



MULTNOMAH LAWYER

February 2016
Volume 62, Number 2



YLS and the Community

by Mackenzie Hogan
MBA YLS President

I am a member of the MBA because I believe involvement in the local legal community is essential to becoming a better attorney.

When MBA President Bob Steringer asked me to provide a quote for his article last month, I knew instantly what I was going to say. I am a better attorney because of my involvement in the MBA, and I hope my colleagues feel the same way.

Everyone knows Portland is a small, tight-knit, legal community. One doesn't have to go far to hear the good, the bad, and the gossip. Having this camaraderie, and knowing this information, can be extremely beneficial to a young attorney as it is the first step to getting plugged in to the legal community and learning the legal ropes of the job. Being a part of the MBA Young Lawyers Section these last six years has allowed me to recognize that a large percentage of the attorney population here is committed to helping others, working outside their office walls, and creating a better community at large.

Over the last two-and-a-half years, I have been fortunate enough to represent the YLS at a number of ABA Young Lawyers Division events. Attending these events allowed me to see firsthand how our community stacks up against other legal communities across the nation. I'm here to tell you, the YLS holds its own! Of all the amazing accolades I can sing about the Portland legal community, it is our community outreach that takes the cake. Whether they are a litigation attorney, transactional attorney, teacher, in-house counsel, paralegal or something else, every member of the YLS is present, involved, and willing to do his or her part to help our community.

We are very lucky in Portland to live in a community that is vibrant and forward-thinking. We have unique food, extensive art, state-of-the-art technology, hipsters, and the MLS Cup champions. In order to meet the diverse needs of the community, we, as members of the YLS, need to have numerous programs with far-reaching impacts. As attorneys, it is our job to help guide and shape our community, and to lead by example. I want to take my five minutes on the soap box to tell you all about some of the amazing things the YLS does within our community every year:

YOUthFILM. This year, the YOUthFILM Project celebrates its 10th anniversary. The YOUthFILM Project is a way for local children to learn about the law in a fun, creative way. YOUthFILM is a student filmmaking contest which allows students to write, direct, and star in short films that showcase civic issues. This unique, innovative way to interact with the next generation of Portland artists, filmmakers, writers and dramatic actors, all while instilling civic responsibility, is a testament to innovative ways young lawyers are interacting with their community. If you have never gone to the YOUthFILM awards presentation, I urge you to do so. The kids work very hard and some films are impressive, but all are entertaining.

Community Service Days. Every year the Service to the Public Committee is tasked with organizing a number of community service

days. These service days are held in conjunction with local nonprofits and are designed to give lawyers a semi-regular way to give back. Each service day is different in both subject matter and volunteer group, and we strive to help as many people and organizations as possible. In November, the YLS partnered with Animal Aid to clean Animal Aid's no-kill, free-roam, animal shelter and in December, the YLS partnered with the Oregon Food Bank to work to repack and label dry goods for distribution to families throughout Oregon. If you are looking to get involved and only have a limited amount of time, community service days are an excellent way to get involved. Pay attention to www.mbabar.org and the *Multnomah Lawyer* for upcoming events.

Wills for Heroes. Since 2013, the YLS has been successfully implementing Wills for Heroes, a program which provides basic wills to first-responders including police officers, firefighters, and EMTs. The Wills for Heroes program was formed in South Carolina in 2001 shortly after the September 11, 2001 attacks. This program came to the attention of the ABA YLD and was brought to the YLS in the fall of 2013. That first year, the YLS set up or assisted in three clinics to help local first-responders with their wills, and the YLS Pro Bono Committee is currently tasked with providing 2-4 clinics each year. Each clinic supports one specific group of responders, which allows the program to reach as many first-responders as possible without overloading the volunteers. If you know of a group of first-responders who would be interested in the program, please contact the YLS Pro Bono Committee.

Bullyproof. I am very excited to announce that the YLS is bringing back Bullyproof, a program in which lawyers travel to local elementary schools to teach kids about bullying and the resources available for students who are victims of bullying. It is estimated that 282,000 students are reportedly attacked in high schools throughout the nation each month, and 160,000 kids stay home from school each day to avoid being bullied. I look forward to joining with other young attorneys to attend local elementary schools and provide students with some tools to tackle this serious issue. Like Wills for Heroes, this program was brought to the YLS through the ABA YLD, and I hope to make it a regular program. Stay tuned for more information; I hope some of you will volunteer your time and energy to this program.

I am proud to be a member of the YLS and to be the current steward of these, and so many more, wonderful programs. If you take nothing else away from this article, take this: **I encourage you to get involved.**

If you are under 36 or in the first six years of your practice, the YLS is a great starting point for you. Get involved, meet other like-minded attorneys, help shape your community, and help benefit this beautiful place in which we live. If you have any questions about the programs listed above, any other program, or the YLS in general, please feel free to contact me, mhogan@harrisbowker.com.

mba|CLE

To register for a CLE, please see p.4 or go to www.mbabar.org and log in as a member to register at the member rate.

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2.10 Wednesday
Top 10 Electronic Discovery Tips
Tom Howe

2.17 Wednesday
Mary Jane at Work: Employment Law Implications of Marijuana Use
Ben Eder
Matthew Ellis
Alex Wheatley

2.24 Wednesday
Medical Record Discovery Issues in the Motor Vehicle Case
Judge Youlee You
Angela Franco Lucero
Jason Posner

MARCH

3.3 Thursday
Presiding Court Update
Judge Nan Waller

3.29 Tuesday
Atticus Finch: Role Model, Racist or Realist?
Steve Griffith
Mariann Hyland
Peter Jarvis

3.30 Wednesday
Family Law Update
Judge Maureen McKnight
Thomas Bittner
Gary Zimmer

APRIL

4.5 Tuesday
The Care and Feeding of Small Businesses
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www.mbabar.org

MBA 14th Annual WinterSmash

A Family Friendly Bowling Event

NEW
LOCATION!

Saturday, February 6
5-8 p.m.
AMF Pro 300 Lanes
3031 SE Powell Blvd

A Multnomah CourtCare Fundraiser



Register at www.mbabar.org.
See page 13 for WinterSmash sponsors

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*or the preceding Friday, if on a weekend.

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The MBA Solo/Small Firm Committee invites you to attend their Winter Workshop Series

HOW TO MAKE YOUR SMALL FIRM SUCCESSFUL

Session 1

Planning for the Future: Practical and Ethical Considerations for Attorneys in Transition

Wednesday, February 24, 12-1:30 p.m.

World Trade Center, Mezzanine Room, 26 SW Salmon St.

At some point in their career, all lawyers will face the challenges associated with career transition, whether a change in firm structure, slowing down a practice, or retirement altogether. The purpose of this workshop is to discuss the legal, ethical and practical considerations that lawyers in transition may have to account for, including duties to current, former and prospective clients, strategies for maintaining a reduced client load, alternative partnership models, keeping the lights on when the top biller retires, and planning for the unexpected departure or death of a partner. Our panel will include attorneys who have experienced, and who are currently experiencing, various aspects of transition. **Kyle Busse**, a partner at employment litigation firm Busse & Hunt, will discuss succession considerations from the standpoint of a small-firm partner who will inevitably take the reins from his senior partners. Current solo and former small firm partner **Quinn Posner** will address the challenges of going from solo to small firm . . . and back. **Jennifer Meisberger**, of the Professional Liability Fund, will address the many professional and ethical considerations attendant to these transitions.

Session 2

How to Protect Your Practice with an Insurance Safety Net

March date TBD, 12-1:30 p.m.

World Trade Center, Mezzanine Room, 26 SW Salmon St.

Session 3

Nonprofit Board Service: Can it Build My Law Practice

April 27, 2016, 12-1:30 p.m.

World Trade Center, Mezzanine Room, 26 SW Salmon St.

Session 4

Supporting or Staffing Your Practice

May 25, 2016, 12-1:30 p.m.

World Trade Center, Mezzanine Room, 26 SW Salmon St.

Details for Sessions 2, 3 and 4 will be available soon.

Register at www.mbabar.org. Workshops are \$15 for members and \$50 for non-members.

The MBA will apply for CLE credit as applicable. The sessions are set up to allow time for networking and questions and answers.

Lunch is provided. Please let us know if you have any special needs (vegetarian, vegan, etc.).



Forgotten Anything?

The MBA would like to remind those who have yet to renew their membership for 2016 to do so soon to continue to enjoy the benefits of membership.

Visit www.mbabar.org to renew today.

Calendar

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

FEBRUARY

6 Saturday
WinterSmash
See p. 1

10 Wednesday
March Multnomah Lawyer deadline

11 Thursday
YLS Community Service Day
See p. 13

15 Monday
Presidents Day Holiday

18 Thursday
ALA-OR Managing Partner Event
See Announcements on p. 6

19 Friday
OHBA Annual Awards Dinner
www.oregonhispanicbar.org

26 Friday
CEJ 25th Anniversary Celebration Dinner
www.campaignforequaljustice.org

MARCH

10 Thursday
April Multnomah Lawyer deadline

11 Friday
OWLS Roberts-Deiz Awards Dinner
www.oregonwomenlawyers.org

APRIL

8 Friday
May Multnomah Lawyer deadline

MBF Civic Education Campaign Raises \$44,000

With the generous support of law firms and lawyers, the MBF raised \$44,650 in 2015 for the MBF Civic Education Fund. The fund provides annual grants to local nonprofit programs that promote civic engagement, understanding of the role of law and the political process, or the importance of voting and juries. To learn more, visit www.mbabar.org/foundation/grants.html or contact Pamela Hubbs (503.222.3275, pamela@mbabar.org).



