



MULTNOMAH LAWYER

April 2018
Volume 64, Number 4



Are You Fit to Practice?

by Andrew Schpak
MBA President

As a bar leader, attorney, husband, and new father, I have given a lot of thought to the idea of work/life balance. Hopefully, we can all agree that we cannot take care of our clients if we are not taking care of ourselves.

During my time as Chair of the ABA YLD, I developed the Fit 2 Practice initiative, with a goal of challenging lawyers to take better care of themselves. For me, it meant making time for more sleep and exercise, drinking more water throughout the day, eating a little healthier, and occasionally setting aside time to relax and decompress. For others, it may mean setting aside time to pray, meditate, listen to music, sing, dance, tend to their garden, or spend time at home or with their family, friends, or pets. The most important part of this initiative was to help educate lawyers that we need to stop viewing self-care as a luxury that we cannot afford, and instead start viewing it as something for which we must make time. As Virgil famously said, "The greatest wealth is health."

We incorporated health and wellness programming into our conferences and distance learning programs. We also partnered with the American Bar Endowment and Fund for Justice and Education to provide 12 young lawyer leaders with fitness trackers, and those volunteers used video blogs, social media, and the YLD website to maintain a sort of diary of efforts, successes, failures, setbacks, and breakthroughs. My hope was that this program would encourage young lawyers to not just increase their focus on their own health and wellness throughout the bar year, but also further support one another in these efforts.

The program caught on better than we expected. My Facebook newsfeed was filled with people talking about everything from "Water Wednesdays" to "Fruit Fridays" to step challenges. By the time the Annual Meeting rolled around and it was my turn to pass the gavel to the next ABA YLD Chair, I had lost five pounds and my skin looked better due to more sleep and water intake. More importantly, I heard about a number of individual success stories of young lawyers who had started to turn their lives around after being inspired by the initiative. Perhaps the most important takeaway for me was that the recipe was different for every single success story I heard. One person had achieved success by going for a run each day. Another adjusted his diet to cut down on alcohol and reduce carbohydrate intake after lunch time. Yet another began practicing daily yoga and meditation.

I'm proud of the fact that local lawyers have a bicycling group that meets every Monday & Thursday at lunch for a ride. I would love to see us establish a running group (even though I stink at running).

...we need to stop thinking we will somehow "find" work/life balance, and instead start creating that work/life balance...

Ultimately, it is my hope that we all find ways to concurrently take care of ourselves while connecting with each other.

I'm particularly excited about the possibility of the MBA bringing back its tennis event, mostly because I occasionally play tennis. Ultimately, it is my hope that we all find ways to concurrently take care of ourselves while connecting with each other. (Speaking of which, if you have a Fitbit, add me as a friend and I'll include you in the various step challenges.)

I honestly believe we need to stop thinking we will somehow "find" work/life balance, and instead start creating that work/life balance by identifying our priorities and building those into our lives and schedules. Calling it a "balance" is a bit of a misnomer, because the real question is how you prioritize the competing demands on your time, and the result may not feel balanced. This has forced me to schedule workouts, family time, and sleep the same way I schedule meetings with clients, court hearings, and project deadlines. It also means I sometimes need to pass on a social event or dinner with friends in order to fit in a workout. Likewise, I may have to skip a workout on a given morning in order to give my body the sleep it needs. While we all have different visions of how work/life balance looks to us, achieving that goal requires proactive effort and goal-setting, rather than a vague hope for more hours in the day.

If you have ideas about how the MBA can support its members in achieving a better balance and becoming more fit to practice, please don't hesitate to reach out to me and share them.

We need to stop viewing self-care as a luxury we cannot afford.

Multnomah Bar Association Annual Meeting, Dinner & Judges Reception

Wednesday, May 2
5-8 p.m.

Portland Marriott Downtown Waterfront
1401 SW Naito Parkway

*Celebrating the profession and
recognizing our colleagues*

Professionalism Award Recipient
Carolyn D. Walker

MBA Diversity Award
Ernest Warren Jr.

MBA Awards of Merit
David I. Bean
Joseph L. Franco

YLS Award of Merit
Amelia K. Andersen

YLS Rookie of the Year
Ashley M. Carter

Pro Bono Awards
Lisa M. Kenn
John C. Koch
Judge Peter C. McKittrick and the
OSB Debtor-Creditor Pro Bono Committee

Register by April 25.
Invitations have been mailed separately.

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.

APRIL

4-3 Tuesday Non-Economic and Punitive Damages

Angela Franco Lucero
Erica Glaser
Kristian Roggendorf

4-12 Thursday New Judges' Perspectives: Views from Five New Multnomah County Judges

Judge Patricia McGuire
Judge Christopher Ramras
Judge Benjamin Souede
Judge Xiomara Torres
Judge Katharine von Ter Stegge

4-24 Tuesday Working Effectively with In-House Counsel

Sid Khanijou
Chad Paulson
Heidee Stoller
Jana Toran
Tom Karnes, moderator

4-25 Wednesday What Every Attorney Needs to Know about Workers' Compensation

Spencer Aldrich
Karen Ruga Schoenfeld
Steven M. Schoenfeld

MAY

5.1 Tuesday Environmental Cleanup: Could an "Ability to Pay" Settlement and Insurance Trust Get Your Client Out Early?

Larry Burke
Mike Farnell
Emily Miller, moderator

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DEADLINE for copy: The 10th of the month*

DEADLINE for display ads: The 12th of the month*

*or the preceding Friday, if on a weekend.

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mba|EVENT

The Coaching Mindset: Improve Work Performance with the Power of Questions

Thursday, May 10

Naegeli Deposition and Trial

111 SW 5th Ave. Ste. 2020, Portland

3-5 p.m.

*"There are managers who coach and managers who don't. Leaders in the latter category are not necessarily bad managers, but they are neglecting an effective tool to develop talent."**

By adopting a coaching mindset, lawyers can use the power of questions to help employees, colleagues, and even themselves improve performance, productivity, and find more satisfaction in their work.

In this interactive workshop, learn and practice coaching techniques for lawyers to improve:

- Productivity
- Communication
- Retention
- Profitability

This workshop will be facilitated by three lawyer-coaches: Career Coach **Susanne Aronowitz**, Business Management Coach **Heather Decker**, and Writing Coach **Lora Keenan**.

**Joseph R. Weintraub and James M. Hunt, "4 Reasons Managers Should Spend More Time on Coaching" (Harvard Business Review, May 29, 2015).*

Cost: \$15

The MBA will apply for 1.5 hours of MCLE credit.

Register at www.mbar.org.

David I. Bean and Joseph L. Franco 2018 MBA Merit Award Recipients



David Bean

Criteria for Selection

Recipients have an enduring commitment to the MBA's mission of promoting justice through service, education or leadership to the MBA.

The MBA is pleased to present its 2018 Merit Awards to **David I. Bean** and **Joseph L. Franco**.

David Bean started on the YLS Board in 2004, and went on to serve as president of the YLS Board in 2007-08. He has participated on the Membership Committee since 2015 and presently serves as chair. In addition, David founded the MBA midsize firm partner group in 2009. He has done an excellent job creating innovative approaches to recruitment and engagement of our members.



Joseph Franco

David has been a staunch supporter and advocate for the MBA since he started practicing, and he continues to be a relationship builder and ambassador for our association.

Joe Franco has been a member of the Court Liaison Committee since 2015 and presently serves as chair. He previously served on the Judicial Screening and CLE committees and recently volunteered for the Self Represented Litigants Video Project Committee. His diligence and professionalism are impressive.

The MBA is very fortunate to have so many enthusiastic and valuable volunteers. These two volunteers richly deserve their MBA Merit Awards. Congratulations.

Calendar

APRIL

5 Thursday

YLS CLE: Estate Planning 101

See insert for details

11 Wednesday

Solo & Small Firm Committee Workshop

Details on p. 7

12 Thursday

YLS Spring CLE Series Begins

See insert for details

12 Thursday

CEJ Justice Trivia

www.cej-oregon.org

18 Wednesday

Equity, Diversity & Inclusion Committee CLE

www.mbar.org

25 Wednesday

OSB Civil Rights Section

Implicit Bias Brown Bag Lunch

26 Thursday

Classroom Law Project Legal

Citizen of the Year CLE and

Dinner

www.classroomlaw.org

Take Your Kids to Work Day

27 Friday

OAAP/OWLS 11th Annual

Women's Retreat

www.oregonwomenlawyers.org

30 Monday

CourtCare Campaign begins

MAY

2 Wednesday

MBA 112th Annual Dinner

3 Thursday

Objection! Poetry Slam

See insert for details

10 Thursday

This is Innocence - Oregon

Innocence Project Event

16 Wednesday

City Club "Next Century" 100th

Anniversary Celebration

www.pdxcityclub.org

22 Tuesday

Tillicum Gathering

www.mbar.org

JUNE

7 Thursday

Topgolf Social

www.mbar.org

Lisa Kenn

2018 Michael E. Haglund Volunteer Lawyers Project Award Recipient

by Erin White

Legal Aid Services of Oregon

Lisa Kenn is the 2018 recipient of the Michael E. Haglund Volunteer Lawyers Project Award. This award goes to a young lawyer, who, in the tradition of Mike Haglund, founder of the Volunteer Lawyers Project (VLP), has displayed a special commitment to pro bono services via a VLP or MBA YLS project in the previous year.

Lisa grew up in Lexington, Massachusetts. She received her BA in Political Theory from the University of Massachusetts at Amherst and obtained a MA in Political Science from the University of California at Berkeley. Lisa worked in the nonprofit sector in both New York City and Portland for approximately 20 years before obtaining her law degree from Lewis & Clark Law School in 2014.

Upon admittance to the OSB in 2015, Lisa began volunteering with Legal Aid Services of Oregon's (LASO) VLP. Lisa has been a consistent volunteer ever since. Initially, she volunteered with the Domestic Violence Project, representing survivors of domestic violence in contested restraining order hearings, donating 65.5 hours in just three months. Lisa also spent time volunteering with the Senior Law Project (SLP). SLP volunteers sign up for monthly clinics and provide six half-hour consultations for Multnomah County seniors at each clinic.



Lisa Kenn

Since joining Kramer & Associates as an associate attorney in 2016, where she focuses her practice on family law, Lisa has been volunteering with LASO's Pro Se Assistance Project (PROSAP). The firm has long been committed to pro bono service, and Mark Kramer, Principal, is a regular, long-time PROSAP volunteer. Additionally, Mark continues to represent those underserved individuals and groups, including his ongoing representation of Right 2 Dream Too, a nonprofit dedicated to addressing the needs of the homeless community and our housing crisis. According to Mark, "Kramer & Associates is proud and honored by Lisa Kenn's selection as the recipient of the MBA Pro Bono Michael E. Haglund award. Lisa's pro bono

Continued on page 5



The MBA will apply for 2 hours of general OSB MCLE credits unless otherwise noted; 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.

Non-Economic and Punitive Damages

Tuesday, April 3 3-5 p.m.

World Trade Center, Mezzanine

Members \$60/Non-Members \$95

Covering non-economic and punitive damages, this CLE highlights the advantages and disadvantages of pleading punitive damage, and how to best argue for and against non-economic damages. **Kyle Dukelow** will moderate the panel of speakers made up of **Angela Franco Lucero**, **Erica Glaser** and **Kristian Roggendorf**. Erica Glaser has her own arbitration/mediation practice. Kristian Roggendorf, Roggendorf Law LLC will address the plaintiff's perspective and Angela Franco Lucero, Kranovich & Lucero LLC will present the defendant's perspective.

