



Making a Difference in Your Community

by Amy Angel
MBF President

The importance of civic education and civic engagement is never more apparent than in a presidential election year. With a heated primary season now behind us, conventions unfolding and a contentious general election ahead, as lawyers and those involved in the legal community, we all see the importance of an informed, engaged citizenry. We are, as a group, well-versed in civics and in our system of government, and are likely to participate in elections and other aspects of civic life. But with national voter turnout hovering around 60% during presidential election years, 40% during midterm elections, and lower still for odd year, primary and local elections, how do we get the rest of our community to understand the importance of participation and civic engagement?

In 2005, the MBA founded the Multnomah Bar Foundation (MBF) to work on just this problem. The MBF's first task was to launch the MBA's Century of Service 100th Anniversary Community Gift Fund as a way for lawyers to give back to the community and to help promote civic education and participation. The goal was to raise \$100,000, but our community smashed this benchmark and the campaign raised over \$235,000. Primarily funded by large Portland-area law firms, the response rate was extraordinarily high at 90%. Most firms participated and all paid their pledges, some even over multiple years.

Upon conclusion of the 100th anniversary campaign, the MBF focused its attention away from fundraising and turned to strategic planning. It solidified its purpose - to increase the public's understanding of the legal system and to promote civic education.

Most importantly, the MBF put the money it raised to work. The first grant was made in 2006 to expand the Classroom Law Project in the amount of \$25,000. In 2007, the MBF distributed \$17,000 among five local organizations focused on civic education. Seeing the incredible need to fund these projects as well as many others on an ongoing basis, the MBF renewed its commitment to fundraising and, over the next eight years, annual fundraising stabilized at \$40,000 to \$50,000 per year. In recent years, the MBF has focused its energy on developing an efficient grant-making process, attracting interested and qualified grant applicants, awarding grants on a competitive basis, developing successful working relationships with grant recipients, and monitoring the use of MBF funds from what is now known as the Civic Education Fund in accordance with the grants awarded.

Programs the MBF has funded span all ages and cover a wide variety of topics within the broad reach of civic education. MBF grants have helped teach newly naturalized citizens about voting through SOAR (Sponsors Organized to Assist Refugees), students about the rule of law through the Classroom Law Project, and older adults how to stay engaged

...national voter turnout [hovers] around 60% during presidential election years, 40% during midterm elections...

in their community through Elders in Action. MBF grants have supported the Bus Project's voter registration drives and The YOUthFILM Project's filmmaking competitions about civics, as well as mock elections held by the League of Women Voters of Oregon, in-depth candidate and issue forums sponsored by the League of Women Voters of Portland, Northwest Family Services' Four Cities Peer Court's restorative justice project in which teens serve as peer attorneys and jury members, the Native American Youth and Family Center's program to register, educate and engage voters to increase civic participation within the Native American community, MetroEast Community Media's Spanish language public service announcement promoting civic engagement and volunteerism, and Oregon Tradeswomen, Inc.'s TOOLS program, which provides civic education curriculum in its apprenticeship classes including open discussions about voting, the impact of local elections and understanding how a bill becomes a law.

The MBF has also promoted civic education through its own signature projects. In 2011, the MBF partnered with MetroEast Community Media and developed and distributed a series of short videos explaining and promoting the American and Oregon legal and justice systems and voting rights. This year the MBF is launching a new public outreach program in collaboration with the judges of Multnomah County. Community groups can hear from the judges about the justice system, and the new courthouse and how it will reflect the principles of procedural fairness and promote access to justice.

After 10 years of incremental growth of the Civic Education Fund, the MBF has pledged to expand its reach and double its grant-making capacity by raising its annual fundraising goal to \$100,000 by 2020. The number of qualifying grant requests and the amount of money needed by community organizations to promote civic education and civic engagement increases every year. We prioritize new projects that utilize MBA volunteers in the geographic area served by the MBA, but, more than anything, our objective is to fund qualifying programs to the fullest extent possible. Even our increased target of \$100,000 per year will not raise enough money to fully fund all the deserving programs in our area, so we are optimistic our legal community will once again answer the call and exceed expectations. After all, an informed and engaged citizenry is the bedrock of our legal system.

The Civic Education Fund campaign kicks off in September and we will be calling upon the legal community to donate generously. Please take a few moments to answer our phone calls, attend our events, learn more about the programs funded by our grants, and make a difference in your community by supporting your Foundation.

...an informed and engaged citizenry is the bedrock of our legal system.

mba|CLE

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

SEPTEMBER

9.15 Thursday
Complaints, Answers, and Motions to Dismiss: A Practical Guide to Effective Pleading Practice
Corey Tolliver
Matthew Yium

9.20 Tuesday
Economic Damages in Employment Cases: How to Present and How to Attack
Kevin Cahill
Nicholas Kampars
Charese Rohny

9.27 Tuesday
Veterans' Preference in Public Employment: What Exactly Does the Law Require?
Heidi Brown
Kathy Short

OCTOBER

10.11 Tuesday
Insurance Coverage for Small Businesses
Seth H. Row
Brad Wilson

10.13 Thursday
Personal Injury: Maximizing Case Value through Creativity, Strategy and Tenacity
Marc Johnston

10.26 Wednesday
Taming the Medicare Gorilla in Your Injury Cases
Tim Nay

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BATTLE OF THE LAWYER BANDS

BUNNY LEBOWSKI & THE NIHILISTS / FIRE + STONE
M.A.R.O.N.E.S. / MONTAVILLA JUG ENSEMBLE
RBG AND THE FERTILE OCTOGENARIANS / SPIRIT LAKE

AUGUST
11TH, 2016 / 7 - 9 PM
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Groupie : Vangelisti Law Firm LLC



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DEADLINE for copy: The 10th of the month*

DEADLINE for ads: The 12th of the month*

*or the preceding Friday, if on a weekend.

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BATTLE OF THE LAWYER BANDS

**Thursday, August 11
7-9 p.m.
Kennedy School
5736 NE 33rd Ave., Portland**

Bands comprised of at least one Oregon lawyer will compete for the title of "Best Oregon Lawyer Band." Judges from the MBA legal community will decide the winner at the end of all the performances. Join us and cheer for your favorite band! Crowd applause is a part of the judging criteria. Suggested donation: \$10.

These bands will compete for the title of "Best Oregon Lawyer Band 2016":

Bunny Lebowski & the Nihilists
Fire + Stone
M.A.R.O.N.E.S.
Montavilla Jug Ensemble
RGB and the Fertile Octogenarians
Spirit Lake

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Stephen A. Houze Attorney at Law

Groupie Sponsor

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Montavilla Jug Ensemble - Best Oregon Lawyer Band 2015

mba | EVENT

Night at the Spa

A private party for the Multnomah Bar Association

**Thursday, July 21
Comma Vino Spa
1126 SW Morrison St., Portland
5-7 p.m.**

Join the MBA Events Committee and your colleagues for an evening at Comma Vino Spa (just past the MAX tracks on SW Morrison). Sign up for a spa mini-service ranging from \$15 - \$30 when you arrive. The price is payable to Comma Vino Spa at the time of sign-up. Services include eyebrow wax, manicure, and foot reflexology. Limit one mini-service per attendee. Due to limited space, mini-services will be on a first-come, first-served basis. Appetizers and drinks will be provided. Nearby Saint Cupcake and SaySay Boutique will be offering discounts to attendees.

Generously sponsored by Farleigh Wada Witt.

RSVP to Kathy Modie at the MBA at kathy@mbabar.org.

Calendar

To add your organization or firm's annual events to the MBA online calendar, contact Carol Hawkins, carol@mbabar.org.

JULY

21 Thursday
MBA Night at the Spa

28 Thursday
OMLA Auction
www.oregonminoritylawyer.org

29 Friday
OMLA IMAGE Program
www.oregonminoritylawyer.org

14 Wednesday
MBF Social
Details on p. 4

20 Tuesday
Solo & Small Firm Workshop
Details on p. 11

22 Thursday
OAPABA Gala Dinner
<http://oapaba.org>

22 Thursday
SALC Taste for Justice
www.salcgroup.org

26 Monday
MBA Golf Championship
See insert

AUGUST

10 Wednesday
September *Multnomah Lawyer* deadline

11 Thursday
Battle of the Lawyer Bands

15 Monday
Lawyers & Law Students Golf Event
Details on p. 13

25 Thursday
Pro Bono Pour
Details on p. 12

OCTOBER

10 Monday
November *Multnomah Lawyer* deadline

13 Thursday
OWLS Dress for Success Fashion Show
www.oregonwomenlawyers.org

18 Tuesday
Solo & Small Firm Workshop
Details on p. 11

20 Thursday
Absolutely Social

SEPTEMBER

5 Monday
Labor Day Holiday

9 Friday
October *Multnomah Lawyer* deadline

Stay Connected!



The MBA has made a commitment to communicate with our members in a "paperless" manner as much as possible. We now send out many of our notices via an email service and have discovered that some members have unsubscribed.

To continue to receive news and information on a timely basis, please consider re-subscribing at www.mbabar.org/membership/subscribe.html.

Thank you for helping us to conserve resources and keep costs down.



