



## How Firms Can Help Retain & Promote Lawyer Parents

by Jeanne Sinnott  
MBA YLS President

As women rise in the ranks of law firms within the MBA, it is critically important that they are provided with opportunities to thrive, succeed, and lead, irrespective of their family-planning decisions. From my personal experience, I am optimistic that those opportunities are becoming more attainable.

During my involvement with the MBA YLS, three of five YLS presidents have been women. Each of those women (including myself) was on maternity leave at some point during her tenure as president. At my law firm, 13 out of 14 new partners in the last two years were women. Of the new partners, more than half are parents of children under the age of three. Two made partner while on parental leave, two made partner in the same year that they had taken leave, and another two had taken leave in the three years leading up to partnership.

Following last year's partner announcement (which - tellingly - made national news because it was so extraordinary that a partner class would comprise all women), quite a few people asked me how my firm ended up with so many new female partners. To me, the more interesting question was how the firm ended up with so many new partners with very young children. To do so, the firm had to retain and promote the attorneys during the time when they were learning to balance their burgeoning families with their burgeoning practices. Although this list is not exhaustive, the following practices can help firms within the MBA retain and promote such attorneys:

- **Offer meaningful time for parental leave for both parents and encourage attorneys to take the time.**

It has been widely reported that the attrition rate at Google for women post-maternity leave was *cut in half* when Google extended their paid parental leave from 12 to 18 weeks. Anyone who is familiar with babies and the post partum period can attest that those extra six weeks are a crucial turning point in the process. My firm offers up to 24 weeks of leave, and, depending on how much vacation time and sick time the attorney has saved, more than 20 weeks of that time can be paid. With both of my children, I was encouraged to take the entire time. For some, the ability to take nearly six months off for bonding and recuperation makes the difference between returning to work and taking a permanent break. Men are also afforded two months of paid leave, and my hope is that as the stigma against men taking parental leave continues to decrease, more men will take advantage of the benefit. Parental leave for men helps retain women by reinforcing the idea that men and women should equally share parenting responsibilities.

**Parental leave for men helps retain women by reinforcing the idea that men and women should equally share parenting responsibilities.**

- **Offer reduced schedules and do not remove attorneys from partnership consideration for working reduced schedules.** Firms that offer reduced schedules to all attorneys don't necessarily open the floodgates for reduced schedules because many are unwilling to trade time for money. A reduced schedule, however, can greatly reduce the pressure associated with returning to work after having a child. I worked a reduced schedule for six months after returning from leave with my first child, which significantly alleviated the anxiety I felt in spending time away from him. It also reduced the pressure I felt to bill hours while learning to juggle work and a baby. Reduced schedules are not only important for a woman returning to work after having a baby, but also for any attorney who must give temporary precedence to his or her personal life, whether it be for an illness, family issue, or other reason.
- **Permit attorneys to work from home when their practice allows.** For some, the single most challenging part of being a working lawyer parent is that there are not enough hours in the day to accomplish both work tasks and home tasks. Working from home can free up valuable time spent getting dressed and commuting to work, which means more time to bill hours and do laundry. Furthermore, current research shows that autonomy is a significant motivating force for people in any profession. A motivated workforce is a better workforce.
- **Take the long view, even if the long view requires overlooking a few years of lower productivity.** Obviously, the women who were promoted to partner at my firm while on leave or in the year they had taken leave were not able to bill as many hours as they would have done if they had not taken leave. If firms make concessions for their attorneys while they are unable to work (whether it be for parental leave or other reasons), they will ensure that many deserving and talented attorneys are promoted while building loyalty and appreciation. The lower productivity is only temporary, and the talent retained by ignoring the years of lower productivity will pay back in spades.
- **Include in firm leadership people who understand the challenges that parents of young children face.** Ideas regarding family dynamics continue to change and evolve. More and more, both parents share parenting and household responsibilities. These men and women are now rising in the ranks as firm leaders (and business leaders), and their perceptions are reflected in the decisions about whom to promote and why. At my firm, many of our firm leaders are parents, many with young children. Their evolving perspectives have been critical driving forces behind why so many women have succeeded despite taking leave.

The above-mentioned practices are not new ideas - for decades firms have been trying to devise policies to better retain and promote women attorneys. Nevertheless, it appears that these practices are finally taking hold. And based on my personal experience, they work.

**A reduced schedule ... can greatly reduce the pressure associated with returning to work after having a child.**

## MBA & YLS Board Elections

The MBA bylaws provide for nominations for the MBA and YLS Board positions from the membership at large. YLS members may self-nominate for the YLS Board, and MBA members for the MBA Board. MBA and YLS Board nominating petitions must be endorsed by the nominee and at least 10 other MBA or YLS members, respectively. **Petitions must be received by 5 p.m. on Friday, February 27.** New MBA and YLS Board members will be announced at the MBA Annual Meeting on Thursday, May 7.

## mba|CLE

To register for a CLE, please see page 3 or go to [mbabar.org](http://mbabar.org) and log in as a member to register at the member rate.

### FEBRUARY

**2.5 Thursday**  
**15 Labor & Employment Updates for 2015**  
Rick Liebman

**2.17 Tuesday**  
**International Law Issues in Domestic Litigation**  
Chris Helmer  
George Foster

**2.19 Thursday**  
**Preparing Clients for Depositions**  
Chris Kent  
Laura Salerno Owens

**2.24 Tuesday**  
**An Update on the Affordable Care Act**  
Bruce Howell

**2.25 Tuesday**  
**Multnomah County Presiding Court Update 2015**  
Presiding Judge Nan Waller

### MARCH

**3.11 Wednesday**  
**Family Law Update**  
Judge Maureen McKnight  
Tom Bittner  
Gary Zimmer

**3.18 Wednesday**  
**Presenting Expert Witnesses at Trial**  
Judge Karin Immergut  
Bonnie Richardson  
Renee Rothauge

**3.19 Thursday**  
**Artificial Reproductive Technology Law for Practitioners**  
Robin Pope  
Beth Wolfson

### In This Issue

Calendar.....	2
CLE Schedule.....	3
Announcements.....	6
Ethics Focus.....	7
Around the Bar.....	8
News From the Courthouse.....	10
Tips from the Bench.....	10
Multnomah Bar Foundation.....	11
YLS.....	12
Classifieds.....	16
Pro Bono Thanks.....	18

Multnomah Bar Association  
620 SW 5th Ave Suite 1220  
Portland, Oregon 97204  
503.222.3275  
Fax 503.243.1881  
[www.mbabar.org](http://www.mbabar.org)

MULTNOMAH BAR ASSOCIATION  
620 SW FIFTH AVE., SUITE 1220  
PORTLAND, OREGON 97204

PRSR STD  
U.S. POSTAGE  
PAID  
PORTLAND, OR  
PERMIT NO. 00082

**MBA Board of Directors**

- President**  
Dana L. Sullivan
- Secretary**  
Elizabeth N. Wakefield
- Treasurer**  
C. Robert Steringer
- Past President**  
Richard J. Vangelisti

**Directors**

- Jeanne K. Sinnott  
*YLS President*
- W. Todd Cleek  
Maya Crawford  
Eric L. Dahlin  
Akira Heshiki  
Amber A. Hollister  
Lissa K. Kaufman  
Elizabeth C. Knight  
Darcy M. Norville  
Thomas C. Sand  
Andrew M. Schpak

**Executive Director**  
Guy Walden

**Director, Events & Programs**  
Kathy Modie

**Executive Assistant & Communications Administrator**  
Carol Hawkins

**Member Services Administrator**  
Ryan Mosier

**Office & Foundation Administrator**  
Pamela Hubbs

**Office Administrator**  
Shannon West

**MBF Board of Directors**

- President**  
Bonnie Richardson
- Vice President**  
Amy L. Angel
- Secretary/Treasurer**  
Dana S. Scheele
- Past President**  
Timothy R. Volpert

**Directors**

- Hon. Cheryl A. Albrecht  
Tyler E. Anderson  
J. Matthew Donohue  
Scott T. Downing  
Susan D. Marmaduke  
Mary Jo N. Miller  
Melvin Oden-Orr  
Charles S. Tauman

The *MULTNOMAH LAWYER* is published 11 times per year by the Multnomah Bar Association, 620 SW Fifth Ave. Ste. 1220, Portland, OR 97204 503.222.3275

Advertising is accepted; advertisers(ments) are not necessarily endorsed by the MBA. The editor reserves the right to reject any advertisement.

**DEADLINE for copy:** The 10th of the month\*  
**DEADLINE for ads:** The 12th of the month\*

\*or the preceding Friday, if on a weekend.

**NEWSLETTER STAFF CONTACTS**

Editor: Guy Walden  
Copy & Classified Ads: Carol Hawkins  
Display Ads: Ryan Mosier  
Design: Cyrano Marketing Solutions

Copyright Multnomah Bar Association 2015

**MBA 13th Annual WinterSmash**

**A Family Friendly Bowling Event**

**Saturday, February 7  
6-9 p.m.**

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

*10 minutes from downtown Portland  
A Multnomah CourtCare fundraiser*



**Thank you to the WinterSmash sponsors.**

**King Pin Sponsor**

Harrang Long Gary Rudnick P.C.



**Life of the Party Sponsors**

ABA Retirement Funds Program  
Mike & Keri Bloom  
Buchanan Angeli Altschul & Sullivan LLP  
Folawn Alterman & Richardson  
Gearing Rackner Engel & McGrath  
Markowitz Herbold PC

**Really Fun Sponsors**

Barran Liebman LLP  
Bodyfelt Mount, LLP  
D'Amore Law Group  
Lori E. Deveny  
Hart Wagner LLP  
Miller Nash Graham & Dunn LLP  
PLF Excess Program  
Vangelisti Law Firm LLC  
Yates, Matthews & Eaton, PC

**Fun Sponsors**

Ater Wynne LLP  
Ball Janik LLP  
Beovich Walter & Friend Certified Court Reporters  
Chernoff Vilhauer LLP  
Cosgrave Vergeer Kester  
Davis Wright Tremaine  
Farleigh Wada Witt  
Greene & Markley  
Hodgkinson Street Mephram LLC  
Stephen A. Houze  
Conrad G. Hutterli, Attorney at Law  
Marandas & McClellan Immigration  
NALS of Portland (Oregon)  
Northwest Employee Benefits, Inc.  
Paulson Coletti Trial Attorneys  
Smith Freed & Eberhard P.C.  
Tonkon Torp LLP

Register at [www.mbabar.org](http://www.mbabar.org).

**Calendar**

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

**FEBRUARY**

**7 Saturday**  
WinterSmash

**16 Monday**  
Presidents' Day Holiday

**18 Wednesday**  
CEJ Awards Luncheon  
[www.cej-oregon.org](http://www.cej-oregon.org)

**20 Friday**  
Lewis & Clark PILP Auction  
<http://law.lclark.edu>

**27 Friday**  
OHBA Annual Awards Dinner  
[www.oregonhispanicbar.org](http://www.oregonhispanicbar.org)

ACLU Liberty Dinner  
[www.aclu-or.org](http://www.aclu-or.org)

**MARCH**

**13 Friday**  
OWLS Roberts-Deiz Awards Dinner  
[www.oregonwomenlawyers.org](http://www.oregonwomenlawyers.org)

**APRIL**

**23 Thursday**  
CLP Legal Citizen of the Year Dinner  
[www.classroomlaw.org](http://www.classroomlaw.org)

**29 Wednesday**  
Administrative Professionals Day

**MAY**

**7 Thursday**  
MBA Annual Meeting & Dinner  
Portland Marriott Downtown Waterfront

When Teach Reporting-Moore & Henderson considered joining forces with LNS Court Reporting, there was only one thing to say:

**"Of Course!"**

*Carol Studenmund, Catherine Teach, and Robin Nodland of LNS Court Reporting*

**LNS COURT REPORTING & VIDEOCONFERENCING**

Witness the Difference.  
503-299-6200/800-366-6201  
[LNScourtreporting.com](http://LNScourtreporting.com)

**Need to Communicate A Complex Message to Your Jury?**

**We Can Help.**

**PERSUASIVUM**  
Persuasive Litigation Graphics  
[WWW.PERSUASIVUM.COM](http://WWW.PERSUASIVUM.COM)



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.

## 15 for '15: The Top 15 Labor and Employment Updates for 2015

Thursday, February 5, 2015  
3:00-5:00 p.m.

World Trade Center  
Mezzanine Room  
26 SW Salmon, Portland

Members \$55  
Non-members \$85

As always seems to be the case, the past year has produced some monumental changes in the area of labor and employment law. Oregon lawyers will once again need to adapt their practices to deal with the changes. Come to this presentation to learn the top 15 things that have changed or will be changing for 2015, including a case law update, new statutes and regulations, and other national and local trends on the horizon for labor and employment lawyers. This informative class will be taught by **Rick Liebman**, a partner at Barran Liebman LLP.

