

MBA Insurance Plans and the Affordable Care Act

by Steven Doty, Insurance Broker for MBA
and Richard Vangelisti, MBA President

The Multnomah Bar Association has been offering medical, dental and vision benefits to MBA members and their employees since 1985. Recently some concerns have been raised as to whether the MBA will continue to offer these plans, now that the Affordable Care Act (ACA) is in full effect. To comply with the ACA, the MBA will be required to make some changes in the plans offered and who they can be offered to. Plans, however, will continue to be offered to qualified law firms whose attorneys are MBA members.

The ACA took effect in 2010, but many of the key provisions will begin in 2014. The Individual and Employer mandates are two key provisions that will impact every individual, and many employers.

The **Individual Mandate** requires that every citizen must purchase "Minimum Essential Coverage" or be subject to a tax penalty of \$95 or 1% of income, whichever is greater. The penalty increases over the next two years to \$695 or 2.5% of income, whichever is greater. The penalty is capped at the national average of the annual cost of a plan that is designated a "Bronze Plan" under the ACA.

Individuals with incomes of 100%-400% of the Federal Poverty Level can obtain a tax credit to assist in the purchase of the required coverage. To obtain the tax credit, the individual must

...every citizen must purchase "Minimal Essential Coverage" or be subject to a tax penalty....

purchase coverage through the state sponsored exchange. In Oregon, the exchange is called Cover Oregon. If an individual is "eligible" or "enrolled" in an employer sponsored group

medical plan, which is "Affordable" and provides "Minimum Value," the individual and dependents are not eligible for tax credit.

The **Employer Mandate** was originally scheduled to take affect January 1, 2014, but has recently been delayed until January 1, 2015. Once it takes effect, the Employer Mandate will only impact employers who employed an average of 50 full time employees on business days in the preceding calendar year. An FTE is defined as working a minimum of 30 hours per week in a given month. When calculating the number of FTE's the employer must also include "Full Time Equivalent" for part-time employees by adding all hours in a month for part time, dividing by 120, and adding to the FTE number.

Applicable employers who do not offer any coverage to employees will be subject to a tax penalty of \$2,000 per year or \$166.67 per month times the number of FTE minus a 30 employee reduction.

Applicable employers who do offer coverage must provide a plan that provides "Minimum Value" and is considered "Affordable". "Minimum Value" means the plans provide at least 60% of the full actuarial value of the benefits. A plan is considered to be "Affordable" if the employees' contribution does not exceed 9.5% of W2 wages for the employee-only portion of the premium. The tax penalty for failure to provide a plan that is "Affordable" and provides "Minimum Value" is \$3,000 per year or \$250 per month times the number of FTE, who are eligible to receive a tax credit to purchase individual insurance.

All of the medical plans offered through the MBA will meet the standard of "Minimum Essential Coverage" to satisfy the Individual Mandate. The MBA plans also provide "Minimum Value" so that employers can comply with the Employer Mandate once it takes effect. The Employer contribution will determine if the plan is considered "Affordable."

In April of 2014, the MBA will add an additional insurance carrier to the options currently available. This new plan will offer a selection of multiple plans similar to the plans offered by the other carriers offering their plans to the MBA. One unique aspect of the MBA plans is that we allow each employee at a law firm to select a different plan among the multiple plans offered by each insurance carrier. This allows the insured to enroll in a plan that provides the benefits they desire most and access to the providers they want and need.

One unfortunate aspect of the ACA is that effective with the April 2014 renewal, sole practitioners with no employees will no longer be allowed to participate in the MBA plans. A written notice was mailed to all sole practitioners explaining this requirement and offering assistance for them to acquire individual coverage.

The MBA plan administrator, Northwest Employee Benefits, Inc., can assist MBA members who are sole practitioners to enroll in an individual medical plan that will meet their needs and satisfy the Individual Mandate requirement. Northwest Employee Benefits, Inc., can also be a resource to law firms who have questions or need assistance in their efforts to comply with the Employer Mandate or any other provision of the ACA.

Northwest Employee Benefits, Inc. can be contacted by phone at 800.284.1331, 503.284.1331 or sdoty@nwebi.com.

The MBA website home page also has all the member notices relating the MBA plans.

...sole practitioners with no employees will no longer be allowed to participate....

mba|CLE

To register for a CLE, please see pages 3 & 4 or go to mbabar.org and log in as a member to register at the member rate.

FEBRUARY

2.4 Tuesday Developing, Evaluating & Critiquing Business Valuations for Litigation

Keith Ketterling
Kim McGair
Serena Morones

2.18 Tuesday Dealing with Pro Se Parties

Amber Bevacqua-Lynott
Linn Davis
Judge Steven Todd

MARCH

3.4 Tuesday How Jurors, Judges & Other Key Decisionmakers Really Think

Christopher Dominic
Judge Michael Simon

3.12 Wednesday Annual Family Law Update & eCourt Presentation

Thomas Bittner
Judge Maureen McKnight
Gary Zimmer

3.19 Wednesday The Status of Internal Law Firm Privilege in Oregon

Mark Fucile
Michael Greene
Robyn Ridler Aoyagi

3.20 Thursday Intellectual Property Protection

Jacob Gill
Anne Koch
TJ Romano

MBA & YLS Board Elections

The MBA bylaws provide for a slate of candidates to be presented to the membership at least 60 days prior to the annual meeting. The slate of candidates will be printed in the March issue of the *Multnomah Lawyer*.

The bylaws also allow for nominations for the MBA and YLS Boards from the membership at large. A nominating petition, endorsed by the nominee and at least 10 other MBA members, **must be received by 5 p.m. on Friday, February 14, in the MBA office.**

Voting will close on Friday, April 18. New board members will be officially announced at the MBA Annual Meeting on Friday, May 30.



MULTNOMAH BAR ASSOCIATION
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DEADLINE for copy: The 10th of the month*

DEADLINE for ads: The 12th of the month*

*or the preceding Friday, if on a weekend.

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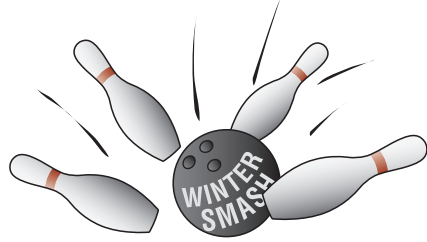
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MBA 12th Annual WinterSmash

A Family Friendly Bowling Event



**Saturday, February 8
6-9 p.m.**

**20th Century Lanes
3350 SE 92nd**

10 minutes from downtown Portland

A fundraiser for the Multnomah Bar Foundation
Civic Education Fund

Thank you to the WinterSmash sponsors.

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Register at www.mbabar.org.

MBA Offers Free Event Publicity

When the MBA's most recent website launched, it included a unique feature: the ability for law-related organizations and nonprofits to add their social events to the MBA online calendar.

The idea behind the MBA offering other organizations the ability to access our online calendar was to create one site where all law-related events could be listed to help prevent conflicts.

Please consider adding your social events to the MBA online calendar at the following link: <http://mbabar.org/Calendar/SubmitAnEvent.html>. Or, you may contact the MBA by emailing us at mba@mbabar.org to add your item to our online calendar.

Calendar

To add your organization or firm's annual events to the MBA online calendar, contact Carol Hawkins, carol@mbabar.org.

FEBRUARY

2.7 Friday

Lewis & Clark PILP Auction
Visit law.lclark.edu/student_groups/public_interest_law_project/auction/ for details

2.8 Saturday

WinterSmash
Visit mbabar.org for details

2.14 Friday

MBA Board election petition deadline
See p. 1 for details

2.15 Saturday

OLSPIF Auction
Visit law.uoregon.edu/olspif/ for details

2.17 Monday

Presidents' Day Holiday

Pro Bono Award nomination deadline
See p. 11 for details

2.19 Wednesday

CEJ Awards Luncheon
Visit cej-oregon.org for details

2.21 Friday

OHBA Awards Dinner
Visit oregonhispanicbar.org for details

MARCH

3.1 Saturday

ACLU of Oregon Liberty Dinner
Visit aclu-or.org for details

3.11 Tuesday

Everybody Reads: Justice Sonia Sotomayor
Visit portland5.com/events for details

3.14 Friday

OWLS Roberts Deiz Awards Dinner
Visit oregonwomenlawyers.org for details

APRIL

4.18 Friday

MBA Board voting ends
See p. 1 for details

4.23 Wednesday

Administrative Professionals Day

CLP Legal Citizen Dinner
Visit classroomlaw.org for details

MBA 2014 Mentor Program Kicks Off

The MBA Mentor Program, administered by the MBA Professionalism Committee, kicked off the year with a reception on January 13. Thirty pairs are participating in this year's program, which matches YLS members with esteemed and experienced MBA members for a six-month period. The mentors and mentees attended brief orientations before meeting each other and hearing words of wisdom from Ed Harnden, the 2012 MBA Professionalism Award recipient.

This year, the MBA Professionalism and CLE committees are teaming up to offer two-for-one registration at MBA CLE classes for mentor pairs. Mentors who sign up for an MBA CLE can bring their mentee for free. Contact the MBA for more information.



Peter Tran and Amy Alpern



Ksen Pallegedara and Saville Easley



Seminars are worth 2 OSB credits unless otherwise noted; 2 Washington MCLE credits may be obtained independently. Registrants who miss the seminar may request the written materials. Substitutions are welcome. Registration fees are non-refundable.

What's it Worth? Developing, Evaluating and Critiquing Business Valuations for Litigation

Tuesday, February 4, 2014
3:00-5:00 p.m.

