Lawyers as Jurors

Attorneys Seated on Juries See Benefits to Themselves, the Proceedings

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Road Warriors
A Lack of Attorneys in Eastern and Southern Oregon Leads to Excessive Commutes for Rural Lawyers
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While not a common occurrence, several Oregon lawyers (and judges) have served on juries. Most say they found the experience enlightening and were impressed with how dedicated other jurors were to the process. Hear their stories about serving, why they accepted or rejected the role of foreperson and what they learned from seeing things from inside the jury box. Cliff Collins reports.

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Debunking the Rankings

The October 2023 issue of the Bulletin, page 11, lists Oregon’s ranking against the other 49 states in six categories under a heading of “Is Oregon for Aspiring Lawyers?” The rankings were paid for by a litigation lending entity called Uplift Legal Funding and created by an unnamed source.

Oregon’s rankings ranged from 19th in Job Prospects to 47th in Health & Well-being. Uplift is a fictitious entity created in 2017 to lend money pretrial to plaintiffs.

The rankings Uplift commissioned are clearly a marketing ploy and the Bulletin provided free advertising. The rankings, however, are nonsense.

One source for the Health and Well-Being ranking is Gallup, Inc., which conducted polls measuring self-identified worker “engagement” levels and overall job satisfaction in countries around the globe. Mali scored tops with the U.S. fourth and India fifth.

Another source is a Harris Poll survey in conjunction with the American Psychological Association of adults across the U.S. asking about significant sources of stress. The top two stressors were inflation and the invasion of Ukraine. The survey is broken down by age group, not state residency. How these surveys relate to ranking the states for aspiring lawyers is unclear.

Salaries of lawyers play an important role in Uplift’s rankings. It’s no surprise that the average lawyer in California earns $196,230 while the average in Idaho is $96,810. Uplift claims that Idaho’s “low” average wage and limited types of job openings “indicates subpar work satisfaction and work-life balance.” How that conclusion follows is a mystery.

An Uplift competitor, Nova Legal Funding, conducted a “study” of legal funding entities based on three criteria: years in business, number of online reviews and aggregate rating of those reviews. https://fundmylawsuitnow.com/lawsuit-funding-companies/. No surprise that Nova ranked itself No. 1.

Let us not perpetuate nonsensical, self-serving rankings in the Bulletin.

Ed Gerdes, Eugene

Times (Thankfully) Have Changed

As I read the list of 146 members of the Oregon State Bar class of 1973 who are celebrating their 50th anniversary, I saw the names of many friends. As my wife — who also once practiced law — read the list, she noticed that nine of them, or just 6%, were women. How the times have changed for the good!

Stephen Griffith, Portland

Happy for Self-Care Focus

I applaud Laura Mahr’s article, “Learning About Interoception,” in the November Bulletin. Yoga has been my foundational practice for 50 years.

It’s been decades since I’ve practiced law, and perhaps things have improved, but I was always struck by the institutional culture of self-neglect in some Oregon state courthouses. It was forbidden to bring drinking water to the counsel table, leaving us dependent on court staff for such a basic need. Breaks were unthinkable for personal comfort. Even leaving the classroom in law school could result in a dressing down by the professor.

Lawyers have one of the highest suicide rates of any profession. It’s no wonder, considering the culture of conflict, deadlines and self-neglect. OSHA mandates breaks in the workday. Why do we ignore this as a priority? Thank you Ms. Mahr for your healthy, balanced perspective and suggestions.

Nyla L. Jebousek, Newport
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Chief Justice Appoints Oregon Public Defense Commission


The new commission will be responsible for administering Oregon’s state-funded public defense system effective Jan. 1, 2024, when it replaces the current Public Defense Services Commission (PDSC) and Office of Public Defense Services (OPDS).

Flynn made two appointments directly, and 10 others based on recommendations from the governor, Senate president and speaker of the House of Representatives, as provided in Senate Bill 337, the public defense reform bill passed by the 2023 Legislative Assembly. SB 337 established criteria for appointment, as summarized below. All four PDSC members who applied for appointments were named to the new commission.

The people appointed as voting OPDC members are:

- **Peter Buckley, Ashland.** A former state representative and current PDSC member, Buckley was jointly recommended by the Senate president and speaker of the House for an at-large position.

- **Rob Harris, Hillsboro.** An attorney in Hillsboro, Harris served on the three-branch public defense workgroup that developed SB 337 and is active in the Oregon Criminal Defense Lawyers Association. He was appointed directly by the chief justice to a seat for former public defense providers.

- **Alton Harvey, Jr., Portland.** Harvey is a lead mentor for Volunteers of America who supports people on federal parole or probation, a current PDSC member and was recommended by the governor as a person who has been represented by a public defender.

- **Tom Lininger, Eugene.** Lininger was recommended by the Senate president as a member of the University of Oregon School of Law faculty, where he teaches criminal law. He is a former federal prosecutor and member of the Oregon Criminal Justice Commission.

- **Susan Mandiberg, Portland.** Mandiberg was appointed by the chief justice to an at-large position. She is a former public defender in state and federal courts, and recently retired law professor.

- **Jennifer Nash, Corvallis.** Nash is the current chair of the PDSC. A former public defender who previously served on multiple bodies examining public defense, Nash was appointed by the House speaker as a person with expertise in criminal defense.

- **Adrian ‘Addie’ Tobin Smith, Portland.** Smith was recommended by the governor as a person with public defense experience in juvenile cases. She has served as counsel to the Oregon House and Senate Judiciary Committees, as a staff attorney at Youth, Rights & Justice, and managed the Governor’s Task Force on Dependency Representation in 2015-16.

- **Jennifer Parrish Taylor, Portland.** Parrish Taylor is the Director of Advocacy and Public Policy for the Urban League of Portland. She is a current PDSC member and was recommended by the governor for an at-large position.

The people appointed as non-voting OPDC members are:

- **Rep. Paul Evans, Independence.** Evans is serving his fourth term as a state representative, sits on the budget-writing Ways & Means Committee and Emergency Board, and was co-chair of the three-branch public defense work group. He was recommended by the House speaker.

- **Sen. Floyd Prozanski, Springfield/Eugene.** A long-time Oregon legislator and former deputy district attorney, Prozanski serves as chair of the Senate Judiciary Committee and was co-chair of the three-branch public defense work group. He was recommended by the Senate president.

By the Numbers

**New Exam Option**

The Supervised Practice Portfolio Examination is now a reality in Oregon. It’s a way for potential Oregon attorneys to earn their Oregon State Bar membership without having to pass the traditional two-day bar exam (see Feb/March 2023 Bulletin for more info). The initial apprenticeships will start this summer. Here are the numbers behind the new Oregon examination option.

**1st**

In the nation in allowing a post-graduation apprenticeship

**675**

Hours required while supervised by a practicing attorney

**May 15**

Applications open for law students interested in this option
Quotable

“I wanted to know how I could combine an interest with estate planning with wanting to help Black families build intergenerational wealth. … They don’t teach you how to talk to people in law school. They teach you how to do the work. So you really have to learn how to appeal to their humanity and good sense.”

– Ekua Hackman, Willamette Week Skidmore Prize winner. Winners must be nominated by their peers, be under the age of 36 and work full time for a local non-profit. Hackman is a staff attorney with The Commons Law Center in Portland. She specializes in estate planning and probate law.

Brook Reinhard, Eugene. Reinhard is the executive director of Public Defender Services of Lane County, practicing public defender, adjunct law instructor and has served on multiple bodies relating to public defense.

Justin Wright, Klamath Falls. Wright is a sole practitioner focusing on juvenile delinquency and dependency cases and is president of the Klamath County Bar.

One position remains unfilled, because the chief justice is still seeking an applicant who qualifies for the statutory requirements of being a retired judge who does not perform any judicial functions.

SB 337 authorizes the OPDC members to act prior to Jan. 1, 2024, to elect a chair and vice-chair, oversee the transition from the PDSC/OPDS to the OPDC, appoint the OPDC executive director and perform other transition-related duties.

Lewis & Clark Law School Dean to Step Down

Jennifer Johnson, the Lewis & Clark Law School dean, has announced she will step down at the end of August 2024. She has served in the position since 2014. During her time as dean, the school has raised more than $57 million, increased the law school endowment by 52.7% and provided 64 new scholarships. The school also recently announced the addition of an advocacy center and teaching courtroom.

Lane County Bar Association Winter Social Set for Dec. 19

The Lane County Bar Association will hold its winter social on Dec. 19 from 5 to 8 p.m. at the Downtown Athletic Club in Eugene. Lane County legal professionals will enjoy an evening of food, drink and conversation at no charge for LCBA members. There will be a fee for guest tickets. More details and registration information can be found at https://lanecountybar.org/events/lcba-winter-social-dec-19/.

“I don’t care about the legal definition of what constitutes a completed gift -- for me a completed gift is when I get to keep the box that it came in.”
Rules of Professional Conduct Place Delegated Tasks on Shoulders of Attorney

As an attorney’s practice expands, eventually they look to obtain additional help. Sometimes, that route can involve hiring a nonlawyer such as a paralegal, a receptionist, a bookkeeper or an assistant. While these employees are not lawyers, they bring experience and training in providing support for attorneys. However, the consequences of a hasty or careless hiring decision can be far more severe than a simple mismatched employee. An attorney could end up facing discipline.

Consider the cautionary tale of Sal. Sal, like many attorneys, preferred practicing law and arguing cases as opposed to managing the financial intricacies of his client trust account. He hired a highly recommended bookkeeper, Sally, to help him with the trust account. Eventually Sal entrusted Sally with much of the daily operation of the trust account and did not review the trust accounting. A year after hiring Sally, Sal received a surprise notice of a trust account overdraft. Investigating the cause, Sal learned that Sally had been embezzling funds over the past year. He reported the embezzlement to the police.

As the bar also received a notice of the overdraft, the bar initiated a disciplinary proceeding against Sal. Sal asserted a defense that Sally was the sole cause of the loss of funds, and that he should not be disciplined for Sally’s malfeasance. This defense, however, did not relieve Sal of his obligations under the Rules of Professional Conduct.

The Rules of Professional Conduct (RPC) place the responsibility of any delegated task on the shoulders of the attorney. Sal violated RPC 5.3 for delegating the management of his trust fund without proper or prudent supervision, and RPC 1.15-1 for failing to safeguard his clients’ funds.

RPC 5.3 and Supervisory Obligations

The core rule that attorneys must remember when retaining any nonlawyer help is in RPC 5.3. RPC 5.3(a) requires the attorney to be able to vouch for the actions of their staff. RPC 5.3 states:

With respect to a nonlawyer employed or retained, supervised or directed by a lawyer:

(a) a lawyer having direct supervisory authority over the nonlawyer shall make reasonable efforts to ensure that the person’s conduct is compatible with the professional obligations of the lawyer; and

(b) except as provided by Rule 8.4(b), a lawyer shall be responsible for conduct of such a person that would be a violation of the Rules of Professional Conduct if engaged in by a lawyer if:

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

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

Comment [2] of the ABA Model Rules, from which the Oregon RPC 5.3 is derived, provides some additional context regarding nonlawyer employees:

A lawyer must give such assistants appropriate instruction and supervision concerning the ethical aspects of their employment, particularly regarding the obligation not to disclose information relating to representation of the client, and should be responsible for their work product. The measures employed in supervising nonlawyers should take account of the fact that they do not have legal training and are not subject to professional discipline.

RPC 5.5 and Supervisory Obligations

Supervision of nonlawyers under RPC 5.3 can create several potential pitfalls for practitioners looking to delegate the administrative aspects of running a firm to focus on the substantive practice of law. Here, we look at a few of the RPCs that can be implicated.

Unlawful Practice of Law and RPC 5.5

At the forefront of employing nonlawyers to assist in one’s practice is avoiding the unlawful practice of law (UPL). Under ORS 9.160, “a person may not practice law in [Oregon] or represent that the person is qualified to practice law in this state, unless the person is an active member of the Oregon State Bar.”

Of course, this raises the question of what constitutes the “practice of law” in Oregon. The Oregon Supreme Court broadly defined the practice of law to include “any
exercise of an intelligent choice, or any informed discretion in advising another of his legal rights and duties.” Oregon State Bar v. Security Escrows, Inc., 233 Or. 80, 89 (1962). Various cases have refined this definition of the practice of law to include, among other things: appearing on behalf of others in Oregon courts and administrative proceedings; negotiating a legal matter on behalf of a client; drafting or selecting legal documents for another when informed or trained discretion must be exercised to meet the person’s individual needs; advising someone of his or her legal rights in a particular situation; acting as an immigration consultant unless authorized by federal law to do so; and holding oneself out as qualified to practice law.

