



MULTNOMAH LAWYER

September 2017
Volume 63, Number 8



What Can We Do To Help the Homeless?

by Andrew Schpak
MBA President

Support existing legal aid service organizations? Volunteer to take on a pro bono matter? Donate to local homeless shelters and other social service organizations?

Advocate for increased funding for mental health services? Give spare change to panhandlers?

Although it is easy for us to see that our county faces a dire homeless problem, it has become far more difficult for us to identify and agree on concrete steps that our government, businesses, and citizens should take to help improve the homeless situation in our region.

Public Service Task Force

What should the Multnomah Bar Association's role be in improving the situation in Multnomah County?

That is the question we as an association are asking ourselves this year. We have assembled a Public Service Task Force that brings together a broad array of stakeholders to compile what we hope will be a comprehensive list of the legal and social services that already exist and serve the homeless in our region. The Task Force will use that information to identify the most important holes in the net of existing services and brainstorm how local lawyers can help address those areas. Our goal is to help create a comprehensive list of resources, build bridges amongst existing service organizations, and eventually create and facilitate opportunities for us as lawyers to make a difference where it matters.

The Task Force will... identify the most important holes in the net of existing services...

Hackathon

With the new courthouse scheduled to open in less than three years and technology becoming an increasingly important resource to unrepresented litigants, the MBA also plans to partner with the Technology Association of Oregon on a hackathon in the spring. By bringing together lawyers, social service agencies, representatives of local and state government, state and local court systems, app developers, software developers, and representatives from the homeless community to engage in some friendly competition, we plan to come up with innovative new ideas for harnessing courthouse and smartphone technology and better connecting the homeless and other unrepresented litigants to the contacts, resources, forms, and other support they need.

Video Series

The MBA plans to partner with Presiding Judge Waller and the Multnomah County Courts to develop videos that simplify and explain the key steps in the litigation process. In order to understand steps in the litigation process such as service of process and entry of judgment, the homeless and other unrepresented litigants would be able to watch these videos online or at the courthouse.

Legal Clinics

The Public Service Task Force plans to examine the ways in which Davis Wright Tremaine and the MBA YLS Pro Bono Committee partnered with Outside In to develop a successful and sustaining legal clinic supporting the local homeless population. The Task Force will identify best practices from that program and evaluate what role the MBA can and should play in fostering similar law firm/ social service agency partnerships. The Task Force will further explore the considerations relevant to where any new homeless legal clinics should be housed, and specifically evaluate not just the role of the MBA, but also the role of law firms, law schools, and the social service agencies themselves. It may turn out that what the homeless need most from attorneys is a panel of experts and entry-level volunteers willing to do varying levels of pro bono work to help existing social service agencies provide continuity of legal service between legal clinic hours.

We want to bring attention to concrete and easy ways attorneys can make a difference....

Recognize, Celebrate, and Identify Opportunities to Volunteer with Local Nonprofits

The MBA will recognize and celebrate the organizations that already dedicate a great amount of time and effort to helping the homeless. We plan to highlight particularly outstanding and effective programs, and identify opportunities to volunteer and otherwise support those programs. We want to bring attention to concrete and easy ways in which attorneys can make a difference, even if they are not in a position to take a pro bono case. Preparing a meal for the homeless, organizing a clothing drive at work, and volunteering to help with review of resumes are just a few of the many examples that already exist.

Collaboration with the Young Lawyers Section and the Multnomah Bar Foundation

The Young Lawyers Section has a rich history of public service and has both a Pro Bono and Service to the Public Committee. Similarly, one of the Multnomah Bar Foundation's priorities is to improve the quality and administration of the legal system. I am looking forward to collaborating with YLS President Mary Tollefson and MBF President Dana Scheele to identify ways in which we can work together to maximize our strength and impact.

The Ask

Unquestionably, this is no small task. If you are interested in working on any of these projects, please feel free to reach out to me directly. The MBA needs you and your ideas. If the almost 4,000 MBA members each did something more to help the homeless, imagine the cumulative impact we would have. Instead of growing desensitized and avoiding this worsening problem, I hope you'll join me in trying to tackle this challenge together.

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.

SEPTEMBER

9.12 Tuesday
Strategies for Effective and Efficient Legal Writing
Lora Keenan

9.19 Tuesday
Cross-Examination of the Expert Witness
Bill Barton
David Markowitz

9.27 Wednesday
Don't Like the Law? Go Fix It!
Representative Karin Power
Chanpone Sinlapasai
Judy Parker
Liani Reeves

OCTOBER

10.3 Tuesday
Legal Services as Products: How to Use Product-Development Tools to Design and Sell Legal Work
Alix Devendra
John Grant
Kimberly Pray

10.17 Tuesday
Elder Abuse Reporting
Judge Katherine Tennyson

10.18 Wednesday
The Ethics Workshop
Nellie Barnard
Dayna Underhill

10.26 Thursday
Clark County Court Update
Judge David Gregerson
Doug Foley
Leslie Johnson

NOVEMBER

11.1 Wednesday
Child Abuse Reporting
Kasia Rutledge

11.14 Tuesday
Appellate Update
Judge Cheryl Albrecht
Judge Scott Shorr

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mba|EVENT

Multnomah Bar Association Absolutely Social

The Grape Escape
featuring Wine Tasting

Tuesday, October 17
The University Club
5-7 p.m.

Drop in after work and catch up with friends and colleagues.

Register at www.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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The Solo & Small Firm Committee Upcoming Workshops and Event

CREATIVE MARKETING IDEAS FOR SOLO & SMALL FIRM PRACTITIONERS

Tuesday, September 19

12-1:30 p.m.

Red Star Tavern Club Room
503 SW Alder, Portland

Figuring out how to best market your firm can be difficult and sometimes confusing for solo and small firm practitioners. This is especially true when you are a newer attorney, have a limited budget, or work in a niche area of law. This workshop is designed to discuss a variety of different approaches to marketing for small firms, presented by attorneys whose firms and resources vary as much as their practice areas. Panelists include **Charley Gee** of Charley Gee PC, who recently transitioned to solo practice, and practices in personal injury with a strong emphasis in bike injury cases; **Whitney Boise** of Boise Matthews LLP, who is the partner of a boutique law firm practicing in federal and state court criminal defense; and **Yoona Park** of Stoll Berne, who is a shareholder practicing in complex business litigation, securities litigation, and employment litigation. Please bring your ideas and join us for what will surely be an edifying discussion.

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

Lunch is provided.

One hour of Business Development CLE credit will be applied for. Register at www.mbar.org.

NETWORKING WORKSHOP AND SOCIAL

Tuesday, October 24

Workshop: 4-5 p.m.

Social: 5-6:30 p.m.

Red Star Tavern Club Room
503 SW Alder, Portland

Networking is crucial for building your practice and professional contacts. In this workshop you will learn how to develop the art of networking and how networking skills can help you break down barriers and build a thriving referral network. **Gloria Trainor**, Trainor Law PC, and **Charley Gee**, Charley Gee PC, will serve on the panel with **Ben Cox**, Attorney at Law, moderating. Immediately following the workshop, join us for a social to put your newly honed networking skills to the test.

Workshop Cost: \$20 members/\$60 non-members. The social is free to attend. If attending the social only, please RSVP to Kathy Modie at 503.222.3275 or kathy@mbabar.org.

One hour of Business Development CLE credit will be applied for. Register at www.mbar.org.



Four Hot Kings band members take home the Best Oregon Lawyer 2017 trophy



SSIK band members receive the Audience Choice Award

Calendar

SEPTEMBER

4 Monday
Labor Day

8 Friday
October *Multnomah Lawyer* Deadline

14 Thursday
Fundamentals of Real Estate and Land Use
YLS CLE Series
See insert for details

19 Tuesday
Solo & Small Firm Workshop
Details on p. 2

21 Thursday
Blackbird Wine Event
Details on p. 13

28 Thursday
OAPABA Annual Gala Dinner
www.oapaba.org

11 Wednesday
MBF Social
Details on p. 11

13 Friday
Laf-Off 2017

17 Tuesday
Absolutely Social
Details on p. 1

19 Thursday
AILA Oregon Annual Gala Dinner
www.aila.org

20 Friday
OGALLA Annual Dinner
www.ogalla.org

NOVEMBER

2 Thursday
Let Your Voice Be Heard!
MBF Karaoke Event
Details on p. 11

8 Wednesday
OSB Awards Lunch

9 Thursday
Youth, Rights and Justice 9th Annual Wine and Chocolate Gala
www.youthrightsjustice.org

10 Friday
December *Multnomah Lawyer* Deadline

16 Thursday
Bench Bar & Bagels

24 Friday
Thanksgiving Holiday

OCTOBER

6 Friday
FBA District of Oregon Court Conference

9 Monday
Golf Championship to Benefit the VLP
See insert for details

10 Tuesday
November *Multnomah Lawyer* Deadline

2017 Battle of the Lawyer Bands a Great Success

The McMenamens Kennedy School gymnasium was rockin' on August 3 when six bands competed for the title of "Best Oregon Lawyer Band 2017."