World Trade Center
Plaza Room
26 SW Salmon, Portland
Members \$55
Non-members \$85

Determining the value of a business can seem a daunting task to a litigator. But, when the case calls for it, effective advocacy requires at least a basic understanding of the fundamentals of business valuation. Among other things, a litigator must be able to recognize when a valuation is necessary, work with an expert to develop the valuation, present valuation testimony in court, and critique the other side's valuation and cross-examine the opposing expert. Join respected business valuation expert **Serena Morones** and veteran litigators **Keith Ketterling**, of Stoll Berne, and **Kim McGair**, of Farleigh Wada Witt, for an interactive discussion of these topics as they explore business valuation from a litigation perspective.

For more information:

Call Keil Mueller, Stoll Berne at 503.227.1600.
For registration questions, call the MBA at 503.222.3275.

Dealing with Pro Se Parties

Tuesday, February 18, 2014
3:00-5:00 p.m.

World Trade Center
Mezzanine Room
26 SW Salmon, Portland
Members \$55
Non-members \$85

Note: This class will be worth one hour of ethics credit and one hour of general OSB MCLE credit.

Handling legal matters with unrepresented parties holds a number of challenges beyond those encountered in cases or transactions with opposing counsel. Whether litigating or negotiating a transaction, dealing with a party without legal training can add uncertainty and complications which make our work more difficult. Join Multnomah Circuit Court Judge Pro Tem **Steven Todd** and OSB Assistant General Counsels **Linn Davis** and **Amber Bevacqua-Lynott** for an informative discussion of ethical and tactical steps designed to make these matters safer and easier for all involved.

For more information:

Call Todd Cleek, Cleek Law Office at 503.706.3730.
For registration questions, call the MBA at 503.222.3275.

Science of the Mind How Jurors, Judges and Other Key Decisionmakers Really Think

Tuesday, March 4, 2014
3:00-5:00 p.m.

World Trade Center
Mezzanine Room
26 SW Salmon, Portland
Members \$55
Non-members \$85

For many of us, the practice of law is about persuading jurors, judges, and others to make the decisions we want them to make. But how much do we really know about how the decisionmaking process inside the human brain works? Research conducted by cognitive scientists and others has led to fascinating revelations about how human beings actually make decisions. At this CLE, the **Honorable Michael Simon**, US District Court Judge, and trial consultant **Christopher Dominic** of Tsongas Litigation Consulting will discuss this research and its implications for practicing lawyers.

For more information:

Call Kevin Sali, Angeli Law Group at 503.954.2232.
For registration questions, call the MBA at 503.222.3275.

Annual Family Law Update and eCourt Presentation

Wednesday, March 12, 2014
2:30-5:00 p.m.

World Trade Center
Auditorium
26 SW Salmon, Portland
Members \$55
Non-members \$85

Note: This class runs 2:30-5:00 p.m. and will be worth 2.5 hours of OSB MCLE credit.

On March 12 the MBA will hold its annual two-hour Family Law Update. **Chief Family Court Judge Maureen McKnight**, the Chief Family Court Judge for Multnomah County, will be joined by **Thomas Bittner** of Schulte, Anderson, Downes, Aronson & Bittner and **Gary Zimmer** of Zimmer Family Law. Our speakers will provide family law practitioners with information on changes to Multnomah County Circuit Court procedures well as valuable updates on appellate case law.

This class will also include an eCourt Presentation. eCourt will go live in Multnomah County on May 12.

For more information:

Call Daniel Margolin, Stephens Margolin PC at 503.546.6374. For registration questions, call the MBA at 503.222.3275.

The Status of Internal Law Firm Privilege in Oregon

Wednesday, March 19, 2014
3:00-5:00 p.m.

World Trade Center
Mezzanine Room
26 SW Salmon, Portland
Members \$55
Non-members \$85

Note: This class will be worth one hour of ethics credit and one hour of general OSB MCLE credit.

Should a lawyer's communications within her firm about an ethics or malpractice issue involving a current client be protected by the attorney-client privilege? Or should a lawyer's duty of loyalty to a current client override any attorney-client privilege? Join **Mark Fucile** of Fucile & Reising LLP, **Michael Greene** of Rosenthal Greene & Devlin PC and **Robyn Ridler Aoyagi** of Tonkon Torp LLP for a discussion of the intricacies of attorney-privilege in the context of the Crimson Trace case, currently pending at the Oregon Supreme Court.

For more information:

Call Shannon Armstrong, Markowitz Herbold Glade & Mehlhaf at 503.295.3085. For registration questions, call the MBA at 503.222.3275.

Intellectual Property Protection: Creative Approaches to Keeping What Your Clients Create

Thursday, March 20, 2014
3:00-5:00 p.m.

World Trade Center
Mezzanine Room
26 SW Salmon, Portland
Members \$55
Non-members \$85

Intellectual Property can include some of your clients' most valuable and intangible assets. What are your options when faced with infringement, demands, or other challenges relating to copyrights, trademarks, patents, and other intellectual assets? Litigation is only one arrow in your IP enforcement quiver. Join front-line intellectual property attorneys **Jacob Gill**, Stoll Berne; **TJ Romano**, Kolisch Hartwell; and **Anne Koch**, Day & Koch for a practical discussion for business lawyers and other non-IP practitioners about the variety of tools at your disposal to protect and enforce your clients' IP.

For more information:

Call Todd Cleek, Cleek Law Office at 503.706.3730.
For registration questions, call the MBA at 503.222.3275.

CLE Class Registration on next page

Investigating Evidence from Both Sides of the Bench

Tuesday, April 1, 2014
3:00-5:00 p.m.

World Trade Center
Mezzanine Room
26 SW Salmon, Portland

Members \$55
Non-members \$85

The MBA is pleased to present this evidence CLE. The CLE will cover:

- Evidentiary issues relating to hearsay and document authentication
- The best ways to get evidence in and keep it out
- How best to present evidentiary issues to the court, including authentication and objection

The panel includes **Dwight Holton** of Lane Powell, Multnomah County Circuit Court **Judge Karin Immergut**, and **Kevin Sali** of Angeli Ungar Law Group.

For more information:

Daniel Margolin, Stephens Margolin PC at 503.546.6374. For registration questions, call the MBA at 503.222.3275.

Advising Nonprofits and Serving on a Nonprofit Board Navigating the Rules and Avoiding the Traps

Tuesday, April 8, 2014
3:00-5:00 p.m.

World Trade Center
Mezzanine Room
26 SW Salmon, Portland

Members \$55
Non-members \$85

There are an increasing number of rules, regulations, excise taxes and other sanctions that can apply to a tax-exempt entity. Whether you serve on a nonprofit board or advise nonprofits as part of your law practice, it is important to know the rules that apply to various types of nonprofit entities.

Penny Serrurier of Stoel Rives, **Shouka Rezvani** of Tonkon Torp LLP and **Matthew Lowe** of O'Donnell, Clark & Crew LLP will address best practices in the nonprofit area to help advisors, board members, and key staff avoid conflicts of interest and apply sound fiduciary oversight. This presentation will cover private foundations, public charities, trade associations, social clubs, and similar tax exempt entities. The speakers will outline the policies and procedures that help ensure a tax exempt entity is operating in compliance.

For more information:

Call Todd Cleek, Cleek Law Office at 503.706.3730. For registration questions, call the MBA at 503.222.3275.

Evaluating, Prosecuting and Defending Non-compete and Trade Secret Litigation

Thursday, April 24, 2014
3:00-5:00 p.m.

World Trade Center
Plaza Room
26 SW Salmon, Portland

Members \$55
Non-members \$85

Significant changes to Oregon's noncompetition statute, coupled with the growth in electronic communications and social media, now require fresh and creative approaches to evaluating, defending and prosecuting litigation when employees depart to competing companies.

Join **Jeff Edelson**, of Markowitz, Herbold, Glade & Mehlhaf, PC, and **Judy Snyder**, of The Law Offices of Judy Snyder, for a wild ride in the world of emergency TROs, expedited discovery, and hard-drive forensics. Jeff and Judy each bring more than 20 years of experience representing departing employees, jilted employers, and aggressive companies recruiting talent. They will dissect Oregon's unique noncompetition statute, examine the newest developments, offer approaches for advising employees to avoid litigation, explain how and when to pull the litigation trigger, and help navigate you through a noncompete/trade secrets lawsuit.

For more information:

Call Shannon Armstrong, Markowitz Herbold Glade & Mehlhaf at 503.295.3085. For registration questions, call the MBA at 503.222.3275.

Photocopy, complete and mail or fax the registration form with payment to the MBA to reserve your space. Or register online and receive a \$5 discount. Self-study materials from past CLE classes may be downloaded at www.mbabar.org.

Registration Form

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Member Status:

- MBA Member
 Non-Member

Payment Options:

- Check VISA MasterCard
 American Express

Registration forms with payment must be received in the MBA office by 3:00 p.m. the day before the seminar, or the "at the door" registration fee will apply (see fees for each class and fill in the blank on registration form). Registration forms may be mailed or faxed to the address or number below. Accommodations available for persons with disabilities; please call in advance for arrangements.

Photocopy registration and mail or fax with payment to:

Multnomah Bar Association
620 SW Fifth Ave., Suite 1220 ■ Portland, OR 97204
503.222.3275 ■ Fax to: 503.243.1881

Register online and order or download MBA self-study materials at www.mbabar.org.

Reduced fees for unemployed members are available and are assessed on a case-by-case basis. For details, call the MBA at 503.222.3275.

Seminar Selection:

Please select the seminar(s) you wish to attend. Written materials for each class are included with registration. Pre-registration with payment is required to reserve a space; at-the-door registrations are accepted if space is available; an additional \$5 charge will apply.

