In a Class of Their Own
The 2021 OSB Annual Awards

Oregon Originals
Honoring the Classes of 1971, 1981

Pro Bono Prowess
Almost 40,000 Hours Contributed

Plus:
Anniversaries (LRS, 50; OLF, 40); A 40-Year Member’s Incredible Journey and More Reasons to Rejoice
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“Tim and I have worked together on large and complex cases. Tim is thorough, tenacious, and clients who entrust their case to Tim can rest assured that he will see their case through without compromise, with the singular goal of achieving the best result possible.” — ATTORNEY JOHN COLETTI, PAULSON COLETTI, PORTLAND
Oregon lawyers doing amazing things. It’s the theme of this issue and something to remember throughout the year. Let’s take a step back and celebrate those attorneys who earned awards, contributed to our state’s pro bono prowess, achieved 50 and 40 years of Oregon State Bar membership, as well as the behind-the-scenes heroes deserving of recognition.

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Let’s Recognize Behind-the-Scenes Contributors, Too

So Many to Celebrate

By Chief Justice Martha L. Walters

I love the idea of an edition of the *Bulletin* that features the great work of individuals whose efforts are both uniquely remarkable and representative of the work of many.

During the current pandemic and given the raging wildfires, it seems astounding that lawyers have been able to focus, as the Oregon State Bar awardees have, on making our system of justice more just. But, thinking from another angle, it may be that in times of crisis we all may be better able to recognize the interrelated nature of reality and the roles that we must play to ensure that all thrive. Regardless, and whether confoundedly amazing or perfectly explainable, the work of lawyers over this past year is cause for great celebration, and I am happy to join in that celebration!

Because this edition of the *Bulletin* will include other writings about the lawyers and non-lawyers who received OSB awards for their work, I will only write here to extend short, but heartfelt, words of thanks and congratulations to some of the awardees. Two I want to specifically mention are the judges who received the Wallace P. Carson Award for Professionalism — Judge James Fun and Judge Douglas Tookey. Those two judges have taught and inspired me and many others, and I congratulate them for receiving an award that I know means worlds to them, as it certainly should.

The greater purpose of this piece, though, is to recognize those whose behind-the-scenes contributions amplify the importance of the work of the award recipients. Here is the additional recognition I would like to give to those who made important contributions beyond the award categories:

**For Creating and Implementing Alternatives & Keeping Court Users Safe:**

All Presiding Judges and Trial Court Administrators

The bar gave its President’s Technology & Innovation Award to Meredith Holley for her work developing alternatives to traditional litigation. The President’s Public Leadership Award went to Barbara Marcille for her work as the Multnomah County Circuit Court’s trial court administrator, managing the court’s daily COVID response and moving its operations into a new courthouse building during protests, wildfires and a broken water main. Meredith and Barb both have caused us to think differently about how we deliver justice services, and their boldness and tenacity are outstanding.

For their similarly creative and determined work this past year, I want to recognize and celebrate those who serve throughout our state as judges and court staff, and particularly the presiding judges (PJ’s) and trial court administrators (TCAs) in each judicial district. Our judges and court staff creatively developed alternatives to in-person proceedings and kept court users safe while also continuing to provide court services. When you think about how difficult it was for practicing lawyers to make the adjustments required by the continually changing Chief Justice Orders, I hope you also will think about those who were required to administer and implement them, without expectation of notice or thanks.

I can say with certainty that PJs and TCAs are just plain exhausted, as are many of the hundreds of court staff who have done the daily work to ensure access to courts and justice throughout the pandemic. But every day they get up and do it again. Amen.

I would be remiss if I didn’t specifically call out the contributions of OJD’s technology staff. In an instant, they identified the platforms necessary to provide remote services, acquired the equipment for use in all courts, developed the training and documentation to assist court personnel and litigants, and were at the ready 24/7 to troubleshoot and ensure that courts could use technology to provide continuous access to justice. Bravo!

**For Work on Senate Bill 183:**

Erin Pettigrew, Valerie Colas, Aja Holland, Amy Benedum, Lisa Norris-Lampe

The bar gave the President’s Membership Service Award to the Indian Law Section for the incredible work completed on SB 183, the bill that gave tribal court orders full faith and credit in Oregon state courts. The bar gave the President’s Special Award of Appreciation to the Honorable William Johnson, Chief Judge of the Umatilla Tribal Court, for his writing about this need to the legislature in 1996 and his effort to keep the issue at the forefront. I am so glad that the bar gave these awards recognizing the significance of that work. It’s been a long time coming!
Five OJD lawyers deserve additional acknowledgement for their part in the creation of this bill: Erin Pettigrew, Valerie Colas, Aja Holland and Amy Benedum in the Office of the State Court Administrator, and Lisa Norris-Lampe, counsel to the Oregon Supreme Court.

Our state courts have joined with Tribal Courts to create a Tribal Court/State Court Forum to “institutionalize a collaborative relationship between judicial systems in Oregon, identify cross-jurisdictional legal issues affecting the people served by those systems, and improve the administration of justice of all our peoples.” The forum allows judges and court representatives to gain knowledge of their various court procedures and practices, identify strategies and facilitate improvements in their interactions, and allows us to coordinate and share resources.

The forum served that role by providing an opportunity for members to discuss the need for changes in state law to provide full faith and credit to Tribal orders, and, with direction from the forum, the five OJD lawyers named above provided necessary support. They worked with the tribes and the Indian Law Section to analyze the concept, to draft the bill that eventually became SB 183 and to collaborate with others to obtain legislative consensus for its enactment. For those lawyers, the opportunity to work with tribal and bar members on SB 183 and see it through to enactment was a high point in their careers.

For Work on Diversity & Inclusion and Justice Reform:
Valerie Colas, Erin Pettigrew, David Factor, Lindsey Detweiler, Debra Maryanov, Tim Lewis

The bar gave the President’s Public Service Award and the President’s Diversity & Inclusion Award to Erious Johnson and Ra’keem Washington, who sponsored implicit bias trainings, advocated for those with marginalized identities and courageously spoke of their own experiences, represented others challenging the status quo, or worked on legislative change. The bar gave its Award of Merit to Professor Aliza Kaplan for her work on criminal justice reform. Like the work on SB 183, the importance in advancing the cause of justice cannot be overstated, and I want to personally thank the award recipients for their remarkable contributions.

I also want you to know that the courts are similarly dedicated to advancing that
cause and during the past year OJD lawyers worked diligently to make their own meaningful contributions.

Valerie Colas (the immediate past president of the Multnomah County Bar Association) was responsible for providing Oregon judges and staff with regular trainings and webinars on issues of diversity and inclusion and engaged hundreds of OJD judges and staff in conversations. Erin Pettigrew provided a court and judicial perspective on the many criminal justice reform bills and led the OJD effort to change statutes imposing fines and fees and providing for pretrial release. David Factor and Lindsey Detweiler worked with a broad group of stakeholders to ensure that the pretrial reforms in SB 48 were not only welcomed by advocates but would function well in our courts. Debra Maryanov worked countless hours with judges and a multitude of stakeholders to continue important reforms to our aid-and-assist statutes. And Tim Lewis worked to ensure that timelines in landlord-tenant cases did not unduly impact already marginalized members of our communities resulting from multiple eviction moratoriums, grace periods and other law changes.

The people I have named are only some of those who work for the courts on matters that affect the bar and the public and who deserve celebration. I am proud of the aforementioned people, plus I want you to see the many different ways in which the courts support and advance the work of the bar, as well as the other two branches of government. All of us are in this together as we all tackle the challenges that we face as a state.

As I emphasized when I wrote in this space last year, it is important to recognize individuals whose contributions stand out, but it also is important to remember all of those who contribute to their success and our collective success. We are all in this rollicking ride together. Hang on! I believe in you!

Hon. Martha L. Walters is chief justice of the Oregon Supreme Court. Reach her at Martha.l.walters@ojd.state.or.us.
Meet Our Portland Appellate Team

ROBERT L. ALDISERT
PARTNER

SARAH J. CROOKS
PARTNER

ERICK J. HAYNE
PARTNER

MISHA ISAAC
PARTNER

THOMAS R. JOHNSON
PARTNER

SETH J. KING
PARTNER

JULIA E. MARKLEY
PARTNER

NATHAN R. MORALES
COUNSEL

JEREMY A. CARP
ASSOCIATE

SASHA A. PETROVA
ASSOCIATE

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The nationwide group was named to the “Appellate Hot List” by The National Law Journal, 2021.

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After a year of tremendous hardship, how do we rebuild a more interconnected, equitable, resilient Oregon? How do we help each other recover, rebuild, and restart our lives and businesses? How do we start listening to and considering each others’ point-of-view? How do we inject opportunity, across the state so everyone has a chance to add to the greater good? The answer — Together. Join us as we learn and share how to rebuild a better Oregon, for all Oregonians.
Odyssey Offline for Upgrade; All Statewide Courts Closed Oct. 15

The Oregon Judicial Department (OJD) has two important updates for partnering agencies and individuals that interact with Oregon’s circuit courts. First, the Odyssey case management system for Oregon’s circuit courts will be offline from Thursday, Oct. 14, at 5 p.m. to Tuesday, Oct. 19, at 4 a.m. for an important upgrade. Online services for Oregon’s circuit courts that rely on Odyssey data, including the Oregon eCourt Case Information system (OECI), will also be unavailable during that time. File & Serve and Guide & File will be available in a limited capacity.

Second, due to the operational impact of the upgrade, Chief Justice Martha Walters has issued a Chief Justice Order, CJO 21-024, closing all statewide courts on Friday, Oct. 15, at 5 p.m. to Tuesday, Oct. 19, at 4 a.m. for an important upgrade. Online services for Oregon’s circuit courts that rely on Odyssey data, including the Oregon eCourt Case Information system (OECI), will also be unavailable during that time. File & Serve and Guide & File will be available in a limited capacity.

SALC’s Taste for Justice Set for Oct. 22

St. Andrew Legal Clinic (SALC) will host its 16th annual Taste for Justice event on Oct. 22. This year’s fundraiser is scheduled to be a live, in-person event at the Ecotrust Building in Portland. The goal is to bring together SALC’s supporters and sponsors for a lively evening with world-class wines, great food, decadent surroundings and amazing auction packages. Purchase tickets at salcgroup.ejoinme.org/tickets. For more information on the work SALC does, visit www.salcgroup.org.

UTCR Committee Attorney Opening

The Uniform Trial Court Rules (UTCR) committee has an opening for an attorney with significant trial experience in criminal defense. This volunteer position, which is appointed by the chief justice of the Oregon Supreme Court, is set to begin Jan. 1, 2022.

To apply, send a resume and cover letter describing your law practice, areas of expertise, qualifications, rulemaking experience and involvement in similar groups toaja.t.holland@ojd.state.or.us or Aja T. Holland, Office of the State Court Administrator, Supreme Court Building, 1163 State St., Salem, OR 97301. The application deadline is Nov. 30.

The UTCR committee is an advisory group to the chief justice that makes recommendations on the UTCR and Supplementary Local Rules. It meets twice a year in the fall and spring in Salem. Members are asked to serve two 3-year terms for a total of six years of service. Members work with judges, attorneys and court personnel from across the state on issues that directly affect litigation practice.

ABA Members Can Help Victims of Natural Disasters

The ABA Young Lawyers Division (YLD) has set up the Disaster Legal Services Program to help those who have been impacted by wildfires, hurricanes, the pandemic and other natural disasters. Through the program, YLD and FEMA provide immediate temporary legal assistance to disaster survivors at no charge. ABA members can help those in need by using the national disaster relief pro bono portal, a free, centralized, sortable database that lists opportunities to serve those impacted by natural disasters, including COVID-19. Disaster-related legal issues include landlord/tenant problems, insurance claims, FEMA claims and consumer issues such as contractor fraud.

Also, attorneys who want to access additional specialized disaster advocacy resources can join the National Disaster Legal Aid Advocacy Center, a growing online community of advocates working on disaster response and recovery. For more details and links to the portal, visit www.tinyurl.com/DisasterLegalServicesPortal.

OADC’s Fall Seminar Taking Place Nov. 12

The Oregon Association of Defense Counsel (OADC) will host its annual fall seminar in person on Nov. 12 from 7:45 a.m. to 4 p.m. at the Benson Hotel in Portland. Details and registration information are available on the OADC website at tinyurl.com/OADC2021FallSeminar.

By the Numbers

Celebrating More Lawyers

Continuing under the theme of “Celebrating Oregon Lawyers” (see the special piece featuring our newest 50- and 40-year members on page 34), let’s take a look at how many Oregon State Bar active members there were then and now.

<table>
<thead>
<tr>
<th>Year</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1971</td>
<td>1,877</td>
</tr>
<tr>
<td>1981</td>
<td>5,913</td>
</tr>
<tr>
<td>2021</td>
<td>15,185</td>
</tr>
</tbody>
</table>
Quotable

“When you have some information about returning back (to the office), let people know what your plan is. At the same time communicate, ‘Here’s what we don’t know.’ People generally feel better when they have some kind of control over their lives.”

— Laura Mahr, OSB and North Carolina State Bar member, on how she’s advising firm management to approach staff about returning to the office. She runs Conscious Legal Minds (based in Asheville, N.C.) in which she consults and trains lawyers. This quote came from the Sept. 13, 2021, State Bar of Michigan “On Balance” podcast.

OSB to Transition to New Email Platform, Allow Custom Options

The Oregon State Bar will transition to a new and modernized email platform this fall, allowing bar members more options to customize information received from the bar.

The new system, which will direct email to the primary email address on file with the bar, will offer members more choice in what types of information they receive. It will allow the bar to aggregate emails into less frequent — and more relevant — content tailored to individual interests. As always, the only content with no opt-out option will be regulatory compliance notices.

The past two years have presented challenges to the OSB, the courts and membership in responding to the pandemic. Messages from the OSB president and chief justice have been a vital tool to share timely information on court and bar operations.

With the enhanced ability to further customize content, expect the new platform to be a welcome improvement.

“This Halloween I came dressed as a creditor, and I am hereby giving you notice that I have placed a lien on that bowl of candy.”
Avoiding Frivolous Contentions

Fools Rush In

By Linn D. Davis

Let's take a closer look:

What does Rule 3.1 prohibit? The rule prohibits “knowingly bring[ing] or defend[ing] a proceeding, assert[ing] a position therein, delay[ing] a trial or tak[ing] other action on behalf of a client, unless there is a basis in law and fact for doing so that is not frivolous.”

Does the rule apply to lawyers pursuing their own causes? Yes. The rule specifically provides that it applies to a lawyer representing “a client or the lawyer’s own interests.”

Is the rule limited to conduct related to legal proceedings? No. The court has confirmed that the limitation on any “other action on behalf of a client” means any “thing done” in a legal representation. In re Smith, 348 Or 535, 544 (2010) (so stating). In the Smith case, the court found that a lawyer’s legal advice to his client, and assertions to others about the client’s legal position in a civil dispute, were governed by the rule despite being unrelated to any pending legal proceeding.

What is considered to be frivolous? In keeping with the language of the rule, any action or position for which there is no basis in law and fact. In re Smith, supra. (so stating). The Oregon Supreme Court has further explained that a contention that is “plausible” under the facts and law is not considered to be frivolous under Rule 3.1. In re Marandas, 351 Or 521, 539 (2012). See also, Restatement (Third) of the Law Governing Lawyers (2000) (a contention is frivolous if “a lawyer of ordinary competence would recognize [that it] is so lacking in merit that there is no substantial possibility that the tribunal will accept it.”).

Is merit synonymous with prevailing in court or aligning with current precedent? No. Our legal system depends on quality advocacy of competing factual and legal positions where only one position may ultimately prevail. A lawyer’s position can be plausible despite the ultimate determination by a court that another position is more valid. In re Marandas, supra. (“We need not determine whether [the lawyer’s] interpretation of a statute was ultimately correct or not—it is sufficient to conclude, as we do, that it was not ‘frivolous’ or ‘unwarranted’ within the meaning of the disciplinary rules.”) Additionally, Rule 3.1 specifically provides that “a good faith argument for an extension, modification or reversal of existing law” is not frivolous. A good faith argument acknowledges adverse precedent.

The availability of an affirmative defense does not render a claim frivolous. A claim may have good faith basis in fact and law notwithstanding that an affirmative defense such as a statute of limitations defense will defeat it if asserted. Oregon Formal Ethics Opinion 2005-21.

Examples of contentions that the Oregon Supreme Court has found to be frivolous. Claims for which the lawyer could offer no supporting statute, case or reasonable argument for the extension of other law. See, e.g., In re Obert, 352 Or 231 (2012) (lawyer argued implausibly for extension of criminal appeals statute to a civil appeal and sought relief specifically prohibited by the civil appeals statute); In re Smith, supra. (lawyer cited no statute, case or plausible good faith legal argument that supported his contention that a current or former employee of a nonprofit clinic was authorized to take over the business of the clinic because she disagreed with the way the clinic was being operated).

Examples of frivolous contentions outside of Oregon. Lawyer fined and ordered to pay opposing party’s attorney fees and costs when the complaint he filed in federal court on behalf of a fictitious entity did not set forth any basis for federal jurisdiction and raised claims that had been comprehensively settled in another proceeding. Association of Holocaust Victims forRestitution of
Limited Exception for Criminal Defense. Rule 3.1 specifically provides that a lawyer for the defendant in a criminal proceeding (or any other proceeding that could result in incarceration) may defend the proceeding in a manner that requires every element of the case be established.

