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MULTNOMAH LAWYER

February 2023 Volume 69, Number 2



A Chat to Start the Year

by Tim Resch MBA President

As the year comes to a close, it's natural to look back on the challenges and triumphs of the past 12 months. While it's easy to focus on the negative, it's important to remember that every year brings its own set of challenges and opportunities. As we enter the new year, I am

is upon us.

feeling optimistic about the future.

I'll stop here and make a confession. The above paragraph was drafted by ChatGPT - the new open source artificial intelligence website. I don't know nearly enough about AI technology, but it seems the future is upon us, ready or not. AI is already in use for litigation discovery projects. I was playing around with ChatGPT and asked it to draft an employment agreement. Maybe it was operator "error," but the final product doesn't give me immediate concerns about lawyers being replaced by machines. Back ...the future

to my machine collaborator for a few more paragraphs about the new year:

ready or not. One reason for my optimism is the way communities and individuals have responded to the challenges of the past year. From supporting local businesses to volunteering and donating to those in need, people have found ways to come together and support each other. This resilience and kindness is something to be celebrated, and it gives me hope for the future.

In addition to these specific developments, I am also optimistic about the potential for positive change in the coming year. With the election behind us and a new administration taking office, there is the opportunity for progress on a wide range of issues, from climate change to healthcare to racial justice. While change never comes easily, I believe that with the right leaders and a collective commitment to creating a better future, we can make meaningful progress on the issues that matter most to us.

Of course, no year is without its challenges, and I don't want to downplay the difficulties that many people are facing. But even in the midst of these challenges, there is always the opportunity for growth and progress. As we enter the new year, I am choosing to focus on the positive and to believe in the power of possibility.

In my November Multnomah Lawyer article, I mentioned our privileged position as lawyers. I suspect many MBA members are supporting our local businesses and volunteering and donating to those in need. We do have a new governor, and new leaders locally in Multnomah County and on the Portland City Council. One issue ChatGPT didn't mention is the homeless and houseless crisis that continues in our community. At a recent breakfast forum Mayor Ted Wheeler talked about his plans for the next year, and asked what we in the audience - as community members - were prepared to do to help make positive changes. Another challenge is the public defense crisis, ably discussed in MBA Treasurer John Robb's article in the

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PRSRT STD U.S. POSTAGE PAID PORTLAND, OR PERMIT NO. 00082 January Multnomah Lawyer. Jumping back to the ChatGPT for a closing, we get:

So, as we say goodbye to 2022 and hello to 2023, I am feeling optimistic about what the coming year will bring. I believe that with a little bit of hope and a lot of hard work, we can accomplish great things.

...I'll also commit

to doing my best to

promote the social

interrelationships of

and professional

MBA members...

Whether it's finding new ways to support our communities, working towards a more sustainable future, or simply being there for each other, there are endless ways we can make a positive impact.

As we start the new year, let's remember to embrace the optimism and hope that are within us. Whether it's a small gesture or a bold move, let's commit

to making a difference in our own lives and in the lives of those around us. Let's make 2023 a year to remember, not just for the challenges we faced, but for the progress we made and the hope we carried with us.

That last paragraph isn't so bad. Optimism and hope are a good way to start off a new year. As MBA President, I'll also commit to doing my best to promote the social and professional interrelationships of MBA members (point four in the MBA Bylaws purposes and objectives). As part of that commitment, I would like to connect more with colleagues - old and new. If I see you at an upcoming social or professional event, please let me know how the MBA is doing, and how we can better support the MBA's mission to advance justice, service, professionalism, education and leadership for our members and our community.

MBA 19th Annual WinterSmash

A Family-Friendly Bowling Event Saturday, February 4 11 a.m.-2 p.m.

KingPins 3550 SE 92nd Ave, Portland A Multnomah Bar Foundation Fundraiser



Thank you to the WinterSmash sponsors.

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mba | CLE

Due to the COVID-19 pandemic, the MBA will be offering all seminars **ONLINE ONLY** unless otherwise listed. To register for a CLE seminar, please see p. 3 or visit www.mbabar.org/cle and input your OSB number to register at the member rate.

FEBRUARY

2.6 Monday **Does My Client Need a Parenting Coordinator?** Cassandra Marshall Charlene Sabin, MD

2.8 Wednesday **Mastering Pretrial Motions** Nathan Morales

2.10 Friday **Appellate Law Update** Judge Kristina Hellman Judge Katharine von Ter Stegge

2.21 Tuesday **Mental Health and Substance Use in the Legal Profession:** One Lawyer Talking To Another **Judy Parker** Bryan R. Welch

MARCH

3.14 Tuesday **Investment Deals and Investor Litigation: A Conversation** Between a Business Lawyer and a Litigator About **Practicing Securities Law** Cody Berne Bryson Davis

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Get to Know Your Consulate of Mexico

by Shalini Vivek, MBA Board and Tyler Volm, MBF Board

As part of the Multnomah Bar Foundation's efforts to reach out to different communities and resources in Multnomah County, in November of last year, we had the pleasure of visiting our local Consulate of Mexico, located on the corner of SW 12th Avenue and SW Jefferson Street. Mexico has over 50 consulates in 25 states, and opened the Portland branch in 1996. Our warm welcome amongst an already bustling consulate epitomized their "open door" approach, and put into action the main mission of protecting the rights and interests of its constituents. Consulate staff completes this mission by providing a variety of services, including mobile consular services once per month across Oregon as well as in SW Washington, which is included in the consulate's geographic territory.

Documentation services include passports, identification cards, voting cards, consular registrations, and military booklets, some of which can be issued within the hour. Federal background checks can be completed in as little as 48 hours. Civil registry services include birth and death certificates, and birth and marriage registrations. The consulate can update birth certificates to conform to the person's gender identity. Notary services include wills and powers of attorney. Through this package of services, which are available to Mexican and US citizens alike, the consulate assists with a variety of important administrative tasks.

The Protection Department is responsible for protecting constituents' rights when they are abroad, regardless of their immigration status. Immigration, human rights, criminal, labor, family, domestic violence, and administrative issues are addressed by this

department. The consulate also regularly brings in local attorneys to discuss services related to these high-demand areas and staff are always looking for other organizations and attorneys to partner with.

The Community Affairs
Department implements
programs on education, culture,
health, economic development,
leadership training, and
community empowerment. The
Comprehensive Care of Women
Program provides empowerment
tools and protects women's rights.

Calendar

FEBRUARY

4 Saturday WinterSmash 2023 Details on p. 1

9 Thursday YLS Community Service Opportunity: Blanchet House

20 Monday Presidents' Day MBA Office Closed

22 Wednesday MBA Solo & Small Firm Workshop Details on p. 13 22 Wednesday YLS Community Service Opportunity: Rose Haven Details on p. 13

23 Thursday YLS Trivia Night Details on p. 13

MARCH

9 Thursday YLS Speed Networking Details on p.13



Lorenzo Preciado, Consul of Protection, Mariana Torres, Consul of Administration, and Carlos Quesnel Meléndez, Consul Titular, welcome Shalini Vivek and Tyler Volm

A particular point of pride for Consul Carlos Meléndez and the rest of the team was the release in late 2022 of the third-generation Consular Identification Card, which contains some of the most advanced security technology in the world, even outpacing US passport security measures. On these security advances, Mr. Meléndez stated "it's our community, and our responsibility to ensure that they are well documented with secure credentials." In addition to security advances, the new

identification card allows for the election of a non-binary notation for the person's sex or allows them not to include gender at all. The old cards are still valid, but the new cards are now available and are widely accepted by local authorities.

