

Lending Our Voices, Strengthening Our Community

by Rima Ghandour
MBA Past President

As my term as president closes, I have been asked repeatedly if it went as I wanted or if I achieved my goals. In review of the past year, there was no one concrete project I could point to that was created or implemented solely

under my leadership. I was able to help incubate new programs and assist in continuing in the development and advancement of other programs. That said, I believe I achieved my goals and am happy with the way the year has passed.

I started the year wanting to amplify voices from the margins. I wanted us, as the Portland-area legal community, to listen and engage in topics that affect us. I wanted to focus on topics that are not usually discussed in legal "professional" circles. Topics that are difficult, uncomfortable and sometimes painful. I think we have started that conversation and hopefully we will continue it into the future.

We can all benefit from stopping, listening, and trying to hear and understand...

With respect to the MBA Board, we started our term with a daylong retreat where our Award of Merit recipients, Kasia Rutledge and Rakeem Washington, guided us in exploring racism and how we as a board can be more inclusive. We expanded the training to our committee chairs and also included a "nuts and bolts" training. This was done with the understanding that our committee chairs are an integral part of the MBA and help set the tone at meetings and events. On a personal level, these trainings have been very useful in understanding where and how I stand in this world and what I do with my position. None of us are immune from mistakes, none of us are immune from our privilege, and none of us are immune from the risk of ignoring, not understanding, or marginalizing others. Even if we are members of a marginalized community, we are still not immune. We all can benefit from stopping, listening, and trying to hear and understand how people have lived their own experiences, especially when it is uncomfortable for us.

The MBA Equity, Diversity and Inclusion Committee has been very busy. The MBA Bar Fellows Program has its first class. The fellows have already met with their firm sponsors and judge mentors and are starting their summer paid internships. We are excited to continue supporting the fellows and hope to expand the program and welcome many classes in the years to come. We have also continued our LSAT Scholarship Program and have awarded more scholarships to assist aspiring attorneys in paying for an LSAT prep class.

The Public Service Committee has been busy assessing where the MBA and MBA membership can concentrate its efforts to assist our community. The committee is working with our judiciary and the Multnomah Bar Foundation to provide services to the public in our new courthouse which will be open in the late spring of 2020. A tour of the new courthouse construction site highlighted the efforts taken to make it an open, inclusive space that caters to the needs of our community. The technology features for attorneys are also pretty

terrific. CourtCare, an MBF project that is close to a lot of people's hearts, will have a new space in the courthouse and will be able to serve twice its current capacity in three times the space. A special thanks to the MBA Events Committee, which has put on several fun and well-attended events to support CourtCare. I extend heartfelt appreciation to all who have contributed to this program and to all those who have worked on making our new courthouse a reality.

All the MBA committees have been active this year. We have continued the Solo and Small Firm Committee's efforts to provide solos and small firms with inexpensive CLEs and trainings aimed at growing and sustaining their business. The CLE Committee has put forward numerous seminars on a wide spectrum of topics. The Professionalism Committee has presented panels about professionalism. The Court Liaison Committee continues to meet with the Multnomah County Presiding Judge to share information and keep the channels of conversation open. The Judicial Screening Committee has had its hands full vetting candidates for a number of judicial and pro tem openings.

Service on the board and the committees is a great way to serve our community...

Continued on page 2

BATTLE OF THE LAWYER BANDS

Thursday, July 25

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 2019." 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 Audience Choice Award. Suggested donation: \$10.

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JUNE

6.4 Tuesday Section 1983 Litigation: Revisiting Qualified Immunity

Judge Youlee You
J. Ashlee Albies
Juan C. Chavez
David Landrum
Jim Rice, moderator

6.5 Wednesday Washington and Clackamas County Court Updates

Judge Danielle Hunsaker
Judge Kathie F. Steele

6.11 Tuesday Copyright and the Internet

Bert Karges
Julie Reed

6.12 Wednesday ORCP 17: Limitations and Applicability

Judge Katherine Tennyson
Peter Jarvis

6.27 Thursday Oregon Pay Equity

Katie Mantoan
Laura Salerno Owens

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In This Issue

Calendar	2
CLE	3
Announcements	6
Ethics Focus	6
Around the Bar	8
News From the Courthouse	10
Tips From the Bench	10
The Corner Office	11
YLS	12
Classifieds	15
Pro Bono Thanks	16

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Interested in Becoming a CourtConnect Presenter?

Would you like to team up with a judge to present a civic education class to a community or student group? MBF CourtConnect is seeking volunteers to share their knowledge of the rule of law.

- Diverse backgrounds and all practice areas are welcome.
- Weekday, evening and weekend opportunities, with a minimal time commitment of two hours.
- Multnomah, Clackamas and Washington counties.
- Prior experience speaking to community groups is a plus.



On a cold, snowy Sunday in December, I arrived at the Rockwood Library. I had brought some law books, my robe and some treats. There, I met up with a young lawyer. The class was in session. In the class, we addressed a group of about twenty adults from all over the world. We spoke about our tri-part system of government and the differences between government at State and Federal levels. We spoke about our Constitution and accompanying Bill of Rights. Everyone in the class was in the process of applying for U.S. Citizenship. Everyone was kind, eager and engaged. We spoke for about one hour and were asked a lot of great questions.

It was still cold and snowy when we left...much less so for having been part of this heartwarming experience.

- Judge Angel Lopez, Multnomah County Circuit Court, CourtConnect Presenter

Along with my co-presenter Judge Lopez, I recently had the opportunity to present to a SOAR class of hopeful citizenship applicants. CourtConnect, in particular the dedicated Pamela Hubbs, provided a remarkably streamlined process. With a prepared outline of topics, and a generous and knowledgeable co-presenter, it was easy to jump in and share some basics of our country's government and court systems. I found myself moved both by the opportunity to highlight my favorite constitutional provisions and by the earnest curiosity the SOAR students reflected on the topics. It was a uniquely rewarding volunteer experience. Please consider donating a couple of hours using your knowledge as an attorney to help others pursue their goal of becoming American citizens, and to reinforce your own appreciation of the same privilege.



-Stephanie Grant, Tonkon Torp LLP, CourtConnect Presenter

Contact Pamela Hubbs to learn more (503.222.3275, pamela@mbabar.org).

Lending Our Voices...

Continued from page 1

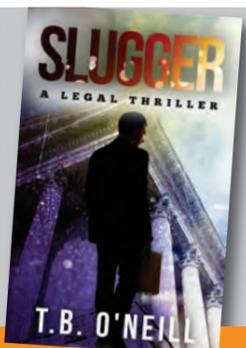
The MBA, other than for our amazing staff, is made up entirely of volunteers. Service on the board and the committees is a great way to serve our community, meet new people, make friends, and expand and improve your practice. I highly recommend it. I am grateful

for the support I have received since my first day of volunteering. When my term as president concludes and I become a past president, I will continue serving in a volunteer capacity on one of the committees. I am looking forward to seeing what the new year will bring with Sarah Radcliffe as our incoming president, and our incoming board.

"This is masterful writing and plotting."

- Dan Barnet, reviewer, Jan. 2019

With 35 years of trial experience, retired Oregon lawyer, Tim O'Neill, receives rave reviews for his novel *Slugger*, a fast-paced thriller that highlights the vicissitudes of practicing law in the Willamette Valley.



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Calendar

JUNE

6 Thursday
Oregon Paralegal Association
40th Anniversary Soiree
oregonparalegals.org

8 Tuesday
YLS, OHBA, ONLD and CCBA
Kick Off the Summer!
Details on p. 12

20 Thursday
Solo and Small Firm Social
Details on p. 11

JULY

11 Thursday
OWLS 30th Anniversary
Celebration and Legacy
Society Launch
oregonwomenlawyers.org/calendar

18 Thursday
OCDLA 8th Annual Nancy
Bergeson Ardent Advocacy
Series
www.ocdla.org/seminars/shop-seminar-index.shtml

25 Thursday
Battle of the Lawyer Bands
Details on p. 1

AUGUST

1 Thursday
OWLS Dress for Success
Benefit Fashion Show
oregonwomenlawyers.org/calendar

15 Thursday
Pro Bono Pour
Details on p. 13

22nd Annual MBA Golf Championship

Ghost Creek at Pumpkin Ridge
Thursday, September 19 at 1 p.m.



