,” a nonprofit founded by retired Army 1st Sgt. Tina Kennedy in Clackamas County to meet the needs of homeless and struggling vets.

“Maybe it’s a gas card to get to a medical appointment. Maybe it’s a haircut or a bowl of soup. Maybe it’s shoes or clothes, or kitchen utensils for the new apartment they obtained through the Supportive Services for Veterans and Families (SSVF) program or the subsidized voucher HUD VASH program,” Haub says. “At Fort Kennedy, homeless veterans can take a shower, get their clothes laundered, get food for their pet/service animal and come to see Lee and me to work on legal issues, surrender on warrants or seek relief from FED proceedings.”

Vietnam veterans afflicted by Agent Orange are also among the clients Wyatt and Haub see at Fort Kennedy.

“We help them gather evidence — some of it often 50 years old — in support of their claims for compensation, even as they are facing degraded health and multiple ailments caused by Agent Orange,” Haub says. A Vietnam veteran himself, Haub knows that buddy statements, photos and affidavits of others who were at the locations where defoliants were used often bolsters the case before the VA Compensation and Pension examiners.

“Fort Kennedy is a great one-stop place,” Wyatt says, “where a vet can talk with a vet.”

Wyatt says she sees the work she and Haub do with incarcerated veterans as a way to acknowledge the toll that the “long wars” have taken on Oregon’s veterans. Haub points out that “veterans are disproportionately incarcerated in Oregon, often evidence that deployments affect the mental health of those exposed to brutal injuries and combat-related stress.”

The partners say their work for the next year includes raising awareness among defense attorneys, prosecutors, judges and court support staff of the need to advise veterans of their rights and special programs available to them.

“As (legal consultant) Jesse Wm. Barton writes in his email signature,” Haub notes, “‘These wars will end, but the casualties will not.’”
Arthur Saito says Stahancyk Kent & Hook’s pro bono work is an extension of its community outreach philosophy.

“We make our livings from the communities we serve,” says Saito, managing shareholder at the firm’s Astoria office, “so it is only proper that we contribute back in some meaningful way.”

The firm, which has 22 attorneys at five offices in Oregon and Southwest Washington, provides a variety of pro bono services throughout the year. But it is especially committed to helping children who are undergoing the trauma of a divorce, legal separation or modification of custody and parenting time.

In fact, the firm sponsors a nonprofit organization called Child Centered Solutions, which works to protect the rights of children in high-conflict family disputes by hosting training seminars, sponsoring community education initiatives and raising awareness.

“Our attorneys work with various court programs to provide direct legal representation for minor children in high-conflict family law cases,” Saito says. “Judge Susan Svetkey’s Children’s Representation Project in Multnomah County, Judge Dawn McIntosh’s program in Clatsop County and other judges in other counties frequently request that our lawyers represent children. It is the rule, rather than the exception, that the services of our lawyers come at no cost. Our firm strongly believes that the voices of children are important and are often lost in the chaos of a high conflict case.”

Stahancyk Kent & Hook also provides direct legal services for veterans, first responders and the elderly, and it sponsors public events such as the Crooked River Round-Up and Rodeo in Prineville and, in the past, the St. Andrew Legal Clinic’s Race for Justice. In 2019, the firm performed 921 hours of pro bono work — an effort that Saito says reflects not only the work of attorneys but also the time and energy contributed by staff.

Every case, he says, provides some measure of professional and interpersonal satisfaction.
One case that comes to mind involved a parent that unilaterally relocated to another state without warning. The children in this case were very bonded to the other parent and did not even have a chance to see the other parent, the other parent’s relatives or friends before they left Oregon in the middle of the night,” Saito says. “This case was very traumatic for the children, because it involved a history of high conflict between the parents, an out-of-state move away, significant stepsibling relationships (blended families are extremely common) and literally no resources.”

Stahancyk Kent & Hook attorneys helped resolve that case, and Saito says the firm is committed to continuing its efforts for other families — especially as the impact of COVID-19 grows.

“The demand for pro bono services will likely increase as a result of the current COVID-19 situation,” he says. “This is especially true with regard to children and families, who are at increased risk of domestic violence and child abuse.”

How will Stahancyk Kent & Hook respond?

“The same way it always has,” Saito says. “One case at a time.”

— Large Firm —

Davis Wright Tremaine

Pro bono work has always been deeply embedded in the culture of Davis Wright Tremaine, where many of the firm’s 600 lawyers are actively involved in giving back to their communities. In fact, DWT typically has more than 1,000 pro bono matters going at any given time at its offices across the country, according to Partner-in-Charge Bill Miner.

“And the communities, constituencies and causes we represent are very broad,” Miner says. “This includes LBGTQ+, veterans, Holocaust survivors, domestic violence survivors, clemency cases, children, the homeless, musicians/artists, nonprofits/community organizations, immigrants, etc. We do a lot of work with the civil rights and liberties space too, especially protecting constitutional rights.”

In 2019, Miner says, DWT devoted 22,000 hours, valued at $14 million, to those without a voice in the courts or a means to hire effective legal counsel. That includes 3,869 hours in Oregon, or roughly 20
percent more than the next-highest large firm. DWT partners with legal service providers who procure the clients, “and then we provide those opportunities to our attorneys.”

One of those opportunities involved filing a class action lawsuit last year that seeks to repair Oregon’s foster care system, which DWT says is “broken.”

“Young children are repeatedly moved from place to place. Some are deposited in homeless shelters or out-of-state institutions, without Oregon officials even knowing what’s happening to them day-to-day,” the firm says.

To help address the crisis, the national advocacy group A Better Childhood partnered with Disability Rights Oregon and DWT to file a lawsuit on behalf of 10 plaintiffs, who seek to represent all 8,000 Oregon children in foster care. It’s the first effort in the country to litigate on behalf of specific populations in foster care — children with disabilities, youth who will age out of the system and LGBTQ youth — in a single class-action lawsuit.

“Pro bono is a priority for DWT because with the privilege to practice law comes the responsibility to make sure everyone has access to justice, not just those who can afford it,” Miner says. “Our attorneys care deeply about giving back to their communities and donating their time and talent to causes and constituencies that otherwise wouldn’t be seen or heard, and wouldn’t have a way to get a fair and just outcome.

“As our founding partner once famously said, ‘...unless we are serving mankind to the top extent of our ability and putting our best talent into that service, what good is life?’ Pro bono and social impact isn’t just a part of the firm’s vision to better our communities,” Miner says, “it is central to our existence.”

For more about DWT’s pro bono and social impact efforts in 2019, visit tinyurl.com/DWTProBono.
In honoring 2020’s class of 50-year members of the Oregon State Bar, it’s sad to see that only two of the women admitted to the bar in 1970 are still alive — the Hon. Kimberly Frankel and Jana T. Gregory. The other two — Jeanyne Snow and Judith Anne Gibson — have passed away.

Yes, only four women were admitted to the OSB in 1970. That’s a stark contrast to today’s bar, especially when you consider the number of women in legal practice and the high number of women lawyers currently serving in leadership roles.

The number of women lawyers who are in positions of authority in Oregon in 2020 create a remarkable image to behold. They include Gov. Kate Brown, Attorney General Ellen Rosenblum, Oregon Supreme Court Chief Justice Martha Walters (and four female associate justices), Oregon State Bar President Liani Reeves and CEO Helen Hierschbiel, University of Oregon School of Law Dean Marcilynn Burke and Lewis & Clark Law School Dean Jennifer Johnson. Brown has also served as Secretary of State, as have lawyers Norma Paulus and Jeanne Atkins.

In a video created for this year’s virtual admissions ceremony, every speaker was a woman — from Walters and Reeves to Supreme Court Justice Lynn Nakamoto; Hon. Angela Lucero, chair of the Board of Bar Examiners; and Mae Lee Browning, chair of the Oregon New Lawyers Division. Together, they painted a vivid picture of the progress women have made in the legal profession over the past 50 years.

Admission to and Membership in the Bar

There are likely cultural — and legal — reasons why the numbers of women who sought admission to the legal profession over the years varied in waves. In 1886, the Oregon Supreme Court admitted the first woman to practice in Oregon: Mary Leonard, who paved the path by lobbying the Oregon Legislature to change the law in order to allow a woman to be a lawyer.

By 1917, 55 women had been admitted to the bar in Oregon. From a national perspective, that’s a large number, especially when you compare it to states that had not yet admitted any women: Alaska, Arkansas, Delaware, Rhode Island and South Carolina. By 1920, 65 women had been admitted in Oregon, compared to 1,700 women lawyers in the entire United States, so Oregon’s share was 3.8 percent — significantly higher than Oregon’s percentage of the U.S. population (0.74 percent).

