

OREGON STATE BAR BULLETIN

NOVEMBER 2022

High Desert, Legal Desert

Lawyer Shortages
Require New Initiatives

Also Inside:

**'Going to *Our* Office,
Not *the* Office'**

**Portland Partners Build
Distinct Space Despite
Being Construction Novices**

OSB Fees



MCLE Reporting



IOLTA Reporting



PLF Assessments



In Compliance? Check!

Compliance notices will be emailed to members the first week in December.

Log in to the OSB website to find the items and deadlines that apply to you. Your member dashboard will show personalized information on bar fees, MCLE reporting, IOLTA reporting, and PLF assessments.

Watch for regulatory emails from notices@osbar.org.

You will receive periodic email reminders from this mailbox, so be sure to add it to your "approved senders" list.

Mark Tuesday, January 31, 2023 on your calendar as the deadline for OSB fee payments and IOLTA reporting. (MCLE reporting deadline is April 30, 2023.)

ONE log in

Two Websites

www.osbar.org

www.osbplf.org

OREGON STATE BAR BULLETIN



Legal deserts, where rural and remote residents struggle to obtain access to legal information, advice and representation, have been an issue across the country and in Oregon for years. But now, with advancements in technology and new initiatives on the horizon, Oregonians living in the eastern part of the state and pockets along the coast finally may have improved access to justice.

Cover photo by Hon. Eric Valentine

FEATURES

- 17 High Desert, Legal Desert**
Lawyer Shortages Require New Initiatives
By Janay Haas
- 22 'Going to Our Office, Not the Office'**
Portland Partners Build Distinct Space Despite Being Construction Novices
By Michael Austin

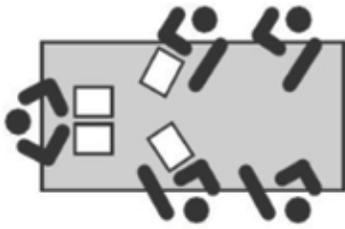
COLUMNS

- 9 Bar Counsel**
The Implications of RPC 1.9:
Being Thankful for Our Former and Future Clients
By Ankur Doshi
- 13 The Legal Writer**
Pillowcase Talk: *Insights on New Legal Writers*
By Suzanne E. Rowe
- 26 Profiles in the Law**
Conquering Construction Law: *Mike Scott Set the Standard for Oregon's Handling of Construction Mediation Cases*
By Cliff Collins
- 30 Legal Heritage**
An 'Emerging Storm': *William Bud Brown Came to the Defense of Oregon Veterans*
By Jesse Wm. Barton and Jennelle Meeks Barton
- 34 Legal Practice Tips**
Logistics of Retiring: *Plan and Stay on Track to Avoid Malpractice*
By Rachel Edwards

DEPARTMENTS

- 5 Letters**
- 7 Briefs**
- 38 Bar News**
- 40 Bar Actions**
Discipline
- 44 Bar People**
Among Ourselves
Moves
In Memoriam
- 48 Classifieds**
- 52 Attorneys' Marketplace**
- 55 OSB Education & Research**

The *Oregon State Bar Bulletin* (ISSN 0030-4816) is the official publication of the Oregon State Bar. The *Bulletin* is published 10 times a year (monthly except bimonthly in February/March and August/September) by the Oregon State Bar, 16037 S.W. Upper Boones Ferry Road, Tigard, OR 97224. The *Bulletin* is mailed to all members of the Oregon State Bar, a portion of the dues for which is allocated for the purpose of a subscription. The *Bulletin* is also available by subscription to others for \$50 per year, \$90 per two years, within the United States. Individual copies are \$5; back issues are \$5 each, when available. Periodicals postage paid at Portland, Oregon 97208. POSTMASTER: Send address changes to Oregon State Bar, P.O. Box 231935, Tigard, OR 97281-1935.



ARBITRATION SERVICE
OF PORTLAND, INC.

www.arbserve.com

Arbitration Service of Portland, Inc.

(503) 226-3109

aspdx@hotmail.com

www.arbserve.com

- Arbitration Service of Portland, Inc. (ASP) administers arbitrations and mediations throughout Oregon and Southwest Washington.
- Founded in 1985, ASP is a reasonably priced arbitration service with high-quality arbitrators and procedural rules designed to meet the expectations and practices of Oregon lawyers.
- ASP is designated in arbitration clauses in printed business forms used throughout Oregon by many types of businesses (such as banks, title insurance companies, realtor associations, and motor vehicle dealers) and in contracts prepared by Oregon attorneys for business, construction, commercial, real estate, employment, consumer, and other transactions.
- ASP has created arbitrator panels in key cities throughout Oregon (including Portland, Salem, Eugene, Medford, Grants Pass, Klamath Falls, Bend, Pendleton and the Oregon coast) for the thousands of private arbitrations ASP has administered.

Kevin Eike

ASP Administrator

Attorney, Mediator, Arbitrator, Realtor



LETTERS

2022 issue. Krischele Whitnah is the photographer and deserves credit for the image. ■

Michael Austin, editor



istock.com/marchmeena29

Recognizing Compassion

Thanks for the timely article on preparing for fire in the July issue. I appreciated the quote by the attorney who highlighted the trauma that came from losing one's home and documents, and how it was challenging to coach clients through their emotions.

That calls out for a recognition of attorneys who work with refugees and asylum seekers, who have often likewise lost everything in war or violence. In addition to typical legal issues, they must help clients navigate through that trauma. It is not well-paid or easy, but they do it with compassion every day.

Kristin Ruether, Boise, Idaho

Photo Credit Needed

The *Bulletin* omitted a photo credit for the image of Elkhorn Public Defender attorneys on page 19 of the August/September

Our Editorial Policy

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

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

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

Letters to the Editor

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

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

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

Send letters to: Editor, OSB *Bulletin*, P.O. Box 231935, Tigard, OR 97281. Or you may email them to editor@osbar.org.



HOW TO REACH US: Call (800) 452-8260, or in the Portland area call (503) 620-0222. Email addresses and voicemail extension numbers for *Bulletin* staff are: Michael Austin, editor, maustin@osbar.org (ext. 340); Kateri Walsh, communications director, kwash@osbar.org (ext. 406); and Spencer Glantz, classified ad rates and details, advertising@osbar.org (ext. 356), fax: (503) 684-1366. Display advertising and Lawyer Announcements: Contact LLM Publications at (503) 445-2240, law@llmpubs.com.

LAWPAY[®]

AN AFFINIPAY SOLUTION



Member Benefit for
the Oregon State Bar

“I love LawPay! I’m not sure why I waited so long to get it set up.”

– Law Firm in Ohio

Trusted by 50,000 law firms, LawPay is a simple, secure solution that allows you to easily accept credit and eCheck payments online, in person, or through your favorite practice management tools.



22% increase in cash flow with online payments



Vetted and approved by all 50 state bars, 70+ local and specialty bars, the ABA, and the ALA



62% of bills sent online are paid in 24 hours



PAYMENT
RECEIVED



YOUR FIRM LOGO HERE

Trust Payment
IOLTA Deposit

New Case Reference

**** * 9995

TOTAL: \$1,500.00

VISA



POWERED BY
LAWPAY

eCheck

DISCOVER

PAY ATTORNEY

Get started at

lawpay.com/osbar
866-730-4140

Data based on an average of firm accounts receivables increases using online billing solutions

LawPay is a registered agent of Synovus Bank, Columbus, GA., and Fifth Third Bank, N.A., Cincinnati, OH.



Nominations Needed for Civil Rules Advisory Committee

The U.S. District Court for the District of Oregon seeks nominations for its Local Civil Rules Advisory Committee. The committee's narrow mission is to ensure conformity between the district's local rules and federal rules of civil procedure. The committee convenes only as needed to recommend amendments to the local rules in light of changes to the federal rules. Committee members typically serve four-year terms.

Those selected pursuant to this call for nominations start their terms in January 2023. Individuals nominated must be lawyers admitted to practice in the District of Oregon who regularly practice in federal court. The court seeks a committee that constitutes a fair cross-section of practitioners in the district and will consider diversity of all kinds, including practice and geography, when selecting members. To encourage district-wide representation, applications from outside the Portland area are especially welcome.

To nominate yourself or someone else, send one or two paragraphs describing the nominee's qualifications. Nominations are due on or before Dec. 1, 2022. Send nominations by email to Melissa_Aubin@ord.uscourts.gov.

4th Annual Chief Justice Martha Walters Award Event Nov. 18

Lane County Women Lawyers has set Nov. 18 as the day of the 4th Annual Chief Justice Martha Walters Award presentation. This year's recipient is Raquel Hecht. The award recognizes a Lane County attorney who has demonstrated leadership in the pursuit of equal justice for all. Hecht will be honored at a luncheon at the Gordon Hotel in Eugene beginning at 11:45 a.m. Tickets for the luncheon are \$35 and can be purchased at www.tinyurl.com/2022MarthaWaltersAward.

If you are interested in supporting this historic program so that the legacy of Chief Justice Walters will be maintained as a part of the Lane County legal community, contact lanecountywomenlawyers@gmail.com for details.

OMLA Annual Social & Auction Set for Dec. 1

The Oregon Minority Lawyers Association 2022 Annual Social & Auction is returning as an in-person event. This year's event will be held at Schwabe, Williamson & Wyatt on Dec. 1 from 5:30-7:30 p.m. and includes a silent auction, wine tree, food, drinks and music. Join legal professionals from around the state as they help raise money for this important cause. More information and tickets are available at www.tinyurl.com/2022OMLASocial.

OCDLA to Present Achievement Award on Dec. 2

The Oregon Criminal Defense Lawyers Association's board of directors will honor the late Gary Berlant with the Ken Morrow Lifetime Achievement Award on Dec. 2. Sadly, Berlant recently lost his battle with cancer on Oct. 6.

The award was created by OCDLA following the passing of renowned Eugene attorney Ken Morrow to recognize the lifelong commitment and significant achievements of attorneys who have worked in the defense community, and those who have made important contributions to the administration of justice.

Berlant is the 19th recipient of the award. Tickets will be available soon at www.ocdla.org.

Comment Needed for Rules of Civil Procedure

The Council on Court Procedures is part of the judicial branch, and is comprised of lawyers and judges from around the state. It is charged with drafting and amending the Oregon Rules of Civil Procedure, the rules that govern litigation in Oregon's circuit courts. Each biennium, the council receives feedback from the bench and bar as to how the existing ORCPs are working and suggestions for possible improvements. In September of even-numbered years, after months of deliberations, the council publishes pro-

By the Numbers

Pay, Life Balance Drive Job Changes

Almost one in five (19%) lawyers report changing jobs in the last 12 months according to the recently released *2022 Legal Trends Report* by Clio. Clio surveyed 1,134 legal professionals, 458 professionals from other industries and 1,168 consumers to produce the full report. The information was compiled in April and May 2022.

The top four reasons of why lawyers switched jobs are listed below (respondents had the option to pick more than one option):

37%

Better pay

37%

Better work-life balance

32%

Dislike company

23%

Dislike manager

Quotable

“The courts play an absolutely critical role in our democracy — enforcing the laws we have agreed to live by, protecting the rights of citizens, deciding difficult issues from child custody to corporate liability to criminal sentences. We need smart, hard-working people and adequate resources to do that job effectively.”

— **Justice Thomas Balmer**, from the May 2012 *Bulletin* profile on Balmer when he was named chief justice of the Oregon Supreme Court, a position he held through 2018. Balmer has announced he is retiring from the Oregon Supreme Court after serving for 21 years.

posed amendments to the ORCP for public comment. (Note that some of the ORCP are, by statute, applicable to the litigation of criminal cases and other rules are applied to administrative and other proceedings.)

This year, amendments are proposed for rules 7, 39, 55, 57, 58 and 69. The proposed amendments to ORCP 57 are a response to a national discussion on Batson challenges in jury selection and how to fix the current practice. Amendments to rules 39 and 58 attempt to incorporate what we have learned about remote testimony in proceedings during the COVID-19 pandemic. A procedure for reluctant witnesses who have been

subpoenaed is added to Rule 55. Technical amendments are made to rules 7 and 69. Also, a new rule, ORCP 35, is proposed that presents a new, uniform approach to responding to vexatious litigants.

To review this biennium’s proposed amendments, go to the Oregon Judicial Department website: courts.oregon.gov/publications/other/MiscellaneousNotifications/RULE265.pdf. Written comments on the proposed amendments to the ORCP should be received by the council by Dec. 2, 2022, to receive full consideration by the council at its Dec. 10, 2022, meeting. Comments may be emailed to ccp@lclark.edu. ■



“I myself once considered becoming a lawyer. But then I realized that communicating in legalese is not for me -- I like to talk turkey.”

OREGON STATE BAR BULLETIN

November 2022

Editor Michael Austin

Associate Editor Shannon Gormley

Graphic Designer Sunny Chao

OSB President

Kamron Graham, Portland

OSB President-Elect

Lee Ann Donaldson, Portland

OSB Immediate Past President

David Wade, Eugene

Board of Governors

Christopher Cauble, Grants Pass

Candace Clarke, Columbia City

Gabriel Chase, Portland

Jenny Cooke, Portland

Katherine Denning, Salem

Stephanie Engelsman, Portland

Bik-Na Han, Hillsboro

Joseph Hesbrook, Bend

Ryan Hunt, Salem

Myah Kehoe, Portland

Matthew McKean, Hillsboro

Apolinar Montero-Sánchez, Eugene

Rob Milesnick, Vancouver, Wash.

Curtis Peterson, Portland

Joe Piucci, Portland

David Rosen, Bend

Tasha Winkler, Portland

Editorial Advisory Committee

Lisa Marie Christon, Eugene

Jenny Cooke, Portland

Steven M. Gassert, Portland

Aurora B. Levinson, Portland

Gus Martinez, Portland

Lucy Glenn Ohlsen, Portland

Kyra Kay Rohner, Baker City

Elizabeth A. Rosso, Lake Oswego

Judge Jill Tanner, Hillsboro

Scott Wolff, Portland

Chief Executive Officer

Helen Hierschbiel

Director of Communications

Kateri Walsh

Copyright © 2022 the Oregon State Bar.
All rights reserved. Requests to reprint
materials must be in writing.

*Being Thankful for Our Former and Future Clients***The Implications of RPC 1.9**

By Ankur Doshi

**RPC 1.9 Duty to Former Clients**

RPC 1.9 states:

- (a) A lawyer who has formerly represented a client in a matter shall not thereafter represent another person in the same or a substantially related matter in which that person's interests are materially adverse to the interests of the former client unless each affected client gives informed consent, confirmed in writing.
- (b) A lawyer shall not knowingly represent a person in the same or a substantially related matter in which a firm with which the lawyer formerly was associated had previously represented a client:

- (1) whose interests are materially adverse to that person; and
- (2) about whom the lawyer had acquired information protected by Rules 1.6 and 1.9(c) that is material to the matter, unless each affected client gives informed consent, confirmed in writing.

- (c) A lawyer who has formerly represented a client in a matter or whose present or former firm has formerly represented a client in a matter shall not thereafter:

- (1) use information relating to the representation to the disadvantage of the former client except as these Rules would permit or require with respect to a client, or when the information has become generally known; or
- (2) reveal information relating to the representation except as these Rules would permit or require with respect to a client.

RPC 1.9 indicates that a matter creates a conflict between a former client and a current client if their interests are materially adverse and the matters are "substantially related."

Determining the Status of a Client

The first step is to establish that a former client is actually a former client. Lawyers must decide whether a relationship was established in the first place. Even if no relationship was established, the lawyer may still have duties to the person as a "prospective client" under RPC 1.18.

One must also establish that the former client is actually a former client and not a current client. RPC 1.9 applies in instances of a former client and a current client conflict; if the presumed former client is actually a current client, RPC 1.7 would apply instead of RPC 1.9. While most matters have a clear delineation when the representation ends,¹ some matters may not. The Oregon Supreme Court has noted that an attorney-client relationship is formed when "(1) the services performed were of the kind traditionally done professionally by lawyers, i.e., legal work, and (2) the putative client intended that the relationship be created."²

If a lawyer has done continuous and regular work for a client, the client may be considered a current client even though the client has not sent work to the lawyer recently.³ The reasonable belief of the client as to whether they are a current client generally controls, though some courts view that "something inconsistent with the continuation of the representation must transpire in order to end the relationship."⁴ A lawyer also cannot simply convert a current client to a former client by terminating their relationship in the middle of a matter.⁵ "A premature withdrawal violates the lawyer's obligation of loyalty to the existing client and can constitute a breach of the client-lawyer contract of employment."⁶ Courts frown upon the termination of a relationship with a client for the purposes of taking on another client whose matters would normally conflict if the representation had been taken concurrently.⁷

It's the time of the year that we reflect back with gratitude for our clients, both former and current. Of course, our clients are thankful as well that their confidences are kept not only throughout their representation, but after the representation. In addition to the safeguarding of client information, be aware of conflicts rooted in the former representation of a client that may impact our representation of future potential clients.

Rule of Professional Conduct (RPC) 1.9 guides us on undertaking potential representations that may implicate a past representation. Unlike the current conflict rule at RPC 1.7, RPC 1.9 is much more flexible and lenient. The rules do not permanently bar a lawyer from undertaking any future representation against a former client. Instead, Rule 1.9 focuses on the subject of the representation. A critical difference between RPC 1.7 and RPC 1.9 is most conflicts under RPC 1.9 are waivable.



Commercial Bankruptcy & Receivership Law

Celebrating 10 Years



Zoë Habekost | Justin Leonard | Tim Solomon | Stephen Raher

Thank you to our colleagues throughout Oregon for trusting us with your insolvency-related challenges for over ten years. We have enjoyed assisting you and your clients in navigating complex bankruptcy and receivership scenarios.

In honor of your ten years of support, we are making a special \$10,000 donation to the Campaign for Equal Justice. Meanwhile, we continue to strive for access to justice for all Oregonians through hundreds of hours of pro bono bankruptcy and creditor-rights support to Legal Aid Services of Oregon and its clients. Thank you!

leonard-law.com



Matter Conflicts

Next, one must also review whether the matters of the former and current clients are the same or substantially related. Matters that are substantially related include matters that are related to the same transactions or legal disputes. For instance, helping a past client draft a purchase agreement, and then having a new client challenge the purchase agreement would raise a conflict. Such conflicts are known as “matter-specific” conflicts and occur when the lawyer’s representation of the current client will cause injury to the former client in connection with the same matter in which the lawyer represented the former client.⁸

While substantially related would seem to be self-indicative, the meaning goes beyond just the subject matter of representation. RPC 1.9(d) indicates that “substantially related” is much broader:

For purposes of this rule, matters are “substantially related” if (1) the lawyer’s representation of the current client will injure or damage the former client in connection with the same transaction or legal dispute in which the lawyer previously represented the former client; or (2) there is a substantial risk that confidential factual information as would normally have been obtained in the prior representation of the former client would materially advance the current client’s position in the subsequent matter.

Comment [3] of the ABA Model Rule 1.9 further elaborates on how matters may be “substantially related” if:

For example, a lawyer who has represented a businessperson and learned extensive private financial information about that person may not then represent that person’s spouse in seeking a divorce. Similarly, a lawyer who has previously represented a client in securing environmental permits to build a shopping center would be precluded from representing neighbors seeking to oppose rezoning of the property on the basis of environmental considerations[.]

