Uncivil Dispute
Are Our Professional Interactions Getting More Hostile?

Also Inside:
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If it seems as if your professional interactions have been becoming more hostile in recent years, you may be correct. But, what is causing this? There doesn’t seem to be one definitive reason but myriad factors in the breakdown of civility in the profession. Shannon Gormley, associate editor, examines this issue beginning on page 18.
Announcing a Convenient New Pro Bono Program

Oregon Free Legal Answers

In partnership with the American Bar Association

The OSB has launched a convenient new mechanism to offer pro bono legal services. Free Legal Answers allows you to log onto a secure website at your convenience, choose a legal question you are qualified to answer (submitted by a low-income Oregonian), and provide brief pro bono advice and other resources. Answer only as many questions as your time allows. Areas of law that are in demand include family law, housing, debtor/creditor and consumer law. This program has been lauded by lawyers around the country as a convenient and meaningful pro bono model. For more information: Oregon.freelegalanswers.org.

Questions? Visit oregon.freelegalanswers.org
Announcing a Convenient New Pro Bono Program

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BRIEFS

ACLU of Oregon Seeks Intake Volunteers

The ACLU of Oregon is recruiting retired-attorney volunteers who will respond to inquiries received by the ACLU through the mail (primarily from people who are incarcerated) and through submissions on the ACLU’s website (dealing with a wide range of issues). This position supports the ACLU of Oregon’s mission, vision and values by responding to individual inquiries via postal mail or email and by selecting issues raised by correspondents to discuss with the legal director for further legal action. The time commitment is a minimum of four hours per week for at least six months. This is a volunteer position without pay or benefits.

Volunteers preferably should have prior work, volunteer or lived experience in free speech, racial justice, criminal justice, law enforcement accountability, LGBTQ+ rights and prisoners’ rights. Send a cover letter and resume to: Terry Ann Rogers at trogers@aclu-or.org.

Oregon LERA Conference Taking Place Nov. 1

The Oregon Chapter of the Labor and Employment Relations Association (LERA) invites you to the virtual 2023 Oregon LERA Conference on Nov. 1 from 8:30 a.m. to 2 p.m. The conference will feature case studies presented by the Employment Relations Board and the National Labor Relations Board, as well as presentations by leaders in the field and the 2023 Maggie Awards. For more information, including sponsorship opportunities and registration, visit www.lerachapter.org/orogen/events/2023_oregon_lera_conference.

Class of 2022 Employment and Salary Outcomes Best Since 1987

The National Association for Law Placement, Inc. (NALP) has released its “Employment for the Class of 2022 — Selected Findings” report, a summary of key findings from the upcoming annual “Jobs & JDs: Employment and Salaries of New Law School Graduates,” which will be released in October 2023. This year’s selected findings, available at www.nalp.org/classof2022, show that the Class of 2022 entered an even more robust employment market for new law graduates as compared to the Class of 2021. The report shows that the employment rate for the Class of 2022 improved by two-tenths of a percentage point, to 92.1% of graduates for whom employment status was known, compared to 91.9% for the Class of 2021. This is the best employment rate recorded since the Class of 1987, when the rate was just slightly higher, at 92.2%.

MBA Golf Tournament Sept. 21 for the Volunteer Lawyers Project

The Multnomah Bar Association will hold a golf tournament on Sept. 21 beginning at 8:30 a.m. at Pumpkin Ridge Golf Club in North Plains. All proceeds from the tournament will benefit the Volunteer Lawyers Project at Legal Aid Services of Oregon. To register, visit www.tinyurl.com/2023MBAGolfTournament. Registration includes golf, cart, range, a grab-and-go breakfast and an awards lunch.

Campaign for Equal Justice to Host Three Events Around the State

The Campaign for Equal Justice (CEJ) will host three events this fall for OSB members. The 2023 Party Under the Stars will be held from 5-7 p.m. on Wednesday, Sept. 20, at Markowitz Herbold in Portland. This is a chance to join Portland’s associate community for pizza, socializing and fun.

On Friday, Sept. 29, CEJ will hold its Central Oregon Luncheon at the Bend Golf Club in Bend. Attendees can join the central Oregon legal community from noon to 1 p.m. as they enjoy good company and discuss the importance of legal aid in communities across the state.

And on Thursday, Oct. 5, CEJ hosts its Southern Oregon Event at Edenvale Winery in Medford. The southern Oregon legal community will get together from 5-6:30 p.m. (with a program starting at 5:45 p.m.) for great food and even better company.

For more information about these events, visit www.cej-oregon.org/events/.

By the Numbers

More Years, More Money

The June 2023 Bulletin cover story focused on the numbers behind the 2022 Oregon State Bar Economic Survey. One set of data not covered in that article is how the number of years in practice correlates to the average compensation for full-time Oregon attorneys.

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<tr>
<th>Years</th>
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Quotable

“I couldn’t teach my students what they need to know just from a book; they needed to experience what it was truly like to be a lawyer. My focus was always on my students, on how I could better prepare them to be lawyers, and I always saw experiential learning as the best route to that goal.”

— Valerie Vollmar, who introduced experiential learning years ago to Willamette Law, which incorporates more hands-on and real-world experiences into learning, so students become practice-ready attorneys upon graduation. Source: Willamette University College of Law

SALC 2023 Taste for Justice on Oct. 20

The 2023 St. Andrew Legal Clinic (SALC) Taste for Justice Gala is set for Oct. 20 at 6 p.m. Join SALC and members of the legal community at the Exchange Ballroom in Portland and enjoy an evening of world-class wines and delicious cuisine, while also helping bridge the gap for justice with amazing auction items. Visit www.salgrou p.org/taste-for-justice for more details.

OCDLA 2023 Sunny Climate Seminar Set for Nov. 9-13

The Oregon Criminal Defense Lawyers Association remains committed to Maui for the 2023 Sunny Climate Seminar Nov. 9-13. Special travel and room rates are available for attendees with discounted registration for those who register before Oct. 4. For full details and a statement on why and how the seminar will take place, visit www.tinyurl.com/2023OCDLASunnyClimate. Defense lawyers, investigators and those professionals and law students directly involved in the defense function are invited to attend.

“In my will I do not want to require a guardian ad litem to represent the interests of any unhatched eggs.”
Review and Provide Feedback on These Important Potential Updates

Proposed RPC Changes

By Dani Huck

RPC 8.4(a)(7)

Currently, Oregon RPC 8.4(a)(7) reads as follows:

(a) It is professional misconduct for a lawyer to:

[...]

(7) in the course of representing a client, knowingly intimidate or harass a person because of that person’s race, color, national origin, religion, age, sex, gender identity, gender expression, sexual orientation, marital status, or disability.

RPC 8.4(a)(7) was passed in 2015 prior to the ABA adopting a similar rule within the Model Rules of Professional Conduct. The ABA’s analogue to RPC 8.4(a)(7), Model Rule of Professional Conduct (MR) 8.4(g), was passed in 2016. In February of 2022, the Board of Governors’ Policy and Governance Committee requested the Legal Ethics Committee (LEC) review RPC 8.4(a)(7) and make a recommendation as to whether the rule should be amended to more closely conform to ABA MR 8.4(g).

The ABA rule reads as follows:

It is professional misconduct for a lawyer to:

[...]

(g) engage in conduct that the lawyer knows or reasonably should know is harassment or discrimination on the basis of race, sex, religion, national origin, ethnicity, disability, age, sexual orientation, gender identity, marital status or socioeconomic status in conduct related to the practice of law. This paragraph does not limit the ability of a lawyer to accept, decline or withdraw from a representation in accordance with Rule 1.16. This paragraph does not preclude legitimate advice or advocacy consistent with these Rules.

The LEC formed a subcommittee that met over the course of 2022 to review RPC 8.4(a)(7) and MR 8.4(g). Upon the presentation of the findings of the subcommittee to the LEC, the LEC recommended two changes to the RPC 8.4(a)(7).

First, the LEC recommended changing the phrase “in the course of representing a client” to “in the practice of law.” This phrase is broader, and encompasses actions taken by lawyers in their role practicing law, which may not necessarily occur in the course of representing a client. At the same time, it strikes a reasonable balance between the free speech rights of the attorney under the Oregon Constitution and the professional responsibilities of the attorney as an officer of the court. Conduct that would be considered inappropriate behavior while practicing law would be subject to discipline under this new provision. However, 8.4(c) does provide an exception specifically for attorneys providing legitimate advocacy regarding the bases set forth in 8.4(a)(7).

The LEC also noted that “ethnicity” was omitted from Oregon RPC 8.4(a)(7). The LEC recommended the addition of “ethnicity.” The LEC recommended the updated RPC 8.4(a)(7), which the Board of Governors approved in November 2022 (italics added for emphasis to updates).

(a) It is professional misconduct for a lawyer to:

[...]

(7) in the practice of law, knowingly intimidate or harass a person because of that person’s race, color, national origin, ethnicity, religion, age, sex, gender identity, gender expression, sexual orientation, marital status, or disability.”
RPC 1.2(d)

RPC 1.2(c) prohibits an attorney from consulting a client to engage in conduct the lawyer knows to be illegal or fraudulent. It states:

(c) A lawyer shall not counsel a client to engage, or assist a client, in conduct that the lawyer knows is illegal or fraudulent, but a lawyer may discuss the legal consequences of any proposed course of conduct with a client and may counsel or assist a client to make a good faith effort to determine the validity, scope, meaning or application of the law.

There are no exceptions within this provision when the laws of different jurisdictions may conflict. This lack of exception raised concerns in 2014 as to whether lawyers could assist clients seeking to undertake businesses related to the legalization of cannabis within Oregon. In 2014, the House of Delegates adopted an exception into the RPCs specifically in response to these concerns. The exception adopted by the House of Delegates, RPC 1.4(d), currently reads as follows:

(d) Notwithstanding paragraph (c), a lawyer may counsel and assist a client regarding Oregon marijuana-related laws. In the event Oregon law conflicts with federal or tribal law, the lawyer shall also advise the client regarding related federal and tribal law and policy.

This exception allowed attorneys to advise clients on registering and managing businesses related to legalized marijuana within Oregon under the state’s regulations.

In 2022, the OSB Cannabis and Psychedelics Executive Committee requested the LEC review RPC 1.2(d) in light of the passage of the Oregon Psilocybin Services Act (OPSA). The OPSA allows the Oregon Health Authority to establish a framework for the administration of therapeutic psilocybin services by licensed facilitators. Psilocybin, like marijuana, is still listed as a Schedule I substance in the federal Controlled Substances Act. RPC 1.2(d) crafted an exclusion only for marijuana, and therefore a change was required to allow for legal advice to be provided related to regulations around psilocybin.

The LEC noted that a broader fix may be necessary to prevent the LEC from revisiting the issue each time there is a conflict between federal and state law. For example, conflicting reproductive rights laws
between states can make advising clients difficult when some activities are legal in Oregon, but illegal in other jurisdictions. Further, the LEC had concerns about specific long-arm statutes that made it illegal in certain jurisdictions to advise a client about conduct that is legal in Oregon.

The LEC recommended the following updated (italics emphasize updates) RPC 1.2(d):

(d) Notwithstanding paragraph (c), a lawyer may counsel and assist in a proposed course of conduct that the lawyer reasonably believes is permitted under Oregon law. In the event Oregon law conflicts with federal law or the law of another jurisdiction, the lawyer may also advise the client regarding such conflict and the potential legal consequences.

The Board of Governors recommended the changes be submitted to the House of Delegates in June 2023.

The changes encompass four revisions of the current rule.

1. Replace “regarding Oregon Marijuana-related laws” with “in a proposed course of conduct.”

The LEC decided to place this term into the rule as it is also used in Rule 1.2(c), and using the same language would help to emphasize that 1.2(d) is intended to be an exception to the limitations of RPC 1.2(c).

2. Add “that the lawyer reasonably believes is permitted under Oregon law.”

The LEC adopted a “reasonably believes” standard in order to allow attorneys to provide legal advice based on the reasonable interpretation of the law as it stands at the time the legal advice is requested. This standard should give attorneys the confidence to advise their clients without fear that a future judicial decision may subject them to a future ethical violation of the RPCs.

3. Replace “Federal or tribal law” with “federal law or the law of another jurisdiction.”

The LEC adopted this new language in order to encompass all tribal and state jurisdictions, and to cover potential future cross-jurisdictional challenges. The LEC wanted this provision to address the recent trend of using long-arm statutes in certain jurisdictions to criminalize conduct that is legal in Oregon. The inclusion of “laws

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TOMASI BRAGAR DUBAY IS PLEASED TO INTRODUCE A NEW ATTORNEY TO ITS TEAM:

Tyler G. Mills

Tyler focuses his practice on real estate foreclosures, collection lawsuits, and other consumer and commercial real estate litigation, as well as assisting the land use and real estate practice groups. Prior to joining Tomasi Bragar DuBay, Tyler worked for PacifiCorp, where he worked on right of way issues. In law school, he worked at Earthrise Law Center where he focused on environmental litigation.

Phone: 503-894-9900 Website: www.tomasillegal.com
of another jurisdiction” assures attorneys that they may provide legal advice on such proposed courses of conduct that are legal within Oregon, even if they may be illegal within another jurisdiction.

The LEC also specifically and separately enumerated federal law in order to illustrate that attorneys may provide legal advice regarding courses of conduct in conflict with federal law even though federal law would take precedence under the supremacy clause of the U.S. Constitution.

4. Replace “shall” with “may” and replace “related federal and tribal law and policy” with “such conflict and the potential legal consequences.”

As this new amendment aims to be more expansive than just an exception to marijuana, the LEC recommended the change to “may.” In deliberating whether to replace “shall” with “may,” the LEC noted that business owners and other individuals working in the marijuana industry may seek advice from attorneys specializing in certain areas of the law not linked to criminal law or the Controlled Substances Act. Additionally, attorneys may not be adequately competent to discuss the conflict between the laws of other jurisdictions or the potential legal consequences.

The decision to remove “law and policy” and replace it with “such conflict and the potential legal consequences” was made to mirror the language in RPC 1.2(c).

RPC 1.8(e)

In 2020, the ABA adopted a third subsection to Model Rule 1.8(e). The intent was to create a humanitarian exception to the general rule that attorneys should not provide financial assistance to their clients. It allowed attorneys to provide limited financial assistance to indigent clients who are being represented pro bono. The new exception under ABA MR 1.8(e)(3) reads as follows:

(e) A lawyer shall not provide financial assistance to a client in connection with pending or contemplated litigation, except that:

* * *

(3) a lawyer representing an indigent client pro bono, a lawyer representing an indigent client pro bono through a nonprofit legal services or public interest organization and a lawyer representing an indigent client pro bono through
a law school clinical or pro bono program may provide modest gifts to the client for food, rent, transportation, medicine and other basic living expenses. The lawyer:

(i) may not promise, assure or imply the availability of such gifts prior to retention or as an inducement to continue the client-lawyer relationship after retention;

(ii) may not seek or accept reimbursement from the client, a relative of the client or anyone affiliated with the client; and

(iii) may not publicize or advertise a willingness to provide such gifts to prospective clients.

Financial assistance under this Rule may be provided even if the representation is eligible for fees under a fee-shifting statute.

The Board of Governors submitted the ABA Model Rule 1.8(e)(3) to the House of Delegates in 2022. The House of Delegates resubmitted this provision to the Legal Ethics Committee (LEC) for further review with a number of questions. The LEC reviewed these questions and provided the responses below.

