Expanding Justice

Years of Debate About Oregon’s Decision to License Paralegals Made for a Stronger Program

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Compliance notices were emailed to members the first week in December. Log in to the OSB website to find the items and deadlines that apply to you. Your member dashboard will show personalized information on bar fees, MCLE reporting, IOLTA reporting, and PLF assessments.

Watch for regulatory emails from notices@osbar.org. You will receive periodic email reminders from this mailbox, so be sure to add it to your “approved senders” list.

Mark Tuesday, January 31, 2023 on your calendar as the deadline for OSB fee payments and IOLTA reporting. (MCLE credit completion deadline is April 30, 2023.)
To address specific family law and landlord-tenant access-to-justice needs, Oregon has joined a handful of states that allows for paralegal licensing. The program went through years of discussion and debate. All sides were heard. Find out specifics of the program, as well as the back-and-forth required to make it all happen. Associate Editor Shannon Gormley reports.
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We Need Your Articles, Ideas and Letters

I’m utilizing this space to make an appeal to readers. The staff at the Bulletin has found that in the last few years, our reader submissions, feedback and letters to the editor have slowed to a trickle. We know there are smart, knowledgeable and talented writers out there. Let the Bulletin be your medium.

There are many ways to contribute. We have several categories of columns for which we currently are needing submissions.

History buff? Legal Heritage is a great place to share some of Oregon’s unique stories. Case in point: Check out Jesse and Jennifer Barton’s fantastic piece on William Bud Brown in last month’s issue. They found a story worth sharing with the entire bar, developed it and worked with us on getting it published. While we take pride in hunting down stories and topics, Bulletin staff can’t know it all. Having the Bartons share Brown’s significant contribution to the Oregon legal field made for a better November issue.

If you prefer to focus on your specific area of law, or tricks and techniques you’ve learned along the way, consider a Legal Practice Tips submission.

Or, as we continue to focus on the mental health and well-being needs of Oregon attorneys, maybe you have an idea that works well for you that you’d like to share with your peers.

Columns on any of these topics generally run anywhere from 1,000-1,500 words. Don’t let a word count stymy you. I’m more than happy to work with fully formed 1,500-word pieces or half-developed ideas that need a bit more shape and guidance.

What about an opinion piece or a story to share? We save our back-page Parting Thoughts column for those types of submissions. Check out this month’s from Carla Kelley about an experience that helped shape her life 10 years prior to graduating law school. Parting Thoughts columns, which need to have a law focus, run 800-850 words.

And, if you’ve read something in the Bulletin that causes a reaction inside you – share it with us! Whether it’s positive or negative, I want to hear from readers. Tell me what you didn’t like about a feature, where we missed the mark or why you enjoyed the profile you read. As long as your letters run 300 words maximum and do not attack someone (see the box on this page for more info), then send them my way. We especially welcome reactions to recent articles or responses to other letters you’ve seen printed.

The point to all of this ... share with us! We work with your schedule. There are no deadline pressures. And, you get a byline in the magazine. Win-win-win. Send all your articles, ideas and letters to maustin@osbar.org. I look forward to hearing from you.

– Michael Austin, editor

Letters 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.

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By the Numbers

Student-Loan Burden

According to the results of a 2020 survey by the American Bar Association Young Lawyers Division, the loan burden law students and grads carry is significant.

95%
Obtain private or government loans for law school.

75%
Have $100,000 in law school loans at graduation; coupled with outstanding undergraduate loans, the burden averages $165,000.

40%
Of law grads see the principal of their loans increasing over time because of capitalized interest.

For more information on paying back loans, see the Briefs entry on this page.

U.S. Department of Education Announces Rules Changes

Law students and law grads struggling with school loan repayment can expect an easier time repaying government-guaranteed loans, if the U.S. Department of Education’s newest rule proposals are finalized. The changes will take effect July 2023. (87 FR 41878 et seq, July 13, 2022)(to be codified at 34 CFR Parts 600, 668, 674, 682, 685)

What’s happening?

1. Grads who continued to make loan payments during the pandemic moratorium — about 20% of all borrowers according to the department — are getting those payments refunded, no strings attached. (Those refunds have already begun, starting in November 2022.) The moratorium, meanwhile, has been extended to June 30, 2023 — or once the U.S. Supreme Court issues a ruling on loan forgiveness on appeals now pending.

2. Capitalization of interest — the adding of unpaid interest to a borrower’s principal that has the effect of increasing the balance significantly over time — will be eliminated in most cases.

3. Temporary changes during the pandemic to the Public Service Loan Forgiveness Program will become permanent. The program, which eliminates remaining federal loan balances after eligible students have made a decade of payments, will accept credit for late, partial and lump sum payments, and make it possible for grads to count certain periods of deferment or forbearance as payment (e.g., military and National Guard service, Americorps/PeaceCorps, cancer treatment).

4. Grads who become fully and permanently disabled will face fewer administrative hurdles in getting their federal loans eliminated.

5. The department will delete credit reporting of loans delinquent for more than seven years.

6. Borrowers will be able to track their payment history on StudentAid.gov without going through a loan servicer.

What about student loan forgiveness?

As most law students and law grads already know, the Biden administration announced in August that up to $10,000 in government loans ($20,000 for students who have received Pell grants) would be forgiven for students whose adjusted gross annual income is below $125,000 (single) or $250,000 (couple). The program was subject to several court challenges, and a federal district court in Texas has ruled against the government. The 8th Circuit Court of Appeals also stayed the program earlier. The Biden administration has appealed to the U.S. Supreme Court.

The Department of Education accepted applications for forgiveness beginning in October, in the hope that, borrowers who filed by mid-November would have their loan reductions or cancellations in place before student loan repayment recommenced in January 2023. As a result of the litigation, the department is no longer accepting applications until a decision from the high court, and no reductions or cancellations have been made.

Accurate and current information about the status of these cases and other student loan information is available through the National Consumer Law Center’s borrower assistance project.

— Adapted from Janay Haas, Oregon’s Legal Guide for College Students Update Nov 2022

MBA Painting Party Set for Jan. 13

Join the Multnomah Bar Association Events Committee for an evening of painting and socializing on Thursday, Jan. 19, 2023, from 5:30 to 8 p.m. at Bottle & Bottega in Portland. All the supplies will be provided. An instructor will give step-by-step instructions to create a masterpiece to take home with you.

Thanks to generous sponsors, the cost to attend is only $20 per person for MBA members and $35 for non-members. Space is limited. Register by Jan. 13 at https://tinyurl.com/2023MBAPaintingParty.

Volunteer for Courthouse Tours

Classroom Law Project is seeking volunteers who can dedicate at least one weekday morning a month to guide teachers, students and chaperones on courthouse tours. Training and support will be provided.
“How and why you use your power as a lawyer, what you do, how you do it, what you say and how you say it, profoundly affect how you experience yourself as a lawyer, how your client experiences the legal system and both of these, in turn, have a collective influence on the meaning of the law and our societally experience of our system of justice.”

— As excerpted from Judge Suzanne Chanti’s speech at the Oregon New Lawyers Division awards ceremony in November. Chanti was presented with the Hon. John V. Acosta Professionalism Award.

Email Christopher Parrucci at cparrucci@classroomlaw.org for more information or sign up at https://classroomlaw.org/volunteer/signup/.

Seeking Nominations for MBA Pro Bono Awards

The Multnomah Bar Association is seeking nominations for the MBA Pro Bono Awards. The awards recognize attorneys who provide pro bono assistance to low-income and underserved members of our community to reduce barriers to justice and increase access to the legal system. Nominations are due Jan. 20, 2023. More details are available on the nomination form at https://tinyurl.com/MBAProBonoNom2023.
Safety Tips for Handling Client Funds

Other People’s Money

By Daniel Atkinson

Any time an attorney withholds from a client money to which the attorney is not entitled, the integrity of the whole profession is at stake. As an opening line for the topic of handling funds in trust, the urgent clarity of this per curiam proclamation by the court cannot be improved upon. But it only tells part of the story. Our duties with regard to others’ funds in our possession can seem complex and laden with traps to punish good deeds as well as bad. In this article, I hope to cut through the seeming complexity by highlighting a few key themes.

Before diving into the details, I’d like to fix an analogy in our minds that may stay there after the details fade. As a bonus, it will help keep us safe when doing household cleaning. Never mix chlorine and ammonia. When combined, they release toxic gases called chloramines. Exposure to chloramines can be fatal.

We should be no less cautious when handling the funds of others. When holding others’ funds, we are obliged to take the care required of a professional fiduciary. A fundamental fiduciary duty is to avoid commingling one’s own funds with those held for others. Money is, most of the time, fungible. Not here. No more fungible than chlorine and ammonia.

The Need for Complete Record-Keeping

Our duties and obligations as to the safekeeping, accounting and delivery of money held in our lawyer trust accounts are set forth in RPC 1.15. RPC 1.15-1(a) provides, in part, that “[c]omplete records of such account funds … shall be kept by the lawyer and shall be preserved for a period of five years after termination of the representation.”

Exercising due care consistent with this rule requires us to maintain actual possession of complete records. Reliance on bank statements or electronic transaction records to track and manage trust account funds is not sufficient. It is, after all, our duty, not the bank’s.

Moreover, with many clients’ funds pooled in a single IOLTA account, bank records are an inefficient way to track any given client’s particular funds. To avoid errors, keep individual ledgers for each client, identifying the deposits and withdrawals specific to that client. At the same time, maintain a master ledger of all transactions in and out of trust. This kind of redundancy – supplemented, not supplanted, by the bank’s own records – will catch errors.

If we fail to carefully maintain complete records, we risk violating the rules even if we manage to avoid making an error. In a 2006 disciplinary case, a lawyer faced discipline because he failed to reconcile his monthly trust account statements and failed to maintain a trust account ledger to keep track of funds.

What are client funds that belong in trust?

In general, all funds provided to a lawyer that are not earned funds remain client funds, unless otherwise specified in a written fee agreement. Failure to safeguard such funds by depositing them into and maintaining them in trust violates RPC 1.15.

It is relatively easy to determine that a retainer to be deposited against hourly fees remains client property until earned. However, there are other scenarios that may be less clear. For example, funds received from opposing parties or counsel, rather than the client – for instance, to pay a settlement or money award, or as part of a transaction – may still be considered client funds subject to RPC 1.15.

One area where there may be particular confusion about whether funds are ours or the client’s is flat fee agreements. These present us with, effectively, a binary choice. Generally, we ought to treat client deposits against a flat fee the same as deposits against an hourly fee. They are client funds until earned, and we therefore must deposit them in trust. We can only pay out such funds as earned fees after completion of the services for which the client has paid the flat fee.

On the other hand, if we treat the fee as earned on receipt and satisfy RPC 1.5(c) (3)’s requirements for this arrangement, then the funds received from the client are our funds, and we must not deposit them in trust. One is chlorine, the other ammonia.

When may we deposit our own funds in trust?

In spite of the analogy to chlorine and ammonia, we may deposit our own funds into a trust account – but only “for the sole purposes of paying bank service charges or meeting minimum balance requirements on that account” and “only in amounts necessary for those purposes.” RPC 1.15-1(b).

Some circumstances should be obvious, but our disciplinary cases nonetheless make clear that it is never permissible to deposit into trust proceeds from the sale of our own property, or funds we wish to hide from creditors.
More vexing issues arise out of good-faith efforts to safeguard against overdrafts, or to make clients whole for funds removed from a lawyer trust account for reasons outside a lawyer’s control. A common impulse is to try to fix such problems with infusions of our own funds. This instinct is mistaken, because, again, our funds and client funds must not be mixed. RPC 1.15-1(b)’s permission to make deposits necessary to maintain an account should not be confused with deposits intended to maintain or restore the correct trust account balance. Two OSB Formal Opinions make clear that the rule allows nothing beyond account maintenance.

First, Formal Ethics Opinion No 2005-145 makes clear that RPC 1.15-1(b) cannot be construed to permit a lawyer to deposit a “cushion” of the lawyer’s own money to safeguard against a check being dishonored for insufficient funds due to a bank error or the lawyer’s own good-faith bookkeeping error. This opinion approached the issue as one where the hypothetical lawyer did so to prevent a bank notifying the bar of an overdraft, implying a degree of deception. However, the principle holds even in the absence of such a motive: The opinion concluded, simply, that RPC 1.15-1(b) has no language allowing a “cushion” against overdrafts.

This year, Ethics Opinion 2022-199 addressed a similar scenario, asking whether we may deposit our own funds into trust to correct problems outside of our control, such as third-party theft from a security breach or identify fraud. The answer, again, was a clear “no.” Rather, the appropriate course of action is to (1) promptly notify affected clients consistent with our RPC 1.4 duty of communication; and (2) make the affected clients whole not by depositing our funds into trust to replace the clients’, but by paying clients directly from our own funds. 11

Although the actions discussed by Opinions No. 2022-199 and 2005-145 are clearly prohibited, we are not powerless to prevent overdrafts. Certainly, as noted above, careful, complete, and even redundant record-keeping can insulate against mistakes. Additionally, some knowledge of banking practices and clear communication with your bank may add another ounce or two of prevention. It is a good idea to instruct your bank to dishonor any check for insufficient funds, even if this could prove embarrassing. This instruction will help prevent one client’s funds from being improperly
withdrawn to cover another client’s obligations. It also pays to be aware of pitfalls that banking terminology might lull us into. For example, funds denoted “available” cannot be relied upon as available in fact: There is a difference between “available” funds and “collected” funds. Before we can write a check on a deposit, the funds from the deposit must have been actually collected by our bank. So long as the funds are merely “available,” a deposit can be dishonored and reversed.

**Being Accountable**

RPC 1.15-1(d) imposes a duty to promptly render an accounting of client funds currently or previously in the lawyer’s possession upon a client’s request. This raises two questions: What form must such an accounting take, and how prompt is prompt? As to the first, the court has clarified that an oral accounting is insufficient. It must be reduced to writing.

As to the second, “promptness” imposes a reasonableness standard. From cases considering whether lawyer action was prompt under analogous language in RPC 1.4, it is clear that what duration of time is reasonable can vary widely depending on specific factual circumstances. While an instantaneous response is not necessary, cases specific to this rule at least make clear that something less than several months is required.

