OREGON STATE BAR
BULLETIN

JANUARY 2026
VOLUME 86 • ISSUE 3

Driven & Determined

Challenges Haven't Stopped 2026 OSB President Tomás Hernandez

Also Inside:

Community Service

ONLD Award Winners Improve the Bar and Serve the Public

OREGON STATE BAR BULLETIN JANUARY 2026 VOLUME 86 • NUMBER 3

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BULLETIN

Tomás Hernandez is set to lead the bar as president in 2026. The Army veteran was raised in South Central Los Angeles by a single mother. He went on to graduate college while working a full-time job, then had his law school career interrupted by a call-up to active duty with the Army. Now an assistant dean at Willamette University School of Law, Hernandez has found the career path that best suits him and his skills. Editor Michael Austin sat down with Hernandez to discuss his life and upcoming presidency.

FEATURES

COLUMNS

DEPARTMENTS

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Oregon State Bar

2026 CALENDAR

Important Dates & Deadlines for OSB COMPLIANCE

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

Log in to your dashboard at osbar.org

01 Jan

M	T	W	T	F	S	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

1 New Year's Day
OSB Closed / Court Holiday

9 BOG Committee Meetings and special board meeting

12 PLF Annual Assessment Deadline

13 PLF Late Fee #1 Assessed

19 Martin Luther King Jr. Day
OSB Closed / Court Holiday

02 Feb

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2 IOLTA Filing Deadline and OSB Mandatory Fee Deadline to Avoid Late Fee

3 OSB Late Fee

12 BOG Committee Meetings / Salem

13 BOG Meeting / Salem

13 PLF Deadline to Avoid Late Fee #2

16 President's Day
OSB Closed / Court Holiday

17 PLF Late Fee #2 Assessed

03 Mar

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17 PLF Deadline to Avoid Suspension by OSB

18 OSB Suspends for PLF Non-compliance

04 Apr

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1 OSB Mandatory Fee and IOLTA Deadline to Avoid Suspension by OSB

2 OSB Suspends for Fee and IOLTA Non-compliance

17 BOG/PLF Joint Meeting and Committee Meetings

17 BOG Meeting

30 MCLE Credit Completion Deadline

05 May

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22 BOG Committee Meetings

25 Memorial Day
OSB Closed / Court Holiday

06 Jun

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1 MCLE Reporting Deadline

19 Juneteenth Holiday
OSB Closed / Court Holiday

25 Local Bar Reception / Pendleton

26 BOG Meeting / Pendleton

07 Jul

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4 Independence Day
OSB Closed / Court Holiday

31 Deadline to Cure MCLE Non-compliance

31 BOG Committee Meetings

08 Aug

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1 OSB Suspends for MCLE Non-compliance

09 Sep

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7 Labor Day
OSB Closed / Court Holiday

25 BOG Meeting

10 Oct

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12 Indigenous Peoples' Day
OSB Closed / Court Holiday

30 HOD Annual Meeting

30 BOG Committee Meetings

11 Nov

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30						

11 Veterans Day
OSB Closed / Court Holiday

19–21 BOG Retreat and Meeting / Coos Bay

26 Thanksgiving Holiday
OSB Closed / Court Holiday

27 Day after Thanksgiving
OSB Closed

12 Dec

M	T	W	T	F	S	S
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21	22	23	24	25	26	27
28	29	30	31			

25 Christmas Day
OSB Closed / Court Holiday

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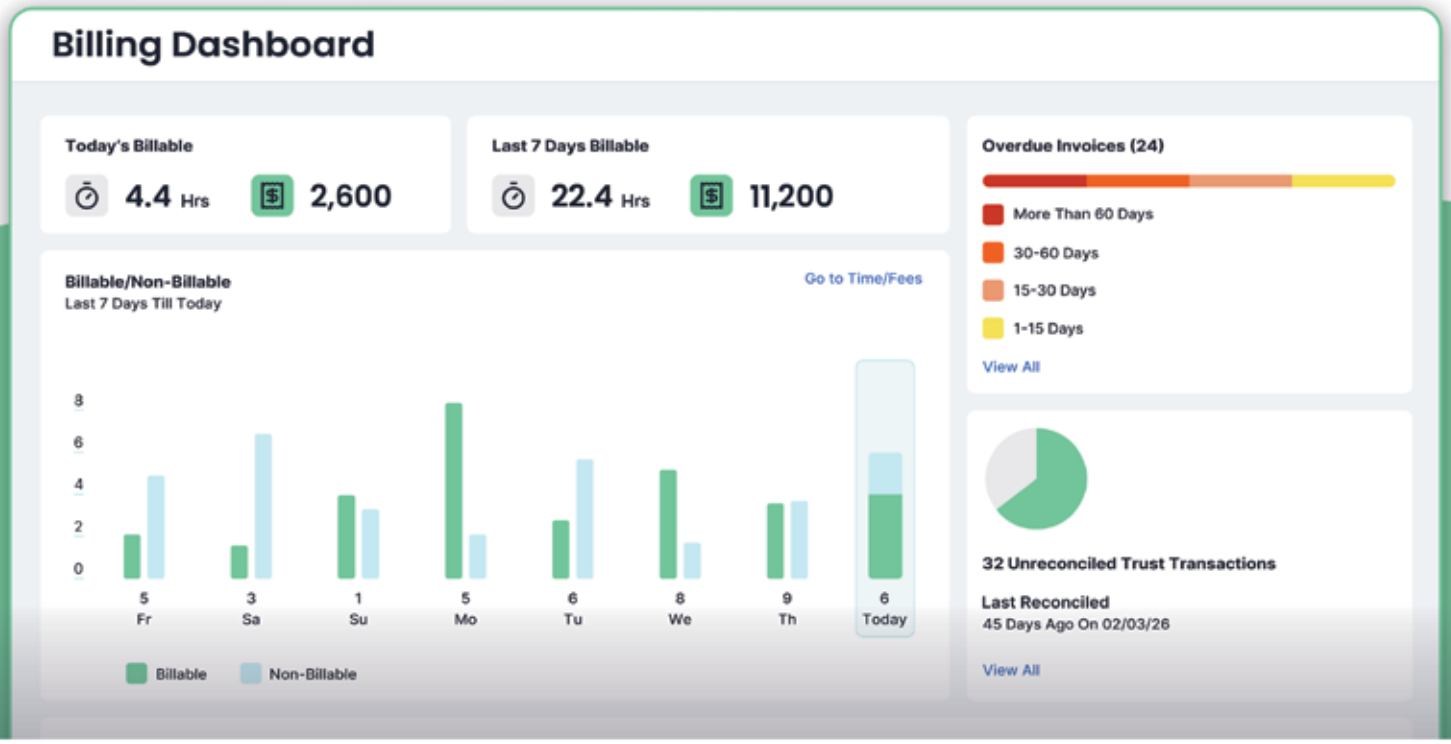

Oregon State Bar

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Request for Public Comment on Rules Changes to UTCR

The Uniform Trial Court Rules (UTCR) Committee met on Oct. 24, 2025, to review proposals to amend the UTCR and to make preliminary recommendations to the chief justice. A description of the proposals and actions taken by the committee is posted at the following web address: *courts.oregon.gov/programs/utcr/Pages/currentrules.aspx*.

Proposals of special note: clarify numbering requirements for Supplementary Local Rules; increase the *Pro Hac Vice* application fee for out-of-state counsel; repeal the requirement to prepare pleadings, motions, and requested instructions with numbered lines; add a new exception to the advance service requirement for proposed orders to show cause in remedial contempt cases; require parties to specify the rule or statutory basis upon which a submitted document is purportedly exempt from the advance service requirement; create new requirements applicable to the form of complaints, orders, and judgments in Forcible Entry and Detainer actions; adopt 21 proposed new rules under a new UTCR Chapter 25 to manage receivership proceedings under Oregon Revised Statutes, Chapter 37; and adopt 19 proposed new rules under a new Chapter 26 to incorporate the Uniform Collaborative Law Rules (a specific ADR process) into the UTCR.

Comments on the proposals are encouraged and can be posted at the web address mentioned above; mailed to the UTCR Reporter at the Office of the State Court Administrator, Supreme Court Building, 1163 State Street, Salem, OR 97301-2563; or emailed to *utcr@ojd.state.or.us*. The deadline to submit comments is March 11, 2026, at 5 p.m.

The committee will review public comments and make final recommendations on proposals at the next UTCR meeting on April 29, 2026, at 9 a.m. Proposals approved by the chief justice will become effective Aug. 1, 2026, unless otherwise stated.

CEJ 35th Annual Awards Celebration

The 35th Campaign for Equal Justice Annual Awards Celebration is taking place on Thursday, March 19, from 5-7 p.m. at The Sentinel in Portland. Oregon lawyers established the Campaign for Equal Justice in 1991 with the mission of making equal access to justice a reality for all Oregonians. CEJ is the support organization for Oregon's statewide legal aid programs, who encourage your support through CEJ. Since its inception, CEJ has raised more than $35 million in its annual fund drives in support of legal aid.

OWLS Interprofessional Networking

Oregon Women Lawyers (OWLS) is hosting its annual Galentine's networking event at Stoel Rives in Portland on Thursday, Feb. 12, 4-6 p.m. Hear from speaker Mary Lago, CFP/CFTA, who will discuss "Networking with Purpose and Generosity" for those on hand. In this discussion, Lago will help the group explore how to build grounded and trusted relationships that significantly enhance the ability to serve clients and enjoy a community that brings far more meaning to life's work. Visit *oregonwomenlawyers.org* for more info.

Discovery With...

Robert Taylor

Robert Taylor is an attorney with Arneson Stewart Styarfyr, a criminal defense firm in Roseburg. He has experience as a defense attorney and a prosecutor.

To date, what professional accomplishment makes you proudest?

My very first trial was as a law student in Eugene working with the legendary Tom Fagan (RIP). I was so nervous, plus my mom and grandma were in the gallery watching. Getting the not-guilty verdict, hugging my client and seeing her relief … it's a beautiful feeling. I've had acquittals since then of course, but nothing hits like the first time.

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

I host trivia once a month at a pub downtown. I think riffing with the audience helps a bunch with voir dire. It's basically improv!

What is your favorite place in Oregon?

Eagle Cap in the Wallowa wilderness. I backpacked there as a high schooler in youth group and it changed my life. Sometimes I do wonder why I chose a desk job. *The picture shows Robert Taylor at Square Top Mountain in the Wind River Range, Wyoming, during his 2023 thru-hike of the Continental Divide Trail. He also has thru-hiked the Pacific Coast Trail and plans to do the Appalachian Trail in 2026.*

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

Medical malpractice is fascinating to me. The stakes are high! I couldn't imagine working a case for so long to potentially get no compensation in the end. I remember watching a trial while serving as an extern in Lane County (shoutout to Don Corson, who is the most charismatic lawyer I've ever seen in the courtroom).

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

My friends still tease me for a corny flirtation line I said back in the day, "in another life I'd be a marine biologist." So, I gotta stick with that.

How do you start your day?

I wake up as late as possible to still get to work on time. Usually it's making sure nothing chewable is left on the ground for Ms. Piggy (our dog) when I leave. ■

OREGON STATE BAR
BULLETIN

January 2026

Regulation of the Legal Profession and Access to Justice

A Bar Act Balancing Act

By Nikhil Chourey

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Two constant companions to the ethical practice of law are the topics of this article. And, if there's an access to justice coin, then these two topics, disciplinary defaults and limited scope representations, are on opposite sides of it.

When an Oregon lawyer fails to answer a formal disciplinary complaint, they risk being found in default, resulting in suspension or disbarment, reducing the supply to meet the demand for access to justice and reflecting poorly on the legal profession as a whole. In contrast, where ethically permitted, limited scope representation[1] increases the supply to meet the demand for access to justice, reflecting positively on the profession as a whole. These conclusions are basic, but what's complex is how regulation of the legal profession must balance consumer protection with access to justice.

Even those lawyers who may never face a disciplinary complaint should understand and appreciate the option to provide limited scope representation, increasing their ability to serve clients and grow their practice.

As an integrated bar created and controlled by state statute, the OSB must (under ORS 9.080(1)), in relevant part:

> [D]irect its power to serve the public interest by:
>
> (a) Regulating the legal profession and improving the quality of legal services;
>
> (b) Supporting the judiciary and improving the administration of justice; and
>
> (c) Advancing a fair, inclusive and accessible justice system.

Considering these important statutory objectives, this article outlines what is material to avoid a disciplinary default and to permit limited scope representation.

What Is Disciplinary Default?

An order of default is a remedy available to the bar for a respondent's failure to answer a formal complaint of misconduct filed with the disciplinary board, the body that supervises and conducts the contested case process in bar disciplinary matters. Default is also available to the bar after a finding that a respondent has violated a discovery order or failed to appear at trial, barring a showing of excusable neglect, mistake, inadvertence or surprise.[2] Bar Rule 5.8(b) provides that an order of default means that the allegations of the formal complaint are deemed to be true[3], and if the disciplinary board or the Oregon Supreme Court determines that those allegations establish the ethical charges, the remaining issue is sanction.[4]

A licensee-respondent who fails to participate as required in the disciplinary process against them compounds harm alleged in the complaint by violating their duties to the profession and the public as the disciplinary system serves these vital interests.[5]

Beyond that, a licensee found in default will most likely be sanctioned; and that sanction may, for the protection of the public and the profession, range from a public reprimand to disbarment. Default is an adverse result for our profession's reputation, the licensee's reputation and their license to practice law. From 2018-24, bar records show that between 6-10% of all formal complaints filed resulted in an order of default.[6] In many cases, information from the respondent, even if only to show remorse or to explain mitigating factors, may have made a difference in the sanction imposed.

What Causes a Respondent to Default?

The causes for lawyers' defaults are myriad but always regrettable. Respondents to formal disciplinary actions may be impaired in the practice of law or overwhelmed and frozen in the face of all deadlines, including their clients' deadlines and the responsive deadlines in their own disciplinary proceedings. Some respondents make a tactical and intentional decision to default because the disciplinary proceeding would only uncover their criminal conduct.

In most cases of default, however, the support of counsel could have assisted the respondent to meaningfully participate in their disciplinary proceedings. The low number of available counsel for respondents is an access to justice problem. Just as in other practice areas, limited representations could help solve this problem.

What is Limited Scope Representation or Unbundled Legal Service?

Generally, limited scope representation is intended to:

> [P]rovide a framework within which lawyers may expand access to legal services by providing limited but nonetheless valuable legal services to low or moderate-income persons who otherwise would be unable to obtain counsel.[7]

In Oregon, limited scope representation is expressly allowed under RPC 1.2(b), as long as the limitation is reasonable under the circumstances and the client gives informed consent.

What's reasonable in this context turns on a case-by-case basis. For example, it may be unreasonable to limit the scope of representation in a litigation matter only a week prior to a date-certain trial date to discovery issues only, while that same limitation may be reasonable six months before the first trial setting. Further, a limited scope representation may be unreasonable if a fee agreement's "terms might induce the lawyer improperly to curtail services for the client or perform them in a way contrary to the client's interests[.]"[8]

"Informed consent" is a term defined term of ethics:

> "Informed consent" denotes the agreement by a person to a proposed course of conduct after the lawyer has communicated adequate information and explanation about the material risks of and reasonably available alternatives to the proposed course of conduct. When informed consent is required by these Rules to be confirmed in writing or to be given in a writing signed by the client, the lawyer shall give and the writing shall reflect a recommendation that the client seek independent legal advice to determine if consent should be given.
>
> RPC 1.0(g).

Although written consent is not required to proceed with limited scope representation when no conflict of interests is created, in all jurisdictions it is best practice to adequately memorialize a client's informed consent[9] in their client file.[10] While violation of RPC 1.2(a) may not be a frequent flyer in Oregon disciplinary proceedings[11], client confusion or ambiguity in the scope of representation is frequently a root cause of client complaints submitted to the OSB.[12]

Beyond reducing legal costs and fees, limited scope representation can also reduce conflicts and help licensees retain more clients. If a licensee can ethically limit a representation to avoid a conflict, then no such conflict will exist. *See* Ethical Oregon Lawyer, § 10.2-2(e) (2015); Peter R. Jarvis & Bradley F. Tellam, *Avoiding Conflicts by Eliminating Them*, 42 Multnomah Lawyer No 4 (Apr 1996). An example of conflict

avoidance is the case in which two parties wish to engage in a business in which their interests are adverse but would only so engage if the business itself is lawful. A single lawyer would not have a current client conflict if retained by both parties who agree to limit the scope of representation to the issue of whether the business is lawful or not.