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The MBA will apply for 2 OSB credits unless otherwise noted; 2 Washington MCLE credits may be obtained independently. Registrants who miss the seminar may request the written materials. Substitutions are welcome. Registration fees are non-refundable.

Top 10 Electronic Discovery Tips

Wednesday, February 10, 2016
3:00-5:00 p.m.

World Trade Center
Mezzanine Room
26 SW Salmon, Portland

Members \$60
Non-members \$95

Evidence Matters! Learn how to collect, review and present electronic evidence in all types of litigation. You will see demonstrations and real-world examples showing the use of computer, smartphone, and social media evidence in criminal, business litigation, employment, and family law cases. Learn the top 10 things litigators and their staff must know about Electronic Discovery.

- Updating client intake questionnaires and pleadings to deal with electronic evidence
- Preserving and collecting computer and smartphone evidence defensively
- Using smartphone (iPhone and Android) evidence in your next case
- Distinguishing your law firm with e-discovery best practices
- Culling electronic data based on issues in the case
- Obtaining social media (e.g. Facebook) and online "cloud" data
- Understanding the importance of text messages and email
- Using effective search and sampling strategies to find the evidence you need
- Performing cost-effective and efficient legal reviews
- Producing electronic evidence to the requesting party
- Persuading the judge or jury with electronic evidence

Presentation forms and materials include:

- Complete PowerPoint PDF File
- Electronic Discovery Case Law
- E-Discovery Client Intake Questionnaire
- Electronic Discovery Checklist.doc
- Pleadings and Forms
- Electronic Discovery Resources

A trial lawyer with a deep technical background, **Tom Howe** has over 25 years of experience in law and technology, and is a member of the Oregon and Washington bar associations. He has been referred to in articles as one of the leading e-discovery lawyers in the country, providing legal/technology consulting and expert witness services to some of the largest law firms, corporate legal departments, and e-discovery vendors in the United States. Tom is a regular keynote speaker at legal and technology conferences, and CLE classes across the United States and Canada, and has spoken at over 50 software-programming conferences worldwide. His practical and entertaining presentation style makes him highly sought after. In addition to speaking engagements, he has authored five books on law and technology.

For more information:

Call the MBA at 503.222.3275.

To register for these classes, see page 4.

Mary Jane at Work: Employment Law Implications of Marijuana Use

Wednesday, February 17, 2016
3:00-5:00 p.m.

World Trade Center
Mezzanine Room
26 SW Salmon, Portland

Members \$60
Non-members \$95

This past year, the use of recreational marijuana became authorized in Oregon. As a result, employers and employees face new challenges and conflicting pressures on how to deal with marijuana use and its effect on the workplace. This two-hour program will address the effects employer policies and procedures might have on the workplace culture, safety concerns, and public perception, as well as what rights employees have to engage in off-duty conduct now decriminalized by state law. This seminar will be invaluable to all employment law attorneys, whether they regularly represent employers or employees. **Matthew C. Ellis**, an employment law attorney representing employees, **Alex Wheatley**, an attorney with Fisher & Phillips LLP representing employers, and **Ben Eder**, a partner at Thuemmel Uhle & Eder with extensive knowledge of drug testing techniques and considerations, will address issues employers and employees face with the use of marijuana by employees, such as:

- How to advise clients regarding employment policies focused on marijuana use in the workplace;
- How to navigate practical issues stemming from off-duty conduct;
- Common testing protocol issues, including what types of drug tests detect marijuana, how far back can they detect the presence of marijuana in the system, and how can employers implement testing procedures to fit their desired results.

For more information:

Call Sean Ray, Barran Liebman at 503.276.2135. For registration questions, call the MBA at 503.222.3275.

Medical Record Discovery Issues in the Motor Vehicle Case

Wednesday, February 24, 2016
3:00-5:00 p.m.

World Trade Center
Mezzanine Room
26 SW Salmon, Portland

Members \$60
Non-members \$95

With any motor vehicle crash injury case discovery issues arrive regarding medical records and ORCP 44 Exams of the Plaintiff. This two-hour program will address discovery strategies, counter strategies, Requests for Production, Requests for Admission and the ORCP medical exam question. If you handle any motor vehicle cases, this seminar is for you. Multnomah County Circuit Court **Judge Youlee You**, **Angela Franco Lucero**, a partner at Kranovich & Lucero, and **Jason Posner**, of the Posner Law Firm will serve on the panel. Angela will present the defendant's perspective and Jason will present the plaintiff's perspective.

For more information:

Call Kyle Dukelow, Law Office of Kyle B. Dukelow at 503.288.1992. For registration questions, call the MBA at 503.222.3275.

Presiding Court Update

Thursday, March 3, 2016
3:00-5:00 p.m.

World Trade Center
Auditorium
26 SW Salmon, Portland

Members \$60
Non-members \$95

In this update session, Multnomah County **Presiding Judge Nan Waller** and court staff will discuss the Supplemental Local Rules for Multnomah County Circuit Court and other issues unique to practicing in Multnomah County. Judge Waller will also give an update on the new courthouse, which is slated to open in 2020.

This seminar is designed for attorneys at all levels of experience and questions are strongly encouraged.

For more information:

Call Marshal Spector, Gevurtz Menashe at 503.227.1515. For registration questions, call the MBA at 503.222.3275.

Atticus Finch: Role Model, Racist or Realist?

Tuesday, March 29, 2016
3:00-5:00 p.m.

World Trade Center
Mezzanine Room
26 SW Salmon, Portland

Members \$60
Non-members \$95

Come for a full and open discussion of the best and the worst about fictional lawyer Atticus Finch as portrayed in Harper Lee's books, *To Kill a Mockingbird* and *Go Set a Watchman*.

For decades since the publication of *To Kill a Mockingbird*, lawyers have identified Atticus Finch - or at least Gregory Peck's portrayal of him in the 1962 film - as one reason they decided to become lawyers. *Mockingbird*, set in the 1930s, shows Finch accepting a court appointment to defend an African American against a rape accusation by a white woman in the face of rampant racism and public hostility from the community. For a substantial part of the twentieth century, it was probably one of the most widely read books dealing with race in America. *Go Set a Watchman*, which was written before the publication of *To Kill a Mockingbird*, but only published in 2015, looks at an older Atticus Finch, a grown-up "Scout" and the other citizens of Maycomb, Alabama, in the early years of the Civil Rights movement following *Brown v. Board of Education* (1954). Although, by present standards, Atticus Finch does not come across as well in *Watchman* as in *Mockingbird*, the two books taken together provide an excellent vantage point for considering the progress that has been made on diversity issues, as well as the many challenges that remain before us, and the personal and social issues that may help explain why many of those challenges seem so hard to address. And as a book narrated by a

Continued on page 4

Continued from page 3

young female professional in the period before the women's rights movement, *Go Set a Watchman* has a good deal to say about past and present gender-based cultural biases.

This program will take advantage of the unique opportunity created by the two books to help us better understand our past, present and future as a profession and as individual lawyers. Panelists will be **Steve Griffith**, a trial lawyer recently retired from Stoel Rives, LLP; **Mariann Hyland**, Director of Diversity & Inclusion at the Oregon State Bar; and **Peter Jarvis**, Holland & Knight, LLP, noted expert on professional ethics.

For more information:

Call Leslie Johnson, Kent & Johnson at 503.220.0717. For registration questions, call the MBA at 503.222.3275.

CLE BOGO

The MBA is pleased to announce its buy-one-get-one CLE policy for participants in the MBA and OSB mentor programs.

OSB and MBA mentors: When you register for an MBA CLE, you can register your mentee to attend with you for free. Contact Shannon West at 503.222.3275 or shannon@mbabar.org to add your mentee to the registration list.

Family Law Update

Wednesday, March 30, 2016
3:00-5:00 p.m.

World Trade Center Auditorium
26 SW Salmon, Portland
Members \$60
Non-members \$95

On March 30, the MBA will hold its annual two-hour Family Law Update. Multnomah County Chief Family Court **Judge Maureen McKnight** will be joined by **Thomas Bittner** of Schulte, Anderson, Downes, Aronson & Bittner, and **Gary Zimmer** of Zimmer Family Law.

Our speakers will provide family law practitioners with information on changes to Multnomah County Circuit Court procedures including ex parte practice, as well as valuable updates on appellate case law.

For more information:

Call Sarah Brown, Holtey Law at 503.224.9878. For registration questions, call the MBA at 503.222.3275.

The Care and Feeding of Small Businesses

Tuesday, April 5, 2016
3:00-5:00 p.m.

World Trade Center Mezzanine Room
26 SW Salmon, Portland
Members \$60
Non-members \$95

This CLE will discuss significant issues attorneys should address when assisting their clients in starting up and growing a small business. The class will explore the importance of understanding your client's goals, their business, and their management and operational expectations, so that you can help them choose the appropriate business entity and craft a flexible management agreement. Our speakers will discuss how to deal with deadlocks and prepare exit strategies. They also will explore methods for incentivizing employees in growing companies and will discuss important tax concepts every small business attorney should know.