In addition to accounting to clients, we have reporting obligations regarding trust accounts. We are obliged to notify the bar of any overdraft on any lawyer trust account. It bears noting that the financial institution where the account is held must also notify the bar; failure to do so ourselves will do us no favors. Additionally, as we are reminded every year, we are required to file annual compliance forms regarding the maintenance of any IOLTA accounts (deadline Jan. 31, 2023). Failure to do so may result in an administrative suspension.

**Conclusion**

To crib from Brian Tracy, trust is the glue that holds lawyer/client relationships together, and trust is based purely on integrity. Depending on the case, our clients may depend on us to safeguard their lives, liberty or property. None should be taken lightly, and I hope this article has given some clarity and guidance in how to safeguard the latter. Or, if nothing else, in how to stay safe while cleaning.
Daniel Atkinson is assistant general counsel and a Client Assistance Office attorney for the Oregon State Bar. His “Strictly Confidential” article appeared in the November 2021 issue.

ENDNOTES

1. In re Conduct of Hedrick, 301 Or 750, 760, 725 P2d 343 (1986).
2. For the sake of brevity, this article is limited to the handling of client funds held in trust. For discussion of issues presented by third-party funds and other client or third-party property, see OSB Formal Opinion Nos. 2005-43 (wills); 2005-90 (possessory liens on client papers and property); 2005-105 (fruits and evidence of crime); 2016-191 (paperless client files); and 2017-192 (client files generally).
3. ABA Model Rule 1.15, Comment [1].
4. These duties and obligations are mandatory and may not be waived by a client. See OSB Formal Opinion No. 2005-117.
7. See In re McIlhenny, 18 DB Rptr 82 (2004).
8. See e.g. In re Cottle, 27 DB Rptr 22 (2013); In re Fadely, 342 Or 403, 153 P3d 682 (2007); In re Balocca, 342 Or 279, 151 P3d 154 (2007); OSB Formal Opinion No 2005-151.
9. RPC 1.5(c)(3)(i)-(ii) require that an arrangement for a fee earned on receipt must be pursuant to a written agreement explaining that the funds will not be deposited into trust, that the client may discharge the lawyer at any time and, if so, that the client may be entitled to a refund to the extent that the services paid for were not completed. Please refer to the rule for its precise terms.
10. See e.g. In re Howard, 304 Or 193, 743 P2d 719 (1987).
11. The opinion also cautions us to consider the likelihood of a personal interest conflict arising if the amount at issue is material to the representation.
12. The court has underlined that this obligation is conditioned on a client’s request. In re Koch, 345 Or 444, 198 P3d 910 (2008). The former disciplinary rules did not require a client request to trigger the obligation. See In re Skagen, supra.
15. See, e.g., In re Hedges, 313 Or 618, 624, 836 P2d 119 (1992) (attorney took 14 months to account for and return unearned funds); In re Chandler, 303 Or 290, 295, 735 P2d 1220 (1987) (lawyer disciplined when took just over 11 months to account for client funds and make a refund).
16. RPC 1.15-(i) and (l); see In re Calvín, 21 DB Rptr 250 (2007).
Out of Altitude, Air Speed and Ideas

Writing on Fumes

By Suzanne Rowe

I clerked for a judge who had been a pilot for the United States Navy. He liked to use lessons from flying anti-submarine aircraft to enlighten and amuse my co-clerk and me. One of his favorites was, “A pilot’s goal is to never be out of altitude, air speed and ideas.” With air speed, he could maneuver the plane to a safe landing. With altitude, he could glide to a possibly safe landing. With neither, he’d have to be creative and come up with ideas quickly to avoid crashing.

This month, with a publication deadline looming, I thought about the judge’s “air speed, altitude and ideas.” It seemed I had none of the three. As we say in the South, getting me to write was like squeezing blood from a turnip.

I’m not the only one writing on fumes, which I realize as I talk to colleagues, interact with attorneys and work with students. Whatever you think of the pandemic and whether it’s “over,” we are all reeling to some extent from its impact. Schools are opened, events are live and we are all re-learning how to interact socially. Still, I sense some deep sense of exhaustion permeating our work and our lives.

So, this month, I’m not drilling into some minutiae about writing and explaining what’s right, wrong, preferable or in transition. Instead, I’m sharing insights, suggestions and trams from friends and colleagues about writing and its potential impact on our lives. Their ideas are especially relevant when we are out of altitude and air speed.

Writing to Perfection

A friend I’ve recently reconnected with told me about her first decade of practice. Seeing a hoop, she jumped through it. Shown a bar, she leapt over it. Every performance of jumping or leaping had to be perfect. Every meeting — perfect. Every document — perfect. Every annual review — perfect.

Except that none of us are perfect. Her path avoiding that truth led to addiction, and statistics prove that her behavior was not an anomaly. When faced with multiple pressures — an already stressful job; the desire to do what’s best for our clients, friends, family and community; and our goal of unattainable perfectionism — we seek out something, anything to provide relief. For her, the easy answer was alcohol. For others it can be pills, shopping or chocolate. Some of the choices are healthier than others. Now five years into recovery, she shares her story with anyone who is interested or should be interested, urging them to let go of the need and desire to be perfect, and instead to bring their full, authentic selves to their work and life.

Praising Small Steps

Related to perfectionism, I want my students to be the best writers possible. But I only add to their stress by demanding they meet professional standards immediately. A colleague recently suggested that we give feedback “in praise of small steps.” For me, that means recognizing incremental, positive steps that a student might not know she’s making or that she might even consider a misstep.

For example, I’ve started praising students for seeing the fork in the road in an analytical problem. So what if they went right rather than left? They saw the fork! At this point in their education, seeing the fork is so much more valuable than stumbling down the road to the left by happenstance. Similarly, I praise students for identifying what’s missing in their analysis. Once they recognize a hole in a line of reasoning, they ask me to help them find what’s missing and decide how to write it in. That’s worthy of praise, not only for students, but for new lawyers and all of us.

Writing to Health

The same writing that can develop our careers or make us crazy can also help us be healthy. After a particularly rough patch in my life, a dear person gave me a journal. It sat unused for months. Then, when I couldn’t sleep, I’d write. Sometimes, I’d just copy an interesting phrase or sentence from an article or book. I’ve learned this method is called “common journaling,” and it’s surprisingly soothing. Other times, I’d process the events tangled up in that rough patch, but I tried to do more thinking and reflecting than actual writing — which isn’t a bad practice for lawyers working through a rough spot of analysis.

Most times, I tried to write down three positive things from the day. Looking back over the day, I could find small scenes or insignificant encounters that brought me joy. Hearing a child on a bicycle cheerfully greeting a friendly cat, unexpectedly running into a friend in a parking lot, noticing...
a new bloom on my rose bush. Reflecting on the three positives made me happy and helped me sleep, which made me happier. Similarly, positive psychology research has revealed that a focus on gratitude is strongly correlated with greater happiness. So whether it’s writing three positive things from the day or three things you are grateful for in that moment, writing it out and seeing it on paper can lead to more positive emotions.

What “To Do”?

Writing about our limits can be helpful, too. A friend who teaches at a university far from Oregon shared her mantra with me when we talked about being stretched too thin by countless obligations. She repeats to herself:

“I have enough.
I do enough.
I am enough.”

Sometimes I pick up a pen and just write, “Enough.” Sometimes I’m thinking of her mantra. Sometimes I’m saying, “Enough,” to all the obligations.

A conference presentation I attended years ago encouraged us all to write not one but three “to-do” lists. The first list has what other people think you should do. The second lists what you want to do. And the third is what you actually have to accomplish. The first list might be irrelevant, depending on who those people are. The second list may be aspirational, but I know that my aspirations can run wild. The third list is the only one I have to take seriously. Recognizing the limits on what I have to do seems a good counterbalance to the perfectionism that I’m still battling.

Conclusion

While I didn’t have air speed or altitude this month, thanks to these friends, I found some ideas that kept me from crashing.

ENDNOTES

1 I’m grateful to Professor Jane Cross of Nova Southeastern Shepard Broad College of Law for sharing this mantra with me.
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.

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Expanding Justice

Years of Debate About Oregon’s Decision to License Paralegals Made for a Stronger Program

— By Shannon Gormley —
On Tuesday, July 19, Linda Odermott woke up feeling a mix of nervousness and hope. She ate some oatmeal for breakfast, got in her car and made the hour-long drive from her home in Beaverton to the Oregon Supreme Court’s offices in Salem. There, she sat in a conference room and waited to hear the fate of a program she had worked on for over a decade.

Gathered for an otherwise routine public meeting, the court’s seven justices sat around a large table, while Odermott and court staff lined the room’s perimeter. The last item on the judges’ docket was a vote on whether or not to implement Oregon’s first licensed paralegal program. The proposed plan would allow paralegals who meet educational and experience criteria to assist clients in a limited capacity in landlord-tenant and family law matters. Over the last few years, Odermott, a paralegal herself, had served as a member of the Paraprofessional Licensing Implementation Committee (PLIC), which spent countless hours honing the proposal, digging deep into legal statutes, reaching out for feedback and incorporating input. Now, there was nothing to do but wait.

By Odermott’s estimate, it took over an hour before the judges reached the final item on the agenda. The justices asked a few final questions and gave a brief summary of the proposed program. Then, Odermott watched as each of the justices cast their vote. The decision was unanimous — Oregon would become the next state to implement a licensed paralegal program.

At the end of the proceedings, Chief Justice Martha Walters turned to Odermott and asked if she had anything to say on behalf of the paralegal profession. “Just thank you for your vision and for understanding how big this is and how impactful this will be, not only to the paralegal profession but to the public at large,” Odermott remembers replying.

Recalling the proceedings over Zoom nearly three months later, Odermott still gets emotional. Parsing through the wealth of thoughts and feelings brought on by the decision, one sentiment in particular sticks out for Odermott.

“Knowing the impact it will have for people who aren’t getting any justice,” she says, “let alone access to justice.”

The licensed paralegal program was created in response to the growing number of Oregonians who are unable to get legal help in civil matters. Eighty-four percent of Oregonians who qualify for Legal Aid don’t receive any. The vast majority of litigants in residential landlord-tenant cases are pro se — between 2016 and 2021, 98% of cases had at least one self-represented party. Family law litigants are overwhelmingly self-represented too, especially in dissolution of marriage proceedings, in which 81% of cases have at least one pro se party.

Judge Kirsten Thompson, who chaired PLIC, describes the lack of legal representation for Oregonians in civil matters as “devastating.”

“Many people cannot afford the cost of an attorney,” says Thompson. “Numerous cases are not destined for complex litigation, yet people need competent advice, and assistance. Forms and family law assistance workers supported by the Oregon Judicial Department help, but the assistance is not confidential and limited.

Landlords can designate agents, many of whom have a lot of experience to speak for them in court, but tenants have no comparable resource. There is a great need for additional competent help at a lower cost in both of these areas.”

Joan Marie Michelsen, the regional director for Legal Aid Services of Oregon and a PLIC advisory board member, believes the program could help her office substantially. Along with siphoning some of the high demand for legal aid, Michelsen hopes a licensed program can reach Oregonians who don’t qualify for legal aid but still can’t afford a lawyer.

“It has the potential to be a game changer,” Michelsen says of the program.

Though Oregon’s licensed paralegal program has cleared a major obstacle, one crucial step remains — connecting the program with the public it’s intended to serve. The importance of this next phase is underscored by recent developments in a neighboring state. In 2020, Washington — the first state to try such a program — decided to sunset its licensed paralegal program only a few years after it was launched.

Even here in Oregon, where the program was approved unanimously and will take effect next July, the decision is not without controversy. “Part of me as an attorney doesn’t like some of the ideas, and I have some colleagues that definitely don’t like the idea of it, I think just because there’s so much training involved in getting a legal education,” says Myah Kehoe, a mediator and divorce attorney who serves on OSB’s board of governors. “But we also have fewer people coming out of law school every year, people retiring and a lot of people who need help.”

Proponents of the program praise PLIC’s attention to detail, and believe that the program is a necessary step in addressing Oregon’s justice gap.

“The access to justice issue is so big,” says Odermott. “And it’s only getting bigger.”

Outreach Critical to Program’s Success

On a cold, rainy October afternoon at his Eugene office, Brian Cox is dealing with a backlog of post-vacation work. But the rain is a welcome reprieve from the wildfire smoke that choked the Willamette Valley in previous weeks, and a busy day at the office is normal for Cox. He’s worked in landlord-tenant law for more than 30 years, and at any given time, roughly 20% of his caseload is pro bono. Until recently, he was also involved with a major project that consumed a great deal of his time.

Cox contributed to PLIC’s outreach, a multi-faceted, multi-year approach that involved soliciting feedback from organizations and individuals, holding in-person meetings and online forums, and reading through hundreds of public comments. Asked how it felt to finally get the program approved after all that work, Cox is succinct.
“In one word, awesome,” he says. “I feel like I was a part of something that is making a big, positive difference in Oregon.”

Though efforts have recently gained momentum, the conversation about licensing Oregon paralegals began decades ago. The Oregon State Bar considered authorizing non-lawyers to assist in limited civil matters as far back as 1992. But the current push arguably began in 2017. That year, the Futures Task Force, convened by the OSB Board of Governors to address rapid changes in the legal field, released a report recommending the implementation of a legal paraprofessional licensure. A year after the Futures Task Force’s recommendation, the OSB co-commissioned Barriers to Justice report was released. The study found that 84% of Oregonians with a legal problem do not receive any legal help.

“When Oregonians who are struggling to make ends meet lack legal representation, they are effectively shut out of the justice system,” the report concluded. “To the average person, our legal system is a maze.”

The OSB Board of Governors voted to establish the Paraprofessional Licensing Implementation Committee in fall of 2019. Chaired by Thompson with Judge Daniel Harris as vice chair, the 10-member committee met regularly from the fall of 2020 through spring 2022.

Harris has long supported the creation of a licensed paralegal program. He believes that it’s been the right time to create such a program since at least 2008, when economic downturn caused a spike in the number of unrepresented litigants.

