

OREGON STATE BAR BULLETIN

JULY 2025

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"We exist!" is the informal motto for the Oregon Attorneys with Disabilities Association, which was formed in 2019. People with disabilities feel unseen, so the group continues to push for reasonable accommodations to allow everyone the same opportunity to do their jobs.

Pictured here and on the cover is Gabrielle Richards, an attorney in Sisters, who provided this image to the Bulletin.

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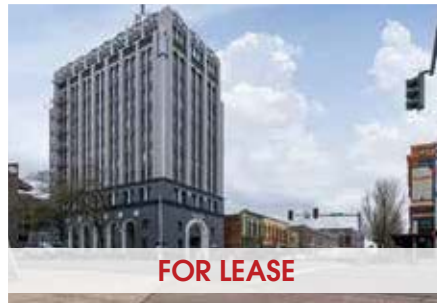
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UTCR Changes Effective Aug. 1

Chief Justice Meagan Flynn has signed CJO 25-012, which approved changes to the Uniform Trial Court Rules (UTCR), effective Aug. 1, 2025.

Changes of special note include: update and standardize rules governing probate and adoption proceedings; require a party who files a motion pursuant to ORCP 55 to quash or modify a subpoena to confer with the other parties concerning the issues in dispute; simplify requirements around initial pleadings and disclosure statements in consumer debt collections cases; require certification of the advanced service date regarding proposed orders and judgments and create an exemption from the requirement where each other party has previously filed a waiver of appearance; and streamline requirements for filing a Uniform Support Declaration in actions for dissolution of marriage, separate maintenance and annulment, and child support.

The approved changes are available online at www.courts.oregon.gov/programs/utcr/Pages/currentrules.aspx. The preface to the 2025 UTCR includes detailed explanations of the changes.

The UTCR Committee's next meeting is Oct. 24, 2025. The committee welcomes

proposals for changes to the trial court rules. Submit proposals by Aug. 31, to utcr@ojd.state.or.us, or mail them to UTCR Reporter, Office of the State Court Administrator, Supreme Court Building, 1163 State Street, Salem, OR 97301-2563.

Brunch & Bedazzle With OGALLA

OGALLA, Oregon's LGBTQIA+ Bar Association, along with Oregon Women Lawyers (OWLS), are hosting Brunch & Bedazzle prior to the Portland Pride Parade on July 20. With the parade beginning at 11 a.m., join OGALLA and OWLS between 9-9:30 a.m. at Stoel Rives (760 SW Ninth Ave., Suite 3000) for brunch and t-shirt decorating. Friends and family of all ages are welcome to join. Bring a t-shirt to decorate – supplies are provided. Any questions can be directed to admincoordinator@oregonwomenlawyers.org.

Women Lawyers in Oregon: 140 Years

Trudy Allen, historian for the Oregon Women Lawyers Foundation, will present a history of Oregon women in the law at 7 p.m. on July 28 at McMenamins Kennedy School in Portland. Allen continues to unearth hidden gems in her decades-long history project and will present some surprising achievements touching on both the bar and the bench. See details at mcmenamins.com/history.

OTLA 2025 Annual Convention Aug. 14-16

The Oregon Trial Lawyers Association is hosting its annual convention from Aug. 14-16 at Sunriver Resort. The event features speakers, opportunities for networking and social gatherings. For a detailed schedule of events, visit oregontriallawyers.org.

Battle of the Lawyer Bands

The Multnomah Bar Association Events Committee is hosting Battle of the Lawyers Bands on Thursday, Aug. 21. This is a fundraiser for the Multnomah Bar Foundation (CourtCare, CourtSupport and CourtConnect). The event will take place at McMenamins Mission Theater (1624 NW Glisan St., Portland). All bands

must have one Oregon lawyer as a member. This is an all-ages show. For more information, visit mbabar.org.

Judicial College Offers Course for Aspiring Judges

The National Judicial College, which educates more than 12,000 judges from around the country through in-person and virtual courses, is offering its Judicial Academy again this year for attorneys who aim to one day join the judiciary. The event takes place Oct. 27-31 at the National Judicial College campus in Reno, Nevada. The course takes place during NJC's flagship general jurisdiction course for newer judges, allowing for networking opportunities. It focuses on how to be elected or appointed to the bench, judicial ethics for candidates, campaigning, as well as medial and social media strategies. For more information, visit judges.org/courses/judicial-academy-a-course-for-aspiring-judges/. ■

Our Editorial Policy

All articles published in the *Bulletin* must be germane to the law, lawyers, the practice of law, the courts and judicial system, legal education or the Oregon State Bar. All opinions, statements and conclusions expressed in submitted articles appearing in the *Bulletin* are those of the author(s) and not of the editor, other editorial staff, employees of the Oregon State Bar, or members of the Board of Governors.

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Any content attributed to the Oregon State Bar or the Board of Governors is labeled with an OSB logo at the top of the page or within advertising to indicate its source or attribution.

Discovery With...

April Stone

April Stone is of counsel with Markowitz Herbold in Portland. A graduate of the University of Oregon School of Law, she became an Oregon State Bar licensee in 2020.

To date, what professional accomplishment makes you proudest?

The professional accomplishment I am most proud of is probably the U.S. Supreme Court citing the amicus brief I wrote with my colleagues on behalf of several cities and organizations in its decision in *City of Grants Pass v. Johnson* in 2023. As a commercial litigator, I did not expect to ever have a case that presented the opportunity to file a brief in the United States Supreme Court, much less have the country's highest court cite some of the points I made in support of its decision, which was favorable to our clients. I may never get the chance to represent a client in the U.S. Supreme Court again, and I am proud of the work my colleagues and I did to educate the Court about the complexities of the issues before it and to persuade it to give the degree of consideration it gave our clients' position.



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

I volunteer. Presently, I volunteer regularly with two incredible organizations, Special Olympics (pictured, *photo credit Marco Catina*) and Minds Matter Portland. Volunteering exposes me to individuals from different walks of life, broadens my perspective, makes me a better communicator and gives me a chance to advocate for people other than my clients. I especially appreciate the connection to my community it provides. Volunteering also recharges me and gives me a sense of purpose untethered to my career, which I find important in maintaining my sense of identity outside my career.

What is your favorite place in Oregon?

Is the Cascade Range too vast a "place"? I was born in Portland, but my family moved to Anchorage, Alaska, when I was preschool age, and I grew up there. As a kid in Alaska, my family subsistence hunted, and we would spend a month at a time in the remote wilderness of the Alaska Range. I saw some of the most incredible things I have ever seen during those trips — once, I saw a wolverine in the wild!

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

Sports law. Having coached Special Olympics sports for 16 years (snowboarding and powerlifting), I have seen the power of sport and how it changes lives, particularly for people living with intellectual disabilities. With the support of my firm, I began a niche practice area representing Olympic athletes in disputes brought under Section 9 of the U.S. Olympic and Paralympic Committee's Bylaws, which allows Team USA athletes to challenge their exclusion from Olympic-qualifying competitions or the U.S. Olympic Team in an expedited arbitration. In those cases, I am generally arbitrating a case within 24-72 hours of learning about the dispute. It is challenging, high-stakes work, but some of the most rewarding work I do.

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

These days, if I have time to read, I'm usually reading a brief, but I am currently reading *The Women* by Kristin Hannah, one of my favorite authors. ■

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Professionalism and the Rules of Professional Conduct

Twin Pillars of Ethical Obligation

By Mark A. Turner



In my role as the adjudicator for the disciplinary board, I work with the Oregon Rules of Professional Conduct (RPCs) on a daily basis. But our profession stands on twin pillars of ethical obligation — the formalized rules of professional conduct and the broader, more nebulous concept of professionalism. These frameworks are intimately connected, but they represent fundamentally different approaches to guiding attorney behavior. The RPCs establish minimum standards enforceable through our disciplinary system. Professionalism encompasses the aspirational ideals and traditions that define excellence in practice.

The Rules of Professional Conduct Are the Ethical Floor

The RPCs address core concerns such as confidentiality, conflicts of interest, competence, diligence, communication, fees and maintaining the integrity of the profession. They represent the codified minimum standards of ethical behavior required of all

attorneys. Some aspects of these rules are the following.

1. **They are formalized and explicit.** They are set forth in the RPCs, originally adopted in 2005. Many of them are modeled on the ABA Model Rules of Professional Conduct. There is commentary and case law that gives us guidance as to how the rules apply in particular situations.
2. **Compliance is mandatory.** All attorneys must adhere to these rules as a condition of licensure.
3. **They are enforceable through disciplinary measures.** Violations can result in sanctions. In Oregon they are: 1) a public reprimand; 2) suspension ranging from 30 days to five years; and 3) disbarment. Misconduct can also result in a private admonition from the State Professional Responsibility Board in lieu of a formal disciplinary proceeding. Admonitions are not considered discipline in Oregon. Probation is also available when the parties are able to negotiate a stipulation for discipline.
4. **They are focused on preventing harm.** Many of the rules aim to protect clients, the legal system and the public from attorney misconduct.
5. **They can be procedurally oriented.** The RPCs often specify required processes (handling client funds and provisions that must be in writing in particular fee agreements are two examples).

The rules serve several critical functions.

- They seek to establish clear boundaries between permissible and impermissible conduct.
- They provide a basis for professional discipline.
- They offer guidance for attorneys

facing ethical dilemmas. They create a uniform standard across the profession.

- They help maintain public confidence in the legal system

Professionalism Is the Ethical Ceiling

Professionalism extends beyond mere compliance with the RPCs. It encompasses the following.

1. **Aspirational ideals.** It involves standards of excellence rather than minimum requirements.
2. **Uncodified expectations.** It often is based on unwritten norms, traditions and values.
3. **Self-imposed commitments.** It is internally motivated rather than externally enforced.
4. **Character-focused.** It emphasizes virtues, identity and professional formation.
5. **Relationship-oriented.** It is fundamentally centered on how attorneys interact with clients, colleagues, the legal system and the public.

Professionalism elevates the practice of law beyond technical compliance.

- It guides attorneys in situations where the rules may not provide sufficient direction.
- It fosters collegiality and mutual respect within the legal community.
- It helps preserve and enhance the reputation of the legal profession.
- Finally, it encourages continuous personal and professional improvement and development.

Key Differences Between RPCs, Professionalism

Enforcement Mechanisms

Gone Fishing!



After almost 50 years of practicing law, our partner J.W. Ring is retiring in July. We congratulate J.W. and we wish him luck in all his future adventures.



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The most obvious distinction between professionalism and the RPCs is their enforcement mechanisms. Violations of the rules can trigger formal disciplinary proceedings resulting in specific consequences. Lapses in professionalism are primarily addressed through informal social sanctions such as reputational damage, loss of referrals, strained relationships with judges and colleagues, or loss of professional opportunities.

Scope and Detail

The RPCs are generally specific and relatively narrow in scope. They are meant to establish bright-line prohibitions and requirements. Professionalism encompasses a broader range of behavior, including courtesy, judgment and discretion, that would be difficult or inappropriate to codify.

For example, the rules require that we provide competent representation. *See RPC 1.1.* Professionalism, however, encourages us to constantly seek to improve our skills and knowledge beyond mere competence. Similarly, while the rules prohibit making false statements in particular situations, professionalism encourages forthright and transparent dealings in all professional contexts.

Philosophical Foundations

The RPCs are deontological. They focus on duties and prohibited actions. They establish what we must or must not do, often without addressing the underlying values or virtues that would naturally lead to ethical conduct.

Professionalism aligns more closely with virtue ethics, which is Aristotelian in its approach. Virtue ethics is a moral philosophy that focuses on character and the development of virtues rather than on rules or consequences. It emphasizes cultivating traits like honesty, courage and compassion to achieve a good life. In this vein, professionalism emphasizes the development of character traits and professional identity that lead us to act ethically, not just because we are required to do so, but because doing so reflects internalized values and conceptions of ourselves as legal professionals.

Although clearly distinct, the RPCs and professionalism often overlap. In most instances, professionalism and the rules work in harmony. Professionalism provides the motivational foundation for complying with and exceeding the requirements of the rules. The rules, in turn, codify those aspects of professionalism that are considered so

fundamental that they must be universally enforced.

Together, they create a more comprehensive ethical framework than either could provide alone. As noted, the rules establish a floor below which we may not fall, while professionalism encourages us to continuously strive toward an ever-rising ceiling of excellence.

The distinction between professionalism and the RPCs can have significant practical implications. We must ensure new attorneys, as well as long-time practitioners, understand that while merely complying with the rules is necessary, it is insufficient for true professional success. A comprehensive legal education should address both rule compliance and development of professionalism, moving beyond mere familiarity with the rules to developing ethical sensitivity, judgment and professional identity.

At a minimum, effective law practice management requires systems to ensure compliance with the RPCs. But it should also foster a culture of professionalism. This might include mentoring programs, internal policies that exceed rule requirements and regular reflection on professional values. Understanding the difference between the RPCs and professionalism helps attorneys navigate professional responsibilities more effectively, recognizing when they are merely meeting baseline requirements and when they are truly exemplifying the highest ideals of the profession.

We live in an era when public trust in the legal profession faces significant challenges. Both professionalism and strict adherence to the RPCs are essential to maintaining the integrity and public service orientation that justifies our profession's privileged position in society. The most successful attorneys are those who internalize both frameworks. They comply scrupulously with the rules. Simultaneously, they aspire to the higher standards of professionalism that transform technical legal work into a true calling of service and excellence. In my experience, if you can accomplish this, the practice of law can be a truly satisfying vocation.

Public Service Announcement

Whenever I write one of these articles, I like to end with a call for volunteers to serve on the disciplinary board. Disciplinary proceedings are matters of grave concern to respondents, to the entire bar and to the public at large.

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Mark A. Turner has been the adjudicator for the disciplinary board of the Oregon State Bar since 2018.

Too Close for Comfort?

Word Choices

By Suzanne Rowe



The English language is wondrous for its vast vocabulary. A challenge arises for precise legal writers when that vast vocabulary results in pairs of words that seem so close that we often confuse them. The following pairs are troublesome because they are spelled almost identically or because their meanings are very close (or sometimes both). For each pair, I'll try to offer an example or a mnemonic device to help you remember which is which.

Abjure vs. Adjure

Abjure means to deny something under oath. *Adjure* means to urge someone to do something. Think of the “b” in *abjure* as backing away. Then think of the “d” in *adjure* as directing. The defendant *abjured* her former confession, while the judge *adjured* the attorneys not to drag out the trial.

