‘I’m Very Hopeful’

OSB President
David Wade Takes
the Helm during
Unprecedented Times

Also Inside:

An Immediate Impact
ONLD Honors New Lawyers Who Are Already Making a Difference

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James J. Damis, Administrator/Attorney
David Wade is taking over the presidency of the Oregon State Bar during an unprecedented time marked by a global pandemic, a social movement for racial and criminal justice, a national political divide and significant changes within the bar itself. And yet, as writer Melody Finnemore reports on Page 16, Wade remains optimistic despite the challenges that lie ahead. “I’m very hopeful,” he says, “that we’re going to come out of this in better shape than we came in, as a bar and as a community.”

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S
ince opening her own practice in February 2019, attorney Amanda Marshall says she has experienced a series of firsts that are best reflected in the progression of goals she set for herself.

“My first lofty goal,” she says, “was to single-handedly save the world with my law practice. My first cruelly practical goal: Make enough money to keep the lights on and buy ramen. And my first realistic goal: Do the best job I can of making sure the voices of my very diverse clients are heard in court.”

That’s probably not an unusual progression for new lawyers who, like Marshall, find themselves transitioning from law school to the practice of law. There’s so much to experience — and often, it isn’t a lesson you can learn in a classroom.

So, how best to navigate life in the legal profession? In this month’s issue of the Bulletin, we look at a couple of ways that the Oregon State Bar is working to ease the path for new lawyers.

On Page 30, you’ll hear from Marshall and other winners of this year’s Oregon New Lawyers Division (ONLD) awards. ONLD members by rule have practiced just six years or less, or are 36 years of age or younger. That’s roughly 3,500 lawyers in Oregon, or about 25 percent of the bar, and the networking and educational events alone can be invaluable.

“I care about helping other new lawyers navigate the profession and be the catalyst for change in the communities they come from and care about,” says ONLD award winner Ekua Hackman. “I’ve been committed to the ONLD, proud to be on the executive committee next year, proud that ONLD represents a diversity of Oregon lawyers.”

That commitment to helping others is also reflected in the bar’s New Lawyer Mentoring Program, which is celebrating its 10th year of pairing experienced lawyers with new OSB members in their first 12-18 months of practice. As Cliff Collins writes in his story on Page 26, the mandatory program benefits both sides of the mentor-mentee relationship.

“I am extremely grateful for the mentor relationships I have had,” says Mae Lee Browning, who tells Collins that she didn’t know a soul in Oregon when she moved here for law school. She worked with future OSB President Liani Reeves while in school, and with criminal defense attorney Ben Eder after Browning graduated.

“It just can’t say enough about how they’ve helped me,” she says, “in my career and personally.”

Eder also sees the benefits of the program.

“It’s a great opportunity to learn from other lawyers,” he says. “You can learn a lot of things by watching.”

New OSB President David Wade would no doubt agree. But as he tells writer Melody Finnemore for the profile that begins on Page 16, at the end of the day the greatest benefit of all that watching and learning may be the ability to look back on your career and realize that you have enjoyed working as an attorney every day of it.

“I really like the feeling of making a difference in people’s lives, being prepared and being challenged on a daily basis,” he says. “Those are the things I still like about being an attorney.”

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

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On Nonunanimous Juries

The political movement in Oregon to require unanimous juries (“Responding to Ramos,” November 2020) has completely ignored the very people who are hurt and traumatized by criminals.

The net impact of requiring unanimous juries will be to make it harder for child abusers who destroy children’s lives, domestic violence offenders who injure and maim, intoxicated drivers who kill, etc., to be held accountable for their crimes. So, the real losers in this equation are crime victims.

And for those who might claim that unanimous juries protect defendants who are factually innocent of these crimes but have been wrongfully convicted by nonunanimous juries, I am compelled to point out that there has never been one publicly identified, factually innocent offender in Oregon wrongfully convicted because of a nonunanimous jury.

For decades, the criminal defense bar has been trying to get unanimous juries for felony cases because it makes it harder to convict their clients. Frankly, that is their duty: to protect their clients. And it is a completely legitimate legal position for them to take. But contrary to the most recent spin on the subject, this long-established movement by the defense bar was never about race. At least not until Lewis & Clark Law School Professor Aliza Kaplan published an article in the Oregon Law Review in January 2017.

Part of Professor Kaplan’s strategy was to recast the movement for unanimous juries as a case of racial injustice by rewriting some of Oregon’s history. She wrote that Oregon’s constitutional amendment to allow nonunanimous juries in 1934 was a product of Oregon’s virulent racist culture, as emblemized by the presence of the Ku Klux Klan in Oregon, something no one had ever claimed before.

To be clear: The KKK we have all read about in books and in documentaries is a horrible, racist, hate-filled organization. There is no place for it in any civilized society. But thankfully, in comparison to the KKK in the South in the early to mid-20th century, the KKK in Oregon was a weak, short-lived relative, dying out just a few years after it arrived. Professor Kaplan has never managed to explain how Oregon could be so controlled by the notoriously anti-Semitic KKK, yet also elect a Jewish governor just two years before the amendment was passed by voters. So much for the alleged influence of the virulent, anti-Semitic KKK in Oregon.

Furthermore, the very concept that nonunanimous juries are somehow inherently racist is a mathematical falsehood. In fact, both unanimous juries and nonunanimous juries do not prevent racist jurors from trying to influence a verdict. As just one example of how it can work either way, in the 1960s some of the worst southern KKK members, who murdered civil rights workers in Mississippi, were acquitted by federal juries (federal law requires unanimous verdicts for a conviction) because a few racist jurors refused to convict. So, in those cases unanimous juries actually protected racist killers.

Unanimous juries are no inherent guarantee of racial justice, and nonunanimous juries are not an inherent instrument of racial injustice.

Why should our only concern be for defendants of color? Why in the eyes of these advocates are criminals of color more important than the people they hurt and kill, some of whom are also of color? Isn’t justice for crime victims of all colors just as important as it is for accused criminals?

It is one thing if the courts rule that moving forward all felony juries must be unanimous. It is quite another to make the new requirement retroactive and applicable to thousands of serious cases that have already been tried. Crime victims will be forced to revisit all the trauma and injury these defendants have caused them. If we seek justice in our system, then that should never happen.

John Foote
Oregon City

Cracking the Curate’s Egg

Chief Justice Martha L. Walters’ “From the Chief Justice” column in the October 2020 issue of the Bulletin, like the curate’s egg, has much to recommend it. Especially when read in context with the announcement on the following page about her panel to advise her on racial justice reform.

First, she is a judge whose primary duty is to decide the cases and controversies that come before her court. That is why we adopted the Common Law. The Common Law provides stability and changes gradually. The legislative powers are reserved for the Legislature to make broad changes. I don’t feel that Justice Walters recognizes her role in the process of government.

But I may be just confused. She says that we must “discourage the amalgamation of thought.” What does that mean? Does it mean, as does the “curate’s egg,” that we don’t want to mix the bad with the good and call it good enough? Or is it a rejection of the amalgamation of different substances or cultures to create one that is better than the un-amalgamated parts, i.e. the melting pot that has been our American tradition? The addition of a partially rhyming phrase, such as “Broken eggs make me grieve, the omelet makes me vomit,” is not clarifying.

So on to the announcement that a panel has been appointed by the chief justice for the “collection of data on race
and ethnicity to address disproportionate outcomes.” How can justice be served if we are trying to make outcomes dependent on race and ethnicity? That’s the omelet that makes me vomit.

John Wight
Vancouver, Wash.

‘Justice Was Done’

I’m at a profound loss as to the failure to address the other side of nonunanimous jury verdicts in the Bulletin (“Responding to Ramos,” November 2020).

I have been a lawyer since 1974 in Oregon. I had a jury trial before Hon. Janice Wilson involving allegations of harassment with a sexual overtone against my male client. We won and he was acquitted on a 10-2 verdict, sparing us a hung jury finding. Thank God.

I also had one where my client was found guilty 11-1 on a very skinny case as far as defenses. I had no problem with either verdict. Justice was done and served the overwhelming fact presentations in both cases.

This focus on jury verdicts being linked to racism is completely distorted and a gross generalization. I loved the nonunanimous verdict!

Robert Repp
Marylhurst

A Courageous Lawyer

Alice M. Plymel passed away on Nov. 12, 2020, at age 82.

Alice grew up on a farm near Ontario, Oregon, graduating from Ontario High School in 1956. She graduated from the University of Oregon School of Law in 1963 and became one of the first three women to practice law in Eugene. She was still practicing in Eugene 50 years later and proudly attended her 50th year OSB member reception in 2013 in Tualatin.

She was devoted to serving the disabled and the elderly, handling matters as far away as Vale. A victim of cerebral palsy and poor medical care, Alice did all this in a wheelchair long before there were any accommodations for the disabled and with no assistance that I ever saw.

A 2005 recipient of the U of O law school’s Meritorious Service Award, Alice was the most physically courageous and giving Oregon attorney I ever met, an inspiration to all who knew her.

David Wade
Eugene
Request for Public Comment on Rule Changes to UTCR

The Uniform Trial Court Rules committee met on Oct. 2 to review proposals to amend the UTCR and to make preliminary recommendations to the chief justice. A description of the proposals, action taken by the committee and out-of-cycle amendments is posted at courts.oregon.gov/pages/currentrules.aspx.

Proposals and out-of-cycle amendments of special note prohibit attorney logos, watermarks or similar images from appearing on pleadings, motions, orders, judgments or writes; exempt a proposed order allowing a motion for attorney withdrawal from the early service requirement in 5.100(1); create requirements for captions in probate and protective proceedings; adopt new rules governing juvenile dependency cases; and repeal the UTCR Forms Appendix.

Comments on the proposals and out-of-cycle amendments are encouraged and can be posted at the web address mentioned above; mailed to the UTCR Reporter at the Office of the State Court Administrator, Supreme Court Building, 1163 State St., Salem, OR 97301-2563; or emailed to utcr@ojd.state.or.us. The deadline to submit comments is 5 p.m. on Friday, Feb. 12.

The committee will make final recommendations on these proposals at the next UTCR meeting, which is scheduled for 9 a.m. on March 5. Proposals approved by the chief justice will become effective Aug. 1, 2021.

Multnomah Law Library Moves across the Street

The Multnomah Law Library, which had been in the same location for 130 years, has moved to its new location across the street from the old Multnomah County Courthouse in downtown Portland.

The new library is in the Sixth+Main Building at 1050 S.W. Sixth Ave. Note that the space is not at the new 17-story Central Courthouse, which opened at the west end of the Hawthorne Bridge in October.

The Multnomah Law Library continues to offer library services remotely, including curbside checkout. Reach out to the law library staff for answers to research questions, to obtain electronic documents and to explore other library services at librarian@multlawlib.org, (971) 888-5961 or via multlawlib.org.

Classroom Law Project Trivia Fundraiser Set for Jan. 27

Classroom Law Project will host a virtual trivia night fundraiser from 7-9 p.m. on Wednesday, Jan. 27, via the Untapped Trivia website. CLP has partnered with Untapped Trivia to take this event online so participants can have fun, connect with friends and colleagues, compete for prizes, and help Classroom Law Project raise money for civics education in Oregon.

The event is free, although donations to Classroom Law Project will be accepted during the event. To register, visit classroom-law.org/product/virtual-trivia-night.

Virtual Auction to Benefit Public Interest Law Project

Lewis & Clark Law School’s Public Interest Law Project (PILP) will host its 30th annual auction virtually on Thursday, Feb. 18.

All proceeds from the event will benefit PILP’s Summer Award Program, which has helped nearly 300 students finance more than 100,000 hours of public interest legal work at no cost to their employers; and its Loan Repayment Assistance Program, which allows alumni to work for human rights organizations, Native American tribes, disability rights groups, conservation nonprofits and other public interest organizations without some of the heavy burden of student debt.

For registration, donation and sponsorship information, visit law.lclark.edu/student_groups/public_interest_law_project.

By the Numbers

Gender Inequity

Experienced women lawyers report less job satisfaction than men do in several important areas, according to a study published by the ABA and ALM Intelligence. For example, 62% of men say they are satisfied with opportunities for advancement at their law firms, but only 45% of women feel the same. The October 2019 study also found:

67% Women who say they had experienced a lack of access to business development opportunities because of their gender, compared to 10% of men.

63% Women who say they had been perceived as less committed to their career, compared to 2% of men.

54% Women who say they had been denied a salary increase or bonus, compared to 4% of men.

53% Women who say they had been denied or overlooked for advancement or promotion, compared to 7% of men.

48% Women who say they had missed out on a desirable assignment, compared to 11% of men.

Source: “Walking Out the Door,” which includes results from a survey of more than 1,200 senior lawyers at the nation’s biggest private firms. Find the study at tinyurl.com/OutTheDoorSurvey.
Quotable

“I lie awake at night worried about whether I will be able to give my children the life my parents gave me, and whether I will ever know the feeling of true financial stability, which is what I was seeking when I went to law school.”

— One respondent’s comments in a survey conducted by the American Bar Association’s Young Lawyers Division, asking attorneys in their first decade of practice how their student loan debt is impacting their lives. To read the complete report, visit americanbar.org/groups/young_lawyers/student-loans.

CEJ to Toast 30th Anniversary with virtual ‘Mixfest 2021’

Join the Campaign for Equal Justice on Thursday, Jan. 28, for an evening of mixology in celebration of the new year and CEJ’s 30 years of supporting legal aid.

Karen Bolton from the award-winning bar caterer Silver Julep will be on hand to teach guests how to concoct the “Legal-Ade 30,” a unique spin on the classic French 75 cocktail. After mixing drinks, attendees will be able to mingle in small breakout rooms at the virtual event, which will take place from 5-6 p.m. on Zoom.

To register (and to get a list of cocktail ingredients and instructions for the evening), visit cej-oregon.org/mixfest.

ABA Releases TechReport 2020

The ABA’s Legal Technology Resource Center has released its TechReport for 2020, with data from a variety of surveys related to technology in the legal profession.

Detailed information about cybersecurity, the use of technology in law firm marketing, cloud computing and other related topics is gathered together in one place for ease of use.

To view the full report online, go to tinyurl.com/ABATechReport2020.
Oregon State Bar Programs Zoom into 2021

Pivoting Online

By Amber Hollister and Mark A. Turner

While 2020 has often been referred to as *annus horribilis*, it has also presented many opportunities to explore new approaches to long-existing bar programs. This month’s Bar Counsel column shares some of those new approaches and invites member and public feedback on how we might move forward.

As noted by the National Center for State Courts, “The COVID-19 pandemic is not the disruption (we) wanted, but it is the disruption that courts needed: to re-imagine and embrace new ways of operating; and to transform courts into a more accessible, transparent, efficient, and user-friendly branch of government.”

Certainly, the same rationale applies to bar regulatory programs, and the Oregon State Bar is not alone in exploring ways to move online — the ABA Center for Innovation recently catalogued 66 different approaches to offer online dispute resolution in these trying times.

Since the beginning of the pandemic, the OSB has worked to retool its regulatory programming so programs can safely continue. In addition to presenting a successful online-only 2020 House of Delegates meeting, the bar’s disciplinary proceedings and Fee Dispute Resolution Program have pivoted to online environments. We hope lessons learned during these shifts allow the bar to provide increased access to bar programs in years to come.

**Disciplinary Board Proceedings**

We are pleased to report that the disciplinary board has successfully conducted multiple trials by remote participation during COVID-19 restrictions.

In March, Chief Justice Martha L. Walters issued an emergency order, Chief Justice Order 2020-009, which, among other things, amended the Bar Rules of Procedure to allow for trials and hearings conducted via remote participation. BR 2.4(e)(15). The adjudicator is granted authority to determine whether remote trials are necessary in order to comply with local, state or national public health plans or recommendations. The adjudicator announced such a finding shortly thereafter.

The disciplinary board has held three trials since then, one in July and two in September. The first two trials used the BlueJeans videoconference service with success. The third used Zoom, and future trials are planned to be held on Zoom.

The video trials have gone smoothly. The parties have been able to present their cases just as they would in a live trial. Trial panel members have been able to hear witness testimony without difficulty, except for a few minor (and temporary) technical glitches, which were addressed at the time. Improvements have also been made to the equipment used by the disciplinary counsel’s office to address some early audio issues.

No panel member has expressed any concern that video presentation has deprived them of the ability to adequately evaluate witness credibility. No party has raised any objection in any trial that technical problems have prevented them from having a fair hearing.

Disciplinary trials, with only three panel members, lend themselves more easily to video participation than, for example, jury trials. The ability to provide private rooms for consultation or to maintain connections after the parties have ended their participation make it easy for the panel members to confer during the trials, if necessary.

The private rooms also give respondents an opportunity for private consultation with counsel during trial, although in the two trials in which the respondent was represented, respondent and counsel participated from the same location so that private consultation required only muting their microphone or leaving the room.

This success is not a surprise. During live trials prior to the current restrictions, witnesses have successfully testified by video from distant locations multiple times.