“We saw a significant dropoff of attorneys helping out in the courtroom,” recalls Harris. “It went from about 60% of litigants represented by counsel and within two years, it dropped to 40 or 30%.”

Before she was asked to chair the committee, Thompson hadn’t been following the project quiet as closely. But as soon as she did, the potential benefit to underserved Oregonians seemed clear.

“It was an obvious opportunity to strengthen and expand available legal resources for Oregonians, particularly those of middle and lower incomes,” she says. “There have been several times in my work and personal life where I have been involved in a project that seems destined to have a long-term positive impact for a lot of folks ... I could see that licensing paralegals was such a project.”

According to Thompson, outreach was a major focus from the very beginning. Dozens of advisory members attended PLIC meetings. The committee reached out to organizations across the state and published information in local newspapers. In late 2021, a draft of the program was posted on the bar’s website, and the first formal request for feedback was sent out to bar members. Comments came pouring in.

“Our approach was that if people had a genuine interest, we really wanted them to have a seat at the table,” says Thompson. “We
were just a bunch of gadflies honestly, going out and talking to as many people as would give us a hearing.”

There were also in-person outreach meetings around the state. Judge Megan Jacquot of Coos and Curry Counties attended a meeting held in her district. She hadn’t heard of the proposed program until then, but immediately saw its potential. Jacquot expressed support for the program at an OSB Board of Governors meeting, testifying that her county is so lacking in family law lawyers, clients often have to hire a lawyer from as far north as Eugene.

Since that time, says Jacquot the problem has only increased. Two more family law attorneys have left the area. Now, there are four, only two of whom practice full-time. Meanwhile, Jacquot sees two to three domestic cases every day. Most of those cases have at least one self-represented party.

“Rural areas are really hurting, and it’s not just here, it’s everywhere in Southern Oregon,” she says. “We just don’t have enough lawyers to do the work that doesn’t pay very well.”

In addition to the imbalance of power between a litigant with legal representation and one without, an unrepresented party means a longer hearing, since she often has to educate them on courtroom basics, says Jacquot.

“If (the administrative assistant) was a licensed paralegal, then she could say, ‘That’s a bad notice, this is why, this is what you need to do with it, this is how you address it in court, call us if you have any questions,’” says Michelsen. “The client has now received a one-stop shop, they don’t have to wait for a call back. They’ve called when they’re in crisis, they’ve had their questions addressed, they’ve been told what to do, they’re done.”

Statewide outreach provided a wealth of big-picture feedback, but it was in PLIC’s meetings that the committee hammered out the details of the program and honed its limits. Michelsen recalls many meetings where she and Cox would “go off the deep end” debating the finer points.

Dr. Johnny Lake, a former associate professor of education and counseling, and diversity coach who has worked extensively with the legal field, served as a public member of PLIC’s advisory board. Lake says he chose to volunteer as an advisor to PLIC because of the project’s equity aims.

“The law is an anchor of our society. If we can’t address racism and sexism in the law, how in the devil are we going to do it in our communities?” he says. “I could see that this committee was trying to grapple with those issues.”
The group also made sure to invite oppositional viewpoints into the process and worked with a consultant to conduct public surveys and focus groups, with an emphasis on collecting input from underserved communities. “Our committee was greatly assisted in its work by the feedback we received,” recalls Thompson. “Positive feedback and negative feedback alike helped.”

Before she was asked to provide feedback, Kehoe had only vaguely heard of the committee’s effort and was skeptical of the program.

“I was on the side of not being in support of the program before I learned more about what was being put in place,” she recalls.

Kehoe’s biggest sticking point had to do with retirement funds. At the time, a working version of the program allowed for paralegals to draft documents relating to retirement accounts and stock options. Given the complexity and variety of deferred benefit funds, and the difficulty of amending property division in divorce cases, the section gave Kehoe pause.

“So many things can go wrong because you’re dealing with different kinds of accounts,” she says. “A PERS account has so many different implications (compared to) dealing with a 401k.”

Kehoe’s criticism — and that of countless others — paid off. The program now requires that in such cases, licensed paralegals must refer the parties to a qualified lawyer.

Kehoe says that PLIC’s detailed process resolved her biggest concerns about the program. “There will always be issues, but that’s true with attorneys too,” she says. “New attorneys taking on these same cases will have similar issues as a new paralegal might.”

Michelsen, too, was struck by the level of detail that went into the proposal.

“The amount of time that everyone on the committee put into parsing through the statutes, both in family law and in landlord-tenant law, was really impressive to me,” she says.

Though she ultimately commends the careful process, Michelsen believes that it resulted in educational requirements that are higher than necessary. “I think that there was an excess of caution there, and I understand the reasons — it’s a new program, people were nervous,” she says. “They want to make sure that when these folks go out, they really know what they’re doing. But I think those goals could have been met with slightly lower hourly requirements.”

Ultimately, the committee decided on 1,500 hours of paralegal work, CLE requirements, a Client Security Fund assessment and PLF coverage, among other licensure requirements. But even after years of discourse and the Supreme Court’s approval, those involved with PLIC don’t believe that conversations about the program should end now.

Lake believes that the licensing program should require more robust equity training, and was disappointed that some voices in the legal community opposed even the amount of training that will be required.

“It’s an indicator of how much work we have to do,” he says. Still, Lake views the program as “a beginning.”
“(My hope) is that it’s not seen as the solution, but part of the solution,” he says.

According to Kehoe, it’s inevitable that there will be further adjustments to strengthen the program. “We’re going to have things that we’re going to have to tweak at some point,” says Kehoe. “Assessing it at all angles will be important to make sure it’s successful.”

Cox agrees. “I won’t for a second pretend that I think it’s going to be perfect,” he says. “But I think that it’s a really good result.”

Sunrise, Sunset

Amid the national efforts to expand legal services, Christy Carpenter occupies a unique position. A Limited License Legal Technician (LLLT) in Washington, Carpenter was one of the first licensed paralegals in the country. Now, at least for the near future, she is also one of Washington’s last.

In 2015, Carpenter passed Washington’s first ever LLLT bar exam, and began practicing in 2016. But in 2020, the state’s Supreme Court voted to sunset the program, allowing only the 46 already-active LLLTs to continue to practice, along with some of the 200 students who were in the program’s pipeline.

Carpenter, however, is looking toward the future. “I really have enjoyed watching other states follow in Washington’s path,” she says. “It has kind of spurred me to participate in this national effort.”

In the meantime, she believes that the program still provides clear benefits to Washingtonians. To date, the Washington State Bar Association has not disciplined any LLLTs. Many of Carpenter’s clients have tried to hire a lawyer, only to find out they can’t afford it. She recalls one client who came to her after he had already spent $75,000 working with a lawyer, and was running out of funds.

“The clients that we serve are clients who in many cases have consulted with an attorney and find out they have to pay a $5,000 retainer and $350 an hour, and that’s completely out of the question for almost all of our clients,” she says. “These are people who aren’t going to attorneys anyway.”

Washington served as something of a guinea pig for paralegal programs across the country, including here in Oregon. PLIC held meetings with representatives from other states who already had similar programs, including Oregon’s northern neighbor.

“We came up with this broad take away that all but one of the (other states’) programs seemed to work pretty well,” says Cox. “Then you had the Washington program that failed because it was overregulated and too expensive. But all the other programs, we were able to cherry pick what was best from them, with our guiding principle being that we wanted to make this as accessible to as many people as possible, because that’s how we’ll be able to help as many Oregonians as possible.”

In order to connect Oregonians with the program, Cox foresees another phase of multi-faceted outreach and education. After the program gets off the ground next summer, courts could direct Oregonians in need to qualified paralegals when appropriate. Community groups and Legal Aid Services could help reach the public, too.

Michelsen hopes that the attorneys will help by directing clients who can’t afford their services to licensed paralegals.

“I think the private bar has a real role to play,” she says. “When (lawyers) are saying, ‘No, I can’t take your case, but here’s this licensed paralegal over here, they charge less than I do and they can do this for you –’ those are little, quick interactions that anyone in the private bar can have that I hope over time will make a difference.”

Regardless, Michelsen believes that even after it takes effect next year, it will take time for Oregon’s licensed paralegal program to develop.

“I hope that the bar and the Supreme Court are patient as this gets off the ground,” she says. “When you’re asking people to spend a couple of years getting ready to apply for licensure, we’re going to need to give that process time so that people can meet all of the requirements.”

Despite the sunsetting, Carpenter is optimistic about the future of Washington’s legal technician program. Last month, she attended the Institute for the Advancement of the American Legal System’s conference on creating a national standard for paralegal programs. She’s currently a member of the Washington State Bar’s LLLT board, which is in the process of creating a sunrise committee to reestablish the licensure program.

“I cannot see other states moving full speed ahead and developing their own licenses and then watching the Washington license go away eventually,” says Carpenter. “It’s just not going to happen.”
Next Steps

The Oregon Supreme Court’s decision to adopt PLIC’s proposal marked both a beginning and an end. In the Salem conference room after the court voted to pass the proposal, Justice Christopher Garrett, who previously chaired a task force that Odermott worked on, asked her what she planned to do with her free time now that the program was about to be implemented.

“I’m like, that’s a great question that my husband would love to find out the answer to,” laughs Odermott.

For Harris, working with PLIC was a career highlight. “I’m inspired by the contributions of the committee members,” he says. “They put in a lot of time to address concerns as they came up. I think in their hearts that this is going to make the overall delivery of justice in our state more responsive to the needs of our citizenry.”

Thompson echoes that sentiment. “From my perspective, the PLIC was the hardest working committee I had ever worked with,” she says.

Though the regular committee meetings are over, Odermott is far from finished with her involvement. Now, she’s become something of a promoter from the program, fielding press and LinkedIn inquiries and working to get the word out. Like Kehoe, Cox and Michaelson, she too hopes to see the program reassessed and honed after it gets off the ground.

“We did cross a finish line, but we’re still in the marathon,” she says. “It’s not just a one-and-done. We need to continue to refine and make it better.”

But Odermott is more hopeful than daunted by this next phase.

“We have to be open — as attorneys, as paralegals, judges — about how we provide access to justice to people, because we’re doing such a horrible job of it,” she says. “Innovation has to drive how we serve the public.”

Shannon Gormley is the associate editor for the Bulletin.

ENDNOTES
The decision was made in 2019 to combine the bar’s three big events – the Oregon State Bar Awards, the Pro Bono Challenge and the 50-Year Member Luncheon – into one impressive gathering in a true celebration of the things that make practicing law in Oregon such a unique experience.

The pandemic forced the new event to a virtual format for 2020 and 2021, but, for the first time, the Celebrating Oregon Lawyers gala happened in-person on Thursday, Oct. 27, at the Sentinel in Portland. With more than 300 people on hand, it was an evening filled with socializing, networking and honoring award winners.

To keep the award ceremony portion of the evening brief, only the OSB Award of Merit winner, Justice Lynn Nakamoto, was invited to speak to the group. She succinctly summed up the evening by saying, “I want to thank the bar again on behalf of myself and the others for recognizing our work toward creating a better community.”

Having an opportunity to thank Justice Nakamoto for all she has contributed to the legal profession in Oregon, everyone on hand stood and applauded after her short remarks to which OSB President Kamron Graham, who served as the evening’s master of ceremonies, quipped, “She’s so cool and amazing, she doesn’t even have to say anything and we all stand up and applaud her, which just speaks to the depth of respect that we have for her.”

To get a better look at the event, check out the following pages of images captured by photographer Jonathan House throughout the evening. For more information on all the award winners, refer to your October 2022 Bulletin issue.
1. Retired Oregon Supreme Court Justice Lynn Nakamoto gave brief remarks after receiving the OSB Award of Merit.
2. Sunny Kakwani, Judge Mustafa Kasubhai and Aruna Masih pose for a picture.
3. Oregon State Bar President Kamron Graham served as the master of ceremonies.
4. Thanh Tran was on hand to receive his President’s Diversity & Inclusion Award.
5. Barran Liebman won the Pro Bono Challenge in the Medium Firm category. Pictured is Edwin Harnden, co-managing partner.
6. Hon. Mark Peterson, OSB CEO Helen Hierschbiel and Richard Slottee are pictured.
7. Yvana Mols speaks with former OSB President David Wade.
8. Amanda Margolin, Dan Margolin, Phillip Margolin and Melanie Nelson are shown.
11. Kaori Eder enjoys her time at the event.
12. Erin Esparza and Robert Hulshof of the Classroom Law Project chat at the beginning of the event.
13. Oregon attorneys from around the state took advantage of the in-person event to mingle and connect with their peers.
Newest 50-Year Members: The Oregon State Bar Class of 1972 was honored at the Celebrating Oregon Lawyers event. These VIPs had early access to the event, free valet parking, a roped-off seating area with the most comfortable chairs in the place and an opportunity to reconnect with former peers and classmates.

14. Oregon Supreme Court Justice Thomas Balmer chats with OSB General Counsel Ankur Doshi and CEO Helen Hierschbiel.
15. Matthew Maile was honored with the President’s Membership Award.
16. Diego Gutierrez is part of UndocuLaw, which won the President’s Public Leadership Award.
17. Perkins Coie representatives were on hand to accept the Pro Bono Challenge Award in the Large Firm category.
18. A couple of attendees enjoy the rotating slideshow that played throughout the evening.
19. Tom Collins and Hon. Daniel Harris are pictured.
20. The newest 50-year members who attended are shown.
Insights, Participation Requested for Several Areas of Action

Rural Oregon Needs Our Engagement

By Kamron Graham

It has been the honor of my career to serve on the Oregon State Bar Board of Governors for the past four years, and this year as president. After a lifetime of service, this is among the most all-consuming and gratifying of the volunteer roles I have held, both within and outside the legal profession.

Over the past year, I have met with hundreds of OSB members from across the state and from a broad spectrum of practice areas. I have learned so much.

A key area of enlightenment for me took place in meetings with local bars in eastern and southern Oregon, and particularly in some of our more rural counties.

I arrived well aware that we are seeing a dearth of lawyers in our bar. After decades of slow but steady membership growth, we have flattened — a trend that is projected to continue. Increasingly, there are areas of law in which we do not have enough lawyers to meet the public need.

