



MULTNOMAH LAWYER

November 2017
Volume 63, Number 10



The MBA's Role in Your Professional Development

by Andrew Schpak
MBA President

It's always interesting to hear people's reactions to finding out that I "practice law." Some are fascinated, some cringe, and many like to break out their favorite lawyer joke. One reply I once heard was "Well, how long do you have to practice before you get to play?" Although that certainly got a laugh out of me, we do call it the practice of law for a reason. As lawyers, we acknowledge that we will never fully perfect our craft because there is always room for improvement. From new technology and practice tools to developing our practical skills and business acumen, we are expected to be lifelong learners and dedicate meaningful time to continuing development.

The MBA provides us with the tools and opportunities to enhance our skills and foster our professional development.

The MBA is Synonymous with CLE

The MBA offers discounted (and sometimes free) continuing legal education programs to its members that develop their areas of expertise, help them stay up-to-date about changes in the law, and provide them with access to experts. Additionally, MBA members are invited to propose topic ideas and participate in the planning and implementation of various CLEs. These opportunities provide a platform to develop both a specialty area as well as one's more general reputation within the legal community.

Attending MBA CLEs is easier than ever today, with in-person, webcast, MP3 audio and CD-ROM options. Upcoming programs include an Appellate Update, Deposing a Corporate Witness, The Robe as Sword and Shield, Tricks and Traps in Trademark Litigation, and an Employment Law Update. Visit the MBA website and click on "Education" to learn more, and consider applying to join the MBA Continuing Legal Education Committee or its YLS counterpart.

A Driving Force for Professionalism and Pro Bono

The MBA promotes principles of professionalism within the Multnomah County bar through the Professionalism Committee, and specifically its promotion of the Commitment to Professionalism, Mentor Program, Professionalism Award, "Corner Office" column, and programming at Oregon law schools. The MBA also works to increase members' formal commitment to providing pro bono legal representation for those who are in need by encouraging members to sign the Pro Bono Pledge.

Solo/Small Firm Programming

The MBA supports practitioners in all employment settings, including those who are in-house or work at government entities. However, a growing number of MBA members work in a solo or

small firm environment, and we have been making a concerted effort to provide custom service to those lawyers. Specifically, the Solo & Small Firm Committee focuses on providing workshops and practice support tools that are of value to small firms and solo practitioners, including a recent seminar on law firm marketing. The MBA also offers practice management tools - like those found within our Affinity Partnerships.

Affinity Partnerships

The MBA has partnered with a number of business service providers to offer discounted rates and special benefits to our members. For example, Aldrich (formerly AKT), offers MBA employer members group insurance plan administration and customization of health and disability plans for law firms. The Bar Plan offers online court bonds, Clio Case & Practice Management Software provides a cloud-based practice management solution that offers MBA members a 10 percent lifetime discount as well as a free seven-day trial, LawPay provides credit card processing specifically intended for client-attorney transactions with reduced processing rates for our members, Legal Northwest offers staffing recruitment for paralegals, legal secretaries and support staff, and NAEGELI Deposition and Trial offers court reporting, videoconferencing, videography, trial presentation, legal copying and scanning, transcription and language interpreters. Office Depot also offers a significant discount on regularly ordered items, Ruby Receptionists boasts a flat discount on monthly plans, waived setup fee, and unlimited free voicemail, and UPS provides MBA members up to 26 percent savings on express shipping.

In short, the MBA helps its members become better lawyers.

Networking Events

The MBA is well-known for hosting the best networking events in town, including the Absolutely Social in October. The MBA Calendar is inclusive of all non-CLE legal events submitted, which results in an important community resource that allows everyone to stay current when planning events and minimizes scheduling conflicts. The MBA Events Committee is planning a speed networking event, and the always-fun YLS New Admittee Social, Multnomah Bar Foundation Karaoke Night, Bench Bar & Bagels and WinterSmash are all on the horizon.

Leadership Development

Perhaps most valuable is the unique and specialized leadership training that MBA and YLS committee and board involvement instill. Through active involvement, members hone their project management skills and learn how to meaningfully collaborate in, and eventually run, meetings. These abilities come in handy in a number of other aspects of our lives, including service on nonprofit boards and homeowner associations, as well as in management roles.

In short, the MBA helps its members become better lawyers, better leaders, and better people through its professional development opportunities. We encourage you to increase your level of involvement within the MBA and see first-hand how much the association helps you become more efficient and effective in your practice.

mba|CLE

To register for a CLE, please see p. 4 or visit www.mbabar.org and log in as a member to register at the member rate.

NOVEMBER

**11.14 Tuesday
Appellate Update**
Judge Cheryl Albrecht
Judge Scott Shorr

**11.15 Wednesday
Effective and Ethical Ways to Deal with Impaired Litigants**
Brett Callahan
Harry Dudley, Psy.D.
Mark Johnson Roberts

**11.28 Tuesday
Deposing the Organization**
Keith Dubanevich
John Dunbar
Beverly Pearman

DECEMBER

**12.5 Tuesday
Rights of First Refusal, Rights of First Opportunity, and Options**
Amy Geerhart
Jeff Tarr
David Hill

**12.6 Wednesday
Immigration for Civil Practitioners - Advocacy, Agency Navigation, and Social Services**
Mat dos Santos
John Herrera
Margaret Rosenast

**12.12 Tuesday
The Robe as Sword and Shield: Part 2 - Family Law**
Judge Diana Stuart

**12.14 Thursday
Trademark Litigation: Tricks and Traps in Federal Court and the Trademark Trial and Appeal Board**
Winston Folmar
Susan Ford
Benjamin Okeke

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mba|EVENT

Bench Bar & Bagels

Thursday, November 16
Tonkon Torp
888 SW 5th Ave., Ste. 1600, Portland
7:30-8:30 a.m.

The MBA hosts the ninth annual "Bench Bar & Bagels" on Thursday, November 16. Please join your colleagues and members of the judiciary for a light breakfast and coffee. This event is offered at no cost to MBA members and judges. Non-members: \$10.

Special thanks to our sponsor and host:



Please RSVP to Kathy Modie,
kathy@mbabar.org.

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DEADLINE for copy: The 10th of the month*
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*or the preceding Friday, if on a weekend.

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Solo & Small Firm Committee Workshops

BRANDING YOUR SOLO PRACTICE OR SMALL FIRM

Wednesday, November 29
Workshop: 12-1:30 p.m.
Red Star Tavern Club Room
503 SW Alder, Portland

Branding your practice can be a daunting task for solo and small firm practitioners. Can you do it on your own? Do you need to call in the experts? This workshop is designed to discuss a variety of different approaches to branding for small firms and is presented by attorneys whose firms and resources vary as much as their practice areas. Hear from a panel of speakers including **Adina Matasaru**, Matasaru Law, offering their experience with branding their practices. Whether you're considering starting a law practice, recently opened your firm, or considering rebranding your existing practice, this workshop is for you. Please bring your ideas and questions and join us for this informative and practical discussion.

Cost: \$20 members/\$60 non-members.
Lunch is provided.
One hour of Business Development CLE credit will be applied for. Register at www.mbabar.org.

Calendar

NOVEMBER

3 Friday
Interstate Compact for Adult Offender Supervision Seminar

7 Tuesday
Two Tribes, Two Judges, One Goal: Tribal Justice Film Screening

8 Wednesday
OSB Awards Luncheon

9 Thursday
USDCHS Annual Dinner

St. Andrew Legal Clinic Taste for Justice Auction

Youth, Rights and Justice 9th Annual Wine and Chocolate Gala

10 Friday
December *Multnomah Lawyer* Deadline

14 Tuesday
Queen's Bench Luncheon

16 Thursday
Bench Bar Bagels
Details on p. 1

OVLA Benefit Event: Meet Ari Shapiro

23-24 Thursday-Friday
Thanksgiving Holiday

DECEMBER

12 Tuesday
Queen's Bench Luncheon

15 Friday
Free Lunch and Learn CLE: Procedural Justice and the New Courthouse

25 Monday
Christmas Holiday

JANUARY 2018

1 Monday
New Year's Day



Oregon Minority Lawyers Association

OMLA's 18th Annual Summer Social & Fundraising Auction

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and now is the time to renew your MBA membership for 2018

Renew by December 31 to receive a **FREE \$60 credit** towards MBA CLE programming. Attend a CLE in person, watch a video webcast online or listen to a seminar on your computer or smartphone.

Terms and conditions apply - see www.mbabar.org for details.

mba
Multnomah Bar Association



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.

Appellate Update 2017

Tuesday, November 14, 2017 - 3-5 p.m.

World Trade Center, Sky Bridge Room

Members \$60/Non-Members \$95

Please join the MBA for a two-hour update on Oregon appellate decisions. Multnomah County Circuit Court **Judge Cheryl Albrecht** and Oregon Court of Appeals **Judge Scott Shorr** will present an overview of key decisions from the Oregon Court of Appeals and Oregon Supreme Court from 2017. These esteemed speakers will touch on issues relevant to nearly all practitioners. An absolute "must-see" to wrap up 2017 and prepare for a new year.

For more information: Call the MBA at 503.222.3275.

Effective and Ethical Ways to Deal with Impaired Litigants

Wednesday, November 15, 2017 - 3-5 p.m.

World Trade Center, Sky Bridge Room

Members \$60/Non-Members \$95

Every attorney should be familiar with the challenges, responsibilities, and risks of representation when a client or opposing party suffers from a mental health, cognitive or substance abuse impairment. Learn practical tips and strategies to identify potential difficulties, effectively communicate with the impaired person, and advocate for your clients' interests within the bounds of the ethical and procedural rules. Join panel members: **Mark Johnson Roberts**, Deputy General Counsel at the OSB, formerly in private trial and appellate practice for 29 years; **Brett Callahan**, probate and guardianship attorney with Nay & Friedenbeg, LLC; and **Harry Dudley, Psy.D.**, mental health practitioner with over 35 years' experience, including 27 years of specialization in forensic and clinical psychology. The class will be moderated by **Michael McGrath**, partner at Gearing Rackner & McGrath LLP.

For more information: Contact Michael McGrath, Gearing Rackner & McGrath LLP at 503.222.9116. For registration questions, contact the MBA at 503.222.3275.

Deposing the Organization

Tuesday, November 28, 2017 - 3-4:30 p.m.

World Trade Center, Sky Bridge Room

Members \$40/Non-Members \$75

Note: 1.5 hours of general credit will be applied for.

John Dunbar, Larkins Vacura Kayser LLP; **Beverly Pearman**, Port of Portland and **Keith Dubanevich**, Stoll Berne PC will teach you strategies for taking and defending depositions under FRCP 30(b)(6) and ORCP 39C(6). These three experts will provide plaintiff, defendant, in-house, and government perspectives.

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

Rights of First Refusal, Rights of First Opportunity, and Options

Tuesday, December 5, 2017 - 3-5 p.m.