In her book *The Invisible Bar*, Karen Berger Morello suggests that women in the West faced a more balanced view of their abilities than existed back East, because “the myth that they were faint-hearted and in need of protection could not be perpetuated on the frontier” after they had proven their toughness on the move westward; thus, they experienced greater acceptance in their admission to the professions.

The four women who were admitted to the OSB in 1970 were 2.4 percent of the total admissions that year. That’s a huge contrast with numbers Show Remarkable Gains for Women in the Law Over the Past 50 Years

— By Trudy Allen —
the percentage of women admitted in the spring of 2020 — 55.47 percent. A rapid rise in the ratio of women admittees began in earnest in the mid-1970s: In 1975, it was 12.9 percent; in 1980, it was 29.7 percent; in 1990, it was 41.2 percent; and in 2000, it was 44.8 percent.

However, 1970 was not a representative year for women in the era before this major surge. Notably, five decades earlier, there were years where the percentages of women admitted were as high as 19.1 percent (1921) and 15.4 percent (1919).

In terms of pure numbers, there were nine women admitted in 1913 and eight women admitted in both 1914 and 1915 — a surge that may have been inspired by women gaining suffrage in Oregon in 1912. Later, the enactment of the Civil Rights Act of 1964 and the rise of the feminist movement likely contributed to the jump in the number of women admittees shortly after 1970. As soon as 1973, there were 27 women admitted to the bar — and the number rose significantly after that.

The ratio of women members to the overall OSB membership has also continually risen, especially in the last three decades. In 1989, it was 20.2 percent; in 1999, it was 27.7 percent; and in 2009, it was 33.2 percent. Using the most recent statistics, the percentage of self-identified female OSB members in May 2020 was 38.58 percent.3

Women on the Bench

In 1970, only two women were serving on the bench in Oregon: Hon. Jean Lewis and Hon. Mercedes Deiz, both in Multnomah County. They were the second and third women to serve in any Oregon court; Hon. Mary Jane Spurlin had served on the Multnomah County District Court in 1926.

In 1978, Hon. Kimberly Frankel became the eighth woman judge in Oregon when she was appointed to the Multnomah County District Court; the Class of 2020 member retired from the Multnomah County Circuit Court in 2005 after 27 years on the bench and has the longest tenure of any living woman judge in Oregon, including her time as a senior judge.

As of August 2020, there have been 165 women who have served on the bench in a state or federal court in Oregon. Not until 1982 was there a woman on the Oregon Supreme Court — the Hon. Betty Roberts. Now, five of the seven Supreme Court justices are women, making Oregon a nationwide leader when it comes to diversity on the state’s highest court.

A revealing measure of progress for women is the ratio of women judges to the total number of judges in Oregon state courts — a statistic that shows steady progress over the past 30 years. In fact, the ratio has quadrupled from 1989 (when the ratio of women judges to the total was 9.6 percent) to 43 percent today (a ratio that is also higher than the rate of women lawyers’ membership in the OSB). In 12 of the 27 state judicial districts, remarkably, the ratio of women to the total now equals or exceeds 50 percent; that’s up from nine districts in 2015.

Another achievement is the variety of jurisdictions in which there have been women chief or presiding judges: Judges Ann Aiken (U.S.
At least 26 (up from 17 in 2015) women have served as presiding judges in state courts, starting 30 years ago with Judge Joan Seitz (Douglas County Circuit Court) and Judge Ann Aiken (Lane County District Court). In 10 (up from seven in 2015) state judicial districts, women are currently serving as presiding judges.

There are three judicial districts in Oregon for which there still has never been a woman appointed or elected to the bench: Baker County, Lake County and District 24 (Grant and Harney counties).

**District Attorneys**

Perhaps not as visible is the number of women who are now district attorneys in Oregon: eight. So far, 19 of the 36 counties have had women district attorneys, and four counties have had at least two.

The first counties to have women district attorneys were Marion County, where Hattie Bratzel Kremen served from 1956 to 1964; and Grant County, where Grace Williams was elected in 1958. Williams was the only woman DA in Oregon in 1970.

**Presidents of Bar Associations**

As recently as 2018 (and once before, in 2004), all of the presidents of the five major professional associations of lawyers in Oregon were women: the Oregon State Bar, the Multnomah Bar Association, Oregon Trial Lawyers Association, Oregon Association of Defense Counsel and the Federal Bar Association, Oregon Chapter. None of these associations had a woman president in 1970.

The first to have one was the Federal Bar Association, Oregon Chapter, with Linda DeVries Grimms in 1985. That was followed by the Multnomah Bar Association, with Susan Hammer in 1987; and the Oregon Trial Lawyers Association, with Judy Snyder in 1989. The first woman president of the Oregon State Bar was Julie Frantz in 1992; since then, there have been eight women presidents, with three women in a row serving as the most recent leaders: Vanessa Nordyke in 2018, Chris Costantino in 2019 and Liani Reeves this year — in itself a milestone.

**OSB Board of Governors**

The first woman lawyer to serve on the Board of Governors was Christie Helmer in 1981, and she was the first woman officer as treasurer in 1983. It seemed that a lot of progress had been made for women when six women lawyers served on the board at the same time in 1992. But that gain was soon lost; in 1996 and ’97, it was back down to just one woman lawyer at a time — an example of how progress is sometimes ephemeral without a constant concerted push for women’s participation.
Since 1998, women lawyers' board service has continued to vary, with a low of two on the board in several years and a peak in 2019 of nine; the current board includes eight women lawyers, including Immediate Past President Costantino.

City and Other Governmental Leaders

In 1970, Marian Rushing was the city attorney in Portland; she became the first woman in that role in 1968. Fifty years later, there is again a woman city attorney in Portland: Tracy Reeve. But we should not forget the women lawyer pioneers who made great strides in leadership roles in government in the decades before 1970 — accomplishments that in some ways rival the achievements of today, especially when compared to the times.

For instance, Hannah Martin was elected in Salem to the office of city recorder in 1940. Celia Gavin was the city attorney of The Dalles by 1941. Most significantly, Dorothy McCullough Lee was the first woman lawyer elected to the Oregon Legislature (to the Oregon House in 1928 and to the Oregon Senate in 1932) and was the first woman mayor of Portland (1949-1953), making her just the second woman mayor of a major U.S. city.

Given all of that, it would appear that women lawyers have “arrived” in the halls of power in Oregon. Progress should never be taken for granted, but there is much to celebrate about these achievements — and hopefully much to look forward to as women continue to make further headway.

Trudy Allen has been the historian of the Oregon Women Lawyers Foundation since 1999. From 1993 to 1998, she was the Oregon Women Lawyers historian. She served as chair of the Queen’s Bench committee when it created the women’s history display at the Oregon State Bar. She is retired from the practice of law.

ENDNOTES
2. Id., pages 42–43.
3. We don’t have the ratio for 1970, but it is likely a minimal amount.
Increasingly DiVERSE

Face of Oregon’s Legal Profession Continues to Change

By Hugo Gonzalez Venegas
As the Oregon State Bar pays tribute to 50-year members this year, it’s interesting to see how much the demographics of the OSB have changed.

In her article “Closing the Gender Gap” on Page 44, for example, author and historian Trudy Allen talks about the progress made by women in the legal profession. Only four women were admitted to the bar in 1970, she notes — and even that was an improvement over the Class of 1969, which was 100 percent white and 100 percent male.

But the face of Oregon’s legal profession is changing.

Today, more than 38 percent of current bar members are women — a transformation led in no small part by women of color who now work as attorneys and serve as judges and justices in record number. This article focuses on those women, whose success despite the intersectional challenges they have faced is cause for celebration.

In 2020, the bar includes the first Asian American woman to be elected president, and there are two women of color on the Oregon Supreme Court. Needless to say, that kind of change would not have been possible without the lifelong struggles of women who pushed against a framework of exclusionary laws that existed for more than a century before a Black woman became an attorney.

The State of Oregon entered the union in 1859 as a “free state,” but what that actually meant at the time was that elected officials like pro-slavery Democrats Joseph Lane and Delazon Smith framed statehood on the notion that Blacks were not allowed in Oregon, even as slaves.

Even before the incorporation of statehood, Oregon had exclusionary laws that prohibited Black people from living in the state. For example, “Peter Burnett’s Lash Law” was established and voted on by the people “to keep clear of that most troublesome class of population (Blacks). We are in a new world, under the most favorable circumstances, and we wish to avoid most of those evils that have so much afflicted the United States and other countries.”