In rural communities, the shortages are considerably greater. As outlined in this magazine’s cover story last month (“High Desert, Legal Desert,” OSB Bulletin November 2022), large swaths of Oregon show residents unable to find any private legal counsel at all, and those that do find they are often conflicted out of providing help.

For the first time recently, our Lawyer Referral Service has almost no lawyers available for eviction defense, and in rural areas, landlords also are often unable to find counsel.

The public defense crisis that is playing out throughout the state … this too is exponentially worse in rural areas for a wide variety of reasons. Stories from, for instance, Coos County, were particularly troubling with extremely high caseloads. Both prosecutors and the defense bar speak of a system that is struggling to fairly and equitably administer justice.

All this points to a crisis demanding our attention. I’d like to outline several areas of action and invite your insights and participation on this issue.

Oregon New Lawyers Division. First, the ONLD has generously agreed to devote time and resources to this challenge in the coming year. At their retreat in January, they will discuss the establishment of a process to examine the issue in greater depth. Ideas include hosting a rural summit in 2023, or establishing something akin to the Rural Practice Project created by the Washington State Bar Association. Others ideas are welcome and invited. The intent is to determine how we can better support lawyers practicing in rural Oregon, encourage lawyers who may have an interest in practicing in more rural regions of the state and find innovative ways to meet the unmet public need. Members interested in participating or learning more about this initiative in 2023 are encouraged to contact ONLD staff liaison Cathy Petrecca a cpetrecca@osbar.org.

Legal Information Portal. Next year will also see the launch of OregonLawHelp, a new online platform that will consolidate legal information, self-help tools and tailored resources into one sophisticated and user-friendly platform. The OSB will manage the site with partners including the Oregon Law Foundation, the Oregon Judicial Department and the state’s legal aid providers. No matter the time of day or location of the user, the new OregonLawHelp will provide easy-to-find, plain-language, actionable information. In addition to legal information, interested users will receive referrals to the legal-help programs most likely to accept them based on location, income and the kind of problem they are experiencing. Although working with a lawyer when needed is ideal, this portal will empower Oregonians with easier access to trusted information and other resources.

Remote and Hybrid Proceedings. With the Oregon Legislature’s passage this year of ORS 1.002(5), remote proceedings are here to stay. This could be a significant boost for rural Oregonians to find a practitioner. We must examine how best to leverage this positive change for the greatest impact on our shortage of lawyers in key geographic areas.

Licensed Paralegals. After years of development, the Oregon Supreme Court approved the development of
a new tier of legal license to provide limited legal services in landlord-tenant and family law. This could open a new career path to qualified individuals in rural Oregon and increase access to legal counsel for those typically self-represented litigants in both areas.

**Oregon Free Legal Answers.** On Oct. 1, Oregon became the 41st state to participate in this ABA program that provides a remarkably convenient way for lawyers to offer pro bono legal help to low-income Oregonians. The concept: Once a client confirms income qualifications, they log onto a secure web platform to share their legal challenge and submit their legal question. Volunteer lawyers can log on at any time, choose a question they feel qualified to answer, and offer the client legal answers, advice and direction to other resources. Volunteers have access to free legal training and malpractice coverage. The program has been well-tested in other jurisdictions with volunteer lawyers overwhelmingly commending the mechanism to provide meaningful pro bono help to those in need. More information is available at [oregon.freelgalanswers.org](http://oregon.freelgalanswers.org).

**Modest Means Subsidy.** Bar members who participate in the Modest Means program will now see a $100-per-hour subsidy in addition to the clients' sliding scale fees of $60, $80 or $100 per hour for residential eviction cases. This is thanks in large part to a generous grant by the Oregon Housing and Community Service. As always, lawyers who take on these Modest Means clients are exempt from paying any remittance back to the bar. They will retain the full client fee and now the additional subsidy. We already see that this is making participation more feasible for Oregon lawyers and hope this extends into some of the needier areas of the state.

None of the above, of course, will be a panacea for the challenges we face. Yet it is a continued point of gratification to me that this bar, when confronted with the realities of where we fall short in meeting the needs of the public we serve, invariably puts its
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creative forces to work. I’d like to thank the Oregon New Lawyers Division for stepping up on this issue.

I also thank the remarkable lawyers and leaders with whom I’ve served, and whom I have met from all over the state who continue to push for an inclusive, equitable and accessible justice system every day.

You’ve taught me much, and I am grateful.

Kamron Graham is the president of the Oregon State Bar.
Litigator to Novelist to Netflix

By Phil Favorite

Matt Query picks up the phone and another juggling act begins. He slips his cell phone into his shirt pocket, picks up his 4-month-old son, Clark, and says goodbye to his wife, Sonya, as she walks out the door. “Is it OK to feed him while you’re gone?” he asks. “OK, cool.”

Then it’s back to the phone conversation with the baby still in his arms. “Can you still hear me when I put my phone in my pocket like this?” he asks. “It goes through my ear buds, so I think we’re good.”

Query’s getting pretty good at multi-tasking — it’s a necessity these days. Since the release in July of his first published novel, *Old Country*, he’s been fielding requests and doing interviews with press outlets far and wide.

Journalists, bloggers and podcasters want to talk to him about the book’s early, overwhelmingly positive reviews. Publishing agents have been calling about his plans for the immediate future and whether or not they can work together. Hollywood types are inquiring about screen adaptations and film rights.

A ‘Whirlwind’ 15 Months

The release of the book has been a big part of what has been a life-changing year for the Query family.

Over the course of the last 15 months, Matt and Sonya sold their farm in Southern Oregon, moved back to their native Colorado and welcomed the arrival of their first child. Mix in the hubbub that has come with the book publishing (and the selling of the story rights to Netflix for film development), and it’s been eventful period for the young couple.

“It’s been a whirlwind,” the 33-year-old Query says. “Between now and September of last year, we sold the farm, got a place in Colorado, my wife started an MBA program at CU-Boulder and got pregnant, we had a kid, and I sold my book to Netflix, all in a crazy year.”

And it just keeps getting crazier.

Query recently announced that he has signed a two-book deal with publisher Simon & Schuster. Subsequently, Paramount Pictures swooped in to acquire the film rights to his second novel, *Wilderness Reform*, which, like *Old Country*, is co-authored with his younger brother, Harrison Query.

From Litigator to Novelist

All this is pretty heady stuff for the Lewis & Clark Law School graduate who just last year was working full-time as a litigator for the Roseburg-based Carollo Law Group, a general practice firm focused on natural resource law.

Query and his wife were living in the tiny Southern Oregon community of Melrose when he began writing *Old Country*. Sited well away from the nearest road and any neighbors, the farm property offered a quiet place to focus on writing in his off hours from law work. The silence, Query says, was almost spooky.

“That kind of silence,” Query says, “is a good place for creepy stuff to be born.”

*Old Country* is about a young couple navigating the headache of learning how to run a ranch. A fan of supernatural horror stories, Query infused his narrative with a scary twist — after settling into their new home, the couple in the story comes to learn a malevolent spirit inhabits the land.

As the story took shape, Query began sharing sections with other fans of the genre on Reddit’s r/Nosleep blog, where readers commented and shared suggestions about where the narrative could go.

“I basically started writing a short story, and the character limit of a Reddit post got in the way of how long I wanted the story to be,” Query says. “So, I decided to chunk it up. And as I broke it into pieces, I decided to do a bit of a redesign and expansion of the story.”

Query’s posts struck an immediate chord with followers of the blog, and soon his writing was receiving more attention. Agents, publishers and Hollywood producers noticed the stirring, and Query was encouraged to flesh out his short story to become a full-fledged novel.

“The meat and potatoes of the story was there, but with the real estate provided by a novel, I could accordion out the backstory and the lore behind the supernatural elements,” Query said.

That’s when the juggling act began. Working full time as a lawyer, he continued to make time in his off hours for farm chores and fiction writing.

“I tried not to rush through it, but as a litigator, most of what I do except for court appearances is write,” he says. “I’m decent about getting a lot down on paper in a short
As if there isn’t enough happening in Matt Query’s life, he also serves as a wildland firefighter on the Fourmile Wildland Fire Crew, which is a fire district in the mountains above Boulder, Colo. This picture is from a June 2022 deployment to northern New Mexico and west Texas.

In the past 15 months, the Query family has grown by one, moved from Roseburg to Boulder, Colo., and has seen Matt’s writing career blossom.

When in Oregon, Matt Query trained his hunting dog to go on trips with him in search of game birds.

— continued on page 36
time. After work, on weekends, there was more than enough time to get a short story written. But with a novel, I had to develop a bit of a more disciplined writing schedule."

“Once he showed me a draft of what he was working on, I was surprised he ever had the time,” says retired attorney Ronald Yockim, who along with attorney Dominic M. Carollo co-founded the firm where Query was working. “But it didn’t surprise me that he got it done. Matt’s a really exceptional young man, and he really writes well.”

As an attorney, Query impressed Yockim with his ability to get to the heart of legal matters.

“Matt has the ability to look at the practical side of things, and that’s what a lot of lawyers miss,” Yockim says. “We give you the law. We figure out where the courts are going to go. But where’s the practical side? That was one of the things I liked about Matt.”

Oregon Provides Professional, Personal Advancements

Query’s journey into a career in law started in Portland, where he moved to after graduating from the University of Colorado in 2012. Oregon proved to be a good fit for a young man who loves the outdoors.

“I love to hike, camp, hunt and fish,” he says. “I’m kind of a junkie fly angler and I trained up my own little hunting dog, which is pretty cool in Oregon because you have quail and chukar and grouse and pheasants and all kinds of game birds all over the state.

“When it comes to fishing, hunting, mountaineering, backpacking, wildlife photography, it all started with growing up in the mountains above Boulder. Then moving to Oregon, none of those hobbies suffered.”

After graduating from Lewis & Clark Law School, a move to Roseburg allowed Query a chance to focus his professional career around some of his personal interests.

“A lot of water work,” he says, “which is what I went to Lewis & Clark to do. It was pretty cool cutting my teeth as an attorney working with those guys, doing state and federal environmental and natural resource stuff.”

Another free-time activity of Query’s — reading — set the stage for his entry into a literary career.

“I inhale novels,” he says. “I read a lot. I’d been a prolific reader of short stories on Reddit for a decade. I’d been reading those for so long I thought maybe I’d have a go at writing my own.
“I think a lot of prolific readers would surprise themselves about how well they could write their own story. Anybody who reads a lot is familiar with compelling story arcs, and what they do or don’t enjoy in character development and stories. I guess I was lucky enough to have a lived experience that provided a good skeleton for my own version of a story.”

The experience of living on the farm outside of Roseburg inspired *Old Country*. But the education and work experience helped crank out a compelling narrative.

“The legal career provided a toolbox to write effectively, albeit about a very different subject matter than a supernatural novel,” Query adds. “But I do credit drafting briefs as a litigator for the ability to get things done on deadline and really put a lot down on paper fast. I just had to tweak the subject matter quite a bit.”

**Finding the Time**

Becoming a full-time novelist was never part of the plan, Query says, but the move home to Boulder and his recent success has taken time away from his legal career.

“I really do enjoy civil litigation work, and I do intend to keep practicing in some capacity,” he says. “My wife and I are both born and raised in Boulder, so the family element brought us back here. But if it wasn’t wanting to be closer to family, I would have worked for Dominic Carollo until I retired.”

Query says he’s still getting used to the idea of having his writing out there for public consumption. But the positive response has been encouraging, he adds, and he hopes to build off the momentum that *Old Country* has created.

“The horror genre has a very engaged and particular readership and demographic. It’s a whole other world,” Query says. “So the feedback coming from deep in the horror genre demographic and their criticism is great to have.

“What I wanted to write was a page-turner. Those are my favorite novels. So when people describe the book as a page-turner, I’m stoked about that.”

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*Phil Favorite is a Portland-based freelance writer. His recent Bulletin bylines include profiles on Judge Angel Lopez (April 2022) and John Kodachi (December 2021). He can be reached at philfavorite@gmail.com.*
Each year, the Oregon Bench and Bar Commission on Professionalism presents the Edwin J. Peterson Professionalism Award (EJP Award) to a member of the Oregon legal community who has publicly and consistently demonstrated integrity, honesty and willing compliance with the letter and spirit of the law, with the rules of court, with the highest ethical standards and with the standards stated in the OSB Statement of Professionalism.

As the pandemic now moves through its third year, the commission offers some reflections on professionalism from recent recipients of the award. Their answers are wise, empathic and an invitation to reflect on how important legal practice and our shared Oregon legal culture are to the mutual expectations that bind us together in a civil society.

Recent Award Winners Share Their Thoughts

Professionalism During a Pandemic

Hon. Alycia N. Sykora  
Deschutes County Circuit Court Judge  
2015 EJP Award

What are your thoughts on professionalism during a pandemic?

The pandemic may be a culture shift in how we perceive and react with each other, regardless of COVID. I’d like to consider the wisdom of two of our studious elders.

Oregon professor and judge, the late David Schuman, an expert on law and friendship, once gave a convocation speech. He observed what we can do as lawyers:

“Abuse of power and coldness of heart. These are among the dangers that you will confront when you successfully complete your legal education and enter your new profession. ... Socrates from his prison cell calls the laws of Athens, under which he is about to die, his mother and his father — that which gave him his identity and his roles, which bound him to others in a web of support and obligation and in so doing made it possible for him to be a human and not a beast. ... I urge you ... to see your access to the machinery of the system not only as a means to promote the private interests of litigants but to forge a public life worth living. ... I am urging you, in the words of the prophet, to do justice and to love mercy, to let your devotion to the rule of law remain open always to the heart’s way of knowing. ... Socrates, again, tells us that no evil can ever befall a good person. Socrates was no fool and neither am I, and neither are you. We all know that a good person is as likely as a bad one to get hit by a truck or a kidney failure or an errant cancer cell. What Socrates meant, I think, was something like this: A person with a well-ordered soul is immune from the only kind of evil that matters, which is a disordered value system. ... I believe that if you attend to the difference between what is right and what is merely legal, and if you see the law as what ties each of us to our fellows, and you remember that those fellows have faces, you can enjoy a rich professional life in which you wield principled power and do with abundance of heart.”

