



## Access to Justice The Universe Tells Me Change is Afoot

by Dana Sullivan  
MBA President

During a recent trip to New York I visited my law school roommate, a former legal aid lawyer who is now a law school professor teaching legal practice.

We had a lengthy discussion about the cause-and-effect relationship between the manner in which legal education is currently delivered and the contracting pool of lawyers available to represent poor and low-income individuals. This is not the first conversation I have had about these interrelated challenges facing the legal profession. I will confess that, after each of these discussions, I have found myself feeling discouraged by the complexity of the problem.

Coincidentally, as if the universe were aiming to show me that solutions are within reach, I read an article in *The Atlantic* on my flight home about a pair of young lawyers in Utah who are experimenting with a new model of delivering legal services to those who might otherwise not be able to afford a lawyer. The article, entitled "The Utah Lawyers Who Are Making Legal Services Affordable," described the mission of Open Legal Services (OLS), a nonprofit established by recent law school graduates Shantelle Argyle and Daniel Spencer. Unable to find jobs after graduation, the organization's founders started the nonprofit to provide affordable legal services to middle-class clients who might otherwise forego legal counsel due to the high cost of retaining an attorney. Argyle and Spencer offer clients fees according to a sliding scale that is published on the OLS website and affixes hourly rates based upon family size and family income. While a sliding-scale fee structure was not new to me, the concept of establishing a nonprofit struck me as novel. The author of the article and those who commented on the article online praised the OLS founders as innovators who devised a creative model that, if more widely adopted, might address both the glut of unemployed or underemployed lawyers and the growing need for affordable legal services.

While I, too, appreciate the creativity of these Utah attorneys' approach, I found myself wondering how well-equipped these 2013 law school graduates were to both run a business and serve the various legal needs of their clients. This brought me back to the question I'd posed to my former roommate only a few days earlier: "Aren't law schools, due to their high cost and apparent reluctance to emphasize practical training, actually hindering graduates from hanging out a shingle and handling cases for lower-income clients without supervision?"

Again I felt discouraged about the interrelated problems of legal education and the unmet need for affordable legal services and again the universe intervened with a message of encouragement.

**Aren't law schools...  
actually hindering  
graduates from...  
handling cases for lower-  
income clients?**

The day after I returned from my trip, I read that the ABA adopted significant reforms regarding the regulation of legal education at its annual convention in Boston.

On August 11, the ABA House of Delegates endorsed a package of law school reforms intended to ensure that students graduate from law school better-equipped to handle the practical aspects of a law practice. The vote was the culmination of a review of law school standards by the ABA's Section of Legal Education and Admissions to the Bar that has been ongoing since 2008.

One of the most substantive changes is the adoption of a model for assessing law schools that is based not upon the schools' programs themselves, as has been the case in the past, but rather on the demonstrated effectiveness of the schools' programs in delivering a quality legal education to students. Under this new outcome-driven model, law schools will be required to establish and publish learning outcomes designed to achieve the objectives of preparing students "upon graduation, for admission to the bar, and for effective, ethical, and responsible participation as members of the legal profession." In addition to competency in knowledge and understanding of substantive and procedural law and in legal analysis and research, law schools are required to ensure that their graduates attain competency in "other professional legal skills needed for competent and ethical participation as a member of the legal profession." These skills are left to the schools to determine but may include skills such as interviewing, negotiation, trial practice, document drafting and cultural competency.

This student-oriented assessment model is likely to increase law schools' accountability for meeting students' needs and expectations. It also provides law schools with increased freedom to experiment with new models that may be more cost-effective and provide students practical skills that will leave them practice-ready. Other significant changes that will allow law schools to be more creative about how to make legal education less costly and to increase instruction of practical skills include:

- A requirement that students take one or more experiential course(s), such as a clinic or externship, totaling six credits (previously only one credit was required);
- The elimination of the minimum student-faculty ratio, which will result in cost-savings to law schools;
- Law students will be permitted to work more than 20 hours per week during the school year; and
- Students may take up to 15 credit hours of distance courses (e.g. via the internet), up from the existing 12, and can take more than four distance credits at a time.

I am left to conclude (thank you, universe) that change is possible and, better yet, change is happening.

**This student-oriented  
assessment model is  
likely to increase law  
schools' accountability**

## mba|CLE

To register for a CLE, please see page 3 or go to [mbabar.org](http://mbabar.org) & log in as a member to register at the member rate.

### SEPTEMBER

**9.17 Wednesday**  
**10 Ways to Address the Risk of Litigation in Documenting the Deal**

Joe Franco  
Michelle Slater

**9.25 Thursday**  
**Avoiding Discipline in Oregon What's New, What's Not**

Dawn Evans  
Scott Morrill

**9.30 Tuesday**  
**Negotiation Skills & Tactics**

Scott Davidson  
Justin Sawyer  
Richard Spier

### OCTOBER

**10.1 Wednesday**  
**Privilege and Ethics Issues Related to In-House General Counsel within a Small or Mid-sized Law Firm**

Bruce Schafer  
Mark Fucile  
Dan Keppler

**10.2 Thursday**  
**Oregon Benefit Companies: Merging Profit & Public Benefit**

William Campbell  
Jeffery Wolfstone

### NOVEMBER

**11.5 Wednesday**  
**Child Abuse Reporting**

Amber Hollister  
Joe O'Leary

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## mba|EVENT

### MBA Absolutely Social

The Grape Escape  
featuring wine tasting  
Thursday, October 23  
The University Club  
5-7 p.m.

Drop in after work and catch up with friends  
and colleagues.

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

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## 2014 Multnomah CourtCare Campaign Raises \$70,000

\$70,000 was raised during the campaign to fund the free childcare program at the Multnomah County Courthouse this year. The CourtCare Campaign raised about \$57,000 from large firms and organizations and approximately \$14,000 from small firms and individuals.

The MBA wishes especially to thank **Amy Angel**, Barran Liebman LLP, for chairing the campaign the last three years.

The **CourtCare Proudest Pride Award** for the largest donation from a firm, lawyers and staff went to **Davis Wright Tremaine**. The **CourtCare Loftiest Leap Award** for the largest donation per capita went to **Buchanan Angeli Altschul & Sullivan**. Trophies will be awarded at the MBF Fall Social on October 7. All are welcome to attend.

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# Calendar

To add your organization or firm's annual events to the MBA online calendar, contact Carol Hawkins, carol@mbabar.org.

## SEPTEMBER

**9.1 Monday**  
Labor Day Holiday

**9.11 Thursday**  
CEJ Party Under the Stars  
Visit cej-oregon.org for details

**9.20 Saturday**  
MBA Pro Bono Pedal  
Visit mbabar.org for details

**9.22 Monday**  
MBA Golf Championship to Benefit the VLP  
See page 16 for details

**9.26 Friday**  
OWLS Fall CLE & 25<sup>th</sup> Anniversary Party  
Visit oregonwomenlawyers.org for details

## OCTOBER

**10.2 Thursday**  
MBA Battle of the Lawyer Bands  
Visit mbabar.org for details

**10.7 Tuesday**  
MBF Fall Social  
Visit mbabar.org for details

**10.9-11, Thursday-Saturday**  
ABA YLD Conference  
Visit mbabar.org for details

**10.18 Saturday**  
OGALLA Annual Dinner  
Visit ogalla.org for details

**10.23 Thursday**  
Pro Bono Fair  
See below for details

**10.23 Thursday**  
MBA Absolutely Social  
Visit mbabar.org for details

## Save the Date Celebrate Pro Bono on October 23

The American Bar Association has designated October 19-25 as Celebrate Pro Bono week for 2014. In conjunction with this nationwide focus on the good things lawyers do, Oregon's annual Pro Bono Fair and Awards Reception will be held on Thursday, October 23 at the World Trade Center in Portland.

