Attracting Rural Lawyers

Recruitment and Retention of Rural Attorneys Remain Critical to OSB’s Mission

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On the heels of an Oregon New Lawyers Division survey of rural practitioners, the Oregon State Bar continues to explore efforts to encourage its members to work in areas outside the major metros. Hear from lawyers in these scarcely populated towns and counties about the benefits of practicing there, as well as the obstacles encountered as the lawyer populations dwindle ... and how that affects caseloads and residents’ access to justice. Pictured is the Crook County Courthouse in Prineville.
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Racism Foundation and convened a mentoring group for students of color at Willamette’s law school.

Justice Peterson could easily have spent that time basking in the respect and admiration often afforded to someone who had such a distinguished career. Yet, instead of letting himself off the hook and giving himself permission to continue on without self-reflection, he chose to confront his own attitudes and use his enlightenment to create tangible good in his community.

May we all carry forward his good work.

Joel E. Fowlks, Milwaukie

Jury Service as a Judge

Your article about attorneys as jurors (December 2023 Bulletin) brought back a fond memory.

Sometime in the early 1980s while I was a circuit court judge in Lane County, I got summoned to jury duty. When the panel was escorted into the courtroom, I immediately saw that the two attorneys in the case were friends of mine of long standing. The judge explained to us that the case was one for property damage arising from an auto accident, and the process began.

During the jury selection process each attorney passed me for cause without question, and, to my surprise, they left me on the panel. It was a short trial and, as it turned out, an even shorter deliberation. After declining to serve as foreman, and gently guiding the selection of one, the panel unanimously found for the defendant without any discussion.

After we jurors returned our verdict and were excused, I sought out the attorneys in the hall outside of the courtroom and thanked them for leaving me on the panel. They laughed and told me that when they saw me on the panel, they had a hurried conference and decided they would leave me on the case. They said they thought it would be a good experience for me and, for them, the case was only about which insurance company was going to pay for the damages. Then we all three had a good laugh.

Jim Hargreaves, Eugene

Touting the Traditional Exam

Oregon’s move to allow law students to apprentice, rather than take a bar exam, further dilutes the quality of our state’s legal practice. It is disappointing that government leaders, the Oregon State Bar and law school administrators are vitiating the effective gatekeeping function of the bar exam.

Under this approach, a few “winners” would escape the rigors of the exam, which for generations has been a bellwether of competent legal education. The other true winners are the deans of Oregon’s law

Letters to the Editor

The Bulletin welcomes letters. They should be limited to 300 words. Preference is given to letters responding to letters to the editor, articles or columns recently published in the Bulletin. Letters must be original and addressed to the Bulletin editor. Unsigned or anonymous letters will not be published. (There are exceptions. Inquire with the editor.) Letters may not promote individual products, services or political candidates. Letters may be edited for grammatical errors, style or length, or in cases where language or information is deemed unsuitable or inappropriate for publication. Profane or obscene language is not accepted.

Send letters to: Editor, OSB Bulletin, P.O. Box 231935, Tigard, OR 97281. Or you may email them to editor@osbar.org.
schools, who at long last are relieved of facing scrutiny for mediocre bar exam passage rates. Per the Oregon State Bar, the two most recent passage rates were 40% (February 2023) and 69% (July 2023).

The absolute losers will be members of the general public, which often stake their entire lifeline on the competence of their legal advisors. The choice of a so-called “apprenticeship” is frankly no choice at all for someone to develop competence in the ever-complex world that is legal practice.

Proponents say Oregon is being a trailblazer — the first in the country to do this. The same is said about Oregon’s decriminalization of possession of killer drugs such as fentanyl, meth, cocaine and heroin, with truly disastrous results.

A separate issue almost as troubling is the virtual silence of the OSB Professional Liability Fund, that if this folly is allowed to proceed, will be at the forefront of basically “funding” the defense and the indemnity of the financially disastrous legal malpractice claims that are certain to follow — of both the transgressing attorney as well as their apprenticing “mentors.”

Robert D. Lowry, Eugene

Editor’s Note: Lowry refers to the recent adoption of the Supervised Practice Portfolio Examination (SPPE) as an option for applicants to the OSB. The chair of the Board of Bar Examiners (BBX) provided the following response:

I appreciate Mr. Lowry’s engagement and add two short points of clarification.

First, while the SPPE includes an apprenticeship element, it does not replace the requirement for a bar examination. Per Supreme Court rule, the BBX will perform a rigorous examination of the legal work product (“portfolio”) of each potential admittee, with enumerated requirements, prior to admission. It is only if this work product meets the necessary standards that an individual will be admitted. It is our intent that this examination be no less substantive than the standardized test and could even add depth to the examination of applicant skill and knowledge since we will be reviewing real legal work done in real time.

Second, The Professional Liability Fund was engaged in development of the SPPE and consulted regarding the program’s potential malpractice risks. The PLF does not consider SPPE applicants to
carry greater malpractice risk than other types of bar members and fully supports the program. Finally, I would note that the bar exam taken by Mr. Lowry looks very different than the Universal Bar Exam that will be taken by potential admits this February, and even more different than the exam that will be implemented by the BBX and other states nationwide in 2025 — the “NextGEN” bar exam. As our knowledge and understanding about how to best test for competence improves, so too should the methods used for testing.

That said, this is indeed a new form of exam for Oregon, and I look forward to a continued dialogue for the legal community at large. Detailed information, rules and history are available at www.osbar.org/sppe.

Addie Tobin Smith, Portland

Against Lawyers as Jurors

I have practiced as a trial lawyer for over 40 years. Both as a citizen and as a trial lawyer who has tried over 300 jury trials in many different state and federal courts in Oregon, the biggest mistakes I ever made in jury selection was in leaving lawyers on the jury panel (December 2023 Bulletin).

I believe everyone otherwise qualified should have the opportunity to serve as jurors, but that doesn’t mean I have to keep them on a panel, when my experience has shown me, over and over, that attorneys will dominate the jury deliberation, interject inappropriate issues into those deliberations and substitute their own opinion for the proper instructions given them by the presiding judge.

I only know this because after the verdicts other jurors have sought me out to complain about the usually domineering role lawyers played in their deliberations. I have been called to jury service several times, but never made it as far as the group subject to challenges, and I am not sure if I would want someone in my frame of mind as a juror.

Joshua Marquis, Astoria

Access After Death?

I very much enjoyed John Simek’s and Sharon Nelson’s article “A Safer Way to Sign in” (January 2024 Bulletin). If left me with a question: If people use biometrics (facial scan or fingerprint) to access our computers and various programs, what happens when that person dies? How will
the heirs or personal representatives gain access to the device or program?

Arnie Polk, Portland

Response from John Simek: Typically, biometric access (fingerprint, iris scan, facial scan, etc.) is configured after a password is assigned to the account. If a deceased person previously used biometrics to access an account, you should still be able to access the account using a password. Now the problem is … what if you don’t know the password? Providers of the service normally have a method in which to access (e.g., reset the password) for a deceased individual. You may have to provide a death certificate or some other information to verify the legal right to access the account. A password manager would be another excellent option for providing account access. Just make sure someone else knows has access to the master password (perhaps prior knowledge or access to a safe deposit box containing the master password) as part of your estate planning and will preparation.

Kudos to the Bulletin

What a powerful issue of the January Bulletin. David Rosen’s mindfulness, ONLD’s incredible award recipients, the new Paraprofessional Licensing Program, the burn-out advice. It is gratifying to see this sophisticated and empathetic sensibility so brilliantly displayed in the Bulletin and so effectively practiced by OSB members.

David Wade, Eugene

‘Discovery With …’ Debuts This Issue

Our new Q&A page, “Discovery With …” debuts in this issue of the Bulletin, replacing the cartoon, Quotable and By the Numbers. Check it out on page 10. If after reading this initial installment, you would like to be a future subject for the page, or have someone else you’d like to see featured in that space, email editor@osbar.org.

Michael Austin, Bulletin editor
Celebrate Minoru Yasui Day on March 21

On March 21, the Oregon Judicial Department, Multnomah County Circuit Court and the Multnomah Bar Association are partnering to honor Oregonian Minoru Yasui, who was committed to justice for all, for his courageous challenge to the constitutionality of military orders and curfews on Japanese Americans during World War II.

Join the celebration by attending a hybrid presentation from Peggy Nagae and Lorraine Bannai, the attorneys who represented Minoru Yasui and Fred Korematsu in the coram nobis cases to vacate the World War II convictions. Registration for the online seminar is available at https://tinyurl.com/2024MinoruYasuiRegistration. If you have questions, contact the Office of Engagement, Equity, and Inclusion at SCA. ESD.OEEl@ojd.state.or.us.

CLP Celebration Taking Place April 17

Civics Learning Project (CLP), formerly known as Classroom Law Project, will honor Governor Barbara Roberts as the 2024 Legal Citizen of the Year on April 17 from 4:30-8 p.m. at The Sentinel in Portland. Attendees will join CLP in a fireside chat as Oregon Public Broadcasting’s Dave Miller interviews Roberts. Special guests include last year’s honoree, Hon. Henry Kantor and Congressman Earl Blumenauer.

For more details and to register, visit http://tinyurl.com/2024LegalCitizen. Questions? Contact Robert Hulshof-Schmidt, director of development and communications, at development@civicslearning.org.

Secretary of State’s Advisory Report Discussion Is April 4

In late 2023, the Oregon Secretary of State released the advisory report “Breaking the Cycle: A Comprehensive Statewide Strategy Would Benefit Domestic Violence Victims, Survivors, and Advocates.” On April 4, from noon to 1 p.m., attendees can join Kip Memmott, audits director, Andrew Love, audit manager, and Krystine McCants, lead performance auditor from the Oregon Secretary of State’s Office for a presentation on the report’s findings. Learn how a statewide coordinated strategy would better address the needs of victims and survivors, centralize resources and statewide information sharing, including improved data collection, and add financial stability to nonprofit operations. Legal Aid Services of Oregon will also share information regarding pro bono opportunities. This presentation is free and is offered by the United States District Court, District of Oregon, pursuant to the Pro Bono Work to Empower and Represent Act (“POWER Act”). It has been approved for one hour of General OSB MCLE credit. To register, visit http://tinyurl.com/2024BreakingtheCycleReport. For questions, email Judge Youlee Yim You, youlee_yim_you@ord.uscourts.gov.

Oregon District Conference Set for May 2

Join members of the Oregon federal judiciary and practitioners from throughout the Oregon District as they reconvene to learn about emergent issues in federal practice. The event will be at the Mark O. Hatfield Federal Courthouse (jury assembly room) on May 2 from 8:30 a.m. until 4 p.m. Panel and speaker presentations will cover topics including the First Amendment, public speech, prior restraints, artificial intelligence and the courts, and a 9th Circuit case law update. There will be breakout sessions on alternative dispute resolution and mediation, and new amendments to the sentencing guidelines. This free one-day CLE will conclude with a hosted reception. More information to come as the date approaches. Registration may be limited due to space constraints.
Discovery With...  

Stacie Damazo

Stacie Damazo is an attorney with Barran Liebman’s employment advice and litigation practices in Portland. A graduate of Lewis & Clark Law School, Damazo joined the Oregon State Bar in 2019.

What do you do out of the office that makes you a better lawyer?

Outside of the office, I try to stay engaged in hobbies that help me put the phone down. Activities like hiking, backpacking and running keep my attention away from screens (if for no reason other than I’ve lost cell reception), and help me recharge.

What is your favorite place in Oregon?

It’s hard to name just one place but, on a clear day, the top of Tom Dick and Harry Mountain has amazing views of Mt. Hood, Mt. Rainier, Mt. St. Helens and Mt. Jefferson. It’s a pretty quick hike to the top, so if the conditions are right, you get both a workout and a view! I’ve snowshoed, hiked and backpacked to the top, and it has always been worth the trip. It’s far enough outside of Portland that you feel like you’re getting away, but close enough that you can make it for sunset after the workday. The only downside is the mosquitoes in the summer months.

A close second favorite place is Pacific City. Growing up, my family spent time together in Pacific City over the summers, and I have many fun memories running down the big sand dune.

Outside your practice focus, what other law area fascinates you?

I currently advise and represent employers and management on a wide range of employment issues. In addition to my passion for assisting clients in maintaining a safe and equitable workplace, during law school, I discovered a passion for and awareness of issues involving and impacting the criminal justice system. Both as a law student and as an attorney, I have had the opportunity to volunteer with the Lewis & Clark Law School’s Criminal Justice Reform Clinic, including by helping incarcerated individuals tell their stories through clemency applications. I am in awe of those who are doing the important work each day to advance criminal justice reform.

To date, what professional accomplishment makes you proudest?

I am proud to represent Oregon lawyers within the American Bar Association (ABA) in a number of different capacities. I have served as a state delegate in the ABA House of Delegates, contributing to the development of the official policy positions of the association. In addition, within the ABA Young Lawyers Division (YLD), I have served as a delegate in the assembly, which is its separate policy-making body. I am currently the chair of the ABA YLD Labor and Employment Law Committee and the young lawyer liaison to the ABA Section of Labor and Employment Law. In light of this service, and thanks to the support of my wonderful colleagues at Barran Liebman who have encouraged my continued service to our profession, I was recently nominated to join The Fellows of the American Bar Foundation (ABF). The ABF is an independent center that produces scholarly, empirical research at the intersection of law and society, and the Fellows serve to support the mission and research of the ABF. I am proud of this professional accomplishment, because of the important work of the ABA, ABA YLD and ABF to advance our profession and the interests of the community members which we strive to serve.
Explaining the 2023 Numbers

Client Security Fund Report

By Ankur Doshi

Each year, a group of dedicated volunteer lawyers and a public member serve on the Client Security Fund Committee. They investigate claims, issue reports and vote on whether reimbursements are appropriate under the Client Security Fund rules. The Board of Governors then reviews all awards over $5,000.