Information Conflicts

Information-specific conflicts are related to the confidential factual information that an attorney obtained during the representation. These conflicts stem from the attorney’s duty to protect confidential information under RPC 1.6.⁹

These types of conflicts require significantly more analysis to determine whether the scope of a former client's representation could result in the information being used to advance the position of the current client.¹⁰ Such analyses are highly fact-specific and depend on both the representation of the former client, as well as the scope of the representation of the current client.

Waiver of Conflicts

Even if a conflict exists under RPC 1.9, all is not lost. RPC 1.9 allows waiver of most conflicts, as long as every affected party gives informed consent,¹¹ confirmed in writing.¹² Attorneys facing a conflict should provide each affected party with a prompt and detailed review of the issues that raised the conflict. The attorney should identify the parties involved, the issues causing the conflict and seek the consent of each affected party to continue the representation. The attorney should note the effects of the continued representation and how it may impact the client. Additional care should be provided in explaining the conflict to unsophisticated clients while attempting to obtain a waiver. The better the attorney's discussion, the stronger the waiver. Consent is required to be memorialized in contemporaneous writing signed by the client. The writing must also contain a recommendation that the client seek independent counsel to determine whether consent should be given.

One way we can show our thankfulness to our former clients — and circumvent trouble — is by avoiding conflicts that might arise from a new representation, or when necessary, getting their consent to the representation of a new client. ■

Ankur Doshi is general counsel for the Oregon State Bar.

ENDNOTES

1. See *In re Brandsness*, 299 Or 420, 430–31 (1985).
2. *In re Weidner*, 310 Or 757, 768 (1990).
3. See, e.g., *Jones v. Rabanco, Ltd.*, No C03-3195P, 2006 WL 2237708 at *3 (WD Wash Aug 3, 2006)(client was considered a current client even though no work was conducted for three years); *Oxford Systems Inc. v. Cellpro Inc.*, 45 F.Supp.2d 1055 (W.D. Wash. 1999) (13-year relationship with client found sufficient to create a reasonable belief by the client that it was a current client, even with one year absence of work).
4. See *Jones*, 2006 WL 2237708 at *3 quoting *SVS Financial Fund A v. Salomon Bros., Inc.*, 790 F. Supp. 1392, 1398 (N.D. Ill. 1992).



DAVIS, FREUDENBERG, DAY, DRIVER & FOURNIER

We are pleased to welcome **Adrianna Martin-Wyatt**, as an associate to our firm.

Adrianna uses her core strength in futuristic thinking by guiding her clients in planning for their future, with estate tax planning.

Her practice also focuses on defending clients with any civil, business law, family law, or tax resolution matters.

600 N.W. Fifth Street Grants Pass, OR 97526 | roguefirm.com | 541-476-6627

BARRAN LIEBMAN IS PROUD TO CONGRATULATE

- ED HARNDEN -

U.S. DISTRICT COURT OF OREGON HISTORICAL SOCIETY
2022 DISTINGUISHED LIFETIME SERVICE AWARD RECIPIENT



BARRAN LIEBMAN LLP

A T T O R N E Y S

EMPLOYMENT | LABOR | BENEFITS | COMPLIANCE | HIGHER ED

503.228.0500 | DOWNTOWN PORTLAND | BARRAN.COM

Reach Every Attorney in Oregon

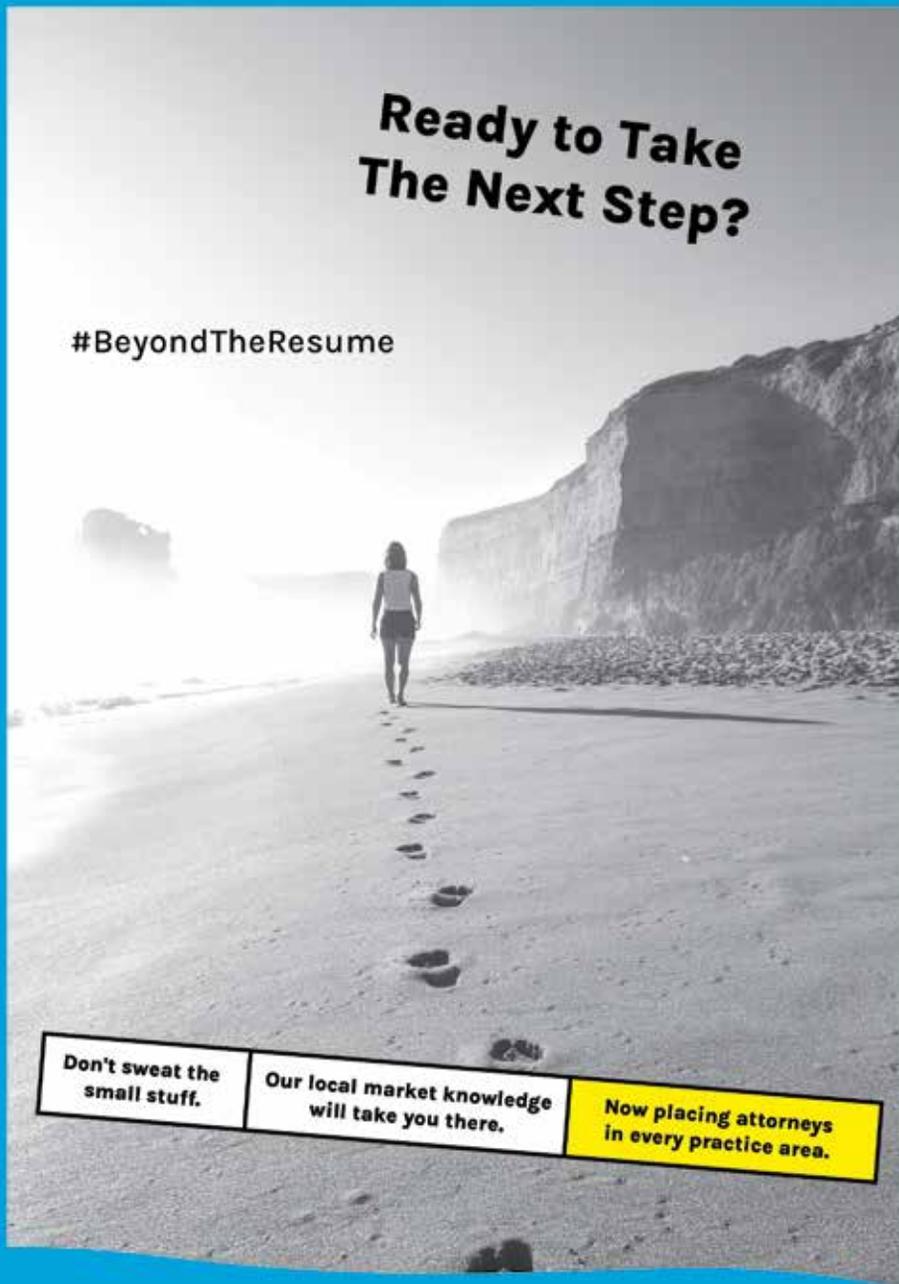


To advertise in the Bulletin
Email: law@llmpubs.com
To learn more visit: www.llmpubs.com



Ready to Take The Next Step?

#BeyondTheResume



Don't sweat the small stuff. Our local market knowledge will take you there. Now placing attorneys in every practice area.

boly:welch

bolywelch.com | attorney@bolywelch.com

See also Ore. Formal Op. 2005-146 (clients considered current clients if lawyer who sends periodic notices to clients about transactional matters).

5. Ore. Formal Op. 2005-11.
6. *Restatement (Third) of the Law Governing Lawyers* § 132 Comment c.
7. This rule, known as the “hot potato” rule, comes from *Picker Int'l v. Varian Assocs.*, 670 F. Supp. 1363, 1365 (N.D. Ohio 1987), *aff'd*, 869 F.2d 578 (Fed. Cir. 1989), where the court stated “a firm may not drop a client like a hot potato, especially if it is in order to keep happy a far more lucrative client.” Additional cases have emphasized court’s disdain for firms terminating relationships due to conflicts. See, e.g., *Itova GmbH v. Syncro Soft SRL*, 2018 WL 3589076 (D. Mass. July 26, 2018); *McLain v. Allstate Prop. & Cas. Ins. Co.*, 2017 WL 1513090 (N.D. Miss. April 25, 2017); *Markham Concepts, Inc. v. Hasbro, Inc.*, 2016 WL 3976632 (D.R.I. July 22, 2016); *W. Sugar Coop. v. Archer-Daniels-Midland Co.*, 98 F. Supp. 3d 1074, 1084 (C.D. Cal. 2015). There is a very limited exception to the hot potato rule in specific instances when the conflict emerges unexpectedly. *Flying J Inc. v. TA Operating Corp.*, No. 1:06-CV-30 TC, 2008 U.S. Dist. LEXIS 18459, at *14 (D. Utah Mar. 10, 2008) (“ ‘courts have generally held that, when a conflict arises which the challenged law firm played no role in creating, counsel may avoid being disqualified from representing both of its clients by moving swiftly to sever its ties with one of them, in such a way as to minimize prejudice to the other’”).
8. See Ore. Formal Op. 2005-11. *But see Portland Gen. Elec. Co. v. Duncan, Weinberg, Miller & Pembroke, P.C.*, 162 Or. App. 265 (1999) (matters with same disputants, same industry, and some similar facts not enough to establish a matter specific conflict).
9. Ore. Formal Ethics Op. 2005-120.
10. RPC 1.9(d).
11. RPC 1.0(g) defines informed consent as “denotes the agreement by a person to a proposed course of conduct after the lawyer has communicated adequate information and explanation about the material risks of and reasonably available alternatives to the proposed course of conduct. When informed consent is required by these Rules to be confirmed in writing or to be given in a writing signed by the client, the lawyer shall give and the writing shall reflect a recommendation that the client seek independent legal advice to determine if consent should be given.”
12. RPC 1.0(b) defines confirmed in writing as “when used in reference to the informed consent of a person, denotes informed consent that is given in writing by the person or a writing that a lawyer promptly transmits to the person confirming an oral informed consent. . . . If it is not feasible to obtain or transmit the writing at the time the person gives informed consent, then the lawyer must obtain or transmit it within a reasonable time thereafter.”

Insights on New Legal Writers

Pillowcase Talk

By Suzanne E. Rowe



Suzanne Rowe

Last weekend, I made a pillowcase. It took me four hours. Any seamstress¹ reading this article will wonder how such a simple project could have taken so long. Some readers might wonder why I didn't just head to Bed Bath & Beyond with one of the countless coupons cluttering my kitchen junk drawer. And all readers are wondering what on earth a pillowcase has to do with legal writing. Stick with me.

Here's a bit more background. I had good reasons for making this unique pillowcase, rather than buying one that had been mass produced. Before I made it, my friend and I had to figure out how to use her fresh-out-of-the-box sewing machine. Along the way, I made some fundamental errors in cutting and pinning, and I had to undo some of my work. I got frustrated. In the end, though, I had an amazing, homemade pillowcase. I'd learned a lot, I'd bonded with my friend and, shockingly, the pillowcase fit the pillow perfectly.

Throughout this lovely afternoon of sewing, I saw many parallels between my pillowcase project and a new law clerk's first assignment. Here are a few, with some suggestions for working with these budding attorneys as they write their first legal documents.

Why This Pillowcase?

In 1955, my husband's grandmother lavishly embroidered sheets with her initials. When my husband and I married in 1989, she gave us one of those sheets. Thirty years later, it ripped. But the embroidery was still beautiful, and nothing is softer than a 65-year-old sheet. Working around the rip, I still had plenty of fabric to make a king-sized pillowcase. And making a pillowcase requires just sewing a few straight seams, right? How hard could it be? I was eager to get started, but quickly overwhelmed.

Similarly, many new clerks will begin their first writing projects with enthusiasm. Some might be confident that they'll be able to finish the project quickly. How hard could it be, right? But an increasing number will be overwhelmed by stress that they don't know enough and might not perform perfectly in this first project. If they make a mistake, their legal careers will be doomed, right? And couldn't their supervisor complete the project ever so much more efficiently?

Yes, a more experienced attorney could write this document in a fraction of the time a novice will need, just as I could have headed to Bed Bath & Beyond instead of dedicating four hours to one simple pillowcase. But new law clerks won't learn much without researching, analyzing and writing the required document themselves. Yes, they could pull analysis from brief banks or look online for similar documents to paste together. But that wouldn't answer this unique client's problem, just as nothing would match my 65-year-old, hand-embroidered pillowcase. Helping new law clerks see the

value in the process — including its ups and downs — can refocus brain cells from the clerk's insecurities to the client's issue.

What's a Sewing Machine?

My friend's sewing machine had sat unopened in a closet since before the pandemic, so the pillowcase provided an opportunity to take it out of the box for the first time. I hadn't done much sewing since a week-long sewing class the summer after seventh grade. My friend had only vivid childhood memories of watching her grandmothers sew. Neither of us had more than a general clue about how to fill a bobbin,² thread a machine, set the tension or select a stitch with this new machine.

So, we got out the instruction book. I arrogantly flipped to the page about bobbins, quickly realized I was lost, and humbly went back to page one. "Maybe we should just identify the various dials and odd-looking parts as a first step," I said. I felt like I was back in seventh grade.

This feeling of humility is common for law clerks taking on new tasks. Anyone not accustomed to going back to square one is going to feel a moment of panic and more than a little frustration at becoming a novice again.³ I think of our students who come to law school after successful careers owning restaurants, working in international development, solving problems as economists or teaching middle school. I think of our kindergartners to J.D. students who have only been in school but always excelled, and often with ease. Getting them to embrace the uncertainty of a new project, rather than feeling stressed by it, is an important step towards the growth mindset that lawyers need.

A little guidance from a supervisor can go a long way toward alleviating that stress. Take a few minutes to provide some background. Suggest a BarBook where they might start their research. Ask an assistant to provide a sample of a similar document,

PARKER, BUTTE AND LANE is honored to announce that the *Frohman Law Office* has joined the firm.

Siblings Louis A. Frohman and Jennifer L. Frohman bring extensive and successful experience handling primarily immigration and family law matters to the firm. They also share our commitment to providing the highest level of legal representation to our immigration, family law and bankruptcy clients, and will greatly increase our capacity to do so. We hope you will join in welcoming Louis, Jennifer and their staff, as we look forward to many more years of serving the needs of our clients with them as part of our team!



<http://www.pbl.net> | 503-241-1320
1200 NW NAITO PARKWAY #200, PORTLAND, OR



welcome TO THE TEAM

Jordan Ramis is pleased to welcome two attorneys to the firm.

Jeffrey Kapp joins the firm's Business and Real Estate & Land Use groups as a shareholder, working with clients on commercial real estate transactions, as well advising business owners on traditional business law matters and issues.

David Weiner joins Of Counsel the firm's Business and Real Estate & Land Use groups, as one of Oregon's foremost real estate and business lawyers. David's practice focuses on the commercial real estate and hospitality industries.

JORDAN RAMIS

PORTLAND | BEND | VANCOUVER WA

jordanramis.com

if only for formatting (which can become an oversized source of stress). And remind them that law school trains lawyers to learn new, complex areas of law; it's part and parcel of the practice.

Pinning, and Re-Pinning

After measuring the fabric four times, cutting it slowly and then carefully pinning the fabric together, I stepped back for a final look. A mistake I didn't catch at this point would mean sewing, then ripping out seams. (Admission: I have spent most of my "sewing" time ripping out seams, a tedious task.) I realized I'd pinned the fabric incorrectly — so that the beautiful embroidery I was so intent on showcasing would be *inside* pillowcase, never to be seen. Oops. I unpinned, measured four more times, then re-pinned.

Missteps are as common in legal analysis and legal writing as they are in sewing, especially for beginners. A new law clerk should occasionally step back, look at the big picture and remember the goal. Periodically checking in with a supervisor can also help avoid time-consuming and embarrassing big mistakes.

But supervisors might find that law clerks now are less likely to ask for help than they were in the past. We all experienced a two-year disruption in professional or educational interaction, and our communication skills suffered. Many students who hunkered down for over half of their college careers now aren't certain how to interact with classmates and professors in live classrooms, which means they might be extra cautious with attorney supervisors. Being wrong now seems to carry high emotional costs, and worry creates anxiety. Does a question suggest complete ignorance? Or is checking in hourly the way to ensure success?

A supervisor can help by normalizing the periodic check-in and setting expectations. You might say, "Why don't you spend the morning looking into this issue? Then we can talk briefly about what you've done and what you're finding, and I can ensure that you are track." That guidance shows confidence in the clerk, while also preventing hourly emails from a nervous novice.

Keeping Challenges in Perspective

My pillowcase project was filled with challenges — starting with setting up the machine, continuing through my major pinning error and ending with some seams that weren't all that straight. But it met my goal: I preserved Grandmama Susan's

embroidery in a pillowcase that I will enjoy until it rips to shreds.⁴ ■

Suzanne E. Rowe is the James L. and Ilene R. Hershner Professor at the University of Oregon School of Law, where she teaches courses in legal writing, legal research and advocacy.

ENDNOTES

1. Is there a masculine or gender-neutral form of "seamstress"? Maybe "seamster," which rhymes with "teamster"?
2. The bobbin provides the thread from the bottom of the machine; it locks with the thread from the needle in the top of the machine, creating secure stitches.
3. I flash back to my own experiences studying Spanish in Mexico and Uruguay. See *Montevideo: Una Estudiante Otra Vez*, 33:2 The Second Draft (Fall 2020), available at <https://www.lwionline.org/article/montevideo-una-estudiante-otra-vez>.
4. Another benefit: My friend's 8-year-old daughter caught on to this sewing deal quickly. After making my husband his now-favorite handkerchief (pink with teal thread), she is now mass producing book bags to sell in a soon-to-be-established, female-owned business.

FITZWATER LAW WELCOMES OUR NEWEST ATTORNEY!



Jasmin Kahn has spent a decade advocating for clients in crisis and guiding them through pivotal moments in life. She's a great fit for Fitzwater Law because of her excellent communication skills and her focus on positive outcomes for clients.

Jasmin's practice focuses on guardianships, conservatorships and probate. We know our clients will gravitate towards her positive outlook during difficult times.



www.fitzwaterlaw.com
503.786.8191

TRADEMARK Copyright & Patent Searches

*"Experienced Washington office
for attorneys worldwide"*

FEDERAL SERVICES & RESEARCH:

Attorney directed projects at all Federal agencies in Washington, DC, including: USDA, TTB, EPA, Customs, FDA, INS, FCC, ICC, SEC, USPTO, and many others. Face-to-face meetings with Gov't officials, Freedom of Information Act requests, copyright deposits, document legalization @ State Dept. & Embassies, complete trademark, copyright, patent and TTAB files.

COMPREHENSIVE: U.S. Federal, State, Common Law and Design searches, **INTERNATIONAL SEARCHING**

EXPERTS: Our professionals average over 25 years experience each

FAST: Normal 2-day turnaround with 24-hour and 4-hour service available

GOVERNMENT LIAISON SERVICES, INC.
200 N. Glebe Rd., Suite 321
Arlington, VA 22203

Ph: 703-524-8200, Fax: 703-525-8451

Minutes from USPTO & Washington, DC

TOLL FREE: 1-800-642-6564

www.GovernmentLiaison.com
info@GovernmentLiaison.com

SOKOL & LARKIN

NEW NAME · NEW OFFICE · SAME COMMITMENT TO EXCELLENCE

CONSTRUCTION | DESIGN | REAL ESTATE

4380 S. Macadam Avenue, Suite 530, Portland OR 97239
(503) 221-0699 | sokol-larkin.com





High Desert, **LEGAL** Desert

Lawyer Shortages Require New Initiatives

— By Janay Haas —

West of the Cascades, the wind runs its fingers through the fir trees, whispering as it goes. East of Sisters, the wind has nothing in its path anymore; it becomes a flat hiss across a tan and grey plateau dotted with juniper and sage stretching more than 200 miles to the east and even further to the south. Backpackers, nature photographers and others seeking beauty and solitude are in the right place out here — unless they run out of gas, need to buy food, get medical help, or find phone or internet service.