1. **Tap Brothers** - Jonathan Young and Max Gambee
2. **Hollowdog** - Jon Martz, Christopher Widenhofer, Robert Sanders, Scott Sobel and Rich Norkunas
3. **Beaumont Boys** - Mark Bonanno, Grant Raddon, Brian Donnelly, Kirk Miller and Victor Reuther
4. **Hillsboro Road Kings** - John Knowles, John Tyner, Nathan Pogue, Mike Whittach and Doug Jaques
5. **SSIK** - Tim DeJong, Tony Kullen, Houston Bolles and Mack Hagin
6. **Four Hot Kings** - Jack Dekovich, Toby Bergman, Derek Edmondson, Nate Watson and Curtis Stuible

The judges and crowd enjoyed all the bands, and in the end Four Hot Kings was named Best Oregon Lawyer Band 2017. SSIK received the Audience Choice Award. John Knowles of the Hillsboro Road Kings received the James Britt Award for Best Individual Performer.

Thank you to Stephen A. Houze, Farleigh Wada Witt, Miller Nash Graham & Dunn LLP, Aldrich Benefits, Vangelisti Law Firm LLC and Willamette Family Law for sponsoring the event.

We would also like to thank our judges: John Bachofner, Chief Justice Thomas Balmer, Judge Amy Holmes Hehn, Tom Sand and Brad Stanford, and Judge Cheryl Albrecht, who served as M.C. Thank you to everyone who attended and helped raise approximately \$1,500 for Multnomah CourtCare.



Best Individual Performer John Knowles with Chief Justice Tom Balmer and Judge Cheryl Albrecht



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.

Strategies for Effective and Efficient Legal Writing

Tuesday, September 12, 2017 - 12-1 p.m.

World Trade Center, Sky Bridge Room

Members \$30/Non-Members \$50

This program will help you improve your legal writing, and maybe even enjoy the writing process a little more, by designing your own writing checklists to streamline the writing and quality-control process. The program will teach you how to use checklists to enable you to put recurring issues on “autopilot,” saving time and brain power for the heavy lifting of research and analysis. It will also teach you how to communicate more effectively with judges, colleagues, and clients through the regular use of checklists. Whether you are a new lawyer, an experienced practitioner, or a legal administrator, this class will help you consistently deliver a work product that satisfies your professional audience. **Lora Keenan** is a legal writing consultant, coach, and trainer. She worked for the Oregon appellate courts as a lawyer for more than 20 years, including drafting and editing appellate court decisions. She has also worked for the Oregon Department of Justice as Public Records Counsel.

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

Cross-Examination of the Expert Witness

Tuesday, September 19, 2017 - 3-5 p.m.

World Trade Center, Mezzanine

Members \$60/Non-Members \$95

Join two titans of the Oregon Bar, **David Markowitz** and **Bill Barton**, as they discuss cross-examination of expert witnesses, with an emphasis on Oregon state court practice, which permits minimal pre-trial disclosure and discovery of expert testimony.

In this two-hour trial advocacy CLE, Dave and Bill will discuss strategic considerations surrounding expert cross-examination, and will provide specific practical tips to guide practitioners. Dave will demonstrate general principles of how to cross-examine experts, including how to conduct on-the-fly limited discovery during trial in Oregon state court. He will also discuss how basic commandments of cross-examination need to be modified for experts. Dave’s presentation will be supplemented with video clips of the State of Oregon v. Philip Morris arbitration, demonstrating actual expert cross-examination. Bill will discuss four methods of cross-examination; the strategic goals of expert cross-examination, including how much of destructive cross is suicidal rather than homicidal; how to establish your own credibility; and how to incorporate overarching litigation goals into cross-examination.

This CLE is recommended for all levels, the plaintiff and defense bar, and any lawyer whose practice involves expert testimony.

For more information: Call Molly Honore, Markowitz Herbold at 503.295.3085. For registration questions, call the MBA at 503.222.3275.

Don’t Like the Law? Go Fix It!

Wednesday, September 27, 2017 - 3-5 p.m.

World Trade Center, Plaza Conference Room

Members \$60/Non-Members \$95

A panel of speakers will include lawyers who have influenced the lawmaking process in a variety of ways including service as a legislator or on legislative workgroups, testifying on bills, and representing clients’ interests in the legislative process. This class is a must-attend for anyone who is interested in how to use the legislative process to improve the law or advocate on behalf of clients. Speakers include **Representative Karin Power**, a legislator from District 41 who also serves as Associate General Counsel with The Freshwater Trust, a Portland-based environmental nonprofit organization that protects and restores freshwater ecosystems; **Chanpone Sinlapasai**, partner at Marandas & Sinlapasai PC and Chair of the Oregon Commission on Asian and Pacific Islander Affairs; and **Judy Parker**, Attorney at Law, and former Commissioner on the Oregon Commission on Hispanic Affairs. **Liani Reeves**, Bullard Law, will moderate the panel.

For more information: Call Liani Reeves, Bullard Law at 503.248.1134. For registration questions, call the MBA at 503.222.3275.

Legal Services as Products: How to Use Product-Development Tools to Design and Sell Legal Work

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

World Trade Center, Mezzanine

Members \$60/Non-Members \$95

Note: Two hours of Business Development credit will be applied for.

In this session you will learn how modern law firms are borrowing from product development and design thinking to create packaged legal services that drive client value and increase firm profit. As part of this hands-on workshop, you’ll receive a copy of the Practice Model Canvas and use it to prototype your own productized legal service. The presenters are attorneys **Alix Devendra** and **John Grant**, both of Start Here HQ and **Kimberly Pray**, Catalyst Law LLC. Previously, Alix practiced labor and employment law in San Francisco. John previously had a three-person boutique IP firm that was paperless, cloud-based, and used alternative fee arrangements. Kimberly will speak about how she has incorporated product development tools into her legal practice, which includes taxation, estate planning, and trust and estate administration.

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

Elder Abuse Reporting

Tuesday, October 17, 2017 - 12-1 p.m.

World Trade Center, Plaza Conference Room

Members \$30/Non-Members \$50

Note: One hour of Elder Abuse Reporting credit will be applied for.

New elder abuse reporting requirements for attorneys - together with an educational requirement - took effect January 1, 2015. **Judge Katherine Tennyson**, Multnomah County Circuit Court, will present this CLE to inform lawyers of their legal responsibilities as mandatory reporters, while maintaining their ethical obligations to clients.

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

The Ethics Workshop

Wednesday, October 18, 2017 - 2-4 p.m.

World Trade Center, Plaza Conference Room

Members \$60/Non-Members \$95

Note: Two hours of Ethics credit will be applied for.

Join our panelists, **Nellie Barnard** and **Dayna Underhill** of Holland & Knight LLP, for an afternoon workshop discussing ethics and risk management. Panelists will lead attendees in a discussion based on a series of hypotheticals covering issues ranging from advertising to zealous representation, with stops along the way to sort through thorny conflicts problems, mobile lawyering and social media, fee issues, and more. Come ready to discuss hypotheticals and engage in what we hope will be a lively discussion.

For more information: Call Leslie Johnson, Samuels Yoelin Kantor at 503.226.2926. For registration questions, contact the MBA at 503.222.3275.

Clark County Presiding Court Update

Thursday, October 26, 2017 - 3-5 p.m.

World Trade Center, Plaza Conference Room

Members \$60/Non-Members \$95

The 2017 Clark County Presiding Court Update will be presented by Superior Court **Judge David Gregerson** and Vancouver civil litigator **Doug Foley**, with moderator **Leslie Johnson**. This class is designed for anyone thinking of taking cases across the river and at any level of experience. Judge Gregerson will provide valuable information regarding brand new scheduling practices. Mr. Foley will highlight rules and conventions of civil practice that distinguish Washington and local practice from the Oregon state courts.

If you currently practice in Clark County, or have been considering practicing in Clark County, this CLE is a must for you.

For more information: Call Leslie Johnson, Samuels Yoelin Kantor at 503.226.2966. For registration questions, call the MBA at 503.222.3275.