Member assessments, interest in invested funds and money collected by subrogation from defalcating lawyers make up the fund. The Client Security Fund is a dedicated account, not part of the OSB general fund, and is used only to reimburse claimants and pay the expenses of operation. In 2019, the Legislature granted the Oregon State Bar permission to seek assistance from the Oregon Department of Revenue to collect outstanding judgments held by the Client Security Fund. This authority has streamlined CSF collection efforts.

2023 Payments

In total, the CSF Committee received 17 new claims, and approved four claims for payment with awards totaling over $93,000.

The chart below shows the attorney, amount paid, their status with the bar and whether the CSF claim resulted in discipline or criminal prosecution for paid claims. Under CSF rules, decisions by the CSF Committee and Board of Governors are limited in scope to the question of whether an award is appropriate in any given instance. Whether an attorney may have engaged in ethical misconduct, malpractice or is subject to criminal liability is outside of the scope of the CSF Committee’s decision-making. (See Chart below)

At the end of 2023, 10 claims remained under investigation or were in abeyance, and eight claims were denied. For open claims pending as of Jan. 1, 2023, aggrieved clients sought to recover additional losses of approximately $102,399. As in years prior, this chart does not discuss the specifics of pending CSF claims. At the Dec. 16, 2023, CSF Committee meeting, the committee approved another 10 claims for payment totaling $8,875. These claims will be paid in 2024 and be reported in next year CSF report. Any pending claim granted later will be included in future reports.

At the end of 2023, the fund’s reserve was $1,651,183. In anticipation of the increase of the cap on claims from $50,000 to $100,000 for losses occurring on or after Jan. 1, 2022, the Board of Governors increased the reserve of the Client Security Fund from $1,000,000 to $1,250,000 on Feb. 17, 2023. With the claims pending at the close of 2023, the Board of Governors opted to continue the annual assessment of $20 for 2024.

Looking Forward

The Client Security Fund would not function without the committed work of bar volunteers who help to review and assess claims from the fund. The members of the 2023 Client Security Fund Committee were Jen Zammetti (chairperson), Jeffrey Durocher (secretary),

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he Oregon State Bar formed the Client Security Fund to help reimburse clients who lose money or property as a result of dishonest conduct by an Oregon lawyer. Because the fund operates behind the scenes, the only exposure many lawyers have to the fund is the annual assessment paid along with bar licensing fees each year. This fund serves as a safety net to those who are most vulnerable to the actions of a few unscrupulous attorneys. The fund’s existence demonstrates the bar’s dedication to the public good and providing evidence of the high standards the bar and the public expect of Oregon lawyers.1

A Historic Effort

The Oregon Legislature created the Client Security Fund in 1967, at the request of Oregon lawyers. Its purpose was “to relieve or mitigate pecuniary losses to the clients of active members caused by dishonest conduct of those members in their practice of law.” The fund made its first award in 1969 and has continued ever since.

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All photos courtesy of

Ankur Doshi
Shelia Blackford, Benjamin Cramer, Linda Degman, Guy Greco, David Hytowitz, Dennis Ingram, Tara Millan, Wendy Beth Oliver, Megan Oshiro, Daniel Steinberg and Carrie Bebout (public member). Ryan Hunt served as the CSF Committee’s Board of Governors contact.

For more information about the Client Security Fund, including what claims are eligible for reimbursement and a claim form, visit www.osbar.org/csf. Anyone who is interested in supporting the work of the OSB Client Security Fund should consider volunteering through the member volunteer survey, available at www.osbar.org/volunteer/volunteeropportunities.html.

Ankur Doshi is the general counsel for the Oregon State Bar.

ENDNOTES
1. This annual report to the membership regarding awards made in the past year is required by Client Security Fund Rule 6.9.
This article is not about writing. No grammar or punctuation. No choosing the precise word or crafting a perfect transition.

Instead, this article is about the art of having a conversation with another human being. In the same room. Looking each other in the eye. Communicating without texting.

I justify the article’s theme in a column called “The Legal Writer” because often writing and conversations are intertwined, one leading to another and both affecting overall success. If you don’t think you can bear 1,500 words on this nonwriting topic, I urge you to jump ahead to the short section called “Listen.” The failure to listen is what’s missing from most conversations, and it’s what prompted this article. For the rest of you, let’s start at the beginning.

Break the Ice

Let’s assume that this is a conversation with someone you’ve never met. Perhaps you are at a bar association lunch or waiting outside a courtroom for proceedings to begin. Or perhaps you are a new lawyer going to your first office conference about your first big project. In each of these situations, you need to have conversations that lay the groundwork for future interactions.

First, smile. Smiling will make you look relaxed, and it will put the other person at ease. Then, introduce yourself. Say who you are and how you are connected to the event. “Hello, I’m Suzanne Rowe, and I teach at the law school. I’m bringing my students to observe oral arguments.” That short statement of connection might launch my new friend into a series of questions about my class, or it might prompt a story about the first time she appeared in court. If the person just nods, the conversation might be over. But it might also mean we need to warm up a little more. In other words, we need to waste time, talking about something that doesn’t really matter while we are measuring each other up. In American society, we talk about the weather not because it’s fascinating — especially in western Oregon, where weather is often synonymous with rain — but because it buys us time.

If you knew that you were going to meet this person (perhaps he is the next most junior attorney assigned to the big project), you might have done a little research on him so that you can slip a common experience or interest into the early conversation, and see if he picks up on it. “I think we went to the same law school,” could lead you down memory lane together. “I hope this rain turns to snow so I can go snowboarding this weekend,” and suddenly you’re having a fun conversation about something you both like to do.

Converse

My favorite dictionary defines a conversation as “the informal exchange of ideas by the spoken word.” Isn’t that charming? It makes me think of Thoreau and Emerson chatting about nature. Lawyers talk all the time, but that talking doesn’t always rise to the level of having a conversation.

A conversation is an exchange of ideas. To exchange ideas, it’s helpful if both sides have ideas. The early ideas might be about snowboarding, but when the conversation bends to lawyerly pursuits, you need to have some ideas about why you are together and what you hope to accomplish. Spend a few quiet moments beforehand ensuring that you know the purpose of the meeting, what you might contribute, what you might be asked and what you need to ask.

Don’t misinterpret “informal” as haphazard. You might enjoy a random exchange in which you work through all of your ideas orally, from first spark to well-forged image. Some of your conversation partners might prefer that you do that random neural firing on your own time. Maybe you could turn the first spark into a small campfire before you arrive for the conversation. Wouldn’t it be charming if each participant showed up with a small campfire rather than a mere spark, or a wildfire, or days-old coals?

Unless the meeting is advertised as a brainstorming free-for-all, try to impose some structure on your ideas as you share them. Oh my, you might even use some techniques from writing in your conversation. Brief roadmaps or outlines can let your conversation partners know where you’re headed. Signposts or transitions can show when you’ve moved from your third point to your fourth.

Try to be concise. Remember that this conversation is an “exchange of ideas,” and, if you are doing all of the talking, then an exchange isn’t happening.
Listen

What does it mean to listen? My favorite dictionary offers several definitions, but this one is most relevant to conversations: “take notice of and act on what someone says.”

I scoured a number of dictionaries in my office as well as a few online versions. Not one of them contained this definition for listen: “sit impatiently until the dimwit speaker shuts up so that you can repeat again the brilliant idea you have already shared but the dimwit hasn’t yet recognized as the perfect plan of action.”

Listening requires an open, engaged, probing mind. To listen effectively, you have to be open to the possibility — however thin it might be — that the person with whom you are conversing might have good ideas to share. Moreover, those ideas might be ever so slightly superior to yours. I am bold enough to say that the speaker might be right, meaning that you could be just the tiniest bit wrong.

To listen effectively, you must be engaged. Listening is hard work, whether you are in court, a conference room or a café. The judge, the attorney and the friend all deserve your focused, single-tasking attention. Even if — especially if — you are engaged in a conversation with an adversary, you can learn valuable information from really listening.

To engage in a conversation, everyone has to listen. Having a long to-do list or a short attention span doesn’t mean that you don’t have to listen. Rather, it means you need to have mechanisms in place to help you listen efficiently and effectively. Taking notes can help; playing mindless computer games and texting can’t. I sometimes take notes just to keep myself focused, especially if I’m tired or too busy. If my hand is moving a pen across paper or if my fingers are flying across the keyboard, I’m more likely to be hearing and listening to what others are saying. I might recycle or delete my notes right after a meeting. But if they helped me listen, then they served their purpose.

Show that you are listening by asking both confirming and probing questions. To ensure that you are following the exchange of ideas, you might occasionally repeat what you think you are hearing (“What I hear you saying is ...”). Then, tease out the nuances. What’s been overlooked? What is contradictory? What’s unstated?

Don’t be afraid of silence. Some of the smartest people I know are also the quietest. They will wait patiently while others blabber
on, filling some unstated word quota for every meeting. The quiet ones sometimes end up not sharing a point of true brilliance either out of modesty or a deep desire to escape the torture of a meeting. If silence is scary, try counting to yourself, backward, from 100 to 58, by sevens (i.e., 100, 93). Some cultures value silence as a time for reflection and deep thinking. Sadly, current American culture doesn’t value it enough.

Wrap Up

Before you leave the conversation, wrap up what happened. Even if this was a casual encounter outside the courtroom, you might decide to meet for coffee or to email an interesting blog post. If the meeting addressed substantive lawyerly issues, then something surely resulted. Did you agree on the key arguments for the brief the team is writing, along with who is taking the lead on which section? Did you realize that none of the ideas voiced will meet your client’s goals for a new business venture? Did you simply decide to meet later to continue?

It’s important that everyone end the conversation with the same understanding of what happened and what happens next. This understanding is especially necessary if the next step is writing a document. But I promised not to say much about writing in this article.

Conclusion

This article was inspired by a series of unfortunate events that were billed as conversations, but didn’t live up to that charming billing. Sometimes I was the guilty party, forgetting to listen. Other times, I left knowing precisely where others stood, but their monologues left no space for the ideas of other participants.

Those events rarely left everyone happy and never produced documents that met their goals. Legal writers can produce stronger documents if the preceding conversations include an exchange of ideas, real listening and an effective wrap-up.

Suzanne Rowe is the James L. and Ilene R. Hershner Professor at the University of Oregon School of Law, where she directs the Legal Research and Writing Program. She is grateful for the comments of Patty Crane in fine-tuning this article when it was first published in July 2016.

Sources

Attracting Rural Lawyers

Recruitment and Retention of Rural Attorneys Remain Critical to OSB’s Mission

By Cliff Collins

Gilliam County District Attorney Kara Davis is not only the DA, but also the only practicing attorney in the county. Her situation is not unique: The district attorneys in two adjacent counties — Sherman County District Attorney Wade M. McLeod and Gretchen Ladd, the DA of Wheeler County — fit that same category.

“We have DAs, just no one else at all that practices law,” says Davis, whose county’s population as of the 2020 census totaled 1,995, making it the third-least populous county in Oregon. “We call Sherman, Gilliam and Wheeler counties the frontier counties.” Referring to Umatilla County, where she previously worked, Davis observes that, on both the prosecution and defense sides, “everyone is chronically understaffed and overworked. Every single lawyer I know out there has commented on how there is too much work for the number of lawyers they have.”

Davis’ examples underscore in dramatic fashion how Oregon is reeling from a dearth of attorneys working in rural parts of the state. To help alleviate the shortage, and to encourage more attorneys to practice in small towns, the Oregon State Bar and its Oregon New Lawyers Division (ONLD) have inaugurated a Rural Practice Project.
Attracting Rural Lawyers

When Marci W. Adkisson came to Klamath County in 1989 to work as a prosecutor, the county bar association’s membership totaled about 50 members. Today it contains around half that. When she became a circuit court judge two decades ago, self-represented litigants appeared before her court, but the percentage of litigants without legal representation has soared in recent years, because those appearing in court cannot afford to pay a lawyer or could not find a local, available attorney to represent them.

“It’s a very scary legal landscape,” she says. “It’s very similar across the state: shrinking bar members.” She finds herself more and more having to make hard decisions that “put the court in an awkward position, especially when children are involved. It’s not what I thought I would be doing 20 years ago.”

Adkisson and others who practice in rural settings say many lawyers in the county have retired or died, and they are not being replaced in sufficient numbers to meet the needs of state residents.

The imperative to attract, recruit and retain new attorneys has become a priority for the OSB, which last year decided to undertake several new initiatives to address the dilemma under the rubric of the Rural Practice Project.

First, beginning in late 2022, then-Chief Justice of the Oregon Supreme Court Martha Walters and 2022 OSB President Kamron Graham asked the bar’s ONLD to take some initial steps to determine how the OSB can better support rural practitioners.

The ONLD held a discussion at its 2023 retreat on the issue. Attendees included new Oregon Chief Justice Meagan Flynn, division and bar leadership, and some key OSB staff members.

One result was that the ONLD launched a Rural Project Work Group. As the first order of business, the group sponsored a survey last spring of all rural practitioners to learn more about issues facing them in the recruitment and retention of lawyers.

The division sent the survey to all attorneys practicing in counties the Oregon Bureau of Labor & Industries considers “nonurban” for minimum-wage purposes. This included 18 counties totaling 507 active, inactive and retired OSB members. One hundred forty-seven people responded, a 29% response rate, which is considered a healthy active, inactive and retired OSB members. One hundred forty-seven people responded, a 29% response rate, which is considered a healthy

What the Survey Found

A majority of respondents expressed positive views about practicing in a rural environment. Although the survey’s executive summary did not identify names or locations of individuals who answered the survey, the Bulletin spoke with several bar members who practice in various parts of the state.

James C. “Jim” Van Voorhees has practiced for 53 years in Prineville. A native of New Jersey, he went to law school at Willamette University, found job opportunities scarce when he finished his degree in 1969, and grabbed a job opening in Crook County as a member of a law firm that at one time had five attorneys. Those numbers diminished over the years, and he has been a sole practitioner for about the past 12 years. Van Voorhees, 80, is not necessarily looking to retire but would consider bringing in an associate who would be interested in eventually taking over his files and practice.

Van Voorhees still touts the advantages of being in a country setting.