Or if they have to hire a lawyer.

Lawyers are few and far between in much of the east side of the state, as well as in pockets along the coast. Several Oregon counties have no private practitioners at all. This status is not unusual. Nationally, about 20% of the country's population is rural, but only 2% of the lawyer population is. The American Bar Association refers to geographic areas with low lawyer numbers like these as “legal deserts,” places where, for a mix of reasons, rural and remote residents have long faced serious obstacles to obtaining access to legal information, legal advice and representation.

But change is afoot, in Oregon and elsewhere. Initiatives developed by the U.S. Congress, the court system, the state bar, law schools, public libraries and legal services providers are converging to foster measurable improvements in access to legal information and the larger justice system with a goal to reduce, even eliminate our “legal deserts.”

National Context for Rural Legal Issues

Although not all rural communities face the same kinds of problems, rural experience does pose common challenges. Compared to residents of metropolitan areas, for example, rural Americans suffer greater poverty; poorer health; and lower levels of education, according to the 2018 Harvard Law & Policy Review article “Legal Deserts: A Multi-State Perspective on Rural Access to Justice.” Elderly people and those with disabilities are more likely to live in rural communities, where they need a range of supportive services from state agencies. Migrant farm workers face substandard housing and sometimes dangerous working conditions, along with unpaid wages; and isolated tribal communities face almost intractable social problems, issues with solutions subject to federal treaties and statutes and state and local laws. According to the Vera Institute of Justice, rural communities also incarcerate offenders at a disproportionate rate, and for longer periods of time, than metropolitan areas — despite lower crime rates.

A Legal Services Corporation report in 2017 concluded that low-income rural residents with civil legal problems got help at less than half the rate of urban dwellers. Although a partial explanation rests on lack of recognition that a legal problem exists, along with the inability of many to pay market rates, there are logistical problems for those who actually do seek help: vast distances to an attorney's office; the lack of public transportation or reliable personal transportation; the lack of reliable communication tools, including phone and internet access; lack of skill in using technology. A 2021 Pew Research Center Survey disclosed that one quarter of lower-income households lacked a smart phone, and 40% did not own a computer. Another issue is basic literacy: Nationally, Americans read at only a fifth-grade level. Low-income and minority populations read at

a third-grade level, according to the Program for the International Assessment of Adult Competencies.

In small communities, it is much more likely that a lawyer may have to decline service because of a conflict of interest. It is also likely that general practitioners will be unwilling to accept or they lack the training and skills to handle many of the kinds of cases that would-be clients present — wage claims, challenges to decisions of the Veterans Administration or the Social Security Administration, criminal charges, consumer fraud, food stamp denials, protection from partner violence, etc.

Issues in Oregon

Oregon has more than 14,000 active lawyers. Almost 85% are in Multnomah, Clackamas, Marion, Lane and Washington counties. In contrast, there are no private practitioners at all in Gilliam, Morrow, Sherman and Wheeler counties, whose population is about 14,300. Internet access can be limited, and there is no public transportation.

The “empty quarter” of Oregon — Malheur, Harney, Grant and Baker counties — comprises 27,773 square miles with a population of about 63,000, just over two people per square mile. It is nearly as large as Massachusetts, New Hampshire and Vermont combined, says Kacie Bitzenburg, an attorney with the Ontario office of the Oregon Law Center, a statewide civil legal aid program for low-income people. Fewer than 70 private attorneys work in the quadrant. “With so few private attorneys in the area, clients all too often find that most private attorneys are conflicted out of representing them. Litigants are left to fend for themselves, feel bullied by opposing counsel and leave the litigation experience convinced that the legal system is unjust and stacked against them,” she adds. Sara Montrone, supervising attorney of the Eviction Defense Project in the same office, observes that “even landlords seem to have trouble finding capable legal representation.”

Both lawyers say that access to internet is a problem, “particularly in the frontier portions of Harney, Grant and Baker counties. Some remote residents cannot access dependable internet or any internet at all, preventing them from benefiting from free legal resources online,” says Bitzenburg. Cell phone service is unreliable and spotty in those same areas.

Criminal defense lawyers, especially public defenders, are in short supply throughout the state, but in rural and remote areas they are seriously overburdened. In a recent Workforce Development Proposal, the Oregon Office of Public Defense Services reported that rural recruits tend to leave public defense because of high housing costs, lack of supervision and training, low pay and high caseloads.

Photo on page 17: The Alvord Desert, located in southeastern Oregon's Harney County, is shown from the vantage point on Steens Mountain.

All photos within this article are credited to Hon. Eric Valentine, praisephotography.com.



Eastern Oregon provides the dramatic backdrop to so many incredible landscapes. Attorneys are scarce, however, a shortage that causes access-to-justice issues.

Why Lawyers Stay Away

New lawyers offer a variety of reasons for avoiding rural communities. The ABA’s 2020 Profile of the Profession cited a heavy student loan burden as the main reason grads seek urban employment, which generally pays more than positions away from the metro area. The onus of student loans has also discouraged new lawyers from starting solo practices — the norm in smaller communities — because they can’t risk the income instability. Less than 1% of lawyers now opt for solo practice.

Many lawyers have little or no exposure to rural lifestyles, and want to maintain urban amenities — despite the potential for a better work-life balance in smaller communities. They don’t want to leave behind urban friends and family, and they fear they may not find a life partner in a small town. If they have a partner, they worry that the partner won’t be able to find employment. They are concerned about culture clash, particularly if they are members of minority groups or LGBTQ. And they fear they won’t be able to specialize or advance in the field they want to pursue.¹

Klamath County Circuit Court Judge William D. Bunch sees the impact on the court. “No sooner do lawyers accept employment

here than they are sending resumés elsewhere in Oregon. Particularly lacking are attorneys who handle complex land use and real property issues, sophisticated estate planning, transactional work (buying and selling of businesses, for example), labor law and complex litigation. One result is that we do not typically see attorneys with deep civil experience seeking to join the judiciary,” he says.

Oregon Takes on the Challenge

Courts are designed to be used by lawyers. Yet, by 2019, in more than 85% of civil cases, at least one Oregon litigant was unrepresented (“Examining the Pro Se Justice Gap,” OSB *Bulletin* July 2021). At a Justice for All summit in 2020 addressing this mismatch, the judiciary, the bar, the Oregon Law Foundation and legal services programs committed to explore more and better resources for pro se court users. A cornerstone of the effort is Oregon Law+Connect, an online platform that will coordinate legal information, self-help tools and tailored resources on a single site. The state bar is managing the site and collaborating with the Oregon Law Foundation, the state judicial branch and the state’s legal aid providers on resources and content development. Now under construction, this platform will offer legalese-free guidance in English and four other languages,

B L ATTORNEY AT LAW
Blunck Law, LLC



Lawrence P. Blunck

larry@bluncklaw.com *Fluent in Spanish*

I have been the mediator or arbitrator for the following types of cases:

- Automobile Accidents
- Motorcycle Accidents
- Breach of Contract
- Business Disputes
- Construction Defects
- Subrogation Claims
- PIP/UM/UIM
- Personal Injury
- Product Defects
- Sexual Abuse
- Fire Loss
- Timber Trespass
- Neighborhood and Homeowner Association Disputes

Mediation & Arbitration
Blunck Law, LLC
 2350 Willamette Falls Drive, West Linn, Oregon 97068
 503.656.1654 • larry@bluncklaw.com • bluncklaw.com

High Desert, Legal Desert

says Keren Farkas, chief access to justice officer and director of legal services programs. Initial content will include housing, family law, consumer and immigration topics, she adds. Formatting will take into account that many users will be accessing the site via cell phone. Oregon Law+Connect will also use interviews to help Oregonians understand their legal rights and connect with customized resources that can help.

The platform will be similar to one in Minnesota, Farkas says. See lawhelpmn.org. When it is launched, there will be outreach to intermediaries who often are a natural first point of content for unrepresented people seeking assistance, including community libraries, community-based organizations or social service agencies. With 225 public library branches around the state, Oregon Law+Connect can reach rural communities effectively. These non-lawyer intermediaries can help Oregonians determine whether the problems they are experiencing have legal solutions, know what paths are available to them and find legal help targeted at their problem, location and income level.

Part of the expanded reach will result from the work of the recently established Oregon Broadband Office, tasked with promoting internet access and related resources in rural and remote locations. The OBO is part of the Oregon Business Development Department. Funds to implement the project have come in part through federal aid under the American Rescue Plan Act and the Inflation Reduction Act.

COVID Forces a Change

Changes to court procedure based on technological advances had been a topic of discussion among the bench and bar nationally for the last decade, but many states had adopted e-filing and not much more. The time commitment, the expertise and the expense to develop and coordinate platforms were too daunting. But the COVID-19 pandemic fast-forwarded the process, forcing courts and lawyers to embrace technology-based models to conduct business.

The Oregon legislature passed ORS 1.002(5) this spring, authorizing remote and hybrid proceedings to continue post-COVID. In Chief Justice Order No. 22-012, Supreme Court Justice Martha Walters explains,

[W]e have learned that remote proceedings are a key element in providing access to justice. The flexibility provided by remote hearings has enabled court proceeding participants and other members of our communities to participate in and engage with our courts, notwithstanding work and childcare schedules that conflict with courthouse hours; limited access to public transit in some communities; disabilities that make travel to the courthouse difficult; safety concerns in certain cases; and health vulnerabilities that require limited contact with others. The flexibility that we have gained from conducting remote proceedings has increased court participation and furthered fairness and equity.

Among the many lawyers who cheer the option to have remote proceedings is Grants Pass civil litigator Mark Lansing, who says, "My favorite COVID change is the elimination of the need to make a seven-hour round trip car ride to Salem every time I have a 15-minute

Empower Your Clients to Leave a Legacy.



St. Jude patient Bailey, age 7, Wilms tumor

Help your clients create their legacy today, and help save children everywhere.

Find out more:
stjude.org/professional-advisor



St. Jude Children's Research Hospital
 ALSAC • Danny Thomas, Founder
Finding cures. Saving children.

Court of Appeals argument.” Bitzenburg found online court proceedings were “incredibly time-saving and effective in bridging the large distances that often exist among attorney, client and court” in large eastern counties. Spending less time traveling meant lower fuel costs and increased capacity to serve more people in need. “And clients were no longer forced to lose earnings by taking time off work and finding child care because of court appearances.”

The state bar’s Lawyer Referral and Information Service has seen changes in the way attorneys and clients interact, too, says manager Eric McClendon. “We struggle to place clients in rural Oregon.” But, because referral attorneys now often opt for virtual or telephone consultations, “some valley attorneys are taking consults in rural areas, which never really happened before in my anecdotal experience.”

The new flexibility allows lawyers to embrace remote pro bono opportunities, too. Oregon is the 41st state to roll out “Free Legal Answers,” an ABA platform that went live Nov. 1. As McClendon describes it, “This ‘online anytime’ virtual pro bono clinic is simple. Low-income Oregonians log onto the website, answer some financial eligibility questions, and if they qualify, they can post a civil legal question to a secure messaging system.” Lawyers registered in the program can log on at any time to select a question to answer. Volunteers have access to online training, malpractice coverage and the ability to record their pro bono hours. People in the “frontier” areas of the state will have an easier time getting their questions answered.

Other Rural Initiatives

In a perfect world, local lawyers with knowledge about their community would meet with local clients to help them solve their legal problems. Some state bars and law schools have taken steps to lure lawyers to rural communities. The Oregon State Bar provides LRAP money to new lawyers who practice in rural communities, and provides fellowships and stipends to new lawyers who practice in rural communities. Stanford Law School, for example, provides loan repayment assistance to new lawyers who open a practice in a rural community. Lewis & Clark Law School in Portland connects students in its Small Business Legal Clinic to rural entrepreneurs and tribal entities east of the mountains, introducing those students to the idea of practice outside the metro area. Georgia connects new lawyers with soon-to-retire solo practitioners in rural areas so the novices get experience and, in some cases, the chance to manage and own a small practice. The UC Davis law school operates a legal clinic that connects students with farm and agricultural businesses in the Central Valley.

These strategies and others, including enhanced remote technology, could work in Oregon to ensure better access to legal help — and a more responsive and equitable justice system. ■

Janay Haas is a frequent contributor to the Bulletin. Her recent works include profiles on Antonia De Meo, Danny Santos and Lore Rutz-Burri, as well as in-depth features on SB183 and the pro se justice gap. Reach her at wordprefect@yahoo.com.

ENDNOTES

1. Pruitt et al., “Legal Deserts: A Multi-State Perspective on Rural Access to Justice,” 13 Harv L&P Rev 15 (April 2019).

INTEGRITY

Legal Nurse Consulting PDX

Our nurses have experience working with both medical and billing records; we uncover the important stories and what you need to know.

SERVICES INCLUDE

- Chart review and analysis
- Timeline of events
- Future medical costs
- Reasonableness of charges
- Testifying expert work
- Examination attendance



WENDY VOTROUBEK
MPH, RN, BSN, LNC
503-775-3221
wendy@legalnursepdx.com
legalnursepdx.com

Fire Loss Claims?

- 18 years experience as a General Contractor.
- Experienced fire and casualty insurance adjuster.
- Available to represent the insured party in maximizing recovery from the insurer.
- Fees contingent on increased recovery.



Millard & Bragg
Attorneys at Law, PC

503-305-7806

419 5th Street Oregon City, OR 97045

www.millardlaw.com

Admitted to Practice in Oregon and Washington



Despite a global pandemic and no construction background, twin brothers and partners at Thuemmel Uhle & Eder, Ben and David Eder, built a new office space in Portland. The glass reflects to the outside but allows people in the building to see out.

'Going to *Our* Office, Not *the* Office'

Portland Partners Build Distinct Space Despite Being Construction Novices

— By Michael Austin —

The pandemic certainly wasn't a time when law firms were looking to take on new construction projects or expand their offices. But, the partners at a small firm in Portland decided to wait no longer on their dream of having their own distinctly crafted space.

Despite permit delays through the City of Portland and additional delays due to the pandemic, twin brothers Ben and David Eder, partners at Thuemmel Uhle & Eder, are proud of the space they created in the city they love.

"It's been incredibly fulfilling to see this become a reality," David Eder says. "It's different going into *our* office, not *the* office."

Before the Construction Began

Ben Eder started working for Bob Theummel and Bill Uhle in 2005, eventually moving his way up to partner (2012) and managing partner (2015), with David Eder joining as a partner in 2014. Joel Sturm came aboard in 2017, the same year Theummel and Uhle retired. Sturm is now a partner. The firm handles personal injury cases with most cases being vehicular related.

As managing partner seven years ago, Ben Eder started to explore the prospect of a new office location while steadfastly wanting to remain in Portland.

A year later, the firm purchased a former radio station building at 278 SW Arthur St., located just south of I-405 and west of I-5.

Not wanting to renovate the outdated space, Ben Eder says the plan was to take it down to the studs and modify it. After much research and background work over the course of several years, the decision was made to do a complete rebuild. This required the City of Portland to be on board.

"It was an eyesore of a building," Ben Eder explains. "If you are putting up a nice looking building, which was our plan, the city is going to support you."

The city granted a demolition permit ... and so began the laborious process of constructing a new building in Portland.

The plot of land sits at a distinct intersection where SW 3rd Ave. heading south meets SW Arthur St. (Highway 26). SW Arthur runs east-west and is divided by a line of trees. There is a triangular patch of land with trees further separating just the building at 278 SW Arthur from Highway 26, giving the spot a short, less traveled road directly in front of it. There was a driveway for the small parking lot as you came off SW 3rd, so the brothers initially designed the building around that. Then, the Portland Bureau of Transportation wanted the driveway in a different spot due to the implementation of some sidewalks.

At this point, the new building plans required the brothers to obtain a "street vacation" (Portland City Code Chapter 17.84), where the government transfers the right-of-way of a public street to a private property owner. It's a process that can take up to a year. Ben and David Eder were learning about all of this on the fly during the first year of the pandemic. They met with neighbors and had to secure 66% of the deed owners in the immediate area to agree to the street vacation. That then led to a public hearing and eventual approval by the city council. By early 2021, with civil engineers, architects and other construction experts at the ready, everything finally was in place for work to begin.

Begin Below the Ground

When you build a structure from the ground up, here in potential earthquake country, you technically start below the ground.

Situated in what used to be a canyon before structures started popping up generations ago in Portland, the lot at 278 SW Arthur had a tremendous amount of space to fill below the ground. The Eder brothers opted for Geopiers to help stabilize the soil. Geopiers are rock columns drilled deep into the unstable soil. Ben Eder says their new office building has 22 feet of rock under the structure.

"We were told, and we hope this never happens, but if there is a large earthquake in Portland, then this may be the safest building in the city," he says. "The building may sink a little, but it will remain standing. It was a lot more work and effort, but we think it's worth it."

COVID Adjustments

With the Geopiers in the ground, the foundation could be poured and the framing process started, which led to the first of the COVID adjustments. The aluminum frames Ben Eder wanted weren't in stock. So, he adjusted to for a different aluminum frame that had a shorter lead time. The same went for some of the appliances. Rather than waiting months for just the right one, the decision was made to go with ones that were in stock. It's why he ordered the floors three months ahead of time despite surprise from the flooring specialists.

"They told me, 'You're crazy ordering this flooring three months from when you need it, then it only came in days before the install,'" Ben Eder says. "Ordering ahead was the main reason we didn't run into nearly as many delays as you'd expect. But, part of that too is making adjustments."

It's also about adjusting the schedule when unexpected things happen, especially as the world is dealing with a pandemic. At one point, the entire electrical crew came down with COVID. Delaying the electrical work meant the drywall couldn't be completed as planned. The drywall team had another job on the books, which pushed back when they could come do the work for the Eder brothers.

David Eder says while the project experienced several delays out of their control, having one person as the point and main decision-maker helped the process.

"If you had the two of us and our wives trying to make a decision, we never would have made progress," he admits. "The speed at which we wanted to get into this space, it was best to make Ben the point man on most things."

Being the point person also means dealing with many of the headaches. Ben Eder says it was his first time coordinating a project of this magnitude. He had no idea how things worked in the city offices, especially during a pandemic. Prior to the pandemic, you could go into an office and talk to someone about your issues. But, in 2021, that wasn't an option.

"With the City of Portland, if you don't file something correctly, it just doesn't move ahead. No one tells you. We would submit things, wait a few weeks, then I'd have to check in with them and they'd say we didn't get something stamped or didn't complete a form. The lack of face-to-face time with employees delayed us a bit."



Standing by the front entry (once again, a wood theme is prominent) are the attorneys with Thuemmel Uhle & Eder. From left to right: Ben Eder, Joel Sturm, Andrew Gust and David Eder.



Thousands of pounds of steel reinforce this locally sourced, solid-wood tread staircase leading to the second-floor offices. A small, comfortable seating area is nestled between the staircase and the conference room.



Rather than closed off space, Ben and David Eder opted for an open office plan with space for high ceilings, especially through the middle of the office where a large opening connects the first and second floors.

