



# MULTNOMAH LAWYER

April 2017  
Volume 63, Number 4



## Fixing a Hole: The New Courthouse is Becoming a Reality

by Thomas C. Sand  
MBA President

Have you seen the giant hole in the ground at the west end of the Hawthorne Bridge? To me, it is a beautiful sight. It means that the process of building a new central courthouse has begun. It is becoming a reality at last.

Don't get me wrong: I love the original courthouse at Fourth and Main. I tried my first case there nearly 40 years ago. Little did I know, at that time, that discussions had already begun about replacing the courthouse. Even then, it was unsafe and outdated.

Built more than a century ago, the central courthouse comes nowhere near meeting current seismic codes. Its unreinforced masonry walls mean that the courthouse has a safety ranking of "poor." Space limitations also create regular safety concerns for court personnel, crime victims, witnesses, and the general public because in-custody criminal defendants in shackles share the public pathways.

There are many other functional difficulties, including the lack of a secure vehicle pickup and drop-off area for individuals in custody. And the building certainly cannot comply with the standards of the Americans with Disabilities Act. This is not to mention the fact that the county's population has tripled since the original central courthouse was constructed. Nearly 100,000 citizens per year receive a jury summons compelling them to appear in our courthouse in addition to the hundreds of courthouse staff members, judges, and lawyers who work there every day.

The new courthouse design is extraordinary. The building will be 17 stories high and include 44 courtrooms and multiple private meeting rooms for lawyers to confer with clients and witnesses. There will finally be adequate space for CourtCare. The courtrooms will meet the technology needs of 21st century litigation. And the courthouse will be energy efficient. The entire building will be powered by solar panels and radiant heat with enough left over to raise and lower the Hawthorne Bridge.

Of course, this project isn't cheap. Currently, estimates are that it will cost approximately \$300 million. This is where we need your help. Budget hearings are just underway in the legislature for the Oregon Judicial Department. As all of you have no doubt heard, a \$1.8 billion shortfall is projected for the state's budget. The county has already committed a significant portion of its matching share of the project cost, and the legislature has shown a strong commitment to the project. The chief justice, in OJD's budget, is requesting that the legislature approve bond funding in the amount of \$92.6 million for construction of the courthouse as well as \$8.9 million for technology and fixtures that need to be wired into the building during construction. The new courthouse is the top legislative

**The new courthouse...  
will be 17 stories  
high and include 44  
courtrooms....**



New courthouse rendering

priority for the county, and Deborah Kafoury, Chair of the Board of County Commissioners, Presiding Judge Nan Waller, and Trial Court Administrator Barb Marcille have been actively working to secure the funding requests. Please reach out to your legislative representatives and encourage your clients and friends to do the same by mail, email, or telephone or in person to reinforce the need to complete funding of this crucial project.

Additionally, please add your thanks to the gratitude expressed previously by the MBA to the many leaders who have helped get us this far. They include Multnomah County Commission Chair Deborah Kafoury, Commissioner Judy Shiprack, House Majority Leader Jennifer Williamson, Senator Richard Devlin, Senate President Peter Courtney, and House Speaker Tina Kotek. We also owe a huge thank you to Presiding Judge Nan Waller and Judge Eric Dahlin for their tireless efforts on behalf of our new courthouse.

In the meantime, you can visit the project website at [www.multco.us/central-courthouse](http://www.multco.us/central-courthouse) for updated information on the status of the project, answers to frequently asked questions, and a very cool animated video that shows the four-year construction sequence in one minute.

Building the new courthouse is one of the top three priorities of your MBA board, and we intend to do everything we can to help see it through to completion. For me, the next time I hear The Beatles song "Fixing a Hole," an entirely different image will come to my mind than the first time I heard it in 1967. Let's work together to fill in the hole with a safe, efficient, functional, and beautiful courthouse that will stand as a beacon for justice to the entire community.

## mbarCLE

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

### APRIL

**4.12 Wednesday**  
**Taking Some Sticks from the Property Rights Bundle**  
Laurie Hager

**4.13 Thursday**  
**Business Valuations & Financial Forensics: Why & How**  
Darrell Dorrell  
Gregory Gadawski  
Julie Vacura

**4.19 Wednesday**  
**Appellate Practice: What Every Trial Attorney Needs to Know**  
Shenoa Payne  
Julene M. Quinn

**4.20 Thursday**  
**What Every Lawyer Should Know About Driving Under the Influence Intoxicant Cases**  
David Eder  
Mae Lee Browning

### MAY

**5.2 Tuesday**  
**How Jurors REALLY Think: A Live Focus Group Evaluates a Personal Injury Case**  
Jeffrey Boyd

**5.3 Wednesday**  
**Bond and Lien Law in Oregon**  
William Fig

**5.23 Tuesday**  
**Annual Probate Update**  
Judge Robert Herndon  
Judge Katherine Tennyson  
Judge Janelle Wipper  
Sibylle Baer

**5.30 Tuesday**  
**Litigating in the Public Eye**  
Stephen English  
Liz Fuller  
Lisa Ludwig  
Jeff Manning

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## Multnomah Bar Association Annual Meeting, Dinner & Judges Reception

Tuesday, May 16  
5-8 p.m.

Portland Marriott Downtown Waterfront  
1401 SW Naito Parkway

*Celebrating the profession and  
recognizing our colleagues*

**Professionalism Award Recipient**  
Jane Paulson

**MBA Diversity Award**  
Aruna A. Masih

**MBA Awards of Merit**  
Heather W. Decker • Emilee S. Preble

**YLS Award of Merit**  
Jason Pierson

**YLS Rookie of the Year**  
Kevin T. Stokes

**Pro Bono Awards**  
Amanda M. Bruen • Gwendolyn Griffith • Riley M. Makin

Register by May 9.  
Invitations have been mailed separately.

## MBA Board of Directors

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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

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The Solo & Small Firm Committee presents

## ENGAGEMENT AGREEMENTS

Wednesday, April 12  
12-1:30 p.m.

Hotel Monaco, 506 SW Washington, Portland

Registrants are encouraged to submit (redacted) copies of their engagement agreements prior to the workshop, where the participants will discuss a variety of potential options for utilizing best practices in documenting your understandings and agreements with potential clients, properly setting up expectations, and ultimately paving the way for solo and small firm lawyers to worry about the things they should be worried about: practicing law. Featuring solo attorney **Robert Nunn**, former business and litigation partner at Sussman Shank, **Samuel Kauffman**, criminal defense attorney at Kauffman Kilberg LLC, and **Ben Cox**, plaintiff's personal injury and insurance litigation attorney, the workshop will bring together a broad spectrum of experience and expertise from a range of subject areas and practice backgrounds and team them with your solo and small firm's most important resource: you.

Lunch is provided. The MBA will apply for one hour of general CLE credit.

Cost: \$20 members/\$60 non-members.

The Solo & Small Firm Committee presents

## LAWYER AS EMPLOYER: KEY LEGAL OBLIGATIONS AND COMMON PITFALLS TO AVOID

Thursday, May 11  
12-1:30 p.m.

Hotel Monaco, 506 SW Washington, Portland

Learn about common pitfalls that small firms and solo practitioners face when they bring staff or attorneys on to help. Ask burning questions based upon situations that you've encountered in your practice. **Iayasha Smith**, solo practitioner, and **Alex Trauman** of Motschenbacher & Blattner, both of whom advise small business and represent both employees and employers in employment disputes, will lead the discussion and members are encouraged to share challenges that they've experienced when taking on the role of employer.

Lunch is provided. The MBA will apply for one hour of general CLE credit.

Cost: \$20 members/\$60 non-members.

# Calendar

## APRIL

10 Monday  
May *Multnomah Lawyer* deadline

12 Wednesday  
Solo & Small Firm Workshop: Engagement Agreements

13 Thursday  
Judicial Brown Bag CLE: Pro Se Litigants  
RSVP to [pamela@mbabar.org](mailto:pamela@mbabar.org)

21 Friday  
Professionalism Panel: Practicing Diversity

26 Wednesday  
Administrative Professionals Day

Classroom Law Project Legal Citizen of the Year Award Dinner and Benefit  
[www.classroomlaw.org](http://www.classroomlaw.org)

3 Wednesday  
East County Social  
RSVP to [pamela@mbabar.org](mailto:pamela@mbabar.org)

4 Thursday  
YOUthFILM Screening

10 Wednesday  
June *Multnomah Lawyer* deadline

11 Thursday  
Solo & Small Firm Workshop: Lawyer as Employer

15 Monday  
Youth, Rights & Justice, The Justice Luncheon  
[www.youthrightsjustice.org](http://www.youthrightsjustice.org)

16 Tuesday  
MBA Annual Meeting & Dinner  
[www.mbabar.org](http://www.mbabar.org)

18 Thursday  
Tillicum Gathering  
[www.mbabar.org](http://www.mbabar.org)

19 Friday  
MBA and YLS Committee Volunteer Forms due  
[www.mbabar.org](http://www.mbabar.org)

29 Monday  
Memorial Day Holiday

## MAY

1 Monday  
CourtCare Campaign begins

## SHARE YOUR LATEST MOVES, PORTLAND LEGAL COMMUNITY



As a free service to our members, the Around the Bar column of the *Multnomah Lawyer* newsletter is the way to share with colleagues your transitions, promotions and other honors within the profession. **All MBA members are invited to participate.**

Submissions (including text and a photo) can be sent to [mba@mbabar.org](mailto:mba@mbabar.org).





The MBA will apply for 2 hours of general OSB MCLE credits unless otherwise noted; 2 Washington credits may be obtained independently. Registrants who miss the seminar may request the written materials. Substitutions are welcome. Registration fees are non-refundable.

Unless otherwise noted, all classes are held at the World Trade Center, 26 SW Salmon, Portland.

### Taking Some Sticks from the Property Rights Bundle: Adverse Possession, Prescriptive Easements, and Other Real Property Encumbrances

Wednesday, April 12, 2017 - 3-5 p.m.

World Trade Center, Mezzanine

Members \$60/Non-Members \$95

Litigator **Laurie Hager**, a partner in Sussman Shank LLP's Real Estate and Construction practice groups, will discuss Oregon law on hidden encumbrances that may impact real property rights. This presentation will focus on the rules, historical developments, and recent case law on adverse possession and prescriptive easements. This class is a must-attend for transactional and litigation attorneys who represent developers or whose practices involve real property issues.

**For more information:** Contact Kristen Hilton, Sussman Shank at 503.243.1654. For registration questions, contact the MBA at 503.222.3275.

### Business Valuations & Financial Forensics: Why & How

Thursday, April 13, 2017 - 3-5 p.m.

