



Eliminating Barriers to Diversifying our Bar

by Dana Sullivan
MBA President

Last year, the MBA's Equality and Diversity (E&D) Committee implemented an important new program aimed at eliminating a significant barrier that may deter individuals from diverse backgrounds from considering law school – the cost of LSAT preparation.

The mission of the E&D Committee is “to foster and expand diversity, inclusion and equality in the Multnomah Bar Association and Multnomah County legal community and to create and strengthen a relationship of mutual support between the MBA and its diverse lawyers and bar organizations.” To that end, the committee has been working to build a “pipeline” to bring talented and diverse lawyers into our folds and to support them once they become lawyers. For pipeline programs to be effective, youth must be introduced at an early age to the possibility that they might realize their potential through a career in law. Next, significant barriers to achievement must be addressed.

Through the Explore the Law Program, established by the MBA in conjunction with Portland State University and the OSB to mentor college students interested in law school, the E&D Committee identified one such barrier: the LSAT. Most law school admissions counselors and pre-law advisors will tell you that the single most important factor considered in law school admission remains the applicant's LSAT score. Like it or not, performance on this single test is still considered the best predictor of how that applicant will fare at law school. Equally important to pipelining efforts is the fact that the LSAT score is an important determinant in awards of scholarship monies or financial aid for law schools. Not only is the LSAT score critical to admission, but also a higher LSAT score can significantly affect the financial burden of undertaking a career as a lawyer.

Explore the Law students, like so many other pre-law students were terrified by the LSAT. They expressed a lack of confidence in their ability to adequately study and perform on the test. Most of them hoped to study on their own, but many Explore the Law students struggled with the cost of study aids. Some felt that they needed structure to study since studying for this type of test is a “marathon” rather than a “sprint” and requires planning and scheduling to be sure progress is made. Unfortunately, the cost of LSAT preparation courses was prohibitive for most Explore the Law students.

To address this problem, the E&D Committee proposed to the MBA Board that the MBA establish an LSAT course scholarship to be awarded to pre-law students from diverse backgrounds who were committed to remaining in Multnomah County if they became lawyers. After the MBA agreed to a \$6,000 grant to fund the scholarships, E&D Committee members Fumi Owoso and Emily

...the single most important factor considered in law school admission remains the applicant's LSAT score.

Teplin Fox put together an ad hoc committee to design the application and administer the scholarship program.

Over 50 aspiring attorneys applied from throughout the state. The ad hoc committee chose the scholars based on four criteria: (1) the degree to which the applicant will enhance the diversity of our bar; (2) financial need; (3) connection to Oregon; and (4) plan to practice law in Multnomah County. Although the plan was originally to award 10 scholarships, the quality of the applicant pool was so high that the committee found it difficult to turn so many excellent candidates away. They persuaded the LSAT preparation program PowerScore to provide two additional scholarships as a donation to the MBA.

The 12 scholars from last year represent a fantastic, diverse group of future Oregon lawyers. Barran Liebman hosted a reception for the scholars, which was attended by local lawyers and Judge Adrienne Nelson, who offered words of advice and support. Several of our scholarship recipients are pictured below at the reception. The scholarship committee will keep in touch with the scholars and hope to follow them through their law school application process and beyond.

The MBA's LSAT scholarship program has had a tangible impact. According to one of last year's recipients, Safa Sohail, a Portland native and PSU senior planning to attend law school in fall 2015 or 2016, “Without the MBA scholarship it would have been a struggle to prepare for the LSAT. PowerScore helped me learn the different concepts as well as prepare myself mentally.”

This year, the MBA increased its support for this program, and plans to award at least 16 scholarships. I am hopeful that, in part due to this program, the MBA president in 2020 can publish a column celebrating that lawyers practicing in Multnomah County are an increasingly diverse group.

I want to conclude by thanking our current scholarship committee members - Emily Teplin Fox, Alejandra Torres, Jessica Osborne, Judge Angel Lopez, Lisa Pex Shevlin, Sheeba Suhaskumar, Susan Cournoyer, and Rima Ghandour - for their work selecting among this year's 40 applicants. I also want to thank MBA Board director Lissa Kaufman for the guidance she provided developing the scholarship program.

Without the MBA scholarship it would have been a struggle to prepare for the LSAT.



2014 LSAT Prep Scholarship recipients

mba|CLE

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

APRIL

4.8 Wednesday Buying, Selling or Transitioning in or out of Law Practice

Hong Dao
Roger Delles
Barbara Fishleder
Mark Fucile
David Winstead

4.23 Thursday Washington & Clackamas County Courts Update

Judge Charlie Bailey
Judge Robert Herndon

4.29 Wednesday ERISA Benefits Litigation: Basics & Hot Topics

Megan Glor
Katherine Somervell

MAY

5.6 Wednesday Commercial Leasing: Landlord and Tenant Perspectives

Robert Koury II
Bryan Powell

5.19 Tuesday Juror Attitudes in Complex Cases: How Real People Think About Tough Trial Issues

Jeffrey Boyd

5.20 Wednesday Oregon's Discussion and Resolution Law: A New Medical Malpractice Dispute Approach

Melissa Parkerton

5.21 Thursday Multnomah County Trial Practices Update

Judge Nan Waller
Judge Maureen McKnight
Judge Stephen Bushong

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www.mbabar.org

mba|EVENT

Multnomah Bar Association

Annual Meeting, Dinner and Judges Reception

Thursday, May 7
Portland Marriott Downtown Waterfront
1401 SW Naito Parkway
5 p.m.

Celebrating the profession and recognizing our colleagues

Professionalism Award Recipient

Robin J. Selig

MBA Award of Merit

Sylvia E. Stevens

Recognition of Service

Douglas M. Bray • Jacque Jurkins

YLS Awards of Merit

Erika A. Huebschman • Paul A. Thompson

YLS Rookie of the Year

Nedu Nweze

Pro Bono Awards

Owen D. Blank • Dona M. Hippert
Joshua D. Stadtler

Register by April 30. Invitations have been mailed separately.

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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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The MBA Solo/Small Firm Committee invites you to attend their Free Spring Workshop Series

HOW TO MAKE YOUR SMALL FIRM SUCCESSFUL

Having a Vision: An overview for deciding what kind of practice you want and how to get there

Thursday, April 23

Hotel Rose, 50 SW Morrison

Noon-1:30 p.m.

This workshop is intended to provide direction and tools for starting a firm and ensuring success for an already established firm. Speakers **William Gibson**, Attorney at Law, and **Julie Vacura**, Larkins Vacura, will address topics including: developing your vision of a successful practice; the essentials for implementing and communicating your vision; and holding sight of it as you move forward. **Martha Hodgkinson** of Hodgkinson Street Mephram will moderate the discussion.

Managing People: Developing Fruitful Employee Relationships and What to Do if it Doesn't Work Out

Wednesday, May 20

Red Star Tavern, 503 SW Alder

4-5:30 p.m.

Speakers **Dana Sullivan** and **Andrew Altschul**, partners at Buchanan Angeli Altschul & Sullivan, will talk about defining firm culture, motivating and mentoring employees and performance management and termination. **Shayda Le** of Barran Liebman will moderate the discussion.

Managing Your Office: Getting It Right from the Start – Invaluable tips on Case File Management, Avoiding Trouble and Working with Technology for Small Firms

Wednesday, June 24

Hotel Monaco, 506 SW Washington

Noon-1:30 p.m.

Jennifer Meisberger, Practice Management Advisor with the PLF, will share her experience and expertise with participants on how to properly manage case files, set up workable dockets and other risk avoidance/organizational measures and generally what you need to have set up your small or solo firm office. Jennifer and **Martha Hodgkinson**, Hodgkinson Street Mephram, will also discuss the technology needs and options for a small or solo law firm.

Registration is **free** and is open to MBA members only. CLE credit will be applied for.

The sessions are set up to allow time for networking and questions and answers. Lunch is provided for the noontime sessions. Hors d'oeuvres are provided for the afternoon workshop.

Email Shannon West at shannon@mbabar.org to register.

Calendar

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

APRIL

10 Friday
AFCC-Oregon Conference
www.or-afcc.org/pg6.cfm

16 Thursday
OWLS/MBA Joint Social
See p.11

22 Wednesday
Administrative Professionals Day

23 Thursday
CLP Legal Citizen of the Year Dinner
www.classroomlaw.org

29 Wednesday
YOUthFILM Screening
Hollywood Theatre
See p. 13

MAY

7 Thursday
MBA Annual Meeting & Dinner
Portland Marriott Downtown Waterfront
See p. 1

14 Thursday
MBA Golf Clinic & Networking
RedTail Golf Center
www.mbabar.org

Oregon Innocence Project Reception
www.oregoninnocence.org

15 Friday
Deadline to sign up for MBA & YLS Committees
See p. 6

25 Monday
Memorial Day Holiday

27 Wednesday
YLS Drop-in Social at OMSI
See p. 13

28 Thursday
FBA Annual Dinner



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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.

Buying, Selling, or Transitioning in or out of Law Practice

Wednesday, April 8, 2015
3:00-5:00 p.m.

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

Note: This class is worth .5 hours of ethics credit and 1.5 hours of general MCLE credit.