Exhibits also have not posed a problem. Most panel members are happy to receive exhibits in electronic form, and the electronic exhibits have proven to be easier to use at times than hard copies, particularly in cases involving large numbers of documents.

Remote trials have allowed the disciplinary board to safely continue its vital function enforcing attorney discipline during these public health challenges while striving to ensure our existing standards of procedural fairness and due process are maintained for all concerned.

**Fee Dispute Resolution**

After the onset of the pandemic, the Board of Governors amended the fee dispute rules to provide that general counsel could require all fee mediations and arbitrations to be held online. Over the past
several months, with that online require-
ment in place, bar volunteers have success-
fully held fee arbitrations and mediation
through Zoom and other online platforms.

The new approach has garnered posi-
tive feedback from all involved. Petitioners
and respondents are relieved not to have
to take extra time off work to travel to a set
location; scheduling can be more flexible
because there is no requirement to book
space for an in-person hearing; and costs
are reduced because documents are often
exchanged electronically.

Based on these successes and a desire
to further explore ways to improve access
to the program, the bar plans to launch an
online fee dispute resolution portal in 2021
with online dispute resolution company
Matterhorn. Matterhorn has a proven track
record of partnering with state courts and
mediation centers nationwide to launch
similar programs.

“The Oregon State Bar is the first state
bar to implement an online dispute reso-
lution system for fee disputes for its mem-
bers,” says Matterhorn CEO MJ Cart-
wright. “They are a leader in a national
trend toward heading off disputes before
they become court cases.”

The new portal will allow parties in a
fee dispute resolution to exchange informa-
tion, documents and offers to resolve the
matter in an online, smartphone-friendly
platform, prior to a mediation or formal ar-
bitration hearing.

In a year of uncertainty, the one thing
that is certain is we will all need to continue
to adapt to our new environment. Anyone
interested in the bar’s past and future at-
ttempts to pivot online and improve program
accessibility is welcome to share comments
by sending an email to gc@osbar.org.

Amber Hollister is general counsel for the
Oregon State Bar; reach her at ahollister@
osbar.org. Mark A. Turner serves as adju-
dicator for the OSB’s Disciplinary Board;
reach him at mturner@osbar.org.

ENDNOTES

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Report
Here’s a Concrete Way to Avoid Abstract Writing

On the Subject of Subjects

By Elizabeth Ruiz Frost

Sometimes when I read legal writing, I feel like I’m running through pudding. And not in a good way.

As a reader, I want reading to feel effort- less so that I think nothing of it at all. I want to be able to focus on the reader’s ideas. But when writing becomes dense, unnecessarily abstract and boring, I find myself working harder and feeling grumpier.

Writers can combat dense, abstract, boring writing by focusing on the sentence’s subjects. In this column, I suggest two subject-based tips for keeping your readers awake and focused.

**Use Concrete Nouns as Your Subjects**

First, let’s start with the quality of the nouns in sentences.

A reader will work through the ideas in a sentence more quickly when the sentence’s subject is a concrete noun, as opposed to an abstract one. A concrete noun is a noun that we can sense — we can see it, smell it, taste it, hear it or feel it. All nouns are people, places or things, but concrete nouns are the classics: a lawyer, a defendant, a fun-size Snickers. I like to think of concrete nouns as the words you’d be less disappointed to draw in a game of Pictionary.

Abstract nouns, by contrast, are con- cepts or ideas. Words like intention, neg- ligence and freedom are abstract nouns. Good luck drawing negligence quickly! We talk a lot about concepts and ideas in legal writing, so these types of nouns naturally sneak in as our subjects. But as writers, we should appeal to our readers’ senses with our word choice. Note the difference in these two sentences:

**Abstract:** The intention of the parties is to dissolve the partnership in 2021.

**Concrete:** The parties intend to dissolve the partnership in 2021.

The real actors (aka the grammatical subjects) in the sentences above are the parties. When the writer swaps out those real actors for an abstract subject — their intention — the sentence get muddier. The grammatical subject, which is crucial information for a reader, is delayed, so it’s harder for the reader to picture the story unfolding. The swap here also yields a longer sentence with a really boring verb. *Is* is not as interesting a verb as *intends*.

Or how about these two sentences, the likes of which you have surely seen and maybe even written yourself?

**Abstract:** Ownership of an animal requires that a person have the dog in its care, custody and control.

**Concrete:** A person owns an animal when the animal is in the person’s care, custody and control.

In the revised version, the reader will have an easier time picturing a person doing something, as opposed to picturing the occurrence of a concept. The second sentence is also more precise. The first sentence describes what a concept requires, but it doesn’t specifically assign that ownership to the person. Thus, using the concrete noun helps the reader in multiple ways in that example.

You might be skeptical of my premise because surely we can all understand the original sentences in those two examples. But when writing is thick with abstract subjects, it can become dense. Imagine a paragraph with multiple sentences that contain abstract subjects. In the following example, each sentence begins with one (the subjects are in italics).

**Abstract:** Probable cause exists to detain a suspected shoplifter if a reasonable person, under like circumstances, would infer that the customer was committing theft. In one case, unusual comportment gave rise to probable cause. There, knowledge that the customer had moved an unpurchased item past the registers toward the exit gave an officer probable cause to detain the customer.

**Concrete:** A store agent has probable cause to believe a customer is committing theft if a reasonable person, under like circumstances, would infer that the customer was committing theft. In one case, the customer comported himself so unusually that it gave the store probable cause to detain him. There, because the officer learned that the customer had moved an unpurchased item past the registers, he had probable cause to detain the customer.
Writing is more accessible and vivid when it contains concrete subjects. The reader will better create a picture in her mind when a subject is concrete, and because she has pictured it, she’ll more likely remember it. By contrast, when the writing is loaded with abstractions, the reader will more likely become bored and lost.

As writers and editors, sometimes we can identify a troubling sentence, but we might not be able to articulate why it’s troubling. That was my experience with abstract nouns. When I read writing rife with them, I knew it was dense but I couldn’t say why.

I only realized the connection between types of nouns and effective writing when I read Professor Megan McAlpin’s book, Beyond the First Draft. Reading her style and grammar text allowed me to name the problem. Now I do a better job commenting on students’ writing. Instead of scribbling “awkward,” I can say “This sentence slowed me down because the subject is abstract.”

I also have a tool to improve my own writing. I offer this as a reminder that we can all continue improving our writing (or remember what we’ve forgotten) and offer better feedback to our colleagues by digging into a trusted style guide.

Expletive Construction

Expletive construction muddies up legal writing, too.

Expletive construction occurs when an expletive (there or it) is followed by the to be verb. A writer doesn’t make a grammatical mistake by using expletive construction, but it can be a style mistake. When writers use it, the sentence’s grammatical subject is again delayed; the reader must sort through filler to get to it. And no one wants their writing described as “filler.”

Here’s an example of expletive construction in legal writing:

It is likely that the appellate court will affirm the trial court’s decision.

The grammatical subject of that sentence is the appellate court, but the reader must wait to get there. The it is is hollow. It adds length without adding meaning. To make the writing more interesting and straightforward, the writer can strip out the expletive construction and focus the sentence on the grammatical subject.

The appellate court will likely affirm the trial court’s decision.
Expletive construction is a pretty common writing tic, so we read and perhaps write sentences like this all the time. Here are a few more examples of sentences with expletive construction and their replacements. Note that in each of them, the grammatical subject is delayed or missing altogether.

There are three bedrooms in our house.
Our house has three bedrooms.

It is important to note that a passcode is required.
A passcode is required.

It had been agreed upon that we would not eat any more ice cream.
We agreed we would not eat any more ice cream.

It was nice to see you yesterday.
I enjoyed seeing you yesterday.

Each of these original sentences is duller than its revision. They are each wordier. They’re all gasping for air under a boring to be verb. However, much like abstract subjects, a single instance of expletive construction in writing likely won’t offend a reader. Rather, the construction has a cumulative negative effect, and where there is one there is, there are many. They are the rats of writing.

Of course, not every instance of it is is a problem. As above, sometimes the it is hollow because it doesn’t relate back to anything. Sometimes, though, it is an appropriate pronoun with a clear antecedent, so it need not be revised out. Take the following sentences, for example:

I love “Cobra Kai.” It is my favorite show to binge watch.

Here, it clearly refers to the antecedent, “Cobra Kai,” my favorite show. That means the it is is not expletive construction, so the writer need not revise it out. Consider it is and its expletive ilk to be a red flag that requires your attention.

Conclusion

Using abstract nouns and expletive construction isn’t ungrammatical, and in some sentences it might even be the best choice. I simply encourage you to think critically about each sentence so that using them really is a choice and not simply a habit.

Elizabeth Ruiz Frost teaches Legal Research and Writing and other courses at the University of Oregon School of Law.
‘I’m Very Hopeful’

OSB President David Wade Takes the Helm during Unprecedented Times

— By Melody Finnemore —
David Wade is taking over the presidency of the Oregon State Bar during an unprecedented time marked by a global pandemic, a social movement for racial and criminal justice, a national political divide and significant changes within the bar itself.

And yet, he is optimistic despite the challenges that lie ahead. “I’m very hopeful that we’re going to come out of this in better shape than we came in, as a bar and as a community,” says Wade, who began his term as president on Jan. 1. “I think it’s a ways away and we’re going to have to grin and bear it for some more time, but when it does we’re going to come out the better for it. I’m still hopeful.”

Wade, who works for a subsidiary of the Douglas County Individual Practice Association in Roseburg, learned how to maintain positivity starting with a tight-knit family. He grew up in Houston, Texas, and his parents were both from Southern Alabama. He recalls visiting relatives on his father’s family farm outside a little town during his “conventional upbringing” within the Southern Baptist church. He knew he wanted to become an attorney when he was 11.

“I have a very distinct memory of this. I watched a television show called ‘The Defenders’ and I instantaneously wanted to be a lawyer. They were representing the weak against the strong and they were often losing, even though this was TV and everyone was supposed to win, and they never gave up,” Wade says. “They were smart guys with good ideas, and they were very good at examining witnesses. It was very realistic and very positive and they always fought for the underdog.”

Guided by his brother and “lifelong mentor” Simeon, who is 11 years older and gave him a reading list when he was 11 to prepare him for Harvard College, Wade earned his bachelor’s degree cum laude there in 1973, majoring in economics. He says he chose economics because it was good preparation for law school, and because it’s important for attorneys to understand how markets operate, how money moves and where it moves, and why countries trade or don’t trade.

“It teaches you a lot of things about how the world works and, of course, there’s some discipline to it. You have to have a basis for saying what you’re saying, and that’s also good training for lawyers,” he says, adding that he also got a broad education in the humanities because of his interest in history, art history, music and literature.

Wade earned his J.D., also cum laude, at Harvard Law School in 1976 and then completed a clerkship with U.S. District Court Judge James B. McMillan in the Western District of North Carolina. “I did feel out of place and over my head at Harvard and in the clerkship,”
he says, “but I just followed the path my brother Simeon laid down for me.”

In 1977, Wade joined the U.S. Department of Justice in Washington, D.C., as a staff attorney, working in the antitrust division investigating international oil companies. He says he saw firsthand how well-protected those companies were because they could afford to hire the best attorneys, and how difficult it was to negotiate with them. Wade says he also learned how challenging cooperation can be within a bureaucracy, noting staff attorneys on bigger cases had to go all the way to the attorney general in order to file cases.

“I learned about layers of management, but that taught me to be careful, take my emotions and biases out of it, and hear the other side,” he says. “It really ramped up my skill level, because I was up against some of the best lawyers in the country.”

Wade began his four-year stint with the Justice Department during former President Jimmy Carter’s administration. When the late Ronald Reagan became president, Wade says, the administration had a different attitude toward investigating oil companies and wasn’t thrilled with his work.

He then went into private practice in New York with John Doar, a former assistant attorney general for the Civil Rights Division of the U.S. Justice Department, who led the effort to desegregate universities and voting booths in the South and received the Presidential Medal of Freedom in 2012. “He was a very powerful lawyer, and he taught me how to practice law at a very high level,” Wade says.

Finding His Place in Oregon

After Wade and his first wife divorced, he relocated to Los Angeles in 1985 to be near his brother, Simeon. He practiced with a plaintiff’s antitrust firm and also served as a judge pro tempore for the small claims division of the Los Angeles Municipal Court between 1987 and 1992.

By then, Wade had remarried and realized that his second wife needed to move out of Los Angeles because of health concerns. The pair visited Eugene on vacation and enjoyed riding their bikes amid the area’s clean air. As it happened, the husband of the owner of the bed and breakfast where they stayed was a real estate agent, and he sold them a house in Eugene before their vacation was over.

“We didn’t know anyone there and had no jobs, but we just took a flier and moved,” he says.

Wade joined Eugene’s Doyle Gartland Nelson & McCleery in 1994 as of counsel, becoming a named shareholder in 1996. He advised clients in both the private and nonprofit sectors on issues ranging from the formation of businesses to arbitration, and participated in trials related to construction, real estate and bankruptcy.

Wade later co-founded the firm McCleery & Wade and then worked as a solo practitioner for a couple of years before moving to his current position in 2018. He now serves as the in-house counsel for DCIPA Physician Services, a subsidiary
of the Douglas County Individual Practice Association, a group of about 100 physician shareholders who provide health-care services to more than 26,000 residents.

Kim D. Stephens, an attorney with Toussley Brain Stephens in Seattle, met Wade shortly after Wade moved to Eugene. Stephens was defending a complex commercial case with RICO allegations that would eventually find its way to the steps of the U.S. Supreme Court, where certiorari was denied.

“I needed help from someone local in Eugene. Jacob Tanzer and Lloyd Helikson both told me to hire the new guy, David Wade. I did,” he says. “David, it seems, had quickly established a reputation for excellence, good judgment and candor. As we worked together, I learned he was all that and more. He was, and is, a lawyer’s lawyer — the lawyer you trust to represent your client’s best interests in every endeavor.”

Noting that he tried, unsuccessfully, to coax Wade to join Stephens’ practice in Seattle, Stephens says he has the utmost respect for him, not only as an attorney but as a humanitarian.

“I expect he will be an outstanding leader of the bar, and that he will inspire us to reach for the ideals that led most of us to this profession,” he says. “We are fortunate to have his leadership as we deal with unprecedented challenges to our system of justice.”

Wade says a common theme that has run throughout his career is that he has enjoyed working as an attorney every day of it.

“There wasn’t a day that I wished I was something else. Whether it was in government practice or private practice, there wasn’t a difference in how I felt,” he says. “I really like the feeling of making a difference in people’s lives, being prepared and being challenged on a daily basis. Those are the things I still like about being an attorney.”

David Mills worked with Wade on many cases over the years and says it was his “good fortune” to be on Wade’s side in all of them. Some of the cases went to trial, giving Mills an opportunity to observe the detailed case and trial preparation that were Wade’s hallmark.

“I must say that his cross-examination skills were absolutely inspired. Part of that skill has to be due in part to his varied legal background and his outside interests,” Mills says. “As a former Justice Department attorney and a partner in a general practice law firm, he absorbed the various lessons those disciplines provided.

“Dave has always had a true understanding of people, both their failings and triumphs, and when engaging with others he has the luxury of humbleness as his expertise and skills speak for themselves,” Mills adds. “I spoke to a former associate at his firm years ago and I remember her saying about her qualifications, ‘I was trained by David Wade.’ It’s hard to imagine a more telling accolade. The Oregon State Bar and its members will be well served by David.”

Wade’s professional experience also includes teaching antitrust law as an adjunct associate professor at the University of Oregon School of Law from 2005 to 2008. He says he was pleasantly surprised by how much he enjoyed teaching. Both of his brothers, Simeon and Wyatt, were teachers, but he didn’t think he would have the patience for it.

“It was nice to be able to look at antitrust objectively and not just taking positions in court. It was a unique and wonderful opportunity to look at antitrust as a whole,” he recalls. “It’s now mostly economics, and I had that background. I can’t say the students enjoyed it as much as I did, but I enjoyed it immensely.”

Leading by Example

Wade has involved himself deeply in the communities he serves. For example, he was a Rotarian and volunteered his time as president of the Eugene Metropolitan Rotary Club. But of all the opportunities he has had to serve throughout his career, he says is most proud of the mentorship he has provided to women and people of color who went on to become high achievers in their respective fields.

He says his commitment to fostering a diverse work environment grew from his experience while working in the Justice Department in Washington, D.C.

“At my level, the lower trial level, it was multicultural and there were already a lot of women attorneys. This was 1977, and that was very early in the transition to women entering the profession, yet there were lots of women in my section and people of color, both attorneys and staff,” he says. “It felt very good to me to be in that environment.”

When he went into private practice and gained the authority to hire new employees, he knew he wanted to recreate that environment. “In hindsight, and using a vocabulary I didn’t have back then, I would say that on a subconscious level I knew that as a white male I had gotten a lot of breaks,” he says.
“and that women and people of color had not had those breaks.”

