



## On Transgender Identity and “Good Faith Debate”

by Nora J. Broker  
Bennett Hartman Morris & Kaplan, LLP

These are interesting times to be transgender. Much of society seems to have only recently discovered that transgender people exist in three dimensions. At the federal level, transgender people saw significant advances under the

Obama administration, only to watch the Trump administration furiously claw back just about every rule they could. The purpose behind these Trump rollbacks has occasionally been said out loud: that the Obama recognitions threatened to solidify public recognition of transgender people quickly, just as *Obergefell* shifted the gay marriage debate, and they had to act fast, while the cement was still wet, if they were to stem the tide.

This has created an interesting dynamic in the Oregon legal community in the discourse around transgender recognition. We appear to have a critical mass here of recognition and respect, yet we have in recent months seen attorneys speak out against transgender people in blunt and occasionally crude terms. It is clear that for some portion of our bar, transgender identity is still deemed “up for debate” in ways that other protected class identities are not. In addressing this dynamic, it seems relevant to discuss how deeply rooted trans protections truly are in Oregon law.

Unlike most federal law, recognition and protection for gender identity and transgender status is explicitly written into myriad Oregon statutes. Furthermore, these protections have been in place for more than a decade. LGBT identities protected under Oregon law are defined to include “an individual’s actual or perceived heterosexuality, homosexuality, bisexuality or gender identity, regardless of whether the individual’s gender identity, appearance, expression or behavior differs from that traditionally associated with the individual’s sex at birth.” (ORS 174.100(7)). This defined scope of protection is explicitly written into statutes governing education policy, public accommodations law, employment anti-discrimination law, housing anti-discrimination law, and other provisions. These statutes brook no distinction or lesser status between protection from gender identity discrimination and other statutorily defined characteristics such as race, color, religion, sex, age, or national origin.

Similarly, the regulatory canons of our own profession contain explicit gender identity protections. Oregon judges “shall not, in the performance of judicial duties, by work or conduct, manifest bias or prejudice, or engage in harassment, against parties, witnesses, lawyers, or other based on attributes including ... gender identity ... and shall not permit court staff, court officials, or other subject to the judge’s direction and control to do so.” (Oregon Code of Judicial Conduct Rule 3.3 B). Similarly, the ORPCs define professional misconduct to include “in the course of representing a client, knowingly intimidate or harass a person because of that person’s ... sex, gender identity, gender expression, [or] sexual orientation ....” (ORPC 8.4(a)(7)). These rules, at the very minimum, establish a baseline of respect for gender identity under Oregon law and in the Oregon legal community. Again, it is important to note that these rules brook no distinction between characteristics such as race, sex, or age and gender identity.

**...for some portion of our bar, transgender identity is still deemed “up for debate”...**

This black letter protection is of course wholly justified by even a cursory inquiry into the actual challenges facing the transgender community both historically and in the present day. The National Center for Transgender Equality’s seminal 2015 US Transgender Survey found that nationwide, fully 29 percent of transgender people were living in poverty, and they suffered unemployment at three times the rate of the general population; 27 percent of respondents reported that they had either been denied a job, were fired, or were denied promotion on account of their trans status; 30 percent of respondents had experienced homelessness in their lifetimes, and 12 percent had experienced homelessness in the prior year alone on account of their transgender status. Fully 77 percent of transgender children out at some point during K-12 experienced mistreatment on account of their gender identity, and 24 percent were physically attacked on that basis. Nearly all of these statistics are compounded by other intersections of identity, particularly race, with Black, Native, and Latinx trans women experiencing the greatest impacts.

The report also found that supportive family and community directly impacted the dire statistics, with those who had unsupportive families being significantly more likely to experience homelessness, serious psychological distress, or suicidality. To be blunt, the data showed what many of us in the community already knew: external hostility and a lack of supportive community costs trans lives.

In Oregon, we are fortunate enough to have a government that takes these concerns seriously. In the current session, the Oregon legislature is considering SB 52, known as Adi’s Act, which requires effective suicide prevention policies in schools and provides resources to effectively combat teen suicide. The law is named for Adi Staub, a transgender girl in Oregon who became a victim of suicide after experiencing anti-trans hostility in school. While written (appropriately) to apply equally to all students, the bill is specially driven by the benefits it will bring for LGBT students, who are at much higher risk than the general population. Enacting SB 52 will help maintain Oregon’s place as a leader in LGBT inclusion and protection.

The above statistics and the experiences they reflect are part of the true record on which any rational gender identity policies - and any reasoned discourse around those policies - must necessarily be based. So too, the contemporary conclusions of the reputable medical establishment, which has made great strides to recognize and affirm the legitimacy and dignity of the trans experience. But above all, this record must pay regard to actual trans experience. Trans people know themselves, and any “debate” that does not give full hearing and consideration to their experiences is no debate at all.

A particular dynamic we are seeing repeatedly in the current federal claw-backs shows the imbalance in the “up for debate” perspective. Many of the trans-inclusive Obama era policies were the result of years of work, painstaking preparation, and thorough analysis. For example, the inclusive military policy was based on serious study, including a study by the Rand Corporation which delved deeply into all available evidence, from leading medical opinion to thorough effectiveness studies

*Continued on page 5*

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**Family Law Update**  
Judge Susan Svetkey  
Sarah Bond  
Amy Fassler

**3.14 Thursday**  
**Presiding Court Update**  
Judge Stephen Bushong

**3.19 Tuesday**  
**What I Learned as a JAG**  
Judge Christopher Ramras  
David Angeli  
Adrian Brown  
Renee Stineman

### MARCH

**4.2 Tuesday**  
**Mediation: The Next Generation**  
Caitlin Dolan  
Erica Glaser  
Rich Spier

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**The Logistics of Reading and Interpreting Insurance Policies**  
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### MBA 113<sup>th</sup> Annual Meeting, Dinner & Judges Reception

**Tuesday, May 14**  
**5-8 p.m.**  
**Portland Marriott**  
**Downtown Waterfront**  
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**Contact Kathy at the MBA at**  
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# WinterSmash Raises \$17,500 for MultnomahCourtCare

by Kathy Modie

Director, Events & Programs

What better way to raise money for a good cause than with an afternoon of family fun, bowling, raffle prizes and a best bowling shirt competition? On Saturday, February 2, over 250 MBA members and their families participated in the MBA's 17th Annual WinterSmash fundraiser at KingPins in Portland.

In the spirit of fun, teams gathered to vie for prizes based on their scores and outfits.

Best team score and the coveted bowling trophy went to the Multnomah Law Library team, with their top three individual scores combined at 516.

There were a lot of great shirts, but Eaton Family Law edged out the competition and won the best shirt prize with their "Strike Out In Marriage? We'll Spare You" shirts.

The prize winner for highest individual score went to Jonathan Radmacher from the McEwen Gisvold team, with a score of 205.

The recipient of the Big Lebowski award - the team with the most players this year - was Wyse Kadish, with 23 bowlers signed up. Buchanan Angeli Altschul & Sullivan, Schulte Anderson and Elizabeth Christy Law Firm all had 20 or more bowlers.

WinterSmash benefits Multnomah CourtCare, the free drop-in childcare program for children of parents who have no other alternative than to take their children with them to court.

Thank you to Buchanan Angeli Altschul & Sullivan LLP for sponsoring the food and beverages this year, and to all our sponsors and participants. Thank you also to the Events Committee, chaired by Rebecca Cambreleng, for planning such a great event. Thank you, Rebecca Cambreleng, Tony Kullen, Calon Russell, Mindy Stannard and Nels Vulin for volunteering at the event.

### King Pin Sponsor



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# Calendar

## MARCH

8 Friday  
OWLS Roberts & Deiz Award Dinner  
www.oregonwomenlawyers.com/events

16 Saturday  
Lewis & Clark Law Firm and Business Career Fair  
bit.ly/2Rzf6w7

19 Tuesday  
YLS March Madness Drop-In Social  
www.mbabar.org

21 Thursday  
MBA Solo & Small Firm Workshop  
Details on p. 13

28 Thursday  
CEJ Justice Trivia  
www.cej-oregon.org/pdx-trivia/

## APRIL

5-6 Friday-Saturday  
Oregon Attorney Assistance Program 12th Annual Women's Wellness Retreat for Lawyers  
jeanneu@oaap.org

12 Friday  
City Club State of the County Address with Multnomah County Chair Deborah Kafoury  
www.pdxcityclub.org

24 Wednesday  
MBA Solo & Small Firm Workshop  
Details on p. 13



Buchanan Angeli Altschul & Sullivan team



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Eaton Family Law & Mediation team



Multnomah Law Library team



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

### Family Law Update

Wednesday, March 6 3-5 p.m.  
World Trade Center, Auditorium  
Members \$60/Non-Members \$95

On March 6, the MBA will hold its annual two-hour Family Law Update. Multnomah County Chief Family Court Judge Susan Svetkey will be joined by Sarah Bond of Zimmer, Bond, Fay & Overlund and Amy Fassler of Schulte, Anderson, Downes, Aronson & Bittner. 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.

