

OREGON STATE BAR BULLETIN

JULY 2024

Also Inside:

Heading Out For A Hike

A Change in Environment
Helps Oregon Lawyers
Focus on Their Practices

Beyond the Classroom

Law Schools, Professional
Partnerships Strengthen
Mental Health Safety Net
for Students

Do You Have A Client Who Is **Falsely Accused?**

"Cross-examination is the greatest legal engine ever invented for the discovery of truth."

— John Henry Wigmore

TRUTH PREVAILS.

AS SEEN ON



GeekWire



The Atlantic

People

LAS VEGAS
REVIEW-JOURNAL



The Seattle Times



Mirror

The Guardian



TIME

The Oregonian



The Register-Guard

RollingStone



Law Office of
Mike Arnold

541.359.1040 | www.MikeArnold.com/news

OREGON STATE BAR BULLETIN

The *Oregon State Bar Bulletin* (ISSN 0030-4816) is the official publication of the Oregon State Bar. The *Bulletin* is published 10 times a year (monthly except bimonthly in February/March and August/September) by the Oregon State Bar, 16037 S.W. Upper Boones Ferry Road, Tigard, OR 97224. The *Bulletin* is mailed to all members of the Oregon State Bar, a portion of the dues for which is allocated for the purpose of a subscription. The *Bulletin* is also available by subscription to others for \$50 per year, \$90 per two years, within the United States. Individual copies are \$5; back issues are \$5 each, when available. Periodicals postage paid at Portland, Oregon 97208. POSTMASTER: Send address changes to Oregon State Bar, P.O. Box 231935, Tigard, OR 97281-1935.



iStock.com/ Jorm Sangsorn

The research concerning mental health problems for lawyers has been well-reported. But, so many of these issues begin in law school, where stress levels caused by academic achievement, future employment and significant amounts of debt weigh heavily on future attorneys. We dig into what Oregon's three law schools are doing to proactively address lawyer mental health, as well as how they work with the Oregon Attorney Assistance Program, the OSB and the Oregon New Lawyers Division to make a difference.

FEATURES

- 19** **Beyond the Classroom**
Law Schools, Professional Partnerships Strengthen Mental Health Safety Net for Students
By Melody Finnemore
- 22** **Heading Out for A Hike**
A Change in Environment Helps Oregon Lawyers Focus on Their Practices
By Michael Austin

COLUMNS

- 9** **Bar Counsel**
Understanding Title 3: Special Proceedings in Lawyer Discipline
By Mark A. Turner
- 15** **The Legal Writer**
Brevity: A Challenge
By Suzanne Rowe
- 28** **Well-Being**
Overcoming Self-Doubt: Try Using an Internal Family Systems (IFS) Lens
By Laura Mahr
- 34** **Technology**
Be Careful out There: 7 Ways Law Firms Can Avoid a Data Breach
By Sharon D. Nelson, John W. Simek and Michael C. Maschke

DEPARTMENTS

- 5** **Letters**
- 7** **Briefs**
- 8** **Discovery With...**
- 36** **Bar News**
- 38** **Bar Actions**
Discipline
- 44** **Bar People**
Moves
In Memoriam
- 48** **Classifieds**
- 51** **Attorneys' Marketplace**
- 54** **Photo Finish**
- 55** **OSB Education & Research**

THANK YOU, OREGON STATE BAR MEMBERS!

CLP is dedicated to preparing students to become active, engaged, and informed participants in democratic society.

Your support changes lives.



THE OREGON STATE BAR & SECTIONS GAVE A COMBINED **\$96,750** THIS YEAR.

Administrative Law · Civil Rights · Constitutional Law · Construction Law · Criminal Law · Debtor-Creditor · Diversity
Energy Telecom & Utility · Government Law · Litigation · Securities Regulation · Solo & Small Firm · Sustainable Future

INDIVIDUAL MEMBERS THROUGHOUT OREGON DONATED MORE THAN **11,000 VOLUNTEER HOURS**



The best way to **preserve** democracy is to **teach** democracy. CLP is grateful for the support of the Bar and its members in pursuing this mission.

WWW.CIVICSLARNING.ORG



istock.com/marchmeena29

More About Client Capacity

Thank you for the comprehensive and insightful article on client capacity in the May 2024 issue of the *Bulletin* (Bar Counsel, page 9). I recommend it to not only practitioners but also the broader population of individuals who may face this and related issues in their personal lives. My comments below are based on observing and assisting in my father's elder law practice, as well as my present status as an elder (age 76).

1. As stated in the article, capacity varies widely with a person's emotional and mental state, often exacerbated by their legal situation. Therefore, respect, compassion, empathy, patience and a relaxed professional demeanor are of the utmost importance in optimizing client capacity.
2. A major source of stress for elders can be traveling to the attorney's office. Meeting at the client's home is therefore an excellent option (where "practicable") to optimize capacity and avoid possible undue influence

by an otherwise necessary driver. It is still essential to meet with the client alone in a home setting.

3. It is important to distinguish between physical limitations (hearing, vision, etc.) and lack of capacity. However, since comprehension is a component of having capacity, attorneys should ensure that a client understands pertinent facts, options and documents using the methods described in this article. Please be aware that in our ageist society many people are loath to admit that they have a hearing or visual deficit. Such deficits should nonetheless be recognized and accommodated without criticism or advice.
4. In assessing the capacity of a client, it is quite helpful to have a long-term relationship with that individual. Most of my father's clients were in that category when he retired at age 80. The lengthy associations allowed him to accurately assess testamentary wishes and the trustworthiness of named executors/trustees. ■

Karen Sjogren, *Salem*

Professionalism Among Professionals

Upon rereading the Oregon State Bar's Statement of Professionalism, I noticed that our coworkers were absent from the list of persons that are owed lawyers' courtesy and respect. Although one might assume and hope that our coworkers are owed this due, their absence from the Statement of Professionalism may imply that as lawyers, our professional standard of conduct does not extend to either the employer-employee or employee-employee relationship.

David Rosen's axe analogy (June 2024 *Bulletin*, page 32) can be used to highlight the potential downsides of this unfortunate

absence. Too often, it seems, attorneys will take the opportunity to use subordinates and other coworkers to sharpen their axe — as if an employment contract permits one to use others as grindstones. I have heard too many horror stories from students, classmates and fellow attorneys that describe these tyrannical coworkers and managers. This sort of workplace practice wears down others and inevitably impacts clients and the public's perception of the legal profession.

We belong to a profession that serves our clients and the public good. But our conduct, not our membership, bestows the true title of professional. Courtesy and respect are not only due to clients, adverse litigants, adverse counsel and the court, our professional conduct must also extend to our coworkers and subordinates. I hope that this principle will be included in a future Statement of Professionalism.

John R. Mannebach III, *Portland*

Letters to the Editor

The *Bulletin* welcomes letters. They should be limited to 300 words. Preference is given to letters responding to letters to the editor, articles or columns recently published in the *Bulletin*.

Letters must be original and addressed to the *Bulletin* editor. Unsigned or anonymous letters will not be published. (There are exceptions. Inquire with the editor.) Letters may not promote individual products, services or political candidates.

Letters may be edited for grammatical errors, style or length, or in cases where language or information is deemed unsuitable or inappropriate for publication. Profane or obscene language is not accepted.

Send letters to: Editor, OSB Bulletin, P.O. Box 231935, Tigard, OR 97281. Or you may email them to editor@osbar.org.



CHARLES S. BURDELL JR.
Former King County Superior Court Judge



PARIS K. KALLAS
Former King County Superior Court Judge



GEORGE FINKLE
Former King County Superior Court Judge



LARRY A. JORDAN
Former King County Superior Court Judge



STEVE SCOTT
Former King County Superior Court Judge



LINDA LAU
Former Appellate and Superior Court Judge



BRUCE HELLER
Former King County Superior Court Judge



PALMER ROBINSON
Former King County Superior Court Judge



JOHN P. ERLICK
Former King County Superior Court Judge

EXPERIENCE TENACITY JUDGMENT DISPUTE RESOLVED

ADR Solutions

- All panelists are former Washington State Superior Court Judges
- Mediation, arbitration, hearing officer, special master and litigation consultation
- Talented and responsive staff
- Comfortable mediation conference rooms
- Arbitration courtroom with audio/visual technology and party breakout rooms

JdR
Judicial Dispute Resolution, LLC

Joshua Green Building · 1425 Fourth Avenue · Suite 300 · Seattle, WA 98101
206.223.1669 · jdrllc.com



Chief Justice Order Addresses Serious Drug Crimes

Oregon Supreme Court Chief Justice Meagan A. Flynn issued an order on May 22 that will hold in custody more people charged with the most serious drug-related crimes after arrest until appearing before a judge.

Under the order, a person arrested for the most serious crimes involving delivery (sale or other transfer) or manufacture of controlled substances, or a controlled substance offense involving minors, will be held in custody between arrest and appearance before a judge. The first appearance typically happens on the first court day after the weekend or no more than 36 hours after arrest. The judge then will decide whether the person will be released, typically with conditions to ensure public safety and their later appearance in court, or remain in jail subject to posting monetary security.

The order also permits the presiding judge for each circuit court to update their presiding judge release orders to include person-specific overriding circumstances for all offenses involving the delivery and manufacture of a controlled substance, in order to address public safety concerns particular to their communities. Those circumstances may include whether the person possessed a substantial quantity of

controlled substances or engaged in a commercial drug offense, possessed a particular type of controlled substance, used a firearm or has prior arrests or a history of failing to appear in court.

Flynn initiated the review of the pretrial release guidelines in January 2024. The Legislature passed House Bill 4002 in March 2024, which expanded the conduct subject to crimes involving delivery of a controlled substance, increased penalties for many types of controlled substance offenses and directed the chief justice to evaluate placement of delivery and manufacture offenses in the pretrial release guidelines. The chief justice received recommendations from a criminal justice advisory committee and presiding judges throughout the state before issuing today's order. The order and a complete list of offenses in the pretrial release guidelines are available at courts.oregon.gov/programs/pretrial.

The changes modify the pretrial release guidelines originally developed after passage of Senate Bill 48 (2021). That bill moved Oregon away from automatic security (bail) release before arraignment based on charges and toward risk-based release decisions with conditions to ensure appearance at court hearings and protect community and victim safety. Under the old system, individuals who could afford to post bail were released before arraignment, regardless of risk of failure to appear or to commit new crimes. Those who could not afford to post bail remained in jail, again regardless of risk.

Oregon's pretrial release guidelines list offenses in three categories:

1. Release on recognizance (which includes basic conditions of release);
2. Release with court-imposed conditions (which includes a range of possible additional conditions); and
3. Hold for arraignment.

A fourth guideline allows individual circuit courts the flexibility to move a particular defendant from one category to another based on a set of objective, person-specific "overriding circumstances." In addition to circumstances relating to drug crimes, these can include:

- A score from a risk assessment tool;
- Prior criminal record;
- Outstanding warrants;
- A threat of violence to a victim, law enforcement officer, or anyone else connected with the case; or
- Prior failure to appear or other violations of conditions of release.

The drug offenses moved into the "hold until arraignment" category by the order are classified as crime seriousness category 8 in Oregon's Felony Sentencing Guidelines and carry a presumptive prison sentence or are controlled substance offenses involving minors. Other offenses already in the "hold until arraignment" category include all Class A felonies and violent felonies, sex crimes, and crimes relating to domestic violence and firearms.

2024 Brunch & Bedazzle Is July 21

OGALLA — Oregon's LGBTQIA+ Bar Association — invites you to the annual Brunch & Bedazzle event on July 21 at Perkins Coie. All Oregon lawyers are invited for brunch and T-shirt decorating before the Pride parade. This year OGALLA is marching in the parade and everyone is invited to join. Attendees should arrive between 9-9:30 a.m. with the parade starting at 11. Bring a T-shirt to decorate. Supplies provided. Be sure to register in advance at <https://tinyurl.com/2024BrunchandBedazzle>.

OTLA 2024 Annual Convention Aug. 8-10

The Oregon Trial Lawyers Association is celebrating its 71st anniversary at its 2024 annual convention, which is being held at Sunriver Resort from Aug. 8-10. The event features speakers, opportunities for networking and social gatherings. For a detailed schedule of events, visit oregontriallawyers.org.

CEJ Campaign Kick-Off Event Sept. 18

The Campaign for Equal Justice is hosting its annual Campaign Kick-Off Event on Sept. 18 at Kells Irish Restaurant & Pub in Portland. This event, which is scheduled to run from 5:30-7 p.m., will launch the 34th campaign year.

Discovery With...

Stephen Raher

Stephen Raher represents trustees, receivers, debtors, creditors and committees in bankruptcy and receivership proceedings. A graduate of Lewis & Clark Law School, he joined the OSB in 2009.



What do you do out of the office that makes you a better lawyer?

I've always been fascinated by history, so I try to ground everything I do (professionally or otherwise) in an understanding of the narratives and people who have come before me. I think this helps with the practice of law because lawyers are essentially paid to take on other people's disputes, and those disputes inevitably go back a long way (even generations), often with a genesis unrelated to the matter immediately at hand. Outside of work, my historical interest usually manifests

as formal or informal passion projects. I'm currently working on a biography of John Hipple Mitchell, one of Oregon's most notorious scoundrels. I am a big believer in Utah Phillips's observation that "the long memory is the most radical idea in America."

What is your favorite place in Oregon?

Oregon is fortunate to have so many beautiful and varied landscapes, both natural and human-made. So, it's hard for me to pick one favorite place. I'll go with the Hart Mountain/Warner Valley area in Southern Lake County — the first time I saw this area (shortly after moving to Oregon in 2006) I was transfixed. I've returned in all four seasons and it's always awe-inspiring.

Outside your practice focus, what other law area fascinates you?

I like variety in my work and I'm lucky in that respect. My core practice is bankruptcy, which often involves other types of substantive law. I also work on telecommunications regulatory issues, which is a great way to exercise a much different skill set. The most interesting area where I do absolutely no work is probably federal Indian law. It was my favorite class in law school, and I have so much respect for the issues and people involved that I don't want to just "dabble" in it. I just try to stay on top of new developments and let the subject-matter experts do the heavy lifting.

If you didn't go into law, then what would have been your career path?

Prior to law school, I worked for several years as a policy analyst and lobbyist, primarily advocating before the Colorado state legislature. The lobbying part of the job was a big challenge (I'm extremely introverted), but it was a growth experience and I could have been happy continuing to enhance my legislative advocacy skills.

What book are you reading or podcast are you listening to right now?

I am reading *The Almanac of the Dead* by Leslie Marmon Silko (1991). It's a truly epic story about migration, borders, money, power and spirituality. I highly recommend it.

Best concert you've ever attended? Where was it?

Third Angle Music's performance of Philip Glass's *1000 Airplanes on the Roof*, held last year at the Evergreen Aviation Museum in McMinnville. I was a music major in college, in a department that was open to experimental music but was avowedly anti-Philip Glass. It wasn't until many years later that I realized some of Glass's works are really great. *1000 Airplanes* is a rarely performed and impossible-to-categorize work (possibly an opera, depending on how you define opera) about a person's struggle with sanity. The performers were staged underneath the Spruce Goose, with the audience facing the enormous glass wall on the south side of the museum. It started at 8 p.m. (in late May), so the sun was setting and as the protagonist descended into madness, the natural light faded and the performance eventually ended in the dark. It was an all-encompassing sensory experience that I will never forget. It also had a tangential professional angle for me, since the museum is across the road from the former offices of Evergreen Aviation, which was a client in my early days in private practice. ■

July 2024

Editor Michael Austin

Associate Editor Shannon Gormley

Graphic Designer Sunny Chao

OSB President

David Rosen, Bend

OSB President-Elect

Myah Kehoe, Portland

OSB Immediate Past President

Lee Ann Donaldson, Portland

Board of Governors

Christopher Cauble, Grants Pass

Gabriel M. Chase, Portland

Candace Clarke, Saint Helens

Stephanie Engelsman, Portland

Kellie Furr, Portland

Tomás Hernandez, Salem

Joseph Hesbrook, Bend

Megan Houlihan, Portland

Elizabeth Inayoshi, Hillsboro

Myah Kehoe, Portland

Matthew C. McKean, Hillsboro

John Marandas, Lake Oswego

Apolinar Montero-Sánchez, Eugene

Eddie Passadoré, Portland

Curtis Peterson, Portland

David M. Rosen, Bend

Kyle Sciuchetti, Vancouver, WA

Rob Welsh, Albany

Nik Yanchar, Portland

Editorial Advisory Committee

Amber Bevacqua-Lynott, Portland

Laura Cadiz, Salem

Olivia Courogen, Portland

Joel Fowlks, Milwaukie

Sanny Kataoka, Bend

Lucy Glenn Ohlsen, Portland

Judge Jill Tanner, Hillsboro

Scott Wolff, Portland

Chief Executive Officer

Helen Hirschbiel

Director of Communications

Kateri Walsh

Special Proceedings in Lawyer Discipline

Understanding Title 3

By Mark A. Turner



the respondent will cause immediate or irreparable harm to clients or others. To file a petition under this rule, Disciplinary Counsel's Office (DCO) must have probable cause to believe misconduct has occurred, sufficient evidence to establish a probable violation of the Rules of Professional Conduct or the Bar Act, and a reasonable belief that clients or others will suffer immediate and irreparable harm unless the respondent is suspended while a disciplinary proceeding is pending. *BR 3.1(a)*.

It can take months to reach a final resolution of a disciplinary case. Accordingly, this rule is invoked when the need for action is immediate to prevent ongoing misconduct. The disciplinary board adjudicator rules on BR 3.1 petitions. This is in contrast to the hearing on a formal complaint, which is heard by a three-person trial panel composed of the adjudicator, a volunteer lawyer member and a volunteer public member.

Once the bar files and serves a petition under BR 3.1, the respondent has 14 days to file an answer. Failure to file a timely response to the petition results in an order of default. In such cases, the facts alleged in the petition are deemed to be true. If the facts support imposition of an interim suspension, the relief is granted.

If the respondent files an answer, however, a hearing on the petition must be held no less than 30 days, nor more than 60 days, after the date the answer is filed. As noted above, at such a hearing the bar must prove by clear and convincing evidence that the lawyer has committed the alleged misconduct, and that clients or others will suffer immediate or irreparable harm without imposition of an interim suspension. *BR 3.1(e)*.

Proof of immediate and irreparable harm may include, but is not limited to, establishing within the preceding 12-month period:

- (1) theft or knowing conversion of funds held by the attorney or LP in any fiduciary capacity, including but not limited to funds that should have been maintained in a lawyer or LP trust account;
- (2) three or more instances of failure to appear in court on behalf of a client notwithstanding having notice of the setting; or
- (3) abandoning a practice with no provision of new location or contact information to three (3) or more clients. *BR 3.1(e)*.