Three free CLEs will focus on pro bono topics:

"Working with Non-Traditional Business Clients, Uncovering Assumptions and Breaking Down Stereotypes"

"Protective Orders in Oregon: Protecting Victims of Stalking, Domestic Violence and Sexual Assault"

"Pro Bono for New Lawyers: Getting Your Feet Wet Without Drowning"

More details will be available in the October edition of the OSB *Bulletin* and on the OSB website.



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

Contact the MBA for details and availability at 503.222.3275.

Office location:  
620 SW 5th Ave., Ste. 1220  
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## Ten Ways to Address the Risk of Litigation in Documenting the Deal

Wednesday, September 17, 2014  
3:00-5:00 p.m.

World Trade Center  
Plaza Room  
26 SW Salmon, Portland

Members \$55  
Non-members \$85

Join transactional attorney **Michelle Slater** of Michelle Slater Law LLC and litigator **Joe Franco** of Markowitz Herbold Glade & Mehlhaf PC as they address best practices for minimizing the risk of future litigation in documenting business transactions. Business litigators and transactional attorneys will benefit from an examination of the real world application of dispute resolution clauses, indemnity provisions, releases and more in a thoughtful and practical presentation.

### For more information:

Call Shannon Armstrong, Markowitz Herbold Glade & Mehlhaf at 503.295.3085. For registration questions, call the MBA at 503.222.3275.

## Negotiation Skills and Tactics

Tuesday, September 30, 2014  
3:00-5:00 p.m.

World Trade Center  
Mezzanine Room  
26 SW Salmon, Portland

Members \$55  
Non-members \$85

Negotiation is a fundamental part of most legal practices. Yet, few attorneys have received formal negotiation training or understand basic negotiation approaches. Mediator **Richard Spier**, **Scott Davidson** of White Summers Caffee & James and **Justin Sawyer** of Miller Nash will cover many key concepts in legal negotiation, applicable for litigators and transactional attorneys alike. Learn about different negotiation styles, how to credibly advocate for your clients and maximize their outcome by making timely demands and offers, and how to respond to common problems arising in various types of negotiations.

### For more information:

Call Will Glasson, University of Oregon School of Law at 503.412.0468. For registration questions, call the MBA at 503.222.3275.

## Oregon Benefit Companies: Merging Profit and Public Benefit

Thursday, October 2, 2014  
3:00-5:00 p.m.

World Trade Center  
Mezzanine Room  
26 SW Salmon, Portland

Members \$55  
Non-members \$85

Almost a year has passed since Oregon authorized the formation of Benefit Company entities. Join Lane Powell Shareholder, **Jeffery Wolfstone** and Equilibrium Capital Co-Founder, **William Campbell** for an informative discussion of the past present and future of Oregon's B Companies. If you have business clients who combine profit motive with altruistic purposes, this program is for you.

### For more information:

Call Todd Cleek, Cleek Law Office LLC at 503.706.3730. For registration questions, call the MBA at 503.222.3275.

## Avoiding Discipline in Oregon: What's New, What's Not

Thursday, September 25, 2014  
3:00-5:00 p.m.

World Trade Center  
Mezzanine Room  
26 SW Salmon, Portland

Members \$55  
Non-members \$85

**Note: This class will be worth 2 hours of OSB MCLE ethics credit.**

View lawyer discipline from behind the scenes with **Dawn Evans**, OSB Disciplinary Counsel and Director of Regulatory Services, and **Scott Morrill**, OSB Client Assistance Office Manager, as they discuss how Oregon's disciplinary system works, how to avoid becoming ensnared in it, recent changes to the rules of professional conduct, and what changes may be on the horizon.

### For more information:

Call Helen Hierschbiel, Oregon State Bar at 503.431.6361. For registration questions, call the MBA at 503.222.3275.

## Privilege and Ethics Issues Related to In-House General Counsel within a Small or Mid-sized Law Firm

Wednesday, October 1, 2014  
3:00-5:00 p.m.

World Trade Center  
Mezzanine Room  
26 SW Salmon, Portland

Members \$55  
Non-members \$85

**Note: This class will be worth 2 hours of OSB MCLE ethics credit.**

To what extent can lawyers within the same small or mid-sized law firm communicate confidentially regarding an ethics or malpractice issue involving a current client? The Oregon Supreme Court decision in *Crimson Trace v. Davis Wright Tremaine LLP*, 355 Or 476, \_\_\_ P3d \_\_\_ (2014) resolved privilege issues in the context of a large firm but did not consider whether a smaller firm may have in-house counsel and the relevant privilege, client relations, and ethics questions that may arise. Join **Dan Keppler** of Kennedy Watts Arellano LLP, **Mark Fucile** of Fucile & Reising LLP, and **Bruce Schafer** of the Professional Liability Fund, who will discuss the privilege implications of the *Crimson Trace* decision, unresolved ethics concerns, and risk management issues related to small and mid-sized firms having in-house counsel.

### For more information:

Call Todd Cleek, Cleek Law Office LLC at 503.706.3730. For registration questions, call the MBA at 503.222.3275.

## Child Abuse Reporting

Wednesday, November 5, 2014  
12:00-1:00 p.m.

World Trade Center  
Auditorium  
26 SW Salmon, Portland

Members \$35  
Non-members \$55

**Note: This class will be worth one hour of child abuse reporting credit.**

The MBA presents its annual seminar on child abuse reporting requirements. This program is intended to help lawyers meet their legal responsibilities as mandatory reporters, while maintaining their ethical obligations to clients. Questions to be addressed include the following:

- What are the reporting requirements?
- How do I recognize reportable child abuse?
- What is it that I'm really supposed to do?
- What happens if I make a report of abuse?
- What happens if I don't report when I should have?

**Amber Hollister**, Deputy General Counsel of the OSB, and **Joe O'Leary**, Deputy Director of the Oregon Youth Authority will present a lively and practical discussion of the issues.

### For more information:

Call the MBA at 503.222.3275.

*Register using the form on the next page*

**mba** | EVENT

**Battle of the Lawyer Bands**

A Charity Fundraiser for Multnomah CourtCare  
 Thursday, October 2  
 Kennedy School  
 5736 NE 33rd Ave.  
 Portland  
 7-9 p.m.

Bands that include at least one Oregon lawyer will compete for the title of "Best Oregon Lawyer Band." Judges from the MBA legal community will decide the winner at the end of all the performances. Bring your family and friends and cheer for your favorite band! Crowd applause is a part of the judging criteria. Suggested donation: \$10.



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*Registration forms with payment must be received in the MBA office by 3 p.m. the day before the seminar, or the "at the door" registration fee will apply (see fees for each class and fill in the blank on registration form). Registration forms may be mailed or faxed to the address or number below. Accommodations available for persons with disabilities; please call in advance for arrangements.*

**Photocopy registration and mail or fax with payment to:**

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 620 SW Fifth Ave., Suite 1220 ■ Portland, OR 97204  
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**Register online and order or download MBA self-study materials at [www.mbabar.org](http://www.mbabar.org).**

Reduced fees for unemployed members are available and are assessed on a case-by-case basis. For details, call the MBA at 503.222.3275.

**Seminar Selection:**

Please select the seminar(s) you wish to attend. Written materials for each class are included with registration. Pre-registration with payment is required to reserve a space; at-the-door registrations are accepted if space is available; an additional \$5 charge will apply.