Ability vs. Capability

When discussing people, *ability* refers to a specific skill, while *capability* refers to ability generally. For example, my nephew

has an uncanny *ability* to shoot free throws. He has the *capability* to be the star player for his team.

Capital vs. Capitol

The *capital* is the seat of government, while the *capitol* is the building where the legislature meets. Look at the “o” in *capitol* and imagine the rotunda of many statehouses as well as the U.S. Capitol in Washington, DC. If that mnemonic doesn't work, consider that you have to enter the capital city before you can enter the capitol building. Alphabetically, *capital* comes before *capitol*.

Complacent vs. Complaisant

These two are pronounced very similarly but mean very different things. Most of us mean to use the first of these, most of the time. *Complacent* suggests smug or self-satisfied; it's what an attorney might be after winning several lucrative trials. *Complaisant* means willing to please; it's how new lawyers should appear during their first weeks on the job.

Complement vs. Compliment

These two are worse — they are pronounced the same, despite their different meanings. To *complement* is to complete (note the common “e” in the second syllable of both *complement* and *complete*) or enhance (which begins with an “e”) by adding something. To *compliment* is to show admiration. Think of saying something kind (and note the common “i” in the middle of *compliment*, *admiration* and *kind*).

The adjective forms of these words can be more challenging, especially since *complimentary* means not just kind but free. In contrast, a *complementary* lamp would add to the look in the reception area of your office, giving it a completed look. The lamp may also be *complimentary* if the kind decorator gives it to you for free, in appre-

ciation for all the money you're spending refurbishing your office.

Continual vs. Continuous

These two can overlap somewhat in meaning. A *continual* event is intermittent; it occurs frequently and repeats at intervals. A *continuous* event is uninterrupted; it goes on and on. Your opponent's discovery requests only seem *continuous*; they are in fact *continual*. Some would also use *continual* to describe the uninterrupted event, creating the overlap. But only *continuous* can be used for not just time but also space. For example, you might be working on a real estate project that would result in a *continuous* line of mixed-use property for many blocks.

Confused yet? To avoid the overlap, try this mnemonic. In a *continual* event, each instance is separate (each discovery request is a separate document). The “l” at the end of *continual* looks a lot like the number “1.” The requests come one by one. By contrast, the “o” at the end of *continuous* is like the face of the old-fashioned watch that just kept on ticking.

Deduce vs. Induce

These two are opposites. To *deduce*, one moves from general clues to a specific, logical conclusion. Think of Sherlock Holmes explaining to dear Watson how he'd solved the mystery. To *induce*, one begins with specific observations and develops a general rule. Think of Galileo demonstrating that our little planet wasn't the center of the universe.

Desert vs. Dessert

These two words look so similar but are pronounced differently — sometimes. The first can be pronounced with either syllable accented. *Desert* with the first syllable accented is a dry place like the Sahara. *Dessert* with the second syllable accented is a verb that means to run off and leave behind a cause, an army, or a person who deserved

As many attorneys continue in a hybrid workplace, the OSB knows there are members who prefer to receive their *Bulletin* at a secondary address, such as your home. If so, you can update your *Bulletin* communication preference by sending a request by email with that secondary address to addresschanges@osbar.org



better. *Desert* can also be the reward for doing so, as in “the jerk got his just deserts.” In the last usage, *deserts* is derived from *deserve*.

Dessert is, to my mind, often the main reason to begin dinner. It may be the reward for enduring an interview dinner with an applicant or firm that you’ve already decided isn’t what you’d hoped for. Think of the lovely chocolate creation waiting at the end of the interminable meal.

To distinguish *desert* and *dessert*, look at the “s.” *Desert* has just one, so it’s as lacking in letters as it is in water. *Dessert* has an extra “s,” reminding me that I always want an extra bit of chocolate. A colleague once suggested remembering that the two “ss” in *dessert* stand for “something sweet.”

Elicit vs. Illicit

Elicit is an honest action. It’s a verb that simply means to draw out information, for example from a client who may be reluctant to tell you the full story. The opening *el* in *elicit* means you want the client to *tell*.

Illicit is a big problem. It’s an adjective that might explain why your client is reluctant to share the details of his little scheme. Think of the first syllable making you *ill* when you realize what your client was up to, especially if the scheme was *illegal*.

Forward vs. Foreword

Forward is a direction. It ends in “ward” as do “toward” and “backward,” which also suggest motion. *Foreword* is an introduction to a book, the “word” that comes before the rest. It’s written by someone other than the author (who would have written a *preface* instead).

Loath vs. Loathe

These words have different grammatical roles and different definitions, but they may be pronounced the same. *Loath* is an adjective that means reluctant or unwilling. “I was *loath* to skydive, although everyone said it was great fun.” It is typically said with a softer “th” so that it rhymes with “both,” but it may also be pronounced the same as *loathe*, with a harder “th” on the end. *Loathe* is a verb that means to feel intense dislike. “I *loathe* cold, rainy weather.”

Nauseated vs. Nauseous

These two are practically synonymous these days. Formerly, *nauseated* meant you felt sick, while the thing that made you feel that way was *nauseous*. The strict definitions caused problems when you said, “I feel *nau-*

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Maggie Hannon

- Synthesizes complex information
- Jesuit Volunteer Corp volunteer
- Pickleball aficionado
- Bowen Yang fan



Ursula Lalovic

- Diligent and compassionate
- Diverse litigation experience
- Avid crossword puzzler
- Sweater season devotee



Destiny Shelton

- Excellent legal intuition
- Loves a challenge
- Skier and traveler
- Tierra Whack fan



Shelby Stepper

- Thinks on her feet
- An outgoing introvert
- Runner, climber, skier
- Loves May in the PNW



Mandi Summers

- Critical thinker
- Crafts persuasive dispositive motions
- Former TV/film wardrobe/set stylist
- Reader of *New York* magazine



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seous.” Technically, you were admitting that you made someone else feel sick.¹

Pendant vs. Pendent

I include this pair only because of my fondness for civil procedure. A *pendant* is a piece of jewelry that hangs around the neck. The non-legal definition of *pendent* is “hanging over” (my dictionary suggests “pendent lichens”?) More interesting to us lawyers is the idea of *pendent jurisdiction*, which is how you get your related state claim heard in federal court. You certainly wouldn’t want to misspell that. Because the two claims must be closely related, you’d expect the same vowel (“e”) to appear in the two syllables of *pendent*.

Repetitive vs. Repetitious

Both of these words are adjectives, describing an event that repeats in an annoying or unnecessary way. At least one source says *repetitive* simply states a fact while *repetitious* better conveys the tedium that leads to boredom.²

Whatever vs. What Ever

Typically, we use *whatever*, which means anything. For example, “The law clerk will do whatever the judge asks.” In a question, two words are used, as *ever* provides emphasis to *what*. Compare these two: “*What ever* shall I write about next month?” “I’ll write about *whatever*.” ■



Suzanne Rowe is the James L. and Ilene R. Hershner Professor at the University of Oregon School of Law. She is grateful to the Luvaas Faculty Fellowship Endowment Fund for support of her work during the 2008-09 academic year, when this article first appeared in the Bulletin.

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1. When this article first appeared in the *Bulletin*, a dear curmudgeon wrote to tell me I had ruined her life. I apologize again. If it’s any comfort to her, the *Chicago Manual of Style* admits the interchangeability of the two words in common usage but still suggests the “wisest course” is to observe the distinction.
2. *Chicago Manual of Style* 364 (18th ed. 2024).



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Opening Doors

Disability in the Legal Profession

— By Jennie Bricker —



Gabrielle Richards

Gabrielle Richards lives near Sisters and grew up in Texas, so it's hardly surprising that she owns eight pairs of cowboy boots. In fact, she seems like someone who'd boot open a locked door without much hesitation.

In her professional life, like other litigators, she opts for the ritual combat of the courtroom. And as with other folks who have spinal injuries and use wheelchairs, her door-kicking is metaphorical. If a door lacks an accessible push-to-open button — like most interior doors in most courthouses — she has to ask for help.

Access to Justice

Misty Nichols finished law school at the University of Oregon last year. She wonders why *all* doors, especially heavy fire doors, aren't equipped with a button. Diagnosed at six months old with cerebral palsy, Nichols uses a walker. When she encounters a heavy door with no button, she can sometimes open it by butting it with her head, which is less than ideal and possibly injurious.

A door button would be preferable.



Misty Nichols

In 2004, the United States Supreme Court decided *Tennessee v. Lane*. The plaintiffs were two paraplegic wheelchair users who sued the State of Tennessee for not making its courthouses accessible. In a county courthouse with no elevator, plaintiff George Lane had a criminal hearing in a second-floor courtroom. After refusing to crawl up the stairs or be carried by officers, he was arrested and jailed for failure to appear. The Court based its decision in Lane's favor on the fundamental right of access to the courts, a right held by everyone, regardless of disability.

A few years after *Tennessee v. Lane*, Richards practiced commercial litigation in Portland. She'd have to enter the old Multnomah County Courthouse through the back door — the entrance for prisoners — often waiting on the sidewalk in the rain for someone to let her inside. When the new courthouse was being designed, Richards had a place on the access committee.

The new Multnomah County Courthouse opened in fall 2020. In 2022, the building won an award from the *Portland Business Journal* for its innovative architectural features, use of workforce diversity during construction and carbon neutral, LEED-certified sustainable design. The Oregon Judicial Department website assures visitors that the courthouse was “built to be compliant with state and federal law on accessibility.” Federal law includes the Americans with Disabilities Act of 1990 and the ADA Amendments Act of 2008, among others. ADA Title II mandates access to public services, programs and activities — like courthouses and hearings. Title I prohibits employment discrimination and requires employers to provide “reasonable accommodation” to make the work environment “readily accessible to and usable by individuals with disabilities.”



Judge Adrian Brown proudly stands in front of the bench in her courtroom.

Multnomah County Circuit Court Judge Adrian Lee Brown gave me a tour of the new, award-winning courthouse. Each floor has one accessible courtroom, with ramps instead of steps and adjustable-height tables — for the judge, but not for clerks or counsel. There are still no buttons on the courtroom or interior staff doors.

Brown found her way to the judiciary after a decade of civil rights work in the U.S. Attorney's Office, where she was struck by the significant role of judges in overseeing real, tangible reform. Judicial candidates in Oregon are interviewed by the Oregon Judicial Diversity Coalition, a group of specialty or affinity bar organizations. During her interviews, Brown noticed a gap: There was no affinity group for lawyers with disabilities. In 2019, Brown convened a meeting with other attorneys to establish the Oregon Attorneys with Disabilities Association, OADA (pronounced Oh-Ah-Duh). The group's informal motto — “We exist!” — recognizes that people with disabilities often feel unseen. Sometimes, according to Brown, that's because they actively work to mask their disabilities; other times it's because our society doesn't want to see them.

In March 2024, OADA began conducting a survey that focuses on the “reasonable accommodation” process (see sidebar). Brown is hopeful the survey results will help inform a strategic approach to increasing access not only to the courts, but across the legal profession.

Accommodation: Ask or Mask?

Washington County Circuit Court Judge Maalik Summer is one of OADA's co-founders. In 2016, while still a trial attorney, Summer experienced a serious illness that left him with sudden, significant



Judge Maalik Summer

hearing loss. “It happened right around the 10-year mark in my career,” the judge remembers, “just at the point when lawyers begin to feel most confident.” In the adversarial courtroom setting, Summer's first reaction was to try to minimize the disability.

Nichols constantly confronts the stereotype that people with cerebral palsy are stupid, or fragile, or both. She finds ways to mask her disability to convey that she's capable — an effort that often leaves her exhausted. In *Covering: The Hidden Assault on Our Civil Rights*, law professor Kenji Yoshino argues that all civil rights groups experience societal pressure to “cover,” which he characterizes as a form of assimilation. Yoshino cites examples like African Americans who dress and speak “white,” gays and lesbians who avoid “flaunting” their sexuality or bringing spouses to work events, and Muslims who “drop their veils and their Arabic.”

The law doesn't offer much assistance in eliminating this pressure to assimilate, but two groups are different. The U.S. Constitution protects religious freedom by requiring accommodations, and the ADA requires reasonable accommodation for employees with disabilities. Yoshino writes, “In theory, accommodation is the antidote to coerced covering.”

In practice, many disabled legal professionals find the antidote worse than the harm. The year one OADA survey results show that, of the law students and lawyers who requested an accommodation, only 10% or less found the process effective, timely, supportive or respectful. Not surprisingly, many lawyers with disabilities avoid it if they can. About 70% relied on coworkers for informal accommodations. Most find a way to “self-accommodate” by adjusting their law practice and their work schedules.

Lin Hendler, for example, handles Social Security disability cases nationwide. When she started practicing in 2010, she represented clients in their appeal hearings after their applications were denied. Hendler has a congenital heart defect and, not infrequently, knew more than the administrative law judge about heart conditions and their treatment. She also has attention-deficit/hyperactivity disorder, ADHD, a neurodivergent disorder that made her advocacy hearings frustrating. “I wasn't calm and collected,” she remembers. “I'm not ‘good on my feet.’” She also tended to identify with her clients' experiences, which could make hearings an emotional and frustrating experience.

Hendler's solution: She stopped doing hearings and now exclusively handles appellate briefing for SSDI denials. She does contract work



Lin Hendler

for multiple law firms around the country, which means she works from home. “For sure, I self-accommodate,” she says. “I couldn’t work a 9 to 5.”

Brown, who also experiences ADHD, found ways to self-accommodate long before her diagnosis. “I’m a copious notetaker,” she says, by way of example. “That helps me with focus.” She compensates for her disability by being “extra careful” and deliberate in her work — a habit that garners criticism from those who think she’s working too slowly or taking too long. “We are so far from seeing disability,” Brown believes. She hopes OADA will help bring the disability perspective into the broader culture. “Shame keeps people silent,” she says.

At the end of 2015, Richards left her large law firm job to join forces with solo practitioner Christie Martin. Martin & Richards handles guardianships, conservatorships, probate and estate planning. They keep their own schedules and often attend meetings or court hearings remotely. “Having to conform to a specific schedule just wasn’t going to work for me,” Richards says. “I did self-accommodate, and my professional life is so much better now.”