If the adjudicator grants the petition and orders an interim suspension they may also issue "such other orders as appropriate to protect the interests of the suspended attorney or LP, the suspended attorney's or LP's clients, and the public ..." *BR 3.1(f)*. These other orders include, but are not limited to:

- (1) an order that, when served upon a financial institution, serves as an injunction prohibiting withdrawals from the attorney's or LP's trust account or accounts except in accordance with restrictions set forth in the Adjudicator's order.
- (2) an order directing the attorney or LP to notify current clients and any affected courts of the attorney's or LP's suspension; and to take such steps as are necessary to deliver client property, withdraw from pending matters, and refund any unearned fees.
- (3) an order appointing another attorney or LP as custodian to take possession of and inventory the files of the suspended attorney or LP and take such further action as necessary to protect the interests

Title 3 of the Bar Rules of Procedure (BRs) provides a number of special proceedings that address attorney misconduct and/or competence. These are in addition to the filing of a formal complaint, which proceeds as set forth in Titles 4 and 5. Bar members should be aware of these additional tools available to protect clients, the public and the profession. This article only presents a cursory review of the pertinent rules. The rules are complex, and any attorney or Licensed Paralegal (LP) involved in a proceeding under Title 3 should immediately familiarize themselves with the applicable procedures and standards.¹

BR 3.1: Interim Suspension

This rule allows the bar to petition for an order imposing an interim suspension on a lawyer or an LP. A petition under this rule is akin to a motion for preliminary injunction in civil practice. It is reserved for situations in which there is a reasonable belief that continued practice of law by

Project at a standstill? We can help you get it moving again.



In construction, few things are as painful as a project stalled by legal issues. To get things back on track, you need a law firm that lives and breathes construction law. Sokol Larkin is that kind of firm. We are a trusted resource for anyone needing guidance in complex construction, design, and real estate matters.

Want to maximize the chances of a successful project outcome? Look no further than Sokol Larkin.

SOKOL  LARKIN

WE ARE CONSTRUCTION LAW

CONSTRUCTION | DESIGN | REAL ESTATE
PORTLAND • 503.221.0699 • SOKOL-LARKIN.COM

of the suspended attorney's or LP's clients. Any attorney or LP so appointed by (the Adjudicator) shall not disclose any information contained in any file without the consent of the affected client, except as is necessary to carry out the order of the Adjudicator. *Id.*

The adjudicator's decision can be appealed directly to the Oregon Supreme Court by either party. The court will consider the matter de novo on an expedited basis. If an interim suspension is granted, the underlying disciplinary proceeding also moves on an accelerated schedule and is to proceed to trial within 120 days of the filing of the respondent's answer to the formal complaint. *BR 3.1(j).*

BR 3.2; Mental Incompetency or Addiction — Involuntary Transfer to Inactive Status

This rule allows for an order involuntarily transferring a respondent to inactive membership status based on mental impairment or a substance abuse disorder that makes the respondent unable to competently provide legal services. The rule discusses these proceedings happening in the Oregon Supreme Court, but the court may direct that its duties under the rule be fulfilled by the adjudicator (*BR 3.2(i)*) and it has done so in the past.

There are three ways in which a respondent can be placed on inactive status under this rule. Two are initiated by the bar and one is initiated by the attorney or LP.

First, a respondent may be summarily placed on inactive status if the respondent has been "adjudged by a court of competent jurisdiction to be mentally ill or incapacitated." *BR 3.2(a)(1)*. The bar may apply for such an order ex parte, relying upon a finding by a circuit court judge, for example.

Second, the bar may submit a petition asking that the Oregon Supreme Court independently determine whether an attorney or LP is disabled from practicing law due to a personality disorder, mental infirmity or illness, diminished capacity, or addiction to drugs, narcotics or intoxicants. *BR 3.2(b)*. The court may order that the respondent be examined by experts of the court's choosing. If the court finds probable cause to believe the respondent is disabled under the rule, it may place the respondent on inactive status and order the respondent to appear and show cause, if any, why the

respondent should not continue on inactive status. If the respondent is also the subject of an existing disciplinary investigation or proceeding, the disciplinary activity is suspended and held in abeyance while the respondent is on inactive status pending further order of the court.

Third, under BR 3.2(c) an attorney or LP subject to a disciplinary investigation or proceeding may themselves file a petition alleging that they are disabled from understanding the nature of the proceeding against them, assisting and cooperating with their attorney, or from participating in their defense due to a personality disorder, mental infirmity or illness, diminished capacity, or addiction to drugs, narcotics or intoxicants. *BR 3.2(c)(1)*. The court may take or direct such action as it deems necessary or proper in the same way it can act under BR 3.2(b), above. *BR 3.2(c)(2)*. If an attorney or LP makes a claim of disability, it is deemed a waiver of any privilege between the respondent and “any doctor or hospital treating them during the period of the alleged disability.” *BR 3.2(g)(1)*.

Respondents have no general right to appointed counsel in disciplinary cases. The court, however, may appoint an attorney or attorneys to represent a respondent who is the subject of a proceeding under BR 3.2 if they are without representation. *BR 3.2(d)*.

BR 3.3: Allegations of Criminal Conduct

This rule comes into play in situations where an attorney or LP has engaged in criminal conduct but has yet to be convicted. It is intended to ensure that criminal conduct by an attorney or LP is investigated by the bar and/or law enforcement.

This rule covers two scenarios. First, if the State Professional Responsibility Board directs the filing of a formal complaint that involves the possible commission of a crime by an attorney or LP that does not appear to have been the subject of a criminal prosecution, DCO “shall report the possible crime to the appropriate investigatory authority.” *BR 3.3(a)*. Second, if law enforcement has filed an accusatory instrument against an attorney or LP for conduct that constitutes a misdemeanor that may involve moral turpitude or a felony, DCO “shall determine whether a disciplinary investigation should be initiated against such attorney or LP.” *BR 3.3(b)*.

You may ask what constitutes a misdemeanor involving moral turpitude. That



Welcome our Newest Associate
CHRISTO DE VILLIERS
EXPERTISE: WORKERS' COMPENSATION LAW

Christo de Villiers grew up in South Africa, where he completed his undergraduate (B.A.) and first law degree (L.L.B.) at the University of Stellenbosch and subsequently finished his L.L.M. in Employment in Labor Law at the University of the Western Cape.

We are pleased to have such a talented and skilled attorney as part of the Gatti Team!



1-800-289-3443
cdevilliers@gattilaw.com

Susan K. Eggum
*Employment & Business Litigation
Mediation & Arbitration*



Handling Corporate
Oppression Litigation

Visit Eggum LLC's Website 

"Susan is one of Oregon's best litigators and a highly effective expert witness—thoughtful, thorough, no nonsense and results driven."
— Mick Seidl, Seidl Law Office, PC.

"Besides her well-known trial skills, Susan is one of the most effective strategists and advocates I know in Oregon."
— Michael Wise, Wise & Townsend, OTLA Presidents Circle

Contact Us For A Consultation

 503-779-3887  susan@eggum.com  www.eggum.com



LET'S MAKE A DIFFERENCE TOGETHER
 Treating addiction since 2003

SCAN ME 

DUII, SUD TREATMENT, GAMBLING, URINALYSIS
 TESTING AND INTENSIVE OUTPATIENT

503-245-6262 | www.acadinw.com



PICKETT DUMMIGAN WEINGART

OREGON'S LARGEST, MOST EXPERIENCED PERSONAL INJURY LAW FIRM

We are determined and dedicated to the success of every case. We have the experience and resources to seek justice for our clients.

WE ARE OFTEN WILLING TO CO-COUNSEL AND PAY GENEROUS REFERRAL FEES.

Se habla español

email: info@pdw.legal

phone: 503.223.7770

url: pdw.legal



subject is beyond the scope of this article. Suffice to say there is ample authority discussing whether particular crimes involve moral turpitude. The issue is further complicated by the fact that the Oregon Supreme Court acknowledged more than a century ago that moral turpitude is a vague term that is subject to changing moral standards. *Ex parte Mason*, 29 Or. 18, 23, 43 P. 651 (1896).

This rule does not involve the adjudicator or the disciplinary board unless or until a formal complaint is filed against the attorney or LP.

BR 3.4: Criminal Conviction of Attorneys or LPs

This rule allows DCO to ask for the interim suspension of an attorney or LP who has been convicted in any jurisdiction of an offense that is a misdemeanor involving moral turpitude, a felony under Oregon law or a crime punishable by death or imprisonment under the laws of the United States. *BR 3.4(a)*. DCO must also explain in the petition why immediate and irreparable harm is “likely to result” if the attorney or LP is not subject to an interim suspension. *Id.*

If DCO believes these conditions are met it “shall petition the disciplinary board” for an interim suspension. *Id.* The adjudicator rules on BR 3.4 petitions. The hearing must take place no less than 30 days, nor more than 60 days, after the date the respondent files an answer. *BR 3.3(d)*. The procedures are virtually identical to those that apply to BR 3.1 petitions. The bar must prove by clear and convincing evidence that the respondent has been convicted of a qualifying crime and that “clients or others” will suffer immediate or irreparable harm if an interim suspension is not granted. *BR 3.4(d)*. Proof of immediate or irreparable harm may include, but is not limited to, establishing that a period of incarceration was imposed on the respondent as a result of the conviction. *Id.* This rule also allows the adjudicator to issue “other orders” identical to those discussed above regarding BR 3.1(f). *BR 3.4(e)*.

Conclusion

The proceedings discussed in this article allow the disciplinary system to move quickly when circumstances warrant. They are more the exception than the rule. Most disciplinary cases begin with the filing of a formal complaint. Most are resolved by stipulated discipline. When the parties

cannot reach an agreed-upon resolution, the volunteer members of the disciplinary board sit with me to hear and decide the cases. I can attest to the quality and commitment of our attorney and public volunteer members. Both are exceptional. I urge you to consider volunteering to be on the disciplinary board. It is a rewarding way to serve the public and the profession. ■



Mark A. Turner has been the adjudicator for the disciplinary board since January 2018. He acknowledges Stacey Owen and Sam Leinweber of the disciplinary counsel's office for their presentation on this topic at this year's disciplinary board conference, which convinced Turner this was a topic worth sharing with all bar members, not just disciplinary board members.

ENDNOTE

1. The Bar Rules of Procedure now apply to LPs as well as attorneys.

Legal Ethics Assistance

The bar's General Counsel's Office is available to discuss prospective legal ethics questions related to a member's own conduct. A staff attorney can help identify applicable ethics rules, point out relevant formal ethics opinions and other resources and share an initial reaction to callers' ethics questions.

The assistance that bar staff provides is informal and nonbinding and is not confidential; no attorney-client relationship is established between callers and the lawyers employed by the Oregon State Bar. (Lawyers seeking confidential ethics advice about the propriety of their previous decisions or actions should consult a private attorney.)

Members with questions can call the ethics helpline at (503) 431-6475 to be connected to the first available bar staff attorney.



FOSTER DENMAN LLP
ATTORNEYS AT LAW

Shelby M. Parker has joined Foster Denman as an associate. Her focus is business law, estate planning and property law. Shelby attended the University of Houston where she graduated magna cum laude with a bachelor's degree in political science. As an undergraduate, she also attended the University of Swansea in Wales where she served as an intern for a Member of Parliament. Shelby earned her law degree from the University of Oregon where she served as an Estate Planning Fellow, a Director for the Child and Family Law Association, and as a student advocate in the Domestic Violence Clinic. Shelby also managed the Wills for the Under-Served program. Prior to joining Foster Denman, Shelby worked as a law clerk with the Dept of Justice.

LAWYER ANNOUNCEMENT



welcome TO THE TEAM

Jordan Ramis is pleased to welcome **Learnon John Bird**

Learnon is both a Chartered Financial Analyst® and an attorney. His diverse experience extends to commercial bankruptcy, restructurings, insolvencies, liquidations, commercial litigation and preference, and fraudulent conveyance litigation matters.

JORDAN RAMIS

jordanramis.com/professional/learnon-john-bird

LAWPAY[®]

AN AFFINIPAY SOLUTION

+

Member Benefit for
the Oregon State Bar

“I love LawPay! I’m not sure why I waited so long to get it set up.”

– Law Firm in Ohio

Trusted by 50,000 law firms, LawPay is a simple, secure solution that allows you to easily accept credit and eCheck payments online, in person, or through your favorite practice management tools.



22% increase in cash flow with online payments



Vetted and approved by all 50 state bars, 70+ local and specialty bars, the ABA, and the ALA



62% of bills sent online are paid in 24 hours

YOUR FIRM LOGO HERE

Trust Payment
IOLTA Deposit

New Case Reference

**** * 9995

TOTAL: \$1,500.00

VISA



POWERED BY
LAWPAY

eCheck

DISCOVER

PAY ATTORNEY

PAYMENT
RECEIVED



Get started at
lawpay.com/osbar
866-730-4140

Data based on an average of firm accounts receivables increases using online billing solutions.

LawPay is a registered agent of Synovus Bank, Columbus, GA; Fifth Third Bank, N.A., Cincinnati, OH; and Wells Fargo Bank, N.A., Canadian Branch, Toronto, ON, Canada.

A Challenge

Brevity

By Suzanne Rowe



writers are wise to heed the advice to “omit needless words.”

But which words are needless? How low can you go in a word count and still convey your meaning?

Brevity in Sentences

Four techniques can help you rid your sentences of needless words:

- (1) using a high ratio of working words to glue words,
- (2) writing in the active voice,
- (3) avoiding word-wasting phrases, and
- (4) writing with base verbs rather than nominalizations.

Let’s review these quickly, starting with the first two.

Richard Wydick encouraged the process of culling needless words by promoting a high ratio of “working words” to “glue words.” In each sentence, working words are those that convey the essence of the sentence, while glue words do little more than hold the sentence together.

The contract was signed by the president.

The working words in the example are “contract,” “signed” and “president.” They are the words that convey the essential meaning of the sentence. The glue words are “the,” “was,” “by” and “the.” They just hold the sentence together grammatically.

The ratio of working words to glue words is three to four, not a tragedy, but also not a tight sentence. The grammatical culprit in this sentence is the passive voice, which requires the needless words “was” and “by.” Using active voice gets rid of those two glue words, resulting in a higher ratio of working words to glue words (three to two).

The president signed the contract.

That revised sentence is shorter. It’s in the active voice, saying immediately who did the action. Thus, the sentence is both crisper and clearer.

The next technique for getting rid of needless words follows Thomas Jefferson’s advice of “never using two words when one will do.” Legal writing is filled with lengthy phrases that could be replaced by just a word or two.

At that point in time, the president signed the contract.

The five words in the phrase “at that point in time” could easily become “then.”

Then the president signed the contract.

Here are other wordy phrases that can easily be condensed.

in the event that — if

whether or not — whether

in regard to — about

in view of the fact that — because

subsequent to — after

A final technique, related to the prior one, is to use base verbs rather than nominalizations. Verbs can be strong, dynamic parts of sentences: *decide, act, collide!* Nominalizations are weak substitutes that require additional (and needless) words to prop them up. The nominalization of the verb *collide* is *collision*, which becomes something lengthy like “had a collision” when you use it as the verb in a sentence. Compare the following examples:

The two cars collided.

The two cars had a collision.

In the first sentence, the reader can vividly see cars crash into each other. The second sentence is unexciting. Two cars had a collision, ho hum.

Legal writing gets into big trouble — meaning wordy, boring trouble — when a writer ignores all four of these techniques. The following example has a high ratio of glue words to working words, is written in the passive voice, uses word-wasting phrases, and prefers a nominalization over a strong verb.

The history of writing is filled with admonitions and ambitions regarding brevity.

The most valuable of all talents is that of never using two words when one will do.

– Thomas Jefferson

I have only made this letter longer because I have not had the time to make it shorter.

– Blaise Pascal

It is my ambition to say in ten sentences what others say in a whole book.

– Friedrich Nietzsche

Writing is 1 percent inspiration, and 99 percent elimination.

– Louise Brooks

Omit needless words.

– Strunk & White

Given the many demands on legal readers’ time — not to mention court rules that limit the length of documents — legal

Reach Your Target Audience with advertising in the OSB Bulletin

Display and Attorney Marketplace Advertisements and
Lawyer Announcements

Ronnie Jacko | ronnie@bigredm.com | (503) 445-2234

Classified Ad Rates and Details

advertising@osbar.org | (503) 431-6455

Representing asbestos workers and their families longer than any law firm in Washington.

Schroeter Goldmark & Bender attorneys have fought for justice for
more than 1,300 Washington families facing asbestos-related diseases,
and have earned the **highest asbestos jury award in King County.**



- EXPERIENCED TRIAL LAWYERS
- DEDICATED, COMPASSIONATE SERVICE
- INNOVATIVE & STRATEGIC APPROACHES

Learn more at sgb-law.com/practice-areas/asbestos-and-mesothelioma



sgb-law.com | 206-622-8000

ATTORNEY ADVERTISING MATERIAL

At that point in time, the president made the decision that the contract should be signed.

The sentence is long, wordy and unclear. The president made a decision (also known as “decided”) but the passive voice in the second part of the sentence hides who actually signed the contract. Note the shorter, clearer revision:

Then the president decided to sign the contract.

Compare the statistics: The original has 16 words, including 11 glue words. The revision has eight words, with just three glue words. The revision uses active voice and strong verbs (*decided* and *sign*).

If you apply these techniques to your sentences, you could halve the length of your documents. Of course, as Pascal notes, writing shorter documents might take some time. With practice, the techniques become easy to use and editing takes less and less time.

Brevity in Paragraphs

On the paragraph level, brief paragraphs can pack a lot of punch. The punch is especially notable when a very short paragraph follows a few medium or long paragraphs.

As one example, early in *The Warmth of Other Suns: The Epic Story of America’s Great Migration*, the author Isabel Wilkerson spends long paragraphs describing the setting of the mass movement of African Americans out of the south. She explains the conditions that forced families to decide whether to stay put or to move north. She compares the decision of African Americans to the decisions of Americans of earlier migrations, ranging from the pilgrims to Jews to landless groups across both oceans. She ends Part One of the book with a two-word paragraph on the uniform decision of all of these people on the question of staying or leaving.

They left.

That paragraph — with just two words — is powerful. Follow the example of Isabel Wilkerson in that one, brief paragraph.¹ Forget what every writing teacher ever told you about paragraphs having more than one sentence.