Types of Limited Scope Representation

Generally, the scope of representation may be limited to the undertaking of only certain tasks, such as drafting or reviewing pleadings, or to only certain aspects of a matter, such as representation on a unique litigation issue, or advice on a single issue in a transactional matter.[13] Examples of limited scope representation under RPC 1.2(b) include flat-fee retainer agreements for ghostwriting pleadings for pro se litigants[14], legal budgets and particular deposition appearances or discovery tasks.

The provision of limited scope services seems to be on the rise. Last year, an OSB survey found that 55% of responding licensees reported that their law practice offers unbundled services.[15] These services were often provided for family law (e.g., reviewing paperwork, helping with pleadings or hearing preparation) and estate planning or probate (e.g., help with power of attorney or will documents). In addition, the provision of unbundled services was reported most often by those who work included both rural and metro areas (59%), compared to those who worked only in rural (50%) or metro areas (40%).

Conclusion

The bar's statutory mission supports the conclusion that improvement of the regulation of the practice of law and increased access to justice are each vital. While it may sometimes present a complex balancing act, the underlying topics are not necessarily so complex.

First, an active license to practice law requires that a licensee respond to a disciplinary complaint filed against them by filing an answer and participating in disciplinary proceedings. Second, we expand the usefulness and reach of our license by offering limited scope representation. Just as greater participation in disciplinary proceedings may increase the supply of legal service providers, limited scope representation may assist those in need of legal services, including licensees facing potential discipline. ■

Nikhil Chourey is deputy general counsel-litigation for the Oregon State Bar.

ENDNOTES

1. Previously, the ethics of limited scope representation have been analyzed by Amber Hollister, "Unbundled Legal Services: Limiting the Scope of Representation," OSB Bar *Bulletin* (July 2011); Mark Johnson Roberts in "Ethics Consideration in Limited Scope Representations, Not so Impractical," *Bulletin* (Oct. 2016).
2. *See In re Long*, 366 Or 194, 200 (2020) (citing Bar Rule 5.8(b) and Oregon Rule of Civil Procedure 71 B(1)(a)).
3. *In re Magar,* 337 Or 548, 551-53 (2004).
4. *See In re Koch, 3*45 Or 444, 446 (2008).
5. *See* ABA Standard 5.0
6. 2018: 54 formal complaints filed; and five defaults; 2019:40 formal complaints filed; and four defaults, one was as a sanction for failing to comply with Adjudicator's order compelling discovery; 2020: 15 formal complaints filed; and two default; 2021: 28 formal complaints filed; and four defaults, one was a sanction for failing to comply with Adjudicator's order compelling discovery; 2022: 25 formal complaints filed; and five defaults; 2023: 24 formal complaints filed; and seven defaults; and 2024: 27 formal complaints filed; and four defaults.
7. American Bar Association, *A Legislative History: The Development of the ABA Model Rules of Professional Conduct, 1982-2013,* at 59 (2013).
8. ABA Model Rule 1.6, cmt. [5].
9. *See* ABA Formal Ethics Op 472 (2015) (lawyer should provide client with written confirmation of limitation of scope of representation); see also *The Ethical Oregon Lawyer* § 3.4-2 (OSB Legal Pubs 2015) (defining scope of representation in fee agreement) (The scope of the representation to be undertaken should be clarified in writing at the outset to avoid misunderstanding or prejudice to the client's position. Consistent with RPC 1.2(b), the licensee may specifically exclude matters that were discussed with the client but that the licensee declined to handle or for which the client has sought or will seek representation from another licensee.).
10. *See* OSB Formal Ethics Op 2017-192, providing that although "client file" is not a defined term of ethics, and it is only referenced in RPC 1.17(b) [sale of a firm], it is nevertheless useful to think of a client file, regardless of form or location, as the sum total of all documents, records, or information (either in paper or electronic form) that the lawyer maintained in the exercise of professional judgment for use in representing the client.

11. Disciplinary disposition implicating RPC 1.2(b): *In re Millar,* 36 DB Rptr 157 (2022) (stipulated 60-day suspension for multiple rule violations). Respondent represented a client who was a defendant in a civil suit. Respondent claimed the representation was limited to requesting a 10-day notice of intent to take default from the plaintiff's counsel, but did not communicate this limitation to the client or obtain her informed consent to the limitation. Plaintiff's counsel took a default before Respondent sent the 10-day notice letter and plaintiff then filed a fee petition, which was granted. Respondent never advised the client about the filings and court awards, and the client only discovered them when she was served with judgment debtor examination documents. Respondent then informed the client that he could not represent her due to a conflict of interest and that she needed to hire another lawyer to move to set aside the default judgment.
12. *See Disciplinary Counsel v. Lee,* 49 NE3d 1255 (Ohio 2016) (lawyer did not sustain burden of defining scope of representation to client, and client reasonably assumed lawyer was representing her); Pa Formal Ethics Op 2016-200 (2016) (discussing difficulty in assessing reasonability of limiting scope of representation and obtaining client's informed consent under Avvo Legal Services' "Flat Fee Limited Scope" Program).
13. *See* OSB Formal Ethics Op 2013-183 for a comprehensive and practical application of RPC 1.2(b) to ethical limited scope representation.
14. Note that licensees must be mindful that ghostwriting in federal courts, may implicate an unethical misrepresentation to the extent that misrepresents that the litigant is acting without the assistance of counsel and may contravene Federal Rule of Civil Procedure 11 (requiring lawyer certification of grounds to support allegations made in filings). Several jurisdictions required that attorneys who assisted in the preparation of filed pleadings also sign such pleadings submitted by an otherwise *pro se* litigant.
15. Data excerpted from *Gap Analysis Report,* OSB Access to Justice & Legal Service Program (2024).

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Writing in a Grammar-Free World

Kryptonite and Zombies

By Suzanne Rowe

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Increasingly, law schools admit very smart, motivated students who are unencumbered by grammar. Increasingly, law offices hire very smart, motivated graduates who continue to be unencumbered by grammar. Yet law schools and law offices still expect those who have been admitted and hired to write well — clearly, concisely, professionally.

I'm a legal writing professor, so I'm in a conundrum. Anyone who has been admitted to law school certainly could learn grammar, even if their prior education overlooked it. And I gamely try to review it (and sometimes teach it), along with teaching students how to read texts closely, develop sound legal arguments, structure paragraphs to convey legal analysis effectively, anticipate and respond to counterarguments, and so on.

Honestly, all of that non-grammar stuff seems much more important and interesting than how to avoid passive voice or where to put a comma. And, honestly, students who have been told for years that they are good writers sometimes balk at the tedium of learning not only the new language of law but also the new language of grammar — subjects, verbs, clauses, voices, tenses, etc.

How do I teach writing without grammar? And if you are supervising a very smart, motivated attorney who isn't a strong writer (or is a shockingly bad writer), how can you help? In the three instances below, I'll explain fundamental grammatical concepts in grammatical terms. Then I'll explain it without grammar, with the assistance of zombies and kryptonite.

Passive Zombies

Typically, we prefer sentences in active voice. That means the subject of the sentence does the action of the verb. *The lawyers filed the brief this morning.* That sentence is in the active voice because the *lawyers filed* (subject-verb).

A sentence in the passive voice emphasizes the action, rather than the actor. *The brief was filed this morning.* That sentence omits the actor completely (leaving the reader wondering, "Who filed it?") but perhaps with good reason. Maybe the excitement is that someone filed a brief rather than a request for extension of time or a motion to dismiss the case. Wow! Starting the sentence with the *brief* emphasizes the point of excitement.

The last example shows that passive voice can be a powerful tool. Here are three common instances where writers prefer passive over active voice.

Sometimes, *who* did the action of the sentence is unknown. *The house was robbed.* The investigation is ongoing, and maybe the detectives have a few leads. For now, though, no one knows who did the robbing.

Second, the writer might want to downplay the actor (or possible actor). Defense counsel might prefer the passive voice sentence about a house being robbed, since we absolutely don't know who did it. The prosecutor, however, might like the active voice: *The defendant robbed the house.*

Third, the actor might be clear from context or not important. In that instance, the actor shouldn't be the subject of the sentence (a powerful position) and might not even be needed in the sentence. *The judge overruled the objection.* Well, who but the judge could overrule it? No one. So, passive voice is appropriate. *The objection was overruled.* Even if you tack the actor on at the end, the sentence is still passive: *The objection was overruled by the judge.* But that sentence is unnecessarily long, a common strike against passive voice.

Now, all of that makes sense to us grammarians. But to the rest of the world? Nope. So, try this: Does the sentence make sense if you add "by zombies"? If so, it's passive. And if zombies didn't do it (whatever it is), you need to consider saying who did. Try this:

The house was robbed by zombies. Yep, that's passive. Then ask whether passive is a good idea. Do I know who did it? Would I rather blame zombies? Is who did it clear enough from context?

Using passive voice intentionally isn't wrong. The problem is when you get lazy, write lots of sentences in passive voice, and leave your reader confused or bored. Bring in the zombies!

Kryptonite Fragments

A sentence fragment lacks some fundamental part of a sentence, typically a subject or a verb. This string of words might add helpful information, but it's not a sentence. Sticking a fragment (aka an incomplete sentence) in a professional paper is likely to distract your reader and reduce your credibility. Fragments are sometimes just dependent clauses trying to make it on their own. But a dependent clause is, well, dependent. It must be joined to an independent clause (aka a complete sentence); it can't stand alone.

A few words can highlight the possibility of a sentence fragment. Sentences that start

with *although*, *because*, *being* and *which* are frequent culprits. Those words can be like kryptonite to Superman. He's unstoppable until you put a teaspoon of kryptonite next to him, and then he can't stand up without help.

Use "command + F" to locate these words in your paper. If they start a "sentence," check to ensure it's not a fragment. This check will be most effective when you read the "sentence" without its context. Is it a complete idea, or is it explaining, elaborating, reasoning — about something not in the sentence. Here are four examples of fragments:

1. Although the Supreme Court later reversed that holding.
2. Because the lease did not have a clause allowing the tenant to terminate it sooner.
3. Being that the court had granted the defendant's request for an extension.
4. Which is important in determining whether the parties had a binding contract.

Note that any of those could be converted into a real sentence. Just take away the kryptonite in the first three; the last requires a bit of clarification:

1. The Supreme Court later reversed that holding.
2. The lease did not have a clause allowing the tenant to terminate it sooner.
3. The court had granted the defendant's request for an extension.
4. Performance is important in determining whether the parties had a binding contract.

Often the dependent clauses could be joined to an independent clause, which may be what the writer intended:

1. The trial court's decision wreaked havoc on the corporation, although the Supreme Court later reversed that holding.
2. Because the lease did not have a clause allowing the tenant to terminate it sooner, the landlord prevailed.
3. The seller had not performed, which is important in determining whether the parties had a binding contract.

Finally, note that *which* can begin questions and complete sentences:

4a. Which of these is important in determining whether the parties had a binding contract?

4b. Which of the options she chose would reveal her true motivation.

Running Breathless

A run-on sentence — also known as a comma splice — takes two independent clauses and joins them with just a comma. Not a semicolon, and not a coordinating conjunction (e.g., *and*, *but*, *or*, *so*) plus a comma. Now, those two independent clauses could each be a sentence, if only the writer would put a period at the end of each. But, no. They are squished together and held together ever so loosely by only a comma. (I admit that "squished" is not strictly a grammatical term, but it is rather descriptive.)

One grammar-lite way to identify run-on sentences is to read each sentence of the paper out loud. Consider doing this from the last sentence to the first, highlighting each as you go. Taking the sentences out of context really helps you focus on each one. If you can't get through the highlighted text without gasping for breath, you might have a run-on sentence.

Here's what to do next: Look for a comma in the highlighted text. Try reading just the words between the opening capital letter of the sentence and that comma. You might find that it's a solid idea by itself, not a kryptonite fragment, so it might be a sentence. Replace the comma with a period. Then test the next string of words in the highlighted text.

> The judge was late on Monday morning because of a crash on the bridge, the lawyers waited in the courtroom for 20 minutes, at 9:50 the clerk let them know that the hearing would be rescheduled for the following day.

This string of words is actually three sentences:

> The judge was late on Monday morning because of a crash on the bridge.
>
> The lawyers waited in the courtroom for 20 minutes.
>
> At 9:50, the clerk let them know that the hearing would be rescheduled for the following day.

Note that this trick is a slight improvement on the unhelpful "put a comma when you take a breath" test. Maybe you need to take a breath because you've written a run-on sentence, and a comma alone can't solve the problem. You might need to add a word before the comma, like *and*, *but*, *or*, *so*. Alternatively, you can replace the comma with a

semicolon (that's the one with the dot over the comma). And, of course, you can change the comma to a simple period.[1]

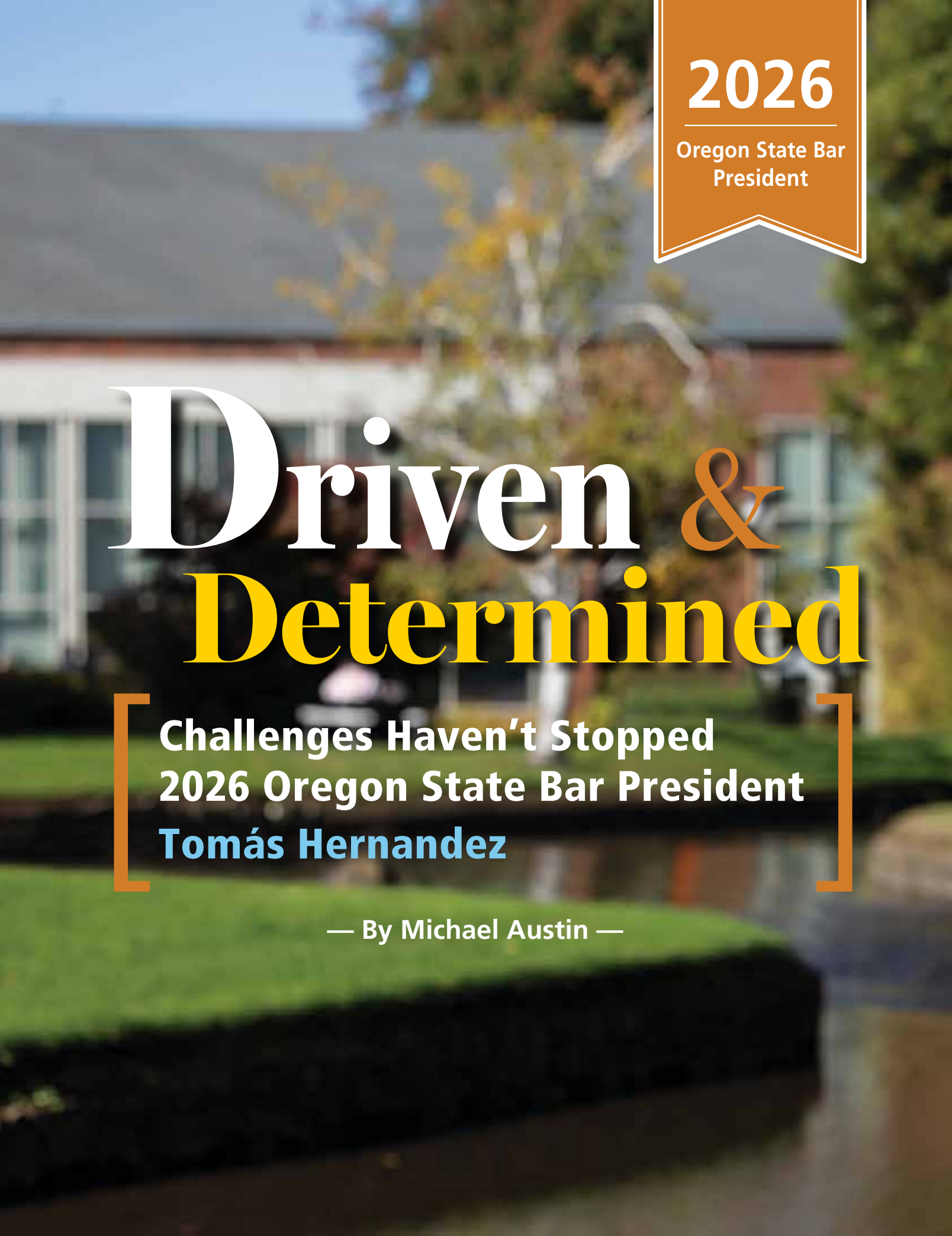
Conclusion

Going through this process for every sentence-looking structure in a paper is time-consuming. It might finally convince a few folks that learning grammar is worthwhile. ■

Suzanne Rowe is the James L. and Ilene Hershner Professor at the University of Oregon School of Law. After almost 20 years of writing articles for The Legal Writer, she is quite certain some of the ideas presented here appeared in earlier articles.