Our panel will discuss the role of the legal department as part of the larger organization, strategies for building an efficient outside counsel/in-house team, and how to create value for the in-house legal department.

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

New Judges' Perspectives: Views from Five New Multnomah County Judges

Thursday, April 12 3-5 p.m.

World Trade Center, Plaza Conference Room

Members \$60/Non-Members \$95

Join some of the newest Multnomah County Circuit Court Judges - **Hon. Patricia McGuire**, **Hon. Christopher Ramras**, **Hon. Benjamin Souede**, **Hon. Xiomara Torres**, and **Hon. Katharine von Ter Stegge** - for essential tips on how best to advocate in their courtrooms. Learn what these new judges find to be the most - and least - effective advocacy strategies, their courtroom preferences, and what they wish they had known before they took the bench. This will be informative and valuable for all Multnomah County litigants, and an excellent opportunity to hear from some of our newest judges. Please join us for this unique opportunity and bring your questions..

For more information: Contact Roscoe Nelson, Nelson & Nelson at 503.222.1081. For registration questions, contact the MBA at 503.222.3275.

Working Effectively with In-House Counsel

Tuesday, April 24 12-1 p.m.

World Trade Center, Mezzanine

Members \$30/Non-Members \$50

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

Unlike law firms, companies do not revolve around their lawyers. In-house counsel often wear multiple hats and are working on important business decisions as well as legal tasks. **Tom Karnes**, Partner at Ater Wynne LLP, will moderate a panel discussion with **Sid Khanijou**, Associate General Counsel for Cambia Health Solutions, **Chad Paulson**, General Counsel for Blount, **Heidee Stoller**, Counsel at Perkins Coie, and **Jana Toran**, General Counsel for Ulterra Drilling Technologies L.P., touching on unique strategies for how to create and maintain effective working relationships with in-house counsel.

Our panel will discuss the role of the legal department as part of the larger organization, strategies for building an efficient outside counsel/in-house team, and how to create value for the in-house legal department.

For more information: Contact the MBA at 503.222.3275.

What Every Attorney Needs to Know About Workers' Compensation

Wednesday, April 25 3-5 p.m.

World Trade Center, Mezzanine

Members \$60/Non-Members \$95

This CLE will provide a framework for understanding state workers' compensation claims and how they might affect a client's other claims. It will cover the nuts and bolts of workers' compensation claims, from filing, types of claims, availability of benefits, denials, and timelines. It will also explore the interaction between workers' compensation claims and other claims that may arise from the same incident or be ancillary to the work injury claim, for example, motor vehicle accidents (including UM/UIM considerations), personal injury claims, product liability claims, intentional torts, professional negligence, and employment and wage claims. Our panel of speakers are three attorneys from Schoenfeld & Schoenfeld PC: **Steven M. Schoenfeld**, **Karen Ruga Schoenfeld**, and **Spencer Aldrich**.

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

Environmental Cleanup: Could an "Ability to Pay" Settlement and Insurance Trust Get Your Client Out Early?

Tuesday, May 1 3-5 p.m.

World Trade Center, Mezzanine

Members \$60/Non-Members \$95

Please join **Larry Burke** of Davis Wright Tremaine LLP and **Michael Farnell** of Parsons Farnell & Grein LLP as they evaluate how to determine whether "ability to pay" settlements and insurance trusts may be a potential means to obtain early protection from regulatory bodies and other PRPs in environmental matters. This CLE is designed to benefit any attorney who represents clients in environmental matters. This two-hour deep dive will be moderated by **Emily Miller** of Parsons Farnell & Grein LLP.

For more information: Contact Emily Miller, Parsons Farnell & Grein LLP at 503.222.1812. For registration questions, contact the MBA at 503.222.3275.

Sexual Assault Claims: Issue Spotting for the General Practitioner

Tuesday, May 8 3-5 p.m.

World Trade Center, Mezzanine

Members \$60/Non-Members \$95

With the prevalence of the #metoo movement, more and more attorneys are faced with questions of how to handle sexual assault issues in the context of representing their clients. This CLE will provide a background and overview of sexual assault cases for the general practitioner, including how to respond appropriately to a trauma victim, logistics and considerations of reporting to law enforcement, what to expect from any criminal process, civil remedies available to victims, risks and considerations of counterclaims and who to sue, and the affect of a sexual assault claim on a client's other legal matters. Our panelists are **McKenzie Harker**, staff attorney at Victims Rights Law Center; **Barbara C. Long**, partner at Vogt & Long PC; and **Ashley Vaughn**, attorney at the Dumas Law Group.

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

The Current State of Transgender Rights and Religious Accommodations Under Title VII

Wednesday, May 9 3-5 p.m.

World Trade Center, Mezzanine

Members \$60/Non-Members \$95

The employment rights of transgender individuals and long-standing religious accommodations under Title VII are timely and important issues in light of current US Government policy and enforcement and recent developments in case law. This program will address President Trump's May 2017 Executive Order and Attorney General Jeff Sessions' October 2017 memorandum relating to transgender rights and continuing existing religious accommodations under Title VII and other federal laws. Join us to hear from a moderated panel of experienced practitioners in transgender and religious rights about how to address the past and current state of federal and state laws, and case law relating to protection of these rights. Join **Talia Stoessel**, labor and employment attorney at Bennett, Hartman, Morris, and Kaplan LLP and **Herb Grey**, solo practitioner in Beaverton with a general civil practice that includes extensive experience in litigation of constitutional and civil rights claims with an emphasis on religious liberty and conscience matters. **Nora Broker** will moderate and is a labor and employment attorney at Bennett, Hartman, Morris & Kaplan LLP.

For more information: Contact Nicole Elgin, Barran Liebman at 503. 276.2109. For registration questions, contact the MBA at 503.222.3275.

Litigating RICO Claims in Oregon

Tuesday, May 15 3-5 p.m.

World Trade Center, Mezzanine

Members \$60/Non-Members \$95

Harry Wilson, a shareholder at Markowitz Herbold PC, and **Cliff Davidson**, a partner at Sussman Shank LLP, will present on RICO litigation in Oregon, with a focus on the defense side. Harry has frequently litigated racketeering claims in Oregon courts, and, in 2017, Cliff litigated civil RICO claims in both state and federal court, including one related to the growth of cannabis. Among other things, they will address differences between the state and federal RICO statutes.

For more information: Contact Kristen Hilton, Sussman Shank LLP at 503.227.1111. For registration questions, contact the MBA at 503.222.3275.

To register for these classes, see page 4.

Claims, Pains & Automobiles: Arbitrating and Litigating UM/UIM Cases

Tuesday, May 22 3-5 p.m.
World Trade Center, Mezzanine
 Members \$60/Non-Members \$95

Join **Barry Goehler**, Goehler & Associates, and **Ben Cox**, Attorney at Law, for a discussion about Uninsured/Underinsured Motorist (UM/UIM) claims, from both plaintiff and defense perspectives. The presenters will cover basic strategy and coverage issues, how to determine proper reductions and offsets, as well as the best practices for investigating and resolving UM/UIM claims, whether the claims are litigated or arbitrated.

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

That Wasn't the Plan! Understanding How Estate Plans Turn Into Litigation

Wednesday, May 30 3-5 p.m.
World Trade Center, Mezzanine
 Members \$60/Non-Members \$95

C. Marie Eckert of Miller Nash Graham & Dunn LLP and **Bonnie Richardson** of Richardson Wright LLP will discuss how common estate planning provisions can result in unintended consequences and how to spot and navigate difficult conflict issues that arise in representing settlors and beneficiaries. This program will provide guidance to estate planners in crafting estate plans to reflect the client's wishes while being mindful of the potential for disputes among family members. These experienced litigators will use real life examples and actual cases to help prepare you and your clients. The program will guide not only estate planners but those involved in estate and trust administration - fiduciaries, trustees, personal representatives, and litigators.

For more information: Contact the MBA at 503.222.3275.

Family Law Update

Thursday, May 31 3-5 p.m.
World Trade Center, Auditorium
 Members \$60/Non-Members \$95

On May 31, the MBA will hold its annual two-hour Family Law Update. Multnomah County **Chief Family Court Judge Maureen McKnight** will be joined by **Sarah Bond** of Zimmer, Bond, Fay & Overlund and **Lisa Kenn** of Kramer & Associates.

Our speakers will provide family law practitioners with information on changes, updates, and reminders regarding Multnomah County Family Court procedures and practices, as well as valuable updates on appellate case law, including the most recent spousal support cases.

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

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MBA members receive an exclusive 10% discount on cloud-based legal practice management software.

Learn more at landing.clio.com/multbar.

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CLE Registration Form

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ADDRESS	SIGNATURE
CITY STATE ZIP	BILLING ADDRESS FOR CARD (if different)
PHONE	
OSB#	

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MBA Member

Non-Member

Payment Options:

Check VISA MasterCard

American Express

Registration forms with payment must be received in the MBA office by 3 p.m. the day before the seminar. Registration forms may be mailed or faxed to the address or number below. Accommodations available for persons with disabilities; please call in advance for arrangements.

Photocopy registration and mail or fax with payment to:
 Multnomah Bar Association
 620 SW Fifth Ave., Suite 1220 ■ Portland, OR 97204
 503.222.3275 ■ **Fax to:** 503.243.1881

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

Seminar Selection:

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

- 4/3 Non-Economic and Punitive Damages**
 Class Registration (\$60 Members/\$95 Non)\$ _____
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- 4/12 New Judges' Perspectives: View from Five New Multnomah County Judges**
 Class Registration (\$60 Members/\$95 Non)\$ _____
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- 4/24 Working Effectively with In-House Counsel**
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- 4/25 What Every Attorney Needs to Know About Workers' Compensation**
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- 5/1 Environmental Cleanup: Could an "Ability to Pay" Settlement and Insurance Trust Get Your Client Out Early?**
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- 5/8 Sexual Assault Claims: Issue Spotting for the General Practitioner**
 Class Registration (\$60 Members/\$95 Non)\$ _____
 CD-ROM & Written Materials (\$60 Members/\$95 Non) ..\$ _____
- 5/9 The Current State of Transgender Rights and Religious Accommodations Under Title VII**
 Class Registration (\$60 Members/\$95 Non)\$ _____
 CD-ROM & Written Materials (\$60 Members/\$95 Non) ..\$ _____
- 5/15 Litigating RICO Claims in Oregon**
 Class Registration (\$60 Members/\$95 Non)\$ _____
 CD-ROM & Written Materials (\$60 Members/\$95 Non) ..\$ _____
- 5/22 Claims, Pains & Automobiles: Arbitrating and Litigating UM/UIM Cases**
 Class Registration (\$60 Members/\$95 Non)\$ _____
 CD-ROM & Written Materials (\$60 Members/\$95 Non) ..\$ _____
- 5/30 That Wasn't the Plan! Understanding How Estate Plans Turn Into Litigation**
 Class Registration (\$60 Members/\$95 Non)\$ _____
 CD-ROM & Written Materials (\$60 Members/\$95 Non) ..\$ _____
- 5/31 Family Law Update**
 Class Registration (\$60 Members/\$95 Non)\$ _____
 CD-ROM & Written Materials (\$60 Members/\$95 Non) ..\$ _____

Total due\$ _____

Lisa Kenn

Continued from page 2

service has been truly above and beyond. She has demonstrated a personal as well as a professional commitment to those in need of counsel but cannot afford an attorney.”