The firm was granted temporary occupancy at the end of 2021, but, as of now, is still waiting on its final permit approval as the city determines what kind of test it needs to conduct to see if the second-floor railing can hold 300 pounds of direct pressure on it.

Features & Perks

With the temporary occupancy, Thuemmel Uhle & Eder has been operating full-time in its new building. Rather than simply maximizing space by installing cubicle upon cubicle, Ben Eder wanted to go with an open, inviting concept.

The ceilings are high to allow for connection between the first and second floors. The main reception area sits on the first floor with open space above it all the way to the second-floor ceiling. In front of reception is a sitting area with coffee bar. Just behind those couches sits the impressive, locally sourced, solid-wood tread staircase on thousands of pounds of steel, leading to the second-floor offices. On the other side of the sitting area is the conference room with an eight-person wooden table for meetings, large screen on the wall for presentations and plenty of windows for natural light. Tree to Table made the table with red oak from Northeast Portland. Wind Thin Tree Service, which works with Tree to Table, removed a distressed big leaf maple from the 278 SW Arthur property and is in the process of turning it into shelves and another table.



On the second level is an outdoor area to relax and unwind.



The conference room has seating for eight around a table made of red oak from northeast Portland.

Ben Eder admits neither he nor his brother typically lean toward “modern looks,” but when planning the office, both loved having the open concept, more wooden visuals (the Douglas fir baseboards are a nice touch) and lots of light. In fact, they wanted so much light, the City of Portland balked.

“We were going to have even more glass but the City of Portland wouldn’t allow that much glass for this building,” Ben Eder explains.

“Clients are coming in and saying, ‘This isn’t what I expected. I can’t believe there is so much wood and that the ceilings are so high.’ I didn’t think clients would notice or care about some of those personal design choices we made,” David Eder adds.

The upstairs offices are large with many trees just outside the windows, giving the space a more natural feel than the stale corporate setting. Ben Eder says another lawyer once thought he was using a special Zoom background during a meeting as the attorney couldn’t believe the real tree-lined background could be in downtown Portland.

There is a small kitchen area, an ADA-approved bathroom (with a shower to freshen up after those possible mid-day workouts) and several spaces that could be used as additional offices or storage. The new building and extra space allowed for Ben and David Eder to explore expanding their small firm.

“Andrew Gust recently joined us. We’ve been hoping to work with him for the last 10 years or so. Our personal-injury side grew to a degree we could bring him in. It was much easier for us to do so with our own office space. The building lit a fire under us knowing we had enough work and enough space, so we decided to reach out and see if he had interest in joining us,” Ben Eder says while adding they don’t have plans at the moment to expand further as they like the “close-knit nature of the firm.”

The exterior almost rivals the interior with its features. The aforementioned glass reflects on the outside but allows for people who are inside the building to see out. While slightly south of the main downtown Portland area, this is still a heavily trafficked spot. Keeping passersby from peering into the building added an extra level of comfort for clients.

Plus, there is a small parking lot just for the building. Now, clients don’t have to deal with validation tickets and navigating the sometimes confusing downtown parking scene.

“When we were in downtown proper, clients always would ask about the parking,” David Eder says. “Even though we had a structure and could validate, there still was concern about driving downtown, having to figure out where the garage was, where you are in the garage in comparison to the office and getting validated.”

Trust the Experts, Take Some Risks

Ben Eder’s advice for anyone considering building their own office space — trust the experts. He says he adjusted several aspects of his original plans, including how to do the glass around the coffee area and what kind of stain to use on some of the wood due to the recommendations of the people he hired.

“We have a great appreciation for the amount of work civil engineers, architects, the people laying the floor, the people installing the windows do. We work a lot of hours as lawyers but we also appreciate how skilled people are at their chosen professions. And, being a lawyer is a lot easier than trying to move rock,” Ben Eder says.

David Eder credits his father-in-law for pushing them to take some risks to ensure this space would truly be their own.

“My father-in-law worked as a general contractor in the building of his house. He really pushed toward if you have the opportunity to build, you should do it,” he explains. “He always thought you should bet on yourself. We are used to betting on our work in these injury cases. We are not risk-adverse in taking these cases, so why would we be risk-adverse in the place where we work?” ■

Michael Austin is the editor of the Bulletin. He recently contributed profiles to the Oregon State Bar Awards article in October, as well as served as the main author of cover stories “You Are Not Alone” and “Park Protectors.” Reach him at maustin@osbar.org.

PROFILES IN THE LAW

Mike Scott Set the Standard for Oregon's Handling of Construction Mediation Cases

Conquering Construction Law

By Cliff Collins



Retired mediator Mike Scott is surrounded by the people who mean the most to him – his family.



Outside the office, Mike Scott always found ample time for his two sons (Stephen on the left and Matt on the right), including coaching their Willamette University rugby team. This picture is from a 2010 team tour to Ireland, Northern Ireland and Scotland.

The descriptions longtime friends and associates give about Michael J. Scott run similarly, and the overall impression is unmistakable: This man is cut from a different cloth.

For the past two decades, until his retirement in late 2021, Scott was considered “the pre-eminent construction-defect mediator” in Oregon, according to West Linn construction defense attorney Katie Smith. She has participated in mediation sessions he led since 2007, and says he was always the first choice for a mediator when disputes arose over construction design or defect. “That says a lot about him.”

The way he handled such cases was what established his reputation. Lisa Maguire, who worked for Scott for 32 years, serving as administrator of his Tigard firm, Scott Hookland, for most of that time, says she realized at the outset that “Mike sees a much bigger picture than others. Even

meeting him early on, I thought, “This guy is different.” I wouldn’t say blunt, but you know how he stands.”

“Whether as a lawyer, a mediator or a rugby coach, Mike is a superstar in working with other people and helping people figure out the way to go,” Maguire adds.

Learning the Ropes

Scott was born in Pendleton, but from the age of 1 was raised in the Portland area. He played football at Tigard High School, then majored in communications at Pacific University in Forest Grove. There, he earned a Rotary International journalism award, which involved a visit to Wales, where he played on a rugby team. He ran the Forest Grove Chamber of Commerce for a time to earn money toward tuition at Lewis & Clark Law School.

Scott, whose father was a clinical psychologist, had not grown up dreaming of

becoming a lawyer. He says he chose law for practical reasons: His father thought Scott would be good at it, and Scott wanted to join a profession so that he could raise a family.

Even as a first-year law clerk, Scott did a lot of construction-lien work, then wrote a paper on the topic as a 3L, which he later developed into a CLE. Once he went into practice, he primarily represented construction supply companies, builders and public construction companies.

“I was lucky enough to recognize it was an opportunity,” Scott says. “Through people I met, I was able to build that practice.” He wasn’t aiming to move to being a neutral, but a lawyer called him one day and asked if he would be interested in mediating a case. “I was able to resolve that, then another followed,” Scott recalls. He ended up mediating over 2,500 cases during the next two decades. Scott never placed an ad, or needed to. He stayed booked five to six months in advance. All work came to him by word of mouth, he says.

Of construction law, Scott says: “I grew up doing it. I understood the background. I knew the substance of law. These things



In 2006, Mike Scott (pictured in sunglasses and yellow-and-black-striped headband) founded Treasure the Beach, a beach cleanup program.



Mike Scott started a surfing camp in Seaside, which provides children who live in the city the opportunity to spend time at the coast.

are helpful.” He would look at: How can we resolve this case? Is it a public or private project, something involving a backyard or millions of dollars? “There are similar ties between these, but every case was different.”

Scott, who was AV-rated by Martindale-Hubbell, garnered a multitude of honors over his career. He was a perennial pick by

Best Lawyers in America for the category Litigation — Construction (including Lawyer of the Year), as well as for Alternative Dispute Resolution and Construction Law. Super Lawyers also named him numerous years for ADR and Construction Litigation.

Smith notes that, over his career, Scott established the protocol that construction-

defect mediation cases follow. Unusual among states, Oregon’s rules of civil practice don’t allow for expert discovery. But she says Scott established a way with his construction-defect mediations where expert information could be shared voluntarily among the parties, under a protective shield, and this free exchange of information makes cases easier to settle and much less costly.

“This model of Mike’s making has been adopted by other construction-defect mediators following in Mike’s footsteps,” including herself, Smith says.

Giving Full Effort

Retired Portland attorney Richard T. Anderson, who was a classmate of Scott’s at Lewis & Clark Law School and has been friends with him for 40 years, says Scott took law school seriously. They also prepared for the bar exam together, sometimes discussing information while out on their daily runs (which the two continued for decades). Anderson marveled at how Scott could recall the exact page containing the topic being discussed.

When both went on to private practice, Anderson says Scott was a determined and relentless advocate for his clients. He also is skilled at explaining complex issues in a way that is easily understood.

Anderson saw Scott develop another dimension once he turned to focusing on alternative dispute resolution. “He had a different way of seeing things,” Anderson observes. “Over the years, as he moved from an advocate role to a mediator role, he had more appreciation of different sides. A mediator has a different role, seeing things from a different perspective. I think Mike could see all the issues from all sides, and find common ground for settlement.”

Martha J. Hodgkinson, a construction and real estate law litigator who has known him for over 20 years, says Scott gave his all to his mediation practice, no matter the time of day or where on the globe he happened to be when duty called during his many travels. A secret to his success, she feels, was that he never gave up trying to reach a settlement. In many cases, people “don’t necessarily show up to resolve” the matter, she says. A good mediator such as Scott takes the approach that “if you don’t settle at first, keep trying, even if it takes a while. He was a pioneer in pushing, or bullying in a nice way — very persistent and confident.”



Natalie Smith

We are pleased to welcome our new business attorneys

Natalie Smith

Natalie will serve clients on legal issues related to estate planning, business planning, tax, and real estate transactions.

503.243.1631 | nsmith@sussmanshank.com



Sarah Coates

Sarah Coates

Sarah will serve clients on general business matters including assisting with mergers and acquisitions, real estate transactions, and entity formation.

503.243.1639 | scoates@sussmanshank.com

SUSSMAN SHANK LLP
ATTORNEYS

SUSSMANSHANK.COM • 503.227.1111 • PORTLAND, OR

A Strong Professional Personality

“His personality is very direct,” says Smith. “It’s a product of his experience, confidence and age. He knew what to expect, what the issues are, and had a direct way of resolving them.” Some at first might take him as blunt or gruff, and he talks “very quickly,” she says, but when lawyers representing insurers or contractors needed to reach agreement on difficult cases, “the parties would come together and choose Mike Scott as mediator. This could involve 10 to 20 parties. All would come together to choose Mike.”

According to Hodgkinson, Scott’s personality is larger than life. “He is very well known for his straightforward, strong personality; he’s not afraid to say exactly what he thinks,” she says. “Over the years, Mike developed strong relationships with insurance representatives based on mutual trust, to the point where for 20 years, he was the No. 1, go-to mediator, and one of the smartest people I’ve ever met.”

Smith concurs, and points out that, in negotiations, participants could always count on Scott to keep his word.

“Ultimately, it’s about trust,” and he built that, she says. “He was extremely successful. He was a mentor to a lot of us.” She includes herself, as does Hodgkinson. Smith began doing mediations this year, and Hodgkinson, who previously mediated cases about half of her time, moved her practice solely to mediation beginning this year. “My model is his model, the way I work with the parties,” says Smith.

In June, as president of the Oregon Association of Defense Counsel, Smith presented Scott with the President’s Award. “I chose to honor Mike as the recipient in honor of his commitment to the profession over the course of his distinguished career, his impact on the community, and the mentorship and support he provided not only toward my professional development, but to many others who worked with Mike on a regular basis.”

The Other Side of Scott

Scott’s personality also comes with a softer side. Outside the mediation room, as Hodgkinson puts it, Scott’s sense of humor and devotion to family endear him to both friends and those who worked with him. “People respected him so much, with his good humor and good intentions,” she says. “He’s funny and personable, even though his persona is ‘my way or the highway.’”

YOUR FAMILY'S LAW FIRM.



GUIDING FAMILIES THROUGH ADOPTIONS & FAMILY PLANNING

TO LEARN MORE VISIT WWW.GEVURTZMENASHE.COM



“He’s a talented person but with a good sense of humor. He always kept up his side of the bargain, and managed to get along with 95%” of those involved in mediations despite his powerful personality. “The reason people love him so much is that he’s a kind person, respectful, and knows when to let loose. He’s adaptable, quick on his feet. Overall, very unique and one-of-a-kind.”

“Working with Mike was a pleasure,” says former employee Maguire. “I enjoyed his fun personality.”

“From a family perspective, he is one of the most gentle,” according to Smith. “He takes care of his family.”

Scott always took an active interest in his two sons’ athletic pursuits, at various times coaching football, Little League baseball, soccer and rugby, including coaching Willamette University’s rugby team, which was developed by his son Stephen. Anderson admired Scott’s approach to coaching: “It was not just about mechanics, but coaching the whole kid to be a better citizen.”

Scott takes pride in being a better citizen as well. In 2006, he co-founded Treasure the Beach, a SOLVE-affiliated beach cleanup program. In 2014, he founded an annual surf camp in Seaside in which underprivileged children who live in the city get to visit the ocean and learn to surf.

Scott’s retirement “has left a big hole,” maintains Hodgkinson. “People really miss him, his approach to how he did things. For construction-related disputes, he was No. 1.”

The 24-hour schedule he maintained all those years never led to burnout, Scott insists. Instead, he says, it’s time for other people to do that work. He has turned his focus to his wife, Laurie, his two sons, Stephen and Matthew, and their wives, and his four grandchildren. His priorities now, he says, are “faith, family and friends.” ■

Cliff Collins is Portland-area freelancer. He recently contributed several profiles to the Oregon State Bar Awards article in the October Bulletin, and authored the August/September cover story, “Hiring in a New Era.” Reach him at tundra95877@mypacks.net.



We are pleased to announce that
Bryan O’Connell
has joined our firm as an associate.

Bryan’s practice focuses on Family Law and Criminal Prosecution. Bryan graduated from the University of Oregon School of Law in 2021. He clerked for the Honorable R. Curtis Conover before joining the firm in April 2022.

Bryan C. O’Connell | Leahy Cox, LLP
188 West B Street, Building N,
Springfield, OR 97477
P (541) 746-9621 | F (541) 746-4109
www.emeraldslaw.com | bco@emeraldslaw.com



LAWYER ANNOUNCEMENT

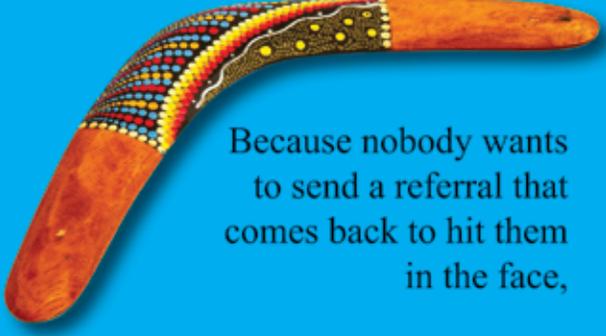


WWS
TRIAL LAWYERS



**VAMES
WANG
& SOSA**

Oregon | Washington



Because nobody wants
to send a referral that
comes back to hit them
in the face,

we answer our phones.

Paul Vames • Emery Wang • Nathan Sosa • Mona Moghimian

(503) 669-3426
vameswang.com

Vehicle | Premises | Dog bites | First party insurance

William Bud Brown Came to the Defense of Oregon Veterans

An ‘Emerging Storm’

By Jesse Wm. Barton and Jennelle Meeks Barton



William Bud Brown dedicated many years later in his life to assisting the defense of Oregon veterans, as well as drawing awareness to their plight.

This article is dedicated to Oregon’s “Father of Veteran Defense,” the late William Bud Brown, Ph.D., a dedicated husband and father, an academic sociologist, a military culture legal expert and a decorated Vietnam combat veteran who passed away on April 9, 2022, due to Agent Orange exposure.

In the autumn of 2008, seven years into the U.S. war in Afghanistan and five years into its war in Iraq, William Bud Brown, Ph.D., published *Another Emerging “Storm”: Iraq and Afghanistan Veterans with PTSD in the Criminal Justice System*. Brown predicted “problems faced by Afghanistan and Iraq veterans . . . who currently find themselves, or may find themselves in the future, entwined within the criminal justice system processes.”¹

Brown, a tenured professor of criminal justice at Western Oregon University and the founder of The Bunker Project (2008), wasn’t the first sociologist to identify the

connection between wars and crime. The inaugural issue of *Social Work Review* (1927) included an article entitled “The Civil War & the Crime Wave of 1865-70,” which proclaimed:

“The effect of war on crime conditions was much discussed throughout the period of the Great War (World War I), and there has been a post-war interest in many countries as to the effect of war in producing an aftermath of crime.”²

By 2008, Brown was among the few modern scholars willing to discuss war as a catalyst for increased crime rates. Criminal justice data soon corroborated Brown’s prediction “emerging storm.” In 2012, the Department of Corrections conducted an inmate survey, which established “that veterans were overrepresented in Oregon prisons by a factor of 125%.”³

Brown’s prediction encouraged Oregon bar members — particularly veterans — to

join him in taking decisive action in support of veterans and service members facing criminal prosecution. The seed that Brown planted grew exponentially: articles, seminars, manuals, books and expert services in veteran criminal defense in courtrooms in Oregon and nationwide. It also included starting The Bunker Project as a 501(c)(3) corporation, which was dedicated to assisting veterans, veterans’ families and legal practitioners who represent veterans and their families in achieving the best possible results in judicial and other legal proceedings. Until his untimely death, Brown worked to help juries, judges and attorneys understand the pressures and processes of military life.

Exemplary Military and Academic Backgrounds

Brown’s standing as a military culture legal expert was based on his own military and academic background. He began as a trained infantryman. He earned his jump wings from airborne training and completed Army Ranger School. He served two combat tours in Vietnam and was awarded the Combat Infantryman’s Badge and the military’s third highest decoration, the Silver Star.⁴ After his second combat tour, Brown served as a drill sergeant, leading a basic infantry training platoon. He then entered Officer Candidate School, where he graduated at the top of his class. He went on to serve as an instructor at the Army Ranger School, and then as a platoon leader with the historical 75th Ranger Regiment.

After U.S. military operations ended in Vietnam, Brown chose to resign his commission and reenter the civilian world. For some years he worked as a logger, but then decided to enter college. He enrolled in the University of Nevada, Las Vegas, where he received his B.A. in social work (with distinction), his M.A. in sociology and his Ph.D. in sociology. As his daughter Toni



This group of soldiers (Brown is second to left) served in Vietnam with the 173rd Airborne Brigade (“Westmoreland’s Fire Brigade”). Brown served two combat tours as an airborne infantryman, and between his tours completed Army Ranger School.



(Left) Brown was a decorated soldier. He earned the Silver Star, Bronze Star for valor, Purple Heart, Army Commendation Medal, as well as air medals and jump wings.

Dadkhah explained, Brown’s “collegial relationship with Richard Quinney,” a criminologist and philosopher who established social inequities as the root of crime, propelled Brown’s academic career and his interest in criminal justice issues.

Brown worked in various positions in several colleges and universities. He was a lecturer at (reunited) Vietnam’s Open University of Ho Chi Minh. He was a tenured sociology professor at the University of Michigan-Flint. Eventually, he joined Western Oregon’s criminal justice faculty.

