



## The Power of Community

by Shayda Zaerpoor Le  
YLS President

As a member of the MBA and as President of the YLS at a time when professional associations across the country are evaluating how they can retain members and adapt to the changing needs of their membership, I reflect on the power

of community and the strength of a collective organization. As both our profession and the needs of our membership change, our programs and offerings evolve as well, and the YLS remains an avenue for many of the most critical categories of young lawyer interest and development.

Like all YLS Board members, my involvement started as a committee member, but the impetus for joining a committee was begotten from the actual needs of a young(ish) professional. I had graduated into one of the worst legal markets in recent memory (2011). What I thought I needed was a job. What I actually needed was a community.

It remains true that involvement in a bar association is an important component of being part of a guild and contributing to the profession; it is a way to give back and is an avenue for the important role that lawyers play in society. But in addition to that, for the young lawyer, it is also a critical part of development; meaningful involvement in a bar association is one of the most direct ways for a young lawyer to test their strengths, develop their skills, and *demonstrate* their potential, almost like a very long (and more meaningful) job interview with several potential employers or clients at once.

YLS involvement did ultimately lead directly to a job opportunity for me, but that wasn't a finish-line. As an associate at Barran Liebman, YLS and MBA involvement were strongly encouraged. That continued involvement led to a good professional profile and aided my ability to generate business and bring in clients, in large part because it was an avenue for me to present myself to professional contacts and potential clients through an actual demonstration of work or service. Continued YLS involvement certainly contributed to my advancement and my ability to become a partner, and continues to serve my professional and personal development. It's not just about meeting people, although that's certainly helpful. The community of professionals I have come to *know* through bar service affords me the ability to make introductions and connections between people, to serve my clients by making solid referrals based on personality and approach, to put together community projects, to fundraise for important initiatives, to gather information from different perspectives, to help a new lawyer find a job, and to develop within a professional community much bigger than I could ever establish within a single firm. I am a better (and more successful) professional because of all of these benefits. This is the collective power of a community.

That's my soapbox. I hope that every MBA member reading this article knows how fortunate we are to have the professional environment that Portland (and Oregon) provides, and will consider connecting with a new member or potential member to bring them into the fold.

So, what are we up to this year? The YLS houses four focused committees (which volunteers can join throughout the year): CLE, Membership, Pro Bono, and Service to the Public.

**...involvement in a bar association is an important component...**

The CLE Committee organizes a number of targeted CLEs throughout the year, and also works to identify potential areas of interest that may not have been covered in recent years to implement into subsequent years' rotations. This year also continues our offering of multiple nine-week series which build upon a sequence of topics, such as our Young Litigators Forum. The committee (and the YLS Board) is also looking to develop programs which focus on professional development and growth within different practice settings, in recognition of the skills which are often critical to professional success but which are distinct and separate from substantive legal knowledge.

The Membership Committee plans a variety of social events, which are important not just because they are fun, but because those events serve as the building blocks for bringing together new members of our legal community and introducing them to potential friends and colleagues, as well as driving new members toward greater YLS participation. The committee has a number of popular and recurring events, such as a family-friendly winter event at the Portland Children's Museum, supporting "Justice Trivia" with the Campaign for Equal Justice, as well as drop-in socials throughout the year. In addition, the committee holds joint events with other bar groups, which are an excellent way to foster cross-involvement and volunteer work with other local bar organizations.

The Pro Bono Committee develops opportunities for young lawyers to get involved with pro bono efforts early in their careers, both creating programs and promoting existing pro bono projects through other organizations. There is an annual Pro Bono Pour event, benefiting Legal Aid Services of Oregon. The committee also holds multiple Wills for Heroes clinics throughout the year, providing free wills and basic estate planning documents to local first responders, which is an incredible way to provide critical services to the folks who put their lives on the line to keep all of us safe.

The Service to the Public Committee helps make us all look good! The committee's community outreach activities highlight the positive roles of attorneys in society, educate the public about the legal system, and engage young lawyers in community outreach and service. The committee plans monthly community project days which provide volunteers with the opportunity to engage in discrete volunteer work ranging from soup kitchens to park clean-ups. In addition, the committee is working to implement its second Poetry Slam event, in which students will compose original slam poetry focused on this year's ABA Community Law Week theme of "Free Speech, Free Press, Free Society." This is an innovative way to further the next generation of Portland artists, thinkers, and civically engaged students. This is one of several community-facing programs the committee plans each year.

In addition to our committees, our board members are also concentrating efforts this year on high school outreach to connect with students about careers in the legal field. This focus is intended to introduce students to lawyers through an interactive format, and will highlight the diversity of opportunities available in the profession and different avenues for students with varying levels of resources and exposure. We are excited to support the efforts of the MBA Professionalism Committee in this effort! Our hope is to spark interest in potential future lawyers through an engaging representation of how great it can be to be a lawyer, and to demonstrate how varied individual lawyers and practice environments can be.

So please – join us! Encourage a young lawyer in your life to get involved. Introduce them to the opportunity to develop leadership, collaboration, project management, and a myriad of other skills. Give them the chance to test their strengths and showcase their abilities to their community. Allow the YLS to provide an avenue to becoming the next generation of movers and shakers, spurred in part by developing relationships with the existing, and amazing, members of this legal community. Please feel free to reach out to me personally about opportunities at sle@barran.com.

**Allow the YLS to provide an avenue to becoming the next generation of movers and shakers...**

## mba|CLE

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

### DECEMBER

**12.5 Wednesday  
Science of the Mind**  
Judge Michael Simon  
Chris Dominic

**12.6 Thursday  
Ethics in Mediation: Beyond Client Confidentiality and Conflicts of Interest**  
Jeffrey Batchelor  
Eric English  
Dayna Underhill

**12.18 Tuesday  
Helping Clients Through the Intersection of Logic and Emotion**  
Devin Howington  
Sam Imperati

### JANUARY

**1.16 Wednesday  
Tips From the Courtroom: Insights from Current and Former Judicial Clerks**  
Bonnie Calhoun  
Lee Ann Donaldson  
Kendall Gourley-Paterson  
Gabrielle Hansen  
Megan Oshiro

**1.23 Wednesday  
ADA and FHA Architectural Access Provisions**  
Matthew Ellis  
Matthew Serres  
Ted Wenk

**1.29 Tuesday  
Internal Investigations in the #MeToo Era: Assessing the Risks and Rewards**  
Derily Bechthold  
Elisa Dozono  
Kalia Walker

### In This Issue

Calendar .....	2
MBF .....	2, 20
CLE .....	3
Announcements .....	6
Ethics Focus .....	6
Around the Bar .....	8
News From the Court .....	10
Tips From the Bench .....	10
YLS .....	12
Classifieds .....	16
Pro Bono Thanks .....	16

Multnomah Bar Association  
620 SW 5th Ave  
Suite 1220  
Portland, Oregon 97204  
503.222.3275  
Fax 503.243.1881  
[www.mbabar.org](http://www.mbabar.org)

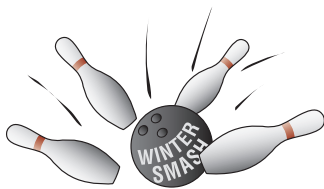
MULTNOMAH BAR ASSOCIATION  
620 SW FIFTH AVE., SUITE 1220  
PORTLAND, OREGON 97204

PRSRT STD  
U.S. POSTAGE  
PAID  
PORTLAND, OR  
PERMIT NO. 00082

## SAVE THE DATE!

### MBA 17th Annual WinterSmash

A Family Friendly Bowling Event



Saturday, February 2  
11 a.m. - 2 p.m.  
KingPins  
3550 SE 92nd Ave

A Multnomah CourtCare Fundraiser



## MBA Board of Directors

### President

Rima I. Ghandour

### Treasurer

Elizabeth E. Welch

### Secretary and President-Elect

Sarah Radcliffe

### Past President

Andrew M. Schpak

## Directors

### YLS President

Shayda Zaerpoor Le

Caroline Harris Crowne

Valerie Colas

Steve D. Larson

Adina Matasaru

Emilee S. Preble

Seth Row

Krista Shipsey

Richard Spier

Jovita Wang

Hon. Ulanda L. Watkins

### Executive Director

Guy Walden

### Director, Events & Programs

Kathy Modie

### Office & Foundation Administrator

Pamela Hubbs

### Member Services Administrator

Ryan Mosier

### Office Administrator

Lauren Fairshter

## MBF Board of Directors

### President

J. Matthew Donohue

### Vice President

Nicholas A. Kampars

### Secretary/Treasurer

Jennifer S. Wagner

### Past President

Dana S. Scheele

## Directors

Sarah H. Bond

J. Mackenzie Hogan

Holly L. Johnston

Abby Wool Landon

James E. Oliver

Timothy J. Resch

Hon. Xiomara Torres

Julie R. Vacura

The *MULTNOMAH LAWYER* is published 11 times per year by the Multnomah Bar Association, 620 SW Fifth Ave. Ste. 1220, Portland, OR 97204 503.222.3275

Advertising is accepted; advertisers (ments) are not necessarily endorsed by the MBA. The editor reserves the right to reject any advertisement.

DEADLINE for copy: The 10th of the month\*

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

\*or the preceding Friday, if on a weekend.

### NEWSLETTER STAFF CONTACTS

Editor: Guy Walden

Advertising: Ryan Mosier

Design: Cyrano Marketing Solutions

Copyright Multnomah Bar Association 2018

## Civic Education Fund Turning the Page

by Tim Resch and Dana Scheele  
Co-Chairs, MBF Grants Committee



Tim Resch

In 2005, on the occasion of the Centennial Anniversary of the founding of the Multnomah Bar Association, the Multnomah Bar Foundation sprang to life. The MBF's mission is:

*To increase the public's understanding of the legal system; to promote civic education, public participation and respect for the law, and to improve the quality and administration of the legal system.*

Furthering that mission, the MBF has raised money for the Civic Education Fund. Since 2006, the MBF has awarded 97 grants totaling more than \$514,000 to 19 nonprofit organizations in the greater Portland metropolitan area with programs dedicated to increasing civic participation. MBF-funded programs have served all age groups and covered a wide variety of topics. And MBF Board Members, serving as liaisons to grant recipients, have developed lasting partnerships with many of these programs. MBF grants have helped these organizations to expand their donor base with the credibility that comes from being an MBF grant recipient.

As part of our duty to regularly evaluate all of the MBF's programs, the Board recently - and maybe reluctantly - came to the conclusion that the Civic Education Fund has run its course. Put another way, the Civic Education Fund grant recipients have outgrown us. For the most part, the organizations that the MBF has supported now have well established and broad-based funding sources. Over the course of the summer, we met with our grant recipients and discussed the MBF's plan to wind down the Civic Education Fund. We were heartened to learn about the many ways that our grants had supported these worthy programs over the years. We are also confident that these organizations will continue to thrive in their roles serving this community.

As part of the wind-down of the Civic Education Fund, the MBF Board awarded the remaining funds to four deserving nonprofits as follows: \$3,000 to Peer Court for its program encouraging high school students to participate in the legal process; \$2,872 to



Dana Scheele

Elders in Action for its program engaging older adults in civic education and advocacy; \$4,000 to League of Women Voters of Portland to expand programming regarding education around ballot measures and candidates; and \$3,000 to Sponsors Organized to Assist Refugees (SOAR) for its naturalization and civic education programming. These grant recipients and others have been wonderful partners to the MBF and you will continue to hear of their efforts in future editions of the *Multnomah Lawyer*.

Civic education remains a worthy endeavor, and the MBF Board encourages our members to reach out to the organizations we have supported, and consider direct giving. The MBF is committed to continuing engagement with these organizations as we transition our efforts into a new and similarly worthy program. The MBF Board is working on the details for a new program - tentatively branded as "CourtSupport" - which will be rolled out in conjunction with the opening of the new courthouse building in the spring of 2020. The MBF is coordinating with our judges and court administration in order to ensure that CourtSupport will serve all the users of the new courthouse. We are confident that our new program will be worthy of your support, help advance our mission to promote respect for the law and help improve the quality and administration of the legal system.

As we say farewell to the Civic Education Fund, we want to thank and acknowledge all of the generous donors from the MBA over these past dozen years. We appreciate your support. Your money has allowed great organizations supporting civic education in our community to flourish.

### Grant Recipients 2006-2018

Bus Project Foundation  
City Club of Portland  
Classroom Law Project  
Elders in Action  
Healthy Democracy  
League of Women Voters of Oregon  
League of Women Voters of Portland  
MBA YLS YOUthFILM Project  
MetroEast Community Media  
Native American Youth and Family Center

## Calendar

### DECEMBER

#### 4 Tuesday

**Solo & Small Firm Workshop**

Details on p. 6

#### 9 Sunday

Homeless Youth Law Clinic

Fundraiser

www.mbabar.org

#### 10 Monday

**MBA Wine, Cheese & Chocolate Tasting**

Details on p. 9

#### 11 Tuesday

Queen's Bench Annual

Holiday Luncheon

www.owlsqueensbench.org/

monthly-luncheons.html

#### 25-26 Tuesday-Wednesday

**Christmas Holiday**

**MBA Office Closed**

### JANUARY

#### 1 Tuesday

**New Year's Day**

**MBA Office Closed**

#### 22 Tuesday

**New Admittee Social**

www.mbabar.org

### FEBRUARY

#### 2 Saturday

**WinterSmash**

Details on p. 1

#### 12 Tuesday

League of Women Voters

Women and Justice Panel

bit.ly/2F9c1Rw

#### 21 Thursday

CEJ 28<sup>th</sup> Annual Awards

Luncheon

cej-oregon.org/events/

#### 22 Friday

ACLU of Oregon 2019

Liberty Dinner

aclu-or.org

#### 23 Saturday

**Portland Children's Museum**

**Social**

Details on p. 12

*The clock is ticking...*



*Renew your MBA membership for 2019 by December 31 to receive a FREE \$60 credit toward MBA CLE programming.*

*Attend a class in person, watch a video webcast online, or listen to a seminar on your computer or smartphone.*



Terms and conditions apply - see www.mbabar.org for details.

Northwest Family Services Four  
Cities Peer Court  
NW Constitutional Rights  
Center  
Oregon Nikkei Endowment  
Oregon Progress Forum  
Oregon Tradeswomen, Inc.  
OSB Constitutional Law Section  
Red Lodge Transition Services  
Saturday Academy  
Sponsors Organized to Assist  
Refugees

Visit the Grants page on the MBA website for more information about these organizations and opportunities to get involved. [www.mbabar.org/foundation/grants.html](http://www.mbabar.org/foundation/grants.html)







The MBA will apply for 2 hours of general OSB MCLE credit unless otherwise noted; Washington credit may be obtained independently. Registrants who miss the seminar may request the written materials. Substitutions are welcome. Registration fees are non-refundable.