World Trade Center, Plaza Conference Room

Members \$60/Non-Members \$95

Jeff Tarr and **Amy Geerhart**, business transaction attorneys and members of Sussman Shank LLP's Real Estate and Land Use practice group, will give an overview of various real estate contract rights. **David Hill**, commercial real estate broker at Newmark Knight Frank will also share his insights on the topic.

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

Immigration for Civil Practitioners - Advocacy, Agency Navigation, and Social Services

Wednesday, December 6, 2017 - 3-5 p.m.

World Trade Center, Plaza Conference Room

Members \$60/Non-Members \$95

Would you like to be more involved in the immigration issues facing our courts today, either as a volunteer or in your practice? Are you interested in learning how you can help clients navigate the United States Customs and Immigration Services (USCIS)? Regardless of your level of expertise, this seminar will provide key information on current issues in civil immigration practice, as well highlight advocacy efforts and social service programs for clients facing immigration hurdles. Our distinguished panel of speakers includes **Mat dos Santos**, Legal Director, ACLU of Oregon; **John Herrera**, Director Immigration Legal Services, Catholic Charities; and **Margaret Rosenast**, Acting Director, Portland Field Office, US Citizenship and Immigration Services. The panel will be moderated by **Adrian Brown**, US Attorney's Office.

For more information: Call the MBA at 503.222.3275.

The Robe as Sword and Shield: Part 2 - Family Law

Tuesday, December 12, 2017 - 3-5 p.m.

World Trade Center, Plaza Conference Room

Members \$60/Non-Members \$95

Note: 2 hours of ethics MCLE credit will be applied for.

A panel of family law judges committed to advancing professionalism among the bar will discuss the role the bench plays in enforcing professionalism both inside and outside the courtroom. Our panel includes retired **Judge Diana Stuart** and will address their role and the bench's responsibility to enforce civility and professionalism. This is an interactive CLE intended to give family law attorneys an opportunity to hear from and communicate with the bench about issues of professionalism that commonly arise in family law and how the court can be of assistance. The panel will discuss specific scenarios and will take questions from the audience. Both new and experienced family law attorneys are encouraged to attend and contribute.

Trademark Litigation: Tricks and Traps in Federal Court and the Trademark Trial and Appeal Board

Thursday, December 14, 2017 - 3-5 p.m.

World Trade Center, Mezzanine

Members \$60/Non-Members \$95

Please join the MBA for a lively, two hour panel presentation on trademark litigation presented by our panelists **Benjamin Okeke**, Interlocutory Attorney, US Patent and Trademark Office, Trademark Trial and Appeal Board (TTAB), and **Susan Ford** and **Winston Folmar** of Res Nova Law. The panelists will address procedures, timing, and evidentiary rules in Federal Court and before the TTAB and how these issues differ in the two venues. Our panelists will discuss what can go wrong in each venue; they will provide practical tips and strategies to successfully navigate a trademark case; and they will discuss the importance of the underlying prosecution history of the trademark at issue.

For more information: Contact Ed Carlson, Carlson Law at 971.254.8907. For registration questions, call the MBA at 503.222.3275.

Top 10 Family Law Electronic Discovery Tips and Ethics

Wednesday, January 10, 2018 - 3-5 p.m.

World Trade Center, Mezzanine

Members \$60/Non-Members \$95

Note: One hour of general credit and one hour of ethics credit will be applied for.

Evidence matters! Learn how to collect, review and present electronic evidence in your family law cases regarding custody, support, property division, and business valuation issues. You will see demonstrations and real-world examples showing the use of computer, smartphone, and social media evidence. Learn the top 10 things family law lawyers must know about electronic discovery:

- Updating client intake questionnaires and pleadings to deal with electronic evidence
- Preserving and collecting computer and smartphone evidence defensively.
- Using smartphone (iPhone and Android) evidence in your next case.
- Distinguishing your law firm with e-discovery best practices.
- Culling electronic data based on issues in the case (custody, support, and property division).
- Obtaining social media (e.g. Facebook) and online "cloud" data.
- Understanding the importance of text messages and email.
- Using effective search and sampling strategies for family law cases.
- Performing cost-effective and efficient legal reviews for family law cases.
- Producing electronic evidence to the requesting party.
- Persuading the family law judge with electronic evidence.

Learn the risk of client electronic information and how to protect client confidential communications.

- Protecting client confidential information.
- Computer security of client data.
- The importance of encryption and how to configure it.
- Using effective passwords.
- Backups to prevent loss of data.
- Breach of Attorney-Client Privilege through Electronic Surveillance and Spyware.
- The risk of computer metadata.
- Smartphone security.
- Closed Files: Destruction of Electronic Evidence.

A trial lawyer with a deep technical background, **Tom Howe** has over 25 years of experience in law and technology, and is a member of the Oregon and Washington Bar Associations. He has been referred to in articles as one of the leading e-discovery lawyers in the country, providing legal/technology consulting and expert witness services to some of the largest law firms, corporate legal departments, e-discovery vendors, and the federal government.

For more information: Contact the MBA at 503.222.3275.

You, Me, and Data Security
Thursday, January 11, 2018 - 3-5 p.m.
World Trade Center, Mezzanine
 Members \$60/Non-Members \$95

Please join banker and recovering lawyer **David Nijhawan**, Esq., KeyBank, and lawyer **Brian Sniffen**, Miller Nash Graham & Dunn to discuss how data security and data privacy issues affect your clients - and how you can help them navigate those issues. David and Brian will explore topics such as:

- Applicable laws and regulations that may apply,
- Best practices for data security incident preparedness,
- Case studies of cyber-attacks and cyber fraud, and
- Potential legal remedies.

They will also discuss ways lawyers and banks can help mitigate risk in this rapidly changing environment.

For more information: Contact Cody Elliott, Miller Nash Graham & Dunn at 503.205.2465. For registration questions, contact the MBA at 503.222.3275.



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Refugee Rights: Where We Are One Year After the First Travel Ban
Tuesday, January 30, 2018 - 12-1 p.m.
World Trade Center, Mezzanine
 Members \$30/Non-Members \$50

Note: One hour of general credit will be applied for.

This class will explore the iterations of the travel ban, challenges to it along the way, and where we are now, with a discussion of “who’s in; who’s out.” It will also explore the impact of the travel ban and the related devastating cuts in refugee admissions and how they are affecting refugee resettlement agencies, refugees abroad and refugees who live in Oregon. It will provide personal perspectives on who refugees are, the issues and challenges that refugees in Oregon are facing and what lawyers regardless of practice area can do to help. This class will provide relevant and helpful information to practitioners in refugee and immigration practices, as well as any attorney who may represent a refugee in their regular practice. **Cheryl Coon**, Executive Director and founder of Refugee Disability Benefits Oregon and **Z. Hanah Riley**, Staff Attorney at Refugee Disability Benefits Oregon will present this class.

For more information: Contact Jovanna Patrick, Hollander Lebenbaum et al at 503.222.2408. For registration questions, contact the MBA at 503.222.3275.



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MIKE LONG, JD, LCSW

It has been my privilege to help lawyers, judges and law students with a broad spectrum of challenges over the last 23 years, as an attorney counselor with the Oregon Attorney Assistance Program. As I start a new private counseling practice, I look forward to continuing to serve Oregon’s legal community.

971- 280-0370
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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.mbabar.org.

CLE Registration Form

NAME _____	CARD NUMBER _____
FIRM _____	EXPIRATION DATE AND SECURITY CODE _____
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PHONE _____	_____
OSB# _____	_____

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 MBA Member
 Non-Member

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

Register online and order or download MBA self-study materials at www.mbabar.org.
 Reduced fees for unemployed members are available and are assessed on a case-by-case basis. For details, call the MBA at 503.222.3275.

Seminar Selection:

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

- 11/14 Appellate Update 2017**
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- 11/28 Deposing the Organization**
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- 12/5 Rights of First Refusal, Rights of First Opportunity**
 Class Registration (\$60 Members/\$95 Non)\$ _____
 CD-ROM & Written Materials (\$60 Members/\$95 Non) ..\$ _____
- 12/6 Immigration for Civil Practitioners**
 Class Registration (\$60 Members/\$95 Non)\$ _____
 CD-ROM & Written Materials (\$60 Members/\$95 Non) ..\$ _____
- 12/12 The Robe as Sword and Shield**
 Class Registration (\$60 Members/\$95 Non)\$ _____
 CD-ROM & Written Materials (\$60 Members/\$95 Non) ..\$ _____
- 12/14 Trademark Litigation**
 Class Registration (\$60 Members/\$95 Non)\$ _____
 CD-ROM & Written Materials (\$60 Members/\$95 Non) ..\$ _____
- 1/10 Top 10 Family Law Electronic Discovery Tips and Tricks**
 Class Registration (\$60 Members/\$95 Non)\$ _____
 CD-ROM & Written Materials (\$60 Members/\$95 Non) ..\$ _____
- 1/11 You, Me, and Data Security**
 Class Registration (\$60 Members/\$95 Non)\$ _____
 CD-ROM & Written Materials (\$60 Members/\$95 Non) ..\$ _____
- 1/30 Refugee Rights: Where We Are One Year After the First Travel Ban**
 Class Registration (\$30 Members/\$50 Non)\$ _____
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MBA Mentor Program Frequently Asked Questions

Is the MBA Mentor Program compatible with the OSB New Lawyer Mentoring Program (NLMP)?

Yes, it is possible to participate in both programs either with the same mentor or a different mentor.

Who can participate as a mentee in the MBA Mentor Program?

Any MBA YLS member, whether or not they are signed up for the NLMP, may participate as a mentee.

Who can participate as a mentor in the MBA Mentor Program?

OSB members in good standing, with reputations for competence and for conducting themselves ethically and professionally, and with at least seven years of practice, may participate as mentors.

Is there a fee to participate?

The MBA Mentor Program is free for all participants.

If I am participating in the NLMP, will I be assigned the same mentor for the MBA Mentor Programs?

That's up to you. Let us know your wishes on the MBA sign-up form and we'll match you appropriately.

If I am participating in the NLMP why would I also sign up for the MBA Mentor Program?

The MBA program offers additional opportunities for mentoring outside the OSB structure, including networking, and obtaining free CLE credit available exclusively to people participating in the MBA program.

How are mentors and mentees matched?

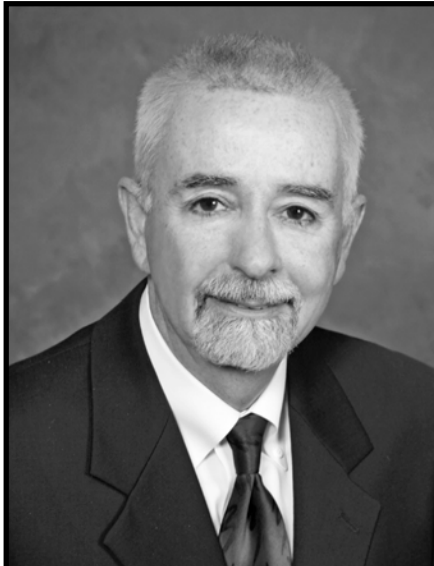
Mentors are matched with mentees by MBA Professionalism Committee members based on the responses given on the sign-up form. Let us know if you would like the same mentor you have in the NLMP. If you're not signed up for the NLMP, let us know what's important to you in a mentor - practice area, firm size, gender, etc. We'll do our best to match you appropriately.