During weekly PROSAP clinics, experienced family law attorneys assist two or three pro se family law clients with discrete family law issues. In 2017, Lisa volunteered nearly


every month and met with at least 14 clients, one of the highest PROSAP volunteer rates that year. Furthermore, she kept at least one dissolution case with serious domestic abuse issues for full representation. In 2017, Lisa donated over 100 hours of pro bono service with the VLP. In addition to her pro bono service with LASO, Lisa also volunteers monthly with St. Andrew Legal Clinic, and represents children through the Multnomah County Children’s Representation Project.

Lisa strongly believes that it is a privilege to be an attorney, and that she has a responsibility to give back to others. Early in 2017, Lisa met with a PROSAP domestic violence survivor and within 20 minutes knew she would keep the case for representation. “It was an immediate intuitive decision on my part,” Lisa said. “This person had a complex, difficult case ahead of them, and I believed they were in great need of legal assistance.” That case recently

settled, with a just outcome for the client. “It was incredibly satisfying to help this particular client navigate the legal waters pertaining to the case,” Lisa noted. “And during the course of my representation, I also learned civil and evidentiary procedural rules that I might not otherwise have learned for years, if ever.”

Lisa encourages attorneys, especially other new attorneys, to consider pro bono service. “For a newly admitted attorney, volunteering with LASO

provides excellent practical experience,” Lisa shared. “LASO has multiple volunteer opportunities in many areas of law, so you’re bound to find something that will coincide with your interests. It’s a great way to start your legal career, and of course you get to provide a valuable service to low-income clients who might otherwise never be able to afford legal representation.”



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Mediations & Arbitrations

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 Former Supreme Court Justice,
 Trial Judge & Trial Attorney



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mba | ANNOUNCEMENTS

Do You Want to Present at an MBA CLE Seminar?

The MBA CLE Committee is looking for qualified speakers to present CLE seminars for the 2018-19 year. The speaker submission form is available at www.mbabar.org/assets/documents/cle/speakersubmissions.pdf and is due by **Friday, April 27**. The MBA is committed to improving speaker diversity by all measures and strongly encourages all interested speakers to submit a form or contact committee chair Bridget Donegan at 503.542.3107 for more information.

Conference Room Available for Reservation

Conveniently located downtown, the MBA conference room is available for reservation by members for client meetings, depositions and other practice-related uses. Contact the MBA for details and availability at 503.222.3275 or mba@mbabar.org.

Free CLE Webcast for MBA Members

The video webcast of the seminar "Effective and Ethical Ways to Deal with Impaired Litigants" is now available in the **Members Center** at www.mbabar.org. The webcast is approved for one hour of general and one hour of ethics OSB MCLE credit (two hours in total).

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

Take a Matter that Matters

Sign the MBA 2018 Pro Bono Pledge at www.mbabar.org/AboutUs/ProBono.html and commit to taking at least one pro bono case this year.

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.

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

Please see the form in this issue of the Multnomah Lawyer and at www.mbabar.org to volunteer for a committee.

Rewards of Volunteering

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

Descriptions of MBA Committees

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

Court Liaison: Foster constructive dialogue with the Multnomah County Circuit Court Presiding Judge and Trial Court Administrator with regard to current practices, rules or procedural changes before they are implemented by the court.

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

Equity, Diversity & Inclusion:

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

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

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

Membership: Create and promote programs that benefit and support MBA members.

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

Public Service: Exploring new ways for lawyers to assist those in need in the community, in partnership with the court, pro bono and social service providers, and other stakeholders.

Solo/Small Firm: Implement programs and services that are of value to small firms and solo practitioners.

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

Descriptions of YLS Committees

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

YLS Membership: Promote engagement and recruitment of MBA young lawyer members, to improve member participation in the YLS and to organize a variety of networking activities for YLS members.

YLS Pro Bono: Advocate for and provide support to local pro bono programs, and organizes local clinics for the national Wills for Heroes Foundation.

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



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Lawyers for Literacy Seeking Volunteers

by Alayna Herr
Start Making A Reader Today

SMART (Start Making A Reader Today), Oregon's largest volunteer-based literacy program, is excited to announce its newest initiative, Lawyers for Literacy, which aims to engage Portland's legal community in promoting literacy among Oregon's youngest readers by raising contributions and volunteers for SMART.

Reading is a critical skill for success in school and in life. Yet, in 2016-17 only half of Oregon's third graders met state reading standards, a key indicator of future literacy success. Children who are not reading at benchmark level by third grade are four times more likely to not graduate from high school than their reading proficient peers, and that number triples for children in low-income households.

Leading research shows that shared reading time and access to books are the strongest predictors of early literacy success. SMART provides both.

For over two decades, SMART volunteers and students have been connecting through one-on-one reading time, building positive relationships and having fun with books. By reading together, children strengthen their literacy skills while building reading motivation and self-confidence. Now in its 26th year, SMART is serving the reading skills of nearly 11,000 young children throughout

Oregon with the help of 5,000 community volunteers.

This is a call for volunteers to join Lawyers for Literacy. We need your help to promote literacy among our children and help SMART realize its vision of an Oregon where every child can read and is empowered to succeed. Please consider joining Lawyers for Literacy and act as a SMART ambassador at your firm or organization and within your professional network. If you're interested, please contact Alayna Herr at aherr@getsmartoregon.org or 971.634.1626 or Jeff Matthews at jmatthews@mckinnleyirvin.com or 503.953.1032.



Portland attorney Liz Large reading with SMART student

Ernest Warren, Jr. 2018 MBA Diversity Award Recipient

by Maya Crawford Peacock
MBA Equity, Diversity & Inclusion Committee

Ernest Warren, Jr. is the 2018 recipient of the Multnomah Bar Association's Diversity Award. This award is presented to an individual lawyer, legal employer or other legal organization for a commitment to fostering and promoting diversity and inclusion in the legal profession. The MBA created this award to spotlight the efforts of people and organizations in our community who are steadfast advocates for increasing diversity. Ernie is just such a person. He has dedicated himself professionally and personally to increasing diversity, and thus improving our legal system.

Ernie has been a member of the OSB since 1989. In 1990 he founded his law firm, now Warren and Sugarman (formerly Walker, Warren and Watkins), which was the first Oregon law firm owned entirely by black attorneys. He is the managing attorney of the firm and his practice focuses on criminal defense, personal injury, real property, and corporate law.

Ernie is a mentor to many attorneys, particularly attorneys of color. As a mentor, he devotes countless hours to advising, helping attorneys develop their careers, and providing support. For instance, when the firm hired a new attorney of color, Ernie accompanied the attorney to almost every court hearing for the attorney's first year to teach the attorney how to handle every aspect of a criminal case. In addition, Ernie has a deep commitment to the community. He serves as a mentor to gang-impacted black youth.

As the managing attorney of the firm, Ernie has maintained the firm's commitment to promoting and increasing diversity. The firm's employees have predominately consisted of minorities from different races, ethnicities, genders, and ages. Because of the firm's diversity, it attracts a diverse clientele; community members of color call the firm for assistance in various legal matters or as a resource. The firm provides discounted or pro bono legal services to organizations and members of the community.

In addition, Ernie is the general counsel for Portland Community Reinvestment Initiatives (PCRI), a nonprofit organization that provides affordable housing and services in Portland, and has helped in establishing the organization's board, and has represented the organization in affordable housing initiatives and property tax abatements. He also represented PCRI to help clear the titles of 300 properties that the organization bought after an investment firm took advantage of many African Americans. Furthermore, his firm supports organizations in the community

that promote diversity such as The Skanner Foundation and The Urban League of Portland.

Ernie is a monthly contributor to a local public access show aimed at educating diverse audiences about their legal rights. He is a member of the Multnomah County DA's Budget Advisory Committee, and is a faculty member in the 2018 Trial Skills College.

In nominating her father for this award, Vera Warren (a Lewis & Clark law student) had this to say: "Ernie is extremely involved in the community and never says no when it comes to meeting with mentees or donating funds to local causes. It is hard to articulate the value of my father's



Ernest Warren, Jr.

dedication to improving diversity in the legal field and community at large because his approach is different than most folks in Portland's legal community. His principles are simple, solid, and sustainable."

The MBA is so very proud to have Ernie Warren as a member. We commend you for your dedication to increasing diversity and inclusion, and thank you for all of your efforts.

Solo & Small Firm Committee Workshop

WITH OR WITHOUT YOU: THE LEGAL AND PRACTICAL ASPECTS OF FORMING A PARTNERSHIP VS. A SOLO PRACTICE

Wednesday, April 11
Workshop: 12-1:30 p.m.
Hotel Monaco
506 SW Washington, Portland

This panel presentation will address the issues faced by many lawyers when beginning the practice of law or when transitioning from an established practice. Should you embrace the simplicity and autonomy of a solo practice or the collaboration and efficiencies of a partnership? Panelists, **Aurelia Erickson** and **Samuel Kauffman** will address both the legal and practical aspects of both options. **Aurelia Erickson** of McGaughey Erickson represents clients who are faced with intra-firm disputes and will speak about exit strategies, pitfalls to avoid, and some of the legal aspects of partnership formation and dissolution. **Samuel Kauffman** is a partner at Kauffman Kilberg LLC. In his 24 years as a lawyer, Sam has practiced as solo practitioner and has been a partner in firms both small and large. Based upon his own experience and research, Sam can speak to the practical aspects of the choice of entity.

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

Lunch is provided.

One hour of CLE credit will be applied for.

Register at www.mbar.org.

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We at Wyse Kadish extend our best wishes to our friend and mentor Josh Kadish upon his retirement. We thank him for his many years of service to our clients, our community, and our firm.

Wyse Kadish is honored to continue to represent clients in the areas in which Josh practiced: estate planning, family law, mediation, and business law.

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Around the Bar



Susan Hammer

Susan Hammer

Mediator **Susan Hammer** has been elected to the Board of Directors of Literary Arts. Literary Arts serves Oregon's readers and writers through Portland Arts and Lectures, Wordstock, Writer's in the Schools and Oregon Book Awards. Its mission is to engage readers, support writers and inspire the next generation with great literature. Hammer has mediated legal disputes since 1998, after a 20 year career at Stoel Rives. She is a Distinguished Fellow in the International Academy of Mediators.

volunteered on OADC's Board of Directors for five years, serving as OADC's President-Elect in 2017, and as Secretary/Treasurer in 2016. She has held additional leadership roles in the organization including co-chairing its 2015 Annual Convention and chairing its New Lawyers Practice Group.

Smith's law practice focuses on civil and commercial litigation and insurance coverage matters in Oregon and Washington. She regularly handles cases and trials involving insurance and surety bond coverage, product and warranty claims, and professional liability claims.



Renée Rothauge



Heather St. Clair

Markowitz Herbold

Renée Rothauge has been appointed by the American College of Trial Lawyers (ACTL) to the national Regents Nominating Committee for 2018.

The Regents Nominating Committee is charged with finding and evaluating outstanding candidates for the ACTL's Board of Regents. Rothauge currently serves on the ACTL's Oregon State Committee.

Rothauge is a trial lawyer specializing in bet-the-company and intellectual property litigation. She has a national practice and her client roster includes many Fortune 500 companies.

The firm would also like to announce that **Heather St. Clair** has joined Markowitz Herbold PC as an associate, focusing her practice on business litigation and employment law.

St. Clair previously served as Assistant Deputy Attorney for the City of Portland. In this role, she worked primarily in the areas of affirmative litigation and labor and employment. She litigated business tax cases and tort claims and provided research and legal analysis for City bureaus and departments.