World Trade Center, Plaza Room

Members \$60/Non-Members \$95

Valuations and financial statements "confess" their reliability to anyone who knows how to ask the right questions. This CLE will cover the tools and techniques essential for financial records analysis. Join **Julie Vacura**, Larkins Vacura Kayser and **Gregory Gadowski** and **Darrell Dorrell**, CPAs and principals of Financial Forensics for this informative class.

**For more information:** Contact Bridget Donegan, Larkins Vacura Kayser LLP at 503.542.3107 54. For registration questions, contact the MBA at 503.222.3275.

### Appellate Practice: What Every Trial Attorney Needs to Know

Wednesday, April 19, 2017 - 2:30-4:30 p.m.

World Trade Center, Mezzanine

Members \$60/Non-Members \$95

This seminar will cover appellate practice tips, tricks and pitfalls that trial attorneys should consider in their pre-appeal and appellate practice. This seminar will address considerations in whether to appeal, preserving issues for appeal, working with co-counsel and when to retain appellate counsel, briefing, spotting procedural problems with the other side's appellate arguments, and preparing for and conducting oral argument. It will cover appellate practice in multiple forums and differences a practitioner may encounter. The speakers will field questions related to appellate practice and procedure. **Shenoa Payne**, Attorney at Law, provides general civil litigation and appellate practice consultation for trial attorneys, helping to navigate the complex legal issues in all stages of the case, from pre-filing, motions practice, preservation of issues for appeal, trial motions and support, and attorney fee petitions. **Julene M. Quinn**, of Julene M Quinn LLC, specializes in appellate practice.

**For more information:** Contact Jovanna Patrick, Hollander Lebenbaum & Gannicott at 503.222.2408. For registration questions, contact the MBA at 503.222.3275.

### What Every Lawyer Should Know About Driving Under the Influence Intoxicant Cases

Thursday, April 20, 2017 - 3-5 p.m.

World Trade Center, Plaza Room

Members \$60/Non-Members \$95

Presenters **David Eder**, Thuemmel Uhle & Eder and **Mae Lee Browning**, Cohen & Browning will cover the DUII investigative procedure for alcohol and drugs. Additionally, the course will focus on what to say if you get a phone call in the middle of the night asking for legal advice from someone arrested for a DUII, important timelines and great information for anyone who might have a drink and then get behind the wheel.

**For more information:** Contact Karen Thompson, Attorney at Law at 971.340.0963. For registration questions, contact the MBA at 503.222.3275.

### How Jurors REALLY Think: A Live Focus Group Evaluates a Personal Injury Case

Tuesday, May 2, 2017 - 3-5 p.m.

World Trade Center, Mezzanine

Members \$75/Non-Members \$120

This class will be a live demonstration of a focus group in a car wreck personal injury case.

**Jeffrey Boyd**, President of Boyd Trial Consulting, and a member of Nelson Boyd, PLLC, will present the evidence, arguments, and law to a group of "real" people – non-lawyers who could be jurors someday. The goal is to get the jurors' feedback on the many aspects of the case, so that the lawyers in attendance can see and hear how real people think about the issues in a typical case. The jurors will be presented with the facts and law of a typical car crash personal injury case. Hear and see how real people process and talk about the facts and the law.

Throughout the course of his career, Jeff has tried over 100 civil jury trials and has served as a trial consultant for over 19 years in hundreds of cases, including many throughout Oregon.

**For more information:** Contact Cynthia Newton, Thomas Coon Newton & Frost at 503.228.5222. For registration questions, contact the MBA at 503.222.3275.

### Bond and Lien Law in Oregon

Wednesday, May 3, 2017 - 3-5 p.m.

World Trade Center, Mezzanine

Members \$60/Non-Members \$95

Join us for a primer on Oregon bond and lien law, with a brief comparison of Oregon to Washington. **William Fig**, Sussman Shank, is presenting this class intended for attorneys who practice in the areas of construction and real estate.

**For more information:** Contact Kristen Hilton, Sussman Shank at 503.243.1654. For registration questions, contact the MBA at 503.222.3275.

### Annual Probate Update

Tuesday, May 23, 2017 - 3-5 p.m.

World Trade Center, Auditorium

Members \$60/Non-Members \$95

The MBA presents the 2017 Annual Probate Update, featuring **Judge Janelle Wipper**, Washington County; **Judge Robert Herndon**, Clackamas County; **Judge Katherine Tennyson**, Multnomah County County; and **Sibylle Baer**, Cartwright Baer Johansson PC. Ms. Baer will provide an update of recent case law and legislation. The judges and staff will discuss current practices and procedures in the metro area. This CLE is a must for all probate practitioners and/or their staff.

**For more information:** Contact Mindy Stannard, McKean Smith at 503.567.7967. For registration questions, contact the MBA at 503.222.3275.

### Litigating in the Public Eye

Tuesday, May 30, 2017 - 3-5 p.m.

World Trade Center, Mezzanine

Members \$60/Non-Members \$95

Welcome to the new world of instant news...worthy or not. When our cases end up attracting media attention (whether we want them to or not), attorneys need to know how to deal with media and public relations issues. Join attorneys **Stephen English**, Perkins Coie and **Lisa Ludwig**, Ludwig Runstein LLC, public relations professional **Liz Fuller** of Gard Communications, and Oregonian reporter **Jeff Manning** to discuss responding to public attention in ways that protect and advance our clients' interests.

**For more information:** Contact Kevin Sali, Kevin Sali LLC at 503.329.3598. For registration questions, contact the MBA at 503.222.3275.

## CLE BOGO

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

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

Contact Shannon West at [shannon@mbabar.org](mailto:shannon@mbabar.org) or 503.222.3275 to add your mentee to the registration list.

To register for these classes, see page 4.

**Clackamas and Washington County Court Updates**

Wednesday, May 31, 2017 - 3-5 p.m.

World Trade Center, Mezzanine

Members \$60/Non-Members \$95

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

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

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

**For more information:** Contact Terry Wright, Willamette College of Law at 503.375.5431. For registration questions, contact the MBA at 503.222.3275.

**Early Dispute Resolution for Business Lawyers**

Thursday, June 1, 2017 - 3-5 p.m.

World Trade Center, Mezzanine

Members \$60/Non-Members \$95

Learn strategies to effectively and efficiently resolve business disputes before costly litigation is the only choice. **Shannon Armstrong**, shareholder at Markowitz Herbold, and **Nicholas Henderson**, partner at Motschenbacher & Blattner LLP, will discuss how to conduct an early dispute assessment, how to prepare and respond effectively to demand letters, negotiation techniques, pre-litigation strategies, recognizing when to involve a litigator, and how to work effectively with litigation counsel.

**For more information:** Contact Jovanna Patrick, Hollander Lebenbaum & Gannicott at 503.222.2408. For registration questions, contact the MBA at 503.222.3275.

**Visual Presentations in the Courtroom: How to Use the Simplicity of an iPad to Transform How You Try Cases**

Tuesday, June 13, 2017 - 3-5 p.m.

World Trade Center, Flags Room

Members \$60/Non-Members \$95

The iPad has revolutionized the practice of law for those attorneys willing to discover its vast potential, not only for use in trial but also for improving productivity in the office, at home, and on the road. This two-hour presentation will show how the following four key apps can be used in the courtroom:

- Keynote, the ideal app for opening statements and closing arguments
- TrialPad, an extremely easy-to-use app for presenting exhibits to a jury
- DocumentPad, a handy app that allows simultaneous word searches of multiple records
- TranscriptPad, an extremely useful app that allows you to create “issue codes” for depositions or “daily transcripts,” and to do simultaneous word searches of multiple transcripts

The simplicity of the iPad and of these apps now make it possible for any attorney to organize and present information in an electronic format, with no additional costs or payments to outside vendors. In addition, this presentation will explore the emerging science of visual communications.

This two-hour presentation will be led by attorney **Kelly L. Andersen**, of Medford, who speaks on this topic regularly. Mr. Andersen has been practicing law in Oregon since 1979. In 2014 the Oregon Trial Lawyers Association named Mr. Andersen its Distinguished Trial Lawyer of the Year.

**For more information:** Call Kyle Dukelow, Law Office of Kyle B. Dukelow at 503.288.1992. For registration questions, contact the MBA at 503.222.3275.

*Photocopy, complete and mail or fax the registration form with payment to the MBA to reserve your space. Self-study materials from past CLE classes may be downloaded at [www.mbar.org](http://www.mbar.org).*

**CLE Registration Form**

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**Payment Options:**

- Check    VISA    MasterCard  
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*Registration forms with payment must be received in the MBA office by 3 p.m. the day before the seminar. 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.mbar.org](http://www.mbar.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.*

**4/12 Taking Some Sticks from the Property Rights Bundle: Adverse Possession, Prescriptive Easements, and Other Real Property Encumbrances**

- Class Registration (\$60 Members/\$95 Non) .....\$ \_\_\_\_\_  
 CD-ROM & Written Materials (\$60 Members/\$95 Non) ..\$ \_\_\_\_\_

**4/13 Business Valuations & Financial Forensics: Why & How**

- Class Registration (\$60 Members/\$95 Non) .....\$ \_\_\_\_\_  
 CD-ROM & Written Materials (\$60 Members/\$95 Non) ..\$ \_\_\_\_\_

**4/19 Appellate Practice: What Every Trial Attorney Needs to Know**

- Class Registration (\$60 Members/\$95 Non) .....\$ \_\_\_\_\_  
 CD-ROM & Written Materials (\$60 Members/\$95 Non) ..\$ \_\_\_\_\_

**4/20 What Every Lawyer Should Know About Driving Under the Influence Intoxicant Cases**

- Class Registration (\$60 Members/\$95 Non) .....\$ \_\_\_\_\_  
 CD-ROM & Written Materials (\$60 Members/\$95 Non) ..\$ \_\_\_\_\_

**5/2 How Jurors REALLY Think: A Live Focus Group Evaluates a Personal Injury Case**

- Class Registration (\$75 Members/\$120 Non) .....\$ \_\_\_\_\_  
 CD-ROM & Written Materials (\$75 Members/\$120 Non) ..\$ \_\_\_\_\_

**5/3 Bond and Lien Law in Oregon**

- Class Registration (\$60 Members/\$95 Non) .....\$ \_\_\_\_\_  
 CD-ROM & Written Materials (\$60 Members/\$95 Non) ..\$ \_\_\_\_\_

**5/23 Annual Probate Update**

- Class Registration (\$60 Members/\$95 Non) .....\$ \_\_\_\_\_  
 CD-ROM & Written Materials (\$60 Members/\$95 Non) ..\$ \_\_\_\_\_

**5/30 Litigating in the Public Eye**

- Class Registration (\$60 Members/\$95 Non) .....\$ \_\_\_\_\_  
 CD-ROM & Written Materials (\$60 Members/\$95 Non) ..\$ \_\_\_\_\_

**5/31 Clackamas and Washington County Court Updates**

- Class Registration (\$60 Members/\$95 Non) .....\$ \_\_\_\_\_  
 CD-ROM & Written Materials (\$60 Members/\$95 Non) ..\$ \_\_\_\_\_

**6/1 Early Dispute Resolution for Business Lawyers**

- Class Registration (\$60 Members/\$95 Non) .....\$ \_\_\_\_\_  
 CD-ROM & Written Materials (\$60 Members/\$95 Non) ..\$ \_\_\_\_\_

**6/13 Visual Presentations in the Courtroom**

- Class Registration (\$60 Members/\$95 Non) .....\$ \_\_\_\_\_  
 CD-ROM & Written Materials (\$60 Members/\$95 Non) ..\$ \_\_\_\_\_

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

Partners acting fishy?

