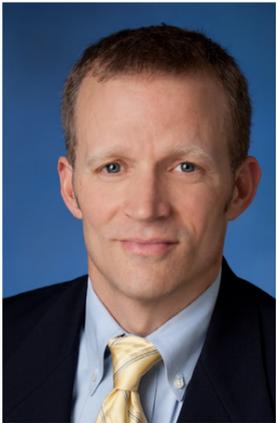




MULTNOMAH LAWYER

September 2016
Volume 62, Number 8



Let's Ask "Why?"

by Eric Dahlin
MBA President

"I've always been a 'why' guy. Like, I want to know why. And a lot of times the why is crazy. I understand it. I just always have been inquisitive. The only thing I won't accept is because that's the way we've always done it."

- Charles Edward "Chip" Kelly

This may be the first time a former college football coach has been quoted to begin an MBA President's column, but this quote perfectly encapsulates the way that I want to approach the MBA as I begin my year as president. I don't have any earth-shattering plans to shake up the MBA and how it operates. Rather, I just want to ask "why are we doing what we are doing?" so we can find out if there is anything we should be doing differently. What I don't want is to keep doing things the same way simply because that is the way we have always done it.

Many organizations fall into the trap of complacency and take the path of least resistance by continuing to conduct business as they have in the past because that is easiest, especially when it is assumed that someone must have previously thought about various options in great detail and chosen the best course of action. This may also be because we are so busy in our personal and professional lives just trying to keep our heads above water that we lack the time and energy to deeply examine and question existing processes. So I would like the MBA to recognize that potential problem and address it head on.

To that end, I am asking the MBA Board, the MBA committees and the MBA staff to vigorously examine everything we do and to ask critical questions about the reasons for those choices. I am not suggesting there will be so many changes in the next year that the MBA may become unrecognizable; indeed, it may be that after a thorough review we decide that little needs to be changed. The MBA provides many benefits to its members, such as high-quality and low-cost CLE; social and networking events; promoting professionalism and collegiality; and promoting a diverse and inclusive bar. I want to see the MBA continue to offer all of those benefits, and more. But I want to make sure we are using our time on the right things and that we are not wasting energy simply to repeat what has been done in the past. The first step toward that goal is to ask the "why" question.

In addition to asking the "why" question to the MBA, I would like to challenge each of you to critically examine why you or your organizations do what you do. This includes how we sentence defendants in the criminal justice system and whether alternative treatment options are more effective. It includes asking whether trials can be conducted in a manner that makes them more fulfilling and less mysterious for jurors while at the same time being more efficient for the parties. It includes how we educate law students and mentor new lawyers. It includes what criteria we use when making hiring decisions. It includes whether there are alternatives to the billable hour that make sense for clients and lawyers alike. The list goes on and on, but the "why" question is applicable to everything we do.

What I don't want is to keep doing things the same way because that is the way we have always done it.

I'm under no illusion that big changes will be made overnight. But I certainly encourage everyone, especially those in a position of influencing policy and best practices, to take a step back and examine why they do what they do. It may be that 90% of what we have been doing is great and shouldn't be changed, but think of how much better it could be if we changed the 10% that we've been doing simply because we've always done it that way.

In closing, I offer this story, cribbed from the internet, which is likely an urban legend but still makes a worthwhile point.

A young man is preparing a pot roast while his friend looks on. He cuts off both ends of the roast, prepares it and puts it in the pan. "Why do you cut off the ends?" his friend asks. "I don't know," he replies. "My dad always did it that way and I learned how to cook it from him."

His friend's question made him curious about why he prepared the roast this way. During his next visit home, he asked his father, "How do you cook a pot roast?" His father said, "You cut off both ends, add spices and put it in the pot and then in the oven."

"Why do you cut off the ends?" the son asked. Puzzled, the father said, "That's how my mom did it and I learned it from her."

This made the father think more about pot roast preparation. When he next visited his mother, he asked, "Mom, how did you cook a pot roast?" The mother thought for a while and then responded, "Well, you prepare it with spices, cut off both ends and put it in the pot." The father asked, "But why do you cut off the ends?" His mother's eyes sparkled as she remembered. "Well, the roasts were always bigger than the pot we had back then. I had to cut off the ends to fit it into the pot."

If we spend a little time asking the "why" question, we may realize that many of the things we have always done simply don't make that much sense anymore. And that can free us to try new things that could be much more beneficial. If you have ideas for what the MBA can do differently please let me know.

...the "why" question is applicable to everything we do.

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.

SEPTEMBER

9.14 Wednesday
Public Speaking for Attorneys
Senior Judge Janice Wilson
Kyle Dukelow
Michael Kesten

9.15 Thursday
Complaints, Answers, and Motions to Dismiss: A Practical Guide to Effective Pleading Practice
Corey Tolliver
Matthew Yium

9.20 Tuesday
Economic Damages in Employment Cases: How to Present and How to Attack
Kevin Cahill
Nicholas Kampars
Charese Rohny

9.27 Tuesday
Veterans' Preference in Public Employment
What Exactly Does the Law Require?
Heidi Brown
Kathy Short

9.28 Wednesday
Elder Abuse Reporting
Mark Johnson Roberts

OCTOBER

10.11 Tuesday
Insurance Coverage for Small Businesses
Seth Row
Brad Wilson

10.13 Thursday
Personal Injury: Maximizing Case Value through Creativity, Strategy and Tenacity
Marc Johnston

10.26 Wednesday
Taming the Medicare Gorilla in Your Injury Cases
Tim Nay

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Multnomah Bar Association
620 SW 5th Ave Suite 1220
Portland, Oregon 97204
503.222.3275
Fax 503.243.1881
www.mbabar.org

mba|EVENT

MBF Social

Wednesday, September 14
Barran Liebman
601 SW 2nd Ave., Ste. 2300, Portland
5-6:30 p.m.



Help us celebrate our civic education donors and a successful CourtCare campaign. Meet our grant recipients and catch up with colleagues and friends over appetizers.

Our thanks to MBF President Amy Angel and Barran Liebman LLP for generously hosting this event!

Please RSVP to Pamela Hubbs,
pamela@mbabar.org.

mba|EVENT

Multnomah Bar Association Absolutely Social

The Grape Escape
featuring Wine Tasting

Thursday, October 20
The University Club
5-7 p.m.

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

Register at www.mbabar.org.

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DEADLINE for copy: The 10th of the month*

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*or the preceding Friday, if on a weekend.

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An Hour of Professionalism

by Sara Urch

At the July 14 CLE, "An Hour of Professionalism," sponsored by the Oregon Chapter's Dick Whittemore Professionalism Committee of the American Board of Trial Advocates (ABOTA), members and guests were treated to the remarks of two judges on the topics of civility and professionalism, followed by a reception.

First, Federal Magistrate Judge John V. Acosta gave introductory remarks on the topic of the importance of civility in the practice of law, and the critical role lawyers play in upholding the public's trust in the profession. Judge Acosta has served on the OSB Joint Commission on Professionalism since 2006, and as Chair in 2010. Citing to the vital role of lawyer participation in pro bono services, young lawyer mentoring, and community volunteering, as Judge Acosta put it, "Civility is simply a spoke in the wheel" of the justice system as a whole.

Next, former Oregon Supreme Court Chief Justice

Paul De Muniz spoke about the connection throughout history between the civility of the bar, and the nation's adherence to the rule of law. Citing to historical figures such as John Adams, who took on unpopular or controversial cases in order to preserve justice, Justice De Muniz spoke about Adams' representation of British soldiers during the Boston Massacre trials. As Justice De Muniz put it, Adams' defense of the British soldiers serves as a role model for all lawyers and courts who should strive to "rise above the demagoguery and the incivility of the political and public discourse to preserve justice and ultimately our country's adherence to the rule of law." As Justice De Muniz described it, OSB members' duty today and into the future is to "acknowledge the importance of civility, [and] that civility in the practice of law and the courts is not passed down in our DNA, but must be modeled, taught, and nurtured from one generation of lawyers to another."



2016 OAPABA Gala Dinner

Recognizing our Heroes: Voices of Change

Thursday, September 22
Sentinel Hotel
5-9 p.m.

OAPABA is pleased to announce that the keynote address will be provided by **David Lat**, founding and managing editor of legal blog *Above the Law* and author of the book "Supreme Ambitions."

In addition, **Minoru Yasui**, a native of Hood River, Oregon, the first Japanese-American graduate of the University of Oregon School of Law, and the first Japanese-American member of the Oregon State Bar, is being posthumously awarded the 2016 Justice Lynn R. Nakamoto Award at the dinner.

Register now for OAPABA's Gala Dinner
at www.oapaba.org.

We hope to see you there!



Calendar

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

SEPTEMBER

5 Monday
Labor Day Holiday

9 Friday
October Multnomah Lawyer deadline

14 Wednesday
MBF Social
www.mbabar.org/foundation

20 Tuesday
Solo & Small Firm Workshop
Details on p. 15

21 Wednesday
OSB Diversity Section Fall CLE & Social
Details on p. 17

22 Thursday
OAPABA Gala Dinner
oapaba.org

22 Thursday
SALC Taste for Justice
www.salcgroup.org

26 Monday
MBA Golf Championship
See insert

OCTOBER

10 Monday
November Multnomah Lawyer deadline

13 Thursday
OWLS Dress for Success Fashion Show
www.oregonwomenlawyers.org

15 Saturday
Youth, Rights & Justice Wine & Chocolate Gala
www.youthrightsjustice.org

18 Tuesday
Solo & Small Firm Workshop
Details on p. 13

20 Thursday
Absolutely Social
Details on p. 1

27 Thursday
OSB Pro Bono Fair
Details on p. 10

Stay Connected!



