

## CourtCare's 14th Annual Fundraising Campaign Free Childcare Program Available at Two Multnomah County Courthouses

by Dana Scheele  
MBF Vice President & CourtCare Campaign Committee Chair

There are daily experiences in the Multnomah County Courthouse



which children should be shielded from: prisoners in shackles, families fighting, criminal sentencing, and violent language, just to name a few. Since its opening in 2001, CourtCare has done exactly that. CourtCare has improved access to justice for families by making free, drop-in childcare available at the downtown Multnomah County Courthouse and, since April 2015, at the East County Courthouse, for families with business at the court. In addition to being a safe, convenient location for families to leave their children, CourtCare helps to reduce the number of court appointments that need to be rescheduled and removes the potential that children may witness disturbing events. Multnomah County judges universally praise CourtCare as improving the administration of justice because court operates more efficiently without having children in the courtrooms and hallways.

CourtCare serves children as young as six weeks and as old as 10 years. In over 14 years of operation, the program has made a difference to over 14,000 children, who have been welcomed into



a cheerful place where they are sheltered from adult issues in court. In addition to providing care during a time of need, CourtCare also makes referrals to families for basic needs: housing, food, clothing and diapers, as well as mental health services and legal aid.

Not only does CourtCare give parents peace of mind, it's fun for the kids, too. This is why CourtCare is known as the happiest place in the courthouse. The comments from the families

who have used CourtCare emphasize how invaluable the service is. One parent commented, "You guys have been a blessing ... my kid just went wild and I thought we would have to leave, but then the clerk told me about your room." Another family reported, "We came down from the Seattle area, and didn't have any idea how we were going to get through this day, I can't tell you how glad we were to find out about

your room, we had NO other place to leave the kids." Yet another said that, "You people are angels and life-savers ... My daughter couldn't wait to come back after lunch to all the art and Play-Doh!"

Even children who are unaccustomed to being left in the care of others thrive: "I am just so glad that you are here in the courthouse and that my kids were happy to stay with you, they don't ever get left with anyone and I thought this wouldn't work out, but they loved the room and playing with the other kids, Thank you!" Several parents said they could not get their kids to leave CourtCare after playing there for several hours. For families who are already stressed to their limits when attending court for divorce proceedings, protective orders, custody battles, eviction proceedings or criminal charges, CourtCare eases their childcare dilemma and allows them to focus on their court matter.



Given the success of the CourtCare program in the downtown courthouse (also utilized by federal court litigants), CourtCare opened its doors at the East County Courthouse in April 2015. CourtCare in East County is open on Mondays from 1-5 p.m. and on Wednesdays from 8:30 a.m. - 5 p.m. This schedule coincides with the court's regular docket for FAPA hearings and family law matters. As the East County Courthouse ramps up its schedule to include trials, consideration will be given to ramping up the CourtCare schedule as well.

Many people worked tirelessly to expand the CourtCare program to the East County Courthouse, including Multnomah County Courthouse staff and judges, the staff at Volunteers of America, the MBA staff, as well as individual members of the bar and community who donated furniture, toys, books, computers, and services to make the room a welcoming place. The Grand Opening Ceremony was heartwarming and well attended by civic leaders in East County, who praised CourtCare as contributing to the families in their community.

Given how important this program is, here is the pitch! The CourtCare campaign began in 2004, with an annual goal of raising \$100,000 from Portland-area legal organizations, law firms, attorneys, legal assistants, paralegals, other support staff, and judges. The funds raised allow CourtCare to welcome approximately 100 children each month into a safe, fun and caring environment. Without the generous financial support from the legal community, CourtCare would not be possible.

The MBF is proud to support CourtCare and asks that you consider making a donation to benefit the program and assist in its continued success. Donations can be made to the Multnomah Bar Foundation and are tax deductible. This year's campaign runs from May 2-20 with a goal, once again, of raising more than \$100,000. Every dollar helps. To learn more about CourtCare or the campaign, please contact me at [dana.scheele@cambiahealth.com](mailto:dana.scheele@cambiahealth.com) or 503.414.7862. Also, please see the insert to make a donation by mail or visit [www.mbabar.org](http://www.mbabar.org) to make a donation online or to view a brief video about the CourtCare program. Thank you in advance for your support of this vital program.

## mba|CLE

To register for a CLE, please see p.4 or go to [www.mbabar.org](http://www.mbabar.org) and log in as a member to register at the member rate.

### MAY

#### 5.3 Tuesday All's Well That Ends Well: Settlement Agreements and Releases

Jan Kitchel  
Johnathan Mansfield

#### 5.26 Thursday Multnomah County Trial Practices Update

Judge Stephen Bushong  
Judge Kathleen Dailey

### JUNE

#### 6.2 Thursday Piercing the Corporate Veil and Other Limits on Limited Liability

Susan Marmaduke  
Keil Mueller  
John Parsons

#### 6.7 Tuesday Beating the Odds: Defenses to Superfund Liability

John Ashworth  
Christine Hein  
David Rabbino

#### 6.8 Wednesday Campus Sexual Assaults: Understanding Title IX and Federal Policy

P.K. Runkles-Pearson  
Gloria Trainor  
Kristen Tranetzki

#### 6.9 Thursday Annual Probate Update

Judge Andrew Erwin  
Judge Robert Herndon  
Judge Katherine Tennyson  
Sibylle Baer

#### 6.14 Tuesday Advising Nonprofits and Serving on a Nonprofit Board

Kate Kilberg  
Michele Wasson

#### 6.15 Wednesday Washington and Clackamas County Court Update

Judge Charlie Bailey  
Judge Robert Herndon

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## MBA 110th Annual Meeting, Dinner & Judges Reception

Thursday, May 19  
5-8 p.m.

See details on page 2



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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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## HOW TO MAKE YOUR SMALL FIRM SUCCESSFUL

### A Spring Workshop Series

Held at the World Trade Center, Mezzanine Room, 26 SW Salmon St. from 12-1:30 p.m.

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, vegan, etc.).

Register at [www.mbabar.org](http://www.mbabar.org). Workshops are \$15 for members and \$50 for nonmembers.

The last workshop of this series will be held on May 25. The next series, focusing on technology topics, will start in September.

#### Session 4 - Wednesday, May 25, 2016 Supporting or Staffing Your Practice

In this workshop **Charese Rohny**, solo practitioner and **Julie R. Vacura**, founding partner of Larkins Vacura, will discuss supporting your office with both software and people. You can learn from the panel and other lawyers how to most efficiently and cost-effectively staff or otherwise support a professional law practice. If you work from your home office, sublease from another firm, or have your own offices with partners and associates, there are financial and time efficiencies you can learn about in this workshop. **Adina Matasar**, of Matasar Law, PC will moderate. Come with specific questions that you have regarding your own office and ideas of how to improve efficiency and save costs.

## mba | EVENT

### Multnomah Bar Association Annual Meeting, Dinner & Judges Reception

Thursday, May 19  
5-8 p.m.

Portland Marriott Downtown Waterfront  
1401 SW Naito Parkway, Portland

Celebrating the profession and recognizing our colleagues

**Professionalism Award Recipient**

Bonnie Richardson

**MBA Awards of Merit**

Emily Teplin Fox

Judge Adrienne C. Nelson

Mary E. Tollefson

Judge Youlee Y. You

**YLS Award of Merit**

Anaiah E. Palmer

**YLS Rookie of the Year**

Michael C. Willes

**Pro Bono Awards**

Cody Berne

Ian Simpson

Mark A. Peterson

Richard A. Slottee

Theresa L. Wright

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

#### Thank you sponsors of the MBA Annual Meeting

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# Calendar

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

## MAY

**2-20 Monday-Friday  
CourtCare Fundraising Campaign**  
[www.mbabar.org](http://www.mbabar.org)

**4 Wednesday  
YOUthFILM Screening**  
[www.mbabar.org](http://www.mbabar.org)

**5 Thursday  
Tillicum Gathering**  
[www.mbabar.org](http://www.mbabar.org)

**10 Tuesday  
June Multnomah Lawyer deadline**

**12 Thursday  
MBA OSCPA & OBA Golf Clinic & Networking Event**  
[www.mbabar.org](http://www.mbabar.org)

**19 Thursday  
MBA Annual Meeting & Dinner**  
[www.mbabar.org](http://www.mbabar.org)

**20 Friday  
MBA and YLS Committee Volunteer Forms due**

**25 Wednesday  
MBA Solo/Small Firm Workshop**  
[www.mbabar.org](http://www.mbabar.org)

**26 Thursday**  
Oregon Chapter FBA Annual Dinner  
[www.oregonfba.org](http://www.oregonfba.org)

**30 Monday  
Memorial Day Holiday**

## JUNE

**10 Friday  
July/August Multnomah Lawyer deadline**

**14 Tuesday  
Riverside Golf Event**  
[www.mbabar.org](http://www.mbabar.org)

**18 Saturday**  
SALC Race for Justice  
[www.salraceforjustice.org](http://www.salraceforjustice.org)

**22 Wednesday  
YLS Summer Social Thorns Game**  
[www.mbabar.org](http://www.mbabar.org)

## JULY

**4 Monday  
Independence Day Holiday**

**14 Thursday  
Family & Friends Golf Event**  
[www.mbabar.org](http://www.mbabar.org)

**28 Thursday**  
OMLA Auction  
[www.oregonminoritylawyer.org](http://www.oregonminoritylawyer.org)

## mba | EVENT

### MBA, OSCPA & OBA Golf Clinic & Networking Event

Thursday, May 12  
5:30-7:30 p.m.

RedTail Golf Center, Beaverton

We've reserved the covered upper deck for you to warm up your game. Enjoy unlimited range balls, advice from the pros, complimentary club rental, hosted appetizers and a free raffle. This popular outing brings attorneys, accountants and bankers together in a relaxed setting and is suitable for novice and seasoned golfers alike.



Registration is \$20 for MBA members and non-lawyers, \$30 for non-MBA member lawyers (any lawyer actively licensed in Oregon who is not a current MBA member). Sponsorship opportunities are available; contact Pamela Hubbs (503.222.3275, [pamela@mbabar.org](mailto:pamela@mbabar.org)).

See the insert to register.



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.

### All's Well That Ends Well: Settlement Agreements and Releases Tuesday, May 3, 2016 - 3:00-5:00 p.m.

**World Trade Center, Mezzanine**  
Members \$60/Non-Members \$95

All's well that ends well ... unless you've messed up. **Jan Kitchel**, Cable Huston, LLP and **Johnathan Mansfield**, Mansfield Law, will engage in a spirited discussion of wows, oops and oh-no's in the negotiating and drafting of settlement agreements and releases, from both the plaintiff and defense perspectives. Jan Kitchel has over 35 years of trial experience, and currently focuses his practice on personal injury and probate litigation. For the last 20 years, Johnathan Mansfield has represented and advised clients while practicing at some of the country's largest firms. His practice focuses on intellectual property litigation and advice, including patent, trade secret, trademark, copyright, and other intellectual property matters.

**For more information:** Call Seth Row, Miller Nash Graham & Dunn at 503.205.2318. For registration questions, call the MBA at 503.222.3275.