The consulate prides itself on immediate results compared to other diplomatic positions, and in the two hours we were there, we saw several people leave with new documents in hand, heard a presentation from a local immigration lawyer, and observed several examples of these immediate deliverables, all done in a welcoming, serviceoriented matter.

Readers are welcome to reach out directly to the consulate for more information or to learn about volunteer opportunities.

> Mexican Consulate 1305 SW 12th Ave Portland, OR 97201 503.274.1442 Email: portland@sre.gob.mx Website: consulmex.sre.gob.mx/portland/

To learn more about the Multnomah Bar Foundation's outreach and community partnerships, contact Pamela Hubbs (503.854.5237, pamela@mbabar.org).



 $MBF\ representatives\ meet\ with\ the\ consulate\ team$





The MBA will apply for 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.

Does My Client Need a Parenting Coordinator? Monday, February 6 3-5 p.m.

Online Participation Only

Members \$60/Non-Members \$95

This presentation by **Charlene Sabin**, MD and **Cassandra Marshall**, JD will define the role of a Parenting Coordinator (PC). They will provide practical information for you and your clients, including a sample order for appointing a PC. They will highlight the benefits and limitations of using a PC, discuss which cases are best served by using a PC, and answer common practical questions about this role.

For more information: Contact Mary Tollefson, Brindle McCormack, at 503.224.4825. For registration questions, contact the MBA at mba@mbabar.org.

Mastering Pretrial Motions

Wednesday, February 8 12-1 p.m.

Online Participation Only

Multnomah Bar Association

503.222.3275

620 SW Fifth Ave., Suite 1220 Portland, OR 97204

Members \$30/Non-Members \$50

Pre-trial motion practice can make or break your case. In this presentation, **Nathan Morales** of Stoel Rives will present best practices and his tips and tricks for motions to dismiss, motions to compel discovery, and motions for summary judgment in state and federal court.

Nathan is an experienced trial and appellate attorney. In his career, Nathan has navigated a variety of complex business disputes on behalf of clients, focusing primarily on privacy and data security, class-action defense, and policyholderside insurance litigation. As an appellate lawyer, Nathan successfully has briefed and argued in the Oregon Court of Appeals, Oregon Supreme Court, and Ninth Circuit Court of Appeals.

For more information: Contact Jamison McCune, Driggs Bills & Day PLLC, at 503.212.4475. For registration questions, contact the MBA at mba@mbabar.org.

Appellate Law Update

Friday, February 10 12-1 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 Kristina Hellman** will present an overview of some key civil law decisions from the Oregon Court of Appeals and Oregon Supreme Court from 2021-22. These esteemed speakers will touch on issues relevant to nearly all practitioners.

For more information: Contact the MBA at mba@mbabar.org.

Additional class descriptions on page 4

CLE Registration Form Seminar Selection: Please select the seminar(s) you wish to attend. Written materials for each class are included with registration. Pre-registration with payment is required to participate. NAME CARD NUMBER 2/6 Does My Client Need a Parenting Coordinator? Online attendance only - link will be emailed FIRM EXPIRATION DATE AND SECURITY CODE ☐ Class Registration (\$60 Members/\$95 Non) 2/8 Mastering Pretrial Motions SIGNATURE **ADDRESS** Online attendance only - link will be emailed ☐ Class Registration (\$30 Members/\$50 Non) \$ BILLING ADDRESS FOR CARD (if different) STATE ZIP 2/10 Appellate Law Update Online attendance only - link will be emailed PHONE ☐ Class Registration (\$30 Members/\$50 Non) \$_ 2/21 Mental Health and Substance Use in the Legal Profession: **One Lawyer Talking To Another** Online attendance only - link will be emailed ☐ Class Registration (\$30 Members/\$50 Non) \$_ ☐ Check ☐ VISA ☐ MasterCard ☐ MBA Member 3/14 Investment Deals and Investor Litigation: A Conversation Between a Business Lawyer and a Litigator About Practicing ☐ American Express □ Non–Member **Securities Law** For online attendees, link will be emailed ☐ In-Person Registration (\$30 Members/\$50 Non) . . \$____ Online CLE registration strongly encouraged. Visit www.mbabar.org to register online. Registration forms ☐ Online Registration (\$30 Members/\$50 Non).....\$____ 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 Total due.....\$____ in advance for arrangements. Photocopy registration and mail payment to:

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

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Mental Health and Substance Use in the Legal Profession: One Lawyer Talking To Another

Tuesday, February 21 12-1 p.m. Online Participation Only

Members \$30/Non-Members \$50

Note: One hour of Mental Health and Substance Use OSB MCLE credit will be applied for.

The practice of law can be fast-paced and challenging. For some, it can also be stressful and overwhelming. As a result, recent research confirms that lawyers, judges and law students experience mental health concerns like anxiety, depression and problematic substance use at rates significantly higher than the general public. In addition, lawyers, their colleagues, their families, and their clients may be experiencing higher than usual levels of stress as society transitions to the "endemic" stage of COVID.

By joining this one-hour presentation with **Judy Parker**, The Winemakers' Lawyer and **Bryan R. Welch**, Oregon Attorney Assistance Program, attendees will:

- Learn about research that documents the need for greater support of lawyer well-being.
- Explore their own role in helping to reduce the stigma associated with mental health and substance misuse by fostering acceptance and by encouraging help-seeking behavior.
- Consider the value of sharing their own experience in overcoming challenges with others who may be struggling, when appropriate.
- Increase their awareness of signs and symptoms of unhealthy stress, substance misuse, anxiety and depression in themselves and others.
- Learn strategies for initiating difficult conversations about mental and health and substance use, including how to approach people who may be struggling, how to ask for help, and how to support people who are seeking treatment and/or recovering from mental health or substance use challenges.
- Receive materials that include information about the ABA's National Well-Being Task Force recommendations, signs and symptoms of impairment, tools to enhance well-being, and resources for getting help.

For more information: Contact Sean Currie Glinka, Motschenbacher & Blattner LLP, at 503.417.0500. For registration questions, contact the MBA at mba@mbabar.org.

Investment Deals and Investor Litigation: A Conversation Between a Business Lawyer and a Litigator About Practicing Securities Law

Tuesday, March 14 12-1 p.m.

Miller Nash, 111 SW 5th Ave, Ste 3400 and Online Participation Members \$30/Non-Members \$50

Business lawyer **Bryson Davis** of PNW Business Law and trial lawyer **Cody Berne** of Stoll Berne examine a hypothetical investment opportunity for red flags, both for those behind the investment opportunity and for investors. In examining the investment opportunity, Bryson and Cody will discuss issues that business lawyers and litigators should keep in mind when a business deal or case involves securities.

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

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mba ANNOUNCEMENTS

Immigration P.L.A.N. Conference - March 2-3

The Oregon Chapter of the American Immigration Lawyers Association (AILA) invites paralegals, law students, assistants, and new practitioners interested in immigration law to attend. Scholarships available. Early-bird discounts end February 3. See registration page at www.bit.ly/aila-plan for details.

