

OREGON STATE BAR BULLETIN

MAY 2025

The Right Time

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Bulletin Photo File



Not everyone follows a direct path to law school from their undergraduate work. This month, the *Bulletin* talks to attorneys who built successful careers outside of law over decades, then decided to pursue a law degree, including a pediatric oncologist (Suman Malempati, pictured), a youth pastor and professional poker player, a teacher, an accountant, a firefighter and a couple of people who worked in multiple professions. Editor Michael Austin reports beginning on page 20.

FEATURES

- 20 The Right Time**
Attorneys Who Came to Law Later in Life Find Fulfillment
 By Michael Austin
- 28 Busy With the Boomers**
Elder Law Focuses on a Growing Population With Acute Legal Needs
 By Cliff Collins

COLUMNS

- 9 Bar Counsel**
Dueling Duties: When Mandatory Abuse Reporting Overlaps With Duty to Protect Client Info
 By Dani Huck
- 17 The Legal Writer**
Devilish Details: Legal Writing Is Precise Writing
 By Suzanne Rowe
- 32 Profiles in the Law**
Not Afraid to Change: Blake Hutchins Has Worked in Law, Sci-Fi Writing and Game Development
 By Brooke Strickland
- 34 Well-Being**
The Silent Killer: Chronic Stress and the Legal Profession
 By Melissa Jaffe
- 36 Technology**
Cyberinsurance and Cyberattacks: Evolving Trends for Coverage in 2025
 By Michael C. Maschke, Sharon D. Nelson and John W. Simek
- 54 Parting Thought**
A Strong and Independent Profession
 By Steven T. Wax

DEPARTMENTS

- 5 Letters**
- 7 Briefs**
- 8 Discovery With...**
- 40 Bar News**
- 42 Bar Actions**
Discipline
- 46 Bar People**
Among Ourselves Moves In Memoriam
- 48 Classifieds**
- 51 Attorneys' Marketplace**

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LETTERS



expression. The statement held up John Adams' inspirational example of defending unpopular clients during our Founding era. The BOG might have instead looked for inspiration in the unmistakable specificity of our Declaration of Independence (another product of group drafting!), and John Hancock's equally unmistakable signature upon a document that could have meant his imprisonment or death. Instead of vague allusions to actions that "some" people are taking or dramatically increasing threats issued by no apparent authors, we should follow our Declaration's example, and "let facts be submitted to a candid world."

Ben Cox, *Portland*

Protect the Rule of Law

I commend the Board of Bar Governors for publishing in the April edition of the *Bulletin* their statement, "A Nation of Laws." The legal profession must protect the rule of law and an independent judiciary from attacks from the Trump administration and from any other quarter for that matter. In the face of disbarment, the legal profession has stood up to authoritarianism in Belarus, Afghanistan, Tajikistan, Turkey, Russia, Chile and other countries. As a young lawyer, Mohandas Ghandi opposed state-sponsored cruelty in South Africa. We don't have to be Ghandi to oppose the destruction of our legal system in this country. We just need not stay silent.

Thanks, too, to the BOG for signing onto the ABA's March 26, 2025 "Bar organizations' statement in support of the rule of law." ■

Frank Gibson, *Eugene*

Disclaimer: The April issue of the Bulletin published a statement by the Oregon State Bar Board of Governors regarding the protection of the rule of law. The following letters are in response to that published statement and are the voices of those individual members and not of the Oregon State Bar.

Statement Misses One Critical Mark

I'm writing with regard to the Board of Governors' published statement, "A Nation of Laws." (April 2024 *Bulletin*) I respect all of our BOG members, as well as the decision to create the statement. I am also no stranger to the maddening difficulty of drafting statements by committee.

But I believe the statement missed the mark in one critical respect: It failed to state the plain truth that the people threatening judicial independence and the rule of law are President Trump, his administration and their supporters. By omitting this, the BOG's attempt to demonstrate our collective resolve instead became an unintentional demonstration of how successful Trump has already been in chilling our political

Letters to the Editor


The *Bulletin* welcomes letters. They should be limited to 300 words. Preference is given to letters responding to letters to the editor, articles or columns recently published in the *Bulletin*.

Letters must be original and addressed to the *Bulletin* editor. Unsigned or anonymous letters will not be published. (There are exceptions. Inquire with the editor.) Letters may not promote individual products, services or political candidates.

Letters may be edited for grammatical errors, style or length, or in cases where language or information is deemed unsuitable or inappropriate for publication. Profane or obscene language is not accepted.

Send letters to: Editor, OSB Bulletin, P.O. Box 231935, Tigard, OR 97281. Or you may email them to editor@osbar.org.

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Q: How can I help my client donate from their estate?



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MBA Celebrates Rule of Law

The Multnomah Bar Association's YLS Service to the Public Committee is hosting events around Law Day 2025, which took place May 1, including a discussion about federalism on Wednesday, May 14, at Portland State University. Professor Chris Shortell, Oregon Supreme Court Justice Rebecca Duncan and Judge Maalik Summer (the first openly transgender man to be a judge in the country) are the speakers. There also will be two traveling exhibits on display to celebrate the diversity of the Oregon State Bar, courtesy of Oregon Women Lawyers and the Oregon Judicial Department. For details, contact lawdaypdx@gmail.com.

OCDLA Conference Is June 12-14

The Oregon Criminal Defense Lawyers Association (OCDLA) is hosting its annual conference from June 12-14 at the Riverhouse in Bend. The conference fee covers seminar admission, written material, the Thursday evening opening welcome reception, continental breakfast and lunch on Friday, Friday night reception, hot breakfast on Saturday, refreshments at the breaks and CLE credit. Early registration rates are available until June 2 with standard registration thereafter. For more information, visit ocdla.org.

SALC 25th Race for Justice Set for June 21

St. Andrew Legal Clinic (SALC), which provides affordable legal services for low-

to moderate-income families in crisis, will hold its 25th annual Race for Justice on Saturday, June 21. The event has a new route through Laurelhurst and starts at Migration Brewing. Check-in starts at 9 a.m., followed by the kids' fun run at 10 a.m. and the 5K walk/run at 10:30 a.m. Post-race celebration takes place at 11:30 a.m. For more information, visit salcgroup.org/raceforjustice25.

Reynolds Named UO School of Law Dean

Jennifer W. Reynolds, professor of law and interim dean at the University of Oregon School of Law, has been selected as the new permanent dean and Dave Frohnmayer Chair in Leadership and Law. Reynolds assumed the role effective March 17, 2025. She succeeds Marcilynn Burke, who served as dean from 2017-24.

Over her 16 years at Oregon Law, Reynolds has served in several leadership roles, including interim dean, interim university ombudsperson, associate dean for faculty research and programs, associate dean of academic affairs and faculty director for the Appropriate Dispute Resolution Center. Reynolds was named the Orlando John and Marian H. Hollis endowed Professor of Law in 2023. She has been recognized with both the Hollis and Ersted Oregon Law teaching awards. Reynolds has been elected six times by graduating 3Ls to serve as commencement marshal.

MBA at the Portland Pickles June 21

Join the Multnomah Bar Association on Saturday, June 21, for some summer baseball when the Portland Pickles host the Bend Elks at Walker Stadium (4727 SE 92nd Ave., Portland). A block of seats has been reserved for the MBA in the Pickle Party Plaza on the first base line. Bring the office or your family ... or both. Gates open at 6:05 p.m. with first pitch at 7:05 p.m. Tickets are \$25. Visit mbabar.org and go to the Events tab for more information.

Lateral Hiring Bounces Back in 2024

The National Association for Law Placement (NALP) recently released its annual 2024 Lateral Hiring Survey, which found that hiring grew nearly 14% overall and lateral associate hiring jumped by almost 25% in 2024.

Of note is that for the first time this year, NALP asked offices about their general policies regarding lateral remote hires, regardless of whether or not they hired any remote laterals in 2024. Over half (51%) of the offices reported that their office policy excludes the hiring of any fully remote lateral hires. About 35% of offices considered fully remote lateral *partner* hires, of which 13.6% of offices had contingencies upon candidates' location being in a geographic area where the firm did not have a physical office. The remaining 21.7% considered fully remote lateral partner hires regardless of the individual's location. And 33% of offices considered fully remote lateral *associate* hires – 14.3% of offices having contingencies upon candidates' location being in a geographic area where the firm did not have a physical office and 18.6% of offices hiring fully remote hires regardless of candidates' location. ■

Our Editorial Policy

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

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

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

Discovery With...

London Ballard

London Ballard is an associate attorney with Morris Family Law in Portland. She joined the Oregon State Bar in 2019.

To date, what professional accomplishment makes you proudest?

In practicing family law, I often feel the most pride when I help clients navigate incredibly challenging times in their lives. Whether they are facing a divorce and realizing they will not see their children daily or defending their application for a restraining order — hoping this document will provide them with some sense of safety in this world — it is a rewarding area of law. Family law is not an easy law to practice, and while it has many challenges, you simply cannot compete with the pride and sense of accomplishment you feel once you bring a client's matter to the finish line and you can provide them with a sense of finality while they establish their new norm.

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

Outside of the office, I constantly work on self growth and check in to ensure that I am *actually* taking time for myself. This typically happens one of two ways. The first being therapy. Shoutout to my therapist who somehow never tires of listening to me! The second being getting outdoors with my dog and spending time with my closest friends. Now, more than ever, it is so crucial to have a supportive community. A wise mentor once told me that if we do not take time for ourselves, we will not have any energy to give our clients. Heeding that advice has made me a much better attorney all around.



What is your favorite place in Oregon?

The Wallowa Lake and the Wallowa Mountains are probably my favorite place(s) in Oregon. There is a peace that you can find in that wilderness that is unmatched. And, it helps that my dog loves to take a swim in Wallowa Lake.

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

Oooh, no doubt, I would have been a philosophy professor! I love the study of metaphysics and constantly questioning *why* we exist. To be able to have daily discussions pondering our mere existence would be a dream come true.

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

Like most of us, I currently have a stack of books on my bedside table. But, the two I am reading right now are *Burnout: The Secret to Unlocking the Stress Cycle* by Emily Nagoski and *Fight Right: How Successful Couples Turn Conflict into Connection* by Dr. Julie Schwartz Gottman and Dr. John Gottman. I suppose for both of these books I fear I should simply say *See Above* regarding what do you do out of the office that makes you a better lawyer.

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

Had you asked me this question prior to 2024, I would have said seeing Cher in Las Vegas many years ago. Cue Cher descending to the stage in a golden bird cage. Every queer's dream is to see Cher live, right?! But, alas, this memory was topped when I went with a friend to see Brandi Carlile perform at Red Rocks Amphitheater last fall in Colorado. Between the nature, the weather, the company and the performance, it was a terrific and memorable night that I shall never forget. ■

May 2025

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When Mandatory Abuse Reporting Overlaps With Duty to Protect Client Info

Dueling Duties

By Dani Huck



Do attorneys, as mandatory reporters under Oregon law, have a duty to report these incidents? What would you do in each of these scenarios?

Our Mandatory Abuse Reporting Obligations

As attorneys in Oregon, we are considered “public or private officials” under four mandatory abuse reporting statutes.¹ These statutes are aimed at protecting children, elders, adults with mental illness and developmental disabilities, as well as long-term care residents. The statute protecting long-term care residents functions a bit differently from the other three, as it only mandates reporting from an attorney who is legal counsel for a resident or guardian or family member of the resident. If you have or plan to have this kind of clientele, you should familiarize yourself with that statute.²

Because they apply to all attorneys at all times, this article will focus on the three statutes which protect children, elders and adults with mental illness and developmental disability. Under each of these statutes, Oregon attorneys must make a report when we have reasonable cause to believe a protected person has been abused and we have come into contact with either the suspected victim or abuser.

Reasonable Cause

“Reasonable cause” is a bit of a tricky term. We have many standards of proof in the law – including reasonable *suspicion* and *probable* cause – but not reasonable cause. Unfortunately, the term is not defined for the purposes of ORS 419B.010. Oregon Department of Human Services has said they consider “reasonable cause” to be closest to the criminal law standard of “reasonable suspicion.” The Oregon Court of Appeals has endorsed this comparison in several cases, most recently in *Querbach v. Dep’t of Human Servs. (DHS)*, 308 Or. App. 131, 135-36,

480 P.3d 1030, 1033 (2020). It is worth noting that in these cases, the Court of Appeals is discussing the definition of “reasonable cause” in the DHS administrative rules,³ not specifically in the mandatory reporting statutes. However, in the Oregon Supreme Court’s review of the *Querbach* case, their opinion states that “reasonable cause” for purposes of the mandatory child abuse reporting statute, “has the same meaning as it does in ORS 419B.150(1)(b): ‘a subjectively and objectively reasonable belief, given all of the circumstances and based on specific and articulable facts.’” *Querbach v. Dep’t of Human Servs.*, 369 Or. 786, 797, 512 P.3d 432, 435 (2022). The Oregon Supreme Court also casts some doubt on the Court of Appeals’ comparison of reasonable cause to reasonable suspicion in that opinion, but does not resolve the question in that case. *Id.* at 440.

While we still don’t have a crystal-clear definition of “reasonable cause,” suffice it to say that you need to have some specific facts that go beyond a hunch or a “bad feeling” to trigger your mandatory reporting duty. Think about what you would say if you picked up the phone and called DHS or law enforcement. Would you be able to describe specific observations you’ve made that would support an objective belief abuse may have occurred? If so, you likely have reasonable cause. Remember, you need not – and *should not* – investigate further to determine whether abuse has actually occurred.

Protected Person

Defining a “protected person” is a much easier task, as the statutes provide these definitions for us. For the purposes of mandatory abuse reporting, a “child”⁴ is an unmarried person⁵ who is under 18 years of age; or under 21 years of age and residing in or receiving care or services at a child-caring agency.⁶

You represent a client in a business transaction. When you ask your client for some account statements, he reveals he has pulled the money for this transaction from an account he shares with his elderly mother. You know your client has been appointed as his mother’s conservator, and those funds are meant for the mother’s care.

While you are out at a park with your family, you see a client with her husband and son. You witness your client’s husband grab the child roughly by the ear and then notice bruising on the child’s neck and upper arms.

You meet a couple of friends for lunch, one of whom you are currently representing in his divorce. During lunch, your client tells you and your other friend that he frequently overhears his neighbor verbally abusing her adult daughter, who is developmentally disabled and lives with her mother. You have met this neighbor. Your client asks you not to tell anyone because he thinks it’s none of his business.

Welcome, Matt Arbaugh!

The Professional Liability Fund is pleased to announce that Matt Arbaugh has joined the PLF as a claims attorney.



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An “elder”⁷ is defined as any person 65 years of age or older who is not subject to the provisions of the statutes protecting long-term care residents.

Finally, an “adult” for the purposes of the mental illness and developmental disability abuse reporting statute is defined as a person 18 years of age or older with (1) a developmental disability who is currently receiving services from a community program or facility or who was previously determined eligible for services as an adult by a community program or facility; (2) with a severe and persistent mental illness who is receiving mental health treatment from a community program; or (3) who is receiving services for a substance use disorder or a mental illness in a facility or a state hospital.