**9/17 Ten Ways to Address the Risk of Litigation in Documenting the Deal**

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**11/5 Child Abuse Reorting**

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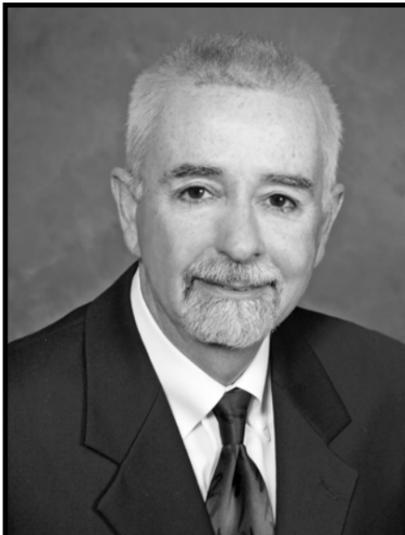


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# mba | ANNOUNCEMENTS

### Foreclosure Panel Brown Bag

The Multnomah County Circuit Court Foreclosure Panel invites interested attorneys to an informal, brown bag panel discussion of judicial foreclosure of mortgages and trust deeds on Tuesday, September 23 at 12:10 p.m. in Multnomah County Courthouse Room 208. Panel Judges Litzenberger, Marshall and Roberts, Presiding Judge Waller and Chief Civil Judge Bushong will participate. Attorneys involved in foreclosures in this district are all urged to attend.

### New Free CLE Content for Members

The video webcast of the seminar entitled "Tax Planning for the Taxable Estate" is now available in the Members Center at mbabar.org. The seminar is worth two hours of general OSB MCLE credit. MBA members receive access to a rotating selection of six different CLE seminars each year – a \$300 value. The free webcast content is refreshed every two months, so stay tuned!

### Take a Matter that Matters

Sign the MBA Pro Bono pledge at [mbabar.org/about-us/pro-bono.html](http://mbabar.org/about-us/pro-bono.html) and commit to taking at least one pro bono case this year.

### Noon Bicycle Rides

Take a noon break for a short, fast ride with hills. Meet at SW Yamhill and Broadway between noon and 12:10 p.m. on Mondays and Thursdays. Contact Ray Thomas at 503.228.5222 with questions, or just meet at the start.

PHOTO BY LEEANN GAUTHIER

Joel K. Overlund      Gary J. Zimmer      Katie C. Goss  
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## Ethics Focus

### Something Old, Something New Oregon's Updated Lateral-Hire Screening Rule

by Mark Fucile  
Fucile & Reising



Oregon's lateral-hire screening rule - now found at RPC 1.10(c) - has been around since 1983. At that time, it was a pioneering application of screening to lateral movement between firms in private practice. Then, as now, the purpose of the rule was to facilitate lawyer movement between firms in private practice without compromising client confidentiality. Since the Oregon rule was adopted in 1983, many states followed and the ABA eventually amended its influential Model Rules of Professional Conduct in 2009 to allow screening in this context. Because our rule had remained essentially unchanged since it was adopted over 30 years ago, the Oregon Supreme Court approved an updated version of our screening rule that became effective earlier this year that moves us closer to the national formulation reflected in the ABA Model Rule. In this column, we'll look at both the theory and the mechanics of lateral-hire screening in light of our updated rule.

#### Theory

When a lawyer leaves an "old" firm to join a "new" firm, clients of the "old" firm that do not follow the lawyer to the "new" firm become the lawyer's former clients. Under RPC 1.10(a) - the "firm unit rule" - an arriving lawyer's former client conflicts are imputed to the "new" firm as a whole unless the lawyer is screened in accord with RPC 1.10(c) (or the clients involved waive the conflict). To illustrate, if your firm is hiring a new lawyer who worked opposite you on a pending case, you need to screen the lawyer to avoid having your firm disqualified when the new lawyer (and the new lawyer's conflict) join your firm.

"Screening" is defined in RPC 1.0(n) as "the isolation of a lawyer from any participation in a matter through timely imposition of procedures within a firm that are reasonably adequate under the circumstances to protect information that the isolated lawyer is obligated to protect under these Rules or other law." The definition underscores the theory behind screening. By disqualifying the individual lawyer who arrives with a former client conflict but not the new firm as a whole if it uses screening, the rule protects the former client while still permitting lawyers to move between firms in private practice.

#### Mechanics

When our rule was originally adopted as part of the old "DRs," it included very detailed procedures and reflected a time period when information was largely communicated in paper form rather than electronically. The amendments approved by the Supreme Court delete the former detail while preserving the essential mechanics of screening: making sure the "new" lawyer does not work on the matter otherwise creating the conflict and that the "new" lawyer does not share the former client's confidential information with the "new" firm.

The new version of RPC 1.10(c) describes these twin aims succinctly:

"When a lawyer becomes associated with a firm, no lawyer associated in the firm shall knowingly represent a person in a matter in which that lawyer is disqualified under Rule 1.9 (the former client conflict rule), unless the personally disqualified lawyer is promptly screened from any form of participation or representation in the matter and written notice of the screening procedures employed is promptly given to any affected former client."

Under the old formulation, the "new" lawyer was required to execute an affidavit attesting that the lawyer would not "switch sides" upon joining the new firm and would not share the former client's confidential information. The old formulation also required the "new" firm to inform all members of the screen and certify the procedures implemented by affidavit. Both affidavits were then served on the former client through the "old" firm. When our

*Continued on page 15*



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## Around the Bar



Heather Guthrie

of contract actions and business ownership disputes, has been appointed to the Oregon chapter of the Federal Bar Association's Board of Directors.

**Rocky Dallum** has joined the firm's government relations and public policy practice group, as a business lawyer with political experience.

**Jay Huh** has joined the firm as an associate in the business department.



Randy Arthur

### Dunn Carney

Estate planning and business attorney **Heather Guthrie** was appointed to the United Way of the Columbia-Willamette Board of Directors.

**Randy Arthur**, a senior litigation attorney whose practice focuses on complex litigation and dispute resolution, has been elected chair of the City of Lake Oswego Planning Commission.



Sam Hernandez

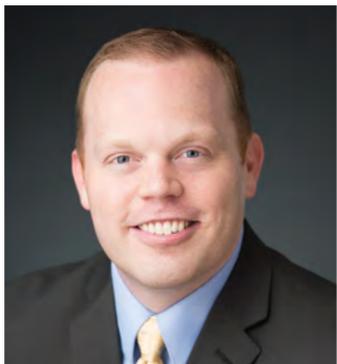


Traci Ray

### Barran Liebman

Associate **Sam Hernandez** has been honored by the Hispanic Metropolitan Chamber with its Leadership Award for his "supporting the advancement of Latino businesses ... students ... community in Oregon and SW Washington." He has served on the organization's board since 2011.

Executive Director **Traci Ray** was recently selected to join the Albertina Kerr Events Committee. Albertina Kerr supports Oregon families who face mental health and developmental disability challenges. Ray will be working on planning and implementing the Christmas Ship Fundraiser, which takes place December 8.



Jeff Bradford



Rocky Dallum



Jay Huh

### Tonkon Torp

**Jeff Bradford**, an associate in the firm's litigation department who focuses his practice on breach



Carla Kelley

### Miller Nash

Government and regulatory attorney **Carla Kelley** was recently elected to the board of directors for Oregon Repertory Singers (ORS), where she will serve as secretary. ORS, which will be celebrating its 41<sup>st</sup> season, is a choral arts nonprofit

organization consisting of six choirs. Kelley has sung with the group for the last five years.



Kathryn Root

### Gevurtz Menashe

**Kathryn Root** has been named a shareholder of the firm. Root focuses her family law practice on divorce and post-divorce cases involving complex property and financial issues, interstate and international child custody disputes, Hague child abduction matters, and relocation. She is a leading authority on interstate and international custody in the U.S. and litigated the first petition filed in U.S. District Court under the Hague Convention.



