



Connect, Cultivate, and Contribute Through the MBA

by Andrew Schpak
MBA President

Within weeks of starting my job as a first year associate at Barran Liebman LLP in 2004, I approached the firm's Managing Partner, Ed Harnden, for some advice. Despite attending college in Portland before leaving for law school, I knew few people in the Northwest and even fewer lawyers. Therefore, I asked Ed for his thoughts on how to become more active within the legal community. Fortunately for me, Ed is not only generous with his precious time but also a fierce advocate and role model for community and bar association involvement. Ed's advice was simple: volunteer to serve on an MBA committee. Thankfully, I followed Ed's sage advice.

I became a member of the MBA YLS Membership Committee in 2004 and as I became increasingly involved, I served as the committee's chair, and eventually as the YLS President in 2008-09. My involvement with the MBA YLS also led to me working on an ABA Young Lawyers Division (YLD) conference scheduled to take place in Portland. This connection resulted in further opportunities to serve on ABA YLD committees, as the District Representative for Oregon and Washington, and eventually as Chair of the ABA YLD.

Even when my ABA involvement took me around the world, I always made a point to stay involved and supportive of the MBA - it is, after all, the home for lawyers living or practicing in Multnomah County. Attending MBA CLEs, WinterSmash, the Annual Dinner, the Absolutely Social, and MBA YLS drop-in socials has enabled me to stay in touch with colleagues and friends, participate in mentorship and other professional development opportunities, and continue to grow as a litigator. From my involvement as a member to serving our members, I have thoroughly enjoyed all of the MBA benefits. This year, I look forward to highlighting and strengthening the three aspects of the MBA that set the organization apart:

CONNECT

One of the MBA's greatest strengths is its ability to connect local and regional members of the Oregon Bar. These connections result in close friendships, the development of referral sources, and the promotion of professionalism. When I began volunteering for the MBA, I was driven by the opportunity to meet peers and make a positive contribution over future referral sources alone. However, at the time, I did not realize that I would meet many of my closest friends through MBA committees, programs, and social events. Over the years, I have seen MBA connections result in marriages, housemates, and many other lifelong friendships. I remain close friends with a number of people with whom I served on my first MBA YLS committee, and I am proud that Barran Liebman hired six of our attorneys through MBA connections.

This year, the MBA will continue its efforts to bring together the local legal community in both traditional and innovative ways. We are

**One of the MBA's
greatest strengths
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connect local and
regional members...**

constantly working to build a diverse and inclusive bar that welcomes and provides relevant programming for people from a variety of backgrounds and practice areas. We plan to build on our successful social events and CLE programming by emphasizing outreach to, and inclusion of, all attorneys living or practicing in the county. We are also working to add speed networking events, health and wellness content, and other value-rich offerings.

CULTIVATE

The MBA presents unique and affordable professional development, leadership training, and continuing legal education programming. It also provides its members with discounted (and sometimes free) continuing legal education programs. Committee involvement provides more specialized training in leadership skills ranging from project management to how to run a meeting. I firmly believe that my MBA committee and board experience provided me with the training and skills required to serve as an effective Co-Managing Partner of Barran Liebman.

The MBA has always offered affordable and varied CLE and professional development programming. In addition to these programs, it gives members the opportunity to propose topic ideas and participate in planning and presentation. The MBA also provides specialized training and support for lawyers in solo and small firm practice settings. These opportunities provide MBA members with the opportunity to hone their skills and build their reputation and expertise in ways not offered by other bar associations.

CONTRIBUTE

Perhaps most importantly, the MBA provides meaningful opportunities to contribute to the profession and the community. Our Mentorship program orients new members of the legal community to the ethics and professionalism that form the basis of what makes practicing in our state and local bar so special. The MBA and MBA YLS provide the opportunity for service through committee and public service work. The MBF supports CourtCare, civic education, and community understanding of the legal system. From providing legal support to homeless and at risk youth to collaborating with Multnomah County Circuit Court to ensure that the new courthouse better serves self-represented litigants, the MBA has provided me with opportunities to contribute and serve in unique and meaningful ways.

When I began volunteering with the MBA almost 13 years ago, I was struck by the enthusiasm and altruism of its members. This year, I have the distinct honor of serving as the MBA President. I am excited about the opportunity to continue the great work of the MBA while looking for new and innovative ways for our members to connect, cultivate, and contribute. If you have any ideas regarding how the MBA can improve or better provide value to its members, I would love to hear from you.

**...the MBA
provides
meaningful
opportunities to
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profession and
the community.**

mba|CLE

To register for a CLE, please see p. 3 or visit www.mbabar.org and log in as a member to register at the member rate.

SEPTEMBER

9.12 Tuesday
Strategies for Effective and Efficient Legal Writing
Lora Keenan

9.19 Tuesday
Cross-Examination of the Expert Witness
Bill Barton
David Markowitz

9.27 Wednesday
Don't Like the Law? Go Fix It!

OCTOBER

10.3 Tuesday
Legal Services as Products: How to Use Product-Development Tools to Design and Sell Legal Work
Alix Devendra
John Grant

10.26 Thursday
Clark County Court Update
Judge David Gregerson
Doug Foley
Leslie Johnson

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BATTLE OF THE LAWYER BANDS

Thursday, August 3
7-9 p.m.
Kennedy School
5736 NE 33rd Ave., Portland

Join the MBA Events Committee for this CourtCare fundraiser. Bands comprised of at least one Oregon lawyer will compete for the title of "Best Oregon Lawyer Band 2017." Judges from the MBA legal community will decide the winner at the end of all the performances. Bring your family and friends and cheer for your favorite band! Crowd applause and interaction will be one of the criteria on which judging is based, in addition to the new Audience Choice Award. Suggested donation: \$10.

These bands will compete for the title of "Best Oregon Lawyer Band 2017:"

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Spirit Lake - Best Oregon Lawyer Band 2016

Calendar

JULY

13 Thursday
Night at the Spa
Details on p. 7

27 Thursday
OMLA Auction

17 Thursday
Pro Bono Pour
Details on p. 13

SEPTEMBER

14 Thursday
YLS Fall CLE Series begins: The Fundamentals of Real Estate and Land Use Law
See insert for details

19 Tuesday
Solo & Small Firm Workshop
Details on this page

28 Thursday
OAPABA Annual Gala Dinner
www.oapaba.org

AUGUST

3 Thursday
Battle of the Lawyer Bands
Details on this page

OWLS Dress for Success
Fashion Show
www.oregonwomenlawyers.org

10 Thursday
September Multnomah Lawyer deadline

The Solo & Small Firm Committee presents CREATIVE MARKETING IDEAS FOR SOLO & SMALL FIRM PRACTITIONERS

Tuesday, September 19
12-1:30 p.m.
Red Star Tavern Club Room
503 SW Alder, Portland

Figuring out how to best market your firm can be difficult and sometimes confusing for solo and small firm practitioners. This is especially true when you are a newer attorney, have a limited budget, or work in a niche area of law. This workshop is designed to discuss a variety of different approaches to marketing for small firms, presented by attorneys whose firms and resources vary as much as their practice areas. Panelists include **Charley Gee** of Charley Gee PC, who recently transitioned to solo practice, and practices in personal injury with a strong emphasis in bike injury cases; **Whitney Boise** of Boise Matthews LLP, who is the partner of a boutique law firm practicing in federal and state court criminal defense; and **Yoona Park** of Stoll Berne, who is a shareholder practicing in complex business litigation, securities litigation, and employment litigation. Please bring your ideas and join us for what will surely be an edifying discussion.

Multnomah CourtCare Seeking Book Donations

The CourtCare program in the downtown and East County courthouses is in need of new and gently used books. In addition to keeping an array of books for children to enjoy while in their care, CourtCare staff sends every child home with a book or plush toy, with the focus being on books.

Jennifer Edwards, CourtCare Program Director, says "When we are fortunate enough to have a large supply, we are able to allow returning visitors to add to their collection. Many of

those children come in excitedly looking forward to choosing a new book to take home, and we love it when we get to say yes."

The greatest need is for books for toddlers and new readers, so picture books and those with simple text would be appreciated. Donations of new plush toys are also welcome.

Donations may be dropped off at either CourtCare location in the downtown and East County courthouses, or taken to Volunteers of America, 3910 SE Stark St, Portland. Contact Jennifer Edwards (503.988.4334, jedwards@voa.org).



MULTNOMAH CourtCare

A project of the Multnomah Bar Foundation, in partnership with Multnomah County, the Oregon Judicial Department, the U.S. District Court Attorney Admission Fund and Volunteers of America Oregon



The MBA will apply for 2 hours of general OSB MCLE credits unless otherwise noted; 2 Washington 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.