Your participation or sponsorship will help us reach our goal of raising \$15,000 for the Campaign for Equal Justice to benefit the Volunteer Lawyers Project. This is the MBA's largest annual fundraiser for legal aid.



MBA members and non-lawyers register by September 12 for discounted entry of \$195. Non-MBA lawyers, \$225. After September 12, all players \$225.

Sponsor levels range from \$2,500 - \$100. Sponsor by August 9 to be recognized in the September *Multnomah Lawyer*.

For more information, see the insert in this issue, visit mbabar.org, or contact Pamela Hubbs (pamela@mbabar.org, 503.222.3275).



David Kracke, Craig Nichols, Kathy Root, Shawn Abrell and David Giles, MBA Championship, Pumpkin Ridge, 2009



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

Section 1983 Litigation: Revisiting Qualified Immunity - A Supreme Court Update and A Litigator's Guide to Successful Briefing and Oral Argument

Tuesday, June 4 3-5 p.m.
World Trade Center, Mezzanine
Members \$60/Non-Members \$95

This CLE is for civil litigators of all experience levels. Our panel of experts on 1983 litigation will break down the defense of Qualified Immunity within the context of the recent Supreme Court opinion in *City of Escondido v. Emmons*, 139 S Ct 500, (2019), and the Ninth Circuit's views on QI since the per curiam SCOTUS opinion was released. This CLE will also address how attorneys on either side of the bar should frame their briefing and oral argument since the *Emmons* decision in order to successfully represent their client. Our esteemed panel of experts for the CLE include: **The Honorable Magistrate Judge Youlee Yim You**, US District Court; **David Landrum**, Senior Assistant County Attorney, Multnomah County Attorney's Office; **J. Ashlee Albies**, Albies & Stark, LLC; and **Juan C. Chavez**, Director, Civil Rights Project, Oregon Justice Resource Center. The CLE will be moderated by **Jim Rice**, Senior Assistant County Attorney and Litigation Manager, Multnomah County Attorney's Office.

For more information: Contact Adrian Brown, US Attorney's Office at 503.727.1003. For registration questions, contact the MBA at 503.222.3275.

Washington and Clackamas County Court Updates 2019

Wednesday, June 5 3-4:30 pm
World Trade Center, Mezzanine
Members \$45/Non-Members \$70

Note: 1.5 hours of general MCLE credit will be applied for.

The MBA CLE Committee presents this CLE focusing on Clackamas and Washington County court updates. This CLE is designed for all attorneys and will provide information and updates on appearing in Clackamas and Washington County Courts.

Our panel includes Clackamas County **Presiding Judge Kathie F. Steele** and Washington County **Lead Civil Team Judge Danielle Hunsaker**. This CLE will assist the practitioner in adjusting to court procedures outside of Multnomah County, including local rules, judicial preferences, court organization, motion practice, and scheduling and obtaining court assistance with trial and pleading issues.

The CLE will also provide attendees with updates to both Washington and Clackamas County court practices. Electronic materials and online resources will be available to provide further assistance to attorneys who may practice in either or both of these counties.

For more information: Contact Michael McGrath, Gearing, Rackner & McGrath, LLP at 503.222.9116. For registration questions, contact the MBA at 503.222.3275.

Copyright and the Internet

Tuesday, June 11 3-5 p.m.
World Trade Center, Skybridge
Members \$60/Non-Members \$95

The Internet makes the dissemination of information far easier than it's ever been before, including information protected by copyright law. Join Intellectual Property attorneys **Bert Krages** and **Julie Reed** as they discuss how to advise clients on how to avoid copyright infringement claims and how to protect their own material from being infringed upon. They will also cover the practicalities associated with enforcing the copyrights of materials displayed on the web.

For more information: Contact Kristen Hilton, Sussman Shank LLP at 503.227.1111. For registration questions, contact the MBA at 503.222.3275.

ORCP 17: Limitations and Applicability

Wednesday, June 12 3-5 p.m.
World Trade Center, Mezzanine
Members \$60/Non-Members \$95

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

Is there ever a situation that warrants and justifies filing an ORCP 17 motion against another attorney? How do the courts view these motions? What are the ethical concerns for attorneys defending themselves or their clients from these motions? Our speakers are **Peter Jarvis**, Holland & Knight LLP, whose practice focuses on professional responsibility and risk management for attorneys, and **Judge Katherine Tennyson**, Multnomah County Circuit Court. They will discuss ORCP 17, the pleading requirements for ORCP 17 fees and sanctions, and the complex legal and ethical issues it engenders. They will provide a back drop for discussion of how ORCP 17 motions are viewed by our legal community, whether these motions have a role in today's litigation, and what are the circumstances under which such a motion might reasonably be filed. More importantly, they will point out the significant ethical and conflict concerns that arise for attorneys in responding to these motions.

For more information: Contact Sarah Silberger, Attorney at Law at 503.939.2732. For registration questions, contact the MBA at 503.222.3275.

Oregon Pay Equity: What Lawyers Should Know When Advising Employers and Employees

Thursday, June 27 3-5 p.m.
World Trade Center, Mezzanine
Members \$60/Non-Members \$95

Oregon's new pay equity law - arguably one of the strictest in the nation - came into full effect on January 1, and pay equity is top of mind for many employers and employees alike. This CLE will survey major features of the new law, compare and contrast it with laws recently adopted in other states (including Washington and California), and discuss unique compliance challenges and opportunities that the law presents for employers. The session will be led by two Portland-based attorneys who will share perspectives based on their experience litigating pay equity cases for plaintiffs and defendants, respectively: **Laura Salerno Owens** of Markowitz Herbold PC and **Kathryn G. Mantoan** of Orrick, Herrington & Sutcliffe LLP.

For more information: Contact Cody Elliott, Miller Nash Graham & Dunn LLP at 503.205.2465. For registration questions, contact the MBA at 503.222.3275.

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.

Photocopy registration and mail or fax with payment to:
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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.

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6/5 Washington and Clackamas County Court Updates 2019
 Class Registration (\$45 Members/\$70 Non)\$ _____
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 Class Registration (\$60 Members/\$95 Non)\$ _____
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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.

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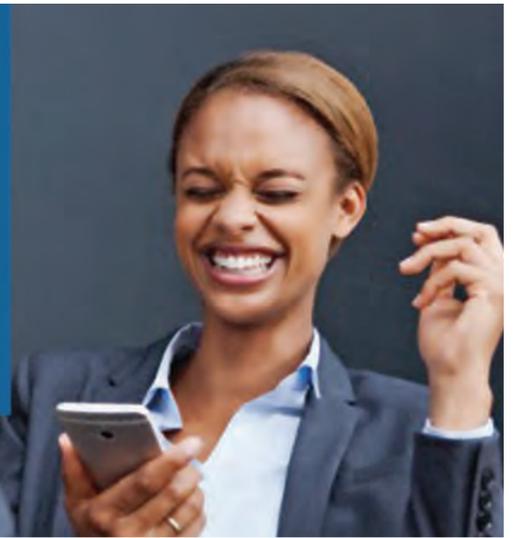
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The MBA conference room may be reserved for use by MBA members for client meetings, depositions and other professional law-related business.

Office location:
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Portland OR 97204

Contact the MBA for details and availability at 503.222.3275.



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mba | ANNOUNCEMENTS

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Face to Face Portland, a 501(c) nonprofit, seeks families to help integrate new Portland Police Recruits into the community. The program is rebuilding citizen trust in the police through mutual respect and understanding. Make a difference in Portland's police force of tomorrow through this easy volunteer opportunity. Learn more at www.facetofacepdx.org.