Definitions of Abuse

“Abuse” is defined extensively and differently under each of the mandatory abuse reporting statutes. All three statutes include neglect, verbal abuse, sexual abuse and physical injury caused by other than accidental means in their definitions. However, each group is protected against specific types of abuse that don’t necessarily apply to the others. For example, financial exploitation constitutes elder abuse and abuse of an adult with mental illness or developmental disability, but is not included in the definition of child abuse.

Unlawful exposure to controlled substances is defined as abuse under the child abuse reporting statute, but not under the other two statutes. Please familiarize yourself with these definitions,⁸ particularly if you regularly work with one of the protected groups.

Contact

Understanding whether we have made “contact” with a suspected victim or perpetrator of abuse requires a bit more thought, as the term is not defined under any of the abuse reporting statutes. There is no controlling case law defining “contact” as to these statutes, and therefore without legislative or judicial guidance, we have to look to the plain meaning of the word.

A dictionary definition of “contact” includes “a touching or meeting” and “association or relationship (as in physical or mental or business or social meeting or communication).”⁹ This does not necessarily mean the contact needs to be in-person; telephone or email contact would likely suffice if it constitutes a “meeting” or “associa-

tion.” For example, if someone sends out a mass email to you and 50 other people, that probably wouldn’t constitute contact because there was no meeting or association formed between the two of you. If, however, you respond to the person who sent that mass email and the two of you begin a substantive exchange, this could be considered “contact.”

Importantly, the contact does not need to be related in any way to the suspected abuse. The “contact” and “reasonable cause” elements of the statutes do not have to occur in any particular order – meaning that you could learn information that provides you with reasonable cause to believe that abuse has occurred before, during or after you first have “contact” with the suspected victim or perpetrator.

Important Reminders

Your duty to report abuse under these statutes applies to you 24 hours a day, 365 days a year. You do not need to be at work or acting in your “official capacity” for this duty to be triggered. Your contact with the suspected victim or perpetrator does not have to be related in any way to your work as an attorney. The suspected victim or perpetrator could be your friend, neighbor, co-worker, a fellow parent at your child’s school, a member at your gym, etc. You could have reasonable cause to believe abuse has occurred based on something you saw at the grocery store or heard at a dinner party; it does not need to be connected to your work as a “public or private official.”

Once you have met all four elements of these mandatory reporting statutes – in whatever order they may occur – you must make your report without delay to either Oregon DHS or law enforcement. The statutes require oral reports, so a phone call to the DHS reporting hotline or a visit to your local DHS office or law enforcement agency in person will fulfill your obligations. DHS maintains a reporting hotline that can be contacted at (855) 503-SAFE.

Remember, we have just outlined the circumstances in which you are *mandated* to make a report. You can choose to make a *voluntary* report of suspected abuse without having met the “contact” or “reasonable cause” thresholds – so long as your other obligations as an attorney do not prohibit you from doing so. We’ll discuss those other obligations below.

As many attorneys continue in a hybrid workplace, the OSB knows there are members who prefer to receive their *Bulletin* at a secondary address, such as your home. If so, you can update your *Bulletin* communication preference by sending a request by email with that secondary address to addresschanges@osbar.org



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PARTNER IN CHARGE, PORTLAND



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Mandatory Reporting Obligations vs. Duties to Clients

Several exemptions¹⁰ exist under each of the mandatory abuse reporting statutes and I encourage you to review them, particularly if you believe you may be mandated to make a report. We're going to take a deeper dive into the exemptions that create the most concern for attorneys – those regarding confidential client information.

While mandatory abuse reports can stem from circumstances unrelated to our work, those connected to or affecting our clients often create confusion and distress. How does attorney-client privilege impact our duty to report? What about the Oregon Rules of Professional Conduct?

Under Oregon Rule of Professional Conduct 1.6, a lawyer shall not reveal information relating to the representation of a client. Lucky for us, "information related to the representation of a client" is defined under RPC 1.0(f) as, "both information protected by the attorney-client privilege under applicable law, and other information gained in a current or former professional relationship that the client has requested be held inviolate or the disclosure of which would be embarrassing or would be likely to be detrimental to the client." This definition leaves us with four categories of "information" under the rule: information that is (1) attorney-client privileged, (2) secret, (3) embarrassing or (4) likely detrimental.

Attorney-Client Privilege and 'Detrimental' Information

Attorney-client privilege is established by statute¹¹ in Oregon and specifically exempt in all three mandatory abuse reporting statutes. Information protected by attorney-client privilege will never trigger a mandatory report. A similar exemption exists in two of the three statutes for information communicated to the attorney in the course of representing a client if disclosure of the information would be detrimental to the client. The child abuse and elder abuse reporting statutes both include this exemption, however the statute protecting adults with mental illness and developmental disability does not.

The question of what type of information would be detrimental to your client is a difficult and fact-specific one to be sure. The information must be something more than just embarrassing; it must have a negative material effect on your client's interests in some way. Reputational harm, for exam-

ple, might be considered detrimental if you could demonstrate that your client would be negatively impacted by that harm beyond just experiencing personal embarrassment. A disclosure that exposes your client to criminal or civil liability is a more clear-cut example of detrimental information. Just like information protected by attorney-client privilege, detrimental information will never trigger a mandatory report under the elder and child abuse reporting rules. Again, this exemption does not exist within the abuse reporting statute for adults with mental illness and developmental disability.

If the information that gives you reasonable cause to believe abuse has occurred falls under one of these exemptions, you'll never be mandated to report it – but could you make a *voluntary* report? Maybe. ORPC 1.6(a) allows us to reveal confidential information with our client's informed consent or where we have implied authorization to make the disclosure to carry out the representation. Further, ORPC 1.6(b) provides us with exceptions where we may choose to reveal confidential information. Under this rule, we may make a voluntary report of suspected abuse if the client has expressed an intention to commit a crime and disclosing the information is necessary to prevent the crime, or to prevent reasonably certain death or substantial bodily harm.¹²

But be cautious, these exemptions are not a free pass to publicize everything you know about your client. ORPC 1.6(b) allows us to make these disclosures only to the extent we reasonably believe necessary to accomplish the purpose of the exemption.

Secret or Embarrassing Information

While the Rules of Professional Conduct protect information that clients have asked us to keep secret or that would otherwise embarrass them, the Legislature utilizes another exemption within the ORPCs to mandate the report of such information when it relates to suspected abuse. Under ORPC 1.6(b)(5), attorneys are permitted to disclose protected information when reasonably necessary to comply with other laws. By specifically exempting only attorney-client privileged and detrimental information from the mandatory reporting rules, the Legislature makes it clear that they do not intend to exempt all information relating to the representation of a client.

Therefore, if the information that gives you reasonable cause to believe abuse has occurred is merely embarrassing to your

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client or was shared with you in confidence, you are still required to report it.

Hypotheticals

Let's return now to the hypotheticals I posed to you at the beginning of this article.

Scenario #1: You are representing a client in a business transaction. When you ask your client for some account statements, he reveals he has pulled the money for this transaction from an account he shares with his elderly mother. You know your client has been appointed as his mother's conservator, and those funds are meant for the mother's care.

This information is protected by attorney-client privilege and would also likely be detrimental to your client if disclosed. Therefore, you are exempt from the mandatory elder abuse reporting statute.

The best practice here would be to counsel your client as to the potential consequences of his actions and encourage him to return the funds. If your client expressed an intention to withdraw more funds from the account, or commit any additional fraud or crime, you could make a voluntary elder abuse report. Be advised, if you make such a voluntary report, you should disclose this to your client pursuant to ORPC 1.4, and you may need to withdraw if a conflict is created. You may be required to withdraw anyway under ORPC 1.2(c) and 1.16(a)(4) if continuing the representation would mean assisting your client in violating the conservatorship order.

Scenario #2: While you are out at a park with your family, you see a client of yours with her husband and son. You witness your client's husband grab the child roughly by the ear and then notice bruising on the child's neck and upper arms.

The relevant information in this scenario is not protected by attorney-client privilege. You should next evaluate whether your client would be exposed to potential criminal liability or other detriment if you made the report. If not, the report is mandatory. If you do feel that a report would be detrimental to your client, you can speak with her and either encourage her to report the abuse or get her informed consent to do it yourself. If you reasonably believe disclosure is necessary to prevent substantial bodily harm to the child, you may be able to make a voluntary

report without your client's consent¹³. Again, if you do decide to make a voluntary report, you should disclose this to your client and consider whether any conflicts have been created.

Scenario #3: You meet a couple of friends for lunch, one of whom you are currently representing in his divorce. During lunch, your client tells you and your other friend that he frequently overhears his neighbor verbally abusing her adult daughter, who is developmentally disabled and lives with her mother. You have met this neighbor. Your client asks you not to tell anyone because he thinks it's none of his business.

Your client has asked you to keep this information secret, but it is not protected by attorney-client privilege. Therefore, reporting is mandatory in this scenario. Note that because this involves the abuse of an adult with mental illness or developmental disability, there is no exemption for detrimental information. However, if this were a case of child or elder abuse, it is unlikely the information would be considered detrimental to your client and therefore reporting would still be mandated.

It's unlikely that ORPC 1.4 would require you to disclose the mandatory report to your client in this scenario, but it might be best to do so anyway. Your client may eventually find out you made the report, so having a frank conversation early on may be the best way to preserve the attorney-client relationship.

We're Here to Help

Reconciling our obligations under mandatory abuse reporting statutes with our most fundamental duties to our clients can be really distressing. I hope this article has helped shed some light on this topic. If you find yourself facing these challenging circumstances, please feel free to call the Ethics Helpline for guidance. ■



Dani Huck is the deputy general counsel for the Oregon State Bar.



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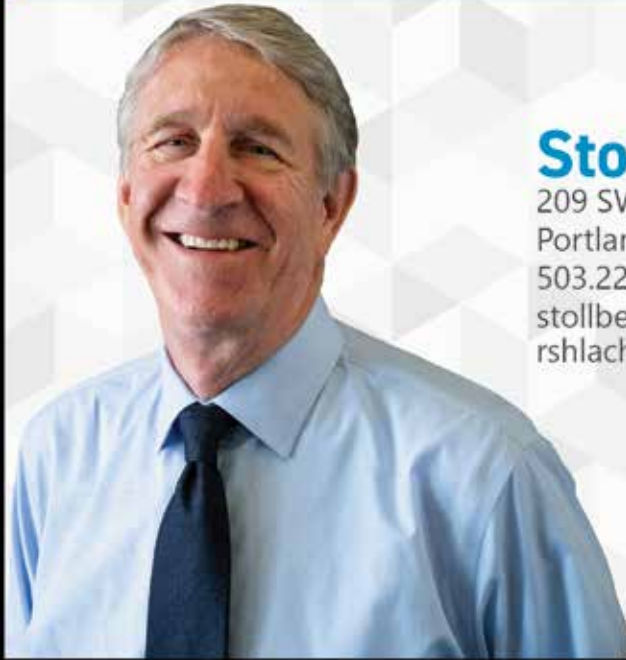
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ENDNOTES

1. ORS 419B.010 (child abuse reporting), ORS 124.060 (elder abuse reporting), ORS 430.765 (adults with mental illness and developmental disability abuse reporting), ORS 441.640 (long-term care resident abuse reporting).
2. Reporting requirement under ORS 441.640; Definition of "public or private official" under ORS 441.630(6)(i).
3. OAR 413-015-1010.
4. ORS 419B.005(2).
5. The Oregon Senate recently passed SB 548, which raises the minimum age for marriage to 18 years old, meaning this "unmarried" caveat will likely be rendered obsolete if the bill passes in the Oregon House of Representatives later this year.
6. As defined by ORS 418.205.
7. ORS 124.050(2).
8. ORS 419B.005(1) (child abuse), ORS 124.050(1) (elder abuse), ORS 430.735(1) (abuse of an adult with mental illness or developmental disability).
9. *Webster's Third New International Dictionary* 490 (unabridged ed 1993).
10. ORS 419B.010(2); ORS 419B.005(1)(b); ORS 124.095; ORS 430.735(13)(b)
11. ORS 40.225
12. ORPC 1.6(b)(1) and (2)
13. ORPC 1.6(b)(2)

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Legal Writing Is Precise Writing

Devilish Details

By Suzanne Rowe



The key is clarity. If a hyphen would avoid ambiguity, put it in. Since small business owners could be either a) small people who own businesses or b) people who own small businesses, he was correct to consider a hyphen. The hyphenated term is clear: small-business owners can be tall, but their businesses must be small.

In the past few years, some writers have become quite enamored of the clarity hyphen. In the blink of an eye, I went from being a legal writing professor to being a legal-writing professor. Some feel that the hyphen clarifies that I teach legal writing. Long-time readers know that I am a curmudgeon, so I think the hyphen in my job description is excessive.

The good news is that dictionaries and grammar books vary in their rules on some hyphens, allowing curmudgeons a bit of breathing room. Common usage allows you to continue writing about “small business owners” and I can continue to be a “legal writing professor.”

Words that are on their way to becoming one sometimes use a hyphen to help us make that transition. Remember that we progressed from working “on line” to “online” to “online”?

Sometimes placement determines whether a hyphen is needed. In discussing age, for example, the term “eight-year-old child” needs hyphens, but the clause “the child was eight years old” does not. Even if the noun *child* is only implied in the first example, the hyphens are needed. *The eight-year-old was a model student.*

Misplaced Modifiers

Modifiers should be placed as closely as possible to the words they modify. The more space that intervenes, the more opportunities for ambiguity. Note the variations in the following sentences that occur from moving around the word “only.”

Example 1: *Only lawyers can eat in the firm’s kitchen.* (Support staff, friends and family are not invited.)

Example 2: *Lawyers can only eat in the firm’s kitchen.* (They can’t work there.)

Example 3: *Lawyers can eat only in the firm’s kitchen.* (They can’t eat at their desks.)

Each of these sentences is grammatically correct. The writer’s intent determines which is appropriate in a given situation.

As another example, consider the following sentence:

The partners discussed the legal problems in building the bridge with 10 associates.

Are the associates building the bridge? Are the partners going to make the associates hold hands and ankles to build a bridge of themselves? Or are the partners discussing with the associates the legal problems in building the bridge?

Here’s a clearer version:

The partners discussed with 10 associates the legal problems in building the bridge.

Unrestrictive Commas

One function of commas is setting off interesting but unnecessary parts of sentences. These commas show the reader which information can be skipped over because it adds flavor but not critical substance. Thus, a tiny comma can change the meaning of a sentence. Consider the two examples below:

Example 1: *The judge is reading the briefs that are well written.*

Example 2: *The judge is reading the briefs, which are well written.*

In the first sentence, the judge is reading only some of the briefs. The judge is reading the good briefs; the law clerk is skimming over the rest. In the second sentence, the judge is reading all the briefs. It’s interesting

A colleague appeared in my office with a pressing question about hyphens. He was writing an article about people who own small businesses. But he was concerned that a punctuation mistake might make the article about small people, instead of small businesses. That concern (and perhaps a touch of procrastination) propelled him to my office. Was he writing about small business owners or small-business owners?