ENDNOTE

1. To repeat a rant from a few months ago, I see this comma splice often at the end of emails: *Thank you again for your time, I really appreciate the advice that you shared. T*hose are related thoughts, but they are not one sentence. I suggest a period instead of the comma.



2026
Oregon State Bar President

Driven & Determined

Challenges Haven't Stopped 2026 Oregon State Bar President Tomás Hernandez

— By Michael Austin —

Tomás Hernandez says since he was a child, he's based his life decisions around two goals:

"What do I need to do not to be homeless?"

"What do I need to do not to go to jail?"

Somber goals? Yes. But, growing up in South Central Los Angeles during the 1980s and '90s, Hernandez says he knew "folks who have ended up in jail and worse. It was part of life."

Those early experiences fueled that primary motivation simply to survive. Survival, however, wasn't enough for Hernandez. His inner drive and determination always have been fierce. It's what led him to run a marathon at age 14, graduate high school, join the Army, move to Oregon, complete an accelerated undergrad program while working full-time, go to law school, return to law school after being called into active duty after his 1L year, graduate, pass the bar exam on his second try, adjust his career path multiple times, recover from an unexpected stroke at age 44 … and now lead the Oregon State Bar as president in 2026.

"How did I land here?" Hernandez, the assistant dean for career planning and development, and assistant professor of experiential learning at Willamette University School of Law, asks himself. "Young Tomás never pictured himself working at a law school or being an attorney."

An Independent Child

The first in his immediate family to be born in the United States, Hernandez, 46, grew up in his South Central Los Angeles neighborhood with two older sisters raised by a single mother.

"My dad died when I was 7 or 8. My mom worked to support us," Hernandez recalls. "I wouldn't say it was easy, but we made it work."

Hernandez's mother took the afternoon-evening shifts as a restaurant server, which meant he would see her in the morning before school, then not again until 11 p.m. or later. That much freedom might be detrimental to a different child in his neighborhood, but Hernandez's drive filled the independent time gaps with dedication to his schooling.

He attended a law magnet school in Los Angeles that required him to ride two different buses to get there. The school had a courtroom and the students conducted mock trials. Hernandez admits he was intrigued by the law as a teenager. But he didn't know anyone who looked like him who was an attorney, so attending law school never seemed like a realistic goal.

Army Provides Structure, Sense of Duty

Thinking back on his original two life goals, Hernandez says he focused on graduating from high school, then wanted to do something productive with his life. He worked odd jobs for about a year after graduation, then, despite no one in his family having served, Hernandez felt a desire to join the Army.

"Their structure intrigued me. I like the idea of service to our country," he says. "Even as a young person, I wanted to do something productive, something meaningful to me, and I saw the Army as fulfilling that."

He eventually moved into a recruiting role for the Army in the early 2000s, which brought him to Oregon. Hernandez met Sara Mah, who was living in Los Angeles. The two started a long-distance relationship until Sara was accepted to Willamette University School of Law and moved to Salem. By this time, Hernandez started thinking about life after the Army. He wanted to be a middle school teacher.

"I had a few teachers who definitely believed in me and conveyed the idea that there was more to the world than L.A.," Hernandez says. "For me, it was hard to visualize anything outside my known universe at that time in my life, but my teachers got me curious about what was out there."

Hernandez enrolled in the Warner Pacific College adult degree program tailored to working adults. He recruited for the Army by day and took classes at night. He and Sara married during her 3L year. With his Army active duty coming to an end and graduation on the horizon, Hernandez changed course and opted for law school.

The couple anticipated heading back to Los Angeles, but then Sara secured a job in Eugene as a prosecutor. Hernandez applied to and was accepted into Willamette Law. He transitioned into the Army Reserves and completed his 1L year. Then life threw them a curveball. Hernandez was deployed to Afghanistan. Law school would have to wait.

Finishing Law School, Starting a Career

After being away from law school for 14 months, the easy choice would have been not to return to Willamette. It never crossed Hernandez's mind.

Tomás Hernandez, a Willamette University School of Law graduate, works at the school as an assistant dean.

"The Army was still part of my life when I was in law school, so I wasn't surprised when I was deployed," Hernandez explains. "I never thought about not going back to law school. I had a strong desire to get into my routine when I got back from Afghanistan. It was part of my plan."

But it's not easy shifting from Army life in Afghanistan to law school life in Salem. Hernandez admits he should have taken a bit more down time after returning from overseas in November 2010. He jumped right back into his classes in January 2011.

"My grades took a serious hit. I didn't realize how stressed I still was," Hernandez says. "Once I got through 2L year … I knew I could finish. My 3L year was less stressful. I rallied and finished."

Hernandez spent a few months with his wife's new law firm before taking a staff position at Legal Aid Services of Oregon in Albany. LASO's mission appealed to him, and he wanted to learn how to be a lawyer from other people. He learned on the fly doing a lot of litigation, eviction defense, administrative law and appellate work. His compassion for clients made an impression on his peers.

Richard Montgomery was volunteering with LASO when Hernandez was hired. Montgomery then became a staff attorney shortly after Hernandez's hiring. They worked together on housing and administrative law cases for three years. Montgomery points to a case, just before Hernandez left LASO, that speaks to Hernandez's character:

He advocated for an individual receiving developmental disability services, who was being moved out of his facility. The decision went against the client, and Tomás appealed the decision. Tomás continued working on the appeal after he left LASO. He argued before the Court of Appeals months after he had left LASO. I attended the hearing, and it was readily apparent how well-versed he was on the material. Unfortunately, the client passed away before the Court of Appeals rendered its decision. Tomás could have handed the case off, but his relationship and care for the client meant that was not an option for him.

> "What do I need to do to not be homeless? What do I need to do not to go to jail?"

Hernandez took his three years of experience with LASO and joined his wife's firm, establishing the immigration side of the business in conjunction with her family law practice. His family's immigration story was a driving factor in his decision to make this change.

"I had a lot of connection to my family's immigration stories. I wanted to help other people navigate through that process," Hernandez says. "My mother got permanent residency through the amnesty period in the 1980s. I knew it wasn't easy. I know navigating that process is not easy. I wanted to help people through it."

With his immigration practice thriving for three years, Hernandez left when a director position with LASO in Albany became available. Returning to the place where his career began provided him a level of comfort but also the opportunity to "make a broader impact in the community."

Montgomery was thrilled to see him return in a leadership role.

"During Tomás's tenure as director, our office's connection to organizations in our service area increased dramatically. He was the catalyst," Montgomery reports while adding Hernandez spent countless hours outside the workday to form community connections. "When our office was not meeting the communities' needs, Tomás listened and addressed our shortfalls. He led by example, and the office went with him."

Willamette and Mentoring

Hernandez's career path has led him to where he is now, an unlikely place on the surface considering his previous experiences, but one where he believes he's putting all of his skills to work — Willamette University School of Law.

After three years as the director of LASO in Albany, Hernandez was getting worn down by the daily commute from Salem. His children were actively involved in activities happening in Salem. It's where their family life was. So, Hernandez figured he'd start up his immigration practice again but first took one look at available positions in the Salem area.

"I saw a position in career services at Willamette. It talked about working with students and networking with attorneys. Those are things I do and seemed like a natural fit for me," Hernandez explains. "I applied and heard back right away. I've been here ever since (November 2022)."

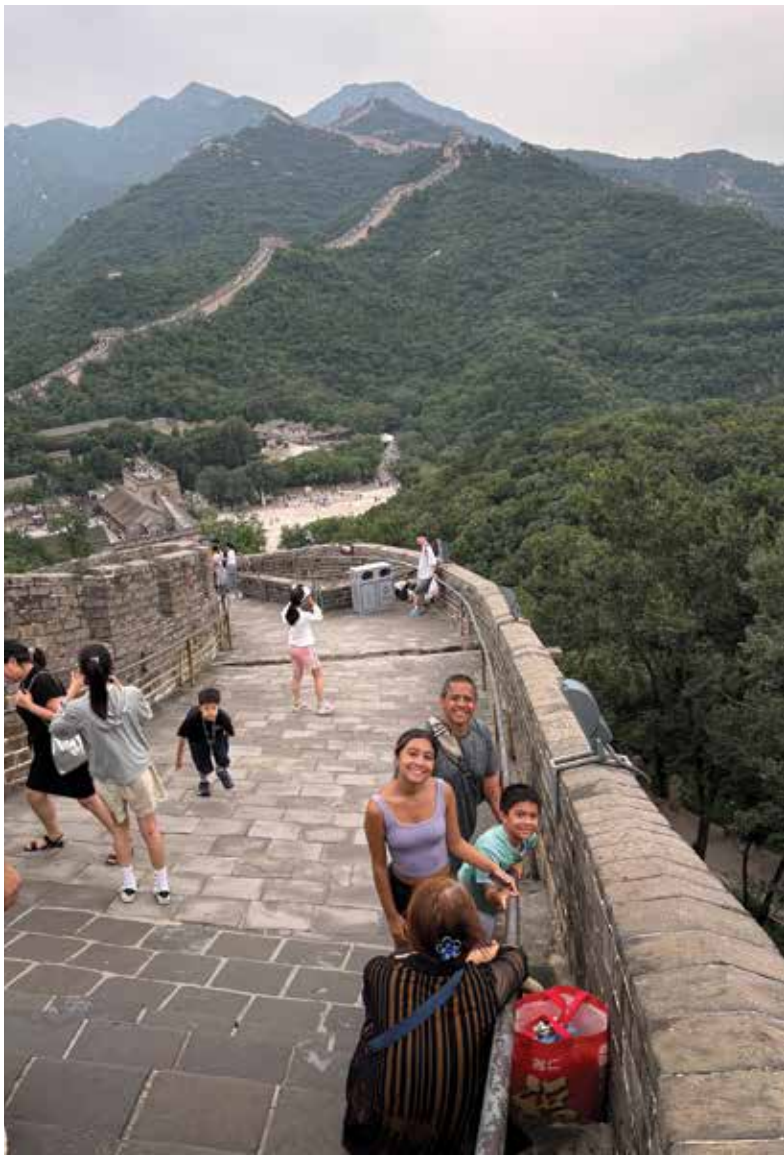
Hernandez never sought out a mentor when he was a student at Willamette. He was busy with Army responsibilities, plus he didn't know the benefit as he was the first in his family to go through law school. Now, he wants to be the person he didn't have as a student.

"Everything I do centers around students and trying to prepare them for life after law school. I do mock interviews. Sometimes, I do career counseling. I do a lot of 1-on-1 counseling with students to help them achieve their goals. I review resumes. I help write cover letters," he says. "This is what brings me joy. I love seeing my students succeed."

Ulises Medrano has succeeded — much to the efforts of Hernandez. Medrano currently is a deputy public defender for Public Defender of Marion County. During his first year at Willamette,

Medrano met Hernandez, whom he credits with helping him find his first clerkship. Medrano also leaned on Hernandez during difficult times.

"He was one of the first people I called when I failed the bar," Medrano says. "He gave me the advice to breathe, reminded me that I was going to pass and reminded me he also didn't pass the first time. He told me to make sure I didn't go on a drinking binge and just be sad for 48 hours. It really helped."



Photos

Left: Prior to his law career, Hernandez served the United States in the Army. He is pictured with his wife Sara.

Top: As Hernandez's children grew older, he wanted a legal career that positioned him to work closer to their activities and allow him to be present.

Right: Hernandez loves traveling, especially the food that goes with a long-distance trip. His family recently took a vacation to China.

Bev Ecklund, the associate director of career planning and development for Willamette School of Law sees the impact Hernandez has on a daily basis.

"Tomás meets people where they are. He will often do a lap around the law school building to chat with students in the hallways, building connection and trust," Ecklund says. "These students will then make their way to our office where Tomás will meet with them about their career and professional goals. Many of these students would not have come to our office on their own."

In true Hernandez fashion, he didn't feel as if he was doing enough at Willamette. He started as an associate director and was promoted to assistant dean about a year later … but he still thought he should be busier. He had a conversation with then-Dean Brian Gallini about how he was liking the job.

"I can be a direct communicator. I was complaining I was bored in the summer. I'm used to a faster pace. During the school year, the pace is fast. In the summer, things slow down," Hernandez says. A few months after this conversation, the person running the externship program put in for retirement. Gallini asked Hernandez if he was interested in taking it over. He's not bored in the summer anymore.

Volunteer Efforts

It's hard to imagine Hernandez ever was truly "bored" based on his volunteering. He started giving his time to the Oregon State Bar after chatting with Jonathan Puente, former OSB director of diversity and inclusion, at an Oregon Hispanic Bar Association event. Puente gently suggested Hernandez volunteer for the advisory committee on diversity and inclusion. He did and jumped into the bar's New Lawyer Mentoring Program as well, which was a natural fit.

Hernandez sees his broader focuses as president as mentorship, belonging and purpose. For specific Oregon State Bar issues, he wants to continue the work to improve rural deserts, well-being, and diversity and inclusion.

Rodrigo Fernandez-Ortega was a 1L when he was partnered with Hernandez. Their backgrounds were similar in that Fernandez-Ortega also was the first in his family to go to law school. He doubted himself, simply because so much of law school was foreign to him. Hernandez provided support, yet also challenged him.

"He challenged me in a healthy way. He encouraged me to engage in networking opportunities, something that I was not used to doing," Fernandez-Ortega says of Hernandez. "He invited me to networking events and introduced me to Oregon attorneys. He consistently checked up on me to see how I was doing in and out of law school.

"To me, it was very reassuring to see and meet someone from a similar background that completed law school, passed the bar and established himself as an attorney in Oregon. It showed that I could do it too."

Eventually, Hernandez put his name in for the Board of Governors, which led to some BOG members encouraging him to go for president.

"I thought I was well-positioned to highlight some of the work the bar is doing to encourage our students and show them the opportunities that exist throughout Oregon," he explains. "It would be neat to do it from the position of bar president."

For the upcoming year, Hernandez plans to take an approach that splits his focuses between general needs and bar-specific causes.

When it comes to the larger legal community, there are three areas where he is turning his attention.

Mentorship. "No one can succeed alone. I want to encourage that philosophy. We must focus on what we can do for the next generation of attorneys. Mentorship is a conduit for success."

Belonging. "I know from personal experience that I didn't always belong. That's usually because the room looks different than me. All attorneys from every background should feel like they have a place in this profession."

Purpose. "Most of us enter this profession with something in mind … at some base level, we want to help someone else, help the community, help clients … but sometimes we forget why we entered this profession. I ask folks to remind ourselves why we entered this profession and get us to feel connected to our purpose again. Once we find our purpose, we tend to be happier lawyers."

For the OSB, he sees three particular areas of focus.

Rural Deserts. "I want to support the lawyers we have there already. We should continue to strengthen the trust the public has in our justice system by highlighting the good work that is happening throughout our state but also being transparent if we are falling short in some areas."

Well-Being. "We need to keep expanding our support for lawyer well-being. When I talk to my students, I tell them it starts now.

It starts as a law student." He adds that it's critical for students to understand that they better serve their clients when they are in their best state of mind.

Diversity and Inclusion. "Representation matters. I want to lend my perspective to the board. Board makeup should be representative. It's also important that institutions not abandon efforts in this area. I'm proud of the work the BOG has done so far."

Stroke and Recovery

Hernandez begins his OSB presidency as he continues to work his way back from the biggest challenge of his life. On Father's Day 2024, Hernandez, who was 44 at the time, suffered a stroke. With no warning signs or typical risk factors, this came as a shock to him and his family. He was hospitalized for three weeks, released home and started a long process involving physical and speech rehabilitation.