PLF Board of Directors Positions

The Professional Liability Fund is looking for two lawyers, each to serve a five-year term on the PLF Board of Directors beginning January 1, 2020. Directors attend approximately six board meetings per year, plus occasional committee meetings. Directors are also required to spend time reading board materials and participate in occasional telephone conferences between meetings. PLF policies prohibit Directors and their firms from prosecuting or defending claims against lawyers. The PLF Board recognizes that Bar members are diverse in perspective and background; we highly encourage individuals from a diverse background to apply. Interested persons should send a brief resume by July 8 to Carol J. Bernick at carolb@osbplf.org.

Volunteers Needed to Plan September 19 Golf Fundraiser for the CEJ

Would you like to help plan the annual MBA Golf Championship? The tournament will be held at Pumpkin Ridge Ghost Creek Course. Proceeds will benefit the Campaign for Equal Justice and support the Volunteer Lawyers Project to provide pro bono legal services to Oregonians in need. Contact Pamela Hubbs for more information (503.222.3275, pamela@mbabar.org).

Owen M. Panner Award Nominations

The OSB Litigation Executive Committee is soliciting nominations for the 23rd Annual Owen M. Panner Professionalism Award. Each year the section honors an OSB member who exemplifies the highest professional and personal standards. Criteria may be found at www.osblitigation.com/awards.php or contact Kate Wilkinson (971.321.8866, kate.wilkinson@standard.com).

Conference Room Available to MBA Members

Conveniently located downtown, the MBA conference room is available for reservation by members for client meetings, depositions and other practice-related uses. Contact the MBA for details and availability at 503.222.3275 or mba@mbabar.org.

Free CLE Webcast for MBA Members

The video webcast of the seminar "Current Topics in Electronic Discovery" is now available in the Members Center at www.mbabar.org. The seminar was accredited 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.

Take a Matter that Matters

Sign the MBA Pro Bono Pledge at www.mbabar.org/about/pro-bono.html and commit to taking at least one pro bono case in 2019.

Noontime 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.

Ethics Focus

Estates and Trusts: Who is the Client?

by Mark J. Fucile
Fucile & Reising LLP



One of the most fundamental questions in law firm risk management is: "Who is the client?" The answer is often more difficult than the question suggests - particularly in estates and trusts practice where there may be a mix of current and former fiduciaries, the estates and trusts themselves and various beneficiaries. In this column, we'll look at two interwoven issues: (1) who is the client of a lawyer representing a personal representative or a trustee? and (2) who falls within the attorney-client privilege in those contexts?

Who Is the Client?

Defining the client is a core element of law firm risk management in any given representation because it tells us to whom we owe our principal civil and regulatory duties. OSB Formal Opinions 2005-62 (rev 2016) and 2005-119 (rev 2016) create a "black letter" dividing line in Oregon. For estates, the opinions stress that the lawyer's client is the personal representative. Opinion 2005-62 (at 1) summarizes Oregon authorities on this point and concludes: "Under Oregon law, a lawyer for a personal representative represents the personal representative and not the estate or the beneficiaries[.]" Opinion 2005-119 (at 5) takes the same approach for trusts: "[T]he lawyer for a trustee represents the trustee and not the trust or its beneficiaries."

The OSB opinions also discuss two related nuances.

First, Opinion 2005-119 notes that when representing a fiduciary, the lawyer is representing that

person (or, by implication, a corporate fiduciary). In other words, there is not "Mr. Smith, an individual" and "Mr. Smith, a fiduciary" - there is only one "Mr. Smith." Opinion 2005-119 (at 2) puts it this way: "Representing one person who acts in several different capacities is not the same as representing several different people." It follows in the view of Opinion 2005-119 (at 2) that there can be no multiple client conflict in this situation because there is only one client: "Consequently, the current-client conflict rules in Oregon RPC 1.7 do not apply[.]" That is not to say that prudent lawyers shouldn't define the scope of their representation under RPC 1.2(b) - for example, specifying in an engagement agreement that the lawyer is only representing our "Mr. Smith" as personal representative. But, for conflict purposes, there is only one "Mr. Smith."

Second, Opinion 2005-62 finds that because an attorney represents the individual rather than the office, a lawyer who has represented one personal representative (or, by implication, a trustee) does not automatically represent a successor. Rather, Opinion 2005-62 treats them as two separate individuals. The opinion allows that - assuming there is no adversity between the two - a lawyer could represent them sequentially. It cautions, however, that if there is adversity - using the example (at 3) of "[r]epresenting Second Personal Representative against First Personal Representative's claim to recover fees and expenses" - then a former client conflict would exist under RPC 1.9.

Finally, although the OSB opinions draw "bright lines," conflicts can still arise if lawyers blur them. The test in Oregon

Defining the client is a core element of law firm risk management in any given representation...

for whether an attorney-client relationship exists is twofold under *In re Weidner*, 310 Or 757, 770, 801 P2d 828 (1990): (a) does the putative client subjectively believe the lawyer is representing the client? and (b) is that subjective belief objectively reasonable under the circumstances? If a lawyer representing a personal representative gave gratuitous legal advice to a beneficiary, the lawyer may have inadvertently

taken on another client in the same matter with the potential risk of conflicts.

Privilege

Under Oregon Evidence Code 503(3), a personal representative succeeds to a decedent's attorney-client privilege - subject to exceptions under OEC 503(4) (b) for claimants through the same decedent and 503(4)(d) where the lawyer who prepared an attesting document is also an attesting witness. By contrast, under OEC 503(1)(a) a personal representative or trustee is the

...although the OSB opinions draw "bright lines," conflicts can still arise if lawyers blur them.

"client" for purposes of the attorney-client privilege on matters of, respectively, estate or trust administration. In dicta, the Court of Appeals in *Roberts v. Fearey*, 162 Or App 546, 553 n.3, 986 P2d 690 (1999), implied that a subsequent fiduciary would not automatically share privilege with a prior fiduciary on matters of administration.

Opinion 2005-119 addresses the difficult issue of whether a lawyer representing a fiduciary can reveal otherwise confidential information if the lawyer discovers that the fiduciary has committed fraud or an ongoing crime in administering the estate or trust. In doing so, the opinion (at 4-5) distinguishes between past and continuing wrongdoing:

"Lawyer cannot assist ... [fiduciary] ... in withholding or misrepresenting information she must disclose to the probate court ... In fact, Lawyer would be obligated to seek leave to withdraw if not withdrawing would cause Lawyer to become directly involved in wrongdoing ... In withdrawing, however, Lawyer cannot disclose ... [fiduciary's] ... past wrong or other information protected by Oregon RPC 1.6.

The result would be somewhat different if ... [fiduciary's] statements were not simply communications about past wrongs, but also communications of an intention an intention to commit a future crime ... Lawyer could then ethically disclose the intention of ... [fiduciary] to commit the crime and the information necessary to prevent it... As an ethics matter, however, disclosure in this case would be permissive rather than mandatory."

Planning for Retirement by Avoiding Mistakes

by Ron Polluconi
Columbia Bank



Attorneys are great planners: planning for trials or planning for their client's next legal need. However, sometimes the last thing on an attorney's planning list is the plan they need for themselves and for their own retirement.

We believe it is critical for attorneys, no matter where they are on their career lifecycle, to discuss the goal of a healthy and comfortable retirement. Even if it is a long way off, and one's current career priorities are stacked up, it's important to plan for tomorrow by acting today.

Here are some common ways to avoid mistakes today that will help you move toward that healthy and comfortable retirement down the road.

There can be a vicious cycle that occurs when earning more and more income. As you earn a little more, you might start spending a lot more. A great habit to get into is diligently tracking your spending. Use money management tracking software to

show you your spending patterns. By seeing those patterns on a screen, you can get a handle on where your spending is going and act accordingly. And remember, spending is less about the actual money you are laying out; it's about how much of your income is being eaten away. For example, software can help you see not just how much you spend on meals out, but how much of your income is dedicated to that pursuit.