MBA LSAT Preparation Course Scholarship - Apply by March 10

To help achieve the goal to foster and expand diversity in the Multnomah County legal community and the state of Oregon, the MBA Equity Diversity & Inclusion Committee awards scholarships for LSAT preparation courses to law school applicants whose future involvement in the law will enhance the diversity of our bench and bar. Applications are due March 10. Details available at www.bit.ly/mba-lsat.

Commitment to Professionalism

The MBA Professionalism Statement is available for MBA members to order and display in their offices. The statement is printed on quality 11x14" parchment paper and is suitable for framing. Reconfirm your commitment to professionalism; order your free Professionalism Statement at www.bit.ly/prof_statement.

Pick-Up Soccer

Join middle-aged MBA members and others for Monday and Friday 10 a.m. pick-up soccer at Buckman field in NE Portland. Great workout. Contact Bob Bonaparte for details. bob@bb-law.net; 503.242.0008.

Noontime Rides

Join all ages of bicycle riders for noontime hill climbs on Mondays and Thursdays. Assemble at noon at SW Corner of Pioneer Square and leave together at 12:15 p.m. Rain or shine. Frequent regroups. Mondays include rotating paceline around SW Fairmount; Thursdays go up through Forest Park. E-bikes okay. Great repeating interval workouts. Contact Ray Thomas, 503.228.5222 if you are a new rider or for additional details.

Volunteers Needed to Serve as Courthouse Experience Tour Guides

Classroom Law Project is seeking volunteers who can dedicate at least one weekday morning a month to guide teachers, students, and chaperones on courthouse tours. Training and support will be provided. Email Christopher Parrucci at cparrucci@classroomlaw.org for more information.

PDX Starting Grounds

The coffee café in the Central Courthouse offers beverages, breakfast, lunch and snack items. Open Monday through Friday, from 8 a.m.-2 p.m. See the menu or order online for takeout at www.pdxgrounds.com.

Ethics Focus



On February 13, 1974, lawyer Albert Ohralik was picking up his mail at a post office near Cleveland when a postal worker mentioned that an automobile accident had occurred nearby on February 2 injuring two local young people. One was still in the hospital and the other was recovering at home. Ohralik, who did personal injury law, went to the hospital. The accident victim there was 18 years old and in traction. Ohralik tried to sign her to a contingent fee agreement. Ohralik later did the same with the victim recuperating at home, who, although 18, had not yet graduated from high school.

Both victims later filed bar complaints against Ohralik. Ohralik was disciplined under Ohio's then-current rule generally prohibiting solicitation. Ohralik appealed to the US Supreme Court - arguing that his conduct was protected commercial free speech in keeping with the Supreme Court's decision the year before in the seminal lawyer advertising case of Bates v. State Bar of Arizona, 433 U.S. 350 (1977). The Supreme Court disagreed and upheld the ability of regulatory agencies to limit direct in-person solicitation when it amounted to duress or harassment.

Mirroring, albeit to a lesser extent, the circuitous path of advertising regulation since Bates, the rules governing inperson solicitation since Ohralik v. Ohio State Bar Assn., 436 U.S. 447 (1978), have attempted to define specific categories of permissible targets for in-person solicitation. Oregon initially followed this national approach but more recently distilled the regulatory footprint down to the constitutional core recognized in 1978 - permitting most inperson solicitation unless it involves duress or harassment.

In this column, we'll first briefly survey that elliptical history for context and then turn to the remaining limits on inperson solicitation under Oregon RPC 7.3.

What Was Old Is New: Soliciting Clients Under RPC7.3

by Mark J. Fucile Fucile & Reising LLP

Historical Context

The principal Ohio rule that the US Supreme Court addressed in Ohralik was patterned on ABA Model Code of Professional Responsibility DR 2-103(A), which was adopted by the ABA in 1969. That restriction followed ABA Canon 28, which was adopted in 1908 and prohibited "[s]tirring up strife and litigation[.]" In the wake of Ohralik, ABA Model Rule of Professional Conduct 7.3 as adopted in 1983 prohibited in-person solicitation (or the telephone equivalent) when it involved duress or harassment, or the target had otherwise told the lawyer they did not wish to be contacted. Model Rule 7.3, however, also continued to prohibit in-person solicitation more broadly unless it was directed to defined categories such as family or former clients. Amendments adopted in 2002 expanded the rule to include "real-time electronic contact" and added other lawyers to the permitted targets. Further amendments in 2018 reframed the definition as "live personto-person contact" regardless of form and added a "person who routinely uses for business purposes the type of legal services offered by the lawyer" to the permitted targets. The ABA rule, however, largely retained a general prohibition layered atop specifically permitted categories of direct contact.

Oregon's rules initially followed a similar trajectory with, if anything, even more twists beginning with former Oregon DR 2-104 and, more recently, Oregon RPC 7.3. In 2017, however, the OSB proposed a sweeping change to RPC 7.3. The amendments returned the paradigm to the one essentially suggested in Ohralik: generally permitting in-person solicitation as long as it did not amount to duress or harassment (or the target had told the lawyer they did not wish to be contacted). The amendments were approved by the OSB House of Delegates in late 2017 and were adopted by the Supreme Court in early 2018.

Remaining Limits

Oregon RPC 7.3 now reads:

A lawyer shall not solicit professional employment by any means when:

(a) the lawyer knows or reasonably should know that the physical, emotional or mental state of the subject of the solicitation is such that the person could not exercise reasonable judgment in employing a lawyer; (b) the person who is the subject of the solicitation has made known to the lawyer a desire not to be solicited by the lawyer; or (c) the solicitation involves coercion, duress or harassment.

The 2017 OSB House of Delegates materials reflect the broad intent of the amendments:

The proposed amendment eases the restrictions of ORPC 7.3, allowing lawyers to more freely engage with Oregonians, while retaining protections designed to protect consumers from overreaching and abuse.

The 2017 House of Delegates materials also note a remaining anomaly the OSB could not address directly: ORS 9.510. That statute, with lineage dating back to the early 1900s, broadly prohibits solicitation of personal injury claims: "No attorney shall solicit business at factories, mills, hospitals or other places ... on account of personal injuries to any person, or for the purpose of bringing damage suits on account of personal injuries." ORS 9.527(5), in turn, includes ORS 9.510 within the regulatory jurisdiction of the Oregon Supreme Court and there are reported disciplinary decisions citing ORS 9.510 (see, e.g., In re Ruben, 228 Or 5, 363 P2d 773 (1961)). Although the disciplinary cases citing ORS 9.510 largely predate modern commercial free speech law, it was mentioned on cautionary note in a 2021 OSB ethics opinion (OSB Formal Op. 2021-196). Therefore, whatever constitutional clouds may hang over ORS 9.510, it remains "on the books" and cannot be discounted entirely.

Around the Bar

Barran Liebman LLP

Andrew Schpak, Barran Liebman Co-Managing Partner, has been honored by the American Bar Foundation (ABF) with a 2023 Outstanding State Chair Award. As a Life Fellow of the ABF and Chair of the Oregon Chapter of the Fellows, Andrew is dedicated to the Foundation and its work. He is also actively involved with the American Bar Association (ABA), representing District



Andrew Schpak

19 (Oregon, South Carolina, and Iowa) on the ABA Board of Governors and serving his second consecutive term as Chair of the Board's Finance Committee and as a member of its Executive Committee.