### Presiding Court Update

Thursday, March 14 3-5 p.m.  
World Trade Center, Auditorium  
Members \$60/Non-Members \$95

In this session, Multnomah County Presiding Judge Stephen K. Bushong, the Chief Judges and court staff will present on the state of the court, review new Supplemental Local Rules, and provide tips on issues unique to practicing in Multnomah County. Judge Bushong will also give an update on the new courthouse, which is scheduled to open in 2020. This seminar is designed for attorneys at all levels of experience and questions are strongly encouraged.

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

### What I Learned as a JAG: Lessons From The Military Justice System That Every Civilian Litigator Should Know

Tuesday, March 19 3-5 p.m.  
World Trade Center, Sky Bridge  
Members \$60/Non-Members \$95

Former JAG lawyers will share stories from their days trying cases in military justice courts, during times of war and peace. JAG lawyers receive training and experience not available to civilian lawyers. David Angeli, Angeli Law Group and former Lieutenant, US Navy, will moderate the panel made up of Judge Christopher Ramras, Multnomah County Circuit Court and former Captain, US Air Force; Adrian Brown, Assistant US Attorney and former Captain, US Air Force; and Renee Stineman, Attorney-In-Charge, Special Litigation Unit, Oregon Department of Justice and former Lieutenant Commander, US Navy. The panelists will share lessons they learned during their military legal careers that they believe have advantaged them in their civilian practices. Their unique perspectives are sure to benefit newer and experienced litigators alike.

**For more information:** Contact Judge Benjamin Souede, Multnomah County Circuit Court at 503.988.3972. For registration questions, contact the MBA at 503.222.3275.

### Mediation: The Next Generation

Tuesday, April 2 3-5 p.m.  
World Trade Center, Mezzanine  
Members \$60/Non-Members \$95

Mediation is no longer “alternative” but is it overused? Should mediation be the exception not the rule? What are some advanced strategies for choosing when and whether to mediate? What are some advanced strategies to prepare for and succeed at mediation. These questions and more will be explored by panelists Caitlin Dolan and Erica Glaser, along with long-time mediator and moderator, Richard Spier.

**For more information:** Contact Adele Ridenour, Ball Janik LLP at 503.228.2525. For registration questions, contact the MBA at 503.222.3275.

### The Logistics of Reading and Interpreting Insurance Policies

Wednesday, April 10 3-5 p.m.  
World Trade Center, Mezzanine  
Members \$60/Non-Members \$95

This class provides a guide and framework for reading and reviewing insurance policies. Our speakers, Presiding Judge Stephen Bushong, Multnomah County Circuit Court; Robert Bonaparte, Shenker & Bonaparte LLP and Iván Resendiz Gutierrez, Miller Nash Graham & Dunn LLP, will bring dry material to life, assisting the novice and moderately experienced insurance lawyer in possible pitfalls, loopholes, and challenges of insurance coverage and coverage issues. The language in insurance policies can be critically important to plaintiffs’ cases and outcomes, defendant insureds, and the clients who are starting the process of forming a business entity. Come join while our experienced instructors, two attorneys and a judge, paint a road map for how to wend your way through lengthy somnolent reading material efficiently and effectively to assist your clients in positive outcomes in litigation and coverage negotiations.

**For more information:** Contact Sarah Silberger, Attorney at Law at 503.939.2732. For registration questions, contact the MBA at 503.222.3275.

### Writing to Persuade

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

Whether you are writing to a judge, the legislature, opposing counsel, or your colleagues, you are writing to persuade - to convince others to adopt your position. Come learn concrete techniques to apply at each stage of the writing process to make your work product more persuasive. Our panel includes Anna Joyce, Markowitz Herbold PC; Jackie Kamins, Oregon Department of Justice; Lora Keenan, contract attorney; and Rolf Moan, DOJ Appellate Division. Topics will include:

- Framing your writing to serve your audience;
- “Reverse engineering” from the result you want;
- Using structure for maximum effect;
- Choosing words intentionally to reinforce your position.

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

**To register for these classes, see page 4.**

## FREE CLE FOR MENTEES

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**Contact Kathy Modie at 503.222.3275 or  
kathy@mbabar.org to add your mentee  
to the registration list.**

## Health Insurance? Consider the MBA's Health Plans

by Jeff Crawford  
Chair, MBA Group Health Insurance Trust



One of the most important benefits of MBA membership is access to the MBA's health insurance program. Since its inception more than 30 years ago, the MBA has been the premier source for health insurance for the legal profession in Oregon. Thousands of Oregon lawyers and their dependents rely on the MBA for their health insurance. For 2019, we offer 10 different plans from Kaiser and Providence along with dental and vision coverage. Plan types range from traditional PPOs to HSA qualified plans.

With the power of a large purchasing pool, the MBA can give member firms a range of quality plans from multiple insurers at reasonable

rates. In fact, we have been able to negotiate small or no increases in rates for our plans in recent years. With updated underwriting criteria, our plans have become even more competitive, especially for smaller firms. If you are looking for health coverage for your firm, please consider getting a quote from the MBA.

Here are answers to some of the most common questions about the MBA's program:

### When can firms apply for coverage?

Firms may apply for coverage at any time. The MBA negotiates base rates and terms of coverage each year effective April 1st. Typically, firms can switch to MBA coverage at any time, not just at open enrollment.

### What is the definition of employer for eligibility to participate?

To purchase coverage, firms must have at least one W2 employee. The employee must be someone other than the firm's owner or owner's spouse, and the owner and employee must each work at least 17.5 hours per week.

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Yes. Employers who are associate members of the MBA, may enroll owners and employees, as long as they meet the same W2 employee and hourly requirements as eligible law firms.

### Do the MBA insurance plans benefit firms outside the Portland area?

Yes, plans with coverage throughout Oregon are available. Many firms outside the Portland area join the MBA to access the insurance program and other MBA benefits.

### Can participants enroll in just the dental, vision or medical plans alone?

Yes. Firms can purchase only medical coverage. Firms with at least ten employees can enroll in just the dental and vision plans. Dental coverage may

*Continued on page 6*

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

## CLE Registration Form

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

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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.

# Banker as Connector

by Cheryl Dorman  
Columbia Bank

In many ways, the job of banker is just beginning when discussion of loans or deposits is concerned. Yes, these activities are foundational, but so too is an aspect of the banking relationship of particular interest to Oregon attorneys - the banker's role as a vital connector between the industries and niches where we operate.

Columbia Bank, which operates in three states and in the

metro areas of Portland, Salem and Eugene, has connections with key business areas that share three common traits: the need for sound business advice and counsel, the need for growth and the need for legal business counsel.

Further, as the largest Small Business Administration lender in the state of Oregon, we have relationships with thousands of small business owners in

all of the markets we serve. This extends to many fields, including healthcare, nonprofits, agriculture, professional services and more. So when one of our bankers sits down with a client in a particular industry, we are not only listening to their immediate banking needs, but we are also highly attuned to their holistic business situation and needs beyond banking. To that end, one of the first things I do when meeting with a prospective or a new client is to ask: "who is your attorney?" If they don't have one, I immediately provide them with three attorneys I work with and know well.

As bankers, we see our role beyond the nuts and bolts of banking as a key part in what we term the "three-legged stool of trusted advisors" that most business owners need. This trio is comprised of bankers, attorneys and CPAs. As part of this group, we believe that a major aspect of our role is connecting our clients with a good attorney and a good CPA so that they are well covered for their business needs.

For example, at Columbia Bank we are often a referral source for our healthcare clients who need to find an attorney. Many of the inroads we've made with attorneys have come from the partnerships we formed with them while partnering on behalf of a healthcare client.

For us as a bank, there is the transferal of experience and expertise between business niches. The knowledge and skill we've honed in serving healthcare clients has made us an even stronger partner for attorneys and firms. As part of the consultative and collaborative team, there is often a very healthy amount of

knowledge sharing and counsel that provides mutual benefit among all parties.