How do I sign up?

Complete and return the sign-up form available at www.mbabar.org/Resources/News/122/Details/. Forms are due to the MBA by December 1.

Learn more about the OSB NLMP at www.osbar.org/nlmp.

If you have questions about the MBA Mentor Program, please contact Kathy Modie at the MBA at 503.222.3275.



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Please join us for a seminar on retirement plans and retirement planning.

Are You Able to Live Well Today and Still Save for Tomorrow?

Tuesday, January 9, 2018

Check-in: 4:30-5 p.m.

Presentation: 5-6:30 p.m.

Social and Informal Q&A: 6:30-7 p.m.

**Red Star Tavern Club Room
503 SW Alder St., Portland**

During this informative seminar, you'll learn ways to:

- Balance smart decisions about today with planning for tomorrow.
- Plot your journey to retirement into doable steps so it's manageable.
- Maintain financial balance by being prepared for risks and unexpected events.
- Create a meaningful legacy today.

Topics to be covered include:

- Setting Retirement Planning Benchmarks based on age/stage of career
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Adina Flynn, JD, Bridge City Advisors/Ameriprise Financial Services, Inc. is our presenter.

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mba | ANNOUNCEMENTS

Multnomah County Circuit Court Changes Access Hours

Budget cuts have reduced the court's staffing. The following changes took effect October 16.

Phone service to the operations sections of the Office of the Trial Court Administrator will be available from 8:30-10:30 a.m. and 1:30-4 p.m.

Public Service Counter hours in the courthouse, Justice Center, and Juvenile Justice Center will be open from 8 a.m.-4 p.m. The East County Courthouse will be open from 8 a.m.-5:30 p.m. Monday-Thursday and 8 a.m.-4 p.m. on Fridays.

Free CLE Webcast for MBA Members

The video webcast of the seminar "Great Lawyer, Bad Manager: Avoiding the Most Common Mistakes Lawyers and Law Firms Make as Employers" is available in the Members Center at www.mbabar.org. The webcast is approved for two hours of general OSB MCLE credit.


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

Commitment to Professionalism

The MBA professionalism statement is available for MBA members to order and display in their offices. The statement is printed on quality 11x14" parchment paper and is suitable for framing. Reconfirm your commitment to professionalism; order your free professionalism statement at www.mbabar.org/assets/documents/profcertorder.pdf.

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.



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LASO Domestic Violence Project Pro Bono Spotlight

by Jeffery (Jay) Johnston
YLS Pro Bono Committee

There is a great need for lawyers to represent survivors of domestic violence and sexual assault in brief court hearings. Legal Aid Services of Oregon (LASO) has an OSB-certified pro bono opportunity ideal for many Portland-area lawyers. LASO's Domestic Violence Project (DVP) connects volunteer lawyers with domestic violence survivors for representation in contested restraining order hearings. The hearings take place in Multnomah, Clackamas, and Washington counties, with the most demand in Multnomah and Clackamas.

How it Works

LASO performs an initial screening. After a conflict check, the client's information and

materials are forwarded to the volunteer attorney to connect with the client. The attorney-client relationship is formed and the two usually make independent arrangements to meet and discuss the case before the hearing. Most hearings are required to be scheduled within 21 days of the respondent's filing (or a mere five days if child custody is being contested). Throughout the process, LASO remains available with resources including forms vetted by the OSB, meeting room space if needed, and interpreters.

The Ideal DVP Volunteer

"The DVP is unique in that it's a great opportunity for a wide group of lawyers," says Erin White, staff attorney and Pro



Erin White

Bono Coordinator with LASO. DVP cases usually require a court appearance. This makes them perfect for attorneys seeking courtroom experience, as well as veteran litigators willing to share their expertise. Settlement is sometimes an option, providing an excellent opportunity for lawyers wishing to exercise their negotiation skills.

- Think you don't have time? These cases have very short timelines that can accommodate already busy schedules. Moreover, they have limited issues: you won't be

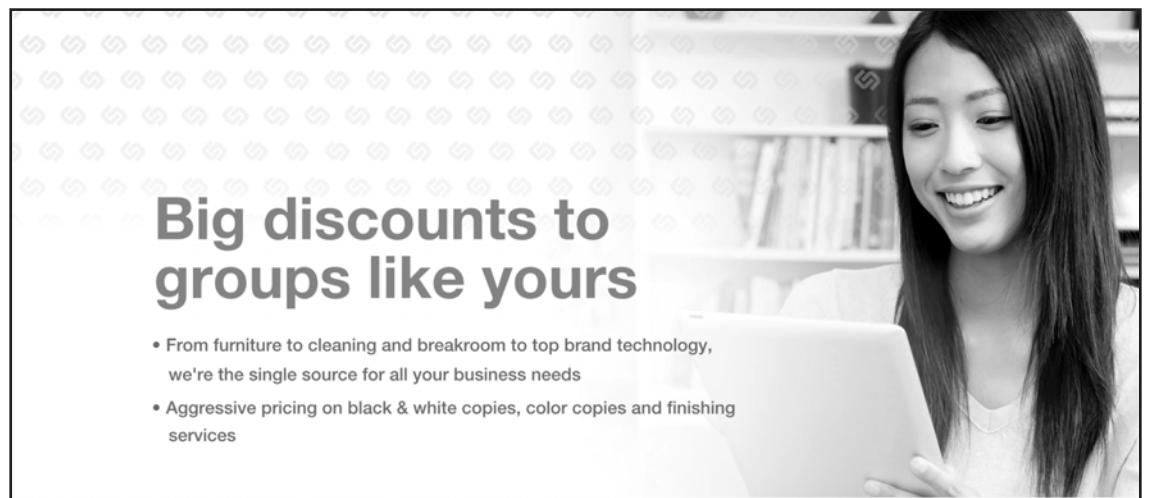
performing rigorous research or conducting considerable discovery.

- Not a domestic violence law expert? DVP cases' limited issues also make them approachable for attorneys unseasoned in this field. Nearly all cases are based on either the Family Abuse Prevention Act (FAPA) or Elderly Persons and Persons with Disabilities Abuse Prevention Act (EPPDAPA). LASO has extensive training materials for volunteers, including online videos that qualify for CLE credit.
- Concerned about getting in over your head? White explains that "cases are matched to a volunteer based on the attorney's skill and comfort level, in addition to their geographical preference. Volunteers can work with LASO to find the right fit." Moreover, LASO has significant in-house expertise if a volunteer desires advice on a DVP case.

These cases are profoundly fulfilling for the volunteers, while being profoundly beneficial to the community. "Pro bono attorneys have remarked that their pro bono service is their most rewarding professional experience," recalls White. Last year, 49 attorneys participated in the DVP. Those who volunteered opened more than 150 cases and contributed nearly 1,000 hours of service. However, LASO and its current volunteers cannot fully meet the need.

How to Get Involved

Enrolling in the DVP is not complicated or time-consuming. Volunteers may begin accepting cases as soon as they attend an orientation and submit a volunteer form. Erin White conducts the orientations (worth an hour of Access to Justice CLE credit) once a month at LASO's office downtown. For more details about volunteering for the DVP, please contact Erin White at 503.224.4086 or erin.white@lasoregon.org.




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Ethics Focus

Employing Suspended or Disbarred Lawyers: A Tale of Two States

by Mark J. Fucile
Fucile & Reising LLP



Lawyers facing lengthy suspensions or disbarment are inevitably confronted with the very real economic question of how they will provide for themselves and their families financially when they cannot

...a suspended or disbarred lawyer may offer a level of training and experience that surpasses job applicants with more traditional resumes.

practice law. Some look to work outside the legal field. Others, however, are understandably interested in salvaging at least a portion of their legal training and experience by working in nonlawyer positions within law firms - such as a paralegal, an investigator or a law clerk.

For law firms, a suspended or disbarred lawyer may offer a level of training and experience that surpasses job applicants with more traditional resumes. Particularly for Portland firms that increasingly practice in both Oregon and Washington, the rules governing employing a suspended or disbarred lawyer are starkly different if the work is north or south of the Columbia. In this column, we'll look at those respective rules and then conclude with discussion of their somewhat muddy intersection.

Oregon

The OSB in Formal Opinion 2005-24 generally permits a suspended or disbarred lawyer to work at a law firm as a paralegal, a law clerk or in a similar nonlawyer position under a lawyer's supervision.

In doing so, Opinion 2005-24 mirrors a similar conclusion the OSB reached in 1991 under a predecessor version of the current opinion.

Opinion 2005-24 cautions that the lawyer supervising the suspended or disbarred lawyer's work must ensure that the latter is not engaging in the unauthorized practice of law. In this regard, RPC 5.5(a) not only prohibits the unauthorized practice of law - but also "assist[ing] another in doing so." In other words, a supervising lawyer is at disciplinary risk if the supervising lawyer knowingly permits a suspended or disbarred lawyer to handle tasks, such as court appearances, that are reserved for lawyers.

Although Opinion 2005-24 answers the technical question of whether a law firm can employ suspended or disbarred lawyers in nonlawyer positions, the risk management considerations involved will vary with individual circumstances. For example, a lawyer serving a suspension for "guessing wrong" on a complicated conflict charge might pose little risk working as a paralegal or law clerk on substantive client work under a lawyer's supervision. By contrast, hiring someone to be the firm bookkeeper after the person was disbarred for stealing client funds would not ordinarily be a prudent call even though theoretically permitted.

Washington

Washington has long taken a much different approach to suspended or disbarred lawyers. Washington RPC 5.8(b), which has no counterpart in the ABA Model Rules, prohibits any legal work by a suspended or disbarred lawyer:

"A lawyer shall not engage in any of the following with a lawyer or LLLT who is a disbarred or suspended or who has resigned in lieu of disbarment or discipline or whose license has been revoked or voluntarily cancelled in lieu of discipline:

- (1) practice law with or in cooperation with such an individual;
- (2) maintain an office for the practice of law in a room or office occupied or used in whole or in part by such an individual;
- (3) permit such an individual to use the lawyer's name for the practice of law;
- (4) practice law for or on behalf of such an individual; or
- (5) practice law under any arrangement or understanding for division of fees or compensation of any kind with such an individual."

A long-standing (originally issued in 1990) and comparatively recently updated (amended in 2009) WSBA advisory opinion (No. 184) elaborates:

"This rule prohibits a lawyer from hiring or employing a disbarred [or suspended] lawyer in connection with or related to the practice of law. It does not prohibit a lawyer from hiring a disbarred [or suspended] lawyer in capacities not involving the practice of law. Thus, a lawyer may employ a disbarred [or suspended] lawyer in other non-law-related capacities from such mundane tasks as mowing lawns or washing windows, to more sophisticated employment such as managing a business or property not related to the lawyer's practice of law."

