MBA YLS: Welcoming New Lawyers to the Profession

by Kirsten Rush
YLS President

Fall is a time of year for many things—pumpkin patches and changing colors, dusting off jackets and umbrellas, and in the professional sphere, welcoming new admittees as members of the bar. Perhaps the better title for this article would be “MBA YLS (Still) Welcoming New Lawyers to the Profession,” because while that has been one of the many roles of the YLS, like everything in the last several months, we’re doing it in a slightly different way.

I think back to when I passed the bar and the flurry of social and networking events I attended. Business cards and handshakes were exchanged and then there were the follow-up coffees and lunches. While I distinctly remember feeling nervous and looking around the room for someone I recognized, those early social events formed the building blocks of my professional network. Many of those early connections are now colleagues who I’m still regularly in touch with today. It was one of those social events that brought me to the YLS and paved the way for my work as a committee member, board member, and numerous friendships and connections. It’s hard for me to imagine my first few years as an attorney without the connections I built early on. Yet, we now have had a few classes of attorneys join the bar with extremely limited in-person interaction and networking. Even for those of us who have changed positions or firms during the pandemic, we are still able to maintain our professional networks in place. As this committee year begins, it particularly struck me that not only do we have committee and board members who have never met their fellow volunteers in person, but members of the bar who have not met their co-workers, opposing counsel, or professional network in person. It’s of particular importance as we face another year of uncertainty and continued meetings, socials, and lunches over Zoom that the YLS places building community and welcoming new lawyers at the forefront of all we do as an organization and professional justice.

Luckily, the YLS is an organization of innovation. The last 19 months have required a great deal of creativity, flexibility, and industriousness on the part of our members, and they have risen to the challenge has the goal of assisting each participant in becoming more effective and inclusive in their programming, which is targeted at new lawyers with access to justice issues in their programming and fostering a more inclusive environment both on the committee level and within the YLS as a whole. In October, the Social Justice Task Force partnered with OAPAR and OTLA to participate in the ABAs 21st Day Racial Equity Habit-Building Challenge for Asian American and Pacific Islander (AAPI) Heritage Month, which consisted of 21 daily short assignments and then an online discussion group. The Challenge has the goal of assisting each participant in becoming more aware, compassionate, and engaged in the quest for racial equity and to learn about AAPI communities.

This promises to be another year of outstanding YLS programming. Please join us as we welcome new attorneys to the community and to the YLS this year.

...those early social events formed the building blocks of my professional network.
**mba|EVENT**

**Virtual Bench Bar & Bagels**

Tuesday, November 9
7:30-8:30 a.m.
4-5 p.m.

The MBA hosts the 13th annual "Bench Bar & Bagels" event on Tuesday, November 9 from 7:30-8:30 a.m. and again from 4-5 p.m. Choose the one that best fits your schedule - or attend both! In past years, this event has been sponsored and hosted by Tonkon Torp. We had hoped to be back in person at Tonkon Torp this fall, but didn’t feel that we could safely do that yet. Please join your colleagues and members of the judiciary for this event, being held on Zoom. Using breakout rooms, we will assign you to a room with a judge, a member of the Events Committee or MBA Board and a few other lawyers.

This event is offered at no cost to MBA members and judges. Non-members: $10.

Please register at www.mbabar.org

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**Calendar**

**NOVEMBER**

25 Thursday-26 Friday
Thanksgiving Holiday - MBA Office Closed

9 Tuesday
Bench Bar & Bagels
Details on p. 2

17 Wednesday
MBA President’s Virtual Listening Session
www.mbabar.org

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**DECEMBER**

15 Wednesday
MBA President’s Virtual Listening Session
www.mbabar.org

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**Did you know?**

Nearly 1 in 5 families in Oregon are experiencing hunger and food insecurity.