Our presenters include **Todd Cleek** of the Cleek Law Office and **Conrad Zubel** of Zubel Law Offices. Mr. Cleek has over twenty years' experience working with some of Oregon's most exciting and successful independent companies. Mr. Zubel's business practice focuses on advising small and family-owned limited liability companies.

For more information:

Call Ed Carlson, Carlson Law at 971.254.8907. For registration questions, call the MBA at 503.222.3275.

Photocopy, complete and mail or fax the registration form with payment to the MBA to reserve your space. Self-study materials from past CLE classes may be downloaded at www.mbabar.org.

CLE Registration Form

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PHONE _____	_____
OSB# _____	_____

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- MBA Member
- Non-Member

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- Check VISA MasterCard
- American Express

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.

- 2/10 Top 10 Electronic Discovery Tips**
 Class Registration (\$60 Members/\$95 Non) \$ _____
 CD-ROM & Written Materials (\$60 Members/\$95 Non) .. \$ _____
- 2/17 Mary Jane at Work: Employment Law Implications of Marijuana Use**
 Class Registration (\$60 Members/\$95 Non) \$ _____
 CD-ROM & Written Materials (\$60 Members/\$95 Non) .. \$ _____
- 2/24 Medical Record Discovery Issues in the Motor Vehicle Case**
 Class Registration (\$60 Members/\$95 Non) \$ _____
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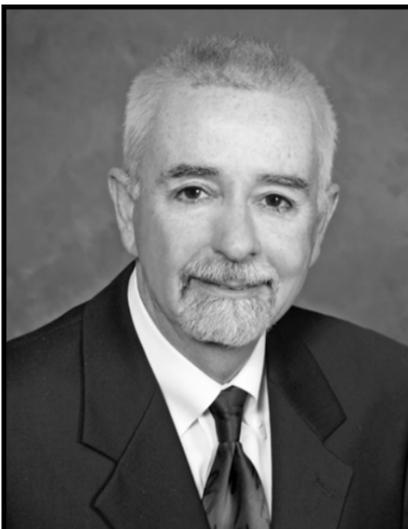
Registration forms with payment must be received in the MBA office by 3 p.m. the day before the seminar. Registration forms may be mailed or faxed to the address or number below. Accommodations available for persons with disabilities; please call in advance for arrangements.

Photocopy registration and mail or fax with payment to:

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503.222.3275 ■ Fax to: 503.243.1881

Register online and order or download MBA self-study materials at 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.



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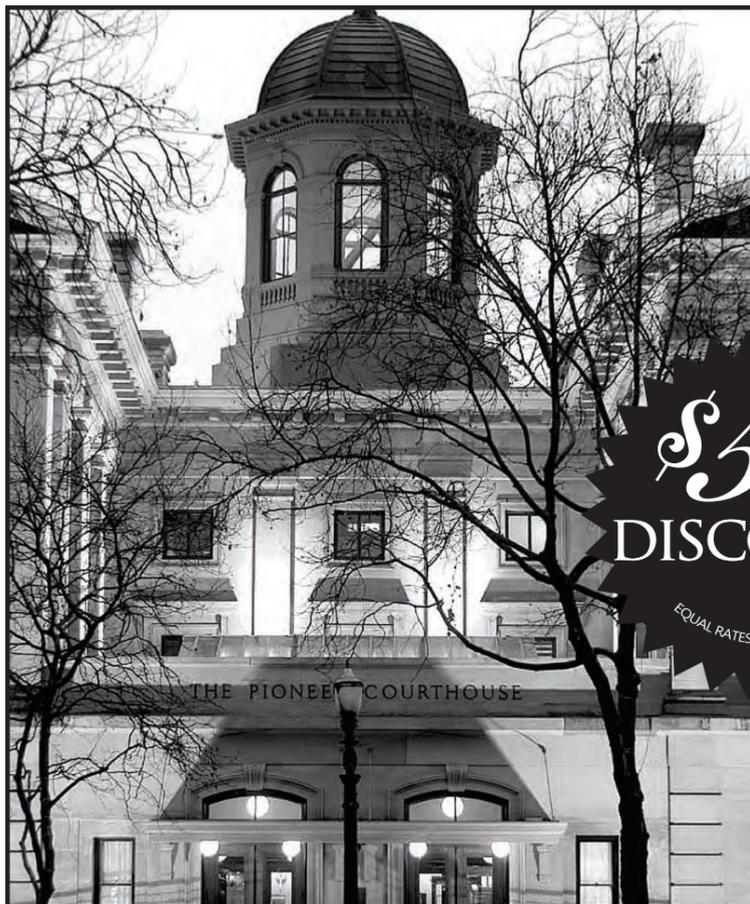
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Free CLE Webcast to MBA Members

The video webcast of the seminar entitled “Accounting Literacy for Corporate Attorneys and Litigators” is now available in the Members Center at www.mbabar.org. The webcast 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 \$360 value.

Commitment to Professionalism

The MBA professionalism statement is available for MBA members to order and display in their offices. The statement is printed on quality 11x14” parchment paper and is suitable for framing. Reconfirm your commitment to professionalism; order at: www.mbabar.org/assets/documents/resources/freq-requested/profcertorder.pdf.

MBA Judicial Brown Bag – March 11

Please join judges of the Multnomah County Circuit Court for a brown bag informal discussion. The topics of discussion will include civil case management, recent changes to the SLRs and UTCRs, and how things are going with Odyssey eCourt. Bring your lunch, questions, and suggestions to the downtown Multnomah County Courthouse, Room 130 (Jury Assembly Room), on Friday, March 11 at noon.

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.

ROI by Building Legal Teams that Stay

Law firms spend hundreds of thousands of dollars each year on employee payroll, training and other benefits, only to lose their investment when employees leave. As a managing partner or firm leader, how do you build loyalty and gain return on the firm’s investment?



On Thursday, February 18, from 4:30-7:30 p.m., at the Hotel Monaco in The Lipman Wolf Room, plan to join the Oregon Chapter of the Association of Legal Administrators and guest Dick Finnegan, CEO of C-Suite Analytics and the author of four top-selling books, including *The Power of Stay Interviews*, to learn the importance of building trust and developing strategies for retaining key employees. The presentation begins at 5 p.m.; drinks and appetizers to follow.

Cost for this event is \$35 for ALA-Oregon members and \$45 for nonmember firms. Managing partners of ALA member firms attend free of charge.

Register at www.oregonala.org, or checks payable to ALA-Oregon Chapter may be mailed with your RSVP to Denise Doherty, Education Director, ALA-Oregon Chapter, 888 SW 5th Ave. Ste. 500, Portland OR 97204.

OHBA 10th Annual Award Dinner

Join the Oregon Hispanic Bar Association on Friday, February 19 at 5:30 p.m. for the presentation of the Paul J. De Muniz Professionalism Award to Kevin Diaz, attorney and highly-regarded program manager for Compassion & Choices, where his work focuses on improving healthcare and expanding choice at the end of life. Guest speaker for the event is David Lopez, General Counsel of the U.S. Equal Employment Opportunity Commission. Visit www.oregonhispanicbar.org for details.

Campaign for Equal Justice Celebrates 25 years

On Friday, February 26, the CEJ celebrates its 25th anniversary at a dinner in the Sentinel. Tickets are \$95 per individual, \$950 for a table of 10, and \$1500 for a table sponsorship. Visit www.cej-oregon.org for details or email office@cej-oregon.org with questions.

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Ethics Focus

Washington's "LLLT" Experiment

by Mark J. Fucile
Fucile & Reising



Last year, Washington began an ambitious experiment for increasing access to justice for people of modest means. At the urging of the Washington Supreme Court, the Washington State Bar created a program for "limited license legal technicians" - "LLLTs" for short - who can provide some legal services independent of lawyers and directly to clients.

LLLTs have an affirmative obligation to inform clients when issues arise that are beyond the relatively narrow scope of their practice....

As the name suggests, LLLTs are licensed after a prescribed course of study and an examination. As the name also suggests, LLLTs are limited in both the substantive areas in which they can practice and the tasks they can perform. The history and a detailed description of the Washington LLLT program are available at www.wsba.org, along with the associated rules issued by the Washington Supreme Court regulating LLLT practice.

The results of the Washington experiment are modest thus far. The numbers remain small - with fewer than 25 having passed the licensing exam last year. Similarly, the program is confined to family law practice at this point. But, both the numbers and range of practice areas are expected to expand. As Oregon continues to study the Washington experience and Oregon lawyers who also practice in Washington begin to encounter LLLTs, we'll look at three facets of the Washington

LLLT program. First, we'll examine the relationship between LLLTs and their clients. Second, we'll look at the relationship between LLLTs and lawyers. Third, we'll survey where LLLTs "fit" in the broader legal profession. We'll then conclude with a brief status report on Oregon's review of the LLLT concept.