The MBA will apply for 2 OSB credits unless otherwise noted; 2 Washington MCLE 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.

Complaints, Answers, and Motions to Dismiss: A Practical Guide to Effective Pleading Practice

Thursday, September 15, 2016 - 3:00-5:00 p.m.

World Trade Center, Mezzanine

Members \$60/Non-Members \$95

This seminar focuses on pleadings as well as motion practice under FRCP 12(b) and ORCP 21. The presenters, **Corey Tolliver** of Folawn Alterman & Richardson LLP and **Matthew Yium** of Kennedy Watts Arellano LLP, will present tips and strategies for effective pleading practice, including:

- How to draft complaints and answers so as to avoid unnecessary motion practice;
- How to draft pleadings in ways that control the costs of discovery;
- How to identify and cost-effectively resolve problems with your opponents' pleadings, as well as your own;
- How to make the most out of the required meet-and-confer sessions with opposing counsel; and
- How to draft focused ORCP 21 and FRCP 12(b) motions.

For more information: Call Alex Williamson, Prange Law Group LLC at 503.595.8199. For registration questions, call the MBA at 503.222.3275.

Economic Damages in Employment Cases: How to Present and How to Attack

Tuesday, September 20, 2016 - 3:00-5:00 p.m.

World Trade Center, Mezzanine

Members \$60/Non-Members \$95

Come for a presentation by economist **Kevin Cahill**, ECONorthwest, plaintiff's counsel **Charese Rohny**, Charese Rohny Law Office, and defense counsel **Nicholas Kampars**, Davis Wright Tremaine. All three focus a portion of their practices on employment disputes. They will use panel discussion and role play to present approaches to quantifying damages and then demonstrate ways to handle the weaknesses of each approach. They will also share thoughts about the impact of economic and non-economic damages calculations on case intake, settlement negotiations and trial outcomes.

For more information: Call Leslie Johnson, Kent & Johnson at 503.220.0717. For registration questions, call the MBA at 503.222.3275.

Veterans' Preference in Public Employment - What Exactly Does the Law Require?

Tuesday, September 27, 2016 - 3:00-5:00 p.m.

World Trade Center, Plaza

Members \$60/Non-Members \$95

Learn about the legal requirements imposed by Oregon's Veterans Preference statutes. Government attorneys **Heidi Brown** with the Portland City Attorney's Office and **Kathy Short** with the Multnomah County Counsel's office will discuss the statutory scheme, judicial (appellate and trial court) and administrative interpretations of the laws and rules, and how government entities are handling their implementation.

For more information: Call Judge Kelly Skye, Multnomah County Circuit Court at 503.988.3204. For registration questions, call the MBA at 503.222.3275.

Insurance Coverage for Small Businesses

Tuesday, October 11, 2016 - 3:00-5:00 p.m.

World Trade Center, Mezzanine

Members \$60/Non-Members \$95

Business attorneys, as well as litigators, need to understand the basics of insurance coverage. Insurance is a critical component of company risk management - which is part of the role of a company's attorney. This presentation will cover basic principles and concepts in insurance coverage programs for small businesses, so that you can "speak the language" whether you are talking with the owner or the company's broker. We also will discuss common insurance coverage problems and what you can do to prevent them. Presenter **Seth H. Row** of Miller Nash Graham & Dunn LLP has represented policyholders in coverage disputes of all types for more than 10 years, and provides counseling on insurance procurement to large and small businesses in many industries. Presenter **Brad Wilson** of Insurance Partners has helped businesses and individuals place coverage and manage their insurance programs for more than 20 years. Brad's experience includes underwriting, sales, agency management, and expert witness work for clients of all sizes and industries.

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

Personal Injury: Maximizing Case Value through Creativity, Strategy and Tenacity

Thursday, October 13, 2016 - 3:00-5:00 p.m.

World Trade Center, Mezzanine

Members \$60/Non-Members \$95

This seminar is intended for the plaintiff's personal injury practitioner and the general practitioner who handles personal injury cases. The seminar mixes theory and strategy, focusing on the most crucial aspects of the case. Time is devoted to the techniques, strategies and methods which make the biggest difference to the plaintiff's case and the end result. **Marc Johnston**, Johnston Law Firm LLC, will share his creative and successful approaches to handling personal injury cases, while addressing technical aspects of the plaintiff's case which you can use immediately with your current cases. This seminar blends cutting edge approaches and the techniques of the presenter. Topics addressed will include:

- the initial client meeting and retention
- evaluating cases
- pre-suit demands
- preparing your client for deposition
- taking depositions
- working with experts and doctors
- mediation preparation
- managing costs
- thinking outside the box
- trial theory

If you handle personal injury or motor vehicle cases, regardless of your level of experience, do not miss this seminar.

For more information: Call Kevin Sali, Kevin Sali LLC at 503.329.3598. For registration questions, call the MBA at 503.222.3275.

Taming The Medicare Gorilla In Your Injury Cases

Wednesday, October 26, 2016 - 3:00-5:00 p.m.

World Trade Center, Mezzanine

Members \$60/Non-Members \$95

Medicare Secondary Payer (MSP) compliance has been an irritable 800-pound gorilla. But you can take steps to gain better control of MSP compliance. MSP compliance remains a complicated, time-consuming, labor-intensive fact of worker's compensation and liability cases. Misunderstanding of reporting requirements and the process on the part of plaintiff and defense counsel as well as insurance carriers slows the process, leaving injured parties without needed funds to get on with their lives.

MSP compliance is about "considering/protecting" Medicare's interests by: (1) recovery of conditional (pre-settlement) Medicare payments; (2) Medicare set-aside (MSA) arrangements reducing post-settlement Medicare payments; and (3) insurer reporting pursuant to Section 111 of the Medicare, Medicaid, SCHIP Extension Act, December 29, 2007, (MMSEA). Plaintiff's counsel will rarely see Section 111 reporting issues. But Section 111 penalties have driven the frenzy surrounding (1) and (2).

The goal of this CLE program is to increase your understanding of the process, enable you to effectively use available MSP compliance tools for better control of MSP compliance, reduce everyone's exposure, and expedite completion of injury cases.

Our speaker is **Tim Nay** of the Law Offices of Nay & Friedenbergh. Tim was one of four founding members of the National Alliance of Medicare Set Aside Professionals (NAMSAP), and served as NAMSAP's first Secretary. He is also the founding president of the National Academy of Elder Law Attorneys (NAELA), a Fellow of the Academy and winner of the 2007 NAELA President's Award.

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

To register for these classes, see page 4.

Oregon Minority Lawyers Association
OMLA
 invites you to the
17th Annual Summer Social and Fundraising Auction
 Thursday, July 28, 2016 @ 5:30 pm
 World Trade Center
 121 SW Salmon Street, Portland, OR

Admission is \$10 for lawyers, judges, and professionals, \$5 for law students
 Please RSVP at <https://goo.gl/JUzP3z>

We are a 501(c)(3) organization committed to making the legal community a welcoming environment where people of all colors, races, and ethnic backgrounds can excel academically, professionally, and personally.



The 2016 Annual Pro Bono Fair and Social will be held Thursday, October 27 at the World Trade Center in downtown Portland.

This event celebrates the pro bono work of Oregon lawyers during the previous year and includes three FREE CLEs in the afternoon, followed by the fair, awards and social from 5:00 to 7:30.

There will also be concurrent events in other cities around the state. Full details of these events will be available in the October Bulletin magazine and on the OSB website.

MBA Offers Free Event Publicity

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

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

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



mba | EVENT 

MBF Social

Wednesday, September 14
Barran Liebman
 601 SW 2nd Avenue, Suite 2300, Portland
 5-6:30 p.m.

Help us celebrate our civic education donors and a successful CourtCare campaign. Meet our grant recipients and catch up with colleagues and friends over appetizers.

Our thanks to MBF President Amy Angel and Barran Liebman LLP for generously hosting this event!

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

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

CLE Registration Form

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.

NAME _____	ACCOUNT NUMBER _____	9/15 Complaints, Answers, and Motions to Dismiss
FIRM _____	EXPIRATION DATE AND SECURITY CODE _____	<input type="checkbox"/> Class Registration (\$60 Members/\$95 Non)\$ _____
ADDRESS _____	SIGNATURE _____	<input type="checkbox"/> CD-ROM & Written Materials (\$60 Members/\$95 Non) ..\$ _____
CITY _____ STATE _____ ZIP _____	BILLING ADDRESS FOR CARD (if different) _____	9/20 Economic Damages in Employment Cases
PHONE _____	_____	<input type="checkbox"/> Class Registration (\$60 Members/\$95 Non)\$ _____
OSB# _____	_____	<input type="checkbox"/> CD-ROM & Written Materials (\$60 Members/\$95 Non) ..\$ _____
Member Status:	Payment Options:	9/27 Veterans' Preference in Public Employment
<input type="checkbox"/> MBA Member	<input type="checkbox"/> Check <input type="checkbox"/> VISA <input type="checkbox"/> MasterCard	<input type="checkbox"/> Class Registration (\$60 Members/\$95 Non)\$ _____
<input type="checkbox"/> Non-Member	<input type="checkbox"/> American Express	<input type="checkbox"/> CD-ROM & Written Materials (\$60 Members/\$95 Non) ..\$ _____
		10/11 Insurance Coverage for Small Businesses
		<input type="checkbox"/> Class Registration (\$60 Members/\$95 Non)\$ _____
		<input type="checkbox"/> CD-ROM & Written Materials (\$60 Members/\$95 Non) ..\$ _____
		10/13 Personal Injury: Maximizing Case Value through Creativity, Strategy and Tenacity
		<input type="checkbox"/> Class Registration (\$60 Members/\$95 Non)\$ _____
		<input type="checkbox"/> CD-ROM & Written Materials (\$60 Members/\$95 Non) ..\$ _____
		10/26 Taming The Medicare Gorilla In Your Injury Cases
		<input type="checkbox"/> Class Registration (\$60 Members/\$95 Non)\$ _____
		<input type="checkbox"/> CD-ROM & Written Materials (\$60 Members/\$95 Non) ..\$ _____
		Total due\$ _____

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.



