



## The Multnomah Bar Foundation Launching CourtSupport

by Jennifer Wagner  
MBF President

2020 is an exciting year for the Multnomah Bar Foundation (MBF). The MBF is celebrating its 15th anniversary and launching a new program, CourtSupport, in connection with the opening of the new Central Courthouse later this year. Through CourtSupport, the MBF will develop and fund projects designed to assist community members navigating Multnomah County courts. The MBF is particularly interested in projects promoting access to justice.

Thousands of community members access Multnomah County courts each week, often under stress and extremely difficult circumstances. Our court system is significantly underfunded, and simply has no ability to provide many services that would offer additional support and information to courthouse users. In an effort to address these issues, the MBF has worked closely with Presiding Judge Stephen Bushong and Trial Court Administrator Barbara Marcille to identify critical gaps in court funding that fall within the MBF's mission.

The first issue identified by the court was the lack of funds for any staffing at the new Central Courthouse's information desk. Those of you who have seen the drawings of the lobby in the new courthouse may be aware that a focal point of the lobby is a large information desk. Welcoming community members to a lobby with an abandoned information desk (and only sheriff's deputies in sight) is at odds with the aspirational vision of the new courthouse to enhance confidence in the justice system and provide a restorative human experience. Barbara Marcille recounted a trip she made to a newly built courthouse in Los Angeles that similarly had an information desk, but no one available to help people. The experience was extremely impactful for her and solidified her commitment to ensure a different result for Multnomah County.

The MBF has responded to this call to action and is working to raise funds for a CourtSupport Navigator in the new courthouse lobby. The CourtSupport Navigator will be responsible for serving the public entering the courthouse by directing individuals to departments and services within the court, answering basic questions about the court, and connecting individuals that need accommodations or extra assistance to resources within the court. The mission of the CourtSupport Navigator will be to make the entire process of entering and navigating the courthouse and legal system a little less intimidating. The MBF plans to again collaborate with Volunteers of America, its longtime partner in CourtCare, to help administer the project, and will prioritize coverage at the information desk during peak court hours.

The MBF looks forward to growing CourtSupport in the coming years as new funding gaps are identified in areas impacting access to justice and the quality and administration of the legal system. A particular area of interest for the MBF is identifying projects aimed at assisting self-represented litigants and supporting the new Legal Resource Center. Another area of interest is the potential for a courthouse canine program in Multnomah County. A growing number of courts, including Yamhill County, have courthouse service

dogs. The animals are highly trained to provide emotional support to victims and witnesses, often children, caught in the extremely difficult and unpleasant procedures of the justice system. The MBF has been meeting with various stakeholders and is currently looking to identify a partner organization that can serve as the handler for the animal.

For many years, the MBF has sponsored Multnomah CourtCare, a program that provides free drop-in childcare for those attending court proceedings. In addition to CourtCare, the MBF also sponsors the CourtConnect program. CourtConnect pairs local lawyers with Multnomah County judges to give presentations to community organizations on procedural justice using the new Central Courthouse as a focal point. As with our existing programming, the MBF believes that CourtSupport will be an important avenue in assisting the MBF to fulfill its mission to promote civic education, increase the public's understanding of the legal system, and improve the quality and administration of the legal system.

As I look forward to the year ahead, I would like to thank the MBF Board members I have served with over the past year: Nick Kampars, Mackenzie Hogan, Abby Wool Landon, Matt Donohue, Judge Xiomara Torres, Victoria Blachly, Sarah Bond, Jim Oliver, Jeanne Sinnott, Julie Vacura and Richard Vangelisti, as well as MBA Board liaisons Emilee Preble and Nellie Barnard. I'd also like to welcome incoming board members Elizabeth Knight, Marshal Spector and Joe Franco. Finally, I'd like to thank past MBF Presidents Nick Kampars and Matt Donohue for their leadership in developing CourtSupport. Only as the result of their efforts is the MBF in a position to launch this important new initiative.

The MBF's ability to continue its existing work and to make CourtSupport a reality depends on the generosity of the local legal community. Enclosed in this issue of the *Multnomah Lawyer* is a CourtSupport donation form. You can also donate to the MBF through the following website: [www.mbabar.org/courtsupport](http://www.mbabar.org/courtsupport). Please help us reach our programming goals and donate to the MBF today.

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### SAVE THE DATE!

#### MBA 18th Annual WinterSmash

A Family Friendly Bowling Event

Saturday, February 1

11 a.m.-2 p.m.

KingPins

3550 SE 92nd Ave  
Portland



A Multnomah CourtCare Fundraiser

See insert and page 2 for details.

## mba|CLE

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

### JANUARY

1.28 Tuesday

**For Your Eyes and Ears Only: Handling and Protecting Attorney-Client Communications and Attorney Work Product in the Digital Age**

Martha Hodgkinson  
Allison Martin-Rhodes

1.30 Thursday

**Bankruptcy Law for the Non-Bankruptcy Lawyer**

Christine Coers-Mitchell  
Johnston Mitchell

2.11 Tuesday

**Avoiding Unethical Billing Practices**

Dayna Underhill



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If you have yet to renew your MBA membership for 2020, please take a few minutes to do so online at [www.mbabar.org](http://www.mbabar.org) or contact the MBA office at 503.222.3275.

We look forward to serving you this year.



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**DEADLINE for copy: The 10th of the month\***

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# WinterSmash to Benefit Multnomah CourtCare

## A Family-Friendly Bowling Event

**Saturday, February 1**

**11 a.m.-2 p.m.**

**KingPins**

**3550 SE 92nd Ave, Portland**

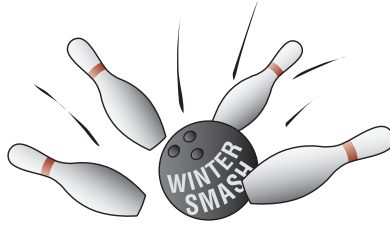
The 18th Annual WinterSmash will be held on Saturday, February 1 from 11 a.m.-2 p.m. We are happy to bring back the Pin Setter registration option for \$20 per person. If you want to cheer on your team and enjoy pizza and drinks but you don't want to bowl, this one's for you!

Lanes will be available exclusively for MBA members and their friends, colleagues and families for an afternoon of fun and food. Bumper lanes will be available for children. The event will help fund the new, larger Multnomah CourtCare space in the new courthouse, scheduled to open this summer.

CourtCare is a drop-in childcare program for families with no other childcare options, many of whom are struggling with poverty, substance abuse and/or violence. CourtCare is located in the downtown and east county courthouses.

CourtCare has served 80 to 100 children each month since opening in December 2001. These children are protected from witnessing disturbing courtroom scenes involving their families and do not disrupt courthouse business. Instead, they receive attention from qualified care providers in a cheerful environment full of toys, art supplies and books. Trained caregivers offer a nurturing, safe environment for children, as well as information for parents on other community resources they may need. For more information, visit [www.mbabar.org/courtcare](http://www.mbabar.org/courtcare).

So, come enjoy the company of your colleagues, some good food, play a game you know you love and support a good cause. Tickets are \$40 for adults and \$15 for kids 3-12 years old. Price includes food, drink, shoes, balls, lane time and the satisfaction of knowing you're supporting CourtCare. Prizes will be awarded for the highest and lowest individual scores, the group with the most participants in attendance and the group with the best bowling shirt. In addition, a traveling trophy will be presented to the group with the highest team score. Raffle tickets will be sold at the event. WinterSmash promises to be a good time; don't miss this opportunity! Register via the insert in this issue or at [www.mbabar.org](http://www.mbabar.org).



Thank you to the WinterSmash sponsors.

### King Pin Sponsor



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Contact Kathy Modie at the MBA at 503.222.3275 if you'd like to add your name to the sponsor list or donate a raffle prize.

# Calendar

## JANUARY

1 Wednesday  
New Year's Day  
MBA Office Closed

7 Tuesday  
Imprint Program Orientation  
Details on p. 13

13 Monday  
YLS Community Service Day at  
Community Cycling Center  
Details on p. 13

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

20 Monday  
Martin Luther King Jr. Day  
MBA Office Closed

## FEBRUARY

1 Saturday  
WinterSmash  
Details on this page

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

17 Monday  
Presidents Day  
MBA Office Closed

20 Thursday  
CEJ Annual Awards Luncheon  
[www.cej-oregon.org/events](http://www.cej-oregon.org/events)

21 Friday  
OHBA's 14th Annual Awards  
Dinner  
[www.oregonhispanicbar.org/events](http://www.oregonhispanicbar.org/events)

22 Saturday  
Lewis & Clark Law School  
Public Interest Law Project  
Auction  
[bit.ly/LC\\_auction](http://bit.ly/LC_auction)

29 Saturday  
MBA Visits the Portland  
Children's Museum  
Details on p. 13

## Portland-Area Support Staff Salary Survey

Provided by Legal Northwest



LEGAL NORTHWEST

Please see the enclosed insert for this year's salary survey results for legal support staff. This information is provided as a service to MBA members.

Legal Northwest has been a staffing partner to the MBA for over 20 years. MBA members receive discounted pricing on direct-hire and temp-to-hire positions, as well as a quality of service guarantee.

For more information, contact:

**Anneke Haslett**  
Recruiter | Account  
Manager  
[ahaslett@nwstaffing.com](mailto:ahaslett@nwstaffing.com)  
503.242.2514





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.