As an academic, Brown published numerous articles and textbooks on sociological and criminological subjects, with *Another Emerging “Storm,”* his first article on military culture. In it, Brown addressed sociologist Erving Goffman’s “total institution” concept, which encompasses mental hospitals, state prisons and county jails — i.e., institutions that socialize inmates and control their activity “24/7.”⁵ Brown established that through socialization, the total institution concept encompasses the military.⁶

Moreover, Brown explained, veterans “who have experienced traumatizing events, PTSD (post-traumatic stress disorder) and the remnants of their military socialization process . . . [may] find themselves as a defendant *in the criminal justice system.*”⁷ Brown expanded his expert services to include military issues and their impact on charges and sentencing.⁸

Multiple Cases in Multiple Jurisdictions

Shortly before Brown published his prescient article, a combat veteran, a Black Oregonian named James Anthony Harrell,⁹ faced first-degree assault charges based on his use of a pocket knife in defense of his friends who were facing a belligerent white man. Har-

rell’s background in the military culture and total institution “conditioned (him) to select the fight option, as opposed to the flight option, when confronted with dangerous or stressful circumstances.”¹⁰ Nevertheless, his jury (non-unanimously) convicted Harrell of two counts of second-degree assault, carrying mandatory 70-month sentences.

Senior deputy public defender Anne Fujita Munsey represented Harrell on appeal. She retained Brown in April 2009 through The Bunker Project to prepare Harrell’s social history for a clemency petition if the appeal failed. Although Munsey could not use the report in her appellate briefs, The Bunker Project filed an amicus curiae brief on Harrell’s behalf.¹¹

Munsey based the appeal on the work of Harrell’s trial attorney, Beverly Richardson, who had moved for a jury waiver. If it were allowed, the presiding judge, John Collins, would effectuate his provisional bench verdicts, all of which were acquittals.¹² Although the Court of Appeals affirmed Harrell’s convictions,¹³ the Supreme Court reversed. Justice pro tempore Paul De Muniz, also a Vietnam combat veteran, wrote for the court. His opinion instructed Collins to decide whether or not he should accept the jury waiver.¹⁴ On remand, Frank Stoller represented Harrell. Collins accepted the jury waiver. He then applied his verdicts, which acquitted Harrell once and for all.

Brown worked on various other cases, providing expert services “multiple times in multiple jurisdictions on behalf of veteran-defendants.”¹⁵ Those cases included:

- The 2009 defense of PTSD-afflicted veteran Jessie Bratcher. On behalf of Bratcher’s legal counsel, Markku Sario, Brown and his frequent colleague, psychologist Robert Stanulis, served on the multi-disciplinary team. The jury found Bratcher guilty but insane and was committed to the state hospital. He has since been released.
- Florida and Oregon attorney Elizabeth White explained that her husband and legal partner, Bill Sheppard, who practiced in Florida,¹⁶ “successfully used Brown on several state and federal (veteran defendant) cases.” White said Brown “was instrumental in helping us explain the concept of ‘total military institution’ to courts throughout the state. Bill and Bud also taught lawyers all over the country how to effectively represent returning combat veterans.” Sheppard

DEDICATED. TRUSTED. QUALIFIED.

As one of the largest Litigation and Dispute Resolution Practices in the United States, Holland & Knight's litigation team does our utmost to help you prevail in your dispute.

Attorneys in our Portland office are recognized by respected legal publications, including:



2022 Chambers USA Guide

Band 2 ranking in Oregon for Litigation: General Commercial, with Partners Matt Donohue, Shannon Armstrong and Kristin Asai listed individually



2022 Oregon Super Lawyers Magazine

Partners Shannon Armstrong, Kristin Asai, Matt Donohue and Joe Franco listed for Business Litigation, with Mr. Donohue listed among Oregon's Top 50 lawyers since 2015

Holland & Knight

www.hklaw.com

Portland, OR | 503.243.2300

WELCOME, KIRSTEN BLUME!



The Oregon Attorney Assistance Program is pleased to announce that Kirsten Blume, JD, MA candidate has joined the OAAP as an Attorney Counselor Associate.



was a veteran, too. He passed away on the same day as Brown, April 9, 2022.

- Among Brown's most recent defense work, again alongside Stanulis, was the murder case of the PTSD-afflicted veteran Peter Zielinski. The jury convicted Zielinski, but the Court of Appeals reversed. It held that the trial court erroneously allowed irrelevant questions on cross-examination of Stanulis that invited speculative bias aimed at Stanulis's diagnosis of Zielinski's service-connected PTSD.¹⁷

Oregon's Father of Veteran Defense

Brown could have ignored the "emerging storm." He was a loving husband and father of two daughters. He had other interests in life, not steeped in military culture. Indeed, post-military, he never again possessed a firearm. Moreover, his friend and colleague, Randall Sheldon, Ph.D., revealed that on a return to Vietnam in 1990, Brown "donated his medals to the War Remnants Museum in [Ho Chi Minh City]. What he wrote on the plaque is very revealing: 'I was wrong. I am sorry.'"¹⁸

Yet when he saw a new generation of veterans in peril, Brown used his knowledge, skills and experience to help them. The Bunker Project provided expert legal services for fellow veterans facing criminal prosecution in multiple cases in multiple jurisdictions. And even as his health failed, Brown continued to travel around the country to help veterans in need.

Brown's 2008 article *Another Emerging "Storm"* inspired the development of veteran defense in Oregon and across the nation. He cared about people and tried to make society a better place. For his dedication, his scholarship, his compassion, and his willingness to act, William Bud Brown, Ph.D., will be remembered as Oregon's Father of Veteran Defense. ■

Jesse Wm. Barton is a retired attorney who occasionally consults with other lawyers. Jennelle Meeks Barton is a pro bono attorney.

ENDNOTES

1. *Id.*, 5 Just. Pol'y J. at 8 (2008) (emphasis added).
2. *Id.*, 1 Soc. Service Rev. 212. The author, Edith Abbott, was dean of the University of Chicago's Graduate School of Social Service Administration. Abbott based her article on research that reached as far back as Sir Thomas More's *Utopia*, which he published half a millennium ago in 1516.
3. In that survey, 2,682 inmates self-reported as veterans who comprised 18.9% of the

state's then-current prison population when veterans comprised only 8.4% of the state's general population, thus establishing the factor of 125%. http://www.cjcl.org/uploads/cjcl/documents/barton_home_free_final_formatted.pdf, 11 Just. Pol'y J. at 2-3 (2014). The data further established that "women veterans [were] overrepresented in Oregon prisons by the incredible factor of 657%[.]" *Id.* at 3 n 2.

4. Brown's unit, the 173rd Airborne Brigade (aka "Westmoreland's Fire Brigade"), engaged in multiple conventional battles against North Vietnamese regulars, including the nearly three-month-long Operation Junction City near the Cambodian border. Brown and his unit members entered that battle in the nation's first combat airborne operation since the Korean War, so were awarded new jump wings with a combat star.
5. Goffman, *Asylums: Essays on the Social Situation of Mental Patients & Other Inmates* (1961).
6. Pages 18 to 23 of the article *Another Emerging "Storm"* explain the military total institution concept.
7. *Id.* at 23 (emphasis added).
8. Brown worked with multi-disciplinary teams, including licensed psychologists or other medical professionals who would diagnose physical and/or mental issues and make professional recommendations.
9. Harrell was trained in the combat arms, and had served with his Oregon Army National Guard cavalry squadron in a combat tour in Iraq. Back home he was scheduled to redeploy to Iraq with his squadron, so was undergoing monthly trainings.
10. William Brown, Ph.D., *War, Veterans & Crime*, in *Transnational Criminology* 610 (Prof. Martine Herzog-Evans, Univ. of Reims, France, ed. 2010) (emphasis added).
11. On behalf of amicus curiae The Bunker Project, *State v. James Anthony Harrell*, Supreme Court No. S059513.
12. Richardson also moved for a stay of Harrell's sentences pending appeal, which Judge Collins granted.
13. *State v. Harrell*, 241 Or App 139 (2011).
14. *State v. Harrell*, 353 Or 247 (2013) The court ruled for Harrell 4-2.
15. 11 Just. Pol'y J. at 18.
16. Sheppard is renown as the defense lawyer who won the speedy trial case, *Doggett v. U.S.*, 505 U.S. 647 (1992).
17. *State v. Zielinski*, 321 Or App 8 (2022). After Brown completed his trial testimony, he took a seat in the courtroom. During Stanulis's testimony, the judge publicly ejected Brown from the courtroom. She had seen Brown moving his head and decided he was trying to influence the jury. After learning that Brown's head movements were involuntary, and a symptom of nerve damage caused by his Agent Orange-inflicted disease, the judge apologized the next day.
18. *Honoring the Memory of William Brown Brown*, Center on Juvenile & Criminal Justice, Apr. 19, 2022.

YOU PROTECT YOUR CLIENTS' ASSETS.

WE'RE HERE TO PROTECT YOURS.

GET EXCESS COVERAGE FROM THE PLF.



Apply: osbplf.org/excess
Info: 503.639.6911

We Are Thriving

Introducing our latest trifecta of legal talent

Samuels Yoelin Kantor is pleased to announce Emil Sadofsky, Adriana Gomez and Brandon Torkelsen have joined SYK as Associates.



This year we celebrate 95 years of our family of lawyers helping generations of clients with their personal and business legal needs.

We Are  SYK
Attorneys At Law



Helping businesses, entrepreneurs & families build their legacy since 1927.
Portland, OR • 503.226.2966 | Vancouver, WA • 360.823.0139
Lake Oswego, OR • 503.226.2966 | Hood River, OR • 541.436.0777
www.SamuelsLaw.com | www.SamuelsLawBlog.com

Plan and Stay on Track to Avoid Malpractice

Logistics of Retiring

By Rachel Edwards



Rachel Edwards

allows you to properly manage your active caseload, determine when to begin sending notification letters to active clients, determine what types of new cases to take depending on their complexity and anticipated closure date, and decide when to stop taking new cases.

Once you have set an official retirement date, you should avoid taking any new cases that you do not anticipate being able to complete prior to your retirement date. At the very least, disclose to potential clients that you may not be able to complete their case prior to retirement, and verify they agree to hire you despite the retirement disclosure. Even if your plan is to sell your practice or offer to the potential client that your firm partner or associate may be able to take over the case, many clients expect their original attorney to complete their matter. It may also help to work with your clients to transition the case earlier, such as to an associate, so there is time to educate the new attorney about the case and for the client to become familiar with their new attorney.

You should do your best to complete all active matters prior to retirement. If you are not able to complete some of your active cases, you need to notify active clients of your plans to retire. Advise clients to obtain a new attorney if they will need further legal services after your retirement date, and you will need to be removed as attorney of record from court matters. The transition process is easier if another attorney is available to take over the matter. Clients may be referred to specific attorneys that you know who may be able to represent them. The Oregon State Bar Lawyer Referral Service (503-684-3763; <https://www.osbar.org/public/ris>) is also an option. Remember that withdrawal from a court matter isn't always an option, even if another attorney is available to represent your client. The judge may not allow you to with-

draw from the case, depending on the circumstances, such as if withdrawal may prejudice a client. Be sure to analyze each matter before determining if withdrawal is appropriate. Consider adjusting your retirement timeline if you are not able to complete certain active matters.

Discuss with clients how to proceed before removing yourself from the case, especially if they do not have an attorney taking over immediately. Determine if it is necessary to request extensions, continuances or reset hearing dates. Send written confirmation of these dates to opposing counsel and your client. Make copies of files for clients and provide them to your clients or their new attorney. All clients should sign a receipt acknowledging they received their file or sign an authorization for you to release the file to their new attorney. Pick an appropriate date after retirement to confirm that you have been removed as attorney of record from all open court matters, certainly before any upcoming deadlines or court appearances.

Options for Retirement

If you are a solo practitioner or head of a small firm, give yourself plenty of time to think about your options for retirement. Many solo practitioners end up closing their practice because they do not have enough time to consider other options. Below are some alternatives to an office closure:

Selling Your Law Practice

If you are a solo practitioner or head of a small firm, begin thinking about succession planning. That may include the sale of your practice. If so, you must follow the rules for sale of a law practice set forth in ORPC 1.17. The rule requires current clients to be notified of the sale so they can take their file elsewhere if they do not want to continue representation with the buying lawyer. See our Checklist for Lawyers Planning to Sell

Many attorneys set a date for when they plan to retire. Others set goals for winding down, such as deciding to no longer take certain types of cases. Setting dates and goals is a great start, but I liken it to setting a date for your wedding and hoping the rest falls into place with no additional planning. That may be an extreme example, but a good reminder that what often makes retirement difficult is lack of planning. Without a plan, the process easily becomes overwhelming, causing many attorneys to push the retirement date further down the road, and risk falling into ethical and malpractice traps. While all situations differ to some extent, regardless of your individual situation, there are certain logistical steps all attorneys should take to prepare for retirement.

Create a Timeline, Notify Active and Potential Clients

Start by setting an official retirement date and working your way backward. This

Their Law Practices at <https://www.osbplf.org/services/resources/#forms> for more information.

It can be difficult to value a law practice, especially those that do not hold real property or do not have a consistent book of business. Anyone engaging in the sale of a law practice should consider using a business valuation expert to determine an accurate number for the sale.

Gradual Transition

If sale is not a viable option, or at least not in the immediate future, a gradual transition may work for attorneys who are looking to retire someday and gradually transition their practice to one or more other attorneys. This can also increase your likelihood of selling your law practice to those taking over, since they are able to see the value of the practice after spending time at the firm and inputting their own knowledge and goodwill.

Transition of a practice has many benefits, such as being a good option for attorneys looking to work fewer hours prior to full retirement. In addition, clients can be represented by someone trained by the retiring lawyer, and staff remain employed.

Merger

Some attorneys may consider merging their law practice with an existing practice rather than a gradual transition. The two existing practices can then take advantage of each other's current office systems and procedures, active caseload and goodwill.

This allows retiring attorneys who may not want to or have the option to transition the firm to someone else to avoid closure and pass their firm's legacy to the merged firm.

Closed File Retention and Destruction

Take the time prior to retirement to determine for how long and where you will store your closed files after you retire. The PLF recommends that closed files be kept for at least 10 years from the date of closure of the file. There are exceptions to this recommendation when may need to keep files longer than 10 years, such as storing original wills. See the PLF practice aid File Retention and Destruction Guidelines at <https://www.osbplf.org/services/resources/#forms> for more information. Consider maintaining a spreadsheet to track closed files by closure date so you can determine an appropriate destruction date.



MSM MACMILLAN SCHOLZ & MARKS™
msmlegal.com | 503 224 2165

**Congratulations to Megan Ferris
Named *Best Lawyers*® 2023 "Lawyer of the Year"
for Construction Litigation**

**Best Lawyers
LAWYER
OF THE YEAR
2023**

Litigation - Construction
MEGAN L. FERRIS
Portland, OR, United States

Also recognized in the 2023 edition of *The Best Lawyers in America*®:
Leslie Kocher-Moar,
Annapurna Raman,
and Christine Reinert

LAWYER ANNOUNCEMENT



OREGON / WASHINGTON / CALIFORNIA



**D'AMORE
LAW GROUP**

SERIOUS PERSONAL INJURY AND
WRONGFUL DEATH LITIGATION

www.damorelaw.com/referrals
(503) 222.6333

- Past President, OTLA
- AAJ Executive Committee, Budget Chair
- American Board of Trial Advocates
- Board Certified Civil Trial and Truck Accident Attorney, National Board of Trial Advocacy
- AV® Preeminent Peer Review Rated™, Martindale-Hubbell
- 2020 Trial Lawyer of the Year by the San Francisco Trial Lawyers Association
- Super Lawyers, Top 50 in Oregon

Health Insurance Plans for Oregon Attorneys

Any law firm located in Oregon or Clark County, WA with at least one W2 employee in addition to the attorney is eligible to enroll. Enrollment is offered year-round.

www.aldrichadvisors.com/mba

503.716.9328

Steve Doty - sdoty@aldrichadvisors.com

Janos Bodnar - jbodnar@aldrichadvisors.com



Closing an IOLTA Account

If you need to close an IOLTA account as part of your retirement, plan ahead to assure you have enough time to do so properly. Prepare and send final billing statements if necessary. Disburse funds belonging to you and deposit them into your business account. Disburse funds belonging to clients.

If a client has disappeared and left funds in trust, those funds are deemed unclaimed under the Uniform Disposition of Unclaimed Property Act if the owner has not accepted payment of the funds, corresponded in writing about the funds, or otherwise indicated interest in the funds within two years after the funds are payable or distributable to the owner. *See* ORS 98.302 to 98.436. Lawyers must exercise reasonable diligence to determine the whereabouts of the person entitled to the funds, and, when possible, communicate with the person and take necessary steps to prevent abandonment from being presumed. *See* OSB Formal Ethics Op 2005-48. Once the requirements are met, lawyers report the funds to the Oregon State Treasury and ultimately send the funds to the bar. You can find more information about unclaimed funds on the bar website at <https://www.osbar.org/resources/abandonedfunds.html>. If there is money remaining in trust and you cannot determine who it belongs to, there are several categories in which the money may fall. If an audit of your accounting records does not elicit an answer, consider contacting a Practice Management Attorney (503-639-6911) for guidance. *See* the PLF practice aid Checklist for Closing Your IOLTA Account at <https://www.osbplf.org/services/resources/#forms>.

Bar Status

If you will no longer be actively practicing law in Oregon, consider changing your membership status with the bar. The Retired status is a subcategory of the Inactive status and requires that members must be over the age of 65. If you are Inactive or Retired, you will pay an annual fee of \$150, receive the Oregon State Bar *Bulletin* magazine and you are eligible for reinstatement. If you are not interested in possible reinstatement in the future, a Form A resignation is the other option, which has no annual fee, no benefits and you must reapply for admission, which could include re-taking the bar exam. Go to the bar website at <https://www.osbar.org/statuschanges/statuschangeFAQ.html> for more information about status change options.

Are your clients making
major decisions without
consulting their CPA?

Maybe it's time for a change.

The complexity of business today means your clients need an accounting partner that considers all facets of their business, from hiring strategies, to retirement plans, to succession planning, and beyond. Our Kernutt Stokes team across Oregon has that experience and expertise. Let us put it to work for your clients.

Expect more from your CPA. **Get more with Kernutt Stokes.**

KERNUTTSTOKES
Certified Public Accountants & Consultants



kernuttstokes.com | (541) 687-1170

Bend | Corvallis | Eugene | Lake Oswego

Malpractice Coverage

If you are retired and no longer engage in the private practice of law but maintain Active status with the bar, you can request an exemption from PLF coverage. If you have switched to a status other than Active, such as Retired, you are no longer required to maintain PLF coverage. Whether you are active and exempt from PLF coverage, or no longer required to maintain PLF coverage, Extended Reporting Coverage, otherwise known as “tail coverage,” begins automatically after termination of private practice and continues indefinitely to cover any claims that arise after you exit the private practice of law. Your limit is the remaining limit on the last year of primary PLF coverage, and there is no charge. If you have excess coverage with the PLF and your firm is continuing after you retire, you are covered as a former attorney if you are listed as a former attorney with their excess plan. If the firm closes upon your retirement, it may be offered the option to purchase excess tail coverage. Contact the PLF at (503) 639-6911 and talk to our excess department if you have questions, or go to our website at <https://www.osbplf.org/excess/do-i-need-excess-coverage.html> for more information. If you have excess insurance through a difference insurance carrier, you need to contact them to determine your options for tail coverage.