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Divorce Mortgage Planning: Better Outcomes for Divorcing Clients
Thursday, November 4 3-5 p.m.
Online Participation Only
Members $60/Non-Members $95
Theresa Springer, CDLP of Divorce Lending Association, will provide attendees with an understanding of the implications and challenges of how a divorce settlement agreement involving real estate, spousal support, child support, etc. are affected by the financial challenges and requirements as related to mortgage financing and tax law. Attendees will learn how to avoid common issues post-decree when real estate is present, settle divorce cases with real estate and mortgage financing faster and reduce common hurdles for clients needing mortgage financing post-decree. Whether mediating a collaborative divorce settlement or restructuring a real estate portfolio, there are real concerns and financing strategies involving your client’s current real estate, ability to buy one spouse out or structuring maintenance in order for the receiving spouse to qualify for a new mortgage. The key to making sure your clients are well-positioned for their new lives after divorce comes from knowing how to set them up for success. This class covers various financing strategies and hurdles facing qualified income sources, marital debt and the disposition of the marital home.
For more information: Contact Mary Barzda, Gevirtz Menashe PC, at 503.227.1515. For registration questions, contact the MBA at mba@mbabar.org.

Protecting the Rights of Servicemembers
Wednesday, November 10 Noon-1 p.m.
Online Participation Only
Members $30/Non-Members $50
Trevor Caldwell, Miller Nash LLP, will discuss different types of active duty, the Servicemembers Civil Relief Act, and state laws that may apply when a party is called to active duty. He will also go through the steps an attorney needs to take when a client who is called to active duty.
For more information: Contact Mary Tolleson, Corey Law Group, at 503.688.7092. For registration questions, contact the MBA at mba@mbabar.org.

Get to Know Your New Judges - Part 1
Wednesday, November 17 Noon-1 p.m.
Online Participation Only
Members $30/Non-Members $50
Hon. Adrian L. Brown and Hon. Chanpone P. Sinlapasai will moderate the panel. Please join us for this unique opportunity and bring your questions.
For more information: Contact Justice Brooks, Foster Garvey, at 503.553.3117. For registration questions, contact the MBA at mba@mbabar.org.

Access to Justice in Oregon: Serving Oregon’s Low-Income and Vulnerable Communities
Friday, November 19 Noon-1 p.m.
Online Participation Only
Members $30/Non-Members $50
Maya Crawford Peacock, Executive Director, Campaign for Equal Justice and Monica Goracke, Executive Director, Oregon Law Center and Jill Mallory, Satewide Pro Bono Manager at Legal Aid Services of Oregon will present this Access to Justice accredited CLE on the delivery of legal services to low-income communities in Oregon. The seminar will focus on legal aid’s response to the increase in needs caused by the pandemic, the 2018 “Barriers to Justice - Civil Legal Needs Study,” priority setting, and sample cases. In addition, presenters will discuss the current funding sources for legal aid in Oregon, and how Oregon attorneys can increase access to justice in our state.
For more information: Contact Margaret Ayla Ercin, Campaign for Equal Justice, at 503.295.8442. For registration questions, contact the MBA at mba@mbabar.org.

Shhh! Ethical and Malpractice Considerations of Keeping Client Confidences
Thursday, December 2 Noon-1 p.m.
Online Participation Only
Members $30/Non-Members $50
Note: One hour of ethics OSB MCLE credit will be applied for.
This program will address common ethical and malpractice pitfalls that arise in keeping client confidences. Xin Xu, Xin-Xu Law Group, and David Elkanich, Buchalter PC, will cover:
• Your client file has been subpoenaed. What should you do?
• You have been subpoenaed to testify. Now what?
• You expect to be a witness at your client’s trial. Can you continue to represent your client?
• Your client bashed you on social media or Yelp. Can you respond?
For more information: Contact Justice Brooks, Foster Garvey, at 503.553.3117. For registration questions, contact the MBA at mba@mbabar.org.

Mandatory Elder and Child Abuse Reporting
Tuesday, December 7 Noon-1 p.m.
Online Participation Only
Members $30/Non-Members $50
Note: One hour of Abuse Reporting OSB MCLE credit will be applied for.
This program will help lawyers meet their legal responsibilities as mandatory reporters, while maintaining their ethical obligations to clients. Kali Jensen of Gevirtz Menashe will present this dynamic and practical discussion on:
• Recognizing elder and child abuse;
• Complying with mandatory reporting requirements; and
• Protecting privilege and confidentiality!
For more information: Contact Amy Cross, Gevirtz Menashe PC, at 503.227.1515. For registration questions, contact the MBA at mba@mbabar.org.
International Dispute Resolution: Fundamentals, Controversies, and Recent Developments
Thursday, December 9 3–5 p.m.
Online Participation Only
Members $60/Non-Members $95
Disputes that have an international component can present a number of complications not encountered in conventional domestic litigation. The presenters - Chris Helmer, of Miller Nash LLP, and Professor George Foster, of Lewis & Clark Law School - will provide an overview of some of the most salient of these issues, paying special attention to points of controversy and recent developments. Among the issues they will explore are personal jurisdiction over foreign defendants; service of process abroad; foreign sovereign immunity; forum non conveniens; the international abstention doctrine; anti-suit injunctions; discovery in international cases; the Alien Tort Statute; and the enforcement of arbitration agreements and awardstaff.