**For Your Eyes and Ears Only: Handling and Protecting Attorney-Client Communications and Attorney Work Product in the Digital Age**

Tuesday, January 28 3-5 p.m.  
World Trade Center, Mezzanine  
Members \$60/Non-Members \$95

*Note: Two hours of ethics credit will be applied for.*

This CLE will explore the scope of the attorney-client privilege and work product doctrine in Oregon, as well as discuss some practical tips and considerations for dealing with privilege issues as they develop in a world that is becoming increasingly more dependent on electronic storage and devices for communication. The program will discuss the most common mistakes that lawyers make when handling their client's privilege and how to avoid them. **Martha Hodgkinson**, Hodgkinson Street Mephram, LLC and **Allison Martin-Rhodes**, Holland & Knight, will present this class.

**For more information:** Contact Adele Ridenour, Ball Janik LLP, at 503.228.2525. For registration questions, contact the MBA at 503.222.3275.

**Bankruptcy Law for the Non-Bankruptcy Lawyer**

Thursday, January 30 12-1 p.m.  
World Trade Center, Sky Bridge  
Members \$30/Non-Members \$50

*Note: One hour of general credit will be applied for.*

Inevitably bankruptcy will affect your clients - and your practice! This CLE is for any practitioner who wants to learn more about some of the ways bankruptcy affects your practice - and how to stay out of bankruptcy hot water. What happens when a debtor or bankruptcy estate has a claim against your client? Should your client file a proof of claim in a bankruptcy case? What is the scope of the automatic stay? What are the pitfalls of violating the automatic stay? This CLE seminar will answer these questions, and will also discuss bankruptcy hot topics for non-bankruptcy practitioners. **Johnston Mitchell** and **Christine Coers-Mitchell** of Coers Mitchell Law LLC are seasoned bankruptcy attorneys who serve on the OSB Professional Liability Fund Defense Panel.

**For more information:** Contact Jodie Bureta, Oregon Department of Justice, at 971.673.1874. For registration questions, contact the MBA at 503.222.3275.

**Avoiding Unethical Billing Practices**

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

*Note: Two hours of ethics credit will be applied for.*

When was the last time you reviewed your billing practices (and those of your staff or employees) against the ethics opinions and rules? While time entry practices are seemingly common sense, the rules are often unexpectedly complex in our day-to-day and matter-to-matter practices. Learn how to avoid disciplinary action, and earn ethics credits, too! This presentation is for all experience levels. Join attorney **Dayna Underhill** of Holland & Knight for a detailed review of ethical, and not so ethical, time keeping practices.

**For more information:** Contact Shannon Hall, Gevurtz Menashe PC at 503.227.1515. For registration questions, contact the MBA at 503.222.3275.

**FREE CLE CONTENT FOR 2020 MBA MEMBERS**



For the first time, 2020 MBA members receive access to the entire catalog of video webcasts recorded during the Fall 2018-Spring 2019 program year. This amounts to 60+ hours of free MCLE-accredited programming, available anytime.

To take advantage of this offer, simply visit [www.mbar.org/freeCLE](http://www.mbar.org/freeCLE).

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**CLE Registration Form**

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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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- 1/30 Bankruptcy Law for Non-Bankruptcy Lawyers**  
 Class Registration (\$30 Members/\$50 Non) .....\$\_\_\_\_\_
- 2/11 Avoiding Unethical Billing Practices**  
 Class Registration (\$60 Members/\$95 Non) .....\$\_\_\_\_\_

**Total due** .....\$\_\_\_\_\_

**Member Status:**

- MBA Member
- Non-Member

**Payment Options:**

- Check  VISA  MasterCard
- American Express

Registration forms with payment must be received in the MBA office by 3 p.m. the day before the seminar. Registration forms may be mailed or faxed to the address or number below. Accommodations available for persons with disabilities; please call in advance for arrangements.

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# Oregon Attorneys with Disabilities Association

by Barbara J. Diamond

A group of Portland lawyers, with representation from law students at Willamette University College of Law and Lewis & Clark Law School, have started a group called the Oregon Attorneys with Disabilities Association (OADA.) This is a cross-disability social and professional group for attorneys, judges and law students who identify as disabled or who experience disability. The group seeks additional founding members especially from other affinity bars and from the University of Oregon School of Law. The current leadership group includes attorneys already active in other organizations including the MBA, OSB,

OGALLA, OC-NBA, OMLA, OHBA, and OWLS.

Attorneys with disabilities are severely underrepresented in the OSB even though research shows that attorneys experience depression, anxiety and substance abuse at greater rates than the general public. OADA'S goals are to advance the professional development of attorneys who experience disability, to serve as a mentorship hub, to educate the general bar's membership on disability issues in our profession, and to assist the efforts of the bar to overcome obstacles caused by ableism, often in combination with other forms of oppression.

Research shows that attorneys with disabilities have a great deal to offer as well as to gain from being more open about themselves at work and by coming together for our common good. The group is currently drafting bylaws, getting to know each other, and will soon be reaching out with social events open to potential members, judges, allies, and MBA and OSB leadership.

Meetings are held the third Thursday of every month from 12-1 p.m. at accessible locations downtown. Anyone who experiences any type of disability is welcome to attend. We will do whatever we can to make your involvement meaningful and accessible. For more information or to be put on the mailing list, please contact Barbara J. Diamond at [Barbara@diamondlaw.org](mailto:Barbara@diamondlaw.org).


# Pro Bono Volunteers

Thank you to the following lawyers who recently donated their pro bono services at the Volunteer Lawyers Project at Legal Aid Services of Oregon.

Visit [www.mbar.org/probono](http://www.mbar.org/probono) to discover pro bono opportunities in Multnomah County.

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## Professional Liability Fund

### Free Conference Room Space in Portland

The Professional Liability Fund is offering Oregon lawyers free use of a conference room located at 520 SW Yamhill Street, Suite 1025, Portland, Oregon. To reserve this space and learn more details about this free conference room space, go to the PLF website, [www.osbplf.org](http://www.osbplf.org), and click on Practice Management, then Oregon Lawyers' Conference Room.

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



## mba | ANNOUNCEMENTS

### Action Required: NextGen Coming to the District of Oregon

On January 21, the US District Court for the District of Oregon will go live on CM/ECF NextGen. Attorneys will not be able to login and e-file with their current CM/ECF usernames and passwords after that date. To e-file with NextGen, attorneys should upgrade their PACER accounts now (if established before 2014 and not yet upgraded). Once NextGen is live, attorneys will link their PACER and NextGen accounts. Only a single sign-on will be required for both systems after the accounts are linked. Please see [ord.uscourts.gov](http://ord.uscourts.gov) for more details.

### 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](mailto:mba@mbabar.org).

### Take a Matter that Matters

Sign the MBA Pro Bono Pledge at [www.mbabar.org/about/pro-bono.html](http://www.mbabar.org/about/pro-bono.html) and commit to taking at least one pro bono case in 2020.

### 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

### New Year, New Beginning: Leaving a Law Firm

by Mark J. Fucile  
Fucile & Reising LLP



Advising lawyers and law firms on legal ethics and risk management isn't typically a seasonal business. There is one facet, however, that does have a seasonal dimension: lawyers seem to leave their firms disproportionately in January. My suspicion is that this is tied to a corresponding seasonal aspect of the traditional law firm compensation calendar. Many firms distribute bonuses and firm profits at the end of the year or in early January. Many firms also announce their compensation schedules for the coming year around that same time. Lawyers who are considering leaving a firm to either move to another firm or to start their own will often wait until they have received their year-end distribution in January before making the move.

In this column, we'll look at three related issues when lawyers are on the move. First, when should clients be notified? Second, how are file transfers handled if the clients concerned move their work with the departing lawyer? Third, what are the conflict rules involved? By looking at these three, I don't mean to exclude others such as how firm receivables and contingent fee revenues may be divided. The entitlement to fee income, however, is ordinarily determined by looking to the partnership or shareholder agreement concerned or the attorney lien statutes in the absence of a controlling contract.

With all three, we'll examine the questions within the context

of the two leading ethics opinions in the Northwest: OSB Formal Opinion 2005-70, which was updated in 2015; and WSBA Advisory Opinion 201801, which was issued in 2018. Both, in turn, borrow heavily from ABA Formal Opinion 99-414, which, despite being over 20 years old, remains a key resource in this area.

#### Notifying Clients

Under the Oregon and Washington versions of the "communication rule" - RPC 1.4 in both states - lawyers have a duty to keep their clients reasonably and timely informed of material events in the matters they are handling. The departure of the lawyer who is the client's principal firm contact or another firm lawyer who is the primary handler of the client's work on a matter fits this definition. The Oregon and Washington opinions note that this is a duty shared by both the firm and the departing lawyer.

Often, notice is accomplished through a joint letter to clients asking for instructions on whether, in light of the departure, they would like to keep their work at the firm, move it with the departing lawyer or transfer it to an entirely new firm. Although a joint letter is described as the "preferred" approach, the opinions acknowledge that the dynamics of a given situation may warrant separate notification. The PLF has sample forms for each on its website.

While the departing lawyer remains at the old firm, the lawyer's fiduciary duties to that firm may limit the scope of

#### ...lawyers have a duty to keep their clients reasonably and timely informed of material events in the matters they are handling.

the competitive information the lawyer can provide absent specific client questions. Once a lawyer has left the old firm and those fiduciary bonds no longer apply, however, the lawyer is generally free to provide more detailed competitive information - as long as it is truthful.