No “Empty-Head” Defense

A lawyer violates Rule 3.1 only if the lawyer acts “knowingly.” Except for the purpose of determining a lawyer’s knowledge of conflicts of interests, Rule 1.0(h) states that “knowingly” “denotes actual knowledge of the fact in question.” See also, In re Merkel, 341 Or 142, 148 (2006) (requiring actual knowledge to prove “knowing” conduct under the former Disciplinary Rules). However, there is no “empty-head” defense. Not only does Rule 3.1 explicitly require a nonfrivolous “basis in fact and law” for a lawyer’s actions, but Rule 1.1 also imposes a corresponding duty to provide competent representation.

Corresponding Duty of Competent Representation

What is competent representation? Rule 1.1 states “competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.” The comments to the ABA Model Rules of Professional Conduct provide a nice elaboration of what that means in the context of Rule 3.1. “The filing of an action or defense or similar action taken for a client is not frivolous merely because the facts have not first been fully substantiated or because the lawyer expects to develop vital evidence only by discovery. What is required of lawyers, however, is that they inform themselves...
about the facts of their clients’ cases and
the applicable law and determine that they
can make good faith arguments in support
of their clients’ positions.” Model Rules of
Professional Conduct, Rule 3.1, Comment

Reasonable inquiry is required. A
lawyer who takes action, without first tak-
ing reasonable steps to determine whether
there is sufficient factual and legal basis for
the action, may violate not only the duty to
maintain only meritorious claims, but also
the equally fundamental duty to provide
competent representation. Oregon Formal
Ethics Opinion No. 2005-59 (Lawyer may
name parties as defendants in a civil action
if reasonable investigation of the matter as
required by RPC 1.1, including consulta-
tion with client required by RPC 1.2(a),
supports that there is a reasonable nonfrivo-
lus basis for doing so).

Factors that may affect what is consid-
ered reasonable inquiry. The ABA suggests
many factors may complicate or expedite
matters, including: complexity or nature of
the contentions to be investigated or devel-
oped; the time in which the investigation
must be conducted; the resources available
to the lawyer to conduct the investigation;
the availability and cooperation of potential
fact and expert witnesses; the availability
of evidence that can be obtained without
formal discovery; whether any investiga-
tion has been conducted prior to the law-
ner undertaking the representation; and
the existence of parallel proceedings. Pro-
fessional Responsibility in Litigation, Chap
1, p 3 (ABA 2016). See also, Oregon Formal
Ethics Opinion 2005-59 (If potential plaintiff
approaches lawyer shortly before statute
of limitations is about to expire, potential
at-fault parties will not consent to exten-
sion of limitations period, and it is not pos-
sible for lawyer to conduct more reason-
able pre-filing investigation, lawyer may
make decision to name defendants based
on available information if lawyer acts with
diligence after filing to determine whether
claims against the parties are viable, and to
promptly dismiss the parties from the litiga-
tion if not.)

Parallel Requirements under State
and Federal Law

State and federal law permit courts to
impose sanctions under circumstances simi-
lar to those that could expose a lawyer to
bar discipline under Rule 3.1. For instance,
ORCP 17(C) states that a lawyer who signs,
files or otherwise submits argument in support of a pleading, motion or other document is certifying that: it is not presented for improper purpose; the legal positions taken are supported by existing law or a good faith argument for extension, modification or reversal of that law; and, unless specifically stated otherwise, all factual allegations, denials or assertions made are supported by evidence (or, where appropriate, lack of evidence or the reasonable belief that such evidence will be obtained after further investigation and discovery). FRCP 11(b) imposes similar requirements in federal court, although there are some differences between the state and federal rules. ORCP 17 also applies to Oregon appeals. ORAP 1.40(4). Federal Rules of Appellate Procedure Rule 38 permits sanctions for a frivolous appeal. While bar discipline is limited to the license of a particular lawyer or lawyers found to have engaged in misconduct, both ORCP 17 and FRCP 11 provide that a party, lawyer or law firm may be held liable.

Corresponding Duty to Inform Clients a Contention Is Frivolous

Finally, while this article has focused on contentions directed toward the courts or other parties, we also have the duty to inform our clients when a contention or action would be considered frivolous. In re Snyder, 348 Or 307, 316 (2010) (“a lawyer is required to consult with a client and to discuss concerns that a claim may lack merit or should not be pursued.”); RPC 1.2(a) (duty to consult with client as to the means of pursuing the client’s objectives); RPC 1.2(c) (lawyer may discuss the legal consequences of any proposed course of conduct with a client, but may not counsel or assist a client in conduct the lawyer knows is illegal or fraudulent); RPC 1.4(b) (a lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation).

Although we owe our clients duties of loyalty and advocacy, we cannot abdicate our responsibility (to our clients, other parties, and the legal system as a whole) to bring competent professional judgment to bear on the clients’ needs, at the same time keeping our advocacy within the bounds of the facts and law.

Linn D. Davis is an assistant general counsel and CAO attorney for the Oregon State Bar. Reach him at ldavis@osbar.org.
When Homophones Are Wrong

‘It Sounds Right’

By Suzanne E. Rowe

S pelling in English is tricky. Some words, written with the same string of letters, are pronounced very differently. Consider these words: tough, cough, plough, though, through, thought. Does the “ough” in each word sound like -uff, -off, -ow, -o, -ew, -aw? It depends.

Some words present the opposite problem: these words sound the same but are spelled differently. Break and brake. Bare and bear. Two, to and too. These words are called “homophones,” and they are causing problems for legal writers.

Because I am not only a curmudgeon about writing but also a nerd, I’m going to share some fascinating bits of history about English spelling. Then, I’ll look at some common homophones and suggest ways to avoid homophones in legal documents.

A Bit of History

In some lovely languages, most words are spelled as they sound. Teaching children or second-language learners to spell in those languages is fairly easy: connect specific sounds to specific letters — the process is called phonics — and voilà, this person can spell! Phonics works with basic words in English, but as I helped a six-year-old read recently, I remembered that my mother tongue is crazy.

Taking a long detour down the rabbit hole of orthography — a fancy word for a language’s system of spelling — I learned the following reasons why English spelling is so crazy:

1. Latin
2. Age
3. Borrowing

First, remember that we’re using the “Roman” alphabet to write “English.” That alone foreshadows trouble because there are sounds in English that didn’t exist in Latin. So, the existing 26 letters had to be manipulated to make do, and no one really sat around and decided how to do that consistently.

Second, English has been written for a long, long time. Its spelling is old. But we keep speaking, and our speaking evolves, not only because of various accents but also because we change pronunciation over time. That means the spelling, which is still very old, is in many instances outdated.

Third, we’ve borrowed a lot of words from other languages. When we borrow words from languages with clear spelling, like Spanish, we don’t have problems. Tango, taco and El Paso are easy to spell in both languages. But when we borrowed buffet from French, we agreed to pronounce -et as -ay. That agreement killed consistency: get, let, met, pet, buffet. Oops.

Horrid Homophones

I’ll spare you the rest of what I learned in the rabbit hole of orthography. Instead, let’s tackle just one bit of English spelling craziness: homophones. Again, these words sound the same, but they are spelled differently, and they mean different things. Here are the ones I see most in legal writing.

Lead vs. Led

Although I typically cover lists in alphabetical order, this pair causes enough trouble to come first. The snag is that lead has two pronunciations, one of which is a homophone of led.

Lead (pronounced “leed”) is simple. It can be an adjective or a verb. It’s an adjective when it describes a noun, as in “the lead attorney on a case.” As a verb, lead means to guide or to show. In this sentence, lead is a verb: “An effective brief will lead the judge to rule in your client’s favor.”

The past tense of lead is led. “Their brief was so effective that it led the judge to rule in their client’s favor.” No problem so far.

But lead as a noun is pronounced exactly like led. “The lead of my pencil is broken.” “Exposure to the lead in paint can hinder brain development in children.” That means lead is sometimes a homophone of led.

That creates problems when a writer’s inner ear says led but that person writes lead. Sadly, the solution of many writers seems to be just using lead in all instances. “The lead attorney lead the team in writing a brief that recently lead the judge to rule for their client.” This lazy solution makes me crazy, and honestly is the whole reason for this article. Obviously, the second and third instances of lead should be led, though the sentence sounds exactly the same regardless of spelling.

Complement vs. Compliment

Here’s another pair that causes trouble. A complement is “something that fills up, completes, or makes better or perfect.” That means an RBG paperweight might complement your office décor, or the new
A senior litigator will make a newcomer’s week with a simple compliment on a winning argument.

**Brake vs. Break**

We all know the difference between brake and break. The first is a device for slowing something down, like the faulty mechanism on the car that caused the accident. The second means to “separate into parts,” whether you’re writing about a bone that breaks, the intervals of rest that break a long day of work in a fulfillment center, the contract that one party might break or the elements of a legal argument that you break down for clarity. (Interestingly, the first definition of break refers to separation through “suddeness or violence,” which might make discussions of elements of a claim more exciting even beyond the breaking of a contract.)

Despite knowing the difference, we can still sometimes mistake the homophones in writing: “During his brake from loading boxes of hand sanitizer, a co-worker driving a truck with faulty breaks hit him, braking his right leg.” All three of those are wrong.

**Pour vs. Pore**

Honestly, many of us don’t know when to use these two. Pour is related to the movement of liquid, money and feelings. You need a host to pour drinks; your clients might feel they are pouring money into your firm; and your siblings might pour out their feelings about dad’s will.

Pore is “to gaze intently” or “to read or study attentively.” For reading and studying, pore is often used with over, as in “to pore over the contract.” And many of us had trouble distinguishing these homophones even before pour over coffee appeared on the menu.

**Principle vs. Principal**

A principle is a legal rule. Note that both principle and rule end in -le. A dear grammarian named Amy shared that mnemonic with me years ago, and while I rolled my eyes initially, I now rely on it.

A principal is the person in charge, for example the head of a high school. Legally, the principal is “the person from whom an agent’s authority derives.” As an adjective,
principal denotes the most important aspect; your principal argument is your most important.

The following sentence uses these homophones correctly: "The principal principle is that the principal is the principal." You might rewrite for clarity: "The most important rule is that the head of the school gives authority to others to act."

**Getting Homophones Right**

Reading aloud won’t help you spell homophones right because — well, that’s the problem — these words sound alike. Those of us who pride ourselves on our “inner ear” for correct grammar and spelling can get into trouble with “words that are spelled right but used wrong.” Only the best grammar check functions recognize the wrong homophone because the words are perfectly correct as spelled; they’re just not the word we intended.

The following techniques for careful proofreading will help, and previous articles in this column have explained them and their effectiveness:

- Read slowly and carefully. Dashing through a document to meet a deadline, you are likely to miss incorrect homophones.
- Print. Most of us still proof better in hard copy than on a screen.
- Use a piece of colored paper to keep your eyes focused on one line of text. This technique works best after you’ve printed a document, but I also use it when proofing on a screen.
- Read sentence-by-sentence, backward through the paper, starting with the last sentence. This technique takes ideas out of context so that you are less inclined to focus on the argument and more inclined to look at the smaller chunks of writing as just writing.
- Pay attention to your computer when it suggests a different word, but don’t outsource your thinking, as your computer is not always right.

Then, just do us all a favor and search for led and lead.

**Sources:** Because I was away from home and my favorite dictionary when writing, this article’s definitions are from Merriam-Webster’s online dictionary at https://www.merriam-webster.com.

**ENDNOTES**

1. Don’t confuse homophones and homonyms. Homophones sound alike but are spelled differently. Homonyms sound alike and are spelled alike, but have different meanings (e.g., a quail is a bird, while the nervous witness might quail in depositions).
2. Learning Spanish spelling was easy, for example. Learning Spanish subjunctive was not.
3. Phonics does not work for everyone. Some learning disabilities affect the connection of sound to letters.
4. For more information on this topic, see Megan McAlpin, “Beyond the First Draft,” 117 (2014).
5. Id.

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5. Id.
In a Class of Their Own
The 2021 OSB Annual Awards

Oregon Originals
Honoring the Classes of 1971, 1981

Pro Bono Prowess
Almost 40,000 Hours Contributed

Plus:
Anniversaries (LRS, 50; OLF, 40);
A 40-Year Member’s Incredible Journey
and More Reasons to Rejoice
This year’s Oregon State Bar award winners are in a class all their own. Despite a global pandemic that shifted professional and personal responsibilities in a way no one has seen, the Oregon attorneys (and one administrator) highlighted on the following pages thrived while continuing to serve communities that needed them more than ever.

Before jumping into the profiles of the individual award winners, first let’s celebrate the Oregon State Bar’s Indian Law Section for earning the President’s Membership Service Award. They received this distinction for their efforts in turning Senate Bill 183 into a reality. For more about the legislation that will require full faith and credit for tribal court orders in Oregon starting Jan. 1, 2022, check out last month’s cover story in the Bulletin.

— Award of Merit —

Aliza B. Kaplan

For outstanding contributions to the bench, the bar and the community at large while exhibiting the highest standards of professionalism.

Aliza B. Kaplan categorizes herself as a social justice lawyer. The evidence bears that out — in spades.

For the past decade in Oregon, the New York City native and Lewis & Clark Law School professor has made her mark in notable contributions to criminal-justice reform, as well as for supporting law students, new lawyers and the broader legal community.

Kaplan, who also founded and serves as director of Lewis & Clark’s Criminal Justice Reform Clinic, is well known for her support of and dedication to her law students, particularly those from diverse and underrepresented communities. She has been an important and tireless leader in many areas of criminal-justice reform, according to Oregon Women Lawyers and the Oregon Criminal Defense Lawyers Association, which jointly nominated Kaplan for the Oregon State Bar’s highest honor, the Award of Merit.

Kaplan’s social conscience developed early. She credits her family and her Jewish...
religion for fostering in her a desire to improve social justice, human rights and civil rights. Shortly after she left college at The George Washington University, Kaplan became involved in community organizing. She chose to get her law degree at Northeastern University School of Law in Boston because "I wanted more power to have the ability to change people’s lives and the law," she says.

Before arriving at Lewis & Clark in 2011, Kaplan worked for a large law firm in Boston and clerked for a federal judge in New Jersey. She co-founded the New England Innocence Project, became deputy director of the national Innocence Project, and served as a professor at Brooklyn Law School.

Surprisingly, she says, “I never had any interest in criminal law,” although she opposed the death penalty. “I thought it would be too ‘heavy.’ I was right.” Kaplan was one of the first lawyers hired by the national Innocence Project, which was when she first started working as an attorney in a law school clinic. But after working there for about four years, she became increasingly confused by her role. Although the project was successful in getting many people out of prison, the system was not set up at that time to help ex-prisoners re-enter society.

“I needed a break from everything I was doing and learning,” she says. She found that teaching full time gave her that and set her on a new path.

“I’ve been fortunate to have an impact on our justice system, to help so many people, but maybe what I’m most proud of is having students who go out and do the same,” Kaplan says. “Somewhere along the way, I learned that my job, most of all, is to train the next generation of social justice lawyers.”

The Criminal Justice Reform Clinic emphasizes issues such as parole, clemency and legal services for incarcerated youth. “We focus on the back end of cases, when people have usually run out of legal avenues and hope,” she explains. “We primarily aim to work with people who have changed their lives for the better or are working towards that and need advocates who will tell their stories along with focusing on the legal issues; they are people who need and deserve lawyers who will fight for them.”

Kaplan helped create the Community Law Division at Metropolitan Public Defender and co-founded the Oregon Innocence Project. She also serves as of counsel to the Forensic Justice Project, which she describes as “close to my heart. We work to correct and prevent wrongful convictions by getting involved in cases that have a forensic science piece to them.” Her clinic works on cases with the project.

An outspoken opponent of nonunanimous jury convictions for felonies, Kaplan says it took her a while to adjust to the way the state and its legal community think and act, but “Oregon was ripe for me to come here 10 years ago. With the support I’ve received, you can get things done here. Sometimes it may take an outsider to awaken Oregonians about the need to change parts of the system.

“There’s still significant injustice in Oregon’s criminal justice system,” she says. “There’s still a lot of work to do.”

— Cliff Collins

Award of Merit: Aliza B. Kaplan. Photo by Jaime Valdez.

President’s Special Award of Appreciation: Hon. William Johnson.

Hon. William Johnson has made it his lifetime career to serve the people of the Umatilla Tribe. As the chief judge of the Umatilla Tribal Court, he was the first member of the Confederated Tribes of the Umatilla Indian Reservation to graduate law school and to pass the Oregon State Bar exam. In 2019, he was sworn in for his fourth 10-year term.

Johnson grew up on the Umatilla Indian Reservation. His mother was a tribal member and single parent who worked hard to support him and his siblings as a nurse’s aide.

His interest in law dates back to the 1970s, when he learned that there were only a handful of Native American lawyers in the United States. Something ignited within him, and after graduating from Pendleton High School, he decided that he wanted to pursue a legal
career. With hard work and determination, he finished law school and took the bench as an associate judge in 1980. In 1988, he began work as chief judge.

The rest is history.

Johnson shares that, over the years, he has had several mentors and role models that have guided him and have helped him get to where he is today. First, he credits his grandfather William LaCourse. He also shares that there were other legal professionals such as Judge Douglas Nash, who allowed Johnson to clerk for him while he finished law school, and Judge David Gallaher, who were instrumental in his professional development. Joseph Myers was a friend and family member who encouraged Johnson to believe in himself and continue to blaze trails.