The MBA Board and leadership congratulate Andrew for this well-deserved recognition.



Nels Vulin

Vulin Wilkinson LLC

MBA members Nels Vulin and Robert Wilkinson have opened Vulin Wilkinson LLC, a boutique law firm specializing in construction litigation. Vulin was previously the founding attorney of Vulin Law LLC. Wilkinson was most recently a partner with the construction practice of Ball Janik LLP's Portland office. Vulin Wilkinson's offices are located on NE Broadway in Portland.



Robert Wilkinson



Justice Brooks

Foster Garvey

Foster Garvey has announced the elevation of **Justice Brooks** to principal effective January 1.

Brooks handles litigation involving business, commercial, real estate and employment issues, as well as insolvency and bankruptcy. Heavily involved

in the greater Portland legal community, Brooks is active with the MBA (currently Events Committee, and CLE Committee, 2019-22) and the **OSB Litigation Section Executive** Committee (2019-present). He is also actively engaged in mentoring and related career development programs with his alma mater. Brooks earned his JD (magna cum laude) from University of Arkansas at Little Rock's William H. Bowen School of Law and his MBA from Alaska Pacific University.



Erica Tatoian

Harrang Long Gary Rudnick P.C.

The firm is pleased to announce that Erica Tatoian has become a shareholder.

Tatoian joined the firm in April 2018, following her clerkship with the Oregon Court of Appeals. She is recognized by

peers as an excellent appellate lawyer, and she is a key member of Harrang Long's practice at the intersection of law and public policy. She has been a leader in Harrang Long's initiatives to grow the firm in a way that honors its commitment to diversity.

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.

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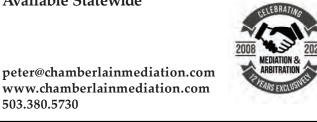


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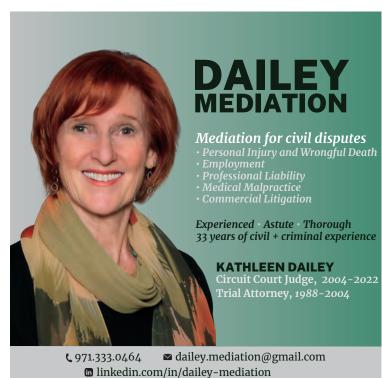
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The Corner Office PROFESSIONALISM

For me, law is a second career. Having spent several years in the technology industry before becoming an attorney, the unique stresses and pressures of this profession were immediately noticeable. The work is intellectually demanding and the standards expected both with respect to volume and quality of output are high. Attorneys not only contend with the intellectual challenge of practicing law, we must balance the competing demands we owe to our clients and the courts. Moreover, unlike every other profession (aside from politics), ours has institutionalized conflict. We are so accustomed to it that we think nothing of the fact that in virtually every matter, there is someone who is under a duty to do everything that they can within the bounds of the law and ethics to oppose you.

In my first year after law school, prior to being barred, I clerked at a large Eastern firm. Its head office had between 100 and 200 attorneys. The concept of lawyer wellness was new, and, to its credit, the firm hosted a daylong seminar on wellbeing and health. The opening exercise was for each of us to answer questions, rating our mood, describing alcohol and caffeine consumption, providing the amount of sleep averaged per night, and whether or not we were getting the recommended amount of exercise. We turned in these cards, which were then shuffled and redistributed. Of the approximately 100 attorneys

present, fewer than 10 were getting enough sleep and exercise and consuming caffeine and alcohol in amounts that were acceptable. The majority of the attorneys present at that workshop were sacrificing healthy behaviors and habits to meet their professional obligations.

Those pressures and challenges that I saw firsthand are not unique to large firms. They are common throughout the profession, and they have taken their toll on our collective wellbeing. According to the ABA's landmark 2016 study, 28% of attorneys suffer from depression, 19% suffer from anxiety, and 21% have problems with alcohol.

There is a nexus between professionalism and wellbeing. Professionalism requires competence. The competent discharge of an attorney's duties requires a lawyer to maintain the requisite level of physical and mental health to perform those duties. The ABA's task force on lawyer wellbeing acknowledged this, noting "wellbeing is an indispensable part of a lawyer's duty of competence."

The definition of competence in California's code of professional conduct specifically includes language regarding physical and mental fitness to practice. For the time being, Oregon's code does not; however, a review of discipline decisions makes it clear that a significant number of discipline cases have an overlay of mental health or substance abuse issues.

Promoting your own wellbeing is in your interest, your client's interests, and the interests of the profession. Being proactive about mental health and wellbeing can prevent you from becoming a statistic.

The ABA's task force recommended eliminating the stigma associated with seeking assistance with these issues.

While our code of professional conduct has not drawn a specific link between wellbeing and competence, our bar has been a leader in offering its members an invaluable tool in addressing issues of mental wellbeing and substance abuse.

Created in 1982, the Oregon Attorney Assistance Program (OAAP) is the oldest such program in the country. It offers help to attorneys through a variety of channels, including individual counseling, support groups, seminars, and CLEs. In addition to this, the OAAP also publishes a monthly newsletter covering issues related to lawyer wellbeing.

For those not comfortable talking to a counselor, the OAAP has curated a number of resources on a wide array of topics, including resources related to mental health (stress, anxiety, depression, self-harm and suicide). And, in line with the unique stresses many attorneys face, the OAAP has also assembled resources on vicarious trauma as many attorneys are frequently exposed to people going through the most difficult and traumatic events of their lives. Additionally, there are resources to help attorneys

cope with relationship difficulties and substance abuse. Lastly, there are also self-help resources related to career satisfaction and strategies as well as end of career planning resources to help lawyers transition from practice to retirement (which can be accompanied by not only the stress of financial planning, but also the complex emotions that come with the end of a professional career that often forms a large part of an attorney's identity).

For those looking for more than self-help resources, the OAAP offers four confidential support groups: an addictions recovery support group based on the 12-step framework, an ADHD support group, a depression and anxiety support group, and a trans law professional support group.

Finally, the OAAP has four attorney counselors who can provide help to those who ask. All the counselors have experience practicing law. Their practice experience ranges from international commissions on human rights to family law to civil rights for children to federal and state court trial practice. They have been in the trenches of practice and thus have a keener appreciation than other counselors do for what an attorney seeking assistance is going through. If you call, you can expect a prompt return call, and, depending on the issue, one or two counseling sessions to connect you with resources and to assist in addressing the issues of concern.

The funding for the OAAP comes from the Professional Liability Fund (PLF), so its services are free to members of

the bar. Notwithstanding that, the OAAP is part of the PLF. The confidentiality of every interaction and contact with the OAAP is protected by ORS 9.568, PLF Policies 6.150-6.300, OSB Bylaws Article 24, Oregon Rule of Professional Conduct 8.3(c)(3), and the Judicial Code of Conduct for US Judges Canon 3B(6). There are limited exceptions to this, related to preventing imminent risks to health and safety (of the attorney or others) and under Oregon's mandatory reporting requirements for child and elder abuse.