The MBA has made a commitment to communicate with our members in a "paperless" manner as much as possible. We now send out many of our notices via an email service and have discovered that some members have unsubscribed.

To continue to receive news and information on a timely basis, please consider re-subscribing at www.mbabar.org/membership/subscribe.html.

Thank you for helping us to conserve resources and keep costs down.



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.

Unless otherwise noted, all classes are held at the World Trade Center, 26 SW Salmon, Portland.

Public Speaking for Attorneys

Wednesday, September 14, 2016 - 3:00-5:00 p.m.

World Trade Center, Mezzanine

Members \$60/Non-Members \$95

What are the most common public speaking mistakes attorneys make in the courtroom? How can lawyers develop credibility from the start? How do you keep from using distracting fillers such as “um,” “like,” “so,” and “you know”? How can vocal variety make you a more effective litigator? Should you ever read a presentation? Is there danger in memorizing it? What are effective methods to learn how to improvise and think on your feet? In a multi-media world, when do public speaking abilities prevail?

Come hear **Senior Judge Janice Wilson**, formerly with Multnomah County Circuit Court and now providing private arbitration/mediation services; **Kyle Dukelow**, long-time trial attorney and certified public speaking coach; and **Michael Kesten**, owner of KestenMedia, reveal how even the most confident, talented advocates can stumble in oral advocacy, and give some tips for improving your own speaking skills and presentations.

Disclaimer: Opinions expressed by the panel members are their individual opinions and not their employers' or clients' and are not formal legal opinions upon which any party is entitled to rely.

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.

Complaints, Answers, and Motions to Dismiss: A Practical Guide to Effective Pleading Practice

Thursday, September 15, 2016 - 3:00-5:00 p.m.

World Trade Center, Mezzanine

Members \$60/Non-Members \$95

This seminar focuses on pleadings as well as motion practice under FRCP 12(b) and ORCP 21. The presenters, **Corey Tolliver** of Folawn Alterman & Richardson LLP and **Matthew Yium** of Kennedy Watts Arellano LLP, will present tips and strategies for effective pleading practice, including:

- How to draft complaints and answers so as to avoid unnecessary motion practice;
- How to draft pleadings in ways that control the costs of discovery;
- How to identify and cost-effectively resolve problems with your opponents' pleadings, as well as your own;
- How to make the most out of the required meet-and-confer sessions with opposing counsel; and
- How to draft focused ORCP 21 and FRCP 12(b) motions.

For more information: Call Alex Williamson, Prange Law Group LLC at 503.595.8199. For registration questions, call the MBA at 503.222.3275.

Economic Damages in Employment Cases: How to Present and How to Attack

Tuesday, September 20, 2016 - 3:00-5:00 p.m.

World Trade Center, Mezzanine

Members \$60/Non-Members \$95

Come for a presentation by economist **Kevin Cahill**, ECONorthwest, plaintiff's counsel **Charese Rohny**, Charese Rohny Law Office, and defense counsel **Nicholas Kampars**, Davis Wright Tremaine. All three focus a portion of their practices on employment disputes. They will use panel discussion and role play to present approaches to quantifying damages and then demonstrate ways to handle the weaknesses of each approach. They will also share thoughts about the impact of economic and non-economic damages calculations on case intake, settlement negotiations and trial outcomes.

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

Veterans' Preference in Public Employment - What Exactly Does the Law Require?

Tuesday, September 27, 2016 - 3:00-5:00 p.m.

World Trade Center, Plaza

Members \$60/Non-Members \$95

Learn about the legal requirements imposed by Oregon's Veterans Preference statutes. Government attorneys **Heidi Brown** with the Portland City Attorney's Office and **Kathy Short** with the Multnomah County Counsel's office will discuss the statutory scheme, judicial (appellate and trial court) and administrative interpretations of the laws and rules, and how government entities are handling their implementation.

For more information: Call Judge Kelly Skye, Multnomah County Circuit Court at 503.988.3204. For registration questions, call the MBA at 503.222.3275.

Elder Abuse Reporting

Wednesday, September 28, 2016 - 12:00-1:00 p.m.

World Trade Center, Auditorium

Members \$30/Non-Members \$50

New elder abuse reporting requirements for attorneys—together with an educational requirement—took effect January 1, 2015. **Mark Johnson Roberts**, Deputy General Counsel to the Oregon State Bar and a former Multnomah County practitioner, will present this CLE to inform lawyers of their legal responsibilities as mandatory reporters, while maintaining their ethical obligations to clients.

For more information: Call the MBA at 503.222.3275.

Insurance Coverage for Small Businesses

Tuesday, October 11, 2016 - 3:00-5:00 p.m.

World Trade Center, Mezzanine

Members \$60/Non-Members \$95

Business attorneys, as well as litigators, need to understand the basics of insurance coverage. Insurance is a critical component of company risk management - which is part of the role of a company's attorney. This presentation will cover basic principles and concepts in insurance coverage programs for small businesses, so that you can “speak the language” whether you are talking with the owner or the company's broker. We also will discuss common insurance coverage problems and what you can do to prevent them. Presenter **Seth Row** of Miller Nash Graham & Dunn LLP has represented policyholders in coverage disputes of all types for more than 10 years, and provides counseling on insurance procurement to large and small businesses in many industries. Presenter **Brad Wilson** of Insurance Partners has helped businesses and individuals place coverage and manage their insurance programs for more than 20 years. Brad's experience includes underwriting, sales, agency management, and expert witness work for clients of all sizes and industries.

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

Personal Injury: Maximizing Case Value through Creativity, Strategy and Tenacity

Thursday, October 13, 2016 - 3:00-5:00 p.m.

World Trade Center, Mezzanine

Members \$60/Non-Members \$95

This seminar is intended for the plaintiff's personal injury practitioner and the general practitioner who handles personal injury cases. The seminar mixes theory and strategy, focusing on the most crucial aspects of the case. Time is devoted to the techniques, strategies and methods which make the biggest difference to the plaintiff's case and the end result. **Marc Johnston**, Johnston Law Firm LLC, will share his creative and successful approaches to handling personal injury cases, while addressing technical aspects of the plaintiff's case which you can use immediately with your current cases. This seminar blends cutting edge approaches and the techniques of the presenter. Topics addressed will include:

- the initial client meeting and retention
- evaluating cases
- pre-suit demands
- preparing your client for deposition
- taking depositions
- working with experts and doctors
- mediation preparation
- managing costs
- thinking outside the box
- trial theory

If you handle personal injury or motor vehicle cases, regardless of your level of experience, do not miss this seminar.

For more information: Call Kevin Sali, Kevin Sali LLC at 503.329.3598. For registration questions, call the MBA at 503.222.3275.

Taming The Medicare Gorilla In Your Injury Cases

Wednesday, October 26, 2016 - 3:00-5:00 p.m.

World Trade Center, Mezzanine

Members \$60/Non-Members \$95

Medicare Secondary Payer (MSP) compliance has been an irritable 800-pound gorilla. But you can take steps to gain better control of MSP compliance. MSP compliance remains a complicated, time-consuming, labor-intensive fact of worker's compensation and liability cases. Misunderstanding of reporting requirements and the process on the part of plaintiff and defense counsel as well as insurance carriers slows the process, leaving injured parties without needed funds to get on with their lives.

MSP compliance is about “considering/protecting” Medicare's interests by: (1) recovery of conditional (pre-settlement) Medicare payments; (2) Medicare set-aside (MSA) arrangements reducing post-settlement Medicare payments; and (3) insurer reporting pursuant to Section 111 of the Medicare, Medicaid, SCHIP Extension Act, December 29, 2007, (MMSEA). Plaintiff's counsel will rarely see Section 111 reporting issues. But Section 111 penalties have driven the frenzy surrounding (1) and (2).

The goal of this CLE program is to increase your understanding of the process, enable you to effectively use available MSP compliance tools for better control of MSP compliance, reduce everyone's exposure, and expedite completion of injury cases.

Our speaker is **Tim Nay** of the Law Offices of Nay & Friedenber. Tim was one of four founding members of the National Alliance of Medicare Set Aside Professionals (NAMSAP), and served as NAMSAP's first Secretary. He is also the founding president of the National Academy of Elder Law Attorneys (NAELA), a Fellow of the Academy and winner of the 2007 NAELA President's Award.

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.

To register for these classes, see page 4.

Recovering Emotional Distress Damages

Thursday, October 27, 2016 - 3:00-5:00 p.m.

World Trade Center, Plaza

Members \$60/Non-Members \$95

The panel will discuss the availability of emotional distress damages under Oregon law and provide practice tips for successfully pleading and trying claims for emotional distress damages. Join experienced trial lawyer **Cody Hoesly** of Larkins Vacura Kayser and our panelists for a two-hour presentation of the law and related practical experiences..

For more information: Contact Bridget Donegan of Larkins Vacura Kayser at 503.222.4424. For registration details, call the MBA at 503.222.3275.

Brewery Law: The Top 10 Things You Didn't Know You Don't Know

Tuesday, November 1, 2016 - 3:00-5:00 p.m.

Widmer Brothers Brewery, 947 N. Russell St.

