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OWLS Honors Leaders at Roberts-Deiz Dinner

By Rose Alappat

Five hundred people gathered on March 8 to celebrate the recipients of the 21st annual Justice Betty Roberts and Judge Mercedes Deiz Awards.

The Justice Betty Roberts Award was presented to the Honorable Jean Kerr Maurer of the Multnomah County Circuit Court, and the Judge Mercedes Deiz Award was presented to Julia E. Markley, a partner at Perkins Coie in Portland.

The sold-out Roberts-Deiz Dinner, held for the second year at the Nines Hotel in Portland, was immediately preceded by the ever-popular OWLS Foundation silent auction. OWLS members and friends enjoyed the venue while socializing and placing bids.

During dinner, OWLS President Megan Livermore thanked the dinner sponsors, including title sponsor Paulson Coletti Trial Attorneys, and recognized the distinguished judges, political leaders, and guests in attendance.

Simon Whang presented the Judge Mercedes Deiz Award to Julia Markley. The Judge Mercedes Deiz Award recognizes an individual who has made an outstanding contribution to promoting minorities in the legal profession and the community. The long-standing, collegial relationship between Simon and Julia was apparent in Simon's energetic, humorous, and sincere tribute to Julia.

Simon praised Julia's many professional accomplishments, including founding the Oregon Asian Pacific American Bar Association (OAPABA), which now includes over 170 members. In addition to her work with a variety of minority organizations, Julia has also served on several judicial selection committees and actively promotes diversity in her law firm. Julia remembered attending her first Roberts-Deiz Awards Dinner and her first convention for the National Asian Pacific American Bar Association (NAPABA). The experiences inspired her to become involved with OWLS and minority associations, including OAPABA.

Julia also acknowledged the people who have guided her professional success, including Paul Hirose, a senior counsel at Perkins Coie and

former president of NAPABA, who showed her, among other things, the proper way to exchange business cards. At the end of her speech, Julia thanked her family and invited her two children to join her on stage to "get out their wiggles," no doubt an experience all three will remember for a while.

Next, Sanam (Sam) Dowlatdad presented the Justice Betty



Judge Jean Kerr Maurer (left) and Julia E. Markley

Roberts Award to Judge Jean Kerr Maurer. The Justice Betty Roberts Award recognizes an individual who has made an outstanding contribution to promoting women in the legal profession and the community. Sam emphasized her appreciation for Judge Maurer's professional guidance and personal friendship over the years, which has included providing advice during career transitions and officiating at Sam's wedding.

In addition to her informal role mentoring women in the legal profession, Judge Maurer also participates in several legal organizations, including the Gender Fairness Task Force of the Oregon Supreme Court and the OWLS Queen's Bench Board of Directors.

When discussing the role of a mentor, Judge Maurer recalled her failed attempt to join her school's cheerleading squad. Although she did not make the squad, watching it did leave an impression. Judge Maurer compared mentoring to cheerleading—it is about providing support and encouragement.

She left the audience with some parting advice: "Be yourselves. Do what you're good at. Work hard." It's good advice, which both Julia and Judge Maurer seem to have followed.

Rose Alappat is a corporate attorney at Perkins Coie in Portland.

President's Message



Megan Livermore

Not too long ago a wise woman and mentor asked me what I had learned in my role as OWLS president. It is a great question and, upon reflection, my answer is much

more complex than the one I gave her.

I learned that we have some amazing members who are working toward our mission of ensuring equality and justice by transforming the practice of law and advancing women and minorities in the legal profession. It is through our collective, tireless efforts that we are making progress. Yet there is much still to be done.

I learned that we can accomplish more by working together. I am very proud of the community we have built with our fellow specialty bar organizations. Through the work of the leaders of these great organizations, we have come together toward a common goal of improving the practice of law for our various (and often intersecting) members as well as seeking to provide better access to justice to marginalized communities.

Coalition building has been and continues to be one of my personal goals. I know that working together, rather than allowing ourselves to get caught up in identity politics, gets us further.

One example of our ability to make progress when we work together is playing out now. As of late last year, the specialty bars have engaged in a collective endeavor to pursue an amendment to Rule 8.4 of the Oregon Rules of Professional Conduct. The amendment sought by the groups would specifically prohibit discrimination, intimidation, or harassment based on race, ethnicity, gender, sexual orientation, disability, or other protected class. This is an issue OWLS brought to the Oregon State Bar two years ago and one we have continued to pursue. We are now gaining traction through the combined efforts of the leadership of the specialty bar groups.

Finally, I have learned a lot about being a leader. I certainly do not think I can sum up in this column all I learned about leadership from my tenure on the OWLS board. Nor do I necessarily think I have anything unique to say about it.

My greatest take-away from being part of this great organization, however, is the opportunity to be a leader by speaking up for myself and others in ways I did not think I ever would or could. This skill has served me well in all aspects of my life. And for that, my fellow OWLS members, I owe you my deepest appreciation.

Megan Livermore
President, Oregon Women Lawyers

Upcoming OWLS Events

Court-Appointed Arbitrators

CLE, one MCLE credit pending

Monday, April 29, noon to 1:30 p.m.

Cost: \$10

Sponsors: OWLS and OAPABA

RSVP to <http://oapaba.org/events>

Mark O. Hatfield Courthouse
1000 SW Third Ave., Portland

Annual Federal Courthouse Connection in Portland

Friday, June 7, noon

Judge Aiken and Judge Waller will host this annual event, to include a short program on mentoring.

Mark O. Hatfield Courthouse
1000 SW Third Ave., Portland

Pay Up:

Negotiating Your Worth at Work A workshop for lawyers

Friday, September 20

8:30 a.m. to 12:30 p.m.

Portland location TBD

OWLS' Fall Conference

Keynote Speaker:

Sheryl WuDunn

Co-author, *Half the Sky*

Friday, October 18, 1:30 to 5 p.m.

Followed by our Fall Reception
Governor Hotel, Portland

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A special thanks to our 21st annual Roberts-Deiz Awards Dinner Sponsors

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*Many thanks to our volunteer
photographer, Jodee Jackson,
and to committee chair
Stephanie Corey.*

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

Nominations Sought for OWLS Workplace Leader Award

Nomination Deadline Is June 7, 2013

We believe that law as traditionally practiced has included barriers to the advancement of women and minorities and has not always been a friend to those seeking a healthy, balanced life. We seek to encourage and celebrate change that will eliminate those barriers and imbalances, and we expect the profession will be stronger as a result.

While most legal employers agree in concept that such changes are needed, many disagree on how to achieve these goals. How can legal employers help parents of small children avoid losing the momentum in their legal careers to become leaders in the profession? How can part-time employment work for both employer and employee? How can legal employers promote effective mentoring relationships? What can they do to attract and retain qualified women and minority lawyers and equip them for leadership? How can they value contributions to the organization that are not captured by

the usual quantification tools, such as billable hours?

The Workplace Leader Award

The OWLS Workplace Leader Award recognizes a legal employer making innovative and effective efforts to promote one or more of the following values:

- a healthy balance between work and life;
- acquiring and maintaining a diverse workforce with diverse leadership; and
- maximizing opportunities for women and minorities to succeed in the workplace and advance to positions of influence and leadership.

We are not looking for an employer to exemplify all of these virtues. Rather, the award will recognize a *specific program, policy, or project* that is successfully addressing one or more of the concerns outlined above. We particularly want to encourage applications from in-house

legal departments, government employers, and employers who are making strides in recruiting and retaining women and minority lawyers and equipping them for leadership.

The 2013 award recipient will be honored during OWLS' Fall CLE on October 18, 2013, at the Governor Hotel in Portland.

Nomination Information

Nominations should include the following: information that will help the award committee evaluate the specific program, policy, or project of the employer; the markers of success for that program, policy, or project; and names of people who can be contacted for further information.