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2/18 Dealing with Pro Se Parties

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3/4 How Jurors Really Think

- Class Registration Online (\$50 Members/\$80 Non)
 Class Registration (\$55 Members/\$85 Non) \$ _____
 CD-ROM & Written Materials (\$55 Members/\$85 Non) .. \$ _____

3/12 Annual Family Law Update & eCourt Presentation

- Class Registration Online (\$50 Members/\$80 Non)
 Class Registration (\$55 Members/\$85 Non) \$ _____
 CD-ROM & Written Materials (\$55 Members/\$85 Non) .. \$ _____

3/19 The Status of Internal Law Firm Privilege in Oregon

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 CD-ROM & Written Materials (\$55 Members/\$85 Non) .. \$ _____

3/20 Intellectual Property Protection

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 CD-ROM & Written Materials (\$55 Members/\$85 Non) .. \$ _____

4/1 Investigating Evidence From Both Sides of the Bench

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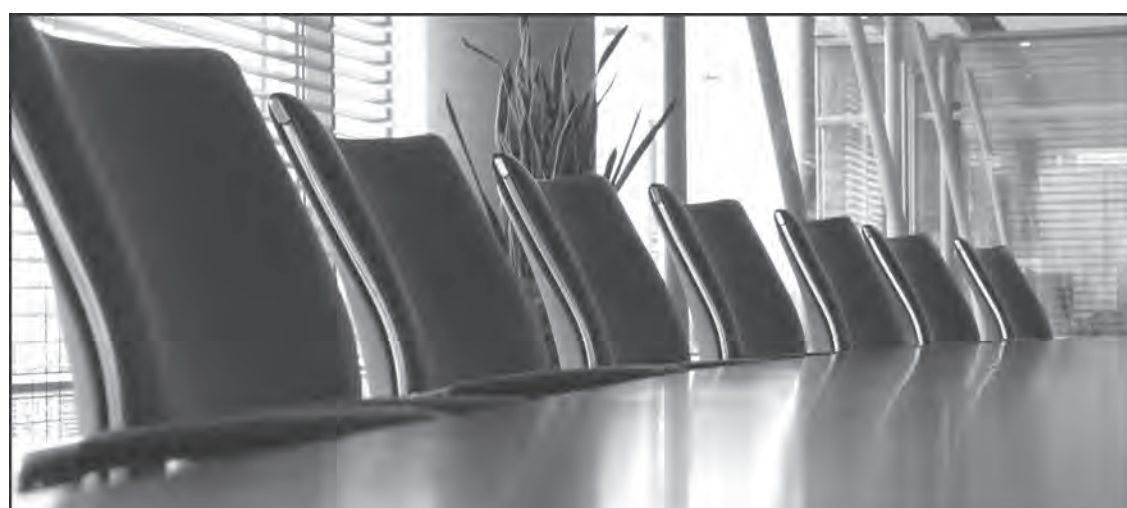
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mba | ANNOUNCEMENTS

Free CLE Content for MBA Members

MBA members receive access to a rotating selection of sit different CLE seminars each year – a \$300 value. Beginning February 1, log in to the Members Center on the MBA website to view the CLE webcast “Mediation is a Contact Sport: How to Get the Best Possible Result for Your Client.” The seminar is worth two hours of general OSB MCLE credit. The free webcast content is refreshed every two months, so stay tuned!

Noon Bicycle Rides

Take a noon break for a short, fast ride with hills. Meet at SW Yamhill and Broadway between noon and 12:10 p.m. on Mondays and Thursdays. Contact Ray Thomas at 503.228.5222 with questions, or just meet at the start.

An Evening Under the Sea

Lewis & Clark’s PILP Auction is Friday, February 7 at the Multnomah Athletic Club. Visit http://law.lclark.edu/student_groups/public_interest_law_project/auction/ for details.

Oregon Law Public Interest Fund Auction

This event is Saturday, February 15 at the Eugene Country Club. Visit <http://law.uoregon.edu/olspif/> for details.

CEJ Awards Luncheon

Wednesday, February 19 at noon at The Governor Hotel, join the Campaign for Equal Justice as it celebrates the generosity and hard work of the Oregon legal community in supporting legal aid programs. The Justice Cup trophy will be awarded to the Oregon region with the highest percentage of lawyer participation. This year’s luncheon focuses on building the future of legal aid. Representative Suzanne Bonamici is the luncheon speaker.

OHBA 8th Annual Award Dinner

Join the Oregon Hispanic Bar Association on Friday, February 21 at 5:30 p.m. at The Nines Ballroom as it presents the Paul J. De Muniz Professionalism Award to the Hon. Marco Hernandez and Dolores Atencio. More details are available at oregonhispanicbar.org/news_events_annualdinner2014.html.

Oregon Law Expands to Portland

Oregon Law is building an academic program that offers interested law students the opportunity to complete their full third year of law school in Oregon’s largest city, home to the highest concentration of Duck alumni and legal practitioners.

These efforts will build upon the law school’s established Portland offerings and will be aimed at providing Oregon Law students with expanded academic, professional and extracurricular opportunities that are readily available in Portland. To lead the initiative, Eugene-based professors Mohsen Manesh and Carrie Leonetti are relocating to Portland on a full-time basis. Together, they will lead the charge to re-envision and increase the law school’s engagement in the metro area. Professors Manesh and Leonetti will join Will Glasson, the law school’s associate director of external affairs, who already is based full-time in Portland. Glasson’s work focuses on employer outreach, career-related counseling for students and alumni; admissions, development and alumni affairs.

With a permanent student, faculty and administrative presence, Oregon Law will establish even stronger ties with Portland’s legal and business communities and the many Oregon Law graduates who have established their careers in Portland.

The Wayne Morse Suite (a LEED certified Platinum room), in the University of Oregon’s White Stag Block in downtown Portland’s Old Town/Chinatown neighborhood, serves as the home of the University of Oregon School of Law Portland Program.

Clear Transitions PDX – Helping Women through Divorce

In 2012, EJ Cortez, Meagan Robbins and Linda Scher collaborated to form Clear Transitions PDX, a not-for-profit group that hosts monthly workshops for women going through separation or divorce. Each of the founders brings expertise on various aspects of the separation process: EJ is a financial planner, Meagan is a family law attorney at Wyse Kadish, and Linda is a mediator. They solicited volunteer professionals in the areas of mental health counseling, finance, family law, and mediation to share their knowledge.

Clear Transitions PDX workshops are held on the third Saturday of every month from 8:30 a.m. to 12:30 p.m. at the downtown Portland YWCA. Each includes a presentation from volunteer professionals. Most participants are low- to moderate-income, and many go through the process without the benefit of any information from a professional. The cost is \$30 and scholarships are available. For more information about Clear Transitions PDX visit its Facebook page at www.facebook.com/cleartransitions.pdx or at ywcapdx.org/what-we-do/social-change/clear-transitions-pdx/.

OWLSNet Event

On Thursday, February 13 at 5 p.m., join OWLS, the Oregon Bankers Association and the Oregon Society of CPAs at a networking and social event to discuss information privacy and security, in light of the recent Target security breach. The event is sponsored by Tonkon Torp and features Tatiana Perry, who will discuss security issues of concern to lawyers, bankers and accountants. No need to pre-register.

MBF Grantee League of Women Voters of Portland Presents “Government in Our Daily Lives” – Tuesday, February 11

This month’s topic is “Agriculture: Growing and Managing Food, Oregon Agriculture Perspectives for Today and the Future.” Learn about agriculture and technology, natural resources, government involvement, current research, methods and practices and sustainable agriculture. Funded by a 2013 MBF grant, this free, current, monthly program features expert panelists examining the legal, political, economic and social aspects of various general civic issues. Multnomah County Building Boardroom, 501 SE Hawthorne Blvd., 7-8:30 p.m. Contact Ann Mulroney at annmul@comcast.net or call 503.226.7825 for more information.



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Ethics Focus

“A Word from Our Sponsor....” Oregon’s New Advertising Rules

by Mark J. Fucile
Fucile & Reising



“The publication or circulation of ordinary simple business cards, being a matter of personal taste or local custom, and sometimes of convenience, is not per se improper. But solicitation of business by circulars or advertisements, or by personal communications or interviews, not warranted by personal relations, is unprofessional.”
~Canon 27, ABA Canons of Professional Ethics (1908)

As any occasional viewer of late night TV can attest, lawyer advertising has changed radically in the hundred years since the ABA adopted the original Canons of Professional Ethics. Beginning with the U.S. Supreme Court’s pathbreaking decision in *Bates v. State Bar of Arizona*, 433 US 350, 97 S Ct 2691, 53 L Ed2d 810 (1977), lawyers have been relatively free to advertise. Over the years, the ABA has updated its influential Model Rules of Professional Conduct to reflect both continuing constitutional developments since *Bates* and the significant influence technology has come to play in law firm marketing.

Oregon’s lawyer advertising rules have followed a somewhat different trajectory. In the wake of the U.S. Supreme Court decisions following *Bates* in the 1970s and 1980s, Oregon comprehensively amended our then-Disciplinary Rules in 1993 to reflect those federal developments. When Oregon moved from the DRs to the RPCs in 2005, we essentially kept the old advertising DRs in the format of the new RPCs. At the same time, the OSB continued

to review the advertising rules in light of the Oregon Constitution’s own broad commercial free speech rights and further developments at the ABA. This past fall, the OSB House of Delegates approved and the Oregon Supreme Court adopted a new set of advertising rules that became effective on January 1. In this column, we’ll briefly survey what is and isn’t in the new rules.

What’s In

The new rules are available at osbar.org. They retain the numbering of their immediate predecessors - RPCs 7.1 through 7.5. Although some differences remain from the ABA Model Rules, the new Oregon rules are in much tighter alignment with their ABA counterparts.

One of the principal differences between the new rules and the old set is RPC 7.1. The old rule was framed around the bedrock notion that law firm marketing communications cannot include misrepresentations, but then added a litany of specific applications. The new rule retains the bedrock prohibition on misrepresentations but eliminates the specific applications. The OSB Legal Ethics Committee’s notes accompanying the new rules reason that the old laundry list was both over-inclusive by including some conduct that wasn’t necessarily misleading while also under-inclusive by not describing every potential instance when advertising might be false. The new formulation mirrors the corresponding ABA Model Rule.

