The Bar’s Trailblazer

Kamron Graham Brings Advocacy, Compassion to OSB President Role

Also Inside:
The Future Is Bright

Oregon New Lawyers Division Honors Those Making a Difference
Monday, January 31, 2022 is the deadline for OSB fee payments and IOLTA reports.

If 2021 is your MCLE reporting year, the reporting deadline is now May 31, 2022.

Log in to your Member Dashboard at www.osbar.org to see which compliance items apply to you. All OSB notices and reminders about regulatory deadlines come from: notices@osbar.org, so please add this address to your approved sender list.
Kamron Graham is the 2022 Oregon State Bar president. She is just one of two openly LGBTQIA+ women ever to lead the bar and the first to identify as queer. Learn about her background, how she didn’t enroll in law school until age 37 and her goals for the upcoming year, including advocating for historically marginalized groups and increasing access to justice for all Oregonians. Jillian Daley reports.

Cover photo by Jonathan House

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Keep Writing CYA Letters

I have been a plaintiff’s attorney, a defense attorney, a pro-tem judge, a lay witness, an expert witness, a plaintiff and, much to my chagrin, after 20 years of practice, a defendant in a malpractice suit.

When I first heard of the claim, I was in disbelief that any attorney would even question my representation. I learned at least two attorneys considered and declined to advance a malpractice action. A final attorney prepared, filed and served me with a complaint.

The claim had nothing to do with lack of honesty or integrity but everything to do with communication of expectations and responsibilities. I knew then, and I know now, that I did nothing wrong — but with hindsight, it was what I didn’t do that caused me to carry the name “defendant.”

And with the event behind me, I thank the PLF for coming to my assistance with a conscientious and thorough defense. After four days of trial, the jury returned a verdict in my favor.

I emphasize to my fellow members of the bar what we have been often told. Write confirming letters of options or other advice, particularly when the client chooses a path that does not follow your advice or when a client wants your tasks to be limited in any way “to save attorney fees.” The extra time spent, even if not billable, is well worth avoidance of potential problems.

I like what I do. I enjoy problem solving. I feel good about helping people. I like my lifestyle. I sleep at night. I want to continue. I will take the time to document what I am to do or have done. And, when things get too hectic and I think about shortcuts to disengage or to limit my assignment, I take a deep breath and write a CYA letter.

Anonymous (this letter has been confirmed to be by an OSB member)

More Regarding Tribes as Nations

I completely disagree with Roger B. Levy’s negative response to the August/September Bulletin article, “Strengthening Tribal Justice.” Early in my 40-plus-year legal practice, I represented two tribes in the San Diego, Calif., area and to my recollection, they did “produce orders that complied with the Constitution.”

Native American tribes were nations long before our good old USA was a nation. Society, civilizations and nations are constantly evolving and developing, but getting to Mr. Levy’s points that “a nation must have taxes, borders, relations with foreign countries, coinage and freedom from Congress,” a few points:

1. Our Indian tribes/nations do have designated territories/ borders.
2. Nations often borrow/adopt coinage of other nations — the U.S. dollar for example.
3. Some Indian tribes require our government to provide funds
because the U.S. owes them money never paid.

For example, addressing this last point, is Cobell v. Norton filed in 1996 by Elouise Cobell, a member of Montana’s Blackfeet Nation, on behalf of an estimated 500,000 current and former trust account beneficiaries. It was proven that the U.S. had not paid collective Indian nations’ land-rent and mineral-extraction royalties for many, many years with some non-payments since 1915. Cobell won the case in 2003 and had to settle for a fraction of what was owed.

Mr. Ley makes the point that the bar should assist tribes/nations in their quest for more employment, assistance with substance abuse and crime control. An admirable suggestion, but our general population suffer them, too. Why distinguish the need?

Bernard M. Levy, Newport

Biking Before it Was Popular

The bike-riding regimen established by Ray Thomas and Jim Coon (“The ‘Lawyer Ride’ Turns 30,’ December 2021 Bulletin) takes me back to a conversation with my childhood friend, and fellow bar member, Michael Schmeer, who left us last year. In 1972, Mike told me that he had resurrected our bike-riding habit of the 1940s and I joined him in weekend jaunts around the west hills. We ended up commuting on our bikes through rain or shine at a time when it was a rarity to see a vehicle with only two wheels in downtown Portland.

Hon. Peter A. Schwabe, Gualala, Calif.
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Request for Public Comment on Rules Changes to UTCR

The Uniform Trial Court Rules committee met on Oct. 15, 2021, to review proposals to amend the UTCR and to make preliminary recommendations to the chief justice. A description of the proposals, action taken by the committee, and out-of-cycle amendments are posted at courts.oregon.gov/programs/utcr/Pages/currentrules.aspx.

Proposals and out-of-cycle amendments of special note: clarify the application of existing rules to remote proceedings; allow conventional filing of documents containing an electronic signature; require jurors to be addressed by number instead of last name; adopt rules governing court-connected mediator qualifications; allow applications for fee waiver or deferral to be eFiled; give the court discretion to decide civil motions without oral argument; and prohibit the use of hyperlinks in emails and documents filed with the court.

Comments on the proposals and out-of-cycle amendments are encouraged and can be posted at the web address mentioned above; mailed to the UTCR Reporter at the Office of the State Court Administrator, Supreme Court Building, 1163 State Street, Salem, OR 97301-2563; or emailed to utcr@ojd.state.or.us. The deadline to submit comments is March 11, 2022, at 5 p.m.

The committee will make final recommendations on these proposals at the next UTCR meeting on April 1, 2022, at 9 a.m. Those proposals approved by the chief justice will become effective Aug. 1, 2022.

Report Finds Gender Gap in Federal Appellate Lawyers

A new report published by the ABA Commission on Women in the Profession reveals that among lawyers who argued before the U.S. Court of Appeals for the 7th Circuit, male lawyers outnumbered female lawyers nearly 3 to 1. The report, called “How Unappealing: An Empirical Analysis of the Gender Gap among Appellate Attorneys,” also looked at the kinds of cases the female lawyers worked on, who they represented and where they worked.

The authors compiled data from all cases argued in front of the 7th Circuit in 2009 and 2019 — for a total of 2,767 lawyer appearances across both years in the Chicago court, which hears cases from districts in Illinois, Indiana and Wisconsin. The report adds to a growing body of research over the last two decades that demonstrates a consistent and persistent pattern of gender disparity in the legal profession.

The findings show that female lawyers argued more often in criminal cases and other cases that involved the government — like immigration and habeas cases — and at lower rates in civil cases. It also shows that female lawyers were considerably less likely to argue the types of cases that normally involve business matters — such as antitrust/securities, contracts, insurance and consumer credit cases. To read the full report, visit www.tinyurl.com/HowUnappealing.

OWLS Roberts & Deiz Award Dinner Set for March 11

Oregon Women Lawyers will host its annual Roberts & Deiz Award Dinner and Foundation Special Appeal on Friday, March 11. A pre-show will begin at 6 p.m., followed by the award presentation beginning at 6:30. Full details will be available soon at www.oregonwomenlawyers.org.

By the Numbers

Pacific Region Top in Paralegal Pay; Billing Rates

Paralegals in the Pacific region (Oregon, Washington and California) are pulling in more pay and firms in this region have a higher billing rate (compared to the national average) according to the annual “Compensation Survey for Paralegals, Practice Support Professionals, and Managers” from ALM Intelligence and the International Paralegal Management Association.

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Source: Law.com report, Dec. 9, 2021
Quotable

Attorneys who become judges “tend to be drawn to the law because of a fundamental desire to ‘do good,’ to make our world a little better than we found it. Of all the roles one can fill in the legal community, judging may come the closest to fulfilling that motivation. Day by day, person by person, and case by case, we get the opportunity to contribute our efforts to that goal in very real and sometimes dramatic ways.”

— Cheryl A. Albrecht, a Multnomah County circuit court judge from 2006-18, and since then chief criminal judge for the county, explaining why judges tend to express a high level of job satisfaction. Learn more in the next issue of the Bulletin.
Volatility, Uncertainty Keep the Lines Blurred

Can You Accept Cryptocurrency?

By Ankur Doshi

A long-time client requests your services for the preparation of a will. You provide your standard fee agreement, indicating your hourly rate and also tell the client that it should be a relatively standard project, taking about two weeks. Instead of offering payment in dollars, the client responds that he’s been dabbling in cryptocurrencies and wants to know if you would accept Ether (a type of cryptocurrency that is part of the Ethereum network) at the rate of 1 Ether per hour. You look up the current exchange rate for Ether, and its current value is about the same as your hourly rate. While somewhat dubious about the ethical issues surrounding cryptocurrency, you agree and set off to work.

The next week, the exchange rate of Ether suddenly skyrockets following news that a billionaire wants to put cryptocurrency on the moon.1 While finalizing your bill, you realize that you are about to bill your client the equivalent of approximately a quarter-million dollars. Realizing that this is going to cause some ethical issues, along with some client relation issues, you contact the Ethics Helpline for some guidance with the rules.

Originally perceived as more of a novelty in computer programming, cryptocurrency has become mainstream within the past few years. A number of established exchanges have created opportunities for the general public to purchase and use cryptocurrency with relative ease. Accepting cryptocurrency as payment for legal fees, however, can create some complex ethical issues.

What is Cryptocurrency?

Cryptocurrency is a broad term that encompasses multiple types of digital assets that allows for online transactions without a central bank or financial institution through the use of a blockchain. A blockchain is simply a distributed ledger that records and verifies transactions among users. The first and most well-known cryptocurrency, Bitcoin, was created as a proof of concept to solve a general problem of requiring a trusted third-party to verify transactions online.2 While Bitcoin is the most well known cryptocurrency, the technology has blossomed to include a constellation of cryptocurrencies created for different capabilities such as smart contracts,3 decentralized finance and exchanges,4 and sometimes, purely as a joke.5 While there is no definite count due to the decentralized nature of cryptocurrency, it is estimated that there are approximately 13,000 different types with new ones introduced each day. Lawyers interested in accepting and using cryptocurrency should learn and be aware of the risks underlying each cryptocurrency.

Can I Accept Cryptocurrency for a Fee Agreement?

Generally, lawyers can accept cryptocurrency for a fee agreement but must be wary of ethical issues that can arise. For most of the period of cryptocurrency’s existence, there was no clear guidance on whether lawyers could ethically accept cryptocurrency as part of a fee agreement. The ABA’s Model Rule 1.5, after which Oregon’s RPC 1.5 is modeled, does not prohibit accepting property so long as it doesn’t involve acquisition of an interest in the subject matter of the representation.6 Nebraska provided the first clear guidance in 2017, indicating that lawyers may take cryptocurrency as a fee, but must immediately convert it to dollars.7 While this requirement simplifies many of the challenges presented by cryptocurrencies, it has also been criticized as removing the incentives to accept cryptocurrency in the first place.8 Other jurisdictions, realizing the complications that arise from forcing lawyers to immediately convert cryptocurrency into dollars, have allowed lawyers to accept cryptocurrency without conversion.

Cryptocurrency Volatility Causes Concerns

When clients request to pay lawyers in cryptocurrency for services rendered, lawyers must always be mindful of RPC 1.5 within their fee agreements. RPC 1.5 requires that a lawyer shall not enter into an agreement for, charge, or collect an illegal or clearly excessive fee or a clearly excessive amount for expenses. This means that lawyers must evaluate whether the fees charged are appropriate at the time they are collected and not only at the signing of the fee agreement or at earlier points. Due to the volatile nature of cryptocurrency, a fee agreement valuing a lawyer’s work at a certain amount of cryptocurrency may implicate an excessive fee if the value of a particular cryptocurrency changes over the course of representation. Additionally, there is the potential that a fee paid in cryptocurrency may also substantially decline in value, leaving a lawyer quite disappointed. (Coincidentally, within 48 hours of starting...
to write this article, the value of Bitcoin dropped approximately 25%).

Lawyers should be aware of both the potential volatile nature of cryptocurrency and the ethical implications of RPC 1.5. They should discuss the potential of the change in value of any cryptocurrency involved in a transaction with a client and should include within the fee agreement provisions for resolving issues with volatility. In addition, lawyers should negotiate a provision about a refunding of fees under RPC 1.16 (governing the termination of employment), and whether such refund would be provided in U.S. dollars or in the original cryptocurrency.

Navigating Special Conflict-of-Interest Rules

If a lawyer and client seek to enter into a fee agreement where the lawyer’s services are calculated at a rate based on the cryptocurrency, the lawyer may be subject to RPC 1.8(a) as the lawyer and client are potentially entering into an adverse pecuniary interest. “This is because any such agreement necessarily involves considerable uncertainty about the future value of the cryptocurrency at the time the fee will be earned or, in the case of settlement, at the time the payments to third parties and the client will be made.” Other jurisdictions, such as the New York City Bar Association10 and the D.C. Bar Association11 indicate that cryptocurrency fee agreements calculating services in cryptocurrency or requiring a retainer in cryptocurrency must also provide the necessary disclosures to the client under their jurisdictions’ equivalent to RPC 1.8(a). If the fee agreement simply provides the client with the option of paying the fee in cryptocurrency, however, the fee agreement is an “ordinary fee agreement” and would not implicate RPC 1.8(a).

RPC 1.8(a) requires that the lawyer provide:

1. The transaction and terms on which the lawyer acquires the interest are fair and reasonable to the client and are fully disclosed and transmitted in writing in a manner that can be reasonably understood by the client.

2. The client is advised in writing of the desirability of seeking and is given a reasonable opportunity to seek the advice of independent legal counsel on the transaction.
(3) The client gives informed consent, in a writing signed by the client, to the essential terms of the transaction and the lawyer’s role in the transaction, including whether the lawyer is representing the client in the transaction.

A fee agreement involving cryptocurrency in this manner should indicate the proper disclosures required under RPC 1.8(a) to provide the client with awareness about the risk and volatility that cryptocurrency may create in remitting fees for the lawyer’s service.

**Retainers**

In accepting cryptocurrency, lawyers need to consider the rules applied to retainers and lawyer trust accounts. Accepting cryptocurrency as a retainer raises substantial obligations under the RPCs.

RPC 1.15-1 governs the ethical obligations that a lawyer has to holding property of their clients. Of note, RPC 1.15-1 states that “funds, including advances for costs and expenses and escrow and other funds held for another, shall be kept in a separate ‘Lawyer Trust Account’ maintained in the jurisdiction where the lawyer’s office is situated. Each lawyer trust account shall be an interest-bearing account in a financial institution selected by the lawyer or law firm in the exercise of reasonable care.” For property that isn’t funds, RPC 1.15-1 requires that the lawyer identify and appropriately safeguard such property.

This, of course, raises the question as to whether a lawyer should consider cryptocurrency as funds, or as property. Governmental regulation has not provided any clear answers. Regulators with financial institutions have been meeting to create regulations to allow cryptocurrency to be stored by financial institutions in the same way as physical cash. The IRS has deemed, for tax purposes, that cryptocurrency is “property.” The SEC has taken a more individualized approach based on the Howey Test. The two largest cryptocurrencies, Bitcoin and Ether, have not been viewed as securities by the SEC. The judicial system has noted that the IRS designation of cryptocurrency as property for tax purposes does not limit its interpretation and has found cryptocurrency a form of a medium of exchange more akin to money.

As a practical matter, as of the writing of this article, no financial institution has a
financial product or mechanism that would function as a “Lawyer Trust Account” under RPC 1.15-1 or RPC 1.15-2 for cryptocurrency. A few banking institutions have begun to dabble in providing certain cryptocurrency services for institutional investors but not to individual lawyers.