For more information: Contact Jan Christy, Miller Nash LLP at 503.205.2416. For registration questions, contact the MBA at mba@mbabar.org.

Annual Probate Update
Thursday, December 16 3–5 p.m.
Online Participation Only
Members $60/Non-Members $95
The MBA presents the 2021 Annual Probate Update, featuring Judge Patrick Henry, Multnomah County; Judge Thomas Rastetter, Clackamas County, and Judge Jandle Wipper, Washington County, as well as Bryan Marsh, Oregon Department of Justice, and Tim McNeil, Davis Pagnano McNeil & Vigna LLP. The judges will discuss current practices and procedures for each of the tri-county area probate courts. Bryan will provide legislative updates, and McNeil will provide an update of recent case law. This CLE seminar is a must for all probate practitioners and their staff.

For more information: Contact Amy Cross, Gervurtz Menashe PC, at 503.227.1515. For registration questions, contact the MBA at mba@mbabar.org.

CLE Registration Form

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Online CLE registration strongly encouraged. Visit 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 to the address below. Accommodations available for persons with disabilities; please call in advance for arrangements not encountered in the normal course. Photocopy registration and mail payment to: Multnomah Bar Association 620 SW Fifth Ave., Suite 1220 • Portland, OR 97204 503.222.3275

Unable to attend? Archived webcast options are available at www.mbabar.org/cle

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.

11/4 Divorce Mortgage Planning: Better Outcomes for Divorcing Clients
Online attendance only - link will be emailed
☐ Class Registration ($60 Members/$95 Non) $______

11/10 Protecting the Rights of Servicemembers
Online attendance only - link will be emailed
☐ Class Registration ($30 Members/$50 Non) $______

11/15 Get to Know Your New Judges - Part 1
Online attendance only - link will be emailed
☐ Class Registration ($30 Members/$50 Non) $______

11/19 Access to Justice in Oregon: Serving Oregon's Low-Income and Vulnerable Communities
Online attendance only - link will be emailed
☐ Class Registration ($30 Members/$50 Non) $______

12/2 Shhh! Ethical and Malpractice Considerations of Keeping Client Confidences
Online attendance only - link will be emailed
☐ Class Registration ($30 Members/$50 Non) $______

12/3 Get to Know Your New Judges - Part 2
Online attendance only - link will be emailed
☐ Class Registration ($30 Members/$50 Non) $______

12/7 Mandatory Elder and Child Abuse Reporting
Online attendance only - link will be emailed
☐ Class Registration ($30 Members/$50 Non) $______

12/9 International Dispute Resolution: Fundamentals, Controversies, and Recent Developments
Online attendance only - link will be emailed
☐ Class Registration ($60 Members/$95 Non) $______

12/16 Annual Probate Update
Online attendance only - link will be emailed
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Oregon Lawyers Against Hunger Fund Drive
Join Oregon Lawyers Against Hunger (OLAH) from November 1-12 to fight hunger and its root causes. Due to the ongoing pandemic, wildfires and associated economic disruption, hunger is at its highest level in almost a century. Help build resilient communities throughout Oregon and Southwest Washington that never go hungry. Contact Melissa Kenney, OLAH Board President, at melissakenney74@gmail.com to get involved or make a gift to give.oregonfoodbank.org/olah.

Statement of Diversity Principles Available to Sign
The MBA Equity, Diversity & Inclusion Committee invites you to sign the Statement of Diversity Principles. Read and sign the diversity statement and pledge at www.mbabar.org/diversity.