Those words were uttered by Peter Burnett, Oregon Country’s first judge, who went on to become the first governor of California. While most of the voters were not slaveholders themselves, many were in full agreement that Black people should not live among them in their new state. Burnett’s “Lash Law” gave Black women three years to get out of Oregon Country; Black men were required to leave in two, whether they were considered freed or enslaved.

Exclusionary laws stayed on the books until the not-so-distant past. Although the 14th Amendment made the laws obsolete, it wasn’t until 1926 that Oregon voters repealed them. Not until 1959 did Oregon voters finally ratify the 15th Amendment, even though it had been superseded by federal law since 1870. And not until 2002 was the Oregon Constitution amended to remove all racist language.

Even before the 1926 election, though, Black people were making waves in Oregon’s legal profession. Beatrice Morrow Cannady graduated from the Northwestern College of Law (now Lewis & Clark Law School) in 1922, making her the first Black woman to graduate from any law school in Oregon and one of only two women in her graduating class.

(Interestingly, that was the same year that the Oregon State Bar began to administer the bar exam as a requirement for admittance to the bar.)

Cannady was never admitted to the Oregon State Bar, having failed the bar exam five times. But she “continued to practice, ... eventually prompting the OSB’s Board of Governors to discuss the fact that she had been ‘representing herself as an attorney at law’ in criminal and probate proceedings. (OSB) President Robert Maguire told the board he had written her late in 1935, ‘inquiring as to her rights to practice,’ but had not received an answer. So the board voted to have Maguire send another letter informing her that until she was ‘regularly and properly admitted to the Bar of the State of Oregon, she must desist in further attempts to practice law’ or face ‘criminal proceedings.’ Cannady continues to be recognized as the first Black woman to practice law in the state, in part because the label fits so well with her civil rights work. The honor, however, rightfully belongs to Mercedes Deiz.”

It was not until 1960 that Deiz, a trailblazer in her own right, became the first Black woman to be admitted to the Oregon bar. She would go on to be the first Black woman to become an elected circuit court judge in Oregon, after being appointed by then-Gov. Tom McCall in 1970.

Deiz graduated from Northwestern School of Law in 1959 as the only female in her class. (She ranked fourth in class standing.) She began practicing as a litigator until her appointment to the Oregon bench, but she served as a leader in civil and legal organizations throughout her career. She helped found Oregon Women Lawyers and the National Association of Women Judges, for example, and was recognized with numerous awards by the Oregon State Bar, Oregon Women Lawyers and others.

Most importantly, she laid the foundation for a host of women of color who have been groundbreakers in their own right.

In 1985, Lee Coleman was appointed as the first Black woman administrator of the Oregon State Bar’s Affirmative Action Program (the predecessor to the Diversity & Inclusion Department), whose goal it was to diversify the OSB. In 1990, Gayle Patterson became the first Black woman to serve on the OSB’s Board of Bar Examiners. That same year, the Campaign for Equal Justice was created and Linda Clingan, a Native American woman, became its first executive director.

In 1991, the Oregon Minority Lawyers Association (OMLA) was established with now-Justice Lynn Nakamoto as its first co-chair. Among the group’s goals, she says, was an effort to create a community where lawyers from non-dominant cultures could talk about the hurdles they faced, such as being mistaken for either the client or an interpreter in courtrooms. The assumption that you weren’t the lawyer on the case or didn’t belong was pronounced when she first came to Oregon, the justice says.

In 2010, Justice Nakamoto became the first Asian American member of the Oregon Court of Appeals; in 2015, she filled that same role when she was appointed to the Oregon Supreme Court, where she currently serves.

Today, she also chairs the OSB Leadership Academy, which aims to cultivate the leadership skills of lawyers from diverse...
backgrounds and serve the legal profession and the greater Oregon community by increasing awareness regarding ethical, professional and community service opportunities. She’s excited for the changes Oregon has experienced, she says, and is looking forward to joining with her colleagues in the legal profession to make Oregon a more equitable place.

In 1997, the Association of Oregon Black Lawyers transitioned into the Oregon Chapter of the National Bar Association with now-Judge Ulanda Watkins as one of its officers. The National Bar Association is an organization established in 1925 by Black lawyers during a time when the American Bar Association would not admit African-American members.

Judge Watkins was appointed to the Clackamas County Circuit Court in 2017, becoming the first Black judge outside of Multnomah County and only the third Black female judge in the state. She says she’s grateful for the ability to work in a space where her whole self is appreciated and celebrated, noting that this has not always been the case in Oregon. In September, she told the Bulletin that she sees a future where diversity is not just an increase in the number of people from underrepresented communities but where diversity of life experiences are equally important.

In 1998, Stella Manabe (now Stella Shiroma Nakama) established the Opportunities for Law in Oregon program (OLIO) to recruit and retain more lawyers from the non-dominant culture. Also in 1998, now-Judge Darleen Ortega broke a glass-ceiling when she became the first Latina partner of a major Oregon law firm, and she tore down more barriers when she was appointed to the Oregon Court of Appeals in 2003, making her the first (and still the only) Latina and first woman of color to join the appellate bench, where she continues to serve today.

Judge Ortega teaches Access to Justice at all three Oregon law schools and continues to serve as a mentor to students and lawyers. She names three principles that she tries to impart: “Stay relentlessly committed to the truth; be courageous; and practice curiosity, asking and holding open the toughest questions.”

In 2003, Marva Fabien became the first Black member of the OSB Board of Governors; she was also Willamette University College of Law’s first coordinator for its Professional Development & Multicultural Affairs Department. The Board of Governors did not have another Black woman member until 2008, when Kellie Johnson joined the group. Today, it includes several women of color: Liani Reeves, who was elected in 2016 and became president in 2020; Bik-Na Han, who was elected in 2018; and Traci Rossi, the first Black public member of BOG, who was appointed in 2016.

In 2006, now-Judge Adrienne Nelson became the only second Black woman after Mercedes Deiz to be appointed to a judgeship in Oregon, serving on the Multnomah County Circuit Court. Justice Nelson also became the first Black person to sit on the Oregon Supreme Court when she was appointed to that bench in 2018.

Today, Justice Nelson continues to work within the profession and with organizations outside the legal community to incorporate equity and inclusion in all facets of Oregon life. Among the numerous accolades she has received for that work: the North Clackamas School District recently named its newest high school after her.

“Intersectionality is our present and our future,” she says. “We shall never go back.”

Indeed, the ranks of judges of color continue to grow. In addition to Judge Watkins in Clackamas County, Judge Patricia McGuire and Judge Xiomara Torres have joined the bench in Multnomah County; all three women were appointed in 2017 and have since won election to full terms.

Although change has been slow, Oregon’s legal profession has increasingly become more representative of the communities it serves. That’s thanks in no small part to a variety of programs designed to foster a more diverse bar.

The OLIO program, for example, just held its 23rd annual conference in August. More than 130 law students, judges and attorneys from underrepresented groups gathered via Zoom in an effort to create community; past participants have gone on to become judges, managing partners and elected officials — each one a trailblazer charting a new path for attorneys from the non-dominant culture.7

Given those efforts, what will the class of 50-year members look like in 2050? What will the judges of today have to say in 30 years as they look back on the gains made by women of color who followed in the footsteps of people like Beatrice Morrow Cannady and Mercedes Deiz?

The hope, Justice Nakamoto and others say, is that an increasing diversity of faces, experiences and affirmations of one’s full self will lead Oregon to a new future where attorneys no longer feel like they have to live their professional and personal lives separately.

“You cannot,” she says, “live your life hidden away.”

ENDNOTES
1. See https://oregonencyclopedia.org/articles/exclusion_laws/#.Xz7UtMhKIM8
2. See https://storywall.osbar.org/1900-1959/
3. Id. at https://oregonencyclopedia.org/articles/exclusion_laws/#.Xz7UtMhKIM8
5. Id. at pg. 30
6. See https://oregonencyclopedia.org/articles/deiz-mercedes/#.X0gk2niKjcs
7. For more about Opportunities for Law in Oregon and other diversity and inclusion programs, including a list of diversity sections and affinity bars and links to dozens of resources, visit osbar.org/diversity.
Great attorneys make great firms.

All four of our attorneys are recognized by Best Lawyers for 2021, and we’re proud of it.

