



The Power of Human Compassion

by Nadia Dahab
Stoll Berne PC

Now is the time, my friends. Our constitutional structure is threatened. The rule of law we know to be fundamental is being upended. Our communities and

our community members - our very own neighbors - are vulnerable.

But we can help. You can help. By giving just a little bit of your time, and lending a little bit of your expertise, you can make a change. If we all did it - if we all came together, harnessing the power of human compassion - we could change the world.

I've seen it happen, actually.

I've seen it happen most recently in the immigration space. There, the stakes are at their highest. Individuals - human beings with lives and livelihoods, children and families - come seeking refuge from persecution they have suffered in some of the most dangerous places on Earth. And they seek refuge here - in the United States - because, under both domestic and international law, the United States has declared its intention to provide them with that refuge.

But under US law, you also have to be physically present in the United States to apply for some protections, including asylum. So, individuals seeking asylum often must make the long journey here before they can request the refuge they ultimately need.

And when they arrive, we do not provide them refuge at all - instead, we incarcerate them, and we schedule them for immediate deportation. We place them into a system that is rigged with stark imbalances of power. We deny them the rights to which they are entitled, and, sometimes, we don't even tell them what those rights are.

So it is in this space that we, the lawyers - lawyers in Oregon who are trained simply to know the law and to understand the law and to understand the systems we have for enforcing the law - have changed the world.

We have changed the world for Mérida, for instance. Mérida came to the United States in 2014 from Guatemala, where she had suffered persecution. When she crossed the border in Texas with her four-year-old daughter, she and her daughter were incarcerated with hundreds of other women and children and scheduled for immediate deportation. Mérida has meritorious claims for asylum but hasn't been able to pursue them because, many years ago, the US government ordered her removed from the country without telling her. It held a hearing virtually in secret, even though the law prohibited it from doing so. Mérida has pro bono counsel fighting for her - to enforce what the law really requires - currently in the US Courts of Appeal.

And for P.A.B. (I've used his initials because his proceedings are restricted.) P.A.B. has been in the United States for some time, but the government only recently initiated removal proceedings against him. He has a good job and a family that depends on him for support. The immigration judge in P.A.B.'s case refused to consider his application

for relief from removal because P.A.B. was charged with a crime that he did not commit but was never informed of the immigration consequences of his decision to enter a plea. P.A.B. has pro bono counsel fighting for him - again, to enforce what the law really says - in the Board of Immigration Appeals.

And, of course, for the men who were detained in Sheridan. As many of you now know, in late May, ICE transferred 124 immigrant men from the port of entry in San Ysidro, California, to the federal prison right here in Sheridan, Oregon. The men were placed in expedited removal proceedings - essentially, deportation express - and for almost a month after they had arrived in Sheridan were denied access to the outside world. The men did not speak English, did not know where they were, and certainly did not know their rights under our federal immigration laws. Pro bono counsel sued ICE and the Bureau of Prisons - yet again, to enforce what the law really requires - to get the men access to immigration lawyers. Those immigration lawyers, also pro bono, mobilized to provide the men with the legal advice they needed. With the assistance of counsel, the men were released. None should have been there in the first place. Those pro bono immigration lawyers continue to fight for the men in their asylum proceedings in immigration court.

That is the power of human compassion. It is the power that we have, as lawyers, to reach human beings truly on the margins and to pull them into the communities to which they belong and are safe - in which they can finally find refuge. It is the power we have to enforce the fundamental protections our laws and our Constitution provide - protections that, in the words of President Obama, while perhaps are self-evident, never have been self-executing. And we, as lawyers, are uniquely equipped with that power because we know the laws, understand the laws, and are vigilant in navigating the systems that exist to make sure the laws are enforced.

It is also the Oregon way. Now, more than ever, pro bono lawyers in Oregon are changing the world, one human being at a time. Please join us. We need you.

It is the power that we have, as lawyers, to reach human beings truly on the margins and to pull them into the communities to which they belong and are safe...

The rule of law we know to be fundamental is being upended.

mba|EVENT

Multnomah Bar Association Absolutely Social

The Grape Escape
Featuring Wine Tasting

Wednesday, October 17
The University Club
5-7 p.m.

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

See insert for details and to RSVP.

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mba|CLE

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

OCTOBER

10.3 Wednesday
#Trending Ethics in a Digital Age: Exploring Social Media and Data Security
Hong Dao
David Elkanich
Thomas Howe

10.4 Thursday
Seeking and Defending Abuse Prevention Orders
Grace Lee
Nathan Holtey
Michael McGrath, moderator

10.16 Tuesday
Drafting Employment Agreements: Tips and Tricks for Employment Lawyers
Natalie Horwitz
Megan Vaniman

10.17 Wednesday
I Object! Tips for Preserving Issues for Appeal
Nadia Dahab
Sara Kobak

NOVEMBER

11.6 Tuesday
Sexual Assault Claims: Issue Spotting for the General Practitioner
McKenzie Harker
Barbara Long
Ashley Vaughn

11.15 Thursday
The Uniform Prudent Investor Act: A Trustee's Duties and Potential Liability for Investment Decisions
Marie Eckert
Rob Howell

In This Issue

Calendar	2
MBA Golf Championship	2
CLE	3
Announcements	6
Ethics Focus	6
Around the Bar	8
News From the Courthouse	10
Profile: Justice Nelson	11
Classifieds	16
Pro Bono Thanks	16

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*or the preceding Friday, if on a weekend.

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EFFICIENTLY MANAGING TRIAL FOR A SOLO/SMALL FIRM

A Solo & Small Firm Committee Workshop and Social

Monday, October 22

Workshop: 3-4:30 p.m.

Social: 4:30-5:30 p.m.

Hotel Monaco

5th Avenue Room

506 SW Washington St. Portland

Navigating trials as a solo or small firm practitioner, along with keeping your other cases afloat during the trial, can be difficult to say the least. Join the MBA Solo & Small Firm Committee for a workshop hosted by panelists **Rhett Fraser**, Huegli Fraser PC; **Miranda Summer**, Summer Family Law LLC; and **Rebecca Cambreleng**, Cambreleng Law LLC, for an interactive discussion of tips and tricks they've learned along the way about efficiently managing trial as solo and small firm practitioners. Discussion will include discovery and exhibit management, trial technology, managing your office and caseload while you're in trial, and other practical skills for staying organized and prepared as you battle it out in court. The Solo & Small Firm Committee workshops are intended to be interactive, so please bring your questions and tips to share with the panelists and audience.

Workshop Cost: \$20 members/\$60 non-members. 1.5 MCLE credit hours will be applied for.

Register at www.mbabar.org.

Recognize Those Who Help

Watch for the nomination form in the December issue

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For Young Lawyers in LASO, OLC, or MBA YLS pro bono projects

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Calendar

OCTOBER

2 Tuesday

League of Women Voters
Voter Education Form
Details on p. 12

5 Friday

Oregon Filipino American
Lawyers Association Gala Dinner
www.ofala.org/events

8 Monday

21st Annual Golf Championship to Benefit the Volunteer Lawyers Project
www.mbabar.org

9 Tuesday

League of Women Voters
Voter Education Form
Details on p. 12

11 Thursday

Lessons From the Addicted Lawyer
Details on p. 6

17 Wednesday

MBA Absolutely Social
See insert

19 Friday

OGALLA Annual Dinner and Auction
www.ogalla.org

22 Monday

Efficiently Managing Trial for a Solo/Small Firm Workshop & Social
Details on this page

25 Thursday

OSB Pro Bono Fair
Details on p. 11

NOVEMBER

1 Thursday

Oregon District Court Historical Society Meeting and Dinner
www.usdchs.org

6 Tuesday

Bench Bar & Bagels
Details on p. 10

7 Wednesday

OSB Awards Luncheon
www.osbar.org

22-23 Thursday-Friday

Thanksgiving Holiday

Join Us for the 21st Annual MBA Golf Championship Monday, October 8 Willamette Valley Country Club



Registration includes golf, cart, range, lunch, dinner, contests and door prizes. Teams compete in a Gross and Net Best Ball. Casual players may opt to play a scramble. Contact Pamela Hubbs (503.222.3275, pamela@mbabar.org)

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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.

#Trending Ethics in a Digital Age: Exploring Social Media and Data Security

Wednesday, October 3 3-5 p.m.
World Trade Center, Sky Bridge
Members \$60/Non-Members \$95

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

Today's electronic world moves fast. On one hand, using technology comes with undeniable benefits; on the other, there are ever-increasing risks. **David Elkanich**, Holland & Knight LLP; **Thomas Howe**, Howe & Associates; and **Hong Dao**, Professional Liability Fund will help lawyers explore some of the benefits and risks in social media and data security. First, this panel will analyze how lawyers are, and should be, using social media in their practices. Second, this panel will help you identify potential data risks at your firm, understand the ethical obligations that arise out of data management and storage, create risk-minimizing policies and procedures, and develop action strategies in case of a potential data breach.

For more information: Contact Garrett Garfield, Holland & Knight LLP at 503.243.2300. For registration questions, contact the MBA at 503.222.3275.

Seeking and Defending Abuse Prevention Orders

Thursday, October 4 3-5 p.m.
World Trade Center, Sky Bridge
Members \$60/Non-Members \$95

Nathan C. Holtey, Holtey Law LLC and **Grace Y. Lee**, Grace Family Law will offer a step-by-step analysis, review of best practices, and "tips from the trenches" about domestic relations protective orders (FAPAs, EPDAPAs, and Stalking Protective Orders). The class will cover topics ranging from the initial application to discovery to witness preparation and trial presentation. This class will be moderated by **Michael T. McGrath**, Gearing Rackner & McGrath LLP.

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

Drafting Employment Agreements: Tips and Tricks for Employment Lawyers

Tuesday, October 16 3-5 p.m.
World Trade Center, Mezzanine
Members \$60/Non-Members \$95

Natalie Horwitz, Attorney at Law and **Megan Vaniman**, Harris Bricken McVay Sliwoski LLP will discuss how to draft Employment Agreements to ensure the at-will nature of the employment is not compromised. Further, the CLE seminar will discuss drafting terms such as non-solicitation, non-competition, confidentiality and severance agreements that are in compliance with Oregon laws and administrative rules.

For more information: Contact Nicole Elgin, Barran Liebman LLP at 503.276.2109. For registration questions, contact the MBA at 503.222.3275.