Legal writing is precise writing. Sometimes the missing hyphen, misplaced word or extra comma can change the meaning of a sentence. Lack of precision in quotations can hurt your reputation (or just make you look sloppy). The devil’s in the details.

Hyphens

The general rule is to use a hyphen to join words that together make a single adjective. Familiar examples are *middle-class neighborhoods* and *one-way streets*.

Of course, those aren’t the ones that drive us crazy. My colleague’s example does.



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that all the briefs are well written, but that information doesn't limit the substance of the sentence. If the missing comma means your brief is not being read, the shift in meaning matters.

(Yes, some of us curmudgeons remember the difference between "that" and "which," but most writers today consider them interchangeable. Thus, our little commas are even more important.)

A more personal example makes the point with greater impact. Consider the next two sentences:

Example 1: *My girlfriend who lives in Bend is visiting this weekend.*

Example 2: *My girlfriend, who lives in Bend, is visiting this weekend.*

In the first sentence, the words *who lives in Bend* tell us vital information about the girlfriend, likely to distinguish her from the girlfriend who lives in Ashland. If both girlfriends show up the same weekend, the writer could be in trouble.

In the second sentence, life is simpler. The writer has one girlfriend, and she happens to live in Bend. The words *who lives in Bend* are set apart from the substance of the sentence with commas, so we know that information just adds flavor. Maybe she'll invite us for a ski weekend this winter?

Quotation Marks

Quotation marks are like mini-affidavits. They assure your readers that the words and punctuation between the marks are exactly the same as in the original. Think photocopy. Think cut and paste.

If you change one word, add one letter, or remove one comma within quotation marks, you must tell the readers, or your affidavit is no good. Quote words out of context or omit a little word like *not*, and your reputation can be ruined. Citation guides like the *Bluebook* and the *ALWD Guide to Legal Citation* provide endless details on how to show changes, additions or omissions from quotations.

But there are more devilish details. If you cut and paste from an online database a quote that contains either apostrophes or quotation marks, the version that appears in your document is likely to contain "straight" apostrophes and quotation marks, not the "smart" curved ones we are more accustomed to. Just delete them and retype them (or use your word processor's "replace" function), and the auto-correct in your computer will turn straight to smart.

Another detail: In the United States, commas and periods always go inside the final quotation mark. They're too delicate to be left outside alone. Note that British and Mexican periods and commas must be tougher; they get pushed outside all the time. When you move to England or Mexico you can be mean to periods and commas, too.

Other punctuation — a question mark, a semi-colon, etc. — goes outside the quotation mark unless it's part of the quoted text. Note the following examples:

Example 1: *The federal statute fails to define the term "appropriate medical screening."* (The period is inside the quotation mark.)

Example 2: *The law clerk searched the statute for hours for a definition of "appropriate medical screening"; eventually, he admitted that no statutory definition existed.* (The semi-colon is outside the quotation mark.)

Example 3: *How could Congress avoid defining the key term "appropriate medical screening"?* (The question mark is outside the quotation mark.)

Example 4: *Although the statute fails to define the term "appropriate medical screening," the courts have provided insight.* (The comma is inside the quotation mark.)

And one more detail: Not every quote needs to be preceded by a comma, a style often used in dialogue. Make the quote flow grammatically within your sentence, without introducing extraneous commas. The following examples demonstrate the difference.

Example 1: *The witness testified, "I saw the whole thing."*

Example 2: *The witness testified that she "saw the whole thing."*

The first example has a comma to separate the dialogue from the lead-in. The second example would be grammatically incorrect with a comma stuck after the word *she* because the comma would separate the subject and verb.

This last example combines the rules on commas and final punctuation: *The attorney asked the defendant, "How many drinks did you serve this man?"* The comma is needed to introduce dialogue. The question mark is part of the quote, so it is inside the quotation mark.

Conclusion

Don't skim over details of your writing, some of which can make a substantive difference. The devil's in the details, but our profession is, too. ■

Sources

The Chicago Manual of Style (18th ed. 2024)

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Suzanne Rowe is the James L. and Ilene R. Hershner Professor at the University of Oregon School of Law. She is grateful to Amy Nuetzman for comments

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Attorneys Who Came to Law Later in Life Find Fulfillment

By Michael Austin



Suman Malempati worked as a pediatric oncologist and associate professor at Oregon Health & Science University. Then, he decided he wanted to do *more* with his professional life. So, with the blessing of his wife, Malempati and his family moved across the country for him to attend Emory University School of Law in Atlanta, Georgia (on a full-ride scholarship).

“After more than a decade of being a pediatric oncologist, I had all these ideas of things I wanted to do and how I could have an impact on the world, and while I loved what I was doing, I didn’t feel like I could do enough outside of work to make that difference,” says Malempati. “I got to the point where it was not easy to leave my previous career, but I didn’t feel like I have to do the same thing for 40 years.

“I could pursue another avenue to address the other things I wanted to address in the world. It took me awhile to figure out what that was going to be, but I realized with a law degree, there are so many different things you can do. I knew I could use it to impact social justice.”

While switching from medicine to the law may be rare, Malempati certainly isn’t alone in making the move to law school later in his professional career. The *Bulletin* spoke to a professional poker player and minister (yes, the same person), a teacher and business owner, a firefighter, an accountant, a homeowners association manager and someone who had done a little bit of everything to find out what compelled them to take on the rigors, cost and commitment of attending law school well after their undergraduate years.

Suman Malempati, Pediatric Oncologist

The son of two doctors, Malempati says he was not pressured into studying medicine by his parents. Malempati didn’t even decide to pursue a medical degree until he completed all of his undergraduate coursework.



Suman Malempati

He thought he’d go into a more technical field, such as engineering and began his studies as a physics major. He ended up switching completely and graduating with a degree in history with an interest in political movements and explaining the world today through a political history lens. Malempati even had a sister pursuing her law degree at this time, so you’d think he might have been pondering a legal career prior to medicine.

“I was a little bit shy. I was not somebody who felt comfortable speaking publicly. I thought I wouldn’t be a very good lawyer because I’d be terrified of speaking in a courtroom ... and that’s what I thought what lawyers did,” Malempati recalls. “I kind of self-selected out of that.”

The main thing Malempati wanted to do was help people. He also knew he was good in math and science, which led to the decision to attend medical school. During his clinical work, he was drawn to helping the sickest patients.

“Working with children with cancer, they draw you in with how strong and resilient they can be, and I fell in love with that field and helping that population,” Malempati says.

But, the desire to make more of a global impact led him to law school. With a full-ride scholarship in hand and his attorney sister and parents living in the Atlanta area, it made leaving the Pacific Northwest a little easier.

Living in Georgia, Malempati found his second turn at pursuing an advanced degree did not mirror his first, which was a good thing.

“It was so much easier to go to school as an older student. I was more enthusiastic about school and everything I was learning. I was more efficient at reading and studying after having worked for so many years. And, having a family and kids, I had to be efficient at it,” he explains. “I was more grateful to be in school. School was kind of fun. It was just about the learning. A lot of the stress you feel in your 20s going to school because it’s the most important thing in your life at the moment ... I didn’t feel that.”

Malempati also didn’t have the stress of working while in law school. He approached law school like having a job. From 8 a.m. to 5 p.m., he spent all his time on school, whether that be attending classes or using the free time to study and work on projects. In the evenings, he spent time with his family. He’d use the late-night or early-morning hours to get additional law reading done.

“Having young kids forces you to have that balance,” he explains. “Your family is the most important thing in your life. If something is going to break, it can’t be your family and the time you spend with them and taking care of your children. So, that always was the first priority.”

Finding that balance also allowed Malempati to have the full law school experience, as he calls it. That meant being involved with the law journal and student organizations. He knew he wouldn’t be going out or studying late with a group of students, so he wanted to find that sense of community whenever he could.

“Because I wanted to be a part of the community, then I was accepted (as an older student),” he says. “If you’re going to do something like this and start over, you have to realize you are starting from the bottom just like everyone else. I never acted like I knew more than other people. It’s more important to be curious and learn from people, even people a few decades younger than you. There are things they’re going to know that you don’t when you’re all starting out in the same boat. You need to be humble.”

Photos on page 18-19 (from top to bottom, left to right): **Katy Molloy** traveled to Kabul in 2011 as part of her work as a private security contractor. She was an accountant for 20 years before going to law school. She’s now a deputy district attorney. **Suman Malempati** worked for more than a decade as a pediatric oncologist in Portland before attending law school in Atlanta, Georgia. **Bil Smith** spent time prior to his law career at the poker tables. He now has his own law firm in Tualatin. After 32 years as a firefighter in California, **Tim Doherty** went to law school and now has an estate planning practice in Medford. **Christine Mosier-Cryslar** did a little bit of everything before attending law school at age 44. Being a solo practitioner gives her flexibility to care for her husband (pictured), who has been medically retired for a year. **Lindsey George** is shown during her teaching days at an alternative school in Beaverton. **Bruce Lepore** worked overseas in different capacities for years before returning to Bend. He’s a partner at Harker Lepore.

It all paid off for Malempati as he maximized his time in Atlanta, forged those relationships, secured meaningful internships and externships, and returned to Portland fully ready to accomplish the goals he originally set when he decided to go to law school.

He clerked for a federal judge for a couple years, but then he found himself missing directly helping people. So, he took a job with Metropolitan Public Defender. After 14 months, an opportunity to work for the Federal Defender's Office came up and he's been there since late 2024.

"The work I do every day has an impact on somebody's life. In that sense, it really has fulfilled what I had thought I wanted to do when I went to law school," Malempati says.

Bil Smith, Professional Poker Player and Minister

Bil Smith may be the only person in Oregon who can say he went from youth minister to professional poker player to attorney.

Smith started his career in 1992 as a youth minister in Oklahoma before moving to California for seminary in 1999. In 2004, a debilitating illness derailed things, forcing him to resign, survive on disability benefits and remain homebound for about a year. As he recovered, he opted for a much different career path for his professional return – poker player. He managed his cards well, made some money and moved with his wife from southern California to Oregon in 2007. At that point, he started flying to Los Angeles or Las Vegas once a month to play poker. The money was good ... but it wasn't enough to keep him happy.



Bil Smith

"I was seeing a therapist at the time, and she asked me what I would have done had I not gone into ministry," Smith recalls. "I said I probably would have been a lawyer. She asked me why I shouldn't pursue that. I left her office and drove straight to Lewis & Clark Law School, went to the admissions office and asked how someone gets into law school."

He took the LSAT and decided to enroll at Willamette College School of Law at the age of 36. Despite having a successful background across two distinct career paths, Smith admits he was nervous ... but those jitters only lasted the first week.

"I didn't know if I had the requisite study habits to keep up with students in their early 20s. After a few days of law school, I realized I could handle it and maybe handle it better than when I was in my 20s. One advantage of going to law school later in life is there was a little more financial security than I had earlier in life, and my life was more settled than someone who was 22. I owned a house, had a stable marriage and had circles of people as a support system."

Smith turned 40 the day before he was sworn into the Oregon State Bar. He wasted no time on his third career act. "I was sworn in on Oct. 10 and met with clients on Oct. 11," he says. Smith credits his life experience with allowing him to jump into starting his own practice.



“I was established in the community. I had lived in the area (Tulatin) since 2007. I had relationships with people at my church, the poker community and various sporting activities in which I participated,” Smith explains. “These circles are where clients come from.”

Despite a thriving estate planning and personal injury practice, Smith still finds time for ministry. He remained active in his church and in 2017, the youth minister left. With his background, Smith felt he should step up and offer to take over the position.

“I was twice the age with half the energy as when I had done it before, but I felt led to take on that role,” Smith says while adding that he didn’t think it would take up much time as there were only a small number of teenagers at the church. Now, eight years later, there are 40 teenagers under his watch. It’s almost another full-time job.

“Being a solo practitioner gives me a lot of flexibility where I am able to manage both careers,” he says. “I try to look at both careers as ministry. I see my legal work as serving God. I like to say I have one client with a whole bunch of kids for whom I provide my services.”

On the law side, when he started his practice, he estimates he was doing 80% personal injury and 20% estate planning. Now, it’s closer to 30% personal injury and 70% estate planning. It’s all a far cry from the criminal defense attorney he thought he’d be when he first entered Willamette.

“I learned quickly my personality and background in poker made me more suited to be a plaintiff’s lawyer. I always say, there wasn’t enough gamble in poker, so I became a plaintiff’s lawyer,” he quips.

Lindsey George, Teacher and Business Owner



Lindsey George

As she entered her 40s, Lindsey George was busy. She was substitute teaching after previously having worked as a full-time teacher at an alternative school in Beaverton. She was homeschooling her children. She was running a business with her husband, who installs and services elevators.

At one point, the elevator business (George Home Elevators) needed to contract for legal work, so George hired an attorney. She found herself fascinated with the legal system. Then, she was selected for jury duty in a small theft case. “I was hooked. I checked out some law school study guides from the library, took the LSAT and the rest is history!”

That history included moving her husband and three children from Washington to Texas as George earned a full-tuition scholarship to Texas A&M. She knew this was a big ask for her family, but she says their support allowed her to thrive in law school despite the strain on everyone.

“While I was busy with internships and studying, we prioritized carving out one day a week for family time – whether it was bowling, visiting a waterpark or theme park, or watching a movie together,” she says. “My husband worked hard to keep our business in Washington running and managed to Airbnb our house to help cover the bills.”

With her home life in order, George found that going to law school in her 40s changed her perspective of the end goal. “My primary goal was to learn as much as possible to become an excellent

lawyer. If I had gone to law school when I was younger, I may have been more easily distracted, with my main objective simply being to earn the degree.”

She also was pleasantly surprised to make many great connections and classmates at Texas A&M, which further helped her later-in-life law school experience.

“When I started at 40 years old, most of my classmates were in their 20s, but they were incredibly friendly,” George explains. “They often invited me to study sessions, dinners or drinks, and even checked on me during the COVID lockdowns. Thankfully, I never felt I was treated differently because of my age.”

Now, George and her family are back in the Pacific Northwest. The elevator business is still going strong and George has an estate planning practice with Myatt and Bell, which has offices in Vancouver, Washington, and Portland.

“I truly love what I do. With my business background, I assumed I would naturally pursue a career as a business attorney, but during law school, I discovered a much stronger interest in estate planning.”

Tim Doherty, Firefighter



Tim Doherty

Tim Doherty describes firefighting as “a contact sport.” At the age of 50 and with 32 years of having his body battered and bruised within his chosen profession (and needing a couple knee replacements), he decided it was time for the next phase of life.

“I was at that point where it was time for someone younger to take my place,” Doherty says.

In California where he fought fires, he had been paying into the state retirement system, which allowed him to retire at age 50 with a percentage of pay for every year he had worked. Despite the security of the retirement money, he wasn’t ready to slow down. A few years prior to putting out that last fire, he started planning what he wanted to do next.