Well, forget almost everything. A series of very short paragraphs can make your writing feel choppy, which is desirable only if you are writing an outline. But a very brief paragraph of one sentence, and especially

of one very short sentence, draws attention and makes your point emphatically.

Brevity in Legal Documents

Nietzsche aimed “to say in 10 sentences what others say in a whole book.” Could legal writers adopt a similar goal? What if contracts, wills and even court briefs were, well, “brief”?

Hemingway is sometimes credited with writing one of the most poignant and shortest novels:

For sale. Baby shoes. Never worn.

Turning back to the law, here are the facts and holding of a famous case (written by yours truly):

*Push! Explosion! Falling scales!
No liability.*

I can imagine a six-word cover letter:

Motivated graduate needs experience, then job.

While I don’t know of court rules limiting counsel to six words in a memorandum or brief, I do note that the word for the most lengthy submissions to courts is “brief” not “length” (as in “counsel for all parties will file *lengths* explaining their arguments”). And if legal writers can condense their complex thoughts to six words, the result might be a theme that could inspire the rest of the document.

Brevity Assistance

As noted earlier, writing concisely becomes easier with practice. Reviewing a book or website on writing style can provide that practice; several are included in the sources noted below. As you are developing an eye for brevity, you might ask a trusted colleague to look over your work and offer suggestions.

If your employer and client approve, you might also ask your favorite generative AI tool for concision suggestions, making sure to protect confidential information while prompting the tool to produce a more concise version of your prose. Realize that you may need to try more than a single prompt to coax a useful product from the generative AI assistant.

And, of course, you’ll have to review the input of either your colleague or your generative AI assistant to decide whether it eliminates excess without introducing errors or otherwise affecting meaning. Whatever approach you take for achieving brevity, remember what Louise Brooks said:

“Writing is 1 percent inspiration, and 99 percent elimination.” ■



Suzanne Rowe is the James L. and Ilene R. Hershner Professor at the University of Oregon School of Law, where she teaches courses in legal writing, research and

advocacy.

The original version of this article was published in the April 2015 Bulletin.

Endnote

1. This example is discussed at length in *The Sense of Style: The Thinking Person’s Guide to Writing in the 21st Century*, by Steven Pinker (Penguin 2014).

Sources

Goodreads, at www.goodreads.com/quotes/tag/brevity.

The Quote Garden, at quotegarden.com.

Megan McAlpin, *Beyond the First Draft: Editing Strategies for Powerful Legal Writing* (Carolina Academic Press 2d ed. 2024) (list of wordy phrases and replacements).

Steven Pinker, *The Sense of Style: The Thinking Person’s Guide to Writing in the 21st Century* (Penguin 2014) (discussing the brief paragraph in Wilkerson book).

William Strunk, Jr. & E.B. White, *The Elements of Style* (Longman, 4th ed. 1999).

Isabel Wilkerson, *The Warmth of Other Suns: The Epic Story of America’s Great Migration* (Random House 2010).

Richard C. Wydick, *Plain English for Lawyers* (Carolina Academic Press, 5th ed. 2005). The seventh edition, published in 2024, is co-authored by Amy E. Sloan.



Scott N. Hunt

AWARD WINNING LITIGATOR

After 30+ years of Litigation
Experience in Oregon

Now Offering
Mediation Services



Contract Disputes
General Tort
Personal Injury
Employment Disputes
Employment Law Cases

Availability and general
information found at:
huntmediation.com

503-248-0930

huntmediation@gmail.com

HM HUNT MEDIATION



Beyond *the* Classroom

Law Schools, Professional Partnerships
Strengthen Mental
Health Safety Net for Students

By Melody Finnemore

As director of the Oregon Attorney Assistance Program (OAAP), Kyra M. Hazilla, JD, LCSW, has seen firsthand how the relentless stressors of the legal profession, compounded by the COVID-19 pandemic, have impacted not only practicing attorneys but also law students.



Kyra Hazilla

“Since the pandemic we all have noticed that we are not quite back to normal and the world seems harder than it did. Law students are feeling the stress of recent years, as well as stress from typical challenges, including higher rates of mental health conditions and substance use,” she says, noting drugs and alcohol were once seen as a socially acceptable coping strategy among students.

Data published by the Dave Nee Foundation and cited by Law.com shows that nearly 10 percent of students begin law school depressed. That figure hits 40 percent by the time they graduate. Depression, anxiety, substance abuse and other mental health problems continue to plague many students as they begin practicing.

Nearly half of the 2,900 lawyers and legal staff who responded to ALM Intelligence’s 2023 Mental Health and Substance Abuse Survey agreed that mental health problems and substance abuse are at a crisis level in the legal industry, up from 41% of respondents in 2019.

In 2023, 71% of respondents reported having anxiety, up from just under 64% in 2019. Nearly 15% said they knew someone in the legal profession who had died by suicide in the past two years, and another 15% admitted they had contemplated suicide, according to Law.com.

With lawyers ranking fifth in suicide rates by occupation, calls are growing louder for law schools to step up to address what is increasingly seen as an institutional problem rather than leaving it for students to figure out on their own.

Oregon's three law schools are doing just that with an array of outreach, resources and partnerships with the OAAP and the Oregon State Bar that begin providing support to students in their first year of law school. That support continues through the Oregon New Lawyers Division (ONLD) as students graduate and begin their professional practice.

Oregon Serves as a Leader

In addition to serving law students individually and confidentially — just as it does with lawyers, judges and other members of the legal community — the OAAP partners with Oregon's three law schools to provide workshops and presentations on specific mental health topics. These range from the stress of taking first-year exams and the bar exam to secondary trauma they experience when they are first exposed to distressing cases that trigger emotions.

The law schools also invite the OAAP attorney counselors to speak during professionalism courses and other classes to let students know about the resources that are available to them if they begin experiencing difficulties.

"We are so lucky in Oregon to have law schools that are thinking about law students' well-being and that means we get to work collaboratively to help to understand what their needs are," Hazilla says.

She adds that, over the last 20 years, she has seen great gains in how the courts and the profession as a whole have begun to address the issue of secondary trauma. "Now we're starting to get the idea that this is a human response and let's attend to those feelings. It gives me such great hope for the future of the profession."

Kelsey Cunningham, an Umpqua Valley public defender based in Roseburg and a liaison for the bar's Quality of Life Committee, says she also sees gains being made, in part through her involvement on the ONLD's executive committee. The ONLD assists law students as they make the transition to practicing law.

Cunningham, who graduated from law school and began practicing during the pandemic, was compelled to join the bar's mental health network because of a longtime interest in the topic. She has family members who have experienced mental health challenges and, as an undergrad, she majored in gender studies and psychology.

"When the bar was seeking a liaison, I wanted to get involved. I have fallen in love with the community and the support, and it has provided a social connectedness piece for me and for folks around the state," she says.

Through her work with the ONLD, participating in meetings with young lawyers statewide, and attending the American Bar Association's Young Lawyers Division annual meetings and events, Cunningham has learned that Oregon is one of the leading states

in having conversations around mental health and well-being for lawyers.

"We're one of the only states requiring CLE for mental health," she notes. "Slowly, over time, our profession is going to change and people are recognizing why this is so important."

Progress Made, More Support Needed

Katie Jahangiri serves as Lewis & Clark Law School's student liaison with the ONLD and says it is important for her to stand as a representative, both personally and professionally.

"I live with a mental health disability and I'm pretty open about that. It's one of the chief drivers why I'm switching careers at 35 and going to law school," she says, explaining she left the technology sector to become a public defender so she can work with populations of people experiencing mental health issues.

"I always wanted to be an attorney, but I wanted it to be for the right reason and there is obviously a lot of need," Jahangiri says. "There also is a need to support students with mental health issues and provide accommodations for students with mental health disabilities."

As a first-year student, Jahangiri recalls, she received ample information from the bar about myriad mental health resources that are available and how to access them. That information is provided repeatedly throughout the year.

She also credits Lewis & Clark's Office of Student Accessibility with ensuring seamless accommodations for her disability. "I didn't really have that in school, so to have this in law school has really been helpful."

Above all, Jahangiri praises her professors for always taking time to listen to her struggles and offering to help in whatever way they can. As an evening student, however, her experience differs from full-time students in that they have more resources available during the day.

"We have amazing faculty who are there and are great to talk to, but for evening students, by the time we get to campus there's not a lot of spur-of-the-moment help and you can't just drop by someone's office," she says. "We don't feel like we have the full slate of resources as the full-time students, and I think that's something me and my peers struggle with."

As she works to earn her law degree in 2026, Jahangiri plans to continue in her role as an advocate for mental health and appreciates the increasing focus on having conversations about it within the legal profession, making it more accepted for people to be open about their own experiences.

"Mental health will play a huge role in the work I do and I'd like to get more involved in how to advocate for more mental health services for law students, particularly evening students," she says. "There is so much mental health struggle in Portland and if we can build more compassion among attorneys, it can only help."

Liaisons Plan to Continue Advocacy

Dustin Messner, a third-year student at the University of Oregon School of Law, serves as its liaison to the ONLD and says he does so because of the significant stress and pressure placed on students to succeed.



Dustin Messner

“Equipping students with the right tools to handle that stress and with the services to meet their needs makes them more likely to succeed in law school and in their practice,” he says.

Oregon Law works with the university’s undergraduate campus to deliver mental health services, which include on-campus counseling services, well-being assessments, a crisis hotline and drop-in sessions. The law school administration provides information on mental health resources (like the OAAP) to students and also designates a room on campus for meditation.

In addition, UO offers drop-in advising with a professional who specializes in mental health and well-being challenges facing graduate and professional students. The drop-in advising is hosted in the law school in addition to the main campus.

“This program is particularly useful to help law students with the unique demands of law school,” Messner says.

“As a student liaison for the ONLD, this information helps students understand how the Oregon bar views mental health,” he adds. “This information can also help students make an informed decision about where they want to practice and what sort of bar they want to join.”

Messner says the knowledge he is gaining about mental health advocacy now will enhance both his personal and professional life as he begins practicing. He hopes to continue ensuring that law students, attorneys and the legal community as a whole can access mental health resources to empower them in their studies and practice.

Healthy Habits Essential to Success

Leo Ortega graduated from Willamette University’s College of Law this spring and participated in its Academic Excellence Fellows program. As a fellow, he helped to offer support, a sense of community and belonging, and mentorship to first-year students. Many of them, like himself, were the first in their families to go to law school.



Leo Ortega

“It was a special opportunity for me to receive mentorship as a 1L and then pay it forward when I became a fellow. I remember in my first year, I wanted to find a way to give back for everything I was given,” he says, adding he stayed in contact with his mentees through graduation because of the friendship they developed after that first year.

Ortega also utilized free counseling one summer through the school’s Bishop Wellness Center, which offers the counseling through a partnered site called “Uwill.” He describes it as a convenient service and a quick, easy way to talk with someone about hardships that happen outside of law school. In his case, it helped him become more focused in class and in his work for the Marion County District Attorney’s Office.

“When I finally spoke to someone and worked through certain struggles, I felt more clarity and was able to navigate through the emotional stress a lot better,” he says. Ortega describes the on-cam-

pus gym as an invaluable resource, adding he believes that exercise should be mandated for every aspiring lawyer given that countless scientific studies show that physical exercise boosts mental health.

“There is a quote that I really love that says, ‘A moving body and a negative mind cannot co-exist.’ That idea has helped me throughout law school,” he says. “Considering the work we will eventually do and the clients we will eventually help, I think it is our duty to give them the best version of ourselves.”

Ortega acknowledges that his Mexican culture (and others) has a serious stigma around seeking help and getting counseling. Willamette constantly mentioned the Bishop Wellness Center in its school emails. Ortega believes those reminders encouraged him to seek counseling, which allowed him to process some of his past negative experiences, as well as “terrible things” he saw while working for both the Los Angeles and Marion County DA’s offices.

“Having resources like this on campus, in my opinion, really prepares us for the stressful work that comes with being a lawyer,” says Ortega, who also is participating in Willamette’s Access Lex Cohort Study for bar exam prep, which offers mental health support resources.

With a new job in the prosecutor’s office in Fort Lauderdale, Florida, on the horizon, Ortega says he will stick to the habits and discipline he developed to get through law school. These include prioritizing his mental health by reading self-help books recommended by his therapists, exercising and being intentional with what he eats.

“Willamette Law did something for me. It gave me opportunities to learn about myself and ‘course correct’ on my own,” he says. ■

The American Bar Association’s Law Student Division provides resources such as the substance use and mental health toolkit for law students and established the Commission on Lawyer Assistance Programs, designed to provide a model for assisting lawyers whose practices have been impaired by addictions. The ABA Law Student Division also can link students to articles, podcasts and blogs that focus on attorney stress and wellness. The division’s official National Mental Health Day at law schools is observed on Oct. 10, the same day mental health initiatives are spotlighted across the country.

In 2018, the ABA launched its Well-Being Pledge Campaign and updated it in 2021 in an effort to improve the substance use and mental health landscape of the legal profession, with an emphasis on helping legal employers support a healthy and sustainable work environment.

Melody Finnemore is a Portland-area freelance writer. Reach her at precisionpdx@comcast.net.



Heading Out *for* A Hike

A Change in Environment Helps Oregon
Lawyers Focus on Their Practices

— By Michael Austin —

Andy Bean had a revelation several years ago while hundreds of miles from home hiking the Eagle Cap Wilderness area of the Wallowa Mountains. It was time to take a step back from the long, full-time hours that were mentally wearing him down. The of counsel attorney for Weatherford Thompson in Albany decided on that trip that, for the sake of his mental health, he would hike more and work less.

He also needed to change his approach to hiking, which had been too closely intertwined with how he approached his law practice. The focus on maximizing your time, getting in the requisite hours and accomplishing tasks simply to move on to the next one was not how he wanted to spend his years.

“Everything in an attorney’s life revolves around hours. It seems that after all these years, that has carried over to hiking, where I want and need to get done and get to the next project. That time obsession can be a negative,” Bean admits. “There are times I am sore, exhausted and stressed because I took too much time from other obligations. But, sometimes the net result is positive, feeling great about what I saw, the ground I covered and wearing out the body in a good way.



Andy Bean of Albany cherished the hours he spent hiking with his dog, Spart, who passed away last fall. Bean knows how critical hiking is for his mental health, so he’s finding new reasons to get outside.

“Needless to say, I am working on the mental aspects – to slow down and get more relaxation out of hiking. Getting outside is about the only thing that keeps me mentally healthy.”

Bean is one of the many Oregon attorneys who connect their passion for hiking with improving their professional lives.

Fresh Perspective on Law, Life

Audra Thramer, an attorney with Donahue Law Firm in Bend, is a Nebraska native who has found hiking in the West as a means to get away from the daily grind of the office.

“It’s hard not to think about work any time I’m not actively working, as I’m sure most can relate. I tend to let my mind wander



Sometimes the best place to think about a case is outside the office. Audra Thramer of Bend says being in a different environment can provide a fresh perspective.

and just talk to myself as I go,” says Thramer, who recently went on a spontaneous hiking trip to Sedona, Arizona, with her sister. “Sometimes I do think it helps to be outside of the office while working through issues in a case. Considering the issues in a different environment gives you a new perspective.”



Mary Hannon

Mary Hannon knows if she can just get out the door for a hike, she’s going to come back in a better mental space to focus on her law practice. The Reinisch Wilson attorney has hiked 10-12 miles in a day on backpacking trips but typically goes two to three miles now with her family.

“I notice if I am having trouble focusing or tackling tasks, getting outside for 30 minutes or an hour can help clear my head and get me into a better mental space. I can then feel more productive with the rest of my day,” Hannon says. “The hardest part ... is making the decision to do it and following through. So, once I am actually hiking, I feel great and more energized. There is also a sense of accomplishment after the hike that can carry me through the next few days.”

Announcing a Convenient New Pro Bono Program

Oregon Free Legal Answers

*In partnership with the
American Bar Association*

The OSB has launched a convenient new mechanism to offer pro bono legal services. Free Legal Answers allows you to log onto a secure website at your convenience, choose a legal question you are qualified to answer (submitted by a low-income Oregonian), and provide brief pro bono advice and other resources. Answer only as many questions as your time allows. Areas of law that are in demand include family law, housing, debtor/creditor and consumer law. This program has been lauded by lawyers around the country as a convenient and meaningful pro bono model. For more information: **Oregon.freelegalanswers.org**.



Questions?
Visit oregon.freelegalanswers.org

Ricky Nelson of Nelson Law in Madras, who relishes living in Central Oregon for all its outdoor opportunities, makes it a point to get outside on a regular basis. As a sole practitioner, he has the freedom to manage his schedule, leaving Fridays a bit more open, especially in the summer to spend more time on the trails and less in the office.



As a sole practitioner, Ricky Nelson of Madras tries to leave his schedule a bit more open on Fridays so he can get out of the office and hike.

“By going hiking, I get to do something completely different than going to court. Getting outside for a long hike is probably the single best way for me to reflect and find more presence,” Nelson says. “The day-to-day crisis of conducting a criminal defense practice can lead me to get tunnel vision for solving problems, and then simply move from one problem to another.”

Laura Laskey, of Barbur Laskey in Tillamook, says she doesn’t go into a hike planning to think about work but at times something productive has come out of the time on the trail. For the most part, it’s all about focusing on her well-being. “Getting outside and getting exercise has a huge benefit to my mental health.”

Hiking Must-Haves

For any Oregon lawyers looking to use hiking to recharge after a long week in the office, keep in mind that while you can slip on a pair of old shoes and go with little equipment or nourishment, it’s not advised.

Mayra Ledesma, an attorney with Pickett Dummigan Weingart in Portland, a hiker since college, once broke her ankle on a hike (two miles from where she parked) as she wasn’t wearing proper



Laura Laskey of Tillamook is shown on a hike with her dog, Samson, who has passed away. She has been using her hiking time to train her new puppy, Lucky.

footwear. She now always puts on her well-worn hiking boots before setting out and carries pain medications with her. As a relatively new mom, she received an Osprey hiking backpack as a baby shower gift, which has made transporting her 16-month-old daughter much easier (pictured on page 26).

Bean wears a CamelBak hydration pack on his longer hikes. His longest hike was 24 miles (Polaris Pass in Eagle Cap) but says there's no consistency, as he will do anything from two to 20 miles these days. Regardless, he usually just takes water. He finds hiking to be an appetite suppressant. Bean recently switched over to wearing trail running shoes.

"They are much easier on the feet and can make better time than regular hiking shoes while still providing good grip on rocks," Bean says.

Nelson, whose longest hike has been 14 miles and typically does at least two to four miles, has invested in several hiking packs ranging from simple hydration ones all the way to full-day packs to store food (nothing processed for him) and emergency medical supplies, as well as Tylenol.