Syracuse University law professor Katherine Macfarlane writes that “accommodation discrimination” includes three disincentives for disabled employees to make an accommodation request.

1. **Invasion of privacy.** The process requires workers to disclose medical information, often excruciatingly personal.
2. **Transactional cost.** This includes things like paperwork, meetings, records and follow-through, which Macfarlane describes as “disability admin.”
3. **“Special treatment stigma.”** This is a subspecies of the general stigma associated with disability — that is, the implicit or overt bias that people with disabilities are “less than” their nondisabled peers.

In 2010, Carrie Griffin Basas, a Harvard Law graduate and former professor who now consults on disability rights, published the results of her survey of 38 women law school graduates with disabilities. She found that women in the legal profession tended to “adapt to the workplace, rather than expecting or waiting for it to conform to their needs.” Now, 15 years later, Basas doesn’t think much has changed. “People don’t disclose disabilities,” she says, “especially when the disabilities are mental-health related.” Basas has ADHD as well as an orthopedic disorder that requires her to walk with a cane. The basic problem, according to Basas, is that disability is equivalent to weakness in most people’s perception. In the legal profession, in particular, “we have this pressure to be flawless,” which makes it “tough to find employment.” With a degree from Harvard, she interviewed with Big Law firms, but it was soon clear they weren’t interested in hiring her.

New U of O graduate Nichols has had the same experience. She’s applied for 20 or so jobs but hears variations of “We don’t think you’re the right fit” every time, as though employment were a heavy door with no button.



Carrie Basas is a Harvard Law grad and former professor. She also has an orthopedic disorder and walks with a cane. She says the perception is a disability equates to a weakness, which is magnified in the legal profession.

Universal Design

A push-to-open button is one element of “universal design,” a term defined in 1998 by wheelchair user and architect Ronald Mace as “the design of products and environments to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design.” Like ramps, door buttons and adjustable tables, universal design elements alter the built environment to create more access, avoiding the need for a formal accommodation request.

Universal design applies to policies as well as physical spaces. For example, Nichols was involved in creating the Oregon State Bar’s newly minted alternative to the bar exam, the Supervised Practice Portfolio Examination, to become licensed. Instead of relying exclusively on the traditional exam, the Oregon Board of Bar Examiners assesses an applicant’s attorney-supervised portfolio of work. According to the bar, the SPPE program addresses “unnecessary, inequitable barriers to licensure” created by the bar examination.

Other policy changes require far less effort than retooling the attorney licensure process. For example, Summer points out that including captions during virtual hearings creates greater access for deaf and hard-of-hearing participants, “but it’s also an advantage for everybody.” Richards enjoys the post-COVID option to appear remotely — another universal design element that makes life easier for disabled as well as nondisabled participants. As president of the Guardianship, Probate, and Elder Law Section of the Clark County Bar Association, she makes sure that all the section’s CLEs are available by Zoom.

Small alterations can have big impacts, such as rephrasing the instruction when a judge enters the courtroom, from “all rise” to “please stand if able.” Richards remembers her first argument in federal court, when she failed to obey the “all rise” command. Her wheelchair wasn’t visible from the bench, so the judge admonished her. She pointed out her wheelchair and explained she was not able to stand. She went on from that uncomfortable moment to win the argument.

Redesigning Time

Richards finished law school in 2011, spent time as a legal aid volunteer to gain litigation experience, and then went to work for Perkins Coie. The firm knew her from three years as a summer associate, and it knew about her needs for accommodation — appropriate furniture, adaptive technology, a bigger office. The firm made sure group events and transportation were accessible, too.

“In terms of my work schedule,” Richards recalls, “they were flexible — to a point.” The firm drew the line at a reduced schedule or a lower billable-hour requirement. Richards says she understands that law firms need an objective way to measure performance. “That’s their metric,” she explains. “I don’t know how to change it.” She did know she couldn’t sustain that schedule indefinitely.

When it comes to work schedules, Brown says the “assumption is that people should fit into this particular box.” That may be hard for most people, but it can be especially challenging for those who spend time managing disabilities. Another of OADA’s co-founders, arbitrator Barbara Diamond, observes that “having a disability is like working a second, 20-hour per week job.”

Macfarlane describes the extra time commitment as “life admin” — the things we all do to run our households, perform self-care and manage our lives. “Though everyone has life admin,” Macfarlane writes, “people with disabilities have much more life admin than nondisabled people.” Nichols estimates that any personal care task takes her three to four times longer because of her disability. During law school, she got up at 4:30 a.m. to make it to class by 8:15. Accessibility gaps, such as only placing ADA-compliant bathrooms on every other floor, add more time. Basas points out the irony of the misperception that disabled legal professionals get special treatment or don’t work as hard, considering “we’re getting paid for one job, working two jobs and constantly worrying about being fired.”

Hendler says the stereotype of laziness comes up in her SSDI cases, where ALJs seem to assume that disability claims are fraudulent. Hendler gets frustrated by flaws in the system and the ignorance of both ALJs and attorneys who represent claimants. Her own disabilities help her understand her clients’ situations as she briefs their appeals through the federal courts. She usually wins.

As a Perkins Coie associate, Richards argued before the Oregon Court of Appeals. In advance of the argument, she spent an entire day of nonbillable time visiting the courtroom in Salem to check for accessibility. She wanted to make sure she had a lectern for her argument that didn’t require her to stand. Having to worry about access “adds an extra layer of complexity,” she says, not to mention anxiety. Richards also had to build in time for courthouse security delays, especially in jurisdictions where she didn’t appear frequently. More than once, she was instructed to remove her shoes and jacket. When Richards, who dresses with assistance, explained that she was not able to do that, the security guards said they would do it for her. When she declined to be undressed and re-dressed by strangers at a public entrance, they asked, “Are you refusing to be screened?” and wouldn’t let her inside. Richards was admitted to one county courthouse only after insisting on intervention by the presiding judge.

Summer sees it as the judge’s duty to create a “culture of professionalism” in the courtroom, to treat everyone with dignity and to

“model patience.” “Sometimes things take longer,” he says, but “it doesn’t hurt anybody to slow down.”

Checklist for Change

For Basas, the OADA survey is a valuable tool to assess the “baseline of experience,” a good starting point for “learning more and doing more” to increase disability representation in the legal profession. She frames disability as “an interaction between body, mind and the environment.” The environment can change, and people’s minds can change, too. Often, the first step is overcoming fear.

Basas makes the point that disability is “very much part of the human experience.” As we age, for example, disability becomes a possibility, even a likelihood. “But people reject that,” Basas says. “And that’s part of what makes disability scary.”

Nichols, too, believes fear is the root of our biases against disability, including unconscious bias, which she experiences on a daily basis. “I walk funny and make faces when I walk,” she says. When she enters a room with her walker, people get nervous that she might fall. “I do fall sometimes,” she acknowledges. She thinks that makes her stronger. In Nichols’ opinion, people with disabilities frequently are more capable and more prepared, because “adversity makes strength.”

Summer believes “inhabiting other marginalized identities” makes him a better judge. Besides being hard of hearing, Summer



Survey Seeks to Improve Access

One of only a handful of specialty bars in the United States for lawyers with disabilities, Oregon Attorneys with Disabilities Association (OADA) has grown to more than 75 attorneys and law students. The group now sits as a member on the Oregon Judicial Diversity Coalition, participates in OLIO (Opportunities for Law in Oregon), organizes CLEs and has an advisory role in the Oregon State Bar’s five-year strategic planning process.

The OADA survey is available to any law student or lawyer who identifies as having a disability, chronic illness or impairment of any kind. The survey is anonymous. OADA will use survey data to report on the actual experiences of lawyers and law students in finding, requesting and obtaining accommodations, with the goal of improving access throughout the legal profession. Take the survey here: <https://www.surveymonkey.com/r/7RCF333>.

is also Black and transgender — the first Black judge in Washington County and the first openly transgender man anywhere in the judiciary. As “a very intersectional person,” the judge thought he had the “identity thing” down, but realized “I didn’t know what it was like to live in a world not built for me.” He found himself confronting his own internalized biases about disability.

In their book, *Say the Right Thing*, Yoshino and coauthor David Glasgow compare minds to rubber bands: “You can stretch your mind to think less stereotypically if you exercise special care. When you relax, though, your biases snap back into place.” Yoshino and Glasgow suggest that we “focus more on changing systems than on changing minds.” But how? The following is a modest checklist to begin.

- Incorporate universal design elements in the built environment as a default practice. Adjustable height, sit–stand desks are good for everyone. When designing a building, invite people with a diversity of disabilities to the planning.
- Use universal design principles to adjust policies, too, like making remote hearings and captioning available. Think outside the billable hour box; consider using qualitative rather than quantitative metrics to measure performance.
- Make the accommodations process transparent, respectful and user-friendly. For example, provide a list of available accommodations, including past accommodations made for others in the workplace.
- Make a commitment to justice and inclusion. Stretch.
- Have a disability? Take the OADA survey. <https://www.surveymonkey.com/r/7RCF333> ■

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KEEPING *a* SECRET

Preserving Client Confidentiality in 'Interesting Times'

By Mark J. Fucile

“May you live in interesting times.”

~ Curse of unknown origin.¹

Confidential information is a lawyer’s stock in trade. It comes in many forms. Sometimes, it is a conversation with a client within the attorney-client privilege. Other times, it is sensitive information we acquire while working on a client’s matter that falls within the broader sweep of the regulatory rule on confidentiality. Regardless of how we obtain the information, we have a corresponding duty to preserve client confidentiality.

At the same time, the threats to client confidentiality as law firm files have largely moved to electronic form are unprecedented.² They range from criminals attempting to steal confidential information to third parties — both private and public — seeking materials contained in client files. The challenges of these “interesting times” have sharpened as lawyers themselves have become more mobile: sometimes working out of “brick and mortar” offices but often working outside that traditional backdrop.

In this column, we’ll survey three aspects of the duty of preserving client confidentiality. First, we’ll briefly summarize the scope and duration of the duty of confidentiality for context. Second, we’ll apply those principles to office settings — both traditional and newer hybrid arrangements that include home offices. Third, we’ll do the same when we are outside a fixed office location, such as a coffee shop, a hotel or crossing an international border. With both the “inside” and “outside” perspectives, we’ll look at both the risks and practical solutions.

Before we do, three qualifiers are in order.

First, we’ll intentionally do a light touch on particular technologies. The leading ABA opinion on email was issued in 1999.³ Although its legal precepts remain sound, they are colored by the opinion’s focus on the leading technologies of the day — dial-up email services and analog cell phones. Here, we’ll focus on the analytical framework lawyers should consider when evaluating risks that will continue to evolve as technology changes.

Second, we’ll focus on situations where confidentiality clearly applies. Although lawyers have broad leeway in advising clients, they are generally prohibited by (among others) RPC 1.2(c) from assisting a client with conduct the lawyer knows is criminal or fraudulent.⁴ Flowing from that divide, privilege generally does not apply under the “crime-fraud” exception when a lawyer knows or reasonably should have known that the legal advice provided was being used to further illegal or fraudulent activity by the client.⁵ Instead, we’ll focus on the much more common scenario of lawyers assisting clients exercising recognized rights and activities.

Finally, we’ll focus on situations where lawyers didn’t intentionally or negligently reveal client confidential information. *In re Conry*, 368 Or. 349, 491 P.3d 42 (2021), for example, a lawyer knowingly revealed confidential information in rebutting a client’s negative online reviews. OSB Formal Opinion 2025-205 (2025), in turn, discusses a lawyer’s duty to protect client confidentiality when using artificial intelligence tools in law practice.⁶

Scope and Duration

As a general proposition, the duty of confidentiality is broad and its duration is long.

RPC 1.6(a) frames the sweep of the duty of confidentiality: “A lawyer shall not reveal information relating to the representation of a client[.]” RPC 1.0(f) defines the information protected to include both privileged communications and other sensitive information:

“Information relating to the representation of a client” denotes both information protected by the attorney-client privilege under applicable law, and other information gained in a current or former professional relationship that the client has requested be held inviolate or the disclosure of which would be embarrassing or would be likely to be detrimental to the client.⁷

The duty of confidentiality applies to both current and former clients.⁸ In fact, the duty even extends beyond the death of a client.⁹

Confidentiality is not simply an obligation to “remain silent.” Rather, under RPC 1.6(c), we also have an affirmative duty to take reasonable steps to protect client confidentiality:

A lawyer shall make reasonable efforts to prevent the inadvertent or unauthorized disclosure of, or unauthorized access to, information relating to the representation of a client.

Although RPCs 1.6 (current clients) and 1.9(c) (former clients) are regulatory rules, they reflect the underlying fiduciary duty of confidentiality.¹⁰ As such, that raises the specter of civil damage claims if client harm results from a lawyer’s breach.¹¹ Because the duty of confidentiality is also expressed by statute in Oregon — ORS 9.460(3) — it is not hard to imagine a legal malpractice claim stemming from negligent handling of confidential information.¹² Depending on the circumstances, data breach notification laws may also enter the mix.¹³

When it comes to technology, lawyers are charged with understanding the technology they use in law practice. The comments to ABA Model Rule 1.1 on competence were amended in 2012 to make this explicit.¹⁴ Similarly, Comments 18 and 19 to ABA Model Rule 1.6 on confidentiality tie competence and confidentiality together under the subtitle “Acting Competently to Preserve Confidentiality.” Although we do not have comments to our RPCs in Oregon, OSB ethics opinions — such as Formal Opinion 2011-188 (rev. 2015) on cloud file storage — largely get to the same place.

Inside Offices

The term “office” today has a much more diffuse meaning than before the COVID-19 pandemic. Although there were telecommuters before the pandemic, lawyers today typically work in a mix of environments, ranging from traditional offices to co-working spaces to home offices.¹⁵ While different, these office models share the attribute of being a fixed location. Therefore, it is where criminals often target law firms electronically and where people come looking for us to serve process such as subpoenas for client files. Each involves somewhat differing considerations, so we’ll take them separately.

Electronic ne’er-do-wells often target law firms to either steal confidential information or hold it hostage. With the former, criminals can be looking for non-public business information such as merger negotiations that have not yet been announced or sensitive information like Social Security numbers or other financial data that can be exploited elsewhere. With the latter — often called “ransomware,” criminals electronically lock law firms out of their files



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Crossing International Borders

— By Eva Novick —

Lawyers may travel internationally for vacation or for work. Either way, lawyers may bring electronic devices with them to do work abroad. To keep client confidences safe from prying eyes, attorneys should take precautions both while in the foreign country and when returning to the United States. Listed below are some tips on how to manage client files during overseas travel.

