



## Standing Up for Democracy: We Have a Long Way to Go

by Valerie Colas  
MBA President

Black History Month arrives this year after months of Black Lives Matter civil rights protests and devastating and disproportional impacts of the COVID-19 pandemic. Many have muted

their celebrations to honor the contributions and sacrifices of Black and African Americans to our nation - celebrations have been canceled or will be held virtually. This year Black History Month also follows an attack on the US Capitol by supporters of former President Donald Trump, including many white nationalists, questioning the legitimacy of our electoral process.

Although the attack on the US Capitol on January 6 was shocking, it was not surprising. It was shocking in that we had thought this only happened in countries with fragile democracies and not in the US, and certainly not at the behest of the president. But, as noted, the events of January 6 were not surprising given the baseless allegations of voter fraud propagated by former President Trump, his supporters, and some elected officials. It also should not have been surprising with recent examples of armed rioters storming other state capitols in the previous days or months. On December 21, 2020, armed protesters broke into the Oregon state capitol while state legislators were in session. And, in April 2020, hundreds of people, some armed, stormed the Michigan state capitol building objecting to Governor Whitmer's stay-at-home order.

We live in troubled and divisive times further compounded by the disproportional and devastating impact of the COVID-19 pandemic. Words that have not historically been applied to our American democracy such as coup, insurrection, and kleptocracy became a part of every news article and our national and international dialogue. The state of our American democracy is at its lowest point both at home and abroad. Those of us, like me, who come from countries with fragile democracies that have experienced coup attempts, find this most lamentable, discouraging, and traumatizing. The televised scenes and photos of rioters storming into the Capitol building are the images of a coup, albeit a failed coup attempt.

While some may argue that the January 6 events are not American or that it is similar to the Black Lives Matter protests, which is a false equivalent, those remarks fail to reckon with the dark, insidious, and racist roots of the siege. The January 6 attack on the US Capitol by the supporters of former President Trump, some of whom carried Confederate and Nazi flags and wore anti-Semitic and white supremacist messages on their clothing, was to discredit the votes of Blacks and other people of color. These remarks are also feeble and hurtful attempts to hide that, despite months of "wokeness," we continue to live in two different Americas in which white supremacy thrives. The ability of the thousands of rioters to enter the Capitol building and to take

**We live in troubled and divisive times further compounded by the disproportional and devastating impact of the COVID-19 pandemic.**

selfies of themselves or with law enforcement, to vandalize, and to steal, with little or no fear of police force and mild resistance, speaks volumes when compared to the use of force employed against the multiracial coalition of protesters in the Black Lives Matter protests in Washington DC as well as here in Portland. The response of law enforcement highlights the racial disparities in our nation's criminal justice system.

*This. Is. America.*

If we are to be truthful with ourselves, we cannot say that America is better than what happened on January 6. It would be denying a history of lynching; a history of the displacement and killing of Native Americans; a history of disenfranchisement of the votes of Blacks and other people of color; a history of resistance to desegregation, and yet our schools and neighborhoods continue to be segregated. It would be denying the violence, hatred, and intimidation that civil rights activists like Dr. Martin Luther King, Jr., John Lewis, Rosa Parks, and so many others, in the past and the present, whom we honor and celebrate during Black History Month, faced and continue to face in the fight for equity, equality and liberation.

Our democracy requires us to step up - work even harder - to achieve the ideals we strive for. We cannot look away or dismiss the insurrection, the attempted coup of January 6. We must ensure that the rule of law applies to all equally and that our elected officials, sworn to observe and uphold the Constitution, do so. We must demand that those who participated and were responsible for fueling the flames of hatred and lies be held accountable for the violent attack on the US Capitol. Democracy requires us to not lose hope and to continue to strive for equity, equality, respect, and justice for all. In Amanda Gorman's inauguration poem, "The Hill We Climb," she recites:

*"We've seen a force that would shatter our nation rather than share it,  
Would destroy our country if it meant delaying democracy.  
And this effort very nearly succeeded.  
But while democracy can be periodically delayed,  
It can never be permanently defeated.  
In this truth, in this faith, we trust.  
For while we have our eyes on the future,  
History has its eyes on us."*

As attorneys and judges, we will have to make greater efforts to restore faith in the rule of law and our courts. The actions leading to the incident and the incident itself were not just an attack to stop the certification of our free and fair elections, but were also an attack on our judicial system. The courts were used to bring forth baseless claims of widespread voter fraud, claims that were neither supported in fact nor evidence and subsequently were rejected and dismissed by our courts.

Most importantly, we must not hide in lies but instead amplify the truth. We must continue to reckon with our painful, uncomfortable, and heartbreaking past. This is why Black History Month continues to be necessary to help us understand our history. Unfortunately, it starts on a somber and disturbing note for Black people and other people of color, particularly when the fight for equality and to undermine white supremacy - Black Lives Matter protests - is likened to an attempt to buttress white supremacy and further disenfranchisement people of color - the January 6 coup attempt.

As we celebrate Black History Month, it is incumbent for us not to treat it as separate from our collective American history, but instead to challenge ourselves to learn more about the lived, shared experiences of Blacks and African Americans who have strengthened our country. It is a time for us to recommit to being anti-racist. It is a time to remind us of the resilience, hope, love, and compassion that is needed to create Dr. Martin Luther King's 'Beloved Community.'

In Dr. King's words:

*"The end is reconciliation; the end is redemption; the end is the creation of the Beloved Community. It is this type of spirit and this type of love that can transform opponents into friends. It is this type of understanding goodwill that will transform the deep gloom of the old age into the exuberant gladness of the new age. It is this love which will bring about miracles in the hearts of men."*

**Democracy requires us to not lose hope and to continue to strive for equity, equality, respect, and justice for all.**

## mba|CLE

Due to the COVID-19 situation, the MBA will be offering all seminars **ONLINE ONLY**. To register for a CLE seminar, please see p. 3 or visit [www.mbar.org](http://www.mbar.org) and log in as a member to register at the member rate.

### FEBRUARY

**2.5 Friday  
Appellate Law Update**  
Judge Steven Powers  
Judge Katharine von Ter Stegge

**2.10 Wednesday  
Bar Update: Ethical Issues and Trends Affecting Oregon Lawyers**  
Nik Chourey

**2.23 Tuesday  
Bankruptcy Filings in the Aftermath of COVID**  
Judge Peter McKittrick  
Conde Cox  
Susan Ford  
Doug Ricks

**2.25 Thursday  
In the Public Eye**  
Angie Burcham  
Kara Tatman

### MARCH

**3.9 Tuesday  
Gender Silent Drafting**  
Professor Jessica Vapnek

**3.17 Wednesday  
Civil Trial Motions**  
Laurie Hager  
Josh Stadtler

### In This Issue

Calendar.....	2
MBF.....	2, 9
CLE.....	3
Announcements.....	6
Ethics Focus.....	6
MBA Bar Fellows.....	7, 8
Around the Bar.....	8
News From the Courthouse.....	10
Tips From the Bench.....	10
Profile: Hon. Eric Bloch.....	11
Profile: Hon. Susan M. Svetky.....	11
YLS.....	12
The Corner Office.....	15
Classifieds.....	16
Pro Bono Thanks.....	16

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

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

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

## MBA Board of Directors

### President

Valerie Colas

### Treasurer

Caroline Harris Crowne

### Secretary and President-Elect

Jovita T. Wang

### Past President

Sarah Radcliffe

## Directors

### YLS President

Brad Krupicka

Jacqueline L. Alarcón

Nellie Q. Barnard

David I. Bean

Paul S. Bovarnick

Ben Cox

Timothy J. Resch

John Robb

Seth H. Row

Gloria J. Trainor

Theresa L. Wright

### 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. Mackenzie Hogan

### Vice President

Victoria Blachly

### Secretary/Treasurer

Joseph L. Franco

### Past President

Jennifer S. Wagner

## Directors

C. Marie Eckert

Hon. Amy Holmes Hehn

Elizabeth C. Knight

Marshal P. Spector

Richard J. Vangelisti

Tyler J. Volm

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 2021

# Legal Community Raises Over \$170,000 in the Founding Year of CourtSupport

by Pamela Hubbs

MBA Office and Foundation Administrator

With profound gratitude to the legal community for its generous support, the Multnomah Bar Foundation is proud to report that we have raised \$172,000 for the new CourtSupport program. Through CourtSupport, the MBF is developing and funding projects designed to assist community members navigating Multnomah County courts.



Our initial goal was to place a CourtSupport Navigator in the lobby of the Central Courthouse to serve the public by answering basic questions about the court and connect individuals in need of accommodations or extra assistance to services and resources within the courthouse. This was realized in September of last year, and the court reports that having a welcoming, helpful, bilingual person at the information desk has made a wonderful, positive impact on people entering the new courthouse.

Through this and future projects, CourtSupport will work to close critical funding gaps in areas impacting access to justice and the quality and administration of the legal system.

Thank you, Founding Donors!

## DIAMOND \$10,000+

### Stoll Berne

Hala J. Gores *in memory of Mary Awabdy Ghores*



## GOLD \$5,000+

BOWERSOX PC

Davis Wright Tremaine LLP

Hart Wagner LLP

Holland & Knight LLP

Larkins Vacura Kayser, LLP

Miller Nash Graham & Dunn LLP

Perkins Coie LLP

Stoel Rives LLP

Tonkon Torp LLP

## SILVER \$2,500+

Angel Law PC

Angeli Law Group LLC

Bottini, Bottini & Oswald, PC

BULLIVANT HOUSER

Farleigh Wada Witt

NAEGELI Deposition & Trial

OWLS Foundation

Vangelisti Mediation

## BRONZE \$1,500+

Ball Janik LLP

Barran Liebman LLP

Keith and Madge Bauer

Victoria Blachly

Bodyfelt Mount, LLP

Brownstein Rask LLP

Buchanan Angeli Altschul & Sullivan LLP

Chenoweth Law Group PC

Thomas Chow

Cosgrave Vergeer Kester LLP

Dunn Carney LLP

Esler Stephens & Buckley LLP

Foster Garvey P.C.

Gevurtz Menashe PC

G. Frank Hammond

Sandra A. Hansberger

Harrang Long Gary Rudnick P.C.

Harris & Bowker LLP

The Heekin Law Firm

Christine and James Hein

Charles F. Hinkle *made in the name of Judge Donald Londer*

Holtey Law

Nicholas A. Kampars

Lane Powell PC

Markowitz Herbold PC

MBA Young Lawyers Section

Roscoe C. Nelson III *in honor of my father*

Barbara and John Neupert

Jack and Erika Orchard *in honor of the Honorable Jean L. Lewis and Harlow F. Lenon*

Paulson Coletti Trial Attorneys PC

Professional Liability Fund

Richardson Wright LLP

Samuels Yoelin Kantor LLP

Stewart Sokol & Larkin LLC

Charles and Nancy Tauman

Thomas, Coon, Newton & Frost

Wool Landon

Wyse Kadish LLP

## DONOR Up to \$999

Hon. Cheryl Albrecht *made in the name of the Honorable Julie Frantz*

Hon. Steffan Alexander

Hon. Beth A. Allen *made in the name of Multnomah County Circuit Court Judges*

Joseph Arellano

# Calendar

## FEBRUARY

### 4 Thursday

YLS Speed Networking

www.mbabar.org

15 Monday

President's Day - MBA Office

Closed

### 19 Friday

MBA Solo & Small Firm

Workshop

Details on p. 8

24 Wednesday

OWLS Introvert Social Hour

www.oregonwomenlawyers.org

26 Friday

CEJ 30th Anniversary Virtual

Gala

www.cej-oregon.org

## MBA & YLS Board Elections

The MBA bylaws provide for nominations for MBA and YLS board positions from the membership at large. MBA members may self-nominate for the MBA Board, and YLS members for the YLS Board. MBA and YLS Board nominating petitions must be endorsed by the nominee and at least 10 other MBA or YLS members, respectively. Petitions must be received by 5 p.m. on Friday, February 19. New MBA and YLS Board members will be announced at the MBA Annual Meeting on Wednesday, May 19.

Hon. Amy M. Baggio

Thomas W. Brown *made in the name of Multnomah County Judge Irving M. Steinbock*

Hon. Stephen K. Bushong

Hon. Eric L. Dahlin

Hon. Kathleen M. Dailey

Hon. Michael A. Greenlick

Hon. Jerry Hodson

Hon. Amy Holmes Hehn

Amy Hoven

Lisa Kenn

Kilmer, Voorhees & Laurick, PC

Hon. Dale R. Koch

Tony Kullen

Hon. Andrew M. Lavin

Linda S. Law *in honor of those*

*who came before, paving the way for the rest of us*

Hon. Morgan Wren Long

Hon. Michael S. Loy

Hon. Angela Franco Lucero

*made in the name of*

*Multnomah County Circuit*

*Court Judges*

Hon. Judith H. Matarazzo

Hon. Heidi H. Moawad

Hon. Melvin Oden-Orr *made in the name of Judge Roosevelt Robinson*

Marcia Ohlemiller *made in the name of the Honorable Nan Waller*

Hon. Mark A. Peterson

Hon. Steven R. Powers

Hon. David F. Rees

Hon. Shelley D. Russell *made in*

*the name of Justice Ruth Bader*

*Ginsburg and my great aunt,*

*the Honorable Nina Lambeth*

Schwabe Williamson & Wyatt

Hon. Gregory F. Silver

Hon. Susan M. Svetkey

Hon. Kathryn Villa-Smith

Hon. Nan Waller

Hon. Janice Wilson

*If you donated to CourtSupport*

*in 2020 and do not see your name*

*here, please contact Pamela Hubbs*

*at 503.854.5237 or*

*pamela@mbabar.org.*



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 online.