Celia Howes
Lawyer of the Year for Criminal Defense: White Collar

Megan McVicar
Criminal Defense: General Practice

Lawyers on The Best Lawyers in America list are reviewed by their peers on the basis of professional expertise. Only a single lawyer in each practice area and designated metropolitan area is honored as the “Lawyer of the Year,” making this accolade particularly significant. Congratulations to Celia Howes for her 2021 recognition as Lawyer of the Year for Criminal Defense: White Collar, and to Megan McVicar for her recognition for Criminal Defense: General Practice. Ron Hoevet was Lawyer of the Year in 2012 (Criminal Defense: General Practice) and 2014 (Criminal Defense: White Collar), and Per Olson was Lawyer of the Year in 2020 (Criminal Defense: General Practice).
PRESIDENT’S MESSAGE

Lawyers, Judges Have Played a Key Role in Shaping My Story

A Client’s Perspective

By Liani JH Reeves

This month’s Bulletin is dedicated to “Celebrating Oregon Lawyers.” Many of the articles publicly highlight this year’s OSB Awards recipients, our 50-year members and those attorneys who went above and beyond in pro bono service in the past year. I want to personally congratulate all of these attorneys, judges and legal professionals for their accomplishments and service to the profession and to the community.

I also want to take this opportunity to celebrate all Oregon lawyers by talking about how lawyers have played a critical role in my life during times of extreme challenge. It’s easy to take for granted the role we play in our clients’ lives during times of crisis. I want to remind us what that role looks like from the other side, as a client.

Lawyers have played a role in my life all the way back to the beginning. I have often discussed my identity as an orphan and adoptee. I started my path on an orphanage doorstep in South Korea, and I am one of the 150,000+ children who were abandoned and eventually adopted out of that country starting in the 1950s. I came to the United States as Shin Kyong Ok at the age of four months and was placed with the Reeves family on the East Coast.

For those of you who have been involved in an adoption — as a parent or as a lawyer — you know that it’s a complicated and bureaucratic process. My parents needed a family law lawyer to make sure my adoption as Liani Jeanheh Reeves was finalized. Because I was born in another country, my parents understood that they needed to hire an immigration lawyer to finalize my U.S. citizenship.

My first memory of a judge is the United States District Court judge in New York who swore me in as a U.S. citizen. I was too young to go through a ceremony, and I don’t remember an oath. But I do remember being in the judge’s chambers and playing on his big leather chair that swiveled around. I remember the judge portraying an image of gravity and joy at the same time.

We lived in New York until I was 12, when my parents retired to a rural community on the Southern Oregon coast. I went from a relatively normal life in a progressive and diverse New York to a small logging town. It was a huge culture shock, and it came during a stressful time in a young person’s life. To make matters worse, I was bullied by a group of girls. They followed me around, wanting to fight. They waited for me outside the classroom, outside the gym, by my locker, by my car. They would call my house and leave obscene and threatening messages. They called the few friends I had and tried to turn them against me.

One by one, they would line up against me and we would fight. I would get suspended; one of them would as well. But there were a dozen of them, and only one of me. So as each of them was suspended for the first and only time, my discipline was getting longer and harsher. They had a plan to get me expelled. It was a good plan, and it was working.

I tried to get support from the administration. I told them it was a plan to get rid of me. They didn’t believe me. I told them I was being targeted because of racism. They refused to intervene. So I learned how to fight. I felt completely unsupported and abandoned. And then one day, it just stopped. At the time, I didn’t question it. I didn’t ask why. I was just thankful for the reprieve and quickly moved on with my life, motivated to succeed and get out of that community. I left and never went back.

But later, I found out why the bullying had stopped. Simply put, my parents had gotten a lawyer and threatened to sue. Sue the bullies, sue the parents, sue the school. Sue everyone. They used the power of a lawyer — not even the power, but the mere threat of the power of a lawyer — to obtain what seemed like otherwise impossible results. It changed my situation from terrible to tolerable.

In college, I had to hire a lawyer on my own for the first time. I was a victim of stalking. I hired a lawyer to help obtain a stalking protective order. As you can imagine, it was a time of severe stress for me. But I remember the lawyer coming to court with organized binders of exhibits and doing everything to help me tell my story to the judge. His skill and kindness left a long-term impression on me. Even today, when I’m helping my own clients navigate the court system, I still think about the techniques that lawyer used to help walk me through an incredibly stressful process.

When I left my position at the governor’s office in 2015, I departed under the cloud of controversy that hung over the Kitzhaber administration. Not only was I fired from my...
15-year career as a public servant, but I also was dealing with federal grand jury subpoenas, attorney general’s office investigations and ethics commission inquiries. I hired a lawyer who helped navigate the numerous processes and advocate for me. He helped clear my name, which allowed me to move on with my life and my career.

And even today, during these recent dark moments of my mother’s passing, one of the first people my brother and I called was a trusts and estates lawyer. Having a lawyer take away the stress of trying to figure out things like probate and estate taxes allowed us the space to heal and grieve.

All of these lawyers helped change the trajectory of my life in some way or another. For those of you who were part of my life, I hope you recognize your role in my story. Thank you. And for the rest of you, I hope you recognize your role in someone else’s story. As lawyers, we can and do play a critical role in the lives of our clients.

That is something to celebrate.

Liani JH Reeves is president of the Oregon State Bar. Reach her at lreeves@osbar.org.

ENDNOTE
1. Unfortunately, not all parents knew this or were misinformed by their adoption agencies. Thousands of international adoptees failed to obtain their citizenship status properly and are now in limbo and at risk of deportation.
**CLE Seminars**

**Solo and Small Firm Series**  
**Weathering 2020: Adapting Your Practice in Turbulent Times**  
Cosponsored by the Solo and Small Firm Section  
Monday, October 12, Noon–1:15 p.m.  
*The Case for Lawyer Well Being: Using Intention to Effectively Practice Law and Life*  
CLE Credits: 1.25 Mental Health and Substance Use  
SOLO20-1

Monday, October 19, Noon–1:15 p.m.  
*Remote Online Notarization for Attorneys*  
CLE Credits: 1.25 General  
SOLO20-2

Monday, October 26, Noon–1:15 p.m.  
*Adjusting to a Post-Pandemic Workplace*  
CLE Credits: 1.25 General  
SOLO20-3

Monday, November 9—Noon–1:15 p.m.  
*Fundamentals of Electronic Signature Law*  
CLE Credits: 1.25 General  
SOLO20-4

Monday, November 16—Noon–1 p.m.  
*An SBA Perspective on the Paycheck Protection Program (PPP) and the Forgiveness Process*  
CLE Credits: 1 General  
SOLO20-5

**Workers’ Compensation:**  
**Virtual Salishan 2020**  
Friday, Oct. 30, 8:30 a.m.–12:50 p.m.  
CLE credits: 3 General and 1 Abuse Reporting  
Cosponsored by the Workers’ Compensation Section  
WCOMP20

**Safeguarding Oregon Nonprofits**  
Thursday, Nov. 12, 8:30 a.m.–11:45 a.m.  
CLE credits: 1 Access to Justice  
Cosponsored by the Nonprofit Organizations Law Section  
NOLS20

**Indian Law Series**  
**Tribal Sovereignty and McGirt v. Oklahoma**  
Friday, Nov. 13, Noon–1 p.m.  
CLE credits: 1 Access to Justice  
IND20-3

**Advanced Estate Planning 2020**  
Friday, Nov. 13, 8:30 a.m.–4:35 p.m.  
CLE credits: 5.75 General and 1 Mental Health/Substance Use  
Cosponsored by the Estate Planning and Administration Section  
AEP20

**The Law of Landlords and Tenants**  
Friday, Oct. 16, 8:30 a.m.–4:30 p.m.  
CLE credits: 6.75 General  
Cosponsored by the Consumer Law Section  
CL20

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Legal Publications

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Oct 27
Military and Veterans Law
Representing Veterans and Their Families
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• Damages
• Elder Law
• Rights of Foreign Nationals
• Insurance Law (coming soon)
BOG Elections Underway; All Ballots Due By Oct. 19

Elections are now underway for four open seats on the Board of Governors, with one spot up for grabs in each of four OSB regions.

Ballots were distributed on Oct. 5, with voting by region based on members’ principal office address. All ballots must be received by 5 p.m. on Monday, Oct. 19.

The candidates for this year’s Board of Governors election are:

**Region 1** (Baker, Crook, Deschutes, Gilliam, Grant, Harney, Hood River, Jefferson, Lake, Malheur, Morrow, Sherman, Umatilla, Union, Wallowa, Wasco and Wheeler counties):

- John T. Bridges, a managing partner from Baker City; and David Rosen, founder of High Desert Law in Bend.

