Civil Discourse

Also Inside:

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Attorneys Guide
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Rub *virtual elbows.

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Earn continuing education credits and stay informed on the latest developments in charitable giving and tax law at our free, online, 2024 Philanthropy Forums curated for attorneys, CPAs and wealth managers and hosted by nationally-recognized experts. Register at [oregoncf.org/forums](http://oregoncf.org/forums) — and find yourself in good company.
If it seems as if public meetings have become more contentious in recent years, you may be correct. Reported incidents of inappropriate dialogue, constant interruptions and threats of violence from a small percentage of attendees spanning the political divide have changed the landscape of public meetings. Oregon attorneys working with cities and counties share how they are handling these challenges. Melody Finnemore reports.

**FEATURES**

**18 Civil Discourse**  
*Attorneys Guide Municipalities in Quest for Productive Public Meetings*  
By Melody Finnemore

**22 Overcoming Eviction**  
*Lack of Representation is Driving a Statewide Crisis, Bar Programs Take Aim*  
By Shannon Gormley

**COLUMNS**

**9 Bar Counsel**  
*Maintaining the Compass: Our Ethical Obligations in Connection With Discovery*  
By Linn Davis

**15 The Legal Writer**  
*Writing Reruns: A Glance Back and a Look Ahead*  
By Suzanne Rowe

**26 Profile in the Law**  
*Home-Grown Judge: Judge Sara Collins Has Always Returned to Jackson County*  
By Brooke Strickland

**30 Lawyer Well-Being**  
*Learning About Interoception: Tune into the Wisdom of Your Body to Optimize Your Legal Practice*  
By Laura Mahr
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Softball Beginnings

I was delighted to see a headline in the Bulletin (August/September 2023) about the Lawyer Softball League, but then despaired when reading that no one remembered “the actual formation of the league.”

So, a history lesson. In 1978, I had recently moved to Portland from Philadelphia where, as a summer law clerk, I played in an attorney fast-pitch softball league. Seeing no lawyer-softball options here, I asked the senior partners of my firm, Spears Lubersky, if I could use some firm resources to start up a league. By resources, I largely mean the brains behind the league, Libby Pinkley, my secretary and a future star first baseman. We solicited local firms and played on some hardscrabble city fields, but gradually the league shrank, and I passed the commissioner’s baton to some other firm.

— Don Pyle, Lake Oswego

A ‘Perfect’ Option

I got considerable amusement from reading Suzanne Rowe’s article on proofreading for format (October 2023 Bulletin). My simple answer to most of the woes she mentions is ... use WordPerfect.

Pagination and Length: Add a page count button to the toolbar so you know at a glance how long your document is.

Random page breaks: “Keep text together” keeps the heading and the desired number of following lines together; if a change in the amount of content preceding a heading means that text is going to stay with that heading anyway, the command is superfluous but harmless.

Tab width, changes in justification and other mysterious formatting changes: “Reveal codes” shows you what went wrong and lets you fix it.

WordPerfect long ago conformed its keyboard commands to the Word standard, so you won’t have to learn new ones. It can open Word documents and can save documents in Word format (and many other formats). That is one way to fix all the funky codes Word inserted, although it’s tedious to take out all those extraneous formatting commands (using “reveal codes” to identify them). Saving it in Word format lets Word users open the document as if it had never left the Microsoft universe. It has no control over whether they do that with or without headers and footers. Saving it as a PDF is an option.

Friends don’t let friends use Word.

— Luella Nelson, Portland

Our Editorial Policy

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

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

Any content attributed to the Oregon State Bar or the Board of Governors is labeled with an OSB logo at the top of the page or within advertising to indicate its source or attribution.
SUPPORTING OREGON LAWYERS
Since 1980

We are honored to celebrate Oregon Lawyers and their dedication to justice and the legal industry.
CEJ Marion-Polk Luncheon Is Nov. 15

The Campaign for Equal Justice will host a luncheon for members of the Marion and Polk counties legal community on Nov. 15 from noon to 1 p.m. at the Willamette Heritage Center in Salem. Attendees will have the opportunity to join the Marion-Polk legal community as they enjoy good company while discussing the importance of legal aid in communities across Oregon. To register for the event, visit https://tinyurl.com/Dec2023MarionPolkCEJLuncheon.

Bench Bar & Bagels 2023 Set for Nov. 16

The Multnomah Bar Association will host the 14th annual Bench Bar & Bagels event on Thursday, Nov. 16, from 7:30-8:30 a.m. at Tonkon Torp in Portland. Lawyers and members of the judiciary will gather together for a light breakfast and coffee. This event is offered at no cost to MBA members and judges. For nonmembers, the cost is $10. Visit https://mbabar.org/calendar/2023-11-16/bench-bar-bagels-2023.html to register.

OCDLA to Present Ken Morrow Lifetime Achievement Award on Dec. 1

From among many qualified and deserving nominations, the Oregon Criminal Defense Lawyers Association Board chose David T. McDonald as the 2023 recipient of the Ken Morrow Lifetime Achievement Award.

This award will be presented on Dec. 1 beginning at 6 p.m. at the Benson Hotel in Portland. McDonald is the 20th recipient of the Ken Morrow Lifetime Achievement Award, which dates back to 2001. The award was created by OCDLA following the passing of renowned Eugene attorney Ken Morrow to recognize the lifelong commitment and significant achievements of attorneys who have worked in the defense community, and those who have made important contributions to the administration of justice.

The evening includes a reception, dinner, oral auction and tribute. For more details, visit https://tinyurl.com/2023KenMorrowAward.

Local Civil Rules Advisory Committee Seeks Nominations

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

Those selected pursuant to the call for nominations start their terms in January 2024. Individuals nominated must be lawyers admitted to practice in the District of Oregon who regularly practice in federal court. The court seeks a committee that constitutes a fair cross-section of practitioners in the district and will consider diversity of all kinds, including practice area and geography, when selecting members. To encourage district-wide representation, applications from outside the Portland area are especially welcome.

To nominate yourself or someone else, send one or two paragraphs describing the nominee’s qualifications by email to Melissa_Aubin@ord.uscourts.gov by Dec. 1, 2023.

Streamline 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

By the Numbers

Law Schools Using ChapGPT

ResearchAndMarkets.com recently released a report entitled, “Survey of Law School Faculty, Use of ChatGPT,” which takes a look at how AI is (or is not) becoming part of law school curriculum and research. The international market research group received responses from 56 U.S. law schools and provided the following key data points.

21.1%
Of assistant and associate professors using ChatGPT in their research and teaching

12.5%
Of faculty age 50-59 using ChatGPT to enhance their legal information findings and research

7.32%
Of full professors thought ChatGPT would have a revolutionary impact on their field
Quotable

“LSAC is a champion for quality, access and equity in legal education. Its mission aligns with my personal commitment to champion efforts which give people from all backgrounds a chance to add their diverse voices to the world of law.”

— Marcilynn A. Burke, University of Oregon School of Law dean, about the nonprofit Law School Admission Council (LSAC). Burke has been elected as the 2023-25 chair of the national organization’s board of trustees.

member will need to certify and submit their own MCLE information).

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

Report Focuses on Defense Work

A new report from the American Bar Association shows that public defenders, on a national scale, are overworked and outlines new standards for reducing caseloads. The report was conducted by a team of attorneys and researchers from the ABA, as well as the RAND Corporation and the National Center for State Courts.

“Public defenders and other providers of indigent defense grapple with an overwhelming caseload that exceeds the reasonable capacity for effective representation, but the available data about the magnitude of this issue has been inadequate and outdated,” says ABA President Mary Smith. “This report — which builds on earlier ABA initiatives like the recent rollout of 10 principles for improving the public defense system — offers stakeholders a roadmap for how to genuinely ensure equitable justice for every individual.”

Researchers behind the report used empirical evidence to develop new consensus-based standards for estimating how many cases public defenders should take on and show that adopting the new guidelines would allow lawyers to devote more time to each of their clients, according to the ABA. ■

“We always get the blame for spraying, but the way I look at it is that anyone who gets near us is being contributorily negligent.”
Our Ethical Obligations in Connection With Discovery

Maintaining the Compass

By Linn Davis

Discovery is an essential part of litigation. But, it can also be tedious, confrontational and ethically challenging. Because much of the conduct of parties and their lawyers occurs behind the veil of client confidentiality, it is vital to the quality and integrity of our judicial system that we are familiar and comply with our ethical obligations in discovery matters.

Overarching Obligations

We have obligations in all legal matters that pertain to our conduct of discovery. Oregon Rules of Professional Conduct Rule 1.1, Competence, demands that we bring to each representation the legal knowledge, skill, thoroughness and preparation reasonably necessary. This means being aware what items are discoverable and which may be subject to a privilege or other exception. Any position we take in discovery matters must be honest, in line with Rule 4.1, Truthfulness in Statements to Others, and have a plausible good faith basis in law and fact, as required by Rule 3.1, Meritorious Claims and Contentions.

Finally, we as lawyers are responsible for our subordinates and nonlawyer assistants as provided by Rules 5.1 and 5.3. This means that even when we rely on others in our discovery practice, it is our duty to see that those others are properly trained regarding these obligations, and to supervise them in their execution. The rules specific to discovery obligations are mostly found in Rule 3.4, Fairness to Opposing Party and Counsel.

Rule 3.4(a): Prohibits knowing and unlawful obstruction of access to evidence

“It is one thing to mortify curiosity, another to conquer it.”

— The Strange Case of Dr. Jekyll and Mr. Hyde

Whether by the lawyer’s own acts or through counseling or assisting another to do so, Rule 3.4 prohibits a lawyer from knowingly and unlawfully obstructing another party’s access to evidence, or unlawfully altering, destroying, or concealing a document or other material having potential evidentiary value.