**Appellate Law Update**

Friday, February 5 3-4 p.m.

Online Participation Only

Members \$30/Non-Members \$50

Please join the MBA for an update on Oregon appellate decisions for civil law practitioners. Multnomah County Circuit Court **Judge Katharine von Ter Stegge** and Oregon Court of Appeals **Judge Steven Powers** will present an overview of some key civil law decisions from the Oregon Court of Appeals and Oregon Supreme Court from 2019-20. These esteemed speakers will touch on issues relevant to nearly all practitioners. An absolute “must-see” to wrap up 2020 and prepare for a new year.

**For more information:** Contact Anit Jindal, Markowitz Herbold, at 503.295.3085. For registration questions, contact the MBA at mba@mbabar.org.

**Bar Update: Ethical Issues and Trends Affecting Oregon Lawyers**

Wednesday, February 10 12-1 p.m.

Online Participation Only

Members \$30/Non-Members \$50

*Note: One hour of ethics OSB MCLE credit will be applied for.*

This CLE will cover the ethical issues and trends the Oregon State Bar is encountering through inquiries and complaints, as well as other pertinent ethical topics. **Nik Chourey**, Deputy Counsel for the Oregon State Bar, will present this informative CLE.

**For more information:** Contact Justice Brooks, Foster Garvey, at 503.553.3117. For registration questions, contact the MBA at mba@mbabar.org.

**Bankruptcy Filings in the Aftermath of COVID**

Tuesday, February 23 1-2 p.m.

Online Participation Only

Members \$30/Non-Members \$50

As we emerge from the COVID shutdown, especially with the expiration during 2021 of state and federal moratoria against foreclosures and evictions, attorneys for financially distressed individuals and businesses will be asked to assess whether filing for bankruptcy protection under Chapters 7, 11, 12, or 13 is available and appropriate. Our panel, which will include one of Oregon’s four federal bankruptcy judges and three prominent bankruptcy court practitioners, will parse the issues confronted by debtors, creditors, business owners, spouses of business owners, debt guarantors, tenants, and landlords. Participants include **Judge Peter McKittrick**, who was formerly a bankruptcy trustee before his appointment to the federal bench, **Susan Ford** of Sussman Shank, **Doug Ricks** of Vanden Bos & Chapman, and **Conde Cox** of the Law Office of Conde Cox.

**For more information:** Contact Angela Ferrer, Buchanan Angeli Altschul & Sullivan LLP, at 503.974.5028. For registration questions, contact the MBA at mba@mbabar.org.

**In the Public Eye**

Thursday, February 25 3-4 p.m.

Online Participation Only

Members \$30/Non-Members \$50

**Kara Tatman** and **Angie Burcham** from Perkins Coie LLP will present an overview of corporate governance practices and disclosure requirements for public companies. Their presentation will include key governance considerations, trends, and issues for public companies, as well as an overview of the disclosure regime plus current disclosure issues and trends.

**For more information:** Contact Ryan Flatley, Thede Culpepper Moore Munro & Silliman LLP, at 503.416.6133. For registration questions, contact the MBA at mba@mbabar.org.

**Gender Silent Drafting**

Tuesday, March 9 3-4 p.m.

Online Participation Only

Members \$30/Non-Members \$50

**Professor Jessica Vapnek** from U.C. Hastings School of Law will discuss the professor’s research on the use of gendered language by governments in drafting legislation. Prof. Vapnek will cover how legislatures have used gendered language in drafting laws, current trends regarding the use of gendered language in legislative drafting, and will give recommendations for drafting legislation and other legal documents in a gender silent tone.

**For more information:** Contact Ryan Flatley, Thede Culpepper Moore Munro & Silliman LLP, at 503.416.6133. For registration questions, contact the MBA at mba@mbabar.org.

**Civil Trial Motions**

Wednesday, March 17 12-1 p.m.

Online Participation Only

Members \$30/Non-Members \$50

Motion practice at trial can make or break your case. This presentation will help lawyers prepare and use motions in civil trials to achieve favorable outcomes for their clients. **Josh Stadler**, a partner at Dunn Carney, and **Laurie Hager**, a partner at Sussman Shank, will present on and share best practices for:

- Evidentiary motions such as motions In limine and motions to exclude witnesses;
- Moving for and defending against a motion for directed verdict; and
- Limiting instructions, motions for a mistrial, and other special circumstances.

**For more information:** Contact Jamison McCune, Bodyfelt Mount LLP at 503.243.1022. For registration questions, contact the MBA at mba@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

*Online CLE registration strongly encouraged. Visit [www.mbabar.org](http://www.mbabar.org) to register online. 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 the address below. Accommodations available for persons with disabilities; please call in advance for arrangements.*

**Photocopy registration and mail payment to:**  
 Multnomah Bar Association  
 620 SW Fifth Ave., Suite 1220 ■ Portland, OR 97204  
 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 participate.*

- 2/5 Appellate Law Update**  
**Online attendance only - link will be emailed**  
 Class Registration (\$30 Members/\$50 Non) ..... \$ \_\_\_\_\_
- 2/10 Bar Update: Ethical Issues and Trends Affecting Oregon Lawyers**  
**Online attendance only - link will be emailed**  
 Class Registration (\$30 Members/\$50 Non) ..... \$ \_\_\_\_\_
- 2/23 Bankruptcy Filings in the Aftermath of COVID**  
**Online attendance only - link will be emailed**  
 Class Registration (\$30 Members/\$50 Non) ..... \$ \_\_\_\_\_
- 2/25 In the Public Eye**  
**Online attendance only - link will be emailed**  
 Class Registration (\$30 Members/\$50 Non) ..... \$ \_\_\_\_\_
- 3/9 Gender Silent Drafting**  
**Online attendance only - link will be emailed**  
 Class Registration (\$30 Members/\$50 Non) ..... \$ \_\_\_\_\_
- 3/17 Civil Trial Motions**  
**Online attendance only - link will be emailed**  
 Class Registration (\$30 Members/\$50 Non) ..... \$ \_\_\_\_\_

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

**Unable to attend?**  
**Archived webcast options are available**  
**at [www.mbabar.org/cle](http://www.mbabar.org/cle)**



# VIRTUAL JOB FAIR

Oregon's only diversity job fair for attorneys, paralegals and legal support professionals seeking employment with Oregon employers.

**MARCH 9 & 10, 2021**

Presented by:  BULLIVANTHOUSER  Davis Wright Tremaine LLP  OADC  
Oregon Association of Defense Counsel

The mission of the **Oregon Diversity Legal Job Fair** is to bring together Oregon's legal community to recruit and retain diverse legal professionals who will reflect the identity and values of the people and clients they serve.

**EMPLOYERS** This event is for all Oregon legal employers seeking to recruit a diverse workforce, including private law firms of all sizes, corporate in-house counsel, non-profits and government agencies. **Employer registrations will not be accepted after March 2, 2021.**

**CAREER SEEKERS** Entry-level and lateral attorneys, paralegals, and legal support professionals of all diverse backgrounds are encouraged to participate. **This event is FREE to all career seekers.**

virtual booths • multiple employers • mobile friendly one-on-one chats & interviews • career opportunities

To sign up, event updates and for more information go to: **[www.odljf.org](http://www.odljf.org)**

Employers who wish to participate but are unable to pay this fee are encouraged to contact the event manager: Geoff Horning ✉ [ghorning@updatemanagement.com](mailto:ghorning@updatemanagement.com) or ☎ (503) 253-0527.

## LEGAL NORTHWEST

Temporary & Direct Hire placement of:

Paralegals | Legal Assistants | Receptionists | File Clerks | Document Coders | Transcriptionists | Litigation Assistants

ESTABLISHED | TRUSTED | LOCAL | EFFECTIVE



proud partner of the **mba** Multnomah Bar Association

CONNECT WITH US:  
P. 503.242.2514  
[WWW.LEGALNW.COM](http://WWW.LEGALNW.COM)  
[INFO@LEGALNW.COM](mailto:INFO@LEGALNW.COM)



# 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




## Affinity Bar Leader Roundtable Fostering a Supportive and Inclusive Legal Community

Each year the MBA and OSB help coordinate a roundtable with the president and president-elect of the affinity bar organizations, followed by a social with members of each respective organization's boards and other bar leaders. The purpose of the roundtable is to promote a legal culture that is supportive, connected, and collaborative. With no set agenda for the meetings, the hope is that discussion grows organically from what each of the groups are doing and ideas people have for how the groups can work together and support one another's missions.

This year the gathering was held virtually due to the pandemic. On January 7, the presidents and presidents-elect of the Oregon affinity bar organizations, OSB, and MBA all met to share the challenges, highlights, and upcoming events.

In addition to the OSB (and ONLD) and MBA (and YLS), the organizations that participate

are listed below. Please check out their websites and consider the various ways that you could support them and their missions in 2021 by becoming a member, attending a virtual (or in-person) event, or donating to their scholarships for law students. The affinity bar organizations play an important role in supporting and connecting attorneys from non-dominant cultures in addition to fostering a more diverse and inclusive legal community.

**Northwest Indian Bar Association**  
www.nwiba.org

**OGALLA - Oregon's LGBTQ Bar Association**  
www.ogalla.org

**Oregon Asian Pacific American Bar Association**  
www.oapaba.org

**Oregon Chapter of the National Bar Association**  
www.ocnba.org

**Oregon Chinese Lawyers Association**  
www.oregonchineselawyers.org

**Oregon Filipino American Lawyers Association**  
www.oregonfala.org

**Oregon Hispanic Bar Association**  
www.oregonhispanicbar.org

**Oregon Minority Lawyers Association**  
www.omlalawyers.com

**Oregon Women Lawyers Association**  
www.oregonwomenlawyers.org

**Queen's Bench**  
www.owlsqueensbench.org

**South Asian Bar Association - Oregon Chapter**  
www.sabaor.org

## FREE CLE CONTENT FOR 2021 MBA MEMBERS



2021 MBA members receive access to a refreshed catalog of video webcasts recorded during the Fall 2019-Spring 2020 program year. This amounts to 60+ hours of free MCLE-accredited programming, available anytime.

To take advantage of this offer, simply visit [www.mbabar.org/freeCLE](http://www.mbabar.org/freeCLE).

**Not yet a 2021 member?**

Visit [www.mbabar.org](http://www.mbabar.org) to log in and renew, and then receive immediate access to the free content.



[www.mbabar.org/freecle](http://www.mbabar.org/freecle)



**MORRIS, STANNARD  
& BATALDEN**  
FAMILY LAW PC



COMPASSION. INTEGRITY. ADVOCACY.  
[MSBFAMILYLAW.COM](http://MSBFAMILYLAW.COM) | 503.461.0244

## CHAMBERLAIN

**MEDIATION    ARBITRATION**

A Proven Problem Solver  
Oregon Lawyer Since 1978  
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



**YOUR AD  
HERE**

Contact the MBA  
to learn about  
affordable display and  
classified advertising  
opportunities.

**503.222.3275**  
[mba@mbabar.org](mailto:mba@mbabar.org)

## mba | ANNOUNCEMENTS

### Take a Matter that Matters

Sign the MBA Pro Bono Pledge at [www.mbabar.org/probonopledge](http://www.mbabar.org/probonopledge) and commit to taking at least one pro bono case in 2020.

Visit [www.mbabar.org/probono](http://www.mbabar.org/probono) to discover pro bono opportunities in Multnomah County.

### Noontime Rides

Social distancing will be observed and the rides will continue as scheduled. 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.

### Pro Bono Oregon Listserv

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



## DON'T FORGET TO RENEW YOUR MBA MEMBERSHIP

If you have yet to renew your MBA membership for 2021, please take a few minutes to do so online at [www.mbabar.org](http://www.mbabar.org) or contact the MBA office at 503.222.3275.

We look forward to serving you this year.



## Ethics Focus



## Missing in Action: When Clients Disappear During Settlement Negotiation

by Mark J. Fucile  
Fucile & Reising LLP

Imagine this scenario: You are a plaintiff's lawyer who has done a great job for your client. Through your hard work, you have convinced the defendant to offer an excellent settlement proposal. One problem: your client has disappeared before you could discuss your authority to accept the defendant's offer. Despite your best efforts, you can't find or otherwise reach the client. Can you accept the proposal on the client's behalf? If not, could you have avoided this unpleasant situation by having the client vest you with unrestricted settlement authority at the outset in your fee agreement?

Although relatively rare, this scenario is common enough that two OSB ethics opinions address its variants. In this column, we'll look at both questions posed by our opening hypothetical through the guidance offered by the OSB opinions.

### “Agency principles govern the attorney-client relationship.”

**Can You Accept the Proposal?** OSB Formal Opinion 2005-33 (rev 2016) concludes that, under facts similar to our opening example, the answer is “no.” Formal Opinion 2005-33 reasons that, as an agent, a lawyer cannot agree to a settlement proposal in the absence of authority from the principal - the client.