Could attorneys face liability for providing gifts that may be used for substance abuse, and would such liability be covered by PLF?

It is unlikely that an attorney would be found liable in a claim for relief related to a gift under 1.8(e)(3). PLF coverage always depends on the facts and circumstances of any given claim. However, it does not appear that this rule would generate a malpractice issue. The PLF also noted that education could be provided about possible risks and best practices. Additionally, this change to RPC 1.8(e)(3) does not obligate attorneys to provide financial assistance or other gifts to clients, and attorneys who had concerns about potential liability could choose not to give such assistance to clients.

Does the lack of a definition of the word “modest” create potential for misuse, and could language providing limits to the value and the type of gifts (cash versus non-cash) address those concerns?

The LEC was careful to keep the primary purpose of this proposal in mind while considering any changes. The motivation to
create this exception was to increase access to justice by allowing attorneys to provide some aid to their most vulnerable clients. The original proposal by the ABA noted that they intentionally declined to define “modest” or create value limits in order to account for different costs of living within different jurisdictions. That same rationale would be prudent in Oregon considering the substantial differences in costs of living throughout Oregon. The LEC also noted that monetary restrictions and reporting requirements would deter attorneys from utilizing the exception, and therefore render the exception ineffective.

Would an indigent defense provider be considered “a lawyer representing an indigent client pro bono?”

The LEC initially interpreted the proposed rule as allowing indigent defense providers to be considered “a lawyer providing legal services to a client pro bono.” After the discussion at the 2022 House of Delegates, the LEC reevaluated the proposed rule. Washington had a similar question about the application of the rule to certain lawyers who are paid by third-party organizations, but provide legal services to indigent clients without charge. The LEC opted to adopt the language from Washington’s rule as it clarified the issue. The LEC also added “through a court appointment” to address instances where a consortium that may only provide indigent defense as part of their practice, and also cover other areas of indigent defense, such as juvenile proceedings.

The LEC recommends the following language for 1.8(e)(3):

(c) A lawyer shall not provide financial assistance to a client in connection with pending or contemplated litigation, except that:

* * *

(3) a lawyer representing an indigent client pro bono, a lawyer representing an indigent client through a nonprofit legal services or public interest organization and a lawyer representing an indigent client through a court appointment, or through a law school clinical or pro bono program, may provide modest gifts to the client for food, rent, transportation, medicine, and other basic living expenses. The lawyer:

(i) may not promise, assure or imply the availability of such gifts prior to retention or as an inducement to continue the client-lawyer relationship after retention;

(ii) may not seek or accept reimbursement from the client, a relative of the client or anyone affiliated with the client; and

(iii) may not publicize or advertise a willingness to provide such gifts to prospective clients.

Financial assistance under this Rule may be provided even if the representation is eligible for fees under a fee-shifting statute.

The Board of Governors recommended the changes be submitted to the House of Delegates in June 2023.

Feedback

Each of these proposals will be presented to the House of Delegates on Oct. 27, 2023 for debate. Members can contact their individual delegates with any thoughts on these proposals or can email feedback@osbar.org to provide feedback and comments on these proposals. Any comment on these proposals will be presented to the House of Delegates for their review. The meeting at the Oregon State Bar Center in Tigard is public, and will be live-streamed for members interested in viewing debate. Any questions about the proposals may also be submitted to general counsel’s office at gc@osbar.org.

Dani Huck is the associate general counsel and CAO attorney for the Oregon State Bar.
Cracking Humpty Dumpty’s Code

Transparent Transitions

By Suzanne Rowe

Transition words and phrases can be invaluable in showing the reader how arguments and ideas fit together. These transitions can signal the order of arguments, the connections between ideas, and how those arguments and ideas lead to a logical conclusion.1

But the signals only work if the writer and the reader both understand what the transitional words and phrases mean. If the writer means “this is the next step in my argument” while the reader thinks “this is the conclusion,” communication has broken down. In these instances of broken communication, I’m reminded of Humpty Dumpty. The famous egg from Alice in Wonderland sagely told Alice, “When I use a word … it means just what I choose it to mean — neither more nor less.”2

That kind of sage advice can get legal writers in trouble. We want our transitions to be transparent so that our meaning is clear. I’ve written previously about transitions,3 so here I’m delving a bit deeper into which words and phrases signal which transition. I’m also providing alternatives, so “clear and simple” transitions don’t become “dull and boring.”

Showing Order

To indicate the sequence of arguments, nothing works quite like numbers: First, second, third, fourth. They are simple, clear and transparent. They are especially effective after a brief introduction, where you tell the reader what you are listing: elements, counterarguments, disputed facts? A short sentence can provide the key information: Three policy arguments support this outcome. Ah, now the reader knows what you’re listing in numbered sentences or paragraphs that follow.

Note that none of the number words needs an -ly tacked on the end. Firstly, secondly and so on can make new legal writers feel smarter, and the bad habit can stick even for smart, experienced legal writers. Because most of us would balk at sixthly and seventhly, I suggest keeping transitions simple and consistent. Start with first and continue through sixth and beyond when required.

Alternatives Showing Order

If the numbers feel a bit too simplistic, or if the list gets very long, you can switch things up by replacing a few number words with next, then or finally.

The first factor ...
Second ...
Next ...
Fourth ...
Fifth ...
The final factor ...

Another reason to vary the number transitions is if one of the items has subparts or components you want to number. Writing about the three components of the third factor could be confusing. Replacing third with next keeps the order transparent while avoiding confusion.

Other transitions are helpful to show order. Instead of writing that the fourth factor has two parts, use former and latter, as in the following example:

Fourth, courts consider whether either x or y is more likely. The former looks at … while the latter examines …

That example makes clear that the former analysis comes before the latter analysis, without using first and second. Note that former and latter can be used only when you have just two points. Former/latter can’t handle three or more points, so you’d have to use other transitions.

Another pair of words that signal order are primary and secondary. Again, they offer a bit of variety from first and second, but they are crystal clear to both writers and readers.

Comparing and Contrasting

We all know which words compare and which contrast. Here, the challenge is to avoid using the same worn-out transition in every paragraph. Some of my favorite alternatives are below.

Transitions to compare:
Similarly
Likewise
For the same reason
Just as in...

Transitions to contrast:
However
In contrast
By contrast
On the other hand
Even so
Nevertheless
Although
One word that has popped up recently is *contrastingly*, which still makes me a bit queasy when I see it at the beginning of a sentence. When I looked for a reason for my queasiness, other than my curmudgeonly nature, I learned that *contrastingly* is a Humpty Dumpty word. It can mean abnormally, adversely, individually, negatively, separately and uniquely. In other words, *contrastingly* means what the writer means, and reader gets to guess. Most often, I see it used to mean “in contrast.” I recommend using *in contrast*, which is more transparent in meaning to writer and reader alike.

**Adding More**

Lots of words and phrases are available to transition to more ideas: *also, additionally* and *in addition* are among the more common. Note that you need just one of them. After beginning a sentence with *in addition*, you don’t need *also*, too. *In addition to claiming battery, he also claimed assault.* That’s a belt-and-suspenders approach that isn’t necessary.

Here are a few more words to transition to additional ideas or arguments. At the beginning of a sentence, use *and, moreover, further and besides*. At the end of the sentence, try *too* and *as well*. But beware when putting the transition at the end of the sentence, or you could lose the transparent connection that writers appreciate. Those end-of-sentence transitions tend to work best when the sentence is short and the connection clear.

**Giving Examples**

Legal writing often benefits from examples. Legal writing can sound repetitive, however, if each one is introduced with the transition *for example*. Other options include *for instance, as one example, as another example, in one situation* and *specifically*.

Try to avoid *in one case* if the reader might be confused by thinking a case is being examined when it’s not. Consider this: *In one case, the statute’s legislative history gave no indication how a key term should be interpreted. In a related case, the history provided alternative meanings.* Are these two examples from judicial opinions (i.e., cases) or from the writer’s own analysis of two statutes? Here, either *example* or *instance* would be clearer transitions.

**Showing Causation**

Key to many legal arguments is the outcome of a line of analysis. If the plaintiff can...
establish all four elements, she can prevail. When the defendant fails to respond, the plaintiff can ask for a default judgment. Transition words and phrases can highlight cause and effect: consequently, accordingly, because, therefore and thus.

The plaintiff can establish all four elements; therefore, she can prevail.

The plaintiff can move for a default judgment because the defendant failed to respond to the complaint.

Be sure that the idea or sentence following one of those transitions is causally, logically linked to the analysis that precedes it. Just tossing in the word therefore after a few paragraphs of random ideas doesn’t magically make the links of the analytical chain solid.

Concluding

To show that your analysis has reached a conclusion, you might use one of these transitions: in conclusion, therefore, thus, in summary, consequently and finally. While many of us were taught in high school to avoid one-sentence paragraphs, I think a one-sentence conclusion makes a striking and effective paragraph. The transition that begins that short paragraph attracts the attention of the busy reader seeking the bottom line.

Let me vent a bit about finally. It’s become so overused that it sometimes lacks meaning. In other words, it’s simple but not clear. In unfortunate instances, finally means nothing more than “this is the last thing I have to write.” The astute reader would likely figure that out from the absence of further text in a particular paragraph, section or memo.

As Such What?

One of my many pet peeves is as such. It passes the simplicity test, but it’s not clear or transparent — it’s the ultimate Humpty Dumpty transition. Many legal writers use it to mean “therefore” or “in conclusion.” Some use it to draw analogies, but some use it for differences. It often implies that the reader sees the analytical link clearly, so certainly the reader must, too. Nope.

Another problem is that when as such functions as a pronoun, it needs an antecedent. That antecedent is often missing or unclear, creating ambiguity. Consider this example: The corporation had been aggressive in expanding before the pandemic, then suffered a large contraction. She had served as the corporation’s treasurer for the past three years. As such, she knew the financial challenges it faced. Does as such intend to pull together all the facts to reach a conclusion? If so, then try a transition to make that clear: In sum, the economic swings that occurred before she arrived and during her tenure made her aware of the financial challenges. Or is it reiterating her role as treasurer, meaning that the final sentence would be better starting As the treasurer, she knew ... ?

I suggest just avoiding as such unless you are writing for a reader who reads your mind perfectly. For other instances, I’ve provided lots of alternatives.

Caveat

Transition words are effective in showing the reader the organization of your analysis, but only when your analysis is already organized in a logical way. Scattering words like first, in addition and therefore throughout an incoherent paragraph is not going to make up for illogical organization or for missing links in the analytical chain. Once you have organized your ideas and arguments, transparent transitions can help your reader understand your brilliance more quickly.

Suzanne 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. While many lists of transition words exist, I’m relying on Megan McAlpin’s Beyond the First Draft: Editing Strategies for Powerful Legal Writing (2014). My copy falls open to the list on page 21, due to frequent reference.

2. Lewis Carroll, Through the Looking Glass. I’ve quoted Humpty Dumpty in prior articles, but the egg comes to mind so often when I’m reading scrambled writing.

3. Reader-Friendly Transitions: Show the Way from Here to There (July 2008).

4. See Thesaurus.com for these and other synonyms for contrastingly.

UNCIVIL DISPUTE

Are Our Professional Interactions Getting More Hostile?

— By Shannon Gormley —
Judge Ramón Pagán still remembers the advice he was given by Judge John Acosta almost seven years ago. Born in the Bronx, New York, Pagán began his legal career on the East Coast. He moved to Oregon in 2011, and in 2016, was sworn in to the Oregon Court of Appeals. At the swearing in ceremony, Acosta told Pagán’s cohort, “Don’t be like New York lawyers.”

Though slightly tongue-in-cheek, for Pagán, the advice captured a truth about civility in his adopted state. “We take a lot of pride in our professionalism and the way that we speak to people, the way we grant courtesies to people,” he says about the Oregon legal field. “Over the years I’ve been here, I’ve seen that it’s a really important part of our ethos.”

Now, some worry that Oregon’s long-prized civility could be eroding. This year, the American Bar Association released the results of a survey in which 85% of respondents said that civility is worse now than it was 10 years ago. Here in Oregon, legal professionals have reported a marked increase in fraught interactions with colleagues and the public. The pandemic has meant years of stress, trauma and isolation. All that strain has made calm, considerate communication more difficult.

“When people are depleted in the way that we’re depleted, it’s really hard to connect with others in a way that feels safe and appropriate,” says Kyra Hazilla, an attorney counselor and director of the Oregon Attorney Assistance Program. “That’s true not just of lawyers, but of everyone lawyers are coming into contact with. There isn’t an area of respite.”

The majority of the sources that the Bulletin interviewed for this article agreed that since the pandemic, communication has become more strained and emotionally raw. But whether or not that shift signals a precipitous decline in civility remains a matter of debate. Many of the legal professionals that the Bulletin spoke to contend that the “civility” issue is actually a symptom of something else.

“Are Oregonians just less nice than they used to be? That doesn’t seem rational to me,” says Pagán, who serves on the Oregon Bench and Bar Commission on Professionalism. “Is there something affecting our community that’s making interactions more stressful? I think that’s definitely true.”

Vicarious Trauma

At the beginning of the pandemic, Lawyer Referral Service director Eric McClendon expected an increase of aggressive callers. A call center that helps Oregonians find a lawyer, LRS occasionally dealt with highly charged inquirers over the years. Amid international uncertainty, mass layoffs and a housing crisis, it seemed natural that more people with heightened emotions would reach out. What McClendon didn’t expect was just how bad it would get.

“It went from the majority of callers being pretty decent to the majority of calls being just absolutely out of control,” he says. “The people were super demanding, they were threatening.”

Particularly distressing was the onslaught of racism that LRS staff members experienced. Some callers, when they heard an accent different from their own on the other line, would hurl racist insults at the staffer who was trying to help them. Then, there were many callers clearly experiencing a mental health crisis. Some expressed suicidal ideation. Once, a man from Medford called in saying that he was on his way to a mall with an illegal firearm. Another time, a woman told an LRS staff member that voices in her head were telling her to kill her toddler. In both cases, LRS was able to arrange a wellness check and prevent any physical violence from occurring. But it all took a psychological toll. On top of it all, remote work meant that staff members were often dealing with those intense interactions alone in their homes.

“My staff have really been beat up,” says McClendon. “They’re dealing with all of the trauma from COVID in their own personal lives, they’re isolated from all their co-workers, and now callers are going for the throat all of a sudden.”

McClendon quickly turned to outside help. He worked with OSB’s diversity and inclusion department to develop a policy to interrupt and divert racist callers, and held a training on what to do if a caller expresses suicidal thoughts. Even with LRS’s policy of calmly cutting off overt racism, sexism and other verbal abuse, there was still the reality that staff members had to spend most of their days fielding angry calls. McClendon worked with human resources, who authorized him to shut down the call center if his staff needed a break. He also reached out to the Oregon Attorney Assistance Program, which held a multi-day program on how to de-escalate — and how to decompress after.

Hazilla led OAAP’s sessions with LRS. Though LRS’s situation was extreme, it was not uncommon. Across the state, people seeking legal services seemed especially volatile. Hazilla gave similar presentations to numerous other public and private organizations. Many of the legal professionals that Hazilla met during those presentations were trying to manage strangers’ emotions on a daily basis while dealing with their own emotional burnout. Hazilla calls it “vicarious trauma,” compounded with the first-hand trauma of living through a pandemic. In a recent presentation, Hazilla was going over coping strategies when a participant told her that these days, they barely even have the capacity to drink a glass of water. How were they supposed to learn new strategies?