As he hired more women and diverse employees, he realized that by serving as a mentor, he could help them develop and refine the skills needed to become “stellar professionals.”

“When you see that happen once,” he says, “you want to see it again and again and mentor the next person and the next person.”

Emily Hill is among those who have benefitted from Wade’s mentorship. After earning her law degree at the University of California, Berkeley, she moved to Oregon and was hired by Wade to work as an associate for litigation. The pair worked together for five years.

“He’s a very generous individual, and he always promoted choosing women in the practice and people of color,” she says. “In Oregon, it’s difficult to achieve that, but he always looks to make sure that young attorneys have opportunities, and especially women and people of color.”

Hill eventually took over Wade’s law practice in Eugene. She says the commitment to excellence and thoroughness Wade taught her has guided her in her work as a solo practitioner, among other invaluable lessons.

“He taught me never to be a client’s cheerleader and to give clients realistic assessments of what they are dealing with,” she says. “David has the highest integrity. He told me, ‘No matter what happens with your cases, just come to me,’ and that helped me reach out for help when I needed it.”

Kate Wilkinson, senior director and assistant counsel for The Standard in Portland, started working with Wade in 2007 and says he taught her how to be a trial lawyer through the art and hard work of preparing for and trying a case.

“As a litigator, he is fearless, unafraid and unruffled by opposing counsel or judges,” she says, adding she considers Wade to be one of the lesser-known preeminent Oregon civil litigators. “He is, quite simply, a magnificent trial lawyer. He doesn’t yell or pound the table. Rather, he deconstructs testimony with the skill of a surgeon.”

Wilkinson notes that Wade gave her key roles in trials and encouraged her to take the lead. When she tried a legal aid case pro bono, Wade spent hours with her as she prepared. “To him, that case was no less important than those we handled for paying clients,” she says.

“David is considerate, funny and always has your back,” Wilkinson adds. “Even after we stopped working together, he has remained my mentor and sounding board. David is one who went through an open door and then held that door open for others.”

In addition to providing mentorship, Wade has volunteered to serve on the Lane County Legal Aid Service Board of Directors. In Los Angeles, he had donated money to assist immigrants and internationally displaced people. He also contributed to his brother Simeon Wade and Simeon’s relationship with French philosopher Michel Foucault.

David Wade poses with a panel of presenters at a 2019 New York University colloquium about his brother Simeon Wade and Simeon’s relationship with French philosopher Michel Foucault. Photo courtesy of David Wade

David Wade and his family pose for a group photo in 1967. From left: father Monroe, sister Susan, mother Ruth, brother Simeon, Wade, and brother Wyatt. Photo courtesy of David Wade
to legal aid services, and when he moved to Eugene he found he could contribute his time as well. He became president of the organization’s board and also served on the OSB Low Income Legal Services Committee, now called the Pro Bono Committee.

Wade’s younger sister, Susan, experiences several disabilities and was tormented in school. “That sensitized me, and ever since I’ve always wanted to help marginalized people and people who didn’t have the advantages and breaks that I got,” he says. “It was my way of giving back to my sister and them.”

Emphasizing Self-Care

Art is another area Wade is committed to supporting. He had already learned an appreciation for art and other humanities from his older brother Simeon and during college, an appreciation that has only grown through his third marriage, to artist Nancy Pobanz. During their 25 years together, he has spent a lot of time at Eugene’s Maude Kerns Art Center, where he served as president of its board of directors from 2006 to 2019.

“Artists are an economically vulnerable group,” he says, “and they are a marginalized community as well, because they don’t make much money or have much of a voice in America.”

Kristie Gibson, who worked with Wade at Gartland Nelson McLee & Wade, says she admires his leadership in both the legal community and the arts community. “Every summer, you will find David hard at work at the ‘Art and the Vineyard’ festival in Eugene, leading and training volunteers, welcoming guests and discussing, with great enthusiasm and depth of knowledge, the creations of the talented artists exhibiting their work.”

Art and the outdoors are essential to Wade’s work/life balance, he says. He initially wanted to move to Oregon because he was a biking enthusiast who logged more than 30,000 miles on two wheels before physical injuries led him to appreciate nature on two legs instead. Pobanz is an artist-in-residence on an important archeology dig in Eastern Oregon in addition to her work as a full-time artist, and Wade often joins her there.

“Nancy and I spend a lot of time in southeastern Oregon, and we just love the Great Basin landscape,” he says, adding they also enjoy going to the coast, hiking and birdwatching. “To me, the most sustaining thing of all is being in nature. That being said, I probably spend a lot more time reading, listening to music and (pre-COVID) going to performances and exhibits.”

Self-care is important for legal professionals all of the time, Wade says, but particularly during the pandemic and emotional stressors such as political polarization and social unrest. He says it’s essential for people to be aware that they are vulnerable to the impact of those events on their physical and mental health, including overstress, overconsumption of alcohol and other substances, and – one that Wade has experienced personally — overworking.

“At my age, I’ve seen a lot of lawyers succumb to alcoholism and addiction or ‘workaholism.’ I’m one to talk. I’ve lost two wives to ‘workaholism,’ and I’m not losing another one,” he says. “Be aware of your emotional self and take care of your emotional self. In this pandemic, that advice is very difficult because of all the stressors, especially for women. Home schooling is extremely difficult when you are trying to practice law.”

Wade adds that he tries to spend at least an hour outside every day, whether it’s taking a walk, working in the yard or strolling to the grocery store. Rain or shine, it’s important to see, hear and feel nature’s elements. “That’s my self-care routine,” he says.

And, no matter how technologically painful Zoom and other video platforms may be, it’s important to avoid isolation and stay connected to other people, both personally and professionally, he says. On the professional level, that includes participating in CLEs, ethical and diversity trainings, and other online offerings.

“You can’t let the pandemic free you from your ethical and professional standards,” Wade says.

Prioritizing Good Governance

A longtime OSB member, Wade first served on the Board of Governors from 2011 to 2013. He was elected to his current Region 2 seat in 2017 and says that he has seen a vast evolution in the time between his terms.

“Frankly, governance is better and cultural competence is much better. Legal Aid funding is much better,” he says. “We still have work to do, though. The criminal justice system still does not look like all of the people who are encountering it. Top management at law firms still looks like the bar looked in the 1970s. There’s still a lot of work to be done but, believe me, we have come a long way just in 10 years.”
Noting how much he has learned from OSB Immediate Past President Liani Reeves over the past year, Wade says he would like to see the BOG and the bar’s entire membership continue to keep moving forward.

“As president, my theme is good governance. By that I mean being culturally competent, financially literate, carefully prepared and independent,” he says. “There is also a fifth element that I call emotional awareness, which means being empathetic and compassionate. Marginalized communities are still suffering, and that’s an emotional aspect that you have to be aware of to be a good leader.”

Good governance translates to exercising fiduciary duty and learning to read financial statements, Wade says. It means understanding where the bar is financially. But it also means prioritizing diversity training and Legal Aid funding, he says. It involves making sure young lawyers are mentored and that they look more like the community, as well as ensuring that judges, prosecutors, defenders and other legal professionals look like the public they serve.

Wade comes to the presidency well-equipped to achieve those goals. His previous service to the bar includes chairing its Budget and Finance Committee for two years. He has been named to America’s Top 100 High Stakes Litigators for 2018 and is an AV-rated attorney by Martindale-Hubbell. In October, Marquis Who’s Who presented Wade with the Albert Nelson Marquis Lifetime Achievement Award for his professional achievements, leadership qualities and the credentials and successes he has accrued in his field.

In addition to New York, Oregon and (though now inactive) California, Wade is admitted to practice at the U.S. Supreme Court, the U.S. District Court for Oregon, the Northern and Southern Districts of California, the Southern and Eastern Districts of New York, the U.S. Court of Appeals for the Ninth Circuit, and the U.S. Court of Federal Claims.

He notes that he wanted to be OSB president to give back to the bar and the Professional Liability Fund (PLF) for their support when he started his practice in Eugene knowing no one and very little about Oregon law.

“In particular, Sylvia Stevens, Helen Hierschbiel and Barbara Fishleder gave me lots of advice and encouragement along the way, and Helen and (OSB General Counsel) Amber Hollister still do,” he says. “I owe a lot to the OSB and PLF, and this is my way of saying thank you.”

Melody Finnemore is a Portland-area freelance writer. Reach her at precisionpdx@comcast.net.
Meet the Oregon State Bar
Board of Governors

David Rosen
(Region 1)
Term: Elected in 2020; term expires in 2024.
In Practice: Founder of High Desert Law in Bend, a personal injury law firm with a selective focus on catastrophic injury claims and wrongful death.
Education: Bachelor’s degree from University of Pennsylvania; J.D. from University of Maryland School of Law.
Date Admitted to OSB: 2010
Contact: (541) 306-6553; drosen@high-desert-law.com

David Wade
(Region 2, OSB president)
Term: Elected in 2017; term expires in 2021 (previously served on BOG from 2011-2013).
In Practice: After 25 years of trying business cases at law firms in Eugene, Wade is now the in-house counsel at DCIPA Physician Services LLC.
Education: Bachelor’s degree from Harvard College; J.D. from Harvard Law School.
Date Admitted to OSB: 1993
Contact: (541) 684-0674; dwade@osbar.org

Christopher Cauble
(Region 3)
Term: Elected in 2020; term expires in 2024.
In Practice: Managing partner at Cauble, Selvig and Whittington in Grants Pass, where he has practiced in civil litigation and trusts/estates since 1996. His firm handles cases statewide in state and federal courts in many different fields of law.
Education: Bachelor’s degree from Willamette University; J.D. from Gonzaga University School of Law.
Date Admitted to OSB: 1996
Contact: (541) 476-8825; ccauble@osbar.org

Bik-Na Han
(Region 4)
Term: Elected in 2018; term expires in 2022.
In Practice: Deputy district attorney in the Washington County DA’s Office, where she has mainly focused on serving vulnerable victims, including being on Elder Abuse and Domestic Violence teams. Currently assigned to the Child Support Enforcement team.
Education: Bachelor’s degree from University of California, San Diego; J.D. from University of Oregon School of Law.
Date Admitted to OSB: 1999
Contact: (503) 846-8671; bik-na_han@co.washington.or.us

Matthew McKean
(Region 4)
Term: Elected in 2020; term expires in 2024.
In Practice: Principal at McKean & Knaupp Attorneys in Hillsboro, where he focuses on estate planning and administration, elder law, small business law and real estate.
Education: Bachelor’s degree from Metropolitan State College in Denver; J.D. from Lewis & Clark Law School.
Date Admitted to OSB: 2004
Contact: (503) 846-0707; matthew@mckeanknaupp.com

Colin Andries
(Region 5)
In Practice: Of counsel at Black Helterline in Portland, where he focuses on general civil litigation. In addition to specializing in landlord/tenant law and post-judgment collections, Andries also advises clients on real estate and land use issues.
Education: Bachelor’s degree from University of Oregon Clark Honors College; J.D. from University of Oregon School of Law.
Date Admitted to OSB: 2005
Contact: (503) 224-5560; candries@osbar.org

Gabriel Chase
(Region 5)
Term: Elected in 2020; term expires in 2024.
In Practice: Managing partner at Chase Law in Portland, where he practices plaintiff-side civil litigation, specializing in personal injury cases.
Education: Bachelor’s degree from California State University, Monterey Bay; J.D. from University of Oregon School of Law.
Date Admitted to OSB: 2014
Contact: (503) 294-1414; gabriel@chaselawpc.net

Kamron Graham
(Region 5, OSB president-elect)
Term: Elected in 2018; term expires in 2022.
In Practice: Deputy public guardian and conservator for Multnomah County, representing low-income, disabled and elderly adults.
Education: Bachelor’s degree from University of New Hampshire; J.D. from Seattle University School of Law.
Date Admitted to OSB: 2013
Contact: (503) 313-8768; kamrongraham@comcast.net

John E. Grant
(Region 5)
In Practice: Founder of Agile Attorney Consulting in Portland, which helps legal teams with strategic planning, operational efficiency, employee engagement, and product development and pricing.
Education: Bachelor’s degree from Tufts University; J.D. from Lewis & Clark Law School.
Date Admitted to OSB: 2011
Contact: (503) 389-5412; john@AgileAttorney.com
Joe Piucci (Region 5)

In Practice: Partner at Piucci Law in Portland, where he handles serious personal injury, wrongful death, employer liability law and civil rights cases for plaintiffs.
Education: Bachelor’s degree from University of Southern California; J.D. from Lewis & Clark Law School.
Date Admitted to OSB: 2013
Contact: (503) 228-7385; joe@piucci.com

Katherine Denning (Region 6)

Term: Elected in 2018; term expires in 2022.
In Practice: Shareholder at Litowich Law in Salem, where she focuses on family relationships, including divorce, custody, visitation and adoptions.
Education: Bachelor’s degree from Evergreen State College; J.D. from Willamette University College of Law.
Date Admitted to OSB: 2012
Contact: (503) 419-6422; katherine@litowichlaw.com

Ryan Hunt (Region 6)

In Practice: Shareholder at Garrett Hemann Robertson in Salem, where he focuses on domestic relations, construction litigation and personal injury litigation.
Education: Bachelor’s degree from Washington State University; J.D. from University of Oregon School of Law.
Date Admitted to OSB: 2002
Contact: (503) 581-1501; rhunt@ghrlawyers.com

Jenny Cooke (Region 7)

Term: Elected in 2018; term expires in 2022.
In Practice: Life-long criminal defense lawyer and longtime shareholder in the Clackamas Indigent Defense Corporation; no longer engaged in litigation.
Education: Bachelor’s and master’s degrees from Portland State University; J.D. from Northwestern School of Law, Lewis & Clark College.
Date Admitted to OSB: 1979
Contact: (503) 656-9261; nt2glty@aol.com

Rob Milesnick (Region 8)

In Practice: Founder of Milesnick Law, P.C. in Vancouver, Wash., where he focuses on labor & employment and civil rights litigation in Oregon and Washington that is helpful to workers and employees.
Education: Bachelor’s degree from Virginia Commonwealth University; J.D. from Syracuse University College of Law.
Date Admitted to OSB: 2015
Contact: (503) 757-2561; rob@milesnicklaw.com

Liani Reeves (OSB immediate past president)

Term: Elected to Region 5 seat in 2016; term expired in 2020.
In Practice: Shareholder and president at Bulard Law in Portland, where she works with public sector and education clients, advising on high-profile or sensitive personnel matters and litigation and conducting workplace investigations and training.
Education: Bachelor’s degree from Willamette University; J.D. from Willamette University College of Law.
Date Admitted to OSB: 2001
Contact: (503) 721-2645; lreeves@osbar.org

Curtis Peterson (Public member)

Term: Appointed in 2020; term expires in 2024.
Occupation: Regional Care Team Supervisor at CareOregon in Portland. Licensed Clinical Social Worker; experience with homeless and runaway youth, commercially sexually exploited children (CSEC) and adults with complex health needs.
Education: Bachelor’s degree from the University of Oregon; master’s in social work from Portland State University.
Contact: (503) 416-5922; cpeterson@osbar.org

Tasha Winkler (Public member)

Occupation: Chief executive officer of the Cow Creek Band of Umpqua Tribe of Indians.
Education: Associate’s degree from Umpqua Community College.
Contact: (541) 672-9405; michaelrondeau1@gmail.com

Note: Candidate statements were required to be filed in mid-December for a special election to fill the Region 5 seat being vacated by Adrian Lee Brown, who was elected to the Multnomah County Circuit Court bench in November. If no candidate challenges are filed, the election will be held from Jan. 18-Feb. 1, with a new BOG member seated on Feb. 2. If challenges are received, they will be reviewed by the Board of Governors and the election will be held from April 5-19, with a new member seated on April 20. In either case, the term will expire in 2023.
Shaping the Next Generation

Bar’s Mentorship Program Helps New Attorneys Learn the Ropes

— By Cliff Collins —

Mae Lee Browning thinks she would make an effective advertisement for the value of mentoring.

When Browning arrived at Willamette University College of Law in 2011 from Los Angeles, she didn’t know a soul in Oregon. The law school’s mentorship program matched her with Willamette graduate Liani Reeves.

“I was fortunate to have Liani all through law school,” says Browning. “She helped me in building community.”

Once Browning graduated, she sought out an experienced criminal defense attorney, Ben Eder, and asked if he would be her mentor in the Oregon State Bar’s New Lawyer Mentoring Program. She knew of his legal reputation, and the two had met when Browning was at Willamette. Eder agreed to sign up with the program as her mentor.

In addition to guiding her through the OSB program’s curriculum, Eder, who was active in the bar’s Oregon New Lawyers Division, encouraged Browning to join that group.

“When I was starting my own firm, Ben suggested I get involved in the (division’s) CLE subcommittee, because it would be a great networking opportunity,” says Browning. It also helped her learn how to organize, write materials for and present CLEs. As part of that role, she invited speakers to lunch and was able to learn from them about their own practices.

“Things multiplied from there,” she says.

