

OREGON STATE BAR BULLETIN

APRIL 2025



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Jumping from law school to law practice can be daunting. Mentors help with this transition. Started in 2012 with 200 mentors, the Oregon State Bar New Lawyer Mentoring Program has grown to 2,300 volunteers willing to assist those entering the legal field. Janay Haas spoke with mentors, mentees and some who benefitted from the program and now are returning the favor.

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

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Revised ORS 36.185 Notice

ORS 36.185 requires that all parties in any civil action be provided written information about mediation approved by the state court administrator. The state court administrator has approved a revised notice to comply with ORS 36.185. The revised ORS 36.185 notice includes two components: the statewide notice and information about local court-established mediation opportunities. Each court's unique notice is available on its local website. Oregon State Bar civil practitioners can review the local court websites for the jurisdictions in which they practice. The local court websites can be found at www.courts.oregon.gov/courts.

Courts will provide filing parties with the ORS 36.185 notice at the time of filing for the following civil case types: contract, tort, small claims, landlord-tenant and compensation for wrongful conviction. The statute requires filing parties to provide the mediation notice to responding parties with the initial service of filing documents upon the responding party.

Note that the prior version of the ORS 36.185 notice was approved in 2006 and the revised notice is not intended to cover domestic relations cases because courts already provide mandatory mediation orientation under ORS 107.755(1).

Direct any questions to Caitlyn.Jackson@ojd.state.or.us.

Chief Justice's Advisory Committee on Civil Justice

At the end of 2024, Chief Justice Meagan Flynn created the Advisory Committee on Civil Justice (ACCJ).

The ACCJ is a joint bench-bar committee providing a forum for stakeholders to identify systemic challenges to the cost-effective, timely resolution of civil cases and investigate potential solutions that will benefit courts, lawyers and court users. The ACCJ co-chairs are former Chief Justice Martha Walters and Justice Stephen Bushong of the Oregon Supreme Court.

The ACCJ now has three workgroups:

1. Landlord-Tenant Law Workgroup, chaired by Judge Benjamin Bloom.
2. Consumer Debt Collection Workgroup, chaired by Bushong.
3. General Civil Litigation Subcommittee, chaired by Walters.

The ACCJ will support the Oregon Judicial Department's efforts to increase access to justice and procedural fairness for all court users, and two of the workgroups — Landlord-Tenant Law and Consumer Debt Collection — will specifically address the needs of self-represented litigants. The General Civil Litigation Subcommittee will focus on how to provide cost-effective, timely resolution of civil cases in which the parties are represented by lawyers. The ACCJ will reach out to bar members to learn about their experiences and solicit their ideas, but, for now, to learn more or to share ideas on how we can improve the civil justice system, contact Danielle.B.Ramos@ojd.state.or.us.

OWLS Roberts & Deiz Award Dinner May 16

Oregon Women Lawyers is hosting its annual Roberts & Deiz Award Dinner at The Loft at SE 8th Ave. in Portland on Friday, May 16, from 5:30-9 p.m. Lorena Reynolds will be honored as the 32nd recipient of the OWLS Roberts & Deiz Award for her work advocating for marginalized communities and fostering an inclusive workplace. In addition, the

OWLS Board of Directors has created the Linda Tomassi Distinguished Service Award in honor of the outgoing executive director. Registration can be done through oregonwomenlawyers.org. For sponsorship inquiries, contact executivedirector@oregonwomenlawyers.org. ■

Our Editorial Policy

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

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Discovery With...

Stephen Montgomery

Stephen Montgomery operates a private practice in Salem with a focus on estate planning, real property and business law. A graduate of Willamette University School of Law, he joined the Oregon State Bar in 2015.

To date, what professional accomplishment makes you proudest?

It's hard to pick a single professional accomplishment that I am most proud of. I generally take great pride in being able to connect with my clients on a personal level and accomplish their goals. That is really what gives me the greatest professional satisfaction.

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

In order to stay sharp while lawyering, I try to give myself downtime outside of work to rest and restore my mind. Although, with three young children, my "downtime" is really active time.

What is your favorite place in Oregon?

I love the forest (any forest), and Oregon has plenty of them. I just enjoy tromping through the woods and listening to the breeze and the noises of nature; I find it deeply restorative. Other than the woods, I very much enjoy going to the beach with my family. Watching my kiddos have a blast in the sand is a blast in and of itself.



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

I find constitutional law highly fascinating. In fact, in law school, I tried to take every constitutional law course they offered. I think it's the intersection between law, sociology and philosophy that really excites me about that area of law.

If you didn't go into law, then what would have been your career path?

That is a great question. I started my law career late. Before I started practicing law, I was a social worker for a number of years, and I worked at a private security company for a number more. I truly can't say if I would have stuck with one of those careers or started something completely new.

What book are you reading or podcast are you listening to right now?

I am currently reading *Genghis Khan and the Making of the Modern World*, and I am currently listening to *Napoleon: A Life*. I guess I'm trying to figure out how to take over the world ... just kidding.

How do you start your day?

I don't really have much of a morning routine. I wake up, shower, dress, hug and kiss my family, then it's out the door and off to the races.

Best concert you've ever attended? Where was it?

Coheed and Cambria. Hands down. I've seen them a number of times, most recently at McMenamins Edgefield. They put on a great show. They just nail the music and vocals, and the lighting and effects are intense! ■

April 2025

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Understanding This Fundamental Component of an Effective, Ethical Practice

Cultural Competence

By Ankur Doshi



to ‘the air we breathe — it is largely invisible and yet we are dependent on it for our very being.’”¹ As attorneys, cultural awareness and understanding is a necessity to understand and competently represent our clients. While cultural competency is a staple in many other licensed professions, the legal profession has delayed addressing cultural competency until recently.

Cultural Competency

“Cultural competency” refers to the ability to effectively understand and interact with people from different cultural backgrounds. In practical terms, it means being able to adapt and work successfully in unfamiliar cultural settings.

It’s been a cornerstone in several licensed fields, including the medical profession, for several years. The Oregon Medical Board considers cultural competency in the medical field “[a] life-long process of examining values and beliefs, of developing and applying an inclusive approach to health care practice in a manner that recognizes the context and complexities of provider-patient interactions and preserves the dignity of individuals, families and communities.”²

In practice, doctors use professional interpreters, learn about cultural health practices and avoid letting personal biases affect treatment. Studies have shown that including cultural awareness as part of medical professionals’ training improves patient outcomes.³ The rationale is that healthcare providers who understand their patients’ cultural beliefs and communication styles can deliver better care. Oregon law now requires multiple licensed health care providers — including physicians — to complete cultural competency continuing education as a condition of licensure.⁴

As recognized in January 2009 by the bar’s General Counsel Sylvia Stevens, benefits of cultural competency in the medical

field are equally applicable to lawyers and their legal practices serving clients.⁵ Lawyers, like doctors, work with individuals from all walks of life, and misunderstanding a client’s values or communication style can be as detrimental in a legal case as it is in medicine. Since 2009, there has been a growing consensus in the legal community that cultural competence aligns with the duty of competence and professionalism. The ABA’s Formal Opinion 500 in 2021 and the OSB’s recent Formal Opinion 2024-203 align with this trend of formal guidance recognizing cultural awareness as a necessary element of our duty of competence.

Culturally competent attorneys recognize that culture influences how people view the world, how they communicate, perceive issues and make decisions. Because communication and trust are a lawyer’s primary currency, cultural competence is a skill set that we must develop to avoid miscommunications and serve our clients effectively. Recognizing the intersection of cultural competency with our ethical duties helps to navigate these expectations more clearly, ensuring that an attorney’s representation is both ethically sound and practically effective.

Competence and RPC 1.1

Oregon Rule of Professional Conduct (RPC) 1.1 states:

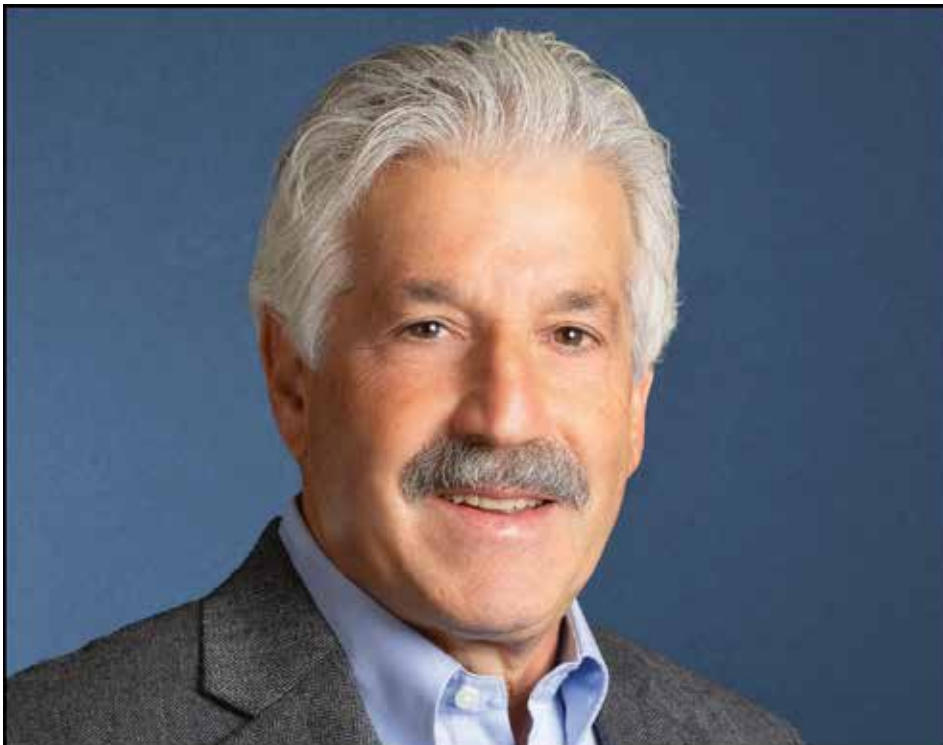
A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

RPC 1.1 has long been recognized to extend beyond simply rote knowledge of the law and its application. It requires knowledge in managing a law practice, including changes in technology.⁶ Competence is not static; it evolves within the context of the practice of law.⁷

Imagine this scenario: An Oregon attorney represents a client in a family dispute involving inheritance. The client, originally from a small village in India, seems hesitant to openly challenge the decisions made by older relatives, even though those decisions may harm her legally and financially. The attorney, unfamiliar with the client’s cultural norms, interprets this hesitation as disinterest or agreement with the relatives’ decisions. After consulting a colleague familiar with Indian cultural practices, the attorney realizes that her client’s hesitation is rooted in deeply held values around family hierarchy and respect for elders. The attorney changes her approach after this consultation and carefully explains any aspects that may affect her client’s rights, even if her client seems in agreement. The attorney provides room for her client to express disagreement while honoring her client’s cultural values.

“Culture provides a foundation for the way we experience the world. ... [It’s] akin

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Forty years. Countless cases. One well-deserved retirement.

Jan Sokol is retiring. As he embarks on this new chapter, we celebrate his extraordinary accomplishments for our clients and recognize his immense impact on our firm. We wish him the very best.

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A fundamental legal skill is determining what legal issues are presented by a client's objectives and circumstances.⁸ Competent legal representation and advice are rooted in a basic understanding of the situations and circumstances presented by the client, including those related to the client's cultural background. Oregon lawyers have an ethical obligation to understand factors — beyond the face of the law — that materially impacts their ability to effectively represent clients. This is where cultural competence comes in. Part of being “thoroughly prepared” for a representation is understanding the client's cultural context. A lawyer who is ignorant or unaware of a client's cultural background might, without realizing it, offend or confuse the client, misunderstand the client's goals, or fail to account for the client's decision-making norms.

Additionally, attorneys must know the objectives and goals of the representation. Oregon RPC 1.2 emphasizes that attorneys must abide by a client's decisions concerning the objectives of the representation and must consult with the client about how those objectives are pursued. Effective adherence to this rule is closely tied to the lawyer's duty of competence under RPC 1.1, particularly when cultural competency is involved. Cultural awareness directly influences an attorney's ability to clearly understand and accurately represent a client's goals. If a lawyer lacks understanding of a client's cultural values, communication styles or decision-making norms, they risk misinterpreting the client's true objectives. This misinterpretation could lead the lawyer to adopt strategies that conflict with the client's actual goals or priorities.