Lawyers should treat cryptocurrency as “other property,” identify and safeguard any cryptocurrency provided by a client as a retainer. In doing so, lawyers must comply with their duty of competence and take reasonable steps to ensure that storage of the cryptocurrency will be reliably secure. Undertaking these reasonable steps to secure cryptocurrency may be a substantial burden for lawyers, as the technology is continuously evolving. Since cryptocurrency is unregulated, it is a perpetual target for cyber fraud and theft. Common schemes include fraudulent wallet addresses and exchanges, security breaches to access a holder’s wallet and keylogging to obtain the private keys for a holder’s wallet. With the continued growth of cryptocurrency, more advanced techniques like SIM-swapping (the act of transferring a victim’s cell phone number to a different device to gain access to an account) are becoming more prevalent. If a lawyer wishes to secure cryptocurrency in trust, they need to also understand the security measures within the computer network they use to access their client’s cryptocurrency and explore other secure measures for storing cryptocurrency. Further, lawyers will need to revaluate those security measures regularly as technology and theft techniques evolve.

Other Ethical Considerations

Due to its past association with criminal activity, as well as its anonymous nature, there is always a concern that payment via cryptocurrency may be the fruits of a crime. If the lawyer knows that the cryptocurrency were the fruits of a crime, RPC 1.2(c) provides that the lawyer cannot accept the cryptocurrency. This situation is comparable to the one addressed in Formal Opinion 2005-105, in which a lawyer is presented with a large amount of money from a client charged with obtaining money under false pretenses. If the lawyer does not know that the cryptocurrency are the fruits of a crime, the lawyer may ethically accept and retain the cryptocurrency.

Finally, while advising clients about legal issues surrounding cryptocurrency could be a completely separate article in
itself, lawyers should pay heed to RPC 1.2(c) and not counsel a client to engage or assist a client in engaging in conduct that they know is illegal or fraudulent through the use of cryptocurrency.

Ankur Doshi is general counsel for the Oregon State Bar. Reach him at adoshi@osbar.org.

ENDNOTES
6. ABA Model Rule 1.5: Fees, Comment [4].
12. But see Nika Gigashvili, “The Ethics of Accepting Cryptocurrency as a Payment,” Nov. 19, 2019, at https://www.americanbar.org/groups/litigation/committees/jiop/articles/2019/fall2019-ethics-of-accepting-cryptocurrency-as-payment/ (noting that Rule 1.8 should not be applied as the only complexity within a cryptocurrency transaction is the conversion rate that is not controlled by either the lawyer or the client).
17. United States v. Mansy, No. 2:15-cr-198-GZS, 2017 U.S. Dist. LEXIS 71786, at *2 (D. Me. May 11, 2017) (“Defendants’ most developed argument, that the IRS’s treatment of virtual currency as ‘property’ means that virtual currency cannot be ‘money’ in other contexts, has been expressly and persuasively rejected by other courts); see also United States v. Murgio, 209 F. Supp. 3d 698, 709
We are pleased to announce **TAYLOR LEWIS** has been named partner at Hart Wagner LLP.

Taylor’s practice focuses on defending hospitals, medical clinics, and healthcare professionals in medical negligence lawsuits and assisting medical professionals in licensing board matters. He also represents medical clinics in business disputes and provides advice on regulatory compliance.

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23. ORS 164.095; RPC 1.2(c) and 8.4(a)(4).

24. “Know” is defined under RPC 1.0(h) as “actual knowledge of the facts in question” which may be inferred from the circumstances.

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**Legal Ethics Assistance**

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

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

Members with questions can call the ethics helpline at (503) 431-6475 to be connected to the first available bar staff attorney.
They Sound Correct ... But Are They?

Tricky Little Phrases

By Elizabeth Frost

THE LEGAL WRITER

Many years ago, I wrote a column called “Tricky Little Words.” The column discussed words like get, and that. Looking back, it was exactly as thrilling as it sounds. Based on overwhelming demand from readers, this month I’ll follow up that 2015 column with a discussion of some of the tricky little phrases that plague writers and speakers.

This column addresses idiomatic phrases, and some of those phrases are changing as language evolves through use. So what I deem “incorrect” this month could be perfectly correct in time. Therefore, when I say a particular use is “correct” below, I mean it is traditionally correct such that the alternative will likely sound incorrect to readers’ ears.

Congratulations for or on

When something good happens to another person and you have the wherewithal to move beyond your own bitterness and jealousy to feel happy for them, what do you say? Do you congratulate them for their good fortune? Or do you congratulate them on their good fortune?

Congratulations can work with either preposition, but they are not interchangeable. Generally, you congratulate someone for an achievement (an action) and you congratulate them on a happy event.

“Congratulations on the birth of your child.”

“Congratulations on your promotion.”

“Congratulations on your graduation.”

“Congratulations for completing the triathlon.”

“Congratulations for your hard work.”

“Congratulations for passing the bar exam.”

In some instances, the difference seems pretty subtle. For example, a promotion is an event and an achievement. The prepositional difference in that example comes down to whether the writer uses a noun or a verb.

“Congratulations on your promotion.” (The event that happened last week.)

“Congratulations for earning a promotion.” (The work you did that yielded a promotion.)

Writers and speakers more frequently use on to cover both achievements and events. I’m curious to know how many of us would notice the difference.

Excited for or about

When we are excited, are we excited about something or for something? Does it matter? Traditionally, one would be excited for someone else and excited about our own experience.

“I heard you won the lottery. I’m so excited for you.”

“I’m going to Disneyland, and I’m really excited about the trip.”

Sometimes the difference could be subtle, like when an event involves the speaker and others. Here’s an example. “I’m excited for your wedding” would mean I’m pleased that my friends will be married and will buy an overpriced cake. “I’m excited about their wedding” would mean I’m looking forward to eating some of that overpriced cake.

Usage appears to be shifting toward excited for to cover excitement for oneself and others. As a result, readers and listeners soon might not perceive any difference between the two. For now, though, some will still note the distinction.

For what it’s worth, writers use the term excited in other contexts that would require neither for nor about. For example, one could be excited by the sounds of fireworks, or excited to meet someone, and so on.

Stop Trying to Make Constitute As Happen

I wish I could say constitute as is not going to happen, but language evolves, so who knows? For now, at least, it is not a thing. My best justification for why it’s not a thing is idiomatic: English writers just don’t write constitute as.

I have a grammatical explanation as well. Constitute means (1) to form or compose, or (2) to establish. I suspect lawyers tend to use the word in its first meaning more frequently. A lawyer might write, for example, that an act constitutes a crime or that board member attendance constitutes a quorum.

To constitute is a transitive verb. A transitive verb is a verb that requires a direct object to receive its action. Indeed, one cannot constitute without an object. Without an object, the reader will wonder, justifiably, “constitutes what?” Other examples
of transitive verbs are to discuss, to give and to borrow. A sentence that uses those verbs without a direct object would not make sense. See below.

“We discussed yesterday.”
“Can I borrow?”
“Give to me.”

Like other transitive verbs, constitute needs a direct object (e.g., a crime or quorum, as noted above). Transitive verbs — in the active voice, anyway — tend to be followed directly by their object and are very rarely followed by prepositional phrases. Thus, there is no grammatical reason to add the preposition as between the word constitute and its direct object.

Further, the as is redundant. When a writer says, “attendance constitutes a quorum” they mean the attendance “is equal to” or “is the same as” a quorum. Thus, the comparative function is ably served by the word constitute all on its own.

Based on or off

Traditionally, the phrases based on or based upon are correct. Based off or based off of are variations of the correct version. Based on makes more sense than the variations, given the phrase’s meaning. A base is a foundation. We build on it, not off it. We wouldn’t say that one has built a house off a foundation (at least not a properly built house). So we ought not to say one has built an idea off something.

Based off of may especially offend those who strive for concise phrasing. Wordy little phrases like due to the fact that add length without adding meaning by using lots of little “glue words,” as Richard Wydick calls them. Adding the unnecessary of to based off is glut.

This tricky little phrase is another example of how use might drive change. Merriam-Webster notes that the use of based off has grown precipitously in the 21st century. Nevertheless, to many readers’ ears (including this grumpy author’s), it will sound wrong.

By Accident or On Accident

The phrase by accident is traditionally correct, and on accident is an incorrect variation. Nevertheless, I hear on accident about as frequently as by accident. My theory is that because on purpose and by accident are partners in contrast, writers tend to blend them together, mixing up their prepositions.
The difference in usage between on accident and by accident splits primarily by age. Mignon Fogarty, the author of the Grammar Girl blog, dug into existing research and added some of her own on this topic.\(^5\) One study showed that writers born before 1975 almost exclusively use by accident and writers born since 1995 use on accident with greater frequency. Even amongst the younger crowd, by accident tends to be used more than on accident, but that might be because their older parents snarled at them for saying “on accident.” (I’m unearthing some of my own low-key childhood trauma around this phrase.)

As a writer, I’m still willing to call on accident incorrect. But I wouldn’t tattoo that rule on my body because language seems to be evolving here, too. Before long, readers might not detect any difference between by accident and on accident.

**Comprised, Comprised Of and Composed Of**

Comprised, comprised of and composed of are tricky. Writers sometimes mistake the meaning of comprise altogether and frequently treat comprised of and composed of as synonyms. The two phrases are not really interchangeable, even though comprised means “to be composed of.”

Think of comprising as describing a whole that contains parts. Really, comprise can be used more interchangeably with includes. Here are several examples that use comprise correctly. Note in particular the lack of is and of.

The podcast comprises seven episodes.

NSync comprises the many talents of Justin, Chris, Lance, Joey and JC.

Importantly, when using comprise, the whole has to be stated before the parts. That means a band can comprise its members, but the members do not comprise the band.

The following sentences use composed of to show the connection between a whole and its parts.

An orchestra is composed of brass, woodwinds, strings, and percussion.

A memo is composed of a statement of facts, a discussion section, and a conclusion.

Whereas comprise describes a whole that contains parts, compose can be used to explain how the parts come together to create
To me, that’s quite a subtle distinction. The sentences look just the same as the comprised examples, so the choice of which word to use would come down to the writer’s intent. Because so many writers use comprised of interchangeably with composed of, I suspect many would pass over the misuse without thinking much of it. Yet some readers feel quite strongly about the use of comprise. If you are concerned about offending those readers, avoid comprised of.

Where They’re at Versus Where They Are

Where they’re at is a redundant, ungrammatical little phrase. When we ask a person where they are, we ask for their current location. In that question, the word where serves the location purpose. At is a preposition that also serves a location purpose. Therefore, adding at along with the where is unnecessary; the sentence ends up asking for a person’s location twice. It essentially asks, “At what location are you at?”

Of course, the at would make sense in sentences without the where. “Are you at the store?” for example, requires at. But when there’s a where, there should be no at. (I might get that tattoo.)

I hear the expression “meet them where they’re at” frequently. I twitch a little each time. How has this phrase taken hold? I blame Beck. In 1996, Beck was the coolest nerdy rockstar in the world (by my measure anyway), and his song “Where It’s At” was inescapable. He wasn’t the first to use the phrase. Apparently, it has been around since the 1960s. Still, I blame Beck.

ENDNOTES

1. There was no demand.
2. Five points for those who get the reference. For those who missed the reference, check out the timeless 2004 hit movie “Mean Girls” for the quote, “Stop trying to make ‘fetch’ happen.”
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Kamron Graham Brings Advocacy, Compassion to OSB President Role

— By Jillian Daley —
Amron Graham, spurred by her experiences working in group homes and homeless shelters serving people with severe mental illness, decided at age 37 to enroll at Seattle University School of Law. She wanted to stand up for society’s most vulnerable people.

Graham is doing that now in the Multnomah County Public Guardian and Conservator Office. In her role, she acts as the court-appointed guardian and conservator for low-income, disabled and elderly adults, working in often highly confrontational situations with courts, service agencies, families and protected people.

Beyond her impactful work, Graham also is a trailblazer. She is one of just two openly LGBTQIA+ women to helm the Oregon State Bar. Christine Costantino was the first out lesbian bar president when she took on the position in 2019. But, Graham is definitely a pioneer in her own right, as the term she uses, queer, is designed to capture the complex and changeable nature of one’s identity, rather than seeing it in a binary fashion as male-female or gay-straight.

“I think I am the first person to serve as bar president who actually identifies specifically as queer,” Graham says, “rather than as gay or lesbian. That’s usually how I describe myself. Queer is more of an empowering word that had been used (in recent memory) as more of a degrading term. I feel like there’s a movement to take that word back and embrace it.”

Her goal now is to strategically advocate for historically marginalized groups, including the LGBTQIA+ community, BIPOC and people with disabilities.

The Year Ahead

Graham sees her election as president by her OSB peers as an honor — and an opportunity to spark change.

“It is the ultimate form of service to help guide and lead the Oregon State Bar,” she says. “The mission is to serve justice and the public interest. It is my great privilege to ensure that people get the legal services they need and also that they’re high-quality services.”

As president, Graham focuses on policy and governance to advance the public service mission of the bar. This year, this includes numerous proposals currently before the bar and the court that could enhance access to a fair and equitable justice system for all Oregonians. Another important part of the role is to serve as a liaison among the bar, the membership and the public by travelling the state and meeting with bar members and community organizers to be sure all voices and perspectives are heard when shaping OSB policy.

In addition, Graham serves as a mentor to new OSB Board of Governors members, acts as supervisor to the OSB chief executive officer and maintains strong connections to other state legal groups. (She is a board member of the Campaign for Equal Justice.) As she leads public-oriented policy discussions, Graham says she remains particularly mindful of the recent Oregon Civil Legal Needs Study, which found that 84% of people with a legal problem did not receive legal help of any kind.

Graham continues to push for increased diversity within Oregon’s legal community and for affordable options for legal consumers. It’s why she plans to work with groups such as Legal Aid Services of Oregon and Disability Rights Oregon.

Graham’s efforts to promote diversity in the legal profession, including the LGBTQIA+ community, in addition to her stance as an ally to the BIPOC community, earned her the 2020 Multnomah Bar Association Diversity Award, an honor she shared with attorney Diane Sykes.

“There is intersectionality among many groups that we need to look at and address as a legal community in how to support lawyers and the public,” Graham says. “I want people to grow and learn. And just because we’ve been doing things for 100 years, doesn’t mean we need to do them for another 100 years, let alone another year.”

Graham says that change is in the OSB’s best interests and ultimately, in the interests of the public it serves.

“For the bar membership to survive professionally, it needs to update and it needs to grow to best serve and include people who are queer and trans, BIPOC and people with disabilities,” she says.

Graham also will be involved in a collaborative effort of Oregon’s civil legal access stakeholders to bridge the justice gap. The Oregon Civil Legal Access Portal Pilot Project is an effort to improve the way Oregonians access legal needs, consolidating and integrating the information and resources of the bar, the Oregon Judicial Department (OJD) and Oregon’s legal service providers, including Legal Aid Services of Oregon (LASO). Since early 2020, these legal access system partners have come together to examine innovative methods of leveraging technology to deliver easy-to-navigate legal information and resources to Oregonians. Through a consensus-building
process, the stakeholders agreed to collaborate on a singular online portal that will use an automated triage process and other modules to direct Oregonians to the information and resources they are seeking. The approach will enable more people who need help to get it, especially those who need it the most. In April 2021, an OSB BOG member shared with the Joint Committee on Ways and Means how the project encompasses programming that truly serves some of the most marginalized groups, with translation services and culturally sensitive navigation.

The OSB’s Paralegal Licensing Proposal is another initiative that focuses on equity and enhancing access for those who cannot afford a lawyer. The Oregon Supreme Court is weighing whether to permit paralegals to obtain a license granting them authority to provide some legal services that a lawyer currently provides. The license would focus on family law and landlord/tenant cases, the two legal areas where Oregon has the greatest unmet need. The idea is similar to meeting with another medical professional if a doctor is not available.
What else would Graham like to see the OSB do differently?