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**503-515-1621**

**Announcement**

**Baldwin Dispute Resolution**  
Now Scheduling Arbitrations & Mediations

**Richard C. Baldwin**  
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Trial Judge & Trial Attorney

Phone: 503-545-0304  
Email: baldwinresolve@gmail.com

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503.380.5730

## mba | ANNOUNCEMENTS

### MBA Bar Fellows Program Seeking Corporate and Law Firm Sponsors

The MBA is seeking corporate and law firm sponsors for its new Bar Fellows Program, which will increase the diversity of the legal community in Multnomah County by supporting a group of diverse University of Oregon and Lewis & Clark law students. As Multnomah Bar Fellows, the students will receive financial support, mentoring, and summer internship opportunities. The program's goal is to foster a new generation of excellent lawyers who will enhance the diversity of our legal community. Learn more at [www.mbabar.org](http://www.mbabar.org) or contact Emily Teplin Fox ([efox@oregonlawcenter.org](mailto:efox@oregonlawcenter.org), 503.473.8314). Respond by May 1 with your interest in this program.

### Free CLE Webcast for MBA Members

The video webcast of the seminar "Representing Incapacitated Clients" is available in the Members Center at [www.mbabar.org](http://www.mbabar.org). The webcast is approved for one hour of ethics and one hour of general OSB MCLE credit.

MBA members receive access to a rotating selection of six different CLE seminars each year - a \$360 value.

### Take a Matter that Matters

Sign the MBA Pro Bono pledge at [www.mbabar.org/about-us/pro-bono.html](http://www.mbabar.org/about-us/pro-bono.html) and commit to taking at least one pro bono case this year.

### Statement of Diversity Principles Available to Sign

The MBA Equality & Diversity Committee invites you to sign the Statement of Diversity Principles. Read and sign the diversity statement and pledge at [www.mbabar.org/about-us/diversity.html](http://www.mbabar.org/about-us/diversity.html).

### Noon Time Rides

Short fast rides with hills. Meet at SW corner of Pioneer Courthouse Square (Yamhill & Broadway) between noon and 12:10 p.m., Monday and Thursday. Contact: Ray Thomas 503.228.5222 with questions, or meet at start.

## Free Event Publicity

The MBA website includes a unique feature: the ability for law-related organizations and nonprofits to add their social events to the MBA online calendar.

The MBA offers other organizations the ability to access our online calendar in order to provide **one** site where all law-related events can be listed to help prevent conflicts.

Please consider adding your social events to the MBA online calendar at the following link: <http://mbabar.org/Calendar/SubmitAnEvent.html>. Or, you may contact the MBA at [mba@mbabar.org](mailto:mba@mbabar.org) to add your item to the calendar.



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

*Please see the form in this issue of the Multnomah Lawyer and at [www.mbabar.org](http://www.mbabar.org) to volunteer for a committee.*

### Volunteering Rewards

Meeting new people and expanding perspectives are two of the reasons members cite for serving on committees. When you join a committee, you become part of a team of your colleagues. As you contribute to the work of the committee, you also learn from other members. Together, our volunteers provide valuable service to the legal community. Most committees meet once a month from September through May, for one hour.

### Descriptions for MBA Committees

#### CLE:

Plan, conduct and evaluate 35 to 40 CLE seminars, focusing on members' primary areas of practice.

#### Court Liaison:

Foster constructive dialogue with the Multnomah County Circuit Court presiding judge and court administrator with regard to current practices, or to rules or procedural changes before they are implemented by the court.

#### CourtCare:

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

#### Equality & Diversity:

Foster and expand diversity, inclusion and equality in the MBA and Multnomah County legal community and create and strengthen a relationship of mutual support between the MBA and diverse bar organizations. The committee also administers the LSAT Prep Course Scholarship and the Diversity Award screening and selection process.

**Events:** Plan social and networking events, including fundraising events.

#### Judicial Screening:

Review applications of pro tem and judicial appointment candidates confidentially, and report recommendations as called for by the MBA Board-approved process.

#### Membership:

Create and promote programs that benefit and support MBA members.

#### Professionalism:

Promote principles of professionalism within the Multnomah County bar, through the Corner Office column, Professionalism Statement, mentor program and professionalism training programs. The committee also administers the Professionalism Award screening and selection process.

#### Solo/Small Firm:

Implement programs and services that are of value to small firms and solo practitioners.

#### VLP Golf:

Plan and conduct the MBA Championship and at least one additional golf event, which benefit the Volunteer Lawyers Project at LASO.

#### Descriptions for YLS Committees

##### YLS CLE:

Organize 27+ MCLE-accredited seminars, with content intended specifically for newer attorneys. Provide additional professional and career development seminars for the YLS membership.

##### YLS Membership:

Assist in recruitment and involvement of MBA young lawyer members, to improve member participation in the YLS, and to organize a variety of networking activities for YLS members.

##### YLS Pro Bono:

Provide leadership and professional development opportunities for young lawyers in pro bono work. Administer the local Wills for Heroes Foundation clinic, providing estate planning services to first responders.

##### YLS Service to the Public:

Provide programs to engage young lawyers in community outreach activities that educate the public about the legal system, the positive role of attorneys in society, and the legal resources available to the community.

## mba MEMBER BENEFIT

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**Ethics Focus**

**Reciprocal Discipline North and South of the Columbia**

by Mark J. Fucile  
Fucile & Reising LLP



Many Oregon and Washington lawyers today are licensed in both states. The relative ease of cross-border admission provides an opportunity for lawyers to practice seamlessly on both sides of the Columbia. At the same time, the increase in cross-border admission has also increased the frequency of reciprocal discipline. Under their respective versions of RPC 8.5(a), the disciplinary authority of the Oregon and Washington Supreme Courts extends to licensee conduct wherever it occurs. This is by no means novel - with both the Oregon and Washington formulations of RPC 8.5(a) patterned on their ABA Model Rule counterpart.

**Oregon RPC 8.1(b) requires OSB members to report at the beginning of any disciplinary proceeding against them....**

In this column, we'll look at two central facets of reciprocal discipline for lawyers practicing in Oregon and Washington. First, we'll survey the reporting requirements in each state. We'll then turn to the mechanics of reciprocal discipline in Oregon and Washington.

**Reporting**

Although reciprocal discipline procedures in Oregon and Washington share many common traits, there is one key area where they differ significantly: the timing of the duty to report.

Oregon RPC 8.1(b) requires OSB members to report at the beginning of any disciplinary

proceeding against them regardless of the eventual outcome: "A lawyer admitted to practice in this state shall, within 30 days after receiving notice thereof, report in writing to the disciplinary counsel of the Oregon State Bar the commencement against the lawyer of any disciplinary proceeding in any other jurisdiction."

By contrast, Washington Rule for the Enforcement of Lawyer Conduct 9.2(a) requires WSBA members to report at the end of any disciplinary proceeding against them but only if they have been sanctioned:

"Within 30 days of being publicly disciplined . . . a lawyer admitted to practice in this state must inform disciplinary counsel of the discipline[.]"

**Mechanics**

Reciprocal discipline procedure is governed, respectively, by Oregon Bar Rule of Procedure 3.5 and Washington ELC 9.2. The former is available on the OSB website and the latter is posted on the Washington courts' website.

In Oregon, when discipline has been imposed in another jurisdiction against an Oregon lawyer, the OSB Disciplinary Counsel notifies both the State Professional Responsibility Board and the Supreme Court. The Bar then files the disciplinary sanction from the other state with the Supreme Court along with the SPRB's recommendation for discipline in Oregon. The lawyer has the right to contest the imposition of reciprocal discipline, but that right is tightly circumscribed to two questions: (a) was the lawyer afforded notice and the opportunity to be heard in the other jurisdiction? and (b) should the Supreme Court impose discipline in Oregon? Under BR 3.5(e), the Supreme Court has the discretion to: (a) issue a decision based on the paper record; (b) order briefing and oral argument; or (c) refer the case to the Disciplinary Board for a hearing limited to the two questions noted above.

In Washington, when discipline has been imposed in another jurisdiction against a Washington lawyer, the WSBA Disciplinary Counsel files the disciplinary sanction from the other state with the Supreme Court. The Supreme Court then issues an order to the lawyer involved to show cause why the same discipline should not be imposed in Washington. At that point, either the WSBA or

the lawyer can challenge the imposition of identical discipline in Washington. The challenge can be based either on the lack of procedural due process in the other jurisdiction or that a different outcome would be appropriate under Washington standards. Although the Supreme Court has the option to refer the matter for further proceedings or a hearing, the most common outcome is a decision on the existing paper record.

Absent the unusual circumstance of a due process challenge and an accompanying hearing on that issue, the facts underlying the discipline in the first venue may not be re-litigated in either state under, respectively, Oregon BR 3.5(b) and Washington ELC 9.2(f). Although the most common

**...the facts underlying the discipline in the first venue may not be re-litigated in either state....**

scenario in both states is to impose the same discipline as the first jurisdiction, both the Oregon and Washington rules contemplate exceptions. As the Oregon Supreme Court put it in *In re Lopez*, 350 Or 192, 198, 252 P3d 312 (2011):

"In reciprocal discipline cases, this court has an independent obligation to determine the sanction merited by a lawyer's violation of this state's professional rules. . . . As a factual matter, this court frequently has found that the sanction that another jurisdiction has imposed is sufficient to vindicate Oregon's interests. We are, however, free to impose a different sanction, if appropriate, and on occasion have done so."

The Oregon Supreme Court has, for example, on occasion increased the sanction (*see, e.g., In re Page*, 326 Or 572, 955 P2d 239 (1998) (30-day suspension followed public reprimand in Washington)) and on other occasions decreased the sanction (*see, e.g., In re Coggins*, 338 Or 480, 111 P3d 1119 (2005)) (Oregon Supreme Court declined to impose reciprocal discipline on a lawyer reprimanded by the Tenth Circuit)).