### Multnomah County Trial Practices Update Thursday, May 26, 2016 - 12:00-1:00 p.m.

**World Trade Center, Mezzanine**  
Members \$30/Non-Members \$50

*Note: The MBA will apply for 1 OSB credit.*

This year's program will feature presentations by Multnomah County Chief Civil Court **Judge Stephen Bushong** and Multnomah County Circuit Court **Judge Kathleen Dailey**. Topics will include motion practice, jury selection, briefing, jury instructions, making and arguing objections, managing witnesses and exhibits, handling presentation media and other procedural and practical issues faced by trial lawyers. Judges Bushong and Dailey will also identify and discuss approaches for avoiding significant trial practice mistakes that Multnomah County judges frequently encounter.

The program is designed for attorneys at all levels of experience, and practitioners are strongly encouraged to take advantage of this excellent opportunity to ask questions. Please join us for this informative discussion.

**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.

### Piercing the Corporate Veil and Other Limits on Limited Liability Thursday, June 2, 2016 - 3:00-5:00 p.m.

**World Trade Center, Mezzanine**  
Members \$60/Non-Members \$95

"Piercing the corporate veil." The "fiduciary shield" doctrine. "Vicarious liability." "Imputed contacts." "Retained control." When do the boundaries between one person and another work to limit liability, and when does the law disregard those boundaries for purposes of liability? When does a "limited liability" entity really limit the exposure of its owners? And when are contacts with a forum state imputed to another for purposes of personal jurisdiction?

Three Portland litigators - **John Parsons**, **Keil Mueller**, and **Susan Marmaduke** - will discuss those and other concepts that affect whether the boundaries between one person or entity and another will act as a firewall for purposes of liability and personal jurisdiction, and when they will not.

**For more information:** Call Bridget Donegan, Larkins Vacura at 503.542.3107. For registration questions, call the MBA at 503.222.3275.

### Beating the Odds: Defenses to Superfund Liability Tuesday, June 7, 2016 - 3:00-5:00 p.m.

**World Trade Center, Mezzanine**  
Members \$60/Non-Members \$95

As EPA issues the Proposed Cleanup Plan for the Portland Harbor Superfund Site and cleanup costs are likely to exceed a billion dollars, the "divisibility of harm" defense to CERCLA joint and several liability may become more important than ever. Our experienced panel of speakers will provide background on cases where courts have found harm to be divisible and reasonably capable of apportionment and will provide an in-depth analysis of how the divisibility defense proved successful in Burlington Northern. The panel also will discuss the application of the divisibility of harm defense in the Fox River litigation, with a special emphasis on varied approaches to characterizing and dividing harm. Finally, the panel will offer practical strategies for making divisibility of harm defense arguments at complex sites. Our panel includes **David Rabbino** of Tonkon Torp, **Christine Hein** of Ring Bender McKown & Castillo and **John Ashworth** of Kell, Alterman & Runstein.

*Disclaimer: Opinions expressed by the panel members are their individual opinions and not their employers' or clients' and are not formal legal opinions upon which any party is entitled to rely.*

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

### Campus Sexual Assaults: Understanding Title IX and Federal Policy

**Wednesday, June 8, 2016 - 3:00-5:00 p.m.**  
**World Trade Center, Mezzanine**

Members \$60/Non-Members \$95

This panel discussion will explore how sexual assault allegations on college campuses are investigated and adjudicated, including the role schools, law enforcement agencies and courts do and should play in handling these issues. The panel will also debate the ramifications of the 2011 "Dear Colleague Letter" issued by the Department of Education that required schools to address issues of sexual harassment and assault as part of their Title IX obligations, as well as discuss the new legislation on affirmative consent and the proliferation of Title IX cases filed in state and federal court. The panel will include **Kristen Tranetzki**, Angeli Ungar Law Group, who has represented students accused of sexual misconduct; **Gloria Trainor**, Summer Trainor PC, who has represented students who have reported sexual misconduct to their schools; and **P.K. Runkles-Pearson**, Miller Nash Graham & Dunn, who has advised higher education institutions on these issues.

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

### Annual Probate Update

**Thursday, June 9, 2016 - 3:00-5:00 p.m.**  
**World Trade Center, Auditorium**

Members \$60/Non-Members \$95

The MBA presents the 2016 Annual Probate Update, featuring **Judge Katherine Tennyson**, Multnomah County; **Judge Andrew Erwin**, Washington County; **Judge Robert Herndon**, Clackamas County; and **Sibylle Baer**, Cartwright Baer Johansson PC. Ms. Baer will provide an update of recent case law and legislation. The judges and staff will discuss current practices and procedures in the metro area. This CLE is a must for all probate practitioners and/or their staff.

**For more information:** Call Mindy Stannard, McKinley Irvin at 503.487.1645. For registration questions, call the MBA at 503.222.3275.

### Advising Nonprofits and Serving on a Nonprofit Board: Navigating the Rules and Avoiding the Traps

**Tuesday, June 14, 2016 - 3:00-5:00 p.m.**  
**World Trade Center, Mezzanine**

Members \$60/Non-Members \$95

There are an increasing number of rules, regulations, excise taxes and other sanctions that can apply to a tax-exempt entity. Whether you serve on a nonprofit board or advise nonprofits as part of your law practice, it is important to know the rules that apply to various types of nonprofit entities.

**Michele Wasson** of Stoel Rives and **Kate Kilberg** of Catalyst Law LLC will address best practices in the nonprofit area to help advisors, board members, and key staff avoid conflicts of interest and apply sound fiduciary oversight. This presentation will cover private foundations, public charities, trade associations, social clubs, and similar tax exempt entities. The speakers will outline the policies and procedures that help ensure a tax exempt entity is operating in compliance.

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

### Washington and Clackamas County Court Update

**Wednesday, June 15, 2016 - 3:00-5:00 p.m.**  
**World Trade Center, Mezzanine**

Members \$60/Non-Members \$95

The MBA CLE Committee presents a two-hour CLE focusing on Washington and Clackamas County court updates. This CLE is designed for all attorneys and will provide information and forms for navigating the Washington and Clackamas County Courts.

Our panel includes Washington County Presiding **Judge Charlie Bailey** and Clackamas County Presiding **Judge Robert Herndon**. This class will assist the practitioner in adjusting to court procedures outside of Multnomah County, including court organization, filing and serving your complaint, general calendaring, routine motion practice and scheduling and getting court assistance with trial and pleading issues.

The class will also provide attendees with updates to both Washington and Clackamas County court practices. Printed materials and online resources will be available to provide further assistance to attorneys who may practice in either or both of these counties.

**For more information:** Call Sean Ray, Barran Liebman at 503.276.2135. For registration questions, call the MBA at 503.222.3275.

**For more upcoming classes or to register,  
see page 4.**



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

Please see the form at [www.mbabar.org](http://www.mbabar.org) to volunteer for a committee.

### Volunteering Rewards

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

### Descriptions for MBA committees

**CLE:** Plan, conduct and evaluate 35 to 40 CLE seminars, focusing on members' primary areas of practice.

**Court Liaison:** Foster constructive dialogue with the Multnomah County Circuit Court presiding judge and court administrator with regard to current practices, or to rules or procedural changes before they are implemented by the court.

**Equality & Diversity:** Foster and expand diversity, inclusion and equality in the MBA and Multnomah County legal community and create and strengthen a relationship of mutual support between the MBA and diverse bar organizations.

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

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

**MBF CourtCare:** Conduct a fundraising campaign for the CourtCare program, which provides free childcare in the downtown and East County courthouses.

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

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

the Professionalism Award screening and selection process.

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

**VLP Golf:** Plan and conduct four to six golf events between April and October, including the MBA Championship, which benefits the Volunteer Lawyers Project at LASO.

### Descriptions for YLS committees

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

**YLS Entrepreneur:** Provide professional development and support to young attorneys starting their own practice.

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

**YLS Pro Bono:** Advocate for and provide support to local pro bono programs.

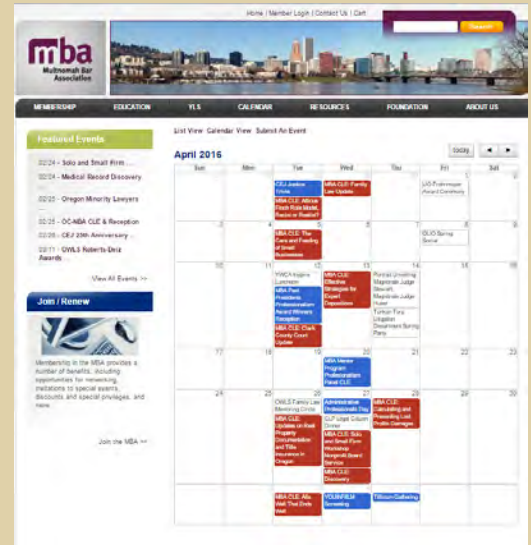
**YLS Service to the Public:** Provide programs to engage young lawyers in community outreach activities that educate the public about the legal system, the positive role of attorneys in society, and the legal resources available to the community.

## 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](mailto:mba@mbabar.org) to add your item to the calendar.



*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

NAME _____			ACCOUNT NUMBER _____
FIRM _____			EXPIRATION DATE AND SECURITY CODE _____
ADDRESS _____			
CITY _____	STATE _____	ZIP _____	SIGNATURE _____
PHONE _____			BILLING ADDRESS FOR CARD (if different) _____
OSB# _____			

### Member Status:

- MBA Member  
 Non-Member

### Payment Options:

- Check    VISA    MasterCard  
 American Express

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

### Photocopy registration and mail or fax with payment to:

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

### Register online and order or download MBA self-study materials at [www.mbabar.org](http://www.mbabar.org).

Reduced fees for unemployed members are available and are assessed on a case-by-case basis. For details, call the MBA at 503.222.3275.

### Seminar Selection:

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

- 5/3 All's Well That Ends Well: Settlement Agreements and Releases**  
 Class Registration (\$60 Members/\$95 Non) ..... \$ \_\_\_\_\_  
 CD-ROM & Written Materials (\$60 Members/\$95 Non) .. \$ \_\_\_\_\_
- 5/26 Multnomah County Trial Practices Update**  
 Class Registration (\$30 Members/\$50 Non) ..... \$ \_\_\_\_\_  
 CD-ROM & Written Materials (\$30 Members/\$50 Non) .. \$ \_\_\_\_\_
- 6/2 Piercing the Corporate Veil and Other Limits on Limited Liability**  
 Class Registration (\$60 Members/\$95 Non) ..... \$ \_\_\_\_\_  
 CD-ROM & Written Materials (\$60 Members/\$95 Non) .. \$ \_\_\_\_\_
- 6/7 Beating the Odds: Defenses to Superfund Liability**  
 Class Registration (\$60 Members/\$95 Non) ..... \$ \_\_\_\_\_  
 CD-ROM & Written Materials (\$60 Members/\$95 Non) .. \$ \_\_\_\_\_
- 6/8 Campus Sexual Assaults: Understanding Title IX and Federal Policy**  
 Class Registration (\$60 Members/\$95 Non) ..... \$ \_\_\_\_\_  
 CD-ROM & Written Materials (\$60 Members/\$95 Non) .. \$ \_\_\_\_\_
- 6/9 Annual Probate Update**  
 Class Registration (\$60 Members/\$95 Non) ..... \$ \_\_\_\_\_  
 CD-ROM & Written Materials (\$60 Members/\$95 Non) .. \$ \_\_\_\_\_
- 6/14 Advising Nonprofits and Serving on a Nonprofit Board**  
 Class Registration (\$60 Members/\$95 Non) ..... \$ \_\_\_\_\_  
 CD-ROM & Written Materials (\$60 Members/\$95 Non) .. \$ \_\_\_\_\_
- 6/15 Washington and Clackamas County Court Update**  
 Class Registration (\$60 Members/\$95 Non) ..... \$ \_\_\_\_\_  
 CD-ROM & Written Materials (\$60 Members/\$95 Non) .. \$ \_\_\_\_\_

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



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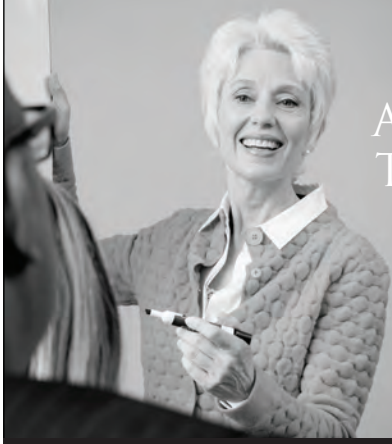
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**Alysia J. Harris – Associate**  
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## Member Resource Center

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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).