“Before the pandemic, we had a profession where people were really struggling with their health and well-being,” says Hazilla.
“And then you drop our profession into a global context of trauma and overwhelm. We’re way off the charts for suffering.”

Hazilla encourages legal professionals to focus on the simple things first — drinking that glass of water, getting enough sleep, even just brushing your teeth — and appreciating all those small things you do for yourself. But the most important intervention is connection with others.

“That’s what tells your nervous system that you’re safe,” she says.

For McClendon’s part, he’s worked to increase mental health practices and connection among his staff however he can. Instant messaging is highly encouraged. Some LRS employees do yoga while taking calls. Now that it’s safer to do so, McClendon gets his staff together in person as much as possible. He’s also considering changing his department’s vacation policy so that it’s easier for staff to take time off without worrying about finding someone to cover for them.

As for handling irate callers, McClendon has found it surprisingly effective to make sure they feel seen as an individual. He’ll even give angry strangers his direct line. Instead of exposing him to further verbal abuse, it’s increased the gratitude he receives.

“When you give that personal touch like, I care about you,” he says, “it calms them down a ton.”

Changes in Technology, Changes in Civility

Adriana Gomez’s first year as a lawyer was nowhere near what she envisioned when she enrolled in law school. Gomez earned her J.D. in 2021, and began her career as a family law attorney shortly thereafter. Launching her career during a pandemic was a strange experience, especially since it meant starting off with a virtual practice. It was sometimes difficult to reconcile her new level of responsibilities with her informal surroundings.

“Those boundaries of the personal and professional blurred,” says Gomez. “It hasn’t really separated again.”

Working from her home, occasionally in her pajamas, Gomez sometimes felt she hadn’t truly “made it” as an attorney. Additionally, the usual means of building relationships in a new profession — from networking events to passing conversations in the courtroom or the office — were unavailable.

So Gomez, along with fellow Oregon New Lawyers Division committee member Lucy Ohlsen, found a new way to bring together lawyers starting their careers. The pair began hosting monthly Zoom meetings with new lawyers across the state, where they shared resources, answered questions and discussed how to move the profession forward.

For all its challenges, the pandemic provided an opportunity to reassess the ideas of civility and professionalism, possibly for the better. Work-life balance has become a major priority, particularly among young attorneys. But the shift has occurred across generations.

“I think we all have a lot of adjusting to do, just thinking about how our goals and expectations for the profession have changed since COVID,” says Gomez. “There has been a massive shift in what being a lawyer looks like.”

In some ways, the shared trauma and increased flexibility caused by the pandemic have been humanizing. Along with the ability to go to court from your couch, it’s become common to see colleagues’ kids in the background of a Zoom meeting, or hear a dog’s squeaky toy on the other end of a phone call. The seriousness and ubiquity of COVID-19 opened up conversations about mental and physical health. Hybrid work has made it easier to plan work around life, rather than life around work. Now, according to Gomez, “Attorneys are able to live a more realistic lifestyle.”

“I see the benefit of allowing more space for people’s personal obligations,” she says. “I think it leads to happier attorneys, and happier attorneys are better attorneys.”

It’s become more difficult for legal professionals to hide that they have priorities beyond work, and thus more acceptable to accommodate those other priorities. Hazilla sees that as a good thing.

“Sometimes the professionalism lens or the civility lens doesn’t include humanity,” she says. “The expectation that you could be an objective, impervious-to-real-life professional in the face of what’s been going on for all of us, it’s not a reasonable expectation.”

But the paradox of technology is that it can be both humanizing and dehumanizing. Even those that see the benefits of virtual work and remote legal services urge a closer examination of when and how technology is used. Magistrate Judge Youlee Yim You recalls how before the pandemic, there were more opportunities for chance interactions between opposing counsel.

“When you’re sitting in a courtroom waiting for the judge to come in, it forces you to have a conversation, even just to make some small talk. When you’re leaving the courtroom together, you normally have a conversation,” she says. “When people are not interacting in person, you lose something there.”

You compares virtual interactions to anonymous online comments — when there’s a degree of separation, people aren’t always as careful about what they say. As a federal judge, You regularly handled cases remotely even before the pandemic. But she held proceedings in the courthouse whenever she could. She made a point of holding Rule 16 conferences in person to set a tone of collaboration for the case. You recalls one recent case in which out-of-state counsel traveled to Oregon for a hearing, and settled the next day. She can’t help but wonder if the face-to-face interaction facilitated such a quick resolution.

Recently, some attorneys have asked You for more in-person hearings. But the solution isn’t to simply return to pre-pandemic rules. You points out that it’s equally important to be mindful of each party’s resources — it costs time and money for lawyers and clients to commute to a courthouse.

“(Lawyers) deserve to have a life outside of work, and so to ask them to come down for an appearance that can be handled easily by telephone, while it may improve collegiality, at what cost to the parties and to the lawyers?” she says. Those factors are especially impactful to low-income clients and solo practitioners. “As judges, we have to be careful about inquiring about and assessing those things in making decisions about requiring in-person appearances.”

Katie Goss, a member of the Multnomah Bar Association Professionalism Committee, has similar concerns about the rapid
technological change brought on by the pandemic, and the impact it’s had on civility.

“Because of technology, there’s less in-person contact, and I don’t think that’s a good thing,” she says. “It’s much easier to send a fiery email to someone you have less of a personal connection with.”

More than once, Goss has encouraged a coworker to call a colleague after receiving an off-putting email, and found that it cleared up any perceived conflict. More importantly, though, she’s found that approaching situations with curiosity rather than judgment promotes civility. Slowing down your own pace — for example, waiting until your heart rate goes down to respond to an upsetting email — is just as crucial.

“When you feel you have to get back to people really quickly, you might not be as thoughtful,” she says. Slowing down is helpful for lawyers and clients alike. “There’s never been a case that was better because somebody came out super aggressive. To me, it is 100% client focused to take the temperature down.”

Gomez agrees that it’s necessary to assess which method of communication works best for a given scenario. But she doesn’t necessarily believe that the main tenet of civility — that lawyers should solve problems, not create them — is contingent upon any one method of communication.

“I think if your foundation is that you’re trying to be a problem-solver, then phone or email is going to be appropriate and it’s up to personal preference,” she says. “Nothing that we work with is infallible. Even a pen runs dry eventually.”

Redefining Civility

Maybe a better way of framing the changes in communication brought on by the pandemic is an increase in vulnerability, rather than a decrease in civility. Rapid change comes with opportunities as well as pitfalls, but Pagán is optimistic.

“I think we’re seeing a mental health revolution,” he says. “That’s one of the positives of the last several years.”

With that in mind, Pagán makes a conscious effort to initiate more conversations about individual bandwidth. Instead of simply doling out responsibilities and hoping for the best, he first talks to his colleagues about their current capacity to take on more work. As a judge and as a member of the Commission on Professionalism, he works to model vulnerability. He’s found that it’s innately humanizing to discard the idea that professionalism requires conforming to one specific mold.

“I think that leads to more civility,” he says. “People feel more mutual respect for one another. They feel more heard.”

Clearly, meeting anger with more anger isn’t the answer. But perhaps returning to impersonal niceties isn’t either.

“My hope for us as a profession is that we start to recognize and accept our own humanity and the humanity of other people around us,” says Hazilla. “I don’t see the difficult-to-work-with opposing counsel as someone who just needs a lesson in civility. I really see that when we are doing well as humans, we tend to treat each other appropriately. If someone’s not doing that, there’s probably something going on.”

Shannon Gormley is the associate editor of the Bulletin.
Bill Miner, partner-in-charge of Davis Wright Tremaine’s Portland office, intently stares at the names and numbers on the sheet in his hands. He’s figuring out the perfect combination of people and skills to help his firm achieve the goal in front of them – win.

But Miner isn’t sporting the traditional suit you’d expect from the head of one of the larger firms in Portland. He’s in shorts, and wearing sunglasses to filter out the sun-soaked day that is starting to turn to evening. The sheet in his hands doesn’t contain the names of potential experts or witnesses, but a lineup card of lawyers, colleagues and family members that he has to formulate into a winning combination of softball positions and just the right batting order for the firm to maximize its potential in the Lawyer Softball League.

Across the diamond, the players representing Smith Foster King (last season’s champions) already have a game under their belts in this playoff round, having knocked off Lane Powell earlier on this late-July Tuesday night at Columbia Park and Annex in North Portland. Classic rock is blaring in the background as Smith Foster King’s squad (with the team name “Ballable Hours” this season) enjoy the earlier victory and prepare for the upcoming game against DWT.

Photo Above: The Lawyer Softball League in Portland brings together firm attorneys, colleagues and family members with the dream of a title but, more importantly, of building relationships outside the office. Smith Foster King’s squad, Ballable Hours, poses for a team photo.
The Lawyer Softball League in Portland runs for seven weeks every summer. Its roots most likely date back to the 1980s, although those participating in this current iteration aren’t certain as to the actual formation of the league. What they do know is playing is something they look forward to as the cold Oregon spring turns to summer. It’s a way for these attorneys, who typically pour long hours into their careers, to step back and hang out with their professional peers in a much more relaxed setting.

For a newer firm like Smith Foster King, being a part of this league was a no-brainer.

“We joined the league about three months after launching our firm last year,” says Jaimee King, managing partner of Smith Foster King. “Playing softball has not only been really fun, but it has been a wonderful way to build more collegiality within our profession.”

Regardless of the final outcome, every game ends in a friendly handshake line.

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League Roots

All teams pay an annual participation fee to join the league. The money goes toward field reservations, hiring umpires, insurance and permits. All of this runs through the league’s director, Missy Smith, … who is not an attorney, doesn’t even work in a law-related field but who sees the value of the league to everyone who participates.

“I enjoy seeing the families gather, the grills going and the camaraderie that sports brings. Being a long-time athletic director, I understand what positive things sports can do for a community, whether that is a school community or law-firm community. The outcome can be magical,” says Smith, who is the former associate director of athletics at Oregon Episcopal School (where the league originally started sometime in the 1980s according to Smith) and currently is an associate director with the Oregon School Activities Association.

It’s a testament to the attorneys playing in the league that Smith still remains involved. She was the head softball coach at Lewis & Clark in the mid-1990s when the league played its games on campus. Smith then served as an umpire. The school eventually decided they didn’t want the wear and tear on its fields, which forced the move to Columbia Annex in 2004-05, when Smith took over as commissioner.

“I was about to get out of it after COVID but no one wanted to take on the role, and I have it down to a science, so I decided to keep it going as it is a real benefit to the firms,” she says.

Building Community

Sam Smith, a partner at Smith Foster King and the firm’s softball coach, agrees about the league’s benefit to all the firms involved. He’s personally been a part of the league since joining the Dunn Carney team when he was a summer clerk in 2007.

“This is a natural community-networking event. Legal professionals, staff members, family — we all interact in a much more relaxed environment,” Smith says. “Being an introverted person and being dropped into this softball environment helped me with networking. Most firms have a rigid top-down structure. Senior partners may not get to know their staff members in a personal way. My entire experience is that this league brings everyone together. There is networking among the legal community but you also get to know the people you work with.”

After serving as a summer clerk, Smith got a job at Dunn Carney. But in his second year of practice, the firm withdrew from the league. After jumping onto Stoel Rives’ team at the time (players sometimes move to another team if theirs folds), Smith knew how important it was for a firm to field a team. He asked the managing partner at Dunn Carney if he could restart the team.

“He let me do it. Then I asked for money for shirts. He said yes and he trusted me,” Smith recalls. “I’m usually so quiet in the office, he didn’t know what he greenlit. The first year, I went with a highlighter yellow shirt with pink lettering. We were called ‘The Attractive Nuisances.’ My goal was always to make the most garish and ugly shirt. Everyone complained. We’re lawyers, so we’re generally more reserved.”

But, despite the complaints, Smith turned this into a positive and yet another way to bring the firm together on something other than legal work. He started having the firm vote on shirt colors and team names.

10 Teams, 1 Party

The Lawyer Softball League always is looking for new teams to join. It usually ranges from 10 to 16 teams during any given season. The 2023 campaign included 10 teams: Miller Nash, Hart Wagner, Multnomah County DA’s, Lane Powell, Schwabe, Tonkon-Bullivant, Davis Wright Tremaine, Smith Foster King, Brownstein Rask and Markowitz Herbold.

For the first time ever, Smith Foster King hosted a pre-season kickoff party. Jaimee King, managing partner, says she wants to make this an annual tradition while adding (with a smile) that her firm was in charge of it this year as they were last season’s champions. Hart Wagner won the title this year.

The event took place in the outdoor area of the Satellite Tavern in Portland and featured all types of ballpark foods, such as hot dogs and nachos. King says about 50 people showed up and she expects the event to grow from year to year.

“This is just one more way for us to get out of our offices and connect with people outside our individual firms,” King says. “And, we got to show off the championship trophy with our name on it.”
Smith has played for teams named “Tortal Kombat,” “Carney-Vores,” “Semi-Pro Bono” and for Smith Foster King’s first foray into the league last year, “Stranger Swings” (complete with a similar font to the *Stranger Things* Netflix show). The shirts have been neon pink, bright orange and turquoise, although much to his chagrin, this season the firm went with the name “Ballable Hours” on a traditional Dodger Blue shirt.

Some teams in the league simply go with firm name. Others have a bit more fun with it. The Multnomah County District Attorneys team has the ORS statute for hit-and-run on the back of their jerseys.

**All Are Welcome**

While it is technically the Lawyer Softball League, teams are filled out with friends and family members too. In the aforementioned night of games, Lane Powell had someone’s child playing catcher for a couple innings. King’s son, daughter, brother, husband and nephew all were playing for Smith Foster King the same night. Having family members involved allows for professional colleagues to see more of a personal side of their peers.

“It’s great having family out here playing. My dad plays,” says Matt Berry, an associate with Schwabe. “With everything remote for so long, it’s good to grow these personal relationships again.”

Andy McStay, a partner at Davis Wright Tremaine, sees the softball league as a way to build those social connections that area lawyers used to have.

“I love reconnecting with old colleagues and people at other firms during the games,” McStay says. “It’s also good for our summer associates to see what we are all about. There used to be more socializing a while ago, this gets us back to that.”

Teams regularly show up with snacks, pizza or things to grill, creating a company-picnic atmosphere. But instead of a picnic occurring once a year, this is six or seven times during the summer.

The professional connections made through a relaxed atmosphere definitely grow as well.

“I have a national practice, so this helps me connect locally,” adds Alli Condra, an associate at DWT.

“There have been multiple times this summer when I’ve reached out to someone in the league about help or a favor I need,” King says. “I never would have been able to do that without first meeting them at a game.”

“You see the same people you are litigating against here on the softball field, so you get to see them as people outside the office or courtroom,” Miner says. “It makes things more collegial.”

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*Michael Austin is the editor of the Bulletin. He recently wrote about out-of-state Oregon State Bar members in the May issue.*
Generational Aid

Protecting Oregon’s Lower-Income Residents Runs in the Family

— By Janay Haas —
“The arc of the moral universe is long, but it bends toward justice,” proclaimed the Rev. Martin Luther King Jr. in a speech early in 1968.