Yale history professor Timothy Snyder is an expert on World War II. In a short book, he condensed his lifetime of study, noting that “History does not repeat, but it does instruct.” Beyond the details of the battlefields, the trains, the bullets and the pits, he observed what we can do now to avoid repetition:

“Make eye contact and small talk. This is not just polite. It is part of being a citizen and a responsible member of society. It is also a way to stay in touch with your surroundings, break down social barriers, and understand whom you should and should not trust. ... (During several tyrannical regimes in 20th century Europe), A smile, a handshake, or a word of greeting — banal gestures in a normal situation — took on great significance. When friends, colleagues, and acquaintances looked away or crossed the street to avoid contact, fear grew. ... Having old friends is the politics of last resort. And making new ones is the first step toward change.”
David F. Bartz Jr.
Chair emeritus at Schwabe Williamson & Wyatt

2016 EJP Award

What aspect of professionalism was most badly needed in the depth of the pandemic, and why?

Listening: It sounds simplistic or “of course,” but listening is a withering art. Hearing another person — their pain or purpose — really helps. The speaker feels better, and the listener has learned something ... all at the same time.

If you could advise a new Oregon lawyer about the importance of professionalism during the pandemic, what one piece of advice would you provide?

As a matter of professionalism, listening also communicates that someone else matters; that the speaker matters. In this time of isolation and plans interrupted (gatherings, funerals, graduations, celebrations, baptisms, first dates, travel and connections, “coffees” and meetings conducted over miles instead of over a conference table) feeling heard is often in short supply. We, as speakers, feel less valued, more just a part of the noise. Being heard helps us feel significant — that we matter. And, mattering is a step to acceptance, not agreement, just being valued. Professionalism communicates that another person matters — that the speaker or other party has contributed something valuable, even if it’s something we don’t agree with.

Julia M. Hagan
Retired, Family law at Gevurtz Menashe

2017 EJP Award

To recognize that the pandemic months, in relative isolation, can erode our compassion, cloud our objectivity and lead us to act in ways not congruent with professional standards of conduct, it is incumbent on us to be honest with ourselves, with clients, opposing counsel, self-represented parties and the court, then act accordingly.

If you could advise a new Oregon lawyer about the importance of professionalism during the pandemic, what one piece of advice would you provide?

Gleaves Swearingen LLP is pleased to announce that attorney Shawn I. Walker has joined the firm as an associate.
Shawn’s practice will focus on estate planning and administration.

Gleaves Swearingen is a business law firm that, since 1924, has assisted its clients with challenges and opportunities through a combination of experience, expertise, creativity and foresight.

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Professionalism is not a virtue in isolation, but only in the context of relationship. It takes action on your part.

Hon. Rives Kistler
Justice on Oregon Supreme Court (2003-18)

2019 EJP Award

What are your thoughts on professionalism during a pandemic?

As lawyers, we owe a duty to both our client and the court. We have a duty to represent our clients zealously while we have a duty to be candid with the court and a responsibility, as professionals, to work together with opposing counsel to resolve our clients’ claims fairly and expeditiously. Those obligations didn’t change during the pandemic. Rather, the challenges posed by the pandemic highlighted the need for lawyers and judges to continue to work together, now and after the pandemic ends, to advance the fair resolution of legal disputes.

Román Hernández
Managing partner of Troutman Pepper’s Portland office

2020 EJP Award

If you could advise a new Oregon lawyer about the importance of professionalism during the pandemic, what one piece of advice would you provide?

I’d advise new lawyers and colleagues not to forget about professionalism during this pandemic, when it is easy to forget that we are dealing with fellow human beings, because we are all working remote, we don’t see each other like we used to, and we have court hearings either via telephone conference or video conference. When we don’t socially interact, it is easy to see one’s adversary as a name on a brief, an address to an email or a mere image on screen. It takes a conscious decision during this pandemic to remember that we are all humans with human frailties who are each trying to do the best that we can for our clients, even under these unique circumstances.

I recall receiving harshly worded emails about a client matter, and sternly worded voicemail messages from opposing counsel who demanded that I return his calls. I emailed him and told him that he and I do not know each other, and that we should endeavor to give each other the benefit of the doubt in our interactions despite our clients’ differences. I further told him via
email that I would not return his call if he was going to yell at me. That changed things, and we spoke via phone several times to try to resolve our clients’ dispute.

Hon. John V. Acosta
Magistrate judge of the U.S. District Court for the District of Oregon

2021 EJP Award

What aspect of professionalism was most badly needed in the depth of the pandemic, and why?

Patience. Many of us continued to work remotely, participate virtually in hearings and settlement conferences, and conduct socially distanced trials. Everything required more time and effort, which added stress and anxiety to an inherently demanding profession. Remember that many of us daily navigated working from home and supporting children’s distance learning efforts. And, we continued to be physically isolated from family and friends, and that some of us had to face the loss of a loved one. A healthy diet of understanding and empathy will go a long way to making easier our professional and personal lives.

If you could advise a new Oregon lawyer about the importance of professionalism during the pandemic, what one piece of advice would you provide?

The same advice I always give to new lawyers: Remember that everything you do affects your reputation for professionalism. Speak, write and conduct yourself in ways that will contribute to, not detract from, your reputation. Reputations are long remembered in our state. A good one will serve you and your clients well, and a poor one will be the premise on which your peers will judge everything you say and do.

This article was submitted by the Bench/Bar Commission on Professionalism Publications Subcommittee with special thanks to Melina Martinez.

ENDNOTES


Streamline Your Firm’s OSB Tasks As a Company Administrator

The Company Administrator tool on the OSB website grants authorized individuals firm-wide access to assist OSB members with administrative and regulatory compliance tasks, including paying membership fees; submitting IOLTA reports; purchasing section memberships, certificates and legal publications; registering members for CLE events; managing the firm contact information; disassociating individuals no longer with the firm; and adding programs to members’ MCLE transcripts. (Note: Each member will need to certify and submit their own MCLE information).

For more information on company administrators, visit [www.osbar.org/companyadministrator/index.html](http://www.osbar.org/companyadministrator/index.html) or contact the OSB at companyadmin@osbar.org or (503) 431-6362.

Free Legal Answers to Expand Practice Areas

Upward of 85% of low-income Oregonians try to navigate their legal crises alone, which hurts their cases and potentially slows down the court process. But now, in partnership with the American Bar Association, the Oregon State Bar is joining 40 other states in offering the “Free Legal Answers” remote platform to provide low-income Oregonians with brief legal advice on civil legal issues. It launched with a focus on residential housing law and related legal matters, but is now expanding to other practice areas as the program develops.

We invite all active OSB members to join this effort by signing up to be a volunteer for the program. Registered pro bono attorneys can log into the system 24 hours a day, select a client’s question and then provide a brief legal answer and any other recommended resources. This unbundled model allows lawyers to decide when they have time to volunteer, what type of legal issue they feel competent to address and how much pro bono work they can take. Lawyers can answer as many (or as few) questions as they wish, although we encourage participants to answer at least one question per month. Visit [https://oregon.freelegalanswers.org](https://oregon.freelegalanswers.org) for more information and to sign up.
Modest Means Subsidy Gives Panelists Additional Funds

Lawyers enrolled in the Modest Means Program through the Lawyer Referral Service will now receive an additional $100 an hour, on top of the sliding scale fees of $60, $80 or $100 from qualified clients, due to a new subsidy. As always, Modest Means cases also are exempt from the remittance fee to the LRS program – lawyers retain the full client fee as well as the new subsidy. We hope that this makes it more economically feasible for lawyers to enroll in this access to justice program. If you are interested in learning more about the subsidy, email info@osbar.org and bar staff will contact you as details become available.

PLF Annual Assessment Deadline Is Jan. 10, 2023

The PLF 2023 assessment notices have been sent, and the deadline to pay your assessment or file an exemption is Jan. 10, 2023. You can file an exemption, set up installment payments or pay your bill on the PLF website at https://osbplf.org/coverage/pay-assessment.html. Payments sent by mail must be received by Jan. 10; postmark dates are not applicable. If you have any questions, call the PLF Accounting Department at (503) 924-1771.

Estate Planning CLE Now Available on PLF Website

The PLF CLE “Avoiding Malpractice in Estate Planning and Administration,” presented Oct. 21, 2022, is now available in streaming video on the PLF’s website at https://tinyurl.com/102122PLFCLE. The CLE has been approved for one MCLE general credit.

Regulatory/Compliance Deadlines

Several deadlines are approaching for regulatory compliance, including the PLF assessment (see above), OSB member fee payments and IOLTA reporting. See page 63 for a complete calendar, and be sure that your email system allows messages from notices@osbar.org to land in your inbox.

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July 2022 Bar Exam Result

An alphabetical (by last name) listing of the 296 people who passed the July 2022 bar exam.

A
Gohar Abrahamyan, Francisco Almeida, Abdullah Alnajran, Connor Amundson, Tyler Armstrong, Olivia Ashe, Morgan Ashton.

B

C
Elena Cajacob, Allison Campbell, Allison Canfield, Johnathon Carter, Annamarie Carty, Francisco Catibayan, Brenden Catt, Mark Cebert, Michael Cebert, Kelly Chang, Jessica Charles, Rayhan Chaudhary, Christian Cho, Paige Chrz, Caroline Cilek, Mark Claramunt, Shannon Clausen, Andrea Clawson, Chloe Clay, Sarah Coates, Timothy Comstock, Patrick Conroy, Isaac Conzatti, Logan Cook, Katherine Coombs, Ryan Costello, Olivia Courogen, Caleb Crahan, Zachary Crandell, Carly Cripps, Emma Crispin, Benjamin Criswell, Glory Crocco, Joseph Crouch.

D
Adrienne Del Monte, Hannah Deloach, Alexander Dennis, Perry Denton, Kenneth Dills, Alexandria Dolezal, Margaret Donohue, Rose Dozier-Schwartz, Emma Durbin.

E
Carla Edmondson, Miranda Eisen, Mariah Ellis, Heather Enderle, Rachael English, Paola Estrada, Hattie Everroad.

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Dually degreed - J.D. and Masters in Public Administration
Twin Peaks aficionado
Detests cockroaches
Devoted to her dogs – Franklin and Teddy
Partial to Autumn
Met Fight Club author Chuck Palahniuk twice

Meet Jordan, a rising star and the newest member of our team.

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Nicole Ferroux, Mark Firmin, Francesco Fischer, Natalie Fisher, Alexandra Fletcher, Michael Flickner, Gareth Ford, Emily Freeman.


Dara Ilowsky, Ellen Ipsen, Christopher Ishihara.

Vanessa Jackson, David Jampolsky, Anthony Jannelli, Kaisa Johnson, Randal Johnson, Zachary Johnson, Andrew Jordan.


Gabriel Naganuma, Carrie Ng, Haley Nicholson, Carsen Nies, Kristofer Noneman.

Colin O’Brien, Kylie O’dee, Emily Olsen, Derek Olson, Caitlin O’pry.

Karmen Pacheco, Ethan Paek, Stephanie Palomino, Bijal Patel, Rachel Pemberton, Andrew Pence, P Daniel Olkow, Alexis Prado, Megan Price, Jasper Primack, Kathleen Pritchard.

Maya Ramakrishnan, Yadira Ramirez, Diana Ramos, Garret Ramsay, James Rehwaldt, Tori Reifschneider, Colin Reynolds, Jenna Richards, Catherine Rocchi, Lina Rodriguez Lancheros, Michael Romano, Hayley Rousselle, Graeme Rudd, Tyler Runsten, Avery Rux.

Reza Sadeghzadeh, Emil Sadofsky, Juan Pablo San Emeterio, Aline Sanchez, Nathan Schaffer, Simon Schiller, Emily Schimplfingen, Brannon Schwab, Christopher Sears, Tara Seizys, Kyle Sessions, Gina Shandler, Jordan Sharp, Matthew Shea, Katharine Shepherd, Scott Sheppard, Casey Shook, Elizabeth Silverman, Sydney Skidmore, Johnathan Soleymani-Pearson, Gianina Spano, Christian Spotanski, Austin Starnes, Jack Staunton, Dakota Steele, Chelsea Stewart-Fusek, Mary Stites, Erin Strader, Patrick Streckert,
Patrick Strickler, Amanda Summers, Megan Sweeney, Matthew Swisher.

T
Caroline Taylor, Gabriel Taylor, Nicolas Teel, Garet Thompson, Audra Thramer, Sierra Tillery, Samantha Toda, Andrew Toney-Noland, Orchid Tosh, Bakena Tshala, Rebecca Tucker, Natassia Tuhovak.

V
Ian Van Loh, Jacob Vela, Emily Vida, Richard Vinh, Max Vogel, Andrew Vogelgesang.

W
Miriam Wainwright, Brendan Walle, Ryan Waller, Daniel Walsh, Nicholas Warner, Madeline Weissman, Julia White, Victoria White, Kindra Williams, Rachael Wilson, Owen Wirth, Kurt Wohlers, Sadie Wolff, Anne Wolke, Elizabeth Wolozin, Eric Wriston.

Z
Jocabeth Zarate, Amelia Zuidema.
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.

AMELIA OSTHOLTHOFF
OSB #114842
Portland
5-month suspension

Effective Sept. 26, 2022, the disciplinary board approved a stipulation for discipline and suspended Portland lawyer Amelia Ostholthoff for five months for her violations of RPC 1.4(b) (failing to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation), RPC 1.16(d) (failing to take steps to the extent reasonably practicable to protect a client’s interests upon termination of representation), RPC 5.5(a) (practicing law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction), RPC 8.1(a)(1) (knowingly making a false statement of material fact in connection with a disciplinary matter) and ORS 9.160(1) (representing oneself as qualified to practice law while not an active member of the bar).

Ostholthoff was administratively suspended from practicing law in Oregon on Jan. 17, 2020, for failure to pay her Professional Liability Fund assessment. At the time, she was working with a law firm on a contract basis to represent a client in a juvenile dependency case involving the client’s son. On Jan. 21, 2020, while administratively suspended, Ostholthoff appeared in court and represented her client while she was unaware that she was suspended.