### Update Your Directory Listing on the MBA Website

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

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## Ethics Focus

### Risk Management for Virtual Offices

by Mark J. Fucile  
Fucile & Reising



With the revolution in both the technology and economics of law practice over the past decade, many lawyers have increasingly moved to a “virtual office” model. Although individual applications vary, most include cloud-based file storage and email and a physical location that is not a traditional “brick and mortar” law office. Some “virtual” practitioners are solos and others are firms that practice in whole or in part “virtually.” In this column, we’ll look at three primary risk management considerations virtual offices frequently confront: confidentiality; marketing; and supervision.

#### Confidentiality

Confidentiality is a bedrock duty regardless of our physical location. Therefore, the confidentiality rule (RPC 1.6) and the attorney-client privilege (OEC 503) apply with equal measure to traditional and virtual practices. On a very basic level, this means that virtual practitioners may need some physical space where they can meet confidentially with clients. Depending on the sensitivity of the information that a lawyer typically handles, this may mean having a rented conference suite available for occasional meetings, traveling to clients’ offices or using some other location where conversations won’t be overheard.

The advent of cloud-based file storage and email has greatly benefited virtual offices. As a

practical matter, a lawyer’s “office” today is often where both the lawyer - and the lawyer’s computer - are located. The OSB in 2011 released (and in 2015 further updated) a comprehensive ethics opinion - Formal Opinion 2011-188 - on cloud-based file storage that has ready application to cloud-based email as well. The opinion, which is available at [www.osbar.org](http://www.osbar.org), concludes that cloud-based systems may be used in law practice as long as both the storage and the associated transmission of data are sufficiently secure to meet our duty of confidentiality. The opinion stresses, however, that lawyers must both conduct adequate due diligence when selecting a particular system and stay abreast of changes in technology that may affect the security of that system. This doesn’t mean that a lawyer using cloud-based systems needs to get a master’s degree in computer science. But, it does mean that a lawyer without a technical background needs to get assistance from someone with that expertise.

#### Marketing

RPC 7.1 sets the baseline standard that all lawyer marketing communications must be truthful, and RPC 7.2 applies this requirement broadly to all forms of advertising. These standards can come into play in two particular aspects of virtual practices.

First, a lawyer practicing “virtually” should not misrepresent the lawyer’s address to give the impression that the lawyer has a traditional office. For example, a lawyer using a spare bedroom on the second floor of the lawyer’s home should not list the address as “100 Main Street, Suite 200” to make it appear the lawyer has a traditional office if, in fact, there is no separate “Suite 200.” This is the functional equivalent of the scenario addressed in OSB Formal Ethics Opinion 2005-12, where the bar concluded RPC 7.1 would prohibit three independent office sharers from describing themselves as a single law firm.

Second, RPC 7.2(c) requires that “[a]ny communication made pursuant to this rule shall include the name and office address of at least one lawyer or law firm responsible for its content.” Our rule is now based on the corresponding ABA Model Rule.

States have varied on whether a post office box meets the “office address” requirement, with, for example, Pennsylvania concluding that it does (Pennsylvania Bar Association Formal Opinion 2010-200) and New York finding that it does not (New York State Bar Association Ethics Opinion 964). Pending further clarification by the Oregon Supreme Court or the OSB, there is nothing to suggest that a truthful listing of a mailing address would violate Oregon’s version of the rule.

#### Supervision

RPC 5.1 places overall supervisory responsibility on law firm partners or the equivalent. This typically includes training and supervision of both junior lawyers and non-lawyer staff. RPCs 5.1 and 5.3 further address direct supervision of, respectively, subordinate lawyers and non-lawyer staff. Importantly, the duty of supervision involves both employees and independent contractors who assist us in delivering legal services to our clients.

In a traditional law firm setting, supervision often means interacting with someone just down the hall. With virtual offices or firms, however, supervision may mean being responsible for someone who is across town - or perhaps across the country or beyond - and who may be an independent contractor rather than an employee. ABA Formal Opinion 08-451, which was released in 2008 and is available on the ABA Center for Professional Responsibility’s website, does a good job of cataloging risk management considerations when outsourcing both legal and non-legal support services. It also usefully incorporates earlier ABA opinions on contract lawyers and related services. The opinion addresses issues ranging from conflicts to confidentiality in the particular setting of “remote” supervision. The OSB Professional Liability Fund also has practice management resources and checklists available on its website for both virtual office practice generally, and outsourcing specifically.

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## Around the Bar

### Barbara Marcille

**Barb Marcille** is the new Trial Court Administrator (TCA) for the Multnomah County Circuit Court. Marcille was previously the Deputy TCA for the court, and was appointed Interim TCA in January 2015. Prior to joining the Oregon Judicial Department in 2011, she was a TCA in Los Alamos County, New Mexico. She has worked with the court system in a variety of roles, and has also held management positions in private industry and nonprofits. She graduated from Florida State University with a degree in Business Administration.

### Tonkon Torp

Attorney **Haley Miller Morrison** has been elected as chair of the Playworks Pacific Northwest Board of Directors.

Playworks Pacific Northwest is the regional arm of a national nonprofit dedicated to increasing the health and well-being of children by increasing opportunities for physical activity and safe, meaningful play. Playworks' coaches teach the values of inclusion and respect, while helping children develop critical social and emotional skills.

A member of the firm's Labor & Employment Practice Group, Morrison provides counsel to employers on a wide variety of matters, including discrimination, retaliation, harassment, and wage-and-hour issues, in both single plaintiff and class action litigation.



*Claire Brown*

Attorney **Claire Brown** has joined the Marathon Scholars Board of Directors as its secretary. This nonprofit organization partners adults and talented low-income children to make the dream of a college education a reality. The nonprofit was cofounded by partner **Jeff Cronn**, and several other firm attorneys are actively involved with the organization as coaches.

Brown is a member of the firm's corporate finance and entrepreneurial services practice groups. Her practice is focused in the areas of securities, corporate governance, corporate finance, mergers and acquisitions, and general business law matters.

### Ater Wynne & C. Bradford Biddle

**Ater Wynne** and **C. Bradford Biddle** have formed a strategic alliance to better service the growing legal needs of global technology consortia, such as standards-setting organizations. Technology consortia are collaborative efforts in the



*C. Bradford Biddle*



*Frank Curci*

high tech industry to develop interoperability standards or other technology innovations.

**Biddle**, former Standards Counsel for Intel Corporation, is the principal of a solo law firm that provides legal services to technology consortia. **Biddle** has engaged with hundreds of global standards-setting organizations, trade associations and open source foundations.

**Ater Wynne**, one of the region's leading law firms for technology based companies, is one of only a few law firms nationally that has a team of attorneys focusing on technology consortia, including standards-setting organizations. The firm's Technology Consortia Group, which is led by **Frank Curci**, includes other corporate and intellectual property attorneys such as **Akana Ma**, **L. David Connell**, and **Ernie Bootsma**.



*Keith McIntire*

### Markowitz Herbold

Trial lawyer **Keith McIntire** has joined the board of directors of the St. Andrew Legal Clinic for a two-year term. **McIntire** represents clients trying commercial disputes in federal and state courts.

### Gresham Family & Bankruptcy Law

**Kathryn Bourn** has joined the firm as an associate attorney. Her practice focuses on family law, including divorce, custody, and restraining order proceedings. In addition, she welcomes the opportunity to represent grandparents and other concerned relatives of families



*Kathryn Bourn*

involved in the foster-care system. She also has experience handling bankruptcy, probate, estate planning, and landlord-tenant matters.



*Julie Bardacke Haddon*

### Gordon & Rees

**Julie Bardacke Haddon** has recently been promoted to partner. She is an experienced litigation lawyer whose practice focuses on professional liability defense, products liability defense, the defense of developers and general contractors in construction defect litigation, employment, and securities matters.



*Josh Kadish*

### Wyse Kadish

**Josh Kadish**, partner at the firm, has been elected president of the Neighborhood House Board of Directors. Neighborhood House is a nonprofit organization dedicated to providing a wide array of educational and social-support programs to low-income members of the Portland community.

**Kadish** continues to focus his practice on mediation of divorce, estate and family business disputes.



*Elizabeth Knight*

### Dunn Carney

Litigators **Elizabeth Knight** and **Sam Smith** and estate planning



*Sam Smith*



*Melissa Busley*

and tax attorney **Melissa Busley** have been named partners.

**Knight** is a litigator with extensive experience in state and federal court. She focuses on commercial litigation, trust and estate disputes, legal malpractice defense and agriculture-related litigation.

**Smith**, a member of the Litigation Team who focuses on tort and employment matters, represents both plaintiffs and defendants in employment and housing discrimination, product liability and personal injury defense matters. He also works on a wide variety of commercial litigation issues.

**Busley** prepares wills and trusts and advises clients on estate and gift tax matters, trust administration and charitable gifting. She also advises tax-exempt organizations on operational matters and tax compliance.



*David Boyer*



*Alyssa Engleberg*

New firm associates are:

- **David Boyer**, a member of the firm's Real Estate and Business Teams. He works with individuals and commercial businesses to structure, draft and negotiate residential, commercial and industrial real estate and business transactions.



*Lauren Russell*



*Douglas Stamm*

- **Alyssa Engleberg** is a litigator who advises and defends on all areas of employment law.
- **Lauren Russell** is with the firm's Litigation Team.
- Litigator **Douglas Stamm** is a member of the Insurance Defense Team.



*Bruce Campbell*

**Miller Nash Graham & Dunn** Partner **Bruce Campbell** received national recognition from the American Academy of Appellate Lawyers, an organization that recognizes outstanding appellate lawyers.

**Campbell** serves in the firm's Litigation Department and heads up the Portland Litigation and Appellate Practice Teams. His practice emphasizes appeals, securities and commercial litigation.

*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 Carol Hawkins, carol@mbabar.org.*





Folawn Alterman & Richardson LLP is excited to announce that Mike Greene has joined our firm.

Mike's impeccable professionalism and super skills as a trial lawyer makes him stand out all on his own. We're just glad he's with us!

Mike can be reached at 503-546-4639 or mike@FARlawfirm.com.

# BATTLE OF THE LAWYER BANDS

Thursday, August 11  
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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.

Band applications (available on the August 11 date at [www.mbar.org/calendar](http://www.mbar.org/calendar)) are due June 3.