A cadre of idealistic lawyers quickly took on the mission to bend the arc faster.

Those lawyers, inspired by then-President Lyndon Johnson’s “war on poverty,” constituted the first generation of civil legal services advocates across the country — advancing due process, civil rights, safe and fair housing, and voting rights. Among them were three legal aid lawyers in Oregon who not only championed the rights of the poor but also served as role models for their own family members — people who now continue the march to equal justice as poverty lawyers.

2 Generations of Legal Aid

D. Michael Dale, senior counsel to the Northwest Workers’ Justice Project, is the father of Paloma Dale, an attorney with the Hillsboro office of the Farmworker Program through the Legal Aid Services of Oregon. The late Stanley Sitnick became litigation director at Multnomah County Legal Services, then litigation director at Oregon Legal Services, before leaving the practice of law. His adopted daughter, Emily Brown-Sitnick, is now the regional director of the Portland office of Legal Aid Services of Oregon. Alexander Boon, an attorney with the Northwest Workers’ Justice Project, is the son of the late James Boon, first a legal aid lawyer specializing in farmworker rights and then a private practitioner in Woodburn focusing on employee rights.

What drew these two generations to the difficult and sometimes even dangerous work of representing some of the most marginalized people in Oregon? It’s safe to assume it wasn’t the relatively low salaries offered by legal aid programs. But at different times and in different ways, both saw American economic systems that exploited large numbers of vulnerable workers and laws that seemed unjust. Once they saw what was happening, these lawyers couldn’t turn away from righting the substantial wrongs they had witnessed.

Michael Dale and Paloma Dale

After graduating from the University of Cincinnati, Michael Dale headed to the University of California-Berkeley School of Law in 1973. It’s there he saw the political turmoil on campus from the Free Speech Movement and other civil rights issues as they played out at the People’s Park. After meeting and being impressed by César Chavez and Dolores Huerta, the founders of the United Farmworkers, he began volunteering for the UFW. “I was inspired by the brave, gritty determination of rank-and-file farmworkers to make a better life for their families in the face of palpable risk.” Dale graduated law school and looked for ways to help.

By 1977, Dale was the regional director of the Ontario office of Oregon Legal Services, handling housing rights issues and problems faced by migrant workers in employment and education. He then worked on migrant policy issues at the state and federal levels, and eventually served as director of litigation for the program statewide. In 2002, Dale founded the Northwest Workers’ Justice Project.

Ira Zarov, a past executive director of Oregon Legal Services, Legal Aid Services of Oregon and the Oregon State Bar Professional Liability Fund, recalls meeting Dale in 1977. “From our very first conversations, Michael exhibited a passionate commitment to using the law to win justice for the powerless,” Zarov says.

The NWJP is proof of that commitment. Through legislation and enforcement, it has advanced worker rights for safety on the job, the ability to unionize and equitable pay. It has worked locally, nationally and even internationally to these ends. In its 20 years of operation, NWJP has recovered more than $7 million in unpaid wages and other damages for low-wage workers.

Dale looks at his long hours at work and says that lifestyle wasn’t what he wanted for his children. His daughter Paloma was adamant that she would not follow in his footsteps, and headed off to college to major in mass communications. On graduation, she was hired to coordinate sales and marketing at a major winery. But after a highly successful marketing campaign, she felt restless and unfulfilled.

Paloma Dale then went to law school, expecting to land a job doing policy development or managing nonprofits. But her experiences in her law school clinical law program and an externship with the LASO Farmworker Program — a diverse mix of outreach, client interviewing and research projects — convinced her that this was the work she wanted to do.

“There was never any specific pressure or expectation from either of my parents,” says Paloma. (Her mother was a second-generation Mexican immigrant who was a home school consultant for
immigrant education programs in Washington County.) “But their work had an incredible impact on the way I see the world. Before I even learned to drive, I had marched on the state capitol, visited labor camps and sat through citizenship classes. My nightly lullabies were songs like ‘Union Maid’ and ‘Joe Hill’ and other social justice-themed tunes.”

Her parents, says Paloma, demonstrated through their actions the idea that an individual can have a significant impact on others and the world. “Even further, they modeled the notion that an individual with the privilege and ability to do so also had a responsibility to do so.”

Like her, none of Paloma’s co-workers seemed to have had a linear path to farmworker advocacy, she adds. But, finally, “we all were somehow doing exactly what we were meant to be doing.” Paloma is in her fifth year with the LASO Farmworker Program.

**Stanley Sitnick and Emily Brown-Sitnick**

For Emily Brown-Sitnick, childhood seemed like an endless procession of adults asking her, “So are you Stan Sitnick’s daughter?” Stanley Sitnick was unquestionably a hard act to follow. A graduate of the University of Chicago Law School, Sitnick tackled social justice issues in Washington, D.C., before moving to Portland and Multnomah County Legal Aid Services in 1971. He then became litigation director at Oregon Legal Services.

“Stan was my mentor in a way,” Zarov recalls. “He was brutally honest, asking hard questions, and was totally devoted to clients. He couldn’t stand intellectual dishonesty.”

But in the late 1970s, “he stopped being a lawyer because the law disappointed him.” It was at this time that Sitnick didn’t see eye-to-eye with the Rehnquist court, so he became a massage therapist, seeking a career based in healing.

Another long-time lawyer friend, Judith Armatta, also describes Sitnick as a mentor. She particularly remembers his commitment to fairness. “Once when Stan and I were walking in northeast Portland, we stopped at a yard sale. He became interested in a couch selling for $100. He offered $150. The owner said ‘No, no, no. That’s too much.’ But Stan insisted. He thought anything less wasn’t fair to the seller. To me, this is emblematic of who Stan was.”

After he stopped practicing law, justice and reconciliation still called to Sitnick, eventually leading him to a career in conflict resolution and mediation. He became the director of the Clackamas County Dispute Resolution Center and then worked in the conflict resolution program at Portland State University for many years. He taught conflict resolution methods with tribal entities, and in other states and countries. In 2009, he received the Sid Lezak Award for Excellence. He died in 2015.

Ethnically Guatemalan and Honduran, Brown-Sitnick learned from her parents how to think critically about her potential role in the world. Her adoptive parents welcomed her birth mother and grandmother into the family’s life. But her father actively discouraged her from going into law, her daughter says. “He didn’t want me doing something so adversarial.” Particularly after hearing Sitnick say that law was an inadequate tool to resolve conflict, she didn’t see law as her path. Once she’d finished college, though, she didn’t know what she wanted to do next with her degree in anthropology and sociology. Sitnick told her about an intake-worker job at the Hillsboro legal aid office. “I was living on my own, and I needed to pay my rent,” says Brown-Sitnick, who got the job.

“We did not hire her for her name,” says Leslea Smith, her supervisor at the time. “We hired her for her smarts, her energy and her record of caring about the people we served.”

Brown-Sitnick, seeing no lawyers of color as role models, later joined Multnomah County Legal Aid Services as a legal secretary and in-house Spanish language interpreter. Her options seemed limited, she says. She began looking into paralegal studies. But staff urged her to consider law school, so she finally did. “When I told my dad, he laughed and said, ‘Oh, no! What did I do wrong?’”

Now, as regional director of the Portland regional office of Legal Aid Services of Oregon, Brown-Sitnick handles a caseload, supervises and trains staff, and works with the program board to establish goals and set priorities. Tomas Hernandez, now an associate director at Willamette University School of Law, knows Brown-Sitnick from when he was the regional director of the Linn-Benton Counties legal aid office. He ticks off some of the other things she does: “Emily is co-chair of the Oregon Hispanic Bar, she serves on the board of Oregon Women Lawyers, she is a mother, and a mentor to law students and attorneys. And,” he confides, “she may actually be a superhero at night.”
James Boon and Alexander Boon

Paloma Dale and Alex Boon met in childhood, at the many meetings where their fathers worked together. Michael Dale was Jim Boon’s supervising attorney in the legal aid farmworker office in Woodburn.

Growing up in Salem, Jim Boon attended Willamette Law School after serving in the Peace Corps in Ecuador. He worked briefly at a legal aid program in Florida, where Alex was born, before returning to Oregon and joining the farmworker program. Dale remembers him as “an extraordinary lawyer and person.” Eventually, Boon went into private practice in Woodburn but often co-counseled with the legal aid program on farmworker cases. Diagnosed with cancer in 2002, Boon continued to work with Dale on their shared cases until shortly before Boon’s death in 2003, Dale recalls.

Alex Boon remembers accompanying his father to the office and sitting in meetings with community groups. The focus was always on problems caused by workers not getting paid. Sometimes “my dad would get threatened,” he reports. Even so, it was clear to him that his father loved his job.

Graduating cum laude from Lewis & Clark Law School in 2019, Alex Boon had already experienced working with farmworkers as a law clerk at the Northwest Workers’ Justice Project and the Texas Rio Grande Legal Aid farmworker division by the time he joined the Oregon State Bar. He was soon a staff attorney at Legal Aid Services of Oregon in the Woodburn farmworker office. In 2021, he moved to NWJP. His roles are different now, he says. At legal aid, there was considerably more outreach, meetings with workers at their labor housing or at churches and community centers or at migrant education programs. At NWJP, there’s not as much outreach, but more direct representation, before agencies and in state and federal courts.

“Our job is to correct injustices,” he explains. “When you hear a story, and you tell yourself, ‘That’s not how it’s supposed to work, that’s not right,’ and you know you can fix that — it’s good work.”

Retired lawyer and farm labor mediator Ken Pallack found himself mediating an agricultural case in 2020 in which Paloma Dale and Alex Boon represented a group of farmworkers. “I was not surprised that they were well prepared and I was not surprised that they had a good relationship with their clients. I could tell their clients trusted them. What did surprise me was how skillful they were in negotiating, how well they understood the dynamics of the process they were engaged in. In my experience, it’s rare to see that level of skill in young, relatively inexperienced lawyers. They got a very good settlement for their clients. At the end I could only think how proud Jim and Michael would have been to see their children in this setting.”

Rewards of the ‘Good Work’

Considering her career trajectory, Paloma Dale says, “What drew me to this program was that the position consists not only of traditional legal work, but includes elements of community engagement and outreach, strategic planning, and other advocacy and policy work.”

Last August, she litigated her first jury trial in federal district court. In November, she represented Legal Aid Services of Oregon and the Oregon Law Center’s farmworker programs in a panel on surveying and priority setting at the National Farmworker Law Conference in Washington, D.C.

“I have appreciated this more holistic style of impact work that was worker-centered and focused on community involvement and empowerment. I have also gained valuable insight and experience with governing board dynamics and interests through my time serving on the executive boards of the Farmworker Housing Development Corporation, Evolve Property Management and the Forest Grove Community Police Advisory Commission,” she adds.

Thanks to the perspective she gained from her father, Brown-Sitnick is a realist. “We’re never going to work ourselves out of our jobs.” But, she says, “We will never stop being advocates.” She reminds clients that the law is just a set of rules, and that those rules can be an obstacle to fairness and justice. “I fundamentally believe that a lack of financial resources should not determine a person’s ability to succeed. You should be able to protect yourself, have your basic needs met. You should have peace of mind. You should feel safe and secure. You should not be discriminated against.”

Looking at the role of legal services lawyers, Brown-Sitnick praises what she calls the immense value of their work. “I have helped families reunify across borders, stopped proceedings that would have separated families. The work I’ve done with survivors of domestic and sexual violence has made an impact as well. We do cases that attempt to stop the practice of abusive power and control in any context. It could be interpersonal or in an employment, housing or immigration context. The ending of exploitation and abuse of people is good work.”

The new generation of legal services lawyers continues to bend the arc.

Janay Haas is a frequent contributor to the Bulletin. She lives in Ashland.
Elder law is an established field within the legal profession, but, as pioneers in the specialty can attest, that hasn’t always been the case.

One such pioneer is Tim Nay, long acknowledged as Oregon’s dean of elder law. When he first began focusing his practice in that area, only a handful of attorneys in the country were handling such cases. That was due to advising the public and clients how to “actively protect some assets under the law and fight back when an eligibility worker decides that wasn’t the law,” he explains. “They told my clients, ‘Your lawyer is going to be disbarred,’” for dispensing such misinformation. “It was scary.”

Jackie Appleton, senior paralegal with the firm Nay & Friedenberg, has worked with Nay for 37 years and says he is “a unique person in the legal field — not just in Oregon, but nationwide. He had the courage to be creative with law — and in many cases, created elder law when there was no precedent available. Tim has fought tirelessly over the years to create a system of legal help for those persons facing illness, disability and poverty who previously had no legal help available. It has been amazing how many state Medicaid workers have come to our firm when it is someone in their own family needing legal help.”

Social Services

A native of Pasadena, California, Nay says he developed his vocational interests early. “In high school, I would counsel my peers about their love lives,” he recalls. “I really enjoyed helping people. I felt fulfilled that way.”

He went on to obtain a bachelor’s degree in psychology at California State University in Los Angeles, but the Vietnam War was raging by then, and Nay was drafted. He thought of eventually becoming an airline pilot, so he enlisted in the Air Force. He flew planes for a time, but worked to earn a master’s degree in counseling psychology during his service. The Air Force then made use of his credentials to help counsel returning veterans, many of whom had become addicted to heroin, he says.

After he completed his service, Nay worked as a probation officer for three years, but decided he wasn’t able to make as much of a difference in people’s lives as he wanted. He went on to obtain a master’s in social work, and was a licensed clinical social worker in Texas, Idaho and Salem, Oregon, from 1977 until he entered law school at Willamette University College of Law in the early 1980s, where he earned a law degree in 1984 at age 38.

As a clinical social worker, Nay says he enjoyed talking with people and that this made them feel better. With the MSW degree, “I touched more of their life and made a difference.” Although he could be viewed as experiencing two, separate careers, Nay doesn’t look at it in that light.

“The way I see it, it is one career, but with adding tools. In law school, I wanted to find an arm of the law (that fit with) my background.”

Launching NAELA

In 1987, a small group of interested lawyers came together as an outgrowth of an American Bar Association convention to form the National Academy of Elder Law Attorneys in San Francisco. According to NAELA’s website, the group’s initial objectives were to exchange information, create a national network of experienced attorneys, establish standards of practice and identify members as a resource to other attorneys. Two years later, NAELA held its first symposium in Tucson, Arizona. The
meeting gave members the opportunity to meet face-to-face, share ideas and work to expand the elder law profession. Nay became NAELA’s inaugural president.

Today, he says, elder law has become a recognized subspecialty that encompasses estate planning, disability law, special needs planning and special needs trusts.

“NAELA has been significantly involved in public policy for 40 years,” he says. “We’ve really made a difference, being part of the White House Conference on Aging,” and influencing policy issues in the states. “The NAELA movement has really made a significant difference for quality of life.”

Michael Gilfix is a Palo Alto, California, attorney. He co-founded NAELA along with Nay and created the first legal aid agency for elders in 1973, ran it for 10 years and, he says, held a trademark for the term “elder law” for years until he signed it over to NAELA. “Early on, we were all driven by a real sense of interest and idealism. Making a living was secondary; it was like a passion for all of us,” Gilfix says. “It was all a matter of how to get more attorneys involved helping older Americans and people with disabilities.”

Gilfix says that when Nay became NAELA’s first president, Nay showed “quiet, dominant leadership.”