Risk Management Basics, Part 1: Conflict Checks

In the next three columns, we'll survey three pillars of law firm risk management. This month, we'll focus on conflict checks. Next month, we'll discuss engagement agreements. We'll conclude in January by looking at systematically closing a matter when a has been completed. Following the tenets involved will not eliminate all risk inherent in practicing law today. Conscientiously following the principles outlined, however, should reduce overall law firm risk.

With conflict checks, we'll look at four primary areas: (1) you need a system; (2) you need to use it; (3) you need to input complete information; and (4) you need to ask questions about the results. Each is deceptively simple. Yet, the Northwest examples we'll use as illustrations underscore both the regulatory and civil risk lawyers and their firms face if they don't follow these simple steps.

**Systems**

The Oregon Supreme Court in In re Knappenberger, 338 Or 341, 355-56, 108 P3d 1161 (2005), disciplined a lawyer for failing to detect a conflict. In doing so, the Supreme Court cautioned that lawyers in private practice need a conflict system:

> [H]e had no real procedure for checking for conflicts. He kept a client address list [...] [T]he accused checked his list or other files only when his memory alerted him to a potential problem. [...] In our view, a lawyer in the accused's situation may not rely solely on his or her memory to avoid prohibited conflicts of interest.

The Supreme Court in Knappenberger did not specify the kind of conflict system a law firm should have - other than it needs to be more than an old-fashioned " Rolodex" and the lawyer's own memory. The particular system a firm uses understandably will vary by firm size, practice and geographic scope. Most conflict systems are now software-based and are often built into billing or practice management software. The PLE has practical information on both procedures and systems on its website.

**Use**

Actually using the firms' conflict systems is equally critical. v. Rauhman, 2006 WL 2237708 (WD Wash Aug 3, 2006) (unpublished), offers a telling example. A large firm took on a fast-developing case. As they charged into the lawsuit, the team of lawyers involved at the firm didn't run a conflict check. Unfortunately, they were using a firm client. Disqualification followed, with the judge offering a memorable quote:

> The Court notes that appearing in court and giving notice of representation before a conflicts check has been run is not advisable on any level. (Id. at *1 n.1.)

It is often a precise time when stress due to the press of case events or client demands that representation of one has been run is not advisable on any level. (Id. at *1 n.1.)

**Complete Information**

Even if a conflict check is timely run through a state-of-the-art system, the result will be inadequate if incomplete information was provided. Atlantic Specialty Ins. v. Premera Blue Cross, 2016 WL 1615430 (WD Wash Apr 22, 2016) (unpublished), offers another telling example. A large law firm's Portland office took on an insurance coverage case in federal court for an affiliate of a carrier. The carrier provided the firm with a list of its affiliates in a set of "corporate counsel guidelines" and reminded the firm that representation of any one member of its corporate family would be considered representation of the entire family. For whatever reason, the handling lawyer in Portland did not enter the additional names into the firm's conflict database. Later, a major client of the firm's Seattle office asked the firm to defend it in a coverage case in federal court there against another carrier. When the firm filed its notice of appearance in Seattle, the carrier in that case moved to disqualify the firm because it was a member of the same corporate family being represented in Portland. Again, disqualification followed with another memorable quote from the judge: Similarly troubling to the Court was the fact that [Law Firm] could not advise the Court as to whether [Client] was identified as a firm client in [Law Firm]'s conflicts check system. (Id. at *13.)

Particularly in an era when it is common for corporate clients to provide lists of affiliated entities to law firms and often to take the position that representation of one is representation of all, lawyers need to be careful about what matters are accepted and opened.

**Asking Questions**

In evaluating conflict reports, lawyers also need to ask questions about the results. In re Drake, 18 DR Bpt 225 (Or 2004), involved a partner at a large firm who relied on another partner that earlier work for a party adverse to a firm client had concluded. The firm, however, was still representing the adverse party. The Bar cautioned that the lawyer acted in good faith, but imposed discipline for the conflict nonetheless. Although a harsh result, it serves as a pointed reminder that because discipline is imposed against individual lawyers rather than firms, lawyers need to ask questions if there is any ambiguity on a conflict report.
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Sydney is a new lawyer but a life-long problem solver who has worked in both the public and private sectors. She brings to each case her keen analytical skills, versatility, and the moxie required of a fierce and principled advocate. We’re excited to have her join our commercial litigation team.
Delfina Homen