Members \$60/Non-Members \$95

Oregon is home to more than 200 breweries which produce more than 1.7 million barrels of craft beer every year. Most of those breweries are run by small businesses that need attorneys to help them navigate through the complex regulatory system governing alcohol production, distribution, and sales. This seminar is designed to assist practitioners who advise or represent these businesses, and provide them with the tools they need to avoid common problems and pitfalls. Presenters: **Marcus Reed**, General Counsel for Craft Brew Alliance and **Jesse D. Lyon**, Davis Wright Tremaine LLP. Topics covered will include:

- TTB permits, OLCC licensing, and multi-state brand registration
- 50 state framework
- Funding and tied-house constraints
- Advertising, promotion, and trade practice rules
- Self-distribution, 3-tier distribution and franchise laws
- Brewery facilities, contract production and alternating proprietors
- Pub and retail operations
- Labels and trademarks

For more information: Call Alex Williamson, Prange Law Group, LLC at 503.595.8199. For registration questions, please call the MBA at 503.222.3275.

Child Abuse Reporting

Wednesday, November 2, 2016 - 12:00-1:00 p.m.

World Trade Center, Auditorium

Members \$30/Non-Members \$50

The MBA presents its annual seminar on attorney 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. **Mark Johnson Roberts**, Deputy General Counsel to the Oregon State Bar and a former Multnomah County practitioner, and **Rahela Rehman**, Oregon Department of Justice will present a lively and practical discussion:

- 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?

For more information: Call the MBA at 503.222.3275.

The Robe as Sword and Shield

How Should the Bench Model and Enforce Professionalism?

Thursday, October 27, 2016 - 3:00-5:00 p.m.

World Trade Center, Mezzanine

Members \$60/Non-Members \$95

Note: This class is worth 2 hours of ethics credit.

A panel of judges committed to advancing professionalism among the bar will discuss the role the bench plays in enforcing professionalism both inside and outside the courtroom. Judges will discuss their role and the bench's responsibility to enforce civility and professionalism in a panel discussion with **Judy Snyder** and **Ed Harnden**.

This is an interactive CLE intended to give the bar an opportunity to hear from and communicate with the bench about issues of professionalism that commonly arise and how the court can be of assistance. The panel will discuss specific scenarios and will address questions from the audience. New lawyers and experienced litigators are encouraged to attend and contribute.

For more information: Contact Multnomah Circuit Court Judge Kelly Skye at 503.988.3204. For registration details, 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

NAME	ACCOUNT NUMBER
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ADDRESS	SIGNATURE
CITY STATE ZIP	BILLING ADDRESS FOR CARD (if different)
PHONE	
OSB#	

Member Status:

- MBA Member
 Non-Member

Payment Options:

- Check VISA MasterCard
 American Express

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:

Multnomah Bar Association
 620 SW Fifth Ave., Suite 1220 ■ Portland, OR 97204
 503.222.3275 ■ **Fax to:** 503.243.1881

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

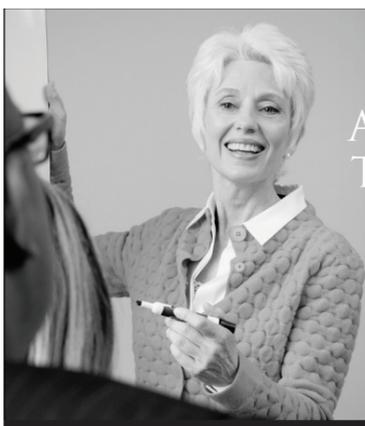
Reduced fees for unemployed members are available and are assessed on a case-by-case basis. For details, call the MBA at 503.222.3275.

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.

- 9/14 Public Speaking for Attorneys**
 Class Registration (\$60 Members/\$95 Non)\$ _____
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 Class Registration (\$60 Members/\$95 Non)\$ _____
 CD-ROM & Written Materials (\$60 Members/\$95 Non) ..\$ _____
- 9/20 Economic Damages in Employment Cases**
 Class Registration (\$60 Members/\$95 Non)\$ _____
 CD-ROM & Written Materials (\$60 Members/\$95 Non) ..\$ _____
- 9/27 Veterans' Preference in Public Employment**
 Class Registration (\$60 Members/\$95 Non)\$ _____
 CD-ROM & Written Materials (\$60 Members/\$95 Non) ..\$ _____
- 9/28 Elder Abuse Reporting**
 Class Registration (\$30 Members/\$50 Non)\$ _____
 CD-ROM & Written Materials (\$60 Members/\$95 Non) ..\$ _____
- 10/11 Insurance Coverage for Small Businesses**
 Class Registration (\$60 Members/\$95 Non)\$ _____
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- 10/13 Personal Injury: Maximizing Case Value through Creativity, Strategy and Tenacity**
 Class Registration (\$60 Members/\$95 Non)\$ _____
 CD-ROM & Written Materials (\$60 Members/\$95 Non) ..\$ _____
- 10/26 Taming The Medicare Gorilla In Your Injury Cases**
 Class Registration (\$60 Members/\$95 Non)\$ _____
 CD-ROM & Written Materials (\$60 Members/\$95 Non) ..\$ _____
- 10/27 Recovering Emotional Distress Damages**
 Class Registration (\$60 Members/\$95 Non)\$ _____
 CD-ROM & Written Materials (\$60 Members/\$95 Non) ..\$ _____
- 11/1 Brewery Law: The Top 10 Things You Didn't Know**
 Class Registration (\$60 Members/\$95 Non)\$ _____
 CD-ROM & Written Materials (\$60 Members/\$95 Non) ..\$ _____
- 11/2 Child Abuse Reporting**
 Class Registration (\$30 Members/\$50 Non)\$ _____
 CD-ROM & Written Materials (\$60 Members/\$95 Non) ..\$ _____
- 12/1 The Robe as Sword and Shield**
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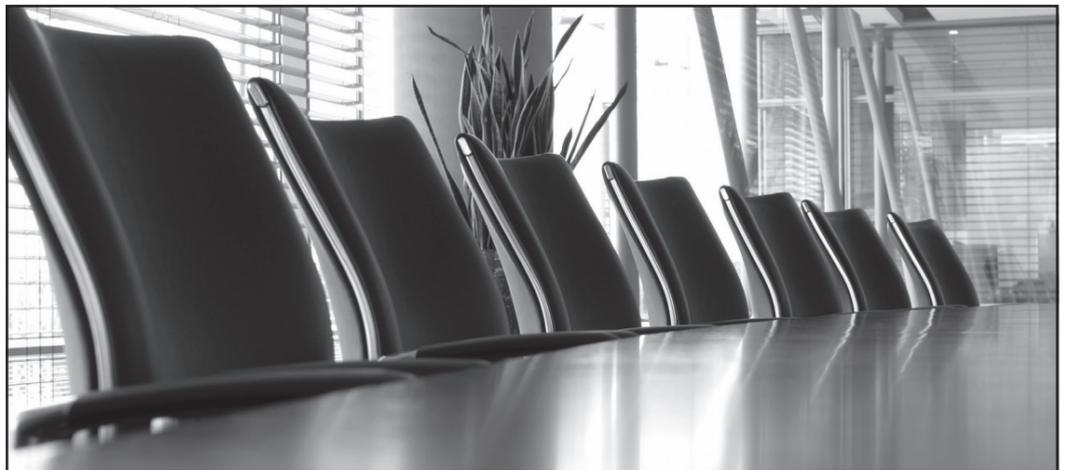


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Free CLE Webcast to MBA Members

The video webcast of the seminar entitled “Mary Jane at Work: Employment Law Implications of Marijuana Use” is available in the Members Center at www.mbabar.org. The webcast is approved for 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

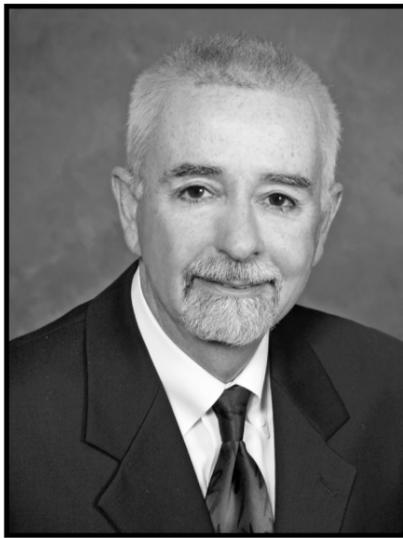
The MBA professionalism statement, revised in 2014, is available for MBA members to order and display in their offices. The statement is printed on quality 11x14” parchment paper and is suitable for framing. Reconfirm your commitment to professionalism; order at: www.mbabar.org/assets/documents/resources/freq-requested/profcertorder.pdf.

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.

OWLS Foundation Board Announces Officers, Directors

The new president is Deanna Wray; vice president is Sarah Freeman; secretary/historian is Trudy Allen, and treasurer is Katerina Kogan. New board members include Tammi Caress, Christine Meadows, and Iaysha Smith, who join current board members Nicole DeFever, Lori Deveny (past president), Kristie Gibson, Jodee Jackson, Traci Ray, Diane Rynerson, Jill Tanner and Hon. Janice Wilson.



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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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Ethics Focus

What's in a Name? Law Firm Titles and Risk Management

by Mark Fucile
Fucile & Reising



When I began my career at a large law firm here in Portland, there were two titles for law firms: partnerships and professional corporations. Similarly, there were two titles within law firms for lawyers: partners (and its corporate cousin, shareholders) and

...the definition of 'firm' is that it controls the scope of our collective duties as lawyers....

associates. Today, both organizational forms available for law practice and titles within firms have become significantly more complex and do not necessarily reflect the simple categories of that earlier era. At the same time, the notion of who is connected to a law firm continues to have important implications for whether disqualifying conflicts or malpractice liability will be imputed to the firm as a whole. In this column, we'll first look at the term "firm" that is used in the Rules of Professional Conduct and then survey the many individual lawyer titles that are swept into that definition.