A fellow of NAELA, Nay has chaired or been a member of NAELA committees and task forces, and was one of four founding members of the National Alliance of Medicare Set Aside Professionals, serving as the organization’s first secretary. He is an advisory board member of the Academy of Special Needs Planners. For over 21 years, Gilfix and Nay “have enjoyed membership in a

Tim Nay says, "It’s the culture of a law firm that determines the success of the firm over time."
five-member peer group of NAELA founders known as Swordfish,” Nay relates. “We meet each year to share ideas and insights related to our practices and how to better serve our clients.” In 2019, NAELA presented Nay with its Theresa Award, an annual community service award to a NAELA member in recognition of his or her advocacy and support of individuals with disabilities.

Within the state, Nay was founding member and chair of the Oregon State Bar’s Elder Law Section, and is a past president of both the Oregon Gerontological Association and the Alzheimer’s Association of Oregon Chapter.

Nay also was founding president of the Oregon nonprofit Guardian Partners. Guardians are appointed by the courts to make decisions on behalf of people who are unable to make those decisions for themselves.

“Guardian Partners was started with the goal of providing the court with trained volunteers who could ensure that protected persons are being treated with the utmost dignity and respect,” according to its website. Its services have grown to include providing training and resources to nonprofessional guardians. “Oregon Court systems do not have the resources to ensure the daily safety of those under their care. The Oregon Department of Human Services documents more than 2,900 yearly confirmed cases of abuse against elders and adults with disabilities each year; in 76% of cases, the abuse occurred in the protected person’s home. The National Center on Elder Abuse estimates that for every one case of elder abuse, about five more go unreported.”

**Touching More Lives**

Colleagues who have known or worked with Tim Nay over a long period of time attribute the compassion and caring he shows to them and his clients to his background as a counselor and social worker.

“Tim has always brought a perspective, sensitivity and insights to us that lawyers don’t get training in, such as counseling and how to listen,” says Gilfix.

Nay’s demeanor and personality have created an uncommon loyalty among his law firm’s staff. The now eight-attorney and 37-employee firm he founded in 1984 held a retirement party two years ago for staff members who had a cumulative 163 years of service.
Appleton says Nay considered “every employee as valuable and true members of the team. Tim always thought of and treated the firm members as his family. Many new hires who came from other firms were completely amazed that they were being allowed to think and encouraged to learn as much as they could. Many of the new hires from other firms said that is one of the main reasons they liked working here so much.”

Appleton went on to say that Nay “hired people who desired to make the world a better place by helping real people in the worst times of their lives, and Tim surrounded himself with smart and creative employees and trusted their input. A common thing we tell new employees — from receptionist to attorney — is that the boss is whoever knows the right answer. Every legal assistant, paralegal, attorney in a department was invited to attend and participate in every training meeting, every brainstorming session, CLEs, etc.”

Nay says he places emphasis on “the importance of developing a team in a law practice.” A firm’s culture needs to be “embracing, to stimulate team members to reach their highest level of achievement,” he says. “It’s the culture of a law firm that determines the success of the firm over time.”

Cliff Collins is a Portland-area freelance writer. His most-recent Bulletin piece, “Gauging the Membership,” took a look at the 2022 Oregon State Bar Economic Survey. It ran in the June 2023 edition. Reach him at tundra95877@mypacks.net.
The 10 Most Important Things I’ve Learned in 44 Years of Practicing Law

Always Improving

By Kelly Andersen

Some years back, I was asked to speak about what I had learned in merging life and law. I condensed 10 lessons that had worked for me. I hope these tips will be as helpful to others as they have been to me.

1. Regularly Attend CLEs

I began practicing in 1979. For the first 18 years, I begrudgingly filled my CLE requirements by ordering cassette tapes and playing them in my car. I seldom read any of the written materials that came with the tapes.

On those rare occasions when I attended live CLE programs, I kept my notes on yellow legal pads and rarely referred back to them. So lackluster was my interest in continuing legal education that I distinctly remember playing CLE tapes as I took my teenage daughter and her friends on a skiing vacation at Lake Tahoe during a Christmas break in the 1990s. I was so behind that I was trying to fulfill the minimum CLE requirements before midnight on Dec. 31.

My apathy toward CLEs left me blind to the hidden opportunities within each case. I overlooked these opportunities because I didn’t even know what I didn’t know.

All that began to change in my 18th year of practice. That summer I attended my first Annual Convention of the Association of Trial Lawyers of America (now the American Association for Justice) in San Francisco. For five days I was enthralled as I listened to preeminent national speakers address dozens of topics.

These national speakers seemed to have one thing in common: They all were well read in books about trial advocacy and were able to draw upon the experiences of other attorneys, thus accessing hundreds of years of combined trial experience. The brightest minds were learning from each other. Their studies had given them an enormous advantage. Inspired, I resolved to begin reading books on trial advocacy and to pursue legal education with real intent.

2. Read, Read, Read

After San Francisco, I began to devour books having to do with the practice of law. In time, I developed the habit of reading trial advocacy books for half an hour to an hour each day, sometimes more. Add in frequent CLEs and my average daily continuing legal education time came to about two hours per day. I did this reading early in the morning before I went to work or late at night after my children had gone to bed.

This reading inspired a flood of new ideas that I could apply to all my cases.

3. Effectively Manage Time

In 2001, I wrote an article for the Bulletin (“Piloting Your Practice: 14 Steps Toward More Productivity”). At that time, my observations of effective time management included focusing on results, dictating rather than typing, handling paper only once, leaving memos of things done and to be done, setting aside chunks of uninterrupted time, staying within a narrow area of practice, and investing in technology.

Today I would add the mantra that business genius Peter Drucker repeatedly stresses in his writings: “Feed the opportunities and starve the problems.” As Drucker explains, when we solve a problem, we have only returned to the status quo — what things were like before the problem arose. To really advance, we must do more than solve problems. We must feed opportunities. We must advance our agenda rather than just respond to requests of opposing counsel.

4. Hire Well, Pay Well and Don’t Micromanage

In his biography of Steve Jobs, Walter Isaacson explained that Jobs only wanted to work with “A players.” To work with the best is a good touchstone. Just as not every potential juror is right for a particular case, not every person is right for the practice of law. It is best to discover this before hiring.

Although money alone does not motivate people to be productive, paying well does make employees happier and more loyal. For many years I have had a bonus system. Each quarter, if we have met our financial goals, each employee is given a bonus. This quarterly bonus can be as low as a few hundred dollars but often is ready, the teacher will appear.” I found that when I was ready, the big cases began to appear.
several thousand dollars. As I recall, the largest single quarterly bonus to each non-attorney employee was over $20,000.

Two of my legal assistants recently retired. Each worked for me for almost 20 years. My current primary legal assistant has worked for me almost 25 years. It thrills me to be able to distribute quarterly bonuses; and the larger, the better, since that means we are all doing well.

5. Be Selective in the Cases You Accept

Some cases cannot be won. Even a victory in some cases is not enough to satisfy a client with bristling expectations. Dissipating our vital energies in such cases will dilute our power to help others whose cases are worthy and whose results will be appreciated.

But there is another level of case selection, in which the criterion is not whether the case is good or bad, but whether it is within our wheelhouse. “Stick to the Knitting” was the advice of business gurus Tom Peters and Robert Waterman in their blockbuster best seller, *In Search of Excellence*. More recently in *Good to Great*, author Jim Collins expands the meaning of the fable of the Fox and the Hedgehog. “The fox knows many things, but the hedgehog knows one big thing.”

If you want to become more productive practicing law, learn the “one big thing” rather than trying to keep up with “many things.” Limit your practice to what you do best, what you have a passion for and what the world needs.

6. Learn and Apply New Technologies

I occasionally hear older attorneys admit (almost brag) that they don’t understand technology (and don’t intend to learn). This is lamentable. Today’s technological tools save time and are a joy to use. Many of these tools can be mastered in a few hours. To understand how evidence can be presented in a visually compelling and pleasant way, attorneys must understand PowerPoint (or the Apple equivalent, Keynote).

Do not completely farm out the creation of visuals to technicians who do not understand the deep dynamics of your case. Excellent visuals come from understanding the tools used to create them, even if the finishing touches are done by outside vendors.
Modern computer tools can also help us be vastly more productive. Adobe Acrobat Pro (or the iPad’s iAnnotate) allows an attorney to search — and later retrieve — vast amounts of vital information more quickly and effectively than plowing through reams of paper pages in three-ring notebooks.

7. Become a Dictator

I use Dragon dictation software. As I speak, the words appear on the computer screen. Depending on the version of Dragon (“legal” or “medical” are two of several different types), the cost is about $400-600 per user. Before Dragon, our legal assistants would spend a good part of each day transcribing dictation. Now they do the relatively easy work of formatting the dictated documents, thus freeing them to do more important and productive work.

It is so much faster to dictate than to type. And when I dictate my mind is free to think about what I am saying instead of what keys to hit or how to spell a word.

8. Leave Tracks

I dictate memos of just about everything. After my first meeting with a client, I dictate an initial case report, including my impressions of the client. After I review medical records, I dictate a summary of what I have reviewed. After I do a demand letter, I dictate a “blind P.S.” to remind me of the facts and arguments the defense will likely use. Weeks, months and even years later these memos save me countless hours when I am reviewing the case.

9. Invest in Health

If we don’t eat for a day, we immediately feel the neglect. But many consequences of neglected health take years to manifest.

In my early 40s, I applied for a new life insurance policy (to replace the policy I had). I was initially denied a favorable rate because of a specific health problem. I saw my doctor and he offered a choice: Either take a drug or begin vigorously exercising. If I chose exercise, the doctor explained, I must get my heart to double its normal rate and hold it at that level for at least 20 minutes every day.

I began running the next morning. Or, I should say, I attempted to run. After about 100 yards of just moderate running, I had...
to stop and catch my breath. I continued for about 30 minutes, mostly walking. The next day I ran a little farther, the day after that even farther.

Within about two months, I could run vigorously without needing to stop. Soon running became a healthy addiction. It no longer required willpower. Instead, running was who I had become. A day just wasn’t complete if I hadn’t gone for a good run.

As I have grown older, I have switched to cycling and vigorous walking. The effects of daily strenuous exercise are enormous, such as a lower heart rate, lower blood pressure, better sleep, better concentration and a boost in mental and emotional health, just to name a few.

In addition to daily exercise, I urge everyone to get annual physical exams and all the tests that can detect cancers, heart conditions and other maladies in their early stages.

10. Have a Life Outside the Practice of Law

I deeply love, love, love practicing law. But when I had reached about my 14th year of practice, I began to burn out. Our house was being remodeled and I noticed that the painter arrived each morning at 7:30 to lay out his brushes and paints. If I was still home at 8, he would be painting. I understand he took a one-half hour lunch break on site at noon, and by 12:30 he was painting again. He began putting away his paints and brushes at 4:30 and left the job at 5. He took no worries home, didn’t have to fret about statutes of limitations and didn’t have to do a lot of thinking. I envied him.

Not long after he finished painting, I went on a vacation with my family. I returned home renewed and refreshed. That was all I needed — some time away from the stress and strain of practicing law, some time to celebrate life with my family, and some time to read a few good books. I realized I was burning out because I had neglected a great principle of being productive — that we must have diversions from the things we normally do. Otherwise, we will become stale.

I have found that time in nature, climbing mountains, hiking and cycling all give me peace and joy.

In addition to family vacations and time in nature, I have found it extremely

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**Be an Author**

The Bulletin welcomes quality manuscripts from Oregon State Bar members for publication.

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

The editorial staff welcomes inquiries and is happy to discuss requirements for publication. If you have a manuscript, suggestion or idea, contact editor Michael Austin at (503) 431-6340. He can also be reached by email at editor@osbar.org.
rewarding to “give back” to my community in the form of public service. For me this has been helping others to love the outdoors, serving on various boards and helping in church and civic organizations.

Summary

I can’t think of anything I would love to do more than to practice law. It is so rewarding to take on a hard case, get the facts, apply the law and make a huge difference in someone’s life. The 10 things listed above have helped me stay in love with the law and to be as refreshed and eager today as I was 44 years ago when I first walked into a courtroom and said with honor and pride, “May it please the court.”

Kelly L. Andersen is a trial attorney at Andersen & Linthorst in Medford, who handles devastating injury cases throughout the state. You can reach him at kelly@andersenlaw.com.

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I did. Judge James Redden read her letter. We howled. He reminded me to honor my mom.

For years I’d asked my mom if she was joking with me. She was plenty smart and well-educated. She’d always smile and say, “Larry, you figure it out.”

Judge Redden passed away on March 31, 2020. Our lives go on. We appear. We are noticed. We are gone. A few people leave changes in the world, sometimes for the longtime betterment of mankind. From my perspective, the fine work of Judge Redden will live on for decades. The way he conducted himself as a judge is unforgettable.

The First Meeting

The initial meeting I had with Judge Redden, albeit it many years ago, is still vibrant in my memory. The government lawyers sat in two chairs. My brain trust — University of Oregon professors John Bonine and Mike Axline — and I sat in others. Judge Redden “presided” while we fidgeted in a comfortable room to discuss our environmental groups’ requests for a TRO and injunction against Oregon and the United States Department of Agriculture. The government planned to spray parts of Oregon with what we believed to be a biocide, which they described as an insecticide/pesticide (Carbaryl). We began the start of many trials and hearings in the courtroom of this brilliant judge.

That was the spring of 1982. There are a dozen OEC v. Kunzman cites covering the next five years. Every spring launched our annual effort to stop the government(s) from dousing our citizens with what we believed to be hazardous chemicals in their effort to use toxins to kill gypsy moths in our state.

Judge Redden gave us then, as always, a fair and complete opportunity to present our case. His engaging and pleasant demeanor throughout the trial told everyone in the courtroom that each side would get their chance.

It was always evident that Judge Redden had conscientiously and completely mastered all of the materials provided to him by each side. He read the case law and all our lengthy memos.

With it being more than four decades ago, there weren’t yet computers or cell phones. This was an old-time courtroom trial. We had medical and scientific witnesses of many stripes from lots of places. Since almost none of our experts asked to be paid for their contributions, Judge Redden kindly allowed us to have them delivery their live testimony from around the planet into the courtroom using landlines. He attentively and intensely listened to all the witnesses and tolerated the noisy barrages from all the lawyers.

Fundamental Fairness

His pattern of making certain there was fundamental fairness in his courtroom never changed. Year after, trial after trial, decision after decision, he oversaw justice for all. Looking back, Judge Redden’s decency, neutrality and openness consistently won the blue ribbon for conducting trials.

He was someone who just seemed to have the right pulse and instincts to make sure both sides had a full and fair opportunity to present their sides. If you were in Judge Redden’s court, you got a fair shake and everyone knew it both before and after the ink had dried on the order or opinion.

This series of cases has remained a bright reminder of what we are all able to be. I am so grateful for the memories. Hopefully, you have had the fortune of some memories of a judge who has positively impacted your life ... or practice ... or both. Isn’t this what keeps us going?

Larry N. Sokol has been an OSB member for more than 50 years. He works in Lake Oswego.
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Oregon State Bar Wins International Award

The Association for Continuing Legal Education (ACLEA) has awarded the Oregon State Bar, Legal Publications, one of only 10 annual awards granted to competitors representing more than 300 organizations. An Award of Professional Excellence was given to the Oregon State Bar for “The Relaunch of BarBooks™” in the Best Technology category.