Sometimes attorneys have problems. The OAAP has solutions and resources that can help. It is free. It is confidential. As noted above, wellbeing is essential to competent practice. If you are experiencing challenges, you owe it to yourself, your clients, your colleagues, and the profession generally to seek assistance. If you feel like you could use a hand, you can visit the OAAP's website at www.oaap.org or give them a call at 1.800.321.6227.

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



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Tips From the Bench

Taking Responsibility

by Justice Stephen K. Bushong Oregon Supreme Court

"How many times can a man turn his head, And pretend that he just doesn't see?"

Bob Dylan was wrong. The answer, my friend, is not "blowin' in the wind." No; for lawyers at least, the answer is to get involved, see the truth, and take responsibility for what we do. Taking responsibility will be more satisfying to you, your clients, the court, and our community. Here are some tips on how to take responsibility in your law practice.

Planning a Career

Some lawyers take a job or a case without thinking about the impact it may have on their legal career. Of course, when you're just starting out, it is important to learn how to be a good lawyer; that takes time and experience. But don't lose sight of what you hope to accomplish with your career. Take responsibility for your own professional development and growth. Be selective in choosing clients and cases that fit within your own career goals. Develop your skills and knowledge base in areas that help you accomplish your objectives. Don't change jobs just to change jobs; make changes that advance you along your career path.

Building a Reputation

The legal community in Oregon is quite small. Lawyers know many other lawyers. Clients talk about their lawyers with other potential clients. You start building your reputation for honesty, credibility, and competence with every phone call you make, every letter you write, every email you send, and every motion you file. Never send something in anger, even if your anger is justifiable. Always take the high road. If opposing counsel is being a jerk, do not respond in kind. The best response is a victory in court, not an insult that you may regret later. When in doubt, ask a trusted colleague or friend to read your written material before you send or file it. The message you intend to convey may be lost in the tone of your communication.

Advising Clients

Clients need their lawyers to spot problems and help resolve them. Pretending you don't see a looming problem or the flaw in a legal position doesn't make it go away; better to confront the issue head on and deal with it directly. Some clients may think that their lawyer should look for legal loopholes or push the boundaries of acceptable behavior in ways that enable the client to do whatever they want. But most clients will be more appreciative



if you behave ethically and professionally, giving them your honest assessment of a situation that helps them see the problems clearly and address them appropriately. The best lawyers help their clients take responsibility for their own policies and practices, leading to changes that bring the client into compliance with the law. That can make things better for everyone.

Owning Mistakes

People make mistakes. Lawyers are often responsible for the acts of others in a variety of situations. A partner in a law firm may be legally responsible for the mistakes of another partner. A lawyer may be responsible for the mistakes of staff. The best lawyers own these mistakes, even when they are someone else's fault. Don't say, "my assistant forgot to calendar it." Say "we made a mistake" and apologize. Use the royal "we" to accept responsibility.

Respecting the Profession

Take responsibility for respecting and improving the legal profession. Get involved in bar activities. Be a mentor and a leader in your community. Take pro bono work. Don't demean the profession by telling lawyer jokes, even if the joke is hilarious. If you lose a case or a motion hearing, don't tell your client that you lost because "the judge is stupid" or "the jury was blased or the system is corrupt." Remember that there are two sides to every story; you will not always convince the decisionmaker that your side should prevail. Just tell your client that the judge (or jury) didn't rule in your favor, and explain what options are now available to the client (e.g., settlement, appeal, etc.).

Changing the World

Taking responsibility in your law practice will help you make the world a better place. Every criminal defense lawyer has former clients who have turned their lives around, stopped using drugs and committing crimes, thereby making it possible for them to have a positive impact on their families and their community. Prosecutors serve the

Continued on page 13

News From the Courthouse



by Nicole Elgin MBA Court Liaison Committee

Presiding Judge's Report -Judge Judith Matarazzo

The court began the new year with an extremely busy January trial docket. It would be very helpful if the civil bar reports a case settled as soon as possible. Recently, the court has had a staff person contact parties the week prior to their call-for-trial date to see if their case has settled. For example, a week in December had 62 cases on the call docket scheduled to be assigned out for trial. When court staff called the lawyers the week before to confirm, there were only 17 cases that still actually needed to go to trial. Please be aware that you are not likely to get a postponement of the trial date for a 2019 or

Judge Bryan Francesconi was sworn in on Friday, January 6, and Judge Rima Ghandour on Monday, January 9. Their service began on January 17.

The sheriff's office continues to face challenges transporting defendants in custody to court at scheduled times when they are short-staffed. Judge Matarazzo is hopeful the sheriff's office will ask for county funding to increase staff, but even if there were funding for more transport deputies, the process of hiring and training law enforcement staff takes time. When an attorney reports ready for plea, this needs to be accurately reported, otherwise it creates a lot of extra work for the sheriff's office and the court.

Probate Court Update - Chief Probate Judge Patrick Henry

Probate is part of the family law department. The Chief Probate Judge is one of 11 family law judges. So, Judge Henry's docket isn't limited to only probate work. All family law judges handle contested, guardianship, conservatorship, etc., types of hearings.

The legislature adopted SB 578 in 2021. The bill directs the court to appoint publicly funded attorneys for protected persons in all cases in which the protected person or someone on the protected person's behalf objects to the appointment of a guardian or conservator. The bill was applied first in Multnomah and Lane counties; additional counties will be added, starting with Columbia County in 2023. The bill is designed to protect a proposed protected person's autonomy and civil liberties when a guardianship or conservatorship has been proposed. Though this bill had been proposed for a number of years, it was adopted by the legislature in 2021 without much input from stakeholders. As a result, there was insufficient consideration on how the court, in cooperation with Oregon Public Defense Services, would implement the legislative directive. The biggest obstacle at present is the lack of probate practitioners to handle these proceedings. Multnomah County has managed to comply with the terms of the bill with the assistance of attorneys who have historically taken these cases on a pro bono basis. Judge Henry is participating on a couple of statewide work groups that are analyzing how to recruit additional attorneys to take these cases. The court would like to hear from attorneys who are willing to take on this work; the pay is \$75 per hour. Please send an email to OJD's Probate Analyst if you are interested: jeffrey.m.petty@ojd.state.or.us

An ongoing issue for the court is the ongoing monitoring of guardianships and conservatorships. Until recently, once a guardian or conservator was appointed, the only tool the court had to monitor guardianships and conservatorships was the annual self-report of the appointed fiduciary. However, thanks to the leadership of Judge Katherine Tennyson, Retired, the court can now appoint a monitor through its partnership with the Guardian Partners program. Guardian Partners only monitor adult proceedings; cases involving children do not have ongoing, third-party monitoring. A goal for Judge Henry in the coming year is to expand the court's resources to monitor children's cases.

Courthouse Update -Barbara Marcille, Trial Court Administrator

The courthouses are very busy! Staffing challenges continue as we have extremely high vacancy and turnover rates, more people have been out sick, and the court's workload is increasing. Statewide, all the circuit courts are finding recruitment and retention to be difficult.

The upgrade to the courtroom AV equipment at the East County Courthouse has been delayed due to key components being unavailable to ship until fall. We hope to complete that project later in 2023.

Visitors to the Central Courthouse may notice maintenance and repair work being completed. The main entrance and exit doors weren't operating properly and both have now been replaced. Interior and exterior windows throughout the building will be cleaned in February and March. A new piece of art has been installed in the court's main jury assembly room at the Central Courthouse. it's a painting of a Portland outdoor scene that was on the fifth floor of the old courthouse.