She says that she wants to look at how the OSB acts as a leader and steps outside of the box, pointing to the aforementioned portal and paraprofessional licensing programs as fantastic initiatives. Graham also wants the bar to continue applying an equity lens to all decisions it makes. And, she is certain that she can catalyze current growth in equity and inclusion with the help of supportive colleagues, such as David Wade, who served as bar president last year.

“David provided me with mentorship, so I could hit the ground running,” Graham says. “Now I can launch right into the work. It’s been a good model. I appreciate his mentorship and his friendship.”

She also appreciates the focus placed on mental health by Wade and previous bar presidents.

“David and other BOG presidents have had an emphasis on mental health that I plan to continue,” Graham says, “such as saying no and setting boundaries with people, so you don’t take on too much.”

A Respected Colleague and Community Leader

Graham, who grew up in Hillsboro with her parents and younger brother, used to play “office” as a child, leading the other children in a business setting.

“I was running my own firm at 10,” Graham jokes.

After graduating from Hillsboro High School in 1990, Graham attended Colby-Sawyer College in New Hampshire, a place far from anyone who knew her and a safer state than most for a queer woman. Because of her early business sense, she envisioned a future as an MBA settled into a corner office ... potentially as a day trader.

She took some time off before earning a bachelor’s in business management from the University of New Hampshire. Missing her family, Graham returned home to Oregon shortly after finishing college. Eventually, her heart got in the way of a business career.

She redirected her strategic sense and intelligence to help others as an active volunteer and community leader.

And, she is quite active. Her current affiliations and appointments include:

- Oregon Women Lawyers (OWLS) foundation board (2017 to present).
- Oregon State Bar Association’s Public Service Advisory Committee (2013-21).
- The LGBTQ Bar Association of Oregon (OGALLA) as a member (2015 to present) and chair (2015-16).
- Washington State Bar Foundation, trustee and chair of Donor Relations Committee (2012 to present).

Graham’s history of leadership and community service includes stepping up as the treasurer and board member of the Trillium Artisans and taking part in student government in college. At Seattle University School of Law her community involvement increased and intensified. There, she was the co-president of the LGBTQIA+ group Outlaws, as well as the co-president of the Human Rights Network and a Dispute Resolution Board member.

She’s been standing out since the start of her legal career.

“Kamron has a way of connecting with people from all walks of life ... she is able to make people feel at ease.”

David Wade, 2021 OSB president, provided mentorship to Kamron Graham so she could jump into the president’s role from Day 1.
A decade ago, Maya Crawford Peacock, now executive director for the Campaign for Equal Justice, was working for the Portland Office of Legal Aid Services of Oregon (LASO). Crawford Peacock interviewed Graham, among other law students, for LASO’s summer internship program at the Public Interest Career Fair:

“She had a social justice career prior to law school, and her compassion, thoughtfulness and experience really stood out,” Crawford Peacock says. “We hired her that summer, and I saw firsthand how hard she works at everything she does. Kamron has a way of connecting with people from all walks of life. Whether it’s with our clients, or other lawyers in the office, Kamron is able to make people feel at ease.”

Her passion to make a difference reveals her warmth and kindness, qualities that extend into her professional connections as well.

Rima Ghandour, principal of Ghandour Law, has served on boards with Graham and considers her a close friend.

“I remember the day we made ‘significant’ contact, i.e., more than hello and bye,” Ghandour says. “We met downtown, so she could give me Madonna tickets that I won at the OGALLA Gala. We ended up chatting and connecting at a deeper level.”

Graham made a strong first impression on Anne Milligan, a deputy city attorney for the City of Portland, during their first meeting. They crossed paths at the Queen’s Bench Holiday Lunch Honoring Women Judges in December 2016.

“I had just finished addressing the room, sharing a personal story of adversity, growing up in poverty and coming into my own as a first-generation professional,” Milligan recalls.

Graham came up to Milligan afterward and introduced herself as a mutual friend of Ghandour. Milligan and Graham later collaborated on tasks for the Queen’s Bench board of directors from 2017-2020, including time together on the executive committee.

“We have become very close over the years through service in the legal community and quality time together outside of the legal community, including a trip to Iceland in 2019 with eight women lawyers who were at the time all affinity group leaders or executive committee members,” Milligan says. “We (mostly Kamron and our friend Kasia Rutledge) drove the entire 828-mile Ring Road over the course of a week.”

Like Ghandour and Milligan, Aruna Masih, a partner with Bennett Hartman, met Graham through community activity. Masih came to know Graham through OGALLA, and her first memories of her are from the 2016 Pride Parade. Masih was part of the Oregon Women Lawyers-Intersectionality Network crew that handled the prep and logistics for the OGALLA, pre-Pride Parade, Brunch and Bedazzle event.

“Her beautiful smile and welcoming presence are what stood out to me. My memories of Kamron include both fun and serious occasions,” Masih says. “As Maya Angelou said, ‘People will forget what you said, people will forget what you did, but people will never forget how you made them feel.’ With Kamron, you walk away with a feeling that she cares about you and your well-being.”

Masih says that, as a leader, Graham is “humble, caring, collaborative and focused on those who are most in need.”

Valerie Colas, access to justice counsel for equity, diversity and inclusion at the Office of the State Court Administrator in
the Oregon Judicial Department, echoes that statement, adding that Graham passionately advocates for vulnerable and marginalized communities.

“The first time that I became aware of Kamron was when she hosted the OGALA annual dinner. Kamron was very engaging, personable, funny and welcoming,” says Colas, who is also Multnomah Bar Association immediate past president, Oregon Law Foundation president-elect, and Oregon Chapter of the National Bar Association president-elect. “However, after that, I started to notice how deeply involved Kamron was in the legal community.”

Graham is cognizant of the fact that her professional role makes her a last line of defense, protecting people who may have “dementia and Alzheimer’s and intellectual disabilities” and “no family or no one willing to serve as a guardian or conservator.”

Kristin Riley, NCG, LCSW, has worked with Graham for a little more than four years, says Graham is “smart, intuitive,” and someone who takes “a strong, person-centered approach with her clients.”

“Being a deputy public guardian is very challenging work, and she inspires her team every day with her advocacy for the most vulnerable people in our community,” Riley says.

A Career Built upon Care, Work Ethic

Graham worked as a legal clerk at LASO and later served in the pro bono unit. Graham also served as a public defender for Association of the Accused, as a consumer law clerk for Northwest Justice Project and as a judicial law clerk for the Hon. Thomas J. Rastetter in the Clackamas County Circuit Court.

Before her career shift to law, Graham was serving as a community investment manager at United Way of the Columbia-Willamette and director of case management for Transition Projects in Portland. Even farther back, she had a range of jobs, including a stint on the graveyard shift in a locked institution for boys in Vermont.

Graham attributes some of her strength, determination and work ethic to her parents. Her mom inspired her to be strong, as did women who rose to national prominence during the 1980s, such as Katharine Graham, Ann Richards, Angela Davis.

“There were more women in politics; they weren’t just in movies or musicals,” Graham says. “I noticed all of these strong women. It helped curtail some of the self-doubt. You would work harder, but you could do it.”

Her father, a Marine, instilled in her a stoic work ethic.

“If you were going to start something, you were going to finish it,” she says. “We lived out in the country, so there was always yard work or taking care of animals. We were supposed to mow the back acre, and it didn’t matter what time of day or the weather.”

When she played softball, tennis and basketball, her father encouraged her to give her all for the team. That’s what she still does, but with her community involvement and in her profession.

Kamron Graham is pictured with her parents in 1972.
An Adored Mentor

Graham grew up queer during a time when many U.S. states forbade same-sex couples from even engaging in a passionate kiss. Remembering the discrimination and barriers that she faced growing up, Graham has turned around and helped young people in the LGBTQIA+ community, particularly through OGALLA.

"With LGBTQ law students, queer and gender nonconforming people — Portland may be in a bubble (of acceptance), but there are still a lot of barriers and discrimination."

That’s why Graham whittles out time to guide and support LGBTQIA+ community members. Oregon attorney Nora Broker, a 2015 Lewis & Clark Law School graduate, met Graham during an informational interview that proved to be a game changer for Broker.

"A few months after that (the interview), Kamron recruited me to the OGALLA board as part of an effort to increase the representation of trans attorneys, though I was not generally out as trans quite yet, and that active recruitment changed so much for me as I tried to find my way in practice," Broker says. "It gave me a cohesive community and a sense of belonging, knowing that even if I didn’t have role models exactly like myself here in the Oregon bar, the LGBT community, like Kamron, would be there to hold me up."

Her support certainly made a difference for OGALLA board member Sunny Maxwell many years ago. Graham was delivering the keynote address as an executive board member of Oregon Women Lawyers at Opportunities in Law in Oregon. It was a week or two before Maxwell’s first day as a student at Willamette University College of Law.

"At the time, I was very intimidated by the prospect of ‘passing’ as a white-collar professional,” says Maxwell, an attorney for Public Defenders of Marion County. "I didn’t grow up in a place where anybody wore a suit to work. I didn’t know how to dress or how to make small talk. And Kamron immediately had a kind of halo.

"Her talk was all about inclusion and acceptance. What I took away was that the feeling of not fitting in could be a sign that I was needed in a professional culture, which needs to expand and evolve, rather than a sign that I was inadequate. It was a message that was well timed, and I repeated it to myself many times in the next year."

"But one of the things that meant the most to me as a new law student was the fact that Kamron, despite being exceptionally busy and despite her involvement with multiple affinity bars and mentorship programs, always seemed to remember my name and to recall what we had last talked about. She is great at communicating care and respect to folks who look up to her."

Crawford Peacock agreed that Graham has a gift for communication, advocacy and showing caring and inclusivity toward everyone.

"Broadly speaking, Kamron is aware of who is and who isn’t at the table. She has spent her whole career working toward diversity, equity and inclusion in the bar and beyond," Crawford Peacock notes. "She is also the person at an event who will be looking out to see who is standing alone, and make a point to talk to them and introduce them around. She is a connector. She knows lots of people, and does a great job of introducing folks who should know each other."

Crawford Peacock adds that Graham can see “three steps ahead of every issue and can strategize her way through any problem to get to a solution that feels good to everyone.”

Graham is touched by the recognition her colleagues have prof­fered with her election as bar president. She’s also aware that she has had a ring of amazing people around her to help lift her up, including two key figures — her mother and her partner. All of this support, plus an internal drive to make a real difference, has brought her to this point.

“There was never anyone who cast any shred of doubt,” Graham says. “I just showed up one day and said: ‘I’m doing this.’"
November, the Oregon New Lawyers Division announced the winners of their annual awards. Below are the stories of the honorees, who are bettering the Oregon legal field in their own ways, yet share a common bond of modesty, hard work and overcoming obstacles despite their significant contributions and accomplishments.

— Member Services Award —
A.C. Estacio-Heilich

Spurred by her father’s observation that she “should be a lawyer because you’re really good at persuasion” during her junior year of high school, A.C. Estacio-Heilich gradually put together the pieces to fulfill that prognostication. A California resident at the time, she completed her undergraduate work in political science at UCLA. Then ... she went to work at In-N-Out Burger.

“It took a gap year to figure out if I wanted to go to law school, and I ended up working at In-N-Out Burger,” Estacio-Heilich says. “That taught me how to appreciate the hard work and dedication needed for food service. I didn’t quite realize it at the time but that started me down the path to employment law. In-N-Out treated their employees well, and I wanted to help companies treat their employees well.”

It was around this same time that she attended a summer wedding in Portland, and “fell in love with the city.” Estacio-Heilich decided on Lewis & Clark Law School although she admits she wasn’t at the top of her class.

“I wasn’t the top student in law school but what I excelled at was networking. I’m a social person,” she says, adding she entertained a brief idea of going into the C.I.A. before deciding an undercover life didn’t suit her personality. “It’s why membership services are so important to me now, because I just want to make sure people feel included.”

Estacio-Heilich says when she moved to Portland it was a culture shock. As a Filipina, she was “one of the few Brown people in law school at Lewis & Clark,” which deepened her desire to have everyone feel accepted, included and respected. Now in her professional life, those feelings remain just as strong.

“I’m joining these organizations to make sure there is diversity and inclusion in everything that we do, and connecting people to cultures they aren’t always familiar with,” says Estacio-Heilich,
Venetia Mayhew restarted her career at age 43 by enrolling in law school to have more of an impact with her work. *Photo by Jonathan House*

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**Public Service Award — Venetia Mayhew**

Venetia Mayhew believes in second chances. Not everyone re-invents themselves at the age of 43 by attending law school with the goal of making an impactful difference in lives of others. In Mayhew’s case, she took a chance encounter while working in New York to alter her life track and become an advocate for incarcerated individuals.

Born and raised in England, Mayhew admits she always had a “romantic idea of America as an endlessly positive place.” By 2005, she had her own catering business in New York when she did an event for the Innocence Project. There were 10 exonerated former death-row prisoners on hand. Mayhew also met many inspirational lawyers at the event.

“I didn’t like my job all that much and I felt an actual amount of jealousy to see how inspired the lawyers were by the work they were doing,” Mayhew admits. “But, it never occurred to me that I could become a lawyer until I moved to Oregon after the (market) crash in 2009.”

Mayhew started at Portland Community College, graduated from Portland State University and then went on to law school at Lewis & Clark. After writing an undergraduate thesis on life without parole, she chose Lewis & Clark for law school because Aliza Kaplan had just started the Innocence Project there. Kaplan later became Mayhew’s initial writing professor.

“I walked up to her on Day 1 and said, ‘I want to work for you,’” Mayhew says. By her second year, she was working closely with Kaplan (which continued through the remainder of law school) and became the first staff attorney in Lewis & Clark Law School’s Criminal Justice Reform Clinic.

Now a solo practitioner, Mayhew continues her work with incarcerated individuals, criminal justice reform and public service. She has a contract with the Oregon Post-Conviction Consortium to work on post-conviction relief (PCR) and also represents people as appointed counsel in murder-review hearings through the Board of Parole and Probation. Much of this work is done on behalf of individuals who do not have the means to pay. Just in 2021, she has provided more than 500 hours of pro bono service to draft and file clemency and commutation petitions.

“Venetia genuinely cares about, and personally invests in the individuals she works with,” says Portland attorney Jody Davis, who was one of the people who nominated Mayhew for this award. “To this day she stays in touch with the clients for whom she has earned release for no other reason than her genuine desire to see these individuals succeed.

“We have talked about our work in this field many times and when I ask how she can afford to balance her paid work with her pro-bono work, she says, ‘There is no amount of money that compares to the moment you get to watch a client walk out of prison as a free person.’”

Hillsboro attorney Kate Edwards, who also nominated Mayhew for the Public Service Award and who also has been honored by the ONLD in the same category (see her profile next), adds that Mayhew’s story is even more inspiring when considering she’s a single mother of two boys and that she started her law practice without any financial help.

Case in point: During the pandemic, as diversity and community-building efforts suffered, she organized an event sponsored by the MBA YLS and OFALA that merged both ideas into one virtual experience. Estacio-Heilich worked with chef Carlo Lamagna of Magna Kusina to host a cook-along for online participants so they could learn about Filipino cuisine and put together a dish at home they normally wouldn’t make.

“The Filipino community in the Portland-metro area is small, so I wanted to help feature a small-business BIPOC owner and advance the YLS diversity and inclusion initiative, while showcasing Filipino cuisine to people who don’t have a lot of knowledge of the culture,” Estacio-Heilich says.

