



Please, Let’s Stay Downtown

by Theresa L. (Terry) Wright
MBA President

I live in Portland. For the last nine-plus years, I have worked in Salem so commute south. Hence, until I became MBA President requiring multiple trips to the MBA offices and other downtown locales, I hadn’t really taken in downtown Portland. Imagine my surprise

when I routinely encountered active and open drug use on Portland’s downtown streets and boarded-up buildings. I am certain that any of you working or visiting downtown have encountered the same.

This year, the MBA’s lease on its downtown office was coming to an end, so we had to consider renegotiating a new lease in our current building, or moving to a new location. Although we knew we could find quality and affordable space in many areas of the city, we opted to remain downtown, and continued to search for space there. You may ask why, when downtown Portland has been rife with drug use and boarded-up buildings?

The answer is relatively simple. We are a membership organization that serves its members, most of whom are in Multnomah County.

Even if a majority of our members were not located in the downtown core, downtown is certainly central to the rest of the county. Imagine if we had moved to the eastside; members from the westside would have had a much longer commute to attend events, committee meetings, or in-person CLEs (and yes, we still have some!). Likewise, if we had chosen to move to the westside, our eastside members would have had to add many minutes to their commute to MBA events and activities. As a membership organization, we rely on the participation of our members, so need to make events easily accessible.

Remaining downtown offers many other benefits. Our office is easily accessible by many modes of transportation. Whether you walk to events; drive and park in lots or on the streets (as I do), take public transit (as does some of our staff), or ride your bike (as does others of our staff), we are easy to reach. The MBA conference room is available for our members to use. Proximity to the courthouse and to various modes of transportation make that member benefit more useful to members and their clients, especially those not located downtown. Our location also puts us near venues that we commonly use for our events, including Bench, Bar and Bagels; Absolutely Social; Battle of the Lawyer Bands; YLS Judges’ Reception and the Annual Dinner. This allows attendees and staff to easily attend. We have worked with these venues before and can count on their professionalism. This year, I experimented with moving some our Board events to “new” (to us) venues. For the most part, while they were successful, there were bumps that needn’t have happened if I’d stuck with the tried and true. Which generally means downtown venues.

As a membership organization, we rely on the participation of our members... Remaining downtown offers many other benefits.

Being downtown allows us to continue to support BIPOC communities in a way being in the suburbs does not. There are many BIPOC businesses downtown. And think where we’d be if we didn’t have the multitude of food carts in our core, most of which are owned by BIPOC entrepreneurs! By remaining downtown, we directly and indirectly support those communities, which is at the heart of the MBA’s mission.

Additionally, lawyers contribute to our society in ways I can only begin to list. We provide direct services to our clients. More than that, we contribute to Oregon’s economy. We sit on a myriad of boards or volunteer with a multitude of organizations, covering the gamut from cultural groups like the opera to groups that assist the less fortunate like William Temple House, to name just two. Likewise, we should take a role in revitalizing downtown. We have the means to do so, one of which is not to give up on the core.

Are there problems with downtown Portland? Sure there are. But despite what the national press tries to make of us, this is a wonderful place to live. The vibrancy and energy that can only be found in Portland is coming back. There are many more people downtown than since the pandemic, and it feels good to be there again. Portland is a beautiful city and has much to offer its residents and visitors. Why shouldn’t we be a part of that? Besides, spring is here. A time for renewal. Why not downtown Portland, too?

The vibrancy and energy that can only be found in Portland is coming back.

MBA Annual Meeting, Dinner & Judges Reception

**Wednesday, May 8
5-8 p.m.
Hilton Portland Downtown
921 SW Sixth Avenue**

Celebrating the profession and recognizing our colleagues

**MBA Professionalism Award
Liani J. Reeves**

**MBA Diversity Award Recipient
Portland State University
Student Legal Services**

**MBA Awards of Merit
Jeffrey A. Howes • Janice R. Morgan •
Laura Rochelois**

**YLS Awards of Merit
Alexandra N. Hutchinson**

**YLS Rookies of the Year
Molly A. Becker • Aime C. Lee Ohlmann**

**Pro Bono Awards
Laura L. Donaldson • Zoë F. Habekost •
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*Register by April 29 at
www.mbabar.org*

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See details on p. 3. To register, visit www.mbabar.org/cle and input your OSB number to register at the member rate.

APRIL

4.4 Thursday
The Oregon Secretary of State’s Advisory Report on a Statewide Strategy re: Domestic Violence

Andrew Love
Krystine McCants
Kip Memmott

4.10 Wednesday
Racism in Oregon History
Eliza Canty-Jones
Mari Watanabe

4.11 Thursday
Drafting Effective Trial Briefs
Justice Stephen K. Bushong

4.15 Monday
Family Law Update
Judge Susan M. Svetkey
Patricia Arjun
Amy Fassler
Lisa Holland

4.17 Wednesday
Garnishment Nuts and Bolts
Elizabeth Savage

MAY

5.1 Wednesday
Campaign Finance in Candidate Elections
Lisa Howley
Alma Whalen

5.7 Tuesday
What to Expect When Employees Are Expecting: Pregnancy and Lactation Accommodations and Protections in Oregon
Amanda Lapato
Kelly Riggs

5.15 Wednesday
Fundamentals of a Lost Profit Calculation
Kevin Marold
Serena Morones
Jennifer Murphy
Jennifer Prager

In This Issue

Calendar.....	2
CLE	3
Announcements.....	5
Ethics Focus.....	5
Around the Bar.....	6
News From the Court	8
Tips From the Bench.....	8
Profile: Referee Eric Lentz	9
YLS	10
MBF	13
Classifieds	15

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*or the preceding Friday, if on a weekend.

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LOVE DAY 2024

by Chris Costantino
MBF Board of Directors

On February 14, members of the MBF Board joined Judge Chanpone Sinlapasai, fellow MBF director and a key member of the LOVE DAY planning team, to celebrate the marriages of couples who came to the Central Courthouse for a very memorable Valentine’s Day. The couples were Oregonians with socioeconomic hardships, including some who have not always had the right to marry in Oregon. Their exchange of wedding vows was officiated by judges from the Oregon Supreme Court, the Oregon Court of Appeals and the Multnomah County Circuit Court, and witnessed by family members and many community volunteers. This collaboration of our legal community, the county,



and nonprofit organizations made this first-time event a great success. Court fees were waived as part of the ceremony, and access to justice was served alongside some delicious red velvet cake! The executive committee hopes to plan a similar event in June.



Calendar

APRIL

- 4 Thursday
MBA Craft Night
Details on p. 7
- 12 Friday
Free Lunch & Learn for Civil and Criminal Practitioners
See “Announcements,” p. 5 and “News from the Court,” p. 8
- 18 Thursday
Estate Planning YLS CLE Series begins with Wills and Trusts 101
Details on p. 10
- 25 Thursday
YLS Trivia Night
Details on p. 10
- 26 Friday
MBA Solo & Small Firm Workshop
Details on p. 6

MAY

- 1-31 Annual MBF Fundraising Campaign
- 1-4 MBA May Days of Service
Details on p. 9
- 8 Wednesday
MBA Annual Meeting and Dinner
Details on p. 1
- 21 Tuesday
MBA Solo & Small Firm Workshop
Details on p. 6
- 31 Friday
Free Lunch & Learn for Family Law Practitioners
www.mbabar.org

JUNE

- 6 Thursday
YLS/OSCPA Cornhole Tournament
Details on p. 10



The MBA will apply for general OSB MCLE credit unless otherwise noted; Washington credit may be obtained independently. Registrants who are unable to attend will receive a link to the archived webcast and written materials. Registration fees are non-refundable.

Unless otherwise noted, all classes are held online.

The Oregon Secretary of State’s Advisory Report on a Statewide Strategy re: Domestic Violence
Thursday, April 4 12-1 p.m.

Remote attendance only via Zoom
FREE for Members and Non-Members

In late 2023, the Oregon Secretary of State released the advisory report “Breaking the Cycle: A Comprehensive Statewide Strategy Would Benefit Domestic Violence Victims, Survivors, and Advocate.” Join **Kip Memmott**, Audits Director, **Andrew Love**, Audit Manager, and **Krystine McCants**, Lead Performance Auditor from the Oregon Secretary of State’s Office for a presentation on the report’s findings. Learn how a statewide coordinated strategy would better address the needs of victims and survivors, centralize resources and statewide information sharing, including improved data collection, and add financial stability to nonprofit operations. Legal Aid Services of Oregon will also share information regarding pro bono opportunities. This presentation is offered by the United States District Court, District of Oregon, pursuant to the Pro Bono Work to Empower and Represent Act (“POWER Act”).

For more information: Contact Judge Youlee Yim You at youlee_yim_you@ord.uscourts.gov. For registration questions, contact the MBA at mba@mbabar.org.

Racism in Oregon History - The Two-Hour Version
Wednesday, April 10 12-2 p.m.

Remote attendance only via Zoom
Members \$60/Non-Members \$95

Note: Two hours of Access to Justice OSB MCLE credit will be applied for.