Again in both states, the disciplinary counsel are not precluded from bringing direct charges against the lawyer involved rather than handling the conduct at issue as a matter of reciprocal discipline under, respectively, BR 3.5(j) in Oregon and *In re Immelt*, 119 Wn2d 369, 831 P2d 736 (1992), in Washington.

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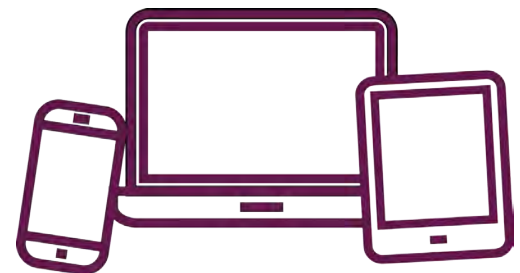
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## Around the Bar



Cynthia Fraser

### Garvey Schubert Barer

Garvey Schubert Barer owner **Cynthia Fraser** has been elected for a third term to the Project Lemonade Board. Cynthia is a founding board member of Project Lemonade, a nonprofit organization serving foster youth. Since 2012, Project Lemonade has helped over 8,000 foster youth by providing free clothing, shoes and backpacks for school. Fraser's practice focuses on eminent domain and property tax appeal litigation. Additionally, she mediates and arbitrates cases and serves on the Multnomah County Arbitration Commission.



Sam Fullhart

### Tonkon Torp

Tonkon Torp attorney **Sam Fullhart** has been elected to the Board of Directors for Youth, Rights & Justice (YRJ), a not-for-profit law firm that provides children and families in Oregon with legal representation and advocacy in the courts, legislature, schools and community. Fullhart, an associate in Tonkon Torp's Business Department, supports the services YRJ provides to children and youth in foster care who are abused, neglected or in trouble; students who face challenges at school; and parents who need help keeping their families intact.

Tonkon Torp has a long history of attorneys providing board and pro bono service with YRJ. In addition, YRJ collaborates with Tonkon Torp on the firm's Changing Lives Forever (CLiF) program.

### Tomasi Salyer Martin

The Portland Chapter of the Women of Wind Energy (WoWE) elected **Jennifer M. Bragar** as its 2016 President. WoWE is a nationwide organization that supports women in the renewable energy sector - from wind and solar to wave energy. The group is comprised of engineers, technicians, permitting experts, lawyers, ecologists and biologists



Jennifer Bragar

and their supportive other gender allies. The local chapter offers networking opportunities throughout the year, as well as educational activities focused on current events affecting the renewable energy sector, including endangered species issues, a transmission series, and energy storage series. Bragar is a partner at Tomasi Salyer Martin where she practices land use, environmental, and real estate law.



Andrew Narus

### Barran Liebman

Barran Liebman is pleased to welcome **Andrew Narus** to the firm. Narus advises and represents private and public entities of all sizes and industries, including higher education institutions, on a wide variety of employment issues and litigation. Narus' experience includes clerking for the Oregon Court of Appeals and serving as a Wayne Morse Summer Fellow for U.S. Senator Ron Wyden, where he collaborated with senate staff and interest groups on federal policy.



Brittany Simpson

### Markowitz Herbold PC

Portland business litigation firm Markowitz Herbold PC announced today that **Brittany Simpson** and **Janna Giesbrecht-McKee** have joined the firm as associates, **Chad Naso** has joined the firm as Of Counsel, and **Stephen Deatherage** has received the Silver Beaver Award, the highest honor a local Boy Scout council can bestow on a volunteer peer mentor.



Janna Giesbrecht-McKee



Chad Naso



Stephen Deatherage

Simpson joins the firm after practicing business litigation at New Orleans firm Jones Walker. She advises and represents clients in commercial disputes, including shareholder and contract matters, business tort claims, products liability, professional negligence, and real estate litigation.

Giesbrecht-McKee is a business litigator and will be an integral part of the firm's employment practice. Before joining Markowitz Herbold, she clerked on the Oregon Court of Appeals for the Honorable Darleen Ortega and the Honorable Joel DeVore, where she further honed her research and writing skills, and advocated before judges in the daily course of work.

Naso recently joined Markowitz Herbold from Washington D.C. where he worked as an Assistant Attorney General. He served as lead attorney in dozens of complex lawsuits in state and federal courts, and represented the District as the first chair at jury trials, oral arguments, mediations, settlement conferences, and evidentiary hearings.

Deatherage became a volunteer for Boy Scouts in 2009 and has held various volunteer positions during the course of his involvement. Presented by the National Court of Honor on behalf of councils, the award recognizes volunteers who have demonstrated exceptional character and have provided distinguished service within a council. Recipients are nominated by adult peers and only one award is presented for every 60 troops.



Katherine O'Neil

**Katherine O'Neil** has been elected to the Board of Editors of the ABA Journal, the flagship publication of the American Bar Association. O'Neil has also been appointed to the board of Literary Arts which produces Portland's Arts & Lectures, Wordstock, Writers in the Schools, and the Oregon Book Awards.



Max Forer

### Cosgrave Vergeer Kester LLP

**Max Forer** has joined Cosgrave Vergeer Kester LLP as an associate in the firm's business practice group. Prior to joining the firm, he served as a judicial extern for U.S. District Court Judge John Acosta and Lane County Circuit Court Judge Curtis Conover. Forer became a lawyer, after working in the private sector, to assist business owners with legal counsel to realize, grow and expand their enterprises.

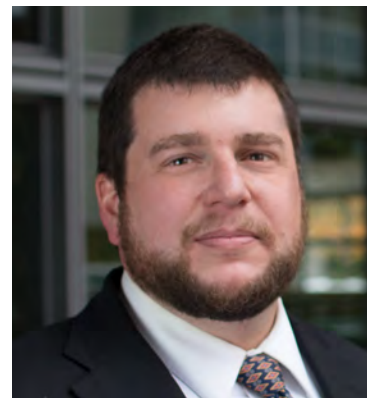


Samantha Hazel

### McKinley Irvin PLLC

**Samantha Hazel** has joined the Portland, Oregon family law office. Hazel is a respected attorney in the region's family law community with more than 15 years of diverse experience in Portland. Her practice is focused on high asset divorce, high conflict divorce, contested child custody, and domestic abuse issues.

In addition to family law, Hazel has worked in medical malpractice law, personal injury defense, medical research and health insurance policy, and as a criminal prosecutor with the Clackamas County District Attorney's Office. She is a former President and Vice President of the Clackamas County Bar Association.



Steven Cade

### Williams Kastner Greene & Markley

Williams Kastner Greene & Markley is pleased to announce the addition of **Steven Cade** to the Portland office. Cade will join the firm's Business Litigation practice group. His practice focuses on the areas of construction law, products liability, transportation law, and commercial litigation. Cade is a proud veteran of the US Army, Infantry, having served three years with the 101st Airborne Division.

He is admitted to practice in Oregon, the Ninth Circuit Court of Appeals, and the US District Court for the District of Oregon. He is a member of the Oregon Association of Defense Counsel, the Multnomah Bar Association and the Clackamas County Bar Association.



Alysa Castro

### Buchanan Angeli Altschul & Sullivan LLP

**Alysa Castro** has joined the employment law boutique Buchanan Angeli Altschul & Sullivan LLP as an associate. Castro came to the firm after completing a judicial clerkship with Justice Ariel Rodriguez with the Supreme Court of New Jersey. Castro also has several years of experience practicing commercial and transactional law in Pennsylvania, where she represented a diverse pool of clients with a wide range of issues, including employment matters and complex litigation.

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



**We are pleased to announce that Tyler Francis has joined Angeli Law Group.**



Tyler Francis has represented clients in a broad range of civil, criminal, and regulatory matters. After graduating from Yale Law School, Mr. Francis began his legal career at Williams & Connolly LLP, where his practice focused on complex civil litigation and white collar criminal defense. He served as a law clerk to Judge Ellen Segal Huvelle of the U.S. District Court for the District of Columbia, and most recently as a law clerk to Magistrate Judge Stacie F. Beckerman of the U.S. District Court for the District of Oregon.

Prior to joining the firm, Mr. Francis served as a Virginia state prosecutor, where he prosecuted crimes ranging from narcotics and firearm offenses to aggravated assault and homicide.



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## Tips From the Bench

### Helping the Judge Grant Your Motion

by Judge Leslie Roberts  
Multnomah County Circuit Court

*“No one is useless in this world who lightens the burdens of another.”*

- Charles Dickens



The very best tip for the litigator that I ever received, myself, I will pass on: help the judge. Make it easy to understand what you ask for and why to give it to you; and when the judge has ruled, make it easy to enter an order or judgment putting the ruling in effect. This maxim applies as well, to asking for a result from a jury, of course, but here, I want to focus on the ways in which you can help a judge.

How you submit matters on Odyssey can make it easier for the judge to promptly see that the judge should sign your order. Also, of course, it helps your reputation as reliable, accurate, and helpful to the bench. In the world of electronic filing, helping the judge resolve matters as you have asked requires you to appreciate how the system looks from the judge’s point of view.

Let us suppose you seek relief by motion of the sort that requires a hearing. You have successfully set the matter for hearing by notifying the assigned motion judge and coordinating dates with the opposing party. See, Mult. Co. Local Rule 5.015. You must provide trial court with bench copies of what the court needs to decide matters. This is not mere courtesy. It is a rule. For some reason, some lawyers assume that the mere fact that the records are now online means they can make the judge do the work of researching the foundations for their motions. (UTCRC 21.070(1) states that the court “may require” a copy of the electronically filed documents. And indeed, Multnomah County Circuit Court does so require. Mult. Co. SLR 6.015.)

The court file online is simply an electronic version of the old, fat, brown paper files in the file room. Think of it that way. Like the old paper files, the court file online lacks a communicative index. Documents appear simply in chronological order with date of entry and a generic title: e.g., “order,” “motion,” “declaration.” Generally, each must be opened, one by one, to learn what it is a motion for, or an order about, for instance. There may be page after page of documents. Finding a particular motion, for instance, and the corresponding opposition is in consequence irksome, rather like an Easter egg hunt with no chocolate.

Mult Co. Supplemental Local Rule 6.015 requires court copies of documents for a motion or trial to be delivered to the judge who will preside on the matter. “A copy of a motion, brief, or memoranda shall be submitted directly to the judge scheduled to hear the matter ... designated ‘TRIAL COURT COPY’...” Manifestly, the “trial court copy” is not simply the filed copy in Odyssey. Some judges prefer electronic copies, emailed to them; others (like me, and probably the more chronologically gifted of us) require paper. If you are omitting the court copy, you are in violation of the rules. You might as well be snarling, “Oh go look it up for yourself” at the judge. Not helpful, not endearing. It is the opposite of making it easy on the court to do what you are asking.