In relation to nonlawyers employed by lawyers, the Oregon Supreme Court provided helpful guidance in Oregon State Bar v. Lenske, noting that “Attorneys may employ non-lawyers to do any task except counsel clients about law matters, engage directly in the practice of law, appear in court or formal proceedings, as long as the lawyer vouches for the work and is responsible to the client for it.”

RPC 5.5(a) further echoes our duties to avoid UPL by our employees. It states that “A lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so.” Comment [2] to the ABA Model Rule 5.5 explicitly reaches the same conclusion that the Oregon Supreme Court reached in Lenske. “This Rule does not prohibit a lawyer from employing the services of paraprofessionals and delegating functions to them, so long as the lawyer supervises the delegated work and retains responsibility for their work.” However, as the Legal Ethics Committee noted in OSB Ethics Op. No. 2005-166, it is professional misconduct to delegate to a nonlawyer tasks which must be performed by a lawyer.

While both Lenske and Comment [2] make clear that attorneys need to properly delegate and supervise staff, the lack of proper supervision can implicate the attorney. For instance, in In re Jones, 308 Or. 306, 308 (1989), an attorney allowed a non-lawyer to utilize his name, letterhead and pleading papers for filing dissolution proceedings. The attorney instructed his paralegal to “bring any legal question to him” but did not take reasonable steps to supervise or enforce the directive. The client’s dissolution proceedings were filed without
any review by the attorney. The Oregon Supreme Court suspended the attorney for six months, noting that the attorney’s “unwitting choice of an untrustworthy associate does not excuse his knowing participation in these violative activities.” Id. at 311.

In a similar case, In re Morin, 319 Or. 547, 550 (1994), the Oregon Supreme Court found an attorney assisted a nonlawyer under his supervision to practice law. In Morin, the attorney and his two paralegal employees traveled throughout Oregon and California conducting seminars to sell living trust services. Id. The paralegals would regularly travel and conduct seminars without the supervision of the attorney. Id. The paralegal also met with clients and helped assess whether the client needed a trust. Id. While the attorney specifically stated that he “took pains to tell the paralegals not to practice law at the seminars,” and to call him at his office or home if “any legal questions arose,” such actions were not adequate. Id. at 563. The court noted that the attorney in Morin failed to teach his paralegals about the contours of what constituted the practice of law and placed his paralegal in situations where the paralegal had substantial freedom to improperly deal with clients and exercise professional judgment. Id.

For attorneys with nonlawyer staff, the court’s position clarifies that an attorney must provide direction and training to nonlawyers about what actions may constitute the practice of law and avoid placing nonlawyers in those situations. Creating clear policies and instructions about what could be construed as the practice of law for nonlawyer employees can give guidance to employees about when an attorney should be contacted. As Morin made clear, simply providing direction is not enough. Updated and adaptive training about UPL as well as actual enforcement of the policies are necessary for attorneys to avoid risk under RPC 5.5.

There are several policies that attorneys can enact to proscribe behavior that could lead to UPL. One is to avoid confusion by always requiring nonlawyers to identify to clients and potential clients their status as nonlawyers. Additionally, train nonlawyer staff to recognize what kinds of questions call for legal advice and require that staff contact the lawyer for a response. A broad line rule is effective to avoid UPL by a nonlawyer. A simple rule that nonlawyers can conduct is considering the following:

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*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 when a client poses a question to the nonlawyer:

- Does the answer require the (nonlawyer) to utilize his or her legal knowledge or judgment?
- Does the answer concern the client’s legal rights or responsibilities (based on their particular facts)?
- Will the client take some action as a result of the answer?11

An answer of yes to any of these questions indicates that the response may constitute the practice of law. While not foolproof, this test can allow most nonlawyers to understand when a lawyer may need to be contacted to provide the client with a response.

Additionally, attorneys must review and approve documents prior to being filed by a nonlawyer on the attorney’s behalf.12 This is especially critical for lawyers with a high-volume practice, as rote filings may seem to not necessitate attorney review. Bypassing review risks discipline through improper delegation. The court has disciplined attorneys who delegated a substantial portion of their practice to a legal assistant and failed to adequately supervise the legal assistant’s activities.13

Attorneys should also avoid placing a nonlawyer in a position of having too much discretion in meeting the client’s objective of the representation. The court has noted at times that having the nonlawyer employee be the only member of the firm meeting with a client, without direction and training, creates a situation ripe for the unlawful practice of law.14

This does not mean, however, that nonlawyer employees must always have an attorney present to meet with the client. There are many tasks that nonlawyer employees can do in interviewing clients that do not constitute the practice of law. ABA Formal Op. 506 notes that a lawyer may delegate to a nonlawyer tasks such as “obtaining initial information about the matter, performing an initial conflict check, determining whether the assistance sought is in an area of law germane to the lawyer’s practice, [and] answering general questions about the fee agreement or process of representation ….” However, lawyers must be vigilant to ensure that the proper level of training, supervision and direction are in place before allowing nonlawyers to do these more extensive tasks.
Confidentiality and RPC 1.6

Attorneys shall not reveal information related to the representation of a client under RPC 1.6. This obligation extends to nonlawyers under the employ of attorneys. Comment [18] of the ABA Model Rule notes that “lawyer [must] act competently to safeguard information ... against inadvertent or unauthorized disclosure by the lawyer or other persons who are participating in the representation of the client or who are subject to the lawyer’s supervision.” RPC 1.6 imposes a duty on the attorney to ensure that nonlawyers under their supervision also keep the confidences of their clients.

As such, attorneys must take steps to ensure that nonattorneys understand what information is protected under RPC 1.6 and how to avoid disclosure of such information. Training of staff about the types of information covered under RPC 1.6 is critical, especially since information covered under RPC 1.6 can include publicly available material. Attorneys can also segregate particularly sensitive information, to reduce risk. Additionally, attorneys can utilize confidentiality agreements under substantive employment law to highlight the importance of safeguarding client information.

Communication and RPC 1.4

Nonlawyers play a critical role in communication between the attorney and the client. Lawyers must, however, ensure that the client receives communication on matters, or risk discipline. For instance, in In re Alway, 35 D.B. Rptr. 1 (2021), a nonlawyer failed to enter a docket entry for a judgment in a family law case. When the client called about the judgment, the nonlawyer lied to the client, and lied to the lawyer about the issue as well. When the client filed a bar complaint, the nonlawyer intercepted communications between the bar and the attorney. The attorney only learned about the complaint via certified letter sent to his home. The attorney claimed that his staff was at fault. However, the disciplinary board found the attorney violated RPC 5.3 by failing to supervise the nonattorney, and RPC 1.4 by failing to keep his client informed of the case.

Trust Accounting and RPC 1.15-1

Lawyers usually do not decide to become lawyers because of their prowess in mathematics, and they definitely did not go to law school to practice accounting. It is
not therefore surprising that one of the most commonly delegated duties by attorneys is the management of the client trust account, and one of the most commonly violated rules by lawyers due to nonlawyer action are trust accounting rules under RPC 1.15-1.

RPC 1.15-1 requires that a client’s funds be held separately from that of the attorney. The lawyer must withdraw funds that are earned by the lawyer when they are earned to avoid comingling the lawyer’s funds with that of the client.27 The lawyer must also ensure that the withdrawn amount is the exact amount earned by the lawyer. Removing additional funds constitutes conversion.

Because RPC 1.15-1 requires precise accounting, there is the risk of mistakes resulting in discipline. This risk is increased when nonattorneys are not properly trained or supervised. Multiple cases of overdrafts,18 improper transfer of funds29 and other types of negligence20 related to an attorney’s trust funds have occurred because of unreasonable delegation by lawyers.

An attorney who delegates authority over their trust account must continue to be vigilant about the integrity of the accounting, as the attorney is ultimately responsible. Attorneys should seek trained employees to manage a trust account, and also provide substantial training and resources needed to understand the special requirements of an attorney trust account. Attorneys also need to understand their trust account, and the basic accounting principles utilized to ensure the protection of their clients. The Professional Liability Fund provides an excellent handbook for understanding the basic accounting principles of a trust account.21

Conclusion

Attorneys’ obligations under RPC 5.3 and 5.5 should not act as a deterrent to obtaining additional resources that one’s firm might need. The effective and proper utilization of nonlawyer support in properly supervised areas of one’s practices can increase the number of cases an attorney can handle. However, the rules serve to ensure that the attorney is ultimately responsible for the protection of the client’s interests and confidences.

Ankur Doshi is the general counsel for the Oregon State Bar.
ENDNOTES
1. RPC 1.15-2(h)(4) requires lawyers maintain a lawyer trust account at a financial institution that has entered into an overdraft notification agreement with the Oregon State Bar. This agreement requires the financial institution to report any overdraft of a lawyer trust account to the disciplinary counsel's office.
2. See e.g., In re Strader, 27 D.B. Rptr. 219 (2013) (attorney stipulated to discipline after nonlawyer office manager misappropriated $489,000 from lawyer trust fund).
3. ORS 9.160 has several exceptions listed under the statute for realtors, escrow agents, and title companies.
5. In re Devers, 328 Or. 230 (1999).
10. 284 Or. at 31 n. 4 (quoting Opinion 316, Opinions of the Committee on Professional Ethics of the American Bar Association, 2 (Supp to 1967 ed, June 1968); see also Or. Formal Op. 2005-20 (“A lawyer must supervise and control what is done in the lawyer’s name.”), Or. Formal Op. 2005-24 (a supervised suspended lawyer may assist a lawyer as long as the suspended lawyer’s duties do not include providing legal advice, and the lawyer does not share fees); Or. Formal Op. 2021-198 (a firm may give a supervised law school graduate pending admission work similar work to a first-year associate as long as the law school graduate does not engage in the practice of law).
13. See In re Nishioka, 23 D.B. Rptr. 44, 45-47 (2009) (attorney allowed the assistant to use the attorney’s letterhead and pleading forms but did not review or approve the assistant’s work prior to filing); In re White, 19 D.B. Rptr. 343, 344-348 (2005) (attorney delegated substantial portion of immigration work to assistant with proper supervision, even after assistant had been warned about practice restrictions).
15. See In re Conry, 368 Or. 349, 362 (2021).
16. There are a number of substantive laws that afford protection of such information in employment contexts, but such issues are outside the scope of this article. Additional resources about employing nonattorneys are available with the Practice Management Assistance Program with the Professional Liability Fund at https://www.osbplf.org/services/resources/ under the menu option “Staff.”
17. RPC 1.15-1(c).
18. In re Cottle, 29 D.B. Rptr. 79 (2015) (attorney’s staff did not complete deposit as directed by attorney, resulting in overdraft of trust account).
19. In re Gasser, 35 D.B. Rptr. 13 (2021) (firm’s bookkeeper routinely transferred funds from trust account to operating account before funds were earned); In re Boyd, 33 D.B. Rptr. 492 (2019) (attorney failed to supervise staff bookkeeping activities, resulting in funds being transferred to the operating account prior to being earned).
20. In re Landerholm, 32 D.B. Rptr. 372 (2018) (attorney gave office administrator full access to trust account, and office administrator continued to transfer funds from trust account, e.g., a discrepancy in the trust accounting).

Legal Ethics Assistance

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

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

Members with questions can call the ethics helpline at (503) 431-6475 to be connected to the first available bar staff attorney.
## 2024 Calendar

### Important Dates & Deadlines for OSB COMPLIANCE

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

Log in to your dashboard at [osbar.org](http://osbar.org).

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Easy reading is damn hard writing.
— Nathaniel Hawthorne

The process of writing can be painfully hard, as all professional writers know. Too often, we lawyers forget that we are professional writers: We write contracts, wills, leases, court pleadings, jury instructions, appellate briefs, memoranda, letters, settlement agreements, articles and endless other documents.

If we forget that we are at heart professional writers, we might gloss over the difficulty of writing. We might assume that documents should instantly appear on our screens or fly off our printers with ease. They don’t. Or if they do, maybe they shouldn’t.

I offer this article as encouragement for each writer who has experienced the pain of producing good writing. The quotes are from successful writers — some classic and some current, some famous and some emerging. Remember the support offered here the next time you’re hunched over a yellow legal pad filled with scribbles, staring at a jumble of words on a computer screen, scratching out words on your eighth draft, or pondering a markup so detailed that no white space is left on the page. Whenever you wonder why this particular document is so difficult to put together, remember that writing is hard. If you’re in pain, you’re in good company.