RPC 7.2 continues the twin threads of generally permitting lawyers to pay for *advertising* but generally prohibits paying for *referrals*. The new rule is now generally aligned with its counterpart ABA Model Rule.

RPC 7.3 continues the general prohibition on in-person solicitation (or the electronic equivalent) along with the exceptions found its

immediate predecessor when the person contacted is a lawyer, a family member or friend or a former client. The new rule also retains the requirement that written (paper or electronic) solicitations be labeled - with the wording now altered slightly - “Advertising Material.” The new version is now closely aligned with the corresponding ABA Model Rule.

RPC 7.4, which addresses specialization in the ABA Model Rule, was and is “reserved” (blank) in Oregon. This doesn’t mean that you can’t describe your practice specialty - as long as your description is accurate under RPC 7.1’s overarching requirement of truthful advertising.

RPC 7.5 continues to regulate law firm names. The principal difference between the “old” and “new” versions is that new iteration is considerably shorter and more closely aligned with the ABA Model Rule. The new rule - like its predecessor - continues to focus on non-deception in law firm names and also continues to permit trade names. The new version of the Oregon rule now largely mirrors its ABA Model Rule counterpart.

What’s Not

One important element that the new rules do not include is accompanying ABA comments. For parochial reasons, Oregon is one of a remaining handful of states that have not adopted comments based on those that accompany the ABA Model Rules. Nonetheless, the Oregon Supreme Court has used the comments as “guidance” (see, e.g., *In re Hostetter*, 348 Or 574, 591, 238 P3d 13 (2010) (“[W]e look to the commentary of the ABA Model Rules for guidance.”)). Oregon lawyers should, too. The comments to the ABA Model Rules offer many useful insights and illustrations on the application of the rules. Comment 3 to ABA Model Rule 7.1, for example, contains a discussion on the use of disclaimers when advertising specific results. Comment 2 to ABA Model Rule 7.2, in turn, includes a helpful overview of permissible information that may be included in advertising, such as fee structures and credit arrangements. The comments to the ABA Model Rules are available at americanbar.org.

We are pleased to announce the promotion of **Paul A. C. Berg** to partner in the firm, effective January 1, 2014.

Paul is the vice-chair of the firm’s Business Litigation practice group. His practice focuses on commercial and business litigation with an emphasis on partnership and shareholder disputes.



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Around the Bar



Anna Sortun



Shaun Jillions



Kimberlee Stafford



Kristin Bremer Moore



James Hein

James Hein is a business lawyer in the corporate finance and mergers & acquisitions practice groups. He volunteers as a lawyer for the Southeast Legal Clinic and the ACLU, serves on the board of Minds Matter of Portland, and chairs the firm's pro bono committee.

Molly Honoré has been appointed to the board of the U.S. District Court of Oregon Historical Society. The society was created in 1984 to preserve the history of the court, which was established in 1859. She is a member of the litigation department.

Vanessa Lee Gebbie has earned designation as a U.S. Certified Information Privacy Professional. She is a member of the information privacy & security practice group.

Shaun Jillions has been appointed to the Transportation and Growth Management Program Advisory Committee. Jillions's appointment was at the recommendation of the directors of the Oregon Department of Transportation and the Oregon Department of Land Conservation and Development. Jillions is a member of the government relations & public policy practice group, which represents corporations, municipalities, trade and professional associations, nonprofit organizations and higher education institutions.

Business attorney **Kristin Bremer Moore** has been appointed secretary to the OSB Legal Services Committee. She is a partner in the labor and employment practice group, where she represents employers.

Markowitz, Herbold et al Shannon Armstrong has become a shareholder with the firm. She will continue to concentrate her practice in the area of complex litigation.

Armstrong has developed several unique niches within her practice. She has particular



Shannon Armstrong

experience litigating disputes among shareholders in closely-held corporations, and has specific skill in early resolution of these challenging cases. Additionally, she has developed expertise in litigation involving continuing care retirement communities and has represented residents of these communities in groundbreaking litigation.



Steven Berman



Yoona Park

Stoll Berne

Steven Berman has become a shareholder of the firm, where he concentrates his practice on complex litigation. He represents individuals and businesses in a broad range of commercial cases, including matters involving securities and financial fraud, insurance coverage, trade secrets and shareholder disputes. He also advises progressive causes and candidates on initiative and election issues.

Yoona Park has returned to the firm as an associate attorney. Her practice will continue to emphasize complex business litigation, securities litigation and employment litigation.



Elisa Dozono



Teresa Pearson

Miller Nash

Partner **Elisa Dozono** was one of ten Japanese Americans chosen to join the 2014 Japanese American Leadership Delegation, which comprises Japanese Americans who are top leaders in their professions, have had experience in U.S.-Japan relations and are committed to furthering that relationship. The group will travel to Japan to engage with Japanese leaders in the business, government, academic, nonprofit and cultural sectors. The program also allows Japanese leaders to gain a greater understanding of multicultural America through the experiences of a diverse group of Japanese Americans. Upon their return, delegates will collaborate with program alumni, the local consulates, the U.S.-Japan Council and local and national community organizations to continue strengthening ties between the U.S. and Japan.

Dozono focuses her legal practice on business litigation and government relations. She chairs the Oregon Lottery Commission, is a current commissioner and former chair of the Metropolitan Exposition Recreation Commission, is a cofounder and past president of the Oregon Asian Pacific American Bar Association and is a member of the Governor's Judicial Screening Committee and several other professional organizations.

Bankruptcy law partner **Teresa Pearson** was recently elected to the board of directors of the Northwest Chapter of the Turnaround Management Association. Established in 1988, it is the only international nonprofit association dedicated to corporate renewal and turnaround management.

Pearson focuses her legal practice primarily on creditors' rights, insolvency and reorganization. She is a member of the American Bankruptcy Institute and the Debtor-Creditor Section of the OSB.

New associates are **Jonathan Singer** and **Kellen Norwood**. Norwood will focus on supporting the firm's educational institution clients through the firm's employment and education law practices, and Singer joins the litigation practice team, where he will focus on civil litigation with an emphasis on securities, products liability and other commercial matters.



Allyson K. Krueger



Ty K. Wyman

Dunn Carney

Allyson K. Krueger and **Ty K. Wyman** became partners at the firm.

Krueger is an employment lawyer whose practice emphasizes employment advice work, policy review, and investigating workplace misconduct. She also litigates employment cases involving contract, discrimination, retaliation, wrongful termination and tort claims as well as cases involving trade secrets, confidentiality, non-competition and/or non-solicitation agreements.

Wyman is a land use attorney with over 20 years' experience representing clients involved with Oregon's unique land use system. He presents land use applications to city and county hearing bodies for a variety of client needs including permits, plan amendments and urban growth boundary expansions. He regularly briefs and argues cases before the Oregon Land Use Board of Appeals. He has a particular expertise in land use issues related to railroad operations.



Duke Tufty

Wyse Kadish

Duke Tufty has become a partner in the firm. His practice focuses on alcohol regulatory law. He helps Pacific Northwest businesses that make or sell alcohol to understand the regulatory environment, obtain their licenses and permits, stay in compliance, and defend their licenses when necessary. To learn more about his practice, visit his blog: nwalcoholaw.com.

Continued on page 9

Around the Bar

Continued from page 8



Paige A. De Muniz

Gevurtz Menashe

Paige A. De Muniz has been named a firm shareholder. De Muniz's practice focuses on a broad range of family law issues, including divorce and complex asset cases, custody and parenting time, child support, grandparent and third-party rights, paternity issues and domestic partnerships. De Muniz is a member of Oregon Trial Lawyers Association and Oregon Academy of Family Law Practitioners. She is also a board member for the MBA Young Lawyers Section and serves on the development committee for the YWCA of Greater Portland.



Scott Schnuck



Katie Walter

AltusLaw LLC

Scott Schnuck and Katie Walter have opened a new firm which specializes in construction law, commercial litigation, and small business matters.

Schnuck brings 17 years of business and management experience, holding positions in construction, operations management, and production control management. His practice focuses on a broad range of issues for small to mid-sized companies in litigation, transactions, and regulatory compliance matters.

Walter brings four years of government contracting, including project-based experience and business development experience. Her practice focuses on construction and business law, representing businesses and owners in all aspects. New contact information: 1400 SW Montgomery St., Portland OR 97201; phone 503.374.1919; email contact@altuslaw.co.

Lisa Almasy Miller

Lisa Miller is serving as president of the Clackamas County Bar Association this year and was appointed secretary of the OSB Client Security Fund Committee. This year also marks the 10th anniversary of Miller's role as a Multnomah County Arbitration Commissioner.



Lisa Miller

She was recently approved by the Supreme Court as a reference judge for the 5th Judicial District and continues to serve as a pro tem judge in Clackamas County, and full-time neutral in the tri-county area.



Paul Migchelbrink

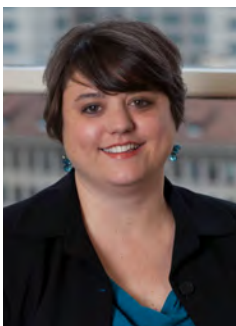

Farleigh Wada Witt

Paul Migchelbrink, a shareholder, was recently elected vice chair of The Salvation Army Portland Metropolitan Advisory Board, where he has served since 2010. He will complete one year as vice chair and is slated to assume the position of board chair in 2015. Migchelbrink maintains a diverse business

practice emphasizing corporate matters, real estate and commercial finance, and brings 20 years of legal knowledge and experience to the board.