Strategies for Effective and Efficient Legal Writing

Tuesday, September 12, 2017 - 12-1 p.m.

World Trade Center, Sky Bridge Room

Members \$30/Non-Members \$50

This program will help you improve your legal writing, and maybe even enjoy the writing process a little more, by designing your own writing checklists to streamline the writing and quality-control process. The program will teach you how to use checklists to enable you to put recurring issues on "autopilot," saving time and brain power for the heavy lifting of research and analysis. It will also teach you how to communicate more effectively with judges, colleagues, and clients through the regular use of checklists. Whether you are a new lawyer, an experienced practitioner, or a legal administrator, this class will help you consistently deliver a work product that satisfies your professional audience. **Lora Keenan** is a legal writing consultant, coach, and trainer. She worked for the Oregon appellate courts as a lawyer for more than 20 years, including drafting and editing appellate court decisions. She has also worked for the Oregon Department of Justice as Public Records Counsel.

For more information: Contact Jovanna Patrick, Hollander Lebenbaum et al at 503.222.2408. For registration questions, contact the MBA at 503.222.3275.

Cross-Examination of the Expert Witness

Tuesday, September 19, 2017 - 3-5 p.m.

World Trade Center, Mezzanine

Members \$60/Non-Members \$95

Join two titans of the Oregon Bar, **David Markowitz** and **Bill Barton**, will discuss cross-examination of expert witnesses, with an emphasis on Oregon state court practice, which permits minimal pre-trial disclosure and discovery of expert testimony.

In this two-hour trial advocacy CLE, Dave and Bill will discuss strategic considerations surrounding expert cross-examination, and will provide specific practical tips to guide practitioners. Dave will demonstrate general principles of how to cross-examine experts, including how to conduct on-the-fly limited discovery during trial in Oregon state court. He will also discuss how basic commandments of cross-examination need to be modified for experts. Dave's presentation will be supplemented with video clips of the State of Oregon v. Philip Morris arbitration, demonstrating actual expert cross-examination. Bill will discuss four methods of cross-examination; the strategic goals of expert cross-examination, including how much of destructive cross is suicidal rather than homicidal; how to establish your own credibility; and how to incorporate overarching litigation goals into cross-examination.

This CLE is recommended for all levels, the plaintiff and defense bar, and any lawyer whose practice involves expert testimony.

For more information: Call Molly Honore, Markowitz Herbold at 503.295.3085. For registration questions, call the MBA at 503.222.3275.

Don't Like the Law? Go Fix It!

Wednesday, September 27, 2017 - 3-5 p.m.

World Trade Center, Mezzanine

Members \$60/Non-Members \$95

A panel of speakers will include lawyer-legislators, lawyer-lobbyists, and lawyers who have served in other ways to influence the lawmaking process such as serving on legislative workgroups, testifying on bills, or representing clients interests in the legislative process. This class is a must-attend for anyone who is interested in how to learn how to use the legislative process to improve the law or advocate on behalf of clients.

For more information: Call Liani Reeves, Bullard Law at 503.248.1134. For registration questions, call the MBA at 503.222.3275.

Legal Services as Products: How to Use Product-Development Tools to Design and Sell Legal Work

Tuesday, October 3, 2017 - 3-5 p.m.

World Trade Center, Mezzanine

Members \$60/Non-Members \$95

Note: 2 hours of Business Development MCLE credit will be applied for.

In this session you will learn how modern law firms are borrowing from product development and design thinking to create packaged legal services that drive client value and increase firm profit. As part of this hands-on workshop, you'll receive a copy of the Practice Model Canvas and use it to prototype your own productized legal service. The presenters are attorneys **Alix Devendra** and **John Grant**, both of Start Here HQ. Previously, Alix practiced labor and employment law in San Francisco. John previously had a three-person boutique IP firm that was paperless, cloud-based, and used alternative fee arrangements.

For more information: Call Kristen Hilton, Sussman Shank at 503.243.1654. For registration questions, call the MBA at 503.222.3275.

Clark County Presiding Court Update

Thursday, October 26, 2017 - 3-5 p.m.

World Trade Center, Plaza Conference Room

Members \$60/Non-Members \$95

The 2017 Clark County Presiding Court Update will be presented by Superior Court **Judge David Gregerson** and Vancouver civil litigator **Doug Foley**, with moderator **Leslie Johnson**. This class is designed for anyone thinking of taking cases across the river and at any level of experience. Judge Gregerson will provide valuable information regarding brand new scheduling practices. Mr. Foley will highlight rules and conventions of civil practice that distinguish Washington and local practice from the Oregon state courts.

If you currently practice in Clark County, or have been considering practicing in Clark County, this CLE is a must for you.

For more information: Call Leslie Johnson, Samuels Yoelin Kantor at 503.226.2966. 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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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.

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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.

9/12 Strategies for Effective and Efficient Legal Writing
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10/26 Clark County Presiding Court Update
 Class Registration (\$60 Members/\$95 Non)\$ _____
 CD-ROM & Written Materials (\$60 Members/\$95 Non) ..\$ _____

Total due\$ _____

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.

Ethics Focus

Double Indemnity Indemnification Provisions in Engagement Agreements

by Mark J. Fucile
Fucile & Reising LLP



Lawyers deal with indemnification in a broad range of circumstances for their clients. Increasingly, however, lawyers are wrestling with indemnification provisions in a location closer to home: their own engagement agreements. Indemnification provisions in engagement agreements typically come in two flavors: indemnification of the lawyer or firm by clients against claims by third parties; and indemnification of the client by the lawyer or firm

for risks beyond professional negligence. Each involves distinct considerations.

Indemnification of the Law Firm

In some situations, a law firm may wish to ask a client to indemnify the firm against claims by third parties. OSB Formal Opinion 2005-165 addresses a common scenario: a firm is approached by a corporate client about investigating an employee for possible wrongdoing that, if confirmed, will likely lead to the employee's termination. In that situation, the firm may be concerned that it will be named as a defendant in subsequent litigation surrounding the termination.

Opinion 2005-165 notes that RPC 1.8(h) generally prohibits lawyers from prospectively limiting their liability to their own clients (absent the client being independently represented, which effectively means that such provisions are exceedingly rare). Opinion 2005-165 reasons, however, that nothing in RPC 1.8(h) prohibits a lawyer or firm from seeking indemnification from third party claims as a part of an engagement agreement with a client. Opinion 2005-165 cautions that an indemnification provision would still be subject to the reasonableness standard that governs all fee agreements under the "fee rule" - RPC 1.5. It also "express[es] no opinion on whether such a provision must also meet Oregon RPC 1.8(a) regarding lawyers who engage in business transactions

with clients." Although lawyer-client business transactions are not prohibited outright by RPC 1.8(a), the requirements for the client's informed consent are very exacting.

Client indemnification of a lawyer or law firm against third party claims is not a routine discussion that most firms have with their clients. In a circumstance like the one raised by Opinion 2005-165, however, indemnification is at least an option available for consideration.

Indemnification by the Law Firm

From the perspective of law firm risk management, a more problematic trend that has emerged in recent years is corporate clients asking law firms to indemnify them in engagement agreements or equivalent outside counsel "guidelines" prepared by the client. The specific terms vary, but many indemnification provisions are quite broad, relatively open-ended and extend well beyond traditional legal malpractice liability. For example, this kind of provision might obligate the law firm contractually to indemnify the client for damages and legal expenses arising from a data breach at a litigation support vendor that was retained directly by the corporate client. Still others attempt to contractually obligate the law firm to hold the client harmless from negative consequences arising from otherwise flawless legal work.

The problems with broad indemnity provisions are threefold.

First, they may trigger obligations that are not covered by the law firm's malpractice insurance. Malpractice insurance - whether from the PLF or an excess policy from a private carrier - is designed to provide coverage for asserted negligence in delivering legal services. By contrast, malpractice policies typically exclude purely contractual obligations from coverage. Exclusion 18 in the 2017 PLF Plan, for example, generally excludes coverage for a law firm's contractual obligations - including "any assumed obligation to indemnify another[.]" In short, just as you would not look to your malpractice carrier to pay your monthly office rent, you shouldn't count on malpractice coverage to make good on your contractual assumption of an indemnity obligation.