Wooden barriers that surround and protect the Central Courthouse are still in place. The large glass panels at the entrance break more easily than had been anticipated and take a very long time to replace; if the boards are removed and then glass is broken, it could jeopardize the accessibility of the courthouse for a prolonged period. Multnomah County is exploring permanent solutions to keep the glass protected.

2023 SLR Revisions Effective February 1

Supplementary Local Rules for Multnomah County Circuit Court are effective February 1 and may be found at www.bit.ly/2023-slr

Referee Kenneth Stafford Judicial Profile

by Joseph Westover MBA Court Liason Committee

Ken Stafford first contemplated life as an attorney while putting his newly minted University of Texas, Austin Psychology degree to good use - working as a law clerk in some massive multi-floor downtown Houston law firm. What made the firm initially faceless to Ken, its size, over time enabled his revelation. As he watched and got to know the various attorneys in the various departments as they went about their day-to-day tasks, he concluded that whatever interests a person may have, there's a practice area that would enable them to pursue those interests. In no time at all, he'd scooted up to Portland to attend Lewis & Clark Law School.

Ken remained in Oregon after law school and has, in the ensuing decades, taken turns in just about every chair the Multnomah County Courthouse has to offer. After graduation he worked for a few years as a judicial clerk. He started as a "floater" clerk, working for whichever judge needed assistance on any given day. He then spent some time as the Criminal Procedure Court clerk before settling in for a more permanent home with Judge Marshall Amiton.

While clerking, he again found himself observing the day-to-day of his professional community and no doubt revisiting his question of, "what's next?" Inspired by watching the criminal attorneys do their thing, he leaned into the practice of criminal law. As an observer, he found that you can never really predict where a case is headed, so you'd best pay attention. It also looked like the defense attorneys were having more fun. With that in mind, the logical next step for the "This is Spinal Tap" devotee whose first ever summer job was monitoring actively suicidal patients in a Texas psychiatric hospital and who went to law school shrugging "busssinesss law...?" was, of course, to join Multnomah Defenders, Inc.,

one of Portland's hard-punching public defense firms. He must have found something there because he stayed for 16 years, with multiple-year stints at both the downtown and East County courthouses.

In December of 2019, Ken left public defense to join the Reynolds Defense Firm, where he specialized in private DUII defense in multiple counties across the state. Three months in, COVID smashed the world.

Judge Stafford was sworn in as a Multnomah County Referee on September 27, 2022, excited to get started. He and I sat down in the beginning of January to chat about how it was going. He was easygoing, friendly, quick to laugh and always maintained an air of positivity. During the conversation he considered how each chapter of his career arc, from clerk to public defender to bunkered private lawyer, and finally to judge, would influence his demeanor on the bench.

When asked about Judge Amiton, Judge Stafford paused for a moment before saying, "He would be a tough act to follow." He then lauded Amiton's encyclopedic knowledge of the law, immediately adding over splayed fingers that he had no hopes of matching his first boss in that regard. But without caveat he then stated his equal admiration for the kind demeanor and attention Judge Amiton directed towards all who came through his courtroom. Judge Stafford plans on treating the litigants and attorneys who appear before him similarly.

When discussing public defense, he led with, "I know how busy lawyers are." He knows what it's like to be simultaneously expected in multiple courtrooms at the same time. He knows that your clients are setting aside wages or time with their family or loved ones in order to appear. He knows that no matter how experienced you may be or how many cases you've seen, uncertainty lurks around every



Referee Kenneth Stafford

corner. He knows how stressful that uncertainty is for clients with pending matters that are likely but one of many significant hardships they face on a daily basis.

Most of his time working as a private bar attorney was spent during the varying degrees of delay and shutdowns brought on by COVID. His (apparently eternal) optimism gives him the ability to acknowledge changes that have been made for the good during the pandemic. For example, allowing more remote appearances lessens the impact on the environment, the client's life and the attorney's schedule. He's a fan.

In general, Judge Stafford's operational plan is to help people through the legal process as fairly, professionally and respectfully as possible. Understanding that everybody's life is lived under a unique set of circumstances, he's ready to listen.

While he didn't directly comment on how life in Oregon compares to life in Texas, if his recreational activities are any indication, he definitely belongs here. To highlight two: Judge Stafford and his wife can regularly be found working to restore their front and back yard to a natural habitat, and when not doing so on their own property, they volunteer their time with community organizations doing the same on public land. Second, Judge Stafford has four cats, for whom he built a "catio." If you don't know what a catio is and you're having a bad day, it's probably not a waste of .3 hours right meow to paws what you're doing and go familiarize yourself.

omla

23rd Annual Social & Fundraising Auction

We finally got back to having an in person event! Many thanks to all of our donors who helped us raise \$21,526.08 to provide bar exam grants to minority law school graduates! We put around half of those funds right back into the community by distributing 7 bar exam grants to diverse candidates taking the February 2023 bar exam. The remainder will go to the bar exam grant applicants for the July 2023 bar exam.

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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 17. New MBA and YLS Board members will be announced at the MBA Annual Meeting on Wednesday, May 24.

Young Lawyers | Elli Tillotson | Section | YLS Member St

What is the YLS?

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

Ask the Expert

Dear Expert,

I am a new attorney, and I am feeling a little disconnected from other members of the bar. After attending law school during a pandemic, I haven't had many opportunities to network with other attorneys (and am worried *I may have even forgotten how!).* Any advice?

> Sincerely, Networking Novice

Dear Networking Novice, Do not despair! After almost three years of remote/hybrid work, Zoom fatigue, and limited opportunities for mingling, we are all feeling a little bit rusty. That being said, there are plenty of opportunities out there for you to connect with other practitioners. Here are a few ideas to get you started:

Start Small and Bring a Buddy

The idea of networking can be intimidating, but you can start with a small event, and you do not have to do it alone. Consider inviting a colleague or a friend from law school to join you when you attend your first event. Having someone you know there can make approaching others less intimidating.

Explore Your Options

A networking event does not have to look like a traditional happy hour. There are a variety events that you can take advantage of. Consider assembling a team and attending a trivia night like the YLS event at the Lucky Lab later this month. Or sign up for a YLS service opportunity, where you can meet other attorneys while giving back to the greater community. Feeling fancy? Get

dressed up and attend an event like the MBA Annual Dinner. Also, keep your eyes out for family-friendly events such as the MBA WinterSmash bowling event or a trip to the pumpkin patch. There are plenty of ways to meet your peers in fun and lesstraditional settings.

Consider a Mentor Program

Does your firm offer a mentorship opportunity? Or have you considered finding a mentor through the MBA? A mentor can be a great way to expand your professional circle because they often have many people to introduce you to. Furthermore, they might be a good person to go with you to events as you are getting comfortable. Beyond the benefits of networking, mentors can offer great advice, answer questions, and share their personal experiences of navigating all of this as a new attorney.

Join a Committee or an Affinity **Bar Association.**

Once you have attended an event or two, consider joining a YLS committee or an affinity bar association. This can be a way to meet people who share common interests, identities, and experiences. With regular meeting times and annual events, these offer a space to build long-term connections and friendships with a diverse group of practitioners. Furthermore, they offer additional opportunities for leadership roles and professional development.