Painful Writing

Anyone who says writing is easy isn’t doing it right.
— Amy Joy

In the foreword to The Elements of Style, Roger Angell describes the familiar pattern of his stepfather, E. B. White, who would spend a whole day to produce a few hundred words of commentary for The New Yorker. Invariably, when the famous E. B. White sent off his copy, he was not satisfied. “It isn’t good enough. ... I wish it were better.”

Of course, Mr. White’s writing was good enough. And ours often is, too. If you’re suffering over a document, it likely means that you care deeply about your client’s cause and your professional reputation. Embrace the pain as a rite of passage, from unformed thought to clear expression.

Keep the pain in perspective, though. We perfectionists sometimes put too much pressure on our writing, assuming that only our absolute best will suffice in every situation. Against the desire for perfection, we need to balance the client’s purse, the deadlines inherent in each project and the personal life we’d all like to enjoy.

Painful Drafting

I’m writing a first draft and reminding myself that I’m simply shoveling sand into a box so that later I can build castles.
— Shannon Hale

The first draft is often the hardest to write. That’s likely why senior attorneys delegate the painful first draft to junior associates. Once the sandbox is filled, building castles is easier. If you are writing the first draft, for yourself or for someone else, remember that you are doing some of the hardest labor.

Painful Rewriting

“The problem is, first, to know when you are not writing well and, then, to be able to fix it.”
— Toni Morrison

One of the most painful aspects of writing is rewriting. And rewriting our own work is especially hard. For this step to be productive, we need to see the words from the new reader’s perspective. That requires a different kind of mental work; we have to forget what we know and look at the words with the uninformed eyes of a reader. When the words aren’t clear or when the links between ideas are missing, we need to rethink and rewrite.

Painful Un-writing

I try to leave out the parts that people skip.
— Elmore Leonard

Sometimes we need to delete parts of our writing, and that can be hard when we’ve invested so much time and energy into a particular argument, paragraph or sentence. If you have grown too attached to your dear creations to delete them in cold blood, try moving them to a separate document. When the final document is complete, dumping the leftovers won’t be so hard.

Painful Proofing

I was working on the proof of one of my poems all the morning, and took out a
comma. In the afternoon I put it back in again.
— Oscar Wilde

When I was clerking for a trial judge, a clerk for an appellate judge down the hall announced at lunch that he’d spent the morning poring over a paragraph. He thought he had just about gotten it right. Few lawyers have that kind of time to devote to writing; we certainly didn’t at the trial court. But this careful, painstaking proofing is critical to excellent writing.

Sleep on your writing; take a walk over it; scrutinize it of a morning; review it of an afternoon; digest it after a meal …
— A. Bronson Alcott

Be sure to leave time to proof a document several times, preferably at several different times. A fresh look in the morning is likely to identify more mistakes than an extra hour at the end of a long day.

Start proofing once in the middle of the document to ensure that it gets your full attention. Use colored sheets of paper to keep your tired eyes focused on a single line of text. Dig deep for that last bit of energy that proofing requires. Proofing probably won’t be pain-free, but it will produce a stronger document. (For more suggestions, see “Perfect Proofing,” December 2006.)

Painful Criticism

It’s painful to receive feedback on our work, especially when the most useful feedback is often criticism. We all want our work to be praised, our effort affirmed. That’s like a diet of chocolate; it feels great in the moment, but it’s not going to carry you very far.

I learned this truth when I sent a manuscript to trusted colleagues and asked for feedback. The easiest comments to hear simply said, “It’s great!” The most helpful comments came from people who were willing to invest serious time to identify my mistakes and explain them to me.

Anne Lamott, the author of many wonderful nonlegal books, writes about the difficulty of getting criticism on her drafts from friends: “My first response if they have a lot of suggestions is never profound relief that I have someone in my life who will be honest with me and help me do the very best work of which I am capable. No, my first thought is, ‘Well, I’m sorry, but I can’t be friends with you anymore, because you have too many problems. And you have a bad personality. And a bad character.’

“Sometimes I can’t get the words to come out of my mouth because I am so disappointed. … Criticism is very hard to take. But then whichever friend is savaging my work will suggest that we go through it together page by page, line by line … and if I’ll hang in there, they’ll have found a number of places where things could be so much stronger, or funnier, or more real, or more interesting or less tedious. They may even have ideas on how to fix those places, and so, by the end, I am breathing a great sigh of relief and even gratitude.”

Criticism is especially hard to take when it comes from your supervisor, the very person you need to please to succeed in your job. But a supervisor who is willing to invest the time in you — pointing out mistakes and demonstrating improvements — is worth the pain of the experience. (See Rebekah Hanley’s article “Constructive Criticism” from December 2009.)

Painful Self-Criticism

Is the time coming when I can endure to read my own writing in print without blushing – shivering and wishing to take cover?
— Virginia Woolf

Let’s revisit the point about perfectionism. Some of us are our own worst critic — and that can be especially painful. Even when we stop working for a particular supervisor, or leave a particular job, we take our worst critic with us. We need to quiet that inner voice of doom, at least long enough to complete the next writing assignment. As Octavia Butler said, “You don’t start out writing good stuff. You start out writing crap and thinking it’s good stuff, and then gradually you get better at it. That’s why I say one of the most valuable traits is persistence.”

Conclusion

What is written without effort is in general read without pleasure.
— Samuel Johnson

If the process of writing isn’t painful to the writer, the document that results might be painful to the reader. If that reader is...
your client, a supervisor or the judge ruling on your case, consider whom you’d rather suffer. But as you suffer, remember that you’re in good company.

Suzanne E. Rowe is the James L. and Ilene R. Hershner Professor at the University of Oregon School of Law. She is grateful for the assistance of Olivia Wenzlick in locating updated quotes and to Jason Poss for finding quotes used in the January 2011 version of this article.

Sources
For some of the quotes in this article, and for additional inspiration about writing, please The Quotations Page, www.quotationspage.com/subjects/writing/31.html

New Sources for 2023
Toni Morrison’s quote is from the Bryn Mawr Alumnae Bulletin (Summer 2019), www.brynmawr.edu/bulletin/her-own-words-toni-morrison-writing-editing-teaching.

Have an Item for the Bulletin?
The Bulletin welcomes short items about Oregon lawyers and law firms for the Bar People pages of the magazine. Notices are published at no cost. Email notices to: editor@osbar.org
Submissions are subject to editing and published in the order received. The Bulletin publishes photographs (single headshots only) in “Moves” and “Among Ourselves” and “In Memoriam.” The fee is $20 for each photograph. The notice itself is free.
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Lawyers as Jurors

Attorneys Seated on Juries See Benefits to Themselves, the Proceedings

By Cliff Collins
Lawyers infrequently get picked to serve on juries, merely because they are attorneys. But many of those who are chosen say they gained much from the experience.

Most Oregon State Bar members who spoke with the Bulletin about their service expressed surprise at being selected for a jury panel. Several said they think what they contributed to the process proved valuable, and came away from the experience with renewed respect for the justice system and trial by peers. Portland family lawyer Kevin D. McHargue has served on two juries, the first in a civil case in 2008 in Texas, and the second in a criminal trial in 2018 in Multnomah County.

“I believe in the jury process,” he says. “I feel like I should put my money where my mouth is. It requires everybody to serve. I worked really hard to take off my lawyer’s hat.”

McHargue, who previously was executive director of St. Andrew Legal Clinic in Portland, says it was inspiring to serve despite the disturbing charges of the criminal case. He says everyone on the jury showed awareness that decisions made in court can profoundly affect people’s lives.

“(Jurors) really took each charge on its own merits and tried to answer the question. They looked at all the evidence. The arguments by the defense were justified.” They acquitted the defendant on one charge and proved the other charge.

“That’s what you hope a jury will do,” McHargue says. “My hopes were very much validated.”

Trisha C. Mayhew, a Portland lawyer since 1994 who practices family law, elder law and estate planning, says she wanted to be on the jury when she was called in Multnomah County. She found the experience fascinating, and enjoyed watching other attorneys and how they practiced. She chose not to raise her hand when members of the jury were asked who wanted to be foreperson.

“I was concerned by being perceived as overbearing in terms of guiding decisions, she says, although she adds that if she had been lead juror, “I think it could have kept the discussion more focused and we could have reached a decision sooner.” The trial took two days and a half days.

“I was proud to have been able to have served as a juror and participate in that function,” Mayhew says. “It was an interesting mix of people and a great experience. I was inspired by how seriously they took” their responsibilities.

Retired Beaverton attorney Robert D. Bulkley was called to be on five or six juries during his career, all criminal cases, and in two or three of those he was challenged and bumped off before being seated. Bulkley had spent a decade with the firm Markowitz Herbold, but during the time he was on juries he was working as a staff attorney with the Oregon Court of Appeals, which he assumes is seen as more of a neutral position.

“I really felt good from my experience about how jurors really do discuss the issues,” he says. “Most always, jurors took it seriously; they knew they were doing something significant.” The one factor that bothered Bulkley was that, even though the jurors he served on were in Washington County, all jurors were white, even though two defendants were Hispanic, and, in one case, witnesses were Spanish-speaking.

“Having a broader perspective can bring a sense of community and knowledge of the community” to a jury, Bulkley says. “The theory of juries is to take what they have of their own experience and apply it in courtrooms.”

West Linn lawyer C. Richard Noble handles estate planning and probate law but for a number of years worked on the plaintiff’s side of medical malpractice cases. He served on a jury in Multnomah County on a DUI case. To convince both counsel that he could be fair as a juror, he assured them that he had tried all kinds of cases for over three decades since being admitted to the bar in 1970. When he made the cut, “Everybody in the courtroom started clapping that I got selected,” he says.

Noble was pleased with the jury’s performance. “I always wondered how they do it. The jurors had been very attentive. They went through each count.”

Getting to See the Other Side

Susan K. Lain practiced in Lake Oswego with Hohbach Law Firm from 2005 until she recently moved to Arizona, and has both served as a juror and had an attorney seated as a juror in one of her trials. She admits she doesn’t remember any details about the second instance, but the serving lawyer recently contacted her to thank her for the opportunity to be on a panel. Lain, who was a deputy DA in Washington County for 10 years, served on a jury in a 1996 Multnomah County civil case.

“I wanted to see how they would deliberate,” she says. Lain had majored in psychology for her undergraduate degree and thought she “would enjoy the process.” She was surprised to be chosen as a juror and served as the foreperson. She thinks that the question of whether having an attorney as a juror is an advantage or drawback depends on the case. “If it’s legally complicated, I might want the attorney on that.”

Lain calls herself “a mostly retired litigator” and says: “I as a lawyer wanted to do everything I could to encourage people to serve on a jury. Most people don’t have an understanding of how important it is. I encourage people, and educate people, about that important function.”

Pro bono family lawyer John W. “Jack” Lundeen of Lake Oswego says: “I had wanted to serve as a juror for years and years, and finally got a chance to do so the year before last. It was an interesting process.” It was a civil case in Clackamas County Circuit Court. He had been called up 10 years ago but was eliminated during voir dire.

“What was most interesting was sitting in the jury box and watching both (attorneys’) cases,” Lundeen says. It gave him perspective of how judges saw him in court, even though he hadn’t been a lawyer in a jury trial in about 30 years before that. He observed that the jurors took what they were doing seriously, but he felt they were overly impressed with the expert witnesses’ “trappings,” such as how long one had been a traffic engineer. But to Lundeen, he knew it mattered more what the person was saying rather than time spent in a job. “I think having lawyers (on a jury) can bring an organized way of thinking to a jury room, so that’s an advantage,” he notes.

Hillsboro attorney Betsy A. Rawls, who specializes in juvenile law but previously practiced criminal defense, served and was foreperson on a grand jury in Washington County about 10 years ago. “I had been
on the other side (and always wondered) what goes on in the minds of the jurors. It was good for my practice skills to see behind the curtain.”

Mark A. Turner, now the adjudicator for the Oregon State Bar, was a lawyer with Ater Wynne when he served on a jury in the mid-2000s. The other jurors drafted him to be the foreperson, but Turner told them he would not answer questions about anything outside of the trial. The case involved a hit-and-run, and the only question was how much money the insurance company would have to pay.