### For more information:

Call Sean Ray, Barran Liebman LLP at 503.276.2135. For registration questions, call the MBA at 503.222.3275.

## International Law Issues in Domestic Litigation

Tuesday, February 17, 2015  
3:00-5:00 p.m.

World Trade Center  
Mezzanine Room  
26 SW Salmon, Portland

Members \$55  
Non-members \$85

When do U.S. courts have jurisdiction over foreign parties? How do you serve a foreign defendant abroad? When does foreign law apply to a party's claim and how do you prove what that foreign law is? How can you obtain discovery from a foreign non-party? Join **Chris Helmer**, of Miller Nash, and **Professor George Foster**, of Lewis & Clark Law School, for a presentation designed to give lawyers not experienced in these and other cross-border dispute resolution issues enough information to competently handle those issues or at least know enough to recognize they need help!

### For more information:

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

## Preparing Clients for Deposition

Thursday, February 19, 2015  
3:00-5:00 p.m.

World Trade Center  
Mezzanine Room  
26 SW Salmon, Portland

Members \$55  
Non-members \$85

As the saying goes, cases are won or lost in deposition. A client's poor performance in a deposition can destroy your case, while an excellent one can devastate your opponent's. The stakes are usually high, and even the most accomplished executive can feel anxiety when being deposed.

**Chris Kent** of Kent & Johnson, LLP and **Laura Salerno Owens** of Markowitz Herbold PC, will discuss simple, tactical approaches to preparing your client for deposition. These include:

- Structuring pre-deposition meetings with your client
- Explaining the deposition process
- Explaining the goals of the deposition
- Instructing your client on how to be a great witness
- Training your client to understand the meaning of your objections
- Preparing your client for a video deposition

### For more information:

Call Kevin Sali, Kevin Sali LLC at 503.329.3598. For registration questions, call the MBA at 503.222.3275.

## An Update on the Status of the Affordable Care Act and its Impact on Practitioners

Tuesday, February 24, 2015  
3:00-5:00 p.m.

World Trade Center  
Mezzanine Room  
26 SW Salmon, Portland

Members \$55  
Non-members \$85

The Patient Protection and Affordable Care Act is five years old this March. Challenges to the Act continue and, indeed, one of the most important challenges will be heard by the United States Supreme Court on March 4, 2015. However the Court rules, the vast majority of the Act is and will remain with us, and it is the practitioner's responsibility to understand the basics of this legislation.

On February 24, join **Bruce Howell**, Schwabe Williamson & Wyatt, for a discussion of the judicial changes that may affect the Act in the future along with the practical effect of the Act on every lawyer's practice. Not since the enactment of the Employee Retirement Income and Security Act of 1974 has a piece of legislation created a new world which affects the practice of just as about every lawyer.

### For more information:

Call Jeff Mutnick, Attorney at Law at 503.595.1033. For registration questions, call the MBA at 503.222.3275.

## Multnomah County Presiding Court Update 2015

Wednesday, February 25, 2015  
3:00-5:00 p.m.

World Trade Center  
Auditorium  
26 SW Salmon, Portland

Members \$55  
Non-members \$85

**Note: This class was originally scheduled for January 29 and had to be rescheduled for the new February 25 date.**

In this update session, the Multnomah County **Presiding Judge Nan Waller** and court staff will discuss the Supplemental Local Rules for Multnomah County Circuit Court and other issues unique to practicing in Multnomah County.

This seminar is designed for attorneys at all levels of experience and questions are strongly encouraged.

### For more information:

For more information, call the MBA at 503.222.3275.

## Annual Family Law Update

Wednesday, March 11, 2015  
3:00-5:00 p.m.

World Trade Center  
Auditorium  
26 SW Salmon, Portland

Members \$55  
Non-members \$85

On March 11 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.

### For more information:

Call Sarah Brown, Holtey Law LLC at 503.224.9878. For registration questions, call the MBA at 503.222.3275.

## Presenting Expert Witnesses at Trial

Wednesday, March 18, 2015  
3:00-5:00 p.m.

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

The MBA presents a two-hour “how-to” program on expert witnesses at trial. Our panelists will discuss how to prepare an expert for trial, how to effectively present expert testimony to a jury, and how to cross-examine even the most experienced expert. All trial attorneys should attend this program, which will feature both plaintiff and defense perspectives as well as judicial views and pointers. The program will cover both federal and state-court practice and rules. Our dynamic panel will be **Judge Karin Immergut**, Multnomah County Circuit Court; **Renee Rothauge**, Markowitz Herbold; and **Bonnie Richardson**, Folawn, Alterman & Richardson.

**For more information:**

Call Seth Row, Parson Farnell & Grein at 503.222.1812. For registration questions, call the MBA at 503.222.3275.

## Artificial Reproductive Technology Law for Practitioners

Thursday, March 19, 2015  
3:00-5:00 p.m.

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

Expose yourself to a growing area of law: Come learn the basics about family formation law. It is an emerging, collaborative area of law fraught with interesting legal issues. The rights and obligations of intended parents, surrogates and donors need to be weighed and balanced. **Beth Wolfson**, Wolfson Law PC, and **Robin Pope**, Attorney at Law, will provide you with the basics to learn the sources of the relevant law, how to protect clients in the process, ensure the fairness of the process and create agreements that help the parties work together to create a life.

**For more information:**

Call Michael Hallas, McKinley Irvin at 503.953.1032. For registration questions, call the MBA at 503.222.3275.

## Animal Law - Are Neglected Animals Personal Property or “Victims”?

Tuesday, March 31, 2015  
3:00-5:00 p.m.

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

Historically, criminal law written to protect animals from abuse and impose punishments for such conduct has treated this as a crime against public policy and the public generally. Following developments elsewhere, with the 2014 decision by the Oregon Supreme Court in *State v. Nix*, animals in Oregon may be “victims” of crimes. This CLE will provide a survey of the intersection between animal law and criminal law at the state and federal level, with reports on recent Oregon cases and a discussion of the shift from animal as the property of the owner to a being with its own rights. Where should we draw the line. . . ?

Speaker **Denise Lukins** is a private practice attorney of 20 years’ experience, an accomplished horsewoman and dog trainer, and is also the hearings examiner for the Clark County and City of Vancouver Animal Control Hearings. As a Deputy District Attorney in Washington County, speaker **Andrew Freeman** has been prosecuting animal abuse and neglect cases for several years. He now serves as co-chair of the Washington County Animal Protection Multi-Disciplinary Team, a community collaboration among regional law enforcement and other government agencies and non-profits organized to address the interaction between animal abuse and other kinds of violence. The MDT has had substantial success investigating and prosecuting animal abuse crimes.

**For more information:**

Call Leslie Johnson, Kent & Johnson at 503.220.0717. 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](http://www.mbabar.org).*

### CLE Registration Form

Receive a \$5 discount when registering online at [mbabar.org](http://mbabar.org).

NAME _____	ACCOUNT NUMBER _____
FIRM _____	EXPIRATION DATE AND SECURITY CODE _____
ADDRESS _____	SIGNATURE _____
CITY _____ STATE _____ ZIP _____	BILLING ADDRESS FOR CARD (if different) _____
PHONE _____	_____
OSB# _____	_____

**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 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](http://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.*

- 2/5 15 for '15: The Top 15 Labor & Employment Updates for 2015**  
Class Registration Online (\$50 Members/\$80 Non) \_\_\_\_\_  
 Class Registration (\$55 Members/\$85 Non) .....\$ \_\_\_\_\_  
 CD-ROM & Written Materials (\$55 Members/\$85 Non) ..\$ \_\_\_\_\_
- 2/17 International Law Issues in Domestic Litigation**  
Class Registration Online (\$50 Members/\$80 Non) \_\_\_\_\_  
 Class Registration (\$55 Members/\$85 Non) .....\$ \_\_\_\_\_  
 CD-ROM & Written Materials (\$55 Members/\$85 Non) ..\$ \_\_\_\_\_
- 2/19 Preparing Clients for Deposition**  
Class Registration Online (\$50 Members/\$80 Non) \_\_\_\_\_  
 Class Registration (\$55 Members/\$85 Non) .....\$ \_\_\_\_\_  
 CD-ROM & Written Materials (\$55 Members/\$85 Non) ..\$ \_\_\_\_\_
- 2/24 An Update on Status of the Affordable Care Act & its Impact**  
Class Registration Online (\$50 Members/\$80 Non) \_\_\_\_\_  
 Class Registration (\$55 Members/\$85 Non) .....\$ \_\_\_\_\_  
 CD-ROM & Written Materials (\$55 Members/\$85 Non) ..\$ \_\_\_\_\_
- 2/25 Multnomah County Presiding Court Update 2015**  
Class Registration Online (\$50 Members/\$80 Non) \_\_\_\_\_  
 Class Registration (\$55 Members/\$85 Non) .....\$ \_\_\_\_\_  
 CD-ROM & Written Materials (\$55 Members/\$85 Non) ..\$ \_\_\_\_\_
- 3/11 Annual Family Law Update**  
Class Registration Online (\$50 Members/\$80 Non) \_\_\_\_\_  
 Class Registration (\$55 Members/\$85 Non) .....\$ \_\_\_\_\_  
 CD-ROM & Written Materials (\$55 Members/\$85 Non) ..\$ \_\_\_\_\_
- 3/18 Presenting Expert Witnesses at Trial**  
Class Registration Online (\$50 Members/\$80 Non) \_\_\_\_\_  
 Class Registration (\$55 Members/\$85 Non) .....\$ \_\_\_\_\_  
 CD-ROM & Written Materials (\$55 Members/\$85 Non) ..\$ \_\_\_\_\_
- 3/19 Artificial Reproductive Technology Law for Practitioners**  
Class Registration Online (\$50 Members/\$80 Non) \_\_\_\_\_  
 Class Registration (\$55 Members/\$85 Non) .....\$ \_\_\_\_\_  
 CD-ROM & Written Materials (\$55 Members/\$85 Non) ..\$ \_\_\_\_\_
- 3/31 Animal Law - Are Neglected Animals Property or “Victims”?**  
Class Registration Online (\$50 Members/\$80 Non) \_\_\_\_\_  
 Class Registration (\$55 Members/\$85 Non) .....\$ \_\_\_\_\_  
 CD-ROM & Written Materials (\$55 Members/\$85 Non) ..\$ \_\_\_\_\_

**Total due** .....\$ \_\_\_\_\_

Mediation • Arbitration

*Experienced*

*&* 44 years in litigation  
25 years in arbitration

*Effective*

**FRANK J. SUSAK**

(503) 223-6121


2301 NW Thurman Street, Suite J  
Portland, Oregon 97210-2581  
frank@franksusaklaw.com

**CHUCK CORRIGAN**

Mediation, Arbitration

Exclusively Alternative Dispute Resolution

503.241.0677  
1000 SW Broadway, Portland  
www.corrigan-law.com

**Alan Bonebrake**  
(503) 844-6675

**John Lewis**  
(503) 844-7665

**Mediation • Arbitration • Reference Judge**

- Retired Circuit Court Judges
- Sole Practitioners
- Over 20 Years Trial Experience
- Experienced in Family Law, Personal Injury, Contract Disputes, Malpractice, Employment Law
- Available Statewide




PHOTO BY LEANN GAUTHIER


Joel K. Overlund      Gary J. Zimmer      Katie C. Goss

Wendy S. Fay      Sarah H. Bond

**ZIMMER FAMILY LAW, LLC**

P: 503.295.6191 | F: 503.294.0108 | www.ZimmerFamilyLaw.com

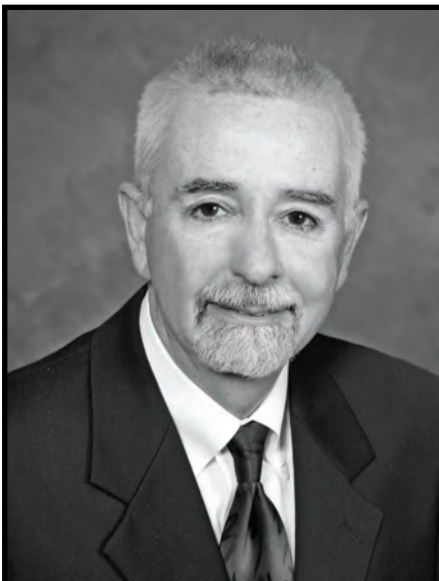
Partnership dissolving?



CMJ

**ROBERT J. MCGAUGHEY, ATTORNEY**  
Shareholder Partner LLC Member Disputes

2440 Fox Tower, Portland 97205 | 503-223-7555 | www.law7555.com



**CHAMBERLAIN**

**MEDIATION      ARBITRATION**

A Proven Problem Solver  
Trial & Appellate Experience  
Available Statewide

peter@chamberlainmediation.com  
www.chamberlainmediation.com  
503.380.5730

## Class Actions Still in Action

by Steve Larson  
Stoll Berne



Although recent U.S. Supreme Court opinions appear to have created roadblocks for class actions, under the right circumstances, class actions are still a viable way to challenge widespread corporate wrongdoing.