There's an old adage about saving for retirement: pay yourself first. What this means is that while it's great to try and pay down debt right now, if you are sacrificing retirement dollars tomorrow for some debt reduction in your practice today, you might be sorry. If you are trying desperately to pay down the debt on new office furniture, for example, are you sacrificing savings that will be critical to your retirement? Reducing debt sensibly and prudently is a long-term strategy that must take into account all kinds of factors like interest rates, your age, tax rates and your retirement goals.

It is a cliché, but if you fail to plan, you plan to fail. Having goals and a sound financial plan to attain those goals is critical to everyone, attorneys included. So why is financial planning important? A comprehensive financial plan serves as a framework for organizing the pieces of your financial picture.

With a financial plan in place, you'll be better able to focus on your goals and understand what it will take to reach them. One of the main benefits of having a financial plan is that it can help you balance competing financial priorities. A financial plan will clearly show you how your financial goals are related; for example, how saving for your

children's college education might impact your ability to save for retirement. Then you can use the information you've gleaned to decide how to prioritize your goals, implement specific strategies, and choose suitable products or services. Best of all, you'll know that your financial life is headed in the right direction.

Being an attorney is often a lifelong occupation. Along the way, there are many ways you can both take action now and also plan for the retirement you deserve.

Ron Polluconi is Vice President, Wealth Advisor for Columbia Bank. He can be reached at rpolluconi@columbiabank.com.



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Around the Bar



Jacquelyn Jurkins

Jacquelyn Jurkins

The American Association of Law Libraries (AALL) announced **Jacquelyn J. Jurkins** is the recipient of the association's highest honor, the Marian Gould Gallagher Distinguished Service Award. Established in 1984 to acknowledge sustained service to law librarianship, exemplary association support, and outstanding contributions to professional literature, the Gallagher Award is presented to individuals who have completed, or are nearing completion of, an active professional career.



George Dingeldein



Elliott Dale

Landye Bennett Blumstein

George Dingeldein has joined as partner in the firm's real estate and business law practices. With an extensive knowledge of the real estate and construction industries, he helps clients during acquisitions, leasing, financing, contracts and joint ventures, among other real estate matters.

The firm also recently welcomed **Elliott P. Dale** to the firm as a partner. Dale helps businesses and individuals make informed business decisions and position themselves for success. Dale's background includes an MBA and experience in business management and organizational leadership prior to his legal career.

Barran Liebman

Traci Ray, Executive Director of Barran Liebman LLP, is the 2019-20 President of the Oregon Women Lawyers Foundation Board. The foundation is



Traci Ray



Sarah Hale

focused on supporting women and minorities in accessing and participating in the justice system, and funds four grants including the Vernellia R. Randall Bar Exam Grant, the Armonica Law Student Grant, the Justice Betty Roberts Leadership Conference Grant, and the Janis Hardman Medical Support Grant.

Barran Liebman has welcomed **Sarah Hale** to the firm's employment and labor law teams. Hale brings over a decade of experience, practicing throughout Oregon and Washington, as well as clerking for both the US District Court and the Washington State Court of Appeals. Hale's practice focuses on employment law compliance, conducting workplace investigations, and providing counsel in collective bargaining, union contract negotiations, and grievance and interest arbitrations.



Barbara Halle

Markowitz Herbold

Barbara (Barb) Halle and **Jeff Lovinger** have joined the firm as Of Counsel.

Halle specializes in public utility and employment related matters. Before joining Markowitz Herbold, she worked at Portland General Electric (PGE) where she served as Associate General Counsel for more than 32 years. Halle brings an incredible wealth of talent and experience to the firm's energy and employment practice groups.

While at PGE, Halle handled many different types



Jeff Lovinger

of employment matters such as discrimination, sexual harassment and reasonable accommodation, as well as state utility regulatory matters, including transportation electrification, utility service territories, affiliated interests and pole attachment regulations and contracts.

Lovinger's practice focuses on energy and utility law. He has extensive experience representing utility clients before state utility commissions in contested case proceedings, rulemakings, and policy dockets. Lovinger has also represented his clients before the Federal Energy Regulatory Commission, before state and federal trial and appellate courts, and before county commissions, the Oregon Land Use Board of Appeals, and various administrative agencies.

Before joining Markowitz Herbold, Lovinger maintained a solo firm for more than two years and was a founding partner of Lovinger Kaufmann from 1996 to 2016.



Laura Salerno Owens

Recognized for making a difference in her community, blazing a trail for other women, and leaving a mark on the Pacific Northwest, **Laura Salerno Owens** received the Women of Influence Award, presented by the *Portland Business Journal*.

Salerno Owens is a trial lawyer with broad experience representing employers and executives in single and class actions lawsuits. She represents clients in a variety of employment law issues including noncompetition/nonsolicitation agreements and trade secrets, wage and hour disputes, discrimination charges, sexual harassment allegations, and whistleblower claims.

Tonkon Torp LLP

Janet Neuman has joined the Board of Trustees for the Oregon State Parks Foundation. The foundation raises funds and builds partnerships to restore and create new facilities and sites in the Oregon state park system. Neuman's service on the board is an ideal complement to her legal practice, which focuses on water law and environmental and natural resources.



Janet Neuman



Matthew Kahl

Jordan Ramis PC

Jordan Ramis PC is pleased to welcome **Matthew L. Kahl** to the firm's business law practice in the Lake Oswego office.

Kahl assists clients in a range of matters, including real estate, creditors' rights, land use, and municipal law. His experience includes negotiating purchase and sale agreements, resolving title issues, representing creditors in bankruptcy filings, and advising clients on consumer finance, real estate, and debt collection issues. At previous firms he served as in-house counsel to the chief operations officer, as well as in-house compliance counsel. Kahl is licensed to practice in six states, including Oregon.

Originally from South Florida, Kahl is the current president of the Out-of-State Division of The Florida Bar. He also is a member of the Oregon State Bar's Real Estate and Land Use section. He currently serves on the Anti-Defamation League's Glass Leadership Institute Alumni Advisory Board, is a member of the Oregon Coalition Against Hate Crime, and is a member of both the Legislative Advocacy and Intergroup Outreach Committees of the Jewish Federation of Greater Portland's Jewish Community Relations Council.



Thomas Purcell

MB Law Group

Thomas W. Purcell has become a partner with the firm. He will continue to practice in the areas of civil litigation, product liability, and insurance defense.

The firm is also pleased to announce the addition of **David W. Cramer** as an associate. His practice will focus on civil litigation in the areas of product



David Cramer

liability, aviation, commercial litigation including representing and advising businesses.



Jeffrey Beaver

Miller Nash Graham & Dunn

Partner **Jeffrey Beaver** was presented with the Frohnmayer Award for Public Service from the University of Oregon Law School Alumni Association. Beaver, Class of 1985, was selected for this award in recognition of his extensive community service and impactful legal work. His commitment to public service has been demonstrated through his work and leadership with the American Bar Association providing advocacy training and assistance to Sudanese lawyers representing victims of the Darfur conflict, service on the board of Friends of the Children - Seattle, and international work with Lawyers Without Borders.

Most recently, Beaver used his firm sabbatical to provide pro bono services and extensive legal expertise with the nonprofit Lawyers Without Borders around issues of human trafficking and wildlife crime in the United Republic of Tanzania.

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.

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Volunteer Opportunities

Civil Legal Help for Sexual Assault Survivors Training

Please join the Victim Rights Law Center (VRLC) for a lunchtime presentation about its pro bono program. VRLC is the only Oregon nonprofit providing free legal representation to sexual assault survivors. This program is for any attorney who wants to improve sexual assault survivors' access to justice. Because VRLC operates under a grant that provides matching funds for every attorney hour donated before September 30, we ask that attendees be willing to commit to taking on at least one pro bono legal matter or research project (each of which typically takes about 5-15 hours) within the next four months.

Complimentary lunch and CLE credit will be available.