Child Abuse Reporting

Wednesday, November 1, 2017 - 12-1 p.m.

World Trade Center, Plaza Conference Room

Members \$30/Non-Members \$50

Note: One hour of Child Abuse Reporting credit will be applied for.

The MBA presents its annual seminar on attorney child abuse reporting requirements. This program is intended to help lawyers meet their legal responsibilities as mandatory reporters, while maintaining their ethical obligations to clients. **Kasia Rutledge**, Metro Public Defender, will present a lively and practical discussion:

- What are the reporting requirements?
- How do I recognize reportable child abuse?
- What is it that I’m really supposed to do?
- What happens if I make a report of abuse?
- What happens if I don’t report when I should have?
- Learn about how cultural diversity may enter into child abuse reporting situations.

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

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.

Join Us for the 20th Annual MBA Golf Championship

Monday, October 9 at Oregon Golf Club



This event offers excellent opportunities for visibility, sponsorship and time spent with clients or colleagues away from the office. Your participation will help the MBA reach its 2017 goal to raise \$20,000 for the Volunteer Lawyers Project at Legal Aid Services of Oregon.

Registration includes golf, cart, range, lunch, dinner, contests and door prizes. \$250 MBA members and non-lawyers; \$275 after September 29 and non-MBA members (no refunds after September 29). See the insert in this issue for details or contact Pamela Hubbs (503.222.3275, pamelah@mbabar.org).

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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.

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10/17 Elder Abuse Reporting

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10/18 The Ethics Workshop

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10/26 Clark County Presiding Court Update

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11/14 Appellate Update


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Ethics Focus

Back to the Future: New OSB Opinion on File Transitions

by Mark J. Fucile
Fucile & Reising LLP



Clients and their lawyers go their separate ways mid-matter for many different reasons. Whenever this occurs, a frequent flashpoint is “the file.” The OSB has long had a series of ethics opinions dealing with file transitions. When the bar comprehensively reformulated its ethics opinion library in 1991, Formal Opinion 1991-125 became the “standard” for lawyers seeking guidance on questions ranging from what portion of the file must be released to who

The new opinion retains the core risk management considerations....

paid for copies. When Oregon moved from the former Code of Professional Responsibility to the Rules of Professional Conduct in 2005, this key opinion was reissued in the form of Formal Opinion 2005-125.

Although the 2005 opinion remained the “standard,” it was growing comparatively long in the tooth as lawyers’ files increasingly evolved from paper to electronic media. Earlier this year, therefore, the Bar retired Formal Opinion 2005-125 and replaced it with a more contemporary cousin: Formal Opinion 2017-192. The new opinion retains the core risk management considerations of its predecessors that remain universal regardless of storage form. But, it takes a fresh look at these always sensitive questions from the perspective of modern electronic files.

In this column, we’ll survey this new “standard.” We’ll first look at what constitutes “the file” and what must generally be provided to the client (or the client’s new lawyer). We’ll then catalog the principal exceptions.

Finally, we’ll briefly outline other related logistical topics addressed.

“The File”

Like its predecessors, Opinion 2017-192 defines the concept of “file” broadly to include both its paper and electronic components:

“Historically, lawyers maintained documents or information needed to represent each client in a paper client file, which was typically stored in a single physical location. Information technology has radically altered the form and location of what now may constitute a client file. It is nevertheless useful to think of a client file, regardless of form or location, as the sum total of all documents, records or information (either in paper or electronic form) that the lawyer maintained in the exercise of professional judgment for use in representing a client.” (*Id.* at 2; footnote omitted.)

Again like its predecessors, Opinion 2017-192 takes a broad view of what must generally be turned over:

“[A]s a general proposition, and absent viable attorney liens, a lawyer is obligated to deliver the entire client file to the former client or forward it to the client’s new counsel upon receiving client consent. . . . In most instances, the entire client file will include documents and property that the client provided to the lawyer; litigation materials, including pleadings, memoranda, and discovery materials; all correspondence; all items that the lawyer has obtained from others, including expert opinions, medical or business records, and witness statements. The client file also includes all electronic documents, records, and information that the lawyer maintained for use in the specific client matter, such as e-mail, word-processing documents on a server, audio files, digital photographs and even text messages. Subject to the exceptions discussed below, the entire file includes the lawyer’s notes or internal memoranda that may constitute ‘attorney work-product.’” (*Id.* at 3; citations and footnotes omitted.)

The Exceptions

Opinion 2017-192 catalogs five principal exceptions.

First, documents that the client is not entitled to have are exempt from transfer. For

example, a lawyer may have placed a memorandum from another case dealing with similar legal issues in the file for the lawyer’s convenience. Because that earlier work was done for another client, it would not be subject to transfer.

Second, file materials that go to the lawyer-client relationship rather than substantive work on the client’s matter may also be withheld. For example, the Oregon Supreme Court held in *Crimson Trace Corp. v. Davis Wright Tremaine LLP*, 355 Or 476, 326 P3d 1181 (2014), that a law firm lawyer’s privileged conversations with internal firm ethics or claims counsel concerning the firm’s interests are generally not subject to production. To fall within *Crimson Trace*, however, the firm should not ordinarily charge the

...documents that the client is not entitled to have are exempt from transfer.

client for such conversations lest they otherwise be classified as substantive work for the client rather than within the firm’s privilege for internal advice on the firm’s own conduct.

Third, internal firm administrative communications, such as work assignments, conflict reviews or credit reports are generally exempt. Again, however, this general position may be undermined if the firm has charged the client for these activities.

Fourth, electronic metadata generally need not be produced. The opinion reasons that in most circumstances such data is itself irrelevant in light of the production of the associated documents.

Fifth, documents that the firm is legally obligated to withhold are exempt. For example, some documents may be covered by protective orders or contractual non-disclosure agreements that prohibit them from being shown to a client. This prohibition, however, may not apply to a former client’s new lawyer depending on how the protective order or non-disclosure agreement involved is framed.

Logistics

Opinion 2017-192 also covers two related logistical topics. First, it notes that lawyers have a right to (at their own expense) maintain a copy of a client file (and it is often prudent to do so to document the work involved). Second, it observes that copy costs are regulated largely by the fee agreement involved (although this is a less-frequent flashpoint with electronically stored files).



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Around the Bar



Shannon Armstrong

Holland & Knight

Shannon Armstrong, a partner in the Portland office of Holland & Knight, has been elected chair of the Girls Inc. of the Pacific Northwest Board of Directors. Armstrong is a trial lawyer whose practice encompasses a wide range of high-stakes business issues, from contract disputes to complex class actions. Girls Inc. inspires all girls to be strong, smart and bold by providing life-changing after school programs and experiences that help girls grow up to be healthy, educated and independent.



Brittany Simpson

Circuit Court of Appeals in Anchorage. Jindal also served as Alaska Supreme Court Justice Peter Maassen's law clerk.

Previously, Jindal was an associate at the Washington DC firm of Fried, Frank, Harris, Shriver & Jacobson.

The firm is pleased to announce that attorney **Brittany Simpson** has joined the board of directors of Emerging Professionals of Portland. Simpson is a trial lawyer who represents high-profile corporate and individual clients across a wide range of industries including banking, oil and gas, insurance, real estate and healthcare.



Steffan Alexander



Anit Jindal

Markowitz Herbold PC

Portland litigation firm Markowitz Herbold PC announced today that **Steffan Alexander** has become a shareholder with the firm.

Alexander represents a broad range of clients from individuals, executives, and government officials, to small businesses and multi-million dollar companies

Alexander is a Classroom Law Project Board Member and an active member of Rotary Club of Portland.

Anit Jindal has joined the firm as an associate, bringing to Markowitz Herbold a wealth of civil litigation experience derived both from his work in the Alaska state and the federal court systems, as well as experience working in private practice.

Jindal most recently clerked for the Hon. Morgan Christen who sits on the nation's Ninth



Edie Rogoway

Rogoway Law

Edie Rogoway was named the recipient of the 2017 Oregon Criminal Defense Lawyers Association President's Award for her pro bono work organizing volunteer attorneys and interpreters to assist people affected by President Trump's Muslim travel-ban Executive Order.

The award acknowledged Rogoway for "... standing up for the defenseless and holding those in positions of power accountable for the harm they cause ...for being a rock of strength and a beacon of hope for people subject to abuses of power."



Traci Ray

Barran Liebman

Traci Ray has been elected to serve as the Secretary for the ABA Law Practice Division for 2017-18, and will ultimately chair the

division in 2020-21. She currently leads the Women Rainmakers Committee as its chair, and serves as an Issue Editor for the entity's online monthly webzine, *Law Practice Today*.