Unless otherwise noted, all classes are held at the World Trade Center, 26 SW Salmon, Portland.

### Science of the Mind: How Jurors, Judges, and Clients Really Make Decisions

Wednesday, December 5 3-5 p.m.

World Trade Center, Mezzanine

Members \$60/Non-Members \$95

In 2014, US District Judge Michael Simon and Christopher Dominic, President of Tsongas Litigation Consulting, discussed what cognitive science can teach us about how jurors, judges, and others make important decisions. Since then, even more has been learned in this developing field, now known as “Behavioral Law and Economics.” Come join us on December 5 for the latest insights from this fascinating and important topic.

**For more information:** Contact Adrian Brown, US Attorney’s Office at 503.727.1000. For registration questions, contact the MBA at 503.222.3275.

### Ethics in Mediation: Beyond Client Confidentiality and Conflicts of Interest

Thursday, December 6 3-5 p.m.

World Trade Center, Mezzanine

Members \$60/Non-Members \$95

*Note: Two hours of ethics credit will be applied for.*

Ethical issues in mediation may typically be associated with confidentiality and conflicts of interest. However, there are a broader range of challenges that attorneys face, in both preparing for, and participating in mediation, which involve a much wider range of issues. Please join us at this CLE seminar geared to provide you with practical tips regarding how to navigate the myriad of ethical issues in mediation - both with your client (plaintiff or defendant) and the mediator. We are honored to have mediators Jeffrey M. Batchelor, Batchelor Mediation + Arbitration, and Eric O. English, Resolution Strategies LLP, as well as Dayna E. Underhill, partner at Holland & Knight LLP to serve as our panel of experts for this not to miss year-end ethics CLE.

**For more information:** Contact Adrian Brown, US Attorney’s Office at 503.727.1000. For registration questions, contact the MBA at 503.222.3275.

### Help Clients Navigate the Intersection of Logic and Emotion

Tuesday, December 18 3-5 p.m.

World Trade Center, Mezzanine

Members \$60/Non-Members \$95

Clients spin when the law and their emotions collide. Their ability to make good decisions declines and they occasionally blame their attorney for the situation. Learn practical tips, techniques, and tools from a lawyer and a social psychologist, who both have mediation experience. Learn how to counsel your clients through the uncertainty, fear and frustration experienced when they believe the likely outcome is unfair or the process is too long and expensive. Explore client risk tolerance so they can better participate in the usual settlement dance. Manage their cognitive biases to channel their energies on what is really in their best interest. Help them make better decisions with the judicious use of decision trees and decision tables. Help them understand and accept your legal advice by truly understanding their underlying values, needs and interests. Join panelists Sam Imperati, JD and Devin Howington, PhD, ICMRESOLUTIONS, who promise “no touchy-feely babble ... just straight talk for better representation.”

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

### Tips From the Courtroom: Insights from Current and Former Judicial Clerks

Wednesday, January 16 3-5 p.m.

World Trade Center, Mezzanine

Members \$60/Non-Members \$95

Trial practice can be daunting for new and experienced attorneys alike. Knowing the role that each person of the courthouse plays in facilitating the judicial system is one way to ensure that litigation runs smoothly. Come to the MBA’s January 16 CLE to learn more from a few current and former members of this system: judicial clerks. Current clerks, Bonnie Calhoun, Kendall Gourley-Paterson and Megan Oshiro, and former clerks Lee Ann Donaldson, Nichols Law Group and Gabrielle Hansen, Barran Liebman will discuss basics regarding common do’s and don’ts when interacting with clerks and common mistakes lawyers make, with the goal of making everyone’s time at the courthouse more efficient and enjoyable. Members’ staff may also attend this class at the member rate.

**For more information:** Contact the MBA at 503.222.3275.

### ADA and FHA Architectural Access Provisions: A Blueprint for Building Inclusive Communities in Property Transactions and Leases

Wednesday, January 23 3-5 p.m.

World Trade Center, Mezzanine

Members \$60/Non-Members \$95

Whether you represent plaintiffs or defendants in real estate transactions or landlord/tenant issues, this CLE is for you. Bob Joondeph, Executive Director for Disability Rights Oregon recently noted that “Disability touches everyone.”\* This CLE will cover accessibility provisions under both the Americans with Disabilities Act, as well as the Fair Housing Act. Our panel of experts will also provide their insight on how you can best help your clients in complying with the spirit and intent of these two civil rights statutes, which aim to provide persons experiencing disabilities opportunity and choice in our society. As the number of Americans with disabilities continues to grow as our population ages and veterans return home with newfound disabilities, our experts will also discuss how embracing persons with disabilities is key to long-term success for all property owners and landlords.

Join us on January 23 for this timely topic given Portland’s real estate boom. Our panelists will include: Ted Wenk, Managing Attorney, Disability Rights Oregon; Matthew Serres, Housing Attorney, Disability Rights Oregon; and Matthew Ellis, Law Office of Matthew C. Ellis.

\*See Bob Joondeph’s Interview on OPB’s Think Out Loud, <https://www.opb.org/radio/programs/thinkoutloud/segment/talking-business-disability-rights-oregon-director-animal-rescue/>

**For more information:** Contact the MBA at 503.222.3275.

### Internal Investigations in the #MeToo Movement: Assessing the Risks and Rewards

Tuesday, January 29 3-5 p.m.

World Trade Center, Mezzanine

Members \$60/Non-Members \$95

Although Harvey Weinstein sent the #MeToo movement into overdrive, harassment allegations are not limited to male-female interactions. Increasingly, organizations are facing claims of gender, sexual-orientation, racial and ethnic discrimination that may also be tied to historic and structural issues. How can companies get ahead of these allegations? What additional issues should public entities and nonprofits consider? And what happens when your investigations go public? Presented by Derily Bechthold, Portland General Electric, Elisa Dozono, Miller Nash Graham & Dunn LLP, and Kalia Walker, Bullard Law LLP.

**For more information:** Contact the MBA at 503.222.3275.

### The Break-Up: Terminating Ownership Interests in Closely-Held Businesses

Tuesday, February 26 3-5 p.m.

World Trade Center, Mezzanine

Members \$60/Non-Members \$95

This CLE will provide a comprehensive look at all aspects of business breakups, including shareholder disputes, LLC member disputes, oppression claims, squeeze-out mergers, and reverse stock splits. Our speakers, Bob McGaughey and Aurelia Erickson, with the law firm McGaughey Erickson, will cover considerations for planning when forming entities as well as litigation that ensues over breakups in closely-held businesses. This is the ideal CLE for anyone advising businesses or engaged in business litigation.

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

## CLE BOGO

The MBA is pleased to offer its buy-one-get-one CLE policy for participants in the MBA and OSB mentor programs.

OSB and MBA mentors: When you register for an MBA CLE, you can register your mentee to attend with you for free.

Contact Kathy Modie at 503.222.3275 or [kathy@mbabar.org](mailto:kathy@mbabar.org) to add your mentee to the registration list.


To register for these classes, see page 4.



**HAPPY** *Holidays*

The MBA staff wishes you a happy holiday season. In 2018, 579 Oregon law firms, attorneys and non-attorney staff donated to the Multnomah Bar Foundation to benefit CourtCare and the Civic Education Fund. Countless others contributed time and resources to pro bono efforts. We would like to thank the MBA membership and Portland legal community for helping to make our community and our state a better place. We look forward to serving you in 2019.

 **SUSAN M. HAMMER**  
Dispute Resolution Services



**CREATIVE APPROACHES TO COMPLEX PROBLEMS**

- Best Lawyers in America<sup>®</sup> every year since 2006
- Oregon Super Lawyers<sup>®</sup> every year since 2005
- Oregon Mediation "Lawyer of the Year," Best Lawyers<sup>®</sup>
- National Association of Distinguished Neutrals<sup>®</sup>

**503-222-5949**  
[www.Susan-Hammer.com](http://www.Susan-Hammer.com)

**SARAH NELSON**  
Personal Injury Arbitrations and Mediations



*Experienced on both the plaintiff and defense side.*

**CONTACT** 111 SW 5th Ave Ste 1940 Portland, OR 97204 P: (503) 417-4227 F: (503) 417-4250 SarahNelsonLaw.com

**RICHARD G. SPIER**  
MEDIATOR



Highly experienced—full-time neutral since 1992

- Business & commercial; personal injury; professional liability; employment; estates & trusts; real estate & construction

Listed in *Best Lawyers in America*<sup>®</sup> (Portland Lawyer of the Year for Mediation, 2014 and 2016) and in *Super Lawyers*

**503-284-2511**  
Fax 503-284-2519

[rspier@spier-mediate.com](mailto:rspier@spier-mediate.com) [www.spier-mediate.com](http://www.spier-mediate.com)  
2536 N.E. 28th Avenue ■ Portland, Oregon 97212-4916

*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 \_\_\_\_\_ CARD NUMBER \_\_\_\_\_

FIRM \_\_\_\_\_ EXPIRATION DATE AND SECURITY CODE \_\_\_\_\_

ADDRESS \_\_\_\_\_ SIGNATURE \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_ BILLING ADDRESS FOR CARD (if different) \_\_\_\_\_

PHONE \_\_\_\_\_

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.*

- 12/5 Science of the Mind: How Jurors, Judges, and Clients Really Make Decisions**  
 Class Registration (\$60 Members/\$95 Non) .....\$ \_\_\_\_\_  
 CD-ROM & Written Materials (\$60 Members/\$95 Non) ..\$ \_\_\_\_\_
- 12/6 Ethics in Mediation: Beyond Client Confidentiality and Conflicts of Interest**  
 Class Registration (\$60 Members/\$95 Non) .....\$ \_\_\_\_\_  
 CD-ROM & Written Materials (\$60 Members/\$95 Non) ..\$ \_\_\_\_\_
- 12/18 Help Clients Navigate the Intersection of Logic and Emotion**  
 Class Registration (\$60 Members/\$95 Non) .....\$ \_\_\_\_\_  
 CD-ROM & Written Materials (\$30 Members/\$50 Non) ..\$ \_\_\_\_\_
- 1/16 Tips From the Courtroom: Insights from Current and Former Judicial Clerks**  
 Class Registration (\$60 Members/\$95 Non) .....\$ \_\_\_\_\_  
 CD-ROM & Written Materials (\$60 Members/\$95 Non) ..\$ \_\_\_\_\_
- 1/23 ADA and FHA Architectural Access Provisions: A Blueprint for Building Inclusive Communities in Property Transactions and Leases**  
 Class Registration (\$60 Members/\$95 Non) .....\$ \_\_\_\_\_  
 CD-ROM & Written Materials (\$60 Members/\$95 Non) ..\$ \_\_\_\_\_
- 1/29 Internal Investigations in the #MeToo Movement: Assessing the Risks and Rewards**  
 Class Registration (\$60 Members/\$95 Non) .....\$ \_\_\_\_\_  
 CD-ROM & Written Materials (\$60 Members/\$95 Non) ..\$ \_\_\_\_\_
- 2/26 The Break-Up: Terminating Ownership Interests in Closely-Held Businesses**  
 Class Registration (\$60 Members/\$95 Non) .....\$ \_\_\_\_\_  
 CD-ROM & Written Materials (\$60 Members/\$95 Non) ..\$ \_\_\_\_\_

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



# Bench Bar & Bagels



Carra Sahler, Ann Marie Schott, Derek Nelson and Presiding Judge Stephen Bushong



Damien Munsinger, Shelley Russell and Rebecca Cambreleng

On November 6, members of the MBA and judiciary gathered at Tonkon Torp LLP for the 10th annual Bench Bar & Bagels event. In a relaxed atmosphere, attorneys and judges started their day by catching up with colleagues and making new acquaintances over pastries and coffee.

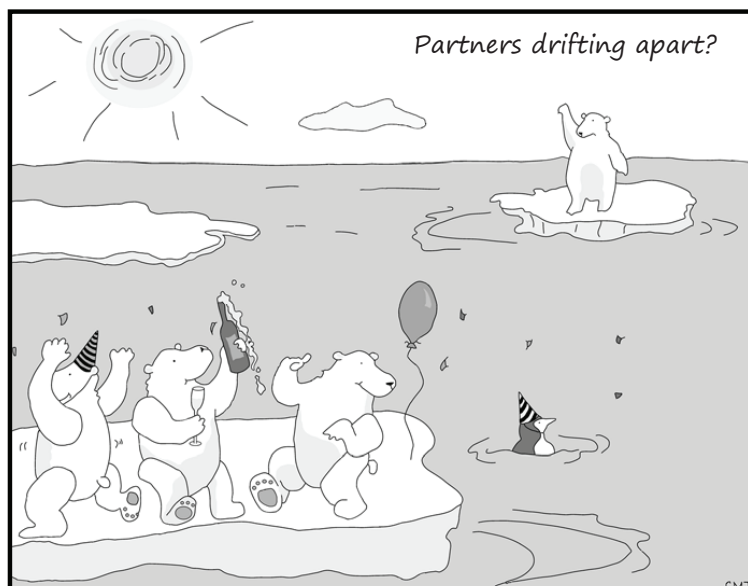
Bench Bar & Bagels was generously sponsored by Tonkon Torp.



Judge Steven Powers, Judge John Wittmayer, Judge Cheryl Albrecht, Sarah Ryan and Jeff Bradford



Judge Katharine von Ter Stegge and Kate Wilkinson



**MCGAUGHEY + ERICKSON**

Shareholder Partner LLC Member Disputes

503-223-7555 | 65 SW Yamhill St, Ste 200, Portland 97204 | law7555.com

**CORRIGAN ADR**  
MEDIATION | ARBITRATION

---

Exclusively Alternative Dispute Resolution


Chuck Corrigan 503.241.0677  
1000 SW Broadway, Portland  
[www.corriganadr.com](http://www.corriganadr.com)



Mediations & Arbitrations

## Baldwin Dispute Resolution

Richard C. "Dick" Baldwin  
Former Supreme Court Justice,  
Trial Judge & Trial Attorney



Phone: 503-545-0304  
[baldwinresolve@gmail.com](mailto:baldwinresolve@gmail.com)



**CHAMBERLAIN**

MEDIATION

ARBITRATION

A Proven Problem Solver  
40 year Oregon Lawyer  
30 years of Civil Litigation Experience  
Available Statewide

[peter@chamberlainmediation.com](mailto:peter@chamberlainmediation.com)  
[www.chamberlainmediation.com](http://www.chamberlainmediation.com)  
503.380.5730





## mba | ANNOUNCEMENTS

### Homeless Youth Law Clinic Fundraiser Dec. 9

The Homeless Youth Law Clinic provides all kinds of basic legal services to homeless youth in Portland. The clinic's holiday fundraiser involves putting together kits of essential items for homeless youth and will include fun activities for kids. Visit [bit.ly/2T9Amtg](http://bit.ly/2T9Amtg) to sign up to bring items for the kits.