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mba | ANNOUNCEMENTS

Free CLE Webcast to MBA Members

The video webcast of the seminar entitled Mary Jane at Work: Employment Law Implications of Marijuana Use will be available August 1 in the Members Center at www.mbabar.org. The webcast is approved for two hours of general OSB MCLE credit.

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

Take a Matter that Matters

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

Noon Bicycle Rides

Take a noon break for a short, fast ride with hills. Meet at SW Yamhill and Broadway between noon and 12:10 p.m. on Mondays and Thursdays. Contact Ray Thomas at 503.228.5222 with questions, or just meet at the start.

OWLS Announces Officers and Directors for 2016-17

Laura Craska Cooper was elected as president, and previously served as president elect and treasurer. Cooper is a founding partner of Brix Law LLP. She practices real estate, land use, and general business law out of the firm's Bend office. Angela Franco Lucero will be president elect, having served previously as treasurer, secretary and historian. Lucero is a partner at Kranovich & Lucero LLC in Lake Oswego, practicing insurance defense and personal injury law. Amber Hollister was elected as treasurer, having served previously as historian. Hollister is the General Counsel for the OSB. Hon. Allison Boomer was re-elected as OWLS' secretary. Boomer is an Oregon Tax Court Magistrate in Salem. Joining the executive committee is Megan Burgess. Burgess in an attorney with Peterkin & Associates in Bend, practicing real estate and construction law. All OWLS officers are also members of the board.

In addition, OWLS is pleased to announce its newly elected and reelected board members: Maya Crawford (Portland), Sara Kobak (Portland), Katharine Lozano (Salem/Portland), Aruna Masih (Portland), Banafsheh Violet Nazari (Portland), Yumi O'Neil (Wilsonville/Portland), and Adele Ridenour (Portland).

Board members continuing their service are: Jacqueline Alarcón (Portland), Hon. Valeri Love (Eugene), Jennifer Nicholls (Medford), Susan Pitchford (Portland), Kristin Sterling (Portland), Amanda Thorpe (Grants Pass), Val Tomasi (Portland), Gloria Trainor (Portland), and Jim Yocom (Beaverton).

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:

620 SW 5th Ave., Ste. 1220
Portland OR 97204

Contact the MBA for details and availability at 503.222.3275.

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Ethics Focus

Law Firm Cyber Risk

by Mark J. Fucile
Fucile & Reising



Law firms today depend on technology to deliver almost all facets of legal services. As practice has become more “electronic,” law firms have also become more vulnerable to a variety of cyber risks. In this column, we’ll look at three: data loss; theft of client funds; and unauthorized release of client confidential information. Because there is no one source of cyber threats, there is no single solution either. As lawyers use technology, however, they need

...data loss has taken on a new and potentially more ominous meaning.

to understand the risks that unfortunately accompany the important benefits that technology brings to our practices.

Data Loss

Data loss is not new. Law firm paper files and other records have long been vulnerable to catastrophic loss from hazards ranging from fires to floods. With the increasing shift to “paperless” offices, however, data loss has taken on a new and potentially more ominous meaning. A data loss in today’s electronic context may mean that the lawyer or firm has effectively had their entire office “burned down.”

OSB Formal Opinion 2011-188, which addresses cloud computing generally, notes that a part of our duty of competent representation under RPC 1.1 in a “paperless” practice environment is to make sure that electronically stored information is backed up. The particular means used will vary depending on the size of the

firm involved, and will also evolve as technology changes over time. The imperative of preserving firm data and ensuring continued access, however, remains the same. The OSB Professional Liability Fund has a number of very practical guides and checklists available at www.osbplf.org to assist Oregon lawyers in preventing catastrophic loss of both conventional and electronic records.

Theft of Client Funds

There are few “bad things” that can happen to a lawyer or firm on the risk management front that are worse than a theft of client funds. We have significant fiduciary and regulatory (RPCs 1.15-1 and 1.15-2) duties to safeguard funds clients have entrusted to us. Moreover, the PLF basic plan considers trust accounting an administrative rather than a legal services component of law practice and, therefore, does not cover it. In fact, the comments accompanying the coverage section of the current plan (Section III at 8 of the 2016 Plan) give an example of a common internet scam that is not covered by the PLF plan: a lawyer is duped into accepting a fraudulent check from a supposed new client and then wire-transfers funds out of the firm trust account to a recipient who, unknown to the lawyer, is a participant in the scam. The check then bounces and the lawyer’s wire-transfer, in effect, sent other clients’ money to the person masterminding the fraud.

Again, the PLF has a number of guides and alerts on its website addressing common scams aimed at lawyers. These are not only helpful in proactively warning lawyers, but also offer sound advice on vetting prospective clients and allowing sufficient time for trust account deposits to clear before writing new checks on those funds.

Unauthorized Release of Confidential Information

In December 2013, the Oregon Supreme Court adopted an amendment to the confidentiality rule - RPC 1.6(c) - that made specific a lawyer’s duty to protect client confidential information from unauthorized disclosure: “A lawyer shall make reasonable efforts to prevent the inadvertent or unauthorized disclosure of, or unauthorized access to,

information relating to the representation of a client.” The 2013 amendment mirrored a similar change to the ABA’s influential Model Rules of Professional Conduct and reflected earlier guidance offered by the OSB in Formal Ethics Opinion 2011-188 on cloud computing.

The amendment to RPC 1.6 dovetails in many respects with the statutory duties law firms have under ORS 646A.622 for protecting particular categories of sensitive personal information - such as Social Security or credit card numbers - that fall within the Oregon Consumer

“A lawyer shall make reasonable efforts to prevent the inadvertent or unauthorized disclosure of...information relating to the representation of a client.”

Identity Theft Protection Act (ORS 646A.600-.628). If a data breach occurs, ORS 646A.604 specifies the notice to the clients affected that must occur. The PLF has developed a template notification letter that is available on its website. Notification and related remedial expenses can be significant, depending on the extent of the breach involved. Although the PLF basic plan does not cover data breaches, its excess plan includes a cyber liability and breach response endorsement that provides (among other features) legal and forensic assistance to determine compliance with applicable law, and to implement appropriate mitigation measures. Private carriers also sell cyber risk plans.

Although a data breach can occur as a part of a sophisticated hacking scheme, it can also come through the more mundane loss of an unprotected firm laptop computer or other mobile device. To guard against the former, firms need to obtain competent technical systems and advice commensurate with their size and practice. For the latter, firms need to follow simple steps such as password protection. Formal Ethics Opinion 2011-188 also makes the point that what is “state of the art” for security when selecting a storage system may not remain that way and that lawyers need to stay abreast of changes in the technology they are using in their practices.

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Around the Bar



Katie Goss



Sophia Grotkin



Mark Barzda

Gevurtz Menashe

Katie C. Goss and **Sophia R. Grotkin** are new associates. They will handle family law related matters in Oregon.

Mark R. Barzda has joined the firm as of counsel. He is certified as a practitioner in collaborative law, a discipline that focuses on alternatives to litigated family law matters. He will continue his practice handling divorce, custody/parenting time, child support, contempt, and modification for clients with legal matters in Oregon.



Max Forer

Farleigh Wada Witt

Max Forer, new with the firm, will have a broad practice, primarily in the business, real estate, and litigation practice areas.

Gustavo (Tavo) Cruz Jr. has joined the firm, where his practice focuses on commercial finance, corporate finance, and general business. He has over 20 years of experience representing banks, commercial lenders, and other financial service providers in complex commercial loan



Gustavo Cruz Jr.

transactions. He is active in the community, and currently serves as a Portland Development Commissioner. He is on several nonprofit boards.



Vamshi Reddy

Lane Powell

Vamshi Reddy has joined the firm's Litigation Practice Group. Reddy focuses her practice on securities and complex commercial litigation, data privacy, and white collar criminal and civil defense.



Tom Karnes



Alexandra Shulman

Ater Wynne

Tom Karnes has been named a partner. He joined the firm in 2008 as an associate in the Business Group. His practice focuses on tax, business, and healthcare matters.

Alexandra "Alex" Shulman has joined the firm's Litigation Group, where her practice is focused on commercial litigation, employment litigation, professional liability defense and business disputes.