At last year’s presentation, many attendees wished the excellent presentation was twice as long since there is so much to cover. **Eliza Canty-Jones** from the Oregon Historical Society is back this time with her friend **Mari Watanabe**, former executive director of Partners in Diversity, a successful nonprofit helping 400 Oregon and Washington employers diversify their companies.

In 2019, the Oregon Historical Society (OHS) published a special issue of its 120-year-old journal, the *Oregon Historical Quarterly* (OHQ), on the subject of “White Supremacy & Resistance.” In 2021, OHS published another important issue on the Chinese Diaspora in Oregon. Together these issues offer an in-depth view of the ways Oregon history has been shaped by White supremacist ideology and policies - and resistance to those frameworks - for almost two centuries. The special issues join many other OHS projects that engage Oregonians in the complex and diverse history of our state.

Understanding how both racism and justice are at the heart of Oregon’s history are crucial to our ability to build a better future. In this presentation, OHQ Editor Eliza Canty-Jones offers an overview of the importance of these subjects and invites attendees to access OHS resources for more learning. For additional resources, see this OHS blog post: www.bit.ly/ohs-blog. Mari Watanabe has been a frequent lecturer on the treatment of Asian Americans and Pacific Islanders in Oregon and has received many awards for her advocacy on their behalf.

For more information: Contact Rudy Lachenmeier, Dispute Resolution Law, at rudy@ledrlaw.com. For registration questions, contact the MBA at mba@mbabar.org.

Drafting Effective Trial Briefs
Thursday, April 11 12-1 p.m.

Remote attendance only via Zoom
Members \$30/Non-Members \$50

Whether you are writing to a judge, opposing counsel, or your colleagues, you are writing to persuade - to convince others to adopt your position. In this seminar, Oregon Supreme Court **Justice Stephen K. Bushong** will draw on his many years of experience as a trial lawyer and trial judge to explain how to write and organize effective trial motions and briefs. Come learn concrete techniques to apply during the writing process to make your work product more persuasive.

For more information: Contact Jon Strauhull, Multnomah County Attorney’s Office, at 503.988.3138. For registration questions, contact the MBA at mba@mbabar.org.

Family Law Update
Monday, April 15 3-5 p.m.

Remote attendance only via Zoom
Members \$60/Non-Members \$95

Join us for this annual two-hour Family Law Update. Multnomah County Chief Family Law Judge, the **Honorable Susan M. Svetkey**, will be joined by **Lisa Holland**, Multnomah County Circuit Court Family Law Department supervisor, **Patricia Arjun** of DBMA Family Law Group PC and **Amy Fassler** of Schulte Anderson for an in-depth discussion of recent Oregon Court of Appeals cases affecting domestic relations jurisprudence and Oregon family law practice. Our speakers will also provide family law practitioners with important information on recent changes, updates, reminders and practice tips regarding Multnomah County Family Court procedures and practice.

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

Garnishment Nuts and Bolts
Wednesday, April 17 12-1 p.m.

Remote attendance only via Zoom
Members \$30/Non-Members \$50

You prevail at trial, the court enters a judgment and money award, but the judgment debtor won’t pay. How do you collect? Well, before you run out and hire a collections attorney, you may want to consider garnishment, a simple process by which you can collect the underlying amount - plus interest - directly from the judgment debtor’s employer or bank. In this hour-long CLE, **Elizabeth Savage**, of Elizabeth Savage Law LLC, will cover everything you need to know to garnish a judgment debtor yourself, without farming it out to a third party. This CLE includes forms and a handy checklist, so that you can feel confident that your garnishment will withstand any subsequent challenge.

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

Campaign Finance in Candidate Elections: An Overview of State of Oregon and City of Portland Campaign Finance Rules
Wednesday, May 1 12-1:30 p.m.

Remote attendance only via Zoom
Members \$45/Non-Members \$75

The 2024 election season is here! Join **Alma Whalen**, Elections Program Manager at the Oregon Secretary of State, and **Lisa Howley**, General Counsel for the Portland City Auditor (home of the Portland elections office), to discuss the State of Oregon and the City of Portland’s campaign finance regulations in candidate elections. This CLE is geared not only towards lawyers, but also candidates, political committees, and third parties who engage in independent spending in candidate elections. The topics that will be covered include:

- State of Oregon reporting requirements, including when a campaign or political action committee needs to be created, and activities that need to be reported in the state electronic filing system (ORESTAR) by candidates, committees, and independent spenders
- Determining what qualifies as an in-kind contribution
- Permissible uses of contributions in State and City elections, including differences between the State and City of Portland’s regulations on use of campaign contributions to pay for legal expenses
- City of Portland’s contribution limits
- Requirements for disclaimers on communications made in connection with candidate elections, including compliance on character-limited platforms
- Special considerations for candidates running in slates
- The State and City of Portland’s separate enforcement mechanisms

For more information: Contact Brian Marshall, Oregon Department of Justice, at 971.673.1880. For registration questions, contact the MBA at mba@mbabar.org.

What to Expect When Employees Are Expecting: Pregnancy and Lactation Accommodations and Protections in Oregon
Tuesday, May 7 1-2 p.m.

Remote attendance only via Zoom
Members \$30/Non-Members \$50

Before the recently enacted federal Pregnant Workers Fairness Act and PUMP Act, Oregon law already provided a variety of nondiscrimination, leave, and workplace accommodation protections for pregnant and lactating employees. And lately, it seems that even those state law protections continue to expand (much like the bellies of the pregnant employees they protect). Please join **Kelly Riggs** and **Amanda Lapato**, working moms and employment lawyers at Schwabe, for an overview and discussion of the current state of pregnancy and lactation protections applicable to Oregon employees.

For more information: Contact Paul Cirner, Littler Mendelson, at 503.889.8853. For registration questions, contact the MBA at mba@mbabar.org.

Fundamentals of a Lost Profit Calculation
Wednesday, May 15 11 a.m.-12 p.m.

Remote attendance only via Zoom
Members \$30/Non-Members \$50

Morones Analytics’ forensic accounting team of **Serena Morones**, CPA, ASA, ABV, CFE; **Jennifer Murphy**, CPA, CFF, CFE; **Jennifer Prager**, CPA, ABV, CFE, CFF, MAFF; and **Kevin Marold**, CPA, CFE, CFF, ABV, will provide an overview of calculating lost profits. Attendees will learn about the four parts of a lost profits analysis: lost revenues, avoided costs, extraordinary out-of-pocket costs, and interest. The audience will also be provided an overview on the types of financial experts and categories of expert opinions.

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

Visit www.mbabar.org/cle to register online or scan this QR code.



MBA Members Support the VLP

The Multnomah Bar Association thanks the following 2024 members who generously gave to the Volunteer Lawyers Project (VLP) when paying their MBA membership dues. Your support for access to justice is greatly appreciated.

Karl Anuta
Sheldon Aronson
Maggie Biondi
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John Cosgrave
Paul Duden
Peter Grabiell
William Gross
Tim Helfrich
Molly Jo Mullen
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David Shaw
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Evans Van Buren Jr.
Daniel Woram
Hon. Merri Souther Wyatt
Pamela Yee

The Portland Regional office of Legal Aid Services of Oregon coordinates the VLP to increase access to justice by connecting low-income people with pro bono attorneys for legal assistance. The VLP primarily serves clients in Multnomah and Clackamas counties, with some projects assisting those in Hood River, Wasco, Sherman, and Washington counties.

The VLP provides free legal help to hundreds of low-income and elderly clients in matters relating to their physical safety, access to food and shelter, and other critical legal needs. Through the VLP, hundreds of lawyers volunteer thousands of hours to help Oregonians who couldn’t otherwise afford legal services.

To learn more about the VLP and how you can get involved, please visit legal aid’s pro bono website Pro Bono Oregon at www.probonooregon.org. If you’d like to speak with a staff attorney/ pro bono coordinator, please contact Shelby Smith (shelby.smith@lasoregon.org) or Brett Cattani (brett.cattani@lasoregon.org).



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mba | ANNOUNCEMENTS

Free Lunch & Learn Seminar for Civil and Criminal Practitioners - April 12

Join Chief Civil Court Judge David Rees, Judge Angela Franco Lucero, Judge Jenna Plank and Judge Katharine von Ter Stegge for this free, in-person event, 12-1:30 p.m. at the Central Courthouse. This is an opportunity to become familiar with courtroom layouts and technology, and have questions answered in a conversational atmosphere. The MBA will seek CLE credit. For information about the seminar, contact Robert Parker (robert.parker@chockbarhoum.com) or Ramon Henderson (rh@hs-legal.com). To register for the seminar, RSVP to mba@mbabar.org.

MBA Seeks Volunteers for Fellows Program Task Force

The MBA Bar Fellows Task Force is an active group that facilitates the growing Multnomah Bar Fellows Program. The Bar Fellows Program aims to increase the diversity of our local bar by supporting a cohort of talented, outstanding law students (at both Lewis & Clark and University of Oregon law schools) who come from historically underrepresented backgrounds. We are seeking one or two volunteers. Learn more www.bit.ly/mba-fellows.

