

# AdvanceSheet™

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## WuDunn to Speak at OWLS CLE on Oct. 18

Sheryl WuDunn will be the keynote speaker at the OWLS Fall CLE on October 18, to be held at the Governor Hotel in Portland. The CLE is titled "Exploitation of Women at Home and Abroad."

Ms. WuDunn is a Pulitzer Prize winner and co-author of the best-selling book *Half the Sky: Turning Oppression into Opportunity for Women Worldwide*, which details the oppression of women and girls in the developing world. Co-authored with her husband, *New York Times* journalist and Oregon native Nicholas Kristof, the book covers such atrocities as sex trafficking, rape, genital mutilation, and maternal mortality rates. The book notes that the greatest untapped economic resource is the female half of the population, which is the key to economic progress in the world.

At the OWLS CLE, Ms. WuDunn will discuss strategies for empowering women to fight poverty and oppression. Following the keynote address will be a panel featuring JR Ujifusa, a state and federal sex crimes prosecutor; Lena Sinha, a sex trafficking victim counselor; and Christopher Killmer, who will address the legal immigration issues faced by trafficking victims.

OWLS' annual Fall Reception will be held immediately after the CLE. To register for the CLE, please visit [www.oregonwomenlawyers.org](http://www.oregonwomenlawyers.org). For more information on Ms. WuDunn, please visit [www.apbspeakers.com](http://www.apbspeakers.com).



Sheryl WuDunn

## The Battle for Pay Equity: A Call to Action

By Gloria Trainor

In 2012, the Oregon State Bar released the results of its most recent economic survey. While the survey reported that the three factors most determinative of salary for full-time attorneys were the number of years admitted to practice, the size of the practice, and whether or not the practice was private, it also contained disturbing news regarding continuing pay disparity based on gender. The *AdvanceSheet* reported on this gender-based pay gap in a Winter 2013 article by Kathleen Rastetter, currently OWLS' president. Kathi found that the average pay for female attorneys working full-time in Oregon was still a dismal 68% of the average pay earned by their full-time male counterparts.

Although the percentage has improved slightly over the last decade (Oregon women lawyers have narrowed the gender-based pay gap by 5% since 2001), this news of inequity is not new. The needle representing women's progress continues to move at a painstakingly slow pace as female attorneys continue to fight the timeless uphill battle toward pay equity. Instead of focusing on the stale problem and belaboring the unpalatable numbers, however, this article will focus on

what we, as employees and employers, can do to further our quest to level the playing field for women.

### What we can do as employees

We need not look far to find study after study concluding that women negotiate their salaries far less often than men do. As women lawyers, we can and must change this by starting with a long, hard look in the mirror. Closing the gap in pay will require both the willingness and the ability to negotiate on par with our male peers.

Undoubtedly, socialization leading us to prioritize others' interests above our own starts at an early age. Young girls in the United States are taught to nurture, become caretakers, and build collaboration and consensus, while little boys are not similarly guided. These messages—constantly flowing from multiple sources—are powerful, and we can easily internalize and carry them into adulthood subconsciously. Awareness of our tendencies is the first step.

Even if we are aware of the way socialization affects us as females, the ability to understand

Continued on page 14

## President's Message



Kathleen Rastetter

I am shy. I would rather have a root canal than walk into a room and start a conversation with someone I don't know (and I have had a root canal, so I know what I'm talking about). So how did I get to be president of one of the largest voluntary bar organizations in Oregon? As Susan Cain says in her book *Quiet: The Power of Introverts*, "quiet leadership is not an oxymoron."

Bar organizations, like OWLS, provide a unique opportunity to develop leadership skills. You gain management and communication skills in a supported environment. I urge you to become involved in a bar organization. You will meet terrific people and develop leadership skills along the way.

I need to thank Megan Livermore, outgoing OWLS president, who inspired all of us to fight for our beliefs. Her spirit and grace under fire is hard to match, but I hope to continue her work in strengthening OWLS' relationships with the other specialty bar organizations and groups in Oregon. Big thanks also to the outgoing board members: Shannon Reel, Gina Eiben, and Cass Skinner. Your hard work and dedication have made OWLS a better organization, and we thank you for your time and efforts.

I recently read *Lean In*, by Sheryl Sandberg. I won't get into the debate the book has generated, but I am struck by one thing. Ms. Sandberg references the laws of economics and studies of diversity, which show that tapping into the entire pool of human talent would improve our businesses and our communities. This goal is shared by all of the specialty bar organizations in Oregon. Please support them—even if you can't give them your time, you can "put your money where your mouth is" by joining them, which provides monetary support for their good work.

The OWLS mission is to transform the practice of law and ensure justice and equality by advancing women and minorities in the legal profession. Together, our voice is stronger. Together, we can achieve great things.

One more thing: Why did I start this column by revealing something intensely personal about myself (which most introverts are loathe to do)? There may be an attorney who is reading this thinking, "I could never do that." My answer to him or her is "yes, you can."

Save the date for OWLS' Fall CLE on October 18 featuring a keynote address by Sheryl WuDunn, the Pulitzer Prize-winning co-author of *Half the Sky*. Have a wonderful summer.

Kathleen Rastetter  
President, Oregon Women Lawyers

### Oregon Minority Lawyers Association Summer Social and Fundraising Auction

Thursday, August 1, 5:30 p.m.  
World Trade Center, Portland  
[www.oregonminoritylawyer.org](http://www.oregonminoritylawyer.org)

OWLS thanks two people who recently renewed or joined OWLS at an enhanced level:  
Cathleen Callahan  
Kathleen Profitt

### OWLS Fall CLE

#### Exploitation of Women at Home and Abroad

Keynote Speaker:  
**Sheryl WuDunn**

Co-author, *Half the Sky: Turning Oppression into Opportunity for Women Worldwide*

Friday, October 18, 1 to 5 p.m.  
Followed by our Fall Reception  
Governor Hotel, 614 SW 11th Ave.  
Portland. Register at  
[www.oregonwomenlawyers.org](http://www.oregonwomenlawyers.org)

## Upcoming OWLS Events

### Rainmaking Teleconference with Paramjit Mahli

Wed., August 21, noon to 1 p.m.  
No cost. Sponsors:  
OWLS, OWLS Foundation, OAPABA  
Details on page 13. RSVP by Aug. 20  
to [diane@oregonwomenlawyers.org](mailto:diane@oregonwomenlawyers.org)

### OAPABA Dinner Honoring Judge Lynn Nakamoto

Tuesday, September 10  
Cocktails at 5:30 p.m., dinner at 6:30  
Benson Hotel, 309 SW Broadway  
Portland

### Pay Up: Negotiating Your Worth at Work A workshop for lawyers

Friday, September 20  
8:30 a.m. to 12:30 p.m.  
Cost: \$40, includes breakfast  
Sponsors: OWLS, OWLS Foundation  
ODS Tower, 601 SW 2nd Ave., #1930  
Portland. Register at  
[www.oregonwomenlawyers.org](http://www.oregonwomenlawyers.org)

### Innovations in the Law: Science & Technology District of Oregon Conference

Friday, September 20  
Sponsor: Oregon Chapter of the  
Federal Bar Association  
Oregon Museum of Science  
and Industry (OMSI)  
1945 SE Water Ave., Portland

### OWLS Fundraiser and Fashion Show To benefit Dress for Success

Thursday, October 3, 5:30 p.m.  
Cost: \$15 in advance, \$20 at door  
Schwabe, Williamson & Wyatt  
1211 SW 5th Ave., Suite 1900, Portland  
Details on page 4. Register at  
[www.oregonwomenlawyers.org](http://www.oregonwomenlawyers.org)

### OWLS Rainmaking and Career Development Dinner

Keynote Speaker: Jane Paulson  
Paulson Coletti Trial Attorneys  
Thursday, November 14  
Cost: \$40. Hotel Monaco, Portland  
Register at  
[www.oregonwomenlawyers.org](http://www.oregonwomenlawyers.org)

*Our mission is to transform the practice of law and ensure justice and equality by advancing women and minorities in the legal profession.*

# OWLS Welcomes New Officers and Board Members



The OWLS Board of Directors (left to right): Front row: Banafsheh Violet Nazari, Hon. Julia Philbrook, Hon. Frances Burge, Hon. Jill Tanner, Hon. Youlee You, Linda Tomassi, Kendra Matthews, Jennifer Nicholls, Elizabeth Tedesco Milesnick, Angela Franco Lucero. Back row: Gloria Trainor, Kathi Rastetter, Megan Burgess, Laura Craska Cooper, Kristina Holm, Katharine Lozano, Jaclyn Jenkins, Hon. Allison Boomer, Val Tomasi, Maya Crawford. Not pictured: Amber Hollister, Dana Forman.