I Object! Tips for Preserving Issues for Appeal

Wednesday, October 17 3-5 p.m.
World Trade Center, Plaza
Members \$60/Non-Members \$95

Trials move quickly and can sometimes feel chaotic. This CLE seminar will help you be prepared to protect your client and any judgment you obtain on their behalf in the event of any future appellate review. **Nadia Dahab**, Stoll Berne and **Sara Kobak**, Schwabe Williamson & Wyatt will share the important rules and some go-to practical tips for making sure you're thinking ahead and on your feet! This program will focus primarily on preservation rules in Oregon state court, and Nadia and Sara will share their federal court experiences as well.

For more information: Contact the MBA at 503.222.3275.

Sexual Assault Claims: Issue Spotting for the General Practitioner

Tuesday, November 6 3-5 p.m.
World Trade Center, Mezzanine

Members \$60/Non-Members \$95

This program will provide a basic primer on several of the key issues when attorneys are faced with potential clients who have been sexually assaulted, including:

- safety planning for survivors;
- how to appropriately interview a trauma survivor;
- pros and cons of reporting to law enforcement;
- an overview of civil remedies available to survivors; and
- the effect of a sexual assault claim on a client's other legal matters.

This CLE seminar is intended as an introductory guide to help general practitioner attorneys feel more comfortable issue spotting and responding appropriately when approached by a potential client or inquiry from someone who has suffered a sexual assault. Our panelists are **McKenzie Harker**, staff attorney at Victims Rights Law Center; **Barbara C. Long**, partner at Vogt & Long PC; and **Ashley Vaughn**, attorney at the Dumas Law Group.

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

The Uniform Prudent Investor Act: A Trustee's Duties and Potential Liability for Investment Decisions

Thursday, November 15 3-5 p.m.
World Trade Center, Sky Bridge
Members \$60/Non-Members \$95

Rob Howell, Senior Vice President and Director of Investments for Columbia Trust Company, and **Marie Eckert**, Litigation Partner at Miller Nash Graham & Dunn, discuss the myriad of investment responsibilities and potential pitfalls that await fiduciaries as they perform their duties under the Uniform Prudent Investor Act, and the extent to which those obligations have been clarified through litigation and judicial opinions.

For more information: Contact the MBA at 503.222.3275.

Mandatory Elder and Child Abuse Reporting

Wednesday, November 28 12-1 p.m.
World Trade Center, Mezzanine
Members \$30/Non-Members \$50

Note: One hour of abuse reporting MCLE credit will be applied for.

This program is intended to help lawyers meet their legal responsibilities as mandatory reporters, while maintaining their ethical obligations to clients. **Mark Johnson Roberts**, Deputy General Counsel to the OSB and a former family law practitioner will present a lively and practical discussion:

- Recognizing elder and child abuse
- Mandatory reporting requirements
- Protecting privilege and confidentiality

For more information: Contact the MBA at 503.222.3275.

Help Clients Navigate the Intersection of Logic and Emotion

Tuesday, December 18 3-5 p.m.
World Trade Center, Mezzanine
Members \$60/Non-Members \$95

Clients spin when the law and their emotions collide. Their ability to make good decisions declines and they occasionally blame their attorney for the situation. Learn practical tips, techniques, and tools from a lawyer and a social psychologist, who both have mediation experience. Learn how to counsel your clients through the uncertainty, fear and frustration experienced when they believe the likely outcome is unfair or the process is too long and expensive. Explore client risk tolerance so they can better participate in the usual settlement dance. Manage their cognitive biases to channel their energies on what is really in their best interest. Help them make better decisions with the judicious use of decision trees and decision tables. Help them understand and accept your legal advice by truly understanding their underlying values, needs and interests. Join panelists **Sam Imperati, JD** and **Devin Howington, PhD**, ICMRESOLUTIONS, who promise "no touchy-feely babble ... just straight talk for better representation."

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

To register for these classes, see page 4.

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

Seminar Selection:

Please select the seminar(s) you wish to attend. Written materials for each class are included with registration. Pre-registration with payment is required to reserve a space; at-the-door registrations are accepted if space is available.

- 10/3 #Trending Ethics in a Digital Age: Exploring Social Media and Data Security**
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- 11/6 Sexual Assault Claims: Issue Spotting for the General Practitioner**
- Class Registration (\$60 Members/\$95 Non)\$ _____
- CD-ROM & Written Materials (\$60 Members/\$95 Non) ..\$ _____
- 11/15 The Uniform Prudent Investor Act: A Trustee's Duties and Potential for Liability for Investment Decisions**
- Class Registration (\$60 Members/\$95 Non)\$ _____
- CD-ROM & Written Materials (\$60 Members/\$95 Non) ..\$ _____
- 11/28 Mandatory Elder and Child Abuse Reporting**
- Class Registration (\$30 Members/\$50 Non)\$ _____
- CD-ROM & Written Materials (\$30 Members/\$50 Non) ..\$ _____
- 12/18 Help Clients Navigate the Intersection of Logic and Emotion**
- Class Registration (\$60 Members/\$95 Non)\$ _____
- CD-ROM & Written Materials (\$30 Members/\$50 Non) ..\$ _____

Total due\$ _____



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mba | ANNOUNCEMENTS

Conference Room Available for Reservation

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

Free CLE Webcast for MBA Members

The video webcast of the seminar “What Every Attorney Needs to Know About Workers’ Compensation” is now available in the Members Center at www.mbabar.org. The seminar was accredited for two hours of general OSB MCLE credit.

MBA members receive access to a rotating selection of six different CLE seminars each year - a \$360 value.

Take a Matter that Matters

Sign the MBA Pro Bono Pledge at www.mbabar.org/AboutUs/ProBono.html and commit to taking at least one pro bono case this year.

Lessons from the Addicted Lawyer October 11

Brian Cuban, bestselling author of *The Addicted Lawyer: Tales of the Bar, Booze, Blow, and Redemption* and *Shattered Image: My Triumph Over Body Dysmorphic Disorder* will speak at the Lewis & Clark Legal Research Center Student Lounge on October 11 at 5:30 p.m. A reception will follow the event. Attendance is free - visit law.lclark.edu/live/events/292147-1 to submit your RSVP. Presented by the Lewis & Clark Law School Student Bar Association and sponsored by the Oregon Attorney Assistance Program, OSB and MBA.

Pioneer Courthouse Historical Society to Host CLE on Appellate Practice in the Ninth Circuit

Pioneer Courthouse Historical Society will host a CLE seminar on appellate practice in the Ninth Circuit, followed by a reception and friendly trivia competition moderated by US Magistrate Judge Stacie F. Beckerman. Come to the Pioneer Courthouse at 3:30 p.m. on Wednesday, October 24 for an educational program featuring Molly Dwyer, Clerk of the Court, and a lighthearted evening with fellow practitioners and friends of the courthouse. This event is free and open to the public, and MBA members are encouraged to attend. For more information and to RSVP, visit pioneercourthouse.org. (1.5 hours of OSB MCLE credit applied for.)

Noon Time Rides

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

Lawyers in Libraries Legal Workshop October 28

The public is invited to learn how to navigate legal issues at the Multnomah County Central Library US Bank Room from 10 a.m.-4 p.m. on Sunday, October 28. Availability offered on a first come, first served basis. Contact help@multcolib.org for details. Presented by the OSB Pro Bono Committee.

Lauren Fairshter

Meet Lauren, the newest MBA staff member, who joined the organization in August. As Office Administrator, Lauren is working closely with the Young Lawyers Section and assisting with the CLE program in addition to handling day-to-day administrative tasks.

Originally from California, she earned a BS in Planning, Public Policy & Management at the University of Oregon. In her free time, she enjoys cooking, baking, playing tenor saxophone, photography, reading and archery.

We are delighted to have Lauren at the MBA! The next time you attend a class or stop by the office, be sure to introduce yourself.

Lauren replaces Deryn Isaac who left the MBA to pursue other interests. The MBA currently has five full-time staff members, and has maintained the same approximate staff size for the last 20 years.



Ethics Focus

Risk Management for Pro Bono Work

by Mark J. Fucile
Fucile & Reising LLP



Although Oregon has not adopted ABA Model Rule of Professional Conduct 6.1 that specifically encourages pro bono work, we are frequently and appropriately urged to provide free or reduced cost legal services to those in need by courts, bar groups, our peers and our own consciences. At the same time, there is no distinction between paying and pro bono clients when it comes to either our regulatory duties or the standard of care. In fact, both the Oregon Supreme Court (see, e.g., *In re Mettler*, 305 Or 12, 18, 748 P2d 1010 (1988)) and the United States District Court for the District of Oregon (see, e.g., *DG Cogen Partners, LLC v. Lane Powell PC*, 917 F Supp2d 1123, 1137 (D Or 2013)) have noted that payment of a fee is not necessary to create an attorney-client relationship and its attendant duties. Reflecting this lack of a distinction between paying and pro bono clients, there are reported decisions involving both regulatory discipline and legal malpractice claims against lawyers performing pro bono work. That is not a reason to avoid pro bono. It is, however, a reminder that we need to pay the same attention to law firm risk management when handling pro bono work as we do when representing paying clients.

In this column, we’ll look at four areas that case law suggests lawyers need to pay special attention to on the risk management front when handling pro bono cases: competence; diligence;

communication; and handling funds. These areas are not unique to pro bono work. OSB statistics published annually suggest that these are continually among the principal areas leading to regulatory discipline in Oregon. Although the PLF does not categorize claims in the same way the OSB tracks disciplinary statistics, “retail” practice areas like family law that are often a staple of pro bono work are usually heavily represented in the PLF’s annual analysis of the frequency of claims by practice field.