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## Tips From the Bench

### New Directions for Mentally Ill Defendants

by Judge Cheryl Albrecht  
Multnomah County Circuit Court



The new reality is that the largest mental health facility in many communities is the local jail. A 2014 Multnomah County Corrections Grand Jury found that about 43% of inmates jailed in Multnomah County suffer from some sort of mental health disorder. Nationally, 15-17% of people booked into jail are experiencing active symptoms of a serious mental illness. About 75-80% of those also have a co-occurring substance abuse addiction.

Mentally ill inmates are more likely than other inmates to be homeless, victims of abuse, and to suffer from chronic physical health impairments that can shorten their life by as much as 30 years. Institutionalization tends to exacerbate their symptoms, while lack of community resources tends to prolong incarceration. Higher rates of recidivism, especially as to lower level “community nuisance” offenses, helps create the class of defendants sometimes referred to as “frequent flyers.” The disproportionate rate of incarceration for this population prompted the U.S. Department of Justice in a 2014 report on Oregon’s mental health system to call for greatly enhanced community services.

Jail isn’t the only governmental institution where mentally ill people land. The number of people admitted to Oregon State Hospital (OSH) who were found unable to aid and assist in their defense under ORS 161.360 increased 142% from 2010 to 2015. Between 2012 to March 31 of this year, OSH saw 1,944 admissions of those defendants, with 238 being admitted twice or more. When you consider that a person charged with a felony can stay up to three years on one charge, and that people also come into OSH for evaluations, civil commitments, and Guilty Except for Insanity (GEI) holds, it’s easy to see how fast the hospital can fill up. Consider also that it costs more than an astounding \$340,000 annually to treat a single patient and \$250,000 for a forensic patient, while Assertive Community Treatment teams of psychiatrists, nurses and social workers that provide services to individuals in the community cost \$15,000.

Officials have embarked on efforts in the last few years to change this dynamic. Beginning

in 2012, the legislature enacted changes to address OSH crowding. One change was to improve the quality of aid and assist findings by requiring evaluations performed under ORS 161.365 to meet certain minimum requirements and to be conducted by certified evaluators.

The legislature also amended ORS 161.370 to require restoration of a person’s ability to aid and assist while remaining in the community unless the person is considered too dangerous or if appropriate resources are not in place. In 2015, the legislature went even further, enacting HB 2420 to require that a court with reason to doubt the defendant’s fitness to proceed shall order a community mental health program director or designee to consult with the defendant to determine whether services and supervision necessary to safely restore the defendant’s fitness to proceed are available in the community.

The state, the courts and the Multnomah County Forensic Diversion team, often called the “370” team after ORS 161.370, are still developing procedures to implement this legislation. A proposed OAR would require county mental health teams to complete a “2420 consultation” and submit written findings to the court in a standardized report within seven days of a court order for a consultation. There is no local or state form order for consultations as of this writing. Until procedures are developed, attorneys with aid and assist clients should alert the forensic diversion team as soon as possible that a 2420 consultation is needed by emailing the team at [fd@multco.us](mailto:fd@multco.us) or faxing a request to 503.988.6325. If an order is obtained, that should be emailed or faxed.

Once the team receives notice, a qualified mental health professional conducts the evaluation. If there is a court order, the evaluator submits a findings report. In the absence of a court order, the information is not disclosed to the courts as it is HIPAA-protected information. Currently, the team is working to complete the consultation within four to five working days. The goal of the consultation is to identify the least restrictive placement that will provide clients with the level of care they need to stay safely in the community.

If the defendant is in jail custody, then the 370 team may work with an officer from Pretrial Release Services to coordinate supervision while on release. The supervision plan may require the defendant to attend treatment with a care provider, receive referrals for medication, or undergo “legal education” to learn about their rights and how trials work. A Rules and

*Continued on page 14*



## News from the Courthouse

by Jason Posner  
Court Liaison Committee

### Presiding Court Report and Courthouse Update

#### New Courthouse Design Phase

##### Courtrooms

Courtrooms will be on floors 7-17 of the new building. The presiding judge’s courtroom will be on the seventh floor, and the rest of the courtrooms will be on the upper floors in the building. The eighth will hold two standard courtrooms as well as a courtroom with a holding area designed for civil commitment hearings, and floors 9-17 will each have four courtrooms.

- All courtrooms will be ADA accessible with ramps, and the first row of jury seating will be on the ground level for easier access. The wells in the courtrooms will be larger to allow more room for a wheelchair to maneuver, as well as to better accommodate cases that have multiple exhibits, attorneys and parties.
- Each courtroom’s jury box will be capable of seating 14 jurors. The standard trial courtrooms in the new building will be a little larger than the current presiding courtroom, with seating in the gallery for approximately 50 persons, and there will be three larger trial courtrooms with additional seating capacity.
- The goal is to provide sound-neutralizing capability in each courtroom to allow counsel and parties to confer privately. This feature will further efficiency by limiting the number of times juries must leave the courtrooms in order to allow counsel and parties to speak.
- Each courtroom floor will include small conference rooms off of the public hallways for attorney/client discussions.
- Between each pair of courtrooms, there will be a non-contact visitation room for in-custody defendants to meet with their counsel.

##### Elevators

- There will be a bank of seven public elevators going to all 17 floors.

- There will be separate elevators for in-custody criminal defendants which is safer for court staff, parties, the public and deputies. In-custody defendants will be transported to a holding area in the basement of the building and then brought up to courtrooms through these secure elevators. The holding area and dedicated elevators will allow the sheriff to operate more efficiently and curtail in-custody transport delays.
- There will also be separate elevators for judges and court staff to the private circulation corridors of the building. Judicial chambers and judicial staff will be in private circulation areas but may be accessed through a vestibule off of the public corridors on each courtroom floor, located very near to the elevators.

##### First-Third Floors

- CourtCare will be located on the ground floor.
  - ▶ The space will be much larger than in the existing courthouse and will have a waiting area.
  - ▶ There will be a separate play room, quiet room and kitchenette, as well as a standard bathroom and one designed for use by small children.
  - ▶ The larger space will allow CourtCare to accommodate the children it currently has to turn away each month because of space limitations.
  - ▶ The space will be located convenient to the public elevators but separate from the holding areas and main courthouse functions for the security and comfort of the children.
- The high volume courtrooms for landlord/tenant matters, small claims, traffic, and parking hearings will be located on the second floor, as well as a central public service area to handle payments, filings, and questions from self-represented litigants.
- The jury orientation room will be located on the third floor with a beautiful view of the Willamette River.

##### Other Floors

- The third floor will house most of the referee chambers.

- Floors 4-6 floors will hold the DA and grand jury rooms.
- The Office of Public Defense Services will have an office on the seventh floor.

##### Design

- The courthouse design is intended to inspire a sense of transparency, which is a foundation of procedural fairness and trust in the justice system.
- The lobby of the new building will be larger and much more open. It will be three stories tall and surrounded by windows, allowing the public outside to see into the building and those in the courthouse to view the surrounding community.
- There will be increased seating and conference rooms throughout the building.
- There will be court staff as well as kiosks in the lobby to direct people.
- The line of people waiting to go through security screening will now be inside the building, with a view of greenspace. The structure of the security screening area is still in development.

##### Construction

- Initial groundbreaking is planned for September, and heavy construction is expected to start in early 2017.

##### UTCR 5.100

- The court has been “softly” implementing the change to the rule that requires a certificate of readiness to accompany proposed orders and judgments since January when the rule took effect.
- As of May 2, the court no longer accepts orders and judgments without the certificate.

##### eCourt and OECl

- Lawyers should view OECl more frequently than they looked at OJIN, as it contains more case information than OJIN did. If you want to know why a proposed order or judgment was “unsigned,” click on the document in OECl to open it. In most cases, there will be a statement on the document near the signature line that states why the judge was unable to sign it.

*Continued on page 19*



## New MBA Board Directors New directors for the three-year terms which begin June 1 are:

**Steve Larson** is a shareholder at Stoll Berne. He practices in the areas of class actions and other complex litigation. He most recently served on the MBA Judicial Screening Committee. Steve's past volunteer contributions to the MBA include terms on the CLE Committee, the Committee on the Judiciary, and the VLP Golf Committee. He was on the OSB Board of Governors from 2009-12, and also served on the following OSB Section Executive Committees: Litigation, Business Litigation, Securities Regulation. Steve also served on the Uniform Trial Court Rules Committee and the Oregon Practice and Procedure Committee. Steve is a Bud Clark Commons Volunteer Cook and is on the Advisory Board of the Campaign for Equal Justice.



Steve graduated from the University of Oregon School of Law in 1986 and was admitted to the Oregon State Bar that year.

**Sarah Radcliffe**, at Disability Rights Oregon, defends the civil and human rights of people with mental illness who are incarcerated or institutionalized. Previously, she practiced in a variety of poverty law areas at Legal Aid Services of Oregon and the Oregon Law Center. Her service with the MBA includes chairing the Professionalism Committee. She was also on the joint MBA/LASO Pro Bono Committee. She chaired the OSB Civil Rights Section Executive Committee. She volunteers with her children's school and extracurricular activities.



Sarah graduated from the City University of New York in 2006 and was admitted to the Oregon State Bar the same year.

**Ulanda Watkins**, staff counsel Managing Attorney at the Portland office of GEICO, practices in the area of insurance defense litigation. Her office is responsible for the defense of first- and third-party cases, UIM, and UM in this region. Ulanda's MBA service includes a term on the Professionalism and Equality & Diversity committees. She has also volunteered for the OSB in the following capacities: the Access to Justice and Affirmative Action committees; Disciplinary Board member; Litigation Section; and the New Lawyer Mentoring Program. She has served on the Governor's Juvenile Justice Advisory Committee. Ulanda is a cofounder and member of the Oregon Chapter of the National Bar Association, and is a member of Oregon Minority Lawyers Association. She was a founding board member for the Avel Gordly Center for Healing.



Ulanda graduated from Lewis & Clark Law School in 1996, and was admitted to the Oregon State Bar the same year. She was admitted to practice in the US District Court for the District of Oregon in 2004 and to the Washington State Bar in 2013.

**Elizabeth Welch**, Attorney at Law, practices in the area of plaintiffs' personal injury. Elizabeth has served on the MBA Membership Committee, and the Membership Task Force. She was a delegate to the Oregon State Bar House of Delegates and served on the bar's Client Security Fund Committee. Elizabeth was also on the Oregon Trial Lawyers Association Board of Directors and was president of Peninsula PTA.



Elizabeth graduated from Lewis & Clark Law School in 2004 and was admitted to the Oregon State Bar in 2006.

Also continuing on the board are: President **Eric Dahlin**, Davis Wright Tremaine LLP; Treasurer **Andrew Schpak**, Barran Liebman LLP; Secretary **Thomas Sand**, Miller Nash Graham & Dunn LLP; Past President **Bob Steringer**, Harrang Long Gary Rudnick PC; **Lane Borg**, Metro Public Defender Inc.; **Todd Cleek**, Cleek Law Office LLC; **Rima Ghandour**, Ghandour Law LLC; **Amber Hollister**, Oregon State Bar; **Lissa Kaufman**, Lissa Kaufman Law; and **Marshal Spector**, Gevurtz Menashe. New to the board this year is MBA Young Lawyers Section President **Tyler Volm**, Barran Liebman LLP.

## Bonnie Richardson Receives 2016 MBA Professionalism Award

**Bonnie Richardson**, co-founder and managing partner of Folawn Alterman & Richardson LLP will receive the 2016 MBA Professionalism Award on May 19 at the MBA Annual Meeting and Dinner.