If you are unable to attend, donations are being accepted at [homelessyouthlaw.wixsite.com/hylc/donate](http://homelessyouthlaw.wixsite.com/hylc/donate).

### LASO/OLC/MBA Pro Bono Award Nominations

The MBA, Legal Aid Services of Oregon and Oregon Law Center are now accepting nominations for the 2019 Pro Bono Awards. Presented at the MBA Annual Dinner on May 14, 2019, these awards honor individuals who have displayed a special commitment in their service to pro bono in our community.

Please see the nomination form included in this issue for details. Nominations must be received by Friday, January 25.

### Conference Room Available to MBA Members

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

### Free CLE Webcast for MBA Members

The video webcast of the seminar "New Judges' Perspectives: Views from Five New Multnomah County Judges" is now available in the Members Center at [www.mbabar.org](http://www.mbabar.org). The seminar was accredited for two hours of general OSB MCLE credit.

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

### Take a Matter that Matters

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

### Noon Time Rides

Short fast rides with hills. Meet at SW corner of Pioneer Courthouse Square (Yamhill & Broadway) between noon and 12:10 p.m., Monday and Thursday. Contact: Ray Thomas 503.228.5222 with questions, or meet at start.



### Erica C. Glaser Mediation and Arbitration

- ADR Services throughout Oregon
- UM and UIM arbitration
- Court annexed arbitration
- Mediation of civil litigation
- 22 years litigator - both defense and plaintiff bars
- 18 years serving as a neutral

[erica@ADRoregon.com](mailto:erica@ADRoregon.com)  
503-515-1621

The MBA Solo & Small Firm Committee Presents

## MANAGING THE GROWTH OF YOUR SMALL FIRM

Tuesday, December 4  
Workshop: 12-1:30 p.m.  
Red Star Tavern Club Room  
503 SW Alder, Portland

Please join us for a lunch and learn workshop on December 4. Our panel will discuss managing the growth of your small firm: from the strategic decision of whether or how much to grow, to the logistics of and best practices for hiring employees and associates. The panel includes **Heather Decker**, law firm business coach and owner of tcb coaching + consulting; **Ed Ferrero**, solo practitioner and owner of Ed Ferrero, P.C.; and **Annelisa Smith**, Partner with McKean Smith, a 12-lawyer firm.

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

Lunch is provided.

The MBA will apply for one hour of CLE credit.

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

## Ethics Focus

### New Year's Resolutions: Consistency in Conflict Checks and Closing Files

by Mark J. Fucile  
Fucile & Reising LLP



Most lawyers don't relish running conflict checks. Rather, most see them as a mundane task to avoid at minimum professional embarrassment and perhaps an even more unpleasant outcome. But, conflict checks only provide protection if they are done consistently - both in terms of entering accurate information into your firm's records system and then carefully evaluating the results. In this column, we'll first look at the critical importance of systematically entering and evaluating conflict check information. We'll then turn to an equally important related task - consistently closing old files.

#### Conflict Checks

In *In re Knappenberger*, 338 Or 341, 355, 108 P3d 1161 (2005), the Oregon Supreme Court disciplined a lawyer who missed a conflict because his conflict system consisted solely of a client address list and his own memory. The Supreme Court criticized the lawyer for having "no real procedure for checking for conflicts." Although conflict systems understandably vary with firm size and practice, the Supreme Court was clear: you need one. Regardless of the sophistication of the program used, at base the conflict system needs to reflect the names of clients and opposing parties on current and former matters.

Even the best system, however, will not work unless it is used. In *Jones v. Rabanco, Ltd.*, 2006 WL

2237708 at \*1 n.1 (WD Wash Aug 3, 2006) (unpublished), for example, the federal district court in Seattle observed pointedly in disqualifying a large law firm for failing to detect a conflict because the firm had not run a timely conflict check: "The Court notes that appearing in court and giving notice of representation before a conflicts check has been run is not advisable on any level."

When entering information into a conflict system, it is essential that the data is both accurate and complete. In *Atlantic Specialty Insurance Company v. Premiera Blue Cross*, 2016 WL 1615430 (WD Wash Apr 22, 2016) (unpublished), for instance, the federal district court in Seattle disqualified a large law firm from representing the defendant because the firm was representing an affiliate of the plaintiff in

#### Even the best system, however, will not work unless it is used.

unrelated litigation in Portland. When retaining the law firm, the affiliate in the Oregon case had defined its "corporate family" broadly to include the plaintiff in the Washington case. The law firm apparently didn't include all of the related names in its conflict system and only discovered the problem when the plaintiff in the Washington case objected.

Although running a comprehensive conflict check is clearly critical, carefully evaluating the results is equally important. In *Admiral Ins. Co. v. Mason, Bruce & Girard, Inc.*, 2002 WL 31972159 (D Or Dec 5, 2002) (unpublished), for example, the federal district court in Portland disqualified a firm from representing the plaintiff. The law firm involved had taken on the work even though one of its shareholders had earlier spoken with the defendant and entered it in its conflict system.

In short, conflict systems only work as well as the quality of the information entered and evaluated.

#### Closing Files

Courts have described our responsibility to current clients as a "duty of undivided loyalty." This, in turn, means that current clients generally have an unrestricted ability to "veto" any adverse representation. By contrast, our duties to former clients are much narrower and generally focus on the matters in which we represented them and the associated confidential information we obtained. Lacking

either of those "matter" or "information" triggers, we may have a former client - but not a former client conflict and do not need anyone's permission to proceed with a new engagement adverse to the former client.

If we have not definitively closed a file, the dividing line between a current and former client can be difficult to discern. Under the "reasonable expectations of the client" test articulated by the Supreme Court in *re Weidner*, 310 Or 757, 770, 801 P2d 828 (1990), an attorney-client relationship exists if the client subjectively believes that the lawyer is representing the client and that subjective belief is objectively reasonable under the circumstances.

Even if work for a particular matter has been completed, in the absence of a "file closing" letter or the equivalent, a client may reasonably believe that a current attorney-client relationship still exists. OSB Formal Ethics Opinion 2005-146 (2016 rev), for example, concludes that clients who receive periodic notices from a lawyer about completed work - such as lease renewal or trademark maintenance fee reminders - may meet the *Weidner* test for being considered current clients. Opinion

#### ...conflict systems only work as well as the quality of the information entered and evaluated.

2005-146 (at 2) emphasizes that a clear "end of engagement" letter (whether paper or electronic) can solve this ambiguity:

"The recipients of the periodic notices, absent any other facts, may or may not have a subjective and sufficiently reasonable belief that the lawyer-client relationship is a continuing one. If, for example, Lawyer has clearly stated in writing that no such continuing relationship exists, none would exist. In the absence of such a clear statement, the clients may reasonably believe that there is a continuing relationship with Lawyer, making them current clients."

#### Summing Up

New Year's resolutions are often easier made than done. A few risk management resolutions consistently implemented, however, can pay important dividends to a law firm throughout the year.



LARKINS  
VACURA  
KAYSER

The Art of Litigation  
**BUSINESS REALISTS**

A well-placed argument requires trial-ready litigators who have performed at the top of our game in business disputes for years. When the stakes are highest, the pressure is on, and there is little margin for error, put Larkins Vacura Kayser on your side.

LVKLAW.COM



**MEET OUR  
NEWEST ATTORNEY,  
DREW EYMAN.**

We are pleased to welcome Drew Eyman to the firm's Litigation Department. Drew's practice will focus on commercial and civil litigation matters.

deyman@sussmanshank.com  
503.243.1655

**SUSSMAN SHANK** LLP  
ATTORNEYS

PORTLAND · sussmanshank.com · 503.227.1111



ARBITRATION & MEDIATION

**DOUGLAS G. BECKMAN**

503-287-7977

P.O. Box 13365  
Portland, OR 97213  
Fax: 503-210-7688  
dougbeckman@comcast.net

**PAULSON  
COLETTI**  
TRIAL ATTORNEYS PC

personal injury  
wrongful death  
marine accidents  
product liability



1022 NW Marshall Street #450 Portland OR | (503) 226-6361 | paulsoncoletti.com



## Around the Bar



Josh Kadish

### In Memoriam

**Josh Kadish** was a highly respected mediator and attorney; husband, father and grandfather extraordinaire; and avid musician (oboist, guitarist, songwriter, and singer). Born to June and Sanford Kadish, Josh met his wife, Lisa Maas, playing oboe in the Berkeley High School Orchestra, then studied at Haverford College (BA) and Stanford (JD). He had a distinguished 34-year career as an attorney, practicing at Meyer & Wyse, later Wyse Kadish, consistently listed among Oregon's Super Lawyers and Best Lawyers in America; in 2014, he was Lawyer of the Year for Family Mediation. Josh taught law for over 25 years at Lewis & Clark, volunteered regularly at Legal Aid, habitually picked up litter around Hillsdale, and was board president for many boards including Neighborhood House, Chamber Music Northwest, Young Musicians and Artists, and Hillsdale Farmers Market, which he supported from its inception, setting up, rain or shine, and playing music.

Josh was a devoted, good-natured, supportive husband and father to sons Nathan, Seth and Jonathan, whether playing Frisbee, doing crosswords, delighting in nature, or making music. He was a fabulous cook and a voracious reader.

His generosity, unpretentiousness, intellect, wisdom and humor will be profoundly missed. A celebration of his life will be held in the Eliot Chapel at the First Unitarian Church of Portland on December 15 at 10 a.m. In lieu of flowers, please donate to Neighborhood House in Josh's name.



Sadie Concepción

### Tonkon Torp

The firm has added two new associates - **Sadie Concepción** in the Litigation Department, and **Rebecca Ok** in the Labor & Employment Practice Group.

Concepción graduated from Northwestern University School of Law in 2018. While she was a law student, she worked as a summer associate at Tonkon Torp and

at Sidley Austin in Los Angeles. At Northwestern, Concepción was an Executive Editor for the Journal of Law & Social Policy, worked in Northwestern's Children and Family Justice Center, and was a member of the Latino Law Students Association, Student Animal Legal Defense Fund, Human Rights Project, and Women's Leadership Coalition. Before entering law school, she worked as a legal assistant for an immigration attorney and later as a project manager for a children's services organization. She is a magna cum laude graduate of University of Oregon's Clark Honors College, where she earned her BA in psychology.



Rebecca Ok

Ok is a 2018 graduate of Lewis & Clark Law School, where she was Associate Editor of the Lewis & Clark Law Review. While she was in law school, she worked as a summer associate at Tonkon Torp, as an intern with TriMet's Labor Relations department, and as a summer law clerk with Farleigh Wada Witt. Prior to law school, Ok worked in the legal industry in Portland for six years, starting off as a legal secretary and ultimately working as a paralegal and office manager. She earned her master's degree in Political Science from Portland State University and her undergraduate degree from Reed College.



Steven Wilker

Partner **Steven Wilker** has joined the board of directors for the Classic Wines Auction. The Classic Wines Auction raises funds for Oregon and Southwest Washington nonprofit organizations that focus on providing services to children and families. Their current beneficiaries are Metropolitan Family Service (MFS), New Avenues for Youth, Friends of the Children Portland, YWCA Clark County, and the Unity Center for Behavioral Health.

**Samuels Yoelin Kantor**  
**Valerie Sasaki**, partner at Samuels Yoelin Kantor,



Valerie Sasaki

LLP, has been elected to the American College of Tax Counsel. Sasaki was among the 17 elected nationwide as new Fellows to membership in the College. Prospective fellows are nominated by current Fellows of the College, and must meet a number of criteria in order to be eligible for election to the College; this includes 15 years as a licensed US attorney, with the principal part of their career devoted to tax and tax-related matters. Fellows must be found to demonstrate a high standard of excellence and ethical performance in their practice, as well as a commitment to tax scholarship and teaching at a national level. Sasaki is one of only 12 lawyers, and the third woman, in Oregon to be elected as a Fellow.



Helaina Chinn

### Bodyfelt Mount

Portland law firm Bodyfelt Mount LLP announced that **Helaina Chinn** has become an associate with the firm. Chinn practices general civil litigation, with an emphasis on personal injury and employment matters.

Prior to joining Bodyfelt Mount, Chinn acquired a broad base of experience working in government, both small and large law firms, and nonprofits. In California, she practiced class action and labor and employment law with an employment litigation firm, and managed a diverse caseload as a staff attorney at a nonprofit law firm. Upon moving to Oregon, Chinn clerked at the Clackamas County Circuit Court for the Honorable Kathie F. Steele, Presiding Judge.

Chinn interned with multinational defense firm Jones Day, the California Department of Justice, and Rady Children's Hospital while earning her JD at University of San Diego School of Law.

### Miller Nash Graham & Dunn

The firm welcomes its newest attorney, **Erin M. Burris**, based in the Portland office. Burris joins the firm's prominent education law team, representing educational institutions throughout the Pacific



Erin Burris

Northwest. Before joining the firm, Burris worked as a staff attorney at Learning Rights Law Center. She also served as a judicial clerk to Justice Susan Owens of the Washington State Supreme Court.

Burris earned her bachelor's degree at NYU before receiving her law degree from the University of Oregon. Upon graduating from law school, Burris became a member of the Order of the Coif, an honor society that recognizes the top 10 percent of graduating law students from their class.



John Knowles

### Law Office of John S. Knowles

**John Knowles** was recently honored to be the keynote speaker at the pre-law symposium hosted by his alma mater, Western Illinois University. He recently opened his solo practice, The Law Office of John S. Knowles, and will continue to offer his services as an arbitrator and mediator. He also continues to serve as a Pro Tempore Circuit Court Judge in Washington County and is available for some contract work as well.