OSB Formal Opinion 2024-203 recognizes the importance of cultural awareness as part of a lawyer's ethical duty of competence. The opinion notes the importance of a lawyer taking reasonable steps to bridge cultural and language gaps when representing a client from a distinct cultural and language background different from the lawyer's background. It closely follows ABA Formal Opinion 500, which also recognizes the importance of cultural awareness. “[T]he duty of competence requires close attention to social and cultural differences that can affect a client's understanding of legal advice, legal concepts, and other aspects of the representation.”⁹ The client might view the legal problem through a cultural lens the lawyer doesn't share, potentially leading to misunderstandings if the lawyer isn't alert to that perspective. A lawyer

unfamiliar with a client's culture may be insensitive to the client's "cultural taboos, expectations, family norms or communication and conflict-resolution styles," which are factors that can significantly affect the lawyer's advice and strategy.¹⁰ Such cultural insensitivities can erode client trust and lead to ineffective legal strategies.¹¹ Simply put, a lack of cultural competence can render an otherwise skilled lawyer ineffective.

Attorneys should not feel that cultural competency is a new and substantial burden requiring hours of study to stay in compliance with their ethical obligations. Cultural competence doesn't require a lawyer to be an expert in every culture or to speak every language. The duty under RPC 1.1 is contextual and controlled by the client's needs and objectives in the representation.

OSB Formal Op. 2024-203 emphasizes that if a lawyer lacks experience with a particular culture or language, they can still competently represent the client by taking appropriate steps. These steps may include independent research, consulting with someone knowledgeable about the client's culture or bringing in outside assistance (such as co-counsel or a cultural consultant) to help understand the client's background. This is analogous to how a lawyer handles an unfamiliar area of law: one can conduct self-study or associate with an expert to become competent. The key is that the lawyer recognizes what they don't know and takes action to close that gap.

Duty to Communicate and RPC 1.4

Cultural competence is intertwined with our duty to communicate to our clients. Oregon RPC 1.4 states:

- (a) A lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.
- (b) A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

If there is a language barrier or cultural barrier, fulfilling this duty becomes challenging. ABA Formal Opinion 500 (2021), which OSB Formal Op. 2024-203 references, instructs that when a lawyer and client "cannot communicate with reasonable efficacy," the lawyer must take steps to ensure effective communication — for example, by engaging a qualified, impartial interpreter.¹²

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is pleased to announce that
Melissa Ryan
has joined the firm as a shareholder.

Melissa served as a governor-appointed LUBA Board Member for more than 18 years, from 2006 to 2025 and has participated in resolving thousands of land use appeals. Melissa joins the firm's land use and municipal law practice group and works to help clients understand and navigate complex land use issues and to provide sound counsel to both municipalities and private parties.

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ABA Formal Opinion 500 makes it clear that an attorney's duties under RPCs 1.4 (communication) and 1.1 (competence) compels an attorney to address language differences. It observes, "If a lawyer does not communicate with a client in a mutually understood language, it is doubtful that the lawyer is exercising the thoroughness and preparation necessary to provide competent representation."¹³ OSB Formal Op. 2024-203 follows the same logic. It concludes that an attorney may represent a client who speaks a different language, but only if the attorney ensures communication is effective. For instance, an attorney may need to use interpreters or translation services as needed. Whether using machine translation or a professional interpreter depends on the complexity of communication, sensitivity of the matter, the client's specific cultural and linguistic needs, and whether the attorney can fulfill their obligations under RPC 1.4.¹⁴

Usage of a client's friend or family member could be a viable option for translation assistance, but both ABA Formal Op. 500 and OSB Formal Op. 2024-203 warn of the substantial risk that exists for attorneys to utilize this option. Using a bilingual family member of the client as an interpreter, while convenient, can raise issues of accuracy and confidentiality. The potential for personal interest on behalf of an interpreter with a close relationship with the client, unknown power dynamics within a family or other conflicts also may skew information provided to the lawyer and lead to the attorney being unable to provide effective representation.¹⁵ Both opinions recommend the best practice of utilizing professional and independent interpreters to prevent potential issues related to confidentiality from arising.

Attorneys also need to be aware as to whether their translators are also culturally competent. "A lawyer should not assume that a translator has this deeper cultural expertise merely because the translator is adept with the client's language."¹⁶ A culturally aware translator is able to interpret subtle cues and nuances that communicate important messages behind them. For example, a translator who is culturally competent would recognize that a client's polite hesitation or indirect statements might signal discomfort or disagreement in certain cultures, rather than actual consent. Conveying these subtleties accurately to the lawyer ensures clarity and effective representation.

Emergency Exemptions

Many times, an attorney's immediate representation and advocacy is critical to preserving the rights of their client. This assistance may need to be rendered before an attorney has time to gain competence in a subject area. The ABA Model Rules predicted such a concern, and notes in Model Rule 1.1 Comment [3] that an attorney may give assistance that is reasonably necessary in those emergency conditions even though they may not be competent to provide such assistance.

Similar emergency circumstances may require one to forgo immediate cultural awareness to protect their client's interest. Both the ABA Formal Opinion 500 and OSB Formal Op. 2024-203 recognize that instances may exist with immediate representation may take precedence to protect a client's interest.¹⁷ For instance, if a client is facing expedited removal proceedings, an attorney may need to take swift legal action to protect the client's immediate interests even when language or cultural barriers are significant and prevent effective communication.¹⁸ Under these exigent conditions, the attorney may proceed temporarily to protect the client's immediate interests. However, these exemptions are limited in scope and duration; the attorney must promptly seek adequate translation and interpretation resources as soon as feasible.¹⁹

Incorporating Cultural Competence Into our Practice

There are many practical steps that attorneys can take to improve their own cultural competence in their practice. Seeking out training in cultural competency through relevant CLEs is an easy way to start. Workshops on implicit bias, cross-cultural lawyering and other topics that provide access to justice MCLE credits often cover issues involving serving clients from underserved communities and recognizing bias and cultural differences. Use these opportunities not just to fulfill your MCLE requirements but to improve and broaden your ability to work with diverse clients and other parties. Oregon also has several affinity bar associations that can aid in increasing one's cultural awareness and help build relationships. A list of affinity bars within Oregon is available at osbar.org/members/localbars.asp. Cultural learning, in the same manner as technological learning, should be a continuous process in our careers.

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In practice, cultural competence starts with understanding our own cultural lens. Take time to reflect on your own background and values and understanding how they shape your interpretation of the facts in a matter. Practice asking open-ended questions to clients and colleagues about their perspectives. Be inquisitive; if you are unfamiliar with a client’s cultural custom, invite the client to explain if they wish. Showing genuine curiosity helps build rapport. As one law practice expert put it, when cultures collide, a good approach is to “stop and think if the way you’re interpreting a situation is the only way it can be interpreted.”²⁰

Effective communication is at the heart of cultural competence. This includes plain-language communication and language access. Ensure that important documents or follow-up summaries are in the form the client can understand. If your client has limited English proficiency, avail yourself of professional interpreters or translation services. Also, be mindful of nonverbal communication differences. Something as simple as silence can have different meanings in different cultures — it could indicate careful consideration in one culture, versus disagreement or confusion in another.

To ensure understanding, practice active listening. Summarize what your client is communicating and ask if it is correct. Invite and encourage questions from the client. When explaining legal options, do it in a step-by-step manner and ask the client if they understand the options. These practices help bridge cultural communication gaps and fulfill your ethical duty to keep the client informed.

It is important to remember that cultural competency does not mean that attorneys must understand their client’s culture perfectly. Cultural competency requires us to be aware that cultural differences exist, show respect and be willing to learn and adapt.

Conclusion

Cultural competence is a fundamental component of ethical and effective legal practice. Understanding and respecting a client’s cultural background directly ties into an attorney’s duty of competence (RPC 1.1) and duty to communicate (RPC 1.4). It enables lawyers to provide advice that is truly tailored to the client’s situation and to avoid misunderstandings that could derail the representation.

When lawyers commit to cultural competence, they affirm each client’s dignity and enhance the fairness of outcomes. It is not lost on clients when their attorney makes the extra effort to pronounce their name correctly, learn a bit about their community or simply listen without judgment. Those small acts solidify trust within the attorney-client relationship, and trust is the foundation of effective representation. ■



Ankur Doshi is general counsel for the Oregon State Bar.

ENDNOTES

1. Debra Chopp, *Addressing Cultural Bias in the Legal Profession*, 41 N.Y.U. Rev. Law & Social Change 367, 367 (2017) quoting Sue Bryant, *The Five Habits: Building Cross-Cultural Competence in Lawyers*, 8 Clinical L. Rev. 33, 40 (2001).
2. Oregon Medical Board, “Cultural Competency,” <https://www.oregon.gov/omb/topics-of-interest/pages/cultural-competency.aspx>.
3. Yu, H., Flores, D.D., Bonett, S. et al. *LGBTQ+ Cultural Competency Training for Health Professionals: A Systematic Review*. 23 BMC Med Educ. 23, 558 (2023). <https://doi.org/10.1186/s12909-023-04373-3>.
4. ORS 676.850(2)(a).
5. Sylvia Stevens, *Cultural Competency: Is There an Ethical Duty*, 69 OSB Bulletin 9 (Jan 2009).
6. ABA Model Rule 1.1 cmt. (8). See also *In re Fjelstad*, 31 DB Rptr 268 (2017) (respondent failed to learn how to efile documents); OSB Formal Ethics Op No 2011-187 (rev. 2015) (a lawyer utilizing electronic media for communicating in the lawyer’s legal practice); OSB Formal Ethics Op No 2011-188 (rev. 2015) (a lawyer using third-party server to store client data).
7. ABA Model Rule 1.1 cmt. (8).
8. ABA Model Rule 1.1 cmt. (2).
9. ABA Formal Op. 500 at 9 (2021).
10. Or. Formal Op. 2024-203 at 3.
11. *Id.* at 2-3 citing Stevens, *supra* n. 5.
12. ABA Formal Op. 500 at 2 (2021).
13. *Id.* at 4 citing N.Y. City Bar Formal Op. 1995-12 (1996).
14. ABA Formal Op. 500 at 6 (2021).
15. Or. Formal Op. 2024-203 at 5. APA Formal Op. 500 at 7-8 (2021).
16. ABA Formal Op. 500 at 9 (2021).
17. *Id.* at 8; OSB Formal Op. 2024-203 at 4.
18. OSB Formal Op. 2024-203 at 2-3.
19. *Id.*

20. Nkoyo-Ene Effiong, the Director of the Law Practice Management Program for the State Bar of Georgia noted this at the 2022 ABA Techshow. See Laura Bagby, *5 Ways Attorneys Can Increase Their Cultural Competence*, March 10, 2022, at <https://www.2civility.org/5-ways-attorneys-can-increase-their-cultural-competence/>.



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

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If the Subjunctive Were Easy Wishful Thinking

By Suzanne Rowe



that the subject of the sentence is the actor (e.g., she wrote the article), while the passive voice either downplays the actor (e.g., the article was written by Madison) or hides the actor (e.g., the article was written).

The *mood* of the verb demonstrates its connection to reality. Verbs in the *indicative* mood are the ones we use most of the time — to explain the world as it currently exists (e.g., she writes articles at midnight) or to ask questions (e.g., who wrote the article?).

Verbs in the *subjunctive* mood show a more interesting state of affairs, expressing the world not as it actually exists, but how it might exist. Some subjunctive verbs express desire by stating wishes and hopes. Some subjunctive verbs offer suggestions or make demands. And some subjunctive verbs describe an alternate universe, making statements that contradict reality.

Common Subjunctive Phrases

*“Although grammarians are constantly discussing its demise, the subjunctive mood is still used in a variety of situations.”*²

Before delving into the details of subjunctives, let’s look at some common subjunctive phrases.³ We all accept the existence of the subjunctive, at least implicitly, and many of us take it for granted. Even if the mere mention of subjunctive verbs stirs fear in your heart, you might use it all the time:

If I were you, I wouldn’t work with him on that project.

Be that as it may, you are making a mistake.

Far be it from me to try to control your career, but the project is a disaster.

God help you if you decide to work with him on the case.

The opening to each sentence above is in the subjunctive mood. Some openings

might sound awkward because the verb used isn’t one we would normally expect. For instance, some verbs don’t seem to agree with their subjects. No one would ever write “I were” (as in “I were at the store yesterday”), but “If I were you” is correct in the example. Other verbs in the list of common subjunctives include an extra “be,” as in “Be that as it may” and “Far be it from me.” Those phrases spring to our lips without grammatical analysis.

Constructing Subjunctive Verbs

Forming the subjunctive is easy. In almost all instances, the subjunctive verb is the same as the indicative verb.

Indicative: I *sign* the documents.

Subjunctive: My attorney suggested that I *sign* the documents.

Indicative: They *sign* the documents.

Subjunctive: Their attorney suggested that they *sign* the documents.

In some instances, though, the two moods produce different verbs. For example, in the third person singular (he, she, it),⁴ the final “s” is omitted from some indicative verbs to form the subjunctive.

Indicative: He *signs* the documents.

Subjunctive: The rule requires that he *sign* the documents.

As another example, for the verb “to be,” the subjunctive form for third person singular is the same as for the plural. Notice below that the indicative *she was* becomes subjunctive *she were* (sounds like the plural *they were*).