Both the Oregon and Washington opinions note that the question of whether a departing lawyer may inform clients before telling the lawyer's soon-to-be old firm is controlled by fiduciary law and the particular facts involved rather than the RPCs. Regardless,

neither the departing lawyer nor the firms involved are permitted to engage in misrepresentation.

#### Transitioning Files

The Oregon and Washington opinions on lawyer departures both summarize but ultimately defer more detailed discussion of file transitions to their counterparts that address this topic comprehensively - Formal Opinion 2017-192 in Oregon and Advisory Opinion 181 in Washington. The latter

#### ...a client's need for the file ordinarily trumps a firm's lien rights...

opinions define the term "file" broadly to include both paper and electronic components, generally require that the entire file be transferred to new counsel (subject to a few exceptions) and conclude that a client's need for the file ordinarily trumps a firm's lien rights. Both opinions also permit the old firm to keep a copy of the file for risk management purposes to document the state of the matter concerned at the point it left the firm.

#### Handling Conflicts

Oregon RPC 1.6(b)(6) and Washington RPC 1.6(b)(7) were both amended comparatively recently to make clear that a lawyer is generally permitted to provide a prospective new firm with a list of clients and matters so that the new firm can run conflict checks. Advance planning on this front can be critical to avoiding potentially expensive disqualification litigation.

When a lawyer leaves an old firm and does not bring clients along, the old firm's clients become the lawyer's former clients under RPC 1.9. Both the Oregon and Washington versions of 1.10 permit the new firm to unilaterally screen an incoming lawyer who has worked opposite the new firm in an ongoing matter so that the incoming lawyer's potentially disqualifying former client conflict will not be imputed to the new firm.

If a lawyer is bringing clients, a conflict check is equally important. If the firm is opposing those clients on other matters, appropriate waivers must be obtained. Under the so-called "hot potato rule," firms are generally not allowed to "pick and choose" clients in this scenario or to "fire" one client to "cure" a conflict with a more economically attractive one.

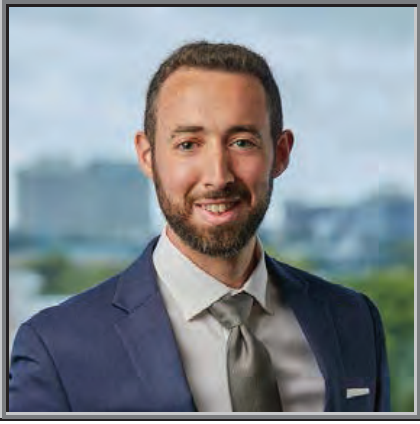
Happy New Year  
**2020**

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**FWW Welcomes  
Jonathon D. Himes**

Farleigh Wada Witt is pleased to announce that Jonathon Himes has joined the firm as an Associate. His practice emphasizes litigation, employment and financial services, enabling him to assist companies with a full-range of legal and business challenges. A former teacher, Jon leverages that same dedication, problem-solving skills, and work ethic to achieve the best results for the firm's clients.

Jon earned his law degree from the Indiana University Maurer School of Law. Prior to joining Farleigh Wada Witt as an associate attorney, Jon was a summer law clerk with the firm and served as a judicial extern to the Honorable Jane E. Magnus-Stinson at the U.S. District Court for the Southern District of Indiana and the Honorable Martha L. Walters of the Oregon Supreme Court.

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WE ARE PLEASED TO ANNOUNCE THAT  
LINDSAY DUNCAN AND STEPHANIE KUCERA  
HAVE BEEN NAMED PARTNER  
AT HART WAGNER LLP.



PORTLAND OFFICE

**Lindsay H. Duncan**

Lindsay maintains a diverse trial practice focusing on the defense of professional claims against lawyers, banks, broker dealers, physicians, long-term care facilities, and hospitals. Lindsay also represents her clients' business, professional, and personal interests before various appellate courts and professional licensing boards.



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**Stephanie C. Kucera**

Stephanie's practice focuses on assisting professionals with a variety of issues including professional liability, business management, contracts, and employment matters. She specializes in professional negligence, insurance, and healthcare law.



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## Around the Bar

### Valerie Colas Appointed MBA President-Elect

Valerie Colas, Oregon Judicial Department, has been appointed MBA President-Elect for the balance of the 2019-20 program year. She will serve as MBA President in the 2020-21 term, leading the MBA into its 115th year. This will mark an especially historic year as Colas will take the helm of the MBA as its first black president and lead the organization as Multnomah County opens the new Central Courthouse. Colas is the Access to Justice Counsel at the Oregon Judicial Department (OJD) in the office of General Counsel for the State Court Administrator. Prior to joining the OJD, she worked at Oregon Law Center and the Office of Public Defense Services. Colas has been involved with the MBA since becoming licensed in Oregon and served on numerous committees and in leadership positions for both the YLS and MBA boards. She presently serves as MBA Board Treasurer. She also serves on the boards of the Oregon Law Foundation and OC-NBA.



Hon. Daniel Harris

#### Senior Judge Daniel Harris

Hon. Daniel Harris, a senior judge and mediator, recently returned from Russia and Eastern Europe where he and his wife Susan served for 19 months as legal volunteers to facilitate humanitarian projects and promote the rule of law.



Meagan Himes



Kellen Luey

#### Davis Wright Tremaine

Meagan Himes has joined the firm as an associate on the firm's litigation team. She received her JD from Indiana University Maurer School of Law. Prior to law school she served for two years as a Teach for America

educator in Indianapolis and received an MA in teaching from Marian University. She brings experience in the public, private, and nonprofit sectors.

Kellen Luey has joined Davis Wright Tremaine LLP as an associate in the firm's corporate and business transactions group. Luey received his JD, magna cum laude, from Willamette University College of Law, where he was a Presidential Scholar and Note and Comment Editor for the Law Review. He brings a background in both private and public accounting.



Jonathan Hoffman

#### MB Law Group

The firm congratulates Partner Jonathan M. Hoffman on receiving the 2019 John P. Raleigh Lifetime Achievement Award from PLAC (formerly the Product Liability Advisory Council). PLAC is a national specialty bar association consisting of product manufacturers and select legal professionals. Hoffman has been a major contributor to PLAC throughout his career, authoring or assisting the group with over 25 amicus curiae briefs in Federal Courts of Appeal across the country and in the US Supreme Court. The John P. Raleigh Award is the group's highest honor and has only been bestowed nine times since PLAC's founding in 1982.

#### Miller Nash Graham & Dunn

The firm is pleased to announce that Ryan C. Hall and Brianna Wellman have recently joined



Ryan Hall



Brianna Wellman

the firm's Portland office. Hall and Wellman both join the firm's growing construction law team, representing owners, developers, general contractors and specialty contractors, advising on contract negotiation and litigating disputes for large and small construction projects in the Northwest and across the country.



Elisa Dozono



Taylor Richman

Attorneys Elisa Dozono and Taylor Richman were honored with the President's Special Award of Appreciation at the OSB Annual Awards luncheon on November 15. The President's Special Award of Appreciation is a discretionary award given by the President of the OSB, agreed on by the Board of Governors and presented to those who have made significant contributions to the OSB, the bench or the community.

Dozono and Richman, along with colleagues from Portland-area law firms Tonkon Torp LLP and Schwabe Williamson & Wyatt PC, successfully argued for the dismissal of lawsuits that challenged the OSB's mandatory membership fees and activities, claiming the violation of the First Amendment. US Magistrate Judge Jolie Russo found that mandatory OSB membership is constitutional, that the OSB's

bylaws and policies protect members' First Amendment rights and that the OSB's actions were pertinent to improving the quality of legal services. The case is currently on appeal in the Ninth Circuit.



Ian Christy



John Clarke

Partner Ian Christy recently joined the Board of Directors of Saturday Academy and will serve a three-year term. Saturday Academy provides hands-on learning opportunities for elementary and high school-aged students of all backgrounds. Saturday Academy's educational programs are focused in the areas of science, technology, engineering, math and the arts. Board members help guide the mission and strategic direction of the organization and oversee its finances, program focus, staffing and development efforts.

John Clarke was recently elected to serve a two-year term on the Board of Directors of the US District Court of Oregon Historical Society (the Society). The Society's mission is to celebrate and preserve the history of the US District Court of Oregon. The Society is an entirely volunteer-run organization whose board comprises lawyers, judges and scholars who help manage the Society's affairs, advise on corporate decisions and help to preserve the history of the US District Court of Oregon. Clarke has been involved with the Society for nearly four years.



Trisha Thompson

#### Holland & Knight

Congratulations to Trisha Thompson on being appointed to the National Federal Bar Association Professional Ethics

Committee. Thompson is a litigation attorney in Holland & Knight's Portland office, where her practice focuses on ethics and risk management for law firms and lawyers, as well as commercial and employment litigation.



Ali Bell



Nick Kampars



Jeanne Sinnott

#### Wildwood Law Group

The founding partners of Wildwood Law Group are proud to announce the opening of the firm, which assists individuals and small and medium sized companies with their business and litigation needs.

Ali Bell helps clients understand, manage, and protect their intellectual property. She also regularly reviews, negotiates and prepares contracts for clients, with a focus on businesses with significant intellectual property assets. Bell was previously a partner with Miller Nash Graham & Dunn.

Nick Kampars is a litigator who represents individuals and businesses in complex business disputes, and frequently handles cases involving contract and breach of fiduciary duty claims in closely-held businesses. He was previously a partner at Davis Wright Tremaine.