The man who had done nine marathons, including one at the age of 14, had trouble walking to the corner and back when he first had the strength to take those steps. Now, he gets around well and hopes to get back into running soon.

"Physically, in many ways, I recovered better than expected," Hernandez says. "For me, at some point, I made a deal with myself that wherever I was in my recovery phase at that time, I would be fine if I stopped progressing physically and could just get my brain back, so I really focused on my cognitive recovery."

Hernandez says he and Sara had conversations about him not returning to Willamette, so he could fully focus on recovery. But, having that end goal of working with students again drove him.

"I didn't want to believe that I wouldn't get better. I can be a very stubborn person. I got it in my head that I wanted to recover, so that meant I had to be diligent in my therapy," he says.

What also enabled his recovery was the support of the Oregon legal community. He says he was struck by the number of attorneys, judges and peers who contacted him.

Hernandez returned to part-time work in September 2024. Concentration and talking still were a challenge. It still emotionally affects him thinking about that time in his life.

"That was the hardest thing I had done," he says with a pause. "I didn't have the cognitive endurance to make it through a full day. I would get the worst headaches."

He slowly increased his hours for a couple months, and by the spring semester of 2025, he was back full-time with Willamette. "I still tell people I'm not 100%, but I'm pretty good. I got released from physical therapy in August. I do my own physical therapy at home now."

Family, Travel and Food

And at home, he has the love and foundation of his family. Hernandez emphatically credits Sara's support and encouragement with his opportunity to achieve so much. They've managed to balance their law careers with juggling the interests of three children (one of whom is an adult and lives in New Mexico now).

The family loves to travel and Hernandez especially enjoys sampling the fine cuisines from around the world.

"I'm picky about the food I eat. I like good food," he says. "When we travel, I will center the trip around food."

The family recently returned from a trip to China. Next year, just Hernandez and Sara will embark to Argentina, inspired by the show "Street Food" on Netflix that the two of them binged during COVID.

But, maybe just don't ask him about chocolate chip cookies.

"The three of us had a chocolate chip cookie bakeoff contest. Our students tasted each cookie and voted for their favorite," explains Ecklund about an office competition at Willamette. "Tomás spent the days before the contest talking up his cookies to any student he came in contact with. Ultimately, I won the contest, and Tomás has yet to let it go. We are having another contest so he can redeem himself."

The cookie contest showcases Hernandez's self-described "stubbornness" but also how he goes above and beyond to connect with students at any time. "Young Tomás" may not have envisioned himself as a lawyer, working at a school, living in Oregon and serving as a bar president, but the drive to achieve his early goals laid the groundwork for the successes he has had. Those who know him are convinced he's the right person at the right time to lead the Oregon State Bar.

"Tomás is extremely experienced and has held leadership roles," Fernandez-Ortega says. "He is a great networker. He is friendly and honest. He has a good way of helping you see both sides to a situation while also making you feel like the decision is yours to make."

"Tomás is a natural leader," Ecklund says. "I see him leading the bar by encouraging others to step up and take more leadership roles in their own firms, agencies, local community and within the bar." ■

Michael Austin is the editor of the Bulletin.

Community Service

ONLD Award Winners Improve the Bar and Serve the Public

By Shannon Gormley

Each year, the Oregon New Lawyers Division awards exceptional attorneys who are making a difference in their field. This year's winners share a commitment to sharing knowledge, advancing access to justice and fostering a supportive legal community.

— Colin Andries Member Services Award —

Jana Baker

In recognition of exemplary contributions to the Division's membership.

For Jana Baker, recruitment and mentorship are personal. "I got so much out of mentorship, networking and connection in law school," says Baker, a partner at Hanson, McClintic, Gerber & Baker in Salem, a private firm part of a consortium that provides indigent defense. "Every time I get to give that back to someone else, it's really special to me."

Baker has dedicated herself to supporting the next generation of attorneys. While attending Willamette University School of Law, she revived the Oregon Criminal Defense Lawyers Association's (OCDLA) law student chapter, recruiting 70 members in the first year. She began serving on OCDLA's DEI committee as a law student and remains an active member today.

Jana Baker

Mae Lee Browning, OCDLA's legislative director, has seen Baker help usher in countless new lawyers to the profession.

"Her leadership and encouragement have opened pathways for others who may not have otherwise seen themselves in the profession," writes Browning, who nominated Baker for the award. "By modeling dedication, perseverance and service, Jana uplifts not only her clients but her colleagues, peers and future defenders."

Baker grew up wanting to be a lawyer, but it took a twist of fate for her to pursue her dream. Baker was born in Arizona, then moved to Southern Oregon before high school. Her parents encouraged her to pursue a medical career. Baker wasn't sure if college was even an option for her, since she would be the first in her family to go. So after graduating from Grants Pass High School, she moved to Las Vegas, Nevada, where she managed a doctor's office. Coincidentally, she found the law all around her. The doctor shared a building with a lawyer and was located across the street from a courthouse.

Eventually, Baker decided to give in to what increasingly felt like fate and go to college with the ultimate goal of earning a law degree.

Baker went to Delaware Law School for a year before transferring to Willamette. When Browning approached Baker about reviving OCDLA's student chapter, Baker jumped at the opportunity. She quickly grew the chapter into one of the largest student groups on campus. Baker organized events like the popular Lunch and Learn, where attorneys would come to campus to give talks to students, and took part in planning Willamette's criminal defense clinic. She held happy hours for law students and attorneys to meet in a relaxed setting. Then, as the student liaison for the OCDLA DEI committee, she started hosting pre-happy hour meetups for students and attorneys from underrepresented backgrounds to get to know one another before the larger events.

Though Baker had long dreamed of a legal career, she never imagined herself as a criminal defender. She entered college thinking she'd go into medical malpractice, then became interested in prosecution. It wasn't until she took a summer job at a defense firm in Medford that she fell in love with criminal defense. Her own roundabout route to defense is part of why Baker is so passionate about recruiting.

"There's so many misconceptions about criminal law," says Baker. "People say 'I don't know how I could represent one of those people.' It's like, well do you know how easy it is to become one of 'those' people? There are so many people wrongly accused and so many people who just made a mistake, and for some reason they got charged and other people didn't. It's not 'those' people, it's people."

After graduating from Willamette, Baker worked through the Supervised Practiced Portfolio Examination (SPPE) at Public Defenders of Marion County. Baker was one of the first licensees admitted through the program, and became minor felony qualified the day she gained admittance to the bar. While working through the SPPE, she testified before the Oregon State Legislature in support for public defense funding. In her testimony, she noted that once barred, she would become part of the less than 1% of lawyers in the country who are Native American women. She brought up the high caseloads, and the importance of investing in organizations like PDMC. She also mentioned the lawyers who mentored her, and how they showed her the importance of public defense.

A few months ago, after years at PDMC as a clerk, SPPE applicant and then attorney, Baker was named partner at Hanson, McClintic, Gerber & Baker. Moving on from PDMC was bittersweet, but it doesn't change her commitment to public service or mentorship.

"I was a first-generation, non-traditional student, so things were a lot harder, just trying to navigate that system. Even as an attorney, things are harder," says Baker. "And so when people need that help, that drives me because it's like, I figured it out! We don't need to recreate the wheel. People taught me; let me teach you."

— Public Service Award —

Alex Fletcher

In recognition of substantial contributions to the public through efforts involving pro bono services, law related education and activities benefiting the public.

In law school, Alex Fletcher was taught that reputation matters. Now a public defender three years into her career, Fletcher knows what she wants that reputation to be: one of authenticity.

"That stoic, persona of an attorney — I can't do that," she says. "That would just feel so weird to me."

Alex Fletcher

Fletcher is the lead attorney assigned to Clackamas Indigent Defense Corporation's (CIDC) specialty DUII treatment court. In addition to authenticity, she's also developed a reputation for friendliness and positivity in a high-stakes, adversarial field, while representing clients who are going through tough times.

"Fletch is also one of the most infectiously happy people to be around," writes CIDC deputy executive director Michelle Bartov, who nominated Fletcher. "She is always in court with a smile, a joke and an incredibly positive attitude. She lifts up everyone around her by simply being herself. Fletch is loved by her colleagues at CIDC, as well as opposing counsel and court staff."

Her conviviality extends to opposing counsel to the point that she'll discuss her argument and plans for the proceedings beforehand. In some ways, Fletcher's positivity is just part of who she is (her parents, she says, are positive people too). But it's become a key part of how she serves her clients.

"It just makes it so much easier to work with another person if I've never been inauthentic with them," she says. "It just makes it so much easier to have open conversations and work and negotiate."

Fletcher entered University of Oregon School of Law already knowing she wanted to be a public defender.

"We have a public defender crisis. I wanted to be on that side of it and provide my energy there," she says. "I would prefer giving my time to the side that is overworked and overburdened."

Despite choosing an overburdened field, Fletcher puts genuine emotion into each of her cases and takes the time to get to know each client. Understanding each individual helps her be a better advocate for them. It also helps build trust, something that's especially important with clients going through treatment court.

"I get to know people and I get to learn who they are holistically," she says. "This thing that they've been charged with, this really bad moment in their life, it's not who they are. There's a lot more to them than just what the charging instrument says."

That sincerity and understanding seems to come across to jurors. Recently, she won DUII acquittals for five clients in a row, a streak that's become somewhat legendary at CIDC. But the way Fletcher tells it, there was no real secret to her success — her clients just weren't guilty.

"(In those five cases), I do truly believe they weren't under the influence when they were driving," she says. "Maybe the jury can tell I am being very authentic with them."

Better than some trick of the trade, that authenticity doesn't just help her win trials. It's the crux of how she builds genuine relationships with her clients to help them seek justice.

"All of (my clients) are charged with crimes. It's not a great time (for them)," she says. "I understand that it's confusing and there aren't a lot of clear answers. I really like being a person they can trust, the person who is trying to help them when they feel outnumbered and alone going through these really hard times."

Kia Tolbert

Recruiting prospective attorneys to work as public defenders is one thing; recruiting them to work as a public defender in a rural area is another. Kia Tolbert would know — she's spent most of her career doing just that.

Kia Tolbert

A public defender based in Roseburg, as well as the defense attorney representative for the domestic violence specialty court in Douglas County, Tolbert spearheaded a novel program to recruit more attorneys to southern Oregon before she even gained admittance to the bar. While working through the Supervised Practice Portfolio Examination (SPPE) at Umpqua Valley Public Defender, where she now works as an attorney, Tolbert noticed a common theme in law clerks' exit interviews: They struggled with the low or lack of pay. Like many public defense offices, Umpqua Valley Public Defender simply didn't have the money to pay clerks.

Tolbert decided to change that. She began organizing fundraisers with local businesses to support the clerkship program. It started with Old Soul Pizza, a beloved local pizzeria that agreed to donate a portion of their proceeds. Then, Robert Taylor, a local defense attorney who runs a trivia night agreed to host a game to raise money for the effort. Next came a yoga fundraiser with Umpqua Movement Arts Collaboration, which had the added benefit of promoting mental health in a practice area particularly prone to vicarious trauma.

Now known as the Equal Justice Initiative, the program is just one of several ways Tolbert has worked to increase access to justice in her community.

"This is not just about staffing," says Tolbert. "It's about investing in a sustainable future for public defense in rural Oregon and ensuring that every individual, regardless of geography and economic status, has access to quality legal representation."

Tolbert decided to become an attorney at a young age. Tolbert's father was incarcerated throughout much of her childhood in northern Florida. The more questions she asked about her dad's time in custody, the more she felt like he just needed a better advocate. "I was like, 'Well, he just needs an attorney like me,' and so that sort of spearheaded my want to be an attorney," Tolbert recalls. "I realized how the criminal justice system dismantled Black and Brown homes, so I wanted to be a force that combated that."

Inequities in the justice system convinced Tolbert to become an attorney; nature convinced her to practice in Oregon. Tolbert worked as a legal assistant, law clerk and paralegal for more than 10 years, before and while going to law school in Florida. After a mountain biking trip on Mount Hood, Tolbert knew she had to make Oregon her home. She decided to become licensed through the SPPE to better immerse herself in Oregon's legal community, and imagined working in the northern Willamette Valley, near the lush landscapes that made her fall in love with the state. But out of all the job offers she received, the position with Umpqua Valley Public Defender resonated the most because of its close-knit community and the way it reminded of her of the small town where she was raised.

In addition to founding the Equal Justice Initiative, Tolbert was instrumental in creating her office's recruitment and retention committee. She's also a member of Oregon Criminal Defense Lawyers Association's Diversity, Equity and Inclusion Committee and its Education Committee and Legislative Committee, OSB's DEI Committee and the Governors Task Force on Removing Barriers to Jury Service, and has presented at law schools about rural public defense and serves as a law student mentor. An SPPE alum herself, Tolbert has been an advocate for the program. And, of course, she has a full case load, ranging from misdemeanors to major felonies.

"Kia is a zealous advocate for her clients," says Kelsey Cunningham, a fellow Umpqua Valley Public Defender attorney who nominated Tolbert. "Despite being one of the newer attorneys at our firm, she is always educating others, even those more senior than her."

Education is at the center of much of Tolbert's work. The Equal Justice Initiative has an upcoming fundraiser, set for April 11, that will be an auction and art show, with works by local artists meant to prompt people to think differently about the meaning of justice.

"What (justice) means is different to different people," says Tolbert, "especially because a lot of the time we perceive things to be black and white and they aren't necessarily."

— Advancing Diversity Award —

Rebeca Lopez-Franco

In recognition of an ongoing commitment to serving and valuing the Division's diverse community in order to advance equality in the justice system and remove barriers to that system.

Only two years after becoming a licensed attorney, Rebeca Lopez-Franco was hired as the supervising attorney of Oregon Law Center's Farmworker Program. For most new attorneys, helping to lead a statewide program within the first few years of their career would seem like a stretch. But for Lopez-Franco, it was a perfect match.

Oregon Law Center's Farmworker Program provides farmworkers in Oregon with free legal help for work-related matters. Lopez-Franco describes finding the Farmworker Program as kismet — before she even knew such a position existed, she had found her niche at the intersection of immigration and employment law.


Rebeca Lopez-Franco

Most importantly, the program aims to make legal help accessible to historically underserved communities.

"We cannot have a program (like the Farmworker Program) if we don't believe that we have a need for diversity and equity in our systems, in our communities," says Lopez-Franco.

To those who work with Lopez-Franco, it's not just what she leads, but how she leads that has won her this year's Advancing Diversity Award.

"She is committed to the program's mission of achieving justice for farmworkers, a population that has traditionally been underserved by the legal system," says Lauren Grace, a Farmworker Program staff attorney who nominated Lopez-Franco. "She also does a great job making our workplace inclusive and equitable for everyone."

Lopez-Franco grew up in Salem. The daughter of Mexican immigrants, she knew she wanted to be an attorney from a young age. Her parents received help from Catholic Charities of Oregon, and she saw the positive shift in her parents' mood from when they entered their attorney's office to when they left. "It was like, I want to be that person who can do good things when people come into my office and they leave happy," says Lopez-Franco. "That just kind of stuck."

Lopez-Franco imagined she'd become an immigration lawyer. But while attending University of Oregon School of Law, she realized she loved her employment law classes, especially since it was a practice area that involved protecting people's rights.

Ultimately, though, Lopez-Franco's niche found her. Just before she graduated from law school, Lopez-Franco was invited to lunch by Emily Teplin Fox, an Oregon Law Center attorney who Lopez-Franco met through the Multnomah Bar Association fellowship program. Teplin Fox encouraged Lopez-Franco to apply for a staff attorney position that was about to open in the Farmworker Program. Though it was her first time hearing about the program, it was the perfect fit for Lopez-Franco›s skills and interests — her law school writing requirement was about the exclusion of farmworkers from the Fair Labor Standards Act.

In her first two years as a staff attorney, Lopez-Franco's work covered the full range of the program's services, from sexual harassment cases to discrimination and workers' compensation, cases in state court and in federal court, mediation and work involving just about every labor-related government agency. She also managed to make time for community education — presenting on workers' rights regarding the likes of overtime, smoke and severe heat.

The role was such a perfect fit, it's hardly surprising that two years into her career, Lopez-Franco was hired as the program's supervising attorney. During her first year as supervising attorney, Lopez-Franco has managed to support and lead her team through a turbulent time for immigration law, which, though not technically the Farmworker Programs' practice area, heavily overlaps with its work and greatly impacts the people it serves.