However you decide to start, connecting with others will enrich your experience as a new attorney and member of the bar.

YLS Member Spotlight

by Nikki Abercrombie YLS President

Like many of us, Elli Tillotson did not grow up in Portland, but once she moved here, she decided to stay and call this place home. Elli grew up in a small town outside of Austin, Texas and attended undergrad at Purdue University in Northern Indiana. Realizing Midwestern winters were not for her and aspiring to perhaps go into environmental law, Elli set out west to attend law school at Lewis & Clark. She graduated in 2016 and has been practicing in Portland ever since. Elli currently works at Black Helterline where she practices primarily civil litigation.

Elli's involvement with the Young Lawyers Section began in 2018 when she joined the YLS CLE Committee. Elli enjoys working behind the

scenes to coordinate speakers and decide how to break out particular sessions for each series. Elli currently co-chairs the committee with Ramon Henderson. Elli credits the YLS for providing her with an outlet to meet peers in the legal community that she wouldn't otherwise get to meet. She describes the YLS as a good place to network - or at the very least commiserate! - with folks at her same level of experience, which is not often possible when working in a small or medium size firm. As Elli describes it, "Everyone says Portland is a small legal community, but when you are a brand new lawyer it feels really big at first." The YLS has helped her find her niche. Next year, Elli will be joining the YLS Board of Directors.



Elli Tillotson

She is excited for the chance to continue being involved in the organization and to do what she can to make the Portland legal community accessible to the next group of young lawyers.

When she's not busy practicing law or organizing CLEs for the YLS, Elli enjoys reading, finding new coffee shops, and exploring Oregon with her husband (most recently, Astoria). She also loves spending time with her adorable miniature dachshund, Lily.

Tiffany Davidson Pro Bono Spotlight

by Rachelle D. Collins YLS Pro Bono Committee

Tiffany Davidson owns her own private practice specializing in family law, including high-conflict divorce and custody matters, child protection, adoption, and minor guardianship. Throughout her career, Tiffany has made a point to prioritize pro bono work. She took on her first pro bono case in 2005, shortly after entering private practice, and hasn't stopped since.

Tiffany believes that it is unjust to deny a person meaningful access to the justice system, including access to critical representation, due to the person's lack of funds. She has always been viewed as a "helper," and, as an attorney, she has sought to help the people who need it the most.

In addition to her private practice, Tiffany has and continues to provide pro bono

services through a variety of programs and organizations across Oregon. For example, Tiffany works with the Children's Representation Project to represent children caught between parents in high-conflict divorce cases in Multnomah County. She also volunteers for Problem Solvers, a program run by the OSB that offers free consultations to young persons between the ages of 13 and 17 seeking legal advice. Additionally, she also takes on divorce cases pro bono referred to her by nonprofits like the Victim Rights Law Center and provides pro bono services for three different local shelters.

About a year ago, Tiffany began volunteering with Legal Aid Services of Oregon on the Domestic Violence Project (DVP). The DVP matches pro bono attorneys with survivors



Tiffany Davidson

of domestic violence for representation in contested restraining order hearings. Tiffany emphasizes how difficult it is for a non-lawyer to navigate the legal system alone, particularly when the person has experienced trauma. Tiffany approaches all of her cases with the intent to make the legal process the least traumatizing for the survivor as possible. Sometimes this means helping facilitate a resolution with the opposing party to avoid the survivor from having to relive their trauma in open court. Other times it means helping a client whose issues overlap with other areas of law, such as landlord/tenant law, immigration law, and bankruptcy law, navigate the legal system to find an attorney who can help with those other areas.

Tiffany encourages all attorneys to participate in pro bono work so that the legal system can serve everyone, not just those who can pay. She acknowledges that it's not always easy for busy attorneys to find the time to take on pro bono. However, she encourages others to dig deep to find some time to give back, no matter how small.

Thank you to Tiffany for her exceptional pro bono work and continued dedication to increasing equal access to the justice system for all.

Acknowledgments

by Ramon Henderson and Elli Tillotson YLS CLE Committee Co-Chairs

The MBA Young Lawyers Section CLE Committee would like to thank all of the dedicated attorneys who volunteered their time, experience, and professional knowledge to present during our 2022 Fall Series covering employment law. The Fall Employment Series included nine hour-long, lunchtime CLEs on a variety of topics geared toward providing new or new-to-employment-law attorneys with an introduction

to this evolving practice area. Topics included "Hiring, Firing & Administrative Oversight," "Disabled, Sick and Injured Workers," and "Litigating Harassment and Discrimination Claims," to name a few. Thank you to all of our speakers for putting on a successful and engaging series. We could not do this without you.

Jacqueline Houser and Lizeth Marin, Lewis Brisbois Bisgaard & Smith LLP

James Barrett, Ogletree Deakins Kathryn Roberts, Markowitz Herbold

Chris Morgan, Barran Liebman Ashlee Albies and Whitney

Stark, Albies & Stark Mitra Shahri, Mitra Law Group

Nicole Elgin, Barran Liebman, and Jason Weyand, Tedesco Law Group

Jess Osborne, Bullard Law Dayna Underhill, Underhill Law Office

Didn't get to attend our Fall Series? Past classes are available for purchase at www.mbabar. org/archivedCLE. The YLS CLE Committee organizes three CLE series a year. Our flagship Winter Young Litigators Forum, which covers entry-level litigation topics, began on January 19, with sessions every week through March 16. We're pleased to announce this year's Spring Series will focus on advanced litigation topics, with sessions running from April 13 through June 8. For more details or to register for either CLE series, visit www.mbabar.org/cle.

Upcoming YLS Events

Donation Drive and Service Event: Rose Haven

Join the YLS Service to the Public Committee in donating high-need items to **Rose Haven**, a local day shelter serving women, children, and marginalized genders experiencing homelessness and poverty. You're also invited to take part in a service activity on February 22 at Rose Haven's new facility.

Event Details Wednesday, February 22 1:30-3:30 p.m. 1740 NW Glisan St., Portland

Volunteers will get a tour of Rose Haven's new facility and then begin the service task, which will likely include donation sorting or organizing. If you are interested in participating in the service event, please email Cyd Maurer at cmaurer@oregonlawcenter.org by 5 p.m. Monday, February 20.

How to Donate

View the list of items in need or purchase from their Amazon Wishlist: www.rosehaven.org/helping/donate-supplies

Please drop off all donations by 5 p.m. on Monday, February 20 at:

Elliott, Ostrander & Preston, PC 707 SW Washington Street, Suite 1500 (15th Floor) Portland, Oregon 97205

YLS Trivia Night Thursday, February 23 5-6:30 p.m.

Lucky Labrador Brew Pub, 915 SE Hawthorne Blvd, Portland

Please join the YLS Membership Committee and trivia host Graham Brown of Stumptown Trivia for a fun evening of trivia. Graham will be quizzing the whole group, but there will be only one Trivia Champion!

Attendance is free for MBA members, \$10 for non-members. Register at: www.bit.ly/trivia-yls

Speed Networking Event Thursday, March 9 5:30-7 p.m. Barran Liebman, 601 SW 2nd Ave Ste 2300, Portland

Prepare your elevator pitch and come ready to take part in this structured and fast-paced networking event. Conversation topics will be provided in advance with participants free to engage wherever the conversation takes them.