“Everyone wants to be a fly on the wall” as to what goes on in jury rooms, Turner says of attorneys. He previously accumulated much experience doing just that: Before he went to law school, he worked as a bailiff in a courtroom. As a result of that position, Turner heard the ins and outs of about 50 trials. He concludes that the jury almost always came to the right result. That also proved true in the trial in which he sat on the jury and in cases he tried as an attorney, he says.

Medford attorney Bernard S. Moore has tried more than 100 jury trials to verdict in nine Oregon counties and the U.S. District Court. A litigator since 1985, Moore has been called twice to jury duty. The first time, he was bumped from selection on the panel. The second time, he was surprised to be selected for a criminal case in 2016 in federal court. Moore was elated “for getting to be on that side of it. I enjoyed myself.” The defendant had been recorded on video in what Moore calls a sting operation, and he assumed the evidence was clear-cut. He figured the deliberations would last 15 minutes. Instead, the jurors spent two hours weighing all the evidence.

“I was very impressed with their dedication; everybody took their obligation seriously,” he says of the jury. “It’s like looking under the hood of a car. I was getting to see what goes on inside.”

Judges as Jurors

Judges may be considered even less likely than attorneys to be impaneled on juries.

Senior Judge Michael C. Sullivan, a circuit court judge in Deschutes County for over 24 years, eight of those as presiding judge, was called for jury duty a few years after he retired in 2013.

“I was looking forward to the experience,” he says. “I thought it was unlikely I would be allowed to serve.” When he reported with the other jurors, the jury panel was shown a video about what to expect as a juror and why it was important. “I was in the video, but none of the jurors noticed my appearance. It was a little strange watching a video of myself talking to me about the importance of being a juror.”

The opposing attorneys exercised their challenges, and Sullivan was retained. When the jury moved to the jury room, the other jurors immediately dubbed Sullivan the presiding juror. He agreed, on the grounds that his fellow jurors expressed their opinion first, so he would not influence how they voted.

“The jurors clearly had thought about the evidence and the instructions of the court. The jury really appreciated that every person was heard and contributed to the process. After 39 years of being an advocate or presiding over numerous jury trials, I was totally impressed with how seriously jurors took their responsibly and their sincere efforts to make sure justice occurred,” Sullivan says. “My experience as a juror was fantastic and affirmed my belief in the justice system.”

Clackamas County Circuit Court Judge Katherine E. Weber was a defense attorney in a case in which a judge, former Multnomah
County Circuit Court Judge Michael H. Marcus, served on the jury panel. She had appeared before Marcus frequently, and knew him both through personal experience and through reputation as a good judge who was impartial to all, and thus she had no qualms about his selection for the jury. Marcus was nonetheless very surprised to be chosen, she notes. That decision to include him “was very smart on my part, because my client was found not guilty,” Weber says.

Weber has been selected as a juror three times, once when she was in college and twice as a practicing criminal defense attorney in Oregon. Her jury service in college influenced her to institute a policy she followed as a judge: She was told she had been chosen as the 13th juror, an alternate, who had to sit through the criminal trial but not be allowed to participate in deliberations. As a judge now, she never reveals which jurors are alternates until the jury meets for deliberations. The reason is that she naturally assumes they would be less likely to pay attention if they knew they would not be part of the decision-making.

Both the cases in which she was a lawyer called as a juror in Multnomah County Circuit Court were civil cases. Weber declined to be the foreperson and wanted to just be part of the deliberations like all the rest. The only exception she made was when two jurors wanted to talk about issues in the case before the jury began deliberations — she spoke up and reminded them that jurors are not allowed to do so.

A Learning Experience

Medford lawyer Darrel Jarvis sat on a Jackson County jury for a criminal trial about five years ago. He knew the judge, because Jarvis’ practice involves mostly bench trials and business litigation. He was not acquainted with the defense counsel but was friends with the district attorney, a fact he disclosed during voir dire. Thus, he was surprised when both sides allowed him on the panel. His fellow jurors asked him to be the foreperson, which he declined.

He says the jurors were competent, thoughtful and communicated well together. “Most or all participated in the discussion. I came away pretty impressed with their decision-making. It was a good experience all in all, and I wouldn’t avoid” serving again if called.

Richard B. Thierolf Jr., a Medford attorney and a member of the Oregon bar since 1976, knew both opposing counsel when he sat on a criminal jury trial in the early 2000s. “In fact, I had handled cases that involved both of them over the years,” he says. He chose not to be the foreperson. “I wanted to stay in the background,” which proved to be a wise choice as he remembers some jury members having strong personalities, which affected the deliberations.

It was a complicated case, and the jury deliberated for a couple of days before coming to the conclusion that the defendant was not guilty. What Thierolf found most interesting was that, when both counsel misstated some details of evidence in closing arguments, some of the jurors thought both lawyers were purposely distorting facts to mislead the jury. Thierolf took the misstatements as simple mistakes, but “for some of the jurors, it was a big deal. They were suspicious of both lawyers and did not want to be hoodwinked,” he says. “I thought of it as a learning experience. Many in the public don’t trust lawyers.”
Contributing to the Process

Matthew Sutton, a Medford attorney with over 30 years of practice experience, including over a decade as an arbitrator and volunteer circuit court pro-tem judge, served on a jury trying a criminal DUI case. This experience helps him see both sides of disputes, he says, and he was able to bring his legal skills to a case that was what he calls particularly interesting: The defendant had been let go because the jail was full, and his defense claim was that he wasn’t “the guy who was driving drunk.” As a juror, when Sutton reviewed the booking document, he noticed that the eye color of the person arrested was specified. “The judge allowed jurors to write questions if we had any,” Sutton says. “I asked the judge to ask the defendant what color his eyes are. The report said his eyes were brown, and the guy said his eyes were blue.”

Given that the eye colors didn’t match, the jury concluded reasonable doubt, and the defendant was dismissed. Sutton was surprised that the prosecutor didn’t come back with a rebuttal. “If I was a DA, maybe I would ask for a recess to take another look.”

Cloudette M. Heichel, a Forest Grove-based assistant general counsel in the financial services sector, served as a juror in Washington County Circuit Court in 2019, “an experience I didn’t realize would impact me as much as it did,” she says. It was an emotionally wrenching criminal case, a case that was being retried due to a previous hung jury.

Heichel tried to blend in, letting fellow jurors know that she was not interested in being the foreperson or trying to influence their decisions. The only time she used her training to help the other jurors was when she elaborated on the meaning of reasonable doubt, offering some examples.

“It was very stressful in that room, and was absolutely exhausting,” she relates. After much difficult, often graphic testimony, the jurors concluded that the burden of proof was not met. She says the jurors “were able to stomach a lot. They were empathetic, discerning and critical, in every sense of the word.” She felt fortunate to have been part of a group she felt was unusually sophisticated and knowledgeable, which was needed, due to the complexities of the case.

Heichel left the courtroom feeling strongly that the jurors had been put through some trauma but were left to deal with this on their own. As much as public awareness of the importance of mental health has been heightened, she cannot comprehend why there seems to have been no thought given to the impact of serving in an emotionally draining trial. When she and two other jurors walked from the courthouse to their cars, one of them said, “None of us feel good after that.”

“It’s important that we think about (offering) aftercare” when jurors have been through a lot in a trial, Heichel says, and providing help to people after they have met their civic obligation to serve on a jury.

Cliff Collins is a Portland-area freelance writer. Reach him at tundra95877@mypacks.net.
Road Warriors

A Lack of Attorneys in Eastern and Southern Oregon Leads to Excessive Commutes for Rural Lawyers

— By Shannon Gormley —
sked about her commute, public defense attorney Kati Dunn describes a 500-mile triangle of highways.
The director of Elkhorn Public Defender, Dunn handles cases in Eastern Oregon as far south as Burns and as far north as Pendleton, nearly 200 miles apart. Her home base and westernmost office is in Canyon City, a small town nestled between the rugged wilderness of the Umatilla and Malheur National Forests. On a damp Wednesday afternoon in October, she’s calling from her office in Vale, near the Idaho border. She crossed a time zone to get there, so although she spent three hours driving, she arrived four hours after she left her home. Rather than arriving in the office at noon each day to train her new attorneys, Dunn has rented a place in Vale for the week.

“For me, it’s fine to stay at an Airbnb for a week, but for other people it could be a real hardship,” she says. “It’s not just the driving time. There are additional expenses to practicing in Eastern Oregon that I think other people don’t think about.”

Dunn’s case may be extreme, but for a rural lawyer, “it’s not out of the ordinary – all of the lawyers in her Vale office live over an hour away in Boise, Idaho. Jody Vaughan, a public defender based in Pendleton, often drives down to Burns and out to Vale – the same 500-mile triangle of highways as Dunn.

“Driving is the worst part of representing people outside of the community,” says Vaughan. “It’s exhausting, it’s time consuming and it takes time away from family.”

Long drives are ubiquitous to rural practices and they are essential to the clients they serve. Legal help is scarce in much of Eastern and Southern Oregon. Despite being hundreds of miles away, lawyers like Dunn and Vaughan still are the nearest available attorney for clients in remote parts of the state. Vaughan frequently takes clients living counties away after they have been searching for a closer lawyer to no avail.

“I think if there were enough lawyers, this wouldn’t be a problem,” she says. “I’m not getting calls from Bend. I’m getting calls from La Grande, Enterprise and Baker. If there were attorneys in those jurisdictions, I wouldn’t be driving as much.”

Highway Blues

A few years ago, Mark Lansing made a resolution to drive less. After three decades as a civil solo practitioner in Grants Pass, Lansing had grown weary of long commutes to trials in Medford and Roseburg. During a recent two-week long trial in Medford, he considered staying overnight near the courthouse. But that would’ve prevented him from referring to other resources back in Grants Pass, so he made the 80-mile round trip each day.

“I was just whipped at the end of that,” recalls Lansing. “I felt my performance was even starting to diminish a little bit by the end of that trial.”

Now, he only practices in Josephine County, where his home, his office and the county’s circuit court are a short distance apart. By the end of next year, he hopes to retire and drive even less. But first, he has some cases to finish up. There are no federal courthouses in Josephine County, and a retrial has required Lansing to once again make the long drive to Medford.

By his own admission, even before he placed a geographic boundary on his caseload, Lansing drove less than other rural lawyers. He’s taken cases in Klamath and Curry County, but they’ve always resolved without Lansing having to travel to remote areas of the state.

Commuting across such long distances can be a financial burden. Gas is expensive, and time in the car is time spent away from other cases. Stress is one of the biggest reasons Lansing avoids driving.

“It’s the most dangerous thing we do, unless you’re a skydiver or a mountain climber,” he says. “I just felt like I was on the edge of my seat driving. You gotta really pay attention if you want to be alive at the end of the day.”

Rachele Selvig, a partner at Ashland firm Davis, Hearn, Anderson & Selvig, sometimes makes six-hour round trips to clients on the Southern Oregon Coast. Selvig says she doesn’t seek out faraway clients; they find her because there are so few attorneys in their area.

“I don’t reach out to anyone over there,” she says. “I don’t have any connections over there.”

Selvig tries to avoid taking on cases that could involve a lot of dispute, and thus a lot of travel – even without driving over to the coast, her regular commutes between Jackson and Josephine counties add up. But there’s no guarantee that a faraway case will be able to be resolved remotely. Sometimes, taking a case several counties and a mountain range away isn’t feasible.

“If I have a six-hour roundtrip, that’s time I can’t spend billing on other cases. Even if I charge half my hourly rate for travel, that’s still significant,” she says. “If you lose a whole day to traveling, sometimes my caseload is just too high that I’m not able to commit that much time.”

Dustin Martinsen, a shareholder at Vale’s Butler, Looney & Martinsen, says that being able to charge travel fees is what makes his long drives bearable. Living in a rural area allows his firm to charge lower hourly rates, which makes it more feasible for clients to afford to pay travel fees. It also helps that his office takes on few federal cases. His nearest federal courthouse is in Boise, Idaho, and he has travelled as far as Portland and Ohio for depositions.
they come his way infrequently, Martinsen doesn’t avoid cases that require long drives. He recalls a conversation with a public defense attorney who had driven an hour-and-a-half for a hearing that was canceled, meaning that attorney was unable to bill for any of his time.

“If that were the case, I would probably be a whole lot more reticent to take cases elsewhere,” says Martinsen.

Private firms like Martinsen’s and Selvig’s can charge travel fees at their discretion. Public defenders, however, are only allowed to charge for travel time if they have an hourly contract, and even then, there are limited applications. Driving to and from a courthouse may count as billable hours; driving hundreds of miles between offices does not. Many rural lawyers choose to stay overnight near the courthouse the night before their case. That way, they’re able to avoid the stress of driving several hours to arrive at the courthouse by 8 a.m. However, an overnight stay means time away from family, other cases and familiar legal resources.