At the end of the day, the three-legged stool of trusted advisors exists so that bankers, CPAs and attorneys can work together to provide the full level of support business clients need. As such, a businesses' banker is more than a financial partner, but rather a partner in connecting that business to their full contingent of trusted advisors. This creates a win-win situation for everyone: clients receive the full spectrum of support they need and each member of the trusted advisor stool benefits from referrals. Indeed, being a banker, attorney or CPA in today's business environment is as much about connections as it is about each one's specific skill set.

*Cheryl Dorman is Vice President and Private/Healthcare Banking Relationship Manager for Columbia Bank. She can be reached at [DormanC@columbiabank.com](mailto:DormanC@columbiabank.com).*

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## Transgender Identity and "Good Faith Debate"

*Continued from page 1*


to the demonstrated examples of integrated armed forces overseas. In short, they crossed every "t" and dotted every "i." Then, via tweet, Trump threw that all in the trash. To put together its "new" analysis to justify that reversal post-hoc, the new administration invited in leaders from actual anti-LGBT hate groups, and promptly put out a report regurgitating all the standard canards of that movement, ignoring the bulk of evidence or expert opinion. Many of those canards were expressly refuted by the prior evidence-based analysis. As attorneys, the parsing of fact from opinion and the weighing of evidence are our specialties. It is incumbent upon us to do our homework, apply our critical reasoning, and recognize when a "good faith debate" is anything but.

Ultimately, as attorneys, we are all guardians of our legal profession, tasked with maintaining its integrity in the public eye and fostering public confidence in our legal system. We are all of course entitled to our own opinions. The principle

of free speech is a core and precious freedom, and further, an attorney's role in giving voice to their clients may require the promotion of unpopular messages. Those caveats notwithstanding, it is nonetheless incumbent upon all of us to recognize the harm that is caused to our institutional integrity when members of our bar attack, belittle or demean marginalized communities.

Above all, it is critical for us to mind how our statements and public positions may impact the very communities we seek to serve. Judges certainly value this principle immensely. Prosecutors must be cognizant of the ways their statements affect their ability to serve their communities. This burden falls, too, on other public interest and civil rights practitioners who directly serve and represent clients in need. Whether you represent injured construction workers, union teachers, or veterans in a public defense context, it is critical to recognize how open degradation of some of the most vulnerable segments of the populations we serve compromises our ability to truly fulfill our roles in practice.

This is all to say that when we say we serve a community, we must serve *all* of that community, or we are failing in our mission.



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## mba | ANNOUNCEMENTS

### Conference Room Available to MBA Members

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](mailto:mba@mbabar.org).

### Free CLE Webcast for MBA Members

The video webcast of the seminar "Sexual Assault Claims: Issue-Spotting for the General Practitioner" is now available in the Members Center at [www.mbabar.org](http://www.mbabar.org). The seminar was accredited for two hours of general OSB MCLE credit.

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

### Take a Matter that Matters

Sign the MBA Pro Bono Pledge at [www.mbabar.org/about/pro-bono.html](http://www.mbabar.org/about/pro-bono.html) and commit to taking at least one pro bono case in 2019.

### Noontime 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.



## TIME'S UP OREGON

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## Ethics Focus

### Aging in Place: Risk Management for Older Lawyers and Their Firms

by Mark J. Fucile  
Fucile & Reising LLP



Last year's OSB Professional Liability Fund Annual Report included a fascinating observation on the correlation between years of practice and malpractice risk:

"We have ... evaluated the frequency and severity of claims based on years of practice. The average age of a PLF covered lawyer is 50 and the average number of years of practice is 22. Lawyers practicing 31 years or more have a higher frequency and severity. There are several possible explanations for this, including that those lawyers are the ones working on the most high-stakes matters. But we also see matters coming from this demographic where the error was made because the lawyer was not performing at the level he or she had previously."

As someone who both advises lawyers and who fits that practice tenure demographic, I was intrigued with the underlying statistics and the implications for older lawyers and their firms. In this column, we'll look at both.

#### The Statistics

As the PLF's annual report noted, the average age of its covered lawyers - who, to qualify for PLF coverage, must be in private practice in Oregon - is 50. This dovetails similar Oregon statistics reported elsewhere. The 2017 OSB Economic Survey reported, for example, that 24.5 percent of responding lawyers statewide

had practiced for over 30 years. Similarly, a November 2014 Bar Counsel column in the OSB *Bulletin* noted that roughly a quarter of active members are 60 or older.

Much has been written recently about the "graying of the legal profession" as more lawyers defer outright retirement and continue to practice at least part-time. The reasons are many, ranging from economic to personal. Technology has also made it easier for older lawyers to combine continued law practice with, in some cases, semi-retirement.

At the same time, the PLF statistics raise some potentially hard questions. Tables accompanying the provocative opening observation addressed both severity and frequency of claims. Severity of claims - measured by the average dollar cost of claims - generally moves in lock-step with years in practice. This is consistent with the PLF's supposition that more experienced lawyers often handle more complex and

#### The average age of a PLF covered lawyer is 50 and the average number of years of practice is 22.

substantial matters that produce higher dollar claims than their less experienced counterparts. Lawyers practicing 31 years or more, however, also lead other age brackets in the frequency of claims. This age group accounted for nearly 40 percent of all claims during the five-year period from 2013 to 2017. In short, experience doesn't necessarily appear to equate with lower risk.

#### The Implications

As the PLF noted, the severity of claims for the older age group may be logically related to the complexity and size of the matters more experienced lawyers handle. The frequency of claims, however, isn't as easily explained and suggests that other factors may be in play that warrant close evaluation by both individual lawyers and their firms.

For individual lawyers, the statistics counsel that older lawyers who are still practicing at firms should continue to use the same risk management tools that they used to build successful careers. These include consistently running conflict checks, routinely using engagement agreements that spell out the clients represented and the scope of the work taken on and staying within the specific areas

in which they have developed their expertise. These are equally important considerations for lawyers leveraging technology to facilitate semi-retirement outside an "everyday" law firm environment. Lawyers in this category also need to be sensitive to the fact that although they may be semi-retired, the matters they take on require the same attention as when they were practicing full-time. Finally, lawyers in both categories need to acknowledge that the success that often comes with experience can itself create unique risks. Precisely because lawyers have been successful can sometimes encourage them to take on risks that a less experienced lawyer would avoid.

For law firms, the PLF's observation about skills declining with age in at least some situations can create difficult conversations about the role of valued lawyers who have devoted their professional lives to their firms. On one hand, firms generally have a duty to ensure that their lawyers meet the standard of care for the work the lawyers are handling. ABA Formal Opinion 03-429 (2003), which is available on the ABA website, discusses this at length. On the other hand, the fact that a lawyer may no longer be capable of carrying the same workload as earlier in the lawyer's career does not mean that the lawyer cannot continue to make valuable contributions to the firm in other ways. Older lawyers, for example, have traditionally been both "rainmakers" for firms through their longstanding connections with clients and mentors to younger firm lawyers who can draw on the older lawyer's reservoir of practical experience. For both individual lawyers and their firms, a central implication of the PLF's findings is that the statistics cannot be ignored

#### ...the severity of claims for the older age group may be logically related to the complexity and size of the matters more experienced lawyers handle.

even if they are not completely understood. Individual lawyers need to realistically assess how long they can - and perhaps should - continue to practice. Firms need to create constructive environments that make use of the talents older lawyers provide - even if they are different than what those lawyers contributed earlier in their careers.

### Health Insurance

*Continued from page 4*

be purchased alone but vision coverage must be combined with dental coverage and cannot be purchased alone.

#### How are rates determined for firms new to the MBA program?

Each year we renegotiate base rates with the carriers based on claims experience, terms of

coverage and market trends. Then each firm is underwritten based on its demographic criteria (e.g. age, gender of employees and number of dependents).

#### Can firms offer all or a limited number of the plans in the MBA program?

Yes. Firms are free to offer individual participants any combination of plans or allow the individual employee choice of all the plans in the MBA program.

View available plans and application information under membership benefits on the MBA website. Or contact the MBA's broker, Steve Doty of Aldrich Benefits, at 503.716.9328, [sdoty@aldrichadvisors.com](mailto:sdoty@aldrichadvisors.com).

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## Oregon Delegation at 2019 ABA Midyear Meeting in Las Vegas



Leslie Johnson, Attorney General Ellen Rosenblum, Traci Ray, Justice Adrienne Nelson, Andrew Schpak and Jovita Wang



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## Around the Bar



Ryan Maughn



Richard Glick



James Parker



Alli Condra



Christie Totten



Oliver Jamin

### Davis Wright Tremaine LLP

Ryan Maughn, James Parker, and Christie Totten have been promoted to partner.