Ostholthoff learned of her administrative suspension in late January and ceased performing any legal work. She did not seek reinstatement and the law firm terminated her contract on Feb. 6, 2020. At no time did Ostholthoff communicate to her clients that she had been suspended, that she would cease performing legal work, that she decided not to seek reinstatement to practice law or that she was terminating her work with the law firm.

On Jan. 31, 2020, the mediator in a client’s case sent Ostholthoff and the client a case update and/or draft mediation agreement. Ostholthoff did not contact the client. In February 2020, the client contacted the bar for help reaching Ostholthoff, whom she believed was still her attorney. Only then did the client learn that Ostholthoff had been suspended from practicing law. The client filed a grievance about Ostholthoff with the bar’s Client Assistance Office, complaining about her lack of communication and that Ostholthoff failed to inform her that she had been suspended and would cease representing her.

Prior to terminating her work with the law firm, Ostholthoff did not staff her cases with other attorneys at the law firm. After terminating her work with the law firm, Ostholthoff’s cases were assigned to new attorneys, and the law firm contacted her multiple times for information about her former cases. Ostholthoff did not respond to multiple requests for information about her former cases.

From or about Jan. 29, 2020, through March 2020, attorneys at the law firm covered at least 39 court appearances for Ostholthoff. Ostholthoff did not assist or prepare them for those hearings. Additional hearings in Ostholthoff’s former cases could not be covered by attorneys at the law firm, and were rescheduled or covered by outside counsel.

After a client’s grievance was referred to Disciplinary Counsel’s Office (DCO), Ostholthoff represented to DCO that her cases were staffed with the law firm before she ceased working with the firm, that her caseload continued to be supported and represented seamlessly during her exit, there was no time where her clients were not supported, able to communicate and vigorously represented, and that she had prepped staff and attorneys of cases status before she left. These statements to DCO were false and material to the disciplinary investigation, and she knew at the time she made them that they were false and material.

The stipulation recited that Ostholthoff’s conduct was aggravated by a dishonest or selfish motive, multiple offenses and the vulnerability of her client. Her conduct was mitigated by personal or emotional problems, remorse and absence of a prior record of discipline.

ROBERT A. GRAHAM JR.
OSB #982396
Medford
1-year suspension

Effective June 3, 2022, the Oregon Supreme Court approved a stipulation for discipline and suspended Medford lawyer Robert A. Graham Jr. for a period of one year for violations of RPC 1.3 (neglect of a legal matter), 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 1.4(b) (duty to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation), RPC 1.16(d) (duty to return client file after termination and refund unearned fees) and RPC 8.4(a)(4) (conduct prejudicial to the administration of justice) in three separate matters.

In the first matter, Graham represented a client in a breach of contract and filed an answer on her behalf. A dispute arose between Graham and his client over his representation of her in other corporate matters. Graham told the client he was withdrawing from representing her in all matters, but failed to notify the court and failed to take any substantive action thereafter on behalf of his client in violation of RPC 8.4(a)(4). Additionally, Graham told the client he would forward his file but never did, which was in violation of RPC 1.16(d). Graham failed to take substantive action while he remained attorney of record, in violation of RPC 1.3. Graham failed to timely notify his client of her deadline to pay arbitration fees, in violation of RPC 1.4(a) and (b), so his client was unable to participate or attend the arbitration hearing.

In a second matter, Graham represented another client in a breach of contract but failed to appear for a pre-trial conference.
and third-party deposition. After the court entered a judgment and money award against Graham’s client, Graham failed to timely file an objection to the plaintiff’s statement for attorney’s fees. Graham filed an appeal of the trial court judgment on behalf of his client but failed to follow a number of significant appellate procedural rules. The court determined Graham’s filings were “severely deficient” and ultimately his client moved to dismiss the appeal. By failing to appear for a pre-trial conference and deposition, Graham violated RPC 1.3. Graham’s numerous deficient filings in the appeal matter violated RPC 8.4(a)(4).

In the third matter, Graham represented a client in a transaction involving the purchase of an OLCC-licensed business. The client needed Graham’s assistance with submission of a capital structure form to the OLCC with the annual license renewal. Graham filed the renewal and business structure filing in mid-September 2018, but the OLCC had made a rule change in August 2018 that required filing the business structure form separately from the annual license renewal. Graham resubmitted the business structure filing in May 2019. The OLCC repeatedly requested additional information from Graham due to deficiencies in the paperwork, but Graham failed to timely provide the information for over three months. By the time Graham had the requested additional information, the OLCC requested that Graham resubmit the paperwork, which would restart the process. Graham delayed resubmitting the business structure filings for another five months.

In March 2020, Graham informed his client that he wanted to terminate the representation and would send the client his file electronically but failed to do so for several weeks. Meanwhile, the OLCC notified Graham’s client that the business structure filings Graham previously submitted were deficient and would need to be corrected by April 10, 2020. Throughout March and before the April deadline, the client made numerous attempts to obtain information from Graham with limited success. By failing to take substantive action regarding the OLCC filings on behalf of his client, Graham violated RPC 1.3. By failing to communicate with his client when he repeatedly requested assistance with the filings for OLCC, Graham violated RPC 1.4(a).

The stipulation recited Graham’s prior disciplinary record, pattern of misconduct,
multiple offenses and substantial experience in the practice of law as aggravating factors. In mitigation, Graham demonstrated personal and emotional problems at the time of the misconduct, an absence of a dishonest or selfish motive, and remorse.

SCOTT MICHAEL McNutt Jr.
OSB #953577
Tualatin
Form B resignation

Effective July 28, 2022, the Oregon Supreme Court accepted the Form B resignation of Tualatin lawyer Scott Michael McNutt Jr. At the time of McNutt’s resignation, formal disciplinary proceedings were pending against him alleging violations of RPC 8.4(a)(2) (committing a criminal act that reflect adversely on the lawyer’s honesty, trustworthiness or fitness to practice law).

The allegations against McNutt arose out of his guilty plea on May 26, 2021, in the Circuit Court for the State of Oregon for the County of Washington to 10 counts of Encouraging Child Sex Abuse in the First Degree, a Class B Felony, in violation of ORS 163.684. In his plea petition, McNutt acknowledged that on 10 different days between February 6, 2017, and March 20, 2017, he knowingly possessed and accessed a visual recording of sexually explicit conduct involving a child with intent to develop or duplicate the recording while knowing and being aware of and consciously disregarding the fact that creation of the visual recording of sexual conduct involved abuse.

All client files and client records in McNutt’s possession are in the custody of Julene M. Quinn, an Oregon attorney, whose principal office is located at 9450 SW Gemini Drive, PMB 22366, Beaverton, OR 97008.

SANDON M. DUNCAN
OSB #093340
Lake Oswego
60-day suspension

After a disciplinary board trial panel found violations of RPC 8.4(a)(3) (misrepresentation) and ORS 9.527(2) (conviction of a misdemeanor involving moral turpitude), Sandon M. Duncan was suspended for 60 days, effective Oct. 5, 2022.

In a series of detailed text-message negotiations, Duncan arranged to meet a woman at a motel for sex in exchange for
$2,500. Prior to the meeting, Duncan texted her a photo of multiple $100 bills, and in the motel room, he showed her the envelope full of cash he had brought. Shortly thereafter, a male associate of the woman arrived and attacked Duncan, including hitting him with a table lamp, while trying to extract the envelope of cash from his pants pocket. Duncan escaped the room with the cash, and motel management called the police.

The police arrived to investigate the type and extent of the criminal activity that had occurred in the motel. When questioned by the police, Duncan denied making any financial arrangement for his meeting with the woman and described it only as a hook-up. He did not disclose that he had agreed to pay the woman for sex or that he had brought $2,500 cash to the motel room. He denied that he considered her a prostitute.

Duncan was later charged with and plead guilty to commercial sexual solicitation, a Class A misdemeanor. ORS 167.008. The trial panel found that, under existing Oregon precedent, commercial sexual solicitation is a crime of moral turpitude, and that Duncan’s conviction violated ORS 9.527(2). The trial panel also found that Duncan made affirmative misrepresentations, and misrepresentations by omission, to the police in violation of RPC 8.4(a)(3).

The trial panel found several aggravating factors, including a dishonest or selfish motive, substantial experience in the practice of law, and the submission of false evidence during the discipline trial. (Duncan repeated many of the same false statements that he had made to police.) In mitigation, the panel found that he had no prior discipline and the imposition of other penalties.
BAR PEOPLE

Among Ourselves

Ferdinand Ruplin has joined the board of directors of NuProject. NuProject is an Oregon public benefit company working to build generational wealth via the legal cannabis industry. It provides coaching, mentorship and access to capital for BIPOC-owned cannabis businesses. Ruplin will provide legal counsel and support to the board and organization. Ruplin is an associate in Tonkon Torp’s business department. His practice emphasizes mergers and acquisitions, and a range of corporate and business matters. He serves as co-chair of Tonkon Torp’s Cannabis Group.

Erica Clausen was recently elected to the board of directors of the Lawyers’ Campaign for Equal Justice (CEJ) Oregon. CEJ is the main support organization for Oregon’s statewide legal aid programs. Clausen is an attorney at Miller Nash, where her practice focuses on eminent domain, public entities, nonprofits and higher education, as well as sports and entertainment. In addition to her involvement with CEJ, she also serves on the WISE Portland Board of Directors.

The Law (in Plain English) for Small Business (Sixth Edition) by Leonard D. DuBoff and Rudolph Lopez III, is now available from Allworth Press, an imprint of Skyhorse Publishing. This book joins numerous other books in the (in Plain English) series co-authored by DuBoff and other members of The DuBoff Law Group.

Matthew Hall has joined Reynolds Defense Firm. Hall has experience as both a prosecutor and private defense counsel in criminal matters ranging from low-level misdemeanors to more serious felony charges. The Reynolds Defense Firm, located in Portland, represents people facing DUI charges.

Christopher Eggert has established a new solo practice in Tulsa, Okla., that focuses on divorce and family law matters. Eggert continues to provide services remotely to clients in Oregon, Washington and Hawaii, specifically Qualified Domestic Relations Order drafting and review services, and uncontested divorce.

Gleaves Swearingen has hired two new associates. Shawn I. Walker has been practicing law in the Eugene-Springfield area since 2018. His practice focuses on estate planning and administration. Ellen A. Ipsen has also joined the firm. Her practice focuses on litigation.

Courtney LaFranchi has joined Hecht & Norman’s Eugene office as an associate. LaFranchi is fluent in English and Spanish. She practiced immigration law for four years in Idaho before relocating back to Eugene, where she was raised. Her practice remains focused on immigration law.

Tonkon Torp has hired two new attorneys to its business department. Yalda Bahramian’s practice will focus on general business law. Previously, Bahramian worked at Tonkon Torp as a summer associate and for the Immigrant Rights Clinic at University of California, Irvine. Lee N. Gilgan’s practice is focused on mergers and acquisitions. He also represents and advises clients in issuances of equity and debt securities, business formations, general commercial matters and corporate governance matters.

Bridgett Chevalier has joined Willamette Law Group. Chevalier will focus her practice on public interest environmental litigation, personal injury and insurance disputes, and estate planning and probate administration. Prior to joining Willamette Law Group, Chevalier primarily focused on federal environmental litigation in the west coast region.

Sierra M. Tillery has joined Hershner Hunter as an associate. Tillery graduated from the University of Oregon School of Law in 2022. While in law school, she worked on entity formation and trademark issues, as well as estate planning.

Moves

Lisa Rogers joined the Portland City Attorney’s Office in the labor and employment section. Previously, she practiced with the Administration for Children’s Services, representing New York City in child abuse and neglect proceedings. Rogers then transitioned to labor and employment work in Oregon. Before joining the Portland City Attorney’s Office, Rogers worked for the Employee and Labor Relations Department of Portland Public Schools.

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Gleaves Swearingen has hired two new associates. Shawn I. Walker has been practicing law in the Eugene-Springfield area since 2018. His practice focuses on estate planning and administration. Ellen A. Ipsen has also joined the firm. Her practice focuses on litigation.

Courtney LaFranchi has joined Hecht & Norman’s Eugene office as an associate. LaFranchi is fluent in English and Spanish. She practiced immigration law for four years in Idaho before relocating back to Eugene, where she was raised. Her practice remains focused on immigration law.

Tonkon Torp has hired two new attorneys to its business department. Yalda Bahramian’s practice will focus on general business law. Previously, Bahramian worked at Tonkon Torp as a summer associate and for the Immigrant Rights Clinic at University of California, Irvine. Lee N. Gilgan’s practice is focused on mergers and acquisitions. He also represents and advises clients in issuances of equity and debt securities, business formations, general commercial matters and corporate governance matters.

Bridgett Chevalier has joined Willamette Law Group. Chevalier will focus her practice on public interest environmental litigation, personal injury and insurance disputes, and estate planning and probate administration. Prior to joining Willamette Law Group, Chevalier primarily focused on federal environmental litigation in the west coast region.

Sierra M. Tillery has joined Hershner Hunter as an associate. Tillery graduated from the University of Oregon School of Law in 2022. While in law school, she worked on entity formation and trademark issues, as well as estate planning.
and probate matters. Her practice will focus on business transactions.

Elena Cajacob has joined Oregon Immigration Group as an associate attorney. Cajacob has extensive experience serving immigrant communities in Oregon, first as a paralegal at Immigration Counseling Service and then as a coalition manager at Causa. Cajacob is bilingual and will represent clients in a variety of immigration matters.

SBH Legal has hired five new associates. Courtney Kreutz represents Oregon employers and insurers in workers’ compensation defense matters. She previously practiced with another defense firm specializing in workers’ compensation. Rachel Shinville represents Washington employers and insurers in workers’ compensation and related employment defense matters. He previously worked for another defense firm in Portland, specializing in workers’ compensation. McKenzie Brooks has joined SBH Legal as an associate. She represents Washington employers and insurers in workers’ compensation and related employment defense matters. She previously clerked at a personal injury firm. Katerina Wolfe has joined SBH Legal as an associate. She represents Oregon employers and insurers in workers’ compensation and related employment defense matters. She previously practiced with another defense firm specializing in Oregon workers’ compensation litigation.