Nay & Friedenberg

### Nay & Friedenberg

Portland law firm **Nay & Friedenberg** received an Age-Friendly Business Award for its outstanding service to older adults. The award was created by the Age-Friendly Portland Advisory Council and was given by Elders in Action and Venture Portland in partnership with the City of Portland. The law firm was singled out for helping "seniors and their families navigate the

complexities of estate planning, long term care Medicaid, special needs planning and guardianship/conservatorship in a safe, friendly and welcoming environment."

Age-Friendly Portland was created in 2011 when Portland joined the World Health Organization's new Global Network of Age-Friendly Cities as one of nine pioneer cities from around the world. Portland is the only US city in the age-friendly network.



Gretchen Mandekor

### Rosenbaum Law Group

The firm is excited to announce that **Gretchen Mandekor** has joined our firm. Rosenbaum Law Group is an Oregon civil litigation firm with specialties in business and plaintiff's personal injury litigation. Gretchen joins our team with a track record as a successful trial lawyer who is highly regarded among both sides of the Bar. Her practice will be varied but will focus on plaintiff's personal injury and wrongful death claims.

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



# MBA Bar Fellow Program Inaugural Year Off to a Great Start

by Jollee Patterson  
MBA Equity, Diversity & Inclusion Committee

The MBA Bar Fellows Program - an innovative opportunity designed to diversify the Oregon Bar and increase access to justice - is off to a great start in its inaugural year. Six first-year law students - three at University of Oregon and three at Lewis & Clark - have been selected as the first class of MBA Bar Fellows. Each Fellow brings strong skills and a deep commitment to the law, and will increase the diversity of the Bar.

Diversifying the legal profession is a critical goal for the MBA. In order to be effective and competitive, our Bar must

reflect the diversity of the clients - both in Oregon and across the world - that we serve. Clients - including corporate, public sector, and individuals - expect their firms to have diverse lawyers that bring a wide variety of perspectives to the table. Law firms that tangibly demonstrate a commitment to diversity are at a competitive advantage, and increase innovation and morale.

The MBA Bar Fellows

Program will help achieve this goal by recruiting and supporting diverse law students who plan to practice in Oregon. Each fellow receives (1) a tuition scholarship of up to \$60,000 from the University of Oregon or Lewis & Clark, (2) a 10-week paid summer fellowship at a firm or in-house law department, (3)



University of Oregon Fellows Divine Zheng, Juliana Hairston and Rachelle Collins

a judicial mentor, and (4) other targeted opportunities.

The 2019 summer sponsors are Garvey Schubert Barer; Legal Aid Services of Oregon (generously funded by the OWLS Foundation); Miller Nash Graham & Dunn; Nike, Inc.; Ball Janik/Lane Powell (splitting a summer sponsorship); and Dunn Carney/Barran Liebman (splitting a summer sponsorship). These summer sponsors are demonstrating their deep commitment to diversity through support of this program.

The 2018-19 judicial mentors are Judge Marco Hernández, Judge Marilyn Litzenberger, Judge Valeri Love, Judge Chris Marshall, Judge Michael McShane and Judge Darleen Ortega. Each judicial sponsor



Lewis and Clark Fellows Ana Chin, CJ Fuenzalida and Diego Gutiérrez with their judicial mentors Judge Marilyn Litzenberger, Judge Chris Marshall and Judge Marco Hernández

## MBA WINE, CHEESE & CHOCOLATE TASTING

Please join the MBA Events Committee and your fellow MBA members at Bar Botellon, 606 NE Davis St., on Monday, December 10 from 5-7:30 p.m. for a tasting of locally-produced wine, cheese, chocolates, and other products for the holiday season. This is a great opportunity to create last-minute gift baskets for clients, friends, or anyone else on your list that would appreciate a taste of what Oregon has to offer. Alan Hill is the co-owner and sommelier of Bar Botellon and will also be offering other products to complement locally sourced products to add variety to your season. The cost is \$5 (payable at the event) to sample items and free if you just want to come by and purchase.

RSVPs appreciated: [kathy@mbabar.org](mailto:kathy@mbabar.org).



will meet several times with their assigned fellow. We are very grateful to the judges who are supporting the Bar Fellows Program.

Thank you again to the summer sponsors, judicial mentors, and law schools for joining together to support our Bar Fellows!

Our goal is to increase the number of fellows in coming

years. To do that, we will need additional firms or in-house legal departments to sponsor a fellow. If your firm or in-house department is interested in participating in this wonderful program, please contact Jollee Patterson at [jollee.patterson@millernash.com](mailto:jollee.patterson@millernash.com) or 503.224.5858, or Kathy Modie at the MBA at [kathy@mbabar.org](mailto:kathy@mbabar.org) or 503.222.3275.

# THE PREFERRED BANK OF THE MULTNOMAH BAR ASSOCIATION.

### Dedicated to the Oregon law community.

At Columbia Bank, we've been strengthening our relationship with Oregon law for more than 25 years. Whether serving as preferred bank to the MBA, participating as active members in a number of Oregon law associations or simply understanding the unique needs of the law community, we're committed to helping you and your firm succeed. Visit [ColumbiaBank.com](http://ColumbiaBank.com) or call 877-272-3678.

Member FDIC Equal Housing Lender





## Tips From the Bench

### New Procedures for Domestic Violence Misdemeanors

by Judge Cheryl Albrecht  
Multnomah County Circuit Court

Workload pressures in the family law department have prompted a shift of domestic violence misdemeanor trials from family court judges to general bench judges effective January 1, 2019. A judicial task force appointed by Presiding Judge Stephen Bushong conducted a family law workload study and unanimously recommended integrating domestic violence misdemeanor trials with other misdemeanor trials to relieve tight dockets that were increasingly pushing family law case settings out by many months. The Circuit Court Executive Committee adopted that recommendation this summer and stakeholders convened to plan the transfer. The result is a hybrid docket that seeks to maintain significant features of the Judge Stephen B. Herrell Domestic Violence Reduction Program while greatly relieving the burden on family courts.

The basic structure of the docket remains quite similar to the existing DV trial docket:

- Every month, there will be three regular misdemeanor judges and one DV-focused misdemeanor judge, who will continue to be designated the A docket judge. As is the current practice, different judges will rotate into the misdemeanor assignments every month.
- The judge assigned to the A docket will preside over that docket for the full term of the month unless coverage is necessary. The other misdemeanor judges will rotate through the B, C and D dockets each week.
- The VRO docket will remain with a family court judge. Trials will continue to be held on Thursday mornings with overflow trials on Wednesday afternoons unless a VRO is tracking with a criminal case.
- The A docket judge will continue to preside over DV-specific probation violation hearings, pleas and release hearings held both at the Justice Center and at the courthouse. As occurs now, the A docket judge will have trials assigned for two and one-half days as opposed to four days in order to accommodate those other matters.
- Trial readiness will continue to have an A docket that will start at 8:30 a.m. for VRO's as well as criminal matters. Additionally, trial readiness will continue to be set 21 days rather than 45 days after arraignment. The A docket judge will also continue to handle Deferred Sentencing Program pleas and modification of release condition hearings on Friday mornings.
- Most other administrative procedures currently in place



will continue (i.e., setting dates with advance notice; DSP forms and procedures; tracking VRO's or other DV cases; DV trial priority; etc.)

Some key differences:

- All four misdemeanor judges will begin trials on Mondays with DV cases going first to the DV judge and DV cases with a different DA and/or defense attorney going to a general docket judge.
- The probation violation docket will be moved from Monday afternoon to Wednesday afternoon in JC2 to accommodate the Monday trial schedule.
- Hearings currently held on Monday morning will be shifted to Thursday afternoons or Friday mornings. Additionally, on Mondays and Tuesdays, there will be one spot for custody matters at 8:30 a.m. and one spot at 4 p.m. There will be a spot at 8:30 for a hearing on Wednesdays.
- The "DOMV Further Proceedings docket" held on Thursday afternoons will be mostly absorbed into the CPC docket. Administrative matters for VRO trials will also be heard in CPC court.
- DSP status checks as well as entries will be on Friday morning.
- The A docket judge will be primarily responsible during the month to communicate with family law judges regarding open cases that are pending in both DV and family court. The "DV Link" committee led by Judges Svetkey and Lavin will formulate a checklist and protocol for doing so.
- Probations will be assigned to the judge taking the plea. Although A docket judges will have a greater share of DV cases, probations will go to all judges. Probation violations should be scheduled in JC2 rather than on the individual judge's docket.

When the Judge Herrell docket was created in 2006 with assistance from a Violence Against Women Act grant, the goal was to provide sentencing consistency, enhanced attention to relationship and family dynamics, and integration of probation conditions, juvenile court directives, and domestic relations orders, also known as

*Continued on page 15*

## News From the Courthouse



by Andrea Ogston  
Court Liaison Committee

### Presiding Judge's Report - Hon. Stephen Bushong

#### Show Cause Hearings

Because of judicial availability, the court typically sets show cause hearings for Fridays, with a Thursday call for judicial assignment. Some lawyers have submitted proposed show cause orders with a blank space for the hearing date but without including a space for a call date. In special circumstances, the court can set a show cause hearing for a day other than Friday, but that should be the exception, not the rule.

Lawyers are reminded that SLR 7.055(14) requires the parties to notify Presiding Court - by letter - of any trial that is expected to last five days or longer. The letter must be sent six weeks in advance of the trial date. This allows the court to assign a trial judge in advance of the call date. Failure to comply with the rule makes it difficult for the court to find a judge available for trial. The rule specifies what must be included in the letter. Although trials are ordinarily Monday through Thursday, the court can sometimes accommodate a request to have trial on one or more Fridays with enough advance notice.

If you need to communicate with Presiding Court staff, the preference is by telephone, not email. Presiding Court staff regularly check for telephone messages if they are not available to take the call. Staff receive so many emails that it will take longer to get a response to an email communication. Lawyers should never email the Presiding Judge directly unless he requests it.

#### Family Law

Family Court staff are very busy this time of year. If parties would like their judgment entered by the end of the year for taxes, etc., they should submit the judgment to the court by December 12. If a judgment is received after December 12, the Family Law staff will do their best, but there are no guarantees judgments submitted after December 12 will be entered by year end.

#### Attorney Reference Manual

The updated Attorney Reference Manual is available on the court and MBA websites. The new version is more streamlined and easier to use.

### Courthouse Construction

A Topping Out ceremony for the new courthouse was held on November 9. The building is now as tall as it will get. Construction crews will now turn to putting on the building's exterior and completing wiring, interior walls, and other aspects of the project. The project is on track to be completed in early 2020.

### Budget

The judicial branch is working on its budget presentation for the next legislative session. The judicial branch budget was cut drastically in 2009; those cuts were never fully restored in subsequent legislative sessions. Multnomah County Circuit Court - the largest court in the state - also faced the largest budget cuts. The court is being asked to do more with fewer resources. The court is hopeful that the legislature will understand the need to adequately fund the judicial branch this session.

### Criminal Court Report - Hon. Cheryl Albrecht, Chief Criminal Judge

Judge Cheryl Albrecht took over for Judge Edward Jones. In addition to the traditional Chief Criminal Judge duties of collaborating with system stakeholders and overseeing administrative matters, she presides over the Criminal Procedure Court misdemeanor docket. Judge Nan Waller now presides over the Aid and Assist docket as well as Mental Health Court and is the designated judge to participate in the Oregon Behavioral Health Justice Reinvestment Initiative. She and Judge Albrecht collaborate closely on the many important issues that confront those defendants.

### Shifts in Criminal Law

The last few years have seen seismic shifts in criminal justice. One goal is a trend towards reducing over-incarceration and seeking community resources in lieu of jails. After receiving a Safety and Justice Challenge Grant from the MacArthur Foundation, Multnomah County instituted 12 strategies to reduce incarceration while maintaining community safety. The court participates in those strategies along with other agencies. Overall, the goal is to gather and use data to achieve better outcomes. More information is available in Judge Albrecht's "Tips from the

Bench" article in the May 2018 *Multnomah Lawyer* newsletter. Using those strategies, the court is trying to do big things while still paying attention to the details.

Another trend that changed the way the Multnomah Circuit Court handles criminal cases involves justice reinvestment principles. The collaborative approach among the DA's office, public defenders, police, and the probation department has made Multnomah County a national model. The process includes more information-gathering at the front end, a more holistic approach to addressing defendant's needs, relying on community partners, and creating targeted treatment plans. Many small changes are creating big results.

The Juvenile Justice Reinvestment Program is for 15 to 17 year olds charged with Measure 11 crimes. This is a small but very important population. Three judges are participating in settlement conferences, resulting in an increased number of cases that would have been tried in adult court to be sent back to juvenile court.

Another focus is reducing failures to appear for low level "nuisance" charges. Many, particularly the homeless, the mentally ill, and those with addiction problems, have difficulty getting to court. Awareness and transportation challenges further complicate the problem. The failure to appear problem is getting worse as Multnomah County is reducing jail beds and the court is receiving alerts of potential jail emergency population releases more frequently. Considering that these cases can clog up the system and spiral into bigger problems, the court is looking at ways to increase community involvement and use technology such as texting reminders and other measures to get resources to this population.

The Treatment First Program is another big change that has reduced drug felonies to misdemeanors and steers defendants toward treatment rather than jail. The committee overseeing the court's process is busy and meets every two weeks. The court is seeing great improvements when incarceration is taken away and treatment is increased. An episode of OPB's Think Out Loud takes a look at

*Continued on page 15*



## Judge Shopping

by Presiding Judge Stephen K. Bushong  
Multnomah County Circuit Court



*"My mama told me,  
You better shop around."*

When Smokey Robinson and The Miracles recorded the song "Shop Around" in 1960, they probably weren't thinking about judicial assignments. This article addresses the rules for disqualifying an assigned judge.

### Disqualification Under the Code of Judicial Conduct

Rule 3.10 of the Code of Judicial Conduct provides in part: "A judge shall disqualify himself or herself in any proceeding in which a reasonable person would question the judge's impartiality..." The rule goes on to list some - but not all - of the circumstances that would require disqualification. One reason, listed in subsection (A) (1) of the rule, is when the judge "has a personal bias or prejudice concerning a party or a party's lawyer, or personal knowledge of facts that are in dispute in the proceeding."

Under subsection (D) of the rule, if the judge discloses on the record the basis for disqualification - other than for bias or prejudice under subsection (A)(1) - the parties and their lawyers can agree that the judge should not be disqualified and may proceed to hear the matter. As a practical matter, judges should err on the side of disclosure of any circumstance in which a reasonable person could question the judge's impartiality. And the lawyers should consider consenting to having the judge continue to hear the matter after disclosure, unless they're convinced that waiving disqualification would be prejudicial to their clients.