Browning now is the immediate past chair of the Oregon New Lawyers Division, and partly thanks to her mentoring relationship
with Eder and the connections she was able to build through it, she works as legislative director for the Oregon Criminal Defense Lawyers Association.

"I am extremely grateful for the mentor relationships I have had," Browning says. "I just can’t say enough about how they’ve helped me, in my career and personally."

Eder, a partner with Thuemmel Uhle & Eder, also sees the benefits of the program.

"It’s a great opportunity to learn from other lawyers," he says. "You can learn a lot of things by watching."

Criminal defense attorney Ben Eder says mentorships offer “a great opportunity to learn from other lawyers. You can learn a lot of things by watching.” The same could be said for his son Max, although Eder says “it’s too early to tell if he wants to be a lawyer.”

Photo courtesy of Ben Eder

A Source of Support

Browning was a beneficiary of a program the OSB launched in 2011. The idea was to formalize the development of mentorships that once were relatively common when the state and bar were smaller but in many ways had become harder to come by.

That’s been particularly true the past few months, with the COVID-19 pandemic causing reduced mentoring opportunities for all lawyers because of the need for social distancing. But it was also true at the time of the program’s formation under then-Oregon Supreme Court Chief Justice Paul J. De Muniz in 2011, when the recession and corresponding dearth of hiring and jobs forced many new attorneys to establish solo practices.

Chief Justice De Muniz said at the time that he got involved in developing the mentorship program because he considered Oregon’s legal culture of civility and collegiality unique, that he wanted to preserve that sense of camaraderie, and because it was geared toward the idea of promoting professionalism.

In an August 2020 letter to bar members, Oregon Supreme Court Chief Justice Martha L. Walters supported that concept as she issued a call for new volunteer OSB members with at least five years of practice experience to sign up to become mentors. She noted that, beginning in 2011, the Oregon Supreme Court instituted the New Lawyer Mentoring Program as a requirement for all new OSB members in their first 12-18 months as lawyers.

"The program seeks to promote professionalism and a sense of community throughout the bar," the chief justice wrote, “while giving each new lawyer individual support as they transition from student to practitioner.”

Catherine Petrecca, coordinator of the OSB’s New Lawyer Programs, says Oregon is one of only a few states in the nation where bar mentorship programs are mandatory. She says the OSB modeled its New Lawyer Mentoring Program after those run by Utah and Georgia, offering one-on-one guidance for new lawyers to help them develop the practical skills and judgment required in establishing a successful and professional law practice.

The program has evolved over the years, based on participant feedback, to better meet the needs of new lawyers. Today, the Oregon model emphasizes a flexible approach in which mentors and new lawyers take the core curriculum and shape it to best meet the needs of the new attorney and the mentor’s strengths. The curriculum’s six areas include an introduction to the local legal community; rules of professional conduct and cultural competency; introduction to law office management; career development, public service, bar leadership and work-life balance; successful client relationships; and practice-area basic skills.

Mentors commit to approximately one year, meeting with mentees for about an hour a month, although circumstances may vary. The program currently enrolls about 400 mentor-mentee pairs.

To acknowledge the work that goes into their teaching role, the OSB gives mentors eight Minimum Continuing Legal Education credits, two of which are ethics credits, after mentees complete the program. New lawyers are awarded six practical skills MCLE credits, which are carried forward into their first three-year reporting period.

The New Lawyer Mentoring Program matches pairs in three different ways. The first is the way Browning did it, where a new lawyer recruits a mentor from a relationship already developed within the legal community. Up to half find their own match, Petrecca says. A second way is to pair with willing mentors in the new attorney’s firm or place of employment; a third is when the OSB makes the match based primarily on geographic location and the practice areas of interest indicated by the mentee.

Mentors Benefit Too

A mentorship relationship in Southern Oregon illustrates an example similar to the one experienced by Browning and Eder in terms of how the program led to a productive partnership that eventually blossomed into a career opportunity.

Susan Bradley Krant, a lawyer in Ashland who served as president of Rogue Women Lawyers, met her future mentee at an Oregon Women Lawyers Southern Oregon Chapter event about three years ago. A film festival was in town at the time, and Krant’s mother struck up a conversation there with Alexzandra Watson, a University of San Francisco School of Law graduate.
“My mom said, ‘You should be her mentor,’” says Krant. “We talked, and I started mentoring her about two weeks later.”

Krant says she had been fairly active in the bar, but until then had never thought about entering a formal mentoring program. The relationship with Watson took off quickly, though, and about three months later, Krant — who with her law partner had been in practice by themselves for years as the firm Anderson Bradley Krant — offered Watson a job as a new associate.

“It made me realize I can do that,” Krant says of the mentoring program. “I think it benefits me even more than her. I wish it wasn’t called mentoring; I think it should be ‘attorney growth opportunities.’ I learned a lot from a younger generation. New technology is a huge advantage that young attorneys have.”

Krant says she also believes that “diversity is important,” and the fact that Watson is a woman of color made for “a more enriching experience overall and opened my eyes to what I can personally do to create an opportunity for someone else.” Krant adds that she has been so inspired and gratified by her mentoring relationship with Watson that she became involved in the OSB Diversity & Inclusion Summer Stipend Program for law school students.

“We’re creating it specifically for a person of color to come to the Rogue Valley,” Krant says, noting that hers will be one of the host firms in a program set up by Laura Lindley-Gutierrez, an attorney with the Center for Non-Profit Legal Services in Medford.

Krant says her decision to do this was a direct result of how she was positively affected by agreeing to be a mentor. “It made me realize how fortunate I am and that I wanted to give back,” she says.

Watson also sees the advantages of Oregon’s mandatory program. She has friends in California who obtained jobs in large law firms but received “no help whatsoever,” she says.

“I know from personal experience it’s sink or swim in California,” because other attorneys in the firm often are too busy to offer help, she says. Oregon’s “support system is an amazing thing, so drastically different from California that I appreciated it,” Watson says. “My experience being a mentee and being in OWLS made it feel like a community. You meet people, and they’re more than happy to give you help. Friends in California wish they had something like that.”

Ron K. Cheng, a trial lawyer who is of counsel at Kaplan Law, learned the value of having a positive relationship with a mentor during his time at Lewis & Clark Law School, where he graduated in 2014. Cheng felt that seeking a mentor in the OSB’s program outside his own firm would be beneficial, and he was matched with Daniel H. Skerritt of Tonkon Torp.

At the time, Cheng was starting work on his first trial.

“I was a new associate assigned to help another attorney in Polk County,” Cheng says. “I was there to help organize the case and assist with witnesses and motions. I was able to talk with Dan about trial strategy and get his thoughts on various presentation styles. After all, lawyers have jobs because they disagree with each other, and it’s always good to hear things explained out loud.”

That relationship has endured far past the year or so that it was a formal mentorship. “I still consider him one of my mentors,” Cheng says. “I have a lot of respect and gratitude for Dan. It also helped that our personalities mesh.”

What’s more, the Lewis & Clark and OSB programs inspired Cheng to become a mentor himself after the school approached him.

“I had a great experience with mentorships throughout law school,” he says. “I also had some bad experiences. Sometimes I would reach out to someone and get no response, so I was determined to always respond when students reach out to me.”

He has continued to be an unofficial mentor for law students at all three Oregon law schools, and last year signed up to be an official mentor with the OSB’s program.

“I decided to pay that forward and mentor lawyers who do plaintiff law work,” says Cheng, who also sometimes offers advice informally to law students who approach him with questions. “Lewis & Clark did a lot for me. I want to give back.”

That was also the motivation for Josh Ross, a lawyer with Stoll Berne, who has been a mentor to three new attorneys so far in the OSB program. He clerked under now-retired Oregon Court of Appeals Judge Rick Haselton, whom he credits with being and remaining a mentor now for 17 years.

“He’s the guy I’ve been able to call, which is very valuable,” Ross says. “Rick is a very special guy. The vast majority of lawyers who clerked for him feel the same way.”

Ross, a former member of the OSB’s Board of Governors, acknowledges that the pandemic has proved a real challenge for mentorship relationships in the OSB program. He and his current mentee now meet via Zoom breakfasts once a month. Normally, he notes, he would take her along to court appearances and social events related to law where mentees can form connections — none of which have been possible during their mentorship match that began last January.

“For me, giving back and that it’s nice to do other things outside your work” are the main reasons he volunteers, and he says he knows from his own experience that mentoring contributes toward helping develop new lawyers.

Salem attorney Daemie M. Kim says she also benefited from having mentors, including both attorneys and judges, when she was in law school at Willamette. She has been a mentor in the New Lawyer Mentoring Program several times and, like others, says she has received as much from it as the lawyers she has mentored.

“I think what I personally got from those relationships is learning about people,” how different individuals prioritize what is important to them, such as those for whom their practice is everything and others who put “family first,” she says. “It’s great to see these really smart individuals who are driven and organized. I hope I helped them.”

Gaining Transferable Skills

Just learning the practical skills of being a lawyer can be one of the most fruitful benefits of the New Lawyer Mentoring Program, participants say. Sometimes the type of practice the mentee ends up focusing on is quite different from that of the mentor, but skills observed and learned during the relationship still can transfer into the mentee’s eventual practice.
For instance, after mentee Wilson Ta was matched with Ben Cox, a Portland personal injury lawyer, “I got bit by the litigation bug,” Ta says.

“It was great,” Ta says of the relationship. “He gave me a book on becoming a trial lawyer, and talked about what it’s like to be a trial lawyer and preparing for that kind of rush of being in a trial. He took me into his day-to-day, how he prepares and analyzes a case, but also the business side of practicing law. He was actually preparing for a trial during our mentorship. I got to sit with the other attorneys and provide feedback, and observe.

“It was something simple, but I think I helped with his opening statement,” Ta says, adding that it was “cool” to be able to make a small contribution immediately. In addition, his mentor “took the effort to introduce me to others.”

But when Ta finished his law degree at Lewis & Clark in 2015, the job market was tough, he says, and that prompted him to consider whether to establish a sole practice or even whether to stay in the Portland area. Toward the end of the OSB mentorship program, he accepted an offer to become a litigation associate with an insurance defense law firm, but he found he wasn’t getting into the courtroom as much as he wanted.

“I also wanted something more cause-driven,” Ta says, something where his advocacy work could be more clearly focused on a public-service mission. His mentor “believed in what he was doing,” Ta says, and that rubbed off on him. He was able to see “what it’s like to be an advocate for people or something meaningful,” he says, “not just companies.”

As a result, today Ta works in Oregon Health & Science University’s Clinical Trials Contracting office, where part of his duties lately has been “negotiating a handful of agreements for COVID-19 clinical trials” he says. “Even though some consider this boring compared to litigation, I really love this position.”

Thus, even though Ta says he ended up “180 degrees” from his mentor’s practice specialty and litigation, he endorses the New Lawyer Mentoring Program unequivocally for what he achieved from it.

“It’s as helpful as you can get,” he says. “Oregon is the right size for this program. You have the right amount of quality mentors and attention to help you get to know others and to practice law as an Oregon attorney.”

Like Ta, Olivia Godt says she “found it useful to go outside my employment bubble” in seeking a mentor. Godt had clerked at the Oregon Supreme Court for two years and had little exposure beyond that to private law practices. She had requested a mentor in the Salem area where she was located at the time, but did not specify any particular preferred areas of practice for the match.

Now an attorney with Reinsch Wilson Weier, Godt says Daemie Kim, her mentor through last May, described the cases she was handling, how she managed her office, billing and running her business, as well as how she chose clients and dealt with difficult clients. Kim’s candor was especially helpful to Godt.

“I appreciated that she was upfront and honest about how she handled those harder parts,” a viewpoint Godt thinks she would be less likely to have gotten had she requested a mentor within her own place of employment. “She’s awesome,” Godt says.

A Professional Responsibility

Liani Reeves, immediate past president of the Oregon State Bar, views participating in mentoring as “part of the responsibility of a profession like ours” and says it is “personally rewarding to help and shape the next generation of lawyers. A lot of these will become future clients, jurors, judges or colleagues. It’s a small legal community.”

In addition, the challenge for new lawyers is greater now than in the past, Reeves adds. “With COVID, it’s particularly hard for them to get traditional mentoring” and exposure to traditional ways of meeting peers such as local bar events. “None of those are happening,” she says.

Petrecca agrees.

“It’s been tricky this year because people have to do this remotely,” she says. “I get some questions such as how do they meet remotely, how do they introduce someone to the community. If you’re in a Zoom meeting, it’s not the same as a social event making connections with other people.”

Petrecca suggests holding smaller meetings or introducing mentees to one person at a time. “It’s a difficult time, but people are working their way through it,” she says.

Bar members responded to Chief Justice Walters’ call for more volunteers and to a separate letter from Reeves, who explained that the need for experienced lawyers willing to serve as mentors increased in 2020 because of “new options for bar admission” — options that meant “we may be welcoming more new bar members this year than we have in the recent past.”

Whereas an average of 179 new mentors signed up in each of the previous four years, “We had a stellar year in recruiting new mentors” in 2020, Petrecca says, with 324. “It was heartwarming to get such a great response.”

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ENDNOTE

1. In addition to the in-person July bar exam, the Oregon Supreme Court authorized an online exam in October and instituted a one-time diploma privilege that allows 2020 graduates who meet all other requirements to practice within the state without passing a bar exam.

LEARN MORE

For more about the Oregon State Bar’s New Lawyer Mentoring Program or to enroll as a mentor, visit www.osbar.org/nlmp.
When Tristen Edwards was told she had won the 2020 Award of Excellence from the Oregon New Lawyers Division, she admits to being “a little confused.”

“I have worked very hard to defend my clients and to strive for a more inclusive society,” says Edwards, who has worked as a trial-level public defender for more than three years. “However, all of my achievements have been the result of communal efforts. Throughout my life, I have benefited from a supportive family and from various communities that have taught me that collective action is so much more powerful than the efforts of a single individual.”

And yet, the efforts of this single individual — and the work of her five fellow ONLD honorees — have been powerful indeed, impacting hundreds if not thousands of lives in a relatively short amount of time: ONLD members by rule have practiced just six years or less, or are 36 years of age or younger. That’s roughly 3,500 lawyers in Oregon, or about 25 percent of the bar.

“The 2020 award winners serve people in the community every day as part of their work, which alone is a considerable task, especially given that they are witnessing and making space for other people’s traumas,” says ONLD Immediate Past President Mae Lee Browning, who presided over the group’s virtual awards ceremony in November. “Yet, these award winners have dug deep into their emotional reserves and dedicated substantial time to continue to give back to their community, above and beyond their work.”

One of the goals of the ONLD is to assist new lawyers with the transition from law school to practicing law in Oregon. Through CLE workshops, networking events and professional development opportunities, the group focuses on topics that are often different from the concerns of more experienced attorneys.

But the word “new” shouldn’t necessarily be confused with “inexperienced.” This year’s winners have already made significant contributions to the bench, bar or community at large — and for some of them, those contributions began even before they’d left law school.

“Giving back is not always about starting a new program (while admirable),” Browning says. “You can have a profound impact on your colleagues and your community by taking that extra step every day in a case, in a meeting, in an interaction with someone else. Those extra steps build up over time, and every day is a new day where you can commit to helping others.”

Here are this year’s ONLD award winners:
During her time at New York University Law School, Tristen Edwards directed a program that represented public school students in suspension hearings and pushed for the end to punitive school disciplinary practices. She also co-founded the Washington Square Legal Services Charitable Bail Fund to provide an alternative to pre-trial detention in New York City.

After law school, she moved to Oregon and began working at Metropolitan Public Defender (MPD) in Portland. She handles both misdemeanor and felony cases, and has tried well over a dozen jury trials since joining the Oregon bar in 2017. Among her most notable accomplishments: helping attorneys obtain police disciplinary records in criminal cases.

“Tristen works tirelessly for her clients and shows up for them no matter what,” says colleague Kacy Jones. “She fights for her clients with a graceful ferocity. I feel incredibly lucky to get to work alongside her, and can only hope to be as exceptional an attorney as she is one day.”

Jones says that Edwards has served as a leader, friend and mentor to other lawyers in her office.

“Life can be hard for new public defenders. I was massively overwhelmed and felt like I was under water, but Tristen helped me survive and eventually thrive,” she says. “The night before my first trial, when I had no idea what I was doing and fully in panic mode, Tristen came to my rescue and helped me pull it together. She continued to take time out of her overly busy schedule to check in on me and answer my questions when I had them. I don’t think I would still be surviving at MPD if not for Tristen.”

In addition to her trial work, Edwards has strived to increase diversity in the bar generally and at MPD in particular. She serves on the board of the Oregon Criminal Defense Lawyers Association (OCDLA) and co-chairs its Diversity, Equity and Inclusion Committee. Last year, she flew to the East Coast on her own dime to recruit young attorneys of color to work in Oregon; in June, she was among the speakers when public defenders and other legal professionals rallied in support of the Black Lives Matter movement.

The ONLD award, she says, will inspire her to continue that work.