“The event was an innovative way to engage people and also support a BIPOC business — a signature recipe of an event organized by A.C. wherein community-building oftentimes highlights diversity and inclusion at the forefront,” says Peter Sabido, the president of OFALA, one of the organizations that nominated Estacio-Heilich for the award.

Of course, as a new lawyer trying make a difference and build a practice, success also depends on outside support. Estacio-Heilich credits Megan and Caitlin Dolan of Dolan Law Group (her first employer out of law school) and peers at her current firm, Lewis Brisbois, which she joined during the pandemic (October 2020), as role models and constant supporters of her work in and out of the office.

“Everyone has encouraged me to seek out other organizations to be involved in. It’s nice to be supported by a firm that knows it’s not just about work but also about finding fulfilling things outside the workplace,” she says.

who is a co-chair of the Multnomah County Bar Association Young Lawyer Section (MBA YLS) Membership Committee and a board member of the Oregon Filipino American Lawyers Association (OFALA).

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Hillsboro attorney Kate Edwards, who also nominated Mayhew for the Public Service Award and who also has been honored by the ONLD in the same category (see her profile next), adds that Mayhew’s story is even more inspiring when considering she’s a single mother of two boys and that she started her law practice without any financial help.
“She does this work for free because the most compelling cases and the most deserving candidates are often the most impoverished. Venetia’s dedication to public service far outweighs any desire to get rich,” Edwards says.

Mayhew says she is humbled by this award but sees it as another way to advocate for the people she represents. She hopes to inspire others to take on this work as well.

“I want to encourage people to help prisoners because they are truly the most forsaken people in our society. Just because you have committed a crime doesn’t mean you are not worthy of redemption or a second chance,” Mayhew says. “This work has enriched my life.”

Kate Edwards

Contemplating an ever-evolving career path throughout college, Kate Edwards initially never considered being a lawyer, let alone a prison lawyer. Working as a housekeeper during those formative college years, Edwards says she saw a lot of indignities. Taking those real-world experiences and combining them with her classroom learning, a new path emerged.

“I was studying the history of the labor movement in the Pacific Northwest, and I felt inspired by the way that workers had found a significant amount of power by joining together many times in recent history,” Edwards explains. “I initially planned to practice labor law, which morphed into employment law for low-wage workers, and that’s where I focused my attention through law school. ... Then I accidentally discovered this area of law involving prisoners, and each step of the way led to the next, without ever intending to specialize in this.”

Now, she works primarily with incarcerated individuals, taking on criminal-adjacent work and prisoners’ rights cases. She started with a pro bono clemency petition, which led to parole hearings, then eventually she joined a consortium of attorneys doing COVID habeas cases in 2020.
“Medical habeas is eye-opening because every single person has this similar story of ongoing medical neglect, sometimes quite severe and even life threatening. I have done medical habeas for about 18 months now, and that work exposed me to federal civil rights cases for prison medical neglect, ADA violations for disabled prisoners, inadequate mental health care and sexual assault against people in prison,” Edwards says.

Venetia Mayhew says that Edwards’ tenacity sets her apart as an attorney and advocate for her clients.

“I am keenly aware of how very difficult it is for incarcerated people to access even basic medical care. They are not a group of people whose suffering inspires much compassion from the public during a normal year,” Mayhew says. “Kate faced an uphill battle and became a tough advocate for her clients, challenging the Department of Corrections with courage and tenacity. She won her first two medical habeas trials, one of which the state is now appealing. It involves a novel area of the law that has never been successfully argued before under that section of the Oregon Constitution.”

The work is demanding. Edwards points out that she could bury herself in the constant requests for her help. As difficult as it is to step back, she knows finding a semblance of balance is key for her mental health and to reenergize herself for her clients.

“Some days are a whirlwind of emotions and exhaustion, and some days I feel powerless. In the legal profession, there’s this weird culture of pride in overworking, where we’re expected to run ragged. Working for myself means that I often have to work really long hours with a lot of stress and responsibility, but it also means I don’t have to answer to anyone else,” she says. “I know my limits and I actively try to respect my own limits with firm boundaries on my time and mental energy.”

She admits she’s not always successful in respecting those self-imposed limits, but her husband and animals provide her a daily respite from her challenging work. Advocating for the incarcerated is work she hopes more attorneys consider.

“I end up doing so much of my work pro bono because so many people need help and there are not many advocates to help them,” Edwards says. “I hope that this (award) might encourage other advocates to devote some of their pro bono hours to working with prisoners.

“The prison bar is small and very helpful. I wouldn’t have been able to jump into this area of law without the willingness of more experienced lawyers to share their time and expertise, and anyone else looking at this kind of work will find a lot of support.”

— Advancing Diversity Award —

Sarah Malik

Sarah Malik’s life experiences from a young age inspired her to take an active role in increasing opportunities for those outside the dominant culture, at the same time creating spaces for underrepresented people to have support and hope.

Malik’s parents are Pakistani immigrants who chose California’s Silicon Valley for her father’s tech career despite not having
any family located on the West Coast. She says the local Muslim community had been a big part of her childhood, but that after the 9/11 attacks she became conflicted: Her family wanted her to stay connected to their culture, but she wanted to assimilate to the dominant culture in the United States. It was impossible to make everyone happy … including herself. As a child, Malik was constantly told by other children “to go back where you came from;” her parents were harassed at airports. These experiences are part of what led her to the law.

“Still, I was optimistic that by becoming part of the legal system, I could take part in changing it,” Malik wrote in a deeply personal Conversations piece published in the *Bulletin* (Feb/March 2021) with U.S. Magistrate Judge Mustafa T. Kasubhai. Malik is currently the assistant general counsel at Peace Health in Vancouver, Washington.

Despite not being comfortable talking about herself, Malik felt compelled to share her experiences for the entire membership of the Oregon State Bar as she wanted to give a voice and face to those who typically are not part of the legal conversation in this state.

“I find myself getting frustrated that people assume my experiences are extremely alien from their own — as if people are not expecting Muslims to be just as human as them,” she wrote. “Is it surprising that being Muslim for me isn’t always praying five times a day, or having a marriage arranged by my family, or being covered from head to toe? The answer I wish I gave more often is that my identity as a Muslim woman of color is something that never lets me feel safe – both physically and mentally.”

Holly Martinez, an associate at Perkins Coie, nominated Malik for this award because she was impacted by the Conversations piece and believes in the hard work Malik is doing.

“Sarah has a track record of advancing diversity through law school and beyond. Now, as a new lawyer, she wrote and published the article, ‘Is There A Place For Us?’ with the Oregon State Bar *Bulletin* — addressing Islamophobia in the bar and her experiences as a Muslim women in the legal field and community,” Martinez wrote in her nomination letter. “Sarah works hard in her personal and
professional life to dismantle systems of oppression and create spaces for underrepresented lawyers to find support and community.”

Malik may not want to promote herself, but she also knows how important it is to keep the conversation going.

“I hope whoever reads this might take into account how they can make a place not just for me, but for all of us,” she wrote last year. “Without accountability and support from the majority of the legal profession, myself and others will continue to be exhausted. Many of us do leave because of that. And the profession will continue to repeat the same mistakes and perpetuate the cycle of fatigue for the next generation of lawyers of color. Lawyers can and should do more.”

— Hon. John V. Acosta —

Professionalism Award
Hon. Valeri Love

Doing things for others is second nature to Hon. Valeri Love, a Lane County Circuit Court judge. Born and raised in Hawaii, Love knows her giving spirit comes from her late mother.

“She taught me to give back, but not just giving back, but that idea of what you can do for others, do things to help, do things to take care, and it’s what I grew up with,” Love explains.

As a newcomer to Oregon in the late 1980s, where she arrived to attend Linfield College, Love recalls the support of friends’ family members to ensure she was comfortable in her new home. A master’s and law degree from Willamette University followed, and as she grew older and into her career she had the pleasure of serving as a judicial clerk for Hon. Darryl L. Larson, Lane County Circuit Court judge.

“I’ve developed ongoing connections to my law clerks and want to support them in their careers, because that’s what Judge Larson did for me. I believe in paying it forward,” Love says.

Hon. Katherine Tennyson, a retired Multnomah County Circuit Court judge, who wrote a letter in support of Love’s nomination for the award, says Love is accomplishing that goal and much more.

“I spent a week in Lane County in August 2020 as part of my role as a senior judge. It was obvious to me by the way Judge Love is treated by the staff around her, as well as the way she treats the staff, that Judge Love is highly regarded in her home court,” Tennyson says. “That type of regard does not just happen because of the office Judge Love holds; it is created by the person she is.”

Love’s professionalism extends into the work she does, primarily in supporting the children of Lane County. Love recently returned as a full-time dependency judge for Lane County Circuit Court in 2021, a role she first held for a few years beginning in 2013. Also in 2013, she was appointed by Chief Justice Thomas Balmer to serve on the Juvenile Court Dependency Work Group. The demands of these assignments create a daunting schedule.

“At that time, with more than 1,000 children in care, Lane County had the second-highest foster care population in the state and insufficient judicial resources dedicated to this work,” says Leola L. McKenzie, the former director of the Oregon Judicial Department Juvenile & Family Court Programs Division. “Due to the heavy caseload, Judge Love could be found in chambers evenings and weekends preparing herself for upcoming court proceedings and finalizing judgments and orders from hearings.”

With little time available outside her busy work life, Love generously volunteers for carefully chosen groups that mean something to her. She serves on the Tribal Court State Judicial Forum, as well as the board of directors for the Oregon Asian Pacific American Bar Association and is involved with a nonprofit supporting veterans.

“I haven’t known a way other than to do and to contribute,” Love says. “I do encourage people to find volunteer opportunities that are meaningful to them, rather than signing up because you think that it’s something you should or need to do.”

The same goes for awards. Love isn’t into self-promotion. She’s not one to boast about her accomplishments. She focuses solely on the work. It’s part of why she won this award.

“It’s very touching and meaningful,” she says about being named the John V. Acosta Professionalism Award winner. “I come to work every day and work hard, because that’s the example set by my family, mentors and colleagues. I’m grateful to have the opportunity to serve the public as a judge.

“I think my mom would be really proud and that means a lot.”

Michael Austin is the editor of the Bulletin.

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.

Send letters to: Editor, OSB Bulletin, P.O. Box 231935, Tigard, OR 97281. Or you may email them to editor@osbar.org.
The Multnomah Bar Association (MBA) Fellows Program is changing the lives of aspiring attorneys in Oregon, one class at a time. In an effort to diversify the legal profession in Oregon, the program provides uniquely qualified law students an innovative opportunity to gain real-life work experience while still in law school. As the law profession comes to more closely represent the diversity of the state, access to justice is expected to improve for all Oregonians.

About the Program

The MBA Fellows Program provides a first-summer paid internship, in addition to judicial mentorship, substantial scholarships throughout law school and a variety of networking opportunities. The University of Oregon School of Law and Lewis & Clark Law School participate through a three-year, $20,000-per-year scholarship for each fellow. The first class of fellows, who entered law school in 2018, recently graduated and have entered the workforce. That class includes: Ana Ching, Rachelle Collins, CJ Fuenzalida, Diego Gutiérrez, Juliana Hairston and Divine Zheng. Now with its fourth class selected, the program has accepted a total of 30 fellows to date.

The program is modeled after the Grecoire Fellows Program at the University of Washington School of Law, in which students spend 10 weeks during the summer of their first year of law school serving at a major corporate firm, in addition to a local corporation or government agency. When Jollee Faber Patterson, a partner at Miller Nash, and Emily Teplin Fox of the Oregon Law Center learned about this program, an idea began to take shape. Could they create a similar program in Oregon?

They received great support from the inaugural sponsors and law schools that they contacted, but it still took several years for them to establish partnerships, secure financial commitments from sponsors (law firms and other legal employers, such as larger corporations) and solidify the other details needed to launch their own program.

“It has been wonderful to see what a success the program has been — due primarily to the fact that our fellows are such outstanding law students and terrific people — and how it has grown since those early days,” says Patterson.

Criteria and Selection Process

Acceptance into the program depends on a variety of criteria. First, applicants must demonstrate outstanding potential for success in the legal profession and show a strong commitment to or interest in practicing law in Oregon. While the goal is to have students practice here after they graduate, it is not a requirement of the program to remain in Oregon.

“We know that there are other factors that may take graduates outside of Oregon,” explains Patterson. “At the same time ... our hope is that fellows will continue to mentor and support upcoming fellows and continue to be a strong support for each other throughout their careers.”

Another important part of the selection process is the candidate’s ability to contribute to the diversity of the Oregon State Bar. “Diversity” is broadly defined, and the law schools look closely at the unique ways that the applicants can help develop the existing bar.

The law schools vet the candidates, make their selections and then notify the MBA Fellows Program Task Force. The number of fellows is determined by the number of summer sponsors for that year. Once the candidates are notified, the task force works with the fellows to match them with internships, judicial mentors and other support.

In addition to Patterson and Fox, the task force currently consists of three other legal professionals: Adele Ridenour (Ball Janik), Cristela Delgado-Daniel (Oregon Court of Appeals) and Felipe Alonso III (University of Oregon School of Law). Task force members receive support from Kathy Modie, director of events and programs at the Multnomah Bar Association.
This team oversees all administrative details of the program, including identifying and soliciting sponsors as well as assigning fellows to a specific sponsor and ensuring they have a positive summer internship experience. The task force also organizes networking events during the summer and hosts an event in January to introduce first-year students to sponsors during short, speed-networking-like interviews. The team also matches second-year fellows to first-year students in a peer-mentorship program.

Patterson says, “Serving on the task force is a substantial commitment, and members regularly put in many hours a year toward making this a successful program. And, as another sign of the program’s success and the willingness of our fellows to support the program, two of the members of the inaugural class who just graduated — Ana Ching and Diego Gutiérrez — are joining the task force and will help support the success of the program. This is so meaningful to us!”

Right now, the task force is working on developing the Summer Associate Supporter program, which will identify firms and other legal employers interested in hiring a fellow after the second year. By making a commitment to the program, potential employers show their support for a more diverse and inclusive bar while at the same time gaining access to some of Oregon’s finest emerging lawyers.

**Benefits of the Program**

In addition to the three years’ $20,000-per-year tuition scholarship, fellows also receive a paid summer internship ($10,000) at an Oregon law office or in-house legal department valued at $10,000.

“This is especially valuable, because it can be challenging to get a paid position during the first summer (of law school), and a good first-summer position can really launch a fellow into future success,” explains Patterson.

Collins is currently with Stoel Rives. She says her experience working for Legal Aid Services of Oregon during her fellowship ignited a passion that is still with her today. “I enjoyed having the opportunity to work for Legal Aid Services of Oregon and serve low-income and marginalized communities. Working there exposed me to the incredible need for access to legal services and the impact that non-profits and pro bono work can have on these communities,” Collins says.

A long list of sponsors play an essential role in the program’s success. They currently include Nike, Dunn Carney, Miller Nash, Ball Janik, Legal Aid Society of Oregon (funded by the Oregon Women Lawyers Foundation), the Professional Liability Fund, Richardson Wright, Markowitz Herbold, Lane Powell and Umpqua Bank. In the summer of 2022, the program will welcome Stoel Rives as a new sponsor, as well as a summer internship funded by the Federal Bar Association and split between the Federal Defenders Office and Levi Merrithew Horst. (The University of Oregon recently launched the Lane County Fellows Program, which is modeled on the MBA Bar Fellows Program with Lane County Sponsors.)

The relationships and long-term connections the fellows establish during their time in the program can significantly influence the trajectory of their whole career. Especially important are the connections the program provides to passionate, experienced judicial mentors. At present, Judge Youlee You, Judge Melvin Oden-Orr, Judge Angela Lucero and Judge Katharine von Ter Stegge serve as mentors.