"Firm"

The terminology rule includes a very broad definition of "firm" under RPC 1.0(d): "Firm" or "law firm" denotes a lawyer or lawyers ... in a law partnership, professional corporation, sole proprietorship or other association authorized to

practice law[.]” The requisites for the particular organizational form chosen are governed by state statutory law for both partnerships (including “LLPs”) and professional corporations (including “PCs” and “LLCs”). RPC 1.0(d) and OSB Formal Ethics Opinion 2005-50, however, exclude simple office-sharing arrangements from the broad definition of “firm.” Therefore, lawyers with independent practices who merely share space cannot - in the view of OSB Formal Ethics Opinion 2005-12 - market themselves as a law firm.

The practical significance of the definition of “firm” is that it controls the scope of our collective duties as lawyers practicing within that structure. For example, the so-called “firm unit rule” - RPC 1.10(a) - generally imputes one law firm lawyer’s conflict to the firm as a whole. In doing so, Oregon’s rule is neither new nor novel. Former Oregon DR 5-105(G) imposed a similar standard and our rule is now patterned on the corresponding ABA Model Rule. This effectively means that if one firm lawyer has a disqualifying conflict, the entire firm may be at risk of disqualification (see generally *Roberts v. Legacy Meridian Park Hosp., Inc.*, 2014 WL 294549 (D Or Jan 24, 2014) (unpublished)). Similarly, if one firm lawyer is asserted to have committed malpractice, both that lawyer and the firm may find themselves as joint defendants (see, e.g., *Cairns v. Dole*, 195 Or App 742, 99 P3d 781 (2004)).

Titles

Oregon has long recognized the traditional titles of “partner” (see, e.g., *Gray v. Martin*, 63 Or App 173, 663 P2d 1285 (1983)) and “shareholder” (see, e.g., *Hagen v. O’Connell, Goyak & Ball, P.C.*, 68 Or App 700, 683 P2d 563 (1984)) as signifying lawyers who hold ownership interests in their firms. RPC 1.0(j) codifies these titles by defining “partner” as used in Oregon’s RPCs as “a member of a partnership, a shareholder in a law firm organized as a professional corporation, or a member of an association authorized to practice law.” More recently, Oregon has also recognized “nonequity partners,” who are not owners but have a contractual interest in the firm’s profits (see, e.g., *Landye Bennett Blumstein, LLP v. Jeffrey S. Mutnick, PC*, 270 Or App 158, 346 P3d 1265 (2015)). Both

classes have fiduciary duties to the firm (see, e.g., *In re Renshaw*, 353 Or 411, 298 P3d 1216 (2013)) and share general responsibility for supervising the ethical conduct of firm operations under RPC 5.1(b) if the person concerned is a “partner or has comparable managerial authority in the law firm[.]”

Oregon has also long recognized the title “associate” as reflecting a lawyer who is an employee of a law firm (see, e.g., *In re Smith*, 315 Or 260, 843 P2d 449 (1992)). Associates are responsible for their own conduct under RPC 5.2, share in the responsibility for those

...lawyers generally share both the responsibilities and the limitations imposed by practicing within the context of a firm....

within the firm they directly supervise (whether other lawyers or staff) under RPCs 5.1 and 5.3 and owe fiduciary duties to their firm (see, e.g., *In re Smith, supra*). Oregon has also long recognized the title “of counsel” to signify an employee or independent contractor who is often a more senior lawyer who has a continuing relationship with a firm (see, e.g., OSB Formal Ethics Op 1999-155, superseded and amended as Formal Ethics Op 2005-155 (rev 2014)). “Of counsel” are included in Oregon’s definition of “firm” under RPC 1.0(d). More recently, “contract lawyers,” who are often independent contractors working on specific cases or groups of cases have become more common (see, e.g., *Williams, Love, O’Leary, & Powers, PC*, 2013 WL 145508 (Bankr D Or Jan 11, 2013) (unpublished)). “Contract lawyers” may be included in the definition of “firm” as well provided they are not simply working with a firm on a “limited basis” (to use RPC 1.0(d)’s undefined term).

Summing Up

Although law firm organization is much more complex today than when I began practicing, one fundamental principle continues to ring true: lawyers generally share both the responsibilities and the limitations imposed by practicing within the context of a firm.

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- Has a fever for justice
- Drinks algae for breakfast
- Teaches yoga

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Around the Bar



Maya Crawford

Campaign for Equal Justice

Maya Crawford was appointed to lead the Campaign for Equal Justice, a nonprofit that supports Oregon's statewide legal aid programs. Crawford takes the place of former Executive Director Sandra Hansberger, who is stepping down after 11 years to focus on family. Crawford has an extensive background in poverty law, having worked for Legal Aid Services of Oregon for many years.



Melina LaMorticella



Jackson Lewis

off the baseball and softball field.

Hagedorn is the third generation of baseball players in his family.

Hagedorn chairs the firm's Government Affairs and Public Policy practice group. He is a long-time public affairs professional, offering comprehensive government affairs services for the firm's clients at the state, local and regulatory levels.

Melina LaMorticella

has been elected chair of the Oregon Chapter of American Immigration Lawyers Association (AILA).

A member of the firm's Business Immigration practice group, LaMorticella represents regional and international companies in a variety of matters related to employment-based immigration. She has served as a volunteer liaison for the AILA chapter, working with state agencies on immigration issues, as well as community outreach efforts.

Jackson Lewis joined the Terwilliger Plaza Foundation's Board of Directors. The foundation works to enhance the quality of retirement living for Terwilliger Plaza members.

Lewis chairs the Estate Planning practice group and advises clients on a variety of estate, tax, and probate issues. His practice includes counseling closely-held businesses on estate and succession planning.



Drew Hagedorn

Tonkon Torp

Firm partner Drew Hagedorn was appointed to the Friends of Baseball Board of Directors. The nonprofit organization offers programs to youths in underserved and rural communities to create opportunities for success on and



Elisa Dozono



June Wyrick Flores

Miller Nash Graham & Dunn

Elisa Dozono was appointed chair of Metro's Metropolitan Exposition Recreation Commission (MERC). MERC shares the role of venue oversight and management with Metro's chief operating officer and general manager of visitor venues in areas such as business strategy, new market development, and venue budget approval.

Dozono focuses her practice on business litigation and government relations.

Partner June Wyrick Flores was elected to chair Randall Children's Hospital Foundation Board of Trustees. The foundation advocates and raises funds for the hospital at Legacy Emanuel, part of Legacy Health – the largest nonprofit, locally-owned healthcare provider in Oregon and southwest Washington.

Wyrick Flores provides personalized estate plans to meet her clients' objectives, and helps her business clients with business formations, developing governance structures, reorganizations and dissolutions and mergers and acquisitions.



Steve Larson



Keith Dubanevich

Stoll Berne

MBA Board director Steve Larson has been selected to join the American Board of Trial Advocates. Members are nominated by their peers, and membership is by invitation only.

Larson's practice focuses on general trial work and business litigation, with emphasis on class actions securities litigation, intellectual property disputes, unfair competition claims, employment matters and disputes involving family wealth.

Keith Dubanevich was appointed a commissioner to the Oregon Law Commission, a neutral, nonpartisan legislative reform body for the State of Oregon, which was created in 1997 to conduct a continuous program of law reform.

Dubanevich's practice focuses on complex dispute resolution, with extensive experience handling multi-state and international antitrust cases, consumer litigation and securities disputes.



Rebecca Fey

Zimmer Family Law

Rebecca Fey joined the firm as an associate, where she will handle general family law matters.



Kathryn Root

Gevurtz Menashe

Kathryn Root, a firm shareholder, has been reappointed chair of the ABA Family Law Section's International Law Committee, which monitors developments in international family law. Root will also serve as the moderator for a plenary CLE program entitled "Cross-Border Hot Tips" to be presented at the section's Quebec fall conference.

Victim Rights Law Center (VRLC)

Malia Bennett and Shara Jones are two new staff attorneys in the Portland office. Founded in Boston, Massachusetts, VRLC was the first law center in the nation dedicated solely to serving the legal needs of sexual assault victims and helping them rebuild their lives.



Julie Kelly

Sussman Shank

Julie Kelly is the firm's newest associate in the Business Department, where her practice will focus on estate and wealth preservation planning, probate and trust administration, charitable planning, and gift/income taxation as it relates to estates, trusts, and individual beneficiaries.

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



The MBA would like to thank and congratulate staff member Carol Hawkins who has decided to retire, effective September 15. For over 17 years, Carol has served thousands of MBA members in a wide range of areas. Please join us in congratulating Carol!



19th Annual MBA Golf Championship to Benefit Volunteer Lawyers Project

**Portland Golf Club, Portland
Monday, September 26**

Your participation or sponsorship will help the MBA raise \$20,000 for the Volunteer Lawyers Project at Legal Aid Services of Oregon. Registration includes golf, cart, range, lunch, dinner, contests and door prizes. 1 p.m. shotgun.

MBA members and non-lawyers register by September 16 for discounted rate of \$275. Non-MBA member lawyers and late registrants \$300.



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Barran Liebman LLP is proud to announce
TYLER VOLM
is the 2016-17
Multnomah Bar Association
Young Lawyers Section President

Congratulations, Tyler!