Prepare before your trip

- Research the data security laws and practices of the country(-ies) you are planning to visit. Does the country require you to download an app to visit?
- Use a burner phone and laptop. Alternatively, wipe the data from all devices that you will not need to access during your trip. Perform a full back-up and then delete files, uninstall apps and sign out of unnecessary accounts. Remember to clear any saved passwords. You can also set up a dedicated travel account for communications, to maintain a barrier from your normal account.
- Plan to save documents to a dedicated and secure cloud account hosted in the United States, rather than to the device or external storage (e.g., USB flash drive).
- Use strong unique passwords, rather than biometric access (such as a fingerprint or face recognition) to open devices.
- Check that the device's operating system and software/apps have been updated.

Precautions to take while traveling

Foreign countries may have different regulations than we are accustomed to when it comes to protecting our data from government entities and third parties. Some

through malicious encryption and then demand “ransom” to furnish a decryption key.

Law firms should assume that they are targets for bad actors and plan accordingly. While appropriate safeguards will vary by firm size and practice, OSB Formal Opinion 2011-188¹⁶ stresses the need to review a cloud vendor's physical and electronic security measures for data transmission and storage to ensure they are consistent with the duty of confidentiality and to train law firm lawyers and staff alike to — hopefully — avoid scams that “phish” for passwords or otherwise allow malicious software to enter the firm's electronic systems. The Professional Liability Fund's practice management program has a wealth of information on the PLF website in this regard and experienced practice management advisers available to offer valuable assistance. If a law firm finds itself a victim of a cybersecurity incident, it is generally not something that most firms are cable of responding to on their own. For firms with excess coverage through the PLF, a cyber rider is included that can help with both the technical and legal elements of securing electronic systems and addressing any data breach notifications.

Subpoenas or similar process seeking law firm client files can be equally wrenching. The third parties involved can vary. In some instances, they may be litigants in a civil proceeding seeking, for example, a lawyer's notes of conversations with a now-deceased client that may bear on some aspect of the litigation. In others, it may be a government agency seeking information about a client who is the subject of an agency investigation or proceeding.

Although the client is ultimately the holder of privilege and the beneficiary of confidentiality, an affected client may not be immediately available to direct the lawyer on whether to assert or waive privilege and confidentiality. In that instance, a lawyer should assert privilege pending further instructions from the client.¹⁷ If intervention by a court is required, providing documents to a court for *in camera* review generally does not waive privilege.¹⁸ The leading ABA ethics opinion on the topic puts the lawyer's duty this way if the client does not consent to releasing the information involved — or is not available to direct the lawyer:

[W]here a government agency serves on the lawyer a subpoena or court order directing the lawyer to turn over to the agency the lawyer's files relating to her representation of the client — the lawyer has a professional responsibility to seek to limit the subpoena, or court order, on any legitimate available grounds (such as the attorney-client privilege, work product immunity relevance or burden) so as to protect documents as to which the lawyer's obligations under Rule 1.6 apply. Only if the lawyer's efforts are unsuccessful, either in the trial court or in the appellate court (in those jurisdictions where an interlocutory appeal on this issue is permitted), and she is specifically ordered by the court to turn over to the governmental agency documents which, in the lawyer's opinion, are privileged, may the lawyer do so.¹⁹

Because these are difficult issues that are beyond most lawyers' everyday experience, the PLF typically provides counsel to lawyers served with process seeking client files (regardless of whether there is a claim against the lawyer).²⁰ This has the benefit of providing experienced, knowledgeable counsel to interface with the party issuing the subpoena, assessing what are often very nuanced issues of privilege and confidentiality, and handling any necessary court intervention.

Lawyers are well advised, therefore, to contact the PLF promptly if they are on the receiving end of a subpoena or similar process.

Outside Offices

Confidentiality risks can sharpen considerably when lawyers are outside their offices. Some of the risks are electronic, some are physical and others are a blend.

Lawyers operating outside their offices need to assess the security of their electronic connection for both communication and accessing files.²¹ Although the free public Wi-Fi offered by a coffee shop or hotel may be fine for a quick note back to a lawyer's assistant about scheduling a meeting, it would not (absent additional security measures) for a substantive discussion of a sensitive client matter. The technological solutions range from "virtual private networks" to devices that offer end-to-end encryption. Although lawyers are not expected to be technology experts, they are expected to understand the technology they use well enough to be able to competently weigh the sensitivity of the content against the means chosen for communication or transmission.²²

Physical security risks outside offices also loom large at a time when a phone, tablet or laptop can carry the electronic equivalent of what in the bygone era of paper was a law firm's "file room." In addition to simply keeping track of their electronic devices so they won't be lost or stolen, lawyers also need to understand how to remotely lock and/or scrub devices if they are lost or stolen.

Electronic and physical security can converge in many settings, but international border crossings can be one of the most problematic. Laws — and their enforcement — vary greatly in other countries and lawyers traveling to countries with limited legal protections should approach this element of their travel plans carefully. To dig deeper into the importance of this topic, please review the sidebar accompanying this article, which is authored by Eva Novick of Miller Nash.

Summing Up

In our "interesting times" when actors ranging from criminals to third-party litigants to government investigators may want to pry into our files, lawyers need to understand the risks and take reasonable steps to preserve client confidentiality. ■

Mark J. Fucile of Fucile & Reising advises lawyers, law firms and legal departments throughout the Northwest on professional responsibility and risk management. He is a former chair of the Washington State Bar Association Committee on Professional Ethics and has served on the Oregon State Bar Legal Ethics Committee. He is editor-in-chief of the WSBA Legal Ethics Deskbook and is a principal co-editor of the WSBA Law of Lawyering in Washington and the OSB Ethical Oregon Lawyer. He also teaches legal ethics as an adjunct for the University of Oregon School of Law at its Portland campus. He can be reached at (503) 860-2163 and Mark@frllp.com.

countries will not permit you to encrypt your data or to use a virtual private network (VPN). Communications can be intercepted or monitored, particularly when using public Wi-Fi in hotels, airports or other common places that tourists visit.

- Use a VPN if possible. Do not send text messages or emails over unsecured networks.
- Be extra vigilant about malware and phishing. If you use a single device to access both personal and work information, you are more at risk of unwittingly granting unauthorized access to client information because you are less familiar with which URLs are associated with known, safe foreign businesses.
- Turn off Wi-Fi and Bluetooth automatic connections when not in use.
- For multifactor authentication (MFA), use an authenticator that can function offline and be restored on another device, if necessary. Avoid relying solely on SMS-based MFA, which may be vulnerable during travel or if the SIM card is compromised.

Prepare for your return to the United States

Upon return to the United States, border agents can inspect electronic devices of U.S. citizens and visitors.

- Wipe whatever you can off the device before going through border control in the United States. For example, if you were using cloud storage, delete the connection/app.
- If a border agent requests access to the device, try to persuade the agent to limit any review of confidential client information. Present a business card to show that you are an attorney and documents may be subject to attorney-client privilege.

International travel can be a rewarding experience for work or fun. If you cannot leave your work at home, plan, prepare and take necessary precautions to keep client confidences confidential. A breach of confidentiality can result in a lot more undesirable work upon your return to the office. ■

Eva Novick is a certified information privacy professional and leads Miller Nash's privacy and data security team. Novick advises clients on complying with U.S. and international data protection laws, and remediating and responding to data security incidents.

ENDNOTES

1. See generally Thomas C. Rombach, *We Live in Interesting Times*, 93, No. 10 Mich. Bar J. 14 (Oct. 2014) (discussing origin of saying).
2. For general considerations when using electronic files, see OSB Formal

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Keeping a Secret

Op. 2016-191 (2016).

- ABA Formal Op. 99-413 (1999).
- See also RPC 8.4(a)(2)-(3) (proscribing, respectively, criminal acts and conduct involving fraud and deceit). Effective Jan. 1, 2025, Oregon amended RPC 1.16 making clear that lawyers have a duty to reasonably inquire about client objectives on intake. See Oregon Supreme Court Order 24-035, Nov. 15, 2024. The amendments generally mirror similar changes to the corresponding ABA Model Rule. See generally ABA Formal Op. 513 (2024) (discussing the ABA Model Rule amendments).
- See OEC 503(4)(a) (crime-fraud exception under Evidence Code); see generally Laird C. Kirkpatrick, *Oregon Evidence* § 503.12(1) (7th ed. 2020) (surveying the crime-fraud exception).
- See also ABA Formal Op. 512 (2024) (artificial intelligence tools in law practice).
- For a recent in-depth survey of the scope of the duty of confidentiality, see OSB Formal Op. 2024-204 (2024).
- See RPC 1.9(c) (duty of confidentiality to former clients).
- See generally OSB Formal Op. 2005-23 (rev. 2014) (duty of confidentiality to former clients); *Swidler & Berlin v. United States*, 524 U.S. 399, 118 S. Ct. 2081, 141 L. Ed.2d 379 (1998) (privilege survives death of client); see also Laird C. Kirkpatrick, *Oregon Evidence*, *supra*, § 503.11 (same).
- See generally *LRY, LLC v. Lake County*, 2021 WL 4993480 at *18-*19 (D. Or. Oct. 27, 2021) (unpublished) (discussing claim for the breach of the fiduciary duty of confidentiality).
- Id.*
- See UCJI 45.04 (standard of care in the legal malpractice context). See, e.g., *Guo Wengui v. Clark Hill, PLC*, 440 F. Supp.3d 30 (D. D.C. 2020) (claims for breach of fiduciary duty and malpractice against law firm stemming from data breach).
- See ORS 646A.600-646A.628. See generally ABA Formal Op. 483 (2018) (data breaches).
- ABA Model Rule 1.1, cmt. 8. See also ABA, *A Legislative History: The Development of the ABA Model Rules of Professional Conduct, 1982-2013* at 42-43 (2013) (discussing the amended comment underscoring the technological component to competence).
- See generally OSB Formal Op. 2022-200 (2022) (remote work); ABA Formal Ops. 495 (2020) (remote work), 498 (2021) (virtual practice).
- Available at https://www.osbar.org/_docs/ethics/2011-188.pdf.
- If the client is deceased, the personal representative of the client's estate generally controls privilege. See OEC 503(3); see generally Laird C. Kirkpatrick, *Oregon Evidence*, *supra*, at 346-47.
- See *Frease v. Glazer*, 330 Or. 364, 371-73, 4 P.3d 56 (2000); *United States v. Zolin*, 491 U.S. 554, 568, 109 S. Ct. 2619, 105 L. Ed.2d 469 (1989).
- ABA Formal Op. 94-385 at 2-3 (1994) (footnotes omitted). While the ABA opinion quoted is framed against the backdrop of a government investigation, the same precepts noted apply with equal force to process issued by private litigants. Although judicial review is generally in the court under which the subpoena or other process was issued, a separate action may be needed if, for example, no court action is pending or the clients affected are not parties to the proceeding involved. See, e.g., *DeMassa v. Nunez*, 770 F.2d 1505 (9th Cir. 1985) (attorney's clients brought action challenging search of lawyer's office involving the clients' files).
- See also Nik Chourey and Pam Stendahl, "Client Information Subpoenas: OSB & PLF Guidance for Responding, Protecting Client Confidentiality," *OSB Bulletin*, January 2025.
- See generally ABA Formal Op. 477R (2017) (focusing on the duty of confidentiality in the context of data transmission). Data transmission security is also critical in the office setting, but, on a practical level, firms usually recognize this and include it in their technology infrastructure.
- See ABA Model Rule 1.6, cmts. 18-19.

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PROFILES IN THE LAW

Usman Mughal Enhanced His Engineering Career by Becoming a Lawyer

Both Sides of the Coin

By Brooke Strickland



Usman Mughal

Born in Kuwait to parents from Pakistan and India, Usman Mughal belongs to a family of entrepreneurs and risk-takers who have inspired his fascinating career journey. His father owned a pharmacy in Kuwait — the first one operated by a foreign national, and his uncle was a highly respected medical professional. He remembers seeing both men working hard to achieve their dreams and this sparked something within Mughal. He knew that he too would one day be able to carry on his family's legacy of success.

A Mechanical Mind

From a young age, Mughal enjoyed tinkering around with anything mechanical. He coded software on his Commodore 64 and Apple Macintosh, fixed electrical hardware on VCRs, soldered electrical circuits, and disassembled and refurbished electrical and mechanical appliances.

As he grew up, he imagined life as an electrical engineer. After immigrating to the United States, he completed undergraduate

studies in computer engineering and then a master's in electrical engineering at North Carolina State University. From there, he moved to Oregon and began work with a group of highly talented circuit design engineers at Intel, where he designed clock generation circuits, temperature sensors and input-output transceivers.

"It was a dream job," Mughal says. "I felt like I was making a meaningful contribution to society."

During his nine years at Intel, his work resulted in 11 issued patents. The process of procuring those patents intrigued him, and since he was a co-inventor, he led the interaction and review of his patent applications with outside counsel.

"The aspect of capturing the invention in a claim sparked my interest in this highly unnatural way of technical writing that was akin to programming," he explains.

A light bulb went on and the wheels started turning.

"That's when I seriously thought of enhancing my career," he says.

He decided on patent law as his next professional endeavor. Mughal likened his career shift to a coin — on one side, he would be able to learn about new technologies and work with fellow engineers, and on the other side, he could dive into advising clients on how to make their cutting-edge technologies materially successful.

Making the Transition

Mughal enrolled in law school at Lewis & Clark in Portland while working full-time and raising a family. While he was there, a world of new ideas opened.

"I dreamt of running my own firm and my own brand one day. This new career path would allow me just that," he says. "Un-



In an effort to help the people of Pakistan, Mughal assisted in building a school in a village in the south of the Punjab province. The Portland Chapter School of the Citizen's Foundation opened in 2018. Mughal visited three days after the opening.



Mughal hiked the Dolomites Alps in northeast Italy after his 50th birthday last year.



Mughal is pictured with his wife, Zahra Baloch, on the day of Eid, the next day after the end of the holy month of Ramadan.