Competence

RPC 1.1 speaks to our bedrock duty of competent representation in a regulatory sense and the standard of care does the same in the civil liability context. *In re Hartfield*, 349 Or 108, 239 P3d 992 (2010), offers an illustration. The lawyer in *Hartfield* took on a conservatorship matter for an elderly client on a pro bono basis. The lawyer, however, failed to file a required inventory and an accounting, missed court dates and was eventually removed by the probate court. The probate judge reported the lawyer to the OSB and the Bar opened disciplinary proceedings against the lawyer. Although the lawyer was eventually disciplined for “conduct prejudicial to the administration of justice” for failing to meet court-imposed deadlines and other requirements, the Supreme Court was critical of the lawyer’s overall handling of the matter. Particularly when we may be navigating an area for a pro bono client that is not within

...there is no distinction between paying and pro bono clients when it comes to either our regulatory duties or the standard of care.

our primary practice focus, it can be critical to get the assistance necessary to handle the matter concerned. This might include, depending on the circumstances, attending CLE courses in the substantive area concerned or seeking guidance from legal clinic staff who work on matters of the kind involved routinely. The bottom line, however, is that clients - whether paying or pro bono - expect and deserve that their legal affairs will be handled competently.

Diligence

RPC 1.3 addresses our duty of diligence under the professional rules and it is an equally key component to the standard of care. Under the duty of diligence, we are expected to devote sufficient attention to a matter that it moves along at a pace reasonably appropriate to the circumstances. As noted earlier, this standard makes

...a lawyer was disciplined for failing to keep his pro bono client apprised of developments in a federal civil case.

no distinction between paying and pro bono clients. In *In re Jackson*, 347 Or 426, 223 P3d 387 (2009), for example, a lawyer was disciplined for failing to be adequately prepared in handling a divorce pro bono.

Communication

RPC 1.4(a) requires that a lawyer “keep a client reasonably informed about the status of a matter[.]” RPC 1.4(b), in turn, obliges a lawyer to “explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.” Again, there is no exception for pro bono work. In *In re Petranovich*, 26 DB Rptr 1 (2012), for example, a lawyer was disciplined for failing to keep his pro bono client apprised of developments in a federal civil case.

Handling Funds

RPC 1.15-1 governs our general duty of safekeeping for client funds and other property. RPC 1.15-2, in turn, specifically regulates client trust accounts. Handling client funds is among the most sensitive duties we have as lawyers. Although many pro bono matters do not involve handling client funds, some do and the same exacting standards apply in those instances as with paying clients. In *In re Martin*, 328 Or 177, 970 P2d 638 (1998), for example, a lawyer took on a pro bono federal civil case in which the client advanced \$1,000 in costs. The lawyer did not deposit the funds into trust and, when questioned later by replacement counsel, was unable to provide an accurate accounting of how the funds were used. The lawyer was disciplined under the then-equivalent versions of today’s RPCs 1.15-1 and 1.15-2.

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Assisting Immigrant Families

Lewis & Clark Law School Students Share Their Experiences

by Carra Sahler
 Director of Public Interest Law
 Lewis & Clark Law School

“Volunteering in family detention centers feels like the best way to celebrate Christmas,” Amy Adams remarked when recalling the time she spent in Texas as a third-year Lewis & Clark (L&C) law student and then, again, as a new attorney assisting CARA Family Immigration Pro Bono attorneys and Refugee and Immigrant Center for Education and Legal Services (RAICES) attorneys at two family detention centers.

In December 2017, the week before Christmas, Adams, Kate Edwards (another new attorney), and a brigade of 14 Lewis & Clark law students worked 10-12 hour days in Dilley and Karnes, Texas, meeting with hundreds of asylum-seeking women and children to prepare them for the asylum process. Speaking in Spanish, volunteers listened to their often tragic stories, explained the law, and prepared the women for their Credible Fear Interviews, the first step on the path to asylum.

“Most of these families are fleeing horrific gang violence or domestic violence, and they have a legal right to seek asylum in the United States,” explained Adams. According to Juliet Stumpf, Robert E. Jones Professor of Advocacy and Ethics at Lewis & Clark Law School, immigrants were rarely detained prior to the 1980s and families with children were routinely released to await their asylum hearing dates with relatives or friends. “Removals of noncitizens rose from under 43,000 in 1993 to more than 430,000 in 2014,” said Stumpf. “Funding for federal immigration enforcement is now 24 percent higher than funding for all other federal law enforcement agencies combined.”

One week of volunteering was insufficient for third-year law students Cecilia Anguiano and Favio Perez, and other members of the Immigration Student Group (ISG). Raising their own money through bake sales on campus and other fundraising efforts, and relying on personal funds when other sources of financing dried up, some contingent of ISG made a total of nine trips to the Dilley and Karnes detention facilities. Edwards commented, “At Dilley, the CARA staff know that when L&C students come, it will be a great week because L&C students are very competent and hardworking.” During the 2017 Christmas visit alone, the law

students prepared over 170 women for their Credible Fear Interviews, and administered 400 intakes at the Dilley facility.

Until the 2017 Christmas visit, Lewis & Clark law students had not volunteered at the Karnes facility before. “When we were in Karnes, the legal staff were visibly surprised that the students were so knowledgeable and self-sufficient,” Edwards observed. In total, the students prepared over 100 women for their Credible Fear Interviews at Karnes and gave more than 300 Know Your Rights trainings during that short visit.

On the final Friday at Karnes, Edwards reported that she and Adams, with the support of Anguiano, Perez, and two other volunteer law students, Teresa Smith and Andrei Tutui, were “fully responsible for running the entire legal operation for 10 hours.” The volunteers felt intense pressure to see as many people as possible that day because the usual legal team would be on vacation the following week. They met with over 200 women that day alone. Edwards commented that the law student volunteers “were amazing, truly, I wish I could adequately convey how impressive they all were, running around without so much as a bathroom break, to try and work together and help as many people as possible. We saw every single woman who might have an interview or release the following week.”

Anguiano especially enjoyed helping four families navigate the airport after they were released, as did other students, and Adams and Tutui personally helped a newly freed woman and her child get to the bus station. Edwards described Anguiano and Perez as “amazing natural advocates; they are both kind and gentle, and explain everything to the clients very patiently and with impressive competence. They interact with clients as if they are seasoned pros, not students. I was so unbelievably proud of them as I watched them work with clients.”

Teresa Smith, a law student who will graduate in 2019 and who is this year’s ISG president, said, “Volunteering in Dilley and Karnes has not only allowed me to meet other passionate and inspiring immigration advocates, but it has given me the opportunity to make a tangible difference in the lives of immigrant mothers and their



Lewis & Clark Law School students and their CARA project coordinators

children while also getting real-life, on the ground legal experience that I could never get in a

classroom. These women are some of the most resilient and inspiring individuals I have ever met, and

they have given me the drive to continue to fight for a better and more just legal system.” Similarly, Michael Vafa, who volunteered at Dilley as a 1L, commented, “The Dilley experience alone made law school worthwhile for me.”

For more details about Lewis & Clark’s involvement with the CARA program, contact Professor Stumpf at jstumpf@lclark.edu.

Volunteer opportunities to assist local immigration attorneys abound. Catholic Charities legal volunteers participate in the day-to-day operation of Immigration Legal Services under the supervision of an attorney or accredited representative. Legal

Continued on page 19

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Around the Bar



Steven Wilker

Tonkon Torp

Partner **Steven Wilker** has been elected Vice Chair of the Classroom Law Project (CLP). The CLP is a nonprofit organization that helps prepare Oregon's youth to become active, engaged, and informed participants in a democratic society. Wilker has been on the CLP Board of Directors since 2014.

Wilker is co-chair of the firm's Litigation Department and the Information Privacy & Security Practice Group. He counsels clients in complex commercial litigation, intellectual property, media communications and technology, information security, energy, corporate governance, real estate, and finance issues. An AV-rated litigator, Wilker is also a member of the firm's Intellectual Property and Financial Services & Investment Management practice groups.

Partner **James Hein** has joined the Board of Directors for the Montessori Children's House. The school was founded in 2010



James Hein



Christopher Pallanch

and serves the diverse community of Portland's South Waterfront. Hein is helping to transition the school from its founder to a new nonprofit structure.

Hein is a partner in Tonkon Torp's Business Law, Mergers & Acquisitions, and Corporate Finance practice groups, where he focuses on counseling clients in all stages of business formation.

Partner **Christopher Pallanch** has been elected President of the Oregon Chapter

of the Federal Bar Association (FBA) for the 2018-19 term.

The FBA works to strengthen the federal legal system and administration of justice, and offers federal practitioners and judges a variety of CLE programs and events. The Oregon chapter is one of the largest in the country, counting approximately 350 practitioners and federal judges as members.

Pallanch is a partner in the firm's Litigation Department and co-chairs the firm's Financial Services & Investment Management Practice Group. He has a wide-ranging practice that centers on finding solutions and offering strategic guidance for complex business disputes. In addition to general litigation matters, Pallanch represents clients in trade secret and Lanham Act claims, responding to regulatory investigations and helping to minimize risk while maximizing returns.



Gabrielle Hansen

Barran Liebman

The firm is excited to welcome **Gabrielle Hansen** to its Benefits team. Hansen focuses her practice on representing employers

in regards to ERISA matters including retirement plans, compensation arrangements, and health plans. She earned her JD, magna cum laude, from Willamette University College of Law. Prior to joining Barran Liebman, Hansen clerked for the Oregon Supreme Court, the Oregon Court of Appeals, and the Multnomah County Circuit Court.



Allison Martin Rhodes

Holland & Knight

Partner **Allison Martin Rhodes** was named president of the Association of Professional Responsibility Lawyers (APRL) at the organization's annual meeting in Chicago. APRL is the premier national association for ethics lawyers.

Martin Rhodes is the co-chair of Holland & Knight's Legal Profession Team. She focuses her practice on legal ethics and risk management, law firm organization and attorney discipline defense.



Judge Mustafa T. Kasubhai

Oregon US District Court

The judges of the District of Oregon have appointed Lane County Circuit Court **Judge Mustafa T. Kasubhai** to serve as a US Magistrate Judge for the District of Oregon. Judge Kasubhai began his service in the District's Eugene Division on September 21. Before his appointment to the Lane County Circuit Court in 2007, Judge Kasubhai served as board member of the Oregon Workers' Compensation Board and practiced law in Eugene and Klamath Falls.

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.

Miller Nash Graham & Dunn Models an Innovative Approach in Pro Bono

by Heather Kemper
Statewide Pro Bono Manager
Legal Aid Services of Oregon

February 2019 will mark the third year Miller Nash Graham & Dunn (MNG&D) has paired with legal aid providers in rural Oregon to provide virtual legal appointments to low-income clients. The project was developed to assist in addressing the disproportionate ratio between legal aid needs and available legal aid attorneys in the state's rural communities.