Robyn Ridler Aoyagi



Kristin Bremer Moore



Phil Moran

Tonkon Torp LLP

Partner **Robyn Ridler Aoyagi** has been appointed by Governor Kate Brown to serve on the Oregon Court of Appeals. Aoyagi's 17-year practice focused on complex commercial litigation, with an emphasis on appellate litigation. She was named a partner of the firm in 2007, and is the first Tonkon Torp lawyer to join the bench at the appellate or trial level.

Tonkon Torp has appointed partner **Kristin Bremer Moore** to chair its Labor & Employment practice group. Bremer Moore joined Tonkon Torp in 2006 and was named as a partner in 2011.

Phil Moran has joined the firm as its Facility Services Manager. He is responsible for the firm's internal hospitality services, as well as facilities maintenance and operations. Moran will play a significant role on the Tonkon Torp Space Planning Committee.

Moran will also sit on the firm's Sustainability Committee and participate in the firm's environmental awareness and stewardship program.

Hart Wagner LLP

Hart Wagner LLP welcomes **Shangar Meman** and **Jonathan Rue** as the firm's newest associates in the Portland office.

Meman's law practice focuses on medical malpractice defense, professional liability, commercial litigation, and premises liability. She earned her law degree from Willamette University in 2016 and



Shangar Meman



Jonathan Rue

served as an editor to the *Willamette Environmental Law Journal*.

Rue is an experienced litigator who focuses on complex employment, professional liability, commercial, and white collar criminal defense cases. Before joining Hart Wagner, Rue practiced in Washington where he represented clients in a broad range of commercial and employment litigation matters. He also spent four years in Oregon as a deputy district attorney, where he tried over 60 cases to a jury.



Jeffrey Chicoine

Miller Nash LLP

Jeffrey Chicoine has been elected as a Fellow of the College of Labor and Employment Lawyers. Chicoine will be officially inducted in the fall of 2017 and will be Miller Nash Graham & Dunn's third member in the college, joining Wayne Landsverk and Clemens Barnes.



Bryce Sinner

Landerholm PS

The firm welcomes **Bryce Sinner** as an associate attorney with the firm. Sinner counsels clients in construction law, real estate law and transactions, and civil litigation. Sinner was also recently elected as a council member on the Washington State Bar

Association's Construction Law executive committee.

Before joining Landerholm, Sinner was employed with Portland and Vancouver law firms focusing in construction law and as general counsel for a heavy civil general contractor operating in the Pacific Northwest.



Kevin McHargue

St. Andrew Legal Clinic

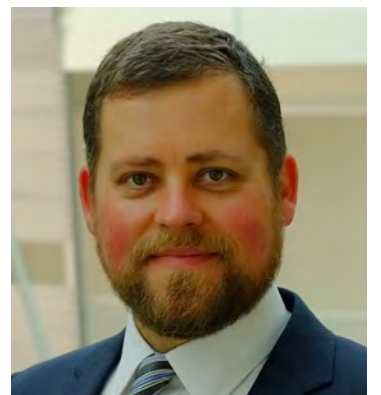
The nonprofit legal clinic has named **Kevin McHargue** its permanent Executive Director. McHargue has served as interim executive director for the past five months.

"Kevin has done an excellent job guiding a talented group of attorneys, staff and volunteers, while also providing strong leadership in development and communications," said Seth King, President of the clinic's Board of Directors. "He is committed to our mission, and we believe he can help us develop and grow in the coming years."

McHargue has been an attorney for 22 years and is a member of the bar in Oregon and Texas. In addition to his legal experience, McHargue also is skilled in communications, nonprofit development and advocacy.



Jose Klein



Damien Munsinger

Klein Munsinger LLC

Jose Klein and **Damien Munsinger** have formed Klein Munsinger LLC, a new law firm focused on employment matters. Klein was previously with Fisher & Phillips LLP, where his practice involved traditional labor law and employment. Munsinger was previously with Barran Liebman LLP, with a practice built on employment advice and litigation.

Continued on page 9

In Memoriam Judge Michael Henry Marcus



Judge Michael Henry Marcus, 74, beloved husband, father, colleague and friend to many, died Saturday, July 22, 2017 of complications resulting from a brain tumor that was diagnosed in late 2009. A cherished Oregon trial judge from 1990 to 2012, Michael was known by all who knew him for his strong intellect, sense of fairness, and commitment to improving the judicial system through fair sentencing practices. He published and lectured on a wide range of legal topics, including landlord/tenant

law, capital punishment, and “smart sentencing,” which became the cause he cared about most in his career: promoting criminal sentencing based on what works to prevent recidivism, and help victims heal, in lieu of the idea of “just desserts,” without preventing recidivism or relief for victims.

Judge Marcus graduated from Boalt Hall (JD, 1969) (University of California, Berkeley, School of Law) He clerked for Justice Raymond Peters on the California Supreme Court 1969-1970. He then served as a Legal Aid attorney in San Francisco and Oregon from 1970 to 1990. He worked on legislation involving landlord/tenant, civil procedure, and criminal sentencing issues. As a judge, he handled a wide range of civil cases and a wide spectrum of criminal cases. He

served for eight years on the Oregon Council on Court Procedures, as well as on the Oregon Judicial Conference Committees related to criminal law, technology, and performance measures. He was a member of the Oregon eCourt Implementation Team.

The loss of Michael is deeply mourned by his wife, Sharon Marcus; his children, Andrea and Jacobus; grandchildren, Harriet, Thomas, Max and Sophia; son-in-law, Geoff; his beloved golden retriever; and the many people he enriched with his intellect, kindness of spirit, his respect for the rights of all, and his commitment to the welfare of the planet and all living things. Early on, Michael’s love of animals led him to be Vegetarian and then Vegan.

In lieu of flowers, the family suggests donations to Farm Sanctuary.

A memorial service for Michael will be held in late October.

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DEAN N. ALTERMAN
is pleased to announce the formation of
ALTERMAN LAW GROUP PC
and that
ERICA N. MENZE
has become an associate of the firm.



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Congratulations

Wendy M. Kent

Bodyfelt Mount is pleased to congratulate our partner, Wendy, on her new position as Claims Counsel at Travelers Companies. We wish her all the best!



Around the Bar

Continued from page 8

Klein and Munsinger are experienced in handling labor and employment matters in Oregon and Washington. Klein has handled litigation, arbitration and investigation matters for public and private employers. Munsinger has tried employment cases to verdict in state and federal court. Both attorneys previously represented the State of Oregon as Honors Attorneys at the Oregon Department of Justice. Together, they will focus on resolving disputes between employers and employees through dialogue, mediation, arbitration, and trial.

Alterman Law Group PC

Dean N. Alterman is pleased to announce the formation of Alterman Law Group PC in Portland. Erica N. Menze has joined the firm as an associate.

The firm will focus its practice on multi-family and commercial real estate transactions, closely-held businesses, and land use. Alterman was previously with Folawn Alterman & Richardson LLP, which dissolved on August 31. Menze was formerly with Kivel & Howard PC.

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.

EXPERIENCE MATTERS



Our appellate lawyers have it.

See, e.g., Barrett v. Union Pacific R.R. Co., 361 Or 115 (2017); Dowell v. Oregon Mutual Ins. Co., 361 Or 62 (2017); West Hills Development Co. v. Chartis Claims, Inc., 360 Or 650 (2016); Turner v. Dept. of Transportation, 359 Or 644 (2016); Rains v. Stayton Builders Mart, 359 Or 610 (2016); Deckard v. Bunch, 358 Or 754 (2016); Oregon Wild v. Port of Portland, 286 Or App 447 (2017); Marandas Family Trust v. Pauley, 286 Or App 381 (2017); Huntsinger v. BNSF Railway Co., 286 Or App 84 (2017); Higgins v. State Farm Fire & Cas. Co., 284 Or App 791 (2017); McClain v. Safeco Ins. Co., 284 Or App 410 (2017); West Hills Development Co. v. Chartis Claims, Inc., 284 Or App 133 (2017); John L. V. Platt, D.C., P.C. v. Snellgrove., 282 Or App 369 (2016); Hoddenpyl v. Fiskum, 281 Or App 42 (2016); Stonecrest Properties, LLC v. City of Eugene, 280 Or App 550 (2016); LDS Development, LLC v. City of Eugene, 280 Or App 611 (2016), rev den, 361 Or 100 (2017); Clardy v. Nike, Inc., 279 Or App 811 (2016), rev den, 361 Or 238, cert den, ___ S Ct ___ (2017); Market Transportation Ltd. v. Employment Dept., 279 Or App 515 (2016); Wells Fargo Bank, NA v. Haas, 279 Or App 393 (2016); Wingett v. Silbernagel, 279 Or App 245, rev den, 360 Or 697 (2016); Village at North Pointe Condominiums Assn. v. Bloedel Construction, 278 Or App 354, on recons, 281 Or App 322 (2016); Currier v. Washman, LLC, 276 Or App 93 (2016).