Neither the Oregon Rules nor the ABA Model Rules from which they are derived define “potential evidentiary value.” However, other jurisdictions state that the category includes all material that “the lawyer knows or reasonably should know is relevant to a pending or reasonably foreseeable proceeding” or “that is or may be the subject of discovery or subpoena in any imminent or pending proceeding.” By the time a client is seeking our advice or assistance regarding a legal dispute, it may be likely that a proceeding is considered foreseeable.

The scope of Rule 3.4(a) encompasses more than tangible items. It is clear that evidence includes electronic information as well. It may even include the knowledge of a witness. The bar’s Legal Ethics Committee suggests that a lawyer’s impermissible instructions to a witness not to answer certain questions could constitute unlawful obstruction of access to evidence in violation of Rule 3.4(a).

A lawyer who interprets discovery requests narrowly to avoid revealing damaging information runs the risk of violating Rule 3.4(a), especially when the lawyer intends to create misimpressions in the mind of opposing counsel. To help avoid the allegation of improperly obstructing access to evidence, in addition to taking appropriate steps to openly contest discovery requests, be transparent to other parties about the redaction or reservation of materials that may be considered discoverable, ensuring that other parties are informed when material is withheld.

Rule 3.4(b): Prohibits falsification of evidence or testimony

“Sir, with no intention to take offence, I deny your right to put words into my mouth.”

— Treasure Island

It comes as no surprise that we are prohibited from falsifying evidence or counseling a witness to testify falsely. Does that mean lawyers may not prepare a witness for the experience of testifying? Clearly not. As a matter of competence, lawyers are expected to review the evidence and relevant topics with their clients, and other witnesses...
when appropriate. We should make clear that the witness is instructed and expected to always tell the truth.

Rule 3.4(b) permits lawyers to guarantee and pay expenses reasonably incurred in attending or testifying; reasonable compensation for the loss of time in attending or testifying; and a reasonable fee for the professional services of an expert witness. However, these expenses or fees may not be conditional or excessive. Rule 3.4(b) prohibits payments to a witness that might undermine the motivation of a witness to be anything but entirely truthful. Hence, we may not pay or acquiesce in the payment of compensation to a witness that is contingent upon the content of the testimony or the outcome of the case, or offer any other inducement prohibited by law. A lawyer in Oregon was found to have violated Rule 3.4(b) when he conditioned the payment of settlement funds upon an agreement to provide an affidavit to be used in a different civil action.

Rules 3.4(c): Prohibits knowing disobedience to the rules of a tribunal

“You must suffer me to go my own dark way.”

— The Strange Case of Dr. Jekyll and Mr. Hyde

Lawyers may not knowingly disobey an obligation under the rules of a tribunal, except for an open refusal based on an assertion that no valid obligation exists. “Tribunal” denotes a court, arbitrator in binding arbitration, a legislative body, administrative body or other body acting in an adjudicative capacity.

The rules of a tribunal include not only the general rules governing a tribunal such as the Oregon Rules of Civil Procedure, the Uniform Trial Court Rules or Supplementary Local Rules, but also rulings issued by a tribunal. For example, the Oregon Supreme Court disciplined a lawyer for trespassing on land and claiming to be its owner after a court had specifically enjoined him from making any claim of ownership concerning the land in the future.

Even if a lawyer believes a court reached the wrong result, that does not mean no valid obligation exists under the court's ruling. An erroneous judgment is subject to proper legal challenges, but it remains valid until those challenges succeed, if they ever do. When is there no valid obligation? The Oregon Supreme Court has found a lawyer's
instructions to a client did not violate a similar predecessor rule, DR 7-106, when no valid obligation existed because the underlying trial court order was void as a matter of statute.11

Rule 3.4(d): Prohibits knowingly making a frivolous discovery request or failing to make reasonably diligent efforts to comply with a proper discovery request

“If he be Mr. Hyde,” he had thought, “I shall be Mr. Seek.”

— The Strange Case of Dr. Jekyll and Mr. Hyde

Like other positions a lawyer takes, discovery requests must have a plausible factual and legal basis. The Lawyers’ Manual on Professional Conduct suggests that few disciplinary cases exist regarding frivolous discovery requests because discovery rules “typically provide for wide-ranging and extensive discovery.” Lawyers making dubious requests, however, for information regarding an opponent’s intimate relationships have been found to violate the rule.12

In comparison, it is easier to find Oregon cases in which a lawyer was disciplined for failing to make reasonable efforts to comply with discovery requests. In two recent matters, lawyers stipulated that they violated the rule when they were culpable for a repeated failure to provide discovery, exposing themselves and their clients to sanctions in court.13

Rule 3.4(e): Prohibits improper trial tactics

“The captain has said too much or he has said too little, and I’m bound to say that I require an explanation of his words.”

— Treasure Island

This rule relates to how what is discoverable and admissible limits advocacy. Lawyers at trial are prohibited from alluding to any matter they do not reasonably believe is relevant and will be supported by admissible evidence; asserting personal knowledge of facts in issue, except when testifying as a witness; or stating a personal opinion as to the justness of a cause, the credibility of a witness, the culpability of a civil litigant or the guilt or innocence of an accused.

The Court has disciplined a lawyer for repeatedly referring to inadmissible matters at trial.14 Review of cases in other jurisdictions supports that prosecutors of civil and criminal claims have been too often tempted to improperly state personal opinions
regarding the justness of a cause or credibility of a witness.\textsuperscript{15}

Rule 3.4(f): Prohibits advising or causing a person to hide or leave the jurisdiction for purposes of making the person unavailable as a witness

“I sometimes think if we knew all, we should be more glad to get away.”

— The Strange Case of Dr. Jekyll and Mr. Hyde

Any successful attempt to persuade a witness not to testify likely violates this rule.\textsuperscript{16} Even if unsuccessful, the attempt is prejudicial to the administration of justice, which is also misconduct under Rule 8.4(a) (4).\textsuperscript{17} Dishonest conduct adjacent to this rule, such as perpetuating the false impression that a witness is unavailable, has also been found to constitute lawyer misconduct.\textsuperscript{18} However, undertaking to represent a witness who wishes to limit or avoid appearance as a witness, through appropriate legal measures, does not violate the rule.\textsuperscript{19}

Rule 3.4(g): Prohibits improperly threatening to present criminal charges to obtain advantage in a civil matter

“For just precisely what I thought I liked about ye, was that ye never quarreled”

— Kidnapped

Lawyers are generally familiar with this prohibition but are frequently uncertain when such a threat is permitted. The rule states that a threat to present criminal charges is permitted when the lawyer reasonably believes the charge to be true and the purpose of the lawyer is to compel or induce the person threatened to take reasonable action to make good the wrong, which is the subject of the charge. For example, threatening to report to police that a person smashed the windows of a store, unless the person pays for the cost of replacing the windows, is permitted. Threatening to report the smashed windows unless the person removes a negative online review of the store, is not.\textsuperscript{20}

The court has found that a lawyer violated this rule when he lacked a sufficient basis for believing a crime had been committed.\textsuperscript{21} However, where the threat was supported by evidence, and the context and content of a lawyer’s demand letter made clear that the mention of potential criminal penalties was not intended to threaten criminal charges, the court found the lawyer did not violate a similar predecessor rule.\textsuperscript{22}
“We must go on, because we can’t turn back.”
— Treasure Island

There are two more rules especially pertinent to discovery matters, even if they are not limited to them.

**Rule 4.4(a): Respect for the rights of third persons**

This rule prohibits the use of means that have no substantial purpose other than to embarrass, delay, harass or burden a third person, or the knowing use of methods of obtaining evidence that violate the legal rights of such a person. A lawyer was found to have violated Rule 4.4(a) when he obtained a credit report using means that violated statute and the terms of service of the credit reporting agency.23

**Rules 4.4(b): Inadvertently sent documents**

A lawyer who receives a document or electronically stored information and knows or reasonably should know that the document or electronically stored information was inadvertently sent shall promptly notify the sender.

This occurs most commonly in the discovery context, but it also arises in less formal interactions. When a sending lawyer inadvertently includes, for instance, a privileged document in a set of documents given to another lawyer in response to a discovery request, the recipient lawyer is not necessarily required to return the document and cease examination of it. The only requirement under Rule 4.4(b) is to promptly notify the sending lawyer. However, if court rules or substantive law require the lawyer to return the document or cease reading it, and the lawyer does not do so, then the lawyer would be in violation of Rule 3.4(c) (disobeying court rules).24 Additionally, the lawyer who reads an inadvertently sent document or refuses to return it may face a successful motion to disqualify.25

The ethical constraints on discovery procedures are vital to the integrity of our legal system and its outcomes. Lawyers who ignore them undermine our legal system and jeopardize their professional status.

“With every day, and from both sides of my intelligence, the moral and the intellectual, I thus drew steadily nearer to the truth…”

— The Strange Case of Dr. Jekyll and Mr. Hyde

Linn Davis is an assistant general counsel for the Oregon State Bar and manages its Client Assistance Office. He can be reached at (503) 431-6332 or ldavis@osbar.org.

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**Be an Author**

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

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

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

1. Rules Regulating the Florida Bar 4-3.4(a) and D.C. Rules of Professional Conduct 3.4(a), respectively.
2. See, e.g. ORCP 43A (documents subject to discovery include electronically stored information, writings, drawings, graphs, charts, photographs, sound recordings and other data).
5. See, In re Eadie, 333 Or 42 (2001) (competence violation where, among other things, lawyer at trial handed his expert physician witness a stack of medical bills that the witness had not previously reviewed and asked whether the bills were reasonable and necessary).
7. Oregon Rules of Professional Conduct, Rule 1.0(p) (definition of tribunal).
8. Oregon Formal Ethics Op 2005-132 (violation of FRCP would violate Rule 3.4(c)).
10. In re Weidner, 320 Or 336, 345 (1994) (lawyer found to have violated former DR 7-106).
13. In re Stewart, 36 DRB Rptr 234 (2022); In re Berman, 36 DB Rptr 238 (2022).
14. In re Eadie, supra. (references to a civil defendant’s ample insurance coverage, repeated attempts to introduce improper hearsay).
20. See, e.g. In re Charles, 290 Or 127, 129 (1980) (lawyer violated former 7-105(A) when, during settlement discussions of a wage dispute, the lawyer threatened his client-employer’s intention to press criminal charges against the former employee).
A Glance Back and a Look Ahead

Writing Reruns

By Suzanne Rowe

That was 17 years ago.