Maughn is a corporate and transactional attorney, focusing his practice on mergers, acquisitions, restructurings, and other business transactions, with a particular focus on mergers and acquisitions in the healthcare, insurance, technology, and hospitality industries.

Parker has a general litigation, counseling, and transactional practice, with a focus on assisting insurance intermediaries and service providers. He frequently represents clients in cases involving professional negligence, class action defense, breach of contract, and post-employment restrictive covenants.

Totten is an employment litigator who defends employers against claims of all types, while also maintaining an active advice and counseling practice. Totten works with employers of all sizes and industries, with a particular focus in the health care, technology, and agriculture/wine industries.

Richard (Rick) Glick, partner in the Energy and Environmental practice group at Davis Wright Tremaine LLP, has been elected to the Board of Directors of the Low Impact Hydropower Institute. LIHI is a nonprofit 501(c)(3) organization dedicated to reducing the impacts of hydropower generation through the certification of hydropower projects that have committed to environmental, cultural, and

recreational stewardship pursuant to LIHI's criteria.

Alli Condra has been promoted to associate. Condra's practice focuses on counseling clients in the food & beverage and restaurant industries on food safety, labeling and other regulatory issues. Condra is a regular presenter and author on the subject of food safety and policy, and her previous experience includes a fellowship at Harvard Law School's Food Law and Policy Clinic.

Olivier Jamin has joined the firm as an associate, where he will practice environmental law and work closely with the firm's Restaurant and Food & Beverage industry groups. Jamin's practice will focus on land use, natural resources and energy law. Previously, Jamin was a summer associate and legal extern at Stoel Rives.



Chris Helmer

### Miller Nash Graham & Dunn LLP

Partner Chris Helmer was recently appointed vice-chair of the Litigation Committee of the International Bar Association IBA for a two-year term. The

Litigation Committee is one of the IBA's largest and most active committees. Helmer previously served as the committee's Treasurer and Newsletter Co-editor, reporting on litigation legal developments in countries all across the world.

Helmer is head of the Miller Nash Graham & Dunn International Team, and does primarily international and maritime work, both litigation/arbitration and transactional.



Randy Geller



Shari Lane



Aaron Landau

### Harrang Long Gary Rudnick PC

The firm is pleased to announce that Randy Geller, Shari Lane, and Aaron Landau have become shareholders at the firm.

Former University of Oregon General Counsel, Geller advises educational institutions ranging from small religious colleges to major public universities and school districts.

Lane has over fifteen years' experience helping business owners, managers and human resources professionals navigate federal, state, and local labor and employment laws.

Landau represents public and private clients in appeals of civil litigation, with a focus on constitutional issues and public law.

### The Hanover Law Office

Trung D. Tu recently joined the Employment Practices Liability Unit of The Hanover Law Office in Glendale, California (greater Los Angeles area) as a Senior Trial Attorney. The Hanover Law Office is the in-house staff counsel office for The Hanover Insurance Group. Trung was previously a litigation partner for many years at the Portland law firm of McEwen Gisvold LLP. Most recently, Trung was a Senior Legal Counsel and



Trung Tu

litigator at Tyson & Mendes LLP's office in Los Angeles. Trung's litigation practice at The Hanover Law Office is focused exclusively on representing and defending The Hanover's insured employers in employment litigation matters throughout California.



Anna Sortun



Jeffrey Woodcox

### Tonkon Torp LLP

The firm has appointed two partners to department and practice group chair positions.

Anna Sortun is Co-Chair of the Litigation Department and Jeffrey Woodcox is Chair of the Mergers & Acquisitions Practice Group.

Sortun, who will co-chair the Litigation Department with Steven Wilker, has a wide-ranging commercial litigation practice including consumer protection matters, shareholder disputes, and complex tort cases. She takes on the role as Paul Conable and Steven Olson step down to continue representing clients in their respective litigation practices.

Mergers & Acquisitions Chair, Woodcox focuses his practice on mergers and acquisitions, corporate finance, securities regulation, and corporate governance. He is experienced in advising clients on the acquisition and disposition of businesses and assets, securities compliance, and raising capital through private placements of equity and debt. Immediate past chair Sherrill Corbett will continue her practice and her role on Tonkon Torp's Managing Board.

### Lane Powell

Ben Pirie has been elected to the Executive Committee of OSB's Cannabis Law Section. Pirie counsels cannabis businesses on a wide range of corporate and regulatory legal issues, including



Ben Pirie

mergers and acquisitions, negotiating complex contracts, and corporate governance, as well as regulatory compliance in the emerging cannabis and hemp industries.



Gary Blacklidge

### Jordan Ramis PC

Gary L. Blacklidge has joined the firm's real estate practice group. Blacklidge focuses on real estate law, assisting clients in transactional work as well as foreclosures of all types of liens, and judgment executions on real estate. In addition, he is experienced in debtor/creditor matters emphasizing creditor representation in bankruptcy cases. Prior to practicing law, Blacklidge worked as a title officer in an Oregon office of a national title insurance company.



Kori Walton

### Wyse Kadish LLP

Wyse Kadish LLP is excited to welcome Kori Walton as an associate in the estate planning and administration group. Kori brings with her years of estate planning experience and is well-prepared to assist clients with her creative problem-solving skills.

### Hart Wagner LLP

Carey Caldwell and Jason Poss have been named partners at Hart Wagner LLP.

Caldwell's practice focuses on defending complex litigation, medical malpractice, product liability, and professional liability claims.

Poss' practice is focused on the defense of medical, legal, and financial professionals, as well as general liability defense.

*Continued on page 9*



**Around the Bar**

Continued from page 8



Carey Caldwell



Jason Poss

**Garvey Schubert Barer**

**Tara Schleicher** has joined Garvey Schubert Barer as Principal. Her practice focuses on bankruptcy, creditors' rights and litigation. An experienced negotiator and



Tara Schleicher



Jason Ayres

litigator, Schleicher advises and represents clients in complex Chapter 11s, receiverships and workouts, and in commercial disputes, including arbitrations, mediations and lawsuits in Oregon and Washington in both state and federal courts. She is a certified business bankruptcy expert by the American Board of Certification.

**Jason Ayres** has joined Garvey Schubert Barer as Principal. He advises commercial lenders, small businesses, equipment lease and finance companies, and farms in litigation, bankruptcy proceedings and insolvencies, including matters involving agricultural lending and workouts. Ayres has substantial experience representing receivers and lenders in receivership proceedings and contested Chapter 11 and 12 cases. He appears in federal and state court proceedings in Oregon and Washington.



Nate Burcham

**Markowitz Herbold**

**Nathan (Nate) Burcham** has joined the firm as an associate. Burcham is a trial lawyer who handles complex business litigation, representing individuals and corporations in state and federal courts.

Burcham most recently served as a law clerk for the Hon. Zack Hawthorn of the US District Court for the Eastern District of Texas. Prior to that, he was a legal intern for the US Department of Education, Office of Civil Rights, Program Legal Group, in Washington, DC, authoring interpretive guidelines for federal civil rights protections in race, gender, and disability discrimination contexts.



Peter Jarvis

**Holland & Knight**

The ABA Center for Professional Responsibility has named Holland & Knight partner **Peter Jarvis** as the 2019 recipient of the Michael Franck Professional Responsibility Award. Each year, the award recognizes one individual whose career commitments in areas such as legal ethics, disciplinary enforcement and lawyer professionalism demonstrate the best accomplishments of lawyers.

Jarvis is the co-chair of Holland & Knight's Legal Profession Team. He practices primarily in the area of attorney professional responsibility and risk management, advising lawyers, law firms, corporate legal departments and government legal departments about all aspects of the law governing lawyers.

**Barran Liebman LLP**

The firm is proud to announce that **Charlotte Hodde** has been selected as the Associate Board Chair for the Boys & Girls Club of Portland Metropolitan Area. Having been involved with Boys & Girls Club since 2017, and most recently serving as Associate Board Operations



Charlotte Hodde

Director for the Portland Metropolitan Area Chapter, Charlotte has demonstrated a remarkable commitment to the organization and Barran Liebman looks forward to supporting her through her continued involvement as Associate Board Chair.




Jovita Wang

**Richardson Wright LLP**

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



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## Tips From the Bench

by Judge Katharine von Ter Stegge  
Multnomah County Circuit Court



There are times when you, the trial lawyer, can and should be the center of attention during trial. But most of the time, with the possible exception of a squirrely witness who practically invites you to pull a high-value impeachment exhibit out of your jacket pocket, you as the lawyer do not want to steal the show from your own exhibits.