One line of cases began with *Dukes v. Walmart*, 131 S.Ct. 2541 (2011), which reversed a trial court's ruling certifying a class of 1.5 million female employees who alleged that the corporation's policies allowed for widespread sex discrimination. Many suggested that *Dukes* raised the bar for class certification, but its holding has been largely confined to disparate impact cases.

In addition, the U.S. Supreme Court's invitation to trial courts to consider the merits of a case at class certification has actually helped plaintiffs. Prior to *Dukes*, corporations were often able to bifurcate discovery and avoid producing documents relating to the merits until much later in the case. Now, plaintiffs are able to get such production in time to assist at the class certification stage. Many of the other class action decisions recently issued by the U.S. Supreme Court are similarly limited to the type of case at issue. For example, the holding in *Comcast v. Behrend*, 133 S. Ct. 1426 (2013), concerns the use of regression analyses in antitrust cases, and does not have much application to other areas of law.

Opinions on the enforceability of arbitration clauses and class action waivers are more problematic. *AT&T Mobility v. Concepcion*, 131 S. Ct. 1740 (2011), and *American Express v. Italian Colors*, 133 S. Ct. 2304 (2013), upheld mandatory arbitration clauses in adhesion contracts on the grounds that any law rendering them unenforceable is preempted by the Federal Arbitration Act (FAA). It is doubtful that congress ever intended the FAA to coerce the arbitration of consumer disputes, and these

decisions may not be the last word. State and federal courts are now looking more closely at the issue of consumer consent. See e.g., *Nguyen v. Barnes & Noble, Inc.*, 673 F.3d 1171 (9<sup>th</sup> Cir. 2014).

The Arbitration Fairness Act, pending in Congress, would undo *Concepcion* and *American Express* entirely. And on December 12, 2013, the Consumer Financial Protection Bureau issued a preliminary study finding that mandatory arbitration deprives consumers of the right to effectively resolve disputes they have with corporations. Those findings could lead to consumer-friendly rulemaking. In the interim, it may be difficult to bring claims subject to arbitration as class actions, barring unique circumstances.

Although class action claimants now face more obstacles, we have found that trial courts recognize that some cases are best resolved through the class action procedure, and they continue to certify class actions and approve class settlements. For example, the Oregon federal district court recently certified a class action we filed on behalf of people diagnosed with autism who were members of an ERISA health benefit plan issued in Oregon by Providence Health Plan. *A.F. et al. v. Providence Health Plan*, 3:13-cv-00776- SI (D. Or.). We also settled a class action recently on behalf of health care providers for \$11.3 million. In *Chehalem Physical Therapy v. Coventry*, 3:09-cv-00320-HU (D. Or.), our clients alleged that a Preferred Provider Organization improperly calculated deductions for reimbursement of healthcare services. The court certified an injunctive class, and the case settled shortly before trial. In *Arnett v. Bank of America*, 3:11-cv-1372-SI (D. Or.), we represented consumers alleging that the "force-placed" flood insurance the servicer required them to purchase was a scheme to benefit the servicer. After certification, the case settled for \$31 million.

These cases show that, used with care, the class action remains an effective mechanism for obtaining relief for large groups of consumers.

*Steve Larson is a shareholder with Stoll Berne. He spearheads the firm's class action litigation practice.*

## mba | ANNOUNCEMENTS

### 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](http://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!

### Commitment to Professionalism

The recently revised MBA professionalism statement is available for MBA members to order and display in their offices. The statement is printed on quality 11x14" parchment paper and is suitable for framing. Reconfirm your commitment to professionalism; order at: [www.mbabar.org/assets/documents/resources/freq-requested/profcertorder.pdf](http://www.mbabar.org/assets/documents/resources/freq-requested/profcertorder.pdf).

### ALA Oregon Hosting Managing Partner Event

The Oregon Chapter of the Association of Legal Administrators (ALA) announces its upcoming Annual Managing Partner Event, on Thursday, February 12, from 4-7 p.m. at The Arlington Club. Legal professionals and their managing partners are invited to attend and take part in the program, which includes networking, recognition of Dee Crocker as she prepares to retire from the Professional Liability Fund, and a keynote on "The Science of Leadership" by Vanessa Van Edwards that will entertain and explore practical leadership skills for managers, team members, and partners. Cocktails and hors d'oeuvres will also be served. If you have any questions or would like to register, please contact the meeting planners: Gloria Martin ([gmartin@cosgravelaw.com](mailto:gmartin@cosgravelaw.com)), Steven Seguin ([sseguin@sussmanshank.com](mailto:sseguin@sussmanshank.com)), Darla Pierce ([dpierce@gevurtzmenashe.com](mailto:dpierce@gevurtzmenashe.com)) or Traci Ray ([tray@barran.com](mailto:tray@barran.com)). More details can be found by visiting [www.oregonala.org](http://www.oregonala.org).



### 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.



Put the new logistics to work for you.

UPS provides law firms with technology solutions that save time and reduce costs by improving internal business processes so that you are free to focus on what you do best, the practice of law. **Enroll today at [savewithups.com/multnomahbar](http://savewithups.com/multnomahbar).**



**WE ♥ LOGISTICS™**

© 2010 United Parcel Service of America, Inc. UPS and the UPS brandmark are trademarks of United Parcel Service of America, Inc. All rights reserved.

## Ethics Focus

### Voir Dire Ethically Investigating Potential Jurors

by Mark Fucile  
Fucile & Reising



This past fall, I was involved in a multi-party civil trial in Multnomah County Circuit Court. The trial was expected to take two to three weeks, and, as a result, a pool of over 50 jurors was summoned for voir dire. Time constraints at the outset of the trial precluded use of a background questionnaire. Instead, the lawyers had to rely on each potential juror reciting answers to relatively standard questions before launching into individual voir dire. The questions weren't exactly "name, rank and serial number," but they weren't the most illuminating either for a case involving several million dollars in claimed damages.

The defendants used a jury consultant and huddled over the lunch break to review the results. In surprisingly short order, the consultant's firm had unearthed an impressive trove of information on each potential juror that helped frame the questioning that followed

in the afternoon. Virtually all of the information was the result of web-based searches of public data. It included property ownership records, political party registration and similar demographic data. More revealing were business websites for some of the jurors and public social media pages for others.

The jury consultant's quick and efficient work underscored both the scope and volume of public information available today on all of us - including a wealth of data that we ourselves post. It also illustrated the interplay between the court rules and the professional rules in gathering information about potential jurors from electronic sources. In this column, we'll look at both.

#### The Court Rules

UTCRC 3.120(1) and its Oregon federal district court counterpart, LR 48-2, provide the context for permissible jury research under the RPCs. Both are very clear that lawyers (and those working for them) cannot "initiate contact" with any potential juror. The prohibition under both rules attaches at the point jurors are initially sworn prior to voir dire and continues (absent a court order) after they have rendered a verdict.

#### The Professional Rules

RPC 3.5(b), in turn, reflects the interplay between the court rules and the RPCs by prohibiting ex parte communication with a juror "during the proceeding" (again, absent a court order). RPC 3.5(c) then extends the prohibition (again, absent a court order) post-verdict if such contact is otherwise prohibited by the accompanying court rule. Oregon's professional rule mirrors

the corresponding ABA Model Rule and OSB Formal Ethics Opinion 2005-143 discusses the post-verdict period in detail.

With online research of prospective jurors, the key phrase in the Oregon court rules is "initiate contact." OSB Formal Ethics Opinion 2013-189 addresses investigations through electronic social media generally and draws a distinction between simply viewing public information about potential jurors available on the internet and contacting potential jurors to obtain access to online material.

Formal Ethics Opinion 2013-189 concludes that lawyers and those working with them (either at their firms or outside consultants) are free to gather public information that is available online about potential jurors. In doing so, Formal Ethics Opinion 2013-189 applies to social media the same reasoning that the OSB used with a party opponent's website in Formal Ethics Opinion 2005-164: such electronic information is no different conceptually than reading similarly public information in paper form such as a book or a magazine. Formal Ethics Opinion 2013-189 also echoes the ABA's conclusion on this point in Formal Ethics Opinion 466 (2014).

At the same time, Formal Ethics Opinion 2013-189 notes that communication with jurors is generally prohibited by the court rules and corresponding professional rule discussed earlier. Focusing on the phrase "initiate contact," the OSB concluded (at 578 n.2) that "a lawyer may not send a request to a juror to access non-public personal information on a social networking website, nor may a lawyer ask an agent to ... do so." The wording in Formal Ethics

*Continued on page 14*



### CREATIVE APPROACHES TO COMPLEX PROBLEMS



SUSAN M. HAMMER

Dispute Resolution Services

Tier 1 Ranking in the 2015 Edition of Best Lawyers "Best Law Firms"

503-222-5949 | [www.Susan-Hammer.com](http://www.Susan-Hammer.com)

### RICHARD G. SPIER MEDIATOR



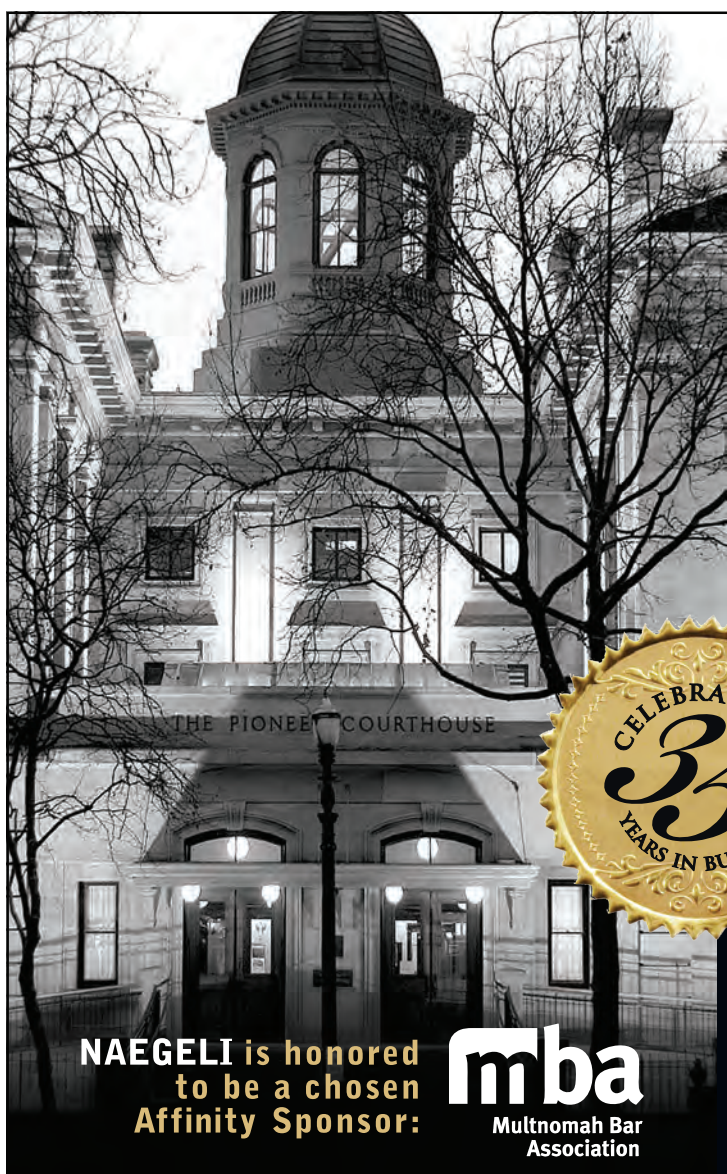
Highly experienced—full-time neutral since 1992

Business & commercial; personal injury; professional liability; employment; estates & trusts; real estate & construction

Listed in *Best Lawyers*® for Mediation

503-284-2511  
Fax 503-284-2519

[rspier@spier-mediate.com](mailto:rspier@spier-mediate.com) [www.spier-mediate.com](http://www.spier-mediate.com)  
2536 N.E. 28th Avenue ■ Portland, Oregon 97212-4916  
*No charge for travel time or travel expense in Oregon and Washington*



NAEGELI is honored to be a chosen Affinity Sponsor:



## Powerful LITIGATION SUPPORT

COURT REPORTING  
LEGAL VIDEOGRAPHY  
VIDEOCONFERENCING  
TRIAL PRESENTATION  
MOCK JURY SERVICES  
LEGAL TRANSCRIPTION  
COPYING AND SCANNING  
LANGUAGE INTERPRETERS

[NAEGELIUSA.COM](http://NAEGELIUSA.COM)

PORTLAND  
(503) 227-1544

NATIONAL  
(800) 528-3335

BEND  
(541) 385-8300

MEDFORD  
(541) 776-7500



## Around the Bar



Ryan Bledsoe



Marco Materazzi



Jeanette Schuster

### Tonkon Torp

The firm has elected **Ryan Bledsoe**, **Marco Materazzi** and **Jeanette Schuster** to the partnership.