Some rural lawyers find creative ways to work on their long drives. Dunn listens to recordings of trials. Martinsen listens to CLEs. Vaughan appreciates the silence.

“Being in the car means I get to be alone to think,” says Vaughan. “I don’t often get that, so I actually can process through a lot of cases and plan strategies.”

For many, long drives are unavoidably sunk time that might as well be enjoyed as much as possible. Selvig loves singing along to music in her car. Dunn is a musician and listens to songs she’s learning to cover (recently, she’s been trying to depart from her penchant for sad songs and learn a few more upbeat tunes). Lansing is a fan of detective audiobooks. He also has a large stack of CDs, about half of which are of music a friend composed to play in the background of cycling races he announced.

Lansing is aware that once he retires, he’ll leave a hole in Southern Oregon’s legal field, especially since he is one of only a few in his area who takes cases on contingency. But after decades of work and commuting, he’s ready to move on.

“I’ve made money in real estate, so there’s no point in keeping that,” he says. “I’d actually prefer to do some of these hearings from my office because then I don’t have any extra time.”

**Road Warriors**

Dustin Martinsen

**Dangerous Roads Make Attorneys Uneasy**

Drives in rural Oregon aren’t just long. They can also be uniquely dangerous.

Years ago, Vaughan drove to La Grande during a snowstorm to appear on a case. That morning, another attorney had called out of a different case at the same court. He had recently been in a car crash on winding rural roads in bad weather and when he woke up the morning of the case, he realized he didn’t have it in him to make the drive.

Even in the best of conditions, the mountainous route from Pendleton to La Grande is treacherous. Ironically, Vaughan became a public defender in part to avoid that very commute. A prosecutor for three decades, Vaughan switched to defense after her last prosecutor position required her to make the 100-mile roundtrip each day.

“That is a really horrible drive,” she says. “About two times I thought I was going to get hit by a truck and die on that highway.”

Dunn keeps snow chains in her car, as well as straps in case her car needs to be pulled out of a ditch and a portable jump starter that can also inflate tires. It’s not uncommon for the highway that her Vale attorneys take into the office from Boise to shut down due to poor conditions. Throughout the winter, Dunn’s drive from Canyon City to Burns is often covered in slick, packed-down snow.

In an effort to serve the legal deserts or Eastern Oregon, Dunn oversees five offices in five different counties. But recruiting enough attorneys is difficult. Dunn long had a goal of posting an attorney in Enterprise, where there were no public defenders even though Enterprise is the Wallow County seat. She was recently able to open an office in the mountain-lined community, but she struggled to find a lawyer willing to live and work in a town where cows outnumber people 16-to-1. Eventually, Dunn hired an attorney who lives in La Grande, where there’s a movie theater, a sushi bar and a craft brewery.

Hybrid Work Cuts the Miles

The spread of hybrid work brought on by the pandemic has reduced the amount that rural lawyers need to drive. Now, attorneys can work from home to avoid icy rural roads, and to an extent, recruitment is easier. Before the pandemic, it was uncommon for an attorney to go into the office only once a week. Now, it’s hardly unusual that Elkhorn Public Defender’s Wallowa County lawyer is only in Enterprise on Wednesdays and spends the rest of his time in La Grande, where there’s a movie theater, a sushi bar and a craft brewery.

According to Vaughan, it’s helpful that rural judges are understanding of the difficulties created by long commutes. The post-pandemic ubiquity of virtual conferencing platforms like Webex has allowed for even greater flexibility. Before the pandemic, not appearing in person was highly discouraged. Now, it’s much more acceptable. If the same situation had happened post-COVID, Vaughan wonders if she would’ve had to drive to La Grande in that aforementioned snowstorm.

Before the pandemic, Martinsen would have to drive an hour and back to Boise for a five-minute hearing. Now, he can attend the same hearings from his office.

“I don’t mind the little bit of travel, but I definitely prefer to do some of these hearings from my office because then I don’t have downtime,” he says. “As soon as that hearing is over, I can pop into the next file.”

For Selvig, the shift has been profound. “It really has changed since the pandemic,” she says. “Having Webex is hugely helpful.”

Earlier this year, Dunn was training new hires in Vale the same week a client had a hearing in Burns. The client was a juvenile, and Dunn was worried he’d feel anxious in the courtroom by himself. So while she virtually attended the hearing, Dunn had a local investigator sit with her client in the courtroom.
Defenders Must Drive

Still, virtual appearances aren’t an option for trials and anything else that involves testimony. And for public defenders like Vaughan and Dunn, the benefits of hybrid have coincided with a new challenge: Oregon’s historic lack of public defenders.

According to Vaughan, almost all of the long drives she makes are a direct result of the lack of lawyers in rural Oregon. Once, she took a case 120 miles south in John Day because it was closer for her than for the previously appointed public defender, who would have had to commute from the foothills of the Cascades.

“(The need to drive) has become worse because of the defense attorney crisis,” she says. “Everybody’s busy and a lot of people aren’t taking appointments.”

There have been times when Vaughan herself has put a moratorium on accepting new clients. But then she’ll pick up the phone while her receptionist is at lunch and accept a new case because the person on the other line is so desperate for help.

“I feel like I have the ability to help people who need a qualified, experienced lawyer,” she says. “While I can, I want to help as many people as I can, because I think it’s best for the community. It’s best for society.”

Drive-Thru Scenery

It’s hard to separate the problem of excessive commutes from the problem of legal deserts and the public defense crisis. However, Dunn believes the burden of driving could be treated as a discrete problem eased by targeted measures, perhaps stipends for travel time and housing, or government-provided vehicles.

For Martinsen, long drives are an acceptable tradeoff for the benefits of rural living. He drives more miles than a city attorney but sits in less traffic. He likes living in an area where his closest neighbors are miles away.

“I’m not one to say I like driving,” he says. Still, “I would not choose to live in a city to have a short commute or have to travel less.”

Dunn agrees. Her commutes may be long, but they’re also beautiful. The route from her home in Prairie City to her office in Vale is particularly stunning. On the drive east, Dunn passes sweeping scenery that you won’t find marked on a map. Craggy canyons give way to panoramic views of desert plains, and rolling hills frame long stretches of open highway.

“You feel like you’re out in the wilderness,” she says. “It’s the type of experience I used to seek when I used to go backpacking. Out here, it’s just tranquil.”

For Dunn’s part, she’ll continue to proselytize about what makes living in Eastern Oregon so worthwhile.

“We do as much outreach as we can,” she quips, “but we’re really busy driving.”

Shannon Gormley is the associate editor of the Bulletin. Reach her at sgormley@osbar.org.
Oregon Continues to Lead in Examining Ways to Evolve

The Courage to Change

By Lee Ann Donaldson

This month, I ring in the final days of my service as president of the Oregon State Bar. As I consider where I was two years ago as I contemplated taking on this role, I recall a certain amount of trepidation, and excitement for an opportunity of a lifetime.

This leadership role had all the weight one would expect of being responsible for an institution of such import to the entire state, and to the public we serve. Obviously, since I am writing this column, I reached for a little dose of professional courage, took the leap and remain ever thankful for this year of growth.

Today, however, I find myself reflecting on something bigger than personal fortitude. This leadership role had all the weight one would expect of being responsible for an institution of such import to the entire state, and to the public we serve. Obviously, since I am writing this column, I reached for a little dose of professional courage, took the leap and remain ever thankful for this year of growth.

Today, however, I find myself reflecting on something bigger than personal fortitude. My years on the OSB Board of Governors have exposed me to a level of institutional courage that is all too rare in large and storied bodies.

The OSB was established in its current form in 1935. It is a far more complex organization than I understood prior to joining the BOG (a common theme among first-time board members). And yet there are elements of its regulatory role that are universally familiar to every lawyer in the state: the admissions process, the bar exam, the licensing of lawyers — even the very notion that all legal services must be provided by lawyers. This is simply the way we do things.

As an organization whose regulatory role centers on public protection, the origins of many of these historical elements of the bar's work were infused with noble intentions, as well as some that may have been less than noble, to say the least.

Regardless, as leaders in 2023, we must continuously examine our practices in the context of our public-service mission. And we must be willing to embrace change, including major institutional change when the time calls for it.

Over the past several years, the OSB and the Oregon Supreme Court, with the help of many great minds from across this state, have modeled what this looks like.

Licensed Paralegals

Beginning in January, this bar will join others in the nation to license paralegals to provide some limited services for family law and housing clients. This is a momentous change, similar to the advent of nurse practitioners in the medical world.

It is hard to convey the amount of work and thought that this effort entailed, as we sought to address the entrenched unmet needs of Oregonians. A multitude of lawyers and members of the public volunteered thousands of hours and worked for years, looking deeply at every point of consternation, and addressing them individually, thoughtfully and substantively. While there is always risk in bold change, the bar and the court also recognized that the status quo — we are simply not meeting a grave public need — was untenable. This took courage.

Multiple Paths of Admission to the Bar

In the same year that we welcome the first licensed paralegals into our bar, we will introduce a new method to assess applicants for competence to practice law. Law school graduates who choose the Supervised Practice Portfolio Examination (SPPE) will work under the supervision of an attorney for 675 hours to produce a portfolio of legal work to be reviewed by the Board of Bar Examiners (BBX) for admission to the bar. It is expected that this examination — emphasizing the skills and knowledge required of new lawyers — will create practice-ready lawyers, and address historical inequities in the admissions process. This too has been a years-long journey with leadership by the BBX, the court, the law schools and a veritable bevy of volunteers. It too reflects a mindset of courage.

As a case in point, the Alternatives to the Exam Task Force that did much of the early work on this issue will receive the 2024 Rebuilding Justice Award from the Institute for the Advancement of the American Legal System.

It is notable meanwhile, that the Uniform Bar Exam (UBE) will continue to be offered, providing applicants with an exam score that is portable to other jurisdictions. But here too, we see Oregon demonstrating a willingness to evolve. In 2026, the National Conference of Bar Examiners (NCBE) will begin to offer its NextGen Bar Exam, with a greater emphasis on the practical skills that clients and law firms seek, even early in a new lawyer’s practice.

Oregon is looking closely at becoming an early adopter of the NextGen, as it is in keeping with the movement toward examinations that center practical skills as well as...
knowledge. The NCBE will transition to the NextGen exam over three years from 2026-2028, and we expect the Oregon Board of Bar Examiners will recommend a 2026 adoption to the Oregon Supreme Court.

There is more, of course. The variety of matters tackled by the bar over the course of my years on the BOG is impressive, beyond my ability to fully convey here. I have watched our bar, our court and the entire legal profession of Oregon tackle weighty issues with a focus on our public mission.

Throughout it all, I have admired and been proud of our brave actions to try something different, something new. As I leave the presidency, I am confident that all of us will continue to have the courage to change and adapt our profession to meet the complex needs of our community.

Thank you. It’s been my honor.

Lee Ann Donaldson is the 2023 president of the Oregon State Bar.

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### Who Reached Out To You When You Were A Brand New Lawyer?

The first year out of law school can be bewildering at its best. What if someone were there as a guide, a coach, a sounding board?

Toward that end, every new lawyer in Oregon now gets that help through the OSB’s New Lawyer Mentoring Program, a first-year requirement for all new members.

If you have five years of experience as a practicing attorney and 90 minutes a month to lend a hand to a new lawyer, go to the OSB website for full details, or contact the NLMP directly.

Volunteers will qualify for 8 MCLE credits at program’s completion.

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Kenna West Shares Her Love of Law, Horses in Polk County

Barrel Racing City Manager

By Melody Finnemore

Kenna West grew up on her family’s ranch just outside of Philomath and was expected to take over its cattle and quarter horse operations as she got older. Her family also owned a successful logging truck company and a bustling restaurant in the area.

That all changed in the 1980s as cattle prices dropped and environmental protections for spotted owls slowed logging operations. West’s family lost their ranch and soon were left with just the restaurant.

“I saw the people around me struggling and losing their ranches and their thinning companies, and I thought ‘If I’m a lawyer, I can help people.’ People don’t understand the law and I can help with that,” she says.

After earning her bachelor’s degree at George Fox University, West scored in the top 5% in the nation on the LSAT and received a scholarship to help pay for law school. She studied at Lewis & Clark Law School, which is renowned for its environmental law programs.