The MBA presents a two-hour program on buying, selling and transitioning in and out of practice. Topics to be discussed include:

- Ethics considerations for buying, selling, or transitioning into or out of a law practice
- Practice management issues related to transitions - determining the condition of a law practice
- Business valuations - components that make a practice valuable
- Alternatives to a strict buy/sell - practical ideas for testing things out
- Practice management considerations
- Tips for a successful transition
- Other important considerations

Our well-qualified panel includes **Hong Dao** and **Barbara Fishleder** of the PLF; **Roger Delles** and **David Winstead** of Professional Practices Group, which specializes in helping professionals buy, sell and transition their practices; and **Mark Fucile** of Fucile & Reising LLP.

For more information:

Call Don Jacobs, Attorney at Law at 360.695.1624. For registration questions, call the MBA at 503.222.3275.

Washington & Clackamas County Courts Update

Thursday, April 23, 2015
3:00-5:00 p.m.

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

The MBA CLE Committee presents a two-hour CLE focusing on Washington and Clackamas County court updates. This CLE is designed for all attorneys and will provide information and forms for navigating the Washington and Clackamas County Courts.

Our panel includes Washington County **Presiding Judge Charlie Bailey** and Clackamas County **Presiding Judge Robert Herndon**. This class will assist the practitioner in adjusting to court procedures outside of Multnomah County, including court organization, filing and serving your complaint, general calendaring, routine motion practice and scheduling and getting court assistance with trial and pleading issues.

The class will also provide attendees with updates to both Washington and Clackamas County court practices. Printed materials and online resources will be available to provide further assistance to attorneys who may practice in either or both of these counties.

For more information:

Call Cynthia F. Newton, Swanson Thomas Coon & Newton at 503.228.5222. For registration questions, call the MBA at 503.222.3275.

ERISA Benefits Litigation: Basics & Hot Topics

Wednesday, April 29, 2015
12:00-1:00 p.m.

World Trade Center
Mezzanine Room
26 SW Salmon, Portland
Members \$35
Non-members \$55

The MBA presents a two-hour program on Employee Retirement Income Security Act (ERISA) insurance litigation. ERISA broadly preempts otherwise applicable state law and gives the federal courts jurisdiction over most lawsuits relating to group health, disability and life insurance. Many practitioners are unaware of ERISA's significant impact on such lawsuits – until it is too late.

A vast body of case law exists regarding a myriad of ERISA issues, including preemption, removal, exhaustion, time limitations, standard of review, discovery limitations and no jury trials. This program will address these and other issues, including recent developments. The class will be presented by **Megan Glor**, Attorney at Law and **Katherine Somervell** of Bullivant Houser Bailey. Any attorney who may be involved in litigation relating to group health, disability or life insurance should attend this program.

For more information:

Call Sim Rapoport, Attorney at Law at 503.997.6329. For registration questions, call the MBA at 503.222.3275.

Commercial Leasing: Landlord & Tenant Perspectives

Wednesday, May 6, 2015
3:00-5:00 p.m.

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

This seminar takes you through the ins and outs of the key provisions in commercial leases, including recent developments in this area of the law. Come to this informative CLE session to hear about practical considerations and the latest developments in negotiating and drafting lease provisions from the perspectives of both the landlord and the tenant, including tenant improvements; lease terms; rent issues; security deposits; assignments and subleases; repairs, maintenance and alterations; and defaults and remedies. This class will be taught by **Bryan Powell**, a shareholder at Lane Powell PC, and **Robert Koury II**, a shareholder at Jordan Ramis PC.

For more information:

Call Sean Ray, Barran Liebman LLP at 503.276.2135. Call the MBA at 503.222.3275.

Juror Attitudes in Complex Cases: How Real People Think About Tough Trial Issues

A live presentation of a focus group

Tuesday, May 19, 2015
2:00-5:00 p.m.

World Trade Center
Mezzanine Room
26 SW Salmon, Portland
Members \$80
Non-members \$125

Note: This class will run 2-5 p.m. and is worth 3 hours of practical skills credit.

In the ocean of facts and law that make up a complex case, how do you decide where to focus? What matters to jurors when they are faced with tough issues? Whether it is a contested liability auto crash, medical negligence, insurance bad faith, product liability, premises cases, or intellectual property dispute, real people don't think like lawyers, and lawyers must meet the needs of the jurors instead of their own. Come listen to real people talk through how they feel about issues like: "big money" damages, the burden of proof in a medical negligence or products liability case, the standards they think plaintiffs should be held to when they sue, why the ever-present McDonald's coffee case still matters, and more. **Jeffrey Boyd**, President of Boyd Trial Consulting will present this combination of lecture, live interactive focus group, and questions and discussion, suitable for all litigation practice areas and all levels of experience. Come see what it takes to win a complex case! Jeffrey has tried over 100 civil jury trials and has served as a trial consultant for over 15 years.

For more information:

Call Don Jacobs, Attorney at Law at 360.695.1624. For registration questions, call the MBA at 503.222.3275.

For more classes and to register, see page 4.

Oregon's Discussion & Resolution Law: A New Medical Malpractice Dispute Approach

Wednesday, May 20, 2015
3:00-5:00 p.m.

World Trade Center
Mezzanine Room
26 SW Salmon, Portland
Members \$35
Non-members \$55

Oregon's new law on resolution of adverse healthcare incidents defines a process for patients and providers to seek resolution through confidential discussions after serious adverse events. Come learn about the historical context for this law, the details of the process it defines, and early experiences with implementation. Presenters will include **Melissa Parkerton**, Director for Early Discussion and Resolution, and members of the Governor-appointed task force that oversees the program.

For more information:

Call Cynthia Newton, Attorney at Law at 360.695.1624. For registration questions, call the MBA at 503.222.3275.

Multnomah County Trial Practices Update

Thursday, May 21, 2015
3:00-5:00 p.m.

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

This year's program will feature presentations by Multnomah County **Presiding Judge Nan Waller**, **Chief Family Court Judge Maureen McKnight** and **Chief Civil Court Judge Stephen Bushong**. Topics will include motion practice, jury selection, briefing, jury instructions, making and arguing objections, managing witnesses and exhibits, handling presentation media and other procedural and practical issues faced by trial lawyers. The panel will also identify and discuss approaches for avoiding significant trial practice mistakes that Multnomah County judges frequently encounter.

The program is designed for attorneys at all levels of experience, and practitioners are strongly encouraged to take advantage of this excellent opportunity to ask questions. Please join us for this informative discussion.

For more information:

Call Courtney Dippel, Folawn Alterman & Richardson at 503.546.4630. For registration questions, call the MBA at 503.222.3275.

CLE BOGO

The MBA is pleased to announce its buy-one-get-one CLE policy for participants in the MBA and OSB mentor programs.

OSB and MBA mentors:
When you register for an MBA CLE, you can register your mentee to attend with you for free.

Contact Shannon West at
503.222.3275
or shannon@mbabar.org
to add your mentee to the registration list.

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.

CLE Registration Form

Receive a \$5 discount when registering online at mbabar.org.

NAME _____	ACCOUNT NUMBER _____
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Member Status:

- MBA Member
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Payment Options:

- Check VISA MasterCard
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Registration forms with payment must be received in the MBA office by 3 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:

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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.

- 4/8 Buying, Selling, or Transitioning in or out of Law Practice**
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- 4/29 ERISA Benefits Litigation: Basics & Hot Topics**
Class Registration Online (\$50 Members/\$80 Non)
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- 5/6 Commercial Leasing: Landlord & Tenant Perspectives**
Class Registration Online (\$50 Members/\$80 Non)
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- 5/19 Juror Attitudes in Complex Cases**
Class Registration Online (\$75 Members/\$120 Non)
 Class Registration (\$80 Members/\$125 Non)\$ _____
 CD-ROM & Written Materials (\$55 Members/\$85 Non) ..\$ _____

- 5/20 Oregon's Discussion & Resolution Law**
Class Registration Online (\$50 Members/\$80 Non)
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 CD-ROM & Written Materials (\$55 Members/\$85 Non) ..\$ _____

- 5/21 Multnomah County Trial Practices Update**
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mba | ANNOUNCEMENTS

MBA & YLS Committee Signups Due May 15

Please see the insert in this issue to sign up for an MBA or YLS Committee. Completed forms are due to the MBA office by **Friday, May 15**. For more information, see the article below.

Free CLE Webcast to MBA Members

The video webcast of the seminar entitled "Privilege and Ethics Related to In-House General Counsel within a Small or Mid-sized Law Firm" is now available in the Members Center at www.mbabar.org. The seminar is worth two hours of ethics OSB MCLE credit.

MBA members receive access to a rotating selection of six different CLE seminars each year – a \$300 value. 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.

Take a Matter that Matters

Sign the MBA Pro Bono pledge at mbabar.org/about-us/pro-bono.html and commit to taking at least one pro bono case this year.

FBA Seeks Burns Award Nominations

The Federal Bar Association for the District of Oregon is accepting nominations for the James M. Burns Federal Practice Award. The award is given annually to both a criminal and civil practitioner. The recipients are those who demonstrate the highest standards of professionalism in their work in federal court in the District of Oregon.

If you would like to nominate one or more people for the award, please send a two to three paragraph letter in support of your nomination to Ethan Knight, ethan.knight@usdoj.gov. Please also include the names of two to three references who are familiar with the relevant work of the nominee. If you have any questions about the nomination process, contact Ethan Knight. Nominations must be received by April 8.