The MBA Professionalism Award, the organization's highest honor, recognizes candidates who not simply meet but exemplify the standards set forth in the MBA Professionalism Statement:

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

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

- "Bonnie, literally, advances professionalism in the work she does. Her legal malpractice work is steeped in the rules and standards of our profession, shining light on misconduct and poor practices, showing paths of best behavior. She leads in advocacy and leads by example. I have seen Bonnie in court. Her demeanor,

presence, and presentation - in contentious, at times emotional conflicts - epitomize how we want attorneys to act and appear before judges, each other, and the public. She is exemplary in her preparation and lawyering, but also unflappable, respectful, courteous in her demeanor."

- "She is an aggressive advocate for her clients, but always extends courtesy to opposing counsel and courthouse staff. Additionally, Bonnie puts tremendous effort into making sure the next generation of Oregon trial attorneys honor the standards of professionalism and civility that were in place when she started practicing."
- "...It is as if the Oregon Bench and Bar Commission's 'Commitment to Professionalism'... was written to describe Bonnie Richardson. It is imperative that all lawyers, new and old, have examples of successful lawyers who achieved their success by maintaining a steadfast commitment to the highest ideals expressed in that statement. Ms. Richardson's career provides just such an example."

Bonnie has been practicing law for over 18 years with an exclusive focus on trial work. She is the immediate past president of the Multnomah Bar Foundation. Bonnie is also an active member of the Oregon



Bonnie Richardson

Asian Pacific American Bar Association, and a founding member of the Oregon Judicial Diversity Coalition.

Bonnie generously gives her time to improve both the bar and our community. Annually, she devotes over 100 pro bono hours representing clients assigned by the Oregon Law Center. She is a model of intersectionality in the Oregon bar, working to build coalitions among the ethnic, racial and LGBTQ legal communities. She spearheaded a multi-year effort to amend the Rules of Professional Conduct to add a prohibition against harassment and intimidation by attorneys based on defined protected statuses, resulting in the adoption of RPC 8.4(a) (7). Bonnie is praised for her mentorship of newer lawyers and law students. She fosters connections and builds relationships. In short, Bonnie embodies the ideals of professionalism.

Congratulations to Bonnie Richardson, a most worthy recipient of the 2016 MBA Professionalism Award.

## Judge Patrick Henry Multnomah County Circuit Court

by William Larkins  
Court Liaison Committee

Although Multnomah County Circuit Court Judge Patrick Henry did not give serious consideration to becoming a judge until fairly recently, his passion for social justice and many years of practicing law in public service might be viewed as foreshadowing his appointment to the bench by Governor Kate Brown last fall. On a wall in his chambers, Judge Henry has hung the Bachelor of Laws diploma his grandfather earned at DePaul University, but Judge Henry is the first in his family to get a J.D. and become a practicing attorney. His motivation came from working with vulnerable people on society's margins.

After graduating from the University of Virginia, Judge Henry spent a year of service in the Jesuit Volunteer Corps. His service placement was a drop-in center/soup kitchen for street people in Tacoma. He liked the work and the people. After his volunteer year ended, he stayed on as assistant director of the center for two years. He found that he was often acting as an advocate, for example contacting state and local agencies to arrange

for services for the drop-in center's clients. But he thought his capacity to advocate for the underserved in the community was limited and could be enhanced were he to get a law degree. That motivated Judge Henry to enroll in law school at the University of Notre Dame, from which he graduated in 1993.

Judge Henry then joined Schwabe Williamson & Wyatt PC as an associate. He learned the ropes of civil litigation from attorneys he liked and admired. The firm had an excellent mentoring system for new attorneys; he describes his experience at the firm as "wonderful." But his mentors and friends in the firm, detecting an interest in government and public service, were supportive when, after six-plus years in the firm, he applied for an attorney position with Multnomah County in 1999.

At the county, Judge Henry worked in a dual capacity. He was general counsel for the Department of County Human Services, which includes programs such as Aging and Disability Services, and Mental Health, and programs serving



Judge Patrick Henry

veterans and people dealing with drug addiction. But he also got into court to litigate a range of matters including, for example, tort claims and guardianships. Working for the county offered him the opportunity to look at cases from a multidisciplinary perspective, and to try to solve problems for individuals by coordinating services available through the county. Asked to give an example of his most memorable or meaningful work at the county, Judge Henry cited his involvement with the Domestic Violence Fatality Review Team. In that work, representatives of various agencies and service providers, such as healthcare providers, law enforcement, the district attorney, and nonprofits, would look at how the overall system had functioned or perhaps had fallen short in protecting a

Continued on page 14



# Pro Bono Young Lawyers Section

## Ask the Expert

Dear Expert,

*I am a new lawyer dealing with one of my first big cases. We had our first hearing in the case last week and we did not get the result we hoped for. My client is very upset about the outcome and became even more angry when he received his bill last week. I have a meeting scheduled with him to go over everything. He has a temper, and I need to know how to calm him down if he starts getting upset.*

*Young Lawyer with Angry Client*

Over time, you will learn that dealing with angry clients is just part of the job. The first step is to take a deep breath before your meeting with your client and make sure you are calm. You should try not to argue with your client about his perspective on the situation. Also, try not to blame others for things that may have gone wrong.

Try to put yourself in your client's shoes and think about how you would want to be treated. Think of a time you were unhappy with a service provider

and what you expected. Listen to your client without interrupting him. Express empathy to your client ("I can tell you are upset"). Make sure you understand all of your client's concerns and ask him questions to clarify if needed. Repeat back to him his concerns to let him know that you understand them and that you were listening. Talk to him about possible resolutions and seek his input on what he would like to happen. Discuss with him the actions you will take to resolve his concerns and follow through with those actions.

Keep in mind that having an angry client does not necessarily reflect on your skills as a lawyer. People who are involved in litigation are often experiencing high levels of stress and can easily become upset. The most important thing is how you handle the situation. If you let him know that he has been heard and that he matters to you, you will greatly increase your chances of calming your client down and appeasing his concerns. Good luck!

## Oregon's U.S. District Court Pro Bono Program Via Adele Ridenour, Dwain Clifford, and Amy Heverly

by Abby Miller  
YLS Pro Bono Committee

Two questions often arise when contemplating pro bono services: (1) where to find the time, and (2) where to volunteer. Adele Ridenour, a partner with Ball Janik, LLP, whose practice focuses on construction and design defect litigation, has an interesting answer to the first question: there is always time. Adele believes that it is not usually an issue of time that holds attorneys back from providing pro bono services. Rather, it is an issue of confidence. Often providing pro bono services means taking cases outside one's area of expertise, which can be intimidating and, when a task seems overwhelming, it is easier to put off because there is "not enough time." Adele's advice: focus on one area of interest or one group and wade in slowly to providing pro bono services slowly. Once your feet are wet, you will gain confidence. As an example in her own practice, Adele "waded in" by providing pro bono services through the U.S. District Court Pro Bono Program. This program allowed her to take on one case and help a client obtain a successful resolution. (The program also reimburses some out-of-pocket expenses, which may help quell one of the other concerns of attorneys contemplating pro bono services: finances.) In that case, Adele, along with another colleague in her firm, helped a homeowner work through the process of renegotiating a home mortgage in a situation where the lender began the foreclosure process without considering the owner's requests for modification. Adele was able to work with the lender and come to the best

possible resolution, given the circumstances, for her client. After her positive experience, an attorney in Adele's firm handled another case for the district's program that recently went all the way to trial.

The case was a 1983 action that had been filed pro se by a prisoner in the Oregon State Penitentiary. The suit challenged the penitentiary's censorship of certain emails sent by the prisoner on First Amendment grounds. The prisoner had successfully overcome a motion for summary judgment and the case was proceeding to trial. The judge felt it would be in the litigant's best interest to have counsel appointed to assist in the prisoner's case preparation and trial presentation. The court contacted Dwain Clifford, a partner with Ball Janik whose practice focuses on insurance coverage and who had volunteered to assist. Dwain got to work obtaining the necessary discovery, including depositions, to prepare the case for trial, a task made more complex by the fact that his client was incarcerated so means of communication were limited.

As the case proceeded and trial loomed, Clifford sought the assistance of Amy Heverly, an associate with Ball Janik whose practice also focuses on commercial litigation, who volunteered to assist. Given the nature of the case, both Dwain and Amy had to quickly learn a new area of law. While learning a new area of law is often a daunting prospect that leads many to shy away from taking pro bono cases out of their area of expertise, the district's program made this task less

formidable by putting Amy in touch with a mentor attorney with years of experience in 1983 actions.

The case culminated in a two-day jury trial where Dwain and Amy presented their case on behalf of the prisoner. The district's pro bono program made it possible to have counsel representing the prisoner present in the courtroom (the prisoner attended trial via live video feed) and provided a much-needed service to the prisoner. Dwain and Amy's representation also made the court proceedings more efficient, which was appreciated by the plaintiff, the court, and the jurors. Ultimately, the jury deliberated over the issues and evidence presented for over four hours before returning a verdict in favor of the penitentiary. Despite the outcome, their client was very grateful for all of the work and effort Dwain and Amy put forth.

Dwain believes the pro bono experience was quite rewarding. It was a unique opportunity that allowed him to work with a different litigant than his normal clientele. Further, it allowed him to present his client's case to a jury, giving him an opportunity to fight for his client's Constitutional rights. Likewise, Amy explained that her involvement in this pro bono case allowed her the opportunity to learn about a new area of law and provided hard-to-come-by trial experience. While it was initially intimidating, if not downright frightening, to take on a pro bono case outside her area of expertise, Amy believes the experience was well worth it. She praised the local legal community for being full of friendly people willing to help. The time commitment and fear of the unknown were daunting, but Amy overcame these hurdles with the gracious assistance of colleagues, and believes the experience was well worth it. Both Clifford and Heverly agree this was a unique and worthwhile opportunity that provided them with invaluable trial experience.

## YLS Community Service Day Recap

by Bryan Thompson  
YLS Service to the Public Committee

On March 19, YLS and other MBA volunteers joined the Forest Park Conservancy for its Spring Day of Stewardship, helping the Conservancy preserve Portland's iconic urban forest. In just three hours, YLS and MBA members, along with 140 or so other volunteers from

all throughout the city, helped to remove 19,000 square feet of ivy and other invasive species from the slopes of Portland's great urban forest. Showing that many hands make light work, the volunteers helped repair trails, build drains, fix switchbacks, and plant over 400 native plants throughout the park. But our brave YLS and MBA members did put their lives on the line during the Spring Day of Stewardship, dodging poisonous hemlock plants while pulling ivy from the ground - fortunately no one was tempted to eat any, so all made it through the day unscathed!

All told, the event was a great success, with members of Portland's legal community joining ranks to help keep one of the best urban forests in the nation healthy, and preserving one of the jewels that makes the Portland region one of the best areas to live and work.



*This group includes MBA members Dave Baca, Emily Clark, Grant Engrav, Kevin Stokes, and Bryan Thompson*



## YLS Award of Merit

2016 YLS Award of Merit winner Anaiah Palmer is a native Portlander who grew up in Hillsboro and went to undergrad at Reed College. During a short break from Reed, Anaiah was introduced to the world of law when she landed a job as a file clerk at her current firm, Parker, Butte & Lane. Quickly rising through the ranks, Anaiah became a paralegal, learning all of the ins and outs of immigration law while finishing her degree in Mathematics. Even though she loved where she worked, she had no aspirations of attending law school until Proposition 8 hit California. Seeing the impact that lawyers can have, Anaiah decided to attend law school at Lewis & Clark, graduating in 2013. At the time of her graduation, Parker, Butte & Lane offered her an associate position which she gladly accepted. Anaiah credits the small, tight-knit immigration law community for providing support and inspiration on her journey.