Laura Salerno Owens



Stanton Gallegos

Markowitz Herbold

Laura Salerno Owens was recently appointed to the District Court's Attorney Admission Fund Committee, which advises the court on the administration of the fund. Expenditures from the fund are to be used for the benefit of the bench and bar in the administration of justice. Salerno Owens is a shareholder at the firm, where she focuses her practice on representing companies and executives in high stakes employment law disputes. She is the president-elect of the Federal Bar Association.

Stanton Gallegos is now an associate. He has experience in all stages of litigation. He has experience representing corporations and financial institutions in high-stakes litigation, including matters relating to mortgage-backed securities, feeder funds to Bernard L. Madoff Investment Securities, and challenges to merger transactions.



Scott Brooksby

Olson Brooksby

Aviation and product liability lawyer **Scott Brooksby**, a shareholder, served as moderator for a panel titled "Birds, Pets, Lasers, Stowaways, and Other Hot Topics in Aviation" at the ABA's Annual National Institute on Aviation Litigation held at the University Club of New York in June.

Tonkon Torp

Firm partner **Steven Wilker** was honored by ACLU of Oregon as one of only three attorneys who have taken a civil liberties case all the way to the U.S. Supreme Court. Wilker was acknowledged for his commitment and



Steven Wilker



Drea Schmidt



Alex Tinker

dedication over the course of many years to protect freedom by serving as a cooperating volunteer attorney for the ACLU.

Wilker's practice focuses on complex commercial litigation, intellectual property, and media law.

Drea Schmidt has joined the Portland Artists Repertory Theatre Board of Directors. The organization is the longest-running professional theatre company in Portland.

Schmidt is a member of the firm's Corporate Finance and Entrepreneurial Services practice groups. Her practice is focused on the areas of securities, corporate governance, corporate finance, mergers and acquisitions, and general business law matters.

Alex Tinker is a founding board member for the newly formed Resource Innovation Institute, which is building the central platform for collaboration on energy issues in the cannabis industry and developing a market-drive certification standard to propel adoption of energy efficient practices.

A member of the firm's Litigation Department, Tinker represents and advocates for companies on a broad range of business matters, including participating in and serving the cannabis industry.

Miller Nash Graham & Dunn

Partner and MBA Board Treasurer

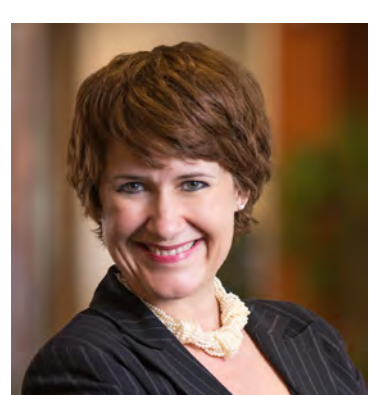
Thomas Sand was selected to join the American Board of Trial Advocates. Membership is peer-nominated and by invitation only to lawyers of high personal character and honorable reputation, among other competitive qualifications.



Thomas Sand



Steve Kantor



Victoria Blachly

Samuels Yoelin Kantor

Steve Kantor was honored in June by the Oregon Jewish Community Foundation for his leadership and generosity at the foundation's annual meeting and reception.

Victoria Blachly, a trial lawyer and partner with the firm, has been appointed to the Alzheimer's Association Oregon Chapter Leadership Board.

Blachly's law practice concentrates on fiduciary litigation.

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

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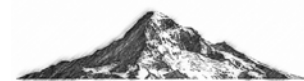
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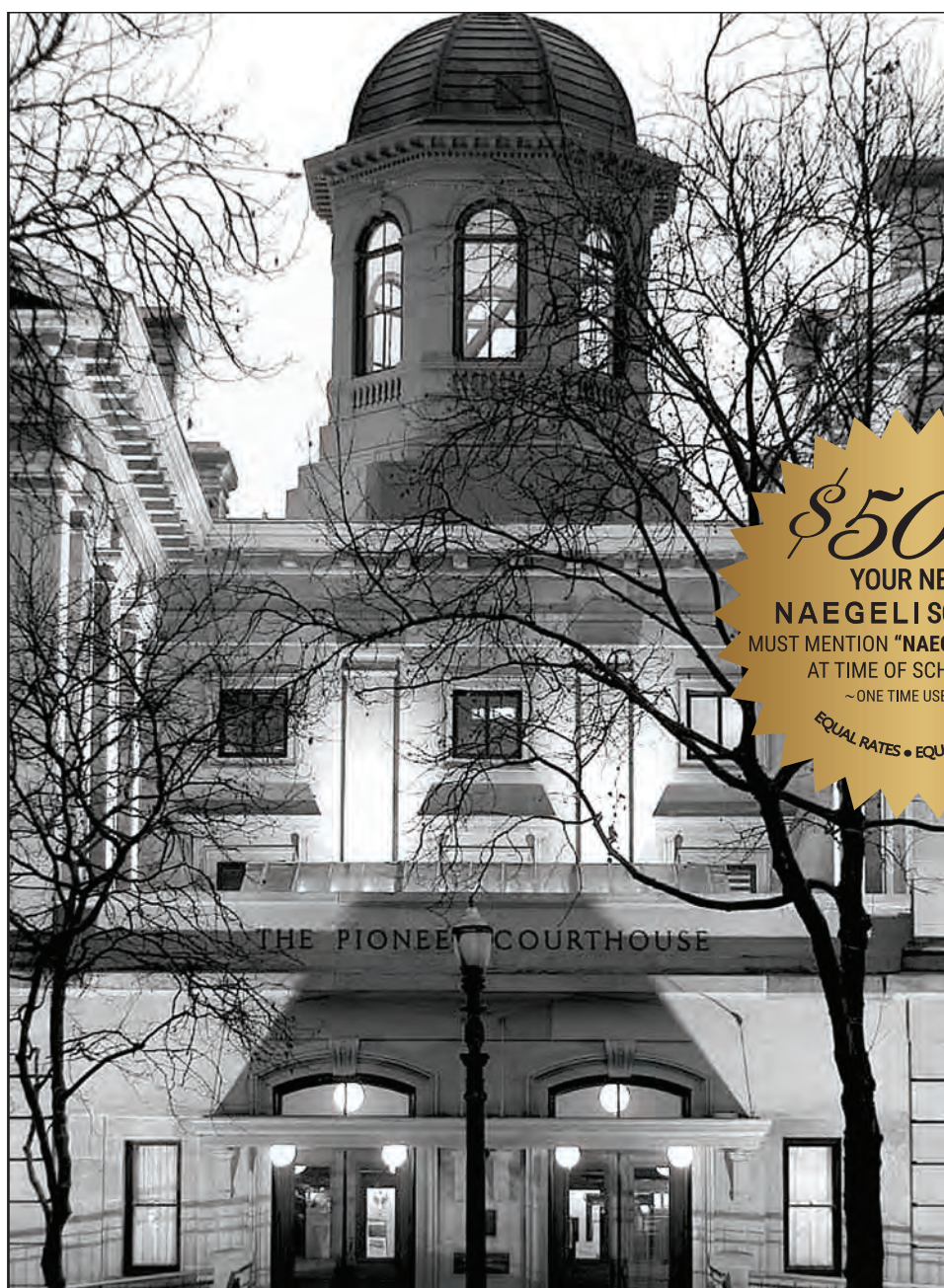


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Tips From the Bench

Evaluations by Family Court Services

What is permissible and what isn't?

by Judge Maureen McKnight
Multnomah County Circuit Court



When I first began practicing in Multnomah County back in the very early 1980s, it was customary for the attorneys in my office to traipse over to the Family Court Services (FCS) office in Room 350 and request the evaluator's file so we could go through the notes. Those reviews helped develop my direct examination when the report favored my client and often gave me a few points for cross when the evaluator had recommended against my client's position. But our Family Court didn't have a Supplemental Local Rule (SLR)

addressing the evaluation process back then. Over the years, an SLR on point was adopted and then revised several times, but it hasn't had major changes for at least 15 years. In reviewing our current local rules this spring after several questions were raised, we realized that several issues remain unclear and may be appropriate for bench-bar discussion. I'll address a few here in the order the language appears in current SLR 8.135(3).

- **What does the following language mean: "the investigative findings ... shall be offered as and subject to all rules of evidence?"** The language in our SLR comes directly from ORS 107.425(1) and is best read to mean that offers of the report are subject to all rules of evidence, and not that the report "must" be offered. SLR clarification here is likely to require disclosure of the report to the parties but not a party's offering of the report.

- **Are protective orders needed for these evaluations? Or does the current rule language provide enough protection?** The current rule states that "evaluation proceedings are private" and "evaluation records, communications, oral and written, may not be disclosed to parties outside of the proceedings." It is unclear what word the phrase "outside the proceedings" modifies. If it modifies "disclosed," the rule would appear to prohibit disclosure to *the* parties to the case outside of the evaluation process – thus arguably preventing discovery once the evaluation "process" is complete. If the phrase instead modifies "parties," the rule would appear to prohibit disclosure to any person not participating in the evaluation process ("parties outside the proceedings"). If we know, at least, that evaluation proceedings are private, why do we have some situations of attorneys attaching the report to the Trial Memorandum that they file, which places the report in the public record? Is the assumption that the "proceedings" are private but the report is somehow not private? And is the "evaluation proceedings are

private" language sufficient to deter parties to the case (and their affiliates) from posting images of selected passages or pages from the report on Facebook, or copying and posting remarks and findings of the evaluator? Or do we need uniform non-disclosure terms included with each Family Court Services report, perhaps conveyed by a copy of a Standing Order for this purpose?