Even — maybe especially — amid broad changes, Lopez-Franco has found that such attention to detail makes a big difference. She is particularly proud of the work she and her team have done to meet the diverse linguistic needs of their clients. OLC's Farmworker program has staff who can speak English, Spanish and Mixteco Alto, and there are now court interpreters who speak a range of indigenous languages. Lopez-Franco strives for her office to meet interpretation needs down to regionally specific dialects. Many of the Farmworker Program's clients are from South and Central America. Finding qualified interpreters who can meet the needs of such vast, linguistically diverse regions is a job in itself, one that involves intense networking and community building outside of the legal field. But it's an essential part of good representation.

"I'm not saying we should all do it because it's so easy," says Lopez-Franco. "We should all do it because it's necessary and important."

— Volunteer of the Year Award —

Hon. Marci Adkisson

In recognition of extraordinary service through volunteer activities with the ONLD.

When Judge Marci Adkisson thinks of Southern Oregon, she thinks of high-mountain lakes, waterfalls, night skies bright with stars, neighbors who know your name, mule deer, beavers, golden eagles and a slower pace of life that allows one to take it all in.


Hon. Marci Adkisson

"I have loved every part of my life that I have lived, including my professional life," says Adkisson, a judge in Klamath County. "I really have enjoyed practicing here, the community and the people I've worked with."

Adkisson has spent nearly her entire life and legal career in her home state's sparsely populated south. She was born and raised in Lakeview, a Great Basin town in a county with more square miles than people. Now, she's working to recruit more legal professionals to the landscapes and lifestyle she has found so fulfilling.

Adkisson is a key volunteer behind ONLD's Rural Practice Road Show. Now in its second year, the Rural Practice Road Show brings panels and networking to each Oregon law school, introducing students to the opportunities available outside Oregon's major metropolitan areas. Adkisson helped lead the Rural Practice Road Show's creation and has served as panel moderator both years.

"Judge Adkisson has gone above and beyond in trying to extol the virtues of a rural practice to newer Oregon lawyers," say OSB New Lawyer Programs Coordinator Cathy Petrecca, who nominated Adkisson. "Well respected by the Klamath County practitioners, she models how one can serve one's community, and the profession, all while keeping a good balance of life and work."

Adkisson lives the life that attorneys who overlook rural practice are missing. She also sees the day-to-day toll a lack of lawyers takes rural communities.

Outside the Willamette Valley, most of Oregon is considered a rural desert, where there aren't enough attorneys.

"It really puts the court in a situation where we can't give legal advice, but somehow we have to get information to make a decent decision," says Adkisson. "So it's really challenging to be a trial court judge and have those kinds of cases as a fairly steady diet."

Despite the pressures of working in a legal desert, Adkisson and her colleagues are still able to prioritize work-life balance. Her legal community is tight-knit and supportive, especially of families. When a Klamath County defense attorney mentioned dropping her daughter off at her first day of preschool, Adkisson's office suggested she take the morning off. "We didn't want to add more pressure to a day that was already going to be a little bit emotional for her," says Adkisson. "We are family supportive here. I won't even say family-friendly — we support families."

When ONLD began looking for volunteers for rural recruitment, Adkisson was quick to offer her support. She has been instrumental in launching the Rural Practice Road Show and remains one of its most dedicated volunteers. The second iteration, held last fall, saw higher attendance than the first. To Adkisson, it seemed like the word had gotten out. It wasn't just the number of students who attended that was exciting, it was the range of interests.

"We need to have the civil practitioners, we need to have both defense and prosecution practitioners — in order to have a healthy legal system, we need all those people," says Adkisson. "I want healthy communities."

Building that robust, legal ecosystem will be a long-term, multifaceted effort. It's an immense task, but with characteristic optimism, Adkisson is determined to see it through.

"If I could, I'd bring about 30 more lawyers into Klamath County and would have something for them all to do everyday" she says. "But one or two would be absolutely amazing."

The Honorable John V. Acosta Professionalism Award

Varner Jay Johns III

In recognition of an ongoing commitment to cultivating and promoting the highest ethical and professional standards among new lawyers in the Oregon State Bar.

Varner Jay Johns III thinks of life as like wheel. If one spoke is too long, it won't work.

"Unless you have balance in your life, you're not going to do a good job," says Johns. "Your profession is just one spoke. If that one's way longer than the spoke for your family, your spoke for your health, or the spoke for your community, the wheel isn't going to turn."

A business and estate attorney at Eugene's Luvaas Cobb, Johns is committed to his clients. But he believes he wouldn't be the attorney he is if he didn't have such a rich life outside of work. Last November, he had to miss the ceremony where he was awarded the prestigious Honorable John V. Acosta Professionalism Award because he had already committed to his granddaughter's fifth birthday party in Southern California. Johns baked his granddaughter's cake, which she requested to be "rainbow princess" themed. He went with a multicolored layer cake decorated with white frosting and a sprinkles rainbow ("I was flying blind on the princess part, but the rainbow was a little easier").

Varner Jay Johns III

Though it meant he missed the ceremony, it's that kind of care and commitment that earned Johns the award in the first place.

"He has a gift for putting the role of lawyer into perspective within the broader scope of life, encouraging younger attorneys to embrace both excellence and balance," writes Gleaves Swearingen attorney Taylor Gersch, who nominated Johns for the award. "Jay's professionalism is not confined to his words — it is visible in the way he lives and leads. He exemplifies honesty and integrity in every aspect of his work and inspires those around him to do the same."

In addition to fellow lawyers like Bob Fraser and Joe Richards, Johns' definition of professionalism comes from his father, a professor of medicine. Varner Jay Johns II taught his students that there are only three things that set a profession apart from other fields: intensive academic preparation, selfless service to the public and devotion to sharing knowledge.

Those tenets have guided Johns' life and career. He particularly took to heart the importance of learning and sharing knowledge, which Johns views as important part of public service.

"To be a professional, you have to be a lifelong learner, and in that perpetual search for knowledge is your desire to share that," he says. "In law, there are no trade secrets. We exist for the benefit of the public. We have client confidentiality — we definitely hoard that information — but we're generous with the knowledge that we gain, because it's for the benefit of the public."

That doesn't just mean respecting the knowledge of other attorneys; it means valuing the insights from his clients, too. He approaches each client's situation with curiosity and sees it as his role to educate his clients regarding their options so they can make the best decisions for themselves, rather than deciding for them.

"I love learning, whether it's about a rock quarry, someone who brokers airplanes, farming somebody who's in the lumber business — I just love learning about what they do," he says. "People are fascinating. I think that's what I've enjoyed most — just getting to know my clients and their business and being able to help them."

Even with his core principles guiding him, finding the right balance between his personal and professional life hasn't always been easy. December is his practice's busiest month. Especially when he was managing his law firm, it was hard to find time to enjoy the holidays with his family.

"Most Decembers, it was a bumpy ride on that wheel because that (work) spoke was sticking out further than the other ones," he says. "I love Christmas and all that stuff, but I really had to set it aside and work harder than I liked during the month of December. I would often take time off in January and go do something with the family as penance for the miserable December we had."

So, he decided to pass the management position on to someone else. Now, Decembers are still busy, just not unbearably so. For Johns, the greatest achievement isn't titles or accolades, it's meaningful connections and a life built with integrity. ■

Shannon Gormley is the associate editor of the Bulletin.

Digging Into the Sealing of Oregon Court Records

The Public's Right to Know

By The Hon. James R. Hargreaves

The State Court Administrator's office recently compiled the following chart showing the number of cases over the last five years in which judges ordered the sealing of court files in matters that could not be reconciled with legislative authority to do so. (See table on the right)

While the absolute numbers of cases is relatively small, each case represents the violation of the public's right to know what is happening in the courts by a judge exceeding his or her legal authority. That law is perfectly clear and easily discernable by any judge who may be asked to or inclined to seal a file.

Legal Analysis

Oregon has a long history of strongly protecting the public's right to access records of public entities, including records of court proceedings. The basic law in Oregon can be easily summarized: All records of public entities are open to public inspection unless the Oregon Legislature has specifically exempted a type of record from disclosure. It is the duty of all public entities to understand the public records law and to carefully follow it. This duty extends to the courts.

To begin this analysis, it is important to first explore the basic laws of Oregon regarding public access to court files and the concept of sealing documents and materials.

The Oregon Constitution and Legislation

Article 1 Section 10 of the Oregon Constitution provides in part:

"No court shall be secret, but justice shall be administered, openly and without purchase …"

In furtherance of this constitutional right, the Oregon Legislature has provided:

> **192.314 Right to inspect public records; notice to public body attorney.** (1) Every person has a right to inspect any public record of a public body in this state, except as otherwise expressly provided by ORS 192.338, 192.345 and 192.355.

The Oregon Legislature has specifically provided in regard to courts:

> **ORS 7.130 Search and examination of records and files; certified copies.** Whenever requested, the clerk or court administrator shall furnish to any person a certified copy of any portion of the records or files in the custody of the clerk or court administrator.

Taken together, these provisions of Oregon law clearly establish that, in the operation of the courts in Oregon, the default rule is that whatever is filed with the courts is open to public inspection unless protected by law. The Legislature has, from time to time, carved out some very specific, and very limited exceptions to the open records requirement in various kinds of cases and for specific types of data. The Oregon attorney general maintains a list of exceptions, including those that apply to the judicial department. That list can be accessed online at *justice.oregon.gov/PublicRecordsExemptions/*.

Benton	2023	Adult Protective Proceedings
Benton	2023	Minor Protective Proceedings
Clackamas	2023	Dissolution
Clackamas	2023	Petition Custody/SupportNisitation
Clackamas	2024	Dissolution
Clackamas	2024	Dissolution
Clatsop	2020	Estate - General
Columbia	2022	Property – General
Columbia	2023	Estate – General
Deschutes	2020	Constitutional Writs – Habeas Corpus
Deschutes	2021	Dissolution
Douglas	2022	Adult Protective Proceedings
Douglas	2023	Dissolution
Hood River	2025	Constitutional Writs – Mandamus
Jackson	2020	Dissolution
Josephine	2024	Small Claims – General
Lane	2022	Adult Protective Proceedings
Linn	2022	Minor Protective Proceedings
Linn	2022	Petition Custody/Support Nisitation
Marion	2022	Adult Protective Proceedings
Marion	2024	Dissolution
Multnomah	2020	Minor Protective Proceedings
Multnomah	2022	Tort – General
Washington	2024	Simple Estate

Sealing Court Documents

The courts have weighed in on the issue of public access to records by adopting Uniform Trial Court Rule 5.160, which reads as follows:

> **5.160 SEALED DOCUMENTS**
>
> (1) A party seeking an order to file documents or materials under seal must file amotion with the court that specifies all of the following:
>
> (a) The statutory authority for sealing the documents or materials.
>
> (b) The reasons for protecting the documents or materials from public inspection.

(c) A description of the documents or materials to be sealed.

(2) At the direction of the judge hearing the motion, the moving party must submit the documents to the court for in camera review.

(3) The court's order on the motion may include directions to the clerk's office to do one of the following:

(a) File the documents or materials, unsealed, in the court file.

(b) File the documents or materials under seal in the court file.

(c) Return the documents, unfiled, to the moving party.

(4) When documents or materials are filed under seal, the filing party must present the clerk with a copy of the signed court order and submit the documents or materials in a sealed envelope marked "SEALED DOCUMENTS OR MATERIALS" and with a notation that identifies the case caption and the party making the submission. In addition, all documents ordered to be filed under seal must have the words "FILED UNDER SEAL BY COURT ORDER" located directly below the document title.

The first and foremost thing that needs to be understood about this rule is that it does not create a right to have documents and materials sealed. It only creates a mandatory vehicle for attorneys to use to ask the court to seal specific documents and materials that the Legislature has designated as not being open to public scrutiny.

A careful reading of the above rule reveals several important aspects.

First, the rule only speaks prospectively. The rule only applies to documents and material that are sought to be filed under seal. The rule makes no provision for retroactively seeking the sealing of documents or material previously filed in the case.

Second, the rule specifically requires a motion be filed with the court seeking the sealing. The stipulation of the parties does not obviate the necessity of complying with all of the other specific requirements of the rule.

Third, and the overriding requirement for the validity of any order sealing documents and material, is the requirement that the moving party provide to the court a citation to the specific statutory authority that exempts the documents from disclosure. If the Legislature has not enacted a

provision specifically exempting the type of information found in the document or materials, the judge has no authority to grant the motion.

Fourth, it is not sufficient to simply cite the specific statutory authority. The moving party must also supply the court with the specific reason(s) for protecting the document or material from public inspection. And, in relation to the judge who is to rule on the motion, the Oregon Supreme Court, in the case of *Kluge v. Oregon State Bar, 172 Or App 452, 19 P3d 938 (2001)*, held that the trial court erred in relying solely on the state bar's description of the records rather than reviewing the records in camera to determine whether they were exempt as internal advisory communications under ORS 192.355(1). The court explained that "(s)omething more than mere assertions concerning the contents of exempted records (was) needed in order protect the public's right of disclosure." The court added that the bar's affidavit and brief did not show that the public interest in encouraging frank communications clearly outweighed the public interest in disclosure because they did not analyze the public interest in disclosure.

Fifth, and finally, it is important to note that this rule applies to sealing documents and materials. Except for such actions as expungements and a few others where the Legislature has directed the courts to engage in the legal fiction of pretending something never happened when it actually did, there is no provision in Oregon law for sealing a whole case file and pretending that it does not exist.

The Oregon appellate courts have had a number of occasions to address the issue of public access to court records. *MacEwan v. Holm, 226 Or 27, 359 P2d 413 (1961),* decided 12 years before enactment of the present Public Records Law in Chapter 192 of Oregon Revised Statutes, is perhaps the leading case in terms of the approach the Oregon courts take with respect to the public's "right to know." The court stated the following:

> And the public interest in making such writings accessible extends beyond the concern for the honest and efficient operation of public agencies. The (information) * * * may be sought by persons who propose to use it for their own personal gain. Thus they may wish to obtain names

and addresses for use as a mailing list, or the record of transfers of property to conduct a title insurance plant.*** The data gathered by government are available to its citizens for such private purposes. * * *

See also, *Smith v. School District No. 45, 63 Or App 685, 666 P2d 1345 (1983)* and City of *Portland v. Anderson, 163 Or App 550, 988 P2d 402 (1999)*. Also see *Kluge v. Oregon State Bar, 172 Or App 452, 19 P3d 938 (2001)* discussed above.

The Inherent Power of Judges

There is no process under Oregon law for sealing court documents and materials other than that set out in UTCR 5.160. There is no authority for sealing a whole case file, except as provided by the Legislature. Judges do not have the "inherent authority" to seal documents or files.

The doctrine of "inherent authority of the courts" is both is a legislative and a judicial construct. The legislative construct can be found in ORS 1.160.

> When jurisdiction is, by the Constitution or by statute, conferred on a court or judicial officer, all the means to carry it into effect are also given; and in the exercise of the jurisdiction, if the course of proceeding is not specifically pointed out by the procedural statutes, any suitable process or mode of proceeding may be adopted which may appear most conformable to the spirit of the procedural statutes.

The interpretation of this statute by the Oregon appellate courts mirrors the long-standing case law. The seminal case in Oregon regarding the inherent power of judges and under what circumstances a judge may resort to the use of this power is *Ortwein v. Schwab, 262 Or. 375, 498 P.2d 757, (1972)*. In that case, the plaintiff attempted to file a matter with the Supreme Court without paying the required filing fee. In rejecting a petition for a writ of mandamus to compel the court to accept the filing without the fee, the Oregon Supreme Court said:

> We look upon the doctrine of inherent judicial power as the source of power to do those things necessary to perform the judicial function, for which the legislative branch has not provided, and, in rare instances, to act contrary to the dictates of the legislative branch.

In reference to the "rare instances" where courts may exercise inherent power to act contrary to the dictates of the legislative branch, the court said this may only be done when the legislative branch has placed "such a restriction upon the performance of the judicial function that the court can ignore the legislative command."