“My inspiration to continue in achieving our purpose of building, operating and improving our Umatilla Tribal Court has been my grandchildren and children who will continue on for the Tribe,” says Johnson. “It also includes all our ancestors and people who preserve our culture, language, traditions and way we want to live.”

Most recently, Johnson has been integral in helping pass Senate Bill 183 — legislation requiring full faith and credit for tribal court orders in Oregon (see the August/September 2021 issue of the Bulletin for more info). David Wade, Oregon State Bar president says, “Twenty-five years ago, Judge Johnson began a campaign to have tribal court judgments be recognized in Oregon courts. Judge Johnson had built the CTUIR Court into a professional organization worthy of all the other courts in Oregon. He faced immense resistance — mostly born of ignorance about how tribal courts operate. It took him 25 years but in 2021, the Oregon legislature passed the statute giving full faith and credit to tribal court judgments in Oregon courts. Now tribal court defendants cannot avoid support awards, domestic violence restraining orders and other decrees simply by moving a few miles outside the reservation. It is a tremendous achievement, well deserving of this award.”

There is no doubt about it: Johnson’s career has been full of accomplishments, but his work isn’t done yet. He looks forward to a fair and equitable justice and punishment system for all. He says, “I always believed that any challenges, obstacles or failures that I faced could not stop me from this purpose. I cannot imagine not doing this purpose or not being tribal judge. My advice to myself would be to be patient, be fair, show mercy and good things will come.”

— Brooke Strickland

— Wallace P. Carson Jr. Award for —
Judicial Excellence

Hon. Jim Fun
Hon. Douglas L. Tookey

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

“Judge Fun is one of the most respectful, patient and considerate jurists I have encountered,” observes family lawyer Kimberly A. Quach. “He takes special care to ensure that participants feel heard and validated when they appear in front of him. He is ever-cognizant of the challenges of representing clients, understanding that there are times when matters cannot be resolved and his decision is important to allowing the litigants to move forward.

He consistently thanks the lawyers for providing hearing memoranda and argument to assist him with making his decision.”

Family lawyer Jacqueline L. Alarcón shares an anecdote from her time on the governor’s panel to interview potential judicial candidates for a vacancy in Washington County: When asked which judge in the county they admired most, every one of the candidates interviewed named Washington County Circuit Court Judge Jim Fun.

Those who know and work with Fun consistently cite his humility. Indeed, he credits other judges and attorneys with teaching him their methods and strategies for making the courtroom and the judicial system fairer. He will concede only that if he has had success, it is because of the way he approaches how he interacts with others.

“My approach to the courtroom is that I view my relationship with the parties as a Venn diagram rather than a hierarchy,” Fun explains. “A Venn diagram of overlapping circles that indicate shared interests and goals — I start out with that process of collaboration and balance rather than the judge sitting on top of a hierarchy. There are times when judges need to call the balls and strikes, but we have discretion to set the tone.”

Fun doesn’t consider the Venn viewpoint unique among judges, at least, not among “the ones who are revered, those I try to emulate. Not for the judges who inspire me. These are the judges who make the courtroom their real craft and art.” Every day they focus on what all of us want, which, he says, is “to make the justice system accessible, fairer, more effective.”

Those goals are what have driven him to become involved in numerous endeavors, both as a judge and volunteer. Raised in a Chinese community in a small Wyoming coal-mining town, Fun became acquainted with a couple of attorneys and once skipped school to watch famed lawyer Gerry Spence defend during a local murder trial.

Fun graduated from the University of Wyoming, then earned his JD from Willamette University College of Law.

After serving in the district attorney’s office for 17 years, fulfilling his desire to be a trial lawyer, Fun received encouragement...
from then-Attorney General Hardy Myers to seek a position on the bench. While serving on a task force, Fun mentioned to Myers that he had been supervising a summer clerk, a woman of color, who told Fun she would not seek a legal position in Oregon because it lacked diversity in the bar and on the bench.

“(Myers’) response to me was, ’You’ve had a lot of opportunities and a successful career. What are you doing to inspire diversity and change?’” With that challenge issued, Fun ran successfully for an opening on the Washington County Circuit Court in 2006.

“The support of the local bar was overwhelmingly positive and supportive,” Fun says. It reminded him of how Willamette had supported its diverse students, and how he was subsequently bolstered by the Oregon State Bar’s Opportunities for Law in Oregon (OLIO) program, which “absolutely made me feel convinced that the legal profession had its heart in the right place.”

Fun’s first assignment was to the juvenile department, where he served on the statewide Juvenile Court Improvement Project. He also organized the county’s Juvenile Bench and Bar Committee and worked to promote extended-family foster-care placements and improve teenage participation in court hearings. Later, during his decade as a criminal court judge, Fun ran the county’s mental health court. He has served on the OSB’s Professionalism Commission and been the recipient of several professionalism awards from the county bar and the OSB’s New Lawyers Division.

Fun’s response: “I think that is our highest responsibility, to give self-represented participants trust and confidence in the judicial system.”

— Cliff Collins

Oregon Court of Appeals Judge Douglas L. Tookey says he is especially honored to receive this award, named for one of his role models.

Tookey, who grew up in the Keizer-Salem area, says of former Oregon Chief Justice Wallace P. Carson Jr., another Salem-area native: “I always knew of him and looked up to him. He is a gracious man who was active in the community. He set high standards for being professional. He had a big impact statewide and was generous in a way we should all strive to be.”

Those who nominated Tookey for the award say he has been a worthy successor to Carson in his numerous volunteer activities. Writes Salem attorney Gina Anne Johnnie, Tookey is “a judge who goes out of his way to interact with the community — both the legal community and the community generally — with the point of making the judicial system more accessible to all.”

Former Chief Justice Paul J. De Muniz adds that Tookey is a judge who goes beyond his official duties and, through his “actions and leadership, (fosters) inclusion in the Oregon State Bar, improving the legal expertise of the bar, and improving the lives of many young people in (his) local community. Doug’s character and integrity, modeled every day, his outstanding work as a judge, and his unparalleled contribution to the bar and his community, make him a most worthy recipient.”

Tookey reacts modestly to such praise. He says he is proud that the judges on the Court of Appeals consider public service broadly as being involved in the community. He also credits De Muniz and former Chief Justice Edwin J. Peterson with inviting him to help with what Tookey considers perhaps his most satisfying outside-of-court effort: the Salem/Keizer Coalition for Equality mock trial team, organized through the Classroom Law Project. For about six years, Tookey helped coach the team. “The students were so talented and interested, to see them develop and blossom was rewarding. I always felt energized after our practices.”

Among many other efforts, Tookey singles out his role as a mentor for Willamette law students. The mentoring program matches judges and attorneys with first-year law students; the mentorship relationship continues throughout the three years of law school. Tookey also has taught law at Willamette as an adjunct professor.

For a homegrown capital city boy, Tookey has achieved a cosmopolitan outlook from years overseas, in Southeast Asia as well as in countries that were formerly part of the Soviet Union.

He became interested in international relations in high school, spending his junior year as an exchange student in Ukraine. After obtaining his bachelor’s degree from the University of Chicago, Tookey studied as a Rotary scholar in Spain, and then earned a law degree from Cornell Law School. He gained valuable experience through a variety of initiatives to improve access to justice and respect for the rule of law, including Fulbright scholarships in Singapore and Kazakhstan. At the Asia-Pacific Center for Environmental Law in Singapore, he learned about environmental law. He also earned an LL.M. degree from the Faculty of Law of the National University of Singapore.

He taught law and acted as a resource for several years, first in Ukraine — under the auspices of the American Bar Association’s Central and Eastern European Law Initiative — and then in Uzbekistan, on behalf of the Organization for Security and Co-operation in Europe.

Tookey’s legal experience in the United States included work in the Oregon Legislature, where he happily spent over seven years as a deputy, and then senior deputy, in the Office of the Legislative Counsel.

Tookey says that, particularly after years of modeling Western lawmaking for other countries, he loved being part of the actual process of writing and making laws. After his appointment in 2013 to the Court of Appeals, he was able to apply his knowledge of drafting statutes — previously when asking “What does this member want this statute to do?” — to now, “What does the word in this statute mean?”

Tookey says he is grateful to Salem’s legal community for helping define the direction his career took after returning to the States. “I grew up here, but was gone for a long time,” he says. “A lot of people helped me figure out what I was going to do. There’s a good community here. People help each other.”

— Cliff Collins
OSB Annual Awards

— President’s Diversity & Inclusion Award —

Marcia Alvey (posthumous)

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

Marcia Alvey left a legacy that will never be forgotten. A native Oregonian, she loved the state, respected the people here and was passionate about helping them. Alvey practiced law from 1987 until she passed away from complications from surgery in November 2020.

Keith Semple, attorney for Johnson Johnson Lucas & Middleton in Eugene shares, “When I started representing injured workers in 2003, she was one of just a handful of attorneys who assisted workers with their claims, but also advocated for them through the legislative process. I was really interested in learning about that, so I would go up to attend some of the meetings, then go to lunch with Marcia to debrief. She was very direct and to the point with people. She always stood her ground. I was trying to learn how to help folks who couldn’t navigate the system themselves and Marcia was an inspiration.”

President’s Diversity & Inclusion Award: Marcia Alvey. Photo courtesy of the Oregon Trial Lawyers Association

Alvey deeply cared about the people she worked with and served — especially in the worker’s compensation space. She spent her career helping other people get what was legally and rightfully theirs, but she also recognized the importance of being true to herself, too.

Alvey announced in the summer of 2018 that she was a transgender woman. She talked openly about her transition and identity as a transgender woman, and what it meant for her to live with grace and authenticity. She was courageous in sharing her story and for the last few years of her life, she championed others in their journeys of transition, encouraging them to embrace who they are and to own it.

Alvey worked with Basic Rights Oregon, where she supported the group’s events through her legal practice. She also participated in Catalyst, the organization’s transgender leadership development program. She was always available with a listening ear, was generous with her advice and was willing to share about her own experience with the goal of building camaraderie and support — both inside and outside the transgender community.

Chris Moore, attorney for Moore & Jensen in Eugene met Marcia early on his career. “Marcia was a tremendous person. She shared her expertise and insight with any lawyer willing to ask. She was free with her advice and help but was also quick to ask for help (a sign to me of just how confident she was, since you don’t ask for help if you aren’t secure in who you are). She and I worked on many political battles to improve the workers compensation law, and she donated enormous amounts of time and effort to that. In so doing she improved the lives of all working Oregonians, and all lawyers representing injured workers. She made me a better person and a better lawyer.”

Lisa Stalder, who was Alvey’s longstanding paralegal, explains that Alvey was like family to her. “Marcia wanted to make sure that everyone got to tell their story. Marcia was very serious when needed to be, though she had this infectious laugh, it came from her belly ... I would literally smile every time I heard her sincerest laugh and sometimes I would laugh out loud just because it always made me happy to hear her laughing. Marcia faced lots of the unknown and she pushed forward. She had a driving force to be herself no matter what. I will always have her laugh with me in my heart, but the one thing that I will remember most about her is her drive to be her true self.”

Alvey gave the gift of her time, knowledge and emotion to many people over the years, and ultimately, she became a voice for transgender lawyers and for transgender rights. Her advocacy leaves a long-lasting impact on the state of Oregon that will not be forgotten.

— Brooke Strickland

— President’s Public Service Award —

Erious Johnson
Rakeem Washington

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

Erious Johnson decided early in his career that he wanted to be a social engineer: someone who uses his position of power for the good of the public. And so far, he has done exactly that.

Over the course of his career, Johnson has worked as a trial attorney for the City of New York, as a clerk for the New York state supreme court judge, as a policy analyst for Oregon Representative Janelle Bynum, and as the director of civil rights for Oregon Attorney General Ellen Rosenblum. Today, he works in court-appointed criminal defense for the indigent, as well as plaintiff-side civil rights and discrimination litigation. Johnson is a passionate civil rights activist who fights for the people.

“I have spent most of my career in public service, prioritizing progress over profit, empowerment over enrichment,” Johnson says. “The favorite part of my job is serving the community, because I get to do two things I absolutely love: taking on bullies and sharing my knowledge.”
Johnson’s career accomplishments showcase his passion for justice and his dedication to educating others about the importance of treating everyone equally. As a diversity, equity and inclusion (DEI) advocate, he has achieved settlements for people from all walks of life. He has been successful in helping those injured or wrongly arrested by the police obtain settlements, and he has effectively litigated against people who have stolen wages from employees.

Additionally, Johnson has played an active role in helping clear debts for those who have been discriminated against by for-profit institutions. Further, Johnson and his wife (Nkenge Harmon Johnson, president and CEO of the Urban League of Portland) have played integral roles in taking on the larger legal system as well as authoring cutting-edge legislation that targets racism and racial profiling.

In her nomination letter for Johnson, Diane Sykes says, “Erious Johnson is a passionate civil rights advocate and litigator. He has demonstrated an enduring commitment to educating Oregon lawyers about diversity, equity and inclusion (DEI) within the profession. Having litigated an employment case with him, I can attest to the fact that he is a brilliant and professional advocate with tremendous insight into human behavior.”

When asked who has inspired him along his legal journey, Johnson credits three women who have spoken encouragement into his life and showed him what confidence and empowerment truly look like: his wife; Oregon Supreme Court Justice Adrienne Nelson; and Representative Janelle Bynum. He explains, “All three of these Black women have given me inspiration to stay focused on the task at hand. They have also shown me that hard work, determination and strategy can move me toward, over and through any obstacle to my goals.”

As Johnson looks to future aspirations, he shares that he plans to add an associate to expand his law practice. He also has plans to write his memoirs and wants to continue doing trial work. He says, “The advice I try to give myself is to try not to be so hard on myself, recognize that I am making strides toward my goals every day, and be careful what you wish for — you just might get it.”

— Brooke Strickland

Rakeem Washington values human connection. The ability to bond and relate with people is something instilled in him at a young age. A Pacific Northwest native, he says his parents modeled compassion for other human beings and how taking time to connect with people could open the world up to him in new ways. This is part of what makes him such an effective leader, mentor and educator.

After graduating from Lewis & Clark Law School in 2008, Washington started work as a staff attorney for the Juvenile Rights Project, where he saw the clear racial disparities that exist in the foster care, educational and criminal justice systems. A fire was ignited within him and with hard work, creativity and perseverance, he has focused his career on changing his corner of the world.

After spending three years at the Juvenile Rights Project, he shifted his focus to the education arena, working as an advocate for child welfare, civil rights issues and more. Today, he is an instructor in the university studies department at Portland State University, and for the past five years he has served as the director of access and re-entry at Portland Community College. In these roles, Washington is passionate about establishing community partnerships with the goal of helping nontraditional and underrepresented students get the education they want and deserve.

Washington is also co-owner of and facilitator for Engage to Change, where he provides anti-racism trainings and workshops for businesses, government agencies and educational institutions. He is known for digging into difficult questions with vulnerability, courage and strength, and because of his ingenuity and patience in addressing the issue of racism, he is making a difference — one life at a time.

“It can be incredibly exhausting and humbling to seek help where and when it is hard to find,” says Washington. “I am proud of helping people find relief from some of the ills and injustices that exist in our community. I feel so much purpose in an ongoing effort to do my part in resisting white supremacy and all of its fallout. My service to the community is what helps me feel the ‘small and important’ juxtaposition in an authentic way.”

Janice Kim, civil rights, equity, inclusion and training manager for Oregon Health Authority, had this say in her letter of recom-
mendation in support of Washington’s award nomination: “I have observed Rakeem listen to participants who are activated, angry, defensive, resistant and defiant. Rakeem processes what they are communicating and responds in a way that is uniquely Rakeem. I admire Rakeem. He is passionate, a committed and talented legal scholar, equity and inclusion professional, anti-racist educator, leader, role model and good human being.”

Looking toward to future, Washington says that he would give himself this advice: Be mindful of the present. “White dominant culture taught me to use my talents to get ahead,” he shares. “And for quite some time, I think I believed that to be a good course of action. As I’ve grown, I’ve encountered so many people with so many different skillsets and abilities that I think the best thing to do is to use my talents to get out of the way. Create space for others. Hold the gate open for the next person in line. Practice and model failure. And keep trying.”

— Brooke Strickland

— President’s Public Leadership Award —

Barbara B. Marcille

For significant contributions by someone who is not a member of the OSB in any of the other areas covered by the president’s awards to bar members.

Barbara B. Marcille and her colleagues expected 2020 to be filled with the logistics and ceremony of moving from an aging courthouse to a brand-new one.

That year, and much of 2021, instead have turned out to be a time of incredible challenges for the Multnomah County Circuit Court, for which Marcille has been trial court administrator since December 2014.

“It’s not atypical to deal with chaos on a regular basis,” she says. “You need to be a problem solver” to administer courts. But for the past 18 months or so, “we’ve really had uniquely extreme circumstances here.”

That would be an understatement. In addition to the monumental task of relocating from the century-old courthouse to the new, 17-floor riverfront location, a host of calamities ensued just as the move was scheduled to take place. These included dangerous air quality caused by smoke from widespread wildfires; direct damage to the glass-enclosed new structure, the historic old courthouse and the justice center from violent demonstrations; a broken water main that flooded three floors and did significant damage that is still being repaired; and — last but not least — the COVID-19 pandemic.