“You have the opportunity to be a big fish in a small pond,” he says. “Most of the people know me; there’s not a lot of competition among the lawyers.” He hopes the chamber of commerce can do more to attract professionals in general to come there to live and work. He says an effort by the medical community in the 1990s was successful in luring new doctors.

Van Voorhees understands how new attorneys who are saddled with high debts from their schooling often are reluctant to go to rural settings, where they may make less money even though the cost of living can be lower. “Ones that can entertain themselves do best,” he says. “I think there are a lot of people who would be happy in a rural area, but they’re afraid to come here.”

Van Voorhees suggested that, besides helping lawyers pay off student loans, the OSB could “make some sort of interface between the law schools and the lawyers in the community, and promote, but not pay for, a summer intern program to help expose them to the rural community.”

Susan Carter, who maintains a solo practice in Myrtle Point in Coos County, grew up in Grants Pass but lived and practiced for many years in California before moving back to Oregon, “just in time for the pandemic,” as she puts it.

“I have always enjoyed a small general practice,” she says. “This fit quite naturally.” The town’s population is around 3,000, and it is situated about 50 minutes from Coos Bay. “Oftentimes I have more than plenty of work,” she says, alluding to the huge need for attorneys in Southern Oregon, and in rural areas in general.

However, a trade-off — as one of the anonymous responses to the bar’s survey noted — was that “fewer people can pay for the full cost of your services, but lots of people need those services.”

Carter says this is particularly the case with family-law clients, who often need to make small payments in installments to cover legal costs. She allows that arrangement, because she says she is committed to assisting clients who need legal help. At the same time, she has to keep her overhead costs as low as possible. She employs no assistants.

Photo on page 14: The view overlooking Prineville from Ochoco Wayside State Park Viewpoint.
“I would love to work for legal aid in the public sector,” Carter adds. “I’ve never been able to afford it.”

Survey respondents often mentioned lack of traffic, and ease of parking and getting to work as benefits of rural practice. Concurring with that point is Adkisson. Raised in Lakeview, she loved living in a rural area, and came to Klamath Falls to practice. “I feel really fortunate,” she says. Adkisson has developed many personal contacts, as well as deep, lasting friendships. She enjoys knowing folks who work at the bank, the grocery and other frequent stops. And she appreciates being able to drive to work in 15 minutes, all the while observing newborn farm animals and wildlife, such as birds of prey, along the way.

Adkisson says working in a small town offers opportunities to get involved in community life, and she believes new lawyers who relish outdoor activities and those who are self-starters make good candidates for a rural practice. The lack of young and new attorneys to replace those who leave or pass on has become “more urgent,” she says. “If we want to live in a healthy and vibrant community, we really need to cultivate people to come here. A legal community is necessary; people need people they can trust to guide them through the maze.”

Like Van Voorhees, Adkisson hopes community leaders will work on creative ways to attract young professionals. She also would like to see recruitment of second-year law students to give them an introduction to rural practice and life.

**Work Readily Available**

Michelle S. Bartov, a criminal defense lawyer who now practices in Oregon City, has lived and worked in several rural settings in Oregon. A native of the suburbs of New York City, she started her career working in Grant and Harney counties, when she and her husband, Jonathan Bartov, joined a law firm in Canyon City that had a contract to represent public defense clients. When her husband later became an assistant attorney general with an office in Pendleton, the couple moved to La Grande. There, Michelle Bartov opened her own law firm at age 25, with a contract to do public defense work.

She says she quickly gained experience in dozens of jury trials. Working in various settings, Bartov gained insights into the pluses of working in a rural environment, including “a very tight-knit legal community. I developed close relationships with the other attorneys, and you really get to know the judges and support staff, and some in the DA’s office. People try to help each other.”

The bar survey found that some respondents remain pessimistic about recruitment potential and, even more so, about retention of new lawyers. One said: “Part of the problem with hiring is retaining attorneys. They work here for a year or two to get experience while they wait to move back to the larger areas.” Bartov has seen the same thing, she says.

“There is an aging population in rural Oregon, and a need to attract young people to take up where they are leaving. Certainly it’s
not a lifestyle that works for everyone, but it was an absolutely amazing experience. I had the support and encouragement of the people who were around me.”

Bartov relocated to Oregon City in 2022 because she wanted to become qualified to handle murder cases as part of her contractual work at the state level. This requires experience in five murder trials, which is hard to achieve in her previous locations, she says. “In Oregon City, I’m able to gain that additional experience at the state level while also getting some work in the federal court,” she says. “It has worked out well, and I’m very happy” working in Clackamas Indigent Defense Corporation, a consortium of defenders. “I really wanted to continue to challenge myself.”

Davis seconded other counties’ attorneys’ observation that clients have problems finding representation. “Even people with means” have trouble finding a lawyer, she says. Until three years ago, Davis worked as the assistant director at Intermountain Public Defender in Pendleton. She says that there, her agency and the county DA’s office had great difficulty even getting lawyers to apply for jobs, and that other firms on that side of the state had similar problems.

Davis notes that, after the Great Recession began in 2008, jobs were so scarce that the area received many applicants; but as the economy slowly improved, applicants dried up. On an optimistic note, she adds that even though a lot fewer come there, those who do tend to stay longer. Those who carefully weighed the advantages “made a wise decision when they practiced in Eastern Oregon and opened their minds to it.”

Davis grew up in The Dalles, a sixth-generation Oregonian who has lived and studied or worked in Washington, D.C., London, New Zealand and Bulgaria, but returned to her roots, where her family still owns farm property. “Probably the biggest challenge is the lack of food options. You might want to learn to cook. There is no place to eat on Sunday, Monday and Tuesday nights in Condon,” she says. “Everything closes at 6. Our pharmacy is also our liquor store.”

Expanding the Application Pool

Another outcome of the efforts by the ONLD was a list of recommendations made to the bar’s Board of Governors last September addressing rural practice. One of those recommendations was that the OSB extend its Loan Repayment Assistance Program — or LRAP — to include offering the opportunity to apply for repayment assistance to lawyers practicing in rural settings who meet other LRAP qualifications. The Board of Governors approved
the recommendation, and the LRAP extension will take effect during this year’s application process.

All of the bar members who spoke with the Bulletin supported the concept of the OSB’s expansion of the LRAP program to assist rural practitioners.

Joanna Knee, access to justice program coordinator for the OSB, points out that even though extending the bar’s loan program beyond giving forgivable loans to attorneys working in public service represents a change, it takes into account one of the criteria for awarding loans — location of work — and fits with the bar’s mission of expanding access to justice in Oregon.

“The leadership of the Oregon State Bar is well aware that rural practitioners and rural communities face far different challenges than the more urban parts of the state,” says 2023 OSB President Lee Ann Donaldson. “The bar is committed to working with rural practitioners to come up with ideas that address some of those challenges.”

When she and Sean Pank, 2023 chair of the ONLD, toured Eastern Oregon as part of her presidency, Donaldson says lawyers “everywhere we went told us, ‘There is way more work than attorneys.’ They have had a hard time recruiting to their areas.” She believes that extending the OSB LRAP to rural practitioners is a great step, allowing attorneys to “apply who wouldn’t have qualified before,” and may help with both recruitment and retention of lawyers in the more rural parts of the state.

“One of the wonderful things about living in Oregon is taking advantage of the beauty and nature surrounding us,” she says. “And it is important to provide the necessary resources for attorneys who get to experience these amenities close at hand to be able to practice in rural areas in order to ensure that everyone has access to justice.”

More information about the Loan Repayment Assistance Program can be found at osbar.org/lrap or by contacting Joanna Knee at lrap@osbar.org. Anyone wanting to be involved with rural law issues or who have questions about the survey may contact Catherine Petrecca at cpetrecca@osbar.org or (503) 431-6355.
Not in Lost Translation

Spanish-Speaking Mediation Training Is First of its Kind in Oregon

— By Shannon Gormley —
As a kid, Veronica Bañuelos wanted to be a priest. Born to a large, Mexican Catholic family, she would act out communion with her cousin and perform blessings. Catholic priesthood isn’t open to women, so instead, she became a spiritual director and mediator.

“I have always felt there is an intersection between spirituality, the work of equity, mediation and systems thinking,” says Bañuelos, a Portland-based interracial conflict mediator and equity consultant.

Last fall, Bañuelos led the Oregon Office of Community Dispute Resolution’s first Spanish-speaking mediation training. Held over five Fridays in October, it was Oregon’s first mediation training conducted entirely in Spanish. After English, Spanish is the most commonly spoken language in Oregon, with over 100,000 speakers statewide. Mediation can be cheaper and faster than more formal legal proceedings, saving clients time, money and further conflict. It’s a process that hinges on mutual understanding, which can be difficult to reach if a party has to use a translator or communicate in a second language. Yet non-English speaking mediators can be difficult to find.

“Mediation and restorative justice — people find solutions through these processes that come from listening, connecting and understanding each other,” says Patrick Sponsler, administrator of the Oregon Office of Community Dispute Resolution, a state-funded office housed at University of Oregon School of Law. “While all our centers do use interpreters, when you’re interpreting languages, not everything comes across. It’s quite often that nuances will get lost in translation and pieces will get missed.”

To Bañuelos, mediation isn’t just about tempering undesired social conflict — it can also be a tool for bringing people together and co-creating what they do want, an aspiration similar to what drew Bañuelos to spirituality. Spanish is Bañuelos’ first language. She has always had a bilingual mediation practice and has never mediated through an interpreter. But she’s seen what gets lost in translation in professional settings and as a child of immigrants who grew up translating for her parents.

“So much is lost in the tone, the spirit, the intention,” she says. “Some words don’t have a direct translation. Some mediators are more stoic, and others are more personable. Mediation is also relational, so we want to be as first-hand to the people we serve as possible.”

New Paths

The way Sponsler sees it, letting communities solve problems on their own terms is at the core of mediation. Sponsler points to the field’s origins in the Civil Rights Movement.

“Community mediation looked at the philosophic tenets of the Civil Rights Movement and said, the solutions to our community problems are in the communities themselves,” says Sponsler. “We have the resources in the communities to resolve our conflicts, rather than handing them off to institutions outside of our communities.”

In that way, mediation can create a positive feedback loop — it relies on and builds community self-determination.

“Your neighbor is invested in this conflict because they are impacted by this conflict,” says Sponsler. “So having other community members come in and help resolve a conflict, it helps strengthen a community, it ties them together and creates more durable agreements.”

So it’s fitting that the idea for OOCDR’s Spanish mediation training came directly from community feedback. In 2022, OOCDR hired equity facilitators to work with each of its centers. A common theme emerged: the need for more services for non-English speakers, particularly Spanish speakers. Considering the center’s focus is conflict resolution, a Spanish-speaking mediation program seemed like a logical start.

Sponsler began what they thought would be an easy search for a model to follow. But even though the search was conducted nationwide and with the help of national mediation associations, Sponsler was unable to find anyone who knew of any prior Spanish-language mediation trainings. If such courses previously existed, they are rare enough that Sponsler and their colleagues were unable to uncover any proof. The lack only galvanized Sponsler.

“I was excited about the fact that we were filling a need,” they say.

So Sponsler’s office put out a call for an Oregon-based mediator to lead the training. Ultimately, they found Bañuelos. A mediator since 2016, Bañuelos had previously worked with the OOCDR as an equity consultant. To Bañuelos, it felt like she had manifested the opportunity — she had just finished a business plan that included a desire to work more in Spanish, statewide and nationally. Though she has worked in the mediation industry for almost a decade, Bañuelos had never encountered a Spanish-language training like the one she led for OOCDR.

Despite the lack of precedent — or more likely because of it — the response to the call for participants was overwhelming. The course accepted 20 participants, only a third of those who applied. All spoke Spanish as their first language.

Each five-hour day of training was held on Zoom. The overall structure of the free course was more or less the same as the basic mediation training that conflict resolution centers routinely hold around the state — readings, talks and mock mediations. But for Bañuelos, it was important that the training taught basic mediation skills within the broader context of equity and systemic oppression.

“If I had a magic wand, I would give people the ability to see systems instead of conflict,” she says. “A conflict is something we don’t understand based on each individual’s context. We hyper-focus on the person, but we don’t see what’s behind the person.
We aim for resolution and accountability, but a systems lens can give us a broader understanding of how we get into conflict, and can potentially open up a window into deeper understanding and reconnection.”

That felt especially important for the Spanish-language training. “To me, basic mediation training has to include not just the process but the pieces of oppression that we as mediators of color are stepping into, with the intention of leading folks through and out of conflict,” says Bañuelos. “A basic mediation training has to include basic equity language and understanding, historic and contemporary systems, communication, intent and goals. And foundationally, our personal work.”

Gabriela Buamscha, a biologist and soil scientist, was one of the participants. Buamscha became interested in conflict resolution early in her career. She trained as a facilitator in the early 2000s but turned to mediation as a more direct and holistic response to conflict. In March of 2023, Buamscha took her first mediation training, and is now a civil mediator for Washington County small claims court. Though she has always mediated in both Spanish and English, until OODCR’s class, she had never taken a training in Spanish. Buamscha describes the experience of retaking basic mediation training in her native language as “powerful.”

“Spanish is my first language and like most humans, I learn better in my first language — especially if the teacher is a native speaker and from a culture closer to mine,” she says. “It is usually easier to access our emotions when we speak in our first language. When you mediate, you work with the emotions of everyone involved in the process, that is, the emotions from the parties but also your own emotions.”

For Buamscha, training with such a diverse group of Latin Americans — from a range of backgrounds, age groups and countries — was invigorating. The systemic and cultural lens Bañuelos lent to the training made Buamscha feel like she was learning mediation anew, rather than rehashing old concepts. The topics that resonated most with Buamscha were Bobbie Harro’s Cycle of Socialization and Cycle of Liberation, which describe how to disrupt learned cycles of oppression, and Marie Dugan’s Nested Theory of Conflict, which describes disputes as multilayered, and often the ripples of broader, systemic issues. Buamscha recalls Bañuelos’ pronouncement, “Cuando el conflicto es histérico es porque es histórico”: When conflict is intense, there are often underlying historic factors. Addressing those factors is not only necessary for effective dispute resolution, it’s also necessary for wider change.