The editors named the column “The Legal Writer,” and it began in October 2006. The first article did in fact address writer’s block, and topics since have ranged far and wide: the discipline of writing, analytical organization, giving and receiving feedback, well-being while writing, professionalism and etiquette in writing, jokes and haiku on writing, word usage, and of course grammar and punctuation. The column has included articles that dissect the writing of novelists, Supreme Court justices, a revered president and many students (anonymously, of course). It has taken a lighthearted approach to topics as dense as the subjunctive mood. Humpty Dumpty has been cited more than once.

Middle Years

While the professor wrote most of the early articles, colleagues also contributed — both by writing their own articles and by offering invaluable comments on hers. In some years, colleagues published most of the articles, and many of those are the best in the series. But through the years, including the professor’s sabbaticals, health issues and burnout, The Legal Writer has continued.

The editors at the Bulletin have turned over several times in these 17 years. All have offered unwavering support for the column, providing helpful edits and extending deadlines when the professor was deep into grading papers.

Most significantly, the editors have conveyed to the professor the very positive feedback from readers. This feedback sometimes baffles the professor, who forgets that anyone other than her husband reads these articles. But then she reflects on how much she enjoys reading articles in the column written by her colleagues. And she is secretly delighted that lawyers, judges, paralegals and legal assistants — readers from coast to coast — have enjoyed and learned from The Legal Writer’s monthly forays into legal writing.

A Glance Ahead

In 2023, the law professor is no longer junior, but the column continues. She occasionally feels writer’s block because, really, how many times can one tackle the subjunctive and how many ways can one explain the correct usage of commas to avoid million-dollar mistakes in legal drafting? But she’s quite proud of the opus of articles that she and her colleagues have created.

The professor loves watching reruns of Ted Lasso. She estimates she’s seen each episode at least three times (except for “Beard After Hours” in Season 2, which she could barely survive the first time, and the first few episodes of Season 3, which almost made her abandon the series). Reruns are fun and easy, but each time she re watches an episode, she sees something new.

So, as the professor begins her 18th year at the helm, The Legal Writer is going to offer some reruns. Drawing from the 170 articles that have appeared in the last 17 years, the editors will select favorites on a variety of topics. Some will be only lightly edited — who could resist the opportunity to tweak just one more time? Others will be updated, for example, an article structured around quotes by famous authors will feature quotes by a more diverse group of authors. A few new articles might drop, like the one currently under construction about how to write more inclusively and a colleague’s article on AI in legal writing.

Those of you who have been reading for fewer than 17 years might never have noticed the inclusion of reruns. The professor watched Star Trek for years before realizing all those amazing episodes were reruns. And no one would claim that each article in The Legal Writer has been so memorable...
that even longtime, faithful readers might not notice the move to reruns. But before an astute reader sends an email to inquire, everyone is on notice.

The Future

Will The Legal Writer last another 17 years? Perhaps. In 2040, the professor will finally reach the age of current presidential nominees. One thing is certain: The Legal Writer will never be written by artificial intelligence. On that point, stay tuned.

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

Endnotes

1. Shout out to Paul Nickell and Julie Hankin for taking a risk and launching The Legal Writer.
2. A complete list of articles and authors appears at https://www.osbar.org/publications/bulletin/legalwriterarchive.html. A topical index is currently underway.
4. Mark Corley also provides many of the ideas for the articles, as astute readers have seen in the notes at the end of numerous articles.
5. Note: That is an intentionally abrupt transition. For guidance on writing smooth transitions, see “Transparent Transitions” (August/September 2023) and “Building Bridges” (July 2011).
6. Note the confusion of the double negative. That construction works fine in Spanish and other languages, but not in English.
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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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
Civil Discourse

Attorneys Guide Municipalities in Quest for Productive Public Meetings

By Melody Finnemore
Mary Alice Winters became Bend’s city attorney in 2008. Since then, she has seen a small percentage of vocal residents representing all sides of the political spectrum dramatically change the tone of public meetings. In particular, when meetings were held virtually during the COVID-19 pandemic and the national discourse became sharper, Bend noticed an increase locally.

“Most people speaking to (city) council during public comment are respectful and appropriate. However, we have experienced that when speakers are not in person, they can have a tendency to be more volatile and accusatory in their comments,” Winters says. “In the last couple of years, since we’ve come back, we’ve had some personal attacks directed at individual council members, which we do not allow. Comments are to be directed to council as a body.”

With an aging city hall and council chambers, Bend previously had a podium next to its dais where the city staff sat and members of the public stood to speak during public comments. That has changed and there is now more distance between city staff on the dais and a table where public commenters sit.

Winters notes that public discourse is an issue for not only meetings, but also for social media, emails and other modes of public comment. She consulted with Bend’s district attorney at one point to assess email messages that were “hateful and potentially biased.”

Fair and Consistent

Winters is among the Oregon city attorneys, county counsels and private-sector lawyers contracting with cities and counties who have seen the public meeting landscape change over the years. They are working with municipal leaders to find a balance that maintains civil discourse and productivity while welcoming members of the public to share their opinions and assert their First Amendment rights.

It is a balance that is sometimes difficult to achieve, as evidenced in Longview, Washington, where in August, resident Jason Still filed a lawsuit asking for $250,000 in damages, alleging the city infringed on his First Amendment rights by limiting his speech. The Longview Daily News reported that Still previously was ejected from two city council meetings for interruptions.

In September 2022, the Salem-Keizer school board closed its meetings to the public entirely and returned to virtual meetings, citing safety reasons after the previous month’s meeting became heated and nearly led to a physical altercation in the parking lot. Last March, the school board began allowing in-person public comment again with new rules in place, according to the Salem Statesman-Journal.

Bend in 2022 updated its council rules for several reasons, including a revised section on respectful and courteous public input and comment. Council meetings are a limited public forum subject to reasonable time, place and manner regulations of speech. Winters advises her mayor and council members to treat public commenters fairly and consistently, not just during public comment but also during protests and other potentially fractious situations.

“It is a business meeting and there is a line of actual disruption when people can be asked to stop and that the chair can maintain order. It is basic that we cannot have any kind of viewpoint or content-based discrimination. If they simply don’t like a person’s position on a topic, even if highly critical of the city, they can’t stop them from speaking, which they understand,” she says.

Under the updated rules, virtual attendance must be allowed via Zoom and commenters can be heard but not seen. Overall, the Bend City Council’s goal with the updated rules is to de-escalate tense encounters rather than turn off someone’s microphone on Zoom or ask them to leave the meeting.

“I think council does feel fairly strongly that, in addition to the rights of the speaker, they are trying to protect the rights for everyone to participate fully at our meetings,” Winters says. “If people are being highly disrespectful, that can make other people in our audience feel unsafe. Sometimes we have kids in our meetings, or people with different positions on an issue, so the mayor (or mayor pro tem) has stopped speakers and asked them to tone it down.

“Any type of discriminatory or racist comment would be stopped immediately. But, for the most part, this isn’t necessary and speakers understand the rules of decorum, which the mayor states at the beginning of public comment,” she adds.

Clear Rules Help Ease Disruptions

In the Coos County city of North Bend, the city council has clearly defined rules in its charter about how members should communicate with each other and the public. Mayor Jessica Engelke reads a short phrase at the start of each meeting:

“Thank you for participating in public comment this evening. The public comment period is an essential part of local government meetings. Each person has three minutes to speak. Our governing body takes the input into consideration. However, in observance of Oregon open meeting laws, this isn’t the time for dialogue, but rather a time for us to listen to you. Our city administrator and city recorder are taking notes of action, if needed.”

Across the state in Pendleton, City Attorney Nancy Kerns helped her council address one repeatedly disruptive individual by researching and writing a “decorum provision” for its rules. The provision states that during council meetings, workshops and other official events, no one may engage in disruptive behavior which obstructs or impedes the orderly conduct of the meeting. “Meeting” is defined as assembly before and dispersal after the meeting. It also encompasses official meetings conducted by all city committees, commissions and boards.

Pendleton’s provision specifically outlines conduct that is prohibited, such as preventing others from seeing, hearing, viewing or meaningfully participating in the meeting; interfering with ingress or egress to or from movement within the council chamber; shouting over, or otherwise disrupting, any person who is recognized by the presiding officer; conduct that substantially interferes with city business; and failure to obey the reasonable direction of the presiding officer.
Civil Discourse

Kerns notes that the Pendleton City Council has not had any disruptions during its meetings since enacting the provision.

David Doughman, of counsel to Portland law firm Beery Elsner & Hammond, works with myriad local governments and other public entities ranging from the city of Seaside to Hood River County to the Mid-Willamette Valley Council of Governments. His first piece of advice is that Oregon Public Meetings Law itself does not require them to dedicate time for public testimony.

“It’s extraordinarily customary, for obvious reasons, that school boards, counties and the like have that on the agenda. We usually tell clients that they are technically not required to do that,” he says. However, Doughman clarified that other laws do impose a requirement to take public testimony, including land use laws and the local budget act.

Doughman echoed the importance of having established rules in place, noting municipal leaders put themselves in a much riskier situation if they remove people from meetings or sanction them ad hoc rather than having clear and concise standards that are communicated to the public.

And, similar to employment matters, he recommends a “progressive discipline” approach to meeting disruptions. That means starting with a warning and a clear explanation of what the consequences will be if the warning is not heeded.

“Short of taking the step of throwing someone out of a meeting, we recommend stopping the meeting,” he adds. “You’re trying to build a record that shows you are being reasonable and conscientious and respectful of their opinions. And it’s just a lot better in the event of a challenge that you can point to a set of standards.”