Barran Liebman LLP

Andrew Schpak, Co-Managing Partner of Barran Liebman LLP, has joined the Transition Projects Board of Directors. With a passion for helping the



Andrew Schpak

homeless find stability in the Portland metro area, Andrew is excited to further Transition Project's mission of helping individuals transition from homelessness to housing. As chair of the ABA Young Lawyers Division, he developed and implemented Project Street Youth to help provide young lawyers across the country with the education and materials needed to set up free legal aid clinics across the country.



Shenoa Payne

Richardson Wright LLP

Shenoa Payne has joined the Portland law firm of Richardson Wright LLP as of counsel. Payne will continue to focus her practice on disability rights, civil rights litigation, and appellate practice.

Oliveros Law Group PC

The firm is happy to announce that, after years in private practice, **John W. Neidig** is joining Oliveros Law Group PC as of counsel. Neidig began his private practice with a sole focus on criminal defense in 1988. Over the course of 30 years he has built a thriving practice, managing client's traffic tickets to murder cases and everything in-between.



John Neidig

Neidig's wealth of knowledge and experience are a welcome addition to Oliveros Law Group PC, where his focus will be in assisting within the criminal practice of our firm. We look forward to his help in better serving our clients.



Emil Ali

Carr Butterfield LLC

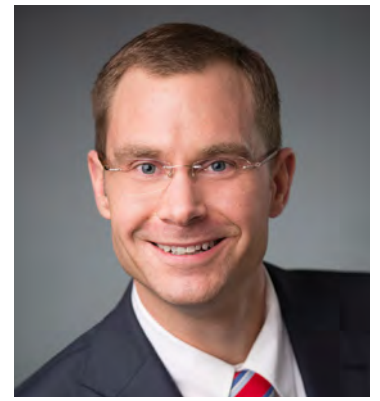
We are pleased to announce that **Emil J. Ali** has joined our firm as an associate.

Ali is admitted to practice in California, Oregon, and the District of Columbia. He offers legal representation of professionals across many regulated industries to limit and defend against liability in regulatory and licensing investigations, enforcement actions, arbitrations, and court cases.

Previously, Ali managed the commercial regulatory affairs program at Providence Health Plan, following his work at the USPTO, Office of Enrollment and Discipline investigating and prosecuting attorney misconduct.

Tonkon Torp LLP

Federal appellate litigator **Robert (Bob) Koch** has joined Tonkon Torp as an of counsel attorney in the firm's Litigation Department.



Robert Koch



Darian Stanford

Prior to joining the firm, he worked in the US Department of Justice in Washington DC as part of its Civil Rights Division.

Koch spent five years as a Senior Attorney in the Appellate Section of the Department of Justice's Civil Rights Division and five years in its Special Litigation Section. His work garnered him several Distinguished Service and Special Commendation Awards.

Darian Stanford has joined the Litigation Department of Tonkon Torp. Prior to joining the firm, he was a named partner at Slinde Nelson Stanford LLC. While there, Stanford tried a variety of complex cases, managed a commercial litigation and administrative/regulatory practice, and functioned as in-house counsel for a US Department of Defense contractor.

Before joining Slinde Nelson, Stanford served for five years as a Deputy District Attorney for Multnomah County, prosecuting crimes including major felonies. He was the in-house litigation attorney for Precision Castparts, managing its litigation in the US and Europe, and devising pre-litigation solutions to global business problems.



Joe Arellano

Garvey Schubert Barer PC

The Attorney-Client Relationships Committee of the American College of Trial Lawyers (ACTL), chaired by Garvey Schubert Barer's **Joe Arellano**, published a new white paper on emerging developments in attorney-client privilege, available on the ACTL website (www.actl.com). Arellano, who contributed to this revision and oversaw its approval and publication, helps clients in complex civil litigation, including securities, commercial and professional liability defense, and in regulatory investigations by the SEC, DOJ, IRS, FBI and their state counterparts.



Vicki Smith

Bodyfelt Mount

Vicki M. Smith, a trial lawyer and partner with the firm, has become the president of the board of directors for the Oregon Association of Defense Counsel (OADC).

Before assuming the presidency in 2018, Smith

League of Women Voters Helping Voters Prepare for the May 15 Primary

In keeping with their mission of informed and active participation in government, the League of Women Voters of Portland provides nonpartisan information through a variety of media to help voters prepare for the Oregon Primary Election on May 15.

VOTE411.org offers candidate and ballot measure information based on the voter's street address.

Candidate Forums will be held on April 10 and 24 and are free and open to the public. The forums will be videotaped and the archived presentations made available online.

Oregon and Multnomah County Voters' Guides, printed in English and Spanish, will be distributed to the Multnomah

County Library and other public places and also available online.



LEAGUE OF WOMEN VOTERS® OF PORTLAND

Interviews with state legislative candidates running for election in Multnomah County will be recorded and the video recordings made available online.

Did you know that you may vote in the primary election for nonpartisan candidates and ballot measures, even if you have not registered for a political party? All registered voters can vote on nonpartisan city, county and Metro

candidates running in their districts. In order to vote on partisan candidates (Governor, Legislators, Congress), you must be registered with the party of the candidate.

These services are funded in part by a grant from the Multnomah Bar Foundation. Forums will be recorded by MetroEast Community Media for rebroadcast, and available on the League of Women Voters website (www.lwvpx.org).





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Tips From the Bench

Make Sure to Know Your Judge

by Judge Eric L. Dahlin
Multnomah County Circuit Court

One of the great joys of being a new trial court judge in Multnomah County is seeing from the inside how passionate each of the other 37 judges are about our system of justice, and how committed each judge is to reaching the right result in each case. One of the surprises is how different each judge is in approaching particular procedural or substantive matters.

These differences are a good thing. Everyone processes information differently and has different ideas about how to approach particular topics, so we shouldn't expect that once a person dons a judicial robe he or she will be a clone of the others wearing the robe. It's important that each judge does what works best for his or her style of learning and communicating. Plus, having a diverse set of viewpoints can lead to better processes and decisions as a whole. But that means there is not a "one size fits all" standard for effectively presenting your case to a particular judge. Thus, if you want to tailor your written or oral presentations in a way that will enhance your chances of convincing a particular judge to rule in your client's favor, you will need to do some homework about your judge. This is especially important since 10 of the 38 circuit court judges in Multnomah County have taken the bench in the last two years so you may not have had prior experience in court with us newer judges.

Suggesting that you find out the best way to present your case to your judge may sound self-evident, but this frequently does not happen. Often lawyers present their arguments to a judge without doing much, if any, research about the judge, and then present the arguments in the way the lawyers think would work best if he or she was sitting as the judge, as opposed to what works best for the actual judge.

There are many ways to find out about a judge's preferred practices and style of learning (and just as importantly a judge's pet peeves), but surprisingly many lawyers don't take the time, or at least not enough time, to find out what their judge prefers. One of the most obvious, but nonetheless often overlooked, ways of finding out what a judge wants is to simply read the judge's own words. Many judges have provided information on the court's website about their preferred practices and other relevant information, and that information likely answers a large percentage of the procedural questions many lawyers might have. I strongly urge all lawyers to at least check the court's website before writing a motion or making an oral argument to see if the judge has provided information that may



be of assistance in guiding how the lawyer proceeds. A link to the list of judges, along with links to each judge's home page, is located on the court's main webpage.

There are a number of other ways to get good intelligence about your judge. You can talk to others who have appeared in front of the judge. You can read what others have written about the judge. You can watch the judge handle another case or listen to a judge at a CLE (make an effort to be an active listener because there may be some direct guidance that you should follow, and there may be a message the judge is communicating subconsciously). If you still have questions, most judges are fine with the lawyers emailing or calling the judge's staff to ask discrete procedural questions (though please try to consolidate your questions so you are not making an excessive number of calls or sending numerous emails).

And if you still have questions after all that, you can ask the judge directly before your hearing or trial starts whether the judge has a preference about how to handle a particular procedural or technical matter. Some newer lawyers may feel uncomfortable asking a judge questions about a judge's preferences, but speaking for myself, I would much rather spend time answering the lawyers' questions so they understand how I want to handle a matter as opposed to having them guess and get it wrong.

Different judges process information differently. Some (like me) like to give preliminary rulings based on the briefs and then actively question the lawyers on those points and give the parties the opportunity to change the judge's mind. Others find that they process information better by listening to oral argument without asking many questions and then work through the difficult issues by writing an opinion. Some are sticklers for allowing an initial argument, a response, and a rebuttal and no more. Others (again, like me) prefer a more free flowing discussion as opposed to a traditional oral argument. Some judges require each speaker to stand when addressing the court; others allow the speaker to sit. Knowing how your judge processes information and how your judge will handle certain procedures will give you a better chance of success.

Civil Motion Panel Consensus Statement

On a similar but separate topic, before deciding whether to file a motion in a civil case you

Continued on page 16



News from the Courthouse

by Amity Girt
Court Liaison Committee

Court Update - Judge Stephen Bushong

Judge Shelley Russell and Referee Mark Peterson began their service on February 5.

Community Dialogue

The follow-up to the 2017 community listening sessions - a Community Conversation on Youth in the Justice System - took place on March 14 at PCC Cascade. Judge Waller led this effort.

Grand Jury Recordation

Grand Jury recordation commenced March 1 in Multnomah County. The District Attorney has elected to conduct preliminary hearings in lieu of grand jury proceedings for most felony cases in an effort to increase transparency. Preliminary hearings on certain drug and property offenses started in November 2017, but expanded to other types of felonies cases starting March 1. This is increasing the overall number of preliminary hearings. Preliminary hearings are held in the Justice Center, with most cases heard in JC1, and additional dockets in JC2.

The Chief Criminal Judge, Hon. Cheryl Albrecht, will be taking over misdemeanor "Criminal Procedure Court" (CPC) duties starting April 1.

Judicial Conference April 9-10

There is a Circuit Court Judges conference on Monday and Tuesday, April 9 and 10. Judicial availability will be extremely limited on those two days. Call will be on Friday, April 6, for trials that will start the following Wednesday.

East County Courthouse

Presiding Judge Stephen Bushong offered a reminder that the East County Courthouse at SE 185th and Stark is available for civil trials the first week of each month for any trial that will take four days or fewer to complete. The courthouse is a new, state-of-the-art facility that is one block from the MAX line and offers ample, free parking for lawyers, litigants, witnesses and others.

New Courthouse Update

Trial Court Administrator Barb Marcille reported that the fourth floor of the new courthouse has been poured and additional floors will be poured about every three weeks. A night construction shift

will soon begin to make up for time lost during the permitting process. Once the exterior of the building is completed, the interior of the building will be finished floor by floor.

The current target date for move-in is May 2020, though this could change. Preparing for the move will take a large amount of planning. The court is working with Multnomah County to estimate the cost of the physical move and determine how many days will be needed for the move from the current location to the new building. Once the date for the move is firm, the court will figure out timing for changing addresses on the court's webpages, forms, notices, jury summons, etc. The court hopes to hold an open house this summer at the site of the new building and invite legislators to see and hear about the progress.

Legal Resource Center Bill

The Legislative Assembly passed this bill - which allows Multnomah County to use law library funds for a legal resource center with facilitation services in the new courthouse - and Governor Brown is expected to sign it into law.

Carolyn Walker 2018 MBA Professionalism Award Recipient

Carolyn Walker, a partner at Stoel Rives, will receive the 2018 MBA Professionalism Award on May 2 at the MBA Annual Meeting and Dinner.