Second, many indemnity provisions go well beyond professional negligence. Oregon lawyers in private practice have long been required by ORS 9.080 and accompanying OSB bylaws to carry malpractice insurance and many firms also have excess coverage through the PLF or private carriers. As noted earlier, however, many indemnity provisions extend to areas that do not directly relate to the professional services rendered and instead obligate the firms involved

to, in essence, become "insurers" in their own right for risks that they do not control - such as our earlier example of a data breach at a litigation support vendor retained directly by a corporate client.

Third, some indemnity provisions are so open-ended that they - at least in theory - expose the firm to contractual risks even if the legal services provided are flawless. A law firm, for example, might provide sage advice on a difficult issue for a client in any area that - through no fault of the law firm - involves inherent risk to the client. Depending on the breadth of the indemnity, the law firm may have effectively agreed contractually to hold the client harmless from any negative consequences notwithstanding the firm's capable legal work.

Proposed indemnity provisions requiring a law firm to indemnify a client are most often found in agreements that are prepared by sophisticated corporate legal departments. Lawyers need to carefully read "boilerplate" provisions that may include broad indemnity obligations that run beyond professional negligence. If confronted with such a provision, lawyers - and their firms - then need to assess the risks involved and decide whether to "push back" against the provision or, if the economic risks involved outweigh the benefits, consider passing on the work altogether if the client will not remove the indemnity obligation.



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MBF Grant Recipient Oregon Tradeswomen, Inc. TOOLS Program Benefits Low-Income Tradeswomen from Diverse Backgrounds

by Sarah Bond
MBF Board of Directors



The Multnomah Bar Foundation (MBF) awards grants to local 501(c)(3) nonprofit organizations whose programs are aligned with the goals of the Civic Education Fund to advance civic education and engagement, increasing public understanding of the justice system. The grants are made possible by the generous support of the legal community.

This year, the MBF Civic Education Fund awarded a total of \$47,320 in grants distributed to 10 local nonprofits for programs that serve to educate about the justice system and encourage civic engagement. The grant recipients for 2017, are: Bus Project Foundation; City Club of Portland; Elders in Action; League of Women Voters of Oregon; League of Women Voters of

Portland; MetroEast Community Media; Northwest Family Services (NWFS); Oregon Tradeswomen, Inc.; Saturday Academy; and Sponsors Organized to Assist Refugees (SOAR).

All grant winners do important and admirable work in advancing civic education and engagement and increasing public understanding of the justice system. This article focuses on MBF's funding for Oregon Tradeswomen, Inc. (OTI).

The MBF has awarded a grant to OTI for three consecutive funding cycles. OTI is dedicated to promoting success for women in the trades through education, leadership, and mentorship. The organization was founded in 1991 on the principle that women deserve and can attain economic self-sufficiency through pursuing careers in the building, mechanical, electrical, and utility trades. OTI offers a comprehensive pre-apprenticeship program for women wherein, after qualifying for the program through an application process, participants are provided the opportunity to gain the skills required to become attractive for apprentice programs in the trades. The pre-

apprenticeship skills-training includes both hard and soft skills (such as interviewing techniques).

OTI has been awarded an MBF grant for its "TOOLS" program (Tradeswomen Organized for Outreach, Leadership, and Support). The TOOLS program is a leadership and skills building program for tradeswomen that helps them promote female participation in the trades by advocating for quality, safe, and equitable workplaces.

The need for such a program is clear.

OTI observes that occupations dominated by women pay less (primary education, childcare, and nursing are examples). The reverse is also true - occupations dominated by men pay more. The trades is one of the few industries that provide entry level, high-paying jobs that do not typically require higher education. The trades also have one of the lowest pay gaps between men and women.

Unfortunately, the trades is one of the most highly segregated industries in the United States. OTI notes that, according to the Department of Labor, women represent just 2.7% of the trades. In total, and based on the above, female exclusion from the trades contributes to income inequality for low-income women. That is, low-income men benefit from entry level high-paying jobs in the trades while women largely do not. Notably, in Oregon, women represent 7.6% of the trades as of this past quarter.

Legal exclusion from the trades, of course, is illegal. Instead, the causes of gender segregation in the trades are systemic and myriad. Such causes

include discrimination in hiring; discrimination on the job-site (harassment, in particular); and lack of childcare.

OTI, and the TOOLS program in particular, seek to address such exclusion through participation in the legislative and legal process. The TOOLS program receives MBF funding for the following programs:

Construction Equity Day (CED): CED is an annual event that takes place at the Capital in Salem wherein participants see the legislative process in action. Guest speakers are invited to speak with attendees about the government and the law and how it may affect their careers. Attendees also meet with legislators for cross-educational opportunities - attendees learn about the accessibility of the legislative process and legislators learn more about tradeswomen's concerns. This year a primary focus at CED was Measure 98, which promotes Career and Technical Education and SB 292/HB 2167, which focuses on reducing bullying and harassment in the workforce.

Civic Education Classes: In addition to hosting Construction Equity Day, the TOOLS program also educates its pre-apprenticeship students about voting, legislative process, legal compliance and the impacts of civic engagement on the industry and their lives. OTI offers four seven-week classes per year and serves between 75 and 100 pre-apprenticeship students per year.

These two opportunities provide a unique opportunity for tradeswomen to mobilize and understand how the legislative and legal process may be used to address gender segregation and inequity and promote greater participation for women in the trades.

Tiffany Thompson, Advocacy and Consulting Program Manager, and her two staff members, are the force behind the TOOLS program. Tiffany was born into the trades. Growing up, her family owned a machine shop and, as a child, she was often onsite

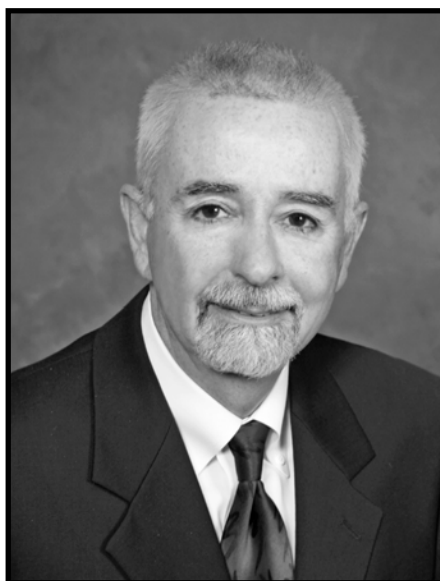


while her parents worked. When Tiffany turned eleven, however, she was not allowed to be in the shop anymore because "it was not a place for a girl." Tiffany went on to receive a degree in French from the University of Idaho and, upon graduation, worked at a nonprofit serving survivors of domestic violence and sexual assault. In 2013, Tiffany began working at OTI. Tiffany's work with OTI has been the perfect culmination of Tiffany's trades upbringing, personal experience with discrimination, and advocacy and civic engagement training and background.

The MBF is proud to support OTI and, specifically, the TOOLS program. OTI does great work well beyond what is summarized in this article. For more information please visit OTI's website at www.tradeswomen.net.

Congratulations OTI!

To learn more about OTI and our other 2017 grant recipients, visit www.mbabar.org/foundation/grants.html or contact Pamela Hubbs, 503.222.3275.



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The video webcast of the seminar “Appellate Update” is available in the Members Center at www.mbar.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 is available for MBA members to order and display in their offices. The statement is printed on quality 11x14” parchment paper and is suitable for framing. Reconfirm your commitment to professionalism; order your free professionalism statement at www.mbar.org/assets/documents/profcertorder.pdf.

Noon Time Rides

Short fast rides with hills. Meet at SW corner of Pioneer Courthouse Square (Yamhill & Broadway) between noon and 12:10 p.m., Monday and Thursday. Contact: Ray Thomas 503.228.5222 with questions, or meet at start.

Marketing: Networking: Branding

by Adina Matasaru
MBA Board of Directors



“I love the practice of law; hate the business of law” was my mantra for a decade. And that mantra kept me working in big firms with marketing departments and healthy advertising budgets. I was supported and given opportunities to do what I do best: find creative solutions for clients’ complex problems.

All that came to a screeching halt when I set up my own solo practice some three years ago. Gone was the amazing marketing director who was eager to create the promotional material needed for the upcoming client meeting; gone were the paid conferences and networking events where I could make contact with old and potential clients; gone was the steady stream of work generated by the firm’s good will and reputation in the community. I was on my own and for my own.

When you find yourself in a similar situation, whether you just graduated from law school or, like me, take a leap of faith and start your own shop, the MBA Solo and Small Firm Committee is here to help. The committee focuses on programs and services that are of value to small firms and solo practitioners, and in the Fall of 2017 it invites solo and small firm practitioners to attend a

series of workshops on marketing, networking and branding.