According to Monica Goracke, Executive Director of Oregon Law Center (OLC), "Legal aid clients living significant distances from Oregon's population centers often have a very difficult time obtaining access to the legal system because there are not enough lawyers in their communities who can assist them at low or no cost. Thanks to MNG&D, these clients are able to address legal issues that would

otherwise have a negative impact on their health, safety, financial security, and well-being."

MNG&D, in partnership with the Central Oregon Office of Legal Aid Services of Oregon (LASO), began serving clients in Deschutes, Jefferson and Crook counties in February 2016. In 2017, the Coos Bay Office of OLC joined the clinic, adding clients from Coos and Curry counties.

Low-income clients meet with Oregon-licensed attorneys from MNG&D's Portland and Seattle offices virtually - via Skype or video conferencing, providing a face-to-face appointment, though not in-person. Elisa Dozono, Partner at MNG&D and firm pro bono coordinator, feels that "face-to-face appointments are important. They're much more personal than over the phone." According to Dozono, "One clinic client was so sure she'd

met with her pro bono attorney in-person that she insisted the attorney drive to meet her with her completed documents."

Virtual Clinic attorneys assist with a wide range of civil legal issues, which include the setting aside of eligible criminal convictions and arrests; preparation for small claims court; completion of small estate documents; negotiations between property owners and tenants; and collection and enforcement of judgments.

According to Dozono, "It's a great way for associates to get one-on-one experiences with clients and to understand and explain the limits of what can and can't be done with the client's legal issues." MNG&D allows its attorneys and paralegals to donate up to 150 billable hours to pro bono cases.

Firm paralegals often join with an attorney to provide valuable client assistance. MNG&D paralegal Joy Voorhees recently met with two seniors and "although they don't have a lot of assets to their name, those assets are very important to them and they want to make sure that everything is in order for their families when they die. They feel having a will, advance

directive, and power of attorney will make life so much easier for their families and puts their minds at ease."

While many of the cases MNG&D accept from the clinic may require more complex steps, some of the cases require only a demand letter to reach resolution. Andrea Malone, Regional Director of the Central Oregon Office of LASO explains, "The MNG&D clinic has become essential to LASO's pro bono service model. We count on MNG&D attorneys to fill the gap in providing advocacy to clients we are unable to provide services. Clients, who otherwise would have no way to realize the return of security deposits, or unpaid wages, are now able to count on this recovery. The MNG&D clinic has meant increased economic security for our clients."

A recent client came to the clinic with a money judgment against her ex-husband. While the judgment was years old, the client had been unable to find an attorney to assist her in recovering the judgment and now found herself homeless. MNG&D attorney Jesús Palomares assisted her by garnishing the debtor's bank account, receiving a large

lump sum payment for the client. The client was extremely grateful for the assistance and her life has changed drastically as a result.

Palomares notes that these situations are more common than expected, where the potential legal fees up front can exceed the judgment amount and dissuade the client from taking action. Obtaining a money judgment means a judge has ruled that the person is owed a given money amount, "so it is extremely unfortunate when a person who is struggling financially can't afford to pay the legal fees to chase down the payment owed in the judgment." But, he adds, "the clients are pleasantly surprised to learn that we can help them recover some or all of the money they're owed, and they're downright thrilled when they see the money come in."



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News from the Courthouse



by Cynthia Newton
Court Liaison Committee

Presiding Judge's Report - Judge Stephen Bushong

The Civil Motion Consensus Statement

The judges have updated the statement and it is posted on the Multnomah County Circuit Court and MBA websites. Practitioners are encouraged to consult these guides before filing a motion; while they are not binding, they do explain how various issues have been addressed by the court in the past. Attorneys are free to argue that there is good reason in any particular case to deviate from the prior consensus rulings.

Attorney Reference Manual

Court staff is working to update the manual, which was last updated over 10 years ago, to make it more streamlined and easier to use. The updated manual is expected to be released soon.

Community Conversation

On September 12, the court led a Community Conversation focused on youth and the justice system at the Rockwood Center in Gresham. It featured a panel of participants answering questions and discussing how their programs affect youth and families in the justice system. While members of the bar were welcome, the conversation was designed for members of the public. Judge Waller organized this Community Conversation series - a similar program was held in March - as a follow up to the Listening Sessions held in 2016-17.

New Courthouse Tours

Legislators will tour the new courthouse project on October 3 and judges will tour it on October 5. A "topping ceremony"

is planned for when builders complete construction to the building's full height.

Courthouse Personnel Changes

New referee Bernadette Bignon began on September 4. In Presiding Court, Lee Ann Donaldson has left her position as Judicial Clerk to join attorney Craig Nichols in private practice. The court is deeply appreciative of her service over the past five years. Megan Oshiro has taken Lee Ann's post, joining Bonnie Calhoun - who started in June - as the Presiding Court clerks.

Civil Justice Improvement Task Force Report

Justice Balmer - formerly Chief Justice Balmer - chaired the Civil Justice Improvements Committee appointed by the National Conference of Chief Judges to improve the civil justice system nationwide. That committee issued a report - titled *A Call to Action: Achieving Civil Justice for All* - that included 13 specific recommendations designed to reshape how courts approach civil case management. In 2017, then-Chief Justice Balmer created a 16-member Civil Justice Improvement Task Force in Oregon - chaired by Judge Bushong and Dana Sullivan - to make recommendations to

implement, where appropriate, the case management approach approved by the national committee. The task force issued its report to the Chief Justice in June. The report identifies best practices, procedures and new and revised Uniform Trial Court Rules (UTCrs) designed to improve the civil justice system within current funding levels and resources. The UTCr changes - summarized below - will be addressed by the UTCr Committee at its October 5 meeting. Judge Bushong will present the report to judges at the October 8-10 Judicial Conference and to the presiding judges immediately before the conference. The Task Force report is posted on the OJD and MBA websites.

Proposed UTCr changes

The CJI task force report recommends two key proposed changes to the UTCrs. The first is a new rule - proposed UTCr 5.180 - that would apply in consumer debt collection cases. The second is an amendment to UTCr 5.150, Expedited Civil Jury Cases, which has been used infrequently since its inception. The proposed changes are designed to remove aspects practitioners have identified as disincentives to using the rule (e.g. discovery limits) while retaining the benefits of a streamlined civil jury trial process.

Julia Hagan Mentor of the Year

In 2018, 33 mentor-mentee pairs participated in the MBA Mentor Program, which matches MBA Young Lawyers Section members with select, experienced MBA members for mentoring and support over a six-month period. The program provides career development and professionalism guidance to newer lawyers who may have already completed the mandatory OSB New Lawyer Mentoring Program. Each year, mentees are given the



Mentor Julia Hagan with Maddie Loeb

opportunity to nominate their mentors as Mentor of the Year. This year, the MBA has selected **Julia Hagan**, Gevurtz Menashe, as Mentor of the Year for her fine work as a mentor

Madeline Loeb nominated her mentor, Julia Hagan. In her nomination letter, Maddie had this to say about Julia: "Julia has consistently reached out to me and invited me to interesting events. I have been very grateful to have the opportunity to get to know her and learn from her. In particular, she invited me to an OWLS event where we sat at a table with several female judges and I was able to listen to their conversations about being a woman attorney, in the past and present, as well as balancing lawyering and raising a family. While we have different practice interests, I have been able to learn about ethics and relationship building from Julia. I hope to one day have earned as positive of a reputation as Julia has in this community."

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

Thank you to all 2018 mentors

Sibylle Baer
David Bean
Paul Bovarnick
Mary Briede
Steve Brischetto
Thomas Brown
W. Todd Cleek
Maya Crawford Peacock
Stephanie Davidson
Paul Duden
Saville Easley
David Ellis
Richard Glick
Amanda Gray
Julia Hagan
Akira Heshiki
Anne Koch
Mark Kramer
Tony Kullen
Wayne Landsverk
Lisa LeSage
Kathryn Reynolds Morton
Ruth Pekelder
Susan Pitchford
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Traci Ray
Kasia Rutledge
Michael Shin
Whitney Stark
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Justice Adrienne Nelson Long-Time Multnomah County Judge Appointed to Supreme Court

by Hillary A. Taylor
Court Liaison Committee

If there is an absence felt at the Multnomah County Courthouse, it is because Judge Adrienne Nelson, a hardworking and warm, but firm, judge now has the opportunity to serve Oregonians beyond Multnomah County. Justice Nelson was appointed in January 2018 to fill the vacancy created by the retirement of Justice Jack Landau from the Oregon Supreme Court. She is excited by the opportunity and indeed seems to relish the work before her. Her appointment is historic. Justice Nelson is the first African American to ever serve on Oregon's highest court or any Oregon appellate court. She also joins the Supreme Court at a time when it has recently become a majority female court. Justice Nelson has the confidence of someone who has earned her way with persistent hard work and who extends grace to others. She knows who she is and is determined to be a deserving steward of her position. She does not take credit for her success and knows her appointment is also the result of the work of those who have gone before her. She resolves every day to "bring her whole self to work," something she is as committed to as she is to the adherence of the rule of law.

At the time of her appointment, Justice Nelson had served on the trial bench in Multnomah County for 12 years. She is well regarded by her colleagues, the bar, and the community. She was and is engaged in the community. Justice Nelson grew up in Arkansas where she excelled in school. So much so, in fact that she was the valedictorian of her high school but was not allowed to be because she is black. Her mother sued the school district to grant her the title she had earned; she won.

Later, while in law school, Justice Nelson worked for the civil rights lawyer who had represented her. From early on she saw the law as a means of leveling the playing field.

Justice Nelson went to college at the University of Arkansas, followed by the University of Texas School of Law. She moved to Oregon in 1994. Before her appointment to the trial bench Justice Nelson was a public defender and also in private practice with the law firm of Bennett, Hartman, Morris and Kaplan, LLP. Finally, she was coordinator of Student Legal and Mediation Services from 2004-2006 at Portland State University. Soon after her 2006 appointment to the bench, she was the second African American female appointed to the bench (Judge Mercedes Deiz was the first African American female judge in Oregon) and was the only African American judge in Oregon's 200-judge state court system when Judge Clifford Freeman passed away. Now, 12 years later, she is one of seven.