The founding members of the Oregon Muslim Bar Association include (from left): Judge Rima Ghandour (Multnomah County Circuit Court), Nishat Hasan (senior director of intellectual property at Lam Research), Susan Adams (associate general counsel of sales and marketing legal at Intel), Sarah El Ebiary (lawyer, political consultant and campaign manager), Mughal and Judge Mustafa Kasubhai (U.S. District Court for the District of Oregon).

like engineering startups where one must rely on venture capital, here I could slowly establish a firm using my own sweat.”

After passing the patent bar, he joined a California-based intellectual property firm with a satellite office in Beaverton. There, he cut his teeth in patent preparation, prosecution and litigation support, and for six years, he honed his skills. Mughal then ventured into a partnership to practice patent law, but in 2021, he decided it was time to act on his dream of starting his own practice.

At the Helm

Today, Mughal has built his firm largely on word-of-mouth referrals. He primarily focuses on domestic and foreign patent preparation and prosecution of patent applications, of which he’s drafted and prosecuted thousands. While things were growing steadily, the firm took a major leap forward in growth when Thomas Franklin and Kate Gaudry joined him to form Mughal Gaudry & Franklin PC. In the last two-and-a-half years, the firm has grown two-and-a-half times in headcount. In 2025, the firm aims to grow by another 25%.

Mughal is not only proud of the legal work that his firm does, but he celebrates

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the diversity that the team brings to the table. Having worked in places where being a minority proved difficult, he wanted to ensure that all nationalities and religions are represented at his firm.

“I realized that there is an invisible barrier to growth for people of color unless they ‘assimilate’ like everyone,” Mughal explains. “Our practitioners are male, female, disabled, white, brown, Asian and Middle Eastern, and cover all major religions of the world including Islam, Christianity and Hinduism. Our long view of becoming a firm where people love to work, make life-long friends and provide the highest quality of professional patent legal services to our clients keeps us moving forward.”

Building Community

This commitment to diversity and giving people a voice to practice their beliefs in a supportive environment led him to become one of the founding board members of the Oregon Muslim Bar Association (OMBA). He says that when he was in law school, he didn’t find many other Muslim students and after graduation, he struggled to find an association or group that allowed him to learn from more experienced Muslim attorneys. Other states had sizeable Muslim attorney communities, but nothing in Oregon existed.

After connecting online with Judge Mustafa Kasubhai of the U.S. District Court, District of Oregon, they began to brainstorm about starting their own bar association. Together, they launched the OMBA, which attracted practicing Muslim lawyers in Oregon and Washington. Today, it’s wildly successful, focusing on mentoring students and law school candidates, interviewing and endorsing judicial candidates in Oregon, and providing a platform to network with attorneys from all backgrounds and ethnicities. Mughal wears a variety of hats at the association but primarily focuses on serving in a treasurer role. He and his wife also host the annual iftar party at their house, which celebrates the breaking of the fast in the holy month of Ramadan. At this event alone, they see about 50% of new faces every year.

A Philanthropic Heart

As success came with practicing law, Mughal considered how he could give back in deeper ways to causes meaningful to him.

“I believe in the saying that if you reach the top don’t forget to send the elevator down,” he says. “To clarify, you don’t have

to reach the top to send the elevator down — do it at any station.”

While he was already associated with a variety of philanthropic efforts in Oregon and the United States at large, he wanted to do his part in helping Pakistan — a country that helped shape who he is today. A large population there remained illiterate and uneducated, and he wanted to open and operate a school for students in kindergarten through 10th grade. Mughal connected with The Citizen’s Foundation through a friend, and the organization immediately offered him turnkey projects available for funding. In early 2017, he signed up to build a school in a village in the south of the Punjab province. The following year, the school was built and called “The Portland Chapter School” of the Citizen’s Foundation and he was able to visit it on the third day after opening.

“The kids had a sparkle in their eyes,” he recalls. “We continue to support the school, its students for college scholarships and other TCF schools that need support. To date, we have raised over \$750,000 for the school from within the community in Portland. Portland can feel proud that they have left a living mark in a destitute part of the world enlightening children with education.”

Future Aspirations

Mughal’s journey, both personally and professionally, illustrates his resilience, dedication to community service, and devotion to the fields of law and engineering. When asked what he looks forward to, he says he anticipates traveling more with his family, meeting new people from different backgrounds and reading more books. He also said that he wants to leave a legacy with his firm that continues to grow and help clients, long after he’s left the world.

He concludes, “Life is short and beautiful and much more than work. So, make a difference in the lives of others and leave this place better than you find it.” ■

Brooke Strickland is a Pacific Northwest-based freelance writer who frequently writes for businesses and publications around the country. Reach her at stricklandbrooke@gmail.com or brookestrickland.org.



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The Stigmas, Symptoms and Successes of Attorneys With ADHD

Practicing With ADHD

By Melissa Jaffe



The newest understanding of ADHD diverges from historical thoughts of the condition as a behavioral disorder, instead recognizing it as a developmental impairment of the brain's self-management system, particularly its executive functions — areas like attention, focus, decision-making and emotional regulation.⁶ ADHD is not one distinct set of characteristics. There are four main types of ADHD and an individual may suffer from numerous combinations.⁷ The condition often presents differently in children versus adults⁸ and even presents different between genders.⁹

The four main types of ADHD are:

1. **Hyperactive and impulsive ADHD.** This type of ADHD predominantly presents with symptoms of hyperactivity and impulsivity and involves difficulty sitting still or having “quiet time.” One has excess energy and is typically extremely talkative, interrupting others and acting without thinking it through first. With this type, one may show less obvious trouble paying attention.¹⁰
2. **Inattentive ADHD.** This ADHD type mainly presents with symptoms of inattention and distractibility and involves difficulty focusing, which can result in frequent careless mistakes, challenges with completing tasks and staying organized.¹¹ Inattentive type ADHD previously was referred to as ADD. With this type, you have few or no physical hyperactivity symptoms, but mentally you may be challenged to focus on one task at a time or even one thought at a time. It can look a lot like burnout, a topic covered in my last column (May 2025 *Bulletin*).
3. **Combined ADHD.** This is the most prevalent type of ADHD and is characterized by symptoms of inatten-

tion and distractibility in addition to hyperactivity and impulsivity.¹²

4. **Unspecified ADHD.** This ADHD type presents when an individual has severe symptoms that interfere with daily life, but symptoms don't meet the criteria for the types listed above.¹³

If you suspect you have ADHD but haven't been officially diagnosed, quickly take a self-assessment (add.org) to get a sense of whether consulting a physician is an appropriate next step. There is no cure for ADHD; however, gaining a diagnosis is critical to taking intentional action and addressing specific circumstances.

The Stigmas of ADHD

Many still erroneously consider ADHD a control issue. “ADHD is not a disorder of not knowing what to do, but not doing what you know,” Dr. Russell Barkley, renowned ADHD expert explains.¹⁴ Those diagnosed with ADHD as children are often told to “practice self-control” or “remember their manners” by those unfamiliar with the condition, when in fact lower amounts of dopamine in the brain make it incredibly difficult, or nearly impossible, to control outbursts or actions. Too often, individuals will mistake low motivation for what is really decreased executive functioning, resulting in depression, anxiety or shame. Also, those with ADHD will often have a co-occurring condition like anxiety disorder, depression, oppositional defiant disorder or obsessive-compulsive disorder, which makes identification of ADHD more complicated.¹⁵

Women, in particular, are most often not diagnosed until much later in life. “ADHD symptoms in girls tend to be more subtle and less disruptive than ADHD symptoms in boys,” says pediatric behavioral health specialist Michael Manos, PhD. “As a result, ADHD in girls goes undetected for longer — if it's diagnosed at all.”¹⁶

In 2025, research indicates that lawyers are up to four times more likely to have ADHD than the general population.¹ Some reports suggest up to 20% of U.S. lawyers have ADHD.² Law student requests for either “extra time,” now referred to as “extended time,” and/or requests for testing in a separate room have peaked to up to 30% in a given class.³ Are more people diagnosed with this condition? Are more people affected? How do lawyers with ADHD adapt and manage in the legal profession? And perhaps most importantly, how can neurotypical lawyers help?

What Is ADHD?

ADHD is a genetic neurodevelopmental disorder characterized by deficits that lead to “impairments of personal, social, academic, or occupational functioning” affecting roughly 5% of adults in the world.⁵ That's right — it's genetic, so adults can discover they have the condition *after* their children are tested, thus initiating testing for the adult, in turn.

“ADHD is more difficult to detect when a (person) is smart because they’re usually successful at finishing tasks — and they do the task well — even if they wait until the last minute. But they have to work twice as hard as their peers to pull it off.”

Former attorney and lawyer career coach, Annie Little, writes about her experiences of being diagnosed with ADHD after seven years of legal practice:

I was a high school valedictorian, double-majored with honors at a top 10 university, and graduated cum laude from a top 20 law school where I had my student note published on *Law Review*. But as it turns out, I have a textbook case of combined ADHD. It was especially confusing to me that I often struggled to initiate simple tasks or projects, but could easily handle more complicated things and rack up laudable achievements and accolades. Because I didn’t know I had ADHD, I chalked it up to some unidentified moral failing. Which led to shame. Which led to anxiety over the fear of being “found out” as a bad lawyer or bad person, in general. And once the toxic swirl of anxiety and self-loathing reached critical mass, my brain would release adrenaline and cortisol to help me do what I needed to do.¹⁷

Everyone will experience low-executive functioning from time-to-time — for instance most lawyers have pulled an “all-nighter” and the ensuing challenges with multi-tasking, single task-focus, reduced impulse control and lower short-term memory recall due to the sleep deprivation. “For people with ADHD, these symptoms are chronic, pervasive, neurologically based and highly disruptive to their everyday lives,” writes Little. Further, she clarifies, “When neurotypical people joke about having ADHD, it’s extremely ableist, hurtful and dismissive of the very real struggles ADHD-ers endure every day.”¹⁸

Often lawyers can escape scrutiny of ADHD by creating systems for coping (or “masking”) and by utilizing the ADHD superpower — hyperfocus.

Little explains:

People with ADHD have an interest-based nervous system as opposed to the importance-based one of neurotypical people. This means that if I’m not genuinely interested in some-

Even lawyers sometimes need a lawyer.

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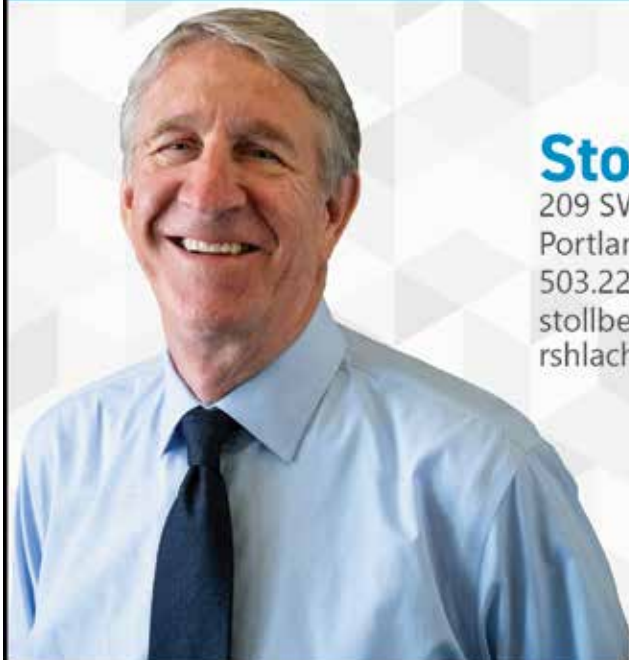
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thing, my brain doesn't produce the dopamine needed to get that task started or completed the way a neurotypical brain does. While it looks like I'm procrastinating or wasting time, I'm really struggling to initiate a task because of a dopamine deficiency. To make things even more confusing for everyone involved, no matter how much I want to start the task, I feel paralyzed and unable to just get it started!¹⁹

ADHD Symptoms

Procrastination

For lawyers, the inability to start a project often translates into "procrastination" and lower billable hours. However, the tasks are always completed by their deadlines because lawyers with ADHD experience a rush of dopamine closer to the deadline, and that hyperfocus yields higher efficiency.

Time-Blindness

Another symptom of ADHD is "time-blindness" — or inability to perceive the passing of time — which is a massive detriment for lawyers. This is often one place where lawyers with ADHD will rely on their assistants or support staff to help. Time-blindness in ADHD individuals seems to be a combination of the brain failing to unconsciously or passively interpret sensory input like pulse rate, light levels and temperature changes to reflect time passing along with insufficient dopamine levels to trigger a conscious or intentional tracking of time.²⁰ Little wants neurotypical attorneys to understand, "(This is) not an intentional disregard for time or disrespect of your schedule," instead it is a sensory issue that results in those with ADHD not being able to track time.

Lower Short-Term Memory, Sloppy Mistakes

"Someone can give me instructions and then ask me five minutes later to repeat them, and there's a 50/50 chance I won't be able to remember all the details," explains Little. Once again, the neurotransmitter dopamine is a culprit when lawyers with ADHD cannot recall what they heard, saw or read recently. It may not be that your colleague is ignoring you or disinterested, or even distracted. There is a good chance that a known or unknown ADHD diagnosis, and possible additional auditory processing disorder, prevents their brain from functioning like a lawyer who is neurotypical. The brain of a lawyer with ADHD is buzz-

ing with thoughts and ideas, and the lower dopamine can make it nearly impossible to focus on one thing at a time and for any length of time.

“People with inattentive ADHD make careless mistakes because they have difficulty sustaining focus, following detailed instructions, and organizing tasks and activities. They are easily distracted by external stimuli and often lose things. They may leave projects unfinished and appear not to listen when you speak,” writes William W. Dodson, M.D., LF-APA, a clinician who has spent his career working on the day-to-day practice of adult ADHD medicine and how to get optimal outcomes from the treatment of ADHD.²¹

Often, adults with undiagnosed ADHD, especially the inattentive type, which can come across as lazy, scatter-brained, spacey or disorganized, suffer from low self-esteem, wondering why they can’t just “get it together.”

Little writes:

You know how lawyers are incredibly hard on themselves? Multiply that by ten and you’ve got yourself a lawyer with ADHD. I didn’t even realize how filled with self-loathing I was until after I got my ADHD diagnosis. Now that I have an understanding of how my brain works and why I function differently from 95% of the population, for the first time in my life I’m able to show myself some compassion. I’m hopeful that when neurotypical lawyers better understand their ADHD colleagues they’ll be able to show them some compassion, as well.