“Absolutely, mediation can be a tool for wider social change,” says Buamscha. “As people begin to understand the nature of oppression and their roles in this systemic phenomenon, they can seek new paths for creating social change.”

“Dreaming Big”

Shortly after OOCDR’s first training, community organizations in Washington County reached out about conducting their own mediation courses in Spanish. That included the Hillsboro Mediation Program, which helped promote OOCDR’s training. Hillsboro Mediation heard from numerous community members who were interested in Spanish-speaking mediation training but were unable to attend OOCDR’s course. So, Hillsboro decided to host its own. The in-person training took place in February. Over a dozen people attended the free course, led again by Bañuelos.
According to program coordinator Anne Vandecoevering, Hillsboro Mediation Program routinely receives requests for Spanish-speaking mediators. The program is currently able to keep up with the demand but is always looking for ways to expand its Spanish-language offerings. Washington County has the second-highest population of Spanish-speakers in the state, preceded only by Marion County.1 Before its first Spanish training had even taken place, Hillsboro Mediation decided to make it a recurring event, and host a basic mediation training in Spanish every other year.

Vandecoevering was first exposed to mediation as a junior high peer mediator. Like Sponsler, Bañuelos and Buamscha, she believes that good conflict resolution can have an impact beyond the mediation room.

“If community members possess conflict resolution skills,” such as the skills taught in mediation training, says Vandecoevering, “they will be able to better navigate conflict in their personal lives, neighborhoods and workplace.”

Sponsler intends to help further expand non-English speaking mediation trainings in Oregon, too. If time and resources allow, Sponsler would love to one day offer trainings in additional languages. (The third most commonly spoken language in Oregon is Vietnamese, followed closely by Chinese). In the meantime, OOCDR is focused on expanding Spanish mediation trainings.

“We want to make sure that we roll this out in a sustainable way,” says Sponsler. “We’re just focused on Spanish right now, but I think we’ll learn a lot from this development and that will help us move into other areas.” Still, “We’re dreaming big.”

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Shannon Gormley is the associate editor of the Bulletin.

ENDNOTES
Laura Eckstein comes from a military family. The La Grande bankruptcy, municipal and family law attorney, who also acts as the municipal court judge for the City of Elgin, has always been inspired by the military service of those close to her … so much so that she dreamed of serving her country as well. The timing, however, never was right … until now.

A young mother juggling law school and eventually establishing her own practice 25 years ago, Eckstein focused on her home and professional responsibilities, setting aside her military aspirations. Once her children were grown, however, some of them choosing military service themselves, Eckstein revisited her dreams of joining.

“I considered it, but I had young children. Multiple times throughout my life I wanted to be in the military, but each time wasn’t the right time,” Eckstein explains. “I feel like I’ve checked all the boxes and I’m ready to go have a new adventure. And I’ve found that the life experience I bring to it is very diverse and rich. I came to military service late, but I think there is an advantage to that.”

**Law Pursuit Starts Early**

Eckstein knew she wanted to be a lawyer when she was 5 years old. She recalls her father settling disputes between her and her older brother, Mike, by holding “court” and she was hooked. She became the first college graduate in her family and, when her brother followed suit, they went to law school together.

While attending J. Reuben Clark Law School at Brigham Young University in Provo, Utah, Eckstein successfully competed in the school’s trial advocacy team, was vice chair of the Trial Advocacy Board and president of the Phi Delta Phi international legal fraternity. She also was a student member of the American Inns of Court and completed multiple judicial and legal externships. All of this led to an impressive career in the courtroom.

In addition to being licensed to practice law in Oregon, Arizona and Utah, Eckstein is admitted to practice in nine federal jurisdictions, including the U.S. Supreme Court Bar and the 9th Circuit Court of Appeals.

Throughout her 25-year career, Eckstein has enjoyed the challenges of going to trial and the courtroom atmosphere. More importantly, she appreciates the chance to serve others. “I genuinely love solving problems and helping people. When a person is in crisis, I can look at them and say, “There is a path through this, and I will be with you.””

**Establishing a Career, and Military on Her Mind**

Upon law school graduation in 1998, Eckstein was 24 years old, married and had two young children. She joined a small law firm and worked on a variety of civil litigation and criminal matters before opening her own private practice. It was during this time after law school when her brother Mike became a member of the U.S. Army Judge Advocate General (JAG), reigniting her desire to serve. But, the timing didn’t fit.

She went on to work for the public sector, becoming the property acquisition coordinator and assistant city prosecutor for the City of Layton, Utah, in 2001.

She was then selected by federal Judge Ted Stewart to serve as a career staff attorney in the U.S. District Court for the District of Utah, specializing in criminal cases and federal sentencing guidelines. She continued to clerk for Stewart until she relocated to Arizona in 2007.

While in Arizona, Eckstein worked as a criminal defense attorney on major felony cases in both state and federal court. In 2009, she started her own firm in Tempe, the Law Office of Laura Jane Edwards — later known
as Laura Eckstein Law — which she continues to operate. In 2012, she co-founded Edwards & Cherney in Scottsdale and served as senior partner.

A year later, she and her husband moved to northeastern Oregon but later divorced. This life change once again spurred Eckstein’s desire to serve in the military. She brushed off those thoughts, however, as she figured she was too old.

Eckstein eventually remarried. She and her husband, Brock (a 21-year Army veteran), have seven children between them, ranging in age from 29 to 15. Three of their children are in the Army National Guard, including two daughters.

In January 2020, Eckstein was driving Brock and daughter, Katherine, a combat medic, to the airport to report for military duty, lamenting that she wished she could also serve. As the conversation progressed, Katherine asked what was holding her back. Eckstein brought up that she had aged out of the military. Katherine and Brock then explained she could explore an age waiver.

After dropping off her husband and daughter, Eckstein immediately called a friend who was a military recruiter. Eckstein went through the necessary steps and began the process of joining JAG by direct commission. She now serves with her son, Sam, a paralegal specialist.

Recently promoted to the rank of captain in the Oregon Army National Guard, Eckstein is assigned to the 41st Infantry Brigade Combat Team as an operational law attorney. In this capacity, she advises senior-level commanders on the use of force, rules of engagement and the law of armed conflict. Before that, she served as chief of legal assistance, assisting hundreds of National Guard soldiers with personal legal issues including family law, estate planning and debt collection matters.

This July, Eckstein will ship out to Fort Johnson, Louisiana, to complete active-duty readiness training and will then leave for Texas and Germany in August as part of a 12-month tour in Kosovo. She will advise on issues such as national security law, rules of engagement and making sure any actions taken are in compliance with all cannons of operational law. Eckstein will be the first female judge advocate to deploy with Oregon’s brigade combat team.

“I’m absolutely thrilled! With the military heritage I come from, I’m excited that I finally get to have skin in the game and put my money where my mouth is. I’m very proud to be able to contribute,” she says.

“Finally, I will be able to serve in a way that I can import a lifetime of experience in a meaningful way.”

**Wrapping up Civilian Law Responsibilities**

Eckstein, who will retire as a municipal judge before deployment, recently had three major legal victories to wrap up this era of her legal career. Last July, she won a $2.6 million ruling for a client. A few weeks later, she prevailed in a federal pro bono case for low-income parents. Another case that was on appeal was reversed in her favor.

“It’s pretty exciting to have that hat trick triple play, and it’s so satisfying to tie up a career with a little bow and set out on a new adventure,” she says.

Eckstein describes herself as “doing things backward” by starting out with a family and career and now taking off to explore other opportunities. While other...
people her age were living a more carefree college life, she took her two young children to class with her and they drew in her notebooks while she studied.

"I wanted them to see their mom in college, and I want my grandchildren to see that we serve and see the sacrifices we make," she says. "We need people of all ages and all experience levels, because that more robust contribution makes us stronger. Having more experienced people in a guidance position is also very steadying for younger soldiers."

She says the hardest part of deploying will be leaving her three grandchildren — two are 4 years old and another is 2. Internet access and video calls will help keep them connected across the distance. What also will bolster Eckstein is remembering the generations of ancestors who served in World War II, Vietnam and Iraq and have represented each of the armed forces over many decades.

Eckstein also fully stands behind JAG’s motto of “Soldier First, Lawyer Always” and its four constants of principled counsel, servant leadership, stewardship and mastery of the law.

"I’m super proud to be part of that because, as attorneys, principled counsel and providing that guidance is so important. I don’t think a lot of people realize there is such an important legal function in the Army and that is becoming even more so," she says. “You’d be surprised at what you can contribute and how you can serve. We always need good people to serve.”

Melody Finnemore is a Portland-area freelance writer. Reach her at precisionpdx@comcast.net.

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**LRAP Applications**

Due April 15

The Oregon State Bar recognizes that substantial educational debt can create a financial barrier, which prevents lawyers from pursuing or continuing careers in public service law or practicing in a rural jurisdiction. The mission of the OSB Loan Repayment Assistance Program (LRAP) is to attract and retain public service and rural lawyers by helping them pay their educational debt. The program will make a forgivable loan (LRAP loan) of up to $7,500 per year per program participant for a maximum of three consecutive years.

For 2024, the program was expanded to include to those practicing law in rural jurisdictions, this is someone whose principal office is not within 30 miles of the urban centers of Portland, Salem, Eugene, Medford, or Bend. Applications are due April 15. Visit www.osbar.org/lrap for application instructions and more details.
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PROFESSIONALISM

Justice Edwin J. Peterson Recently Passed, His Legacy Endures

Honoring a Professionalism Giant

The following two pieces have been submitted by the Oregon Bench and Bar Commission on Professionalism. The first is by the Hon. John V. Acosta. The second is by attorney John Haroldson.

“Without professionalism, ours is a crass, uninspiring calling.” — Oregon Supreme Court Chief Justice Edwin J. Peterson, 1984

Former Oregon Supreme Court Justice Edwin J. Peterson passed away on Dec. 2, 2023, at the age of 93. He graduated from the University of Oregon School of Law in 1957 and, after 22 years as a trial lawyer, he joined the supreme court in 1979. He served as the court’s chief justice from 1983-91 and retired in 1993. Among Justice Peterson’s achievements while serving as chief justice, he oversaw the unified integration of Oregon’s circuit courts, worked to reduce trial and appellate court delays, and led the promulgation of the Uniform Trial Court Rules.

Justice Peterson pioneered professionalism for lawyers in Oregon and made it a tenet of being an Oregon lawyer. During his tenure as chief justice, the Oregon State Bar adopted its first Statement of Professionalism (in 1990), and in 1991, the Oregon Supreme Court followed suit. In 1995, the Oregon Bench-Bar Commission on Professionalism was established by order of the then-Chief Justice of the Oregon Supreme Court, with the charge “to promote among lawyers and judges principles of professionalism, including civility and commitment to the elimination of the discrimination within the judicial system to ensure that it equitably, effectively, and efficiently serves the people of Oregon.” Fittingly, Justice Peterson served as the commission’s first chairperson, and he remained an active and then emeritus member of the commission for the rest of his life.

In 2003, the professionalism commission created the Edwin J. Peterson Professionalism Award to honor a recipient who “publicly and consistently demonstrates integrity, honesty, and willing compliance with the letter and spirit of the law, with the rules of court, with the highest ethical standards, and with the professional standards stated in the OSB Statement of Professionalism.” Justice Peterson was the award’s first recipient, and the award has been bestowed annually ever since. Among the other awards Peterson received were the University of Oregon School of Law’s Distinguished Alumni Award in 1989, its Meritorious Service Award in 1996 and its Frohnmayer Award for Public Service in 2017.

Justice Peterson garnered national recognition for his leadership in professionalism. In 1998, he received the Lewis F. Powell Jr. Award for Professionalism and Ethics from the American Inns of Court, an organization that supports professional excellence in the legal profession. The award was conferred in the United States Supreme Court. That same year, he received the American Inns of Court Professionalism Award for the 9th Judicial Circuit of the United States.

During and after his time on the bench, Justice Peterson advocated for and promoted, both in word and in deed, professionalism among attorneys. He championed what he liked to call “the unwritten tier of rules,” which “enrich our professional lives and make the performance of our services less costly to those we serve.” Of the many lessons he passed along to our profession, he observed that “lawyers who were hard to deal with often received that kind of conduct from their opponents. Their professional life was not a happy one.” His observation serves as an invaluable reminder that a happy professional life fosters a happy personal life.

Our bar’s commitment to professionalism is one of Justice Peterson’s enduring legacies and is one reason that practicing law in Oregon is more civil and satisfying than almost anywhere else. Let us honor his memory and work by heeding his thoughtful counsel and following his inspiring example in everything we do as lawyers.

“People don’t always remember what your say or even what you do, but they always remember how you make them feel.” — Maya Angelou

Many recognize Edwin J. Peterson as an Oregon Supreme Court justice whose name became synonymous with professionalism. On a personal level, Justice Peterson projected a palpable sense of caring for others. With his disarming nature, he invited dialogue around a broad range of subjects, and then carefully listened with rapt attention as though you were the most important
person in the room. I was blessed to call him my friend and mentor.

When I would have lunch with Justice Peterson, we were in our own space. There, while enjoying fine cuisine, we could discuss the joys and challenges of life in a space that felt safe and reassuring. When asked, he would share perspective on the career choices that awaited me. He actively listened, then offered valuable insight. He left no doubt that he really cared about me. Whether we discussed law, philosophy, family, music or chess, Justice Peterson would engage me with a level of knowledge and experience that always left me feeling wiser.

I mention chess because I have always considered myself to be a skilled player ... until I played Justice Peterson in several online matches. He won every time. Afterward, he would politely invite me to play again as though he really valued the experience.

Perhaps what strikes me most about Peterson is how much he cared about family. He made me feel that he cared about my family and would always ask about them anytime we were together. I really came to appreciate the manner in which he could make people feel seen, heard and valued. His model serves as an inspiration for all of us to value humanity through our engagement, one person at a time.