“Fortunately for this court and the people of this community, Barb’s steadfast, can-do leadership was ready to meet these challenges,” according to Presiding Judge Stephen K. Bushong and the court’s three chief judges in their nomination letter endorsing Marcille for the Public Leadership Award. “She worked tirelessly over nights and weekends to keep the court open and accessible to the public during each of these emergencies.”

“I really had been looking forward to 2020, the historic move and having it completed,” Marcille says. “That was completely overshadowed by all that took place in 2020. The move and opening of
the new building that was supposed to be the biggest thing that happened to the court in a century was just one of multiple once-in-a-century events.” Observances to close out the old and celebrate the new became sidetracked, and the court is just now beginning to operate the new building the way it was intended. That includes an open, pleasant facade and entrance, functional elevators and entrances intended to provide security and improved access.

The chief judges say she not only handled all of these setbacks with aplomb, but also took extra care to ensure that staff, many of whom were required to work in person throughout these challenges, had the information and support they needed. For example, the judges point out that many “court employees came to work every day in buildings that were vandalized in some new way,” and experienced fear and anguish just trying to enter their workplace. Marcille took special steps to improve morale and safety for employees and to recognize their trauma.

Once the pandemic struck, Marcille quickly led efforts to equip all judges and staff members to work at home when necessary, including acquiring the necessary equipment, such as large monitors, that will help the court be prepared for future crises as well.

“We didn’t have to shut down our business, and were able to handle things remotely,” she says. “That’s been a huge accomplishment I’m really proud of.”

Marcille’s responsibilities are vast. She oversees 330 staff members, 58 courtrooms in five different facilities in the county, and about 25 managers, supervisors and direct administration staff report to her. She administers a $60 million biennial budget.

Before arriving in Oregon 10 years ago, Marcille lived in seven other states and served in a variety of roles for courts in New Mexico and North Carolina. She holds a business degree from Florida State University. Prior to working with court systems, she was client services manager for a high-tech advertising agency in Silicon Valley, and has used that communications background and her commitment to public service to help the court improve access to justice.

Marcille is a member of the Multnomah County Justice Reinvestment Steering Committee and was honored by the Portland
Marcille "accepts the many challenges presented to her with intelligence, good judgment, sensitivity and humor," the chief judges add. "We are extraordinarily lucky to have her as our trial court administrator."

— Cliff Collins

President’s Sustainability Award —
Professor Mary Christina Wood

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

The branches on Mary Christina Wood’s family tree are weighted so heavily with conservationists and lawyers that her career fate seemed almost preordained.

Wood, like her identical twin, Rebecca Biddle Wood Anderson, is an attorney, though the latter practices in Idaho. Among her father, grandfathers, great-grandfathers and other relatives — all with well-known Oregon names — several made their mark in both law and conservation. (See sidebar, page 31.)

“We grew up wandering the woods and fields” near the Columbia River in Clark County, Washington, recalls Wood, Philip H. Knight professor of law at the University of Oregon School of Law. Her family instilled in the children the belief that “nature was not ours to destroy, and that everything is held in trust, in the moral sense,” and that the earth is passed on to the next generation and multiple generations to follow.

But the loss to development of much of the area she was raised in shook Wood to her core, making her realize that environmental laws in place were not working as intended. “The speed of destruction outpaced the law’s ability to do something about it,” she says.
After earning her bachelor’s degree from the University of Washington, Wood decided to enroll at Stanford Law School to begin doing something to improve the efficacy of environmental law. There, she wrote a paper connecting groundwater pollution with the Clean Water Act. It caught attention when it was published later in a law journal. “Practicality grounds everything I do,” she says, “but that is always led by a vision, even if that vision is very big.”

Wood served as a judicial clerk on the 9th U.S. Circuit Court of Appeals, then spent a couple of years as an attorney with Perkins Coie. But she knew she wanted to teach. When she was offered a position in 1991 with the University of Oregon’s environmental law program, the oldest public interest environmental program in the country, it was a “perfect fit,” she says. Wood founded and remains faculty director of the law school’s Environmental and Natural Resources Law Center.

Wood teaches property law, natural resources law and public trust law, and also has taught public lands law, federal Indian law, wildlife law and hazardous waste law.

“My goal is to take the passion students bring with them and channel it into very practical ways to make a difference while they are still in law school,” she says, “to empower them to do their part in making change.”

In two different decades, Wood has been honored for her teaching: In 1994, she received the university’s Ersted Award for Distinguished Teaching, and in 2002, the Orlando John Hollis Faculty Teaching Award.

“I love teaching; it is my passion,” Wood says. “The real reward is getting the chance to influence the lives of these brilliant students,” who go on to make an impact in environmental work. Those relationships begin in the recruiting stage, before students enter law school, continue through working with them on their research interests and needs, and remain intact after they leave.

“It’s a community, not just a law school,” she says. “We have a network of alumni that spans the globe. Our alums know immediately that our students are seeking public interest careers.”

Among the highlights of her career so far, in addition to starting the center, was writing the book “Nature’s Trust: Environmental Law for a New Ecological Age,” published in 2014. She calls it gratifying to “see nature’s trust as a vision go out in the world and have an impact.” She has also co-authored two textbooks, one on natural resources law and one on public trust law.

A special honor for her was appearing in 2015 on Bill Moyers’ TV program’s final broadcast, discussing her “Nature’s Trust” book. “He has been a hero of mine,” she says, noting that Moyers himself made the decision that Wood’s appearance would constitute his last show, because he admired her emphasis on future generations. “He said, ‘I want to punctuate my career with that.’”

— Cliff Collins

Wood’s Family Tree

Mary Christina Wood’s heritage includes, on her paternal side:

**Great-grandfathers:**
- C.E.S. Wood, noted Renaissance man, friend of Chief Joseph and founder of an eponymous law firm in Portland. He was critical of the clear-cutting of ancient forests as early as 1908. Wood “may have been the most influential cultural figure in Portland in the 40 years surrounding the turn of the 20th century,” according to Oregon Encyclopedia.
- Henry J. Biddle, a locally well-known conservationist who ensured the preservation of Beacon Rock and other areas on the Washington side of the Columbia.

**Grandfather:** Erskine Wood, who as a boy lived with Chief Joseph and was an attorney in the Wood law firm. “I grew up knowing him well, as he lived to be 104,” Mary Wood says.

**Father:** Erskine Biddle Wood, an attorney with the Wood law firm, who helped to protect the Deschutes River.

And on her maternal side:

**Grandfather:** Lamar Tooze Sr., who served as an officer in both world wars and was an attorney in Portland, founder of the Tooze law firm.

**Great-uncle:** Walter L. Tooze was an associate justice on the Oregon Supreme Court.

**Uncle:** Lamar Tooze Jr. also was an attorney with the Tooze firm. He represented plaintiffs in aluminum-plant pollution cases.

— Cliff Collins

— President’s Technology & —
Innovation Award

Meredith Holley

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

When Meredith Holley set out to start her dream business, there were a lot of unknowns. Some people discouraged her, telling her she should stick with the traditional, more stable route of becoming a partner at a firm. But Holley knew that she had a choice — she could stay comfortable or do something different with her law degree. So, she took a risk and launched a business that she believed could truly help people facing problems in the workplace.

“I think it was when the fourth person in a year told me that they had been suicidal and had not told anyone, but that our work together had saved their life, that I knew I could not ignore all of the signs that it was time to start Eris Conflict Resolution,” shares Holley. “I didn’t know what it would be then. I did not know the success stories we would see. But I knew that the law has the potential to solve problems instead of create them.”

Working in employment law requires devotion and the ability to walk alongside people as they navigate issues that prevent a safe and healthy working environment. Holley has proven her longstanding commitment to each client that she has the privilege of working with and helping. She is not just a lawyer — she is a life coach and a counselor who helps pull clients up when they are down, encourages them to speak the truth and gives a voice to their story.
“Each of our clients takes the leap of working with us because they do not want to see someone else experience the harassment and discrimination that impacted them,” says Holley. “My absolute favorite part of my job is a moment when I am sitting with a client, and I can see on their face that they have freed themself from a self-imposed limitation. Nothing beats that.”

Looking at the future of her business and service to the community, Holley says that she strives to make the services at her company more accessible and mainstream. For her, it’s about giving people the tools to stand up for themselves, to speak out against injustice and create the careers and lives that they envision for themselves. “I look forward to seeing the skills that we teach accessible to people at younger and younger ages, so that people don’t have to wait until they’re 35, like I did, before they really understand how to enforce boundaries, shift power dynamics and create the careers they want,” she explains.

Holley embodies what it means to be innovative in the field of employment law. She has taken her training, life experience and passion for people to do her part to end oppression. Whether it’s helping resolve a dispute in the workplace or giving people the information that they need to confront harassment or bias head on, her commitment to doing the right thing is evident in every interaction she has with her clients.

“People tend to think of ‘innovation’ as something that involves technology, but what impresses me about Meredith is how she’s created a whole new way of approaching the job of an employment lawyer,” says John Grant, founder of Agile Attorney Consulting. “Meredith is the embodiment of innovation because she has the courage to call out the flaws in the status quo, the creativity and intellect to design better solutions, and the perseverance to turn those solutions into a thriving business model that generates better outcomes for her clients and for the system overall.”

— Brooke Strickland

Hon. John V. Acosta

Presented by the Oregon Bench and Bar Commission on Professionalism for consistently demonstrating integrity, honesty and a willing compliance with the letter and spirit of the law, with the rules of the court, with the highest ethical standards and with the professional standards stated in the OSB Statement of Professionalism.

For Clackamas County Circuit Court Judge Susie L. Norby, the verdict on John V. Acosta is straightforward: “His picture is in the dictionary next to ‘professionalism.’”

U.S. Magistrate Judge Acosta’s “commitment to professionalism is so deep that, to me, his name is synonymous with the concept,” Norby says. “It’s been his thing to get lawyers to think about this, and he has done that as long as I’ve known him.”

Indeed, the seeds were sown during his upbringing in the East Bay area south of Oakland, California, where his parents taught their only child to be respectful of others, even when disagreeing with them, especially “when you are in a position of authority over others, and to do the right thing, whether for yourself or others,” Acosta remembers. “That’s a component of professionalism.”

Acosta was raised in a blue-collar environment, but one in which he was encouraged to excel academically and expected to attend college, becoming the first in his family to do so. Although the inklings of one day becoming a judge were present “at least since high school,” Acosta’s notions about the legal and judicial profession were not fully formed until later. What he did grasp — from television, his studies and his major in history at San Diego State University (where he was elected to Phi Beta Kappa) — was that being a judge is “doing what is right, and that they are supposed to be fair and impartial,” he says. “It always appealed to me and resonated with me.”

Partly due to his early interest in public speaking, Acosta decided in his senior year in college to apply to the University of Oregon School of Law, where he later enrolled with the intent of becoming a trial lawyer. He says he was blessed with an outstanding supervising partner in his first legal position, with a 55-member law firm in Alaska. The lessons he learned carried over into his later professional life: Acosta serves as coach and mentor to all members of each class of first-year law students at the University of Oregon.

“Mentoring has been the highlight of my career,” he says. “I’ve enjoyed success over the years, but mentoring has been the most rewarding because it’s a way to give back.”

Acosta is a fountain of wisdom in both explaining to lawyers the rules the judiciary imposes on professional conduct, as well as dispensing fundamental advice: “If the other side knows you keep your word, if you can be trusted, that’s part of what your client is paying for, because you can be more effective. Credibility is the currency of the courtroom.”

His five years in Alaska afforded him a lot of courtroom trial experience, and he advanced to become a partner. At that point, his
wife’s employer transferred her to Vancouver, Washington. The family relocated and Acosta joined Stoel Rives in Portland. He practiced there for 15 years, then took a position as senior deputy general counsel for TriMet. Although that job was light years away from what he had done previously, he now ranks his time at the agency — where he dealt daily with a wide variety of stakeholders and regulatory bodies — right up there with his tenure as a magistrate judge, a position he has held since 2008.

Acosta has been a member since 2006 of the Oregon Bench and Bar Commission on Professionalism, and served as its chair in 2010. In 2013 he was the inaugural recipient of the annual Hon. John V. Acosta Professionalism Award, given by the Oregon State Bar New Lawyers Division. He also has received several other honors from the University of Oregon School of Law and the Oregon Hispanic Bar Association.

“John has been and is the personification of professionalism,” says Senior U.S. District Judge Anna J. Brown. “He has the gift of a tempered personality: He’s that way with everyone, whether he knows you or not. He’s a guiding light for how we all should do our jobs.”

What Acosta emphasizes, to law students as well as to new and seasoned attorneys, is that the way you conduct yourself during the workday — positively or negatively toward others — becomes who you are at home, “the person your dog thinks you are. Practicing professionalism is an essential component to being happy in your personal life.”

— Cliff Collins

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New admittees to the Oregon State Bar in 1971 and 1981 started practicing law during times that were uniquely “Oregon.”

Consider that in 1971 the Oregon Legislature passed House Bill 136, commonly referred to as the Bottle Bill, in which our state became the first in the country to require metal, glass and plastic cans and bottles be returnable with a refund value.

While Oregonians continue to be known for their recycling prowess, they also are known for the enthusiastic adoption of alternative modes of transportation to the ubiquitous automobile, attested by the passage, also in 1971, of the Oregon Bicycle Bill. Then-Governor Tom McCall signed the bill into law, which required considerations for bicyclists and pedestrians wherever a road was being constructed while also allocating state funds to provide walkways and bikeways. Thus was Oregonians’ love of the bicycle enshrined in law.

Another Oregon tradition, mail-in voting, has roots extending all the way back to 1981, when the Oregon Legislature first approved mail-in voting as an option in local elections.

Bottles. Bikes. Ballots by mail. It’s all part of what makes Oregon ... Oregon. That distinctive character also is what makes Oregon a unique place to practice law according to some of the newest 50- and 40-year Oregon State Bar members.

“Having practiced in many states across the country, my observation is that Oregon lawyers demonstrate greater civility toward each other than lawyers elsewhere. It certainly rubbed off on me,” says 40-year member Lawrence Baron. “After moving to Portland from Detroit, Michigan, I found myself constantly in trouble for combative behavior. In fact, I was thrown in jail for contempt of court for basically challenging
From Judge G. Philip Arnold (admitted in 1981), retired circuit court judge on the 1st Judicial District Court in Jackson County: “Some years ago I read an article in which a federal magistrate called his the ‘best judge job in America.’ He was the magistrate in Yosemite National Park and he walked from home each day through the park to the little courthouse sitting beneath Yosemite Falls. It sounded wonderful,” recalls Arnold. “I would have been jealous had I not had the real best judge job in America.

“I lived in Ashland, home to the Oregon Shakespeare Festival, whose performances we attended frequently. From my home we could see the ridge where we cross-country skied, and it was a 30-minute drive to the Mt. Ashland ski area. We hiked on the nearby Pacific Crest Trail and on many other beautiful trails in the area. The courthouse in Medford was 15 miles away and I often rode my bike through the beautiful countryside to work, keeping the bike in my chambers during the day. The Jackson County Bar was and is an excellent group of lawyers to work with. I had the best judge job in America.”

C. Thomas Davis (1981), of Beaverton, says his out-of-state experience reinforces his belief that Oregon is a great place to practice law. “Having participated in cases out of state, I appreciate the civility of Oregon attorneys and the conscientiousness of our judges.”

Daniel Simcoe, of Grants Pass, puts it succinctly: “It has been a blessing to be an Oregon lawyer for 40 years.”

Daniel Murphy, of counsel with Ivers & Miller in Albany, and a new 40-year member, points to the measures Oregon and the OSB have in place to ensure professionalism at every turn. “Most of the attorneys I have encountered in Oregon are decent folks acting very professionally. Oregon’s dedication to maintaining a vigilant and diligent attorney discipline system helps keep the profession ethical. And our bar association has been a leader in innovative ideas for the profession.”
regulations of the 1970s. Fewel goes on to say he’s most proud of his son, Chance, who also pursued his dream of becoming an Oregon lawyer and is a current OSB member.

Joe Willis recalls some of the pro bono cases he is proudest of as an Oregon attorney. The first, in which he represented many new immigrants who had been cheated out two weeks of paychecks, resulted in the boss being indicted and the workers awarded their rightful pay. Another case involved a woman who had just lost her husband and was now facing losing her home due to a foreclosure from a reverse mortgage. “Thanks to some protective Oregon laws and a federal program being available, she was able to stay in her home for her life if she chooses,” Willis says. “I will always remember the faces of those clients when they learned the results of their cases. That look, even without the words of thanks that poured out, are among my very finest memories.”

40 Years of Success
Our 40-year OSB members began their professional journeys in 1981. In that year, Sandra Day O’Connor became the first female U.S. Supreme Court Justice. The world watched Charles and Diana’s royal wedding. Muhammad Ali retired from boxing. El Hispanic News began publication here in Oregon. The profession, and the OSB, saw more female and diverse voices practicing the law and moving up through the ranks.

Eve Miller, who spent 16 years practicing law in the Portland metro area before becoming a judge, says her greatest professional achievement was her career as a Clackamas County Circuit Court judge. “There were many people who cannot afford lawyers. I am happy that we have been able to serve more people. I am also pleased that the Oregon Judicial branch is focused on access to justice and diversity. Our approach to resolving disputes has evolved with a heavy emphasis on mediation. This has greatly benefited people who are involved in every type of court case.”