Thank you to Barran Liebman LLP for sponsoring this event. Organized by the YLS Membership Committee.

Attendance is free for MBA members, and space is limited. Register at: www.bit.ly/yls-network

Advanced Trial Litigation YLS Virtual Spring CLE Series begins April 13

The YLS CLE Committee invites you to this nine-part, noontime series for newer attorneys. Courses include "Ethics and Discovery," "Practical Application of Rules of Evidence" and "How to Be a Great Second Chair." Nine hours of OSB MCLE credit will be applied for in total. \$150 for members, \$250 non-members. Register at: www.mbabar.org/cle

Solo & Small Firm Committee presents

AVOIDING THE TRAPS THAT TRIP UP SMALL BUSINESSES

Wednesday, February 22 12-1 p.m. Remote attendance only via Zoom

Join **Sonia Montalbano**, McKean Smith LLC for this informative workshop. Many small firms value the camaraderie and friendship that being small fosters; how can you maintain that culture without jeopardizing your practice? Sonia will discuss the following topics:

- What everyone who works with only one or two staff members should know before hiring.
- Issues to consider when firm owners and staff treat each other more like friends/family.
- How important is an employee manual? Key things every employee manual should absolutely have.
- What a small firm owner should do when an employee dynamic becomes toxic/dysfunctional?
- When someone needs to take leave, how should a small firm support that?
- Common things smaller law offices get sued for, and how to avoid those issues.
- Resources available to small firms.

The MBA will apply for 1 hour OSB MCLE credit

Cost: Free for members; \$30 for non-members.

Register at www.mbabar.org

Tips From the Bench

Continued from page 10

community through appropriate prosecutorial decisions and by helping crime victims achieve closure and receive restorative justice. Civil practitioners can improve the world by helping businesses change their practices through sound advice; by bringing lawsuits that lead to damage awards, injunctions, or other consequences; or by preserving resources that can be put to better use. Family law practitioners protect children and help families in crisis. Lawyers can save someone's life - literally - by volunteering their time pro bono to help people obtain a restraining order, housing, or other necessary resources.

Every lawyer should fight racial prejudice, misogyny, bigotry, or injustice whenever and wherever it rears its ugly head. See the truth; get involved. We all became lawyers because we wanted to make the world a better place. We have the power; let's use it. Taking responsibility means living your life - and practicing law - consciously. A lawyer who fails to take responsibility may blame adverse consequences on "a simple twist of fate," resulting in a lawyer who gets "tangled up in blue." You'll be much happier if, instead, you just take responsibility.

Endnote: The song "Blowin' in the Wind" appears on the 1963 album The Freewheelin' Bob Dylan. The songs "Simple Twist of Fate" and "Tangled Up in Blue" appear on Dylan's 1975 album Blood on the Tracks. Dylan won the 2016 Nobel Prize in Literature "for having created new poetic expressions within the great American song tradition."

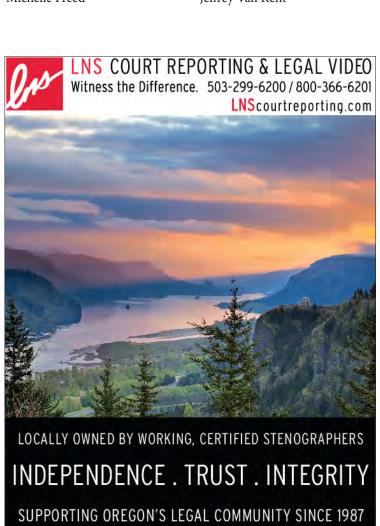
Pro Bono Volunteers

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.

Patty Arjun London Ballard Austin Batalden Noah Bishop Jay Bobzin Steven Cade Brett Carson Thomas Chow Caitlin Easter Brett Engel A. Elizabeth Esfeld Sandra Faber Jeannine Ferguson Rachel Finn Sierra Fotos Michelle Freed

Adrienne Garcia Chelsea Hickok Philip Hornik Rose Hubbard Christopher Kane John Koch William Kwitman Brad Lechman-Su John "Jack" Lundeen Riley Makin Jane Moisan Jessy Morris Michael O'Brien James O'Connor Hank Pailet Lake Perriguey Scott Pratt Megan Rickert Lyndon Ruhnke Robin Runstein Heidi Sherman Alex Sollars Julie Stevens Hon. Jill Tanner Jaye Taylor Todd Trierweiler Jeffrey Van Kent





SEEKING VOLUNTEERS FOR COURTHOUSE EXPERIENCE TOURS

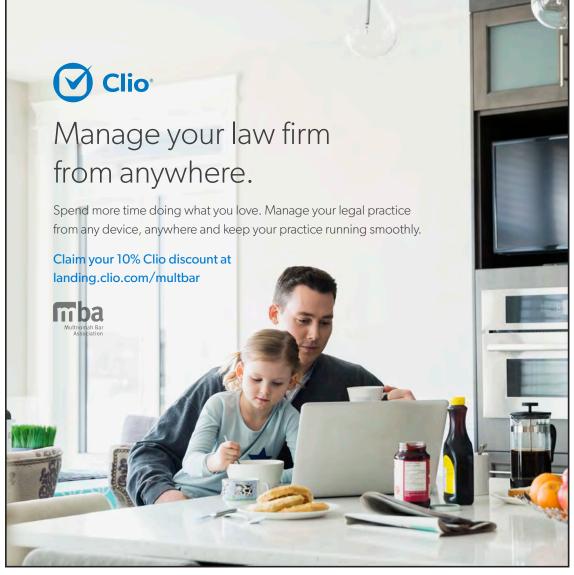


Classroom Law Project is seeking volunteers who can dedicate at least one weekday morning a month to guide teachers, students, and chaperones on courthouse tours.

Training and support will be provided.

For more information, email Christopher Parrucci at cparrucci@classroomlaw.org.





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.



MBA Health Plan

Premier health, dental and vision plans for law firms. Simplified administration, competitive pricing and flexible benefit options available. Any law firm located in Oregon or Clark County, WA with at least one W2 employee in addition to the attorney is eligible to enroll. Tracey Davis, 503.485.2482 tdavis@aldrichadvisors.com www.mbabar.org/benefits

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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

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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
- 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



10814 NE HALSEY ST | PORTLAND, OR 97220

Classifieds

Positions

Law Clerk Vacancy

Chambers of the Honorable Marco A. Hernandez, US District Court, Portland. This is a two-year term clerk position, beginning Fall 2024. Submit cover letter, resume, law school transcript (unofficial is fine), writing sample (no more than five pages, double-spaced; excerpts are fine), and two letters of recommendation. Applications (hard copies only) must be received between February 15 and April 14. Send or deliver to Elisabeth Rennick, Law Clerk to Honorable Marco A. Hernandez, 1507 US Courthouse, 1000 SW Third Ave, Portland, Oregon 97204.

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to \$1,100 (for very large office).

503.927.3347.



MBA Events Committee Holds Painting Event

The MBA held a social painting event on January 19 at Bottle & Bottlega. Attendees created beautiful paintings with the help of an instructor who gave step-by-step instructions. Thank you to Foster Garvey PC, Gevurtz Menashe PC, Hedman Family Law LLC, Posey Legal PC and Wyse Kadish LLP for sponsoring this event.

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