ADHD ‘Superpowers’

The other side of the ADHD coin, as described above, is that ADHD lawyers tend to perform well amidst chaos and pressure and can get an incredible amount done in a short period of time, especially when interested. That remarkable ability to hyperfocus comes in handy on a legal team. When in a state of hyperfocus, they are able to learn and complete complex tasks in a condensed period of time and are virtually impervious to distractions.

“This is why lawyers with ADHD are able to successfully cram for exams or get projects done on a tight timeline,” explains Little.²² “We can also go down rabbit holes for hours on end and lose track of time completely,” she adds. Lawyers with

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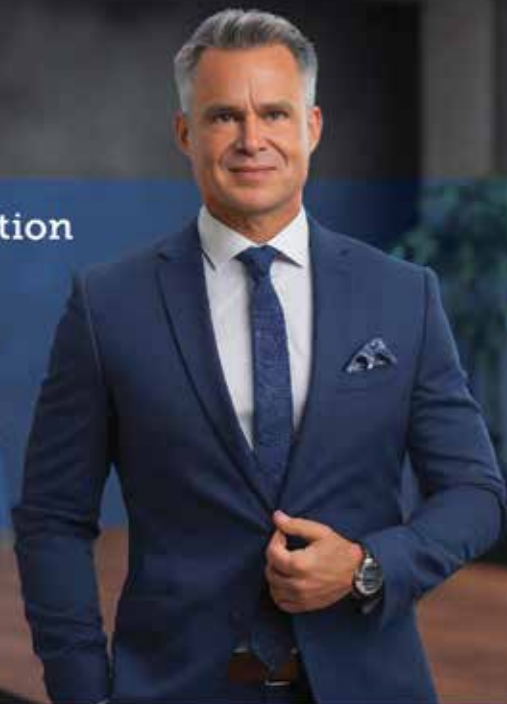


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ADHD tend to be more empathetic and optimistic than their peers, and are typically more willing to take risks — all making them well-suited for the legal profession.²³ There is also something referred to as “injustice sensitivity,” which means those with ADHD actually have a heightened sense of justice or fairness.²⁴

How to Help

The chances that you have a team member or colleague with ADHD is incredibly high. If you find yourself irked by the disorganization or time blindness of a colleague, step back and consider that they expend a lot more energy to achieve what you may consider mundane tasks, such as taking notes or sitting through meetings.

If you suspect you may have ADHD, consider seeking assistance from an ADHD coach. Know you are far from alone and seek others who can share experiences, tips and tricks. And if you are neurotypical, know that ADHD is a brain dysregulation, which may require your compassion and grace, and possibly reminding that colleague several times of a looming deadline. In the end, your entire project will benefit. ■

Oregon
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Bar

You **can** make a difference.

The Board of Governors is looking for members interested in volunteering with the Oregon State Bar.

Volunteering with one of the 35 different OSB boards, committees, or task-oriented positions is a great way to network, develop leadership skills, strengthen the profession, and give back to the community.

More than 200 members will be appointed this November for terms beginning January 1, 2026. Members interested in being considered are encouraged to apply by **Monday, September 22.**

For more information go to www.osbar.org/volunteer/volunteeropportunities.html or contact Danielle Edwards at (503) 431-6426 or (800) 452-8260, ext. 426.



Melissa Jaffe is the owner of the Law Offices of Melissa B. Jaffe, P.C., operating in Oregon, California, Washington and Hawaii, as well as the founder of Blissness School (blissnessschool.com).

ENDNOTES

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Saturday, August 23, 2025, 8:30 a.m. – 12:30 p.m.

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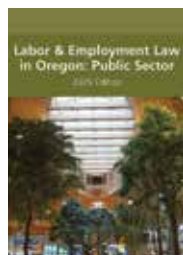
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Labor and Employment Law in Oregon: Public Sector, 2025 Edition

Last published in 2011, the 2025 edition has extensive updates on collective bargaining, processing representation petitions, arbitration, breach-of-contract issues, PERS, section 1983 litigation, and ULP complaints. A must-have resource for attorneys navigating the complex issues involved in public-sector labor relations.

Contact the OSB CLE Service Center for More Information: (503) 431-6413,
(800) 452-8260, ext. 413, or cle@osbar.org

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BAR NEWS

Volunteer With the OSB

The Board of Governors is now accepting applications for volunteer openings on several boards, committees and councils. A description of each opportunity accompanies the application.

- Lawyers: www.osbar.org/volunteer/volunteeropportunities.html
- Non-lawyers: www.osbar.org/volunteer/publicmember.html

Non-lawyer volunteers are asked to submit their interest form by July 15 and OSB members should apply by Sept. 22. Legal professional candidates must have an active bar license 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.

Upcoming Free PLF CLE – Law Firm Accounting

The PLF will host a free live webinar, “Law Firm Accounting Demystified: A Practical Guide for Legal Professionals,” over Zoom on July 23, from 12-1 p.m. Join Sarah Prevost, accounting expert and founder of Mintage Labs, and Rebecca Cambreleng, attorney and cofounder at the employment law firm of Cambreleng & Marton, as they share real-world insights to empower you with the tools to run a more financially sound practice. Register at <https://osbplf.org/services/resources/#cles>.

Celebrating Oregon Lawyers Set for Oct. 22

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. 22. 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 www.osbar.org/osbevents.

Now Available on the PLF Website

The PLF’s free CLE, “On the Move: Navigating Employment Transitions in the

Legal Profession,” video recording has been released and can be found on the CLEs & Resources page at <https://osbplf.org/services/resources/#cles>. From understanding your ethical obligations as they apply to employment transitions, to practical guidance for ensuring the process goes smoothly for all involved, this webinar explores strategies and stories to help you thrive in the face of uncertainty. Whatever your individual experience, this session offers valuable insights for every legal professional throughout the transition process.

Free PLF Webinar – Legal Professionals with ADHD

Do you or someone you work with have ADHD? Join OAAP Attorney Counselor Bryan Welch and PLF Practice Management Attorney Monica Logan for a free, live webinar, “May I Have Your Attention Please: Supporting Legal Professionals with ADHD,” on August 13, from 10-11 a.m., to better understand ADHD in the legal field. Details and registration information will be sent by broadcast email. ■

Legal Ethics Assistance

The bar’s General Counsel’s Office is available to discuss prospective legal ethics questions related to a licensee’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.)

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

THINGS THAT CHANGED MY LIFE.

Volunteering on Mondays.

Learning piano.

Losing Dad.

Giving in his memory.



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2025 Brings New Benefits for OSB Licensees

Oregon State Bar licensees will see two changes this year to the benefits they receive as part of their annual licensing fee. First, beginning July 17, OSB lawyers and licensed paralegals (LPs) will have free access to a legal billing and trust accounting tool offered by Chicago-based Smokeball. And then in September, the bar will transition to a new legal research tool — Decisis — that has made inroads in the market in recent years.

Both changes advance the bar's mission to provide Oregon's legal professionals with the tools they need to provide high-quality legal services to clients and communities. Here are the details on both changes.



Smokeball Legal Billing and Trust Accounting Software

Beginning July 17, Oregon State Bar licensees will have free access to Smokeball Bill, a cloud-based legal billing and trust accounting and billing software program.

The program can simplify the trust accounting process and help lawyers and LPs employ “best practices” in their trust accounting systems. Features include trust accounting and reporting, billing, time and expense tracking, invoice templates, accounts receivable and online payment options.

The Professional Liability Fund's law practice management team has long encouraged Oregon licensees to use quality software tools to manage risk and enhance their firms' efficiency and productivity.

For more information or to access your free subscription, go to www.smokeball.com/oregonbill. If you are interested in one of the other Smokeball subscription tiers, which include additional features beyond Bill, go to the PLF website at osbplf.org/services/discounts.

html. Smokeball's practice management software is one of many discounts available through the PLF.

Transition from Fastcase to Decisis for Legal Research

In late September 2025, the bar will move its online legal research tool — offered as a free benefit to Oregon licensees — from the Fastcase platform to the Decisis platform.

Fastcase has served as the online legal research licensee benefit since 2009. In 2023, Fastcase merged with the global company, vLex. This merger, along with declining Fastcase usage and user feedback, prompted the bar to research alternative products.

OSB staff conducted extensive research and comparisons throughout 2024 and early 2025. This included a small 2024 focus group of frequent OSB Fastcase users, who were given brief access to Decisis for testing purposes. The focus group unanimously supported a move to Decisis. Staff also contacted several of the 20 state, local and specialty bars that have migrated to Decisis since it entered the market in 2021, and their feedback also was overwhelmingly positive.

The contract with Fastcase formally ends on Sept. 24. We hope to offer access to Decisis in mid-September with a possible brief overlap to ease the transition for Fastcase users.

One element of the transition will extend into 2026. Currently, cases cited in publications on the BarBooks™ online library are linked to the Fastcase database. Decisis and the bar are collaborating to add this linking tool to the new platform, which is anticipated to be added in early 2026. This new linking tool will not only link cases cited in BarBooks, but will also link cited statutes. While the tool is being developed, users will still have full access to all BarBooks as part of their licensing fee.

We will share more information as September approaches. If you have questions or feedback, please email feedback@osbar.org. ■

**NEW
BEGINNINGS**

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.

JOEL GREENBERG

OSB #943233

Portland

Public Reprimand

By order dated May 20, 2025, the disciplinary board approved a stipulation for discipline resulting in the public reprimand of Portland lawyer Joel Greenberg for violation of RPC 5.5(a) (unauthorized practice of law) and ORS 9.160 (practicing law in Oregon when not a member of the Oregon State Bar).

On March 15, 2024, Greenberg's license to practice law was administratively suspended for failing to timely file his 2024 Professional Liability Fund (PLF) exemption. Greenberg did not see the emailed notices of his suspension and continued practicing law until Sept. 13, 2024, when his supervisor learned of the suspension and informed him. He immediately submitted the proper reinstatement forms and disclosed therein that he had practiced law as counsel for his public-interest employer during his suspension.

Greenberg admitted to violating RPC 5.5(a) by practicing law in violation of the regulation of the profession and ORS 9.160, which prohibits attorneys from practicing law in Oregon without being a member of the Oregon State Bar.

The stipulation recited that Greenberg's substantial experience in the practice of law was an aggravating factor. In mitigation, Greenberg has no disciplinary record, did not act with a dishonest motive, made a timely good faith effort to rectify the consequences of his misconduct, cooperated fully with the investigation and expressed remorse.

JAMES LEE VON BOECKMANN

OSB #031516

Astoria

Disbarred

Effective June 3, 2025, a disciplinary board trial panel issued an opinion disbarring former Astoria attorney James Lee von Boeckmann for his violations of RPC 1.16(c) (failure to comply with applicable law requiring notice to or permission of a tribunal when terminating a representation), RPC 8.4(a)(4) (engaging in conduct prejudicial to the administration of justice), RPC 8.1(a)(2) (failure to respond to a lawful demand for information from a disciplinary authority) and RPC 8.1(c)(1) (failing to cooperate with the State Lawyers Assistance Committee).

Von Boeckmann practiced in Clatsop County as a member of a public defense consortium that provided indigent criminal defense. In the summer of 2023, von Boeckmann abruptly stopped practicing law, which required the court to devote considerable time and resources to reschedule matters and assign new counsel to his former clients. At the time, he was attorney of record in 98 matters and had 32 clients in custody. Von Boeckmann did not notify the court of his withdrawal from representing these clients or seek the court's permission to do so. During the bar's investigation, von Boeckmann did not provide substantive responses to Disciplinary Counsel's Office (DCO).

Following his sudden departure from practice, von Boeckmann was referred to the State Lawyers Assistance Committee (SLAC), but he did not provide substantive responses to questions from SLAC or to DCO's inquiries regarding his failure to cooperate with the SLAC investigation.

In a separate matter, von Boeckmann did not provide substantive responses to DCO regarding a complaint from a past client.

The trial panel found that von Boeckmann's conduct was aggravated by multiple offenses, his refusal to acknowledge the wrongful nature of his conduct, vulnerable victims and his substantial experience practicing law. The trial panel found that the absence of prior discipline was a mitigating factor.

CHEL ROWAN

OSB #194604

Portland

36-month suspension

Effective May 15, 2025, the Oregon Supreme Court approved a stipulation for discipline and suspended Portland lawyer Chel Rowan, who formerly practiced law under the name Chelsea Strautman, for 36 months for violating RPC 8.4(a)(2) (committing a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects) and ORS 9.527(2) (conviction of an offense which is a felony under the laws of the state).

In June 2020, a court suspended Rowan's parenting time indefinitely and granted her former partner emergency temporary custody of their son. In December 2020, while the custody matter was pending, Rowan traveled to her former partner's home and used an ax to break into the residence, causing extensive damage throughout. Rowan also damaged valuable bonsai trees on the property. Rowan suffered a significant head wound during the incident. After she returned to her residence, her neighbors called an ambulance, and Rowan was transported to the hospital. Rowan told others that her former partner had hurt her. However, police contacted her former partner, who provided documents that showed he and their son were out of state at the time.

Subsequently, a grand jury returned a multi-count indictment charging Rowan with one count of burglary in the first degree (ORS 164.225), among other charges. In 2023, Rowan pleaded guilty to the lesser-included offense of burglary in the second degree (ORS 164.215), a Class C felony, and a lesser-included offense of criminal mischief in the second degree (ORS 164.354), a Class A misdemeanor, and the remainder of the charges were dismissed. As part of her sentence, the court ordered Rowan to pay nearly \$283,000 in restitution.

The stipulation acknowledged that Rowan's conduct was aggravated by a dishonest or selfish motive, engaging in illegal conduct and a vulnerable victim. Rowan's

conduct was mitigated by the absence of a prior disciplinary record, a cooperative attitude toward the proceedings, her character or reputation, remorse, and the imposition of other penalties or sanctions.

ROGER A. PEARCE

OSB #140521

Seattle

60-day suspension

By order dated May 8, 2025, the disciplinary board approved a stipulation for discipline and suspended Seattle lawyer Roger A. Pearce for 60 days for his violations of RPC 8.1(a)(1) (knowingly making a false statement of material fact in connection with an admissions matter), RPC 8.4(a)(2) (criminal conduct that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other aspects) and RPC 8.4(a)(3) (conduct involving dishonesty and fraud that reflects adversely on lawyer's professional obligations).