The MBA Professionalism Award, the organization's highest honor, recognizes candidates who exemplify the standards set forth in the MBA Professionalism Statement:

Professionalism goes beyond the observance of the legal profession's ethical rules and serves the best interests of clients and the public in general; it fosters respect and trust among lawyers and between lawyers and the public, promotes the efficient resolution of disputes, and makes the practice of law more enjoyable and satisfying.

Carolyn's nomination for the Professionalism Award was supported by numerous attorneys and judges. Here are a few of the things her nominators and supporters said about her:

- "She always listens. You will know if you disappoint her, but she always sets you up for success. She says things to make to make you be better, not feel better."
- "Carolyn has a willingness to ask the hard questions that need to be asked, and to take the risks that need to be taken."
- "Carolyn is enormously perceptive and rigorously honest. She is not blinded by her own advocacy."
- "She is the epitome of grace and civility. Carolyn is



Carolyn Walker

highly respected in the legal community - always gets the job done for her clients."

- "Carolyn is well known for maintaining good relationships with clients and opposing counsel and for being highly effective with jurors."
- "She has an even temperament that makes the practice of law most enjoyable for those around her."

Continued on page 11

The Honorable Christopher Ramras Multnomah County Circuit Court Judge

by Amity Girt
Court Liaison Committee

Judge Christopher A. Ramras grew up in San Diego, California. He attended college at the University of California San Diego and graduated in 1988 - when the average price for a gallon of gas was 91 cents, Tom Cruise starred in "Rain Man," and Guns and Roses were in their prime. After college, Judge Ramras worked mainly in the insurance industry, although he also drove a school bus for a short period of time while employed at a private school for children with behavioral needs. He then moved to Oregon to attend law school at Willamette University College of Law, graduating in 1996.

During both college and law school, Judge Ramras authored a regular cartoon strip for the campus papers.

After law school, Judge Ramras and his wife moved to Washington DC while his wife attended graduate school. During his time back east, he accepted a position with the United States Air Force JAG, where he worked for more than four years until he and his family moved back to Oregon in 2001. During his time with JAG, Judge Ramras prosecuted and defended cases - an experience that was a catalyst in his interest in becoming a judge.

Upon moving back to Oregon, Judge Ramras worked as an associate at Smith Freed & Eberhard in Portland for a short period of time. While there, he assisted a partner in preparing for a trial. The hotly

contested matter reminded Judge Ramras of his love for trial work. Shortly after a favorable verdict, he applied for and accepted a position at the Multnomah County District Attorney's Office in 2002, where he worked until his judicial appointment in 2017.

Judge Ramras spent 15 years prosecuting criminal cases at the DA's office. He spent more than a decade of that time prosecuting sexual assaults and violent felony assaults. He estimates that he tried as many as 100 cases as a prosecutor, though he does not have a formal count. Among his most memorable trials was the prosecution of Viktor Gebauer for murder. Mr. Gebauer was an immigrant from the former Soviet Union who ran an unlicensed dental practice out of his home in Gresham, complete with a dental chair in one bedroom and the living room set up like a waiting room. Mr. Gebauer's patients were other immigrants, many of whom did not have health insurance and did not wish to assist law enforcement. One of the challenges of the case was explaining to a jury the cultural differences that led to people going to see Mr. Gebauer for their dental work. He was convicted of shooting and murdering someone who'd been

a patient. Judge Ramras also cited the memorable experience of trying an aggravated murder case - State of Oregon v. James Tooley. Mr. Tooley was ultimately convicted of murdering two people.

As the years went by, Judge Ramras became less interested in maintaining a partisan role and



Judge Christopher Ramras

more interested in a position that would allow him to balance competing interests and achieve fundamental fairness.

Having an overwhelming criminal law background has made it necessary to quickly get up to speed on other areas of the law. As he digs in to all the various judicial assignments, Judge Ramras has particularly enjoyed learning about some of the complexities of punitive damages liability. Now having the opportunity to see more of the area practitioners in action, Judge Ramras has been



Do you *really* expect this jury to believe that?!

very impressed with opposing counsel's collegial treatment of each other - though he notes that the criminal bar tends to be slightly more courteous to each other - likely a result of the sheer frequency with which those attorneys interact.

Judge Ramras's father (a retired physician) and mother (a retired English as a Second Language teacher) are still in San Diego. His brother (who edits movie trailers) is also in California, and his sister is an attorney practicing in Oregon. Outside of work, the judge enjoys spending time at the beach with his wife and kids - he has a 20-year-old daughter at college and a 14-year-old son in high school. He enjoys playing soccer and snowboarding and still, on occasion - though not as often as he once did - creates cartoons.



No. You do not have a Constitutional right to remain violent.

Professionalism Award

Continued from page 10

- "She is an exceptional role model for women, people of color, and for all students interested in the law. She has a real commitment to professional development and to modeling the fact that

legal study is meant for all people who work hard and understand processes and systems."

Carolyn has been practicing law for over 25 years. She is on the board of Friends of the Children and the Oregon Community Foundation; an Oregon Alliance of Independent Colleges and Universities trustee; and is chair of the Metropolitan

Portland Leadership Council of the Oregon Community Foundation.

Congratulations to Carolyn Walker, a most worthy recipient of the 2018 MBA Professionalism Award. Her advocacy, civility and humanity is an example to all members of the bar.

The Honorable Fay Stetz-Waters Linn County Circuit Court Judge

by Ondie Ogston
Court Liaison Committee

Linn County welcomed its 45th judge to the bench on November 15, 2017 when the Hon. Fay Stetz-Waters filled the vacancy created by the retirement of the Hon. Carol Bispham. Judge Stetz-Waters relocated to Oregon in 2001 and earned her law degree from Lewis & Clark Law School in 2005. She made Albany her home in 2007. She brings to the bench a deep knowledge of the Linn County community, rooted in her commitment to listening and a willingness to challenge assumptions, and apply the law to reach the right decision. Her ability to listen deeply and engage with individuals and their stories has created in Judge Stetz-Waters a familiarity with the challenges and strengths of the community within the 23rd Judicial District. This has enabled her to approach her cases with compassion and a commitment to due process for all those involved in the judicial process.

As a young person growing up in Baltimore, Maryland, Judge Stetz-Waters was drawn to the military, seeking discipline and structure. She enlisted in the Marines at the age of 17 and served her country for eight years. She credits this time with helping her develop a strategic approach to problem solving and highlights her sense of duty and desire to use her talents for public service. After leaving the military, Judge Stetz-Waters juggled full-time work as a 911 dispatcher at night while attending classes during the day. She graduated with honors from Trinity College with a BA degree in history.

While attending Trinity College, Judge Stetz-Waters met her now wife, Karelia Stetz-Waters. Karelia, a native of Corvallis brought Judge Stetz-Waters home for visits to her family, and Judge Stetz-Waters fell in love with the fresh air, green spaces, and the openness of the people. When Judge Stetz-Waters was encouraged to apply to law school by a supervisor at the police department, she applied only to schools in Oregon, knowing this was where she wanted to make her home. She chose Lewis & Clark Law School for many reasons - among them, its evening program.

Judge Stetz-Waters was a stand-out law student. She attended night classes, worked full-time, and in a familiar



Judge Fay Stetz-Waters

pattern, used her natural leadership abilities for public service. As a law student, she was involved in numerous student groups including the Black Law Student Association and the Oregon Minority Lawyers Association. She was respected by other students for her honesty, good humor, and intelligence.

The vacancy created by Judge Carol Bispham led to over 20 applications. Judge Stetz-Waters' prior legal experiences helped her rise to the top of a long winnowing process. Her experience includes working as a staff attorney at Albany Legal Aid Services of Oregon where she represented individuals living in poverty across a variety of subject areas. In 2009, Legal Aid Services of Oregon experienced significant budgetary cuts and staff attorneys were likely to face layoffs. Not one to stand still, Judge Stetz-Waters applied for and obtained a position as an Administrative Law Judge (ALJ) where she presided over unemployment hearings. She worked as an ALJ for several years, honing her ability to ferret out facts and build a reputation for fair and thoughtful decisions. Her tenure as an ALJ was followed by a position with the Oregon Board of Parole and Post-Prison Supervision as a Hearings Officer. This experience highlighted for her the vast impact substance abuse disorders have on her community and the importance of access to treatment.

Reflecting on being the first black judge, judge of color, and lesbian judge in Linn County, Stetz-Waters says she feels excited and hopeful. She firmly believes that having a black woman on the bench helps people challenge their assumptions. In a similar vein, she is committed to challenging her own assumptions in order to better understand each person's story.

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!

Amelia Andersen
2018 YLS Award of Merit Recipient

by Mary Tollefson
YLS President

The YLS is proud to present the 2018 Award of Merit to Amelia Andersen. Amelia first became interested in MBA membership through a co-worker. She was especially interested in joining the YLS Service to the Public (STP) Committee because she wanted to get outside of her attorney bubble and work with youth in our community, so she was excited when she was appointed as a member of that committee two years ago.



Amelia Andersen

Amelia has been an outstanding member of the STP Committee. She was integral in obtaining new books for the Imprint Program this year. This program pairs volunteer attorneys with students at Park Rose High School. The attorneys and students each read a book and exchange letters over the course of several months. At the end of the program, they have a party at the school where the students have the chance to meet their attorney pen pals in person. For several years, the students had been reading the same book, and some of the volunteer attorneys had inquired whether the program could offer a new book. The committee asked the high school teacher they work with if she was interested in teaching new books. She informed them that she would love to have new books, but it was not her in school's budget. The YLS decided it would be happy to help cover this expense. Amelia went to work right away and was able to secure five new books for the program. She purchased the books from Powell's, so she was also able to support a local business in the process. There are currently almost 70 students and

attorneys participating in the Imprint Program and everyone is enjoying the new books!

Amelia has also been extremely helpful in organizing STP's new poetry slam event, *Objection!*, scheduled for May 3. Since this is a new event, there has been a lot of work to go around. Early on, Amelia took on the task of finding a venue to host this event. She was able to secure the Lagunitas Community Room and made sure that all the appropriate permits were in place. The committee is very excited about this new event and Amelia's contributions towards making it a success.

Amelia also organized a community service day at Blanchet House last October. During this event, Amelia and several other attorneys served lunch to members of the community in need.

Amelia works at the Office of Public Defense Services in the juvenile appellate section. In her spare time, she loves cooking, yoga, enjoying the outdoors and taking her dog to the park. The YLS appreciates Amelia's hard work and contributions and we are happy to present her with the Award of Merit!

YLS Board Officers for 2018-19
Terms Begin June 1



Holly Hayman

YLS President-Elect is **Holly Hayman**, of Leonard Law Group, who practices in commercial bankruptcy and business law. Holly is the current YLS Board Secretary and also serves as YLS Board Liaison to both the YLS Pro Bono Committee and the CEJ Board.

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

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



Brad Krupicka

YLS Secretary is **Brad Krupicka**, of Littler Mendelson, where he specializes in civil litigation. Brad joined the board in 2016, and presently serves as treasurer as well as the YLS Board Liaison to the MBA Equity, Diversity & Inclusion Committee.

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

Brad is a member of the CEJ Associates Committee, the Lewis & Clark Law School Alumni Board, the American Constitution Society Board, and has also served as the Publication

Liaison for the OADC Construction Defect Practice Group. He was also one of the founders of the Multnomah County Circuit Court Volunteer Researchers Program, the MBA Battle of the Lawyer Bands, and the YLS Pro Bono Pour.