David Ludwig

### Farleigh Wada Witt

**David Ludwig**, a shareholder with the firm, has been elected president of the Metropolitan Youth Symphony. His law practice focuses on corporate and securities, real estate transactions and financing matters.

### Davis Wright Tremaine

**Carol Bernick**, partner-in-charge of the firm's Portland office, has been appointed to the Metropolitan Family Services Board of Directors.



Leta Gorman

### Jordan Ramis

Shareholder **Leta Gorman** has been appointed secretary-treasurer of the International Association of Defense Counsel, an organization which promotes legal reform and professional development. As co-chair of the firm's litigation team, Gorman's practice focuses on litigation and jury trials, insurance coverage, product liability defense, and business disputes.



Sue Lain



Megan Brazo

### Buckley Law

**Sue Lain** has joined the firm as a shareholder, along with associate **Megan Brazo**. Lain focuses her practice in family law, including divorce, custody, and asset division. She has specialized in handling military divorces and division of closely held businesses, and is also a seasoned criminal and juvenile law attorney. Brazo is experienced in family law issues including custody, child support, divorce, post-judgment modification, visitation/parenting time, guardianship, and adoption.

### Gordon & Rees

The firm, which will celebrate its Portland office's 10<sup>th</sup> anniversary in 2015, has recently added four new attorneys, including shareholder **Nancy Erfle**, who has 25 years of state and federal product liability litigation experience. The firm continues to expand and recently added nearly 4,000 square feet to its Portland office. Gordon & Rees is a national litigation and business transactions firm.



Kathleen Profitt

### Profitt Law

**Kathleen Profitt** has started a law firm in Clackamas. Her practice focuses on providing legal representation to homeowners and condominium associations. Profitt was also re-elected to Oregon Chapter of the Community Associations Institute Board of Directors, where she serves as secretary.

### Lane Powell

Shareholder **Susan Eggum** has been elected as vice chair of programs and projects for the



Susan Eggum

International Association of Defense Counsel's Employment Law Committee. She also serves on the organization's diversity committee.



Victoria Blachly

### Samuels Yoelin Kantor

Partner **Victoria Blachly** was appointed to the Allied Professionals Council at Legacy Health. Blachly's practice focuses on fiduciary litigation.

### Dumas Law Group

Associate **Ashley Vaughn** has joined the new firm, where she will continue to represent victims of child sexual abuse.

### Bodyfelt Mount

Civil defense law firm **Bodyfelt Mount** has moved its offices from the Union Bank of California Tower to The Spalding Building, a historic, 12-story building completed in 1910. The new address is 319 SW Washington St. Ste. 1200, Portland OR 97204. All other contact information remains the same.

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

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## Tips From the Bench

### Family Law Practice After the eCourt Transition

by Judge Maureen McKnight  
Chief Family Court Judge  
Multnomah County Circuit Court



It's been four months since Multnomah County Circuit Court converted to its new case management system. Although we are not yet paperless, we have implemented substantial changes in procedures that impact attorneys, court staff, and judges. This article sets out the most Frequently Asked Questions about family law practice since the transition. Also, new Supplemental Local Rules affecting all areas of law were adopted out of cycle in May and are available on the OJD website.

#### What must I stop doing?

(1) Don't submit documents with staples. Court staff must scan papers for digital storage and removal of staples is time intensive. See new SLR 24.205 about use of paper clips and binder clips when submitting paper documents. (2) Don't submit motions and proposed orders on the same document. New SLR 24.203. Orders must be stand-alone documents for routing, signature, and entry purposes in the new case management system. Change your templates to ensure that all proposed orders are separate from their related motions and affidavits. This applies for every proposed order, from Orders to Show Cause to Orders to Withdraw. (3) Don't submit conforming cards. After scanning, no paper copy of the document exists for the cards to attach to and SLR 5.055 was repealed. (4) Don't submit an extra copy of the support order/judgment and CIF for DOJ. New SLR 24.801 sets out the procedure for electronic transfer and applies notwithstanding UTCR 8.010(8).

**What should I start doing?** (1) Get familiar with File & Serve, the court's program for electronic filing. A lot of material and tutorials are available on the main OJD website. Electronic filing is not yet required but is expected to be mandatory for attorneys soon. (2) Segregate documents addressing remedial contempt from all other documents in the case. Motions, affidavits, Orders to Show Cause, and all

documents about contempt seeking remedial sanctions must be prepared and filed as documents *separate* from those addressing all other issues in the case. New SLR 8.021 and 19.021. This step is required because several remedial sanctions can be handled in the new case management system only as part of a "criminal" case. Court staff processing your motion for remedial contempt will create a shadow "criminal" case in Odyssey from the contempt filings for use if needed and relate that second case to the family law matter. (3) Please be patient. Some steps under our new case management system take longer for court staff and judges than they did under the old system despite overall efficiencies.

#### Is electronic filing of proposed orders and proposed judgments now required?

No, not yet, but it likely will be. Filing of proposed orders and judgments electronically is encouraged in our county. You must still inform the Court when submitting your proposed order or judgment, electronically or otherwise, that you have already served the other side with a copy of that proposed judgment/order where that step is required. A certificate of service regarding the proposed order or judgment is the better practice but at least a letter is required. And court staff do not have the capacity to "hold" proposed orders or documents of any type, waiting for required response times to lapse. Note the 14 day response time (+ three days if mail service) for motions generally. UTCR 5.030. Similarly, see UTCR 8.041(4) for the Family Law proposed order rule for undocketed motions. And see UTCR 5.100 for the three days + mailed service time for orders and judgments submitted in response to court rules, with a seven days + mailed service period if the served party is self-represented in this scenario. Bottom line: **Do not submit proposed orders and judgments until they are ready for judicial signature.**

#### Does the judge need his or her own copy of the proposed order or judgment I submitted electronically?

No, not unless the judge requests this in a particular case. When a proposed order or judgment has been filed electronically, court staff will route the document to the judge's queue so the judge can sign the document digitally. Proposed judgments are reviewed by court staff before routing to the judge, just as paper judgments are.

#### Does the judge get notice automatically when the proposed judgment (or order) is submitted electronically?

No, the judge will get notice when the proposed judgment appears in the judge's queue for signature. Except when a judge has requested notice that you have submitted a particular proposed judgment, it is best not to send a separate notice or routine notices to the Judge.

## MBA Committees

Each year, MBA members serve on committees that address member needs and general issues affecting the profession. A synopsis of each committee's charge for the year and the committee chair follows. If you have ideas or concerns about a particular area, please contact the chair, MBA President Dana Sullivan, [dana@baaslaw.com](mailto:dana@baaslaw.com), or the MBA staff at [mba@mbabar.org](mailto:mba@mbabar.org).



Shannon Armstrong



Keil Mueller

#### Continuing Legal Education

Co-Chairs: **Shannon Armstrong**, Markowitz Herbold et al, 503.295.3085, and **Keil Mueller**, Stoll Berne, 503.227.1600. Plans, conducts and evaluates approximately 35 CLE seminars a year geared toward attorneys in practice 10 years or more.

#### What if the judge wants changes in a proposed order or judgment submitted electronically?

The judge has the ability to make minor changes (small additions and lined redactions) to the proposed electronic document before attaching a digital signature and time-stamp. If substantial changes are needed, it is likely that the attorney or party will be asked to submit a new proposed document.

#### How do I get certified copies of documents under the new system?

Barring exceptional situations, you will need to pay for and obtain certified copies in the file room. Except for adoptions finalized at court hearings or ceremonies, judges' staff - not just in the family law department but in all departments - will not be providing certified copies of Judgments. You may mail a check and request to the courthouse for this purpose. Be sure to include a self-addressed, prepaid envelope.