The Around the Bar column reports on MBA members' moves, transitions, promotions and other honors within the profession. The submission deadline is the 10th of the month preceding publication or the prior Friday if that date falls on a weekend. All submissions are edited to fit column format and the information is used on a space-available basis in the order in which it was received. Submissions may be emailed to Carol Hawkins, carol@mbabar.org.

LARKINS | VACURA

Larkins Vacura LLP is delighted to announce that Danielle Hunsaker and Cody Hoesly have become partners in the firm.

Danielle is a business litigator with an impressive track record. She has tried cases across the country for clients big and small, many of which went to jury verdicts. She has also handled numerous appeals in the Ninth Circuit and the Oregon and Washington Courts of Appeal. Danielle serves as an adjunct professor at Lewis & Clark Law School. She also represents prisoners through the U.S. District Court's pro bono program, and she is active in the Federal Bar Association and the Oregon State Bar's Judicial Administration Committee. In 2013, the U.S. District Court appointed Danielle to serve as a representative for Oregon to the Ninth Circuit Judicial Conference, and she won the Oregon State Bar New Lawyers Division award for public service.


Cody continues to grow his successful appellate practice. He regularly briefs appeals in the Ninth Circuit, Washington Court of Appeals, and Oregon appellate courts. He also regularly argues cases before the Oregon Supreme Court and Court of Appeals. Cody also has a successful practice as a trial lawyer with expertise in commercial law. He is active in the Inns of Court, and is a co-chair of the OTLA Amicus Committee. Cody was named a Rising Star by Oregon Super Lawyers in 2012 and 2013, and an Up & Coming Lawyer in the Daily Journal of Commerce in 2012.

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DEPOSITION AND TRIAL

Tips From the Bench

The Family Law Department Updates & Answers

by Judge Maureen McKnight
Multnomah County Circuit Court
Chief Family Court Judge



After the crunch of end-of-year judgment signing, the Family Law Department's focus has returned to preparation for eCourt in mid-May. Supervisors, operational staff, and even judges' staff have been involved in a range of work reviewing business processes, developing forms, and analyzing test OJIN-Odyssey conversions. The pace is accelerating and all are anxious for the finalization of the training schedule so we can plan our dockets. We anticipate that judges' training sessions will occur predominantly in the last half of April and the first half of May, so this is the period that attorneys may see the most impact in the amount of hearing time available. Until the training schedule (provided from Salem) arrives, we can't give definite answers yet when questions arise about docket availability, so we appreciate everyone's patience. But we are discussing the viability of a program of mandatory mediation by volunteer attorneys for certain case-types on the trial assignment docket to help address both the "eCourt crunch" and the loss of Judge Kristena Lamar's Friday docket at the East County Courthouse (ECC).

And regarding the ECC, Presiding Judge Nan Waller and the chief judges (Criminal - Julie Frantz, Civil - Steven Bushong and I) met with east county practitioners in November to hear their thoughts about court services and judicial availability at that new courthouse. We have been regularly assigning cases to the ECC on Fridays for Judge LaMar for the last year and are committed to not just maintaining but increasing our family law presence there. The tentative plan is to concentrate East County trial assignment cases (probably determined by party residence) on Tuesday's docket for Wednesday hearing at the ECC. One of the judges would then be assigned to the ECC on each Wednesday, to hear ex parte matters at 8:30 a.m. and 1:30 p.m., and to resolve the matters assigned from the trial assignment docket the day before. Some "non-east county" cases may well be heard at ECC on Wednesdays (and some east county cases heard downtown) depending on attorney, party, and judge availability. We also are planning for ex parte matters and restraining order applications to be heard at the ECC on Monday afternoons; these by the pro tem judges who otherwise sit as juvenile

court referees and handle the related family law matters for that dependency caseload. If you haven't been at the ECC, you should drop by at 18480 SE 182nd Ave to check out the fantastic facilities.

We've also been discussing the proposed changes to the OSB Principles and Standards for Counsel in Dependency Cases. An OSB workgroup has suggested new rules in this and other areas in light of Oregon's 2006 adoption of the Oregon Rules of Professional Conduct, which rules were based on the ABA's Model Rules of Professional Conduct. The treatment of clients with "diminished capacity" (including aspects of minority) under these new proposals has significant implications not just for dependency attorneys but for lawyers representing parents in family law matters. Our judges have weighed in with concerns, and Judge Susan Svetkey is our lead on this issue.

Questions asked at MBA CLEs:
Q: Does SLR 8.041 "non-ex parte" motion procedure apply to temporary relief motions under CRS 107.097?

A: It could if the movant did not want to docket the motion. The problem is that if the served party filed objections to the temporary relief, the movant will likely wait longer for a hearing date (given the 14 + 3 days that have already passed plus the need to find at that point an open slot on the trial assignment docket) than if the movant had gotten the trial assignment date from the beginning and served notice of that date. The use of the proposed order approach ultimately depends on the movant's assessment of the other party's likelihood of objecting.

Q: Why is my motion to reinstate a dismissed case not being signed?

A: Maybe because you haven't complied with SLR 8.044. Once a General or Supplemental Judgment of Dismissal (or any judgment) has been signed, compliance with ORCP 71 is needed to set it aside. But parties can easily stipulate that inadvertence or excusable neglect exists if your stipulated judgment didn't get in by the dismissal date, or even that they each waive ORCP 71 requirements.



News from the Courthouse

by Tyler Volm
Court Liaison Committee

Presiding Judge's Report and Courthouse Update

Doug Bray gave the report for the court. He opened by noting that news of the death of attorney Marc Blackman, who died on New Year's Day, was a large loss for the local legal community. Blackman's professionalism and good humor in every situation was his hallmark.

Judge Michael Greenlick was appointed to fill the vacancy created by the elevation of Judge Michael McShane to the U.S. District Court. Judge Greenlick took office in October, 2013, but his investiture had to be delayed to work around the availability of speakers.

The early work on the construction of a new Multnomah County Courthouse is moving along. In addition to the development of the preliminary program plan by the National Center for State Courts, the county has selected and contracted for the services of Day CPM Services as its owner's representative. The owner's representative acts as the county's comprehensive project manager, and will be involved in all key phases of the project going forward. In addition, the owner's representative, working through the professional staff in the county's Division of Property Management, will provide information and advice to the Board of County Commissioners on all key

project decisions that must be decided at the board level. The decisions which will come to the board preliminarily will be the selection of a financing plan, approval of the preliminary facility programming plan, and site selection.

As to the financing options available to the county, with 2013's new laws, there is the option for the county to structure the new courthouse project to have available as much as 50% of the revenue for the building from the sale of State of Oregon bonds issued under Article 11Q of the Oregon Constitution. This 2013 legislation requires approval of the project by the chief justice, creates a state leasehold interest in the new facility, and, creates a courthouse funding account in the Office of the State Court Administrator. The presiding judge, the Office of the State Court Administrator and Multnomah County are exploring this new opportunity for joint funding for construction of the new courthouse.

January 1 marked the effective date of new Oregon Laws 2013 legislation which did not have the benefit of an emergency clause. There are two significant bills out of the work of the Oregon Law Commission. Chapter 417 makes substantial changes in the area of juvenile records, and Chapter 346 revises the law in the area of access to adoption records. Another bill of significance is Chapter 687 which creates a new protective order in the Criminal Code: the Sexual Abuse Restraining Order.

Changes to the civil case management rules implemented in 2012, become effective on February 1, 2014 as new Supplementary Local Rules. In December, the last of the Initial Case Management Conferences was conducted. This conference was deleted from the civil case management strategy and replaced with the appointment of a motion judge process (see 2014 SLR 5.014) This replacement of the requirement for a conference in every case with an appointment process to give notice of the motion judge assigned to the case, is the main change in the new 2014 rules. In late December 2013, motion judges began to be appointed by order mailed to the parties.

The rest of the civil case management processes, the trial readiness conference and the need to commit to a trial date at that conference, remain a part of the civil rules.

The new SLRs and a condensed version limited to the changes made in 2014 are available on the circuit court's website.

With Oregon eCourt launching on May 12, there will be a significant push to educate the bar on the new system. Presentations will be made at upcoming MBA CLE programs, and through additional training sessions, to reach as many attorneys and support staff as is possible.



Forgotten Anything?

The MBA would like to remind those who have yet to renew their membership for 2014 to do so soon to continue to enjoy the benefits of membership.

Visit mbabar.org to renew today.

Marc David Blackman MBA President, 1992-93 In Memoriam March 4, 1947-January 1, 2014

Former MBA President Marc Blackman died on January 1 from kidney cancer. A partner in the firm of Ransom Blackman LLP, he lived in Lake Oswego.

A native of Sheboygan, WI, Marc earned his A.B. in American History at Harvard in 1969. After a brief stint as a second-grade teacher in Concord, MA where one of his pupils was Steve Carell, he earned his J.D. at Yale Law School in 1973. He clerked for Chief Justice Kenneth O'Connell of the Oregon Supreme Court, and was then an assistant U.S. attorney under Sid Lezak.

In 1977, Blackman, Jack Ransom and Jeff Rogers left the U.S. Attorney's office to start a criminal defense firm, still operative today. In addition, he worked with all kinds of law-related organizations, including

the OSB, the ACLU, Legal Aid, the U.S. District Court Indigent Representation Committee, and did pro bono work for other nonprofits as well, including the Prison Legal News. He taught many continuing education courses for both sides of the criminal bar.

One of Marc's most important contributions to the local legal community was, he felt, his 25-year participation and leadership in the Gus Solomon Inns of Court. Marc founded the organization (a subset of the American Inns of Court) along with the Hon. Kristena LaMar and others. The organization's goal was to provide a forum to promote professionalism. Judge LaMar says that Marc Blackman exemplified professionalism – that he was a “great guy.”

Marc's longtime friend, Ron Hoevet, remembers his “creative,



Marc David Blackman

impeccable judgment” for his clients and notes that Blackman will be dearly missed.