Regardless of your individual path to retirement, keep in mind certain planning steps you need to consider. This should save you time, allow you to focus on the next chapter and lessen your chances of falling into ethical and malpractice traps along the way. ■

Rachel Edwards is a practice management attorney with the Professional Liability Fund.



1 in 5
Oregonians are experiencing hunger.

Support our community today at give.oregonfoodbank.org/OLAH

OREGON FOOD BANK

OLAH



REPRESENTING ASBESTOS WORKERS AND THEIR FAMILIES IN THE PACIFIC NORTHWEST FOR MORE THAN 50 YEARS.

\$16.6 million for the family of a paper mill worker, diagnosed with mesothelioma.



SGB
SCHROETER
GOLDMARK
BENDER

Schroeter Goldmark & Bender attorneys have fought for justice for **more than 1,300 Washington and Oregon families** facing asbestos-related diseases.

- Experienced trial lawyers
- Dedicated, compassionate service
- Innovative & strategic approaches

50+ YEARS OF FIGHTING FOR OUR CLIENTS

sgb-law.com 206-622-8000

BAR NEWS

296 Applicants Pass July 2022 Bar Exam

Seventy-four percent of the 400 applicants who sat for the July 2022 Oregon Bar Exam received passing marks, according to official results released in mid-September. Of the 296 people who passed, 286 were taking the test for the first time; 10 who passed were repeat applicants.

Passage of the Oregon Bar Exam is only one of the requirements necessary for admission to practice law in Oregon, and applicants may not practice in the state until they are sworn in as a member of the Oregon State Bar. Those who passed the bar exam in July were sworn in on Oct. 13. For a complete list of applicants who passed the exam in July, visit osbar.org/admissions/examresults_july2022.htm.

Earn MCLE Credit; Help Oregonians in Need

Did you know that Oregon lawyers can claim up to six MCLE credits per reporting period by providing direct pro bono representation to low-income clients referred by certified pro bono programs? See MCLE Rules 5.12(b) and 6.1(c) and Regulation 5.300(b)(1) at tinyurl.com/MCLERulesRegs for details. For a directory of volunteer opportunities, visit www.osbar.org/probono/VolunteerOpportunities.html.

Questions? Contact the MCLE Department at mcle@osbar.org or (503) 431-6368.

PLF Annual Assessments to be Billed Late-November

The PLF 2023 Assessments will be billed out this year on Nov. 21 and 22. You can pay your bill, set up payment installments or file an exemption on the PLF website at www.osbplf.org/assessment-exemptions/overview.html. The default date to file is Jan. 10, 2023. If you have any questions, please call the PLF Accounting Department at (503) 924-1771. ■

Buchalter



AMBER BEVACQUA-LYNOTT JOINS DAVID ELKANICH AS A MEMBER OF BUCHALTER'S PROFESSIONAL RESPONSIBILITY GROUP

The Professional Responsibility Practice Group focuses on ethics, litigation and regulatory issues that impact lawyers and law firms, in addition to public entities, in-house departments, as well as judges and law students.

Amber and David can help lawyers and law firms navigate the ethics rules and develop strategies to avoid and manage sticky situations. And they defend lawyers when they need it most.



DAVID
ELKANICH
(503) 226-8646
delkanich@buchalter.com

AMBER
BEVACQUA-LYNOTT
(503) 226-8644
alynott@buchalter.com

Looking for a team with employment law expertise?



If your business clients need help navigating complex employment law questions, look no further.

We offer our employment expertise to legal teams.



Dedicated to serving the Northwest's dynamic businesses.

503.482.4151 www.mmगतorneys.com

Roberta Fontenot
~Legal Research and Writing~



866.530.5414
roberta@fontenotappeals.com

**CHANGING PEOPLE'S
LIVES, ONE MEAL
AT A TIME.**

mealsonwheelspeople.org



**BERGMAN
DRAPER
OSLUND
UDO**

**Justice for Pacific Northwest
Mesothelioma Victims**



\$10 Million Mesothelioma Jury Verdict - November 2021

\$30 Million Mesothelioma Jury Verdict - May 2022

Accepting Referrals

Portland (503) 548-6345

24/7 (866) 644-6915

Bergmanlegal.com

ELDERCOUNSEL

**BEING AN ATTORNEY IS VERY DIFFERENT
THAN RUNNING YOUR OWN BUSINESS.**

We help law firms keep up in an ever-changing elder
law environment and sustain a successful practice.

ElderCounsel is dedicated
to the full practice
support and professional
development of elder law
attorneys through ...

- ✓ A DOCUMENT
CREATION SYSTEM
- ✓ PRACTICE
DEVELOPMENT
- ✓ EDUCATION
- ✓ COLLEGIALLY

YOUR SUCCESS.

OUR COMMITMENT.



888.789.9908

eldercounsel.com

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.

ANDY MILLAR

OSB #890962
Milton Freewater
60-day suspension

Effective July 22, 2022, the disciplinary board approved a stipulation for discipline and suspended Milton Freewater lawyer Andy Millar for violations of RPC 1.2(b) (limitation of scope of representation if reasonable and client gives informed consent), RPC 1.3 (neglect of a legal matter), RPC 1.4(a) (duty to keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information) and RPC 1.4(b) (duty to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation).

On May 1, 2014, Millar's client in a bankruptcy case was served with a breach of contract suit. Millar advised his client that he would respond on her behalf, but intended to limit his representation in the case to the sole task of requesting a 10-day notice from the opposing lawyer before filing for a default judgment. However, Millar did not adequately communicate this limitation to his client and did not obtain her informed consent to limiting the scope of his representation.

On June 3, 2014, opposing counsel filed a motion and order for a default judgment. At this time, Millar had not answered the complaint or submitted a notice to opposing counsel, which would have required him to provide 10 days' notice prior to moving for an order of default pursuant to ORCP 69B. On June 4, the court granted the motion for default, and on June 5, Millar emailed opposing counsel to request an ORCP 69B notice. Opposing counsel later submitted a supplemental judgment for attorney fees, a demand letter and a motion

for a debtor exam of Millar's client. Millar did not respond to the default or supplemental judgment, demand letter or motion for a debtor exam. Millar also did not inform his client about these events in her case until September 2014.

Millar admitted that his attempt to limit the scope of his representation was not reasonable under the circumstances, and that he failed to obtain his client's informed consent, which was in violation of RPC 1.2(b). Millar further admitted that by failing to respond to motions and judgments filed by opposing counsel, he neglected a legal matter entrusted to him in violation of RPC 1.3. Finally, Millar stipulated that by failing to communicate with his client about the scope of his representation and about events in her case, he violated RPC 1.4(a) and RPC 1.4(b).

The stipulation acknowledged that Millar's conduct was aggravated by a prior record of discipline, multiple offenses, and substantial experience in the practice of law. Millar's conduct was mitigated by an absence of a dishonest or selfish motive, full and free disclosure to the disciplinary board, and a cooperative attitude toward the proceedings.

JAMES R. TSCHUDY

OSB #141956
Portland
60-day suspension

Effective Aug. 23, 2022, the disciplinary board approved a stipulation for discipline suspending Portland lawyer James R. Tschudy for violating RPC 1.3 (neglect of a legal matter), RPC 1.4(a) (duty to keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information), RPC 1.5(c)(3) (failure to include required language in fee agreement involving fees denominated as nonrefundable) and RPC 1.15-1(c) (failure to deposit client funds in lawyer trust account).

In July of 2019, clients hired Tschudy to pursue a claim against an auto dealer from whom they purchased an allegedly defective vehicle. The clients entered into a writ-

ten contingent fee agreement and deposited a fee of \$750 that was denominated as a "one time flat fee" and "fully earned upon receipt" for Tschudy. The contingent-fee agreement did not include language stating that the clients may be entitled to a refund of all or part of the fee if the services for which the fee was paid were not completed. Due to the lack of the aforementioned language, the fee was not earned upon receipt and Tschudy had an obligation to deposit the fee into his lawyer trust account.

Tschudy proceeded to negotiate with the auto dealer on behalf of the clients. Unable to resolve the matter without formal proceedings, Tschudy filed a statement of claim with the Arbitration Services of Portland in December of 2019. A month later, an arbitrator was appointed and commenced preliminary discussions with Tschudy and counsel for the auto dealer to get an arbitration hearing scheduled. Some discussions with opposing counsel regarding discovery occurred during this time, but Tschudy did not perform any substantive work to facilitate discovery proceeding.

From April to November 2020, Tschudy failed to respond to any of his clients' efforts to reach him regarding updates on their matter. He also failed to facilitate the prosecution of the arbitration matter in any significant way. During this period, Tschudy was experiencing health issues that contributed to his failure to adequately communicate with his clients and pursue their arbitration goals diligently. In November of 2020, he withdrew from representation of his clients.

Tschudy admitted that he neglected his clients' legal matter in violation of RPC 1.3, failed to adequately communicate with his clients in violation of RPC 1.4(a), failed to include required language in his fee agreement involving nonrefundable fees in violation of RPC 1.5(c)(3) and failed to deposit client funds in his trust account in violation of RPC 1.15-1(c).

The stipulation acknowledged that Tschudy's conduct was aggravated by a prior disciplinary record in the form of a letter of admonition that dealt with similar conduct, multiple offenses and with him being a licensed attorney for more than 10 years,

representing substantial experience in the practice of law. His conduct was mitigated by an absence of a dishonest motive, a cooperative attitude toward the disciplinary proceedings, and personal and emotional problems.

JAY R. FAULCONER

OSB #002553
Corvallis
60-day suspension

Effective Oct. 3, 2022, the disciplinary board approved a stipulation for discipline and suspended Corvallis lawyer Jay R. Faulconer for violating RPC 1.3 (neglect of a legal matter), RPC 1.4(a) (failing to keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information), RPC 1.4(b) (failing to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation) and RPC 1.16(a) (1) (lawyer shall not represent a client or, where representation has commenced, shall withdraw from representation of a client if the representation will result in violation of RPC or other law).

In late October 2019, a client hired Faulconer in a civil dispute regarding a puppy she had sold to a purchaser for \$850. The purchaser claimed that the puppy had congenital health problems. Faulconer agreed to take on the client’s case on a pay-as-you-can basis and attempted to negotiate a settlement to no avail. The purchaser filed a civil action against the client alleging breach of contract, negligent misrepresentation and violations of Oregon’s Unfair Business and Trade Practices Act, and sought damages of \$6,350 and attorney fees. In January 2020, Faulconer filed an answer asserting \$20,000 in counterclaims against the purchaser for breach of contract and libel, and also sought attorney fees.

In January 2020, Faulconer forwarded the purchaser’s discovery requests to the client, and the client sent him responsive documents on Feb. 1, Feb. 23 and May 7, 2020. However, Faulconer neither produced these documents, nor asserted an objection. The purchaser wrote to Faulconer in an attempt to confer on the factual or legal bases for the client’s counterclaims; Faulconer did not respond or attempt to amend the pleading.

The court referred the case to arbitration in January 2020. Faulconer failed to



We are the Key to your Probate & Estate Planning Process

Trusted and experienced Real Estate Professionals serving Lane County for more than 20 years



Kim Arscott
Certified Probate Specialist

THE Adrienne St. Clair Group



BERKSHIRE HATHAWAY
HomeServices
Real Estate Professionals



Contact Us Today! (541) 521-3567 | kim@thestclairs.com | TheStClairs.com

Kent

mediation & arbitration

Christopher H. Kent



- 32 years trial experience
- Plaintiffs and Defendants
- Areas:
 - Commercial litigation
 - Business dissolutions
 - Torts
 - Employment
 - Construction defect
 - Real estate
 - Insurance
 - Securities and Franchise

phone: 503.220.0717 • email: ckent@kentadr.com

www.kentadr.com

This profession is
hard enough.

Take time to
be human.


oaap
Oregon Attorney
Assistance Program
503.226.1057
oaap.org

We can help you
get it together.

Call the Practice Management
Attorneys Team for guidance.

503.639.6911
osbplf.org

 Professional
Liability Fund



respond to the arbitrator’s calendar request for available hearing dates, so she scheduled the case for a remote hearing on April 29, 2020, without his input. In mid-April 2020, Faulconer sent the arbitrator a letter stating that he could not attend due to ongoing medical issues. He announced that he would continue to assist the client in complying with her discovery obligations but would otherwise withdraw.

One week later, Faulconer informed the arbitrator that he would “immediately withdraw” and asked that the April 29 hearing be reset. He did not withdraw. At a conference call held April 28, the arbitrator ordered a 30-day continuance “so that ... Faulconer could withdraw and [Client] could locate alternative counsel or prepare to [proceed pro se].”

Despite the 30-day extension, Faulconer did not withdraw and did not appear at the May 28 hearing. The day before the hearing, Faulconer sent the arbitrator and the purchaser a letter arguing that the purchaser’s legal action was an unwarranted expansion of a simple \$850 dispute over a dog in order to bootstrap the matter into a claim for attorney fees against a defendant who was demonstrably judgment-proof. He disclosed the substance of the parties’ October 2019 settlement negotiations. He announced that neither he nor the client would participate at the next day’s hearing, that he would appeal any adverse result to circuit court for trial de novo and that the client was judgment-proof. He did not send a copy of this communication to the client.

The client was unaware of the May 28 arbitration hearing, so also did not appear. The arbitrator awarded the purchaser \$8,200 in damages and \$8,160 in attorney fees against the client. Faulconer did not respond to the purchaser’s attorney fee petition and did not inform the client about either award.

On July 3, 2020, Faulconer filed a notice of appeal and request for trial de novo in the circuit court. The matter was set for a Dec. 3, 2020, jury trial. Faulconer moved for summary judgment. Faulconer, who remained the client’s attorney of record, objected on the basis that the purchaser had not properly served him. However, he did not inform the client of the motion and did not file any further response after the service issue was addressed.

Faulconer intended to prepare for and try the case, but was unexpectedly hospital-

ized on Oct. 31, followed by a recovery period extending until Nov. 17. He was unable to adequately communicate with the client during this period.

After May 2020, Faulconer did not respond to or acknowledge the client's multiple attempts to contact him by phone or email. He did not inform her of the arbitration date, the trial date or the motion for summary judgment. He did not consult with her about his decision to not appear at the arbitration hearing, did not inform her that he had decided not to appear in the arbitration, did not inform her that an arbitration award was made against her, did not inform her of the attorney fee petition or the attorney fee award against her, and did not inform her that he had appealed the arbitration award to trial court. He remained attorney of record throughout the proceeding until the court removed him from the case on Nov. 19, 2020, and set over the trial date for 30 days. The client could not find another lawyer to represent her at this juncture.

The stipulation acknowledged that Faulconer's conduct was aggravated by the vulnerability of the victim and his substantial experience in the practice of law. Faulconer's conduct was mitigated by an absence of a prior record of discipline and personal and emotional problems. ■

Have an Item for the *Bulletin*?

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

Email notices to: editor@osbar.org

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

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

Paid professional announcements are also available. Inquire at law@llmpubs.com.

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



Richardson Wang
ATTORNEYS AT LAW

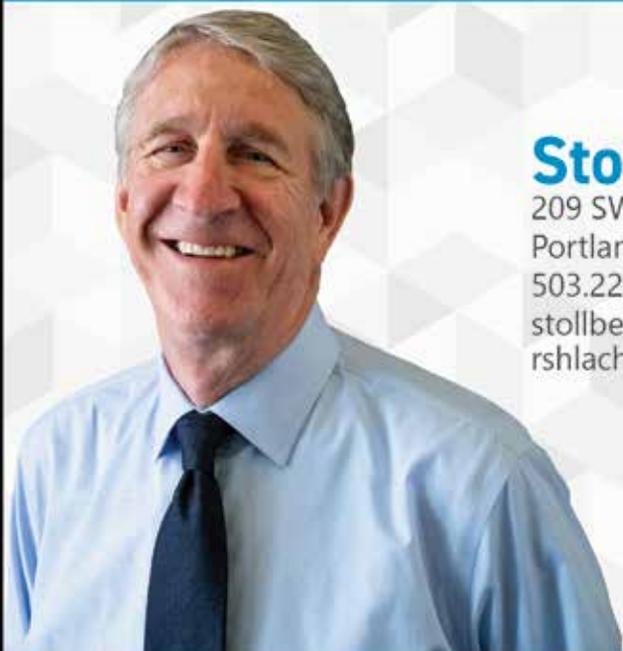
Welcome
Rebecca Cassady
To Our Firm

To find out more about the extraordinarily talented Ms. Cassady, visit us at RichardsonWang.com



Rob Shlachter
Mediator & Arbitrator

Seasoned ▼ Creative ▼ Tireless



Stoll Berne
209 SW Oak St Ste 500
Portland OR 97204
503.227.1600
stollberne.com
rshlachter@stollberne.com

BAR PEOPLE

Among Ourselves



Barran Liebman attorney **Stacie Damazo** has been appointed vice-chair of the American Bar Association Young Lawyers Division (ABA YLD) Litigation Committee. Through this role,

Damazo looks forward to supporting the vision and core values of the ABA YLD, and collaborating with litigators across the country to develop resources and programming that will give young litigators the tools to become successful advocates for their clients.



Adrienne Thompson, an associate in Troutman Pepper's Energy Practice Group, has been elected president of the Energy Bar Association's (EBA) western chapter. The EBA is an interna-

tional, nonprofit association of attorneys, energy professionals and students active in all areas of energy law. Thompson provides regulatory and transactional advice to clients involved in the generation, marketing and transmission of electric energy.

James W. Durham has been elected chairman of the Penn State Dickinson Law's Leadership Council Advisory Board. Durham is a past president of the Oregon State Bar. As part of the advisory board, he joins fellow alumni who work to advance Dickinson Law's mission.



Markowitz Herbold attorney and co-managing shareholder **Stanton Gallegos** has joined the Lines for Life board of directors. Gallegos represents businesses and

nonprofits in complex litigation, including securities litigation, shareholder disputes, class actions, antitrust and other commercial matters. He has extensive experience in securities and financial investments, and represents clients on appeal in state and federal courts both as parties and as amicus curiae. Lines for Life is a regional nonprofit dedicated to preventing substance abuse and suicide. ■

Moves

Kjersten Turpen has been named a shareholder in Ogletree Deakins' Portland office. Turpen is an employment attorney who has practiced law for more than two decades. She represents domestic and international employers in all areas of employment law. Turpen also provides employment law counseling on managing day-to-day risk in the workplace, particularly in regard to drafting and enforcing noncompetition agreements and other measures employers can take to protect their confidential and proprietary information.



Miller Nash has hired **Nathalie Bougenies** to the firm's Portland office, where she will join the business and corporate team. Bougenies assists domestic and international clients with corporate transactional matters, in addition to navigating business and regulatory compliance issues for the cannabis and hemp industry. She supports clients in cross-border matters, general business transactions and with mergers and acquisitions.



Jasmin Kahn has joined Fitzwater Law. Kahn's practice focuses on guardianships, conservatorships and probate. She has a decade of experience advocating for clients in crisis.

Amity Girt has joined Josh Lamborn as of counsel. Prior to joining the firm, Girt spent 15 years as a Multnomah County Deputy district attorney, most recently prosecuting murder, child sexual and physical abuse, sexual assaults, and murder by abuse. Girt's personal injury practice is focused on crime victim representation, lawsuits against abusers and those who facilitate abuse.



