You Are Not Alone

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Lawyers and substance abuse. You’ve seen the statistics but now hear the personal stories. Six Oregon attorneys share their substance struggles and long paths to recovery. Their emotional and inspiring stories begin on page 18.

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By the Numbers

Better Grades

A new study indicates that law students were more satisfied with their online learning classes in 2022 than they were in previous pandemic years. Last year, Gallup and AccessLex Institute surveyed over 1,000 law students from across the country about their experiences with remote learning. This past spring, the survey checked back in with 820 of those same students. Some students were still entirely remote, some were back in the classroom full-time, and others were in hybrid programs.

- 16% rate of remote learning students who ranked their program as good or excellent, compared with 57% in 2021.
- 72% rate of in-person students who ranked their program as good or excellent, compared with 76% in 2021.
- 16% rate of students who said they’d recommend an online J.D. program, compared with 11% in 2021.
- 53% rate of students who said their online program was worth the money, compared with 33% in 2021.

– Reuters.com, May 18, 2022

State Increases Liability Limits for Public Bodies

Oregon’s Office of the State Court Administrator (OSCA) has increased the limits of liability for state and local public bodies in cases involving personal injury or death and property damage or destruction.

OSCA adjusts the limits annually, as required by statute. The new amounts take effect on July 1; they apply to all causes of action arising on or after July 1, 2022, and before July 1, 2023.

Based on OSCA’s calculations, the new limits are:

- $2,418,100 for injury or death claims against a state body that involve a single claimant. The old limit was $2,347,700;
- $4,836,200 for injury or death claims against a state body that involve multiple claimants. The old limit was $4,695,300;
- $806,100 for injury or death claims against a local body that involve a single claimant. The old limit was $782,600;
- $1,612,000 for injury or death claims against a local body that involve multiple claimants. The old limit was $1,565,100;
- $132,200 for property damage or destruction claims against a state or local body that involve a single claimant. The old limit was $128,400;
- $661,000 for property damage or destruction claims against a state or local body that involve multiple claimants. The old limit was $641,800.

This year, the Oregon Legislative Assembly passed Senate Bill (SB) 1584, effective March 23, 2022. The measure allows a wrongfully convicted person to file a petition seeking compensation in the Marion County Circuit Court or in the circuit court for the county of conviction.

OSCA has published the following wrongful conviction compensation amounts for petitions filed on or after March 23, 2022, and before July 1, 2023:

- $65,000 for each year of imprisonment;
- $25,000 for each additional year served on parole or post-prison supervision or was required to register as a sex offender, whichever is greater.

The measure directs OSCA to adjust these amounts annually, beginning in 2023. Next spring, OSCA will publish the proposed adjusted amounts and invite public comment prior to finalization.

A list of past and current limitations on liability of public bodies and a current list of wrongful conviction compensation amounts can be found on the Oregon Judicial Department website at courts.oregon.gov/Pages/tort.aspx.

CEJ Party Under the Stars Set for Aug. 18

The Campaign for Equal Justice will host its annual Party Under the Stars event — in person — on Aug. 18 from 5-7 p.m. at Markowitz Herbold in Portland. This event includes the Raffle for Justice to raise money for legal help for underserved Oregonians. Full details are available at www.cef-oregon.org/events.

Oregon Attorneys with Disabilities Association Invites New Members

The Oregon Attorneys with Disabilities Association (OADA) is one of Oregon’s newest affinity bar associations. All are welcome. The group’s unofficial motto is “We Exist!” and the group meets via Zoom (www.tinyurl.com/OADAZoomLink) on the first Tuesday of every month from noon to 1 p.m. For more information about OADA, visit them on Facebook (and request to join the group) at www.tinyurl.com/OADAFacebook.
**Quotable**

“All those students who enjoyed doing law school remotely are the same type of student who may have been unable to access law school or have a good experience there for the last 139 years. It made me realize there isn’t a lot to complain about, because somebody’s getting the better end of the deal that maybe hasn’t always. Some might not have made it through, but because of remote learning, they could keep going to school and learn better in that environment. It’s not all about me in the end.”

— Kyle Sessions, a 2022 Willamette Law graduate, on earning his J.D. during the pandemic. His quote comes from an article by Sarah Bello published May 19, 2022, on willamette.edu.

**CEJ Kick-Off Gala Taking Place Sept. 9**

The Campaign for Equal Justice (CEJ) will hold an in-person Kick-Off Gala on Sept. 9 at the Portland Marriott Downtown Waterfront. The event will celebrate the start of CEJ’s 32nd annual campaign and will begin with a cocktail hour from 5-6 p.m. Dinner will follow at 6:15 p.m. There will be live music, a great program of speakers and award presenters, and the opportunity to reconnect with the legal community. Join CEJ, legal aid and the wider legal community as they come together to celebrate the work accomplished by award winners, volunteers and donors, and help kick-off CEJ’s 32nd Annual Fund Drive. You can purchase seats individually or as a whole table. For more information, call (503) 295-8442 or email Heidi, program assistant, at heidi@cej-oregon.org.

“Sight-seeing, swimming, boating, relaxing -- beautiful summer days remind me that some hours are meant to be filled, not billed.”

---

**July 2022**

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Pandemic trial docket congestion, among other factors, have increased caseloads for Oregon’s public criminal defenders and prosecutors. The demand for legal services has never been more pronounced. There are simply not enough lawyers to accommodate the demand.

Adding to these process and demand problems, it feels like conflict is amplified—everywhere. Our profession is stressed and burned out. This context is the organic soil for the colossal sunflower that is this month’s Bar Counsel article. All attorneys-of-record will grow and benefit from this discussion of how to see and solve ethical issues to (1) protect our clients’ interests and (2) protect ourselves from adverse bar regulatory action.

As with all of my bar counsel articles, the information is informed by my legal ethics consultations with thousands of Oregon lawyers and in presenting ethics and reporting CLE classes to membership. Criminal justice challenges and ethical concerns from attorneys-of-record continue to trend in our profession, in my inbox and on the bar’s ethics helpline.

**Keep Clients’ Interests First**

It does not matter whether we are practicing in abnormal or normal crisis conditions, effective compliance with the Rules of Professional Conduct (RPC) requires a client-first approach. Attorneys owe our most important ethical duties, including competence, diligence, communication, confidentiality and loyalty to our current clients. It’s also our duty to avoid excessive fees and unfair business deals with clients, and safeguard client property and duties upon withdrawal. Supervising attorneys must abide by their special responsibilities in caseload management and assess and ensure that subordinate lawyers are able to provide competent representation to each client. RPC 5.1.4

Management of this client-first identity is the foundation of our professional reputations in the provision of legal services of value and the protection of our clients’ objectives and interests.

**High Caseload Ethics**

The high-volume practice of criminal law, for example, requires a singular focus on meeting the objective of the client before a tribunal. To do this, the following hypotheticals highlight how our most important professional duties formulate who we are. Once appointed, and until the court allows withdrawal, we owe our clients duties that can become second nature to the practice.

Across jurisdictions, excessive public defender workload is a regular and substantial problem for our justice system, the bench, indigent defendants and certainly for overworked lawyers. Recognizing this long-standing issue in 2006, the American Bar Association (ABA) published Formal Opinion 06-441, titled “Ethical Obligations of Lawyers Who Represent Indigent Criminal Defendants When Excessive Caseloads Interfere with Competent and Diligent Representation.” In addition to this close look at workload ethics, the Oregon State Bar also offered its Formal Ethics Opinion No. 2007-178 as a foundational ethics guide for lawyers with excessive caseloads.

A high caseload squarely implicates our duties owed to these current clients. All lawyers are required to provide each client with competent and diligent representation, keep each client reasonably informed about the status of their case, explain each matter to the extent necessary to permit the client to make informed decisions regarding the representation and abide by the decisions that the client is entitled to make. As ABA Formal Ethics Opinion No 06-441 provides, the rules “provide no exception for lawyers who represent indigent persons charged with crimes.”

**Appointed Client ‘Discharges’ Appointed Counsel**

The two hypothetical situations implicate current client rules that frequently pop up in my ethics consultations concerning attorney workload. The first is when a client terminates an attorney.

Appointed Client externalizes their frustration with the criminal justice system, and blames Appointed Counsel for delays in their proceeding. As a result, Appointed Client tells Appointed Counsel that he will require a new lawyer and that she is “fired,” and he will not be convinced otherwise. Appointed Counsel is also concerned that this circumstance creates a conflict. How should she proceed?

Termination by an appointed client is a fraught, frequent circumstance that requires attorneys to be persuasive, pragmatic and professional. In accord with our duty of communication, the attorney must make...
reasonable efforts to communicate with the client how the objective of their representation may be impacted by the continued or discontinued representation and that the court may simply not allow withdrawal.

The Appointed Counsel should seek to withdraw and abide by the court’s order. A mandatory request for withdrawal, under RPC 1.16(a)(3), is likely triggered by Appointed Client’s discharge notice to Appointed Counsel; but we are at the beginning and not the end of this ethics story. Unlike a privately retained client or the case where counsel is not an attorney-of-record, the representation of an appointed client will continue barring the court’s order allowing our motion to withdraw. This is due to substantive law and RPC 1.16(c) which provides that:

A lawyer must comply with applicable law requiring notice to or permission of a tribunal when terminating a representation. When ordered to do so by a tribunal, a lawyer shall continue representation notwithstanding good cause for terminating the representation.

Appointed Counsel must abide by her client’s direction and move to withdraw, mindful to protect and withhold from disclosure all information related to the representation of Appointed Client. This is easier said than done.

The duty of confidentiality, under RPC 1.6(a), is broader in scope than the attorney-client privilege (OEC 503). See State v. Keenan/Waller, 307 Or 515, 519 (1989). Thus, waiver or inapplicability of the privilege does not allow the lawyer to disclose other client information that the client has asked to be kept secret or which would embarrass or injure the client if revealed. See In re Lackey, 333 Or 215, 227 (2002)(“even if the information was no longer privileged because of its prior, authorized disclosure ... it still could be held a ‘secret’ if the client had requested that it be held inviolate or if the disclosure would be embarrassing or likely be detrimental to the client.”).

In seeking to withdraw, RPC 1.4 and RPC 1.16(c) specifically mean that Appointed Counsel must give Appointed Client notice of the withdrawal and comply with any applicable law requiring the permission of a tribunal when terminating a representation. RPC 1.16(c); see e.g., UTCR 3.140. Unless and until the court allows this motion, Appointed Counsel will remain attorney-of-record with all of the current client duties owed to Appointed
Client. When moving to withdraw, we cannot engage in a “noisy” withdrawal disclosing client confidences. See OSB Formal Ethics Op. 2011-185.

Only if a court ordered the lawyer to disclose the reason for the withdrawal, the lawyer could reveal the information reasonably necessary to comply with the court’s order, but should seek to disclose the information in a manner that least damaging to the client (e.g., disclosure under seal or in camera). RPC 1.6(b)(5).

If the court does not allow the motion to withdraw, Appointed Counsel shall continue the representation notwithstanding the mandatory withdrawal trigger. RPC 1.16(c). This is similar to if a lawyer knows, by way of confidential information related to the representation, that her client has committed perjury. The lawyer must call upon the client to rectify, and if the client does not do so, the lawyer must seek to withdraw disclosing no client confidences, including the wrongdoing.

Whether Appointed Counsel has a current client conflict on the basis of a personal interest material limitation, and therefore is required to move to withdraw, turns on whether being fired by Appointed Client raises a “significant risk” that her personal interest will “materially limit” the representation. RPC 1.7(a)(2). Review OSB Formal Ethics Opinion No. 2009-182 for a closer look at this fact-specific analysis in the case where a client files a bar complaint against their current lawyer, and whether such conflict is waivable with the informed written consent of the client. RPC 1.0(g); RPC 1.0(b) and RPC 1.7(b). Review OSB Formal Ethics Opinion No. 2009-182 for a closer look at this fact-specific analysis in the case where a client files a bar complaint against their current lawyer, and whether such conflict is waivable with the informed written consent of the client. RPC 1.0(g); RPC 1.0(b) and RPC 1.7(b).

**Appointed Client is Missing in Action, Fails to Appear**

This second hypothetical focuses on a missing client.

*After their initial consultation on a juvenile dependency proceeding, Appointed Client-Mother has not responded to Counsel for Mother for three months, and the reasonable efforts of an investigator to locate Client-Mother have failed. How should Counsel for Mother proceed? What if her client fails to appear in court as*
ordered, what can she report to the court?

Adequate client communication is critical to the ethical allocation of authority in the representation of Appointed Client-Mother by her counsel. RPC 1.2 & RPC 1.4. Counsel must obtain the mother’s informed consent to act on those decisions that are solely hers to make, i.e., waiver of trial. Similarly, the inability to communicate with the mother adversely impacts counsel’s ability to provide the required competent and diligent representation. Because of the risk of these violations, a mandatory request for withdrawal, under RPC 1.16(a)(1), may be triggered by this communication breakdown with the client. But again, we are at the beginning and not the end of this ethics story.