Nominations must be received via email by 5 p.m. on June 7, 2013, and should be sent to the OWLS transformation committee chair, Dana Forman, at danaformanlaw@gmail.com.

OWLS Leadership Committee Hosts Mixer



Tasha Cosimo (left) and May Low at the OWLS March 20 mixer

Fifty OWLS members and friends attended the OWLS leadership committee's "Spring into OWLS" mixer on March 20 to learn about volunteering on OWLS committees. Schwabe, Williamson & Wyatt sponsored the successful event, which resulted in over 30 volunteer positions being filled, with more volunteers coming forward via email to the OWLS office. To learn about volunteer opportunities with OWLS, contact Linda Tomassi, OWLS executive director, at linda@oregonwomenlawyers.org.

"When an attorney called me from New York after the close of business one Thursday to ask if I could get him a reporter in New York for the next morning, I had only two words for him.

"Of course."

—Catherine Teach



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Queen's Bench Focuses on Diversity in Leadership

By Mary L. Dougherty

This year the theme for Queen's Bench, the OWLS chapter in Portland, is "diversity in leadership." We are exploring experiences and celebrating achievements of leaders who serve at the intersections of multiple diverse values and voices.

On January 8, Presiding Judge Nan Waller of the Multnomah County Circuit Court provided an update on setting court priorities as the judiciary faces continued budget and staffing challenges. Judge Waller described the processes of evaluating proposals to renovate or replace the downtown courthouse, implementing eCourt, and improving access to the court by the growing number of unrepresented parties. Judge Waller also encouraged a visit the new East County Courthouse, which serves as an example of the county's commitment to the community and to sustainability, with a LEED gold certification.

On February 12, Beth Englander, a staff attorney at Disability Rights Oregon, spoke about the intersection of mental health and civil rights. Beth discussed issues related to protecting the rights of allegedly mentally ill persons during the civil commitment process and investigating reports of abuse or neglect in facilities that provide mental health treatment.

On March 12, Judge Beth Allen and Cynthia Barrett spoke about the U.S. Supreme Court review of the Defense of Marriage Act. Judge Allen opened the discussion by recapping the federal cases that frame the issues in *U.S. v. Windsor*. Cynthia explained the general categories of marital status law for same-sex couples and transgender couples in different states and the possible implications of *Windsor* for practicing attorneys.

On March 13, Queen's Bench and the Women's Law Caucus of Lewis & Clark Law School held their annual spring mixer, hosted by Stoel Rives in downtown Portland. The keynote speaker for the event was Donna Maddux, a 2002 graduate of Lewis & Clark Law School, a 2010 graduate of Emerge Oregon, formerly a prosecutor for the Oregon Department of Justice, and currently an assistant United States attorney for the District of Oregon.

Donna spoke about the importance of networking, the value of nurturing connections, and the great connections available through OWLS. As one example, Donna described meeting Ellen Rosenblum



Elisa Dozono

after being invited to sit at the Court of Appeals table at a Roberts-Deiz Awards Dinner and the lasting impact that meeting has had for her over the years.

On April 9, Elisa Dozono, a partner with Miller Nash, spoke about public service, starting her remarks with "I'm Elisa Dozono and I'm addicted to being involved." She has served on over 25 boards, commissions, and committees, and currently chairs the five-person Oregon Lottery Commission.

Elisa advised those who are interested in public service to be sure to do your homework before you say yes. Homework includes knowing current issues, if there

are conflicts of interest, if the service is a good fit with your professional life, what the duties and time commitment would be, and if there are fundraising requirements.

Elisa recommended that you "say yes to smart people who ask for help... maintain your connections... do good work." She noted that leadership begets more leadership and that the governor is trying to increase the number of women and minorities on board and commissions. To learn more about these opportunities, visit www.oregon.gov/gov/Pages/boards.aspx#Leaders_Wanted.

Along with moving the luncheons to the Governor Hotel, Queen's Bench has added online luncheon pre-registration. Queen's Bench luncheons take place on the second Tuesday of every month from 11:45 a.m. to 1:00 p.m. Registration and the schedule of speakers are available online at www.owlsqueensbench.org.

Mary L. Dougherty practices in Portland, specializing in business law, estate planning, probate, and tax law. She is the vice president of Queen's Bench.

OWLS Foundation Hosts Great Auction

By Robin Jerke

As part of the OWLS Roberts-Deiz Awards Dinner, the Oregon Women Lawyers Foundation once again hosted its annual auction on March 8, raising twice as much money as last year. The success of the auction is attributed to a wonderful auction committee and the more than 120 donors who contributed items, including artwork, entertainment tickets, weekend trips, and many baskets of special gifts. This year's auction committee was chaired by Libby Davis and coordinated by Robin Jerke.

The live auction, conducted by the superb auctioneer JillMarie Wiles, took place during dinner and generated a lot of laughs and spirited bidding. It featured two fabulous packages: a weekend in central Oregon, including a two-night stay at River Ridge, Bend bucks, mountain bike rentals, and more, raising \$1,000; and a Sunday night dinner with Chef Pascal Chureau of Allium, which included a decadent wine dinner for eight cooked by Chef Chureau and wine from WillaKenzie vineyard, raising \$3,000. Thank you, Sarah Crooks of Perkins Coie and Deanna Wray of Bodyfelt Mount, for purchasing these two packages.

This year's auction sponsors were Barran Liebman; Bodyfelt Mount; Lane Powell; Brittle & Brittle; Davis Wright Tremaine; Folawn Alterman & Richardson; Miller Nash; the Multnomah Bar Association; and the Law Office of Matthew Kehoe. The Foundation sincerely thanks all donors and bidders for supporting the OWLS Foundation and its mission to promote access to justice for women and minorities.

Robin Jerke is an auction manager who works with nonprofits on their auctions.



Julia Haga (left) and Jermaine Brown at the OWLS Foundation Auction

Thank you, Outgoing OWLS Board Members

The OWLS Board of Directors extends gratitude and good wishes to outgoing board members President Megan Livermore, Gina Eiben, and Shannon Reel.

Outgoing President Megan Livermore has been an OWLS member since 2005 and on the OWLS board since 2008. She also served on the OWLS board as treasurer and vice president and has been active with Lane County Women Lawyers. Her extensive volunteerism with OWLS includes serving as Fall CLE chair, on the judicial work group, and on the OWLSNet and finance committees.

Megan brought her passion for ensuring that the LGBTQ community is included in the definition of diversity in the legal profession to her leadership roles on the OWLS board, and sought to educate others about identity politics and social justice. OWLS' 2012 Fall CLE, "The Curious Relationship Between Marriage and Freedom," brought a wider understanding of the struggles of the LGBTQ community within the confines of legal marriage to over 200 lawyers, law students, and friends.

While serving as OWLS president and

keeping up her litigation practice as an associate with Gaydos, Churnside & Balthrop in Eugene, Megan also served on the Oregon State Bar Diversity Section executive committee and was appointed its treasurer in 2012. She was elected president-elect of the Lane County Bar Association in 2012, and will begin her term as president in June 2013. Megan recently joined the board of directors of the Oregon Gay and Lesbian Law Association (OGALLA).

Gina Eiben has been an active OWLS volunteer since she joined OWLS in 2008. She joined the OWLS board in 2010, bringing her keen eye for corporate governance to the bylaws and policies that guide the OWLS board and staff. She has been active on the OWLSNet committee, bringing women lawyers together with other women professionals for networking and skill building.

Gina was promoted to Perkins Coie's newly created counsel position in January 2013, a partnership-track position for high-quality attorneys with more than six years of experience. Her practice focuses on public offerings, mergers and acquisitions, securities compliance, corporate

governance, private placements, and restructurings, whereby she can happily stay out of the courtroom. [For more on Gina, see page 14.]