Justice Nelson shares a deep commitment to the rule of law and to the legal profession. She is encouraged by the current times and shares her insight in a way that makes optimism contagious. She cites her investiture for the impact of her appointment. Judicial investitures come in many forms and Justice Nelson is proud that at hers there was a clear dialogue about where this state has been. Indeed, our state had a law that would have forbade Justice Nelson to live here, much less serve in the highest judicial office, because she is African American. Without acknowledging the difficulty of Oregon's past, there is no way to move forward and beyond it. In the same vein, for law to retain legitimacy and for those who are



Justice Adrienne Nelson

responsible for it to be viewed without skepticism, it is important that all races and experiences have a voice at the table. Bringing as many voices to the table as possible is something that matters in all aspects of government and no less so for the judiciary and the Supreme Court.

Justice Nelson believes law is one of the great noble professions. In that vein, she seeks to advance greater civility among its members. Her temperament and experience as a trial judge transfer well to the Supreme Court where she is now a part of a collegial decision-making court. She is also the only current justice with experience as a trial judge. As a trial judge, she took care with what was said and how messages were delivered in her courtroom because when proceedings are conducted in a manner that emphasizes respect for those involved, it breeds confidence and respect for legal institutions and the people they serve.

She does not know what kind of justice she will be as her tenure progresses. It appears safe to venture a guess that Justice Nelson will work hard with her colleagues to "get it right" and seek to provide answers to the questions posed to the court that can be practically applied by the bench and bar. Justice Nelson readily acknowledges, "it's not about me" - the sign of a judge who knows the work of the court is more important than any of its members. Our courts ought to be a reflection of all the people they serve, and Justice Nelson's appointment lends another perspective and experience not previously represented, a good thing for Oregon.

Legal services providers who will be attending this year's fair include Legal Aid Services of Oregon (LASO), Oregon Law Center (OLC), Catholic Charities, Youth, Rights & Justice, the Campaign for Equal Justice, Immigration Counseling Service, Victim Rights Law Center, St. Andrew Legal Clinic and many more. They will be available from 5-7 p.m. to meet with attorneys and answer questions about their programs and volunteer opportunities.

The reception is hosted by the Oregon New Lawyers Division of the OSB, the OSB Pro Bono Committee, the MBA Young Lawyers Section, LASO and the OLC. Appetizers and desserts will be available, along with wine, beer and soft drinks.

The ONLD Pro Bono Challenge encourages lawyers and law firms to report their pro bono hours. Those who report the most hours are formally recognized at the Pro Bono Celebration.

Bankers and Lawyers: Partners in Justice

by Bill Penn
OSB Assistant Director of Legal Services Program
and Oregon Law Foundation

Each raindrop is small, but get enough of them together and you end up with the Columbia River able to carve hard basalt into the Gorge. The same principle drives the Oregon Law Foundation's (OLF) efforts to fund legal services in Oregon. The interest on your Lawyer Trust Account (IOLTA) might be small, but put it with all the other IOLTAs in the state and together we can change people's lives, making sure the justice system is fair for people including victims of domestic violence, abused children, and families losing their homes.

In partnership with the OLF, bankers play an essential role in funding legal aid. The OLF's Partners in Justice (formerly Leadership Banks) are financial institutions that choose to fund legal aid by paying elevated interest rates on IOLTA. These financial institutions stuck by legal aid and the OLF through the last 10 years of record low interest rates. Even when market interest rates hit their lowest point, Partners in Justice paid a rate 100 times the market rate.

Of all the bankers who support the OLF, none play a more important role than the foundation's four banker board members. OLF banker board members help the organization understand the banking industry, provide financial expertise, and use their influence in the industry to help the OLF and legal aid.

On November 7, the OSB will award these banker board members - Elise Bouneff, Randy Compton, Kristen Connor, and Laura Shipley - with the OSB Public Leadership Award. With their help, the OLF has granted over \$31 million between 1989 and 2018. Grants support Oregon's statewide system of legal aid providers, immigration legal service providers, OLIO, Classroom Law Project, and specialized legal service providers like St. Andrew Legal Clinic, the Homeless Youth Law Clinic, Disability Rights Oregon, Northwest Workers Justice Project, and Youth, Rights & Justice.

Across Oregon, IOLTA deposits at the OLF's Partners in Justice add up to over \$113 million. In Multnomah County, lawyers can make sure their accounts are part of that total by contacting either Elise who works at Columbia Bank or Kristen who works at Heritage Bank.



Elise Bouneff

Elise Bouneff

Elise is Senior Vice President and Relationship Banking Officer at Columbia Bank. She has served on the OLF Board since 2004 and is one of the founders of the OLF's Partners in Justice Program. Beyond the OLF, Elise serves on the board of Camp Fire Columbia and the finance committee of Raphael House. Through the MBA's partnership with Columbia Bank, members receive access to exclusive member discounts and services.



Kristen Connor

Kristen Connor

Kristen is the Community Impact Officer on Heritage Bank's Commercial Team. She has served on the OLF Board since 2016. Beyond OLF, Kristen is on the boards of the Jessie F. Richardson Foundation, Business for a Better Portland, and the Corporate Sustainability Collaborative.

If your office is not near a branch of Columbia or Heritage, you can get your IOLTA to do more for legal aid by moving to any of the OLF's Partners in Justice:

- **Visionaries:** pay at least 1.25% interest yield on IOLTA: Beneficial State Bank, Columbia Bank, Heritage Bank, Lewis & Clark Bank, Northwest Bank, OnPoint Credit Union, Pioneer Trust Bank, Washington Trust Bank, Wells Fargo Bank,* and Willamette Valley Bank
- **Advocates:** pay at least 1% interest yield on IOLTA: Bank of Eastern Oregon, First Interstate Bank, First Republic Bank, Pacific West Bank, Premier Community Bank, and Umpqua Bank*

Learn more about the OLF and the Partners in Justice at www.oregonlawfoundation.org.

* Minimum balance requirements apply to rates offered at Wells Fargo and Umpqua banks.

2018 OSB Pro Bono Fair Thursday, October 25

by Catherine Petrecca
Oregon State Bar

Celebrate all things pro bono once again on Thursday afternoon, October 25, with a Pro Bono Fair, two free simultaneous CLE seminars, a reception and an awards ceremony - all taking place at the World Trade Center in downtown Portland.

Join us as we celebrate the accomplishments of the firms and individuals reporting the most pro bono hours for last year.

The firms winning top honors this year are Davis Wright Tremaine, Barran Liebman, and Nachtigal Eisenstein & Associates. Individual winners are Cheryl Coon (Active Pro Bono), Michael Dotten (Solo Practitioner), Robert Newell (Individual at a Firm, from Davis Wright Tremaine),

and James Carrol Roberts (ONLD Member). They'll be feted by Chief Justice Walters, OSB President Vanessa Nordyke and others at 5 p.m. during the ONLD Pro Bono Challenge Awards Ceremony and hosted reception.

Two free, pro-bono-related CLEs precede the awards ceremony. **If you're interested in attending, please contact Michelle Lane at the OSB at mlane@osbar.org.**

- Topics this year:
- Serving Oregon's Nonprofit Organizations: From Board Service to Pro Bono Service
 - Representing Survivors of Domestic Violence: Preparing for a Contested Restraining Order Hearing

Laura L. Donaldson YLS Pro Bono Spotlight

by Gabrielle Hansen
YLS Pro Bono Committee

Laura L. Donaldson is in the spotlight this month for her work with the OSB's Debtor-Creditor Bankruptcy Clinic. The Bankruptcy Clinic, started in 1996, is a collaboration between the OSB's Debtor-Creditor section, the US Bankruptcy Court, the US Trustees Office, and Legal Aid Services of Oregon (LASO). Every year there are 10-12 bankruptcy clinics held between its three locations: downtown Portland, northeast Portland, and Beaverton.

Laura received her undergraduate degree from Portland State University and her law degree from Northwestern School of Law, Lewis & Clark College. Laura is a partner at Kuni Donaldson, LLP, a firm that specializes in helping individuals and small businesses navigate the challenges of Chapter 7 and 13 bankruptcies, debt workouts and debt negotiations.

While growing up, Laura's family was very poor. Although it was not for lack of trying, her father had difficulty keeping steady employment and had multiple mouths to feed. Given her upbringing, when Laura became a lawyer, she thought that her father would be impressed. But Laura remembers that he wasn't. Instead his response was, "Your fancy degree doesn't mean anything if you snub your nose at those that have less than you." This is a sentiment that has stuck with Laura. Laura feels strongly that pro bono work is an indispensable part of the legal profession.

Laura's volunteerism with the bankruptcy clinic started in 2006. When asked what volunteering at the clinic is like, Laura focused on the gratitude that her clients have expressed to her. "My clinic clients are some of the nicest, brightest people I have ever met." Their gratitude for the time that I have spent with them is

incredibly rewarding. Laura says that the bankruptcy process is about providing people with a true "fresh start." Assisting a client through the bankruptcy process lifts a tremendous weight from their shoulders.

For example, Laura remembers the time that she helped a grandmother facing a garnishment threat. This grandmother was the sole guardian and support for three young grandchildren while their parents were incarcerated. They lived in a small apartment and she earned less than \$20,000 per year. She struggled with health issues and utilized every dollar for medicine and household needs. An emergency bankruptcy filing stopped the garnishment allowing those funds to be retained in her household. Laura also recalls a client who struggled with mental health issues and whose imminent foreclosure would have left her homeless if not for Laura's help. Bankruptcy stopped the scheduled auction on the courthouse steps, allowing the client additional time to seek other alternatives. "This is only a sample of the clients who feel beaten down by their situation and left without hope," says Laura. Volunteering at the bankruptcy clinic means being part of their solution.

Jill Mallery, staff attorney at LASO, reports that in Laura's time volunteering for the clinic, Laura has helped 75 low-income, vulnerable clients and dedicated approximately 450 hours in legal assistance. Jill emphasized that the success of the bankruptcy clinic is a result of committed volunteers such as Laura. Jill described Laura as "wonderful," explaining that Laura is dedicated, hardworking, and goes above and beyond to help her clients. In addition to being a volunteer at the



Laura L. Donaldson

bankruptcy clinic, Laura is also a member of the OSB Debtor-Creditor Pro Bono Committee. This committee coordinates the bankruptcy clinic. The committee members recruit volunteer lawyers, create and update program materials, and plan the annual reception and CLE seminar. Earlier this year, Laura coordinated the effort to update the Debtor-Creditor's Pro Bono Bankruptcy Clinic webpage. "Laura's dedication to the Bankruptcy Clinic has made access to justice a reality for many low-income Oregonians," says Jill.