I am only one of many who had the opportunity to share a friendship with Justice Peterson. Those who personally engaged with him were blessed by his many gifts, most of all, his love of humanity. He touched countless lives and instilled a sense of caring that will be greatly missed. I, for one, will always remember how he made me feel.

Be an Author

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

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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.
Oregon’s Requirements of Mandatory Reporting of Abuse

By Kelly L. Andersen

Duty to Report

What is abuse?
The answer depends on the protected class.

- **Child abuse** (ORS 419B.005) includes assault, mental injury, rape, sexual abuse, sexual exploitation and contributing to the sexual delinquency of a minor. Abuse also includes making a child perform for people to observe, photograph, film, record or otherwise exhibit the child. Child abuse also includes prostitution, negligent treatment or maltreatment, threatened harm, permitting a child to be upon premises where methamphetamine is being manufactured, and unlawful exposure to a controlled substance. (“Abuse” does not include “reasonable discipline” unless the discipline results in one of the consequences described above.)

- **Elder abuse** (ORS 124.050) includes physical injury, neglect, abandonment, willful infliction of physical pain or injury, verbal abuse, involuntary seclusion, and the wrongful use of a physical or chemical restraint. Within the elder abuse statutes are protections for “vulnerable persons” (ORS 124.073) — the “elderly,” the “financially incapable,” the “incapacitated,” and any “person with a disability” who is “susceptible to force, threat, duress, coercion, persuasion or physical or emotional injury because of the person’s physical or mental impairment” (ORS 124.100). Vulnerable people who suffer physical or financial abuse may sue those who caused or permitted the abuse and are allowed three times their economic and non-economic damages, plus attorney fees (ORS 124.100(2)). They also have a seven-year statute of limitations (ORS 124.130). Their abusers may also be prosecuted by the attorney general, the Department of Human Services or a district attorney, and may be penalized up to $25,000 (ORS 124.125). These remedies are “in addition to any other remedy, civil or criminal, that may be available under any other provision of law” (ORS 124.135). (An abused child does not qualify under the Vulnerable Persons Act, unless the child has disabilities.)

- **Long-term care facility abuse** (ORS 441.630) includes physical injury, a failure to provide basic care or services, sexual contact, illegal or improper use of the resident’s resources, verbal or mental abuse, corporal punishment, and involuntary seclusion.

- **Abuse of an adult with mental illness or developmental disabilities** (ORS 430.735) includes abandonment, physical injury, willful infliction of physical pain or injury, sexual abuse, neglect, verbal abuse, financial exploitation, involuntary seclusion, use of a physical or chemical restraint, or any act that constitutes a crime.

- No abuse definition is given for failing to report a child who is eligible for but not receiving special education. The abuse consists of the child not receiving special education.

- **Animal abuse** (ORS 167.322) is maliciously killing or torturing an animal, but reporting animal abuse is permissive, not mandatory.

Encouraging Reporting
To encourage mandatory reporting, ORS 419B.025 provides civil and criminal
immunity to “anyone participating in good faith in the making of a report of child abuse.” ORS 124.075 (1) provides similar immunity for reporting abuse of vulnerable people.

To further encourage reporting, ORS 419B.035 (1) and (6) provide that the records and reports of alleged child abuse are “confidential,” with exceptions for disclosure to law enforcement, some medical providers and some attorneys. ORS 124.075(2) provides similar confidentiality for reporting elder abuse.

Immunity and confidentiality do not apply, however, to a person making a false report of abuse as part of a child custody dispute. ORS 419B.016 (2) makes such a false report a Class A violation.

ORS 419B.010(1) lists two situations in which reporting is not required: first, when “the communication is privileged” (Oregon Evidence Code 503); and, second, when the abuse is communicated to the attorney “in the course of representing a client” and reporting would be “detrimental to the client.” ORS 124.060(2) and (3) list the same exceptions for elder abuse.

Because an attorney has a duty to maintain client confidences, Rule 1.6(a) of the Oregon Rules of Professional Conduct (RPC) also excuses an attorney from reporting past abuse. As will be shown below, there are exceptions to the duty of confidentiality under OEC 503 and RPC 1.6(b).

Theoretical Scenarios

Because an attorney has twin conflicting duties — to protect others from abuse and to protect the client from harm — the exceptions to mandatory reporting can be teased out by doing what Einstein referred to as “thought experiments.”

Here are five such experiments:

1. A fishing buddy gossips to his attorney friend that a man they both know has abused a child. (The fishing buddy doesn’t know the attorney is representing the abuser.)

The first question is whether “gossip” meets the low evidentiary threshold for reporting. Assuming the gossip is at least minimally credible, it is not privileged because the fishing buddy wasn’t the attorney’s client. But reporting the abuse would be detrimental to the attorney’s actual client.

But did the attorney learn of the abuse “in the course of representing” his client? The client would argue that the attorney
learned of the abuse during the period he was representing the client. The abused would argue that the attorney learned of the abuse when fishing. To resolve this conflict, the attorney must consider RPC 1.6(a): “A lawyer shall not reveal information relating to the representation of a client unless (1) the client gives informed consent, (2) the disclosure is impliedly authorized in order to carry out the representation or (3) the disclosure is permitted by paragraph (b).”

Paragraph (b) says “a lawyer may reveal information relating to the representation of a client to the extent the lawyer reasonably believes necessary: (1) to disclose the intention of the lawyer’s client to commit a crime ...; (or) (2) to prevent reasonably certain death or substantial bodily harm ...”

In the case of In re Conry, 368 Or 349, 350-352 (2022), the Supreme Court noted that RPC 1.6(a)’s phrase, “relating to the representation” is “defined broadly.”

In this scenario, the attorney has no mandatory reporting duty under ORS 419B.010(1) because the information is subject to the attorney’s duty of confidentiality and disclosure of the information would be detrimental to the client. RPC 1.6 prohibits disclosure of the harmful confidential client information because the abuse was in the past. The outcome would be opposite if the fishing buddy said the attorney’s client intended to abuse in the future. RPC 1.6(b) (1) would allow the lawyer to reveal information about the client’s intention to commit a crime only to the extent necessary to prevent the crime.

2. A client confesses to his attorney that — in the past — he sexually molested a small girl next door.

Because OEC 503(1)(b) says the communication is privileged, ORS 419B.010(1) excuses the attorney from reporting the abuse. The attorney is also forbidden to report under RPC 1.6(a) because the abuse was in the past and no exception applies for disclosure under the subparts of RPC 1.6(b).

3. A client brags to his divorce attorney that — in the future — he intends to have sex with his former wife’s 16-year-old daughter.

The answer at first seems clear. The attorney may report because OEC 503(4)(a) says no privilege exists if the lawyer’s services “were sought or obtained to enable or aid anyone to commit or plan to commit what
the client knew or reasonably should have known to be a crime or fraud." OEC 504-5(1) also supports permissive disclosure, providing in relevant part that the attorney-client privilege does not apply to client communications that in the attorney’s professional judgment reveal the client’s dangerous intent to commit a crime, including crimes involving physical injury, a threat to the physical safety of any person, and sexual abuse, and the attorney makes a report to another person based on those communications. The future crime exception of RPC 1.6(b)(1) also appears to allow a permissive exception to the duty of confidentiality.2

But the answer to whether the attorney must report becomes clearer when one considers that the information is subject to the attorney’s duty of confidentiality and the disclosure of the information would be to the detriment of the client. Here, the attorney’s mandatory duty to report might yield to the attorney’s duty of confidentiality to the client. ORS 419B.010(1).

Could the attorney reasonably excuse reporting by concluding that the client isn’t asking him to “enable or aid” the client to commit statutory rape? (Perhaps the client is just talkative or braggadocios, or maybe hopes to control his demons by unburdening himself to his attorney.) Does the client’s loquaciousness or hope preserve the attorney-client privilege? Whether reporting is allowed, the attorney-client privilege and/or the duty of confidentiality requires lawyers to exercise their best independent professional judgment before disclosing any privileged or confidential client information. See also Singh v. McLaughlin, 255 Or App 340, 297 P3d 514 (2013) (because “[j]initiating a false arrest is a crime, . . . acts that knowingly enable anyone to commit that crime are outside the scope of the (attorney-client) privilege”).

Further, what if the client doesn’t realize that having sex with a 16-year-old is a crime? In this situation, the attorney may be guided by the bar’s Formal Ethics Opinions delineating the elements and preservation of the attorney-client privilege. See Frease v. Glazer, 330 Or 364, 371–74, 4 P3d 56 (2000) (discussing “an appropriate framework for determining whether a trial court may order in camera review of allegedly privileged materials to determine if they fall within the crime-fraud exception”); State v. Phelps, 24 Or App 329, 336 n 4, 545 P2d 901 (1976) (“To be workable, the future crime or fraud exception must apply only

If the attorney doesn’t report, what will happen to the naïve teenager who might actually have fond feelings for her former stepfather? Can the attorney excuse reporting by educating his client on the law of statutory rape and warning against it? Under the circumstances, the attorney must be wary of reporting any confidential client information to the detriment of the client. But this is not the end of the analysis because further client discussion and education is the right and ethical route. The attorney owes a duty to communicate what’s reasonably necessary for the client to make informed decisions regarding the object of the representation4 and to explain the legal consequences of any proposed course of illegal conduct.5 Lastly, the attorney is entitled to and must exercise independent professional judgment in advising the client, including counseling the client about any other relevant considerations, such as moral, economic, social and political factors.6

While these questions burden the mind, a young, immature, fragile girl’s life hangs in the balance. Because of the permissive future crime exceptions to the duty of confidentiality under OEC 503 and RPC 1.6(b) (1), it would be hard to defend the attorney who chooses not to report in this situation.

4. A fishing buddy unknowingly reveals to his close friend, who happens to be an attorney (but not his attorney), that he is skimming off excess funds of a 90-year-old uncle living in an assisted care facility. (The fishing buddy does not comprehend this is a crime; he just thinks he is clever and supposes his attorney friend will be impressed.)

The communication did not come from a client, so it is not privileged. And because the attorney does not represent the fishing buddy, disclosure of the abuse would
not be detrimental to a client under ORS 419B.010(1). But the surprised attorney does not want to “rat” on his dear friend. Can the attorney be excused because of the friendship?

The answer is no — there is no “friendship” exception to mandatory reporting. Could the attorney suddenly agree to represent his friend pro bono and thus be excused from reporting since it would now be detrimental to a client under ORS 419B.010(1)? The answer again is no because the scheme was not “communicated to the attorney in the course of representing a client” under ORS 419B.010(1). The answer is also no because the fishing buddy has revealed an intent to continue to defraud. Could the attorney escape mandatory reporting by warning his friend that the scheme constitutes financial abuse of an elderly person (as well as a crime), and that if he continues the attorney will have to report?

Most mandatory reporters are reluctant to report on a close friend or family member, even after witnessing clear abuse. We would prefer to remain silent or threaten to report if the abuse continues. But in this case, the attorney’s failure to report could be devastating both to the victim of the abuse and to the attorney who failed to report it.

5. From his visits to the nursing home where Aunt Mabel is residing, an inheritance-seeking attorney is aware that she is being abused, but fails to report, anticipating her early demise will hasten his hoped-for inheritance.

The attorney has no excuse. His observations are not privileged and he has no client for whom reporting would be detrimental.

Consequences of Not Reporting

ORS 419B.010(5) says failure to report child abuse is a Class A violation. In addition, under ORS 124.100(2) there are civil liabilities, including treble damages and attorney fees, plus possible criminal prosecution, and a possible penalty of up to $25,000 for anyone who fails to report the abuse of a vulnerable person.

An attorney may also be subject to professional sanctions. In Flint v. Oregon State Bd. of Nursing, 324 Or. App. 94 (2023), the court held that the nursing board did not abuse its discretion in imposing a six-month suspension upon a nurse who failed to report because she “feared the consequences to herself.”
An attorney may also be subject to protracted litigation. In *Meier v. Salem-Keizer Sch. Dist.*, 284 Or. App. 497, 392 P.3d 796 (2017), the school board fired a high school counselor for failing to report after a 17-year-old girl alleged that her younger brother had molested her a year earlier. Even though the counselor reported the incident to school authorities and to the girl’s mother, she did not report to law enforcement or to the Department of Human Services. The counselor justified her inaction by saying she felt there was “nothing sexual about what was going on or no abuse of any kind. It seemed more like a younger brother harassing an older sister.” After hearings, the Fair Dismissal Appeals Board concluded that the counselor had been improperly fired, and a majority of the Court of Appeals agreed. But the dissenting opinion pointed out that the counselor had told the girl’s mother that the younger brother was “trying to touch a boob,” that the brother’s behavior was “not okay,” and that the touching was “inappropriate.” The dissent felt that the counselor “jumped to the conclusion of ‘horseplay’ without … reciting any … facts from which she could draw that conclusion ….” The counselor narrowly prevailed but at an enormous cost. The years of agony and uncertainty she endured in litigation could have been avoided by simply calling (855) 503-SAFE (7233) to report the incident.

What happens if the abuse is reported, and authorities do nothing?

In *E. J. T. by & through InTRUSTment, Nw., Inc. v. Jefferson Cnty.*, 370 Or. 215 (2022), a child suffered catastrophic brain damage at the hands of his mother’s boyfriend. The attorney for the child alleged these injuries were caused by the failure of multiple police departments to respond to an earlier report of abuse. The Oregon Supreme Court concluded that only those who qualify under the Vulnerable Persons Act have a “private right of action” against third parties. Children have only common law negligence claims.

**Conclusion**

To protect children, the elderly and the disabled, all 50 states require mandatory reporting. If reporting wasn’t mandatory, too many cases of abuse would go unreported and lasting damage would fall upon those most needing our protection. Reporting abuse is easy. Calling (855) 503-SAFE (7233) is all it takes. The line is open
24 hours a day, seven days a week. I recently reported a case of elder abuse late one evening and received a return telephone call early the next morning. The consequences of failing to report include civil liability, the potential loss of the privilege to practice law and even criminal prosecution.