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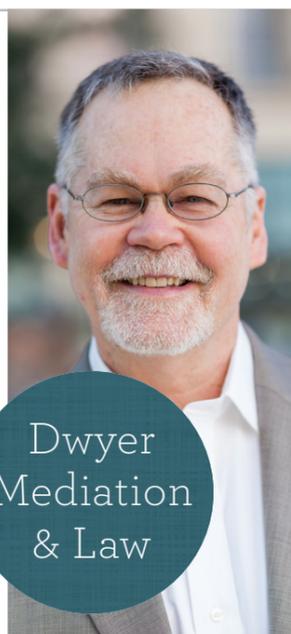


Michael Dwyer

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MBF Civic Education Fund Campaign Kicks Off This Month

by J. Matthew Donohue
MBF Secretary Treasurer



If there has ever been a time to support the Multnomah Bar Foundation's (MBF) Civic Education Fund, that time is now. As MBF President Amy Angel wrote in the July/August issue of the *Multnomah Lawyer*, "The importance of civic education could not be more apparent than during this year's presidential election."

Think about it for a moment. As lawyers, we take for granted our knowledge and training on how our political and judicial systems work. But many people in our community do not fully understand these institutions of our democratic society - or are operating under a misimpression of how our political and judicial systems operate.

This is why the MBF Civic Education Fund is so important. The Civic Education Fund makes yearly grants to organizations and programs that promote civic literacy and civic engagement. Through the MBF, the Civic Education Fund has supported

the Four Cities Peer Court, SOAR (Sponsors Organized to Assist Refugees), the Bus Project and the League of Women Voters, to name a few. The organizations that receive grants from the Civic Education Fund are educating our children so they become informed and engaged adults. They are helping immigrants in our community understand the democratic process. They are ensuring that our fellow Oregonians know our civic history, understand our judicial system, and have full and fair access to our political process. Simply stated, Civic Education Fund grant monies flow directly to programs that strengthen our civic foundation.

Each year, more and more qualified and worthy organizations and programs apply for grants from the Civic Education Fund. In response, the MBF has doubled its fundraising efforts. Last year, the MBF had a goal of raising \$50,000 for the Civic Education Fund. This year, the MBF is blowing it out and have set our sights on \$100,000. We can do it if you will help!

The Civic Education Fund Campaign officially kicks off this month. So, when an MBF board member calls, writes or emails you seeking a contribution, think about what's at stake. And then make a generous donation!

To learn more or to make a donation, call 503.222.3275 or visit www.mbabar.org/foundation.

Susana Alba Mentor of the Year

In 2016, 28 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 **Susana Alba**, Attorney at Law, as Mentor of the Year for her fine work as a mentor.

Aurora Levinson nominated Alba, her mentor. In her nomination letter, Aurora explained:

"I was going through a very difficult patch of personal and work issues, and even thought of just giving up on practicing law. But Susana swooped in, sat me down to talk, and helped me work through everything. She gave me space in her office, free of rent, so that I could work,

meet clients, and network with other attorneys. She dragged me along to CLEs to learn, do more networking, and remind me how much I really love learning and practicing law. She's even referred a couple of clients to me, and has let me see how she works with her clients. She's given me great ideas for martinis! She has really supported me in ways that go above and beyond what mentors are supposed to do. I honestly admire her kindness, her frankness, her generosity, and her knowledge. I think I could keep on gushing about how amazing she is for hours! Susana is an amazing mentor, and she's a fantastic nominee for the Mentor of the Year award."

If you would like to be added to the mentor pool, please contact Kathy Modie at the MBA at 503.222.3275 or kathy@mbabar.org.

Thank you to all 2016 mentors
Susana Alba
Courtney Angeli
John Belknap
Paul Bovarnick
Jonathan Cavanagh
W. Todd Cleek



Mentor Susana Alba with Aurora Levinson

Charles Corrigan
Conde Cox
Maya Crawford
Robert Demary
Paul Duden
Saville Easley
Patrick Ehlers
Jill Gelineau
Richard Glick
Ward Greene
Sandra Hansberger
Martha Hodgkinson
Joshua Kadish
Anne Koch
Tony Kullen
Wayne Landsverk
Steve Larson
Karen Moynahan
James Parker
Traci Ray
Miles Sweeney
Julie Vacura

Night at the Spa

On July 21, members of the legal community gathered after work to relax, enjoy, and network at the MBA Events Committee's Night at the Spa. The event was generously sponsored by Farleigh Wada Witt. This year's Night at the Spa was held at

Comma Vino Spa, which offered a variety of spa "mini-services," such as chair massages, brow waxes, and manicures. Nearby Saint Cupcake and SaySay Boutique offered discounts to attendees for the evening. It was a great opportunity for



Margot Seitz and Melissa Chapman



Judge Monica Herranz and Robin Nodland

our members to catch up with old friends, make new ones, and leave feeling refreshed and looking fantastic! Thank you to all who participated.

mba | EVENT

MBF Karaoke Fundraiser to Benefit the Civic Education Fund

Wednesday, November 2
Trio Club
909 E. Burnside, Portland
5:30-8 p.m.

Let your voice be heard this election season. Join us at Trio Club for a fun night of karaoke, food and drink. Sing your heart out or cheer your friends and colleagues, have a laugh and raise money for a good cause. Proceeds benefit the MBF Civic Education Fund.

Visit www.mbabar.org/foundation or call Amy Angel (503.276.2195) for sponsorship opportunities. Tickets are \$20 in advance and \$25 at the door. Tickets are limited, so please register early to secure your spot.



Contact Pamela Hubbs (503.222.3275, pamela@mbabar.org) to sign up.





Celebrate Pro Bono!

Save the Date Oct. 27

The 2016 Annual Pro Bono Fair and Social will be held Thursday, October 27 at the World Trade Center in downtown Portland.

This event celebrates the pro bono work of Oregon lawyers during the previous year and includes three FREE CLEs in the afternoon, followed by the fair, awards and social from 5:00 to 7:30.

There will also be concurrent events in other cities around the state. Full details of these events will be available in the October *Bulletin* magazine and at www.osbar.org.

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 Eric Dahlin, ericdahlin@dwt.com, or the MBA staff at mba@mbabar.org.



Kevin Sali

Continuing Legal Education

Chair: **Kevin Sali**, Kevin Sali LLC, 503.329.3598
Plans, conducts and evaluates approximately 40 CLE seminars a year geared toward attorneys in practice 10 years or more.



William Larkins

Court Liaison

Chair: **William Larkins**, Larkins Vacura Kayser LLP, 503.542.3104
Serves as the MBA's interface with the court and fosters dialogue between the MBA membership, the local judiciary and other local area courts.



Eric Dahlin

Courthouse/Court Funding

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



Emilee Preble

Equality & Diversity

Chair: **Emilee Preble**, Professional Liability Fund, 503.639.7285 X 413
Promotes equality in the profession and identifies ways in which the MBA can promote a diverse bar.



Jordan New

Events

Chair: **Jordan New**, Law Office of Jordan New PC, 503.919.0027
Conducts member-outreach activities and drop-in socials. Plans Bench Bar & Bagels, Battle of the Lawyer Bands and WinterSmash, which benefits Multnomah CourtCare.



Krista Shipsey

Judicial Screening

Chair: **Krista Shipsey**, Law Office of Krista Shipsey, 503.265.8119
Confidentially screens judicial and pro tem candidates in accordance with the MBA's process.



Heather Decker

Membership

Chair: **Heather Decker**, Attorney at Law, 503.734.7232
Works on member recruitment and retention efforts, and evaluates current and potential member benefit programs.



Paul Bovarnick

Professionalism

Chair: **Paul Bovarnick**, Rose Senders & Bovarnick, 503.227.2486
Implements activities that promote professionalism and carries out the professionalism award process.



Julie Vacura

Solo/Small Firm

Chair: **Julie Vacura**, Larkins Vacura Kayser LLP, 503.542.3103
Plans workshops tailored specifically for solo and small firm attorneys.



Samuel Rayburn

VLP Golf

Chair: **Samuel Rayburn**, Buckley Law PC, 503.620.8900
Organizes golf outings, including the MBA Championship, which annually raises \$15,000-20,000 for the Volunteer Lawyers Project at LASO.

2017 MBA Professionalism Award Nominations Due October 31

The MBA Professionalism Award is one of the most highly-regarded honors an attorney in our area can receive. Do you know a lawyer who is a pleasure to work with as both an ally and an adversary, who regularly goes well beyond minimum ethical and professionalism standards, who constantly mentors others and works to improve the quality of our practice as a whole? We strongly encourage you to nominate him or her for the 2017 MBA Professionalism Award. Any MBA practicing attorney member, except a member of the MBA Professionalism Committee or the MBA Board of Directors, is eligible to receive this award.

Esteemed award recipients include Raymond Conboy, Thomas H. Tongue, Randall B. Kester, Frank Noonan Jr., Donald W. McEwen, Don H.

Marmaduke, Noreen K. Saltveit McGraw, Thomas E. Cooney, John D. Ryan, George H. Fraser, Barrie Herbold, Walter H. Sweek, Daniel E. O'Leary, Mark R. Wada, Sandra A. Hansberger, Robert C. Weaver, Walter H. Grebe, Susan M. Hammer, Carl R. Neil, Jeffrey M. Batchelor, Judy D. Snyder, Garry L. Kahn, Michael D. Schrunck, Edwin A. Harnden, Thomas W. Brown, Mark Johnson Roberts, Robin J. Selig and Bonnie Richardson.

Former nominees may be and often are re-nominated. To propose an outstanding attorney for this year's award selection process, please complete and return the nomination form available at www.mbabar.org or contact Kathy Modie, Professionalism Committee staff liaison, kathy@mbabar.org, for more information.