When asked what attorneys who might be interested in volunteering should know, Laura says that volunteering is easy, and volunteers are always welcome! She also emphasized that a lack of experience should not be a barrier to volunteering. Seasoned attorneys will mentor those who are less experienced through the volunteering process. That said, Laura recognized that as attorneys, we all have busy lives and personal struggles. Laura says that this makes her even more proud to "be associated with fellow attorneys who despite their busy lives consistently exhibit basic human kindness by participating in the Bankruptcy Clinic and other low-income clinics throughout Oregon."

Attorneys interested in volunteering with the bankruptcy clinic should contact Jill Mallery at jill.mallery@lasoregon.org, 503.224.4086.

I Am a Part of Legal Aid

by Holly R. Puckett
Director, Career Services
Lewis & Clark Law School

Justice is a Right, Not a Privilege

Lawyers who contribute their time and skills through pro bono, or who make donations to nonprofits that have missions of improving the justice system by making it more accessible to all, not just those who can afford it, are helping Oregon reach the goal that our founding fathers envisioned: justice for all. When families have a lawyer's help for critical needs - physical safety, food, shelter - their chances of success are improved. Legal aid is an essential service that strengthens families, prevents homelessness, and improves opportunities in our community for people who would not get civil legal help any other way. Sometimes we forget the myriad ways that knowing one's rights and having them respected can make a huge difference in the life of a person interacting with a legal problem.

A Success Story

To give a living and breathing example of how a brave client deciding to seek legal help can involve multiple areas of the law, and help resolve problems that have spanned years and even decades, I will share with you the following success story from a legal aid lawyer in our state:

Clara found legal aid after being severely injured by Rafe, her partner of 25 years. He came home drunk and started destroying the walls. He flew into a rage when Clara finally said "enough is enough." Concerned neighbors called 911 and watched as Clara was transported to the hospital with internal bleeding, a broken arm, and irreversible back and neck injuries. Despite years of horror, Clara only sought help when she saw how Rafe's abuse was affecting her adult daughter and her young son, Diego. Legal aid helped Clara gain full custody of Diego and resolve over \$15,000 of misdirected medical bills. They also helped her assume the mortgage that Rafe refused to pay after he moved out, collecting evidence to show that Clara had been contributing all along, although Rafe's was the only name on the loan documents. After suffering at Rafe's hands for decades, Clara credits her legal aid lawyer's patience and skill for giving her the confidence she needed to overcome fear, stand up for her rights, and regain safety. She explained that her lawyer would say, "You can do this. Don't panic. Just come along when you can." Clara and her son Diego are an inspiration, as is the legal aid lawyer who is helping her navigate this long journey.

Because legal aid helped Clara

- She is no longer at legal risk.
- She will not be homeless.
- Her son Diego will remain stable in his current school.



Clara and her son, Diego

- She is a part of the community, and not isolated.
- Her voice has been heard in the justice system.

It is unthinkable what could have happened if legal aid was not there for Clara and Diego. How can legal aid do more?

Legal Needs Study

One way that legal aid can determine where to best use their scarce resources is to be certain that the work they are doing is centered on the needs of the people they serve. The best way to learn about these needs is to ask people who are experiencing daily life in poverty, and encountering the legal system from the perspective of poverty. A partnership with the Oregon Law Foundation, Oregon Judicial Department, Campaign for Equal Justice, Portland State University, and legal aid programs in Oregon has been working on a legal needs study that is nearing completion. This will be the first comprehensive statewide research into the legal needs of low-income Oregonians since 2000. Study results are expected this fall.

Call to Action

Each lawyer has a role to play, and not every lawyer will contribute the same, or have the same time and monetary commitment to improving our justice system. But every lawyer can take some action, particularly with our unique skills as attorneys, to make a difference in how the rule of law works for everyone, not just those who can afford lawyers. Every lawyer who supports access to justice through pro bono, and through financial commitments to nonprofits like legal aid programs who provide assistance to low income individuals can proudly say "I am a part of legal aid."

Holly R. Puckett served as the Associate Director of the Campaign for Equal Justice for five years, assisting with education, outreach, fundraising, and advocacy for legal aid programs statewide. To learn more about the Campaign for Equal Justice, please visit www.cej-oregon.org.

VOTER EDUCATION FORUMS

Presented by the League of Women Voters of Portland

Tuesday, October 2

7 p.m. - Portland Commissioner, Position 3, JoAnn A. Hardesty and Loretta Smith
7:50 p.m. - Oregon Ballot Measure 103, prohibits tax/fees for groceries
8:30 p.m. - Local Ballot Measure 26-201, Portland's retailer surcharge for clean energy projects

Tuesday, October 9

7 p.m. - Multnomah County Auditor, Scott Learn and Jennifer McGuirk (Presented in partnership with City Club of Portland)
7:40 p.m. - Metro Ballot Measure 26-199, Metro affordable housing bonds, and Oregon Ballot Measure 102, allows local bonds for financing affordable housing with nongovernmental entities
8:30 p.m. - Oregon Ballot Measure 105, repeals law limiting state/local enforcement of federal immigration laws

Free and open to the public, these events are funded in part by the Multnomah Bar Foundation.

Multnomah County Board Room
501 SE Hawthorne Blvd.
Portland

Archived video of the forums and more voter resources may be found at www.lwvpx.org.



2018 OSB Pro Bono Fair Awards

Oregon New Lawyers Division Pro Bono Challenge Winner - James Carrol Roberts

James Roberts provided 1,260 hours of pro bono service last year, making him the recipient of the Oregon New Lawyer's Division Pro Bono Challenge award. Roberts contributed these hours while volunteering at Catholic Charities Immigration Legal Services. Working with underserved populations, Roberts assisted on applications for legal immigration status. Many of his clients were victims of domestic violence, located in rural Oregon counties. Additionally, Roberts has volunteered to work on family-based applications for legal status.

Roberts' pro bono work has provided an essential service to many vulnerable individuals.

Active Pro Bono Challenge Winner - Cheryl Coon

Cheryl Coon contributed 1,600 pro bono hours last year, winning our Active Member award for the second year in a row.

Coon does her pro bono work by serving as the unsalaried Executive Director of Refugee and Immigrant Services and Empowerment (RISE), formerly Refugee Disability Benefits Oregon. Located in Portland, this nonprofit legal organization is the only organization in the nation dedicated to legal services for disabled refugees and immigrants. They handle cases at every step of the disability process for eligible clients; when individuals are not likely to succeed, RISE refers them to partner vocational counselors and job developers. In addition to representation of individuals, RISE brought a lawsuit against the Social Security Administration on behalf of a class (pending) of Iraqi and Afghan special immigrant visa holders who were illegally denied benefits and is working on legislation to protect the health of refugees and immigrants.

Lawyers can create change through legal work and advocacy, and Coon is grateful that this award gives her a chance to highlight RISE's important work. Organizations like RISE depend on donations and volunteer efforts; RISE is always looking for additional legal volunteers. She notes that this work involves not only legal knowledge, but cultural sensitivity as well. But the big challenge at the moment is to keep the doors open, and RISE needs support. "Our work is both individual and systemic, but there is no source of funding for it," Coon says. "You can't survive on legal fees for disability if you do disability the way we do. But without us, the illegal actions of the Social Security Administration in denying benefits to scores of special immigrants from Afghanistan and Iraq would not have been uncovered, because there is no other nonprofit like us that would have come across this pattern of denials."

See the sidebar for more information on RISE.

Solo Practitioners Pro Bono Challenge Winner - Michael C. Dotten

In 2017, Michael Dotten volunteered 551 hours of pro bono service. Dotten serves as an arbitrator and mediator in commercial, environmental, and energy disputes. In his solo ADR practice, Dotten works on both national and international issues.

A graduate of the University of Oregon School of Law, Dotten has more than 40 years of experience as a litigator and an administrative law attorney. In addition to his pro bono service, he also serves as Chancellor for the Episcopal Diocese of Oregon, as Fellow at the American Bar Foundation, on the Board of Directors at Lakewood Center for the Arts, and on the Board of Directors at the Arlington Club Heritage Foundation.

Individual at a Firm Pro Bono Challenge Winner - Robert D. Newell

Robert "Bob" Newell, who contributed more than 800 hours, credits his firm of Davis Wright Tremaine for their continuing support of pro bono work. He is a partner in the Portland office. Newell was President of the MBA from 2002-2003.

Last year, Newell was responsible for leading a new pro bono project at Davis Wright Tremaine. He contacted the national ACLU office in New York about getting involved in voting rights - and ended up running the project for the entire country. One hundred sixty Davis Wright Tremaine employees, including paralegals and a few librarians, have been working in teams to review and enforce voting rights laws in every state. In a suit in Indiana, they successfully gained an injunction against enforcement of a statute that violated the National Voting Rights Act. The work is ongoing, with plenty of litigation and advocacy yet to be done.

In addition to his work on voting rights, Newell continues to do legal work for Mercy Corps, as well as serving on its board.

Large Firm Pro Bono Challenge Winner - Davis Wright Tremaine LLP

Davis Wright Tremaine (DWT) is a repeat winner for the Large Firm category. In 2017, the firm donated more than 4,400 hours in volunteer legal services with an average of 46 hours donated by each attorney. DWT encourages participation in pro bono service with a supportive pro bono policy. Pro bono committee partner for the Portland office, Greg Chaimov, shares that "DWT encourages its attorneys to find and foster their passions through pro bono service. As a result, the attorneys at DWT provide pro bono services in ways as broad as the law itself."

Some of Davis Wright Tremaine's broad services included advising homeless youth and other marginalized people at an urban clinic; advising local nonprofits, such as organizations dedicated to improving public education and to promoting sustainable food systems; and advocating for legislative changes to expand the services a cancer relief organization can provide. The firm also got involved in helping immigrants and refugees by representing immigrants in their efforts to obtain asylum and citizenship, making presentations to immigrant communities about their basic rights, and challenging, in courts across the country, the federal government's refusal to disclose records on the implementation of the executive order halting refugee admissions. The firm has also donated time representing organizations and individuals, including prison inmates, to enforce civil rights laws, as well as working on impact litigation to change government policies and practices concerning civil rights.