In May the OWLS Board of Directors elected new officers, who will serve from May 2013 to April 2014. The board president is Kathleen J. Rastetter, who is senior Clackamas County counsel in Oregon City. Kathi previously served as OWLS' vice president, treasurer, and historian. OWLS' vice president and president-elect is Kendra Matthews, who previously served as OWLS' secretary and historian. Kendra is a partner at Ransom Blackman in Portland.

Elizabeth Tedesco Milesnick was elected secretary; she previously served as historian. Elizabeth is an intellectual property and commercial litigator at Miller Nash in Portland. Laura Craska Cooper will continue to serve as OWLS' treasurer. She is the managing partner of the Ball Janik office in Bend. Angela

## Diane Rejoins Our Staff

OWLS is delighted to welcome Diane Rynerson as part-time administrative coordinator, assisting Executive Director Linda Tomassi. Diane has been involved with OWLS and women's bar associations nationally as a volunteer or staff member since 1989. She served as OWLS' first executive director, from 1990 to 1998.

Diane is a member of the California (inactive) and Oregon bars. She will continue to serve as the part-time executive director of the National Conference of Women's Bar Associations.

Diane is the person to contact when you have a change of address or a question about the listserv or any other membership issue. She is delighted to see that so many "early OWLS" remain faithful members and that so many others have brought their energy, innovative ideas, and collegial spirit to the organization.

Franco Lucero joins the executive committee as historian. She is a partner at Kranovich & Lucero in Lake Oswego.

All OWLS officers are also members of the board. The OWLS board is elected by the membership, and the officers are elected by the board.

Our newly elected and re-elected board members are Maya Crawford (Portland), Amber Hollister (Tigard), Kristina Holm (Portland), Jaclyn Jenkins (Hermiston), Katharine Lozano (Portland/Salem),

Banafsheh Violet Nazari (Portland), and Val Tomasi (Portland).

Board members continuing their service are Hon. Allison Boomer (Salem), Hon. Frances Burge (Roseburg), Megan Burgess (Bend), Dana Forman (Portland), Hon. Julia Philbrook (Salem), Hon. Jill Tanner (Salem), Gloria Trainor (Portland), and Hon. Youlee You (Portland).

The OWLS board has appointed Jennifer Nicholls (Medford) to the board to fill an open spot.

## Cases are Won in Depositions.

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# Judges Host Federal Courthouse Connection

By Megan Lemire

On June 7, Hon. Ann Aiken and Hon. Nan Waller co-hosted OWLS' annual Federal Courthouse Connection at the Mark O. Hatfield Courthouse in Portland. The program began with a fine spread for lunch (including ice cream), providing attendees an opportunity to mingle. After welcoming everyone, OWLS President-elect Kendra Matthews invited the attendees to introduce themselves.

Susan Grabe, director of public affairs at the Oregon State Bar, then provided a brief legislative update regarding court funding, Oregon eCourt, and bills of interest to the bench and bar. [Please see page 11 for Susan's end-of-session update.]

Judge Aiken and Judge Waller rounded out the program with a few words about mentoring. Judge Waller recalled some useful advice she received from mentors,

At the Courthouse Connection on June 7 (from left): Judge Anna Brown, Anne Marie King, Samantha Gamboa, Kendra Matthews



and said that her most important mentor was Judge Bergman, whom she credits with opening her door to becoming a judge. Judge Waller urged everyone to find a mentor or serve as a mentor, noting that mentors have much to gain, too.

Judge Aiken agreed and said she enjoys working with her externs, several of whom were in attendance. Judge Aiken also noted how fortunate she was to have had Justice Betty Roberts as one of

her first mentors. She said that mentors "come in all shapes and forms" and listed her late husband among hers. Especially given the number of law school graduates, Judge Aiken reiterated: "We all have to be mentors and train the next generation of lawyers."

*Megan Lemire is a contract attorney currently exploring career opportunities in employment law and civil rights litigation in Portland.*

# OWLS Fundraiser and Fashion Show on October 3

By Lynetta St. Clair

Attend the OWLS Dress for Success fundraiser and fashion show on October 3, and not only can you "dress for success," your attendance will help OWLS sponsor women through the Dress for Success Oregon program.

Enjoy light appetizers and drinks as our very own OWLS models strut their stuff to show you the latest fashions from Brooks Brothers, Mink, Mabel & Zora, and Catherine's.

Nationally, Dress for Success serves over 65,000 clients each year. The Oregon affiliate—run by over 150 volunteers—has been helping women since early 1999 and serves 1,400 women per year. The women receive personalized job readiness services, including meeting one-on-one with a trained volunteer to practice answering interview questions, polish a resume, or look for other opportunities. A personal shopper helps each woman select a professional ensemble, and she receives a makeover and hair styling in the Dress for Success salon. When she gets her job, she becomes a member of the Professional Women's Group, a long-term support network, and is provided a mentor to assist as her career progresses. A \$500 donation sponsors one woman for one year through the entire program.

Here's how you can help: (1) Attend the OWLS fundraiser and fashion show

on October 3. Tickets are \$15 in advance and \$20 at the door. To purchase tickets in advance, please visit [www.oregonwomenlawyers.org](http://www.oregonwomenlawyers.org). (2) Donate clothes. Bring to the fundraiser clean, professional clothing that's in style and in good condition. (3) Considering making a cash donation. For example, you can "tuck \$10 in" when you donate clothing.

(4) visit [www.dressforsuccess.org/oregon](http://www.dressforsuccess.org/oregon) for more information on how to help.

The October 3 event will be generously hosted by Schwabe, Williamson & Wyatt at 1211 SW 5th Ave., 19th floor, Portland. Doors open at 5:30 p.m., and the fashion show starts at 6:00.

*Lynetta St. Clair is an associate in the Portland office of Hart Wagner.*

# OWLS Foundation Board 2013–2014



The OWLS Foundation Board of Directors (left to right): Top row: Kathy Root (chair of the advisory board), Traci Ray, Deanna Wray. 2nd row: Karen Nashiwa (treasurer), Aruna Masih, Cristina Sanz, Kristie Gibson. 3rd row: Diane Rynerson (ex officio), Maite Uranga, Etta Lockey, Nanci Klinger. 4th row: Lori E. Deveny (president-elect), Sarah Freeman, Kim Sugawa-Fujinaga, (secretary), Phylis Myles. Bottom row: Trudy Allen (historian),

Yumi O'Neil (president), Jill Brittle (past president), Shea Brittle (9 weeks old). Not pictured: Jodee Jackson (the photographer), Terri Kraemer.

# Lawyers Pay Tribute to Judge Helen Frye

On April 5, Lane County Women Lawyers (LCWL), along with the University of Oregon School of Law, the Oregon Chapter of the Federal Bar Association, and the U.S. District Court for the District of Oregon, held an event titled "Trailblazing in the Modern Legal Era: A Tribute to Judge Helen Frye."

Judge Frye (1930–2011) was appointed by Governor Tom McCall in 1971 as Lane County's first female judge, making her one of just three female trial judges statewide, joining Jean Lewis, who had been appointed ten years previously to the domestic relations section of the Multnomah County Circuit Court, and Mercedes Deiz, then a Multnomah County District Court judge. In 1980, Judge Frye became Oregon's first female federal judge, taking a seat on the U.S. District Court for the District of Oregon.

The event featured a luncheon and

the unveiling of Judge Frye's portrait, a "rough draft" of the portrait hanging in the Mark O. Hatfield Courthouse in Portland. This one will hang in the career services center of the law school for public viewing, as a reminder that law students are "rough drafts" of the lawyers they will become.

Nearly 180 judges, lawyers, professors, and students attended the luncheon, a highlight of which was the tribute dessert, sponsored by LCWL and emulating the daily Snickers bar Judge Frye craved.

Speakers at the luncheon included Judge Frye's son, Eric Frye, a Hollywood writer (credits include *Band of Brothers*); Louise "Molly" Westling, an English professor; local attorney Art Johnson; and former law clerk Patricia Wlodarczyk, who read from the remarks Judge Frye made when her portrait was hung in Portland in 1997. The remarks exhibited

Judge Frye's humility as she referred to herself in the third-person: "[T]he woman in the portrait . . . ."

The Honorable Ann Aiken and Ms. Wlodarczyk performed the unveiling of the new portrait. LCWL plans to hold an annual event paying tribute to Judge Frye.