Counsel for Mother should consider the timing and practical reality of any motion to withdraw. First, in seeking to withdraw, counsel must “take steps to the extent reasonably practicable to protect (Client-Mother’s) interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled ***.” RPC 1.16(d). This means the timing of withdrawal must not unreasonably harm the Client-Mother’s interests. For example, if trial is in a few days, the client’s interests may be better protected by continuing the representation, and assessing what action would best serve the client’s last stated interest in the proceeding.

Second, the practical reality of a system in crisis is that there may not be another lawyer available for substituted appointment. As noted in the first hypothetical, if the court does not allow counsel’s motion to withdraw, she must remain on the case as attorney-of-record subject to the current-client duties.

When Client-Mother fails to appear as required, counsel must be mindful of her duty of confidentiality and also assess whether the client’s objectives and interests are better served by advocating for her last clearly articulated position or to respectfully decline to state a position. In appearing without her client, counsel should be wary not to disclose confidential information to the detriment of the client. That includes, for example, whether she had advised her client of a waiver of trial, provided the client with the waiver forms, the client’s whereabouts and the firm’s efforts to contact the client, etc.15

More High-Workload Resources


The Professional Liability Fund, at (800) 452-1639, can advise lawyers regarding effective management of high caseloads, and its practice management advisers have developed useful checklists and handouts that can help lawyers navigate the practical aspects. In addition, the Oregon Attorney Assistance Program, at (800) 321-6227, provides free and confidential assistance to lawyers dealing with the challenges and stress of the management of high caseloads.

Conclusion

We are professionals invested in the strength of reputations that we earn by serving clients well — by providing clients legal services of value. We’re here to help our clients, and it is only natural that lawyers are emotionally invested in their clients’ cases and in their success. A high workload presents core ethical concerns. A basic approach to ethics in crisis, with a client-first focus, addresses the most common and serious ethical risks for attorneys-of-record.

Lawyers, and lawyers only, with ethical concerns are always welcome to contact the Legal Ethics Helpline or turn to legal ethics resources in the Bar Counsel article archives or BarBooks for answers.

Nik T. Chourey is deputy general counsel for the Oregon State Bar. Reach him at nchourey@osbar.org.

ENDNOTES

1. “Attorney-of-Record,” per UCTR 3.140(2) is one who “files the initial appearance for a party, or who personally appears for a party at arraignment on an offense;” see UCTR 3.140 Resignation of Attorneys (emphasis added):

(1) An application to resign, a notice of termination, or a notice of substitution made pursuant to ORS 9.380 must contain the court contact information under UCTR 1.110 of the party and of the new attorney, if one is being substituted, and the date of any scheduled trial or hearing. It must be served on that party and the opposing party’s attorney. If no attorney has appeared for the opposing party, the application must be served on the opposing party. A notice of withdrawal, termination, or substitution of attorney must be promptly filed.

2. (The attorney who files the initial appearance for a party, or who personally appears for a party at arraignment on an offense, is deemed to be that party’s attorney-of-record, unless at that time the attorney otherwise notifies the court and opposing party(ies) in open court or complies with subsection (1).

3. When an attorney is employed or appointed to appear in an already pending case, the attorney must immediately notify the court and the opposing party in writing or in open court. That attorney shall be deemed to be the attorney-of-record unless that attorney otherwise notifies the court.

4. Each year, general counsel’s office provides prospective ethics guidance to several thousand Oregon attorneys on the Oregon State Bar’s Ethics Helpline. Members may call the ethics helpline at (503) 431-6475 for guidance regarding their own prospective conduct or email general counsel’s office to seek guidance. The helpline does not advise members on past conduct or completed conduct except to provide guidance on the application of Oregon RPC 8.3 and the member’s own duty to report misconduct. See OSB Bylaw 15.3.

5. I recommend that members bookmark and start their ethics research with the Rules of Professional Conduct (and other rules and statutes relevant and material to Oregon lawyers) here at the bar’s home site https://www.osbar.org/rulesregs.

6. RPC 5.1 Responsibilities of Partners, Managers, and Supervisory Lawyers

A lawyer shall be responsible for another lawyer’s violation of these Rules of Professional Conduct if:

(a) the lawyer orders or, with knowledge of the specific conduct, ratifies the conduct involved; or

(b) the lawyer is a partner or has comparable managerial authority in the law firm in which the other lawyer practices, or has direct supervisory authority over the other lawyer, and knows of the conduct at a time when its consequences can be avoided or mitigated but fails to take reasonable remedial action.

7. The opinion may be ordered from the ABA at: https://www.americanbar.org/groups/professional_responsibility/.

8. RPC 1.1 Competence: A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation; RPC 1.3 Neglect: A lawyer shall not neglect a legal matter entrusted to the lawyer.


10. RPC 1.4 Communication: (a) A lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.

11. The Oregon Attorney General’s web site at: www.ago.state.or.us

12. The Professional Liability Fund, at (800) 452-1639, can advise lawyers regarding effective management of high caseloads, and its practice management advisers have developed useful checklists and handouts that can help lawyers navigate the practical aspects.

13. RPC 1.16(d). This means the timing of withdrawal must not unreasonably harm the Client-Mother’s interests. For example, if trial is in a few days, the client’s interests may be better protected by continuing the representation, and assessing what action would best serve the client’s last stated interest in the proceeding.

14. The Oregon Attorney General’s web site at: www.ago.state.or.us

15. The opinion may be ordered from the ABA at: https://www.americanbar.org/groups/professional_responsibility/.
(b) A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

9. RPC 1.2 Scope of Representation and Allocation of Authority Between Client and Lawyer: (a) Subject to paragraphs (b) and (c), a lawyer shall abide by a client's decisions concerning the objectives of representation and, as required by Rule 1.4, shall consult with the client as to the means by which they are to be pursued. A lawyer may take such action on behalf of the client as is impliedly authorized to carry out the representation. A lawyer shall abide by a client's decision whether to settle a matter. In a criminal case, the lawyer shall abide by the client's decision, after consultation with the lawyer, as to a plea to be entered, whether to waive jury trial and whether the client will testify.

10. RPC 1.16 Duties Upon Withdrawal: (a) provides lawyers with three bases for mandatory withdrawal from the representation:
   (a) Except as stated in paragraph (c), a lawyer shall not represent a client or, where representation has commenced, shall withdraw from the representation of a client if:
      (1) the representation will result in violation of the Rules of Professional Conduct or other law;
      (2) the lawyer's physical or mental condition materially impairs the lawyer's ability to represent the client; or
      (3) the lawyer is discharged.

11. RPC 1.0(f) includes all “[i]nformation relating to the representation of a client” denotes both information protected by the attorney-client privilege under applicable law, and other information gained in a current or former professional relationship that the client has requested be held inviolate or the disclosure of which would be embarrassing or would be likely to be detrimental to the client.

12. The lawyer, however, cannot offer evidence that the lawyer knows to be false in advocating for the client. RPC 3.3(a)(3) [candor to tribunal].

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Over the past year, I have found solace and rejuvenation in visiting the great outdoors. Big trips to national parks have provided a relief from COVID-19 restrictions, while quick stops at state parks have pulled me through tense family visits.

Because I’m a reader and quite interested in the natural world, I pore over every placard these parks provide. And because I’m a grammar curmudgeon, I have found my joy sometimes dampened by poor grammar usage. This article reviews some of the disappointing placards from my tour of parks as a quick review of grammar fundamentals. That means the examples below aren’t about litigation or law offices, but volcanoes, deserts and salamanders. The same grammar applies. Even if you won’t have thousands of people reading your legal documents, they need to be written well and edited carefully, just as if they were on public display.

Short Sentences

For readability, sentences should average 20-25 words in length. Of course, your writing might be dull if all sentences are in that range, so you’ll want to vary sentence length strategically to reach the average. Put favorable information in short sentences and unfavorable information in longer sentences. Then read the document aloud. If you find yourself gasping for breath before ending a sentence, don’t be afraid to insert a period to create two sentences. Try reading this 48-word sentence aloud:

Volcanoes have erupted, mountains have been uplifted and worn down by erosion, glaciers have advanced and retreated, continents have been shaped and reshaped by the rise and fall of oceans, and each rain etches and carves the land surface, as well as the bedrock into which it seeps.

Whoa! That one sentence includes a lot of geological, environmental events. Personally, I lost focus with “the rise and fall of the oceans,” wondering what all these events were leading up to. Reading the sentence aloud, I ran out of breath at about the same point.

One solution would be to divide the events into two groups: those on land and those from above. Put volcanoes, mountains, glaciers and continents in one sentence. Insert a period. Then begin a new sentence with the rain:

Volcanoes have erupted, mountains have been uplifted and worn down by erosion, glaciers have advanced and retreated, continents have been shaped and reshaped by the rise and fall of oceans. Each rain has etched and carved the land surface, as well as the bedrock into which it seeps.

For more emphasis on the distinct events, consider a series of short sentences:

Volcanoes have erupted. Mountains have been uplifted and worn down by erosion. Glaciers have advanced and retreated. Continents have been shaped and reshaped by the rise and fall of oceans. Each rain has etched and carved the land surface, as well as the bedrock into which it seeps.

On a park placard, that information would be so much easier to understand, as the shorter sentences free my imagination to create the scenery. Shorter sentences can have the same impact in your briefs.

Introductions

When a sentence begins with an introduction, a comma signals the transition from introduction to main idea. (That sentence demonstrated the point.) The comma is especially helpful after a long introduction. While there’s no set rule on how long the introduction must be to warrant a comma, most readers would benefit after an introduction of four words or more. (That was a second example.) Of course, curmudgeons like me would use commas after just about every introduction. (Note just two words in that introduction.) I encourage my students to consider the reader’s needs and to be consistent.

That’s not what I found on the following placard:

Ever since the earth was formed its face has been constantly changing. ... During the last century, the grist mill was a familiar place to most families.
This placard fails to consider the reader’s needs; most of us would have benefited from a comma after formed in the first sentence, marking the end of the introduction. The main idea, in the independent clause, is “its face has been constantly changing,” and a comma would signal that transition:

Ever since the earth was formed, its face has been constantly changing.

The placard also fails on consistency because the first sentence has a six-word introduction with no comma, while the second has a four-word introduction with a comma. Both were about timing — “ever since the earth was formed,” and “during the last century” — which also argues for consistency. Without consistency, I was distracted by sentence structure rather than marveling at the earth and the mill. You don’t want a judge or supervisor muddling through your grammar instead of marveling at your analysis.

Parallelism

Like Marie Kondo’s sock drawer, writing should be organized. Parallelism lines up similar parts of speech and carries the reader effortlessly to comprehension. A lack of parallelism leaves the reader grabbing through a pile of blue, brown and black socks, trying to make sense of the mess. I found myself thinking of socks, rather than nature, as I considered this challenging placard:

The trail starts at the east end of the parking area, passes through desert washes, gently rolling terrain, and leads to a well-pre- served gold mill.

Here, we’ve got a list of verbs (let’s call them brown socks): starts, passes, leads. And we’ve got two nouns passing through the scene (blue socks): washes and terrain. But after and I wasn’t sure if the next sock was going to be brown or blue. Was rolling a typo that should have been rolls, to match the other verbs? No, it had to be an adjective to describe terrain. But then … the lack of parallelism diverted my attention from the great outdoors. Putting and rather than a comma between the nouns would keep the socks separated:

The trail starts at the east end of the parking area, passes through desert washes and gently rolling terrain, and leads to a well- preserved gold mill.
This revision makes clear each verb that completes the main idea about the trail, which starts, passes and leads.

**Consistent Commas**

Commas corral words to create order and aid comprehension. As discussed, some commas transition sentences from introductions to main ideas. Sometimes commas create lists, and sometimes commas highlight an aside or interruption. When a reader can’t tell which role a comma is filling, the reader stumbles, sometimes having to reread the sentence to understand it. Here’s an example:

Amphibians such as salamanders, and invertebrates such as crayfish find refuge in the confines of the steep slopes of sinkholes.

When this curmudgeon got to find, she went back to the beginning of the sentence to try again. Were the invertebrates an aside? If so, why wasn’t there a comma after crayfish? If not, why was there a comma after the amphibian example of salamanders? This sentence needed either two commas or none. Two commas suggest the crayfish aren’t as important as the salamanders because they are in a parenthetical clause that could easily be dropped from the sentence. The version with no commas suggests that amphibians and invertebrates are on equal footing:

Amphibians such as salamanders, and invertebrates such as crayfish, find refuge in the confines of the steep slopes of sinkholes.

Amphibians such as salamanders and invertebrates such as crayfish find refuge in the confines of the steep slopes of sinkholes.

**Editing Contractions**

We all know that it’s is a contraction for the two words it is. And we all know that the possessive form of it is its, with no apostrophe. But the author of one placard let that attractive apostrophe slip into the possessive form. The result showed up in the first line of this placard:

Mining in it’s more modern form has left huge open-pit and strip mines.

The grammar glitch, along with mining, had me tearing my hair out.

**Run-On Sentences**

I almost decided to omit this final placard, given its scatological content. Because the message is so ubiquitous in pit toilets throughout national parks, I decided to analyze it:

Do not put trash in toilets, it is extremely difficult to remove.