“I reverse-engineered it and thought about if I did something else, what are the parameters I’d want to set,” he recalls. “I wanted to be able to pick my own hours, my own days and my own clients.”

Doherty had been active in his professional labor union and always was impressed with the attorneys with whom he interacted, especially when he was serving as local union president. Those experiences, along with his post-firefighting career parameters, led him to the law.

“The attorneys we worked with were top-notch, likeable people and very knowledgeable. I was thinking, if I couldn’t do this anymore, then I’d like to be an advocate for people.”

He figured he’d study labor law, but a friend suggested he just get through law school, then decide. He attended Empire College School of Law in Santa Rosa, California, which is close to where he lived at the time, opting for the small school with the shorter commute (10 minutes vs. more than an hour) and much smaller price tag than those closer to the Bay Area.

Jumping from fighting fires to sitting through law classes definitely was an adjustment, but Doherty’s academic life didn’t end when he was 18. Throughout his fire career, he engaged in continu-

ing education and was an adjunct faculty member for the local junior college system, where he taught classes at the fire and police academies. Doherty also found that going to law school in your 50s (he graduated when he was 55) has its advantages.

“(In your 50s) You have life experience, you have work experience, you have relationship experience and real-world experience you can apply to your legal training, where the people who come in right after college typically don’t have as much of those things ... and maybe don’t understand how much flexibility in your thinking you need to have,” he says. “Not everything is so black and white.”

On the flip side, he admits to there being difficulties when attending law school later in life.

“It can create some real hardships for you and your spouse and your family. You kind of go into this monastic lifestyle in law school. Things you normally enjoy doing on weekends, you can’t do because you’re studying for the next big exam or working on a project,” he explains. “It strained our marriage.”

Now, Doherty and his wife live in Medford. In a cruel twist of fate, fire once again played a major role in their lives. After law school, he started an estate planning practice (He never did pursue labor law.). He kept in touch with an estate planner in Jacksonville, who had helped him and his wife put together their own estate plan 30 years ago. That attorney constantly told Doherty about how much work he had, and those conversations eventually led to him considering relocating to southern Oregon. The couple purchased a small house in Medford in July 2017 but kept their California home, just in case they reconsidered. In October 2017, the Tubbs Fire ripped through Santa Rosa (among other places) and their California home was destroyed.

“We picked up the five or six things that survived the fire and came up here to Oregon,” Doherty says. He went to work for his attorney friend as a legal assistant while he waited for the next Oregon bar exam. After passing the bar, he started his own estate planning practice in Medford.

“My whole career was centered on helping people. I eventually decided on estate planning because from personal experiences, I knew how important it is to have good estate planning,” he says. “Good estate planning is like fire prevention. In fire prevention, you’re trying to help people mitigate the effects of a fire. Good estate planning is helping people mitigate issues if they become incapacitated or die.”

Katy Molloy, Accountant



Katy Molloy

Katy Molloy actually wanted to attend law school after finishing undergrad in her 20s, “but it wasn’t the right decision for me back then.” So, she pursued an accounting career and built up 20 years of experience.

By 2019, she was working in an accounting role at the University of Oregon. The college atmosphere provided some inspiration for her to shift gears in her 40s. “I thought the law was interesting and that a law degree might help me advance my career,” Molloy says.

As an older student, Molloy saw advantages in that she was more settled than some of the students in her cohort and had a couple

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decades worth of time-management skills to her credit. “I also knew how to evaluate the information I was provided with professional skepticism and not take everything my professors said at face value.”

It wasn’t easy, however, juggling law school with family and attempting to work full-time. Molloy says she went light on her 1L classes, using nights and weekends to get her homework and studying done. By her 2L and 3L years, she opted for part-time employment to ease the load, allowing her to take more classes and graduate on time with her cohort. She also had to be selective in how she built her law experiences.

“I only did the extracurriculars I was really interested in, such as mock trial, Frohnmayer Leadership, Wills for the Underserved and the *Oregon Law Review*,” Molloy explains.

By 2022, she graduated from U of O School of Law. She now works as a deputy district attorney. Working for the county provides the benefit of participating in the Public Service Loan Forgiveness program, which allows some of her loans to be forgiven.

Now, she boasts she’s working in her dream job, which would not have been possible if she listened to the skeptics when she was making her major life change.

“I remember someone asking me, ‘How old will you be when you graduate?’ My response was, ‘The same age I’ll be in three years if I don’t go to law school.’”

Bruce Lepore, Homeowners Association Manager

Bruce Lepore makes it clear: If he had to take on any debt to go to law school in his 40s, he wouldn’t have done it. And, if he

didn’t have a job already lined up after attaining his law degree, he wouldn’t have done it.

A self-described “hippie” and “wanderer” in his 20s, Lepore studied creative writing and poetry during his undergrad days with no thoughts of a professional career. By the time he turned 30, he realized “trying to understand the meaning of life doesn’t pay very well.” He ended up in Tokyo working as an executive search consultant (a “headhunter” Lepore says) for financial services companies. The money was good, and he stayed on that career path for 10 years before relocating to Bend to help care for his aging parents.

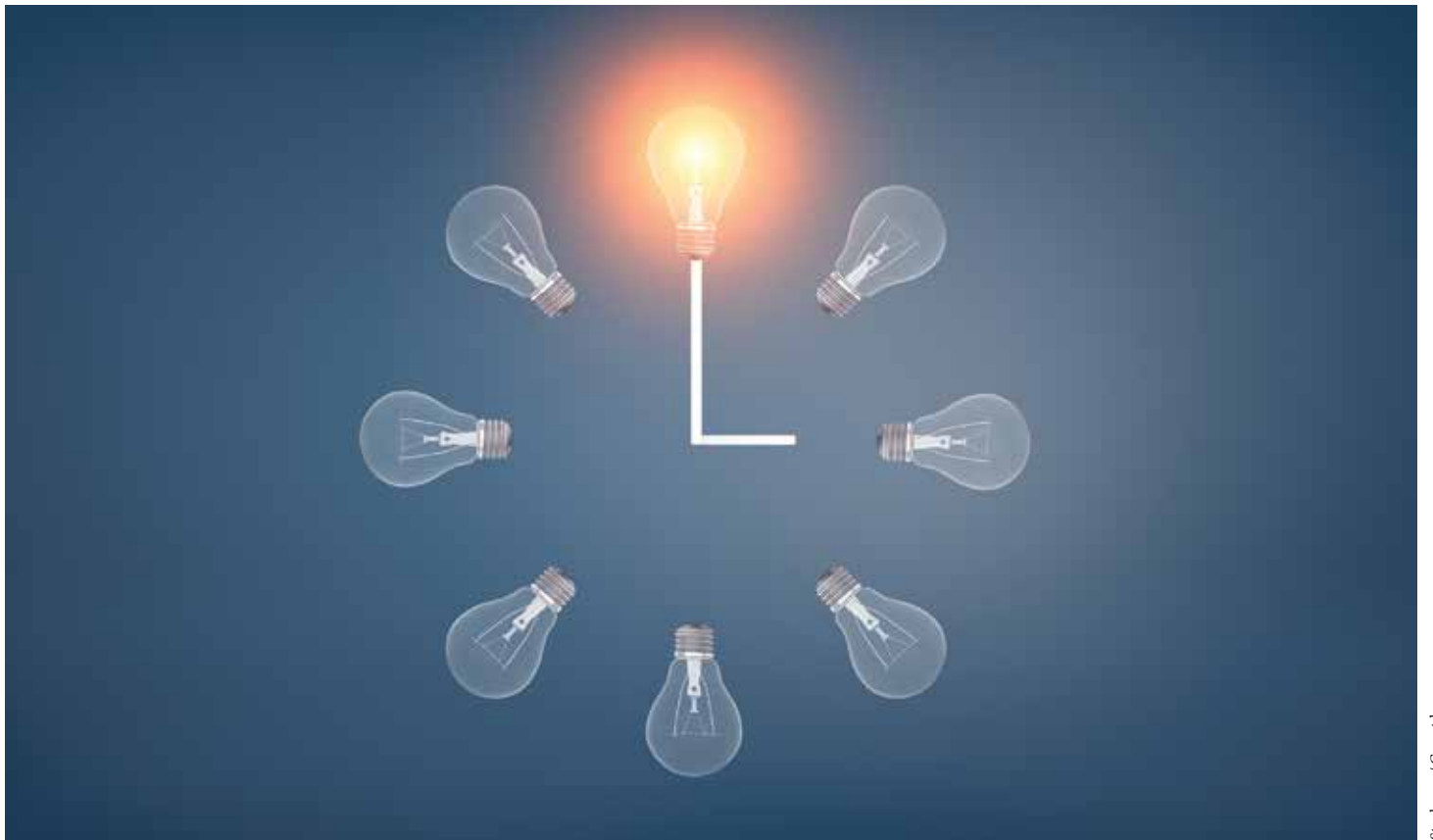


Bruce Lepore

In Bend, he attended culinary school with dreams of opening a restaurant but “chickened out” for fear of losing his savings. He ended up buying his mother a condo, attended the owners’ meeting and got roped into a volunteer treasurer position on the board. At the first board meeting, he talked to the condo association manager, who offered him a job opportunity for HOA management in her firm.

“What I found with managing HOAs was that I had a particular knack for the law of HOA governance,” Lepore says. During this time, Lepore met Kevin Harker, who had his own law firm. The two had mutual clients, became friends and eventually agreed that if Lepore went to law school, they’d form a partnership once he was done.

Armed with job security and a decent nest egg, Lepore secured a partial scholarship to Lewis & Clark School of Law to begin his



next chapter. His mindset was to “get through law school as fast as I could,” so he took a bunch of classes during the summer after his first year, then did an externship during the second summer in which he got paid and received credit. Another part of his motivation to take on the challenge of law school in his 40s was to prove something to himself. Lepore felt as if he somewhat squandered earlier academic opportunities, coasting through undergrad and not finishing his master’s thesis. At Lewis & Clark he thrived, finishing law school in 2 1/2 years and third in his class.

At this accelerated pace and with an end goal already in mind, Lepore didn’t participate in any clubs or take part in on-campus interviews. He also had family responsibilities with a 4-year-old son and his wife working part-time. The speed and intensity with which he approached law school definitely led to some conflict at home, he admits.

Now, six years removed from law school, Lepore still works with Harker. They primarily represent homeowner and condo associations with some real estate and civil litigation mixed in as well. At first, it wasn’t what he was anticipating, as there is more litigation and less advisory work than expected, but he’s warmed up it now.

“It’s never a dull day. I like the challenge of it. I’m pretty entrepreneurial in general, so I like running a business,” Lepore says.

Christine Mosier-Cryslar, A Little Bit of Everything

Twenty-one years had passed since Christine Mosier-Cryslar graduated from the College of Idaho with a degree in anthropology and sociology to when she enrolled at Concordia University School of Law in Boise, Idaho. In that time, she had worked as a juvenile probation and parole officer, a stay-at-home mom, a preschool teacher and a treatment court coordinator/family law facilitator at the Malheur County Circuit Court (before funding ran out for her position after eight years). She then held several positions at Lifeways Behavior Health, including a drug and alcohol counselor, clinical supervisor, auditor and compliance officer. None of those positions required her to go back to school.

“I had to re-learn how to learn,” Mosier-Cryslar says of starting law school at the age of 44 in 2015. “The last time I had been in college, the internet was not something that was widely used or accessible. When I started law school, it was so different. Everything was digital.”

She admits she almost quit after her first semester. She had passed her classes but one grade in particular was the lowest she had ever received in her life. A pep talk from her husband encouraged her to at least give the second term a try.

“Something clicked in me and I completely turned it around. I was able to better understand the reading and had a better handle on what was needed to be successful,” she says.

Looking back, Mosier-Cryslar says she wouldn’t have been successful going straight from undergrad to law school. Working provided her perspective ... and motivation. She had worked enough jobs to understand how a higher degree would allow her to advance. She also had the benefit that her aunt, Carol Skerjanec, followed a similar late-to-law path. Skerjanec worked as a paralegal for more than 20 years before earning her bachelor’s, then law degree,

in the early 1990s. “If she could do it, so could I,” Mosier-Cryslar remembers thinking.

Mosier-Cryslar did it ... but also came out with \$165,000 in debt. “The decision to go to law school in my 40s was not a sound financial decision,” she admits. But, at the same time, she has been paying down her mortgage for the last 23 years and has just seven years remaining. “If I had gone the more traditional route, I would have not been able to buy a home for several years after graduating. I keep telling myself it will all balance out.”



Christine Mosier-Cryslar

Another potential roadblock to Mosier-Cryslar’s success was that she graduated law school in 2019 and started her Vale solo practice at the start of the COVID pandemic. It wasn’t how she expected to practice law, but she adapted. Now, she can’t imagine being in an office all the time.

“I didn’t attend a court hearing in person for the first two years of practice. This caused me to develop my practice in a way that would allow me to work from anywhere that I had access to the internet,” Mosier-Cryslar explains, adding that purchasing a web-based case-management system was money well spent. “I love that I have the flexibility to work at 4 a.m. from home, coffee in hand and still in my pajamas.”

This also has helped her personally as she is assisting her retired parents who live in Ontario, as well as caring for her husband, who has been medically retired for the last year. With her first grandchild on the way, she expects to utilize her flexibility to support her daughter and her husband with their family.

Five years into her practice, Mosier-Cryslar knows she made the right decision. Throughout her life, she says she was searching for something that would bring her professional joy. Law school always felt right to her, even if she got a much later start than most.

“When I first talked to my aunt about wanting to go to law school, her advice to me was, ‘Don’t let anyone or anything stop you if that is what you want.’” ■

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



Busy With the Boomers

**Elder Law Focuses on a Growing Population
With Acute Legal Needs**

— By Cliff Collins —

New bar members or established attorneys looking to change their practice area can find a promising prospect in the burgeoning field of elder law.

It is a broad area of the law that is in increasing demand, with the number of potential clients large and only expected to grow. Further, the roster of practicing lawyers specializing in that field is shrinking as practitioners retire. “There’s a huge need for it,” says Nathan A. Rudolph, an attorney with Rudolph & Edgel in Lake Oswego. “We’ve got an aging population. Also, we’re dealing with high rates of cognitive impairment and cognitive decline.” The aging of the enormous baby boomer population and the concurrent transfer of wealth present “a lot of opportunities for elderly people to be victimized, and for a lot of disputes arising out of those wealth transfers,” he says.



Nathan Rudolph

In addition, as many elder law attorneys retire, “not a lot of younger attorneys are going into these areas,” Rudolph says. Those factors combined translate into overloaded practices for elder law attorneys currently practicing. “Everybody I know in this (specialty) is busy.”

“It’s extremely busy,” agrees Corey P. Driscoll, a sole practitioner in Bend, “honestly, more than I can handle.” He points out that within the field, different elder law attorneys focus on different aspects of it, which means opportunities for lawyers in a wide variety of areas.

attorneys focus on different aspects of it, which means opportunities for lawyers in a wide variety of areas.