LLLTs and Their Clients

Under Washington Admission and Practice Rule 28F, which sets out the scope of LLLT practice, LLLTs can independently advise clients within the areas authorized for LLLT practice and prepare documents for client signature that will be used in court. Under APR 28H, however, LLLTs cannot represent clients in court proceedings or negotiate directly with opposing parties or their lawyers. In essence, the LLLT rules allow an LLLT to "ghost-write" pleadings and counsel clients "behind the scenes." Under APR 28 Appendix Regulation 2A, LLLTs have an affirmative obligation to inform clients when issues arise that are beyond the relatively narrow scope of their practice and to encourage the clients to seek appropriate advice from a lawyer. Similarly, LLLTs are prohibited under APR 28H from providing any services involving another state unless the laws of that state specifically authorize them to do so.

LLLTs and Lawyers

Because clients of LLLTs remain, in effect, "pro se," lawyers are permitted to deal with them as such. For example, the "no contact" rule - RPC 4.2 - only applies when a person is represented by another lawyer,

LLLTs are prohibited from negotiating directly with opposing counsel.

not an LLLT. And, as noted earlier, LLLTs are prohibited from negotiating directly with opposing counsel. Despite this novel and seemingly awkward approach, LLLTs and lawyers may join together in owning firms under the LLLT and lawyer versions of RPC 5.9 and can share fees from that co-owned firm as long as the LLLTs do not direct the lawyers' professional judgment. At the same time, nothing prohibits an

LLLT simply employed by a law firm from functioning instead as a paralegal, where, under the supervision of a lawyer, a paralegal can, for example, deal directly with opposing counsel.

LLLTs and the Legal Profession

When the Washington Supreme Court adopted rules governing LLLTs, it also amended the lawyer RPCs to integrate the two. Reflecting this broader and interwoven concept, the court adopted the term "legal practitioner" to apply to both lawyers and LLLTs. Accompanying Comment 1 to RPC 1.0B in many respects captures the expansion of the legal profession that the court was seeking in encouraging the adoption of the LLLT program: "This rule addresses the evolution of the practice of law in Washington to include

...the court adopted the term "legal practitioner" to apply to both lawyers and LLLTs.

the limited licensure of legal professionals[.]" Although family law is the first practice area opened to LLLTs, the APR 28 is structured so that the practice areas can be expanded over time.

Oregon's Review

In 2013, the OSB Board of Governors appointed a task force to study the LLLT concept. The task force issued a report a year ago this month, which is available at www.osbar.org. The task force report largely surveyed the LLLT concept and recommended that if the OSB Board of Governors wishes to pursue the idea further, that it appoint a follow-on group to develop a specific framework. The report also cautioned that questions remain on whether the LLLT model is the best way to address unmet legal needs and acknowledged that its recommendations were not unanimous. The report also observed that Washington's program was driven by its Supreme Court and remains controversial among the practicing bar. In his August/September mid-year report in the OSB *Bulletin*, then-OSB President Rich Spier noted that the OSB Board of Governors wanted to study Washington's LLLT experience as implemented before making any recommendations here.

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Around the Bar



Miguel Santos

Miguel Santos

U.S. Bank Wealth Management announced that **Miguel Santos** has been named trust officer for The Private Client Reserve of U.S. Bank in Portland.



Colin Geiger

Tonkon Torp

Attorney **Colin Geiger** has joined the board of directors of the Ethos Music Center, a community-based nonprofit organization that works to provide all children with access to music education.

A member of the firm's labor & employment practice group, Geiger's practice focuses on defending employers in lawsuits filed by current or former employees. He also assists employers in a variety of other human resource matters. Geiger is actively involved in causes that support childhood education in the Portland area. He is also a board member for the Kids Community Learning Center.

McGaughey Erickson

The firm has moved its offices to 1500 SW 1st Ave. Ste. 800, Portland OR 97201. Phone and fax numbers remain unchanged. The firm continues to focus on securities, shareholder and employment litigation.



Elizabeth Knight

Dunn Carney

Elizabeth Knight, a partner in the firm's litigation group and chair of the charitable giving committee, received the 2015 OSB President's Public Service Award. The award, presented at the December 2015 OSB Annual Awards Luncheon,

honors attorneys for their commitment to public service and pro bono work.

Knight has a longstanding commitment to pro bono work, representing low-income clients through Legal Aid's Domestic Violence Project and Night Clinic, and also managing a pro bono initiative at the firm that facilitates pro bono work for firm lawyers. For years, she has volunteered for the Campaign for Equal Justice, and was elected vice president of the CEJ Board of Directors in 2015. Knight has also served on many state bar committees over her career and is currently on the MBA Board of Directors. She also serves as the firm's hiring partner.



Carolyn Pearson

Jordan Ramis

The firm has added **Carolyn Pearson**, an experienced litigator in both state and federal courts. Pearson focuses her practice on employment and labor law. She is experienced in complex, litigation-related matters ranging from employment discrimination and retaliation claims to wage and hour class actions. She also advises employers on compliance with Oregon, Washington, and California laws regarding employee leaves and benefits.

Pearson was also recently elected to the Oregon Women Lawyers' Queen's Bench Board of Directors.



Wayne Landsverk

Miller Nash Graham & Dunn

The Oregon chapter of the Labor and Employment Relations Association honored partner **Wayne Landsverk** in the Management Practitioner category during its Annual Awards Reception and Meeting. The awards recognize Oregon labor-management relations practitioners whose accomplishments and approach to labor relations are widely admired.

Landsverk has been advising and representing Northwest employers in all areas of employment and traditional labor law for over 40 years.



Cody Elliott

He has extensive experience with union-organizing drives; National Labor Relations Board representation hearings of all types; and federal and state court litigation relating to collective bargaining agreements.

Attorney **Cody Elliott** was appointed to serve on the newly created Ambassador Board of Susan G. Komen Oregon and SW Washington. Elliott's practice focuses on resolving employment, construction and commercial disputes.



Tabitha Koh

Bouneff Chally & Koh

Tabitha Koh has been named a partner with the firm. Koh joined the firm in 2009 and practices in the areas of surrogacy, assisted reproductive technology, and adoption. She also has a growing special needs and estate planning practice. Koh is co-author of the OSB Family Law CLE Chapter on Adoption, and is the Northwest Surrogacy Center Legal Director. She is licensed to practice in Oregon, Washington, and California.



Kenneth Haglund Jr.

Lane Powell

Kenneth Haglund Jr. is the firm's financial institution industry group leader for corporate/community banking. He focuses his practice on public and private business corporations and financial institutions, with a concentration on securities and regulatory compliance, corporate governance, mergers and acquisitions, and corporate and real estate finance. In addition, Haglund is active in ongoing securities compliance for publicly traded companies, including securities disclosure obligations, periodic reporting

and electronic data gathering analysis and retrieval filing requirements. Haglund also serves as the chair of the OSB Business Law Section.



Kirstin Abel

Bodyfelt Mount

Kirstin Abel, trial attorney and of counsel, has become a partner at the firm. Her law practice concentrates on medical malpractice, product liability and professional liability matters.

Abel serves on the OSB Procedure & Practice Committee and on its Products Liability Section Executive Committee. She volunteers for several youth mentoring and dropout prevention programs, and has been an advisory board member for Girl Scouts Beyond Bars for more than a decade.



Shannon Armstrong



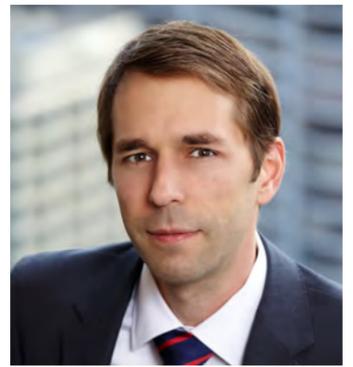
Laura Salerno Owens

Markowitz Herbold

Shannon Armstrong, an attorney and shareholder with the firm, has been named to the Girls Inc. of the Pacific Northwest Board of Directors, a nonprofit organization.

Girls Inc. of the Pacific Northwest inspires girls, ages 6-18, to be strong, smart, and bold. Their gender-specific programs and research-based curricula provide girls with the confidence and self-esteem to access a bright and economically-independent future.

Armstrong represents clients in high-stakes business disputes in state and federal courts. Her cases involve a range of business issues including partnership disputes, fraud, unfair trade practices, contract and construction disputes, breach of fiduciary duty, and class actions. She has developed a successful



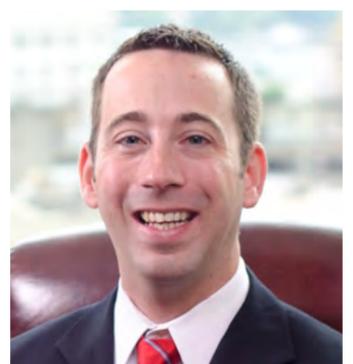
Harry Wilson

practice managing complex multi-party cases across a variety of industries and issues.

Laura Salerno Owens and **Harry Wilson** have become shareholders with the firm.

Salerno Owens concentrates her practice in the area of employment litigation. She represents clients in a variety of employment law issues including noncompetition/nonsolicitation agreements and trade secrets, wage and hour disputes, discrimination charges, sexual harassment allegations, and whistleblower claims. She is the president-elect of the Oregon Chapter of the Federal Bar Association, and serves on the Rose Haven Day Center for Women and Children Board of Directors.