For extensive information on Judge Frye and her career, please see the Summer 2011 issue of this newsletter, available on the OWLS website at [www.oregonwomenlawyers.org/membership/ newsletter.php](http://www.oregonwomenlawyers.org/membership/ newsletter.php).



Judge Helen Frye

## Oregon Women Judges History Project

Oregon Women Lawyers and the U.S. District Court of Oregon Historical Society proudly announce a joint venture: Oregon Women Judges (OWJ). The project is dedicated to honoring and celebrating the contributions of Oregon's state and federal women judges by collecting and preserving their history. If you are interested in becoming involved with OWJ, please contact Linda Tomassi, OWLS executive director, at [linda@oregonwomenlawyers.org](mailto:linda@oregonwomenlawyers.org).

## New OWLS Chapter in Douglas County

The OWLS board is happy to welcome the newest OWLS chapter, approved in June 2013: The Joan Seitz Law Society, in Douglas County. The Joan Seitz Law Society is named for Douglas County's first female judge, who joined the Douglas County Circuit Court in 1985.



Hon. Joan Seitz

The chapter held its first event on June 28, a luncheon in Roseburg featuring as speakers Oregon Supreme Court Justice Virginia Linder and the chapter's namesake, the Honorable Joan Seitz. Each spoke about her journey to the bench.

The new chapter's officers are Mary Sell, president; Cadence Whitely, vice president and president-elect; Susan Schmere-Haacke, secretary-treasurer; Jodee Jackson, program developer; Annette Smith, communications officer and historian; and Gina Stewart, listserv manager. Welcome!

"A Portland lawyer called me at 4:12 pm and asked if I could get him a reporter that afternoon and again the next day. The location was aboard a Greek ship which could only be reached by a short ride in a small boat and a long climb up a rope ladder. There was only one thing to say.

"Of course."

—Catherine Teach



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# OWLS and OAPABA Recruit Women and Minority Arbitrators

By Megan Lemire

Following on the heels of Judge Tanner's article in our last issue about serving as a court-appointed arbitrator, OWLS and the Oregon Asian Pacific American Bar Association (OAPABA) presented a CLE to recruit women and minority arbitrators. Although no official data were available, a nonscientific survey of court-appointed arbitrators in Multnomah County revealed that approximately 20% are women and less than 4% are racial or ethnic minorities.

The CLE, held on April 29 in Portland, began with Banafsheh Violet Nazari, OWLS board member and leadership committee chair, welcoming the speakers and attendees. The panel consisted of Hon. Nan Waller, the presiding judge of the Multnomah County Circuit Court and the court's chief alternative dispute resolution judge; Kristen David, a partner at Bowerman & David, a member of the Clackamas County Arbitration Commission, and an arbitrator; Paul Xóchihua, a shareholder at Davis, Rothwell, Earle & Xóchihua, an arbitrator, and a mediator; and Xin Xu, of the Law Office of Xin Xu, a court-appointed arbitrator in Multnomah

County who is also in private practice. The moderator was Lisa Miller, who currently serves as a pro-tem judge in Clackamas County, a mediator, and an arbitrator, and has served on the Multnomah County Arbitration Commission. The goal of the CLE was to provide the tools and knowledge necessary to become an arbitrator, as well as a cost-benefit analysis of doing so.

Offering a historical perspective on court-mandated arbitration (also called court-annexed arbitration), Lisa explained that arbitration under ORS 36.400–36.425 was a response to clogged court dockets and lengthy waiting periods before litigants reached trial. Accordingly, court-annexed arbitration aims to be more efficient and cost-effective than litigation.

Given the increasing use of arbitration, obtaining arbitrators who reflect the community's diversity has become increasingly important. Judge Waller underscored the importance of representing the community served. At a recent "Tell It to the Judge" event during Community Law Week, Judge Waller fielded many questions from the community about creating greater diversity in the bar, bench, and criminal justice system.

The arbitrators discussed some of their experiences serving as an arbitrator, noting that the benefits have outweighed the costs—despite the fact that a court-appointed arbitrator's hourly rate and total fee may be capped.<sup>1</sup> Xin said that joining the list of arbitrators was one of the best decisions she's made. She explained that serving as an arbitrator had shown her that the facts of a case truly matter to a decision maker, thereby strengthening her legal advocacy skills.

Similarly, Paul said that serving as a court-appointed arbitrator provided him with "the best way to learn how to be an arbitrator." Because the parties can appeal the arbitrator's decision in the court-mandated program,<sup>2</sup> Paul found those cases easier to arbitrate initially, as compared to private arbitration (which is typically binding). Having court-annexed arbitrations under his belt prepared Paul to serve as a private arbitrator, an activity that isn't subject to the financial constraints of court-mandated arbitration. Both Xin and Paul agreed that serving as an arbitrator can enhance one's legal reputation.

All counties in Oregon have court-mandated arbitration, generally for

cases involving \$50,000 or less.<sup>3</sup> Each county has an arbitration commission, tasked with overseeing its arbitration program.<sup>4</sup> Arbitration in different counties can differ significantly, so checking the supplementary local rules (SLRs) regarding arbitration in a specific county is important.

Generally, to apply to be an arbitrator as an attorney, you must have been admitted to the bar for five years and be in good standing.<sup>5</sup> Each county may have other requirements; for example, Clackamas County requires an applicant to live, practice, or have an office in that county. When reviewing applications, an arbitration commission also looks for experience with arbitrations—representing a party in arbitration, attending a training, serving as an arbitrator, or even watching a hearing.

Counties can close their arbitrator lists to applicants. The list for Multnomah County is currently closed, but will reopen in January 2014. Notably, Judge Waller and Kristen said that Multnomah and Clackamas Counties hope to increase the diversity among their arbitrators.

*Megan Lemire is a contract attorney currently exploring career opportunities in employment law and civil rights litigation in Portland.*

## Endnotes

1. See, e.g., Clackamas County Supplementary Local Rule 13.121 (setting the hourly rate at \$125 and capping the total fee at \$1,000).
2. See ORS 36.425.
3. ORS 36.400(1), (3); see also ORS 36.405 (specifying the types of cases that must go to arbitration as well as providing exemptions for judicial discretion and mediation).
4. UTCR 13.030.
5. UTCR 13.090(1).

OWLS congratulates Judge Heather Karabeika, who was appointed to the Clackamas County Circuit Court in April by Governor John Kitzhaber. An OWLS member, Judge Karabeika served as West Linn's municipal judge from 2007 to 2013. "Heather Karabeika has a reputation as a skilled, fair and reasonable lawyer," Governor Kitzhaber said.



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# Law Schools Bestow Mentoring Awards

By Terri Kraemer

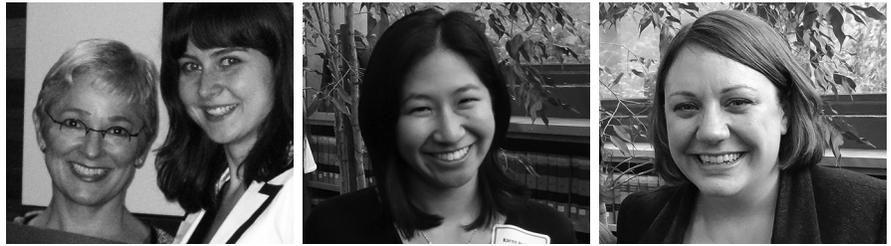
Lewis & Clark Law School and Willamette University College of Law presented their 2013 awards to mentors this spring.

On April 3, Lewis & Clark presented the outstanding mentor awards during its annual Mentor Program Spring Awards Reception. Among those honored were OWLS members Laura Maurer, Valerie Berg, Erin Fitzgerald, and Karen Nashiwa. Laura and Valerie received First Year Partner awards for their mentorship of 1L students. Erin was honored as the 18th Andrea Swanner Redding Outstanding Mentor, and Karen was honored as the Hon. Darleen Ortega Outstanding Mentor. Along with the other recipients, these mentors were nominated by their mentees for going above and beyond as mentors.

On April 4, Willamette held its annual Mentor of the Year reception. Among those honored by Willamette were OWLS members Jennifer Hunking, Hon. Mary Mertens James, and Doug Tookey. Jennifer and Doug received Outstanding Mentor awards, and Judge James was awarded the new Hon. Mary Mertens James Award for consistent high standards and excellence in mentoring law students. That award will go to mentors who have been nominated five times or more as Mentor of the Year. Judge James was Mentor of the Year in 1999 and has been nominated by her mentees five years in a row.