Marc Blackman is survived by his wife of 42 years Susan, and by his sons Sam (Adriane), Amos (Shannon) and Eli – all of whom are over six feet tall. Marc was, at tallest, 5'9". His response to those commenting on the discrepancy was that he was a tall man trapped in a short man's body.

Marc is also survived by grandsons Abe and Solly and brother, Mitchell.

In lieu of flowers, Blackman's family suggests that donations be made in his name to the Multnomah Bar Foundation or the Wallace Medical Concern.

2014 LASO/OLC/MBA Pro Bono Awards Nomination Deadline February 17

The Legal Aid Services of Oregon (LASO) / Oregon Law Center (OLC) / MBA Pro Bono Awards annually recognize attorneys, law firms, and attorney organizations that have shown an extraordinary commitment to pro bono work. If you know someone who has been making a difference through pro bono work, make a nomination today. Three categories will be recognized at the MBA's Annual Meeting and Dinner in May.

The **Senior Law Project Volunteer of the Year Award** recognizes those showing a special commitment through the Senior Law Project (the SLP). The SLP began 30 years ago and is Multnomah County's longest running pro bono program. This award was presented in 2013 to three attorneys: Anne Furniss received the award for her work serving 290 SLP clients since 2007; Whitney Yazzolino and Julie Lohuis received the award both for their individual service and for the commitment of their firm, Yazzolino, Lohuis, and Edgel LLP, to serve two SLP clinics monthly.

The **Michael E. Haglund Pro Bono Award** recognizes a young lawyer (under 36 or in the first six years of practice) who shows commitment to pro bono through LASO, OLC, or MBA YLS pro bono projects. This award honors the founder of the Volunteer Lawyers Project managed by LASO & OLC. Qualified projects include the Bankruptcy Clinic,

Domestic Violence Project, Pro Se Assistance Project, Senior Law Project, Legal Aid Night Clinic, Community Development Law Center, ProBonoOregon Listserv, Neighborhood Legal Clinics, Nonprofit Project, and Attorneys for Youth. The award was presented in 2013 to Suzana Malek, who in one year provided family law assistance to 44% of the clients of Legal Aid's Pro Se Assistance Project.

The **Pro Bono Award of Merit** recognizes those who have set an inspiring example for the legal community through their pro bono service. The award was presented in 2013 to Mary Lou Haas for her long standing service to the OSB Debtor Creditor Section Legal Aid Bankruptcy Clinic, including representing over 50 pro bono clients in the last 10 years.

Re-nomination of former nominees is welcomed. Factors considered in selecting awardees include pro bono work done in the last year, number of years doing pro bono work, willingness to take emergency cases, mentoring of other volunteers, and efforts to promote pro bono work.

Nominations must be received by Monday, February 17. To make a nomination, look for the insert in the January issue of the *Multnomah Lawyer*, visit mbabar.org, or contact William Penn, wpenn@lclark.edu.

Making the Transition from OJIN to OECI What to Expect and When

Oregon eCourt Case Information (OECI) system will be implemented in Multnomah County on May 12. It will replace the 30-year-old Oregon Judicial Information Network (OJIN). With 10 courts now implemented, it is apparent that the transition is one that requires adjustments by users as well as by the implementing court. This list covers some of the issues law offices will encounter.

From March 17 through May 9, circuit court training will take place; the court's pace will slow:

- Training begins on March 17 for court staff and continues up to implementation.
- Judicial training will begin approximately April 14 and continues up to the implementation date.
- A slower pace means reduced trials, hearings and public service. It does not mean the cessation of these activities. All dockets will continue and current schedules will be observed.

On approximately Tuesday, May 6, or Wednesday, May 7, OJIN will no longer be updated by circuit court staff; it will be “locked down” – the content will cease to change:

- Whether the “lock down” date is May 6 or May 7 has not been determined at this time.
- From the lock down date until May 10, documents filed, including judgments, will be stamped filed, but will not be entered into OJIN. Hearings

set after lock down will not be entered in OJIN.

All case history and financial information in OJIN will be loaded into OECI by May 12:

- Ten million cases will be converted from OJIN into cases in OECI; this represents **all** case histories in OJIN for the circuit court for Multnomah County.
- All post-OJIN lock down cases, documents and hearings will be entered only in OECI.

OJIN information for Multnomah County will be removed from OJIN OnLine access on lock down:

- OJIN data for Multnomah County Circuit Court will not be accessible via OJIN OnLine following the OJIN lock down for the Multnomah County Circuit Court.

Location of OECI Public Access Terminals in Multnomah County:

- OECI public access terminals will be located in the downtown courthouse, the Juvenile Justice Complex, and the East County Courthouse.
- Viewing OECI case information and documents on public access terminals is without charge.
- Copies of public documents may be purchased at facilities with the public access terminals.

OJIN OnLine access to OECI case information; it is delayed for two weeks and access to confidential records is restricted

without special application and authorization:

- All case histories converted from OJIN to OECI, and case information entered in OECI after the OJIN lock down, will be available remotely only via an OJIN OnLine subscription.
- If you have an OJIN OnLine subscription, you already have access to OECI. If you do not have an OJIN OnLine subscription, you may access case information using public access terminals.
- There is a two-week delay after May 12, before the Multnomah County Circuit Court records will be available in OECI to OJIN OnLine subscribers. During this time, all access to OECI is available only by the public access terminals.
- OJIN OnLine subscribers who are attorneys of record in confidential cases must specially apply to OJIN OnLine for access to case information for those cases.

Documents filed after the OJIN lock down and thereafter will be available in OECI only at public access terminals in the listed court facilities, until further notice:

- All paper documents received for filing after the OJIN lockdown will be scanned into OECI.
- For cases filed before the OJIN lockdown and that appear on calendars after implementation, the entire paper case file will be scanned and attached to the OECI case register.
- All public record documents contained in the OECI system, excluding those that are confidential by law, will be available for viewing on public access terminals beginning on about May 19 (a week after implementation).

- It is unknown when any public record documents will be available to members of the OSB remotely via the web. It is planned for 2014, but a date has not been set.
- There is no plan to scan all paper case files or documents; files that remain as paper will be available and must be requested under current procedures for access to documents.

Notices of scheduled hearings and of events after May 12 sent by email:

- After implementation, attorneys will begin to receive electronic notifications for hearings, trials, and judgment entry. The notice will be an email containing a document link to OECI. These notices will be sent to the email address of record held by the Oregon State Bar (OSB) for each attorney.
- Each attorney's email address of record with OSB will be refreshed automatically through data integration between the OECI system and the OSB database.

- **It is not possible to have the OECI case management system send electronic notifications to more than a single address.** If you wish to have such notices forwarded to multiple mailboxes, check with your email provider or your IT staff on how this is accomplished within your office's email system.

Court calendar times are not being changed in this transition; however, immediately after implementation calendars may take longer:

- All current court calendar times are being kept and will not change.
- The amount of time necessary for judges to work through a calendar of cases may increase following implementation; please have patience. Each of the 10 circuit courts currently using OECI have reported this impact. It takes time to build OECI system efficiency.

Further OECI adjustments in will be covered in subsequent columns including eFiling and special Supplementary Local Rules which will become active with implementation.

webcheck

Want more information? Go to:
<http://courts.oregon.gov/oregonecourt>

Drop In Young Lawyers Section

Google Voice

by Charley Gee
YLS Futures Committee



Attorneys of all generations seem to be tethered to their cell phones more than any other device. An attorney can use a smartphone as a word processor, do legal research, and to dictate memos. Using Google Voice (www.google.com/voice) in conjunction with a smartphone can also provide a lawyer with a powerful tool to organize and preserve cell phone communications.

Google Voice is a service from Google that provides a user with a telephone number, voicemail, conference calling, and text messaging service. It is accessible from any computer with access to the Internet, or from a cellphone or tablet.

The best feature of Google Voice is its price: free. Using your Google account, just sign up, select the number you want from a list of available numbers, and verify and connect your cell phone to the account.

One of Google Voice's key features is the almost instant transcription of voicemails. The transcriptions are then sent to the user as an email and, if they choose, a text message. Voicemails are archived on the Google Voice system until the user deletes them.

Google Voice also archives text messages sent to and from the account. I often

communicate with my clients via text message. Communicating in this manner is fast, efficient, and it is how a lot of younger clients prefer to communicate. However, communicating by text message presents the concern that messages back and forth are not preserved in any secure manner and would be lost if my phone was lost or damaged (and given my fishing habit and general Oregon weather this is a real possibility). Using Google Voice, every text message becomes a date and time-stamped email which can be preserved through case management software.

Another nice feature is the ability to access your voicemails and make calls without cell service. Believe it or not there are still some areas of the state that have no cell phone service. Google Voice users can make and receive calls and text messages, as well as fetch their voicemail, over the internet instead of a cell tower signal. I've accessed my voicemail and text messages from remote locations around the state just by finding a Wi-Fi hotspot.

Google Voice users can set up their accounts so that a call to the Google-provided number is routed to wherever you want your calls. Your mobile or desk phone is a likely destination if you're available. For times when you're not available, you can easily route calls to an assistant.

Google Voice is a great option for attorneys just starting a firm (especially since it is free) or for those of us who want to have greater connectivity and control over our cell phone communications. The features above are only a few of the benefits of integrating the service into your practice.

Moving Toward a Sustainable Future The Earth Leadership Seminar for Lawyers

by Amanda Loupin-Bartlett



Imagine you are told that a prospective client will pay your expert billing rate for you to work full-time for that client for a period of five years. Your only task is to take actions that are in the best interest of that client. Such a proposition sounds tempting, as this will enable you to devote your legal skills fully to the project with no distractions to get in the way. Now imagine that you are told that this prospective client is a six-year

old child in the year 2063. Do you take the client? How do you help him or her?