Indicative: She *was* defense counsel in a similar case.

Subjunctive: If she *were* defense counsel in this case, she would follow a different strategy.

And, in some instances the infinitive form of the verb (i.e., the “to” form) is used

If you are part of the 99% of the English speakers on the planet who find the subjunctive mysterious, frightening or panic-inducing — you can relax. You likely use subjunctive verbs without even knowing it. This article will help you make peace with subjunctive verbs, explaining how to construct the subjunctive and when to use it. (Of course, you might get excited and start using the subjunctive intentionally.)

Beyond Basic Verbs

*“Most people don’t realize it, but verbs can be as moody as cats.”*¹

Like cats, verbs are complex creatures. Verbs have not only tenses and voices, but also moods. Here’s a quick review:

The *tense* of a verb indicates when the action took place: past, present or future (e.g., she writes today, she wrote yesterday, she will write tomorrow).

The *voice* of a verb shows or hides the actor in the sentence. The active voice shows

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Tom Bode has become a partner in the firm. Tom, a native-Oregonian and Georgetown law grad, joined LVK in 2020 following an Oregon Supreme Court clerkship and working as a Clackamas County deputy district attorney. His practice now focuses on resolving business, contract, and securities disputes on behalf of a range of clients, including large and small businesses and individuals. With hard work, creative thinking, and strategic lawyering, Tom provides excellent client service and a dogged determination to achieve a client's objectives.

without the “to,” resulting in verbs like “be granted.”

Indicative: The judge *grants* parole.

Subjunctive: The attorney suggests that his client *be granted* parole.

Using the Subjunctive

The subjunctive isn't used much in English. (Those of us trying to master Spanish are endlessly grateful because the subjunctive seems to pop up everywhere in that language.) The following four situations cover most of the subjunctive usage in English.

1. Wishful thinking. The subjunctive can express your deepest desires:

I wish he *were* here.

But he's not here. He's in London, and he's staying there.

2. Unreal ideas. The subjunctive expresses an idea that is contrary to fact:

If he *were* here, we could close the deal immediately.

But he's in London, so having him here is contrary to reality.

Note that not every “if” clause requires a subjunctive verb. Use the indicative when the statement might be true, but the writer isn't certain. For example:

If he comes next week, we can still close the deal easily.

He might come next week, but he might not — the writer doesn't know — so the indicative “comes” is appropriate.

The “if” clause needs the subjunctive when the statement is contrary to fact and quite unlikely to be true. The main character in “Fiddler on the Roof” sings, “*If I were a rich man.*” He's not rich, and he knows he never will be.

3. Requirements. Use the subjunctive to state a requirement:

The contract requires that any changes *be made* in writing with all parties present.

4. Suggestions. Using the subjunctive can soften the force of a suggestion:

The attorneys suggested that he *be given* another week to come to Oregon to sign the papers.

Note that the use of subjunctive for requirements and suggestions is different from the *imperative* mood we use to issue commands, like “*Give* him another week!” There's nothing soft or subtle about that.

**THANK YOU
AND BEST WISHES,
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On behalf of the Professional Liability Fund and the Oregon legal community, we thank you for your 13 years of service as a PLF claims attorney and we wish you much success as you reenter private practice in Lane County. Your work has made a huge difference in the lives and practices of countless lawyers throughout the state, and your presence here will be greatly missed.

Thank you, Holli, and we wish you the very best!

Avoiding Subjunctive

I'm not advocating a surge in subjunctive usage; even *I'm* not such a curmudgeon. If you come across a clause in your own writing that might need a subjunctive verb, but you are uncertain whether to use it, you can often finesse the situation by using *should*, *could* or *would* as alternatives.

Subjunctive: They wish their supervisor *were* better organized.

Alternative: They wish their supervisor *would be* better organized.

Conclusion

Most writers don't know or recognize the subjunctive these days. Moreover, most readers won't notice when you choose to use the subjunctive. But "a few careful readers will note your grammatical fastidiousness;"²⁵ I'm one of them. You might encounter others. This article is dedicated to one — the late Professor Emeritus Maury Holland, who gently suggested that I write a refresher on the subjunctive. ■

ENDNOTES

1. Mignon Fogarty, *Grammar Girl Presents the Ultimate Writing Guide for Students* 15 (2011).
2. Anne Enquist & Laurel Currie Oates, *Just Writing: Grammar, Punctuation, and Style for the Legal Writer* 188 (4th ed. 2013).
3. *The New Oxford American Dictionary* 1773 (3d ed. 2010).
4. While "they" is sometimes a singular pronoun, common usage still conjugates its verbs using the plural. That means the indicative and subjunctive forms are the same.
5. Joseph M. Williams, *Style: Ten Lessons in Clarity and Grace* 26-27 (6th ed. 2000).



Suzanne E. Rowe is the James L. and Ilene R. Hershner Professor at the University of Oregon School of Law. She appreciates the comments of Elizabeth

Frost, Amy Nuetzman and Lauren Russell on several of the multiple drafts of this article when it was first published in the August/September 2013 issue of the Bulletin. If only the subjunctive were easy!

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Paying *it* Forward

Mentors Open Doors for New Lawyers

By Janay Haas

Bankruptcy. Immigration. Tax. Torts. Business. Law school introduces students to many types of practice and the vocabulary that goes with them. But it doesn't introduce them to door law.

And yet nearly every private practitioner who starts out solo knows the definition of door law: taking whatever type of case that walks in the door until the lawyer has established a practice niche.

Door law can result in embarrassing and sometimes costly mistakes — unless you've got someone experienced looking out for you. Mentors matter.

New Lawyer Mentor Program Expands

Mentors are so important that, for some 14 years now, new Oregon lawyers are assigned an experienced attorney to help them make the transition from law school to law practice. From about 200 lawyers who volunteered in 2012 to mentor new lawyers under the Oregon State Bar New Lawyer Mentoring Program, mentor participation has grown to more than 2,300 lawyers offering their expertise to new bar members in 2025, according to Cathy Petrecca, who administers the mentoring program for the bar. About 450 new admittees register annually for the program.

The impetus for the NLMP was the confluence of several factors. One was the Great Recession of 2008, which saw a precipitous drop in jobs for new lawyers for several years that still haven't rebounded completely, according to the U.S. Bureau of Labor Statistics. Many new law grads who expected to be employed by a firm or an agency found themselves opening solo practices sans safety net — without advice on substantive issues, guidance on owning and operating a business, financial expertise, communicating effectively with clients and wannabe clients, marketing or — for those with a trial practice — local courthouse culture. Another factor was that as more women with children joined the bar, discussions around work-life balance became louder. Meanwhile, as more out-of-state law grads joined the bar, natural connections in the legal community became less common. And the jolt of new technology meant that the very nature of practice was changing, becoming faster-paced, less personalized and less formal.

Was there a cost-effective way to meet these emerging needs without losing sight of civility and professionalism? Then-chief justice of the Oregon Supreme Court Paul De Muniz looked for answers nationwide among other bars, including those of Utah and Georgia, which had developed post-admission programs to help new lawyers. De Muniz called on the Oregon State Bar staff and a volunteer task force to create a curriculum that would address the challenges. In December 2011, the Oregon Supreme Court promulgated a rule requiring new lawyers (with limited exceptions) to register for the mentorship program.

Curriculum Covers 6 Topics

Subject to ongoing fine-tuning, the mentoring curriculum covers six general topics.

1. Networking in the local legal community and understanding the etiquette of effective practice.
2. Understanding the rules of professional conduct and standards of professionalism
3. Becoming knowledgeable about ethical rules relating to law office management.
4. Working successfully with clients and avoiding conflicts of interest.
5. Developing and maintaining work-life balance.
6. Exploring at least 10 substantive practice areas.

Satisfaction with the program, as measured by exit surveys of new lawyers, has been high. In fact, a number of those mentees, on attaining the five years' experience needed to qualify as a mentor to other new lawyers, have signed up to share their own expertise.

Logistics Are Challenging

The NLMP has met numerous challenges in implementing the program, as it continues to grow. While about half of new lawyers find their own mentors, about half of all mentees look to the OSB program for a mentor assignment. Matching such an enormous group of volunteer lawyers and anxious mentees is the biggest challenge. "Our first aim is to find a match in the same geographic area," says Petrecca. Proximity makes it possible for the pair to meet in person to confer on how they will approach the goals of the mentorship, and for the mentor to be able to introduce the mentee to other

lawyers in the community and to judges and court staff, familiarizing the new lawyer with local customs and procedures.

There are unequal numbers of mentors and potential mentees around the state, explains Petrecca. She cites Umatilla County's 18 available mentors and Wallowa County's one, 11 mentors in Josephine County, and 62 in Jackson County. Deschutes County has so many mentors, Petrecca says, that each lawyer may wait up to three years before getting a next mentee assignment. Meanwhile, in Eugene and Lane County, would-be mentees greatly outnumber mentors. "Maybe it's because law grads just don't want to leave Eugene," she hazards.

Marion County has a similarly high demand for mentors. Many of the county's lawyers are in Salem — government employees who are reluctant to dedicate tax-funded work time to mentoring activities that aren't strictly work-related.



Tara Millan

When there's a geographic match, the second hoped-for connection is by practice area. This goal is unevenly met. Veteran mentor Tara Millan, a solo practitioner in Eagle Point, describes one of her past "matches" as someone whose job was to research and write grant proposals. Millan is a personal injury litigator who spends her days interacting with clients and opposing counsel. Millan simply couldn't address all of that mentee's needs.

In another example, Petrecca notes that there are so few intellectual property lawyers, finding an available mentor in that field can be almost impossible. Thanks to the ability to meet face-to-face remotely, however, geography has become somewhat less of an obstacle to matching practice areas.

Models for Mentoring

Mentees who find mentors outside of the formal assignment from the NLMP often are in "specialty" practices — in prosecutors' and criminal defender offices, legal aid and other poverty law practices, or in government, in many cases where they had served as clerks or interns. Programs like these can craft curricula compatible with the NLMP model. In Deschutes County, for example, District Attorney Stephen Gunnels assigns new hires to one of several senior deputies. For some of the practice area topics that aren't familiar to career prosecutors, though, the office looks to private practitioners in the larger community. The Multnomah County District Attorney's office has a large staff with varying legal backgrounds; former mentee and new mentor Abbie Tornquist, a five-year deputy in that county, praises her own mentor there, former prosecutor Amber Kinney, for her broad range of skills and her helpfulness.

"What I needed most," Tornquist recalls, "was a person to point me in the direction of how to succeed in both law and in the district attorney's office. I was worried about how to handle a high case load and keep track of important issues. Amber made sure we completed the mentoring required by the bar and she was there when I needed assistance."

As a mentor now, "I want to help newer attorneys avoid some of the early pitfalls — like finding work-life balance and fighting impostor syndrome. Having someone that you know will help and provide guidance is a powerful tool in building confidence," says Tornquist.

Lucas Armenta, a solo practitioner in Salem, is another new mentor who speaks enthusiastically about his experience as an NLMP mentee. Armenta's mentor was SAIF lawyer Darren Lee. Armenta had clerked at SAIF before joining the bar and working as a lawyer there.



Lucas Armenta

"At SAIF," Armenta explains, "people are paired up with their mentor. So I shadowed Darren into meetings with clients, picking his brain when we went on road trips to other offices, watching him interact with court staff. We were joined at the hip." By the end of two weeks' work with Lee, Armenta laughingly says he felt as if he had covered almost the entire NLMP one-year curriculum. "I cannot overstate how generous he was with his time."

Armenta particularly remembers Lee's kindness and courtesy in dealing with "invisible" staff. "He knew his life would be easier if he acknowledged the value of others in the system." Lee did his homework, too, to be able to communicate successfully to the small business owners who were the bulk of his clients. He learned about their issues and he learned their jargon. He inspired a sense of trust, Armenta says, a valuable asset when he needed to persuade a client not to go to trial in a losing case. Law school didn't provide Armenta these crucial lessons.

Now working with his first mentee, Armenta says, "I want to pay it forward. I want to be generous with my time. I understand the anxiety you feel when you are just starting — all those questions that you think are stupid. As a solo, I hope my advice can open his eyes about expectations."



Andrea Anderly

"I got some really good mentoring at the beginning," says retired Portland lawyer Andrea Anderly, who, as of 2023, had mentored more new lawyers than any other NLMP volunteer. Anderly served on the New Lawyer Mentoring Program task force that created the NLMP and later served on the NLMP committee of the state bar. "I want as many lawyers as possible to get one-on-one guidance to learn the elements of a highly competent practice."

Bridging a Cultural Divide



Hydn Park

A less-heralded component of the NLMP is the recognition that older lawyers and younger lawyers don't necessarily share the same culture and that close collaboration through mentoring can aid communication and appreciation for the other cohort's skills and style. Hydn Park, who practices health law in Portland, sees some of that generational gap and will certainly be bringing it to the attention of their first NLMP mentee. Younger lawyers use tech, Park notes, and are open to new tech. Some older lawyers have a more paternalistic management style, while younger people tend to be more casual and less hierarchical in their approach to collaboration.