- **What discovery is permissible regarding Family Court Services evaluations?** It is hard to see how a rule mandating privacy ("Evaluation proceedings are private") can defeat a claim for discovery since evaluations aren't privileged. But ORCP 36 allows the court to regulate discovery and restrictions are arguably appropriate in this context for a number of reasons. While discovery of retained experts isn't available in Oregon, Family Court Services evaluators are court-appointed experts. Does that status call for a different analysis? If so, what are the parameters of that analysis? On the one hand, resolving cases outside of court seems to justify some jointly or equally accessible method of obtaining information from the evaluator once the report is complete. But workload issues for Family

Court Services staff, the desire to serve as many families as possible, and preservation of ongoing relationships for children argue against steps that unnecessarily intrude on or undermine a child-focused process. So should a court order be required by rule for any FCS discovery? Only when a party or FCS objects? For just a deposition, but not a joint telephone call? What about a subpoena of FCS notes?

One issue that *is* clear is that from a fairness perspective, a self-represented litigant is entitled to the same report and discovery rights as an attorney. Yet the high rate of self-representation is a significant factor in this discussion.

The bottom line is that we have been functioning under the existing language for quite a while. And while Judge Stuart's SLR Committee is now having some discussions on this topic, it is likely that the timing of rule preparation prevents a comprehensive examination of FCS evaluations this SLR cycle. If you have an interest in the subject matter, or believe that a bench-bar-FCS working group would be helpful from a policy perspective, please let Judge Stuart (diana.stuart@ojd.state.or.us) or me (maureen.mcknight@ojd.state.or.us) know.

The League of Women Voters of Portland and the Multnomah Bar Foundation Partners in Civic Education

by Chuck Tauman
MBF Board



Those of us who serve on the board of the Multnomah Bar Foundation are constantly reminded of and always guided by our mission:

...to increase the public's understanding of the legal system, to promote civic education, public participation and respect for the law, to improve the quality and administration of the legal system, and to support programs and projects related to the MBF's purpose.

We accomplish that mission currently through two vehicles: CourtCare, a well-established and well-regarded drop-in childcare program located at Multnomah County's two courthouses for those who

have business in the courthouse, and the Civic Education Fund, a fund made possible by the generosity of MBA members and others and stewarded by the MBF Board to increase public understanding of the justice system through civic education grants and special projects. The Civic Education Fund is characterized by a competitive grant selection process, targeted funding and careful monitoring. For the past several years, the MBF has awarded approximately \$50,000 in grants each year (but has embarked on an ambitious "growth campaign" to double that amount by 2020 - more on that another time). One of our most consistent and top performing grantees is the League of Women Voters of Portland (LWVPDX). (Note: Another grantee is the League of Women



MBF mission: *The League of Women Voters, a nonpartisan political organization, encourages informed and active participation in government,*



Voters of Oregon [LWVOR] - two separate organizations with separately funded and monitored programming.)

As many of you know, the League nationally goes back to 1920, one year before the 19th Amendment took effect and women gained the right to vote in federal elections (note: women had been voting in Oregon since 1912). The League, self-described as "an activist, grassroots organization whose leaders believed that citizens should play a critical role in advocacy," is one of the oldest civic organizations in the United States. The Portland chapter, which was established that same year, has a mission that tracks well with the

and influences public policy through education and advocacy.

In 2015, the MBF approved a \$3,500 grant to the LWVPDX to support the League's expansion of its civic education outreach strategy. Funding was used to extend the availability and accessibility of its existing programming to wider and more diverse audiences in Multnomah County, including, in particular, communities of color, people under 40 and low-income populations. Included in the specific programming was a civic education panel discussion series focused on current issues and citizen rights and duties to get involved in government decision making. In 2016 - an election year - the MBF awarded a grant of \$3,500 to support the LWVPDX's nonpartisan and influential *Voters' Guides* which are distributed widely in the Portland area, and candidate and ballot measure forums, which are open to the public, televised and online. Both resources provide

local citizens with information on voting and registration along with nonpartisan, accurate and helpful information about candidates for local, statewide and judicial offices and ballot measures.

As one of the "monitors" of the League's activities and programs, I can say that it's been a pleasure to represent the MBF in this long-standing relationship. The League's officers and staff have always been professional, cordial and clearly committed to increasing meaningful civic engagement in our region.

The League of Women Voters of Portland has been a steadfast and reliable partner in accomplishing the missions of both the League and the MBF. We have been supporting LWVPDX programming and projects since we began making Civic Education Fund grants in 2007 and honor their tireless work in the Portland area to contribute to more well-informed, active and effective citizen involvement in civic affairs.

Bonnie Richardson 2016 Professionalism Award Recipient

The following is Bonnie Richardson's acceptance speech at the MBA 2016 Annual Meeting

I'm told that I am the youngest person to receive this award. In fact, I am so young that my parents are here tonight - without the aid of a walker or wheelchair or any assistance. Also here tonight is my husband of 20 years, my sister and her husband, my entire staff and partners and associates. My kids are not here - probably a good thing - they are young and wouldn't be able to make it through this program, without causing my husband and me grief.

To explain what professionalism means to me and how I interact and react to people as a trial lawyer, I think it's important to share with you my background and where I came from. That means I have to tell you about my parents.



Bonnie Richardson's family attended the Annual Dinner to see her receive the Professionalism Award

My mom and dad met when my dad was stationed in Yokohama, Japan during the Vietnam War. My mom is Japanese and my dad is white American. After they married in Japan, they moved to California in 1970. They later moved to Oklahoma when I was a toddler and my brother was an infant. My dad started college in Oklahoma on the GI bill, while my mom worked at a grocery store to support my family.

My brother and sister and I grew up in Oklahoma - in the 1970s, 80s, and 90s. Growing up as a biracial family in a place that wasn't exactly welcoming to "mixing of races" and especially not welcoming, in fact quite hostile, to any non-Christian beliefs (which was my family), we learned to fly under the radar, to not be noticed so much, to blend in as much as we could, and to listen and observe and to not openly challenge the people in that moment, who hate you because of your race and religion. That's how we learned to live. While we pretty much did that as a family, I always had the urge to challenge what I thought was wrong and to enforce

what I thought was right. That was why I was drawn to the law from a young age.

When I came here with my husband to Portland in 1998, I didn't see many people in the MBA who looked like me or with whom I had much in common. It was like Oklahoma, and I could fly under the radar, I could listen and I could learn.

And I did learn. I learned from the older generation of attorneys, most of whom didn't look like me, but who helped me tremendously. These were people like Carl Neil, George Kirklin (who started practicing in the early 1960s and who was one of the best trial lawyers in his time and who told me lots of stories - good and bad - about professional behavior), Wally Sweek (past professionalism award recipient and someone who is so full of rich history), Mike Greene (a natural

and genuine mentor) and of course, John Folawn, who taught me everything he knew and helped me grow to be who I am today. People like John, George, Mike, Wally and Carl, who I didn't have anything in common with

in any way really, but who were willing to be mentors, give advice and show me what they knew, even though I was different.

They are the generation who created this professionalism award back in 1989. It was started by that generation because they were very concerned that they were losing the comradery that bound them all together. The leaders of this bar at that time, in 1989, thought there were just too many lawyers - 2,600 MBA members back then. They wanted to focus on the importance of professionalism.

But, I think (having listened and observed quietly) it wasn't only the fact of the growing number of attorneys that was changing the bar. It was also the make-up of the bar. It was no longer all predominantly white men. 1989 was the same year that OWLS was founded. The bar was changing. The good old days of hanging out at the Aero Club (this is what John Folawn and George Kirklin told me): smoking cigarettes, drinking scotch, playing basketball, exchanging settlement numbers on the back of a cocktail napkin - that wasn't going to work anymore, with our changing profession.



Bonnie Richardson with her husband Greg Kott at the MBA Annual Dinner

What they might not have realized in 1989 was this: to keep professionalism in our bar, it meant that lawyers should not only focus on being respectful to each other, but, to do so, lawyers had to be open to adapting to the change in the make-up of our bar and how we interact with each other. To do that, you have to be willing to really listen and to be aware of the changing attitudes and perceptions and to incorporate that into your everyday practice so that you can be a more effective advocate, a better judge or give good advice to your client.

You see, I learned many good things from the older generation, but now, as I transition into that "older bar number," I realize I can learn so much more from our young generation of attorneys - the changing faces in our bar.

The young attorneys who are already leaders (people like Sarah Ghafouri, Jovita Wang, Jon Patterson) - these are the people who are the future of our profession - they will be partners, judges, clients and opposing counsel. These are the attorneys who are changing our bar and will enhance the professionalism in our bar.