Wilson represents clients in high-stakes business litigation in state, federal, and international forums. His clients include businesses, individuals, governments, and nonprofit organizations. Wilson has briefed more than 50 appeals to the Ninth Circuit and Oregon Court of Appeals and argued more than a dozen times before the Oregon Court of Appeals. Wilson is the De Paul Treatment Centers Board of Directors Chair, and a member of the Oregon Coalition for the Responsible Use of Medications.



Shane Swilley

Cosgrave Vergeer Kester

Former associate **Shane Swilley** is now a partner. Swilley has worked for the firm since 2010, handling employment litigation and providing individuals and businesses with human resources advice and counsel.

Continued on page 9

Around the Bar

Continued from page 8



John Christianson

Gevurtz Menashe

John Christianson has been named a shareholder of the firm. He is a member of the Oregon and Washington state bars and has been practicing estate planning and administration law since 2006. He will continue his practice handling wills and revocable trusts, estate and gift taxes, probate administration, asset protection planning, and beneficiary and trustee representation.



Reilley Keating



Andrea Thompson

Stoel Rives

New firm partners include **Reilley Keating** and **Andrea Thompson**.

Keating focuses her practice on complex civil and healthcare litigation, commercial business and contract disputes, condemnation and real property actions and consumer protection actions. She has experience representing businesses, public entities and individuals as plaintiffs or defendants in a variety of state and federal courts, on appeal, and in arbitration and mediation.

Thompson focuses on representing employers in all areas of employment law, with an emphasis on defending lawsuits and administrative charges and resolving employment-related disputes. She also advises and defends private and public schools, colleges, and universities in a variety of civil rights and employment-related matters that are unique to education institutions.



Donna Lee

Hart Wagner

Donna Lee has become a partner in the firm. Her practice focuses on medical professional malpractice defense. She defends physicians, nurses, dentists, chiropractors, naturopathic doctors and other healthcare providers in malpractice lawsuits in Oregon and Washington's state and federal courts. She also regularly represents medical professionals in state licensing and professional credentialing board matters.



Anne Koch

Wyse Kadish

Anne Koch has joined the firm, where she will continue her practice in the areas of business and corporate transactions, contracts and licensing. She brings 15 years of experience advising clients on copyright and trademark prosecution, enforcement and defense. She is also the chair of the OSB Intellectual Property Section, and the treasurer and a board member of Oregon Volunteer Lawyers for the Arts.

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 Carol Hawkins, carol@mbabar.org.

2016 Law Firm Management Event
ROI by Building Legal Teams that Stay

Law firms spend hundreds of thousands of dollars each year on employee payroll, training and other benefits, only to lose their investments when employees leave. As a managing partner or firm leader, how do you build loyalty and gain return on the firm's investment?

Thursday, February 18, 2016
4:30 p.m. – 7:30 p.m.
Presentation begins at 5:00 p.m.
Drinks and appetizers to follow

Hotel Monaco
The Lipman Wolf Room
506 SW Washington Street, Portland

To attend the event, please register on the Oregon ALA website: www.oregonala.org

Cost is \$35 for ALA-Oregon members and \$45 for non-members.

Managing partners of ALA-Oregon member firms may attend free of charge.

Plan to join the **Oregon Chapter** of the **Association of Legal Administrators** and guest **Dick Finnegan** to learn the importance of building trust and developing strategies for retaining key employees.

Dick Finnegan is the CEO of C-Suite Analytics and the author of four top-selling books including *The Power of Stay Interviews* which is the top-selling book in the history of the Society for Human Resources Management, or SHRM.

Nels J. Vulin

Nels Vulin Joins Ball Janik LLP

Nels Vulin joined Ball Janik LLP's Construction Defect and Litigation practices as an associate in our Portland office. Nels represents residential and commercial owners in construction defect claims of all types. Nels is a member of the Young Lawyers Section of the Multnomah Bar Association.

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Tips From the Bench

by Judge Katherine Tennyson
Multnomah County Circuit Court



Rules, rules and more rules, but keep in mind that knowledge and compliance with rules makes you a more effective lawyer. Educate your staff on the rules as well. You and your staff can ensure that the preparation and submission of documents do not fall prey to the top 10 reasons why a proposed judgment or order is returned to you unsigned:

1. There is no record that all parties entitled to notice (particularly in protective proceedings) received notice. The corollary to this reason is failure to include a certificate of service or certificate of readiness, if applicable.
2. The proposed judgment lacks the name/address of the fiduciary and the name/address/email of the attorney.
3. An Order/Judgment has been submitted before the expiration of the required notice period.
4. In testate estates, the initiating petition omits explanation of a failed devise as required by ORS 113.035(7).
5. In wrongful death cases, failure to notify DHS of estate filing.
6. Attempts to restrict assets for which there is no enforcement mechanism. Remember, where a bond is required a bond must be in place unless there is an effective way to restrict an asset.
7. Failure to comply with ORS 113.105(4) and SLR 9.065 in seeking waiver of bond. This issue is mainly applicable in intestate estates, but can arise when the will does not waive bond.
8. Attorney Affidavits in support of petitions to approve wrongful death/personal injury settlements lack sufficient information as required by SLR 9.055(1).
9. Attorney fee Affidavits/Statements for estates, conservatorships or guardianships do not comply with SLR 9.095(1)(b). Strict compliance with ORS 125.098 is required in all fee requests submitted in protective proceedings. Attorneys should review the forms used for attorney fees to ensure the form is in compliance with all applicable statutes and rules.

10. Failure to file declarations related to creditor search or publication.

Recently, a question was submitted related to obtaining “Letters” in all cases within the probate department. Here is a complete explanation of how to obtain court-certified “Letters” in your case (**please keep in mind that the e-file system does not support payment for letter or copy requests, therefore, you have three options**):

By mail

Once you have the case number, you are able to mail a request for letters at any time. Please be sure to include the case number, a check for payment for any letters requested beyond the free one, and a self-addressed, stamped envelope (SASE) for return of the letters. *Please note – if you are requesting Letters Testamentary in an estate, you will need to file the original will. It will likely be convenient to include your letter request, SASE, and payment at the same time you file the original will.*

By phone

You may call the court to request letters. Please keep in mind that the court will be unable to mail you the letters you request unless you also either pay for postage or provide an SASE. The court is able to accept credit card payment for additional letters over the phone during our phone hours (8:30-10:30 a.m. and 1:30-4:30 p.m.) on business days. If you call after 4:10 p.m., however, your payment will not be processed until the following business day.

At the counter

You may come in to the Probate Department (room 224) to request your letters in person and make payment as necessary for extra letters. Please keep in mind that the Probate Department does **not** prepare letters on the spot unless there is an emergency of some kind, so please also bring an SASE if you’d like the letters to be mailed to you or be prepared to pay for postage. *Please note: The File Room (Room 131) is not able to issue letters of authority for probate cases. Your request for letters must be made to the Probate Department.*

All requests for letters are fulfilled in the order they are received and may take up to two weeks to process, depending on volume of requests and staffing. Most often, the orders are completed much more quickly - usually within a week. *If you prefer to pick up the letters, please include a phone number and name for notification when the letters are ready for pick up.*



News from the Courthouse

by Caroline Harris Crowne
Court Liaison Committee

Presiding Judge’s Report and Courthouse Update – Judge Waller and Barbara Marcille

Court Closures

On Monday, January 4, Multnomah County Circuit Court was closed because of inclement weather. The decision to close the court or delay opening because of weather is made in an emergency phone call coordinated by the county, involving the National Weather Service, Tri-Met, the city, and all county departments. When there is a delay in opening or closure of the court for any reasons, the delay/closure is announced through the county flash alert system, which is then picked up by TV and newspapers; via the court website; and via messages on the main court phone line and the jury phone line. The court would like to further improve communications about weather closures and is open to suggestions. Anyone who would like to receive the flash alerts directly can sign up at this website: www.flashalert.net/region.html?RegionID=1.

The court is working on a protocol that will be distributed to the bar as to what will happen to cases scheduled on the day of closure. During the most recent court closure, there was an effort to email lawyers with cases on the morning call docket to request that they appear at call the following day.

New Courthouse

One of the outstanding issues with the new courthouse project has been where the court’s high-volume courts (small claims, landlord/tenant, traffic and parking) and the district attorney’s office will be located. Placing them in a location outside of the new courthouse was being explored because of cost and space constraints in the new building. At the end of December, the Multnomah County Board of Commissioners approved a plan to include those high volume court functions and the Multnomah County District Attorney’s office in the

new downtown courthouse. The decision was made based on a comparison of the cost of building court and office space within the courthouse and the cost of paying for space downtown outside the main courthouse. Because of steep increases in rental rates, it was clearly less expensive to include those functions in the new courthouse. The cost for those additions to the courthouse will be paid by the county, and will not increase the state’s matching amount. Apart from the cost equation, it will be beneficial to have the high volume courts situated in the same building as the legal resource center and the court’s central public service area to reduce confusion and provide better service to the public. The county will be holding public open houses in February and later in the spring to present the design concepts and to solicit public input. The court will also be reaching out to the legal community to help build public support for the new courthouse in advance of the 2017 legislative session, when the county will be asking the legislature to authorize the remaining \$93 million for the state’s portion of the cost of construction.