Please let me know of additional questions so we can get out answers as quickly and broadly as necessary. And thanks for your continued patience.



Eric Dahlin

#### Court Funding

Chair: **Eric Dahlin**, Davis Wright Tremaine, 503.778.5293. This committee works to increase public and legislative awareness about the importance of a fully funded court system, including court facilities.



Peter Richter

#### Court Liaison

Chair: **Peter Richter**, Miller Nash, 503.205.2366. Serves as the MBA's interface with the court and fosters dialogue between the MBA membership, the local judiciary and other local area courts.



Nicole Nowlin

#### Equality & Diversity

Chair: **Nicole Nowlin**, Cosgrave Vergeer Kester, 503.323.9000. Promotes equality in the profession and identifies ways in which the MBA can promote a diverse bar.



John Berg

#### Golf

Chair: **John Berg**, Littler & Mendelson, 503.889.8863. Organizes golf outings, including the MBA Members' Championship Tournament, which raises approximately \$20,000 annually for the Volunteer Lawyers Project at LASO.

#### Judicial Screening

Chair: **Joel Parker**, Schwabe Williamson & Wyatt, 503.796.2975. Confidentially screens judicial and pro tem candidates in accordance with the MBA's process.



Alice Garrett

#### Membership

Chair: **Alice Garrett**, US Fish & Wildlife Service, 503.231.2056. Conducts member-outreach activities and plans drop-in socials and WinterSmash, which benefits Multnomah CourtCare.



Chris McCracken

#### Professionalism

Chair: **Chris McCracken**, Davis Wright Tremaine, 503.778.5223. Implements activities that promote professionalism and carries out the professionalism award process.

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## Judge Chris Garrett Oregon Court of Appeals

by Ryan Bounds  
MBA Court Liaison Committee

**Judge Chris Garrett** stands out among his colleagues on the Oregon Court of Appeals - and not merely as the court's newest, youngest, and tallest member. He is, in addition to all that, the only former legislator on the state's appellate bench, a distinction last held by Chief Justice Wallace P. Carson Jr., nearly a decade ago.

Before his appointment to the court in February, Judge Garrett was a "rising star" in the Oregon House of Representatives' Democratic caucus. In his two-and-a-half terms representing Southwest Portland and Lake Oswego, he garnered the respect of colleagues on both sides of the aisle as a capable and pragmatic advocate for progressive causes and legal reforms. He chaired the Rules Committee. He co-chaired the House Redistricting Committee. He was a point-man for the courts on the Judiciary Committee, where he was instrumental in securing state funds for a new Multnomah County Courthouse.

Notwithstanding these prominent efforts (and maybe because of them), Judge Garrett says a high point of his legislative career was being named an honorary member of the "Three Amigos," the Judiciary Committee's bipartisan tough-on-crime caucus of retired Oregon State Police officers. The (mildly comical) commemorative announcement stands proudly on a chambers bookshelf. It testifies to Judge Garrett's high regard for pragmatism, compromise, and consensus.

Yet last winter, then-Representative Garrett happily gave up his role as a legislative dealmaker to devote himself to the quiet work of interpreting the laws he previously had helped to craft. Although service on the bench was not a new

aspiration, his motivation for making the change sooner than expected was straightforward: The legislature's all-or-nothing schedule of annual sessions had made it nearly impossible to maintain his private law practice and to enjoy enough time with his wife, Lauren, and their two young children, Graham and Grace. The Oregon Court of Appeals, despite its notoriously heavy workload, offered a more flexible and family-friendly schedule. It also offered Judge Garrett limitless opportunities to contemplate two of his favorite subjects: the law and the public interest.

From his upbringing, one might have expected Judge Garrett to be judging talent shows rather than appellate cases. Both of his parents were college music instructors, so his childhood home in Southwest Portland - complete with conservatory - was rife with sheet music and musical instruments, but light on politics and legal briefs. He retains a penchant for classical music, particularly the piano, to this day. Nevertheless, Judge Garrett claims not to be a musician himself, and he seems grateful that his parents never pushed him to be.

Instead, the judge was free to spend his scholastic years honing his writing and analytical skills. He was the editor-in-chief of the student newspaper at Wilson High School, from which he graduated in 1992. He attended Reed College, lured by its reputation for open inquiry and intellectual rigor. As a student at Reed, he majored in Political Science, graduating Phi Beta Kappa. An internship with the ACLU, which was then involved in litigation over the Oregon Citizens Alliance's Ballot Measure 9, led to his senior

thesis topic - legal challenges to Oregon's initiative process under the "republican form of government" guaranty in Article IV, Section 4 of the U.S. Constitution.

By the time he graduated from Reed in the spring of 1996, Judge Garrett had developed an acute interest in law, politics, and the political process. He spent the next few months as a campaign manager for Richard Devlin's rematch against Republican Bob Tiernan, a two-term House incumbent from Lake Oswego. After Devlin won the contest and took Tiernan's seat in Salem, Judge Garrett received his first exposure to the legislative process as Devlin's aide, but by then he was plotting his own move - to Chicago.

In 1997, Judge Garrett entered the University of Chicago Law School. He did well there. In his second year, he was invited to join the *University of Chicago Law Review*, an honor based on superior 1L grades or exceptional performance in a writing competition. (Other notable alumni of the *Law Review* include Judges Douglas Ginsburg and David Tatel of the U.S. Court of Appeals for the D.C. Circuit and former Solicitor General and Supreme Court nominee Robert Bork.) Despite its prestige, Judge Garrett remained on the *Law Review* for only one year. He wanted to pursue extracurricular activities with a greater social impact.

Working in the law school's clinical program on behalf of indigent defendants in Illinois' long-troubled criminal justice system seemed the perfect alternative. He spent much of his third year on the case of one Frederick M. Rokita, who was serving a total of 80 years' imprisonment for aggravated sexual assault and related offenses committed in 1993. Rokita had been convicted on the strength of the victim's eyewitness identification of him more than 10 days after the assault. An analysis of biological

evidence recovered from the victim shortly after the offense, however, yielded no DNA profile to corroborate the eyewitness identification. In 1998, Rokita filed a *pro se* petition in Illinois state court for post-conviction forensic testing of the evidence, claiming that a newer DNA test could undermine the victim's identification of him and corroborate his claim of actual innocence. The trial judge denied the petition, but Judge Garrett and his colleagues took up Rokita's claim on appeal. They won a reversal of the trial court's decision in a published (and unanimous) opinion.

Judge Garrett graduated from the law school with honors in the spring of 2000. Not yet ready to return to Oregon (and taking a page from Justice William O. Douglas), he moved farther east to New York City. After a year with the Manhattan firm of Simpson Thacher & Bartlett, he took a prestigious clerkship with Judge Dennis Jacobs of the U.S. Court of Appeals for the Second Circuit. As a law clerk, Judge Garrett was required to review the briefs and lower-court record in each case, research and analyze the relevant legal authorities, and advise the judge on the issues before the court. Although Judge Jacobs, the chief judge of the Second Circuit until last August, is regarded by many court-watchers as a judicial conservative, Judge Garrett does not recall ever discussing Jacobs' own judicial philosophy and is not sure Judge Jacobs would say that he has one. Such a practical, fact-specific approach to cases continues to resonate with Judge Garrett now that he is the one signing the opinions.