Of course, Legal Publications couldn’t have completed this excellent upgrade of the BarBooks™ online library without the assistance of the Information Design and Technology Department, the staff at Lexum and Fastcase, as well as input from bar members who beta tested the platform before launch.

ACLEA members are professionals in the fields of continuing legal education and legal publishing. Its annual ACLEA’s Best Awards are highly competitive and winning projects represent the highest level of achievement for the staff and volunteers involved.

ACLEA formally presented the award to OSB Legal Publications at the Annual Meeting of ACLEA in Minneapolis, Minnesota, on July 25.

Board of Governors Election Set for Oct. 2-16

The OSB Board of Governors election begins Monday, Oct. 2, and ends at 5 p.m. on Monday, Oct. 16. Ballots will be available on the OSB member dashboard for active OSB members with a principal office address in voting region 8.

This year’s candidates are:
Region 5: (Multnomah County — uncontested):
Megan Houlihan
Nicholas Yanchar
Region 6: (Benton, Linn, Marion and Polk counties — uncontested):
Robert Welsh
Region 8: (Out of State — one seat):
Alicia LeDuc Montgomery
Kyle Sciuchetti

Learn more about these candidates by reviewing their statements on the OSB website at www.osbar.org/leadership/bog.

PLF 4th Quarter Installment
Due Oct. 10, 2023

The deadline for the fourth quarter installment payment is Tuesday, Oct. 10. A $100 late charge will be assessed if payment is not received by this date. To make your installment payment, go to osbplf.org and click the blue “Pay Assessment” button on the home page. If you have questions about installment payments, please contact the PLF Accounting Department at (503) 924-1771 or email remind@osbplf.org.

Save the Date: PLF 2023 ‘Learning the Ropes’ on Nov. 7-9

Mark your calendars for the 2023 “Learning the Ropes” seminar, which will be held Nov. 7-9 at the DoubleTree by Hilton Hotel in Portland. “Learning the Ropes” is a practical skills CLE for new admittees to the Oregon State Bar and lawyers entering private practice in Oregon. It includes info on setting up and developing a successful practice; ethical tips from lawyers and judges; presentations by lawyers from various practice areas; mental health and substance use education; and more. Attendance at the in-person program will satisfy all the MCLE requirements for new admittees’ first reporting period. Registration will be available mid-September at www.osbplf.org/services/resources/#cles.

Celebrating Oregon Lawyers
Wednesday, Oct. 25, 2023
The Sentinel Hotel | 614 SW 11th Ave. Portland
5 P.M. – 7 P.M.

For more additional information, please contact Cathy Petrecca, cpetrecca@osbar.org

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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.

David J. Keller
OSB #045136
Portland
Disbarment

Effective June 3, 2023, the disciplinary board disbarred David J. Keller of Portland for violations of RPC 1.15(d) (failure to deliver property a third party is entitled to receive), RPC 8.4(a)(2) (criminal conduct reflecting adversely on fitness to practice), RPC 8.4(a)(3) (conduct involving dishonesty, fraud, deceit or misrepresentation reflecting adversely on fitness to practice) and two counts of RPC 8.1(a)(2) (knowing failure to respond to inquiries from disciplinary authorities).

A client hired Keller to administer the estate of her late father. Keller represented to his client that he had filed her father’s probate case and provided her with letters testamentary purporting to be issued by the Multnomah County Circuit Court.

The client retained another attorney to take over her case from Keller. The client then discovered that Keller never filed a case on her behalf. An investigation revealed that Keller had falsified the letters testamentary with the intent that the client rely on them, a criminal act.

Keller failed to respond to the bar’s requests for information related to the letters testamentary.

In another matter, an attorney reached out to Keller to obtain an original will located at Keller’s office so the attorney could file a probate matter on behalf of his client. Personally, or through his staff, the attorney reached out to Keller to obtain the will seven times in and around August and September 2022. The one time that Keller did respond, he indicated that he believed the original will was at his office and would be in touch the next day. Keller never responded again and never produced the original will.

Keller failed to respond to the bar’s requests for information related to the original will.

The trial panel found that Keller’s conduct was aggravated by his prior record of discipline, a dishonest or selfish motive, a pattern of misconduct, multiple offenses and his substantial experience in the practice of law.

Louis Paul Marcanti
OSB #184016
Sutherlin, OR
Disbarment

Effective June 20, 2023, the disciplinary board disbarred Sutherlin attorney Louis Paul Marcanti for 25 ethical violations and four statutory violations, including the unauthorized practice of law and failure to respond to bar inquiries, in eight separate matters.

In four matters, Marcanti failed to respond to bar inquiries investigating his conduct in violation of RPC 8.1(a)(2), resulting in his administrative suspension. While administratively suspended, Marcanti engaged in the unauthorized practice of law when he filed motions and appeared in federal court, filed two civil complaints seeking damages and defended an appeal before the Workers’ Compensation Board (WCB), violating RPC 5.5(a) and ORS 9.160(1), four times each.

Marcanti’s failure to withdraw from his representation of his client before the WCB upon his suspension was a violation of RPC 1.16(a)(1) (lawyer shall withdraw from representation of a client if the representation will result in violation of RPC or other law). After successfully defending the appeal before the WCB, Marcanti requested a fee award that the disciplinary board found to be clearly excessive, in violation of RPC 1.5(a).

The disciplinary board found that Marcanti engaged in dishonest conduct when he misrepresented knowledge of his suspension to the bar, failed to disclose his suspension to multiple clients, represented to a client that her case was active when it had been dismissed months prior and asserted in a court pleading that he represented a party who never engaged him for legal services. These findings were the bases of one violation of RPC 8.1(a)(1) (making a false statement in connection with a disciplinary matter), four violations of RPC 8.4(a)(3) (conduct involving dishonesty, fraud, deceit or misrepresentation reflecting adversely on fitness to practice) and one violation of RPC 3.3(a)(1) (lawyer shall not make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer).

In one client matter, Marcanti received settlement funds and disbursed a portion of the funds to his client. In the subsequent months, the client did not receive the remainder of her settlement funds, a detailed accounting, nor an update on her case despite several requests. The disciplinary board determined this conduct violated 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 1.15-1(d) (duty to provide a full accounting upon request).

In another client matter, Marcanti filed a complaint then failed to prosecute the matter, resulting in a dismissal. Following the dismissal, he did not notify his client of the dismissal. The disciplinary board found the foregoing to be a violation of RPC 1.3 (neglect of a legal matter), 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) and a second violation of RPC 1.4(a).

Following an eviction action, the court ordered Marcanti to vacate his former residence. Following the court’s deadline, local law enforcement found him at the residence. After being told he was being detained, Marcanti physically resisted law enforcement’s attempts to arrest him before being apprehended and jailed. In doing so, Marcanti violated RPC 3.4(c) (lawyer shall not knowingly disobey an obligation under
the rules of a tribunal) and RPC 8.4(a)(2) (committing a criminal act that reflects adversely on a lawyer’s fitness to practice law).

Finally, the disciplinary board found that Marcanti had mishandled his lawyer trust account when he prematurely removed client funds, deposited his own funds into trust to pay a settlement, failed to promptly remit settlement funds to clients, and used one client’s money to cover another client’s settlement check that had insufficient funds, violating RPC 1.15-1(a) (duty to hold funds belonging to clients or third persons separate from lawyer’s own property) and RPC 1.15-1(b) (deposit of lawyer’s own funds into trust for reasons other than bank service fees or minimum balance requirements).

The trial panel found that Marcanti’s conduct was aggravated by a dishonest or selfish motive, a pattern of misconduct, multiple offenses, deceptive practices during the disciplinary process and indifference to making restitution. His conduct was mitigated by an absence of a prior record of discipline, and personal or emotional problems.

JOHN T. SEWELL
OSB #793874
Hood River
Form B Resignation

Effective June 1, 2023, the Oregon Supreme Court accepted the Form B resignation of Hood River lawyer John T. Sewell. At the time of Sewell’s resignation, formal disciplinary proceedings were pending against him alleging violation of RPC 1.7(a)(2) (accepting representation of a current client when that representation is materially limited by responsibilities to a past client).

Sewell was the former elected district attorney of Hood River County. While acting as district attorney, his wife was a nurse at a nearby hospital. The hospital issued several parking notices to Sewell’s wife under the hospital’s “good neighbor” policy, which prohibited employees from parking on certain residential streets. The notices carried no fine, but reminded employees of the policy and noted that offenses could result in discipline.

Sewell’s wife told him about the notices. He subsequently personally served the hospital’s facilities and security management with an Oregon Uniform Citation and Complaint, which he signed himself,
accusing the manager of simulating legal process in violation of ORS 162.355, a Class C felony, for issuing parking notices to hospital employees.

Sewell subsequently signed and issued an Information of Felony in Hood River County Circuit Court, charging the manager with simulating legal process. Sewell appeared on behalf of the State at the manager’s arraignment and actively participated in the hearing, including by requesting that the manager be fingerprinted and booked before leaving for a pre-planned trip.

Sewell is not in possession of client files.

MATTHEW T. PARKS
OSB #000895
Klamath Falls
60-day suspension

Effective May 25, 2023, the disciplinary board approved a stipulation for discipline and suspended Klamath Falls lawyer Matthew T. Parks for 60 days for his violations of RPC 3.3(a)(1) (lawyer shall not make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer) and RPC 8.4(a)(4) (conduct prejudicial to the administration of justice).

Parks represented a husband in a divorce proceeding. Parks moved to terminate spousal support obligations due to the husband’s dementia. The court issued a letter opinion terminating spousal support retroactive to the date the motion was filed.

Parks prepared a supplemental judgment with a termination date 14 months prior to the date the motion was filed. Through no fault of Parks, the wife did not receive the supplemental judgment in time to object. The court signed the supplemental judgment containing the material misstatement as to termination date.

Parks was aware of the incorrect date through a letter submitted by the wife to the court, and through settlement negotiations with the wife, but did not correct it. Instead, he filed motions seeking to have the wife accept past-due spousal support obligations based on the erroneous termination date. When the wife filed a motion to correct the supplemental judgment but failed to appear, Parks moved to dismiss for want of prosecution.

The husband subsequently died, and Parks represented the personal representative of his estate. In this role, Parks again, on multiple occasions, asked the wife to accept full satisfaction of spousal support based on the erroneous termination date. The wife eventually hired an attorney and was able to correct the supplemental judgment. However, it took several years, and significant expense and court time, for the court’s original letter opinion to be effectuated. As a result, Parks violated RPC 3.3(a)(1) in submitting materially false information to a tribunal, and engaged in conduct prejudicial to the administration of justice in violation of RPC 8.4(a)(4).

The stipulation acknowledged that Parks’ conduct was aggravated by his multiple offenses, vulnerability of the victim in light of her pro se status and his substantial experience in the practice of law. His conduct was mitigated by an absence of a prior record of discipline and free and full disclosure to the disciplinary board.

MARK W. POTTER
OSB #924299
Portland
60-day suspension

Effective July 1, 2023, the disciplinary board approved a stipulation for discipline and suspended Portland lawyer Mark W. Potter for 60 days for his violations of RPC 1.3 (neglect of a legal matter), RPC 1.4(a) (duty to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation) and 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).

In one client matter, Potter was hired to pursue a claim for damages related to an automobile accident. Potter filed the complaint. He received the proof of service but never filed it. The court dismissed the case based on Potter’s failure to file a proof of service within the requisite period.

Potter did not realize the case had been dismissed and continued representing his clients. However, Potter responded to discovery requests several months later, failed to schedule his clients’ depositions and canceled scheduled depositions. He did not inform his clients of the depositions. For nearly a two-year period, Potter had minimal client contact and did no substantive work on their behalf.

Potter failed to produce his client for a testimonial hearing, without notice to his client, resulting in no witness testimony presented. He also failed to secure the depositions of experts needed to support his client’s case, despite receiving an extension to do so by the court. Subsequent motion to practice the time to take depositions was unsuccessful, as was his appeal of the judge’s decision. He did not communicate this information to his client.

Because Potter put on no evidence, the judge issued a proposed decision and order reversing the department’s order to provide his client with workers compensation. Potter did not share the proposed decision with his client or otherwise inform him about it. He did not inform his client of statute of limitations deadlines triggered by the decision. He failed to adequately communicate with his client in violation of RPC 1.4(a) and RPC 1.4(b).

The stipulation acknowledged that Potter’s conduct was aggravated by a pattern of misconduct, multiple offenses and his substantial experience in the practice of law. His conduct was mitigated by an absence of a prior record of discipline, absence of a dishonest or selfish motive, personal and emotional problems, timely good faith effort to make restitution or to rectify consequences of misconduct, full and free disclosure to disciplinary board and a cooperative attitude toward proceedings, and remorse.

JAY MORGAN PHILPOT
OSB #144811
Mount Pleasant, Utah
Form B Resignation

Effective May 18, 2023, the Oregon Supreme Court accepted the Form B resignation of Utah attorney Jay Morgan Philpot. At the time of Philpot’s resignation, formal disciplinary proceedings were pending against him alleging violations of RPC 3.3(a)(1) (making a false statement of fact or law to a tribunal or failing to correct a false statement of material fact or law previously made to the tribunal by the lawyer)
and RPC 8.4(a)(3) (engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation that reflects adversely on the lawyer’s fitness to practice law).

The resignation recited that Philpot had no client files or client records pertaining to active or current clients in Oregon.

ELIZABETH LOHRKE
OSB #164294
Springfield
Form B Resignation

Effective May 18, 2023, the Oregon Supreme Court accepted the Form B resignation of Springfield lawyer Elizabeth Lohrke. At the time of Lohrke’s resignation, formal disciplinary proceedings were pending against her alleging violations of RPC 1.3 (neglect of a client matter), RPC 1.4(a) (duty to keep client reasonably informed and promptly comply with reasonable requests for information), multiple counts of RPC 8.1(a)(2) (duty to respond to lawful demands for information from a disciplinary authority) and numerous incidents of RPC 5.5(a) and ORS 9.160(1) (unauthorized practice of law).

A disciplinary investigation was also pending regarding Lohrke’s withdrawal of funds from her law firm trust account that a client had paid in advance in potential violation of RPC 1.15-1(c) (duty to maintain client funds in trust until earned) and RPC 8.4(a)(3) (engaging in dishonesty and misrepresentation, including knowing conversion of client funds).

A separate grievance involving her representation of a client was also pending regarding potential violations of RPC 1.3 (neglect of a legal matter), RPC 1.4(a) (duty to keep client reasonably informed and promptly comply with reasonable requests for information), RPC 1.4(b) (duty to communicate to the extent reasonably necessary for client to make informed decisions about the representation), RPC 8.4(a)(3) (engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation), RPC 1.15-1(c) (duty to maintain client funds in trust until earned), RPC 1.16(d) (protecting client’s interest upon termination of the representation) and RPC 5.5(a) and ORS 9.160(1) (unauthorized practice of law).

The resignation recited that all client files were placed in the possession of Springfield attorney Jesse Lohrke.
Among Ourselves

Megan Reuther has joined the board of directors for Trauma Intervention Program (TIP) NW. Reuther is a partner in Tonkon Torp’s labor and employment practice group. She works with local, regional and national employers to solve complicated employment matters. TIP is a national nonprofit that screens and trains volunteers to provide emotional and practical support to survivors of traumatic events and their families in the first hours following a tragedy.