This is a classic comma splice. The comma splices two sentences together like my elementary school teachers spliced together films for those old movie projectors, using just a bit of tape. I call these run-on sentences, as the first sentence just runs right into the next one. I wish Lynn Truss would get her red pen and mark up every one of these placards. She’d just need to change the comma to a period, and the lower case it to It:

Do not put trash in toilets. It is extremely difficult to remove.

Flashing back to my first rant in this article, shorter sentences carry more impact. So, if the park service really wants less trash in toilets, it should emphasize the point by using two, shorter sentences.

**Conclusion**

My goal in this article is to convince you to critique every sentence you read, whether in a judge’s opinion, your opponent’s documents, your own memos or a park’s placard. Doing so will make you a better legal writer.

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**ENDNOTES**

1. These placards appeared in Devil’s Millhopper Geological State Park in Florida, Death Valley National Park in California and Big Bend National Park in Texas. Each park was so wonderful that I almost feel bad pointing out grammatical glitches. Almost. I will, however, volunteer my services to edit placards if one of these parks is so underfunded that it can’t afford an editor.
You are NOT ALONE

Six Oregon Attorneys Share Their Substance Struggles & Paths to Recovery

— By Michael Austin —
The journey to recovery from alcohol and substance abuse is not direct. It’s filled with personal anguish, professional struggles, and physical and mental dependency on chemicals controlling your life. Being a lawyer doesn’t necessarily make this journey more difficult, but the pain and suffering of fellow attorneys may be familiar to some in the Bulletin’s readership.

The following are six stories from Oregon attorneys detailing their struggles with drug and alcohol addiction, as well as their paths to recovery. The attorneys were willing to share their stories based on the condition of anonymity. The Bulletin takes these individuals’ requests to stay anonymous seriously, so we have changed the names of the participants within this article. Each participant has been verified as an Oregon State Bar member.

We’d like to thank the people with the Oregon Attorney Assistance Program (OAAP) for their help with this article. We’d also like to express our gratitude for the participants’ bravery and candor when sharing their stories in the hope that it inspires others to seek help.

If there is one common bond among these attorneys, it’s the belief that connectivity and community hold the keys to sustained sobriety, and that you certainly are not alone in this journey.

— CARRIE —

Struggling to get through her mathematics problems one night — and her mother preoccupied with her cocktails — Carrie went to the family liquor cabinet located across the hall from her bedroom. She made a drink mixed with several types of alcohol. Immediately, her confidence soared. She thought she could solve all the math problems that night. And, if she couldn’t solve them? Who cares? She felt on top of the world and no longer feared the emotion. That was the first step. Of course, it wasn’t easy from there. She’d admitted to her husband — and to herself — that she was an alcohol. Humiliated, Carrie left the event to go home and fix a drink. She — and her mother preoccupied with her cocktails — Carrie went through Alcoholic Anonymous and relied on its connectivity among those in recovery during her own sobriety journey. Even during COVID, Carrie participates in Zoom AA meetings, especially as she’s immunocompromised.

And instead of drinking these days, she practices life-affirming actions. She walks in nature. She notices life. She cultivates a grateful heart, as she calls it.

“A grateful heart is a sober heart,” she explains. “I write gratitude lists. I practice meditation and ‘lovingkindness.’ I have support people in my life and can engage with them if I need help.”

For someone who is ready to take the step in getting help, Carrie recommends contacting the OAAP, and if a person’s practice may be spinning out of control, reach out to the Professional Liability Fund. No matter what — reach out and don’t take this on yourself.
“Someone really sees you and cares about you,” Carrie says. “You are not alone. There are recovered alcoholics and addicts all around you. We are everywhere. And we need you as much as you need us.”

— RYAN —

“If I had been in active drinking status during the COVID lockdown, I am convinced I would have either drank myself to death or lost everything important to me, such as my wife, family, career, house and car, likely followed by drinking myself to death,” Ryan bluntly explains. He’s here to tell his story, he says, because following a brief relapse after a decade of sobriety (which was preceded by over two decades of drinking alcohol), he immediately sought counseling and started going to Alcoholics Anonymous meetings. His first meeting came in February 2020.

Ryan credits the OAAP for taking its in-person AA meetings to a Zoom format.

“I was suddenly able to go to more recovery meetings than I had prior to COVID, and to share those experiences with other lawyers in recovery,” Ryan says. “Getting to those meetings became more convenient for me, not less convenient, and I made them a priority in my life.”

But, for Ryan, getting to the point where alcohol was no longer his main priority was a long, harrowing road. Similar to other stories in this piece, as his personal world crashed around him, he managed to remain professionally functional despite his worsening alcoholism.

“My alcohol abuse grew through the course of my career, but I was relatively fortunate to minimize its direct impact on my clients and coworkers,” he says. “I did not miss meetings, days, deadlines or assignments as a result of drinking.”

That isn’t to say his work was flawless. While Ryan says there weren’t any “disaster markers,” meaning a huge incident in which he made a major mistake, he knows the alcohol abuse changed the way he worked. He procrastinated difficult tasks when hungover, which meant his mornings were not the most productive time of day. The procrastination led to work avoidance, time pressure, lower client satisfaction and some mistakes.

And with mornings spent on recovery, he wasn’t exactly burning the midnight oils making up the work hours. He says his work days would end either by meeting coworkers out for drinks or going home and drinking alone. He wasn’t available to clients after 5:30 p.m.

“This impaired my ability to provide client service after typical work hours, even though the job ends up requiring client service at all hours, as needed, particularly in this era of constant connectivity and shortened response times,” Ryan shares. “I believe I would have been at least 10% better at nearly everything, including work, if I had not been drinking.

“The difference between a clear-headed, confident and sober lawyer, and one that is insecure, unhappy and depressed is stark, and I am sure that was reflected in my overall approach to work and client service.”

Ryan’s career path didn’t help his sobriety. He says the culture of lawyering is steeped in alcohol. He notes some firms stock beer in conference room refrigerators and many lawyers have scotch in their desk drawers. There always are opportunities to drink with colleagues at after-hour meet-ups, marketing events, socials or golf tournaments. As an alcoholic, he didn’t see a way to maintain his career without using alcohol.

“I felt isolated and powerless to manage my life and career in the face of an intolerably difficult addiction. The disease twists the alcoholic into believing that there is no life or career without including alcohol, and this makes the concept of long-term abstinence difficult to imagine, let alone follow through upon,” Ryan says.

Beyond socialization revolving around drinking, Ryan adds that being a lawyer means taking on the weight of clients’ problems and finding solutions. It’s an imperfect balance. Cases have winners and losers. Even for the cases without such a stark result, the attorney feels the pressure of not completely solving the clients’ issues to their satisfaction. Add in mounting deadlines, the requirements and expectations to make partner, building a practice and maintaining a productive stable of clients, and the stress can be overwhelming.

Ultimately, however, it was Ryan’s home life, which led to him needing to seek help. “I stopped drinking to preserve my marriage,” he says.

Ryan was drinking for effect seven days a week and trying to hide the behavior from his wife. But she could tell he was spiraling. He always was hesitant to admit he needed help due to “fear, shame, embarrassment and perceived threat to my career development and advancement.” He made dozens of attempts to stop drinking. Finally, one attempt worked … although he doesn’t advise others to use the original methods he did.

“I did it by myself. I read lots of alcohol-related materials, books written by alcoholics and studies about the disease of alcoholism and recovery,” he explains. “I stopped or changed all kinds of behaviors I had paired with alcohol, including many aspects of work, most of my daily life and all recreational activities.

“It was difficult and then got better as the days, weeks, months and years passed. Incidentally, I do not recommend this as an effective method of recovery, even though I was able to make it work...
for roughly a decade. But, I still relapsed, even after a decade of not drinking. I now see reaching out for help, seeking counseling and connecting with other alcoholics as critical for a successful, long-term recovery.”

What has worked for Ryan these last two-plus years is connection. He was surprised at how comfortable he felt in his first AA meetings despite differences in background, careers and life experiences. The connections he has made allow him to ask for help whenever he needs it and fuels his desire for self-improvement through recovery and sobriety.

As an introvert, Ryan admits this was incredibly difficult, yet the best way to stay in recovery. He wants people to know there is a better life out there.

“My best recovery only started with me finally reaching out, admitting I could no longer handle my alcohol problem on my own and seeking help from others,” he says. “Every aspect of my life has improved, personally and professionally. Life is better in recovery. There is hope and you can do it. Just reach out and ask for help.”

— JACK —

Jack didn’t drink or use drugs in high school. Things changed when he went to college. The former Boy Scout, athlete and high school student with a 4.0 GPA slipped into a world of alcohol, cannabis and cigarettes at college. He says his dormmates were well-versed in these easily available drugs of choice. And while the taste of alcohol or the process of smoking cannabis didn’t initially appeal to him, the experience and effect took hold.

“A desire or craving for me was set off, both in wanting more once I started, and continuing to come back for the experience,” Jack explains. “I also liked the effect. Maybe there was a hole in me that was met and filled by it all. Having an altered state, getting ‘wasted,’ feeling more confident and OK with myself and others, provided me comfort and relief for many years.”

Jack’s drinking and cannabis use fit into what people may expect from a college student. By age 21, he started law school and married his college girlfriend. In the coming years, he joined a prestigious law firm and started a family. On the outside, everything appeared to be going well. By this point, he switched his drug of choice exclusively to alcohol. He drank on evenings and weekends. He didn’t see it as a problem.

Jack was doing fine professionally. He was fulfilling all client duties. And, it’s not as if he was getting picked up for DUIs after hours. “My professional peers and clients would not have guessed I was an active alcoholic,” he says.

His personal life, on the other hand, was a mess. He was moody, self-centered, self-pitying and non-communicative of his thoughts and needs. The unpredictability of his mood made him difficult to live with. Many times he ended up staying overnight with friends or relatives. His wife even threw him out of the house for a period of time.

Despite the progression of his alcoholism and the number of nights he wasn’t sleeping in his own bed, Jack still didn’t see a problem. His wife and father-in-law did. They discovered the OAAP, which led to Jack meeting some recovering lawyers and receiving an introduction to Alcoholics Anonymous. He then begrudgingly
agreed to try a 30-day in-patient program at Springbrook (now the Hazelden Betty Ford Foundation) in Newberg.

“I identified with the other people there and became convinced I had the alcoholism that I clearly saw in them,” Jack says.

After the 30 days, he started AA. That was 32 years ago. Since then, he has changed his priorities to ensure he attends regular meetings, usually about four times a week. When he has to travel for work, he’s found meetings. He’s had to change his mindset.

“That daily reprieve has allowed him to remain married, maintain his career and even babysit his grandchildren. He has traveled and backpacked. He has listened to live music while sober.

His advice? “Try not to drink for 24 hours at a time. It really is that first drink that gets us drunk,” he says. “Reach out to the OAAP. If you are brave enough, find and attend some AA meetings.”

From there, Jack says, consider going through the AA process of getting a sponsor, doing the steps and reading the literature, but that comes with time and willingness. And, don’t forget about family members affected by your alcohol and drug use. They are going to need support too. He knows this as he’s also active in Al-Anon, which is a group supporting loved ones of alcoholics, as some of his children and a grandchild have had drug and alcohol issues.

“It’s been a difficult, ongoing journey, but the last 32 years have been a gift for Jack.

“I am grateful for my 32 years of sobriety and all the people who have helped me,” he says. “It is better for me to live without substances, and my life is full with never-ending joys ... and challenges.”

— NICOLE —

Nicole didn’t want to rehash all the drunken half-memories that led to her sobriety. She says there wasn’t a single event that pushed her into treatment. She also didn’t go through treatment just once. It took three separate tries for her to find the best fit.

Her first attempt came just a few years after she started drinking alcohol. Nicole went through a local, hospital-based outpatient program, which did not connect its treatment to Alcoholic Anonymous. She says without having a fellowship of peers upon which to lean post-treatment, she relapsed three months later.

It took a few more years for Nicole to seek help again. This time she found a local, hospital-based outpatient program that did connect its patients with AA. But, she made no personal connections, eventually stopped going to meetings and turned to drinking three years later.

“The scientists are right. Once you have a good period of sobriety, the return to drinking is much, much worse,” she says.

Seventeen years ago, desperately wanting to find a program that worked best with her individual needs after those first two attempts, Nicole contacted the OAAP. She was referred to a physician who had a private alcohol and addiction treatment practice. She committed to participating in group sessions. She made connections in those groups. She’s been sober for the last 17 years.

You Are Not Alone

The Oregon Attorney Assistance Program has offered the following resources for lawyers who are looking to make the first steps toward recovery or need additional support throughout their recovery journeys.