Medium Firm Pro Bono Challenge Winner - Barran Liebman LLP

Another repeat winner, the firm of Barran Liebman, volunteered 838 hours of pro bono service. With an average 38 pro bono hours for each attorney, they are the winner in the Medium Firm category.

Barran Liebman has worked on a wide array of pro bono matters this year, assisting both local organizations and individuals. Their attorneys have advised the Children's Cancer Association on employment issues, and provided a discrimination training. The firm has bargained on behalf of the St. Andrew Legal Clinic. Additionally, Barran Liebman has provided employment advice to Transition Projects, a local nonprofit assisting individuals' transition out of homelessness. The firm has also negotiated on behalf of the Oregon Ballet Theater, Oregon Symphony, and the Portland Opera.

Additionally, Barran Liebman assisted individuals regarding their SSA benefits. Finally, the firm provided pro bono hours on an appeal in a landlord tenant matter.

Barran Liebman's generous and varied pro bono service is reflective of their desire to help sustain and build their community.

Small Firm Pro Bono Challenge Winner - Nachtigal, Eisenstein & Associates

With an average of 90 hours for each attorney and a combined 180 hours, Nachtigal, Eisenstein & Associates is the winner for the Small Firm Category. Nachtigal, Eisenstein & Associates assists individuals, families, and small businesses on a wide variety of legal matters. The firm focuses primarily on estate planning issues, helping clients to protect their assets. Additionally, Nachtigal, Eisenstein & Associates takes on matters relating to personal injury, real estate, and business law.

The firm's commitment to pro bono service is a reflection of their desire to assist clients from all walks of life through their legal challenges.

Spotlight on RISE: Success and a Need for Further Support

Refugee and Immigrant Services and Empowerment (RISE) tracks its results and its attorneys have won 93 percent of their clients' cases, which is rare in the world of disability law. They have accomplished this through the realization that language and cultural barriers make it very difficult for immigrants and refugees to access disability benefits on their own, and skilled legal assistance makes a huge difference. A very important part of that is making sure that people do not enter the disability system only to languish there for years and ultimately fail. One reason for such a high success rate is not just legal expertise but also making sure people are legitimately qualified through a thorough vetting by RISE's own experts. For individuals who are unlikely to succeed in getting disability benefits, RISE sets up an alternate route. RISE now has a partnership with vocational counselors and job training via Latino Connections (which works beyond the Latinx community to help other non-English speakers) for people with limitations on how they can work. Cheryl Coon, Executive Director, argues that "it's important to give clients a realistic idea of the process, the waiting time and the odds of being approved for benefits, and then offer a real alternative."

In 2017, RISE pro bono attorneys sued the Social Security Administration after discovering nationwide illegal denials of benefits to people who hold special immigrant visas as Iraqi and Afghan advisors to the US military. These people, at enormous danger to themselves, have been assisting the US military overseas and have fled dangerous situations in their home countries. Helping the US can come at a terrible cost: one individual's infant son was kidnapped, and others have been murdered by militia. After arriving, the advisers were told they were ineligible for disability benefits because they had been in the US for too long, or they had their benefits terminated after only a few months. Seeing

many of these, RISE did research and confirmed that in 2010 special immigrant visa benefits had been extended to the same seven years that refugees receive. But the Social Security Administration had failed to send notice of that change in the law to its field offices across the country. For seven years, people nationwide were being turned down for benefits they were legally entitled to receive. After attempting to bring this to the attention of the General Counsel's office, RISE sued the administration in a pending class action suit in federal district court in Portland. The Social Security Administration quickly admitted its error. But for those who were denied from 2010-2017, RISE's appellate attorney, Jim Coon, is still fighting to get discovery to determine how many people were affected. The ultimate goal is to find out who these people are and get them a fair chance to see if they qualify for disability. Slowly but surely, they are uncovering more people who will have positive outcomes based on this suit.

Also in the last year, RISE has embarked on a legislative effort to protect the health outcomes of non-English speakers. Working with nursing students and professors from OHSU as well as other healthcare providers, RISE is advocating for a law to require that prescription drug labels be in a language that the patient can read. Similar legislation already exists in two other states (California and New York). This legislation was introduced when the legislative session met in September and, as of this writing, RISE already has five legislators ready to stand as potential sponsors.

The continued success of RISE is dependent on community support. The organization is seeking volunteers and donations that will allow them to keep the lights on while they continue to fight for the most vulnerable among us.

To volunteer with RISE, contact Cheryl Coon at 971.270.0755, cheryl@risenw.org.

Legal Aid Services of Oregon Volunteer Lawyers Project Announces

The Housing Notice Clinic

Through the Clinic, pro bono attorneys will provide pro se litigants advice on their rental termination notices. The attorney will review a client's termination notice and determine whether a notice is valid or defenses exist, utilizing a comprehensive check list.

Please join us for a training to launch The Housing Notice Clinic

October 17 from 3-5 p.m.
Perkins Coie LLP

1120 NW Couch Street, 10th Floor

RSVP to Jill Mallery at jill.mallery@lasoregon.org or 503.481.1138.

Welcome New Associates
Vivek and Katherine



Vivek Kothari
*Former federal prosecutor
 Tenacious & persuasive
 Data privacy guru
 Former NASA engineer
 Poker-playing pilot
 Hiked a volcano in sandals*



Katherine (Kate) Acosta
*Talented employment litigator
 Diligent and determined
 Strategic problem solver
 Triathlon finisher
 Master Pacman player
 Loves football, loathes mascots*

Our newest associates, Vivek Kothari and Katherine Acosta, bring a wealth of skill and experience to Markowitz Herbold. Congratulations and welcome to both of them.



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Resources for Pro Bono Attorneys

LOCAL RESOURCES:

Multnomah Bar Association
www.mbar.org/about-us/pro-bono.html
 Take the Pro Bono Pledge and find information on local pro bono opportunities and how to create a customized pro bono policy for your office. MBA members can view a rotating selection of free MCLE-accredited webcast content, available in the Members Center section of the website.

Oregon State Bar
www.osbar.org/probono
 Find information on pro bono in Oregon that includes volunteer opportunities, pro bono hours reporting, attorney resources, PLF coverage for pro bono, pro bono committees and types of membership status based on pro bono activities.

Oregon Advocates
www.oregonadvocates.org
 This statewide advocate's website

is sponsored by the legal aid community in Oregon and features a substantive law library as well as free CLE's for pro bono attorneys. Membership is free. Once you are a member, sign up for ProBonoOregon, a weekly listserv offering pro bono cases for attorneys.

Oregon Law Help
www.oregonlawhelp.org
 Free legal information to low income Oregonians is provided through this one-stop statewide website sponsored by legal aid offices in Oregon. Self-help handbooks are available for download by laypersons and feature applicable statutes, remedies, forms and sample letters. These handbooks are great primers for the basics in some common areas of law.

211 Social Services Referral
211info.org
 211 provides assistance in finding health and community organizations in Oregon and SW

Washington. Professional intake staff is available 24 hours a day by dialing 211 on your phone or the referral system can be accessed through the website.

NATIONAL RESOURCES:

American Bar Association
www.americanbar.org/groups/probono_public_service.html
 The ABA Standing Committee on Pro Bono & Public Service is a national source for pro bono information and resources.

The Pro Bono Institute
www.probonoinst.org
 The institute specializes in supporting the pro bono work of law firms and corporate legal departments.

Pro Bono Net
www.probono.net
 This site provides regional, national and international resources for attorneys working to assist low income clients.

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Moving the Conversation

Making Space

by Stephanie Davidson
Emerge Law Group



To begin, I'd like to introduce myself. I am a young woman of Filipino and Chinese heritage. I spent my childhood in Hong Kong and in close contact with my large extended Filipino-Chinese family. We have always obsessed over and centered around food: Beijing-style hot pot, Shanghainese xiao long bao, and Hong Kong's signature won ton noodles - to name just a few of my favorites. My culture is embedded in the fiber of my personality and my approach to the world.

When I began law school, I did not see myself as a Filipino person or Chinese person, or even as a female law student. I simply saw myself as a law student. I did not appreciate at that time that my experiences and the vestiges of my upbringing would impact my efforts to succeed as a practicing attorney. Today, I am a practicing attorney at a mid-size firm in Portland, and am entering my fifth year of practice. I am happy with the

path that my career is taking. However, I've had to overcome certain disadvantages to reach this point. Two particular illustrations are relevant.

In a previous position, I witnessed male associates bond with senior attorneys over football and basketball games at local sports bars. I heard from other male colleagues that they played golf with senior attorneys. These types of events were opportunities for my male colleagues to make meaningful connections with senior attorneys. I, on the other hand, understand almost nothing about football, basketball or golf, in part because I was raised in a place that provided me little to no exposure to these sports. As a result, these types of opportunities to connect with senior attorneys were not, and still are not, accessible to me.

To give another example, very early in my career I received critical feedback from a senior attorney: I was expected to be more forward in approaching older attorneys to ask for more work, and I was not as aggressive as I should have been in certain settings. What I realized upon reflection was that I had been trained from childhood to observe and respect hierarchy, especially those who are senior to me. Approaching senior attorneys without an invitation was counterintuitive to these deeply ingrained habits. I had been

attempting to respectfully and quietly make myself available to senior attorneys, but not distract them from their work. Further, most women will tell you that the world socializes and expects women to be the opposite of aggressive. Since receiving that critical feedback I've gotten better at being bolder, but it has taken work. In hindsight, I wonder if I was viewed as "not partner material" at this early stage in my career because I failed to fit uncommunicated expectations around which I had not been socialized.

I have heard similar stories from other young attorneys. Many of us have the common experience of being misfits in the law firm environment. Some of us cope by hiding and minimizing our differences, or even adopting and mimicking the "majority culture" of the group we find ourselves in. This is typically an unsustainable approach. As a result, many of us ultimately leave for another group in which we can be ourselves.