This thought-provoking scenario is just one of many raised in the Earth Leadership Seminar for Lawyers. Sponsored by the Oregon Lawyers for a Sustainable Future (a project of the Center for Earth Leadership), the seminars are offered several times a year, with each seminar group being comprised of 12-15 lawyers from a variety of backgrounds. A typical seminar spans four lunchtime sessions and covers a range of topics related to how lawyers and the legal profession might advance the societal goal of sustainability, considering the lay of the land today.

The sessions are led by Dick Roy, a former corporate lawyer who left private practice in 1993 to volunteer full-time with his wife Jeanne in the Northwest sustainability movement. I had

the pleasure of meeting Dick a few months ago on my very first day at work as an attorney. I was inspired by his energy and selfless dedication to social issues, and so when he asked me to participate in his fall Earth Leadership seminar, I jumped at the chance.

After completing the seminar, I can safely say that this was one of the best decisions I have made as a new attorney. Especially when you're just starting out, I think it is easy to sometimes feel overwhelmed and insignificant. The seminar, however, really helped to not only provide a great education on sustainability, but also to put things into perspective. It was truly refreshing and empowering to be able to strategize with such a diverse group of professionals about what we as lawyers can do to stimulate change.

For all you young lawyers out there looking for a way to really make a difference in the world (and aren't we all?), I implore you to reach out to the Center for Earth Leadership (info@earthleaders.org or 503.227.2315) and get involved. Trust me, that child from 2063 will thank you.

Ask the Associate

Dear Awesome Associate,

Help! Now that I passed the bar and finally landed a job, my 90-day review is coming up and I have no idea how to prepare.

Lost After 76 Days In

Dear Lost:

The dreaded 90-day review is that time in every associate's life when his or her worst fears are going to be confirmed and all of the partners are going to tell him or her that he or she has no future practicing law. I am kidding of course, but it sure feels like that. The truth of the matter is that most people feel like they have no idea what they are doing in those first 90 days, so you are not alone. Here are some handy tips that helped me get through that first review:

- Talk to other associates in the firm about their experiences. The more you know about
- the process going in, the less scary the process will be.
- Make a list of things you would like to talk about. Don't expect the partners to do all of the talking and to steer the entire conversation. You should be prepared to talk about things that are important to you.
- Highlight some accomplishments *and* highlight areas in need of improvement. Be specific.
- Offer solutions. If a partner mentions that something appears to be a weakness or needs work, don't get defensive. Your review is the perfect place to talk out problems with the partners and to come up with a solution that works for everyone.
- Set goals. Once you have survived the first 90 days, you need to show the partners

that you really do want to keep improving. Most times you will not have another review until the end of the year so set goals that are attainable within that timeframe.

Remember, you were hired by the firm because they liked you and thought that you could add value to their law practice. It is always hard to go into a situation such as a review when you feel like you still don't know anything; your partners were in that same boat many years ago. Just because you weren't perfect in those first 90 days doesn't mean your partners are going to spend the entire time yelling at you and it doesn't mean you are not cut out to be a lawyer. Go into the review prepared and you will see that it really isn't all that scary.

Yours truly,
Awesome Associate

Send your questions to Awesome Associate at mba@mbabar.org.

YLS Drop-In Social

On January 16, the MBA Young Lawyers Section Membership Committee and Lewis & Clark Law School hosted a drop-in social for students and YLS members at Punch Bowl Social. Thank you to Lewis & Clark Law School for supporting the event!

NEXT DROP-IN SOCIAL IS THURSDAY, FEBRUARY 20TH - MARK YOUR CALENDARS!



OWLS Foundation Hosts Auction at Roberts-Deiz Dinner

by Benjamin Cox
YLS Board

The Oregon Women Lawyers Foundation's mission is to facilitate the ability of women and minorities to access and participate in the justice system. The foundation is the sister organization of OWLS. Every year, the foundation hosts both a silent and live auction to raise funds for its grants and for the growth of its endowment.



I recently spoke with Yumi O'Neil, foundation president. Yumi has served on its all-volunteer board since 2006.

What types of organizations or projects have benefited from the foundation's fundraising in the past?

The foundation has given grants to various community organizations, including Lane County Legal Aid Survivors Justice Center, Linn and Clatsop counties' CASA programs, Portland Women's Crisis Line, Volunteers of America/

CourtCare, and Red Lodge Transition Services.

Can you tell us a bit about March 14th's auction?

While we hold other fundraising events, including last September's salary negotiation workshop for lawyers, the auction is the foundation's primary fundraiser. This year, it will be held at

The Nines Hotel in Portland in conjunction with the Roberts-Deiz dinner that OWLS organizes. The silent auction begins at 5 p.m. The dinner starts at 7 p.m. and includes the live auction. There is no cost to attend the silent auction.

Auction proceeds benefit the Vernellia R. Randall Bar Exam Grant, the Armonica Law Student Grant, and the Betty Roberts Leadership Grant.

The Vernellia Grant helps law school graduates who are single custodial parents pay Oregon bar exam fees. The foundation recently gave this grant to a well-deserving recipient – a single mother with two children who was having financial difficulties and who suffered a personal loss during her third year at law school.

The Armonica Grant provides 3L students from Oregon law schools with a \$500 textbook grant and matches them with judicial mentors such as Multnomah County Judges Jean K. Maurer,

Adrienne Nelson and Youlee Y. You, and Oregon Court of Appeals Judge Darleen Ortega.

The Betty Roberts Grant promotes leadership development by defraying costs for participation in leadership programs or attending conferences such as the annual ABA conference.



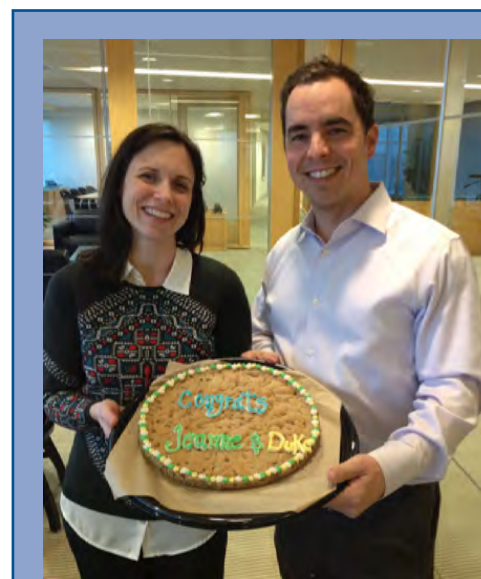
What kinds of things have been auctioned in the past?

We have auctioned a stay in a vacation home in Bali, Indonesia, and even a fun live auction package called "Princess for a Day," where the winning bidder and friends have a limo reserved all day to take them around town for all-expenses-paid events, such as lunch and cocktails.

Can you reveal what kind of packages are on the block this year?

That's still under wraps, but I can tell you that in addition to having auction baskets and a live auction item, we are selling raffle tickets now and during the event. For only \$25 per ticket, you can enter to win a grand prize of four tickets to see the Portland Timbers play the Columbus Crew on Saturday, May 17.

Runners-up may win four tickets to any Portland Thorns FC regular season home game. All seats are reserved in the lower level at Jeld-Wen Field, and come with team scarves and a concessions' voucher. We're only selling 200 raffle tickets total, and attending the Roberts-Deiz dinner is not required.



The YLS Board congratulates Jeanne Sinnott, YLS President-Elect and Duke Tufty, YLS Immediate Past President on making partner at their firms.

Sara Staggs Pro Bono Spotlight

by Christine Taylor
YLS Pro Bono Committee

After graduating from law school at the University of Oregon, Sara Staggs moved to Portland, where she owns her own practice focusing on civil rights work and Section 1983 claims. In addition to juggling the demands of running her own firm, Sara finds time to make pro bono work a priority. Specifically, Sara volunteers for the Domestic Violence Project through Legal Aid Services of Oregon by helping women obtain restraining orders against abusers. "I wanted to get involved because I think that these women who are being abused, they need help, and they don't really have a chance to escape without an attorney to advocate for them."

After Sara started volunteering with the organization, she was surprised by how little of her time it actually consumed and how easy it was to incorporate meaningful pro bono work into her schedule. In fact, she handles most of her cases from start to finish within a few days. Typically, Sara takes a case and is able to complete the hearing within the same week. Providing representation is also more straightforward than one might think, even for those without any experience handling domestic violence matters. "[At first] I was a little hesitant. I thought, 'I don't know anything about this. I don't want to mess it up.' But ... they give you this book called *Effective Representation of Domestic Violence Survivors*, and it has all the case law in it, evidentiary issues that you will probably encounter, what objections to make."

Sara also pointed out that pro bono work can be great experience, especially for new



Sara Staggs

lawyers looking for a way to get into the courtroom. Volunteering with the Domestic Violence Project, "you're not in front of a jury - you're in bench trial - but you get to do your opening, put on evidence, cross examine," without the pressure of a jury trial. Furthermore, doing pro bono work for the organization helps young lawyers become better litigators because the lawyer is able to handle an entire case from beginning to end over a short period of time - experience that can be hard to come by. The time in the courtroom also provides a valuable opportunity to watch and learn from lawyers on the other side. "It just makes you a better lawyer," Sara says.

Perhaps most significantly, however, Sara thinks that her pro bono experience has made her a better person. Her clients are genuinely appreciative of the work that she does even though, to Sara, it seems simple.

In addition to volunteering with the Domestic Violence Project, Sara is actively involved in the Epilepsy Foundation NW. She is married to Tyler Staggs, and they have one son. In her spare time, Sara is an avid road biker, snowboarder, and loves to travel.

mba yls | EVENT

YLS Luncheon

Portland Prime

121 SW 3rd Ave.

Tuesday, February 25

12 p.m. - 1 p.m.