Kelly L. Andersen is a trial attorney at Andersen & Lindhorst in Medford, who handles devastating injury cases throughout the state. He presented a one-hour webinar CLE on the topic of Oregon’s requirements of mandatory reporting of abuse to the Practising Law Institute in New York City in October 2023. He gave the same CLE to the Southern Oregon Chapter of the American Inns of Court in January. You can reach him at kelly@andersenlaw.com.

Nik Chourey, deputy general counsel for the Oregon State Bar, assisted in this article. He can be reached at nchourey@osbar.org.

ENDNOTES

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

2. It is important to note that Oregon’s RPC 1.6(b)(2) is broader in application than the American Bar Association’s Model Rules of Professional Conduct, which limits the revelation to a crime or fraud that is “reasonably certain to result in substantial injury to the financial interests or property of another.” Model RPC 1.6(b)(2).


4. RPC 1.4(b).

5. RPC 1.2(c).

6. RPC 2.1.
OSB Leadership Opportunities

The Oregon State Bar is currently seeking candidates for the OSB and ABA House of Delegates and the OSB Board of Governors. Participation of attorneys from diverse practice areas, perspectives and locations is vital to ensuring that the Oregon State Bar is responsive to the needs of members from across the state, as well as its members outside the state. Would you be interested in serving in any of these roles? Is there someone within your professional network ready for a leadership role? Candidate and election information is below.

House of Delegates

There are several openings in all regions for the OSB House of Delegates (HOD) and two open seats for the American Bar Association HOD, including one young lawyer delegate seat. The deadline for HOD candidate statements is 5 p.m. on Friday, March 15. Candidate forms, election information and HOD details can be found at https://www.osbar.org/leadership/hod/.

Board of Governors

There are four Board of Governor (BOG) terms expiring this year: one each in region 1 (Eastern Oregon), region 3 (Southern Oregon), region 4 (Washington County and the North Coast) and region 5 (Multnomah County). The deadline for BOG candidate statements is 5 p.m. on Tuesday, May 14. Forms and election information can be found at https://www.osbar.org/leadership/bog and BOG member FAQs are here: https://www.osbar.org/_docs/leadership/resources/BOGFAQ.pdf.

For more information on any of these positions, contact Danielle Edwards at (503) 431-6426 or (800) 452-8260, ext. 426 or dedwards@osbar.org.

PLF 2nd Quarter Installment Due April 10

The deadline for the Professional Liability Fund (PLF) second quarter installment payment is Wednesday, April 10, 2024. A $100 late charge will be assessed if payment is not received by this date. To make your installment payment, go to www.osbplf.org and click the blue “Pay Assessment” button on the home page. If you have questions,
please contact the PLF Accounting Department at (503) 924-1771 or email remind@osbplf.org.

LRAP Applications Due April 15

The Oregon State Bar recognizes that substantial educational debt can create a financial barrier, which prevents lawyers from pursuing or continuing careers in public service law or practicing in a rural jurisdiction. The mission of the OSB Loan Repayment Assistance Program (LRAP) is to attract and retain public service and rural lawyers by helping them pay their educational debt. The program will make a forgivable loan (LRAP loan) of up to $7,500 per year per program participant for a maximum of three consecutive years.

For 2024, the program was expanded to include those practicing law in rural jurisdictions, this is someone whose principal office is not within 30 miles of the urban centers of Portland, Salem, Eugene, Medford or Bend. Applications are due April 15. Visit www.osbar.org/lrap for application instructions and more details.

PLF Practice Management Assistance Roadshow Coming Soon

The PLF Practice Management Assistance Roadshow will take place from April to June 2024. PLF practice management attorneys will be touring across the state, holding seminars and individual appointments to assist legal professionals. Discover how to identify areas for improvement and efficiently use technology to reduce malpractice risk and enhance client services. Gain insights to enrich your law practice regardless of your firm’s size, location, budget or practice areas. Look for broadcast emails with more information. If you have any questions, please contact the PLF PMAP Department at (503) 639-6911 or through www.osbplf.org under Services, then Practice Management Assistance.
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.

JOHN M. MANN
OSB #933530
Beaverton
Form B resignation

Effective Oct. 5, 2023, the Oregon Supreme Court accepted the Form B resignation of Beaverton lawyer John M. Mann. At the time of Mann’s resignation, formal disciplinary proceedings were pending against him alleging violations of RPC 8.4(a)(2) (committing a criminal act that reflects adversely on the lawyer’s honesty, trustworthiness or fitness to practice law).

On March 3, 2023, Mann pled guilty to and was convicted of 10 felony counts of violating ORS 163.684 – Encouraging Child Sex Abuse in the First Degree. Between February 2019 and June 2021, Mann accessed and downloaded more than 37 videos and images depicting child sex abuse (“child sexual abuse material,” or CSAM) and saved the content on micro-discs he created.

DOUG HAGEMAN
OSB #173654
Portland
4-year suspension

Effective Aug. 18, 2023, the disciplinary board suspended Portland lawyer Doug Hageman for four years for his violations of RPC 1.3 (3 counts) (neglect of a legal matter), RPC 1.4(a) (3 counts) (duty to keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information), RPC 1.4(b) (3 counts) (failing to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation), RPC 1.15-1(d) (prompt return of client property on request), RPC 1.16(c) (2 counts) (duty to comply with notice to or permission of a tribunal when terminating representation), RPC 1.16(d) (3 counts) (duty to return client file after termination and refund unearned fees), RPC 8.1(a)(2) (3 counts) (duty to respond to disciplinary inquiries), and RPC 8.4(a)(4) (conduct prejudicial to the administration of justice).

Hageman left his firm without giving notice to his clients or informing them. He did not take his clients with him or assign their cases to anyone else in his firm. As a result, all work on their legal matters ceased. He did not withdraw from their representations. In addition, for one of his clients, Hageman failed to return money owed to her or notify her that he had received money on her behalf. For another client, Hageman failed to appear for a previously set two-day jury trial. In another case, his client’s matter was dismissed for want of prosecution due to his neglect.

Hageman failed to respond to disciplinary counsel’s repeated requests for information about this matter.

The trial panel found that Hageman’s conduct was aggravated by a pattern of misconduct, multiple offenses, refusal to acknowledge wrongful nature of conduct, vulnerability of a victim, and indifference to making restitution. Hageman’s conduct was mitigated by an absence of a prior record of discipline, and inexperience in the practice of law.
Miller Nash Welcomes Eight Employment Attorneys

With these additions, Miller Nash has bolstered its already-premier education, employment & labor teams, serving a wide variety of clients in the Pacific Northwest.

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After 10 years as an Associate Attorney with Arnold Law, the firm is proud to announce that Jessica May has accepted an invitation to become partner. She is a Eugene native, 2005 graduate of Marist Catholic High School, and a Creighton University undergrad and 2012 Creighton Law Graduate. Jessica has a broad range of work experience, including working at the U.S. Attorney’s Office in Nebraska and doing contracts and transactional work for PeaceHealth in Vancouver.

In 2014, after joining Arnold Law’s team, she practiced in the areas of state and federal felony criminal defense, civil litigation, and family law. In 2017, Jessica began focusing her practice primarily on family law advocacy and litigation. She has been recognized for the last 3 years by Super Lawyers as a Rising Star in family law and continues to counsel and represent clients in complex divorce, custody, parenting time, and support matters, restraining and stalking orders, and domestic partnership dissolutions. Not only is she a highly skilled, diligent, and well-respected member of the legal community but she is active in her community and supports various fundraising and charitable causes as a Marist Alumni.

Somehow she accomplishes it all while being one of the best mothers we have the privilege of knowing as she raises 3 children age 6 and under with her husband, Ryan! We are honored and humbled that she has chosen to continue to dedicate her passion for client advocacy and share her life with us at the firm.

Please take a moment to celebrate her by flooding her with emails at Jessica@arnoldlawfirm.com.
Among Ourselves

Tonkon Torp attorney Paul Balmer has been appointed to the board of directors of Raphael House of Portland, a multi-faceted agency dedicated to ending domestic violence through advocacy, education, community outreach and by providing a safe haven. Raphael House offers emergency shelter, a 24-hour in-house crisis line, transitional housing and advocacy programs. Balmer is a passionate proponent of community engagement and enjoys an active pro bono practice. He has helped clients vacate unconstitutional convictions and expunge past criminal records and is a volunteer coach with Classroom Law Project.

Kyra Hazilla, the director of the Oregon Attorney Assistance Program, has been appointed as a commission member to the ABA Commission on Lawyer Assistance Programs (CoLAP) for 2023-2024. CoLAP advances lawyer well-being through the work of assistance programs serving lawyers, judges and law students with mental health and substance-use concerns, as well as developing policy, outreach and resources to support the legal community.

Traci Ray, executive director of Baran Liebman in Portland, has joined the Children’s Cancer Association’s JoyRx Governing Board of Directors. Through Ray’s advocacy, the firm continues to support the CCA and its mission to prescribe joy through programs that create immediate and measurable improvements to the mental and emotional well-being of seriously ill children.

Darlene Pasieczny, a partner at Samuels Yoelin Kantor, has been appointed to serve on the national Certified Financial Planner Board’s Disciplinary and Ethics Commission. The commission hears enforcement cases and may issue sanctions against financial professionals who hold the CFP certification and violate the CFP Code of Ethics and Standards of Conduct. Pasieczny brings her experience as a fiduciary and securities litigator, and chair of SYK’s appellate practice section, to this service.

Román Hernández, a partner at Cable Huston, has been named the vice chair of the Oregon State University Board of Trustees. Hernández will take over as the chair of the board effective July 1. He is the first Latino or Latina to serve in this role.

The Central Oregon Guardian Assistance Program (COGAP) was recently formed as a non-profit in Bend to provide guardianship services to indigent and low-income incapacitated individuals in the tri-county Central Oregon area. The formation of the non-profit was in response to the rapid increase of indigent and low-income incapacitated adults having no family or other legal decision-making support while cycling through the hospitals and jails, or unhoused in communities and without care and housing appropriate to their needs.

Moves

Stoel Rives announced four attorneys in the Portland office have been elected to partnership, effective Jan. 1, 2024. Tyler Clarke is a member of the firm’s real estate group. He represents clients across the country in complex real estate transactions and the real estate aspects of mergers and acquisitions and other corporate transactions. He has extensive experience in the agriculture, timber and vineyard sectors and in renewable energy, advising clients on real estate- and construction-related transactions in the development, acquisition and financing of renewable natural gas, solar and wind energy projects. Miles Killingsworth is a member of the firm’s corporate group and renewable energy project finance team. His practice is centered on project finance for the U.S. renewable energy industry, with a particular focus on sponsor-side construction debt, back-leverage debt, tax equity and tax credit transfer finance for distributed generation and utility-scale solar and storage projects. Killingsworth has supported the installation of gigawatts of clean power and takes particular pride in helping sponsors develop a programmatic approach to project finance, enabling them to meet the demands of the energy transition. Nathan Morales is a member of the firm’s litigation group and global privacy and data security practice. He represents clients in complex business disputes, focusing primarily on privacy and data security, class-action defense, and policyholder-side insurance litigation. As an appellate attorney, Morales has successfully briefed and argued in the Oregon Court of Appeals, Oregon Supreme Court and 9th Circuit Court of Appeals. He also counsels clients on an array of privacy-related matters, including compliance with GDPR, CalCPA, and other federal and state privacy laws, and in data breach and security incident response and planning. Samantha Sondag is a member of the firm’s litigation group. She represents clients in a range of industries and in a variety of matters, including contract and acquisition-related disputes, consumer protection actions, and speech and public records challenges. She is experienced in state and federal courts, through trial and appeal, and in arbitral forums.

Two attorneys are now partners at Miller Nash. John Stellwagen is part of the firm’s growing employment law and labor relations team. Stellwagen’s practice
focuses on labor contract administration, employee relations, collective bargaining, discipline and discharge, representation before state and federal agencies, labor arbitrations, preventative law/risk management, education and municipal law. Stellwagen has spent most of the past 20 years representing and providing legal guidance to public sector clients throughout Oregon and Washington, including higher education institutions, K-12 school districts, municipalities, public utilities, special districts, healthcare providers and tribal entities. Jess Osborne is part of the firm’s employment law and labor relations team, which provides comprehensive support for employers throughout the Pacific Northwest. Osborne represents public, private and nonprofit employers in a variety of employment and labor relations matters, including advice and litigation. She guides employers through a myriad of issues, including compliance with employment law statutes, challenges with organizational change, organized workforce questions and conducting workplace investigations.

Miller Nash has welcomed two new associates to the firm’s employment and labor relations team. Paige Alli assists public and private sector clients with labor relations matters, including complex arbitrations, administrative proceedings and litigation. She has experience negotiating collective bargaining agreements, contract administration and providing advice and counsel during union organizing campaigns and actions. Cristela Delgado-Daniel works with public, private and nonprofit clients in employment advice and litigation matters, with a focus on the intersection of employment and education law. In addition to active litigation, she advises clients on
matters related to wage and hour, discrimination, harassment and retaliation. Delgado-Daniel regularly defends employers in connection with charges filed with the Equal Employment Opportunity Commission and the Oregon Bureau of Labor and Industries. She also assists in conducting independent investigations related to harassment, race and gender discrimination and Title IX.

Schwabe recently made three announcements. Lawson Fite joined the firm’s Portland office as a shareholder. As part of the natural resources industry group, he brings over 15 years of expertise in renewable energy development, forestland management, and endangered species and public lands concerns. Fite excels in guiding clients through environmental regulation, compliance, permitting and litigation. An adept litigator, he has argued in state and federal trial and appellate courts. Conor Butkus joined Schwabe in the firm’s Portland office as an associate. As an environmental lawyer, Butkus assists clients with permitting and regulatory concerns, such as from the Environmental Protection Agency (EPA) or issues that stem from state and federal environmental regulations. Butkus joins the firm’s natural resources industry group, where his services include environmental and natural resource regulation, facility siting and permitting, environmental compliance and clean up, and water law. Erin White joined the Salem office as an associate. White specializes in tax and estate planning, assisting clients with the preparation of state and federal estate tax returns, navigating probate and managing trust administration following the loss of a loved one. She provides expertise in guiding trustees through the administration process and providing counsel on estate and business succession.