**Miller Nash LLP**

Delfina Homen has joined the firm's multistate intellectual property team. Homen will focus on representing clients in disputes involving patent, trademark, and copyright infringement, trade secrets, unfair competition, and tort and contract matters. Homen represents clients from diverse industries in a variety of IP litigation matters, including trademark opposition and cancellation proceedings before the Trademark Trial and Appeal Board and inter partes review patent proceedings before the Patent Trial and Appeal Board. Homen is also experienced in IP procurement and enforcement. She has worked on numerous trademark and patent applications, assisting clients in obtaining the IP protection they need to grow and support their business strategies. Homen received her law degree from Lewis & Clark Law School.

**Harlan Mechling**

**Tonkon Torp LLP**
The firm welcomes attorney Harlan Mechling to its Litigation Department. Mechling joins Tonkon Torp from the US District Court for the Central District of California where he worked as a judicial clerk for the Hon. Michael Fitzgerald. Prior to the US District Court, Mechling served as an Assistant Attorney General for the Labor & Industries Division of the Washington State Attorney General's Office, and completed a clerkship with Chief Justice Mary Fairhurst of the Washington State Supreme Court. Mechling graduated with honors from the University of Washington School of Law.

**Román Hernández**

**Troutman Pepper**

Román Hernández, managing partner of the firm’s Portland office and Oregon State University (OSU) alumnus, has been appointed by Oregon Governor Kate Brown to serve on the OSU Board of Trustees. Pending Oregon Senate confirmation, Hernández will begin his four-year term this fall. Hernández has a national litigation practice focused on employment law and commercial litigation.

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**Autumn has arrived...**

and it's time to renew your MBA membership.

Here are just a few reasons to join now for 2022:

- A refreshed Free CLE Library, with 60-plus hours of free, unlimited, MCLE-accredited seminars recorded during the recent 2020-21 program year.
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The pandemic has certainly affected the practice of law and undoubtedly will continue to affect the practice for many years to come. I suspect many of the changes necessitated by the pandemic will continue and become as ‘usual’ for all lawyers we need to continue to be flexible, adaptive, and open to new ways of practicing law. Last month, I had the opportunity to be part of a panel discussion in San Diego with judges from many of the western states.

The topic was “Litigation in a Pandemic.” It was fascinating to hear how other states managed their civil dockets, including trials. Some stopped almost all trial work, others continued in larger spaces to accommodate social distancing. Many changed the numbers of jurors necessary in a given case. One state had four-person juries in all civil cases valued at under $50,000 and one state reduced all civil cases to a jury of eight. There are many opinions as to whether there was an impact to verdicts, and at this point, I am not sure we have the data to opine. In 1995, the Oregon Legislature abolished all district courts, but prior to that, act Oregon had two trial courts. The primary difference between the district court and the circuit court was that the circuit court was a court of general jurisdiction, while the district court was a court of limited jurisdiction. The district court had limited jurisdiction over criminal offenses, and limited jurisdiction in civil proceedings. All civil cases filed seeking damages of under $50,000 were heard by the district court with six-person juries. There is some data available as to how these verdicts, but anecdotally, those who practiced in the district courts and later in the circuit courts didn’t see much difference in the verdicts.

While it is unclear how many of the local changes will persist post-pandemic, I do not believe things will ever be quite the same and perhaps the changes required by the pandemic will allow for the better practice of law. For example, all civil motions have been heard remotely for over a year and, for the most part, whether by phone conference or video it appears to work very well for many motions. Trial readiness conferences, civil call, prima facie hearings, and many other historically routine courtroom dockets are now heard remotely. If the pandemic has demonstrated the need to think outside the box, try something new, or to talk about your cases realistically with opposing counsel without a pending trial date. Many years ago, Gerry Spence came to Oregon and posed a few questions and asked the judge for permission to conduct your depositions in a slightly different fashion. His method was new to Oregon and was uncomfortable for many. However, it has become the norm and while it took some time, most people found they preferred the practice. Someone has to be willing to try something new, and for most of us unless we are forced by circumstances, in this case, the pandemic, change is slow and painful.