Get Involved in the MBA Consider Volunteering for an MBA or YLS Committee

Please see the insert in this issue or at www.mbabar.org to sign up for a committee.

Volunteering Rewards

Meeting new people and expanding perspectives are just a few of the reasons members cite for serving on committees. When you join a committee, you become part of a team of your colleagues. As you contribute to the work of the committee, you also learn from other members. Together, our volunteers provide valuable service to the legal community.

Descriptions for MBA committees:

CLE: Plan, conduct and evaluate 30 to 35 CLE seminars, focusing on members' primary areas of practice.

Court Liaison: The purpose of this committee is to foster constructive dialogue with the Multnomah County Circuit Court presiding judge and court administrator with regard to current practices, or to rules or procedural changes before they are implemented by the court.

CourtCare: This Multnomah Bar Foundation committee conducts a fundraising campaign for the CourtCare program, which provides free daycare in the downtown and East County courthouses.

Courthouse/Court Funding:

This committee works to increase public and legislative awareness about the importance of a fully-funded court system and the need for a new Multnomah County Courthouse.

Equality & Diversity: The committee's mission is to foster and expand diversity, inclusion and equality in the MBA and Multnomah County legal community and to create and strengthen a relationship of mutual support between the MBA and diverse bar organizations.

Events: The committee plans social and networking events, including fundraising events.

Judicial Screening: The committee reviews applications of pro tem and judicial appointment candidates confidentially, and reports its recommendations as called for by the MBA Board-approved process.

Membership: This committee creates and promotes programs that benefit and support MBA members.

Professionalism: The committee promotes principles of professionalism within the Multnomah County bar, through the Corner Office article, Professionalism Statement, mentor program and professionalism



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training programs. The committee also administers the Professionalism Award screening and selection process.

Solo/Small Firm: This committee focuses on programs and services that are of value to small firms and solo practitioners.

VLP Golf: Plan and conduct four to six golf events between April and October, including the MBA Championship, which benefits the Volunteer Lawyers Project at LASO.

Descriptions for YLS committees:

YLS CLE: Plans CLE-accredited education and career development seminars for the YLS.

YLS Entrepreneur: This committee provides professional development and support to young attorneys starting their own practice. The committee launched its first Entrepreneur Academy in winter 2015.

YLS Membership: The purpose of the committee is to assist in recruitment and involvement of MBA young lawyer members, to improve member participation in the YLS, and to organize a variety of networking activities for YLS members.

YLS Pro Bono: Advocates for and provides support to local pro bono programs.

YLS Service to the Public: The committee's purpose is to provide programs to engage young lawyers in community outreach activities that educate the public about the legal system, the positive role of attorneys in society, and the legal resources available to the community.

In Memoriam Marvin Nepom MBA President, 1981-82

by David Nepom

MBA past president Marvin Nepom died in November, 2014 at the age of 88. Marvin was born in Portland of immigrant parents, and grew up in Portland. He attended the University of Washington, where he met his wife and married at the age of 21. After graduating, he returned to Portland to work in the family grocery store with his brother-in-law. After 10 or 12 years in the grocery business, with three young children, upon the encouragement of Leo Levinson, he began attending night law school at Northwestern School of Law in downtown Portland. While Northwestern was unaccredited at the time, most of his professors were the best judges and lawyers in the city (Northwestern later merged with Lewis & Clark). Marvin would come home from law school and would often tell his young children bedtime stories, incorporating law school themes into the tales.

After graduating law school and passing the bar in 1962, Marvin shared office space with one of the larger "Jewish" law firms in town; at that time, opportunities were limited for Jews and other minorities, with the larger firms often only having one or two "token" minority members. In the early stages of his career, he handled a broad array of cases, including civil cases, criminal cases, domestic relations, real estate, wills, probate and



Marvin Nepom

appellate work; in later years he concentrated his practice on personal injury litigation. Marvin remained a solo practitioner, but always shared offices with other attorneys and he often worked with other attorneys as trial counsel or in other collaborative projects. He moved from his downtown Portland office to Barbur Boulevard when he built his own office building in 1986.

Marvin became president of the MBA in 1981, at a time when the organization was "run on a shoestring," without any paid staff; during Marvin's tenure, he expanded the MBA CLE program mission (prior to CLE programs being mandatory) with a very positively received series where doctors came in and explained their specialties to lawyers.

Marvin maintained an active practice until just 11 months prior to his death, and still came into his office until about a week before his death. He is survived by his wife of 67 years, Leah, three children, four grandchildren, and one great grandchild.

Ethics Focus

Proceed with Care Advising Marijuana Businesses

by Mark Fucile
Fucile & Reising



In the wake of voter approval of “recreational” marijuana in Oregon and Washington, their respective supreme courts both recently issued guidance to lawyers on advising marijuana businesses. In February, the Oregon Supreme Court approved an amendment to the text of RPC 1.2 that permits lawyers to both advise and assist clients in state-authorized marijuana businesses. The Oregon Supreme Court’s action followed a November order of the Washington Supreme Court approving a comment to its version of RPC 1.2 along the same lines. Both courts took a practical approach to an equally practical problem. In this column, we’ll look at both the problem and the solution.

The Problem

Oregon’s version of RPC 1.2(c) - which generally permits lawyers to advise clients on the consequences of contemplated action while generally prohibiting lawyers from assisting clients with illegal conduct - is similar to its Washington cousin, RPC 1.2(d). Both, in turn, are patterned on ABA Model Rule 1.2(d).

The practical problem is that regardless of state treatment of marijuana, it remains prohibited under the federal Controlled Substances Act. As the Oregon Supreme Court put it in the context of “medical” marijuana in *Emerald Steel Fabricators, Inc. v. BOLI*, 348 Or 159, 178, 230 P3d 518 (2010): “To be sure, state law does not prevent the federal government from enforcing its marijuana laws against medical marijuana users in Oregon if the federal government chooses to do so.” The U.S. District Court in Seattle made a similar observation regarding “medical” marijuana in *Assenberg v. Anacortes Housing Authority*, 2006 WL 1515603 at *4 (May 25, 2006) (unpublished): “[T]he Supreme Court has upheld Congress’s authority under the commerce clause to enact the CSA and prohibit the intrastate use of marijuana, even when that use complies with a state’s medical marijuana law.”

Although “advising” marijuana businesses on the legal landscape falls within the classic - and generally permissible - role of lawyers as counselors, “assisting” is a dicier proposition in light of marijuana’s continued prohibition under federal law. Yet, these are precisely the kind of mundane but essential tasks that lawyers routinely perform

such as negotiating leases and handling land use applications that marijuana businesses require, like their counterparts in more traditional ventures.

The Solution

Oregon and Washington took similar paths in crafting a solution to this practical problem. In Oregon, the solution was in the form of a rule amendment. In Washington, the solution was in the form of a comment. Unlike Washington, Oregon does not have comments to our RPCs - leaving our court without that option. Both approaches, however, are express statements by the respective supreme courts. Accordingly, they are inherently more authoritative than advisory ethics opinions from the state bars.

In February, the Oregon Supreme Court approved (subject to a confirming order) a new subsection “d” to RPC 1.2:

“Notwithstanding paragraph (c), a lawyer may counsel and assist a client regarding Oregon’s marijuana-related laws. In the event Oregon law conflicts with federal or tribal law, the lawyer shall also advise the client regarding related federal and tribal law and policy.”

In November, the Washington Supreme Court adopted a new comment “18” to its version of RPC 1.2:

“[18] At least until there is a change in federal enforcement policy, a lawyer may counsel a client regarding the validity, scope, and meaning of Washington Initiative 502 (Chap. 3, Laws of 2013) and may assist a client in conduct that the lawyer reasonably believes

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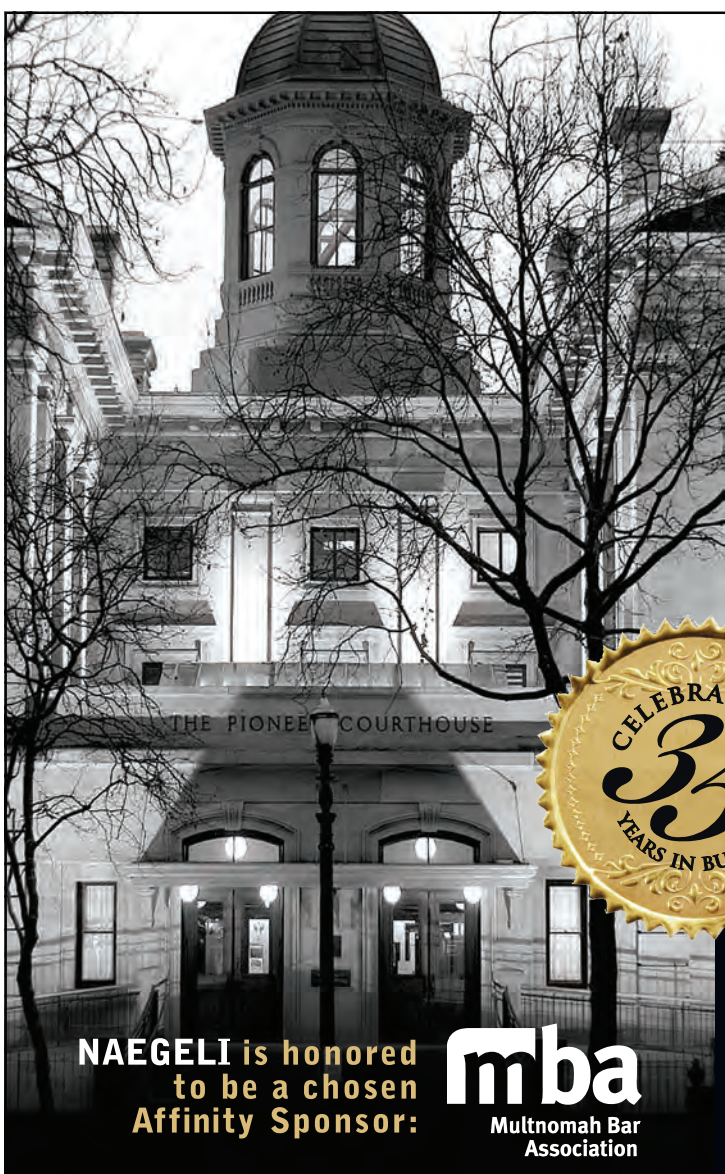
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Around the Bar



Todd Lyon



José Klein

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The firm has added partner **Todd Lyon** and associate attorney **José Klein** in its Portland, Oregon office. Together, they bring decades of experience representing public and private sector employers in traditional labor negotiations and arbitrations, and employment litigation and advice.