From Sitting and Signs to Cameras and Clapping

Former Washington County Counsel Tom Carr describes the limitations cities and counties can place on public comment in a public forum as a “nearly unwinnable challenge.”

“Everybody on the U.S. Supreme Court seems to agree that cities are usually wrong when it comes to the First Amendment,” he says. “In my experience, political polarization is getting worse and presenting more challenges for elected officials and those who support them.”

Prior to joining Washington County in June 2021, Carr served as city attorney in Seattle and Boulder, Colorado. In addition to advising cities and counties about how to legally manage public meetings without violating citizens’ First Amendments rights, Carr frequently speaks and writes about the issue. He co-authored an article titled “Disruptive Public Meetings and the First Amendment” in the May/June 2022 edition of the IMLA’s Municipal Lawyer journal.

His advice for city and county leaders is that it’s best to focus on restricting disruptive behaviors rather than speech. As an example, some municipal governments have rules preventing attendees of public meetings from criticizing councilors and commissioners, but those rules most likely violate the First Amendment.

“You can stop someone from disrupting a meeting if they are truly being disruptive, but you have to tolerate a certain level of disrespect,” Carr says. “It’s safer ground if you focus on behavior and actual disruption.”

Another piece of advice is to establish rules and then apply them consistently and fairly. For instance, if municipal leaders allow three minutes for people to comment, that three-minute cutoff needs to apply to everyone or be extended for everyone.

“It’s really easy to continue to allow the Girl Scout to talk about the cookie sale, but then cut off the person who criticizes the mayor,” he says, adding consistency in applying rules is essential. “Zoom was great because you could cut everybody off at the time limit, but it’s more difficult to tell someone to stop talking to their face.”

Content-based rules allow city leaders to define public comment to matters specific to the meeting or to government operations. However, that definition should not be broadened to include viewpoint-based content such as criticism of government officials or policies.

Other issues that arise during public meetings include people sitting in the aisles. Many jurisdictions prevent that through fire and safety regulations and the need to ensure accessibility for people with disabilities.

Signs held by members of the public during meetings also present challenges. City officials can restrict the size of signs so they don’t block other attendees’ view of the proceedings, or the rule can say that no signs are allowed at all.

“Some signs may be obnoxious or obscene,” Carr notes. “You can say that signs aren’t allowed at all, but you can’t demand that signs be respectful.”

Obscenity also is a concern with people participating in meetings via Zoom or other virtual platforms because city officials cannot control what may appear on participants’ cameras. Some jurisdictions have stipulated that cameras cannot be used.
“A lot of community members want to be seen and they want to do presentations. I advise against allowing presentations, but people are so used to talking while using PowerPoint, so there can be pressure on the elected leaders to allow them,” Carr says. “The challenge is that if a government allows video presentations, there is a risk that someone will present materials that some may say is obscene, but then you have city officials deciding what is obscene.”

Clapping raises a debate as well. Some jurisdictions have implemented rules against clapping and booing during public meetings to make people feel more welcome, asking instead that participants raise their hands to show support.

“I’m not sure that is constitutional. Removing someone for clapping is risky and it could lead to a lawsuit,” Carr says.

While there is plenty of debate about what does and does not violate people’s First Amendment rights in public meetings, Carr is certain about one thing: "Presiding officers need to have a lot of patience.”

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Decorum Rules Apply to Public Leaders as Well

The Ninth Circuit Court of Appeals addressed First Amendment protections in Acosta v. City of Costa Mesa (9th Cir. 2013), ruling the First Amendment requires a person’s speech in a city council meeting must actually disrupt a meeting before that person can be removed from the meeting. Its guidance for public entities writing and establishing rules of conduct includes an example that states:

“It shall be unlawful for any person in the audience at a council meeting to do any of the following…(1) Engage in disorderly, disruptive, disturbing, delaying or boisterous conduct, such as, but not limited to, handclapping, stomping of feet, whistling, making noise, use of profane language or obscene gestures, yelling or similar demonstrations, which conduct substantially interrupts, delays or disturbs the peace and good order of the proceedings of the council.”

The Acosta court also approved prohibitions on disorderly conduct when it arises from a member of the governing body, the Municipal Research and Services Center points out. "Members of the council shall not, by disorderly, insolent, or disturbing action, speech, or otherwise, substantially delay, interrupt or disturb the proceedings of the council.”
This year, more than 14,000 evictions have been filed in Oregon. Asked to estimate how many of those evictions could be prevented if each tenant had legal representation, Vivien Lyon is quick to respond.

“Nearly all of them,” says Lyon, co-managing attorney of Portland Community College Clear Clinic.

Lyon is hardly alone in their belief. All of the lawyers that the Bulletin spoke to for this article agreed that the majority of evictions in Oregon could be avoided if the tenant had a lawyer. But that is far from the current reality. Now that pandemic protections have been lifted and inflation has led to dramatic rent increases, Oregon is facing an eviction crisis — and a lack of legal representation therein. Only 8% of tenants have representation, compared to the majority of landlords. At the same time, the eviction crisis also has financially impacted landlords, making this a multi-layered, complicated issue, and one that the Bulletin plans to tackle in a future edition.

Evictions have enormous social consequences. Once a tenant has an eviction on record, it becomes difficult to get new housing. Even if they can find a new place, moving costs significantly more than staying put — a difficult position to be in if you’re already un-
able to afford rent. Legal resources that do exist to help tenants are overburdened.

“We in no way have enough tenant litigators,” says Lyon. “It’s hurtful to have to tell people ‘no’ over and over again, people with legitimate cases who cannot defend their rights on their own.”

Two new programs aim to address that lack of landlord-tenant lawyers. Oregon Housing & Community Services recently issued a grant to expand the Oregon State Bar’s existing Modest Means Program and create an entirely new service, Free Legal Answers.

Modest Means was created almost three decades ago to help Oregonians who don’t qualify for legal aid but still struggle to afford attorneys. Participating attorneys agree to accept a sliding-scale fee based on the client’s income. Now, the subsidy allows for Modest Means attorneys working in eviction defense to earn an additional $100 per hour at no added cost to the client. The subsidy has also expanded eligibility to clients who earn up to four times the federal poverty level. Free Legal Answers is an online service that allows low-income clients to submit legal questions that participating lawyers can answer on their own schedule.

“So many people are showing up to court alone,” Eric McClendon, director of OSB’s Lawyer Referral Service, says of the eviction crisis. “It’s an intimidating process. Unless we can do something about that or guarantee lawyers, I don’t see a solution to the problem.”

Statewide High Demand, Low Supply

Lyon has been working in tenant eviction defense since 2016, long before the current eviction crisis. That didn’t make dealing with the aftermath of the end of pandemic protections any easier.

“It was horrible,” says Lyon. “There was a period of time where it felt like the system cared about tenant defendants to a certain degree. On Oct. 1, 2022, it was like everyone was shaken off the rug and dumped back into the cold waters of reality.”

When Oregon’s pandemic eviction moratorium ended in summer 2021, evictions statewide shot up by 60%. Tenants with pending rental assistance applications were granted “safe harbor” until the end of September 2022. When the safe harbor period ended, landlords could resume evicting tenants after just 72 hours of notice, and tenants had no right to cure. Since the end of Oregon’s safe harbor policy, evictions per month have increased by as much as seven times the monthly average during the first year of the pandemic. To deal with the fallout, Lyon’s clinic hired an additional attorney, Kelsyn Bevins, to help with the massive influx of clients. Even with double the staff and Lyon’s and Bevins’ overwhelming workloads, the clinic has had to turn down cases.

Earlier this year, the Oregon Legislature passed a bill expanding tenant rights in eviction proceedings, including eliminating 72-hour eviction notices except for week-to-week tenancies. Lyon says that the bill has been a relief, but the lack of attorneys working in eviction defense remains an issue.

“It’s just a drop in the bucket of people who actually need the assistance,” Lyon says about the help their clinic is able to provide. “By the time HB 2001 passed, it was an unbearable relief. We were on the cusp of burnout.”

The eviction crisis isn’t confined to the population-dense Willamette Valley. Claudia Limon, director of housing programs for Community Action Program of East Central Oregon, says that when eviction protections rolled back last year, many of the people that CAPECO assisted were unprepared. Rural areas face their own unique challenges. Many of the landlords Limon’s office works with don’t do business online. Trying to get a hold of a landlord by phone to schedule a time to sign forms in person can slow down a time-sensitive process. In many small communities, the majority of the properties are owned by one landlord.

“It’s a double-edged sword,” says Limon. “You can either have a good relationship with them, or you burn them once and you’re done.”

CAPECO frequently makes referrals to legal organizations. But in the legal deserts of rural Oregon, it can be difficult to find an attorney. Limon says that the communities she assists have felt the effects of understaffed legal resources, and it has impeded their willingness to reach out: “There’s an attitude of, they’re not going to help anyway, why would I waste my time?”

Of course, the current attorney shortage isn’t limited to eviction defense. But there are factors unique to the field that make lawyer recruitment difficult. Eviction cases move quickly and often pay little. An overwhelming majority of evictions filed in Oregon are because of nonpayment: People who can’t afford to pay their rent usually can’t afford to pay a lawyer, either.

On top of that, educational opportunities for landlord-tenant law are almost nonexistent. In response to that lack of information, Kamron Graham, Commons Law Center executive director and

Photo Opposite Page: Throughout Portland, evictions are up and there isn’t enough supply of lawyers to meet the demand.
The eviction crisis is far from a Portland-only problem. Renters around the state are struggling to keep up with their payments. The pictured homes are in Sisters.

2022 OSB president, recently taught a tenant eviction defense class for all three of Oregon’s law schools. Twenty-one students attended.

“Would love it if half of those people went into tenant law, but they probably won’t,” says Graham. “There’s no way to make money. People who do landlord-tenant law usually end up working for landlords.”