Robert J. McGaughey
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Oregon Constitutional Law
Criminal Law in Oregon
Oregon Rules of Professional Conduct Annotated, 2022 Supplement
Oregon Formal Ethics Opinions, 2022 Supplement
Oregon Real Estate Deskbook, Chapter 26 supplement

Coming Soon in 2023
Uniform Criminal Jury Instructions, 2023 Supplement
Uniform Civil Jury Instructions, 2023 Supplement
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Administering Oregon Estates
Nonprofit Law in Oregon
Revision
New!
OFFICE SPACE


66 CLUB, LEGAL PRACTICE IN EUGENE RIVER VIEW OFFICE SPACES available for sublease. East wing available in its entirety as three offices, approximately 144sqx14ft primary office with river views and two 9ft x 9ft offices adjacent, at $6,000 per month total. West wing has river view office approximately 8ft x 8ft at $700 per month with two support offices adjacent at $400 per month each. All with reception support, conference/zoom meeting room and including internet and telephone. Subleasing arrangement is shared with legal practice. Contact John Davis Realtor at john@ineugene.com and (541) 222-9477.

4 DOWNTOWN PORTLAND/PRI-VATE OFFICES - 18x14 for $1,300 per month, 15x10 for $1,025, 13x12 for $1,000, and 12x11 for $1,000. 10th floor office in Cascade Building. 2 blocks from Pioneer Square and MAX Transit hub. Alder Street Parking Garage across street. Rent includes reception, telephone/internet, office conference room, shred, copier & postage machine use. Building amenities: Gym, w/shower, tenant lounge. Free parking machine use. Building amenities: Gym, w/shower, tenant lounge. Parking behind building or on the street. Walking distance to downtown shops and restaurants. For more information, contact Lauren Lancial at lancial@daywireless.com or (503) 794-3760.

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

OFFICE SPACE - Office connected with second office for possible paralegal (and a different solo office available with second office for possible paralegal) in a building with 4-6 other lawyers, conference room, East Portland, Hollywood district, $800 - $900 monthly includes utilities. Call to view, leave a message. (503) 236-4000.

ONE LARGE ($1,100), ONE SMALL ($850) OFFICE AVAILABLE IN CLASS A BUILDING on Meadovs Road in Lake Oswego. Lots of natural light. Convenient to I-5. Free parking, conference room, wi-fi included. Call (503) 607-0517.


THREE ATTORNEY OFFICES AVAIL-ABLE FOR $550.00 A MONTH each in historic building in the Pearl. This location formerly housed the corporate headquarters for Bridgeport Brewery. Share space with two trial lawyers who mostly work from home. Also space available for assistant or paralegal. Includes: utilities, internet, shared lobby, open work area, copier, kitchenette, and restrooms. DOG FRIENDLY! Text or call Amanda at 503-803-8100 or amanda@maclaw.law.

POSITIONS AVAILABLE

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

ALL LEVELS OF EXPERIENCE WEL-COME: COMMERCIAL LITIGATION AND BUSINESS TRANSACTION AT-TOREYS – Slinde Nelson continues to grow and is seeking innovative, hard charging, committed attorneys for its commercial litigation and business transaction departments. If you have a passion for solving complex legal problems on a collaborative basis without all the administrative morass that surrounds the practice of law, email your interest to Joe Mabe at coo@slindeelson.com. We welcome all experience levels to apply and look forward to meeting all applicants.

ASSOCIATE ATTORNEY – Dick, Dick & Corey, LLP is seeking a qualified associate attorney to join its well established general practice law. Located in The Dalles and serving and representing clients on both sides of the Columbia River in the Columbia River Gorge and throughout Eastern Oregon. A qualified attorney would join the trusted team of experienced attorneys in this 109 year old firm and collaborate with and be mentored by said attorneys, for the benefit of our clients. Successful candidate has opportunity for a fulfilling career practice in a region of the State that promotes the balance of professional and personal life. Practice areas include general litigation, family law, trusts and estates, estate planning, probate, adoption, guardianships and conservatorships, business organizations and advice, real property transactions, municipal law and criminal law. Successful candidates must have at least a year of experience with strong analytical, verbal and writing capabilities. There is significant opportunity for professional growth and advancement within the firm. Salary and benefits depending on experience. Candidates should send cover letter and resume to Jason Corey at jason@thedalleslaw.com.

ATTORNEY POSITION AND POSSIBLE OWNERSHIP OPPORTUNITY AVAILABLE AT THE CENTER FOR NONPROFIT LAW, a small law firm that works exclusively with nonprofit organizations with a focus on helping progressive and humanitarian organizations. We help our nonprofit clients make a more just, compassionate, and sustainable world. We value kindness, teamwork, and collaboration, and we are a family-friendly office that can accommodate flexible work schedules. We seek an attorney with at least 3 years of practical legal experience in Oregon in employment law and contract law. Prior experience in nonprofit law is a plus but not required. Excellent writing skills, legal research skills, client relations, the ability to manage multiple projects at once, and the ability to work collaboratively as part of a mission-oriented team are all essential. The beginning salary range starts at $75,000 a year, with more DOE. Remote work options available after training. Persons interested in transitioning to owning the firm after the owner's retirement will be prioritized. Please send your resume and cover letter by email to Ella Jones at billing@centerfornonprofit.law.com.

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

BUSINESS/MUNICIPAL ASSOCIATE – Bend’s oldest law firm is seeking an associate attorney with 2-5 years of experience to work in its thriving business and municipal practice. Qualified candidates must have strong organi-
CRIMINAL DEFENSE AND JUVENILE ATTORNEY OPPORTUNITY IN CENTRAL OREGON

Well-established defense consortium in Crook and Jefferson Counties, Oregon. Approximately $17,900 per month DOE, and it is required that practice will solely focus on this court-appointed caseload. Must have primary business office located in Madras or Prineville. Attorney is responsible for their own expenses. Experienced Consortium members are available to provide advice and mentorship. Email Resume and Cover Letter to Jennifer F. Kimble at JenniferFKimble@aol.com.

EMPLOYMENT OPPORTUNITY ON THE CENTRAL OREGON COAST

Oregon Coast Defenders, the indigent defense consortium for Lincoln County, is currently accepting applications from attorneys interested in providing contract indigent defense services for Lincoln County. Compensation commensurate with qualification level. Part or full-time caseload is available. Please submit resume and cover letter to Oregon Coast Defenders, PO Box 102, Tidewater, Oregon or you can email the same to greco@pioneer.net.

EUGENE MUNICIPAL COURT IS SEEKING INTERESTED OREGON ATTORNEYS

Who would like to be part of our court appointed contract indigent defense attorney pool as conflict counsel. Must have professional liability insurance. Sample annual contract and compensation information available upon request. Please email Khramy@eugene-or.gov or call Kristi Rhamy at (541) 682-5405 to inquire.

EXPERIENCED BUSINESS ATTORNEY – Yturri Rose, LLP is a regional law firm serving Eastern Oregon and Southwestern Idaho, with office locations in Ontario and Lakeview, Oregon. We are seeking an experienced attorney to join our growing team. This is a unique opportunity to become a part of the leadership in a firm that has over 85 years of excellence and service. Yturri Rose’s main office is located in historic downtown Ontario, Oregon on the border of Idaho and Oregon. Located in the heart of beautiful canyon lands and referred to as an “Outdoor Adventure Paradise”, Oregon is conveniently just 45 minutes southwest of the Boise Metro area. The preferred candidate will have 5-10 years of general business experience and be interested in becoming a partner with the firm.

FAMILY LAW ASSOCIATE ATTORNEY – Bryant Emerson has served Redmond and Central Oregon for over 100 years. We are looking for a family law associate to join our team. The ideal candidate will have 2-3 years of experience and a desire to live in the Redmond area. Competitive compensation includes substantial base salary plus performance-based bonus. Benefits include employer-paid health insurance and 401(k) with match. Please submit application materials to reene@redmondlawyers.com.

GLEAVES SWearingEN g LLP is seeking attorneys to join our Business Transactions Team and our Litigation Team. Gleaves Swearingen is a trusted full-service business law firm in Eugene and has served the legal needs of prominent businesses, individuals, and institutions throughout the Pacific Northwest for almost 100 years. Our firm takes great pride in providing clients with high quality legal guidance and our people with a rewarding work/life balance. Candidates must have strong academic credentials and meaningful professional experience is preferred. Please send your cover letter and resume to Josh Smith at jsmith@gleaveslaw.com. All inquiries will remain confidential.

IN-HOUSE LEGAL COUNSEL, CONSTRUCTION ENTERPRISE – Kerr Contractors, one of the largest civil contractors in Oregon that is located in Woodburn, is looking for a corporate attorney to oversee their various legal/risk matters for its construction operation as well as its other diversified businesses. Experience in construction law is required with a minimum of 5 years experience. Salary is commensurate with experience. Please submit resumes to Glenn Furman, CFO at gfurman@kerrcontractors.com.

MORRIS AND SULLIVAN PC is accepting applications for a trial attorney position. Experience is helpful, but recent bar graduates are also encouraged to apply. We have been the primary indigent defense provider in the Columbia River Gorge for almost thirty years. We have offices located in Hood River and The Dalles with 9 attorney positions. We are looking for applicants who have a demonstrated interest in criminal defense and juvenile work. We are especially interested in applicants who have participated in a defense clinic or worked as a certified law student. We are a private firm and also do a small amount of retained work which is strictly limited to criminal defense. We have excellent benefits along with the opportunity to live in one of the very best parts of the state. Salary $80k + DOE, plus potential for very modest amount of retained work. Please send a letter of interest, a copy of your resume and references to Jack Morris 116 Oak St # 8, Hood River, Oregon 97814 or via email to jessica.garciaparrott@gorgecourtroomlawyers.com.
SOUTHWESTERN OREGON PUBLIC DEFENDER SERVICES (SWOPDS) seeks a passionate and dedicated person for a full-time staff attorney position. SWOPDS is a friendly, close-knit eight lawyer public defender’s office located on Oregon’s beautiful adventure coast. Must be a member of the Oregon State Bar or a member in good standing of a Bar with reciprocity who can readily wave into the Oregon Bar at time of hire or shortly thereafter. Case load depends on experience but would work into a mixture of misdemeanor and felony criminal cases, potentially juvenile cases, and a small number of other case types to include mental commitment hearings and child support cases. Our office includes training and mentoring for new attorneys and for professional development. We also have reasonable caseloads and a fast-paced court environment. We offer a competitive compensation package to include a salary based on experience, bonuses when funding is available, 100% employer paid health, dental and vision insurance for employee and family, 10% employer contribution to employee’s SEP IRA retirement account, paid vacations and sick leave. SWOPDS is dedicated to providing high quality legal representation to all our clients in an environment of mutual respect and support. Our work environment is friendly, and we encourage open and honest communication. We are committed to advancing equity and diversity and are an equal opportunity employer. For information contact: Southwestern Oregon Public Defender Services, Inc. Attention: Laynie Wilson, Office Manager 465 Elrod Avenue Coos Bay, OR 97420 (541) 267-2472 layniew@swopds.org.

TRANSACTIONAL ATTORNEY – Hershen 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 Business practice group in a partner-track position, with a competitive salary and benefits. The Business group handles a wide variety of transactional matters, including business acquisitions and sales, real property matters, corporate governance, securities issues, and new and emerging business considerations. Business associates receive significant training and mentoring, including collaborative work with experienced attorneys on complex matters, significant client contact, early development to manage projects, and primary responsibility on appropriate transactional tasks. Successful candidates will have: • 2-5 years of relevant experience, with health care transactions experience preferred • Oregon State Bar admission, eligibility for reciprocity, or plans to take the bar exam at the next available opportunity • Excellent drafting, legal research and 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@hershenhunter.com. Hershen Hunter, LLP is an equal opportunity employer and encourages applications from qualified individuals of diverse backgrounds.

TULLOS BECKETT LLC IS SEEKING AN ASSOCIATE FAMILY LITIGATION ATTORNEY IN EUGENE, OREGON. We are offering a competitive starting salary with high earning potential. Please send your cover letter, resume, and references to jordan@tullosbeckett.com. Full job posting here: https://www.tullosbeckett.com/seeking-litigation-associate.

PRACTICES FOR SALE

100% VIRTUAL INTELLECTUAL PROPERTY LAW FIRM (#1201) – Established in 2014, this thriving intellectual property law firm specializes in patents and trademarks. As of June 2022, the Practice has ~548 active clients, approximately 2,000 clients in the Practice’s database, and a large social media following. The Practice’s service by revenue breakdown is 85% Patent Law, and 15% Trademark Law. In 2021, the Practice brought in gross receipts of $2,485,533 which was a YoY increase of 30% from 2020. In total, the Practice employs six (11) staff, including the Owner, and contracts with nine (9) independent contractors. The Owner is willing to provide transition assistance and help with goodwill transfer, business development, and other “mentoring”. The Practice is entirely virtual, making it a great opportunity for a new Owner. If interested, call us at 253.509.9224 or, send an email to info@privatepracticetransitions.com with “1201 100% Virtual Intellectual Property Law Firm” in the subject line.

BUSINESS TRANSACTIONAL FIRM WITH MOSTLY PORTLAND-AREA CLIENTS, formed in 2016. Fully remote, work from home. Professional branding and website; efficient and affordable technology systems; low overhead. Founder/operator looking to transition to another career. Great opportunity to go solo or absorb clients. Transition services and/or new lawyer mentoring available. Revenues collected: $150k in 2019 and 2020; $330k in 2021; $210k YTD for 2022. Open to seller-financing or other creative offers. Respond to the Oregon State Bar, Attn: Blind Ad P-26 P.O. Box 231935, Tigard OR 97281 or email: blindad@osbar.org with the blind ad number in the subject line.