Gutiérrez is now an associate at Lane Powell. He says his time in the program was life changing. “Being an MBA fellow was a great experience because it introduced me to Portland’s legal community, and I was able to develop a strong bond with other fellows,” he shares. “It also provided me with the opportunity to work at Lane Powell during my first summer. My first-year summer experience was so positive that I went back to Lane Powell as a second-year associate, and then I was offered an associate position upon graduation — something that probably would have not happened without this fellowship.”

Hairston moved to the East Coast after graduating as an MBA fellow and currently works in Washington, D.C., for the Department of Labor. She says, “I really enjoyed my internship at Nike during my bar fellowship. It was a lot of fun. I got to learn so much and meet so many cool people who I still talk to today.”

Ching explains, “I recently started work as an associate attorney at Dunn Carney, which was one of two law firms I worked at during my summer as an MBA fellow. What I appreciate most about the MBA Fellows Program is that it allowed me to connect with a broad network of people in the Portland legal community, including judges, attorneys and law students. The program also created the opportunity for me to experience legal work in a variety of practice areas, many of which I would not have considered otherwise.”

Brooke Strickland is a Pacific Northwest-based freelance writer who frequently writes for businesses and publications around the country. Reach her at stricklandbrooke@gmail.com or brookestrickland.org.

Inaugural Lewis & Clark MBA Bar Fellows are pictured with participating judges. From left to right: Ana Ching, Judge Marilyn Litzenberger, Judge Chris Marshall, CJ Fuenzalida, Diego Gutiérrez and Judge Marco Hernandez.
10 Tips for Maximizing Cybersecurity Awareness Training

By Sharon D. Nelson, John W. Simek and Michael C. Maschke

We can speak authoritatively about cybersecurity awareness for law firm employees because we give this training so often. Here are our 10 tips to ensure you maximize the effectiveness of your training.

1. Take cybersecurity awareness training seriously and do it right.
   A significant recent statistic is that victims are involved in the success of 82% of cyber attacks. They tend to have crummy passwords, they reuse and share passwords, they click on links or attachments without thinking, they get emails which seem improbable and yet respond to them, and the list goes on and on.

   We used to say that you should do training once a year but as things are moving faster and faster, we think it’s better to do it twice a year.

   Employees need reiterative training. They simply forget what they were taught. Also, the threats and the defenses keep changing, so it really is hard to keep up. We would advise not to be tempted to use in-house IT to do the training for budget reasons. They’re not training professionals and they don’t carry the big bat needed to hit the lessons home. If you’re going to hire someone to train, which is what most people now do, get some referrals from your friends.

   Effective presenters have to be good entertainers as well as good teachers. Our own one-hour training sessions are either $500 or $1,000 depending on the customization involved. Small law firms can afford that. We recommend training be limited to one hour because after that, the attendees do tend to go numb. You can do a lot in an hour!

   Training is definitely better live but it is not likely the predominant way of the future. Most law firms are now having virtual training and we see that continuing for the most part. Make sure you track the attendance and ask those who are giving the training to give you a recording to use later in case some employees can’t make it, which always seems to happen.

2. Train employees on phishing tactics and ransomware.
   In the early days, ransomware was just a way to encrypt your data and then hold you hostage until you paid a ransom in order to procure the decryption key and regain access to your information.

   Now we have what we call ransomware version 2.0. That’s not an official industry term but the evolution of ransomware has become much more targeted. The tactics have changed because cybercriminals have realized that a lot of law firms have improved their backup mechanisms so they didn’t have to pay the ransoms anymore. They were just restoring from their backups and that dried up the money well. Cybercriminals figured out a new tactic: Now they access your network and steal the data before they encrypt it. So, if you decline to pay the ransom for the decryption key, the criminals point out that they have exfiltrated your data — now there’s another reason to pay a ransom before they expose or sell that data. You now have a bigger headache, too, as the exfiltration of your data means you have to report the event as a data breach.

   Law firms have a big bullseye on their backs. They are one-stop shops for the data of many clients. The data you have is valuable and you are ethically required to protect it. Training must go into some depth about ransomware and phishing to drive the message home to employees — it’s all about creating a culture of cybersecurity.

   Roughly 77% of current ransomware attacks now include the threat to leak stolen
data. Phishing is most often the entry point used by criminals to insert ransomware.

The recommendation for training twice a year is because the phishing techniques change, including how they trick the users to click or open things they shouldn’t. 57% of the respondents in a Proofpoint survey experienced some sort of successful phishing attack. 67% of the users didn’t even know what ransomware was or they gave an incorrect response, which is deadly. If you don’t understand your enemy, you won’t understand how to defeat that enemy.

We show employees a dozen or so phishing examples in the training so that they can look at it and say, “Yeah, I got something like that once and I didn’t click it,” or they groan and say, “Yeah, I clicked on it.”

3. Teach your employees to take their hands off the keyboard before hitting ‘Send.’

It’s a simple matter to take your hands off the keyboard before you hit ‘send.’ Most lawyers acknowledge that they move too fast when they are working. We think we’re multitasking and we’re more efficient because we’re doing that, but the experts tell us that isn’t true. What we are doing is shooting short bursts of attention here and then there, which makes us much more likely to make an error. When we ask audiences who has ever sent an email to the wrong person or sent the wrong attachment or forgotten the attachment entirely, almost every hand in the room goes up.

If they take their hands off the keyboard and review who the email is going to, that’s the first step. Auto-complete is not your friend. Important communications are often misdirected. If there is an attachment, make sure that the attachment to the email is the correct attachment. Even more fundamental, make sure you remember to attach the attachment!

4. Train your employees about the dangers of Business Email Compromises (BEC).

Ransomware is the No. 1 enemy, but BEC is No. 2 — and it nets more money. In BEC attacks, the cybercriminal is trying to get the victim to wire money, send employees’ W-2 information or procure gift cards, etc. Huge sums of money have been wired to the wrong place because of BEC attacks.
If your email account is compromised and someone has full access to your content, now they’ve got all the information about your contacts and they’ve got all your emails. They know what vendors you’ve been working with. They know who your clients are and what cases you’re working on. Teach employees to be hypervigilant about wire transfers — and to confirm any changes in instructions by calling a known good phone number for the person the email purports to come from. This can save a world of angst.

5. Teach employees about social engineering.

Social engineering can take many forms. Examples are great and drive the point home. For instance, there is phishing by phone, sometimes known as vishing with a V because it is voice phishing. The bad actors are generally trying to get information. They’re going to ask who pays the bills or wires its funds on behalf of a law firm. You’d be surprised how many people answer those questions. They may ask who the managing partner is or the CEO or CFO, looking for anyone who gives authorization for payments or wiring funds. Those are the people they want to pretend to be through compromising or spoofing their email — even by using deepfake audio. There are an increasing number of those cases.

They might even call to ask who your IT managed service provider is because then they can call pretending to be that provider. They will perhaps research some names there, perhaps through LinkedIn, which is a big help to the bad guys, however inadvertently. Your employees are much more likely to give their law firm credentials to someone pretending to be from your IT provider perhaps pretending to be in the middle of fend ing off an attack and needing an employee’s ID and password right away. Giving your employees real-life examples and teaching them to be suspicious is a good thing for the security of your data.

6. Pay attention to work-from-home security.

Many law firm employees are working partly from home. They use consumer-grade equipment and they’re not up to date with patches on their home machines. They’re using consumer-grade routers. Surveys show that only 35% of users change the default router password on their home networks. Cyber criminals know this and...
exploit the vulnerabilities. They know that people are using RDP (Remote Desktop Protocol) for remote access. They’re also using VPNS (Virtual Private Networks). Those are what cybercriminals attack. Train employees on how to secure themselves at home — better yet, give them a workissued laptop and make that laptop part of your firm’s network security. And, don’t let family members use any equipment you (or your employees) use to access client data.

Make sure those working from home apply patches quickly. Cybercriminals watch for notices of newly discovered vulnerabilities. They know that employees don’t tend to patch promptly.

7. Stop sharing and reusing credentials!

Sharing your law firm ID and password is just plain stupid, but more than 50% of people do it. Often, partners share their credentials with paralegals or secretaries who monitor emails. There seem to be a million reasons why people share their credentials but none of them make any darn sense. Sharing credentials creates an enormous security threat.

Reusing passwords is as incredibly common as it is incredibly stupid. Once a bad guy/gal has your password from one place, the databases of known compromised passwords makes it easy for the cyber criminals to try that password in as many places as they want. We always stress that the law firm ID and password should be regarded as particularly sacred and never be reused anywhere.

8. Stress the urgency of using two-factor authentication.

You’ve probably heard the term two-factor authentication or 2FA, sometimes referred to as multi-factor authentication (MFA). More and more vendors are forcing you to turn on MFA. Our message is always to configure MFA. Use MFA everywhere that it’s available. Studies have shown that having multi-factor authentication enabled will stop 99.9% of credential-based account takeovers. Microsoft’s own studies have proven that. Microsoft believes that MFA is so important that it’s now included free with all their subscriptions. You don’t have to pay for it, but it’s not turned on and configured. Some employees don’t like the inconvenience of 2FA, but in today’s world, they have to be persuaded to get over it. Security comes first.
9. Teach employees about drive-by infections, baiting, piggybacking and tailgating.

Drive-by infections are where you visit a website that automatically downloads malware invisibly while you are on the site. The lesson there for employees is not to go to places you don’t know. Name brands are much more reliable. They don’t have that stuff on their sites.

Talk about baiting, where flash drives are left on airplanes, public park benches or conferences. The employee picks up a flash drive, curious about what’s on it or maybe wanting to return it to its owner and bada bing — they inadvertently download a malicious payload when they stick the drive in a law firm laptop.

Physical security is important. Piggybacking is when someone strikes up a conversation with you as you enter the building or office with a ProxCard key, keypad or whatever form of entry you use. They seem to have the authority to be with you so they get in. Related is tailgating, where someone, as an example, pretends to be talking on their phone until you have opened the door successfully and then they pretend to hang up their call and they grab the open door. Not liking confrontation, we tend to let them in with us. Teach employees to be suspicious!

10. Teach current employees about alluring cyberattacks, particularly those that involve phishing.

Cybercriminals are clever — they know what will attract people. A subject line may talk about vaccines, expiring passwords, changes in vacation policies and all manner of other things that folks are likely to click on.

Many emails reference shared files with links in the email (and they may pretend to come from another law firm or a client). Spoofing emails is simple — and of course email accounts also get compromised so bad guys may have in-depth info to use when they “bait the hook” when they go phishing.

Who won’t click on a link in a message purported to be about a delivery, whether Amazon, UPS or FedEx? One of the surveys we saw indicated that in Q4 of 2020, the five most successful phishing subject lines were “password check required immediately,” “touch base on meeting next week,” “vacation policy update,” “remote work policy
Sharon D. Nelson is a practicing attorney and the president of Sensei Enterprises. She is a past president of the Virginia State Bar, the Fairfax Bar Association and the Fairfax Law Foundation. She is a co-author of 18 books published by the ABA. John W. Simek is vice president of Sensei Enterprises. He is a Certified Information Systems Security Professional, Certified Ethical Hacker and a nationally known expert in the area of digital forensics. He and Sharon provide legal technology, cybersecurity and digital forensics services from their Fairfax, Virginia, firm.

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Be an Author

The Bulletin is always on the lookout for quality manuscripts for publication on these pages.

We publish articles on a wide variety of subjects and favor such topics as access to justice, legal funding, judicial independence, diversity in the profession, professionalism and future trends. We also publish columns on ethics, practice tips (in specific areas of law), law practice management and legal history, as well as essays on law and life.

The editorial staff welcomes inquiries and is happy to discuss requirements for publication. If you have a manuscript, suggestion or idea, contact editor Michael Austin at (503) 431-6340. He can also be reached by email at editor@osbar.org.
Live Webcasts

January 28
Medicaid Boot Camp
ELD22

Session 1:
A Client Walks into Your Office, Then What?
— Consultation Phase
9 a.m.-12:15 p.m.
3 practical skills credits

Session 2:
Medicaid Application Workshop
1 p.m.-3:45 p.m.
2.5 practical skills credits

March 2
Ethical Considerations in Mediation
ADR21-5
Noon-1:30 p.m.
1.5 Ethics credits

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Doshi Named OSB General Counsel

The Oregon State Bar is pleased to announce Ankur Doshi has been named general counsel. Doshi previously worked as deputy general counsel for employment law and labor relations at TriMet. Other experience includes: litigation corporate counsel for R.B. Pamplin Corp.; a senior investigator for Oregon Bureau of Labor and Industries (BOLI); an associate at a New York law firm; and an appellate court attorney for the New York State Supreme Court Appellate Division.

Doshi has been an active OSB volunteer. He has served as chair of the State Professional Responsibility Board (SPRB) and the Legal Ethics Committee, as well as being a member of the disciplinary board and the House of Delegates. Additional volunteer experience includes serving on the Oregon Citizens Utility Board of Governors and on the City of Happy Valley Diversity, Equity and Inclusion Task Force.

He earned his bachelor’s degree in political communications at George Washington University and his J.D. from Cornell Law School.

Don’t Forget to Submit IOLTA Reporting Form

The IOLTA Program (Interest On Lawyers Trust Accounts) began on a voluntary basis in 1983. In 1988, Oregon State Bar members voted to make the IOLTA program mandatory, and the Oregon Supreme Court approved the necessary rule changes effective May 1, 1989.

All active members of the Oregon State Bar must submit an IOLTA Reporting Form before the end of January. This includes all active members who reside in other states and active members who do not hold client funds. More information and the submission form are available at www.osbar.org/IOLTA.

CLEs to Satisfy Your Introductory Access to Justice Requirement

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**Assistant Disciplinary Counsel – Litigation**

Through Bias and Barriers: Exploring Access to Justice in the Legal Profession” and “The ABCs of Oregon Legal Services: Accessibility, Barriers, and Challenges.”

**“Learning The Ropes” CLE Program Now Available on PLF Website**

If you missed the Professional Liability Fund’s “Learning the Ropes” live program this year, it is now available at [osbplf.org](http://osbplf.org). Sponsored by the PLF for new admittees to the Oregon State Bar and lawyers entering private practice in Oregon, this annual practical skills CLE was presented as a hybrid conference in 2021 with the entire program live and in person with a virtual option through Zoom. All the sessions were recorded, and viewing the full program will satisfy all the MCLE requirements for new admittees’ first reporting period. To view the program, visit [osbplf.org](http://osbplf.org) and then click on CLEs & Resources and CLEs.

**PLF Payment Deadlines for 2022**

Note the following 2022 deadlines concerning payment of Professional Liability Fund annual assessments:

- **February 11, 2022**
  If payment is not received by this date, payment by installment will no longer be an option.

- **February 14, 2022**
  If payment has not been received or an exemption requested by February 11, 2022, a second $100 late fee will be charged on this date. If an exemption is then requested, the late fee will be waived.

- **March 14, 2022**
  This is the last date to pay the assessment or request an exemption to avoid suspension by the Oregon State Bar.

- **March 15, 2022**
  If payment has not been received or an exemption requested, the member will be suspended by the Oregon State Bar on this date.

To pay your annual assessment, go to [osbplf.org](http://osbplf.org) and click “Pay Assessment” or “File Exemption” on the home page. If you have questions about paying your assessment or filing a request for exemption, contact the PLF Accounting Department at (503) 924-1771, or email remind@osbplf.org.