1. National Suicide Prevention Lifeline: (800) 273-TALK (8255).
2. Oregon Attorney Assistance Program (OAAP): If you are concerned about your own substance use, mental health or well-being, or that of a colleague, family member, staff person or other member of the legal community, and would like help, contact the OAAP at (503) 226-1057 or www.oaap.org. This is a free and confidential service of the Professional Liability Fund available to all Oregon lawyers, judges and law students.
3. OAAP Recovery Meetings: The OAAP currently hosts weekly, confidential online meetings for lawyers, judges and law students interested in recovery from substance misuse. If you have questions or would like information on how to access the meetings, please contact attorney counselors Doug Querin at douglasq@oaap.org or Bryan Welch at bryanw@oaap.org.
4. ABA Commission on Lawyers Assistance Programs — Resources for the Legal Profession:
   • Substance Misuse, Compulsive Behaviors Resources: https://www.americanbar.org/groups/lawyer_assistance/resources/links_of_interest/
   • Mental Health Resources: https://www.americanbar.org/groups/lawyer_assistance/resources/covid-19--mental-health-resources/
5. SAMHSA Treatment Referral Hotline, https://www.samhsa.gov/find-help/national-helpline or call (800) 662-HELP (4357)
Though it took many years and a couple treatment attempts that ultimately did not work for the long term, Nicole knows she wasn’t a failure in recovery. And, neither is anyone else struggling with addiction and trying to lead a life of sobriety.

“You are not a failure. Your drinking has nothing to do with willpower or weakness,” she says. “Talking to someone is the best thing you can do for your health, your future and even your life, but we know that it is also the bravest, most terrifying thing you will ever do.”

It was terrifying for Nicole, because as her drinking increased in quantity and regularity, she isolated herself. She drank at home — alone.

“I stopped going out for drinks after work and rarely drank at work events. I became a solitary, isolated drinker,” Nicole admits. “When I did have to socialize with drinks available, I would ‘pretend’ the event, then drink only a bit at the event. When I returned home, I would drink as a reward for holding it together in front of others.”

Nicole says her alcoholism did affect her work in that she scouted out quiet, secret places in the office to take mid-morning naps to recover from her hangovers, but her job was the only thing that didn’t completely go off the rails during her heaviest drinking days.

“…”

Nicole doesn’t see the stress of her job as a factor in her alcoholism. She says almost anything can be used as an excuse for drinking, including most of life’s celebratory events and times of perceived happiness. To decrease some of that stress and those excuses, Nicole relied on her treatment physician. While he passed away a few years ago, Nicole was comfortable enough with her group and confident in the counseling skills of the OAAP counselors to stay focused on her sobriety. She also meditates regularly.

“…”

Beyond that, Nicole stresses that someone who is struggling and wants help should take that first step and talk to someone.

“No trial with someone’s liberty or the public’s safety at stake, no negotiation with millions on the line, nothing in the practice of law is ever as courageous as saying to another person that you drink too much and need help,” she says. “The utter, incomprehensible demoralization of alcoholism is without equal and talking with someone who shares that experience is the best first step.”

— KEITH —

Keith wasn’t a day drinker. He didn’t hide bottles around his house. He didn’t show up drunk to workplace functions or to coach his kids’ sports teams. But, one day, he unknowingly walked into an intervention, where 15 family members, friends and peers, as well as two interventionists, discussed his problem with alcohol.

“It caught me completely by surprise. I had no idea it was happening. Partway through the intervention, I knew I was outnumbered and outgunned, so I decided to take it seriously and listen to what they had to say,” he says, adding that the intervention expert was particularly helpful.

Keith, who always took pride in his how he looked, was told his well-dressed appearance had morphed into something frumpier. His family explained that while he may have physically been there, he had been going through a gradual — but then an accelerated — emotional withdrawal from them.

“It crept up slowly on me. It was a long, slow burn. You don’t realize you are having difficulty stopping,” Keith says while adding he was drinking every night of the week prior to the intervention. When he was at public functions that had alcohol available — whether personal or professional — he would deliberately slow down his drinking then make up for it later at home.

He says it’s hard to quantify how his drinking impacted his work. He figures he wasn’t doing his best with his clients.

“I probably was lowering my standards of how I approached my job, but I can’t say for sure,” Keith remarks. He knew he had a problem before the intervention but he couldn’t correct or solve it on his own. The solution was offered on the day of the intervention.

So, he took it seriously. The husband, father and lawyer entered a treatment facility 15 years ago. He hasn’t had a drink since.

“The thing about alcohol dependency is that it takes a relatively short amount of time for the body to rid itself of that dependency. The physical recovery happened rapidly. It gave me an indication that this might work,” Keith explains. “The mental challenge of not drinking was much more difficult, though.”

Despite being sober for 15 years, the mental challenges never subside. He puts his sobriety first each day. If he doesn’t, then he knows all his problems will return. Keith manages these challenges through his Alcoholics Anonymous program. He got a lot out of those in-person meetings but has found the last couple years of recovery during the COVID-19 pandemic surprisingly effective too.

“I’m able to attend an AA meeting 24/7 from anywhere in the world,” he says. “If I feel the need for a meeting, I just get on Zoom and have an outlet.”

He sees the online meetings as even more anonymous as he can use a nickname or initials to identify himself with the group. Keith’s privacy is of great importance to him. His sobriety and recovery story is his to share, not for someone to find out. That’s why he says he doesn’t discuss his past issues with current clients. “I lean heavily on the ‘anonymous’ part of Alcoholics Anonymous.”

He also doesn’t blame his struggles on his profession. While he admits there is a perception and sometimes a reality of attorneys abusing alcohol to deal with stress, he sees his alcoholism as “biological.” Alcoholism runs deep in his family and Keith says
he ignored this history at his peril. He always had other ways of dealing with work stress, such as coaching his children’s sports teams, attending their school events and participating in OSB activities, but even those methods didn’t work by the end.

Fifteen years removed from his last drink, Keith credits the OAAP’s counselors in helping with his sobriety. “They are wonderful, knowledgeable and great about protecting your anonymity. If you need a place to start, contact them.”

— ANGELA —

Angela waited until age 35 to start law school ... the same year she stopped drinking alcohol. One day, several months prior to the start of law school, Angela did what she always did — started drinking alcohol. On that day, she didn’t stop. She blacked out and ended up with alcohol poisoning. “I experienced what many call ‘pitiful and incomprehensible demoralization,’” she explains.

After “white knuckling it” for a few months, she started a 12-step program and got sober. That was almost 30 years ago.

While she hasn’t had a drink since starting law school, Angela sees the legal profession as one directly tied to alcohol. As a recovering alcoholic, becoming a lawyer in the early 1990s made her recovery even more difficult.

“As a new lawyer and as a lawyer new to recovery, I noticed in my early years of lawyering that most evening events sponsored by my local bar association or the OSB included alcohol, and that many attendees drank alcoholicly,” she says. “I eventually stopped attending my local association’s holiday parties and events because of the amount of alcohol being consumed.”

To handle the stress in her professional and personal life, Angela now attends 12-step meetings (on a daily basis if possible) and talks to her sponsor weekly. She meditates, does Kundalini yoga, exercises, prays, travels and spends time with her family and pets. She also sees a therapist, gets regular massages, goes to an acupuncturist as needed and visits a naturopath for dietary and supplement suggestions.

All of these tools took on even greater importance in March 2020 when everyone’s lives became unrooted due to the pandemic. Angela says she hasn’t felt tempted to drink, but the lack of human connection exasperated her other mental-health issues.

“The isolation from other recovering people increased my periods of depression, sadness and hopelessness,” she says. “I started attending in-person meetings as soon as I could, both for my own recovery and to be there for newcomers who had never been to a 12-step meeting other than on Zoom.”

If you’re struggling with addiction, Angela knows the three most difficult yet powerful words are, “I need help.” She says you have to be honest about how much of the substance you are using and how often.

“Willingness is the key to making a positive change,” she says. Michael Austin is the editor of the Bulletin.
Fire Proof

How to Prepare Your Law Practice for Wildfires

— By Shannon Gormley —

The day that Cyril Rivera Neely fled from the Almeda Fire, he received a distressing call from his wife.

Rivera Neely, a personal injury attorney at Idiart Law, was working from his Central Point firm on Sept. 9, 2020. The Almeda Fire had sparked near Ashland the day before, and warm, dry winds were blowing the conflagration in Rivera Neely’s direction. But with no evacuation order, he started what he expected to be a normal day at the office. Then, early in the afternoon, he got a call from his wife, who was working just 10 miles away at Phoenix High School. The whole school had been evacuated.

“She was like, ‘you need to get home now,’” recalls Rivera Neely.

By the time he left his office, the main roads to his home in Phoenix had been shut down. The rapidly encroaching fire was interfering with Google Maps, so his wife guided him through backroads over the phone. When Rivera Neely got home, the couple packed their belongings into their cars under darkening clouds of smoke and drove north to safety.

Luckily, Rivera Neely’s home and office were both spared by the fire. But it was a close call. The Almeda Fire tore through Phoenix and its neighboring towns, engulfing thousands of acres and leveling over 2,000 homes, making it the most destructive wildfire in Oregon’s recorded history. The following summer only brought more destruction, but there are plenty of situations in which an online backup system might have saved Adams’ files from total destruction, but there are plenty of situations in which an online backup would be essentially useless. That includes wildfires, when cell phone service often cuts out, and it’d be impossible to access files using a hotspot on a phone. Even if you do have good Internet access, many online backup systems require users to download everything before accessing anything. If you have terabytes of client files saved to the cloud, that process could take awhile.

Backup All Your Files

Two major factors kept Rivera Neely from worrying about his business as he fled from the Almeda Fire: Idiart Law was already a paperless firm; and his entire practice was saved in the cloud.

“That’s the main thing,” says Rivera Neely, “Just having the files backed up.”

Many law firms are fully paperless and routinely backup their files on Internet storage. Already, those firms don’t have to worry about all their physical files getting reduced to ash, and can restart their practice remotely, provided there’s access to the internet.

While “digitize and backup your files” might seem like obvious advice, there are a few things you can do to make your backup more useful. Family law attorney and former firefighter Scott Adams recommends incremental backups, which allow access to past versions of a document. He also suggests testing your online backup before you have to use it in an emergency. That way, you can deal with any potential troubleshooting and have a better idea of what it will actually be like to work solely from the cloud.

“If you put everything in the cloud and it’s out of sight, out of mind,” says Adams, “you probably need to rethink your practice.”

Plan for No Internet

Storing all your files in the cloud is a great start. But if you ask Adams, it’s not enough.

“I cringe when everyone talks about how everything’s online,” he says. “If you would be completely unable to work without the Internet, you need to rethink your disaster preparedness plan.

Adams would know. Along with his disaster preparedness and firefighting experience, he’s lived through the kind of scenario he hopes to help others prevent.

In 2007, Adams was enjoying a Saturday morning at his home in Banks when his chimney caught fire. At the time, his house was connected to his legal office, which quickly caught fire too. Adams only had time to grab some loose papers off his desk and throw two computers out the door before flames began rolling across the ceiling.

It took Adams a year to fully recover his practice. Since then, he has focused on disaster proofing his work.

Having a cloud system might have saved Adams’ files from total destruction, but there are plenty of situations in which an online backup would be essentially useless. That includes wildfires, when cell phone service often cuts out, and it’d be impossible to access files using a hotspot on a phone. Even if you do have good Internet access, many online backup systems require users to download everything before accessing anything. If you have terabytes of client files saved to the cloud, that process could take awhile.
If my system required everything to be downloaded to be used, that could take days or weeks,” says Adams. Along with storing your files online, Adams suggests having a physical backup as well, kept in a fire- and waterproof safe, or, better yet, stored in a second location. Adams does both — he has a drive stored in his own safe and another at a colleague’s office in a different part of town. That way, if he can’t access his own office during a disaster, he has a second location from which he can retrieve his work. Those physical backups provide reassurance in the likely event he can’t get online during a natural disaster.

“That way, you’ll at least have stuff locally while you’re trying to get online,” he says.

Invest in Home Hardening and Defensible Space

Dominick DellaSala has worked as a wildfire ecologist for decades, studying Oregon’s changing forests and increasing fires. In 2020, that change nearly came to his doorstep when the Almeda Fire ripped through his town, Talent.

“I witnessed firsthand what it’s like for a community to be unprepared,” says DellaSalla, who’s currently Wild Heritage’s chief scientist. “Houses were going up like Roman candles.”

According to DellaSala, much of that damage could have been prevented, or at least severely mitigated, by home hardening and building defensible space. Home hardening is building or retrofitting a structure to make it less susceptible to wind-born embers. Some home hardening retrofits are fairly simple. Just keeping your gutters clean makes a difference, since accumulated debris like dry pine needles can easily ignite. Installing fine-mesh grates over any exterior vents and gutters will help keep embers from getting indoors. Defensible space refers to clearing brush and vegetation around homes and buildings, essentially creating a fuel-free moat to prevent a fire from spreading in your direction.

Fully retrofitting your practice, however, will likely require professional help and no small sum of money. Metal roofing is best, though a composite roof works, too. Impact-resistant windows can provide protection against high-velocity winds, like the formidable gusts generated by the Bootleg Fire.

All of that can add up — Headwaters Economics estimates that retrofitting a roof alone can cost upwards of $20,000. However, there are grants for home hardening, and anything that you’re able to do makes a difference.

“Even if you have to do it piecemeal, that’s better than nothing,” says DellaSalla. “Do some prioritization. The most important thing is keeping embers from entering the house. Then, if you have the money, make sure your siding isn’t wood.”

Plan for Business Disruption

No matter how much thought you put into your wildfire preparedness plan, recovering from natural disaster won’t be seamless.