Muddy Intersection

With lawyers increasingly practicing - and licensed - in both Oregon and Washington, employing a suspended or

...the risk management considerations involved will vary with individual circumstances.

disbarred lawyer also has a multi-state dimension. The RPCs in both Oregon and Washington now have choice-of-law provisions - RPC 8.5(b) in both - that address which state's professional rules govern particular conduct. Under RPC 8.5(b)(1), litigation matters are generally controlled by the forum state's professional rules. Under RPC 8.5(b)(2), non-litigation matters are generally governed by the rules in the location where the lawyer's conduct occurred or where the conduct had its "predominant effect."

The choice-of-law rules suggest that an Oregon lawyer in Portland who is also licensed in Washington could employ a suspended or disbarred Washington lawyer in Oregon to work on Oregon matters. By contrast, the choice-of-law rules suggest that the dual-licensed Portland lawyer in our example could not employ a suspended or disbarred Washington lawyer to work on a litigation matter in Washington. WSBA Advisory Opinion 184, for example, concludes in this regard: "We are of the opinion that the restrictions imposed by RPC 5.8(b) do not prohibit a Washington lawyer from associating with a lawyer or law firm which employs a disbarred [or suspended] lawyer or lawyers in a jurisdiction which permits it[.]"



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Around the Bar



Adam Adkin



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Christopher Pallanch

Tonkon Torp LLP

Adam Adkin joined the firm as an associate in its Business Department. His practice is focused on working with business owners on the full breadth of business transactions, with an emphasis on purchase and sale transactions.

Adkin comes to Tonkon Torp from Karnopp Petersen in Bend, Oregon, where he practiced for four years. He also spent two years at the Oregon Court of Appeals working as a judicial law clerk to the Hon. Rex Armstrong and the Hon. James Egan.

Tyler Harkness has joined the Oregon Entrepreneurs Network (OEN) Board of Directors as its Secretary. Tonkon Torp is an active advocate for Oregon's startup community, and has had an attorney serving on the OEN board since the early 2000s.

Harkness is a general business lawyer who works in Tonkon Torp's Entrepreneurial Services, Corporate Finance, and Mergers & Acquisitions practice groups. His practice includes advising startup companies and working with established businesses.

Partner **Christopher Pallanch** has been voted in as President-Elect for the Oregon Chapter of the Federal Bar Association.

The Federal Bar Association is the principal point of contact for attorneys with the federal judicial bench, and offers attorneys and judges a variety of continuing legal education programs and events.

Pallanch is Co-Chair of the firm's Financial Services & Investment Management practice group and a partner in the Litigation Department. His practice focuses on resolving complex business disputes, whether through trial, arbitration, mediation, or settlement.



Barnes Ellis

Oregon Criminal Defense Lawyers Association

Longtime Portland attorney **Barnes Ellis** has been selected to receive the Ken Morrow Lifetime Achievement Award by the OCDLA.

A magna cum laude graduate of both Yale University and Harvard Law School, Ellis was a senior partner at Stoel Rives, Portland's largest law firm, specializing in business litigation until retiring in 2011.

In the criminal justice world, Ellis served 30 years on the Board of Metropolitan Public Defenders. He also served as Chair of the Public Defense Services Commission from its inception in 2000 until 2016.

Since "retirement" Ellis now serves as senior legal counsel for Mercy Corps, the international aid organization based in Portland.



Kristin Asai

Holland & Knight LLP

Kristin Asai has joined Holland & Knight's Portland office as an associate.

Her practice includes defending complex class actions, as well as litigating contract, professional negligence, environmental and shareholder claims in state and federal courts around the country. Asai also has significant experience handling election challenges and government litigation in Oregon and Washington.

Previously, Asai was an associate with Markowitz Herbold PC in Portland. In moving to Holland & Knight, she rejoins team members Matt Donohue, Shannon Armstrong, Joe Franco and Lisa Howley, who

joined the firm from Markowitz Herbold earlier this year.



Michele Buck-Romero



Nicole Erickson

Wyse Kadish LLP

Wyse Kadish is proud to announce that **Michele Buck-Romero** has been elected a partner of the firm. Buck-Romero earned her JD from the University of Oregon School of Law in 2007. She joined Wyse Kadish in April of 2015. Prior to joining Wyse Kadish, Michele practiced with the law firm of Davis Wright Tremaine. Her practice focuses on estate planning, estate and trust administration, and family businesses.

The firm is pleased to announce Estate Planning Associate **Nicole Erickson**. Erickson has practiced estate planning and probate law for over six years. She began her practice at a large firm in Midland, Texas before moving to Portland. Over time Nicole has expanded her practice to include blended family planning, guardianships, conservatorships, state and federal tax planning, and choice of law issues for multi-state planning and administration.



Richard Vangelisti

Richard Vangelisti

Richard Vangelisti is excited to announce that he has opened a mediation practice in which he will serve as a full-time neutral. He is available to mediate cases involving personal injury, insurance, employment, and business disputes. He has closed his personal injury practice.



Jason Poss

Hart Wagner LLP

Associate **Jason Poss** has been appointed to the Board of Directors of local nonprofit Adaptive Sports Northwest. The organization provides and promotes recreational, fitness, and competitive opportunities for kids and adults with physical disabilities.

Arnold Law

The firm is pleased to announce the opening of an office in the Congress Center Building in downtown Portland. Attorney **Adam Shelton** will lead the new office, allowing the firm to expand their representation of clients in Multnomah, Clackamas, Washington, Marion and Lincoln counties.

"By expanding into Portland, we can connect face-to-face with more of our clients, offering that personal connection we value



Adam Shelton

as a team," said Shelton. "I'm excited to represent our firm in the Portland metro area."

Shelton has been with the firm since 2013, working from the Eugene office. His practice focus includes family law and personal injury cases. From the Portland office, he will also offer estate and probate law services.

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

Legal Aid Services of Oregon Volunteer Lawyers Project

Thanks the Multnomah Bar Association

For coordinating the 20th Annual MBA Golf Championship

A special thank you to all the participants and MBA Golf Committee:

Samuel Raybun, Chair

Amber Bevacqua-Lynott

Andrew Evenson

Jamison McCune

Elizabeth McKanna

Scott Rennie

Sara Urch

Melinda Wilde

Steve Larson, 2016-2017 MBA Board Liaison

Pamela Hubbs, MBA Staff

mba yls | EVENT

YLS Community Service Day

Tuesday, November 14

Oregon Food Bank

7900 NE 33rd Dr., Portland, OR 97211

6-8:30 p.m.

Join the YLS Service to the Public Committee to help package food at the Oregon Food Bank, a food bank in NE Portland committed to addressing hunger in Oregon via public policy advocacy, education, and fresh food distribution.

If you are interested in volunteering, please contact Ashley Carter (Ashley.Carter@portlandoregon.gov) to reserve your place - space is limited!

For more information, visit www.oregonfoodbank.org.

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Jeffrey S. Mutnick has spent over 30 years representing the Insulators and Asbestos Workers of Local 36 in the Pacific Northwest. He has represented over 1000 asbestos exposure victims and is the most experienced trial lawyer in Northwest asbestos litigation. ■

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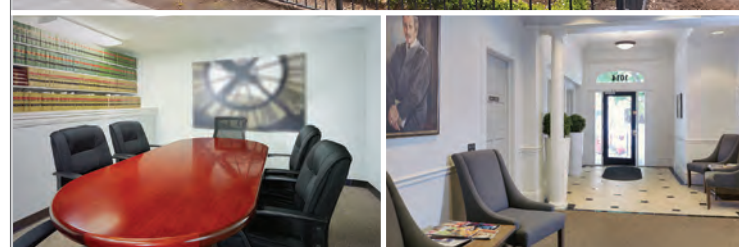
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A Judicial Retrospective Lasting Impressions for Success in Law

by the Honorable Jerome LaBarre
Multnomah County Circuit Court Judge



As my time as a Circuit Court Judge is ending and I head into work as a Senior Judge with a mediation practice, I was asked to write this “retrospective” article. What could I write about in a short article about a long career? I decided to describe three important lessons which I hope can be helpful to all my colleagues at any stage of practice in this noble profession.

1. Strive for Simplicity

“Truth is ever to be found in simplicity...”

- Sir Isaac Newton

As a young lawyer, I heard the esteemed judge and law professor Irving Younger devote his entire address to the OSB on the merits of simplicity. It stuck with me and I have seen the wisdom of his words again and again. Simplicity matters at every stage of the case. When the case comes in the door, your task is to start “boiling it down” to something comprehensible. When you try to settle, your strengths and weaknesses need to be identified and evaluated. Throughout the mediation or trial, you must simplify your evidence at every juncture.

Over the years, I have repeatedly seen the importance of making the complex simple to resolve cases. This is true in law and in life, but is a challenge for attorneys, judges, juries and mediators alike.

2. Organize Your Case Around Story

“The Universe is made of stories, not atoms.” -Muriel Rukeyser

Organization is crucial in litigation, and this is particularly true in trials and mediation. As suggested in my July/August 2017 Tips from the Bench article, I have learned that the best organizing principle is story. We are hardwired to respond to stories. Usually stories proceed in chronological order, so that is often the best way to organize your case.

Creative use of other philosophies can help fine-tune your case organization. Consider the art of *feng shui*, which involves balancing and harmonizing the flow of energies. This applies not only to our environment, but also to the way a case should be organized. Similarly, think about classical forms. When constructing a

building, you need to start with a sturdy foundation. The same goes for your case. Civil litigation is about money, so keep this in mind at every stage and fold it into your organizing. What is the damage exposure? How can you help your client collect or protect them from loss? All of these principles can contribute to case organization.

3. Build Relationships and Community

“And do as adversaries do in law, / Strive mightily, but eat and drink as friends.”

- William Shakespeare
The Taming of the Shrew

Fostering healthy relationships is key to both success in the law and to enjoying one’s career. Lawyers and judges are constantly confronted with tough problems which they are asked to solve. But in doing this we need to be hard on the problems and soft on the people involved.

This can take significant effort. After all, we have a history of being warriors. The knights came off the battlefields and into the Inns of Court in England, then into courtrooms across the United States. Now everyone is moving from courtrooms into mediation sessions. Relationships have always been important, but they are now critical to achieve success. Plus, good relationships are a lot more fun than the alternative.

I have personally seen the value of relationships in the uniquely collegial environment which I have enjoyed on this bench for almost 18 years. What is true of the bench is also true of the Oregon bar - good collegiality is the rule, not the exception. This does not happen without a lot of effort by a lot of people. Professionalism and good relationships between colleagues are investments that pay rich dividends over time. Like anything, you get out of it what you put into it. In every way it is worth the effort to get along with your colleagues.

Conclusion

The exceptional lawyers I have seen over the years have all had the ability to focus on the smallest details while still seeing the “big picture.” Pay attention to specifics, but be careful not to lose sight of your goal and guiding principles. Looking back on my career, there are many wonderful feelings and memories. I have seen massive changes in how cases are resolved and how the law is practiced. But while the details of practicing law have evolved, the principles of simplicity, storytelling and relationships are as true now as they were on the day I started.