Jeanne Sinnott is a litigator with significant experience representing large and small companies, individuals, financial institutions, and investors in matters involving real estate disputes, tort claims, breach of contract claims, and debtor-creditor issues. Sinnott also represents clients in adversary proceedings in bankruptcy court. She was previously a partner at Miller Nash Graham & Dunn.

Continued on page 9



**Around the Bar**

*Continued from page 8*



Brian Sniffen



Meghan Williams

**Brian Sniffen** focuses his practice on intellectual property, privacy, and business transactions. He helps clients obtain and enforce intellectual property rights, comply with privacy laws, respond to data-security incidents, form and maintain corporate entities, and negotiate a wide variety of contracts. Sniffen was previously a partner at Miller Nash Graham & Dunn.

**Meghan Williams** is a business lawyer who advises clients in all aspects of running a business, including strategic planning,

commercial transactions, and corporate governance and who regularly assists clients with real estate transactions. She was previously a partner at Miller Nash Graham & Dunn.



Claire Brown



Melina LaMorticella

**Tonkon Torp LLP**

The firm has elected **Claire Brown**, **Melina LaMorticella**, and **Melany Savitt** to the partnership, effective January 1.

Brown joined the firm's Business Department in 2012. She works with startups and established companies to solve a broad range of legal issues in securities law, corporate finance, corporate governance, contract

negotiation, M&A, and general business operations. Brown holds joint graduate degrees from Vanderbilt University Law School and the Owen Graduate School of Management at Vanderbilt University.

LaMorticella joined Tonkon Torp's Business Immigration Practice Group in 2014. She manages immigration matters for regional and international companies, ranging from labor certifications and naturalizations to extraordinary ability petitions. LaMorticella is active in the business immigration community: she was chair for the Oregon Chapter of the American Immigration Lawyers Association (AILA) from 2016 to 2017, AILA Liaison to the Oregon Department of Motor Vehicles for five years, and served for two years at Portland State University's Immigration Clinic.



Melany Savitt

Savitt joined the Business Immigration Practice Group in 2012 with nearly 10 years of experience in business immigration gained from working as an immigration paralegal in San Francisco and

at Tonkon Torp. Savitt guides employers and foreign nationals through the maze of immigration laws, handling the full range of nonimmigrant work visas. She also has extensive experience with PERM labor certifications, and immigrant visa petitions for multinational executives and managers, as well as individuals meeting the extraordinary ability threshold.

*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](mailto:mba@mbabar.org).*

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**DAVID SAMUELS**  
Attorney

Dave joins us from the Office of the Illinois Attorney General where he worked as an Assistant Attorney General pursuing enforcement and recovery actions in large environmental contamination cases. Dave is a tenacious, focused litigator with a proven track record of successfully litigating complex environmental cases, adding muscle to our environmental litigation team at Larkins Vacura Kayser.

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ATTORNEY AT LAW

**Lawrence P. Blunck**  
larry@bluncklaw.com

Over the years I have mediated the following types of cases:

- Automobile Accidents
- Motorcycle Accidents
- Breach of Contract
- Business Disputes
- Construction Defects
- Subrogation Claims
- Personal Injury
- Product Defects
- Sexual Abuse
- Fire Loss
- Timber Trespass
- Neighborhood and Homeowner Association Disputes

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## Tips From the Bench

### Motions

by Judge Leslie Roberts  
Multnomah County Circuit Court



A request that the court enter an order is a motion. ORCP 14. You cannot request the court take an action by email, letter, or telephone call to the court's judicial assistant. (There are times - a very few - when needs must, as when the lead attorney falls into a manhole on his way to court, and a frantic telephone call is in order, but putting aside a true emergency like that, a motion is called for.)

The judge is being asked to act in your favor, so you need to take the burden of scheduling the motion and supporting it. The rules of procedure (largely in the Local Rules, Chapter 5) show you how.

#### Filing and Scheduling the Motion

The judge doesn't even know your motion exists, until you contact him or her. LR 5.015 makes it the responsibility of you, the party requesting some action, to call the judge's JA (before or when filing a motion) to find out when the judge has time to hear the motion. It is your duty - not the JA's - to work out a date that works for the opposing party and the court. The judge has to have the courtesy copies well in advance. LR 5.015 (6) provides:

"The moving party shall deliver a courtesy copy of the motion to the assigned motion judgment and serve parties on the date the motion is filed with the court..." [Emphasis supplied.]

The rule is the same for the response and reply. If the judge for the motion changes, it is up to you as the advocate to get copies to the new judge. Don't assume the courtroom staff will do this.

Pay attention to the Local Rules! UTCR, 21.070 provides that "The court may require that a filer submit...a copy of the document that was filed electronically..." UTCR 21.070(1) (a). Multnomah County does require that. (LR 5.015(6)). Don't be one of those irritating people, lawyers or their staff, who resist court rules because (they argue) the judge can look up the memoranda for herself. This wins no respect for your grasp of law and procedure.

Some motions can be presented ex parte; some motions cannot be filed

electronically; and some motions don't need to be argued because the parties stipulate. LR 2.501 provides a lengthy list of matters that cannot be filed electronically - regardless of stipulation. Look through this list and check back as needed. It includes such things as a second continuance of UTCR 7.020 (LR 2.501 (1)(i)), motion to reschedule summary judgment hearing (LR 2.501 (1)(j)), or consent judgment (LR 2.501 (1)(u)).

Some things can't be settled by the parties by stipulation. LR 5.165 provides the basis and process for protective sealing orders. You must file a motion showing the statutory authority for sealing, the reasons for protecting the documents from view, and a description of the documents in question. Don't expect a stipulated protective order to be signed if it contravenes the court's powers in this respect. You cannot expect to alter the court's docket by a stipulation. You need to ask the court to reschedule and the court may require a scheduling conference. LR 7.025.

#### Presenting the Motion in the Best Light

Assuming you have provided the courtesy copies, make them useful to the court. Make memoranda as brief as is consistent with an effective statement of your position and authority. Brevity takes time and effort to achieve, but the longer argument may lose or obscure the main point and tax a busy judge's attention.

State facts only when necessary to understand the motion. Don't make a 'jury argument,' asking sympathy for your client, or attacking morals of the other party (or worse, the other attorney). You may be emotionally involved, but the judge is not, and will not rule based on this. The judge may only be skeptical of legal arguments wrapped in emotional ones.

Lead with strength. If you have a statute or controlling case on your side put it up front. Don't bother with weaker points or pad the brief with string cites for the well-known standards for Rule 21 motions or summary judgment motions. Trust the judge to know the basics. The court is forming an opinion of your position as he or she reads. Make the motion compelling from the beginning.

Limit your cases to those you can discuss in detail. If there is one that decides it, stick with the one. If you haven't read a case - from the first to the last page - the court can't be bothered to do it, so don't cite it.

Be scrupulously accurate in your description of the cases and relevant facts. The judge will read the important cases (as will your opponent). If you are inaccurate about them, your ship is already sinking.

*Continued on page 17*

## News From the Courthouse



by Amanda Nadell  
Court Liaison Committee

#### Presiding Judge's Report and Courthouse Update

##### Updates from Presiding Judge Stephen Bushong

##### Statewide Time-to-Disposition Standards

Oregon Chief Justice Martha Walters has asked the statewide Case Management Committee (chaired by Marion County Presiding Judge Tracy Prall) to help courts around the state meet the time-to-disposition standards adopted by the Oregon Judicial Department for all case types (criminal, civil, etc.). Currently, not all jurisdictions are meeting all of the standards. Courts have been asked to identify their "best practices" used to keep cases moving through the system in order to meet time-to-disposition standards. The Multnomah County Circuit Court is working on its report to the committee.

Time to disposition is measured from the initiating complaint filing to the entry of judgment that terminates a case. The standards establish goals for timely resolution of most cases, recognizing that there are sometimes good reasons for some cases to take much longer to resolve. For example, civil cases designated as "complex" will take longer to resolve, and the parties in some family law cases may benefit by taking longer to resolve the case.

The court utilizes a central docketing system, which allows the presiding judge to move hearings around so that judges will be available to conduct trials on the cases ready for trial. It has been several years since a case, otherwise ready for trial, has been set over because of judicial unavailability in this county. The presiding judge may decline a request to set over a trial date absent good cause in part to help the court meet the statewide time-to-disposition standards. In general, a request for more time to conduct discovery or engage in settlement negotiations will not be considered "good cause" to set over a trial date previously set by the court.

#### General Practice Tips and Reminders

If the court has appointed a Guardian ad Litem (GAL) or conservator to represent a minor or incapacitated person in a civil case and the parties settle the case, ORCP 27 I and ORS 126.725 require court approval of the settlement. Under Supplemental Local Rule (SLR) 9.055, the request for approval of the settlement must be presented to the probate court. Judge Patrick Henry currently oversees the probate court. Lawyers are reminded to obtain probate court approval when settling a case involving a GAL or conservator.

The Oregon Legislature adopted a new receivership law - codified in ORS Chapter 37 - in 2017. The statute includes an automatic stay provision - analogous to the automatic stay provided by federal bankruptcy law - prohibiting commencement or continuation of a variety of proceedings against the owner or property subject to the receivership, unless relief from stay is granted by the court. See ORS 37.220. Practitioners should keep this automatic stay provision in mind before attempting to pursue a claim after a receiver has been appointed.