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but he never paid it. The court found that clients he would refund $1,640 as unearned, or respond to the clients’ requests for up-$2,000 advance fee, but failed to take action reduction of fee schedule, Long collected a classification. Disregarding the program’s agreed through the bar’s Modest Means Program violation of RPC 1.3, and failed to commu- tion. The court found Long’s explanation — that he delivered all the withdrawn funds to his client or to others at her direction — not credible. Long’s conversion of client funds violated RPC 8.4(a)(3) (dishonesty), RPC 8.1(a)(2) (committing a criminal act: first degree theft) and RPCs 1.15-1(a) and (d) (failures to hold client funds in trust and to deliver funds).

Finally, the court found that Long knowingly failed to respond to the bar’s inquiries in its investigations of his conduct, resulting in 11 violations of RPC 8.1(a)(2).

In determining that Long should be disbursed, the court noted that his misconduct caused extensive injuries to his clients, many of whom had limited financial means. The two mitigating factors (no prior discipline, and personal or emotional problems), were outweighed by the aggravating factors: dishonest and selfish motive; pattern of misconduct and multiple offenses; bad faith obstruction of the disciplinary proceeding; vulnerability of his victims; indifference to making restitution; illegal conduct; and refusal to acknowledge the wrongful nature of his misconduct. The court noted that Long “repeatedly put his own interests ahead of his clients, to their financial and emotional detriment. And his failure to accept responsibility for any of his conduct is, to put it bluntly, incredible.” Long’s deflection of responsibility for his actions and the harm he caused to his clients, and insistence instead that he was a victim, demonstrated his “unfitness to represent future clients.”

In one case, the clients contacted Long through the bar’s Modest Means Program to pursue an urgent parenting plan modification. Disregarding the program’s agreed reduced-fee schedule, Long collected a $2,000 advance fee, but failed to take action or respond to the clients’ requests for updates. After termination, Long assured the clients he would refund $1,640 as unearned, but he never paid it. The court found that Long violated RPC 1.4(a) and (b), RPC 1.5(a) and RPC 1.16(d).

In another case, Long represented a client in a dispute with her HOA. The HOA’s lawyer sent Long a $31,689 check payable to the client; Long deposited the check into his trust account and notified his client that he would deduct $640 for outstanding fees. She directed Long to hold the remaining funds in trust until she found a house to purchase, but over the next four months, he withdrew the entire balance for his own use, through transfers to his personal account or cash withdraw- als. The court found Long’s explanation — that he delivered all the withdrawn funds to his client or to others at her direction — not credible. Long’s conversion of client funds violated RPC 8.4(a)(3) (dishonesty), RPC 8.1(a)(2) (committing a criminal act: first degree theft) and RPCs 1.15-1(a) and (d) (failures to hold client funds in trust and to deliver funds).

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In re Long, 368 Or 452, 491 P3d 783 (2021).

Long took advance fees from multiple clients but failed to perform the work or to refund the advance fees when the clients terminated the representation. This pattern of conduct resulted in five violations of RPCs 1.15-1(a), (c) or (d) relating to handling client property, and six violations of RPC 1.16(d), requiring the refund of unearned advance fees upon termination of representation. The court found that he charged an illegal fee when he collected $9,300 from a workers’ compensation claimant without approval of the workers compensation board, and that he collected advance fees for services he did not perform from five other clients resulting in six viola- tions of RPC 1.5(a) (collecting an illegal or clearly excessive fee). The court also found that Long neglected two client matters in violation of RPC 1.3, and failed to communicate with his clients in six other matters in violation of RPCs 1.4(a) and (b).

In one case, the clients contacted Long through the bar’s Modest Means Program to pursue an urgent parenting plan modification. Disregarding the program’s agreed reduced-fee schedule, Long collected a $2,000 advance fee, but failed to take action or respond to the clients’ requests for updates. After termination, Long assured the clients he would refund $1,640 as unearned, but he never paid it. The court found that

**VICKI R. VERNON**
OSB #891338
Hillsboro
180-day suspension

**WILLIAM CHIKA IGBOKWE**
OSB #182334
Portland
10-month suspension

Effective Nov. 24, 2021, the Oregon Supreme Court approved a stipulation for discipline and suspended Portland lawyer William Chika Igbokwe for 10 months for violating RPC 1.16(c) (failure to comply with the applicable law requiring notice to or permission of a tribunal when terminating
representation); RPC 1.16(d) (upon termination of representation, failure to take steps to the extent reasonably practicable to protect client’s interests); RPC 3.3(a)(1) (knowingly making false statement of fact to a tribunal); RPC 8.4(a)(2) (committing a criminal act that reflects adversely on the lawyer’s honesty, trustworthiness or fitness as a lawyer in other respects); and RPC 8.4(a)(3) (engaging in conduct involving dishonesty, fraud, deceit or misrepresentation that reflects adversely on the lawyer’s fitness to practice law).

Igbokwe represented a petitioner in a contested Family Abuse Prevention Act (FAPA) restraining order matter after the court continued the matter. Igbokwe appeared at the hearing and requested the court again set over the matter to allow him to review the previously admitted evidence. Igbokwe knowingly and falsely represented to the court that he had only been retained by the petitioner a week and a half prior.

At the next hearing, the FAPA respondent did not appear and the court upheld the restraining order. Igbokwe returned to his office and falsely reported to his supervisor that the FAPA hearing had been contested, that he had cross-examined the FAPA respondent, and made a closing argument. Another hearing was set in the FAPA matter and Igbokwe refused to appear, advising his client that he no longer represented her. Igbokwe did not file a motion to withdraw or otherwise notify the court of his withdrawal, took no action to help his client secure new counsel and did not appear at the hearing.

In a separate matter, Igbokwe sent a demand letter to a business entity demanding payment of money and damages in a personal matter. Igbokwe sent the email from his employer-provided email address and he assumed the identity of the Oregon Department of Justice with the intent to obtain a personal benefit.

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In a separate matter, Igbokwe sent a demand letter to a business entity demanding payment of money and damages in a personal matter. Igbokwe sent the email from his employer-provided email address and he assumed the identity of the Oregon Department of Justice with the intent to obtain a personal benefit.

Igbokwe admitted he failed to comply with the applicable law requiring notice to or permission of a tribunal when terminating a representation, failed upon termination to take steps to the extent reasonably practicable to protect his client’s interests, knowingly made false statements of fact to a tribunal, committed a criminal act reflecting adversely on his honesty, trustworthiness or fitness to practice when he impersonated an agent of the Oregon Department of Justice, and that he engaged in conduct involving dishonesty, fraud, deceit or misrepresentation that reflects adversely on his fitness to practice law.

The stipulation recited a dishonest or selfish motive, a pattern of misconduct, multiple offenses and vulnerability of victim as aggravating factors, but recognized absence of a prior record of discipline, personal or emotional problems, full and free disclosure to disciplinary board or cooperative attitude toward proceedings, inexperience in the practice of law, the imposition of other penalties or sanctions and remorse as mitigating factors.

WALTER J. LEDESMA
OSB #923687
Portland
30-day suspension

Effective Dec. 25, 2021, the disciplinary board suspended Portland lawyer Walter J. Ledesma for 30 days for violating RPC 1.15-1(d) (failure to promptly return client property) and RPC 1.16(d) (failure to return unearned fees upon termination of representation).

Ledesma represented a client in a tort claim against an unknown actor who assaulted the client. Ledesma collected $400 from his client for anticipated costs for conducting a pre-filing deposition to ascertain the identity of his client’s assailant. Ledesma deposited the funds into his lawyer trust account. Ledesma never deposed anyone and withdrew from representing his client 15 days before the statute of limitations expired on the client’s tort claim. At the time of his withdrawal, Ledesma continued to hold the client’s $400 in his lawyer trust account and did not return the client’s funds until more than a year later.

The trial panel found that Ledesma failed to promptly return client property and unearned fees upon termination of representation.

The trial panel recognized a pattern of misconduct and substantial experience in the practice of law as aggravating factors and the absence of a dishonest or selfish motive, personal or emotional problems, and character or reputation as mitigating factors.

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The little house at the lake.
Thirty years in the military.
A warm welcome. A hot meal.

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Among Ourselves

Stoel Rives partner Wendy Goffe has been elected by the National Association of Estate Planners & Councils (NAEPC) to its Estate Planning Hall of Fame and awarded the organization’s Accredited Estate Planner (Distinguished) designation for 2021. Portland-based Goffe is one of only nine estate planning professionals to be inducted to NAEPC’s Hall of Fame and to receive its prestigious annual award in 2021. The Accredited Estate Planner (Distinguished) designation recognizes an individual’s lifetime achievement and outstanding contributions to the practice and profession of estate planning within the professional disciplines of academia, accounting, insurance and financial planning, law, philanthropy, and trust services. Goffe has over 25 years of experience counseling clients on estate planning issues.

Stoel Rives partner Jeff Cronn has been elected to the governing board of Albertina Kerr, a nonprofit organization headquartered in Portland since 1907 that provides essential support services for people with intellectual and developmental disabilities and mental health challenges. Cronn has served as chair or co-chair of Tonkon Torp’s business department since 2008. He is also an active member of its mergers and acquisitions, and shareholder disputes and governance practice groups. His legal practice emphasizes merger and acquisition transactions, shareholder transactions and disputes, and a range of corporate and business matters.

Portland attorney Keith Rogers has been recognized with the Ken Morrow Lifetime Achievement Award by the Oregon Criminal Defense Lawyers Association (OCDLA). He is the 18th recipient of the organization’s most prestigious award. The Ken Morrow Lifetime Achievement Award was created by the OCDLA in 2000 to recognize the lifelong commitment and significant achievements of attorneys who have worked in the defense community and those who have made important contributions to the administration of justice.

Sean Ray has joined the governing board of Ronald McDonald House Charities of Oregon & SW Washington. Ray has served on the Young Professionals’ Friends of the House Board since 2015. Ronald McDonald House Charities provides housing, meals and other amenities of home to families traveling for pediatric medical care.

Moves

Stoel Rives has announced the election of four new partners to the firm’s Portland office. Will Goodling is a corporate attorney with a practice that focuses on mergers and acquisitions (M&A). He represents companies of all sizes in M&A transactions, including growth companies, middle-market companies, private equity funds and publicly traded companies, and he has M&A experience in consumer products, industrial manufacturing, professional services, technology and transportation. Goodling also advises clients on equity financings, securities law matters and certain antitrust matters such as joint ventures and HSR Act filings. Laura Kerr is an environment, land use and natural resources attorney. She is experienced in counseling clients on compliance, enforcement, permitting and cleanup matters arising under federal and state laws governing air and water quality, waste management, land contamination and other environmental liabilities. Kerr is currently a member of the executive committee of the Oregon State Bar Environmental & Natural Resources Section, serves on the steering committee for the Northwest Environmental Business Council’s Cascade Chapter and maintains an active pro bono practice. Mario Nicholas is a member of the firm’s construction and design practice group. He has extensive experience negotiating construction and design agreements and litigating complex construction disputes. He represents owners, developers, contractors, subcontractors, architects and homeowners in contract negotiations and disputes regarding large-scale public and commercial projects and residential projects. He is a member of Associated General Contractors, Oregon-Columbia Chapter, a committee member of nonprofit LEAP Wilderness Programs and a board member of his local Portland Neighborhood Association. Erica Valli is a corporate attorney with extensive transactional experience and a practice focus on the energy sector. She represents clients on complex debt financing transactions, including leveraged acquisition financings, syndicated credit facilities, private placements, asset-backed financings and project financing. She also represents sponsors, developers and investors in the acquisition and sale of operating and development-stage renewable energy projects.
She is a board member of the Renewable Energy Scholarship Foundation, where she serves as secretary and treasurer.

Jim Francesconi, vice president of government and public affairs for Moda Health, has been accepted as a 2022 fellow with Harvard’s Advanced Leadership Institute. He and his wife, Shelley, will be living in Cambridge, Massachusetts, from January to May and September to December. His emphasis and community impact project will focus on homelessness with study primarily at Harvard’s Chan School of Public Health and the Kennedy School. Francesconi will remain a vice president at Moda Health.

Hart Wagner has welcomed two new associates. Christian Jahn’s practice focuses on defending hospitals, medical clinics and healthcare professionals in state and federal courts, and assisting medical professionals in licensing board matters and other administrative proceedings. Sara Ward’s practice focuses on employment litigation and medical malpractice defense.

Lane Powell recently hired two attorneys in its Portland office. Allison Jacobsen has joined as counsel to the firm on the labor, employment and benefits, corporate, securities and M&A, and ERISA, life, health and disability teams. Jacobsen advises governmental, for-profit and non-profit employers on a broad range of employee benefits and executive compensation. Her practice also focuses on mergers and acquisitions, as well as outside general counsel services. Jacobsen provides counsel to employers and business owners on all aspects of employee benefits, including defined contribution and defined benefit retirement plans, employer-sponsored health, welfare and fringe benefit plans, in addition to all other types of compensation and benefit arrangements. Diego Gutiérrez has joined the firm as an associate on the corporate, securities and M&A team. Gutiérrez advises clients on a range of corporate and transactional matters, including corporate governance, debt and equity financings, and mergers and acquisitions. He also has experience representing clients in the U.S. Tax Court and before the IRS in requests for innocent spouse relief, appeals, audits, collection matters and ITIN applications. He is founder and board member of UndocuLaw Northwest and vice president of Dream for Tomorrow.

Cassandra Snelling has joined Richardson Wright. Snelling will focus her litigation practice on plaintiffs’ construction defect litigation, construction products liability and insurance coverage.

Marika E. Sitz has joined Jordan Ramis as an associate on the environmental and natural resources team in the firm’s Bend office. With an emphasis on water law, Sitz helps clients tackle water rights issues, navigate the Oregon water rights system and understand water-related environmental concerns at the state and federal levels.

Drew Anderson has joined the Gilroy Napoli Short Law Group. He previously worked as a Marion County deputy district attorney and deputy district attorney for Coos County. He will practice criminal defense law out of the firm’s Portland and Salem offices.

David Rocker has joined Black Helter-line as an of counsel attorney. Rocker has more than 25 years of experience litigating cases and providing counseling for clients ranging from small local businesses to some of the world’s largest corporations. He has tried dozens of cases in state and federal court and has arbitrated, mediated and successfully settled hundreds of others. He handles matters ranging from wrongful death litigation to business-divorce cases to the launch of new consumer products.

Lori DeDobbelaere joined Kilmer, Voorhees & Laurick in October. She has 27 years of practice in the complex litigation arena. DeDobbelaere has handled a large variety of cases including premises liability, sex abuse, business disputes, landlord tenant, wrongful death, dog bites (and other animal-related matters), RICO, pesticide overspray, defamation, motor vehicle accidents, mold exposure, asbestos, HOA matters and construction defects. She serves as an arbitrator and is on the panel for the Arbitration Services of Portland.

Tonkon Torp has elected four attorneys to its partnership effective Jan. 1, 2022. Adam Adkin joined the firm’s business department in 2017. His practice focuses on guiding business owners and managers through business transitions with an emphasis on mergers and acquisitions, and corporate finance. Karen Hobson joined Tonkon Torp in 2020. As a member of the firm’s estate planning practice group, she advises individuals and high-net-worth families in estate planning and administration. She also assists clients with tax planning, business transactions and succession.
In Memoriam

Lifelong Oregonian Steve Kantor passed away on Nov. 14, 2021, after complications associated with prostate cancer.

Kantor was born on May 22, 1949, to Albert and Rita Kantor in Portland. He grew up in the Eastmoreland neighborhood, along with older sisters Anita and Laura. When he was 12 years old, the family moved to the west side, and he was later voted Friendliest Man in the 1967 graduating class of Sunset High School. Kantor went on to the University of Oregon where he met fellow student and love of his life, Elaine Londer. Upon graduation, Kantor and Londer married at Congregation Beth Israel in Portland, and he immediately began attending law school at Lewis & Clark. After earning his law degree in 1974, Kantor later earned his CPA designation while working in public accounting. He passed the Oregon State Bar exam in 1977. Kantor joined the law firm that was then called Samuels Samuels and Yoelin. A few name changes later, the firm became what it is today — Samuels Yoelin Kantor.