Members of Barran Liebman will continue to support the American Bar Association through several new roles. Co-managing partner Andrew Schpak, who just concluded a three-year term on the ABA Board of Governors and a term as the finance committee chair, has joined the council of the ABA Fund for Justice and Education, and the Standing Committee on Audit and the Standing Committee on Scope and Correlation of Work as a member. He has also resumed his involvement with the Law Practice Division, re-joined the Judicial Division Lawyers Conference Executive Committee, and continued in the House of Delegates as an at-large delegate. Partner Shayda Le, who just completed a three-year term on the ABA Board of Governors as a young lawyer member-at-large and a term as the Governance Committee chair, will work on the ABA’s Sustainable Business Model Taskforce, the Standing Committee on Membership and the Welcome Home Taskforce through the Young Lawyers Division. She also serves on the Board of Directors of the American Bar Foundation. Stacie Damazo has been appointed as the ABA Young Lawyers Division Labor & Employment Law Committee chair, as well as liaison to the ABA Labor & Employment Law Section.

Moves

Starting Oct. 1, Jerry Linder will leave the practice of law to become the new executive director for the Oregon Association of Clean Water Agencies (ACWA). Linder has practiced law for 33 years. He currently serves as general counsel for Clean Water Services, a wastewater treatment and stormwater management county service district. ACWA works on behalf of municipal utilities to protect Oregon’s water quality by providing science-based solutions to environmental challenges through education, regulatory advocacy and strategic partnerships.

Tyler Whitney has joined Cable Huston as a partner in the firm’s energy and utility and government practice groups. Her specialties include energy, retail and hospitality, and trucking and transportation practice groups. Whitney primarily represents public and consumer-owned utilities around the Pacific Northwest. He advises in complex regulatory matters, negotiates and drafts complex power agreements, and provides general counsel services.

Nik Soukonnikov has joined Bullard Law’s labor and employment practice. Soukonnikov has nearly 20 years of experience in a wide range of labor-related areas, including organizing campaigns, collective bargaining, workplace investigations and contract disputes. Before Bullard Law, he represented California public employee unions.

Two Spruce Law has hired Kristofer “Jake” Womack. Womack has been licensed in Oregon since 2010. His practice is primarily focused on estate planning and probate.

Chris Luna has joined Foster Garvey’s tax and benefits practice group as of counsel. Luna has more than 10 years of law and Big Four accounting experience. He advises clients on a wide array of income tax and transactional matters.

Gordon Rees Scully Mansukhani has hired Tessan Wess as a partner in the firm’s Portland office. Wess joins the firm’s commercial litigation, product and general liability, retail and hospitality, and trucking and transportation practice groups. Her practice involves the defense of individuals and businesses in a variety of matters including premises liability, hospitality, transportation, product liability, intentional torts and catastrophic injury claims.

Schwabe has hired four new employees. Associate Amanda Lapato joins the firm’s healthcare and life sciences industry group. Her specialties include offering legal advice to employers and when the need arises, defending businesses through all phases of litigation. She also brings six years of a human resources background to Schwabe. Shareholder Arash Afshar has joined the consumer products, manufacturing and retail, and real estate and construction industry groups in the
Salem office. He advises individuals and closely held business, and serves as a general counsel for both for-profit and nonprofit organizations. Associate Ken Pearson has joined the firm’s Portland office as part of the natural resources and Indian country and Alaska Native corporations industry groups. Pearson is an environmental, land use and real estate attorney whose specialties include aiding clients in the realm of energy, natural resources and agriculture to buy or sell, permit and grow their operations. Randy Duncan has joined the firm’s Portland office as part of the consumer products, manufacturing and retail and real estate and construction industry groups. Duncan has over 39 years of experience helping privately and closely held businesses. He also serves as an outside general counsel for many of his clients.

SBH Legal has hired two new associates. Dee Akinbosade and Daisha Barnes represent Oregon employers and insurers in workers’ compensation defense matters. Before joining SBH, Barnes practiced with another defense firm specializing in Oregon workers’ compensation litigation.

Portland business litigation firm Markowitz Herbold has hired Allison “Ali” Rothgeb and David Fauria. Rothgeb specializes in representing litigation clients in both state
She has experience advising clients on land use issues, water law and environmental law. At Markowitz Herbold, Rothgeb is broadening her practice areas to include general commercial litigation, employment law and intellectual property. Fauria joins the firm after three years of work as a judicial law clerk to the Honorable Mustafa T. Kasubhai in the U.S. District Court for the District of Oregon. During his tenure at the District of Oregon, he was responsible for researching and drafting opinions on a wide range of complex procedural and substantive legal issues.

Bryan Powell has been elected the next vice president of Lane Powell. Tom Sondag, who served as vice president since 2014, retired on July 1. Powell advises clients on all aspects of real estate development, financing, leasing and management. He will continue to serve clients throughout his appointment.

Michael A. Yates and his team have joined Gevurtz Menashe. Yates will handle family law matters for clients in Oregon. Yates has nearly 40 years of experience, and began his family law practice with Gevurtz Menashe in 1984. Formed in 1982, Gevurtz Menashe is dedicated to family law and estate planning in Oregon, Washington and Idaho.

Two attorneys have joined Jordan Ramis. Logan Cook is a litigation associate attorney, assisting clients with a variety of business matters. Previously, Cook clerked for various organizations. Ezra Hammer has joined the firm’s land use and real estate practice as an associate attorney. Prior to joining the firm, Hammer served as an executive team mem-
VF Law has hired Gregory V. Goebel to the firm’s estate planning practice group in its Oregon office. Goebel will assist clients in end-of-life planning, estate administration, protective proceedings and business transactions. Goebel has extensive experience creating estate planning documents on estates subject to the Oregon estate tax, producing pleadings, accountings, and reports for probate and guardianship/conservatorship cases. He also advises clients on business-related matters when engaging in end-of-life planning.

Litigation attorney Joseph Pickels has joined the Hart Wagner’s general liability and medical malpractice litigation team. Pickels’ practice focuses on defending businesses and individuals in general liability claims, and healthcare professionals in medical malpractice and wrongful death actions in Oregon and Washington Courts.

Snell & Wilmer has relocated its Portland office to the Moda Tower, another location in the heart of downtown. At 11,500 square feet, the new location nearly triples the firm’s former office in the Broadway Tower in downtown Portland. The firm will now have a team of 11 lawyers in the new location. Snell & Wilmer’s Portland-based attorneys advise clients on a range of legal issues, including appellate law, bankruptcy and restructuring, commercial and public finance, commercial litigation, constitutional litigation, corporate and securities, estate and wealth planning, First Amendment and defamation guidance and litigation, real estate, and state and local taxes.

Elaina M. Bauer has joined Hershner Hunter as an associate attorney. Her practice focuses on advising small and midsize businesses with formation, governance and transactional matters. Before joining the firm, Bauer was an associate at a boutique Lake Oswego firm,
where she represented small business owners in business ownership succession planning and business disputes.

Thorpe Purdy has hired Blake Hutchins. Hutchins joins the firm after 25 years in the software industry. His practice focuses on business law, property issues, employment law, and local government law. He assists clients in public/private development agreements, employment matters, entity formation, asset purchase and lease agreements, general contract drafting and review, and policy drafting and review.

Chenoweth Law Group has hired two new attorneys. Kamran Farkhondepay Aryah represents small to mid-size business clients from initial formation and funding to windup. He has extensive experience in corporate governance and regulatory compliance for companies in highly regulated industries in Oregon and Washington. Blake Van Zile has a business, real estate and general civil litigation practice. She represents businesses, financial institutions, commercial landlords and individuals in Washington and Oregon state, federal and appellate courts. She also negotiates and consummates commercial transactions and maintains an expanding general business counsel practice.

Miller Nash has hired Marcena Day to its Portland office. Day joins the firm’s education and employment law and labor relations teams. She has a background in education, employment and civil rights law. Day began at Miller Nash as a summer associate in 2020 where she supported the education, employment and tribal teams.

Gleaves Swearingen has hired two new associates. Chelle B. Haynes has been practicing law in the Eugene-Springfield area since 2018. Her practice focuses on litigation. Ariana E. Buchanan’s practice focuses on business law.

Keller Rohrback has hired associate Sarah Osborn to its Portland office. Osborn will split time between the firm’s commercial and complex litigation groups and a variety of matters. Osborn has experience in employment, consumer, and civil rights litigation, including matters of discrimination, sexual harassment, whistleblower retaliation and disability rights.

In Memoriam

James H. Marvin was born Oct. 26, 1942 in Centratia, Washington. His family then moved to Central Washington. In 1960, he graduated from Coulee City High School, where he served as senior class president. He then attended Washington State University and graduated with a degree in police science.

After college, Marvin became a Multnomah County sheriff’s deputy. Marvin hung up his badge and joined CNA Insurance, where he managed claims against architects and engineers. This developed his interest in law and led him to attend Lewis & Clark Law School at night. He graduated second in his class and passed the bar exam in 1972, after which Marvin started his long legal career in private practice. He became a partner at Schouboe, Marvin and Furniss and went on to found his own law firm. It was there that Marvin met his law partner, but more importantly, his loving wife and partner, Janelle. Marvin spent his career primarily representing architects and engineers and loved the challenge of working on complicated and unique cases. He spent considerable time and energy advocating for legislation for the benefit of the Oregon design community, including achieving a major change requiring public organizations to select professional designers based on their qualifications rather than lowest price. He was active in the American Council of Engineering Companies in Oregon (ACEC) and a member of the Clackamas County Sheriff’s advisory committee.

For the past 31 years, Marvin and Janelle shared a love of travel, skiing, hiking, climbing, gardening, golf, art and music. Together, they traveled to all seven continents. They loved taking their grandkids on trips and exposing them to new adventures. Marvin was a master wildlife carver, primarily of birds. He was also very proud of his 1931 Ford Model A hotrod and 2003 Saleen.

Marvin leaves behind his wife Janelle, daughter Michele, grandchildren Chan-telle, Annika and Devon, as well as four great-grandchildren.

Rick Haselton led what he called a “blessed life.” Chief judge and judge of the Oregon Court of Appeals (1994-2015), Haselton was intensely proud of the court, for which he authored over 1,000 opinions. Haselton had a strong moral compass and a deep Jewish faith. Raised in Albany by a single mother who was a teacher, Haselton graduated from Stanford University and Yale Law School, followed by a clerkship for Alfred (Ted) Goodwin on the 9th Circuit.

Haselton then joined Lindsay, Hart, Neil & Weigler. Retired Judge Janice Wilson and Retired Justice Jack Landau were Haselton’s colleagues there, and they write:

“From the outset, Rick had great responsibilities and gifted mentors. Rick handled most of the firm’s appeals; provided pro bono representation for the Senior Law Project and Oregon ACLU, including major religious freedom cases for incarcerated
Native American and Jewish people; and chaired the Board of Bar Examiners.

“Rick was admired for his keen intellect, eloquent writing, unfailing enthusiasm and loyalty. He formed close friendships that lasted. Rick loved being a lawyer, especially at Lindsay Hart, which he called ‘a family, a collection of kindred spirits,’ dedicated to ideals that he embodied, quality representation and service to the community.”

Haselton briefly joined his close friends Mike Haglund and Mike Kelley in practice, before Governor Barbara Rob- erts appointed him to the court. His law clerks became family.

“Rick’s mentoring was professional and deeply personal,” recalls former law clerk Josh Ross. “About weekly, he’d ‘suggest’ a break — we’d go to the sports card shop, book store or (of course) for a milkshake. We’d talk about everything, and he introduced me to judges, lawyers, even the governor. Rick worked extremely hard, he treated people with respect and his clerks cherished enduring friendships with him.”

Attorney General Ellen Rosenblum was a court colleague and shared a carpool to Salem. “Carpool (five appellate judges!) would meet and from that moment it was all about family and outside interests,” she writes. “Carpool rule’ was as sacrosanct as attorney-client privilege. Rick took genuine pleasure sharing stories and getting to know people he worked with.

“Rick was an amazing leader as our panel’s presiding judge. Always the best prepared, he loved engaging lawyers, and he took real joy in those who did an exceptional job, especially less-experienced lawyers.

Fittingly, Oregon Court of Appeals Chief Judge Erin Lagesen reflects on Haselton’s lasting imprint. “Rick loved doing the work of this all-comers appellate court. His distinct voice rendered superfluous the designation of opinion author (no one loves “viz.” like he did). He jotted enthusiastic notes to judges and staff when he was proud of our work. Most of all, he cared deeply about meeting the weight of his oath. His own words say it best: “The answer lies in remembering that we are judges. It lies in our oaths, our mutual trust, and in our ultimate accountability to the people of Oregon.” (Haselton, J., concurring)

Survivors include his wife Sura Rubenstein; daughter Malia (Molly); sister Diane; and a large extended family. Haselton was
incredibly proud of Molly’s service as a Marine Corps officer.

Martin Bruce Vidgoff was born on Jan. 30, 1943, and died on June 19, 2023. He was the son of Dr. Ben Vidgoff and Laura Horwitt Vidgoff and the brother of Dr. Jaclyn Vidgoff.

Vidgoff graduated from Lincoln High School in Portland in 1961 and from Harvard College in 1966 with an A.B. degree cum laude in government. He received his juris doctor degree from Stanford Law School in 1969, where he was president of the student law association.

Vidgoff became a member of the Oregon State Bar in 1969 and initially worked as an associate of the Miller Nash firm in Portland. He then moved on to serve as deputy county counsel for Multnomah County. In 1978, he followed Multnomah County Counsel George Joseph to the Oregon Court of Appeals, where Vidgoff served as staff attorney for 23 years.

Vidgoff was known for his formidable intellect and precise memory of the law. He was very much an old-fashioned gentleman, and could quite often politely point to the precise volume in the Oregon Reports where one could find the answer to a legal question. He was given to murmuring (or occasionally muttering) profound insights into the law, delivering lengthy monologues on the assassination of JFK and telling humorous stories about the political insights of his cats Ishmael and Barnaby. Former Appeals Court Chief Judge Mary Deits referred to his “ability to write a perfectly worded opinion in a difficult case — often in a matter of hours.”

Many of his opinion drafts dealt with Oregon land use law. Former Oregon Supreme Justice William Riggs stated Vidgoff drafted “just about all of the landmark land use decisions for (the Court of Appeals) for a long time.”

Vidgoff’s humor was legendary. When he graduated from Stanford Law School, he wrote about himself: “I had a normal childhood except for never catching the mumps. Then I went to Harvard, where I caught the mumps.”

Catherine Carroll (1948-2023) practiced family law in the Portland area for more than 20 years. She was particularly satisfied when her efforts resulted in agreements/decisions that protected the children. She had a beautiful four-story art house in the Multnomah neighborhood and was a patron of several Oregon graphic and musical artists.

Carroll was raised in Oregon City and went to college, then law school in New Mexico. Opportunity, and weather, caused her to move back to Oregon where she joined an existing firm. With experience, Carroll opened her own successful practice. In 2008, she was finally lured away from Portland to Tacoma, Washington, to marry. While in Tacoma, she put her skills to work in helping battered women and children. In cruel irony, one of the smartest of women was taken by a prolonged fight with Alzheimer’s.

Carroll is buried in Riverview Cemetery in Portland.