Lyon negotiates pro-employer collective bargaining agreements and has conducted hundreds of arbitration hearings concerning virtually every aspect of contract interpretation, discipline, union security, and interest arbitration.

Klein regularly advises clients on the interpretation of collective bargaining agreements and disciplinary matters so as to avoid grievances. He is an experienced negotiator in mediation, but also has litigated labor and employment matters in court and in arbitration settings.



David Hercher



P.K. Runkles-Pearson

Miller Nash Graham & Dunn

Firm partners **David Hercher** and **P.K. Runkles-Pearson**

were recently elected to OSB positions. Hercher was elected chair of the OSB Debtor-Creditor Section at the section's annual meeting. Runkles-Pearson was appointed to the Judicial Administration Committee, which advises the OSB Board of Governors on judicial selection and administration issues.

Hercher represents clients in all aspects of bankruptcy cases, with an emphasis on representing secured creditors in business bankruptcy cases. Outside bankruptcy cases, he advises clients on negotiating, documenting and enforcing rights under secured loans, including loan workouts, forbearance agreements, repossessions and foreclosures.

Runkles-Pearson specializes in employment and constitutional matters for higher education institutions and other public, nonprofit or mission-driven entities. She represents clients on education-specific matters, including Title IX, the Clery Act and student constitutional rights. She also handles a full array of employment cases, including discrimination, harassment, retaliation, accommodation and workplace torts.



Alicia Bell



Alix Dyke



Merril Keane

New partners in the firm's Portland office area **Alicia Bell** and **Alix Dyke**, whose practice areas are intellectual property and business; **Merril Keane**, who practices in business, tax and international law; and **William Rasmussen**, in land use and real estate.



William Rasmussen

Landerholm, P.S.

Attorneys **Bradley Andersen**, **Timothy Calderbank** and **Marshall Stagg** have been elected shareholders with the firm. **George Souris** and **Laura Nelson** have joined as associates.

Calderbank and Andersen are both experienced litigators representing clients in a variety of matters including business, construction, and real estate. Stagg focuses his practice in the areas of taxation, estate planning and administration, and business law.



Bradley Andersen



Timothy Calderbank



Marshall Stagg



George Souris

Souris' practice encompasses all aspects of the litigation process with emphasis on the areas of estate/probate, construction, contractual issues,



Laura Nelson

and real estate and employment disputes. Nelson's practice is in estate planning, probate and trust administration, and guardianships.



Don Jacobs

Don Jacobs

The Clark County Bar Association (CCBA) presented its Trial Lawyer of the Year Award to attorney **Don Jacobs** at its February Barristers' Ball. The award is presented annually to recognize "an outstanding achievement or achievements by an attorney in court." Jacobs was chosen for the award by his Clark County peers.

CCBA's Barristers' Ball is an annual fundraiser for the Clark County Volunteer Lawyers' Program, which provides free civil justice legal services to low-income people.



Gary Grenley

Garvey Schubert Barer

Gary Grenley, a partner in the firm's business litigation practice in Portland, has been recognized with Lewis & Clark Law School's 2015 Distinguished Business Law Graduate Award. The award is given annually to a graduate who has demonstrated exemplary leadership, has made a positive mark on the legal or business profession, and whose accomplishments have brought honor and distinction to the law school.

Bullard Law

Kara Backus has become an associate with the firm. Her practice focuses exclusively in the areas of employee benefits and executive compensation. She has experience with qualified and non-qualified retirement plans, health and welfare benefit plans, and executive compensation issues.



Kara Backus



Andrea Bartoloni

Ater Wynne

Italian Ambassador, Claudio Bisogniero was in Portland, where he met with Governor Kate Brown and Portland Mayor Charlie Hales. The visit concluded with a reception at the firm, which hosted the reception, with partner **Andrea Bartoloni**, the Consul of Italy for the State of Oregon.



Michael J. Licurse

Wyse Kadish

Michael J. Licurse became a partner with the firm. He practices in the areas of mergers and acquisitions, corporate law, real estate, and serves as general counsel to several closely held businesses.



Lea Schneider

Cosgrave Vergeer Kester

Lea Schneider has joined the firm's complex litigation practice group, and **Nate Funk** has joined its business practice group. **Joshua Kennedy** has joined the firm's construction law practice group.

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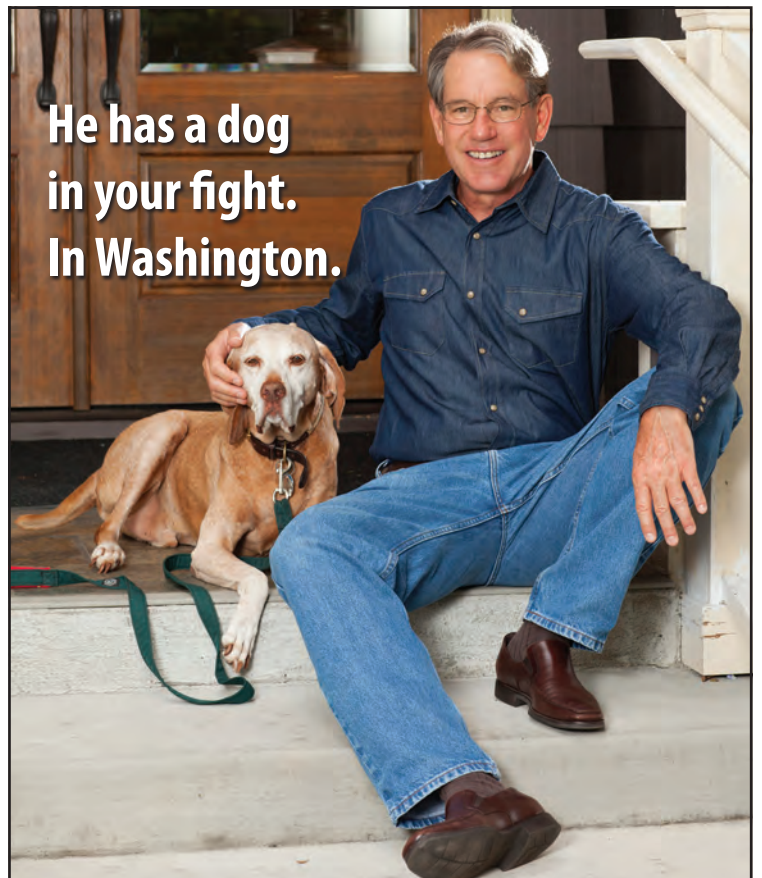
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Tips From the Bench

Paper or Electronic? & Other eCourt Issues in Family Court

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



Ten months have passed since the Multnomah County Circuit Court converted to an electronic case management system. Ten months - just the age my own daughters were learning to walk, grabbing and shaking new items in their reach. This is the stage we are all at as well: the (slower) early months behind us, our learning curve about Odyssey and what it can do is accelerating, and we are exploring new capacities, thrilled by some and stung by others. And the rules for this new world are overwhelming at times, particularly since eFiling became mandatory in December 2014 (and even though we extended the soft landing into January). I confess that as frequently as I am asked questions about "How are attorneys supposed to do X?" often I cannot answer without sneaking a peak at my cheat-sheets. So this column is an attempt both to share answers to some commonly-asked questions and to express appreciation for everyone's patience as we all continue "learning to walk," and then run, in our new world.

Paper or Electronic?