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Tips From the Bench

Lessons Learned From a New Judge

by Judge Eric L. Dahlin
Multnomah County Circuit Court

"I didn't have time to write a short letter, so I wrote a long one instead."

- Mark Twain (supposedly)

After 20 years practicing civil litigation, including serving as a part-time arbitrator and volunteer pro tem judge for nine years, and serving on multiple court-related bar committees, I was appointed to the Multnomah County Circuit Court bench in August 2016. I mention my background because, based on my experience, I thought I had an especially good idea of what the routines on the state court bench were like. However, since taking the bench I have learned there is much I had not appreciated about the daily life of a judge in Multnomah County. Had I better understood the practical realities when I was a lawyer, I could have been a more effective advocate by taking into account what judges deal with every day, as opposed to hoping for what would be the case in a perfect world. In future columns, I will share other lessons I have learned, but for this column I will share one main piece of advice:

Be concise but complete

Whether submitting a brief or making an oral presentation, being succinct while also providing all the pertinent information should be the goal. This may sound like a no-brainer, but not everyone practices this way. This is important because the judges handle a considerable variety of subject matters and do not have unlimited preparation time; thus, it's crucial to get to the point quickly while at the same time sufficiently educating the judge. Being concise is not easy, and it will take time and preparation to accomplish, but ultimately that will increase the chance of prevailing.

I did not fully appreciate how packed the judges' days can be handling matters on the record in the courtroom and that there is scant time during normal working hours to prepare for upcoming dockets. And to top it off, most trials and some motions are not even assigned to the judge until the day before or less (I recently was assigned a jury trial with five minutes notice after the original judge learned of a conflict with a witness).

In a perfect world, the judge would have clerks prepare bench memos for every case and would have days, if not weeks, to prepare for each case. But that is not the case in state court. A typical day could start off with oral argument on a Rule 21 motion or a probation violation hearing, immediately



followed by pretrial motions and disputes over jury instructions the rest of the morning. After lunch, the judge may have a summary judgment hearing or sentencing before resuming trial in the afternoon. This repeats each day. There is no "chambers time" set aside during the work day to prepare for upcoming hearings. That means the judge needs to prepare during lunch, at night, on weekends, or squeeze in time in between hearings. This is not a complaint - one of the best parts of the job is constantly being in court and having the good fortune of learning a wide variety of subject matters. The judges will work hard to be fully prepared regardless of when that preparation needs to occur, but if I had a better understanding when I was a lawyer about all the other demands facing the judges, I may have been able to craft tighter and more focused arguments.

A problem on the other end of the spectrum is when lawyers are too brief and fail to provide enough information and authority to be helpful. A lawyer's job is to educate the judge about the facts and the law; the lawyer should not assume the judge knows it all. When I was in practice, I may have subconsciously assumed that if I, as a lowly lawyer, was familiar with an arcane area of the law that the judge must know as much or more than I did by virtue of wearing the black robe. I did not want to insult the judge's intelligence by addressing matters I assumed the judge knew, so I sometimes started in the middle of the story instead of the beginning. That was a mistake. State court judges handle an incredibly broad spectrum of cases, which means their experience with different areas of the law will be quite broad, but it also means that the expertise may not run as deep as a lawyer who specializes in a niche practice area. In addition, the judge is often dealing with wildly different subject matters throughout the various hearings each day, which in itself is a challenge because it requires switching mental gears quickly. A lawyer should not assume the judge automatically knows as much or more than the lawyer with respect to the issues in any particular case. It is important not to just jump into the middle of the story, but instead provide sufficient context and explanation and citations to authority (and better yet highlighted copies of the key authorities).

Andrew Schpak Mentor of the Year

In 2017, 33 mentor-mentee pairs participated in the MBA Mentor Program, which matches MBA Young Lawyers Section members with select, experienced MBA members for mentoring and support over a six-month period. The program provides career development and professionalism guidance to newer lawyers who may have already completed the mandatory OSB New Lawyer Mentoring Program. Each year, mentees are given the opportunity to nominate their mentors as Mentor of the Year. This year, the MBA has selected **Andrew Schpak**, Barran Liebman, as Mentor of the Year for his fine work as a mentor.

Tom Marshall nominated his mentor, Andrew Schpak. In his nomination letter, Tom had this to say about Andrew: "I have had several assigned mentors over the years, but Andrew has been the most involved and supportive mentor I have ever been assigned. In addition to setting up monthly meetings, he regularly went above and beyond

the required mentor duties by inviting me to legal events in the community and introducing me to local attorneys. He was extremely helpful in teaching me both how the MBA functions and how to work in the Portland legal community. I am very grateful to him for his assistance..."

If you would like to be added to the mentor pool, please contact Kathy Modie at the MBA at 503.222.3275 or kathy@mbabar.org.

Thank you to all 2017 mentors:

Shane Abma
Gretchen Barnes
David Bean
John Belknap
Paul Bovarnick
Thomas Brown
W. Todd Cleek
Charles Corrigan
Maya Crawford
James Damis
Paul Duden
David Ellis
Sam Friedenberg
Jill Gelineau
Richard Glick



Mentor Andrew Schpak with Tom Marshall

Amanda Gray
Julia Hagan
Sandra Hansberger
Joshua Kadish
Tony Kullen
Wayne Landsverk
Eddie Medina
Karen O'Connor
Traci Ray
Andrew Schpak
Philip Schuster
Thomas Smith
Whitney Stark
Miles Sweeney
Trung Tu
Lee Tyler
Julie Vacura
Katharine West

MBF-Funded Civic Engagement Video Receives National Award

by Pamela Hubbs
Office and Foundation Administrator

Produced with a \$4,000 civic education grant from the MBF, MetroEast Community Media's *La Experiencia Voluntariado* (The Volunteer Experience) was awarded top honors in the Community Impact Category at the 2017 Hometown Media Awards, a national

competition that recognizes the best in community media programming. Producer John Lugton accepted the award at the July 13 ceremony.

La Experiencia is a Spanish-language short video and public service announcement that promotes civic engagement and



La Experiencia producers John Lugton and Emily Vidal with the Community Impact award

Suggesting that arguments be both concise and complete is not a mixed message. I'm not suggesting lawyers cut their briefs or oral arguments to some arbitrary page or time limit. I've read briefs that were 30 pages long where I would be hard pressed to find an extraneous sentence, but I've also read 10-page motions that were twice as long as needed.

My advice is that briefs and oral arguments should be as long as they need to be, and no longer.

The art of being a lawyer is to be able to communicate about a complicated subject clearly, concisely and persuasively. Like any other quality art, perfecting it takes time and effort. One may need numerous drafts to get the argument down to its essence, but it is time well spent because it will greatly improve the chances of prevailing in front of a judge with a busy and varied docket.

volunteerism to the growing Spanish-speaking community, which is one of the largest but most civically underrepresented groups in the Portland metro area. The message of the video is the importance of becoming actively involved in our democracy. The video airs on public access channels, is available online and on demand, and has been distributed to targeted agencies locally, regionally and nationally.

Hometown Media Awards is sponsored by the Alliance for Community Media, a public, education and government channel advocate that promotes civic engagement through community media.

Well done, MetroEast Community Media. Congratulations!

To view an English-subtitled version of *La Experiencia Voluntariado*, visit mbabar.org/foundation/foundation-news.html.

To learn more about MBF civic education grants, visit mbabar.org/foundation/grants.html or contact Pamela Hubbs (503.222.3275, pamela@mbabar.org).

Night at the Spa

On July 13, members of the legal community dropped by Comma Vino Spa for the MBA Events Committee's Night at the Spa. The event was generously sponsored by Farleigh Wada Witt. Snacks were provided and a variety of spa "mini-services" were offered.

MBA Committees

Each year, MBA members serve on committees that address member needs and general issues affecting the profession. A synopsis of each committee's charge for the year and the committee chair follows. If you have ideas or concerns about a particular area, please contact the chair, MBA President Andrew Schpak, aschpak@barran.com, or the MBA at mba@mbabar.org.