Nonetheless, Lyon thinks that there are advantages to landlord-tenant law, especially for new attorneys.

“If people want to get court experience, I always hear, ‘You got to do criminal law, you got to be a prosecutor or a public defender,’” says Lyon. “But if you want court experience, landlord-tenant is probably your best option.”

Taking the Case

For years, McClendon was looking for ways to address the shortage of landlord-tenant lawyers.

“Whenever there’s a big change in the legal world, we tend to know first because we start seeing a shift in calls,” McClendon says about the Lawyer Referral Service, a call center for Oregonians in need of an attorney. “We were getting tons and tons of eviction calls, and we noticed we didn’t have anyone to refer them to.”

Since the end of pandemic eviction protections, almost half of LRS calls have been housing-related. But until recently, LRS only had one lawyer who accepted the majority of eviction defendants. The Modest Means Program had long existed to help Oregonians in need of affordable legal help. But as with the broader eviction crisis, there was a lawyer recruitment problem.

“We realized that we had a major problem with the lack of attorneys participating in the service,” says McClendon. “We were just kind of scratching our heads like, ‘How do we get them to sign up?’ We thought that paying them was probably a good idea. We just didn’t know how to go about finding the money.”

Then, in early 2022, McClendon learned that Oregon Housing & Community Services had funding to spend on eviction crisis relief. McClendon and Keren Farkas, OSB’s chief access to justice officer, made a successful pitch for a partnership.

In October 2022, with the help of OHCS grant money, the bar launched Free Legal Answers. The system allows income-qualified Oregonians to submit legal questions through an online portal. Participating attorneys can then answer questions at their convenience. Initially only open to housing law, Free Legal Answers now covers several civil areas. Nonetheless, almost half of the questions received are still related to housing. The majority of participants are below 125% of the federal poverty level, well under minimum program eligibility. The virtual format has helped reach corners of the state where legal help is hard to find — questions have been submitted from every single Oregon county.

Then, this past summer, Modest Means began offering eviction defense attorneys an additional $100 per hour, at no extra cost to the client. Now, depending on the client’s income, Modest Means attorneys working in eviction defense earn between $160 and $200 per hour and do not have to pay the usual remittance to the bar.

The Commons Law Center in Portland has taken on the majority of subsidized cases so far. That’s partially because the nonprofit, sliding-scale firm had already developed their own emergency plan to address the eviction crisis. Commons Law Center decided to meet unrepresented defendants where they are and set up a clinic in the Multnomah County Courthouse. Since last April, a team of one to two lawyers, a paralegal and a few law clerks have advised up to a quarter of first-day appearances on the court’s daily docket.
On their way to the downtown Portland courthouse, tenants facing eviction commonly pass homeless camps, a reminder of what’s at stake. The majority don’t have legal representation and are up against a landlord who does. Most of the tenants the clinic has served are BIPOC, and a disproportionate percentage are women, queer or disabled.

“The historically underrepresented communities that are over-represented in eviction court are the people that are coming in without attorneys, without access to resources, overqualified for legal aid but not enough income to hire a private bar attorney,” says Graham. “We rarely get someone who’s overqualified for Modest Means. They wouldn’t be in eviction court if they were (overqualified).”

Though organizations like the Commons Law Center work to correct a power imbalance that favors landlords over tenants, many attorneys working in tenant defense believe that their work benefits landlords, too.

“Most of the time, landlords want to get paid,” says Graham. “If the tenant has an attorney to help them figure out a reasonable payment plan, challenge defects or access rental assistance, most of the time, that eviction can be avoided.”

According to Graham, Modest Means has helped keep the clinic afloat. But in order to truly address the demand in the greater Portland area, Commons hopes to expand its clinic fivefold.

McClendon would love to expand, too. But first, he hopes to convey to lawyers that eviction defense is more financially feasible than ever before.

“If you’re a young lawyer or you’re looking to expand your practice, we’ve got people coming in constantly for these programs,” he says of Modest Means and Free Legal Answers. “There is money out there to subsidize those lawyers. They just have to be willing to take the case.”

“A More Equal Playing Field”

The eviction crisis is a complicated problem that arose from intersecting, systemic problems. There is no panacea. But many tenant and housing advocates view a drastic increase in eviction defense as a necessity, even if it’s only one piece of the puzzle.

Limon hopes to see expanded legal resources for tenants paired with more affordable housing. For Graham, a long-term solution needs to involve statutory change, alongside economic support for tenant defense attorneys.

Lyon agrees. But they also don’t view eviction defense as simply a stopgap measure. The way they see it, it’s already contributing to systemic change.

“It makes a more equal playing field for landlords and tenants when they are trying to work out agreements,” says Lyon. “Our court system favors settlement over trial. But you can’t enter into good, meaningful settlements when the balance of power is so out of whack. And (eviction defense) really does change that.”

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Judge Sara Collins, born and raised in Medford, always has held Jackson County close to her heart. And now, as of July of this year, she’s become even more committed to the community and its residents through her appointment as Jackson County Circuit Court judge in the 1st Judicial District of Oregon.

“I am focused on serving my county and state to the best of my ability,” she says. “I care deeply about creating a more thoughtful, safe and thriving community and so much of that is tightly knit to an honorable and trustworthy judicial system.”

Southern Oregon Roots

After graduating from South Medford High School, Collins decided to spread her wings for a year and a half at the University of Colorado. Oregon was home, though, so she came back to complete her undergraduate degree in political science at the University of Oregon. Upon completion of her degree, she was unsure of what type of work she wanted to pursue. So, she took some time off to work in a cafe outside Glacier National Park, then moved to Costa Rica to teach English to elementary-aged children for a school year.

“When the program concluded, and I had had some time to discern where my passions lay, I determined law school was the right path,” she explains. “I was excited about the education foremost, and while I had not determined which area of law I would practice, I knew the education I would receive, and the disciplined nature of law school, would be beneficial.”

Collins was accepted into the University of Oregon School of Law in 1998 and quickly fell in love with criminal law. She found it incredibly rewarding and immersed herself in nonprofit law programs. Upon graduation in 2001, she set out to practice in the public service/interest sector, and found a judicial clerkship in Anchorage, Alaska, which lasted for two years and led to a prosecutor position. By 2004, Collins returned to Oregon, where she spent 11 years as a public defender at Public Defender Services of Lane County and Southern Oregon Public Defenders. In 2016, she transitioned into private practice and in 2018 became a founding partner of Collins Rowan, where she represented clients in juvenile, family law and criminal cases. For three years, she also served as volunteer pro tem judge.

Dreaming of the Bench

While professionally fulfilled in her work, Collins had held the dream of becoming a judge since her time in Alaska. Judge Sara Collins has always returned to Jackson County

By Brooke Strickland
Sen Tan, a civil judge, and Judge Michael Wolverton, a criminal judge, served as inspiration. “Judge Tan and Judge Wolverton were exceptional legal minds and judges, and they became mentors to me,” Collins explains. “At this point, I thought if it were possible, one day, I would like to become a trial level judge. Seeing how they interacted with the public while presiding over cases, as well as the thoughtfulness and empathy they had for each case, inspired me. They applied sound judgement, fairness and commitment to hearing all those in their courtrooms. Their ability to firmly apply the law while maintaining a human approach resonated with me and reflected the same judicial philosophy that I envisioned for myself as a judge.”

For those that know Collins, her appointment to the bench is no shock. Devorah Signer Hill, who met Collins in law school and is still a close friend, says from Day 1 it was clear Collins was destined for a career in public service. “Sara and I met within the first few days of law school — I was immediately drawn to her humor, smarts and warmth,” Signer Hill recalls. “As we navigated the next three years as close friends and study buddies, I saw what a natural fit she was for the practice of law. She has been steadfastly committed to public service, as well. I have always suspected she would become a judge.”

Judicial Goals

Collins’ appointment to Jackson County Circuit Court judge was announced on June 12, 2023, and she officially assumed the role on July 10. While she’s only served for a short time, the opportunity already has exceeded her expectations. “The Jackson County community and culture in the court is welcoming and collaborative,” she explains. “The attorneys, administrators and staff, judicial assistants and fellow judges have been great to work with and helpful in navigating the court system.”

While there are certainly many tasks to complete and goals to reach in her new position, she plans to keep things as simple as possible. “My judicial philosophy is that of procedural justice and my priority is for everyone who steps into my courtroom to know their voices are heard, they are equal under the eyes of the law, and they will have a fair and impartial judge making decisions,” she says. “Everyone who enters my courtroom has a reason and a right to be there, and they will be treated with respect. I will serve the communities of Jackson County, and our state, with honesty, integrity, fairness and commitment to uphold the rule of law.”

When asked what challenges she will have to overcome, Collins talks about Oregon’s public defender shortage and how it must be addressed soon and with urgency. “Lack of legal representation, especially that which is constitutionally guaranteed, creates a strain on our courts and presents a challenge for our entire legal system, from public safety officers to defenders and prosecutors to judges, and ultimately to the wellness of our state,” she says.

As a home-grown female judge in Jackson County, Collins is honored to be a part of helping diversify this area’s legal system and hopes to inspire other women who want to do the same. “Over the last several years, Oregon’s judicial system has become increasingly diverse including age, geography, gender, legal backgrounds, community experience and more,” she says. “This is a good thing. It is essential for the integrity of our legal system to have judges who represent the diversity of the populations who come into their courtroom.

“I would hope my professional legacy will be one in which the judicial and legal system, not just in Jackson County but across Oregon, are continued to be seen as efficient, trustworthy, fair and respectful of all involved. We are public servants, and our communities should be stronger and better because of the work we do in our courts to serve the public. I want to inspire my colleagues and the next generation of lawyers and judges to seek justice and commit to upholding the rule of law with compassion and thoughtfulness.”

Her advice to young lawyers that have a vision for making it to the bench one day is simple: Above all else, be ethical. “Be patient with yourself and persevere through doubts and challenges. There are many paths to become a judge if that is
Bravo. Well Done.