Monica Little also is proud of her career on the bench, describing her greatest accomplishment as “taking the oath of office as a United States immigration judge.”

Wes Fitzwater, who started Fitzwater Law and says it is his greatest professional accomplishment, is proud of how his firm has mirrored the changing landscape of the law. “The increase in women judges, attorneys and law school professors, was not only the right thing for the Oregon bar but it has, in my opinion, raised the bar with sensitivity, compassion, true concern for clients and the protection of the most vulnerable. I am proud to say women make up 75% of our firm. We are the better for it.”

Kelly Hagan of Schwabe, Williamson & Wyatt, singles out 2006 as one of the highlights of his career. It was in this year, the centennial of the Multnomah Bar Association, that he served as the organization’s president. “A legacy of that centennial celebration is the Multnomah Bar Foundation, which is still promoting civics education throughout the Portland metro area. The MBA provided a very satisfying way to be of service to the profession and the public.”

Several newly minted 40-year members look back with pride at their roles in major cases.

Chrys Martin of Davis Wright Tremaine co-led “the team that achieved an unheard of high-percentage recovery in what at the time was the largest ERISA investment manager fraud case in U.S. history using creative resolution techniques.”

Rob Dolton, who has spent most of his career representing victims of automobile collisions, explains how his most important work resulted in changes to Oregon’s auto insurance laws: injured people can now stack their own underinsured motorist coverage (UIM) on top of the recovery obtained from the at-fault driver’s insurance policy. This wasn’t the case previously.

“Naively, I assumed that if I pointed out this inequity to our elected representatives, the Legislature would quickly remedy the situation by changing the law,” Dolton explains. “Eight years later, the Oregon Trial Lawyers Association and I were successful in
changing the law to allow stacking. Today, catastrophically injured Oregonians are able to add up to the full value of their UIM policy limit to the recovery obtained from the at-fault driver’s insurance company. The access to additional insurance coverage has proven to be life-changing for some seriously injured accident victims.”

Bob Moon in Baker City says he’s proudest of winning an acquittal in a murder case based on a self-defense theory. This victory led the Oregon Criminal Defense Lawyers Association to adopt the case as the fact pattern for a CLE and development of the Trial Skills College. “For the past 14 years I’ve had the pleasure of working on a faculty of the Trial Skills College with great lawyers and now dear friends as we teach usually young criminal defense lawyers how to try cases. It is rewarding for all of us to watch how these young lawyers improve their trial skills over the weekend we spend together. We’ve had the pleasure of working with probably 450 lawyers.”

Not all OSB members work as lawyers. Scott Pratt says his biggest accomplishments were achieved over the 30 years he served on the board and as president of the Oregon League of Conservation Voters. “During that time, I helped to build the OLCV from a minor political organization to one of the most powerful political organizations in the state and the most powerful environmental campaign organization.”

One of the more unique working situations among the responding 40-year members comes from Nancy Hungerford. She has an independent practice focusing on representing Oregon school districts and community colleges. Now, a few decades after starting the practice, she has welcomed her daughter, son, son-in-law, daughter-in-law and stepson into the practice as partners. Keeping it all in the family, all work from home offices, dramatically reducing overhead.

### Technological Changes Make a Big Impact

Fashion, music, film and pricetags change significantly over a 40- or 50-year span of time ... so, too, does the practice of law. And nothing seemed to affect Oregon lawyers more over the past four to five decades than the expanding importance of technology to the profession.

“Technology has changed the profession immensely in the last 40 years,” says Professor Terry Wright of Willamette College of Law. “When I began practice, computers were just beginning to be used, and there wasn’t such a thing as a PC. We had no fax machines, voice mail, cell phones and texting. The addition of all of these have made the practice of law an entirely different profession than when I started.” She points to another big change from 40 years ago: “Thankfully, the profession has begun to be more diverse, though we have plenty to do to improve on things.”

New 50-year member Dennis D. Ashenfelter observes that technology has increased the pace at which attorneys work. “Technology has revolutionized the legal profession. Slide rules, to calculators, to computers and cell phones. Yes, I am proficient in Excel. The pace of everyday practice is much faster. Statutes, regulations and rules are constantly changing. Online legal research has transformed the legal profession. I am now surrounded by young attorneys who want to tell me how to do things.”

Bill Replogle of Tigard concurs and finds today’s communication much less personal. “Personal interaction with clients and with fellow attorneys was the norm when I entered the practice. Face-to-face meetings, phone calls and some carefully drafted letters were our means of communication. The computer and smartphone with emails and text messaging has quickened the pace of the practice and made it more impersonal.”

From major cultural shifts in the legal landscape to landmark cases and greater diversity in the profession, Oregon lawyers celebrating their 40- and 50-year anniversaries as bar members can look back on their careers with pride. Forty-year member Baron sums up the tremendous technological changes. “From doing research to setting up a law office to meeting a client to appearing in court, everything has changed. Basically, I can now carry my complete office on a laptop and practice effectively from anywhere in the world. Who would have pictured that 40 years ago?”

Michael Austin is the editor of the Bulletin. Reach him at maustin@osbar.org.
Oregon Lawyers Contribute Nearly 40,000 Hours of Legal Service in 2020

By Melody Finnemore

Despite a year plagued by the COVID-19 pandemic, devastating wildfires, civil unrest in the pursuit of greater social justice and other monumental challenges, Oregon lawyers provided 39,334 hours of direct legal representation pro bono service to help communities across the state.

“Although the total number of attorneys reporting pro bono time dropped by 13 percent from 2019 to 2020, the number of attorneys meeting the OSB aspirational pro bono standard went up,” reports Bill Penn, director of the Oregon State Bar’s Legal Services Program, which oversees the pro bono awards. He also is the assistant director of the Oregon Law Foundation. For more than 30 years, Oregon’s Aspirational Pro Bono Standard has encouraged lawyers to provide 80 hours of community service each year, including 20-40 hours of direct pro bono work for low-income people. Lawyers who cannot provide direct legal services are encouraged to donate to an organization like Legal Aid that works to increase access to justice.

“The total number of direct legal service pro bono hours remained largely stable because the lawyers at Oregon’s mid-sized and large firms who reported pro bono time contributed more hours per capita in 2020 than in 2019,” he says.

From the almost 40,000 pro bono hours come this year’s Pro Bono Challenge awards, presented for the 22nd time. They are part of the virtual “Celebrate Oregon Lawyers” event held later this month.

In 2020, more than 1,100 lawyers (about 7.6% of active Oregon State Bar members) reported enough combined pro bono service to equal 20 full-time lawyers working for underserved Oregonians, as well as more than 70,000 hours of public service of any kind. Since the OSB began keeping detailed records of pro bono reports in 2003, Oregon lawyers have reported providing direct pro bono legal services worth more than $190 million.

ONLD Member

Gabriel Watson
Watson Law PC

Gabriel Watson viewed becoming an attorney as a pipe dream that seemed elusive until his mother passed away in 2011. The two were close, and Watson says the loss was a catalyst for him to go to law school.
During law school he worked as a firefighter and paramedic. He also gained experience in the courtroom by representing his family pro se in a battle with Wasco County over family property on the Deschutes River. Watson discovered profound similarities in matters of access to medical care and access to justice.

“I’m discovering I’m a proponent of access to both. I have dealt with a number of land-use issues involving the ‘haves’ and their not-in-my-backyard approach to the ‘have nots,’” he says, adding he takes a tremendous amount of pride in making sure the “little folks aren’t smothered by them.”

Shortly after earning his law degree, Watson represented his brother and father in litigation against a prominent Portland-area business owner. Watson had the privilege to work alongside his mentor, Mick Seidl, who cautioned him that the case, which became a series of legal battles, would be extensive and exhaustive.

These early experiences thrust him into the world of complex litigation and he opened his Portland practice in 2019. Watson says those experiences also gave him a “David vs. Goliath” approach to his pro bono work. “I have a bit of a bleeding heart. Mom was always a compassionate person and you did what you could to help if you could. That was embedded in me pretty young,” he says.

“The law has always been a fascination for me, but it hasn’t always been accessible because of the cost,” Watson adds. “It was eye opening just how people would abuse the law. They pick a target who doesn’t have the money to defend this complex case. A lot of people use the legal system as a bludgeon and I don’t think that’s what it’s for.”

Watson completed 418 hours of pro bono service in 2020, taking cases such as representing small business owners and individuals. One case involved a business owner wrongfully accused of sexual harassment by a terminated employee, who then posted threatening social media messages holding a gun. Watson also has helped several former co-workers facing discriminatory employment practices by the fire department.

“I get frustrated when I feel people are abusing the system, and I like to take care of the people who are being abused,” he says.

Watson and his family are establishing the Leslie Louise Foundation in memory of their late mother. Their goal is to seek donations and hold fundraisers to support artists and athletes in the incipient stages of their careers to ensure they get a fair shake when negotiating.

“Our mother loved the arts and was such a creative and supportive spirit that we’ve decided this will be a great way to honor her legacy,” he says.

**Active Pro Bono Member**

**William Haberlach**  
**Medford Municipal Court judge**

For Bill Haberlach, helping veterans with their legal issues is personal. After earning his law degree from Willamette University in 1968 and clerking for a law firm in Oregon City, he received a direct commission in the Navy Judge Advocate General’s (JAG) Corps in Seattle. He joined a small firm of military lawyers where he worked on claims for and against the Navy, including some brought by Navy personnel who were injured by civilians.

Haberlach was then stationed in Guam and completed his four-year commitment to the Navy. There, he had independent duty providing legal assistance on matters such as taxes and wills for Navy personnel.

Upon completing his active duty military service, Haberlach returned to Oregon and worked in the Jackson County District Attorney’s office for nearly three years before going into private practice while affiliated with the U.S. Navy Reserve. It was during his private practice that he began providing pro bono services through the Southern Oregon Rehabilitation Center & Clinics, where veterans from across the country come for various types of treatment.

“One they got clean and sober and back on track, they realized they had a lot of legal problems that they hadn’t been paying attention to,” Haberlach says. “There was no one else doing it and the veterans needed a lot of help. I felt that I got a break by being a Navy lawyer and some of these guys ended up with all kinds of problems they couldn’t avoid.”

Haberlach has continued his pro bono work on behalf of veterans through the Center for Nonprofit Legal Services. He has served on the CNLS board since 1975 and volunteers working with vets for about four hours a week, totaling 135 hours in 2020.

The retired Navy commander noted that veterans of different generations face, to some extent, different problems. As an example, PTSD was not diagnosed in vets from the Vietnam War and previous conflicts — instead they were identified with “shell shock” — and Vietnam vets often suffer the side effects of Agent Orange.

At the same time, however, “The problems I see now are similar to the problems I’ve seen over the last 30 years of doing this,” he says.

Haberlach, a previous recipient of the OSB’s President’s Award and Pro Bono Challenge Award, became a municipal court judge in 1978 while he was in private practice. When he retired from private practice, he had more time to do volunteer work and found it to be as beneficial for himself as for those he helps.

“I really like it when someone in the community recognizes me because of the work I do, and I also like to be successful because so many of these veterans are kind if disillusioned and feel like they can’t do anything. When I’m able to clear something up for them, they appreciate what I’ve done for them,” he says.

**Solo Practitioner**

**Tara Millan**  
**Tara Millan Law**

Tara Millan spent her early childhood years in Alaska with a father who was a plaintiff’s attorney. She recalls wanting to follow in his footsteps. “Around the dinner table you always heard lawyering stories, and my dad is an excellent storyteller, so that probably got me hooked,” she says.

As she earned her undergraduate degree at the University of Colorado Boulder, Millan also knew she wanted a legal career that would allow her to help people. That feeling deepened while she earned her law degree at Creighton University, a Jesuit school in Omaha, Neb., with a strong emphasis on attorney ethics, helping
the community and caring for neighbors. With her law degree in hand, she moved to Alaska to practice as a plaintiff’s attorney with her father for 10 years.

Millan then moved back to Southern Oregon, where her family had moved when she was 9 years old. When she was young, she lived on a large cattle ranch where she learned to show horses and cattle. Upon her return, she practiced for a year with the late Sen. Dennis Richardson, a member of The Church of Jesus Christ of Latter-day Saints. She notes that she appreciated his faith and his ethic of giving back to the community.

Millan established a walk-in office in rural White City about a decade ago and immediately began providing pro bono services. “I handle a lot of work for people involving insurance, family law, workers compensation and estate planning. I do a lot for free as opposed to being paid in chickens,” she says with a smile.

“I do pro bono every day,” Millan adds. “I have an office where people just walk in and I can generally make time, even if it’s just for a moment. If not, my secretary knows what to ask to find out what they need.”

Among the most common requests is guidance in estate planning, family law matters and contract work. Millan frequently helps people figure out their insurance policies, talks them through the court system process and advises them on how to settle issues. She estimates she volunteers at least 10 hours a week through her pro bono work. She logged 484 hours in 2020.

In a small community where Millan’s connection goes back to childhood in nearby Medford, she knows most if not all of the residents and says she often feels like the TV lawyer Matlock.

“I get a big kick out of it. I feel like life is great and has been wonderful to me, so I very much enjoy being in a position to help when I can. The feeling of helping to fix a problem for someone is really rewarding,” she says.

**Lawyer At a Firm**

**Lee Wyatt**

*Practicing with John Haub*

Lee Wyatt’s pro bono service is being recognized for the second year in a row, as is her Oregon City practice with John Haub. Wyatt provided 1,400 hours of pro bono service in 2020 through her work with homeless people, veterans and other low-income populations.

Before the COVID pandemic, Wyatt volunteered for East County Aid and Comfort by cooking the weekly communal meal for people in East Multnomah County. She also serves on the board of directors for the nonprofit, which provides permanent housing options for homeless seniors.

Wyatt says this year’s honor stands out in particular because she and Haub do not plan to be working together next year. Haub is set to retire.

“I am super saddened, but my love for John also means I am excited for John,” she says. “This best-ever-in-my-life law colleague will soon have walked this wounded world for three-quarters of a century, more than 50 serving the general good of our country and others, and close to 40 years as a member of the federal and state bars.”

Wyatt uses words such as “selflessness” and “high-caliber legal counsel” to describe Haub and says those qualities distinguish him from other attorneys she has known during her 30-year law career.

Wyatt and Haub run a full-service law firm that provides wills, funeral planning, insurance defense, criminal defense, complex civil case litigation and outside general counsel. Their pro bono work involves housing connections and “a leg up to hundreds of people, mostly — but not only — forgotten, broken and unseen veterans,” she says.

“I have been blessed to have an excellent marriage to my husband and an excellent working relationship with another lawyer. For me, if I can’t practice with someone like John Haub, then why continue to practice at all? I do not care to paddle a boat alone in this sea of need,” Wyatt explains. She questions who might receive a pro bono service award next year if she and Haub are no longer practicing. She also notes that more attorneys are necessary to provide such services to people who need guidance in their “labyrinth-like search for justice and mercy.”

Wyatt says she dreams of a no-tuition law school to select experienced professionals in the fields of social work, probation supervision and property management, as well as those who have recently received their law degrees, to pledge a specific number of years to pro bono service.

“It could explode the availability of attorneys to represent tenants, consumers and homeless people of all stripes. Those attorneys would have the skill and heart to come alongside and speak, explain and be there,” she says. “Justice is not served in a democracy where legal rights come with a price tag because many times there is no money to incentivize ‘doing the right thing.’”

Wyatt encourages other attorneys to step forward to provide pro bono services. “May you be as happy and laugh as much as we have these past few years.”
Small Firm
Lee Wyatt & John Haub

John Haub and Lee Wyatt received their second consecutive Pro Bono Challenge award for a small firm for providing 1,400 hours of service last year. Haub shares how the COVID-19 pandemic greatly impacted their ability to provide legal services to veterans, homeless people and others with low incomes.

"In-person legal services as well as in-person social-support services are most effective when delivered directly ... person to person. COVID stopped that process. Going to a clinic, supportive housing office, therapist, a VA clinic and a counselor’s office became nearly impossible," he says.

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

The former prosecutors’ pro bono service has included “community service days” where fees and fines are forgiven when people convert one hour of non-mandated addiction treatment or one hour of community service to a $100 value in reducing their Multnomah County fines and fees. Haub explained that such fees and fines often prevent people from seeking to expunge crimes that are barriers to employment and stable housing.

Haub and Wyatt partnered with Legal Aid Services of Oregon and the Clackamas County Bar Association to set aside records of arrests and convictions to help decriminalize poverty. Their pro bono service also has centered around housing for veterans because stable housing is key to success in addition treatment, job searches and health care.

To further assist veterans, Haub started the Veteran’s Legal Clinic at Fort Kennedy, a nonprofit founded by retired Army 1st Sgt. Tina Kennedy in Clackamas County to meet the needs of homeless and struggling vets. At Fort Kennedy, homeless veterans can take a shower, get their clothes laundered, access food for themselves and their pet/service animal, and work with Haub and Wyatt on legal issues, surrender on warrants and seek relief from Forcible Entries of Detainer (eviction) proceedings.

In addition, homeless veterans receive assistance such as gas cards to get to medical appointments, new clothes, and items for a new apartment made possible through the Supportive Services for Veterans and Families program or the subsidized voucher HUD VASH program.