Bridget Donegan

Continuing Legal Education

Chair: **Bridget Donegan**, Larkins Vacura Kayser LLP, 503.542.3107
Plans, conducts and evaluates approximately 40 CLE seminars a year geared toward attorneys in practice 10 years or more.



Joseph Franco

Court Liaison

Chair: **Joseph Franco**, Holland & Knight LLP, 503.243.2300
Serves as the MBA's interface with the court and fosters dialogue between the MBA membership, the local judiciary and other local area courts.



Ryan Bounds

Equality & Diversity

Chair: **Ryan Bounds**, US Attorney's Office, 503.784.9964
Promotes equality in the profession, identifies ways in which the MBA can promote a diverse bar, and carries out the diversity award process.



Kevin Parks

Events

Chair: **Kevin Parks**, Parks Law Offices LLC, 503.308.1080
Conducts member-outreach activities. Plans Bench Bar & Bagels, Battle of the Lawyer Bands and WinterSmash, which benefits Multnomah CourtCare.



Moises Ceja

Judicial Screening

Chair: **Moises Ceja**, Oregon Law Center, 503.473.8680
Confidentially screens judicial and pro tem candidates in accordance with the MBA's process.



David Bean

Membership

Chair: **David Bean**, Wyse Kadish LLP, 503.228.8448
Works on member recruitment and retention efforts, and evaluates current and potential member benefit programs.



Whitney Stark

Professionalism

Chair: **Whitney Stark**, Albies & Stark, 503.308.4773
Implements activities that promote professionalism and carries out the professionalism award process.



Samuel Kauffman

Solo/Small Firm

Chair: **Samuel Kauffman**, Kauffman Kilberg LLC, 503.224.2595
Plans workshops and socials tailored specifically for solo and small firm attorneys.



Samuel Rayburn

VLP Golf

Chair: **Samuel Rayburn**, Buckley Law PC, 503.620.8900
Organizes golf outings, including the MBA Championship, which annually raises \$15,000-20,000 for the Volunteer Lawyers Project at LASO.

2018 MBA Professionalism and Diversity Awards Nominations Due November 3

Professionalism Award

The MBA Professionalism Award is one of the most highly-regarded honors an attorney in our area can receive. Do you know a lawyer who is a pleasure to work with as both an ally and an adversary, regularly goes well beyond minimum ethical and professionalism standards, and constantly mentors others and works to improve the quality of our practice as a whole? We strongly encourage you to nominate him or her for the 2018 MBA Professionalism Award. Any MBA practicing attorney member, except a member of the MBA Professionalism Committee or the MBA Board of Directors, is eligible to receive this award.

Esteemed award recipients include Raymond Conboy, Thomas H. Tongue, Randall B. Kester, Frank Noonan Jr., Donald W. McEwen, Don H. Marmaduke, Noreen K. Saltveit McGraw, Thomas E. Cooney, John D. Ryan, George H. Fraser, Barrie Herbold, Walter H. Sweek, Daniel E. O'Leary, Mark R. Wada, Sandra A. Hansberger, Robert C. Weaver, Walter H. Grebe, Susan M. Hammer, Carl R. Neil, Jeffrey M. Batchelor, Judy D. Snyder, Garry L. Kahn, Michael D. Schrunk, Edwin A. Harnden, Thomas W. Brown, Mark Johnson Roberts, Robin J. Selig, Bonnie Richardson and Jane Paulson.

Diversity Award

The MBA Diversity Award honors individual attorneys, legal employers, or other legal organizations that have made a longstanding commitment to furthering diversity and inclusion in the MBA and Multnomah County legal community. The hope is that it will help to spotlight the various efforts of individuals, legal employers, or legal organizations in fostering a culture of diversity and inclusion,

as well as encourage others in their own efforts.

Do you know of an individual attorney, legal employer, or other legal organization that has shown a long-term commitment to fostering diversity and inclusion in the MBA and Multnomah County legal community? If so, please complete a nomination form for the MBA Diversity Award. The nomination should include the efforts made, the impact of those efforts, and how the individual, legal employer, or legal organization exemplifies the principles set forth in the MBA Statement of Diversity.

Aruna Masih was the first recipient of the MBA Diversity Award in May 2017.

The concept of "diversity" is made up of many dimensions that make it difficult to define. To the MBA, diversity is "an inclusive concept" that "encompasses, without limitation, race, color, ethnicity, gender, sexual orientation, gender identity and expression, religion, nationality, age, disability and marital and parental status." The MBA also recognizes that "achieving diversity is an evolutionary process that requires a continued renewal of our commitment to strategies of inclusion." (*MBA Statement of Diversity Principles.*)

Former nominees may be re-nominated. To propose a nominee for one or both of this year's award selection processes, please complete and return the nomination form(s) available at www.mbabar.org or contact Kathy Modie at kathy@mbabar.org for more information.

Nomination forms are due November 3 to the MBA. The MBA will present the recipients of the Professionalism and Diversity awards at the MBA Annual Meeting on May 2, 2018.

mba|EVENT

MBF Social

Wednesday, October 11
Davis Wright Tremaine
1300 SW 5th Ave. Ste 2400, Portland
5-6:30 p.m.

Learn about "Court Connect," our new civic outreach program, help us celebrate a successful CourtCare campaign and meet our 2017 civic education grant recipients. You'll hear about the work of your foundation as you catch up with colleagues and friends over appetizers.

Thank you MBF President Dana Scheele and Davis Wright Tremaine LLP for generously hosting this event!

There is no cost to attend, but space is limited. RSVP to Pamela Hubbs, pamela@mbabar.org

mba|EVENT

MBF Karaoke
Fundraiser to Benefit
the Civic Education Fund

Wednesday, November 2
Trio Club
909 E. Burnside, Portland
5:30-8 p.m.

Let your voice be heard! Join us at Trio Club for a fun night of karaoke, food and drink. Sing your heart out or cheer for your friends and colleagues, have a laugh and raise money for a good cause. Proceeds benefit the MBF Civic Education Fund.

Tickets are \$30 in advance and \$35 at the door. Tickets are limited, so please register early to secure your spot.



For sponsorship opportunities or to register, visit www.mbabar.org or contact Pamela Hubbs (503.222.3275, pamela@mbabar.org).

mba | Young Lawyers Section

What is the YLS?

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

Ask the Expert

Dear Expert,

I'm a new lawyer and want more professional guidance but I am struggling to find a mentor. How do I develop mentor/mentee relationships?

Want To Be Mentee

Dear Want To Be,

You are right to seek out mentor/mentee relationships to advance your career. Mentors and sponsors can play valuable roles in your professional success and job satisfaction. Finding mentors and sponsors can be challenging, but there are several resources available to young lawyers in our legal community.

The most readily available source for mentors may be the other lawyers you work with. If you work for a firm with experienced attorneys, try to find the right colleagues to act as mentors by encouraging them to invest in you. Identify the unique skills that you provide for your potential mentors (or the firm in general). Then market those skills and achievements to potential mentors by expressing your ambitions and your professional development goals. Also, be flexible. Adapt to other people's schedules and find creative ways to spend time with them.

You should also look outside your workplace to find mentors. Developing mentors outside of your organization is a good way to foster diverse viewpoints about the practice of law and the legal field. There are several local organizations that strive to match mentees with mentors.

In fact, the MBA has a Mentor Program that carefully pairs members of the YLS with more experienced MBA members for six months and offers a variety of events for participants. Some specialty bars and OSB sections also offer mentor programs.

Whether you identify potential mentors from inside or outside of your organization (or both), here are some tips to get the most out of your relationship. First, have an objective and know what you want to achieve in these mentor/mentee relationships. Do you want to learn about a new area of practice or develop a new referral source? Keep your goals in mind and structure your mentor relationships around those goals. Second, be active and engaged in your mentoring relationships by carefully listening to your mentors and asking good questions. Engaged mentors can help you think about and shape your future in positive ways you may not have imagined. Finally, be prepared. Have a plan for the time you spend with your mentors. This will help you get the most satisfaction and enjoyment from your mentor relationships.

Good luck!

If you would like to learn more about the MBA Mentorship Program, visit the MBA website www.mbabar.org/Resources/News/122/Details/. Applications to participate in the MBA Mentor Program as either a mentee or a mentor are available on the MBA website and should be submitted by December 1.

ABA Annual Meeting Highlights and Upcoming Programs

by Shayda Zaerpoor Le
YLS Board President-Elect



As the YLS Board's delegate to the ABA Young Lawyers Division (YLD), I had the opportunity to attend this year's Annual Meeting in New York. This conference featured "CLE in the City," allowing participants to attend a subset of sessions held within various local law firms, and to select from 12 different specialty tracks, including everything from antitrust law, to family law, to construction law. A comprehensive review of the programming is impossible, but here are some highlights.