Those interested are encouraged to sign up for one of the two following trainings:

Monday, June 3

11:45 a.m.-1:15 p.m.
Miller Nash Graham & Dunn
111 SW 5th Ave., 34th Floor
Portland

OR

Friday, June 14

11:45 a.m.-1:15 p.m.
Stoel Rives
760 SW 9th Ave, 30th Floor
Portland

To register or for more information, contact Kyle Koats (kkoats@victimrights.org) or 503.446.4993, x32.

Clackamas County Expungement Clinic

Please join Dunn Carney and Legal Aid Services of Oregon in staffing LASO's June Clackamas County Expungement Clinic. The clinic is designed to help low-income clients in Clackamas County complete expungement paperwork. Volunteer attorneys meet with clients, help them assess whether they qualify for an expungement and, if they do qualify, complete the paperwork. This clinic is a one-time brief service clinic.

The clinic takes place on June 28 from 9:15 a.m.-12 p.m. at the Clackamas County Law Library, 821 Main St #101, Oregon City.

New volunteers will also need to attend new volunteer orientation and expungement training on June 18 from 12-1:30 p.m. at Dunn Carney LLP, 851 SW Sixth Avenue, Suite 1500, Portland. Alternatively, volunteers can attend Legal Aid's regularly-scheduled new volunteer orientation training on June 12 from 3-4 p.m. at LASO's Portland Office, 520 SW 6th Ave Ste 700, Portland. Contact probono@lasoregon.org for details.

Please email Chelsea Glynn at cglynn@dunncarney.com to sign up for the Dunn Carney training on June 18. Space is limited to 10 volunteers.

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Tips From the Bench

Attention to Detail

by Judge Shelley D. Russell
Multnomah County Circuit Court



In today's world of word processing programs and cut-and-paste technology, brief writing is easier than it has ever been. As caseloads increase, being able to recycle complex legal arguments with the push of a button is a godsend to busy prosecutors, defense counsel and civil litigators. Unfortunately, along with that ease has come a noticeable corresponding decline in the quality of the legal writing and the attention to detail in the documents submitted to the court.

We work in a professional field which, maybe more than any other non-scientific profession, requires precision in the language used and compliance with the rules that govern proceedings. The absence of precise language can have an enormous impact on the lives of the litigants appearing in our courts. Whether it's the misuse of a word such as "exclusive" versus "inclusive" when making an offer of judgment in a civil matter, reference to a completely irrelevant statute or section of a relevant statute, or misciting the authority relied upon in your brief, most such errors are attributable to a lack of care and caution, or a failure to take the necessary time to proofread before hitting the "file" button.

As judges, my colleagues and I rely on the attorneys appearing before us to accurately inform us of the issues in their case, identify the evidence and authority that supports their position, and provide us with concise, coherent written materials when needed or required. While we understand that heavy caseloads and strict deadlines put pressure on practitioners, word processing programs cannot and do not replace personal research, review of the relevant Uniform Trial Court Rules, and good old-fashioned proofreading.

For example, when filing a motion to suppress evidence, UTCR 4.060 requires the motion (a) to "cite any constitutional provision, statute, rule, case, or other authority upon which it is based," and (b) to include the moving party's brief, "**which must sufficiently apprise the court and the adverse party of the arguments relied upon.**" "Good practice requires, at the very least, that the motion or demurrer set forth clearly and succinctly what is requested, the reason why the request should be granted, and a statement of points and authorities in support of the request." *Barbooks, Criminal Motion Practice and Motions to Suppress; State v.*

Miller, 269 Or 328, 334-35 (1974); *State v. Johnson*, 16 Or App 560 (1974); ORS 135.610(2). Very often, the motions we receive are regurgitations of prior motions filed without complying with UTCR 4.060(1)(b). In some cases, the motions cite statutes and/or legal theories that have nothing to do with the case at hand and almost all are completely devoid of the facts on which the motion is based. The result is an unnecessarily long delay the day of trial while the court and the parties try to discern the true basis for the motion and the pertinent facts in play. Worst-case scenario: by filing an inadequate motion, counsel has not preserved the constitutional issue for appeal. *State v. Pope*, 150 Or App 457, 463 (1997).

Similarly, with respect to requested jury instructions, UTCR 6.060(3) requires that "if the uniform instruction contains blanks or alternative choices, the appropriate material to complete the instruction must be supplied in the request." With very few exceptions, most proposed jury instructions that I receive from parties on both sides of the case fail to comply with UTCR 6.060(3). It takes very little time to provide the required information within the instruction and saves the court time hashing out the instructions in the courtroom.

When filing excerpts of deposition or trial court transcripts as exhibits supporting a motion, UTCR 2.010(9)(c) requires that the exhibit "be limited to only material, including and excerpt from another document, that is directly and specifically related to the subject of, and referred to in the [motion]." Too often we receive lengthy exhibits such as deposition transcripts, scientific papers, cases, and research documents without any indication from the party filing the document as to which lines or sections are pertinent to the issues to be decided by the court. Take the time to highlight or underline those sections that matter, and direct us to what you want us to read. Even if you do not win your motion, you will win the gratitude of your judge.

Remember, proofreading is your friend. No matter how well you comply with the ORCP, UTCR's and SLR's, if your brief is full of typos, refers to the wrong party, confuses the facts, or includes an unedited section from another earlier version of the brief filed in another case, you lose credibility with opposing counsel and with the court. I can recall when I was in practice reading a brief filed by a colleague years ago in a sexual harassment case. This very good lawyer had spent 24 hours straight finishing up a brief in response to a lengthy motion for summary judgment. On her last and final draft, she asked me to proofread her arguments. As I read the brief, I came across a reference to the "important pubic policy" at play in the case. I had to read

News From the Courthouse



by Jason Pierson
Court Liaison Committee

Presiding Judge's Report and Courthouse Update - Presiding Judge Stephen Bushong and Barbara Marcille, Trial Court Administrator

Judicial Appointments/ Updates

New judges Amy Baggio and Heidi Moawad have begun their appointments and will be rotating through several dockets in their first six months on the bench. Judge Karin Immergut's appointment to the federal bench has not yet been confirmed by the Senate; confirmation is still expected to occur shortly after Congress reconvenes.

Calendaring/Email

The court converted its calendar and email systems from Lotus Notes to Microsoft Outlook during the month of May. The conversion generally should not have been evident to practitioners; however, during the migration some listserv emails may have looked slightly different or got caught in spam filters. The court asks for patience - as with any software change there may be some unexpected issues. The conversion is being completed statewide. Multnomah County was the last county to complete the move to Outlook calendars and email. Due to the number of staff and judges in Multnomah County, the migration was completed in multiple waves, with the last Lotus Notes users converted to Outlook on May 28.

SLR Updates

Judge Bushong requested input from the bar on any changes, updates, or amendments. Feedback on the SLRs was directed to Barbara Marcille and Judge Bushong last month. In addition to bar input, judges and court staff are reviewing and making suggestions to make the SLRs more user-friendly. The family law bench is looking at a more extensive update.

the sentence two or three times to confirm that, indeed, that is what it said. We had a good laugh, she added the missing "l," and she was saved the embarrassment of opposing counsel (and perhaps the court) never letting her hear the end of it. I also once received a letter from a potential client detailing in multiple sentences how "obviously" certain things were

Any SLR changes requested by the court must be submitted to the UTCR Committee for approval and then approved by the Chief Justice. Once all approvals have been made, the updated SLRs will take effect February 1, 2020. In general, the UTCR Committee will approve requested SLRs as long as they comply with Oregon statutes, UTCRs, and case law.

Reminder

Lawyers appearing at ex parte seeking a temporary restraining order should bring the motion, supporting declarations, and proposed order to Room 204 before the ex parte hearing if possible. This gives the judge an opportunity to review the materials before the hearing. TRO motions may be heard by the Presiding Judge or assigned to another judge for an immediate hearing, depending on the circumstances.

Criminal Law

Chief Criminal Judge Cheryl Albrecht has updated misdemeanor procedures from arraignment to trial; the updated procedures are posted on the court's website. In addition, procedures for complying with ORS 3.014, which requires certain violations and misdemeanors to be heard in the East County Courthouse and, in some instances, transferred to the downtown courthouse, are posted on the court's website.