Steffany S. Jastak has joined Buckley Law as a shareholder and attorney on the firm's estate planning and trust administration, and tax practice groups. As a trust and estate lawyer and CPA

at Buckley Law, Jastak will assist clients on a wide array of issues related to administering and resolving challenges to estate plans. Prior to joining Buckley Law, Jastak worked for 16 years at Pioneer Trust Bank and was vice president and chief operations officer for trust services when she left.



Brianna Morrison has joined Miller Nash's bankruptcy and creditors' rights team in the Portland office. Morrison will assist lenders and creditors in bankruptcy and bankruptcy-related matters. Morrison previously practiced at a firm in South Carolina where she assisted debtors in bankruptcy matters.



Jordan Ramis has hired two new attorneys. Shareholder **Jeffrey P. Kapp** has experience in transactional business law, with a special focus on complex commercial real estate and finance transactions. He has served as in-house counsel for a regional real estate development and investment company and has



spent several years of his career working at multiple law firms. His commercial real estate transactional law practice will focus on advising real estate clients on matters across the spec-

trum of complex commercial real estate and finance transactions. Real estate and business lawyer **David Weiner's** practice focuses on the commercial real estate and hospitality industries. His work at Jordan Ramis will focus on complex commercial real estate. In addition, Weiner will maintain a general business practice including the formation of entities and the sale and purchase of businesses.



Tonkon Torp has appointed attorney **Ferdinand Ruplin** as co-chair of its cannabis industry group. Ruplin has experience working in highly regulated industries, with a focus on the

cannabis industry and financial services industry. He joins co-chair Alex Tinker to lead the firm's work developing and delivering legal solutions for licensed producers, distributors, processors, retailers and ancillary businesses operating in the cannabis space. Ruplin joined Tonkon Torp in 2019. Ruplin's practice also is focused on working with private and nonprofit entities on mergers and acquisitions, corporate governance, securities and financings, and other general corporate matters. Ruplin also assists clients with contract negotiations and equity ownership disputes.

Kolitch Romano and Dascenzo Gates IP Law have merged to form a new intellectual property law firm, **Kolitch Romano Dascenzo Gates (KRDG)**. Based in Portland and serving a nationwide and international client base, KRDG specializes in strategic protection, monetization and enforcement of patent, trademark, copyright and trade secret rights. The founders of KRDG have known each other and worked together for more than 15 years. Together, the KRDG team has over 70 years of intellectual property law experience. KRDG firm will be moving into the historic American Bank Building in downtown Portland. While

ruby.

How to turn callers into clients

Learn how business owners can grow their business with virtual receptionists.

Oregon Lawyers receive a lifetime 7% discount with promo code: OREGON. To learn more, visit ruby.com/campaign/oregon or call 855-827-RUBY.

When your client needs financial forensics help, who's on your team?

We are the financial forensics problem solvers in Portland, and with all four of us at your service we can tackle the most complex matters.

Besides long-time Portland CPA expert Jay Sickler, you also have three other CPAs and ex-auditors from PwC, Moss Adams and Aldrich. We work hard together, work well together, and most importantly get the job done for you and your clients.

COGENCE GROUP PC
FINANCIAL FORENSICS
BUSINESS VALUATION

JAY SICKLER, CPA, CFF, ABV, ASA
jsickler@cogencegroup.com
direct 503.467.7901

935 NW Everett St. | Portland, Oregon 97209 | main 503.467.7900 | www.cogencegroup.com



is pleased to announce successful completion of litigation support re

KELLER FRUIT, ET AL.
v.
WASHINGTON STATE UNIVERSITY, ET AL.

Testifying expert for defense counsel in connection with \$206 million in economic damages sought by various apple growers and a packing company related to claims of breach of contract, tortious interference of contract, unjust enrichment, and other claims related to the WA-2 apple developed by WSU. Reviewed Plaintiff experts' reports, tested all financial assumptions made by Plaintiff experts, prepared independent economic damages model, prepared rebuttal report refuting alleged damages, and prepared schedules and exhibits for mediation. Result: Settlement.

William N. Holmes, CPA / ABV / CVA / CFE

Forensic Accounting • Economic Damages
Business Valuation • Accounting and Tax Malpractice Litigation
(Plaintiff/Defense) • Full Service Public Accounting

7128 SW Gonzaga Street, Suite 100 • Portland, OR 97225 • 503.270.5400 • www.pdxcpas.com



**NOW MEETING
IN 3D
WE'RE OPEN**

After over a year apart, we're back to meeting in person. In our office. For real. Mask and 3D glasses optional.



ALLEN TRUST COMPANY

TRUSTS • INVESTMENTS • FINANCIAL PLANNING • TAX PREPARATION
Oregon Washington Alaska
allentrust.com

KRDG's office space is being renovated, the firm is located at 1000 Southwest Broadway, Suite 1555, in Portland.



Madeline Weissman has joined Radler White Parks & Alexander as an associate in the firm's Portland office. Weissman is in the land use and real estate practice groups, where she assists clients on a variety of complex transactions, including acquisitions and dispositions, public-private partnerships, zoning and permitting matters. Prior to joining Radler White, Weissman practiced in California and focused on land use, real estate and environmental law.



Employment law firm Jackson Lewis has hired three attorneys in its Portland office.

Victoria Ainsworth represents employers in a wide variety of employment law matters. She litigates both single plaintiff and class action lawsuits, and represents employers at all stages of the legal process. **Kevin M. Coles** is a member of the firm's trials and appeals; disability, leave and health management; and litigation groups. He specializes in representing employers in workplace law matters, including preventive advice and counseling.



Alina M. Salo is a member of the firm's employee benefits, and advice and counsel groups. She is a litigator who represents employers in a broad spectrum of employment law matters, including discrimination, retaliation, tort and contract claims in state and federal courts and before administrative agencies.

Kirsten Blume has joined the Oregon Attorney Assistance Program as an attorney counselor associate. Prior to joining the OAAP in 2022, Blume served those in need of legal service across the globe, including a

fellowship in women's health human rights in Delhi, India, advocating to the U.N. Human Rights Commission in Geneva on the issue of homelessness in the U.S., working at a firm in Hawaii, clerking for Clackamas County Circuit Court in Oregon, engaging in Title IX and nondiscrimination investigations in higher education, and directing housing advocacy programs for non-profits. ■

In Memoriam

Eugene Feltz

93, Portland, July 25, 2021

Robert Shoemaker

89, Camas, Wash., Sept. 12, 2021

Jerry Kleen

92, Salem, Dec. 1, 2021

JB Bedingfield

97, Kailua Kona, Hawaii, March 30, 2022

Michael B. Tharp

72, Granada Hills, Calif., April 16, 2022

Richard William Riggs

83, Wilsonville, April 23, 2022

Frank Bocci

94, Eugene, April 25, 2022

John D. Winkelman

87, Beaverton, April 30, 2022

James Donnell

82, The Dalles, May 26, 2022

Charles Paulson

90, Portland, June 21, 2022

John Souther

89, Portland, June 29, 2022

Andrew W. Carter

63, The Dalles, June 30, 2022

Richard Sly

87, Tigard, June 30, 2022

Mary Duvall

98, Mercer Island, Wash., Aug. 27, 2022

Gerald Van Hoomissen

88, Fairbanks, Alaska, Sept. 6, 2022

William Welch

74, Portland, Sept. 13, 2022

Gary Georgeff

68, Salt Spring Island, Canada, Sept. 21, 2022

COURT BONDS

JENNY TUOMI, CIC

Account Executive

p: 503.977.5624

e: jenny@jdfcourtbonds.com

Scan below to send me a quick email!



www.JDFCOURTBONDS.com

5727 S MACADAM AVE PORTLAND, OR 97239

JDFULWILER&
COMPANY INSURANCE

AMANDA CASTEEL

Account Technician

p: 503.977.5701

e: amanda@jdfcourtbonds.com

AREAS OF EXPERTISE

Probate
Conservatorship
Trusts
Release of Lien
Indemnity to Sheriff
Temporary Restraining Order
Preliminary Injunction
Claim and Delivery

SERVICING BENEFITS

In-House Underwriting
Online Applications Delivery
Pre-Approval for Applicants
Quick Turn-Around

Bob McGaughey

Mediator | Arbitrator

40+ Years Litigation Experience

Business Owner Disputes

Contract Breaches

Fiduciary Claims

Employment

Torts



law7555.com

bobm@chenowethlaw.com

503-223-2520

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/ea, 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 prices range from \$600 to \$1400 per month. Phone numbers or ported numbers available. Call for information. **John (503) 675-4343.**

LAKE OSWEGO KRUSE WAY - NEAR MERCATO GROVE - 4035 Douglas Way, Lake Oswego, OR. After completing a remodel, executive offices will be available beginning November 1, 2022. Private stand-alone offices, or offices with receptionist, internet, and conference room use are available. All private, windowed offices. Attorney offices on the upper floor. An entire suite up to 4,000 sf also available on the bottom floor. Free parking. Prices begin at \$800 per month. The building is a block away from the new Mercato Grove development. Call Jordan (503) 836-3013.

LARGE, LIGHT-FILLED CORNER OFFICE SPACE AVAILABLE in the historic Thomas Mann Building at 820 SW Second Avenue. 2nd floor corner office (12'7" X 13'7") and an adjacent office (7' X 13'7"). \$1,777/month for both. Tall ceilings and large windows that open. Includes reception services, conference room, bicycle storage, locker room/shower and use of copier/postage machines. Sharing space with Thomas, Coon, Newton & Frost. Contact Diane Fulton at 503-228-5222 or dfulton@tcfn.legal.

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 llancial@daywireless.com or (503) 794-3760.

NEW IMMIGRATION LAW 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 \$3,927/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@mckenzieverco.com.

OFFICE SPACE - Office connected with second office for possible paralegal (and a different solo office available 2/1/23) in a building with 4-6 other lawyers, conference room, East Portland, Hollywood district, \$800 - \$900 monthly includes utilities. Call to view, leave a message. (503) 236-4000.

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

SALEM - DOWNTOWN CLASS A OFFICE SPACE - Chemeketa Center for Business & Industry. Two suites available. One is 1575sf and the other is 3245sf. Prime downtown office building where vacancies are rare. Building is well cared for and very up to date. Parking is conveniently located across the street and is only \$40 a year. Several additional rentable meeting/board rooms within the building. Call for more details (503) 399-6578.

SUBLEASE IN CENTURY TOWER - 1201 SE 12th Avenue. 1,308 square feet - \$2,300 per month. 4 private offices with kitchenette - 4th floor. Lease through September 2023. Parking in building. Contact Rich Parker / 503-241-1320 / rjp@pbl.net.

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

POSITIONS AVAILABLE

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

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

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

to Jason Corey at jason@thedalleslaw.com.

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

BUSINESS/MUNICIPAL ASSOCIATE - Bend's oldest law firm is seeking an associate attorney with 2-5 years of experience to work in its thriving business and municipal practice. Qualified candidates must have strong organizational skills and the ability to work independently and as a team member. The ideal candidate will be a self-starter, have strong academic credentials, and outstanding writing and interpersonal skills. We offer competitive salary and benefits, and the opportunity to work on challenging projects in a collegial work environment. To apply, please submit cover letter, resume, and transcript with class rank to Jeremy M. Green, Bryant, Lovlien & Jarvis, 591 SW Mill View Way, Bend, Oregon 97702 or green@bljlawyers.com.

CREDITORS' RIGHTS ATTORNEY Hershner Hunter, LLP, the largest full-service business firm in Eugene, has been representing clients throughout the Pacific Northwest and beyond for more than 75 years. Our attorneys specialize in a variety of practice areas and industries, including Business & Corporate Law; Creditors' Rights & Bankruptcy; Estate Planning & Business Succession; Healthcare; Intellectual Property & Technology; Labor, Employment & Benefits; Litigation; and Real Estate. At the center of our firm is our commitment to our clients, community, and each other. We emphasize an inclusive team approach and pride ourselves on our collegial and collaborative atmosphere. We believe our firm provides the best of both worlds, allowing us to work on complex and high-stakes "big city" matters, while living in the "small city" environment that Eugene provides. Our flexible work model allows for part-time remote work in most circumstances. We are presently seeking an associate attorney to join our Creditors' Rights practice group in a partner-track position, with a competitive salary and benefits. The Creditors' Rights group handles a wide variety of matters including evictions, non-judicial and judicial foreclosures, construction lien and bond claims, foreclosure of secu-

rity interests, unsecured and secured collections, and bankruptcies. Creditors' Rights associates receive significant training and mentoring, and early opportunities for client contact and participation in bankruptcy hearings and other court appearances. Successful candidates will have:

- 2 or more years' experience in creditors' rights and creditor bankruptcy fields
- Oregon State Bar admission, or eligibility for reciprocity, Washington, Alaska, and/or Idaho admissions a plus
- Excellent legal research, writing, oral communication, and interpersonal skills
- Experience working in a collaborative setting with significant responsibility
- Enthusiastic professional references
- A desire to live in Eugene and to integrate into the Eugene legal and business community.

Candidates should send materials to Nicholas Frost, at nfrost@hershnerhunter.com. Hershner Hunter, LLP is an equal opportunity employer 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. Approximately \$17,900 per month DOE, and it is required that practice will solely focus on this court-appointed caseload. Must have primary business office located in Madras or Prineville. Attorney is responsible for their own expenses. Experienced Consortium members are available to provide advice and mentorship. Email Resume and Cover Letter to Jennifer F. Kimble at JenniferF.Kimble@aol.com.

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

ESTABLISHED SOUTHERN OREGON FIRM with offices in Medford and Ashland is seeking an associate attorney with two or more years of experience in estate planning, probate, and trust administration. Experience and desire to practice in real estate, business, and other areas helpful. Excellent opportunity to join an established firm with strong client base. Strong interpersonal, writing and analytical skills required. The ideal candidate will have experience planning for taxable and non-taxable estates, and administering large and small estates and trusts. Strong academic credentials

and analytical ability required. LLM preferred, but not required. To apply, please submit cover letter and resume. All resumes are confidential. Please address correspondence to the Office Administrator, 823 Alder Creek Drive, Medford, OR 97504 or email: reception@medfordlaw.net.

EUGENE MUNICIPAL COURT IS SEEKING INTERESTED OREGON ATTORNEYS who would like to be part of our court appointed criminal defense attorney pool as conflict counsel. Must have professional liability insurance. Sample annual contract and compensation information available upon request. Please email Krhamy@eugene-or.gov or call Kristi Rhamy at (541) 682-5405 to inquire.

EXPERIENCED BUSINESS ATTORNEY – Yturri Rose, LLP is a regional law firm serving Eastern Oregon and Southwestern Idaho, with office locations in Ontario and Lakeview, Oregon. We are seeking an experienced attorney to join our growing team. This is a unique opportunity to become a part of the leadership in a firm that has over 85 years of excellence and service. Yturri Rose's main office is located in historic downtown Ontario, Oregon on the border of Idaho and Oregon. Located in the heart of beautiful canyon lands and referred to as an "Outdoor Adventure Paradise", Ontario is conveniently just 45 minutes southwest of the Boise Metro area.

- The preferred candidate will have 5-10 years of general business experience and be interested in becoming a partner with the firm.
- Extensive experience in real estate, business transactions and financing, business formations, corporate governance, and mergers and acquisitions is desired.
- A portable book of business is welcome; and licensed in Oregon or Idaho at the time of hire is required with the ability to become licensed in the other state within nine (9) months of hire required. The position will collaborate with attorneys through the firm and will require occasional travel. This is an opportunity to become a part of the leadership at an established firm. You will work with great clients supporting business development and advancement in a way not found at most firms. If you are motivated to practice at the highest level, and care about client advocacy, please send your resume to law@yturrirose.com. Yturri Rose, LLP is an AV rated and equal opportunity employer and actively encourages applications from qualified applicants from diverse backgrounds. Benefits: • 401(k) • 401(k) profit sharing.

EXPERIENCED CORPORATE ATTORNEY – ESTABLISHED PORTLAND FIRM NAEGELI Deposition & Trial, established for over 40 years, is a national corporation looking to add an experienced Corporate Attorney

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

EXPERIENCED CORPORATE TRANSACTIONS 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 litigation work. 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 any particular size of book of business. The transactional position requires candidates to be experienced in corporate/mergers & acquisitions, with a preference for experience in dealing with real estate, estate planning, executive compensation, business ownership succession planning, and/or tax matters as well. The litigation position requires candidates to be experienced in a variety of commercial and business litigation matters, with a preference for experience in complex closely-held business disputes, and/or trusts & estates litigation. These positions require candidates who possess: (a) excellent legal experience and exceptional legal abilities; (b) a desire and willingness to practice in a law firm that values teamwork, systemization, and collaboration; and (c) a desire 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 hour goals (between 1,400 – 1,800). Culture is very important: we take our

work seriously, but do not take ourselves too seriously – large egos don't function well here. To apply, submit cover letter, resume, and references to www.rose-law.com/careers.

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

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

SOUTHWESTERN OREGON PUBLIC DEFENDER SERVICES (SWOPDS) seeks a passionate and dedicated person for a full-time staff attorney position. SWOPDS is a friendly, close knit eight lawyer public defender's office located on Oregon's beautiful adventure coast. Must be a member of the Oregon State Bar or a member in good standing of a Bar with reciprocity who can readily wave into the Oregon Bar at time of hire or shortly thereafter. Caseload depends on experience but would work into a mixture of misdemeanor and felony criminal cases, potentially juvenile cases, and a small number of other case types to include mental commitment hearings and child support cases. Our office includes training and mentoring for new attorneys and for professional development. We also have reasonable caseloads and a fast-paced court environment. We offer a competitive compensation package to include a salary based on experience, bonuses when funding is available, 100% employer paid health, dental and vision insurance for employee and family, 10% employer contribution to employee's SEP IRA retirement account, paid 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 envi-

ronment 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.

STAFF ATTORNEY, INDIGENOUS JUSTICE, RACIAL JUSTICE PROGRAM – The ACLU seeks applicants for the full-time position of Indigenous Justice Staff Attorney in the Racial Justice Program of the ACLU's National office in New York, NY or Remote*. The Racial Justice Program (RJP) is part of the ACLU's Trone Center for Justice and Equality, and works on a broad range of racial justice issues. Reporting to the Deputy Director, and collaborating with other RJP staff, ACLU state affiliates, the ACLU's Indigenous Justice Working Group among others, the Staff Attorney will be responsible for advancing multi-pronged strategies using litigation, legislative and policy advocacy, and public education to further RJP's Indigenous Justice work, as well as the other programmatic priority areas described above. We welcome applications from both seasoned lawyers and junior attorneys who are seeking to develop and establish an expertise and leadership role in the field of Indigenous Justice. Interested applicants are encouraged to submit an application/CV through the ACLU's career page: <https://www.aclu.org/careers/apply/?job=6358194002&type=fulltime>

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

wide variety of transactional matters, including business acquisitions and sales, real property matters, corporate governance, securities issues, and new and emerging business considerations. Business associates receive significant training and mentoring, including collaborative work with experienced attorneys on complex matters, significant client contact, early development to manage projects, and primary responsibility on appropriate transactional tasks. Successful candidates will have: • 2-5 years of relevant experience, with health care transactions experience preferred • Oregon State Bar admission, eligibility for reciprocity, or plans to take the bar exam at the next available opportunity • Excellent drafting, legal research and writing, oral communication, and interpersonal skills • Experience working in a collaborative setting with significant responsibility • Enthusiastic professional references • A desire to live in Eugene and to integrate into the Eugene legal and business community. Candidates should send materials to Nicholas Frost, at nfrost@hershnerhunter.com. Hershner Hunter, LLP is an equal opportunity employer and encourages applications from qualified individuals of diverse backgrounds.