Corey Driscoll

Elder law has become an established specialty that encompasses estate planning and administration, special needs planning, long-term care planning, protective proceedings such as guardianships and conservatorships, and disability law.

“So many different areas of law interact or intersect with it,” notes Alana J. Hawkins, who chairs the Oregon State Bar’s 543-member Elder Law Section and is an attorney with Kueny Law, who divides her practice

between Salem and Lake Oswego.

Among the 50 states, Oregon ranked 11th highest in terms of the percentage of its population over age 65, according to the 2020 census. At 19.2%, its percentage is slightly higher than that of Arizona. By comparison, according to the U.S. Administration on Aging, residents 65 or over represented 17.3% of the national population in 2022. That is expected to grow to 22% by 2040.



Mark Williams

Hawkins emphasizes that the need for more elder law attorneys in the state has increased due to the large number of Oregon seniors, and particularly the rise in retirements of practitioners since the pandemic. Not surprisingly, these factors are especially at play in rural communities, notes Mark M. Williams, a Junction City elder law attorney who was one of the first Oregon attorneys to help carve out the specialty.

“I was in on the ground level,” he says.

When he was in law school at Notre Dame and then joined the OSB in 1982, no specialty of elder law per se existed other than a scattering of lawyers around the country who handled aspects of it such as



Alana Hawkins

wills and trusts. In law school, Williams focused on its public interest law tract, aiming to become a legal aid attorney.

As the 1980s unfolded and he worked in various positions in Oregon, Williams and a few other Oregon lawyers such as Tim Nay and Cindy Barrett helped form the OSB’s Elder Law Section, with Barrett serving as its first chair. Nay also played a key role at the national level, co-founding the National Academy of Elder Law Attorneys and serving

as its inaugural president.

Assisting Those Who Need It Most

Rudolph’s practice emphases include estate planning, probate, guardianships and conservatorships, and trust and estate litigation. He commonly sees older adults who live alone and can no longer safely take care of themselves, but either have no one who can provide care or are unable to pay for it. Another common occurrence is when seniors become victims of scams. Scammers “specifically target elderly people,” he says. “A lot of times the perpetrator is unknown, and massive amounts of assets are lost in these scams.” He also encounters many disputes when a person dies without a will or without one that is “validly executed,” he says.

Veteran elder law attorney Theresa Hollis, who specializes in probate and estate planning, has especially liked handling emergency guardianships and conservatorships and working to improve Oregon’s guardianship system through her career.



Theresa Hollis

“I value helping people in times of crisis by making the legal system understandable,” she says. “I pride myself on being reliable and thorough in my work, while striving to take the mystery out of the legal process.” At Willamette University College of Law, she took classes on elder law and estate planning, and was excited that these fields dovetailed perfectly with her bachelor’s degree in psychology from Linfield College.

A longtime member and former chair of the OSB Elder Law Section, Hollis was one of the founding members and former president of the board of the Oregon nonprofit Guardian Partners. Guardians are appointed by the courts to make decisions on behalf of people who are unable to make those decisions for themselves. The organization provides education for newly appointed guardians and other fiduciaries in addition to collaborating

with Oregon courts to monitor existing guardianships. Guardian Partners' goal is to ensure the welfare and safety of protected persons under guardianship in Oregon, she explains. In 2017, Hollis, who has practiced for 25 years with Fitzwater Law in Milwaukie, was recognized with the OSB President's Public Service Award for her work with the nonprofit.

Hollis says that some of the most satisfying work she does is as a longtime volunteer for Legal Aid Services of Oregon's Senior Law Project, which offers free legal advice to seniors who qualify. "Seniors are often our most vulnerable citizens," she notes. "They can be so relieved and thankful to have someone to listen to them and help resolve their legal issues."

As for the practice of elder law, she calls it "a wonderful area of law." She encourages attorneys who are starting out or looking to make a change to consider that specialty. "You really feel like you're helping people." She cautions, however, that elder law and estate planning can be stressful, and that you "have to be prepared to help people with legal issues involving death and dying."

Bend's Driscoll, who handles probate, trust and estate planning, guardianships and long-term care planning, says the field "requires a lot of empathy." He agrees it can be stressful, but more so for those involved in litigation and with tight deadlines.

"I started out as a trust and estate litigator, but the part I liked was helping people," Driscoll says. Often his cases focus on "crisis planning," for which he enjoys solving problems and finding solutions.



Nathan Parker

Nathan M. Parker, with Parker & Griffith in Salem, devotes 75% of his practice to professional fiduciary work. He observes that the work can be "emotionally draining because of how intimately we become involved with family dynamics and emotions. It's not easy; there are a lot of upset families who have different opinions on how their loved ones should be cared for and how their money should, or should not, be spent. It can be very difficult stepping in as a neutral third party to

make those decisions."

But he derives personal satisfaction from the work, because he is able to see that what he does affects people's lives positively.

"As we look at people whose assets are being taken away, there's a huge need for representation," says Parker, who represents many clients who have been abused or neglected. "I think I've helped people in a real way, making sure they are taken care of."

A fiduciary's fees can be paid only upon court approval, typically once a year, he explains. "I prefer fiduciary work over legal work. I think it's a great area of law. But becoming a fiduciary can be very difficult. The way we get paid is uncommon. It took two years before I started bringing in any new income. The first couple of years were really lean; you have to be able to survive." He attributes his success to his ability to buy a practice.

Gratifying Work

Hawkins, the section chair, specializes in long-term care planning. Some of this planning includes those for emergencies. A typical

example of such a case would be when a spouse or a parent requires long-term care (such as in-home care services, assisted living, memory care, nursing care, etc.) and the spouse who does not need care, or those family members responsible for their parents' well-being, want to know more about what care resources and financial resources are available to their loved one.

"It is really gratifying to help families with difficult issues," Hawkins says, "to help in accessing benefits and help people in crisis."

A native Oregonian, Hawkins went to law school in California, then practiced public benefits law in the Bay Area before returning to Oregon about a decade ago. She found the community of elder lawyers supportive and welcoming.

The Elder Law Section offers CLEs, actively engages and seeks out a variety of CLE speakers, and encourages participation of its members. For example, the CLE and newsletter subcommittees are always seeking new CLE speakers and newsletter authors.

"We're conscious of geography, and include those from all over Oregon," she says. "Different communities have different challenges and types of resources." To encourage law students and new lawyers, the section features a scholarship committee and gives informational presentations for law schools to talk about elder law.

Like Driscoll, Junction City's Williams preferred working with and solving problems for families rather than litigating. A fifth-generation Oregonian raised in Cottage Grove, Williams takes what he calls "a holistic approach" to estate planning and the needs of paying for long-term care via Medicaid. He also handles contested guardianships and conservatorships, and advanced decision-making and financial management. He has substantial experience in estate planning including wills, trusts, domestic partnerships and probate estates.

At one time, he lived next door to his maternal grandparents and saw them both endure illnesses. "That was my first exposure to elder law," says Williams, who practices with Jordan Williams. "It set the stage for me about the need to have a more holistic approach."

Williams was able to gain the state's first income cap trust for a client. The intent of such a trust is to help clients qualify for Medicaid benefits for nursing home care if their gross income exceeds the low allowed Medicaid amount. He chairs the Residential Ombudsman & Public Guardian Advisory Board and has served as an adjunct professor at the University of Oregon School of Law. Williams also is a former general counsel for the Oregon State Bar and a past chair of the Elder Law Section of the OSB.

Elder law is "so consistent with my philosophy of wanting to do work in the public interest," he says. "You can do a lot of good for people, which is why I went to law school."

Williams worries that not enough young and new attorneys are choosing the field. "I don't see many coming in." He says he works to spread "the gospel of elder law. We were successful; now it's up to the next generation. It's such good work, and there's so much of it. It's a good living." ■

Cliff Collins is a Portland-area freelancer. Reach him at tundra95877@mypacks.net.

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Blake Hutchins Has Worked in Law, Sci-Fi Writing and Game Development

Not Afraid to Change

By Brooke Strickland



Bulletin Photo File

Blake Hutchins

Blake Hutchins could be described as a polymath, and he has a career journey to prove it. He got his start as a public defender in Roseburg in the mid-1990s, later served as in-house counsel for a software company, then was a contract negotiator with Symantec for almost three years — a legal-adjacent role that allowed him to engage with enterprise-level software contracting.

When a friend introduced him to a full-time job as a science fiction writer at the studio Dynamix, Hutchins jumped at the opportunity. The company needed “day in the life” stories set in their epic futuristic military game that featured robot combat. The job itself, however, was a bit of a nightmare. For months, he put in 60+-hour weeks as part of a game development team working on a triple-A product release. The product launched, he took a week’s vacation and when he returned ... found out the studio had cut half the team.

“It was sort of a *Princess Bride* work environment: ‘Goodnight, Blake, good job. Most likely kill you in the morning,’” he jokes.

The Winding Journey

From there, Hutchins and others ventured out to start their own game companies. He and a group of what he calls “misfits” founded Tesseract Games, an S corporation that eventually produced the game *Enigma: Rising Tide*. He served as the vice president and writer at the company and oversaw historical research, as well as the crafting of press releases and all backstory materials.

“None of us had any experience running our own company,” he explains. “We rented a barebones warehouse space in west Eugene, a Quonset hut kind of building where we slammed in some desks and fiber connectivity, then worked like squirrels on Ad-derall for a couple of years. Our game sold reasonably well for a small release, but in the end, we didn’t see any real revenue.”

So, Hutchins returned to the software industry, securing a job managing tech support and IT teams for a rapidly growing company that expanded from 28 to 120 employees in just over a year.

Yet, law kept calling.

In 2019, he learned that a close relative had been stealing money from his mother who was living with multiple myeloma. He intervened and secured power of attorney, moved her to Oregon and took on the job of caretaker until the end of her life. That experience spurred him to consider reentering the legal world to practice elder law and in 2023, Hutchins connected with the Springfield law firm, Thorp Purdy Jewett Urness & Wilkinson.

They asked if he would be interested in assisting with their municipal law practice instead.

“I didn’t set out to practice municipal law, but that area turns out to be a great fit for me,” he says. “My background is a Swiss Army knife mix of different experiences: contract and employment law, business management and negotiation, plenty of client counseling. I’d been around the block and wasn’t new to legal practice. Municipal law touches on a lot of different areas, so that worked out very well. I’m very glad I landed here.”

With just under two years of experience at the firm, Hutchins has become the employment law specialist there.

“I hit the ground running and haven’t stopped. My business background has proven helpful in understanding and communicating around client issues,” he says. “There’s often significant overlap between management practice and legal risk. Businesspeople tend to be a lot more risk tolerant than attorneys, especially if they’re entrepreneurs.”

A Life of Learning

With an undergraduate degree in international relations and a secondary school teaching certificate in social studies from the University of California, Davis, a business degree from Capella University, and a juris doctor from the University of Oregon, it’s no secret that Hutchins has a thirst for knowledge.

Coming back to the field of law after a nearly 20-year hiatus was “bracing,” Hutchins describes, but his adaptability and willingness to learn has put him on a trajectory for continued success.

“In a career context, the key for me has been a combination of creativity, empathy, adaptiveness and a love of learning new things,” he explains. “The best advice I received when I was in law school about being a lawyer was that there’s a reason they call it a practice. The concept of practice includes



During Hutchins' near-20-year break from practicing law, he worked as a science fiction writer, game developer and a manager for tech support and IT teams. He is pictured with Craig Maitlen (left) in 2000.



Hutchins always finds time to spend with his opinionated cat, Krypton.

making mistakes and learning from them, so I try to cultivate beginner's mind as much as possible. And you can't take yourself too seriously. I have made plenty of mistakes along the way, so humility is an essential survival trait."

After his previous career in technology and software, Hutchins is keenly interested in what's coming down the pipeline and spoke of how artificial intelligence will have an impact on the legal industry. He is poised

and ready to learn how that will transform his job — and those of his support staff.

"Like other software technology, I suspect its capabilities will evolve much faster than we think it will," he says. "What impact all this will ultimately have on legal practice is hard to predict with certainty. Some twists will come out of the left field. It will certainly be liberating in some ways, challenging in others. You don't need to be a sci-fi writer to make that prediction. There will always be a need for human judgment and advocacy, though programmers often don't see it that way. About 20 years ago, a coder friend once argued that everything would be better if judges were replaced with computer programs, because 'the law would be applied with 100 percent accuracy.' That's a colossal misunderstanding about how the legal system works."

He also believes that clients will need guidance on how to handle AI, too, and sees that as a growth opportunity for legal practice. Already, his firm has worked on crafting an AI policy for local governmental clients.

What's Ahead

Hutchins shared that he's inspired by his father who taught him lessons on integrity, courage and kindness, so when he looks at the future, his end goal is to leave

the world better than he found it. He is considering ways to do more community resilience work, volunteer and ultimately, use his diverse set of skills to help people who just need an extra hand. With his current firm, he's already had the opportunity to assist a few clients with pro bono service, and he describes that as immensely rewarding.

One thing is certain: Hutchins doesn't have any plans to abandon his creativity. He loves long-form writing, has a story coming out in *The Magazine of Fantasy & Science Fiction* later this year and has a manuscript in progress that is already in the 150,000-word range.

His advice for up-and-coming professionals in the legal field? You're not stuck in what you're doing now. If you aren't happy or feeling fulfilled with your current circumstance, don't be afraid to change horses.

"When I was a young boy back East, it was common to go out in the summers at twilight with friends and catch fireflies in a jar," he recalls. "You'd be out standing in the grass as the sky darkened to night holding this little speckled glow. I'd let the fireflies go after a while because they wouldn't live long ... but for a little while it was magical — a moment of stillness and contentment. I try to see my achievements, whatever they may be, like holding fireflies. Enjoy them while you catch them, let them go, then go find new ones to chase." ■

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results in an incessant stream of cortisol and adrenaline being released into the body and a buildup of adrenaline and lactic acid. The buildup of lactic acid is so continuous, it cannot be adequately removed from the body, causing inflammation, muscle soreness, insomnia and irritability. This condition gradually burns out the adrenal system and leads to “burnout.” Long-term mental and physical health problems such as anxiety, depression, social isolation, panic attacks and general malaise result, as well as physical decline including thyroid disease, heart disease, obesity, arthritis and Type 2 diabetes.⁸

How can you know for certain you suffer from chronic stress? You can consult with an endocrinologist or ask your primary care physician to take a blood test and examine your stress hormones.

How to Combat Chronic Stress

Seeking help from a mental health specialist or therapist may not be as effective as we previously thought. In her 2024 *New York Times* bestselling book *The Autoimmune Cure*, Dr. Sara Szal Gottfried reveals those with Post Traumatic Stress Disorder (PTSD) and HPA-axis dysregulation suffer systemic inflammation that renders cognitive behavior therapies (CBT) largely ineffective. If you have suffered a particularly traumatic event — divorce, abuse, systemic racism, poverty, etc. — you may have endured decades of CBT without meaningful gains.