“If you have all your stuff backed up,” says Adams, “a lot of your time is going to be spent figuring out how to recover. That could include everything from troubleshooting a newly remote practice to working with insurance. Some insurance does cover business disruption costs, including if your business is disrupted by dealing with said insurance.

Insurance can cover time off for mental health, too. Living through a natural disaster can be traumatic. For Rivera Neely, making accommodations for mental health was crucial. Though he could
have worked remotely while he lived in evacuation, he chose not to — dealing with the fire was stressful enough.

“I think the most important thing (to be aware of) is the trauma that comes from it,” he says. “Everybody for a while was really affected by how scary it was to be hit so hard with something like this.”

Working in a region that had just been decimated, Rivera Neely found that he also needed to hold additional space for his clients’ emotions. Some of his clients lost everything to the fire, and though his firm had all its files backed up, many of his clients didn’t. Rivera Neely and his colleagues spent a great deal of time working to recover clients’ papers that had been lost in the fire, a process that required extra care and patience since the circumstances were so emotionally distressing.

Rivera Neely recalls one client who lost everything she owned in the fire, and several immigration clients who struggled to get replacement documents. The firm held workshops to help people recover and replace immigration documents. On a personal level, Rivera Neely relied on tools like meditation and talk therapy to manage stress.

“Everyone came together and helped each other which was really great to see,” he says. “But I think it’s really important to take care of the mental health around it.”

Shannon Gormley is the associate editor of the Bulletin.

ENDNOTES
Julia Yoshimoto Uses Her Social Work Background to Aid Incarcerated Women

By Shannon Gormley

Early in her legal career, Julia Yoshimoto noticed a gap in the legal system.

While at Lewis & Clark Law School, Yoshimoto began working with Red Lodge Transition Services — an organization that provides religious and re-integration services to Native Americans incarcerated in Oregon — aiding women at Wilsonville’s Coffee Creek Correctional Facility. Then, after graduating and passing the bar exam, Yoshimoto piloted a legal aid program at the women’s prison. The stories that she heard at Coffee Creek were eye-opening.

That anecdote, along with countless others, eventually led Yoshimoto to found the Women’s Justice Project (WJP). Part of the Oregon Justice Resource Center, the WJP supports incarcerated women through a variety of projects, from non-criminal legal services to legislative proposals and public education.

The WJP is Oregon’s first program that provides non-criminal legal services for women inmates. It was founded to address a flaw in the justice system that Yoshimoto first noticed years ago at Coffee Creek. She came to believe that many of the women she met weren’t just facing unique problems while in prison. To Yoshimoto, it seemed that the reasons they ended up in the system in the first place were often gendered too.

“I could not help but recognize that a lot of the things they experienced were because they were women, and often because they were Native American women,” she says. “Women would tell me that they knew that I couldn’t do anything about their convictions or sentences, but that they wanted me to know what happened to them because if more people knew, then maybe things could change, and others would not have to go through what they went through.”

The WJP works to make sure that women are treated fairly by the criminal justice system, and that they can successfully build the life they want to live upon release. Yoshimoto founded the program in 2015, just two and-a-half years after graduating from Lewis & Clark. Her background as a social worker helped her hit the ground running.

“Because she had this practical application of her master’s degree, I think it really helped her define what she wanted to do,” says Dr. Carma Corcoran, the director of Lewis & Clark College’s Indian Law Program and a WJP board member. “That ability to work with such a diverse group of people in such a respectful way, using her knowledge as both a social worker and a lawyer, I think that has really defined her career.”

Though she quickly developed a singular approach to law and founded a first-of-its-kind program, for years, Yoshimoto questioned whether switching from social work to law was the right decision.

“I remember my first day of law school just feeling so sick, thinking I just made the biggest mistake,” she says. “It was a really tough transition and a totally different mindset in terms of how to work with people.”

Starting From Scratch

In retrospect, it’s easy to see how Yoshimoto’s time as a social worker laid out the trajectory of her legal career. But for most of her life, she had little interest in the legal field.

“I did not have lifelong dreams of becoming a lawyer,” she says.

Yoshimoto was born and raised in Aiea, Hawai‘i. She attended undergrad at Carleton College in Minnesota, then lived and worked in Japan for two years before returning to her home state, where she earned her master’s in social work from University of Hawai‘i at Mānoa.

Her six years as a social worker were formative. Yoshimoto spent two years as the sole social worker at Honolulu’s Path Clinic, which provides OB-GYN and prenatal care for women living with drug addiction. Like the women she would later work with at Coffee Creek, many of the clinic’s patients were victims of abuse, trapped in a cycle of poverty and violence.

It was at Path that Yoshimoto began noticing a lack of accessible legal resources. “I didn’t understand why an attorney wouldn’t give us 15 minutes of their experi-
Julia Yoshimoto is the founder of the Women’s Justice Project, which is part of the Oregon Justice Resource Center.

Julia Yoshimoto (second from left) served as the sole social worker for two years at Honolulu’s Path Clinic, which provides OB-GYN and prenatal care for women living with drug addiction.

“I remember the (Path) nurse manager telling me that we could be closing in a matter of weeks,” says Yoshimoto. “I think it was then that I thought, I’m just going to do this.”

So Yoshimoto packed up and moved from Honolulu to Portland. Once she got there, she spent her first year and a half of law school trying to figure out when she was going to quit.

“It was a really tough transition,” she says. “I think not even as a social worker, but just as a person, you’re thinking about the cases in terms of people’s lives and people’s stories. What you’re talking about in law school is very much about procedural issues or things that just seem removed from people’s actual lives.”

It wasn’t until a legal clinic class in her second year of law school that Yoshimoto saw how she could help people as a lawyer. During her two terms at the clinic, Yoshimoto helped provide free bankruptcy, family law and landlord-tenant legal services.

“That helped me to see, OK, this is how lawyers can help people,” she says.

**Coming into Focus**

Near the end of her studies at Lewis & Clark, Yoshimoto’s now-husband, Oregon Justice Resource Center co-founder Bobbin Singh, introduced her to Dr. Carma Corcoran. Corcoran was immediately impressed by Yoshimoto.

“I was just really drawn to her,” says Corcoran. “Knowing about her commitment to social justice issues and her way of being in the world, I felt very comfortable saying, ‘Let’s put our heads together.’”

At the time, Corcoran was the board chair of Red Lodge Transition Services. Corcoran connected Yoshimoto with the organization.

Patricia Jordan, Red Lodge’s executive director, remembers Yoshimoto as “quiet, extremely intelligent and proactive.” To Jordan, Yoshimoto’s unique approach to law was clear from the beginning.

“She has a holistic approach, which most people don’t,” says Jordan. “She just has a lot of empathy and love for the population that she serves.”

Red Lodge had noticed that after their release, many of the women struggled to reintegrate into society due to non-criminal legal issues, from suspended drivers licenses to debt obligations. So Yoshimoto, Corcoran and Jordan began discussing a program
that would pre-screen inmates for any post-release legal obligations and connect them with lawyers who could help. But it quickly became clear that there were very few attorneys who could provide those resources.

“There’s just a very limited amount of free legal services,” says Yoshimoto.

In late 2013, Yoshimoto received a one-year grant to create a program for Red Lodge. Dubbed the Red Lodge Legal Services Program, the pilot was a precursor to the WJP. In addition to screening women for legal issues they might face upon release, Yoshimoto brought in speakers to Coffee Creek who provided incarcerated clients with further guidance for successful reentry.

From the very beginning, Yoshimoto’s approach was much deeper than any typical legal consultation. Yoshimoto asked each individual about everything from their housing, their jobs, their families and what they hoped their life would look like after prison.

“I couldn’t figure out how I was going to help someone screen for their legal issues if I wasn’t getting at least some sense of what their whole life looked like,” says Yoshimoto. “I think because of my social work background, I knew that people don’t know how to package this information for me. I can’t be like ‘What are your legal issues?’”

Corcoran gives Yoshimoto more credit. Yoshimoto’s detailed, personable consultations didn’t just dig up any potential legal issues that a client couldn’t anticipate. The process also built trust.

“Many of these women have suffered abuse — often, people who they thought they could trust proved to be untrustworthy,” says Corcoran. “Women were able to overcome the guilt and shame they might have, and they could ask for help.”

Built on Trust

In July 2015, Yoshimoto was hired by the Oregon Justice Resource center to create the WJP. Since then, the organization has expanded its programs, but remains committed to working directly with incarcerated women. In addition to its legal aid program and public awareness campaigns, the WJP advocates for systemic reform through programs like the Women in Prison Conference and legislative proposals. Sharing the stories of incarcerated women is a crucial part of those programs.
“The more you learn about how the system operates,” says Yoshimoto, “You can’t look away.”

In 2017 and 2018, the WJP conducted a survey called HerStory Oregon. Administered with Portland State University, the survey asked incarcerated women about their experience with the criminal justice system, from their arrest to their hopes for life after prison. Of the 142 people surveyed, 122 took plea deals. More than half reported being in abusive relationships at the time of their arrest.

“I was so confused by the whole situation and wanted to die,” wrote one participant. “I didn’t care what happened to me.”

Yoshimoto’s legal degree has given her tools to address issues she wasn’t even aware of as a social worker. But it was her career as a social worker that prepared her to navigate the emotional complexities of her job.

“Being able to be in an interview with a client and kind of see the dynamic and build a report,” she says, “the social work piece really helps with that.”

Arguably, that trust and report is at the center of Yoshimoto’s work. More than just a tool to make her clients feel comfortable, Yoshimoto’s personality is key to the WJP’s success.

“People don’t know where to turn,” Yoshimoto says. “The fact that the Women’s Justice Project is a place that women from Coffee Creek feel that they can call and get answers, I’m glad that we exist even just for that purpose.”

Shannon Gormley is the associate editor for the Bulletin.
The New Frontiers of Cybersecurity During Natural Disasters

Protecting Confidential Data

By Sharon D. Nelson and John W. Simek

Natural disasters are steadily increasing. In 2020, we ran out of hurricane names and had to resort to the backup names from the Greek alphabet. We came close to using up all the names in 2021 too, but barely squeaked by with one remaining. December 2021 saw a wind disaster come through the central United States and devastate hundreds of miles of structures. According to meteorologists, at least 19 tornadoes in five states were unleashed. We have experienced major flooding from hurricanes over the last couple of decades, severely impacting attorneys in their ability to practice law.

Whether there is a natural disaster involving tornadoes, ice storms, hurricanes, blizzards, etc., the primary concern is to protect the confidential information entrusted to attorneys by clients. Physical access to law offices and client data is hindered during a disaster.

How will you prevent someone from potentially gaining unauthorized access to client data during the disaster? Your security system may be disabled due to lack of electricity. You won’t be able to control physical access if your office space is damaged. You may not be able to get to the client data (paper files, computers, servers, etc.) if your office is flooded — remember Katrina?

The Cloud Becomes a Lifeline

As more and more law firms utilize cloud services (and law firms stampeded to the cloud in 2020), continuing operations during and after a disaster is becoming much easier. However, taking advantage of cloud services means that a connection to the internet is of prime importance. If your internet connection goes down, you’ll need an alternative method to get to your client data.

Don’t forget that you may be able to use your smartphone hot spot to access the internet and continue operations during a disaster. Another advantage of using the cloud is security. Generally, cloud providers are much more secure than systems contained in a law firm’s network. That is true for most solo and small firm attorneys.

The Pandemic Revolutionizes Cybersecurity

We’ve mentioned some of the more common natural disasters, but the pandemic rocked us to the core. COVID-19 forced law firms and businesses to close up shop (most in a single day) and send employees home for an extended period.

The sudden closure of law firms allowed for only scant planning. We shut down our own office in less than an hour, although we were fortunately well situated for a work-from-home (WFH) environment.

A lot of law firms were not as fortunate. Those that didn’t have laptops as a primary work device for their employees were forced to use home computers for work purposes as laptop demand skyrocketed and lead times for orders took months for delivery. The pandemic significantly slowed laptop production, which didn’t help. Even though the pandemic forced WFH on many law firms, other natural disasters could also force law firm employees into a remote work environment.

Work From Home is Less Secure

Home networks are 3.5 times more vulnerable to attack than law firm networks for a variety of reasons. Consumer-grade equipment is used in home networks and not generally kept up to date. That includes computers, as well as networking equipment such as wireless routers. Surveys show that less than 30% of users have changed the default administration password on their home routers. The cybercriminals read these the studies too. That is one reason that attacks on home networks...
increased significantly at the beginning of the pandemic. Cybercriminals knew that lawyers were now working from home utilizing insecure devices.

Another consideration in a WFH world is the security of the device used to connect to the law firm network or cloud service. Devices located within a law firm network are typically centrally managed and kept up to date with the latest security patches and application updates. There are many more challenges when someone is remote, especially if working on a non-firm owned device.

To help improve the situation, some firms elected to make the home machines part of the law firm’s centrally managed environment. This means that the firm would remotely patch the home computers and make sure all security configurations and updates were installed.

Obviously, there are some challenges when folding a home machine into the managed environment. Privacy considerations become top of mind. Not just the privacy (and security) of client information, but the personal privacy of the home user. There needs to be a crystal-clear understanding of what the law firm is allowed to do to the home user’s computer and what information may be accessed. The obvious conclusion is that it would be a much better alternative to put a law-firm owned device on the home network rather than taking control of a home machine.