Haub says those efforts were significantly impacted by the pandemic as well. In-person meetings at Fort Kennedy’s legal clinic ceased to be a regular event. Court proceedings were continued without any expectation of final resolution, and dockets “became nothing but a log jam with no end in sight.

“Everything sort of came to a full stop, and the homeless veterans were left on their own to navigate a world that was closed to them,” he says. “Even those with failure-to-appear warrants were given citations to appear rather than be taken before a judge. The world of telehealth became a reality. Zoom became the new way to meet with providers or lawyers.”

Medium Firm
Stoll Berne

Attorneys at Portland’s Stoll Berne actually provided more pro bono service during the pandemic than before, generating 468 hours in 2020. While working from home and postponing vacations and other travel, many focused on ways the community needed help.

“I think in the early months of the pandemic, everybody felt helpless and like there was a lot to do. The combination of things led to more pro bono activity,” says Steve Berman, shareholder in charge of pro bono activities.
Some examples of their service include a senior partner who helped small businesses obtain loans for personal protective equipment and other resources, while another worked with the nonprofit Children’s Cancer Association to gain relief from the financial burden of a lease for space they could not use because of the pandemic. One Stoll Berne attorney helped search-and-rescue groups renegotiate how to operate with Clackamas County.

Others provide pro bono service through direct engagement in the courts, such as obtaining restraining orders to protect victims of domestic violence under the Family Abuse Prevention Act and representing children as volunteers for Court Appointed Special Advocates (CASA).

Stoll Berne’s history of pro bono service reaches back to its founders and is a cornerstone of its ethos. The firm has long been a contributor to the Campaign for Equal Justice and a supporter of civic education programs such as the Classroom Law Project’s mock trial competitions.

“We’re not tracking billable hours for newer lawyers in the sense of ‘Is this a pro bono matter or an indigent matter or billable work?’ It’s just, ‘Are you doing stuff that is meaningful?’ That is super cool because people want to come to work,” Berman says. “We’re fortunate. We’re a successful law firm in a community that values the work we do, and that allows us to give back to the community.”

The firm provides a list of pro bono suggestions for those who request it, and attorneys are also encouraged to pursue their own interests. “We want people to engage with the community where their comfort zone is and where their skill set is,” he says.

Berman notes that the firm’s pro bono service has evolved as needs change. In addition to its work during the pandemic, Stoll Berne’s attorneys have become more engaged in protecting the rights of immigrants over the last several years. A trio of partners spent time at a detention facility in Georgia and advocated for immigrants there. Other attorneys have advocated for people going through various phases of the deportation process.

“If there is an immediate need in the community and we feel we can help meet that need, we will get involved,” Berman says.

Large Firm
Davis Wright Tremaine

For the eighth year in a row, Davis Wright Tremaine (DWT) has logged the most pro bono service hours with more than 28,500 hours in 2020 for an estimated value of $17,048,933. Its Portland office contributed 3,882 hours.

“If 2020 taught us anything about equity and justice, it’s that the need is great and there’s so much worth fighting for in this world,” says Bill Miner, partner in charge. “All year long, our people volunteered their time and talent to fight for justice and equality.”

While working remotely, DWT’s attorneys transitioned their efforts from in-person legal clinics and meetings to virtual sessions held over Zoom. They also stepped up participation in research and writing projects.

Miner says one of the benefits of doing pro bono services remotely is that it enabled the firm’s attorneys to assist individuals and organizations in remote communities far from the Portland office. They also provided greater service to people who they would normally assist only in a walk-in clinic setting.

“Instead of our relationship ending when they walked out the door, we were able to provide more ongoing representation. Delivering client service remotely also allowed attorneys from across our offices to collaborate in new ways on pro bono cases,” he says.

Miner points to examples such as Riley Lagesen, chair of DWT’s restaurant practice group and a partner in its Portland office, who saw the immediate need for help to support the restaurant industry. Lagesen teamed up with his longtime client, Guy Fieri, to launch the Restaurant Employee Relief Fund (RERF), which raised more than $21.5 million to help 43,000 restaurant workers who suffered financially due to the pandemic.

DWT’s pro bono team created a comprehensive resource guide for restaurant and retail workers on how to access unemployment, housing, health care and other forms of assistance. The guides were tailored to four states, including Oregon, and distributed to the affected workers of some of its largest clients and to qualified legal service organizations providing pro bono representation to those impacted.

DWT attorneys and staff across three offices (spearheaded by Olivier Jamin, pictured) partnered with Lewis & Clark Law School’s Ramos Project, and the firm is representing five Oregon inmates sentenced on the basis of non-unanimous jury verdicts. Its attorneys have dedicated more than 330 hours so far.

The firm also partnered with Lewis & Clark Law School’s Small Business Legal Clinic, which is committed to helping minority-owned businesses, including women, recent immigrants and people from communities of color. DWT receives a handful of potential cases from the clinic each month, ranging from helping a business owner understand what entity to form and how to do it, to reviewing a lease or an employment agreement.

“Several of our Portland lawyers also participated in our firm’s 1:1 With Black Founders Initiative last year, in which investors, advisors and experts volunteered at least 30 minutes of their time to mentor a Black founder. Nationwide, we paired more than 120 founders with mentors,” Miner says.

Melody Finnemore is a Portland-area freelance writer. Reach her at precisionpdx@comcast.net
Congratulations to all five University of Oregon School of Law community members who have earned 2021 Oregon State Bar Awards.

**Professor Mary Wood**
Philip H. Knight Professor and Faculty Director of our nationally top ranked Environmental and Natural Resources Law Center
President’s Sustainability Award

**Sarah Sabri, JD ’05**
Oregon Department of Justice
President’s Membership Service Award – Indian Law Section

**Hon. William Johnson, JD ’75**
Chief Judge, Umatilla Tribal Court Confederated Tribes of the Umatilla Indian Reservation
President’s Special Award of Appreciation

**Meredith Holley, BA ’03, JD ’12**
Founder of Eris Conflict Resolution
Oregon State Bar 2021 President’s Technology and Innovation Award

**Judge John V. Acosta, JD ’82**
United States Magistrate
Oregon Bench and Bar Commission on Professionalism’s Edwin J. Peterson Professionalism Award

*Thank you for everything you contribute to our world!*
As we celebrate Oregon lawyers who have 50 and 40 years of service as members of the Oregon State Bar (see page 34), we also celebrate important programs hitting those milestone anniversaries as well.

The Oregon State Bar’s Lawyer Referral Service started in 1971. Oregon Law Foundation began in 1981. It’s hard to imagine the Oregon legal landscape without either program. Both have made their mark and continue to thrive in 2021 with an aim toward improving access to justice for all Oregonians.

LRS Improves Access to Justice Via Call Center, Additional Programs

It’s hard to imagine what it’s like to field 84,591 calls from the public in just one year (as the Oregon State Bar’s Lawyer Referral Service department did in 2019), but Eric McClendon, the Director of Referral & Information Services Programs for the past seven years, describes it like this: “It feels good knowing we are connecting people with the resources they need to resolve their legal issues. Although it can be challenging at times, we take pride in knowing we are helping the people of Oregon during very stressful situations.”

Just like everything else in 2020, it was an odd year for the Lawyer Referral Service (LRS) with call volume dropping 17.7% to 69,627 calls received. Even with the falloff, the program (first established as mandatory in 1971 and moved to voluntary in 1985), continued its mission of increasing “the public’s ability to access the justice system, as well as benefit bar members who serve on its panels.”

Consider that in the last two years, LRS has done the following:

- Connected almost 100,000 Oregonians with an attorney.
- Implemented an education series for SB608 (rent control and no-cause evictions), which included pamphlets for property owners, information for renters and the first-ever live webcast for the public.
- Created pro bono panels for people affected by COVID-19, as well as pro bono panels for the FEMA disasters, including flooding in eastern Oregon and areas affected by 2020’s wildfires.

Greater-Good Programs Celebrate Anniversaries, Continue Mission

By Michael Austin
• Implemented an education series for SB278 and SB282 (residential eviction moratorium and rental assistance) which included information for property owners and renters, and the second-ever live webcast for the public.

• Updated all current legal information topics and created public information specific to the COVID-19 pandemic.

Additionally, LRS helps fund several other Referral and Information Services Department (RIS) programs, including: the Modest Means Program (reduced-fee assistance for low- to moderate-income clients); Problem Solvers (pro bono legal advice for youth ages 13-17); and the Military Assistance Panel (a program connecting military personnel and their families in Oregon with pro bono legal assistance).

The LRS mission is accomplished through a remittance-fee program in effect since October 2012. In addition to a small registration fee charged to the lawyers participating in LRS, the bar collects a 12% remittance fee. In 2019, this was amended only to pertain to fees earned and collected totaling more than $250, a policy meant to incentivize lawyers to take on smaller matters.

On average, around 500 attorneys (70% of whom are solo practitioners) participate in LRS each year. They are paid a $35 fee by the client for a 30-minute consultation. To ensure a high level of customer-service standards, they must:

1. Be in private practice;
2. Be an active member of the Oregon State Bar in good standing;
3. Maintain malpractice coverage with the Professional Liability Fund;
4. Have no formal disciplinary, protective or custodianship proceedings pending.

There are strict measures in place for any type of possible ethical or fee-related complaints against participating attorneys. Panelists must stay in regular communication with LRS staff and are allowed to participate on panels and subpanels only within their area of competence.

LRS employs 10 call-center assistants, including six staff members who are bilingual in Spanish. A dedicated Spanish line accounts for 5-10% of call volume in a given year.

“Having a bilingual staff and dedicated Spanish line is a tremendous asset for our Spanish-speaking community. Often times we are the first person they reach with the ability to understand them and their legal issue. This is a huge relief for them and they are very grateful for the service we provide,” McClendon says.

RIS also provides a service to Oregon’s lawyers. The Lawyer-to-Lawyer program is a free service that connects Oregon attorneys with experienced practitioners for brief advice in over 200 areas of law. Any Oregon lawyer can call the program and get connected to a volunteer attorney at no cost.

LRS panelist attorneys have earned and collected almost $60 million in legal fees from LRS referrals in the past nine years. The referral fees paid to the bar from those legal fees have made LRS a self-supporting program (not funded by member fees) and allowed the bar to enhance its public information services.

With call volume now back to pre-pandemic levels, LRS continues to press forward as a self-sufficient entity connecting qualified attorneys with Oregonians who need them.

The Referral & Information Services Department is always looking for attorneys to serve as panelists in LRS, Modest Means and all six of its pro-bono panels. If you are interested in joining, contact the RIS Department at ris@osbar.org, or (503)431-6408. You also can find the RIS registration form at www.osbar.org/_docs/forms/lrsreg.pdf.

OLF Funds Law-Related Charitable Purposes

Through 2020, the Oregon Law Foundation had delivered more than $43 million to grantees (law-related charitable purposes), an impressive sum considering the program began in 1981 and delivered a scant $8,300 in its first year. A series of smart decisions and advanced maneuvers transformed the OLF from its humble beginnings to the charitable juggernaut it is today.

In 1980 the federal government cut funding for civil legal services by 25%. The OLF, created by Oregon State Bar leadership in response to these drastic reductions, has remained a legal separate entity from the Oregon State Bar since 1981, when it was granted 501 (c)(3) status with the Internal Revenue Service as a charitable foundation. Its mission has remained the same since its establishment:

1. To provide legal aid to the poor;
2. To improve the administration of justice;
3. To promote the study of law, research in the law, legal education and the dissemination of legal knowledge.

In 1983, with its mission in focus and fundraising efforts well underway, the OLF made a decision that dramatically increased distributable funds. After observing Interest on Lawyers Trust Accounts (IOLTA) programs in Australia and Canada, the foundation sought to set up a similar system in Oregon. It was a simple concept: Ask members of the bar to convert their noninterest-bearing, pooled-client trust funds into interest-bearing accounts with the interest benefiting the foundation. It would cost bar members nothing, as the foundation paid any associated bank fees for accounts benefitting the foundation.

The voluntary program initiated by OSB members was approved by the Oregon Supreme Court in March 1983. After a few years and the addition of a half-time employee dedicated to promoting the program, the foundation was able to distribute $280,300 in 1985 and $427,830 in 1986.

As the OLF continued to grow, its board needed to find ways to increase funds for grantees, specifically legal aid, which was working with an expanding base of low-income clients. The solution they proposed was to make IOLTA a mandatory program, a change that would require the support of OSB membership and its Board of Governors, as well as the state supreme court. OSB offered support for the mandatory program and surveyed its membership about this potential shift. By a 2-1 margin, OSB members were in favor of IOLTA becoming a mandatory program and late in 1988, the Oregon Supreme Court issued Disciplinary Rule 9-101 requiring all client trust funds to be placed in interest-bearing accounts for the benefit of the OLF (or of the client).
The mandatory program started May 1, 1989. The number of lawyers or firms participating jumped from 1,000 to 4,500 while income to the OLF increased from $400,000 to more than $1 million. By 1991, foundation income peaked at $1.46 million— a far cry from the $8,300 distributed less than a decade earlier.

Then, market factors caused grants to drop dramatically with bank rates plummeting and bank service rates increasing. The OLF made a plea to the banks, asking them to reassess their rates for the benefit of the charitable programs. Banks agreed, adjusting their rates, and OLF funding stabilized through the late-1990s and early 2000s with grantees again receiving about $1 million per year.

Another forward-thinking plan emerged in 2005 when the OLF and the banks worked together to create the Leadership Bank program, now called Leadership Banks & Credit Unions. This program applauds and promotes those banks and credit unions paying above-market interest rates on IOLTA.

“We needed to find a way to better partner with the banks. We thought that if banks understood where the earned interest was going, they would be more open to partnering with us. Civil legal aid ends the cycle of poverty by providing direct legal advocacy to address economic and social problems and that is a goal that banks value,” says Judith Baker, former executive director of the OLF.

As an additional benefit of the Leadership Banks & Credit Unions program, the OLF was designated as the third-party beneficiary for Oregon of the 2014 U.S-Department of Justice mortgage settlement. As a result, since 2015 the OLF has distributed grants from those funds in addition to the IOLTA revenue. The mortgage settlement money has been used for foreclosure assistance, housing assistance and other community development legal assistance throughout Oregon.

Grant funding from settlement dollars is expected to extend through 2022. The OLF will continue to push ahead long thereafter. It’s a uniquely Oregon program.

“Collaboration has been key,” Baker says. “In some states, it’s more regulatory with specific mandates. For us, we keep the banks involved, we’ve partnered with
the Oregon Bankers Association and all of us are working toward the common goal of providing low-income Oregonians better access to legal services.”

Michael Austin is the editor of the Bulletin. Reach him at maustin@osbar.org.

Lens to the Editor

The Bulletin welcomes letters. They should be limited to 300 words. Preference is given to letters responding to letters to the editor, articles or columns recently published in the Bulletin.

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

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

Send letters to: Editor, OSB Bulletin, P.O. Box 231935, Tigard, OR 97281. Or you may email them to editor@osbar.org.
I am pleased to announce the Board of Governor’s recent adoption of the Oregon State Bar’s Diversity Action Plan 2021-2023 (DAP). It is the culmination of years of work to advance the organization’s understanding and commitment to diversity, equity and inclusion in the legal profession. It is the bar’s third DAP and, as such, we hope it reflects a growing organizational maturity in the work, while recognizing where the deficits lie and where our focus is most needed. I encourage you to explore the plan in depth.

The DAP is rooted in our statutory mission to serve the public interest by:

- Regulating the legal profession and improving the quality of legal services;
- Supporting the judiciary and improving the administration of justice; and
- Advancing a fair, inclusive and accessible justice system.

The plan is detailed and ambitious, while hewing closely to our mission and to our role as an integrated bar that exists to protect and serve the public. It is immeasurably stronger for having been developed over nine months of dialogue, with input from auxiliary stakeholders across the state. I am impressed with the collaborative effort that went into the plan, and I know this work will have impact.

On a related note, the House of Delegates this year will consider a BOG resolution to continue to fund the bar’s Diversity & Inclusion program. The resolution seeks to switch the assessment from a dollar figure that remains stagnant through years of inflation, to a consistent percentage of the bar member fee. Additionally, it will eliminate the need to seek re-authorization every 15 years, and move the program toward the same operations and oversight as every other OSB program. The resolution would not result in a 2022 member fee increase.

These changes will stabilize the funding and significantly enhance the D&I program’s ability engage in long-term strategic planning. It will also allow the program to advance the work laid out in the Diversity Action Plan, and it acknowledges that the need for this work is critical, integral and constant to advance the bar’s mission. I hope you will urge your delegates to support the resolution.

I’ll conclude with a personal message. I have served on the OSB Board of Governors for six years now, and this year as president. To say I’ve learned much about leadership and about our profession would be an understatement. But there is one area in which I’ve experienced particularly powerful growth: my own understanding of the vital nature of D&I work for institutions like the bar, and my understanding of my own role in advancing diversity, equity and inclusion as a 70-year-old white man and president of the bar.

It has been at times a steep learning curve, and I will never be done. But I am a better lawyer, and I like to think a better person, for having dedicated my mind and heart to the work.

David Wade is president of the Oregon State Bar. Reach him at dwade@osbar.org.
Thank you to the 2021 Chairs of the OSB Sections, Committees and Advisory Groups for their commitment to protecting the public by ensuring competence and integrity in the legal profession.