Gottfried, a Harvard- and MIT-educated integrative medicine doctor, also notes the low correlation between pharmaceutical antidepressants, which have traditionally been prescribed for symptoms of chronic stress like depression and anxiety, citing efficacy around 14%.⁹

In addition, ingesting the pharmaceuticals typically wreak havoc on the gastrointestinal system, which further dysregulates the HPA axis, as well as the brain gut microbiome axis (BGMA), resulting in leaky gut, which in turn creates greater systemic inflammation.¹⁰

Instead, Gottfried recommends exploring psychedelic-assisted therapy, such as MDMA, ketamine or psilocybin, all of which have a much greater rate of success.¹¹ For those not inclined to seek out alternative therapies, there is good news — maintaining regular exercise, sleep, hydration and mindfulness can help a great deal.

Exercise

Unfortunately, key symptoms of chronic stress are fatigue and low energy, which

reduce one’s desire to get the minimum recommended 30 minutes of daily exercise. The brain and body are intricately connected — emotional traumas result in stress and fatigue the body, and at the same time, regular exercise releases cortisol, which reduces bodily inflammation and restores homeostasis — ultimately reducing stress.

The best thing you can do to reduce your stress is get moving! Not only do you breathe deeper when engaged in brisk movement, but blood pumping will clear out stores of cortisol, relieving muscle tension. According to Harvard Medical School, “Movement therapies such as yoga, tai chi and qi gong combine fluid movements with deep breathing and mental focus, all of which can induce calm.”¹²

Sleep

Similar to exercise, chronic stress tends to result in insomnia, because a racing mind will temper one’s ability to relax and some hormones are designed to keep the mind alert and out of danger.

However, the sleep-stress relationship is bi-directional. If one can increase sleep, stress of all types tends to reduce because the body has an opportunity to achieve homeostasis. Certainly, increasing exercise is helpful to increasing sleep, but additional measures need to be followed, such as good “sleep hygiene.”¹³ Sleep hygiene is a term that refers to the “healthy habits, behaviors and environmental factors that you can take charge of to help you get a good night’s sleep,” says the Cleveland Clinic’s Dr. Nancy Foldvary-Schaefer. The circadian rhythm refers to one’s unique sleep-wake cycle, which in turn influences functions like emotional regulation, digestion, cognition and hormones. Maintaining good sleep hygiene relies on your ability to maintain a strict routine of going to sleep and waking up at the same time. Of the two, establishing the same wake-up time is actually more important, according to Foldvary-Schaefer.

Community

One of the more surprising findings is just how critical community support is to decreasing chronic stress. “Social support is exceptionally important for maintaining good physical and mental health. Overall, it appears that positive social support of high quality can enhance resilience to stress, help protect against developing trauma-related psychopathology, decrease the functional consequences of trauma-induced disorders, such as posttraumatic stress disorder

(PTSD), and reduce medical morbidity and mortality,” write the authors of the NIH article “Social Support and Resilience to Stress.”¹⁴

Dr. Lorenzo Cohen, the Richard E. Haynes Distinguished Professor in Clinical Cancer Prevention and director of the Integrative Medicine Program at The University of Texas MD Anderson Cancer Center, and author of the book *Anti-Cancer Living*, also emphasizes the importance of supportive community to the successful treatment of cancer and its related pre-cursor, chronic stress. Find a group of people with whom you can enjoy non-work activities. Laughing, sharing a homemade meal or creating art are all important activities, not only because they distract the mind from incessant loops of professional worry, but during the process authentic and supportive relationships are fostered, which can reduce stress-induced cortisol release.¹⁵ ■



Melissa Jaffe is the owner of the Law Offices of Melissa B. Jaffe in Portland and offers mindfulness retreats for lawyers. Visit blissness school.com to learn more.

ENDNOTES

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Evolving Trends for Coverage in 2025

Cyberinsurance and Cyberattacks

By Michael C. Maschke, Sharon D. Nelson and John W. Simek



istock.com/Vertigo3d

Cyberattacks continue to evolve as technology advances, and so do the methods by which attackers attempt to compromise business and personal email accounts, computer systems and cloud-based services. The introduction of artificial intelligence (AI) into attackers' processes and software has further fueled an already raging fire. Cloud service providers, like Google, are not immune either, with Google recently warning its roughly three billion users of advanced AI-driven phishing attempts and phone scams targeting Gmail accounts.

Law firms are struggling to keep up, with some more prepared to defend their information systems than others. Most are playing catch-up to a goal line that is constantly moving farther and farther away. Cyberinsurance carriers, having paid out

substantial amounts of money in claims during the pandemic, are also evolving their business practices.

Cyberinsurance carriers are shifting toward a comprehensive policy approach, moving away from offering traditional policies that cover only immediate financial losses from cyber incidents, such as ransomware attacks and data breaches. Businesses need coverage from prevention to post-breach support and are starting to wake up to this realization.

The shift toward comprehensive coverage is a new trend in 2025, with businesses seeking coverage that addresses multiple layers of protection, including not only direct financial loss but also monitoring, assessments, training and other cybersecurity protections that can be critical in mitigating potential threats.

Increasingly Popular Types of Coverage

It never hurts to be informed about the various types of policies available for your firm, especially when your cyber insurance coverage comes up for renewal. Cyberinsurance carriers are seeing a significant increase in demand for the following types of coverage areas:

Data Breach Coverage. Covers costs related to a breach, including legal fees, notification fees, and services offered for affected individuals.

Business Interruption. Covers loss of revenue of operations due to a cyberattack.

Cyber Extortion. Financial reimbursement for businesses that fall victim to a ransomware attack.

Incident Response and Forensic Services. Covers the costs of experts who respond and investigate a breach.

Reputation Management and Legal Expenses. Covers public relations efforts and legal costs post-breach.

Cyberinsurance carriers are shifting to more comprehensive coverage to address the evolving landscape of cyber threats, covering a wider range of risks, as well as compliance requirements such as GDPR and CCPA that businesses must comply with. Additionally, they are recognizing the growing need for post-breach support, which companies require more than ever.

Understand that comprehensive policies don't come without added costs — let's not get ahead of ourselves. Insurance companies should never be confused with charities. We expect that you already know that, to your consternation. Expect to see insurers start to switch to dynamic-based pricing

models, dependent on the insured's risks or the likelihood of them experiencing a cyber incident within the coverage period. The one-size-fits-all pricing model has become outdated due to the increasing risk that businesses face from cyberattacks. Consequently, insurers are now using AI models to determine policy pricing for businesses. Are you groaning yet?

How Does This Affect Your Firm?

As insurers move toward AI models to dynamically determine premium pricing and overall coverability, these models ingest data from your applications and leverage real-time information from continuous monitoring tools, vulnerability scans, breach history and even whether your employees have recently completed a cybersecurity awareness training course. The carriers may require that you implement certain software agents to perform the data collection that is fed to the AI model. Make sure that any transmitted data does not include any client confidential data.

What does this mean for your firm? More than ever, it's essential to be proactive in implementing cybersecurity measures, protections and education. Because this data is now being evaluated by AI models to determine your business' risk, along with real-time vulnerability scanning results that insurers are rolling out, it has a direct correlation with your premium and whether it needs to be increased or lessened (hopefully), depending on how serious you are about protecting your firm's assets and client data from cyber threats.

With this potential added benefit, there is no time better than now to be proactive about your firm's cybersecurity posture and protections. When to begin this process? Immediately! ■

Michael C. Maschke is the President and Chief Executive Officer of Sensei Enterprises, Inc. Mr. Maschke is an EnCase Certified Examiner (EnCE), a Certified Computer Examiner (CCE #744), an AccessData Certified Examiner (ACE), a Certified Ethical Hacker (CEH), and a Certified Information Systems Security Professional (CISSP). He is a frequent speaker on IT, cybersecurity, and digital forensics, and he has co-authored 14 books published by the American Bar Association. He can be reached at mmaschke@senseient.com.

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Have an Item for the *Bulletin*?

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

Submissions are subject to editing and published in the order received.

The *Bulletin* publishes photographs (single headshots only) in "Moves" and "Among Ourselves" and "In Memoriam." The fee is \$20 for each photograph. The notice itself is free.

Paid professional announcements are also available. Please contact Ronnie Jacko at (503) 445-2234, ronnie@bigredm.com

Questions? Call the *Bulletin*, (503) 431-6340 or (800) 452-8260, ext. 340.

Announcing a Convenient New Pro Bono Program

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



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BAR NEWS

Lawyer Volunteers Needed for July Bar Exam

Volunteer lawyers are needed to serve as proctors for the July Oregon bar exam in Eugene, Portland and Salem. This is a great opportunity to offer a day or two in service to the profession and to future lawyers. The exam will take place on Tuesday, July 29, and Wednesday, July 30, on the campuses of Oregon's three law schools. Proctors will oversee an exam room of approximately 30-80 examinees. Proctor duties include maintaining control of exam materials, ensuring exam protocols are followed, monitoring for signs of cheating, responding to questions about exam protocols and reporting any issues to the admissions site lead.

On exam days, proctors need to be on site from 7 a.m. to 5 p.m. with a one-hour lunch. The bar will provide a light breakfast, lunch or a \$31 per diem instead of such meals. The bar also reimburses mileage at the IRS rate. The preference is that members serve both days, but we also welcome one-day volunteers. Volunteers must be active or inactive OSB members in good standing with no pending bar complaints or disciplinary matters. Additional requirements are available at sign-up time. If you are interested in volunteering, please sign the nondisclosure agreement found at tinyurl.com/OSBAdmissionNDA and submit through the volunteer SmartSheet at tinyurl.com/July2025BarExamVolunteer by June 30, 2025.

May Is Well-Being Month in Oregon Law

In May 2024, the Oregon Attorney Assistance Program (OAAP) created the OAAP Well-Being Month in the Oregon legal community, which is a month-long program in recognition of National Mental Health Awareness Month. Watch for broadcast emails from the OAAP for the new 2025 events and programming.

PLF 2024 Annual Report

The OSB Professional Liability Fund 2024 Annual Report is now available on the PLF website. Visit osbplf.org > About > Annual Reports to download the report and learn more.

MCLE Reporting Deadline Is June 2

The deadline to electronically certify and submit MCLE reports for those members whose reporting period ended April 30 is Monday, June 2. OSB members must complete 45 MCLE credits in each three-year reporting period. Special requirements apply to newly admitted and reinstated members. To view your MCLE reporting status, visit hello.osbar.org and view your Member Dashboard. More details about MCLE reporting can be found at osbar.org/mcle/index.html.

2024 OSB Awards Nominations Due June 3

Nominations for the 2025 OSB Annual Awards are due by 5 p.m. on Tuesday, June 3. Electronic submissions are preferred and should be sent to cpetrecca@osbar.org. Printed nominations should be mailed to: Oregon State Bar, Attn: Awards, P.O. Box 231935, Tigard, OR 97281-1935. For further assistance, contact Cathy Petrecca via email or at (503) 431-6355 or (800) 452-8260, ext. 355. The nomination form can be found at osbar.org/osbevents.

Take Necessary Steps to Receive OSB Emails

The OSB sends all regulatory notices via email to the email address we have on file. Because of the vital nature of these communications, please be sure to keep your email address current in our system. Also, have your IT team add the following IP address and sending domain to your allow list: IP address — 205.201.41.151; Sending domain — informz.net. If you need assistance updating your system, email it-support@osbar.org. ■

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BAR ACTIONS

Discipline

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

GARY M. BULLOCK

OSB #660229

Portland

Public reprimand

By order dated Feb. 19, 2025, the disciplinary board approved a stipulation for discipline and reprimanded Portland lawyer Gary M. Bullock for violating RPC 1.6(a) (duty to maintain client information) and RPC 3.4(c) (lawyer shall not knowingly disobey an obligation under the rules of a tribunal, except for an open refusal based on an assertion that no valid obligation exists).

In one matter, while in litigation with a former client, Bullock's firm was ordered to produce the former client's file. Bullock inadvertently failed to locate and remove documents from all other unrelated client matters that had been misfiled in the former client's file. After receiving the production, the opposing party informed Bullock that the production contained copies of documents from 25 unrelated client matters. Bullock's firm promptly made efforts to remedy the inadvertent production.

A second matter involved a protective order entered in litigation between Bullock's firm and a different former client, a victim of abuse who had changed her personal identifying information and address. The order prohibited placing the former client's "Confidential information, including her Social Security number, maiden/former name, birth date, contact information and any other personal identification information" in the public record. The former client later filed a complaint with the bar regarding Bullock's conduct. While the protective order remained in place, and with awareness that the bar was subject to the Oregon Public Records Law, Bullock submitted documents to the bar on more than one occasion containing the former client's personal

identifying information in violation of the order.

The stipulation acknowledged that Bullock's conduct was aggravated by his substantial experience in the practice of law and the vulnerability of his former client, a victim of abuse. Bullock's conduct was mitigated by an absence of a prior record of discipline, his character or reputation, the absence of a dishonest or selfish motive, remorse, full and free disclosure to the disciplinary board or a cooperative attitude toward the proceedings, and a timely good faith effort to rectify the consequences of his misconduct.

FREDERIC E. CANN

OSB #781604

Long Beach, Washington

Public reprimand

By order dated Jan. 31, 2025, the disciplinary board approved a stipulation for discipline and reprimanded Long Beach, Washington, lawyer Frederic E. Cann for violating RPC 1.7(a)(1) (accepting representation of a current client when that representation will be directly adverse to another client).

In April 2019, a wife and husband retained Cann to file immigration paperwork based on the wife's marriage to the husband.

On Nov. 19, 2021, while still attorney for the wife in the immigration matter, the husband retained Cann to divorce his wife. On Jan. 4, 2022, Cann filed the dissolution petition on the husband's behalf.

The wife initiated a Family Abuse Prevention Act (FAPA) proceeding against the husband in December 2021. While still the attorney for the wife in the immigration matter, Cann appeared on behalf of the husband in the FAPA proceeding by preparing and filing a withdrawal of the husband's request for a hearing in February 2022.

The stipulation acknowledged that Cann's conduct was aggravated by his prior disciplinary offenses and substantial experience in the practice of law. Cann's conduct was mitigated by an absence of a dishonest or selfish motive and a cooperative attitude toward proceedings.

JOSEPH M. DOMINGO

OSB #030943

Sherwood

60-day suspension

Effective March 15, 2025, the disciplinary board approved a stipulation for discipline and suspended Sherwood lawyer Joseph M. Domingo for 60 days for violations of 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), RPC 1.15-1(d) (duty to deliver promptly client property) and RPC 8.1(a)(2) (duty to respond to disciplinary inquiries).

Domingo settled a client's personal injury claim arising from a motor vehicle accident. Under Oregon's Payee Notification Law, the insurer's counsel notified the client on Dec. 12, 2023, that he was sending the settlement check to Domingo. Thereafter and until July 2024, the client asked Domingo multiple times for the status of her settlement disbursement. Domingo responded only once, in April 2024, apologizing for the delay and stating that he would process the disbursement soon. Finally, upon receiving notice that the client had made a bar complaint about his conduct, Domingo disbursed the client's net proceeds to her on July 23, 2024.