It has been my observation from the bench, confirmed by conversations with my colleagues, that the difficulty lawyers commonly experience handling exhibits can create a surprising amount of distraction during trial. Here are some of the most common exhibit “situations” state court judges see, with practical tips on how to avoid them:

### Pretrial Pitfalls

Confer, confer, confer!

Conferring reasonably is simply the best way to reduce trouble in front of the jury and demonstrate professionalism before any judge. Lawyers should exchange exhibits before they come before the court and should strive to reach agreement on which exhibits can be preadmitted. If you agree to some of your opponent’s exhibits, you are likely to get some reciprocal agreement. Good trial lawyers know how to keep a trial moving by minimizing exhibit “transactional costs.” Any delay spent trying to get exhibits admitted, especially when those delays mature into full blown disputes, will be noticed by your jury, and can frustrate jurors. Be sure to deal with hotly-contested exhibits in a motion in limine.

Bare minimum: Premark and show your exhibits to your opponent before you present them to a witness. “I got this document from opposing counsel in discovery” is not exchanging exhibits. Pro tip: In a long trial with a lot of exhibits, try to reach agreement with your opponent that you will enter only one set of documents where both sides want to use identical documents.

### Interacting with Your Witness

If this is the first time a particular exhibit is being used: 1) ask the witness to recognize/ identify/describe the exhibit; 2) ask for its admission if the witness has laid a proper foundation; 3) ask for permission to publish the exhibit to the

jury (or better yet, get advance agreement with the judge and your opponent that publication is fine after admission). Ask for the admission of the exhibit *after* laying the foundation but *before* you get to the substantive questions about the exhibit; this way you will avoid drawing a cumulative objection to the admission of the actual exhibit. Don’t use valuable jury time asking subsequent witnesses foundational questions about the exhibit if the first witness covered it.

It is hard for jurors to stay attuned to lengthy testimony about documents that are not offered into evidence, or documents that are admitted but not published. If you are asking a witness about an 8x10” picture, angle your body so that you, the witness, and the jury can all look at the picture at the same time. And don’t forget to publish that exhibit to the jury so the testimony makes sense to them. If you are projecting documents, please make sure the text is big enough for real people (and judges) to actually read from the distance which it is being shown to them. Also bring a copy of your exhibits for the judge, who will need to have them to resolve disputes.

Pro tip: Don’t take already-admitted exhibits from the court clerk on a break. This is the only way to lose admitted exhibits, which happens more than you would think. If you have a lot of exhibits, on a break before you rest your case, go over with the clerk which exhibits are admitted into evidence to make sure you are not overlooking key exhibits you meant to offer. If you do none of these things and realize that one of your key exhibits is not in evidence, you can always ask the judge for permission to reopen your case (no promises though).

### Whole Lotta Exhibits

Cut some out! Don’t be afraid to \*not\* offer all of the exhibits you brought, especially if your trial is dragging. Usually there are only a number of exhibits in a long trial that are truly critical, plus many that are something less than critical. The more exhibits you have, the more you invite the jury to divert their attention from what really matters. You also risk creating some “binder drama” where the witness (and the judge) can have a hard time efficiently manipulating giant, overstuffed binders to find exhibits. You do not want jurors to have a hard time reviewing your key exhibits because locating them is a challenge. Pro tip: If you have a lot of exhibits, give some serious thought to how they should be organized. Chronologically? By subject matter? Or perhaps all of your best exhibits should be right there at the beginning to increase

## News From the Courthouse



by Maryann Yelnosky  
Court Liaison Committee

### Presiding Judge’s Report - Barbara Marcille, Trial Court Administrator

In late January, the courts statewide reported to the Chief Justice on various initiatives in their respective judicial districts. In spite of budget reductions, the Multnomah County Circuit Court continues to work on ways to improve access, outcomes and efficiency where possible. Recent efforts in these areas include:

- Multnomah County Justice Reinvestment Program (MCJRP) continues to divert about 200 individuals per year from prison. The program continues to refine the use of risk assessment tools and resources to improve outcomes.
- Juvenile Justice Reinvestment Program (JJRP) has significantly reduced the number of tier-2 Measure 11 offenders that are committed to the custody of the Oregon Youth Authority.
- Aid and Assist docket has been assigned to the Mental Health Court judge to ensure consistency and fairness.
- STOP Court (“Sanctions, Treatment, Opportunities, Progress” adult drug court) has been transformed in light of DA policy followed by legislation that made most drug possession cases misdemeanors. Our STOP Court now uses a risk assessment tool to identify the high-risk offenders that are placed in the program.

- The Treatment First program was started by the DA’s office and has resulted in a docket that is managed by the court. Low risk drug offenders can avoid criminal conviction by entering an appropriate treatment program.
- The Pretrial Release work group was formed to improve consistency in release decisions and eliminate overuse of jail space. Training is provided to judges and referees.
- Domestic Violence (DV) misdemeanor cases are now assigned to general bench judges instead of family law judges in order to alleviate workload issues for the family law bench. DV training is provided for judges and staff.
- Multnomah County Circuit Court Children’s Representation Project provides for court-appointed lawyers for children whose parents cannot agree on custody and/or parenting time. The judges have agreed that this is the exclusive way for lawyers to be appointed for children in this county. Outcomes for children and families are greatly enhanced by the hard work of the lawyers participating in this program.
- Family Law Department Settlement Conference Program utilizes eight experienced and specialized family law attorneys to sit as pro tem judges on a rotating schedule that provides one full day of settlement conferences (three sessions) each week. The program was implemented in late 2017 following a successful six-month pilot.

- The Multnomah County Circuit Court regularly sends judicial and staff resources into the community for Legal Services Days. This program is organized by the DA’s office and defense bar, and with the court’s assistance it allows individuals to address delinquent fines and fees through community service.
- Behavioral Health Justice Reinvestment Program is in the beginning stages; our court expects to be a full participant in this program.
- Civil Mediation Program for self-represented litigants coordinates volunteer mediators to work with parties in civil cases where one or more litigants are self-represented.
- The Legal Resource Center planned for the new Central Courthouse will improve access to justice for self-represented litigants.
- Multnomah County Circuit Court organized Community Conversations in 2018, following a series of Community Listening Sessions in 2016-17.
- The court’s Lunch & Learn program provides a continuing series of speakers from the community to help court judges and staff better understand ethnic and cultural perspectives with the goal of reducing implicit bias.
- The court continues to provide new training on procedural fairness and trauma-informed practices for our staff and judges to improve service to the community.

the chance they stay front and center for the jury?

### Audio/Visual

Edit, edit, edit! If you are showing a surveillance video, please don’t show the jury the first 10 minutes of nothing happening before the main event. Please also don’t show this again from another camera angle. In state court, please have a plan for providing equipment to the jury to be able to access and review audio or video exhibits.

You need to bring your own, or reserve equipment with the court in advance. And try to avoid showing a jury back-to-back perpetuation depositions; it’s not good for them or your case.

### Closing Argument

Especially in a long trial with a lot of documents, tell the jurors which exhibits matter, why, and write down the exhibit numbers for them on a board (this way they can write down a clear list of

the exhibits that should win your case). Know that if you have been proactively troubleshooting exhibit issues from the beginning, the judge will appreciate your organization, and the jury will decide your case on the substance and the merits.

# The Honorable Mustafa Kasubhai Federal Court Magistrate

by Cynthia Newton  
Court Liaison Committee

In September, Oregon's federal judges appointed Mustafa Kasubhai to serve as US Magistrate Judge at the US District Court in Eugene. Judge Kasubhai also happens to be the first Muslim American federal judge to serve in the country. And, while this is indeed remarkable, there is much more to know and appreciate about Judge Kasubhai as an attorney, jurist and person.

Judge Kasubhai was born in 1970 in Southern California to first generation immigrants from Bombay, India. He grew up, the second of three children, in Canoga Park. He attended a large public high school, where he, despite his shyness, got his first taste of leadership as student body president. He attended Berkeley, where he completed his bachelor's degree in business in 1992. While he always had an interest in community organizing and activism, his pragmatic side persuaded him to study business. After college, he worked in Connecticut as an outdoor school instructor for elementary school students. While there, he met his future wife, Kristin, also a teacher in the program.

Judge Kasubhai decided to go to law school and moved to Eugene to attend the University of Oregon, where he obtained his JD in 1996. After law school, he took a year off. He questioned where he might practice, since he was not geared towards big firm or corporate culture. He considered

becoming a teacher instead, and took a job at the University of Oregon law school library to pay the rent. There, he realized that, as a lawyer, he would be able to use his unique combination of gifts and skills to serve others and that a law degree and license would give him important tools and the legitimacy to do so. He passed the Bar and joined a plaintiff-side firm in Klamath Falls and Eugene, handling personal injury, civil rights, employment and family law matters, and eventually went out on his own, practicing in these same areas.