Streamlined Jury Trial Pilot Program

The Streamlined Jury Trial Pilot Program committee has reconvened and is reaching out to OTLA and OADC and exploring new options. Judge Bushong is the court’s liaison to the committee and welcomes suggestions.

SLRs and UTCRs

The new Supplementary Local Rules, effective February 1, and the new UTCR 5.100 regarding submission of proposed orders and judgments (which went into effect on January 1) are posted on the court website. UTCR 5.100 requires that a certificate of readiness be included with any proposed order or judgment. The comment period for the next round of changes to the UTCRs is now open; the announcement is posted on the court website: [“http://courts.oregon.gov/Multnomah/Pages/index.aspx.”](http://courts.oregon.gov/Multnomah/Pages/index.aspx)

The court will begin to work on SLR changes for 2017 in February and welcomes any suggested changes.

eCourt

The court holds eCourt open hours usually two Fridays a month, from 12-1 p.m. in Courtroom 208. These sessions typically include short presentations about e-filing best practices related to various topics (exhibits, large documents, consolidated cases, relation-back requests, etc.), and court staff answer questions about File & Serve. These are drop-in sessions; no pre-registration is necessary. Lawyers and law firm staff are invited to attend, and the schedule is posted on the court website.

Report from Chief Criminal Judge - Judge Jones

Judge Jones recently took on the role of chief criminal judge on November 1, 2015, following Judge Frantz, who served in the role for many years.

Case Differentiation

There are about two dozen distinct paths a criminal case can follow, depending on a variety of factors—whether it is a Measure 11 offense, whether it is a third DUII, whether the defendant is eligible for diversion, etc. Some designations are made by the district attorney at the beginning of the case. Other options become available as the case proceeds. The court encourages any lawyers who take on a criminal case of a kind that they have not handled in the past six months to consult with another lawyer who handles such cases frequently, in order to be well informed about all the options available.

Multnomah County Justice Reinvestment Program

Multnomah County is participating in the State of Oregon’s Justice Reinvestment Program (MCJRP) that was created by the legislature in the 2013 session. Local communities are provided funds to keep defendants with presumptive prison sentences safely in the community which in turn will decrease the need to build another prison. MCJRP involves a high degree

Continued on page 11

MBF Announces Officers, Directors

by Pamela Hubbs
Office and Foundation Administrator

The Multnomah Bar Foundation is pleased to announce its new slate of officers and directors for 2016.



Amy L. Angel, Barran Liebman LLP, President, on the year ahead, "I am excited to serve as the President of the MBF Board and I look forward to a successful year growing our key programs—the Civic Education Fund and CourtCare. It's an honor to work with such a talented Board and the MBA staff towards the MBF's mission - focused on promoting education about the legal system and connecting with the public - and we look forward to spending the next year working hard to give back to the community and increase access to justice."



Dana S. Scheele, Cambia Health Solutions, is Vice President. When asked about her service on the MBF Board, Dana said, "In my two-year involvement with the MBF, I have personally seen the value our grants have on local nonprofit recipients, enabling them to raise awareness and promote discourse around civic

engagement with traditionally underrepresented groups. It is a real privilege to work with this organization."



J. Matthew Donohue, Markowitz Herbold PC, Secretary Treasurer, about the work of the foundation, "Educating the public and increasing our community's understanding of our legal system is a critical goal for our profession. I am fortunate to serve as an officer of the MBF and help continue the MBF's mission to promote civic education."



Bonnie Richardson, Folawn Alterman & Richardson, Immediate Past President, speaking about the significance of the MBF: "The MBA brings us all together as a community of lawyers and the MBF is our way, as lawyers, to give back to our local community."

New directors are **Holly L. Johnston**, Marger Johnson, **Jenna L. Mooney**, Davis Wright Tremaine LLP, and **Timothy J. Resch**, Samuels Yoelin Kantor LLP. Continuing directors are **Hon. Cheryl A. Albrecht**,



Multnomah Bar
Foundation

Multnomah County Circuit Court; **Tyler E. Anderson**, Oregon Department of Justice; **Susan D. Marmaduke**, Harrang Long Gary Rudnick PC;



Holly L. Johnston



Jenna L. Mooney



Timothy J. Resch

Mary Jo N. Miller, Stoel Rives LLP; **Melvin Oden-Orr**, Oden-Orr Law; and **Charles S. Tauman**, Charles S. Tauman PC. **Amber A. Hollister**, OSB, is the current MBA Board Liaison.

News from the Courthouse

Continued from page 10

of cooperation among multiple parties - the sheriff, the police, the district attorney, defense counsel, and victims' advocates. An in-depth assessment and report are prepared before plea negotiation. A group of 11 judges are conducting settlement conferences on all MCJRP cases. MCJRP, as well as the efforts of other communities, has led to a decrease in the number of people sent to prison.

Settlement Conferences

Through the court's experience with MCJRP, it has become apparent that there are great disparities among judges and lawyers in how they conduct and prepare for settlement conferences. Judge Bushong is chairing a committee to develop a set of recommended best practices for settlement conferences.

Upcoming Brown Bag

A brown bag event is scheduled for Friday, March 11, at noon, in the jury assembly room of the courthouse. Presiding Judge Waller, Judge Bushong, Judge Ryan, and Barb Marcille will be covering the changes to the UTCRs and SLRs, and members are encouraged to attend.

Court Email Addresses to Whitelist

Recently, an MBA member asked the court to provide the five email addresses from which it sends notifications to attorneys so they can be "whitelisted." These email addresses are below:

1. Court_notification@ojd.state.or.us
2. Hearing_rescheduled@ojd.state.or.us
3. Hearing_CANCELED@ojd.state.or.us
4. Hearing_scheduled@ojd.state.or.us
5. Judgment@ojd.state.or.us

MBA & YLS Board Elections

The MBA bylaws provide for nominations for the MBA and YLS Board positions from the membership at large. YLS members may self-nominate for the YLS Board, and MBA members for the MBA Board. MBA and YLS Board nominating petitions must be endorsed by the nominee and at least 10 other MBA or YLS members, respectively. Petitions must be received by 5 p.m. on Friday, February 26. New MBA and YLS Board members will be announced at the MBA Annual Meeting on Thursday, May 19.

Planning for the Future A Workshop for Attorneys in Transition

by Kevin Parks
Solo/Small Firm Committee

"When you're finished changing, you're finished."

Generally attributed to Benjamin Franklin, this quote concerns our personal growth and transitions, but it is nearly just as applicable to our professional ones. How many attorney colleagues can you name who have spent their entire legal careers in one position, at one law firm? Any at all? It's an increasingly rare phenomenon, if not altogether unfathomable these days.

Rather, the likelihood is that each of us will change jobs at some time or another, and often numerous times throughout our careers. Whether we pursue lateral opportunities with other firms, opt to downsize to a smaller or solo practice, close solo practices and band together with other established colleagues, or retire and leave an existing practice to our partners, the old maxim rings true: Change is inevitable.

"Ch-ch-ch-changes!"

As the majority of MBA members are solo practitioners or attorneys working in smaller firms, this section of the bar is particularly likely to be affected by career transitions; often, quite paradoxically, such attorneys are less prepared and less able to deal with the many issues and questions that inevitably arise during a transition.

To help assist attorneys currently in career transition - or those perhaps anticipating a future career change - the **MBA Solo & Small Law Firm Committee** has planned an upcoming workshop, **"Planning for the Future: Practical and Ethical Considerations for Attorneys in Transition."**

Scheduled for **February 24** at the **World Trade Center**, the workshop aims to provide not just a top-down presentation, but rather it encourages a conversation and discussion amongst both presenters and participants. Not only will we address many of the relevant legal and ethical issues, but in drawing upon the experiences, best practices, and lessons learned from the group, we'll discuss the many practical considerations that any lawyer in transition might face.

The workshop panel includes attorneys who have experienced, and who are currently anticipating, various aspects of career transition. **Kyle Busse**, a partner at the employment litigation firm Busse & Hunt, will discuss succession considerations from the standpoint of a small-firm partner who will inevitably take the reins from his senior partners. Current solo practitioner (and former small firm partner) **Quinn Posner** will address some of the challenges of going from solo to small firm ... and back. And **Jennifer Meisberger**, Practice Management Advisor with the Professional Liability Fund, will draw on her own experience transitioning from private practice to the PLF in addressing numerous professional and ethical considerations.

At some point, we'll likely all face the challenges associated with a career transition, whether a change in firm practice structure, slowing down a practice, or outright retirement. It seems to make sense that we should meet for lunch first and talk about it. And, if there is such a thing as a free lunch, wouldn't you go?

"I still don't know what [you are] waiting for..."



Young Lawyers Section

Ask the Expert

Dear Experienced Attorney:
I just don't seem to click with the partners at my firm. I'm getting plenty of assignments and meeting my billing requirements, but there seems to be an element of collegiality that's missing. What can I do to make practicing law fun?
- Stuck Amidst Monotonous Occupation

Dear SAMO,
Developing a good working relationship with your firm colleagues is just like developing any other potential relationship in your life: if it's going to happen, it takes time and it takes effort. But remember, SAMO, you're the labor. The hired help. You're there to do two things: Help your clients, and help your law firm. The best approach as an associate is to work hard, work harder, and remember to smile. In the process you'll learn, grow, and ultimately become a better attorney. The best of us? We also become better people. If along the way up you also happen to enjoy yourself in the process? Great. But that's the icing, rather than the cake. And, SAMO? Let them eat cake!
Of course, you *should* take solace in the knowledge that if the partners didn't believe you'd be a good fit, they wouldn't have hired you. What a "good fit" means, though, is in the sole discretion of the partners. It **doesn't** mean that you're destined to become everyone's best friend, or even anyone's good friend. You're not Alan Shore to a partner's Denny

Crane, nor are your days likely to resemble Ally McBeal's.