Pearce was born Willie Ragan Casper Jr. in 1946 in Mississippi. In the early 1970s, Pearce became deeply involved in the anti-Vietnam War movement. After one of Pearce's friends was arrested for protest activity against financial institutions that supported the war, Pearce took the name, date of birth and social security number of Roger Alfred Pearce Jr., a baby born in 1951, who died in 1952. Thereafter, Pearce lived his life under this new identity. Pearce subsequently graduated from law school and had a long career as a land use attorney in Seattle, Washington, and later in Ashland.

In 2023, Pearce was indicted by the United States Attorney's Office in Portland after his passport was flagged by the Department of Homeland Security for potential fraud. In August 2024, Pearce pled guilty to possession of an identification document without lawful authority in violation of Title 18, USCS 1028(a)(6). As part of Pearce's sentence, he is required to surrender his Oregon law license and never apply for admission to any bar association.

The stipulation acknowledged that Pearce's conduct was aggravated by his substantial experience in the practice of law. Pearce's conduct was mitigated by an absence of a prior record of discipline, character and reputation, and the requirement that Pearce surrender his law license.

MATTHEW P. GOLDMAN

OSB #183468

Tigard

2-year suspension

By order dated May 29, 2025, the Oregon Supreme Court approved a stipulation for discipline and suspended Matthew P. Goodman of Tigard for two years for violation of RPC 8.4(a)(2) (criminal conduct that reflects adversely on the lawyer's fitness as a lawyer) and ORS 9.527(2) (conviction of a felony offense).

On April 4, 2024, Goldman began conversing with a person in an online dating platform that he believed was a 15-year-old girl but was actually an undercover police officer. Goldman's conversation with the undercover officer was sexually explicit and he then went to the purported 15-year-old girl's house with the intent of engaging in sexual contact. Goldman was arrested by law enforcement when he arrived at the home and was subsequently convicted of online sexual corruption of a child in the first degree, a Class B felony.

The stipulation acknowledged that Goldman's conduct was aggravated by a selfish motive and a vulnerable victim. Goldman's conduct was mitigated by a lack of prior discipline, personal or emotional problems, full and free disclosure to disciplinary board and cooperative attitude towards proceedings, the imposition of other penalties or sanctions, and remorse. ■

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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.

Among Ourselves

Peter Bragdon was named chair of the board of the Oregon Community Foundation. OCF is a statewide philanthropic organization that partners with donors and volunteers to impact every corner of Oregon. Bragdon is the executive vice president, chief administrative officer and general counsel for Columbia Sportswear Company.



Sophia von Bergen of Miller Nash has been elected to serve as president-elect (2025-2026) and president (2026-2027) of the Young Lawyers Section (YLS) within the Multnomah Bar Association (MBA). As president of the YLS, von Bergen will oversee the section's committee operations, serve on the MBA Board of Directors and will continue to support the section's efforts to find opportunities for professional growth and community involvement.

Tommy Tobin, counsel with Perkins Coie in Seattle, has been named King County Bar Association (KCBA) Outstanding New Lawyer of the Year for 2025. The award recognizes a lawyer within the first 10 years of practice for substantial contributions to the legal profession, to KCBA or to the community, as well as demonstrated excellence in legal practice.

Sarah Lowe has won the American Bar Association Legal Assistance for Military Personnel Distinguished Service Award for the Air Force. She currently serves as judge advocate in the Air Force at Eielson Air Force Base, Alaska. She works in the base legal office and one of her jobs is to provide legal assistance to military members, their dependents and retirees. Among her many accomplishment in 2024, Lowe saw 158 clients, produced 153 wills, powers of attorney and documents, plus 11 demand letters to get quick resolutions for her clients,

ultimately putting \$519,000 back into the pockets of military families. ■

Moves

Lucy Ohlsen joined the Portland City Attorney's Office in April 2025 in the litigation section after several years in private practice. Ohlsen has represented clients in employment, professional liability, product liability and a variety of other civil matters.



Abigail Yeo has joined Miller Nash's litigation team in the Portland office. Yeo's practice encompasses matters involving product liability, compliance with state and federal regulations, contract disputes and government investigations. She has experience in conducting internal investigations, preparing risk exposure analyses and establishing protocols to adhere to industry best practices.



Two attorneys have joined Reynolds Defense Firm. **Nicholas Heydenrych** is an experienced Oregon litigator with more than 15 years of practice in criminal defense. Throughout his career, he has represented clients across a broad spectrum of cases — from misdemeanor DUIs to complex felony cases, always with an eye toward conflict reduction. **Ricky Flores** began his legal career as a judicial intern, then moved on to personal injury and medical malpractice law before gaining extensive criminal trial experience as a prosecutor for the State of Illinois. His diverse experience has given him a strong foundation in advocacy and litigation skills.

Samuel M. Lohman recently transitioned to inactive status with both the Oregon and Geneva bars. After decades of legal work

beginning in Clackamas County, followed by practice in the Netherlands, and for the past 30 years in Geneva, Switzerland, and now Dubai, United Arab Emirates, he has shifted his focus toward building peace through art. In 2023, Lohman, along with like-minded colleagues, founded The Art Association (TAA), a nonprofit based in Geneva with a mission to encourage peaceful engagement through art in all its forms. What began as a shared vision has evolved into an international community of artists, curators, legal professionals and peacebuilders committed to using creative expression to foster dialogue and connection across cultures.

Soon-to-be-retired **Judge Beth A. Allen** is transitioning her career to mediations, arbitrations and reference judge work beginning mid-July for family law, probate, commercial, contract and personal injury, as well as discrimination claims. She can be reached at seniorjudgebethallen@gmail.com or at bethallenADR.com for information and scheduling.



Lisa Howley is returning to Holland & Knight as a partner in Portland. Howley has extensive complex litigation experience and is well-versed in business disputes, shareholder litigation and derivative suits, intellectual property and trade secrets disputes, and professional negligence and fiduciary duty litigation. She is experienced with political law, including elections administration, campaign finance, lobbying, and ethics regulations, having served as the primary in-house counsel to the City of Portland's elections and lobbying programs. She also is experienced with employment and labor matters, including disputes regarding executive compensation and the enforcement of restrictive covenants, and advising on compliance with federal and local regulations.

Thomas, Coon, Newton and Frost has added two new attorneys. **Haley Sinclair** has joined the firm's workers' compensa-

Reaffirming the Oath

Oregon Attorneys Stand for Rule of Law With Oath Retake

At this spring's swearing-in ceremony, legal professionals from across the state retook their oath of office alongside the bar's newest admittees.

The annual swearing-in ceremony welcomes new lawyers to the profession. This year, on May 22 at Willamette University, previously licensed attorneys were invited to join in celebration of the bar's 90th anniversary and to reaffirm their commitment to the rule of law. Licensees attended on Zoom and traveled to Salem, including attorneys from out of state. One attorney, Henry Perlstein, traveled all the way from Florida to retake his oath. Bar associations in Multnomah,

Umatilla/Morrow and Crook/Jefferson counties held local oath-taking events as well.

In his remarks, Oregon Supreme Court Justice Christopher L. Garrett reminded participants of their greatest responsibility as legal professionals. "Your most important client will be the rule of law," Garrett told the crowd.

The included pictures from the event highlight the legal community's commitment to upholding the rule of law, an independent judiciary and legal profession, and access to justice for all Oregonians. ■



Oregon Supreme Court Chief Justice Meagan Flynn welcomes members of the court, guests retaking their oath and new Oregon State Bar licensees to the event in Salem.



OSB President Myah Kehoe stands with Henry Perlstein, who traveled from Florida to retake his Oregon oath.



Carlotta Alverson, Oregon New Lawyers Division chair, provides remarks during the oath retake ceremony on May 22.

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.



Planning a Vacation?

Check out *Bulletin* classified ads for vacation rentals, office space, positions available and more.

Oregon
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tion team. Sinclair attended Lewis & Clark School of Law and during that time, she clerked for TCNF. She exclusively represents injured workers. **Rose Woodbury** joins TC-



NF's personal injury practice where she represents bicyclists, pedestrians and drivers injured in motor vehicle collisions, as well as workers injured by third parties. Before TCNF, she represented indigent defendants at trial as a public defender in Georgia.



Holland & Knight has named two new partners in their Portland and Seattle offices. **Kathryn "Kate" Robinson** is now a partner in the real estate practice group. Her practice focuses on commercial real estate, multifamily real estate, debt financing and corporate law matters. She represents clients in all phases of real estate transactions,



has experience with a broad range of commercial finance transactions and also works with business clients on a variety of corporate law matters. **Byron P. Stevens** is now

a partner in the corporate practice group. He represents buyers and sellers in a wide range of mergers and acquisitions (M&A) and oversees risk management issues to ensure the protection of assets and the facilitation of strategic business growth opportunities.



Hong Huynh has re-joined Miller Nash after spending seven years as in-house counsel at various Oregon local governments. Huynh, based in the firm's Portland office, is a seasoned

attorney focused on government and regulatory affairs, municipal law and environmental law. With a career spanning over two



Emmanuel Miller
Trial Attorney

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TruePoint Analytics is pleased to announce successful completion of Litigation Support re high income / high net worth family law case

**Husband
v.
Wife**

Testifying expert for WIFE in connection with complex issues related to S-corporation income, wages, distributions, income tax treatment and business valuation. A judge agreed with my testimony and proposed treatment of all items stating, "First I find that the analysis of William Holmes to be better reasoned and more persuasive."



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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?

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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
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decades, she has developed a reputation as a trusted advisor to public and private entity clients who can help navigate them through and solve complex issues in transactional, regulatory and litigation matters. In addition to her public sector work, Huynh has a robust background in environmental law, including environmental investigation and remediation, hazardous substances and hazardous wastes and water quality compliance.

Gabriel Corwin has joined Foster Garvey as an associate in the firm's investment management group. He has experience in corporate and fund formation landscapes and is well-versed in representing clients of all sizes through the fundraising process.

Erin O. Sweeney has joined the Portland office of Ogletree Deakins, one of the largest labor and employment law firms in the world. Sweeney has more than two decades of experiences and managed nearly 50 NLRB representation petitions during the past few years as a strategic adviser to many of the Pacific Northwest's largest employers, especially those with newly organized workforces.



Adrian Anderson has joined Miller Nash's litigation team in the Portland office. Anderson has experience analyzing legal and factual issues in complex civil litigation, including in cases involving contract, tax and constitutional claims. He also has assisted clients with regulatory matters. ■

In Memoriam

Neva Tipley Campbell, the first female associate and partner at the Schwabe firm, died on March 10, 2025, in Portland at the age of 91. Active between 1974-2000, she was one of a number of attorneys whose careers helped move women from the sidelines to the mainstream of the legal profession in Oregon.

Neva joined the first day class at the Northwestern School of Law at Lewis & Clark College in 1970, graduating cum laude in 1973. This was the culmination of a dream deferred: Her plans to attend law school waited for 15 years after graduating



from Oregon State College in 1955. She first worked to put her husband through college, then focused on raising their children as he began his career.

On Jan. 1, 1974, Neva joined Schwabe at the age of 40. During 25 years in practice, she served as corporate attorney to many of the Northwest's leading companies and was active in the business, corporate, real estate and land use sections of the Oregon State Bar. During the nationwide gasoline shortage of the mid-1970s, she developed expertise in a new area of law – government fuel pricing regulations – and soon found herself representing clients all over Oregon, as well as consulting on cases around the Northwest.

She was a mentor and advocate for women in law and in business. She was also an advocate for the use of mediation to resolve disputes when appropriate.

In November 2003, Neva received the James B. Castles Leadership Award from the Oregon State Bar Business Law Section. She was the first woman to receive the award, which honors a business lawyer in Oregon who has demonstrated outstanding leadership and dedication in the practice of law, as well as outstanding community leadership.

An active volunteer throughout her life, Neva also served on the first Oregon Lottery Commission. It was during her tenure that the commission guided and oversaw the launch of the lottery in 1985.

While she was very proud of her career in the law, Neva was equally proud of and committed to being a wife, mother, sister, matriarch of an extended family, mentor, friend and volunteer.

Neva was predeceased by her husband, Zane, and is survived by their children, Blair Campbell and Ann Adrian Scott, plus her brother, Roger Tiple.

A memorial has already been held. ■

Additional Notices

Kelly Michael Doyle
69, Portland, May 18, 2025

Nathan Pliska
45, Portland, May 16, 2025

Philip McConville
72, Eugene, May 1, 2025

Patrick M. Ebbett
56, Portland, April 1, 2025

Robert E. Jones
97, Portland, March 29, 2025

Malcolm F. Marsh
96, Portland, March 15, 2025

Pierre L. Van Rysselberghe
90, Eugene, March 8, 2025

Joe B. Richards
95, Eugene, Oct. 13, 2024



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Arbitration & Mediation




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OFFICE SPACE

BEND, OREGON - Office for rent with space for support (cubicles or office). Newer building located one block from the courthouse. Ample parking, two conference rooms, reception for greeting clients, etc. Reasonable price depending on needs. Call Tim at (541) 383-3755.

DOWNTOWN PORTLAND HISTORIC BUILDING - Offering professionals, 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.

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.

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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 GROVE CROSSING EXECUTIVE SUITES, LAKE OSWEGO - Near Mercato Grove, 4035 Douglas Way, Lake Oswego, OR 97035. Newly remodeled executive office space available. All private, windowed offices. Common area amenities, including free parking, use of breakroom, conference room, and workroom. Prices begin at \$950 per month.

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. Internet and phones included. Available immediately. Contact Chris Roy, at chris@roylawgroup.com or 503-926-4653.

OFFICE SPACE - Two spaces available, a second-floor office and a small first floor office (desks included) with optional reception area for a paralegal in a building with 4-6 other lawyers, East Portland, Hollywood District, negotiable rent includes utilities. Call to view, leave a message. (503) 236-4000.

TIGARD TRIANGLE WASHINGTON COUNTY OFFICES AVAILABLE

- 7128 SW Gonzaga Street; Suite 100; Portland, OR 97223. 1 or 2 adjacent offices for rent (can rent either one or both), each with 2 adjoining cubicles available as of March 15, 2025, located in long-time established Portland area CPA firm. Portland (or Tigard) address can be used from this 97223-zip code (but not taxable in City of Portland). Fantastic and convenient location with immediate access to I-5 and Hwy 217 features up to 2 private offices each with 2 adjacent cubicles (each office/cubicle set can be split into one or rented together), 2 dedicated conference rooms (one with video conferencing), kitchen area, reception / lobby, and ample workspace. Generous parking allowance with EV charging station for tenants provided. Secure building with video cameras and access controls. Temperature controlled and secured dedicated IT room. Office suite cleaning and Wi-Fi in-

cluded. Building phone system can be expanded to include these offices if required. For questions, office diagram and layout, or to arrange a tour, please contact Janice Holcomb of TruePoint Analytics at 847-345-7884. Rents are \$1,750 per month for each office which includes 2 cubicles for each office.