Anaiah Palmer

Anaiah made the important choice of joining the YLS Membership Committee in late 2014 and jumped in feet first. Anaiah did all of the heavy lifting for the revised YLS Summer Social and was instrumental in making the YLS' first trip to a Thorns game a great success. She has continued this run and is in the middle of planning our return trip in June. The YLS is proud to count Anaiah as one of its members.

## YLS Rookie of the Year

2016 YLS Rookie of the Year Michael Willes grew up in Corvallis and knew that he always wanted to return to practice in Portland, which he calls "the greatest city in the whole world." After completing his undergraduate work at Brigham Young University, Michael worked as an analyst at an economics consulting firm performing financial and statistical analyses in support of expert witness testimony. He then attended Columbia Law School and, after graduating, litigated with Gibson, Dunn & Crutcher LLP for four years before returning to Portland and joining Tonkon Torp's litigation department in 2014.



Michael Willes

Michael is being recognized for his service on the YLS CLE committee, where he helped to plan numerous presentations. He also penned an article for the YLS section of the Multnomah Lawyer. He enjoys the leadership development opportunities available through his committee work and also appreciates the opportunity to give back to the local bar through low-cost CLEs. The greatest city in the world, the YLS, and the MBA are lucky to have him in our ranks.

Michael began his involvement with the YLS when his MBA mentor, Traci Ray, suggested that he explore the YLS committees. He found he was able to join a committee quickly, providing him the opportunity to get involved in the local bar and the chance to get to know a lot of people.

## 2016 MBA Merit Awards Criteria for Selection

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

The MBA is pleased to present its 2016 Merit Awards to the following recipients: **Emily Teplin Fox, Judge Adrienne C. Nelson, Mary E. Tollefson, and Judge Youlee Y. You.**



Emily Teplin Fox

In 2014, **Emily Teplin Fox** made the idea of an LSAT Preparation Scholarship Program a reality, and in a short timeframe. She gathered and led a diverse selection committee that established guidelines, spearheaded the initial application and selection process, developed a marketing campaign, and negotiated a discount for the preparation course. Due to Emily's groundwork, this successful program is now in its third year.

**Judge Nelson** has served the MBA on the MBF Board in many capacities - chairing its Finance Committee, Board Development Committee, Grants Committee, and finally serving as MBF President. She



Judge Adrienne C. Nelson

was also a member of the MBA Court Liaison Committee. In addition, Judge Nelson has participated in MBA CLE classes and Professionalism Panels, and she helped to coordinate ABA President Brown's visit last year. Judge Nelson "has acted as an incredible mentor to many MBA lawyers and potential lawyers ... She never hesitates to volunteer her time to talk to people, despite being busy," according to one of the attorneys who nominated her.



Mary E. Tollefson

**Mary Tollefson** responded to the family court's request for assistance by engaging newer lawyers to work with the growing number of self-

represented litigants. Mary took on the task and coordinated with Judge McKnight to create the Multnomah County Judgment Preparation Workshop, expected to launch later this year. Mary's diligence on this project is greatly appreciated.



Judge Youlee Y. You

**Judge You** was a very active and engaged member of the MBA CLE Committee and planned many successful programs during her three-year committee term, far beyond what was expected. Even when her committee term was over, she brought the committee ideas for three seminars that were held in the fall of 2015. Judge You planned, organized, introduced and/or served as moderator on all of the well-attended classes. She then served on the MBA Professionalism Award Screening Subcommittee, where she again took an active role. She has also been instrumental in planning free and very successful Access to Justice CLE seminars at the courthouse.

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

## Multnomah Bar Fellows Program

by Emilee Preble  
Equality & Diversity Committee



The Equality & Diversity Committee of the MBA is excited to be coordinating the launch of a new Bar Fellows Program in a partnership with the University of Oregon School of Law and local law firms and companies. The goal of the Multnomah Bar Fellows program

is to increase the diversity of the legal community in Multnomah County by supporting a group of diverse University of Oregon law students from law school through the bar exam.

The University of Oregon School of Law has committed to providing scholarships for five fellows who would begin law school in the fall of 2016. In addition to law school scholarships, the fellows would benefit from 10 weeks of employment during their 1L summer (five weeks with a law firm, and five weeks with a company), mentorship through all three years of law school, and a stipend of \$5,000 for Bar study prep.

The committee is delighted to announce that the first

sponsors of the Multnomah Bar Fellows Program are Miller Nash Graham & Dunn and Portland Public Schools (PPS). The participation of Miller Nash and PPS guarantees funding for one of the five fellows!

We are looking to secure sponsor commitments soon from four more law firms and four more companies so that all five fellows are funded. The financial commitment for each law firm or company is \$12,500 (\$10,000 for five weeks of summer employment and \$2,500 for a bar study prep stipend). If your law firm is interested in this program, please contact MBA Equality & Diversity Committee member Emilee Preble at emileep@osbplf.org.

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**Judge Patrick Henry**

*Continued from page 11*

victim of domestic violence. He also enjoyed representing Adult and Family Protective Services.

Since being sworn in as a judge in Multnomah County, Judge Henry has been assigned to the Family Law Department. He notes that the substantive areas of law addressed in that department are extremely broad. The Family Law Department addresses far more than marital dissolutions. There are probate, guardianship, juvenile and dependency matters, and criminal domestic violence, to name some of the substantive areas of law Judge Henry has encountered in his first six months on the bench. The judge admits to not having fully anticipated just how busy and heavily scheduled he and his fellow judges are. His colleagues on the bench have been very generous in sharing their time and experiences with him. Practicing attorneys should know that if you submit something in writing to Judge Henry, he will have read it, and will be prepared and will understand your position before you appear before him.

Asked about whether he would have any advice for someone considering going to law school, Judge Henry says that if it is your passion, a path toward having a positive impact on people and policies, then by all means go to law school, but – and here is the caveat – be realistic about the level of debt you might incur, which could in turn limit your career choices upon getting your J.D. The cost of a legal education can be a deterrent to going into public service.

On the other hand, Judge Henry believes the law remains “absolutely” a good choice for an idealist: “In my job, I get to see lawyers having a direct, immediate, practical impact on people’s lives.” He cited members of the bar who represent children in divorce proceedings and vulnerable adults in guardianship proceedings on a pro bono basis.

Judge Henry is married and the father of five young adults, each of whom is, not surprisingly, involved in public service projects. When not working at the courthouse, the judge enjoys a weekly soccer game with longtime friends.

**Tips From the Bench**

*Continued from page 10*

Advisory Committee is getting underway to develop uniform requirements and practices throughout the state.

Chief Criminal Judge Ed Jones encourages attorneys to assist this process by screening clients as quickly as possible for aid and assist concerns and to identify housing options and community-based resources. Housing options in particular are important as the pool of affordable housing continues to shrink.

Locally, Multnomah County is working to prevent mentally ill people from coming to jail in the first place. The county operates a 24-hour Mental Health Crisis & Information Call Center (503.988.4888) that works with local police and hospitals to help triage people suffering a mental health crisis to the most appropriate clinical setting. There is no 24-hour drop off center, but there may be a referral to the Crisis Assessment and Treatment Center, a locked facility that stabilizes people for up to 14 days who do not need hospital-level care. A 2015 report for the county’s Mental Health Jail Diversion Project explores strengths and weaknesses of the local system and compiles recommendations. You can access a copy of the report here: <https://multco.us/file/38259/download>.

Once a defendant becomes able to aid and assist, attorneys can explore options including Mental Health Court, other treatment courts and supervision by the Department of Community Justice’s Mentally Ill Offender Unit. Information on specialty courts is available here: [http://courts.oregon.gov/Multnomah/General\\_Info/Criminal/](http://courts.oregon.gov/Multnomah/General_Info/Criminal/)

pages/ProblemSolvingCourts.aspx?#mhc5. Note that I am now the Mental Health Court Judge. Attorneys can call Judicial Assistant Vanessa DeJesus at 503.988.3835 to refer clients for a hearing.

Attorneys can expect many more developments in this area in the future, but as always, careful planning and communication are key to helping your mentally ill clients navigate the justice system.



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## The Corner Office PROFESSIONALISM

A colleague's recent experience spurred some thinking about how best to respond to discrimination in our profession. While representing a client at a mediation, my female colleague was subjected to overt gender discrimination. The mediator, who is a retired male judge, made a number of gender-based comments throughout the course of the day. The kicker was when my female colleague communicated her client's final settlement, with which the mediator disagreed. The mediator responded by asking whether my colleague had a husband, and suggested that she "run it [the case/settlement offer] by him."

The mediator's treatment of my colleague was certainly inappropriate, but even more troubling, represented a patent refusal to accept her client's settlement position based at least in part on the gender of the client's chosen counsel. Readers will be pleased to know that my colleague wrote a stern letter to the judge outlining the numerous examples of his misconduct, refusing payment for the mediation, and demanding an apology. She has yet to hear back from him. Rather than focusing on my colleague's response (which I approve of), or the mediator's misconduct (which I denounce), I want to consider what response, if any, our commitment to professionalism prescribes for a lawyer observing such egregious behavior directed at another.

Among our principles of professionalism is the pledge "[w]e will not engage in or condone unlawful or unethical discrimination." Suppose the mediator's comments were made in front of opposing counsel. Thanks to the recent adoption of Rule 8.4(a)(7), the mediator's conduct may constitute a disciplinable offense under the Oregon Rules of Professional Responsibility. And failing to respond to such overt discrimination unquestionably condones the behavior.

So what's a lawyer to do? Should opposing counsel call the judge out on his bigotry and demand an apology or fire the mediator? One might first wonder whether such a response is in the interest of opposing counsel's client. It most certainly is. Successful mediation requires the mediator to impartially weigh the strengths and weaknesses of each party's case. A biased mediator is unlikely to bring the parties to a mutually acceptable compromise and can make the parties less likely to be willing to settle.

Yet, while a swift and direct response to the mediator certainly removes any doubt that opposing counsel condones such discrimination, it might do as much damage as sitting silently. Such an outburst could reinforce the mediator's gender bias by suggesting that the targeted lawyer was somehow incapable of standing up for herself. It would also rob her of the opportunity to address the situation in a way that makes her

most comfortable and is most empowering. That might take the form of a stern letter after the fact or a private conversation with the mediator during the proceedings. As the target of the discrimination, the female lawyer should be in control of the response.

So again, what's a witnessing lawyer to do? Sitting idly by while a colleague is demeaned violates our commitment to professionalism, but saying something robs the object of the discrimination of her chance to respond. The middle ground between those two options may have a number of different reasonable responses, including addressing the issue promptly with the targeted attorney, acknowledging and disowning the misconduct, and asking what, if anything, opposing counsel can do to support her in responding to the mediator. We will not condone discrimination; nor should we be quick to ride to the rescue as anti-discrimination heroes.