Filing documents electronically is the default procedure, the primary imperative in eCourt. Only because specific situations logistically or technologically preclude eFiling is paper filing instead required. But this is the first main point - when the rule requires a paper filing, paper filing is **required**, not an option. And submitting your document **both** by eFiling **and** in paper is **not** helpful but in fact prohibited, because it violates the rules intended to avoid the confusion, delay, and wasted resources that result from having to clean up a two-signed-orders situation. A list of what documents are required to be filed in paper is posted on the court's local website. Most are set out by case category (civil, criminal, family, etc.) in Supplemental Local Rule 2.501. The SLR-based case-type exceptions to eFiling address time-urgent matters and were necessary because with the volume of filings in Multnomah County, we simply do not have the capacity to receive, accept, and route time-sensitive filings to the ex parte judges on the half-day timeframe that many of those matters require. UTCR 21.070(3)(m) allows local courts to set up their own "must be in paper" rules for ex parte or stipulated matters. For family court, they include restraining orders, immediate danger

matters, status quo matters, requests for postponements, and more. Please pay special note to the prefatory paragraph to the SLR: not just the particular document but "any document that will be served simultaneously" with a listed document must be paper filed. The cheat-sheet posted on the website indicates the UTCRs set out some universal exceptions from eFiling, matters that must be paper-filed no matter what county or what case-type is involved. These include initiating documents in a contempt matter, fee waiver/deferral requests, matters for in camera inspection, and more. Contempts are included for a technological reason having to do with how these cases must be classified within the limits of Odyssey due to the sanctions that can be imposed.

How do I eFile if my client has a Fee Waiver/Deferral - or I was appointed to represent the child?

Set up your File & Serve account with a "waiver" account type in addition to the payment account. Court operations staff will look for your client's waiver/deferral order (or your appointment as the child's attorney) in the process of accepting the document. We have posted a cheat-sheet on the family court pages of the local website explaining how to do this. Check the "Procedures" page.

Should I eFile a cover letter when I eFile a proposed order or judgment?

No. No rule prevents this, but this approach is not helpful because those letters are not routed with the document to be signed. Proposed orders and judgments must be in an eFiling separate from any other document. UTCR 21.040(2) (a). So what is routed to the judge's queue for signature is only this proposed order/judgment. That is all the judge has before him or her. While it is possible when reviewing a proposed order/judgment to access other documents filed in the case, this step requires having another edition of the software program open and numerous other keystroke entries to get to the particular case and the location where other documents are stored. It is far less efficient for the judge (or his or her staff) to have to search the case documents to see whether and what other documents relevant to the particular proposed



News from the Courthouse

by Katharine von Ter Stegge
Court Liaison Committee

Multnomah County Circuit Court Update

It has been 10 months since eCourt was implemented in Multnomah County and three months since eFiling became mandatory for OSB members. The court is beginning to review some of its business processes to take advantage of the functionality of the Odyssey product and address backlogs in some areas. Judge Waller notes that there is still some confusion about what needs to be brought to ex-parte in hard copy and what must be eFiled, and she requests that lawyers refer to SLR 2.501 if they have questions. Judge Waller is open to any feedback from lawyers on eCourt. The court greatly appreciates the patience and cooperation of the bar over the last year.

A UTCR proposal on eFiling of proposed orders and judgments was generated by a group of Multnomah County judges. The genesis of the proposal is the fact that when proposed orders/judgments are filed they are directed to a judge's queue without the associated documents. The monitoring of readiness for signature and locating all of the associated documents in Odyssey is cumbersome for judges and court staff. The UTCR proposal will require the parties to submit a "Certificate of Readiness" with a proposed order or judgment. The proposed UTCR changes place the responsibility for

monitoring the readiness of documents for judicial signature on attorneys rather than court staff. The proposal has been approved by the Oregon eCourt Law & Policy Work Group and the UTCR Committee and will be on the agenda for the Joint OJD-OSB eCourt Task Force. The proposal may be considered for out-of-cycle approval by Chief Justice Order after the 30 day comment period.

Planning for the new courthouse is continuing to move forward. It is anticipated that there will be a ceremonial groundbreaking in December 2016 with construction starting in the summer of 2017, and the building opening in April 2020. The county has been engaged in a due diligence investigation of both the preferred site (Hawthorne bridgehead) and the alternate site (the block between the Marriott and KOIN Tower). The Board of County Commissioners will make a final determination of the site in mid-April.

The county is preparing an RFP for an architect and anticipates hiring one by late summer. In the meantime, the project team has been engaged in site specific reference design work to make sure that the program (everything that needs to be in the courthouse) will fit on both the preferred and alternate sites. The current plan is for the main DA's office along with three of the court's high volume courtrooms (traffic, small claims and FED) to be located outside of the new courthouse, in a location yet to be determined. Both the DA's office and the Oregon Public Defense Services Commission

will have a hoteling arrangement in the new courthouse - support services and staff as well as offices for lawyers to use while they are in the courthouse.

Judge Waller discussed the Expedited Jury Trial Program (EJTP) Committee's proposal for modification of the expedited jury trial rules. The committee has proposed changes to the existing expedited jury trial program rules in order to encourage greater use of the program. Currently, the parties must elect to participate in an expedited jury trial, or "opt-in." The committee has proposed that the EJTP be changed to an "opt-out" program. The proposal would designate cases in which the only relief sought is recovery of money damages not exceeding \$100,000 as EJTP cases. The proposed rules for EJTP cases limits discovery (unless the parties stipulate to a written discovery plan) and does not allow pre-trial motion practice, unless given permission by a judge. Plaintiffs could opt-out of the program up to 30 days after filing the complaint and defendants could opt out up to 14 days after filing an answer. If the parties opt-out of the expedited jury trial program and the amount in controversy is under \$50,000, then the case would be transferred to court-mandated arbitration.

The proposed rules provide for the new EJTP to be piloted in courts designated by the chief justice. Judge Bushong and Judge Waller are interested in feedback from attorneys on whether they will participate in the EJTP if Multnomah County were to participate as a pilot.

order might have been filed than for attorneys to certify readiness on the proposed order/judgment itself. We have drafted a proposed rule that would require a "Certificate of Readiness" on the last page of the proposed order/judgment, akin to a certificate of service. That rule draft sets out suggested procedure and language to ensure that a signing judge has all (or most) of the relevant information she needs when reviewing a proposed order/

judgment for signature - did the other party get a copy of the proposed order? When? Or was the other party found in default? Have objections been received or resolved? The rule draft was distributed at the recent MBA Presiding Court and Family Law Update CLEs in March and is also available on our local website. Check again the "Procedures" page of the family law webpages. Although there will be a comment period on the rule, currently planned as a

UTCR, we are asking attorneys to approximate its operation to the extent they can by providing the "readiness" information on a certificate on the last page of the document.

Does eFiling vary if my case is retained by a particular judge?

No but it would be helpful if you added to the caption a "Retained by Judge X" line to help staff identify those documents. And

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MBA Board Officers & Directors

The following MBA officers begin their terms on June 1.



Bob Steringer

The 2015-16 MBA President will be **Bob Steringer**, of Harrang Long Gary Rudnick P.C. He has been on the board since 2012, most recently as treasurer. His practice areas are appellate law, business litigation, government affairs and administrative law, Indian law and policy, and higher education.

Bob has served the MBA as Professionalism Committee Chair, on the Pro Bono task Force, and as an MBA mentor since 2011. He also serves the Oregon State Bar (OSB) on its Constitutional Law Section Executive Committee as immediate past-president and the New Lawyer Mentoring Program. He is a former member of the OSB Public Service Advisory Committee.

Bob graduated from the University of Oregon School of Law in 1998 and was admitted to the OSB that year. He was admitted to the Washington State Bar in 2009.

The MBA's treasurer will be **Akira Heshiki**, of Standard Insurance Company, who practices in insurance benefits litigation. Akira serves as the current MBA delegate to the ABA House of Delegates.

Akira is a member of the MBA Finance Committee. Previously, Akira served as a member of the MBA Judicial Screening Committee and chair of the MBA Membership Committee, as well as a board liaison to the MBA



Akira Heshiki

Professionalism Committee and Pro Bono Committee. Her ABA involvement includes serving on the ABA Commission on Racial and Ethnic Diversity, the ABA Legal Opportunity Scholarship Committee, and she is the current chair elect of the Tort Trial & Insurance Practice Section's Standing Committee on Diversity in the Profession.

Akira graduated from Lewis & Clark Law School in 2001 and was admitted to practice in Oregon the same year.



Eric Dahlin

The MBA secretary will be **Eric Dahlin**, of Davis Wright Tremaine LLP. He has been on the board since 2013.

Eric is the current Courthouse Court Funding Committee chair and served as chair of the Court Liaison Committee. He also served on the Equality & Diversity Committee and the Professionalism Committee (which he also chaired). He also volunteers as a Multnomah County Circuit Court pro tem judge hearing summary judgment motions, and serves as an arbitrator in the county. He is a member of the OSB Litigation

Section Executive Committee and the House of Delegates.

Eric graduated from the University of Oregon School of Law in 1996 and was admitted to the OSB the same year. He was admitted in Washington in 2003.



Dana Sullivan

Past President will be **Dana Sullivan**, of Buchanan Angeli Altschul & Sullivan LLP. She represents individuals in employment litigation. Dana has been on the board since 2011. She is active with the Oregon Trial Lawyers Association and with the OSB. She also serves on the Girls, Inc. of the Pacific Northwest Board of Directors.

Dana graduated from New York University School of Law in 1993. She is admitted to practice in Oregon, California, Washington, and Washington, D.C.