Shannon Reel, also an OWLS member since 2008, has been active in the Salem chapter of OWLS, the Mary Leonard Law Society (MLLS), since 2006, when she was in law school. She has served as the MLLS programs co-coordinator, newsletter editor, president, and treasurer. She helped organize the MLLS Lawyers Against Hunger Soiree for three years and also worked with Heather Vogelsong to get the IMPRINT program started in Salem.

Shannon has served on the OWLS board since 2010. She has co-chaired the OWLS membership committee and was instrumental in starting that committee's Brown Bag by Phone CLE series. This successful effort reaches OWLS members outside Portland, allowing them to call in from around the state to attend free one-hour CLEs by teleconference. Shannon is an assistant attorney general with the Oregon Department of Justice in Salem.

OWLS is grateful to these women lawyers for their time, insight, and leadership on the OWLS Board of Directors.

Congratulations to New Judges

Two OWLS members have recently taken seats on the Multnomah County Circuit Court, Judge Beth Allen and Judge Amy Holmes Hehn, both appointed by the governor.



Judge Beth Allen

Judge Allen, a veteran of the U.S. Army, earned her bachelor's degree at Portland State and her JD at Willamette. From 2006 to 2013, she had her own law practice, specializing in family law and related issues affecting the LGBTQ community. She is a recipient of OGALLA's Special Merit Award.

Judge Holmes Hehn received her bachelor's degree from Willamette and her JD from Suffolk University. She was a prosecutor in the Multnomah County District Attorney's Office for 25 years, most recently as head of the Domestic Violence Unit.

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Needed: Women and Minority Applicants for Arbitration Panels

By Hon. Jill Tanner

OWLS and OAPABA will present a CLE titled "Court-Appointed Arbitrators" on Monday, April 29, from noon to 1:30 p.m. in Portland.

Do you enjoy listening to oral advocates and weighing evidence? Would you like to settle disputes and be paid for your service? Have you considered being an arbitrator?

Oregon's circuit courts each have a mandatory arbitration program, which applies, with some exceptions, to the recovery of money or damages of \$50,000 or less and to domestic relations matters when the only issue is the division of property.¹

To be placed on a circuit court's Arbitrators List (List), a qualified individual will be trained in the law, procedure, and ethics applicable to the arbitration process.² In general, "an arbitrator must be a member of the Oregon State Bar, who has been admitted to any Bar for a minimum of five years, or a retired or senior judge."³

Lisa Miller, who serves on the Multnomah County Arbitration Commission and has been on the Multnomah County List since 1990, states that in addition to meeting the statutory and circuit court qualification requirements, an individual interested in serving as an arbitrator should be a good listener, be respectful of others, and have the ability to identify the source of tension and diffuse it while maintaining a professional demeanor.

Cynthia Fraser, an owner of Garvey Schubert Barer and also a member of the Multnomah County Arbitration Commission, notes that the most successful arbitrators take their role seriously, are very patient, possess highly developed listening skills, and are willing to "put in extra time" to write a letter opinion expressing to both parties how the arbitrator "weighed their evidence and evaluated each parties' legal position."

In Multnomah County Circuit Court, an individual seeking to be placed on the List must complete training that is approved by the Multnomah County Arbitration Commission. Clackamas County imposes the same training requirement as Multnomah County. Marion County requires that an applicant have participated in at

least ten trials or arbitrations in the practice area for which the applicant seeks to arbitrate and submit three letters of recommendation. During the Mary Leonard Law Society (MLLS) January 29 meeting, which featured a discussion of the court's mandatory arbitration program, Marion County Circuit Judge Dale Penn, chair of the Marion County Dispute Resolution Commission, stated that the commission values experience and attributes the less-than-five-percent arbitration appeal rate to the experience requirement.⁴

Arbitrators are often divided into three areas of expertise. In Multnomah County and Marion County, arbitrators indicate if they are willing to handle tort, contract, or domestic relations matters. Those practice areas can be divided into subcategories. Tort subcategories, for example, include auto, civil rights, complex litigation, employment/wage, general negligence, intentional torts, legal negligence, medical negligence, products liability, and property damage.

Michelle Vlach-Ing, a court-approved arbitrator on the Marion County commercial/real property panel, commented during the MLLS program that parties participating in an arbitration proceeding usually inquire about an arbitrator's reputation and experience after receiving the list of arbitrators available to hear their disputed matter. Michelle gained experience with contract disputes by handling hundreds of collection cases, taking many on contingency. She encouraged new lawyers to gain trial and arbitration experience by assisting those who qualify for the Oregon State Bar's modest means program (www.osbar.org/publicris/iris.html) and observing arbitration proceedings.

Arbitrations are open to the public, and arbitrators are required by statute to provide notice to the court of the date, time, and location of arbitration proceedings; the arbitration notices are published on the court's website. Judge Penn noted that participating as second chair in an arbitration proceeding is another opportunity to gain experience.



Lisa Miller



Cynthia Fraser

The qualification requirements and application process vary by circuit court—visit the circuit court's website for details. Even if you qualify, a circuit court's arbitration panel may not be open to new applicants. Openings arise when panel members retire or ask to be removed from the List, so if you're interested in applying, keep checking for openings.

Cynthia says that the arbitration fee for court-appointed arbitrators is \$125 per hour unless the parties agree to a different hourly rate. She compares taking a court-appointed arbitration to pro bono work, citing the administrative time involved to settle each case and the \$1,000 maximum fee per matter. Cynthia concludes that being a court-appointed arbitrator "is one way to give back to the community."

Women and minorities can learn more about arbitration by contacting lawyers who frequently arbitrate matters. Ask to be notified when a case is going to arbitration, so you can observe.

OWLS and OAPABA will present a CLE titled "Court-Appointed Arbitrators" on Monday, April 29, from noon to 1:30 p.m. in the jury assembly room at the Mark O. Hatfield Courthouse in Portland. Cost is \$10. RSVP to <http://oapaba.org/events>. One MCLE credit is pending.

Hon. Jill Tanner, presiding magistrate of the Oregon Tax Court, is an OWLS board member. She thanks **Magistrate Allison Boomer** of the Oregon Tax Court for her contributions to this article.

Endnotes

1. ORS 36.400(1), (3), (4); 36.405(1).
2. ORS 13.090.
3. UCR 13.090(1).
4. Any party unhappy with a court-appointed arbitrator's decision can receive a trial de novo. See ORS 36.400–36.425.

Winter OWLSNet Event

By Jennifer Eadie

On February 7, OWLS members joined members of the Oregon Society of CPAs and the Oregon Bankers Association at the Hotel Monaco, Portland, for a winter networking event. Elizabeth Tedesco Milesnick, OWLS historian and OWLSNet committee chair, emceed the event, which was generously sponsored by Tonkon Torp.

The event began with a keynote address by Judith McGee, a nationally recognized financial planner, speaker, and entrepreneur and the co-founder and CEO of McGee Wealth Management, Inc. In her address, "The Great Wake-Up Call: Shifting Economic Paradigms for Each Generation," Judith explored each generation's changing values and attitudes about money, work, and family and the impact these changes have had on the economy. Concluding by highlighting future trends in technology, education, housing, energy, and the economy, she reminded the audience, in the words of Napoleon Bonaparte, that "one must change one's tactics every ten years if one wishes to maintain one's superiority."

Following the address, attendees mingled, exchanged business cards, and enjoyed tasty appetizers. This well-attended event provided OWLS members with a wonderful opportunity to generate contacts in the financial community.

The OWLS Networking event committee (OWLSNet) plans and coordinates events for OWLS members and other professional organizations. Please contact Linda Tomassi at linda@oregonwomenlawyers.org about volunteering on this committee.

Jennifer Eadie is an associate with Pekelder Family Law in Portland.

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.