News from the Courthouse

by Andrea Ogston
Court Liaison Committee

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

Judges

Since last spring, Governor Brown has appointed five new judges to the Multnomah County Circuit Court - Judge Xiomara Torres, Judge Kate von Ter Stegge, Judge Chris Ramras, Judge Ben Souede and, most recently, Judge Patricia McGuire who was sworn in on October 16. The court will be getting two additional new judges with the retirements of Judge Jerome LaBarre and Judge Edward Jones at the end of this year. As a result of all of the retirements and new judges, there will be an intensive courtroom shuffle in the downtown courthouse.

New Courthouse Update

Phase II of the courthouse construction project has finished, which included completion of the foundation and large anchor pillars; Phase III of the project has begun. Walls and floors will start going up and the courthouse will begin to take shape.

Part of the plan for the new courthouse is to include a legal resource center staffed with navigators and facilitators to assist self-represented litigants. The number of self-represented litigants has grown across all case types. As part of its procedural justice initiative, the court continues to look for ways to provide education and assistance to those trying to navigate the legal system without the benefit of a lawyer. In addition, the legal resource center will provide access to electronic legal research materials for the public and legal community.

Leveraging Technology

Digital displays are being tested at the current courthouse and Justice Center. The displays will provide information without requiring people to wait in line for individual assistance. The court will also be testing kiosks for making payments and obtaining other information about cases. The new technology is being designed with input from ADA specialists that will take into account font, display contrast, and placement of equipment. The equipment is part of a proof-of-concept test to identify what technology will be the most helpful to include in the new courthouse.

Increased and improved technology isn’t displacing staff, but instead will allow the court to increase efficiency and provide service to the public in light of the latest 6.5 percent budget cut that the court is faced with. The court will be operating with reduced staff due to the budget cuts, and court personnel will need additional time to accept electronic filings and perform data entry in order to minimize backlogs. Because of these changes, public service hours for the court’s operations departments are now ending at 4 p.m. each business day.

Given the increasing number of self-represented litigants, the court is working with the bar to create tools, including educational videos, that can be available in the courthouse and online. With the help of the MBA, these videos will cover the basics of court procedures, breaking things down into bite-size pieces. OJD has also created more online interactive forms to assist self-represented litigants in domestic relations matters and small claims cases, and plans to continue to create additional interactive forms for other case types.

Preliminary Hearings

On November 6, the District Attorney’s office will start conducting preliminary hearings in many cases rather than presenting all felony cases to grand juries. Criminal preliminary hearings have not occurred in Multnomah County for about 30 years. The court has been working with all stakeholders to the public safety system to plan for this new docket in the Justice Center. This is a continuation of a transformation of how cases proceed through the criminal justice system with more individualized decision-making and better information-gathering at the front end. It highlights how our justice reinvestment collaboration has actually changed things. The operational changes stemming from the implementation of preliminary hearings will undoubtedly need fine-tuning as we work through the new procedures.

Lunch and Learn for Courthouse Judges and Staff

The Court’s Diversity and Equity Committee has sponsored a series of presentations for courthouse staff and judges on the history and experiences of different cultures, races and ethnicities that make up

our community. Among the Lunch and Learn presentations held, judges and staff have heard from representatives of the Hispanic, Native American, Black, Muslim, Jewish, Russian, Chinese, and Japanese communities, as well as from representatives discussing transgender issues and explaining the experiences of people with disabilities and with traumatic brain injuries. The focus of this series is to educate the court’s staff and judges on experiences and perceptions of the community with a goal of better understanding how the court can be more equitable and responsive to all people. Consistent with this goal, the court’s Training Committee has arranged for an upcoming staff and judges training on institutional equity and implicit bias.

On November 19, the court will be co-sponsoring a public event at the Multnomah County Public Library featuring one of the speakers from the court’s Lunch and Learn sessions - George Nakata, a native Oregonian who was interned with his family during World War II. In the presentation “Minoru Yasui: Lessons to Be Remembered,” Mr. Nakata and Peggy Nagae, the lead attorney for Minoru Yasui, will be recounting the story of Mr. Yasui’s protest and subsequent incarceration in the jail located in the Multnomah County Courthouse. Learn more at <http://bit.ly/2yIzJIZ>.

Legislative Breakfast

On November 30, the court will hold its annual legislators and community leaders breakfast to showcase the ways the court is meeting the needs of our community. The court is grateful to the MBA for hosting this event once again.

Free Lunch and Learn CLE: Procedural Justice and the New Courthouse - Friday, December 15, 12-1 p.m. at the Multnomah County Courthouse.

Join Presiding Judge Nan Waller, Chief Family Law Judge Maureen McKnight and attorney Joe Franco of Holland & Knight LLP for a free CLE seminar on the Multnomah County Court’s procedural justice initiatives, and the efforts made to incorporate the principles of procedural justice into the design of the new courthouse. Topics will include:

- Ways to narrow the gap between judicial and public perceptions of procedural justice;

Continued on page 11

The Honorable Benjamin Souede Multnomah County Circuit Court Judge

by Shayda Zaerpoor Le
Court Liaison Committee

Despite being one of our newest judges in Multnomah County, Benjamin Souede has already had a lot of experience with the judiciary. Judge Souede served as general counsel to Governor Kate Brown from the beginning of her administration until he took the bench on September 5. He says that one of his most interesting responsibilities in the Governor's Office involved helping the governor with judicial appointments, which has given him considerable insight into what both the bench and the bar are looking for among new (and current) judges.

In addition to his service with Governor Brown, Judge Souede has had a varied and diverse career path. He has worked for all three branches of government, as well as in private practice. As a senior lawyer in private practice, he litigated both civil and criminal cases, focusing primarily on white collar criminal defense and complex civil litigation. He notes, "in an age of increased specialization, where more and more lawyers come out of school and start practicing and learn how to do one single thing very well, I've always felt like a little bit of a generalist, which is to say, an anachronism." This broad range of experience will no doubt serve him well as he presides over different types of cases. Prior to moving to Oregon (for the second time), Judge Souede was a Senior Advisor to then-Senator Hillary Rodham Clinton, which was another position that provided Judge Souede with a varied and diverse experience. Much of his time was spent writing speeches, which often required a deep dive into all of the different issues and subject matters publicly addressed by the senator. However, despite his varied and interesting career history, he does note that clerking is the best job anyone will ever have, and that his clerkship with the Honorable Susan P. Graber of the Ninth Circuit Court of Appeals was one of the best professional experiences of his life.

But it is experience helping Governor Brown appoint judges that has provided him with an unusually deep understanding of what characteristics - according to its lawyers and judges - Oregon's best judges have in common.

Judge Souede screened judicial candidates seeking appointment to both of Oregon's appellate courts and to circuit courts across the entire state. Judge Souede explains that "the most important part of the job is to seek out as much information as possible about the candidates, and about the needs of the court to which the Governor is making the appointment." To get that information, the Governor's Office talked to and worked with numerous local bars (each of which has its own way of developing and communicating their views), with scores of justices and judges, and with hundreds of Oregon lawyers. In addition to seeking local input, the Governor's Office convened a committee which included local representation to interview the candidates for virtually every judicial appointment to a circuit court. This helped Governor Brown to make decisions that were based both on the core traits she seeks in every newly appointed judge, as well as on the particular needs of each court and community.

Judge Souede was involved in making more than 20 judicial appointments in the past two and a half years. He heard from communities around the state about some of those enduring characteristics needed for the judiciary:

One characteristic is the ability and willingness to listen. "To many lawyers this may sound basic and obvious," Judge Souede notes. "However, there are so many lawyers who want to be judges who are experienced and knowledgeable and talented; but not all of those lawyers are able or willing to slow down enough to really listen to the litigants. And what I have heard from so many judges is that if you don't do that, you cannot determine whether the circumstances in a particular case make it different from cases that may look similar. And if you miss those occasions, and you treat all of those cases as if they really are all alike, then you are not truly delivering justice to the parties."

Another characteristic is the ability and understanding (and willingness) to work with self-represented litigants. Judge Souede has heard repeatedly how much the work of the courts involves working with unrepresented individuals.

procedural justice should be important to all lawyers who interact with the courthouse;

- How a focus on procedural justice can improve your effectiveness as a lawyer; and
- Aspects of the new courthouse that were planned with procedural justice in mind, including the court's



Benjamin Souede

He says that the work of the judiciary of course requires a "decider who is the source of authority in the courtroom," but he has heard from many lawyers and judges that it is also vital that judges connect with people and earn their trust. "For most people, walking into court will always be a scary proposition, and ignorance of what is happening around them can make it truly terrifying. What I have heard from every legal community I've visited is that the most respected judges are those who bring all of the parties along as the case proceeds. Those judges who reduce the trauma of court-time for parties and for lawyers are almost universally those held in the highest regard in their communities."

A final common characteristic mentioned by legal communities throughout the state relates to the perspective of the individual candidate about the position itself. Judge Souede notes that, during the Brown Administration, "the successful judicial candidates have often shared the perspective of seeing the position of judge as a different occupation that interests them for independent reasons, rather than simply another rung up the ladder of the lawyering profession." Being a judge is a difficult job, and seeing the position as an exercise of service can also be a helpful component of success and longevity in the field.

Judge Souede is originally from Queens, New York. He has a Bachelor of Arts in History and Political Science from the University of Pennsylvania, and he earned his Juris Doctor at Harvard Law School, where he was Supreme Court Editor of the Harvard Law Review. Although he went to law school thinking he would become a prosecutor, his interest in representing people eventually led him to private practice, and his passion for service brought him to the judiciary. He notes that his appetite for variety makes him particularly excited about his job as a judge. Judge Souede is married with two young daughters. He enjoys collecting fine art, by which he means vintage concert posters.

initiative to create a legal resource center in the new courthouse.

The program may qualify for Access to Justice MCLE credit. There is no charge to attend. RSVP to Pamela Hubbs (pamela@mbabar.org).

Supporting the Arts Lawfully Oregon Volunteer Lawyers for the Arts Helps Oregon's Vibrant Arts Scene

by Jonathan Frochtz wajg
Adapted from an article that
originally appeared in the
Lewis & Clark College Chronicle



The music ensemble known as Venerable Showers of Beauty has long been a part of the Lewis & Clark community, bringing together students, alumni, and curious Portlanders to play a set of traditional Javanese instruments called a gamelan.

But a few years back, ensemble director Mindy Johnston started thinking about using the gamelan to build communities beyond Palatine Hill.

"I see it as a tool for connecting people as an ensemble," she explains. "I wanted to be out facilitating gamelan workshops in prisons and other places where community-building could be beneficial."

To do that, Johnston needed to obtain nonprofit status for Venerable Showers of Beauty. The ensemble had always operated as a campus group - one toward which Lewis & Clark had been "extremely supportive," Johnston says. But without a tax exemption and fiscal independence, the group was limited in what it could do.

"Becoming a nonprofit started to make sense," says Johnston.