When I first started my solo firm, I had no idea what a marketing plan was and how to develop one. I didn’t have time or money to “market.” I was more worried about paying the fixed expenses and practicing law on my own. What I didn’t realize was that I *was* marketing, networking and branding myself each and every day. “Every interaction you have with a client or potential client is marketing. You are making an impression on each person. Make sure it is the impression you want to make,” said Marjory Morford, a Portland-based professional services marketing consultant. I also didn’t realize I had a marketing plan and budget, I just didn’t put any intention in it. The firm’s website design and hosting, business cards, memberships in legal associations such as the MBA, as well as membership and involvement in target industry associations, are all part of a marketing plan and budget.

Morford has three simple recommendations for a lawyer who doesn’t have a designated budget for marketing, or has a very limited one.

1. Make sure your online profiles are up to date and provide a positive, consistent message about you and your practice. This includes your website, LinkedIn, Avvo, Google, Facebook and other professional and social platforms.
2. Have a plan and stick to it. Make a list of your best contacts and set up face-to-face coffee or lunch meetings. Your best contacts should include

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other lawyers and target industry members. Create and maintain a contact database, ideally with personalized notes about each contact.

3. Seek opportunities to write articles or present in your practice area. This includes potentially writing articles for your own website or commenting on news that relates to your area of law on professional network platforms.

In addition to Morford’s excellent recommendations, reconsider your definition of networking. Every person you meet face-to-face or online is

either a potential client or a potential referral source; make sure they know who you are and what you do. “Every lawyer should think about this idea and how they relate to their clients - what is the client’s experience in working with you and will they share this experience with others? What do people say about you and your work? This is your brand” says Morford. According to marketing guru Seth Godin, “a brand is the set of expectations, memories, stories and relationships that, taken together, account for a consumer’s decision to choose one product or service over another.” Understanding what causes a client to choose your legal services

over another is crucial in focusing your marketing efforts and growing your business. The upcoming Solo and Small Firm Committee workshops on marketing, networking and branding, will provide opportunities for solo and small firm practitioners to bring their questions, offer suggestions and exchange ideas about successful marketing, networking and branding strategies.

The first fall workshop is about marketing and will be held on September 19. See page 2 for details.

The Fourth Annual “Tillicum Gathering” A Celebration of Diversity

On May 18, leaders from Oregon’s specialty bars, as well as representatives from the MBA and OSB, gathered for the annual Tillicum Gathering. Now in its fourth year, the Tillicum Gathering is a social networking event organized by the MBA’s Equality & Diversity Committee for legal leaders committed to fostering and expanding diversity and inclusion in our legal community. Davis Wright Tremaine generously hosted the evening.

Recipients of the MBA and OSB’s LSAT test preparation scholarships were honored at the Tillicum Gathering. The scholarships pay for an LSAT preparation course for prospective law students who have a connection to Oregon, and who will diversify our bar when they complete law school and begin practicing law. Judge Marco Hernandez offered encouragement to the LSAT scholars before distributing the awards.

The Tillicum Gathering’s attendees look forward to working together to promote and strengthen each group’s work toward enhancing diversity and inclusion in our legal community.



Chase Morinaka and Melvin Oden-Orr



Sarah Petersen, Cierra Brown, Kamron Graham and Paul Southwick



Bonnie Richardson, Ulanda Watkins and Kevin Parks



LSAT scholarship recipients with Judge Marco Hernandez




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Night at the Spa
A private party for the Multnomah Bar Association
Thursday, July 13
5-7 p.m.
Comma Vino Spa
1126 SW Morrison St., Portland

Join the MBA Events Committee and your colleagues for an evening at Comma Vino Spa, 1126 SW Morrison St., Portland (just past the MAX tracks on SW Morrison). Sign up for a spa mini-service ranging from \$15-\$30 when you arrive. The price is payable to Comma Vino Spa at the time of sign-up. Some of the services include eyebrow wax, manicure, and foot reflexology. Limit one mini-service per attendee. Due to limited space, mini-services will be on a first-come, first-served basis. Appetizers and drinks will be provided.

Generously sponsored by Farleigh Wada Witt.

Please RSVP to Kathy Modie at the MBA,
kathy@mbabar.org.

Around the Bar



Michael O'Connor

Epiq Class Actions & Claims

Michael O'Connor has been promoted to Senior Director of Client Services for Epiq Class Action & Mass Tort Solutions, Inc. O'Connor oversees client relationship development and strategic client communications, managing Epiq's contracts with the SEC, FTC, CFPB and USDA, as well as a host of private clients.



Darcy Norville

Tonkon Torp LLP

Managing Partner **Darcy Norville** has been elected to the Board of Directors of the Campaign for Equal Justice (CEJ). The nonprofit organization raises funds to ensure Oregon's most vulnerable citizens have access to legal aid programs. Norville has been active with CEJ for many years, with previous roles on the advisory board and as a statewide co-chair for the organization's annual fund drive. Norville's practice includes general business and corporate law, with particular emphasis on executive compensation, ERISA and employee benefits.

Christopher Pallanch and **Jessica Morgan** have been appointed co-chairs of the Tonkon Torp Financial Services & Investment Management practice group.

Pallanch is a partner in Tonkon Torp's Litigation and Financial Services practice groups, where he focuses on resolving complex business disputes. He represents individuals and companies in adversarial proceedings on matters that include financing arrangements, contractual agreements, and business torts.

Morgan's practice focuses on advising high net worth investors, investment advisers, investment funds, family offices, financial institutions, closely held businesses and start-up companies on general corporate and securities matters. She has represented clients in a variety of industries most prominently in the investment management, financial services, wine/food services and cannabis-related industries.



Christopher Pallanch



Jessica Morgan

The transactional and litigation attorneys in the Financial Services & Investment Management practice group provide comprehensive legal services, including Financial Services Litigation, for investment advisors, broker-dealers, and private investment funds.



Michael Willes

Michael Willes has been elected to the Board of Directors of the Virginia Garcia Memorial Foundation Board. The foundation provides fundraising and community relations support so the Virginia Garcia Memorial Health Center can continue to provide vital health, wellness, and dental services to 45,000 people in Washington and Yamhill Counties. Willes is a member of the firm's litigation department. He represents clients in a broad range of matters, including contract, negligence, and fraud cases.

Cosgrave Vergeer Kester LLP

The firm is pleased to announce that **Paul A. C. Berg** has been named Managing Partner. Berg will split his time between managing the firm and his litigation practice. Berg has represented both defendants and plaintiffs in complex business and commercial litigation, along with personal injury and wrongful death actions.



Paul A.C. Berg



Joe Franco



Jamie Azevedo Stremming

Bodyfelt Mount LLP

Jamie Azevedo Stremming has joined the firm as an associate. Azevedo's practice focuses on general civil litigation, including personal injury, wrongful death and construction defect cases in which she represents both businesses and individuals.

Azevedo brings considerable experience handling civil claims in Oregon and Washington. From 2005-12, she served as an in-house litigation attorney for GEICO in Portland, where she tried a variety of cases through arbitration and jury verdict. In addition to representing insured customers in personal injury lawsuits filed against them, Azevedo represented GEICO in uninsured and underinsured motorist claims, and as a plaintiff in subrogation.



Matt Donohue



Shannon Armstrong



Lisa Howley

Holland & Knight LLP

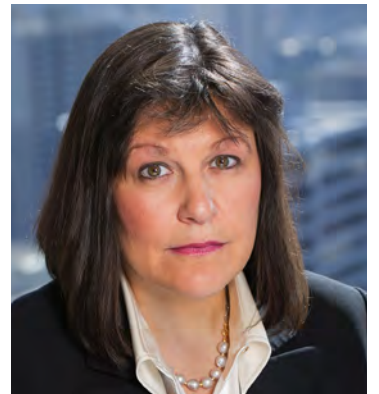
A group of four litigation attorneys led by partner **Matt Donohue** have joined Holland & Knight's Portland office. The team includes partners **Shannon Armstrong** and **Joe Franco**, senior counsel **Lisa Howley** and paralegal **Gillian Phillips**. All were previously with Markowitz Herbold PC in Portland.

The group focuses on complex commercial litigation, representing clients in high-stakes business disputes across the country. They represent companies ranging from startups to Fortune 500 corporations in a wide variety of cases, including antitrust, class actions, contract and licensing disputes, partnership and shareholder disputes, and real estate and intellectual property litigation.