Thramer always wears her waterproof hiking boots and brings water (she also uses a CamelBak) and a snack. She suggests throwing a pair of dry socks in your pack and don't forget the sunscreen.



Hannon agrees about the sunscreen and says to always wear a hat. She brings bug repellent too, as well as water and snacks, especially when hiking with children.

"If I am with my daughters, we need to have plenty of snacks available (sandwiches, granola bars, fruit snacks, chips) or it is a disaster," she admits.

FITZWATER LAW IS PROUD TO ANNOUNCE
CHRISTOPHER RAY
 AS OUR NEWEST PARTNER

CHRIS HAS BEEN AN INTEGRAL PART OF OUR TEAM FOR THE PAST 10 YEARS. HIS PRACTICE AT FITZWATER LAW CONCENTRATES ON SPECIAL NEEDS PLANNING, PROBATE, MEDICAID, AND ADULT GUARDIANSHIP AND CONSERVATORSHIP MATTERS. WHEN HE'S NOT AT WORK, YOU CAN FIND HIM SPENDING TIME OUTDOORS WITH HIS FAMILY, READING, OR PLAYING GAMES INSIDE ON RAINY DAYS.

WE ARE PROUD TO CALL HIM PARTNER AND LOOK FORWARD TO WORKING WITH CHRIS FOR MANY YEARS TO COME.

FITZWATER
LAW

Fire Loss Claims?

- 18 years experience as a General Contractor.
- Experienced fire and casualty insurance adjuster.
- Available to represent the insured party in maximizing recovery from the insurer.
- Fees contingent on increased recovery.



Millard & Bragg
 Attorneys at Law, PC

503-305-7806
 419 5th Street Oregon City, OR 97045
www.millardlaw.com

Admitted to Practice in Oregon and Washington



iStock.com/DC_Columbia

Best Places to Hike

If you're looking to get out of the office and re-charge this summer, check out these hiking recommendations from those who have experienced them.

Ricky Nelson, Nelson Law (Madras): Cascade Mountains. North and South Sister. Broken Top. No Name Lake (Deschutes County).

"My yearly favorite is nestled in between those areas, Moraine Lake. It's a pretty good hike up for a while but then it levels out, and Moraine Lake sits below the mountains. It's small and shallow, so I've even swam in it in the hot parts of summer."

Laura Laskey, Barbur Laskey (Tillamook): Sitka Sedge (Cloverdale). "It is a trail that starts out as a narrow path through a body of water and has two loops through the forest and connects to the beach."

Andy Bean, Weatherford Thompson (Albany): Eagle Cap Wilderness (Wallowa Mountains). McDonald and Dunn forests (Benton County). "I like waterfalls, which provide a convenient target for a hike, both on and off trail. Highway 138 east of Roseburg is incredible for waterfall explorations."

Mary Hannon, Reinisch Wilson (Portland): Dog Mountain (Columbia River Gorge, Washington side). Gifford Pinchot National Forest (Lewis County, Washington). Forest Park (Portland, for families).

"Another great family hiking area is the Mosier Twin Tunnels trail. The trail is paved and wide, allowing for kids to run around while still being mindful of other hikers, bikers and runners."

Audra Thramer, Donahue Law Firm (Bend): Silver Falls loop (Salem). "It's not a difficult trail, but I love waterfalls and actively search for hikes with waterfalls."

Mayra Ledesma, Pickett Dummigan Weingart (Portland): Tamanawa Falls (Hood River). Tumalo Falls (Bend). Koosah Falls (Santiam Junction). Munra Point (Columbia River Gorge). "I'm from Hood River. Hood River has a ton of beautiful hikes. Munra Point gives an amazing view, you can see all of the Columbia River Gorge."

Safety First

Ledesma's tale of breaking her ankle is an important one. Sure, the goal is to get away from the stress and chaos of being a lawyer, but you also need to get back safely. Ledesma, who had a hiking partner with her at the time of her injury, always goes in a group (friends or family) now.

"As I get older, I realize I'm not invincible. It's just safer to go with someone else," she says.

Case in point: Last year, retired Judge Eric Valentine was hiking alone in Hells Canyon (near Riggins, close to the border with Idaho). The former trial judge from Union and Wallowa counties fell 60 feet. Luckily, a Boy Scout troop from Idaho was canoeing on the Snake River and saw Valentine stuck in the brush due to his bright red jacket (*See June 2023 Bulletin*).

Most everyone interviewed for this story recommends at least telling someone where you are going before departing. Hannon says you need to take extra precautions for a longer adventure.



Mayra Ledesma of Portland has been hiking since college but how she approaches her time outside has changed since the addition of her daughter.

"If it is a long hike or camping trip, we always provide information to family in terms of location and when we plan to return. This also goes for my husband when he would go on an extended climbing or ultra-running trip," Hannon explains. "We also have Apple AirTags on us and our cell phones in case emergency calls are needed."

"It's also a good idea to look into the area you are hiking to ensure you are aware of any wildlife nearby. If it is an area where there are bears, then bear mace may be needed."

Connecting With Self, Nature, Others

Attorneys' days are filled with interacting with clients and co-workers. Those who make time to hike have the opportunity to reconnect with themselves (when going alone), family and friends, and even their four-legged pets.

Hannon and Ledesma mention how their hiking plans have evolved over the years from typically going alone or with a friend, to now using the time to connect with their young families.

Nelson prefers solo hiking or going with a partner. "It gives me a great opportunity to connect with another person. I've had some of the best conversations hiking with a friend," he says.

Laskey mentions most of her recent hikes have been dedicated to training her new puppy.

Bean says for years his mental health depended on getting out of the office and taking his dog, Spart (short for Spartacus), for a hike in the afternoons.

"Nothing is better than a happy dog or child," Bean says. "Hiking with a dog gives me a chance to experience unadulterated joy and it always makes me smile. That was the best way to clear my mind."

Bean adds that he and Spart typically would hike six to eight miles together with 14 being the max. Sadly, Spart passed away in the fall of 2023. Knowing how critical getting outside is for his mental well-being, as well as allowing him to step away from the stressors of law, Bean continues to find ways to hit the trails. It's different without Spart. He's been hiking alone more often but enjoys the company of others.

"I have some partners who go (with me) when they're available, and it's more enjoyable to share the amazing sights with others," Bean says. "Having some hiking partners who force me to slow down and enjoy the moment, more than trying to get to the next moment, has helped. It's a work in progress." ■

Michael Austin is the editor of the Bulletin.

BARRAN LIEBMAN LLP
ATTORNEYS

PROUD TO CONGRATULATE
OUR FIRM'S MBA YLS BOARD OFFICERS

Nicole Elgin
YLS President, 2024-25

Wilson Jarrell
YLS Treasurer, 2024-25


EMPLOYMENT | LABOR | BENEFITS | HIGHER EDUCATION
WWW.BARRAN.COM | 503.228.0500

Be an Author

The *Bulletin* welcomes quality manuscripts from Oregon State Bar members for publication.

We publish articles on a wide variety of subjects and favor such topics as access to justice, legal funding, judicial independence, diversity in the profession, professionalism and future trends. We also publish columns on ethics, practice tips (in specific areas of law), law practice management and legal history, as well as essays on law and life.

The editorial staff welcomes inquiries and is happy to discuss requirements for publication. If you have a manuscript, suggestion or idea, contact editor Michael Austin at (503) 431-6340. He can also be reached by email at editor@osbar.org.



Try Using an Internal Family Systems (IFS) Lens

Overcoming Self-Doubt

By Laura Mahr



New lawyers are often taken off-guard by self-doubt in their first five years of practice due to the tremendous learning curve of actually practicing law combined with countless high-pressure responsibilities where errors could be made.

Mid-career lawyers may continue to experience self-doubt due to the societal pressures of high performance and perfectionism put on lawyers, in addition to the self-doubt that arises when comparing case outcomes or professional achievements to other attorneys.

Lawyers at the end of their careers may doubt their career-long accomplishments — wondering if they achieved enough or left a lasting professional legacy — when considering retirement.

Lawyers who leave the practice of law and make a career switch may doubt their initial decision to pursue law and regret the time and resources “wasted” on their education, or feel inferior because they couldn’t “hack” the law.

Self-Doubt and Belonging

Self-doubt can bring up feelings of “not belonging” in many places, such as at a firm, in a legal practice area, in a local legal community, or in the legal profession as a whole.

As we consider self-doubt in our profession, we need to also consider the cultural and historical factors that contribute to an individual attorney’s experience of practicing law and feelings of belonging (or not belonging). Workplaces and organizations in the legal field that are not yet demonstrating inclusivity can cause feelings of doubt about belonging due to an attorney’s race, gender, gender expression, sexual orientation, religion, neurodivergence, familial financial status and upbringing, to name a few. When an individual feels unsafe or not included, these experiences often cause the person to do a

“survival flip;” instead of thinking “something is wrong with this situation,” the brain jumps to the conclusion that “something is wrong with me” — commonly referred to as “imposter syndrome.”

Overcoming Self-Doubt Using IFS

While there are many strategies and tools to overcome self-doubt, mindfulness (seeing clearly what is happening inside of you in the moment) and self-compassion (turning toward what is happening inside of you with understanding) is the most powerful combination I have found.

The Internal Family Systems (IFS) model, developed by Dr. Richard Schwartz, incorporates both mindfulness and compassion (ifs-institute.com). The model helped me make sense of my own career change from sexual violence attorney to well-being trainer, consultant and coach nine years ago. The transition felt like a huge leap of faith at the time — a transition in which I, undoubtedly, experienced doubt.

After using IFS to address the doubts I felt about leaving my job as a staff attorney, I recognized the powerful potential in studying the IFS model so that I could share it with others. Eight years ago, I spent an engrossing week at a retreat led by Schwartz, and subsequently completed my Level One IFS training. Fast forward to now, IFS has internationally become one of the most sought-after therapeutic modalities, with growing research showing its effectiveness. I use the IFS model daily in my coaching practice and training methodology.

IFS views the mind as consisting of multiple aspects, called “parts.” Parts can be recognized as our thoughts, emotions and behaviors that arise in different situations. In addition to parts, IFS also centers around the concept of the “Self.” The “Self” refers to the core positive essence in each of us — our innate best qualities, referred to as “the

A large law firm recently asked me to conduct training for its attorneys on self-doubt. Some non-attorneys might ask, “Why would accomplished lawyers at a successful law firm need training on self-doubt? Lawyers’ egos are intact!” The rest of us know better. Every lawyer I’ve ever met — starting with myself — has feeling of doubt at one point or another in their career, no matter their professional trajectory.

Where Self-Doubt Shows Up in a Lawyer’s Career

Law school and the practice of law can exacerbate self-doubt in a variety of ways. Some examples include the following.

Law school students quickly learn that many law schools set up students for comparison and interpersonal competition versus collegiality and professional collaboration, which can cause doubt — as can failing the bar exam or job search challenges after graduation.

eight C's:” confidence, clarity, calm, courage, creativity, curiosity, connectedness and compassion.

When a part of us experiences fear, anxiety, or doubt — as I’m discussing here — we lose connection to Self’s confidence giving rise to self-doubt. The burden of self-doubt is most often connected to a time in the past when you were overwhelmed by embarrassment, shame, pain or humiliation. In other words, a wounded part gets activated. In the current situation, a part tries to protect you from experiencing a repeat of the past pain. When this happens, the part gets cut off from the Self qualities. When overwhelmed by self-doubt, self-confidence feels inaccessible; you may feel like there’s something wrong with you now, when in truth, something adverse happened to you back then. The IFS model can help you understand yourself better, particularly when you experience self-doubt in one area and confidence in another.

Types of ‘Parts’

To begin to understand the IFS model, let’s look at how IFS defines different parts of us. Some parts are categorized as protective parts while other parts are considered to be wounded parts.

1. Wounded Parts. We all have wounded and vulnerable parts of the psyche that carry the pain, trauma and unresolved emotions from past experiences. Wounded parts may manifest as feelings of fear, shame or sadness — all of which can lead to self-doubt. IFS refers to our wounded parts as “exiles”— aptly named for the parts we try to hide from the world.

2. Protective Parts. Some of our protective parts are managerial in nature. These parts work hard to control and avoid the reemergence of old emotions and memories. They often adopt strategies such as perfectionism, people-pleasing or overachievement to maintain a sense of safety and control. IFS refers to our protective parts as “managers” — for the ways these parts manage our lives and attempt to manage the exiles from being exposed.

The more extreme and reactive protective parts are referred to as “firefighters.” Firefighters emerge when the strategies of the managerial parts fail to contain the exiled emotional wounds. Firefighter parts engage in impulsive, reactive, rash or distracting behaviors (such as substance abuse, addictions or self-harm) to escape from or to numb out overwhelming feelings.

YOUR FAMILY'S LAW FIRM.

GUIDING FAMILIES THROUGH
ADOPTIONS & FAMILY PLANNING

Gevurtz Menashe
SINCE 1983

oaaap
Oregon Attorney
Assistance Program

**Out on
a limb?**

Let's talk.

503.226.1057
oaaap.org

Do you have a photograph you'd like to share — beautiful flowers and towering trees, perhaps? Snow-covered peaks or a gorgeous sunset? Let Bulletin readers tag along on your next outing by sending your favorite images our way for *"Photo Finish."*

Send high-resolution images to Editor Michael Austin at maustin@osbar.org. Make sure to include your name, and tell us where the photo was taken and what made your trip so special.

Oregon
State
Bar

3. Self. Self is NOT a part. Self is the calm, centering, non-reactive aspect of ourselves that is a fundamental source of wisdom and guidance. Self uses the "eight C's" mentioned above as guideposts for physical, mental and emotional well-being — and also for practical decision-making.

An IFS 'Parts' Model Example

Let's look at a case example through the IFS lens to exemplify how parts show up in the experience of an individual attorney experiencing self-doubt.

Nova and her parents immigrated to the rural south from Central America when Nova was a toddler. She felt like she didn't fit in with her classmates at the prestigious law school she attended in the northeast. While she was in law school, she often got very little sleep because she stayed up late studying. With so little sleep, she had a hard time articulating herself well when speaking in class. One day, when her professor called on her to brief a case in property law, she drew a blank, stumbled on her words and started crying. Everyone stared at her in silence, including the professor, until she ran out of the classroom. No one followed her, and no one checked on her later. Humiliated and alone at home, Nova berated herself saying, "I never should have gone to law school. No one in my family even graduated from college; I don't belong here. I should just quit." Nova didn't quit. She had student loan debt, so pushed herself to finish law school and take the bar exam. She took the first job she was offered in a small litigation firm after law school. Her work was respected, and within five years she was named to her state's "Up and Coming New Lawyers" list.

A few months ago, Nova took a new job at a larger law firm on the litigation team. Though Nova never had the opportunity to try a case in her previous job, she is now co-counsel on a case set for jury trial in a few months. Nova is up working late every night, filled with anxiety about the trial. She writes and rewrites her opening and ruminates constantly saying, "I'll never find the right words to explain my client's case to the jury. They're going to know I feel like a faker." In a moment of despair, Nova

Justice For Asbestos Victims



**BERGMAN
OSLUND
UDO
LITTLE**

Brendan Little | Ruby Aliment | Vanessa Firnhaber Oslund | Justin Olson
Matthew Bergman | Chandler Udo | Erica Bergmann | Glenn Draper

OVER \$1 BILLION IN SETTLEMENTS AND VERDICTS

**1355 NW EVERETT ST, SUITE 100, PORTLAND, OR 97204
206.957.9510 • BERGMANLEGAL.COM
CONTACTUS@BERGMANLEGAL.COM**

Available for referrals and co-counsel arrangements.

drafts a resignation email and is about to click “send.”

Let’s spot Nova’s parts and see how her unprocessed adverse experiences in law school are causing self-doubt and impacting her self-confidence now.

As exemplified, Nova’s humiliating experience in law school is impacting her current situation, and possibly — if the firefighters have their way — her career trajectory. If Nova worked with an IFS practitioner through guided exploration and dialogue, she would learn to identify each of these parts and understand what each part believes to be true and how they are trying to help. In the process of doing that, the parts settle down. When the parts get help, the formerly occluded Self qualities can then lead Nova’s decision-making process.

Nova’s wounded parts (exiles):

- A part that carries the shame of being from a family whose members didn’t go to college
- A part that carries the embarrassment of bumbling her words in the law school incident
- A part who felt alone with her humiliation and different from other students
- A part that feels like an imposter/ faker

Nova’s protector parts (managers):

- The part that is filled with anxiety and is driving her to stay up late and work
- The part that is pushing her to write the “perfect” opening
- The part that is doubting her abilities despite five successful years practicing law and getting an offer at a larger firm
- The part that is criticizing her ability to find the right words for the jury

Nova’s extreme protectors (firefighters):

- The part that thought she should quit law school
- The part that drafts the resignation letter and is ready to send it in an effort to get Nova out of the emotional and mental angst she is in

Nova’s Self. This is how Self might sound if Nova listened to what her inner wisdom had to say to her:

I recognize that I had a hard time in law school. That was a difficult time; I

SMALL FIRMS DON'T ALWAYS HAVE SMALL CLAIMS.

GET EXCESS COVERAGE FROM THE PLF.



Apply: osbplf.org/excess

Info: 503.639.6911

Workers' Compensation Specialist - ONLY -

- 10% Referral Fee Paid Happily
- 29 Years of Experience
- Exclusively Work Comp, no PI
- Fluent Spanish Speaker

MARK THESING
REPRESENTING INJURED WORKERS

★★★★★ 4.7/5 on Google Reviews

Attorney Mark Thesing
Cell: 503-313-8520 | mark.thesing@comcast.net

The advertisement features a photograph of Mark Thesing, a man in a blue suit and tie, standing in a professional setting. The text is overlaid on a dark blue background.

INCREASED LEGAL NEED ANTICIPATED WITH PENDING OREGON NATIONAL GUARD DEPLOYMENT

The Oregon National Guard is preparing for a large deployment of troops. This will be a first deployment for many, and they may face a host of legal issues that commonly confront military families.

The OSB seeks volunteers to provide pro bono legal assistance in the following areas:

Debt Collection and Bankruptcy

Consumer Rights

Wills and Estate Planning

Family Law

Personal Property Foreclosure

Landlord/Tenant Law

Employment Law

The OSB Military and Veterans Law Section will also offer a free fall CLE on the Soldiers and Sailors Civil Relief Act, covering additional legal rights for deployed military. Date TBD.