- Roxanne Scott and Judah Largent have been recognized by the Juvenile Law Section of the Oregon State Bar as recipients of its annual awards for 2020.

- Scott, a solo practitioner in Clackamas County, is the winner of the Professional Advocate Award, which recognizes a juvenile court lawyer who has demonstrated notable professionalism both in and out of court and has developed significant expertise in an area of juvenile law to improve outcomes in juvenile cases.

- She has dedicated her legal career to juvenile law, both delinquency and dependency. In addition to her normal caseload, she was the Family Drug Court (dependency) attorney for at least a decade before the program dissolved, and still serves as a domestic relations pro-tem judge for Clackamas County. She also regularly attends and contributes to the county’s Model Court Team, where her contributions over the years have improved the dependency process and the exchange of information.

- Largent is the recipient of the New Practitioner Advocacy Award, which recognizes an outstanding new juvenile court lawyer in practice for fewer than five years.

- He graduated from the University of Oregon School of Law in 2016 and is a juvenile defense attorney at Umpqua Valley Public Defender in Roseburg.

- Largent is a strong advocate for foster children in the LGBTQ community. In 2019, he presented at the Juvenile Law Training Academy, an annual statewide conference, on representing LGBTQ children in foster care.

- In one recent case, Largent’s client was placed in a facility in Portland and all of the client’s possessions were left in their foster home in Roseburg. Largent worked tirelessly to ensure that not only were the client’s therapeutic needs met, but also that the client’s possessions were delivered to the facility so the client could feel like a person, not just a patient.

PLF to Host ‘Learning the Ropes’ Remotely Via Zoom

Registration is now open for “Learning the Ropes,” the Professional Liability Fund’s annual CLE program for new admittees to the Oregon State Bar and lawyers entering private practice in Oregon.

The program will be held via Zoom this year. Dates are Oct. 27-30, with 15.25 approved MCLE credits: 9.25 Practical Skills Credits (Oregon Practice and Procedure); 2 Oregon Ethics Credits; 3 Introductory Access to Justice Credits; and 1 Mental Health/Substance Use Credit.

For more information, go to osbplf.org.

OSB Names JB Kim to Serve as Director of Diversity & Inclusion

JB Kim, the assistant dean of diversity & academic resources at Lewis & Clark Law School, has been named director of diversity and inclusion for the Oregon State Bar.

Kim earned her law degree and a Certificate in Environmental & Natural Resource Law from Lewis & Clark Law School. While a student there, she participated in the OSB’s Affirmative Action Program (the precursor to the D&I Department), an experience that inspired her to stay in Oregon and practice law here. She served as a deputy district attorney in Malheur and Polk counties before returning to Lewis & Clark Law School, where she has been named director of diversity and inclusion for the Oregon State Bar.

Kim earned her law degree and a Certificate in Environmental & Natural Resource Law from Lewis & Clark Law School. While a student there, she participated in the OSB’s Affirmative Action Program (the precursor to the D&I Department), an experience that inspired her to stay in Oregon and practice law here. She served as a deputy district attorney in Malheur and Polk counties before returning to Lewis & Clark Law School.
From OSB CLE Seminars

During this year of extraordinary events, OSB CLE Seminars would like to send an extraordinary thank you to all of our 2020 OSB volunteer speakers and planners. They persevered, despite the inability to meet in person for CLE events. These individuals donated even more of their time this year to ensure that the bar provided timely and relevant virtual CLE to its members. We are grateful for their contributions and look forward to our continued partnerships with them. www.osbar.org/seminars

Kim will start her new position with the OSB Diversity & Inclusion Department on Oct. 28.

MCLE Rules and Regulations Amended by Supreme Court

The Oregon Supreme Court has ordered the integration of the New Lawyer Mentoring Program (NLMP) and the MCLE program, and MCLE rules and regulations have now been amended to include the NLMP.

New Lawyers and NLMP mentors will report their NLMP credits by posting them to their MCLE transcript online, just like all other MCLE activities. Members will continue to work with the NLMP coordinator for matching new lawyers and NLMP mentors. The amended rules and regulations are available on the bar website.

The Supreme Court also ordered an amendment to the statement of purpose of the MCLE rules and regulations and an amendment to MCLE Rule One to include the definition of “equity.” The new statement of purpose more closely aligns with the mission of the bar “to serve justice and the public interest by promoting respect for the rule of law, by improving the quality of legal services, and by increasing access to justice.”

A definition of “equity” was added to Rule One to clarify the meaning of that term in the new statement of purpose.

MCLE requirements (the minimum number and type of credits required) have not changed, but the court did vote to change the MCLE reporting cycle end date to April 30 and the reporting deadline to May 31 for all reporting periods, effective immediately. The new statement of purpose of the MCLE rules and regulations and Rule One are available on the bar’s website at www.osbar.org/mcle.
BAR ACTIONS

Discipline

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

STEFANIE L. BURKE
OSB #032783
Medford
Public reprimand

Effective June 18, 2020, the disciplinary board approved a stipulation for discipline and publicly reprimanded Medford attorney Stefanie L. Burke for a violation of RPC 8.4(a)(4) (conduct prejudicial to the administration of justice).

In a marital dissolution proceeding, Burke (representing the wife) and opposing counsel entered into a stipulated protective order regarding discovery of the husband’s employment records. The protective order allowed the wife to view her husband’s employment records, but provided that the records remain in Burke’s office. Approximately five months after the order was entered, Burke received the husband’s employment records. Shortly after receiving those records, Burke forwarded them to her client, in violation of the order. The wife subsequently showed the records to the parties’ minor child, leading to additional litigation.

Based on the conduct described above, Burke admitted to engaging in conduct prejudicial to the administration of justice in violation of RPC 8.4(a)(4).

The stipulation acknowledged substantial experience in the practice of law as an aggravating factor, and mitigating factors of an absence of a prior disciplinary record and the absence of a dishonest or selfish motive.

LEONARD R. BERMAN
OSB #960409
Portland
Public reprimand

In 2016, Berman obtained access to a Facebook community for former Coffee Creek Correctional Facility (CCCF) inmates through a client who was a member. He posted messages on the page that were intended to solicit professional employment by former inmates regarding potential civil claims against one or more CCCF employees. Berman’s posts on the Facebook page were not labeled as advertising material and contained misleading information.

In or around the second half of 2016, Berman also mailed communications intended to solicit legal business to various inmates then incarcerated at CCCF. He subsequently telephoned some of the inmates to whom he had mailed the letter described above and who had not responded to the letter, and solicited professional employment. None of these inmates had previously contacted Berman by telephone or by any other means. None of the inmates contacted by telephone were lawyers or persons with whom Berman had a family, close personal or prior professional relationship. One inmate notified him in writing that she did not want his professional services. Despite receiving this letter, Berman visited the inmate in prison and attempted to solicit professional employment.

By engaging in the conduct described above, Berman admitted that he solicited professional employment when his significant motive was his pecuniary gain in violation of former RPC 7.3(a); solicited professional employment when a target of the solicitation had made known her desire not to be solicited, in violation of former RPC 7.3(b); and failed to properly label his solicitation communications as “advertising material,” in violation of former RPC 7.3(c).

The stipulation acknowledged aggravating factors of a selfish motive, a pattern of misconduct, vulnerable victims and substantial experience in the practice of law. It listed mitigating factors including the absence of prior discipline, the absence of a dishonest motive and full disclosure and a cooperative attitude toward the disciplinary proceeding.

TIMOTHY MPM PIZZO
OSB #961709
St. Helens
9-month suspension

On July 2, 2020, the Oregon Supreme Court accepted a stipulation for discipline suspending St. Helens lawyer Timothy MPM Pizzo for nine months for violation of RPC 1.1 (incompetence), RPC 1.3 (neglect of a legal matter), RPC 1.4(a) and (b) (failure to adequately communicate with client), RPC 8.1(a)(2) (failure to respond to a disciplinary authority) and RPC 8.4(a)(4) (conduct prejudicial to the administration of justice).

The sanction is effective Nov. 24, 2021, upon conclusion of a currently imposed suspension resulting from a 2019 disciplinary case.

In April 2018, a father retained Pizzo to represent him in a custody proceeding. Pizzo appeared in the matter and, as a result, all future court notices regarding his client’s case were sent to Pizzo. Thereafter, Pizzo failed to participate in several telephonic status conferences and did not appear for his client at a hearing on a motion to compel filed by the opposing party, despite having received the court notices.