But SAMO, you're right; being comfortable and happy in your job is important. So, try to look at life in a law firm as if you were still in grade school: Learn about everything you can, communicate well during group activities, help your mates study, don't speak out of turn, turn in your assignments on time, and always show your work. Outside of class, invite people to birthday parties, distribute greeting cards, be fun and social when it's time for recess (but don't assume it's *always* recess), and keep the gossip and chit chat to a minimum. Finally, as the "teacher" in this simile, I can attest: While no one likes a suck up, everyone enjoys getting an apple (or an Apple™) from time to time.

Easy enough, right? Your 10-year-old self did it, and your 25-45-year-old self can, too. While it may not lead to you and Ms. Named Partner becoming BFFs who vacation together, it should add some perspective and help you settle, relax, focus, and grow - from the attorney-equivalent of a newborn baby to, perhaps, a computer-generated dancing baby that everyone in the office enjoys (and emails over, and over, and over....)

Ultimately, just continue to be yourself and the office will eventually warm up. Both the white-haired old guard and the young prima donna alike, everyone likes the same ol' SAMO.

Jovita Wang YLS Member Spotlight

by Tom Adams
YLS Board

When not litigating, Jovita Wang is sometimes hard to find. Friends were surprised to learn that despite her lack of grace while swimming - previously demonstrated on the Deschutes in 2008 - she decided to scuba dive for the first time in the Great Barrier Reef. She has also not been found recently in Tokyo, where she dined at the Moomin Café with a snorkmaiden (Google it), and in Lisbon and Porto. She is currently reading *A Field Guide to Getting Lost*.

But despite her best intentions, Jovita is anything but lost. She recently joined Folawn Alterman & Richardson LLP after learning the ropes at Miller Nash Graham & Dunn LLP. She has been recognized as a Rising Star by *Super Lawyers* since 2014 for her work in complex civil litigation. With her new team, she recently prevailed in two complicated matters - a contempt judgment and a preliminary injunction.

Jovita shows no signs of slowing down. She was recently elected president of Oregon Asian Pacific American Bar Association (OAPABA). Her term begins in June. Jovita's goal is to continue to grow the approximately 100-member organization that was only formed seven years ago. Her first major task is to organize and promote the OAPABA Gala Dinner on September 22. David Lat of *Above the Law* is scheduled to speak.

Her wanderlust perhaps stems from her childhood. Born in New Jersey, she moved to Atlanta at a young age before moving to Beaverton in middle school. She returned to Atlanta to attend Emory University. Studies abroad took her to London. After a stint in AmeriCorps, she attended law school in Seattle at the University of Washington. For her 2L summer, she split her Miller Nash summer associateship with



Jovita Wang

a JAG internship in Washington DC, and studied abroad in Rome for the remaining time. Due to mosquitos, she has no plans to return to the South.

Jovita is grateful that Ali Bell and Miller Nash originally encouraged her to participate in the MBA, and that Folawn Alterman & Richardson continues to do so. She entered the YLS Pro Bono Committee as a member, and soon became its chair. She is now serving a three-year stretch on the YLS Board.

Jovita is also grateful that her hard work has given her the opportunity to travel overseas at least once a year. Her firm, family and friends rejoice when she decides to be found.

YLS Service to the Public Programs

by Jamison McCune
YLS Service to the Public Committee

On December 29, 2015, the YLS Service to the Public Committee hosted a community service day at the Oregon Food Bank. Volunteers repackaged onions and pears into family-sized portions for people in need throughout Oregon. Twenty-one people, including MBA members, family, friends, and children, attended and packaged a total of 352 meals per volunteer!

The charge of the YLS Service to the Public Committee is to inform, educate, and serve the general public and to improve the public image of attorneys. The committee plans and organizes monthly community service days, which pair attorneys with local nonprofit organizations. In addition, the committee plans and conducts the Imprint Program, Community Law Week, and Multnomah County Animal Services hearings. These events are open to all MBA members.

Imprint Program. The Imprint Program allows high school students to connect with attorneys in their community through a pen pal program. Each participating student is matched

with a volunteer attorney, and the two read the same novel over a two-to-three month period. The student and the attorney then exchange letters discussing the novel, as well as their lives and interests.

This year's Imprint Program is already underway. On January 13, the committee hosted an orientation for volunteer attorneys. The Imprint Program concludes each year with an end-of-the-year celebration where volunteer attorneys meet their student pen pals in person.

Community Law Week. Each year the committee organizes and hosts a week of activities centered around the ABA Law Day held on May 1. This year's theme will be



Students from the 2015 YOUTHFILM Contest at Hollywood Theatre

"Miranda: More Than Words." Events will include a YOUTHFILM Project student filmmaking contest, Tell It to the Judge, and a free Legal Information Booth. Community Law Week will be held April 25 - May 1.

Multnomah County Animal Services. The Service to the Public Committee helps to coordinate hearings for Multnomah County Animal Services. Volunteers serve as officers and hear testimony and then rule on alleged animal services violations. Trainings for volunteers are held periodically. This is an excellent opportunity for attorneys who are interested in municipal or animal law. If you are interested in more information on becoming a hearings officer, please contact Nathan Sramek at nsramek@schwabe.com.

Give Back. YLS Service to the Public Committee events allow attorneys to apply their legal and non-legal skills to help others. Attorneys of all ages are encouraged to participate. For more information about volunteer opportunities or the YLS Service to the Public Committee, please email Kirsten Rush at krush@busseandhunt.com.

Nonprofit Association of Oregon Pro Bono Spotlight

by Aurelia Erickson
YLS Pro Bono Committee

The Pro Bono Spotlight often shines a light on the exemplary work of a particular volunteer attorney. This month, however, we are focusing on the exemplary work of a particular organization by highlighting pro bono opportunities through the Nonprofit Association of Oregon (NAO).

NAO is a statewide membership organization that provides resources and support to the nonprofit sector. There are about 44 similar organizations in the nation supported through membership in the National Council of Nonprofits. NAO's mission is to strengthen the collective voice, leadership and capacity of nonprofits in order to enrich the lives of all Oregonians. As Alexis Millett, head of NAO's Helpline & Resources Department, describes it, NAO achieves this mission "by being a voice for the nonprofit sector through advocacy, playing a convening role around important issues the sector faces, and building leadership and capacity through membership, consulting, training, and providing crucial resources to nonprofits."

NAO also has an impressive array of informational resources useful to both nonprofits and those who serve and support them. NAO maintains the most accurate and up-to-date information on Oregon's nonprofits - including technical information such as tax status, and general information on the sector through its Oregon Nonprofit Sector Report. NAO also provides info sheets

on how to start a nonprofit, resources to support nonprofits throughout their lifecycle, and other helpful information. Attorneys may find the *Oregon Nonprofit Corporation Handbook* particularly helpful (available at www.nonprofitoregon.org/helpline_resources/publications). Now in its fifth edition, the handbook offers legal guidance in an accessible way. It was written by NAO's founder, Kay Sohl, and Cindy Cumfer, a local nonprofit expert and attorney.

With these goals and resources in mind, it was a natural extension for NAO to work to pair nonprofits in need with pro bono legal services.

Past Projects

In 2010, NAO partnered with the MBA's Young Lawyer Section Pro Bono Committee to form what came to be referred to as the Nonprofit Legal Assistance Project (NLAP). Through this project volunteer attorneys were matched with smaller or emerging nonprofits to provide pro bono legal assistance. There is a huge need for low-cost or pro bono legal services for nonprofits that would not have access to legal services otherwise. "There is not a lot out there for nonprofits," says Alexis.

For several years NLAP matched young volunteer lawyers with nonprofits to assist on matters including bylaw review, 501(c)

(3) applications, other formation and start-up questions, as well as tax and employment issues. The project provided invaluable support for these fledgling nonprofits and proved to be a great opportunity for attorneys who were interested in gaining experience with transactional-type pro bono projects.

Future Opportunities

More recently, NLAP has had difficulty matching volunteer lawyers and nonprofits. NLAP found that many new nonprofits did not know what kinds of legal services they would need. This made it difficult to refer matters to younger volunteer lawyers who were eager to gain



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experience with nonprofit work, but knew less about the subject than their more experienced (and more expensive) colleagues. NLAP has suspended its match program for now. But NAO knows the need is still present and is actively seeking solutions. Alexis adds, "Legal support is crucial at the birth and throughout the lifecycle of any nonprofit. If attorneys are interested in supporting the sector through pro bono work, being listed on our referral lists, or supporting NAO through sponsorship, we would love to hear from you."

For more information about NAO, please contact Alexis Millett at amillett@nonprofitoregon.org or visit NAO's website: www.nonprofitoregon.org.