Judge Diane Wood at Lewis & Clark

By Megan Lemire

Judge Diane Wood, who serves on the United States Court of Appeals for the Seventh Circuit, was the speaker for this year's Hon. Betty Roberts Women in the Law Program, held on February 21 at Lewis & Clark Law School. Like Justice Roberts, Judge Wood has helped pave the way for women in the law. She was, for example, one of the first women law clerks at the United States Supreme Court and the first woman to hold a named chair position at the University of Chicago Law School.

In her talk, "The Evolving Law of Sovereign Immunity," Judge Wood explained that sovereignty is about power, and she emphasized the need for governments to be accountable in a democracy. She outlined how our concept of sovereign immunity has shifted over time and, indeed, has become somewhat contradictory.

Given that our society no longer holds the view that "the king can do no wrong," Judge Wood said she wonders whether the sovereign immunity doctrine continues to serve a valid purpose. She contends that if the doctrine does remain viable—which appears to be the trend in the Supreme Court—"we can do better in this area" and, consequently, "do more justice."



Judge Diane Wood (left) and Judge Jill Tanner

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Leaving a Law Firm Partnership: Tips from OWLS Members

By Lisa Umscheid

OWLS was founded the year I started law school (1989) and since then has been a valuable source of information as I've progressed through my legal career. Last year, I decided to withdraw from my downtown Portland law firm partnership. Afterward, as I contemplated that experience, I realized that there is a significant omission in the conversations that Oregon women lawyers have been having with each other, formally through this publication and OWLS events, and informally through our networks. Although we've shared information about how to *become* a law firm partner—through mentoring circles on client development and marketing, for example—we've shared little information about leaving a law firm partnership. I proposed submitting an essay on this topic to start the conversation.

To prepare this essay, I spoke with lawyers who had left their partnerships. I also spoke with Beverly Michaelis, a practice management advisor at the Oregon State Bar Professional Liability Fund. They all offered valuable insights and suggestions.

Why Leave a Partnership?

For some lawyers, becoming a law firm partner is an important, and perhaps the most important, career goal the lawyer establishes. Even in the midst of a jobs crisis unprecedented in its duration and scope, and the possibly permanent change the crisis may be forcing on the profession, law schools, the legal culture, and our popular culture still communicate that "making partner" is the most important marker we have of professional status and achievement. That's despite the fact that many of the most talented lawyers you'll meet are not or were never partners in law firms. A partner who is thinking about leaving a partnership, for whatever reason, therefore encounters a common question: why leave, when you worked so hard to get here?

Lawyers' reasons for leaving a law firm partnership are as diverse as the lawyers themselves. Some wish to retire. Some are appointed to the bench. Some leave to form their own law firms or to pursue careers in public service, academia, or public interest law. Some realize they no longer share the values or goals of their law firm, or that their law firm's vision has departed from their own. Some join clients, either as in-house lawyers or in a

business role. Some need or want a saner lifestyle than what law firm partnerships currently demand from their partners. Some lawyers withdraw from a partnership to leave the law altogether.

Over the course of my career, law firms have demanded more and more from both their owners and their non-owner lawyers. Twenty years ago, typical annual billable hour requirements in Oregon firms were 1,700 to 1,750 hours per year, even in "big" firms. And in that era pre-dating email and "always on" electronic connectivity, lawyers were not expected to spend every moment tethered to their clients' requests and questions. But even then, before the Blackberry and the iPhone, law was demanding: a 1,750-hour year required a grueling pace that compelled the honest, full-time lawyer to work far more than a full-time schedule to generate and perform that much billable work for clients.

Personal experience, conversations with colleagues, and a review of the NALP Directory of Legal Employers confirms that billable hour expectations have radically increased in the last two decades. In Portland, the annual billable hour expectation at some firms has now inflated to 1,850 billable hours per year or even more. One Portland law firm awards its associates discretionary bonuses only after 1,950 billable hours (meaning, of course, that the "real" billable hour requirement is at least 1,950 hours per year). One law firm with an office in Portland lists more than 2,500 hours as the average hours worked by its associates in a recent year.

Ironically, some of the law firms in my practice area, labor and employment law—which ideally should be setting the standard for an enlightened professional workplace—seem to be full-fledged participants in this insatiable demand for greater and greater hours worked by their lawyers. In the NALP directory, two labor and employment law boutiques list a minimum annual billable hour expectation of 1,900 hours for their associate lawyers. Those lawyers are no doubt also expected to devote hundreds of hours per year to client development, public service, administrative work, and professional development.

Meanwhile, law firms that used to operate as partnerships with one tier of partners, and partnership tracks of 7–8 years, now operate as multi-tiered

partnerships with tiers of "non-equity" or "contract" partners. Those non-equity or contract partners are also expected to work at a demanding pace, but they may not become equity partners for more than a decade. As less than full-equity partners, they do not share fully in the profits generated by the billable hour and the billable rate inflation imposed by law firms.

No wonder so many of us choose to leave law firm partnerships.

I spoke to multiple former law firm partners as I prepared this essay. They reported that they left their firms for different reasons. They selected widely varying types of workplaces to continue their work in the law. Remarkably, they shared one sentiment in common: there is life—a very good life—after life in a law firm. To a person, each lawyer who had left a partnership expressed a deep sense of satisfaction with her new professional life. Based on those conversations, I put together a modest list of things for OWLS members to consider if you are thinking about withdrawing from a law firm partnership.

Things to Consider Before You Leave

Partners owe a duty of loyalty to the firm, and of course we must first and foremost be mindful of our ethical duties to our clients. The partner who is contemplating a departure from a partnership must, first of all, become informed about when and how to communicate with the firm, and then plan communications with clients in order to ensure that clients' interests are protected. The Professional Liability Fund's practice management advisors have a full range of forms and guides available to help lawyers meet their obligations to clients, including a summary of our ethical obligations to clients, with references to ABA and Oregon ethics opinions. Visit www.osbplf.org, and see "Practice Aids and Forms."

Review your documents to ensure that you have all the material you need to be able to determine your rights and negotiate the terms of your departure. If you do not have a current, complete copy of the operative partnership agreement with all amendments, obtain one. Ensure that you have a full set of at least 12 months of financial information and lawyer productivity data. Your firm might

Continued on page 9

Leaving a Law Firm Partnership

not provide the information to you after you leave. Review the dispute resolution provisions in your partnership agreement and analyze how the required dispute resolution mechanism (for example, mandatory arbitration with limited pre-hearing discovery) might affect you if you are compelled to pursue formal action to enforce your rights. Consider obtaining competent legal and accounting advice before you finalize your decision to withdraw.

Partnership agreements vary widely in the terms related to a partner's departure. In some agreements, the partner is contractually entitled to a portion of the revenue received by the firm on the lawyer's matters after the lawyer departs. In some agreements, the partner is required to contribute to firm overhead for a number of months after the lawyer's departure. In other agreements, the partner is entitled only to a pro rata share of the lawyer's annual base compensation.

Multiple former partners expressed regret that they had not negotiated the precise financial terms of their departure before they departed, when they had more leverage than after the departure. The Oregon legal community is small, and the need to continue to practice in a small professional community leaves some departing lawyers unwilling to say too much or press too hard to protect their rights under a partnership agreement.

Consider speaking with other lawyers who have left your firm or other firms. Negotiating the terms of your departure in an information vacuum gives the firm a natural negotiating advantage: it has negotiated other departures, but you are negotiating (very likely) the only departure you know about. Equalize your bargaining position by obtaining information.

Some of the lawyers I spoke with expressed regret that they had not taken more steps to anticipate how their firms would react when they withdrew. Departing partners are commonly surprised at the strong negative reaction they receive from their partners when they announce their departure, to the extent that obtaining even normal professional behavior from firm lawyers becomes difficult. This reaction occurs even when the departing partner is not forming or joining a competing firm. To paraphrase (depending on where you check) Dennis Wholey or Roseanne Barr, expecting your firm to treat you fairly because you fulfilled your

duties to the firm is a little like expecting a bull not to attack you because you are a vegetarian.