West approached law school with an open attitude, taking classes in environmental law, international law and small business, among others. “It was great to see both sides of the environmental discussion and express how we as farmers and ranchers can positively impact the land,” she says.

West focused her studies on international law because of its larger economic scale. She joined International Legal Perspectives as a reviewer and went on to become articles editor and then editor-in-chief. She spent summers studying law at St. Charles University in Prague, Trinity College in Dublin and Sidney Sussex College in Cambridge. She also had a chance to visit Scotland during her travels.

“I was really able to understand the international economy and how it impacts laws and treaties,” West says. “It was pre-European Union and I was studying organizations that were exploring the EU model, so to study that and then watch as the EU was created was really interesting.”

Horses Offer Respite, Way to Help Others

West graduated from law school in 1999 and married fellow attorney Craig Oswald West, great nephew of the esteemed former Oregon governor. She was hired by a workers’ compensation defense firm, a job she says prepared her for her current role as city manager of Independence.

“Workers’ compensation defense is hard. You’re working for the insurance company and that is your client, and you’re devoting your advocacy to your client. That’s what we as attorneys do. We advocate for our clients,” she says.

West says she was fortunate to practice with “wonderful lawyers who were great mentors” at the firm now called Reinisch Wilson. Still, she didn’t feel like she was helping people and her corporate practice wasn’t fulfilling, so she took a break from practicing law to devote her time to her passion for horses.

During that period, she worked with show horses at various ranches and got involved in horse rescue organizations. She ultimately was asked to become a high school equestrian team advisor and taught students how to prepare for barrel racing and other competitions. “I continued to help people, just in a different capacity,” she says.

A competitor in the local pro-am barrel racing circuit herself, West has seven horses on her ranch in Amity. Three of them are active racers and the rest, including her main barrel horse, are retired. She says the partnership she shares with Belle may be difficult to understand for people who don’t spend a lot of time with animals.

“I walk up to the barn and she can hear me, and she steps out of her stall and stands there waiting for me every time until I can reach her to give her a hug or pet her,” West says. “The bond is incredible and they are extraordinary animals. They create peace in a chaotic world. They are just a joy and a blessing.”

While she has competed in several disciplines, barrel racing is particularly demanding and the horse and rider must trust each other. If West shifts her body the wrong way during a race, it could throw the horse off balance or the horse could spook, bolt and get hurt.

“I always knew that horse would take care of me just as she knows I will take care of her,” she says. “What I really love about the barrel racing family and community is that we do barrel racing fundraisers, and one of them is the Wounded Warrior program for veterans.”
West recalls one veteran who returned from battle and was nonverbal because of the trauma he experienced. He started working with horses, sometimes just brushing them and sitting with them, and he eventually began talking to them. Within a couple of years, he was speaking and interacting with humans again.

West continues to work with rescue organizations, though she limits her participation to transporting horses with her trailer to rescue facilities because of the emotional toll it takes when she sees the neglect and abuse they have suffered.

“The human failure for these animals breaks my heart,” she says.

**Legal Background Enhances Problem Solving, Legislative Acumen**

West opted to use her experience and expertise for public service and held key positions for Marion County and the city of Salem before becoming the city manager for the city of Willamina. She spent five years in Willamina where she utilized her grant writing talent to obtain nearly $10 million in grant awards, including one of just three $2 million federal earmarks.

West, who serves on the board of directors for the League of Oregon Cities, was named city manager of Independence in June 2022. She says the problem-solving skills she honed through her legal background complement her work as a municipal leader.

“Issue spotting is one of key lessons from law school, and that helps me as a city manager so much. I look at things with that lawyer training and that lawyer eye. If you can see an issue before it happens, you can overcome it. If you look at an issue in the middle of a crisis, it’s hard to overcome it,” she says. “I use that knowledge every single day.”

When adversity arises, West’s first question is how to overcome the hurdle so her community can respond and grow stronger because of it. Her strategy is to identify three potential options to solve a problem. The strategy also works when opportunities present themselves.

“I create those paths with my team and with my city council, and then we bounce it around and decide our path. I think that helps my council as well because when we come to them, we have looked at these three paths and we can make a recommenda-
Knowledge about the legislative process, also learned during law school, is another advantage West brings to her city manager role. As an example, laws related to how cities should best handle homelessness are complex, and she has been able to help her communities through her understanding of case law.

“I work with contract attorneys and call them with questions and rely on their expertise,” she says. “I’m not an expert, so I talk to experts so that I can better understand laws and talk with my staff and colleagues about them.”

With a staff of more than 50 people, West says one of her team’s biggest challenges is to maintain the funding needed to keep Independence’s infrastructure updated and reliable. That infrastructure is essential to a strong and vibrant community. But that infrastructure also takes years to plan, design and construct, so West and her team must keep a diligent eye on the life expectancy of every pipe, line and facility.

Serving her community by making certain that there is sufficient quality water, working wastewater facilities and safe neighborhoods for generations to come provides the fulfillment West was searching for. When asked why she became a city manager she says, “Where else can you help thousands of people? It’s the best job ever.”

Melody Finnemore is a Portland-area freelance writer. Reach her at precisionpdx@comcast.net.
Implications and Requirements of the Corporate Transparency Act of 2024

Advising Small Businesses

By Jesse Burgess

Congress enacted the Corporate Transparency Act (CTA) in January 2021 to combat money laundering, terrorist financing, tax evasion and other financial crimes. The CTA furthers this goal by establishing a system that tracks the beneficial ownership of business entities operating in the United States. In adopting this beneficial ownership reporting regime, the United States adopts some of the recommendations by the international money-laundering and terrorist financing watchdog, the Financial Action Task Force.

Who Is Affected?

Beginning Jan. 1, 2024, the CTA will require reporting companies to disclose beneficial ownership information to the United States Treasury’s Financial Crimes and Enforcement Network (FinCEN). “Reporting companies” includes most entities formed or registered to do business in the United States through a filing with a secretary of state office, including entity formation filings with the District of Columbia and tribal governments. Domestic reporting companies include entities formed within the United States, and foreign reporting companies are those formed internationally but registered to do business with a secretary of state or similar office. This encompasses a wide range of business structures, including corporations, limited liability companies and limited liability partnerships.

The CTA provides 23 exemptions from its definition of reporting companies. These include governmental authorities, public utilities, accounting firms, public companies, insurance companies, banks, registered investment companies, registered investment advisers and other entities already subject to regulatory oversight, and tax-exempt entities. “Large operating companies,” i.e., entities with more than 20 full-time employees based in the United States, over $5 million in revenue from United States sources and a physical presence in the United States, are also exempt for the reporting requirements. Notably, trusts, general partnerships and other entities created through common law rather than state filings are exempt from the CTA.

The CTA defines “beneficial owners” as individuals who exercise substantial control over a reporting company or who directly or indirectly own 25% or more of the ownership interests of the reporting company. A beneficial owner’s ownership interest may arise through contract, arrangement, understanding, relationship or otherwise. Indicators that an individual exercises substantial control include the authority to appoint or remove senior officers or members of the board of directors and substantial influence over decisions regarding the reporting company’s business, finances and structure. Examples of individuals exercising substantial control include presidents, chief financial officers, chief executive officers and general counsels. Ownership interests include equity, stock, voting rights, interests in the assets or profits of a limited liability company, and options and purchase rights in the foregoing interests.

Existing entities formed before Jan. 1, 2024, will have until Dec. 31, 2024, to submit their initial beneficial ownership information (BOI) reports to FinCEN. New entities formed on or after Jan. 1, 2024, must file their BOI reports within 30 days after their formation, though FinCEN has published a notice of proposed rulemaking that would extend this deadline to 90 days for entities formed in calendar year 2024. After the initial reporting, the CTA imposes no annual or quarterly filing requirement. However, reporting companies must file an amendment with FinCEN within 30 days following any changes to the reported information.

What Is the Process?

BOI reports will be electronically filed with FinCEN through an online interface called the Beneficial Ownership Secure Systems (BOSS). The submission process through BOSS has not been finalized but is expected to resemble the EDGAR filing system used by the U.S. Securities and Exchange Commission.

BOI held by FinCEN is confidential and will not be publicly available. Under proposed rules, upon receiving a request pursuant to “appropriate protocols,” FinCEN may disclose BOI to (i) federal agencies engaged in national security, law enforcement and intelligence gathering, (ii) state, local and tribal law enforcement agencies pursuant to court order in connection with criminal or civil investigations; and (iii) foreign law enforcement agencies, judges, prosecutors, central authorities, and competent authorities. Financial institutions will also be able access BOI with the reporting company’s consent for the purpose of fulfilling
their customer due diligence obligations required by federal and state regulators.

BOI reports must include information about the reporting company, including the company’s name, address and taxpayer identification number. Additionally, BOI reports must include the full legal name, date of birth, current residential address and a unique identifying number from a passport, driver’s license number or other governmental identification document for each beneficial owner.

Individuals directly involved with submitting the initial BOI reports must also provide the same information required of beneficial owners. However, entities formed before Jan. 1, 2024, are exempt from providing beneficial ownership information for their applicants.

What Are the Penalties?

Noncompliance with the Corporate Transparency Act carries potential civil and criminal penalties. Individuals or entities found guilty of noncompliance may face civil fines of $500 for each day the violation continues, up to a maximum of $10,000. Individuals may also face criminal penalties of up to two years of imprisonment. Noncompliance under the CTA means willfully providing false information, willfully failing to provide complete information or willfully failing to update information. Additionally, the CTA holds individuals, such as executives and general counsel, liable if they are directly responsible for the failure to comply or if they are senior officers at the time of the failure.

The unauthorized disclosure or use of BOI also carries significant civil and criminal penalties, including civil fines up to $500 per day that each violation continues, up to a maximum of $250,000, and criminal penalties up to five years of imprisonment. Additional fines and imprisonment may be imposed for the unauthorized use or disclosure of BOI in connection with other federal crimes or illegal activities.

National Implications

Although CTA beneficial ownership reporting requirements are novel at the national level, some states have already imposed similar requirements. New York has passed its own transparency act, which requires limited liability companies formed or registered to do business in that state to submit the same beneficial ownership information report required by the CTA. Unlike the CTA, New York makes the name and address of each beneficial owner publicly available in a searchable database. Pennsylvania will require similar reporting requirements for entities registered in that state starting in 2024, and California has proposed beneficial ownership reporting requirements for foreign corporations doing business in that state.

The United States Chamber of Commerce estimates that over 34 million businesses are registered to do business in the United States with over 99% of those businesses being small businesses. Because small businesses are more likely to be “reporting companies” under the CTA, the impact of the reporting requirements will be very widespread. For attorneys advising businesses subject to the reporting requirements, the CTA clearly imposes additional steps for their entity maintenance and formation matters. Less obvious impacts will be felt in a variety of contexts. The following are a few examples of areas likely to be impacted:

- Commercial real estate financing will likely include collection of BOI by lenders as a transactional component.
- Special purpose entities will need to determine if they are subject to the reporting requirement. As noted above, certain investment vehicles are exempt from the reporting requirements, as are wholly owned subsidiaries of exempt entities. Special care will need to be exercised to ensure that an exemption from the general reporting requirement applies.
- Homeowner associations (HOAs) are frequently tax exempt under Internal Revenue Code Section 528. However, the reporting exception for tax-exempt entities only applies to 501(c) organizations. HOAs that wish to avoid the BOI reporting requirement will likely need to convert to 501(c)(4) tax-exempt entities.
- Reporting companies will have ongoing obligations to report personnel changes for beneficial owners.

Additionally, attorneys should be aware of the applicant information reporting
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requirements for entities formed after Jan. 1, 2024, which applies to any individual who files the initial entity business registration or the filing with the FinCEN. For example, attorneys who file articles of incorporation with the secretary of state’s office on behalf of clients after Jan. 1, 2024, will need to provide their own date of birth, current residence and driver’s license or other identification to be included in that company’s BOI report to FinCEN.

In the coming years, legal professionals and the business community will have new compliance obligations under the CTA and can expect similar state laws to impose similar requirements. Given the potential civil and criminal penalties that may result from noncompliance, maintaining high standards of compliance will require diligence and a careful eye on developments in this field. This is especially important considering the evolving nature of FinCEN’s reporting procedures and privacy safeguards.

Jesse Burgess is an attorney with Olsen Barton in Lake Oswego.