We asked the award recipients why they mentor. Valerie mentors because she could not imagine surviving law school, her job search, and her first year of practice without her mentors. She wants to “pay it forward.” Jennifer mentors for similar reasons. Judge James mentors because she wants law students to love the law. She figures that if she can make their law school experiences less traumatic and richer, they might practice law with the same passion she has practiced. Laura mentors because she has had great mentors her whole life and wants to give back by mentoring others. Karen has also had invaluable mentors and wants to give back by mentoring.

We also asked the award recipients why they think they are good mentors. They aren’t quite sure they are “great” mentors, but all have thoughts on why they received the awards. Valerie believes she is a good mentor because she has



From left: Judge Mary James, Ella Rauch (her mentee), Karen Nashiwa, Erin Fitzgerald

had several good mentors from whom she has learned (and a few not so good ones, from whom she has also learned). She has learned important skills such as listening, guiding others, and providing others with opportunities for growth.

Jennifer believes there is no one way to be a good mentor. She tries to be supportive and empathizes with women trying to balance family and law school. Judge James believes she is a good mentor because she can remember her own legal travails and challenges, stumbles and successes, and so can help others with theirs. She has all of her mentees over to her home for dinner and to watch movies or sports, and she adopts abandoned mentees.

Laura believes that a good mentor doesn’t tell you what direction to take, but assures you that it will all work out in the end if you choose to do something you believe in. Karen believes she is a good mentor because she genuinely cares about her mentees and is there for them. She says mentoring goes beyond the office or meeting for coffee. She has her mentees over to cook together, so they can connect with each other, share experiences, and build friendships.

All the award recipients were very honored to receive their awards and were touched that their mentees had nominated them. Congratulations, mentors!

**Terri Kraemer, RN, JD, is the chair of the AdvanceSheet Committee.**

## OWLS Donates Books

By Jennifer Hunking

The first two weeks of February 2013 saw lawyers across Oregon gathering books and directing those books into the hands of inmates at Coffee Creek Correctional Facility, Oak Creek Youth Correctional Facility, and the Federal Correctional Institution, Sheridan. The 2013 book drive marks one decade of generous book donations by OWLS.

This year over 3,500 quality books were collected from sites as far away as Wheeler and Jackson Counties. The book drive would not be possible without the hard work and commitment of the individual site coordinators around the state. A huge thank-you goes to Amy Blake, Jennifer H. Kwon, Gail McEwen, Jane Mopper, Jennifer Nicholls, Hon. Janet Stauffer, Karen Stolzberg, Heather Vogelsson, and Hon. Katherine Weber. Site coordinators promote the book drive locally, operate a collection site, and then deliver the books that have been collected to a central location when the book drive is over. Many of our site coordinators volunteer year after year.

At two central locations, one in Portland and one in Salem, every book is individually inspected by volunteer sorters. Books must be free from tears and stains because the libraries at the facilities are circulating libraries and the books have to hold up under heavy use. The books span a wide range of topics and reading levels, from the latest Nora Roberts novel to political commentary to *Where's Waldo?* Most subject matter is acceptable, but the facilities, understandably, have some content restrictions. Books recounting true crime, for example, are not allowed.

Our sorters also inspect the books for safety and security purposes, finding many interesting book marks tucked between the pages. After the books are inspected, they are counted and packed into boxes for delivery, which takes place in small shipments over a few months.

The books are always very well received. OWLS members understand how important reading is and have been generous in sharing the gift of books.

Amy Blake and Jennifer Hunking are the organizers of the book drive. Please contact either of us if you are interested in becoming more involved in this project.

**Jennifer Hunking** is a personal injury attorney at *Gatti, Gatti, Maier, Sayer, Thayer, Smith & Associates in Salem.*

## MLLS Hosts 2nd Annual Casino Night

By Maureen McGee

At the Mary Leonard Law Society's Second Annual Monte Carlo Casino Night, high rollers were running the tables, but all the winnings went to charity.

Held on Friday, April 19, at the Creekside Golf Club in Salem, Casino Night attracted roughly 100 guests for an evening of roulette, craps, poker, and black jack with professional dealers. Attendees enjoyed wine and beer from local producers and hors d'oeuvres, and bid on an array of silent auction items. The event raised over \$6,000 for two Salem-area nonprofits. "We are very pleased with the increase in funds raised from this year's event," said MLLS Board President Allison Boomer, noting that the event raised \$2,000 more than last year's.

All proceeds from the sale of admissions, drinks, and casino scrip went to Liberty House, a nonprofit that provides assessment services to children who may have been hurt by sexual abuse, physical abuse, or neglect. Silent auction proceeds went to the Mid-Valley Women's Crisis Service, which offers a safe refuge and support to women and children who survive domestic and sexual violence.

MLLS has held annual charity events in most years since the organization's inception in the late 1980s, including "Run for Justice" fun-runs and walks, and benefit dinners. The events have consistently raised funds for local organizations that support the needs of women, children, and minorities.

MLLS began hosting an annual Monte Carlo Casino Night last year, as board



*Professor Valerie Vollmar (left), and her mother, Jean Knights, at Casino Night*

members wanted to create a fun, unique event with strong growth potential. Planning the event requires special organization, including applying for a social-gaming license with the Department of Justice and completing social-gaming reporting requirements, but the payoffs have been well worth the extra effort. In just two years, Casino Night has become recognized as an excellent opportunity for Salem-area professionals to network in a fun setting, while providing financial benefits to the featured charities. "People are already telling me how they are looking forward to next year!" said Julia Rice, MLLS treasurer.

MLLS is grateful to Saalfeld Griggs PC for supporting both the 2012 and 2013 events as the primary, "entertainment" sponsor, to all our table sponsors and underwriters, and to the more than 100 local businesses that generously contributed items for the auction or raffle.

**Maureen McGee** is the MLLS president-elect.

## Change in Listserve Procedure

Membership in the popular Oregon Women Lawyers listserv is optional for any OWLS member. Membership in the Contract Lawyers listserv is available to any OWLS member who pays an additional \$20 fee. Both lists are managed via Yahoo, which recently implemented an important change in how people can be added to the mailing lists.

OWLS staff can no longer simply add people's addresses at their request. Instead, those requesting membership will receive an email titled "Yahoo! Groups Invitation." The recipient must accept the invitation in order to activate list membership.

After you click on the email, the first screen says "Join this Group." When that button is clicked, a second screen appears with information about the group. At the bottom there is a large blue link that says "Join the group." If that button is clicked, you will be asked to create a Yahoo identity if you do not already have one. It is important to note, however, that a Yahoo identity does not need to be created. Simply go the very bottom line of text and click the link that says "As an alternative option, you may join the mailing list instead." This will automatically activate your listserv membership.

Any time an email address is changed or added, this procedure must be followed. For more information, contact Diane at [diane@oregonwomenlawyers.org](mailto:diane@oregonwomenlawyers.org).

## My Six Best Tips for Meaningful Diversity Work

**D**iversity, inclusion, equity, multiculturalism—work around these issues has gained cachet in recent years. It has become popular for legal employers and organizations to have committees and programs devoted to increasing diversity and inclusion. Some of these programs are doing great things and promoting deeper conversations about these topics.

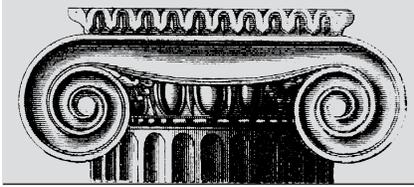
But the proliferation of diversity and inclusion programs has not always resulted in what feels, to me, like progress. The more trendy an idea becomes, the higher the risk that the idea will get watered down, oversimplified or, indeed, overcomplicated, sometimes all in the same moment. For example, I've watched as organizations have adjusted their diversity efforts in response to a U.S. Supreme Court case that wasn't even decided yet (*Fisher v. University of Texas*, which has just been issued and did not make any of the sweeping changes that were forecast).

Like most things worth doing, creating space for underrepresented voices is simpler than we imagine, though it may not be easy. Regardless of what the Supreme Court does—and speaking not as an expert, but as a diversity student and practitioner—I offer these six tips as my best wisdom on how we can make meaningful progress on diversity and inclusion. I'll try in each case to shed light on how I apply my own advice; I'm engaged in this work too.

**1. Recognize that you need to change.** The effectiveness of one's diversity efforts will directly correlate to the intensity of one's own desire to change. I don't just mean desire *for* change, though that's good too; I mean desire *to* change. It's pretty hard to find motivation for the kind of sustained effort that is likely to have an impact if one is driven merely by a vague sense that diversity is a good thing.