The approach taken by the Bar is consistent with Oregon's substantive law of agency applied to lawyer settlement authority. In *Grudzien v. Rogers*, 294 Or App 673, 679, 432 P3d 1169 (2018), for example, the Court of Appeals noted in discussing lawyer settlement authority: “Agency principles govern the attorney-client relationship.” *Grudzien* turned on a lawyer's apparent authority and relied on the court's earlier extended discussion of lawyer settlement authority in *Kaiser Foundation Health Plan of the Northwest v. Doe*, 136 Or App 566, 903

P2d 375 (1995), *adhered to as modified*, 138 Or App 428, 908 P2d 850 (1996). The Court of Appeals in *Grudzien* (citing *Kaiser*) also made a basic observation applicable to lawyer settlement authority generally (at 680): “[A]n attorney's authority to engage in settlement negotiations is not enough, standing alone, ... to enter into a binding settlement agreement on the client's behalf.”

In our opening example, the client had not specifically given the lawyer a range of authority for which the lawyer was authorized to conclude a settlement. Because lawyers are only agents who are ultimately dependent in the settlement context on the authority granted by their principals, the lawyer in our opening example could not accept the settlement proposal because the lawyer lacked the requisite authority as a matter of substantive law.

Although authority is governed by agency law, RPC 1.2(a) mirrors substantive law in this regard by vesting the client rather than the lawyer with settlement authority: “A lawyer shall abide by a client's decision whether to settle a matter.” RPC 1.2(a) sharpens the issue for the lawyer involved. Lack of authority will likely have substantive legal consequences for the enforceability of any agreement involved if the lawyer proceeds without client consent. It can also have disciplinary consequences. *In re Bailey*, 25 DB Rptr 19 (Or 2011), for example, involved a lawyer who was disciplined under RPC 1.2(a) for accepting a settlement proposal for a client who had not given the lawyer the corresponding authority.

Formal Opinion 2005-33 also counsels that the lawyer in this unhappy scenario would ordinarily have grounds to withdraw under several provisions of the “withdrawal rule” - RPC 1.16. Depending on what are inherently very fact-specific circumstances, this may make practical sense as well because there will likely be other decisions and deadlines in the case involved that require client input that cannot be obtained when the client has truly disappeared.

### Blanket Settlement Authority Up Front?

OSB Formal Opinion 2019-195 (2019) concludes that, under facts similar to our opening example, the answer is again “no.” Formal Opinion 2019-195 relies primarily on RPC 1.2(a) - which, as noted earlier, vests the client with ultimate settlement authority in very clear terms.

Formal Opinion 2019-195 reasons that in light of RPC 1.2(a), a lawyer cannot seek blanket advance settlement authority from a client:

“An attorney may not ethically obtain from a client an advance *blanket* authorization over all settlement decisions. Under Oregon RPC 1.2(a), a decision to settle must be made by the client, not the lawyer ... An agreement between a lawyer and a client to delegate all settlement authority, regardless of the circumstances, to the lawyer would violate Oregon RPC 1.2(a) ...

“Nor can Lawyer resolve the ethical problem by merely asking Client to waive his right to control settlement decisions. Unlike other Oregon RPCs ... Oregon RPC 1.2(a) contains no language allowing a lawyer to seek a client's consent to a waiver of the client's right to make settlement decisions.” (*Id.* at 2; emphasis in original.)

### “An attorney may not ethically obtain from a client an advance *blanket* authorization over all settlement decisions.”

Formal Opinion 2019-195 notes (at 3) that after a matter is underway a client can assign a lawyer a range of settlement authority “as long as ... [the] ... client places some outer limit on the lawyer's discretion and the client has sufficient information available at the time to make an informed decision about providing such authorization[.]” Even in this situation, however, a lawyer may still not be able to complete a settlement with a missing client. Therefore, withdrawal may remain the only practical option.

## Get to Know Our MBA Bar Fellows

The Multnomah Lawyer is introducing you to one or two Multnomah Bar Fellows each month in 2021. The Multnomah Bar Fellows program aims to increase the diversity of our bar by recruiting and supporting outstanding, diverse law students with a commitment to practicing in Oregon. Learn more about the program, and how you can get involved as a sponsor or supporter at [www.mbabar.org/fellows](http://www.mbabar.org/fellows).

This month we meet Ana Ching and Diego Alfonso Gutiérrez



Ana Ching

**Name:** Ana Ching

**Law School:** Lewis & Clark Law School

**Year:** 3L

**Hometown:** Kailua, Hawaii

**1L summer position:** Dunn Carney LLP; Barran Liebman LLP

**2L summer position:** Dunn Carney LLP

**Do you have a job post-law school yet?** Not yet.

**What is your favorite thing about Oregon?** I have spent most of my life living on small islands. My favorite thing about Oregon is how much space there is. I love that I could drive for days and days in one direction, and

that whichever direction I chose to drive, I would be sure to find something beautiful.

**What has surprised you most about law school?** What surprised me most about going to law school at Lewis & Clark is how supportive my classmates are. I find that students at my school tend to go out of their way to help each other, and I often feel inspired by the kindness of my classmates.

**If you hadn't gone to law school, what would you be doing?** If I had not gone to law school, I think I would have pursued a master's degree in counseling. I am looking forward to serving both as a legal advocate and as a counselor for future clients, and I hope to find work in an area of the law that allows me to develop lasting relationships with my clients.

**What is your favorite holiday?** My favorite holiday is Halloween because it is such a great opportunity to be creative. I love to bake Halloween treats and to make my own costumes from thrift store finds and upcycled materials.

**Can you recommend a good podcast?** Sandi Toksvig's podcast, "We Will Get Past This," really helped me to get through the early days of the pandemic. I recommend it if you are looking for something that is both informative and uplifting.

**What makes a good lawyer?** Good communication skills are necessary to be a good lawyer. In law school, we learn to write clearly and speak persuasively. But I think that other aspects of communication, like excellent listening skills, are also critical to providing effective representation for clients.

Prospective employers interested in learning more about Anna may do so by emailing [anaching@lclark.edu](mailto:anaching@lclark.edu).



Diego Alfonso Gutiérrez

**Name:** Diego Alfonso Gutiérrez

**Law School:** Lewis & Clark Law School

**Year:** 3L (Class of 2021)

**Hometown:** Anaheim/Fullerton, California

**1L summer position:** Ball Janik, LLP & Lane Powell, PC

**2L summer position:** Lane Powell, PC

**Post-graduation job:** Lane Powell, PC

**What is your favorite thing about Oregon?** Its rich natural green beauty.

**Where is your favorite place in Oregon?** Silver Falls State Park

**Cats or dogs?** Both!

**What television show should we be watching?** Schitt's Creek

**What is your favorite holiday?** Día de Los Muertos (Day of the Dead). I love how my culture shines around this holiday, and it's an important day to celebrate and remember loved ones who have passed.

**What's on your bucket list?** Kayak in Chiapas, Mexico.

# Congratulations!



The MBA would like to congratulate 2020-21 MBA President Valerie Colas on two recent appointments:

- As President-Elect of the OC-NBA, and
- As President-Elect of the Oregon Law Foundation

## 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* and in *Super Lawyers*

**503-284-2511**  
Cell 971-219-4980

[rspier@spier-mediate.com](mailto:rspier@spier-mediate.com) ■ [www.spier-mediate.com](http://www.spier-mediate.com)

## Bob McGaughey Mediator | Arbitrator

40+ Years Litigation Experience

Business Owner Disputes

Contract Breaches

Fiduciary Claims

Employment

Torts



(503) 223-7555

[bob@law7555.com](mailto:bob@law7555.com)  
[www.law7555.com](http://www.law7555.com)

## Conrad Hutterli Mediator

Family Law  
Estate Administration

[www.hutterlimediation.com](http://www.hutterlimediation.com)  
[conrad@hutterlimediation.com](mailto:conrad@hutterlimediation.com)

(503) 208-1197

## Around the Bar



Justice Brooks



Blake Fry



Erin Milos White

### Foster Garvey PC

**Justice Brooks** has joined Foster Garvey PC as an associate in the firm's Litigation group. His practice focuses on business, commercial and employment litigation, as well as insolvency and bankruptcy matters. Brooks has a broad range of trial and appellate experience in state and federal court. He also provides advice and training to clients on business and employment matters.

**Erin Milos White** has joined Foster Garvey PC as an associate in the firm's Trusts, Estates & Charitable Organizations group. White advises in estate planning and administration matters, and assists clients with designing full taxable and nontaxable estate plans, strategizing and implementing business succession plans, and administering trusts and probate estates.

### Hart Wagner LLP

Associate attorney **Blake Fry** joins Hart Wagner LLP. Fry's practice focuses on civil litigation in state and federal trial and appellate courts. His practice includes defending public entities, public officials, and employers in civil rights and tort claims, and attorneys and other professionals in malpractice and related claims.

Before joining Hart Wagner LLP, Fry was an attorney at Mersereau Shannon LLP for nine years. He is a member of the OSB, MBA, and the Oregon Association of Defense Counsel - where he currently serves as the chair of the Governmental Liability Section.

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

## OWLS Foundation to Partner with LASO for Third Year in MBA Bar Fellows Program

by Emily Wanner  
OWLS Foundation Board Member

The Oregon Women Lawyers Foundation (the Foundation) is proud to announce it will partner with Legal Aid Services of Oregon (LASO) for a third year as joint sponsors of the Multnomah Bar Association's (MBA) Bar Fellows Program.

Through this partnership, the Foundation pledges \$10,000 to fund a legal internship for an MBA Fellow at the LASO Portland office during summer 2021. In turn, LASO commits to providing the selected MBA Fellow with a meaningful 10-week work and mentorship experience.

"Supporting an MBA Fellow in working with LASO is aligned with the OWLS Foundation mission," said Kristie Gibson, OWLS Foundation President. "We believe providing opportunities for law students to experience this important work first-hand will benefit the Fellows, the legal profession, and our Oregon community."

The OWLS Foundation mission is to educate and support women and individuals from historically underrepresented communities in accessing and participating in the justice system. LASO provides free civil advocacy and representation to low-income Oregonians on a variety of poverty, gender, and racial justice issues and is dedicated to eliminating barriers to access to justice for underserved populations and cultural communities.

"The LASO Portland office is thrilled to be a part of this collaboration again with the OWLS Foundation," said Julia Fornaciari-Olsen, Regional Director of the LASO Portland

office. "The MBA Bar Fellows Program aligns well with our office's commitment to supporting the legal development of BIPOC law students. We've hosted two amazing MBA Fellows in the last two years and both legal aid and our client communities have gained immensely."

The MBA Bar Fellows Program is spearheaded by the Multnomah Bar Association and seeks to further the association's goals of diversifying the legal profession and increasing access to justice in Multnomah County.

Under this program, the MBA collaborates with the University of Oregon School of Law (UO Law) and Lewis & Clark Law School (L&C Law School) to matriculate, support, and retain law students of diverse or underrepresented backgrounds who intend to practice law in Oregon.

Students selected as MBA Fellows receive a \$60,000 tuition scholarship, a funded 1L summer legal internship with one of the program's prominent Portland-based corporate or law firm sponsors, and a professional mentor for the duration of the Fellow's law school experience. The program launched in 2017, with the inaugural cohort of MBA Fellows entering their 1L year at UO Law and L&C Law School during the fall 2018 semester.

During summer 2020, the Foundation sponsored its second MBA Fellow, Lewis & Clark law student Queen Rynders, and her internship at LASO. "Queen's legal work was outstanding," said Fornaciari-Olsen. "In addition to her impressive analysis and preparation on several

The MBA is thankful for all the 2021 MBA Fellow Summer Sponsors:  
Ball Janik LLP  
Dunn Carney LLP  
Hart Wagner LLP  
Lane Powell PC  
Markowitz Herbold PC  
Miller Nash Graham & Dunn LLP  
Nike  
Oregon Women Lawyers Foundation  
Richardson Wright LLP  
Umpqua Bank

impact cases, she assisted in the development of several projects designed to respond to emerging needs related to COVID-19. On top of all that, Queen was a delight to work with."

Queen had the following to say about her internship at LASO. "It was one of the most wonderfully productive, eye-opening and horizon-broadening experiences of my law education. I had the pleasure of working on a wide variety of public interest projects, and these experiences directly influenced my class choices as I continue learning about immigration, employment and consumer issues in pursuit of my public interest law certificate. Thank you so very much for this incredible jumpstart!"

The success of this 2020 MBA Fellow encouraged the OWLS Foundation to commit to a third year of partnering with LASO and the MBA Bar Fellows Program. Both the Foundation and LASO look forward to meeting and working with our 2021 MBA Fellow in the near future.

The Solo & Small Firm Committee Presents

## ACCOUNTING & BOOKKEEPING: NUTS AND BOLTS IN EVERYDAY PRACTICE

Friday, February 19  
10-11 a.m.

Remote attendance only via Zoom

In this CLE you will hear from both civil practitioners and accounting professionals about what it's like starting out from day one handling your own books. It will involve discussion about best practices and practical advice for how to utilize accounting and practice management technology. Joining us for this discussion will be **Myah Kehoe**, with Kehoe Law, LLC, **Christopher Bergstrom**, a litigation attorney with Furniss Shearer & Leineweber, and **Dena R. Singer, CPA**.

Cost: Free for members/\$30 non-members.  
The MBA will apply for one hour of OSB MCLE credit.

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



**Jovita Wang**

She is a force among us.

Multnomah Bar Association  
President-Elect

Litigator for the People

Partner for our Law Firm

*Richardson Wright*  
ATTORNEYS AT LAW

RICHARDSONWRIGHT.COM

# MBF Announces 2021 Officers and New Directors

by Pamela Hubbs  
Office and Foundation Administrator

The Multnomah Bar Foundation is pleased to announce its new officers and directors. We asked our officers for their thoughts about the MBF, their service and the year ahead.