Although Domingo acknowledged receipt of the disciplinary counsel's July 2024 requests for information about the client's complaint, he did not respond until December 2024, after he was administratively suspended under BR 7.1.

The stipulation recited as aggravating factors multiple offenses and substantial experience in the practice of law. Mitigating factors included absence of prior discipline, absence of a dishonest or selfish motive, and remorse.

DOUGLAS L. SCHAEFFER

OSB #801034

Portland

Public reprimand

By order dated Jan. 31, 2025, the disciplinary board approved a stipulation for discipline and reprimanded Portland

lawyer Douglas L. Schaeffer for violating RPC 1.5(c)(3) (charging or collecting a fee denominated as nonrefundable or earned on receipt without required written disclosures) and RPC 1.15-1(c) (duty to deposit and maintain client funds in trust).

A client paid Schaeffer a \$5,000 non-refundable fee to defend him in a criminal matter. Their fee agreement stated that the client would pay Schaeffer \$400 per hour and that unearned portions of the fee would be returned and that the client could discharge Schaeffer for any cause. However, the fee agreement did not disclose that the advance fee would not be deposited into Schaeffer's trust account, as required by RPC 1.5(c)(3).

When Schaeffer received the \$5,000 advance fee, he did not deposit it into his trust account. At that time, he had earned \$1,500 at the \$400 hourly rate. Because \$3,500 of the advance fee represented unearned client funds, RPC 1.15-1(c) required those funds to be deposited into and held in trust until earned.

The stipulation recited prior discipline and substantial experience as aggravating

factors. Mitigating factors included absence of a dishonest or selfish motive, and full disclosure and a cooperative attitude toward proceedings.

BRENT J. GOODFELLOW

OSB #033277
McMinnville
9-month suspension

Effective April 21, 2025, the Oregon Supreme Court suspended Brent J. Goodfellow of McMinnville for nine months for violations of RPC 1.3 (neglect of a legal matter) (three counts), 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), 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), RPC 1.5(a) (charging or collecting a clearly excessive fee), RPC 1.7(a)(1) (accepting representation of a current client when that representation will be directly adverse to another client), RPC 1.15-1(a) (duty to hold funds belonging to clients or third persons separate from

lawyer's own property), RPC 1.15-1(c) (duty to deposit client funds into trust), RPC 1.15-1(d) (prompt return of client property on request), RPC 1.16(d) (duty to return client file after termination and refund unearned fees), RPC 4.2 (lawyer shall not communicate with a represented party without consent or authorization to do so by law or court order), RPC 5.3(a) (duty to ensure nonlawyer staff under lawyer's supervision is compatible with lawyer's professional obligations) and RPC 8.4(a)(4) (conduct prejudicial to the administration of justice) (two counts).

In one client matter, Goodfellow simultaneously represented a client in a probate matter and a wrongful death lawsuit. Goodfellow failed to timely shepherd the probate case toward resolution, prompting multiple court notices and hearings to address delinquent filings. After Goodfellow's representation ended, he failed to promptly account for funds he received on behalf of his client and failed to disburse funds to his client after collecting his attorney fee.

In another client matter, Goodfellow initiated a lawsuit. After one defendant failed to

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answer, Goodfellow failed to act, resulting in the court issuing a written warning to Goodfellow that the defendant would be dismissed from the case. The court subsequently issued a dismissal. Goodfellow failed to provide the court notice or otherwise update his clients regarding the dismissal despite repeated client update requests.

In another client matter, Goodfellow was hired to initiate guardianship and probate proceedings. Goodfellow failed to comply with statutory deadlines, prompting delinquency notices and court hearings. Due to inadequate training, Goodfellow's staff accepted payment of attorney fees directly from the estate prior to court approval and sent case information directly to represented parties.

In another client matter, Goodfellow deposited client funds into his operating account before they were earned.

In another matter, Goodfellow represented a client and his father in a litigation matter in which the two clients had directly adverse interests.

During a disciplinary investigation, Goodfellow provided confidential client information to the bar that had no relevance or connection to the allegations the bar was investigating.

The stipulation reflected the aggravating factors of a pattern of misconduct, multiple offenses and substantial experience in the practice of law. In mitigation, Goodfellow had no prior disciplinary record, absence of a dishonest or selfish motive, personal or emotional problems, and remorse.

JAMES R. ECKLEY

OSB #780368

Phoenix, Arizona

6-month and 1-day suspension

Effective Feb. 13, 2025, the disciplinary board suspended Phoenix, Arizona, lawyer James R. Eckley for six months and one day as reciprocal discipline for a suspension of the same length imposed by the Arizona Supreme Court. The Arizona court found that Eckley's engagement agreement with a client contained fee provisions that were vague, convoluted and open-ended, which prevented the client from knowing precisely what fees were being charged. The agreement also required the client to submit any fee dispute to private binding arbitration solely at Eckley's election, but at her shared expense.

The Arizona court found that Eckley failed to explain the terms of the representation

to his client to the extent reasonably necessary for her to make an informed decision whether to retain him, and that the agreement placed his personal interests above his client's. In seeking reciprocal discipline, the Oregon State Bar argued that Eckley's conduct violated Oregon RPC 1.4(b) (failing to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation) and Oregon RPC 1.7(a)(2) (self-interest conflict with a current client).

JASON P. MUNN

OSB #061674

Redmond

24-month suspension

Effective Sept. 23, 2024, the Oregon Supreme Court suspended Jason P. Munn of Redmond for 24 months for violations of RPC 1.1 (failure to provide competent representation), RPC 1.3 (neglect of a legal matter), RPC 1.4(b) (failure to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation) and RPC 8.1(a)(2) (failure to respond to disciplinary inquiries).

Munn was a public defender working for an indigent defense consortium with a state contract to take court appointments. A deputy district attorney became aware that in many of his clients' cases, Munn had not accessed most or, in some cases, any of the state's discovery, which was made available to defense counsel through an online system (Karpel). In many cases, Munn's clients had entered guilty or no-contest pleas and received significant prison terms without Munn reviewing discovery. After this conduct was reported to Oregon's Public Defense Services, the state hired the Oregon Innocence Project's Wrongful Conviction Review Program to review Munn's cases and files.

The bar discipline case focused on six specific client cases. In the Arthur case, Munn's client accepted a plea offer for a 72-month sentence upon revocation of probation. Munn had reviewed only the probable cause affidavit and spoke with Arthur, but did not review discovery, attempt to talk to witnesses or confirm with Arthur's probation officer to agree to let Arthur receive credit for time served, as Arthur had represented to him. Munn's failure to review discovery or conduct any investigation left him unable to adequately explain the matter

so Arthur could make an informed decision whether to accept the plea offer. The court found that Munn violated RPC 1.1, RPC 1.3 and RPC 1.4(b) in this matter.

Munn violated these same three rules in his representation of Sorenson, for whom the deputy district attorney had informed Munn that the state would not oppose a defense fitness-to-proceed motion. Munn delayed filing the motion for nearly two weeks after telling the court that he would do so, resulting in his client being jailed for four weeks without mental health evaluation or treatment. He also failed to take action necessary to facilitate a mental health court resolution of the case. Over the seven-month representation, he never reviewed discovery before signaling that Sorenson would accept the state's plea offer.

Munn was appointed to represent Hooper at an evidentiary balancing hearing in a case on remand from the court of appeals. At issue was the admissibility of specific "other acts" recorded on video exhibits. Although he had three months to prepare for the hearing, Munn never obtained or reviewed the video in question or contacted Hooper's appellate counsel to obtain a supplemental transcript she had offered to him. The court found that Munn violated RPC 1.1 and RPC 1.3 in representing Hooper.

With respect to three other clients' cases (Provencher, Williams and Rivers), Munn failed to obtain or review most or any of the discovery before the clients entered pleas and were sentenced to prison terms ranging from 38 to 50 months. The court found because he did not review discovery in those cases, Munn did not have enough information to adequately explain the risks, consequences and alternatives to those clients before they entered pleas. This conduct violated RPC 1.1 and RPC 1.4(b).

In the disciplinary investigation, Munn partially responded to disciplinary counsel's requests for information about 37 cases, but did not respond to specific questions about the identified cases for over a year, after the bar had filed its formal complaint. The court found that providing incomplete and delayed responses violated RPC 8.1(a)(2).

In aggravation, the court found substantial experience in the practice of law, a pattern of misconduct, multiple offenses and vulnerability of victims. In mitigation, the court found no prior disciplinary record, and personal or emotional problems.

LAWRENCE L. TAYLOR

OSB #921410

Portland

Public reprimand

By order dated March 25, 2025, the disciplinary board approved a stipulation for discipline and publicly reprimanded Portland lawyer Lawrence L. Taylor for violations of RPC 1.5(c)(3) (flat fee agreement without required disclosures) and RPC 1.15-1(c) (failure to deposit client funds into trust).

Taylor was retained to defend a client in a criminal matter and the client signed a flat fee agreement, requiring a basic fee for the representation and stating that all fees were earned immediately and nonrefundable. The client provided the basic fee in two installments. Taylor did not deposit the first payment into his attorney trust account, but he deposited the second payment into his attorney trust account.

Taylor's flat fee agreement included some, but not all, of the disclosures required by RPC 1.5(c)(3). The fee agreement did not explicitly state that funds would not be deposited into the lawyer trust account. Because Taylor's fee agreement did not fully comply with RPC 1.5(c)(3), he was required to hold all the client funds in his attorney trust account pursuant to RPC 1.15-1(c).

By failing to include language in his flat fee agreement stating that client funds would not be deposited into his lawyer trust account, Taylor violated RPC 1.5(c)(3). Because Taylor's flat fee agreement was not compliant, he was required to hold all client funds in his attorney trust account and his failure to do so violated RPC 1.15 1(c).

The stipulation recites Taylor's prior record of discipline, a pattern of misconduct and his substantial experience in the practice of law in aggravation. In mitigation, the stipulation credits Taylor for the absence of a dishonest or selfish motive, his timely good faith effort to rectify the consequences of his misconduct, his cooperative attitude toward the proceedings and remorse. ■

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

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



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Among Ourselves

Miller Nash attorney **Diana Ramos** has been selected to participate in the 2025 Leadership Council on Legal Diversity (LCLD) Pathfinder program. The Leadership Council on Legal Diversity is an organization of more than 400 corporate chief legal officers and law firm managing partners. The Pathfinder program, directed at high-potential, early-career attorneys, provides opportunities for participants to learn from top leaders in the legal profession, as well as experts in the fields of learning and development and executive coaching.



Miller Nash attorney **Alexandra Hutchinson** has been elected to serve on the Board of Directors of the Northwest Association for Blind Athletes (NWABA). NWABA's programs and services

assist individuals of all ages and abilities who are blind and visually impaired. Their programs offer opportunities in 15+ sports, from teaching children to swim for the first time to providing week-long residential camp experiences.

Moves



Miller Nash welcomes **Andrea Moore** to the firm's tax team. Moore, based in the firm's Portland office, provides strategic guidance to clients on a wide range of tax matters. Before joining

Miller Nash, Moore gained extensive experience as a federal tax associate at a leading multinational accounting and auditing firm, where she focused on federal tax law and large-scale transactions. She also advised

clients at a prominent Pacific Northwest firm on tax issues across multiple industries.



Olivia Ashé has joined Tonkon Torp's litigation department. Ashé's practice is focused on complex commercial civil matters for businesses and individuals. She has extensive experience

managing discovery and developing strategies to resolve or avoid disputes. Ashé regularly works within Oregon's environmental and agriculture sectors as a founding board member of the Black Oregon Land Trust, a nonprofit working to ensure that Black communities have secure and affordable land access, protected ecosystems and earth stewardship skills.



Benjamin Pirie has joined Sussman Shank as special counsel in the business department. He brings more than 12 years of diverse experience providing legal counsel to stakeholders across multiple

industries. His expertise includes mergers and acquisitions, multi-state operations, securities law, regulatory compliance, intellectual property transactions and cannabis law.



Patrick Sullivan-Lovett has joined Sussman Shank as an associate in the firm's litigation department. He brings experience representing a wide array of clients, from individuals and small

businesses to national corporations across a broad range of litigation matters. His practice includes construction, real estate, contract disputes, employment, personal injury, premises liability and other liability issues. He is experienced in handling pre-litigation matters, active lawsuits and cases before administrative agencies.



Miller Nash welcomes **Erica Tatoian** to the firm's litigation team. Tatoian, based in the firm's Portland office, is an experienced attorney focused on appellate law, business and complex litigation, regulatory and administrative law and tort claim defense. Before joining Miller Nash, Tatoian practiced at a prominent Oregon law firm, guiding clients through complex litigation matters.



Dan Olsen has been hired by Gilroy Napoli Short Law Group. He previously served as a deputy district attorney in Marion County, as well as a criminal defense attorney in Bend and Central Oregon.

Olsen will practice criminal and DUII defense for the firm throughout Central Oregon.



Nicholas Lumley has joined Black Helteline's business and transaction practice group as an associate attorney. His practice is focused in general business and real estate law. He brings experience

across a wide range of industries, including agriculture and agribusiness, restaurants and wineries, manufacturing, construction, education, financial services and health care.



Carl Karpinski has joined Black Helteline's litigation practice group as an associate attorney. Karpinski's practice encompasses all stages of commercial and civil litigation, from pre-suit investigation

through discovery to trial preparation and beyond. Prior to joining Black

Helterline, Karpinski served as enforcement counsel for the securities department of the state of North Dakota, regulating financial professionals and litigating fraud on behalf of the citizens of the state.



Kevin Mapes has joined Buchalter's Portland office as special counsel in the litigation and insurance law practice groups. He focuses a significant portion of his practice on represent-

ing policyholders in insurance coverage disputes. Additionally, he handles business litigation involving commercial lending, partnership conflicts, contract disputes, construction matters and commercial real estate. Mapes is also experienced in environmental litigation related to Superfund, RCRA, Clean Water Act and Natural Resource Damages claims.

Holland & Knight has opened a new Seattle office with a group of 10 partners and six associates who practice in the areas of corporate/M&A, intellectual property, real estate, healthcare, labor and employment and litigation. The office is Holland & Knight's 35th worldwide and will complement its office in Portland to expand the firm's reach in the Pacific Northwest. **Kathryn Robinson** and **Byron Stevens**, previously partners with Karr Tuttle Campbell, will join Holland & Knight's Portland office. ■

In Memoriam

Douglas Alan Schoen passed away on July 25, 2024, following a tragic hiking accident in Forest Park. Douglas was born on April 22, 1951, in Lebanon, Oregon. He spent most of his early childhood traveling between Oregon and Germany, where his parents were stationed in the military.

He attended Lebanon High School before becoming a passionate Duck, graduating from the University of Oregon in just three years. His passion for law led him to pursue law school at Boston College. After the heartbreaking loss of both his parents, Dr. Carroll Schoen and Lois Hansen, in close succession to cancer during his freshman year, Douglas returned to Oregon to care for his younger brother, Jeffrey Schoen, while completing law school at Willamette University.