I am optimistic about the future of the legal profession; many attorneys and law firms are actively working to make it more diverse. There are more people of color, women, and people in the LGBTQ community becoming attorneys than ever before. Yet, it is an open secret that law firms struggle to retain these valuable employees. After reflecting on my own experience, I want to suggest a few simple practices that I hope other attorneys will consider incorporating into their own work lives:

1. Take time away from work-related projects to connect with your colleagues. For example, consider organizing opportunities for your colleagues to enjoy a good meal or coffee break together

- food is an important component of social events for many people of color, and regardless of your colleagues' ethnicities, it is widely recognized as something that even very different people can bond over. I personally feel more at ease in this type of setting.

2. Even if you are not an officially designated mentor, try to be a resource for a new colleague who may be struggling to integrate into the group. Early in my career, several more senior attorneys provided tips that I didn't know to ask for, and otherwise showed me the ropes. Those colleagues made me feel like I had an ally and friend to rely on as I adapted to a challenging new position.
3. If you are frustrated by a new colleague's behavior, recognize that there may be something particular to their background or identity driving that behavior. Consider engaging your colleague in conversation to better understand their behavior, and also to let them know that there are expectations or standards that they may not be aware of.

In my own experience, I have noticed and dearly appreciated when my colleagues - staff and attorneys alike - have invested time and energy into getting to know me. These efforts have made me feel that I am a valued member of the group. In other words, I have appreciated when others have made space for me to show up as my authentic self. I now try to do this for others, especially law students and younger attorneys. I hope you'll consider working to make space for others, too.

Davidson is a member of the Oregon Filipino American Lawyers Association (OFALA). To learn more about OFALA please visit www.oregonfala.org. This article was written in recognition of Filipino American History Month, which occurs each October.

Moving the Conversation is a recurring feature of the Multnomah Lawyer and is intended to raise issues and provide observations and ideas in regard to equity, diversity and inclusion topics. Please send your columns, ideas for columns, or recommendations for authors to the MBA office at mba@mbabar.org.

The Corner Office | PROFESSIONALISM

It's October, and the view from this corner office is marked by vibrant fall foliage, which brings thoughts of the approaching holiday season. Halloween is around the corner (hope you have your costumes all in order!) and Thanksgiving, Christmas, and New Year's won't be far behind. Of course that also means there are a lot of professional obligations to attend to: work to be done, hours to bill, and bills to collect.

Normally, this column is reserved for discussion of professionalism issues. This month is no different. As many of you know, the MBA maintains a Commitment to Professionalism, available at www.mbabar.org/assets/documents/profcertorder.pdf, which provides in part that "[w]e will work to ensure access to justice for all segments of society." There are a variety of ways one can work to ensure access to justice, and pro bono service is one of the more obvious avenues (for other ideas, see www.justice.gov/atj). As we

all brace ourselves for the final quarter of 2018, both personally and professionally, now is a great time to step out of that hustle via a pro bono representation.

The call to pro bono service is a consistent one we lawyers hear year in and year out. Perhaps it is better described as a drum beat - one whose intensity and tempo have increased in recent years as access to our justice system has become simultaneously more critical and more difficult. We all know the need. And many, many people answer the call every year without reminder of the need faced by many in our community.

Well this call to action comes with a twist in light of the increasingly divisive political rhetoric that marks our times: As you renew your commitment to ensuring access to justice for all with pro bono representation, consider committing to the additional criteria of taking on a pro bono client who does not look like you and/or whose political views are not in sync with yours. Seek out a pro bono

client outside your traditional pro bono referral sources (this issue is replete with ideas for pro bono referral sources). Imagine how such a client could broaden your experience and help you better understand those whose views and experiences you do not share. And imagine the impact to that client of not just receiving critical legal services, but receiving those services from someone who does not share their outlook.

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



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Pro Bono Volunteers

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

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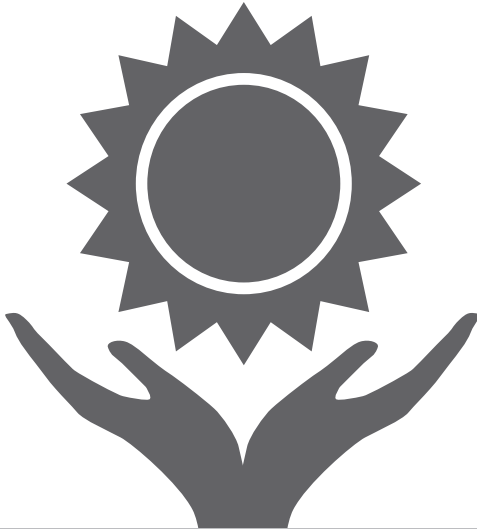
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Tools to Help Your Firm Incorporate Pro Bono into its Practice

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www.mbabar.org/AboutUs/ProBono.html

Add a pro bono policy to your firm's policies by using the Oregon State Bar Pro Bono Model Policy Tool Kit
www.osbar.org/probono/policy/intro.html

Find pro bono opportunities on the MBA and OSB websites
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Assisting Immigrant Families

Continued from page 7

volunteers assist clients with their humanitarian and family-based immigration applications and petitions at all stages of the case including evidence gathering, getting client and witness declarations, and compiling the evidence into an application to be filed with the immigration agencies. Volunteers may also have the opportunity to work on briefs and motions for filing with immigration court. Please visit www.catholiccharitiesoregon.org/volunteer/ to sign up.

Another wonderful way to assist local efforts to support immigrants is to participate in Refugee Adjustment Day. Chanpone Sinlapasai, an attorney with Marandas Sinlapasai, organizes a day for individuals to get together to help refugees who have resettled in the United States to adjust status to that of a green card holder. A team of volunteer lawyers, doctors, advocates, social workers, interpreters, and community members come together to ensure that the individuals and families are helped through the process. Each year the program strives to assist everyone in need. Due to the higher, rising cost of living in the metro area, Sinlapasai noted that she is looking at holding programs in other locations where the needs are high like Ontario and Salem. The next event will be in the summer of 2019. Please contact Sinlapasai at chanpone@mspc-law.com if you are interested in volunteering at Refugee Adjustment Day.

Participating in programs like these can be, as Edwards describes, "life-changing."



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Carra Sahler and Lewis & Clark Law School Student Volunteers

by Jill Mallery
Staff Attorney and Pro Bono Coordinator
Legal Aid Services of Oregon

“The people I meet every day inspire me with their single-minded desire to make this world better.”

Carra Sahler is the Director of Public Interest Law in the Career Service Department of Lewis & Clark Law School. Carra spends a good amount of her day counseling law students with a focus towards public interest and public service opportunities. Carra explains, “the job has a dual purpose of assisting individuals sort through what is important to them, while encouraging work for causes and organizations that offer access to justice or advocate for improvements in our community.” Carra also administers the judicial clerkship program, coordinates the NW Public Service Career Fair, and advises the Public Interest Law Project on their annual auction to raise funds to support students interested in working for public interest employers. When asked what she enjoys about her work, Carra responded, “I love helping students, graduates, and alumni identify their interests, needs, morals, and values, and vet opportunities that fit their criteria.”

Carra was born in the foothills of the Colorado Rocky Mountains and raised by her lawyer mother and piano-tuner father. She grew up learning about the legal profession from her mother who forged her path during a time when there were few women attorneys. “My mom inspired me with stories about being one of the few women in her law school class (and pregnant with me, at that!) and the first woman partner at a law firm (requiring her to craft a maternity leave policy for herself when my brother was born).” Her mother enjoyed a diverse legal career: she practiced at a law firm, managed a solo practice, worked as a federal and state attorney, and advocated for affordable housing at a nonprofit. Her mother’s vast legal experiences always reminds Carra “that the wonderful gift of our profession is that we are not stuck anywhere.”

Carra graduated from college in Massachusetts. After working for a few years at a job she loathed, she came to a realization. “I knew then that I was a person who needed to do work that mattered in the world.” She decided to attend



Carra Sahler

Lewis & Clark due to her interest in the environmental law program, during which she worked with the Northwest Environmental Defense Center, Public Interest Law Project, and Earthrise (as it is known today). Following law school she worked for Preston, Gates & Ellis (now K&L Gates) serving as general counsel to Oregon and Washington municipalities. She advised them on land use, municipal authority and constitutional and statutory construction. Carra made a career change when she learned of an opportunity to apply for a judicial clerkship with the District of Oregon. She jumped at the opportunity and served as career law clerk to Judge Garr M. King for 12 years.

Lewis & Clark Law School and Legal Aid Services of Oregon Portland Regional Office (LASO-PRO) have a long history of working together. LASO-PRO offers Lewis & Clark law students volunteer opportunities each year and the Career Services Department provides support

in the recruitment and selection process. Every fall, LASO-PRO participates in the Lewis & Clark Public Service Fair coordinated by Carra. The fair is a great opportunity for both law students and public service organizations. Law students learn about nonprofits in their community and nonprofits have the opportunity to meet law students and share about their organization. Carra encourages law students to volunteer and explains it can be part of their learning process. “Almost every student I meet tells me they chose law school to help people. Until students know how they will accomplish that amorphous goal, in a context where they can successfully draw on their own intrinsic strength, volunteering is a wonderful way to experiment.”

LASO-PRO attends the fair to meet and talk with students about the work of LASO and recruits volunteers for two pro bono projects: the OSB Debtor-Creditor Bankruptcy Clinic and the Stoel Rives and Dunn Carney Night Clinic. Law students assist with a variety of responsibilities and have the opportunity to meet judges and attorneys and sit in on client-attorney interviews. This long-term practice of law students volunteering with LASO’s pro bono projects is a win-win situation. LASO-PRO gains valuable help in staffing pro bono projects that assist over 1,500 low-income clients each year and law students benefit by

gaining experience. Carra explains, “students learn valuable legal skills and meet practicing attorneys in the local legal community of course, but volunteering gives them an opportunity to escape the classroom and put theory into practice, while gaining some confidence in the process.”

LASO is one of a few organizations that utilizes 1L-3L law student volunteers. This practice has a positive impact on an individual level and community as a whole. Carra believes it is important for 1Ls to have access to volunteer opportunities so they can begin to experience legal work. “I think it is especially valuable that 1Ls are permitted to volunteer since many of them are anxious to meet attorneys, see what the work is like and start identifying their areas of interest, but they feel uncertain about what they have to offer a legal employer.” Carra has seen the benefit of organizations offering legal volunteer opportunities to 1Ls. “Places like Legal Aid and St. Andrew Legal Clinic provide good ways for students to stick their toe in the water. Once students experience volunteering they don’t often turn back.”



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