Training is Critical

Training is essential to adequately responding to a disaster. No matter what the disaster (e.g. tornado, hurricane, pandemic, etc.), employees are stressed out dealing with the situation. They may be concerned for the life and safety of family, friends and colleagues. Their defenses are down — they may be moving way too fast and not thinking clearly.

Then they must deal with cybercriminals seeking to exploit a disaster. Training needs to be done for employees to properly recognize a phishing attack, especially since over 90% of successful cyberattacks start with a phishing email. Unfortunately, cybercriminals have become very sophisticated and are constantly changing their methods and tactics to gain access to valuable information. That information may be the user’s login credentials, firm financial information or client information that ultimately results in financial gain.
Phishing attacks have drastically increased since the beginning of the pandemic. Besides trying to get users to click on an attachment or open a malicious link, cybercriminals want to let users feel safe when receiving a phishing email. There may not be any link or attachment with the attacker simply starting a conversation, “Are you available to talk?” After a few email exchanges, the attacker then gets to the real purpose of the email exchange. These attacks are primarily financially driven. The FBI categorizes these events as Business Email Compromise (BEC).

BEC accounts for the majority of internet fraud, according to the Internet Crime Complaint Center’s (IC3) “2020 Internet Crime Report.” The report identified total losses exceeding $4.2 billion, with BEC being responsible for over $1.8 billion. In comparison, ransomware was only responsible for $29.1 million of losses. Some of the Q2 2021 stats show that the average request was for $106,000, up from Q4 2020 for $75,000.

Diverting employee payroll deposits accounted for 24% of BEC attacks, while 47% requested funds in gift cards. Gift cards are popular since you only need the codes and not the physical card. Once the card is cashed in, the funds are converted to virtual currency such as Bitcoin. You will probably never see the money again once the gift card is redeemed. A request for gift cards is usually a red flag. Instruct employees to be very wary of any request for gift cards.

Clever Subject Lines in Phishing Emails

Cybercriminals never miss an opportunity and quickly create campaigns to take advantage of recent disasters. We saw upticks in phishing attacks during Katrina, when a Malaysian airliner went missing and again during the pandemic.

The subject lines for phishing emails try to entice you to engage with the attacker by using relevant topics, often indicating urgency. In its “State of the Phish 2021” report, security firm Proofpoint identified the top 10 themes used for phishing campaigns:
1. New Microsoft Teams request
2. Coronavirus advisory alert and health warning
3. Office 365 password expiration notice
4. Deactivation of old OneDrive account
5. OneDrive shared contract notification
What Must Lawyers Do to Ethically Protect Confidential Data?

As attacks increase, lawyers need to be diligent in protecting access to client confidential data. This means having more stringent methods and policies to protect access credentials. Having weak passwords or reusing passwords is not an acceptable practice to protect client data. Using a password manager will help organize your logon credentials utilizing strong, unique passwords for each service.

Besides improving your password hygiene, you should be using two-factor authentication (2FA) wherever it is available. Should your password get compromised, 2FA will help prevent a successful takeover of your account. Note: 2FA is a subset of the more general multi-factor authentication (MFA). In studying the effectiveness of MFA, Microsoft has reported that utilizing MFA stops 99.9% of credential-based account takeover attacks.

One of the best features of MFA is the cost. Most MFA implementations are free. We have come to learn that free is a favorite word, especially among solo and small firm attorneys. Some vendors are now requiring that 2FA/MFA be enabled for all accounts. Google enforces 2FA for its accounts and your Ring doorbell account must have it configured too. Some commentators say that it is now ethically required to use MFA because it is a reasonable way to safeguard client data.

When configuring MFA, you may have some options for obtaining the second factor. It is very common to obtain the code via SMS text message. SMS text message is the least secure of all the methods. Having said that, getting the code via text message is far better than not having 2FA configured at all. If you have the choice, retrieving the code from an authentication app such as Google Authenticator, Authy, Duo, Microsoft Authenticator, etc. is better than
getting a text message. Push notifications via an authenticator app are even more secure and using a hardware token such as the YubiKey is the most secure. Time to educate yourself on your MFA options!

Encryption is Vital

The ability to utilize encryption is another essential tool for attorneys. Attorneys need to protect the confidential client data while it is at rest and while in transit. Having the ability to communicate with encrypted email keeps the information private. Many attorneys are now using cloud-based practice management systems that include client portals for securely communicating with their clients.

The pandemic has forced video conferencing upon us — and it will undoubtedly remain with us as so many law firms are hybrid. Attorneys need to know how to secure these video conferencing sessions. Zoom now has end-to-end encryption, but it is not turned on by default. Currently, Teams has limited end-to-end encryption ability. End-to-end encryption means that only the participants have control over the encryption keys and it is really only needed for the most secure of communications. Normal encryption methods are generally sufficient to secure client data while using third-party services.

The Curse of Ransomware

In case you are thinking that your practice is not important enough to be the victim of a ransomware attack, think again. Cybercriminals take advantage of disasters by adding to your misery. Think of it as a dual attack. While you are busy dealing with your disaster, cybercriminals attack as your defenses are down. Even during non-disaster periods, your environment should be prepared for a ransomware attack. In addition to your anti-virus security solution, you should investigate installing a relatively new form of security software called Endpoint Detection and Response (EDR). EDR is much more sophisticated and uses AI, machine learning, heuristics, etc., to help combat ransomware and other more sophisticated attacks. There are some EDR solutions that are very affordable even for the solo and small firm attorney.

Finally, make sure you have an Incident Response Plan (IRP) to address the various situations involving a disaster. As an example, what will you do if your office is flooded during a hurricane? How will
you communicate with your employees? Can you still get to your files and access whatever you need to provide adequate representation for your client? How will you continue to practice law if there is a lockdown as we experienced at the beginning of the pandemic? Your IRP also needs to address what you will do in the event of a ransomware attack. Who are you going to call and in what order? Do you pay the ransom? Can you restore from backup? Have you tested your backups? Do you have multiple backups?

‘Too Cool for School’

Some of you will remember those words from childhood. Be wary that you never think like that when it comes to staying abreast of cybersecurity. The article you’ve just read could easily have been a book. And what law firms should be doing with respect to cybersecurity will change by the hour and day for the foreseeable future.

Seek out cybersecurity articles, training and CLEs to keep yourself technologically competent in a complex and potentially deadly world that moves faster than the speed of light.

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2022 Oregon Legislation Highlights Available Soon

This summer, the Oregon State Bar will release the 2022 Oregon Legislation Highlights. Each year, the bar produces a book detailing many of the more significant bills passed by the legislature during the recently completed session. Bill summaries are arranged by topic, allowing lawyers to easily review those that may be relevant to their practice. Summaries are authored by other attorneys who are experienced in the area of law on which they are writing, and often include useful practice tips for lawyers who are working with the new laws.

Legislation Highlights is available free online for bar members through BarBooks. If you have any questions or need more information about the 2022 Legislation Highlights, please contact OSB Public Affairs at pubaff@osbar.org.

OSB Seeks Public Volunteers

Do you know any non-lawyers with a desire to volunteer their time, energy and expertise to Oregon’s legal community? The Board Development Committee is currently looking for non-lawyer volunteers to serve as public members on the OSB Board of Governors and several other committees and boards.

Public members are vital to the OSB’s mission, helping ensure that the public interest is considered at all levels of bar governance. Many current and past public volunteers have been encouraged to seek appointment by a lawyer friend or colleague, so if you know someone who might be interested, please encourage them to apply.

People from a variety of backgrounds have successfully served as public members — connections to the legal field are not necessary. The application deadline is July 11. Details are available at www.osbar.org/volunteer/publicopps.html.

2022 OSB Annual Awards Set for Oct. 27

The 2022 OSB Annual Awards and Celebrate Oregon Lawyers event will be held on Oct. 27 at the Sentinel in Portland. Please save the date and plan on joining us.
as we come together to celebrate our 2022 honorees, as well as our 40- and 50-year members. More information is available on our website at www.osbar.org/osbevents.

Mentors Sought for the New Lawyer Mentoring Program

In 2011, the OSB and the Oregon Supreme Court launched the New Lawyer Mentoring Program (NLMP) to serve all incoming bar members. The mandatory program formalizes a process that for many decades took place organically, through connections forged at law firms and other close-knit bar communities. As our state bar has grown, the process of introducing new lawyers to the legal community, and guiding them through the transition to law practice, has grown more amorphous. The NLMP offers new bar members one-on-one guidance on elements of a highly competent practice, while promoting the professionalism, civility and collegiality that make Oregon among the best places in the country to practice law.

In order for the NLMP to succeed, the bar needs new mentors every year. If you are interested in helping guide new lawyers into the profession, please consider volunteering. Full details — and enrollment information for new mentors — can be found at www.osbar.org/nlmp.

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.

Assistant Disciplinary Counsel – Litigation

The Oregon State Bar is looking for someone to provide counsel to the bar in the evaluation, investigation, and litigation through trial of ethics complaints made against Oregon lawyers.

Please visit osbar.org/osbcenter/openings.html for job details.

Equal Opportunity Employer.
BAR ACTIONS

Discipline

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

MARK THOMAS McLEOD
OSB #102951
Portland
Public Reprimand

Effective April 28, 2022, the disciplinary board accepted a stipulation for discipline publicly reprimanding Portland lawyer, Mark Thomas McLeod, for violating RPC 4.2.

McLeod represented a client in a family law matter, which involved a dispute between the parties regarding parenting time. In an effort to resolve the dispute, McLeod sent email messages to the opposing party, when McLeod knew that the opposing party was represented by an attorney on that subject. McLeod stipulated that his conduct violated RPC 4.2.

The stipulation recites McLeod’s pattern of misconduct and substantial experience in the practice of law as aggravating factors. In mitigation, McLeod did not have a prior disciplinary record and fully and freely cooperated with the bar’s investigation.

BRET HALL
OSB #035694
Portland
30-day suspension

By order dated May 9, 2022, the disciplinary board approved a stipulation for discipline and suspended Portland lawyer Brett J. Hall for violating RPC 8.1(c)(4) (duty to participate in and comply with a remedial program established by SLAC or its designees).

In 2017, Hall was referred to the State Lawyers Assistance Committee (SLAC), and on Feb, 9, 2018, he executed a monitoring and cooperation agreement with SLAC. Over the next two-and-a-half years, from February 2018 through July 2020, Hall repeatedly breached his SLAC monitoring agreement by failing to abstain from alcohol or report for alcohol screenings, repeatedly failing to provide information to his monitor and intermittently failing to undergo treatment. Hall admitted that this conduct violated RPC 8.1(c)(4).

The stipulation recites that Hall’s conduct was aggravated by his substantial experience in the practice of law, but was mitigated by his absence of a prior disciplinary record, his personal or emotional problems, and his cooperative attitude toward the disciplinary proceedings.

MARK AUSTIN CROSS
OSB #791994
Oregon City
150-day suspension

Effective March 12, 2022, the disciplinary board suspended Mark Austin Cross for 150 days for violations of RPC 1.15-1(d) (failure to promptly deliver funds a client is entitled to receive and render a full accounting at the client’s request), RPC 1.16(d) (failure to take reasonable steps to protect a client upon termination of representation) and RPC 8.1(a)(2) (failure to respond to inquiries from a regulatory authority).

Cross agreed to represent a client named as a defendant in a lawsuit, and the client paid Cross a $25,000 retainer pursuant to an oral agreement that required Cross to refund any unearned portion of the funds upon the representation’s conclusion. After the matter concluded, the client repeatedly requested an accounting of the fees earned and the tasks performed, but Cross failed to respond. Instead, Cross refunded $10,000 to the client with no explanation for the amount. The client subsequently sued Cross, who failed to appear for trial, and a money judgment for $10,000 was entered against Cross.

The bar’s disciplinary counsel’s office (DCO) began an investigation into the matter after the client submitted a claim to the Client Security Fund for $10,000. Cross failed to respond to inquiries from DCO about the matter.

Cross’s conduct was aggravated by a prior record of discipline, a dishonest or selfish motive, multiple offenses, substantial experience in the practice of law and indifference to making restitution to the client. A trial panel found no mitigating factors.
LARA M. GARDNER
OSB #033206
Corvallis
Public Reprimand

Effective March 9, 2022, the disciplinary board approved a stipulation for discipline reprimanding Lara M. Gardner for a violation of 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).

In 2019, Gardner’s brother was incarcerated at the Marion County Jail and asked Gardner to create documents for other inmates whom he believed would be targeted for harm when transferred to prison to serve their sentences. Gardner admitted that she engaged in conduct involving dishonesty, fraud, deceit or misrepresentation that reflected adversely on her fitness to practice law when she created one document that purported to be an official order from the State of Oregon Board of Parole and Post-Prison Supervision and another document that purported to be an indictment in a then-pending Marion County criminal court case and subsequently mailed those documents to her brother at the jail for use by other inmates. Gardner did not forge any signatures on the documents.

Gardner believed that the recipients would only use the documents to show other prison inmates for the purpose of avoiding harm. The documents purported to show that the recipients were charged or convicted of crimes that were different than the crimes that the recipients were actually charged or convicted with.