To request information, please email info@osbar.org, and the bar will contact you with further details.



felt alone and different. I'm not in law school anymore. But I'm also not faking being a lawyer. I'm a reasonably experienced lawyer with an opportunity to try something new. I have support from co-counsel and I can ask for help if I need it. While I'm nervous about the trial, I can imagine myself calm and clear in the courtroom. I can do this.

How did you do with your practice of issue spotting Nova's parts? Did it make sense? Did you find yourself identifying with some of her parts' reactions? If so, you're in good company. Think about a time when you felt a great deal of self-doubt. Did similar parts of you jump in to "help" in an overly managerial or reactionary way? Chances are the answer is "yes." It's important to keep in mind that parts are not "bad," they are simply aspects of you that are trying to help you cope in the best way they know how. It's just that some of their methods are outdated, and you'd be more effective if you brought more of Self's qualities in to help.

If you'd like to try spotting parts as they arise, try this:

1. When self-doubt starts to creep in, take it as a cue to turn toward your inner experience and get curious about what exactly is going on.
2. Ask yourself: "What part of me is talking right now?" "What is it saying?"
3. Discern what kind of part is activated: "Is it a wounded part, a protector, or an extreme protector?"
4. Get Self to help: "Why is this part saying this/feeling this/acting like this?" "Let me take some time to understand this situation using the qualities of Self instead of muddling through."

IFS serves as a way to unify the conflicting parts that make up our internal experience. By understanding and working with our parts, we can cultivate compassion and curiosity toward ourselves. When we do that, we heal our exiles' wounds from the past that create self-doubt in the present. When we consciously return to the places where we learned to doubt ourselves in the past and reframe the experience from Self's perspective, we free ourselves from the burdens of the old limiting beliefs.

Being mindful of our parts as they arise and looking inward for Self's confidence, clarity, calm, courage, creativity, curiosity, connectedness and compassion is just the beginning of making sense of yourself and overcoming doubt using the IFS model. In my experience, IFS is most effective if you are guided in a one-on-one session by a trained IFS practitioner. While this is not necessarily easy work, it holds the potential to be deeply meaningful, confidence-building and solution-oriented. Who among us isn't looking for something like that?

If the IFS model intrigues you and you would like to find a practitioner near you, the IFS Institute maintains a provider list of IFS training graduates: ifs-institute.com/practitioners. If you would like to see IFS in action, you can find numerous demonstrations by Schwartz on Youtube. ■

Many thanks to my IFS colleague Martina Williams, certified IFS clinician and consultant at thebraveintrovert.com for her peer review of this article. I am forever grateful to her for first introducing me to the model.

Laura Mahr is a North Carolina and Oregon lawyer and the founder of Conscious Legal Minds LLC, providing well-being consulting, training and resilience coaching for attorneys and law offices nationwide. Through the lens of neurobiology, Mahr helps build strong leaders, happy lawyers and effective teams. Her work is informed by 13 years of practice as a civil sexual assault attorney, 25 years as a teacher and student of mindfulness and yoga, and eight years studying neurobiology and neuropsychology with clinical pioneers. You can find her work at consciouslegalminds.com.

Rob Shlachter

Mediator & Arbitrator

Seasoned ▼ Creative ▼ Tireless



Stoll Berne

209 SW Oak St Ste 500
Portland OR 97204
503.227.1600
stollberne.com
rshlachter@stollberne.com

No firm too big or too small.



From multistate firms with an office admin to solo practitioners with an office cat, the Practice Management Attorneys are here to help.

503.639.6911
osbplf.org

 OSB Professional Liability Fund

7 Ways Law Firms Can Avoid a Data Breach

Be Careful out There

By Sharon D. Nelson, John W. Simek and Michael C. Maschke



MFA (groaning about its inconvenience) only to suffer account takeovers. They sure were anxious to adopt MFA after the breach.

Follow Cloud Computing and Backups

Most importantly, you must have more than one backup — and one of the backups should not be connected to your network. The first thing cybercriminals will do after breaching your network is to break into any accessible backups so you cannot recover from the breach without paying the ransom. Also, make sure your cloud backup has multiple versions and doesn't only sync the contents of the local backup. Encrypting the local backup shouldn't replicate so that your cloud backups are encrypted too.

It is also important to recognize that, while having your data in the cloud is not a guarantee that you won't be breached, your data is infinitely safer in the cloud. While there have been cloud breaches, most of them have happened because an employee of yours misconfigured something in the cloud. We're down to only two clients who have their data on-premise — one is stubborn — and we feel for the other because that law firm is commanded by a major client to have the data onsite.

The cloud is where it's all happening these days. If you cling to the past, you do yourself no favors — and note that some IT folks will encourage staying with an on-premise solution because they make more money that way.

Utilize Bypass Cybersecurity Training

Law firm employees are your first line of defense. Endless phishing emails (which have gotten more sophisticated thanks to artificial intelligence) and social engineering are dire threats. So why wouldn't you train employees to recognize these kinds of

attacks — and offer them as many different examples as possible of those attacks and others? And yet most law firms, particularly the solo/small/midsized firms, do not offer this training.

The cost of an annual cybersecurity training online session is modest — the cost of a data breach is immense. Tip: Get a reference from a fellow lawyer about cybersecurity firms who do good employee training at a reasonable fee.

Install an Incident Response Plan

An incident response plan (IRP) may salvage your firm in the event of a breach and yet only 42% of firms have one. And we're pretty sure that many of the IRPs that do exist are either outdated or not quite up to snuff. Get some help from a cybersecurity professional who is accustomed to drafting these plans.

Minus a thorough plan, after a breach you will haplessly do all sorts of things that are wrong, done in the incorrect order, etc. And remember, there are penalties (lots of them) for not handling a breach correctly and reporting it timely. And did we mention the ethics rules?

Don't Trust Your Employees too Much

Why? Because they take your data when they go to another firm. You see that in the headlines regularly. You also often see law firm bookkeepers embezzle money. Just do a search and you will see the necessity of having someone audit your books.

Hopefully, you do not allow sharing of passwords. But employees do it anyway. The usual excuse is that, for instance, a lawyer and a paralegal need to have access to one another's email. If one is compromised, both are compromised. Enforce your policy!

When you need a security assessment, do not let your IT folks do it. They have a

2023 was a very bad year for law firms — many were breached — and some from BigLaw.

It seemed like a good time to talk about foolish things that law firms and lawyers do that amount to an engraved "breach me" invitation to cybercriminals. Here are seven things law firms can do to stave off a data breach.

Adopt Multifactor Authentication (MFA)

As all lawyers know, there is an inconvenience factor to adopting MFA. And an amazing number of lawyers resist the very minor inconvenience of having to authenticate themselves twice, first entering their password (something they know) and then authenticating again via something they have (i.e. an app on their phone) or using biometrics.

According to Microsoft, the adoption of MFA will prevent 99.9% of account takeovers. We have seen multiple law firms refuse

vested interest in the outcome. We could go on, but you get the idea. To conflate Ronald Reagan's words, "if you **must** trust, then verify."

Don't Travel Abroad With Laptop Full of Data

If you take your work laptop abroad, you take your chances. Some countries are more dangerous than others. We have seen a video of a laptop left in a hotel room in China and watched as two men entered the lawyer's room and downloaded the entire contents of the laptop.

Mind you, not every country is as dangerous as China when it comes to coveting a lawyer's data. But routinely, large firms have clean laptops which they loan out for trips abroad. For small firms, the cost of an extra laptop or two is well worth it. Make sure you make this a law firm policy requirement.

Remember the post roll call words of police Sargeant Phil Esterhaus on *Hill Street Blues*? "Let's be careful out there." Those words apply here — and there may be ethical implications as well.

Don't Let Apps Have Access to Contact Info

We routinely see lawyers do this. Many apps ask for access to your contacts and the average lawyer simply allows it. What are they thinking? Your contacts contain all kinds of sensitive data — and the integrity of most apps is highly questionable. Many sell data.

Several bars have already said it is unethical to allow apps to access your contacts. And they are right!

This list could go on and on, but following the advice above should upgrade your cybersecurity significantly! ■

Sharon D. Nelson is a practicing attorney



and the president of Sensei Enterprises, Inc. She is a past president of the Virginia State Bar, the Fairfax Bar Association and the Fairfax Law Foundation.

She is a co-author of 18

books published by the ABA. snelson@senseient.com

John W. Simek is vice president of Sensei



Enterprises, Inc. He is a Certified Information Systems Security Professional (CISSP), Certified Ethical Hacker (CEH) and a nationally known expert in

the area of digital forensics. He and Sharon provide legal technology, cybersecurity and digital forensics services from their Fairfax, Virginia firm. jsimek@senseient.com

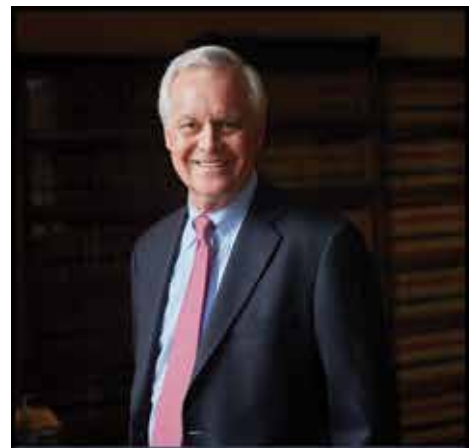
Michael C. Maschke is the CEO/Director of Cybersecurity and Digital Forensics of Sensei Enterprises, Inc. He is an EnCase Certified Examiner, a Certified Computer Examiner (CCE #744) a Certified Ethical Hacker and an AccessData Certified Examiner. He is also a Certified Information Systems Security Professional. mmaschke@senseient.com

Be an Author

The *Bulletin* welcomes quality manuscripts from Oregon State Bar members for publication.

We publish articles on a wide variety of subjects and favor such topics as access to justice, legal funding, judicial independence, diversity in the profession, professionalism and future trends. We also publish columns on ethics, practice tips (in specific areas of law), law practice management and legal history, as well as essays on law and life.

The editorial staff welcomes inquiries and is happy to discuss requirements for publication. If you have a manuscript, suggestion or idea, contact editor Michael Austin at (503) 431-6340. He can also be reached by email at editor@osbar.org.



Tom Rastetter
Rastetter Resolution Services

Senior Circuit Court Judge
and Mediator

Service Areas

- Torts
- Personal Injury
- Real Estate
- Commercial and Business Disputes
- Probate and Protective Proceedings
- Family Law
- Construction Disputes
- Breach of Contract

Mediation services are limited
only to litigants represented
by attorneys.

rastetterresolutions.com

971-266-1308

Resolving Lost Profits Dispute



Calculating economic damages using sound methodologies is invaluable when arguing over the harm that your client may have suffered because of another party's wrongful act. We are in the business of appropriately quantifying the damages suffered to help make your client whole, or provide solid expert defense when your client is accused of causing economic harm.

Although we hope your client doesn't experience a major financial loss, if the need arises, our 30+ years of experience help us

deliver a supportable and unbiased estimate of damages to assist you in resolving their dispute as the plaintiff or defendant.



See Matt Gross' entire blog post on the cogencegroup.com website.

935 NW Everett St. | Portland, Oregon 97209 | main 503.467.7900 | www.cogencegroup.com

Legal Ethics Assistance

The bar's General Counsel's Office is available to discuss prospective legal ethics questions related to a member's own conduct. A staff attorney can help identify applicable ethics rules, point out relevant formal ethics opinions and other resources and share an initial reaction to callers' ethics questions.

The assistance that bar staff provides is informal and nonbinding and is not confidential; no attorney-client relationship is established between callers and the lawyers employed by the Oregon State Bar. (Lawyers seeking confidential ethics advice about the propriety of their previous decisions or actions should consult a private attorney.)

Members with questions can call the ethics helpline at (503) 431-6475 to be connected to the first available bar staff attorney.



Oregon
State
Bar

BAR NEWS

OSB Partners With Arbitration Service of Portland

The Oregon State Bar is pleased to announce a new partnership with Arbitration Service of Portland for operations of its Fee Dispute Resolution Program. The voluntary program helps resolve fee disputes between legal professionals and clients. Volunteer bar members will continue to serve on the resolution panels, and the basic parameters of the program will not change. ASP has provided arbitration and mediation in Oregon and SW Washington since 1985. For more information and application forms, see www.osbar.org/feedisputeresolution.

Volunteer With the Oregon State Bar

The Board of Governors is now accepting applications for lawyer and non-lawyer volunteers interested in serving on bar boards, committees and councils. A description of each opportunity accompanies the application at <https://hello.osbar.org/sso/membercentral?program=volunteer>. Member involvement on boards, committees and other bar groups keeps the bar responsive to the needs of its membership and is vital to the ability of the bar to provide services to its members and the public. The Board of Governors is committed to serving and valuing its diverse community and ensuring that bar groups reflect the diversity of the membership. Every attempt is made to place each applicant in a volunteer position.

Members who complete the volunteer survey prior to Oct. 2 will be considered for appointments beginning in January 2025. If applying after this date, you will be considered for vacancies arising throughout the year. Candidates must be active bar members and in good standing to be eligible for appointment. For more information, contact Danielle Edwards, at (503) 431-6426, or toll-free in Oregon at (800) 452-8260, ext. 426, or e-mail dedwards@osbar.org.

'Power of Connection' CLE Available to Stream

The joint Professional Liability Fund/Oregon Attorney Assistance Program CLE

on “The Power of Connection in the Legal Profession” is now available to re-watch on the PLF website. This CLE explores solutions and ideas to combat what research states is one of the loneliest professions. You can re-watch this CLE at: osbplf.org/cle-classes/the-power-of-connection-in-the-legal-profession/.

Celebrating Oregon Lawyers Set for Oct. 23

Celebrating Oregon Lawyers, an annual in-person event honoring those who have made positive contributions to Oregon’s legal field in the last year, is set for Wednesday, Oct. 23. Expect to mingle with your peers from around the state as the most-recent OSB Award and Pro Bono Challenge winners are recognized, as well as the incoming 50- and 40-year bar member classes. More information will be published in the *Bulletin* as the event nears. Information can also be found at osbar.org.

OAAP 2024 Wellness Retreat Is Nov. 1-2

The Oregon Attorney Assistance Program (OAAP) will host the annual Wellness Retreat for Lawyers Identifying as Women or Nonbinary on Nov. 1-2, 2024, in Hood River. Join your colleagues for a weekend of connection and community, with time for relaxation and fun. Look for more information in an upcoming issue of the OAAP *inSight* newsletter.

PLF 2024 ‘Learning the Ropes’ Is Nov. 5-7

The Professional Liability Fund’s 2024 Learning the Ropes seminar is taking place Nov. 5-7 at the DoubleTree by Hilton Hotel in Portland. Learning The Ropes is a yearly practical skills CLE sponsored by the Professional Liability Fund for new admittees to the Oregon State Bar and lawyers entering private practice in Oregon. It includes information on setting up and developing a successful practice, ethical tips from lawyers and judges, presentations by lawyers from various practice areas, mental health and substance use education, and more. Attendance at the in-person program will satisfy all the MCLE requirements for new admittees’ first reporting period. Registration information will be available in early September. ■

Jeff Edelson, A Litigator’s Mediator.

35 years as a business litigator

- Creative
- Practical
- Experienced
- Patient
- Empathetic
- Inquisitive



Business Litigation at the Highest Level

Portland | 503.295.3085 | markowitzherbold.com

COURT BONDS

JENNY TUOMI, CIC

Account Executive
p: 503.977.5624
e: jenny@jdfcourtbonds.com
Scan below to send me a quick email!

AMANDA CASTEEL

Account Manager
p: 503.977.5701
e: amanda@jdfcourtbonds.com



www.JDFCOURTBONDS.com

5727 S MACADAM AVE PORTLAND, OR 97239

JDFULWILER&
COMPANY INSURANCE

AREAS OF EXPERTISE

Probate
Conservatorship
Trusts
Release of Lien
Indemnity to Sheriff
Temporary Restraining Order
Preliminary Injunction
Claim and Delivery

SERVICING BENEFITS

In-House Underwriting
Online Applications Delivery
Pre-Approval for Applicants
Quick Turn-Around

BAR ACTIONS

Discipline

Note: More than 15,000 people are eligible to practice law in Oregon. Some of them share the same name or similar names. All discipline reports should be read carefully for names, addresses and bar numbers.

DAVID J. CELUCH

OSB #952291

Portland

Form B resignation

Effective April 11, 2024, the Oregon Supreme Court accepted the Form B resignation of Portland attorney David J. Celuch. At the time of the resignation, a formal complaint was pending against Celuch alleging violations of RPC 1.3 (neglect of a legal matter), RPC 1.4(a) (failure to keep client reasonably informed about the status of a matter and promptly comply with reasonable requests for information), RPC 1.4(b) (failure to explain a matter to permit a client to make informed decisions regarding the representation), RPC 1.5(c)(3) (charging or collecting fee denominated as earned on receipt without written fee agreement signed by the client), RPC 1.15-1(a) (failure to hold funds belonging to third persons separate from the lawyer's own property), RPC 1.15-1(c) (failure to deposit third-party funds into trust), RPC 1.16(d) (failure to protect a client's interests upon termination of the representation), RPC 1.16(a)(2) (failure to withdraw from the representation of a client due to a material impairment of the lawyer's ability to represent a client) and RPC 8.4(a)(3) (engaging in conduct involving misrepresentation by omission that reflects adversely on the lawyer's fitness to practice law).

At the time of Celuch's resignation, investigations were pending involving additional allegations of violations of RPC 1.3 (neglect of a legal matter), RPC 1.4(a) (failure to keep client reasonably informed about the status of a matter and promptly comply with reasonable requests for information), RPC 1.4(b) (failure to explain a matter to permit a client to make informed

decisions regarding the representation), RPC 1.5(a) (excessive fees) and RPC 8.4(a)(3) (engaging in conduct involving misrepresentation that reflects adversely on the lawyer's fitness to practice).

The resignation recited that Celuch did not have current or active client files, that he returned all original documents to his clients, and that physical and digital copies of his inactive or former client files were secured at his residence, on external hard drives, and on a secure cloud service.

JEFFREY B. BROWN

OSB #110703

Millcreek, Utah

5-year suspension

Effective March 26, 2024, the disciplinary board adjudicator suspended Utah attorney Jeffrey B. Brown for five years as reciprocal discipline after the Utah Supreme Court accepted Brown's resignation with discipline pending.

Prior to his resignation, Brown was charged by the Utah State Bar with soliciting employment from former clients who subsequently made it known they did not want Brown's services. Despite this, Brown performed legal work on their behalf and charged and attempted to collect an unreasonable fee from the former clients while communicating with them in a harassing manner.