Lawyer Volunteer Needed for Disability Rights Oregon’s Mental Health Advisory Council

Disability Rights Oregon needs a lawyer to volunteer for its Mental Health Advisory Council. The Council is comprised of people who experience mental illness and their family members, mental health providers, members of the public knowledgeable about mental illness, and lawyers. The Council’s primary job is to advise Disability Rights Oregon’s Board, lawyers, and advocates about work to protect and advocate for the rights of Oregonians with mental illness. Contact Dave Boyer with questions at dboyer@droregon.org. Visit droregon.org/mhac-application to apply to be a Council member.

The District of Oregon is Seeking Nominations for Ninth Circuit Lawyer Representatives

Being a lawyer representative is a rare opportunity to collaborate with federal judges and other federal practitioners in the District of Oregon and the Ninth Circuit. Those selected this year will serve from August 1, 2024, through July 31, 2027. Details are available on the Ninth Circuit’s website at www.ca9.uscourts.gov/lawyer-representatives. The deadline to apply is May 3. To nominate yourself or someone else, please send a short statement of interest and resumé to Judge Youlee Yim You at youlee_yim_you@ord.uscourts.gov.

Not Receiving MBA Emails?

Members are encouraged to opt in to ensure that they successfully receive MBA email communications. Visit www.mbabar.org/opt-in to confirm your email status.

Multnomah CourtCare

Free drop-in childcare for children six weeks to 12 years of age is available at the Central Courthouse, Monday-Friday, from 8:30 a.m.-4 p.m. This MBF-funded program is for parents and legal guardians who are actively conducting business at the Central Courthouse, federal courthouse, or Justice Center in downtown Portland. Reservations are encouraged, but not required. (503.988.4334, courtcaresdropin@voaor.org).

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.

Volunteers Needed for the Children’s Representation Project

The court has an ongoing need for lawyers to volunteer for the Children’s Representation Project, and there is a backlog of requests. The court is seeking CLE credit for this representation. The work is rewarding and volunteers do not need to have a domestic relations practice to participate. Contact Brandy Jones (Brandy.L.Jones@ojd.state.or.us).

Broadway Rose Theatre Seeks Board Members

Broadway Rose Theatre is seeking lovers of musical theater for its board of directors. The Broadway Rose is Oregon’s premier musical theater company since 1992 and regularly earns national recognition for its commitment to artistic excellence and the development of new works. With an attendance of over 45,000 per year, it remains committed to keeping live theater affordable and accessible to all community members. The company employs over 250 part-time and seasonal staff, artists, technicians, and educators. For information on this commitment to the arts, contact board member Aaron Kirk Douglas (503.307.7869, aaronpdx@outlook.com).

Ethics Focus



by Mark J. Fucile
Fucile & Reising LLP

This past year saw two significant Oregon Supreme Court decisions on the attorney-client privilege. Although one has broader practical application for most lawyers than the other, both plumb areas that lawyers can readily encounter. The first discusses whether an attorney-client conversation that takes place over an electronic network operated by the client’s employer is sufficiently confidential to qualify as privileged. The second addresses whether the “breach of duty” exception that normally makes attorney-client communications underlying a legal malpractice claim discoverable extends to a client’s subsequent conversations with “repair counsel” retained to “fix” an asserted error by the client’s original lawyer. With the first, the Supreme Court essentially said “it depends.” On the second, the Supreme Court gave a firm “no.” In this column, we’ll look at both.

Using an Employer’s Network

The attorney-client privilege protects “confidential communications,” which OEC 503(1)(b) defines as “a communication not intended to be disclosed to third persons[.]” In *Gollersrud v. LPMC, LLC*, 371 Or. 739, 541 P.3d 864 (2023), a client communicated with his lawyer on a personal legal matter over his employer’s email system. The opponent in the personal legal matter later subpoenaed the employer seeking those communications. The client moved to quash the subpoena - arguing that the communications remained privileged notwithstanding the fact he was using the employer’s email system. The opponent, by contrast, contended that using an employer’s email system to communicate with an attorney on a personal legal matter failed to meet OEC 503’s necessary predicate to privilege of being a “confidential communication.”

Two Oregon Privilege Decisions of Note

As noted, the Supreme Court essentially said: “It depends.” The Supreme Court surveyed case law nationally through the lens of Oregon’s definition of “confidential communications.” The Supreme Court put particular emphasis on the fact that the only evidence in the record on the client’s expectation of privacy was his own declaration to the effect that he had never received notice that his employer would actively monitor his private communications over the employer’s system. Effectively, the Supreme Court reasoned that simply because an employer has an unstated theoretical ability to review an employee’s communications with the employee’s lawyer over the employer’s system does not - without more - destroy privilege. The Supreme Court cautioned, however, that different facts - particularly notice to an employee that the employer actively monitors communications over the employer’s system - might lead to a different result.

Beyond privilege, the ABA in Formal Opinion 11-459 (2011) counseled that under the broader confidentiality rule - ABA Model Rule 1.6 and its state counterparts - part of a lawyer’s responsibility is to educate clients about the requisites of privilege and the corresponding risks of communicating over an employer’s system. Although on different facts, an Oregon lawyer who had a part-time personal law practice in addition to fulltime employment with the State was disciplined under Oregon RPC 1.6 in *In re Valverde*, 29 DB Rptr. 192 (Or. 2015), for keeping electronic files from his personal law practice on the State’s servers despite a clear policy by the State that data stored on its computers was State property. Lawyers should read *Gollersrud*, therefore, with the caution that the Supreme Court itself underscored in its opinion.

Breach of Duty Exception

OEC 503(4)(c) states that privilege does not apply to a “communication relevant to an issue of breach of duty” by a lawyer. On a practical level, this is the evidentiary basis for discovery of a lawyer’s file

in a legal malpractice case by a client against the lawyer. In some instances, however, the client may have also consulted with other lawyers - either retained directly by the client or provided by the original lawyer’s malpractice carrier once a potential error came to light and often called “repair counsel” - to either assess or attempt to fix the problem that gave rise to the potential claim.

Hill v. Johnson, 371 Or. 494, 538 P.3d 204 (2023), arose in the “repair counsel” context. The plaintiff sued his former attorney for malpractice arising from the entry of a stipulated judgment for which the plaintiff alleged the lawyer did not have the client’s authority. Following the client’s discovery of the judgment, he first retained replacement trial counsel in an effort to set the judgment aside, and when that failed appellate counsel challenging the trial court’s denial of the motion to vacate the judgment. When the denial was upheld on appeal, a legal malpractice claim followed.

In the legal malpractice case, the original lawyer sought repair counsel’s files. The plaintiff produced their billing records but asserted privilege over the balance of their respective files. The original lawyer argued that the “breach of duty” exception extended to repair counsel as well. The trial court agreed, but the Supreme Court reversed on a writ of mandamus. The Supreme Court found that the “breach of duty” exception only applies to communications between the client and the original attorney who allegedly erred and did not extend to subsequent repair counsel retained to correct the asserted error.

The Supreme Court also recently addressed the related “self-defense” exception to the lawyer confidentiality rule, RPC 1.6, in *In re Conry*, 368 Or. 349, 491 P.3d 42 (2021). The Supreme Court in *Conry* held that while lawyers are permitted to reveal otherwise confidential information to defend themselves, the exception is narrowly limited to information that is “reasonably necessary” to the defense involved.

Around the Bar



David Petersen

Tonkon Torp LLP

The firm has appointed partner **David Petersen** as Co-Chair of its Business Department. Petersen will co-chair the Business Department with Jessica Morgan. Petersen is immediate past chair of Tonkon Torp’s Real Estate & Land Use Practice Group. With a practice focused on land use and local government law, Petersen has helped bring a wide range of development projects to fruition, including large-scale residential developments, big-box retail stores, educational and office campuses, mixed-use developments and master planned communities, and other industrial and commercial facilities. He is the founder of, and a regular contributor to, Tonkon Torp’s *Ear to the Ground* blog.



Eric Levine

The firm is excited to welcome attorney **Eric Levine** to its Litigation Department. Levine is experienced in appeals and complex civil litigation. He joins the firm from the Office of the Attorney General for the District of Columbia, where he was a Charles F.C. Ruff Fellow in the Office of the Solicitor General. In his litigation practice, Levine has authored briefs filed in state and federal courts, including the US Court of Appeals for the DC Circuit and the DC Court of Appeals. He has also contributed to amicus briefs filed with the US Supreme Court. Levine is a graduate, cum laude, of The George Washington University Law School. There, he was an associate of *The George Washington Law Review*, a teaching assistant for the first-year legal writing course, a research assistant, a tutor of five subjects, and an executive board member of the GW chapter of the ACLU. During law school, Levine also worked for the Office of the Solicitor General, Common Cause of Oregon, and a personal injury law firm.



Rosalie Fatta

Litigation associate **Rosalie Fatta** has joined the Ambassador Board of CASA for Children. CASA (Court Appointed Special Advocates) connects vetted, volunteer advocates with children who have been abused or neglected. As the children go through the trauma of the court system, their CASA volunteer works to guide them through safely, quickly, and effectively. The CASA Ambassador Board’s mission is to raise awareness about CASA for Children, assist with fundraising for the organization, and foster development and relationships amongst future community leaders and the current board of directors. Fatta is an associate in Tonkon Torp’s Litigation Department with a diverse civil litigation practice covering business disputes and the defense of professional services clients and employers in and outside of court.