East County Courthouse

The East County Courthouse (ECC), located at the corner of 185th and Stark, is available for civil trials of four days or less starting on Monday of the first full week of any month. A judge will be assigned to cover civil trials at the ECC, and enough jurors are summoned during that week for civil trials. The ECC is a state-of-the-art facility that features large, easily accessible courtrooms. Free parking is available at the courthouse for attorneys, parties, witnesses and others; the ECC

is also just one block from the MAX line. Misdemeanor trials, traffic violations, restraining order hearings, and other court proceedings already occur at the ECC on a regular basis. Family law judges also regularly rotate to the ECC to hear family law matters.

As a judge, I have seen (and in my time made) several such mistakes, including: misnamed parties, randomly switching gender identifiers when referring to a party or witness, misciting case names or numbers, and fragmented

is also just one block from the MAX line. Misdemeanor trials, traffic violations, restraining order hearings, and other court proceedings already occur at the ECC on a regular basis. Family law judges also regularly rotate to the ECC to hear family law matters.

New Courthouse Funding

The Legislative Assembly is considering the court's request for the \$9.3 million needed to move to the new courthouse and purchase the final pieces of technology and furniture needed to make the courthouse functional. Eight point five million of the funds will come from the sale of bonds, not from the general fund, so this request is not competing with school funding and other requests for general fund dollars. Judge Nan Waller and Trial Court Administrator Barbara Marcille have been working with the legislature to secure that funding. Most legislators have expressed interest in the improved access to justice and programming that the new courthouse will provide, so we are cautiously optimistic that this final funding request for the new courthouse will be approved this session. Judge Bushong notes that, although he will be the Presiding Judge when the new courthouse opens, Judge Waller, Barb Marcille, the MBA, and others deserve the credit for making the new courthouse a reality.

Court Activities

It has been five years since the court went live with the Odyssey case management system and the elimination of paper case files. To recognize the huge change successfully completed and to look ahead to the transition to the new courthouse, on May 10 the court held a "Back to the Future" themed celebration for staff and judges. The conversion to Odyssey took place in May 2014, and the move to the new courthouse will take place in or around May 2020.

sentences left in place after a cut-and-paste. Although sometimes they provide much needed comic relief at the filer's expense, mostly they indicate the failure to slow down, take your time, and review your work. We belong to a profession with professional standards and expectations. Let's live up to them.

LASO Expungement Clinic Celebrates Fifth Anniversary

Pro Bono Spotlight

by Jan Baldwin
YLS Pro Bono Committee

This April, the Clackamas County Expungement Clinic celebrated its fifth anniversary. In 2014, the Clackamas County Bar Association (CCBA) and Legal Aid Services of Oregon (LASO) collaborated to design a clinic model that would serve the needs of both clients and volunteer attorneys in helping low-income clients in Clackamas County complete expungement paperwork. When the Clackamas County Expungement Clinic held its first clinic, only eight people signed up, and four showed. Now entering its fifth year, the Expungement Clinic operates every other month, and has provided services to 251 clients thanks to the dedication of 60 attorneys who have donated over 450 hours of their time. More than ever, with rising homelessness and unemployment in the greater Portland metropolitan area, programs like the Expungement Clinic provide an essential service by helping to alleviate barriers to housing and employment.

As Erin White, LASO Staff Attorney and Pro Bono Coordinator, explained, clients are first screened to ensure they are eligible to participate in the clinic. LASO then runs a background check on each client ahead of time to assist the volunteer attorney in advising the client whether their convictions may be expunged (or “set aside” as it is technically called in Oregon). If the client is eligible for expungement, the attorney assists in completing the relevant paperwork. The clinic also provides notary services and on-site fingerprinting, which the client must file with the court along with the client’s motion, affidavit, and order.

Although not everyone who walks in the door at the clinic is eligible for expungement, according to Tom Noble, an attorney in private practice who

helped launch the clinic (and volunteers regularly), many clients find peace of mind in knowing their eligibility status. “The information that someone isn’t eligible is even helpful in some cases so that we can advise the client when they will be eligible.”

According to White, the attorney volunteers come from a variety of backgrounds, including solo practitioners, new attorneys, and attorneys who specialize in criminal defense. To volunteer with the clinic, an attorney does not need to have expungement experience. LASO offers trainings, often attorneys pair up at the clinic to meet with clients, and there are on-site mentors at the clinic to help. Furthermore, LASO’s pro bono projects, including the expungement clinic, are OSB-certified programs and provide professional liability coverage to otherwise uninsured volunteers actively licensed in Oregon.

If you are interested in serving as a volunteer attorney at an upcoming Clackamas County Expungement Clinic, please contact Erin White at 503.224.4086 or Erin.White@lasoregon.org. Those interested in receiving services and/or participating in an upcoming clinic to have convictions expunged should contact the Portland Regional Office of LASO at 503.224.4086 for more information on registration. The clinic does not accept walk-ins.

LASO would like to extend a special thanks to J. Rion Bourgeois, John Haub, Nancy Hochman, James Keddiss, Maria Keddiss, Lisa Miller, Thomas Noble, Ben Pirie, Bruce (William) Shepley, and the Hon. Jill Tanner for volunteering at four or more expungement clinics over the last two years.

The Corner Office PROFESSIONALISM

It is easy to abide by a commitment to professionalism when counsel on the other side shares that commitment. But what do we do when faced with unprofessional, even abusive, behavior? How do we maintain our professionalism?

At some point in your career - perhaps, unfortunately, at many points - you will encounter an unprofessional lawyer. We think mainly of such attorneys as litigation opponents, but unprofessional behavior can occur in any practice context. There are some usual suspects when it comes to unprofessional behavior.

There is the bully, who attacks you at every turn and believes that every issue is a battle. This lawyer will condescend and belittle you, and may even personally insult you or your client.

There is the lawyer whose default answer in every circumstance is to disagree with you, even if your proposal may benefit his or her client. Such lawyers are incapable of making concessions, often because they think that conceding a point is a sign of weakness.

And there is, for lack of a better word, the liar. This is the lawyer who misrepresents the facts or the law to the court. This is the lawyer who follows up your phone calls with an email or letter mischaracterizing what was said. This is the lawyer who conveniently forgets commitments made to meet a deadline.

Although we cannot control how other lawyers behave, we can control how we respond to such tactics. Here are some suggestions:

In addition to being inconsistent with professionalism, responding in kind is not effective. While it is difficult to resist and can be exhilarating to jump into such a battle, ignore the impulse.

The difficult lawyer is trying to distract you from effectively representing your client. No matter what that lawyer does, stay focused on your objective. Let the difficult lawyer waste time and money on hostile and unproductive acts. As the saying goes, never wrestle with a pig - you both get dirty and the pig likes it.

Remember to stay cool. The difficult lawyer is trying to rattle your cage and throw you off track. These lawyers love it when you take the bait because now you are on their playing field. Stay civil at all times. Continue to extend courtesies as you would to any other lawyer. If the lawyer will not cooperate in setting a deposition, for example, send a nice letter and give a reasonable time to respond. Advise that if he does not respond in a timely manner, you will schedule the deposition anyway, and follow through. When these lawyers make lengthy statements or interruptions during depositions, sometimes at high volume, wait for them to stop, ask them if they are through, and then go on as if the interruption had never occurred.

If you are dealing with a difficult lawyer, there is a good chance that at some point the court may be asked to intervene. Therefore, document your attempts at cooperation. Remember, whatever you put in writing is likely to be read by a judge, so keep it professional. As an aside, I resolved early in my career to become even more cordial when corresponding with difficult opponents. I confess that I enjoyed the fact that this seemed to irritate them considerably.