2017 MBA Diversity Award Nominations Due October 31

by Valerie Colas

Equality & Diversity Committee

The MBA is pleased to announce that it has established a new award that will honor individual attorneys, legal employers, or other legal organizations that have made a longstanding commitment to furthering diversity and inclusion in the MBA and Multnomah County legal community: the Diversity Award.

The Diversity Award, which was proposed by the MBA Equality & Diversity (E&D) Committee, seeks to recognize either an attorney, legal employer, or other legal organization that has demonstrated a strong commitment to promoting diversity and equality in the MBA and Multnomah County legal community. In proposing that the MBA establish this new award, the E&D Committee hopes that it will help to spotlight the various efforts of individuals, legal employers, or legal organizations in fostering a culture of diversity and inclusion, as well as encourage others in their own efforts.

The concept of "diversity" is made up of many dimensions that make it difficult to define. To the MBA, diversity

is "an inclusive concept" that "encompasses, without limitation, race, color, ethnicity, gender, sexual orientation, gender identity and expression, religion, nationality, age, disability and marital and parental status." The MBA also recognizes that "achieving diversity is an evolutionary process that requires a continued renewal of our commitment to strategies of inclusion." (*MBA Statement of Diversity Principles*.)

Do you know of an individual attorney, legal employer, or other legal organization that has shown a long-term commitment to fostering diversity and inclusion in the MBA and Multnomah County legal community? If so, please complete a nomination form for the MBA Diversity Award. The nomination should include the efforts made, the impact of those efforts, and how the individual, legal employer, or legal organization exemplifies the principles set forth in the Statement of Diversity. Nomination forms are due October 31 to the MBA. The MBA will announce the recipient of the Diversity Award at the MBA Annual Meeting on May 16, 2017.

mba | Young Lawyers Section

What is the YLS?

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

The Year Ahead

by Tyler Volm
YLS President



The MBA YLS Board of Directors is excited to kick off another great year. If you are new to the YLS or a returning member, we hope that you will take advantage of the many great opportunities for skill-building, leadership and pro bono opportunities, and networking. We will continue to provide low-cost, high-value CLE, help newer lawyers connect with pro bono and public service opportunities, and hold social and networking gatherings in our efforts to increase the benefits of membership and improve our members' quality of practice.

If you are new to the YLS, consider joining one of our committees, which are detailed in this edition of the *Multnomah Lawyer*. Don't be afraid to jump right in. As a second year lawyer, a friend encouraged me to attend a YLS CLE committee meeting with him. Having a million other things on my plate, I was initially reluctant, but ended up joining that committee for two years before then serving as its chair. It was one of the best decisions I have made in my young practice. If you are a returning member, consider bringing a colleague or friend to one of our CLEs or social events, or encouraging them to attend a committee meeting with you. It is not too late to join a committee for the year, and the YLS would love to have you. If you have any questions about the committees, please ask the committee chairs, a YLS board member, or call the MBA office.

The YLS will continue our Wills for Heroes and Bullyproof programs. Wills for Heroes connects local lawyers with local brave first responders to provide

free will preparation services; trust and estate experience is not necessary to participate. Bullyproof gets new lawyers into our local schools to discuss the growing problem of bullying, and helps fourth and fifth graders learn positive and healthy dispute resolution skills. If you are interested in working with either of these programs, please let us know. The YLS also has numerous other public service opportunities returning this year, so there are plenty of ways to get involved and give back.

We will continue with our recurring articles in the monthly newsletter. The first is our *Pro Bono Spotlight*, which highlights the great work that some of our YLS members are doing in and around the community. We will also have our monthly *Ask the Expert* article, where we tackle issues facing newer lawyers in a Dear Abby format. If you have any suggestions for member spotlights, issues for our expert, or if you would like to submit an article, please reach out to YLS board member Evan Lenneberg.

Come see us at one of our social events or CLEs to learn more about the benefits of YLS membership. These networking opportunities connect newer lawyers with more seasoned members of the local bar and also provide a great sounding board for newer lawyers to meet and talk about common issues many of us face in our daily lives and practice. Here in Portland, we enjoy the benefit of practicing in one of the more cooperative legal communities, and of talking with other lawyers and judges (and yes, even difficult opposing counsel). We will continue to foster this cooperative environment for many years to come, benefitting lawyers, judges, and clients alike.

Lastly, we are always looking for feedback on what we can be doing better, so please do not hesitate to provide your thoughts in person or via email. Here's to a great year ahead.

Tyler may be contacted at 503.276.2111 or tvolm@barran.com.

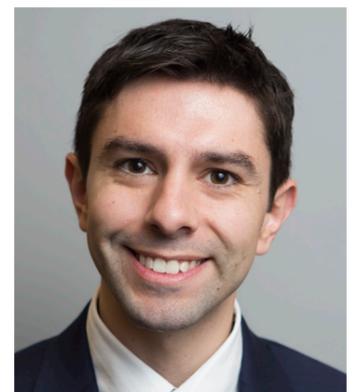
YLS Committees

YLS members serve on committees designed to address member needs and general issues affecting the profession. A synopsis of each committee 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 Tyler Volm at tvolm@barran.com, or the MBA staff at mba@mbabar.org.

presentations specifically intended for newer attorneys.



YLS Membership Committee
Chair: **Anaiah Palmer**, Parker Butte & Lane PC, 503.241.1320
Assists in the recruitment and involvement of YLS members by coordinating a variety of social activities designed to increase professional and personal interaction. Also publishes the *New Admittee Survival Guide*.



YLS Service to the Public Committee
Co-chairs: **Jamison McCune**, Bodyfelt Mount LLP, 503.243.1022 and **Bryan Thompson**, Davis Wright Tremaine, 503.778.5362
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 Project video contest for students on various democracy-related topics.



YLS CLE Committee
Co-chairs: **Jacqueline Alarcon**, Yates Family Law PC, 503.224.7077 and **Michael Willes**, Tonkon Torp LLP, 503.802.5737
Organizes CLE seminars and career development



YLS Pro Bono Committee
Chair: **Aurelia Erickson**, McGaughey Erickson, 503.223.7555
Encourages involvement in pro bono service and provides support to organizations. Coordinates a number of Wills

Lend Us Your Voice

by Evan Lenneberg
YLS Board



The *Multnomah Lawyer* newsletter is published eleven times a year and has a per-issue circulation of more than 4,100. The publication depends on articles from members of the MBA, and while articles from the more experienced among us are well-written and well-received, the newsletter could not survive without submissions from those of us that are still a bit wet behind the ears. As the MBA YLS Articles Editor, it's part of my job to encourage the newer lawyers to submit articles. Of course, writing an article that will be read by (or at least will sit on the desks of) the entire

MBA membership is a daunting prospect, especially when we are just learning how to become lawyers ourselves. However, the younger Multnomah lawyers' perspective is critical to the newsletter's success precisely because we are younger. We can offer fresh thoughts, untarnished by years of punching the clock and toiling behind the desk.

So, for the greener readers, we ask that you consider submitting an article for publication in the *Multnomah Lawyer* this year. Our readers are interested in articles about individual members,

observations about our legal community, and general thoughts and commentary on the law and being a lawyer in Multnomah County and the State of Oregon. If you have an idea for an article, or would like to write an article, but are unsure what to write about, please contact me at any time or get in touch with the MBA staff at 503.222.3275 for information on submission guidelines. We are happy to discuss your ideas or offer our own as a stepping stone, and look forward to a *Multnomah Lawyer* run packed with content from the YLS.

Evan may be contacted at 503.741.2312 or elenneberg@brixlaw.com.

Upcoming YLS Events YLS CLE: Employment Law Seminar Series

**Standard Insurance Building
900 SW 5th Ave, Portland
Noontime classes begin Thursday, September 15**
A series of nine weekly seminars on employment law issues and intended for newer attorneys. Eight hours of practical skills and one hour of ethics OSB MCLE credit will be applied for in total. Register online at www.mbabar.org or see the insert for further details.

ABA Annual Meeting Highlights and Upcoming Programs

by Shayda Zaerpoor Le
YLS Board Secretary



As the YLS Board's ABA Delegate, I had the opportunity to attend this year's ABA Annual Meeting in San Francisco. With over 150 CLE programs, a comprehensive review of the presentations would be impossible, but a slice of the highlights is achievable. We were fortunate to have a strong Oregon presence at the conference, including representatives from the Oregon New Lawyers Division and other affinity bar associations.

YLD: The Young Lawyers Division (YLD) of the ABA had targeted programming and CLEs on a variety of topics, ranging from working with pro se litigants, to transgender rights, to developments in election law. As part of the YLD's Fit2Practice initiative on wellness, the program also included a compelling presentation titled "Disbarment to Redemption" given by Ken Lawson, a high-profile Cincinnati lawyer who was disbarred over his addiction to drugs and prescription pain killers, went to prison, and then found a path to use his story and his experiences as a service to others. Speaking to a group of young lawyers, he advocated to "find your gift and then give it away."

YLD Assembly: The YLD Assembly undertook voting on a broad range of proposed resolutions. The assembly, which includes four delegates from the State of Oregon, considered proposals on the creation of an evidentiary privilege for communications made from clients to non-lawyers at lawyer referral services, anti-discriminatory legislation encouraging protections for LGBTQ people, limited practice licenses for law students, CLE requirements related to mental health, televisions rating guidelines for advertising consistent with the programming in which the advertising takes place, an amendment to the model rules of professional conduct to add an anti-discrimination and anti-harassment provision, and a registry for white collar crime offenders.