New board directors for the three-year terms which begin June 1 are:

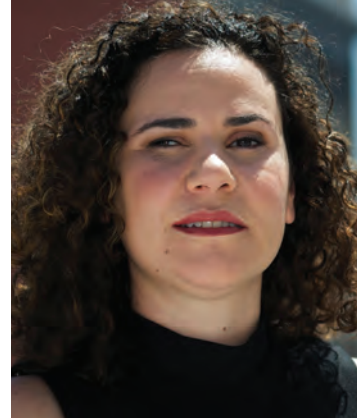


Lane Borg

Lane Borg is Executive Director of Metropolitan Public Defender in Portland. Lane has served on the MBA Judicial Screening Committee, and is a current member of the State of Oregon's Drug and Alcohol Policy Commission and Public Safety Task Force. He is an adjunct professor at Lewis & Clark Law School and is a past president of

the Oregon Criminal Defense Lawyers Association. He is on the Partnership for Safety and Justice Board and is a founding member of the Oregon Innocence Project.

Lane graduated from Lewis & Clark Law School in 1984, and was admitted to the OSB in 1985.



Rima Ghandour

Rima Ghandour, of Ghandour Law, practices in the areas of insurance defense, construction defect, personal injury and commercial litigation. She has co-chaired the MBA Equality & Diversity Committee, and serves on the OSB Diversity Section Executive Committee. She is president of the Arab American Cultural Center of Oregon's Board, and is on the Queen's Bench Board. She also serves on the Owen M. Panner American Inn of Court.

Rima graduated from the University of San Diego School of Law in 1998. She is admitted to practice in California, Washington and Idaho. She was admitted to the OSB in 2002.



Marshal Spector

Marshal Spector, Of Counsel with Gevurtz Menashe, is in his 25th year of practicing family law, including divorce, custody and parenting time, prenuptial agreements and modification

matters. Marshal is a member of the OSB Family Law section and the Oregon Academy of Family Law Practitioners. He has served on the following MBA committees: Continuing Legal Education, CourtCare (co-chair); Managing Partner's Roundtable and Court Liaison. He is a former chair of the Solomon's Legacy Attorney Group.

Marshal graduated from the University of Maryland in 1982 and the University of Baltimore School of Law in 1985. He was admitted to practice in Maryland that year and admitted to practice in Oregon in 1991.



Lissa Kaufman

Lissa Kaufman, of Lissa Kaufman Law, was reappointed to serve a three-year term. She practices in the areas of family, criminal and civil rights law. She has been on the board since 2013, when she was appointed to a vacant position. Lissa is involved in a myriad of pro bono and community activities including serving on the Multnomah County District Attorney's Citizen Review Advisory Committee, and the Youth Rights & Justice Board.

Lissa graduated from the University of Washington School of Law in 1996 and was admitted to the OSB in 1997.

Also on the board are: **Todd Cleek**, Cleek Law Office LLC; **Maya Crawford**, Legal Aid Services of Oregon; MBA Young Lawyers Section President **Mackenzie Hogan**, Harris & Bowler LLP; **Amber Hollister**, Oregon State Bar; **Elizabeth Knight**, Dunn Carney Allen Higgins & Tongue LLP; **Thomas Sand**, Miller Nash Graham & Dunn LLP; and **Andrew Schpak**, Barran Liebman LLP.

Tips From the Bench

Continued from page 10

if you have a time-urgent issue on a retained case (such as a hearing memorandum for the next day, or a challenge to an immediate danger order (the judge who signed the order will be the judge who handles the challenge hearing), it is required (for memoranda) and helpful (for immediate danger orders) that the judge's judicial assistant receive a courtesy copy. Most trial departments prefer these copies electronically but you can check the preferences on the local website.

What about that "date" stamp on orders? In the words of

Chandler Bing, "Could it be any smaller?"

The fix for that is a system one and currently we do not have the ability to make it larger although the issue is being examined and costed out. In the meantime, remember that you do not need a line for the date on orders/judgments submitted electronically even though that line is needed for documents signed on paper.

Again, everyone in the Family Law Department - both in court operations and trial departments, greatly appreciates the patience of practitioners as we all "toddle" our way down the Odyssey path. Trips and falls are just part of the process, but patience during the tough points truly helps.

mba|EVENT

OWLS/MBA Joint Social

Thursday, April 16

4:30-6:30 p.m.

Pacific Continental Bank, 805 SW Broadway

Join OWLS' Leadership Committee and MBA Membership Committee for a skill-building and networking event featuring Tracy Sullivan, Director of Career and Professional Development at Lewis & Clark Law School. Tracy will provide tips and suggestions for being comfortable and confident in making new acquaintances at networking events. Learn how to develop an "elevator speech." Using Tracy's suggestions, attendees will pair off to practice with one another, meet new people, and make introductions to others. It will be a great way to practice essential communications skills and to expand your professional circle.

Thank you to our generous host, Pacific Continental Bank (formerly Capital Pacific Bank).

There is no cost to attend. Light refreshments will be served. Space is limited.

Please RSVP to diane@oregonwomenlawyers.org by Monday, April 13.

YLS Young Lawyers Section

Tom Adams YLS Member Spotlight

by Cindy Gaddis

Tom Adams has a new friend. Tom describes his new friend as “precocious and brilliant.” Tom’s friend is 12 years old. Tom is a Big Brother to this new Little Brother, paired through Big Brothers Big Sisters Columbia Northwest.

This new relationship fits right in with Tom’s approach to practicing law. Tom is glad to be part of the current generation of new lawyers who make family a priority over the accumulation of material wealth. He’s made a commitment to himself that his family and friends will always be a priority, just as he makes his Little Brother a priority most every weekend.

Growing up in Grants Pass, Oregon, Tom witnessed firsthand how to harmonize a career in law with a commitment to family. Tom’s father ran a small yet busy and successful law practice in Grants Pass, while staying focused on his family. From his father’s example, Tom saw that achieving success in a legal career does not have to come at the expense of relationships.

Tom cites his membership in local bar associations is a building block for creating and cultivating these relationships. As a plaintiff’s lawyer litigating personal injury, motor vehicle, and consumer issues, he relies on the legal community for tips and support as his practice grows. Both the MBA and the Oregon Trial Lawyers Association have proven to be fertile ground for the development of Tom’s professional practice.

Tom joined the MBA when he returned to Oregon after earning his law degree at New York University School of Law in 2011. “It’s not just for referrals or business,” he says of the MBA. “It’s friends who can bring diversity to your life.”

In 2012-13 and 2013-14, Tom served on the YLS CLE Committee. The YLS Board



Tom Adams

appointed him Chair of the YLS CLE Committee for 2014-15 and recently invited him to serve on the YLS Board as a Director. Tom values the personal connections he has made through his service on the CLE Committee. Planning CLEs for new lawyers requires reaching out to more experienced practitioners and relying on the legal community at large, to help pull together a series of events that benefits practitioners and the community alike, an invaluable component to Tom.

In his spare time, Tom also volunteers for Legal Aid’s Domestic Violence Project and has assisted some *pro se* plaintiffs through the United States District Court Pro Bono Program. Despite his active legal practice, Tom feels that non-legal community service is just as, if not more, important. “It expands your horizons,” he explains, which is why he plans to continue volunteering with Big Brothers Big Sisters indefinitely.

When Tom is not at work at the Forum Law Group, where he has been an associate since 2013, or volunteering in the community, you might find him running around the Willamette River or throughout the neighborhoods of Portland. He completed the Portland Marathon in 2013, but focuses now on shorter races such as the Shamrock Half Marathon.

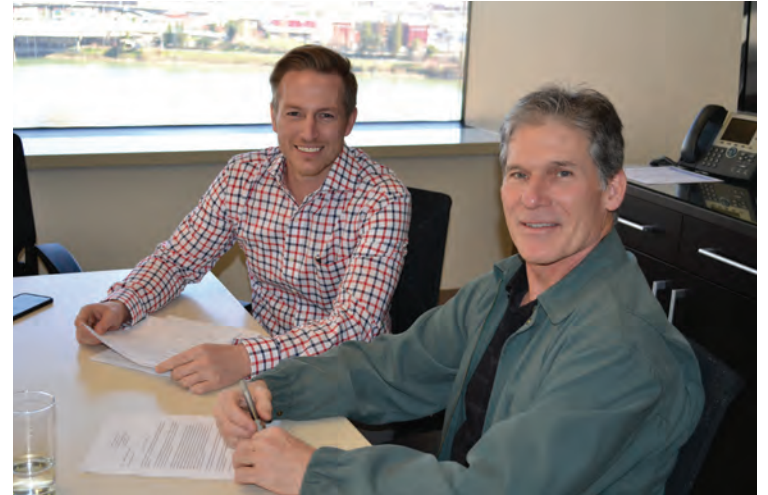
YLS Assists Heroes

by Jacob Shwartz
YLS Pro Bono Committee member

On Saturday, February 28, the YLS Pro Bono Committee held a “Wills for Heroes” event that provided free wills and other help to personnel from Tualatin Valley Fire & Rescue. Wills for Heroes is a national program to provide free wills and other essential legal documents to first responders.

As heroes arrived for the clinic, committee members and other volunteers from the MBA assisted in the completion of the necessary paperwork. Once prepared, Mike Youngblut and Mercedes Rhoden-Feely took each hero through the will in detail, explaining provisions and making sure everything was appropriately covered. Mike recently moved to the area from Iowa and started his own estate planning firm, Youngblut LLC. Mercedes, an associate at Thede Culpepper Moore Munro & Silliman LLP, has volunteered for Wills for Heroes three times in the past.

Once the content of the will had been determined, volunteer Marjorie Machen served as notary and provided the necessary affidavit.