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

TWO ASSOCIATE ATTORNEY POSITIONS – FOUR POINT LEGAL, P.C. – We have openings for two associate attorneys to join our hard-working team. We are seeking an attorney with three or more years of family law or estate planning experience. Successful candidates must possess strong technical skills and the ability to work efficiently with minimal supervision in a fast-paced environment. We are looking for someone who connects well with people and can develop quality client relationships. We are a small, busy firm limiting our practice to family law, estate planning and business law. Our firm is founded on four key values: trust, respect, teamwork and results. We are growing and looking for people who share our beliefs about making the lives of our clients and co-workers better. We believe in a good work-life balance, because bringing your best self to work benefits everyone. We offer a competitive salary, health and dental insurance, 401k with employer match, and flexible PTO. If you are interested in joining our team, please email a resume and cover letter to info@fourpointlegal.com.

PRACTICES FOR SALE

BUSINESS TRANSACTIONAL FIRM WITH MOSTLY PORTLAND-AREA CLIENTS, formed in 2016. Fully remote, work from home. Professional branding and website; efficient and affordable technology systems; low overhead. Founder/operator looking to transition to another career. Great opportunity to go solo or absorb clients. Transition services and/or new lawyer mentoring available. Revenues collected: \$150k in 2019 and 2020; \$330k in 2021; \$210k YTD for 2022. Open to seller-financing or other creative offers. Respond to the Oregon State Bar, **Attn: Blind Ad R-28**, P.O. Box 231935, Tigard, OR 97281 or email: blindad@osbar.org with the blind ad number in the subject line.

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

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

PREEMINENT VIRTUAL-READY LAW FIRM (#1192) – Established, highly successful, business and trust litigation law firm, with 50% profitability and poised for growth and is set up to become 100% virtual. While the main office is based in Oregon, the firm serves California, Idaho, and Washington and is completely turnkey 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. As of February 2022, the Practice has approximately 22 active litigation matters plus 59 Gen Corp repeat clients, comprised mostly of licensed business owners, contractors, trustees, and individuals. For the past three (3) years, the Practice has averaged gross revenues of ~\$597,621 (2019-2021) and in 2021, brought in gross receipts of \$799,190. To learn more about this exciting business opportunity, call us at 253.509.9224 or, send an email to info@privatepracticetransitions.com, with "1192 Preeminent Virtual-Ready Law Firm" in the subject line.

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

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

PROFITABLE TOP-RATED IMMIGRATION LAW FIRM (#1199) – This reputable Northwest immigration law firm is multilingual and known for providing diversified and dedicated legal services, coupled with personal attention to each and every client. As of June 2022, the Practice has approximately 320 active clients with approximately 6,500 total clients in its database. For the past three (3) years, the Practice has averaged gross revenues of ~\$815,000 (2019-2021). The Firm employs a multilingual staff and

is well-positioned to expand into other law practice areas to a diversified population. If you are a buyer who is an experienced immigration attorney, or an existing law firm that would like to expand its client base, this is the business that you have been waiting for. For more information about the Practice, call us at 253.509.9224 or send an email to info@privatepracticetransitions.com, with "1199 Profitable Top-Rated Immigration Law Firm" in the subject line.

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

SUCCESSFUL MULTNOMAH COUNTY PERSONAL INJURY LAW FIRM (#1189) – Since its inception in 1979, this Portland, Oregon personal injury law firm has been completely dedicated to providing top-notch legal services to its clients. Personal Injury services make up 100% of the Practice's revenue. The Practice has approximately 400+ active clients and approximately 2,000+ in the Practice's database. 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 word-of-mouth 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@privatepractice-transitions.com, with "1189 Successful Multnomah County Personal Injury Law Firm" in the subject line.

RECREATIONAL RENTALS

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

and Booking: samsandmireidaho@gmail.com.

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

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

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

SUNRIVER – Warm, cozy, 2 bedroom, 1 bath Ranch Cabin, ideal for a weekend getaway. Fireplace, TV, Wi-Fi, DVD, CD, BBQ, washer/dryer, fully furnished & well-equipped. Sleeps 4. \$125/night + \$125 cleaning fee (541) 944-2694.

SERVICES

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

FORENSIC DOCUMENT EXAMINER – Trained by the Secret Service and US Postal Crime Lab examiners. Fully equipped laboratory. Qualified in state and federal courts. Retired from the Eugene Police Department. Jim Green, (888) 485-0832, www.documentexaminer.info.

FORENSIC HANDWRITING & SIGNATURE EXAMINER – Find out who wrote it. Proof of authorship. End the suspense. Cited authority. Recognized expert witness. Harvard Extension School/Public Speaking/Business Rhetoric. Clear & convincing testimonies. Board certified. Since 1992. Jacqueline A. Joseph, 503-380-1282. www.jjhandwriting.com.

HOTDOCS TEMPLATES FOR OREGON ESTATE PLANNING AND PROBATE AND TRUST ADMINISTRATION – Online at: www.HotDocsMarket.com. Each set \$100 per month. No Contract. Complete information at: www.nobleforms.com.

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

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

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

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

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

ROSENALLEN LICENSED INVESTIGATORS – Certified Fraud Examiners and Digital Forensics Experts for Civil and Criminal Matters based in Salem, Oregon. Rosenallen.com.

SUPPORT STAFF POSITIONS

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

TO SUBMIT A CLASSIFIED

POSITIONS AVAILABLE

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

SERVICES

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

ALL OTHER ADS

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

COLOR

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

BLIND ADS

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

BLIND AD REPLIES

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

SUBMIT TO

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

DEADLINES

The first business day of each month for the following month's issue.

ATTORNEYS' MARKETPLACE

ACCIDENT RECONSTRUCTION

Accident Analysis Service

Don Webb

3890 Brush College Rd, Salem, OR 97304

PH 503-931-0670 FX 503-589-1826

donwebb531@msn.com

www.crashspeed.com

Biomechanics

Collision Analysis & Research, LLC

Russ Anderson

PO Box 650, Seaside, OR 97138

PH 971-320-4236

russ@azbiomech.com

www.azbiomech.com

ACCOUNTANTS

Litigation Support

Cogence Group, PC

Jay Sickler, CPA, CFF, ABV, ASA

935 NW Everett St, Portland, OR 97209

PH 503-467-7900 x1

jsickler@cogencegroup.com

www.cogencegroup.com

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

Holmes & Company, LLP

William N. Holmes, CPA, ABV, CVA, CFE

7128 SW Gonzaga St, Ste 100

Portland, OR 97223

PH 503-270-5400 FX 503-270-5401

wnholmes@pdxcpas.com

www.pdxcpas.com

Forensic Accounting | Economic Damages | Business Valuation | Accounting and Tax Malpractice | Litigation (Plaintiff & Defense) | Full Service Public Accounting.

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

ACCOUNTANTS, CONT.

McCoy Foat & Company CPAs, P.C.

Sherri Ness

1800 Blankenship Rd, Ste 430,

West Linn, OR 97068

PH 503-650-1040 FX 503-722-7065

syness@mccoy-cpa.com

www.mccoy-cpa.com

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

Morones Analytics, LLC

Serena Morones

625 SW Broadway, Ste 200

Portland, OR 97205

PH 503-223-5168 CELL 503-906-1579

FX 503-223-5179

serena@moronesanalytics.com

www.moronesanalytics.com

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

BUSINESS VALUATIONS

Cogence Group, PC

Jay Sickler, CPA, CFF, ABV, ASA

935 NW Everett St

Portland, OR 97209

PH 503-467-7900 x1

jsickler@cogencegroup.com

www.cogencegroup.com

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

BUSINESS VALUATIONS, CONT.

Corporate Valuations, Inc.

Blake J. Runckel

PO Box 82908

Portland, OR 97282

PH 503-235-7777 FX 503-235-3624

brunckel@corpval.com

www.corpval.com

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

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

Holmes & Company, LLP

William N. Holmes, CPA, ABV, CVA, CFE

7128 SW Gonzaga St, Ste 100

Portland, OR 97223

PH 503-270-5400 FX 503-270-5401

wnholmes@pdxcpas.com

www.pdxcpas.com

Forensic Accounting | Economic Damages | Business Valuation | Accounting and Tax Malpractice | Litigation (Plaintiff & Defense) | Full Service Public Accounting.

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

Markee Valuations, LLC

Laura Markee

412 W 12th St

Vancouver, WA 98660

PH 971-201-7349

laura@markeevaluations.com

www.markeevaluations.com

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

BUSINESS VALUATIONS, CONT.

Morones Analytics, LLC

Serena Morones

625 SW Broadway, Ste 200

Portland, OR 97205

PH 503-223-5168

CELL 503-906-1579

FX 503-223-5179

serena@moronesanalytics.com

www.moronesanalytics.com

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

Stuart Weiss Business Valuations

Stuart Weiss

Serving Oregon, Washington,
and California

PH 503-223-3142

stu@stuartweiss.com

www.stuartweiss.com

Valuing family businesses since 2002. Reports in plain English Stanford MBA/CPA/ABV. Bonus: can review investment portfolios.

COMPUTER FORENSICS

Deadbolt Forensics

Michael Yasumoto

1500 NW Bethany Blvd, Ste 200

Beaverton, OR 97006

PH 503-683-7138

info@deadboltforensics.com

www.deadboltforensics.com

CONSULTANTS

Integrity Legal Nurse Consulting

Wendy Votroubek

4207 SE Woodstock Blvd, #365

Portland, OR 97206

PH 503-775-3221

wendy@legalnursepdx.com

www.legalnursepdx.com

Founded in 2010 with the goal to educate and empower attorney clients. Provide review and analysis of medical records for both civil and criminal defense attorneys as well as medical cost projections and reasonableness of charges.

CONSULTANTS, CONT.

O'Connell & Associates

Erin O'Connell

20813 2nd Ave S

Des Moines, WA 98198

PH 412-608-4346

FX 425-243-1025

erin@oconnellandassociates.net

www.oconnellandassociates.net

Assisting attorneys with the critical task of identifying projected future care needs and their associated costs. How do you determine your client's projected future care needs and their associated costs for your settlement purposes or trial?

COURT BONDS

Court Bonds

5727 SW Macadam Ave

Portland, OR 97239

PH 503-977-5624 • 800-632-6878

FX 503-245-9188

courtbonds@jdfwilwer.com

www.jdfcourtbonds.com

A Division of JD Fulwiler & Company Insurance.

COURT REPORTERS

NAEGELI Deposition and Trial

Consuelo Grumich

111 SE 5th Ave, Ste 2020,

Portland, OR 97204

PH 503-227-1554 • 800-528-3335

schedule@naegeliusa.com

www.naegeliusa.com

NAEGELI Deposition and Trial has been known as the leading choice for court reporting and litigation support for over 40 years. Our team of dedicated trial experts continually strive to set the industry standard with all-inclusive services and state of the art technology. From our corporate headquarters located in Portland, Oregon, and additional offices throughout the United States, we proudly offer our clients world-class service. We provide court reporters, remote depositions, videography, interpreters, transcription services, trial presentation and legal copying and scanning—all nationwide. NAEGELI continues to be one of the most sought-after firms in the country, offering exemplary service at competitive prices. With combined decades of experience amongst our expert court reporting and trial support teams, NAEGELI provides peace of mind every step of the way.

FINANCIAL SERVICES

Verum Funding

Tony M.

519 S Main St, Orrville, OH 44667

PH 434-535-5229

help@verumfunding.com

verumfunding.com

FORENSIC ACCOUNTING

Cogence Group, PC

Jay Sickler, CPA, CFF, ABV, ASA

935 NW Everett St, Portland, OR 97209

PH 503-467-7900 x1

jsickler@cogencegroup.com

www.cogencegroup.com

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

Holmes & Company, LLP

William N. Holmes, CPA, ABV, CVA, CFE

7128 SW Gonzaga St, Ste 100

Portland, OR 97223

PH 503-270-5400

FX 503-270-5401

wnholmes@pdxcpas.com

www.pdxcpas.com

Forensic Accounting | Economic Damages | Business Valuation | Accounting and Tax Malpractice | Litigation (Plaintiff & Defense) | Full Service Public Accounting.

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

Morones Analytics, LLC

Serena Morones

625 SW Broadway, Ste 200

Portland, OR 97205

PH 503-223-5168

CELL 503-906-1579

FX 503-223-5179

serena@moronesanalytics.com

www.moronesanalytics.com

Highly skilled team of independent CPAs and experts with experience at top global accounting firms and major corporations. Accounting investigations involving allegations of financial misconduct and employee embezzlement, especially on complex, data intensive cases. Matters involving a shareholder dispute or business sale that results in litigation and allegation of financial statement fraud.

ATTORNEYS' MARKETPLACE

HANDWRITING EXPERTS

— Handwriting & Document Forensics —

J. Joseph & Associates

Jacqueline A. Joseph
735 SW Saint Clair Ave, #2001
Portland, OR 97205
PH 503-380-1282
jjhandwriting@gmail.com
www.jjhandwriting.com

*Jacqueline A. Joseph. Certified Forensic Document Examiner. Forgery detection. Signature verification. Proof of authorship. Remote testimony experience in Federal Court. Double-board certified/government-accredited; fewer than ten forensic document examiners worldwide hold this recognized certification. American Academy of Forensic Sciences/2020 Presenter. **Provides decisive factors for your case strategy.** Cited authority. Established since 1992.*

INVESTIGATIVE SERVICES

BLI Investigations, Inc.

Dan Gusky
12042 SE Sunnyside Rd
Clackamas, OR 97015
PH 503-666-8788
bl@blinvestigations.com
www.blinvestigations.com

Our integrity has been demonstrated in thousands of sensitive situations and cases. We have the highest standards in the industry. From our law enforcement background and continuous training we offer the highest caliber in surveillance work. We are discreet and very result oriented. At BLI we are experienced in testifying in Federal, State Courts and in Claims Hearings. Again, our integrity is above reproach.

MARKETING/PUBLICITY

Omnizant

Victoria Silecchia
15 Harbor Park Dr,
Port Washington, NY 11050
support@omnizant.com
www.omnizant.com/oregonstatebar

Over the past 15 years, we've helped nearly 2,000 law firms across the country build dynamic websites and powerful marketing campaigns, empowering them to achieve their growth goals. Whether you simply want a professional web presence for referral validation or are looking to supercharge business from the web, we have the expertise to get you results.

PRACTICE MANAGEMENT SERVICES

— Practice Management Software —

SmartAdvocate

Allison Rampolla, VP Sales & Marketing
27299 Riverview Center Blvd, #108
Bonita Springs, FL 34134
PH 1-877-GET-SMART (438-7627)
sales@smartadvocate.com
www.smartadvocate.com

TEMPLATES FOR ESTATE PLANNING, PROBATE, AND TRUST ADMINISTRATION

NobleForms, LLC

C. Richard Noble, Attorney at Law
2875 Marylhurst Dr, West Linn, OR 97068
PH 503-635-6235
richardnoble@richardnoble.com
www.nobleforms.com

NobleForms, LLC offers two template sets specifically designed to produce Oregon specific documents to allow Oregon attorneys to automate their practice: (a) Estate Planning and (b) Probate and Trust Administration. Each set is offered for \$100 per month (no contact required) or \$1,000 per year.

Templates cover the logical steps in estate planning, probate, and trust administration.

Sophisticated templates use market leader HotDocs technology. The templates are available at www.HotDocsMarket.com.

Extensive support is provided including numerous video tutorials and personal support.

Cloud-based assembly works on PC or Mac.

Documents are downloaded to the attorney's computer and can be edited in Word (Word Perfect is not supported).

www.NobleForms.com has extensive information including access to the video tutorials.

TRANSLATIONS & INTERPRETATIONS

Barbier International

10260 SW Greenburg Rd, Ste 476
Tigard, OR 97223
PH 503-430-7710 • 844-824-0477
sales@barbierinc.com
www.barbierinc.com

VIDEO SERVICES

Discovery Media Productions, Inc.

Devin Williams, CLVS
10725 SW Barbur Blvd, Ste 102
Portland, OR 97219
PH 503-892-1998
info@discoverymp.com
www.discoverymp.com

THANK YOU!

Please support the
advertisers who support
the Attorneys' Marketplace.

Check out our featured listings
online at www.osbar.org.

**Want to be featured in
next month's issue?**

For details, please contact

LLM Publications:

phone: 503-445-2226

email: Law@llmpubs.com

osbar.org/seminars

osbar.org/publications



OSB CLE
**CYBER
MONDAY
SALE!**

OSB CLE Cyber Monday Sale

Cyber Monday Sale on November 28

Get an unlimited 20% discount on all OSB CLE online seminars – on demand and MP3 downloads – purchased on Cyber Monday.

Use coupon code **CYBER22** on November 28

Save the Date

Basic Trust Administration

Friday, November 18

Equity and Estate Recovery

Wednesday, December 7

Complimentary Tutorial

BarBooks™ Ins and Outs

Webcast with live chat Q&A

Wednesday, Nov. 30, Noon – 1 p.m.

MCLE ID: 94352

1 Practical Skills credit



Available for Preorder

Criminal Law in Oregon, 2022 Revision

The newly revised three-volume *Criminal Law in Oregon* is an essential resource for Oregon lawyers who practice criminal law. Topics covered in this comprehensive resource range from search and seizure to postconviction proceedings, and everything in between. Drawing on the wisdom of the experts, this book will save you time and resources. In addition to serving as the chief reference guide on criminal law for Oregon judges, defense lawyers, and prosecutors, *Criminal Law in Oregon* is also an invaluable resource for civil practitioners who handle the occasional criminal law case. This new edition will be released in December in a portable, convenient, and easily accessible 7x10 inch perfect-bound format.

Preorder by November 18 and save 15% with coupon code **CRIMLAW2022**.

Oregon Real Estate Deskbook, Chapter 26 replacement supplement now available.

The Real Estate and Land Use Section, Committee on Opinion Letters, has issued a new 2022 Report on Legal Opinions in Oregon Real Estate Transactions. This Report was last updated in 2004 and is reprinted as chapter 26 of *Oregon Real Estate Deskbook*. If you have *Oregon Real Estate Deskbook*, volume 2, Financing Transactions, or the complete deskbook set, be sure to update your volume with this updated 2022 revised chapter.

Register for all seminars and search the full catalog of seminars at osbar.org/seminars

Order your copies and view the full catalog of publications and pdfs at osbar.org/publications

or contact the OSB CLE Service Center for help: (503) 431-6413, (800) 452-8260, ext. 413, or cle@osbar.org

[ASSET QUESTION]

Should your clients use retirement assets for charitable giving?

We've got your answers to their questions. OCF partners with attorneys, accountants and wealth managers like you to help your clients achieve financial planning goals while maximizing charitable outcomes. Our philanthropic advisors are adept at assisting with the donation of all types of assets to create charitable funds: cash, appreciated securities, commercial or residential real estate, life insurance, IRA Charitable Rollovers (QCDs) and even cryptocurrency. We are also here to help you and your clients consider tax savvy charitable opportunities, including creating a testamentary Charitable Remainder Trusts as part of their estate plan in the wake of the SECURE Act. Visit oregoncf.org/advisors for good answers and a great partner.

FIND MORE ANSWERS AT [OREGONCF.ORG/ADVISORS](https://oregoncf.org/advisors)