*I am constantly learning about the deficiencies in my own perspective. I feel a mixture of shame and longing, for example, when I learn about some aspect of Portland history that most African Americans know about but I have never heard, or when I visit an organization that serves immigrants and refugees and realize that I have so little sense of the practical realities faced by that population. My own efforts toward creating space for underrepresented voices are driven primarily by a desire to change, to*

## THE JUDGES' FORUM



By Judge Darleen Ortega  
Oregon Court of Appeals

*broaden my perspective, and to reduce my unconscious sense of entitlement.*

**2. Cultivate a habit of noticing whose voices are missing.** A good way of developing the desire to change is to notice whose voices are missing from the conversations in which you participate. Has your organization ever been led by a person of color? Have you ever worked closely with a transgendered person? Notice the disconnects between the people you serve and the people who run your organization. If your organization serves a largely Latino population, do you have any Latinos in leadership? Any native Spanish-speakers?

*When I attend a judicial investiture, the only people of color in the room are usually the few of us who are judges. I long for the day when a more diverse community feels connected enough and invited enough to show up. To use another example, African Americans and Native Americans are overrepresented in the juvenile justice system, but my court has never had a judge and has rarely had a staff member from either background. I could go on and on—this kind of noticing is a regular part of my practice.*

**3. Work at making more conscious choices.** The absence of outsider voices is not likely to rectify itself. We will need to alter our usual ways of assessing who are the best candidates for a particular job and what points of view we need to hear in order to be sufficiently informed to address a particular problem. Given that

it is most challenging to see value in the people least like yourself, what can you do that will help you recognize talent in people with whom you don't personally identify?

How can you alter your usual criteria for hiring so that they better reflect what the job requires rather than your own biases?

*In my profession, grades and test scores are overused as a way of assessing which are the best candidates. My experience tells me that I will miss strong candidates from underrepresented communities if I rely on grades too heavily. Consequently, I have thought hard about the skills I need in a law clerk and have devised ways of assessing those skills that are not grade-dependent, including a writing exercise that I give to all candidates and an intensive set of interview questions that are designed to elicit the skills I need.*

**4. Work at it until it hurts.** Effective work at diversity and inclusion will likely involve giving up things to which you have grown attached. For example, hiring a person who comes from an underrepresented background means one less spot for the candidates who remind you more of yourself. Having more diverse voices at the table means less airtime for the people who are used to having it—at least, it should mean that.

In my own hiring experiences, I have occasionally had to pass on a candidate with whom I identified more in order to hire someone with whom I didn't "click" as readily, but who was otherwise qualified and whose background was



Judge Darleen Ortega

*Continued on page 10*



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# Queen's Bench Speakers Offer Insights

By Mary L. Dougherty

Queen's Bench, the OWLS chapter in Portland, hosted distinguished speakers at its luncheons this spring. On May 14, the speaker was Judge Katherine Tennyson, the chief probate judge on the Multnomah County Circuit Court and a founder of the OWLS first-generation professionals discussion group. The group meets every other month to provide a forum to share common experiences associated with adjusting to a different set of behavioral norms and social expectations as legal professionals. For more information, visit the OWLS website.

Nichole Maher, president and CEO of the Northwest Health Foundation, spoke at the Queen's Bench luncheon on June 11. She discussed a 2010 report by the Coalition of Communities of Color and Portland State University titled *Communities of Color in Multnomah County: An Unsettling Profile*, available at [www.coalitioncommunitiescolor.org](http://www.coalitioncommunitiescolor.org). The report is the first in a series on issues facing communities of color in the county. Its findings include this (on page 8):

*[C]ommunities of color in Multnomah County suffer more than similar communities of color nationally. In the measures explored in this report (incomes, poverty, occupation and education), communities of color have between 15% and*



Nichole Maher

programs and availability of opportunities exist. In her current position, Nichole has focused on improving awareness of this disparity at the policy level, creating a healthy community through health advocacy and improving access to programs in underserved communities, and acknowledging the interdependence of all communities in producing better outcomes for Portland as a whole.

Queen's Bench luncheons take place on the second Tuesday of every month from 11:45 a.m. to 1:00 p.m. at the Governor Hotel in Portland. The cost is \$20, and \$15 for law students. Online registration is available at [www.owlsqueensbench.org](http://www.owlsqueensbench.org); there is limited registration at the door.

**Mary L. Dougherty**, vice president of Queen's Bench, practices law in Portland.

20% worse outcomes.

Nichole emphasized the value of this information in improving outcomes at the policy level, where flawed assumptions about access to

# OWLSNet Event in Bend

By Andrea Malone



Laurie Craghead (left) and Susan Frank at the OWLSNet event in Bend

Twenty-five professional women, happy to be in each other's company, traded laughter and stories at an OWLSNet event on June 7, held on Ball Janik's elevated deck in Bend. The party couldn't have been more successful: it was one of the most beautiful spring evenings of the year—more like summer, really—the Deschutes River calmly sparkled in the sun-drenched setting, and all in attendance enjoyed hors d'oeuvres and a no-host bar.

Several Cascade Women Lawyers officers attended: Linda Ratcliff, president; Danielle Lordi, vice president; and Meriel Darzen, secretary. Laura Craska Cooper, OWLS treasurer and managing partner of the Bend office of Ball Janik (the event's law firm sponsor), welcomed everyone and encouraged us to contribute to the Campaign for Equal Justice. Megan Burgess, also an OWLS board member and an attorney at Bend's Peterkin & Associates, reminded us of our mission to support women and minorities in the legal profession.

The event's community sponsor, Bank of the Cascades, was represented by Julie Miller, who thanked everyone for attending and reminded us that our local bank keeps its support local by sponsoring events of interest to our members, including those organized by OWLS and the Deschutes County Bar Association.

Comments overheard included these: Rosalie Matthews, a 2012 graduate of Gonzaga Law School, was "grateful for events like this" because they make her feel supported and part of the community. Meriel Darzen, of Darzen Law, was "excited that this benefits LASO," and Kirsten Naito, of DeKalb & Associates, admired the "great mountain views."

It's quite likely that if a poll were taken, everyone would vote to have an annual OWLSNet event in Bend—the biennial party is simply not enough.

**Andrea Malone** is a staff attorney at the Central Oregon Regional Office of Legal Aid Services of Oregon.

## Meaningful Diversity Work

*continued from page 9*

beneficial to my own learning process and to the court's diversity. Those choices have involved some initial feelings of loss for me, but they have benefited me in ways I couldn't have imagined.

**5. Resist the temptation to pat yourself on the back.** Diversity work is not something one does out of generosity. It is work one does out of a recognition that change is necessary and, indeed, often long overdue. Once you recognize this, the inclination to laud one's own efforts lessens.

*When I have hired someone who comes from an underrepresented background, it is not a sign that I am awesome. It's a sign that I and my organization need that person's help to do better. I'm grateful and excited for all that I will learn from our working together.*

**6. Shoulder a share of the load of being the outsider.** People from underrepresented backgrounds generally shoulder a disproportionate share of the load when it comes to bridging differences.

They do most of the adapting, they are expected to conform to what already exists, and they often find that their colleagues are remarkably uninterested in how their perspective might vary from the dominant perspectives.

Effective work in diversity and inclusion involves a willingness to share in the discomfort of bridging differences. When a person from an underrepresented background says or does something you don't understand, resist the temptation to correct—ask instead about his or her perspective and question your own resistance. Cultivate a willingness to find that your preferred way of doing things is missing something or could benefit from a different approach.

*I have the opportunity to practice this occasionally in my work with law students. The more I interact with people from different cultures, the more I uncover holes in my perspective. In the end, I learn at least as much from them as they do from me.*

Oregon's 2013 legislative session began at a break-neck pace, with hearings held on bills the first day, yet lumbered to a finish. Despite having a Democrat in the Governor's Office and majorities in both the House (36–24) and the Senate (16–14), Democrats found the "Grand Bargain" of PERS reform and tax increases elusive. In the end, the legislature made progress on efforts to control prison growth and to restructure Oregon's education and health care systems, passing a hospital provider tax and increasing K–12 spending. The session finally adjourned on Monday, July 8, just shy of the constitutionally required adjournment date of July 13.

Ultimately, the court system and judges fared better this session than they have in recent years, in part due to the bar's efforts and the Citizens' Campaign for Court Funding, a statewide group of bar and business leaders created by OSB President Mike Haglund to advocate for stable court funding. While the courts did not receive enough money to restore all the cuts resulting from the past two sessions, the general-fund allocation is up \$34.7 million, to \$402.5 million.