A trial lawyer, Bledsoe handles a variety of cases in federal and state courts including shareholder oppression, trust, securities, antitrust and environmental matters. He chairs the OSB's Antitrust and Trade Regulation Section Executive Committee.

Materazzi is a general business lawyer with a practice focused on emerging growth companies, mergers and acquisitions, corporate finance and a range of other business matters. He played an active role in crafting the Oregon Benefit Company legislation that took effect in 2014, and he serves on the OSB's Securities Regulation Section Executive Committee

Schuster is a member of the environment and natural resources practice groups. She provides advice and practical solutions on environmental compliance and enforcement matters and on commercial and real estate transactions for clients in diverse industries.

### Cosgrave Vergeer Kester

Partner **Andy Burns** is now the firm's managing partner. Burns takes the reins from **Jill Laney**, who has served as managing partner since 2010.

In his current practice, Burns represents contractors and developers as the head of the firm's Construction Law Practice Group, handling complicated construction issues and defect



Andy Burns

disputes. His practice history includes successful defense work in matters of personal injury, products liability and premises liability litigation.



Nicole Nowlin

**Nicole Nowlin** has been named partner of the firm. During her 12 years of law practice, she has focused on cases involving insurance coverage, personal injury, and professional liability.



Megan Evans

**Megan Evans** has returned to the firm as a member of the construction law practice group. She spent the last two and a half years as a member of Mentor Graphics Corporation's in-house legal team. Her work there dealt with end-user software licensing, her current representation of general contractors, developers and subcontractors focuses on complex construction litigation.



Peter C. McKittrick

### McKittrick Leonard/Leonard Law Group

**Peter C. McKittrick** has been selected by the U.S. Court of Appeals for the Ninth Circuit as the new U.S. Bankruptcy Judge for the District of Oregon, replacing



Justin D. Leonard



Holly C. Hayman

the Hon. Elizabeth L. Perris. **Justin D. Leonard** will continue their commercial bankruptcy firm as "Leonard Law Group LLC."

**Holly C. Hayman** joined the firm as an associate attorney last November. Holly's primary areas of practice are commercial bankruptcy and debtor-creditor litigation. She currently chairs the MBA YLS Membership Committee.



Sheri Osher and Sherisa Davis-Larry

### Legal Aid Services of Oregon

**Sheri Osher** and **Sherisa Davis-Larry** have joined the Portland Regional Office of Legal Aid Services of Oregon (LASO). Osher previously practiced at the Victim Rights Law Center and at the LASO office in Oregon City before it was closed. She will help coordinate the pro bono work of the Portland office and provide substantive advice to volunteer attorneys in addition to representation of domestic violence survivors. Davis-Larry is a recent graduate of the University of Oregon School of Law who volunteered for St. Andrew Legal Clinic immediately upon graduating from law school. She also has a degree in Alternative Dispute Resolution. She will focus her practice on family law, domestic violence, housing discrimination and public benefits cases. Both attorneys bring a strong commitment to working with underserved communities and the mission of legal aid.

### Miller Nash Graham & Dunn

The combined firm of **Miller Nash Graham & Dunn** has launched, the result of the union of two longtime Pacific Northwest firms which was first announced in early October.

With nearly 160 attorneys and offices in Washington, Oregon and California, the combined firm offers business and public-sector clients broadened capabilities with a national reach.



Heather A. Bowman

### Bodyfelt Mount

**Heather A. Bowman** has become a partner with the firm. Her practice focuses on employment litigation, professional malpractice defense and insurance coverage.



Jennifer Franks

### Schwabe, Williamson & Wyatt

**Jennifer Franks** now chairs the Executive Committee of the OSB's Health Law Section. Franks has been actively involved with the Health Law Section since 2012. She focuses her corporate practice on healthcare regulation, counseling a variety of clients, including healthcare providers, insurers, and laboratories. Franks helps clients navigate the myriad of federal and state regulations facing the healthcare sector, including the areas of fraud and abuse (Stark, Anti-Kickback), insurance, provider contracting, corporate governance, Medicare and Medicaid reimbursement, privacy, and data security. She also guides clients through state laws regulating the corporate practice of medicine, physician fee splitting, and concierge or retainer medical practices. She is admitted to practice in both Oregon and Washington.



Marisol Ricoy McAllister

### Farleigh Wada Witt

**Marisol Ricoy McAllister** is now a shareholder of the firm. Her practice emphasizes real estate and business law. She works with investors, developers, lenders, and small and mid-sized businesses doing complex real estate transactions and development,

loan documentation, leasing, foreclosures and construction.



Adam H. Dittman



Laura E. Rosenbaum

### Stoel Rives

New partners were elected.

**Adam H. Dittman** counsels businesses in several industries on a wide range of legal matters, including mergers and acquisitions, corporate structuring and governance, commercial contracts, financing transactions and natural resource matters. He dedicates a substantial portion of his practice to representing timberland owners and forest products manufacturing businesses in connection with many aspects of their operations and is also experienced representing businesses and individuals in real estate transactions and real property matters.

**Laura E. Rosenbaum** represents clients in employment-related litigation in court and before administrative agencies. Her experience includes defending employers against a variety of employment claims relating to employment discrimination, harassment and retaliation; medical leave laws; disability accommodation; wage and hour disputes; and workplace torts, as well as litigating non-competition agreements. Her practice also involves counseling employers on employment-related issues; conducting internal investigations; and preparing employee contracts, handbooks and policies.



Kathy Dent

### Davis Wright Tremaine

**Kathy Dent**, a highly experienced employment attorney and former assistant general counsel for PacifiCorp, has rejoined the firm. She was previously a partner in DWT's employment practice, and returns after a decade of experience working in-house.





### Your client has a great doctor but not a great hip device.

When medical devices fail, we can help.  
All types of orthopedic hip device failures:

Stryker Rejuvenate & ABG II • DePuy ASR & Pinnacle (MoM) • Wright Medical Profemur

Referrals and co-counsel arrangements welcomed  
Referral fees paid in accordance with ORPC 1.5(d)

**BOWERSOX**  
LAW FIRM P.C.

Visit our website [www.bowersoxlaw.com](http://www.bowersoxlaw.com)  
Office: 503.452.5858 Cell: 503.317.3857  
Kruse Woods One Lake Oswego, Oregon



## WE'RE MOVING!



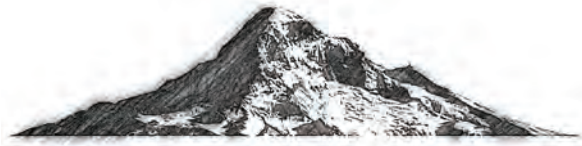
*April 1, 2015*



MALONEY | LAUERSDORF | REINER PC  
ATTORNEYS AT LAW

*Insurance Coverage Attorneys*

503.245.1518 • [www.coveragelit.com](http://www.coveragelit.com)



— THE ART of LITIGATION —

# SHAKING GROUND IS A REMINDER

TO STAND FIRM.

**LARKINS | VACURA**

TRIAL ATTORNEYS SKILLED IN BUSINESS, REAL ESTATE, AND ENVIRONMENTAL DISPUTES.

503-222-4424 | [LARKINSVACURA.COM](http://LARKINSVACURA.COM)



## Tips From the Bench

### MCJRP Revamps Pre-Trial Negotiations

by Judge Cheryl Albrecht  
Multnomah County Circuit Court



Officials estimate a new Oregon prison would cost about \$600 million, almost a third of the state's entire general fund budget. Faced with those daunting numbers, the legislature passed HB 3194, which changed sentencing laws to reduce prison population. The bill also created the Justice Reinvestment Grant Program, which funneled those savings to counties in the form of grants to develop evidence-based sentencing practices and increase community supervision resources. The idea is to reduce future prison growth while holding offenders accountable, protecting public safety and reducing recidivism. Following a year of multi-agency planning, the Multnomah County Justice Reinvestment Project (MCJRP) launched as a pilot project this summer.

The program targets likely prison candidates and provides a comprehensive assessment to identify risks and needs and to match people with the most effective programming, whether it be in prison or in intensive community supervision. The funding comes with a caveat: A coordinated data team must collaborate, share data and review outcomes to compile a thorough cost-benefit analysis.

As a practical matter, MCJRP significantly changes pre-trial negotiations. The biggest change shifts the timing of the assessments from post-sentencing to pre-trial in order to facilitate more focused negotiations and provide lawyers, judges and defendants the information they need to make important sentencing decisions. Another key difference is a bigger role for the Department of Community Justice (DCJ). DCJ officers assigned to MCJRP conduct the assessments, participate during settlement negotiations and are present at the time of sentencing, building a greater supervision relationship, which in turn contributes to accountability.

#### Phase One – Preparation

The District Attorney's office flags eligible cases on the charging instrument. Unlike other counties, Multnomah includes some lower-level Measure 11 crimes in the mix. Ineligible crimes are the more serious person felonies, domestic violence offenses, any case involving a death, cases involving child victims under age 14, and sex-related offenses.

The court orders an assessment interview to be completed within 28 days of arraignment. Defense attorneys discuss the program and potential outcomes with their

clients and schedule an interview with the defense coordinator. It is an "opt out" program, so the defense attorney must give notice of intent to opt out within 28 days. Opting "in" does not mean a defendant relinquishes trial rights or ability to negotiate sentencing. It may, however, require a waiver or good cause extension of 60-day trial rights for custody defendants. If a defendant opts out, any existing interviews or reports are sealed.

After the opt out date, DCJ completes the assessment. The report is not a sentencing recommendation but reviews public safety risks and sets forth a comprehensive plan if the defendant is ultimately sentenced to probation. Assessments are not a public court record and are considered to fall under the negotiations exclusion of OEC 408. Assessments include information about a person's LS/CMI score (a validated risk and needs assessment tool); challenges to supervision success such as transportation concerns, cognitive deficits or language barriers; recommended programming to reduce risk factors, such as anti-social patterns or drug and alcohol addictions; personal strengths; and criminal and supervision history. Funding is available for psychological exams in appropriate cases.

DCJ submits reports no sooner than 51 days and no later than 61 days after arraignment. The DA's office must submit notice of sentencing enhancement factors no later than 50 days following arraignment. The DDA also gathers victim input and restitution information. In the meantime, defense attorneys compile additional mitigation information, including determining eligibility for specialty treatment courts. After consulting with the DA, defense attorneys may, but are not required to, schedule a settlement conference with one of the judges assigned to those cases. Settlement conferences must be scheduled by the 77<sup>th</sup> day following arraignment and must be held by the 100<sup>th</sup> day.

#### Phase Two - Negotiations

With the report in hand, attorneys begin discussions. Defense attorneys used to controlling their clients' narratives are confronting the uncomfortable reality of having a brighter spotlight on their clients. However, the report addresses factors already

*Continued on page 11*



## News from the Courthouse

by Marshal Spector  
Court Liaison Committee

### Presiding Judge's Report and Courthouse Update

Judge Waller once again introduced Barbara Marcille, the new trial court administrator following Doug Bray's retirement. Barbara will serve as the trial court administrator in an interim capacity; later this year the court will restart the formal recruitment process to select a permanent replacement.

During this interim period, the court will be looking at how departments can be restructured to make the trial court administrator position more manageable. This will likely entail reorganizing the hierarchical structure of the court and creating some additional management positions. For example, the court plans to create a public information analyst position within the court administration office. This will be a point person for communication with the public and with the bar, and will work to identify and resolve communication gaps. Waiting to reinstate the recruiting process will allow time for these changes to be made and evaluated.

Judge Waller asked for patience in these transitions - it is a great challenge to replace Doug's 42 years of experience with the Oregon Judicial Department as well as his commitment to working 80 hours per week. Judge Waller acknowledged Doug's dedication and many contributions to the MBA and to the circuit court, and also expressed gratitude to Barbara for all that she is doing to help the court through this huge change.

### Courthouse Planning

The county has announced that the best site for the new courthouse is at the foot of the Hawthorne Bridge. Judge Waller indicated that the court supports that location. There are many reasons to keep it downtown and in the "center" of the community, in a prominent location near city hall and the federal courthouse, as the courthouse is a traditional symbol of the foundation of our government. Most importantly, proximity to the Justice Center is critical due to the number of inmates transported for court proceedings on a daily basis. Another key advantage of the Hawthorne Bridge site is that the county owns the lot. The alternate choice site is the parking lot space between the KOIN tower and the Marriott.

On December 18, the Multnomah County Board of County Commissioners unanimously approved the county-owned Hawthorne bridgehead as the 'preferred' site for the new downtown courthouse and the block between the Marriot Hotel and the Koin Tower as the alternate site. The site selection process was extensive and considered multiple factors including access to transit, suitability of each site as a courthouse, proximity to the Justice Center and the regulatory and land-use process to secure the site. Judge Waller thanked the MBA for its involvement and leadership on the courthouse project.