### Mandatory Disqualification Under ORS 14.210

ORS 14.210 lists circumstances in which a judge must disqualify himself or herself. In general, disqualification is required under the statute if the judge is a party to or directly interested in the action, suit, or proceeding. Disqualification is also required if the judge is related to any party or attorney for any party, or if the judge has been the attorney in the action, suit, or proceeding for any party. Unlike Rule 3.10 of the Code of Judicial Conduct, the statute does not allow the parties to waive the disqualification and consent to having the judge continue on the case.

### Affidavit and Motion for Change of Judge under ORS 14.250 to 14.270

Under ORS 14.250, a judge is disqualified "when it is established,

as provided in ORS 14.250 to 14.270, that any party or attorney believes that such party or attorney cannot have a fair and impartial trial or hearing before such judge." This practice - commonly known as "affidavit" the judge - challenges the judge's ability to abide by the judge's oath of office. See ORS 1.212 (judges must take an oath to "faithfully and impartially" discharge the judge's duties). It also affects the court's ability to handle the work of the court. Judges have busy dockets. It is not easy to find another judge to cover a hearing or trial when the first assigned judge is "affidavited."

ORS 14.260 limits a party or attorney to two requests for a change of judge in any case. The motion and affidavit may not be made after the judge has already made a substantive ruling in the case. Under ORS 14.270, oral notice of the intent to "affidavit" the assigned judge must be given at the time the judge has been assigned, with the paperwork to be filed by the close of the next judicial day. The statute provides that a request to "affidavit" an assigned judge must be made "at the time of the assignment." Attorneys should not attempt to influence the assignment by announcing *before* a judge is assigned that they intend to "affidavit" a specific judge if that judge is assigned. The statute does not authorize an attorney to make a "blanket" assertion that the attorney intends to "affidavit" a specific judge if that judge is ever assigned.

"Affidavit" a judge is subject to challenge. Under ORS 14.260(1), the judge being "affidavited" or the Presiding Judge can challenge the good faith of the affiant. If a challenge is filed, a hearing will be set before a disinterested judge. Under the statute, at that hearing, the burden of proof is on the challenging judge "to establish that the motion was made in bad faith or for the purposes of delay."

Supplemental Local Rule (SLR) 7.045 sets forth the procedures for "affidavit" a judge in Multnomah County Circuit Court. In general, under the rule, if the attorneys are present in court when a judge is assigned - at call, at ex parte, or at a case scheduling conference, for example - the attorney seeking disqualification must announce their intention to "affidavit" the judge at that court appearance, and then file the motion, affidavit, and order by the end of the next judicial day. If the attorneys are not present when a judge is assigned - for example, when a motions or trial judge is assigned by written order - the lawyer must appear at ex parte by the close of the next judicial day after receiving notice of the assignment to present the motion, affidavit, and order. Motions for change of judge that do not comply with the time limitations in ORS 14.270 and SLR 7.045 will be denied as untimely.

In addition, under SLR 7.045, the party seeking to "affidavit"

## Sarah Radcliffe Appointed MBA President-Elect



Sarah Radcliffe, Disability Rights Oregon (DRO), has been appointed MBA President-Elect for the balance of the 2018-19 membership year. She will serve as MBA President in the 2019-20 term, leading the MBA into its 114th year. Radcliffe's career reflects her commitment to equal justice. She is the managing attorney for the Mental Health Rights Project, leading the organization's efforts to uphold the civil and human rights of people with mental health conditions. Prior to joining DRO, she worked at Oregon Law Center and Legal Aid Services of Oregon. Since she began practicing law in Oregon in 2006, she has been active in state and local bar associations. She previously served as the 2012 Chair of the Oregon State Bar Civil Rights Section Executive Committee and on the MBA Professionalism Committee, chairing it from 2015-16. She presently serves as MBA Board Secretary.

## Another Successful Absolutely Social

Two hundred lawyers, judges, sponsors and law students gathered at the University Club on October 17 for the fall Absolutely Social - The Grape Escape. The event featured wine tastings selected by Matt Levin and Albert Menashe. Cash and canned food were collected for the Oregon Food Bank. Thanks to all those who contributed!



### Thank you to our generous sponsors

Barran Liebman LLP  
Beovich Walter & Friend Court Reporters  
Buchanan Angeli Altschul & Sullivan LLP  
Chernoff Vilhauer, LLP  
D'Amore Law Group  
Farleigh Wada Witt  
Gearing Rackner & McGrath  
Gevurtz Menashe  
Markowitz Herbold PC  
Northwest Bank  
Smith Freed Eberhard  
Stoll Berne  
Sussman Shank LLP  
Tonkon Torp LLP  
Upsource  
Yates Family Law, PC



a judge must serve copies of the motion, affidavit, and proposed order on the judge being disqualified *before* presenting those papers to the Presiding Judge. This gives the "affidavited" judge an opportunity to challenge the good faith of the affiant as provided in ORS 14.260(1) before the Presiding Judge rules on the motion. In family law and juvenile matters, the motion, affidavit, and order also must be presented to the Chief Family Law Judge or her designee. SLR 8.042; 11.037. In misdemeanor cases, the paperwork can be presented to the Chief Criminal Judge as designee of the Presiding Judge.

The statutory authority to "affidavit" a judge is NOT a license to exercise what amounts to a preemptory challenge to disqualify an assigned judge. The Oregon Supreme Court has

made it clear that a statutory affidavit process that essentially permits a party to exercise a preemptory challenge of a judge contravenes separation of powers principles. See *State ex rel Kafoury v. Jones*, 315 Or 201, 211 (1992), citing *State ex rel Bushman v. Vandenburg*, 203 Or 326, 341 (1955). Using the statutory authority to "affidavit" a judge as a preemptory challenge - to "shop around" - would be a basis for challenging the good faith of the affiant under ORS 14.260(1).

The statute and rules do not require attorneys who decide to "affidavit" a judge to disclose why they think that the assigned judge cannot be fair and impartial in the particular case. However, attorneys should consider discussing the reasons for the affidavit with the disqualified judge and/or the Presiding Judge. Such a discussion

might be helpful to everyone. Judges do not get a great deal of feedback from the bar. Most judges would like to know why they were "affidavited." The disqualified judge or Presiding Judge can take steps to correct a problem or clear up any misinformation - thereby avoiding future affidavits - only if they are made aware of the situation. Correcting any real or perceived problems serves the interests of the litigants, lawyers, and the court.

*Endnote: The song "Shop Around" was written by Berry Gordy and Smokey Robinson in 1960. It appears on Hi... We're The Miracles, the group's debut album for Motown Records. The song was the first million-selling record for The Miracles and for Motown Records. It was honored by the Rock and Roll Hall of Fame as one of the "500 Songs That Shaped Rock and Roll."*



**mba** | Young Lawyers Section

**What is the YLS?**

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

**Ask the Expert**

*Question: I screwed up - badly. My boss yelled at me, and I don't blame her. The next day, I made another, minor, mistake. I'm beating myself up and wondering if I'm in the wrong profession. Any help?*

*Sincerely,  
Concerned Counselor*

Dear Concerned,  
"When it rains, it pours" is more than on the Morton Salt logo; it's an absolute law of the workplace. When a mistake is made, and said mistake happens to be your fault, you become your own worst enemy. The ensuing days can be awful. In your mind, mere typos seem like sanctionable offenses, and sending an email without its promised attachment becomes a public display of your incompetence and shame.

This is the time to remember two things. First, everybody screws up. I will spare you the many platitudes about the necessity of mistakes. Let Google find them for you. Second, you are suffering from the spotlight effect, a documented phenomenon that leads one to believe that people are paying more attention to him or her than they really are. You are aware of every one of your words and deeds because you are the center of your own universe. Rest assured, nobody cares about your mistakes as much as you do.

Now, obsessing over your past errors can cause productivity problems. So here are a couple of strategies for breaking out of a negative mindset:

- Phone a friend - preferably a non-lawyer. Talking to somebody outside of the situation will give you a little perspective. Of course, you'll have to abide by ethical duties and rules, including Rule of Professional Conduct 1.6 (Confidentiality of Information). But there is always a way to talk about problems you're facing at the office, if only in general terms. It is nearly inevitable that your friend will have good ideas that had not occurred to you.
- Write it down and throw it out. For some people, writing about their problems externalizes their anxieties and other stressors. By virtue of the medium, a certain degree of sorting and analysis of thought is required, even if you go with a stream-of-consciousness brain dump. When it's done, shred the paper and feel the catharsis.
- Get out of the office. Changing the scenery can help you break out of the negative mindset. Recent scientific literature reports that being outside - particularly spending time in "green space" - can reduce stress. Multnomah County has a lot of forested parks that are ideal for this remedy. The productivity boost will make up for the time spent resetting out of the office.

**Gabrielle "Gabby" Hansen**  
YLS Member Spotlight

by Brad Krupicka  
YLS Board Secretary

For most new lawyers, the introduction to a clerkship or practice is enough to make anyone's head swim. Gabrielle "Gabby" Hansen has had to navigate those waters several times over in her first few post-law school years while getting the distinct privilege of clerking on all three levels of Oregon's court system: the Oregon Supreme Court, the Oregon Court of Appeals and the Multnomah County Circuit Court. While clerking for the Honorable Stephen K. Bushong, she was able to observe numerous civil and criminal matters including trials and hearings. After getting a taste for clerking, she followed up the trial court experience by clerking on the appellate level at the Oregon Court of Appeals for the Honorable Scott A. Shorr and Honorable Meagan A. Flynn. Ultimately, Gabby clerked on the top level of Oregon's court system, when Justice Flynn was appointed to the Oregon Supreme Court by Governor Kate Brown. Hours spent inside the courtroom and chambers contribute to Gabby's considerable knowledge in Oregon Civil Procedure and Administrative Law. Gabby was able to have the unique chance to see the full range of workings of the Oregon court system and practitioners across all levels.

As Gabby navigated the Oregon court system, she also found time to volunteer on YLS Committees. Gabby got her start on the YLS Service to the Public Committee. During her time on the committee, the committee organized Community Law Week, the Imprint Program, and Community Project Days. She especially enjoyed organizing Community Project Days, helping to organize vine pulling at Forest Park and food sorting at the Oregon Food Bank. In addition, the committee helped kick off the First Annual Objection! Poetry Slam. Gabby has continued her YLS service and is now serving on the YLS Pro Bono Committee. The committee organizes programs such as the Wills for Heroes Program, serving first responders with wills, advanced consent forms, and other estate-planning needs.

All of these experiences have prepared Gabby to join Barran Liebman LLP as an ERISA attorney. Gabby represents employers in a variety of ERISA and employment matters, proactively working with clients to attain effective and favorable outcomes. Gabby counsels clients with regard to employment compliance, non-competes, hiring practices, performance



Gabrielle "Gabby" Hansen

management, and termination. She assists employers in preparing employment agreements and a variety of retirement and health plan documents.

Gabby is also a member of the Oregon Women Lawyers (OWLS), graduated *magna cum laude* from the Willamette University College of Law and clerked for the Marion County District Attorney's Office while in law school. She attended the University of Portland for her undergraduate and received a BA in Philosophy and Spanish. When not spending long hours at the office or volunteering her time, Gabby likes to ride horses. She currently stables her horse in Ridgefield, Washington and makes the drive as often as she can. Gabby exemplifies the hard work and time spent by the YLS membership to contribute and volunteer, all while navigating new positions and challenges. We are excited to have her!

**Imprint Program Seeks Volunteers**

by Ashley Carter  
YLS Service to the Public Committee

The Imprint Program has returned for another fun year of reading great books and corresponding with local high school students. This popular program is sponsored by the YLS Service to the Public Committee and is a way for high school students to connect with attorneys in their community. The program also provides an opportunity for the students to

develop written and analytical skills. Each student in the participating class will be paired with a volunteer attorney, and both will be assigned to read the same novel over a three-month period. The student and attorney will write approximately four letters each, discussing their lives and interests as well as the portion of the novel most recently read. By the end of the program, the student and attorney will have developed a mentoring relationship and will have the chance to meet at an informal gathering celebrating the project.

This year, students and their paired attorneys will be assigned one of the following books:

*The Last Leaves Falling*, by Sarah Benwell

*Diamond Boy*, by Michael Williams

*A Time to Dance*, by Padma Venkatraman

*Life of Pi*, by Yann Martel

*Bamboo People*, by Mitali Perkins

*The Alchemist*, by Paulo Coelho

To participate, you must be able to attend one of two program-end parties at Parkrose High School. That's right - a top requirement is that you relax and attend a party (and refreshments are included)! Specific party dates and times to be announced.

An orientation meeting for volunteers will be held on January 9, 2019 at 5:30 p.m. at the Standard Insurance Center Atrium Room (900 SW Fifth Avenue). Attendance at the orientation is not mandatory but is strongly encouraged, especially for first-time volunteers. The first letters will go out in mid-February.

To sign up for the program, contact Ryan Mosier at the MBA at [ryan@mbabar.org](mailto:ryan@mbabar.org) or 503.222.3275. If you have any questions, contact Nicole Elgin at [nelgin@barran.com](mailto:nelgin@barran.com) or Ashley Carter at [carter.ashleym@gmail.com](mailto:carter.ashleym@gmail.com).

**mba yls | EVENT**

**MBA Visits the Portland Children's Museum**

**Saturday, February 23**

**5:30-7 p.m.**

**4015 SW Canyon Road, Portland**

Each year, the YLS Membership Committee reserves the Portland Children's Museum for this private networking event. Families will have free reign to explore the museum and complimentary refreshments will be provided for kids and adults. Admission is free.

Please register early as space is limited.

Submit your party's RSVP list to [lauren@mbabar.org](mailto:lauren@mbabar.org).