Remember that the judge is not a “filer” under the new electronic filing rules. See UTCRC 21.030. Electronic service is effective as to a “filer” under UTCRC 21.100. Thus a document that statute requires to be served upon a judge, as in a mandamus proceeding, ORAP 11.05(d), can be served conventionally only. Service on a judge by electronic service is no service at all. If service is required, as in mandamus, failure to achieve it defeats the filer’s attempt to gain relief.

It is always a help to the court to comply with all the applicable rules: procedural rules established by statute or court rule include the Oregon Rules of Civil Procedure, statutes of criminal procedure, the Uniform Trial Court Rules, and the Multnomah County Supplemental Local Rules. These rules change from time to time. The current Multnomah County Supplemental Local Rules came into effect on February 1 - that’s right, only weeks ago! The current rules, up to date with all modifications, are available on the courts’ website, [www.oregon.gov/multnomah](http://www.oregon.gov/multnomah). Read the rules. Check them from time to time. Don’t guess what they say and don’t rely on distant memory. Your compliance helps the judge - and helps you, too.



## News from the Courthouse

By William Larkins  
Court Liaison Committee

### Presiding Judge’s Report and Courthouse Update - Judge Nan Waller

#### ICE Agents and the Courthouse

Judge Waller reported on ICE activity in the Justice Center since the signing of the Presidential Executive Order on January 27. The court has no authority to prohibit ICE agents from coming into the courthouse to apprehend individuals they are looking for, but is concerned about the impact ICE agents in the administration of justice.

Since the Executive Order was signed, the court has received numerous phone calls and other inquiries from individuals who are afraid to come to the courthouse because of the presence of ICE agents and publicity about the greater breadth of the new Executive Order as to who can be deported. The question arises as to how to maintain confidence in the justice system when people are afraid to come to court. The court is attempting to keep track of ICE activity in the courthouses as well as track calls and emails where concerns are expressed about coming to court because of ICE. We cannot determine if this has had an impact on the rate of defendants that fail to appear. The court has been in regular communication with ICE leadership and the US Attorney.

The court held its last Perceptions of Justice Community Listening Session at the end of January. Although a large Hispanic presence was expected and the court was prepared with interpreters, no Hispanic community members came to the event.

#### Racial and Ethnic Disparity in the Justice System and Procedural Justice

The Portland Tribune is printing a series of articles about unequal justice and racial and ethnic disparities in the criminal justice system. The court believes that it is imperative to shine a spotlight on any disparities in the justice

system. A great deal of work is being done collaboratively between all of the stakeholders to the public safety system in an effort to evaluate where disparities are occurring and reduce all racial and ethnic disparities. All court staff will be participating in trainings this spring on trauma informed practices, which can improve equity in interactions with all members of the public. The court also continues to explore ways to provide training and information to judges and staff on implicit bias.

As part of the court’s Procedural Justice Initiative, the court has adopted a pledge of fairness and translated it into the six most highly used languages in our community. The court will be undertaking another court-wide procedural justice survey this spring to provide feedback to staff and judges on the perceptions of courthouse users.

#### Trial Dockets

Civil and major felony cases continue to get out to trial without the need to set over cases or place them on standby because of the lack of judicial availability. The number of civil cases with at least one side being unrepresented is growing. The court hopes to be able to provide better service to self-represented litigants so that they can navigate the justice system by having facilitators and navigators available as well as providing classes on basic court processes. The court will be looking to the bar for assistance with these efforts.

On a related note, the Court Liaison Committee’s April 13 brown bag CLE will focus on litigating against pro se litigants. Kate von Ter Stegge will present the free workshop with Chris Costantino, Samuels Yoelin Kantor, Judge Maureen McKnight, Multnomah County Circuit Court and Judge Stacie Beckerman, US District Court. To attend, RSVP to Pamela Hubbs, [pamela@mbabar.org](mailto:pamela@mbabar.org).

#### Courthouse Update - JD Deschamps, Senior Project Manager, Multnomah County

JD Deschamps provided updates on the rehabilitation of Jefferson Station and courthouse design. He noted that all of the new buildings will orient toward the river, with the exception of Jefferson Station, which was PGE’s first generator station and is on the National Historic Registry. Courtroom improvements will include such features as having the witness box located across from the jury, two wall-mounted video screens, acoustic materials on the walls and fully wired counsel tables. The witness box will be large enough to accommodate a translator next to the witness. Sunlight studies were conducted for proper window placement, pedestrian/traffic surveys have been done, there will be four courtrooms per floor and one of every four will be fully ADA-compliant.

This session there is a request to the legislature for approval of the \$92.6 million in bond funding as well as \$8.9 million for technology and equipment. Judge Dahlin is chairing the MBA Courthouse Committee.

**mba** | EVENT

### MBA East County Social (Note: Change of Date)

Wednesday, May 3  
Warren Allen LLP  
850 NE 122nd Ave., Portland  
4-5:30 p.m.

East County MBA members are invited to attend a social at the firm of Warren Allen LLP. Presiding Judge Nan Waller will share a report on the courts.

Please RSVP to [pamela@mbabar.org](mailto:pamela@mbabar.org) if you plan to attend.

# The Honorable Meagan Flynn Court of Appeals Judge

by Katharine von Ter Stegge  
Court Liaison Committee

Judge Meagan Flynn of the Court of Appeals is pretty quiet for a former litigator, but when she speaks from the bench, and in life, people listen intently to what she has to say. Judge Flynn has been on the court since November 2014 and has quickly earned a reputation among both practitioners and fellow judges as a hard worker and someone with a keen intellect who is able to efficiently and elegantly cut to the heart of a legal dispute.

Judge Flynn attended Willamette University and then the Gonzaga School of Law on the Thomas Moore Scholarship, a full tuition scholarship recognizing both academic excellence and community service. Following her graduation from law school, Judge Flynn clerked for both Judge Robert Durham and Judge Rick Haselton on the Oregon Court of Appeals.

Judge Flynn loved appellate work as a law clerk, but found that her career took an unexpected but useful detour into litigation at Pozzi, Wilson Atchison, a personal injury firm. As an associate at Pozzi, Flynn carried a high caseload of approximately 30 personal injury lawsuits and roughly twice that many workers' compensation cases. As an appellate law clerk, Flynn had approached cases academically, but at Pozzi she learned to connect with her injured clients so that she could tell their stories effectively but also to reassure them that they could and would receive a fair result from the justice system. Flynn had 10 jury trials at Pozzi and learned firsthand how challenging it is as a trial lawyer to put on a good case while also being mindful to create a good record, all while being prepared for every possible contingency if something doesn't go according to plan.

Flynn remembers the week she became an appellate lawyer for good. That week she had tried

an assault case to a jury and won. The same week she also had a summary judgment argument in front of Judge Michael Marcus of the Multnomah County Circuit Court, known for his lively mind and the sometimes lengthy and professorial debates with lawyers in his courtroom on each and every legal issue he had to decide. Flynn realized that while she could be celebrating her big trial win, she had had more fun talking law with Judge Marcus and her opposing counsel. She realized then that she could probably find more job satisfaction while still serving clients in need if she focused her practice solely on appellate work and trial motions practice. Flynn had the opportunity to explore her career idea when the Pozzi firm unexpectedly disbanded while she was on maternity leave.

At the firm that eventually became Preston, Bunnell & Flynn, where Flynn practiced from 1999 until her appointment to the bench, she developed a robust appellate practice. She handled direct appeals and was hired by the Oregon Trial Lawyers Association to pen numerous amicus briefs. In addition to her own appellate work, trial lawyers often retained Flynn as a consultant to advise them on how to best create a useful record for appeal in cases with important legal issues and to edit their appellate briefs.

Judge Flynn loves her work on the Court of Appeals and finds her own background in litigation, as well as her appellate consulting work with trial lawyers, useful on the bench. Familiar as she is with the demands of trial work, Judge Flynn understands why the record before her may not be perfect or how trial lawyers make informed and intelligent decisions that can and do turn out to have unintended consequences.



Judge Meagan Flynn

Judge Flynn reports that the best surprise for her in becoming a judge was how much she enjoys and admires her colleagues. She reports that the biggest challenge, which will surprise no one, is the volume of work on the Court of Appeals. With the help of law clerks and staff attorneys, Judge Flynn and her colleagues are up to the challenge. After two years on the bench, Judge Flynn says she is now acutely aware that the biggest challenge for both the appellate and trial courts in Oregon is continuing to provide full access to justice for Oregonians while faced with limited resources.

Judge Flynn lives in Northeast Portland with her husband and two high-school-aged daughters. She reports that they like to hike, take bike rides, and simply spend time together as a family. She was a long-time volunteer at Sunnyside Elementary, until her younger daughter graduated last June, and this year helped support her other daughter's We the People team. Her best advice to lawyers is to get out there and meet other lawyers by volunteering for committees, through networking events, and by building good working relationships with opposing counsel. Judge Flynn was surprised and grateful for the amount of support she received in her bid for the Court of Appeals from lawyers she primarily knew through volunteer activities and social events. Judge Flynn is a terrific fan of the professional and collegial legal community we have here in Oregon.

## mba|EVENT

**MBA Judicial Brown Bag CLE:  
So Your Opponent is Unrepresented?  
Tips for Litigating Against Pro Se  
Litigants in Civil and Family Law Cases**

**Thursday, April 13  
12 p.m.  
Multnomah County Courthouse  
Courtroom 602  
1021 SW 4th Ave., Portland**

Please join Judge Stacie Beckerman, US District Court, Judge Maureen McKnight, Multnomah County Circuit Court, Chris Costantino, Samuels Yoelin Kantor LLP and Katharine von Ter Stegge, Multnomah County Attorney's Office for a brown bag CLE on litigating against pro se litigants. Pro se litigants are very common in the family law arena and increasingly common in the civil litigation world.

Bring your lunch and questions to the downtown Multnomah County Courthouse, Courtroom 602. There is no charge to attend.

Please RSVP to Pamela Hubbs,  
pamela@mbabar.org.

## Celebration Honoring Michael Levelle

On March 21, Miller Nash Graham & Dunn hosted an event to honor and celebrate the OSB's first African-American President, Michael Levelle. Michael made a compelling speech to the audience about his contributions to inclusion,

equity, and access to justice, and concluded with an inspiring message about the pursuit of progress in the legal field. With over 120 attendees, it was a wonderful event that brought together the community to show its support.



Michael Levelle addresses the audience



Michael Levelle concluded his speech with an inspiring message about the progress in the legal field



Several event attendees gather with Michael Levelle for a photo

**mba** | Young Lawyers Section

**What is the YLS?**

An inclusive section of the bar, which includes any MBA member in practice less than six years or under the age of 36. The YLS provides leadership, networking, professional development and service opportunities. And we have fun!