William R. Kirby, 91, passed away peacefully on Feb. 13, 2023 in Lewiston, Idaho, surrounded by family. He was born in December 1931 in Boise, Idaho, to Lois and Randall Kirby. Kirby’s family roots in Oregon go back prior to the Civil War. He grew up in Vale and Ontario, and received a full scholarship to play football for the College of Idaho in Caldwell. Kirby then entered the U.S. Army rising to the rank of first lieutenant. After the Army, Kirby attended the University of Oregon School of Law.

Kirby was then hired by the FBI as a special agent and worked in several areas of the United States, but mostly in California. Upon leaving the FBI, Kirby purchased a law practice in Enterprise. After four years in private practice, he ran and was elected as the Wallowa County district attorney in 1966 — an office he held for 16 years. Kirby then returned to private practice and fully retired in his early 70s.

Late in his career, Kirby went to the law library at the University of Oregon, and while researching case law in various books, was approached by a young student asking him what he was doing. The student had never seen anyone use the books in the library.

Kirby served 15 years on the Wallowa Valley Healthcare Foundation Board, and in part to his efforts, a new hospital and senior care facility was built. To attract young doctors to the area, Kirby and his business partners built a house for doctors to live in free of charge during their residency at the county’s hospital. In addition, Kirby was appointed to the University of Oregon board, serving the northeast region of Oregon.

Kirby’s greatest passion was playing tennis, which he played until the age of 90. He also enjoyed skiing, running, hunting and piloting. He will be lovingly remembered by his wife, children and grandchildren. Memorial donations may be made to the Wallowa Valley Healthcare Foundation.

Timothy James Harold was born on June 4, 1941, in the old St. Vincent Hospital in downtown Portland. He was one of 11 children born to William and Elizabeth Harold. He died May 28, 2023, in the Pete Moore Hospice House in Eugene.

Harold graduated from Lake Oswego High School in 1959 and University of Oregon School of Law in 1965. He paid his way through college working construction and on the Portland docks where his father was a supercargo, and he was proud of his union card. At U of O, he earned his meals working as a member of numerous kitchen crews.

In 1964, he married Judy (Baker) Harold, and they had three children, Megan Enyart (Tim Enyart), Courtney Van Houtven (George Van Houtven) and Benjamin Harold (Tiffany Harold), and five grandchildren: Dominic H. Van Houtven, Charlotte E. Van Houtven, Jacob C. Harold, Louis J. Van Houtven and Olivia K. Harold. His chosen sons, Hue, Hung, Hao and Hoa Nguyen joined Harold’s life in 1978 after they arrived from Vietnam as refugees with their father, So. Harold was predeceased by his daughter Megan Enyart in 2021.

Harold and Judy moved to Springfield in 1965, and he began working with Ed
Harms at Harms and Harold Law firm, later becoming Harms, Harold and Leahy, and today Leahy Cox, Judy initially was a teacher but later became a much-appreciated City of Springfield children’s librarian.

Harold served with distinction as legal counsel for the City of Springfield, Springfield Utility Board and Lane Community College. His practice also included a family law element with expertise in domestics and adoptions.

He was a storyteller, McKenzie Boat owner, backpacker, camper, camp cook and raconteur. He enjoyed a fine story, savored a good whiskey and found great enthusiasm in the outdoors with family and longtime friends.

Harold was a quiet activist, writing letters to his priests protesting Catholic gender rules, to the editor protesting policies unfair to poor people and to city council members decrying discrimination against LGBTQIA persons.

His reputation for quiet wisdom and fairness resulted in opportunities to serve on multiple community boards. Harold was recognized for his contributions, including being president of the Springfield Area Chamber of Commerce and being chosen as Springfield Distinguished Citizen. He was an active participant in Senior Legal Services. Upon retirement in 2005, he spent many days as a volunteer constructing and renovating homes for Habitat for Humanity and Catholic Community Services.

**Additional Notices**

Hon. Randall L. Dunn  
73, Portland, June 7, 2023

D. Eugene Pierson  
63, Salem, June 21, 2023

Robert B. Dugdale  
78, Eugene, April 25, 2023

Michael G. Holmes  
86, Lake Oswego, April 22, 2023

Richard C. Bemis  
90, Palm Desert, California, April 22, 2023

Len Bergstein  
77, Portland, April 7, 2023

Brian Burton  
61, Portland, April 7, 2023

Marcene Leskela  
78, Everett, Washington, April 4, 2023

John MacConaghy  
69, Sonoma, California, March 22, 2023

Paul L. Pierson  
73, Brookings, March 21, 2023

Jerry Widawski  
72, Astoria, March 17, 2023

Kenneth Gough  
83, Eugene, March 14, 2023

Hon. Edward Leavy  
93, Portland, March 12, 2023

Michael Stebbins  
74, North Bend, March 11, 2023

Thomas Fagan  
74, Eugene, March 5, 2023

Corinne G. Stumbo  
92, Wolf Creek, Feb. 25, 2023

Craig Coyner  
75, Bend, Feb. 14, 2023

William F. Schulte  
81, Portland, Feb. 14, 2023

Christopher Kunz  
50, Vancouver, Washington, Feb. 13, 2023

William C. McKinney  
89, Salem, Feb. 13, 2023

Peter DeLuca  
76, Boise, Idaho, Feb. 7, 2023

Ben Graham  
80, Las Vegas, Nevada, Feb. 3, 2023

Lon Bryant  
91, Bend, Jan. 28, 2023

Roger Nelson  
84, Sisters, Jan. 28, 2023

James E. Redman  
90, Gladstone, Jan. 26, 2023

Harold M. Daron  
93, Beaverton, Jan. 15, 2023

Bradley J. Woodworth  
71, Portland, Jan. 13, 2023

Douglass Hamilton  
80, Portland, Dec. 1, 2022

Rise J. Johnson  
76, Portland, June 14, 2022

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[30 Years Campaign for Equal Justice]
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DOWNTOWN PORTLAND, 1000 Broadway, Class A space, 23rd floor, great views, receptionist included, conference rooms, copiers, scanners, gym, showers, bike rack, starting at $500/mo. (503) 274-1680.

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LAKE OSWEGO KRUSE WAY – Class A Office Building. 4248 Galewood Lake, 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.

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LARGE PRIVATE OFFICES WITH LAWYERS IN BEAUTIFULLY RESTORED HISTORIC BUILDING – Four blocks to Multnomah/Federal courthouses. Large Italianate windows; air-conditioned; new décor; elevator with video security system; shared conference room, lunch room/kitchen; receptionist; shower room; bike rack. $600–$1300. (206) 581-1393.

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NEW IMMIGRATION LAW OFFICE SPACE FOR 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@mckenzieirv erco.com.

OFFICE SPACE – First or 2nd floor office available with optional reception area for a paralegal in a building with 4-6 other lawyers, East Portland, Hollywood District, $900 monthly includes utilities. Second floor office is available furnished or unfurnished. Call to view, leave a message. (503) 236-4000.


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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 503-805-8100 or amanda@maclaw.law.

TWO LARGE CORNER OFFICES available in historic Thomas Mann Building (above Great Harvest bakery at SW 2nd and Yamhill). Can be rented as a pair or singly. An additional smaller office is also available for support staff. Located on the second floor with shared reception, shared access to large and small conference rooms, secure bicycle parking, shower and copier. Two blocks from federal and state courthouses and on MAX line. CONTACT: Diane Fulton at 503-228-5222 or dfulton@tcnf.legal.

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POSITIONS AVAILABLE

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

ASSOCIATE ATTORNEY - FAMILY LAW - Small, busy Portland family law firm seeks enthusiastic associate. Friendly, supportive work environment. 2-5 years relevant experience preferred. Email letter/resume to erin@kramer-associates.com or fax letter/resume to Jeremy M. Green, Bryant, Lovlien & Jarvis, 591 SW Mill View Way, Bend, Oregon 97702 or green@bljlawyers.com.

COHEARE LAW GROUP is seeking to hire an attorney with 5 - 10 years’ experience practicing law. The firm’s practice primarily includes representing small and medium sized businesses, estate planning and administration, intellectual property and data use, real estate and business and commercial litigation. Experience in at least one of those areas of law is required, and preference may be given to candidates with real estate, land use, or litigation experience. A portable client base is advantageous. Strong research, writing, and interpersonal skills and the ability to work both independently and collaboratively are required. Bar Membership in Oregon is required, membership in Washington and/or California is beneficial. Qualified applicants should send a cover letter, resume, writing sample, and law school transcript to jobs@pfglaw.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.
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Hershner Hunter, LLP, the largest full-service business firm in Eugene, has been representing clients throughout the Pacific Northwest and beyond for more than 75 years. Our attorneys specialize in a variety of practice areas and industries, including Business & Corporate Law; Creditors’ Rights & Bankruptcy; Estate Planning & Business Succession; Healthcare; Intellectual Property & Technology; Labor, Employment & Benefits; Litigation; and Real Estate. At the center of our firm is our commitment to our clients, community, and each other. We emphasize an inclusive team approach and pride ourselves on our collegial and collaborative atmosphere. We believe our firm provides the best of both worlds, allowing us to work on complex and high-stakes “big city” matters, while living in the “small city” environment that Eugene provides. Our flexible work model allows for part-time remote work in most circumstances. We are presently seeking an associate attorney to join our Creditors’ Rights practice group in a partner-track position, with a competitive salary and benefits. The Creditors’ Rights group handles a wide variety of matters including evictions, non-judicial and judicial foreclosures, construction lien and bond claims, foreclosure of security interests, unsecured and secured collections, and bankruptcies. Creditors’ Rights associates receive significant training and mentoring, and early opportunities for client contact and participation in bankruptcy hearings and other court appearances. Successful candidates will have: • 2 or more years’ experience in creditors’ rights and creditor bankruptcy fields • Oregon 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.

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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 ggreco@pioneer.net.

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.

HOOD RIVER LAW PRACTICE OPPORTUNITY
Thriving four lawyer general practice in Hood River (established 1991) has opportunity for one to three experienced lawyers to join our team. The firm’s areas of practice include real estate and business transactions, municipal law, business law, estate planning, probate and trust administration, litigation, and family law. The firm’s established client base is broad and deep with abundant new client referrals. Practice is ideally located in a modern office building built in 2005 and owned by three of the lawyers in the firm. Two offices are currently available for occupancy although remote work is an option. One lawyer is ready to retire by the end of 2023, and two others plan to retire in the next two to five years, providing flexible opportunities. The office manager/legal assistant is retiring in 2024, and there is currently room for lawyers to bring their own staff with them if desired. Retiring attorney is willing to remain “of counsel” to transition clients and referral sources to lawyers joining the firm. Options include purchase of retiring lawyer’s practice, lateral moves, merger, and associate positions with possibility of partnership. Ideal proposals will be from practicing attorneys looking to step into a turn-key practice, or established firms or lawyers interested in establishing a presence in the Columbia Gorge. This is a prime opportunity to live and work in the Columbia River Gorge. If interested in discussing possibilities, please reach out to us with your questions and/or ideas as to practice structure at renew@phillipsreyner.com.

INSURANCE RECOVERY ATTORNEY – Parsons Farnell & Grein, LLP is seeking an attorney with four or more years of experience to join our insurance recovery group. See https://www.pfglaw.com/careers for complete position description. Qualified applicants should send a cover letter, resume, writing sample, three references, and law school transcript to jobs@pfglaw.com.

JUVENILE DEFENDERS OF LINN COUNTY (JLCD) is seeking applications for a 1.0 FTE independent contract attorney. JLCD provides juvenile indigent defense representation in Linn County pursuant to contracts with the Office of Public Defense Services (OPDS) of the State of Oregon, including representation of parents and children in juvenile dependency matters from their inception through termination of parental rights, as well as youth in the delinquency system. The position is a full-caseload (1.0 FTE) position and requires maintenance of an office and support staff in Linn County. Compensation will be discussed as part of the interview and/or contracting process. Applicants should meet the Qualification Standards for Court Appointed Counsel for juvenile dependency, delinquency, waiver and termination cases or be able to do so within a reasonable time. If an applicant does not meet the qualifications standard the consortium may be able to provide training and support. Applicants should also be familiar with the Oregon State Bar Specific Standards for Representation in Juvenile Dependency Cases and the Oregon State Bar Report of the Task Force on Standards of Representation in Criminal and Juvenile Delinquency Cases. Candidates must be willing and able to provide high quality representation in all facets of a case, including but not limited to legal advocacy in court, Citizen Review Board Hearings, Family Decision Meetings, and other case related meetings. To be considered for the position, please e-mail a resume and cover letter in PDF format to jlcd@linconjuvenilejustice.com. The cover letter should include whether the applicant meets the requisite qualifications and, if not, which standards have been met, and when the applicant anticipates meeting all requisite standards. The position will be posted until filled.

M&A ATTORNEY – Parsons Farnell & Grein, LLP is seeking an attorney with a minimum of seven years of business and transactions experience, preferably with a focus on mergers and acquisitions (M&A) law to join our business and transactions practice group. See https://www.pfglaw.com/careers for complete position description. Qualified applicants should send a cover letter, resume, writing sample, three references, and law school transcripts to jobs@pfglaw.com.

MORRIS AND SULLIVAN PC is accepting applications for a trial attorney position. Experience is helpful, but recent bar graduates are also encouraged to apply. We have been the primary indigent defense provider in the Columbia River Gorge for almost thirty years. We have offices located in Hood River and The Dalles with 9 attorney positions. We are looking for applicants who have a demonstrated interest in criminal defense and juvenile work. We are especially interested in applicants who have participated in a defense clinic as a law student or as a certified law student. We are a private firm and also do a small amount of retained work which is strictly limited to criminal defense. We have excellent benefits along with the opportunity to live in one of the very best parts of the state. Salary $80k + DOE, plus potential for very modest amount of retained work. Please send a letter of interest, a copy of your resume and references to Jack Morris 116 Oak St #8, Hood River, Oregon 97831 or by email to jessica.garciaparrott@gorgecourtoomlawyers.com.

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LEGAL ETHICS DEFENSE: ETHICS ADVICE & OPINIONS – Christopher R. Hardman - Providing defense services against Bar disciplinary proceedings; legal ethics advice, consultations, and opinion letters. Mr. Hardman is a former Assistant Disciplinary Counsel of the Oregon State Bar Office of Disciplinary Counsel, and a former Bar prosecutor. He is a speaker and moderator at Ethics 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 crhardman@crhardman.com. 25 NW 23rd Pl Ste 6, PMB 497, Portland, OR 97210.

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Retired Portland attorney Andrew Bates submitted this photo. He says it was taken in January 2023, “at Bahia De Los Piratas on recent trip to Costa Rica. I was enjoying the always spectacular sunset when this little three-legged friend wandered by.”

Do you have a photograph you’d like to share — beautiful flowers and towering trees, perhaps? Snow-covered peaks or a gorgeous sunset? Let Bulletin readers tag along on your next outing by sending your favorite images our way for “Photo Finish.”

Send high-resolution images to Editor Michael Austin at maustin@osbar.org. Make sure to include your name, and tell us where the photo was taken and what made your trip so special.
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The October edition of the Bulletin will include photos and stories celebrating this year’s recipients, along with our 40- and 50-year members. The OSB will host a reception honoring these individuals on Wednesday, Oct. 25, 2023, from 5 – 7 p.m. at the Sentinel Hotel in Portland. Visit the website for more information and a registration link: osbar.org

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