YLD: The YLD of the ABA offered some fantastic specialty programming. Attendees benefited from a targeted session on practical tips for making the ask for work, business, or money. There was also a special event on planting the seed for a judicial career, co-sponsored by the ABA Judicial Division, and which provided an opportunity for young lawyers to meet directly with judges from around the country to ask questions and discuss career paths to the bench. Two of the main programming events were planned by or featured two of our own local Portland lawyers, Andrew Schpak and Liani Reeves.

YLD Assembly: The YLD Assembly undertook voting on a broad range of proposed resolutions. The Assembly, which included four delegates from the State of Oregon, considered proposals on: partially-open compensation systems within law firms, with an aim toward pay equity; cooperation between

federal district courts on coordinating best practices for pro bono panels; opposition to restructuring the Court of Appeals for the Ninth Circuit; support for granting bar admission to undocumented immigrants who have otherwise met necessary qualifications for admission; appointment of a special counsel to represent all indigent persons in immigration removal proceedings (at the federal government's expense); a proposal to amend the Gun Control Act of 1968 to make firearm possession impermissible for persons convicted of hate crimes; and improvement of the processes by which the military reviews discharge status petitions and corrects military records.

YLD Presentations: Outgoing ABA President Linda Klein spoke to the YLD Assembly and thanked the members for their work and support. She shared a summary of the organization's accomplishments and initiatives this year, which included Veterans' services, taking on the Department of Labor in relation to the Public Service Loan Forgiveness program, ABA "Blueprint," which is a practice management tool, children's education, and responding to the federal government's proposed cuts to the Legal Services Corporation.

Incoming ABA President Hilarie Bass shared with the YLD her plans for the upcoming year, with a focus on direct pro bono legal services for homeless youth. Homelessness is an issue that our own MBA Board will be working on this year.

The passing of the gavel took place from outgoing YLD Chair Anna Romanskaya to incoming YLD Chair Dana Hrelac. Throughout this bar year, Anna focused the division on business development training and leadership training for young lawyers; implemented programming focused on improving the pipeline of diversity into the legal profession,

which included a program called "What Do Lawyers Do," which the MBA YLS implemented this year at Portland State University; public service and access to education; and connecting with ninth graders on the value of a post-high school education, with a mobile app to connect kids with diverse professionals. Dana Hrelac will be focusing on leadership training targeted toward young lawyers who are active in their local bar leadership organizations, and an initiative called "Home Safe Home," which will focus on addressing different types of home violence.

Broader ABA: The broader ABA conference offered a huge selection of programming for different tracks and entities. One event of particular significance



Justice Lynn Nakamoto

to our state is the Margaret Brent Women Lawyers of Achievement Award, which this year recognized five women including the Honorable Lynn Nakamoto from the Oregon Supreme Court. The award was established by the ABA Commission on Women in the Profession and "recognizes and celebrates the accomplishments of women lawyers who have excelled in their field and have paved the way to success for other women lawyers." Margaret Brent was the first woman lawyer in America, arriving in the colonies in 1638, and this award recognizes female professionals who have achieved excellence in their field and advanced opportunities for other women in the profession. Our congratulations to Justice Nakamoto!

The MBA and YLS offer numerous opportunities to meaningfully participate in

Continued on page 13

Ideas Welcome!

by Nikki Abercrombie
YLS CLE Committee Chair



My name is Nikki Abercrombie, and it is my pleasure to serve as chair of this year's YLS CLE Committee. We are very excited for the programming we've lined up so far for 2017-18. From

September 14 to November 9, we will be presenting our Fall Series: "The Fundamentals of Real Estate and Land Use Law." In addition, we plan to present a Negotiations CLE with a workshop and networking component on October 4 (see insert for details). Our committee is currently working on putting together additional series for the winter and spring, as well as several stand-alone CLEs.

We welcome feedback from MBA members on any ideas you may have for future CLE topics. Our committee strives to present quality programming for newer attorneys at affordable prices and convenient times. We aim to

provide young lawyers with the nuts and bolts of a variety of law practice areas, allow seasoned attorneys to share their war stories and nuggets of wisdom, and create a forum where young attorneys can meet one another and begin building professional relationships in the Portland area.

In my past two years on the committee, we've made efforts to expand our pool of speakers, to provide innovative programming, and to listen to feedback from the MBA Board, our speakers, and CLE attendees when selecting topics for future series and stand-alone CLEs. If you have suggestions for topics that you wish you'd had access to in your first years of practice, topics you think every young lawyer should learn, or if you have an interest in becoming a speaker, please contact me at nabercrombie@cablehouston.com.

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YLS Committees

YLS members serve on committees designed to address member needs and general issues affecting the profession. A synopsis of each committee charge for the year and contact information for the current committee chair follows. If you have any ideas or concerns to share about a particular committee, please contact the chair, YLS President Mary Tollefson at mary@corey-law.com, or the MBA staff at mba@mbabar.org.



Jason Pierson

YLS Pro Bono Committee

Chair: **Jason Pierson**, Pierson Family Law, 503.974.6833
Encourages involvement in pro bono service and provides support to organizations. Coordinates Wills for Heroes clinics. Helps organize the annual OSB Pro Bono Fair and holds an annual fundraiser to support the Volunteer Lawyers Project at Legal Aid Services of Oregon.



Nicole Abercrombie

YLS CLE Committee

Chair: **Nicole Abercrombie**, Cable Huston LLP, 503.224.3092
Organizes CLE seminars and career development presentations specifically intended for newer attorneys.



Andrew Narus



Kevin Stokes

YLS Service to the Public Committee

Co-chairs: **Andrew Narus**, Barran Liebman, 503.228.0500, and **Kevin Stokes**, Attorney at Law, 604.354.9605
Provides lawyers with opportunities to become involved in the community, such as Community Law Week, Community Service Days and the Imprint Program.



Sharae Wheeler

YLS Membership Committee

Chair: **Sharae Wheeler**, Miller Nash Graham & Dunn LLP, 503.205.2355
Assists in the recruitment and involvement of YLS members by coordinating a variety of social activities designed to increase professional and personal interaction. Publishes the *New Admittee Survival Guide*.

ABA Annual Meeting

Continued from page 12

similar types of programs, and membership in our organization connects lawyers with not only the opportunities and the means of bettering our community, but also the chance to collaborate on these goals with other wonderful members of our local bar. In addition, the fall YLD conference will be in Denver from October 5-7. I personally encourage the young lawyers in our area to consider attending, and I invite you to reach out to me if you have questions about opportunities to get more involved with the YLS or the ABA YLD.



UPCOMING YLS EVENTS

Fundamentals of Real Estate and Land Use CLE Series

Standard Insurance Building, 900 SW 5th Ave, Portland

Noontime classes begin Thursday, September 14

A series of nine weekly seminars focused on real estate and land use issues. Nine hours of practical skills OSB MCLE credit will be applied for in total. Register online at www.mbabar.org or see the flyer insert included in this newsletter for details.

Wine Tasting Social

Blackbird Wine Shop, NE Fremont & 44th

Thursday, September 21, 5:30-7:30 p.m.

Please join the YLS, Financial Planning Association, Oregon Society of Certified Public Accountants and the National Association of Insurance and Financial Advisors for this casual opportunity to network and socialize.

The registration fee of \$25 includes wine tasting and hors d'oeuvres.

Space is limited – register online at www.mbabar.org to reserve a spot or contact Deryn Isaac at 503.222.3275.



Negotiation Workshop

YLS CLE Seminar and Social

Kells, 112 SW 2nd Ave, Portland

Wednesday, October 4 from 3-4:30 p.m. (seminar), 4:30-5 p.m. (social)

How will you prepare for your next negotiation? This CLE will be an interactive workshop designed to allow you to refine your negotiation skills through negotiation simulations. This CLE will assist practitioners in all practice areas and will give you practical tips to improve your negotiation skills and style.

The workshop will be led by **Professor Rishi Batra**, who teaches in the area of negotiation skills, and will leave you with a proven framework for maximizing the value of your negotiation. Register online at www.mbabar.org or see the flyer included in this newsletter for details.

Pro Bono Pour

On August 17, the YLS Pro Bono Committee held its annual fundraiser event at the Lagunitas Brewing Community Room in NE Portland. Proceeds benefit the Volunteer Lawyers Project at Legal Aid Services of Oregon. More than sixty people attended to show their support and enjoy some refreshing beers.