For Tornquist, the difference between the generations looked more like a reality check brought about by COVID-19. Pre-pandemic, she says, "60 hours a week in the office was the norm. After COVID and enforced work from home, we learned that we could do the same high quality, same high performance without being away from everything in your life for so much time. For newer attorneys, 8 a.m. to 8 p.m. isn't the norm."

Armenta, who is 36, says he can relate to the younger workforce. "Newer lawyers set boundaries better, and don't ignore their own needs. Compared to the old model of 1,800-2,000 billable hours, the new model is more sustainable in the long run."



Donald Costello

Coos Bay lawyer Donald Costello was another beneficiary of exceptionally good mentoring — and is now ready to accept his sixth mentee. He sees different emphases among newer lawyers — less importance given to lucid writing, for one thing, and new marketing strategies from law schools that use subject matter to lure students — "wiener dog law, rose petal law and skip teaching what replevin is."

Better Preparation for the Next Generation

John W. "Jack" Lundeen, a longtime family law attorney in Lake Oswego, and Millan started their practices mentor-free. Lundeen, who knew himself as someone who didn't want direction from supervisors, says he consciously went solo. He rented a tiny office, put out a shingle and hoped for the best: "That's what real lawyers did," he thought. Millan worked in her father's Alaska firm, where his mentoring consisted of, "Get the hell out of my office and figure it out yourself!" Learning via seat-of-the-pants was one reason they both wanted to become mentors — to spare new lawyers unnecessary pain and stress by imparting what they learned the hard way.

For Lundeen, it's important for new lawyers to know when to turn down a case. "Lawyers have trouble saying no, thinking: 'I have to have a client or I won't make any money.'" He also wants to share hard-won wisdom about how to run a law business. Lundeen draws some of his mentoring skill and satisfaction from early years spent teaching — a role he cherished. Even as a practicing attorney, he taught paralegals at Portland Community College for many years.

Millan believes that civility has become less important among younger lawyers. "They don't know that you should take polite steps. Some can't see that our advocacy isn't personal, it's professional. We chat with opposing counsel, even though we have adverse interests. Judges will appreciate it." She sees in response what sometimes looks like an "Okay, Boomer!" eyeroll. "They think they know how to act." And she is adamant that kindness to clients — including potential clients whose cases won't be accepted — is important.

"The NLMP is needed and valuable," Millan says, "especially so that we know how we are expected to interact as lawyers and with the courts. And for individual mentees, if they take advantage of the opportunity in the right way, they'll walk away with a new friendship and trustworthy guidance from a seasoned lawyer." ■

Janay Haas is a frequent contributor to the Bulletin. She is an OSB member in Ashland. Reach her at wordprefect@yahoo.com.



Learn from the Past.

Think of the Future.

Pains • Growing

Oregon Attorneys Share How Their Biggest Mistakes, Challenges Made Them Better Lawyers

— By Shannon Gormley —

Life's most valuable learning experiences often feel like crises of confidence as they're playing out. The *Bulletin* spoke to four Oregon lawyers about the biggest mistakes or challenges of their career – and how each anecdote ultimately made them better attorneys. Their stories are a reminder that difficult moments are often growth opportunities, that every successful legal professional has had to overcome challenges and that none of us are defined by our worst days.

Jens Schmidt

Twenty-seven years ago, Jens Schmidt sat in a Douglas County courtroom realizing his client's trial was not going to go the way he anticipated.



Jens Schmidt

At the time, Schmidt was 13 years into his career and had spent the last 10 as a trial lawyer defending civil litigation. He had prepared for a case expecting it would be an easy win. In Schmidt's view, the two plaintiffs had performed poorly in depositions and their medical theory of causation of damages was a stretch. Additionally, Schmidt's scientific expert witness told him the facts were on his client's side.

Schmidt evaluated the claim as being very weak, and had advised his client's insurance carrier to offer a nominal amount of money, if any, or to settle. The insurance carrier decided to make no offer and proceed to trial.

During the trial, the plaintiffs' lawyers performed well and were much more prepared than Schmidt expected. They found half a dozen witnesses who told a compelling story, and Schmidt could tell the jury was swayed. Halfway through the trial, as he came to believe things were going decidedly downhill for his client, Schmidt did something he had never done before and has never done since: He called the insurance carrier and advised them to settle for more than the nominal amount he had recommended. The insurer decided to take their chances and let the trial play out. It turned out to be the right call — Schmidt's client won the case, but the trial changed him as a lawyer forever.

"That trial was so stressful, so unpleasant, and so confidence-shaking, I walked out of there thinking, I'm never going to be out prepared like that again," recalls Schmidt, "and I'm never going to underestimate the other side and their case."

It's easy to attribute small mistakes and crises of confidence to new attorneys. But Schmidt sees the insurance claim trial as an error of experience. In retrospect, he felt he seemed more inclined to make early judgment calls about the strength and weaknesses in a case, to stick with those evaluations, to make assumptions and to lose objectivity along the way. Earlier in his career, he felt he had been more vigilant about preparing for cases, even the ones he felt the plaintiff's case was very weak. At the time of the trial, a decade into his career as a trial lawyer, he had proven his abilities as an attorney and was confident the jury would believe in his case as much as he did.

"I don't think those mistakes are uncommon among litigators," he says. "We all fall in love with our side of the case, especially as we get closer and closer to trial."

Even though Schmidt ultimately won, the trial felt so close that it forever changed how he approaches cases. Now, 40 years into his career, he can confidently say that he kept his promise to never underestimate the opposing party and their lawyers again. It's helped him be a better attorney for his clients and shaped his worldview too. For Schmidt, the lessons he learned in that Douglas County courtroom are best summed up by a quote attributed to Anaïs Nin: "We don't see the world as it is, we see it as we are."

"Once I started consciously trying to question and set aside my own views of a case from the defense side, and tried to spend as much time viewing it from the plaintiff's side and a juror's side, I evaluated cases better and I did not experience another trial where I felt I had completely misevaluated it," says Schmidt.

Dean Kaufman

Dean Kaufman's greatest strength as an attorney has sometimes been his biggest weakness.



Dean Kaufman

Kaufman began his career as an attorney in 1969. After a year in American Samoa, with "no adult supervision," he started at Lane County Legal Aid. In 1972, Kaufman, an old law school classmate and his fellow legal aid lawyer hung out a shingle in Eugene. Kaufman's self-described "get 'er done" attitude helped get the firm off the ground and attract new clients. He and his partner took on whatever cases came in the door. Kaufman's tenacity earned him a reputation as someone who could get done in a few days what would take other lawyers a week. When he was one of 18 lawyers appointed to a high-profile case, he was first to get his client freed from jail.

To be as efficient as possible for his clients, he wouldn't always stop to ask for help. Most of the time, it worked. But the pride of usually being correct, without asking a more experienced colleague for help, caught up with him when he agreed to represent a friend of a friend who had been in a car accident in Modoc County, California, just south of the Oregon border. The client was referred to Kaufman nearly a year after the accident, so Kaufman promptly headed to the University of Oregon School of Law's library to check California's statute of limitations.

"That was my first mistake," says Kaufman. "What I should have done was call up another lawyer who does PI work and ask them."

At the time, the California statutes were convoluted, and Kaufman, who was also dealing with the pain of a herniated disc, misread them. A few weeks later, the client caught Kaufman's mistake. His first malpractice claim was more than sufficient to hammer home that sometimes going it alone is not the best approach to unfamiliar areas of practice.

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Growing Pains

Kaufman began to realize that while he sometimes regretted doing things all on his own, he never regretted asking for help. Coming to that realization required Kaufman to unlearn the legal field's dominant culture at the time. "The entire culture of the bar when I joined was male, and male culture back in the day was you never ask for help," he says. "Lawyers, by and large, think they're hot stuff, and hubris gets us in trouble. We should farm out stuff we don't know to people who know more than us."

Kaufman believes that culture is changing, thanks in part to the bar's increasing gender diversity. He's also encouraged by a new focus on career preparedness for up-and-coming lawyers, and programs like the New Lawyer Mentoring Program, for which he has volunteered (see page 19 for this month's cover story on lawyer mentoring).

"The lesson for young lawyers, if they haven't already been taught it, is that lawyers are incredibly willing to help," says Kaufman. "People will always be willing to help you and give you good advice."

Throughout his own career, Kaufman increasingly valued asking for and offering help, both as a mentor and in his own practice. Even now that he's retired, the trend has continued. Kaufman volunteers for a children's literacy nonprofit and is hosting a foreign exchange student for the second year in a row.

"To me, sharing what I know with my community is about the best way to contribute to society," he says. "Pay it forward, and the more you give the more people will be willing to help you."

Danny Santos

At 8 a.m. on his first day as legal counsel for Governor Barbara Roberts, Danny Santos began negotiations with an Oregon tribe on gaming rights. He now views that meeting as a pivotal moment in his career — and not just because it was his first task as legal counsel for an Oregon governor.



Danny Santos

"I had little to no knowledge at that time about tribal gaming," says Santos. "I knew when I was recruited to be the governor's legal counsel that that would be a component of the work, but in all honesty, I knew so little about it." Thankfully, Santos was able to ask his colleagues for help, which got him through the negotiations. He solicited feedback from colleagues and experts, and began his decades of work to build relationships with

Oregon's tribes.

Santos' willingness to seek guidance has been key to his wide-ranging career, which has covered legal areas from tribal law to criminal justice, farmworkers rights, education, collective bargaining and housing. But the humility to ask for help isn't always easy to balance with the confidence to know that what you have to say matters.

Prior to becoming Roberts' legal counsel, Santos served Governor Neil Goldschmidt as deputy citizen's representative and Commission on Agricultural Labor director. Still, taking on such a high-ranking role in the proceeding administration, Santos experienced "a new type of imposter syndrome."

"Growing up in the agricultural fields of the Imperial and San Joaquin valleys, becoming general counsel to a governor seemed

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Letters to the Editor

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far-fetched,” says Santos. “Part of imposter syndrome, at least for me, was initially making the mistake of not bringing the totality of my experience, education, skills to the policy table discussion.”

After working for Roberts, Santos served as as Governor John Kitzhaber’s policy advisor and general counsel, and then as Governor Ted Kulongoski’s senior policy advisor. Santos began to realize that even if the policy area was new to him, he still had insights into how it could affect the law, individuals and communities. Whenever he shared those insights — even if he wasn’t the preeminent “expert” in the room — it made the policy better.

After working for Goldschmidt, Roberts, Kitzhaber and Kulongoski, Santos served in volunteer advisory capacity to Governor Kate Brown’s administration, and most recently, worked as a tribal affairs consultant to Governor Tina Kotek (he was also an associate dean for Willamette University School of law, and is now retired). Santos is particularly proud of how his collaborative spirit helped pass what would become Oregon’s sanctuary law and tribal-state government-to-government laws.

Balancing the equal importance of giving and receiving input wasn’t always easy to achieve, but it was always worthwhile. Santos remembers an end-of term party for a governor who was leaving office where a colleague told him that he had done good work “for an affirmative action hire.” It was a stinging remark, but one that strengthened Santos’ sense of purpose.

“It affirmed all these concerns about bringing your voice into these conversations,” he says. “Because if you don’t, nobody else will.”

Liani Reeves

Last spring, Liani Reeves stood on stage at the Hilton in downtown Portland and received the Multnomah Bar Association Professionalism Award. In her acceptance speech, she explained why she chooses to share the challenges she has overcome in her career.



Liani Reeves

“I don’t want people to look at me and see just what’s on the outside — an image of a lawyer, without understanding the whole person,” Reeves told the crowd. “I want people to know that I have failed — like ugly failed. I think that’s particularly important for young lawyers to see. It’s so easy for young lawyers who are struggling to look at the people like me and think that what I have is unobtainable because they only see the best, cleaned-

up version of me.”

The career-altering challenge she chose to share in her speech, and with the *Bulletin* for this article, was not a failure or even a mistake. It was a mental health crisis that shaped the renowned lawyer she is today.

Reeves, who in 2020 became the first Asian American and woman of color to serve as OSB president, decided to become an attorney in high school. Born and abandoned at an orphanage in South Korea, Reeves was adopted by white American parents, who moved their family to the southern Oregon coast when Reeves was 12. At her small-town Oregon high school, Reeves was the victim of racist bullying, which only stopped after her parents hired a lawyer. The experience convinced Reeves to go to law school. She graduated from Willamette University College of Law at the top of her



PLF Resources to Help You

Mistakes are part of practicing law, part of being a legal professional, part of being human. The Professional Liability Fund exists as a resource for all members of the Oregon legal community for this very purpose. Whether you’ve made a professional misstep (or are concerned you might have) or are experiencing personal challenges that are impacting your job or career, we can help in a variety of ways.