Mackenzie Hogan

**J. Mackenzie Hogan**, Harris & Bowker LLP, President: “I am honored to serve as MBF President as we move past 2020 and into the brighter days of 2021. The support that the Portland legal community showed the MBF as we launched our new program, CourtSupport, in the middle of a pandemic is truly amazing. I am heartened by the fact that even in the darkest times our local bar proved once again to be forward-thinking and charitable. I look forward to working with you to continue to grow CourtSupport, CourtCare, and CourtConnect in the coming year.”



Victoria Blachly

**Victoria Blachly**, Samuels Yoelin Kantor LLP, Vice President: “When will the courthouses fully reopen? How quickly will the COVID vaccines make a difference? How do we help our clients with their legal needs, given all of the health and logistic challenges? What do we do to make sure equity and inclusion are part of every legal consideration? How do we help with the burdens and stress of 2020? How can the Multnomah Bar Foundation be part of creative solutions? Our lives as lawyers in 2021 are filled with weighty questions. By listening, learning and working together, here’s to hoping we are sharing stories of wonderful memories, this time next year.”

**Joseph L. Franco**, Richardson Wright LLP, Secretary Treasurer: “I look forward to the MBF continuing its great work in 2021 as our community begins



Joe Franco

to emerge from the many challenges we have faced over the last year. One aspect of the MBF’s work will be to implement the new CourtSupport program, which will bolster access to justice by helping courthouse visitors navigate the new Multnomah County Courthouse. I am honored to serve on the MBF Board this year.”



Jen Wagner

**Jennifer S. Wagner**, Stoll Berne PC, Immediate Past President, about her final year on the board, “I am honored to serve for another year on the board. I look forward to working towards the continued expansion of

the CourtSupport program, and exploring additional ways the MBF can serve the local community in the areas of civic education and access to justice.”



Judge Amy Holmes Hehn

New directors are the **Hon. Amy Holmes Hehn**, Multnomah County Circuit Court; and **Tyler J. Volm**, Black Helterline LLP.

Continuing directors are **C. Marie Eckert**, Miller Nash Graham & Dunn LLP; **Elizabeth C. Knight**, Dunn Carney LLP;



Tyler Volm

**Marshal P. Spector**, Gevurtz Menashe PC; and **Richard J. Vangelisti**, Vangelisti Mediation. **Benjamin Cox**, Ben Cox Law, is the MBA Board Liaison.



## Tomasi Salyer Martin is pleased to announce two new associates.



**Stephen Thorpe’s** practice focuses on land use, real estate, and consumer and commercial real estate litigation. His broad experience ranges from advising clients during the land use entitlement process for affordable housing developers to litigation involving business disputes, foreclosures, and bankruptcies.

**Blake Van Zile** joins the firm with several years of litigation experience in Washington and Oregon. Blake’s practice is primarily focused on consumer and commercial real estate litigation, and she also supports the firm’s real estate transactions and land use practices.



At Tomasi Salyer Martin, we are always passionate about our clients’ success.  
(503) 894-9900 | www.tomasilegal.com

## THOMAS W. BROWN

### ARBITRATION | MEDIATION

Over 38 years of trial and appellate court experience.

Over 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, The American Health Lawyers Association, and various state and federal court dispute resolution programs.

RESPECTED,  
RESOURCEFUL,  
REASONABLE



900 SW FIFTH AVENUE | 24TH FLOOR | PORTLAND, OR 97204  
503-323-9000 | WWW.COSGRAVELAW.COM



KITCHEL  
ADR

Arbitration and Mediation Services  
Over 80 years of trial experience  
www.kitcheladr.com

Chris Kitchel  
chris@kitcheladr.com  
503.502.8861

Jan Kitchel  
jan@kitcheladr.com  
503.730.0685

## Tips From the Bench

### Release Hearings

by Judge Christopher Ramras  
Multnomah County Circuit Court



The pandemic has cut court hearings dramatically, but a notable exception are criminal pre-trial release hearings. Agreement on release between the state and defense for low level offenses has resulted in lower-than-average jail occupancy the last 10 months, hovering at roughly 65% of bed capacity for much of that time, but the figure has recently been creeping up.<sup>1</sup>

Statutory bail amounts are affixed to charges based on severity. For example, a Class A misdemeanor is \$2,500, a Class A felony is \$50,000. Ballot Measure 11 (BM-11) charges are set at \$250,000 per a Presiding Judge Order that originated with Judge Donald H. Londer in the '90s. ORS 135.240(5)(a) requires an amount of bail no less than \$50,000 for BM-11 charges, unless defense shows it is "excessive" in violation of Article I, section 16 of Oregon's Constitution. *State v. Sutherland*, 329 Or 359, 367 (1999), citing *Delaney v. Shobe*, 218 Or. 626 (1959). ORS 135.240(5)(a) further requires bail be the only form of release for BM-11 charges. In all cases, BM-11 or otherwise, a defendant is released on posting 10% of the total amount.

A release hearing requires a judge to choose between three forms of "release:"

- (1) release on one's own recognizance;
- (2) security release (bail); or
- (3) conditional release.

*State v. Slight*, 301 Or App 237, 247 (2019). While *Slight* indicated there is "little overlap" between these three, that is different than none. *Id.* Courts frequently lower bail and require a defendant to follow certain conditions if they post. For BM-11 charges, ORS 135.240(5)(b) states that a court "may impose any supervisory conditions deemed necessary for the protection of the victim and the community," in addition to the mandatory \$50,000 bail amount.

Conditional release often takes the form of supervision by either the Department of Community Justice's (DCJ) Pretrial Supervision Program (PSP) or the Multnomah County Sheriff's Office's (MCSO) Close Street Supervision (CSS). CSS provides a higher level

<sup>1</sup> As of January 11, 2021, the two facilities are operating at a combined 74% occupancy.

of supervision, used for more serious charges.

In deciding the appropriate form of release, a judge considers primary and secondary release criteria provided in ORS 135.230(7) and (11). The primary release criteria include the reasonable protection of the victim or public; the nature of the current charge; the defendant's prior criminal record and whether the defendant has appeared for court if previously released; any facts indicating the possibility of law violations if there is release without regulations; and any other facts tending to indicate that the defendant is likely to appear.

These criteria are at the heart of release decisions. Below are some tips for a strong presentation. Heavy caseloads will mean one can't always incorporate all of these suggestions - but to the extent you can, I'd suggest you do!

#### 1. Present statements from those who are impacted. Help them address the topics that matter.

For the State, try to have victims present statements. Judges read countless probable cause affidavits of crimes with exceedingly similar facts. Hearing from a live victim, even for property crimes, can speak to the likelihood a defendant will continue to harm them or the community if released. It is also useful when arguing about the "nature" of the current crime, since "nature" is not defined and might be construed broadly. It is important to talk to a victim in advance so that they speak to the criteria as opposed to more general grievances that, while possibly legitimate, don't address legal analysis. Victim statements may be made in-person, by telephone or letter, but a contemporaneous presentation is more powerful.

For Defense, it is helpful to hear from those who can provide support for your clients. This can include employers, friends, family members or counselors that have worked on addiction or other issues. This can strengthen argument that a defendant is unlikely to offend or miss court. Secondarily, this information can be helpful in receiving a lower settlement offer. A broader understanding of a defendant's background helps a judge understand why there is a lessened threat to the public at large when you address how a defendant's specific needs will be met.

#### 2. Know and address how the information you present addresses the legal issues.

I have heard release hearings in BM-11 cases in which defense argued for conditional release without addressing the statutory

*Continued on page 14*

## News From the Courthouse



by Michael A. Yates  
Court Liaison Committee

### Presiding Judge and Trial Court Administrator Report

#### Work Group for Civil Jury Trials

The National Center for State Courts (NCSC); the National Institute of Trial Advocacy (NITA); American Board of Trial Advocates (ABOTA); and other organizations have collected information about how courts may conduct jury trials during the COVID-19 pandemic. Judge Eric Dahlin attended a full-day seminar conducted by NITA, and has collected other information from NCSC, ABOTA, and others. Judge Dahlin is chairing a workgroup to examine this information and make recommendations to the bar and the court about conducting civil jury trials during the pandemic. The workgroup also includes Judge Matarazzo, Judge von Ter Stegge, Brian Dretke (designated by OTLA), Brian Scott (designated by OADC), and a court manager. The workgroup hopes to present its recommendations to the court and the MBA in early 2021. Recommended trial processes and procedures must satisfy three criteria: (1) they must comply with safety protocols established by existing Chief Justice Orders (CJOs), Presiding Judge Orders (PJOs) and guidelines established by the Centers for Disease Control (CDC) and the Oregon Health Authority (OHA); (2) they must be authorized by existing law (statutes, ORCPs, UTCRs) or by stipulation of the parties (where permissible); and (3) they must be available to *everybody* in the civil justice system, not just those who have the resources to pay. Among other things, the workgroup will consider processes for conducting some or all parts of the trial using remote means; the measures/steps that should be taken in presenting witness testimony using remote means; and other steps that may be taken to allow litigants and the court to conduct civil jury trials safely during the pandemic. Lawyers with questions or comments may contact the workgroup members.

#### Coming Out of the Pandemic and Reopening Dockets

Vaccines are being rolled out across the nation, including Portland. It will take some time for enough members of the public to

be vaccinated that we can safely say we're out of the pandemic. But the end is in sight. The court is planning various ways to reopen dockets when safe and provide full-service as soon as possible. **Criminal.** The Justice Center will hopefully reopen to the public soon; courtrooms remain in operation but the facility has been closed to the public due to damage during protests last year. Currently, the court is conducting arraignments, release hearings, probation violation hearings, pleas and other hearings for in-custody defendants. The court is resuming arraignments and probation violation hearings for out-of-custody defendants. The court is also conducting trial assignment (Call) and other scheduling conferences to set trial dates, identifying and tracking the cases that must be tried first due to statutory or constitutional deadlines. Depending on the nature of the case, the new courthouse has sufficient space to safely conduct about three jury trials per week during the pandemic given the extra rooms required per trial. Case priority will be in accordance with the jury trial policy published in the December *Multnomah Lawyer*. Jury trials in misdemeanor cases have been suspended during the pandemic, although some cases will need to be set for trial soon due to statutory or constitutional deadlines.

The court expects to fully resume jury trials in felony and misdemeanor cases as soon as it is deemed safe to do so. Many criminal cases are already scheduled for trial in the spring. The court expects to be very busy with trials and other proceedings in criminal cases in the late spring and early summer. In the meantime, the court is managing cases in various ways. The court is scheduling judicial settlement conferences (particularly for in-custody defendants with approaching deadlines); release hearings; scheduling conferences; pleas, and other hearings. HB 4212 - enacted during the 2020 special legislative session - states that the state of emergency during the COVID-19 pandemic constitutes "good cause" for extending some deadlines. The bill also gives the courts some additional authority to continue holding people charged with serious person crimes in custody

pre-trial beyond the statutory limits in certain circumstances. The court has conducted many "HB 4212 hearings" to determine whether the statutory criteria for holding a defendant in custody beyond the statutory limits are met. In short, the court is using the tools provided by the legislature and the CJO to manage criminal dockets during the pandemic, and be in a position to fully resume those dockets as soon as the state of emergency ends.

**Civil.** Jury trials in many civil cases are being scheduled for the dates requested by the parties. Realistically, it seems likely that starting in the summer of 2021 or shortly thereafter, COVID-19 vaccines will be widely distributed and the restrictions required by the pandemic will be lifted to allow the court to conduct jury trials in all civil cases. In the meantime, the court is able to safely conduct civil jury trials during the pandemic in a limited number of cases, in accordance with the CJO, the jury trial policy published in the December *Multnomah Lawyer*, and any recommendations from Judge Dahlin's workgroup adopted by the court. The court is in the process of planning how to manage the dockets when all restrictions are lifted. Among other things, the court may call on retired judges to help with the workload. To make this work, the court encourages the bar to resolve cases now if at all possible. The court can help by scheduling judicial settlement conferences as needed. Lawyers should continue working their cases, conducting discovery, engaging in settlement discussions or alternative dispute resolution processes now, so they will be ready for trial once jury trials are able to fully resume. Judges are available to conduct settlement conferences remotely. Contact Judge Chris Marshall or agree on the judge(s), and contact those judges directly to schedule now. Get everything done NOW (discovery, settlement conferences, mediation, direct negotiations) so cases can move forward when trials resume. A lawyer should not expect the court to set over a trial scheduled for the summer of 2021 or later because the lawyer wants additional time to conduct discovery, engage in settlement negotiations or otherwise prepare for trial; that time is available NOW.

*Continued on page 19*

## The Honorable Susan M. Svetkey Chief Family Court Judge Multnomah County Circuit Court

by Katie C. Goss  
MBA Court Liaison Committee

Judge Svetkey was born and raised in New York. She earned a BA in psychology from New York University and an MA in education from the University of Oregon. Prior to law school, Judge Svetkey started her professional career as a high school teacher.

Judge Svetkey earned her JD from the University of Oregon. She has been a member of the Oregon State Bar since 1977, District Court of Oregon since 1978, and US Supreme Court since 1981. Prior to becoming a judge, her law practice focused on the representation of children in several different contexts.

Her first job after law school was with the Juvenile Law Center, where she provided indigent defense to juveniles. After the Juvenile Law Center program lost its funding, Judge Svetkey also held positions with legal aid and Metropolitan Public Defender.