Douglas began his legal career in private practice in Lebanon, dipping his toes in public defense. He eventually moved to Portland, specializing in employment and labor law, workers com-

ensation and tort law.

Douglas is remembered for more accolades, love and admiration than words can capture. He carried within him a rare kind of generosity, kindness, decency and honesty — qualities that others may spend a lifetime trying to embody, yet he exuded them effortlessly in every breath.

The environment and birds were always Douglas' greatest passion. This brought his family and friends comfort knowing that he passed away in pursuit of another beautiful memory among the trees, strolling in nature, along a favorite Forest Park path in NW Portland.

Douglas was also obsessed with slow food, great wine, travel and music. He could sit for hours chatting over wine and an excellent opera album.

Douglas was predeceased by the love of his life, his wife Janna Pfeifle, by his parents Dr. Carroll Schoen and Lois Hansen, both of his siblings Jeffrey Schoen and Lorrie Strickland, and his nephew Shane Winkler.

He is survived by his "lady of the manor" Matisse, a beautiful tortoiseshell kitty he absolutely spoiled rotten, and his "favorite" and only niece Becky Schoen.

If you wish to honor Douglas' memory, you may plant a tree (or several) in his name, ensuring and nurturing new life as a tribute to his deep love for nature.

Trees can be dedicated in his honor here through Threadgill's Memorial Services: threadgillmemorial.com/obituaries/Douglas-Alan-Schoen?obId=40067633#/obituaryInfo.

His niece Becky has created the following email address for inquiries that any friends, colleagues, and admirers can utilize to reach out if desired: celebratedouglasschoen@gmail.com.

Joe B. Richards, a founding partner of Luvaas Cobb Richards & Fraser, passed away last fall at the age of 95.

After graduating from Willamette Law School in 1954, Joe began his career as a Lane County deputy district attorney. The

following year, he joined John Luvaas and Ralph Cobb and formed the Luvaas, Cobb & Richards law firm, today known as Luvaas Cobb.



After 58 years in practice, Joe began devoting all his professional time to the needs of the community by working in a pro bono role with Lane County Legal Aid until his full retire-

ment in 2020. Joe's professional accomplishments are impressive. He was voted Eugene Junior First Citizen in 1958, served three terms as a state representative in the Oregon Legislature from 1965-70, and as chairman of the Oregon Environmental Quality Commission from 1975-83. In 1984, Joe was appointed to the Oregon Water Policy Review board by then Governor Vic Atiyeh.

Joe was an avid supporter of the United Way of Lane County, both as president in 1979, as a campaign committee member multiple times, and as chair of the Alexis de Tocqueville Society in 2004-05. Joe's charitable nature is further evidenced throughout his career, from his enthusiastic support of the Eugene Family YMCA, the Pearl Buck Center and the Campaign for Equal Justice. In 2017, Joe was awarded the Owen M. Panner Professionalism Award by the Oregon State Bar Litigation Section, which honors a member of the bar who exemplifies the highest personal and professional standards.

A celebration of Joe's incredible life will be held at the Shedd Institute in Eugene at 868 High Street, just one block away from the law firm he helped build, on June 12, 2025, at 2 p.m., which would have been Joe's 96th birthday. Memorial gifts may be made to the United Way of Lane County or Nightingale Hosted Shelters. ■

CLASSIFIEDS

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BEND, OREGON – Office for rent with space for support (cubicles or office). Newer building located one block from the courthouse. Ample parking, two conference rooms, reception for greeting clients, etc. Reasonable price depending on needs. Call Tim at (541) 383-3755.

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FANTASTIC DOWNTOWN PORTLAND legal professional office space near Pioneer Square. Great offices and cubicle spaces available to rent on available to rent on the 10th Floor 520 SW Sixth Avenue. Bright spaces with large windows, sunlit with nice urban views on West hills; on public transit and with off-street parking garage. Collegial, respectful, colleagues in small and solo firms. Excellent secure bike parking, exercise facility, tenant lounge, and building security. Monthly rent prorated from 6/1/24. Offices: \$750-\$950; cubicle space for \$300; lower rents possible for combinations. Printer/copier/phones/postage/internet available. Possible paralegal. Contact admin@henkelslaw.com / phone 541.270.6001 to see the spaces.

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LAKE GROVE CROSSING EXECUTIVE SUITES, LAKE OSWEGO – Near Mercato Grove, 4035 Douglas Way, Lake Oswego, OR 97035. Newly remodeled

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OFFICE SPACE AVAILABLE PREMIER PORTLAND LOCATION

- 1000 SW Broadway, ninth floor, 742 total sq. ft. Two offices, a common area large enough for up to three support staff, private entry, separate suite number, and signage. Located on a floor with a fitness center and direct access to a parking garage. The building provides the use of a large conference room located on the ninth floor with a capacity of 42. You will also have use of our private conference room that seats twelve, reception area, break room, internet, and phone system. The building has seven levels of secured and monitored parking. We are located two blocks from Pioneer Square and near theaters, hotels, and restaurants. Internet and phones included. Available immediately. Contact Chris Roy, at chris@roylawgroup.com or 503-926-4653.

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with adjoining secretarial/storage space available, rent all or part, \$300 to \$900. Partially furnished, medium size office w/large window and secretarial space outside, \$600. Small, quiet building in downtown Portland located on the corner of SW 6th and Clay on the transit mall, blocks from Multnomah County Courthouse and Justice Center, and US District Court buildings, one block to fitness center. Rent includes full reception and telephone answering from 8 to 5 M-F, use of library w/fireplace and conference room, standard office equipment, notary onsite. Building is shared with several experienced attorneys. Flexible lease dates. Parking available \$200/month. 521 SW Clay. Kari: 503-226-3607.

POSITIONS AVAILABLE

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

ASSOCIATE ATTORNEY - Criminal Defense/Family Law. We are a full-service family law and criminal defense firm providing services throughout Or-

egon and are seeking an associate divorce and family law attorney. We are seeking a licensed attorney to provide excellent representation to our clients on a variety of matters in the Portland Metro area. Requirements and Qualifications: JD from an accredited law school. License to practice law in Oregon. Litigation experience (1-2 years preferred; less for the right candidate). Benefits: Medical, Dental and Vision Insurance. Aflac options. Quarterly bonus. IRA retirement matching up to 3%. Firm pays OSB dues, malpractice insurance, and for up to 15 CLE credits per year. Compensation will depend on experience but will be competitive with salaries from the Oregon State Bar Economic Survey. Please email cover letter, resume, law school transcript (if a recent graduate) and references to: assistant@romanolawpc.com.

BUSINESS ATTORNEY (3-5 YEARS EXPERIENCE)

– Join Our Mid-Size Firm. Are you a business attorney looking for a fulfilling career without sacrificing work-life balance? Lynch Murphy McLane LLP is seeking a skilled and motivated associate attorney with 3-5 years of experience in business law to join our team in our Portland or Bend office. About Us: We are a well-respected, client-focused mid-size law firm that prioritizes high-quality legal work while fostering a balanced and supportive workplace that values collaboration, professional development, and work-life balance. Position Overview: The ideal candidate will have experience advising businesses on legal matters, including entity formation, contract negotiation, mergers & acquisitions, and regulatory compliance. This role offers an exciting opportunity to work with a diverse range of clients, from startups to established corporations. Key Responsibilities: Provide legal counsel on business transactions, contracts, and corporate governance. Draft, review, and negotiate business agreements and commercial contracts. Assist clients with entity formation, structuring, and compliance matters. Conduct legal research and risk assessments for business operations. Support clients in mergers, acquisitions, and other business transactions. Work collaboratively with colleagues and clients to develop strategic legal solutions. Qualifications: Juris Doctor (J.D.) from an accredited law school. Licensed to practice law in Oregon. 3-5 years of experience in business law, corporate transactions, or related areas, real estate knowledge a plus. Strong contract drafting, negotiation, and analytical skills. Excellent written and verbal communication abilities. Ability to manage multiple projects and meet deadlines. What We Offer: True Work-Life Balance – Reasonable billable hour expectations and flexibility in scheduling. Competitive Compensation – Salary, performance incentives,

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FAMILY LAW ASSOCIATE – Four Point Legal, P.C. in Portland. We are seeking an attorney with three or more years of family law experience to join our hard-working team. Successful candidates must possess strong technical skills and the ability to work efficiently with minimal supervision in a fast-paced environment. We are looking for someone who connects well with people and can develop quality client relationships. We are a small, busy firm limiting our practice to family law, estate planning and business law. Our firm is founded on four key values: trust, respect, teamwork, and results. We are growing and looking for people who share our beliefs about making the lives of our clients and coworkers better. We believe in a good work-life balance, because bringing your best self to work benefits everyone. We offer a competitive salary, health and dental insurance, 401k with employer match, and flexible PTO. If you are interested in joining our team, please email a resume and cover letter to info@fourpointlegal.com.

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Brincat & New is a family law firm with offices in Bend and Portland. We are looking for an associate attorney for our Bend office. Our ideal candidate has 2-5 years of experience, preferably in family law or other litigation. Our Bend office is centrally located in the St. Clair Place building downtown. Flexible start date available. Compensation consists of signing bonus, base salary, commissions, parking, health insurance reimbursement, employer-matching retirement account, and substantial vacation/paid time off. Relocation stipend available as needed. Please submit a resume, cover letter with salary requirements, and references to jordan@brincat-new.com and tabitha@brincat-new.com.

LAND USE ASSOCIATE

- Jordan Ramis PC, a regional law firm with offices in downtown Portland and Bend, Oregon, and Vancouver, Washington, is a team of professionals committed to exceptional client services. The Firm is seeking an attorney to join our Land Use team in the Portland office. The successful candidate will have approximately 1-5 years' experience in land use. Experience in environmental permitting and real estate transactions is a plus but not required. Experience in a related field such as real estate development, architecture, civil engineering and construction, or urban planning

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PUBLIC NOTICE

AFFORDABLE, ACCURATE LEGAL NOTICES for Lane County, published weekly in print and online at chronicle1909.com and publicnoticeoregon.com. Local owners ensure prompt service; affidavits conform to Lane County Circuit Court. Contact Noel Nash at 541-515-6233 or noel@chronicle1909.com.

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Mr. Holmes has approximately 25 years of experience in matters ranging from complex litigation, bankruptcy, class action, construction, contract disputes, embezzlement, employment, financial statements audits, intellectual property, personal injury, professional liability and malpractice, securities fraud, shareholder rights and tax issues.

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A Strong and Independent Profession

By Steven T. Wax

Twenty-one years ago, I wrote on this page about the rule of law prompted by the arrest, detention and seizure of files of my client, Portland attorney Brandon Mayfield. His arrest had been justified by the Federal Bureau of Investigation's assertion of a "100% match" of his fingerprints to an unexploded bomb at a train station in Madrid, Spain, and their ignoring the actions of the Spanish National Police. Mayfield was vindicated because federal Judge Robert E. Jones understood the authority vested in him by the Constitution. When the United States Attorney's office told the judge that they had to check with Washington before turning the fingerprint over to my office for inspection, his response was straightforward, "That's an order."

In the essay 21 years ago, I asked "What have we witnessed? Horror story or vindication of our system?" And concluded that as important as those questions are, there was an overriding point that emerged from Mayfield's situation — the importance of the rule of law to our freedoms and that the rule of law flourishes only when served by a strong and independent judiciary, defense bar and prosecution.

Regrettably, we must ask the same questions again, but this time in a very different context. The government quickly acknowledged Jones' authority and my old office, The Federal Defender, had the fingerprint by the next day. The current administration is treating the judiciary and the legal profession very differently. In a number of the challenges brought against the president's executive orders, judges' orders have been flouted, information has not been provided and people in the administration and Congress have called for impeachment of judges solely because they do not agree with their rulings. In 2004, no one questioned my obligation and right as a lawyer to challenge the government's assertions in court. Today, the legal profession is under direct attack.

Several executive orders have threatened the economic viability of members of

our profession, including one of Portland's largest and most respected firms, Perkins Coie. An executive order dated March 6, 2025, directed suspension of the security clearances of members of the firm, cessation of provision of any government goods, services, and material to the firm, termination of any contracts, and limitation of access to all government buildings. The effect of the order is to drive a wedge between Perkins and its clients and drive prospective clients away.

On March 14, President Donald Trump issued a similar order against New York law firm Paul Weiss. Since then, additional actions have been taken against other firms. Earlier, the administration went after D.C. law firm Covington and Burling for their assistance to Trump prosecutor Jack Smith and to Paul Weiss. And it is not just law firms that are under attack. On Feb. 17, Edward Martin, the interim U.S. Attorney for the District of Columbia, wrote to the dean of Georgetown Law School, telling him that he "has begun an inquiry" into the school's continued teaching of DEI and that no one affiliated with a school that does would be considered for employment. The dean reminded Martin that Georgetown is a Jesuit school, is protected by the First Amendment and that he has no authority to interfere in the school's curriculum.

In his executive order, Trump referred to Perkins Coie's activity as "dangerous." He called out the firm for representing clients the administration abhors (including Hillary Clinton and George Soros) and the positions it has taken for its clients in challenging Trump's actions and various statutes. In court on March 12, Chad Mizelle, chief of staff to Attorney General Pam Bondi, invoked the president's "clear authority to take action against entities that he believes present a threat to national security." It is difficult to see how these actions can be squared with the First Amendment rights of speech and association, the separation of powers and the right to due process under

the Fifth Amendment. The administration's actions are chillingly reminiscent of Hitler's use of the law through invocation of Article 48 of the Weimar Constitution, which allowed him to suspend civil rights otherwise guaranteed in Germany's constitution.

Part of our role as lawyers is to uphold the rule of law. When the government intentionally acts to undermine the rule of law, we have an obligation to stand together, to speak out and do what we can to maintain our democratic institutions, the integrity and authority of the judiciary, and the independence of our profession. For me, that means shifting my role from legal counsel for the Oregon Innocence Project to senior counsel for its parent, the Oregon Justice Resource Center. We are studying the impact of Project 2025 and the administration's actions on the people and institutions in Oregon, the rights enshrined in our Constitution and the structure of our government. Each of us has a voice and a skill we can put to use in support of the rule of law.

It is fitting to end this essay as I did the Mayfield piece by quoting Robert Bolt's play, *A Man for All Seasons*. Sir Thomas More, who was executed based on perjured testimony when he refused to take an oath that recognized the king as supreme, proclaims that he would "give the devil himself the benefit of the law." Why? Because, as he eloquently asks, "Where would you hide ... when the last law was down, and the devil turned around on you?" ■

Steve Wax started his career as a prosecutor. He served as Oregon's federal defender for 31 years, helped launch the Oregon Innocence Project in 2014 and recently became senior counsel to the Oregon Justice Resource Center. He is the author of the award-winning "Kafka Comes to America" and wrote an opinion piece for the Bulletin in July 2004 titled "Fear in a Time of Terror."



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