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After a rousing return to an in-person event last year, the 2023 version of Celebrating Oregon Lawyers lived up to the hype with more than 300 people mingling and connecting on the fourth floor of The Sentinel in Portland on Wednesday, Oct. 25.

This annual event combines the Oregon State Bar Awards, the Pro Bono Challenge and the 50-Year Member Reunion into one gathering to celebrate all that is good about practicing law in Oregon.

OSB President Lee Ann Donaldson eloquently handled the proceedings. She provided snippets of the impressive accomplishments of each individual award winner, including Liani Reeves, this year’s OSB Award of Merit recipient, which is the highest honor the bar bestows. Reeves served the bar as president in 2020. It was a difficult year for everyone, especially Reeves, who lost her mother without the chance to visit her due to hospital restrictions. Despite her personal tragedy, Reeves took comfort in her professional growth at this time.

“I have never felt so close to this community, to the legal community, as I did that year,” Reeves told the attentive crowd. “Because despite the physical separation, as I was able to share my experiences with you, so many of you shared back. We genuinely connected about real things. The challenges that we were dealing with in our practices, the losses that we were processing in our lives – it transcended geographical space, practice area and even politics. I have no regrets about my time as president, and I’m honored to have been able to serve during this unprecedented year.”

Alongside the awards ceremony, 50-year members caught up with longtime friends and colleagues in the exclusive 50-Year Member Lounge.

To catch a glimpse of the evening, check out the following pages of images captured by photographer Jonathan House. And, in case you missed it, all award winners were profiled in the October issue of the Bulletin.
1. Chief Justice Meagan Flynn presented the Pro Bono Challenge Awards to the winning firms.

2. Liani Reeves, honored with the Award of Merit, gave a heartfelt speech about serving as OSB president during a tumultuous 2020.

3. OSB President Lee Ann Donaldson served as the master of ceremonies.

4. Attorney General Ellen Rosenblum was on hand.

5. Fay Stetz-Waters, the civil rights and social justice director for the Oregon Department of Justice, mingled with those in attendance.

6 Shiau Yen Chin-Dennis won the President’s Diversity & Inclusion Award.

7. Danny Lang won a President’s Membership Service Award.
8. All the award winners (minus Danny Lang) are pictured.

9. Helen Hierschbiel, OSB’s chief executive officer, chats with former OSB President David Wade.

10. The October Bulletin featured stories on all winners.

11. J.B. Kim is the OSB director of diversity and inclusion.

12. Kim Jefferies caught up with colleagues.


14. More than 300 people attended the event.
15. Fidel Cassino-DuCloux, Oregon’s federal public defender, was on hand and saw his predecessor, Lisa Hay, earn the Edwin J. Peterson Professionalism Award.

16. 50-year members were celebrated.

17. Bob Keating of Keating Jones Hughes has been an Oregon State Bar member for 50 years.

18. Richard Grant (left), Ann Chapman (middle) and Jerry Larkin (right) all became 40-year OSB members in 2023.
19 and 20. The Oregon State Bar Class of 1973 was honored at the Celebrating Oregon Lawyers event. These VIPs had early access to the event, free valet parking, a roped-off seating area with the most comfortable chairs in the place and an opportunity to reconnect with former peers and classmates.
Join the Nation’s Largest Legal Well-Being Conference Jan. 23-25

The Institute for Well-Being in Law (IWIL) invites all Oregon attorneys to register for the 2024 Institute for Lawyer Well-Being Conference, to be offered online Jan. 23-25, 2024. The keynote speaker will be Dr. Laurie Santos of Yale University, who is renowned for her teaching on the science of happiness. The conference agenda will focus on well-being in all areas of the legal profession. In recognition of Oregon’s commitment to advancing the work, IWIL is offering OSB members a 10% discount on registration by using the code IWIL2410% at registration. For full details and to register, visit https://tinyurl.com/2024IWILConference.

IAALS Honors Oregon Alternatives to the Exam Task Force

Each year the Institute for the Advancement of the American Legal System (IAALS) gives out the Rebuilding Justice Award to recognize individuals or organizations that exemplify the spirit of innovation and leadership while working to build a legal system that is accessible, fair, reliable and efficient. The Rebuilding Justice Award is the IAALS’ highest honor, and past awardees include Justice Sandra Day O’Connor, the Conference of Chief Justices and former Michigan Chief Justice Bridget Mary McCormack.

This year, IAALS is awarding the Oregon Alternatives to the Exam (ATE) Task Force in recognition of the task force’s leadership, innovation and role as an agent for system reform. While the ATE has accomplished its task and has been disbanded, it was selected because of its role in catalyzing the national conversation around licensure reform — tackling the concerns of the current bar exam and bringing together diverse perspectives from across the state. The Rebuilding Justice Award Celebration will be held in Denver, Colorado, on the evening of April 25, 2024. To learn more, visit https://iaals.du.edu/iaals-awards.

Regulatory/Compliance Deadlines

Several deadlines are approaching for regulatory compliance, including the PLF
assessments, OSB member fee payments and IOLTA reporting. To ensure that you receive regulatory compliance information, be sure that your email system allows messages from notices@osbar.org to land in your inbox.

Streamline Your Firm’s OSB Tasks as a Company Administrator

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

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

LEILA LOUISE HALE
OSB #142084
Henderson, Nevada
Public reprimand

By order dated Aug. 11, 2023, the disciplinary board adjudicator publicly reprimanded Leila Louise Hale as reciprocal discipline for a public reprimand imposed by the Nevada Supreme Court.

Hale obtained and deposited into trust settlement proceeds for a client. The Nevada court found that she acted negligently when she prematurely removed funds from trust to pay her fees. Thereafter, she failed to promptly disburse the remaining funds after she had negotiated all medical liens. She continued to hold client funds in trust after the client terminated her representation.

The adjudicator found that Hale’s conduct violated Oregon RPC 1.15-1(a) (failure to maintain client funds in trust) and RPC 1.16(d) (failure upon termination of representation to take steps to protect client’s interests, including surrendering property the client is entitled to receive). Hale had a record of prior discipline, and the Nevada court found actual injury to her client.

There is a rebuttable presumption in reciprocal discipline proceedings that the sanction imposed here shall be equivalent to the extent reasonably practicable to the sanction imposed in the original jurisdiction. Oregon State Bar Rule of Procedure 3.5(b).

CHRISTOPHER W. BROWN
OSB #022615
Newberg
90-day suspension

Effective Oct. 1, 2023, the disciplinary board approved a stipulation for discipline and suspended Newberg lawyer Christopher W. Brown for 90 days for violating RPC 1.15-1(a) (failure to segregate client funds and maintain complete records of client funds in trust account), RPC 5.3(a) (duty to supervise non-lawyer personnel) and RPC 8.1(a)(2) (failure to respond to lawful demands for information from disciplinary authority).

The stipulation acknowledged that Brown’s conduct was aggravated by his substantial experience in the practice of law and by the existence of multiple offenses but was mitigated by an absence of a prior disciplinary record and remorse.

NICHOLAS JOHANN SLINDE
OSB #003900
Portland
Public reprimand

By order dated Sept. 27, 2023, the disciplinary board approved a stipulation for discipline and reprimanded Portland lawyer Nicholas Johann Slinde for violating RPC 1.7(a)(2) (representing a client involving a conflict of interest).

In 2014, Slinde began representing real estate business clients. Later that year, through a company he partially owned, Slinde took an ownership interest in a recreational cannabis company controlled by the principal of his existing real estate business clients.

In the fall of 2014, Slinde and his law firm aided the real estate clients and the cannabis company to document a series of separate agreements and settlements. Due to the various agreements having common decision-makers among the parties, a risk arose that the cannabis company could benefit to the detriment of the real estate clients.

Later, Slinde became aware that several high-value assets owned by a real estate business client appeared on the balance sheet of the cannabis company. No documentation transferring the assets was ever created or executed, nor did the real estate business client receive any consideration for the assets.

Slinde’s representation of the real estate business clients and the cannabis company constituted a current conflict of interest because there was a significant risk that Slinde’s representation of the real estate business clients was materially limited by his responsibilities to and personal interest in the cannabis company.

Slinde failed to obtain written informed consent from his clients when the risk of material limitation within the representation arose.

The stipulation acknowledged that Slinde’s conduct was aggravated by substantial experience in the practice of law. Slinde’s conduct was mitigated by an absence of a prior record of discipline, a cooperative attitude toward proceedings, his character or reputation, and a delay in disciplinary proceedings.
Justice Sustains

The Campaign for Equal Justice supports Oregon’s legal aid providers through private fundraising, education, and outreach efforts. Oregon lawyers created the Campaign for Equal Justice in 1991 to help make equal justice a reality for all Oregonians.

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www.cej-oregon.org

The Lawyers’ Campaign for Equal Justice

What You Help Support

65% of legal aid’s cases in 2022 involved safety or shelter

Almost 23,000 clients served directly in 2022

18 communities with legal aid offices

In 2022, almost 426,000 website visitors found free and up-to-date legal guidance at oregonlawhelp.org

In 2022, almost 500,000 low-income children benefitted from legal aid’s advocacy for improved childhood healthcare services
Among Ourselves

Carol Juang McCoog, partner at Hawkins Delafield & Wood, has been elected president of the National Association of Bond Lawyers (NABL). Juang McCoog will serve in the position through October 2024. She has practiced in public finance for 25 years. She serves as bond counsel, underwriters’ counsel and disclosure counsel to many state agencies and local governments on a variety of financings. Juang McCoog joined Hawkins in 2011 and currently serves on the firm’s management committee.

Mark Johnson Roberts has been given the American Bar Association’s Stonewall Award, which recognizes legal professionals “who have effected real change to remove barriers on the basis of sexual orientation, gender identity or gender expression in the legal profession and the world, nation, state or locale.” The award will be presented at the ABA Midyear Meeting in Louisville, Kentucky, in February. Johnson Roberts is a past president of the Oregon State Bar and a past co-chair of both OGALLA, Oregon’s LGBTQIA+ bar association, and the National LGBTQ+ Bar Association. After a long career in family law and appellate litigation, he retired in 2019 as deputy general counsel to the Oregon State Bar.

Megan M. Withroder has joined Thorp Purdy Jewett Urness & Wilkinson. Withroder has 10 years of experience as an attorney, first as in-house counsel for an electric utility company and next as an associate at a national environmental law firm. Her practice includes real estate transactions, environmental counseling and contract negotiations. She has also joined the firm’s estate planning and elder law practice.

Miller Nash has hired Heather Van Meter as partner to the firm’s employment and litigation teams. Van Meter has over 25 years of experience representing private, public and not-for-profit entities throughout the Pacific Northwest. A trial attorney, her practice most recently has focused on employment advice and litigation. She also represents clients in general civil litigation in state and federal courts in Oregon and Washington. In addition to representing employers in employment matters, Van Meter’s litigation experience includes mass torts, drug and medical device and products liability, construction defects, negligence, condemnation, insurance coverage and multi-district litigation.

SBH Legal has hired three new workers’ compensation defense attorneys. Samantha Toda represents Washington employers and insurers. Before joining SBH Legal, Toda practiced family law and estate planning, and was a court certified law clerk for the Oregon Department of Justice. Jessica Fox represents Oregon employers and insurers. During law school, Fox served as a certified legal intern for Oregon’s largest workers’ compensation insurance corporation. Eric Berglund represents Oregon employers and insurers. Before joining SBH Legal, Berglund practiced with another defense firm specializing in workers’ compensation litigation.

Moves

Chenoweth Law Group has hired attorney Merrill Baumann to help lead the firm’s corporate, business, transactional, technology and IP practices. Baumann has over three decades’ experience with intellectual property. He represents local and international clients in technology, gaming, manufacturing, consumer products and food distribution industries. His representation of tech and creative clients includes substantial intellectual property work, from structuring complex licensing transactions to protection of ideas, creative works and brands with trademark and copyright strategies and prosecution of infringers of IP assets.

Brian W. Riske has joined Black Helterline as an associate attorney. Riske represents closely held businesses, their owners and their family members. His legal practice centers on general corporate law, contract law, and mergers and acquisitions, with particular focus on advising business owners considering transitioning ownership to key employees or family members. He also works with business owners on estate planning and assists with executive compensation and intellectual property matters.
National law firm Wilson Elser has opened a new office in Portland. George S. Pitcher, Michael T. Belisle, Dmitriy S. Golosinskiy and Ross Van Ness have been hired as partners in the new office. The team’s practice areas include medical malpractice, professional liability, product liability and toxic tort, specifically asbestos matters. Pitcher will serve as the Portland office regional managing partner.