Together with two other attorneys from the Juvenile Law Center, Judge Svetkey obtained funding for the Juvenile Rights Project (now Youth Rights and Justice), where they handled cases that addressed statewide civil rights issues involving juveniles. Prior to her appointment to the bench, Judge Svetkey also spent several years in private practice, practicing in both juvenile and family court.

Judge Svetkey has served in the Multnomah County Family Law Department for 21 years, taking on the role of Chief Family Law Judge in 2018. Judge Svetkey spoke glowingly of her fellow family law judges and court staff, describing her role of Chief Family Law Judge primarily involving inviting and facilitating conversations amongst a very collaborative team to communicate, organize and problem solve both procedural and substantive issues facing the juvenile, family and probate courts.

The coronavirus pandemic created a significant change to the way that the court is able to conduct business and has created new problems around ensuring that the public can access the court for business in a safe manner. In her role as the Chief Family Law Judge, Judge Svetkey led a family law department that worked tirelessly to respond to an ever-changing landscape created by restrictions related to the pandemic. She is rightfully proud of the court's efforts to date to problem solve, find solutions and implement changes so that the court remained open for essential services as much as possible.

Judge Svetkey has worked with her team to ensure that the juvenile and family law departments remained open and busy throughout the pandemic. Even at the greatest level of restrictions, the court remained open for essential matters related to personal safety, for example restraining order and immediate danger applications and hearings. Over time, as the court and the public as a whole has adjusted, these departments were able to expand services available to the public. While the court is still working to find solutions to new problems given the shift to remote versus in-person hearings, Judge Svetkey has been steadfast

in ensuring that any rules the Court implements allow equal access to justice for all litigants, to the greatest extent possible.

In addition to her role as a family law judge, over the past 20 years, Judge Svetkey developed, with the help of her staff, a program in Multnomah County, which appoints lawyers to represent children in contested domestic relations cases. The program is in high-demand with judges, lawyers, parents and children themselves requesting representation. The program currently involves approximately 130 lawyers who largely provide representation on a pro bono basis. The program helps create significantly better and healthier outcomes for children and their families in the midst of custody and parenting time disputes in Multnomah County.

Judge Svetkey loves her job and continues to look forward to coming to work each day. The highlights for her include her dedicated co-workers and working with lawyers and litigants to understand each family's unique set of circumstances and helping them reach resolution to problems where possible. Judge Svetkey appreciates and expects patience, civility and preparedness from those who appear before her. With the majority of family



Hon. Susan M. Svetkey

law hearings proceeding remotely, and the requisite adjustments to phone versus in-person hearings, the court, litigants and attorneys are still in somewhat uncharted territory and a little bit of patience can go a long way.

In her free time, which has been hard to come by during the pandemic, Judge Svetkey enjoys spending time with her family. She and her husband, Steven Houze, have three children and seven grandchildren.

Judge Svetkey has a wealth of experience in juvenile and family law; Multnomah County is lucky to have her and the experience she brings to help guide the Family Law Department through these tumultuous times.

## The Honorable Eric Bloch Multnomah County Circuit Court

by Amanda Nadell  
MBA Court Liaison Committee

Now in his 19th year as a Multnomah County Circuit Court judge, the Honorable Eric Bloch has found that the best part of the job has been the opportunity to help people. This includes watching defendants turn their lives around through engagement in specialty courts, and helping victims of crime heal by providing them the opportunity to tell their story in a setting where the judge listens attentively and with compassion. At the start of his judicial career, when Judge Bloch had been on the bench for only eight months, he was asked to preside over the Multnomah County DUII Intensive Supervision Program (DISP). Although he agreed to oversee the specialty court, he had reservations about assuming the new role, namely that overseeing a specialty court would not allow him the opportunity to

develop fully as a judge. Judge Bloch found, however, that the opposite was true. Supervising a specialty court has been his most rewarding experience as a judge and, as such, he has spent most of his judicial career supervising two of Multnomah County's most well-known treatment court programs, DISP and START.

Although he took the bench with no criminal law experience, Judge Bloch supervised DISP for the first five years of his judicial career. DISP focuses on helping repeat DUII offenders establish and maintain sobriety from alcohol and controlled substances. To accomplish this, DISP provides intensive supervision to its participants, including regular check-ins with court case managers, electronic alcohol monitoring, frequent alcohol and drug testing, and attendance at 12-step meetings. Judge Bloch has

found that the skills he learned and employed while presiding over treatment courts are "absolutely essential in all aspects of judging." He explains that the experience helps judges to learn how to show respect, to listen, to interact with people in ways they can understand, and to explain why the judge is doing what they are doing, even when imposing a sentence. Judge Bloch believes these skills to be necessary qualities of an effective judge. He emphasizes that although judges sometimes have to punish those that come before them, if a judge imposes a sentence in a way that is respectful, with thoughtful "explanation and context" given to the individual appearing before them, then the judge is able to help the person understand that their "actions have consequences and that their community expects them to be better."

After a short break from DISP, Judge Bloch, in collaboration with prosecutors, defense counsel, and probation officers, created Multnomah County's START Court in 2010. START, which stands for "Success through Accountability, Restitution, and Treatment" affords medium- to high-risk defendants, charged

with property offenses and who would otherwise be sentenced to prison, the opportunity to engage in treatment services. It is a focused program, providing the participants structure, supervision, and accountability. Judge Bloch explains that in his experience, START Court participants are good people who have lost their way and become trapped in the criminal justice system. They are suffering from treatable diseases, such as substance abuse addictions or mental health disorders, and many have suffered early childhood traumas. Through START, defendants have access to services in a structure that holds them accountable. He said that it has been great to work with these defendants and to see them find their way from negative engagement in the system to being smart, creative, and "wonderful members of our community." Judge Bloch has presided over START Court three separate times since its inception.

When asked what his best advice is to members of the bar, Judge Bloch says to "be direct, focus on quality arguments, and maintain credibility with the Court." He also notes that he

has appreciated the support he has received from Multnomah County voters throughout the years, and that he has felt "very supported by the Bench and by the Bar." In the coming year, Judge Bloch hopes to conduct more settlement conferences and preside over more trials. While he will probably find his way back to a specialty court rotation at some point, he said that he values the opportunity to let his colleagues on the bench also experience the "life altering and career altering" experiences that come with presiding over a specialty court. He adds that being a judge is a "great opportunity to be a leader" and stresses the importance of acting in ways that "have positive consequences and impact on the community."

Former Oregon Governor John Kitzhaber first appointed Judge Bloch to the bench on January 1, 2003. Judge Bloch earned his Bachelor's Degree in Industrial and Labor Relations from Cornell University in 1982 and his law degree from the University of Oregon in 1986.

**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!

## Professional Development During COVID

by Ramon Henderson  
YLS CLE Committee

For new and junior attorneys, COVID brings a unique set of problems and obstacles for professional development. Professional development is dynamic and constantly changing. It is recognized and understood as an integral part of every attorney's legal training and reputation. According to Bruce Robbins, professionals are forced to walk a social and moral tightrope "between the ethical level of 'responsibility' and the analytic level of 'system,' between the impersonal institution and the accountable individual."<sup>1</sup> This requires training, guidance, access to knowledge, meaningful experience, and relationship building, in addition to learning the expected norms and local decorum.

COVID has disrupted and challenged all aspects of professional development, and the conversion to virtual practice has particularly impacted new and junior attorneys who lack the substantive experience of senior lawyers. While the ability to work remotely has been a net positive for the legal profession, leaving many employed and financially stable in an otherwise turbulent labor market, the lack of daily contact with senior attorneys and mentors reduces opportunities for developing relationships, providing feedback, and taking advantage of teachable moments. The rise of Zoom and the now well-known phenomenon of Zoom fatigue are changing the ways attorneys conduct client meetings, depositions, hearings, mediations, and arbitrations. These once in-person learning experiences are being held virtually with all participants isolated from one another. CLEs, happy hours, and retreats are now conducted via Zoom where feedback and meaningful personal contact are limited. Nonverbal cues are harder to decipher over a screen and eye contact

is impossible. In order to appear like you are making eye contact, you have to stare into the camera. To look somebody in the eye, you have to look down at your screen. With more than two participants, it is impossible to see who is tracking who.

This is not to say everything is awful or to overstate the obviousness of our collective difficulty during COVID. The point is to highlight the myriad ways the legal profession has forged ahead and adapted, without overlooking what has been lost, even if just temporarily. My own firm, like many others, appreciates the unique difficulties COVID presents to new attorneys and has worked to minimize the disruption in our training by maintaining open and responsive channels of communication, meaningful feedback when possible, frequent check-ins, and expressing genuine support for our personal and professional well-being. The existence of virtual happy hours, virtual coffee or lunch with judges, virtual retreats, virtual CLEs, and virtual mentor programs are a testament to the profession's efforts and desire to maintain avenues for professional development and relationship building despite the limitations of COVID. Albeit structurally different, the goals and substantive elements of professional development remain the same.

Change is as messy and difficult as it is inevitable. The conversion to virtual practice has been exhausting for many, and platforms like Zoom have complicated and redefined the spaces and methods of interaction. Circumstance has forced new attorneys to forego some aspects of traditional training, but we are also getting in on the ground floor of what will undoubtedly become a new standard of practice. Zoom is here to stay. COVID forced the legal profession to quickly adapt, forming and adopting a robust infrastructure of remote communication that has provided new levels of access and

<sup>1</sup> Bruce Robbins, "Telescopic Philanthropy: Professionalism and Responsibility in Bleak House," in *Nation and Narration* 213, 216 (Homi Bhabha and Routledge eds., 1990).

## Outside In Pro Bono Spotlight

by Caulin Price  
YLS Pro Bono Committee

Since 1968, Outside In has provided a number of important services to underserved segments of Portland's community. Among other services, the program provides important health services, which are open to anyone. And during the coronavirus pandemic, Outside In, as a provider of essential services, has remained largely open, though it has had to scale back some of its operations. It still offers tele-health consultations five days per week, certain emergency services, including meals and health screening, and many others. In addition to health services, one of its most important programs is the Young Adult Services program, which provides assistance with transitional housing, behavioral counseling, education, and employment to individuals 16-24 years old. Legal services also play a notable role in Outside In's offerings, as many who access the organization's services have legal issues that can be barriers to consistent housing and employment.

The challenges presented by the coronavirus pandemic have been difficult for many, but they can be particularly difficult for those experiencing homelessness or those who are at or below the poverty line. One-third of those who utilize Outside In's services are experiencing homelessness and three-quarters live below the poverty line. Under those

circumstances, losing one's job or missing a rent payment may cost a person their housing. And, because young adults often do not have experience with the legal system, losing a job, missing a rent payment, or receiving an eviction notice may pose additional challenges. Outside In understands, however, that housing is the foundation to employment, education, and health, and has adopted a housing-first philosophy. Basic legal services can play a significant role in accessing housing and keeping that housing, especially for young adults who may not have any experience with the legal system, or have had only negative experiences.

Access to even brief legal consultations can ensure that those at Outside In know their rights, rights that may include rent assistance, other tenant rights, or unemployment benefits, and which can be difficult to take advantage of for anyone with little experience navigating the legal system. That is where Outside In's legal services come in. Before the pandemic, Outside In held a legal clinic, which was administered on a first-come, first-served basis, twice a week. Individuals who accessed Outside In's other services could come to the legal clinic and would be paired with

an attorney for a consultation to address basic legal needs. The issues typically ranged from tenant rights to expungement issues, which may be a barrier to stable housing for young adults with a juvenile record.

The pandemic, unfortunately, has upended the legal clinic and, for safety reasons, Outside In has not offered any in-person consultations since the pandemic began. As the coronavirus continues, we hope the program will be able to provide remote legal services through similar brief video consultations, albeit fewer times per month. Many of the legal issues have taken on an added importance: the landlord-tenant landscape has shifted multiple times in the last year and the economic impacts of the pandemic continue to take their toll. Simply knowing one's rights can make all the difference.

Outside In provides invaluable support to those experiencing difficulties in our community. Many of us take for granted our ability to access basic primary care, education, and housing, so we should jump at the chance to do our small part for anyone in our community who may not be so lucky.



If you would like to learn more about Outside In, or if you would like to volunteer with the legal clinic, please visit [www.outsidein.org](http://www.outsidein.org) or email Caroline Jackson, Outside In's volunteer coordinator, at [carolinej@outsidein.org](mailto:carolinej@outsidein.org).

accessibility. It would be naïve to assume we will return to pre-COVID practice.

Without dismissing the challenges, damage, and countless loss wrought by COVID, we should view our professional position as one of opportunity. New attorneys are in the unique position of learning a largely new aspect of legal practice at the same time as the most experienced members of the bar. The challenges, logistics, pitfalls, benefits, strategies, and consequences of virtual/remote practice are actively being discussed by the entire legal community. Professional development at this scale, across experience levels, does not come often and should not be rejected or ignored. In the meantime, we must maintain perspective. The more traditional aspects of training will likely resume in the post-COVID world. After all, most judges and attorneys are just as anxious to resume in-person practice as anyone.

## Children's Representation Project

Attorneys are appointed by the Multnomah County Family Law Court to represent children whose parents are involved in custody disputes. The project is coordinated by Judge Susan Svetkey and her staff. Attorneys with family law and juvenile law experience are especially needed for this project. Contact Brandy Jones, 503.988.3060, [brandy.l.jones@ojd.state.or.us](mailto:brandy.l.jones@ojd.state.or.us) for more information or to volunteer.

Thank you to the following lawyers who donated their pro bono services to the Children's Representation Project in late 2020.