Kirsten Rush

YLS Treasurer is **Kirsten Rush**, of Busse & Hunt, where she practices employment law. She is a graduate of Lewis & Clark Law School, and was admitted to the OSB in 2012.

Kirsten served on the YLS Service to the Public Committee from 2013-15, and then chaired the committee for the 2015-16 term. As a member of the YLS Board, she presently serves as liaison to the YLS CLE Committee.

Outside of the MBA, Kirsten co-authors the "Oregon Civil Rights Newsletter: Supreme Court Update" as a member of the OSB Civil Rights Section. She has served as a professionalism discussion leader for incoming law school classes at her alma mater, and is also a member of the Oregon Trial Lawyers Association.

Ashley Carter
2018 Rookie of the Year
Award Recipient

by Michael Willes
YLS Board of Directors

Despite her best efforts at being a "behind-the-scenes person," Ashley Carter keeps getting thrust into the spotlight. In fact, the last time I saw her was on a large projection screen at the Oregon Hispanic Bar Association's annual dinner, where she was among a handful of lawyers who offered video-recorded congratulations to Magistrate Judge John Acosta, that night's honoree.

The YLS Board has selected Ashley to be the 2018 Rookie of the Year Award recipient, in recognition of her numerous contributions to the YLS Service to the Public (STP) Committee and her many other community-oriented activities. For example, upon joining the STP Committee, Ashley jumped into organizing a service project with the Oregon Food Bank. Facing a raft of last-minute cancellations, Ashley and a skeleton crew of YLS volunteers buckled down, combining with other volunteers to pack 20,264 pounds of apples and pears for needy Oregonians.

The STP Committee has been stretched thin developing a replacement for the YOUthFILM Project. During the nomination

process, the committee co-chairs expressed deep appreciation for Ashley's willingness to spearhead committee support for the Classroom Law Project "above and beyond" her assistance with the committee's regular work. CLP meetings sometimes take place in Lake Oswego on what many would deem a less-than-convenient schedule, but Ashley gladly puts in the time.

Ashley grew up in Freeport, New York, on Long Island. She graduated from Yale University in 2010, where she played basketball and was elected team captain her senior year. Ashley came west to attend law school at the University of Oregon so that she could focus on environmental and natural resources (ENR) law. After graduation, she clerked for Judge Charles Carlson of the Lane County Circuit Court.

Ashley chose to start her legal practice in public service. As an Honors Attorney in the Portland City Attorney's Office, she litigates civil matters on behalf of the government of our fair city. Because she also advises bureaus on discrete



Ashley Carter

environmental matters, Ashley joined the executive committee of the OSB's Environmental & Natural Resources Section so she could contribute a public-sector perspective to the bar's ENR practice. She is also on the Oregon New Lawyer Division CLE Committee.

This litany shouldn't lead you to believe that Ashley limits her community service to bar committees and public-sector legal practice. She gets back on the court three nights a week to coach girls' basketball, too.

Upon learning that she would be the recipient of this year's award, Ashley "was surprised and honored by the unexpected recognition."

The YLS Board appreciates all of the good work Ashley does around the community. Her behind-the-scenes, selfless devotion to service deserves this recognition.

CEJ Justice Trivia April 12

Presented by the Campaign for Equal Justice and the YLS

Thursday, April 12, 5:30 pre-registration, 6 p.m. start

Kells Irish Restaurant & Pub, 112 SW 2nd Ave

Help support Oregon's legal aid programs while testing your trivia mettle by participating in this annual fundraising event. Individuals and teams are encouraged to register online at www.cej-oregon.org - suggested donation \$10 per individual, \$5 for law students, legal aid lawyers, legal staff and unemployed lawyers.



Alan Galloway YLS Member Spotlight

by Chris Weathers
YLS Pro Bono Committee

Alan Galloway is a colleague who has inspired me to make pro bono work a part of my ordinary practice. When I first started working at Davis Wright Tremaine, Alan invited me to Outside In - an organization with a mission to help the homeless and other marginalized people move toward improved health and self-sufficiency - to participate in a legal clinic whereby Alan and other attorneys provide pro bono legal services to individuals with a host of legal needs. This was my introduction to pro bono work and my introduction to assisting Alan with some of his many pro bono activities - one of his pro bono cases is going to oral arguments in the Ninth Circuit later this year.

When I interviewed Alan for this article, I wanted to know about two main issues: what were some of his first pro bono projects, and how does a new attorney like me get involved? Like many new litigators, Alan initially sought pro bono cases as a way to do some good and gain courtroom experience - oral arguments, opening and closing arguments, witness examination, motion practice, drafting amicus briefs, etc. Alan would find a pro bono case, maybe link up with a fellow associate, find a supervisor or mentor, and go to work. When asked about going to court those first few times on pro bono cases, Alan sat back and chuckled, sharing a memory of the awkwardness and nervousness he felt. With a look in his eyes suggesting a whole universe of learning was packed into those early pro bono cases, he said, "I had to learn about the Uniform Trial Court Rules, something I didn't even know existed."

Alan took on several pretrial, trial, and appellate cases within his first few years of practice. One case at the Oregon Supreme Court involved defending war protestors who violated a legislative rule preventing overnight protesting - a rule

that did not exist until after the anti-war protest started. Alan described the years of research he spent working up his argument on state constitutional grounds of free speech and expression; but when the case was ultimately decided in favor of the protestors, it was unexpectedly on Oregon Debate Clause grounds (legislators cannot be called into court to answer questions about creating legislation, but they can be called to answer about their enforcement of legislation).

In another early pro bono case, Alan had the task of fighting off a temporary restraining order. He did this successfully, but was unclear as to his victory after the judge denied the temporary restraining order and set a date for a show cause hearing - to which Alan objected. After learning that he could not oppose the hearing itself, Alan prevailed at the hearing and the case settled.

One of my favorite stories that Alan shared was with regard to a case he worked on that resulted in the Oregon Supreme Court finally acknowledging that the judicial power of Oregon courts extends to moot cases, e.g. those capable of repetition.

I share these stories to show how attorneys like Alan had to start somewhere, how he learned a great amount from the unexpected twists his early pro bono cases took, and that being new to the profession should not deter us from taking on pro bono clients and advocating for those clients to the best of our abilities.

For Alan, pro bono work is not just about taking on cases. Just as he pulled me in to the volunteer work at Outside In when I started, Alan also began volunteering at Outside In when he was a brand new attorney. He also tried his hand at some transactional pro bono work by assisting with the formation of a tax exempt nonprofit. Alan did note that when seeking pro bono work, attorneys should think about



Alan Galloway

whether the project is something they are capable of doing and to pair up with someone who can review the work.

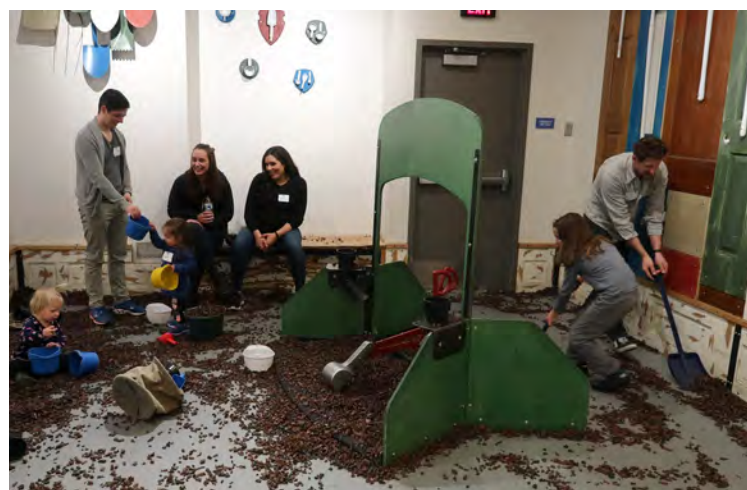
I asked Alan for some advice about getting involved in pro bono work. Alan recommends attending pro bono fairs like the one organized by the OSB. He also recommends connecting with a nonprofit organization that you love and respect, to see if such connections lead to interesting work. Joining committees and becoming a board member are ways to get involved in organizations that do good in the community, and often lead to pro bono opportunities. Leading by example, Alan has served on the ACLU Lawyers' Committee and the MBA Equity, Diversity & Inclusion Committee. He has volunteered as a PSU Explore the Law mentor and currently serves on the board of Youth, Rights & Justice.

Pro bono work can be many things for new lawyers: training, networking, a chance to advocate for the underdog, and a way to give back to the community. I think that for Alan, pro bono work was, at one time or another, all of these things. After learning about how involved Alan is and how he has sustained such a robust pro bono practice while also growing in a highly complex and demanding practice area, I no longer see pro bono work as a means to an end, a way for a junior attorney to network or to get one's feet wet. Rather, it is a sincere commitment to community service and an ongoing and integral part of the practice - something that defines, in no insignificant way, who Alan is as an attorney.

Portland Children's Museum Visit

On February 24, MBA, YLS and Oregon Women Lawyers (OWLS) members, along with their families and friends, enjoyed a private evening at the Portland Children's Museum. Sponsors **Miller Nash Graham & Dunn, Schwabe Williamson & Wyatt, NW Injury Law Center** and OWLS generously

supported the event, which included sandwiches and Gummy Worms for children (and adults), as well as full access to the museum's activities and exhibits. Special thanks to YLS Membership Committee members Rebecca Fey, Thomas Payne and Kristin Tannler for organizing the event.



YLS Community Service Day

by Gabrielle Hansen
YLS Service to the Public Committee

The YLS teamed up with the Forest Park Conservancy to help them with their Spring Day of Stewardship. The following are the final statistics for the day:

- Hauled one TON of rock
- Built four steps on the Wildwood Trail
- Removed more than 7,000 square feet of invasive ivy, vines, and blackberry
- Planted 150 shrubs



L to R: Kevin Sasse, Gabrielle Hansen, Andrew Narus and Anthony Copple

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Ethics Focus

Free Speech: Changes to Oregon's Lawyer Marketing Rules

by Mark J. Fucile
Fucile & Reising LLP



Since the United States Supreme Court invalidated outright prohibitions on lawyer advertising in *Bates v. State Bar*

of *Arizona*, 433 US 350, 97 S Ct 2691, 53 L Ed2d 810 (1977), the lawyer marketing rules have evolved significantly both nationally and here in Oregon. Developments have been driven by both further commercial free speech decisions on lawyer advertising by the U.S. Supreme Court and changes in technology that have fundamentally altered the ways that lawyer marketing is conducted.

At the same time, two areas of lawyer marketing have not seen as much change as law firm media advertising. First, in a bookend to *Bates*, the US Supreme Court the following year in *Ohralik v. Ohio State Bar*, 436 US 447, 98 S Ct 1912, 56 L Ed2d 444 (1978), upheld at least some restrictions on in-person solicitation. Those restrictions are now reflected in ABA Model Rule 7.3, which generally limits in-person solicitation to a lawyer's family, friends, former clients and other lawyers. Second, statutes in many states - including Oregon - have long prohibited

paid "runners" from soliciting personal injury work for lawyers. ORS 9.505, for example, prohibits lawyers from paying "any person . . . for referring to an attorney any claim for damage resulting from personal injury or death."

...essentially permit direct solicitation in any form unless one of three factors is present...

The prohibition on "runners" is reflected in ABA Model Rule 7.2(b), which prohibits paying for referrals of any kind, and ABA Model Rule 5.4(a), which prohibits sharing legal fees with a non-lawyer.