Thank you to the following firms for supporting the event:

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

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



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Lateral candidates must offer high quality lawyering and client services, work well in teams, be an effective mentor, have initiative and preferably an existing client base and business network.

Associate candidates must have at least 3-4 years of substantive patent preparation and prosecution experience, work well in teams, be highly motivated, possess initiative and have strong research and writing skills. Preference will be given to candidates with an undergraduate or advanced degree in electrical engineering, computer science, physics or a related field or a Ph.D in the biological sciences. USPTO registration is required.

Contact: For confidential consideration, please submit a cover letter and your resume to hr@leehayes.com. If you are

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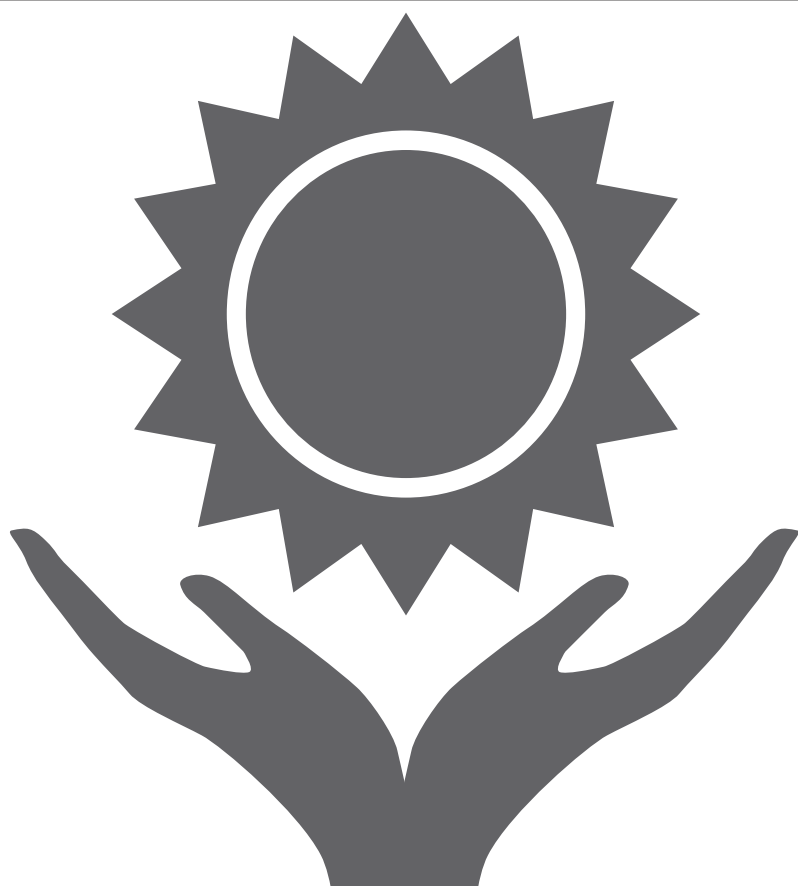
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Pro Bono Oregon Listserv

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Update Your Directory Listing on the MBA Website

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

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Mid-Valley CourtCare to Open in Marion and Polk Counties on September 5

by Hon. Allison Boomer
Oregon Tax Court

Most MBA members are familiar with CourtCare, which has operated in Multnomah County since 2001 and recently expanded to the East County. As in Multnomah County, Mid-Valley CourtCare will provide free, quality childcare in a safe, licensed, fun environment so parents and guardians can attend court proceedings or handle other court-related matters. CourtCare will keep children from witnessing tense and disturbing court proceedings, while allowing caregivers to focus on court-related business. Marion County Circuit Court Judge David Leith aptly explained the need for Mid-Valley CourtCare: "On a frequent basis, people with urgent business before the court - often related to personal safety, housing, or other critical issues - arrive at the courthouse with

children in tow, because they have no better option."

In the mid-valley, we have long admired the successful CourtCare program in Multnomah County. In 2015, Jill Tanner, then Presiding Magistrate of the Oregon Tax Court, and Gina Johnnie, a member of Sherman Sherman Johnnie & Hoyt, LLP, began discussions with the Marion County Circuit Court and other local attorneys about bringing CourtCare to Salem. The Salem Family YMCA, under the leadership of CEO Sam Carroll, stepped forward and enthusiastically offered to serve as the Marion County childcare provider. The Salem Family YMCA is located across the street from the Marion County Courthouse.

With a location, a provider, and a rough budget in place, the coalition of Salem attorneys, judges and legal professionals formed a steering committee. The Oregon Law Foundation generously agreed to serve as our fiscal sponsor for fundraising. The Oregon Women Lawyers Foundation pledged

\$10,000 towards founding Marion County CourtCare. The Mary Leonard Chapter of OWLS, the Marion County Bar Association, as well as law firms, individuals, and local businesses provided early support for CourtCare through donations, fundraisers, and publicity. In May, the Willamette Valley American Inn of Court held an auction that raised over \$15,000 for Marion County CourtCare, another big step towards opening our doors.

Through our partnership with the Salem Family YMCA, we were introduced to Brent and Lisa DeMoe, who were independently working on starting CourtCare in Polk County. Brent is the Family and Community Outreach Director for Polk County and, at that time, Lisa worked for the Polk County Crime Victims Assistance Program. Both are passionate supporters of early childhood education and family supports, with years of relevant experience. Our two groups joined forces creating a two-county coalition (Mid-Valley CourtCare) to work on grant applications and other funding mechanisms. We studied the Multnomah CourtCare program and models from other states, while continuing fundraising efforts.

From the Mid-Valley CourtCare partnership, a legislative concept to fund a two-year pilot CourtCare program was born. Representative Paul Evans, District 20, and Representative Carla Piluso, District 50, helped us draft House Bill 3067 and the House Committee on Early Childhood and Family Supports sponsored the bill. Numerous groups and individuals supported HB 3067 through letters and testimony, including Volunteers of America Program Director Michelle Ward, a local parent who would have

benefitted from CourtCare, the Multnomah Bar Foundation, and Polk County District Attorney Aaron Felton, who added his enthusiastic support of and perspective on CourtCare: "By providing free, safe, and reliable childcare we are actively reducing one of the barriers many persons involved with the courts face to successfully completing their probation or other court obligations." Others attended the public hearing to show their support by wearing navy blue, including Marion County steering committee members Erin Dawson and Kate Denning. After passing the House, HB 3067 traveled through the Ways and Means Committee, and was carried by Senator Jackie Winters, District 10, to the Senate. Governor Kate Brown signed HB 3067 on August 8. We are thrilled to receive the support of the legislature and the governor, particularly during a challenging budget cycle. It is a testament to their support for children, families, and access to justice.

With the passage of HB 3067 combined with the funds previously raised, Mid-Valley CourtCare was ready to launch. In Marion County, Trial Court Administrator Diane Morse and her team worked with Natascha Cronin, Vice President of Youth and Development for the Salem Family YMCA, to develop a CourtCare implementation plan. Marion County CourtCare will operate from 8 a.m. to 5:15 p.m., Monday through Thursday at the Salem Family YMCA. In Polk County, Brent's team collaborated with Tanya Hamilton, Relief Nursery Director for Family Building Blocks, to establish CourtCare procedures. Polk County CourtCare will operate from 1- 5:30 p.m., Tuesday and Thursday, and from 8 a.m. to 5:30 p.m., Wednesday at Family



Building Blocks. The doors will open on September 5. The two counties share a website, www.midvalleycourtcare.org, with more information about the program and online registration forms. The counties will continue to work together to share information, gather data to report to the legislature, and establish long-term funding.

We in the mid-valley are so excited that our dream of starting a CourtCare program has become a reality. As Marion County Circuit Court Judge Mary James said, "CourtCare provides a safe, healthy place for kids to go so parents and the judge can focus on resolution. That's a caring community!" We would not be here without the example set by Multnomah CourtCare and the support of Multnomah County attorneys and judges - thank you! We wish to thank all of our generous donors, volunteers, and community partners, a full list of which is available on our website. If you would like to support Mid-Valley CourtCare, please contact steering committee member Erin Dawson at ErinNDawson@gmail.com or contact us through our website.

Allison R. Boomer is a Magistrate at the Oregon Tax Court and a Co-Chair of the Marion County CourtCare Steering Committee. Judge Boomer wishes to thank Co-Chair Rebecca Kueny, an attorney with the Pixton Law Group.



Judge Allison Boomer, Erin Dawson, and Kate Denning attend the legislative hearing on HB 3067



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