### Sections Executive Committee Chairs

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### Chairs of Committees and Advisory Groups

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Learn more about these groups at osbar.org/sections and osbar.org/leadership/committees
As a boy growing up in the migrant farm worker stream flowing from the Gulf States to the Pacific Northwest, Manuel D. Perez witnessed his parents’ daily struggle to make a good life for their children.

His father and mother moved from camp to camp, working the fields for low wages at a time when migrant farm workers were just beginning to organize and exercise their rights for better working conditions. That experience helped Perez develop an acute sense of fairness at a very young age.

“I saw my dad struggle to do well, but he would be at the mercy of the farmer or the farm labor contractor, and they would rip him off whenever they felt like it,” Perez says. “Because what’s he going to do, complain? Well, nobody’s going to hire him after that. I just didn’t see that as being right and I wanted to do something about that sort of stuff.

“So I was looking at going to law school from the very beginning.”

When his parents finally settled into factory jobs in the Eastern Oregon community of Nyssa, Perez embarked on an educational path that would allow him to build a career fighting back against the types of injustice he saw as a young child.

An excellent student, he received a bachelor’s degree with a major in political science at Boise State University. He went on to earn his law degree from the University of Oregon, and following a long, distinguished career as a much-respected criminal defender, Perez now sits as a circuit court judge in Marion County.

This year, the son of migrant workers and former high school state wrestling champion from Nyssa celebrates 40 years as a member of the Oregon State Bar, a notion that to him seems almost unreal.

“I can’t believe it’s gone so fast,” Perez says. “It sure doesn’t seem like 40 years.”

Speaking from his chambers at the Marion County Juvenile Department in Salem, Perez recalls the tension leading up to his first attempt at passing the bar exam.

“I remember when I was taking the bar (exam) back in 1981, the passing rate for minorities was really bad — about a 25-percent pass rate,” he says. “There were four of us sitting around talking about which one of us would pass. I was fortunate enough to pass, but I had lots of doubts. I think everybody does. You never really know.”

Entry into the bar helped Perez find his footing as a lawyer determined to make a difference. Early in his career he served on the bar’s affirmative action committee, working to improve opportunities for minority applicants.

He says he also leaned on the resources offered by the bar and the advice and support of experienced lawyers to help navigate the ins and outs of life as an attorney.

“When you’re practicing law a lot of ethical questions come up,” he says. “Early on I learned the bar is really good at providing ethical advice, and I was calling the ethics advice folks a lot, and they were really good. Always there, always willing to respond quickly, always spot on.

“A lot of times I already knew the right answer but needed that confirmation. That was really helpful to me.”

Fresh out of law school in the early 1980s, Perez signed on with the Oregon Legal Services regional office in Ontario and spent 14 years there focusing on farm worker law, reaching out to workers in labor camps, informing them of their rights and representing them when needed.
The work was exactly what Perez says he wanted to do, and considering his history to that point, it made perfect sense. He later served as a partner at Rader, Stoddard & Perez, an Ontario-based firm where he built a reputation as a fine criminal defense attorney.

His career path — which featured several years of driving hundreds of miles to Oregon’s largest prisons to offer inmates post-conviction relief (PCR) services — eventually brought him to Salem.

In 2013, he was hired as a public defender for Marion County, and most recently took his seat as a circuit court judge beginning in February of 2020.

“He’s a really smart guy who could have made a fortune as a civil trial lawyer or some other career as a lawyer, (but) he’s dedicated a 40-year career to service of those who have the least amongst us,” says fellow Marion County Circuit Judge J. Channing Bennett.

“He brings a lot of wisdom and experience to the bench, and certainly a great temperament,” Bennett adds. “He’s a kind and patient man, very self-effacing and unassuming. It’s hard to describe. He’s very low-key, but the respect, authority and kindness come through when he talks to people. He’s been a great addition in that regard.”

The Long Way Home

Perez, 64, was born in Eagle Pass, Texas, a border town that sits across the Rio Grande from Piedras Negras, Mexico.

At a very young age, Perez was sent by his parents to live with his great-grandmother in Mexico while they worked seasonally as migrant workers. He can’t recall exactly when he returned to their care full time.

“All I remember is in 1963 when President Kennedy was shot, we were in Florida,” he says. “My parents were picking tomatoes in Homestead.”

Migrant work kept the family on the move for years until both parents found permanent jobs in Eastern Oregon — father, Juan, working in a factory in Nyssa where sugar beets were processed into sugar; mother, Belia, finding work with Ore-Ida in Ontario.

Once settled in Nyssa, Perez excelled as a student and athlete. He won a state high school wrestling championship at 136 pounds his senior year — 1974 — and was accepted to the U.S. Air Force Academy where he expected to continue his studies in the fall.

Things took an interesting turn, though, when the wrestling coach at the U.S. Naval Academy in Annapolis, Md., offered Perez a chance to come wrestle for the Midshipmen. He spent a school year there until he decided to get married, which disqualified him from attendance at the Naval Academy (a rule that has since been changed).

“So I dropped out, came back to Nyssa, got my associate’s degree from Treasure Valley Community College, then I got my bachelor’s from Boise State,” he says.

Determined to stay on track with his studies and his pursuit of a law degree, Perez continued to excel right through the time he passed the bar exam following his graduation from law school in Eugene.

Along the way, he took inspiration from some role models in the legal community.

“There was one guy in Ontario who was a huge inspiration to me. His name was Bill Van Atta,” Perez recalls. “He was legally blind and he had failed the bar two or three times before he finally passed. I really admired his determination.

“When I passed, I knew I was in it for the long haul.”
Down on the Farm

Starting work with the Ontario-based regional office of Oregon Legal Services, Perez launched into practice with a focus on farm worker law and outreach. He spent 14 years there, going out to labor camps to inform farm workers of their rights and representing them when they needed it.

When he first started, in the mid-to-late 1970s, farm workers were still struggling to organize and find a voice in the English-speaking legal world.

As time passed, Perez expanded his reach, traveling to labor camps in Hood River, Roseburg and Hillsboro to meet with workers and help them organize. He says the thought of his parents working tirelessly in the fields continued to drive him in his career.

By the time he left Oregon Legal Services in 1995, he had become the Ontario office’s regional director and deputy director of the statewide farm worker program.

“Back then it seemed like a hopeless situation,” Perez says, “because all the power is in the farmers’ hands. But gradually it came around and the unions took hold to do good things for the workers.”

Adrenaline Rush

While focusing on farm worker law, Perez had an early taste of success as a trial lawyer, winning a jury trial on a wage claim. To him, it was pure “adrenaline. It was like wrestling all over again,” he says.

But it wasn’t until the mid-1990s that he began to sink his teeth into criminal defense, an area in which he would build the next major phase of his career.

He went to work as an associate at Rader & Rader, a father-and-son law firm in Ontario that offered him a chance to gain experience in public defense, another area of the law that lacked Hispanic representation at the time.

“It was really interesting because I was representing the same people I was working with at Oregon Legal Services, but instead of civil cases it was in criminal matters,” he says.

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“The new position didn’t seem to take away any of Perez’s passion for fairness and justice. He began traveling the state again,
offering PCR services to prisoners at some of the state’s largest correctional facilities.

“He was a very, very vigorous defender,” Stoddard recalls. “He was aggressive and he wasn’t afraid of anything. He was a very good defense attorney.

“The one thing that stood out was he was a very proud Latino. He had a real sense of fairness, and he really worked hard to make sure Latinos weren’t taken advantage of.”

Time for a Change

Frequently traveling the long road between Eastern Oregon and Salem to work with clients at the Oregon State Penitentiary (OSP), Perez decided to relocate to the state capital while continuing his PCR work at OSP and other correctional facilities.

In 2013, he accepted an offer to become Deputy Executive Director, Public Defender of Marion County, where he represented clients charged with a broad range of criminal offenses from misdemeanors to murder.

“So instead of commuting 420 miles every two weeks, I was commuting 15 minutes every day,” he says.

Spending less time on the road, Perez had plenty of work to keep him busy in Salem. It was all criminal defense, and as one of the most senior attorneys in the office, he found himself assigned the most serious cases.

Five years later, another opportunity arose and piqued his interest.

“One of my good friends in the office became a pro tem judge, and I said, ‘That sounds like fun. I think I could do that,’” Perez says. “So I applied and I got hired as a pro tem judge in 2018.”

In that role, Perez handled a miscellaneous docket covering everything from child support enforcement, small claims, landlord-tenant issues, stalking orders, to restraining orders and civil commitments.

“It was kind of an interesting transition because I had been doing a lot of criminal law and then I went to no criminal law at all. It was all civil,” he says. “But it was good because it made me go back and look at the kinds of other things that I had not worked on for a while. It gave me a good overview of all the kinds of cases we do.”

Another part of the transition involved taking off his lawyer’s hat when donning the robe.
“I had to remind myself that I wasn’t a lawyer, and to let the lawyers do their job,” Perez says. “I just had to make the right decision. It took a little bit of time because old habits die hard, but I finally got there. Sometimes I’d wonder if another question should have been asked, but I keep that to myself now.”

He performed so well in his new role that Governor Kate Brown appointed him to a circuit court judge seat created by the Oregon State Legislature in 2019 to help the Marion County Circuit Court better handle its growing caseload.

Assigned to the Marion County Juvenile Department in Salem, Perez now finds himself dealing with weighty matters involving young people who have found themselves on the wrong side of the law, requiring yet another shift in professional discipline.

“Juvenile law is completely different than the other law I’ve been working with for a long time. It takes a while to get comfortable with what you do,” he says. “You’re deciding whether children should go back home to their parents, or (if the parents) should have their rights terminated. It’s a really heavy decision to make.

“The other part of the juvenile department is more familiar to me, the delinquency docket. It’s when children are accused of things that would be a crime if they were adults. I’m a lot more familiar with that. It seems like the goal is rehabilitative instead of punitive. I like that, on the juvenile side, it’s more, ‘What can we do to help you avoid difficulties in the future? What resources are available to help you so you can become a productive member of society?’”

Settling down

Since arriving full time in Salem, Perez has settled into a life requiring less travel and affording more time with his wife, Whitney, a criminal defense attorney, and daughter Roxie, 10. There’s soccer practice, music lessons and all sorts of other activities away from the courthouse that keep the judge on his toes.

Back at work, Perez continues to earn praise for his steady hand and for the example he sets for a younger generation — especially young folks who are struggling to stay on the right side of the law.

“We have a high percentage of Hispanics in our juvenile court system here in Marion County,” Judge Bennett says. “The ability to reach out to these young people and...
talk to them in a language they understand can be extremely impactful in a good way."

"I think he connects really well with kids," says Jennifer K. Gardiner, a Marion County judge pro tem/hearings referee. "It's never a lecture. It's, 'Hey, let's hear this out and figure out what you need.' His personality doesn’t fluctuate. He's always very kind, steady and respectful, regardless of whom he’s talking to."

Perez says he returns to Eastern Oregon to visit family during the holiday season, but Salem is his home now. He has extended family in the work colleagues he’s befriended and the legal community that embraced him when he joined the bar 40 years ago.

“I really like the camaraderie,” he says. “I had to do a lot of learning, and there were a lot of people who already knew what I needed to learn. So I went to them for advice, suggestions, things like that. And they were very willing to mentor me through the things that I needed to learn. That was very, very helpful."

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Phil Favorite is a Portland-based freelance writer. He can be reached at philfavorite@gmail.com.

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Our Editorial Policy

All articles published in the Bulletin must be germane to the law, lawyers, the practice of law, the courts and judicial system, legal education or the Oregon State Bar. All opinions, statements and conclusions expressed in submitted articles appearing in the Bulletin are those of the author(s) and not of the editor, other editorial staff, employees of the Oregon State Bar, or members of the Board of Governors.

Publication of any article is not to be deemed an endorsement of the opinions, statements and conclusions expressed by the author(s). Publication of an advertisement is not an endorsement of that product or service.

Any content attributed to the Oregon State Bar or the Board of Governors is labeled with an OSB logo at the top of the page or within advertising to indicate its source or attribution.
OSB to Launch Online Fee Dispute Resolution System

The OSB Fee Dispute Resolution Program is going online this fall to replace the current system for resolving fee disputes between an Oregon attorney and a client, between Oregon clients with out-of-state attorneys or between Oregon attorneys. Lawyers and clients will be able to access the online system via the OSB website. This allows for remote resolution via email and text messaging to save time and money. More details will be available soon at www.osbar.org/feeldisputeresolution/index.html.

Report All Abandoned Client Funds in October

Abandoned client funds held in lawyer trust accounts are appropriated to provide legal services to those in need under the OSB Legal Services Program. Funds are deemed abandoned if the owner has not accepted payment of the funds, corresponded in writing about the funds or otherwise indicated interest in the funds within two years after the funds are payable or distributable to the owner.

Unclaimed funds must be reported to the Oregon Department of State Lands but sent to the Oregon State Bar with a copy of the report. Funds deemed abandoned as of June 30 are to be reported to the department during the month of October of the same year. Find more information at www.osbar.org/resources/abandonedfunds.html.

Earn MCLE Credit; Help Oregonians in Need

Did you know that Oregon lawyers can claim up to 6 MCLE credits per reporting period by providing direct pro bono representation to low-income clients referred by certified pro bono programs? See MCLE Rules 5.12(b) and 6.1(c) and Regulation 5.300(b)(1) at tinyurl.com/MCLERulesRegs for details. For a directory of volunteer opportunities, visit www.osbar.org/probono/VolunteerOpportunities.html. Questions? Contact the MCLE Department at mcle@osbar.org or (503) 431-6368.
PLF 4th Quarter Installment Deadline

The deadline for the PLF 4th quarter installment payment is Nov. 15, 2021. Late charges will be assessed if payment is not received by this date. Pay your installment on the PLF website at www.osbplf.org/assessment-exemptions/overview.html. If you have any questions, call the PLF Accounting Department at (503) 924-1771.

Have an Item for the Bulletin?

The Bulletin welcomes short items about Oregon lawyers and law firms for the Bar People pages of the magazine. Notices are published at no cost.

Email notices to: editor@osbar.org

Submissions are subject to editing and published in the order received.

The Bulletin publishes photographs (single headshots only) in “Moves” and “Among Ourselves” and “In Memoriam.” The fee is $20 for each photograph. The notice itself is free.

Paid professional announcements are also available. Inquire at advertising@osbar.org.

Questions? Call the Bulletin, (503) 431-6356 or (800) 452-8260, ext. 356.
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.

DOUGLAS V. OSBORNE
OSB #721895
Klamath Falls
Form B resignation

Effective July 29, 2021, the Oregon Supreme Court accepted the Form B resignation of former Klamath Falls attorney Douglas V. Osborne.

At the time of his resignation, there was a pending formal disciplinary proceeding against Osborne alleging violations of RPC 1.3 (neglect), RPC 1.4(a) (duty to keep client reasonably informed), RPC 1.4(b) (duty to explain a matter to the client), RPC 1.15-1(a) (duty to safeguard client funds in trust), RPC 1.15-1(b) (depositing a lawyer’s own funds into trust), RPC 1.15-1(c) (duty to deposit and hold in trust fees paid in advance, until earned), RPC 1.15-1(d) (duty to render an accounting upon request and to promptly deliver funds), RPC 1.16(a)(1) (duty to withdraw when the representation will result in violation of the Rules of Professional Conduct or other law), RPC 8.1(a)(1) (duty to respond to a lawful demand for information from a disciplinary authority), RPC 8.4(a)(2) (committing a criminal act that reflects adversely on the lawyer’s honesty, trustworthiness, or fitness as a lawyer in other respects), and RPC 8.4(a)(3) (conduct involving dishonesty, fraud, deceit or misrepresentation that reflects adversely on the lawyer’s fitness to practice law, including knowing conversion of client funds). Additionally, there were two disciplinary investigations pending against Osborne.

At the time of his resignation, Osborne agreed to place all client files in the custody of the Professional Liability Fund.

JESSICA LEE MOLLIGAN
OSB #001823
Portland
120-day suspension

Effective Oct. 4, 2021, the disciplinary board approved a stipulation for discipline and suspended Portland lawyer Jessica Lee Molligan for a period of 120 days and required formal reinstatement for violating RPC 1.4(a) (duty to keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information), RPC 1.15-1(a) (duty to hold funds belonging to clients separate from lawyer’s own property), RPC 1.16(c) (duty to comply with notice to or permission of a tribunal when terminating representation), RPC 1.16(d) (duty to return client file after termination and refund unearned fees), RPC 8.1(c)(4) (duty to participate in and comply with a remedial program established by SLAC or its designees), and RPC 8.4(a)(4) (conduct prejudicial to the administration of justice). These violations arose in three separate matters.

In the first matter, Molligan entered into a monitoring agreement with the State Lawyers Assistance Committee as part of a remedial program attended to address her use of alcohol. For approximately three months, Molligan partially complied with the monitoring agreement, but continued drinking alcohol and did not attend required meetings. She then terminated her agreement with SLAC. This conduct violated RPC 8.1(c)(4).

The stipulation recites that her conduct is aggravated by her prior discipline, multiple offenses, vulnerability of victims, substantial experience in the practice of law and indifference to making restitution; it is mitigated by her absence of a dishonest or selfish motive and her cooperative attitude toward disciplinary proceedings.