Jacqueline Alarcón  
Jordan Barbeau  
Austin Batalden  
Brett Bender

Tom Brasier  
Jill Brittle  
Peter Bunch  
Emily Cohen  
Jack Dekovich  
Kelly Evans  
Michael Fearl  
Katie Goss  
Caryn Jones  
Allison Kamilos  
Loan Krochalis  
Michael McCaslin  
Michael McGrath  
Hank Paillet  
Shannon Parrot  
Billy Prince  
Elizabeth Savage  
Brenna Tanzosh  
Nicole Warren  
Lillian Watson  
Anthony Wilson  
Todd Worthley  
Theresa Wright  
Thomas Ybarra

## Veronica Rodriguez YLS Member Spotlight

by Maxine Tuan  
YLS Board

Veronica Rodriguez is Assistant Disciplinary Counsel at the OSB and a second-year member of the YLS Service to the Public Committee (STP). Part of the challenge the STP Committee faced in the last year was to translate historically in-person volunteer opportunities to safe, socially-distant volunteer opportunities. No small feat! As a member of the STP, Veronica was integral in organizing the recent Impact NW Donation Drive. She turned the event from an in-person gathering to a socially distant “drive by” where volunteers dropped-off essential household items, such as towels, nonperishable food, and soap, at the Impact NW headquarters in Northeast Portland. While different from the previous year, where the donation drive was a family-friendly, in-person event at Ex Novo Brewery and children were able to decorate the donation boxes and create cards for the families receiving the boxed goods, this year’s donation drive was still no doubt a success. The drive came at a time where the need for essential household items was acute due to the

ongoing pandemic. Impact NW helps to prevent homelessness by partnering with people as they navigate their journey to stability and opportunity. At the time of the donation drive, Impact NW was also working with families that were displaced or put at-risk by the devastating wildfires.

Veronica’s entire legal career has been as a working parent. Having worked for many years as a paralegal in California, Veronica moved her family, including a 2 ½ year old at the time, to Oregon to attend law school at Lewis & Clark. Having a partner who worked for the beer business at the time made Portland an attractive destination. Having been raised in Southern California and with almost their entire family there, the move to Portland was challenging at first, as they did not know anyone here and no longer had family support nearby.

During law school, Veronica worked as a law clerk for the Portland City Attorney’s Office and externed for the Honorable Darleen Ortega on the Oregon Court of Appeals. During her third year of law school, Veronica and her partner

decided to expand their family and had another daughter. After graduating, and with family obligations, Veronica worked while studying for the bar and accepted a position first as a certified law clerk and then as an attorney at Gilroy Napoli Short (GNS) Law Group. Veronica primarily focused initially on criminal defense but was also responsible for helping to build out the firm’s employment law department. GNS sincerely encouraged and supported Veronica’s growth as a new attorney. However, wanting to focus solely on employment law and with the possibility of a solo practice in the future, Veronica accepted an opportunity to be Of Counsel at Employment Law Professionals in Sherwood, closer to her home and children. As is likely the case with many, the ongoing pandemic positioned Veronica to reexamine what exactly she wanted long-term in her career. In January 2021, she excitedly accepted a position with the OSB Disciplinary Counsel’s Office, a job that checks almost all the needed boxes for a working parent.

Veronica, like many other working attorneys, has the difficult task of maintaining a busy law practice while caring for active young children during the ongoing global health pandemic. Part of Veronica’s success is her ability to structure her time. Time available to work is focused on work. Time available to parent is focused on spending quality time with her daughters. During the pandemic, considering herself fortunate to have the power to structure her days, Veronica has experienced longer but enjoyable days that are sprinkled with more kid time. She takes lunch with her oldest child, followed by a quick walk outside, weather permitting. Prior to the pandemic, her youngest was in daycare for most of day. Now, she’s been able to see how her youngest engages on a daily basis, and see her developmental growth. While Veronica is fortunate with self-starter daughters, there are those days where everyone hits a wall. In those moments, Veronica appreciates that she is sometimes the only other person during the day that her daughters interact with in this weird time where children are forced to learn remotely. While she was in law school, her daughter would hang out under her classroom desk with crayons and snacks, and now, during the pandemic, her daughter is hanging out on her office floor while on Zoom with her fourth grade class. At the end of the day, parenting during the pandemic and current state of world affairs is about forgiving, being kind and patient with each other, and trying to nurture a positive relationship with her daughters each and every day. Veronica thinks often about those who are less fortunate, who do not have the privilege of flexibility. She acknowledges how fortunate she is that she gets to try and make working and parenting function together cohesively.

Veronica details her experiences of having worked at law practices that appreciated work-life balance. The choice to do so was certainly intentional. It was important to Veronica to find organizations, such as the YLS and OWLS Queen’s Bench, and job opportunities, which valued family. Veronica



Veronica Rodriguez

was unafraid to ask during interviews targeted questions about where firms stood on family issues. She also made sure to reach out to her network to obtain information about firms and organizations she was considering applying to. Veronica has also made a lot of connections with others who share similar experiences of being a parent during law school and found support in friends who have helped her juggle growing as a new lawyer with helping to grow strong girls.

In the end, it is all worth it. Veronica’s daughters have seen her study for the bar, prepare for a trial, stay up late or get up early to work on a case. She hopes her daughters see her work ethic and commitment to the work she does. One day, she hopes her daughters will find a profession they are passionate about and work hard to be successful, whatever that looks like for them.

As a member of the YLS, Veronica has enjoyed meeting practitioners outside her practice area. She also enjoys the accessibility of meeting judges through the MBA, such as through the Bench Bar & Bagels event and YLS-hosted CLE seminars. In addition to Veronica’s volunteer work on STP, Veronica is starting her term on the OWLS Queen’s Bench Board, an organization that she has been very fond of and involved with since law school, and is an active member of the Owen M. Panner American Inn of Court. Outside of work, it is all about getting her family outside. Veronica and her family greatly appreciate the beauty of the Pacific Northwest and love to soak up as much of it as they can!

## 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 | 971-409-1358

**GUARDIAN**  
partners  
education + monitoring prevents abuse

10814 NE HALSEY ST | PORTLAND, OR 97220

**Tips From the Bench**

*Continued from page 10*

requirement of posting at least a \$50,000 bail.<sup>2</sup> Most articulate the legal steps necessary to get to their desired goal - just make sure you are one of them. File legal briefs describing the analytical framework. Release issues can be complex, and a lot of the bench is new. Don't expect the judge to have the same familiarity with the topic that comes from day-to-day practice.

These same comments hold for the State. I recently had a prosecutor arguing less about the law and more about the emotional trauma to a particular victim. While I generally think a victim's presence is helpful,

it wasn't in this case. The prosecutor swiveled throughout the hearing, turning back and forth to address both myself and the victim with emotional rhetoric. I sided with the State, but my decision was in spite of the presentation rather than because of it. Grandstanding annoys judges.

**3. Have documentation and/or images supporting your position, if you can.**

A picture really does speak a thousand words. Use them, and other documentation, to strengthen your position. The State can present photographs of injuries that help show why a "misdemeanor" Assault IV charge indicates a real threat to a victim's safety. Defense

can present photographs of a proposed home where the defendant might live if out. Interior shots might show a judge it is a suitable location. Provide letters and brochures from specific treatment programs your client can access. If your client is at a heightened risk for the COVID-19 virus, medical documentation can be extremely helpful.

Release hearings are common. Hopefully these "tips" will help yours be the most effective possible!

<sup>2</sup> ORS 135.240(5)(a).



**K. William Gibson**  
Arbitrator & Mediator

(503) 307-1676  
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)

Senior Judge  
**Diana I. Stuart**

Mediation & Reference Judge



Meeting your clients' needs statewide via videoconferencing

503.939.4779 | [diana@stuartlegalsolutions.com](mailto:diana@stuartlegalsolutions.com) | [www.stuartlegalsolutions.com](http://www.stuartlegalsolutions.com)

**STUART**  
LEGAL SOLUTIONS

## 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

**ZIMMER BOND FAY LLC**

DIVORCE ATTORNEYS



Trusted advocates. Personal service.

503-295-6191 | [zimmer-law.com](http://zimmer-law.com)

**Stuck Between A Rock And A Hard Place?**

Find common ground in mediation.



**mg**  
Goldberg  
MEDIATION

Meg Goldberg, M.S., J.D.  
503-236-2892  
[goldbergmediation.com](http://goldbergmediation.com)

## The Corner Office PROFESSIONALISM

### How Mentorship Can Help New Attorneys Develop Professionalism

What does it mean to be an attorney who exhibits “professionalism,” and how does an attorney learn or grow to be “professional?” The MBA’s statement about our Commitment to Professionalism reads that lawyers should “solve problems,” promote “integrity,” and treat people with “respect, courtesy and fairness without regard to any distinguishing personal characteristic.” Certainly, “professionalism” resides in these words and values, but it is as much a behavior as it is an ideal. As a new attorney I can remember reading about professionalism and being told to be professional, but I soon learned that professionalism was not a textbook exercise but rather a set of learned behaviors designed to elevate our interactions with each other, the courts and the public. Adhering to these behaviors is not always easy or straightforward but it is vital for the health of our profession. Mentorship, both formal and informal, was critical

for my growth into being an attorney who values and behaves as a professional. Nurturing that behavior can be achieved by pairing deliberate and thoughtful mentorship for new attorneys with a commitment to the ideals of professionalism.

Mentorship has become a formalized component of the process that new Oregon admittees undergo. Since 2011, the OSB has had a mandatory New Lawyer Mentoring Program. The significant benefits of mentorship for new lawyers has long been recognized. These benefits include empathy, networking, and practice and subject matter advice. Both the OSB and MBA mentorship programs have also emphasized the development of professionalism.

Mentorship is a superior development avenue for professionalism because a mentor can help take the abstract concept and infuse it with real-life context which will help the development of professional behavior. As a

new attorney I can remember the first time I confronted a situation where I thought another attorney was not behaving professionally toward me. I recall being upset, confused, and anxious about the situation, and it was the help of mentors that guided me through the experience. They were able to share their experiences and also their advice about how to proceed and how to learn from the situations I was encountering. The guidance and support of mentors was especially important when the attorney I felt was being unprofessional was a more experienced attorney, or an attorney who had more standing in our profession. My mentors were critical in helping me to have faith that my feelings were not the result of being less experienced than the other attorney.

Additionally, a mentor can help to model professional behavior in their relationship with their mentee. I will always be grateful to my mentors for demonstrating the behaviors of professionalism, such as

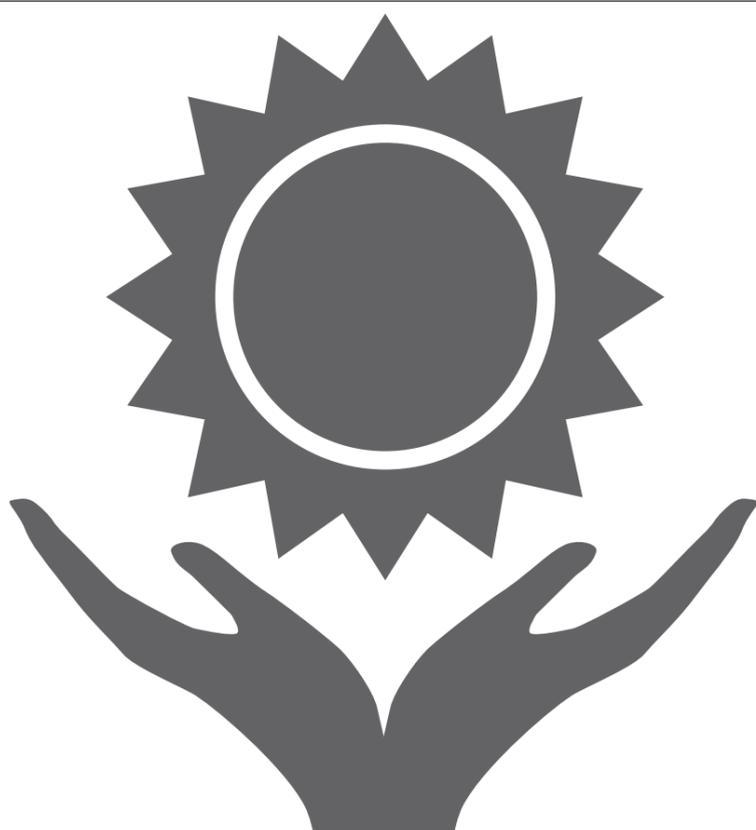
maintaining integrity even when it is a behavior that can come with a cost, or always treating people with courtesy and respect even if it is not being reciprocated.

Mentors should be deliberate and intentional about fostering professionalism as a part of their relationship with their mentee. Mentors should talk to their mentee about how professionalism is one of the areas of professional development that their mentorship will be focused on. They should let them know that if they ever encounter a situation where they believe another attorney has acted unprofessionally towards them that they are available as a resource and a support, or if the mentee believes they have may have acted unprofessionally, their mentor can provide objective and supportive feedback. A mentor should be prepared to share their own experiences with their mentee about their past challenges with professionalism as this can provide valuable context for their mentee. Finally, a mentor should model the behaviors of professionalism with their mentee. A mentor should not only treat their mentee with respect, courtesy and fairness, but also demonstrate respect for their mentee’s time by being prepared to provide the assistance or guidance

that the mentee is requesting.