## One Extra Dollar: The Impact of Attorney Fee Awards in Small Claims

by Robert Parker  
YLS CLE Committee

Inasmuch as a person can befriend a number, 080 and 082 have their fair share of friends in the state of Oregon. ORS 20.080 and 20.082, which provide for attorney fees in certain claims with \$10,000 or less in damages, open up a range of cases that would likely never be litigated otherwise, not only improving access to justice but beefing up attorney caseloads, particularly those attorneys who handle personal injury or debt collection cases. ORS 20.080 in particular has borne the infamous “080 Letter,” practically a legal document in its own right. An 080 Letter is at its core a demand letter; it also fulfills the statutorily-required notice of intent that the plaintiff will seek attorney fees in addition to damages, though unless the state of Oregon has been hit with an epidemic of injuries that all cost exactly \$10,000 to fix, the formal notice is almost unnecessary for the vast bulk of 080 Letters (or for that matter 082 Letters) that demand the maximum remedy permitted under the law. Any insurance defense or debtor defense attorney in Oregon is likely to assume immediately upon seeing a nice, round \$10,000 demand that the real prize sought is not the economic damages, but the attorney fee award that can come with it.

ORS 20.080 was passed in 1947 to address the problem of small tort claims (then defined as \$500 or less). Insurers in particular had discovered they could simply defend against every claim, and since the legal cost of prosecution was likely to exceed the claim’s economic value, there was no practical way for a claimant to ever collect.<sup>1</sup> ORS 20.080 turned the insurers’ greatest deterrent against them: now an insurer must worry that if it denies a small claim, the prevailing plaintiff will also be able to claim attorney fees which may equal or even exceed the available economic remedies. Thus, the legislature reasoned, insurers would have a heavy incentive to offer a fair settlement rather than goading the plaintiff into litigation.<sup>2</sup> As ORS 20.080 wove itself into the fabric of Oregon litigation, and as some of its deficiencies were exposed through case law, Congress eventually added a second statute, ORS 20.082, which mirrored ORS 20.080 as applied to small contract

claims.<sup>3</sup> And though these statutes may have originally been intended to apply primarily to small tort claims and debt collection, the courts have since expanded the umbrella of these two statutes from these two problem areas to almost the entirety of common law. Today, ORS 20.080 applies to *any* claim sounding in “injury or wrong to the person or property,” not just in tort,<sup>4</sup> while ORS 20.082 applies to *any* claim sounding in contract, subject to the four narrow carve-outs in ORS 20.082(5).<sup>5</sup>

Note the role that the notice requirement under these statutes plays into the equation - the fee award does nothing to encourage settlement, or deter litigation, unless it is presented against the insurer as a *threat* in the initial stages. It is not intended, as may be the case with other fee-shifting provisions, to help the plaintiff defray, or require a defendant insurer to absorb and redistribute the costs of litigation.<sup>6</sup> It is, by design, a sanction against defendants who do not settle small claims.<sup>7</sup>

While these statutes are effective as a deterrent against frivolous or strategic defense, they are *not*, nor are they intended to be, a deterrent against frivolous or strategic litigation.<sup>8</sup> Though they do provide remedies for defendants, both statutes expressly differentiate between plaintiff and defendant requirements, and ORS 20.080 only contemplates the defendant as the complainant of counterclaims.<sup>9</sup> In fact, in their intent to provide for not just a settlement, but a *fair* settlement, the statutes only encourage the defendant, not the plaintiff, to try to settle the case. Once a defendant makes a settlement offer, even if the defendant considers the offer fair, the plaintiff is still free to proceed with the claim. If the plaintiff can obtain at trial even a single dollar more than the defendant’s settlement offer, the plaintiff is entitled to recover *all* of its fees.<sup>10</sup>

<sup>3</sup> *McGarry v. Hansen*, 201 Or App 695, 702 (2005).

<sup>4</sup> *Barnes*, 93 Or App at 442 (finding that the scope of ORS 20.080 includes breach of bailment).

<sup>5</sup> *McGarry*, 201 Or App at 703.

<sup>6</sup> *See Colby*, 208 Or at 126-27.

<sup>7</sup> *Id.*

<sup>8</sup> John W. Wade, *On Frivolous Litigation: A Study of Tort Liability and Procedural Sanctions*, 14 Hofstra L. Rev. 433, 468 (1986).

<sup>9</sup> *See* ORS 20.080(2); ORS 20.082(3)-(4).

<sup>10</sup> *See* ORS 20.080(1) (settlement offer is only sufficient to avoid fee award if the amount is “not less than the damages awarded to plaintiff”); ORS 20.082(4) (same).

So from a bird’s-eye view, it is evident that although the intent of the statutes is to deter defendants from compelling litigation, ORS 20.080 and 20.082 are effectively designed to *encourage* litigation, not deter it. Prior to the passage of these statutes, plaintiffs were not choosing between a settlement or litigation. They were choosing between a settlement or nothing, as there was no net benefit to prosecuting these small claims. The legislature intended that the mere threat of litigation would result in these claims being settled, but by only pushing one party to the table, these statutes now create a cottage industry for plaintiff’s attorneys who are willing to roll the dice on pursuing claims even when the defendant has made a settlement offer. Unless a defendant is wise enough to err on the side of offering more than the case is worth, the plaintiff’s attorney can reject all settlements, take the cases to court, and half the time still get that one extra dollar necessary to collect all the attorney’s fees. And, even if the plaintiff is unlikely to collect more than the settlement offer, there is no deterrent against a disgruntled plaintiff gambling on a claim, perhaps with double-or-nothing odds for the plaintiff, but with the certain moral victory of knowing the defense will have to pay at least twice the claim (the economic damages plus defense’s own attorney fees) regardless of outcome.

## Oregon Now Providing Voluntary Certification of Paralegals

by Mary Dannevik  
Oregon Paralegal Association

Joining a dozen (and growing) other states, the Oregon Paralegal Association (OPA) created and approved a new program in late 2016, allowing paralegals in Oregon to be certified - a credential that demonstrates a paralegal’s dedication to professional development and excellence, and augments the profile of the paralegal profession by setting out higher standards for the certified paralegal.

The Oregon Certified Paralegal (OCP) program is a self-funded, voluntary program for all paralegals in Oregon who meet certain criteria. To be certified, the paralegals must work under the supervision of an Oregon-licensed attorney. They must also meet the program’s education and experience requirements, and participate in ongoing legal education to polish their skills and ensure they’re up-to-date on the latest rule changes and trends.

An OCP maintains the certification requirements by completing 12 CLE credits, including one ethics credit, every two years. The program provides a benchmark to ensure paralegal competency and enhance the quality of the legal



services they provide.

The first OCPs were approved and credentialed in February 2017. Since then, 17 paralegals have been granted the status. As the program continues to expand and promote the new designation, the OPA hopes that attorneys and law firms will become more familiar with the OCP program and recognize the value of having an OCP on their staff.

For more information and to download an application, visit [oregonparalegals.org/Oregon-Certified-Paralegal](http://oregonparalegals.org/Oregon-Certified-Paralegal).

*Mary Dannevik is a member of the OPA’s Regulation Committee, which administers the OCP program, and a personal injury and family law paralegal for solo attorney, Stephen J. Mathieu, in Beaverton. She recently applied to become an OCP.*

## Community Service Day Recaps

### Children’s Book Bank

by Amelia Andersen  
YLS Service to the Public Committee

On Saturday November 3, 11 volunteers from the MBA YLS met at The Children’s Book Bank to volunteer by repairing books for children. The Children’s Book Bank works to fill children’s homes and lives with engaging and culturally diverse books. Since 2008, over 60,000 children have received books that open minds, spark the imagination, and build curiosity. And, during the past school year alone, The Children’s Book Bank provided over 10,000 books to young readers in our community. The YLS had a great time in the inviting space of The Children’s Book Bank repairing books while listening to music and getting to know one another. We will definitely be back!



### Blanchet House

by Drew Eyman  
YLS Service to the Public Committee

On October 30, the YLS helped with dinner service at the Blanchet House, a nonprofit social services organization. They are best known for being one of the largest suppliers of food to the poor in Oregon, offering breakfast, lunch and dinner six days a week. Drew Eyman (Sussman Shank), Mitchell Howell (Hart Wagner), Hansary Laforest (Kramer & Associates), and Wyatt Roop (McGriff, Seibels & Williams) helped plate food, serve dinner, and bus tables for 350 people.



<sup>1</sup> *See Barnes v. Lackner*, 93 Or App 439, 441 (1988); *Bivvins v. Unger*, 263 Or 239, 243 (1972)

<sup>2</sup> *Colby v. Larson*, 208 Or 121, 126 (1956).



## Columbia Bank and Multnomah Bar Association: Forging a Value-Based Relationship

by *Elise Bouneff*  
Columbia Bank

As 2018 comes to an end, the Columbia Bank team wishes to thank the MBA membership for your partnership and support over the past year. As the Preferred Banking Partner of the MBA, we look forward to continuing and growing this relationship over the next year to provide members with even more value for their business.

Our team specializes in working with legal services professionals like you and understands your unique banking needs. In addition to having the products and services that help maximize value and improve efficiencies for firms of all sizes, we continually educate ourselves on the important trends in the legal services sector and identify key resources that may help our clients in order to build a holistic relationship with a common goal of helping you and your firm succeed.

As partners of the MBA, we are happy to offer additional value toward accounts, credit solutions, online banking and reporting, payroll services and more. We are also proud to be an Oregon State Bar Visionary Bank and are committed to providing access

to equal justice by maximizing the rate of return on IOLTA accounts paid to the Oregon Law Foundation. (We pay a 1.25% APY interest rate and have no service fees for IOLTA accounts.) And, in 2019, we are excited to announce that we will be sharing our knowledge and expertise with all of you through a column in the *Multnomah Lawyer*, focusing on financial matters impacting you and your clients both professionally and personally. Each article will highlight a particular topic pertinent to the legal profession and provide real-world counsel and tips from our team.

We look forward to serving as a partner who adds real value to the MBA and its members by providing timely and actionable financial and business information throughout the coming year. Happy Holidays from Columbia Bank!

*Elise Bouneff is Senior Vice President and Commercial Relationship Banking Officer at Columbia Bank. She can be reached at [ebouneff@columbiabank.com](mailto:ebouneff@columbiabank.com).*



**STUART**  
LEGAL SOLUTIONS

Senior Judge  
**Diana I Stuart**

Mediation, Arbitration  
& Reference Judge

✉ [diana@stuartlegalsolutions.com](mailto:diana@stuartlegalsolutions.com)  
☎ (503) 939-4778  
🌐 [www.stuartlegalsolutions.com](http://www.stuartlegalsolutions.com)



### ZIMMER, BOND, FAY & OVERLUND LLC

#### FAMILY LAW

Divorce, Legal Separation, Annulment, Property Division,  
Child Custody, Child Support, Spousal Support,  
Premarital and Cohabitation Agreements

p: 503.295.6191

f: 503.294.0108

[www.ZimmerFamilyLaw.com](http://www.ZimmerFamilyLaw.com)

## Lawyer recommended.

★★★★★ client reviews.



Call us for help on your next personal injury case.  
We have the resources and know-how to go the distance.

**DON JACOBS**  
Trial Lawyer of the Year, Clark County (2015)  
Past President, Oregon Trial Lawyers Assoc.

**JESSE JACOBS**  
OTLA Guardian and WSAJ Eagle

503.222.7757 [nwinjurylawcenter.com](http://nwinjurylawcenter.com)



## We protect what our clients value most.

For decades, McKinley Irvin has helped clients navigate through some of life's most difficult challenges. Our attorneys, like prominent family law attorney **Peter Diamond**, are known for their relentless pursuit of successful results, whether representing individuals in high asset divorce litigation or negotiating complex custody matters. But perhaps our most noted distinction is our steadfast commitment to protecting what our clients value most.



**McKINLEY IRVIN**  
FAMILY LAW

503.487.1645 | PORTLAND | VANCOUVER | SEATTLE | BELLEVUE | EVERETT | TACOMA | [MCKINLEYIRVIN.COM](http://MCKINLEYIRVIN.COM)





**Paralegals  
Legal Secretaries  
Receptionists  
Project Assistants  
File Clerks**

TEMPORARY & PERMANENT PLACEMENT  
**LEGAL NORTHWEST**  
**STAFFING SPECIALISTS**

851 SW 6th Avenue, Ste. 300  
Portland, OR 97204  
Tel 503-242-2514  
Fax 503-274-7895  
www.legalnw.com  
info@legalnw.com

OVER 300 LAW FIRMS RELY ON US  
STAFFING PARTNER TO THE



**Tips From the Bench**

*Continued from page 10*

the “One Family, One Judge” model. In an effort to meet those important aims, the A docket judge will be primarily responsible during the month for communicating with family law judges regarding individuals with open cases in both DV and family court. As noted above, the procedures for this process are under development.

Other features of the hybrid docket are also designed to meet the program’s original goals of assuring closer monitoring of defendants’ compliance with court orders and modifying specific orders as safety needs and accountability responses change. Those features include keeping one judge on the docket for the entire month, assigning some judges to duplicate terms in order to develop greater expertise, and assigning DV-specific release and probation hearings to the A docket judge. The DV Court Coordinator will continue in designated cases to coordinate referrals to appropriate court services and to community programs addressing domestic violence, stalking, and sexual assault issues.

To further support the transition, general bench judges will undergo training in the nuts and bolts of laws and procedures

in domestic violence cases in early 2019. In the spring, the Center for Court Innovation and National Council of Juvenile and Family Law Judges (NCJFLJ) will sponsor a training led by national experts regarding DV dynamics, bridging family court and criminal court directives, and creating effective supervision plans.

Another ongoing project with community stakeholders involves exploring best practices for pre-trial release decisions in domestic violence cases to enhance community and victim safety, ensure a meaningful role for victims at that decision point, and put appropriate programming in place to allow release for defendants so that the burden of pre-trial incarceration may be reduced.

In undergoing all of these efforts, we look to Judge Herrell for inspiration. As the founder of Oregon’s first CASA chapter, President and Executive Director of NCJFLJ, national leader in training criminal justice professionals in domestic violence issues, and creator of DV-focused units in the DA’s office, Portland Police Bureau and Department of Community Justice, his legacy serves as a reminder that better outcomes are best achieved through intention, effort, collaboration, and most of all, the willingness to create new paths and holistic approaches.

**News From the Courthouse**

*Continued from page 10*

how this has worked. [www.opb.org/radio/programs/thinkoutloud/segment/drug-convictions-mohamed-asems-new-memoir/](http://www.opb.org/radio/programs/thinkoutloud/segment/drug-convictions-mohamed-asems-new-memoir/)

The court is trying to work more with community partners to address mental health issues, which have increased as homelessness has increased. The Diane Wade House, set to open in late fall in East County, is a stabilization and treatment group that offers an African American focused curriculum to women who need treatment. The program targets this population due to the history of disparate treatment and over-representation. Funds from the MacArthur Foundation have paid for the county to develop this center. With several new judges recently appointed to the bench, the court is trying to increase judge and staff training to ensure everyone has the resources they need. Finally, Judge Albrecht is also overseeing docket changes and adjustments, in particular changes to domestic violence cases. See Judge Albrecht’s “Tips From the Bench” article on p. 10.