Phillips, Moore, Traylor, & Myers has changed its name to Phillips, Traylor, Myers, & Goodin, welcoming aboard new
partner Kenneth C. Goodin. Goodin has over 16 years of family law experience and will focus on providing mediation and collaborative family law services to clients throughout Oregon, while maintaining his family law litigation practice.

Justin Wagner is now a partner at McCoy Russell. Leveraging his background in electrical engineering and over 20 years of experience in intellectual property, Wagner represents clients in patent matters, including the preparation and prosecution of patent applications before the USPTO, portfolio strategy development, patent appeals, patentability studies, validity evaluations and infringement analysis.

Kristine Bingman has been promoted to shareholder in Ogletree Deakins’ Portland office. Bingman’s practice focuses on health and welfare plan compliance. She advises clients on all aspects of ERISA and Internal Revenue Code compliance as it relates to health and welfare plans, as well as on compliance with the Affordable Care Act, COBRA, HIPAA privacy and security, code nondiscrimination rules, wellness programs, fiduciary compliance, reporting and disclosure requirements, and more.

Elliott, Ostrander & Preston announces that Gemma A. Nelson has been named a shareholder at the firm effective Jan. 1. Nelson primarily represents real estate developers and housing authorities alongside fellow shareholder Paul Dagle (formerly of Dagle Law) in the firm’s low-income housing and tax credit practice.

Kate Wilkinson has accepted a position as general counsel at the Oregon Judicial Department (OJD), starting March 11. As general counsel, she will lead the group of lawyers and other professionals who

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### Have an Item for the Bulletin?

The Bulletin welcomes short items about Oregon lawyers and law firms for the Bar People pages of the magazine. Notices are published at no cost. Email notices to: editor@osbar.org

Submissions are subject to editing and published in the order received. The Bulletin publishes photographs (single headshots only) in “Moves” and “Among Ourselves” and “In Memoriam.”

The fee is $20 for each photograph. The notice itself is free.

Paid professional announcements are also available. Inquire at ronnie@llmpubs.com. Questions? Call Ronnie Jacko, (503) 445-2234.
provide legal advice, manage litigation, develop contracts and intergovernmental agreements, and provide legal policy and legislative research support for Oregon’s state court system. Wilkinson comes to OJD with significant experience, most recently as assistant general counsel at Portland Public Schools. Before that she served in legal management positions at a variety of organizations including Standard Insurance, Oregon School Boards Association, and C&K Market, Inc. She started her career as a litigator in Eugene.

Hayley Porter has joined SBH Legal as an associate. She represents Oregon employers and insurers in workers’ compensation defense matters. Before joining SBH Legal, Porter specialized in workers’ compensation litigation and OSHA matters at another defense firm.

Adele Ridenour has become a shareholder Portland litigation firm Markowitz Herbold. Ridenour is a trial lawyer who focuses her practice on complex commercial litigation and construction, insurance, and design-related disputes. She also advises education institutions regarding Title IX, including Title IX analysis regarding school facilities and new construction. Ridenour is the current president of Oregon Women Lawyers (OWLS) and a pro tem judge for Washington County, where she presides over the FED (landlord/tenant), small claims and civil motions dockets.

Clifford S. Davidson has been appointed managing partner of Snell & Wilmer’s Portland office. Davidson serves on the firm’s Expanded Executive Committee, is the Portland lead of the firm’s commercial litigation practice group, co-leads the firm’s LGBTQ+ affinity group and is an active member of the firm’s Committee on Diversity, Equity, and Inclusion. He focuses on commercial disputes, litigation and counseling relating to freedom of expression and defamation, including anti-SLAPP, advice and litigation concerning constitutional issues, particularly the First Amendment and Equal Protection Clause, noncompetition and nondisclosure, copyright and trademark, class action defense, and Oregon and federal RICO.

Littler, the world’s largest employment and labor law practice representing management, has added Lisa Shevlin as a shareholder in its Portland office. A skilled litigator, Shevlin has handled numerous multimillion-dollar cases involving employment-related claims from the pre-claim investigation stage through trial. She also regularly conducts workplace investigations and advises clients on various matters that arise in the employer-employee relationship. Shevlin’s experience in complex litigation arises from her work in both the public and private sector.

Josephine (Josi) Kovacs and Joseph Levy have joined the Portland business litigation firm Markowitz Herbold. Kovacs focuses her practice on contract disputes,
We Quit.

Why We Switched Sides: The Changing Face of the Insurance Industry

Introduction: Change can be difficult, but sometimes, it’s not just necessary; it’s imperative. After 50 years defending insurance companies, the old Spooner & Much law firm is undergoing a radical transformation. We’re shifting from defending the insurance industry to advocating for seriously injured accident victims. Why? Because we believe that something vital has been lost in the insurance industry: humanity.

The Good Old Days: There was a time when the insurance industry operated with integrity, distinguishing right from wrong and ensuring fair compensation for those injured. We dedicated our careers to helping insurance companies do the right thing. We believed in the system. The Oregon insurance industry called us their “go-to guys” for their biggest cases.

The System is Busted: However, recent years have seen a troubling shift in the industry. Humanity has been replaced by artificial intelligence and data points in the claims-settlement process. What was once a question of honor and conscience has become a matter of metrics, with far-reaching consequences for justice seekers.

The Rise of A.I.: The insurance industry’s growing reliance on A.I. and algorithms is concerning. While these technologies aim to improve efficiency and profitability, they should never come at the expense of fairness and compassion. A.I. ignores the human aspect of injury cases in favor of metrics and statistics, overlooking a seriously injured person’s circumstances and suffering.

Why We Flipped: At Spooner Staggs, we’ve had enough. Treating people fairly matters. We cannot stand by as algorithms dictate outcomes without considering the human element. We now represent seriously injured victims directly, fighting for the justice they deserve.

A Message to the Insurance Industry: To our former colleagues: we understand your methods, we know your playbook, and we’re here to fight for accident victims with every tool we have, including the new Moody Insurance Bad Faith decision. You’ve trusted us with your biggest cases for 50 years because you saw how we can win the toughest cases. You know what we can do.

Conclusion: After five decades of defending insurance companies, we’ve turned the tables. We bring our long experience, fierce determination, and capable trial skills to aid catastrophically injured victims. It’s time for a return to fairness, and a renewed commitment to treating people with compassion and respect.

Welcome to the new Spooner Staggs — a Personal Injury law firm.

Spooners
STAGGS TRIAL LAWYERS
See you in court.
spoonerstaggs.com
VF Law has moved into new office space located at 6000 Meadows Road, Suite 500, Lake Oswego, effective immediately. This new corporate location is less than three miles from the firm’s former office and is conveniently located near I-5 and Highway 217. VF Law hired additional attorneys across all of its areas of practice in 2023, and opened new offices in Boise as its litigation, estate planning, construction defect and insurance practices expanded throughout the Pacific Northwest and Rocky Mountain regions. In addition to Idaho and Oregon, the firm also operates within six other states across the western United States.

Sussman Shank has welcomed the lawyers and paralegals from the bankruptcy boutique Vanden Bos & Chapman to the firm effective Jan. 1, 2024. The new lawyers include Ann K. Chapman, Christopher N. Coyle, Douglas R. Ricks and Colleen A. Lowry. The new team brings a wealth of experience, depth and a proven track record for handling a diverse range of cases, from consumer and small business bankruptcies (Chapter 7 and 13), bankruptcies for family farmers and fishermen (Chapter 12), as well as complex business restructuring matters (Chapter 11). They also specialize in creditor representation across all chapters.

Seth Row has joined Stoel Rives as a litigation partner in Portland. Row brings decades of experience in policyholder-side insurance recovery to the firm. Row’s practice involves a mix of litigation, counseling and behind-the-scenes advocacy to clients in multiple industries. Over more than 20 years of practice, Row has helped clients to recover millions of dollars under multiple kinds of insurance policies including pollution liability, property, builder’s risk, business income, directors and officers, representations and warranties, marine, and cyber-risk, among others. He also has broad experience in business litigation, including commercial disputes, theft of trade secrets, products liability and employment.

Román Hernández has joined Cable Huston as a partner. Hernández has a national litigation practice and focuses on employment law and commercial litigation. He represents clients in a variety of industries including energy, retail, telecommunications, agribusiness, health and hygiene, software development, manufacturing, logistics, transportation, in addition to educational institutions.

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VF Law has moved into new office space located at 6000 Meadows Road, Suite 500,
I won’t defend cases for the insurance industry anymore.

—Ralph Spooner

I won’t do it.
It used to be about right and wrong—you paid what you owed.
I spent 50 years helping insurance companies do what’s right.
I was a believer.
I defended them in hundreds of jury trials. They called me their “go-to guy” for their biggest cases.
But in recent years, things have changed. The system is broken.
Humanity is being removed from the process. It’s no longer about treating injured victims fairly.
Now it’s all about A.I., data, and algorithms. We’re not willing to play that game.
When people are seriously hurt, they deserve fair compensation.
So, we’re using our powerful insight about the insurance industry to aid seriously injured plaintiffs.

Welcome to the new Spooner Staggs—a Personal Injury law firm.

Spooner Staggs TRIAL LAWYERS
See you in court.
spoonerstaggs.com
In Memoriam


Kearney was a remarkable attorney, an indispensable member of Stoel Rives, and someone who wielded his wit with a grace and comedy that made even the most harried litigators laugh out loud at our collective humanity. His irrepressible humor brightened the days and will be missed in countless ways.

Kearney’s contributions beyond his legal work included his active support of The Children’s Book Bank as a board member for eight years. His 2017 CourtCare fundraising for children caught in Multnomah County’s court system inundated Stoel Rives’ Portland office with exuberant, persistent and funny emails soliciting donations.

He received his undergraduate degree from Claremont McKenna College and later attended the Legislative Studies Institute in Washington, D.C., for a one-year course of study for promising Capitol Hill staffers and Freie Universität Berlin on a Fulbright Scholarship to study the privatization of state-owned enterprises in former East Germany. Kearney joined Stoel Rives in 1998 from the University of Washington School of Law, following a year as a consultant for privatization in transition economies and two years as an analyst for the U.S. Senate Budget Committee.

He is survived by his wife Devani Scheidler, sons Finn and Wheaton, and daughter Rossi.

Alice Bartelt, a longtime active member of Oregon Women Lawyers, passed away suddenly on August 29, 2023. She was born on Aug. 27, 1947.

Bartelt served on the OWLS board from October 2002 to April 2009, and was also OWLS’ historian from 2006-09. She worked for SAIF as a trial and appellate attorney for over 25 years. She earned her J.D. from Lewis & Clark Law School in 1981.

Bartelt was not only active in OWLS; she also served as president of the Oregon Association of Parliamentarians. She was an expert on the nuances of Roberts’ Rules of Order and was always happy to share her expertise. She was also the president and a member of the board of directors of the League of Women Voters of Oregon, and was an active member of the American Association of University Women (AAUW), both the Portland and Beaverton branches. Bartelt was also active in the Columbia Chapter of Americans United for Separation of Church and State, Washington County Democrats, NARAL Pro-Choice Oregon, Zonta International and the Oregon State Bar. She loved traveling, reading, crossword puzzles and antiquing.

Bartelt and her husband Dick (who passed away in 2006) moved to Oregon from California in 1970. They raised their daughters in Raleigh Hills and that is when and where she put into earnest action her passion for supporting organizations dedicated to women’s rights. She was generous with her time, a mentor to many, and was kind, witty and brave. She is survived by

Davis Wright Tremaine has promoted two attorneys to partner, Caitlin Forsyth helps hospitals, clinics and physician practices with a broad spectrum of health care regulatory compliance issues. She also regularly deals with federal and state licensure requirements, Medicare and Medicaid coverage and billing questions, and telehealth considerations. Forsyth also serves as general regulatory counsel for several clinical, molecular and toxicology laboratories. Lauren Johnson helps companies with the acquisition and disposition of real estate, with a focus on agricultural properties, including vineyards, orchards and citrus farms. She also works with her clients and her colleagues to provide clients with top-level service for all aspects of their transaction.

Michael Sewell has joined the law firm of Kevin L. Mannix in Salem. Sewell handles business law and nonprofit representation, as well as estate planning and public policy research. He has recently been admitted to the U. S. Court of Appeals for the 9th Circuit and to the U. S. District Court for the District of Oregon.

Wendy L. Laing is now a partner at the Eugene law firm of Hutchinson Cox. Laing’s practice focuses primarily on business transactions, estate planning, real estate law and legal work serving nonprofit organizations. Laing can be reached at (541) 686-9160 or through www.eugenelaw.com.

Zoë Saccio has joined Thomas, Coon, Newton & Frost in its personal injury practice. Saccio’s enthusiasm for alternative transportation and her passion for helping injured cyclists (as she is a former professional road and track cyclist) fits with the firm’s longtime expertise representing vulnerable road users. She will work alongside firm partners Cynthia Newton and Chris Thomas.

David Bales has joined Walsh & Associates in Keizer. His practice will include a full range of legal services to help auto accident victims obtain full and fair compensation for their claims including legal advice, negotiations and litigation.
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Memorials are suggested to the Reedsport Rotary Foundation, Inc., PO Box 91, Reedsport, OR 97467, to be used for scholarships.

Former Oregon Attorney General James (“Jim”) McElwain Brown of Bend died Sept. 8, 2023, in San Jose, Costa Rica, after a brief illness. Born in St. Paul, Minnesota, Brown moved with his family to Oregon. He graduated magna cum laude as student body president from Willamette University and received a law degree from Yale. In 1967, Brown accepted a clerkship with the Oregon Supreme Court, which was interrupted by the draft. After an honorable discharge from the Army and finishing his clerkship, he served for seven years in the Benton County District Attorney’s office, five of those years as the elected DA. In 1977, he became legal counsel to Oregon Governor Robert Straub, and later joined the Oregon Attorney General’s Office. In 1980, he was appointed by Governor Victor Atiyeh to succeed James Redden as Oregon attorney general.