#### Updates from Trial Court Administrator Barbara Marcille

##### UTCR on Warrantless Civil Arrests

Oregon Chief Justice Walters approved a new UTCR prohibiting warrantless civil arrests in courthouses through the state. This rule was recommended by the UTCR Committee in October 2019. Several other jurisdictions across the country have implemented similar rules. Federal Immigration and Customs Enforcement (ICE) officials have generally respected those rules in other jurisdictions. According to recent media reports, however, federal officials have not agreed to abide by the new Oregon rule. The court is not aware of any instances of civil warrantless arrests in or around the courthouse since the rule took effect. If practitioners learn of civil arrests in violation

of the rule, they are encouraged to report them to Trial Court Administrator Barb Marcille or to send an email to Mul.Public.Information@ojd.state.or.us.

#### User Feedback Kiosks

In order to better serve the community and improve the experience of people utilizing the courthouse, user feedback kiosks will be placed in the current downtown courthouse. This is a pilot program to explore what type of feedback the court can gather and how they can make service adjustments based on that feedback. Three different kiosk stations will be set up near high volume areas of the courthouse - likely the hallway near Room 106/payment counters; near civil cashiering on the second floor; and near the jury assembly room/file room on the first floor. Each kiosk will include an iPad on a stand, and will ask users one question: *How would you rate your customer service today?* To reply the user chooses either a thumbs-up or a thumbs-down icon. The iPad will be connected to a web-based application that will provide reports showing how positive or negative visitors' report that their experiences are at different times of the day in these locations at the courthouse. Eventually there will be different types of questions and response options, and there may be a way for users to provide a bit of additional feedback or to leave their contact information for further follow-up. This is slated to be a three-month pilot program. If successful, kiosks will likely be set up in the new courthouse. The user feedback kiosk project will be a way to get near immediate feedback on how people are feeling about their experiences in the courthouse, thereby assisting the court in continuing to make improvements.

#### New Courthouse Updates

The current projected timeline for the new building opening is dependent on the completion of the exterior stone installation, among other things, so the opening date remains tentative.

## The Honorable Amy Baggio Multnomah County Circuit Court Judge

by Cynthia Newton  
Court Liaison Committee

In March 2019, Governor Kate Brown appointed Amy M. Baggio to the Multnomah County Circuit Court. Baggio, and Heidi Moawad, filled vacancies created by the retirements of Judges Marilyn E. Litzenger and John A. Wittmayer.

Amy Baggio was born in Pittsburgh, Pennsylvania, into what she describes as “incredibly lucky” circumstances. She was the middle child of three in a “rather strict Catholic family.” Her father worked in human resources with a large company and her mother was active in their neighborhood schools, church, and a variety of charitable organizations, including Ronald McDonald House Charities and Meals on Wheels. Judge Baggio graduated high school in Alabama and went on to Wake Forest University where she graduated in 1995, *cum laude*, with a BA in Speech Communication and a minor in French. After graduation, she stayed in Winston-Salem and worked for a marketing and advertising firm for three years. There, she met and worked alongside local elected officials and attorneys hired to advance several campaigns. Seeing their resolve to impact social issues inspired her to apply to law school.

Judge Baggio went to Lewis & Clark Law School for its environmental law program. However, by the time she graduated law school, her focus had shifted: a clerkship at the Federal Public Defender’s (FPD’s) office in Portland allowed her to watch amazing lawyers and staff work tirelessly in their representation of indigent criminal defendants. This experience convinced her that she, too, wanted to be a criminal defense lawyer and work with underserved citizens in our community.

After law school she joined the Metropolitan Public Defender’s (MPD) office in Portland. There, she began to develop her particular style and approach to criminal law practice. She saw her role as broader than the often-challenging work of spotting legal issues and guiding her clients through the criminal charges they faced. She went beyond, engaging with her clients and their families to achieve a result that allowed them the opportunity to address underlying issues that led to their involvement in the criminal justice system.

After one year at the MPD, Judge Baggio returned to the FPD’s office where she worked from 2002 to 2013 for then-Federal Public Defender Steve Wax. While there, she represented hundreds of clients. One of her clients, who she represented along with Assistant Federal Public Defender Ruben L. Iniguez, was Nazar Chaman Gul, imprisoned

at Guantanamo Bay Prison since 2003. Gul had worked as a guard for the Karzai government in the town of Gardez. One night, as he slept in a house belonging to a man rumored to be in cahoots with the Taliban, Gul was swept up by US soldiers under the cover of darkness and taken to Guantanamo via the Bagram Air Base. In 2008, the US Supreme Court issued its decision in *Boumediene v. Bush*, holding that held detainees at Guantanamo had a right to file petitions for habeas corpus. Mr. Gul filed a pro se petition for habeas review of his detention at the US military base in Cuba. Iniguez and Baggio were then appointed to represent Gul in his case filed in the DC District Court.

Iniguez and Baggio and their team investigated the government’s allegations against Gul and learned the details of his life and the circumstances under which he was in Gardez and captured. Eventually, they came to understand that he had likely been confused for Chaman Gul, a known warlord, who was also imprisoned at Guantanamo. In 2007, the government allowed Mr. Gul to leave Guantanamo. Afterwards, Baggio’s co-counsel Iniguez told the press, “Every single, minor detail he told us was corroborated. They (US officials) never took the time or effort to find it out... All it would have taken was a phone call.” Judge Baggio received awards from the ACLU of Oregon and American Jewish Committee for her work representing Gul. The work had lifelong impacts on her as a person and as a lawyer. These articles describe the exhaustive investigative and legal work necessary to secure Nazar Gul’s release: [www.bit.ly/NazarGul1](http://www.bit.ly/NazarGul1) and [www.bit.ly/NazarGul2](http://www.bit.ly/NazarGul2).

Judge Baggio left the FPD’s office in 2013, to start a solo criminal defense practice. Long-time Portland criminal defense attorney Larry Matasar rented her an office in the American Bank Building, where she initially worked in a suite alongside Matasar, Dennis Balske, Stephen Brischetto, James Lange, Richard Maizels, and author Phillip Margolin, all of whom provided a wide array of expertise and a collegial environment. Mr. Matasar served as a mentor in private practice and was her sounding board for ideas. She continued to represent a wide variety of clients, and she remained committed to not only to defending her clients against criminal charges but continuing to advocate for them in such a way as to provide support should they be ready to move beyond their pasts and on to more stable lives. She is inspired by the



Hon. Amy Baggio

cards and letters she receives from former clients who have found the strength and courage to overcome some of life’s most seemingly insurmountable obstacles. And, while she had the opportunity to be involved in high profile cases, such as the Malheur occupation trial where she represented Joseph O’Shaughnessy, Judge Baggio talks most passionately about the individuals who overcame experiences of abuse, neglect, and addiction to become inspirations to everyone whose lives they touch

And, as mentioned above, Judge Baggio carried into her private practice principles she embraced from her experience representing Nazar Gul. His case reinforced her belief that the rule of law - including the fundamental rights guaranteed by our Constitution - are essential in the functioning of our justice system and in maintaining our very democracy. The government gains no benefit from failing to abide by our constitutional guarantees; to the contrary, when the government fails to follow its own laws, it sends a message to the citizenry that they need not respect the law either.

Judge Baggio’s core belief in the importance of the rule of law and the protection of basic rights grounds her work as a judge. Judge Baggio strives to create, on a daily basis, a calm environment where she resolves legal disputes in an understandable and respectful manner. While legal cases almost always result in one side prevailing over the other, Judge Baggio believes it of the utmost importance for the litigants appearing before her to leave the courthouse feeling that she listened carefully to them and that while they may not agree with her decision, they understand why she ruled the way that she did.

Judge Baggio appreciates and expects civility and preparedness from those who appear before her. Driven by the passion to understand the law and reach the right result, she reads everything before hearing cases. To allow time for her careful review she encourages attorneys to submit briefings as early as possible.

Judge Baggio took the bench in April 2019 as a general assignment judge and hears both criminal and civil matters. She has already conducted many criminal trials and recently conducted her first civil trial in an employment discrimination case. She describes civil law as fascinating and looks forward to being assigned more civil trials and motions in the future.

## Celebrating the Career of the Honorable Steven Todd Multnomah County Circuit Court Referee

by Andrea Ogston  
Court Liaison Committee

After 22 years on the bench, Judge Steven Todd retired from the Oregon Judicial Department on December 31, 2019. His retirement marks the end of a judicial career celebrated for its mentorship, professionalism, and commitment to improving traffic safety.

Judge Todd graduated from Northwestern University in 1978 with degrees in music and political science, two poles that have guided him throughout his life. A native of Beaverton, Oregon, he returned home and attended Lewis & Clark Law School, graduating in 1981. Prior to taking the bench in 1997, Judge Todd spent two years clerking in both federal and state court. From 1983 to 1997 he worked as a district attorney, first in Columbia County and then Multnomah County.

Judge Todd was one of approximately a dozen judges who heard traffic matters in Multnomah County. He also handled criminal matters (DUII), probation violations, landlord tenant cases, and small claims. Following the events of September 11, 2001, Judge Todd struggled with the meaning of his work and whether it was important. These doubts were brought into stark relief when shortly thereafter, he was the first to the scene of an accident with significant injuries. Witnessing this event firsthand reminded him of the profound effect traffic accidents have on individuals and communities. Thereafter, Judge Todd began to conceive of ways his role on the bench could improve traffic safety for Oregonians. For example, he began to emphasize traffic safety classes as integral aspects of sentences. In addition, he made extraordinary efforts to get out into the community. He participated in safety coalitions organized by the City of Portland, he was a member of the Oregon Employers for Traffic Safety Advisory Committee, and presented at classes that targeted young drivers and their parents such as the Legacy Emmanuel Trauma Nurses Talk Tough Program.