The county scheduled two open houses for the public to provide further input on the courthouse project. One was in January in the board room of the Multnomah Building, and one on February 5 at 5:30 p.m. at the downtown courthouse in the main jury assembly room. The Board of County Commissioners will finalize site selection in the next few months. The County will be seeking approval of an additional \$17 million in state funding in the upcoming session for the project. In December

the legislature's Emergency Board approved sale of the \$15 million of the bonds previously authorized.

The courthouse project team will begin the work to select an architect this spring with a goal of starting design work for the project by late summer. It is anticipated that ground breaking for the courthouse will occur by late 2016 and that new courthouse will be open for business in the spring of 2020.

### eCourt

After successfully implementing eCourt in May of 2014, the court has continued to refine its practices and efficiencies. eFiling became mandatory in all Odyssey courts in December. The feedback from the bar has been primarily positive. Out-of-cycle SLRs have been approved to clarify what ex parte matters can be eFiled and what must be brought to ex parte in hard copy. The new SLRs can be found on the court's webpage.

### Law Library

The PSU study regarding transformation of the law library into a legal center for self-represented litigants has been completed. The study, commissioned by the county and the court, was prompted by recognition that lawyers no longer rely on the law library for the majority of their legal research and that self-represented litigants need assistance in navigating the legal system. In addition, the new courthouse will not have room for the current collection. With completion of the PSU study, meetings will be set up between the county, the court and the Law Library Board to discuss the future of the law library and the needs of the community.

### Miscellaneous

Over the course of 2014, even with implementation of eCourt, the court was able to maintain its commitment to get cases to trial on the assigned trial date.

## Multnomah Bar Foundation

### MBF Announces Officers, Directors

by Pamela Hubbs

Office and Foundation Administrator

The Multnomah Bar Foundation is pleased to announce its new slate of officers and directors for 2015.



Bonnie Richardson

**Bonnie Richardson**, Folawn Alterman & Richardson, President, speaking about the year ahead, "I am really looking forward to a great year with an outstanding Board of Directors. For all of us who have benefited from our involvement with the MBA, the MBF is an excellent way to give back through donations to and volunteering for our local community groups and programs."



Amy L. Angel

**Amy L. Angel**, Barran Liebman LLP, is Vice President. From Amy, "I am honored to be selected as the Vice President of the MBF Board and to help lead an organization with such a valuable mission. I look forward to a successful year promoting civic education and supporting the improvement of the administration of the legal system through our key programs - the Civic Education Fund and CourtCare."



Dana S. Scheele

**Dana S. Scheele**, Cambia Health Solutions, is Secretary Treasurer. When asked why civic education

is important to her, Dana said "Promoting civic education is directly related to improving the legal system for all citizens. I am excited to be involved in this effort."



Timothy R. Volpert

**Timothy R. Volpert**, Attorney at Law, Immediate Past President, on the importance of civic education: "Attorneys have a vested interest in advancing civic education and engagement in their communities. The Multnomah Bar Foundation seeks out the most deserving organizations that foster civic engagement, and provides much-needed and greatly-appreciated financial support. I sincerely hope that every member of the MBA recognizes the importance of the foundation's mission and donates generously to the Civic Education Fund."

New directors are **Hon. Cheryl A. Albrecht**, Multnomah County Circuit Court; **Tyler E. Anderson**, Oregon Department of Justice; **J. Matthew Donohue**, Markowitz Herbold PC; **Susan D. Marmaduke**, Harrang Long Gary Rudnick PC; and **Mary Jo N. Miller**, Stoel Rives LLP, who is finishing Brad Tellam's term.

Continuing board members include **Scott T. Downing**, Scott Downing PC; **Melvin Oden-Orr**, Oden-Orr Law; and **Charles S. Tauman**, Charles S. Tauman PC. **Amber A. Hollister**, OSB, is the current MBA Board Liaison.

## Frequently Asked Questions About Plans for a New Downtown Courthouse

by Guy Walden

Executive Director



On December 18, at the Multnomah County Board of Commissioners meeting, the board voted unanimously in favor of two recommended sites for a new downtown courthouse, with one of them, located at the county-owned Hawthorne bridgehead, designated as the primary location, and the other a backup. In the weeks following the decision, the MBA received a number of questions from members about the new courthouse. The following are answers to some of the more common questions. If you have questions about the courthouse proposal, please send them to me at [guy@mbabar.org](mailto:guy@mbabar.org) or call me at 503.222.3275. I will publish answers to members' questions in the *Multnomah Lawyer* or respond to them directly.

### Why was there so little time between the public announcement of the two proposed sites and the County Commissioners vote on site selection?

For a large capital project like this one, it is important that the county have all of the leverage it can in considering possible locations. The commissioners looked at several options, some downtown, and others on the east side. The two final sites were chosen with a number of criteria in mind, but

the deliberations over site selection could not have been made public without damaging the county's ability to negotiate over the potential sites.

### Will there be additional chances for the public and the legal community to weigh in on these decisions?

There will be several additional opportunities to provide feedback. The next open house meeting on the courthouse will be hosted by the Board of Commissioners on Thursday, February 5 from 5:30 p.m. to 7 p.m. in the main jury room of the courthouse: 1021 SW 4<sup>th</sup> Avenue, #130.

### The designated backup site is a full city block. Why is the smaller primary site considered a better choice?

The backup site is not in fact a full city block that is unencumbered. There is a structure on that site that contains the entrance to the parking garage of the neighboring office building. This structure takes up roughly a quarter of the site, and is on top of a parking garage that the county cannot control, which raises a number of security concerns. In addition, underground infrastructure would prevent the construction of a tunnel to the Justice Center at this site, whereas a tunnel could be built between the Justice Center and the preferred site. The hope is that a tunnel will reduce the cost and complexity of prisoner transport.

### Why not remodel the existing courthouse, or use the old federal courthouse?

These options have been studied extensively, and they are not feasible from a cost perspective.

### Why not build the new courthouse where the current courthouse stands, and find temporary space while the new courthouse is being built?

This option was also considered. The costs associated with moving the day-to-day operations of the courthouse during construction, including prisoner transportation and security considerations, were prohibitive. Also, the current courthouse, while no longer able to efficiently and safely house court operations, is a county-owned building with historic preservation status. While demolishing the building may be possible, the process for having the historic status removed would require more time than we have, and may not be possible or desirable.

### What is planned for the existing courthouse?

No decisions have been made yet. Our immediate focus is on maintaining the progress toward a new courthouse. The future of the existing courthouse is an important conversation that will take into account all stakeholders.

### Will the new courthouse include parking?

It is generally considered a security threat to have a parking garage in a modern courthouse, so no. But the good news is that there is a private parking garage across the street from the site, which will be an improvement to the current parking situation.

### What's next?

The approval of the site selection recommendation directs the project team to perform a deeper geotechnical analysis of the preferred, county-owned Hawthorne bridgehead south block site. And, in addition, to analyze Block 128, the parking lot between the KOIN Tower and the Marriott Hotel, as an alternative. Results will be shared with the Board of County Commissioners this spring before a final decision is made. A final courthouse site is slated for approval in the spring. Groundbreaking is tentatively scheduled for late 2016. A new, safe and efficient courthouse is tentatively slated to open in 2020.

## Tips From the Bench

Continued from page 10

considered in negotiations and in formulating supervision plans following conviction. MCJRP is not a wholesale shift to probation, but uses validated assessments to identify those who can best benefit from a downward durational or dispositional departure without increasing public safety risk. Assessments can also help determine whether one of the specialty treatment courts is an option instead of MCJRP. For defendants likely to receive probation offers anyway, the plan helps increase success on probation and can reduce the likelihood of revocation down the road.

The judicial settlement conferences aren't dramatically different, but with more information, participants hone in more quickly and precisely on a defendant's needs and strengths.

Prosecutors gain tangible reasons to justify departure sentences. The DCJ officer confirms available programming and answers the types of questions that typically arise during negotiations. Judges can weigh in on suitable programming and can assist the attorney in explaining to the client obligations on supervision and the realistic chances for probation versus prison.

Though in its early stages, MCJRP appears to be increasing somewhat the number of probation sentences and reducing the total time of some prison sentences.

### Phase Three – Post-Conviction Supervision

Upon being sentenced to probation with MCJRP conditions, a defendant enters into a 120-day intensive supervision that involves four or more contacts with the probation officer and one home visit within the first 30 days.

DCJ officers assess and assign appropriate wraparound services, including mental health services, housing, job development and peer-mentor support. Probationers are on strict compliance and administrative sanctions are "swift and sure." Law enforcement agencies assist DCJ by facilitating contacts, serving warrants and enforcing court orders. Clients who make sufficient progress are eligible to graduate to a less intensive supervision. As of the press deadline, program participants were eagerly awaiting 120-day progress reports for the first batch of MCJRP probationers.

More developments are expected as MCJRP grows. MCJRP Court Navigator Joel Bruhn welcomes your call or email for additional program and contact information. He can be reached at 503.988.5225 or at [joel.i.bruhn@ojd.state.or.us](mailto:joel.i.bruhn@ojd.state.or.us).



## Holly Hayman YLS Member Spotlight

by Tyler Bellis  
YLS Board Director

By the midway point of her college career, Holly Hayman (U of O '11) knew she wanted to be a lawyer. She just never imagined that she'd end up a bankruptcy and commercial litigator.

The daughter of a Montessori school teacher, Holly grew up in Boise, Idaho wanting to serve the public good. After working full time through college and graduating from Boise State University with a degree in Political Science and Sociology, Holly set her sights on a law school with a strong environmental law program and a reputation for public service. When she was accepted by the U of O School of Law, it was a no-brainer that she would continue school in the Pacific Northwest with an eye toward settling in Portland.

In law school, Holly initially gravitated toward environmental and constitutional law classes; however, she quickly realized that her strengths lay in contract and commercial law. Soon after she focused her studies on bankruptcy and commercial law, and began volunteering with the Creditor Abuse Resistance Education program (CARE), where she gave presentations to local high school students about credit and financial education. By the time Holly finished law

school, she had externed for the Office of the United States Trustee and Portland Bankruptcy Judge Trish Brown, and saw that bankruptcy was her calling.

But when she graduated in 2011, the Portland job market was not on the same page with Holly's vision. Work was hard to come by even for experienced attorneys, and most new lawyers could not afford to be picky. Fortunately, Holly was able to land a job as a paralegal fresh out of law school at Portland creditors' rights firm, RCO Legal. Within a short time, she was promoted to an associate attorney position within the firm's litigation department where she developed practical skills and gained first-chair experience in court.

After honing her craft for a couple years, Holly finally got the opportunity she had been waiting for when she was offered a chance to work with Justin Leonard of Leonard Law Group LLC after Leonard's former partner, Peter McKittrick, was appointed to become a new bankruptcy judge for the U.S. Bankruptcy Court for the District of Oregon, Portland Division. At Leonard Law Group, Holly focuses her practice on all facets of bankruptcy law with



Holly Hayman

an emphasis on representing trustees. When she is not practicing law, Holly still enjoys serving the public good by volunteering her time for the Campaign for Equal Justice, the OSB Debtor-Creditor Section, the Legal Aid Pro Bono Bankruptcy Clinic, OWLS and the MBA Young Lawyers Section.

Indeed, early in her legal career Holly committed to becoming heavily involved in the MBA YLS by attending networking events and joining the YLS Membership Committee, a committee she now chairs and that is a natural fit given Holly's proclivity for planning events. In her time on the Membership Committee and as a member of the MBA YLS, Holly has "made a number of close friends and established a professional network that includes young lawyers from solo and small firms as well as medium and large firms here in the Portland Metro area."

### Ask the Partner

*Dear Partner,  
My supervising attorney has a personal habit that really bothers me. Every time she comes into my office, she cracks her knuckles really loudly. She does the same thing in our practice group meetings. No one else seems to mind, or if they do, they say nothing about it. The sound of cracking knuckles has always particularly irked me. As a new lawyer, I didn't want to start my relationship with my supervising attorney off on the wrong foot, so I never said anything to her when I first started my job. Now that several months have gone by, though, it's driving me crazy! What should I do?*

Associate

Dear Associate,  
This is a sticky situation, especially since you failed to assert yourself early on. Although it certainly may have been possible to politely and respectfully ask your supervising attorney to refrain from cracking her knuckles in your office without personally offending her, she may now be perplexed if you bring up the issue at this point. Even if you're able to tactfully get her to understand how disconcerting her habit is to you, she may wonder what other things - big or small - you have not been immediately candid or completely honest about over the last several months. Your delay in speaking up may turn what should have been a small, insignificant matter into a much larger issue. At this point, it may be easier to stay the course you are on and simply keep your feelings to yourself.

Everyone has at least one personal habit that another person could potentially find gross or annoying. You may have one yourself, such as coughing without covering your mouth, biting your nails, making noise with your teeth, or chewing

on pens. Part of working in a communal environment is tolerating others and, in return, being tolerated. Perhaps there may even be a medical reason as to why your supervising attorney cracks her knuckles frequently. Regardless, you should find a way to tolerate or ignore any such noise that is unpleasant to you.