"Matt, Shannon and Joe have built an impressive commercial litigation practice that combines representing clients local to the Pacific Northwest with a high-level national practice," said Matthew Vafidis, the leader of Holland & Knight's West Coast Litigation Practice Group. "They are a major addition to our Portland litigation team and will play an important role in the continued growth of our practice on the West Coast."

"Holland & Knight's national, full-service platform allows us to further develop and expand our practice, particularly outside of the Portland area, and to provide additional services to our existing clients," said Donohue. "We look forward to working with our new colleagues to enhance the office's local litigation client base and to increase the volume of national work done for Portland-based companies. We are hitting the ground running and will continue to add lawyers to the litigation team here."

"Landing Matt and his team is a major coup for our firm," said Sara Heskett, executive partner of Holland & Knight's Portland office. "They are among the best lawyers in the city with an excellent reputation and a dynamic litigation practice."



Lisa Kaner

Portland General Electric

Lisa Kaner has been appointed as PGE's new general counsel and corporate compliance officer. Kaner will replace Jay Dudley, PGE's current general counsel and corporate compliance officer, who will retire at the end of June after nearly 30 years with PGE. Kaner joins PGE after more than 28 years as an attorney with business litigation firm Markowitz Herbold PC where she oversaw some of the firm's most complex and legally demanding cases. While there, she also advised and represented PGE on multiple occasions, gaining a strong knowledge of the organization.

"Lisa is a talented and proven legal expert," said Jim Piro, president and CEO. "Her leadership and many strategic accomplishments - combined with her knowledge of PGE and regulatory issues - distinguished her as the right person to lead our talented legal, internal audit and FERC compliance teams."

Kaner has been honored by the Portland Business Journal for being one of the region's most influential business women and recognized for her public service by the OSB. She is an active member of the community where she has coached the Lincoln High School Constitution Team and the Jefferson High School Mock Trial Team.

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.



Norman J. Wiener

Passing of a Legend

Miller Nash Graham & Dunn mourns the loss of our longtime partner and friend

Norman J. Wiener

Our thoughts and prayers go out to Mr. Wiener's loved ones.

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Tips From the Bench

21st Century Settlement Evaluation

by Judge Jerome LaBarre

As I prepare to move to my next career as Senior Judge and mediator, I have been reflecting on the past and present. I have seen a lot of civil cases. Some were dismissed, some made it to trial, and some went all the way through appeal. But most ended in settlement. Thinking back over the years I wonder, how have case evaluation and decision-making for settlement changed?

1. The Past - Case Evaluation in a World of Jury Trials

Back when I started trying cases, the process of settlement was much simpler. Mediation did not exist. A lawyer's experience was the primary tool for evaluating a case. If the lawyer accepted the case, it was frequently filed in court without even a settlement demand letter. As the trial date got close most cases settled, but many still went to trial. We all tried lots of cases and it was not unusual to have the file for the Monday morning jury trial handed to you the previous Friday. (I still remember those "hand off" cases clearly - especially the ones I won.) Case evaluation at that time was based a lot on familiarity with jury verdict trends, so personal experience with juries was invaluable. A lot of evaluation was simply based on intuition.

2. The Present - Case Evaluation in a World with Few Jury Trials

We no longer have many civil trials, so lawyers can no longer rely on jury trial experience to evaluate cases. But while something old has been lost, something new has been gained: the science of decision-making. I touched on this in the article I wrote in the December 2016 issue of the *Multnomah Lawyer*, citing the book *Thinking Fast and Slow* by Daniel Kahneman, winner of the Noble Prize in Economics. Since then, the best-selling author Michael Lewis has celebrated the work of Kahneman and his partner Amos Tversky in his new book *The Undoing Project: A Friendship That Changed Our Minds*. I highly recommend both of these books.

Tversky and Kahneman did some of their groundbreaking research in Eugene during the 1970s. Their work showed the ways in which the human mind systematically errs when forced to make judgments in uncertain situations. Their studies created the field of behavioral economics and led to new approaches in evaluation and decision-making, including the powerful trend to mistrust human intuition. Very simply, their research has been



undoing our assumptions about the decision-making process, which has direct application to litigating and settling cases.

3. Takeaways

Some of my favorite Kahneman and Tversky lessons are:

- **Framing** - How questions are framed and presented has a lot to do with whether or not they will be accepted. Framing becomes crucial in presenting settlement choices to the client because people are more motivated to avoid losses than make gains. Generally if the options are framed to focus on what can be gained instead of what might be lost, parties are much more likely to accept an offer.
- **Anchoring** - When shown higher numbers, subjects in experiments give higher responses. Once an idea is planted in someone's mind it can strongly influence a decision even if it is actually irrelevant to that decision. For example, in a negotiation the first number stated may serve as an anchor and influence perceptions of the figures presented later. That "anchor" number, rather than the actual settlement value, becomes the focus of the negotiation.
- **Story** - Telling the story of a case is a central element of good advocacy and settlement. Story has always been a key factor in case evaluation - if the case had a compelling story it started to sound like a winner. But "story" can also get you in trouble, because narrative can override logic in the human mind. Kahneman once said, "No one ever made a decision because of a number. They need a story." Stories can be powerful advocacy tools, but as this research shows they can also create tempting traps for the unwitting lawyer.

I have been greatly honored to have had the opportunity to serve on the bench for so many years. It has been fascinating to witness so many changes in civil dispute resolution. The days of frequent civil jury trials may be gone for good, so most lawyers can no longer draw on that experience. Behavioral economics may be a more or less helpful tool. But it is a new science which should not be ignored.

Jane Paulson 2017 Professionalism Award Recipient

The following is Jane Paulson's acceptance speech at the MBA 2017 Annual Meeting

Thank you to (the) MBA and the committee for this wonderful award. I am incredibly grateful. Thank you also to the individuals who nominated me and to the people who came tonight. Thank you to my OTLA family of tables!

About 20 years ago, I was in Clackamas County for a hearing post-verdict. I won the case but was disappointed in the verdict and a couple key rulings. I was sick and my eardrum had ruptured the night before so I wasn't feeling so great. I lost my motion. As we were trained in law school, I didn't argue, a loss is a loss and I started packing up. I forgot one key step, Judge Steve Maurer was still talking. He didn't like that too much. Judge Maurer said "Ms. Paulson, you are being rude." The next day I wrote a letter apologizing for my behavior. I STILL think he was wrong about the ruling, but he was right about my behavior.

Those who know me well may wonder how in the world I am standing here. It just means there is hope for us all and we can improve.

We have a difficult job because you must access both sides of your personality. We must be able to compromise but also stand our ground. We must be compassionate with our clients but tough when needed. We also must be passionate about what we do to do it well but be unflappable when things don't go as planned or get ugly.

It is hard to do for most people. As lawyers, we have higher than average rates of suicide, depression, substance abuse, divorce, illness, etc. There is a tremendous physical, mental, emotional cost of this job. Because the job is so hard and can be so stressful, many people choose to leave the law. Those who choose to stay often become hardened. So how do you do this hard job and not become hardened?

There are three things I've learned along the way, and the first is:

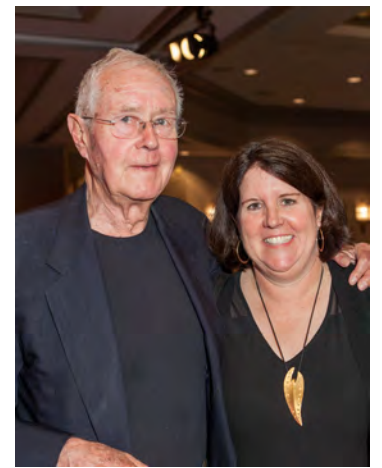
Don't take yourself so seriously. During my summer between college and law school, I worked for a law firm in the copy/mail room. Most people treated me as invisible/disposable. At the end of the summer, some people who didn't know asked why didn't you tell us you were going to law school? I thought to myself why did it matter. Being a lawyer doesn't make you better than ANYONE else.

I have a favorite quote by Malcolm Forbes: "Character is how you treat people who can do nothing for you." I have tried to take that to heart. The summer job was a great learning experience for me because I didn't like how it felt to be treated as "lesser" and learned I didn't want to make anyone else to feel that way. BUT, of course, I made a mental note of all the lawyers who treated me like that and hoped to see them someday - on the opposite side of a case.

Now, not taking yourself seriously doesn't mean you are a pushover. In fact, when I told my partner John that I was being honored with this award he was first confused and a little nervous. He thought maybe I had softened up in my old age. I mean, this is the guy that once told me, "Jane, everyone doesn't need to know how you truly feel about them." Thank you, John, and my dad - I love working with you both.