Angela Ferrer has been named partner at Buchanan Angeli Altschul & Sullivan.

Arbor Employment Law has hired associate Olivia Hariharan Godt. Hariharan has experience in employment law and works collaboratively with clients to achieve results.

The Clackamas County Office of County Counsel has hired two new attorneys. Caleb Huegel advises planning and zoning, code enforcement, and dog services. He handles all county matters before the Land Use Board of Appeals (LUBA). Huegel previously clerked with the county through the Edward J. Sullivan Land Use Planning Fellowship program. He joins the county after serving three years as a staff attorney for LUBA, where he was responsible for conducting legal research and for drafting and editing opinions and orders of the board. Hong Huynh helps guide initiatives in transportation, development and disaster management at a regional level. She comes to the county with a background in municipal, environmental and natural resources law. Huynh previously served as chief counsel to several flood control special districts. In addition to general counsel
duties, she provided leadership on board governance, flood safety operation, municipal administration, emergency response management and district consolidation.

Portland City Attorney’s Office has hired three new attorneys. Nancy Thorington previously worked for 10 years at the City of Portland’s Bureau of Development. Her practice focuses on wireless and telecommunications, public arts, trash and recycling, graffiti, contracts, campaign finance and tribal relations. Alex Deitz is the City of Portland’s newest honors attorney and practices with the litigation group. Previously, Deitz worked in Washington, D.C., as a legislative aide for Senator Catherine Cortez Masto and as a staff member for the Senate Judiciary Committee. She has experience in a wide range of legal and policy issues, including constitutional law, civil rights and criminal justice reform. Carey Caldwell has joined the City Attorney’s Office’s litigation section. Caldwell has over a decade of litigation experience. Caldwell works with businesses and professionals in medicine, law, construction, architecture, and engineering, as well as assisting municipalities with civil rights and tort claims, and large corporations with general liability claims.

Blaine Clooten has joined Brownstein Rask. Clooten has a background in litigation and spent the last 10 years practicing in Eastern Oregon. He has experience as a presiding judge for Pendleton Municipal Court, now a Court of Record, and is also an experienced mediator and arbitrator. His practice focuses on personal injury, business, estate planning and domestic relations.

In Memoriam

Allan Belt deSchweinitz was born on June 30, 1943, in Salem to Edmund Alexander deSchweinitz and Mira Belt deSchweinitz. He passed away on September 19, 2023 at his home in Pacific City, surrounded by his family.

DeSchweinitz attended University of Colorado, University of Oregon and Wil-
lamette University College of Law, where he was on the dean’s list. He obtained a B.S. in Law and J.D. in 1967. He was admitted to the Oregon State Bar that same year. He was also admitted to practice before the U.S. District Court for Oregon and the U.S. Court of Appeals for the 9th Circuit.

DeSchweinitz began his practice as a partner in the Salem firm of Holmes and deSchweinitz, from 1967 to 1969. In 1969, he moved to Medford and practiced in trial litigation until December of 1988. He was senior partner with the Medford law firm of Frohnmayer, Deatherage, deSchweinitz, Pratt and Jamieson, specializing in medical malpractice defense and general insurance defense including automobile, aviation, products liability, workers’ compensation, Employers Liability Act, premises and construction liability, federal civil rights, police, and municipal liability claims.

In December 1988, deSchweinitz became vice president and chief compliance officer of SAIF Corporation. There, he designed, implemented and directed the SAIF Fraud Program, which produced over 100 successful prosecutions and judgments in excess of $1.7 million. The program received national recognition on 20/20, in The New York Times, The Boston Globe and numerous trade publications. In November 1990, he was appointed senior vice president and chief insurance officer. Two years later, he was appointed senior vice president of American International Group, Claims, Cost Containment Division and director of fraud investigations in New York City.

In December 1994, he formed deSchweinitz & Hamilton with Robert F. Hamilton. The firm specialized in medical malpractice defense, personal injury litigation, general insurance defense and domestic relations, and held offices in Medford and Klamath Falls.

DeSchweinitz’s favorite leisure activity was golf. He belonged to Rogue Valley Country Club in Medford and Reames Golf and Country Club in Klamath Falls. He retired from practice in 2008 but continued to provide arbitration and mediation services for several years.

After retirement he moved to Surprise, Arizona, with his wife, Leslie, where he
THINGS THAT CHANGED MY LIFE.

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

mealsonwheelspeople.org

Patrick John Mosey passed away on Oct. 16, 2023. He was born Aug. 18, 1946.

After Mosey completed his service in Vietnam with the U.S. Marines in 1968, he returned to Portland and put himself through both Portland State University and Northwestern/Lewis & Clark Law School. He was initially employed as an assistant attorney general in the Oregon Department of Justice, specializing in personnel and labor relations law. In 1980, Governor Victor Atiyeh appointed him as a member of the Oregon Employment Relations Board, which primarily administers the Oregon public sector collective bargaining law. Over the next 16 years, Mosey and his fellow board members rendered decisions that are landmark interpretations of that statute. Upon leaving the board in 1996, he started a career as a management labor relations representative.

Throughout all those years, Mosey truly savored his time rafting the wild and scenic Rogue River with a core group of longtime friends, golfing with other friends, getting together with many people he worked with over the years, and working in his shop.

After a full life, Mosey died at 77, in his home, of several medical complications. His lifelong love, Laurie, passed away in February 2022. He is survived by his daughter Lisa Seccomb, son-in-law Bob Seccomb, grandson Kyle, and several other relatives.

Judge Maurice Keith “Maury” Merten passed away on Oct. 31, 2023, in his home, at the age of 78 following a courageous battle against cancer.

Merten was born on May 30, 1945, to Stephen and Hazel (Luukkonen) Merten in Portland. He earned his undergraduate and law degrees from the University of Oregon. While there, he met the love of his life, Bonita “Bonnie” Breazeale. The two were married on June 25, 1966.

After graduation, Merten accepted a job as an assistant U.S. attorney with the U.S. Department of Justice. Working with a “strike force” of U.S. attorneys, he helped prosecute cases of organized crime and racketeering throughout the country from 1969-73. In February 1973, the Mertens
returned to Lane County where he had accepted a job as the chief trial lawyer in the Lane County District Attorney’s office. Merten spent two years and nine months prosecuting major violent felonies for the district attorney’s office before being appointed to the district court bench as a full-time pro tem judge in 1975. On July 1, 1976, Merten became Lane County’s fifth permanent district court judge. In 1980, Governor Vic Atiyeh appointed Merten to the Lane County Circuit Court bench, where he remained until his retirement in 2020.

Throughout his career, he had the reputation of being an incredibly hard worker, a stickler for the rule of law and extremely fair. His memory for caselaw was unparalleled. Merten believed that mentoring new lawyers was a judge’s duty. As such, he was part of the local bar association’s new lawyer committee for many years, hosting countless legal education programs in his courtroom.

In his private life, Merten enjoyed the outdoors. While in the district attorney’s office, he organized the office’s softball team and was the pitcher. Merten enjoyed hunting birds with his English springer spaniels – Sage, Briar and Patches. In later years, in the early morning hours of the weekends, he would enjoy golfing at Shadow Hills Country Club with friends. Bonnie and Merten enjoyed traveling and went on cruises together across the globe. In the years just prior to his retirement, Merten particularly enjoyed hosting the judges’ summer BBQs around his pool.

Merten is survived by Bonnie, his wife of 57 years and his brother-in-law, Jerry Breazeale. He was predeceased by his parents and his older brother, Michael Merten.

Additional Notices

Charles E. Luukinen
75, Salem, Sept. 15, 2023

Jerry R. Parkinson
69, Portland, Sept. 29, 2023

Norman Edward Harper
78, Salem, Oct. 24, 2022

Population Sampling in a Damages Analysis

Here at Cogence Group, we were engaged by the defendant in a lawsuit to determine whether allegations involving the misappropriation of company assets had occurred.

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See Chandler Simich’s entire blog post on the cogencegroup.com website.

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NEW IMMIGRATION LAW OFFICE SPACE OR LIVE/WORK dwelling in fantastic location across from the United States Citizenship and Immigration Services building in Portland, Oregon. 1,885 feet of modern industrial office space with polished concrete floor, two bathrooms and 20-foot ceiling, all located at 1470 NW Overton Street, Suite A. This would also be a great live/work experience with the office (953 feet) on the ground floor and a 932-foot apartment in the loft. At $25/foot NNN (total is $3,927/month), this would be one of the least expensive apartments in the Pearl District, along with the ground floor office tax write-off advantage. Contact Paul Rudinsky, (541) 954-3434 or paul@mckenzieverco.com.

SALEM – Single professional office space with month-to-month rent; includes a conference room, training/board room, and kitchenette; secure building; free on-site parking; central location, close to I-5. $600/month. Contact Kelly Barker at (503) 362-3645 or kbarker@oregonrealtors.org.

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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.

ARE YOU A PASSIONATE TRIAL LAWYER dedicated to seeking justice for your clients? Come work with the best at Johnston Law Firm. We are so passionate about advocating for Oregonians who are injured or who have died, that we built our own courtroom. Manage cases through all phases of litigation with an incredible plaintiff side team of experienced lawyers and paralegals. Handle your own caseload, try cases, refine your deposition skills, collaborate on large cases that garner national attention, work with some of the best trial lawyers in the country and learn to conduct and administer your own focus groups and mock trials. This job is perfect for a talented & hard-working attorney who is willing to put in the time necessary to be great. You will do so in a fun and positive atmosphere, where the opportunity for mentorship is unparalleled. We are seeking 5+ years of personal injury experience, ideally plaintiff side, but defense side strongly considered. Applicants should have a strong knowledge of litigating motor vehicle accidents and a variety of catastrophic personal injury cases, and a dedication to justice and the relentless improvement of our craft. Contact HR@johnston-lawfirm.com with a current resume and cover letter for consideration.

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.

COMMERCIAL LITIGATION – ASSOCIATE Parsons Farnell & Grein, LLP is seeking a talented and motivated attorney with a minimum of five years of commercial litigation experience to work with our partners on several large, complex cases. The ideal candidate possesses the following qualifications: Excellent document review plus research and writing skills, experience taking/defending depositions, experience writing motions and other pleadings, dynamic personality and desire to work in a friendly and fast-paced environment, and an active Oregon Bar membership. This is an exceptional opportunity to use your experience and 2nd chair with partners on large commercial litigation cases. Only applicants with the skills and experience listed above...
will be considered. Along with a competitive salary and benefits, our firm offers a collegial, comfortable environment. If you are interested, please submit a resume and writing sample to jobs@pfglaw.com.

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

FAMILY LAW ASSOCIATE - CENTRAL OREGON Brincat & New is a family law firm based in Portland and opening a new office in Bend. Our ideal candidate is an attorney with 2-4 years of experience, preferably in family law or other litigation. The new office is centrally located in the St. Clair Place building in downtown Bend. Flexible start date available, between November 1, 2023, and January 1, 2024. Compensation consists of a base salary, parking, health insurance reimbursement, employer-matching retirement account, and substantial vacation/paid time off. Please submit a resume and cover letter with salary requirements to jordan@brincat-new.com and tabitha@brincat-new.com.

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 transcript to jobs@pfglaw.com.

LITIGATION PARALEGAL - CENTRAL OREGON Brincat & New is a family law firm based in Portland and opening a new office in Bend. Our ideal candidate has family law or other litigation experience. The new office is centrally located in the St Clair Place building in downtown Bend. Flexible start date available between November 1, 2023, and January 1, 2024. Compensation consists of a base salary, parking, health insurance reimbursement, employer-matching retirement account, and substantial vacation/paid time off. Please submit a resume and cover letter with salary requirements to jordan@brincat-new.com and tabitha@brincat-new.com.

HOOD RIVER LAW FIRM, Jaques Sharp, is looking to hire an associate attorney. We have a strong history of associates becoming partners in the firm. The successful applicant will support our litigation practice that includes business, family law, real property, probate and civil commitment court cases. Mentoring available. Must be willing to live in the Gorge. Prefer attorney with law firm experience, but willing to train the right person. Submit resume and letter of interest to admin@hoodriverlaw.com.

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Photo Finish

As winter hits every corner of Oregon, Nyla Jebousek of Newport provided this image of the winter sky at Yaquina Head.

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

Mark Wednesday, January 31, 2024 on your calendar as the deadline for OSB fee payments and IOLTA reporting. (MCLE credit completion deadline is April 30, 2024.)