In 1981, Brown entered private practice in Salem, moved to Portland in 2005, and retired in 2012. During his career, Brown argued over 160 appellate cases, conducted hundreds of trials in state and federal courts, and served as an arbitrator. Several of those cases were high-profile, including his appointment as special assistant attorney general in the widely reported murder case State v. Jones, opposite celebrity defense attorney Gerry Spence. He also counted among his clients the baseball great Reggie Jackson.

Brown maintained a steady focus on public service and pro bono work throughout his career, representing low-income, immigrant and marginalized clients in civil rights, landlord tenant and consumer cases. He served on numerous boards and commissions, including Legal Aid, the Oregon State Bar, Oregon Public Defense Services Commission, State Indigent Defense Board, Governor’s Task Force on Juvenile Corrections, Evidence Law Revision Advisory Committee and the Board on Police Standards and Training.

Brown spent the last 12 years accompanying his wife to international locations on global rule of law assignments. He continued his pro bono work with young lawyers in Bahrain, Tunisia, Turkey and Morocco, and became proficient in Turkish. He relished traveling the world and exploring court systems, food and historical sites throughout Europe, the Middle East, North Africa, China, Central and South America, and since 2020 in Costa Rica, where his wife is with the state department. Brown had a razor-sharp wit and kind demeanor, was passionate about the outdoors, and enjoyed fishing, hiking, running and skiing. He was an avid cyclist, for years participating in long-distance rides with Cycle Oregon and Oregon Bike Ride.

Brown is survived by his wife, fellow OSB member Lisa Le Sage, four children and step-children, five grandchildren, his brother and sister-in-law, and several nieces and nephews. A public celebration of his life will be held in Bend at the River House Hotel on the Deschutes on Saturday, Aug. 3, 2024, at 5 p.m. For additional information email lisa@lexterrastrategies.com.

Bernard “Bernie” Jolles died from a stroke on December 17, 2023. He was born on Oct. 5, 1928, in New York to Harry and Dora Jolles, both immigrants from Poland/Ukraine/Austria.

Jolles spent his career going to bat for the disenfranchised, labor workers and people who received catastrophic misdiagnoses. He also worked for people who had been tortured in prison and denied their civil rights to peaceful protest in Mississippi in 1969. He worked on the Parchman Farm Penitentiary case in 1969 on appeal.

As a boy, he was kind of a wisenheimer and full of mischief. He enjoyed apartment roof hopping and spending too many hours in the pool hall with folks much older. His first language was Yiddish, but he was adept at other languages that he had picked up on the waterfront and around Brooklyn. He was honorably discharged from the Navy having completed his service in 1945-46.

In 1957, Jolles headed West with the late Lenore Jolles, an actress who studied Shakespeare at NYU where they met. He landed a job at the Anderson, Franklin, Jones, and Olson law firm as an investigator.
— the same law firm where the late Judge Mercedes Diaz had worked as a clerk. They ended up having a long friendship and deep admiration for one another.

But as some Oregon State Bar members may remember, Jolles was first denied admittance to this very body back in 1963, despite having the best bar score and excellent student achievements at Lewis & Clark Law School (Northwestern School of Law at the time). He previously had been a member of the Communist Party and those affiliations were not considered “good moral character” by the OSB Board of Governors in the 1960s. Jolles vs. The State of Oregon went all the way to the Oregon Supreme Court. Jolles prevailed and was admitted to the OSB in 1963. He went on to have a long successful practice, starting his own firm in 1979 with Larry Sokol and Harlan Bernstein. Twenty-three years after fighting to be admitted to the bar, he served as its president in 1986.

Jolles is survived by daughters Abbe and Jacqueline Jolles, two grandchildren and his former wife and friend Susan Walker. He was preceded in death by his son Howard Jolles, his daughter Caroline Jolles and his sister Joan Slovin.

The image is an oil painting of Bernard Jolles by his daughter Jacqueline Jolles. It was painted in 2019.

**Additional Notices**

Richard A. Van Hoomissen  
91, Lake Oswego, Oct. 11, 2023

Todd A. Mitchell  
52, Portland, April 17, 2023

Mark Mills  
66, Portland, July 27, 2023

Harold M. Gross  
88, Alexandria, Virginia, Nov. 1, 2023

Patrick J. Mosey  
77, Salem, Oct. 16, 2023

Scott K. Fukumoto  
63, Washougal, Washington, Aug. 12, 2023

Terry L. Rahmsdorff  
75, Bend, Oct. 27, 2023
OFFICE SPACE

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.

FANTASTIC DOWNTOWN PORTLAND legal professional office space near Pioneer Square Great offices and cubicle spaces available to rent on available to rent on the 10th Floor 520 SW Sixth Avenue. Includes two great conference rooms. All offices have great windows, sunlit with nice urban views on West hills. Collegial, respectful, colleagues in small and solo firms. One block north of Pioneer Courthouse Square; next door to all Max lines and other transit; streetcar is three blocks away. Excellent secure bike parking, exercise facility, tenant lounge, and building security. Automobile parking available for $ in basement; EV charging near. Monthly rent prorated from $ in basement; EV charging near.

LAKE OSWEGO KRUZE 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. 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 $950 per month for the executive offices. Call Meghan 503-468-5573.

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@mckenzieriverco.com.

OLYMPIC MILLS COMMERCE CENTER OFFICE SPACE AVAILABLE – Personal injury and criminal defense firm with three office spaces for rent. 5th floor office space in The Olympic Mills Commerce Center with fantastic views and accommodations will be move in ready in March 2024. Perfect for a solo attorney with or without staff looking for a comfortable office that will impress. Call (360) 695-3309 or email matthew@philbrook-law.com for more information.

OCCIDENT 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

SMALL, QUIET BUILDING in downtown Portland. Rent one or two unfurnished offices, with or without adjoining secretarial space. Prices range from $300 to $900. Building located on the corner of SW 6th and Clay on the transit mall, blocks from Multnomah County Courthouse and Justice Center, and US District Court buildings, one block to fitness center. Rent includes full reception and custom telephone answering from 8 to 5 M-F, use of library w/fireplace and conference room, standard office equipment, notary onsite. Building is shared with several experienced attorneys and one CPA. Flexible lease dates. Parking available $195/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.

Attorney Practice Coordinator (formerly Legal Secretary) (Portland) – Littler Mendelson. Coordinates and performs high level tasks to support multiple attorneys’ practices. Requires excellent time management, communication and organizational skills. Requires extensive knowledge of state and federal judicial systems, and agency procedures in labor and employment law. 0-5 years’ experience in a strong professional or educational environment. Apply at www.littler.com/careers.

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, TIDWATER, OREGON OR YOU CAN EMAIL THE SAME TO GRECO@PIONEER.NET.

MORRIS & SULLIVAN, P.C. IS ACCEPTING APPLICATIONS FOR THE POSITION OF TRIAL ATTORNEY. WE HAVE BEEN THE PRIMARY INDIGENT DEFENSE PROVIDER IN THE COLUMBIA RIVER GORGE FOR OVER THIRTY YEARS. WE HAVE OFFICES IN HOOD RIVER AND THE DALLES AND CURRENTLY HAVE NINE ATTORNEY POSITIONS AND ANTICIPATE EXPANDING. WE ARE LOOKING FOR APPLICANTS WITH A DEMONSTRATED INTEREST IN CRIMINAL DEFENSE AND JUVENILE WORK. WE ARE ESPECIALLY INTERESTED IN APPLICANTS WHO HAVE PARTICIPATED IN A DEFENSE CLINIC OR WORKED AS A CERTIFIED LAW STUDENT. THE GORGE IS A GOOD PLACE FOR A NEW LAWYER TO START THEIR CAREER AND A GOOD PLACE FOR AN EXPERIENCED LAWYER TO PRACTICE. OUR JUDGES ARE DECENT, CARING PEOPLE AND OUR PROSECUTORS ARE NOT HABITUALLY UNREASONABLE. OUR FIVE SENIOR ATTORNEYS HAVE BEEN WITH THE FIRM FOR 10 TO 32 YEARS. OUR STAFF AVERAGES OVER 15 YEARS AT THE FIRM. WE MUST BE DOING SOMETHING RIGHT. WE OFFER EXCELLENT BENEFITS, A STARTING SALARY OF $80K + DOE, AND THE OPPORTUNITY TO LIVE IN ONE OF THE VERY BEST AREAS OF THE STATE. FOR THE LAST 32 YEARS WE HAVE BEEN ORGANIZED AS A PRIVATE FIRM AND IT HAS WORKED VERY WELL FOR US – AND, MORE IMPORTANTLY, OUR CLIENTS. DUE TO THE RESTRUCTURING OF INDIGENT DEFENSE STATEWIDE WE ARE CURRENTLY IN THE PROCESS OF TRANSITIONING TO A NON-PROFIT PUBLIC DEFENDER MODEL – TO BE ELIGIBLE FOR STUDENT LOAN FORGIVENESS, AMONG OTHER REASONS. COME AND VISIT US. MAYBE WE ARE THE PERFECT PLACE FOR YOU TO BEGIN OR CONTINUE YOUR CAREER. JACK

PRACTICES FOR SALE

PLAINTIFF PERSONAL INJURY ASSOCIATE – THRIVING PERSONAL INJURY PRACTICE IN MID-WILLAMETTE LAW FIRM HAS AN IMMEDIATE OPENING FOR A PLAINTIFF PERSONAL INJURY ASSOCIATE. COMPETITIVE SALARY AND BENEFITS DOE. PLEASE EMAIL COVER LETTER AND RESUME FOR CONSIDERATION. APPLY IN CONFIDENCE TO OREGON STATE BAR, ATTN: BLIND AD R-28, P.O. BOX 231935, TIGARD, OR 97281 OR EMAIL: BLINDAD@OSBAR.ORG WITH THE BLIND AD NUMBER IN THE SUBJECT LINE.

REPUTABLE MARION COUNTY LAW FIRM (#1224) ESTABLISHED IN 1989, THIS OREGON FIRM HAS OFFERED HIGH QUALITY LEGAL SERVICES TO COUNTLESS CLIENTS. THE PRACTICE’S SERVICE BY REVENUE BREAKDOWN IS ESTATE PLANNING/TRUST/ WILLS (43%), PROBATE & TRUST ADMINISTRATION (34%), ELDER LAW (17%), AND OTHER (6%). AS OF APRIL 2023, THE PRACTICE HAS APPROXIMATELY 143 CLIENT CASES ACTIVELY BEING PREPARED. OVER THE PAST THREE (3) YEARS, THE PRACTICE HAS AVERAGED GROSS REVENUES OF $823,179 (2020-2022). INCLUDING THE OWNERS, THE PRACTICE HAS FOUR (4) TOTAL EMPLOYEES. THE PRACTICE’S SUCCESS CAN BE ATTRIBUTED TO ITS CLIENT-CENTRIC APPROACH, RESULTING IN A LOYAL CLIENT BASE AND A STRONG REPUTATION FOR EXCELLENCE IN THE LEGAL COMMUNITY. THE OWNERS ARE WILLING TO PROVIDE TRANSITION ASSISTANCE AND HELP WITH GOODWILL TRANSFER, BUSINESS DEVELOPMENT, AND OTHER “MENTORING” FUNCTIONS FOR AN AGREED UPON PERIOD, UP TO TWELVE (12) MONTHS. TO LEARN MORE ABOUT THIS EXCITING BUSINESS OPPORTUNITY, CALL US AT 253.509.9224 OR EMAIL INFO@PRIVATEPRACTICETRANSITIONS.COM, WITH “1224 REPUTABLE MARION COUNTY LAW FIRM” IN THE SUBJECT LINE.

RECREATIONAL RENTALS

KHEI, MAUI, HAWAII – LARGE OCEANVIEW 1BR-2BA CONDO, LR SOFA SLEEPER, TWO POOLS/SPAS, TENNIS, ACROSS FROM BEACH. ATTORNEY DISCOUNTS. (503) 291-1423; VIDEO: HTTPS://WWW.YOUTUBE.COM/ WATCH?v=TXEUCMQZSTE – PICTURES AND BOOKING: SAMSANDMIREIDAHOO@GMAIL.COM.

PARIS APARTMENT – AT NOTRE DAME. ELEGANT 2 BEDROOM, 2 BATH, WITH LIFT. IN THE HEART OF PARIS. PROVENCE. 4 BEDROOM, 4 BATH HOUSE WITH STUNNING, PANORAMIC VIEW OF MENERBES. OWNED BY OSB MEMBER (202) 285-1201 OR ANGPOLIN@AIM.COM.

SCOTTSDALE – NORTH SCOTTSDALE HOME W/ POOL AND PUTTING GREEN. 4 BED, 2 BATH, SLEEPS 10. VISIT HTTPS://WWW.VACASA.COM/ UNIT/110652 TO VIEW, AND EMAIL TAMIPROPERTIES@GMAIL.COM WITH QUESTIONS.

SUNRIVER – CASCARA VACATION RENTALS – A WIDE VARIETY OF HOMES & CONDOS ACROSS SUNRIVER AND BEYOND. MANY INCLUDE HOT TUBS, A/C, ACCESS TO SHARC, AND/or ARE PET FRIENDLY. VISIT CASCARA VACATIONS.COM OR CONTACT US AT (800) 531-1130 OR CASCARA@CASCARA VACATIONS.COM.

DISCOUNTS FOR OSB BAR MEMBERS

SUNRIVER – WARM, COZY, 2 BEDROOM, 1 BATH RANCH CABIN, IDEAL FOR A WEEKEND GETAWAY. FIREPLACE, TV, WI-FI, DVD, CD, BBQ, WASHER/DRYER, FULLY FURNISHED & WELL-EQUIPPED. SLEEPS 4. $125/ NIGHT + $125 CLEANING FEE (541) 944-2694.

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Al Johnson, who last year celebrated 50 years with the Oregon State Bar, submitted this photo of a sunset just west of the Oregon Trail Interpretive Center near Baker City. Johnson said this was a stop on the way back to Eugene from Yellowstone.

“We were disappointed to find that the center was closed for renovations, but this sunset looking west toward home more than made up for it,” he says.

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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