But anyone who knows me knows I am competitive to the core. So how do we navigate being professional with being competitive? You can want to pummel your opponent or win your case or get pummeled and still be professional. I would like to think I would happily go get a drink with most of my opponents.

The second thing I've learned is that you need to care, a LOT but you can't care so much it kills you. We need to care about our clients, but not take that stuff home with us. We need to care about our jobs but not get upset by every slight by the other side. We need to care about winning but not so much it destroys us if we lose. All three are easier said than done.



Jane Paulson with her dad Chuck Paulson at the MBA Annual Dinner

My grandpa always said about something bad that happened: "rolls off me like water off a duck's back, like water off a duck's back." We all need to have a protective layer too: but not so impenetrable that we're not human.

But how do you do this? How do you care and not let it kill you? Well, that brings me to the third thing I've learned, and that is that we are not our results.

Our jobs are only part of our lives. Our jobs can't be the entire thing. Our work can have the highest of highs and the lowest of lows. If we see ourselves as "Jane, the lawyer" then of course our happiness is going to be tied to our results. Because that's ALL we are. But lawyering is just one PART of our lives. This doesn't mean we never get angry or that we'll never have to check our ego at the door. My point is, that this job is hard and it's the parts outside of the job that allow us to maintain our sanity and our perspective.

So, remember:

1. Don't take yourself too seriously
2. Care but don't let it kill you
3. We are not our results

We are all fortunate to work in Oregon. Oregon is small enough that most of us know each other. We have a culture of being nice to each other.

I feel I've made some progress in the last 20 years. A couple years ago I was in a trial in a small county out of town and I lost the case. At one point during trial the judge was pretty rough on me. A juror contacted me after and talked about the case. At one point she said, "Ms. Paulson, I appreciated when the judge was so rude to you that you didn't miss a beat and were professional." So, there is hope for us all.

Please join us for our 17th Annual Summer Social & Fundraising Auction!



Thursday, July 27 at 5:30 p.m.
Lagunitas Brewing Company, Portland Community Room
237 NE Broadway, Suite 300

This is a 21+ event.

Tickets are available at
<https://www.signmeup.com/site/reg/register.aspx?fid=N72V9H7>.
Lawyers, Judges and Professionals: \$10; Law Students: \$5

OMLA is a 501 (c)(3) charitable organization that supports Oregon's minority legal community. This event raises money to provide scholarships to minority law school graduates dedicated to serving the people of Oregon.

Thank you for your support of OMLA and we look forward to seeing you at the Summer Social & Fundraising Auction! For more information and to become an OMLA member, please visit <https://www.oregonminoritylawyer.org/>.

Aruna Masih 2017 MBA Diversity Award Recipient

The following is Aruna Masih's acceptance speech at the MBA 2017 Annual Meeting

Thank you to the MBA for this huge honor. I am humbled by it and have to admit that none of this would have been possible if it were not for organizations such as the Oregon Minority Lawyers Association and the Oregon Women Lawyers and Foundation giving me the access and opportunity to channel my passion for these issues.

As the child of an Indian, Punjabi-Christian father and a British, missionary mother, you have your charge from Micah 6:8, "To act justly and to love mercy and to walk humbly with your God," but you still wonder where and how you will fit in to the legal landscape in Oregon.

So, I am eternally grateful to Justice Lynn Nakamoto and others who had the foresight to create an organization like OMLA, the Oregon Minority Lawyers Association, for me to join as a new lawyer. And, I want to thank Kurt Tandan and his wife Neisha Saxena who were leaders in OMLA when I first got involved. Not only did they welcome me into the organization but they encouraged me to assume a leadership role. And, it was because of that encouragement that I was able to connect with two amazing women - Kesa Yorozu and Anastasia Yu Meisner. Together, we created the first OMLA Summer Social and Auction in 2000 to raise funds for bar exam grants to encourage law students from minoritized groups to stay and practice here.

I have to tell you that the first few OMLA Auctions were quite the "cottage industry" affairs with people like Stella Manabe from the Oregon State Bar baking cookies, my mother knitting baby outfits and cooking Indian food, and my husband helping me deliver the food to the winners' homes. I recall we delivered food to Attorney General Ellen Rosenblum's house once and we

totally stained her counters with curry, but she still sent my mom a thank you note and flowers.

Since those early days, the auction and OMLA's ability to help law students and attorneys of minoritized groups has grown tremendously due to the efforts of leaders such as Liani Reeves, Kim Stuart, and Derily Bechtold and their work on the IMAGE Program - short for "Inspiring Minority Attorneys Toward Growth and Excellence" - a retention program designed to build skills, network and leadership for attorneys of racial and ethnic minoritized groups as they begin their legal careers in Oregon.

And, thank you to my partners and my law firm, Bennett, Hartman, Morris & Kaplan LLP for supporting the IMAGE Program and the OWLS Foundation grants, such as the Armonica Grant, designed to encourage law students of minoritized groups to stay and practice here. My partners not only provided financial support for these efforts but were generous in affording me the time to volunteer with these organizations. That makes a difference and means a lot to me.

I also want to thank my fellow OWLS Board and OWLS - Intersectionality Network Committee members for taking on important issues like systemic and implicit bias, white privilege and fragility, and intersectionality. These are tough issues to address, but I am proud of you for taking them on and beginning that process within OWLS.

Recently, I was struck by an article by Dr. Dafina-Lazarus Stewart comparing "Diversity and Inclusion" with "Equity and Justice." It has stayed with me, and I want to end by sharing some of her points with you.

- Diversity asks, "Who's in the room?" Equity responds: "Who is trying to get in the room but can't? Whose presence in the room is under constant threat of erasure?"



Aruna Masih with her mom Catherine Masih at the MBA Annual Dinner

- Inclusion asks, "Has everyone's ideas been heard?" Justice responds, "Whose ideas won't be taken as seriously because they aren't in the majority?"
- Diversity asks, "How many more of [pick any minoritized identity] group do we have this year than last?" Equity responds, "What conditions have we created that maintain certain groups as the perpetual majority here?"
- Inclusion asks, "Is this environment safe for everyone to feel like they belong?" Justice challenges, "Whose safety is being sacrificed and minimized to allow others to be comfortable?"
- Diversity celebrates increases in numbers that still reflect minoritized status and incremental growth. Equity celebrates reductions in harm, revisions to systems, and increases in supports for people's life chances as reported by those who have been targeted.
- Inclusion celebrates awards for initiatives and credits itself for having a diverse candidate pool. Justice celebrates getting rid of practices and policies that were having disparate impacts on minoritized groups.

So, there is more work to be done, and I look forward to working with the MBA and with you all to address these issues further.

Thank you!

Congratulations, Award Recipients

The May 16 MBA Annual Meeting, Dinner and Judges Reception recognized exemplary volunteers, the MBA Professionalism Award recipient **Jane Paulson** and the MBA Diversity Award recipient **Aruna Masih**. In addition to Jane and Aruna, seven outstanding volunteers were recognized. MBA Awards of Merit were presented to **Emilee Preble** and **Heather Decker**. The YLS Award of Merit was given to **Jason Pierson**. **Kevin Stokes** received the YLS Rookie of the Year Award. Pro Bono Awards recognized **Amanda Bruen**, **Gwen Griffith** and **Riley Makin**.

Congratulations to all the very deserving award recipients!

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Judge Youlee Yim You and Tom Sand present Jane Paulson with the Professionalism Award



Valerie Colas and Tom Sand present Aruna Masih with the Diversity Award



Pro Bono Award recipients Amanda Bruen and Gwen Griffith



Tom Sand and Tyler Volm pictured with award recipients Emilee Preble, Heather Decker, Jason Pierson and Kevin Stokes

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!

Community Service Day - Willamette Center

by Andrew Narus
YLS Service to the Public Committee

On Saturday, May 13, the YLS Service to the Public Committee held a Community Service Day at the Willamette Center, a low-barrier homeless shelter for women and couples in Portland's Westmoreland neighborhood. The MBA volunteers came together to prepare and serve dinner to shelter residents as part of the center's meal provider program. With a dollop of hard work, the volunteers used the shelter's small kitchen to prepare a spaghetti feast, complete with salad and sides, for approximately 100 residents

of the shelter. A special thanks to volunteers Chris Fryefield, Tiffany Blackmon, Noam Amir-Brownstein, Ryan Ashby, and Ashley Carter. Additional thanks to Bob O'Halloran Jr. for his work as a prep cook. The Willamette Center is a shelter and service center operated by Transition Projects and designed to host up to 120 women and couples experiencing homelessness. If you are interested in volunteering with or donating to the shelter, information is available at www.tprojects.org.