What made less sense was the application for federal tax-exempt status. Johnston, like many applicants, found the paperwork

new technologies and intellectual property issues frequently intersect - and in a city teeming with creatives - OVLA's inception came at just the right time and place.

"The legal landscape is getting really complicated," says Sean Clancy, one of the students behind OVLA's emergence. "A group like this didn't exist, and it was needed."

Clancy should know. Before coming to Lewis & Clark, the Seattle native worked as a filmmaker, writing and producing a number of short films and serving as a script/continuity supervisor for features. His experiences as a creative professional - like the time he nearly signed away the rights to his screenplay - exposed the future attorney to the kinds of legal issues, and legal costs, that artists face.

Clancy pursued his interest in these issues at Lewis & Clark, studying business and intellectual property law and becoming a leader of the Entertainment, Arts, and Sports Law student group. In 2011, he and fellow group members started talking about establishing a Portland-based organization modeled after the



complicated and intimidating. "I'd read a question and have no idea how to deal with it, so I'd just put the application aside and months would pass," she remembers.

Johnston finally broke free from this frustrating cycle thanks to a budding Lewis & Clark-rooted nonprofit called Oregon Volunteer Lawyers for the Arts (OVLA). The organization, which emerged from an older nonprofit (Northwest Lawyers and Artists) in 2012 through the efforts of a group of Lewis & Clark Law School students, runs a monthly clinic that gives artists low-cost legal help on issues ranging from nonprofit formation to copyright infringement. It also offers educational workshops on law topics relevant to creative professionals. In an age when

Volunteer Lawyers for the Arts groups that exist in many other states. Clancy soon approached Lydia Loren, a law professor at Lewis & Clark, for advice.

"I told him, 'I agree; affordable, one-on-one legal services are sorely lacking in Oregon,'" Loren recalls. As an intellectual property expert, and the daughter of a sculptor, Loren possesses a keen appreciation for artists' legal needs.

"The areas of law that intersect with art are not intuitive, and there's lots of swirling misinformation on the internet," she says. "People sometimes get these really wrong ideas about what the law is, and those misconceptions impede their creativity."

Continued on page 15

News From the Court

Continued from page 10

- Challenges to overcome in improving the public's perception of procedural justice, including ways to improve the experience of the self-represented litigant;
- Why considerations of

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!

ABA Young Lawyers Division Fall Conference Highlights

by Shayda Zaerpoor Le
YLS Board President-Elect



As the MBA Young Lawyers Section's Delegate to the ABA, I recently had the opportunity to attend the ABA Young Lawyers Division (YLD) Fall Conference, which took place in Denver, Colorado. The YLD Spring and Fall conferences are a great opportunity for new and young lawyers to meet others from around the country who are similarly situated in practice experience and career development.

Legal Education

This quarter's lineup of programming included topics such as: voter suppression and voting rights; marijuana and ethical rules; success strategies for young professionals in the workplace; an integrative approach to aiding domestic violence survivors; fee agreements; advancing LGBTQ rights; negotiations and practical training with ethics; among others.

Special Programming

In addition to CLEs, this conference offered some special programming, which took advantage of speakers local to Colorado. The plenary session offered a perspective on gun violence in America and a dialogue about the role of young lawyers and the organized bar. The presentation featured Tom Mauser, who is the father of Daniel Mauser, one of the victims of the Columbine shooting in Colorado in April 1999. He provided not only personal insight into his own experiences, but also a glimpse of the related activism and legislation in Colorado that followed the shootings. Attendees also had the opportunity to participate in a session on diversity and the bench, which featured a panel of diverse judges from the Colorado District Court, Court of Appeals, and Supreme Court. The judges spoke about the practical impacts on litigants and the judicial system which result from diversity on

the bench. They also each shared about their own individual paths to the judiciary and how young lawyers might pursue career opportunities which could help with paving the way to a judicial appointment. In addition, the ABA YLD Disaster Legal Services team organized a panel about lessons from Harvey and Irma and how to effectively implement legal services in the face of a disaster. The panel included not only lawyers and ABA representatives, but also a Regional Administrator from FEMA who spoke about FEMA support and the practical legal needs of the community following a disaster.

Networking

This conference also provided many opportunities for networking: from the first-time attendee orientation, to the welcome receptions, to the dinner events. The Fall and Spring conferences also offer an Affiliate Showcase, in which young lawyer affiliates throughout the country host a booth and provide materials and a quick presentation on programs that have been successfully implemented in their local areas. The showcase is intended to provide ideas and collaboration between young lawyer affiliates, which can be taken home and implemented in other areas.

Public Service

Consistent with the Division's focus on public service, each conference typically provides an opportunity for attendees to participate in a service event in the local community. This year, the YLD is implementing *Home Safe Home*, which focuses on various types of home violence and how young lawyers can get involved to assist victims. YLD attendees partnered with the Rocky Mountain Children's Law Center to work on their Dandelion Project at Sprout City Farms, and also contributed to and collected gift cards to aid victims through a local domestic violence center.

On a local level, the MBA YLS also offers opportunities to participate in ABA programs through committees, events, and special projects. The next ABA conference will be in Vancouver, BC from January 31-February 6 and registration is now open on the ABA website.

YLS Events Recap

MBA YLS, FPA, NAIFA and OSCPA Joint Social

On September 21, the YLS Membership Committee partnered with the Oregon Society of CPAs, the National Association of Insurance and Financial Advisors, and the Financial Planning Association

to host a wine and cheese networking event at Blackbird Wineshop. The event gave attorneys the opportunity to mingle with CPAs and insurance and financial planners around Portland while tasting a variety of wines and cheeses.



Shane and Melissa Chapman at Blackbird Wineshop



MBA and YLS Board members making new friends at the YLS Drop-in Social



Meredith McMurray, Laura Segal and Brooke Ferris attended the MBA YLS, FPA, NAIFA and OSCPA Joint Social



A special thanks to Mae Lee Browning (pictured right) with the Oregon New Lawyers Division for co-hosting the YLS Drop-In Social event!

Why Should I, as a Young Lawyer, Take on Pro Bono Work?

by Laura Segal
YLS CLE Committee

A young lawyer takes on numerous obligations. Mentoring sessions, case assignments, partner demands, and client inquiries are a few that come to mind. When I hear mentors suggest getting involved in pro bono work my first question is, "how could I possibly add that to my list of responsibilities?" However, as attorneys we are unique in that we have a vast knowledge of the law. Although we are paid to use that knowledge, at times I think many of us forget why we became attorneys. For me, I became a lawyer to empower people through tough times, to give them hope, and to guide them through the complexities of the justice system. My duty as both a member of society and as an attorney is to share my knowledge beyond those with the financial means to hire an attorney, but also with those who are struggling to navigate through the procedural intricacies of a legal case on their own.

Pro bono work comes in many different forms. For example, it can involve drafting a will for a low-income client, assisting a victim of domestic violence to prevent future abuse, or advising an aspiring entrepreneur on how to form the company he or she has been dreaming of.

But where do I begin my pro bono work? How do I make time for it in the midst of the increasing demands on my time?

I sat down with Jessica Flint, a passionate family law attorney, to work through these questions. Jessica is a sixth-year associate at Gevurtz Menashe PC, and a complete powerhouse. She is one of the top billing attorneys at the firm, she has clients who adore her, and she still manages to have time for pro bono work AND her favorite hobbies, which include photography, vegetable gardening, and weekly hiking.

Jessica is a true advocate of prioritizing pro bono work from the second you begin your legal career. "It's important to see different perspectives in litigation" she explains. "As a family law attorney, I particularly enjoy my pro bono representation of children. A large portion of my daily practice is representing parents going through a divorce. When you represent a child, you see how parents' actions affect their children. That sensitivity is something I take back to my cases, and I am able to advise my clients of that perspective."

The Honorable Susan Svetkey of Multnomah County Circuit Court spearheads the Children's Representation Project in which Jessica is involved. Judge Svetkey explained to me the experience lawyers get when participating in this program. "Lawyers have the opportunity to represent the interests of the child/children who are in the middle of their

YLS Drop-in Social Recap

by Taryn Basauri
YLS Membership Committee

What a great turn out at the October Drop-in Social! Networking is so much easier in a relaxing, casual environment. The event was held October 4 at Raven & Rose and was a collaboration between the YLS Membership Committee and the Oregon New Lawyers Division.



Jessica Flint

parents' custody and/or parenting time dispute." She explains that, "too often parents are unable to step back from their dispute or disappointments with each other to put the needs of their children first. A lawyer for a child has the opportunity to present to the court and to the parents a plan which will best address the child's interest. Children's lawyers will investigate, advocate, and hopefully help settle the dispute in a way which is best for their child clients and for the family."

Jessica also reports that taking pro bono cases gave her experiences she may not have otherwise had in her first few years of practice. "By doing pro bono domestic violence cases early in my career, I was able to get into a courtroom and obtain some actual litigation experience." She continued, "this exposure helped to lay a foundation to develop my successful litigation practice," and added, "it was also my first opportunity to 'lawyer' an entire case on my own, from start to finish, which is not something many first or second year associates have the chance to do."

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Wilson Ta Member Spotlight

by Holly Hayman
YLS Board Secretary

The importance of community empowerment is a common theme in today's social and professional dialogue. This term often represents abstract values or vague goals. The impact of these values on individuals is sometimes overlooked. However, to Wilson Ta, these values are more than mere concepts; they are fundamental pieces of his personal and professional ambitions.

Wilson's parents and older siblings are Vietnamese refugees who settled in the Bayview-Hunter's Point neighborhood of San Francisco in the 1980s. Wilson describes the neighborhood of his youth as a rough place. The predominant features of the neighborhood included the decommissioned naval and industrial shipyards, high poverty rates, few employment opportunities, scarce public resources, and less scarce violence. During his high school years, Wilson recalls that he and his fellow students often felt as if there was no escape from their tumultuous neighborhood - a significant challenge for personal success or stability.

In spite of his surroundings, Wilson relied on two cultures for encouragement. The first was, and continues to be, his family. The second were the tireless advocates and leaders in his community.

The support of Wilson's family and friends buoyed his ambitions. Their love and support gave him the "courage to dive into a different world," removed from the day-to-day challenges his family



Wilson Ta

encountered as recent asylees. Although the road to a college education in the American system was new to Wilson's family, they had faith that he could achieve great personal success. That faith would carry him through many trials in his academic and professional life.

Wilson's teachers and community leaders were also a great source of encouragement. At the invitation of his high school's nurse, Wilson began participating in community outreach and "Know Your Rights" activities. Wilson's involvement with these programs as a junior and senior in high school served as some of his early inspiration to pursue a career in the legal field. The role models he discovered through these activities highlighted a "pay it forward" philosophy and were an important influence for Wilson. They helped him understand the opportunities available for higher education and the pursuit of a meaningful vocation and avocation.

With the support of these two camps, Wilson was accepted to UC Davis for his undergraduate studies. Thereafter, he decided that he wanted to pursue a legal career.