Matt Heldt

Labor and employment attorney **Matt Heldt** has joined the Emerging Professionals Board at Blanchet House, a nonprofit organization that provides clothing, hygiene items, community, and transitional recovery programs to thousands of people every year. Heldt serves as an ambassador for Blanchet House, working to spread awareness and support of the Blanchet House’s vital mission, while encouraging others, especially young people, to get involved. Heldt is an associate in Tonkon Torp’s Labor & Employment Practice Group where he works on litigation matters and offers employers strategy and advice on labor and employment issues. He is a magna cum laude graduate of Lewis & Clark Law School. Litigation partner **Paul Conable** has been elected as a Fellow in the American College of Trial Lawyers (ACTL).



Paul Conable

The ACTL, the preeminent organization of trial lawyers in North America, is dedicated to maintaining and improving the standards of trial practice, professionalism, ethics, and the administration of justice. Conable has a wide-ranging trial practice, representing both individuals and businesses in contract and investment disputes, government investigations, and environmental matters. Paul serves on Tonkon Torp’s Managing Board and is past Co-Chair of the firm’s Litigation Department.



Anna Sortun

Litigation partner **Anna Sortun** has been selected by the *Portland Business Journal* as one of its 2024 Women of Influence. The highly regarded award recognizes women who are business and community leaders in the greater Portland area. Selection is based on career accomplishments, business influence and leadership, and community and civic involvement. Sortun is a commercial trial lawyer, and also serves on the firm’s managing board, hiring committee, and pro bono business litigation practice includes contract litigation, business owner disputes, consumer protection matters, and complex tort cases. Over the course of her career, she has tried more than a dozen jury trials to verdict in state and federal court, and has ushered hundreds of cases to resolution, through arbitration, motions practice, or settlement. Sortun has been previously recognized for her legal work by Chambers USA, Best Lawyers, Oregon Super Lawyers, the *Portland Business Journal*, the *Daily Journal of Commerce*, and the MBA. She is a Fellow in the International Society of Barristers, an exclusive honor society that maintains a worldwide membership of less than 750 trial lawyers deemed by their peers and judges to be outstanding in the field of advocacy.



Vivian Krupicka

Harrang Long P.C. Harrang Long P.C. is pleased to announce that **Vivian Krupicka** has joined the firm. She represents clients in civil litigation and regulatory disputes, bringing over a decade of experience in courtrooms and ADR conference rooms throughout Oregon and Washington. Krupicka is a 2012 cum laude graduate of Lewis & Clark Law School. Having clerked at the Multnomah County District Attorney’s Office during law school, she began her practice as a deputy DA for an additional five years, gaining significant experience in motion and trial work along with a host of other matters. Krupicka moved to private civil practice in 2017, when she joined one of the nation’s largest insurance companies. There, she was engaged in litigation for a robust range of insurance defense matters including tort, property damage, contract, premises liability, subrogation, and other claims.

The Commons Law Center

The Commons Law Center is excited to welcome **Jeff Matthews** as the Senior Legal Advisor to their



Jeff Matthews

Family Law program. Matthews is a veteran family law attorney with over 40 years of experience in Oregon family law. Through his years of practice, community and bar related leadership, as well as by his professionalism, he has distinguished himself as one of Portland’s established and respected family law attorneys. Matthews now looks forward to providing divorce coaching services to the often underserved and less fortunate members of our community, as well as to providing mentoring to the younger attorneys at The Commons.

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.

Solo & Small Firm Committee Upcoming Workshops

DISCOVERY STRATEGIES FOR SMALL FIRMS

Friday, April 26
12-1:30 p.m.

Remote attendance only via Zoom

Join us for this workshop on the bio-psycho-social framework for understanding the practical implications of representing clients with complex and simple trauma history. The workshop includes a presentation by **Tracey Biebel, LCSW**, about the science of trauma and trauma’s impact on how the brain responds, as well as an overview of ethical implications related to working with clients in trauma, and a panel discussion with potential break-out rooms led by practitioners who work across legal platforms including domestic relations, personal injury, estate planning, and juvenile dependency. Speakers will include attorneys **Heidi Mandler-Huff, Jennifer Stoller, Marlene Yesquen, and Tiffany Davidson**.

Cost: Free for members/\$30 non-members
The MBA will apply for 1.5 hours of Ethics OSB MCLE credit

LAW FIRM MARKETING 101

Tuesday, May 21
12-1 p.m.

Remote attendance only via Zoom

To grow your law practice, you need to have a plan to communicate the services you provide to the people who want to purchase your services. This CLE will cover basic marketing (such as branding, advertising, and sales) from the perspective of **Steven Leskin, Leskin Law & Mediation**, and **Robert Wilkinson, Vulin Wilkinson LLC**, two longtime Portland practitioners with very different practices. Topics will include networking, digital advertising, social media, and nurturing referral sources. Come spend an hour listening to how two attorneys have grown their practices.

Cost: Free for members/\$30 non-members
The MBA will apply for 1 hour of Business Marketing OSB MCLE credit

Register at www.mbabar.org

mba|EVENT

MBA Craft Night

Thursday, April 4
6-9 p.m.
DIY BAR
3522 N. Vancouver Avenue, Portland



Join the MBA Events Committee for a craft night at DIY Bar in North Portland. This event is for crafty (and not so crafty) people. Think “Workshop Meets Bar.” You’ll get all the materials, tools, a self-guided tutorial and the creative freedom to make a DIY craft. The MBA will supply some snacks, and you are welcome to bring your own food. Drinks are available for purchase. This is an all ages event. The craft projects are geared for adults but there are several child-friendly project options.

\$40 for MBA members and non-members
Register at www.mbabar.org.

What’s It Like to be a Legal Aid Lawyer?
Multiple Open Positions Available

For current employment opportunities, visit:
www.lasoregon.org/employment
www.oregonlawcenter.org/about-olc/employment-opportunities

What’s it like to be a legal aid lawyer?
Have you wondered what it’s like to work at a legal aid organization? Two Multnomah County legal aid lawyers - Divine Zheng (staff attorney with Legal Aid Services of Oregon, Portland Regional Office) and Emily Teplin Fox (State Support Unit, Oregon Law Center) share their perspectives.



Divine Zheng



Emily Teplin Fox

Why did you decide to work for legal aid?
Fox: There are a lot of important ways to bring about social change, including grassroots organizing, and legislative advocacy. But I love litigation. I wanted a job where I could bring cases that challenge systems of oppression and achieve justice for people too often ignored.
Zheng: For me, it was really important to find a niche in the legal community where I felt like I belonged. I love working for an office that is welcoming and unionized. Not only do we care deeply about our client population, but we care deeply about making things better for each other so that we can sustainably continue this important work.

What’s the best part of your job?
Zheng: I love the collaborative nature of legal aid. I learn so much from my colleagues on a daily basis, and it is really wonderful to be able to draw from the expertise of offices across the state. The first time I practiced law was with legal aid, and I felt like it was a supportive environment to learn the basics of litigation and client relationships from super knowledgeable attorneys. Also, the 35-hour work week is a nice perk!
Fox: I love co-counseling with my legal aid colleagues around the state, and representing people brave enough to stand up to the landlords, companies, employers, or government agencies that caused them harm. It’s extremely gratifying to see our litigation result in positive change. Sometimes that means a child with disabilities finally getting the educational services they need or keeping a domestic violence survivor safe from abuse. Sometimes that means a government agency rescinding tens of thousands of benefit terminations. I love that I always believe, strongly, in the clients and issues I advocate for.

What kind of cases do you work on?
Fox: Whatever our clients and client communities need, and whatever my colleagues want my help with! I appreciate having a diverse docket; I do everything from defending evictions in municipal court, to constitutional rights class actions in federal court. My cases tend to be “impact” cases designed to benefit a large number of client community members. But all legal aid cases have enormous impact on the clients we represent.
Zheng: My office has various practice areas, including housing, family law, and administrative law - I work primarily within administrative law and public benefits issues. I assist with matters ranging from unemployment insurance overpayments, to Medicaid denials, to special education services. It is incredibly gratifying to be able to help our clients get the life-changing resources that they need.

What is it like to work for legal aid, in a typical week?
Zheng: To meet as much community need as we can, we devote a lot of time to brief consultations - this might look like providing advice through phone calls or letters. My long-term cases involve legal research, client meetings, or appearances in administrative or court hearings. I also coordinate my office’s race equity work, so I manage programs and projects that align with our anti-racism goals.
Fox: I spend most of my time directly litigating cases with my legal aid colleagues. I also do a lot of internal training, both in groups and individually, and I work on internal systems to better integrate technology into our legal practice.