The adjudicator found that Brown's conduct violated Oregon RPC 1.5(a) (charging or attempting to collect a clearly excessive fee), RPC 7.3(b) (soliciting professional employment by any means when the person who is the subject of the solicitation has made known to the lawyer a desire not to be solicited by the lawyer) and RPC 7.3(c) (soliciting professional employment that involves coercion, duress or harassment).

LEILA LOUISE HALE

OSB #142084

Henderson, Nevada

Public reprimand

By order dated March 20, 2024, the disciplinary board adjudicator publicly reprimanded Leila Louise Hale as reciprocal

discipline for a public reprimand imposed by the Nevada Supreme Court.

The Nevada court found that Hale failed to obtain informed consent from her clients regarding a potential personal conflict of interest that she had with an expert witness in the clients' cases. The Nevada court further found that Hale commingled client funds when she paid expert fees for two different cases with one client trust account check.

The adjudicator found that Hale's conduct violated Oregon RPC 1.7(a)(2) (personal conflict of interest) and RPC 1.15(a) (safekeeping client property).

There is a rebuttable presumption in reciprocal discipline proceedings that the sanction imposed here shall be equivalent to the extent reasonably practicable to the sanction imposed in the original jurisdiction. Oregon State Bar Rule of Procedure 3.5(b).

RICHARD A. WEILL

OSB #821396

Troutdale

Public reprimand

By order dated May 15, 2024, the disciplinary board approved a stipulation for discipline and reprimanded Troutdale lawyer Richard A. Weill for violating RPC 1.7(a)(2) (current client conflict of interest).

While representing a personal representative (PR) in a probate estate, Weill also undertook to represent a company in acquiring an interest in property owned by the estate of his PR client. Although the PR and the company knew about Weill's dual representation, Weill failed to obtain written informed consent from each client pursuant to RPC 1.7(b).

The stipulation acknowledged that Weill's conduct was aggravated by his substantial experience in the practice of law. Weill's conduct was mitigated by an absence of a prior record of discipline, an absence of a dishonest or selfish motive, as well as a full and free disclosure to the disciplinary board and a cooperative attitude toward proceedings.

JASON P. MUNN

OSB #061674

Redmond

30-day suspension

Effective May 14, 2024, the disciplinary board approved a stipulation for discipline and suspended Redmond lawyer Jason P. Munn for 30 days for his violation of RPC 8.4(a)(3) (conduct involving dishonesty and fraud that reflects adversely on lawyer's professional obligations).

Munn's license to practice law in Oregon was administratively suspended pursuant to BR 7.1 for failure to respond to inquiries from Disciplinary Counsel's Office (DCO). Following Munn's suspension, he maintained a publicly viewable resume on a job-search website identifying himself as an attorney. A potential employer found Munn's resume and asked if he would be interested in interviewing for an attorney position. Throughout the job screening process, Munn failed to disclose that he was suspended.

Munn applied for another position during which he provided a resume identifying himself as an attorney. Munn also made an affirmative representation that he was a member of the Oregon State Bar in good standing and misrepresented the reason he had left his previous lawyer position.

Munn was also suspended from handling public defense cases by the State of Oregon Office of Public Defense Services (OPDS). Following that suspension, he applied for a public defense position. In his application materials, he identified himself as an attorney and failed to disclose both the OPDS and bar suspensions.

The stipulation acknowledged that Munn's conduct was aggravated by a dishonest or selfish motive, a pattern of misconduct, multiple offenses, and his substantial experience in the practice of law. Munn's conduct was mitigated by personal and emotional problems.

NICHOLAS J. NAUMES

OSB #134380

Medford

6-month suspension

Effective May 9, 2024, the disciplinary board issued an opinion suspending Medford lawyer Nicholas J. Naumes for six months for his violations of RPC 1.4(a) (failing to keep a client reasonably informed about the status of a matter and promptly

Experienced Appellate Attorneys

Helping you help your clients

Civil, Criminal, and Administrative Appeals

Consultation with trial counsel prior to and during trial

File review to evaluate potential appellate issues

Research and writing assistance for complex motions



O'W
O'CONNOR
WEBER LLP
ATTORNEYS AT LAW

503-226-0923

oconnorweber.com

Oregon
State
Bar

Letters to the Editor

The *Bulletin* welcomes letters. They should be limited to 300 words. Preference is given to letters responding to letters to the editor, articles or columns recently published in the *Bulletin*.

Letters must be original and addressed to the *Bulletin* editor. Unsigned or anonymous letters will not be published. (There are exceptions. Inquire with the editor.) Letters may not promote individual products, services or political candidates.

Letters may be edited for grammatical errors, style or length, or in cases where language or information is deemed unsuitable or inappropriate for publication. Profane or obscene language is not accepted.

Send letters to:

Editor, OSB Bulletin, P.O. Box 231935, Tigard, OR 97281

Or you may email them to editor@osbar.org



comply with reasonable requests for information), RPC 1.4(b) (failing to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation), RPC 3.4(d) (a lawyer shall not knowingly make frivolous discovery requests or fail to reply to proper discovery requests), RPC 8.1(a) (2) (failure to respond to disciplinary inquiries), RPC 8.4(a)(3) (conduct involving dishonesty, fraud, deceit or misrepresentation that reflects adversely on the lawyer's fitness to practice law), and RPC 8.4(a)(4) (conduct prejudicial to the administration of justice).

During his representation of a client in a domestic relations matter, Naumes failed to comply with discovery requirements and failed to cure deficiencies after being ordered by the court to do so. Naumes's discovery issues led to his client being sanctioned several times. Despite knowing of the discovery issues, Naumes failed to convey any information about them during his communications with his client.

Following a complaint to the bar, Naumes failed to respond to inquiries from the disciplinary counsel's office regarding his conduct.

The panel found that Naumes's conduct was aggravated by multiple offenses and mitigated by the absence of a prior record of discipline.

BENJAMIN D. HARRIS

OSB #192344
Los Angeles, California
Public reprimand

By order dated May 17, 2024, the disciplinary board approved a stipulation for discipline and reprimanded Los Angeles lawyer Benjamin D. Harris for violating RPC 1.7(a) (2) (personal conflict of interest) and RPC 1.8(c) (preparing an instrument on behalf of a client that gives the lawyer a gift without the lawyer being related to the client).

In 2018, Harris loaned his friend money for the purpose of putting a down payment on a home. Instead of repaying the loan in installments, Harris and his friend decided to draft a will wherein the friend left the house to Harris upon the friend's death. Harris drafted the will pursuant to their agreement and it was reviewed by another attorney that the friend knew. In late 2022, after Harris was admitted to the Oregon State Bar, he drafted new estate documents for his friend on his own initiative. The new

estate documents largely mirrored the earlier will, but the friend did not sign the documents prior to her death.

The stipulation acknowledged that Harris's conduct was mitigated by an absence of a prior record of discipline, absence of a dishonest or selfish motive, full and free disclosure to disciplinary board and a cooperative attitude toward proceedings, inexperience in the practice of law, and remorse.

HENRY STEPHEN BAUER

OSB #840269
Portland
Form B resignation

Effective May 2, 2024, the Oregon Supreme Court accepted the Form B resignation of Portland lawyer Henry Stephen Bauer. At the time of Bauer's resignation, the disciplinary counsel's office was considering possible violations of ORS 9.527(2) (conviction of an offense that is a felony under Oregon law) and RPC 8.4(a)(2) (committing a criminal act that reflects adversely on honesty, trustworthiness or fitness as a lawyer in other respects) in connection with Bauer's conviction in Washington County of three felony counts of attempting to commit a Class B felony (sexual abuse in first degree) (ORS 161.404(2)(c)).

Bauer self-reported his conviction to the bar and indicated that he intended to resign Form B.

ROGELIO C. CASSOL, Jr.

OSB #082086
Eugene
30-day suspension

Effective May 21, 2024, the disciplinary board approved a stipulation for discipline suspending Eugene lawyer Rogelio C. Cassol for 30 days for violations of RPC 1.3 (neglect), RPC 1.4(a) (failure to keep client reasonably informed) and RPC 1.16(d) (failure upon termination of representation to refund unearned fees).

Cassol represented a mother in seeking to modify custody, support and parenting time involving her nine-year-old child. In August 2018, he obtained an order requiring the father to show cause why the terms should not be modified. However, he did not communicate with the mother again until she asked him about the status of her case in October 2019. He acknowledged to her that the father had never been served with the order to show cause. He offered

to file a new show cause motion at no additional charge.

The mother heard nothing further from Cassol until March 2020, when she emailed asking what was happening in her case. Although they eventually finalized documents to file another show cause motion in November 2020, Cassol did not file the motion or communicate with the mother. When the mother contacted him nine months later asking for the status, Cassol acknowledged that the motion had not been filed and requested updated information on the now 11-year-old child's schedule, but took no further action after this point.

Cassol's representation of the mother constructively terminated in September 2021, at which point he still held \$732 of her initial retainer in trust. He did not return these unearned funds until December 2023.

The stipulation cited Cassol's substantial experience in the practice of law as the sole aggravating factor. In mitigation, the stipulation cited absence of prior discipline, absence of a dishonest or selfish motive, personal problems, full and free disclosure and cooperative attitude, and remorse.

THEODORA HSIA LENIHAN

OSB #084006
Portland
30-day suspension

Effective June 1, 2024, the disciplinary board approved a stipulation for discipline suspending Portland lawyer Theodora Hsia Lenihan for 30 days for violations of RPC 1.3 (neglect of a legal matter), RPC 1.4(a) (duty to keep a client informed about status of a matter and promptly comply with reasonable requests for information) and RPC 1.5(a) (charging or collecting a clearly excessive fee).

Lenihan practiced law with a nonprofit organization that represented refugees and immigrants. In late March 2021, she agreed to represent a client in applying for the client's parents, Iranian citizens, to enter the U.S. from Turkey. The matter was urgent, as the client's father was medically fragile.

By early May 2021, Lenihan completed the necessary immigration forms and the client gave her a \$150 check for legal fees. In late June 2021, Lenihan told PO that she had not yet filed the forms with USCIS but would submit them shortly.

In late September 2021, Lenihan told her client that she thought she had mailed the forms to USCIS but would re-file them

WELCOME TO TEAM UNDERDOG

Prior to law school, Vick Benjamin, J.D. served as a **military intelligence officer** and worked for U.S. Senator John Isakson. Vick maintains an active security clearance.

He joins the Underdog Law Office through Oregon's new Provisional License Program under supervising attorney Michael Fuller.

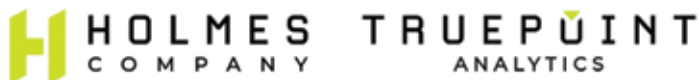
Vick will focus on **civil rights** and **pro bono** cases.

www.UnderdogLawyer.com



VICK BENJAMIN

Provisional Licensee



Is pleased to announce successful completion of litigation support re

**PILOT
v.
PARTNERSHIP**

Testifying expert for Plaintiff counsel in connection with economic damages sought by Plaintiff related to a claim of Wrongful Termination. Analyzed employment and retirement plan contracts along with other documents and calculated potential damages.

Result: Settlement.

William N. Holmes, CPA / ABV / CVA / CFE

Forensic Accounting • Economic Damages
Business Valuation • Accounting and Tax Malpractice
Litigation (Plaintiff/Defense) • Full Service Public Accounting



7128 SW Gonzaga Street, Suite 100 • Portland, OR 97223
503.270.5400 • www.pdxcpas.com



Who Reached Out To You When You Were A Brand New Lawyer?

The first year out of law school can be bewildering at its best. What if someone were there as a guide, a coach, a sounding board?

Toward that end, every new lawyer in Oregon now gets that help through the OSB's New Lawyer Mentoring Program, a first-year requirement for all new members.

If you have five years of experience as a practicing attorney and 90 minutes a month to lend a hand to a new lawyer, go to the OSB website for full details, or contact the NLMP directly.

Volunteers will qualify for 8 MCLE credits at program's completion.

New Lawyer Mentoring Program
503-431-6355
mentoring@osbar.org



New Lawyer
Mentoring Program

PROFESSIONALISM • COMPETENCE • CIVILITY

via overnight delivery and request expedited handling due to his father's medical fragility. She also promised to destroy or return the \$150 check and to complete the matter at no cost in light of the delay.

In early October 2021, Lenihan told her client that she had completed and mailed the forms but when the client did not receive any acknowledgement from USCIS, he began calling Lenihan. He could not reach her until February 2022, when she again stated she could not find the forms, or a postal tracking number showing they had been mailed. On Feb. 9, 2022, Lenihan informed the client that she would personally mail the forms the next morning. However, Lenihan has no record that the forms were sent, and USCIS never acknowledged receipt.

The client terminated Lenihan's employment and discovered that, on March 22, 2022, the \$150 check she had agreed to return had been negotiated. Lenihan believed she had retrieved the check from processing by the nonprofit's finance department but realized she did not.

The stipulation cited that throughout the period she represented the client, Lenihan was one of two attorneys and co-managers, and later the sole attorney and manager, of the nonprofit's legal services program. Also during this period, due to staff departures, she took over responsibility for state-level advocacy and funding issues, while also working an over-full caseload. That caseload grew by over another 180 clients by February 2022, after the nonprofit was designated a Reception and Placement Program for refugees who arrived after the U.S. withdrew from Afghanistan.

The stipulation recites three aggravating factors (prior discipline, substantial experience and a vulnerable victim) and five mitigating factors (absence of dishonest or selfish motive, personal problems, full and free disclosure and cooperative attitude toward proceedings, good character or reputation, and remorse). ■

(SAVE THE DATE)

OSB's Quality of Life Committee presents the **2024 Wellness Summit**

On **Friday, November 8, 2024**, the Oregon State Bar's Quality of Life Committee will host a comprehensive Wellness Summit.

This event will aim to gather together a wide variety of lawyers and other stakeholders who are interested in having open and honest conversations about attorney wellness. We will also be exploring why it is so important to take the time to evaluate your own quality of life and the many ways to go about improving it. This will be an interactive, collaborative, and thought-provoking half-day event, and we hope that you will mark your calendars and join us. More details to come, but please express your interest in attending or reach out with questions to cpetrecca@osbar.org. CLE credits are pending.

Friday, Nov. 8, 2024

Oregon State Bar Center

16037 SW Upper Boones Ferry Rd, Tigard, OR 97224

8:30 a.m. – 1 p.m.

Are you interested in volunteering your time, skills, or expertise in relation to this event?

If so, please do email Rebecca at rebecca@allegiantlaw.com.

Oregon
State
Bar

BAR PEOPLE

Moves



Charles Harrell has joined Tonkon Torp as an of counsel attorney in its business department. Harrell's practice is focused on general corporate governance, business transactions and real estate. He manages client legal affairs at the national and international level, negotiating and managing complex transactional and corporate contracts, and working with clients to implement foundational regulatory compliance frameworks. Harrell's industry experience is vast, including representing businesses in the areas of renewable energy, data center development and infrastructure, athletic and outdoor wear, manufacturing, food and beverage, real estate development, wine and alcohol, and cannabis.



Jeff Matthews has joined The Commons Law Center as the senior legal advisor in its family law program. Matthews is a veteran family law attorney with over 40 years of experience in Oregon family law. Matthews will provide divorce coaching services to often underserved community members. He will also provide mentoring to the younger attorneys at The Commons.

Heather Fossity recently joined the Portland office of Ogletree Deakins as an associate. Her practice focuses on employment litigation, advice and counsel, and workplace investigations. She frequently works with clients to develop legally compliant best practices for hiring and firing, addressing leave and reasonable accommodations, and navigating high risk terminations. Fossity has extensive experience drafting workplace policies, employee handbooks, and employment and separation agreements.



Mike Swift is Engrav Law Office's newest attorney with an interest in business law and litigation. He previously served as a judicial clerk to the Hon. Jeffrey S. Jones in Clackamas County, gaining broad legal experience. A lifelong sports enthusiast, Swift also stays engaged in the intersection of sports, business and law as a member of the national Sports Law Association and through his work on early-stage NIL projects.



Bryan M. Thompson has been promoted to senior corporate counsel at Microsoft. Thompson serves as in-house privacy counsel within Microsoft's privacy, safety and regulatory affairs team, advising clients across the company on complex matters in the ever-evolving global data protection and privacy landscape. Thompson is also a captain in the U.S. Army Reserve Judge Advocate General's Corps and was recently elevated to brigade judge advocate, where he serves as the primary legal advisor to a military intelligence brigade.



Sokol Larkin has added three new associates to its construction and real estate litigation team. **Anthony Jannelli** has practiced construction and real estate law since 2022. Prior to joining Sokol Larkin, Jannelli was an associate at another Portland boutique firm where he handled compliance, transactional and litigation matters in the construction and real estate areas. **Shiwanni**



Johnson's practice includes commercial, con-



struction and real property litigation. Prior to joining Sokol Larkin, her practice focused on civil litigation. Johnson is the 2024 chair of the OSB Technology Law Section. **Mandi Summers** started her practice handling an array of business-related litigation, including antitrust matters, products liability and professional liability. She plans to help businesses in the construction space successfully navigate the challenges of litigation.



Jesse Burgess has joined Schwabe as an associate with a focus on real estate law. He has extensive experience in various real estate matters from acquisitions, leasing and land use to regulatory compliance.



Karma Read has joined Reynolds Defense Firm in Portland. She has a diverse background, including legal aid, the Oregon Innocence Project and public defense. She will combine her experience in psychology and philosophy with her dedication to compassionate client advocacy.



SBH Legal has added three new associates. **Kalina Lovell** represents Oregon employers and insurers in workers' compensation defense matters. Before joining SBH Legal, Lovell was a defense litigator for 11 years. She was first a public defender on Long Island and then practiced mental health law defense in New York City for the past seven and a half years. **Brad Mielke** represents Wash-



ington employers and insurers in workers' compensation defense matters. Before joining SBH Legal, Mielke practiced with another defense firm specializing in workers' compensation

litigation and also has a background representing low-income individuals in family law disputes. **Stacy Tela-Kerber** represents



Oregon employers and insurers in civil litigation and workers' compensation disputes. Before joining SBH Legal, Tela-Kerber was a civil defense litigator for 16 years handling first party

and third party cases. She was first a public defender and then a judicial law clerk for judges in the Multnomah County Circuit Court.



Vanessa L. Crakes has joined the Local Government Law Group as an associate. She will serve the firm's government clients with a practice emphasizing labor and employment law. She

most recently was the manager of investigations for the University of Oregon's Office of Investigations and Civil Rights. She also serves on the Oregon State Bar's Disciplinary Board. ■

In Memoriam

Andrew Duncan Kerr Jr., known to his friends and family as Drew, passed away on May 28, 2023, at the age of 44, doing what he loved most — cycling with his daughter,



Audrey. Kerr was a beloved husband, father, son, brother, uncle and friend, celebrated for his intellect, humor and generosity.