We now have over 4,000 MBA members, and we have wonderful and active new sub-groups in our bar who help support positive change and professionalism, both among ourselves and on the bench - OMLA OHBA, OCNBA, OGALLA (the LGBT Association) and of course, the organization that is near and dear to me and has helped so many - OAPABA.

Recognizing and respecting the differences in who we are - whether in the way you treat opposing counsel or how you seek out mentees or mentors - that is a fundamental part of professionalism. It is the ability to recognize and respect people of all types whether that is age, race, background, sexual orientation, or gender identity.

That's what I learned from my parents - listen and learn from those around you and then figure out how to best make changes for a better practice and community.

I may be the youngest person today to receive this award, but I know I won't be for long. And I am already looking forward to that day.

LAWYERING IN THE DIGITAL AGE

A Fall Workshop Series for Solo and Small Firm Practitioners

Session 1

Creating a Website – Live Demonstration

Tuesday, September 20, noon-1:30pm
Red Star Tavern Club Room, 503 SW Alder St.

Every lawyer in private practice needs a website as the foundation of a marketing plan. **Douglas Detrick** of Rocket Lift, a website design company, will present a step-by-step live creation of a WordPress website for **Emily Busse**. Douglas will cover the process from selecting a domain name to launching the website. You'll leave this presentation having a good idea of how to create your own website and an understanding of how web designers work. If you don't yet have a website or just want to understand yours and make it better, this session is for you.

Session 2

How to Get Your Website Found

Tuesday, October 18, noon-1:30pm
Hotel Monaco, 5th Avenue Room, 506 SW Washington St.

In this workshop, **Mike Maloney** of SmartReach Digital, will cover how search engines work, how they find and rank websites, and how you can use keywords, directories and links to build the visibility of your firm's website on search engines. There is no point in having a great website if no one knows it's there. Attend this workshop to learn how to make your practice visible online. Mike is a 24-year veteran of the Portland advertising industry. He has worked extensively in digital, broadcast, sports sponsorship and out-of-home advertising and recently launched the Portland office of SmartReach Digital, the digital advertising arm of Entercom Communications.

Session 3

Navigating the World of Practice Management Software for Small Firm or Solo Practitioner

Tuesday, November 15, noon-1:30pm
Red Star Tavern Club Room, 503 SW Alder St.

Local personal injury and criminal defense lawyer **Quinn Posner**, Posner Law Office, will lead a discussion focused on finding the best software options that are user-friendly for small offices and which will simplify managing your business and organizing your law practice. Whether you're just opening your firm or are trying to make some changes in your existing practice, this workshop is for you.

Session 4

The Path to Paperless: Making the Switch Work in Your Practice

Wednesday, December 14, 2016, noon-1:30pm
Red Star Tavern Club Room, 503 SW Alder St.

As the practice of law becomes increasingly digitized, mobile, and cloud-based, firms large and small are exploring the most efficient, effective and secure ways to store and transmit data in paperless form. Our presenters include an expert who has literally "written the book" on going paperless, along with representatives from two local firms who have successfully transitioned to paperless law offices. **Sheila Blackford**, PLF Practice Management Advisor and co-author of *Paperless in One Hour for Lawyers*, will discuss the best strategies for moving your law office into the digital age. Ms. Blackford will be joined by **Ryan Vanden Brink** from Intelekia Law Group, and **Heather Bowman** from Bodyfelt Mount. Intelekia Law has been named a partner in the OSB Sustainability Program as well as the ABA Office Climate Change Challenge. Bodyfelt Mount was awarded the OSB's 2014 Sustainable Law Office Leadership Award.

Register at www.mbar.org. Workshops are \$20 for members and \$60 for nonmembers. Or, sign up for the entire series for \$60 for members and \$200 for nonmembers.

The MBA will apply for CLE credit as applicable. The sessions are set up to allow time for networking and questions and answers.

Lunch is provided. Please let us know if you have any special needs (vegetarian, gluten-free, etc.).

Young Lawyers Section

Wills for Heroes Volunteers from the Nigro Law Firm YLS Pro Bono Spotlight

by Holly Puckett
YLS Pro Bono Committee

Autumn Nigro and Alayna Nicholes are both excellent examples of how attorneys with their unique skill set can step in to make an enormous difference for a person with a legal need before a crisis hits. For the past year, Autumn and Alayna have been donating their time to the MBA YLS Wills for Heroes program of the Multnomah Bar Association Young Lawyers

based only on experiential data and feedback from state and national first responder organizations). After the September 11, 2001 terrorist attacks, this lack of estate planning became clear



when a majority of the heroes killed that day had no plans in place in the event of their death. Their families had to pick up the pieces. A national effort began to connect heroes with volunteer attorneys willing to assist them with wills, trusts, and power of attorney documents.

Alayna says, “these individuals put their lives on the line every day and they often have young families.” Autumn adds, “Most young people connect death with being older, and that, combined with knowing that the most basic plan is not affordable for many people, can mean that there is no plan in place before a big event in their lives.” Autumn speaks



Alayna Nicholes and Autumn Nigro

Section, which pairs local first responders with attorneys to help them prepare basic wills and other simple estate planning documents.

Despite the inherently dangerous nature of their jobs, an overwhelmingly large number of first responders - approximately 80-90% - do not have even simple wills (this figure is from Wills for Heroes, and they say the number is

from experience, unfortunately. Her sister passed away last year without a will, and there were guardian issues with her sister’s young children. “It is rewarding to guide people through the process, because they will often come into the meeting confused and unsure, but will leave the room with a genuine peace of mind,” says Alayna.

The MBA YLS Pro Bono Committee is grateful to Alayna and Autumn for their contributions of time and effort in helping to prepare wills for Oregon’s first responder heroes. If you would like to help at the next Wills for Heroes event, please contact Ryan Mosier at ryan@mbabar.org for more information.

For the past few Saturday sessions, Autumn Nigro and Alayna Nicholes have been key volunteers, leading about five to six first responders and their families through the process over the course of the day, so that they have a plan in place, just in case the unthinkable should occur. As

Section, which pairs local first responders with attorneys to help them prepare basic wills and other simple estate planning documents.

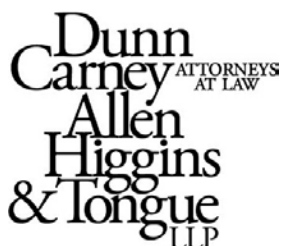
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The **YLS Pro Bono Committee** invites you to join them for an evening of pints and socializing to support the **Volunteer Lawyers Project** at the **Portland Regional Office of Legal Aid Services of Oregon**. Tickets are \$35 and include food and two beverages.

Register online at www.mbabar.org or complete and return the flyer included in this newsletter.



YLS Summer Social at Thorns FC Match - June 22

by Shannon West
MBA Office Administrator

Members of the MBA YLS gathered at Providence Park on Wednesday, June 22 to celebrate the end of the committee year and recognize all of the great work our volunteers have done. Attendees were able to socialize, eat, drink, and cheer on the Portland Thorns as they beat the Chicago Stars 2-0 to claim the number one spot in the league.

Thank you to our generous 2016 YLS Summer Social Sponsors:



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VLP GOLF EVENTS SUPPORT ACCESS TO JUSTICE

Proceeds from MBA VLP golf events support the Volunteer Lawyers Project (VLP) at the Portland Regional Office of Legal Aid Services of Oregon, providing pro bono legal services to low-income Oregonians who couldn't otherwise afford legal representation. Last year, VLP lawyers took on nearly 2,000 new cases and reported thousands of volunteer hours. Such a large pro bono project requires not only staffing, but also court costs, interpreter fees, supplies, and other expenses. With the demand for legal aid at such a high level, VLP resources have been stretched thin. Your support of MBA golf events, particularly the September 26 championship, benefits the VLP. When you sponsor an event, put together a team, or contribute a raffle item, you move the MBA closer to its goal of raising \$20,000 for the VLP.

To sponsor or to play in any of these events, see the insert in this issue, visit www.mbabar.org or contact Pamela Hubbs (503.222.3275, pamela@mbabar.org).

MBA Family & Friends Golf Event

Thursday, July 14
Mc Menamins Edgefield
Troutdale

Bring your kids, your colleagues, your clients and play nine holes of short par 3 golf. Fun Judges will judge your most creative swing and reward your most colorful attire. Costumes welcome!

This fun, casual event is ideal for new golfers, non-golfers and children. Putting contest, raffle and mulligans benefit the VLP. A putter and pitching wedge are the only clubs needed and may be rented at the course for \$2 each. Stay after golf for the raffle and awards.

Space is limited. Register by July 12.

Adults \$25, children \$10. Tee times begin at 2 p.m.

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MBA Lawyers & Law Students Golf Event

Monday, August 15
Langdon Farms Golf Club
Aurora

Excellent opportunity to foster professional relationships as law students, lawyers and judges meet and network over golf and dinner. Raffle and mulligans benefit the VLP.

To sponsor this event or a law student who might not otherwise be able to play, contact Pamela Hubbs (503.222.3275, pamela@mbabar.org).

Register by August 11.

Lawyers \$100, law students \$40 (students, please register through your career services office).
 1:45 p.m. shotgun.