Oregon Women Lawyers’
2024 Roberts & Deiz Award Celebration
Friday, May 31 at 5:30pm
Program starts at 7:00pm

Please join OWLS & the OWLS Foundation
for our 31st celebration honoring
Award Recipients

Juan Chavez
Director, Civil Rights Project
Oregon Justice Resource Center
&
Judge Maalik Summer
Washington County Circuit Court

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Juan Chavez
Director, Civil Rights Project

Friday May 31, 2024
5:30 - 9:00 p.m.
Left Bank Annex
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Tickets \$110
Sponsor a law student \$80
www.oregonwomenlawyers.org



Judge Maalik Summer
Washington County Circuit Court

Email linda@oregonwomenlawyers.org / text 503.841.5720 for
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This profession is
hard enough.
Take time to
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Tips From the Bench

Preparing for Trial at the New Multnomah County Courthouse

by Judge Jenna Plank
Multnomah County Circuit Court



As all trial lawyers know, preparing for a jury trial involves a million moving parts. Attorneys and staff need to prepare witness testimony, exhibits, arrange for travel, make best guesses as to witness timing, and craft legal arguments against a backdrop of an unknown jury pool. What many attorneys fail to think about until the eve of trial is how they intend to use the courtroom itself. Like any good storyteller, attorneys who use their setting well generally fare better in trial than those who do not.

The new 17-story Multnomah County Courthouse houses 11 floors of courtrooms that feature a uniform configuration and come equipped with new audio-visual features and capabilities. When used correctly, these new AV capabilities enable greater ease of evidence presentation in trial, but there are several physical and technical features of the courtrooms that still present issues for parties if not planned for in advance.

The following are a few tips derived from staff input, and personal observation of trial mishaps and frustrations.

Attorneys should be mindful of:

1. The size of the courtrooms.

With the exception of courtrooms 9A, 11A and 13A, each trial courtroom is approximately 1,600 square feet, inclusive of two rows of gallery seating for spectators. Attorneys should be mindful that given the relative size of the courtrooms, counsel tables will always be in close proximity to either the witness stand or the jury box, depending on which side they sit. Attorneys will also do well to give some advance thought to the close proximity of their clients to jurors or witnesses.

2. Attached attorney meeting space. Each trial courtroom features attached small conference rooms for attorney use, with the exception of courtrooms 9A, 11A and 13A, which have no attached meeting space due to their larger gallery seating area (four rows for spectators vs. two in other courtrooms). Courtrooms

denoted A, B and C also have attached secured meeting space available for attorney reservation. If attorneys in a “D” courtroom, or courtrooms 9A, 11A or 13A, want access to a locking attorney meeting room, they must make arrangements to use the meeting space attached to another courtroom.

3. Counsel table size. Failure to plan in advance for adequate counsel table space is a recurring issue in the new courthouse. Each courtroom contains two counsel tables that are large enough for three people seated tightly together. If parties plan to bring a litigation team in excess of three people, arrangements need to be made for the addition of extra counsel tables.

4. Jury box location. Each courtroom features a 14-person jury box. If parties wish to empanel multiple alternates, several jurors may be seated on the ground-level where their line of sight will be impeded by either the bench or counsel tables. Additionally, the courtroom layout is such that regardless of panel size several jurors will always be seated *behind* counsel table in the courtroom. Parties must be mindful of what they’re displaying on their laptops, and how audible their personal conversations are at counsel table.

5. AV capabilities. Each courtroom features two 98-inch mounted flat screen televisions connected to output ports in the counsel tables. Each counsel table has one HDMI input/output port, two power outlets and two USB outlets per table. However, only one counsel table can project to one flat screen TV at a time. Both TV screens cannot concurrently project at the same time. Standard laser pointers also do not work on the LED screens of the TVs in the courthouse. Telescopic physical pointers are available for use in the courtroom.

6. The jury deliberation rooms. If parties wish jurors to review any form of digital evidence in the deliberation room they must provide a computer, TV or other output device. Alternatively, the court has three rolling TV carts and six laptops that can be used for jury deliberation room use when available.

Continued on page 15

News From the Court



by Rachna Hajari
MBA Court Liaison Committee

Presiding Judge’s Report - Presiding Judge Judith Matarazzo

Judge Matarazzo reported that civil and criminal dockets are quite full. She encourages all civil practitioners to contact the court (971.274.0660, Mul.presiding@ojd.state.or.us) and advise the court of disposition of cases even if the judgment has not been finalized. Judge Matarazzo provided an example of a Friday call date when the docket had 14 civil cases on for trial, including several date certain cases. Not a single person appeared at call to report on those cases, either that they had resolved or needed additional dates, etc. The judge highlighted the difficulty of sending out and managing civil cases alongside the criminal docket when presiding court isn’t receiving reports on what is happening with civil cases on the docket. The court ran a report recently and found that there were about 220 cases that did not have judgments, even though the parties reported the cases had resolved. The court is advising parties that if the judgment is not submitted in a timely manner, the case will be dismissed. A notice will be sent from the court advising the parties of an administrative dismissal. Such reports will be run more regularly. Presiding court is already reaching out to parties the week before, reminding them that their case is still on the docket, but that hasn’t seemed to help solve the problem.

Judge Matarazzo noted that as to the criminal docket, the court has almost returned to the pre-pandemic “time to disposition” timelines for felony cases. There are also more felony cases being closed than cases coming in, which has improved docket sizes. Timelines are the ultimate goal for expected time from filing to disposition. Misdemeanor cases are not moving as quickly and should be resolving sooner. The court recognizes that most of these cases are being handled on both sides by newer lawyers with less experience, and is actively looking for ways to speed up misdemeanor resolutions. This will be increasingly important given the new legislation of recriminalization of drug crimes, which will add to the workload.

There are over 2,000 people statewide who are out of custody but facing criminal charges, and who are eligible for public defense representation but do not have appointed counsel. Nearly 600 of those are in Multnomah County. The number of unrepresented individuals with pending criminal charges continues to remain very high and the court is concerned about what will happen if there is an increase in the volume of criminal cases filed. In Multnomah County we have had very few individuals in custody without representation, and have been able to stay within the guidelines outlined in Judge Michael McShane’s opinion and order in the Betschart case in US District Court even though the order has not yet been affirmed.

Trial Court Administrator’s Report - Barbara Marcille

Two new judges on the family law bench were sworn in on March 4: Judge Pamela Haan, who replaced Judge Michael Loy, and Judge Christine Martin, who replaced Judge Kathryn Villa-Smith. Judges Loy and Villa-Smith will serve as senior judges.

The court monitored a number of bills in the legislature, including House Bill 4002 (passed and awaiting signature by Governor Tina Kotek) which addresses the recriminalization of drug possession and a companion funding bill associated with HB 4002, which allocates resources to support the bill. One larger question around the new legislation is what enforcement will look like in Multnomah County; this information will come from the Portland Police Bureau and the Multnomah County District Attorney’s office. The bill has an emergency clause that will go into effect immediately if the bill is signed by the governor, although other aspects of the bill including the misdemeanor

classification of Possession of Controlled Substances will not go into effect until September. HB 4097, which dealt with reform of the set-aside expungements, did not move out of committee during this short session and will likely be revisited in 2025.

Free Lunch & Learn Seminars at the Central Courthouse

Join panels of judges from the Multnomah Circuit Court at the Central Courthouse for two upcoming, free events. Chief Civil Court Judge David Rees, Judge Angela Franco Lucero, Judge Jenna Plank and Judge Katharine von Ter Stegge will offer advice for civil and criminal practitioners on April 12, 12-1:30 p.m. in Courtroom 13B. Chief Family Law Judge Susan Svetkey, Judge Patricia McGuire, and Judge Jamie Troy will offer advice for family law practitioners on May 31, 12-1:30 p.m. in Courtroom 16D.

The court and the MBA Court Liaison Committee are partnering to provide this opportunity for lawyers to become familiar with courtroom layouts and technology, and ask questions of the judges in a casual, conversational atmosphere.

Open to all, this is an ideal opportunity for newer lawyers, lawyers who haven’t visited the new courthouse, and lawyers who’ve been conducting their court business remotely, and may give people more ease about being in court.

The MBA will seek 1.5 hours of CLE credit for each event. To register, RSVP to mba@mbabar.org.

For more information about the seminar, please contact Robert Parker, Chock Barhoum (robert.parker@chockbarhoum.com), or Ramon Henderson, Hodgkinson Street Mephram (rh@hs-legal.com). For registration questions, please contact the MBA (503.222.3275, mba@mbabar.org).

Question for the Court?

If you have a question for the court or would like to share feedback about court practices through the Court Liaison Committee, please send your questions or comments to Pamela Hubbs, pamela@mbabar.org, with “Question for the court” in the subject line.

Referee Eric Lentz Judicial Profile

by Craig Russillo, MBA Court Liaison Committee
and Skye E. Lindsay, Schwabe Williamson & Wyatt PC

Multnomah County Civil and Criminal Hearings Referee Eric A. Lentz’s path to the bench was anything but traditional. While most judges likely took a linear path to the bench, Referee Lentz walked a somewhat more circuitous route.