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The Life and Times of a YLS President

by Mackenzie Hogan
Harris & Bowker LLP



Being involved with the YLS has been one of the greatest joys of my professional life. It has allowed me to meet people that I otherwise would not have and to experience things that I did not think were possible for a small firm attorney.

As I was reflecting on my time as President of the YLS, and this last year as Immediate Past President, I wondered what other past presidents thought about the YLS now that they are years removed from the spotlight. I decided that I was going to get everyone together and have a roundtable discussion about the YLS, past, present, and future. As these things go, that plan never really materialized. Five of us met and what happened was a frank and enlightening conversation that spanned well beyond the YLS and touched on many aspects of practicing law in Portland. As we touched on many topics, some sensitive in nature, I decided against directly quoting my peers, but instead decided to provide a summary of the conversation.

Joining me for this discussion were Andrew Schpak, Barran Liebman LLP, YLS President 2008-09; Nicholas Kampars, Davis Wright Tremaine LLP, YLS President 2011-12; Duke Tufty, Northwest Alcohol Law, YLS President 2012-13; and Traci Ray, Barran Liebman LLP, YLS President 2013-14.

I knew that my grand plan of a very formal, focused roundtable was out the window when we sat down and within the first 20 minutes had not discussed the YLS, but had touched on topics such as starting our law careers in the 2008 recession, the history of law firms in Portland, the status of current firms, the difference between billing as a litigation attorney versus a transactional attorney, billable hour requirements, and the evolution of our jobs through the years. I had not talked about some of these topics in almost a decade, but it fit nicely with the nostalgic theme that I wanted to maintain for this meeting. With the evolution of practicing law, and fewer people attending law school, it is easy to forget what it was like when there was a massive surplus of lawyers and not enough jobs to go around. From being uncertain as to whether you would ever find a job, or whether you would be able to keep your job, it reminded me that the pipeline for the YLS is vastly different from 10 years ago.

This presented a perfect segue into a substantive discussion of the YLS and how things have changed from when Andrew was president to now. The first topic was what the YLS does well, and what each person gained from their experiences with



Andrew Schpak

the YLS. There was unanimous agreement that the networking opportunities that are presented to young lawyers through the YLS are second to none. Each person also took something personal and different from their experience. For Andrew, it was the friends he made on his first ever YLS committee and the fact that he is still close with four or five of those individuals. For Traci, it was



Traci Ray

meeting new people and exposure to other avenues, such as the ABA, which has allowed her to meet mentors who do what she does across the country. For Duke, it was the leadership opportunities and the experience he received

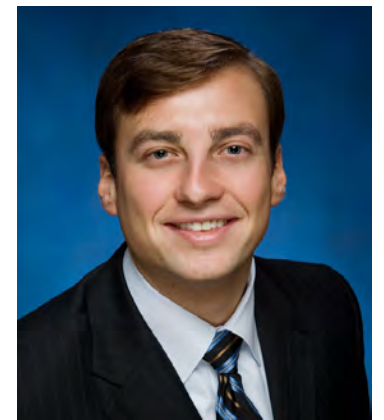


Duke Tufty

running a tight meeting. For Nick, it was the comradery and the sense of belonging in the tightknit, local bar. As I listened to the four of them talk, I could sense that they all truly enjoyed their experiences with the YLS and look back fondly on their time as president.

Nothing is perfect, and the YLS is not immune. As we had already talked about the 2008 recession, we were able to circle

back and discuss the impact of the recession on the YLS nine years later. Currently, the YLS is facing a shortage of leadership candidates from larger firms. We spent a long time discussing how associate class sizes have



Nicholas Kampars

drastically been reduced since 2008 and how many firms no longer auto-enroll associates in voluntary bar associations. There was also a discussion on the shifting attitudes of associates from playing the long game to playing the short game and how the YLS fits with that attitude. If I could impart one thing to the YLS members currently working at large firms, it is that the YLS can provide young lawyers with many opportunities that will pay off in practice, 10, 20, 30 years down the line.

We also touched on how young lawyers view the YLS and the MBA differently. The YLS Board, and certainly some of their members, view the MBA Board as the "Big Board." This sort of distinction has made it so that many young lawyers think they can only be involved with the YLS and must wait and bide their time before getting involved with the big MBA. There was a feeling within the group that both the YLS and the broader MBA would be better served if we could alter that view. If you would rather be involved with the larger MBA and not the YLS, or want to be involved with both, I would encourage you to reach out to Brad Krupicka, current YLS Board Member, to discuss his experiences. The YLS and the broader MBA do not have to be mutually exclusive.

At this point we had been talking for over an hour and we dispersed. The conversation between the five of us had been fantastic and there have already been overtures of doing it again. Thank you to Andrew, Nick, Duke and Traci for taking the time to share their thoughts with me, and for being my mentors on this crazy ride that is the practice of law. It was amazing to talk about where we have been and where we are going. I look forward to collaborating with all of you in the future.

While I am technically a young lawyer for one more year, my term on the YLS Board, and as Immediate Past President of the YLS, are officially at an end. To all the young lawyers out there, I say get involved. The rewards far outweigh the time and energy commitments, and the friendships last a lifetime.

It has been a privilege to serve, and I look forward to working with all of you in the future.

The Commons Law Center Pro Bono Spotlight

by Aurelia Erickson
YLS Pro Bono Committee Chair

“Access to justice is at its lowest point since at least a generation,” reported John Grant. Not the most uplifting comment to start with, but it identifies the problem that Oregon’s new legal accelerator - The Commons Law Center - is trying to solve.

The Commons Law Center held its official launch on June 7 at Stoel Rives, announcing its innovative and ambitious strategy to fill the gap in access to justice in Oregon. Executive Director and Staff Attorney Amanda Caffall and Board Member John Grant, who also chairs the OSB’s Innovations Committee, laid out their vision at the packed event.

“The access to justice problem, it is *our* problem,” Amanda explained. “This nation of ours was founded on the rule of law. But if most Americans cannot use those laws or enforce their rights under them, the rule of law - the very foundation - becomes vulnerable. There is much more riding on closing this access gap than our conscience.”

John cited the ABA Commission on the Future of Legal Services Report, which estimated that 80% of



Amanda Caffall

poor Americans, and those of moderate means, do not have meaningful access to justice. “The legal profession is behind the curve on innovation,” said John.

But The Commons Law Center sees an opportunity. Taking a cue from legal incubators, The Commons will bridge not only the gap in access to justice, but also the gap in training for new lawyers. The Commons will hire new lawyers as legal fellows who will then partner with practicing attorneys on a specific matter. The practicing attorneys provide pro bono services to the clients and serve as a mentor and trainer for the fellow for that matter.

Amanda sees this pairing as key: “You don’t have to be Einstein to see that there is this gap in access and there is need for training for new lawyers and realize that there’s an important connection and opportunity there.”

The Commons Law Center has been serving clients since January 2017, with Amanda providing legal services in partnership with pro bono attorneys. The Commons is raising a seed fund of \$100,000 to build community partnerships, develop programs, and onboard the first cohort of fellows. After the initial funding, The Commons Law Center will be self-sustaining.

“It is not a traditional, philanthropy-based charity,” says Amanda. The Commons Law Center is a 501(c)(3) nonprofit that is designed to be financially self-sufficient. It has three distinguishing factors. First, an



John Grant

open source model. As Amanda explained, The Commons will share its model and lessons learned with anyone who’s interested. “We need radical collaboration.” Amanda sees a need to share ideas, resources, networks and connections to serve this underserved portion of the market - a group not used to accessible legal services - and help educate Oregonians to use legal tools to solve a problem, or avoid one.

Second, The Commons Law Center employs a market-based approach to closing the access gap. The Commons offers sliding-scale legal services in family law, estate planning, probate, nonprofit and business law. Clients need to qualify for services, based on a review of their income and assets, but then how much they pay depends on their means. Clients who can afford to pay more help subsidize those who cannot, but everyone pays something for the direct services they receive.

Third, The Commons Law Center embraces the tools of modern entrepreneurship. This comes down to using technology thoughtfully and with an eye to purpose. The Center uses technology to further a more team-oriented practice where the focus is to keep costs down to help clients first and foremost rather than, say, billing the most hours or generating profits.

John set some ambitious goals for The Commons, indicating a path to expanded access where each fellow could help with 250, 500, maybe 1,000 matters a year. Some, or a lot, of those matters

may be of a limited scope, John explained, “but we want to touch that many people.”

“We hope to expand not just arithmetically but geometrically,” John added.