The budget includes a new three-judge panel for the Oregon Court of Appeals, continued expansion of Oregon eCourt, \$3.5 million for local courthouse improvements, and up to \$15 million in bonding authority for the Multnomah County Courthouse. The trial-court budget is sufficient to eliminate the ten furlough days of the last two biennia: courts will be open five days every week. Judges will get a \$5,000 annual raise effective January 1, 2014, and another \$5,000 raise on January 1, 2015, as provided in HB 2322.

Indigent defense received additional funding to reduce juvenile dependency caseloads and increase compensation for public defenders.

The Oregon Judicial Department (OJD) budget also provides continued funding for the Council on Court Procedures, the Commission on Judicial Fitness, and the Oregon Law Commission, as well as conciliation and mediation services and the operation of law libraries or law library services.

The OJD budget, however, does not address the continuing inadequate support for trial-court services, and court users can expect the understaffing of clerical positions to continue. In addition, courts will be required to take \$3 million in general-fund reductions to help balance the state budget.



By Susan Evans Grabe

The legislature did not pass HB 2608, which would have treated escrow agent accounts like IOLTA accounts, with interest going to low-income legal services programs. A legislative workgroup has been established, however, to consider the idea of using interest on real estate escrow accounts to support legal services.

### Bills of interest passed by the legislature

All the bills summarized below had been signed by Governor Kitzhaber when we went to press, except those noted.

**HB 2562: eCourt fees.** HB 2562 addresses the distribution of fine revenue between state and local jurisdictions and resolves Oregon eCourt fees. The bill that passed increases some filing fees by 5% and dedicates the revenue to a fund for development, support, and maintenance of the electronic court system and to eliminating charges to file documents electronically. These fee increases take effect on October 1, 2013, and will sunset June 30, 2014. Oregon eCourt fees will be under discussion in the February 2014 session. HB 2562 had not yet been signed by the governor when we went to press.

**HB 3194: Public safety.** HB 3194 is intended to hold the prison population at current levels for the next five years by eliminating some mandatory and presumptive sentences in Measure 57; lowering penalties for some marijuana-related crimes and for driving while suspended; allowing nonviolent offenders to convert two months of prison time to parole time; and allowing probation officers to impose looser requirements on persons they supervise. The savings for the first two years will be \$17 million. These funds will provide more support for local community corrections programs. The bill had not yet been signed by the governor when we went to press.

**HB 2205: Elder abuse.** HB 2205 makes all mandatory child-abuse reporters also mandatory elder-abuse reporters, effective January 1, 2015. As with the child abuse reporting requirement, the obliga-

tion applies 24–7 if the reporter learns of the abuse in a professional capacity or otherwise. The bill contains an exception for attorneys to whom information is communicated in the course of representing a client if disclosure would be detrimental to the client. It also replaces the CLE requirement on child abuse reporting with a requirement that the bar adopt rules establishing minimum training in child abuse and elder abuse.

**SB 483: Voluntary process for medical-error resolution.** This negotiated measure between the trial lawyers and the medical community creates a voluntary three-stage process for resolving medical errors. (The approach has been tried elsewhere, but not on a statewide basis.)

**SB 558: Foreclosure mediation.** In 2012 the legislature passed SB 1552, which established a mediation procedure to resolve non-judicial foreclosures. SB 558 establishes a foreclosure resolution process for both judicial and non-judicial foreclosures, and changes the process to provide more information to homeowners about their options and more timely notification of the next steps.

**SB 492: Brady codification.** Codifies *Brady v. Maryland*, 373 U.S. 83 (1963), a United State Supreme Court case that requires prosecutors to disclose material exculpatory evidence to defendants.

**HB 2433: Disability in determining custody awards.** HB 2433 prohibits a court from considering a parent's disability when awarding child custody or parenting time, unless there is clear and convincing evidence that behaviors or limitations related to a party's disability will endanger the child's health, safety, or welfare.

**SB 421: Civil commitment of extremely dangerous persons.** SB 421 creates a new kind of civil commitment for "extremely dangerous" persons when a person accused of a serious crime has been unable to aid and assist counsel at trial, and has been or will be released from custody. The bill had not yet been signed by the governor when we went to press.

**SB 463: Racial and ethnic impact statements.** SB 463 requires the Criminal Justice Commission to prepare a statement on the impact of proposed legislation or a ballot measure on the racial and ethnic composition of the criminal-offender population or recipients of juvenile dependency services.

*Susan Evans Grabe, a longtime OWLS member, is the public affairs director at the Oregon State Bar.*

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# Lowering Payments on Federal Student Loans

By Rachel Lynn Hull

Young lawyers in Oregon face the double hurdle of a soft job market and significant student-loan debt. Many lawyers struggle to make loan payments because they are unemployed, working at a low-wage job, or covering the costs of the early years of solo practice.

Oregon's newer lawyers are not alone: the federal government's Consumer Financial Protection Bureau estimates that 37 million people in the United States owe a total of \$1 trillion in student loans. Recent surveys show that a surprising number of borrowers are not aware of repayment plans that lower payments in the early years or over the total course of the loan. The government expanded these plans in 2007 and again in 2012.

Two options may be especially helpful for low-income lawyers: Income-Based Repayment (IBR) and Pay As You Earn (PAYE).

Both IBR and PAYE cap monthly payments based on the borrower's income, without regard to the total loan amount. The most enticing feature of IBR and PAYE, however, is loan forgiveness. Because payments are designed to accommodate income and not the total loan amount, borrowers may still have a significant amount of debt at the end of the repayment period. Under both plans, this remaining debt is simply canceled.

Qualifying for IBR or PAYE doesn't necessarily mean that a low-income lawyer should enroll. Because the plans extend the repayment period significantly, many borrowers will still pay their debt in full

before reaching forgiveness, and will pay more interest over that time. Borrowers who reach forgiveness may end up with a huge tax burden, as the amount of the forgiveness is currently taxable as income in the year that it is forgiven. Thus, barring future congressional action, forgiven student loans will come with a price.

For more information on qualifying for these repayment plans, how they work, and other considerations, please see my article posted on the OWLS website, [www.oregonwomenlawyers.org](http://www.oregonwomenlawyers.org).

*Rachel Lynn Hull was an attorney for the United States Postal Service from 2007 to 2012, specializing in privacy and administrative law. She is currently seeking a position in Portland.*

# Women's Wellness Retreat: Choosing Happiness

By Barbara S. Fishleder

On Friday, April 26, and Saturday, April 27, women lawyers gathered together at the Sixth Annual OAAP/OWLS Women's Wellness Retreat in a beautiful, relaxed setting at the Resort at the Mountain, in Welches.

This year's theme, "Creating, Renewing, and Finding Joy," was introduced by lawyer, teacher, and author Beth Enos on Friday afternoon. Beth emphasized that happiness is an "inside job" and outlined some steps that helped her shift her own fear, anxiety, and stress to a life of joy, contentment, and peace. Two of the steps, giving up the delusion of control and taking time to feel your feelings, are discussed in more depth in her book, *10 Steps to Finding Your Happy Place (and Staying There)* (which is published under the name Galen Pearl).

Beth acknowledged how difficult it is for lawyers to give up the delusion of control. We are trained to try to control things and to expect things to go according to "the rules." She helped us to better distinguish between the kinds of things we can control and the things we cannot. She encouraged us to focus on what we do, think, and say, but to release our feelings of responsibility for the outcome, our initial judgments about whether an outcome is "good" or "bad," and our attachment to a specific outcome. She shared several stories illustrating how outcomes that might seem "bad" at first often look very different

when viewed from a different perspective down the road.

Beth also acknowledged that many people are afraid to own their feelings, often because they are afraid that their feelings will overwhelm them and run out of control. She walked us through positive ways to express and own our feelings, including using statements that begin with "I," such as "I feel so disappointed/scared/worried/alone."

After some free time to enjoy the beautiful weather, the peaceful surroundings, and an exceptionally tasteful dinner, Kim Cottrell, educator, author, and Feldenkrais practitioner, helped us realize our innate capacity for graceful, efficient movement. Kim led us through Feldenkrais movements, which help increase ease and range of motion, flexibility, and coordination. We left the room with a relaxed body and renewed spirit.

On Saturday morning, Virginia Terhaar, PhD, helped us explore the kinds of connections that make us happy—and why. We rediscovered how important bonds are, whether they are with friends, partners, family, pets, those who are living, or those who have died. We came away from this session with a renewed sense that life is made rich and worthwhile because of the relationships that make us happy.