Born in Clackamas, Oregon, and raised in Oregon City and West Linn, Referee Lentz has always had a strong sense of social justice, political activism, and educational freedom, traits which did not always mesh with his teachers at West Linn High School. Wanting more freedom of expression and independence in his education, and in a remarkable show of maturity for someone his age, Referee Lentz chose to leave West Linn High School after his sophomore year. He obtained his GED that summer and enrolled at Portland Community College the following fall, where he studied technical theater, which deals with all the technical elements that go into creating theatrical productions. While studying at PCC, West Linn High School hired Referee Lentz as the interim technical coordinator for the fall term while the school engaged in a nationwide search for a new full-time technical director. In that capacity, Referee Lentz coordinated the technical aspects of two theatrical productions and taught students about technical theater. Fate certainly has a clever sense of irony.

Referee Lentz continued his studies in technical theater at Portland State University. After college, Referee Lentz worked as a sound engineer and stagehand as a member of the International Alliance of Theatrical Stage Employees and freelanced at theaters large and small throughout Oregon. Referee Lentz worked on many national touring shows, from Lady Gaga to Jimmy Buffet, and provided free or low-cost work for community theater groups. During this time, Referee Lentz never lost sight of his passion for social justice. On a break during one of his productions, Referee Lentz began talking with the other stagehands about their passions and realized he did not want to look back on his life with regret and that if he was going to pursue his passion for social justice, he had to do it sooner rather than later.

In 2006, Referee Lentz quit his job and became a Bearcat, enrolling at Willamette University’s College of Law. After graduating and passing the bar in 2009, Referee Lentz “hung



Eric Lentz

out his shingle,” embarking on a solo practice, initially taking on a variety of cases before finding his niche in criminal defense. Over the years, he built a reputation as a dedicated advocate for his clients, eventually expanding his practice across Oregon and Washington.

In 2019, Referee Lentz took a significant step in his career by applying for a hearings referee position, drawing on his years of experience in the legal field. Despite his initial concerns about the transition from advocacy to a neutral decision-maker, Referee Lentz embraced his new role with dedication and enthusiasm. As a referee, he handles a variety of cases including misdemeanors, civil commitments, small claims, and more, all while striving to engage directly with the public to provide them with the procedural fairness they deserve.

However, the challenges of the job are not lost on Referee Lentz. He grapples with the lack of resources available for crucial services such as mental health treatment and substance abuse programs, recognizing the uphill battle faced by those experiencing and working in the justice system.

Outside of the courtroom, Referee Lentz leads a rich and fulfilling life. He has a partner, whom he met in law school, and together they enjoy the company of their cat and St. Bernard Standard Poodle mix. Referee Lentz’s spare time is filled with a variety of interests, from gaming and fishing to martial arts, which he has practiced for over 30 years.

Despite his demanding career, Referee Lentz remains committed to his community and cherishes the relationships he has forged with his colleagues. His journey from a politically active high school “dropout” to a respected member of the judiciary is a testament to his unwavering dedication to justice and the pursuit of excellence in all aspects of his life.

MBA Public Service Committee Presents

May Days of Service May 1-4

Volunteer online at www.mbabar.org/public-service

LEGAL VOLUNTEER OPPORTUNITIES

NIGHT CLINIC AT ST. ANDREW LEGAL CLINIC

About: St. Andrew Legal Clinic provides legal assistance and direct representation to low-income families in all areas of family law. St. Andrew’s mission is to expand accessibility to legal services by offering affordable and low-cost assistance to individuals who fall within the gap of not qualifying for pro bono legal services yet cannot afford to hire a private attorney.



Volunteer Opportunity: Night Clinic volunteer attorneys provide one-on-one 30-minute consultations to clients on family law matters. At least five attorneys, from family law or other specialties, and two receptionists are needed. Training materials are provided beforehand. Night Clinic is supervised by St. Andrew Legal Clinic Staff Attorneys, who are on-site to provide guidance and ensure quality and competence of advice provided. It is preferred that attorneys from other non-family law specialties shadow a volunteer attorney during any Night Clinic preceding May 1. Requests to shadow an attorney should be made to Maxine Tuan at mtuan@salcgroup.org.

Date & Time: Wednesday, May 1. Meal for volunteers from 6-6:30 p.m.; first round of consultations starts at 6:30 p.m. and last round of consultations concludes at 8:30 p.m.

Location: St. Andrew Legal Clinic’s Portland office: 2950 SE Stark Street, Suite 200, Portland.

How to Get Involved: Register for the May 1 clinic online at www.mbabar.org/public-service. To sign up to volunteer for Night Clinic generally, please visit www.salcgroup.org/night-clinic.

Questions: development@salcgroup.org.

EXPUNGEMENT CLINIC WITH LEGAL AID SERVICES OF OREGON (LASO)

About: LASO is a high-quality legal services program with a mission to achieve justice for low-income communities of Oregon. LASO provides free civil legal help to low-income Oregonians through regional offices, specialized statewide hotlines and pro bono programs.



Legal Aid
Services of Oregon

Volunteer Opportunity: Expungement Clinic (criminal and eviction). Six to eight licensed Oregon attorneys needed to review printed court records, advise clients and complete necessary court paperwork to clear eligible records. CLEs, trainings and additional information are available on www.probonooregon.org.

Date & Time: Friday, May 3. Clinic hours 10 a.m.-1 p.m. Volunteers, please arrive at 9:30 a.m. for clinic overview.

Location: Legal Resource Center, Second Floor, Multnomah County Courthouse; 1200 SW 1st Avenue, Portland.

How to Get Involved/Questions: To sign up for the Expungement Clinic, please email probono@lasoregon.org. Please view online training prior to the clinic.

PUBLIC SERVICE OPPORTUNITIES

DINNER MEAL SERVICE AT BLANCHET HOUSE



About: Blanchet (pronounced Blan-shāy) House is a nonprofit social services organization located in Old Town Portland.

Blanchet House makes a difference, one relationship at a time, through food, clothing, and supportive housing programs. They serve anyone who comes to their doors without judgment because they believe everyone deserves dignity, hope, and community.

Volunteer Opportunity: Dinner meal service. Six to eight volunteers needed. Volunteers must be at least 14 years old to serve in the cafe. Volunteers under 18 years old will need a parent or guardian’s electronic signature on all waivers. COVID vaccines are required to volunteer.

Date & Time: Thursday, May 2, 6:30-8:30 p.m.

Location: 310 NW Glisan St. Portland.

How to Get Involved: To sign up, visit www.mbabar.org/public-service. Please review the volunteer information at www.bit.ly/blanchet-handbook and complete the volunteer form and waiver at www.bit.ly/blanchet-waiver.

Questions: Email the Volunteer Manager at volunteer@blanchethouse.org.

FOREST PARK RESTORATION WITH HANDS ON GREATER PORTLAND

About: Hands On Greater Portland is the volunteer program of United Way of the Columbia-Willamette, and connects thousands of volunteers to projects every year. Hands On Greater Portland offers a variety of ways to get involved while meeting your schedule and interests.



Volunteer Opportunity: Forest Park restoration volunteer event (ages 6+). Gardening, planting, urban forest renewal. All volunteers under 18 years of age must sign a waiver. Thirteen volunteer slots available.

Dress for the weather, wear long pants, wear sturdy, closed-toe shoes and bring a water bottle.

Portland Parks & Recreation will provide tools, gloves, project instruction, water jug and snacks.

Date & Time: Saturday, May 4, 9 a.m.-noon.

Location: Forest Park (exact location will be provided closer to event).

How to Get Involved: To sign up, visit www.mbabar.org/public-service. Please complete the youth waiver (www.bit.ly/handson-waiver) if you are bringing a volunteer under 18 years.

Questions: Contact Monica Hescheles at 503.823.8367.

mba | Young Lawyers
Section

What is the YLS?

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

The Criminal Justice
Reform Clinic
Pro Bono Spotlight

by Clarens J. Emrich
YLS Pro Bono Committee

This month’s “Pro Bono Spotlight” features the Criminal Justice Reform Clinic (CJRC) at Lewis & Clark Law School.

Stewarded by Director and Professor Aliza Kaplan, the CJRC works with law students and volunteer attorneys to provide invaluable legal representation to incarcerated youth and adults throughout Oregon and plays a pivotal role in challenging Oregon’s criminal justice system to consistently improve.

Every year, the CJRC offers direct legal representation to dozens of clients during consequential post-conviction proceedings. The clinic also assists people with petitions for expungement, clemency, and provides housing and employment support in the transition from incarceration. But the CJRC’s direct representation of clients is only one facet of the work it does to create a more equitable justice system.

Over the past decade, the clinic has pushed Oregon to adopt sweeping legislative and policy changes to great success. In 2018, the CJRC and Oregon Youth Authority partnered to create the Youth Legal Clinic aimed at increasing access to justice and legal information for incarcerated youth throughout the state. Then, beginning in 2019, the CJRC garnered national attention for Director Kaplan’s contributions in bringing *Ramos v. Louisiana*, 590 U.S. ____ (2020), to the Supreme Court; the case which ended non-unanimous jury convictions for serious crimes in the last two states where it still existed: Oregon and Louisiana. Following the *Ramos* decision, the clinic successfully partnered with several Portland law firms to push for retroactive application of the decision in Oregon, which they successfully did in *Watkins v. Ackley*, 523 P.3d 86 (2022). Now, the clinic works directly with clients to seek retrial of their non-unanimous convictions. Today, the CJRC continues to supervise and report on various statewide initiatives aimed at addressing racial and socioeconomic disparities in Oregon’s criminal justice system.