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

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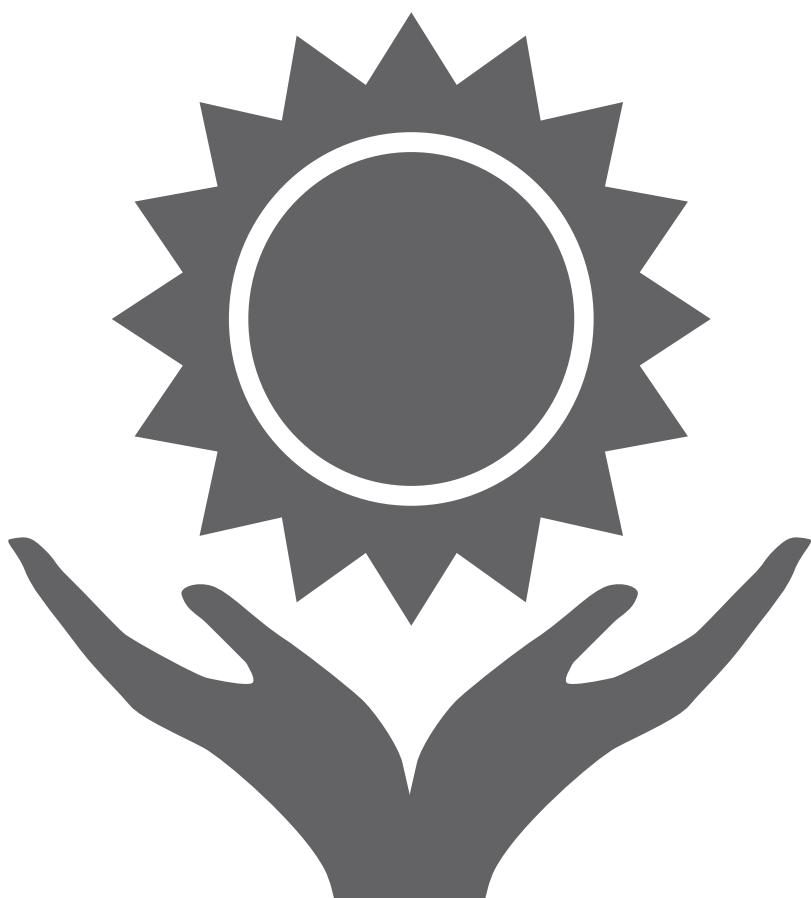
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- Henry Ford

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Law office space available sharing space with law firm in the historic Centennial Building, 210 SW Morrison St. Several window offices available, as well as secretarial/assistant space. Conference rooms, receptionist, copiers, high-speed internet, kitchen, and other amenities. On MAX line; walking distance to courthouse. Prices vary with offices selected. Call Tari at 503.227.4600 or email [schmauct@bennethartman.com](mailto:schmauct@bennethartman.com).

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Two secretarial spaces are available as well. Located in proximity to Multnomah County and Federal courthouses. The office is located within a suite shared by two established law firms. The office and the available conference rooms present your clients with knockout views of the West Hills. The location is on the top floor of the 1000 Broadway Building. Spaces were decorated by a professional designer. Two conference rooms, kitchen and file room available to share and receptionist services provided as part of lease. Copier, fax and postage services available. Parking, private gym, and bank in building. Call Scott Brown at 503.228.5027.

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\$680 per month. No lease necessary. Adam Greenman, 503.227.3800 or [adam@adamgreenmanlaw.com](mailto:adam@adamgreenmanlaw.com).

#### Wilsonville Class A Space

One or two beautifully furnished office spaces available for lease. Looking for attorney to compliment established business/commercial law firm. Great opportunity for new attorney just getting started as well as established attorney wanting to get out of the city. Easy access to I-5, free parking, conference room, internet (at cost), telephone system, copier/scanner/fax machine, etc. For tour and questions, email [Carole@blf-pc.com](mailto:Carole@blf-pc.com).

### Positions

#### Greene & Markley P.C.

Seeking two to three experienced attorneys for lateral move into an established commercial firm, with excellent opportunity to participate in professional growth and increased earnings.

Qualified candidates will have existing practice, be entrepreneurial and energetic, with a deep commitment to client service and quality work.

Contact Ward Greene – email [ward.greene@greenemarkley.com](mailto:ward.greene@greenemarkley.com); Telephone: 503.295.2668

#### Associate Attorney (Portland, OR)

We are seeking an associate with 2+ years of experience for our established East Portland law firm. Candidates must be current members of the Oregon State Bar. Washington State Bar membership is desired. Prior litigation experience is strongly preferred, but judicial clerkships, or related experience, may be considered.

You must be professional, competitive, a powerful communicator, a team player, detail oriented, and an excellent legal writer. Fast paced, litigation-based practice emphasizes landlord/tenant law, but includes all aspects of civil litigation (e.g., family law, personal injury, real estate disputes, probate disputes, etc.). Non-litigation matters (estate planning, real estate transactions, etc.) may supplemental the associate's workload.

Associates are responsible for research, investigations, document creation, motion practice, case development and a variety of court appearances.

We will offer a competitive salary and benefits package. The compensation package will depend upon experience and skills.

Applicants must e-mail all of the following items, in order to be considered for this position: (1) resume; (2) cover letter; (3) writing samples; (4) references; and (5) salary expectation to [carol@mbabar.org](mailto:carol@mbabar.org), with **Blind Box 2016-3** in the email subject line.

#### The Portland office of Bullivant Houser Bailey

Is seeking a highly motivated casualty litigation associate with 3 to 5 years of relevant experience to handle cases in the area of products liability defense, personal and catastrophic injury litigation and commercial litigation. 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. .
- Strong legal research, analytical and problem-solving skills
- Possess strong organization 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.
- A willingness and desire

to engage in business development activities.

Applicants 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](mailto:Jill.Valentine@Bullivant.com).

#### Family Law Firm

Hiring an associate with three to five years of experience. Please send cover letter and resume to [gary@zimmer-law.com](mailto:gary@zimmer-law.com).

#### PLF Practice Management Advisor and Project Manager

The Oregon State Bar Professional Liability Fund is hiring a full-time practice management advisor to educate attorneys and law office staff on law office systems and to lead a variety of practice management projects

The position requires diverse skills, including experience with law office systems and management; initiative; the ability to relate to and teach lawyers and law office staff of all generations; a high level of experience with technology (hardware, software, the cloud, and social media); and excellent communication, writing, proofing, and speaking skills. Preferred candidates will have five years of experience practicing law and will have experience managing a law practice, marketing, creating and editing content for websites or blogs, and familiarity with EAP programs. The position requires travel throughout Oregon, with office base in Tigard. For more detailed information, go to [www.osbplf.org](http://www.osbplf.org), About PLF, Job Opportunities.

Please submit your resume and cover letter to Barbara S. Fishleder, Professional Liability Fund, Director of Personal and Practice Management Assistance, [hr@osbplf.org](mailto:hr@osbplf.org) with the subject line: PMA position - (your name). **An Equal Opportunity Employer**

#### Staff Attorney - Small Business Legal Clinic

Located in downtown Portland, the Small Business Legal Clinic's (SBLC) mission is: (1) to provide free or sliding-scale business transactional legal assistance to small and emerging businesses, primarily those owned by low income women, minorities, or recent immigrants and (2) to provide law students with hands-on experience in the practice of business transactional law, and to instill in them the importance of providing pro bono legal services to the community.

The Staff Attorney will be part of the legal team at the SBLC. Legal work will focus on providing business transactional legal services to small and emerging businesses and nonprofit corporations and cooperatives.

The starting salary is competitive with other public interest organizations and may be adjusted depending on experience, with excellent benefits. To apply, please send resume, brief recent writing sample, and list of references to Lewis & Clark Law

School, 10015 SW Terwilliger Blvd, Portland OR 97219 to the attention of Steve Goebel. No phone calls please. Lewis & Clark is an equal opportunity employer and encourages the applications of women and minority candidates.

#### Requirements:

Active member of the Oregon State Bar with a minimum of five years of experience with business law transactions.

Must successfully pass a criminal history check which may include national or state fingerprint records check.

Deadline for submission is June 13, 2016 . For more information on The Small Business Legal Clinic, please visit our website at [http://law.lclark.edu/centers/small\\_business\\_legal\\_clinic/](http://law.lclark.edu/centers/small_business_legal_clinic/)

#### Attorney – Healthcare

Sussman Shank LLP, a mid-sized, full-service law firm in Portland, Oregon, has an immediate opening in its Healthcare Practice Group for a health law attorney with a minimum of five years of experience advising healthcare providers on a full range of transactional and regulatory health law issues including: physicians and group practices, the Stark and Anti-Kickback statutes, reimbursement including private insurance, Medicare and Medicaid, HIPAA; compliance issues; and contract drafting and review; as well as general corporate matters. An ideal candidate has the capacity for, and shows dedication to, business and practice development. A portable book of business is preferred.

Please address cover letters and resumes to our Chief Operating Officer, Steven T. Seguin. Visit Sussman Shank's website for information on the firm and its attorneys at [www.sussmanshank.com](http://www.sussmanshank.com). Competitive Benefits and Compensation. Ranked one of the 100 Best Companies to Work for in Oregon. **Equal Opportunity Employer.**

#### Attorney – Estate / Tax

Sussman Shank LLP, a mid-sized, full-service law firm in Portland, Oregon, has an immediate opening in its business practice group for a motivated tax lawyer who focuses his or her practice in estate planning, closely-held business planning, gift and estate tax, trust and estate administration, and charitable gift planning. The position requires strong academic credentials and excellent written and oral communication skills. An ideal candidate has completed an LLM program in tax (or has comparable tax experience), has experience working directly with high-net-worth clients, and has the capacity for and shows dedication to business and practice development.

Please address cover letters and resumes to our Chief Operating Officer, Steven T. Seguin. Visit Sussman Shank's website for information on the firm and its attorneys at [www.sussmanshank.com](http://www.sussmanshank.com).

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#### Assistant Disciplinary Counsel – Investigation

The Oregon State Bar is looking for someone to provide counsel in the evaluation, investigation and negotiated resolution of ethics complaints made against Oregon lawyers. Please visit <http://www.osbar.org/osbcenter/openings.html> for job details. **Equal Opportunity Employer.**

#### Bier Family Law Seeks Associate Attorney

With minimum two years' family law experience. Please send cover letter and resume to [lariel@bierfamilylaw.com](mailto:lariel@bierfamilylaw.com).

#### Executive Director, Campaign For Equal Justice

Portland OR - April 4, 2016 The Campaign for Equal Justice seeks an Executive Director. The Campaign is a nonprofit organization that supports Oregon's statewide civil legal aid programs. The Campaign takes a multifaceted approach to building resources for legal aid that includes an annual fundraising campaign directed to Oregon attorneys, public relations and communications, education and outreach, working with partners to increase state and federal support, and event management. The Executive Director is responsible for overseeing all of the day-to-day operations of the organization, including financial management.

**Background:** The Campaign for Equal Justice works in close cooperation with Oregon legal aid program directors, the Oregon State Bar, the Oregon Law Foundation, and the courts toward a common goal of increasing access to justice for the poor in Oregon. Since its inception in 1991, the Campaign has raised over \$25 million dollars directly through its annual fund drive, and also works with partners to help increase state and federal funding for legal aid, foundation support, and building an endowment.

The Campaign works to educate lawyers and the public about the larger issues of access to justice in democracy and the great need for legal aid funding. The Campaign works with legal aid programs and partners to compile information about statewide access to justice, including client stories as an important piece of this communications strategy. The Campaign also supports grassroots lobbying efforts to increase government support for legal aid.