Please join the YLS for lunch, socializing and a candid discussion with Andrew Schpak, partner at Barran Liebman LLP, MBA YLS Past President and 2014-15 chair of the ABA YLD, on how to succeed as a new attorney. This discussion will apply to all newer attorneys, whether you are in a big firm, small firm, out on your own, or looking for a job.

The price is \$25 per person. Space is limited. We hope to see you there!

Please RSVP to Shannon West at the MBA at shannon@mbabar.org or 503.222.3275.



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The Corner Office PROFESSIONALISM

We periodically hear about events in which law students are involved, either by invitation, or it is an event they have organized. How many of us take the time to attend any of these events, and specifically to seek out law students? We all should. Why, you ask? Because today's law students are tomorrow's colleagues. Law students are eager to spend time with lawyers, talking with them about what they do and what they like and dislike about their profession. But students are intimidated about reaching out to lawyers, so it should be up to us to do the reaching.

Students are looking for mentors anywhere they can find them. They do not generally expect a huge commitment of time; in some cases a one-time meeting will suffice. Other students want to create a more long-term relationship with a practicing attorney, whether or not that attorney practices in an area of law of interest to the student. It is the personal connection that matters. It also instills in these not-yet lawyers the importance of professionalism. Law schools these days are focusing more on the concept of professionalism

than in the past. As a result, students are looking for examples of "real life" acts of professionalism, and who better to provide that information than "real life" practicing lawyers?

Law students are curious about many things. Some want to know about particular practice areas. Others want to know about litigation versus transactional law. Still others want to know how you, as a new lawyer, began your practice. Sometimes students want to know what it is like to practice law downtown versus the suburbs or more rural areas. There are students who are the first in their families to go to college or graduate school who would love to talk with lawyers with similar backgrounds. All of these topics easily lend themselves to discussions about the importance of professionalism among lawyers, as well as how lawyers in Oregon are really a collegial bunch.

I know, we are all too busy with our practices now, and many of us participate in either or both of the OSB and MBA mentoring programs. There are also our volunteer activities and family commitments. But don't we all need to eat lunch, or grab

a cup of coffee, or go for a short walk to clear the cobwebs? All of these are ideal times to connect with a law student.

If you don't have ready access to law students or activities where you might run into a student, let the law schools know you are interested in hooking up with a student for a one-time meeting or ongoing partnership. They are sure to find students who are interested in meeting with you.

If you put your mind to it, you will find you will be making a positive impact on our profession and the Oregon legal community. Try it. I can almost guarantee you'll like it!

The Corner Office is a recurring feature of the Multnomah Lawyer and is intended to promote the discussion of professionalism taking place among lawyers in our community and elsewhere. While The Corner Office cannot promise to answer every question submitted, its intent is to respond to questions that raise interesting professionalism concerns and issues. Please send your questions to mba@mbabar.org and indicate that you would like The Corner Office to answer our question. Questions may be submitted anonymously.



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Positions

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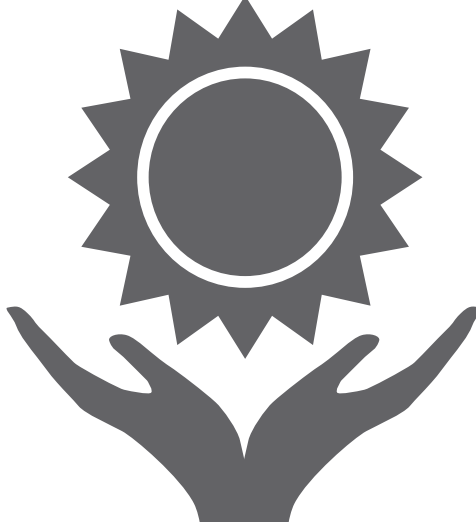
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Remarks by U.S. Representative Suzanne Bonamici

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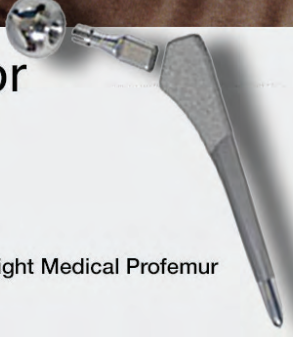


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Each Employee Can Select a Plan From a Menu of 10 Available Plans

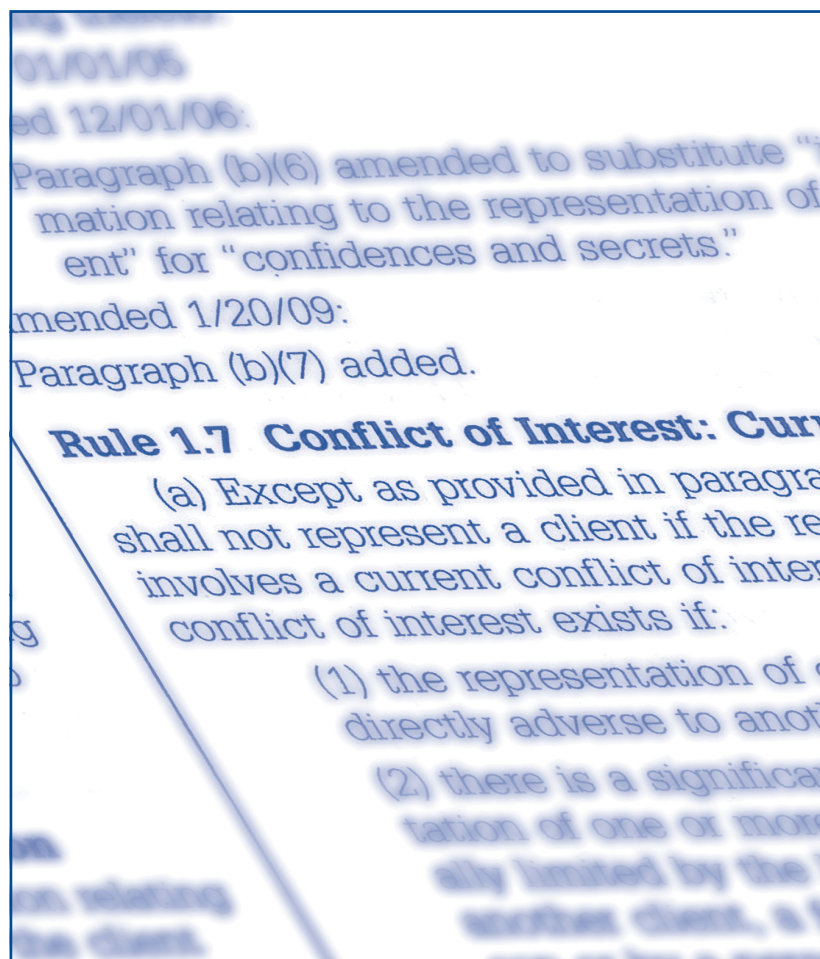
PROVIDENCE	KAISER
• 1 EPO Plan	• 2 HMO Plans
• 3 PPO Plans	• 1 PPO Plan
• 1 H.S.A. Plan	• 1 H.S.A. Plan
• 1 H.R.A. Plans	• 1 H.R.A. Plan
• Nationwide PPO Network	• Coverage for alternative providers
• Coverage for alternative providers available	• Dental and Vision

DENTAL AND VISION

- Oregon Dental Service (ODS) See any dentist
- Willamette Dental Plan Can be purchased by itself
- Vision Service Plan (VSP)

For more information, contact:
Northwest Employee Benefits, Inc.
4300 NE Fremont, Suite 260
Portland, Oregon 97213
1-800-284-1331
www.nwebi.com

On the website, click on "Benefits Login."
The password is: **MBA** (all caps).



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MBF Announces Officers, Directors

by Pamela B. Hubbs
Office and Foundation Administrator



Timothy R. Volpert

His areas of practice include business litigation and appeals. He serves as a volunteer coach to Grant High School's "We the

Timothy R. Volpert, Davis Wright Tremaine LLP, has been elected President.

People" Constitution Team and is a former chair and member of the Classroom Law Project Board of Directors.

Bradley F. Tellam, Stoel Rives LLP, Vice President, is a firm partner and counsel,



Bradley F. Tellam

specializing in employment law, education law, appeals and legal ethics and professional responsibility. He served on the MBA Professionalism Committee and was chair in 2007-08. He has served on the Oregon Law Institute Board and has written extensively on legal ethics.

Scott T. Downing, Scott Downing PC, is Secretary/Treasurer. He covers family law, wills and estates, probate, real property and other matters pertaining to his small, suburban practice. He has volunteered with the Senior Law



Scott T. Downing

Project for five years. He served on the OSB Task Force in 2010 which worked to revise the fee arbitration rules. He serves as an arbitrator for fee disputes. He has volunteered with the Boy Scouts of America for 22 years and is currently serving on the organization's process review committee and local council.

The Honorable Julie E. Frantz, Multnomah County Circuit Court Chief Criminal Judge, is Immediate Past President. She took the bench in 1994, was the first woman president of the OSB, and received the MBA Award of Merit in



Hon. Julie E. Frantz

1992. She is the former president of the Oregon Law Foundation and the Oregon Circuit Court Judges Association, and is the President-Elect of the National Association of Women Judges.

New directors are **Amy L. Angel**, Barran Liebman; **Dana S. Scheele**, Cambia Health Solutions; and **Melvin Oden-Orr**, Oden-Orr Law. Continuing board members include **Thomas W. Brown**, Cosgrave Vergeer Kester; **Edwin A. Harnden**, Barran Liebman; **Allyson S. Krueger**, Dunn Carney et al; **Bonnie Richardson**, Folawn Alterman & Richardson; and **Charles S. Tauman**, Charles S. Tauman PC. **Dana L. Sullivan**, Buchanan Angeli Altschul & Sullivan, is the current MBA Board Liaison.

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