When the court entered an order compelling production and awarding attorney fees to the opposing party against his client, Pizzo received and reviewed the order but did not tell his client about it. Pizzo did not appear on his client’s behalf for trial two weeks later, and judgment was entered against his client. When his conduct was reported to the bar, Pizzo failed to respond to the bar’s inquiries.

Several aggravating factors impacted Pizzo’s sanction, primarily his prior discipline for similar misconduct. See In re Pizzo, 30 DB Rptr 371 (2016). In mitigation, Pizzo was experiencing significant personal health issues during the events in question.

Effective July 6, 2020, the disciplinary board approved a stipulation for discipline and publicly reprimanded Portland attorney Leonard R. Berman for violations of former RPC 7.3(a), RPC 7.3(b), and RPC 7.3(c) (lawyer shall not solicit professional employment).
Effective July 16, 2020, the Oregon Supreme Court accepted the Form B resignation of former Bend attorney Margaret Parker Washburn.

At the time of her resignation, there was a formal disciplinary proceeding pending alleging violations of RPC 1.8(a) (entering into a business transaction with a client without disclosing the terms of the transaction in writing, without advising the client of the desirability of seeking the advice of independent legal counsel, and without the client’s written informed consent, signed by the client, to the essential terms of the transaction); RPC 1.15-1(a) (failure to hold client property in the lawyer’s possession separate from the lawyer’s own property); RPC 1.15-1(b) (deposit of the lawyer’s own funds into trust for reasons other than paying bank service charges or meeting minimum balance requirements); RPC 1.15-1(c) (failure to deposit and hold advance legal fees in trust and maintain them there until earned or expenses incurred); RPC 1.15-1(d) (failure to promptly deliver to a client funds that the client is entitled to receive); RPC 1.16(d) (upon termination of the representation, failing to take steps to the extent reasonably practicable to protect a client’s interests); RPC 8.4(a)(2) (committing a criminal act that reflects adversely on the lawyer’s honesty, trustworthiness or fitness as a lawyer in other respects, including theft of client funds and misapplication of entrusted property); and RPC 8.4(a)(3) (conduct involving dishonesty, fraud, deceit or misrepresentation that reflects adversely on the lawyer’s fitness to practice law, including the conversion of client funds).

There were also two grievances pending against Washburn alleging violations of RPC 8.4(a)(4) (conduct prejudicial to the administration of justice); RPC 1.4 (failing to adequately communicate with her client); and RPC 1.15-1(d) (failing to promptly render a full accounting upon request).

The resignation recited that all current files were placed in the possession of Bend attorneys Kelly S. Hansen and Kristin M. Larson.
MARY J. GRIMES
OSB #880525
Bend
Form B resignation

Effective July 30, 2020, the Oregon Supreme Court accepted the Form B resignation of former Bend attorney Mary Grimes.

At the time of her resignation, there was a grievance pending against Grimes, alleging violations of RPC 1.15(a) (requiring lawyers to hold client funds separate from their own funds in a lawyer trust account), RPC 1.15-1(c) (requiring lawyers to hold funds in lawyer trust accounts until earned), RPC 1.15-1(d) (requiring lawyers to promptly return unearned fees upon request) and RPC 1.16(d) (duties upon termination, including returning unearned fees).

At the time of her resignation, Grimes had no current-client files or client records pertaining to active or current clients. Files and records pertaining to inactive or former clients were secured at her residence until other arrangements could be made.

ADAM FAMULARY
OSB #133556
Mesa, Arizona
30-day suspension

Effective Aug. 1, 2020, the disciplinary board accepted a stipulation for discipline and suspended then-Salem lawyer Adam Famulary for 30 days for violations of RPC 3.3(a)(1) (knowingly making false statements of fact to a tribunal and failing to correct materially false statements previously made) and RPC 8.4(a)(4) (engaging in conduct prejudicial to the administration of justice).

At the request of a lawyer for a person who was injured by a man who later died, Famulary opened a probate for the deceased tortfeasor’s estate so that the injured party could sue the estate. Famulary drafted and filed a probate petition, seeking his own appointment as personal representative. Prior to filing the petition, Famulary made no effort to determine whether the decedent died testate or had any heirs. Despite this, in the petition, Famulary represented to the court that he believed the decedent died intestate and that he had made reasonable efforts to identify and locate all the decedent’s heirs. Despite this, the representations were knowing, material and false. Shortly after he filed the petition, Famulary became aware that the decedent had executed a will and had heirs. Despite learning that his
representations to the court on those material issues were false, Famulary failed to correct the statements, believing he had no duty to do so.

The stipulation recited that Famulary’s conduct involved multiple offenses, which was the sole aggravating factor. In mitigation, Famulary had no prior disciplinary history and was an inexperienced lawyer at the time the relevant events occurred.

FRANKLIN G. PATRICK
OSB #760228
Portland
60-day suspension

Effective Aug. 3, 2020, the disciplinary board approved a stipulation for discipline and suspended Portland attorney Franklin G. Patrick for 60 days for violations of RPC 1.7(a)(2) (personal conflict of interest).

In 2009, Patrick began representing a company in various litigation and utility matters. He continued representing that company in those and subsequent matters, including a legal malpractice matter that Patrick filed on behalf of the company and others in 2012. In August 2014, while representing the company in at least two matters, Patrick’s law firm sued the company for breach of the client’s fee agreement with Patrick, hoping to foreclose its attorney lien and to acquire the company’s claims in the legal malpractice matter and other pending litigation matters. Patrick’s law firm subsequently obtained a default judgment against the company for outstanding fees, costs and declaratory relief.

Patrick believed that at the time, he had obtained informed consent from a creditor for the company. But he acknowledged in the stipulation that he did not satisfy the informed consent requirement of RPC 1.7(b)(4). Patrick continued to represent the company in the legal malpractice matter until the fall of 2017, when the court ordered him to withdraw due to a perceived conflict of interest.

Patrick admitted that by suing his client while prosecuting the client’s interests as a current client in other matters, there was a significant risk that the representation of one or more clients would be materially limited by his personal interests in violation of RPC 1.7(a)(2).

The stipulation acknowledged that Patrick’s conduct was aggravated by a selfish motive and substantial experience in the practice of law, but was mitigated by his

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absence of prior discipline and his cooperative attitude toward the disciplinary proceeding.

JOHN A. WALSH
OSB #112851
Portland
30-day suspension

Effective Aug. 7, 2020, the disciplinary board approved a stipulation for discipline and suspended Portland attorney John A. Walsh for 30 days for violations of RPC 1.3 (neglect), RPC 1.4(a) and RPC 1.4(b) (failure to adequately communicate with a client), and RPC 1.8(e) (providing impermissible financial assistance to a client).

Walsh represented a client in a personal injury matter arising from a motor vehicle accident that occurred in March 2015. He filed and served the complaint in early 2017, but because of health concerns he was facing, he neglected the client’s case by filing no further pleadings and conducting no discovery. Walsh did not keep his client apprised of the progress of the case and did not respond to most of her reasonable requests for information. He did not explain events in the case, or the fact that he was not moving the case along because of his health condition, to the extent reasonably necessary to permit his client to make informed decisions regarding the representation.

In the accident, the client injured one of her front teeth that required extraction. Walsh paid his client’s dental bill so she could have her tooth replaced. He believed that because the injury was caused by the accident, and because her dental bill would be recovered as an element of damages, that it was an expense of litigation that he was permitted to advance under RPC 1.8(e)(2).

Walsh admitted that he neglected a legal matter entrusted to him in violation of RPC 1.3; failed to keep a client reasonably informed and promptly respond to requests for information in violation of RPC 1.4(a); failed to explain the matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation in violation of RPC 1.4(b); and provided impermissible financial assistance to a client in violation of RPC 1.8(e).

The stipulation acknowledged aggravating factors of multiple offenses and substantial experience in the practice of law, and mitigating factors of an absence of prior discipline, absence of a dishonest or selfish motive, and physical disability.
Meet Bill, a long-time donor with OCF. We thank donors like Bill, and you, who have helped feed, shelter and support thousands of fellow Oregonians in need across the state with their generosity. **However the needs are still overwhelming** and the end is not yet in sight. Please continue to help your neighbors, donate what you can and volunteer. **We're all in this together, Oregon.** Let's take care of each other.