Mike Youngblut and hero

The event moved swiftly, with ample volunteer staff to help the heroes through the process. One such hero, Gus Wettstein, who is a six-year-veteran, told the

committee how appreciative he was for the event and noted that he was long overdue to get his estate plan in order.

While the YLS has held Wills for Heroes clinics in the past, this event was the first conducted by the YLS Pro Bono Committee, which plans to host three such events each year for different first responder groups.

Thank you to who all who volunteered!



Hero and Laura Franzen

A special thank you to Ball Janik LLP for hosting the clinic, and to litigation service and support company River City Media for providing the necessary IT and staff support.



Ask the Partner

Dear Partner,

I am a new associate and feel that I am being given work that is trivial and not challenging to me. I frequently get sent to the courthouse to file documents or appear at routine scheduling hearings. I do not feel that I am using any of my knowledge from law school and I do not feel like I am learning anything new. I feel as though the partners at my firm are using me to do the tasks they do not want to do themselves and are not concerned about my career development. What can I do to convince the partners at my firm to give me more important projects?

Bored Associate

Dear Bored,

Yours is a common complaint among new associates. New associates often have a more glamorous idea of what being an attorney will be like and they soon discover that the day-to-day life of an attorney often involves a lot of menial tasks. However, you should not underestimate the importance of the tasks you are doing. Although waiting in line to file documents or attending routine scheduling hearings may not seem important to you, you are learning important procedures and becoming acquainted with court staff. It may feel to you

that the partners are not putting thought into the tasks they are giving you, but that is likely untrue. They are making sure that you have basic skills that are important for every lawyer to have. You should also speak up when you learn of a case or project that interests you and see if you can help out. The partners at your firm do not want you to be bored by your work and if you express an interest in a certain case, they will likely find a way for you to be involved.

Upcoming YLS Events



Judges' Social at the Historic Pioneer Courthouse Wednesday, April 8 5:30-7:30 p.m.

The YLS and the Federal Bar Association Young Lawyers Division have collaborated to host a Judges' Social in the historic Pioneer Courthouse. Invited are judges from the US District Court for the District of Oregon, Portland Division, and the Multnomah County Circuit Court. This event provides young lawyers

with the opportunity to socialize and network with our honorable members of the bench in a cordial environment.

Light appetizers and a cash bar will be provided. Reservations required – MBA members may RSVP by contacting Ryan Mosier at ryan@mbabar.org.

9th Annual YOUTHFILM Project Screening & Awards Ceremony Wednesday, April 29 at 6:30 p.m. Reception to follow

Mark your calendars for a night out at the movies! This family-friendly event is open to the public and will include popcorn, special guests, and a screening of the top short films from students that will be sure to entertain. The YOUTHFILM Project is the capstone of the YLS Service to the Public Committee's Community Law Week events. This year's theme is *Magna Carta: Symbol of Freedom Under Law*. The theme not only provides an opportunity for students of all ages to explore the history of the rule of law that governs our society, but also marks the 800th anniversary of the Magna Carta.

The YOUTHFILM Project is an exciting forum for elementary through high school students from local schools to show off their creativity, knowledge and skills by producing the short films. It's also a great opportunity for students to see their films on the "big screen" and meet some influential justices, judges and attorneys in our community. Honored guest, Oregon Supreme Court Justice Jack L. Landau, will award prizes to the students with the best films. **Please join us at the Hollywood Theatre on April 29 at 6:30 p.m. for this fun event!** For more information, please visit www.theyouthfilmproject.org.



YLS CLE: Recreational Marijuana What Oregon Lawyers Need to Know Wednesday, May 20 from 3-5 p.m. Reception to follow

This CLE will provide an update on the implementation of Measure 91, including proposed or enacted legislation and the OLCC's rulemaking. Attendees will learn how to engage and advise clients interested in starting a marijuana-related business and about the potential regulatory hurdles they may face. The seminar will also address the ethics of practicing in this area of law, including changes to the Oregon Rules of Professional Conduct.

Panelists include **Helen Hierschbiel**, General Counsel at the Oregon State Bar; **Theresa Marchetti**, Oregon Neighborhood Involvement Livability Program Manager at the City of Portland; **Jesse Sweet**, Oregon Liquor Control Commission; and **Duke Tufty**, partner at Wyse Kadish LLP.

The event will be held at Hotel Monaco, and a reception will follow the CLE portion. For more information or to register, see the enclosed flyer or visit www.mbabar.org.



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Free Conference Room Space in Downtown Portland

The Professional Liability Fund is offering Oregon lawyers free use of a conference room located at 520 SW Yamhill Street, Suite 1025, Portland, Oregon. To reserve this space and learn more details about this free conference room space, go to the PLF website, www.osbplf.org, and click on Practice Management, then Oregon Lawyers' Conference Room.

Special thanks to the law firms of Jaqua & Wheatley and Perkins Coie for their donations of books for the OLCR library wall.

Member Resource Center

Welcome to the member resource center, where you will find information of importance to MBA members and the legal community at large.

Pro Bono Oregon Listserv

Receive a weekly summary of available pro bono volunteer opportunities in your email inbox every Thursday. Listings include the type of case and a brief description of the issue and do not include highly identifying facts or party names. Sign up by sending an email to probonooregon-subscribe@mail.lawhelp.org.

Update Your Directory Listing on the MBA Website

The MBA website includes an expanded online Membership Directory and members may now update their photos, include a bio, add links to social networking sites and update practice area information online. To update your listing, login to the Members Center where you may use the email address currently on file in the MBA Directory as your user name. If you do not know your password, you may click on the "forgot password" link to have it emailed to you.

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Around the Bar

Continued from page 8



Nate Funk



Joshua Kennedy



Parna Mehrbani

Lane Powell

Shareholder **Parna Mehrbani** has been appointed to the OSB Oregon Bench and Bar Commission on Professionalism, which helps to advance the professionalism, equality and efficiency of Oregon's judicial branch of government.



Shayda Zaerpoor Le

Barran Liebman

Shayda Zaerpoor Le was recently nominated to the Andisheh Center Board of Directors, an organization that focuses on fostering Iranian culture in the Portland metro area through musical, artistic, and cultural events. Andisheh's board oversees the programming, leadership, and direction of the center, while incorporating ideas and feedback from the community at large. Prior to her recent nomination, she had been an active member of the Andisheh Center Public Relations Committee.

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Shot Across the Bow

You are sitting in your office minding your own business when a lawyer with a bit more experience than you calls to let you know your clients are in the middle of a tiff over something critical to their legal dispute. The opposing lawyer claims your client is being unreasonable or is acting illegally or flaunting a court order. After discussing the issue for awhile the opposing lawyer says something like, "If you don't get your client in line I'm filing a bar complaint about you." How do you respond?

First, the other lawyer has no business threatening to file a bar complaint unless there is evidence that you have violated a rule of professional conduct. See Oregon RPC 8.3. In the example given above it appears the issue is whether or not you are advising or assisting your client to engage in conduct you know is illegal or fraudulent. See Oregon RPC 1.2(c). However, the threat does not itself violate any rule either.

Remain calm. Ask your esteemed colleague to explain what

you have done that implicates an ethics rule violation. If no reasonable explanation is forthcoming then you can probably write off the threat as idle or an attempt to blow off steam. If the explanation sounds like it holds water, tell the opposing lawyer you will look into it and decide how to proceed. It's best not to respond immediately unless you are very sure you understand the rule(s) implicated and are quite clear you are not in the wrong. Under no circumstances should you respond in kind.

Once you have had a chance to calm down, look up the rule. Talk to colleagues. Call someone in the General Counsel's Office at the bar and get some informal ethics advice. Remember to keep your discussion hypothetical. Assuming you decide you have no exposure call your client and discuss the situation. If you decide you may have done something unethical, General Counsel should be able to give you more guidance. However, that is a different article.

Assuming you have done nothing wrong you now have two choices. You can ignore the threat altogether unless a com-

plaint is actually made. Or, you can call the opposing lawyer and discuss what you have decided to do. Either way, it's a pretty good bet the other lawyer will respect (or fear) you for remaining calm and analytical in the face of a threat that provokes a strong emotional response in many lawyers. At the same time you can rest assured knowing that you handled the matter better than your colleague.



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.

What Do Clients Want?

by Bob Wiggins



One of the most basic questions any business faces is: what do my customers want? Answering that question is really the fundamental mission of any successful business.

Your practice is a business, and like any business, you should always try to ensure that the services you provide respond well to the needs and wants of your clients.

What's the difference between needs and wants? Say it's breakfast time and you're hungry. A bowl of dry oatmeal will satisfy your need. On the other hand, a farmer's omelet and a fresh croissant served with care in beautiful surroundings by a roaring fire might satisfy both your need and your want. People tend to pay more and be happier when both their needs and wants are met.

Most lawyers do a reasonable job responding to needs, but as someone who has been a client many times, I can tell you far fewer do a great job on wants.

A client's needs are fairly straightforward: successful resolution of the matter for which they came to you for assistance. Most competent lawyers can satisfy the need. In fact, most clients cannot tell the difference between a lawyer who satisfies the need with great legal skill, and one who does not.

The list of client wants is much longer:

- **A reasonable estimate of cost** at the beginning of a matter, and if for some unforeseen reason the estimate cannot be satisfied, to know as soon as possible and have a reasonable explanation for the difference.