**Available Meeting Space**



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

*Office location:*  
620 SW 5th Ave., Ste. 1220  
Portland OR 97204

**Contact the MBA for details and availability at 503.222.3275.**

**Court Bonds**

.....  
Fast turnaround.  
Apply online or over the phone.  
.....

[www.mba.onlinecourtbonds.com](http://www.mba.onlinecourtbonds.com)  
877-553-6376 | Fax: 888-658-6761

Partnering with:



underwritten by:





## Classifieds

### Positions

#### Perkins Coie LLP - Business Associate Attorney - Junior to Mid-Level

Perkins Coie LLP is seeking a Junior to Mid-level associate to join its highly-regarded business practice in Portland, Oregon. Candidates must have excellent credentials and at least two years of corporate experience, preferably at a national law firm. Our business group focuses on securities, mergers and acquisitions, corporate governance, emerging companies and venture capital and general corporate counseling of companies at all stages of development.

Being an Am Law 50 firm and ranked as the most prestigious firm in the Pacific Northwest, this is an excellent opportunity to join a highly supportive working environment while handling sophisticated matters at both a local and a national level. To be considered, please visit our website at [www.perkinscoie.com](http://www.perkinscoie.com) to view our postings and submit your cover letter, resume, law school transcripts, references, and a brief writing sample.

#### Casualty Litigation Associate

The Portland office of Bullivant Houser Bailey is seeking an attorney with 1-3 years of relevant experience in handling cases in the areas of complex civil matters including products liability, personal and catastrophic injury, and asbestos litigation. This is an

exciting opportunity to become part of our nationally-recognized litigation team. This position involves all phases of litigation, and includes drafting pleadings and discovery, managing files, and handling hearings, depositions, arbitrations and trials.

Ideal candidates will have the following qualifications:

- An exceptional academic record along with excellent oral and written communication skills
- At least one year of private law firm practice
- Strong legal research, analytical and problem-solving skills
- Possess strong organizational and time management skills with the proven ability to work in a deadline-driven, fast-paced environment
- Optimistic outlook that thrives in a dynamic work setting
- Values diversity and teamwork
- Must be admitted to practice in Oregon

Qualified applicants should submit a cover letter, resume, law school transcript and a 5-7 page writing sample to Carol O'Connell at [carol.oconnell@bullivant.com](mailto:carol.oconnell@bullivant.com).

Bullivant Houser Bailey is an Equal Opportunity Employer committed to diversity in the workplace. We encourage all qualified individuals to apply.

#### Litigation Paralegal Required Experience

- 5-10 years of civil litigation case management and trial experience (state and federal courts, FINRA arbitration)

- Proficiency in MS Office, Relativity, TrialDirector, Westlaw/Lexis
- Knowledge of ESI preservation/collection best practices
- Excellent communication skills
- Desire to fill long-term position with an exceptional law firm

#### Job Description

Join a paralegal team that supports litigators working in a wide range of practice areas: antitrust litigation, appellate, business litigation, class actions, elections/government law, employment litigation, environmental issues, healthcare litigation, IP litigation, internal investigations, professional malpractice, securities law, trust and estate litigation.

Our firm prides itself on the long tenure of our employees and the collegial, cooperative environment we've created among attorneys and staff. We are a lean and creative team of problem solvers. Our new team member will be conscientious, hard working, efficient, capable of handling a matter from beginning to end, and also willing to pitch in to help manage the workload of a nimble and dynamic group. To balance the demands of tight deadlines and sometimes long hours, the firm offers scheduling flexibility and generous paid leave benefits.

Representing the firm well, both inside as well as outside the organization, requires sound judgment, personal and professional integrity, and a commitment to promoting a culture of equity and inclusion where people are respected and

encouraged to meet their full potential regardless of race, color, religion, national origin, age, sex, disability, marital status, sexual orientation, or gender identity.

#### Salary and Benefits

- Salary and PTO based on experience
- Generous bonuses (discretionary, based on profitability and years of service)
- Flexible schedule, 37.5-hour typical workweek
- Extended leave opportunity after 10 years of service with firm
- Generous parental leave
- Dental/health employee premiums paid by firm
- Life insurance, accident insurance, long-term disability insurance
- 401(k) plan, with up to 3% profit sharing
- Flexible spending plan
- Transportation spending plan

To apply, email your resume and cover letter to: [careers@stollberne.com](mailto:careers@stollberne.com).

#### Experienced Family Law Attorney, Portland

Family law firm in downtown Portland is seeking an associate attorney with three to five years of domestic relations experience. Please send cover letter, resume and references via email to [salina@zimmer-law.com](mailto:salina@zimmer-law.com). No phone calls please.

#### Legal Assistant

Oregon State Treasury is seeking a Legal Assistant to provide confidential clerical and administrative support. For full details, please visit [bit.ly/2QDA8c](http://bit.ly/2QDA8c).

#### Bulletin Editor

The Oregon State Bar is looking for someone to plan, develop, edit, and manage content of the OSB's membership magazine, the Bulletin.

Please visit [www.osbar.org/osbcenter/openings.html](http://www.osbar.org/osbcenter/openings.html) for job details. Equal Opportunity Employer.

### Space

#### \$1,200 Downtown Portland Law Office Share - 1 month FREE with a 12 mo lease

14x12, 10th floor office in Cascade Building. Two blocks from Pioneer Square and MAX Transit hub. Alder Street Parking Garage across street. Rent includes reception, telephone/internet, office conference room, shred, copier & postage machine use. Building amenities: gym, w/shower, tenant lounge. \$1,200 per month. Contact Jamie at 503.243.2733 or [jamie@kramer-associates.com](mailto:jamie@kramer-associates.com).

#### \$1,025 Downtown Portland Law Office Share - 1 month FREE with a 12 mo lease

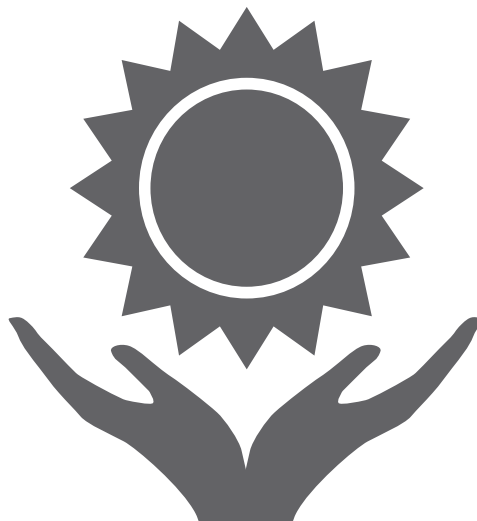
15x10, 10th floor office in Cascade Building. Two blocks from Pioneer Square and MAX Transit hub. Alder Street Parking Garage across street. Rent includes reception, telephone/internet, office conference room, shred, copier & postage machine use. Building amenities: gym, w/shower, tenant lounge. \$1,025 per month. Contact Jamie at 503.243.2733 or [jamie@kramer-associates.com](mailto:jamie@kramer-associates.com).

## Pro Bono Volunteers

Thank you to the following lawyers and law students who recently donated their pro bono services via the Volunteer Lawyers Project, the Senior Law Project, law firm clinics, the Oregon Law Center, St. Andrew Legal Clinic, Catholic Charities Immigration Legal Services, Lewis & Clark Small Business Legal Clinic, Children's Representation Project, 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."

Christopher Bergstrom • Michael Blaskowsky • Brian Bradley • Dinah Choi • Robert Doeckel • Laura Donaldson •

Chris Edwardsen • Jeannine Ferguson • Kathryn Gapinski • Sean Gay • Heather Guthrie • John Haub • Dona Hippert • Sam Justice • John Koch • William Kwitman • Mary Lang • Elizabeth Lemoine • Tawnya Madsen • Tamara Maher • Riley Makin • David Malcolm • Carla McClurg • Thomas Noble • James O'Connor • Jordan Piraino • Carole Race • Susan Rossiter • Julie M. Rowett • Wolfgang Senft • Arden Shenker • Pete Simons • Ian Simpson • Richard Slottee • Joshua Stadler • Anne Steiner • Hon. Jill Tanner • Evans Van Buren • Lauren Walchli • Darin Wisheart • Lee Wyatt • Whitney Yazzolino



**Oregon Lawyer Assistance Foundation**  
Helping lawyers in need receive addiction and mental health treatment

An OLAF grant or loan allows a lawyer who is suffering with treatable mental health or addiction issues get his or her life back.

When you help another lawyer, you help the profession and the public we serve.

Give now.





# THOMAS W. BROWN

## ARBITRATION | MEDIATION

37 years of trial and appellate court experience.

20 years experience as a neutral handling a wide range of civil disputes.

Available statewide for private neutral work, as well as work through the American Arbitration Association, Arbitration Service of Portland, and various state and federal court dispute resolution programs.

*Respected,  
Resourceful,  
Reasonable*



**COSGRAVE VERGEER KESTER LLP**  
Attorneys

cosgravelaw.com • 503-323-9000  
500 Pioneer Tower • 888 SW Fifth Avenue • Portland, OR 97204

## Attorney Reference Manual Updated

The Attorney Reference Manual is provided as an aid to attorneys practicing before the Circuit Court in Multnomah County. It is intended only to provide assistance regarding some local internal practices, primarily in the area of civil practice, which are determined by common law, rules and statutory authority (including the Oregon Rules of Civil Procedure, Uniform Trial Court Rules, and Supplementary Local Rules). This manual deals with procedures and practices in Presiding Court for civil cases. You'll find it here: [www.mbabar.org/resources/courts.html](http://www.mbabar.org/resources/courts.html).

For procedures and information regarding criminal and family court matters, please contact the appropriate section or department.



**K. William Gibson**  
Arbitrator & Mediator

(503) 307-1676  
[gibsonmediation.com](http://gibsonmediation.com)

Here is what lawyers say about Bill Gibson:

"Fair & Impartial"

"Easy to work with"

"Doesn't take himself too seriously"

"Courteous"

"Hasn't forgotten what it's like to try a case"

Available for court annexed arbitrations, UM/UIM arbitrations and mediations statewide. No charge for travel.

Schedule online at  
[www.gibsonmediation.com/calendar](http://www.gibsonmediation.com/calendar)



MEDIATION ■  
ARBITRATION

25 years civil and criminal trial experience.

**MULLEN ADR**  
[mollyjo@mullenadr.com](mailto:mollyjo@mullenadr.com)  
503-901-6199

Molly Jo Mullen

## REST EASY.

We have the attorneys, paralegals, legal assistants, and support staff you need, as well as the positions you seek at top law firms and corporations.

CALL TODAY  
**503.295.9948**  **STAFFING SOLUTIONS**

[www.staffingsolutionsllc.com](http://www.staffingsolutionsllc.com)



## VOLUNTEER TO REDUCE ABUSE

Guardian Partners seeks volunteers to meet with elder adults and disabled adults under Guardianship care to ensure they are safe and thriving.

Volunteer Monitors are at the heart of our mission to keep vulnerable Oregonians safe and thriving. You'll be given training and ongoing support to be successful. Once assigned a case, you'll meet with the Protected Person as well as their Guardian and furnish a report to the Court, identifying any evidence of abuse or neglect.

- Typical cases requires six hours of time.
- Highly flexible—can be scheduled on your time at your convenience.
- Operating in Multnomah, Clackamas, Marion and Lane counties. More counties anticipated soon.
- The difference you make in a Protected Person's life can be profound!



*I would love to schedule time to chat with you, your professional group, social group or faith group about our volunteer program. Let's talk!*

Contact:  
**Marc Kochanski, Community Relations Manager**  
[marc@guardian-partners.org](mailto:marc@guardian-partners.org) | 971-409-1358

**GUARDIAN**  
partners  
education + monitoring prevents abuse

10814 NE HALSEY ST | PORTLAND, OR 97220



## Answering calls is smart. Delighting callers is Ruby.

Ruby is the only remote receptionist service dedicated to creating meaningful personal connections with your English and Spanish-speaking callers—building trust with each interaction and helping you win business.

**21-day  
MONEY BACK  
GUARANTEE**

Special offers for members of  
the Multnomah Bar Association!



LEARN MORE AT [callruby.com/mba](http://callruby.com/mba)  
OR CALL **866-611-RUBY (7829)**



## Fire Loss Claims?

- 18 years experience as a General Contractor.
- Experienced fire and casualty insurance adjuster.
- Available to represent the insured party in maximizing recovery from the insurer.
- Fees contingent on increased recovery.