By 2003, Judge Kasubhai had built a successful solo practice. He considered whether he might use his law degree to have a broader impact beyond the individual case and client, and he explored how to wind down his practice and transition to the next phase of his career. Serendipitously, a colleague suggested he consider serving on the Workers' Compensation Board. Then-Governor Kulongoski appointed him in 2003 and Judge Kasubhai was reappointed to a second term until 2007, when Kulongoski appointed him to serve on the Lane County Circuit Court. He served on the Oregon state court bench until his September 2018 appointment to the federal bench as a US Magistrate Judge. His term, like all federal magistrate judges is eight years long and renewable. And, like other federal magistrate judges, he presides primarily over civil matters.

Judge Kasubhai's work on the bench is informed by his identity as a parent and as the child of first generation immigrants. He and his wife, who is a Project Director at ECONorthwest, married in 2000. They have a son, age 10, and daughter, age 6. As the parents of two young children, Judge Kasubhai sees each litigant as a child once. He describes this observation as giving him the chance to see people's humanity and strive to affirm their dignity. He credits having young children with keeping him on his toes and being the best antidote to cynicism on the bench. They remind him of the importance of the arts and of play in each person's life. He said "We become arthritic if we lose our imagination."

Judge Kasubhai's status as the child of first generation immigrants also informs his work. He is determined to make sure each and every person who appears before him is heard. He asks lots of questions to test his assumptions and ensure he has a full and accurate understanding of the parties and the case. He is willing to engage in dialogue.

As mentioned above, Judge Kasubhai is the first federal Muslim American judge in the country. "It's a very personal part of who I am," he said. He credits the faith's traditions with helping him be more present and aware in his dealings with other people. Judge Kasubhai is generally reserved when discussing his personal life. But he also explained, "Let's be candid. People with my ethnic and racial background have been demonized and vilified in the media and through national (and for that matter global) policies. There are obvious security concerns about being 'out.'" He embraces this public discussion, however, because he

believes that our communities need to see public officials from all diverse backgrounds. It is the first step to normalizing diversity. It is the first step to beginning conversations about equity. Judge Kasubhai refers to the OSB mural and diversity timeline, which includes President John F. Kennedy's appointment of Sid Lezak as US Attorney for Oregon in 1961. In its recognition, the mural describes US Attorney Lezak as a Jewish attorney, which, in 1961 when he was appointed, was an historic accomplishment and, Judge Kasubhai points out, a meaningful crack in the wall that is anti-semitism. By being present in a similar way, Judge Kasubhai hopes that he can play a small role in furthering diversity in Oregon. He recognizes exclusion and discrimination exist on many axes and that people holding positions of power have the opportunity to exclude or to make room at the table.

Judge Kasubhai is conscious of the role he plays as judge in our democracy. He analogizes democracy to a ship: the legislature acts as the rudder, setting and changing direction with the laws it writes; the executive branch serves as the sails, trimming when necessary or appropriate; and the judiciary is like the keel, under the water line. It should rarely be seen (at least in the political melee), but the keel ensures the boat stays steady in the water. "Be the keel," is his meditation as a judge.

While he does not sentence criminal defendants to the same extent now as he did as state court judge, Judge Kasubhai brings to his federal court practice his state court practice of tempering mercy and justice. While he strives to be courageous and bold when



Hon. Mustafa Kasubhai

the opportunity presents itself, he does not support the idea of judicial activism, explaining, "A judge who wants to make law should instead join the legislature. Our judicial credibility and legitimacy lie in restraint."

Judge Kasubhai has already been recognized as an outstanding member of the Bar by the Oregon Asian Pacific American Bar Association (OAPABA) which awarded him the Justice Lynn Nakamoto Award in 2018. That award recognized his leadership, professionalism, mentorship, pioneering spirit, and a deep commitment to diversity and the promotion of Asian Pacific Americans in the Oregon legal community by his commitment to the hiring, advancement, mentorship, and promotion of diverse people of all kinds.

When Judge Kasubhai is not on the bench you may find him working on his 1885 home (achieving he and his wife's paired goals of making good use of that which already exists and doing it yourself), trying to beat his son at chess (which is getting more difficult every day), watching his daughter play in a soccer match, and reading the Harry Potter novels to both of them aloud - he especially likes to act out Dobby, the house-elf.

## Court, Coffee and Conversation



Judge Leslie Bottomly talks with some of the event attendees

On February 8, Judge Melvin Oden-Orr and Judge Leslie Bottomly joined newer lawyers at the MBA offices for the inaugural Court, Coffee and Conversation event. Attorneys and judges started their day meeting fellow bar members and getting to know each other better. This event will be held on a regular basis for newer attorneys with two newer judges attending each session.



Judge Melvin Oden-Orr talks with some newer lawyers

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- ◆ The attorney will review a tenant's termination notice and determine whether the notice is valid or legal defenses exist, utilizing program materials.
- ◆ Attorneys sign up in advance for a specific week to receive a direct referral.
- ◆ A new training seminar and comprehensive training materials are available.



For more information or to sign up to volunteer, please contact  
Jill Mallery at [jill.mallery@lasoregon.org](mailto:jill.mallery@lasoregon.org) or 503.481.1138.

**mba** | Young Lawyers Section

**What is the YLS?**

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

**Ask the Expert**

*Dear Expert,  
I am a new attorney. I went to school out of state and don't know anyone here locally. I've gotten to meet a lot of great people at my firm, but I'm wondering how I can establish contacts within the local legal community to build my professional network and maybe get some referrals or clients down the road. Any ideas?*

*Sincerely,  
Transplant Esq.*

Dear Transplant Esq.,  
In a tight-knit legal community like Portland, you might feel like an outsider at first if you didn't go to law school here. But rest assured, once you start to get involved you won't feel like an outsider for long!

For networking with other lawyers, I suggest getting involved in a local or specialty bar chapter. Both the MBA and OSB have sections targeted specifically towards new lawyers - with periodic social events, volunteer opportunities, and CLEs. You can also join a specialty bar to find other lawyers with similar legal interests or similar backgrounds as you. Join their listserv and attend their events. In addition, these groups are always looking for members to volunteer on committees and help organize events. Joining a committee is a sure-fire way to show you are interested and to meet a group of people who you can add to your professional network. It's also a good idea to consider networking with non-lawyers, too. Do you have a sport or hobby you enjoy? Join a league, take a class. Volunteer or join a nonprofit board. You're more likely to follow through if it is something you're passionate about. See if there are opportunities that interest you and get involved in your local community!

Keep an eye out for local networking events through the organizations you join. Show up to happy hours and don't just stand in a corner. Go meet people. Tell them your story and ask them theirs. Listen to what they say. The way you present yourself is also key. You are selling your skills, so be sure to talk about the kind of work you

do and the kind of clients you are looking for. Be positive, polite, and look the part. My personal philosophy is that if I can't be 100 percent at a networking event, it is better for me to *not* go and make *no* impression, than to go and make a bad impression. Always bring your business cards and be sure to follow up. Happy hour events are not always ideal for making lasting connections. If you can, follow up for a one-on-one lunch or coffee meeting. Importantly, be sure that you follow through. Remember, everyone you meet is a potential client. You want them to see you as someone reliable that they can trust to get the job done and done right. If you sign up for an event or schedule a lunch and routinely flake at the last minute, you might be doing more harm than good for your professional reputation.

You never know who has a friend or a sister or a colleague that might need legal advice in your practice area. You might not get a referral today or tomorrow, but try to think about professional development as a plant: right now, you are planting seeds that can blossom into a book of business down the road!

**Anthony Blake  
YLS Member Spotlight**

by Nicole WatsonAbercrombie  
YLS Board

Anthony Blake didn't grow up wanting to be an attorney, but he did always know he wanted to do something to make a difference in Portland, where he has lived his whole life. Blake attended Jesuit High School, where his father pushed him to succeed athletically and his mother pushed him to succeed academically, both with the intention of qualifying Blake for a scholarship so he could become the first person in his family to attend college. His parents' efforts paid off when Blake was offered a scholarship to play football at College of the Holy Cross in Massachusetts. However, an Oregonian through and through, Blake transferred to University of Oregon after his first year so he could be closer to his family. Blake was a promising running back on a successful U of O football team, but a ruptured Achilles tendon put a stop to his NFL dreams. Blake still had high aspirations, so he switched gears and began studying for the LSAT. His competitive nature, love of public speaking, and analytical mind made a legal career an obvious choice for Blake.