NOTICE TO JUDGE PRO TEM APPLICANTS

The MBA Judicial Screening Committee reviews applications for Multnomah County pro tem and fulltime judicial candidates. The committee typically meets monthly September through May or June. It does not meet during the summer.

Pro tem renewal candidates are asked to submit their applications at least three months (preferably four) in advance of the expiration date of their current appointments so that the committee may complete its work in a timely manner. The pro tem applicants are screened, and the committee's recommendations are sent to the presiding judge, who forwards her recommendation along with the application materials to the Supreme Court for consideration at a regular meeting.

There are two forms for pro tem candidates to complete; both may be obtained by visiting www.mbar.org/Resources/FrequentlyRequestedDocuments.html or by emailing Carol Hawkins at carol@mbar.org.

mba yls | EVENT

YLS Community Service Day

The Rebuilding Center
3625 N. Mississippi Ave., Portland
Thursday, February 11
6-8 p.m.

Volunteers are needed to help sort and clean donations. The tasks to be done will depend upon the kinds of materials recently donated, and may include unloading carts, sorting and organizing tile, trim, miscellaneous hardware and lighting, and de-nailing lumber.

Volunteers may register with Meagan Robbins, mer@wysekadish.com.

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Special thanks to the law firms of Jaqua & Wheatley and Perkins Coie for their donations of books for the OLCR library wall.

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The Corner Office PROFESSIONALISM

The last tenet of the MBA Commitment to Professionalism states, “We will work to ensure access to justice for all segments of society.” Of course, this has nothing to do with how many people define professionalism, which is often - and erroneously - reduced to merely, “Don’t be such a jerk.” But this tenet, lurking quietly at the bottom of the MBA list, is the touchstone of our profession.

“The practice of law is a profession - not a business or skilled trade. While the elements of gain and service are present in both, the difference between a business and a profession is essentially that while the chief end of a trade or business is personal gain, *the chief end of a profession is public service.*” *Bradshaw v. U.S. Dist. Court for S. Dist. of California*, 742 F.2d 515, 518 (9th Cir. 1984) (bold italics added).

This tenet is not purely aspirational. After all, ORS 9.460, which identifies the duties of lawyers, mandates that, “[a]n Attorney shall never reject, for any personal consideration, the cause of the defenseless or the oppressed.” This makes sense because lawyers, unlike other professionals such as teachers, doctors and writers, are the gateway to an entire branch of government which has the power to give and take away many of life’s most precious elements. After all, one’s property, freedom, family, livelihood and, in some circumstances, one’s life can be at risk when navigating through the judicial system. Without competent counsel, huge swaths of the population - many of them historically disenfranchised - are simply chewed up on one side of the system and spit out the other. And, as the middle class shrinks and the cost of providing legal services grows, there is no end in sight to this cycle.

Applying this statute and tenet in a profession that has tended to stray far from the duty set forth in ORS 9.460(4) requires a significant shift in thinking. Even though public service and working to ensure access to justice on one hand, and economic profitability on the other hand, are not mutually exclusive concepts, following this tenet and statute does require law firms to find different ways to evaluate their own performance. This, in turn, requires less emphasis on short term profitability and billable hours requirements and more focus on the long-term profitability of the firm with a larger eye toward raising the bar in the profession as a whole. At the very least, it requires all of us to engage in pro bono services every year and, better yet, to explore those segments of society that have been historically and systemically disenfranchised and marginalized to better understand how barriers to justice work.

More importantly, our duty to work toward access to justice requires us to no longer stick our heads in the sand in the face of this crisis, and to start thinking creatively to solve the root cause of the problem. After all, we are not going to make the middle class un-shrink any more than we are going to meet this unmet need by doing piecemeal pro bono work. These are short-term solutions, not real solutions. The crux, but not the cause of the problem, is that for almost everyone other than corporations and governments - the primary recipients of legal

advice in our country - hiring a lawyer is too expensive.

As to the cause of the problem, perhaps we should more aggressively explore to what extent the access to justice problem is caused by our over-regulation of the practice of law. We should re-evaluate whether our monopoly on this branch of government is simply too tight and whether a completely new model of legal services is necessary that provides competent legal services by non-lawyers on a limited basis at a much lower cost. Perhaps that is what our work to ensure access to justice should encompass, more than anything. Larger states, like New York and Washington, are already rolling out limited non-lawyer legal practitioner or court navigator models to provide services to those who lack legal representation in certain areas. California is actively working toward doing the same. Whatever the solution, we owe it to those without a fair shot for justice in our current system to explore holistic solutions to the access to justice problem by re-evaluating how we have defined ourselves as professionals.

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



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The MBA offers other organizations the ability to access our online calendar in order to provide **one** site where all law-related events can be listed to help prevent conflicts.

Please consider adding your social events to the MBA online calendar at the following link: <http://mbabar.org/Calendar/SubmitAnEvent.html>. Or, you may contact the MBA at mba@mbabar.org to add your item to the calendar.





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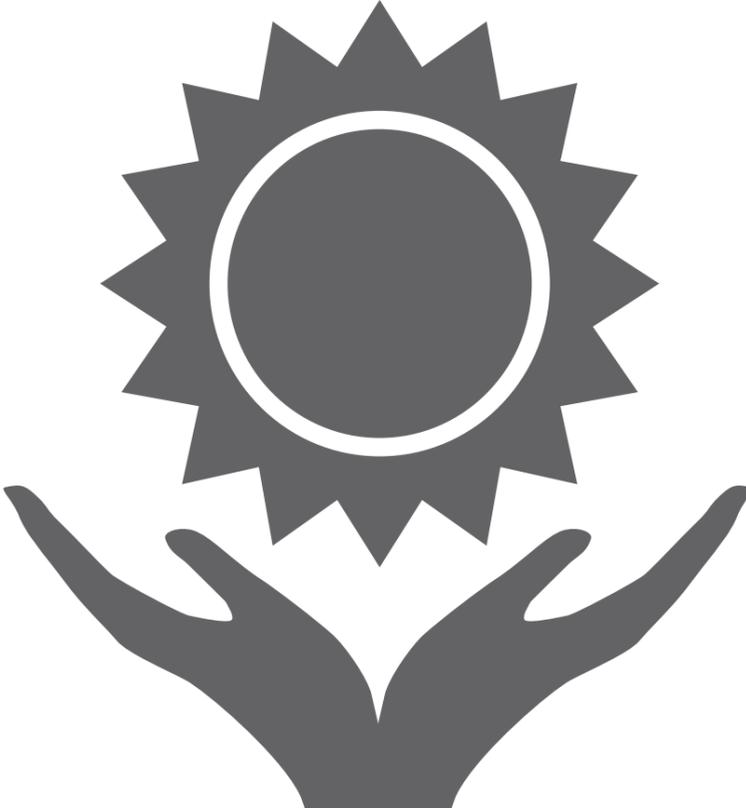
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Kristen has been recognized as a "Rising Star" by Super Lawyers Magazine since 2013. She is a graduate of NYU School of Law and a former clerk to Chief Justice Shirley Abrahamson of the Wisconsin Supreme Court.



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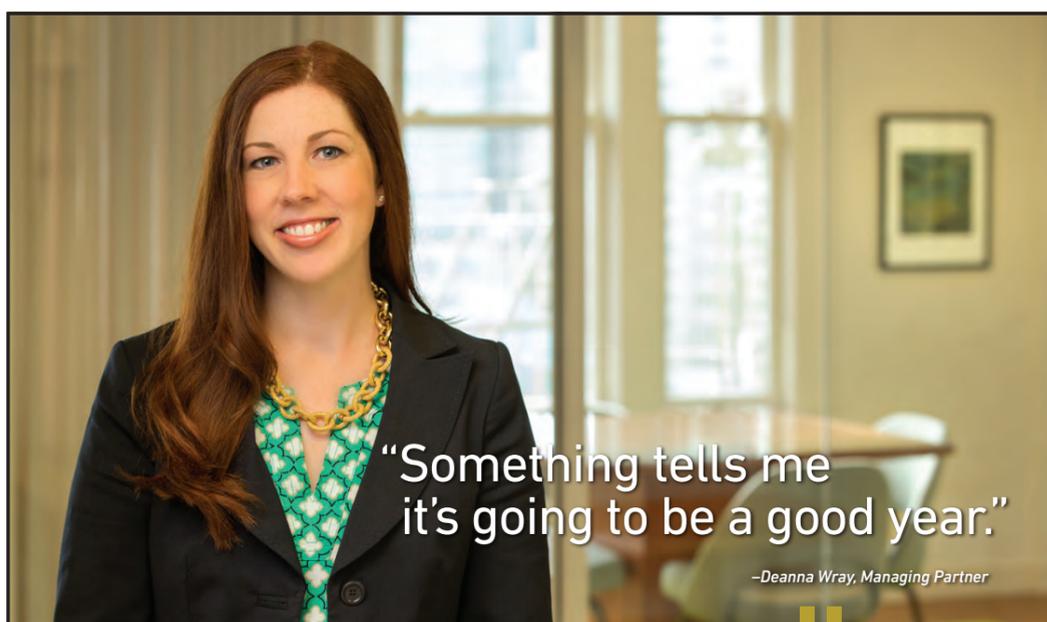
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