Kantor was a founding member and chair over the years. He served on the boards of the Estate Planning and Administration Section of the Oregon State Bar, OSB Joint CPA Committee and was a member of several OSB standing committees. Kantor was the recipient of an OSB President’s Award and an OSCPA Speaker of the Year Award.

Kantor was a founding member and past president of the Oregon Jewish Community Foundation, one of his proudest accomplishments. He was past president of Jewish Family & Child Service and served as president of Ronald McDonald House Charities of Oregon & SW Washington, earning its Hall of Fame Award. He served on the board of trustees for B’nai B’rith Men’s Camp Association, the Jewish Federation of Greater Portland, Mittleman Jewish Community Center, the Nature Conservancy and Play it Forward. He also served on committees for Congregation Beth Israel, Robison Jewish Home, University of Oregon Foundation, and the Fred Hutchinson Cancer Research Institute.

Kantor lived life with fierce enthusiasm, somehow never slowing down but also stopping to smell the roses. He found particular joy on the golf course with his friends, traveling the world with Elaine and his siblings, and cooking a meal for anyone who crossed his path. But nothing made him smile quite as much as spending time with his family in Manzanita and the sound of his grandchildren’s laughter. Everyone who met Steve knows that he could always make you laugh.

Kantor leaves behind his wife of almost 50 years, Elaine, his daughters Ali (Ian) Kestel, Lindsay (Joel) Krivosha, grandchildren Eddie and Abby Krivosha and Abel Kestel, sisters Anita (Alan) Ruderman, Laura (Irv) Karl, cousins, nieces, nephews, and countless friends that he considered family. Donations in Kantor’s memory can be made to B’nai B’rith Camp (bbcamp.org).

Retired Portland lawyer Joe Dempsey Bailey died of the effects of cerebral vascular disease on Oct. 8, 2021, at the age of 78. At the time of his death, he had been living for almost three years at Cornell Fieldstone Landing, an assisted living facility. Although he could get around with a wheelchair when he entered the facility, by the time he passed away he had not been able to move or speak for about six months. His brain was in there, though. He was alert and smiled, and was said to still have his twinkle in the eye.

A graduate of Harvard in English (1965) and the Harvard Law School (1968), Bailey grew up in the small town of Mexico, Missouri, where his father was a teacher and coach at a private military academy. His mother loved caring for her family more than anything else, and Bailey inherited a creative streak from her.

While at Harvard, Bailey married his high school sweetheart, Caroline Swatek, with whom he had two sons, Tim and Bill.
After graduating from law school, he followed his younger sister, Carol, to Oregon, where he clerked for Justices Hall Lusk and Ralph Holman on the Oregon Supreme Court.

After clerking, Bailey joined Schwenn, Bradley & Batchelor in Hillsboro because it gave him a chance to try cases. This seemed odd, as most people would describe him as reserved or shy. It seems trying cases gave him an opportunity to shed that persona.

Bailey left Schwenn Bradley after becoming a partner to join Gearin, Landis & Aebi in 1977. Jeff Batchelor, a partner at the Gearin firm, introduced Joe to his second wife, Chris Helmer. After the Gearin firm ceased to exist, Bailey continued to practice with Dave Landis (including as a part of the Wood Tatum firm) until he retired at 56 in 1999. Bailey said he quit practice because no one was trying cases anymore. One of the trials he is most known for was his successful defense of Moe Tonkon of Tonkon Torp in a malpractice case.

Bailey disliked bullies, braggarts and poor grammar. He valued short sentences and was modest to a fault. He was a formidable Scrabble player and loved good conversation on controversial topics. Bailey also preferred reading, which he did even when standing in line, taking photographs, watching his boys’ sporting events, taking roads to nowhere in the woods and gardening.

Bailey also liked to occasionally flout standards. He enjoyed driving his chugging old mint green Dodge truck, which he used to gather river rocks, into Portland’s West Hills. His sons remember how he would always drop whatever he was doing to listen, help solve a problem or throw a football. He was also a cookbook aficionado with a penchant for collecting and keeping sauces long past their date(s) of expiration.

Bailey is survived by his wife of 42 years, Chris Helmer, his sons, Tim Bailey and Bill Bailey, his former wife, Caroline (Swatek) Crumpacker, and his sisters, Carol Black and Betsy Sparks. His younger brother, Tim, predeceased him.

The Oregon State Bar, died on Oct. 4, 2021, in Happy Valley. He was 88.

In a career spanning six decades, Neil represented prisoners sentenced to death, fought for racial justice in Mississippi, argued a landmark Supreme Court case, served as OSB president (1976-77), taught Admiralty for 40 years, and acted as a mentor and model to dozens of young lawyers. In his spare time, he climbed mountains and refereed high school basketball games.

Neil was born in Boise, Idaho, on Oct. 1, 1933. His father, Carl, was a commercial truck driver, and his mother, Ellen, a church secretary. As a boy, Neil loved the outdoors, ultimately becoming an Eagle Scout. At the urging of a favorite high school teacher, he applied to Yale, which awarded him a full scholarship; he graduated magna cum laude and Phi Beta Kappa in 1955. After graduating with high honors from Columbia Law School in 1958, Neil returned to the West and clerked for Oregon Supreme Court Justice Hall Lusk.

In the fall of 1959, Neil joined Krause, Lindsay, and Kennedy as its sixth lawyer, beginning an association of over five decades with the firm that in later years, as Lindsay, Hart, Neil & Weigler, bore his name. In short order, he became one of Oregon’s leading civil litigators, especially in maritime and complex commercial matters, and, later, was a nationally prominent arbitrator.

But that was merely “what paid the bills.” Throughout, the heart and soul of Neil’s life as a lawyer were his pro bono involvement and his teaching. In the early 1960s, Neil undertook the post-conviction representation of death row inmates, including Jeannace Freeman, the first Oregon woman sentenced to death (her sentence was commuted after Oregon voters repealed capital punishment in 1964). In early 1966, Neil headed to Mississippi, where he initiated section 1983 actions on behalf of civil rights protestors who had been unlawfully held at the infamous Parchman state penitentiary. In 1972, he argued Lloyd Corp. v. Tanner, 407 U.S. 554, seeking unsuccessfully to validate the public access rights of anti-war protestors distributing leaflets at the Lloyd Center.

Those were only the most dramatic episodes. The bedrock of Neil’s pro bono commitment was more than a half-century of leading by daily example, participating in initiatives like the Volunteer Lawyers Project and the Senior Law Project, and inspiring
others to do the same. For that, he was twice honored, in 1986 and 1998, with the Oregon ACLU’s E.B. McNaughton award — one of only two people ever twice so honored — and received the Multnomah Bar Association’s Professionalism Award in 2007.

Still, Neil’s most lasting legacy, beyond his family, remains those he taught and mentored. Former OSB governor, Chris Helmer, who took his Admiralty course at Lewis & Clark in 1973, fondly remembers that Neil “so obviously loved to teach . . . he just was having the best time” and that he was warmly supportive of his former students’ careers. Neil, though sometimes gruff, cared deeply about young lawyers. To those who knew him best, he will always be the beloved “Cowardly Lion,” whose roar was belied by his great, courageous and kind heart.

Neil is survived by his wife, Marleen, his children Martha, Andrea, Ellen, John, Claudette and Annette, 12 grandchildren, and a sister.

Additional Notices
Dale E. Helikson
100, Oakridge, May 12, 2021
Ann Bartsch
70, Portland, June 11, 2021
Lee Alyn Omlid
74, Florence, Aug. 7, 2021
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HILLSBORO – 2 elegant office suites 1 block from courthouse. $800/ea. Utilities included with first month free. For pics/info contact John Elliott: (971) 404-6631 or JMEDrum@Earthlink.net.

HILLSBORO DOWNTOWN OFFICE SPACE one block to courthouse, free reserved parking. Single private of- fices on month to month or longer. $325 per month. Larger suites also available. New Comcast high speed internet available! Call Jay Weil (503) 924-5772, or email jayweil@aoa.com.

LAKE OSWEGO KRUSE WAY – Class A Office Building, 4248 Gale- wood Street, Lake Oswego, OR 97035. Primarily Attorneys. Partner- sized, windowed offices. Receptionist, Phones, High Speed Internet, Conference Rooms available or in- cluded. Free parking. Office lease prices range from $600 to $1400 per month. Phone numbers or port numbers available. Call for informa- tion. John (503) 675-4343.

LARGE PRIVATE OFFICES WITH LAWYERS IN BEAUTIFULLY RESTORED HISTORIC BLDG Four blocks to Multnomah/Federal court- houses. Large Italianate windows; air-conditioned; new décor; elevator with video security system; share conference room, lunch room/kitch- en, receptionist; Shower room, bike rack. $300 to $1100. (503) 927-3347.

OFFICE AVAILABLE IN THE BUTCHER & SMITH LAW FIRM SUITES – 520 SW Yamhill St., across from Pioneer Square. Telephone services, copiers, scanners, showers, bike rack, large windows, security and front desk person available to greet clients. First month free. In- quiries to Elizabeth at (503) 972-7380.

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

OFFICE SPACE – FREE RENT FOR TWO MONTHS - JOHN’S LAND- ING – We are an Estate Planning and Elder Law firm looking for com- plimentary practices to share office space on the third floor of the River Park Plaza Building in John’s Land- ing with other sole practitioners and a small law firm. Current tenants include Estate Planners, Family Law, Elder Law, Tax Preparers and Invest- ment Advisors. This is Class A space in a building that was built in 2003. Rent includes high speed Internet, phones, reception, voicemail, meet- ing rooms, kitchen and parking! We have three offices available between $350-$800 each. We are looking for a one-year commitment. Please con- tact Bob Cronk at (503) 245-0894 or bob@naylaw.com.

PEARL DISTRICT OFFICE for rent or sale. Approx 700 sq ft, professionally designed offices with class, style and functionality. (503) 756-1213.

TWO LARGE ($1,100), ONE SMALL ($850) OFFICE AVAILABLE in Class A building on Meadows Rd in Lake Oswego. Lots of natural light. Con- venient to I-5. Free parking, conference room, wi-fi included. Call (503) 607-0517.

WEST LINC OFFICE – 2875 Marylhurst Dr. 2 offices available one for $700 and the other for $1,200 in historic, super quaint building with great parking. Share office space with three other experienced lawyers who specialize in estate planning, probate and trust administration. Space also available for your secretary. Contact Richard Noble at (503) 635-6235. See our website for more info: www. oregonlegalcenter.com.

WEST LINC OFFICE IN HISTORIC WILLAMETTE – Beautiful 1897 Vic- torian home converted to offices, 1785 Willamette Falls Drive. Avail- able January 1, 2022, upstairs, approx. 12’x13’ (156 sq. ft.) with built-in closet/storage; good on-street parking out front. Building has cen- tral A/C and large front porch with wicker furniture. Wi-Fi and data cable available. $595.00/mo. Ability to re- serve conference room for additional $200/mo. Call or text Dean (503) 310-8089.

POSITIONS AVAILABLE

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


BEND OR PORTLAND LOCATION – BUSINESS ASSOCIATE – The thriving Bend and Portland law firm of Lynch Murphy McLane is seeking a business and real estate associate attorney with 1-5 years of experience to join our growing firm. Headquar- tered in Bend with a suburban Port- land/Lake Oswego office. Position available in our Bend or Portland location. Competitive salary, ben- efits, and bonus structure. To apply, please submit your resume and short cover letter to Kaci Price at kprice@lynchmurphy.com.

BEND OR PORTLAND LOCATION – LITIGATION ASSOCIATE The thriving Bend and Portland law firm of Lynch Murphy McLane is seeking a litigation associate attorney with 1-5 years of experience to join our growing firm. Headquar- tered in Bend with a suburban Port- land/Lake Oswego office. Position available in our Bend or Portland location. Competitive salary, ben- efits, and bonus structure. To apply, please submit your resume and short cover letter to Kaci Price at kprice@lynchmurphy.com.

CHOCK BARHOURN IS AN EXPAND- ING LITIGATION/INSURANCE DEFENSE LAW firm that handles state and federal cases in Or- egon, Washington and Idaho. We are looking for the right fit for our cur- rent dynamic team of attorneys, who will thrive working in a relaxed, infor- mal office environment while engag- ing in challenging and varied work within a fast-paced setting. Our team values a work-life balance, while still available at http://www.osbar.org/osbcenter/ openings.html for job details. Equal Opportunity Employer.
providing the top-quality legal services our clients have come to expect from our attorneys. To be considered for this position, candidates must be current members of the Oregon and/or Washington State Bar with 3 to 8 years of experience in insurance defense or civil litigation matters. Attorneys who are licensed or eligible to be licensed in Washington and/or Idaho are preferred. Candidates must be professional, an excellent communicator, a team player, detail oriented, skilled in legal writing, and must have the ability to quickly and efficiently analyze legal issues. Associates are responsible for research, document creation, motion practice, case development, a variety of court appearances, depositions and trial preparation. We offer a competitive salary and benefits package. The compensation package will depend upon experience and skills. Remote work is available. Please submit your resume, writing samples and salary expectations to: michele.ortiz@chockbarhoun.com. We are an EOE.

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

CRIMINAL DEFENSE AND JUVENILE ATTORNEY OPPORTUNITY IN CENTRAL OREGON – Well-established defense consortium in Crook and Jefferson Counties, Oregon. $15,800 per month, 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 congenial guidance as needed. Email Resume and Cover Letter to Jennifer F. Kimble at JenniferFKimble@aol.com.

DISTINGUISHED BUSINESS LAW FIRM is seeking an attorney to join our business litigation team. Gleaves Sweaingen 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 Joshua Smith at jsmith@gleaveslaw.com. All inquiries will remain confidential.

ELDER LAW ASSOCIATE ATTORNEY – West Linn elder law and estate planning firm is seeking an associate attorney with at least two years of experience in guardianship/conservatorship proceedings, probate, and estate planning. Experience in planning and administering taxable estates is preferred. The successful candidate will possess excellent writing skills, a strong work ethic, and proficiency with Microsoft Office. S/he will also be eager to join a fast-paced office that prides itself on delivering high quality, efficient service. Competitive salary, benefits, and partnership opportunity. Qualified candidates should submit a cover letter and resume to the office manager at tony@edgelaw.com.

ESTABLISHED BEND FIRM WITH +25 YEARS SPECIALIZING IN ESTATE PLANNING, Trusts, Probate, Elder Law, Tax Planning, Family Mediation and Domestic Relations. Seeking attorney with +5 years’ experience in estate planning, probate, trust administration, guardianships and conservatorships. Unique opportunity to take over extensive portfolio of business for two retiring attorneys. We provide legal advice to clients throughout Central Oregon, including Deschutes, Jefferson, Wasco, Lake and Crook Counties and the cities of Bend, Madras, Redmond, La Pine, Prineville and Sunriver. Ideal candidate is comfortable planning for taxable and non-taxable estates, and administering both large and small estates and trusts. Of-Counsel opportunity with potential for partnership for the right candidate. Prior self-employment, marketing experience, or contributing to management of law practice are a plus. Compensation package includes competitive salary, quarterly and annual bonuses and full benefits. Office overlooks the Deschutes River and within walking distance to trails, concerts, breweries and Bend’s amazing culture! All inquiries are confidential. Please address interest to Oregon State Bar, Attn: Blind Ad O-25 P.O. Box 231953, Tigard, OR 97261, or email: blindness@osbar.org with the blind ad number in the subject line.