Beyond its stated mission, the CJRC combines impactful post-conviction representation with an engaging legal education. Every year, Professor Kaplan welcomes a new group of students to the year-long clinic and provides them with their first chance to guide the clinic’s clients through post-conviction proceedings and transition them into life outside of confinement. It also hosts guest lecturers from all different backgrounds to discuss solutions to the many barriers to justice that incarcerated individuals face. Through these processes, the clinic is responsible for developing law students into knowledgeable and capable advocates for positive change.

In school, I had the opportunity to work with the CJRC’s parole project and helped represent a parole-eligible client during his exit interview hearing in front of the Oregon Board of Parole. Being part of this process helped me appreciate the transformative impact of meaningful representation and underscored the importance of participating in the clinic’s mission.

This sentiment was echoed by Sage Ertman, another former student and now an attorney who regularly volunteers with the clinic assisting clients with SB 819 petitions. Sage shared that his CJRC projects are very fulfilling and strongly encourages other attorneys to get involved in whatever capacity they can. In a jurisdiction where low-cost and pro bono legal resources are increasingly limited, it is imperative that our legal community continues to support programs like the CJRC in ensuring representation is available for those in need.

The Criminal Justice Reform Clinic is always looking for volunteers throughout the legal community to help on its many projects. For more information on how to get involved, please visit www.bit.ly/lclark-clinic.



Newly-Appointed YLS
Board Officers for 2023-24
Terms Begin June 1



Nicole Elgin

YLS President is **Nicole Elgin**. Nicole is a partner at Barran Liebman LLP where she practices labor and employment advice and litigation. She joined the board in 2021, and is currently YLS Board Treasurer.

Nicole’s earliest involvement with the MBA was as the 2016-17 Lewis & Clark 3L Law School Representative on the YLS Board. After being admitted to practice, she served on the YLS CLE, Service to the Public and Pro Bono committees, and was chair of the Pro Bono Committee for the 2020-21 program year. Outside of her MBA involvement, Nicole prioritizes spending time with her family, enjoys mentoring law students, and is a proud supporter of the Campaign for Equal Justice.

YLS President-Elect is **A.C. Estacio-Heilich**. A.C. is a member of the labor, employment & benefits group at Lane Powell PC. She joined the YLS Board in 2022, and serves as YLS Board Secretary as well as board liaison to the MBA Equity, Diversity & Inclusion Committee.

A.C.’s involvement with the YLS began with her participation on the YLS CLE Committee in



A.C. Estacio-Heilich

2018. She later joined the YLS Membership Committee, and served as the committee’s co-chair for the 2021-22 program year. Outside of the MBA, A.C. will also serve as chair for the Oregon Association of Defense Counsel’s Diversity, Equity, and Inclusion Affinity Group.



Allison Kamilos

YLS Secretary is **Allison Kamilos**. Allison practices family law at Holtey Law LLC. She joined the YLS Board in 2023, and is presently the board liaison to the YLS Membership Committee.

Allison joined the YLS Membership Committee in 2019, and co-chaired the committee

from 2020 to 2022. She has also been involved as a committee member for St. Andrew Legal Clinic’s annual fundraising events since 2018, has participated with the Children’s Representation Project since 2017, and served as a National Lawyers Guild Legal Observer in 2022.



Wilson Jarrell

YLS Treasurer is **Wilson Jarrell**. Wilson is a partner at Barran Liebman LLP, where he advises and represents employers and management on labor and employment law and the law of higher education. Wilson joined the YLS Board in 2022, and currently serves as the board liaison to the YLS CLE Committee.

Wilson’s participation with the YLS began in 2018 when he joined the YLS Service to the Public Committee. He later co-chaired the committee during the 2021-22 program year. Wilson is also a member of the OSB Labor & Employment Executive Committee, the National Association of College & University Attorneys, and a board member of the Federal Bar Association Oregon Chapter.

Upcoming YLS Events
Register online at www.mbabar.org

Estate Planning CLE Series Begins Thursday, April 18
Remote attendance via Zoom
8 hours Practice Skills and 1 hour Ethics OSB MCLE credit will be applied for in total
\$150 for members, \$250 for non-members
The YLS CLE Committee invites you to this upcoming nine-part, weekly series on estate planning issues. Topics include Wills and Trusts 101, Government Benefits and Estate Planning, Guardianships and Conservatorships, Ethics in Estate Planning, and more.

Trivia Night
Thursday, April 25, 5-6:30 p.m.
Lucky Labrador Brewing Company, 915 SE Hawthorne Avenue
Free for members, \$10 for non-members
The YLS Membership Committee invites you to test your knowledge along with your fellow MBA members for Trivia Night. Trivia will be hosted by Bridgetown Trivia Co and food and drinks will be available for purchase. Prizes generously donated by local firms will be awarded to the top-scoring teams. Due to limited seating, the event is capped at 30, so sign up soon. We look forward to seeing you there and may the best team win!

Cornhole Showdown
Thursday, June 6, 5-7:30 p.m.
Rogue Eastside Pub and Pilot Brewery, 928 SE 9th Avenue
\$20 for members and non-members
Join the YLS Service to the Public Committee and Oregon Society of CPA Young Professionals for “Profit & Toss: A Cornhole Showdown.” This exciting event will pit lawyers and accountants against each other to answer the age-old question: who is better at cornhole? Attendees are invited to showcase their cornhole prowess individually or as a duo, or just hang out. Proceeds to benefit Friends of Seasonal & Service Workers.

Civics Learning Project’s Mock Trial Program

by Shiri Salehin and Zack Johnson
YLS Service to the Public Committee

“The best way to preserve democracy is to teach democracy.”
- Civics Learning Project

The Civics Learning Project (CLP) supports Oregon youth in becoming “active, engaged, and informed participants in democratic society.”¹ Since its beginnings in 1973, CLP has been dedicated to the cause of helping students “participate in the state’s distinctive model of direct democracy and be active community members.”² In the 2022-23 school year, CLP served more than 147,000 students across Oregon.³ One of the primary ways CLP teaches democracy is through its mock trial program. This means that students are able to participate as attorneys, witnesses, or court staff, resulting in a lively trial for all.

CLP’s mock trials are not simply a classroom strategy: they are an extracurricular competition in which students throughout the state participate.⁴ Initially, students are given a mock court case and then required to prepare to serve as attorneys, witnesses, or court staff. After their initial preparation, student attorneys present opening and closing statements and ask direct and cross-examination questions. Student attorneys then must also learn to navigate the CLP rules of evidence. Student witnesses memorize significant fact patterns so that they may answer student attorneys’ questions in character. Students in the court staff role act as law clerks to the presiding judges. The mock trial program

allows high school students to compete at regional, state, and even national levels. A new and exciting case is created by CLP each year. This year’s case included a plane crash, a threatening pilot, a highly disputed coffee-stained note, and an overzealous National Transportation and Safety Board agent, among other curiosities

In reality, CLP’s mock trial program is not only for high school students - it is an opportunity for the greater legal community. CLP relies on legal professionals to volunteer as presiding and scoring judges. Attorneys, judges, educators, and interested citizens from throughout Multnomah County and beyond volunteer their time to facilitate the competitions. This year, nearly 50 volunteers helped at each event, including multiple members of the YLS Service to the Public Committee. CLP mock trials would not be possible without significant community support.

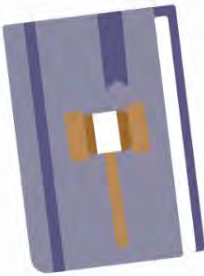
This March, we volunteered as scoring judges in the Multnomah Divisional Mock Trial Competition, hosted by the Multnomah County Circuit Court. The weekend competitions were filled with excitement as high school teams from throughout the state competed against one another. Congratulations to the local teams from Catlin Gabel, St. Mary’s, and West Linn, who advanced to the State Mock Trial Competition! The State Mock Trial Competition took place on March 16 and 17 at the Mark O. Hatfield US Federal Courthouse and was another exciting event for the Oregon legal community. One of the local teams from West Linn successfully advanced on to the National High School Mock Trial Competition in Delaware, which will occur in May!

¹ CLP, “Our Work and History,” Civics Learning Project, www.civicslearning.org/about-us/our-work-history.
² Id.
³ CLP, “About Us,” Civics Learning Project, www.civicslearning.org/about-us.
⁴ CLP, “Mock Trial,” Civics Learning Project, www.civicslearning.org/student-programs/mock-trial.

YLS Speed Networking Event Recap



On Thursday, March 21, the YLS Membership Committee hosted a speed networking event. Attendees had a great time and enjoyed food & drinks hosted by Barren Liebman LLP while getting to know one another. Thank you to committee members Bruce Garrett, Aime Lee Ohlmann and Blayne Soleymani-Pearson for organizing the event.



LAWYERS for LITERACY

Literacy is the key to a future of learning and success. Help empower young readers and future lawyers by making a gift to provide one-on-one reading support and free books to local kids.