Help for When You’ve Made a Mistake

If you think you made a mistake in representing a client, or if a malpractice claim has already been filed against you, take a breath and contact the PLF Claims Department. You are not alone. The PLF claims attorneys answer calls from practitioners across the state, open between 600 and 900 malpractice claim files each year, and provide assistance in navigating these situations.

Aside from your duty to report potential and actual claims, contacting the PLF right away might help to avoid a claim or mitigate damages. Call the PLF at (503) 639-6911 and ask for a claims attorney. Or submit a report online at www.osbplf.org > Claims > Reporting a Claim, and a PLF claims attorney will contact you.

Help for Your Law Practice

Practicing law can be challenging. Managing a practice entails further responsibilities and complexities, carrying added risks for practitioners. The PLF Practice Management Assistance Program helps lawyers and licensed paralegals around the state understand, manage and mitigate their malpractice risk.

The PLF practice management attorneys can help you improve or establish your office systems and procedures, client relations, trust accounting and many other aspects of law practice manage-

Continued on next page



Continued...

ment. The PLF also offers an extensive array of programs and publications to educate and serve the Oregon legal community. Call the PLF at (503) 639-6911 and ask to speak with a PMA.

Help for Your Well-Being

Making a mistake in representing a client can be extremely upsetting. When confronted with an error or malpractice claim, lawyers sometimes isolate themselves at the very time they most need support. The Oregon Attorney Assistance Program is a free and confidential service provided by the PLF to assist members of the Oregon legal community with well-being and personal challenges.

In addition to assistance in coping with the stress of a malpractice claim or professional mistake, as well as helping with mental health and substance abuse disorders, the OAAP attorney counselors help lawyers, judges, licensed paralegals and law students develop the skills they need to meet the demands of their professional and personal lives in a healthy way. Call the OAAP at (503) 226-1057 or (800) 321-6227 (OAAP) and ask to speak with an attorney counselor.

The law — and life — can be challenging. Sometimes, things go awry despite our best intentions. The most important thing is not what you did that led to a mistake — it's what you do *afterward*. Part of being a legal professional is recognizing when you need to ask for help.

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class and with a job. All the while, she was dealing with unresolved trauma from racism, bullying and adoption.

Throughout childhood, Reeves threw violent tantrums, as if testing the boundaries of her adoptive parents' love. In high school, she physically defended herself against racist bullies. In law school, her career services advisor told Reeves to cut her hair to look "more professional," and as an attorney, she was told she was too passive to be a litigator but "could order the sushi." Reeves kept pushing down her emotions to focus on her work, until eventually, she couldn't hold it in any longer.

"A few years into my career, I was thriving professionally, but I was falling apart inside," she says. "All that anger and trauma caught up to me."

Reeves developed serious depression and an obsessive-compulsive eating disorder. She was admitted to an intensive treatment program at the St. Vincent Medical Center, where, with help from professionals, she was able to start dealing with the trauma she'd tried to suppress her whole life.

"Coming out of that experience, I had to rebuild everything from my body to my identity, both as a person and as a lawyer," says Reeves. "I learned that those two things did not need to be mutually exclusive. I learned how to be a more authentic lawyer and a more empathetic lawyer to both clients and colleagues."

For her clients and for herself, Reeves began the difficult but rewarding process of becoming a lawyer in her own image, not the identity that the profession had prescribed to her. Community has played a large role in that journey, including the connections she has made through affinity bars like the Oregon Minority Lawyers Association and the warm reception of the vulnerable weekly messages she sent as bar president while leading Oregon's legal community through the pandemic and dealing with her mother's death.

Now, more than 20 years into her career, Reeves is known throughout Oregon's legal field as an advocate for building a diverse and inclusive community and a role model of authenticity. But to her, the highs and lows of any career are interrelated.

"Our professionalism should not be judged by who we are on our worst days," says Reeves. "But it should not be judged by ignoring them either." ■

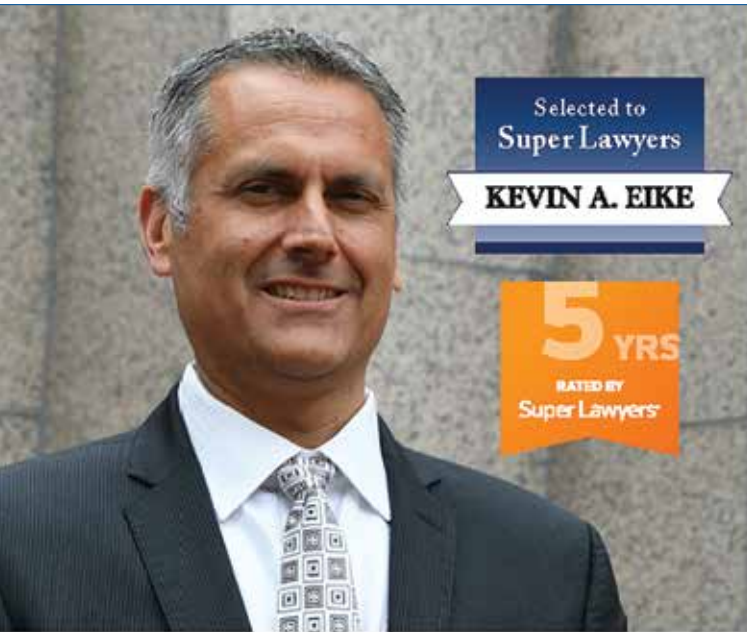
Shannon Gormley is the associate editor of the Bulletin.



Chenoweth Law Group is proud to announce **Sandra Gustitus** as **Co-Managing Attorney**.

Sandra joined CLG first as a law clerk while in law school, then as an associate attorney, making her way up to shareholder three years ago. She has successfully resolved complex and challenging cases in the areas of business, real estate, and trust and estates. She loves going to trial and has served as lead counsel in many bench and jury trials. Sandra has demonstrated litigation savvy beyond her years as well as tenacity and client service rarely seen.

Beyond her accomplishments as a lawyer, Sandra has shown deep dedication to the people who make up CLG as well as to the firm's success. Sandra will now serve as CLG's Co-Managing Attorney along with Brian Chenoweth as part of the firm's long-term growth strategy and succession plan.



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STATEMENT BY THE OSB BOARD OF GOVERNORS

A Nation of Laws

We are grateful this year to be entrusted with leadership of a profession so vital to the success and well-being of the people we serve, particularly during a time of growing uncertainty.

What is certain, however, is that the legal profession stands for the rule of law and an independent judiciary. These principles are included in our oath and embody the foundation of our work. And these principles remain regardless of political affiliation, ideology or party.

One of the Oregon State Bar's statutory responsibilities is to support the judiciary, which we adopt as one of our priorities each year.

In recent months, threats to individual lawyers and law firms, judges and to the judiciary itself have dramatically increased. Some have called for impeaching judges based on their judicial decisions. The U.S. Marshalls have warned federal judges of unusually high threat levels. Individual lawyers and firms have been singled out for their representation of particular clients, or for filing suit to uphold and defend the constitution.

US Supreme Court Chief Justice John Roberts released a statement last month affirming that the appellate review process — and not impeachment — is the remedy for parties who disagree with a judge's ruling. We, as lawyers, legal professionals and Oregonians, should all stand behind this statement.

Let us be clear: Criticism of judicial decisions is entirely appropriate — even healthy. Intimidation, violence and refusal to abide by judicial orders is not.

Disagreement over legal arguments and constitutional interpretation is appropriate. Punishing or threatening lawyers or law firms for bringing those arguments in a court of law is not.

We cannot accept a system in Oregon or nationally where courts, judges, lawyers

or other legal professionals are compelled — under threat of impeachment, punitive action or violence — to rule a certain way, or to deny representation to whole categories of clients.

We stand for the rule of law, under which all parties — regardless of their position or status — are treated fairly. We stand for a principle that has existed since John Adams defended British soldiers after the Boston Massacre — all equal under the law.

We stand for judicial independence — the foundational principle that our courts are empowered to interpret the law free from improper interference. It has been a bedrock of our system since Chief Justice Marshall established with certainty the principle of judicial review, with *Marbury v Madison* in 1803.

We are dismayed to see these long-held and historically accepted tenets of law come under attack. We know we are not alone.

We have heard from legal professionals and from members of the public, with an increasing sense of urgency, seeking ways to support the courts and the rule of law. More specifically, we have heard from many bar members, both active and inactive, asking how they can get involved to defend the public imperative for a fair and impartial judicial system.

Lawyers and legal professionals hold a trusted place in our communities. When family, friends or neighbors have questions about legal topics they turn to us, as professionals with expertise on the law and — critically — on the foundational principles upon which it rests. This includes a deep understanding of why those principles matter to every Oregonian, regardless of politics or ideology. Because they protect every Oregonian.

Now is the time to put this invaluable community trust to use.

If you hear people in your circle misstate how the courts, lawyers or the law work, engage them in conversation. Include your own experiences with the courts and

the law. Find a young person and become a mentor. Volunteer to speak in classrooms. Take on a pro bono case. Write letters to your local newspaper; offer concise but meaningful points about the rule of law and how it manifests in your own community, with your own neighbors and clients.

Do what you can with the trust you've attained as a member of this bar.

The system of justice that our country has relied on for 238 years will not survive without the trust and embrace of the people. As legal professionals, we honor our oath by seeking out every opportunity to elevate this dialogue.

The Oregon State Bar's mission is to promote respect for the rule of law by regulating the legal profession, improving the quality of legal services and increasing access to justice. We fully embrace that imperative. And we will stand by the foundational principles embodied in the rule of law.

Thank you to each and every member of the Oregon State Bar for your service to clients, the courts and your communities. Please be assured that the OSB Board of Governors and the bar will stand strong to support lawyers, the courts and the rule of law. We urge you to do the same. ■

This statement is made by the Oregon State Bar's Board of Governors, not on behalf of all individual members of the Oregon State Bar. It does not reflect the views of the employers of members of the Board of Governors.

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Be an Author

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

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

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

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Juliana earned her law degree from Lewis & Clark Law School, where she focused her studies on providing counsel to businesses, researching the nuances of civil procedure and intellectual property, and judicial opinion writing. Following law school, Juliana has dedicated her practice to helping small businesses and artists secure and exercise their intellectual property rights.

Juliana was inspired to become a lawyer after watching her single-mother navigate systems while running a small business and raising two children. Her lived experience fuels her passion for helping others and bringing about positive change in Oregon.

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PROFILES IN THE LAW

Andreeva & Gutierrez Law Supports Southern Oregon Families

Energy, Empathy and Expertise

By Melody Finnemore

Laura Gutierrez and Nadia Andreeva met as attorneys at the Center for NonProfit Legal Services. They quickly bonded at the organization, where they were able to advocate for immigrant families while placing value in a healthy work-life balance. Years later, when they decided to open their law firm, they knew they wanted to continue with that model.

“We had seen other law firms where there is a culture of work, work, work and you can’t take time off and there is no understanding if a child is sick. We knew we had the same values in our work and in our terms of our own lives,” says Gutierrez, the mother of four children ages 9, 11, 14 and 17.

They opened Andreeva & Gutierrez Law in Medford last September and an early decision was to close the office on Fridays. “We’re very clear about our desire to not burn out,” she says.

Andreeva, the mother of two children ages 7 and 13, says that working together for nearly six years at the Center for NonProfit Legal Services and watching their children grow up together not only shaped their vision for what they wanted their own practice to look like. It also reaffirmed the importance of their support for each other as business partners and colleagues.

“Having a partner allows us to fall back on each other when things do come up,” she says. “Sometimes it’s just expressing empathy. That was really the drive for the long-term vision for what this space should feel like, not just for us but for our clients.”

Personal Experiences Drive Practice Choices

Andreeva’s personal immigration story has fueled her career. The immigration work she’s doing now always has been a dream of hers.

“I’m an immigrant myself. I immigrated from Russia 17 years ago and my process



The Andreeva family cherishes their time together in the snow. Flexibility for family is important to Nadia Andreeva, which is part of why she opened a law firm with Gutierrez.



Laura Gutierrez prioritizes family in her life and stays active with her four children.



Laura Gutierrez is on the board of directors for Rogue Food Unites. She is pictured with fellow board members Samantha Watson and Melina Baker.



Laura Gutierrez and Nadia Andreeva started their Medford law firm less than a year ago.

was long and kind of heartbreaking part of the time. After I was through it, I knew I wanted to help other people through it," she says.

Andreeva graduated from Southern Oregon University, summa cum laude, with a bachelor's degree in international studies and Spanish language. In 2017, she graduated from the University of Arizona Law School.

Through her law school experience, Andreeva interned with local juvenile, federal and immigration courts. She also worked with community justice clinics and gained valuable experience working closely with

judges, federal agencies and detention centers.