### Millard & Bragg Attorneys at Law, PC

**503-305-7806**

419 5th Street Oregon City, OR 97045

[www.millardlaw.com](http://www.millardlaw.com)

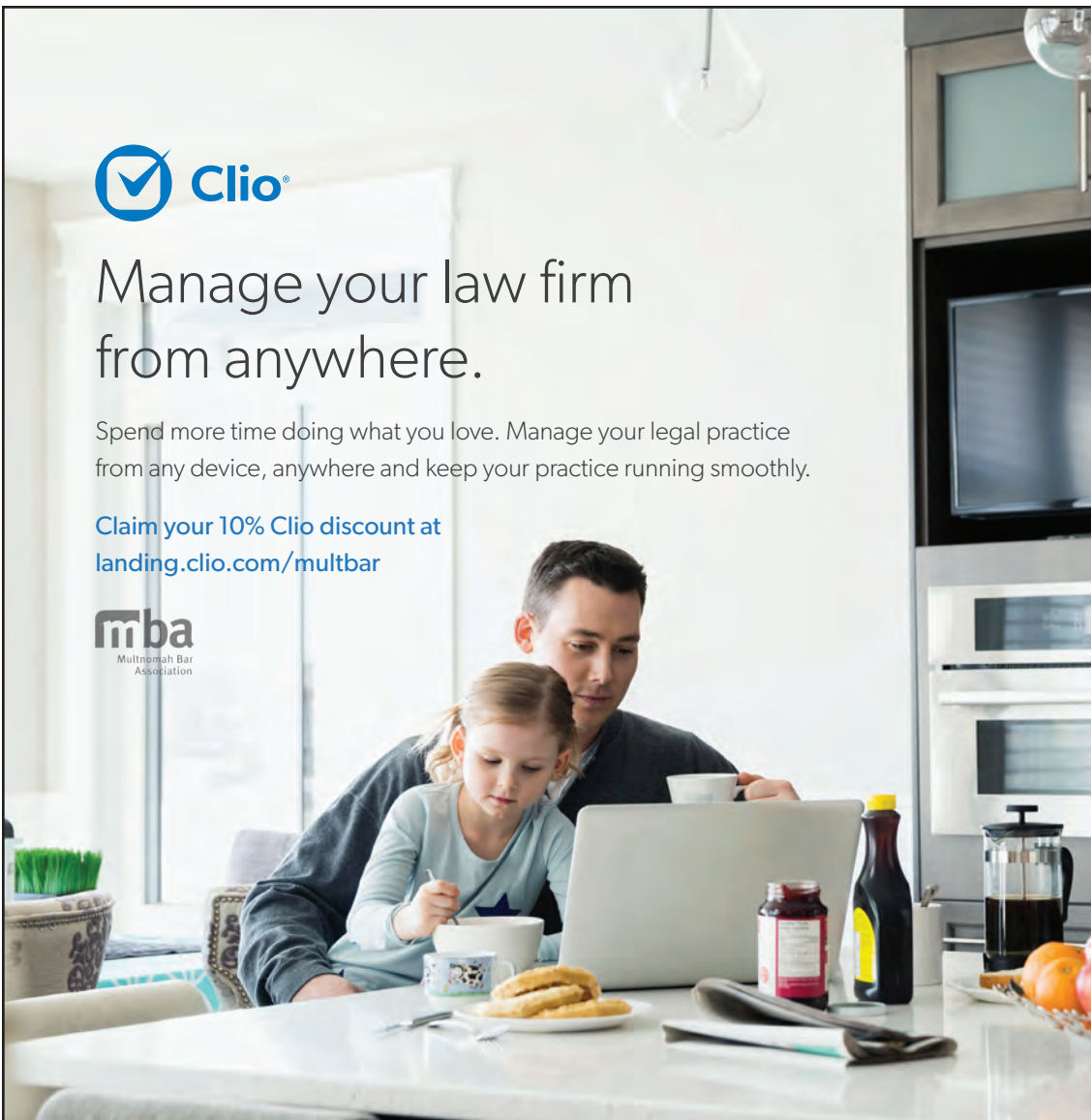
Admitted to Practice in Oregon and Washington



## Manage your law firm from anywhere.

Spend more time doing what you love. Manage your legal practice from any device, anywhere and keep your practice running smoothly.

Claim your 10% Clio discount at  
[landing.clio.com/multbar](http://landing.clio.com/multbar)



### Christopher H. Kent

## Kent

mediation & arbitration



- 32 years trial experience
- Plaintiffs and Defendants
- Areas:
  - Commercial litigation
  - Business dissolutions
  - Torts
  - Employment
  - Construction defect
  - Real estate
  - Insurance
  - Securities & Franchise

503.220.0717 • [ckent@kentadr.com](mailto:ckent@kentadr.com)

[www.kentadr.com](http://www.kentadr.com)



## RENT TO OWN

Original works of art for your home or office

Choose from Oregon's largest selection  
of local artists in one place

- More than 200 artists
- Over 1,000 works of art in various mediums

### RENTAL SALES GALLERY

TUES - SAT 10 A.M. - 5 P.M.  
SUN NOON - 4 P.M.

1237 SW 10th Avenue  
[rentalsales@pam.org](mailto:rentalsales@pam.org)

[rentalsalesgallery.com](http://rentalsalesgallery.com)



PDF bundles include: hyperlinked word index | hyperlinked exhibits | condensed transcript

## The LNS difference:

Printable Word Index | ASCII transcript | Digitally signed certificates, e-Filing ready


smart tools make your job easier.

VideoLYNC: Transcripts sync'd with video on jump drive, hyperlinked word index and exhibits

Schedule your next deposition at [LNScourtreporting.com](http://LNScourtreporting.com)



**Available to serve as an expert witness**  
 Jonathan Posner, MD  
 646-465-4200  
 drjonathanposner@me.com



**Areas of Expertise:**

- Custody & Divorce
- Psychiatric malpractice
- Child psychiatry
- Depression & PTSD
- Effects of trauma and adversity on child development
- Psychopharmacology

**Credentials**

Double Board Certified in Adult Psychiatry and Child & Adolescent Psychiatry  
 Endowed Professorship at Columbia University  
 Recipient of numerous NIH & foundation grants  
 Authored over 40 peer-reviewed articles  
 NIH grant reviewer  
 Teaches medical students and residents at Columbia University  
 Psychiatric clinical practice for over 10 years

Jane Clark  
 Hon. Mary Deits  
 Arin Dunn  
 Jeff Jacobs  
 Hon. Barbara Johnson  
 Hon. Jerome LaBarre  
 Hon. James Ladley  
 Hon. Eve Miller  
 Daniel O’Leary  
 Hon. William Riggs  
 Hon. Lyle Velure  
 Hon. Janice Wilson



503-223-2671  
 sclink@adrsupportservices.com  
 adrsupportservices.com

**WHEN YOU NEED EXPERIENCED  
 ★ MEDIATORS & ARBITRATORS ★**




**Family Mediation: From Parenting Plans to Plans for Aging Parents**


**Meg Goldberg, M.S., J.D.**

503-236-2892  
 goldbergmediation.com





Proudly serving members of the Multnomah Bar since 2004.



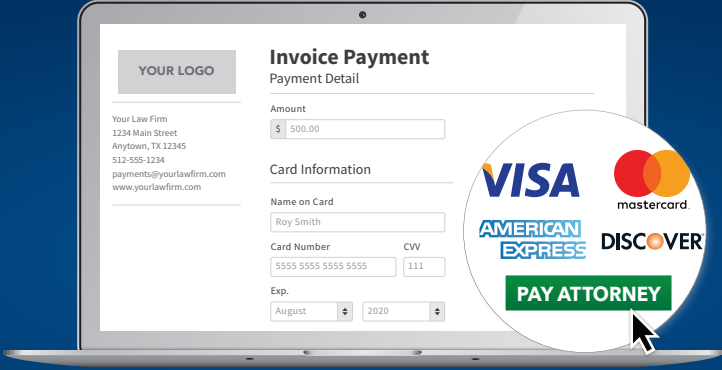
**DAN GILROY DESIGN**  
 Websites for Lawyers

Website Design & Branding | dangilroy.com

# YOUR FAMILY'S LAW FIRM.



*Gevurtz Menashe*  
 SINCE 1982



**EASY FOR YOUR CLIENTS,  
 A NO-BRAINER FOR YOUR FIRM.**

## LAWPAY<sup>®</sup>

AN AFFINIPAY SOLUTION

**THE PREFERRED CHOICE**

For more than a decade, LawPay has been the go-to solution for legal professionals. Our simple online payment solution helps you get paid faster by letting you attach a secure payment link to your email, website, or invoices so that clients can pay with just a click. Our solution was developed for law firms, so earned and unearned fees are separated and your IOLTA is always protected from any third-party debiting. No online payment processor has more experience helping lawyers than LawPay.



Bar-Approved Member Benefit

Contact our legal payment experts at **866-256-5004** or visit [lawpay.com/mbabar](http://lawpay.com/mbabar)

LawPay is a registered ISO of Citizens Bank, N.A.



## 2018 Campaign and Fundraising Events Raise \$82,000 for Multnomah CourtCare

The annual campaign to fund operations at the free childcare program at the downtown and East County courthouses raised \$63,630. Over \$50,000 was raised from large firms and organizations, and approximately \$13,630 from small firms and individuals. WinterSmash brought in over \$16,000 and Battle of the Lawyer Bands more than \$2,600.

The MBF wishes to thank all supporters, participants, CourtCare coaches and the MBF CourtCare Campaign Committee. Special thanks to **Sarah Bond**, Zimmer Bond Fay & Overlund LLC, and **Holly Johnston**, Lane Powell PC, for co-chairing the campaign.

The **CourtCare Proudest Pride Award** for the largest donation from a firm, lawyers and staff went to **Davis Wright Tremaine LLP**. The **CourtCare Loftiest Leap Award** for the largest donation per capita went to **Buchanan Angeli Altschul & Sullivan LLP**. Congratulations and thank you for your generous support!

John McGrory  
Steven L. Naito  
John Neupert  
Amy Pedersen  
J. Randolph Pickett  
Hon. Greg Silver  
Hon. Janice Wilson

### CourtCare Tigers Single Contributions of \$150 or more

**Firms and Organizations**  
Alterman Law Group  
Ater Wynne LLP  
Goldstein Law  
Jackson Lewis PC  
Paulson Coletti  
Samuels Yoelin Kantor LLP

**Individuals**  
Ashlee Aguiar  
Andrew Altschul  
Courtney Angeli  
Kenneth S. Antell  
Todd Bauman  
Lillian Bier  
Amy Bilyeu  
David Bledsoe  
Hon. Eric Bloch  
Paul Buchanan  
Hon. Stephen Bushong



*Proudest Pride award: Davis Wright Tremaine  
Nicholas Kampars, Tim Cunningham, Ashley Vulin, Kate Sena, Mae Harris and Al Murray*

### CourtCare Lions Single Contributions of \$500 or more

**Firms and Organizations**  
Barran Liebman LLP  
Cosgrave Vergeer Kester LLP  
Davis Wright Tremaine LLP  
Dunn Carney LLP  
Eaton Family Law & Mediation  
Esler Stephens & Buckley  
Farleigh Wada Witt  
Garvey Schubert Barer  
Hart Wagner  
Larkins Vacura Kayser LLP  
Markowitz Herbold PC  
Miller Nash Graham & Dunn LLP  
Mitra Law Group  
OCF Joseph Weston Foundation  
Stewart Sokol & Gray LLC  
Tonkon Torp LLP

**Individuals**  
Ruth Beyer  
Paul Bierly  
Russell Garrett  
The Christopher & Rebecca Heuer Charitable Fund  
Lisa Kaner  
Tom Kramer  
Margaret Kushner  
Thomas Larkin  
Jesse Lyon  
Susan Marmaduke

J. Laurence Cable  
Bruce Cahn  
Robert L. Carey  
Don G. Carter  
Paul Conable  
Jeff Condit  
David Criswell  
Kieran Curley  
Hon. Eric Dahlin  
Kenneth Davis  
Scott Downing  
Keith Dozier  
Jeffrey Edelson  
Amy Edwards  
Daniel Enroth  
David Fairchild  
Angela Ferrer  
Brien Flanagan  
Stanton Gallegos  
Richard Glick  
Ronald Greenman  
Dan Grinfas  
Cynda Herbold  
Karen Hilliard  
Charles Hudson  
Steven Hull  
Noah Jarrett  
Leslie Johnson  
Nicholas Kampars  
Alan Karpinski  
Bonnie and Dale Koch  
Kevin Kono  
Brad Krupicka

Eric C. Larson  
Hon. Andrew Lavin  
Hon. Marilyn E. Litzenberger  
Stephen Malm  
Kristin Malone  
Hon. Jean Maurer  
Mary McClintock  
Jessica McConnell  
Brendan McDonnell  
Hon. Peter McKittrick  
Brenda Meltebeke



Barbara Nay  
Darcy Norville  
Hon. Melvin Oden-Orr  
Erika and Jack Orchard


Guy Randles  
Hon. David Rees  
Kelly Riggs  
Sarah Ryan  
Janet Schroer  
Jessica Schuh  
Penny Serrurier  
Marshal Spector  
Richard Spier  
Sandra Stone  
Dana L. Sullivan  
Hon. Susan M. Svetkey  
Nancy and Charles Tauman  
Elizabeth Taylor  
Hon. Katherine Tennyson  
Valerie Tomasi  
Julie Vacura  
Ashley Vulin  
Hon. Nan Waller  
Sam Walton  
Steven Wilker  
Harry Wilson  
Hon. John A. Wittmayer  
Michael Yates




*Loftiest Leap award: Buchanan Angeli Altschul & Sullivan  
Angela Ferrer, Alysa Castro, Marissa Joscelyn, Jacob Goldberg, Tina Ambrose, Dana Sullivan, Elliott Jacobson, Kristine Lambert and Heather Magga*

Erich Merrill  
Richard Miller  
William Miner  
Jenna L. Mooney  
Sheila Morrison  
Alex Naito

Milo Ormseth  
Stephen Osborne  
John D. Ostrander  
Lynne Paretchan  
George Pitcher  
Kim Quach



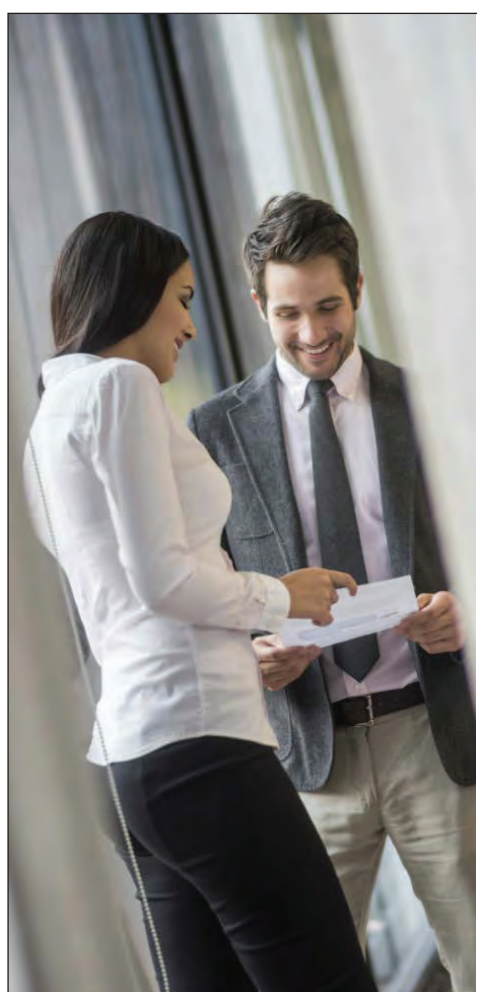
### Professional Liability Fund



## 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.*



## MBA Health Plans for Your Firm

We simplify plan enrollment and maintenance:

- Choose from multiple plans
- One invoice
- Help with all aspects of plan administration
- Free COBRA administration

### Contact

**Steve Doty**  
sdoty@aldrichadvisors.com

**Kevin Doty**  
kdoty@aldrichadvisors.com

503.716.9328  
aldrichadvisors.com