YLD Presentations: Outgoing ABA President Paulette Brown spoke to the YLD Assembly and thanked the members for their work and support. She shared a story about a young woman from Iowa who asked her what a young lawyer from Iowa has to do to get involved in the ABA. President Brown decided then that no one should have to ask that question,

and as a result she undertook to visit all 50 states during her year as president to connect with diverse lawyers throughout the country. As she does on most of her visits, when she came to Oregon, President Brown visited a Boys & Girls Club in Portland, accompanied by Judge Adrienne Nelson. They both met with those local children and answered questions about what it is to be a lawyer, how to become a judge, and how a career in the law is accessible to anyone who wants to reach for it.

Incoming President Linda Klein spoke to the YLD Assembly about her plans for the upcoming year, with a focus on pro bono, bar, and community service. She encouraged the young lawyers to get their names out in the community, get in front of people, and create opportunities for themselves to help people. She said this is how you *contribute* to a diverse and inclusive profession, rather than just *saying* that you support diversity and inclusion. On her list of upcoming initiatives and efforts are mobilizing the bar for enhanced legal services for military veterans with national pro bono celebrations focused on helping veterans, encouraging voting with a variety of non-partisan resources (given that the right to vote is a pillar to our rule of law), and public



Celebrating Katherine O'Neil's last ABA House of Delegates meeting after 25 years in the house. From left to right: Marilyn Harbur, Christine Meadows, Andrew Schpak, Judge Adrienne Nelson, Katherine O'Neil, Leslie Johnson, Akira Heshiki, Mark Johnson-Roberts, Jovita Wang

education (given that the rule of law also depends on an educated citizenry), promoting the right to high quality education, and spotlighting the lawyer's role in that process.

The passing of the gavel took place from outgoing YLD Chair Lacy Durham to incoming chair Anna Romanskaya. Oregon's very own Andrew Schpak, YLD Immediate Past Chair and the current ABA YLD Delegate to the ABA House of Delegates, shares that "it's hard to believe that a year has gone by since I passed the gavel to Lacy! She did a fantastic job as chair and I was honored that she continued the Fit2Practice initiative. I'm looking forward to Anna's year, and particularly her public service and member service projects." The emphasis for this year will be raising the bar for

ourselves and the profession, with a focus on business development training and leadership (Growing Lawyers, Growing Leaders), the ongoing Fit2Practice program, an initiative on What Do Lawyers Do, public service and access to education, and connecting with ninth graders on the value of a post high school education and a mobile application to connect kids with diverse professionals.

Broader ABA: The broader ABA conference offered a huge selection of programming for different tracks and entities. One presentation of particular significance, given this year's focus on pro bono services, and of particular relevance in Oregon where we are fortunate to have the Campaign for Equal Justice as the fundraising arm of Legal Aid as well as a very active and committed local bar, was the Commission on the Future of Legal Services and their report on closing the access gap. The commission was created by the ABA Board of Governors at the request of then ABA President William C. Hubbard. The commission examined the various reasons why meaningful access to legal services remains out of reach for many Americans, and studied traditional and evolving legal service delivery models. The commission's recommendations included increased use of technology to expand access to justice, court examination of judicially authorized and regulated legal services providers, alternative business structures for law firms, criminal justice reforms, streamlining of court services, and

an ongoing Center for Innovation for sustained efforts in these areas. The commission's final report can be found at www.ambar.org/ABAFuturesReport.

We are fortunate to have a local bar which is already focused on many of these initiatives. The MBA and YLS offer numerous opportunities to meaningfully participate in these programs, through committees, projects, and collaboration. In addition, the fall YLD conference will be in Detroit, Michigan from October 20-22. I personally encourage the young lawyers in our area to consider attending, and I invite you to reach out to me if you have questions about opportunities to get more involved with the YLS or the ABA YLD.

Shayda may be contacted at 503.276.2193 or sle@barran.com.

LAWYERING IN THE DIGITAL AGE

A Fall Workshop Series for Solo and Small Firm Practitioners

Session 1

Creating a Website – Live Demonstration

Tuesday, September 20, noon-1:30pm
Red Star Tavern Club Room, 503 SW Alder St.

Every lawyer in private practice needs a website as the foundation of a marketing plan. **Douglas Detrick** of Rocket Lift, a website design company, will present a step-by-step live creation of a WordPress website for **Emily Busse**. Douglas will cover the process from selecting a domain name to launching the website. You'll leave this presentation having a good idea of how to create your own website and an understanding of how web designers work. If you don't yet have a website or just want to understand yours and make it better, this session is for you.

Session 2

How to Get Your Website Found

Tuesday, October 18, noon-1:30pm
Hotel Monaco, 5th Avenue Room, 506 SW Washington St.

In this workshop, **Mike Maloney** of SmartReach Digital, will cover how search engines work, how they find and rank websites, and how you can use keywords, directories and links to build the visibility of your firm's website on search engines. There is no point in having a great website if no one knows it's there. Attend this workshop to learn how to make your practice visible online. Mike is a 24-year veteran of the Portland advertising industry. He has worked extensively in digital, broadcast, sports sponsorship and out-of-home advertising and recently launched the Portland office of SmartReach Digital, the digital advertising arm of Entercom Communications.

Session 3

Navigating the World of Practice Management Software for Small Firm or Solo Practitioner

Tuesday, November 15, noon-1:30pm
Red Star Tavern Club Room, 503 SW Alder St.

Jason Gershenson, business and venture startup attorney, will lead a discussion focused on choosing and leveraging software to manage your solo or boutique firm, and how software can help you organize and optimize your law practice. Whether you're considering starting a law practice, recently opened your firm, or are seeking new solutions for your existing practice, this workshop is for you.

Session 4

The Path to Paperless: Making the Switch Work in Your Practice

Wednesday, December 14, 2016, noon-1:30pm
Red Star Tavern Club Room, 503 SW Alder St.

As the practice of law becomes increasingly digitized, mobile, and cloud-based, firms large and small are exploring the most efficient, effective and secure ways to store and transmit data in paperless form. Our presenters include an expert who has literally "written the book" on going paperless, along with representatives from two local firms who have successfully transitioned to paperless law offices. **Sheila Blackford**, PLF Practice Management Advisor and co-author of *Paperless in One Hour for Lawyers*, will discuss the best strategies for moving your law office into the digital age. Ms. Blackford will be joined by **Ryan Vanden Brink** from Intelekia Law Group, and **Heather Bowman** from Bodyfelt Mount. Intelekia Law has been named a partner in the OSB Sustainability Program as well as the ABA Office Climate Change Challenge. Bodyfelt Mount was awarded the OSB's 2014 Sustainable Law Office Leadership Award.

Register at www.mbar.org. Workshops are \$20 for members and \$60 for nonmembers. Or, sign up for the entire series for \$60 for members and \$200 for nonmembers.

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, gluten-free, etc.).



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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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- Requires ability to conduct background research using various internet tools, including social media sites.
- Have advanced proficiency in Microsoft Office: Word, Excel, Outlook, PowerPoint software. Knowledge of ProLaw desirable.
- Be an energetic, self-starter who is able to prioritize and keep track of details in multiple cases, calendars and deadlines.
- Be familiar with Oregon and Washington rules.
- Our office is currently converting to using case management software in the regular course of case management, and any experience with case

management programs such as Case Logistix, Relativity, and/or IPro Eclipse a definite plus.

You will work closely with partners and associates to: prepare and respond to discovery requests, including review for privilege, redaction and bates labeling of documents; review and analyze medical records with preparation of comprehensive medical summaries; conduct factual and background investigation through use of internet tools and social media; perform document management and analysis; interview witnesses; and prepare for trial and arbitration. Your excellent written and oral skills, combined with a good sense of humor and intellectual curiosity, will contribute to your success on this busy team. Position requires ability to quickly solve problems as they arise.

Paralegal certification or college degree preferred; equivalent work experience and training may be substituted.

Schedule is 8:30 a.m. to 5 p.m. with additional hours required at times.

If you meet all of the above qualifications, complete an application and upload your resume and cover letter through our website at: <http://cosgravelaw.com/careers>.

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- Provide support to Loan Operations on matters pertaining to loan transaction documentation, collateral perfection and legal risk.
- Draft, review and negotiate contracts of behalf of the Bank and provide support to the vendor management function.

Preferred qualifications:

- JD degree from an accredited institution.
- Minimum of five years of experience as a practicing attorney in Oregon and/or Washington and preferably in the area of commercial transactions, creditors' rights and corporate law.
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Pro Bono Volunteers

Thanks to the following lawyers and law students who donated their pro bono services recently via the Volunteer Lawyers Project, the Senior Law Project, law firm clinics, the Oregon Law Center, the Nonprofit Project, St. Andrew Legal Clinic, Catholic Charities Immigration Legal Services, Lewis & Clark's Small Business Legal Clinic, Children's Representation Project, and Changing Lives Forever Project. To learn more about pro bono opportunities in Multnomah County, go to www.mbabar.org and click on "About Us" and "Pro Bono."

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Member Resource Center

Welcome to the member resource center, where you will find information of importance to MBA members and the legal community at large.

Pro Bono Oregon Listserv

Receive a weekly summary of available pro bono volunteer opportunities in your email inbox every Thursday. Listings include the type of case and a brief description of the issue and do not include highly identifying facts or party names. Sign up by sending an email to probonooregon-subscribe@mail.lawhelp.org.

Update Your Directory Listing on the MBA Website

The MBA website includes an expanded online Membership Directory and members may now update their photos, include a bio, add links to social networking sites and update practice area information online. To update your listing, login to the Members Center where you may use the email address currently on file in the MBA Directory as your user name. If you do not know your password, you may click on the "forgot password" link to have it emailed to you.