**Responsibilities:** CEJ's Executive Director manages all of the Campaign's activities. The Director works in concert with CEJ's board, Advisory Committee, and volunteers. The Campaign's office is in downtown Portland, and some travel is required.

*Continued on page 18*



# Work Smarter, NOT Harder

## Run your office more efficiently through automation and nontraditional labor

A survey conducted by LexisNexis found that 39% of time worked is not billed in the solo and two-attorney firm segment. They also found that the average number of hours worked in a day was 8.9, and the average hours billed was 6.9. When we balance family, legal practice, business ownership,

and self care, every minute of the work day is valuable.

The solution to an enjoyable and sustainable legal practice is not working longer hours; it's increasing the efficiency and productivity of the hours you already work. In the upcoming **May 25 Solo and Small Firm Workshop**, solo

practitioner **Charese Rohny** and **Julie R. Vacura**, founding partner of Larkins Vacura, will roundtable creative ways of using automation and thinking beyond the traditional employee.

From document automation, to taking a picture of a business card on your smart phone and automatically adding a client directly into Clio, or other integrated practice management software, automation can not only save time, but prevent mistakes and eliminate the need for repetitive data entry.

In addition to successfully using automation, thinking beyond the traditional employee can significantly reduce expense and increase efficiency. Given the expense of hiring an employee,

many of us opt for performing the non-legal tasks ourselves. This cuts into billable time and directly reduces productivity. One solution when moving toward a more efficient, automated law firm is to add services before personnel. From a virtual receptionist, to docket/invoice/appointment management, and tracking and accounting software and services, they will discuss how to add services to meet the needs of your office. Once your firm has added the tailored services, it's time to consider strategically staffing your firm with only the type and number of personnel needed.

Lastly, we will address billing automation. In a recent survey by LexisNexis, most small law

firms (61%) reported spending about eight hours per month on their billing process. Those are hours that could be spent walking the trails in Washington Park or billing on other matters. The traditional billing process of billing hours, generating an invoice at the matter's end, mailing the bill, holding your breath for the client's sticker shock, and waiting, is outdated and ineffective. We will explore simple changes to your billing practice designed to increase the percentage of your invoices paid on the same day. Some of these ideas are trust accounts, advance fee deposits, flat fees payable upfront, emailing invoices, and accepting credit card payments.

Moderated by **Adina Matasaru**, of Matasaru Law, PC, this workshop promises to be the most efficient use of your lunch time. Come with specific questions that you have regarding your own office and ideas of how to improve efficiency and save costs. Did we mention lunch?

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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](http://www.mbabar.org) and click on "About Us" and "Pro Bono."

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## Classifieds

*Continued from page 16*

The Executive Director directs the Campaign's communication strategy. Events include the annual fund campaign for Oregon lawyers; the annual awards lunch, a major event with high profile keynote speakers; regional educational events held each year throughout the state; donor appreciation receptions and events; and legal aid open houses, which are held periodically to set the stage for important legislative action and strengthening ties to the legal community. The Campaign has an active website and is engaged in social media. The Director will also supervise a staff of three to five employees.

**Qualifications:** Juris Doctor or Masters degree in non-profit

management or related field is preferred. Strong communication and management skills; knowledge of legal services to the poor; fundraising experience and experience in working with legislative bodies are a plus. Prior work with the Oregon legal community is not required, but is preferred.

**Salary/Benefits:** Based on experience. Benefits.

**Anticipated Start Date:** June 15, 2016.

**Applications:** Send resume, references and letter of interest to: **Gerry Gaydos, Gaydos Churnside & Balthrop PC, 440 E Broadway, Ste 300, Eugene OR 97401**

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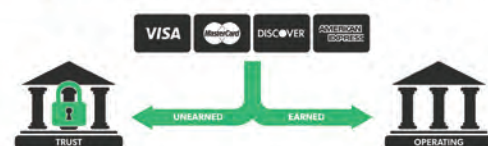
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# Why a Golf Committee?

by David Noland  
VLP Golf Committee Chair



I'll be honest, I am a lousy golf player, but I genuinely enjoy the game and find it very challenging. Despite my unmentionable golf handicap, I wanted to get involved in the VLP Golf Committee to help those in need with the added bonus of possibly improving my game. While I found that I was able to increase my professional network and make new friends both on and off the committee, true satisfaction came from helping out the Volunteer Lawyers Project (VLP) at Legal Aid Services of Oregon.

As representatives and protectors of justice, we should all strive to find ways to help out those who need legal services the most. Not all of us have the types of specialties and skills that are needed by the VLP, nor do many of us possess the time and/or money needed for these types of pro bono projects. With our practice limitations, one of the ways you can still provide needed assistance is coming out and supporting the MBA's efforts to raise money for the VLP.

The VLP is dedicated to providing free legal help to thousands of low-income and elderly clients each year in matters relating to their physical safety, access to food and shelter, and other critical legal needs. Our charge as the VLP Golf Committee is simply to raise awareness and funds for the VLP by putting together four to six golf events each year. Each year, the committee raises \$15,000 to \$20,000 for the VLP.



This year, the VLP Golf Committee is hosting five events:

- Golf Clinic & Networking - May 12
- Riverside Outing - June 14
- Family & Friends Golf Event - July 14
- Lawyers & Law Students - August 15
- Championship - September 26

Each one of these events has their own unique theme and flair, from the casual Family & Friends golf event to the more serious golf championship. Our annual championship is by far the largest event the VLP Golf Committee puts on and sponsorship of the event provides the main source of donations for the VLP. This

year, we are excited to have our championship at the exclusive Portland Golf Club.

I encourage those attorneys who golf or are interested in the sport to consider attending one or more of our events. Additional ways you can help include donating your time or money to the MBA golf events and promoting our events to those you interact with.

Please check out our flyer in this newsletter or contact me (503.967.2944, dnoland@hrcentral.com) or Pamela Hubbs (503.222.3275, pamela@mbabar.org) if you have any questions or wish to help out.

Thank you in advance for your support!

## News From the Courthouse

Continued from page 10

- The public portal allowing access to court cases is not available yet, but some access to court cases is expected soon.
- Oregon eCourt is a statewide system, so there is very little that can be done locally to make changes to how the system works.
- There is a central committee that evaluates potential changes to how OECI operates and then programming or contract amendments with the vendor may be necessary to implement approved changes. This process can take one to two years, or even longer.

### Supplementary Local Rules

- The court would like to develop a new rule that specifically targets the remedies available when a party repeatedly fails to participate in litigation - for example, failing to show up to depositions and failing to respond to discovery requests. The goal is to include this new rule in the 2017 SLRs, which will be submitted to the MBA for comments in July.
- New rules for streamlined civil trials are on hold at this time.
- Any ideas for SLR changes or new SLRs should be submitted to Judge Bushong before the end of May.

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## Free Conference Room Space in Downtown Portland

The Professional Liability Fund is offering Oregon lawyers free use of a conference room located at 520 SW Yamhill Street, Suite 1025, Portland, Oregon. To reserve this space and learn more details about this free conference room space, go to the PLF website, [www.osbplf.org](http://www.osbplf.org), and click on Practice Management, then Oregon Lawyers' Conference Room.

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





## SOAR's Voter Education Project

by Susan Marmaduke  
Harrang Long Gary Rudnick PC

*"[W]e are and always will be a nation of immigrants. We were strangers once, too. And whether our forebears were strangers who crossed the Atlantic, or the Pacific, or the Rio Grande, we are here only because this country welcomed them in, and taught them that to be an American is about something more than what we look like, or what our last names are, or how we worship. What makes us Americans is our shared commitment to an ideal - that all of us are created equal, and all of us have the chance to make of our lives what we will."*

-Barack Obama  
November 20, 2014

On a warm spring evening in Portland, immigrants from all over the world - Somalia, Korea, Cuba, Nicaragua, Indonesia, and other countries -- gathered to learn how to exercise their right as newly naturalized United States citizens to vote in the upcoming election. They listened intently as a speaker explained the voting system and the mechanics of registering to vote and casting a ballot. Topics ranged from the concrete details of Oregon's vote-by-mail system, such as the requirement of marking the ballot with a blue- or black-ink pen, to such fundamentals as the fact that we vote on issues and for leaders, and the importance of not letting someone else dictate one's vote.



**Multnomah Bar Foundation**  
Raising the Bar for Civic Engagement

Your donations to the Multnomah Bar Foundation Civic Education Fund helped make that class possible. It was presented by SOAR (Sponsors Organized to Assist Refugees) as part of SOAR's Voter Education Project, a recipient of a Multnomah Bar Foundation grant for civic education.

SOAR is one of the community services of Ecumenical Ministries of Oregon. Founded in 1979, the mission of SOAR is to assist refugees in becoming self-sufficient and integrated members of the community. SOAR is one of three voluntary agencies in Oregon that provides cash assistance and case management to newly arriving refugees.

Refugees and other immigrants make up

approximately 13% of Portland's population. SOAR's Immigration Legal Services provides education and legal representation to low income refugees and immigrants in and around the Portland metro area. In 2015, SOAR Immigration Legal Services provided legal services, educational services, and legal consultations to more than 2,000 people.

Many of SOAR's clients are refugees who are unfamiliar with meaningful civic participation. Many came from countries that did not allow them to vote, or that did not instill confidence that one's vote would make a difference. According to the Immigration Policy Center, only 60.5% of naturalized citizens register to vote. Only 5.8% of all registered voters in Oregon are naturalized citizens.

In addition to the fact that our national history has been defined by the achievements



of immigrants who have been able to integrate and to realize their potential here, there has



recently been serious discussion in Europe and in the United States about the adverse consequences of failing to help immigrants become integrated members of the community. Indeed, immigrant integration is a primary objective in the Department of Homeland Security's strategy to counter violent extremism.

The Voter Education Project is part of SOAR's New Americans Initiative. The Voter Education Project strives to encourage meaningful participation in our legal and election system. It provides monthly classes about the voting system to newly naturalized citizens and helps them register to vote. Its objective is to ensure that newly naturalized citizens have a proper understanding of the American voting system and proper access, with the goal of allowing for full immigrant integration, civic participation and voter engagement. The class covers such questions as:

- What if I make a mistake on my ballot? (Answer: Clearly indicate your correction on the ballot)

- Will my vote be counted if I mail my ballot on Election Day? (Answer: Ballots must be received by 8 p.m. on Election Day)
- Where can I find an official ballot drop box? (Answer: Numerous locations, including all Multnomah County libraries, are listed on Multnomah County Elections website)

Participants' questions often cover a wide range of topics, such as "Will I be punished if I fail to vote?" to "What will happen if I leave the United States to visit my family for more than six months?" The class serves as a valuable vehicle for discussing basic tenets of the American electoral system and the rights and responsibilities of citizenship.

The Multnomah Bar Foundation supports local organizations solving local problems. One of the benefits of that approach is that it allows the MBF Board to have an "up close and personal" relationship with every one of the recipients of its grants. MBF Board members make regular site visits to monitor and report on the performance of the grant recipients. They work to ensure that grants are used to further the MBF's goals of promoting civic education and increasing public participation and respect for the law. SOAR's Voter Education Project exemplifies those goals.

To learn more about the MBF, visit [www.mbabar.org/foundation](http://www.mbabar.org/foundation) or call 503.222.3275.



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