Think of this noise that bothers you like an alarm that periodically goes off outside the building, over which you have no control. Despite the outside distraction, you would still have to find a way to get your work done. Perhaps you can devise a mantra to repeat to yourself every time you hear the noise. "I am impervious to outside distractions," or "I accept all that my environment has to offer," etc., can help turn the challenge of tolerating the noise into an opportunity for self-empowerment.

You could certainly choose to speak up to your supervising attorney directly. I would caution you, however, as this will inevitably create (or exacerbate) the tension and discomfort in your relationship with her. Regardless of how this tactic may turn out, the other partners and I are not likely to consider assigning you to a different supervising attorney for this reason, as this strikes me as a fairly insignificant complaint.

We expect a certain level of maturity from all of our attorneys, associates and partners alike. Thus it is your responsibility to timely request what you need for success in your work environment. Since you did not immediately address this issue as it came up, you must now accept the consequences of that inaction. Take this as a lesson for the future: Identify your own needs sooner, rather than later, and seize appropriate opportunities to express them.

## YLS Volunteer Opportunities



**YLS Community Service Day**  
With The Children's Book Bank  
Saturday, February 7  
9:30-11:30 a.m.

The YLS Service to the Public Committee invites you to volunteer at The Children's Book Bank, 1728 NE Glisan St., on Saturday, February 7 from 9:30-11:30 a.m. The book bank seeks to improve the literacy skills of low-income children by collecting, repairing and distributing used books to families in need. Volunteers will primarily be cleaning and sprucing up donated books. Children ages six and up are invited to participate, though parents are expected to volunteer alongside their children. This event is limited to 14 volunteers.

To sign up or for more information, contact Kirsten Rush at [krush@busseandhunt.com](mailto:krush@busseandhunt.com).



**Wills for Heroes**  
Saturday, February 28  
11 a.m.-1 p.m.

The YLS Pro Bono Committee will hold a Wills for Heroes clinic for Portland Police Bureau Central Precinct officers at Ball Janik LLP. Wills for Heroes is a national program that provides free wills and other estate planning documents to first responders and their spouses or domestic partners. Volunteers are needed for shifts between 10 a.m. to 2 p.m. to welcome the first responders and their families, serve as witnesses, review documents, and other tasks.

To volunteer or for more information, contact the program organizers at [willsforheroes@mbabar.org](mailto:willsforheroes@mbabar.org). For more information about the Wills for Heroes Foundation, visit [www.willsforheroes.org](http://www.willsforheroes.org).

## MBA & YLS Board Elections

The MBA bylaws provide for nominations for the MBA and YLS Board positions from the membership at large. YLS members may self-nominate for the YLS Board, and MBA members for the MBA Board. MBA and YLS Board nominating petitions must be endorsed by the nominee and at least 10 other MBA or YLS members, respectively. **Petitions must be received by 5 p.m. on Friday, February 27. New MBA and YLS Board members will be announced at the MBA Annual Meeting on Thursday, May 7.**

## YLS Entrepreneur Academy

The YLS Entrepreneur Committee is now accepting applications for its Entrepreneur Academy. The academy is intended as an introduction to the business aspects of opening a solo or small law office and will provide a peer support network to benefit new attorneys. Regular Wednesday sessions will feature guest speakers and chronologically progress through the different stages of establishing a solo or small practice:

**Getting Started** – Wednesday, Feb. 18

Speaker: Erika Huebschman, Yanchar Huebschman LLC

**Business Planning** – Wednesday, Feb. 25

Speakers: Jeremy Babener, Lane Powell PC and Ginger Skinner, Skinner Law

**Technology** – Wednesday, Mar. 11

Speaker: Hong Dao, OSB Professional Liability Fund

**Preparing for Clients** – Wednesday, Mar. 18

Speaker: Levi Gatov Johnston, Intelekia Law Group LLC

**Meeting with Clients** – Wednesday, Mar. 25

Speaker: Violet Nazari, Attorney at Law

**Ethics** – Wednesday, Apr. 8

Speaker: Paul Neese, Neese Law Office LLC

**The Practice** – Wednesday, Apr. 15

Speaker: Raife Neuman, Intelekia Law Group LLC

**Marketing** – Wednesday, Apr. 22

Speakers: Traci Ray, Barran Liebman LLP; Yumi O'Neil, Moda Health; Holly Miller, Gevurtz Menashe and Katie Moesche, Farleigh Wada Witt

**Building the Cohort** – Wednesday, Apr. 29

Speaker: Cindy Gaddis, Law Offices of Daniel Snyder

Enrollment space is limited, and a \$30 registration fee will be collected. Enrollees must be current members of the MBA Young Lawyers Section. Download a copy of the application today at [www.mbabar.org](http://www.mbabar.org).



## Warren Binfold Pro Bono Spotlight

by Kirsten Larson  
YLS Pro Bono Committee

Throughout the career of Willamette University professor Warren Binford, helping children in crisis has been a central focus. She currently directs Willamette's Clinical Law Program, including the Child and Family Advocacy Clinic. She has been on Willamette's law faculty since 2005. In 2012, she was selected as a Fulbright Scholar and spent six months in South Africa working on children's rights issues.

Prior to attending law school at Harvard University, Warren was a teacher in the inner cities of Los Angeles, Boston, and London. Her commitment to children has continued since her days of teaching. Fifteen years ago, she started working with children in foster care when she became a Court Appointed Special Advocate. Warren was "blown away" by the difficulty of these children's lives, both at home and in foster care. Today, she treasures the knowledge that some of her CASA children continue to stay in touch with her. "Advocacy for children in foster care is potentially a 'high impact' role where one person can really make a difference in another person's life," she says.

Warren's most recent pro bono work was advising the Office of the Prosecutor of the International Criminal Court on policies for children who become involved in the international criminal justice system. "This opportunity intrigued me because I know that children, including child victims of war, are resilient, but can be re-traumatized by the justice system, and so we need to design and manage justice systems in 'child-friendly' ways."

Upon leaving eight years of corporate practice with Pillsbury Winthrop Shaw Pittman LLP, Warren considered jobs both at nonprofits and law schools that would allow her to do pro bono work supporting children and families. She proposed a children's rights project for the Southern Poverty Law Center, and was struck by the high level of security both at the SPLC office and the attorneys' homes. Warren realized that some attorneys' lives are forever at risk because of their dedication to promoting justice. Attorneys like Morris Dees inspire her to "be bold and committed and eternally grateful for the freedom I have to serve without fear," she says.



Warren Binfold

Although Warren believes that the legal profession at its core is one based on service, she worries that our profession is losing the "service" aspect of our shared identity. She believes that "both performing and promoting pro bono work helps us to remind ourselves and the public that, ultimately, we are here to serve."

Warren strongly encourages new lawyers to embrace pro bono work. "There is nothing more rewarding than changing the course of a person's life for the better for no other reason than that it was the right thing to do." Oregon's strong pro bono ethic and tradition is one of the reasons that Oregon lawyers are happier than many other lawyers nationwide, she believes. "My hope is that Oregon lawyers will continue to perform a substantial amount of pro bono work, and it will continue to bring us joy and advance our community, which is so unique."

### Group Health Insurance for 2015 Consider The MBA Group Insurance Plans Eligible Law Firms Can Enroll Anytime



#### Check out the NEW plans offered by the Multnomah Bar Association

- New Gold, Silver, and Bronze Plans
- **NEW insurance carrier, Oregon Health CO-OP, added to Providence and Kaiser options**
- 11 PPO plans with access to nationwide PPO networks
- 3 H.S.A. plans
- Oregon or Clark County, Washington, law firms are eligible to enroll
- Firms with offices outside Oregon can enroll accessing nationwide PPO networks
- All Portland area hospital systems are covered under PPO networks

#### Advantages of MBA Plans

- Covers offices located outside Oregon
- No Health Statement - guaranteed issue
- Covers all pre-existing conditions
- COBRA administration provided at no cost
- Discounted Fees for Section 125 plans
- All plans satisfy the "Minimum Essential Coverage" requirement of the ACA

#### For more information, contact:

Northwest Employee Benefits, Inc.  
4300 NE Fremont, Suite 260  
Portland, Oregon 97213  
1-800-284-1331  
[sdoty@nwebi.com](mailto:sdoty@nwebi.com)

#### Each Employee Can Select a Plan From a Menu of 15 Available Plans

##### PROVIDENCE

- 5 PPO Plans
- 1 H.S.A. Plan
- Nationwide PPO Network
- Covers alternative providers

##### OREGON HEALTH CO-OP

- 3 PPO Plans
- 1 H.S.A. Plan
- Nationwide PPO Network
- Covers alternative providers

##### KAISER

- 3 HMO Plans
- 1 PPO Plan
- 1 H.S.A. Plan
- Covers alternative providers

##### DENTAL AND VISION

- MODA (see any dentist)
- Willamette Dental
- Kaiser Dental
- Vision Service Plan (VSP)

Check [www.nwebi.com](http://www.nwebi.com) for more details.  
Click on **MBA link**.  
The password is: **MBA (all caps)**.



The MBA conference room may be reserved for use by MBA members for client meetings, depositions and other professional law-related business.

Contact the MBA for details and availability at 503.222.3275.

Office location:

620 SW 5th Ave., Ste. 1220  
Portland, OR 97204

**Ethics Focus**

*Continued from page 7*

Opinion 2013-189 is sufficiently broad to include auto-generated permission requests.

**Summing Up**

Oregon's court rules draw a bright line prohibiting lawyers and those assisting them from initiating contact with prospective jurors. That unequivocal prohibition carries over to RPC 3.5(b), which is explicitly linked to the corresponding court rules. Nonetheless, as Formal Ethics Opinion 2013-189 explains, information about prospective jurors that is available on public websites and social media pages may be used as long as the lawyers and those working with them do not "initiate contact" with the prospective jurors to gain access. Formal Ethics Opinion 2013-189 reflects a practical approach that in most cases will fully arm lawyers with a broad spectrum of public information to effectively and ethically select jurors.



**K. William Gibson**  
*Arbitrator & Mediator*

No charge for travel to Central Oregon, Eugene, and Salem

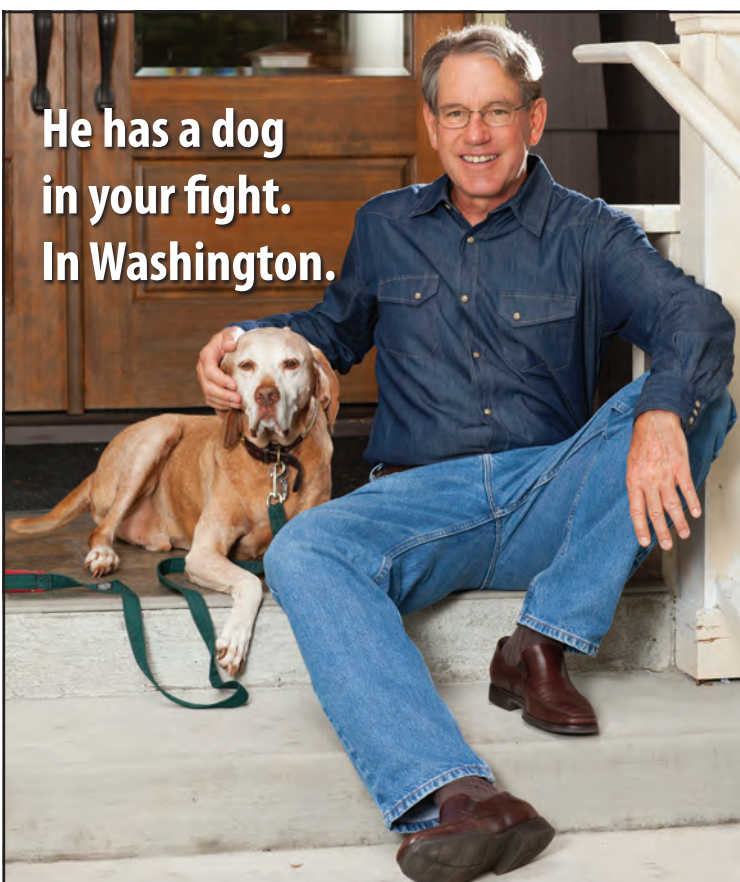
(503) 307-1676  
gibsonmediation.com



**35 Years Experience**


**Court Arbitration • UM/UIM Arbitration • PIP Disputes  
Business/Real Estate • PI Mediation  
Business Mediation • Real Estate Mediation**

Schedule online at [www.gibsonmediation.com/calendar](http://www.gibsonmediation.com/calendar)



**He has a dog  
in your fight.  
In Washington.**

Vancouver attorney Don Jacobs will handle your Washington personal injury cases. A past board member of the Washington State Association for Justice, Jacobs has been taking cases like yours to trial for over 30 years.