EXPERIENCED COLLECTIONS ATTORNEY – OREGON CORPORATION – NAEGELI Deposition & Trial, established for over 40 years, is a national corporate looking to add an experienced Corporate Attorney to our team. We are ranked as one of the 5000 Fastest Growing Companies by Inc. Magazine and one of the 100 fastest-growing companies in Oregon by The Business Journal. Qualified candidates must have 3-5 years of experience in legal collections, a strong work ethic, the ability to work independently as well as with collection team members, and the ability to get results. Candidates must be licensed to practice in Oregon (Washington a plus) and must be a strong communicator. This is an excellent opportunity to work with one of the nation’s most prestigious court firms. Salary range is 70K – 85K per year. Benefits package includes medical insurance, life insurance, disability insurance, outstanding 401k, FASA, paid vacation, paid holidays and a gym membership. If you are looking for a long-term career position, our corporation will be an excellent fit for you! For consideration, please send a cover letter and resume to careers@naegeliusa.com.

EXPERIENCED PERSONAL INJURY ATTORNEY – Are you a personal injury attorney with a drive to make a greater impact? Or an experienced defense attorney who wants to follow their heart? The Johnston Law Firm is seeking an experienced personal injury attorney with a passion for justice and making a difference in the lives of real people. Handle your own cases with Marc, conduct your own focus groups, prepare your cases in our mock court room and collaborate with other exceptional attorneys. You should be experienced handling cases from start to finish, enjoy going to trial and have a dedication to excellence. This is a great position for a motivated and experienced attorney with a strong work ethic, strategic thinking and a desire to make a real impact. Interested candidates should send a resume, cover letter, writing sample and any questions to Marc@johnston-lawfirm.com.

GLEAVES SWEARINGEN LLP is seeking an attorney to join our Trusts and Estates 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 should have meaningful experience with trusts and estates, experience with probate and trust administration is preferred. Please send your cover letter and resume to Joshua Smith at jsmith@gleaveslaw.com. All inquiries will remain confidential.

HAGEN O’CONNELL & HVAL LLP is seeking to hire an experienced Estate/Trust litigation attorney. Position would be as Contract Attorney Of Counsel. Compensation is based on ten hours billed: $200 - $250/hour, 10-20 billable hours per week, may increase. Must be licensed in either Oregon or Washington with a plan to
become licensed in both states. And a California license would be desirable. Attorney would have a contract with the firm. Contact Ramon Vega at (541) 908-0118.

**LITIGATION ATTORNEY** – Hershner Hunter, LLP, the largest full-service business firm in Eugene, has been representing clients throughout the Pacific Northwest and beyond for more than 75 years. Our attorneys specialize in a variety of practice areas and industries, including Business & Corporate Law; Creditors’ Rights & Bankruptcy; Estate Planning & Business Succession; Healthcare; Intellectual Property & Technology; Labor, Employment & Benefits; Litigation; and Real Estate. At the center of our firm is our commitment to our clients, community, and each other. We emphasize an inclusive team approach and pride ourselves on our collegial and collaborative atmosphere. We believe our firm provides the best of both worlds, allowing us to work on complex and high-stakes “big city” matters, while living in the “small city” environment that Eugene provides. Our flexible work model allows for part-time remote work in most circumstances. We are presently seeking an associate attorney to join our litigation practice group in a partner-track position, with a competitive salary and benefits. The litigation group handles a variety of complex 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: • 2-7 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@hershnerhunter.com. Hershner Hunter, LLP is an equal opportunity employer and encourages applications from qualified individuals of diverse backgrounds.

**MEMBERSHIP(S) AVAILABLE IN WELL ESTABLISHED EUGENE FIRM** – Small but busy Eugene bankruptcy firm is planning for the future retirement of senior partner and is looking for attorney(s) interested in joining the firm. Case load of retiring partner is approximately 82% representation of debtors in Bankruptcy Court and 18% tax collection resolution and settlement. Referral base and marketing produces steady income. The firm and the retiring partner will provide support to new member(s) including assistance from retiring partner in marketing and practice areas. Reasonable and flexible buy-in terms and other financial arrangements subject to negotiation. Excellent opportunity for new or experienced attorney(s) to join an established firm. Offers to purchase practice of retiring partner will also be considered. See ad under Practices for Sale. Please address correspondence to the Oregon State Bar, Attn: Blind Ad M-23 P.O. Box 231935, Tigard, OR 97281 or email: blindad@osbar.org with the blind ad number in the subject line.

**PERSONAL INJURY ATTORNEY — PRE-LITIGATION** – Are you an experienced personal injury attorney who excels at working cases up, negotiating with insurance companies and preparing cases for litigation? Do you have a history of litigation, but now seek a more balanced schedule than trial work offers? The Johnston Law Firm is seeking a pre-litigation attorney to work cases up prior to suit being filed, negotiate cases with insurance companies and make sure cases are ready for litigation. This unique position allows you to make a great impact with clients prior to litigation through preparation, settlement negotiations and excellent client relations. Interested candidates should send a resume, cover letter, writing sample and any questions to Marc@johnston-lawfirm.com.

**TRANSACTIONAL ATTORNEY** – Hershner Hunter, LLP, the largest full-service business firm in Eugene, has been representing clients throughout the Pacific Northwest and beyond for more than 75 years. Our attorneys specialize in a variety of practice areas and industries, including Business & Corporate Law; Creditors’ Rights & Bankruptcy; Estate Planning & Business Succession; Healthcare; Intellectual Property & Technology; Labor, Employment & Benefits; Litigation; and Real Estate. At the center of our firm is our commitment to our clients, community, and each other. We emphasize an inclusive team approach and pride ourselves on our collegial and collaborative atmosphere. We believe our firm provides the best of both worlds, allowing us to work on complex and high-stakes “big city” matters, while living in the “small city” environment that Eugene provides. Our flexible work model allows for part-time remote work in most circumstances. We are presently seeking an associate attorney to join our 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: • 2-7 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@hershnerhunter.com. Hershner Hunter, LLP is an equal opportunity employer and encourages applications from qualified individuals of diverse backgrounds.

**PRACTICES FOR SALE 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 changeing 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.

**PROFITABLE OREGON ESTATE PLANNING LAW FIRM READY FOR NEW OWNER (#1153)** – This busy law firm has a reputation of delivering excellent results. The firm’s service by revenue breakdown is 35% Estate Planning, 30% Probate, 25% Fed/Real Property and 10% Other. As of June 2021, the Practice has –50 active clients with over 23,000 clients in the Practice’s database inherited from a 30+ year old firm. With consistent YoY growth, the Practice is positioned for continued growth under new ownership. The current owner has offered to transition the Practice over the course of up to 6 months, to continue to help drive business to the new owner. This firm is completely turn-key and ready for the new owner. To take advantage of this opportunity, call us at (253) 509-9224 or send an email to info@privatepracticeconsultings.com with “1153/Profitable Oregon Estate Planning Law Firm Ready for New Owner” in the subject line.

**WELL ESTABLISHED EUGENE BANKRUPTCY AND TAX PRACTICE FOR SALE** – Senior partner in small but busy Eugene firm is planning for future retirement and seeks offers for membership in firm or purchase of his practice. See ad under Positions Available for more details. Retiring partner has had substantial average annual gross revenue for many years. Purchase includes assistance from seller in practice areas and marketing. Reasonable and flexible financial arrangements subject to negotiation. Excellent opportunity for new or experienced attorney(s) to join an established firm, add to an existing practice or start building a new one. Please address correspondence to the Oregon State Bar, Attn: Blind Ad N-24 P.O. Box 231935, Tigard, OR 97281 or email: blindad@osbar.org with the blind ad number in the subject line.

**RECREATIONAL RENTALS**

**GOVERNMENT CAMP -- Ski in style! Upscale rental in Government Camp. 2 bedroom, 2 bath condo. Sleeps 6. VRBO #2563704.**

**KIEHI, MAUI, HAWAII -- Large-ocean-view 1BR-2BA condo, LR sofa sleeper, two pools/spas, tennis, across from beach. Attorney discounts. mps@aterrywyme.com (503) 291-1423; Video: https://www.youtube.com/watch?v=txEcuMFezELE – Pictures: samsandmire idaho@gmail.com.**

**KONA, HAWAII -- Lovely oceanfront 1 BR condo. Vaulted ceilings, great view. Tennis, oceanside pool and spa,**
OCEANSIDE – Beach house on cliff side overlooking ocean and Netarts Bay. 3 bedrooms and 3 baths, 4 decks, fireplace, spa tub, washer/dryer, and fully equipped kitchen. $200 per night, $1200 weekly rate plus $125.00 cleaning fee. Contact Mary at mxemary@comcast.net or (503) 784-5277.

SUNRIVER – Warm, cozy, 2 bed & 2 bath, 4 decks, fireplace, spa tub, washer/dryer, and fully equipped kitchen. $200 per night, $1200 weekly rate plus $125.00 cleaning fee. Contact Sundown at (541) 961-1787, or Fax (503) 916-1789; 25 NW 23rd Pl Ste 6, PMB 497; Portland, OR 97210.

LEGAL NURSE CONSULTANT – Offering Board Certified Legal Nurse Consultants with the LNCC certification from the American Association of Legal Nurse Consultants—the gold standard in LNC credentialing. The ONLY certification recognized by the American Board of Nursing Specialties. Offering the following services: review files for standards of care and any deviations that may have occurred, provide chronologies/summaries, demonstrative evidence, translate and interpret medical records. 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@willametteurseconsultantgroup.com www.willametteurseconsultantgroup.com.

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

SUPPORT STAFF POSITIONS
PARALEGAL – Diane S. Sykes, Attorney at Law, P.C., located in SE Portland, seeks a paralegal to work 25-30 hours per week on plaintiff-side employment cases. Contact Ms. Sykes via email at diane@diannesykeslaw.com to inquire.

PARALEGAL, OFFICE OF THE GENERAL COUNSEL, OREGON STATE UNIVERSITY – Position is a full time, 12-month professional faculty position. Salary is commensurate with education and/or experience. Benefits include: retirement plan options; paid vacation and sick leave; and 70% tuition discount for any Oregon Public University. To review posting and apply, visit https://leadership.oregonstate.edu/general-counsel/paralegal-search. OSU is an AA/EOE/Vets/Disabled.
ATTORNEYS’ MARKETPLACE

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donwebb531@msn.com
www.crashspeed.com

ACCOUNTANT LITIGATION SUPPORT

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West Linn, OR 97068
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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/estate 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 manner for the parties involved to achieve resolution.

ACCOUNTANTS

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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.

BUSINESS VALUATIONS, CONT.

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Fraud and Forensic Accounting / Economic Damages / Business Valuation / Commercial Litigation / Accounting and Tax Malpractice / White Collar Financial Crime / Expert Testimony / Full Service Public Accountants / Plaintiff and Defendant. 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.

Litigation Support

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Serena Morones
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Portland, OR 97205
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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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Corporate Valuations, Inc.
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Corporate Valuations, Inc. is a national business valuation and financial advisory firm founded in 1983. We offer a broad range of valuation services, including corporate valuation, gift, estate, income tax valuation, buy-sell agreement valuation, financial reporting valuation, ESOP and ERISA valuation services, and litigation and expert testimony consulting. In addition, Corporate Valuations assists with transaction-related needs, including M&A advisory, fairness opinions, and strategic alternatives assessment.

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

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Fraud and Forensic Accounting / Economic Damages / Business Valuation / Commercial Litigation / Accounting and Tax Malpractice / White Collar Financial Crime / Expert Testimony / Full Service Public Accountants / Plaintiff and Defendant. 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.
BUSINESS VALUATIONS, CONT.

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Laura Markee
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Vancouver, WA 98660
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www.markeevaluations.com

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

Morones Analytics, LLC
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www.moronesanalytics.com

Business appraisals for litigation, estate planning, divorce and various transactions. Complex valuations involving multi-tiered entities, and intangible assets such as trademarks and brand names. Estimating valuation discounts. Allocation of goodwill between personal and professional. Review of other experts’ reports. Low scope calculation letters or full appraisal reports.

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PARTING THOUGHTS

An Updated Bereavement Policy

By Anne Milligan

Since March 2020, COVID-19 has claimed the lives of more than 784,163 individuals (as of this writing) in the United States and over 5.2 million people worldwide. The human brain isn’t wired to process such large numbers, so translating these abstract numbers into a concrete image can help us understand how enormous they are: If each U.S. death was represented by one minute, cumulative U.S. deaths would add up to 544.5 days, or nearly 18 months. 5.2 million deaths, in turn, translates to 3,611 days, or 9.9 years — essentially a decade. We have lost a decade worth of people from the world in the past 22 months due to COVID-19.

Each of these individuals was someone’s somebody.

Our colleagues and coworkers have faced and will continue to face these losses in their personal lives as the pandemic goes on, but one particularly painful question remains unanswered for most individuals in traditional legal employment: Will the workplace, regardless of any legal requirement to do so, allow its employees meaningful space to honor the lives and deaths of those closest to them?

While the Oregon Family Leave Act (OFLA) allows for two weeks of protected bereavement leave upon the death of narrowly defined family members, many legal employers are not large enough to be subject to this requirement. Still other firms have voluntary, essentially unpublished leave policies, while other legal employers leave the length and qualifying circumstances entirely to the discretion of a manager or partner. In the context of a profession that already struggles with problematic alcohol use, depression, anxiety and suicide, the absence of inclusive and consistent bereavement policies at most law offices is as unacceptable as it is curable.

Of course, COVID is far from the only entry point for grief to show up in our lives. More than 500,000 pregnancies end in miscarriage each year in the U.S.; approximately 26,000 end in stillbirth. Pregnancy loss still has enormous stigma attached to it, and most workplace policies don’t give the affected employee or their partner leave unless there are physical complications from the pregnancy loss resulting in temporary disability.

As of last summer, the bereavement policy for the City of Portland only allowed employees leave to grieve for closely defined biological or legal family members. Historically, family definitions in law and policy frequently do not include members of an extended or “nontraditional” family. According to the Center for American Progress, 85 million people — disproportionately people of color — lived in extended families as of 2014, up from 58 million in 2001. People have a broad array of loved ones who are often central to their notions of family and their caregiving responsibilities. In particular — although the LGBTQ movement successfully achieved nationwide marriage equality in 2015 — LGBTQ individuals and families continue to experience the collateral consequences of narrow family definitions in local, state and federal policy. Many LGBTQ individuals forge close relationships with friends and informal support networks known as chosen families.

Beginning in Pride Month (June) 2021, Commissioner Mingus Mapps’ Senior Policy Advisor Michelle Rodríguez and I set out to overhaul the City of Portland’s bereavement policy, adding language to allow for “close affinity” relationships, such as unmarried partners — plural, to include poly families — household members, “chosen family” and any person that the employee has a significant personal bond with that is like a familial relationship. We de-gendered the policy (e.g., from son/mother to child/parent), so that everyone can see themselves and their family members in the policy, regardless of their identification within the gender binary. Finally, inspired by New Zealand Prime Minister Jacinda Ardern, Rodríguez added all forms of pregnancy loss to the policy, including abortion, regardless of whether it was medically indicated or not, to honor the complicated emotions that come with any pregnancy loss.

Our policy (https://bit.ly/32O4O5C) was approved by City Council unanimously on October 13, 2021 — fittingly, during Miscarriage Awareness Month — and became effective November 13, 2021, to national attention on NPR and CNBC. It is our hope that this policy will form one tangible step to transform abstract numbers into concrete promises as we head into the third year of this pandemic.

Anne Milligan is a deputy city attorney in the Portland Office of the City Attorney.

The viewpoints expressed in this piece are those of the author and not necessarily that of the Oregon State Bar.
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