Whatever the motivation for leaving a partnership, a lawyer is most likely to be happy if she understands as fully as possible her real motivation for leaving and the likely outcome of leaving. In Oregon, we're fortunate to have access to the Oregon Attorney Assistance Program, which offers confidential help with career transitions. Consider confidentially consulting OAAP to discuss your possible withdrawal from your partnership.

What to Expect After You Leave

The highly emotional reactions of their former partners, and the resulting adversarial behavior, surprised those with whom I spoke. In each instance, the departing lawyer was surprised that colleagues who had treated her well until the day of the announced departure suddenly treated her like an adversary, rather than a colleague. As one former law firm partner put it, take the high road, but expect that your former partners, who may feel betrayed, won't reciprocate. As a result, your professional network and referral sources may suffer for a period after your departure, even if you comply with all your legal and ethical obligations.

Disputes between law firms and the partners who withdraw are common, and typically take a year or longer to resolve. Thus, unless you were able to negotiate the terms of your departure before you left the firm, be prepared—financially, professionally, and emotionally—to remain involved with your former firm as the process of determining the financial terms of your departure continues.

Sources of Information

The practice management advisors at the Professional Liability Fund (PLF) regularly consult with both departing partners and law firms. The PLF has many practical resources on its website, including information for lawyers withdrawing from a law partnership. On the PLF website, after logging in, click on "Practice Aids and Forms," and then select "Partnership/Of-Counsel." On that page is a library of useful forms under the heading "Partnership Withdrawal and Dissolution." The practice aids and forms include a checklist for departing lawyers and sample joint letters to clients (for the firm and the departing lawyer to send jointly) and separate letters for an individual lawyer

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to send to clients. Beverly Michaelis, a PLF practice management advisor, encourages lawyers to "call us and consult with us." The process is confidential.

Summing Up

When a lawyer leaves a law firm partnership for the right reasons, the decision can be liberating and a step toward a more fulfilling, and sometimes more lucrative, legal career. Law firms are one model of providing legal services to clients, but only one. There are many ways to structure a successful and rewarding legal career.

The process of withdrawing from a partnership and enforcing one's rights under a partnership agreement is difficult, expensive, professionally challenging, and personally draining. Oregon women lawyers can help one another by sharing, to the extent we can, information about this experience—just as we have shared information about client development, business development, and getting into a partnership.

Lisa Umscheid is a senior assistant attorney general in the labor and employment section of the Oregon Department of Justice.



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Meet Lane County Circuit Judge Mustafa Kasubhai

By Mary Anne Anderson

Normally litigants who see Lane County Circuit Court Judge Mustafa Kasubhai scanning the courtroom from the bench do not imagine him up to his elbows in grease and parts, rebuilding a car engine. But that was Kasubhai's decidedly unconventional response to law school. "Burned out" after three years of "brain work," Kasubhai had a "huge drive to do something intensely tactile." He skipped the bar exam, scraped by, and spent the summer rebuilding his car's engine and transmission. When he finally turned the key, he was thrilled to hear the engine come back to life without being "blown to bits" in the process. He was also out of money.

Kasubhai luckily landed a job at the law library as a reference librarian, and "rediscovered why [he] wanted to be a lawyer." The daily questions from common people asking him where to find answers to their everyday legal problems, and the relief he saw in their faces when he could lead them to a bookshelf or a binder that might hold some answers, re-awakened "that desire to help bridge the gap between the principles [his] parents taught [him] and their implementation. Access to justice was so critical and so many people had very little resources to engage the system."

Kasubhai's parents, who immigrated from India, "always talked about fairness in the systems that regulated our society" and "implicitly conveyed... how important it was to be engaged in our communities and speak up when... things needed attention or change." Witnessing "how family and friends experienced loss and confusion when confronted with the legal system," also contributed to Kasubhai's envisioning a career in public service, believing that "becoming a lawyer, understanding how the system worked, and being able to participate in the process" would give him the tools he needed to improve access to justice.

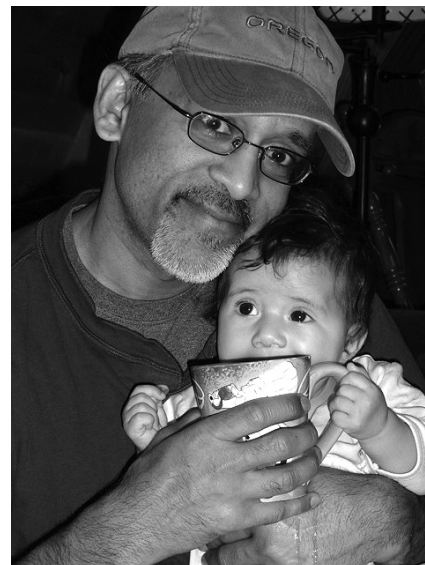
Kasubhai graduated from UC Berkeley with a degree in business administration and then spent a year teaching outdoor environmental education to elementary school students in a school that primarily served inner-city youth who had "barely spent any time in the woods before coming to the school." The job was "inspiring, dynamic, and required huge amounts of energy to keep up with the students." He found his passion in teaching and education, and met his future wife.

Vacillating between the prospect of teaching or going to law school, Kasubhai thought that perhaps being a judge would be a mechanism for his public service. Three years of law school, however, and weekly thoughts that he should perhaps go back to teaching convinced him that being a judge was beyond his reach. He could never be as "grand" as the authors of the famous opinions and believed there was "no way" he would have the resources or the political relationships to help him gain access. He was also frustrated by the "compartmentalization of the legal analysis from the humanity embedded in the legal problem."

Finished with his car engine and re-inspired by helping people on the path to solving legal problems in the law library, Kasubhai found work in a Eugene law firm representing injured workers and plaintiffs in tort claims. He put thoughts of being a judge out of his mind and focused on serving his clients and being involved in projects that were personally meaningful. But after a couple of years of trial work and arguing cases before the Oregon Court of Appeals, he "slowly began to visualize the possibility of judicial service again."

Needled by thoughts that he "wasn't making the kind of contribution to [his] community that resonated with [his] core," he decided to close his practice and re-tool his future. A fortuitously timed opening on the Workers Compensation Board piqued his interest in public service again, and with support from several people from the Oregon Trial Lawyers Association and the defense bar, he was nominated and confirmed to the position.

A few years later, in October 2007, Governor Kulongoski appointed Kasubhai to the Lane County Circuit Court bench. Judge Kasubhai "can't think of a better way to serve our democracy" and finds engaging the public to be both the most rewarding and the most challenging aspect of his work. He is "in awe" of the legal system in this country, finding the "notion that disputes between people can be resolved without violence... a miracle even in the 21st century." He describes himself as humbled by the work of juries and grateful to be in this country, where the rule of law prevails: "As a judge, every day, I can play a small part in affirming the rule of law—like my life depended on it. I can be indefinitely



Judge Kasubhai spends as much time as he can playing with his children. They remind him that "we all were innocent children once," and they are an inexhaustible "antidote to cynicism."

very satisfied with this work."

Surprised to discover that he was the first judge of color appointed to serve on the Lane County Circuit Court bench as late as 2007, Judge Kasubhai urges women and minority lawyers to stay the course and stay in Oregon:

[F]or change to stick in Oregon, there must be a critical mass of people who both are interested in the change and reflect the change itself. So stay here. Then don't get burned out... [R]egrettably the change won't happen in the time it takes to sprint 100 meters. I think we have to pace ourselves for a marathon.

Also, once you have developed your leadership and authority, use it to empower others to become truly independent leaders in their own right. If we're lucky we might become the kind of leader who really can inspire others to do amazing work. But if we fail to see how important it is to move out of the way for the leadership in our communities to grow into their own right, then we may have just become part of the entrenched institution that we worked so long before to change.