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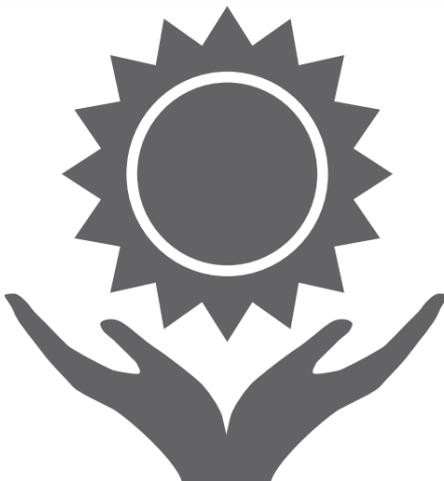
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The MBA conference room may be reserved for use by MBA members for client meetings, depositions and other professional law-related business.

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Contact the MBA for details and availability at 503.222.3275.

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OSB Diversity Section Fall CLE & Networking Social

Giving Voice to Voters *How the Voting Rights Act Affects Communities of Color*

Wednesday, September 21
CLE 4-5 p.m., Social 5-6 p.m.
Hotel Monaco, 506 SW Washington Ave, Portland

ACLU Attorney **La Rond Baker**, Oregon Deputy Legislative Counsel **Dan Gilbert** and Lewis & Clark Law School Dean **Janet Steverson** will discuss strategies for increasing minority voter participation and recent legal developments at the state and national level affecting voter access and community responses to charges of discrimination.

The fee is \$25 for the CLE & social, with a discounted rate of \$15 for current or new Diversity Section members. Cost to attend the social only is \$10, and no cost for Diversity Section members. One hour of Access to Justice MCLE credit is pending.

Please RSVP to Shanelle Honda at Shonda@pfglaw.com.

Hon. Frank Bearden
Rich Busse
Jane Clark
Hon. Mary Deits
Arin Dunn
Hon. Barbara Johnson
Hon. James Ladley
Barry Mount
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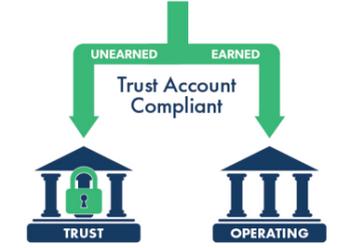
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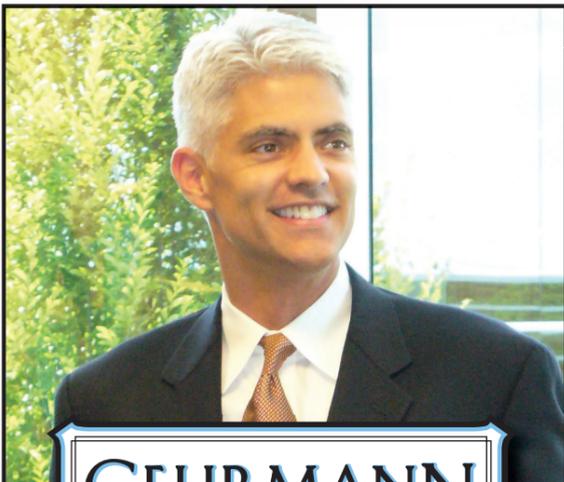


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Wine Tasting Social

September 29, 2016
5:30-7:30 p.m.

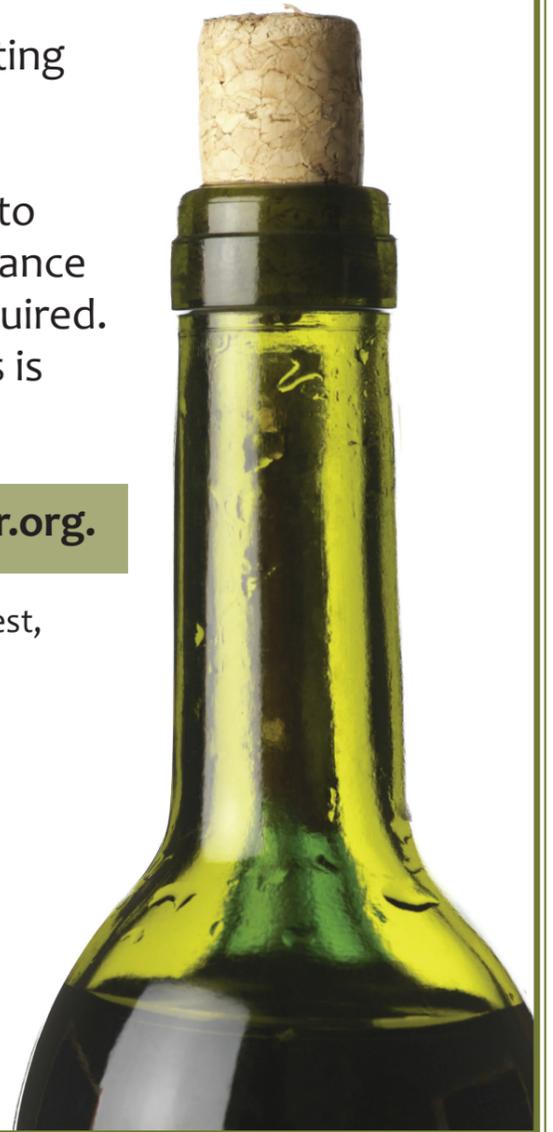
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\$15 includes the wine tasting
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2016 Battle of the Lawyer Bands a Great Success

The McMenasins Kennedy School gymnasium was rockin' on August 11 when six bands competed for the title of "Best Oregon Lawyer Band 2016."

1. **M.A.R.O.N.E.S.** - Tim DeJong, Tony Kullen, Houston Bolles and Steve Ungar
2. **Fire + Stone** - Victor Reuther and Mack Stilson
3. **Spirit Lake** - Adam Anderson, Travis Ferguson, Justin Valdivia and Ray Yurkewycz

5. **RBG and the Fertile Octogenarians** - Jack Dekovich, Lauren Barnhart, Josh Gilchrist, Jo Pose and Will Tones

6. **Bunny Lebowski and the Nihilists** - Bradley Dixon, P.K. Runkles-Pearson, Steve Galloway and Dennis Westlind

The judges and crowd enjoyed all the bands, and in the end Spirit Lake was named Best Oregon Lawyer Band 2016. Jack Dekovich of The Four Hot Kings received the James Britt Award



RBG and the Fertile Octogenarians



Spirit Lake band members take home the 2016 Best Oregon Lawyer Band trophy

4. **Montavilla Jug Ensemble** - Zack Mazer, Jennifer Ballute, Erik Eklund, Josh Mathis and Max Wall

for Best Individual Performer for the third year in a row.



M.A.R.O.N.E.S.

Thank you to Farleigh Wada Witt, Harrang Long Gary Rudnick PC, Miller Nash Graham & Dunn LLP, Schwabe Williamson & Wyatt, Stephen A. Houze Attorney at Law and Vangelisti Law Firm LLC for sponsoring the event.

We would also like to thank our judges: Hon. Amy Holmes Hehn, Todd Cleek, Kevin Parks, Trish Walsh, Jovita Wang, and Brad Krupicka, who served as M.C. And thank you to everyone who attended and helped raise approximately \$1,500 for Multnomah CourtCare.



Best Individual Performer, Jack Dekovich with M.C. Brad Krupicka

Joel Kent Recognized by USA Volleyball as Outstanding Male Junior Coach

"It's all about experience," says Joel Kent. "Experience generates knowledge, and knowledge generates performance."

Kent could be talking about being an attorney and managing shareholder of Stahancyk, Kent & Hook P.C. (SK&H) in Bend. But in this case he is referring to being recognized as the 2016 Outstanding Male Junior Coach of the Year by USA Volleyball.

USA Volleyball is the national governing body for all forms of volleyball in the United States and is acknowledged as such by the U.S. Olympic Committee.

During his early years, coaching volleyball at various high schools and clubs was a way for Kent to pay for college, but that part-time job became part of his life. In 1998 SK&H expanded to Bend and Kent became a partner in the firm. At that time, he was asked by a relative of a former player to coach the Rimrock Volleyball

Club in Prineville. That meant driving two hours' round trip for every team practice. For nearly two decades, Kent has made that drive. He does it for the team.

Rimrock Volleyball Club is in the Columbia Empire region, one of 40 volleyball regions in the United States. The team is made up of high school girls, freshman

through seniors, and consistently competes with other top teams from around the nation.

Each year Kent is known for coaching teams that play exceptionally well. Their achievements include six High School Player of the Year Awards, 37 All-State players, one Gatorade National Player of the



Year, and 15 High School State Championships.

A fierce dedication to pursuing excellence in their chosen sport is helping train these players for life. Whether it's pursuing state championships, working at the Stahancyk, Kent & Hook Bend office with Kent, or raising money to help pay for club expenses, the team focus their energies on building up their character and self-confidence on, and off, the court. With over \$3 million in athletic scholarship funds received for his student-athletes, Kent's players continue their schooling and take their positive character and life experiences to the collegiate level and beyond.

Kent's experience doesn't stop with coaching. He also sees a resemblance in situations at the law firm. "[In volleyball and lawyering] there are similarities in handling stressful situations and handling pressure," he said. "You control your performance by your preparation, both on the volleyball court and in the courtroom."



Joel Kent

The MBA occasionally publishes articles describing members' activities outside of the practice of law. If you have a story you would like to share, please email your ideas to the MBA at mba@mbabar.org.