CONSIDERING THE SALE OR PURCHASE OF A PRIVATE PRACTICE? As the preeminent provider of business brokerage and consulting services, we work exclusively with owners of professional practices in the legal, healthcare, financial services and tech industries. Need to prepare your practice for sale? Looking for a business valuation? Ready to sell your practice for top dollar? Let our team guide you through this life changing transition. Call us at (253) 509-9224 or visit our website to learn more about our services and top-notch team waiting to help you: PrivatePracticeTransitions.com.

LUCRATIVE KING COUNTY LAW FIRM W/ HIGH SDE (#1190) – Established in 1999, this King County boutique law firm has provided legal services to several clients in King County and beyond. The Firm’s service by revenue breakdown is 71% Business Litigation, 12% Securities, 11% Trademarks, 5% General / Miscellaneous, 1% Healthcare and 1% Insurance. The Firm brought in approximately ~$750k in gross revenues in 2021 and has a high percentage of seller’s discretionary earnings (SDE) to revenue. To learn more about this exciting business opportunity, call us at (253) 509-9224 or, send an email to info@privatepracticetransitions.com, with “1190 Lucrative King County Law Firm w/ High SDE” in the subject line.

MID-WILLAMETTE VALLEY – Established solo practitioner civil practice. Probate, Estate Planning, Real Property, Personal Injury, and Business Law. Hundreds of estate planning files from over 30 years. Beautiful highly visible 2400 SF office space, with large reception area, four office rooms, kitchenette, two bathrooms and large conference room. Flexible terms! I can phase out my participation in the practice as quickly as you want or assist a new practitioner. If interested, forward a cover letter and resume to Oregon State Bar, Attn: Blind Ad P-26 P.O. Box 231935, Tigard OR 97281 or email: blindad@osbar.org with the blind ad number in the subject line.

PROFITABLE CENTRAL WASHINGTON ESTATE PLANNING LAW FIRM W/ 2 LOCATIONS (#1197) – Established back in 1947, this Central Washington estate planning law firm has been completely dedicated to providing top-notch legal services to its clients. The Firm’s service by revenue breakdown is 31% Estate Planning, 31% Probate, 17% Real Estate & Commercial Transactions, 16% Business Formation/Management and 5% Other. As of June 2022, the Firm has approximately 130-150 active client matters. For the past three (3) years, the Firm has averaged gross revenues over $1M (2019-2021). In total, the Firm employs eight (8) full and part time staff, including the Owner. To learn more about this listing call us at 253.509.9224 or send an email to info@privatepracticetransitions.com, with “1197 Profitable Central Washington Estate Planning Law Firm w/ 2 Locations” in the subject line.

PROFITABLE TOP-RATED IMMIGRATION LAW FIRM (#1199) – This reputable Northwest immigration law firm is multilingual and known for providing diversified and dedicated legal services, coupled with personal attention to each and every client. As of June 2022, the Practice has approximately 320 active clients with approximately 6,500 total clients in its database. For the past three (3) years, the Practice has averaged gross revenues of ~$815,000 (2019-2021). The Firm employs a multilingual staff and is well-positioned to expand into other law practice areas to a diversified population. If you are a buyer who is an experienced immigration attorney, or an existing law firm that would like to expand its client base, this is the business that you have been waiting for. For more information about the Practice, call us at 253.509.9224 or send an email to info@privatepracticetransitions.com, with “1199 Profitable Top-
Rated Immigration Law Firm” in the subject line.

PROFITABLE WESTERN WASHINGTON INSURANCE DEFENSE FIRM (#1203) – Established back in 1997, this Western Washington insurance defense firm has a service by revenue breakdown of 88% Insurance Defense, 8% Miscellaneous Civil Litigation, and 4% Estate Planning. The Firm is known for its longevity of practice, quality of work, responsiveness, and overall excellence. For the past three (3) years, the Practice has averaged impressive gross revenues of ~$721,661 (2019-2021). In total, the Firm employs three (3) staff members including the Owner, who is willing to provide transition assistance and help with goodwill transfer, business development, and other “mentoring” functions for up to one (1) year. To learn more about this exciting business opportunity, call us at 253.509.9224 or send an email to info@privatepracticetransitions.com, with “1203 Profitable Western Washington Insurance Defense Firm” in the subject line.

RECREATIONAL RENTALS

KIHEI, MAUI, HAWAII – Large ocean-view 1BR-2BA condo, LR sofasleeper, two pools/spas, tennis, across from beach. Attorney discounts. (503) 291-1423; Video: https://www.youtube.com/watch?v=teEFcMfZLEE – Pictures and Booking: samsandmireidaho@gmail.com.

PARIS APARTMENT – At Notre Dame. Elegant 2 bedroom, 2 bath, with lift. In the heart of Paris. PROVENCE. 4 bedroom, 4 bath house with stunning, panoramic view of Menerbes. Owned by OSB member (202) 285-1201 or angolpin@aim.com.

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

SUNRIVER – Cascara Vacation Rentals - Over 120 homes & condos with hot tubs, free Wi-Fi, many pet friendly & with free access to the Sharc aquatic & recreation facility. Contact us today at (800) 531-1130, visit our web site at www.cascaravacations.com or email us at cascara@cascaravacations.com.

SUNRIVER – Warm, cozy, 2 bedroom, 1 bath Ranch Cabin, ideal for a weekend getaway. Fireplace, TV, Wi-Fi, DVD, CD, BBQ, washer/dryer, fully furnished & well-equipped. Sleeps 4. $125/night + $125 cleaning fee ($41) 944-2694.

SERVICES

CONTRACT PARALEGAL SERVICE - S&T SUPPORT, LLC – Seasoned Paralegals available on an as-needed basis. Backgrounds in estate planning, probate/trust administration, business law, and litigation. Will work remotely or on-site serving Salem, Portland and Eugene. Visit www.stsupportlc.com for services and staff. Call (503) 967-6023 or email tammy@stsupportlc.com to discuss your paralegal needs.


INVESTIGATIONS NW PI SPECIALISTS, LLC is Registered as Oregon’s Best Surveillance Solution. We Are a Full Service, Licensed and Insured Team of Private Investigators Specializing in Surveillance, Locates, Interviews, Assets & Background Checks and Much More. Competitive Rates. Contact Casey Scarraffo (503) 740-9930; nwpspecialists@gmail.com; web: nwpspecialists.com.

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

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

LEGAL TRANSCRIPTION - Providing quality transcription services. Each transcript is proofread to audio and certified for accuracy. Excellent rates. Quick turnarounds available. View website at www.CourtScriptsLLC.com or email jmuirtranscriber@gmail.com.

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


SUPPORT STAFF POSITIONS

MID-WILAMETTE VALLEY PLAIN-TIFF’S LAW FIRM accepting applications for a full-time personal injury paralegal. Prior experience in personal injury litigation necessary. Generous compensation package available. Competitive salary will be DOE. Respond to the Oregon State Bar, Attn: Blind Ad S-29, P.O. Box 231935, Tigard, OR 97281 or email: blindad@osbar.org with the blind ad number in the subject line.

TO SUBMIT A CLASSIFIED

POSITIONS AVAILABLE

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

SERVICES

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

ALL OTHER ADS

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

COLOR

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

BLIND ADS

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

BLIND AD REPLIES

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

SUBMIT TO

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

DEADLINES

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

Accident Analysis Service
Don Webb
3890 Brush College Rd, Salem, OR 97304
PH 503-931-0670  FX 503-589-1826
donwebb531@msn.com
www.crashspeed.com

Collision Analysis & Research, LLC
Russ Anderson
PO Box 650, Seaside, OR 97138
PH 971-320-4236
russ@azbiomech.com
www.azbiomech.com

ACCOUNTANTS

Litigation Support
Cogence Group, PC
Jay Sickler, CPA, CFF, ABV, ASA
935 NW Everett St, Portland, OR 97209
PH 503-467-7900 x1
jsickler@cogencegroup.com
www.cogencegroup.com

Financial forensics | Business valuation. Answers to complex financial questions. We are accurate, credible, and ethical. Our professional team is comprised of all CPAs, passionate about what we do, which translates into serving our clients with the very best we can offer. Jay Sickler has 30 years of full-time financial forensics experience. He has testified in more than 160 cases as an expert witness, more than many other experts combined. Our reputation is built on being skilled in communicating our findings persuasively and with integrity. We get the job done right, on time, and backed up by expert testimony.

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


Mr. Holmes has approximately 25 years of experience in matters ranging from complex litigation, bankruptcy, class action, construction, contract disputes, embezzlement, employment, financial statements audits, intellectual property, personal injury, professional liability and malpractice, securities fraud, shareholder rights and tax issues.

ACCOUNTANTS, CONT.

McCoy Foat & Company CPAs, P.C.
Sherri Ness
1800 Blankenship Rd, Ste 430,
West Linn, OR 97068
PH 503-650-1040  FX 503-722-7065
syness@mccoy-cpa.com
www.mccoy-cpa.com

We are a full-service public accounting firm that also specializes in litigation support, divorce, commercial transactions, estate planning and business valuation. We have served as experts in business/casestate valuation matters, divorce and commercial litigations involving multiple entities with complex structures and tax issues. Our utmost goal is to present the data, numbers and calculations in a complete and informed matter for the parties involved to achieve resolution.

Morones Analytics, LLC
Serena Morones
625 SW Broadway, Ste 200
Portland, OR 97205
PH 503-223-5168  CELL 503-906-1579
FX 503-223-5179
serena@moronesanalytics.com
www.moronesanalytics.com

Top litigators turn to us on high-stakes cases in the Northwest. Clients tell us our credibility and reputation are unmatched. We tell a powerful story with numbers and deliver pivotal testimony with an exceptional success rate on even the toughest cases. We conduct damages analysis on claims for lost profits, lost wages, personal injury, wrongful death and intellectual property damages.

BUSINESS VALUATIONS

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PH 503-467-7900 x1
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Lesson Learned

By Carla Kelley

In 1977, my husband and I had been married for five miserable years. I was 34, over the hill for a woman in the 1970s, but I wanted a divorce. Fred and I no longer even pretended to make polite conversation, never mind actually talked to each other. I thought I might go mad if I had to keep living that way. When I confided my distress to a sympathetic woman friend, she suggested that I talk to an attorney. It was time to end this unhappy union.

Fred’s job had brought us to a Midwestern city, where we had lived for less than two years. I knew few people and no attorneys. I looked up “divorce lawyers” in the phone book, but how was I to choose? And they were all men. How could I talk to one of these men about wanting to leave my husband? I knew how those conversations went: If the lawyer wasn’t blaming me for whatever was wrong in the marriage, he would be hitting on me. A divorcee, even a wannabe divorcee, was fair game.

I consulted another acquaintance. She knew of a woman attorney who practiced in the domestic relations area. A woman attorney was a rare find indeed in 1977. I made an appointment.

The attorney (I’ll call her “Linda”) had a musty-smelling office on the second story of a low, wooden building. There was a waiting room with a lot of out-of-date magazines that I perused while waiting for Linda to usher me into her inner sanctum.

Linda’s office itself was chaotic. Stacks and stacks of papers and binders were piled high on every surface and chair. A lot of law books lined wall shelves. Behind a folder-covered desk, Linda sat smoking a cigarette. She was a 50-something woman with distinctive reddish hair. She moved a few stacks of files to make a space for me on the sofa.

“What can I do for you?” asked Linda in a sympathetic tone of voice. That was all I needed.

“I can’t live with my husband any longer,” I wailed, and the tears started to flow. In between sobs, I told Linda the story of how we had met in graduate school, of our incompatibility, and of his workaholic and silent nature. I went on and on. She offered Kleenex and cigarettes, which I accepted. She took notes, a lot of notes. I think I rambled on for an hour. Maybe two hours.

Finally, Linda agreed to represent me and suggested a course of action. She would write a letter to Fred telling him that I was leaving the marriage and offering separation terms we discussed. We had no children. We owned a house, but we had very little equity in it. We owned almost nothing else in common. A division of assets would not be difficult.

I went home. Fred was working late, as usual. Too cowardly to divulge what I had done, I waited for Linda’s letter to hit the mailbox. A week passed. Another week. After a month, I called her office. I got voice-mail and left a message. I left another message. I received no answer.

I went home. Fred was working late, as usual. Too cowardly to divulge what I had done, I waited for Linda’s letter to hit the mailbox. A week passed. Another week. After a month, I called her office. I got voice-mail and left a message. I left another message. I received no answer.

Feeling rather desperate, I went to Linda’s office and knocked on her door. She answered and looked at me pleasantly. I asked her why we had not heard from her regarding the separation. Linda said, “Was I supposed to do something for you, dear?”

I looked at her face. There was no hint in her eyes that she knew who I was.

I left Linda’s office feeling utterly abandoned. The next day, I called one of the male lawyers to whom I had been referred. He was indeed a bit of a jerk, but he drew up a petition for divorce in no time flat. My husband was served within the week. The process of ending this dismal chapter of my life had finally begun.

At the time, I had a job writing publicity materials for a medical institution at a local university. My place of employment was a psychiatric research hospital. While the terms of ending our five-year marriage were negotiated, I dutifully wrote my brochures each day in the large hospital building, which housed a lot of administrative offices and research programs. The hospital was on the upper floors of the building. The ninth floor housed a ward specializing in Alzheimer’s patients.

One day, several months after the meeting with Linda, I got into the elevator and heard a voice asking me to hold the door open. An orderly eventually boarded. He was escorting a woman who looked vaguely familiar. She had a suitcase with her. He asked me to push the button for the ninth floor. Out of the corner of my eye, I saw a flash of red hair. When I looked at the patient I realized that it was Linda.

She looked at me too, without a flicker of recognition. I got off on five. She and the orderly continued on up to her new home.

I never saw her again, but she had taught me a lesson: There were things in this world much worse than an impending divorce. ■

A decade after the events of this story, Carla Kelley graduated from law school in Oregon. She served two major Portland entities as in-house counsel and retired from practice in 2018.
## Important Dates & Deadlines for OSB COMPLIANCE

Please note that (OSB compliance dates) are set by statute, but meeting dates and locations may change. Visit the OSB and PLF websites for updates and additional information. Check your member dashboard for the status of your compliance items.

**Log in to your dashboard at osbar.org**

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<tr>
<th>Date</th>
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