PERKINS COIE is delighted to congratulate Litigation Partner Erick Haynie on his induction into the American College of Trial Lawyers. Erick’s experience includes a recent focus on real estate, commercial lease, and large contract disputes, as well as complex business torts. He joins 14 firm partners in this invitation-only organization representing the U.S. trial bar’s top 1%.

Looking Ahead

Matthew Rowan is Collins’ former law partner and current managing partner at Matthew Rowan Law. He shares that Collins’ compassion and empathy are what make her such a great fit for her new position.

“Sara’s whole legal career has been built around helping those in need,” he says. “She was a stellar advocate and a great law partner. Her commitment to justice is hard to match, and she is a great addition to the bench.”

Ilisa Rooke-Ley, friend and former colleague at Public Defender Services of Lane County, echoes that statement by saying, “Sara’s commitment to justice is echoed by the many ways she has served and contributed to our justice system. She has worked tirelessly as an assistant public defender, a family law lawyer, an assistant district attorney, an assistant attorney general and representing children and parents in delinquency and dependency court. The people of Jackson County are fortunate and will benefit exponentially from her experience, compassion and commitment.”

Brooke Strickland is a Pacific Northwest-based freelance writer who frequently writes for businesses and publications around the country. Reach her at stricklandbrooke@gmail.com or brookestrickland.org.
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Tune into the Wisdom of Your Body to Optimize Your Legal Practice

Learning About Interoception

Laura Mahr

Before I became a lawyer, I taught yoga and geeked out on anatomy and physiology. It was endlessly fascinating to discover and observe the profound impact that coordinating movement with breath had on my own emotional well-being and mental clarity, and that of my students. When I went to law school, however, I erroneously retired my wisdom of the body to pursue the knowledge of the mind. I put away my yoga mat and put on my thinking cap, certain that there wasn’t a need for both in the field of law.

Regrettably, after three years of law school and 10 years lawyering, I found myself physically exhausted and wondering what had gone wrong. To understand my experience — and to help others circumvent the same from happening to them — I turned my mind to researching the role of the mind-body-emotion connection in the field of law. Now, years into studying with national thought leaders, neuroscientists, neuropsychologists and clinical pioneers such as Dr. Peter Levine, Deb Dana, Dr. Stephen Porges, Dr. Diane Poole Heller and Dr. Richard Schwartz, I understand that if we want to work and feel our best, we have to draw upon the wisdom of both the body and the mind to get there. In the past eight years of coaching and training law firms how to build resilience and prevent burnout, one thing has become clear: The foundational body of knowledge from which I draw is, well, the body.

More Than a Brain

The human body is capable of experiencing a vast range of sensations and physical responses. Yet, for many of us in the legal profession, we have developed subconscious habits that ignore or suppress our physical awareness and favor the rational mind.

While we understandably rely on our intellect and logical reasoning as a foundation for practicing law, the body also provides invaluable wisdom that can be tapped for guidance. By paying attention to physical sensations and responses throughout the day, it’s possible to notice the body’s signals and use those signals as an antenna — along with cognitive skills — to make well-informed decisions. This kind of bodily awareness can also support mental, physical, emotional and spiritual health, and in turn, help lawyers find balance amidst a stressful work environment.

How Law Disconnects Us from Our Bodies

One reason why lawyers and judges may struggle with body awareness is the demanding nature of our professions. When lawyering, I was guilty of pushing aside my physical needs and emotional feelings to meet the mental demands and time pressures of work. Many times, I felt that I was doing something wrong — that I might disappoint someone or fail — if I took breaks during the workday. Too frequently I skipped eating, pausing to reset or exercising to get my to-do list done. Now, when I train other lawyers and judges, I hear that many are depleted from overworking, tired from undersleeping and overwhelmed from overcommitting. Additionally, we hold stress for our clients. Numerous coaching clients share that they spend sleepless nights tossing and turning over client problems so that their clients can rest assured. I’m observing that in the legal field, productivity, billable hours and professionalism often come at the expense of self-care. Does any of this resonate with your work habits and self-care experience?

Turning away from the signals the body communicates today can also seriously compromise long-term wellness. Ignoring our bodies can have serious consequences on our physical, mental and emotional health over time. Most of us can attest that our bodies (as well as our minds) hold chronic tension from working in a high-stress, adversarial profession. How many of us suffer from ongoing headaches, migraines, low-back pain, high blood pressure, digestive problems, insomnia, hypertension, anxiety or depression? Chronically ignoring our basic physical needs for food, water, sleep and stress recovery are risk factors for compromised immune function, chronic disease, serious mental health conditions and a shortened life span.

Intero-what?

The mind-body connection is a vast and deep topic, yet it comes with learnable skills. One place to start your journey of connecting to your body is by developing interoception. Interoception, also called somatic awareness, is defined as the ability to sense and interpret the internal states of the body (soma). Internal states of the body include respiration/breathing, heart
rate, body temperature, hunger, thirst and elimination. Interoception also includes the ability to notice sensations of pleasure and pain, tension and relaxation, along with being able to ascertain your emotional state (e.g., happy, sad, frustrated, confused).

Interoception is important not only for regulating our physical bodies, but also for emotional regulation and cognitive processing. The better our “interoceptive accuracy” (the ability to accurately perceive and interpret bodily signals), the more likely we will be emotionally balanced, mentally clear and less chronically stressed. As lawyers, when we develop interoceptive accuracy, we are more likely to pay better attention to not only what we need, but also to what our clients need, thereby better equipping ourselves to give accurate counsel and zealous representation.

Putting Interoception to Work
Below are a few examples of how you may utilize your interoception during your workday, and how it may enhance your legal practice:

1. **You are in a mediation, and notice your jaw tensing and your stomach fluttering.** You pause and see what is happening in the negotiations. You look at the frustrated faces and closed-off body language of both sides and realize that the parties are at an impasse. Instead of pushing for a resolution, you ask for a break. During the break, you encourage your clients to go outside and stroll around the block. While they are out, you take a few long exhales and make sure everyone has enough water to drink; you open the windows and let sunshine and fresh air into the previously darkened room. When your clients return, they have had a shift of perspective and so has the other party. Negotiations are successful. You go home with energy to spare.

2. **You are meeting with a new client and notice chest tightness.** Instead of ignoring the sensation, you instead take a moment to tune in and see what your body is telling you. Is something amiss? You reflect and realize you need to ask the client more questions to clarify an incongruence in the facts before moving forward.

3. **You’ve been laser-focused drafting a document.** After several hours, you notice you have to go to the bathroom. Instead of “holding it” and working another 15 minutes, you go to the bathroom. On your way back to your desk, you remember
two points you intended to include in the document, but your mind had been so focused you’d forgotten.

10 Ways to Enhance Your Interoceptive Accuracy

To cultivate interoception and tap into the wisdom of your body, start by paying attention to your body’s physical sensations as they arise. To cultivate your interoceptive accuracy, try one or more of the suggestions below. While these tools have been helpful for me and others, everyone’s body is different. Try experimenting with one that catches your attention and stay with it if it feels effective. If it doesn’t, try something different. Remember, your body is your compass and only you know what feels good for you!

1. **Base Needs Tending.** Notice when you need to take a break, when you are thirsty, need to go to the bathroom or need to breathe more deeply. Give your body what it is asking for and notice what shifts or changes. If you’ve never done any specific interoceptive practices, this is a good place to start.

2. **Mindful Breathing.** Focus on the breath while breathing naturally or by using specific breathing practices. Notice what happens with your body, emotions and thoughts as you breathe.

3. **Body Scanning.** Mentally scan your body from head to toe, paying attention to sensations in each area.

4. **Yoga.** Practice yoga. Notice what you feel when you link your body’s movements to your breath. You may want to attend yoga classes that intentionally slow down the body, such as gentle yoga, yin yoga or “slow flow.”

5. **Mindfulness Meditation.** Practice being fully present in the moment and aware of your thoughts, feelings and physical sensations without judgment.

6. **Massage.** Notice your body’s patterns of holding and releasing tension when getting a therapeutic massage.

7. **Mindful Eating.** Pay attention to your body’s sensations of hunger before you eat. Be conscious of chewing your food all the way and noticing the taste and flavors. Notice when you get full.

8. **Exercise with Awareness.** Practice noticing your body’s internal sensations during physical activity. In particular, stay alert to sensations of pain.

9. **Sensory Input.** Explore different sensory experiences such as new foods or beverages, different types of music, the sensations of being outside at a different time of day or night, or wearing new colors or textures.

10. **Interoception Journaling.** Write about your bodily sensations, your emotions and your thoughts to track patterns and to increase awareness of internal shifts and patterns.

Get Support

One challenge of tuning into the sensations of the body is that when the awareness drops in, you may feel the compound effect of what you have previously disregarded or missed. Most of us are not neutral about our bodies. We have opinions about our bodies formed by what has been taught to be “normal” by our family, friends, partners and society at large. Most of our bodies have undergone some kind of hardship or trauma. Our legal minds, trained to find fault, can be particularly self-critical toward our own bodies, even when we are trying to do something helpful for our bodies. Many people turn away from the body for a whole host of reasons: disinterest, lack of familiarity, discomfort, shame and/or confusion. Experiencing any of those things — or all of them at once — can feel anywhere from uncomfortable to intolerable.

If you try any of the above-listed interoceptive-enhancing practices and feel overwhelming discomfort (emotional, physical or both), stop, or try something different. It’s possible that a somatically trained therapist or coach could be helpful to support you in processing and understanding your experience. Note that not all therapists or coaches are trained in the mind-body connection. I highly recommend working with a professional who has specific somatic training, such as a Somatic Experiencing practitioner, or therapists and coaches trained in Applied Polyvagal Theory, somatic-based Internal Family Systems (IFS) therapy, trauma-informed yoga or body-centered mindfulness (to name a few).