- **To be treated by the lawyer and the lawyer's staff with respect and courtesy**, like a valued customer, not an irritating interruption in the day.
- **To be fully listened to and heard** and not to have to repeat things multiple times to multiple people.
- **For the lawyer's office to be neat and clean**, with the appearance of organization and consciousness of security and confidentiality. (Good coffee in the reception area is nice too.)
- **Phone calls and emails returned promptly.**
- **Regular updates** on the matter, even if nothing material has happened, and to hear about any bad news as soon as possible.
- **A correct and timely bill** that is useful in determining what services were received, presented in a way that makes the client feel like he received good value for his money.
- **"A little something extra"** that makes the client feel special - a thank you note, a call about an industry development that might affect the client's business, lunch or drinks at the successful conclusion of the matter.

Some client wants are universal among practice areas. Others are unique to each situation. Every lawyer must satisfy client needs to stay in business. The lawyer that can also meet and exceed client wants will have repeat business, great referrals and a thriving practice.

Bob Wiggins, formerly a practicing lawyer (and a client way too many times), runs Law Firm Profitability Management, a legal management and marketing consulting firm. Visit www.lawfirmprofitability.management.

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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: www.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.

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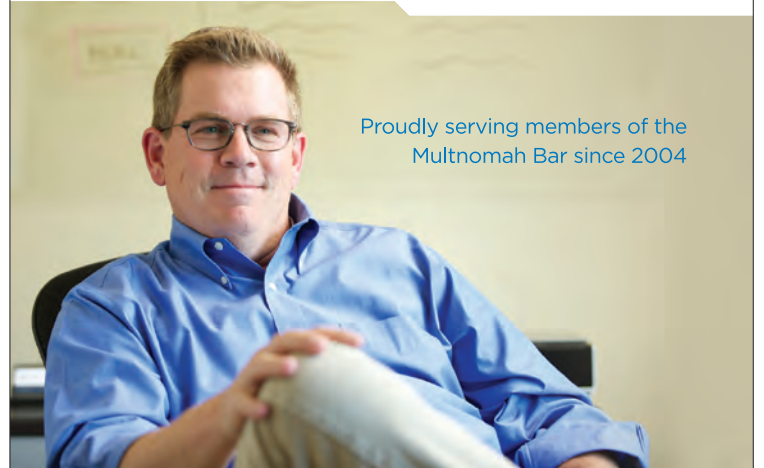
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Ethics Focus

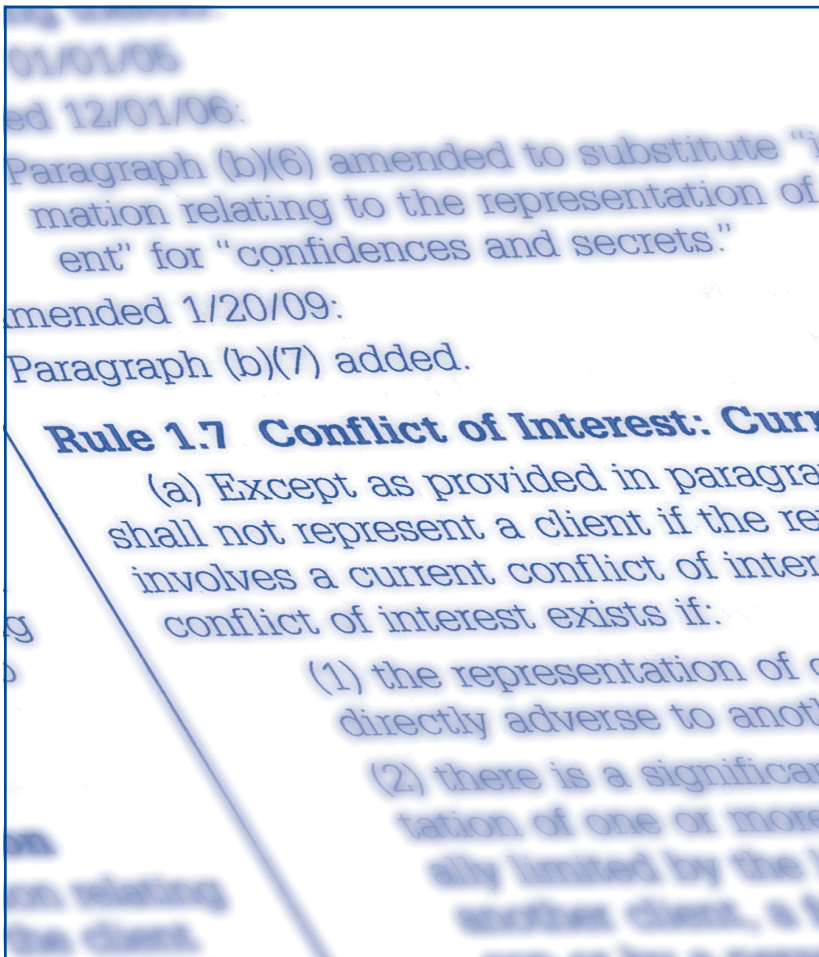
Continued from page 7

is permitted by this statute and the other statutes, regulations, orders and other state and local provisions implementing them.”

Under both approaches, lawyers are able to assist clients with marijuana-related businesses as long as the assistance conforms to activities authorized by the new state regulatory systems. In other words, negotiating a lease for a business authorized by state regulators to sell marijuana would be permitted. By contrast, assisting an international drug cartel in skirting the state regulatory systems would not.

In doing so, Oregon and Washington followed Colorado (Colorado RPC 1.2, Comment 14) and Nevada (Nevada RPC 1.2, Comment 1) regionally in addressing the dilemma created by state decriminalization of “recreational” and/or “medical” marijuana while it remains illegal under federal law. (Alaska, which also decriminalized “recreational” marijuana in last November’s election, has the issue under review.) Although in theory this dilemma has existed since Oregon and Washington both began permitting “medical” marijuana over a decade ago, the urgency of finding a solution accelerated significantly with the more recent decriminalization of “recreational” marijuana because the economic stakes are so much greater. Further, the recent Congressional year-end budget bill limiting U.S. Department of Justice funding for federal enforcement only addresses “medical” marijuana.

At the same time, the contours of personal use by lawyers and lawyers investing in marijuana-related businesses remain to be written. These issues are not new, with *In re Eads*, 303 Or 111, 734 P2d 340 (1987), illustrating the former and *In re Taylor*, 316 Or 431, 851 P2d 1138 (1993), addressing the latter. The recent decriminalization of “recreational” marijuana, however, paints these issues in a new light under both substantive law and the RPCs.



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Legal Clinic Closure Creates Need

by Heidee Stoller
Court Liaison Committee



Low-income Multnomah County residents facing critical legal problems related to family law, domestic violence, bankruptcy, and eviction, now have fewer places to turn. Responding to a sharp decline in enrollment

and the resulting need for cost-cutting measures, Lewis & Clark Law School closed its downtown legal clinic in December 2014. Students participating in the clinic provided low cost and free family law, landlord-tenant, and debtor-creditor services to low-income clients, and helped pro se litigants prepare legal filings that would not be rejected by court staff. The clinic provided these law students with invaluable, hands-on experience and practical skills.

The loss of the Lewis & Clark clinic comes at a difficult time. Over 80% of family law cases and over 20% of civil law cases have at least one self-represented party. Most self-represented litigants

cannot meaningfully access the legal system and successfully present their claims and defenses.

Self-represented parties also put a great burden on the court system, with court staff and judges spending an inordinate amount of time working with them to ensure fair rulings. As a result of budget cuts over the last several years, Multnomah County Circuit Court has also had to eliminate positions of individual facilitators who provided much-needed assistance to pro se litigants. Currently, our court system is understaffed and struggling to meet the needs of the population, and the high percentage of self-represented litigants is making the situation much worse.

As Oregon's need for pro bono services grows more critical, Oregon is also facing a generation of new lawyers desperate for trial and other meaningful courtroom experience. Multnomah County is therefore facing a situation in

which its low-income residents desperately need pro bono services, its court is overburdened due to the number of pro se litigants, and its new attorneys lack trial and courtroom experience.

An obvious solution is to try to connect attorneys looking for trial and other substantive litigation experience with pro se litigants who desperately need the help. Unfortunately, significant resources are required to administer such a program. Pro bono programs inevitably require that time and resources be put into screening of litigants, efforts to identify appropriate pro bono attorneys, coordination with firms, analysis of insurance needs, and monitoring of cases in which pro bono attorneys are assigned. The Federal District Court for the District of Oregon has set up a Pro Bono Program that assigns pro bono attorneys to unrepresented litigants, which is able to provide PLF coverage to all participants as a result of obtaining

certification. A similar program for the Multnomah County Circuit Court would be an important step towards increasing access to justice. The volume of cases and lack of resources, however, make such a program more challenging to create and administer.

The MBA YLS is working with Multnomah County Circuit Court to determine which ways in which the YLS can help self-represented litigants obtain the legal assistance they need, especially with regard to family law matters.

Unfortunately, the services that may be provided by the YLS will represent just a small portion of the services provided by the Lewis & Clark clinic, and the closure of that clinic means that Multnomah County's access to justice problems are getting worse. Now, more than ever, it is important for the bar to identify and implement creative solutions and address the problem.

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