Born in Evanston, Illinois, Kerr spent his early childhood in Chatham, New Jersey, before his family returned to Illinois. He graduated from New

Former Oregon Supreme Court Law Clerk and Prosecutor: Defending Criminal Cases for Over 20 Years



Thompson Law

Defense | Strategy | Re-Defined

www.thompsonlawllc.com

Have an Item for the *Bulletin*?

The Oregon State Bar *Bulletin* welcomes short items about Oregon lawyers and law firms for the Bar People pages of the magazine. Notices are published at no cost. Email notices to: editor@osbar.org

Submissions are subject to editing and published in the order received.

The *Bulletin* publishes photographs (single headshots only) in "Moves" and "Among Ourselves" and "In Memoriam."

The fee is \$20 for each photograph. The notice itself is free.

Paid professional announcements are also available. Inquire at ronnie@bigredm.com. **Questions?** Call Ronnie Jacko, (503) 445-2234.



Reach **Every** Attorney in Oregon



big red
M.

To advertise in the *Bulletin*,
email Ronnie Jacko at
ronnie@bigredm.com

To Learn More Visit:

www.bigredm.com
503-445-2234

Trier High School as a talented artist, Eagle Scout and dedicated Grateful Dead fan.

Kerr devoted his life to environmental advocacy, earning a bachelor's in environmental policy from the University of Oregon and a juris doctorate from Lewis & Clark Law School. His work with WildEarth Guardians and the Sierra Club of Oregon showcased his dedication to environmental protection.

An avid outdoorsman, Kerr enjoyed cycling, surfing, sailing, hiking and kayaking. His adventures took him to Scotland, Australia, India and across the U.S. He also had a passion for comic books, superheroes and craft beers.

Kerr is survived by his wife, Lindsay; daughter, Audrey; parents, Pamela and Andrew; brother, Mathias; and many family and friends. He and Lindsay lived in Eugene, where he embraced the community and natural beauty.

In honor of Kerr's enduring spirit and impactful contributions, donations to the ACLU or Sierra Club of Oregon are appreciated. Celebrate Kerr's memory by enjoying food, laughter and music, as he would have wished.

John S. Irvin was born on June 25, 1931 in Woodland, Washington, and died May 13, 2024, at his home in Salem. He was gentle, kind, principled and funny. He had devoted his life to his family and to public service.



As a child, he lived in several small towns in the Pacific Northwest with his family, eventually settling in Corvallis. He graduated from Corvallis High School, then attended the University of Oregon, where he ran track under the coaching of Bill Bowerman. He graduated with a B.A. in economics in 1954. After serving for two years in the U.S. Army in Okinawa, he returned to UO, earning his law degree in 1959. He practiced labor law for the Oregon State Employees Association (now SEIU), playing a key role in bringing collective bargaining rights to public employees. He then joined the Oregon Department of Justice in labor relations. He finished his career as a senior assistant attorney general, retiring in 1995.

Irvin married his first wife (Audrey) in 1958 and they had three daughters, Valerie, Heidi and Renee, before divorcing in 1969.

In 1970 he met his future wife and life partner, Judy Davies, and her daughter Debbie. In 1971 the two were married, and John adopted Debbie. They had two more daughters, Penny and Jennifer.

Renowned for his dry humor and sharp wit, Irvin had a talent for writing and performing satirical songs about politics and current events, accompanying himself on the ukulele. What didn't find its way into his songs often became thoughtful letters to the editor.

Irvin sang in several choral groups, and as an avid jogger, was a familiar sight at Salem's Bush Park as he ran his meticulously measured loops there. He was a constant presence at his daughters' concerts, plays, track meets and family celebrations — always there to share in the joy of their milestones. After church on Sundays, he took his six daughters out for doughnuts (two doughnuts each).

Irvin is survived by his loving wife of 53 years, his six daughters, 10 grandchildren and one great grandchild. He is predeceased by his parents, brother Stan and sister Sally, and survived by his sister Victoria. In lieu of flowers, the family requests donations be made to the Southern Poverty Law Center. A complete obituary can be found at www.cityviewfh.com. ■

Additional Notices

Elizabeth Fithian-Barrett
71, Portland, May 9, 2024

Terrance A. Hall
76, Hillsboro, April 19, 2024

Wayne W. Killion
45, Baton Rouge, Louisiana, April 2, 2024

Douglas E. Minger
75, Eugene, March 19, 2024

Jacob Wieselmann
71, Portland, March 8, 2024

David E. Wattel
60, Chandler, Arizona, Feb. 13, 2024

Bergen Bull
83, Sunriver, Jan. 31, 2024

Patrick M. Bible
49, Reno, Nevada, Dec. 15, 2023

Mark Edmund Vovos
82, Spokane, Washington, Nov. 7, 2023

Haley Achille
33, Bend, July 13, 2023

Robert N. Ehmann
73, Newberg, April 23, 2023



100,000

That's how many Oregonians turn to the Oregon State Bar Lawyer Referral Service each year looking for the right lawyer to resolve their legal disputes.

Help Oregonians. Support Your Practice.

More information on the Lawyer Referral Service and the Modest Means Program is available here:

Oregon
State
Bar

osbar.org/LawyerReferralService

CLASSIFIEDS

OFFICE SPACE

BEAVERTON ATTORNEY OFFICE

- Building for over 40 years on S.W. 2nd and Tucker. 1st floor office with support staff station available. Shared building reception area, library and conference room. Parking included. \$500 monthly. Ten sole practitioners in building with some overflow/referral. Call Sheila at (503) 641-7888 or email sheilawagnon@lawyer.com

DOWNTOWN PORTLAND HISTORIC BUILDING

- Offering professional, small businesses, and non-profits sensible rents and a feeling of community. Move-in ready offices for lawyers. Secure building. Updated systems and finishes. Bike storage, showers, conference room, lounge with outdoor access. On Max line across from new Midtown Beer Garden food carts. Contact: Sean.Turley@am.jll.com; 503-201-8325.

FANTASTIC DOWNTOWN PORTLAND

legal professional office space near Pioneer Square. Great offices and cubicle spaces available to rent on available to rent on the 10th Floor 520 SW Sixth Avenue. Bright spaces with large windows, sunlit with nice urban views on West hills; on public transit and with off-street parking garage. Collegial, respectful, colleagues in small and solo firms. Excellent secure bike parking, exercise facility, tenant lounge, and building security. Monthly rent prorated from 6/1/24. Offices: \$750-\$950; cubicle space for \$300; lower rents possible for combinations. Printer/copier/phones/postage/internet available. Possible paralegal. Contact admin@henkelslaw.com / phone 541.270.6001 to see the spaces.

HILLSBORO – 2 elegant office suites 1 block from courthouse.

\$800.00/ea, utilities included w/ first month free. For pics/info contact John Elliott: (971) 404-6631 or JMEDrum@Earthlink.Net.

SHARE OFFICES WITH ESTABLISHED LAWYERS

- Two large, light-filled offices available in fully restored historic offices, four blocks from Multnomah/Federal courthouses. Air conditioned, shared conference room, elevator with video security, kitchen, shower room, receptionist and bike rack. \$1300. Contact Desiree` at drousseau@stollberne.com.

LAKE OSWEGO KRUSE WAY

- Class A Office Building. 4248 Galewood Street, Lake Oswego, OR 97035. Primarily Attorneys. Partner-sized, windowed offices. Receptionist, Phones, High Speed Internet, Conference Rooms available or included. Free parking. Office lease prices range from \$600 to \$1400 per month. Phone numbers or ported numbers available. Call for information. John (503) 675-4343

LAKE OSWEGO KRUSE WAY – NEAR MERCATO GROVE

4035 Douglas Way, Lake Oswego, OR. Newly remodeled executive office space available. All private, windowed offices. An entire suite up to 4,000 sf is also available. Free parking. Law firm on the upper floor. Prices begin at \$950 per month for the executive offices. Call Meghan 503-468-5573

OFFICE SPACE AVAILABLE PREMIER PORTLAND LOCATION

- 1000 SW Broadway, ninth floor, 742 total sq. ft. Two offices, a common area large enough for up to three support staff, private entry, separate suite number, and signage. Located on a floor with a fitness center and direct access to a parking garage. The building provides the use of a large conference room located on the ninth floor

with a capacity of 42. You will also have use of our private conference room that seats twelve, reception area, break room, internet, and phone system. The building has seven levels of secured and monitored parking. We are located two blocks from Pioneer Square and near theaters, hotels, and restaurants. \$2,100.00 per month. Internet and phones included. Available immediately. Contact Chris Roy, at chris@roylawgroup.com.

OFFICE SPACE – First floor office

(or two tandem offices suite) with 4-6 other lawyers in the building, East Portland, Hollywood District, negotiable rent includes utilities. Call to view, leave a message. (503) 236-4000.

SINGLE OFFICE AVAILABLE

in modern office building located on South Corbett Avenue in beautiful Lair Hill neighborhood, 1.8 miles from the Multnomah County Courthouse. Shared conference room, kitchen, and shower. Building has elevator and is ADA compliant. Current tenants include five attorneys, a CPA, and an insurance agent. \$1,000/PM lease. Contact Greg Terranova at (503) 220-0251.

THREE OFFICES AVAILABLE,

with or without adjoining secretarial space, in small, quiet building in downtown Portland. Prices range from \$300 to \$600. Building located on the corner of SW 6th and Clay on the transit mall, blocks from Multnomah County Courthouse and Justice Center, and US District Court buildings, one block to fitness center. Rent includes full reception and telephone answering from 8 to 5 M-F, use of library w/fireplace and conference room, standard office equipment, notary onsite. Building is shared with several experienced attorneys. Flexible lease dates. Parking available \$200/month. 521 SW Clay. Kari: 503-226-3607.

POSITIONS AVAILABLE

It is the policy of the Bulletin to only list opportunities for employment that are consistent with OSB Bylaw 10.

ASSOCIATE ATTORNEY CIVIL LITIGATION DEFENSE BEND

- Hart Wagner LLP seeks an attorney to join our Central Oregon team. Our office is located in the Old Mill district in Bend. Applicants must have at least three years of litigation experience. We are looking for someone excited to work with our preeminent medical malpractice and civil litigation teams. Applicants with strong analytical, writing, and oral advocacy skills are encouraged to apply. The successful candidate will work with a team of professionals dedicated to providing the highest level of legal representation. If you are an experienced team player with excellent writing and analytical skills, Hart Wagner wants to meet you. Why join Hart Wagner? We are a widely renowned Pacific Northwest civil litigation firm, dedicated to excellence in client service and the hiring of talented professionals. Here you will find a fast-paced, team-oriented and fun work environment. Hart Wagner offers competitive compensation and a generous benefits package. If you are looking for a well-established law firm, a proven track record for growth, and an inclusive culture, Hart Wagner is the place for you! Hart Wagner is an equal opportunity employer. We welcome all applicants and strive to provide a workplace in which all employees feel included, respected, and valued. Qualified applicants should submit the following documents to employment@hartwagner.com: · Cover letter · Resume · Writing sample (5-7 pages) All inquiries will be held in strict confidence.

EMPLOYMENT ATTORNEY - Peck Rubanoff & Hatfield (PRH) seeks an experienced attorney to join our law firm focusing exclusively on labor and employment law, in a collaborative small team environment. Qualified candidates must have at least 3 years of specialized experience in employment law, preferably in representation of both public and private sector employers. Responsibilities include daily counseling and advice for HR professionals and organizational leaders on all employment topics, including federal and state wage/hour issues, leave law compliance, disability accommodation, and discrimination and retaliation. Labor law experience (especially involving public sector unions) is a preferred qualification. We require active Oregon State Bar membership or ability to obtain it expeditiously through reciprocity. We offer a competitive salary, full employee and dependent medical insurance, and employer funded retirement. To apply, please send resume and cover letter to: hquinn@prhlaborlaw.com

MB LAW GROUP, LLP - a boutique litigation defense firm serving high-end clients, and located in downtown Portland, seeks an associate attorney with three to five years of litigation experience who is ready to build a long term, positive future for themselves and with our team. The firm represents (as local and national counsel) numerous national and international clients in various kinds of litigation, including automotive, motorsport, and aviation, product liability, national chain premises, and commercial litigation, and financial institution as well as general liability defense. All of the firm's attorneys are rated as "Super Lawyers" by Thompson Reuters, and much of that is attributable to the firm's positive, team-oriented, and supportive culture. The candidate will have the unique opportunity to immediately work on and play an active and important role on many high-profile cases. We are looking

for someone who is intelligent, thoughtful, practical, energetic, motivated, independent, and who has a long-term vision for building and growing their legal career. We are looking for an individual who wants to grow their skills and join a team of attorneys and staff doing great work while also ensuring we enjoy life. We strongly encourage diverse candidates to apply. Please submit your resume and a brief cover letter to Anita Darling at adarling@mblglaw.com

RECREATIONAL RENTALS

GORGEOUSLY FURNISHED Happy Valley home for rent. 4 BR/2BA. \$300/night + \$300 cleaning fee. Preferred/monthly rates available. (971) 236-1949 or happyvalley503@outlook.com.

KIHEI, MAUI, HAWAII - Large oceanview 1BR-2BA condo, LR sofasleeper, two pools/spas, tennis, across from beach. Attorney discounts. (503) 291-1423; Video: <https://www.youtube.com/watch?v=txEcuMFzELE> - Pictures and Booking: samsandmireidaho@gmail.com.

SUNRIVER - Cascara Vacation Rentals - A wide variety of homes & condos across Sunriver and beyond. Many include hot tubs, A/C, access to SHARC, and/or are pet friendly. Visit cascaravacations.com or contact us at (800) 531-1130 or cascara@cascaravacations.com
Discounts for OS Bar members

SUNRIVER - Warm, cozy, 2 bedroom, 1 bath Ranch Cabin, ideal for a weekend getaway. Fireplace, TV, Wi-Fi, DVD, CD, BBQ, washer/dryer, fully furnished & well-equipped. Sleeps 4. \$125/night + \$125 cleaning fee (541) 944-2694.

SERVICES

CONTRACT PARALEGAL SERVICE - S&T SUPPORT, LLC - Seasoned Paralegals available on an as-needed basis. Backgrounds in estate planning, probate/trust administration, business law, and litigation. Will work remotely or on-site serving Salem, Portland and Eugene. Visit www.stsupportllc.com for ser-

vices and staff. Call (503) 967-6023 or email tammy@stsupportllc.com to discuss your paralegal needs.

DOC REVIEW JOB SOUGHT by 2021 law grad with 2021 bar passage. Prior experience at Oregon Appellate Court, Oregon Federal District Court and L&C environmental clinic. I'm also a physician (MD) skilled at reading scientific documents.

FORENSIC DOCUMENT EXAMINER - Trained by the Secret Service and US Postal Crime Lab examiners. Fully equipped laboratory. Qualified in state and federal courts. Retired from the Eugene Police Department. Jim Green, (888) 485-0832, www.documentexaminer.info.

HIGHLY MOTIVATED JD GRADUATE with 10+ years legal experience in various industry sectors seeks established attorney for mentorship under Oregon's Supervised Practice Portfolio Examination. Extensive experience working at Nike and a national health insurer as a legal analyst. Proficient in contract review, legal research, and legal drafting. Eager to learn and contribute to a fast-paced environment. Please email me at: porta@tokresearch.com

HOTDOCS TEMPLATES FOR OREGON ESTATE PLANNING AND PROBATE AND TRUST ADMINISTRATION - Online at: www.HotDocsMarket.com. Each set \$100 per month. No Contract. Complete information at: www.nobleforms.com.

INVESTIGATION - Diligent Investigations is a full service investigation firm specializing in Surveillance, Background Investigations, Locates, Difficult Service of Process, Interviews and more. In Portland since 2012, Diligent Investigations has earned a reputation for professionalism and integrity. Contact Robert Grady (503-985-6659 or email: dilinvest@gmail.com).

LEGAL TRANSCRIPTION - Providing quality transcription services. Each transcript is proofread

to audio and certified for accuracy. Excellent rates. Quick turnarounds available. View website at www.CourtScriptsLLC.com or email jmuirtranscriber@gmail.com.

LEGAL ETHICS DEFENSE: ETHICS ADVICE & OPINIONS - Christopher R. Hardman - Providing defense services against Bar disciplinary proceedings; legal ethics advice, consultations, and opinion letters. Mr. Hardman is a former Assistant Disciplinary Counsel of the Oregon State Bar Office of Disciplinary Counsel; and a former Bar prosecutor. He is a speaker and moderator at Ethics Continuing Legal Education Seminars sponsored by the Bar, New Lawyers Division and others. He may be contacted at his office: **Christopher R. Hardman, (503) 916-1787**, or crhardman@crhardman.com; 25 NW 23rd Pl Ste 6, PMB 497; Portland, OR 97210.

LEGAL NURSE CONSULTANT - Offering Board Certified Legal Nurse Consultants with the LNCC certification from the American Association of Legal Nurse Consultants - the gold standard in LNC credentialing. The ONLY certification recognized by the American Board of Nursing Specialties. Offering the following services: review files for standards of care and any deviations that may have occurred, provide chronologies/summaries, demonstrative evidence, translate and interpret medical records. Expert Witness location services. Average length of experience in nursing for our consultants is 20 years and includes experience in clinical areas such as: Corrections Healthcare, Critical Care, Telemetry, Long-Term Care, Workers' Compensation as well as many other specialty areas! Willamette Nurse Consultant Group, (971) 777-2687 info@willamettenurseconsultantgroup.com www.willamettenurseconsultantgroup.com.

NEED HELP WITH A BIG CASE? Want to expand your practice? Want to take a vacation? Contact the OWLS Contract Lawyer Service. You contact us with

project/job information. We post the announcement to our contract lawyer listserv. You are contacted by contract lawyers directly who meet your criteria. No fee to post jobs or projects. You pay the contract lawyer you hire. Contract lawyers statewide. Many levels of experience. Many types of expertise. For more information, or to post a job, contact the OWLS office at 503.841.5720 or email admincoordinator@oregonwomenlawyers.org.

STUMPTOWN IT SERVICES is a local and well-respected contract IT firm specializing in supporting legal and finance firms with everything from network architecture and security to helping staff with email issues. We have many years of experience supporting many common practice management software solutions, helping firms tackle the issues around remote users and are available on a 24/7 basis. Contact rick@stumpit.net or 503-819-1048. References available by request.