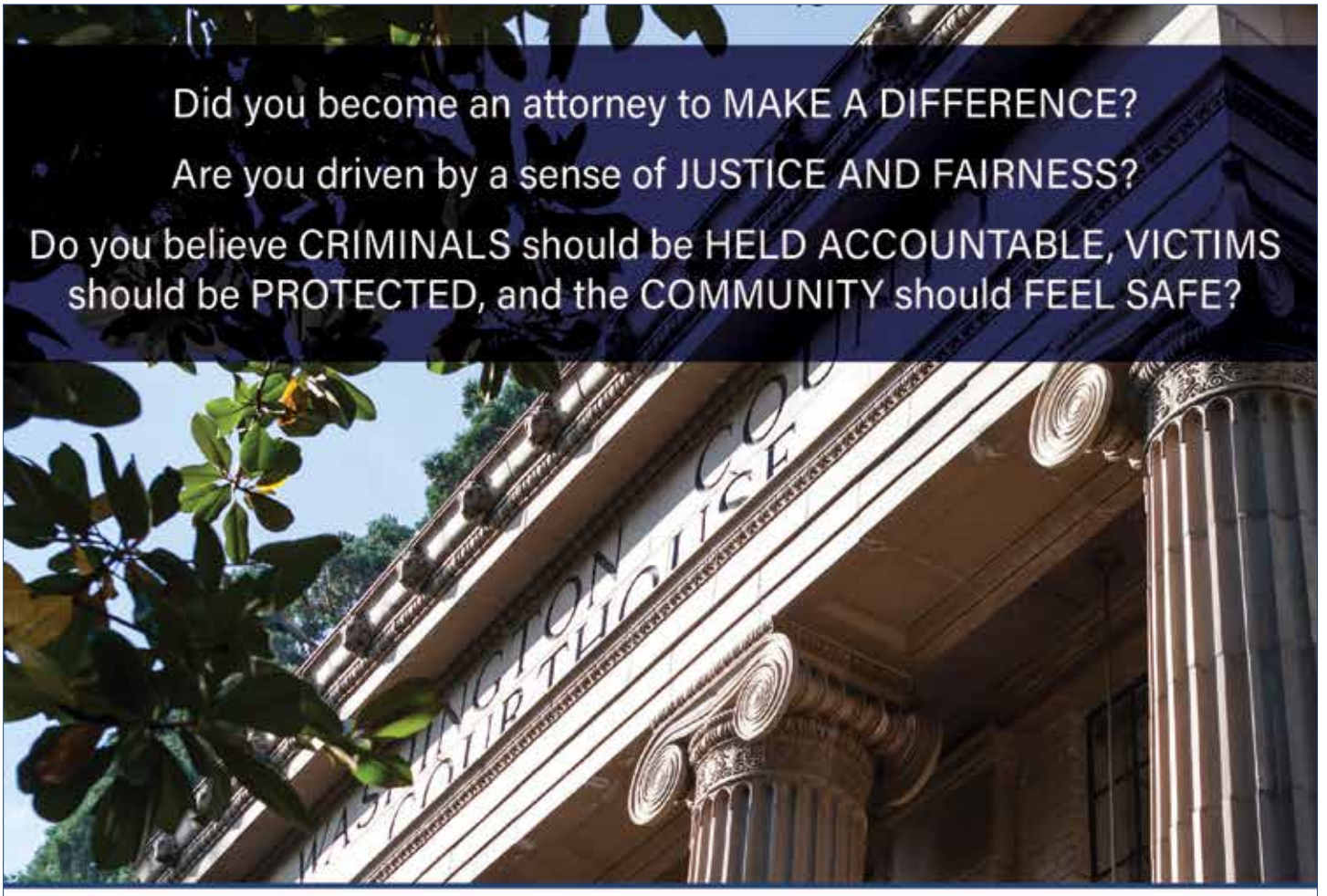
In the case of *Cox v. M.E.L, 239 Or. App. 350 244 P.3d 828 (2010)*, the plaintiff was seeking to have a court record in a civil stalking case sealed and was relying on the doctrine of inherent power of the court to support that request. The Oregon Court of Appeals said, "… the crucial question is whether court authority to seal records in such cases is necessary to enable courts to perform their judicial functions."

The court continued, "respondent has not explained why court authority to seal the court file and other records in a civil stalking order case after it has been adjudicated is necessary to enable courts to perform their judicial functions, and, hence, he has not given us any basis to conclude that courts have inherent power to do so."

Finally, in the case of *Springer v. State, 50 Or. App. 5, 621 P.2d 1213 (1981),* the trial court was asked to seal court records in a criminal case where the defendant had not been convicted, and no statutory authority provided for sealing of the record. The moving party acknowledged that there was no authority in Oregon law for sealing the record but relied on the inherent power of the court to do so. On appeal, the court of appeals stated:

> We do not perceive why a court's power to provide this particular relief is any more necessary to its ability to perform the judicial function (see *Ortwein v. Schwab, 262 Or. 375, 498 P.2d 757 (1972), aff'd 410 U.S. 656, 93 S. Ct. 1172, 35 L.Ed.2d 572 (1973)*), than is its ability to afford other kinds of relief which are beyond its jurisdiction or powers.

What can be gleaned from these three case is that, before the a court can exercise its inherent powers, 1) it must be clearly shown that doing so is *necessary* for it to be able to carry out some function that is within its jurisdiction to perform; 2) the Legislature has not provided a process to be followed in performing that function; and 3) to exercise its inherent power in derogation of some act of the legislative branch, the legislative act must have placed such a substantial restric-



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tion on the function of the court that it is essentially a violation of the constitutional doctrine of separations of powers.

Possible Consequences for Violating the Law

Given that judges in Oregon have no authority to seal case files except in specific instances provided for by the Oregon Legislature, and can only seal documents in a file in compliance with UTCR 5.160, any judge that may be tempted to exceed his or her authority would do well to remember that the Oregon Legislature has "encouraged" compliance with those restrictions on their authority by the provisions of ORS 162.305.

> **162.305 Tampering with public records.** (1) A person commits the crime of tampering with public records if, without lawful authority, the person knowingly destroys, mutilates, conceals, removes, makes a false entry in or falsely alters any public record, including records relating to the Oregon State Lottery.

Judges are not the only ones at risk under this statute. Attorneys who successfully convince a judge to unlawfully seal a document or a whole file also face the risk of prosecution as an accomplice.

> **ORS 161.155 Criminal liability for conduct of another.** A person is criminally liable for the conduct of another person constituting a crime if:
>
> (1) The person is made criminally liable by the statute defining the crime; or
>
> (2) With the intent to promote or facilitate the commission of the crime the person:
>
> (a) Solicits or commands such other person to commit the crime; or
>
> (b) Aids or abets or agrees or attempts to aid or abet such other person in planning or committing the crime.

Conclusion

While it is clear from the chart set out at the beginning of this essay that the overwhelming majority of judges and attorneys around Oregon are acting in accordance with the law when it comes to public access to court documents and files, there seems to be a persistent trickle of cases where judges unlawfully seal case files in violation of the law and the right of the public to have full access to court records.

As Judge Robert Wollheim wrote in the case of *Kluge v. Oregon State Bar, 172 Or App 452, 19 P3d 938 (2001)* regarding Oregon's approach to the public's right to view public records:

> Oregon has a strong and enduring policy that public records and governmental activities be open to the public. The guiding principle in Oregon is to protect the public's right to inspect public records. Disclosure is the rule and exemptions from disclosure are to be narrowly construed. When a public body withholds public records from disclosure, that body carries the burden of sustaining that action upon judicial review. ■

Senior Judge James Hargreaves served as a judge in Lane County for 20 years. Since leaving the bench in1995, he has worked extensively with courts in the United States and in many developing countries around issues of court and case management, business process change and the introduction of technology. He most recently served as both a trial court judge and judge of the court of appeals hearing major criminal cases and war crimes cases in the courts of Kosovo through a program funded and administered by the European Union. He describes himself currently as a legal observer and commentator and is the principal of Amicus Curiae Consulting in Eugene.

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Sean Pank (Region 1)

Term: Elected in 2024; term expires in 2028.

In Practice: Public defender, Columbia Gorge Defenders, The Dalles/Hood River.

Education: Bachelor's degree from University of Oregon; J.D. from Lewis & Clark Law School.

Date Admitted to OSB: 2012

Contact: *sean.pank@gorgecourtroomlawyers.com*

Christopher Cauble (Region 3)

Term: Re-elected in 2024; term expires in 2028.

In Practice: Managing Partner at Cauble & Whittington in Grants Pass, where he has practiced in civil litigation and trusts/estates since 1996. His firm handles cases statewide in state and federal courts in many different fields of law.

Education: Bachelor's degree from Willamette University; J.D. from Gonzaga University School of Law.

Date Admitted to OSB: 1996

Contact: *ccauble@osbar.org*

Elizabeth Inayoshi (Region 4)

Term: Elected in 2022; term expires in 2026.

In Practice: Solo attorney in Hillsboro practicing employee-side employment law as her primary practice while doing some small business law as well.

Education: Bachelor's degree from the University of Chicago, an MBA from the University of Chicago Booth School of Business, and J.D. from the Lewis & Clark Law School

Date Admitted to OSB: 2013

Contact: *einayoshi@osbar.org*

Simmone Weyand (Region 4)

Term: Elected in 2024; term expires in 2028.

In Practice: Weyland Law. Offices in McMinnville and Salem.

Education: Bachelor's degree from Oregon State University; J.D. from University of Oregon.

Date Admitted to OSB: 2004

Contact: *simmone@kswwlaw.com*

Kellie Furr (Region 5)

Term: Elected in 2022; term expires in 2026.

In Practice: Personal injury and civil rights attorney with Cauble & Whittington in the Portland-metro area.

Education: Bachelor's degree from College of Charleston; master from Vermont Law School; J.D. from University of South Carolina School of Law.

Date Admitted to OSB: 2012

Contact: *kfurr@thecaublefirm.com*

Ekua Hackman (Region 5)

Term: Elected in 2024; term expires in 2028.

In Practice: Staff attorney, The Commons Law Center, Portland.

Education: Bachelor's degree from Loyola Marymount University (California); J.D. from Willamette University College of Law.

Date Admitted to OSB: 2019

Contact: *ekua@thecommonslawcenter.org*

Megan Houlihan (Region 5)

Term: Elected in 2023; term expires in 2027.

In Practice: Counsel, business litigation practice, Perkins Coie, Portland.

Education: Bachelor's degree from Gonzaga University; JD. from Yale Law School.

Date Admitted to OSB: 2016

Contact: *mhoulihan@perkinscoie.com*

Myah Kehoe (Region 5, Immediate Past President)

Term: Elected in 2021; term expires in 2026.

In Practice: Partner at Kehoe Moneyhun Law, a family law and estate planning practice with office locations in downtown Portland and SW Washington, focusing on mediation and collaborative law.

Education: Bachelor's degree from the University of California, Santa Cruz; and J.D. from Willamette University College of Law

Date Admitted to OSB: 2008

Contact: *mkehoe@osbar.org*

Christopher A. Larsen (Region 5)

Term: Elected in 2025; term expires in 2029.

In Practice: Senior counsel, Pickett Dummigan Weingart.

Education: B.S. University of Oregon, 1985; J.D. University of Oregon, 1990

Date Admitted to OSB: 1991

Contact: *chris@pdw.legal*

Tomás Hernandez (Region 6, President)

Term: Elected in 2022; term expires in 2026.

In Practice: Associate Director at Willamette College of Law in the career placement office. Formerly practiced public interest law.

Education: Bachelor's degree from Warner Pacific College; J.D. from Willamette University College of Law.

Date Admitted to OSB: 2013

Contact: *thernand@willamette.edu*

Emily Templeton (Region 5)

Term: Elected in 2025; term expires in 2029.

In Practice: Trial Attorney, Underdog Law Office

Education: Lewis & Clark Law School.

Date Admitted to OSB: 2022

Contact: *emily@underdoglawyer.com*

Rob Welsh (Region 6)

Term: Elected in 2023; term expires in 2027.

In Practice: Attorney, Evashevski Elliott, Albany, focusing on general business matters, real property, administrative law and litigation.

Education: Bachelor's degree from University of Montana; J.D. Lewis & Clark Law School.

Date Admitted to OSB: 2011

Contact: *rob@e2-law.com*

John Marandas (Region 7)

Term: Elected in 2022; term expires in 2026.

In Practice: Shareholder at Marandas Garcia Law Group in Lake Oswego, a firm that focuses in all areas of immigration law and family law.

Education: Bachelor's degree from Santa Clara University; J.D. from Willamette University College of Law.

Date Admitted to OSB: 1997

Contact: *john@law-mg.com*

Kyle Sciuchetti (Region 8, President-Elect)

Term: Elected in 2023; term expires in 2027.

In Practice: Partner on the construction practice team, Miller Nash, Vancouver, Washington.

Education: Bachelor's degrees from University of Washington; J.D. Lewis & Clark Law School.

Date Admitted to OSB: 1996

Contact: *kyle.s@millernash.com*

Curtis Peterson (Public member)

Term: Re-appointed in 2024; term expires in 2028.

Occupation: Regional Care Team Supervisor at CareOregon in Portland. Licensed Clinical Social Worker; experience with homeless and runaway youth, commercially sexually exploited children (CSEC) and adults with complex health needs.

Education: Bachelor's degree from the University of Oregon; master's in social work from Portland State University.

Contact: *cpeterson@osbar.org*

Joseph Hesbrook (Public member)

Term: Appointed in 2022; term expires in 2026.

Occupation: Emergency management consultant in Bend; he previously served as a tribal liaison and branch chief for the Federal Emergency Management Agency.

Education: Bachelor's degree from University of Oklahoma; master's and Ph.D. from University of North Texas.

Contact: *jhesbrook@osbar.org*

Laura Riddell (Public Member)

Term: Appointed in 2025; term expires in 2029.

Occupation: Provider compensation manager with Providence Health & Services

Education: Bachelor's degree from Oregon State University, master's in healthcare administration from Oregon Health and Science University

Contact: *lriddell@osbar.org*

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.

JAMES E. SHADDUCK

OSB #870830
Portland
60-day suspension

Effective Sept. 6, 2025, a disciplinary board trial panel issued an opinion suspending Portland attorney James E. Shadduck for 60 days for his violation of RPC 1.15-1(a) (failing to keep client's property in lawyer's possession separate from lawyer's own property), RPC 1.15-1(b) (depositing lawyer's own funds in a lawyer trust account for purposes other than allowed by the rule) and RPC 1.15-1(c) (improper withdrawal of client funds from lawyer trust account).

Shadduck controlled his firm's lawyer trust account and paid personal expenses directly from his trust account to third parties not affiliated with any of his clients through 2023 and 2024. He regularly commingled his own earned funds with unearned client funds in his trust account. Shadduck did not keep bookkeeping records or otherwise track individual client transactions into or out of his trust account. Additionally, he deposited his own personal funds into the trust account at least three times to replenish prematurely removed client funds. Lawyers may only deposit personal funds into the trust account to pay bank service charges or to meet minimum balance requirements.

The trial panel found that Shadduck's conduct was aggravated by a prior record of discipline, by committing multiple offenses and by his substantial experience practicing law. The trial panel found that no mitigating factors applied.

THOMAS M. SPEAR

OSB #951712
Bend
60-day suspension

Effective Nov. 21, 2025, the disciplinary board approved a stipulation for discipline and suspended Bend lawyer Thomas M. Spear for 60 days for violations of RPC 1.15-1(a) (duty to hold funds belonging to clients or third persons separate from lawyer's own property) and RPC 1.15-1(d) (duty to promptly return client property on request).

During representation of a client in a criminal matter, Spear posted the client's bail from his own funds. The client subsequently reimbursed Spear.

After the client's sentencing, a refund representing the client's bail money was returned to Spear. Spear mistakenly believed the funds were his and deposited the money directly into his business operating account.

Upon receiving notice of the client's complaint to the bar related to the bail money refund, Spear took steps to perform an accounting and ultimately returned the funds to the client.

The stipulation acknowledged that Spear's conduct was aggravated by multiple offenses and his substantial experience in the practice of law. Spear's conduct was mitigated by an absence of a prior record of discipline, character or reputation, and remorse.

GREGORY MARK ABEL

OSB #031784
Medford
30-day suspension

Effective Nov. 24, 2025, the Supreme Court suspended Gregory Mark Abel of Medford for 30 days for violation of RPC 8.4(a)(3) (conduct involving misrepresentation).