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19th Annual MBA Golf Championship Benefiting the Volunteer Lawyers Project

Monday, September 26
Portland Golf Club
Portland

Your participation or sponsorship will help the MBA reach its 2016 goal to raise \$20,000 for the VLP. Registration includes golf, cart, range, lunch, dinner, contests and door prizes.

1 p.m. shotgun. MBA members and non-lawyers register by September 16 for discounted rate of \$275; after September 16, \$300. Non-MBA member lawyers and late registrants \$300.



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

Classifieds

Positions

Assistant General Counsel & Client Assistance Office Attorney

The Oregon State Bar is looking for someone to provide initial response and disposition to all inquiries and complaints concerning the conduct of attorneys.

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

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Experienced Litigation Paralegal

Cosgrave Vergeer Kester LLP has an immediate opening for a litigation paralegal to play a significant role in managing a busy litigation practice. The ideal candidate will:

- Have at least three successive, full time years of experience as a litigation paralegal. Work may include personal injury, professional and/or premises liability, and construction practice areas.
- Have experience providing trial support.
- Be highly organized, with demonstrated ability to efficiently manage discovery, preparation of exhibits for depositions and trial, interview witnesses, schedule witnesses and experts, issue subpoenas, review and summarize medical and employment records.
- Requires ability to conduct background research using various internet tools, including social media sites.
- Have advanced proficiency in Microsoft Office: Word, Excel, Outlook, PowerPoint software. Knowledge of ProLaw desirable.
- Be an energetic, self-starter who is able to prioritize and keep track of details in multiple cases, calendars and deadlines.
- Be familiar with Oregon and Washington rules.
- Ability to use case management software such as Case Logistix, Relativity, and/or IPRO Eclipse a plus.

You will work closely with partners and associates to: prepare and respond to discovery requests, including review for privilege, redaction and bates labeling of documents; review and analyze medical records with preparation of comprehensive medical summaries; conduct factual and background investigation through use of internet tools and social media; perform document management and analysis; interview witnesses; and prepare for trial and arbitration. Your excellent written and oral skills, combined with a good sense of humor and intellectual curiosity, will contribute to your success on this busy team. Position requires ability to quickly solve problems as they arise.

Paralegal certification or college degree preferred; equivalent work experience and training may be substituted.

Schedule is 8:30 a.m. to 5 p.m. with additional hours required at times.

If you meet all of the above qualifications, contact human resources to request an application and send your resume and cover letter to: humanresources@cosgravelaw.com.

We offer a fast paced, team-oriented work environment with competitive compensation, professional development support and a generous benefit package, including medical, dental, life and disability insurance, 401k, paid vacation and more.

Cosgrave Vergeer Kester LLP is an equal opportunity employer. We welcome all applicants and strive to provide a workplace in which all employees feel included, respected and valued. If you have questions or require assistance, please call 503.323.9000 and ask to speak with the human resources representative or email humanresources@cosgravelaw.com.

Job is open until filled. All inquiries will be handled confidentially.

Estate Planning & Business Paralegal/Practice Development Assistant

Cosgrave Vergeer Kester has an immediate opening for an experienced estate and business paralegal/ practice development assistant to play a significant role

in managing a busy business and estate planning practice. The ideal candidate will:

- Have at least three successive, full-time years in estate planning/probate and corporate governance.
 - Experience with guardianships/ conservatorships a plus.
 - Be able to draft Oregon probate court documents, estate inventories, accountings, and correspondence.
 - Experience preparing tax identification number applications, S corporation elections, estate and gift tax returns, and determining and calendaring tax deadlines.
 - Handle aspects of corporate administration and filings including preparing board materials, resolutions and consents; maintaining corporate minute books.
 - Be able to support aspects of M&A, real estate or financing transactions and other strategic corporate transactions, including managing due diligence, accessing public records and assisting in the closing of transactions.
 - Have advanced proficiency in Microsoft Office: Word, Excel, Outlook, PowerPoint software. Knowledge of ProLaw desirable.
 - Familiarity with Oregon laws required; Washington experience also desirable.
 - Be a highly-organized self-starter who is able to keep track of details and deadlines in multiple cases.
 - Have ability to solve problems as they arise and provide excellent client service.
 - Be able to work well as a team player in a small practice group.
- Paralegal certificate and/ or college degree preferred. A combination of experience and training may be substituted. Schedule is 8:30 a.m. to 5 p.m. with ability to occasionally work additional time as needed.
- You'll be working closely with three partners, several associates and staff members on estate, probate, corporate, real estate, and other transactional matters. Your excellent written and oral

skills, combined with a good sense of humor, will contribute to your success on this busy team. Position requires ability to quickly solve problems as they arise and provide excellent client service.

If you meet all of the above qualifications, please submit your resume and cover letter to humanresources@cosgravelaw.com.

We offer a fast-paced, team-oriented work environment with competitive compensation, professional development support and a generous benefit package, including medical, dental, life and disability insurance, 401k, paid vacation and more.

Cosgrave Vergeer Kester LLP is an equal opportunity employer. We welcome all applicants and strive to provide a workplace in which all employees feel included, respected and valued. Cosgrave Vergeer Kester LLP will provide reasonable accommodation to complete the online application consistent with applicable law. If you require an accommodation, please call 503.323.9000 and ask to speak with the human resources representative or email humanresources@cosgravelaw.com.

All inquiries will be handled confidentially.

Construction Litigation Attorney (Portland, OR)

Seifer, Yeats, Zwierzynski & Gragg, LLP is seeking an associate attorney with ideally three to five years of experience for our established Portland law firm. The firm's primary focus is in construction law, but includes all aspects of commercial litigation.

This position involves all phases of litigation and includes legal research, drafting, discovery, file management, motion practice, case development, and court appearances. However, non-litigation matters (contract drafting, contract review, real estate transactions, etc.) will also supplement the associate's workload.

The ideal candidate will have the following qualifications:

- An excellent academic record, along with effective oral and written communication skills.
- Strong legal research, analytical and problem-solving skills.
- Familiarity with construction and insurance documents.

- Detail oriented with strong organization and time management skills with the proven ability to work in a deadline-driven, fast-paced environment.
- A team player.

We will offer a competitive salary. The compensation package will depend upon experience and skills. All applications will be treated as confidential.

Interested applicants should forward each of the following items for review: (1) cover letter; (2) resume; (3) writing sample and (4) references, to our Firm Administrator at jross@seifer-yeats.com.

Litigation Paralegal (Portland, OR)

Seifer, Yeats, Zwierzynski & Gragg, LLP is seeking a full-time paralegal with ideally three to five years of experience for our established Portland law firm. The firm's primary focus is in construction law, but includes all aspects of commercial litigation. This position involves all phases of litigation and includes matter intake, document review and production, insurance claim management, case management, trial preparation and general administrative tasks. The ideal candidate will have the following qualifications:

- Three to five years of construction litigation experience.
- Familiarity with construction and insurance documents.
- A Bachelor's degree and/ or Paralegal certificate is preferred.
- Detail oriented with strong organization and time management skills with the proven ability to work in a deadline-driven, fast-paced environment.
- A team player.

We will offer a competitive salary. The compensation package will depend upon experience and skills. All applications will be treated as confidential.

Interested applicants should forward each of the following items for review: (1) cover letter; (2) resume and (3) references, to our Firm Administrator at jross@seifer-yeats.com.

Continued on page 16



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Classifieds

Continued from page 15

**Sr. Labor Relations Counsel
(This position is available in either Seattle or Phoenix.)**

The Air Line Pilots Association, International, the largest airline pilot union in the world and the largest non-governmental aviation safety organization in the world (representing over 52,000 pilots at 30 U.S. and Canadian airlines) seeks an experienced Sr. Labor Relations Counsel for our office in SeaTac, Washington or Phoenix, Arizona. Under minimal direct supervision and within the limitations of Association policy, the Sr. Labor Relations Counsel provides assistance to pilot governing bodies and to individual members on all subjects that affect their employment. In coordination with department managers, s/he applies thorough understanding of applicable laws and comprehensive experience in Association policies and procedures to handle an extensive range of complex labor relations assignments, often on short notice, and functions as a labor relations professional. S/he also provides staff assistance in all phases of negotiating agreements. S/he monitors and administers contracts, including spending significant time utilizing Alternative Dispute Resolution (ADR) processes to resolve disputes; manages Federal Aviation Administration (FAA) actions against individual pilots; prepares summaries of National Transportation Safety Board (NTSB) Accident/Incident hearings; and, handles all case management functions. S/he actively listens, builds trust, and adapts his/her style and tactics to fit the audience. Travel, significant and, at times, on short notice is required.

Travel required: usually 25 – 50%; sporadically 50 – 75%.

Minorities, veterans, and people with disabilities are encouraged to apply.

Minimum Requirements:

- Juris Doctor (JD), Master of Law (LLM), or similar advanced degree from an approved school of law required.
- Member in good standing of the Bar.
- Fifteen (15) years of related experience in labor law and litigation. Aviation and/or labor union experience preferred.
- Experience in collective bargaining, grievance, and arbitration preferred.
- Excellent interpersonal and communication skills, oral and written, for effective interaction with internal staff; external contacts; senior legal and aviation professionals; and, pilots.
- Demonstrated ability to think strategically and to organize and coordinate long-term projects.