As a staff immigration attorney at the Center for NonProfit Legal Services, Andreeva represented immigrants with diverse cultural backgrounds in a variety of immigration applications.

Gutierrez graduated from UC Santa Barbara in 2001 and Southwestern Law School (Los Angeles, California) in 2004. In 2010, she earned her master's degree from Vermont Law School. During law school, she represented Los Angeles residents in a variety of areas such as eviction defense, public benefits loss, homelessness and access to justice.

She started her legal career as a civil rights attorney engaging in impact litigation on behalf of people who were incarcerated and advocating for victims of police misconduct. Gutierrez also worked as a public defender, a labor rights advocate at the Northwest Forest Worker Center and as a victim advocate in the district attorney's office.

As the supervising attorney for the Center for NonProfit Legal Services Immigration Law Project from 2015 to 2024, Gutierrez prioritized advocacy for immigrant survivors of crimes. She spearheaded the effort to create and integrate systems in Jackson County to support unaccompanied minors by eliminating barriers to immigration representation and access to educational and social services.

Both women specialize in trauma-informed, wrap-around client representation,

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speaking Spanish fluently and are members of the American Immigration Lawyers Association.

Support Beyond Legal Services

Gutierrez and Andreeva both admit that starting their own practice was a bit nerve-racking. Gutierrez thought she would be a legal aid attorney for years to come and never imagined running a business. She credits Andreeva with creating the business plan and managing the finances, and Andreeva notes that Gutierrez's connections within the community have helped grow the practice.

"It was scary and it was a leap of faith, but it was also a lot of resourcefulness," Andreeva says.

In preparation, they interviewed many other female practitioners to understand how a successful practice could be run within the framework of a healthy work-life balance. Throughout the process, Gutierrez and Andreeva had the full support of their families, from writing the business plan to moving furniture.

They expressed appreciation for fellow Medford attorneys Richard Thierolf and Jerry Jacobson, who have been generous with their office space and support staff. "It felt like stepping into a comfortable space during a scary time, and they have a reputation for helping attorneys who are just getting started with their private practice," Gutierrez says.

Andreeva adds that the focus of their practice encompasses much more than legal services. "We really care about everything our client is experiencing, including access to food and access to housing. We really try to make sure our clients are supported in all areas of their life."

In addition to immigration law, Andreeva and Gutierrez practice juvenile law. In October 2024, they were selected for a juvenile dependency contract with the Oregon Public Defenders Consortium. Through the contract with the state, they provide free legal representation for parties in dependency matters.

"I love working with juvenile law because everyone wants them to succeed and provide them with the resources and services they need to do that," Gutierrez says, adding she represents a mother who is living in a hotel with her children and the Department of Human Services is paying for a storage unit so she can keep her belongings safe while she finds permanent housing.

In other cases, parents need support for drug and alcohol treatment to keep their families together.

“People really have the capacity for change. Clients say, ‘I’m ready to be clean and sober and I’m willing to do it for this kid,’” she says. “The juvenile law system in Southern Oregon is very support-based, and I love working as a team with different players.”

Along with their private practice, Gutierrez and Andreeva both serve as panel attorneys for the state-funded Equity Corps of Oregon, the nation’s first statewide universal representation program. Overseen by Innovation Law Lab, it allows Oregonians who are at risk of deportation to find pro bono services through a community navigator. Those eligible for legal support through Equity Corps then have access to free legal orientations and representation.

Gutierrez and Andreeva also lead a weekly legal clinic through Oasis Center of the Rogue Valley, where people can walk into a barrier-free environment, ask legal questions and get help to access answers to those questions.

“Every person we have talked to has said, ‘I feel so much better, thank you so much,’” Andreeva says.

For the last four years, Gutierrez has served as a delegate for the American Immigration Lawyers Association Oregon chapter at National Day of Action in Washington, D.C., where she has had an opportunity to meet with senators and representatives about the state of immigration law in Oregon and what policies should be implemented.

“That’s always been an important thing for me to do is because I represent Southern Oregon interests,” she says. “That’s something that I’ve been really grateful to participate in every year.”

When they are not working, both women enjoy spending time outside with their families and pets. Andreeva likes traveling, gardening and trying new recipes. Gutierrez and her children volunteer in the community, and she serves on the Board of Directors for Rogue Food Unites. ■

Melody Finnemore is a frequent contributor to the Bulletin. Reach her at precisionpdx@comcast.net.

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Valentine's Day Event Gives All Access to a Wedding

Courts Celebrate Love

By Michael Austin

Clad in a Valentine's Day light pink sports coat and with the remnants of a snow and ice storm lingering outside, Justice Justin Kidd of the Marion County Justice Court continued the annual tradition of Love Day he started three years ago on Feb. 14.

Four years ago, five couples reached out on their own asking to be married by Kidd on Valentine's Day. That gave him an idea ... what if he closed court to all other business on future Feb. 14s and simply celebrated the love of all couples? He has found his court is a popular place for weddings.

Fluent in Spanish and currently learning Russian, Kidd says people come from around the state to tie the knot in Marion (or as he calls it, "Marrying") County as language is not a barrier to their joyous day. Outside of this event, he's performed more than 500 weddings at the Marion County Justice Court, mostly for Spanish-speaking couples. He wants the courthouse to be more than a place to settle a small claims dispute — he wants it to be a place where the best days of people's lives happen as well. And on Feb. 14, the justice court transforms into a wedding space complete with decorations, balloons, cupcakes and a bouquet of flowers, all provided by Kidd's court, which has a \$300 budget dedicated to the event.

Typically, court employees spend time the afternoon prior to Love Day decorating the courtroom. This year, however, a snow and ice storm closed the county with just a half-hour notice on Feb. 13. So, Kidd and Judge Rachael Federico, a pro tem judge and Legal Aid Services of Oregon attorney assisting Kidd with the event, put up all the decorations themselves. The weather also caused issues with potentially having the required two witnesses on hand for the weddings. So, just in case a happy couple came on their own, Kidd had his mother in attendance and Federico asked her rabbi to be on hand.



Judge Rachael Federico assisted Justice Justin Kidd with the Love Day weddings this year. In this photo, she sits with a couple to learn more about them prior to their wedding ceremony.



With a budget of \$300, the Marion County Justice Court transforms into a wedding venue complete with decorations, flowers and cupcakes.



Justice Justin Kidd (middle) of the Marion County Justice Court clears the court's calendar on Feb. 14 to perform weddings.



Kidd (far left) was joined by his mother Janelle, and Federico invited her rabbi Eli Herb to serve as witnesses for any couples who needed them.

"It takes more than an ice storm to stop the love in Marion County," Kidd says.

Despite the weather, 13 of the 18 scheduled couples got married for just the \$117 court filing fee on Feb. 14, 2025. Some brides showed up in fancy white dresses. Some husbands donned their best shirts and ties. Other couples arrived in everyday clothes. It's what this event is all about.

"All weddings are equally important and we treat them that way. Many are modest means marriages. We want to provide a space for everyone," says Kidd, who adds

that part of his reason for inclusivity is that his own desire to wed his husband wasn't recognized in Oregon until 10 years ago.

And while there is a wedding scheduled for every half hour starting at 8 a.m., there is still a personal touch. The couple first sits down with Kidd or Federico (whoever is officiating that wedding) and runs through their story of how they met and fell in love. They discuss when they knew the other person was "the one" and what their favorite thing is about their partner. The vows are short and sweet. There is plenty of time for



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Losing Dad.

Giving in his memory.

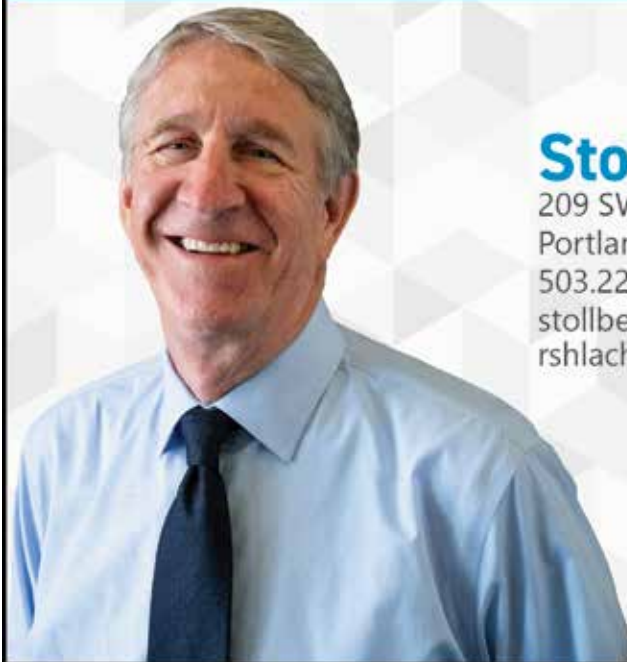


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Deschutes County Circuit Court also now gets in the fun of Love Day. Judge Raymond Crutchley performed nine weddings at this venue on Feb. 14.

post-ceremony pictures with family and with Kidd and Federico.

Love Day is starting to catch on around the state. Judge Raymond Crutchley of the Deschutes County Circuit Court dedicated his Feb. 14 to weddings as well. He performed nine ceremonies (plus one the week prior for a couple unable to make the Valentine's Day event).

"We wanted to offer this service because Valentine's Day is a perfect fit for performing weddings. It is a great way to serve the community apart from the other things that we do as a court," Crutchley says. "Most often, judges and staff are involved in matters that are not always pleasant. Weddings bring people together and everyone leaves happy."

Federico, decked out in a dark pink blazer and scarf covered in hearts, was thrilled to work with Kidd on his 2025 Love Day and perform some of the ceremonies. "Just to be able to share the joy and excitement of a new beginning ... it's a lovely balance to the rest of my practice."

Michael Austin is the editor of the Bulletin. Reach him at maustin@osbar.org.



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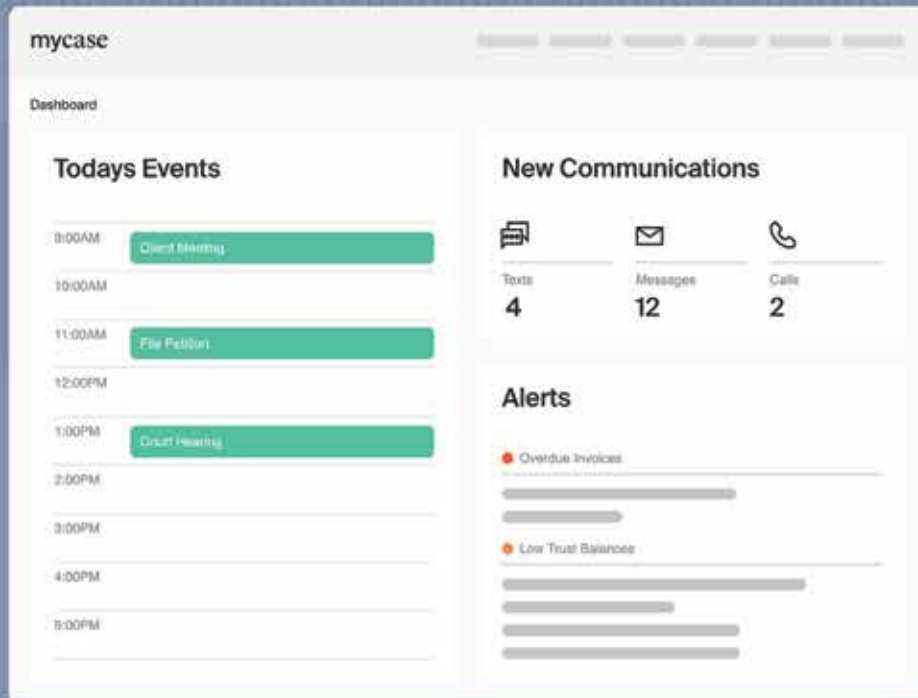
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Using Logotherapy Principles in Trauma-Informed Lawyering

Empowering Vulnerable Clients

By Molly Becker



sense of purpose through their case. By fostering a safe and empathetic environment, and encouraging clients to make meaningful choices, legal practitioners can offer support and guidance that not only address a client's most immediate needs, but also contribute to their long-term healing and empowerment.

Frankl's Background

Frankl, born in 1905 to a Jewish family in Vienna, was an Austrian psychiatrist and neurologist who founded the psychological theory of logotherapy.¹ He is often considered the third of psychology's "Big Three," alongside Sigmund Freud, who theorized that life's meaning was in the "will to pleasure," and Alfred Adler, who theorized that life's meaning was in the "will to power." Frankl identified life's quest as the "will to meaning," stating that those who have "a why to live can bear almost any how."

Frankl authored the acclaimed book, *Man's Search for Meaning*, in which he documented his experience enduring Nazi concentration camps and recounted his observations that those who survived the longest had found meaning in their suffering.