The Commons Law Center is the first of its kind in Oregon. Amanda recognizes that they will be learning and adapting as they go. You’re invited to join the effort in these simple ways:

- Volunteer two pro bono hours a month to the program
- Give the value of a billable hour (if 400 lawyers do this, the seed fund is raised)
- Have Amanda visit your team or event to explain The Commons Law Center, answer questions, and invite participation

If you want to get involved, email hello@thecommonslawcenter.org.

Providing meaningful access to justice for all Oregonians has long been an issue our legal community cares about. The launch of The Commons Law Center coincides with efforts from other groups seeking to address the issue, including the OSB’s Innovations Committee and the MBA’s work group on public service, among others. The Commons Law Center presents a concrete resource for clients and potential model for future projects. We should all support this endeavor.

For more information about The Commons Law Center, please visit www.thecommonslawcenter.org.

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YLS Event Recap Summer Social at Thorns FC Match

On June 17, the YLS celebrated the conclusion of another successful YLS committee year by gathering during a Portland Thorns FC match.


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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.

Classifieds

Positions

Insurance Coverage Associate

The Portland office of Bullivant Houser Bailey PC is seeking an attorney with at least three years' experience practicing in insurance coverage law to join our Insurance Law Group. This is an exciting opportunity to grow your existing business by joining our nationally-recognized coverage team. Applicants should have strong demonstrated trial and analytical skills and proven marketing and client development success. This position includes all phases of litigation, including case management, motion practice, discovery, arbitrations, appraisals and trials. It also involves non-litigated insurance coverage work including research, taking EUOs, writing opinion letters and advising insurers on their obligations with respect to claims and claim-handling. Applicants must be admitted to the Oregon State Bar.

Qualified applicants should submit a cover letter, resume, law school transcript and a 5-7 page writing sample to Carol O'Connell at carol.oconnell@bullivant.com.

Casualty Litigation Attorneys

The Portland office of Bullivant Houser Bailey has two associate attorney positions available to work in the area of products liability, personal and catastrophic injury and asbestos litigation. We are seeking someone with 2-3 years' experience for one position and at least five years of relevant experience for the other position. This is an exciting opportunity to become part of our nationally-recognized litigation team. These positions involve all phases of litigation, and include drafting pleadings and discovery, managing files, and handling hearings, depositions, arbitrations and trials. Ideal candidates will have the following qualifications:

- An exceptional academic record along with excellent oral and written communication skills.
- At least one to three years of private law firm practice.
- Strong legal research, analytical and problem-solving skills.
- Possess strong organizational and time management skills with the proven ability to work in a deadline-driven, fast-paced environment.
- The ability to handle a file from intake to trial with minimal supervision (5+ year position).
- Must be admitted to practice in Oregon.

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- Have at least five successive years of experience in the areas of real estate, business and financial transactions, corporate formation and governance. Experience with estate planning and probate a plus.
- Draft and edit routine correspondence and memoranda.
- Prepare a variety of legal documents including purchase and sale agreements, asset purchase agreements, stock sale agreements, promissory notes, trust deeds, options, guaranties, easements, and leases.
- Assist occasionally with preparation of estate planning documents and probate e-filing.
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- Coordinate due diligence for commercial and residential real estate transactions, including requesting property information from title companies; prepare and e-record deeds, mortgages, easements, etc.
- Assist attorneys in managing additional business matters including mergers & acquisitions, and other strategic corporate transactions, including managing due diligence, accessing public records and assisting in the closing of transactions.
- Be proficient in Microsoft Office: Word, Excel, Outlook, and PowerPoint. Working knowledge of ProLaw and NetDocs desirable.
- Be a highly organized, self-starter who is able to keep track of details, deadlines, calendaring, and prioritize work flow accordingly.
- Have ability to solve problems as they arise and provide excellent client service.
- Be able to work well as an integral and valued team player in a small practice group.

Paralegal certificate and/or college degree preferred. A combination of experience and training may be substituted. Schedule is 8:30 a.m. to 5 p.m. with ability to occasionally work additional time as needed.

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Required Skills:

- Experience with commercial bankruptcy litigation;
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- Strong analytical and writing skills;
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Must be admitted to practice in Oregon and Washington. Interested candidates who meet the qualifications should email their resume and a cover letter to careers@jordanramis.com.

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Continued on page 16

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Continued from page 15

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Contact: Kristy Wood 503.724.9063
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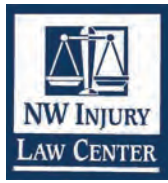
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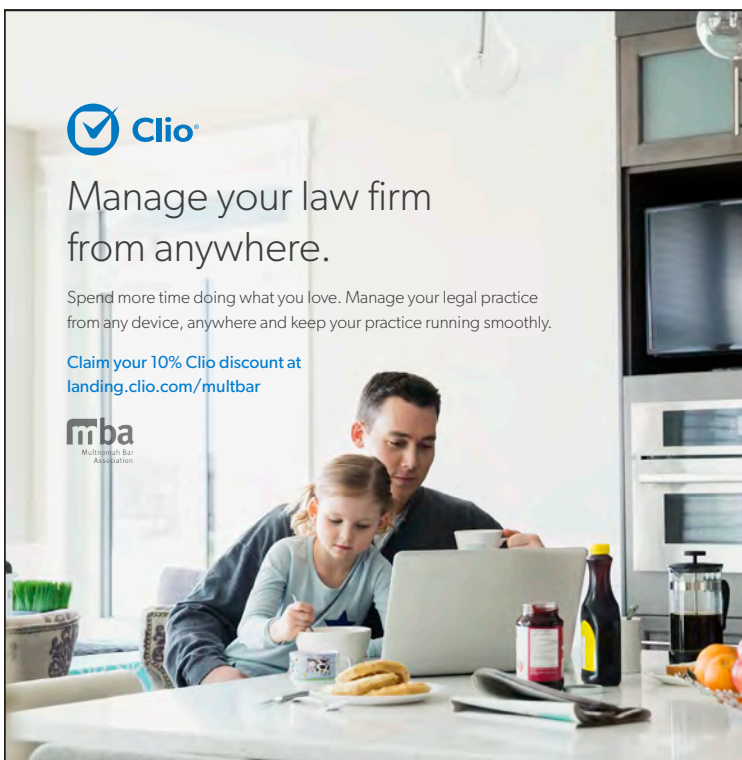
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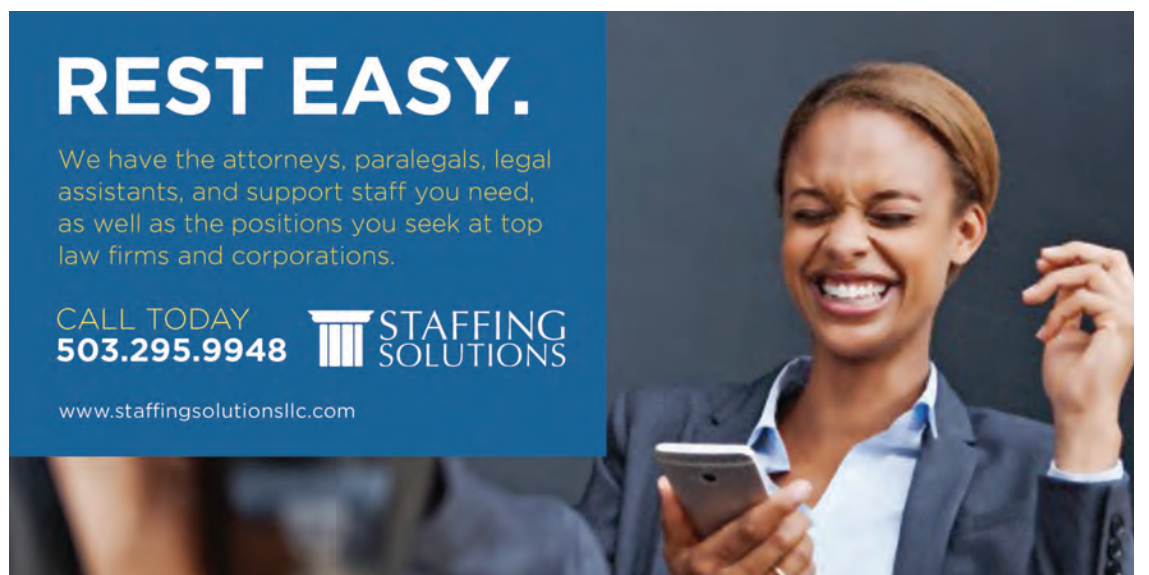


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