There is a new report issued by the ABA that will help guide lawyers through what’s ahead of us. This report was published in July and is designed to understand increased understanding about both the impact of the pandemic on the practice of law and predictions about the future of the legal profession.

The report, Practicing Law in the Pandemic and Moving Forward: The Voices and Best Practices from a Nationwide Survey of the Legal Profession (www.bit.ly/practicing_pandemic), was based on input from 4,200 ABA members “from all geographic areas, practice settings, sizes of firms, corporations, and organizations, levels of experience, age, family status, races and ethnicities, types of gender identity, and types of disabilities.” The report offers some insights as to how to stay focused on your practice while caring for yourself and those around you. On a local level, we need to begin the conversations as to how we move forward and get cases to trial while managing the safety of everyone involved in a jury trial. If we are to be successful and get cases moving, it will take patience and the willingness to try something new. All of us need to renew our commitment to civility and professionalism.

Court Update by Presiding Judge Stephen Bushong

Two new judges were appointed in September and are now working. Judge Chantzho Sinapallai and Judge Jenna Plank. Two new juvenile hearings began in October. Kristine Almquist and Matt Leady. Juvenile Referee Carol Herzog has retired. Vaccinations

All judges and court staff were required by chief justice order to be vaccinated by October 1 if they did not qualify for a medical or religious exemption. If they chose not to be vaccinated by the deadline, they were required to be laid-off. The vast majority of court staff have been fully vaccinated, but some requests for exceptions to the requirement are still pending. The court may lose some critical staff if they chose not to vaccinate and are not approved for an exemption.

Social Distancing

Chief Justice Martha Walters issued a chief justice order on September 7 requiring courts to implement social distancing throughout the courthouse no later than October 15. As a result, the court requires social distancing for all court proceedings. Social distancing has had a significant impact on jury trials. Often 200 to 250 people would appear for jury duty, but our jury assembly room can only hold 30 to 60 jurors with social distancing. Each jury trial utilizes multiple courtrooms, which limits the available space in the courthouses. The jury deliberation rooms in the new courthouse are not large enough for a socially distanced 12-person jury to deliberate, so deliberations typically must occur in a separate courtroom.

Remote Jury Selection

Jury selection for all civil and criminal cases was ordered to be conducted remotely starting October 4. Remote jury selection means that jurors summoned to appear for jury duty will appear via Webex from their homes or offices. Jurors who do not have the technological capability to appear remotely would prefer to appear in person can still come into the courthouse for the selection process. Those people will be given equipment in the courthouse to use for the jury selection process so that all prospective jurors will appear individually on the Webex screen. The goal is to increase practicality in the remote juror selection process and allow the court to conduct more jury trials while social distancing is required.

The court has completed its remote jury selection process after the program that has been used in King County, by Washington, for much of the pandemic.

Most civil trials have been postponed until after November 1. The court reminds the bar that trials set for fall do not automatically get rescheduled. Practitioners should set a trial scheduling conference with the presiding judge and pick a new date.

Odyssey Update

The Oregon judicial branch completed an update of the Odyssey program in October. Odyssey was down from Thursday evening, October 14, until Tuesday morning, October 19, and the court was closed on October 15.

Judicial Conferences

The annual judicial conference was held October 18-20.

Court Workload

Under current presiding judge orders, the court may resume conducting some civil jury trials beginning on November 1. However, the court’s capacity to conduct civil jury trials will be limited due to social distancing and the number of criminal cases that will have priority because of speedy trial or other considerations. Presiding court is encouraging practitioners with trials scheduled in the November or December to consider postponing those trials to a mutually acceptable date in 2022 to enable the court to keep up with the workload while complying with social distancing requirements. If the parties conclude that there are good reasons for proceeding with a November or December trial, the court will do its best to make the trial happen. However, if too many civil cases report “ready” for trial in November and December, the court may not have available space or may be unable to handle the workload. Judge Bushong does not want to be put in the position of having to inform attorneys on the eve of trial that their trial must be rescheduled because there are too many priority and other trials ready to go. Attorneys wishing to reschedule a November or December trial should contact presiding judge to schedule a scheduling conference with Judge Bushong.