Professionalism is a behavior as much as it is an ideal, and mentorship can be a profoundly effective method of helping new attorneys to develop it. There are many formal mentorship programs available and if you are an experienced attorney and are looking for opportunities to help new attorneys, I would highly recommend volunteering for the MBA’s mentorship program. The MBA Professionalism Committee works hard and takes pride in matching mentees with mentors and appreciates how mentors can enhance the development of a new attorney’s professionalism.

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



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.



[www.oaap.org](http://www.oaap.org) | 503-684-7425

## Member Resource Center

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



FORMERLY AKT

**MBA Group Insurance Plans**  
Hassle-free administration and customization of health plans for law firms. In addition to attorney, firm must have at least one W2 employee to be eligible. Steve Doty, 503.716.9328 and Mike Berry, 503.716.9390. MBAquotes@aldrichadvisors.com www.mbabar.org/benefits



**The Bar Plan Online Court Bonds**  
Streamlined court bond service with expedited turnaround. Kim Edgar, 1.800.843.2277 www.mba.onlinecourtbonds.com



**Clio Case & Practice Management Software**  
Simplify your workflow with this cloud-based practice management solution. Ten percent lifetime discount, as well as a seven-day free trial. landing.clio.com/multbar



**Columbia Bank Preferred Bank of the Multnomah Bar Association**  
Elise Bouneff, Joe Connors or Gwyn Hilden, 877.231.2265 www.columbiabank.com



**LawPay**  
Credit card processing intended for client-attorney transactions. 1.866.376.0950 www.lawpay.com/mbabar/



**Legal Northwest Staffing Specialists**  
Discounted pricing on direct-hire and temp-to-hire placement and a quality of service guarantee. Anneke Haslett, 503.242.2514 www.legalnw.com



**NAEGELI Deposition and Trial**  
The leading choice nationwide for court reporting and litigation support. \$100 discount for first scheduling - 10% discount thereafter on videographer, video deposition, trial presentation, and video conferencing hourly fees. 503.227.1544 www.naegeliusa.com



**Newsletter Advertising**  
MBA members enjoy reduced rates on display and classified advertising in the *Multnomah Lawyer* publication. In addition, all classifieds are posted on the MBA website. mba@mbabar.org



**Office Depot**  
Global provider of office-related products, services and solutions. Significant discount on regularly ordered items, standard discount on all purchases. bit.ly/MBABar\_OD



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



**UPS**  
MBA members can save up to 26% on their express shipping courtesy of UPS. www.savewithups.com/multnomahbar

## Classifieds

### Positions Available

#### Experienced Civil Litigation Attorney - D'Amore Law Group - Lake Oswego (Portland), OR:

Seeking an experienced civil litigation attorney to join our AV Preeminent litigation firm. D'Amore Law Group represents plaintiffs in complex civil litigation matters on behalf of individuals and families in catastrophic injury, wrongful death, sexual abuse, and insurance bad faith. We also represent several local governments in the National Prescription Opioid Litigation. We co-counsel and accept referrals with law firms across the country in a variety of legal matters including catastrophic injury multidistrict litigation. Firm attorneys are licensed in Oregon, Washington, California, Connecticut, and Massachusetts.

We are looking for an attorney who is passionate about plaintiff's work and wants to excel at an established, fast-paced and collegial law firm. The highest integrity and ethics are required. Excellent writing skills and excellent legal research skills are mandatory. The attorney should be looking to work for an established firm and for a long-term career opportunity. Attorney should be prepared to produce outstanding work product and practice with a team of attorneys and staff. Attorney must be a self-starter with an exceptional work

ethic and be prepared to hit the ground running. It is important that attorney has a positive attitude and works well with others.

Candidates must have demonstrated success in law school and solid civil litigation experience.

#### Why Work With Us

We are a catastrophic and severe injury, low volume, highly motivated, and detail oriented firm. We are very selective in the cases in which we get involved. Attorneys work on dynamic and high profile cases with each case getting individual, high level attention. Each attorney handles cases from intake to closing argument. Mentorship and collegiality are encouraged at the firm.

Candidate will be expected to engage in significant client contact and supervise cases; maintain open communication with clients, counsel, and staff; conduct legal research and draft complaints, motions, and memos; conduct depositions; make court appearances, and prepare cases for trial.

Candidate must be admitted to Oregon State Bar upon hire and must be proficient with Microsoft Office Suite, Westlaw, and using case management and document management software. Our attorneys must be able to manage cases proactively, multi-task, prioritize workflow to meet competing deadlines, work independently, guide paralegals and associate attorneys, and enjoy working in a fast-paced environment. Experience arguing motions in court and trial experience are desired.

Our attorneys work in a collegial environment committed to legal excellence and to mentoring newer lawyers. We offer a competitive salary based on qualifications and experience. We have excellent benefits, an ideal location in the Portland metropolitan area (Lake Oswego), and state of the art technology and software.

Our benefits include no-cost health insurance for employees, 401k, monthly accrual of PTO, a cafeteria Sec 125 plan, cell phone allowance, and free parking. Please email cover letter with salary requirements, resume, writing sample (max five pages), and three professional references to Shannon Ormsby: shannon@damorelaw.com. No phone calls please. Please visit our website for more information about our firm: www.damorelaw.com.

### Space Available

#### Two Office Shares in Downtown Portland; 1 Month Free with a 12 Mo Lease

One is 14x12 for \$1,200 per month, and the other is 15x10 for \$1,025 per month. Tenth 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, kitchen, copier & postage machine use. Building amenities: Gym, w/shower, tenant lounge. Contact Jamie at 503.243.2733 or jamie@kramer-associates.com.



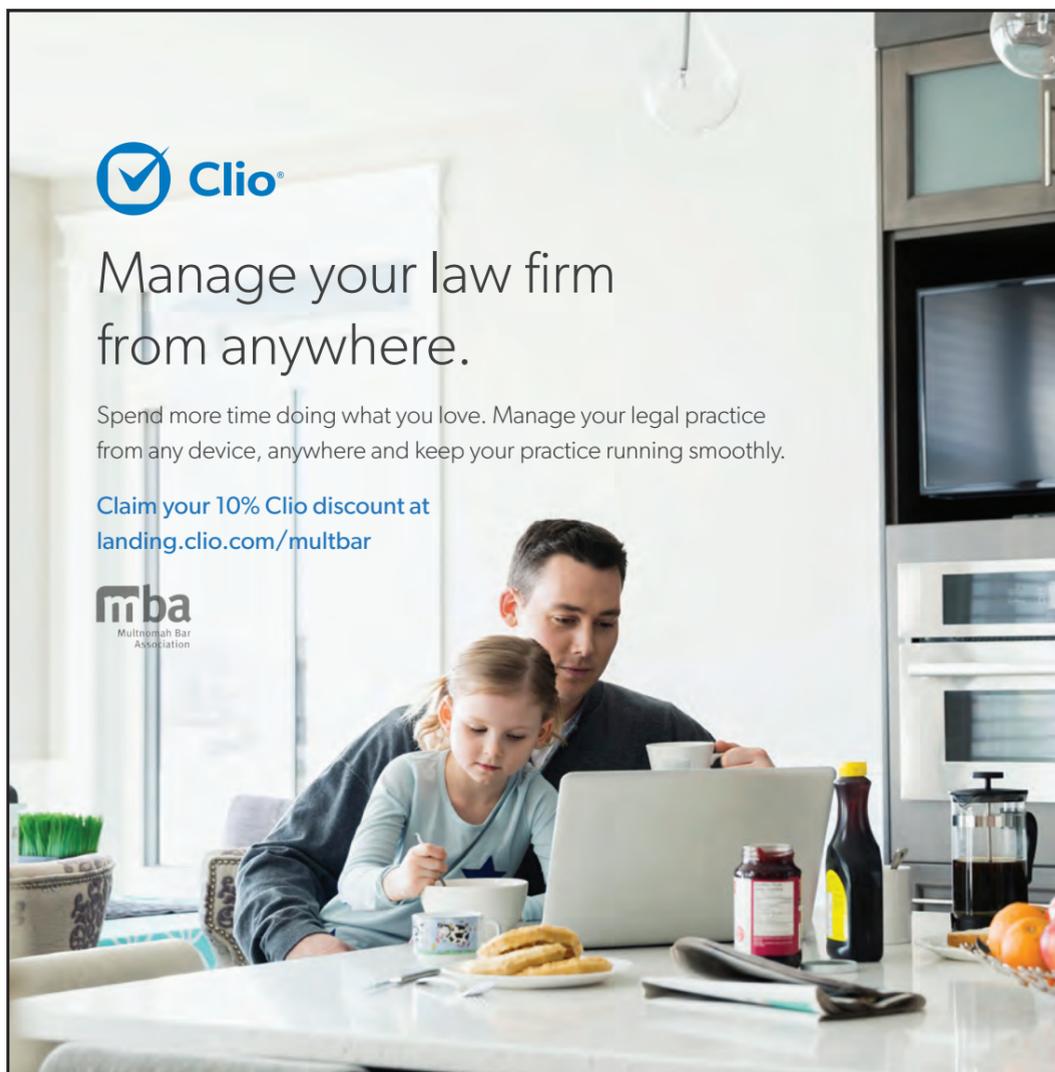
Put the new logistics to work for you.

UPS provides law firms with technology solutions that save time and reduce costs by improving internal business processes so that you are free to focus on what you do best, the practice of law. **Enroll today at savewithups.com/multnomahbar.**



**WE ♥ LOGISTICS™**

© 2010 United Parcel Service of America, Inc. UPS and the UPS brandmark are trademarks of United Parcel Service of America, Inc. All rights reserved.



**Clio**

## 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](https://landing.clio.com/multbar)

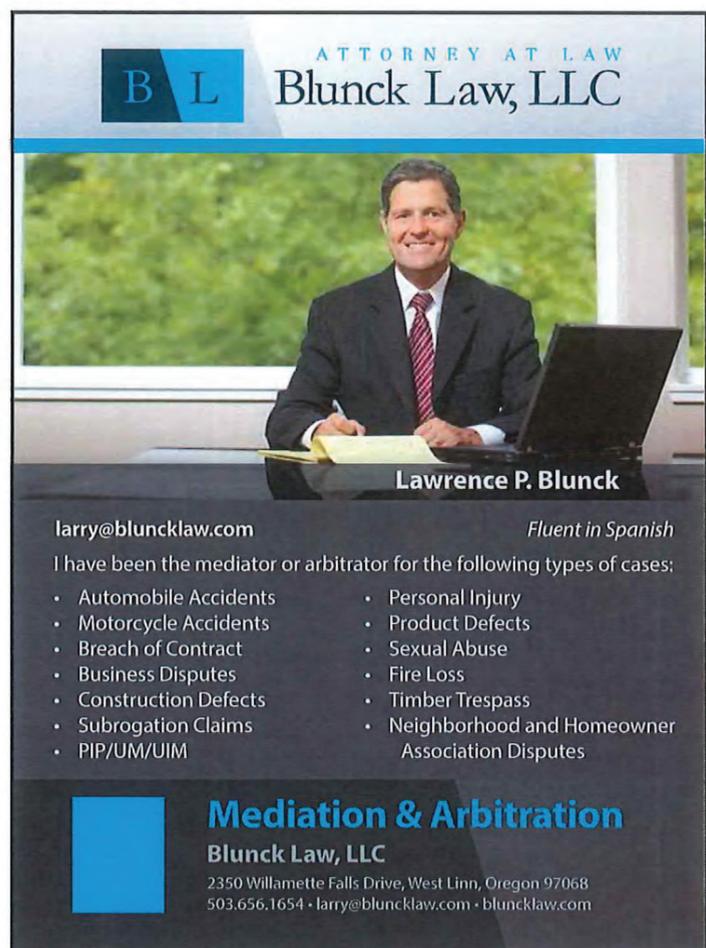
**mba**  
Multnomah Bar Association

## Pro Bono Volunteers

Thank you to the following lawyers who recently donated their pro bono services to the Volunteer Lawyers Project at Legal Aid Services of Oregon. Visit [www.mbabar.org/probono](http://www.mbabar.org/probono) to discover pro bono opportunities in Multnomah County.

- John Koch
- William Kwitman
- Linda Larkin
- Elizabeth Lemoine
- Justin Leonard
- Tamara Maher
- Riley Makin
- Lucy Ohlsen
- Gerald Pederson
- Theodore Piteo
- Garvin Reiter
- Susan Rossiter
- Donna Smith
- Hon. Jill Tanner
- Evans Van Buren
- Megan Van Kent
- Lee Wyatt

- Alexzander Adams
- Brett Carson
- Dallas DeLuca
- Celia Fitzwater
- Ezra Hammer
- Holly Hayman
- Theressa Hollis
- Samuel Justice



**BL** ATTORNEY AT LAW  
**Blunck Law, LLC**

**Lawrence P. Blunck**

[larry@bluncklaw.com](mailto:larry@bluncklaw.com) *Fluent in Spanish*

I have been the mediator or arbitrator for the following types of cases:

- Automobile Accidents
- Motorcycle Accidents
- Breach of Contract
- Business Disputes
- Construction Defects
- Subrogation Claims
- PIP/UM/UIIM
- Personal Injury
- Product Defects
- Sexual Abuse
- Fire Loss
- Timber Trespass
- Neighborhood and Homeowner Association Disputes

**Mediation & Arbitration**  
Blunck Law, LLC  
2350 Willamette Falls Drive, West Linn, Oregon 97068  
503.656.1654 • [larry@bluncklaw.com](mailto:larry@bluncklaw.com) • [bluncklaw.com](http://bluncklaw.com)

## HAVE YOU RENEWED YOUR HEALTH PLAN?

In these uncertain times, the MBA Health Trust can provide your firm with the stability of premium rates and plan designs guaranteed through March 31, 2021.