Nancie Potter, a former trial lawyer who transitioned to a second career in marriage and family counseling, then

facilitated an exploration of how to find a greater balance in our work and in the rest of our lives. She encouraged us to make finding joy a priority and to take time to express gratitude every day. Reminding us that an "attitude of gratitude" really makes a difference, Nancie noted that it is hard to feel miserable and grateful at the same time. She provided us with creative ways to "call out our calling," including looking at general categories such as connection, change, simplicity, teaching, inquiry, and leadership.

The afternoon closed with Beth Enos supporting us in examining what barriers we put up to defeat our own joy, and how to break them down by giving ourselves permission to be happy, joyful, grateful, and playful.

With joyful spirits and a sense of renewal, we gathered together in the sunshine for our closing circle. We went around the circle, each offering a word that described how we felt about our experience. Hopeful, restored, joyful, satisfied, connected, happy, renewed, and grateful were just a few words offered to summarize the experience at this year's OAAP/OWLS Women's Retreat.

The OAAP is a free and confidential personal assistance program for lawyers in Oregon. For more information, call 503.226.1057 or visit [www.oaap.org](http://www.oaap.org).

*Barbara S. Fishleder is the executive director of the OAAP.*

# Meet Washington County Circuit Judge Janelle Wipper

By Teresa Statler

Judge Janelle Wipper was appointed to the Washington County Circuit Court by Governor Kitzhaber in July 2011. She was elected to a six-year term in November 2012. Judge Wipper hears both civil and criminal cases, and she enjoys being able to view a legal case as a whole, rather than approaching it from one side only as an advocate.

A native of Hawaii, Judge Wipper spent most of her childhood on the Big Island. She came to Oregon to attend Oregon State University, majoring in political science. She chose Oregon, she says, because she wanted someplace "different, that was not California," and she arrived in Corvallis for classes having never seen the campus.

Judge Wipper later attended Willamette University College of Law, graduating in 1996. Early in her life, she knew that she wanted to be a lawyer working in the public sector, so she could serve the community. Her first position out of law school was as a deputy district attorney in Tillamook County. She also worked as a deputy DA in Washington County before transferring to the Oregon Department of

Justice, where she worked in the financial fraud and consumer protection section. In 2011, before being named to the bench, she held the position of associate chief counsel for the Civil Enforcement Division at the Oregon Department of Justice.

A strong supporter of OWLS, Judge Wipper says that she knows "first hand that OWLS gives support and broadens opportunities." She added, "My road to the bench was fully supported by OWLS; they helped me with the application and interview process." She was encouraged to apply for a judicial position by people she respected and admired.

Judge Wipper encourages young women lawyers to just be themselves. "Figure out what and who you are and be the best reflection of that person." She notes that throughout one's career, "many people will give you advice, and much of that advice (while important and helpful) will not apply to you." For example, "I received advice from many people on how to be an 'aggressive' trial lawyer. Never would that have worked for me, given my personality and who I wanted to be as a lawyer." She believes that good

trial lawyers are "genuine and to the point." Judge Wipper also believes that networking and being involved in your local legal community are important for career development.

An avid Oregon State Beavers fan and football season-ticket holder, Judge Wipper also enjoys watching movies and eating out with friends. A former competitive water skier, she has taken a year off from that activity due to recent knee surgery. Judge Wipper is married and has an adult stepson. OWLS wishes her all the best in her position on the Washington County Circuit Court.

*Teresa Statler practices immigration law in Portland.*



Judge Janelle Wipper

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## Teleconference on Rainmaking August 21

On Wednesday, August 21, from noon to 1 p.m., join us by telephone for a program with Paramjit Mahli, founder of the Rainmakers Roundtable. Paramjit is a New York-based



Paramjit Mahli

marketing consultant, and the program is entitled "Pitfalls to Avoid When Building Your Book of Business." Since 2006, Paramjit has coached hundreds of lawyers with one objective: to help them grow their practices. Law firm partners and associates, corporate counsel, and sole practitioners have benefited from following her practical, results-oriented approach to developing a book of business.

To register for this no-cost teleconference, send email by August 20 to [diane@oregonwomenlawyers.org](mailto:diane@oregonwomenlawyers.org). It is presented by the OWLS membership committee, the OWLS Foundation, and OAPABA.

## The Battle for Pay Equity

how it affects our willingness to negotiate as lawyers is a further step. Achieving equal footing with men in the realm of salary depends on our willingness to consciously change passivity to action when it comes to demanding what our work is worth. Unfortunately, women identify far fewer opportunities to negotiate than men do, and they attempt it much less often. Instead, we tend to accept what is offered to us without asking for more. That's particularly unfortunate, given that studies show that women are good at negotiating once they are persuaded to try. Clearing the hurdle of willingness sets women up to excel in negotiation.

But salary equality won't be achieved if we stop at negotiation. Combatting stereotypes that negatively affect women in the workplace is also a necessary component. Women lawyers have experienced the growing pains of joining a historically male-dominated profession for decades, and unfortunately, bias against women still exists in the workplace. We can, however, work to eradicate it through non-accusatory dialogue, education, and avoidance of blame and resentment. By raising awareness through conversation, we can teach those who still operate pursuant to stereotypes about women in the workplace to rethink their prejudices.

Finally, we must bring attention to our successes. The daily grind challenges us to stay on our toes in many ways, but we cannot take for granted our own accomplishments and those of our female peers. We must promote and vouch for the competence of each other. When we achieve a good result at work, we should look for any and every opportunity to report it, discuss it, and help others to learn from it. When we have work to refer, we should consider qualified women attorneys first. When there are positions in leadership available, we should apply for them and encourage others to do the same. By celebrating each other, we can bring heightened awareness to women's contributions to the legal field and make the gender-based pay gap even more difficult to justify.

### What we can do as employers

Employers have a unique and powerful position from which to combat pay inequity. Partners and human resources

*continued from page 1*

managers at law firms should audit, monitor, and address pay disparity. Transparency and consistency in compensation create a hostile environment for the gender-based pay gap in a meritocracy, as women consistently prove that they are more productive than their male peers. By monitoring and auditing pay, employers can minimize the effect of female lawyers' propensity to avoid negotiation while their male peers take advantage of it as often as possible.

Employers must also work to eradicate systems and behavior in the workplace that negatively affect women. Equality in treatment and opportunity is paramount to equity in pay. When women approach their professional superiors about issues affecting gender equality, those superiors should have the skills to be receptive, and give acknowledgement and feedback regarding the situation at hand. The opportunity to be heard by those in charge—without being accused of being pushy, uppity, or aggressive—is necessary for women's progress toward an equal paycheck.

Lastly, employers share the duty to promote women in the workplace. Because we as women tend to collaborate and build consensus, we often reach resolution efficiently. At the end of the day, however, we are terrible at asking for recognition, reward, or remuneration for our work. Lack of self-promotion plays out to the detriment of female attorneys; employers, however, can help. Partners and senior attorneys should promote women by recognizing their successes and assigning them more complex and important matters or accounts when they excel. Additionally, law firms should develop formal processes for promoting qualified candidates of both genders when opportunities for advancement arise.

When we pave the way for women to break free from the inferior status to which they have historically been relegated, they will undoubtedly continue to prove their value and competence in the workplace.

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## ABA Addresses Pay Disparity

By Mark Johnson Roberts

American Bar Association President Laurel G. Bellows has made the problem of gender-based pay equity a central focus of her administration this year. Under her direction, the ABA's Task Force on Gender Equity has completed the first in a series of projects intended to address and ameliorate the long-standing pay disparity between male and female lawyers.

Eliminating inequities at the partner level is critical to closing the gender gap in compensation at law firms. Toward this end, the task force has launched the ABA Toolkit for Gender Equity in Partner Compensation. This toolkit is a "conference in a box," providing state and local bar associations with all the materials they need to present a successful program, including a detailed outline, customizable PowerPoint slides, questions for panelists, program handouts, and a bibliography. The toolkit even provides text for use in promotional efforts and suggested dates so that programs can coincide with national events to maximize publicity.

The ABA Toolkit is available online at [www.americanbar.org/GenderEquity](http://www.americanbar.org/GenderEquity).

The toolkit is being sent to state and local bar associations throughout the United States to enable them to take a leadership role in the national effort to foster meaningful dialogue and effect change with respect to pay equity. The toolkit provides concrete solutions and strategies to help achieve greater fairness in law firms' compensation systems, including more equitable client origination and client succession policies, more diverse compensation committees, and implicit bias training for compensation decision-makers. Creating a level playing field for women lawyers will redound to the benefit of the entire profession.