Remember that all of the time you spend arguing with or focusing on the difficult lawyer is time spent on issues that, in the end, will not likely win the case

or close the transaction. If you are before the court because of your opponent’s unprofessional behavior you may be tempted to tell the judge everything the other lawyer is doing to obstruct the case. Resist the temptation. Inevitably, the court will get tired of all the squabbling. The judge will have neither time nor patience to figure out who is doing what and may take a dim view of everyone in the case, including you.

Along with maintaining your focus, it is important to set limits. Stick by the rules and demonstrate you know what you are doing. The rules are boundaries that help contain very difficult opposing attorneys. Tell them what you are going to do and then just do it. No gamesmanship. You must follow through to be taken seriously.

Remaining professional in the face of misbehavior is not weakness. As Sun Tzu wrote: “It is more important to out-think your enemy than to outfight him.” In fact, remaining professional and focused on the real objective is the best way to achieve your client’s goals. Keep that in mind when an unprofessional lawyer tries to push your buttons.

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



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*Members with an HSA policy need to meet the deductible.

mba|EVENT

The MBA Solo and Small Firm Committee invites you to

A Free Social for Solo and Small Firm Practitioners

Thursday, June 20
5-6:30 p.m.
Standard Insurance Center Atrium Patio
900 SW 5th Avenue, Portland

- Enjoy complimentary appetizers
- Socialize and meet other attorneys who work at small firms
- Learn about and help shape upcoming workshops designed specifically to help your small firm succeed

RSVPs appreciated to Kathy Modie, kathy@mbabar.org.

mba | Young Lawyers Section

What is the YLS?

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

Ask the Expert

Dear Expert:

I am trying to settle into my career as a lawyer, but I am feeling overwhelmed by the stress of my new responsibilities and find myself worrying all the time that I am not living up to expectations or cut out for this job. Is this the right career for me?

- Anxious Associate

Dear Anxious,

The responsibilities inherent in our profession are draining and anxiety-provoking, even to the most experienced attorneys. Taking on those responsibilities as a newer associate is bound to bring up feelings of unworthiness and fear, on top of the stress of learning a new profession and trying to make a good impression on supervisors and clients. What you are feeling is completely normal in the first few years of practice, and for many of us, throughout a legal career. However, even if it is normal, it is still important to take care of yourself. Mental health issues are prevalent in the legal profession (you have probably seen many articles recently about the 2017 report on lawyer well-being and Oregon's newest CLE requirement). Even if you don't think you have diagnosable depression or anxiety, these tips can help you manage your stress and get the support you need to thrive.

Don't Forget About Your Friends, Family and Hobbies

I know it's like a broken record, but work-life balance really is essential if you want to survive in a career as intense as the law. It can be especially hard for younger associates but set boundaries and do your best to stick to them. It's okay to stretch them every once in awhile, but do it on your own terms. In your off time, make sure you have some activities that have nothing to do with the law, and leave your work emails alone. Re-connect with your non-lawyer friends, get involved in a recreational sports league, go on a hike, play with your kids, read a novel, paint a picture - anything that turns off your lawyer brain for a little while. Sometimes this profession makes us feel like we have to be on all the time, and involved in everything, but that isn't practical for most of us. Figure out which professional activities are the most important to you, and then spend the rest of your quality time on fun and relaxation. You are worth it.

Reach Out to Your Peers

Most newer attorneys are probably experiencing something similar. It's hard to transition into being a practicing attorney. Try to connect with the other associates at your firm who might understand what you are going through. If you aren't comfortable admitting to co-workers that you're struggling, attend YLS social events or join a YLS committee. This will give you a safe place to vent about your stress with people who understand, but in an environment that won't impact your job directly.

Reach Out to Your Supervisors

If you are really struggling, reach out to a senior associate or partner in your firm you feel is willing to support you. If you are honest about what it is you are struggling with (and have some ideas about changes in the environment that will help you), chances are they will be willing to help. Most of our supervisors want us to succeed - that's why they hired us in the first place - and they have all been where we are. They don't know you need help unless you tell them. If you don't have anyone at your firm you are comfortable speaking honestly with, reach out to a trusted law professor or mentor, and then consider the suggestions below.

Reach Out to the OAAP

The Oregon Attorney Assistance Program is staffed by attorney-counselors who have a JD as well as counseling credentials. Their services are free and completely confidential for all members of the Oregon legal community. The OAAP can help with serious mental health issues and substance abuse, and also with career counseling, managing grief, or just checking in on where you are and where you want to go. They are available one-on-one, but also facilitate a variety of groups to help with career transitions, substance abuse recovery, grief management, anxiety/depression, and other topics. If you are questioning your career choice, struggling with mental health or substance use, or just not sure what you need, an OAAP counselor can point you in the right direction.

Think About the Future

If you are reading through this list and feel like there is no way you can bring up any of your concerns in your current work environment, maybe it isn't the best environment for you to develop your career. That doesn't mean you shouldn't be a

Alysha Van Zante
YLS Member Spotlight

by Mary Tollefson
YLS Past President

Alysha Van Zante's path to law school is a little different than most. Alysha originally wanted to go to medical school and started her undergraduate career as chemistry major. She soon discovered that while she liked the problem solving, critical thinking and interpersonal relationships in the medical field, she did not like the sight of blood and seeing patients in pain. Alysha opted for a different path that required similar skills; Alysha graduated summa cum laude from the University of Idaho, where she earned a Bachelor of Science degree in economics and a Bachelor of Arts degree in international studies and Spanish. She then went on to attend law school at Lewis & Clark, where she graduated cum laude and was a member and article editor of the Lewis & Clark Law Review. Alysha has worked at McEwen Gisvold LLP since

August 2018, where she focuses on business and real estate litigation.

A partner at Alysha's firm who was a previous YLS board member told her what a great experience he had with the YLS and encouraged her to get involved. Alysha joined the YLS CLE Committee in the middle of this committee year and has already been very involved in planning seminars. She helped to plan a Wills and Trusts seminar in April which featured professors from each of the three Oregon law schools. She also helped to plan a recent CLE on real estate contracts.

Alysha has really enjoyed her experience with the YLS so far and would encourage any new attorney to become involved. She has found the YLS to be a great networking tool because she has met attorneys from a wide variety of practice areas. Alysha has also enjoyed participating in the service days put on by the YLS Service



Alysha Van Zante

to the Public Committee. She recently volunteered for service days at the Humane Society and at the Children's Healing Art Project. These activities have offered her the opportunity to learn more about nonprofit organizations in our community.

In her spare time, Alysha likes to spend time with family and friends. She enjoys exploring all that Oregon has to offer, including the beaches, mountain, breweries, and the great restaurant scene. She also volunteers as an advisor to the education department of her college sorority.

lawyer - it just means maybe you should be a lawyer somewhere else. Think about what it is you are not getting from your current job and what that ideal job looks like. Then, put a plan in place to get there. It probably won't happen overnight, but sometimes knowing that you are actively working toward something better can help you get through where you are right now. Being a lawyer does not have to mean being miserable, over-worked, and undervalued.

Seek Professional Help

Talk to your primary care physician about what you are experiencing. If you are dealing with depression or

anxiety, you might benefit greatly from therapy and/or medication. Don't be ashamed if that is what helps you. There are innumerable well-respected attorneys who are successful specifically because they have developed the support structure they need to manage their stress or mental health issues, through therapy, medication, and other support systems.

You can only be a good advocate for your clients if you are also taking care of yourself. It's okay to value your own well-being, and doing so will help you maintain a long and successful career. Most of all, remember you aren't alone no matter how much it might feel like

you are. It's doubtful any attorney out there hasn't gone through a time of self-doubt, burn-out, heightened anxiety, or depression. If you reach out for help, you might find one or two people who will just be uncomfortable about it, but you will find many more willing to open up about their own struggles and help you get the support you need. If at the end of the day you decide lawyering is not for you, that's okay too, but you worked too hard to get here to give up out of fear, or because you are not in a supportive environment. There are a lot of different ways to practice law - do what you need to do to find the one that works for you!

mba yls | EVENT

YLS, OHBA, ONLD and CCBA Kick Off the Summer
Saturday, June 8

2-5 p.m.
Rogue Eastside Pub & Pilot Brewery
928 SE 9th Ave., Portland

Come join the YLS, OHBA, ONLD and CCBA as we kick off summer! This is a family-friendly event so come out and enjoy the sunshine, play some cornhole and celebrate with family and colleagues. We encourage those interested to bring along your favorite social game. This is a free event. RSVPs are appreciated and can be sent to lauren@mbabar.org.