[RESPOND RECOVER REBUILD]

AS OF AUGUST 1: $15.25M DONATIONS | $24.6M GRANTS TO 1,099 NONPROFITS
OREGONCF.ORG/COVID: READ IMPACT STORIES | DONATE
Among Ourselves

Traci Ray, executive director of Barren Liebman, has assumed the role of chair for the American Bar Association Law Practice Division, which focuses exclusively on the business of practicing law, including marketing, management, technology and finance. The division's books program, CLEs, webinars, magazine and the ABA TECHSHOW Conference and EXPO — as well as a network of expert leadership — helps lawyers develop optimal legal services delivery. Ray is also active as a member of the ABA House of Delegates, where she represents the Multnomah Bar Association.

P.K. Runkles-Pearson, a partner at Miller Nash Graham & Dunn, has been appointed by Gov. Kate Brown to serve on the newly formed Public Safety Training and Standards Task Force. The task force will review best practices, research and data that govern current standards for law enforcement training, certification and decertification practices. Based on this review, the task force will then provide recommendations for improving training and certification practices for Oregon law enforcement officers, as well as provide suggestions for revisions to the legal requirements for officer decertification. The recommendations will address how to incorporate racial equity principles and de-escalation practices into law enforcement training and certification.

Parna Mehrbani, a partner at Tonkon Torp, has been appointed chair of the Portland Business Alliance board in a new ex officio seat to serve as the PiD representative. PiD is dedicated to attracting and retaining diverse talent in Oregon and Southwest Washington. Mehrbani is co-chair of Tonkon Torp’s Information Privacy & Security Practice Group, and a partner in its Intellectual Property Practice Group.

Joseph Vance, a partner at Miller Nash Graham & Dunn, recently was elected president of the Ridgefield School District Board of Directors. Additionally, he was appointed to the executive committee for the Columbia Credit Union Board of Directors, where he also will serve as treasurer.

Mick Harris, an attorney with Tonkon Torp, has been appointed to the Willamette University Alumni Board. The board works to foster alumni relations by organizing events, networking and career resources. Harris, who graduated from Willamette University College of Law in 2019, is an associate in Tonkon Torp’s business department, where he works with the firm’s cannabis industry, real estate and land use, and entrepreneurial services practice groups, among others.

Jack Scholtz, an associate at Hart Wagner, has been selected by the Oregon State Bar as its Young Lawyer Delegate to the American Bar Association for a two-year term. Oregon’s ABA delegates serve on the ABA House of Delegates, the policy-making body of the national organization. The ABA House of Delegates convenes twice each year to consider resolutions governing the practice of law throughout the entire country. Pursuant to Oregon State Bar rules, one delegate from Oregon must be a lawyer under 35 years of age. Scholtz will be serving in this role until August 2022.

Melissa J. Healy, a labor and employment partner with Stoel Rives, has been named a recipient of the Portland Business Journal Forty Under 40 award for 2020. Healy represents employers in both traditional labor law and employment litigation. She regularly handles labor arbitrations and matters pending before the National Labor Relations Board for unionized workforces and has obtained successful results in multiple cases with significant implications for large employers. Healy also is a board member and the treasurer for the Oregon Southwest Washington Industry Liaison Group and vice chair for the Employment Practice Group of the Oregon Association of Defense Counsel. She is a volunteer attorney for Stoel Rives Pro Bono Night Clinic and the U.S. District of Oregon Pro Bono Program, and a past recipient of the Stoel Rives Pro Bono Award. Healy is a board member for Kids Community Learning Center and a former board member for the Classroom Law Project.

Heather Fossity, an attorney at Barran Liebman, has joined the board of directors for the Forest Park Conservancy. As a trail runner with a strong appreciation for this
urban sanctuary, Fossity is passionate about the conservancy’s mission of protecting Forest Park’s ecological health while encouraging responsible recreation and access. Fossity had been serving on the stewardship and strategy committee of the Forest Park Conservancy since 2019.

Warren Binford, professor of law and director of the Clinical Law Program at Willamette University College of Law, has been honored with the Justice Hans A. Linde Award by the Oregon chapter of the American Constitution Society. Binford is an internationally recognized children’s rights scholar and advocate. She was selected to receive the award in large part because of her outstanding public service work, including advocacy on behalf of children and families at the U.S.-Mexico border. The Justice Hans A. Linde Award was established in 2006 with its namesake as the first recipient; Linde passed away this year on Aug. 31.

Moves

Steven M. Berne has accepted a volunteer position with the Office of General Counsel for The Church of Jesus Christ of Latter-day Saints. He will serve as assistant area legal counsel to the Europe East Area for the church for 18 months before eventually residing in Moscow, Russia. In addition to Russia, this area includes Armenia, Azerbaijan, Belarus, Bulgaria, Estonia, Georgia, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Moldova, Tajikistan, Turkey, Turkmenistan, Ukraine and Uzbekistan. Berne will assist in overseeing the work of local attorneys in these 17 Eastern European countries. Berne began this volunteer legal service full time on Aug. 31, 2020, initially in a remote capacity, and he will travel to Moscow with his wife Peggy when travel conditions permit. His current plan is to return to practicing law in Oregon around March 2022.

Ryan Holden has joined Intermountain Law. He brings 12 years of experience with him to the firm, where he will work pri-
Gary Bruce has joined Schwabe, Williamson & Wyatt’s Bend office, adding considerable health care experience to the firm’s deep bench in the industry. Bruce works with hospitals, health systems and other health care organizations to find practical and patient-focused solutions.

Kate Roth has joined Tonkon Torp as an associate in its Tax and Executive Compensation & Employee Benefits Practice Group. She previously worked for the United States Tax Court, where she conducted federal taxation research and drafted memoranda and opinions regarding tax-related disputes and issues.

Juan Aguiar has joined the law school of the Catholic University of Ecuador as a full-time professor. He continues to teach Legal and Economic Translation (English-Spanish) in the linguistics department. In addition, he is teaching Public Sector Employment Law, Academic Reading and Writing, and a legal research and writing class in which students need to submit a paper in a foreign language (usually in English).

Longtime Eugene attorneys Gerry Gaydos and Don Churnside have joined Hershner Hunter as of counsel. Gaydos regularly advises his clients on a range of matters, including business entity formation, drafting and negotiating business agreements, estate planning, and commercial and residential real estate matters. A
past president of the Oregon State Bar, he currently serves as a board member of ShelterCare and received the prestigious Eugene First Citizen Award in 2011. Churnside assists clients with the collection process and related proceedings, business entity formation, drafting and negotiating business agreements, and commercial and residential real estate matters. He also has served on numerous boards of local nonprofits and community organizations, such as the Eugene Public Library Foundation, Junior Achievement of Lane County, Oregon Club, Eugene Country Club, and Eugene Swim and Tennis Club.

In Memoriam

Former Oregon Supreme Court Justice Hans Arthur Linde, 96, died of natural causes on Aug. 31. Born on April 15, 1924, in Berlin, Germany, Linde fled with his family to Denmark in 1933 to escape anti-Semitism and immigrated to Portland in 1939.

Following his World War II Army service, Linde attended Reed College (receiving his bachelor’s in 1947), then the University of California, Berkeley Law School (graduating in 1950). Thereafter, he clerked for Justice William O. Douglas in the U.S. Supreme Court, was a lawyer in the office of the Legal Adviser to the Department of State and then served as legislative assistant to Oregon Sen. Richard L. Neuberger.

Linde was a longtime professor of law at the University of Oregon (and Wayne Morse Chair of Law and Politics) as well as a Fulbright lecturer in Germany. As a law professor, he wrote some of the most influential...
articles of his generation, developing and exploring a new approach to state constitutional interpretation — one now embraced by state supreme courts and legal scholars across the country. His groundbreaking work on administrative law, legislation, municipal law, the initiative process and both state and federal constitutional law remade large parts of the legal landscape.

From 1977 to 1990, Linde served as associate justice on the Oregon Supreme Court, where he rethought every aspect of Oregon decisional law and wrote opinions that are of such continuing significance, Chief Justice Martha L Walters says, that one or more is cited by the parties in every set of oral arguments that the court hears and discusses at nearly every conference the court holds. He also was a member of Oregon’s Commission on Constitutional Revision, then served on the Oregon Law Commission. He was a longtime member of The American Law Institute and a fellow of the American Academy of Arts and Sciences.

Linde is considered one of the greatest jurists of the last century. His judicial opinions and scholarly writing profoundly shaped Oregon law, and he is recognized as one of the foremost authorities on using state constitutions as protectors of liberty.