Mary Anne Anderson is a judicial chambers staff attorney at the U.S. District Court for the District of Oregon.

The Way It Was

It was August 1971 and my first night of law school. As I entered the concrete bunker where the class was to be held and looked up at the risers in front of me, I saw a sea of male faces. That was my first realization that law was predominately a masculine field.

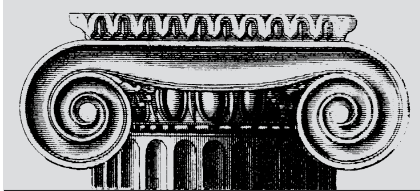
I had grown up in Portland's "inner city," attending Vernon Grade School and graduating from Jefferson High School. I had never had a friend or family member whose parent or sibling or other relative was a lawyer. I had never considered a career in law so had paid no attention to which, if any, of my college classmates were planning to attend law school. I'd had incidental contact over the years with two lawyers and one law clerk, all of whom were male, but I had not realized that they might be the norm.

These were far different times and probably impossible for most readers to comprehend. The women's movement had barely begun and was hardly a blip in my consciousness. This was before Title IX, and women and girls were limited (at least in Oregon) to tennis, golf, and swimming as competitive team sports. Girls were required to wear *skirts* to all classes and school events at my high school—even to football games! When I started college in 1964 at Lewis & Clark, girls were required to wear *skirts* to all classes and to the dining room for all meals from Monday breakfast through Friday lunch. And most of us, including me, never gave it a second thought. At the same time, however, I never thought that my gender would limit me professionally.

Ultimately I counted "heads" in my law class—of the 125 night students who enrolled, 14 were women. The women's restroom at the time had only two or three stalls. When I made the decision to try law school, I had met with the indefatigable Dorothy Cornelius to learn the requirements for admission (unknowingly, but luckily, having that appointment immediately before the deadline to apply for the LSAT, a test I didn't even realize was required). She had told me that I was smart to be considering Northwestern, as it was the school "friendliest to women." I had no clue what she meant at the time but never forgot her comment.

My original career path had been secondary education as a history major. I had been active in the civil rights and peace movements, protesting the Vietnam War

THE JUDGES' FORUM



By Judge Paula Bechtold
Coos County Circuit Court

and admiring the students who were involved with voter registration drives in the southern states. I had visions of both educating and inspiring the future generation as a teacher. When that proved to be a spectacular failure, I decided that by becoming a lawyer I could make a difference in the world. And that is how I ended up in August 1971 as part of a definite minority. Although I was surprised at that status, it still didn't occur to me that this could present any problems.

I enjoyed law school and most of the professors (all of whom were male). I never perceived any overt or covert prejudice against me as a woman. I made many good friends, both in school and in the profession. One of my study partners ultimately became my husband.

My first year I worked as an "MT operator" for a private law firm in downtown Portland (all male attorneys). (The "MT" was the precursor to the IBM PC word processor.) I spent my final three years of law school working for the Metropolitan Public Defender as secretary-office manager. When I was hired, MPD was just beginning its second year of operation, and it was a wonderful and rewarding time to be part of that expanding and developing program. I remember being excited when the first woman attorney joined the staff during my last year: Linda Bergman, who ultimately became a judge on the Multnomah County Circuit Court.

The only questionable incident

that occurred while I was in law school was when I received my first (and only) very low grade in a class. I could not understand how I could have "tubed" the final so badly, and then I discovered that all the women (maybe six in total) received very low grades.

We lodged a protest with the (all male) administration, and an investigation was promised. How it was conducted we never knew, but we were told that the determination was that the grades were appropriate. It still puzzles me to this day. We women wondered—and we raised the issue with the administration—whether there was something in the way this particular (part-time) professor taught that caused women not to learn. In any event, the grades were not changed, and I always believed (ironically) that the reason I wasn't selected for the Dorothy Cornelius Honor Society was due to that protest.

Immediately following law school (1975–1976), I clerked for the Oregon Supreme Court (Justice McAllister). I was the only woman clerking for the "Supremes," and one woman (Karen Allan) clerked for the Oregon Court of Appeals. It would not be until the following year (1977) that the first woman was appointed to the appellate bench (Hon. Betty Roberts). In the spring of 1976, we clerks all began applying for jobs with law firms. I had intended to practice in Portland and had been led to believe that the Supreme Court clerkship would be the entrée to a position with a prestigious



Judge Paula Bechtold

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The Judges' Forum

law firm. (My first choice was actually the Metropolitan Public Defender, but there were no openings there.)

My job hunt was my first exposure to blatant discrimination. Several firms told me they were only hiring from "better" law schools (possibly true?), but I was also given these various reasons by different law firms, many of which are still in existence: "We would love to hire you, but our clients would not accept having a woman as their attorney." "Many of our negotiations and settlements occur over the urinals..." "We have a locker room for the use of all the attorneys, so it just wouldn't work to hire a woman." One of my favorites (from the largest Portland firm at the time): "We already have one woman. I don't know what we would do with a second." (No, I never considered filing discrimination claims. My law school experience had cautioned me against "making waves" for myself.)

I did not set out to be a "pioneer." Although obviously part of the vanguard, I had somehow remained blissfully unaware that my gender could ever present a barrier. Years later I read of Sandra Day O'Connor's similar experience when she first graduated from law school. In

retrospect, it is probably a good thing I did not "appreciate" the culture and practice of the profession at the time, as I am not sure I would have had the courage to challenge it.

By the summer of 1976, I was seriously concerned about my future. Fatefully, two of my law school study partners had started a practice in Coos County, and they called to tell me and my soon-to-be husband that they missed us and they knew of a great opportunity to practice in Coos Bay. Three of the justices made calls for me to "check it out" and confirmed that Coos Bay had a booming economy in need of more attorneys and that this would, in fact, be a smart move. Most importantly, the justices were assured that the bar would generally be accepting of a woman as long as she was honest and competent.

And so we moved to Coos Bay, and I have never regretted it. We married, raised two daughters, and maintained a private practice together for 18 years, until I was elected district judge in 1994, in a contested campaign to fill an empty position. I was automatically elevated to the Circuit Court in 1996, when the legislature unified the courts. I was the first

woman to take the bench in our judicial district. I have been serving ever since.

The "new judges' school," which I attended in early 1995, was the first time since August 1971 that I was no longer in such a minority. Thanks in large part to the wonderful diverse appointments made by Governor Barbara Roberts, as well as the fact that the new judges' school at that time included justice court and municipal court judges, the "students" looked a lot more like America.

I was the first woman attorney in private practice in Coos County in decades. There was one woman (Julie Stevens) with Legal Aid when I first arrived, and one woman (Amanda Burnett) was hired by the district attorney's office soon after. Desiring more interaction with other professional women (and having been a life-long Girl Scout), I jumped at the invitation to join the local Zonta Club, which is a member of Zonta International, a worldwide organization working to advance the status of women.

Soon after I became a judge, I attended a Zonta International convention, where I met with several women judges from the various Scandinavian countries. They warned me to make sure that what they had observed in their countries was not replicated in the U.S.—that as more women became judges, the position was seen as less important, and judicial salaries were therefore not keeping pace with those of other attorneys. I have pondered that comment as I have seen the (so far) unsuccessful struggle by the Judicial Department to increase Oregon judicial compensation, commensurate with other states and with the salaries in the private sector.