Additional Court Updates by Trial Court Administrator Barbara Marcille

The court has seen a significant increase in COVID exposure and contraction, all of which requires quarantining and stresses the court’s resources. The court has also noticed an increase in the number of fully vaccinated staff and attorneys contracting breakthrough cases.

Remote Jury Selection

Remote jury selection is safer during the pandemic, is more convenient and less stressful for jurors, and allows the court to continue to conduct more jury trials. However, the process does take longer and requires some logistical changes to the ordinary voir dire process. Remote jury selection will usually take place the day prior to the start of trial. Extensive instructions are sent to jurors prior to their date of appearance. Jurors are told to report to the courthouse in person for the actual trial, so opening statements will start the day after the jury selection process.

The court will continue to refine this new process and will post more information about the remote jury selection process on the court’s website. Attorneys are encouraged to review that information before trial so they’ll know what to expect.

The Central Courthouse

October 5 was the anniversary of opening the new Multnomah County Central Courthouse. The technology built into the new courthouse has enabled many innovations and allowed us to keep the court open and operate for the past year, although with social distancing in place our capacity and resources continue to be limited by the new facility. The detention elevator and public elevators are working again. The outer barriers have allowed the building to continue to operate in spite of damage from multiple protests and will remain up for foreseeable future.

Tips From the Bench

The Practice of Law Post-Pandemic

by Judge Judith Matarazzo

Multnomah County Circuit Court

News From the Courthouse

www.mbabar.org

Multnomah Lawyer

10
tips for visiting the courthouse
by tyler volm
director, mbf board

A trip to the courthouse can be intimidating for anyone. A large public building, packed with stressed-out people, frantically going from the security checkpoint to their appointed time and place is a hectic scene. Everyone navigating the new capacity restrictions on elevators, amongst other pandemic protocols, all while out of practice after two years of social distancing, and that’s just the lawyers. For the average person, a trip to the courthouse can be downright scary.

In response, Multnomah County and other development partners put a great deal of effort into making the new courthouse as inviting as possible. From the opening of the building, which includes several forum areas with natural light, to the placement of specific signage and wall art, the efforts geared towards inclusion are reflected throughout. For visitors who may not have the time to peruse the halls and identify the subtle nuances, below are some helpful tips for anyone visiting the new courthouse for the first time.

The CourtSupport Navigator, a public assistance position funded by the Multnomah Bar Foundation’s CourtSupport program, is located directly after the security checkpoint. The Navigator is a welcoming person at the information desk who fields questions on topics from jury duty and paying traffic tickets to elevator and restroom access. Crystal Ross, Program Director of the Volunteers of America Oregon’s Family Relief Nursery and Drop-in Services, noted that having a consistent face at the CourtSupport Navigator station over this last year has been very helpful. Program Director Ross also noted that bringing children to the courthouse adds an additional layer of stress, and reminded visitors that there is free childcare for children age six weeks to 12 years old. Multnomah CourtCare, is a safe space to play while the parent(s)/or guardian(s) attends to their matter. Volunteers of America oversees both the CourtSupport Navigator and CourtCare drop-in childcare.

Chris Austin, Facility Security Unit Manager for the Multnomah County Sheriff’s Office, wants visitors to know that the sheriff’s role in assisting people through the security checkpoint and beyond is informational. They are not there in a law enforcement capacity. "The uniform can be intimidating, but we are here to help you, not arrest you." Austin encourages visitors to pause when they arrive, assess the signage and use the Court Navigator, and be sure to ask questions rather than assume. The court officials are there to help.

Tips for the security line: 1) be ready when it is your turn (people watching is common); 2) laptops/tablets must be removed from their bag and scanned separately; and 3) when in doubt, take it out.

Both contributors encouraged a new visitor utilize the different tools in place to help make this public building not just accessible, but inviting and safe.

developing a plan together: Columbia Bank and MBA Members
by amy santamaria
vice president and wealth advisor, columbia bank wealth management

It’s a cliché, of course, but one that certainly applies in these difficult times: if you fail to plan, you plan to fail. In my years of providing wealth advice and counsel to attorneys, I’ve often found that professionals are so busy planning for their clients that they neglect their own financial planning. While this lack of strategic foresight can be a minor problem in normal years or early in one’s career, personal financial planning is exponentially important as we still deal with economic uncertainty amidst the ravages of the global pandemic.