“It has given me an opportunity to reflect on my work and to feel pride. It has also reminded me of the power of my community,” she says. “I feel motivated to continue to harness that power and to hold myself to a high standard as I continually question how I can best serve this community that has done so much to uplift me.”

Technically, you could say that Michelle Bartov is being honored for her work on a host of ONLD committees. She started as a volunteer on the division’s CLE panel and now serves as an at-large executive board member, co-chair of the Access to Justice Committee and liaison to the Oregon State Bar’s Legal Services Committee.

But it’s important to note that “volunteering” takes on a whole new meaning when Bartov is involved. For example: “As the only ONLD executive committee member from Eastern Oregon, I volunteered to assist with the FEMA efforts regarding the flooding in Umatilla County,” says Bartov, who was admitted to the OSB in 2016 and opened her own firm in La Grande in January 2018. “It meant a lot to me to serve rural Oregon in this way, and I enjoyed giving back to a community that has welcomed me with open arms.”

It’s that attitude that defines Bartov, who contracts with Grande Ronde Defenders to provide public defense services in Union and Wallowa counties. Her firm focuses on providing representation for individuals charged with criminal offenses, as well as those involved in juvenile delinquency and dependency cases.

Bartov also serves as a Department of Human Services vendor attorney, finalizing adoptions for individuals adopting children in foster care.

“I view my work as a calling. It is truly my passion to work to help others,” she says. “I think it is so important for individuals accused of crimes, and parents and children involved with the Oregon Department of Human Services, to have zealous legal counsel protecting their rights at every step in the court process.”

As an example, Bartov points to a case involving a girl who had been cited for assaulting her mother’s partner after stepping into the middle of a domestic-violence incident. Bartov says she could have raised “defense of others” at a trial and might have been successful, but the strategy carried substantial risk.

“This particular client was a juvenile whose singular dream in life was to serve the United States as a member of our armed forces. But if we went to trial and lost, her hopes of serving this country would have been lost forever,” Bartov says. “So I worked with a local Army recruiter to determine how we could resolve the case short of trial and preserve her ability to enter into the armed forces.”

She then negotiated with the Juvenile Department to find a solution: a formal accountability agreement that allowed the girl to resolve the charge informally without a conviction on her record.

“I was very proud of securing this result for my client, and she was thrilled to resolve the case in a way that ensured the future she dreamed of was possible,” Bartov says, adding that in every case she handles, “I hope to remind my clients and all those who interact with them that they are more than just a name and a number on a court case, and that there is more to them than any one bad decision.

“I truly believe in giving people a chance to change,” she says, “and in my role I make sure they feel seen and heard.”
Ekua Hackman

(For contributions to the ONLD’s membership and its mission to assist new lawyers with the transition to practicing law in Oregon and engage and leverage new lawyers in support of the mission, functions and values of the Oregon State Bar.)

In a way, Ekua Hackman says, she is receiving this year’s Member Service Award just for being herself. “I had to wrack my brain and figure out why I even deserved this award, and then I realized that I’ve been doing this since law school,” she says. “Once I received good advice or a helpful connection, I found a way to bring people with me and make sure my peers had the connections they needed to do well, all while trying to find my own way.”

That’s a philosophy that has worked well for Hackman, who graduated from Willamette University College of Law in 2015. Today, she works as an attorney with The Commons Law Center, practicing estate planning and probate for low-income residents of Portland, and also for the Homeownership Asset Preservation Program, where she provides estate planning services for Black Portland residents. “I care about helping other new lawyers navigate the profession,” she says, “and be the catalyst for change in the communities they come from and care about.”

She does that by being the catalyst for change in her own community, according to Board of Governors member John E. Grant, who nominated Hackman for this year’s award. She has been instrumental, he says, “in developing community outreach and education programs covering estate planning and asset preservation strategies designed to help longtime residents of North and Northeast Portland build generational wealth, address Portland’s legacy of displacement of African American families, and resist continuing gentrification pressures that tend to dislocate Black residents.”

“Specifically, Ekua has developed a webinar series and on-demand legal education materials targeted to African American Oregonians,” Grant says. “She has also coordinated The Commons Law Center’s attorneys and pro bono partners to develop affordable, unbundled legal services covering a suite of common estate planning needs.”

It’s vital work, Hackman says, because while progress is being made to diversify the legal profession, “we also need to diversify the people the profession serves.” “It’s not enough to be a Black lawyer if the expectation is to serve the exact same people,” she says. “I’m a Black attorney whose job is partly to serve the Black community in Portland. And I still have to work pretty hard to gain their trust, clearly not due to being Black but because I’m a lawyer.”

The only way to change that, Hackman says, “is if we talk about the uncomfortable things and take meaningful steps to improve,” and she is committed — as she has always been — to making the necessary connections and working to bring her colleagues with her. “The mission of the OSB is to serve justice and the people of Oregon,” she says. “All the people.”
Public Service Award
Amanda J. Marshall

(For substantial contributions to the public through efforts involving pro bono service, law-related education or activities to benefit the public.)

Military personnel and first responders are known for running toward danger in an effort to protect the lives of others. The same could be said for attorney Amanda Marshall.

“During the pandemic, Amanda had to make an extremely hard decision, but she believed it was the right thing to do and her duty to do so,” says colleague Shannon Wilson.

“Amanda entered hospitals, at the beginning of the pandemic when it was extremely dangerous, to represent her clients in person because she felt that in order to effectively represent her clients, she had to see them and be with them.”

Marshall, who was admitted to the bar in 2015 and opened her own practice in February 2019, practices juvenile law with Juvenile Advocates of Clackamas (JACL) and civil commitment law with the Clackamas Indigent Defense Corporation (CIDC), a state-contracted consortium of independent criminal defense lawyers.

In normal times, “the entire court” is held in hospitals for civil commitment cases, she explains. “But after the virus struck, we tried to figure out how to do hearings with restrictions, be compliant with hospital rules and keep safe.”

When Marshall and John Haub, the other attorney in the county who accepts civil commitment cases, proposed that hearings be moved to remote video, the presiding judge approved it the next day. However, Marshall must be in the same hospital room with the client during the hearing and use a laptop to connect with the court’s video system.

Her civil commitment clients haven’t committed a crime but are deemed to be both suffering from a behavioral health issue and a danger to themselves or others. She doesn’t believe hearings held by phone are sufficient to protect their constitutional rights, so she says she’s willing to risk her health to be with the client in person.

Marshall admits she “thought really hard about” the personal health risks, but resigned herself to them.

“I definitely agonized over whether I wanted to offer and to do video in hospitals,” she says, “but I felt no other way to do it would be fair to clients.”

Wilson says that because of that dedication, her friend has exposed herself every day to potentially getting COVID-19.

“In order to effectively and zealously represent her clients and protect the health and safety of others, she has essentially been in a special type of quarantine since the pandemic hit,” she says. “She would go into hospitals to represent her clients, would only go into the office when no one else was there, and sacrificed seeing friends and loved ones because of her constant exposure.”

Not surprisingly, Marshall’s efforts haven’t stopped there. She started and continues to run a mail list for civil commitment attorneys to share information with one another so that they can improve their representation of their clients. She also represents the Oregon Criminal Defense Lawyers Association on a legislative work group that is looking at ways to decriminalize mental illness.
The combination of being a new lawyer and dealing with COVID-19 has led to some unique and valuable first lessons, Marshall says.

“The most surprising first lesson was learning that my lived experience of mental illness, that I thought would ruin my chances of being an attorney and sink my entire career, actually turned out to be what made my words credible to my peers and the court,” she says. “Being able to stand up and fight for the rights of people with mental health struggles and providing practical suggestions about how to navigate hearings during COVID married my real-life experience with my knowledge of the law.

“But the most valuable first-time lesson was learning that when the apocalypse named COVID hit, the best possible apocalypse team consisted of the folks that make up the defense bar in Clackamas County,” she adds. “I could not ask for more supportive, innovative and genuinely awesome colleagues than them. COVID did not halt our practices, but required all of us to change how we practice, and how we take care of ourselves and each other. I wouldn’t have made it through this year without them.”

— Advancing Diversity Award —

Olivier Jamin

(For advancing the OSB’s value of “serving and valuing its diverse community, to advancing equality in the justice system, and to removing barriers to that system.”)

As an environmental and land use associate at Davis Wright Tremaine, Olivier Jamin typically works on water quality and quantity issues and advises clients on regulatory compliance. But it’s his commitment to pro bono work — and more specifically, his efforts in the wake of the U.S. Supreme Court’s *Ramos* decision on nonunanimous juries — that prompted more than a dozen colleagues to nominate him for this year’s Advancing Diversity Award.

“Olivier’s leadership developed a program whereby Davis Wright Tremaine and Lewis & Clark Criminal Justice Reform Clinic attorneys represent individuals convicted under nonunanimous jury verdicts in obtaining post-conviction relief in Oregon,” the nominating letter says. “In doing so, he has rallied more than 17 firm partners, associates, paralegals and staff in representing multiple pro bono clients. To date, over 87 hours of pro bono work have been performed on Oregon cases alone, and that will significantly increase in 2021 as the firm files petitions for justice for many defendants and litigates those petitions.”

Jamin, who was admitted to the OSB in 2017, has long been a proponent of pro bono work. For example, he has partnered with the International Environmental Law Project on wildlife trafficking issues around the world. But his focus of late has been on issues of diversity, equity and inclusion. He serves as DWT’s representative on the Multnomah Bar Association Young Lawyer’s Section Pro Bono Committee, has served as a volunteer legal observer for the National Lawyers Guild at Black Lives Matter protests and events in Portland, and has helped to develop an internal, firm-wide anti-racism resources page for all attorneys at Davis Wright Tremaine.

The reason for that work, he says, is simple.
“I think that lawyers and the legal industry in general have an important role to play in pursuing racial justice and working to fix a legal system that has disfavored minorities,” he says, noting that the Ramos decision in particular offered a chance to remedy past injustices. “Our firm was already involved in doing some of that work in Louisiana, and then found an amazing partner with the Lewis & Clark Criminal Justice Reform Clinic to do that work in Oregon.”

Jamin says the partnership with Professor Aliza Kaplan’s Ramos team at Lewis & Clark has brought him back to the core of what being an attorney and serving others represents.

“This work, along with volunteering to provide legal services to the Outside In Legal Clinic, has been incredibly valuable to me as an attorney and as a person,” he says. “It has allowed me to learn more about communities around me, and get a direct experience of the impact of laws and policies on those communities.”

It has also made him an advocate for diversity, equity and inclusion efforts across the bar.

“On top of this external focus, there are also a lot of opportunities for attorneys to work on diversity and inclusion internally, within their firm,” he says. “I think this represents a great opportunity for younger attorneys to step up and get involved at their firms to continue enhancing the workplace by focusing on this important diversity and inclusion work.”

— Hon. John V. Acosta —

Hon. James L. Fun
(Honors a member or retired member of the Oregon State Bar who demonstrates honesty, integrity and an ongoing commitment to cultivating and promoting the highest ethical and professional standards among new lawyers in the OSB.)

When attorney Jacqueline Alarcon was appointed by Gov. Kate Brown in early 2020 to help vet potential candidates to fill a judicial vacancy, she and her fellow panelists asked the interviewees which judge in Washington County they most admired. Every single candidate named Judge James L. Fun.

“This was so rare,” Alarcon says. “In my many times serving on a panel for the governor where we were selected to vet judicial candidates, I had never witnessed this before.”

Alarcon isn’t surprised, though. She’s known Judge Fun since 2012, when she appeared before him for her first family law trial, and calls him “a humble hero of mine.”

“Judge Fun always is graceful, humble and a professional,” she says. “One day, if I have the privilege of joining the bench, he will be the type of judge I will aspire to emulate. And I know for a fact that there are so many people in our community who feel this way about him.”

One of those people is Hillsboro attorney Ralph Gzik, who says he has seen firsthand the respect Judge Fun shows for everyone in his courtroom.
“Judge Fun’s poise, demeanor, hard work and respectful nature is clear every time I step into his courtroom,” says Gzik, who is serving as ONLD chair in 2021. “Further, his ongoing commitment to cultivating and promoting the highest ethical and professional standards among new lawyers in Oregon is evident in his stewardship of the law and the profession. Judge Fun is a model for new and practicing attorneys on professionalism and ethical standards, and he is entirely deserving of the Hon. John V. Acosta Professionalism Award.”

Judge Fun, who was first elected to the Washington County Circuit Court in 2006, has served as a juvenile court judge and a criminal and civil trial court judge; he currently presides over family law cases and the county’s mental health court. He has served on the planning committee of the Oregon State Bar’s Trial Advocacy College and has presented CLEs on juvenile law and professionalism; most recently, he has served as board chair for Washington County’s National Alliance for the Mentally Ill and is an appointed member of the Oregon State Bar’s Professionalism Commission.

Being honored by the ONLD, he says, “is among my most prized professional achievements, (one that) validates my belief that lawyers and judges at their best represent the highest ideals of a professional.”

“Our profession allows us to use our highest and best talents, the drive and curiosity to have a knowledge and a deep understanding of the law, and a mastery of the art of advocacy,” Judge Fun says. “However, mastery of those skills only rewards us with the opportunity to lead a life of purpose.

“Knowledge of the law and the skills of advocacy alone are not enough,” he says. “We must exercise our unique skills responsibly. Regardless of our gender, race, age, religion, sexual orientation or identity, economic background or standing — or that of our clients, witnesses, opposing counsel or judge — the highest standards of our profession demand that we perform our work with discipline, judgment, competence, integrity, compassion and kindness.”

He has fallen short of those aspirational standards many times, he told ONLD members as he accepted his award, “and you will too. But we redeem ourselves as professionals by striving to be better in performing our work. Every case, hearing, pleading and personal interaction gives us that opportunity.”
Professionalism is always important, Judge Fun says, but especially during “uncertain and seemingly polarized times” when it is easy to feel despair.

“But I implore you to reject intolerance or hopelessness. Now more than ever, we must be mindful of the destructive effect that unprofessional conduct has on the justice system,” he says. “When people believe the courts aren’t sophisticated or competent enough to resolve complex problems, or conversely that lawyers and judges are biased or dismissive of certain people because of their values or way of life, access to justice is weakened for us all.”

Gary M. Stein is editor of the Oregon State Bar Bulletin. Reach him at (503) 431-6391 or gstein@osbar.org.

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Tomasi Salyer Martin is pleased to announce two new associates.

Stephen Thorpe’s practice focuses on land use, real estate, and consumer and commercial real estate litigation. His broad experience ranges from advising clients during the land use entitlement process for affordable housing developers to litigation involving business disputes, foreclosures, and bankruptcies.

Blake Van Zile joins the firm with several years of litigation experience in Washington and Oregon. Blake’s practice is primarily focused on consumer and commercial real estate litigation, and she also supports the firm’s real estate transactions and land use practices.

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Lawyer/Photographer Matt Cohen Finds Respite in Nature

Waterfall Hunter

By Kate Taylor

When Matt Cohen began exploring the Northwest’s wilderness two decades ago, it was for the challenge of blazing his own trails, the thrill of finding what human eyes rarely see. An isolated grove of towering sequoias. A remote pool of crystalline-blue water. Or best of all, a secluded waterfall.

He and his hiking partner and wife of 19 years, Tessa Cohen, would pore over topographical Oregon or Washington maps, settle on a distant but promising spot and spend an entire day finding (and occasionally, not finding) their way there. If he shot a photo, it was to record the mirror reflection of mountains in water or the way the light shone through leaves that afternoon.

These days, the 45-year-old Southwest Portland family law attorney hunts waterfalls for those same reasons, but also because it’s the only way he can shed the intense pressures of his job managing Landerholm Family Law’s Vancouver office.

“Dealing with high-paced, fast and stressful cases for years on end, I really use (waterfall hunting) to offset the stress,” says the former Division 1 college soccer player.

And his photos — brilliantly vivid images often contrasting nature’s grandeur with tiny people — are followed by 45,000-50,000 social media fans.

“The response has been incredible,” says the 2005 Lewis & Clark Law School graduate, who relies on his visual instinct to compose shots and never had any kind of photographic training. When in 2013 he began uploading photos — usually of his wife and occasionally (on low-risk hikes) their two young sons beside immense waterfalls to provide a sense of scale — his images drew hundreds and then thousands of fellow hikers and nature-lovers. His following continued surging in 2015 when Instagram ran a short story about him.

He’s deeply flattered and grateful for all those who appreciate his work, he says, but also concerned about the attention.

“I’ve become acutely aware of the impact social media is having on our natural spaces,” he says, adding that he rarely shares information about photo locations, except to say that he shoots most less than a day’s drive from Portland.
“Once you send that info out to your followers, its reach is exponential as more and more people share and post the location,” he says. “Many places in the Pacific Northwest have become popularized by Instagram (and other social media). Places that had been hidden have become popular, overcrowded and destroyed by visitors who leave trash and damage the land. My wife and I have always practiced leave-no-trace principles, and we teach them to our children. We leave places as we found them. We’re environmentalists and we’re doing our part to help document and protect these very beautiful and spiritual places.”