**Ask the Expert**

*Dear Expert:*

*I am a newer lawyer still trying to learn the ins and outs of practicing law. As part of that process, I spend a lot of time reviewing or observing the work of other, more experienced lawyers. And that has been helpful and worthwhile, except that those activities are not always billable. With only so many hours in a day, do you have any advice for balancing needed self-training with billable hour expectations?*

-Out of Time

*Dear Out of Time:*

*Tick tock! Tick tock! Who's afraid of that little old clock?! As long as the billable hour has been in existence, it has been the bane of associates (and partners). It is a constant struggle to both keep up with the billable expectations and begin the transition from law school to practice.*

My best advice is to not shortchange yourself on taking those opportunities when you are just starting to practice to observe more seasoned attorneys show their craft. To the extent you can, go and observe those attorneys in action or review the more experienced attorneys' examples. These are the most important and formative times for you to create best practices. From both lessons of what to do and what not to do (hopefully from opposing counsel) you can see so much and learn a great deal of what being a lawyer is in actual practice. Down the line

there will be fewer opportunities to see this work as you get wrapped up in your own practice and the demands of life and work. And most attorneys are more than happy to show you the ropes.

Also, as you start your career, do not worry too much about your billable hours. Try and focus on both doing a good job on the tasks you are assigned and learning as much as possible. I encourage you to ask your partners, more senior associates, or other attorneys you meet to let you know when an interesting hearing, deposition, or other event is going on so you can observe. There will be plenty of years ahead with more arduous billable hours to look forward to. Most firms have the same billable hour requirement for a first year associate as a third or fourth year associate but know the first year associate may not make their hours. Be sure to check with your managers; it is common for attorneys to be down 100 to 200 hours in the first years of practice.

Further, do not be afraid to ask for the written examples of other attorneys' work as you are starting out. None of the work you will be doing as a new associate is work that your firm and colleagues have not done before. There should be plenty of examples to review, not only by the attorney who is asking you to do it (which you should look at), but also from other attorneys in your firm.

**YLS Board Officers for 2017-18  
Terms Begin June 1**



*Shayda Zaerpoor Le*

YLS President-Elect is **Shayda Zaerpoor Le**, of Barran Liebman LLP, where she practices in the area of management-side employment law advice and litigation. She is currently the YLS Board Delegate to the American Bar Association as well as the YLS Board Secretary.

Shayda joined the YLS Membership Committee in 2013, served as chair of the YLS Entrepreneur Committee in 2014-15, and volunteered with the YLS Wills for Heroes program. She was elected to the YLS Board in 2015.

Shayda is also a Co-Chair of the Campaign for Equal Justice (CEJ) Associates Committee, the President of the Board of Directors of Andisheh Center for Iranian Cultural Heritage, and is active with the ABA Young Lawyers Division, serving as District Representative for Oregon and Washington, a

2016-17 Scholar, and Vice Chair of the Labor and Employment Committee.



*Holly Hayman*

YLS Secretary is **Holly Hayman**, of Leonard Law Group, who practices in commercial bankruptcy and business law. Holly is the current YLS Board Treasurer and also serves as the YLS Board Liaison to the MBA Professionalism Committee.

Holly graduated from the U of O School of Law and was admitted to the OSB in 2011. She joined the YLS Membership Committee in 2011, and later served as chair of that committee. She joined the YLS Board in 2015.

Holly volunteers her time with the Legal Aid Services of Oregon Bankruptcy Clinic, and serves on the CEJ Associates Committee. She is a member of the OSB Debtor-Creditor Section as well as Oregon Women Lawyers.



*Brad Krupicka*

YLS Treasurer is **Brad Krupicka**, of Lindsay Hart LLP, where he specializes in civil litigation. He joined the YLS Board in 2016 and currently acts as YLS Board Liaison to the Service to the Public Committee.

Brad's MBA involvement began in 2011, when he joined and later chaired the MBA Membership Committee. Since that time, Brad has participated on the MBA Court Funding Committee and acted as the YLS Liaison to the LASO/OLC/MBA Pro Bono Committee. He served on and later chaired the YLS Pro Bono Committee.

Brad is a member of the CEJ Associates Committee, the Lewis & Clark Law School Alumni Board, the American Constitution Society Board, and has also served as the Publication Liaison for the OADC Construction Defect Practice Group. He was also one of the founders of the Multnomah County Circuit Court Volunteer Researchers Program, the MBA Battle of the Lawyer Bands, and the YLS Pro Bono Pour.

**Children's Museum Event Recap**

*by Kristin Welsh  
YLS Membership Committee*



*A YLS family exploring the groundwork exhibit*

On February 25, YLS families attended a private event at the Portland Children's Museum for the MBA YLS Membership Committee's 2017 Family Night. Special thanks to sponsors Miller Nash Graham & Dunn and NW Injury Law Center for generously supporting this year's event. The families enjoyed full access to the museum and exhibits along with dinner including peanut butter, jelly, and gummy worm sandwiches for the children. The event allowed parents to catch up with or meet fellow colleagues while their children explored the museum's many exhibits. Thank you to YLS Membership Committee members Evan Novotny and Andrea Meyers for organizing this event. We're looking forward to an even bigger turnout in 2018!

**mba yls|CLE**

**Advising Oregon Businesses**

*A nine-part series on business law beginning April 13.*

**Estate Planning Fundamentals CLE and Workshop**

**Thursday, April 27 from 1:45-4:30 p.m.**

See flyers included in this issue for details or contact the MBA at 503.222.3275.

## Aurelia Erickson YLS Member Spotlight

by Tyler Bellis  
YLS Board

Although she has worn several hats in her young career already, it is evident that every move made by Aurelia Erickson (Lewis & Clark '12) is motivated, at least in part, by an impulse to help her community and advocate for those in need.

After graduating from Northwestern University in Evanston, Illinois with a degree in political science, Aurelia worked for a Midwest nonprofit for a year before setting her sights on law school. A native of eastern Oregon, Aurelia returned to the West Coast to attend Lewis & Clark Law School. Upon succeeding in moot court competitions, Aurelia realized early on that she wanted to litigate. During law school, she clerked for the Environmental Crimes Division of the Oregon Department of Justice, and thought she had found her calling. Recognizing, however, that litigation opportunities in environmental law were few and far between, Aurelia kept an open mind to what her future held.

Following law school, Aurelia moved to Alaska where she clerked for a state court judge who presided over murder trials and various civil actions. Subsequently, Aurelia returned to Portland and began clerking at the Multnomah County

Circuit Court. At the same time, she began volunteering her legal expertise by appearing in Community Court for a local public defender's office. By volunteering for the public defender's office, Aurelia not only provided an invaluable service for members of the public who cannot afford a lawyer (and who are charged with infractions that are not deemed serious enough to warrant court-appointed counsel), but she also gained invaluable first-hand experience in court to continue honing her oral advocacy skills.

In 2014, Aurelia went to work for a well-established, local business litigator, Robert J. McGaughey. Shortly thereafter, the two formed McGaughey Erickson, where Aurelia handles shareholder and partnership disputes, investment and securities actions, and employment lawsuits. Practicing at a small firm has afforded Aurelia the chance to handle cases from their beginning all the way through trial or arbitration, an opportunity that many young lawyers do not get for years.

Despite maintaining a large workload and shouldering the responsibility to bring in business at her firm, Aurelia stays very involved in the local community. She is a member



Aurelia Erickson

of the OSB House of Delegates and actively participates in the MBA Young Lawyers Section. Since joining the YLS Pro Bono Committee in 2014, Aurelia has been instrumental in planning and operating the MBA YLS Pro Bono Fair and CLE program, which provides resources and information to those who want to learn about and get involved in pro bono work, such as Legal Aid Services of Oregon and the Volunteer Lawyers Project. This year, Aurelia is the chair of the YLS Pro Bono Committee but still finds time to volunteer for the public defender's office and appear in Community Court nearly once a week.

While pro bono work takes time away from paying clients and lawyers' personal lives, Aurelia also views it as a great way to get practical experience and help people who are truly in need. As she understatedly put it, "navigating the legal system without a lawyer is so difficult, to the extent you can help even a little, it's huge."

## YLS Service to the Public Committee to Host Community Law Week

by Brett Applegate  
YLS Service to the Public Committee

The YLS Service to the Public Committee is proud to announce that it will host Community Law Week April 30 - May 6. Community Law Week provides legal education, access, and assistance to the public through a series of interactive events held around the ABA's Law Day, which falls on May 1 each year. This year's theme is "The 14th Amendment: Transforming American Democracy," and will explore the ways in which the 14<sup>th</sup> Amendment has reshaped American law and society by advancing the rights of all Americans.

### The YOUTHFILM Project

The YOUTHFILM Project is a filmmaking contest that allows students to express themselves creatively while learning about the judicial branch and the importance of civic engagement.



Participants produce short films dealing with the theme of Community Law Week. This year's films will explore the meaning of key constitutional concepts such as citizenship, due process, and equal protection (and include fun elements such as zombies and haikus).

Top films will be screened for participating students, parents, faculty, and the general public on May 4 at 6:30 p.m.

at the Hollywood Theatre in Northeast Portland (4122 NE Sandy Blvd). The YLS Service to the Public Committee invites all MBA members and their families to attend this one-of-a-kind opportunity for the legal community to connect with the public at what promises to be an entertaining evening for all!

### Tell it to the Judge

Tell it to the Judge is a forum in which volunteers facilitate public interaction with local judges. Community members have the opportunity to speak directly to the judges about their questions, concerns, and opinions on the justice system. Tell it to the Judge will be held on May 6 at the Multnomah County Courthouse; time to be determined. Help spread the word!

### Free Legal Information Booth

The YLS Service to Public Committee will also be running a free legal information booth at the Tell it to the Judge event. Volunteers will provide general legal information, disseminate brochures on legal topics, and help community members identify and connect with needed legal resources.

For more information about Community Law Week, please contact YLS Service to the Public Committee Co-Chairs Jamison McCune (McCune@bodyfeltmount.com) and Bryan Thompson (Bryan.Thompson@lewisbristol.com).

## mba yls | EVENT

### YLS Community Service Day

Saturday, April 8

8:45 a.m. - 1 p.m.