I have been pleased to see increasing numbers of women graduating from law school, becoming associates and even partners at law firms, and making up a much higher percentage of the bench at all levels. Although I am still the only woman judge in Coos County, Cindy Beaman has been serving since 2007 in Curry County, which is part of the same judicial district. Between the two of us, we constitute 33.3% of the 15th Circuit judiciary. Women currently make up 22.5% of the local Coos County bar. I suspect that the percentages are higher in the more urban areas of the state. I know there is still a glass ceiling, and I know we still have a long way to go for complete equality. *But we have come a long way, baby!*

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The Oregon Legislative Assembly is going full steam ahead, with a target date to adjourn of June 28. Numerous deadlines have been put in place to help keep the process moving. The deadline for policy committees in the bill's chamber of origin (not including Ways and Means, Rules, or Revenue Committees) to schedule work sessions on bills, April 8, has come and gone, and so have a fair number of bills. The media may focus on contentious issues related to the budget, PERS, public safety reform, school funding, and the like, but our beneath-the-radar legal issues are still percolating along.

The bar's priorities for 2013 are funding for the courts, indigent defense, and low-income legal services. Funding cuts to the courts have resulted in furlough days, decreased clerical staff, and decreased ability to process cases and serve the public.

To address these funding reductions, OSB President Mike Haglund has created a statewide coalition with bar leaders, business leaders, and business groups to help secure funding for the courts. The Citizens' Campaign for Court Funding is a bipartisan advisory group of community leaders from across the state, including former governors Ted Kulongoski and Barbara Roberts, along with others such as Dave Frohnmayer, Jack Roberts, and Ron Saxton.

The group will work to secure funding for the courts and to operate on a continuing basis over the coming decades to establish a more comprehensive approach to ensure adequate funding of the court system. To that end, the bar will have a Day at the Capitol on May Day and will focus on funding for the courts, indigent defense, and low-income legal services. More information about the court budget and the Day at the Capitol is available at www.osbar.org/pubaffairs.

Court Budget

The legislature heard three days of preliminary testimony on the Oregon Judicial Department (OJD) budget bill, HB 5016, in mid-March. Final decisions on the OJD budget will have to wait until after the May 16 revenue forecast and legislative action on other budgets and substantive issues, including PERS reform and changes in public safety system (HB 3194 and HB 3195).

Chief Justice Balmer presented an overview of the court's programs and budget, but also recommended the following additions ("policy option packages") for



By Susan Evans Grabe

another \$35.8 million, not included in the Governor's Recommended Budget:

- Continue funding for Oregon eCourt.
- Fund an additional three-judge panel for the Court of Appeals.
- Secure adequate funding so that Oregon courts are open five days a week and meet critical needs.
- Address judicial compensation.
- Restore statewide family court support and availability of pro se service centers.
- Restore funding for treatment courts.
- Support a long-term plan to improve state court facilities and security.

Susan Evans Grabe is the public affairs director at the Oregon State Bar.

The OJD budget also includes funding for the Oregon Law Commission, the Council on Court Procedures, and law libraries.

Oregon eCourt

The Oregon Judicial Department continues its implementation of eCourt, with Yamhill County as the first court to "go live." The Yamhill County implementation process has given OJD the opportunity to learn as it goes and troubleshoot concerns from users before moving on to the next phase. Linn, Crook, and Jefferson Counties began eCourt implementation in late December, and Jackson County, in mid-March. For more information and training opportunities, visit <http://courts.oregon.gov/oregonecourt/Pages/index.aspx>.

The bar has sponsored 17 bills in the 2013 session. You can find the bills and legislative summaries on the bar's website at <http://osblip2013.homestead.com/index.html>.

The full text and history of all bills introduced this session as well as other supporting materials is available at www.leg.state.or.us/bills_laws.

Bills of Interest

SB 483 establishes a voluntary system of dealing with "adverse health incidents," in which the injured patient and the provider meet informally to discuss the situation and attempt to resolve any outstanding issues. Signed by Governor Kitzhaber.

SB 558 is a comprehensive foreclosure mediation bill, applying a mediation requirement to both judicial and non-judicial foreclosures.

SB 686 and HB 3160 both would move the insurance industry into the ambit of the Unlawful Trade Practices Act.

HB 2505 is a vehicle for the Elder Abuse Task Force. An amendment will include a provision making attorneys mandatory elder-abuse reporters.

HB 2559 would impose guidelines for the establishment, modification, and termination of spousal support.

HB 2563 would increase judicial salaries in as yet undetermined amounts.

HB 2826 regulates the practice of debt buyers.

HB 3126 authorizes the state treasurer to issue general obligation bonds to finance construction and improvement of courthouses. The bond proceeds would be used to match local funds for courthouse upgrades.

HB 3194 and HB 3195 would implement different policy option packages in criminal sentencing in the report of the Commission on Public Safety. HB 3194 would provide broader judicial discretion in sentencing certain Measure 11 offenses.

HB 3249 increases grandparents' rights to notice in juvenile court proceedings.

Meet OWLS Board Member Gina Eiben

By Teresa Statler

While she was in college at Miami University of Ohio in 1998, OWLS board member Gina Eiben visited Portland and loved it. Shortly thereafter, one of her sisters moved to Portland, and during visits here, Gina says, "I never wanted to leave."

A native of Cincinnati who graduated from Case Western Reserve University School of Law, Gina eventually found her own way to return to Oregon in April 2007, going to work for Perkins Coie, where she focuses primarily on securities compliance and mergers and acquisitions. Former OWLS President Gwyn McAlpine was also at Perkins Coie, and in 2010 Gwyn asked Gina if she'd be interested in serving on the OWLS board. Fortunately for OWLS, Gina said yes.

During her three years on the OWLS board, Gina has been involved with the Roberts-Deiz Awards Dinner committee and OWLSNet, among other activities.

As a relative newcomer to law practice in Oregon, her service on the board has given her the opportunity to get to know other women attorneys with practices different from hers; she especially appreciates the chance to connect with litigators, since her practice is strictly transactional. She thinks that OWLSNet, the OWLS networking committee that coordinates events with other professional organizations, is a great resource for litigators and transactional attorneys alike who are looking to connect with professionals outside the legal field who are relevant to their practice.

Gina is married, and her son is almost two years old. She and her family live in Portland's Sullivan's Gulch neighborhood. Gina admits that as a new mom, it is much harder to manage one's time. Nevertheless, she has somehow found time for the OWLS board and for service on the board of the Portland Parks Foundation.

Gina's favorite Portland park is Washington Park; she and her husband were married in the park's Rose Garden on a warm August day. She also enjoys hiking, reading, and travel.

Favorite places Gina has visited include Italy and South Korea. She wants to travel someday to other places in Asia, as well as to climb Mount Kilimanjaro.

OWLS thanks Gina, as her board tenure ends, for her three years of dedicated service.

Teresa Statler has a solo immigration law practice in Portland.



Gina Eiben

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Mary Leonard Law Society Hosts Workshop on Writing and Editing

By Maureen McGee

One of Oregon's resident grammarians, Professor Suzanne Rowe, was the featured speaker at the Mary Leonard Law Society's February 11 meeting. The event was held at the Oregon Civic Justice Center and co-hosted by the Willamette University College of Law Career & Professional Development Center, drawing a full house of Salem attorneys eager for a refresher course on writing and editing.

Suzanne directs the Legal Research and Writing Program at the University of Oregon School of Law. A leader in the field of legal writing, she has written six books on legal research, the most recent being *Federal Legal Research*. Suzanne has served on the boards of both the Association of Legal Writing Directors and the Legal Writing Institute. In her monthly column in the *Oregon State Bar Bulletin*, "The Legal Writer," she addresses writing problems faced by lawyers.

The February workshop focused on common grammar and punctuation issues in legal drafting and provided tips for successful editing. With multiple exercises, a laser pointer, and a pop quiz, Suzanne walked participants through

the appropriate use of pronouns, commas, semicolons, and hyphens. She also addressed common mistakes in passive versus active voice, proper use of modifiers, and parallelism. Her presentation proved that adherence to the basic rules of grammar is key to strong legal writing.