Late last year, the OSB House of Delegates considered changes to the solicitation and referral fee rules that were products of the OSB "Futures Task Force Report," which, as its name implies, was a comprehensive set of recommendations responding to broad technological and economic developments facing

the legal profession and the demand for legal services. The OSB House of Delegates approved the former, but rejected the latter. In this column, we'll look at both.

Solicitation

The amendments to Oregon RPC 7.3 approved by the House of Delegates and later by the Supreme Court essentially permit direct solicitation in any form unless one of three factors is present:

"(a) the lawyer knows or reasonably should know that the physical, emotional or mental state of the person who is the subject of the solicitation is such that the person could not exercise reasonable judgment in employing the lawyer;

"(b) the person who is the subject of the solicitation has made known to the lawyer a desire not to be solicited by the lawyer; or

"(c) the solicitation involves coercion, duress or harassment."

share fees with for-profit referral services would recognize the increasing imprint internet-based marketing companies now have on lawyer selection in many consumer-oriented practice areas. The Futures Task Force Report also couched this aspect as potentially addressing access-to-justice issues.

In structuring these proposals, the Futures Task Force Report concluded that client consent was not necessary because the compensation arrangement was instead required to be disclosed before the representation proceeds. The Futures Task Force report cautioned, however, that its recommendations did not include parallel suggestions to the Legislature to repeal corresponding provisions in ORS Chapter 9. As noted earlier, ORS 9.505 prohibits paying for referrals of personal injury or wrongful death claims. ORS 9.520, in turn, prohibits lawyers from accepting such referrals

...lawyers in Oregon have been disciplined in the past for employing paid "runners"...

and states that "[a]ny agreement between an attorney and such solicitor regarding compensation to be paid to the attorney or solicitor is void." Although the Futures Task Force Report suggested that at least some of the prohibitions on solicitation in ORS Chapter 9 may be constitutionally infirm, lawyers in Oregon have been disciplined in the past for employing paid "runners" (see, e.g., *In re Farris*, 229 Or 209, 367 P2d 387 (1961); *In re Black*, 228 Or 9, 363 P2d 206 (1961)).

As noted earlier, the OSB House of Delegates rejected the proposed expansion of the referral fee rule. Under ORS 9.490(1), the House of Delegates must approve proposed RPCs before they go to the Supreme Court. Therefore, the Supreme Court did not consider the referral fee proposal. Rather, it was returned to the Board of Governors for further study. Given the forces at play in the legal market, the referral fee rule proposal will likely be revisited in some form in the years ahead.

The Futures Task Force Report (which is available on the OSB website) concluded that because solicitation today is more often through electronic means, the concerns that animated the tighter restrictions in the ABA Model Rule have been reduced. At the same time, the remaining restrictions in the amended formulation are consistent with the US Supreme Court's *Ohralik* decision - which involved an attorney who appeared unannounced in an accident victim's hospital room with a fee agreement in hand.

Paying for Referrals

The Futures Task Force Report proposed that RPC 5.4(a)(5) be amended to permit sharing legal fees with for-profit referral services - including internet-based marketing companies - as long as the lawyer disclosed "to the client in writing at the outset of the representation the amount of the charge and the manner of its calculation" (and the overall fee was reasonable under RPC 1.5(a)). It also proposed corresponding amendments to RPC 7.2.

The Futures Task Force Report reasoned that allowing lawyers to

others have to say. Civility is tolerating those who are not like-minded.

Lawyers are leaders. We have the ability to influence those around us. We are in the business of advocacy and persuasion. We choose our words carefully. We are problem solvers, the voice of reason. People look to lawyers for advice and counsel in times of prosperity and success and in times of stress, sadness, and uncertainty. With this power comes awesome opportunity and tremendous responsibility. Being a true professional is not always easy, but it is incumbent on each one of us to remain faithful to the commitments we made to our profession. We vowed to act with "civility" in our oath for admission to practice in Oregon.¹ We pledged to act with professionalism and "treat all persons with courtesy, fairness and respect."² These very same standards should apply to how we, lawyers and non-lawyers alike, conduct ourselves in everyday life.

As lawyers, we routinely deal with conflict and disagreement with an open mind. We evaluate the strengths and weaknesses of legal theories. We welcome input from our colleagues. We brainstorm with our peers. We accept diversity of thought. These types of think-sessions are meant to be provocative. To challenge our thought process and use the results to our advantage. We discover different or novel points of view that help win cases or force us to re-think a possible losing strategy.

¹ *Oath of Office for Admission to the Practice of Law in Oregon*
² *Commitment to Professionalism, adopted by the Multnomah Bar Association as of June 1, 2004 and updated by the Multnomah Bar Association on May 7, 2014.*

As lawyers, we work collaboratively within our system of justice. We make decisions based on fact, not emotion. We engage in healthy discord. We negotiate in good faith. We do not inject untruths or mislead our audience. We do not ignore or belittle our colleagues or condemn them for holding a differing opinion.

These very things that make ours the noblest of professions can be applied to daily interactions with families, friends, and even strangers. As lawyers, we have an incredible opportunity to help bring an end to the intolerance and divisiveness that plagues our society. We must lead by example. When we are polite and courteous to others, they will pay it forward. When we disagree without being disrespectful and demeaning or lodging personal attacks and accusations, we will set the tone for civil discourse and healthy debate. When we listen - really listen - others will see the importance of thoughtful conversation. When we are tolerant of those who hold different opinions, people will come to appreciate others as individuals whose ideas deserve the same consideration as their own.

"Got civility?" Yes, and we will use it!

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.

The Corner Office PROFESSIONALISM

Got Civility?

I have a pin in my office that reads, "Got civility?" I see this pin every day, but don't think often enough about what it means. There is no better time than the present to ponder what civility means in the course of daily life.

In many facets of our lives, ideas are strengthened through an iterative process of considering disparate viewpoints and engaging in healthy debate, yielding a well-reasoned position that has been enhanced by diversity of thought. This process breeds success in science, medicine, business, and - yes - the law. Unfortunately, though, in today's political environment - irrespective of one's political ideology - we live in a world where people who express a differing viewpoint are shunned by their peers, penalized in the workplace, and are even threatened with violence.

This prompted me to think about what we can do as professionals and leaders of our communities to change - not individual political opinion - but the method of political discourse in our communities. Imagine what the inside of courthouses and conference rooms would be like if the intolerance and rancor that's afflicted our communities infiltrated our profession. Can we, as trained negotiators and litigators, apply those same skills that are embedded in our legal culture to approach political debate with curiosity, listening skills, logical (rather than emotional) thought and, yes, civility? What is civility, anyway?

Civility is behaving in a polite and courteous manner. Civility is disagreeing without being disrespectful and demeaning or lodging personal attacks and accusations. Civility is not only listening to, but hearing, what

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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, Wills for Heroes, 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."

Linda Burbank • John Chambers • Craig Cowley • Steven Crawford • Amy Edwards • Jon Fritzler • Michael Fuller • Anne Furniss • David Gray • John Haub • Dona Hippert • Nancy Hochman • Theresa Hollis • Samuel Justice • Garry Kahn • James Keddis • John Koch • Allyson Krueger • William Kwitman • Riley Makin • David Malcom • Tim McNeil • Lisa Miller • Tom Noble • James O'Connor • Charles Reynolds • Lyndon Ruhnke • Sara Sayles • Philip Schuster II • Ian Simpson • Heather St. Clair • Anne Steiner • Hon. Jill Tanner • Evans Van Buren • Michael Yates

Tips From the Bench

Continued from page 10

may want to check the court's Civil Motion Panel Statement of Consensus, which is available on the court's website. Many newer lawyers are not aware of the Statement. The court developed the Statement in an effort to provide the bar with guidance as to how the judges often rule on common legal issues so that the parties might be able to resolve certain disputes without filing motions, which saves the parties time and money. The Statement does not have the force of law, is not binding on any judge, and is not a pre-determination

of any question presented on the merits to a judge in an action. In every proceeding before a judge of this court, the judge will exercise independent judicial discretion in deciding the questions presented by the parties. Thus, you are welcome to file any motion you wish and make any argument you wish even if contrary to the Statement. But reviewing it first may help inform your decision of whether to file the motion. We are in the process of updating the Statement, and the revision should be available on the court's website this summer (the current Statement is still online).

Available Meeting Space



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

Office location:
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Contact the MBA for details and availability at 503.222.3275.

Classifieds

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John Koch 2018 Senior Law Project Volunteer of the Year Award Recipient

by Jill Mallery
Legal Aid Services of Oregon

This year's Senior Law Project Volunteer of the Year recipient is an attorney who volunteers to make a difference in the lives of his clients. John Koch is a dedicated volunteer who is committed to helping seniors. This award is given annually to someone who volunteers for Legal Aid Services of Oregon's (LASO) Senior Law Project (SLP). The SLP consists of 25 monthly legal clinics at eight senior center locations in Multnomah County. Volunteer lawyers provide 30-minute consultations to clients who are 60 years of age or older and continuing pro bono services for clients who meet LASO's financial eligibility requirements.

John was born in Portland. He received his law degree from Lewis & Clark Law School and

his BA from Rice University. John maintains a solo practice in Lake Oswego. He practices estate planning and administration, elder law, and closely-held and family business law.

John began volunteering for the SLP in 2017. Since that time, John has provided legal assistance to over 30 clients through the SLP. John volunteers on a monthly basis at different senior center locations and is always willing to fill in last minute and take additional clinic shifts. He volunteers monthly at the Immigrant & Refugee Community Organization and takes direct referrals from LASO. John is willing to meet with clients in their home when they are unable to travel to a senior center. An Information and Assistance Specialist from the



John Koch

community center was excited to learn John had been awarded the SLP award this year. She said, "John is a compassionate, smart person.... He is very committed and goes above and beyond to assist our clients. Thank you so much for the job that you do. Keep up the good work!"

When asked why he does pro bono work for the SLP, John responded, "Pro bono work has made me aware of certain things I tend to take for granted. Some tasks I hardly think about can involve layers of complications for others. By volunteering and helping others,

I not only get a sense of doing good, but a kind of constructive criticism that benefits my own life." An example of John's great work is a recent reasonable accommodation case he worked on. John was successful in getting his SLP client a reasonable modification to her unit to make it wheelchair accessible. He also negotiated with the landlord on the hours of construction so that his client could receive the care she required from her caregiver.

John feels strongly about assisting low-income populations and believes the payoff of doing pro bono work is great. John explains, "providing legal services to those who need them but can't afford them helps to create a better society, and what we give will come back to us in unexpected and powerful ways." John offers these words of encouragement to attorneys considering pro bono work, "Senior Law Project has been a great fit for me, but I believe there are pro bono opportunities to match nearly every interest. It is rewarding to learn how much you can help."

John dedicates countless hours to assisting his clients. He takes on difficult and time-consuming cases. He is willing to provide whatever assistance is necessary to resolve the issue. "My experience working with seniors has particularly shown me that we can't rest on 'ready-made solutions' to their issues." In one client situation, John helped to establish communications between his client, a 95-year-old military veteran, and his VA fiduciary so that his client's needs could be met.

John's clients give glowing comments about him and the assistance he provides. One client wrote, "John is a true professional with a big heart. Wish there were more like him." Another client said, "John Koch is very good. He is patient and answered all questions. He was so nice and informed and called me to see how I was doing." We greatly appreciate John's strong commitment to the SLP and to low-income seniors in our community.

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Judge Leslie Roberts has served Multnomah County for over a decade. She is a member of the Council on Court Procedures and contributor to *Tips from the Bench* for the MBA. She is a former member of the OSB Disciplinary Board, and former Chair of the OSB Alternative Dispute Resolution and Health Law Sections and Ethics Committee.