TO SUBMIT A CLASSIFIED

POSITIONS AVAILABLE

\$30 for the first 20 words, 50 cents each additional word.

SERVICES

\$40 for the first 20 words, 50 cents each additional word.

ALL OTHER ADS

\$40 for the first 20 words, 50 cents each additional word. Oregon State Bar members receive a \$10 discount on these ads.

COLOR

Color may be added to any ad for an additional \$20.

BLIND ADS

Add \$15 to the cost of the ad for this service.

BLIND AD REPLIES

To protect the confidentiality of an anonymous advertiser as well as the reader, we offer the following service: If there is a firm you do not wish to respond to, list that firm (or firms) on a note along

with your response to the blind ad. If the anonymous advertiser is a firm you have listed, your response will be recycled. Send both to blindad@osbar.org with the blind ad number in the subject line. Or, mail in a 9 x 12 inch envelope to Oregon State Bar, Attn. Blind Ad #[fill in the blank], P.O. Box 231935, Tigard, OR 97281.

SUBMIT TO

Email: advertising@osbar.org; mail: P.O. Box 231935, Tigard OR 97281, Attn: Advertising. For questions, contact Monique Eschette at advertising@osbar.org, (503) 431-6325 or (800) 452-8260 ext. 325.

DEADLINES

The first business day of each month for the following month's issue.

ATTORNEYS' MARKETPLACE

ACCIDENT RECONSTRUCTION

Biomechanics

Collision Analysis & Research, LLC

Russ Anderson

PO Box 650, Seaside, OR 97138

PH 971-320-4236

russ@azbiomech.com

www.azbiomech.com

ACCOUNTANTS

Litigation Support

Cogence Group, PC

Jay Sickler, CPA, CFF, ABV, ASA

935 NW Everett St, Portland, OR 97209

PH 503-467-7900 x1

jsickler@cogencegroup.com

www.cogencegroup.com

Financial forensics | Business valuation. Answers to complex financial questions. We are accurate, credible, and ethical. Our professional team is comprised of all CPAs, passionate about what we do, which translates into serving our clients with the very best we can offer. Jay Sickler has 30 years of full-time financial forensics experience. He has testified in more than 160 cases as an expert witness, more than many other experts combined. Our reputation is built on being skilled in communicating our findings persuasively and with integrity. We get the job done right, on time, and backed up by expert testimony.

Holmes Company

William N. Holmes, CPA, ABV, CVA, CFE

7128 SW Gonzaga St, Ste 100

Portland, OR 97223

PH 503-270-5400 FX 503-270-5401

wnholmes@pdxcpas.com

www.pdxcpas.com

Forensic Accounting / Economic Damages / Business Valuation / Accounting and Tax Malpractice / Litigation (Plaintiff & Defense) / Full Service Public Accounting. Mr. Holmes has approximately 25 years of experience in matters ranging from complex litigation, bankruptcy, class action, construction, contract disputes, embezzlement, employment, financial statements audits, intellectual property, personal injury, professional liability and malpractice, securities fraud, shareholder rights and tax issues.

ACCOUNTANTS, CONT.

Morones Analytics, LLC

Serena Morones

1455 SW Broadway, Ste 1750

Portland, OR 97201

PH 503-906-1579

serena@moronesanalytics.com

www.moronesanalytics.com

Top litigators turn to us on high-stakes cases in the Northwest. Clients tell us our credibility and reputation are unmatched. We tell a powerful story with numbers and deliver pivotal testimony with an exceptional success rate on even the toughest cases. We conduct damages analysis on claims for lost profits, lost wages, personal injury, wrongful death and intellectual property damages.

AUTOMOBILE STORAGE

Lucky's Garage

Scott Closner

18102 SE Richey Rd, Gresham, OR 97080

PH 503-753-2999

scott.closner@gmail.com

www.luckysgarage.net

Lucky's Garage provides short or long term secure, climate controlled automobile storage.

APPRAISERS

Residential Appraisal

Bernhardt Appraisal

Nathan Bernhardt

5319 SW Westgate Dr, #219

Portland, OR 97221

PH 503-349-3765

nathan@bernhardtswisstrust.com

www.portlandresidentialappraisal.com

Appraiser with 25 years experience specializing in divorce appraisal, probate appraisal, estate appraisal, and bankruptcy appraisal. We are exclusively a private, non-lending appraisal company, so we can focus on our professional clients (Attorneys, CPA's, Realtors, and Property Managers) needs. Call us today to find out more!

BUSINESS VALUATIONS

Cogence Group, PC

Jay Sickler, CPA, CFF, ABV, ASA

935 NW Everett St

Portland, OR 97209

PH 503-467-7900 x1

jsickler@cogencegroup.com

www.cogencegroup.com

Financial forensics | Business valuation. Answers to complex financial questions. We are accurate, credible, and ethical. Our professional team is comprised of all CPAs, passionate about what we do, which translates into serving our clients with the very best we can offer. Jay Sickler has 30 years of full-time financial forensics experience. He has testified in more than 160 cases as an expert witness, more than many other experts combined. Our reputation is built on being skilled in communicating our findings persuasively and with integrity. We get the job done right, on time, and backed up by expert testimony.

Corporate Valuations, Inc.

Blake J. Runckel

PO Box 82908

Portland, OR 97282

PH 503-235-7777

FX 503-235-3624

brunckel@corpval.com

www.corpval.com

Corporate Valuations, Inc. is a national business valuation and financial advisory firm founded in 1983. We offer a broad range of valuation services, including corporate valuation, gift, estate, and income tax valuation, buy-sell agreement valuation, financial reporting valuation, ESOP and ERISA valuation services, and litigation and expert testimony consulting. In addition, Corporate Valuations assists with transaction-related needs, including M&A advisory, fairness opinions, and strategic alternatives assessment.

We have provided thousands of valuation opinions for corporations of all sizes in a variety of industries. To paint an accurate picture, the valuation of a business or its underlying assets calls for a combination of science and experience. The business valuation consultants at Corporate Valuations offer practical insight into the strategic, operational, and financial affairs of the business—so you can understand the real value—regardless of industry. Our valuation opinions are well-reasoned and thoroughly documented, providing critical support for any potential engagement. Our work has been reviewed and accepted by the major agencies of the federal government charged with regulating business transactions, as well as the largest accounting and law firms in the nation in connection with engagements involving their clients.

BUSINESS VALUATIONS, CONT.

Holmes Company

William N. Holmes, CPA, ABV, CVA, CFE

7128 SW Gonzaga St, Ste 100

Portland, OR 97223

PH 503-270-5400 FX 503-270-5401

wnholmes@pdxcpas.com

www.pdxcpas.com

Forensic Accounting / Economic Damages / Business Valuation / Accounting and Tax Malpractice / Litigation (Plaintiff & Defense) / Full Service Public Accounting.

Mr. Holmes has approximately 25 years of experience in matters ranging from complex litigation, bankruptcy, class action, construction, contract disputes, embezzlement, employment, financial statements audits, intellectual property, personal injury, professional liability and malpractice, securities fraud, shareholder rights and tax issues.

Markee Valuations, LLC

Laura Markee

504 NW 179th St, Ridgefield, WA 98642

PH 360-601-0713

laura@markeevaluations.com

www.markeevaluations.com

We are experts in business valuation and financial damages analysis. Recognizing that a business value cannot be simplified to a formula, we ask questions and analyze industry and economic factors to understand what makes each business unique. The end product is a detailed valuation that is well documented, clear, and certifiably reliable.

Morones Analytics, LLC

Serena Morones

1455 SW Broadway, Ste 1750

Portland, OR 97201

PH 503-906-1579

serena@moronesanalytics.com

www.moronesanalytics.com

Business appraisals for litigation, estate planning, divorce and various transactions. Complex valuations involving multi-tiered entities, and intangible assets such as trademarks and brand names. Estimating valuation discounts. Allocation of goodwill between personal and professional. Review of other experts' reports. Low scope calculation letters or full appraisal reports.

Stuart Weiss Business Valuations

Stuart Weiss

Serving Oregon, Washington,
and California

PH 503-223-3142

stu@stuartweiss.com

www.stuartweiss.com

Valuing family businesses since 2002. Reports in plain English. Stanford MBA/CPA/ABV.

CONSULTANTS

Integrity Legal Nurse Consulting

Wendy Votroubek

4207 SE Woodstock Blvd, #365

Portland, OR 97206

PH 503-775-3221

wendy@legalnursepdx.com

www.legalnursepdx.com

Founded in 2010 with the goal to educate and empower attorney clients. Provide review and analysis of medical records for both civil and criminal defense attorneys as well as medical cost projections and reasonableness of charges.

COURT BONDS

Court Bonds

5727 SW Macadam Ave

Portland, OR 97239

PH 503-977-5624 • 800-632-6878

FX 503-245-9188

courtbonds@jdfulwiler.com

www.jdfcourtbonds.com

A division of JD Fulwiler & Company Insurance.

COURT REPORTERS

NAEGELI Deposition and Trial

Consuelo Grumich, JD, and Juliette Naegeli

111 SE 5th Ave, Ste 2020,

Portland, OR 97204

PH 503-227-1554 • 800-528-3335

schedule@naegeliusa.com

www.naegeliusa.com

NAEGELI Deposition and Trial has been known as the leading choice for court reporting and litigation support for over 40 years. Our team of dedicated trial experts continually strive to set the industry standard with all-inclusive services and state of the art technology. From our corporate headquarters located in Portland, Oregon, and additional offices throughout the United States, we proudly offer our clients world-class service. We provide court reporters, remote depositions, videography, interpreters, transcription services, trial presentation and legal copying and scanning—all nationwide. NAEGELI continues to be one of the most sought-after firms in the country, offering exemplary service at competitive prices. With combined decades of experience amongst our expert court reporting and trial support teams, NAEGELI provides peace of mind every step of the way.

EXPERT WITNESS

Insurance

RiskPro Insurance Services, Inc

Neal Bordenave, JD, CPCU, RPLU, ARM, AIC

61060 Snowberry Pl, Bend, OR 97702

PH 530-891-8100 • 530-864-6407

neal@riskpro.com

www.orinsuranceexpert.com

FORENSIC ACCOUNTING

Cogence Group, PC

Jay Sickler, CPA, CFF, ABV, ASA

935 NW Everett St, Portland, OR 97209

PH 503-467-7900 x1

jsickler@cogencegroup.com

www.cogencegroup.com

Financial forensics | Business valuation. Answers to complex financial questions. We are accurate, credible, and ethical. Our professional team is comprised of all CPAs, passionate about what we do, which translates into serving our clients with the very best we can offer. Jay Sickler has 30 years of full-time financial forensics experience. He has testified in more than 160 cases as an expert witness, more than many other experts combined. Our reputation is built on being skilled in communicating our findings persuasively and with integrity. We get the job done right, on time, and backed up by expert testimony.

Holmes Company

William N. Holmes, CPA, ABV, CVA, CFE

7128 SW Gonzaga St, Ste 100

Portland, OR 97223

PH 503-270-5400 FX 503-270-5401

wnholmes@pdxcpas.com

www.pdxcpas.com

Forensic Accounting / Economic Damages / Business Valuation / Accounting and Tax Malpractice / Litigation (Plaintiff & Defense) / Full Service Public Accounting.

Mr. Holmes has approximately 25 years of experience in matters ranging from complex litigation, bankruptcy, class action, construction, contract disputes, embezzlement, employment, financial statements audits, intellectual property, personal injury, professional liability and malpractice, securities fraud, shareholder rights and tax issues.

Morones Analytics, LLC

Serena Morones

1455 SW Broadway, Ste 1750

Portland, OR 97201

PH 503-906-1579

serena@moronesanalytics.com

www.moronesanalytics.com

Highly skilled team of independent CPAs and experts with experience at top global accounting firms and major corporations. Accounting investigations involving allegations of financial misconduct and employee embezzlement, especially on complex, data intensive cases. Matters involving a shareholder dispute or business sale that results in litigation and allegation of financial statement fraud.

ATTORNEYS' MARKETPLACE

HANDWRITING EXPERTS

— Handwriting & Document Forensics —

J. Joseph & Associates

Jacqueline A. Joseph

735 SW Saint Clair Ave, #2001

Portland, OR 97205

CELL 503-380-1282

jjoseph@jjhandwriting.com

www.jjhandwriting.com

*Jacqueline A. Joseph. Certified Forensic Document Examiner. Forgery detection. Signature verification. Proof of authorship. Double-board certified/ government-accredited; fewer than ten forensic document examiners worldwide hold this recognized certification. American Academy of Forensic Sciences/2020 & 2021 Presenter. **Provides decisive factors for your case strategy.** Cited authority. Established since 1992.*

MARKETING/PUBLICITY

Omnizant

Victoria Silecchia

15 Harbor Park Dr,

Port Washington, NY 11050

support@omnizant.com

www.omnizant.com/oregonstatebar

Over the past 15 years, we've helped nearly 2,000 law firms across the country build dynamic websites and powerful marketing campaigns, empowering them to achieve their growth goals. Whether you simply want a professional web presence for referral validation or are looking to supercharge business from the web, we have the expertise to get you results.

PRACTICE MANAGEMENT SERVICES

— Virtual Receptionists —

Ruby

555 Belaire Ave. 6th floor

Chesapeake, VA 23320

PH 844-311-7829

partners@ruby.com

www.ruby.com/campaign/oregon/

REAL ESTATE SERVICES

— Qualified Intermediary —

First American Exchange Company

Mark Adams

5665 Meadows Rd, Ste 140

Lake Oswego, OR 97035

PH 503-748-1031 • 844-414-1031

maadams@firstam.com

www.firstexchange.com

First American Exchange Company is a Qualified Intermediary and the leading provider of tax-deferred 1031 exchanges. A tax-deferred 1031 exchange allows you to dispose of investment properties and acquire "like-kind" properties, allowing you to reinvest sales proceeds that would otherwise be paid to the government in the form of taxes. From a simple rental property 1031 tax exchange to the most complex commercial real estate investment, we have built our reputation on expertise, financial strength, and customer satisfaction. Our experts work with you and your tax advisors to make your 1031 tax exchange transaction as seamless as possible.

VIDEO SERVICES

Discovery Media Productions, Inc.

Devin Williams, CLVS

10725 SW Barbur Blvd, Ste 102

Portland, OR 97219

PH 503-892-1998

info@discoverymp.com

www.discoverymp.com

THANK YOU!

Please support the advertisers who support the Attorneys' Marketplace.

Check out our featured listings online at www.osbar.org.

Want to be featured in next month's issue?

For details, please contact

Ronnie Jacko at Big Red M:

phone: 503-445-2234

email: ronnie@bigredm.com



Photo Finish

Michael J. O'Brien, who was an active bar member from 1979-2022, submitted this picture of Proposal Rock in Neskowin.

He describes the scene as, “a small estuary flows into the Pacific at low tide near Proposal Rock and the small town of Neskowin on the northern Oregon coast. By the time we returned to our lodgings after a long walk up the beach, the sky had begun to clear after a cloudy day with scattered showers.” ■

Do you have a photograph you'd like to share — beautiful flowers and towering trees, perhaps? Snow-covered peaks or a gorgeous sunset? Let *Bulletin* readers tag along on your next outing by sending your favorite images our way for “Photo Finish.”

Send high-resolution images to Editor Michael Austin at maustin@osbar.org. Make sure to include your name, and tell us where the photo was taken and what made your trip so special.

Education & Research

CLE Seminars and Legal Publications

OSB CLE Seminars

Go to osbar.org/seminars and search by program code to register.

OSB Legal Publications

Order legal publications by logging in to the online product catalog at www.osbar.org/bookstore.



CLE Seminars Summer Sale August 5–18

Save 15% when you order OSB on-demand or MP3 seminars.

View the full catalog at osbar.org/seminars and enter **AUGSALE24** at checkout.

Oregon New Lawyers Division Summer Sessions Series

Cosponsored by the Oregon New Lawyers Division, in Partnership with the OSB Professional Liability Fund, the Oregon Attorney Assistance Program, and the Commission on Professionalism



Various dates in July and August, Noon –1 p.m., via Webcast

Total CLE Credits: 5 General, 1 Ethics (Oregon specific), 1 Practical Skills, and 1 Mental Health/Substance Use

Register at osbar.org/seminars and search for ONEWL24

Real Estate and Land Use Conference 2024

Cosponsored by the Real Estate and Land Use Section



Thursday, August 8, 2024,
1 p.m. – 4:45 p.m.

Friday, August 9, 2024,
8:20 a.m. – 5:30 p.m.

Saturday, August 10, 2024,
8 a.m. – 11:45 a.m.

In-Person Event: Skamania Lodge, Stevenson, WA

CLE credits: 8.25 General CLE credits, 1 Ethics (Oregon specific) credit, and 1 Access to Justice credit

Register at osbar.org/seminars and search for RE24

Preorder!

Tort Law in Oregon, 2024 Revision



Completely revised, the *Tort Law in Oregon* 2-volume set will help you plead – or defend – your case, from black-letter law and case citations to analysis and commentary from Oregon’s foremost tort law experts. Covers everything from abnormally dangerous activities to wrongful-death suits. Includes a brand-new chapter on tort claims against insurers. Also includes 2024 legislation. Ships in August 2024

Available Now

Administering Trusts in Oregon, 2024 Revision



We’re excited to announce the release of the fourth edition of *Administering Trusts in Oregon*. Tailored specifically for legal professionals like you, this comprehensive guide offers invaluable insights into the nuances of trust administration within the Oregon legal landscape.

Coming Soon!

Courtroom Companion: Oregon Evidence, 2024 **NEW!**

This new practical resource will put the information you need at your fingertips during trial, hearings, depositions, and more. Includes model objections, practice tips, and key cases for each Oregon Rule of Evidence. Handy 6” x 9” spiral bound with tabs.

Damages in Oregon, 2024 Revision

From compensatory damages to punitive damages to non-monetary remedies, the award of damages is what brings your client to the civil courtroom. This revision of *Damages in Oregon* is your essential resource to determine the types of damage awards and remedies available to your client.

Celebrating Oregon Lawyers

October 23, 2024

Join your colleagues as we celebrate the great work of
lawyers throughout the state.

Honor the winners of the Oregon State Bar Awards

Applaud the winners of the Pro Bono Challenge

Congratulate the 50-year members

Reminisce with the 40-year members

Wednesday, Oct. 23, 2024

The Sentinel Hotel | 614 SW 11th Ave. Portland

5 P.M. – 7 P.M.

More information and reservations available soon.

Please reach out to Cathy Petrecca, cpetrecca@osbar.org,
with any questions.