Scan the QR code to give! If you’re interested in getting more involved, contact Alayna Herr at smart@smartreading.org.



SCAN ME



Volunteer for the Night Clinic

Date: Every Wednesday night
Time: 6 p.m. with consults starting at 6:30 p.m.
Location: St. Andrew Legal Clinic
2950 SE Stark Street, Suite 200, Portland

Night Clinic is a critical resource in our community. Clients who have been screened for conflicts and general subject area meet one-on-one with a volunteer attorney for a 30-minute consultation to learn their rights, general court procedure and estimated costs of their family law matter.

Volunteers do not need to be a family law attorney. Volunteer attorneys are supervised by a SALC staff attorney who consults on every consultation to ensure completeness and accuracy of advice and to quote fees.

For more information:
503.281.1500
Maxine Tuan, mtuan@salcgroup.org



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Civics Learning Project needs volunteers to lead Courthouse Experience Tours in Portland!

Spend one morning a month helping young Oregonians learn about the justice system and watch the law come alive in our courts. Training and ongoing support is provided.

Scan the QR code for more information about Courthouse Experience Tours!



Questions? Contact Chris Parrucci
cparrucci@civicslearning.org | 503.224.4424
www.civicslearning.org





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Join an MBA or YLS Committee

Rewards of Volunteering

Participation on an MBA or YLS committee is an excellent opportunity to become more active within the legal community, to further develop leadership skills, and to collaborate with colleagues. Most committees meet virtually for one hour once a month, September through May.

To volunteer for a committee, apply online at:

www.mbabar.org/volunteer



MBA Committee Descriptions

CLE

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

Court Liaison

Foster constructive dialogue with the Multnomah County Circuit Court Presiding Judge and Trial Court Administrator with regard to current court practices, or to rules or procedural changes before they are implemented by the court.

Equity, Diversity & Inclusion

Foster and expand equity, diversity and inclusion in the MBA and Multnomah County legal community, and create and strengthen a relationship of mutual support between the MBA and diverse bar organizations. The committee also administers the Diversity Award screening and selection process.

Events

Plan social and networking events, and fundraising events including the WinterSmash bowling event and Battle of the Lawyer Bands, which are both family-friendly fundraisers for the Multnomah Bar Foundation.

Judicial Screening

Confidentially review applications of pro tem and judicial appointment candidates, and report recommendations as called for by the MBA Board-approved process.

Professionalism

Promote principles of professionalism within the legal profession, through "The Corner Office" article, Professionalism Statement, Mentor Program and professionalism training programs. The committee also administers the Professionalism Award screening and selection process.

Public Service

Explore new ways for lawyers to assist those in need in the community, in partnership with the court, pro bono and social service providers, and other stakeholders.

Solo/Small Firm

Focus on programs and services that are of value to small firms and solo practitioners.

YLS Committee Descriptions

YLS CLE

Organize 27+ MCLE-accredited seminars, with content intended specifically for newer attorneys. Provide additional professional and career development seminars for the YLS membership.

YLS Membership

Assist in recruitment and involvement of MBA young lawyer members, encourage member participation in the YLS, and organize a variety of networking activities for YLS members.

YLS Pro Bono

Provide leadership and professional development opportunities for young lawyers in pro bono work. Administer the local Wills for Heroes Foundation clinic, providing estate planning services to first responders.

YLS Service to the Public

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

MBA Members Support their Foundation

Thank you to the following members, who made a charitable donation to benefit the Multnomah Bar Foundation (MBF) when paying their MBA membership dues.

We appreciate all of our supporters who make it possible for the MBF to staff the information desk at the Central Courthouse with a CourtSupport Navigator, provide free drop-in childcare to parents with business in the courthouse through Multnomah CourtCare, and broaden our civic education outreach to the community through CourtConnect.

Karl Anuta
Sheldon Aronson
Robin Bowerfind

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John Coletti
John Cosgrave
Peter Grabiell
Anne Koch
Jimmy Namgyal
Katherine O'Neil
Jane Paulson
Jeff Pitzer
Joanna Posey
Karen Schoenfeld
Robert Udziela
Evans Van Buren Jr.
Hon. Merri Souther Wyatt
Pamela Yee

When you support the MBF, you're giving back to the community, improving access to justice, and supporting the courts. The MBF's mission is to increase the public's understanding



of the legal system, to promote civic education, public participation and respect for the law, to improve the quality and administration of the legal system, and to support programs and projects related to the MBF's purpose.

For more information or to make a donation, contact Pamela Hubbs (503.854.5237, pamela@mbabar.org) or visit www.mbabar.org/mbf.



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Axe-iety Release at Blade and Timber’s MBA Social Event

MBA members gathered at Blade and Timber in Northwest Portland to rid themselves of the day’s stress by throwing professional axes. About 20 people filled four lanes and had fun trying something different, while meeting new people and enjoying snacks. After receiving training from an Axe Safety-certified coach, some struggled to hit the board a little more than others. However, everyone enjoyed this once in a lifetime bucket list event!

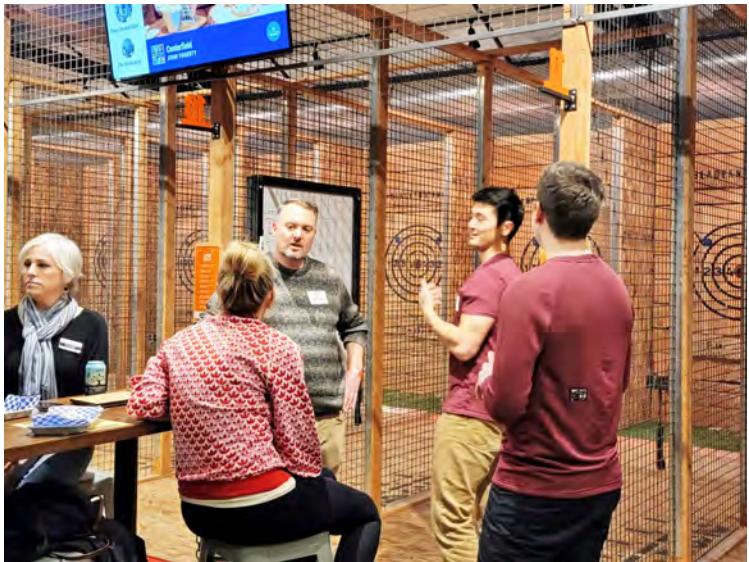
Thank you to everyone who attended. Please check out www.mbabar.org/calendar to find our upcoming events, including Craft Night on April 4, a Portland Pickles game on July 12 and Battle of the Lawyer Bands on August 15.



Andrea Meyer celebrates a bullseye



Akira Heshiki poses with an axe



Attendees socializing while waiting for their turn with an axe

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Tips From the Bench

Continued from page 8

Things that must be done in advance:

1. **Extra counsel tables.** If parties want an additional counsel table for use in trial they must request them in advance from the judicial clerk or judicial assistant for the assigned trial judge. Five days advance request where possible is preferred.

2. **Larger courtroom space.** The three larger courtrooms (9A, 11A, and 13A) can be reserved if parties anticipate a large number of spectators for the duration of the trial, or
- if parties anticipate needing space for an extra-large venire. These courtrooms need to be reserved in advance, and are available on a first-come-first-served basis. A request for a larger courtroom can be made by contacting the assigned trial judge’s judicial assistant, or clerk.

3. **AV equipment for juror use.** If AV equipment is needed for jury deliberations, the court can provide 50-inch rolling TVs connected to a laptop. Exhibits must be in thumb-drive format to be played and viewed on this equipment. As noted above, there is a limited
- supply of TVs and laptops for deliberation use, and they are apportioned on an as-available basis. Parties that know they need this equipment should contact the trial judge’s judicial assistant or clerk as far in advance as possible to ensure the equipment will be available.

4. **Conference room space.** The secured attorney conference rooms attached to courtrooms are generally dedicated to the courtroom to which they are attached. If parties know they want use of a locking conference room throughout a trial, they need to contact the trial judge’s

judicial assistant or clerk and ask that a conference room be reserved for their use in advance of the trial.

Additional information on the integrated technologies available at the courthouse is available at www.bit.ly/court-av and questions regarding advance reservations of courthouse resources can be directed to MUL.Admin@orjudicial.onmicrosoft.com. Thank you to the Multnomah County trial court administration team and staff for their assistance with this article.

For an opportunity to learn more about courtroom layouts and technology, civil and criminal practitioners are encouraged to RSVP to mba@mbabar.org for the April 12, 12-1:30 p.m. free lunch and learn seminar at the Central Courthouse. This in-person event is offered by the court in partnership with the MBA Court Liaison Committee and may qualify for CLE credit. For more information, contact Ramon Henderson, Hodgkinson Street Mephram (rh@hs-legal.com). For registration questions, contact the MBA at mba@mbabar.org.

Classifieds

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Great law or professional offices and cubicle spaces available to rent 10th Floor 520 Sixth Avenue. All offices have great windows, sunlit with nice urban views; two nice conference rooms; collegial, respectful, colleagues in small and sole firms.
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