Cohen recently spoke with the Bulletin about his life, work and passion for nature. Here’s what he had to say:

Q: Where does your passion for nature come from?

A. I grew up in Wisconsin on the shores of Lake Michigan and spent countless hours of my childhood exploring the forested wild bluffs behind homes that line the shore. This was probably my early inspiration for exploring and discovering beauty and amazing things about the natural world.

I think exploring the lakeshore got me comfortable being out in nature by myself and really connecting with the land. The lake was so big — like an ocean — that I often combed its shores for hours, pondering how everything in life is connected. I used to love the freedom my parents afforded me to roam from sunrise until sundown. Doing that, I found a true sense of what it was to be part of the world at large. I loved it, and I’d run off every chance I got, down the forested shoreline.

I’m sure that’s where my sense of wonder and love of discovery in nature started.

Q. What makes waterfalls so special to you?

A. Waterfalls are where I feel my connectedness with the universe and our world most intensely. They’re like a story of the land. They tell the story of how the land was shaped by natural forces and events (unique to) that location. You can almost see the evolution of it in time-lapse images when you look at a waterfall.

Because I grew up in the Midwest, I’ve always been struck by the terrain in the Pacific Northwest. It’s wild and undulating, cut by forces of nature and time. I love studying how the water in rivers and waterfalls made its way along its gravitational path. The water’s always flowing, and these beautiful waterfalls are like amphitheaters or opera halls that go on all night, regardless of whether anyone’s there to enjoy it. They’re dramatic and majestic and the acoustics are amazing. The beautiful story that’s told by how that water finds its way down a creek canyon is like a living tale of that terrain.

I’ve had some very special moments with my wife and my boys at these waterfalls. They always bring us rejuvenation and lift our souls. It just feels good to be in the spray. And I love the rush and feeling of excitement after a waterfall adventure. It’s
one of the most inspiring feelings I’ve ever experienced.

Q. Can you describe some of the standout experiences you’ve had searching for waterfalls and other special parts of the Northwest’s wilderness?

A. I’ve had some unforgettable moments out there. Some alone, some with my family, some with only a friend or my wife.

The land out there is very unforgiving, and you really need to be careful. Once, my wife and I were hiking an off-trail falls in the Clackamas River area with our boys, and we had to hike an extra half-mile due to a fallen tree, since we didn’t have a chainsaw. On the hike along the blocked road, we came across fresh mountain lion scat; our boys still talk about that spooky hike!

(Another time), Tessa and I came across a black bear in a meadow off-trail on the Oregon side of the Columbia River Gorge. I recall trying to stand really big and tall and block my small wife as we retreated to safety. It was hilarious because I was doing that and trying to sound loud and imposing, calling, “You go, bear!” It was hilarious sounding like that because as soon as we knew we could make it to safety, we ran away as fast as we could!

Then, there was the time I ran into an Instagrammer I knew of who was beginning to get into waterfalls with his son. He told me he followed my account and was inspired by my photos. It was cool because I’d never been recognized like that before, and it was nice to know I’d inspired someone. That’s why I put photos out on social media, to get people caring more about nature and enjoying it more.

Q. You and your wife parent two boys together, work as family law attorneys in the same office and do some serious outdoor adventuring together. What’s it like to spend so much time together in such different activities?

A. Tessa and I met in high school back in Milwaukee, and we spend every minute of our lives together. At this point, it’s hard to tell where she ends and I begin (he says with a laugh). That’s kind of a sh*tick I say, but it’s not as if we’re the same person. Our partnership just works. We fit. We can also be together and still be (working, parenting or) exploring in our own way.

When we’re out looking for waterfalls and find one, I usually set up somewhere farther downstream or climb up the canyon
walls to get the perfect perspective to frame the waterfall. (Meanwhile), my wife is always exploring around the pool, trying to get as close as she can to the falls. We go to these very spiritual places together and each experience them in our own way. But somehow, we leave together more whole and unified as a couple. And when we take our boys along to a waterfall (that’s remote but requires only a low-risk hike), it’s an amazing feeling to stand there in the spray with my family and know how amazing this experience is — that we’re part of a very small percentage of people who’ve ever gotten to experience these falls.

Q. Can you expand on why waterfall hunting is so important to your work-life balance?

A. It’s my way of dealing with the stress of lawyering. And there’s a lot of pressure to deal with. It’s what works for me.

Family law involves some of folks’ darkest and most desperate moments. We deal with domestic violence, child abuse, mental abuse, financial and emotional manipulation, as well as families in chaos and conflict. As a family law attorney, you’re inundated with these negative messages (that arise from what clients are experiencing). You have to find a way to deal with all the conflict.

Exploring waterfalls is a necessary release for me. It’s where I can let the stresses of work fade away and I become connected to the most important things in life. It is incredibly centering, and I always feel rejuvenated after a successful adventure. It’s like the mist and the water are washing you clean of all the negativity that comes with practicing family law.

That I can spend some of that (outdoor) time with my wife and sons makes it all the better. It’s really important to my wife and me that we get them out in nature so that they care about and respect it and learn the leave-no-trace principles that are so important to us.

Q. How do you go about taking the photographs you capture?

A. I began taking photos with my iPhone merely to document the adventures we were going on. Then, after Instagram emerged as a new social media platform, I began posting some of the photos of our adventures. Some old, some new. I was surprised at how it began to draw attention.

At that time, there were not many accounts posting images of natural wonder
and much of the platform’s content was focused in other areas. I began posting images with my wife in a bright raincoat in front of the falls to provide scale. At the time, there really weren’t many other people out there exploring off-trail waterfalls.

I eventually got a DSLR (Digital Single-Lens Reflex) camera and began teaching myself about photography. (With most waterfall shots), I use a wide-angle lens to get the entire falls in a shot. I focus on the composition of a photo and often reduce the images into shapes to find the best framing. It’s something that seems to come naturally (to me).

I soon realized there are so many beautiful waterfalls hidden in the little canyons throughout Oregon and Washington. That’s when I fell in love with the Northwest.

Q. In the time you’ve been waterfall hunting, has anything about the experience changed for you?

A. I started looking for waterfalls and other natural wonders 20 years ago, when my wife and I moved here to attend law school. That was before the time of social media and the explosion of information disclosing natural locations on the internet. That made it feel even more new and exciting.

My wife says that my photos really capture the essence of a place, as if they tell a story. Maybe that comes from being a central defender in competitive soccer. It’s as though I’ve been trained by observing the entire soccer field to see how the players are connected. It’s as if I do the same thing when I get to a waterfall. I look at the terrain, the space, the features and shapes. Then I set out to take a photo that makes the viewer feel like they are experiencing the scene.

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

SEE MORE

To see more of Matt Cohen’s photography, go to instagram.com/matthew__cohen.
Group Plans Oregon’s First Diversity Legal Job Fair

‘Help Make It Better’

By Kevin Barton and Iván Resendiz Gutierrez

The past year has been challenging for many Oregonians, and the legal profession is no exception. Layoffs, furloughs and lost networking opportunities brought about by the pandemic have impacted attorneys and law students alike.

For communities of color, these challenges have been compounded by the tragic deaths of Ahmaud Arbery, Breonna Taylor and George Floyd, which brought renewed calls for social justice reforms in Oregon and across the country.

But while the challenges of 2020 could understandably result in paralysis, they also provide motivation for action. And that’s why a group of community leaders has come together to plan Oregon’s first-annual Diversity Legal Job Fair, which is scheduled to occur virtually on March 9-10, 2021.

The goal is simple: to connect diverse legal professionals with employers in order to build a legal profession that reflects the community it serves.

Washington County District Attorney Kevin Barton proposed the job fair and assembled a steering committee of community and bar leaders to plan the event. He says he was inspired to act after listening to Nkenge Harmon Johnson, an attorney and executive director of the Urban League of Portland, discuss the necessity for action.


At the time she spoke those words, Harmon Johnson and Barton were on a group video call planning the fifth-annual Building Bridges of Understanding event, which is intended to connect leaders from law enforcement and the community to discuss racial justice issues and promote greater understanding. This year’s event was different, though, because of the vocal demands for racial equity across our community and the world.

It felt impossible to plan an event for the future, Barton says, without first addressing what had brought society to this important moment in time — and as the father of multiracial children, he says, he was struck by Harmon Johnson’s plea to “do something.”

“I found myself wondering how the world would see and treat my children, people who I love more than myself,” he says, adding that as the elected district attorney for the fastest-growing and most diverse county in Oregon, he believes that the duty to promote justice includes ensuring principles of equity for everyone in the community.

“I felt an obligation to act,” Barton says. “While I believe people are basically good, I see through my work on a daily basis the very worst that one person can do to another, and I know evil and racism exist.”

The steering committee for the job fair includes representatives from the Urban League of Portland, members of Oregon’s affinity and specialty bars and the Oregon State Bar, and various public- and private-sector legal employers. Support was immediate and overwhelming: The Urban League of Portland and a local firm called Update Management volunteered to help organize the event; Bullivant Houser Bailey, the Oregon Association of Defense Counsel and Davis Wright Tremaine agreed to be presenting sponsors, providing the funding necessary to host the event virtually.

They were joined by a growing list of supporters, including Miller Nash Graham & Dunn, Bullard Law and the Oregon District Attorney’s Association.

Creating an Oregon Diversity Legal Job Fair is important, Barton says, because of the role attorneys and legal professionals have in ensuring all members of our society have access to and confidence in our justice system. The mission of the Oregon State Bar is “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.” In order to accomplish this mission, he says, working to ensure that Oregon attorneys reflect the society they serve is axiomatic.

Put simply: “Clients, victims, witnesses, jurors and the public deserve attorneys who are representative of our community,” Barton says.

But unlike its neighbors to the north and south, Oregon has no diversity legal job fair. While there are several excellent initiatives for law students, such as the bar’s Opportunities for Law in Oregon (OLIO) program,1 the closest diversity legal job fair for attorneys is the Northwest Minority Job Fair in Seattle. Now, the Oregon Diversity Legal Job Fair will connect diverse attorneys, paralegals and other legal professionals with employers closer to home.

“When I heard about the idea of an Oregon-focused diversity legal job fair, it immediately resonated with me and inspired me to act,” says Lloyd Bernstein, shareholder-in-charge of Bullivant Houser Bailey’s Portland office and immediate past president of the Oregon Association of Defense Counsel. “Like many, my law firm revisited its diversity and inclusion practices following the George Floyd killing. As a part of its renewed efforts to reach out and partner with other groups to help diversify the Oregon legal community, Bullivant Houser signed on as a presenting sponsor.”

“Along the same lines, the Oregon Association of Defense Counsel — a group of over 550 civil defense attorneys across Oregon — also joined as a presenting sponsor,” Bernstein notes. “We know that a collaborative effort is required to improve diversity and inclusion in the practice of law so that we can better connect our members with the community we serve.”

Iván Resendiz Gutierrez, a litigation and appellate attorney at Miller Nash Graham & Dunn, agrees with Bernstein. “The event easily gained momentum,” he says, “because of the great need it fills.”

Resendiz Gutierrez says he became involved with the job fair because he sees it as a concrete step toward change — and because it resonates with an idea, captured in the words of former President Barack Obama, that inspires him: “Change will not come if we wait for some other person or if we wait for some other time. We are the ones we’ve been waiting for. We are the change we seek.”

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Congratulations to our new partners!

**RACHEL ATCHISON**
Rachel Atchison is an attorney in our Business Department and a member of our Real Estate & Land Use and Mergers & Acquisitions groups. She focuses her practice on real estate and M&A transactions, negotiating and drafting various agreements, and corporate governance.

**ERIC BEACH**
Eric Beach is a member of our Intellectual Property and Data Privacy groups. He advises clients on creating and negotiating intellectual property and technology licenses, complying with data privacy requirements, and protecting trademark, patent, copyright, and trade secret rights through litigation in both federal and state court.

**JEFF BRADFORD**
Litigation attorney Jeff Bradford represents business clients in state court, federal court, and in private arbitrations, in disputes relating to contracts, business ownership, commercial transactions, duties of directors and officers, and shareholder rights. Jeff works with both small, local businesses and national corporations, guiding them through disputes and advising them on preventative best practices.

**ALEX TINKER**
Alex Tinker is a litigator and Chair of our Cannabis Industry Group. He resolves business disputes in and out of court, including contract claims, ownership and management disputes, and business torts; defends OICL license cancellation actions; advises clients on minimizing litigation risk; and advises on cannabis regulations and other cannabis-specific issues.

[Contact Information]

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1. For more information on the Oregon Diversity Legal Job Fair, please visit [their website](#).
Resendiz Gutierrez approaches his role on the steering committee with a unique perspective shaped by his own personal background. As a multiracial, first-generation high school, college and law school graduate, son of Mexican immigrants and brother of two members of the U.S. Armed Forces, he says he tries to be an agent of change. He served as president of the Oregon Hispanic Bar Association and currently serves as a co-chair of the Oregon Minority Lawyers Association and a member of his firm’s Diversity & Inclusion Committee.

“I believe that if the bar is going to reflect the public it serves — which it should — Oregon legal employers must act now and shift focus from the ‘business case’ for racial diversity to embracing a moral one,” Resendiz Gutierrez says. “They cannot simply ask, ‘What’s the most lucrative thing to do?’ They must also ask, ‘What’s the right thing to do?’”

Liani Reeves, the Oregon State Bar’s immediate past president, is also a member of the job fair’s steering committee, and she echoes Resendiz Gutierrez’s words.

“We believe that now is the time to make a difference,” she says. “An Oregon Diversity Legal Job Fair sends an important message about how our Oregon bar prioritizes diversity, equity and inclusion efforts in attorney and paralegal hiring.”

Reeves notes that “in a profession that has historically put up barriers for women and people of color, especially women of color, it is incredibly important to build space to support and promote legal professionals from underrepresented backgrounds.”

She believes that a job fair is a starting place to connect diverse candidates with Oregon legal employers — but not the ending place.

“We hope that Oregon firms, businesses and government entities take advantage of this opportunity not only to hire, but also to take the next step to build a culture that supports and retains diverse talent,” Reeves says. “Building a legal profession that reflects the diversity of the community is an incredibly important step toward achieving access to justice and building confidence in the justice system and the rule of law.”

The inaugural Oregon Diversity Legal Job Fair will be held virtually because of the COVID-19 pandemic. However, its software platform will enable employers and applicants to interact, network and conduct
video job interviews. Additionally, the virtual format will create the opportunity for employers from throughout Oregon to connect with potential applicants regardless of geography.

The event will be free for applicants, with a nominal charge for employers.

Steering committee members are already thinking about next steps after the March job fair. “I’m hopeful that our diversity legal job fair is a success and potentially becomes a model for other communities throughout the nation,” says attorney Melissa Bobadilla, a sole practitioner plaintiff’s attorney and steering committee member.

But in order for the event to be successful, participation from Oregon’s legal employers, both public and private, is essential.

“Please spread the word to your colleagues and peers,” Resendiz Gutierrez says, “so that we can generate maximum participation to make this job fair a new annual tradition that recognizes our shared obligation to promote diversity, equity and inclusion.”

For more information, visit www.ODLJF.org.

Kevin Barton is the district attorney for Washington County; reach him at Kevin_Barton@co.washington.or.us. Iván Resendiz Gutierrez is a litigation and appellate attorney at Miller Nash Graham & Dunn; reach him at ivan.resendiz@millernash.com.

ENDNOTE
1 OLIO is part of the bar’s recruitment and retention efforts. Its focus is for law students who can contribute to the bar’s historically or currently underrepresented membership; have experienced economic, social or other barriers; have personally experienced discrimination or oppression; or can otherwise demonstrate a commitment to advancing the bar’s diversity and inclusion mission. Learn more at www.osbar.org/diversity.
Before becoming a judge, I was a hearings officer. On several occasions, I inadvertently misgendered parties during hearings. Each time, I apologized and tried to move on, but the incident always stuck with me. I can only imagine how the person who was misgendered felt. I imagine they were humiliated having a person in authority call them Mr. or Ms. in front of a room full of strangers when that was not how they wished to be addressed.

I became a judge because I wanted to inspire confidence that our system is fair. As a judge, I don’t want anyone to experience that kind of humiliation in my court. So, in my court, I encourage everyone to indicate how they wish to be addressed.

Over the years, we have seen a greater appreciation for diversity and inclusivity, both in our nation as a whole and within the legal profession. With these changes come more courageous conversations about the impact of prejudice and discrimination on people and our institutions. Laws have changed to provide protection against such conduct, both in the criminal and civil context.

For example, in the civil context, there is the Civil Rights Act of 1964. More recent developments include the passage of hate crime legislation in the criminal context, as well as constitutional amendments. In 2002 — just 18 years ago — Oregon voters approved Measure 14 to remove racial references such as “mulattoes” from the Oregon Constitution.1 The times, it seems, are changing.