Following his clerkship, Judge Garrett finally returned to Portland, where he took a job with Perkins Coie LLP. His career in private practice built on his experience at the federal court, focusing on antitrust, intellectual property, and other business litigation on behalf of corporate clients. He enjoyed



Judge Chris Garrett

the work and his colleagues, but he found himself spending ever greater amounts of time away from the office after his election to the Oregon House in 2008. By the time a new panel on the Oregon Court of Appeals was being created in the summer of 2013, Judge Garrett had decided that "something had to give." He informed Governor Kitzhaber that he would be interested in an appointment to the court if another vacancy arose. He did not have to wait long. Judge David Schuman soon announced his impending retirement. Judge Garrett got the nod for the anticipated vacancy in December.

When asked what has most surprised or impressed him in his first three months on the bench, Judge Garrett lauded the work of others. He commended the quality of briefs from the Oregon Department of Justice and the Office of Public Defense Services - and the institutional knowledge of staff attorneys at the court - for getting him up to speed on the sorts of criminal law issues he rarely encountered in private practice. He also marveled at the collegiality of the court and the conscientiousness with which the judges review and comment on each other's opinions before they are released. It is clear that Judge Garrett enjoys his intellectual collaboration with his colleagues and the attorneys who appear before them - perhaps as much as horse-trading with his three amigos in the Oregon House.

## Paul Bovarnick Mentor of the Year

by Amber Hollister  
MBA Board

In 2014, 30 mentor-mentee pairs participated in the MBA Mentor Program, which matches MBA Young Lawyers Section members with select, experienced MBA members for mentoring and support over a six-month period. The program provides career development and professionalism guidance to newer lawyers who may have already completed the mandatory OSB New Lawyer Mentoring Program. Each year, mentees are given the opportunity to nominate their mentors as Mentor of the Year. This year, the MBA has selected Paul Bovarnick of Rose Senders & Bovarnick LLC as Mentor of the Year for his fine work as a mentor.

Cindy Gaddis nominated her mentor, **Paul Bovarnick**, based on his sage advice, generosity and willingness to make time for new lawyers who reach out to him. In her nomination letter, Gaddis explained:

"During one of our meetings, Mr. Bovarnick explained to me what prompts him to be so generous with his time; that he had to learn most of what he knows about the practice of law while working on his own. He understands the value of having support in navigating the intricacies of the law, the ethical rules, and the profession. He offers his support to new lawyers because he genuinely wants them to succeed.



Cindy Gaddis and her mentor, Paul Bovarnick

Each time I reached out to Mr. Bovarnick during these months of mentorship, he shared personal experiences relevant to my current challenges and voiced helpful suggestions for steps to take in addressing those challenges. His strongest advice for me as a trial lawyer was to be authentic in court. This is easy advice for Mr. Bovarnick to give, as he demonstrates authenticity in his own actions. The best mentors teach by their actions, not their words."

\* \* \*

In addition to serving as an MBA mentor for the last five years, in 2013 Bovarnick began serving on the MBA Professionalism Committee, which implements and oversees the MBA Mentor Program.

If you would like to be added to the mentor pool, please contact Kathy Modie at 503.222.3275 or [kathy@mbabar.org](mailto:kathy@mbabar.org), or sign up at [mbabar.org](http://mbabar.org).

Thank you to all 2014 mentors:

Amy Alpern  
Courtney Angeli  
David Bean  
Whitney Boise  
Paul Bovarnick  
Ann Chapman  
Maya Crawford  
James Damis  
Saville Easley  
Susan Eggum  
Patrick Ehlers  
Michael Esler  
Richard Ginsburg  
Ward Greene  
Julia Hagan

Joshua Kadish  
Wayne Landsverk  
Jack Levy  
Adina Matasaru  
Ruth Pekelder  
Susan Pitchford  
Michael Porter  
Sean Ray  
Traci Ray  
Cathryn Ruckle  
Andrew Schpak  
Bob Steringer  
Walter Sweek  
Lee Tyler  
Julie Vacura

# Jobs Young Lawyers Section

## Changes Ahead for the Futures Committee

by *Jeanne Sinnott*  
YLS President



As we begin the 35<sup>th</sup> year of the Young Lawyers Section, the YLS Board, committee chairs, and I look forward to continuing to support the programs that have enriched the careers and lives of our members. Our high quality continuing legal education seminars, community service days, monthly drop-in socials, networking lunches, Imprint Program, YOUTHFILM Project, Community Law Week, and other projects and events continue to provide tangible benefits to our membership and our community.

This year, we are also excited to innovate and seek out new opportunities. For example, we have decided to repurpose the Futures Committee to adapt to our changing membership. The YLS formed the committee nearly seven years ago in response to the 2006 MBA Generation Gap survey. The survey polled lawyers in all phases of practice to determine steps to bridge the generation gap and low job satisfaction of young lawyers that was increasingly apparent in law firms. The committee hoped to help law firms adapt to the changing landscape of the legal profession and to increase job satisfaction among young lawyers.

In 2014, however, the Futures Committee has become less relevant as many young lawyers do not have jobs in law firms. According to the National Association for Law Placement (NALP), the entry-level job market for new lawyers

remains dismal. Although legal employment statistics appear to be improving slightly, the reality remains grim for many young lawyers. Only half of law graduates are able to find jobs in law firms upon graduation.

After trying to find jobs for months, and even years, many of these young lawyers have decided that they must either forge their own path or leave the legal profession. Over my six years of involvement with the YLS, I have had the opportunity to meet many young lawyers who are solo practitioners starting from their first year of practice. Many have started their own practice out of necessity and not by choice.

Accordingly, the YLS Board took a close look at the Futures Committee charge this year. We have decided to sunset the committee in its current form and renew the charge to better serve the YLS membership. The committee will now focus on providing support to YLS lawyers who have been forced (or have voluntarily decided) to hang their shingle. We hope to provide these young lawyers with professional development support, business training, and mentorship from lawyers who are experts in their fields. Specifically, we aim to create a solo practice “academy” with one or two classes each year—the “students” can learn how to form their businesses, market themselves, and find the resources they need to ensure that they adequately represent their clients and succeed as lawyers.

To ensure its success, the Board recruited Shayda Zaerpoor Le, a rising star in the YLS, to lead the committee. The committee will begin meeting in September and will design a program to meet its goals. We are hopeful that the program will be finalized this fall with young lawyer participation beginning in Spring 2015. Stay tuned for exciting news and developments!

## YLS Committees

YLS members serve on committees designed to address member needs and general issues affecting the profession. A synopsis of each committee’s charge for the year and contact information for the current committee chair follows. If you have any ideas or concerns to share about a particular area, please contact the chair, YLS President Jeanne Sinnott at [jeanne.sinnott@millernash.com](mailto:jeanne.sinnott@millernash.com), or the MBA staff at [mba@mbabar.org](mailto:mba@mbabar.org).



*Thomas Adams*

### YLS Professional Development and Education Committee

Chair: **Thomas Adams**, Forum Law Group LLC, 503.445.2103  
Organizes CLE seminars specifically intended for newer attorneys, as well as career development presentations.



*Holly Hayman*

### YLS Membership Committee

Chair: **Holly Hayman**, RCO Legal PS, 503.459.0136



*Evan Lenneberg*

### YLS Pro Bono Committee

Chair: **Evan Lenneberg**, Ball Janik LLP, 503.341.7678  
Coordinates the Nonprofit Legal Assistance Project, publishes the domestic violence and juvenile rights handbooks, and encourages involvement in pro bono service. The committee helps organize the annual Pro Bono Fair and holds an annual fundraiser to support the pro bono community.



*Kelvin Adkins-Heljeson*

### YLS Service to the Public Committee

Co-Chair: **Kelvin Adkins-Heljeson**, Attorney at Law, 503.757.5174



*Alison Brown*

Co-Chair: **Alison Brown**, Hiefield Foster & Glascock, 503.501.5430

Provides lawyers with opportunities to become involved in the community, such as Community Law Week, Community Service Days and the imprint program. Organizes the YOUTHFILM video contest for students on various democracy-related topics.