The stipulation recited that Gardner’s conduct was aggravated by substantial experience in the practice of law. Her conduct was mitigated by the absence of a prior disciplinary record, and her character or reputation.

GARY NELSON
OSB #151326
Beaverton
180-day suspension

Effective Feb. 18, 2022, the disciplinary board approved a stipulation for discipline and suspended Gary Nelson for 180 days for violating 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).

In April 2018, Oregon State Police (OSP) began assisting in an investigation into the conduct of Nelson, who was then employed as a Polk County deputy district attorney. Law enforcement was investigating Nelson’s pursuit of personal relationships with domestic violence victims he had met while prosecuting their abusers.

Nelson admitted that he engaged in conduct involving dishonesty, fraud, deceit or misrepresentation that reflected adversely on his fitness to practice law when he made a number of false statements to investigators who interviewed him as part of the investigation. For example, Nelson denied engaging in sexual intercourse with one victim but subsequently corrected that statement shortly after the interview concluded, acknowledging he engaged in sexual intercourse on one occasion with the woman.

The stipulation recited that Nelson’s conduct was aggravated by a dishonest or selfish motive and a pattern of misconduct. Nelson’s conduct was mitigated by the absence of a prior disciplinary record, full and free disclosure to the disciplinary board or cooperative attitude toward the proceedings, inexperience in the practice of law, Nelson’s remorse for his conduct, both as to the underlying relationship and as to not being truthful, and the imposition of other penalties, namely that he resigned from his position with the Polk County District Attorney’s Office in May 2018.

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Among Ourselves

Hannah Hoffman has joined Outside In’s board of directors. Hoffman is a trial lawyer at Portland’s Markowitz Herbold, where she focuses on business litigation. Previously, she served as a Clackamas County deputy district attorney, an assistant attorney general with the Oregon Department of Justice’s Solicitor General’s Office and as a law clerk for the Honorable Michael Mosman of the U.S. District Court of Oregon. Established in 1968, Outside In supports youth experiencing homelessness and other underserved people as they move toward improved health and self-sufficiency.

The Oregon Women Lawyers Foundation has announced its officers and board members for the year beginning in May 2022. The officers are president Julia Markley, president-elect Suleima Garcia, secretary/historian Trudy Allen and treasurer Stefyni Allen. New to the board this year are Gizem Demirel, Tracy McGovern and Jovita Wang. Returning to the board are past president Aruna Masih, Brittany Buxton, Nora Coon, Rima Ghandour, Kristie Gibson, Kamron Graham, Kat Kogan, Holly Martinez, Christine Meadows, Sharnel Mesirow, Julie Preciado, Diane Rynerson, Deena Sajitharan and Emily Wanner. The Oregon Women Lawyers Foundation is the sister organization of Oregon Women Lawyers.

Tonkon Torp has announced Tonkon Helping Underserved Businesses (Tonkon HUB), a program that provides resources to small and emerging business owners from marginalized and underrepresented communities. Benefits include a free consultation, discounted services and network introductions. Tonkon HUB is available to businesses that have 51% of senior leadership, executives or owners who identify as racially diverse or otherwise from historically marginalized communities.

For the second time, retired Oregon attorney Monty VanderMay has won a national title in hammer throw. This May, VanderMay won a gold medal at the Senior Olympic nationals for men 55 to 59. VanderMay previously won gold in Alabama in the 50 to 54 age group. He has won gold in seven states and set three state records.

Justice Brooks has been selected as a 2022 Portland Business Journal 40 Under 40 honoree. An associate in Foster Garvey’s litigation group, Brooks is a crew member for Know Me Now, a Portland-based nonprofit that connects community members with soon-to-be-released incarcerated parents. He also serves on committees for the Multnomah Bar Association and the Oregon State Bar, as a mentor with the Professional Mentor Program at the UALR William H. Bowen School of Law and as a member of the Foster Garvey Opportunity & Progress Council.

Shayda Le, a partner at Barran Liebman, has joined the YMCA of Columbia-Willamette board of directors. Le will support the YMCA’s efforts to provide community members with a place of belonging, expand current services to the broader geographical area, address homelessness and increase organizational sustainability.

Tonkon Torp partner Rocky Dallum has been elected to the ALS Association’s national board of trustees. The ALS Association fights to treat and cure ALS through global research and nationwide advocacy. Dallum began working with the Oregon and Southwest Washington Chapter of the ALS Association in 2015 to honor his mom, Ilene “Mike” Dallum, who he lost to ALS.

Danny Newman, an attorney at Tonkon Torp, has joined the board of directors for the Pioneer Courthouse Historical Society, which works to preserve and provide to the public the history of Portland’s Pioneer Courthouse. Newman is an associate in Tonkon Torp’s litigation department and the firm’s bankruptcy and creditor rights practice group.

Tonkon Torp attorney Maureen McGee has been elected to Mission Street Parks Conservancy’s (MSPC) board of directors. MSPC helps the City of Salem preserve and celebrate the public landscapes on and near Mission Street, with a current focus on Bush Pasture Park. An attorney in Tonkon Torp’s government relations and public policy practice group, McGee offers government affairs services to clients on matters before the Oregon Legislature, administrative agencies and local governments.
Courtney Caimona has joined Hershner Hunter as an associate in the litigation practice group. Before joining Hershner Hunter, Caimona practiced at a boutique firm where she focused primarily on litigating complex business disputes.

Health care law firm the Nathanson Group has joined Lane Powell. The Nathanson Group's team of eight attorneys collectively has over 100 years of experience handling the real estate, corporate and finance aspects of health care transactions, with a particular focus on the long-term care and senior housing industry. The Nathanson Group's founder, Randi S. Nathanson, will co-chair Lane Powell's newly formed health care transactions team with Lane Powell shareholder Gabriela Sanchez.

Tim Nicholson has joined Schwabe, Williamson & Wyatt's natural resources industry group as a shareholder. Nicholson is a corporate and real estate transactional lawyer with experience counseling those in the forest products, agriculture and agribusiness sectors.

Trillium Community Health Plan has named Emily Ann Farrell as senior director of operations and health equity administrator for Trillium and Health Net Health Plan of Oregon. Farrell will be responsible for the continuing execution of Trillium's health equity strategy,
and will work to address disparities in care and improve health outcomes.

Yufeng Luo has joined the Office of the Public Records Advocate as deputy public records advocate. Luo, formerly the assistant attorney general in the Civil Enforcement and Trial Divisions of the Oregon Department of Justice, is interested in working with records holders and requesters to resolve disputes and promote government transparency.

Connor King has joined Watkinson Laird Rubenstein. King represents both plaintiffs and defendants at all stages of litigation, from pre-suit to resolution. His practice currently includes lawsuits concerning breach of contract, property disputes, and trust and estate disputes.

Yufeng Luo

Harder, Wells, Baron & Manning has changed its name to Wells, Manning, Eitenniller & Taylor and added two new partners. Katherine Eitenmiller joined the firm as an associate in 2015 and leads the federal appeals department, appealing claims to district court and the 9th Circuit Court of Appeals. Katie Taylor joined the firm as an associate in 2017 and represents claimants in applying for benefits and throughout the appeals process, including in administrative hearings before the Social Security Administration.

Zach Berne has joined Trueb & Beard. Berne’s practice focuses on representing injured fishermen, tug and barge workers, and other mariners in personal injury suits. His practice at Trueb & Beard builds on his earlier experience in maritime insurance defense and complex litigation, including injury claims, vessel casualties, oil spills and industrial accidents.

Zach Berne

Tonkon Torp has hired associate Jordan Jeter to its labor and employment practice group. Previously, Jeter worked as a litigation associate at McKean Smith Law and as a judicial clerk for Judge Roger DeHoog of the Oregon Court of Appeals and Judge Barbara A. Madsen of the Washington Supreme Court.

Jordan Jeter

Conner Egan has joined Gilroy Napoli Short Law Group. Egan is a former prosecutor who most recently worked as a Marion County deputy district attorney as part of their child abuse team. He will be practicing criminal defense law and working out of the firm’s Portland and Salem offices.

Conner Egan

Alexandra Hutchinson has joined Miller Nash’s Portland office on the firm’s growing business and corporate team. Hutchinson represents local businesses and large corporations in corporate transactional matters. She has a background in securities and business litigation.

Alexandra Hutchinson

The Portland City Attorney’s Office has hired two new deputy city attorneys. Trung D. Tu has joined the office’s litigation section. Tu’s practice is primarily focused on general litigation defense, employment litigation and bankruptcy. Alan D. Yoder has joined the labor and employment section. Yoder will be advising city bureaus on labor and employment matters.

Elizabeth White has been promoted to partner in K&L Gates’ Portland office. White focuses her practice on complex commercial litigation with an emphasis on appellate litigation, securities, antitrust and intellectual property disputes. She assists in defending clients in class action shareholder and shareholder derivative litigation, as well as antitrust actions.

Elizabeth White

Marlene R. Yesquen has joined Hollander Lebenbaum Gannicott & Patrick as a partner. Her practice will continue to focus on litigation matters in personal injury cases, workers’ compensation claims and Social Security disability claims. Yesquen is a native speaker of Spanish and provides bilingual legal services.

Marlene R. Yesquen

Jared Ahern joined Cable Huston as counsel in the firm’s litigation group. Ahern brings substantial experience with complex litigation in state and federal courts, and various arbitration forums. He has advocated for his clients in cases involving breach of contract claims, shareholder derivative claims, employment law disputes, partnership disputes and allegations of unfair business practices.

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Jared Ahern
Richard William Riggs passed away on April 23, 2022. Known affectionately to his close friends and family as simply “Bill” or “R.W.,” Riggs was born Nov. 21, 1938, in Hinsdale, Ill. Riggs’ family moved to Oregon when he was young, eventually settling in the Hillsboro area.

A member of Sigma Alpha Epsilon fraternity, Riggs graduated from Portland State University in 1961 with a degree in history. Riggs met his first wife, Sue Bradford, while at PSU. After graduation, he joined the Navy. After completing Officer Candidate School, Riggs was stationed for two years in Trinidad and Tobago as a junior supply corps officer. During his time in active duty, Riggs and Sue welcomed daughter Laura (Lyon) and son Jeffrey. Riggs went on to proudly serve for over 20 years as a naval reservist, retiring with the rank of captain in 1992. After returning to Oregon, Riggs entered law school, earning his J.D. from the University of Oregon School of Law in 1968. Riggs was an active member of Phi Alpha Delta and the Law Review.

After passing the bar exam, Riggs entered private practice, joining the Portland firm Wilner, Bennett, and Leonard. In 1972, he became partner. Riggs served as president of the Oregon Trial Lawyers Association from 1973-74 and was on the board of governors for the Western Trial Lawyers Association. In 1993, he helped to found the Oregon Academy of Family Law Practitioners and worked with the organization since its inception.

Riggs met and married Jeri Riggs and became stepfather to Jeri’s children, Tamariah (Boleyn) and Cheri (Johnson). It was in this period that Riggs transitioned his legal career. In 1978, he became a circuit court judge for Multnomah County, serving until 1988. Riggs was then appointed to the Oregon Court of Appeals, serving for 10 years until 1998. In what became the capstone of his legal career, then-Oregon Governor John Kitzhaber appointed Riggs as the 94th associate justice to the Oregon Supreme Court. While on the court, Riggs authored the majority opinion in State v. Guzek, regarding the penalty phase of death penalty trials that was then heard before the Supreme Court of the United States.

Riggs resigned from the bench in 2006, but remained active in the legal profession as a judge pro tem and a sought-after arbitration and mediation specialist. Riggs married longtime friend and fellow legal professional Diane Rader in 2004. Riggs and Diane enjoyed an active semi-retirement, traveling and entertaining family and friends. They particularly enjoyed hosting gatherings around their backyard pool in summer.

Riggs was an avid music fan, with a penchant for big band greats like Stan Kenton and Count Basie. Riggs was also an accomplished home chef who delighted in preparing creative, delicious meals for friends. Riggs leaves behind his wife Diane, younger sister Bobbi, children Laura and Jeff, and stepchildren Tamarah and Cheri.

Vincent Anthony Deguc, 71, passed away on April 29, 2022 from complications of Alzheimer’s. Deguc was born in South Bend, Ind., and graduated from the University of Notre Dame in 1972. Three weeks later, he married Beverly Box in the Sacred Heart Cathedral on the Notre Dame campus. Deguc remained a true Notre Dame fan for the rest of his life.

Soon after their wedding, Deguc and Bev moved to Portland where Deguc attended Northwestern School of Law of Lewis & Clark College. Deguc graduated with a J.D. in 1975. He worked at the Urban Indian Center of Portland as a volunteer in Service to America until 1977, when he opened his own practice. When asked what his specialty was, he would reply “the needs of my clients.” Deguc continued to meet the needs of his clients until he retired in 2018.

Deguc and Bev had two daughters, and Deguc enjoyed volunteering for many activities with them. He was a girls basketball coach and an adult Girl Scouts volunteer. His professional volunteer interests included the Metropolitan Human Relations Commission, Washington County Public Affairs Forum, Westside Professional and Business Associates and various committees for the Oregon State Bar.