“Hans Linde was Oregon’s preeminent legal scholar, teacher and judge,” Chief Justice Walters says. “His effect on Oregon law cannot be overstated, but he also was a friend and mentor to many. Hans had a breadth of interests and a depth of kindness that those who only saw the public person and his work may not have known. There is not, and never will be, anyone like him.”

Linde is survived by his wife, Helen Tucker Linde; son, David Linde; daughter, Lisa Linde; as well as his daughter-in-law, son-in-law and two grandsons. His family asks that all memorial contributions be made to the Hans Linde Project on Multinational Institutions Endowment Fund at the University of Oregon School of Law. Contributions can be made online at https://law.uoregon.edu/about/give or by mail.

Ronald Mansell James died peacefully in his home on May 27, 2020. He was 94.

James was born in Myrtle Point in 1925 and had a bout of “infantile paralysis” (polio) when he was very young. He graduated from Crater High School in the spring of 1943 and enlisted in the Navy...
that September. He was assigned to the Naval Construction Battalions — better known as the Seabees.

After training, he was sent to Pearl Harbor and then to his major deployment in Iwo Jima, arriving in the spring of 1945. While there, he was promoted to carpenters mate third class and worked on building many structures. After Japan was defeated, he went to Yokosuka, Japan, and supervised the repair and maintenance of Japanese naval base structures then occupied by U.S. troops. He eventually was sent back to the U.S. to be discharged by the Navy.

James went on to marry his high school sweetheart, Jean Brennesholtz, in April 1946. Shortly after, they moved to Corvallis, where the couple attended Oregon State University. James graduated from OSU with a B.S. in agriculture and returned to Southern Oregon to sell agriculture chemicals for Southern Oregon Sales. During this time, he became active in the Jaycees and traveled to many other cities. He also befriended many young attorneys and saw that it was a good way to earn a living. James decided to attend Willamette University College of Law and, upon graduation, he returned to Medford to start a law practice with Alan Holmes. The law firm did well for several decades.

In April 1991, James’ wife died suddenly, which began a new phase of his life. He eventually started dating Rowean Holmes, the widow of his deceased law partner. They spent a few enjoyable years traveling to Europe and South America before she passed away as well.

James is survived by his son, Steve James; and three granddaughters, Sydney, Margot and Brooke James. A memorial service will be held at a future date when everyone can meet in safety and confidence. In the meantime, the best way to remember James, his family says, is to turn off your television or phone, pour a glass of wine or make a martini, find an interesting person with whom to talk and proceed to learn something new.

Donald C. Seymour, 88, of Haines passed away on March 16, 2020, at the St. Alphonsus Medical Center in Baker City.
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Seymour was born in Hillsboro on June 7, 1931, to Sidney Douglas and Marion Crocker Seymour. He attended grade and high schools in Hillsboro. After graduating from Hillsboro High in 1949, he received a full tuition scholarship ($91) to Vanport Extension Center (later Portland State University). After two years, he transferred to the University of Oregon and graduated in 1954 with a bachelor’s in political science. He went into the Army that year and, after basic training, was sent to a tank company in Germany. He was honorably discharged as a sergeant first class at the completion of his two-year commitment.

Seymour entered law school in 1956 at the University of Oregon, where he met Barbara Ann Proebstel. They married at the end of their second year of law school and become the first married couple to graduate together from the University of Oregon School of Law. After graduating and passing the bar exam, Seymour clerked at the Oregon Supreme Court for a year, first for Hall Lusk, then for Lusk’s replacement, Alfred T. Goodwin.

Seymour then worked in the Lane County District Attorney’s office for a year and a half before he and Barbara took over a law practice in Florence. After two and a half years, Seymour wanted to specialize and took a position with the Oregon Attorney General’s Office in Salem, specializing in taxation. After 10 years there, he went on to spend seven years in public utilities and then eight years as an administrative law judge for the state Workers’ Compensation Division. He retired in 1989.


Seymour loved bicycle touring with his children and also participated in three Seattle to Portland rides and four Cycle Oregon rides. His last Cycle Oregon came when he was 68, and he did it with his then-13-year-old grandson Tim. Seymour was active in Cub and Boy Scouts, as well as Judson Little League, where he served as coach for John’s baseball team and spent many hours catching for Katherine. He was past president of the Salem Bridge Club and was also a Silver Life Master in bridge. He also acted in more than 25 plays in Florence, Salem and Albany.

He is survived by his wife, three children, six grandchildren and four great-grandchildren. Memorial contributions can be made to Make A Wish Foundation through Gray’s West & Pioneer Chapel at 1500 Dewey Ave., Baker City, OR 97814.

Additional Notices

John R. Hassen
80, Medford, Jan. 30, 2020

Roger Germundson
86, Gresham, March 7, 2020

Jeffrey A. Babener
71, Portland, March 16, 2020

Susan Hammer
71, Portland, Aug. 26, 2020

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PARTING THOUGHTS

PLF, OAAP Created a Unique Safety Net for Oregon Lawyers

‘Stunned by Our Success’

By Donald B. Bowerman

I was a member of the Board of Governors in 1978 when the Oregon State Bar was notified that St. Paul Insurance Company would no longer write legal malpractice insurance for lawyers in the state.

Only one-third of the lawyers in private practice carried legal malpractice insurance at the time, and I found it surprising that so many lawyers did not have insurance. I remember stating, “This should not be a problem; we’ll just form our own insurance company.” As we now know, that was easier said than done — but I was given the green light to do it.

We soon learned we would need enabling legislation to embark on an insurance program; to make that possible, we needed an insurance expert to run the program and 100 percent lawyer participation as the actuaries recommended, with a way to guarantee premiums.

Timing is everything, of course, and as luck would have it, Lester Rawls was retiring as chair of the Oregon Insurance Department and as head of the National Board of State insurance executives. Les had extensive experience dealing with the Oregon Legislature and was highly respected nationally.

With Les’ experience and contacts — and by linking premiums to annual bar dues — we quickly gained lawmakers’ approval for authority to have a mutual insurance company called “The Professional Liability Fund of the Oregon State Bar.”

Les and I went to London to meet with Lloyds Bank officials to purchase reinsurance to cover an early catastrophic loss. We also met with accountants and investment firms to maximize our meager reserves. We created a defense panel of top trial lawyers in the state to defend claims when needed.

It was important, however, that for the first five years or so, the PLF distance itself from the Oregon State Bar so lawyers would accept that we were not “investigators” for the OSB’s disciplinary board. It worked, and it became apparent with each year that more and more lawyers had confidence in the PLF and what the PLF could do for them.

This encouraged early reporting of claims and provided opportunities to repair the problems that were likely to become claims. It also allowed us to keep our loss ratio manageable and be the most successful legal malpractice organization in the nation.

I was the Board of Governors’ nominee to select the initial Board of Directors of the PLF. When I completed my term on the Board of Governors, I became a member of the PLF Board of Directors for about six years, serving as chair for three.

During my tenure on the PLF Board of Directors, Les introduced me to Don Muccigrosso, a lawyer in addiction recovery. Don offered powerful information about the importance of reducing claims for attorney malpractice by confidentially helping lawyers who were struggling with addiction. We were persuaded, and we authorized services for lawyers that later became known as the Oregon Attorney Assistance Program (OAAP).

During those early years, I spoke by invitation at the American College of Trial Lawyers meeting in San Francisco to a group of lawyers who were stunned by our success. Many states tried to replicate the PLF program and some have made progress with similar approaches, but never with the 100 percent participation and low cost to lawyers.

I am grateful for the opportunity I had to participate in the development of the PLF and its many important programs and services.

The PLF has succeeded, in spite of the insurance company naysayers. The success is due to the vision, leadership and hard work of the PLF’s CEOs, OSB Board of Governors, PLF Board of Directors and PLF staff. Together, they have created and maintained a top-notch malpractice coverage program for Oregon lawyers and have provided extensive services for practice management and personal health.

All of the PLF services remain completely confidential — as it has been from its very start. Although I was involved in the leadership of the program, names of people who accessed the OAAP or practice management were never disclosed to me. The only way I knew if someone accessed services was if that person chose to tell me.

Over time, I was awakened to the nature and depth of these supportive services and by the absolute confidentiality of them. When lawyers chose to tell me that they accessed the program, many of them also mentioned it had saved their lives or the lives of a loved one.

That awareness still brings tears to my eyes.

Oregon City attorney Donald B. Bowerman is a former president of the Clackamas County Bar Association, vice president of the Oregon State Bar, member of the Board of Governors and chair of the Professional Liability Fund. He received the OSB Award of Merit in 2017.

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