*Shayda Le*

### YLS Futures Committee

Chair: **Shayda Le**, RCO Legal PS, 503.459.0208

This committee will change this year to develop a program to assist newer attorneys succeed in starting their own practice. The program will aim to provide professional development support, business training and mentorship to newer attorneys.

## Bullyproof Empowering Kids of Lot Whitcomb Elementary

by *Mackenzie Hogan*  
YLS President-Elect

This spring, the MBA Young Lawyers Section successfully completed its first ever Bullyproof Program at Lot Whitcomb Elementary in the North Clackamas School District. Over the course of three visits, members of the YLS taught the students of Lot Whitcomb about the effects of bullying and what they could do to stop it. Through the use of a School Assessment, the ABA-developed *Bullyproof* video narrated by Black Eyed Peas collaborator Printz Board, and our very own Poster Project, the YLS was able to provide students with the tools they need to help combat bullying. The YLS looks forward to returning to Lot Whitcomb

this fall to complete its second Bullyproof program and hopes to spread to other schools in the spring. In addition to the many volunteers who collaborated to make the program a success, the YLS would like to thank YLS Past President Traci Ray and Oregon Attorney General Ellen Rosenblum for their support throughout this process.



*Bullyproof volunteers*

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## Professionalism & the Young Lawyer

by Mackenzie Hogan  
YLS President-Elect



Something often overlooked when we discuss professionalism and all the great things that members of the Multnomah Bar Association have accomplished is the professional development of young lawyers. As we are still in a period where many young lawyers are often unemployed or underemployed, it is more important than ever that we do all that we can to develop their understanding of professionalism.

More often than not, young lawyers observe and mimic their mentors and senior partners. If a lawyer gets his or her first job at a firm that believes in community development and pro bono work, chances are that the young lawyer will value those things as well. If the lawyer works for a firm that doesn't value these things, chances are the young lawyer will not apply him- or herself to those principles.

In most cases, firms in Portland do a good job of encouraging their associates to go out and be involved; if not with the bar, with community organizations or with their families. But what about the attorneys who have no choice but to hang out a shingle and practice on their own? These young attorneys are often lost in

the shuffle. It is important that older attorneys do their best to make sure that they are actually helping these younger attorneys and not just paying lip service to being a mentor. It is often hard to carve out the necessary time to meet with young attorneys, or to read their emails, but it is important to do so. The effect older attorneys have on their younger colleagues is overlooked and is often times what shapes the younger attorneys' outlook on the profession.

Older attorneys are not the only ones who need to be active and engaging in the process. Young attorneys need to be respectful of their older colleagues' time, they need to be clear on what they are hoping to get out of the program and they need to be willing to listen. With an active dialog, young attorneys and seasoned attorneys can come together to improve the profession and to make sure that the MBA is a leader in professionalism for many years to come.

I encourage all attorneys, young and old, to do their part and to sign up for the MBA Mentor Program. The MBA, through its Mentor Program, is there to provide older attorneys and younger attorneys an outlet to connect and to develop lasting relationships. By each of us giving a relatively small amount of our time, we can make a significant contribution to our community, our profession and the future of the Multnomah Bar Association. For more information on the Mentor Program go to [mbabar.org/Resources/News/122/Details/](http://mbabar.org/Resources/News/122/Details/).

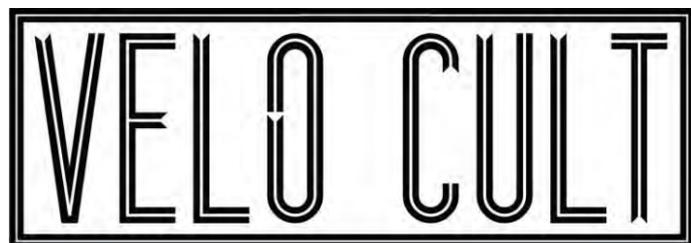
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**AMELIA S. FORSBERG**

has joined  
**Chernoff Vilhauer McClung  
and Stenzel, LLP**  
as an associate attorney.



Amelia graduated from the University of California, San Diego in 2009 with a Bachelor of Science in Bioengineering and completed her JD at Lewis & Clark Law School in 2013. In 2012 she was registered to practice before the United States Patent and Trademark Office and in 2013 was admitted to the Oregon State Bar. Amelia is a member of the Multnomah Bar Association, Oregon Patent Law Association and the Oregon State Bar Intellectual Property Section.

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**Ethics Focus**

*Continued from page 7*

screening rule was initially adopted, internal notification was typically handled by paper memo and affidavits were transmitted by letter.

Although the formality of the old formulation reflected the practice norms when our screening rule was originally adopted in the early 1980s, the fundamental approach remains sound from the perspective of law firm risk management. For example, ORCP 1E now widely permits the use of declarations in place of affidavits, but the practice of confirming the “new” lawyer’s understanding and

the screening procedures the firm has implemented remain prudent to document the screen to the former client, the “old” firm and, if necessary, a court hearing a disqualification motion. Similarly, email has supplanted paper memos as the medium of choice for communicating internally at law firms, but the practice of sending firmwide notification continues to be wise to both implement and document a screen.

Two concluding notes on “mechanics” are warranted. First, the updated rules also contain an amendment to the confidentiality rule - RPC 1.6(b) (6) - that confirms the general ability of a prospective new-hire to share client identities and the

nature of matters the prospective new-hire has handled with the “new” firm so that the “new” firm can run conflict checks that are the key predicate to identifying situations that may require screening. Second, although the screening rule is framed in terms of lawyers, it is prudent to use this mechanism with new staff hires as well.

**Explore the Law**

The Explore the Law Program at Portland State University is an opportunity for diverse PSU students to learn about, prepare for and pursue careers in the legal field. The program affords students the opportunity to connect with role models in the legal profession, learn how to prepare and apply for law school, and take advantage of resources available to them to help them succeed. Last year, Explore the Law students were invited to participate in an essay writing competition for the chance to win an LSAT prep course. The essay prompt asked: **“What are the most effective steps that Oregon’s legal community could take today to increase diversity of the legal profession?”**

Christine Selvy penned the winning essay below in which she discusses the definition of diversity and offers an approach on how our legal community can effectively address the obstacles in the path of achieving diversity in the profession.



**Winning Essay Text**  
by Christine Selvy



The most effective steps that Oregon’s legal community can take to increase diversity of the profession are centered on establishing exactly what the diversity target is and targeting the most basic issues. Rather than pursuing quotas or developing similar schemes to attract certain individuals, the community must first define what is meant by diversity, understand why it is important, and then address the most fundamental obstacles.

Diversity does not have to deal solely with traditional racial and ethnic groupings. Success in such an effort would be elusive, given the fact that membership in minority groups is less well-defined in Oregon. Diversity does not necessarily include only previously defined “minority” statuses. All people come from different backgrounds and have different stories, so supporting legal needs from a variety of past experience within the community is both reasonable and proper. The first step is to determine what kind of diversity will be pursued. Racial and ethnic background could be a starting point, but divisions of society are often based upon class, financial status, educational opportunity, sexual orientation, and religion or faith. It is imperative that the community maintain relevance by appealing to all underrepresented groups.

Once diversity has been defined, a logical second step would be to ensure that those who support it can articulate why, and share their reasons with those that might be inspired to be part of that effort. It is not enough to simply state that every person should have the opportunity to pursue a career in the legal profession if they desire. That statement needs to be followed up with concrete reasons that support both individual and societal goals. Equal-opportunity programs are effective only if they can show potential law students how their unique contributions are both valuable in the greater scheme and rewarding personally, as is the case with Portland State University’s Explore the Law program. It is essential that the professionals with whom the candidates interact have depth of knowledge and commitment to the goals of diversity. A disinterested or insincere mentor can instantly discourage a potential attorney who may one day have something singularly valuable to contribute to the legal community.