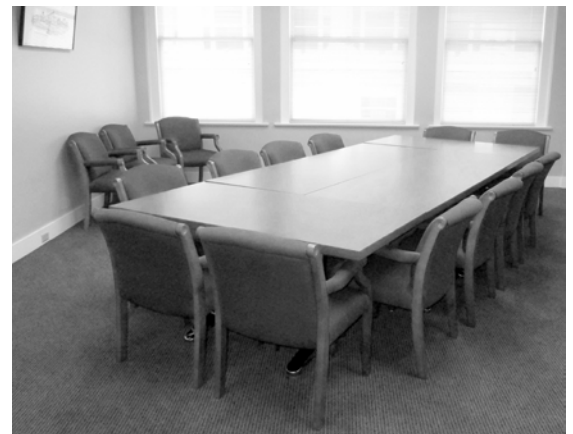
Tualatin Community Park

8515 SW Tualatin Rd., Tualatin, OR 97062

Join us to celebrate Arbor Day with the City of Tualatin and Clean Water Services at the Tualatin Community Park! Please dress appropriately for the weather, wear sturdy boots or shoes (rubber boots work great!), and be prepared to get a little dirty. Friends of Trees will provide gloves, tools, and planting guidance, as well as breakfast snacks and coffee/hot chocolate to get everyone fueled up.

Meet at Tualatin Community Park by 8:45 a.m. Look for the Friends of Trees signs to guide you as you arrive. Tree planting activities will start promptly at 9 a.m. and wrap up by 1 p.m.

Reserve your volunteer spot by contacting Kimberly Fisher, Kfisher@khpattent.com.



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

Office location:

620 SW 5th Ave., Ste. 1220

Portland OR 97204

Contact the MBA for details and availability at 503.222.3275.

## Member Resource Center

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

### Pro Bono Oregon Listserv

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

### Update Your Directory Listing on the MBA Website

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

### MBA Member Discounts

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[www.naegeliusa.com](http://www.naegeliusa.com)

### Newsletter Advertising

MBA members enjoy reduced rates on display and classified advertising in the *Multnomah Lawyer* publication. In addition, all classifieds are posted at [www.mbabar.org](http://www.mbabar.org).  
Ryan Mosier, 503.222.3275

### Office Depot

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### Ruby Receptionists

A virtual receptionist service based in Portland that seamlessly connects you to your callers. MBA members receive a flat discount on the monthly plan and unlimited free voicemail boxes.  
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### UPS

MBA members can save up to 26% on their express shipping courtesy of UPS.  
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### CONTACT

Steve Doty: [sdoty@aldrichadvisors.com](mailto:sdoty@aldrichadvisors.com)

Kevin Doty: [kdoty@aldrichadvisors.com](mailto:kdoty@aldrichadvisors.com)

(503) 716.9328



## Drive More Clients to Your Practice with Click-to-Call

Looking for ways to reach more clients? Click-to-call technology is a simple, affordable solution, and small business owners everywhere are experiencing the impact it can make. Research shows calls to businesses are on the rise and expected to keep rising, and thanks to the convenience of click-to-call, it's predicted that businesses will receive 162 billion calls from smartphones in 2019. With a clickable, easy-to-find business number and a quality phone experience, you can drive more phone traffic to your practice and connect with more clients. Here are some tips for getting there:

### Check your Google listing

Make sure your Google business information is current and includes a visible phone number. This ensures potential clients will be able to call you directly from the Google *call* icon. For more information on claiming your business and managing your listing, check out Google's support page at <https://support.google.com/business/answer/3038063>.

### Get 'em clicking

Adding a "click to call" button to your website is a great way to encourage potential clients to reach you with a single click - and you don't have to be a web designer to figure it out. This quick guide can help you get started: [https://knowledge.hubspot.com/articles/kcs\\_article/cos-general/how-to-make-a-click-to-call-button-for-your-website](https://knowledge.hubspot.com/articles/kcs_article/cos-general/how-to-make-a-click-to-call-button-for-your-website)

### Make your web presence mobile friendly

Ensure your phone number is prominent and clickable on your website, and limit the need for scrolling by putting your number near the top of your homepage. Aim to include your number in the same spot on the various pages of your site, and add it to your site's header, footer, contact page, and any calls to action. If you use mobile ads, include a clickable number there, too. A simple line of code is all it takes: `<a href="tel:1-847-555-5555">1-847-555-5555</a>`

### Set yourself up for success

Getting more calls is great - if you create a great experience for callers. Automated systems and voicemail don't cut it: 74% of mobile users are likely to choose another business after a poor phone experience. A virtual receptionist service is a cost-effective way to ensure every caller reaches a warm, friendly person dedicated to making their day - building connections and helping you win clients. Services like Ruby Receptionists create stellar impressions by welcoming callers with your custom greeting, transferring calls when and where you'd like, taking detailed messages, collecting new client intake, making follow-up calls, and much more. Spanish bilingual service is included in every Ruby account at no additional cost, and Ruby's impressive suite of features helps you delight current and potential clients, streamline your day-to-day operations, and manage your calls from anywhere. Plus, **Multnomah Bar Association members receive a lifetime 5% discount on Ruby's monthly plans and free voicemail boxes!** Learn more at [www.callruby.com/mba](http://www.callruby.com/mba).

## YOUR AD HERE.

With a readership of more than 4,000 and circulated 11 times a year, advertising in the *Multnomah Lawyer* newsletter is an affordable way to share and connect with the Portland legal community. MBA members also receive a 10% discount.

Contact us at 503.222.3275 today to place your ad.



## The Corner Office PROFESSIONALISM

No lawyer I know would admit that he or she is unprofessional. It would be akin to admitting theft from the client trust account. On its face, we all agree professionalism - acting with integrity, courtesy and fairness - is a touchstone of our conduct as lawyers. We shake our heads when we hear the story of a discourteous email exchange between opposing counsel or a meritless position taken by a lawyer without regard for the facts (or law). But, we keep hearing these stories, and in some cases, witnessing unprofessional behavior personally. That means, even if we don't like to admit it, that some of us (yes, US!) are unprofessional, or more likely, occasionally engage in unprofessional conduct. I've compiled the top signs that you (yes, YOU!) might be a lawyer with a professionalism blind spot:

1. You don't regularly have relationships with opposing counsel after a case is over. For litigators, a large part of the job is dealing with opposing counsel on hotly disputed issues. But, if your relationship with opposing counsel is often strained - even after a case is resolved - the problem may not be due to the tough issues in the case.
2. You take satisfaction in sending the perfect email retort to an unreasonable opposing counsel. Many lawyers painstakingly draft emails with the perfect blend of sarcasm, incredulity and condescension when opposing counsel has taken an unreasonable position. Professional lawyers then delete those emails and start fresh.
3. Your client tells you they appreciate your "bulldog" approach, or alternatively, after witnessing your interactions with opposing counsel, the client insists that maybe the parties should just talk directly, without the lawyers.
4. In mediations, the mediator regularly spends more time talking to your client than to you. In some cases, a mediator will quickly assess that a lawyer needs the mediator's help with a client. In other cases, however, the mediator has determined that the lawyer's conduct is not conducive to resolving a dispute. Thus the mediator has to go around the lawyer to get anything accomplished.
5. You have ever raised your voice when speaking to opposing counsel in front of your client or opposing counsel's client (or, worse yet, in court). Animated telephone calls between lawyers may happen, then lawyers typically cool off and start off on the right foot the next time. Other lawyers make it a habit to be friendly when one-on-one, but turn hostile when there is an audience.
6. You have made comments to an opposing lawyer about her hair, clothes, age, appearance or relationship status. While typically it is men making these comments to women, it can happen in other circumstances, too. If you make comments like this to opposing counsel, even innocuously, be mindful that the recipient will immediately question your intent and judgment.
7. Opposing counsel regularly asks for fees in motions. We aren't in California. It is not the practice in Oregon courts to seek fees for vanilla discovery motions. If opposing parties regularly seek fees against you for discovery disputes, you either need new clients or a new attitude toward discovery.
8. You have, on occasion, learned that an opposing lawyer has expressed concerns about your conduct with a colleague or

partner. This is a red-flag-high-alert situation. If an opposing lawyer has been so dissatisfied with your conduct to actually talk to someone at your firm about it, there is no doubt that one of you has crossed the line. If this has happened more than once, it is probably you.

9. You rationalize rather than apologize. We all make mistakes, often borne out of simple misunderstanding or oversight. If you cannot recall an occasion (or multiple occasions) where you have apologized to opposing counsel, then you are not owning up to the mistakes you have surely made.
10. You are already composing in your head a response about how I don't understand your practice, your clients, or your unreasonable opposing counsel.

Now, these are only signs of potentially troubling behavior and may not indicate a professionalism problem. But if these circumstances regularly arise in your practice, you may want to consider whether you should maintain a higher standard of conduct in your relationships with other lawyers.

*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 your question. Questions may be submitted anonymously.*

## Pro Bono Volunteers

Thanks to the following lawyers and law students who recently donated their pro bono services 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 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."

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Duden • Chris Edwardsen • Jon Fritzier • Michael Fuller • Anne Furniss • David Gray • Holly Hayman • Natalie Hedman • Christie Helmer • Dona Hippert • George Hoselton • Samuel Justice • Joshua Kadish • Lisa Kenn • Elizabeth Knight • Mark Kramer • Tony Kullen • William Kwitman • Linda Larkin • Elizabeth Lemoine • Colleen Lowry • Riley Makin • Holly McHugh • Tim McNeil • Christopher Mertens • James O'Connor • Cathy Petrecca • John Purcell • Joshua Ross • Lyndon Ruhnke • Philip Schuster II • W. Senft • Arden Shenker • Ian Simpson • Donna Smith • Timothy Solomon • Josh Stadler • Anne Steiner • Christine Taylor • Evans Van Buren • James Yand



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## Classifieds

### Positions

#### Diversity & Inclusion External Coordinator

The Oregon State Bar is looking to fill the position that will provide external support for the Director of Diversity & Inclusion & the department & serves as a representative & liaison on behalf of the department to external stakeholders who currently partner with the department.

Please visit <http://www.osbar.org/osbcenter/openings.html> for job details. Equal Opportunity Employer.

#### Diversity & Inclusion Internal Coordinator

The Oregon State Bar is looking to fill the position that will provide internal support for the Director of Diversity & Inclusion & the department & serves as a representative & liaison to internal stakeholders to the Diversity Action Plan.

Please visit <http://www.osbar.org/osbcenter/openings.html> for job details. Equal Opportunity Employer.

#### Tax Associate

The Portland office of Garvey Schubert Barer is seeking a mid-level tax associate with 3-5 years of law firm experience. Candidates must have an LL.M. in Taxation, exceptional academic credentials, excellent research, writing, analytical, and communication skills, a

focus on income tax (corporate, partnership and individual), particularly with regard to business transactions, planning, entity formation and federal, state and local controversy, and the ability to work collaboratively in a team environment. Oregon Bar admission required.

Although based in Portland, the successful candidate will be involved in projects originating in our other offices as well. GSB values diversity and is an equal opportunity employer. Please email cover letter and résumé to [CareersPDX@gsblaw.com](mailto:CareersPDX@gsblaw.com).