For over 35 years, the MBA Health Trust has offered competitive plan designs and premium rates for law firms throughout the state of Oregon and Clark County, Washington. Our medical, dental, and vision plans give law firms numerous choices from some of the most respected insurance carriers in the industry. Any firm with at least one W2 employee is eligible to enroll on the first day of any month.

Contact Aldrich Benefits for a quote on the MBA Plans today.

### CONTACT



**Steve Doty**  
[sdoty@aldrichadvisors.com](mailto:sdoty@aldrichadvisors.com)  
503.716.9398



**Mike Berry**  
[mberry@aldrichadvisors.com](mailto:mberry@aldrichadvisors.com)  
503.716.9390



[aldrichresources.com/mba](https://aldrichresources.com/mba) **Aldrich** BENEFITS



Washington or Oregon  
Or both

**JESSE JACOBS** **DON JACOBS**

## We're on your side

Available for consult, association, or referral for injury claims in Washington and Oregon. Let's talk soon.

- JESSE JACOBS**  
OTLA Guardian  
WSAJ Eagle
- DON JACOBS**  
Trial Lawyer of the Year, Clark County (2015)  
Past President, Oregon Trial Lawyers Association

Portland 503.222.7757 Vancouver 360.695.1624  
[nwinyurylawcenter.com](http://nwinyurylawcenter.com)



## Baldwin Dispute Resolution

Mediations & Arbitrations

### Richard C. "Dick" Baldwin

Former Supreme Court Justice,  
Trial Judge & Trial Attorney

All disputes, including:

- Personal Injury and Wrongful Death
- Commercial Litigation
- UM/UIM Neutral
- Arbitration Services of Portland (Panelist)
- American Arbitration Association (Employment Law Panelist)



503-545-0304  
baldwinresolve@gmail.com



MEDIATION ■  
ARBITRATION

25 years civil and criminal trial experience.

MULLEN ADR  
mollyjo@mullenadr.com  
503-901-6199

Molly Jo Mullen



PATTY ARJUN

JILL E. BRITTLE

NICOLE DEERING



MICHAEL J. FEARL

ZACHARY FRUCHTENGARTEN



ADAM FURCHNER

WILLIAM J. FUSSELL

LISA GABARDI



KIM GORDON

LAURA RACKNER

ZVI STRASSBERG

Supporting Families in Collaborative Divorces  
PDXCOLLABORATIVEDIVORCE.COM



**Habitat for Humanity**  
Portland/Metro East



**Habitat for Humanity seeking volunteer attorneys to guide homebuyers through affordability documents.**

For more information, please contact Loretta Kelly at  
loretta@habitatportlandmetro.org  
or call 503.287.9529 x 34

# LAWPAY<sup>®</sup>

AN AFFINIPAY SOLUTION

## POWERING PAYMENTS FOR THE LEGAL INDUSTRY

The easiest way to accept credit, debit, and eCheck payments

The ability to accept payments online has become vital for all firms. When you need to get it right, trust LawPay's proven solution.

As the industry standard in legal payments, LawPay is the only payment solution vetted and approved by all 50 state bar associations, 60+ local and specialty bars, the ABA, and the ALA.

Developed specifically for the legal industry to ensure trust account compliance and deliver the most secure, PCI-compliant technology, LawPay is proud to be the preferred, long-term payment partner for more than 50,000 law firms.

Proud Member  
Benefit Provider

**866-256-5004**  
lawpay.com/mbabar

## News From the Courthouse

Continued from page 10

NOTE: The court is not automatically postponing trials currently scheduled to occur in early 2021. If the lawyers believe that there is a particular urgency that justifies conducting the trial during the pandemic as scheduled, they should contact presiding court four to six weeks in advance to determine whether the trial should proceed and the precautionary measures that will be utilized. Do not wait until the call date and report "ready." If there is no particular urgency and the lawyers would like to pick a new trial date, they should set a scheduling conference with presiding.

**Family Law.** The court is in the process of opening family law and juvenile dockets per the CJO and the PJOs, which expand and explain which family law matters can be conducted now. Domestic relations trials resumed on January 4. Currently, the court is using two retired judges in addition to the 10 family law judges to help with the family law workload.

**Landlord-Tenant.** The moratorium on evictions for nonpayment of rent has been extended through June. Evictions for reasons other than nonpayment of rent may proceed. The court implemented a "pause" on court proceedings in those cases during the month of December due to the spike in COVID-19 cases. Those dockets resumed on January 4. Currently, under CJO 20-047, first appearances in person are allowed although parties are

encouraged to appear remotely; all other landlord/tenant hearings and trials must be conducted via remote means. The court will continue to monitor the landlord/tenant dockets to ensure the proceedings can be conducted safely, minimizing the need for in-person appearances during the pandemic.

**Status of the Old Courthouse.**

The ownership of the old courthouse was transferred from the county to the new owners and the building has been completely vacated. Unfortunately, it has continued to be damaged by vandalism.

**New Courthouse.** The court is working hard to provide as many services as possible, and trying to pivot constantly with whatever opportunities present themselves. Last year was a very busy year that included completion of the new courthouse; the move from the old courthouse; the pandemic; budget cuts and furloughs; protests; wildfires; and many fits and starts. It's taken intense, constant planning to keep up with the many developments. Some court proceedings require multiple courtrooms to safely conduct the matter in person while complying with constitutional "open courts" requirements. Depending on the case, multiple courtrooms may be needed for conducting trials; release and bail hearings; pleas and sentencing hearings; and as overflow rooms for holding spectators in cases that generate significant public interest.

Every case - criminal cases, where someone's liberty is at stake; family law cases, where critical child custody, parenting time, or other sensitive family issues are at stake; civil cases, where someone's

business or livelihood may be at stake - is extremely important to the parties. The court is trying to be responsive to the bar and to meet the needs of the community in spite of all the added pressures and limitations. During the pandemic, the court has prioritized, to the extent possible, holding hearings that may result in getting people released from the local jails.

In addition to holding hearings and trials, the court has many staff members working both onsite and remotely, providing customer service at public counters as well as through phone lines and email; processing filings and data entry; constantly rearranging dockets as changes become necessary; and addressing COVID-19 safety precautions on a daily basis. The circuit court had to mobilize quickly last year to purchase, configure, and distribute equipment so that staff and judges had the ability to work remotely when needed, as well as develop processes for conducting business remotely and train the staff and judges. The court received 220 new work-at-home desktop units in December and is working as quickly as possible to get those systems built and assigned to staff. The new equipment will further improve the functionality for those working remotely and will allow the court to continue to make improvements to processes and services. The court will soon have more people able to use phone lines over their computers at home.

Given the spike in COVID numbers, the court has tried to minimize the potential exposure for anyone coming into the

building, including judges and court staff. The court directs anyone who has had contact with someone who tests positive, whether the contact was in their personal life or at a courthouse, to observe a 14-day quarantine period from the time of the potential exposure. Dozens of employees and judges have been quarantined due to potential exposure to prevent spread of the virus, and the court notifies lawyers, probation officers, and others impacted whenever there has been a potential exposure incident in a courtroom or at a court facility.

The court is complying with the governor's travel advisory, requiring all judges and court staff who travel out-of-state for non-essential purposes to quarantine upon their return to Oregon. Those working at the courthouse every day minimize contact with co-workers, staff and the public. They may talk to each other every day, but most communications are conducted by telephone or video, even for people working in offices across the hall from each other. As of December 2020, there have been no reports that anyone has been infected by the COVID-19 virus due to a contact with another infected person in any of the Multnomah Circuit Court courthouses.

The court is utilizing available technology to conduct court business as much as possible to minimize the risk of exposure and has the capability to conduct all types of court proceedings remotely, whether by audio, video, or a combination of the two. To hold a video conference through WebEx - the only mechanism currently approved by OJD for court proceedings - lawyers should contact the judge's staff in advance to make the necessary arrangements. If some parties can appear on video through WebEx, but others cannot, the court typically conducts the WebEx proceeding through audio only to avoid any real or perceived advantage for the parties with the resources to appear through video. In most civil cases, where parties are represented on all sides and the lawyers have an internet connection and the capability to access WebEx, hearings should be conducted by video conference. Presiding Judge Stephen Bushong does all his civil motion hearings by video conference.

The COVID-19 pandemic presents a challenge for all of us. We must all continue to do the best we can under these difficult circumstances. The court appreciates the support, patience, and understanding of the bar and the MBA. Together, we WILL get through this.

**Office DEPOT**  
**OfficeMax**

**mba**

**WE'RE PROUD TO BE A PART OF THE OFFICE DEPOT OFFICEMAX BUSINESS SAVINGS PROGRAM.**

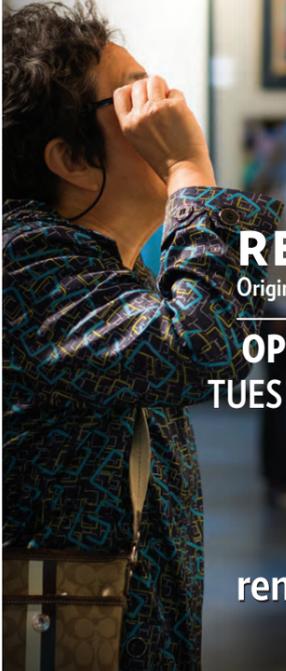
This exclusive program provides our members with special deals that extend to almost every item, access to Office Depot's technology services and local Business Pros, and more.



- 20% to 55% off** retail on cleaning & break room items.
- 10% off branded; 20% off private brand** ink & toner core list.
- 20% to 55% off** item office supply core list.
- Average 10% off** retail on 200 technology core.
- Free next-day shipping** on orders of \$50 or more.
- SIGNIFICANT** savings on copy & print.

Get your Store Purchasing Card sent to your phone right now.  
Just text "MBABarCard" to 844-446-6358.  
To shop online, register at [http://bit.ly/MBABar\\_OD](http://bit.ly/MBABar_OD)





**RENT TO OWN**  
Original works of art for your home or office

**OPEN BY APPOINTMENT**  
TUES - SAT 11 A.M. - 4:30 P.M.

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

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

## EARN CLIENT TRUST & REFERRALS WITH RUBY®

While you're busy juggling projects, court, and office duties, your future clients are calling you. Are you answering them all?

20%+ BOOST IN POTENTIAL NEW BUSINESS  
 10hrs OF DISTRACTION FREE TIME REGAINED  
 10%+ INCREASE IN HAPPY CUSTOMERS

"Ruby allows my office to focus on our work, while knowing all our calls will be answered by a friendly, live human. Engaging Ruby was one of the smartest things I did when I opened my own firm, and a key to my firm's success."

-MICHAEL DOWNEY, DOWNEY LAW GROUP



VISIT [WWW.RUBY.COM/MBA](http://WWW.RUBY.COM/MBA) TO LEARN MORE OR BETTER YET CALL US AT **844-338-4769**



# COURT BONDS

The reliable source for Probate, Civil Court, & Notary Bonds.

Partnering with:



underwritten by:



A percentage of Court Bond fees are donated to Legal Aid Services of Oregon

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

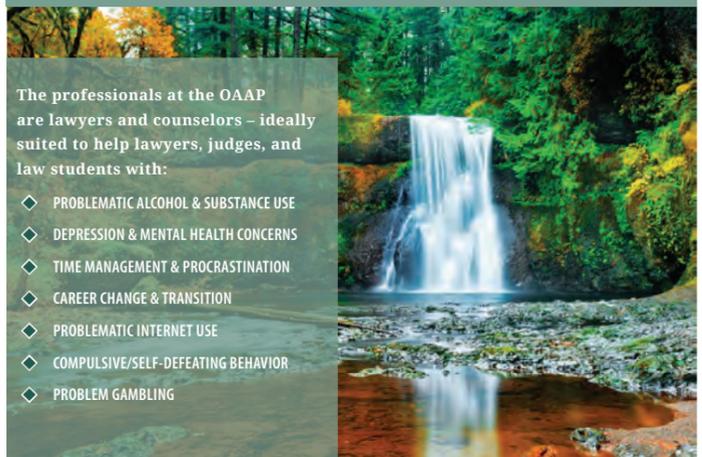
**LNS COURT REPORTING & LEGAL VIDEO**  
 Witness the Difference. 503-299-6200 / 800-366-6201  
[LNScourtreporting.com](http://LNScourtreporting.com)

Practicing law remotely?



Take depositions with LNS Mobile

Secure Webconferencing with Certified Steno Court Reporter and Online Exhibits  
 See Our Remote Deposition Resources @ [LNScourtreporting.com/remotedepo](http://LNScourtreporting.com/remotedepo)



The professionals at the OAAP are lawyers and counselors – ideally suited to help lawyers, judges, and law students with:

- ◇ PROBLEMATIC ALCOHOL & SUBSTANCE USE
- ◇ DEPRESSION & MENTAL HEALTH CONCERNS
- ◇ TIME MANAGEMENT & PROCRASTINATION
- ◇ CAREER CHANGE & TRANSITION
- ◇ PROBLEMATIC INTERNET USE
- ◇ COMPULSIVE/SELF-DEFEATING BEHAVIOR
- ◇ PROBLEM GAMBLING



Our services are *confidential* and *free of charge*.

**503.226.1057 • 1.800.321.6227**

The OAAP is a program managed and funded by the Professional Liability Fund