TIGARD TRIANGLE WASHINGTON COUNTY OFFICE SUITE OPPORTUNITY

- 7128 SW Gonzaga Street; Suite 230; Portland, OR 97223. Our long-time law firm tenant no longer requires its 1,432 Sq. foot second-story office space as of April 1, 2025 (may be available earlier). Portland (or Tigard) address can be used from this 97223-zip code (but not taxable in City of Portland). Fantastic and convenient location with immediate access to I-5 and Hwy 217 features an elevator, 4 private offices, dedicated conference room, kitchen area, reception / lobby, and ample workspace. Generous parking allowance with EV charging station for tenants provided. Secure building with video cameras and access controls. Temperature controlled and secured dedicated IT room. Office suite cleaning and Wi-Fi included. Building phone system can be expanded to include this suite if required. Complimentary access to other conference rooms available in the building can be also arranged. Anchor tenant is a long-time Portland CPA and financial litigation consulting firm that has enjoyed a long-term working and referral relationship with its former law firm tenant. A reputable law firm is desired in this space as the convenience of serving the CPA firm's clients has been a value-add. For questions, suite diagram, or to arrange a tour, please contact Janice Holcomb of TruePoint Analytics at 847-345-7884. Base rent is \$2,981 plus estimated CAM charges of \$1,070 per month (\$4,077).

TWO SMALL ADJACENT OFFICES

with adjoining secretarial/storage space available, rent all or part, \$300 to \$900. Large, partially furnished office with big windows, balcony and secretarial space, \$800. Small, quiet building in downtown Portland 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 - Criminal Defense/Family Law. We are a full-service family law and criminal defense firm providing services throughout Oregon and are seeking an associate divorce and family law attorney. We are seeking a licensed attorney to provide excellent representation to our clients on a variety of matters in the Portland Metro area. Requirements and Qualifications: JD from an accredited law school. License to practice law in Oregon. Litigation experience (1-2 years preferred; less for the right candidate). Benefits: Medical, Dental and Vision Insurance. Aflac options. Quarterly bonus. IRA retirement matching up to 3%. Firm pays OSB dues, malpractice insurance, and for up to 15 CLE credits per year. Compensation will depend on experience but will be competitive with salaries from the Oregon State Bar Economic Survey. Please email cover letter, resume, law school transcript (if a recent graduate) and references to: assistant@romanolawpc.com.

BUSINESS ATTORNEY (3-5 YEARS EXPERIENCE)

- Join Our Mid-Size Firm. Are you a business attorney looking for a fulfilling career without sacrificing work-life balance? Lynch Murphy McLane LLP is seeking a skilled and motivated associate attorney with 3-5 years of experience in business law to join our team in our Portland or Bend office. About Us: We are a well-respected, client-focused mid-size law firm that prioritizes high-quality legal work while fostering a balanced

and supportive workplace that values collaboration, professional development, and work-life balance. Position Overview: The ideal candidate will have experience advising businesses on legal matters, including entity formation, contract negotiation, mergers & acquisitions, and regulatory compliance. This role offers an exciting opportunity to work with a diverse range of clients, from startups to established corporations. Key Responsibilities: Provide legal counsel on business transactions, contracts, and corporate governance. Draft, review, and negotiate business agreements and commercial contracts. Assist clients with entity formation, structuring, and compliance matters. Conduct legal research and risk assessments for business operations. Support clients in mergers, acquisitions, and other business transactions. Work collaboratively with colleagues and clients to develop strategic legal solutions. Qualifications: Juris Doctor (J.D.) from an accredited law school. Licensed to practice law in Oregon. 3-5 years of experience in business law, corporate transactions, or related areas, real estate knowledge a plus. Strong contract drafting, negotiation, and analytical skills. Excellent written and verbal communication abilities. Ability to manage multiple projects and meet deadlines. What We Offer: True Work-Life Balance – Reasonable billable hour expectations and flexibility in scheduling. Competitive Compensation – Salary, performance incentives, and benefits. Collaborative & Supportive Culture – A team-oriented environment where your contributions are valued. High-Quality Work Without Big Law Pressure – Meaningful cases, direct client interaction, and impactful legal work. To apply, please send your resume and a cover letter to Kaci Price at kprice@lynchmurphy.com.

ESTATE PLANNING ASSOCIATE

– Barbur Law LLC, a neighborhood estate planning law firm with offices in Milwaukie and Tillamook, is seeking an associate attorney to join our thriving Tillamook office. The successful candidate will have a commitment to building a legal career at the Oregon coast, an entrepreneurial spirit, and the ability to work independently. Must be admitted to practice in Oregon. All experience levels are welcome to apply, including new admittees who are interested in rural law practice. For consideration, please email cover letter and resume to megan@barburlaw.com.

FAMILY LAW ASSOCIATE, CENTRAL OREGON

– Brincat & New is a family law firm with offices in Bend and Portland. We are looking for an associate attorney for our Bend office. Our ideal candidate has 2-5 years of experience, preferably in family law or other litigation. Our Bend office is centrally located in the St. Clair Place building downtown. Flexible start date available. Compensation consists of signing bonus, base salary, commissions, parking, health insurance reimbursement, employer-matching retirement account, and substantial vacation/paid time off. Relocation stipend available as needed. Please submit a resume, cover letter with salary requirements, and references to jordan@brincat-new.com and tabitha@brincat-new.com.

FAMILY LAW ASSOCIATE – Four Point Legal, P.C. in Portland. We are seeking an attorney with three or more years of family law experience to join our hard-working team. Successful candidates must possess strong technical skills and the ability to work efficiently with minimal supervision in a fast-paced environment. We are looking for someone who connects well with people and can develop quality client relationships. We are a small, busy firm limiting our practice to family law, estate planning and business law. Our firm is founded on four key values: trust, respect, teamwork, and results. We are growing and looking for people who share our beliefs about making the lives of our clients and coworkers better. We believe in a good work-life balance, because bringing your best self to work benefits everyone. We offer a competitive salary, health and dental insurance, 401k with employer match, and flexible PTO. If you are interested in joining our team, please email a resume and cover letter to info@fourpointlegal.com.

LITIGATION ASSOCIATE ATTORNEY

– Eugene law firm. Hershner Hunter, LLP, the largest full-service business firm in Eugene, is seeking an associate attorney to work in its busy litigation group, specializing in commercial, employment, construction and real property litigation. This is a partner-track position. We welcome candidates with 0-3 years' experience, including law school graduates taking the Bar exam this summer for employment starting in the Fall; interest and experience in employment law is preferred but not required. Candidates should send materials to Nicholas Frost, at

nfrost@hershnerhunter.com. Hershner Hunter, LLP is an equal opportunity employer.

LITIGATION ATTORNEY (3-5 YEARS EXPERIENCE)

– Join Our Mid-Size Firm. Are you a litigation attorney looking for a fulfilling career without sacrificing work-life balance? Lynch Murphy McLane LLP is seeking a skilled and motivated attorney with 3+ plus years of experience in litigation law to join our team in our Portland or Bend office. About Us: We are a well-respected, client-focused mid-size law firm that prioritizes high-quality legal work while fostering a balanced and supportive workplace that values collaboration, professional development, and work-life balance. Position Overview: The ideal candidate will have experience handling a variety of civil litigation matters, including business disputes, breach of contract, and partnership disputes and other corporate litigation matters from case inception to resolution. This role offers the opportunity to actively litigate actively, manage cases and work directly with clients. Key Responsibilities: Client communication. Manage litigation cases, including pleadings, motions, discovery, and trial preparation. Represent clients in court proceedings, mediations, and arbitrations. Conduct legal research and draft persuasive legal arguments. Collaborate with colleagues to develop litigation strategies. Maintain strong client relationships and provide strategic legal counsel. Qualifications: Juris Doctor (J.D.) from an accredited law school. Licensed to practice law in Oregon. 3+plus years of experience in civil litigation. Strong ability to advocate and negotiate. Excellent written and verbal communication abilities. Ability to manage multiple projects and meet deadlines. What We Offer: True Work-Life Balance – Reasonable billable hour expectations and flexibility in scheduling. Competitive Compensation – Salary, performance incentives, and benefits. Collaborative & Supportive Culture – A team-oriented environment where your contributions are valued. High-Quality Work Without Big Law Pressure – Meaningful cases, direct client interaction, and impactful legal work. Technological tools to help you work effectively and efficiently. To apply, please send your resume and a cover letter to Kaci Price at kprice@lynchmurphy.com.

NORTHWEST SURROGACY CENTER, LLC

– Northwest Surrogacy Center, LLC is seeking an Oregon attorney for the position of Legal

Director. The Legal Director's role includes providing initial consultations with new families considering surrogacy; advising NWSC staff and management on legal issues; drafting and negotiating contracts and presenting at conferences. The ideal candidate will have the ability to communicate with a diverse population and must be comfortable working with LGBTQ+ staff, clients, and surrogates. Some travel may be required. Oregon or Washington State Bar membership required. NWSC has been building families through surrogacy for 30 years and was founded by Oregon attorneys. Our organization consists of a team of 40 who are dedicated to the well-being of Intended Parents and Surrogates as they assist them in creating their families. You will be joining a close-knit group that enjoy one another and are deeply invested in the success of NWSC and the well-being of our clients. Our office environment is intimate, supportive, collaborative, and focused. We work in a fascinating, unusual, rewarding field. We want to hear why you want to work for our organization. The right answer is any answer — we are just interested in knowing. Our primary office is in the Grant Park area of NE Portland. We have satellite offices in Seattle and San Francisco. A hybrid work arrangement is negotiable, but at a minimum you would work in our Portland office three days a week. We offer a competitive salary and benefits package including health, dental, life and vision insurance and a retirement plan. Please send cover letter and resume to Molly O'Shea, Finance and Human Resources Director, molly@nwsurrogacycenter.com.

REAL ESTATE/BUSINESS/ESTATE PLANNING ATTORNEY

– Fitzwater Law is currently seeking an associate attorney with 3 to 5 years of experience in estate planning, with a specific focus on business and real estate law. We are a women-owned boutique law firm located in SE Portland. We provide a supportive, collegial environment and value work-life balance. We offer a unique compensation system that allows you to control your income, have flexible hours, and the option to work from home. We work in a beautiful building with free parking, a café, and locker rooms. Please send your salary requirements, resume, and cover letter to our office manager at AlyssaF@FitzwaterLaw.com.

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PUBLIC NOTICE

AFFORDABLE, ACCURATE LEGAL NOTICES for Lane County, published weekly in print and online at chronicle1909.com and publicnoticeoregon.com. Local owners ensure prompt service; affidavits conform to Lane County Circuit Court. Contact Noel Nash at 541-515-6233 or noel@chronicle1909.com.

RECREATIONAL RENTALS

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PARIS APARTMENT – At Notre Dame, elegant 2 bedroom, 2 bath, with lift. **PROVENCAL HOUSE** – 4 bedroom, 4 bath house with pool and stunning panoramic view of Menerbes. Owned by Oregon Bar member: 202-285-1201 or angpolin@aim.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

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

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.

TEMPLATES FOR OREGON ESTATE PLANNING, PROBATE AND TRUST ADMINISTRATION. Information available at nobleforms.com. Each set \$100 per month. No contract. Cloud based. Clients can provide information to attorney in online form.

GUNDERSON INVESTIGATIONS AND SECURITY - Locate persons, surveillance, asset locates, background checks, interviews, landlord/tenant, injury, fraud, difficult service, criminal, civil, probate, family law. 20 years in business. www.gunderson-services.com 503-490-8959 OR PI Lic# 39740 WA PI Lic#3076.

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).

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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.

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

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

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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.

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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

Mecanica Scientific Services Corporation

John Isbister

2290 SW 2nd St., Suite B,
McMinnville, Oregon 97128

PH 971-318-4176

info.pnw@mecanicacorp.com

www.mecanicacorp.com

Specialties:

The Mecanica team has provided technical services within the western U.S. for over 30 years; providing expertise in the following areas: Accident (crash) reconstruction & analysis; including, passenger vehicle, commercial vehicle, tractor, trailer, bus; motorcycle, pedestrian, bicycle; Event Data Recorders (EDR) & Heavy Vehicle Event Data Recorders (HVEDR); Fleet Telematics (GPS) data analysis; Collision Mitigation Systems (CMS) including Lidar, Radar, and Cameras; Mechanical Inspections & System Performance Analysis; Commercial Fleet Operations, Traffic Signal Timing, Vehicle Maintenance, Automotive Systems Evaluation, Driver Standards of Care, and Fire Origin and Cause Investigations; Forensic 3D Simulations, Animations and Captured Site Video Analysis. Mecanica provides Vehicle, Component, and Systems Testing as well as Chip Swapping/Transfers at our on-site laboratory.

Consulting/Expert Witness Experience:

We provide forensic analysis in the areas of transportation, construction, agricultural, industrial and product liability. Our experts are qualified in state, criminal, federal, and military courts. We provide engineering services, continuing education, research and peer-reviewed published authors.

ACCOUNTANTS

Litigation Support

Truepoint Analytics

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

7128 SW Gonzaga St, Ste 100

Portland, OR 97223

PH 503-270-5400

FX 503-270-5401

info@teamtruepoint.com

www.teamtruepoint.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.

APPRAISERS

Residential Appraisal

Bernhardt Appraisal

Nathan Bernhardt

5319 SW Westgate Dr, #219

Portland, OR 97221

PH 503-349-3765

hoviemac@gmail.com

www.portlandresidentialappraisal.com

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Photo Finish

Clayton Tullos of Tullos Beckett in Eugene, took this picture of Harris Beach State Park in Brookings. A self-proclaimed “hobbyist photographer,” Tullos capture this image during his first spring break in Oregon (2009) while attending the University of Oregon School of Law.

“This picture was taken just after sunrise. I have this photo printed at 24x36 in my office,” he says. ■

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.



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