Lawyers Resonate With Tapping into the Body

In 2019, I presented a plenary at the North Carolina Bar Association’s annual meeting with a similar title to this article. At the time, it felt like an edgy subject and outside the norm to talk to lawyers and judges about the body’s intelligence. And yet, the audience was engaged and the feedback from the plenary was overwhelmingly positive. I still hear from participants who share how profound an experience it was to talk about stress management in the legal field from the body’s perspective.

Inspired, I have continued to teach lawyers, support staff and judges about the mind-body connection through individual coaching and group trainings. Last fall, I conducted a six-week virtual mental health CLE series for the Buncombe County Bar applying the principles of Somatic Experiencing, created by Dr. Peter Levine, to the legal profession. In the course, lawyers learned different somatic practices that return the body to a state of regulation when stuck in a dysregulated state of fight, flight, collapse or freeze. I heard from many participants that this was their favorite course to date … so useful that they want to take it again. I felt encouraged to hear that the participants’ experiences with somatic tools were genuinely transformative with significant, noticeable results. One of the key tenets of somatic experiencing is that the body has a natural ability to heal itself — it is inspiring to witness as it happens!

What I Know So Far

While I endlessly learn about the mind-body connection, there’s one thing I know so far: The body-mind connection is interesting, helpful and applicable to our profession. Teaching the body-centered tools that helped me recover from professional burnout is helping other lawyers and judges, too. This success brings me relief and hope. Despite the concerning research that is currently being conducted about the abysmal state of mental health in the legal profession, there is a way through.

By incorporating interoception into your workdays, you can develop a deeper level of self-awareness and awareness of others. This enables you to practice law more effectively while cultivating greater well-being and balance in your own life. I invite you to go on a journey to discover what’s happening in your body so that you can arrive at a clear, calm mind.

Laura Mahr is a North Carolina and Oregon lawyer and the founder of Conscious Legal Minds LLC, providing well-being consulting, training, and resilience coaching for attorneys and law offices nationwide. Through the lens of neurobiology, Laura helps build
strong leaders, happy lawyers and effective teams. Her work is informed by 13 years of practice as a civil sexual assault attorney, 25 years as a teacher and student of mindfulness and yoga, and eight years studying neurobiology and neuropsychology with clinical pioneers. If you are interested in learning more about how somatic principles can positively transform your personal or organizational experience in the law, contact Laura through consciouslegalminds.com. The article was originally published in the North Carolina State Bar Journal.

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

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

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

Discipline

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

CURTIS CHARLES CALDWELL
OSB #113470
Salem
60-day suspension

Effective Sept. 1, 2023, the disciplinary board approved a stipulation for discipline and suspended Salem lawyer Curtis Charles Caldwell for 60 days for his violations of RPC 1.3 (neglect of a legal matter) and RPC 1.4(a) (duty to keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information).

Clients retained Caldwell to file a bankruptcy petition on their behalf. After filing, the bankruptcy trustee established a repayment plan. Per the plan schedule, clients’ monthly payment would increase in the future.

The clients experienced a decrease in monthly income and soon thereafter sought legal advice from Caldwell related to avoiding the monthly payment plan increase, among other inquiries. Caldwell indicated a payment plan modification was possible.

Several months later, Caldwell assured his clients that he would submit a request for plan modification to the bankruptcy trustee before their plan payments increased. Based on these representations, the clients did not increase their plan payments. Caldwell did not submit a request for plan modification.

The bankruptcy trustee moved to dismiss the clients’ bankruptcy case based on insufficient plan payments and missing documentation. After a hearing, the clients’ bankruptcy case was dismissed. At the time of the dismissal, Caldwell had not provided his clients with substantive guidance on requests for advice made more than a year prior despite several follow-up requests.

DWIGHT L. FAULHABER
OSB #710584
Eugene
90-day suspension

Effective Sept. 15, 2023, the disciplinary board issued an opinion suspending Eugene attorney Dwight L. Faulhaber for 90 days for violations of RPC 1.4(a) (failure to communicate), RPC 1.15-1(d) (failure to promptly return client funds or provide an accounting), and RPC 8.1(a)(2) (failure to respond to disciplinary inquiries).

In March 2021, Faulhaber represented a client who was seeking a speedy divorce. Faulhaber collected a retainer and filed the petition for dissolution but failed to have the other party served. After many attempts to contact Faulhaber and ascertain the status of the service attempts on the other party, the client hired new counsel. Faulhaber was aware that the client hired a new attorney, but failed to transfer the unearned balance of the client’s retainer or provide an accounting until March 2022.

The disciplinary board also found that Faulhaber failed to respond to communications from the Bar during its investigation of the bar complaint.

The panel found that Faulhaber’s conduct was aggravated by a prior disciplinary record, multiple offenses and substantial experience in the practice of law, and mitigated by the absence of a dishonest or selfish motive.

DUANE CRAIG MIKKELSEN
OSB #823355
Oregon City
90-day suspension

Effective Oct. 1, 2023, the disciplinary board approved a stipulation for discipline and suspended Oregon City lawyer Duane Craig Mikkelsen for 90 days for his violations of RPC 1.3 (neglect of a legal matter), RPC 1.4(a) (duty to keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information) and RPC 8.4(a)(4) (conduct prejudicial to the administration of justice).

Mikkelsen was hired to probate the estate of his client’s mother. After filing the petition to probate, Mikkelsen missed several filing deadlines over a period of two and half years. The court was forced to schedule numerous hearings, only to have them vacated once Mikkelsen made the required filings. During this time, Mikkelsen’s client was unable to make contact with him despite repeated attempts.

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

RICHARD L. COWAN
OSB 771467
Salem
60-day suspension, 30 days stayed, 1-year probation

Effective Sept. 30, 2023, the disciplinary board approved a stipulation for discipline and suspended Salem lawyer Richard L. Cowan for 60 days, 30 days stayed with a 1-year probation for his violations of RPC 1.3 (neglect of a legal matter), RPC 1.4(a) (duty to keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information) and RPC 1.5(a) (charging or collecting a clearly excessive fee).

In September 2017, a client hired Cowan to research a legal matter. After the client paid Cowan’s fee, he failed to perform any substantive work on the matter. Years later, the client followed up with Cowan to inquire into the results of the research he was hired to do but was unable to reach him despite multiple attempts.

The stipulation acknowledged that Cowan’s conduct was aggravated by his substantial experience in the practice of law. Cowan’s conduct was mitigated by an absence of a prior record of discipline, absence of a dishonest or selfish motive, full and free disclosure to disciplinary board and a cooperative attitude toward proceedings, and remorse.
Thank you to everyone who supported OLAH’s 2022 Lawyers v. Hunger Drive!

Top Ten Teams:
Stoel Rives • Lane Powell • Oregon Mediators • Holland & Knight • Miller Nash • Tonkon Torp • Davis Wright Tremaine • Klarquist Sparkman • Farleigh Wada Witt • McEwen Gisvold

See the full list: OregonFoodBank.org/OLAH
Sixty-nine percent of the 426 applicants who sat for the July 2023 Oregon Bar Exam received passing marks, according to official results released in mid-September. Of the 296 people who passed, 279 were taking the test for the first time. Seventeen who passed were repeat applicants.

Passage of the Oregon Bar Exam is only one of the requirements necessary for admission to practice law in Oregon, and applicants may not practice in the state until they are sworn in as a member of the Oregon State Bar. Those who passed the bar exam in July were sworn in on Oct. 5. For a complete list of applicants who passed the exam in July, visit osbar.org/admissions/examresults_july2023.htm.

New Domain Name for E-Notice to Lawyers

The email domain used by circuit courts and the Oregon Tax Court to send electronic notice of hearings, orders and judge-ments was changed on Sept 20, 2023. OSB members should whitelist the new name — notify@ojd.state.or.us — to ensure that court notifications are not directed to their spam folders. Questions can be emailed to L.S.Dupree@ojd.state.or.us.

Remember to List Job Openings in the OSB Online Career Center

The Oregon State Bar’s online career center, which can be found at https://jobs.osbar.org/jobs/, is the perfect place to list job openings at your firm or organization. So far in 2023, job postings on the career center have been viewed by job seekers more than 103,000 times, which is an increase of 5% since 2022. If you have an open position, visit the OSB’s job board and click on the “Products/Pricing” button to see the posting options.

To publish a classified ad in the Bulletin magazine, email advertising@osbar.org or send your request via mail to: P.O. Box 231935, Tigard OR 97281, Attn: Advertising. For questions, contact Monique Eschette at advertising@osbar.org, (503) 431-6455 or (800) 452-8260 ext. 455. For all
ads, the cost is $40 for the first 20 words, 50 cents each additional word. Oregon State Bar members receive a $10 discount on these ads. Color may be added to any ad for an additional $20.

**PLF Annual Assessment Payments Due Jan. 10**

The 2024 assessment for PLF primary coverage is $3,500. The assessment notices were sent mid-November, and the deadline to pay your installment or file an exemption is Jan. 10, 2024. You can pay your bill online, file an exemption or set up payment installments on the PLF website: https://osbplf.org/coverage/pay-assessment.html. If sending payment through the mail, please ensure enough time to arrive by Jan. 10, 2024; postmark dates are not applicable. If you have any questions, please call the PLF Accounting Department at (503) 924-1771.

**Avoid Late Fees, Use PLF Quick Pay**

Do you pay your PLF assessment by check? Want to avoid late fees? Try the Quick Pay option. The PLF Quick Pay system allows you to enter your banking information for electronic payment delivery. It’s secure, convenient and can save you money. There are no fees or login requirements. Submitting payments online is more secure than mailing a check, and you don’t have to pay for postage. Transactions can be completed up to 11:59 p.m. (Pacific Time) on the due date of your assessment, and you will receive immediate email confirmation. You can also pay with one eCheck for multiple bar members.