Once definition and commitment are established, the difficult task of addressing fundamental obstacles can begin. At the very least, this would involve making a broad range of people aware that it is possible to study law. All too often, a career in the legal profession is perceived as an unattainable goal. Whether because of a bleak job outlook or because of self-perceived inadequacy, the fact is that capable individuals outside typical candidate pools often do not even give the field a chance. A diverse society demands a diverse legal community, and young students must be made aware of the need for people who come from all backgrounds. This may be accomplished by having legal professionals present at high school career fairs or informational settings, but the effort has to go further. Young people see that national and global issues concerning human rights are in the media but too often are not presented in similar media with the possibility that they can help address some of those issues. Students regularly go to college without any idea of their ultimate career goals; therefore the legal profession needs to be viewed as a realistic option for all people, no matter what their background may be.

Once individuals from diverse backgrounds are located and encouraged, they will have to be led to tackle what is arguably the greatest obstacle: cost. Law school is, to many, notorious for the financial burden that it implies. While a law degree may be advantageous in the long run, it is no secret that growing concerns about loans and debt often dissuade students from pursuing further education. This should not be the sole reason for someone’s decision to not attend law school. Oregon’s legal community could

*Continued on page 17*

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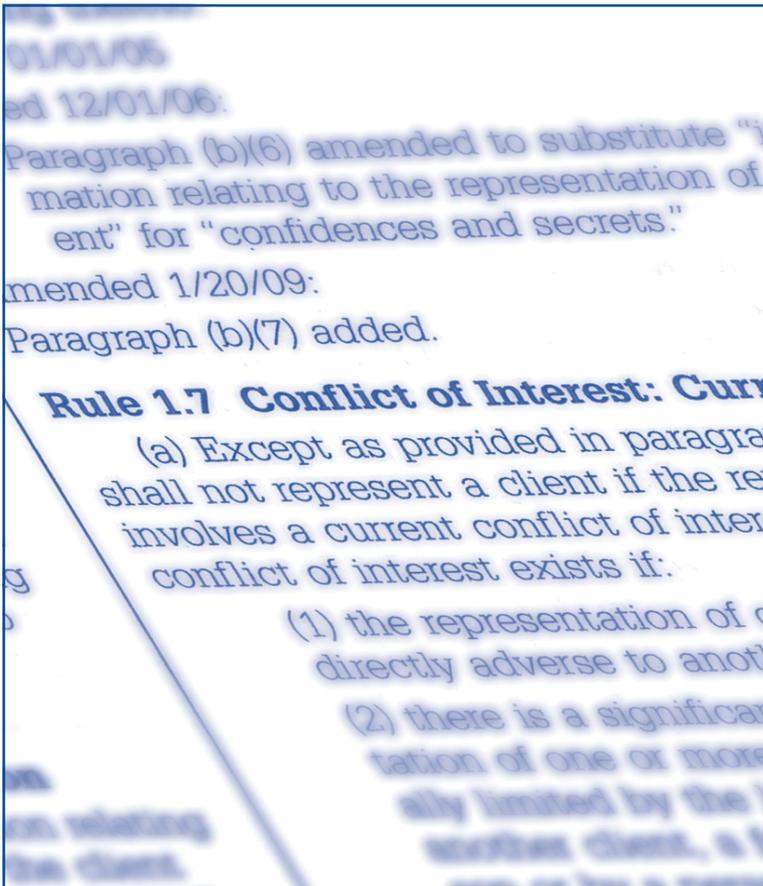
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## Explore the Law

*Continued from page 15*

increase diversity among law school applicants, students, and graduates by judiciously prioritizing scholarship funds. Merit-based, equal-opportunity scholarships funded by supporters of Oregon's legal community could play a vital role, but it is important to emphasize that assistance should be merit-based from a diverse population of applicants that are first obtained from successful, committed recruitment efforts.

As our society becomes more and more diversified, it is essential for the legal field to mirror the makeup of that society, in all of its variations. As society changes, new sources of conflict will inevitably arise. The legal profession can serve as a safety valve, but only if its practitioners have the varied makeup that allows them to understand the nature of that conflict and its most effective antidotes. Ensuring that all people are represented equally would maintain an honorable legal system and positively impact the entire community. Oregon's legal community has the power to influence a wide range of competent students by voicing the importance of true diversity to younger generations and by offering financial assistance to more law school students. Appealing to diverse populations may be a challenge, but this is a challenge that should be celebrated and embraced. Serving the community can only be done effectively by a bar that understands the community in all of its complexity.



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We welcome  
Samantha J. Hazel



We welcome Samantha J. Hazel who brings to our firm 9 years of family law experience and expertise.

And, we bid fond adieu to Sarah J. Brown, thanking her for her many years of service to Yates, Matthews & Eaton, P.C. See you in court, Sarah!



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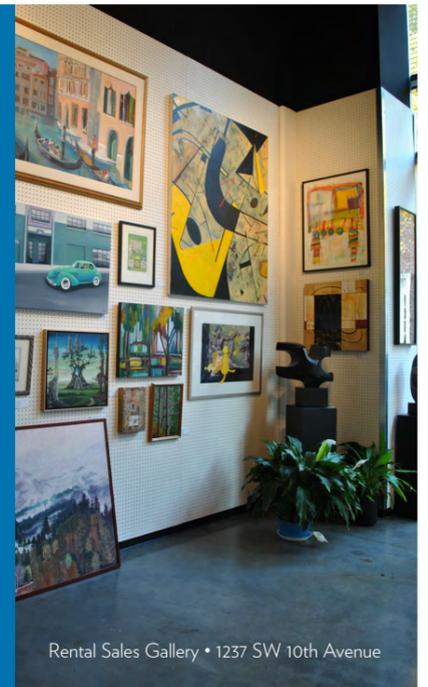


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## Multnomah Bar Foundation

### League of Women Voters of Oregon Thanks MBF for Grant Funding

by Rebecca Gladstone & Paige Lancourt  
League of Women Voters of Oregon

When it comes to civic education and informing future voters, there is nothing more important than providing resources to students, teachers, and schools across our wonderful state of Oregon. Many educators and organizations have embraced the importance of educating young citizens, which is why programs like the Oregon Student Mock Election continue to be solid foundations in Oregon schools today.

The Mock Election serves as a tool to educate young people on the process of government, the election system, and the importance of voting. The Mock Election stands as a solid education program in Oregon, but reaches beyond our state as well. The National Student Parent Mock Election is administered on a national scale every two years, and Oregon is jumping on board for 2014. In 2016, students will even have the exciting opportunity to vote for the new president of the United States.



This year, students will focus on the importance of mid-term elections, and will vote for a number of Oregon elected officials, as well as key national policy issues that students themselves have voted to see on the ballot. The national ballot

measures include: the economy, education, foreign relations, and the ethics of democracy.

With funding help from the Multnomah Bar Foundation, the League of Women Voters has been able to design and update the 2014 teacher's curriculum,

provide outreach to social studies teachers across the state, create official ballots for students to vote, and administer the mock election on a vast and statewide scale this upcoming fall.

This important program would not be possible without funding from our friends at the Multnomah Bar Foundation. We thank you wholeheartedly for supporting this wonderful program, believing in its success, and embracing the importance of educating our next generation on governmental and civic issues. We look forward to administering the Mock Election this fall, and continuing our work with the Multnomah Bar Foundation into the future.



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