Deguc is survived by his wife Clara, daughter Lisa and two grandchildren.

In lieu of flowers, contributions in memory of Deguc can be made to the Oregon Food Bank or to St. Elizabeth Catholic Church.

Jackson L. Frost, longtime Linn County district attorney and circuit court judge, passed away on May 5, 2022, at the age of 88. He was born in Ohio and graduated from the University of Michigan School of Law in 1961. Frost served in the United States Army and then spent his entire career as a dedicated public servant in Oregon.

Frost was the district attorney for Linn County from 1968-88 and circuit judge from 1988 until his retirement in 1998. In both of those roles, he was well respected not only in his community but statewide.

Those who worked with and for him knew of his firm commitment to justice. As a prosecutor, he was always mindful of both his role to protect the public and to make certain that the rights of the accused were protected. As circuit judge, he carried on those same standards.

He is survived by his wife Clara, daughter Lisa and two grandchildren.
Classifieds

Office Space

4 Downtown Portland/Private Offices - 18x14 for $1,300 per month, 15x10 for $1,025, 13x12 for $1,000, and 12x11 for $1,000. 10th floor office in Cascade Building, 2 blocks from Pioneer Square and MAX Transit hub. Alder Street Parking Garage across street. Rent includes reception, telephone/internet, office conference room, shred, copier & postage machine use. Building amenities: Gym, w/shower, tenant lounge. Contact Jamie @ (503) 243-2733 or jamie@kramer-associates.com.

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

Lake Oswego Kruse Way – Class A Office Building: 4248 Galewood Street, Lake Oswego, OR 97035. Primarily Attorneys. Partner-sized, windowed offices. Receptionist, Phones, High Speed Internet, Conference Rooms available or included. Free parking. Office lease price ranges from $600 to $1400 per month. Phone numbers or ported numbers available for your secretary. Contact Rich Noble at (503) 635-6235. See our website for more info: www.oregonlegalcenter.com.

Large Private Offices with Lawyers in Beautifully Restored Historic Bldg – Four blocks to Multnomah/Federal courthouses. Large Italianate windows; air-conditioned; new decor; elevator with video security system; share conference room, lunch room/kitchen, receptionist; Shower room, bike rack. $400-$800. (503) 927-3347.

New Immigration Law Firm Office Space or Live/Work dwelling in fantastic location across from the United States Citizenship and Immigration Services building in Portland. Oregon. 1,885 feet of modern industrial office space with polished concrete floor; two bathrooms and 20-foot ceiling, all located at 1470 NW Overton Street, Suite A. This would also be a great live/work experience with the office (953 feet) on the ground floor and a 932-foot apartment in the loft. At $25/foot NNN (total is $4,503/month) this would be one of the least expensive apartments in the Pearl District, along with the ground floor office tax write-off advantage. Contact Paul Rudinsky, (541) 954-3434 or paul@mckenzienvirocco.com.

Office Available in the Butcher & Smith Law Firm Suite – 520 SW Yamhill St., across from Pioneer Square in Historic Pacific Bldg. Phone services, internet/Wi-fi, copiers, scanners, conference room, showers, bike rack, large windows, security and front desk person available to greet clients. First month free. Inquiries to Elizabeth at (503) 972-7380.

Office Space Available Premier Portland Location! 1000 SW Broadway, ninth floor, Two offices 13 x 9 and support staff workstation, or one office 14 x 13 and a support staff workstation. Comes with a separate suite number and a dedicated mailbox for your suite. Located on a floor with a fitness center and direct access to a parking garage. The building provides the use of a large confer - ence room located on the ninth floor with a capacity of 42. You will also have use of our private conference room, reception area, break room, internet, and phone system. The building has seven levels of secured and monitored parking. We are located two blocks from Pioneer Square and near theaters, hotels, and restaurants. The two 13 x 9 offices are $1,000.00 per month, and the larger 14 x 13 office is $1,300 per month. Available now. One year lease required. Contact Chris Roy at chris@roylawgroup.com.

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 professionals. Free parking behind building or on the street. Walking distance to downtown shops and restaurants. For more information, contact Lauren Lancial at lancial@daywireless.com or (503) 794-3760.

One Large ($1,100), One Small ($850) Office Available in Class A Building on Meadows Road in Lake Oswego. Lots of natural light. Convenient to I-5. Free parking, conference room, wi-fi included. Call (503) 607-0517.

Oregon City – One office in an Oregon City Hilltop professional building, including adjacent support staff space. Share lobby, kitchen, staff break room and conference room with other professionals. Ample on-site free parking. Close to county office buildings, Family Justice Center and proposed new courthouse. High-visibility location. Landlord pays for janitorial, maintenance, real property taxes and all utilities except for tenant’s phone and internet. Rent is $965/month. Call Tom (503) 680-2884.

Prime Window View Office Space – 225 Square foot office on the 10th floor, directly next to the new Multnomah County Courthouse. Friendly solo practitioners focusing primarily on family law, criminal defense and civil litigation. $1,300 per month, which includes all basic services (i.e. copier, shredder, internet, conference room). Building amenities include bike lockers, gym, shower and additional conference rooms at no charge. Contact dawn@deanlawpc.com for more information or to schedule a walkthrough.

Two Suites in the Pine Street Building at 50 SW Pine Street available June 1, 2022 – The suites occupy the entire second and fourth floors of the building in downtown Portland. Each suite is 2500 square feet. Elevator opens directly on your floor. For details and pictures please visit: http://willamettevi staproperties.com. Additional storage available for lease in basement. Walking distance to the courthouse Tours of space by appointment. Full-service rent at $26 psf 1/ year and term negotiable. Contact Josh at 503/546-0461 or email at jpl@pdxinjury.com.

West Linn Office – 2875 Maryhurst 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.oregonleg alcenter.com.

Positions Available

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

Corporate/Real Estate Transactional Attorney – McEwen Ginsvid LLP, a mid-size downtown Portland, Oregon law firm, seeks a lateral attorney (2-5 years of transactional experience) to work in its dynamic and busy transactional business and real estate department. We are a highly regarded, long-established firm serving closely held businesses and institutional clients in Washington, Oregon, Idaho, California, and Minnesota. We have a sophisticated business and real estate practice led by some of the most respected attorneys in the Pacific Northwest. The Creditors’ Rights & Corporate/Real Estate Transactional Attorney position, with a competitive salary and benefits. The Creditors’ Rights & Corporate/Real Estate Transactional Attorney position, with a competitive salary and benefits. The Creditors’ Rights & Corporate/Real Estate Transactional Attorney position, with a competitive

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; Intellec - tual 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 and full-time 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 to apply for admission in Alaska, and/or Idaho admissions a plus • Excellent legal research, writing, oral communication, and interpersonal skills • Experience working in a collaborative setting with significant responsibility • Enthusiastic professional references • A desire to live in Eugene and to integrate into the Eugene legal
and business community. Candidates should send materials to Nicholas Frost, at nfrost@hershnerhunter.com. Hershner Hunter, LLP is an equal opportunity employer 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 be solely focused 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 Michel Miller at mmiller@swopds.org.

ESTABLISHED BEND FIRM WITH +25 YEARS SPECIALIZING IN FAMILY LAW and Domestic Relations, Estate Planning and Administration. Seeking attorney with +5 years’ experience with domestic relations focus. Opportunity to be part of a highly respected, fast-paced family law firm in Central Oregon. As a Senior Associate Attorney responsibilities include superior client service, management of support staff, and the ability to work independently on client matters from intake to closing letter. We provide legal advice to clients throughout Central Oregon, including Deschutes, Jefferson, Lake and Crook Counties and the cities of Bend, Madras, Redmond, La Pine, Prineville and Sunriver. 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. Contact: Michele mLpalmer@hurley-re.com.

EXPERIENCED CORPORATE TRANS- ACTIONS AND/OR BUSINESS LITIGATION ATTORNEY — Rose Law Firm is a seven-attorney boutique law firm in Lake Oswego. In 2022, we are proud to be celebrating our 10-year anniversary. Our firm focuses on assisting clients with a wide range of complex corporate, commercial, and real estate legal matters for successful middle and lower-middle market companies—both transactional and litiga-tion. As we are seeking to add 1-2 new attorneys (each with 6-12 years of experience who are licensed in Oregon and/or Washington): a corporate transactional attorney; and/or a business/commercial litigator. Neither of these positions requires candidates to bring caseloads and a fast-paced 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 Jennifer F. Kimble at JenniferFKimble@aol.com.

TRANSACTIONAL ATTORNEY — Hershner Hunter, LLP, the largest full-service business law firm in Eugene, has been representing clients throughout the Pacific Northwest and beyond for more than 75 years. Our firm is proud to contribute to helping Rose Law thrive and expand. We offer competitive wages and benefits—with compensation rates comparable to larger firms and can be flexible with billable hours requirements (between 1,400 – 1,600). Culture is very important: we take our work seriously, but do not take our- selves too seriously. Our firm is looking for someone who enjoys hard work and function well here. To apply, submit cover letter, resume, and references to www.rose-law.com/careers.

O’HANLON LAW OFFICES, LLC, is an established Eastern Oregon law firm, has an Associate position opening. Practice areas include civil litigation, business, real estate, wills and estates and personal injury. Opportunity presents itself for a challenging practice in a great area to live. Please send cover letter and resume with references to: O’HANLON Law Offices, LLC, P.O. Box 628, Pendleton, OR 97801 or email us at: leean@ohanlonlaw.com.

SOUTHWESTERN OREGON PUBLIC DEFENDER SERVICES (SWOPDS) is seeking a passionate and dedicated person for a full-time staff attorney position. SWOPDS is a friendly, close knit eight lawyer public defender’s office located on Oregon’s beautiful coast. Must be a member of the Oregon State Bar or a member in good standing of a Bar with reciprocity who can readily wave into the Oregon Bar at time of hire or shortly thereafter. Caseload is determined on experience but would work into a mixture of misdemeanor, juvi- neile, and potentially juvenile cases, and a small number of other cases including mental commitment hearings and child support cases. Our office includes training and mentoring for new attorneys and for professional development. We also have reasonable caseloads and a fast-paced court environment. We offer a competitive compensation package to include a salary based on experience, bonuses for caseloads, 401(k) plan, employer paid health, dental and vision insurance for employee and family. 10% employer contribution to em-ployee’s SEP IRA retirement account, paid vacation, and sick leave. SWOPDS is dedicated to providing high quality legal representation to all our clients in an environment of mutual respect and support. Our work environment is friendly, and we encourage open and honest communication. We are committed to advancing equity and diversity and are an equal opportunity employer. For information, contact: Southwestern Oregon Public Defender Services, Inc. Attention: Laynie Wilson, Office Manager 465 Elrod Avenue Coos Bay, OR 97420 (541) 267-2472 laynie@swopds.org.

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PREEMINENT VIRTUAL-READY LAW FIRM (#1192) — Established, highly successful, business and trust litiga-tion law firm, with 50% profitability and poised for growth and is set up to be a virtual-ready law firm. The office is based in Oregon, the firm serves California, Idaho, and Wash-ington and is completely turn-key and ready for new ownership. The Firm’s service by revenue breakdown is 25% Closely Held Business Disputes, 25% Trust and Probate Litigation, 20% Complex Commercial Litigation, 15%
Real Estate Litigation, 10% Construction Law, and 5% Other. For the past three (3) years, the Firm has averaged gross revenue of $2,300,540 (2019-2021) and in 2021, brought in gross receipts of $799,190. As of February 2022, the Firm employs four (4) staff, including the Owner. To learn more about this listing call us at (253) 509-9224 or email info@privatepracticetransitions.com, with “1197 Profitable Central Washington Estate Planning Law Firm w/ 2 Locations (#1197)” established back in 1947, this Central Washington estate planning law firm has been completely dedicated to providing top-notch legal services to its clients. The Firm’s service by revenue breakdown is 31% Estate Planning, 31% Probate, 17% Real Estate & Commercial Transactions, 16% Business Formation/Management and 5% Other. As of May 2022, the Firm has approximately 130-150 active client matters. For the past three (3) years, the Firm has averaged gross revenues over $1M (2019-2021). In total, the Firm employs nine (9) full and part time staff, including the Owner. To learn more about this listing call us at (253) 509-9224 or send an email to info@privatepracticetransitions.com, with “1197 Profitable Central Washington Estate Planning Law Firm w/ 2 Locations” in the subject line.

PROFITABLE WESTERN WASHINGTON INSURANCE DEFENSE FIRM (#1203) Established back in 1997, this Western Washington insurance defense firm has a service by revenue breakdown of 88% Insurance Defense, 8% Miscellaneous Civil Litigation, and 4% Estate Planning. The Firm is known for its longevity of practice, quality of work, responsiveness, and overall excellence. For the past three (3) years, the Practice has averaged impressive gross revenues of ~$2,300,540 (2019-2021). The Practice’s success is due to its strong reputation in the legal and business communities which provides a steady stream of referrals. Including the Owner, the Practice has five (5) experienced and dedicated staff members. To learn more about this listing call us at 253.509.9224 or send an email to info@privatepracticetransitions.com, with “1197 Successful Western Washington Personal Injury Law Firm” in the subject line.

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