Defining Trauma and C-PTSD

Trauma generally refers to the psychological effects after experiencing events that are frightening, deeply distressing or overwhelming, in which one experiences a loss of control over their environment and/or themselves. *Post-traumatic stress disorder (PTSD)* can develop due to trauma and includes symptoms such as unwanted memories of the traumatic event(s), heightened emotional responses, depersonalization, dissociation, feelings of shame, relationship problems and avoidance behaviors.

Complex Post-Traumatic Stress Disorder (C-PTSD) develops from prolonged, chronic exposure to trauma, often in the context of relationships where the individual had

limited or no control — such as domestic violence, child abuse or exploitation over a long period of time. C-PTSD manifests not only with anxiety and hyperarousal, but also through pervasive feelings of helplessness, distrust of others and difficulties imagining a positive future.

Notably, changes in trauma survivors' brains can lead to issues with processing information and decision-making.

Trauma-Informed Advocacy

Since trauma leads to a distinct loss in one's sense of autonomy, providing control and choice back to a client throughout their case is foundational in trauma-informed lawyering. However, it is also essential to provide the client sufficient information, along with adequate time to process that information, and context for the choices available to them. The trauma brain (i.e., fight, flight or freeze) can hinder the ability to weigh long-term consequences, leading to an urge for more immediate safety or validation, as opposed to the long-term benefits gained through careful planning. Framing client choices through their own ultimate goals helps ensure that you are offering the most trauma-informed representation and guidance.

Of course, attorneys are not mental health clinicians, but logotherapy is a useful tool for attorneys to consider when working with traumatized clients. At its core, logotherapy emphasizes finding meaning in suffering, to help individuals reframe and understand their experiences as part of a larger journey toward resilience and personal growth.

Attorneys have a duty to diligently advocate for and protect the rights of their clients. In doing so, it is important to acknowledge that beyond the trauma that clients have experienced, the legal system can be re-traumatizing. Incorporating principles of

Attorneys — especially those who serve vulnerable populations — are increasingly representing clients who have experienced profound trauma, which can stem from abusive relationships, systemic injustices, long-term scams or other deeply distressing events.

For these clients, navigating the legal landscape can trigger overwhelming stress, making it essential for attorneys to adopt trauma-informed advocacy. The psychological theory of logotherapy, founded by Viktor Frankl, provides far-reaching insights into the resilience of the human spirit and emphasizes the power of finding meaning amid suffering, offering attorneys a contextual approach toward clients who are also survivors of trauma.

Attorneys can readily apply Frankl's principles of meaning-centered resilience (i.e., finding meaning in chaotic and challenging circumstances) to strengthen their legal advocacy in a trauma-informed approach by empowering clients to reclaim a

logotherapy as a trauma-informed guide for your practice, where appropriate and applicable, can help clients see their case as more than just a means to an immediate result, but as an opportunity to reclaim their autonomy and make choices aligned with their long-term well-being. The following seven strategies are suggestions to aid in trauma-informed representation.

1. Guide the client to identify meaning in their choices. Emphasize that every decision they make in the case is theirs. Find out from the client their personal goals, not just in the case, but in their life. When presenting options, highlight how each one supports their values or personal goals, reminding them that each choice represents a step toward a meaningful life beyond the trauma.

2. Break down decisions into smaller, more manageable steps. Rather than presenting multiple, larger choices at once, guide them through a series of smaller decisions. For example, instead of asking them to decide on a full settlement strategy, break it down into stages with smaller choices at each step. This approach reduces overwhelm and gradually builds confidence for the client in their decision-making capability.

3. Empathize with the weight of decisions. Acknowledge that decision-making is difficult — especially for survivors of trauma — via empathy. For example, you can say, “I know that every choice can feel heavy, given what you’ve been through. Let’s walk through each option so we can focus on what feels most manageable for you right now.”

4. Introduce a future-oriented perspective. Frame the decision-making process as an opportunity to create a secure foundation for the future. Explain that by taking time now, they are setting the stage for greater peace of mind down the road. You might say, “While I understand the urge to close this chapter quickly, consider that taking time now to (insert step of legal process here; e.g., advocate for a more just and reasonable settlement or hire an expert for trial) can support your long-term goals.”

5. Encourage reflection on client goals. Ask open-ended questions to help them consider what they want most out of this case — not just the immediate relief but any broader goals they have for themselves. This approach guides them to consider what is meaningful to them in the long term.

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6. Create a sense of purpose and control. Trauma often leaves individuals feeling powerless. By involving clients in the decision-making process and explaining how each legal step aligns with their broader goals, you can help imbue in them a sense of agency. For instance, framing negotiations as a chance to set boundaries or reclaim dignity (within the reasonable expectations of the case) can provide meaning beyond the outcome itself.

7. Foster trust and transparency. Trauma survivors, especially those with C-PTSD, often struggle with trust in relationships with others. Attorneys can build trust by clearly communicating each stage of the process to keep clients informed, explaining the reasoning behind recommendations (and giving clients ample opportunity to reflect on those recommendations) and setting realistic expectations. This transparency helps clients feel more trusting and secure in the long-term relationship with their attorney.

In short, utilizing logotherapy principles as part of a trauma-informed lawyering approach is a way to empower clients in making choices that align with their “why” throughout their case. Moreover, it can help attorneys be more effective advocates for their clients. ■

ENDNOTE

1. viktorfranklamerica.com/what-is-logotherapy



Molly Becker is a shareholder at Buckley Law. She leads a litigation practice focused on matters involving elder abuse and child abuse, including protective proceedings, restraining orders, representation during abuse investigations, administrative reviews of findings by state agencies, contested probate and trust proceedings, and civil litigation involving allegations of financial elder abuse, breach of fiduciary duty, and fraud. She is on the board of directors for Oregon CASA Network and chair of the Multnomah Bar Association, Young Lawyers Section CLE Committee.

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BAR NEWS

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

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

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

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

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

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OAAP 36th Annual Recovery Dinner Is April 25

Don't miss this yearly tradition for Oregon legal professionals in substance use recovery and their guests. Join the OAAP for a very special evening of fun, fellowship, dinner and stories celebrating sobriety in the legal profession. For more information and to register, please contact Senior Attorney Counselor Doug Querin, douglasq@oaap.org, (503) 226-1057 ext. 12, or Attorney Counselor Bryan Welch, bryanw@oaap.org, ext. 19.

BOG Candidates Filing Deadline Is May 13

The OSB is seeking candidates for the Board of Governors. There are three board positions open to active bar members: two in region 5 (Multnomah County) and one in region 2 (Lane County). The board consists of 19 active bar members and four members of the public. Board terms are for four years and begin on Jan. 1, 2026. The board meets five times a year on Thursdays and Fridays in various locations around the state. Members also serve on BOG committees, which meet four times a year at the Oregon State Bar Center in Tigard. Board members serve as liaisons to the Professional Liability Fund, bar sections and committees and numerous other groups.

The candidate filing deadline is May 13. For more information or to print a copy of the candidate statement, go to www.osbar.org, hover over "Member Groups" in the top green banner and select "BOG Home" under the "Board of Governors" heading. You can also contact Danielle Edwards at dedwards@osbar.org or (503) 620-0222, ext. 426.

2025 OSB Awards Nominations Due June 3

The nomination deadline for this year's OSB awards and the Edwin J. Peterson Professionalism Award is Tuesday, June 3, at 5 p.m. Nomination forms and instructions are available at www.osbar.org/osbevents. Award recipients will be honored at the Celebrating Oregon Lawyers event on Wednesday, Oct. 22, in Portland. Event details will be posted as they become available. Event sponsorship

opportunities are also available. If you have questions about the nomination process, sponsorship opportunities or the event, please contact Cathy Petrecca at cpetrecca@osbar.org or (503) 431-6355.

Report Your Pro Bono Hours for 2024

Reporting pro bono hours is important. When you report volunteer hours through the Pro Bono Roll Call, you are helping the bar and legal aid better target programs for Oregonians with low incomes. Your report also helps the legal community and the public see how committed Oregon lawyers are to pro bono. Oregon attorneys are encouraged to report their pro bono time voluntarily by logging into the online member portal at hello.osbar.org and selecting “Pro Bono Reporting” in the Regulatory Notifications section.

Available on the PLF Website in April

The PLF’s free CLE “Mandatory Abuse Reporting” video recording will be released in early April. You can find it on the CLEs & Resources page at osbplf.org/cle-classes/

mandatory-abuse-reporting/. This insightful presentation with Dani Huck, associate general counsel and client assistance office attorney with the Oregon State Bar, will equip legal professionals with crucial skills in identifying abuse and neglect, understanding reporting triggers and navigating complex reporting obligations. You’ll explore key exceptions to reporting requirements and learn how to protect vulnerable populations while maintaining professional ethical standards. This CLE qualifies for one Abuse Reporting MCLE Credit. ■

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BAR ACTIONS

Discipline

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

Name Withheld

Dismissal

Effective Nov. 27, 2024, the disciplinary board dismissed a complaint that alleged the respondent violated RPC 8.2(a) (making a statement that the lawyer knows to be false or with reckless disregard to its truth or falsity concerning the qualifications or integrity of a judge).

The respondent handled court-appointed juvenile dependency cases under a contract with the Oregon Office of Public Defense Services (OPDS). When the respondent was denied a court appointment in a specific juvenile dependency proceeding, the respondent sought OPDS's backing regarding the respondent's intent to challenge that denial. An OPDS deputy general counsel informed the respondent by email that OPDS declined to support the respondent based, in part, on the electronic case record showing when certain documents were filed and orders signed. The respondent sent a lengthy reply stating, in part, that the case register on the Oregon eCourt Case Information system (OECI) was not accurate, adding that "OECI reflects what the court staff enter and they can — and do — manipulate the record on OECI to fit their judge's narrative. Fun fact: They can — and do — also manipulate audio records." The respondent forwarded the email to other attorneys who practiced in her jurisdiction, and a copy made its way to the court.

The trial panel found that the bar failed to prove by clear and convincing evidence that the respondent's statement concerned the qualifications or integrity of a judge. Rather, the trial panel determined that the statement was about the conduct of court staff.

KIMBERLY JOY-RITTERBUSH O'DEA

OSB #031319

Marcola

Form B resignation

Effective Jan. 30, 2025, the Oregon Supreme Court accepted the Form B resignation of Marcola lawyer Kimberly Joy-Ritterbush O'Dea. At the time of O'Dea's resignation, formal disciplinary proceedings were pending against her alleging violations of RPC 8.4(a)(2) (committing a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects) and RPC 8.4(a)(3) (conduct involving dishonesty, fraud, deceit or misrepresentation that reflects adversely on the lawyer's fitness to practice law).

All client files and client records in O'Dea's possession pertaining to active or current clients are in the custody of Troy Slonecker, an Oregon attorney, whose principal office is located at 555 Main Street, Springfield, OR 97477.

ERINN M. CYPHER

OSB #115794

Medford

30-day suspension

Effective Dec. 21, 2024, the disciplinary board approved a stipulation for discipline and suspended Medford lawyer Erinn M. Cypher for 30 days for violating RPC 1.3 (neglect of a legal matter), RPC 1.4(a) (duty to keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information) and RPC 1.4(b) (duty to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation).

In July 2020, a couple retained Cypher to draft and facilitate the execution of estate documents. Cypher indicated that, due to several factors, it would take a longer time than normal for him to produce work product for their review. Approximately 15 months later, the clients had received no drafts or further communication from Cypher and called his law office, but did not reach anyone directly. Cypher's staff tried unsuccessfully to contact the clients, but

Cypher did not otherwise follow up. The clients subsequently tried to reach Cypher in April 2022 after having still not heard from him. Neither Cypher nor his staff were able to reach the clients by phone, and Cypher took no further action. In March 2023, Cypher emailed the clients seeking a time to meet to discuss his work using the email address they had provided to him, but they did not receive the email though it was not returned undeliverable. Cypher took no further action to confirm their receipt of his email. By June 2023, having received no communication from Cypher, the clients complained to the bar.

The stipulation acknowledged that Cypher's conduct was aggravated by the presence of multiple offenses and his substantial experience in the practice of law. Cypher's conduct was mitigated by the absence of a prior disciplinary record, the absence of a dishonest or selfish motive, a cooperative attitude toward the proceedings and remorse. ■

Please welcome Matt D'Amore, the newest addition to our legal team at D'Amore Law Group. As many of you know, Matt is Tom's son, and we are thrilled to have him join our practice, bringing his fresh perspective and compassion to our firm.



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BAR PEOPLE

Moves



Johnson Johnson Lucas & Middleton has promoted two attorneys to partner. **Keith Semple** represents workers who are injured on the job in workers compensation and third-party liability claims. He has also taken a leading role in legislative advocacy for injured workers. **Caitlin Mitchell** represents plaintiffs in civil rights and employment cases, focusing on discrimination law. In 2024, she

won the Oregon Trial Lawyers Association's Public Justice Award for her work representing a nonbinary student in a school discrimination case.