Blake wasn't sure what to expect from law school, but he ended up enjoying the Socratic method and the challenge of being forced to think on his feet and being called out if he was unprepared. One of the surprises of law school was how little it prepares students for the practical aspects of lawyering, so Blake made a point of getting as much experience as he could during his studies. During the summer of his 2L year, Blake clerked for District Court Judge Ann Aiken, and during his 3L year, he secured an externship at Hodgkinson

Street Mepham. He was eventually offered a position at Ball Janik LLP as an associate after graduating from Lewis & Clark Law School in 2016.

At Ball Janik, Blake practices in construction litigation, which has given him the opportunity to quickly learn many practical skills and also see the direct impact of his work on the lives of his clients. Blake enjoys supporting his clients through a process that impacts something as important to them as their home. It is one way Blake is able to make a difference in the community, which is his biggest passion. Above all else, Blake wants his work as an attorney to benefit the local Portland community, which he feels grateful to for making him the person he is today.

Given the importance of local community in Blake's life, joining the MBA was a no-brainer. Blake joined the YLS Pro Bono Committee and quickly became a rising star, eager to help with projects and come up with creative new ways for the MBA to become more involved in the community. Blake enjoys how collegial and welcoming the MBA is, and especially how the organization values the members of the YLS and their voices. Blake appreciates that YLS members are truly given the opportunity to influence the direction of the local bar, which is not available in many organizations. Through his YLS involvement and on his own initiative, Blake's current passion is creating more of a presence for the legal community in the lives of local youths. Blake believes it is important for young people to see lawyers in their community and understand the roles lawyers can play in their lives, especially



Anthony Blake

if those lawyers have diverse backgrounds and can present different perspectives. Even if they don't end up becoming lawyers themselves, Blake wants to inspire young people to challenge themselves and believe in their capability to succeed. He thinks that if the MBA has an ongoing presence in local schools it will benefit everyone involved. Local attorneys talking to kids on a regular basis is one way Blake sees the bar continuing to take care of Multnomah County, which is his primary goal.

Blake enjoys spending time with his wife, who is a third grade teacher, their 10-month old daughter, and their two Boston Terriers. Blake credits his daughter with making him more focused and efficient at work, because any time he is in the office being unproductive is time he could be spending with her. As a family, they enjoy taking walks through Portland neighborhoods and appreciating the design and architecture of houses from a variety of eras. In his limited spare time, Blake's primary hobby is learning, and he is currently enjoying watching Netflix docuseries on various topics, and reading books on human psychology and cognitive behavior. He also enjoys hot, high-intensity interval training yoga and is a fan of U of O football, the Cowboys, and the Portland Trail Blazers.

**YLS Director Nominees**

The YLS Board has approved a slate of three director nominees to join the board as of June 1. In the event of a contested election, a ballot will be sent to members. Only YLS members may vote for YLS directors.



**Annyika Corbett** earned her JD from Lewis & Clark Law School and was admitted to practice in Oregon in 2014. She is an associate at Schwabe Williamson & Wyatt where she practices employment law.

Annyika first became active within the YLS when she joined

the CLE Committee in 2015, and was appointed as committee chair for the current 2018-19 programming year. She is the Oregon New Lawyers Division Member Services subcommittee chair and serves on Planned Parenthood Columbia Willamette's Friends with Benefits Board.



**Aurelia Erickson** is a graduate of Lewis & Clark Law School and was admitted to the OSB in 2012. Her practice includes shareholder, LLC member and partnership

disputes, as well as employment litigation and securities litigation.

Aurelia served on and then chaired the YLS Pro Bono Committee 2014-16. She is presently a member of the YLS CLE Committee. Outside of the MBA, Aurelia was an elected delegate of the OSB House of Delegates, Region 5 from 2015-18. She is an OWLS member, and volunteers with Metropolitan Public Defender, representing clients in Community Court.



**Peter Tran** earned his JD from Lewis & Clark Law School and was admitted to practice in Oregon in 2013. He practices

business, employment and business immigration law at Immix Law Group PC.

Peter joined the YLS Service to the Public Committee in 2017, and presently serves as the committee's chair. Outside of the MBA, he serves on the board of both the Portland Fruit Tree Project and p:ear, a nonprofit that provides mentoring to homeless youth. Peter is also on the Board of Advisors of the Lewis & Clark Small Business Legal Clinic.

# Young Lawyers Section Presents the Contract Drafting CLE Series

by Tom O. Marshall  
YLS CLE Committee

Attention all new(ish) lawyers! Beginning April 18, the YLS CLE Committee will be hosting its latest CLE seminar series titled Contract Drafting. For any lawyers who have not yet had an opportunity to attend, each of our series consists of nine weekly CLE presentations, usually offered on Thursdays from 12-1 p.m. at the Standard Insurance Center. The YLS puts on three series every year, each focused on topics that newer lawyers can use to strengthen their legal skills and knowledge.

The Contract Drafting series' focus is learning how to competently read and draft contracts in a legal setting. While transactional commercial topics are emphasized, it is also a goal for this series to showcase presentations that teach contracts in a comprehensive manner in a variety of practice areas. The committee is enthused about the diversity of topics in this series as well as the significant expertise of the attorneys who have agreed to be presenters. The list of classes is as follows:

**April 18**  
Gregory Levinson of Levinson Law, LLC on "Contract Drafting 101"

**April 25**  
Lee Wachocki of the OSB Professional Liability Fund on "Engagement Contracts: Protecting Your Practice"

**May 2**  
Jesse Calm of McEwen Gisvold LLP on "Real Estate Contracts: Buying, Selling, Lending, Leasing"

**May 9**  
Amy Opoien of Sussman Shank LLP and Andrea Selkregg of IdeaLegal on "The Life Cycle of a Business through Contracts"

**May 16**  
Jack Caynon of Sussman Shank LLP on "Mergers, Acquisitions, and Capital"

**May 23**  
Brandy Sargent of K&L Gates on "UCC Provisions"

**May 30**  
Beth Wolfsong of Wolfsong Law PC on "Marriage, Divorce and Alternative Paths to Parenthood"

**June 6**  
Megge Van Valkenburg of Bullivant Houser Bailey on "Tips and Tricks for Settlement Agreements"

**June 13**  
Emil Ali of Carr Butterfield LLC and Riley Gombart of Kell, Alterman & Runstein, LLP on "Ethics of Contract Drafting"

Being able to quickly read and interpret a complex document is a staple skill for all attorneys, not to mention an ability that can be improved upon with practice over time. There will never be a period in your career when that talent is not useful. These presentations

are a great way to either hone the services you provide daily to your clients or to learn more about a practice area with which you are less familiar. All skills get rusty when used infrequently, and drafting contracts is certainly not exempt from that, so this is a great opportunity to keep those skills sharp. And being able to competently read contracts comes in handy outside of our practices, in our day-to-day lives, when signing a lease, buying a car, or starting a new job.

This nine-part series is offered at a reduced cost of \$135 for members and \$220 for non-members. We also offer the option of signing up for individual classes at a cost of \$30 for members and \$45 for non-members. And for those who can't make it to a presentation, you can always request that class' materials from the MBA. If you are interested in registering, please see the insert in this month's newsletter or go to [www.mbar.org](http://www.mbar.org).

As an additional note, the YLS CLE Committee is currently hosting our annual Young Litigators Forum, which focuses on the basic litigation skills used in and around the courtroom. If you are not already attending, it is not too late to join. More information on this series, as well as all upcoming MBA CLE classes, is available on our website at [www.mbar.org](http://www.mbar.org).

We hope to see you at a seminar soon!

## The Solo & Small Firm Committee Upcoming Workshops

### INTAKE & CLOSING

Thursday, March 21

Workshop: 12-1:30 p.m.

Hotel Monaco, 5th Avenue Room  
506 SW Washington St., Portland

The workshop discussion will be led by the following attorneys: **Lee Wachocki**, Practice Management Advisor with the Professional Liability Fund; **Marisa Moneyhun**, probate and adult protective proceedings solo practitioner in downtown Portland; and **Andy Green**, personal injury and criminal defense solo practitioner in downtown Portland.

Intake topics will include:

- Different approaches to the intake process,
- Best practices for conflict checks, and
- What to include in your retainer agreement.

Closing topics will include:

- What to include in your closing letter,
- Capturing everything that belongs in the 'client file,'
- What to do when your client owes money, and
- Best practices for file retention and destruction.

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

Lunch is provided.

The MBA will apply for one hour of CLE credit.