#### Estate Planning Associate

The Portland office of Garvey Schubert Barer is seeking a mid-level to senior associate to join its estate planning practice. Successful candidate will have at least five years of estate planning and trust administration experience, LL.M. in Taxation and/or extensive experience in estate and income tax, exceptional academic credentials, excellent research, writing, analytical, and communication skills, and the ability to work collaboratively in a team environment. Oregon Bar admission required. Washington license a plus. GSB values diversity and is an equal opportunity employer. Please email cover letter and résumé to [CareersPDX@gsblaw.com](mailto:CareersPDX@gsblaw.com).

#### Juvenile Court Hearings Referee

Multnomah County Circuit Court, Oregon Judicial Department. Salary Range \$6,107 - \$9,947 monthly.

Applications must be submitted through the State of Oregon Jobs E-Recruit system. For more information or to apply go to <https://www.governmentjobs.com/careers/oregon>, search for "Hearings Referee" and select the Job Title. EOE

#### Employment Law Associate Attorney

Jackson Lewis PC is a nationwide law firm dedicated to representing management exclusively in workplace law and related litigation. With 55 offices and over 800 attorneys, Jackson Lewis is seeking a Litigation Associate Attorney for the Portland office.

Duties and Responsibilities:

- Handle employment related claims in litigation and before state and federal enforcement agencies
- Provide advice and counsel to employers on a wide range of employment laws and regulations
- Effectively and persuasively write briefs and motions for the benefit of our clients
- Cultivate productive and effective relationships with clients
- Argue decisively at court hearings
- Conduct fact gathering and advantageous depositions
- Defend properly prepared client representatives at deposition

Skills and Educational Requirements:

- J.D. from an accredited law school

- 1-4 years of relevant experience, preferably in employment defense litigation
- Oregon Bar Admission with "active" status required
- Attention to detail and ability to multi-task in a fast-paced environment
- Strong organizational, time management, and project management skills
- Excellent written and oral communication skills
- Ability to work in a highly collaborative, team environment
- Outstanding academic credentials

Please submit a resume, cover letter and writing sample to [Martha.Tanner@jacksonlewis.com](mailto:Martha.Tanner@jacksonlewis.com).

#### Assistant Disciplinary Counsel - Litigation

The Oregon State Bar is looking to fill the position that will provide counsel to the Bar in the evaluation, investigation, and, where appropriate, litigation through trial and appeal of ethics complaints made against Oregon lawyers.

Please visit <http://www.osbar.org/osbcenter/openings.html> for job details. Equal Opportunity Employer.

#### Employment Litigation Associate

The Portland office of Fisher Phillips, a national management-side labor and employment law firm, seeks a mid-level employment litigation associate with 2-4 years of experience. Prior experience in labor and

employment law is preferred, but candidates with general litigation experience and a demonstrated interest in labor and employment law will be considered. The ideal candidate will be comfortable drafting and responding to discovery and initial pleadings, drafting motions, and drafting agency position statements. Candidate must have excellent academic credentials, strong writing and analytical skills, and ability to manage multiple projects in a fast-paced environment. Successful candidate will be a self-starter with the ability to work independently and as part of a team. Must be admitted in Oregon.

To apply, please submit your cover letter, resume and transcript online at <https://apply.fisherphillips.com>. Fisher Phillips is an equal opportunity employer encouraging diversity in the workplace.

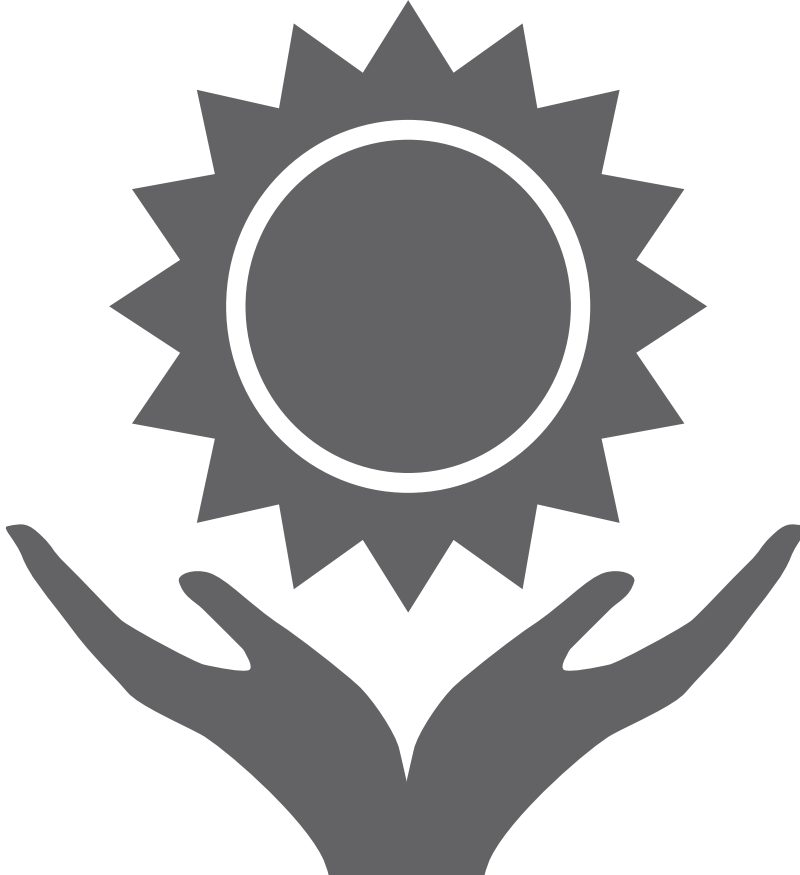
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*Special thanks to the law firms of Jaqua & Wheatley and Perkins Coie for their donations of books for the OLCR library wall.*



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## Multnomah Bar Foundation

### Grantee Spotlight: MetroEast Community Media Using Technology to Inspire and Invigorate

by Mary Jo Naples Miller  
MBF Board of Directors



Walk into the studios of MetroEast Community Media on any given day and you will see a beehive of activity. In a meeting room, a class on the basics of editing is taking place. In one of the smaller studios, a high school student has set up production equipment and is about to tape this month's episode of his series program. Down the hall, a community member is making arrangements to borrow production equipment

to film a video in the local park. And in the state-of-the-art main production studio, several contributors, including me, are gathered to participate in the creation of a Spanish-language community education program on the right and duty to vote.

With funding from a grant awarded by the Multnomah Bar Foundation, MetroEast was able to produce a five-minute video that explains the process of registering to vote, and actually voting, in Oregon - ¡Su Voto Cuenta!- as well as two public service announcements that emphasize the importance of voting and making your voice heard, which have reached a national audience. These videos were broadcast on MetroEast's stations in Multnomah County, and were shared on YouTube and uploaded to various Multnomah County websites, as well as the MBF website.



The mission of MetroEast is to use media to “invigorate civic engagement, inspire diverse voices, and strengthen community life.” The organization believes that media “can and should be used” to encourage artistic creation and the free expression of diverse ideas and opinions to “ensure a healthy and prosperous democracy.” For a modest fee, anyone can come to the studio, gain training in how to use production equipment and technology, and use MetroEast's equipment and studios to produce programming for broadcast on MetroEast's many community channels.

The more experienced may require little participation by the MetroEast staff, but MetroEast is



entertainment. It has grown to include eight cable channels and facilities to provide a broad range of workshops, training programs, and production options.

As the racial and cultural diversity of Portland and Oregon have increased, MetroEast offers media and technology to all community members as a vehicle to educate, address community needs, and engage. Using this power, MetroEast estimates that

that are striving to solve local problems with local solutions. Our grant recipients regularly invite board members to attend their programs and experience directly the power of grant awards. By fostering the MBF's goals of promoting civic education, and increasing public participation and respect for the law, grant recipients such as MetroEast make our community work better for all of us.



at its best when it is partnering with local governments, educational institutions, nonprofit entities, and individuals to encourage dialogue, cultivate the participation of underrepresented groups, and support the economic and social development of the community to achieve collective community goals.

When you donate to the MBF Civic Education Fund, you help support those goals, too.

MetroEast was founded in 1984 as Multnomah Cable Access by a group of citizens who believed cable television had the potential to offer more than

it reached approximately 350,000 households with the 2016 voting video alone.

The Multnomah Bar Foundation supports local organizations such as MetroEast,

**Editor's note:** Since the writing of this article, ¡Su Voto Cuenta! won the Democracy in Action category at the 2017 Best of the Northwest Awards. The Best of the Northwest competition showcases exceptional programs in community media. This prestigious awards contest honors outstanding programs telecast on or produced by community access or local origination television channels in the Northwest region (Alaska, Alberta, British Columbia, Idaho, Montana, Oregon, Utah, Washington, and Wyoming) of the Alliance for Community Media. Congratulations, MetroEast Community Media!



### Lawyer as Employer: Key Legal Obligations and Common Pitfalls to Avoid

by Dana Sullivan  
Buchanan Angeli Altschul & Sullivan

You, an overworked solo practitioner with no staff, are out socializing with some friends. One of your friends mentions that her daughter will be home from college for the summer and is looking for a job. The daughter thinks she might be interested in going to law school and is hoping to get some experience working in a law firm. Your friend suggests that her daughter come work for

you one to two days a week. She makes clear that, because you're doing this as a favor and because the experience will be benefitting her daughter as much as you, they're envisioning an unpaid internship-type arrangement. You have a couple of projects in mind that would be perfect to offload on a bright college student so your instinct is to jump at the offer. Good idea?

Being busy enough that you need staff and other attorneys to help you is a good thing, but hiring, managing and firing people necessitates at least some familiarity with state and federal wage and hour laws, leave laws, and other employment-related regulations. When small firms and solo practitioners need extra help, particularly on a temporary or part-time basis, they can unwittingly get into trouble by neglecting to consider the legal issues attendant to hiring and firing employees. An informal arrangement to help out a friend whose daughter is looking for a job can seem like a great idea until some unanticipated conflict develops and you are faced with a claim that your “intern” was

actually an employee and your failure to pay her entitles her to unpaid wages, penalties and attorney's fees.

If you're interested in learning more about common pitfalls that small firms and solo practitioners face when they bring staff or attorneys on to help or if you have burning questions based upon situations that you've encountered in your practice, come to the May lunch workshop hosted by the MBA Solo and Small Firm Committee titled, “Lawyer as Employer: Key Legal Obligations and Common Pitfalls to Avoid.” **Iaysha Smith**, a solo practitioner, and **Alex Trauman** of Motschenbacher & Blattner, both of whom advise small business and represent

both employees and employers in employment disputes, will lead the discussion and members are encouraged to share challenges that they've experienced when taking on the role of employer. The workshop will be held on Thursday, May 11, from 12-1:30 p.m. at Hotel Monaco. Lunch will be provided. \$20 for members; \$60 for nonmembers. Register at [www.mbabar.org](http://www.mbabar.org).