Abigail Fallon has joined Cable Huston as an associate in the firm's employment and litigation groups. She represents private, governmental and quasi-governmental entities before administrative

bodies and in state and federal court.



Anthony T. Blake has joined Jackson Lewis' Portland office as an associate attorney. Blake's practice focuses on employment litigation and advice and counsel to employers. Blake specializes in advising

collegiate and professional sports entities on issues related to student-athlete name, image and likeness. Blake has practiced in Oregon since 2016 and serves as a professional coach in a variety of capacities.

Andrew Naylor joined the Portland City Attorney's Office in January 2025. Naylor

brings years of experience representing public bodies in a range of matters, including government contracting and regulatory compliance. He will focus on construction matters on behalf of the city.



Andor Law has announced the promotion of three attorneys to partner. **Gordon Magella's** focus is on civil litigation and housing law. He has extensive experience litigating in both state and federal court, as well as vast technical expertise in compliance and appellate work. **Lindsey Adegbite** heads the Washington practice division at Andor, focusing on civil litigation and housing law. She is licensed in Oregon and Washington. **Michael Althouse's** practice is centered on civil litigation, discrimination defense and compliance with local, state and federal housing laws. He is head of the trials team at the firm.



Schwabe has made three announcements for the firm's Portland office. Associate **Jason Evans** joins the consumer products, manufacturing and retail, and real estate and construction groups.

He has handled cases of varying complexity, from matters under \$10,000 to multi-million-dollar disputes in federal court. He also has experience defending large and catastrophic auto, commercial trucking and railroad injury cases. **Trevor Eisele** joins the real estate and construction industry group. His experience spans a wide range of issues, including construction disputes, commercial litigation, employment law, and



tort and product liability matters. Eisele has represented clients in complex commercial and construction disputes before administrative bodies and trial courts in Oregon. **David Hori** specializes in handling issues related to complex cleanup and remediation activities, assisting clients with environmental litigation and helping them resolve compliance disputes with



regulatory agencies.



SBH Legal has hired two new associates. **Suzie Dolberg** represents Washington employers and insurers in workers' compensation defense matters. She joins SBH Legal after working in criminal prosecution for seven years. Prior to that, she represented Oregon and Washington employers in workers' compensation matters. **Peter Natale** represents



Oregon employers and insurers in workers' compensation defense matters. Natale joins the firm after 11 years of advocating and representing claimants seeking their Social Security disability benefits. ■

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Questions? Visit oregon.freelegalanswers.org

In Memoriam

Larry N. Sokol, 78, of Lake Oswego, died suddenly in his beloved home of 50 years on Feb. 1, 2025. For his wide-ranging network of close family, friends and esteemed colleagues, the loss of him is deeply felt. “He never let anyone out of his orbit once they entered,” his partner Martha Spinhirne reflected.



Born Sept. 28, 1946, in Dayton, Ohio, Larry went on to attend the University of Pennsylvania, where he joined the Sigma Alpha Mu fraternity and graduated in 1968. Later, he attended Case Western Reserve University School of Law, where he earned his J.D. in 1971.

Larry discovered his true calling in the law and went on to have a formidable career spanning many decades. Early in his practice, he litigated high-profile environmental cases and later established himself as a skilled, compassionate medical malpractice and personal injury attorney. Larry was inducted into the acclaimed American College of Trial Lawyers in 2010 and was nominated to Super Lawyers.

One of his favorite places was the ocean waters of Hawaii, where he snorkeled alongside pods of turtles and schools of fish. At home in Oregon, he enjoyed playing with his beloved O-scale trains and coached dozens of kids' teams in baseball and soccer, making a point of drafting players who needed extra help with their skills.

For all who loved him, it's difficult to imagine a world without Larry's geniality and humor. In the opening scene of his favorite book, *The Wind in the Willows*, with spring arriving, Mole cleans furiously until compelled, finally, to clamber out of his underground home. “Up we go!” The tiny creature declares, who then “scraped and scratched and scabbled and scrolled” until he “found himself in the warm grass of the great meadow.” Better for having known Larry, we must tunnel upward, carrying his

goodness with us, making our way toward the light, just as he would want it. Up we go.

Larry is survived by his partner, Martha Spinhirne, children, Maxwell Sokol and Addie Hahn, their mother Beverly Sokol, grandsons, Oslo and Ansel Hahn, son-in-law Andrew Hahn, sister Nora Newssock, brother-in-law Bob Newssock, niece Amy Newssock, and nephew-in-law Adam Oakley. Memorial donations may be made to the Anti-Defamation League or Clackamas County Little League.

Vernon (“Vern”) Dale Gleaves passed away at the age of 97 on Feb. 24, 2025. He was born May 29, 1927, in a family farmhouse in Treynor, Iowa, as the fourth of six children of Frank and Elsie (Fahrenkrug) Gleaves. During the dustbowl days of the depression, the family of eight took a four-day drive to resettle in Medford. While working at the local ice rink, Vern fell head over heels for Virginia (“Ginny”) Hawley. They were married in 1945, shortly after Vern's graduation from high school and shortly before being sent off to join the U.S. Navy in the closing months of World War II.

After being discharged from the Navy, Vern became the first of his family to go to college at the University of Oregon, where he graduated with a law degree. Upon graduation, Vern and Virginia moved to Salem, where Vern worked for the State of Oregon Accident Insurance Fund and Virginia worked for U.S. Bank. After a few years, they returned to Eugene and Vern joined the law firm of Harris Butler & Husk, now known as Gleaves Swearingen.

Vern had a distinguished legal career practicing real estate, business and estate planning law for a variety of businesses in Lane County, including the developers of the Valley River Center and Valley River Inn. In May 2001, he was awarded the Oregon State Bar's highest honor, the Award of Merit. He served on the boards of numerous civic and charitable organizations, including the Barker Family Foundation and on the Board of Governors of the Oregon State Bar.

Vern and Virginia enjoyed gardening at their home for 61 years in the southwest hills of Eugene and snow skiing at Willamette Pass, Hoodoo and Mt. Bachelor. One of his favorite memories was skiing with his son, daughter-in-law and grandchildren at Mt. Bachelor. Despite the demands of his career, he never missed a sporting event in which either of his children participated.

He was predeceased by Virginia and his daughter Nanette. He is survived by his brother Duane Gleaves (Janet) of Medford, his son Curt Gleaves (Tricia) of Estes Park, Colorado, grandsons John Gleaves (Magda) of Fullerton, California, Cliff Gleaves (Morgan) of Portland, granddaughter Lise Hull (Cody) of Monroe, and great grandchildren Lily Hull, Tomasz Gleaves and Henryk Gleaves.

In lieu of flowers, donations to the Eugene Mission or the charity of your choice are recommended. The family plans a private service. ■

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. Please contact Ronnie Jacko at (503) 445-2234, ronnie@bigredm.com

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TIGARD TRIANGLE WASHINGTON COUNTY OFFICE SUITE OPPORTUNITY – 7128 SW Gonzaga Street; Suite 230; Portland, OR 97223. Our long-time law firm tenant no longer requires its 1,432 Sq. foot second-story office space as of April 1, 2025 (may be available earlier). Portland (or Tigard) address can be used from this 97223-zip code (but not taxable in City of Portland). Fantastic and convenient location with immediate access to I-5 and Hwy 217 features an elevator, 4 private offices, dedicated conference room, kitchen area, reception / lobby, and ample workspace. Generous parking allowance with EV charging station for tenants provided. Secure building with video cameras and access controls. Temperature controlled and secured dedicated IT room. Office suite cleaning and Wi-Fi included. Building phone system can be expanded to include this suite if required. Complimentary access to other conference rooms available in the building can be also arranged. Anchor tenant is a long-time Portland CPA and financial litigation consulting firm that has enjoyed a long-term working and referral relationship with its former law firm tenant. A reputable law firm is desired in this space as the convenience of serving the CPA firm's clients has been a value-add. For questions, suite diagram, or to arrange a tour, please contact Janice Holcomb of TruePoint Analytics at 847-345-7884. Base rent is \$2,981 plus estimated CAM charges of \$1,070 per month (\$4,077).

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

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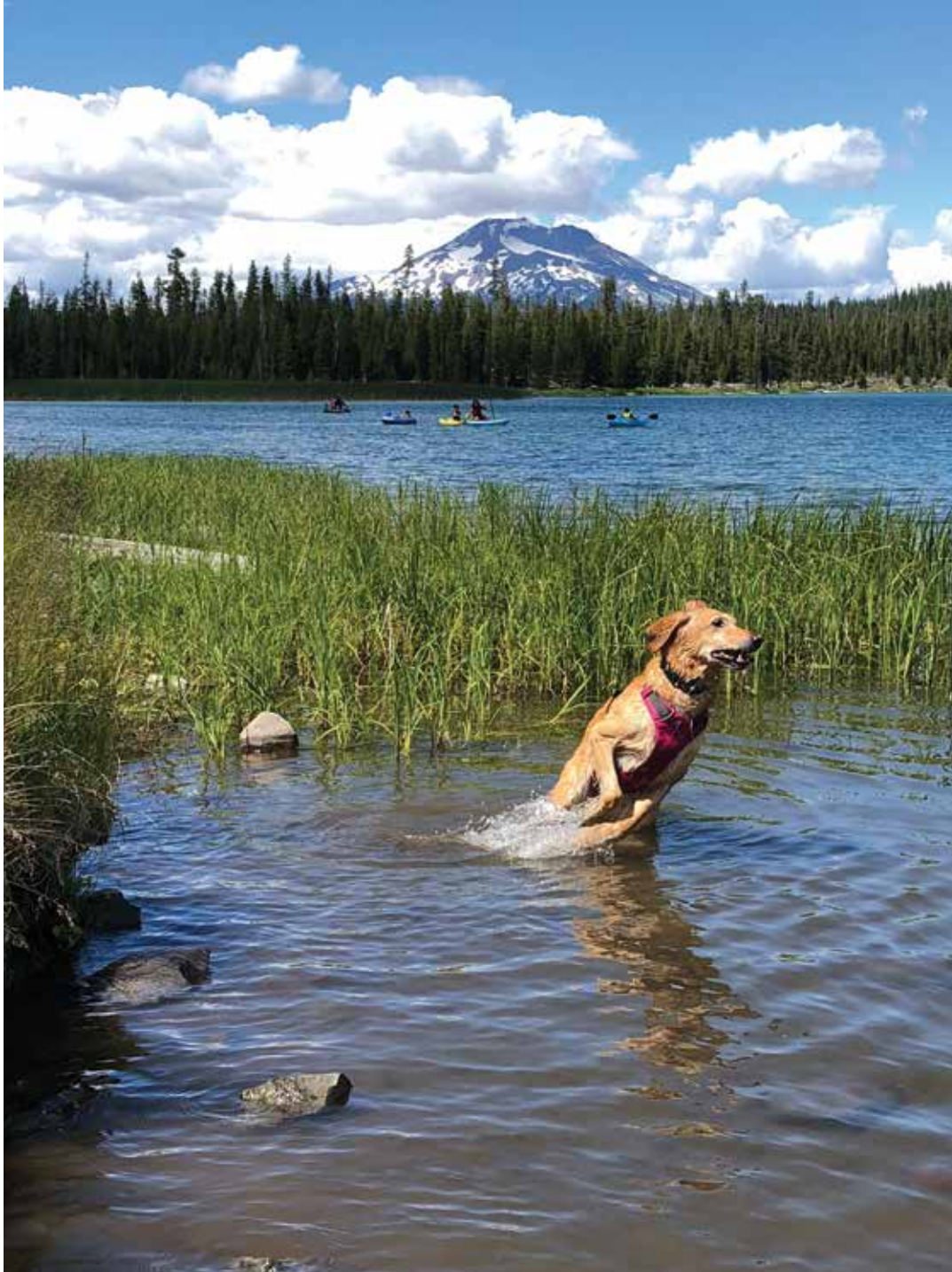


Photo Finish

James MacAfee from Bend sent in this photo of his dog Pepper (with kayakers in the background) having fun at Little Lava Lake in central Oregon off the Cascades Lake Highway. He calls the photo “Pepper Goes Suborbital.”

“I do legal work for Golden Bond Rescue of Oregon, a 501(c)(3) that rescues golden retrievers, and I adopted Pepper from them,” MacAfee 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.”

Send high-resolution images to Editor Michael Austin at maustin@osbar.org. Make sure to include your name, and tell us where the photo was taken and what made your trip so special.

OSB Annual Awards CALL FOR NOMINATIONS

The nomination deadline for the 2025 OSB awards honoring Oregon's most outstanding lawyers, judges and others is

Tuesday, June 3, at 5 p.m.

Nomination criteria, forms and other information about the following awards can be found at www.osbar.org/osbevents

OSB Award of Merit

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