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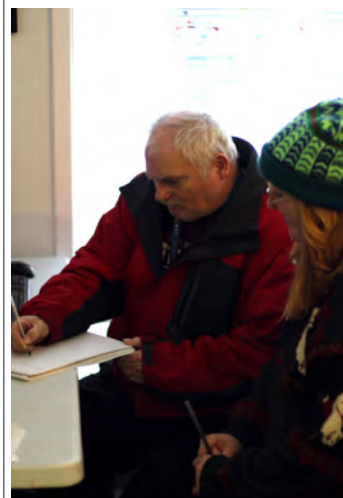
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Full biography at <https://www.mbar.org/Resources/LeslieRoberts.html>

Information provided by Committee to Re-Elect Judge Leslie Roberts,
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City Club Celebrates a Century of Civic Engagement

Castaway, Portland

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Wednesday, May 16

5:30-10 p.m.

by Caroline Harris Crowne and Leslie Johnson



Caroline Harris Crowne

In 1915, a group of young men began meeting for lunch at the Hazelwood Restaurant on Washington Avenue. They were attorneys, bookkeepers, architects, foresters, doctors - educated professionals who were dissatisfied with the new commission form of government and conflicts of interest they observed in Mayor Albee's administration.

The more they talked, the more eager they were to do



Leslie Johnson

something. They began hearing about "city clubs" back east and liked the idea of a civic club that held city government accountable. In the spring of 1916, they began to take action.

City Club's founders decided from the start that this organization couldn't be only a social or philanthropy club. They envisioned a nimble, industrious watchdog that drew on the energy and wisdom of its members.



"Everyone was to work," recalled D.A. Norton, an attorney who became the Club's first secretary. "It was never to deteriorate into a tool of special interests. Neither politics nor money were to control youth and ability. Character, intelligence, training, civic-mindedness, a desire to help the community were wanted and fostered."

As members of both City Club's Board of Governors and the Multnomah Bar Association, we have noticed how the two organizations share a rich history and a similar mission.

From the beginning, MBA members have played critical roles in the pursuit of City Club's mission to "inform its members and the community in public matters and to arouse in them a realization of the obligations of citizenship." The Multnomah Bar Foundation has also been instrumental in helping City Club innovate by providing strong support for Civic Scholars, a program that invites

high school students to become City Club members and attend Friday Forums.

Our shared history is just one reason why we want to invite all of you to Next Century: An Evening with City Club on May 16. This gala event will be a great opportunity to honor the legacy of 100 years of work and look ahead to how we can make our region more livable and more equitable.

Throughout the past 100 years, City Club has stayed true to the vision of our founders. Our members do research, lobby policymakers, and hold forums with a desire to help the community - not cater to special interests. We don't see anyone else in Portland doing this vital work in such an inclusive, nonpartisan way.

Next Century is going to be a lot of fun and we hope to see many of you there. During the event, we'll reflect on highlights from the last 100 years, including the research report that led to the creation of Forest Park and the campaign organized by Gretchen Kafoury to allow women to become City Club members. We'll also hear from Julia Meier, our new executive director, about her vision for where City Club can go.

Our century celebration will include a cocktail hour for networking, an inspiring program, music, dinner, and an auction. If you'd like to join us, you can get tickets online at www.pdxcityclub.org. Come help us celebrate a century of civic engagement in Portland!



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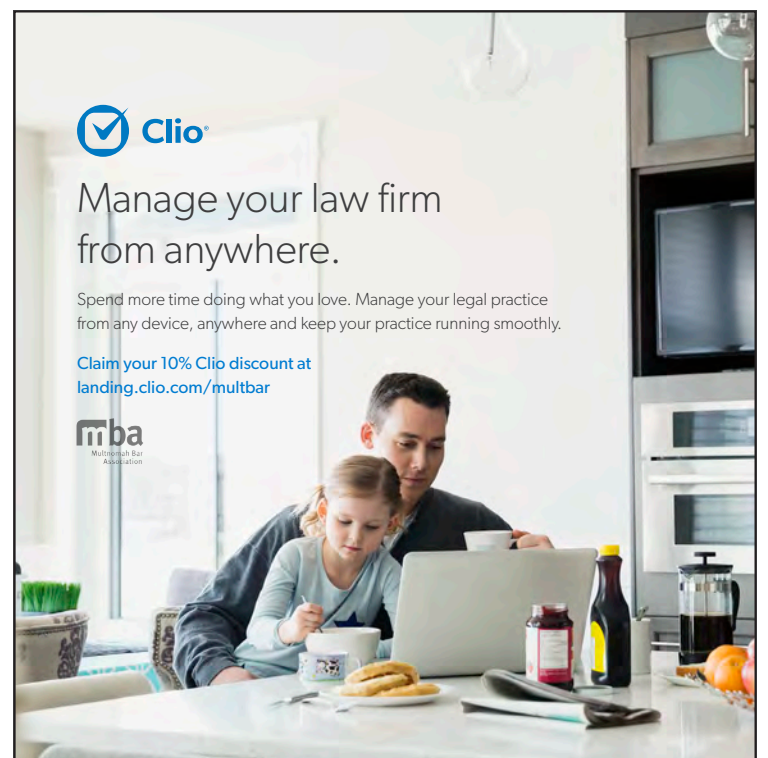
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Judge Peter McKittrick and the Pro Bono Committee of the OSB Debtor-Creditor Section

2018 Pro Bono Award of Merit Recipients

by Heather Kemper
Legal Aid Services of Oregon

Representing thousands of clients in bankruptcy proceedings, recruiting hundreds of volunteer attorneys, assisting in the coordination of a monthly clinic calendar, and conducting an annual CLE seminar and Judge's Reception. These are only a few of the reasons why US Bankruptcy Court Judge Peter McKittrick and the Debtor-Creditor Section's Pro Bono Committee are the recipients of the 2018 Pro Bono Award of Merit.



Judge Peter McKittrick

In addition to Judge Peter McKittrick, the committee includes Carla McClurg; Todd Trierweiler; Laura Donaldson; Richard Parker; Richard Slottee; George Hoselton; George Senft; Justin Leonard and Gary Scharff. Judge McKittrick and the committee embody the definition of the Pro Bono Award of Merit, presented annually to a lawyer or lawyers who have set an example for our legal community through their dedication to providing pro bono services to clients who would otherwise be unable to afford them.

Over 20 years ago, retired US Bankruptcy Court Judge Elizabeth Perris forged a partnership between the OSB Debtor-Creditor Section, the US Bankruptcy Court, the US Trustees Office, and Legal Aid Services of Oregon (LASO). The result was the formation of a Pro Bono Bankruptcy Clinic.

The Bankruptcy Clinic consists of two components, a bankruptcy class followed by a legal clinic. The class is open to the public, taught by a member of the bench or bar, and has the twofold purpose of educating the public on the basics of a Chapter 7 bankruptcy and preparing pre-screened LASO clients for their attorney appointment. Volunteer attorneys meet with LASO clients and assess whether bankruptcy is appropriate - if yes, the attorney will accept the case for pro bono filing.

When the project first began, the Debtor-Creditor section created the committee to assist with its facilitation. Judge McKittrick took over the judicial leadership role following the retirement of Judge Perris.

According to Jill Mallery, Staff Attorney and Pro Bono Coordinator in the Portland Regional Office of LASO, "Judge McKittrick is instrumental in the success of the Bankruptcy Clinic. He plays a vital role in filling the clinic calendar and personally recruits and encourages attorneys to volunteer. He is involved in every aspect of the clinic. LASO greatly appreciates Judge McKittrick's strong and steady support of the clinic."

To help with recruitment, Judge McKittrick even makes personal phone calls to attorneys,

encouraging them to participate in the clinic. According to Judge McKittrick, "I can speak from personal experience about the many benefits of volunteering for the bankruptcy clinic. The ability to provide an hour of your time helping a LASO-qualified-low-income citizen who just needs a bit of competent advice can be one of the most rewarding hours you will spend as a lawyer."

Over the last 10 years, the Bankruptcy Clinic has closed 2,147 cases and reported 12,681 pro bono hours. Jill Mallery notes that this number does not even begin to reflect all the amazing work that has been done by clinic volunteers.

"The Bankruptcy Clinic is a unique program due to its broad support from the legal community. The clinic is a collaboration between the OSB Debtor-Creditor Section, US Bankruptcy Court, US Trustees Office, and Legal Aid Services of Oregon. In 2017, volunteer attorneys for the Bankruptcy Clinic assisted 256 clients and donated 1,225 hours. The OSB Debtor-Creditor Pro Bono Committee is an exceptional group of extremely dedicated individuals whose efforts make access to justice a reality for many low income Oregonians."

When attorneys are considering whether to volunteer for the pro bono clinic, Todd Trierweiler, owner of Todd Trierweiler & Associates, and active committee member, tells the following story that shows the impact an attorney can have in a client's life.

According to Todd, "A number of years ago we represented an elderly woman pro bono. The client was unable to read and very hard of hearing so the process of reading her the entire petition took some time. We filed the Chapter 7 bankruptcy and received a discharge. A few months later, I received an envelope from the client. Inside was a picture. The picture was one of a small kitten and hand written on the picture was the name Mr. Todd. She named her cat after me. In the letter from the client, she went on to say how she was born during the Depression. With all of her debt, she hadn't slept well in years.

Filing for bankruptcy was one of the most difficult decisions for her to make. Once the bankruptcy was completed, she said she could finally sleep again. For several years after the bankruptcy, the client would send us cookies at Christmas and a note expressing her gratitude for the peace the filing had given her."

Continuing in their pattern of good work, the committee formed an expansion subcommittee to bring the Bankruptcy Clinic model to clients in rural areas of Oregon. Because of their leadership,

training and dedication, legal aid has bankruptcy clinics in Bend, Pendleton, Eugene, and as of February 2018, Salem. With the addition of these clinics, legal aid is able to provide advice and representation to low-income clients in 19 Oregon counties.

According to LASO Executive Director Janice Morgan, "The Debtor-Creditor Section's partnership with LASO has been so valuable to our work. The Section's support for our joint bankruptcy clinics has allowed us to recruit and train more attorneys

and serve many more clients than would have been possible without their incredible dedication and energy. I'm so impressed by the Section's deep commitment to helping low-income clients throughout the state."

The Bankruptcy Clinic is actively recruiting volunteer attorneys. For more information about the program and how to get involved contact Jill Mallery at jill.mallery@lasoregon.org.

Topgolf Social

A Fundraiser for the Volunteer Lawyers Project at LASO
Thursday, June 7
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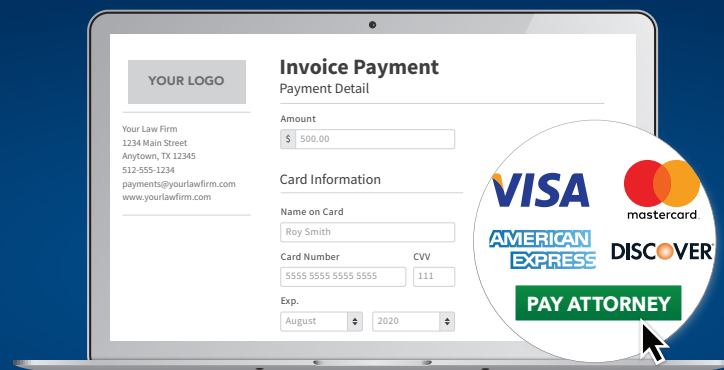
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