Despite all his community involvement, Judge Todd still found time to mentor new judges and has made significant contributions to streamlining various aspects of court operations. Presiding Judge Stephen Bushong greatly appreciates all the efforts Judge



Hon. Steven Todd

Todd has made in making himself accessible. “He has provided bench guides, helpful tips, forms, and other materials to referees, judges and staff. He regularly participates in judges’ meetings and programs, bringing a wealth of knowledge and experience to the table. Most new judges in this county have sat alongside Judge Todd as they learn how to handle arraignments, traffic court, small claims court, or other important dockets.”

When asked if there was any advice he would offer to those just starting out in their career, he encouraged individuals to get involved in organizations that provide opportunities to interact with judges and colleagues face to face. He has found that his career has been profoundly enriched from all the connections he has made by getting out of the office and involved in the community.

Judge Todd will continue to serve as a municipal court judge around the state. He is excited to continue to use his knowledge to be of service to communities in need of his expertise. He looks forward to spending time with his wife, who recently retired and launched a second career as a seamstress and piano teacher. Judge Todd plays trombone and electric bass in various bands in the Portland area and plans to spend more time on these musical endeavors. In the immediate future, Judge Todd is looking forward to his daughter’s wedding and tackling some projects around the house. His son, also a musician, lives in the area and Judge Todd enjoys hearing him perform both the violin and musical scores.

As put best by Judge Bushong: “Judge Todd has had a significant positive impact on the bench, bar, and most importantly, the people of Oregon. He will be missed.” That is undoubtedly a sentiment shared by many.

**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,

*It seems like many experienced attorneys I know credit their early success to having a mentor (or mentors) who helped them along the way. How important is it that I have a mentor and how do I find one?*

Mentors are a wonderful resource. They can provide invaluable advice about specific practice areas to help you feel confident about how to proceed. And they often have important insights on the more practical side of practice (all the stuff they didn't teach you in law school).

Mentors can be supportive on both a personal and professional level. Having someone to talk to about the stress, competition and high expectations associated with being a member of the legal profession can make all the difference.

A mentor may also be important in providing an outside perspective. When we get in our own heads or are having trouble seeing the other side of an issue, talking things through with a mentor can help keep things in context. This is especially true when your mentor has gotten to know you well. So it's best to start building your network early.

There are a number of ways to make connections and find a mentor. For those in larger firms, finding a mentor may be as simple as reaching out to partners in your practice area or those you are working with on a specific case. Look for opportunities to strike up a conversation, whether that means discussing interesting or challenging legal issues or a shared activity or experience.

Solo and small firm attorneys may benefit from joint venturing with a more experienced attorney for a particular case. This can provide an avenue to learning about a new area of law, help broaden your network and lead to a more lasting association.

If you're faced with a unique legal issue, consider reaching out to an attorney experienced with that issue. You may identify them as the attorney who wrote the BarBooks chapter or someone who is otherwise well-known as an expert on that issue. Offer to take them out for coffee to pick their brain and hopefully make a connection. The Oregon bar is known for its collegiality and professionalism. Most attorneys are happy to share their experience.

Taking on pro bono work in which you receive training

from attorneys working in a field new to you is also a great way to meet a potential mentor. There are a number of pro bono opportunities available through Legal Aid Services of Oregon, the Oregon Federal Bar Association and other organizations that provide support and training. In learning a new area of law and working your way through a case together, you can forge a positive working relationship.

Finally, there are a number of mentor programs seeking mentees. Most recent graduates are required to participate in the OSB's mentorship program. But there are many programs available through specialty bars and associations like the MBA and OWLS. Ask your network about their experiences with these programs to find one that is right for you.

Mentorship has many benefits and can make the practice of law more enjoyable overall.

**Oregon's FBA's Free Federal Law Clinic and Susan D. Pitchford Pro Bono Spotlight**

by Olivia Wotman  
YLS Pro Bono Committee

The Free Federal Law Clinic is a volunteer lawyer program run by the Oregon Chapter of the Federal Bar Association (FBA). The program began as a pilot project in January 2019 to increase the participation of attorneys in federal pro bono service, and to assist pro se litigants. The clinic offers direct client consulting experience with federal issues in a limited representation capacity, requires a short time commitment, and grants volunteers the ability to develop attorney-client relationships after the consultation if they so desire. Volunteers frequently answer procedural questions, and gain exposure to substantive areas like employment and social security.

The clinic begins with the pro se litigant completing intake forms online, which consist of 10 short questions. Once conflict checked, specific case information is sent to the volunteer attorney for review. The clinic maintains a list of volunteers to take consultations on alternating Thursdays on an ongoing basis. Volunteers meet with the pro se litigant in an attorney conference room at the Mark O. Hatfield US Courthouse. If mobility is an issue, volunteers may also facilitate a phone appointment with the pro

se litigant. A consultation typically lasts 30 minutes.

The clinic's ideal volunteers are attorneys who have a fair amount of experience in federal court and are well-versed in federal civil procedure. However, newer attorneys who want more experience with federal issues are welcome and may be paired up with a more experienced attorney during their first volunteer consultation upon request. If you are not a member of the Federal Bar, the Oregon Chapter of the FBA offers a Pro Bono Scholarship for attorneys interested in providing pro bono services through the US District Court for the District of Oregon's Pro Bono Program.

Susan D. Pitchford, a partner at Chernoff Vilhauer LLP, is an active member of the Federal Bar Association and one of the main coordinators of the Free Federal Law Clinic. Having served as Oregon Chapter President from May 2011 to May 2012, and on the executive team of the National FBA Litigation Section Board, Susan is committed to serving her community. Early in her life, Susan recognized the frustration and difficulty many people experience navigating convoluted benefit systems when her younger



Susan Pitchford

sisters transitioned from receiving special education services as children to requiring services as young adults. Since that time, Susan has remained dedicated to volunteering and has found that it provides meaning to her work by making a significant impact on people's lives. She also believes that volunteering helps attorneys build confidence in handling unfamiliar legal issues.

Thank you for your service, Susan.

If you are interested in gaining experience in federal law, the Oregon Chapter of the FBA is planning a CLE seminar in early 2020 which will cover federal civil procedure and substantive areas of law that tend to come up most frequently. Potential and current volunteers are strongly encouraged to attend.

To learn more about getting involved or applying for the FBA Pro Bono Scholarship, please visit the Oregon Federal Bar Association's website at [oregonfederalbarassociation.org/federal-law-clinic/](http://oregonfederalbarassociation.org/federal-law-clinic/). Volunteers may sign up for available consultation slots posted online at [bit.ly/volunteerFBA](http://bit.ly/volunteerFBA).

**Wishing You a Happy and Healthy New Year**

by Heather Fossity  
YLS CLE Committee



It is no secret that neither "happy" nor "healthy" are typically the first words used to describe attorneys. In fact, last year the *OSB Bulletin* dedicated an entire issue to attorney wellness, and the fact that the topic is "newsworthy" is telling on its own. However, I want to keep the conversation going. The topic is extremely important to me, and I plan to talk, write, and think about attorney wellness until a "happy and healthy" life and practice is the norm in our field. This discourse certainly signals movement in the right direction, and I hope to maintain the momentum through 2020 and throughout my career. After all, "it's not a sprint, it's a marathon."

Which brings me to why I care about attorney wellness. I have been a distance runner for almost a decade, and although I initially signed up for my first marathon as a one-time bucket list item, it quickly became a significant part of who I am. Most importantly, I found that distance running is what keeps me happy and healthy, which has unquestionably contributed to my professional accomplishments as well.

I care about attorney wellness because I care about my career and want to continue to become the best attorney I can be. I know that prioritizing my own health and happiness plays an enormous role in this goal. At the same time, finding the right balance is definitely challenging as a new attorney, so I would like to share a few things that I have learned and that I am working on moving forward.

**Set Goals**

During law school, I was told to "treat exercise/sleep/nutrition like it is part of your job." Just like we set goals for billable hours, pro bono service, marketing, etc., it is also helpful to set wellness goals. For me, this takes the form

of signing up for a race or two to keep me focused throughout the year. Last year I set a lofty goal for myself of running my first 50-mile trail race, and although the accomplishment is something I am incredibly proud of, the training was of great benefit on its own. I had a training plan and something to work toward outside of the office, which forced me to disconnect, only to return more motivated and enthusiastic about my work.

Whether it is running an ultramarathon or committing to 15 minutes of movement per day, I am certain setting personal and physical goals outside of the office enhances our work. While we often think of these types of goals as things we do for ourselves, they actually benefit our clients, colleagues, firms, families, and friends, as well.

**Be Flexible, But Do Not Make Excuses**

I think we have all had days where we leave the office thinking we did not actually accomplish any of the items we intended to that morning. Similarly, I learned that working towards personal goals as a new attorney requires a level of flexibility. When something unexpected comes up or simply takes longer than anticipated, I modify my training plan and keep moving forward. This is an opportunity to reevaluate and adapt when necessary, which is a

useful approach to both personal and work-related goals.

At the same time, I try to be mindful of the distinction between prioritizing upcoming work deadlines or unexpected client demands and simply making excuses. I could easily say, "I don't have time to exercise, I have to work," every single day, but along with my health and happiness, the quality of my work would certainly suffer because of that decision.