Abel represented a client pro bono in a dispute over insurance proceeds with the client's brother. The brother had obtained insurance payments for the fire loss of the home the client had shared with their deceased mother. The client believed that he was a named insured and on the property title, and thus entitled to at least half of the proceeds.

Abel sent a demand letter to the brother stating in part:

> [Y]our seizure of the $455,224.15 check and the $19,350.00 check is Grand Larceny. We are preparing a file in cooperation with [Deputy District Attorney] Markiewicz of the Jackson County District Attorney's Office. Once we have assembled the file, Mr. Markiewicz will submit it to the Grand Jury for prosecution and be considered A-Felonies.
>
> This matter can be resolved by submitting $237,302.00 (one-half of the insurance proceeds) to this office by Monday, July 26, 2021. If we do not receive this amount by this deadline, we will proceed accordingly.
>
> This amount of money cannot just walk away, and we are in discussion with [the] Jackson County Sheriff's Office and the District Attorney's Office about proceeding in this case.

Abel had not contacted anyone in the district attorney's office or law enforcement. He testified that his use of the present-tense ("we are preparing a file" and "we are in discussion with" law enforcement and the district attorney's office) had meant to convey actions that would be taken in the future. However, the court found that the context of his demand letter showed that Abel sought to misrepresent material facts about the criminal process to the brother, with the goal of increasing pressure on the brother to make immediate payment to the client. The court found that Abel included false material statements in his demand letter in violation of RPC 8.4(a)(3).

In aggravation, the court cited Abel's substantial experience in the practice of law and a prior public reprimand; in mitigation, the court found that Abel acted without a dishonest or selfish motive.

JOHN COCHRAN

OSB #020022
Donald
Form B resignation

Effective Nov. 6, 2025, the Oregon Supreme Court accepted the Form B resignation of Donald lawyer John Cochran. At the time of Cochran's resignation, formal disciplinary proceedings were pending against

him alleging violations of three counts of RPC 1.3 (neglect of a legal matter), RPC 1.2(a) (lawyer shall abide by client's decisions concerning objectives of representation), 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), four counts of 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), two counts of RPC 1.5(a) (charging or collecting a clearly excessive fee), nine counts of RPC 8.1(a)(2) (duty to respond to disciplinary inquiries) and RPC 8.4(a)(3) (conduct involving dishonesty and fraud that reflects adversely on lawyer's professional obligations).

At the time of his resignation, Cochran was also under investigation by disciplinary counsel's office in one additional matter for alleged violations of RPC 1.3 (neglect of a legal matter), RPC 1.4(a) (duty to keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information), 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) and RPC 8.1(a)(2) (duty to respond to disciplinary inquiries).

All client files and client records in Cochran's possession are stored at 300 NW 12th Street, Battle Ground, WA, 98604.

JOSEPHINE C. TOWNSEND

OSB #076444
Vancouver
Form B resignation

Effective Oct. 16, 2025, the Oregon Supreme Court accepted the Form B resignation of Vancouver lawyer Josephine C. Townsend. At the time of Townsend's resignation, three separate investigations were pending which involved alleged violations of RPC 1.1 (duty to provide competent representation), RPC 1.3 (neglect of a legal matter), RPC 1.4(a) (failure to respond to 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 5.1(b) (lawyer shall be responsible for another lawyer's violation of the RPCs if the lawyer has direct supervisory authority over the other lawyer, and knows of the conduct at a time when its consequences can be avoided or mitigated but fails to take reasonable remedial action), RPC 5.5 (assisting non-lawyer in the practice of law); RPC 8.4(a)(1) (violation of the rules through the acts of another), RPC 8.4(a)(2) (committing a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects) and RPC 8.4(a)(3) (conduct involving dishonesty, fraud, deceit or misrepresentation that reflects adversely on the lawyer's fitness to practice law).

The Form B resignation recited that as of Sept. 1, 2025, Townsend had no client files or client records pertaining to active or current clients, and all files have been digitized and secured in cloud storage.

ERICA STRADER

OSB #134974
Bend
9-month suspension

Effective Nov. 20, 2025, the Oregon Supreme Court approved a stipulation for discipline and suspended Erica Strader of Bend for nine months for violations of three counts of RPC 1.3 (neglect of a legal matter), two counts 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 1.4(b) (duty to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation), two counts of RPC 1.16(d) (duty to return client file after termination and refund unearned fees) and three counts of RPC 8.1(a)(2) (duty to respond to disciplinary inquiries).

Over a period of several months, a client was unable to maintain meaningful contact with Strader and ultimately terminated representation. Despite several requests, Strader failed to promptly refund advanced fees and produce the client's file.

A client hired Strader to represent her in a domestic relations matter. Subsequently, the client was unable to contact Strader for approximately two months ahead of a scheduled court appearance. Unable to establish contact with Strader, the client ultimately represented herself at the hearing.

A client hired Strader to represent him in a dissolution of marriage matter. After receiving a notice of intent to seek default, Strader filed a response that was rejected. Strader failed to refile, resulting in a default judgment being entered against her client, which she then failed to disclose to him.

A client retained Strader in a dissolution case. Strader failed to promptly seek and compel discovery. After the parties reached a resolution, Strader failed to produce the necessary pleadings memorializing the agreement despite numerous requests over approximately two months. After the client terminated representation, Strader failed to produce an accounting and refund unearned fees for over one year.

In addition to the above, Strader failed to respond to the bar's efforts to investigate her conduct in relation to three separate client complaints.

The stipulation cited a pattern of misconduct and multiple offenses as aggravating factors. In mitigation, the stipulation recited that Strader had an absence of a prior record of discipline, absence of a dishonest or selfish motive, personal or emotional problems, and remorse. ■

BAR NEWS

Amendments to ORPCs Regarding Prepaid Legal Fees Approved

On Dec. 9, the Oregon Supreme Court amended Oregon Rules of Professional Conduct 1.5(c) and 1.15-1(c), both addressing the use of fixed fees by lawyers and licensed paralegals. The changes seek to mitigate frequent client confusion and clarify a licensee's obligations in use of this fee structure (sometimes referred to as "earned on receipt" or "nonrefundable.") The changes were advanced by the Legal Ethics Committee, the Board of Governors and the House of Delegates. Background and the amended language can be found on the HOD agenda at *www.tinyurl.com/2025HODRuleAmendment*.

OSB Leadership Opportunities

The Oregon State Bar is currently seeking candidates for the OSB and ABA House of Delegates (HOD). Participation of attorneys from diverse practice areas, perspectives and locations is vital to ensuring that the Oregon State Bar is responsive to the needs of licensees from across the state, as well as those outside the state.

There are several openings in all but one region for the OSB HOD and two open seats for the ABA HOD, including one young lawyer delegate seat. The deadline for all HOD candidate statements is 5 p.m. on Friday, March 6. Candidate forms, election information and HOD details can be found on the HOD homepage at *www.osbar.org/leadership/hod*.

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

Among Ourselves

Jessica Flint, of Gevurtz Menashe, has been named a fellow of the International Academy of Family Lawyers (IAFL). IAFL is a worldwide association of practicing lawyers who are recognized by their peers as the most experienced and skilled family law specialists in their respective countries. Flint has been a practicing family law attorney in Oregon since 2011, focusing on traditional domestic relations matters as well as complex, cross-border family law disputes. As of counsel and chair of the international family law department at Gevurtz Menashe, she represents clients in highly sensitive and intricate cases that often involve high-asset divorces, international child custody and visitation disputes, relocation, enforcement of foreign orders, and international child abduction matters.

Shayda Le of Barran Liebman has been elected to serve as the Oregon state delegate to the American Bar Association (ABA) House of Delegates. In this role, Le will represent the interests and perspectives of Oregon's legal community on national issues affecting the profession, the justice system and the public. Le has served the ABA in many different roles since 2014, including on its Board of Governors, and is actively engaged with the American Bar Foundation Board.

Andrew Schpak, managing partner at Barran Liebman, has been inducted to The College of Labor & Employment Lawyers, which is a distinguished body of individuals drawing its membership from the best and brightest lawyers, academicians and scholars in the field of labor and employment Law. Membership is by nomination only, limited to those who have demonstrated to their peers, the bar, bench and public through at least two decades the highest professional qualifications, exceptionally high-quality services to clients and ethical standards based on the college's acclaimed principles of civility and professionalism.

Anna Sortun, managing partner with Tonkon Torp, has joined the board of directors for the Portland Metro Chamber. Portland Metro Chamber is the oldest, largest and most diverse business organization in Oregon and Southwest Washington, and the leading voice for business in the region. The chamber advocates at all levels of government to improve commerce, encourage community development and grow regional economic prosperity. It offers regular events and programs to connect and foster growth throughout the region's business community.

The National Association of Attorneys General has recognized **Justin D. Leonard,** senior assistant attorney general at the Oregon Department of Justice, with its 2025 Karen Cordry Bankruptcy Award for assisting the states in various bankruptcy matters, most notably for his work in the 23andMe case — where a multistate coalition successfully challenged the proposed sale of 15 million people's genetic data to a pharmaceutical company. The award is given to an attorney who has "demonstrated leadership, collaboration, and has taken the laboring oar in advancing state interests on bankruptcy matters and who embodies the patience, intelligence, fortitude, and the trail-blazing spirit of the award's namesake." After two decades in private practice, Leonard now represents the state and its agencies in bankruptcy, receivership and complex collection matters.

Moves

Kelsi Hartley Campbell has completed the Supervised Practice Portfolio Examination and now officially joins Hershner Hunter as associate attorney in the transactions group. Her practice focuses on general corporate formation and governance, mergers, acquisitions, contracts and real estate.

Kassim Ferris has joined Miller Nash's intellectual property department. Based in the firm's Portland office, Ferris' practice spans a broad spectrum of intellectual property matters, including domestic and international patent procurement, patent opinions, technology licensing, technology development and collaboration agreements, patent enforcement and intellectual property dispute resolution. He also advises on trademark, copyright, international trade and national security matters, as well as IP aspects of corporate transactions and government contracts.

Kim T. Truong has joined Thorp Purdy Jewett Urness & Wilkinson as an associate attorney. Truong previously worked as a law clerk for Thorp Purdy. Her practice will focus on business and elder law/estate planning.

Kara Blatt has joined PNW Business Law as a business transactions associate. Blatt works in the firm's office in Vancouver, Washington, and she advises clients on entity for-

mations, corporate governance, mergers and acquisitions, contracts, leases, financing transactions and more.

Bryant, Lovlien & Jarvis, located in Bend, has announced that within this past year three new associates have joined the firm. **Isabel Harris** joins as an associate representing clients in the areas of employment law, business and real estate transactions, and municipal law. **Kilani Fierstos** joins the firm as an associate representing clients in real estate and business transactions. **Sierra Cullen** joins as an associate representing clients in a wide range of complex civil litigation matters from the areas of business and real property to commercial and residential landlord-tenant law.

Mitchell Diesko has joined Miller Nash's employment law and labor relations team. Based in the firm's Portland office, Diesko advises and represents employers in all aspects of the employment relationship, including litigation and counseling. His work includes defending discrimination, retaliation and harassment claims, wage and hour class actions and noncompete and similar litigation.

Tonkon Torp has welcomed two new associates to the firm. **Kevin Carty** joins the business department, and **Zoë Habekost** now works in the bankruptcy and restructuring practice group. Carty's practice is focused on corporate governance, mergers and acquisitions, securities compliance, and capital market transactions. He is experienced in drafting complex transactional documents, including

merger agreements, stock purchase agreements, SEC filings and other contracts. Habekost's practice is focused on commercial bankruptcy, receiverships, and advising fiduciaries, creditors, and debtors in the context of insolvency.

Austin Magleby has joined Tonkon Torp as an associate in its litigation department. Magleby's practice is focused on complex litigation matters, including civil antitrust issues and commercial real estate disputes.

Tonkon Torp has elected attorneys **Jordan Jeter** and **Michele Wasson** to its partnership effective Jan. 1, 2026. Jeter joined Tonkon Torp in 2022 as a lateral associate in the firm's labor and employment group. She represents employers against an array of claims, including wrongful termination, employment discrimination, harassment, and retaliation, as well as wage and hour and leave law violations. She collaborates closely with employers and provides advice on numerous issues, with a notable emphasis on designing and implementing leave programs in compliance with state and federal regulations. Wasson joined Tonkon Torp in 2023 with nearly two decades' experience in nonprofit and estate planning law. She serves as chair of the firm's nonprofit organizations group with a practice focused on providing legal counsel, training and strategic planning to nonprofit organizations, trade associations, social clubs, professional groups, advocacy groups, public charities and private foundations. Wasson also works with high net wealth clients to provide wealth management and estate planning solutions incorporating family wealth transfers.

Tonkon Torp has appointed partner **Frank Weiss** as co-chair of its litigation department. He will serve alongside partner Caroline Harris Crowne. Weiss' practice emphasizes complex commercial litigation, including insurance coverage and product liability matters. His experience includes trial work in federal and state courts, as well as in private arbitration and mediation. He also regularly advises corporate policyholders with respect to the scope and availability of insurance coverage, the presentation of insurance claims and the negotiation of settlements with insurance companies. Weiss is chair of Tonkon Torp's insurance recovery practice group and serves as the firm's general counsel. ■

In Memoriam

Marc Valens was born Jan. 31, 1949, and passed from prostate cancer at his home in Ashland on Oct. 14, 2025.

Marc grew up in Mill Valley, California, attended Amherst College and UC Berkeley and then traveled the country in a 1970 van. He eventually returned to southern Oregon, where he had spent summers at ranch camp as a child, purchasing 90 acres surrounded by the Fremont-Winema National Forest, which he named Moondance Ranch. The first summer Marc began building a small log cabin with help of friends. He lived there off grid for about 11 years until constructing a beautiful passive solar home with a large two-story fireplace faced with local rocks, a 5,000-gallon cistern, power from solar panels, a composting toilet and wood heat. He raised organic cattle for a while and in 1976 enrolled at University of Oregon School of Law.

Marc practiced environmental law but it was difficult to maintain a practice while living off the grid, so he mostly worked as a board member for environmental and other nonprofit organizations. He attended the public interest law conference yearly until his death.

Marc was actively engaged in the movement to remove Klamath River dams. He lived long enough to witness dam removal

and return of salmon, which brought him great joy.

Marc served on the board of the social and environmental advocacy Threshold Foundation (where he met his wife Anne Golden), was a mainstay of the nonprofit Headwaters in Ashland and worked to save Canyon Guadalupe, a unique micro ecosystem in the mountains of Baja, Mexico. After he and Anne married, they bought a house there so Anne could be nearer her work.

For many years Marc held a fun, multi-day campout and potluck "Pie Fest" with admission being at least one pie of any type. Friends, neighbors and acquaintances came from across the country, camped, cooked on the outdoor wood cook-stove, sang around the campfire, hiked and bathed in the nearby Sycan River. Marc was a generous and convivial host.

Marc was a hard worker and innovator continuously on the go. Visitors and friends were put to work helping, but it was hard to keep up with him.

In 2021, the Bootleg Fire wiped out all of the timber and buildings at Moondance.

Marc left behind a brother, sister, nephews, niece, great nephew, beloved wife Anne and a host of enduring friends.

Charles Lee Kobin, 85, of Portland passed away peacefully at home surrounded by family on Sept. 28, 2025. A devoted attorney for over 61 years, Charles was passionate in helping others both personally and professionally. He was also known for his magnetic sense of humor, kindness, love of learning, and dedication to family and friends. Charles was an avid supporter of the Portland Youth Philharmonic and a past president of the organization (1993-95). He took great joy in encouraging the growth of young people and generously contributed to causes that supported their development. He is survived by his wife Judith Kobin, daughter Caroline, son Kristopher, sister Janis, nieces, Paula, Andrea and Jennifer, nephews Marc and Josh, stepson Sean, and step grandchildren, Lincoln and Rocky. The family asks that donations be made to the Portland Youth Philharmonic (PYP) and the Oregon Jewish Museum. A celebration of life will be arranged at a later date.

Jon M. Dickinson, born in New York on April 12, 1938, died on April 29, 2025.

Jon moved with his family from New York to Greenwich Connecticut where he attended Greenwich Country Day School and Choate Rosemary Hall Prep School. Jon's father was an inventor at IBM and named on many of IBM's early U.S. patents.