Having a wealth advisor in your corner to provide expertise and counsel is more important than ever to help protect and enhance the assets that you’ve built through your hard work. In this space, I hope to encourage you to take some time to talk with a wealth advisor about how the pandemic is affecting your practice and your personal financial situation. If you don’t already have a wealth advisor, Columbia Bank and the Multnomah Bar Association (MBA) have developed a partnership through which any MBA member is entitled to a complimentary financial planning session. Comprehensive financial services with the support of your wealth advisor will help you successfully grow, preserve, and transition your hard-earned wealth. A wealth advisor will create and implement a financial plan that is customized to your core values and financial goals. Plus, we monitor and track your progress over time to get - and keep - you on track so that you meet your short and long-term goals.

Proper financial planning will cover integral aspects of wealth management, including:

• Net worth and cash management
• Asset allocation
• Retirement planning

Education funding
• Tax and estate planning
• Social Security analysis

During this unprecedented time, Columbia Bank understands that we all still need navigating uncharted territory, and our commitment to serving legal professionals is unwavering. Please consider us a vital resource during these challenging times. We understand that just as each law practice is unique, each attorney is unique, and we’re here to help. We are honored to continue supporting the Multnomah Bar Association and its members through the continuing economic challenges that we face. Please reach out to us so that we can build a strong plan together.

Amy Santamaria is a Vice President and Wealth Advisor for Columbia Bank Wealth Management, serving Southwest Washington and the Portland Metro markets. Santamaria’s expertise spans wealth management, financial planning, investment management and strategies for wealth transfer. She can be reached at 360.906.4209 or asantamaria@columbiabank.com.
Dear Reader,

I have been struggling to get projects done by internal due dates. I always think and plan out enough time to work on them, but then other things come up or I get pulled into other projects. What should I do to make sure I can complete all my work timely? Help before I lose my job!

-YLS

Block out focus time. We tend to stack up meetings, phone calls, and socializing during times when we expected to be doing work. One way that I have helped myself is to block out focus time each day to complete the tasks that need to be done.

Calendar hard and soft deadlines. It is easy to lose track of deadlines, and further to overlook for soft deadlines. Make sure you are calendaring both. Also, keep a hard copy calendar and schedule times to work on projects in advance of the due dates. The PILR recommends keeping a hard copy calendar as a backup. Further, at the end of the year it is an easy way to look back and know what you have accomplished over the year.

Set boundaries. One of the easiest problems to get into, and hardest problems to avoid, is taking on too much work.

Ask the Expert

Dear Overloaded Associate,

This is a common problem for lawyers who are just starting out their careers. These are my own meanderings takes to help you manage your practice.

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Farleigh Wada Witt - Financial Services Attorney

FWW is seeking an experienced financial services attorney to provide legal advice and support for our financial services practice. The ideal candidate will be comfortable operating with considerable latitude, possess a high level of initiative and professionalism and business-oriented approach to solving legal issues and have experience working with financial institutions and their corporate, operations and retail activities. Please submit a resume and cover letter to the Hiring Partner via email or regular mail at: hwulde@fwlaw.com or Farleigh Wada Witt, 121 SW Morrison St., Suite 600, Portland, Oregon 97204. We are an equal opportunity employer.

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Paralegal

Diane S. Sykes, Attorney at Law, PC, located in SE Portland, seeks a paralegal to work 25-30 hours per week on plaintiff-side employment cases. Contact Ms. Sykes via email at diane@dianesykeslaw.com to inquire.

Civil Attorney

McEwen Gaswald LLP is hiring. We are looking for an attorney with 2-3 years of experience in civil litigation. Ideally the candidate has at least enough experience to handle smaller matters on their own and larger matters with some mentoring/coaching from the rest of the team. It is very important to us that candidates are positive and pleasant to work with and who are good with people. This is intended to be a long-term/career hire. We are a good fit for someone looking to downsize from a big firm or have more peer interaction than working solo.

Salary will be dependent upon experience and includes a bonus compensation arrangement.

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Thank you to the following lawyers who recently donated their pro bono services to the Children’s Representation Project or the Volunteer Lawyers Project at Legal Aid Services of Oregon. Visit www.mbabar.org/probono to discover pro bono opportunities in Multnomah County.

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