In the past decade, the rules governing lawyer conduct have also changed to reflect changing social norms. In 2011, the Oregon State Bar Board of Governors asked the OSB Legal Ethics Committee to review the Oregon Rules of Professional Conduct in the context of discrimination, intimidation and/or harassment in our judicial or administrative legal system. After compiling evidence and examples of racial, gender and other biases in the legal system, the committee recommended a rule change.

The process to adopt such a rule was a complicated one. A group of bar members expressed free speech concerns that such a rule would violate Article I, Section 8 of the Oregon Constitution.2 In response, the Oregon Supreme Court requested that the bar convene a committee to reconsider the proposed change in light of constitutional scrutiny. In 2014, a revised rule was presented to the Court.

Ultimately, in 2015 the Oregon Supreme Court amended Oregon Rules of Professional Conduct (ORPC) Rule 8.4 to address the issue of bias and prejudice in the justice system. The substance of Oregon’s Rule 8.4 amendment adding subsection (7) provides:

(a) It is professional misconduct for a lawyer to: *** (7) in the course of representing a client, knowingly in-

timidate or harass a person because of that person’s race, color, national origin, religion, age, sex, gender identity, gender expression, sexual orientation, marital status, or disability. ***

Notwithstanding paragraph (a)(7), a lawyer shall not be prohibited from engaging in legitimate advocacy with respect to the bases set forth therein.

At least 19 other states have a similar rule, and on Aug. 8, 2016, the American Bar Association adopted its version as Model Rule of Professional Conduct Rule 8.4(g).

The conduct prohibited by the amendment is seen as undermining confidence in our justice system — a system that has been accused in the past of open hostility toward minority groups. Judicial conduct reflecting such bias is also prohibited. The Oregon Judicial Code of Conduct includes a counterpart, Rule 3.3. It provides:

A judge shall not, in the performance of judicial duties, by words or conduct, manifest bias or prejudice, or engage in harassment, against parties, witnesses, lawyers, or others based on attributes including but not limited to, sex, gender identity, race, national origin, ethnicity, religion, sexual orientation, marital status, disability, age, socioeconomic status, or political affiliation and shall not permit court staff, court officials, or others subject to the judge’s direction and control to do so.

Although ORPC 8.4(a)(7) is a rule about lawyer misconduct, it serves as a guidepost to inspire confidence in our legal system by recognizing that discrimination and prejudices have no place in our legal community.

The Oregon State Bar’s Statement on Professionalism, approved by the Oregon Supreme Court in 2006, emphasizes this point.3 That statement encourages lawyers to conduct the practice of law in a way that
not only complies with ethical requirements, but that also aspires to a higher level of practice grounded in promoting fairness, access to justice and respect for the courts.

The Statement on Professionalism sets forth, in relevant part, the following commitments expected of every Oregon lawyer and legal professional:

- I will promote the integrity of the profession and the legal system;
- I will work to ensure access to justice for all segments of society;
- I will avoid all forms of discrimination; and
- I will support a diverse bench and bar.

We must be intentional in our actions to promote and encourage diversity and inclusivity at all levels in our legal community. We should also constantly ask ourselves, “What am I doing to embody the commitments I have made as a legal professional?”

Most of us, whether we are new to the practice of law or are part of the 50-Year Member Club, are not asking, “What is the floor? What can I get away with? What is the bare minimum?” We are aiming much higher, aspiring to be true professionals and looking to inspire the confidence of all the people — in our system of justice.

We want to inspire the confidence of our clients and our colleagues — and of our children — that our system of justice is a place where everyone, regardless of status, including race, ethnicity, religion, sex, nation of origin, disability, age, sexual orientation, gender identity, political affiliation, or socioeconomic status, will be treated fairly and, at the very least, will not be intimidated or discriminated against based on these characteristics.

Inspiring confidence means treating people — all people — with the respect they deserve as fellow human beings.

On June 5, 2020, the Oregon Supreme Court issued a statement acknowledging that communities of color throughout this state continue to experience inequality. The Court encouraged all members of the legal community to take action to ensure the rights of all persons, regardless of the color of their skin, are valued and respected. The Court further stated that “[w]e must examine, anew, what we are doing, or failing to do, to root out conscious and unconscious bias in our legal system.”

In other words, we must be intentional in our efforts.

Inspiring confidence in the justice system is at the heart of the idea of procedural fairness that the Multnomah County Circuit Court, its judges and staff have embraced for the past few years. Many of my colleagues and I are not asking, “What is the least I can do to meet minimal due process requirements?” Instead, we are asking, “Have I done enough to make sure that the parties, especially criminal defendants and unrepresented parties, feel they have been heard?” That’s what we’re doing. And that’s what I try to do in my courtroom with my jury instructions.

In my court, and in many courtrooms throughout the nation, juries are instructed on the issue of implicit bias; I do it at the beginning and end of a case. I explain to jurors that everyone has conscious and unconscious (or implicit) biases. I highlight for them that having a bias, whether explicit or implicit, does not, for the most part, automatically disqualify them from jury service.

Of course, if the defendant is your cousin, that’s going to be a problem. Otherwise, the question is really whether jurors can put their biases aside and be fair and impartial. And the only way they can do that is to first acknowledge that the bias exists. In my conversations with jurors after trial, many have thanked me for addressing that issue.

In closing, I want to reiterate that the conduct proscribed in the ORPCs and the Oregon Judicial Code of Conduct only set the floor for lawyers and judges. Ultimately, we must all aim much higher. At the same time, we need to inspire the confidence of the people — all the people — that our system is fair.

Hon. Melvin Oden-Orr is a Multnomah County Circuit Court judge. He wrote this article in cooperation with the Oregon Bench and Bar Commission on Professionalism.

ENDNOTES

1. For more information on Measure 14, see tinyurl.com/Measure14.
3. For the full text of the Oregon State Bar Statement of Professionalism, see osbar.org/docs/forms/Prof-ord.pdf.
Board of Governors Appoints Peterson as Public Member

Curtis Peterson, a regional care team supervisor at CareOregon in Portland, has been appointed to the Board of Governors as a public member.

Peterson, a Licensed Clinical Social Worker, has worked with homeless and runaway youth, commercially sexually exploited children (CSEC) and adults with complex health needs. He earned his bachelor’s degree from the University of Oregon, and a master’s in social work from Portland State University.

His term on the board will run through Dec. 31, 2024.

The OSB Board of Governors consists of 15 active bar members elected from eight regions, four public members appointed by the board and the non-voting position of immediate past president. Board terms are for four years.

For more information, see “Meet the OSB Board of Governors” on Page 24 of this month’s Bulletin, or go to osbar.org/leadership/BOG.

48 Applicants Pass October Bar Exam

Sixty-eight percent of the 71 applicants who sat for the online Oregon Bar Exam in October received passing marks, according to official results released in early December. Of the 48 people who passed, 18 were taking the test for the first time; 30 were repeat applicants.

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

To watch a video of the ceremony, go to osbar.org/admissions/welcome.

For a complete list of applicants who passed the exam in October, visit osbar.org/admissions/examresults_oct2020.htm.
Feb. 1 is Deadline Day for OSB Compliance

Many different regulatory deadlines come at the beginning of the new year, and all except MCLE compliance (see below) fall on the same day: Monday, Feb. 1. These deadlines include:

- Membership fees for 2021 must be received online by midnight on Feb. 1 or physically at the bar office no later than 5 p.m. (Postmarks are not relevant.)

- Status changes for 2021 are also due Feb. 1. More information on status changes can be found at osbar.org/statuschanges/statuschangeFAQ.html.

- IOLTA certification must be reported by Feb. 1. Information on why this is required and how to submit your certification can be found at osbar.org/IOLTA/faq.html.

Find out which deadlines specifically are relevant to you by logging into the newly redesigned member dashboard at osbar.org.

MCLE Compliance Season Moved to the Spring

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

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

Visit osbar.org/mcle/index.html to find the answers to frequently asked questions about MCLE deadlines and reporting instructions, or email mcle@osbar.org.

OSB, ABA House of Delegates Looking for Candidates

Seats for three-year terms are currently open in all regions for the OSB House of Delegates. To run in the election, you must return a candidate statement and photograph to the bar by March 5.

The bar also has a couple of two-year positions available in the ABA House of Delegates for 2021. To qualify for a seat in the ABA HOD, candidates must be an active member in good standing with the OSB and the ABA, and have their principal office in Oregon.

Constantly refreshing the groups’ membership gives more people a chance to participate in policy and decision-making. For
more information and relevant forms for either HOD, visit osbar.org/leadership/hod/ or contact Danielle Edwards at dedwards@osbar.org or (503) 431-6426.

Display Your Commitment to Professionalism

The Oregon Bench and Bar Commission on Professionalism is sponsoring the sale of Certificates of Professionalism, adapted from the Statement of Professionalism approved by the Oregon Supreme Court, that are perfect for framing and display in your office or courtroom.

The 11-inch-by-14-inch certificates are printed on high-quality paper in black ink, with the title in gold and the classic Oregon State Bar logo in green. The cost is just $35.

To order your copy, go to osbar.org/_docs/forms/Prof-ord.pdf.

Volunteer to be a Mentor for One of Oregon’s New Lawyers

Any OSB member who has practiced for at least five years can volunteer to be a mentor in the New Lawyer Mentoring Program.

The NLMP offers new bar members one-on-one guidance on the elements of a highly competent practice while promoting professionalism, civility and collegiality. The Oregon program also emphasizes a flexible approach so that mentors and new lawyers can take the core curriculum and shape it to best meet the needs of the new lawyer.

To acknowledge the work that goes into their teaching role, the OSB gives mentors eight Minimum Continuing Legal Education credits, two of which are ethics credits, after mentees complete the program. New lawyers are awarded six practical skills MCLE credits, which are carried forward into their first three-year reporting period.

For more information or to volunteer to be a mentor, see the story on Page 26 or visit osbar.org/nlmp.
Discipline

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

THOMAS S. BOOTHE
OSB #790046
Portland
Form B resignation

Effective Nov. 5, 2020, the Oregon Supreme Court accepted the Form B resignation of Portland attorney Thomas S. Boothe.

At the time of Boothe’s resignation, there was a petition for reciprocal discipline pending against him, alleging that his misconduct in the State of Washington also violated Oregon RPC 4.4(a) (means that have no substantial purpose other than to embarrass, delay or burden a third person) and RPC 8.4(a)(4) (conduct that is prejudicial to the administration of justice).

Boothe’s current-client file was placed in the custody of attorney Travis Eiva. Client files and records pertaining to former clients are maintained by Boothe.

DONALD E. OLIVER
OSB #000104
Redmond
Form B resignation

Effective Nov. 5, 2020, the Oregon Supreme Court accepted the Form B resignation of Redmond attorney Donald E. Oliver.

At the time of Oliver’s resignation, a formal proceeding was pending that alleged violation of RPC 8.1(a)(4) (failure to comply with remedial program established by the State Lawyers Assistance Committee). Also pending were four investigatory matters involving allegations of rule violations, including RPC 1.1 (incompetence), RPC 1.3 (neglect of a legal matter), RPC 1.4(a) (failure to keep a client reasonably informed about a matter) and RPC 1.4(b) (failure to explain a matter to permit a client to make informed decisions about the representation).

The resignation recited that all of Oliver’s active or current client files and records at the time of his resignation were placed in the custody of the Professional Liability Fund, P.O. Box 231600, Tigard, OR 97281-1600, (503) 639-6911, and that all inactive or former client files were placed in secured storage.

ROBERT P. JOHNSON
OSB #731566
Milwaukie
30-day suspension

Effective Nov. 19, 2020, the disciplinary board accepted a stipulation for discipline and suspended Milwaukie lawyer Robert P. Johnson for 30 days for violations of RPC 5.5(a) and ORS 9.160(1).

In 2017, Johnson transferred to retired status, a form of inactive bar membership, and on Sept. 14, 2018, he was administratively suspended for failing to pay his annual assessment. At some point during this period, Johnson’s friend of more than 50 years became a widower and sought Johnson’s advice regarding estate planning. Johnson informed his friend that he could not represent him because he was retired. However, when his friend continued to ask legal questions, Johnson relented and performed legal work.

Johnson prepared a revocable living trust and provided his friend with a quit claim deed in order to place his friend’s home into the trust. Johnson stipulated that by conducting the above-described estate planning tasks while an inactive and administratively suspended member of the bar, he violated RPC 5.5(a) and ORS 9.160(1).

The stipulation cited Johnson’s pattern of misconduct, multiple offenses, the vulnerability of the victim and Johnson’s substantial experience in the practice of law as aggravating factors. In mitigation, Johnson did not have a dishonest motive and he fully and freely cooperated with the bar’s investigation.

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

Sex, drugs and (copyrighted) rock ‘n’ roll. They’re three of the topics in the new “Oregon’s Legal Guide for College Students” by Janay Haas. Aiming to enlighten new 18-year-olds about their legal rights and duties, the handbook also discusses consumer issues, budgeting, and student loans and loan repayment along with dorm life, fraternity culture, housing and employment rights, and dealing with police. Published by Oregon Legal Guides, it’s available in paper and online formats from Amazon.

Scott Kerin, an assistant United States attorney with the U.S. Attorney’s Office in Oregon, was recently awarded the Attorney General’s Award for Distinguished Service — the highest award for employee performance given by the U.S. Department of Justice — for his work as co-counsel in prosecuting an international fentanyl distribution ring that operated in China, Canada and the United States. The case resulted in the identification, indictment and conviction of more than 30 individuals on various charges, including operating a Continuing Criminal Enterprise and distributing a controlled substance resulting in death. The case also involved the first indictment of a Chinese national manufacturer and distributor of fentanyl. Kerin is currently serving a temporary detail at the U.S. Embassy in Bucharest, Romania, where he is teaching prosecutors and law enforcement agents in Eastern Europe how to investigate and prosecute cybercrimes and intellectual property crimes.

Moves

The Law Offices of Nay & Friedenberg has announced two new hires. Aaron Cilek will focus his practice on estate planning, estate and inheritance tax planning, and trust administration. Julia Greenfield has devoted her 20-year legal career to representing people with disabilities, as well as applicants and recipients of various public benefit programs, with a particular focus on Medicaid long-term care. Her practice will focus on special needs planning, Medicaid and elder law planning, and estate planning.

Nels J. Vulin recently opened a solo practice, Vulin Law. He represents contractors, owners and developers in construction disputes and transactional matters. Vulin was previously an associate with Ball Janik in its Portland office, where he handled a variety of construction matters.

Paul Balmer has joined Tonkon Torp as an associate in its litigation department. Balmer works with regional and national businesses and individuals to resolve challenges in and out of court, including contract disputes and administrative charges.

Elizabeth Graves has joined Richardson Wright as an associate attorney. Her practice will focus on complex litigation. She earned her J.D. from Lewis & Clark Law School in 2019 and has served as a judicial law clerk for the Hon. Karin J. Immergut.

Willamette University College of Law has announced two appointments. Jeffrey Dobbins has been named professor of law and joins the administrative team as associate dean for academic affairs. His research interests focus on areas of civil procedure and administrative law, with an emphasis on appellate process and theory. Caroline Davidson has been named professor of law. She teaches classes in criminal law, criminal procedure and international criminal law. Her research focuses on criminal law and procedure, transitional justice, international criminal law and human rights.

Dascenzo Intellectual Property Law has changed its name to Dascenzo Gates Intellectual Property Law. Ian Gates has been instrumental to the growth and development of the firm during the last 12 years, so the new name reflects those contributions.

Landerholm Family Law has made two new hires for its Portland office. Steven Leskin is joining the firm as a senior associate attorney. He brings with him nearly three decades of experience in the legal field, with expertise ranging from founding and managing a personal injury and civil litigation law firm to practicing as a municipal judge in the cities of North Plains and Banks. Leskin has received numerous citations from the Oregon State Bar for pro bono work. He has been recognized as volunteer of the year by St. Andrews Legal Clinic, for outstanding service by the Columbia County Bar Association and for service to Oregon veterans by the Oregon Supreme Court. Abby Cettel has joined as an associate attorney. She previously practiced as a family law attorney in Portland for a year. Cettel brings with her a fresh perspective on how to work through complex fam-
ily law cases in a manner that promotes favorable outcomes with long-term success, a skill that was developed during her time creating case plans for patients as a medical social worker.

Tucker Rossetto joined Gilroy Napoli Short Law Group in March 2020 as an associate at the firm’s Portland office. His practice focuses on criminal and DUII defense throughout the state, predominantly in Washington, Multnomah and Clackamas counties. He joins the firm after years of serving as a deputy district attorney in Washington County and prior legal positions with the Oregon Department of Justice, Oregon National Guard’s Office of the Staff Judge Advocate, and the Clackamas County District Attorney’s Office.

Hart Wagner has announced that attorneys Mike Wiswall and Matt Kalmanson have been selected to serve as the Oregon law firm’s co-managing partners, effective Jan. 1, 2021. Wiswall is a trial attorney who represents and defends health care professionals. Kalmanson is a litigator and appellate attorney who represents individuals and businesses. Collectively, they bring more than four decades of experience to their new leadership roles. The firm wants to thank Gordy Welborn for his leadership as the firm’s managing partner during the past six years. Welborn will continue his trial practice defending professionals.