Name Withheld
Dismissal

Effective Aug. 30, 2021, the disciplinary board dismissed a complaint that alleged
Respondent violated RPC 1.7(a)(2) (representing a client when there is a significant risk that the representation will be materially limited by the personal interest of the lawyer) in the course of Respondent’s representation of a client regarding a domestic relations matter. The trial panel found that the bar failed to prove by clear and convincing evidence that Respondent had a personal conflict of interest while advising a client regarding her prenuptial agreement and later representing the client in her dissolution matter.

Legal Ethics Assistance

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

The assistance that bar staff provides is informal and nonbinding and is not confidential; no attorney-client relationship is established between callers and the lawyers employed by the Oregon State Bar. (Lawyers seeking confidential ethics advice about the propriety of their previous decisions or actions should consult a private attorney.)

Members with questions can call the ethics helpline at (503) 431-6475 to be connected to the first available bar staff attorney.
Moves

Jonathan Bacsalmasi has joined the elder law and estate planning firm of Fitzwater Law as an associate attorney. His practice focuses on trust administration, probate, Medicaid and estate planning. He practiced for four years in Salem before moving to the Portland metro area.

Kelsie Crippen has joined Portland business litigation firm Markowitz Herbold as an associate. Before joining the firm, Crippen served as a clerk with the Oregon Supreme Court. While clerking, she assisted with drafting judicial opinions authored by Chief Justice Martha Walters. Crippen also helped Chief Justice Walters in her efforts to establish statewide policies and procedures for Oregon courts during the COVID-19 crisis.

Justin Hebenstreit has joined Miller Nash’s Portland office in the firm’s financial services department, advising banks, credit unions and other financial institutions on issues ranging from complex strategic mergers and day-to-day regulatory compliance to complex loan recoveries, lender liability claims and consumer class action litigation. Before joining Miller Nash, Hebenstreit practiced in the New York.

Samantha K. Robell has joined Arnold Gallagher as an associate attorney. Her practice focuses on probate, guardianships and conservatorships, trust administration, and other protective proceedings. She has clerked for the Multnomah Public Defenders’ office and for the Oregon Department of Justice. She has volunteered with the Special Olympics since 2018.

Trevor Caldwell has joined Miller Nash’s Portland office with the firm’s employment law & labor relations practice team where he will focus his practice on representing public and private employers in all areas of labor relations, including negotiating collective bargaining agreements, contract administration, arbitration and representing clients before state and federal agencies. Caldwell also represents clients on general employment matters and provides trainings for business owners, managers and employees on topics such as harassment and discrimination, documentation practices and workplace investigations.

Annie M. Vozar has joined Hart Wagner as an associate attorney in the firm’s medical malpractice and general liability defense teams. Her work on these teams will include personal injury and wrongful death defense, premises and product liability defense, and insurance coverage litigation. She is admitted to practice in Oregon and Colorado.

Carlie Bacon has joined Tonkon Torp as an associate in its labor & employment practice group. Bacon has substantial experience representing employers in state and federal court, and before regulatory agencies in numerous jurisdictions including Oregon, California, Washington, Alaska, Idaho and Nebraska.

Brien Flanagan has been named to the board of directors at Schwabe, Williamson & Wyatt. He has been with Schwabe for nearly 19 years, successfully representing many clients before state and federal courts and environmental agencies. He is also Schwabe’s environmental, energy and natural resources practice group leader.

Bar People

OSB President David Wade will honor award winners and 50- and 40-year members at a live, virtual ceremony scheduled for noon on Thursday, Oct 28. For details or to join in the festivities, go to www.osbar.org
Education & Research
CLE Seminars and Legal Publications

Live Webcasts

Indian Law Series
R. v. Desautel: Canadian Supreme Court Recognizes Sinixt Hunting Rights in British Columbia
Wednesday, Oct. 13, Noon-1 p.m.
CLE credit: 1 Access to Justice | IND21-3

2021 Environmental and Natural Resources Law: Year in Review
Thursday, Oct. 14, 8:30 a.m.-4:30 p.m.
CLE credits: 5.5 General and 1 Ethics | ENV21

Mediation and Arbitration in Construction-Related Disputes
Wednesday, Oct. 20, Noon-2 p.m.
CLE credits: 2 General | ADR21-2

Broadbrush Taxation: Tax Law for the Non-Tax Lawyer
Thursday, Oct. 21, 9 a.m.-4 p.m.
CLE credits: 5.25 General | BBT21

Criminal Law: 2021 Legislative Wrap-Up
Friday, Oct. 29, Noon-3 p.m.
CLE credits: 2.5 General | CLS21

Indian Law Series:
The Alaska Native Claims Settlement Act at 50
Wednesday, Nov. 10, Noon-1 p.m.
CLE credit: 1 Access to Justice | IND21-4

Oregon Probate and Uniform Trust Codebook, 2021 Edition
This small paperback (or PDF) codebook puts the essential Probate and Uniform Trust Codes at your fingertips. Serves as a companion to Administering Trusts in Oregon, but is also a useful stand-alone resource. Includes significant 2021 legislation before the official release of the published 2021 Oregon Revised Statutes. This publication is not available on BarBooks™.

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Constitutional Law in Oregon, 2021 Edition
This second edition of an award-winning title addresses many of the rights protected by the federal Constitution and defines the powers that are reserved for the states, and how the Oregon constitution is interpreted independently of the federal constitution. This edition is fully updated with new case law and includes one brand new chapter.

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

ASHLAND LAW FIRM SEeks AT- TORNEY – Davis Hearn Anderson & Turner, PC (established 1953) is seeking an Oregon-licensed attorney to join our team. Experience in estate planning or domestic relations a plus. Please send resume and cover letter to chearn@davishearn.com with copy to eanderson@davishearn.com.

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ATTORNEY POSITION – SPOKANE PREEMINENT AV RATED, Super Lawyers recognized litigation ori- ented law firm, seeks lawyer with strong law school credentials, with 1-3 years of relevant litigation expe- rience and top communication, re- search, and writing skills. This is an excellent opportunity to affiliate with one of the Region’s most prestigious litigation firms. Please send resume Rick Wetmore at Dunn & Black P.S., 111 N. Post, Ste. 300, Spokane, WA 99201 or rwetmore@dunnandblack.com. For more information, visit our website at www.dunnandblack.com.

BEND ESTATE AND ELDER LAW FIRM SEEKING ASSOCIATE - Brinch & Bertalan, LLP is seeking an associate attorney for estate administration and elder law matters. Boutique law firm located in Bend, Oregon, specializing in estate and tax planning, estate ad- ministration, and elder law matters. Ideal candidate should have strong written & verbal skills, and a desire to become proficient in the firm’s prac- tice areas. Experience with probate and trust administration is preferred but not required. Competitive salary and benefits. Training & supervision by a senior attorney will be provided. Submit resume and cover letter to Attorney Megan Horner at megan@bboregonlaw.com.
CREDITORS' RIGHTS ATTORNEY

Arnold Gallagher P.C., a business and litigation law firm, is seeking a 2-4 year associate with experience in the areas of insurance coverage, construction and real estate law, and complex commercial litigation. Applicants can learn more about our firm by visiting our website (www.foremansturm.com). Our office is completely remote. We offer competitive compensation and growth potential. The applicant should be licensed to practice in Oregon. Please submit a cover letter, resume, and work sample to info@foremansturm.com.

LITIGATION ATTORNEY

Hershner Hunter, LLP, the largest full-service business firm in Eugene, has been representing clients throughout the Pacific Northwest and beyond for more than 75 years. Our attorneys specialize in a variety of practice areas and industries, including Business & Corporate Law, Creditors’ Rights & Bankruptcy; Estate Planning & Business Succession; Healthcare; Intellectual Property & Technology; Labor, Employment & Benefits; Litigation; and Real Estate. At the center of our firm is our commitment to our clients, community, and each other. We emphasize an inclusive team approach and pride ourselves on our collegial and collaborative atmosphere. We believe our firm provides the best of both worlds, allowing us to work on complex and high-stakes “big city” matters, while living in the “small city” environment that Eugene provides. Our flexible work model allows for part-time remote work in most circumstances. We are presently seeking an associate attorney to join our Creditors’ Rights practice group in a partner-track position, with a competitive salary and benefits. The Creditors’ Rights group handles a wide variety of matters including evictions, non-judicial and judicial foreclosures, construction lien and bond claims, foreclosure of security interests, unsecured and secured collections, and bankruptcies. Creditors’ Rights associates receive significant training and mentoring, and early opportunities for client contact and participation in bankruptcy hearings and other court appearances. Successful candidates will have: • 2 or more years’ experience in creditors’ rights and creditor bankruptcy fields • Oregon State Bar admission, or eligibility for reciprocity, Washington, Alaska, and/or Idaho admissions a plus • Excellent legal research, writing, oral communication, and interpersonal skills • Experience working in a collaborative setting with significant responsibility • Enthusiastic professional references • A desire to live in Eugene and to integrate into the Eugene legal and business community. Candidates should send materials to Nicholas Frost, at nfrost@hershnerhunter.com. Hershner Hunter, LLP is an equal opportunity employer committed to diversity in the workplace.

ENVIRONMENTAL LAW & LITIGATION ASSOCIATE

Ring Bender LLP, an environmental, natural resources and litigation law firm, is seeking a mid-level associate. Our firm has offices in Oregon, California and Pennsylvania and our clients include private business as well as municipalities. Our ideal candidate will have four to six years of experience in environmental regulatory compliance counseling and litigation in the Pacific Northwest and California, at both the state and federal levels. The candidate should be enterprising and have a strong desire to become a leader in the field of environmental law. Due to COVID all Ring Bender team members are working remotely (except when in trial or for other essential tasks) but we expect to move toward reopening in late 2021/early 2022. The position will be based in Oregon but the associate will support our cases in California, Washington, Pennsylvania and potentially other locations so willingness to travel is a must. Our associates are given meaningful, hands-on legal work at every stage of their careers and work directly with their firm and other attorneys, clients and technical consultants on complex, unique and challenging environmental and natural resource issues. We are looking for candidates who are willing to work as an integral part of a high performing, collegial and collaborative team. Candidates should have the following qualifications: • J.D. from an ABA-accredited law school with excellent academic credentials; • Status as an active member in good standing of the bar in at least one state jurisdiction and willingness to obtain license in Oregon within 6 months of hire; • Strong analytical, research, writing and oral communication skills; • Organized, detailed, works well under deadline, creative thinker, multitasker, and has delivered results with the ability to assume significant client responsibilities; and • Experience with major environmental law statutes, such as the Clean Air Act, the Clean Water Act, the Resource Conservation and Recovery Act, and the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA/Superfund), as well as the California and Oregon equivalents of such statutes. Experience with real estate law, water rights law and land use law is not required but will be considered a plus. Competitive salary and benefits package. Qualified applicants are invited to submit a cover letter, resume, transcript, 3 references and a writing sample to Sarah Goodling Russell (Firm Administrator) at sgoodling@ringbenderlaw.com. Ring Bender LLP is an equal opportunity employer. It is our policy to not discriminate against and to provide equal employment opportunity to all qualified persons without regard to race, color, national origin, religion, gender, gender identity, sexual orientation, social or economic status, marital status, age, disability, and veteran status.

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We are seeking an attorney with experience in the areas of insurance coverage, construction and real estate law, and complex commercial litigation. Applicants can learn more about our firm by visiting our website (www.foremansturm.com). Our office is completely remote. We offer competitive compensation and growth potential. The applicant should be licensed to practice in Oregon. Please submit a cover letter, resume, and work sample to info@foremansturm.com.
for reciprocity, or plans to take the bar exam at the next available opportunity • Excellent draft- ing, legal research and writing, oral communication, and interpersonal skills • Experience working in a collabo- rative setting with significant re- sponsibility • Enthusiastic professional references • A desire to live in Eugene and to integrate into the Eugene legal and business community. Candidates should send materials to Nicholas Frost, at nfrost@hershnerhunter.com. Hershner Hunter, LLP is an equal op- portunity employer and encourages applications from qualified individuals of diverse backgrounds.

McEwen Gisvold LLP is Hiring

We are looking for an attorney with 2-3 years of experience in civil litiga- tion. Ideally the candidate has at least enough experience to handle smaller matters on their own and larger mat- ters with some mentoring/coaching from the rest of the team. It is very important to us that candidates are positive and pleasant to work with and who are good with people. This is intended to be a long-term/career hire. We are a good fit for someone looking to downsize from a big firm or have more peer interaction than working solo. Salary will be depen- dent upon experience and includes a bonus compensation arrange- ment. All responses will be treated confidentially. No calls please. Please email resume and cover letter to hmlawpdfx.com. Upon receipt of re- sumes, interviews will be scheduled.

Oregon Coast Defenders, the indigent defense consortium for Lin- coln County, is currently accepting applications from attorneys inter- ested in providing contract indigent defense services for Lincoln County. We are seeking an attorney for a full time misdemeanor and felony case load. Applicants should have at least three years of criminal law experi- ence. Please submit resume and cover letter to Oregon Coast Defenders, P.O. Box 102, Tidewater, Oregon 97390 or you can email the same to gec@pioneer.net.

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is seeking an associate attorney with three of more years of substantive experience with estate planning, probate, trust administration and business law. The ideal candidate will have experience planning for taxable and non-taxable estates and admin- istering large and small estate and trusts. Experience with probate process as well as structuring and drafting a wide range of estate plan- ning documents desired. Strong aca- demic credentials and analytical abil- ity required. To apply, please submit cover letter, resume, writing sample, and law school transcripts (unofficial is fine). All resumes are confidential. Please address correspondence to the Oregon State Bar, Attn: Blind Ad K-21 P.O. Box 231935, Tigard, OR 97281 or email blindad@osbar.org with the blind ad number in the subject line.

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with sustained success and profitabil- ity available in Portland, Oregon. Revenues for the firm show a YoY increase each of past two years de- spite challenges from the COVID-19 pandemic. Average gross revenues from 2018-2020 were more than $840,000, with a high of more than $970,000 in 2020. The firm has an established presence, a strong client referable base, and is well-respected in the Northwest legal community. Service by revenue breakdown is 75% Employment Litigation and 25% Em- ployment & Labor. The owner is com- mitted to providing transition support for the buyer. Call (253) 509-9224 to discuss this opportunity or email info@privatepractice-transitions.com. Include ‘1126 Established, Successful Portland- Area Employment Law Firm Opportunity’ in the subject line.

Profitable Oregon Estate Planning Law Firm Ready for New Owner (#1153)

– This busy law firm has a reputation of deliver- ing excellent results. The firm’s service by revenue breakdown is 35% Estate Planning, 30% Probate, 25% FED/ Real Property and 10% Other. As of June 2021, the Practice has ~50 act- ive clients with over 23,000 clients in the Practice’s database inherited from a 30+ year old firm. With con- sistent YoY growth, the Practice is po- sitioned for continued growth under new ownership. The current owner has offered to transition the Practice over the course of up to 6 months, to continue to help drive business to the new owner. This firm is completely turn-key and ready for the new own- er. To take advantage of this opportu- nity, call us at (253) 509-9224 or send an email to info@privatepracticetransitions.com with “1153/Profitable Or- egon Estate Planning Law Firm Ready for New Owner” in the subject line.

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Washington Medical Malpractice Law Firm (#1098)

with average gross revenues of over $1,500,000 the last three years (2018-2020), and weighted Seller’s Discretionary Earnings (SDE) of over $1,200,000. This successful firm is completely turn-key and employs five (5) staff, including the owner. The firm’s processes are very well docu- mented, and the practice uses Google Suite allowing for easy remote ac- cess. If you are interested in explor- ing this opportunity, would like the freedom to be your own boss and/ or increase your current book of busi- ness substantially, then this is perfect for you. Call (253) 509-9224 for more information or send an email to info@privatepractice-transitions.com with “1098 Washington Medical Malprac- tice Law Firm” in the subject line.
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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 Concluding Legal Education Seminars sponsored by the Bar, New Lawyers Division and others. He may be contacted at his office: Christopher R. Hardman, (503) 916-1787, or Fax (503) 916-1789; 25 NW 23rd Fl Ste 6, PMB 497, Portland, OR 97210.

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

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**INVESTIGATIVE SERVICES**

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Portland lawyer Ronalds S. Newton says he and his wife went to Cape Disappointment at the mouth of the Columbia River on Tuesday, Jan. 12, to witness the king tide on a stormy day. “It was awe inspiring! There were people from all over the USA,” he tells the Bulletin.

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 Michael Austin at maustin@osbar.org. Make sure to include your name, and tell us where the photo was taken and what made your trip so special.
Celebrating Oregon Lawyers

Our service to the Oregon State Bar and to the people of Oregon is a distinct honor. It is both grounded in and amplified by the service of Oregon lawyers throughout the state.

Thank you to the esteemed award winners featured in these pages, and to all Oregon lawyers who work daily for the betterment of their clients and their communities.

Let’s celebrate!

2021 Board of Governors

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Join the Celebration

Please join OSB President David Wade and Chief Justice Martha Walters in a virtual Celebration of Oregon Lawyers
Thursday, October 28, 2021, Noon to 1 p.m. via REMO with additional time to mingle in virtual rooms.

We look forward to honoring the winners of the following: Oregon State Bar President’s Awards and Award of Merit, the Oregon State Bar Pro Bono Challenges and the Edwin J. Peterson Professionalism Award.

We also will celebrate the 40- and 50-Year members of the bar. A complete list of the honorees and a link to register for the event can be found at osbar.org/OSBEvents.

Please register by Monday, Oct. 25, so we can send you access details to this virtual event.

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