Jon went on to attend Cornell University, where he earned degrees in electrical engineering and law. After completing his law degree, Jon moved to Portland in 1964, where he joined the intellectual property law firm of Kolisch Hartwell. Over the next 40 years, Jon worked for clients of all sizes, sole inventors, start-up and established companies, over a broad range of legal topics involving patents, trademarks and copyrights. Jon mentored numerous young patent attorneys in their early years of private practice, always challenging others to push the envelope of possibilities and think outside the box. He helped clients obtain crucial patents and a

rgued cases before the Federal Circuit Court of Appeals and the U.S. Supreme Court. After a brief fling with retirement, Jon's beloved clients beckoned him back to a thriving solo practice from 2004-14.

In addition to pursuing his career in law, Jon established himself as a practicing musical and visual artist. At Cornell, Jon was a first tenor with The Sherwoods, an acapella group, with solos on the *Sherwood Impression* album (Stormy Weather and Cindy). Jon, together with luthier Paul Schuback, over a period of nearly 20 years, handmade a full quartet of matched string instruments, a cello, viola and two violins. He was a member of the Chamber Music Society Global Council at Lincoln Center and a board member at Chamber Music Northwest.

Jon was always with a video camera, and when exploring filmmaking, he became an auteur. He did everything — wrote scripts, produced, filmed, and edited his own pictures and short movies.

In the 1990s, Jon could be seen gracefully gliding down the Willamette River in a rowing shell on a regular basis or fly fishing on the Deschutes River. Jon custom designed and rode a beautiful Harley Davidson motorcycle for years.

Jon was also involved in civic and nonprofit organizations. He served as a board member of the Open School from 1996-2007.

Jon is survived by his wife Marlene Burns, his son Jon (JD) Dickinson, Jr. and daughter Joanne Dickinson. ■

Other Notices

Charles Kobin
85, Portland, Sept. 28, 2025

Christopher Prescott
80, Vancouver, Washington, Sept. 18, 2025

Donald Lawton
91, Portland, Sept. 5, 2025

Stephen T. Boyke
72, Tigard, Aug. 18, 2025

Kathleen Beaufait
96, Salem, March 11, 2025

Elizabeth Ann Maddox
71, Raleigh, North Carolina, Aug. 15, 2024

Jon Henricksen
82, Gladstone, June 19, 2024

CLASSIFIEDS

OFFICE SPACE

BEND, OREGON - Office for rent with space for support (cubicles or office). Newer building is 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.

BEND, OREGON - Office space available with conference room and reception to greet clients. Collegial work environment among suite-mates. For more details email jsw@hawnwalsh.com.

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 is 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.

INTERIOR OFFICE AVAILABLE. Four blocks to Multnomah/Federal courthouses. Air conditioned, shared conference room, elevator with security system, kitchen, shower room, receptionist and bike rack. $450. Contact Desiree` at drousseau@stollberne.com

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

LAKE GROVE CROSSING EXECUTIVE SUITES, LAKE OSWEGO – Near Mercato Grove, 4035 Douglas Way, Lake Oswego, OR 97035. Newly remodeled executive office space available. All private, windowed offices. Common area amenities, including free parking, use of breakroom, conference room, and workroom. Prices begin at $950 per month.

OFFICE SPACE – Two spaces available, a second-floor office and first floor in tandem double office in a building with 4-6 other lawyers, East Portland, Hollywood District, negotiable rent includes utilities. Conference Room available. Call to view, leave a message. (503) 236-4000.

OFFICES FOR RENT Dayton Building. Office spaces available 838 SW 1st St Portland, 2 blocks to federal courthouse; highly accessible; surrounded by restaurants, bars, shops, services. Conference rooms, gyms, showers and bike storage. 1,485-4,200/sf available, $18-$25/sf full service. https://838sw1stst.relahq.com. Contact: Kris Hobson VogtKris@solderaproperties.com Phone:213-675-0990

OFFICE SPACE – Two spaces available, a second-floor office and a small first floor office (desks included) with optional reception area for a paralegal in a building with 4-6 other lawyers, East Portland, Hollywood District, negotiable rent includes utilities. Call to view, leave a message. (503) 236-4000.

PRIVATE FURNISHED OFFICES – Lloyd Center District. We have two furnished private offices with large windows for rent (can rent one or both). You will have use of our high-speed internet, phone system, conference room and kitchen area. Building amenities include underground parking garage ($150/month), large conference room, fitness center, locker room with showers, and bicycle storage. Located in the Lloyd Center district with easy access to public transportation, I-84 and I-5. Rent $800/month. Available immediately, contact Cindi Kaneshige at ckaneshige@amforest.org.

SEE OFFICES AVAILABLE FOR RENT - Two furnished offices available near Clackamas Town Center. $600/mo for interior office and $800/mo for large office with exterior windows. Internet and janitorial services included. Tenant will have access to a break room and two conference rooms. Contact (503) 517-0054 or kim@source-law.us.

THREE OFFICES AVAILABLE on the same floor in a modern office building on South Corbett Ave in Portland. The offices have a private entrance, private bathroom, and off-street parking for 3 vehicles. The building has a shared waiting room, conference room, and lunchroom. The building has an elevator and is ADA compliant. Current tenants include four attorneys and a financial planner. $2600/PM with lease. Contact Greg Terranova at 503-220-0251.

TIGARD TRIANGLE WASHINGTON COUNTY OFFICES AVAILABLE – 7128 SW Gonzaga Street; Suite 100; Portland, OR 97223. 1 or 2 adjacent offices for rent (can rent either one or both), each with 2 adjoining cubicles available as of March 15, 2025, located in long-time established Portland area CPA firm. Portland (or Tigard) address can be used from this 97223-zip code (but not taxable in City of Portland). Fantastic and convenient location with immediate access to I-5 and Hwy 217 features up to 2 private offices each with 2 adjacent cubicles (each office/cubicle set can be split into one or rented together), 2 dedicated conference rooms (one with video conferencing), kitchen area, reception / lobby, and ample workspace. Generous parking allowance with EV charging station for tenants provided. Secure building with video cameras and access controls. Temperature controlled and secured dedicated IT room. Office suite cleaning and Wi-Fi included. Building phone system can be expanded to include these offices if required. For questions, office diagram and layout, or to arrange a tour, please contact Janice Holcomb of TruePoint Analytics at 847-345-7884. Rents are $1,750 per month for each office which includes 2 cubicles for each office.

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

WEST LINN, OREGON - Office space available for four attorneys. Conference room, library, kitchen, reception area for greeting clients, space for support staff, and ample off-street parking. $1000/month per attorney. Mike Walsh mikewalsh373@gmail.com John Hutchison Hutchison.john@comcast.net 503-656-1694.

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 crimi-

nal defense firm providing services throughout Oregon 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.

ASSOCIATE ATTORNEY - Small law firm in Bend, specializing in personal injury, is seeking an associate attorney with a minimum of 3 years of experience in litigation. Must be able to work independently, with strong writing and communication skills. Willing to train and mentor the right candidate. Please submit a CV, cover letter with salary requirements, and references to jsw@hawnwalsh.com.

FAMILY LAW ASSOCIATE ATTORNEY - Established Salem law firm looking for an attorney licensed in Oregon with a minimum of 3 years' experience in family law. Focus is on divorce, child custody, parenting time and child support with trial experience. Our firm has a strong reputation of helping individuals through difficult times with integrity and compassion. Looking for a candidate with strong interpersonal skills who is a team player and able to work in a fast-paced environment. Must be personable and professional in appearance. Excellent supportive staff. Competitive salary and benefits. If you meet these qualifications, please forward cover letter and Resume to lstipe@ferder.com

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.

FIRM ADMINISTRATOR – Watkinson Laird Rubenstein, P.C., a well-established, mid-sized firm based in Eugene, seeks an experienced administrator. This position is responsible for the administrative and operational functions of the offices and overall supervision of non-attorney staff. The administrator works closely with the Executive Committee to facilitate the efficient operation of the firm and promote firm culture and values. Primary responsibilities include staff recruitment and training, preparation of financial statements and the firm's budget, overseeing accounting, managing the daily operations of information systems, overseeing facilities, equipment, and vendor relationships, and coordinating firm marketing and events. Bachelor's degree in a business-related field and at least five years of experience in a senior office management position in law or a similarly-regulated profession such as accounting, healthcare, or finance required. Competitive salary and excellent benefits. Qualified candidates should send their résumé and a cover letter to jrudebeck@wlrlaw.com

HODGKINSON STREET MEPHAM ASSOCIATE ATTORNEY – Civil Litigation. Hodgkinson Street Mepham Portland, Oregon. Job Information: Workplace Type: On site. Location: Portland, Oregon. Company Name for Job: Hodgkinson Street Mepham, LLC. Position Title: Associate Attorney – Civil Litigation. Job Function: Associate. Job Type – Full-Time. Job Duration: Indefinite. Min. Education: JD. Min. Experience: 2 + years preferred but we will consider all qualified candidates. Required Travel: -0- to 10%. Requirements: Admitted to the Oregon State Bar. Admission to the Washington State Bar is a plus. Description: Hodgkinson Street Mepham, LLC is a Port land based civil litigation defense firm specializing in the defense of medical malpractice and personal injury cases. We are an 8 attorney firm that is seeking to add an associate with strong writing and communication skills. We are now entering our 16th year as a firm. Our lawyers enjoy working together and collaborating on cases to provide the best representation possible for our clients. Initially, your job duties will include working closely with lead attorneys on case pleadings, discovery, depositions, motions, and trial preparation. We request that a writing sample be submitted with ap plications. You will have an opportunity to develop and manage your own caseload. Hodgkinson Street Mepham offers a competitive salary and excellent benefits package. If you would like to find out more about our firm, please visit our website at: https://www.hodgkinsonstreetmepham.com/. Hodgkinson Street Mepham is an equal opportunity employer. We welcome all applicants and strive to provide a workplace in which all employees feel included, respected, and valued.

LITIGATION ASSOCIATE ATTORNEY – Eugene law firm. Hershner Hunter, LLP, the largest full-service business firm in Eugene, is seeking an associate attorney to work in its busy litigation group, specializing in commercial, employment, construction and real property litigation. This is a partner-track position. We welcome candidates with 0-3 years' experience, including law school graduates taking the Bar exam this summer for employment starting in the Fall; interest and experience in employment law is preferred but not required. Candidates should send materials to Nicholas Frost, at nfrost@hershnerhunter.com. Hershner Hunter, LLP is an equal opportunity employer.

PRO TEM JUDGE - Tigard Municipal Court is seeking a pro tem judge to serve on an as-needed basis. The caseload primarily consists of traffic violations, including photo enforcement, and civil infractions. Applicants must be members of the Oregon State Bar in good standing with at least five years of criminal legal practice or judicial experience. Candidates will be required to provide proof of business insurance, Bar membership, pass a background check and a LEDS test and obtain a City of Tigard business license. The hourly rate is $150 per hour. The successful candidate will be hired as an independent contractor and not an employee of the City. The successful candidate will be expected to execute a personal services agreement with the City, a copy of the agreement is available upon request. Services are requested as the need arises, therefore there is no guarantee as to the actual amount of work, if any, to be assigned under any subsequent contract. Please submit your resume to Holly Fenton, Court Supervisor at hollyf@tigard-or.gov by December 1, 2025.

SEEKING TO ACQUIRE LANDLORD REPRESENTATION PRACTICES NW Landlord Solutions, an established landlord-tenant law firm is expanding and seeks to acquire other firms serving landlords exclusively. Flexible options available, including multi-year transition periods for sellers not yet ready to retire. Contact Quinn Posner at quinn@waevictions.com. All inquiries confidential.

TWO SPRUCE LAW, a woman-led law firm in Bend, OR, since 2006 is hiring an associate attorney for estate planning, probate, and trust administration. Training / mentorship provided for right candidate. Collaboration with paralegals is vital. Supervised Practice Portfolio Examination candidate considered. To apply see twosprucelaw.com/careers.

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INVESTIGATION – Diligent Investigations is a full service investigation firm specializing in Surveillance, Background Investigations, Locates, Difficult Service of Process, Interviews and more. In Portland since 2012, Diligent Investigations has earned a reputation for professionalism and integrity. Contact Robert Grady (503-985-6659 or email: dilinves@gmail.com.

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SEEKING SUPERVISOR ATTORNEY - My name is Rosa Leyva and I'm a law graduate from the University of Idaho College of Law. I can be contacted by email at 121218rosa.leyva@gmail.com or on my cell phone (208) 860-0557. I am seeking a supervisor that could provide the necessary support I need to participate in the SPPE program. Please reach out if you or an attorney you know is interested. I am able to do the work remotely or relocate for the job.

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

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Mr. Holmes has approximately 35 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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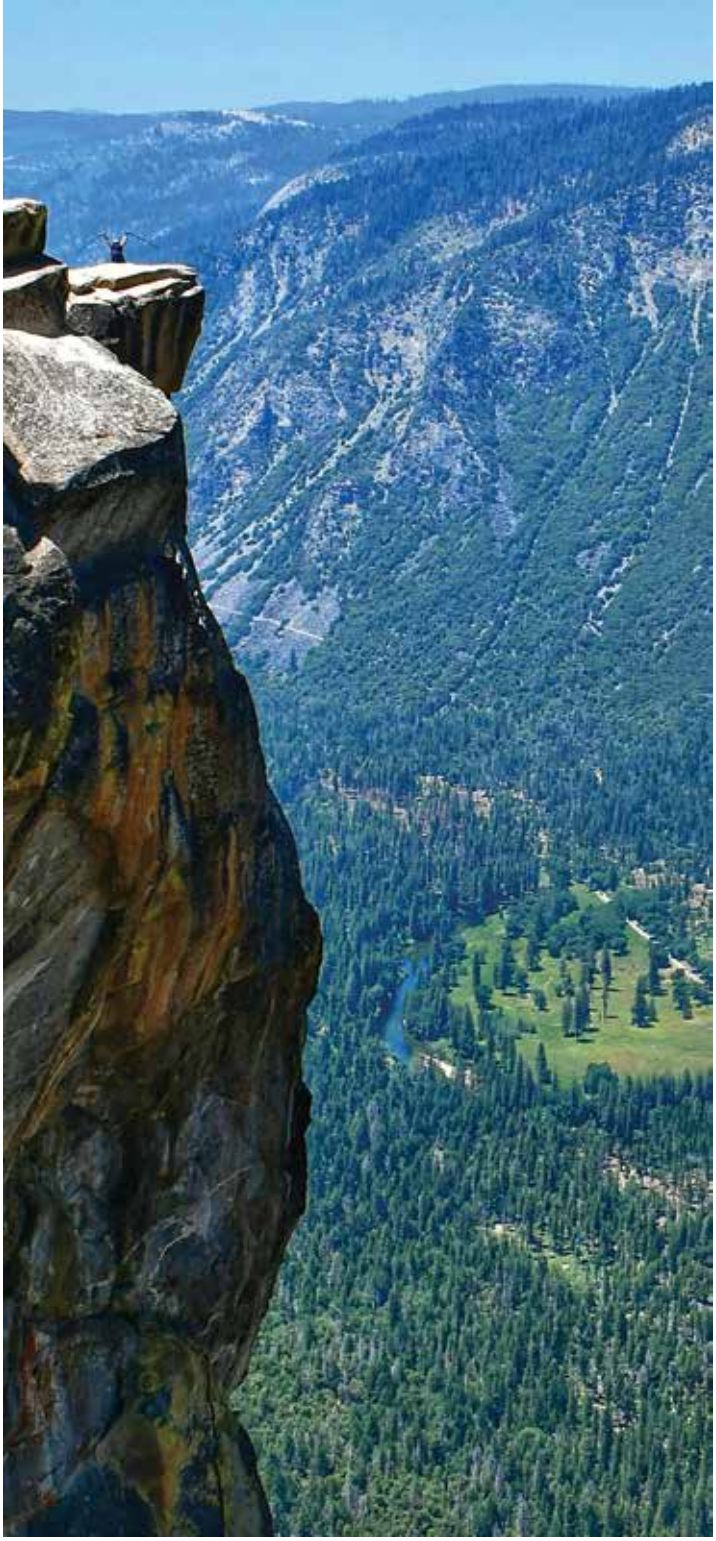

Photo Finish

Kelly Andersen, of Andersen Morse & Linthorst in Medford, took this picture of his daughter (with arms extended overhead in the distance at the top left) at Taft Point in Yosemite National Park. ■

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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