Sophie von Bergen has joined the law office of Stoll Berne as an associate attorney. Her practice will focus on complex litigation matters. Prior to joining Stoll Berne, von Bergen was a summer associate with the firm. She also served as a judicial extern for the Honorable U.S. Magistrate Judge Stacie F. Beckerman (U.S. District Court, District of Oregon), researching and drafting opinions in civil cases.

In Memoriam

Thomas J. Greif peacefully passed away in his sleep on Nov. 15, 2020. He was born May 31, 1944, in Cleveland, Ohio, and moved to Salem in 1948.

Greif graduated in 1962 from North Salem High School, where he played baseball and basketball. He continued to play baseball at the University of Oregon and graduated from U of O with a business degree in 1966. He went on to obtain his law degree from Willamette University in 1970.

Greif became a member of the Oregon State Bar that same year and continued to have a successful legal practice in Portland for many years. He was an avid fisherman and spent his lifetime fishing for salmon and steelhead in the Pacific Northwest. He also volunteered at the Whiskey Creek Fish Hatchery in Tillamook and the Union Gospel Mission in Portland.

Greif is survived by his wife, Markieta, of Portland; daughters Lisa Greif of Jacksonville and Laurie Greif Spurrell (Chad) of Portland; his first wife, Judith Greif, of Wilsonville; a sister, Barbara Lies (Gregory) of Salem; and grandchildren Maisy and Will Spurrell of Portland.

Remembrances may be made to either the Whiskey Creek Fish Hatchery or the Union Gospel Mission in Portland.

Additional Notices

John B. Culver
66, Portland, Sept. 1, 2020

Virgil James Wilson III
67, Eugene, Oct. 8, 2020

Marcia L. Alvey
60, Portland, Nov. 12, 2020
FOR SALE

LAW LIBRARY, COMPLETE SET OR- EGON REPORTS and Oregon Appel- late Reports, $4,500, (503) 650-8010.

OFFICE SPACE

ALL-INCLUSIVE OFFICE SPACE – Pri- vate secure offices include mail service, phone reception, internet, conference rooms, kitchen, signage, parking, 24/7 building access. No set up fee’s, use of furniture, on-site gym and 13th month waived! $200Meadows.com or Call (503) 726-5999.

BEND, OLD MILL, 1924 CRAFTS- MAN with cozy reception area with fireplace, kitchen, conference room. Upstairs office with internet for $650 per month/year lease. May have some overflow of uncontroled family law work. Contact: liliqinia927@gmail.com (541) 728-1974.

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

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

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

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

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

LAKE OSWEGO KRUSE WAY – Class A Office Building. 4248 Galewood Street, Lake Oswego, OR 97035. Prim- arily Attorneys. Partner-sized, wind- owed offices. Receptionist, Phones, High Speed Internet, Conference Rooms available or included. Free park- ing. Office lease prices range from $600 to $1400 per month. Phone num- bers or ported numbers available. Call for information. John (503) 675-4434.

LARGE OFFICE FOR RENT IN 2 AT- TORNEY SHARE Rental space on SW Broadway, $425+ phone and internet (503)977-5101. Year lease required.

OFFICE AVAILABLE IN THE BUTCH- ER & SMITH LAW FIRM SUITES – Lo- cated at 520 SW Yamhill St. across from Pioneer Courthouse Square. 121 sqf with large windows. Telephone sys- tem, copy/scan machine services and front desk person available to greet clients. $1,010.00 per month. Inquires to Elizabeth at (503) 972-7380.

OFFICE SPACE AVAILABLE PREMIER PORTLAND LOCATION! 1000 SW Broadway, ninth floor, 742 total sq. ft. Two offices, a common area large enough for up to three support staff, private entry, separate suite number, and signage. Located on a floor with a fitness center and direct access to a parking garage. The building provides the use of a large conference room located on the ninth floor with a ca- pacity of 42. You will also have use of our private conference room, recep- tion area, break room, internet, and phone system. The building has seven levels of secured and monitored park- ing. We are located two blocks from Pioneer Square and near theaters, ho- tels, and restaurants, $2,313.64 per month. Internet and phones included. Available November 16th. Contact Renae Amaya-Jolly, Office Administra- tor, at renae@roylawgroup.com.

OFFICE SPACE – DOWNTOWN MIL- WAUKIE - 2027 SE Jefferson St. Single private office space available on a modified gross lease. Second floor unit with separate entrance on a 24/7 se- cured access system. Quiet and friendly environment shared with medical and financial professionals. Free parking be- hind building or on the street. Walking distance to downtown shops and res- taurants. For more information, con- tact Lauren Lancial at lancial@daywire less.com or (503) 794-3760.

OFFICE SPACE – FREE RENT FOR TWO MONTHS - JOHN’S LANDING - Looking for other professionals to share office space on the third floor of the River Park Plaza Building in John’s Landing with other sole practitioners, and a small law firm. Current tenants include Estate Planners, Family Law, Elder Law, Tax Preparers and Invest- ment Advisors. This is Class A space in a building that was built in 2003. Rent includes high speed Internet, phones, voicemail, meeting rooms, kitchen and parking! We have five offices available between $600-$750 each. We are looking for a one-year commitment. Please contact Bob Cronk at (503) 245-0894 or bob@naylaw.com.

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

TWO OFFICES AVAILABLE IN DOWNTOWN PORTLAND – Nice upstairs office (11 x 14.5) with large window, newer carpet and paint and separate secretarial area with desk and chair outside door. $650. Large (12 x 15) partially furnished office with balcony, newer carpet and paint and separate secretarial space outside of- fice with desk. $850. Building located on the corner of SW 6th and Clay near the transit mall. Full reception and cus- tom telephone answering from 8:00 am to 5:00 pm, library w/fireplace, conference room, shower, all usual equipment. 6 experienced attorneys, 4 blocks to courthouse, fitness cen- ter one block. Parking available $200/ month. 521 SW Clay. George: (503) 226-3607.

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

POSITIONS AVAILABLE

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

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

BEND FIRM SEEKING EXPERIENCED LITIGATION ATTORNEY – The thriving Bend and Portland law firm of Lynch Conger LLP is seeking an experi- enced litigator to add to our Bend team. The ideal candidate should be licensed in Oregon, have at least 10 years civil litigation experience, demon- strate excellent client relations skills, and enjoy working in a family-oriented environment. This position will work with many of our existing clients to provide litigation services in Central Oregon. Bringing a partial book of business is preferred. We value en- joyable personalities and team play- ers. Competitive salary, benefits, and bonus structure. Submit resume and short cover letter to Office Manager Kaci Price at kprice@lynchconger.com.

CITY OF LAKE OSWEGO, OREGON CITY ATTORNEY – The City Attorney is the chief legal counsel for the City of Lake Oswego and is appointed by and serves at the pleasure of City Council. As the primary legal counsel, the City Attorney provides sound legal advice to the Council and departments on significant policy, project, and finan- cial matters, attends all regular Coun- cil meetings, and drafts or reviews or- dinances, orders, and resolutions that come before the Council. The City At- torney advises the City Manager and departments on legal affairs of the City, drafting and reviewing contracts, agreements, letters, and other legal documents. Qualifications: A mini- mum of five years in municipal law, ideally with a solo or small law practice, or in a private law firm advising mu- nicipal governments with a full range of municipal services, or a similar role in an equivalent type of organization. The successful candidate is a member of the Oregon State Bar, ideally for a minimum of five years, with emphasis
and experience in one or more speciality areas, such as: land use, urban renewal, real property, public meetings and records, public contracts, and civil and administrative law relating to municipal governments. Compensation and Benefits: This contract is at the discretion of City Council with a salary range of $142,300 – $172,966 and will depend on qualifications. The City of Lake Oswego encourages a healthy work-life balance and offers a wide range of benefits. How to Apply: The City of Lake Oswego is an Equal Opportunity and Affirmative Action Employer. Applications will be accepted electronically through The Novak Consulting Group at https://bit.ly/3hfZ5SP. Please apply no later than February 7, 2021.

ESTABLISHED AND GROWING REDMOND, OREGON, LAW FIRM looking for an associate attorney to join our team. Ideal qualifications include adversarial experience (civil or criminal), strong academic performance, outstanding writing skills, a competitive spirit and strong work ethic. Basic salary depends on experience and qualifications. Compensation includes performance based component. Benefits include health insurance and 401(k) with employer match. For consideration, please submit a cover letter, resume, references and writing sample to resume@redmond-lawyers.com.

FAMILY LAW PRACTICE/MENTORSHIP OPPORTUNITY IN BEND – A non litigation attorney with 30 years experience is willing to mentor a family law attorney who would like to practice in Bend. This is NOT an associate position. The right person would need to develop their own practice, pay rent ($650 per month) and bar fees. The founding partner just retired and there is enough work for two attorneys. Please check our website and contact Lillian Quinn at 541 728-1974 or liqquinn927@gmail.com.

HOOD RIVER LAW FIRM SEeks ASSOCIATE ATTORNEY – Successful applicant must have a strong desire to live in the Gorge. Our practice includes litigation, family law, municipal law, probate, real estate, immigration and business. All experience levels considered. Send resume and cover letter to admin@hoodriverlaw.com.

PROGRAM COORDINATOR – The Oregon State Bar is looking for someone to assist with the management for the Oregon Law Foundation, Legal Services Programs, and Access to Justice Department. Work with the Director of Legal Services Programs to manage the day-to-day operations of the OLF, LSP, and Pro Bono Program. Work with referral and assistance services to develop and produce legal information materials for the public, including articles for the OSB web page, informational videos, and specialty publications. Assist with the development of new materials and formats as necessary to meet the legal needs of Oregonians, especially underserved and under-represented populations. Support the development of the legal information portal and website, and other access to justice initiatives spearheaded by the OSB or OLF. Assist in the coordination of the OLF grant-making process. Visit http://www.osbar.org/osbcenter/openings.html for job details. Equal Opportunity Employer.

SEATING TO SEEKING MY HIGHLY REGARDED LAW PRACTICE IN VANCOUVER, WA to an estate planning and business attorney with 8+ years’ experience. Must be licensed in both OR and WA, with an understanding of deep tax background. Looking for a person looking, possessing a strong work ethic and capable of leading complex client engagements. Are you looking for a rewarding practice in a great community? If so, e-mail VancouverWAtaxAttorney@gmail.com. (503) 229-8955. All inquiries confidential.

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

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

PRACfice FOR SALE

EAST PIERCE COUNTY PERSONAL INJURY LAW FIRM that is thriving with 2020 YTD gross revenue of $2,000,000 and is on pace to bring in ~$500,000 in gross receipts. The practice uses Google Suite allowing for easy remote access. If you are interested in exploring this opportunity, please submit a resume, a list of clients served, and references. This successful firm has a stellar reputation within the community. In 2019, the Practice brought in over $940,000 in gross receipts. The practice case breakdown by revenue is 85% Cannabis Business Counsel and 15% Personal Injury. The Practice is located in a modern and thoughtfully designed, fully-furnished ~3000SF office space that the Practice leases. The Practice employs seven (7) employees, including one licensed patent agent, (2) legal professionals, and (1) front desk person. If you are interested in exploring this opportunity, call or email us to set up a viewing or to learn more about this Practice. Email “Indigent Defense Program Specializing in Cannabis Law” to info@privatepracticetransitions.com or call (253) 509-9224.

LONGSTANDING WESTERN OREGON EMPLOYMENT LAW FIRM with over 85 active clients with WP over $1M and 2019 seller’s discretionary earnings (SDE) of over $360,000. Practice is turn-key and ready for new ownership. Email “Longstanding Western Oregon Employment Law Firm” to info@privatepracticetransitions.com or call (253) 509-9224.

REAL ESTATE LEGAL PRACTICE WITH TWO LOCATIONS is headquartered in the fastest growing metro area in the fastest growing state (Idaho). This real property law firm has two offices in downtown Boise and Spokane and is on pace to bring in ~$900,000 in revenue in 2020. For more information on this turn-key practice, contact info@privatepracticetransitions.com or call 253 509-9224.

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

THRIVING KING COUNTY PI LAW FIRM specializing in Personal Injury and Medical Negligence with over 120 active clients and average gross yearly receipts over $2.1M. The practice offers incredibly high EBITDA as a percentage of sales (~57%). Email “Thriving King County PI Law Firm” to info@privatepracticetransitions.com or call (253) 509-9224.

WASHINGTON MEDICAL MALPRACTICE LAW FIRM with average gross revenues of over $1,600,000 that last three years (2017-2019), and weighted Seller’s Discretionary Earnings (SDE) of $1,200,000. This successful firm is completely turn-key and empowers the owner. The firm’s processes are very well documented, and the practice uses Google Suite allowing for easy remote access. If you are interested in exploring this opportunity, please submit a resume, a list of clients served, and references. This successful firm has a stellar reputation within the community. In 2019, the Practice brought in over $940,000 in gross receipts. The practice case breakdown by revenue is 85% Cannabis Business Counsel and 15% Personal Injury. The Practice is located in a modern and thoughtfully designed, fully-furnished ~3000SF office space that the Practice leases. The Practice employs seven (7) employees, including one licensed patent agent, (2) legal professionals, and (1) front desk person. If you are interested in exploring this opportunity, call or email us to set up a viewing or to learn more about this Practice. Email “Indigent Defense Program Specializing in Cannabis Law” to info@privatepracticetransitions.com or call (253) 509-9224.

RECREATIONAL RENTALS

KHEI, MAUI, HAWAII – Large oceanview 1BR-2BA condo, LR sofasleeper, two pools/spas, tennis, across from beach. Attorney discounts. mjs@aterwyme.com (503) 291-1423; Video: https://www.youtube.com/watch?v=txEcuMFzELE - Pictures: samsandmire idaho@gmail.com.

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

OCEANSIDE – Beach house on cliff side overlooking ocean and Netarts Bay. 3 bedrooms and 3 baths, 4 decks, fireplace, spa tub, washer/dryer, and fully equipped kitchen. $200 per night,


- FORENSIC HANDWRITING & SIGNATURE EXAMINER – Find out who wrote it? Providing remote testimony according to Covid-19 safety precautions. (541) 484-9125.

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

- JUMP START YOUR NEW FIRM – Seeking 2-3 attorneys who are about to build their firm from the ground up. Let me boost your bandwidth on day one. Office Administrator / Paralegal with over 20 years’ experience who has supported every support role in a law office. Willing to answer questions while developing and implementing a long-term vision for your law office infrastructure and business operations. Please address correspondence to the Oregon State Bar, Attn: Blind Ad H-18, P.O. Box 231935, Tigard OR 97281 or email: blindad@osbar.org with the blind ad number in the subject line.

- LEGAL ETHICS DEFENSE: ETHICS ADVICE & OPINIONS – Christopher R. Hardman – Providing defense services against Bar disciplinary proceedings; legal ethics advice, consultations, and opinion letters. Mr. Hardman is a former Assistant Disciplinary Counsel of the Oregon State Bar Office of Disciplinary Counsel, and a former Bar prosecutor. He is a speaker and moderator at Ethics Continuing Legal Education Seminars sponsored by the Bar, New Lawyers Division and others. He may be contacted at his office: Christopher R. Hardman, (503) 916-1787, or Fax (503) 916-1785; 25 NW 23rd Pl Ste 6, PMB 497, Portland, OR 97210.

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

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


- RESEARCH, MEMOS, BRIEFS, and appeals from a 25-year trial lawyer in Arizona and in Oregon. $75 hr. Roger Perry@live.com. (520) 332-0132. For more information, see www.rogerperry.com.

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

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Portland attorney Theresa Deibele snapped this photo during one of her recent trips through the beautiful Wild Rivers Coast in Curry County. “We were trying hard to make it to Coos Bay before dark,” she says, “but still had to stop along Highway 101 to enjoy the rosy sunset light.”

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

Send high-resolution images to Editor Gary M. Stein at gstein@osbar.org. Make sure to include your name, and tell us where the photo was taken and what made your trip so special.
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Oregon Uniform Jury Instructions 2020 Supplements

With Oregon Uniform Jury Instructions you will always be prepared for trial with up-to-date and customizable jury instructions.

In 2020, the Uniform Criminal Jury Instructions Committee added unconscious-bias language to general instructions to encourage jurors to be aware of their unconscious biases, so they don’t influence decision making; rewrote verdict instructions to require unanimous guilty verdicts (per Ramos v. Louisiana); conformed hit-and-run instructions to the new statutory scheme; and revised the controlled substances chapter, including writing over 30 new marijuana instructions.

The Uniform Civil Jury Instructions Committee updated nine instructions and withdrew one instruction. The committee completed its review of all instructions last updated in 2005, including instructions related to liquor liability and condemnation. The committee also updated instructions in the areas of evidence and unlawful trade practices.

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