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Negotiation: An Essential Skill in Life and Law

by Dalia Nagati
YLS CLE Committee

Negotiation is increasingly being recognized as an essential skill for success in all areas of life. Demand is increasing for courses in negotiation in law schools, business schools and schools of public policy and government.

The YLS hosted a Negotiation Workshop Seminar and Networking Social on October 4.



The workshop was led by Professor Rishi Batra, a Visiting Professor at the University of Oregon School of Law. The workshop participants split into pairs and engaged in a negotiation simulation involving the sale of a cell phone. As is frequently the case in such negotiation simulations, there was a wide disparity in the purchase price reached by the participants. Being naturally competitive

individuals, lawyers cannot help but wonder what our peers did differently to negotiate a higher price in the case of the seller or a lower price in the case of the buyer, in our hypothetical fact pattern. The good news is that negotiation is a skill that can be learned if you commit yourself to being a student of negotiation. And mastery of

negotiation skills will dispel any discomfort, if any, in negotiations.

We are naturally ego-centric in varying degrees. Preparing for a negotiation by thinking about your priorities, your

best alternative to a negotiated agreement (BATNA), your leverage and when to use it, your reservation value, and then failing to turn your mind to your counterpart's motivations and BATNA, etc., is a disservice to yourself. Collect and digest all sources of information available to you about your counterpart pre-negotiation. Be mindful of your own assumptions. During the

negotiation, ask direct questions. If you receive non-responses, or what strikes you as an incomplete picture, do not give up; ask indirect questions that get at the answers you are looking for. Be comfortable with silence. Be prepared to answer tough questions.

Consider the circumstances in which it is prudent to make the first offer and the circumstances in which it is not prudent to make the first offer. If your counterpart makes the first offer, be mindful of the anchoring effect. Be mindful of how often, even when we are aware of the anchoring effect, we may not effectively defuse the anchor.

Consider the tone set when you and your counterpart are seated on opposite sides of the table. Countless theories and tactics are detailed in books on negotiation. For beginners and advanced negotiators alike, Professor Batra recommends Harvard Business School's "Negotiation Genius: How to Overcome Obstacles and Achieve Brilliant Results at the Bargaining Table and Beyond" by Deepak Malhotra and Max H. Bazerman.

Rudyard Kipling once said "If you don't get what you want, it's a sign either that you did not seriously want it, or that you tried to bargain over the price." Ultimately, we owe it to our clients to learn the negotiation tactics that great negotiators may use against us.

YLS Community Service Day at the Willamette Center

On Saturday, September 30, the YLS Service to the Public Committee organized its first Community Service Day of the program year, bringing together young lawyers to prepare dinner for homeless women and couples at the Willamette Center, a low-barrier shelter in Portland's Westmoreland neighborhood. The Willamette Center opened in November 2016 and is unique by operating a no-line reservation system and allows its guests to use the shelter space until they

no longer need it. Special thanks to the volunteers who made this service day possible: Multnomah



County Circuit Court Clerk Taya Brown, Bullivant Houser Bailey's Taryn Basauri and Jackie Mitchson, Sherisa Davis-Larry of the Oregon School Board Association, Kelci Paiva and Adam Sinclair of Beutler Exchange Group, and Erin Jansen of Aaby Family Law. Working together, these volunteers prepared and served dinner, sides, and dessert to over 100 homeless people. For those interested in volunteering, more information about the Willamette Center is available at projects.org.

Why Pro Bono?

Continued from page 12

The benefit to her development as an attorney is only a minor part of the reason Jessica advocates the importance of pro bono service. "When you take on a pro bono case, you are serving disadvantaged and underrepresented communities. You are also doing a service to the greater community by expediting a case through the judicial system. Parties spend less time navigating the compounding complexities of the legal system, and judges and court administration spend less time trying to decipher and guide the parties through the appropriate procedures." Judge Svetkey further elaborated on the impact pro bono work, particularly in family law cases, has on the judicial system and the community by explaining that "more than 80 percent of people appearing in family law cases do not have lawyers." Judge Svetkey further observed, "certainly no children outside of this project have lawyers. Pro bono work provides to people who cannot afford to hire lawyers the benefit of the skills, experience and good judgment and advice lawyers can provide. It is a way for lawyers to assure the integrity of the judicial system and access to justice principles."

When I asked Jessica how she fits a pro bono case into her extremely busy caseload, she answered without hesitation: "I do not look at a pro bono case any differently than a case with a paying client. It becomes an active

case, with a client deserving of my best representation." However, Jessica cautions other young attorneys not to overdo it. "I am still aware of what is expected of me as an associate and my commitments to my other clients, so I try to limit my pro bono caseload to one or two cases at a time. Pro bono cases are often very active cases, and because I may be the only attorney involved, they can also be very time-consuming."


As my conversation with Jessica was ending, I asked her if there is anything else she wants to add regarding pro bono cases for this article. "As a mentor to other young lawyers, it is important to acknowledge that pro bono cases are demanding and challenging. However, as a new lawyer, you will get invaluable experience from pro bono service. In other words, the pro bono attorney will benefit from doing pro bono work just as much as his or her client(s) will benefit from the representation." Judge Svetkey agrees with this sentiment, and stated that lawyers who participate in the Children's Representation Program "find their experiences to be very gratifying and important."

If you are looking to get involved in the Children's Representation Project, contact Judge Svetkey's Judicial Assistant, Rachel Finn at Rachel.A.Finn@ojd.state.or.us, to schedule a meeting with the judge and learn more about the program. Judge Svetkey and her team are always looking for lawyers to participate.

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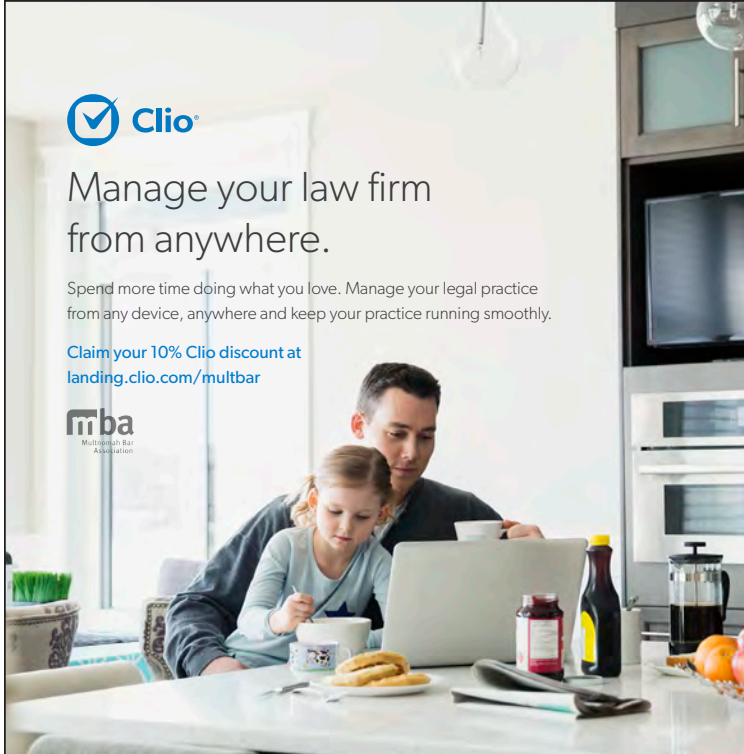

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The Corner Office PROFESSIONALISM

The family law attorney was contemplating the relationship between the Rules of Professional Conduct and the MBA's Commitment to Professionalism. He understood that the former sets a floor, and the latter a higher standard, for professional behavior. The attorney also wondered whether or not the application of the Commitment to Professionalism had a different meaning or application depending on one's practice area. Does it mean the same to a personal injury lawyer as it does to an estate planning lawyer? And, specifically, what does the Commitment to Professionalism mean to a family law attorney?

As the attorney contemplated this, he thought about the Hippocratic Oath. With the assistance of Wikipedia, he first learned that the phrase "first do no harm," is actually not a part of the Hippocratic Oath. That phrase was added many centuries later. However, the attorney did see some parallels between portions of the Hippocratic Oath and the practice of family law, particularly, the following:

"I will use treatment to help the sick according to my ability and judgment, but never with a view to injury and wrong-doing.

Into whatsoever houses I enter, I will enter to help the sick, and I will abstain from all intentional wrong-doing and harm...

Now if I carry out this oath, and break it not, may I gain for ever reputation among all [people] for my life and for my art..."

Indeed, many of a family law attorney's clients, as well as the opposing party, are "sick." Many people going through a domestic proceeding often suffer, at a minimum, situational depression and anxiety. Not infrequently, one or both parties suffer from a mental illness, defect, or psychopathology. The family law attorney frequently sees litigants who exhibit behaviors consistent with borderline personality disorder, narcissism, anxiety, depression, bi-polar disorder, and

obsessive-compulsive disorder. No, the family law attorney is not licensed to diagnose mental illnesses. These conditions are often masked by one or more addictions: e.g. sex, alcohol, drugs, and gambling. Many of these illnesses have gone undiagnosed and untreated for many years. Still, he has practiced long enough and read enough of the literature to recognize the behavioral manifestations of these illnesses. The parents who suffer from these maladies often afflict their offspring with it. The dysfunction of the family throughout the years, manifested in perhaps verbal and emotional abuse, and not infrequently physical abuse, is the legacy that haunts the domestic relations proceeding.

What does all of this mean for the ethical and professional family law attorney?

1. He must display understanding and empathy for not only his own client, but also for the opposing party. He must not be judgmental;
2. In utilizing the legal process and taking a cue from the above-quoted portion of the Hippocratic Oath, he attempts to represent his client "never with a view to injury and wrongdoing." This means drafting hearing and trial memoranda, motions and supporting declarations, and letters to opposing counsel, which are not accusatory, sarcastic, and condescending;
3. It means that whether he is taking the opposing party's deposition or cross-examining him/her in court, he does so in a civil, respectful, matter-of-fact manner;
4. He urges his client to seek appropriate medical and mental health therapies when the client has not availed him- or herself of those previously;
5. He will not allow his client to use the legal process as a tool for punishing the other party. He will actively discourage his client from filing motions that have little merit or little chance of succeeding;

6. He will explain to the client that trial is like surgery for a medical condition; it is an invasive procedure. He explains to the client the huge financial, as well as emotional, costs of going to court. The family law attorney actively encourages alternative dispute resolution options;
7. He realizes that for many family law cases, the dissolution judgment is not the final contact the parties will have with the court. Because of the modifiable nature of custody, parenting time, child and spousal support, there is a future opportunity for the parties to once again be engaged in the legal system. He is mindful of how his and his client's conduct in the initial litigation can have huge ripple effects for future litigation and how a particular family functions as it moves through life;
8. Even though he conducts himself ethically, and strives to maintain the highest degree of professionalism, the family law attorney realizes he is not responsible for the litigant's choices. He wants to be able to say he treated his client, the other litigant, opposing counsel, and all court staff, with dignity, civility, and respect.

"Now if I carry out this oath, and break it not, may I gain for ever reputation among all [people] for my life and for my art," but if I transgress it and forswear myself, may the opposite befall me."