### WORKING REMOTELY

Wednesday, April 24

Workshop: 12-1:30 p.m.

Red Star Tavern Club Room  
503 SW Alder, Portland

Want to work from home? Considering a satellite office in Antarctica?

Join **Jonathan Howitt**, Pacific Computer Group, and **Emery Wang**, Vames & Wang, for a discussion about options for working remotely. Topics include using your own server vs. the cloud, remote communications, and the impact of various solutions on speed. Half the session will be devoted to audience Q&A, so bring questions.

Wang is managing partner at Vames & Wang, with offices in Gresham and Hillsboro. His firm focuses on personal injury. Howitt is the director of IT at Pacific Computer Group. He has comprehensive experience leading, managing, and delivering technical projects and solutions for law firms. He regularly helps clients with remote networking, and helps select and align new technologies with their business needs.

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

Lunch is provided.

The MBA will apply for one hour of CLE credit.

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

## mba yls|EVENT

### Justice Trivia, Presented by the Campaign for Equal Justice and the YLS

Thursday, March 28

5:30 - 7 p.m.

Kells Irish Restaurant & Pub

112 SW 2nd Ave., Portland

Help support Oregon's legal aid programs by participating in this challenging and fun, friend-raising, fundraising event. Appetizers will be provided and prizes will be awarded to trivia winners and the best team name!

The suggested donation is \$10 to participate, or \$5 for law students, all legal staff, legal aid and unemployed lawyers.



Pre-registration available at [www.cej-oregon.org/pdx-trivia](http://www.cej-oregon.org/pdx-trivia).

## MARCH MADNESS DROP-IN SOCIAL

Tuesday, March 19

4 - 7 p.m.

The Senate

71 SW 2nd Ave., Portland

Join the YLS Membership Committee and the Federal Bar Association Oregon Chapter for all things March Madness! Attendees will have the opportunity to fill out a bracket and compete against colleagues while watching some of the games.



THIS IS A FREE EVENT. NO RSVP REQUIRED.  
DETAILS AT [WWW.MBABAR.ORG](http://WWW.MBABAR.ORG)

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# Classifieds

## Positions

### Labor and Employment Attorney

Bullivant Houser Bailey, PC seeks a Labor and Employment attorney to join our Portland office. Ideal applicants will have at least six years specializing in employment law with experience as a first chair attorney representing employers in Washington and Oregon state and federal courts, including disputes involving discrimination, harassment, retaliation, wrongful discharge, wage and hour, and non-compete claims. Applicants must also have experience providing employment law advice and counseling to employers, as well as drafting various employment-related documents such as employment agreements, employee handbooks and severance agreements, plus a solid knowledge of state and federal labor and employment law. This is an exciting opportunity to work with an existing book of business, and be an integral part of the team to grow our firm's employment practice.

We offer a collegial and collaborative work environment that celebrates diverse backgrounds and experiences which strengthen our ability to serve our clients and enhances our culture. If you are interested in joining our team of respected attorneys and dedicated staff, please submit a cover letter, resume, law school transcript, and a 5-7 page writing sample to Carol O'Connell, Recruiter, at [carol.oconnell@bullivant.com](mailto:carol.oconnell@bullivant.com). Bullivant Houser Bailey is an Equal Opportunity Employer committed to diversity in the workplace. We encourage all qualified individuals to apply.

### Attorney - Business and Transactions

Cosgrave Vergeer Kester LLP has an opening for a lateral associate or partner to join our business practice group. Work assignments may include real estate transactions (buying, selling, leasing, and finance), contract preparation and review, entity formation, and related business advice and counsel. At least four years of relevant experience is required. Solid academic record, strong client communication skills, outstanding analytical and writing skills and Oregon Bar membership are required.

This is an excellent opportunity to join a well-established firm with strong roots in the Northwest, and transition in to a strong book of business. With more than 25 attorneys, the firm is known for its exceptional client service and highly effective advocacy in both the courtroom and the boardroom. Cosgrave's clients range from individuals and small business owners to national and international corporations. We offer a unique opportunity to develop professionally in a collegial working environment

among many of the best trial, appellate and business lawyers in Oregon. We welcome and value attorneys with an entrepreneurial spirit and an interest in growing our business.

Cosgrave is an equal opportunity employer. We welcome all applicants and strive to provide a workplace in which all employees feel included, respected, and valued.

Qualified applicants should submit the following documents to [humanresources@cosgravelaw.com](mailto:humanresources@cosgravelaw.com):

- Cover letter
- Resume
- Writing sample (5-7 pages)
- Law school transcript

Applications must include all documents for consideration. All inquiries will be handled confidentially.

## Volunteer Opportunities

Visit [www.mbabar.org/probono](http://www.mbabar.org/probono) for a list of pro bono volunteer opportunities.

### New Housing Notice Clinic

The Housing Notice Clinic is a new pro bono pilot project coordinated by Legal Aid Services of Oregon. This project is an excellent volunteer opportunity for young lawyers, lawyers interested in housing law, and attorneys who cannot commit to taking long-term cases. For more information or to volunteer, contact Jill Mallery at [jill.mallery@lasoregon.org](mailto:jill.mallery@lasoregon.org) or 503.224.4086.

### Volunteers Needed for High School Mock Trial Competition

The Classroom Law Project's 33rd Annual Statewide High School Mock Trial Competition seeks volunteers for their regional competition on March 2 and their state competition on March 15 and 16. For more information, contact Jessica Gallagher at [jgallaghe@classroomlaw.org](mailto:jgallaghe@classroomlaw.org) or sign up to volunteer at [classroomlaw.org/mock-trial-volunteer-registration/](http://classroomlaw.org/mock-trial-volunteer-registration/).

### Habitat for Humanity Seeks Volunteer Attorney

Responsibilities:


- Review permanent affordability documents, typically an affordability covenant, warranty deed and trust deed, with homebuyers

- Answer homebuyer questions about the affordability documents
- Sign review document stating that you reviewed the documents with the homebuyers
- Assist homebuyers with signing document stating they reviewed the document with an attorney

Required:

- Familiarity with Oregon Real Estate and Condominium law
- Willingness to work with first-time homebuyers
- Willingness to work with homebuyers needing interpreters

To apply, send your resume to [marianne@habitatportlandmetro.org](mailto:marianne@habitatportlandmetro.org) with "Volunteer" in the subject.


## BUSINESS SAVINGS PROGRAM

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This Office Depot business savings program is administered by Excelebrate America.

## Member Resource Center

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

### Pro Bono Oregon Listserv

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

### MBA Member Discounts



#### The Bar Plan Online Court Bonds

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Simplify your workflow with this cloud-based practice management solution. Ten percent lifetime discount, as well as a seven-day free trial. [landing.clio.com/multbar](http://landing.clio.com/multbar)



#### LawPay

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#### Legal Northwest Staffing Specialists

Discounted pricing on direct-hire and temp-to-hire placement and a quality of service guarantee. Anneke Haslett, 503.242.2514 [www.legalnw.com](http://www.legalnw.com)



#### MBA Group Insurance Plans

Hassle-free administration and customization of health plans for law firms. In addition to attorney, firm must have at least one W2 employee to be eligible. Steve Doty, 503.716.9328 [www.aldrichadvisors.com/MBA/](http://www.aldrichadvisors.com/MBA/)



#### NAEGELI Deposition and Trial

Discounts on court reporting, video conferencing and videography. 503.227.1544 [www.naegeliusa.com](http://www.naegeliusa.com)



#### Newsletter Advertising

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



#### receptionists

#### Ruby Receptionists

A virtual receptionist service based in Portland that seamlessly connects you to your callers. Lifetime 8% discount off all pricing plans and overage minutes to MBA members. Promo code: MBA. 1.866.611.7829 [www.callruby.com/mba](http://www.callruby.com/mba)



#### UPS

MBA members can save up to 26 percent on their express shipping courtesy of UPS. [www.savewithups.com/multnomahbar](http://www.savewithups.com/multnomahbar)

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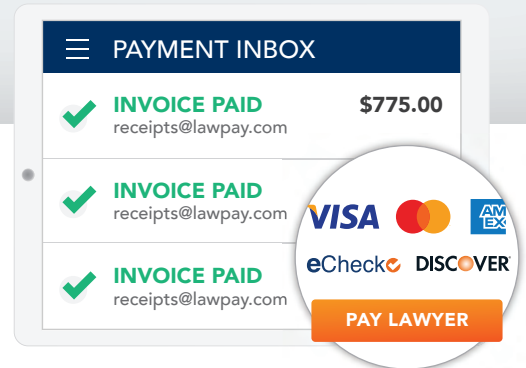


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