**Look to Others for Support**

Accountability is powerful, and knowing that friends are waiting is often the strongest motivator for my early morning workouts. On a broader scale, I also recently realized that we are all trying to find the right balance, and it helps me to know that we are in this together.

I hope that moving forward we can continue to openly talk, write, and think about personal health and happiness until it becomes the rule and not the exception. While our profession is moving in the right direction, we can improve by accepting and embracing personal endeavors and their ultimate benefit to professional success. I hope that we can continue this conversation without the fear of being viewed as selfish or entitled, because a commitment to personal health and happiness really signals a commitment to a successful and sustainable career.

## Ioana Lavric YLS Member Spotlight

by Annyika Corbett  
YLS Board

After attending college and law school in the northeast (Dartmouth and Columbia, respectively), Ioana (“e-WA-na”) Lavric was excited to return to her hometown of Portland. When Ioana decided that she wanted to practice law in Portland, she began searching for fun yet meaningful ways to engage in Portland’s legal community. This spring, Ioana received a letter describing the various YLS committees and realized that the Service to the Public Committee would be a great fit given her interests in volunteer work and her desire to become a fixture in Portland’s legal community.

Since joining the YLS Service to the Public Committee this fall, Ioana has been a driving force in three of its projects. First, she has played an integral role in planning the committee’s annual Objection! Poetry Slam, which is scheduled for Thursday, May 21. Second, Ioana recruited volunteers for the Holiday Cards for Seniors event that was held in December at Friendly House, a nonprofit that runs various programs for children, seniors, and other groups including advocacy and services for LGBT+ elders. Third, for MBA members who would like to serve their community through pro bono work, Ioana is spearheading an event that involves a collaboration with the Lewis & Clark Law School Small Business Legal Clinic (SBLC) and the YLS Pro Bono Committee.

When asked why she became involved with Holiday Cards for Seniors, Ioana explained, “family is pivotal to my life; my family and I are very close. I immigrated to the US when I was 10 years old, and I spent most of my teenage years with my family in Portland. Although I attended college and law school in the northeast, I moved back to Portland right after law school to be near my family. Because of these experiences, I love the holiday season and its focus on spending time with one’s family. However, the holiday season can be alienating to many people. Not everyone is lucky enough to live near their families or to enjoy strong relationships with them. For December, I wanted to find a merry, holiday-themed event that catered to people who may feel marginalized or lonely during the holiday season. When I came across the holiday card-making sessions at Friendly House, I knew I’d found the perfect event, because the cards would be distributed to seniors in need, many of whom identify as LGBT+.”

When Ioana joined the Service to the Public Committee, she was already very involved with the SBLC. After she returned to Portland, Ioana was looking for a way to gain more practical experience in business, employment, and intellectual property law. The SBLC allowed Ioana to explore and gain hands-on experience in all three of these fields. Ioana also explained that she was drawn to the SBLC due to its warm, innovative culture and



Ioana Lavric

its mission of serving low-income entrepreneurs who are frequently also women, immigrants, people of color, and people from rural communities. As a woman, an immigrant, and someone who grew up on a small farm in rural Romania, Ioana was and remains thrilled to serve such clients. Through the SBLC, Ioana has represented both startups and established businesses in the agricultural, food and beverage, craft, entertainment, counseling, graphic design, childcare, and housekeeping industries. She describes her pro bono clients as extremely dedicated, industrious, and resilient. Furthermore, Ioana credits her work with these clients to her own growth in confidence, innovation, and broad legal skills.

Ioana is working on an event that will bring together the SBLC, the Service to the Public Committee and the Pro Bono Committee. The SBLC and these two YLS committees will hold an LLC formation day clinic at the SBLC on Thursday, April 30, in commemoration of Law Day. Traditionally, the Service to the Public Committee has organized events on or around Law Day that are inspired by that year’s Law Day theme. This year’s Law Day theme is the 19th Amendment, so Ioana and the other planners intend to focus on serving women entrepreneurs.

Each client will attend a 55-minute session with a volunteer attorney that covers everything the client needs in order to form a single-member or multi-member LLC. The SBLC will collaborate with organizations like Micro Enterprise Services of Oregon (MESO), Livelihood NW, and the Portland Mercado/Hacienda CDC to recruit clients. Meanwhile, the YLS committees will collaborate to recruit volunteer attorneys and to otherwise facilitate the event. The SBLC will provide all volunteer attorneys with various resources on LLC formation, so no prior experience with business law is required; volunteer attorneys need only be courteous, punctual, and enthusiastic about pro bono work. Keep an eye out for MBA communications about this event if you are interested in volunteering, or feel free to reach out to Ioana directly at [ioana.lavric@columbia.edu](mailto:ioana.lavric@columbia.edu).

In the meantime, you can find Ioana spending her non-working hours cooking, hiking, spending time with loved ones, and frequenting local restaurants, food carts and farmers markets.

## UPCOMING YLS EVENTS

### Imprint Program Volunteers

**Tuesday, January 7, 5:30-6:30 p.m. - Orientation**  
**Standard Insurance Center Atrium Room**  
**900 SW Fifth Ave, Portland**

The Imprint Program returns for another fun year of reading great books and corresponding with local high school students. Each student in the participating class will be paired with a volunteer attorney, and both will be assigned to read the same novel over a three-month period, and exchange letters discussing the book. By the end of the program, the student and attorney will have developed a mentoring relationship and will have the chance to meet at an informal gathering celebrating the project.

Attendance at the orientation is not mandatory but is strongly encouraged, especially for first-time volunteers. The first letters will go out in mid-February.

To sign up for the program, contact Ryan Mosier at [ryan@mbabar.org](mailto:ryan@mbabar.org) or 503.222.3275.

### Assemble Bicycles for Underprivileged Children

**Monday, January 13, 6:30 p.m.**  
**Community Cycling Center**  
**1700 NE Alberta St, Portland**

The Community Cycling Center is a nonprofit devoted to providing bicycles to underprivileged kids. For this event, volunteers will work together under the supervision of CCC staff to assemble bicycles that will be given to kids in need. Prior bike maintenance experience is not necessary, but would come in handy.

Portland law firm Thomas, Coon, Newton & Frost has agreed to donate the bikes to be assembled at this event.

The event has space for up to six volunteers – RSVP to Chris Thomas at [cthomas@tncf.legal](mailto:cthomas@tncf.legal).



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### MBA Visits the Portland Children’s Museum

**Saturday, February 29, 5:30-7 p.m.**  
**4015 SW Canyon Road, Portland**

Join us in celebrating Leap Day at the Portland Children’s Museum for this private networking event. Families will have free reign to explore the museum and create crafts in the Maker’s Studio and complimentary refreshments will be provided for kids and adults. Admission is free.

Please register early as space is limited. Submit your party’s RSVP list to [lauren@mbabar.org](mailto:lauren@mbabar.org). Interested in becoming a sponsor? Please email your inquiry to [lauren@mbabar.org](mailto:lauren@mbabar.org).



### The MBA Solo & Small Firm Committee Upcoming Workshops

## EVERYONE’S BUSY. BEING PRODUCTIVE IS A CHOICE: DRIVING RESULTS IN 2020

**Tuesday, January 14**  
**Workshop: 12-1:30 p.m.**  
**Hotel Monaco**  
**506 SW Washington St., Portland**

Do you and people on your team sometimes find yourselves scrambling, trying to get it all done? Meeting deadlines, keeping promises, dealing with issues and problems - getting the job done can be stressful and overwhelming sometimes.

Come to this interactive workshop led by **Caryn Condon**, President of Catalyst Consulting Group, Inc. and learn some sound, practical and immediately implementable tips to make your life easier and have your practice run more smoothly, with less effort. Catalyst is a consulting firm that supports clients and firms with their most important results and initiatives - focused on sales, profitability, productivity and effectiveness. Caryn’s clients are people who mean business about their businesses. People committed to producing results beyond the status quo.

Caryn’s promise is that you’ll leave this workshop pleased that you attended! You’ll receive practical advice that increases your personal effectiveness with:

- Using time well
- Delegation of projects and tasks - that you can count on
- Dealing with problems efficiently

Cost: \$30 members/\$60 non-members. Lunch is provided.

The MBA will apply for one hour of MCLE credit.

## OFFICE SPACE: HOW TO FIND AND NEGOTIATE NEW DIGS FOR YOUR FIRM

**Tuesday, February 11**  
**Workshop: 12-1:30 p.m.**  
**Red Star Club Room**  
**503 SW Alder St., Portland**

Are you looking for office space for your firm? Want to know the ins and outs of renting, leasing, or buying commercial office space? Join **Michael Licurse**, attorney at Wyse Kadish, and **Doug Deurwaarder**, commercial real estate broker at Cushman Wakefield as they discuss how best to negotiate commercial space for your firm.

Cost: \$30 members/\$60 non-members. Lunch is provided.

The MBA will apply for one hour of CLE credit.

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

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## The Corner Office PROFESSIONALISM

### The Golden Rule

At the heart of lawyer professionalism lies the Golden Rule. “Do unto others as you would have them do unto you.” This ancient ethical maxim is a primary tenet of the world’s major religions. It should serve as the guiding principle in exhibiting professionalism in our daily encounters with opposing counsel, office staff, court clerks, and even judges. While our Rules of Professional Conduct inform us as to what not to do, the Golden Rule guides us in determining what we should do.