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

Pro Bono Volunteers

Thank you 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, 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 and click on "About Us" and "Pro Bono."

Alexzander Adams • Christopher Bergstrom • Brittany Berkey • Carson Bowler • Hon. Trish Brown • Brett Carson • Sarah

Crooks • Paul Duden • Chris Edwardsen • Michael Fuller • Anne Furniss • David Gray • Cory Haller • Natalie Hedman • James Henry • Dona Hippert • Theresa Hollis • Anit Jindal • Edward Johnson • Sam Justice • Garry Kahn • Lisa Kenn • John Koch • Kevin Kress • Bill Kwitman • Liz Lemoine • David Malcolm • Tim McNeil • Reed Morgan • James O'Connor • Vanesa Pancic • Gilbert Parker • John Pinzelik • Jordan Piraino • Ben Pradhan • Charles Reynolds • Gabrielle Richards • Greg Roberson • David Schermer • Phillip Schuster II • Margot Seitz • James Shipley • Ian Simpson • Daniel Sterns • Todd Trierweiler • Evans Van Buren • Michael Yates

OVLA

Continued from page 11

Loren helped connect Clancy and his classmates with Northwest Lawyers and Artists, a loosely organized group of attorneys led by Kohel Haver that offered artists legal referrals and other services, but not direct counseling. Captivated by the students' vision, the organization became a key partner, supplying volunteer lawyers for OVLA's earliest clinics. By 2013, NWLA had essentially been reborn as OVLA.

Loren also assisted Clancy and company in forging strong ties between OVLA and Lewis & Clark Law School. Since 2013, Lewis & Clark's Small Business Legal Clinic has housed and provided administrative support for the OVLA clinic. In turn, OVLA's clinic offers Lewis & Clark law students the opportunity to observe real-world legal counseling. Clancy sat in on a number of clinic sessions as a student. "It was one of the first times when I saw directly how I could apply my legal education," he remembers.

The organization continues to grow and thrive. Earlier this year, OVLA hired an executive director, seasoned arts professional Howie Bierbaum. "I love what this organization is and can become," Bierbaum says. "I want to see this organization flourish and help creatives in Portland and the rest of Oregon." OVLA currently hosts a monthly low-income legal clinic for creatives and arts organizations, as well as a "Second Monday" workshop series that explores topics relevant to creatives, such as estate planning and contract basics. The organization has 30 lawyers on its clinic volunteer list, including specialists in contract, entertainment, and patent law. Pro bono work is part of our legal culture, but attorneys who choose to contribute their services to OVLA typically do so out of some connection to the arts, says

Loren, who currently serves as the organization's president.

"Either they're artists, they've got family members who are artists, or they're just patrons of the arts," she says. "We get lots of different lawyers for lots of different reasons, but for all of them, volunteering is about the desire for a vibrant arts community."

For Johnston, the Venerable Showers of Beauty director, OVLA provided security. For months, she'd been shuffling the paperwork for getting the ensemble nonprofit status, worried one wrong answer could result in a time-wasting rejection. "Getting a denial letter, after all those months of working and waiting, would be very deflating," she says.

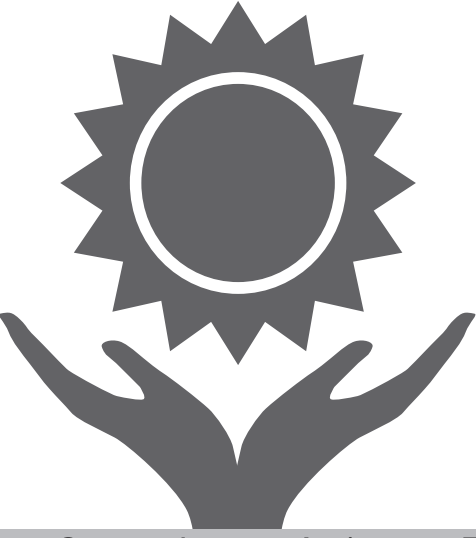
Finally, Johnston met with an attorney at an OVLA clinic; incidentally, it was Kohel Haver, the NWLA leader. After an initial consultation, Haver helped Johnston obtain a Regional Arts & Culture Council grant to continue getting his assistance on the tax-exemption application. Several months later, Johnston received a determination letter from the IRS: "We are pleased to inform you..."

"To have Kohel guide us in answering questions legally was super helpful," Johnston says. "I'm pretty sure I would still be shuffling around the paperwork if it had not been for that guidance."

Loren argues that lawyers supporting artists in this way is essential - for the whole community. "A lively arts scene keeps a city alive," she says. "And part of that lively arts scene includes having a place for artists to get answers when legal issues crop up. The mere existence of OVLA lets artists know we're here for them."

OVLA is holding a fundraiser featuring NPR's Ari Shapiro November 16 at Klarquist. Tickets can be purchased here: www.brownpapertickets.com/event/3085808.

Visit OVLA on the web: www.oregonvla.org.



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Schwabe, Williamson & Wyatt has an opening in the Portland office for a full time Intellectual Property Litigation Attorney in the Intellectual Property practice group. The ideal candidate will have:

- 3-6 years of IP litigation experience with a focus on patent litigation
- Experience in patent litigation-related research and motion drafting, including claim construction and dispositive motion practice
- Demonstrated aptitude in managing independent projects within a team environment in a fast-paced litigation practice
- Experience preparing for and assisting with depositions, and managing discovery
- Exceptional interpersonal and communication (written and verbal) skills
- Strong client service skills and ethics
- Demonstrated ownership of projects and willingness to work hard in a team-oriented setting, but with significant independence
- USPTO admission and a technical background are a plus but are not required; however, the applicant needs to be able to understand and explain complex technologies
- JD degree from an accredited law school
- Oregon State Bar preferred but not required

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Candidates should direct their cover letter, resume, law school and undergraduate transcripts, and a writing sample to Will Case, Recruiting Manager at wcase@schwabe.com.

Legal Assistant Position

Insurance defense law firm in Lake Oswego looking for a highly-experienced Legal Assistant to support multiple litigation attorneys. The successful candidate will be tasked with: calendaring

and docketing time sensitive matters; creating and managing files; formatting pleadings; producing correspondence; coordinating depositions, arbitration, hearings, and trials; making travel arrangements; court filings; document review; and creating exhibits.

Requirements for consideration include: 5+ years of experience as a Legal Assistant with no less than three years of litigation experience and superior knowledge of Oregon and Washington procedure. The firm offers competitive compensation and benefits package.

Interested applicants should send their resume to Sean Lanz at slanz@bargerlawgroup.com.

Assistant General Counsel

Prosper Portland, the economic and urban development agency for the city of Portland, is currently seeking an Assistant General Counsel. The position supports the General Counsel by providing competent and prompt legal advice and support to the agency and Prosper Portland staff on a broad range of subjects. The Assistant General Counsel must be a transactional expert in commercial real estate and finance, and competent with regard to the public agency laws that are applicable to those subjects.

How To Apply: Interested parties must submit a resume, cover letter, online application, and answers to the supplemental questions to be considered. Applications are available as a paperless, on-line process at prosperportland.us/for-job-seekers/. All applications must be submitted by 11:59 p.m. on November 12. Priority consideration will be given to applications submitted on or before October 30.

Experienced Attorney 5+ Years

General practice downtown firm seeks experienced (5+ years) attorney with portable book of business ambitious for further growth. Superior analytical and verbal skills, competitive spirit, commitment to deadlines and strong work ethic with an entrepreneurial spirit are essential. Send cover letter, resume, references and writing sample to: Heather at admin@huntpc.com.

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Black Helterline LLP has a 100-year tradition of providing quality legal services to emerging growth and established Pacific Northwest businesses, individuals, governmental entities and nonprofit institutions. We are currently seeking an experienced commercial litigation associate to join our growing practice. The ideal candidate will have the following characteristics:

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- Thorough understanding of litigation procedures and experience with written discovery, law and motion, depositions, and trial preparation.

- Strong organization and time management skills with the proven ability to work in a deadline-driven environment while delivering high-quality work product.
- Hunger to grow and take full advantage of mentoring opportunities.
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To apply, qualified applicants should submit a cover letter, resume and transcript to Jill Valentine, Director of Human Resources at jlv@bhlaw.com.

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Requirements:

- JD from an accredited law school, with law review experience preferred
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- A technical background and/or registration with US patent bar is preferred, but not required
- Exceptional interpersonal and communication (written and verbal) skills
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To be considered for the position, you should submit a (1) cover letter, (2) résumé, and (3) writing sample to jamielynn@resnovallaw.com.

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Wilson Ta

Continued from page 13

"I wanted to go to law school to help change the neighborhood - to better the community." After graduating with his bachelor's degree, Wilson attended Lewis & Clark Law School.

Law school is challenging for most, if not all, of its initiates. In Wilson's case, these challenges took the form of finding new sources of empowerment. As a first-generation legal professional, Wilson had little personal experience and few references for guidance. Away from his cultures of support and without prior exposure to the legal field, Wilson searched for new communities. He found them in specialty bars and through the OSB Diversity and Inclusion programs. "OLIO [Opportunities for Law in Oregon] and other specialty bars and programs have been my community and support groups in Oregon." As a law student, and later as a young lawyer, Wilson continued his involvement with several bar groups to help

him develop professional values and gain experience in the legal community.

While building his new professional community here in Portland, Wilson carries the values of his many cultures with him. Initially, seeking out these groups was a mission for finding new support networks. Now, Wilson is an active and contributing member of several bar groups and he sees his involvement as another way to further his avocation - giving back to the community. Wilson recently joined the YLS Pro Bono Committee to expand his professional network and for the opportunity to once again find ways to pay it forward.

Wilson Ta's path to becoming an active member of our legal community is a great example of personal strength, and highlights the importance of community empowerment. Wilson's mission, to find new ways to build and contribute to the community, also serves as a reminder that we should all take the time to give back and pay it forward.



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Eighth Annual MBF Social

by Pamela Hubbs
Office and Foundation Administrator

The MBF celebrated its 2017 grant recipients and a successful CourtCare Campaign at the October event, generously hosted by Davis Wright Tremaine. Sixty lawyers, judges and grant recipients gathered to learn about "Court Connect," the new Multnomah County Circuit Court/MBF civic outreach program, celebrate a



Courtney Angeli accepted the trophy for Buchanan Angeli Altschul & Sullivan

successful CourtCare Campaign and meet the 2017 civic education grant recipients.

MBF President Dana Scheele presented the CourtCare Proudest Pride Award to Miller Nash Graham & Dunn LLP for

the largest total contribution raised by a firm, lawyers and staff. The CourtCare Loftiest Leap Award was presented to Buchanan Angeli Altschul & Sullivan LLP for the most funds raised per capita by a firm.

To learn more about the MBF and its work, visit www.mbabar.org or contact Pamela Hubbs at 503.222.3275.



Vanessa Triplett and John Clarke received the trophy on behalf of Miller Nash Graham & Dunn

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