**503-222-7757**  
[don@nwinjurylawcenter.com](mailto:don@nwinjurylawcenter.com)  
[www.nwinjurylawcenter.com](http://www.nwinjurylawcenter.com)



**Oregon Lawyer Assistance Foundation**

Helping lawyers in need receive addiction and mental health treatment

[www.oaap.org](http://www.oaap.org) | 503-684-7425      Help Us | Help Lawyers

**Douglas G. Beckman**  
503-287-7977

Arbitration & Mediation

P.O. Box 13365  
Portland, OR 97213  
Fax: 503-210-7688  
dougbeckman@comcast.net



**Fire Loss Claims?**

- 18 years experience as a General Contractor.
- Experienced fire and casualty insurance adjuster.
- Available to represent the insured party in maximizing recovery from the insurer.
- Fees contingent on increased recovery.



**Millard & Bragg**  
Attorneys at Law, PC


503-305-7806  
419 5th Street Oregon City, OR 97045  
[www.millardlaw.com](http://www.millardlaw.com)

Admitted to Practice in Oregon and Washington

**WILSON**  
Dispute Resolution

Mediation & Arbitration  
[www.wilsonadr.com](http://www.wilsonadr.com)

**O.M. "Met" Wilson**  
503.972.5090  
met@wilsonadr.com

**eQUITY**  
FOUNDATION

**LEGACY GIVING**

When you include the Equity Foundation in your estate plan, you help ensure equality for future generations of LGBTQ Oregonians.

**WAYS TO GIVE**

- Wills & Revocable Trusts
- Life Insurance, Retirement Accounts & Other Policies
- Charitable Remainder & Charitable Lead Trusts
- Appreciated Property

Find out more  
[WWW.EQUITYFOUNDATION.ORG](http://WWW.EQUITYFOUNDATION.ORG)

## The Corner Office PROFESSIONALISM

*A Resolution: "Never reject, for any personal consideration, the cause of the defenseless or the oppressed." ORS 9.460(4)*

I've never been a big fan of New Year's Eve. Staying home and watching an old movie and falling asleep on the couch suits me fine. Resolutions, on the other hand, I've always liked. After all, any excuse for self-reflection and self-betterment can't be all that bad, even if success is often found by setting a very low bar for attainment. For example, last year's resolution - "This year I will eat more ramen" - I found easier to attain than past years.

I came across the statute almost by accident. ORS 9.460 is titled the "Duties of Attorneys" and sets forth the four core duties for every Oregon attorney. The first three of the four you are likely familiar with even if you, like I, had never read the statute before. The first duty seems innocuous enough and relates to supporting the constitution and laws of the state. ORS 9.460(1). Who could disagree with that? The second and third are, at the risk of oversimplifying, to obey the Rules of Professional Conduct including, specifically, to not lie or mislead and to maintain confidentiality. ORS 9.460(2)-(3). While this can

be a little more complex in its application than the first duty, the fact that this is a duty for a lawyer is uncontroversial.

The fourth duty is extraordinary. I had to read it a few times, and "Shepardize" it to make sure it was still "good law." By a plain reading of the statute the fourth duty appears just as important as the other three. It says:

*An Attorney shall never reject, for any personal consideration, the cause of the defenseless or the oppressed. ORS 9.460(4).*

No, really. That's what it says. So, there you go. Uphold the constitution? Check. Not make

false statements? I can handle that. Maintain confidentiality? No problem. *Never reject, for any personal consideration, the cause of the defenseless or the oppressed?* Um....

A lot of states don't have this rule. They have adopted ABA model rule 6.2, which permits an attorney to avoid doing pro bono work on matters if, for example, it would result in an "unreasonable financial burden on the lawyer" or in other circumstances. But Oregon does have this rule and has eschewed the model rule. Perhaps it is because, as the ninth circuit has acknowledged, lawyers are professionals, not tradespeople.

The practice of law is a profession - not a business or skilled trade. While the elements of gain and service are present in both, the difference between a business and a profession is essentially that while the chief end of a trade or business is personal gain, the chief end of a profession is public service. *Bradshaw v. U.S. Dist. Court for S. Dist. of California*, 742 F.2d 515, 518 (9th Cir. 1984)

But what does this all mean? My guess is it means that, at the very least, pro bono work is not optional - especially for those of us who have not dedicated our profession to assisting those who are disadvantaged. After all, if it was optional, the rule would mean next to nothing. It must mean something more.

We hear a lot about how professional Oregon attorneys are. We pride ourselves on our collective collegiality. As a practical matter, we often think a professional attorney is someone who is not a jerk - who "plays nice with others" - and who is trustworthy and a woman or man of integrity. We don't think, first and foremost, about their propensity to champion the cause of the defenseless or the oppressed. But, we should.

After all, we have a duty - a statutory duty - to pivot professionalism toward attorneys who serve the defenseless or the oppressed. For legal aid attorneys, this is a no brainer. For the rest of us, it takes more thought. To be blunt, for the rest of us, it takes less greed and a redefinition of what it means to practice law. Too often new law firm associates get credit

solely for how profitable they are for the partners, not for their dedication to the defenseless or the oppressed, even though it is a core duty of every attorney. Partners are evaluated the same ways - by how much money they make for other partners - not for their attention to ORS 9.460(4), or whether they know it exists. Law firms can evaluate themselves in meaningful ways on their pro bono hours, not just their "billable hours." Solo attorneys, likewise, evaluate themselves on dollars and cents and claim to be too busy managing their business to focus their practice on the defenseless or the oppressed.

We all need to remember that the chief end of the profession, as referenced by the ninth circuit, must be public service, not private profit. A focus on the latter, at the expense of the former, is bad for the profession. A focus on the latter is why many people, justifiably, don't like lawyers.

This year, we should resolve to explore what ORS 9.460(4) means for our practice, both individually and, if we operate or manage law firms, institutionally. Obviously, what that means to you is up to you. Private profit and public service are not mutually exclusive - but not doing pro bono work - assuming you work outside of public interest law - cannot be an option, and pretending the statute doesn't exist cannot be an option, either.

Let's redefine professionalism to include what it means to be part of a profession to begin with - a commitment to public service. Let's call it a resolution.



*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](mailto:mba@mbabar.org) and indicate that you would like The Corner Office to answer our question. Questions may be submitted anonymously.*



### Office DEPOT.

Service, selection and price are critical when buying technology. Office Depot has the solution that members of the Multnomah Bar Association need - combining a broad assortment of top brands with technology expertise and reliable service 24/7.

Rely on Office Depot for all your Technology needs. We offer:

- 275,000 available items - from well-known brand names to many hard-to-find items
- Custom configuration
- Extended warranty plans
- Nationwide distribution capabilities
- Software licensing
- Volume pricing
- and more!

For more information, contact Business Development Manager Jason Thorud at 503.240.4500 or [Jason.Thorud@officedepot.com](mailto:Jason.Thorud@officedepot.com)

C-1-AD/78-0208

# Court Bonds

Fast turnaround.  
Apply online or over the phone.

A percentage of Court Bond fees are donated to Legal Aid Services of Oregon

[www.mba.onlinecourtbonds.com](http://www.mba.onlinecourtbonds.com)  
877-553-6376 | Fax: 888-658-6761

Partnering with:



underwritten by:



### MEMBER BENEFIT

**LawPay**  
Access to low-fee merchant credit card services. Minimum contract period for MasterCard and Visa services are waived.

## Classifieds

### Positions

#### Construction Associate

Downtown firm is seeking a construction law associate with a minimum of three years' construction related experience. The ideal candidate will possess a working knowledge of construction documents on complex industrial and commercial projects, and a corresponding understanding of industry contracts, design professional agreements, insurance and suretyship law. Quality analytic and writing skills are paramount; litigation and arbitration experience is a plus. Oregon State Bar membership is required, and Washington State Bar membership is a plus. Competitive salary commensurate with experience. Interested applicants should forward their cover letter, resume, writing sample and transcript to: Dan Gragg, Seifer, Yeats, Zwierzynski & Gragg, LLP 121 SW Morrison Ste. 1025, Portland OR 97204 or email: [gragg@seifer-yeats.com](mailto:gragg@seifer-yeats.com) with **Associate Position** in the subject line. All applications will be treated as confidential.

#### General Counsel to the University

The University of Oregon (UO) President's Office seeks applications for General Counsel to the University. The General Counsel to the University (GC) is the chief legal officer for the University of Oregon. The GC is responsible for managing the university's legal affairs and overseeing the office's provision of legal services to the university and the UO Board of Trustees. The General Counsel works closely with other executive officers, university units, and student government, and is authorized to accept legal process on behalf of the university. The General Counsel supervises the office budget and staff, including five other attorneys.

The General Counsel is one of four officers of the university as outlined in the UO's bylaws. Thus, the position has a dual reporting requirement to the university president and the Board of Trustees, and serves as a member of the president's executive leadership team. The GC participates in all meetings of the Board of Trustees or its committees, and works closely with the University Secretary on issues relating to public meetings, Board actions and resolutions, and UO policies. EO/AA/ADA institution committed to cultural diversity. The University encourages all qualified individuals to apply, and does not discriminate on the basis of any protected status, including veteran and disability status.

This position will be serving an increasingly culturally diverse community. Candidates who share our commitment to diversity, and who have the ability to build understanding and resolve conflict across cultural and other differences are particularly encouraged to apply. The finalist for this position is required to complete a criminal background check. To ensure full consideration, applications should be received by February 6, 2015; this position will remain open until filled. For complete information on qualifications and application procedures, please see posting #15003 on the UO Human Resources webpage <http://hr.uoregon.edu/jobs>.

#### Insurance Defense Attorney

Harrang Long Gary Rudnick P.C., a regional law firm, is looking for an experienced trial attorney to join its active insurance defense practice with emphasis on legal and medical malpractice defense in its Portland office. Responsibilities will include all aspects of trial work including directing strategy, drafting and arguing motions, taking depositions, attending hearings and settlement conferences, reporting and drafting opinion letters, communicating regularly with clients, and preparing and trying cases. Successful candidates will have at least 5 years of experience in insurance defense with an emphasis on legal and medical malpractice defense preferred. Additional experience in front of professional licensing boards desired. Candidates must also have the desire to nurture and build client relationships, excellent communication skills, discipline in documenting their work, and the ability to handle multiple files and work well in a team environment. This position has the opportunity to assume responsibility for a thriving and successful practice. Candidate must be licensed in Oregon, with additional license in Washington preferred. Inquiries will be held in strict confidence. Please send resume and cover letter to Chris Hardy, Hiring Assistant, by email at [chris.hardy@harrang.com](mailto:chris.hardy@harrang.com) or by mail at 1001 SW 5th Ave. 16<sup>th</sup> Floor, Portland OR 97204. Equal Opportunity Employer.

#### Retiring from well-established solo practice.

Extensive clientele in various areas of practice. Located in Southwest Portland Metropolitan area. Willing to work in transition with lawyer purchasing and taking over practice. Some experience preferred. Please provide notice of interest and resume by email to [carol@mbabar.org](mailto:carol@mbabar.org), with **Blind Box 2015-1** in the subject line.

#### An AV Rated, Medium Size Law Firm

With a growing regional practice is seeking an Oregon licensed partner-track litigation

associate with a minimum of 5-7 years' experience in commercial, business and real estate litigation. The ideal candidate will have superior writing and analytical skills, the ability to attract and retain new clients, and be a self-starter who can work independently as the primary attorney handling litigation matters. The successful candidate will have deposition and courtroom experience; prior trial or arbitration work a plus but not required. This position offers the opportunity to grow one's practice in a collaborative working environment while gaining invaluable experience managing active cases to completion. To achieve a better work-life balance we employ a less demanding billable requirement. We also employ a bonus structure that incentivizes and rewards hard work and client generation. Qualified applicants should submit a resume and cover letter to [resumes@buckley-law.com](mailto:resumes@buckley-law.com). Inquiries will be kept confidential upon request.

#### Employment Litigation Associate

The Portland office of Fisher & Phillips LLP, a national labor and employment law firm representing management, seeks an associate with 2+ years of employment litigation experience. Candidates must possess excellent academic credentials as well as strong research, writing, and analytical skills. Must be admitted in Oregon. To apply, please submit a cover letter and resume to Meredith Bell, Associate Recruiting & Professional Development Coordinator, Fisher & Phillips LLP, via e-mail to [mbell@laborlawyers.com](mailto:mbell@laborlawyers.com). Equal Opportunity Employer.

#### Patent Associate

Stolowitz Ford Cowger LLP is currently seeking well qualified Associates to join our firm, located in Portland Oregon. Applicants having at least two years of patent prosecution experience, registered to practice before the USPTO, and holding a Bachelor of Science degree in Electrical Engineering or Computer Science, are encouraged to submit a resume and writing sample to Christine Pavlyk at [info@stofoco.com](mailto:info@stofoco.com).