We attorneys, from law school days forward, have been engrained with the deeply held notion to serve as “zealous advocates” for our clients. However, there is no longer any reference to “zealous advocacy” in our current Rules of Professional Conduct. While we will always strive to be zealous advocates for our clients, we should never allow our pursuit of our clients’ causes to undermine our duty to uphold the Golden Rule. I vividly recall as a young attorney, allowing a time limit to pass in an appeal I was handling. I was filled with utter chagrin. I remember picking up the phone to call my very experienced opposing counsel to inform him of my mistake.

Before I could even finish stating my humble request that he consent to an extension of time, he immediately informed me he would readily consent. Some may argue that when he consented to my extension request that he was abdicating his responsibility of zealous advocacy. But, that was not the case, as his decision to provide professional courtesy did not prejudice his client, as in all likelihood the court would have granted my motion for a time extension. More importantly, his act of professional grace so many years ago continues to inspire me to extend professional courtesy to my opposing counsel whenever I can, as long as I am not substantively prejudicing my clients’ interests in doing so. An act of professional courtesy generates a ripple effect of others extending professional courtesies. This in turn helps to create and maintain a positive environment where positive issue resolution has its best chance of success.

The application of the Golden Rule compels us to be courteous to others. Being courteous includes extending pleasantries; offering to provide help when needed; and refraining from any expression of bullying, berating, or mocking.

The Golden Rule also compels us to be respectful towards others. Whenever a personal insult raises its ugly head, respect flies out the window. To be respectful of others is to honor their integrity, even when there may be sharp disagreement regarding either the facts or the application of law to any particular case being litigated. To be respectful also means to be timely in responding to communications and requests made by others. Untimeliness may be the result of poor time management and may not be intentional; however, dilatoriness is received as an act of rudeness. There is little worse than when a client has a legitimate and immediate need that can only be accomplished by reasonable cooperation from opposing counsel and where opposing counsel fails to respond in a timely manner. Such disrespect often results in the client losing respect for his or her attorney as the attorney is viewed as ineffectual in accomplishing important tasks in a particular case.

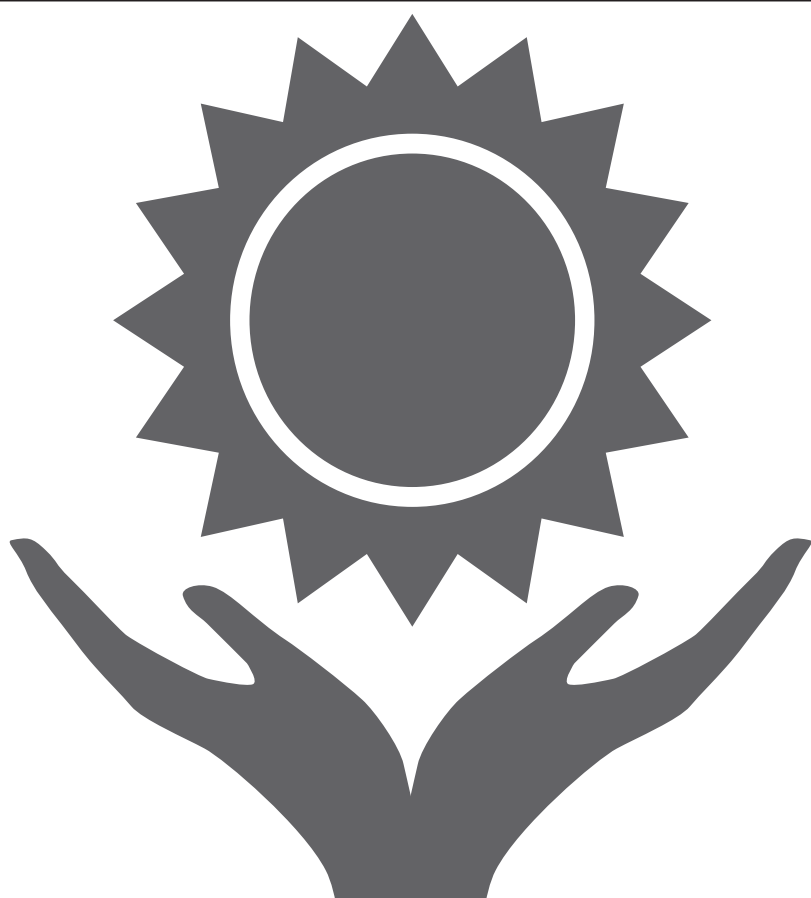
Exercising the Golden Rule also compels an attorney to act with honesty and forthrightness in his or her communications with others. Why? Because we appreciate honesty and

forthrightness from others. Dishonesty, lack of candor, or failure to directly and timely address pending case issues are abhorrent to the mandate of the Golden Rule.

The other vital element of exercising the Golden Rule in our daily professional lives is honoring representations made to others and agreements reached with others. There are times when there may be great pressure placed upon the attorney by his or her client to renege on an agreement that was reached in good faith and where no subsequent knowledge of mistake or misrepresentation has surfaced. These are times in which the attorney must resist such pressure and stay true to his or her own word. Why? Because the Golden Rule compels us to do so. If under such circumstances a client insists upon his or her attorney reneging on a substantive agreement made with opposing counsel, the attorney is ultimately better served by firing the client rather than reneging under such circumstances. Besides his or her time or advice being an attorney’s stock in trade, so, too, is an attorney’s reputation of integrity. Reneging on agreements without a compelling reason to do so or failing to adhere to prior representations made to others, does nothing but sabotage an attorney’s reputation in the community.

So, in your daily professional lives, whenever an ethical challenge may present itself to you and as you strategize your course of action to meet such challenges, let the Golden Rule be your guide. Ask yourself if any intended course of action affecting another is a course of action that you would like to receive if you were in that other person’s shoes. If it is not, then the wise, ethical attorney should find another course of action, unless real prejudice would result to the client. The more that members of our legal community observe and exercise the Golden Rule, the better our professional world will be.

*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](mailto: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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#### Litigation Attorneys - Defense Litigation

Preg O'Donnell & Gillett, a regional, full-service litigation and business firm is seeking a litigation associates for their Seattle and Portland offices. We are interested in attorneys with four or more years of experience who are able to handle matters independently and interact directly with clients on a variety of defense litigation cases including:

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- Toxic Tort/Asbestos Litigation
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Qualified candidates must have solid drafting, writing, and researching skills, as well as excellent client relationship and interpersonal skills. Candidates with law firm and case management experience including deposition, motions practice, and trial experience strongly preferred. Washington State Bar membership is required for the Seattle position. Oregon State Bar membership is required for the Portland position. Dual bar membership is a plus.

Preg O'Donnell & Gillett offers competitive salary/benefits and a positive atmosphere with an emphasis on work/life balance. To apply, please send a PDF containing your resume, cover letter and writing sample to [Careers@pregodonnell.com](mailto:Careers@pregodonnell.com). We would also appreciate you specifying how you heard about this position. All replies confidential.

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**Tips From the Bench**

*Continued from page 10*

Give the court copies of anything from the file that the court needs to see in connection with the ruling. Do not require the court to research the case file to check the complaint or an earlier ruling - make it easy for the judge.

When you argue your motion, summarize the points - don't read the memorandum at the judge, or read a long quotation. Vanishingly few lawyers give a good dramatic

reading of a court opinion. Summarize the holding and trust the court to be able to read.

The best argument consists of a brief (headline-like) summary of the points made and a pithy statement of the very best response to the opposing arguments, leaving time for the court's questions. When the court has a question, answer it - whether you like the answer or not. No one wins them all, but this approach makes it clear you know your trade, and that counts over time.

**The Order**

After the oral ruling, you have to get it in writing. An oral pretrial ruling is not effective until it is signed and entered. *Barone v. Barone*, 207 Or 26, 294 P2d 609 (1956). You must circulate a proposed order before submitting it. UTCR 5.100. Do this promptly and be sure the order gives the specifics of what the court orders - not "plaintiff's motion was granted," but "defendant must provide documents described in paragraphs 7 and 10 of plaintiff's 2nd request for documents."

If you are directed to prepare the order, don't vary or embroider what the court ruled. If in retrospect the judge left some point undetermined, go back to the judge about it - don't just add it to the order. You appear to be trying to sneak something by a busy judge. The judge allowed you to record the ruling - not add to it. Self-help this way is unethical and gets you a reputation that hurts you for a long time.

Our unchanged rule from paper-filing days still tells you to submit an order with the motion. LR 5.035. Don't do

that for electronic filings except for ex parte motions. (I hope the rule will be changed soon.) Otherwise, the order will pop up in the electronic queue for the judge's signature prematurely, before argument. If signed it must be set aside later.

My columns have started with quotes I like. This one will end with one, appropriate for motion practice: "If you can react the same way to winning and losing, that's a big accomplishment. That quality is important because it stays with you the rest of your life..." Chris Evert.



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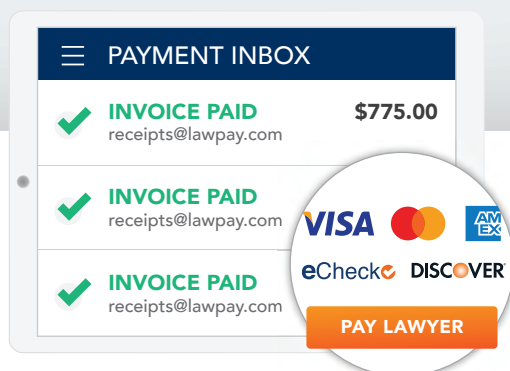


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