RSVPs appreciated to
lauren@mbabar.org

Thank You

by Nyika Corbett
YLS CLE Committee Chair



As our programming year wraps up, I would like to share the YLS CLE Committee's deepest appreciation for the presenters who volunteered to speak at our CLEs over the past 10 months. Furthermore, to each of you who chose to attend one (or many) of our seminars, thank you.

Each year the YLS CLE Committee hosts three CLE series in addition to a handful of standalone classes. We kicked the year off with an employment law series, which covered topics varying from leave laws to the nuances of non-compete and non-

solicitation agreements to LGBTQ issues in employment law. The second series of the year was our annual Young Litigators Forum, designed to introduce new(ish) attorneys to the fundamentals of litigation. This year, we were honored to have Judge Angel Lopez, Judge Jerry Hodson, and Senior Judge Jean Kerr Maurer join us for the forum. Our spring Contracts Series is underway now. Those looking for a thought-provoking ethics credit are welcome to join us on June 13 as speaker Emil Ali covers the Ethics of Contract Drafting. This year's standalone seminars included topics such as intellectual property and a practical-application CLE on wills & trusts.

Next fall the committee is thrilled to present a series focusing on advanced pre-trial litigation. This series will take a deeper dive into the aspects of litigation that many attorneys face in their first years of practice: everything that happens before a trial.

We welcome and want your feedback and any ideas you have

for future CLE topics and speakers. Our committee strives to present quality programming for newer attorneys at affordable prices and at convenient times. We aim to provide young lawyers with the nuts and bolts of a variety of law practice areas, allow seasoned attorneys to share their knowledge and war stories, and create a forum where young attorneys can meet one another and begin building professional relationships in the Portland area.

Over the past few years, the YLS CLE Committee has made efforts to expand and diversify our pool of speakers, to provide innovative programming, and to listen to feedback from the YLS Board, our speakers, and CLE attendees when selecting topics for future series and standalone seminars. If you have any suggestions for topics that you want more information on or wish you had access to in your first years of practice, topics you think every young lawyer should learn, or if you have an interest in becoming a speaker, please contact me at acorbett@schwabe.com or our wonderful MBA staff liaison, Lauren Fairshier at lauren@mbabar.org.

YLS Imprint Program Wrap-Up

by Peter Tran
YLS Service to the Public Committee Chair

Organized by the YLS Service to the Public Committee, the Imprint Program is a way for high school students to connect with attorneys in the community. During the program, MBA volunteers read one of five books in conjunction

with local high school students over a three-month period and the students and attorneys trade letters with each other. This year, the program matched 100 Rosemary Anderson High School students with attorney volunteers – greater

participation than in any previous year. It was also the first year that the program collected books from attorney participants to be donated to the schools or used as a resource for next year's volunteers.

This year's program culminated in a pizza party on April 26 where volunteers met in person with their pen pals. The students and MBA members enjoyed pizza, soda, and great conversation. Thank you to the MBA members who volunteered!



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YLS and FBA Judges' Reception Recap

On Tuesday, April 16, the YLS Membership Committee, in partnership with the Oregon Chapter of the Federal Bar Association, hosted their annual Judges' Reception at Schwabe, Williamson & Wyatt. Seventy-

two attendees gathered together to forge connections between the bench and younger members of the bar and enjoyed hors d'oeuvres and beverages provided generously by the firm.



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KELSEY BENEDICK
Attorney

Kelsey discovered her passion for litigation while working for a plaintiff's firm in her hometown of Albuquerque. After graduating summa cum laude from Lewis & Clark Law School, Kelsey cut her professional teeth at Lane Powell before joining Larkins Vacura Kayser.

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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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- Resume
- Writing sample (5-7 pages)
- Law school transcript

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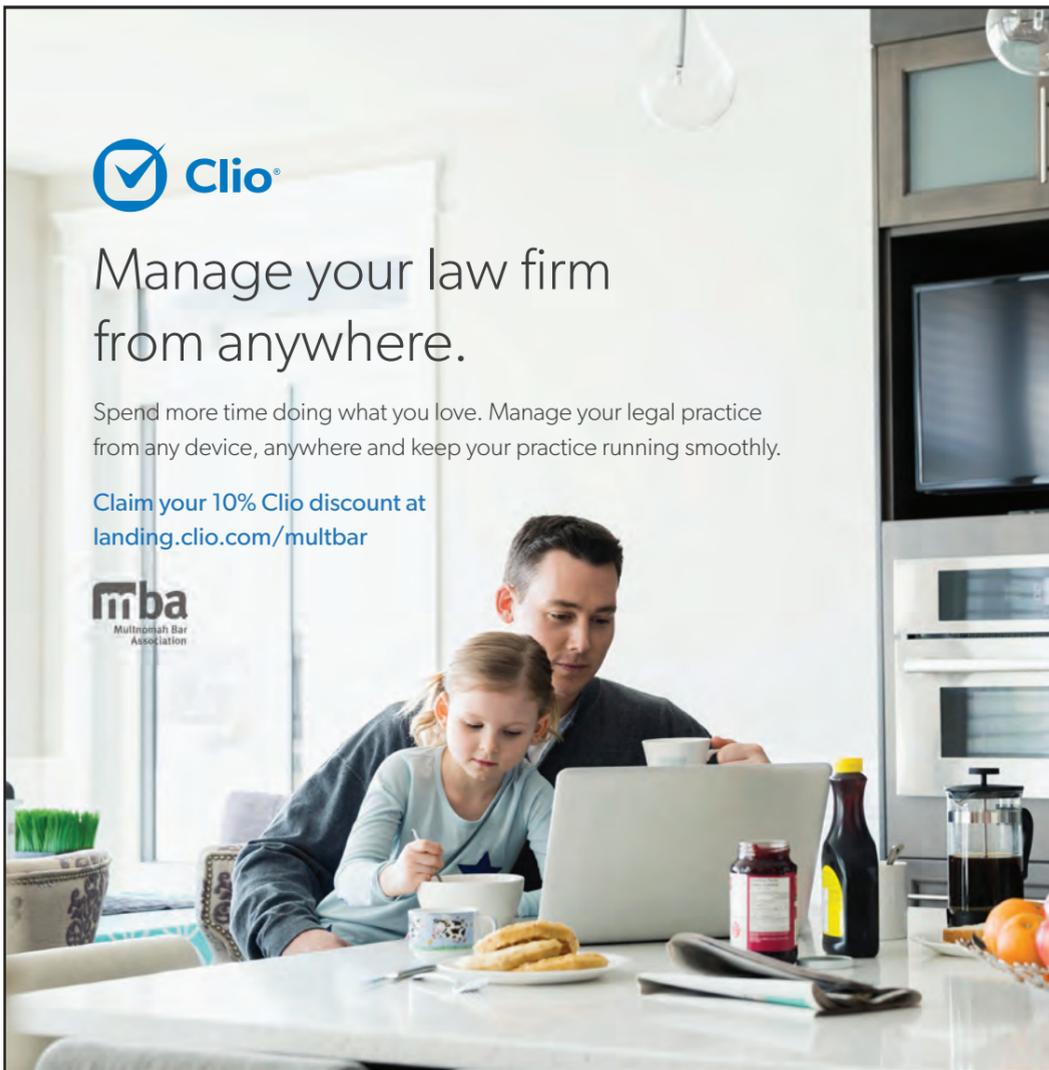
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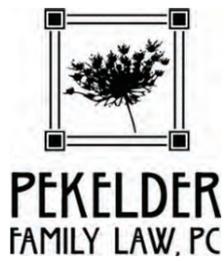
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