- Demonstrated ability to use independent judgment to formulate decisions and/or solve problems, under time pressure and urgent conditions.
- Knowledge of Federal Aviation Regulations (FARs) preferred.
- Experience using online legal research, Westlaw or the equivalent, preferred.
- Software: Microsoft Word, Outlook, Excel, and PowerPoint.

Physical Demands:

Note: The physical demands described herein are characteristic of those that must be met to successfully perform the essential functions of this position. Reasonable accommodations may be made to enable individuals to perform the essential physical activities of this position described below.

Constantly operates a computer/smartphone/tablet. Regularly required to maintain a stationary position, move about the office and the local metropolitan area, determine what others have said or written, and converse with others and exchange accurate information.

Regularly required to sit, stand, bend, reach, and move about the office and travel (locally, nationally, and internationally). Also includes occasional bending, stooping, squatting, and/or pushing and pulling or moving, e.g., to pack, unpack, and/or move cases.

Occasionally required to move, raise, reach, and/or retrieve binders, books, boxes, and files up to ten (10) pounds (lbs.). While on travel, could be responsible to move, raise, reach, and/or retrieve binders, boxes, cases, and/or files weighing as much as 50 lbs. (Assistance may not always be available.)

Please apply online at <https://jobs-alpa.icims.com/jobs/1217/sr-labor-relations-counsel/job>

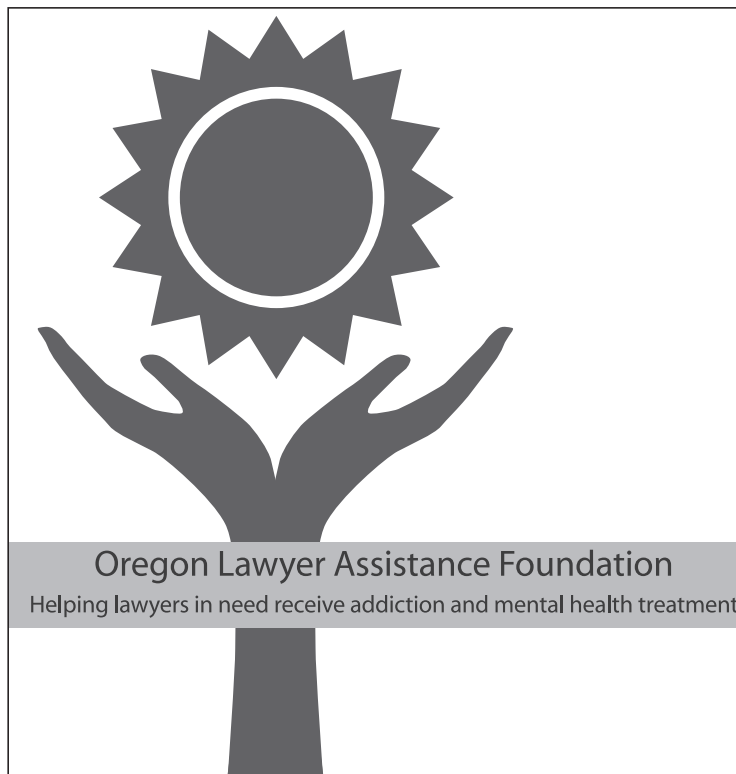
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- Company-paid premiums for disability and life insurance;
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- Flexible Spending and Health Savings accounts; and
- Retiree health plan.

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Litigation Associate Attorney

Gordon & Rees LLP has an immediate opening for an associate attorney in our Portland, Oregon office. Preferred qualifications include the following:



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- 3-5 years of civil litigation experience in areas that include employment law, products liability, commercial litigation, professional liability and/or intellectual property;
- Admission to practice in both OR and WA (or qualified to seek reciprocity in WA);
- Demonstrated strong oral and written communication skills;
- Organized and detail-oriented; and
- Excellent references and academic credentials.

We offer a friendly, casually professional business environment with competitive salaries and a comprehensive benefits package. Qualified candidates should submit a resume, cover letter and writing sample to jxaxustin@gordonrees.com.

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Litigation Associate

The Portland office of Bullivant Houser Bailey is seeking an attorney with at least five years of relevant experience in handling cases in the area of products liability, personal and catastrophic injury and asbestos litigation. This is an exciting opportunity to become part of our nationally-recognized litigation team. This position involves all phases of litigation, and includes drafting pleadings and discovery, managing files, and handling hearings, depositions, arbitrations and trials.

The ideal candidate will have the following qualifications:

- An exceptional academic record along with excellent oral and written communication skills.
- At least three years of private law firm practice.
- Strong legal research, analytical and problem-solving skills.
- Possess strong organizational and time management skills with the proven ability to work in a deadline-driven, fast-paced environment.
- The ability to handle a file from intake to trial with minimal supervision.
- Must be admitted to practice in Oregon.

No outside recruiters please. Please submit cover letter, resume, law school transcript and a 5-7 page writing sample to Jill Valentine, Attorney Services Administrator at Jill.Valentine@Bullivant.com.

Attorney (Portland, OR)

Anglin Flewelling Rasmussen Campbell & Trytten LLP (AFRCT) seeks an attorney for its Portland, Oregon office. AFRCT is a growing law firm with offices in California and Washington that prioritizes a first rate legal product and collegial working environment. Candidates should be admitted to practice in Oregon, and have a minimum of five years of experience in litigation related to representation of financial institutions. Other requirements include a strong academic background, trial experience, excellent writing and analytical skills, a strong work ethic, and an ability to manage cases independently. Please email a cover letter and resume to Ann T. Marshall at: amarshall@afrcr.com.

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Pro Bono Volunteers

Thanks to the following lawyers and law students who donated their pro bono services recently via the Volunteer Lawyers Project, the Senior Law Project, law firm clinics, the Oregon Law Center, the Nonprofit Project, St. Andrew Legal Clinic, Catholic Charities Immigration Legal Services, Lewis & Clark's Small Business Legal Clinic, Children's Representation Project, and Changing Lives Forever Project. To learn more about pro bono opportunities in Multnomah County, go to www.mbabar.org and click on "About Us" and "Pro Bono."

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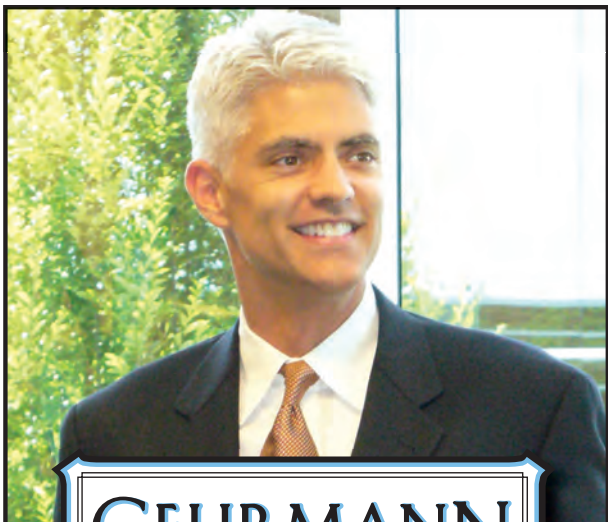
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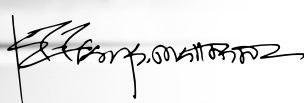
For the last 30 years I've practiced family law in Portland, often focusing on financially complex cases and high conflict custody litigation. I know how challenging a divorce can be.

My personal fulfillment comes from guiding clients through this huge life transition. I serve as both their counsel and zealous advocate, committed to the pursuit of the best outcome for my clients.


This is why I have become a partner at McKinley Irvin. We share a commitment to excellence and a common set of values, as we strive to protect what our clients value most.

I chose to join forces with McKinley Irvin, a family law champion, so I could continue to serve Portland and maintain my commitment to the Portland community.


I look forward to working with you.



Jeffrey Matthews



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Congratulations, Award Recipients

The May 19 MBA Annual Meeting, Dinner and Judges Reception recognized exemplary volunteers and the MBA Professionalism Award recipient **Bonnie Richardson**. In addition to Bonnie, 11 outstanding volunteers were recognized. MBA Awards of Merit were presented to **Emily Teplin Fox, Judge Adrienne C. Nelson, Mary E. Tollefson and Judge Youlee Y. You**. The YLS Award of Merit was given to **Anaiah E. Palmer**. **Michael C. Willes** received the YLS Rookie of the Year Award. Pro Bono Awards recognized **Cody Berne, Ian Simpson, Mark A. Peterson, Richard A. Slottee and Theresa L. Wright**.

Congratulations to all the very deserving award recipients!

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Carolyn Walker presents Bonnie Richardson with the Professionalism Award



Judge Beth Allen, Presiding Judge Nan Waller and Carolyn Walker

Photos by Dan Carter

See additional photos from the dinner at www.mbabar.org/membership/annualdinner2016.html



Bob Steringer and Mackenzie Hogan pictured with award recipients Cody Berne, Emily Teplin Fox, Mary Tollefson, Anaiah Palmer, Michael Willes, Judge Adrienne Nelson and Judge Youlee You



John Folawn, Attorney General Ellen Rosenblum and Judge Adrienne Nelson

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