To pay your assessment by Quick Pay, go to www.osbplf.org/quickpay/. To learn more about our payment options, visit osbplf.org > Coverage > Pay Assessment. If you need a copy of your statement, have any questions or would like assistance completing a Quick Pay transaction, please call the PLF Accounting Department at (503) 924-1771.
**BAR PEOPLE**

**Moves**

Landerholm has hired Joseph Vance as a shareholder. Vance has over 25 years of experience and represents clients in a wide variety of complex litigation in state and federal court in Washington and Oregon. Vance’s practice includes defending employers in employment-related claims; all types of real estate related litigation, including adverse possession and other property disputes; corporate governance disputes; construction disputes; and TEDRA and guardianship litigation.

Miller Nash has hired Ed Choi as a partner to its Portland office employment team. Choi has a decade of litigation experience. He represents clients across multiple industries in a variety of employment litigation and business disputes. Before joining Miller Nash, he practiced at a boutique Portland-area employment firm following eight years with an international firm.

Gilroy Napoli Short Law Group has hired Jason Wheeless and Amanda Loshbough. Wheeless practices criminal defense in Central Oregon. He has nearly 20 years of experience practicing in Oregon and New Mexico courts at state and federal levels. Loshbough is a former deputy district attorney who has dealt with a cross section of criminal matters.

Most recently, she worked in private equity on a national and international level. Both Wheeless and Loshbough will practice criminal and DUII defense for the firm in Deschutes, Crook and Jefferson counties.

SBH Legal has hired Tejinder Bhullar as a new associate. Bhullar represents Oregon employers and insurers in workers’ compensation defense matters and joins SBH Legal after clerking with the firm for two summers. SBH Legal also has hired Nathan McFadden. He represents Washington employers and insurers in workers’ compensation defense matters. McFadden previously clerked for the Marion County District Attorney’s office.

Schwabe has hired three new attorneys to its Portland office. Christine Zinter has joined the firm’s healthcare and life sciences industry group. Zinter has nearly 30 years of experience in employee benefits issues, including ERISA, the ACA, HIPAA, COBRA, state insurance laws, IRS and DOL audits. She also assists with health insurance company and pharmacy benefit management operations, including Medicare audits, inquiries from Boards of Pharmacy and state insurance regulators. Associate Keenan Ordon-Bakalian specializes in land entitlement process in Oregon and Washington, including residential and commercial development, surface mining permits and water rights. He also has experience advocating for clients in front of local decision-makers and defending permits and project approvals in Oregon’s Land Use Board of Appeals, Washington’s Growth Management Hearings Board and state courts.

Maggie Vining has extensive experience with succession plans, funding strategies and forming complex trusts. She also specializes in working with charitable foundations and tax-exempt organizations, as well as creating estate plans for taxable estates and administering complex trusts and estates.

Edward Earl has joined Watkinson Laird Rubenstein. Earl represents and advises clients in estate planning, probate and trust administration. He can be reached at eearl@wlrlaw.com.

Attorney Shanon Gray’s office has moved from Idaho back to Oregon. Gray will continue handling criminal defense cases, as well personal injury and plaintiff’s cases. His new business address is 155 B Avenue, Suite 100, Lake Oswego, OR, 97034. He can be reached at (503) 957-9699.

**In Memoriam**

Jerry Parkinson of Portland, a 38-year member of the Oregon State Bar, passed away from cancer on Sept. 29, 2023.

After stints as a high school teacher and federal marshal, Parkinson, a South Dakota native, attended law school at the University of Iowa. Following graduation, he began his legal career at Miller Nash in Portland and later clerked for Hon. John F. Kilkenny of the U.S. Court of Appeals for the 9th Circuit. He then returned to teaching, this time as a professor, at the University of Oklahoma and the University of Wyoming. Parkinson served as dean of the University of Wyoming College of Law for 11 years.

Parkinson had a 30-year career in legal education. After retiring, he circled back to Portland, where he enjoyed being surrounded by his family in his last years.

He is survived by his wife of 49 years, Deb Parkinson, children Josh (Paige) Parkinson and Angela (Gary) Keney, and grandchildren Maya, Zoe, Whit and Dylan, all of Portland.
Additional Notices

Timothy J. Harold
81, Springfield, May 28, 2023

Martin E. Thompson
43, Bend, Aug. 16, 2023

Terrence R. Pancoast
80, Lake Oswego, Oct. 25, 2022

John P. Lydick
83, Pollock, Louisiana, Aug. 26, 2023

Theodore C. Carlstrom
90, Los Altos, California, May 12, 2023

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.
CLASSIFIEDS

OFFICE SPACE

BEND – Two first floor suites, one block from Courthouse, each 620 sq. ft. One front suite, $2500; one back suite, $2250. Included: utilities except phone and internet, one parking space per suite. Rent both suites or one. Contact Warren West, 541-382-1955, 541-788-4288

DOWNTOWN PORTLAND HISTORIC BUILDING. Offering professionals, small businesses, and non-profits sensible rents and a feeling of community. Move-in ready offices for lawyers. Secure building. Updated systems and finishes. Bike storage, showers, conference room, lounge with outdoor access. On Max line across from new Midtown Beer Garden food carts. Contact: Sean.Turley@am.jll.com; 503.201.8325.

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

JOHN’S LANDING OFFICE SPACE AVAILABLE – Spacious Partner office with beautiful Mt. Hood and Willamette River views on the top floor in the Panorama Building at the corner of S Corbett and S Hamilton Avenues. Quiet, congenial, client friendly space, client parking available, covered handicap parking and elevator to top floor from parking garage, and access to common areas (reception, conference room, kitchen, shower). Rent includes receptionist service, phone system, copier/fax/scan (at cost). Office available September 1, 2023. Contact Craig Nichols (503) 224-3018 or craig@nicholslaw.group.

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

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

LAKE OSWEGO KRUSE WAY – NEAR MERCATO GROVE 4035 Douglas Way, Lake Oswego, OR. Newly remodeled executive office space available around August 1. All private, windowed offices. An entire suite up to 4,000 sf is also available. Free parking. Law firm on the upper floor. Prices begin at $800 per month for the executive offices. Call Meghan 503-836-3013.

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@mckenzieierverco.com.

OFFICE FOR RENT at 833 SW 11th Avenue #250 in downtown Portland-559 square feet. Available through December 2024, fully furnished. Great rate at $1300/month. Is perfect for a solo practice has a separate waiting room, consultation room and office space. Call/text Saska at 650-265-1193

OFFICE SPACE – First floor two tandem offices suite or other office space as available with optional reception area for a paralegal in a building with 4-6 other lawyers, East Portland, Hollywood District, negotiable rent includes utilities. Call to view, leave a message. (503) 236-4000.

SMALL PLAINTIFF’S PERSONAL INJURY FIRM with two office spaces for rent. 300 Oswego Pointe Drive, Suite 101, Lake Oswego. Shared common space and kitchen. Dog friendly and views of the Willamette River. $2,500/month. Call 503-228-6469 or email megan@sokol-law.net for more information.

TWO UNFURNISHED OFFICES in downtown Portland available, both with adjoining space for paralegal. Prices range from $300 to $700. Building located on the corner of SW 6th and Clay near the transit mall. Full reception and custom telephone answering from 8:00 am to 5:00 pm M-F, use of library w/fireplace and conference room included, all usual office equipment, notary onsite. Building is shared with six experienced attorneys and one CPA, four blocks to courthouse, one block to fitness center. Flexible lease dates. Parking available nearby $200/month. 521 SW Clay. Kari: 503-226-3607.

POSITIONS AVAILABLE

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

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@bjlawyers.com.

DYNAMIC EXPERIENCED SPEAKER to conduct seminars on Contract Claims/Litigation Avoidance; Training and copyrighted materials provided. condorgroup@aol.com

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

FAMILY LAW ASSOCIATE ATTORNEY – Bryant Emerson has served Redmond and Central Oregon for over 100 years. We are looking for a family law associate to join our team. The ideal candidate will have 2-3 years of experience and a desire to live in the Redmond area. Competitive compensation includes substantial base salary plus performance-based bonus. Benefits include employer-paid health insurance and 401(k) with match. Please submit application materials to resume@redmond-lawyers.com.
**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, commissions, parking, health insurance reimbursement, employer-matching retirement account, and substantial vacation/paid time off. Please submit a resume, cover letter with salary requirements, and references 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. Prepare attorney with law firm experience, but willing to train the right person. Submit resume and letter of interest to admin@hoodriverlaw.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.

**MORRIS & SULLIVAN, P.C.**

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Sealed proposals for a City Attorney will be received at the City of Corvallis, City Manager’s Office, 501 SW Madison Avenue, Corvallis, OR 97333. The RFP document may be examined or obtained for no charge at the City of Corvallis City Hall, 501 SW Madison Avenue, Corvallis, OR 97333, or by downloading the document from http://www.publicpurchase.com. All who are known by the City to have received a complete set of the document will receive notification when additional items are posted to http://www.publicpurchase.com. Sealed proposals must be submitted to Becky Berglund, Central Administrative Services, no later than 2:00 p.m., Monday, November 13, 2023 at City Hall, 501 SW Madison Avenue, Corvallis, OR 97333, or mailed to PO Box 1083, Corvallis, OR 97339-1083. The sealed proposals will be publicly opened and read at 2:00 pm on Monday, November 13, 2023 in the City Hall Oak Meeting Room via virtual conference. The City of Corvallis encourages small, minority- and women-owned businesses to submit proposals. For more information, contact Mark Shepard, City Manager (541) 766-6901. For Hearing and Speech Impaired, contact Oregon Telecommunications Service 7-1-1.

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Teresa Statler, a retired attorney in Portland, went on an Australian vacation earlier this year and provided us with this spectacular image of the famous Uluru, formerly known as Ayers Rock, in the Outback in the Northern Territory. She says she took the photo at dawn during a sunrise tour. This area is sacred to the aboriginal Anangu people.

“The place was just fabulous and mesmerizing. The soil is an incredible shade of orange-red that’s almost indescribable,” Statler reports.

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.”

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