#### Space Available

##### Law Office Space in S.E. Portland

Office available in two-office building - with conference room, kitchen, reception area and private parking - in Woodstock commercial district. Work assistant space available. Contact Diane Sykes at 503.504.7176.

#### Beaverton Attorney Office Building for Over 35 years on 2<sup>nd</sup> and Tucker

Individual offices available with building reception area, library/

conference room, amenities and parking. From \$400 to \$500 with one-year lease incentives. Work assistant spaces available. Three offices available on main floor. Ideal for small firm (2-3 attorneys). Six sole practitioners in building with some overflow/referral. Call Sheila or Bob at 503.641.7888.

#### Oregon City Office

John Henry Hingson III has an office available in his building at 409 Center St., Oregon City. Close to elevator; off-street parking; law library; conference room; share copier, fax, etc. with three other lawyers. 503.656.0355.

Learn about traditional and linked-benefit long term care plans for MBA members.



Call today

Mary Osborn, CLTC  
503.998.5902

Or email at:  
[mary.osborn@comcast.net](mailto:mary.osborn@comcast.net)  
to learn more.

MasterCare  
solutions

All We Do Is Long Term Care Insurance



Paralegals  
Legal Secretaries  
Receptionists  
Project Assistants  
File Clerks

TEMPORARY & PERMANENT PLACEMENT  
**LEGAL NORTHWEST**  
STAFFING SPECIALISTS

700 SW Taylor Floor 2  
Portland, Oregon 97205  
Tel 503-242-2514  
Fax 503-274-7895  
[www.legalnw.com](http://www.legalnw.com)  
[info@legalnw.com](mailto:info@legalnw.com)

OVER 300 LAW FIRMS RELY ON US  
STAFFING PARTNER TO THE

**mba**  
Multnomah Bar  
Association



**BATCHELOR**  
MEDIATION+ARBITRATION

**CREDIBILITY + JUDGMENT = RESOLUTION**

AN EFFECTIVE MEDIATOR NEEDS CREDIBILITY AND PROVEN GOOD JUDGMENT.

With Jeff Batchelor the math is simple:  
**Credibility plus judgment equals a successful mediation.**

Learn more at [www.batcheloradr.com](http://www.batcheloradr.com)



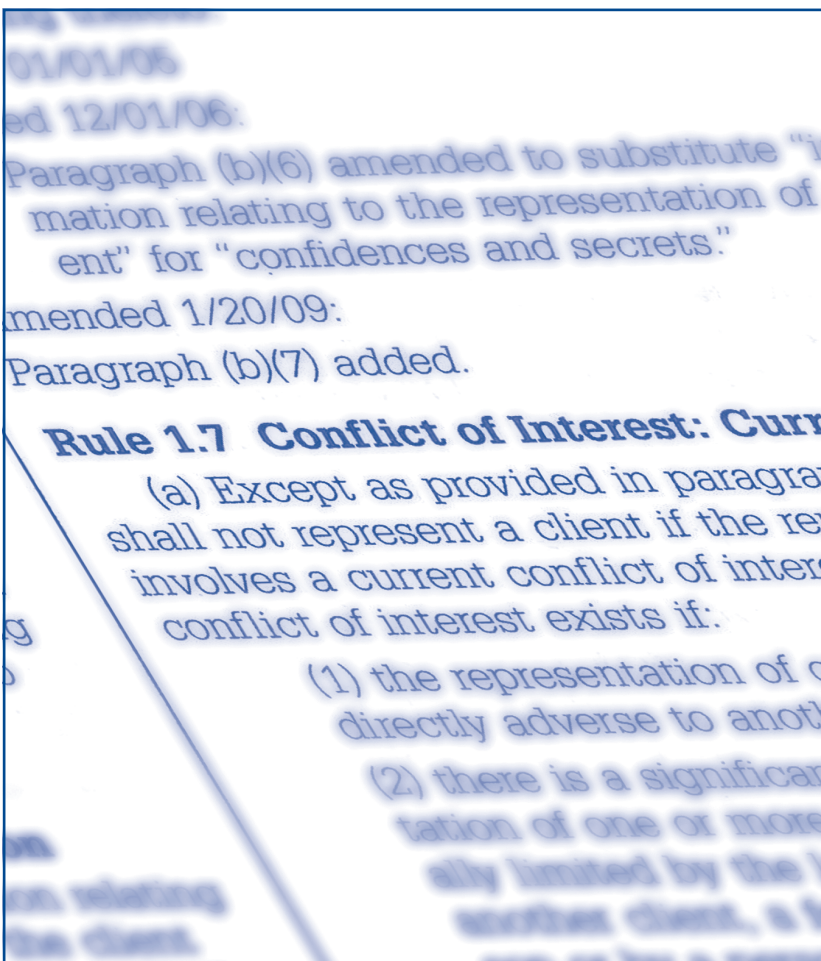
JEFF BATCHELOR  
1500 S.W. TAYLOR STREET  
PORTLAND, OREGON 97205  
503-219-2345  
JEFF@BATCHELORADR.COM  
BATCHELORADR.COM



Dwyer  
Mediation  
& Law

Michael Dwyer  
Lawyer of the Year  
Family Law Mediation  
Best Lawyers® 2015

[www.dwyermediate.com](http://www.dwyermediate.com) | 503-241-9456



# Conflicted?

We take your conflicts.  
Not your clients.

**STOLL BERNE**  
*the law firm that lawyers trust*

209 SW OAK ST. SUITE 500 | Tel. (503) 227-1600  
PORTLAND, OR 97204 | [www.stollberne.com](http://www.stollberne.com)

**PAYMENT PROCESSING,  
EXCLUSIVELY  
FOR ATTORNEYS.**

**mba** Multnomah Bar Association  
Proud Member Benefit Provider

1.95% per transaction | No swipe required | No equipment needed

## Helping law firms get paid.

It is critical for attorneys to handle credit card transactions correctly. IOLTA guidelines and the ABA Rules of Professional Conduct require attorneys to ethically accept credit cards. LawPay guarantees complete separation of earned and unearned fees, giving you the confidence and peace of mind that your transactions are always handled the right way.

[www.LawPay.com/mbabar](http://www.LawPay.com/mbabar) | 866.376.0950

**LAWPAY**  
CREDIT CARD PROCESSING

AffiniPay is a registered ISO/MSP of BMO Harris Bank, N.A., Chicago, IL

## Pro Bono Volunteers

Thanks to the following lawyers and law students who donated their pro bono services recently via the Volunteer Lawyers Project, the Senior Law Project, law firm clinics, the Oregon Law Center, the Nonprofit Project, St. Andrew Legal Clinic, Catholic Charities Immigration Legal Services, Lewis & Clark's Small Business Legal Clinic, Children's Representation Project, and Changing Lives Forever Project. To learn more about pro bono opportunities in Multnomah County, go to [www.mbabar.org](http://www.mbabar.org) and click on "About Us" and "Pro Bono."

Brett Carson • Bethany Coleman-Fire • Lisa Day • Nicole Deering • Paul Duden • Chris Edwardsen • Daniel Garner • James Geringer • David Gray • Dona Hippert • George Hoselton • John Huth • Jeremy James • Edward Johnson • Garry Kahn • Bret Knewton • William Kwitman • Mary Lang • Elizabeth Lemoine • Barbara Long • Tamara Maher • Riley Makin • Suzana Malek • Tim McNeil • Michael O'Brien • James O'Connor • Matthew Raeburn • Greg Roberson • Jeremy Roose • Joshua Ross • Craig Russell • Philip Schuster II • George Senft • Ian Simpson • Iayesha Smith • Anne Steiner • Todd Trierweiler • Evans Van Buren • Aaron Varhola • Jeremy Vermilyea • Lauren Walchli • Emery Wang • Peter Willcox-Jones • Dylan Woodbury • Michael Yates • Peter Willcox-Jones

# Justice • Service • Professionalism Education • Leadership

Values paramount to MBA members.  
Also values paramount to Bank of the Cascades in serving you.

Delivering customized banking for legal firms and professionals to maximize opportunities while minimizing risk. We welcome the opportunity to learn about your practice and provide financial solutions tailored to your needs.



**Elise Bouneff**  
SVP, Professional Banking Manager  
**Deanna Allred**  
Professional Banking Officer  
**Portland Business Banking Office (503)499-5931**  
888 SW Fifth Street, Suite 1000, Portland, Oregon 97204

Member FDIC

**Knoll Mediation**  
James L. Knoll, PC

Experience  
Integrity  
Solutions

*Can We Talk?*

**Mediation & Arbitration**

*Open the Door to the Right Solution*

503.222.9000      [www.knollmediation.com](http://www.knollmediation.com)

P

**PORTLAND ART MUSEUM**

Explore your art at the Rental Sales Gallery

Museum members can select from over 250 regional artists and an inventory of over 2,000 works in all media. Search the Rental Sales Gallery collection at [portlandartmuseum.org](http://portlandartmuseum.org).

For hours and assistance, phone 503-224-0674 or email [rentalsales@pam.org](mailto:rentalsales@pam.org).


Rental Sales Gallery • 1237 SW 10th Avenue

**TS NGAS**  
STRATEGIC PARTNERS IN ADVOCACY®

Portland      [www.tsongas.com](http://www.tsongas.com)      Seattle  
503-225-032      206-382-2121

CASE STRATEGY	ADR	WITNESS PREPARATION	COMMUNITY ATTITUDE	FOCUS GROUPS	TRIAL TECHNOLOGY
GRAPHICS	MOCK TRIAL	OPENING & CLOSING	JURY SELECTION	SHADOW JURY	POST TRIAL INTERVIEW

RESPECTED  
RESOURCEFUL  
REASONABLE



**Arbitration and Mediation**  
**Thomas W. Brown**

- Approved arbitrator for Arbitration Service of Portland
- Approved mediator for Oregon Court of Appeals Settlement Conference Program
- Member OSB Alternative Dispute Resolution Section, Executive Committee
- 2015 Best Lawyers' Portland-OR, Insurance Law, "Lawyer of the Year"
- 2014 Best Lawyers' Portland-OR, Appellate, "Lawyer of the Year"

**COSGRAVE VERGEER KESTER** LLP  
Attorneys

cosgravelaw.com • 503-323-9000  
500 Pioneer Tower • 888 SW Fifth Avenue • Portland, OR 97204

**Samuels Yoelin Kantor** LLP  
Attorneys At Law

Samuels Yoelin Kantor "banks" on new securities and fiduciary litigation team

Samuels Yoelin Kantor is pleased to announce that the Banks Law Office has joined the firm to expand services related to securities and fiduciary litigation.




Robert S. Banks, Jr. and Darlene Pasieczny focus on the recovery of investment losses for individual investors, groups, retirement funds, and pension plans throughout the country.

Partnering with businesses, entrepreneurs & families to ensure success since 1927.  
111 S.W. 5th Avenue | Suite 3800 | Portland, OR 97204 | 503.226.2966  
116 3rd Street | Suite 211 | Hood River, OR 97031 | 541.436.0777  
www.SamuelsLaw.com | www.InvestorDefenders.com

**Sam Imperati, JD**  
Mediator & Arbitrator

The Best Lawyers in America®  
Dispute Resolution  
2006 - 2015

35 Year Attorney  
23 Year ADR Practitioner

When your client needs a resolution



Institute for Conflict Management Inc.  503.244.1174  
samimperati@comcast.net  
www.mediate.com/icm

 **DAN GILROY DESIGN**  
Websites for Lawyers



Proudly serving members of the Multnomah Bar since 2004

WEB | MOBILE | PRINT | BRANDING  
dangilroy.com | 503.754.8167

Family law and estate planning expertise to guide your sure and stable future.

**Expertise**



**GEVURTZ MENASHE** Attorneys at Law  
FAMILY LAW • ESTATE PLANNING  
Peace of mind for all your tomorrows

OREGON | WASHINGTON  
503.227.1515 | 360.823.0410  
GevurtzMenashe.com

## MBA 2015 Mentor Program Kicks Off

The MBA Mentor Program, administered by the MBA Professionalism Committee, kicked off the year with a reception on January 12. Thirty-

four 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 Mark Johnson Roberts, the 2014 MBA Professionalism Award recipient.

Once again 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.



*Nedu Nweze and Ernest Warren*



*Kristin Jordan and Xin Xu*

Every deal, every regulation and every piece of litigation that touches your organization represents a possibility as well as a pitfall. That's where you come in.

As compliance watchdog, asset protector, risk mitigator and business strategy advisor for your organization, you and your team need access to a broad range of authoritative legal, news and business information—as well as the analytical tools to help you make sense of it all.

Evolving to keep pace with today's legal needs and tomorrow's challenges, the new **Lexis Advance**<sup>®</sup> platform is your best place to start.

Learn more at [lexisnexis.com/advance](http://lexisnexis.com/advance).

#BeUnprecedented



**I DON'T JUST MANAGE RISK. I TURN IT INTO OPPORTUNITY.**