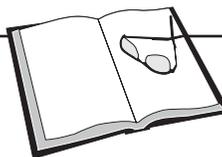
*Mark Johnson Roberts is Oregon's state delegate in the ABA House of Delegates. He practices family law at Gevurtz Menashe in Portland.*

For more information about OWLS activities, chapters, and volunteer opportunities, visit [www.oregonwomenlawyers.org](http://www.oregonwomenlawyers.org).

# My Beloved World

By Sonia Sotomayor (Alfred A. Knopf, 2013, 308 pages)

Book Review by Teresa Statler



“I am blessed. In this life I am truly blessed.” With these words, U.S. Supreme Court Justice Sonia Sotomayor concludes her warm and riveting memoir, *My Beloved World*. Surprisingly candid for a sitting justice, she tells in this book her life story from her childhood in the Bronx, the daughter of Puerto Ricans who met in New York City, to her appointment as a federal district court judge.

Sotomayor, born in 1954, and her younger brother grew up in a public housing project (and moved to Co-op City when she was 14) as part of an extended family that included many aunts, uncles, and cousins and her much-loved paternal grandmother. The young Sotomayor was so self-reliant that, diagnosed with Type I juvenile diabetes, she gave herself insulin shots starting at age 7. After her troubled, alcoholic father died when she was eight, Sotomayor realized that ultimately she had to depend only on herself. Nevertheless, she writes that “I would never claim to be self-made—quite the contrary: at every stage of my life, I have always felt that the support I’ve drawn from those closest to me has made the decisive difference between success and failure.”

Sotomayor recounts that in elementary school, “under the allure of [earning] gold stars, I did something very unusual for a child, though it seemed like common sense to me at the time. I decided to approach one of the smartest girls in the class and ask her how to study.” She obviously learned what it took, excelling in high school and earning a full scholarship to Princeton.

Along with her achievements and struggles in school, Sotomayor describes learning to live with diabetes, a chronic illness that required her to cultivate a “constant mindfulness” of how her body felt, a sort of “discipline” and “internal awareness,” each of which she considers an “accidental gift from my disease.”

In the 1960s, people diagnosed with juvenile diabetes faced a shortened lifespan. All the more reason for the young Sotomayor not to waste time deciding what she would be when she grew up. She liked Nancy Drew and wanted to be a detective because “I was a keen observer and listener. I picked up on clues. I figured things out logically, and I enjoyed puzzles.” She realized, however,

that a detective might not be the best profession for a diabetic. The solution to this “quandary,” she says, was Perry Mason. Although impressed by Perry’s courtroom skills, “a part of me, I knew, would have preferred to be the judge rather than Perry Mason. At the time, with no knowledge of what either aspiration might entail, the one didn’t seem any more outlandish than the other.”

At Princeton, Sotomayor got involved with a Puerto Rican students’ group and worked part-time in the campus computer center. She was elected to the board of Princeton’s Third World Center, which involved minority and foreign students, and she served on the school’s discipline committee. She graduated summa cum laude; was awarded the Pyne Prize, the highest honor bestowed on a graduating senior; and won a full scholarship to Yale Law School.

Sotomayor also recounts her brief marriage to her high school sweetheart, which began just before law school and lasted five years before she moved out. It appears that she and her ex-husband simply grew apart; she also concedes that she was probably too self-reliant to make the marriage work.

Her first experience with professional “failure” occurred, she writes, when she did not receive an offer for an associate position after clerking at a prestigious Manhattan law firm before her third year in law school. Back at school, she stopped by a student reception for the “free wine and cheese” and met Manhattan District Attorney Robert Morgenthau, who convinced her to come to work for his office as an assistant DA.

Sotomayor devotes several chapters in her memoir to her work as an assistant DA. She enjoyed the trial work and became accomplished at thinking on her feet. The job furnished her with “the basis for an eventual judicial temperament in the ways that Yale could not.” She goes on to say that it “gave me the

confidence that came of recognizing my personal background as something better than a disadvantage to be overcome.” She also served on several boards and commissions and became known in the legal and Hispanic communities in New York City.

From the DA’s office, she landed a position at a small business and intellectual property firm. Her clients included luxury brand companies like Ferrari and Fendi.

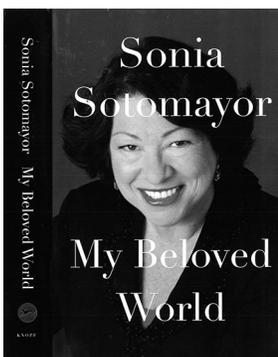
After several years at the law firm, a partner who mentored her encouraged her to put her name forward to Senator Daniel Patrick Moynihan for an opening on the federal bench. Impressed upon meeting Sotomayor, Senator Moynihan nominated her, and after 18 months, the U.S. Senate confirmed her nomination. She took a seat on the U.S. District Court for the Southern District of New York on August 12, 1992. Six years later, she was named to the U.S. Court of Appeals for the Second Circuit, and in August 2009 she took a seat on the United States Supreme Court.

Sotomayor’s memoir stops at her U.S. district court confirmation. She states that she made this choice “because of the personal nature of what I wish to tell. For though I believe my personal growth has continued since that time, it was by then that the person I remain was essentially formed.” She also declines to comment on the “political drama” that attended her nomination to the U.S. Supreme Court.

*My Beloved World* includes 16 pages of Sotomayor’s personal and family photographs. The photos, and indeed the very personal nature of her memoir, give the reader a close-up view of an accomplished and approachable woman. Her story is both ordinary and extraordinary, and it is recounted in a friendly and informal tone. By reading her memoir, this reader was pleased to make the acquaintance of this “wise Latina.”

*My Beloved World* is the 2014 selection for Multnomah County Library’s “Everybody Reads” program. The culminating event of this 12th annual community reading project will be Justice Sotomayor’s appearance and presentation at the Arlene Schnitzer Concert Hall on the evening of March 11, 2014.

*Teresa Statler practices immigration law in Portland.*



*Summer 2013*  
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## OWLS Dragonflies Earn Two Gold Medals

By Nancy L. Mensch

*The OWLS Dragonflies compete at the Rainier Dragon Boat Festival in Tacoma in May.*



**H**uzzah! The OWLS Dragonflies dragon boat team is back on the water for the 2013 race season. Under the leadership of Co-captains Holly Martin and Andria Joseph, Coach Dan Auerbach, and Tiller Ali Greene, the 'Flies have launched the new season in great form.

The 'Flies opened the race season on Saturday, May 11, at the Rainier Dragon Boat Festival in Tacoma, Washington. Competing against 11 women's teams from Oregon and Washington, the 'Flies paddled strong to earn a spot in the Women's Division Final and finished fourth overall, a solid start to the season.

On May 26, the 'Flies competed in the first annual Paddle for Life race in Vancouver, WA. Unlike most races, the purpose of Paddle for Life was twofold: to give local dragon boat teams a new competition venue and, more importantly, to help raise funds for the Disabled Veterans Water Sports Program, which aims to get disabled veterans out on the

water in dragon boats, rowing boats, and kayaks. The 'Flies dominated the competition and took first place in the Women's 10 Division, earning our first gold medal since the 2007 race season. Paddle for Life raised nearly \$6,000 for the program, and the 'Flies look forward to competing again next year to support our veterans.

The 'Flies then made their international race debut at the Rio Tinto Alcan Dragon Boat Festival in beautiful Vancouver, BC, on June 21 and 22. The Alcan race pitted the 'Flies against the toughest competition available: 42 women's teams participating, with paddlers from all over the United States and Canada. Against such fierce competition, the 'Flies had to paddle hard to make it into the Women's Recreational B Division Championship, in which the 'Flies dominated the competition (beating the second-place team by over three seconds) to win the gold, our second first-place of the 2013 season!

The 'Flies race season will continue with

the Kent Cornucopia Dragon Boat Race in Washington on Saturday, July 13, and the Portland Dragon Boat Race over the weekend of September 8 and 9. Tentatively, the 'Flies are also scheduled to race at the San Diego Dragon Boat Race over the weekend of October 5 and 6. Please visit our website [www.owlsdragonflies.org](http://www.owlsdragonflies.org), for race news and results, and to view race pictures and videos.

The Dragonflies recognize that the 2013 race season would not be possible without our generous sponsors: Roe & Greene; Directors Mortgage; Stoel Rives; Oregon Women Lawyers; Tomasi Salyer Baroway; Beovich Walter & Friend; Cumulus Legal Services; J. Michael Nolte & Mary Martha Allen; Perkins Coie; Broer & Passannante; Debbie L. Fong-Urbe; and Law Office of Nancy L. Mensch. We are grateful for their support and we invite them, as well as all OWLS members, to join us at our upcoming races.

**Nancy L. Mensch** is an estate planning attorney in Portland.