The final 20 minutes of the workshop addressed how to strengthen proofreading skills. Suzanne began by reminding participants to always print their drafts and to read aloud while editing. She also pointed out the curious effect that colored paper has on focusing the eyes. She demonstrated the technique by covering a draft printed on white paper with a piece of colored paper, revealing one line of text at a time. Suzanne suggested that the color acts as a highlighter to focus attention on one sentence at a time, allowing the editor to catch more errors.

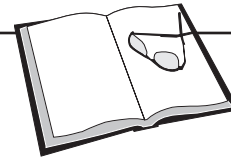
Workshop participants received one MCLE credit and a handout that listed many other useful tips.

Maureen McGee is a staff attorney at the Oregon Office of the Legislative Counsel and handles media and publicity for the Mary Leonard Law Society.

Half the Sky: Turning Oppression into Opportunities for Women Worldwide

By Nicholas D. Kristof and Sheryl WuDunn (Random House, 2009, 296 pages)

Book Review by Teresa Statler



Yamhill, Oregon, native Nicholas Kristof, a *New York Times* journalist, and his wife, Sheryl WuDunn, now a banking executive, have written a bestselling book that has changed the way Americans, and indeed the world, think about women. An indictment of the injustices and brutal treatment many women suffer in developing countries, the book is also uplifting in its recounting of many stories of hope, success, and courage. You will not (and should not) be able to put this book down; if you have not already read it, you must do so soon. It will be the most important book you will read all year. *Half the Sky* would also be an excellent choice for book groups.

Kristof and WuDunn want to introduce the reader to some of the many women who have individually changed the world for the better. Their stories are told in a journalistic, yet descriptive and riveting manner. The personalities of the women featured and the difficulties in their lives and those of their countrywomen shine through and are compelling.

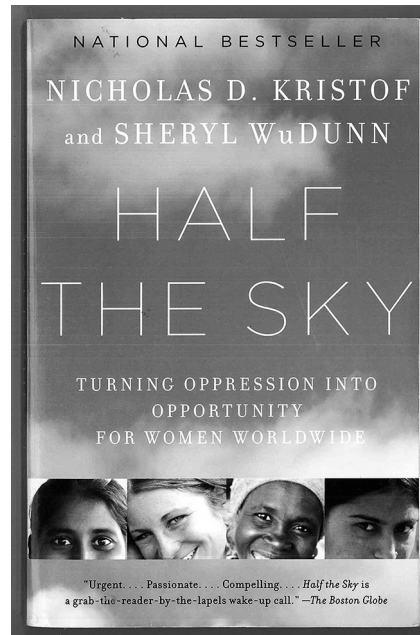
Each chapter either covers a different issue involving women (such as maternal mortality, the importance of "microcredit" for women, emancipating trafficked women, or "honor" killings) or focuses on a school or hospital founded by a local woman in countries like Pakistan and Ethiopia. Just when the reader is overwhelmed with the terrible injustices suffered by women in a particular village, town, or country, she is uplifted to hear how, via practical and clear-headed ideas and strategies, the lives of these same women are now greatly improved.

For example, in the chapter "Maternal Mortality—One Woman a Minute," Kristof and WuDunn tell us that the lifetime risk of maternal death is one hundred times higher in a poor country than in the West, and that the gap is widening. They state graphically that "five jumbo jets' worth" of women die in labor each day, but this travesty is rarely mentioned in the press.

As a beacon of hope, they focus on two hospitals in Ethiopia that are making inroads in saving women: repairing fistulas, which are the result of extended, obstructed labor, and providing prenatal and postnatal care. These hospitals were founded and are principally staffed by

women. Healthy mothers mean healthy children, who are less likely to die young.

Kristof and WuDunn also tell us the inspiring story of Mukhtar Mai, a young



woman in the Pakistani Punjab who founded a school with the proceeds of compensation she received from men who raped her, men whom the government did not wish to prosecute. Feted during a visit to the United States, the modest Ms. Mai (who was accused by her government of shaming her country when the story of her school received international press, and who received threats to her safety) encourages others to help women in the villages of her country. Throughout the book the authors are clear in their belief that empowering women worldwide begins with education.

A fascinating chapter was the one entitled "Is Islam Misogynistic?" Kristof and WuDunn say they have studied the issue and are facing it "squarely." The answer to the question is no, and they explain that the often-conservative attitudes in Muslim countries arise from cultural issues, not religion. That being said, they raise interesting points such as the fact that because in many Muslim countries women are largely passive and silent, this only "amplifies" the impact of young men, who are often quick to resort to violence.

They also tell us that in strict Muslim countries like Afghanistan, many young men have little hope of ever finding a wife because there are at least 3% more males than females, partly due to the fact that girls do not receive the same medical care as boys. This, in turn, causes other social and political problems.

The book's frontispiece contains the Chinese proverb "Women hold up half the sky." Each chapter is likewise prefaced with a thought-provoking quote such as Mark Twain's "What would men be without women? Scarce, sir, mighty scarce." *Half the Sky* is a passionate call to arms against the oppression of women around the world. Along with the inspiring stories, Kristof and WuDunn have included photos of some of the resilient women they came to know while researching their book.

In the book's last chapter, entitled "What You Can Do," the authors offer ideas on how American readers can battle gender inequality in poor countries and push for education and opportunities for women and girls around the world. They also include "Four Steps You Can Take in the Next Ten Minutes," one of which this reader took: sponsoring a woman through Women for Women International. Also included in *Half the Sky* is a detailed index, and an appendix containing an annotated list of organizations the reader can financially support that help women around the world.

Kristof and WuDunn are the first married couple to win a Pulitzer Prize in journalism, which they won for their coverage of China for *The New York Times*. They are also to be congratulated for writing the remarkable *Half the Sky*.

WuDunn will be the keynote speaker at the OWLS Fall CLE on October 18. OWLS looks forward to her telling us more of these inspiring stories of women in troubled and impoverished nations, who in changing their own lives for the better are also helping to turn around the future of their countries.

Teresa Statler has a solo practice in Portland emphasizing immigration law. She was recently appointed to the board of directors of the OSB Professional Liability Fund.

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Pride and Prejudice and Kitties . . . and OWLS

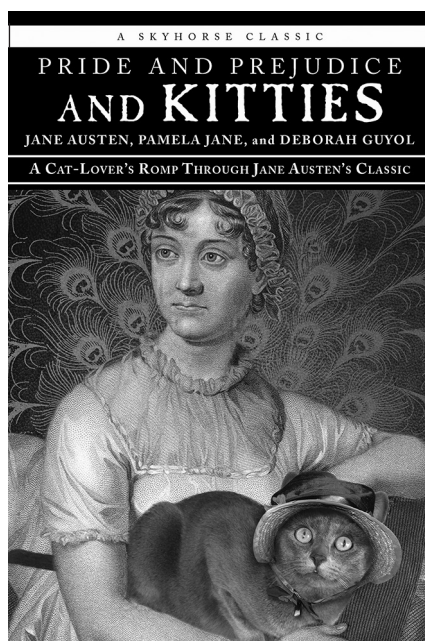
By Diane Rynerson

Although owls and cats have enjoyed literary links in the past (remember the “beautiful pea green boat”), such connections are infrequent and not always happy. In the case of the newly published book *Pride and Prejudice and Kitties* (Skyhorse Publishing, 2013), by Pamela Jane and OWLS member Deborah Guyol, the relationship is essential but not obvious.

Pamela Jane and Deborah Guyol, both ardent fans of the works of Jane Austen, set out to create a beautifully illustrated retelling of Austen’s classic *Pride and Prejudice* with cats as the principal characters. (Imagine the smoldering Mr. Darcy as “a handsome cat with an equally handsome fortune of 10,000 mice a year, and an extra six lives into the bargain.”)

But finding photogenic cats wasn’t easy. Debbie talked with friends, colleagues, and fellow members of the Jane Austen Society, but wasn’t able to round up enough cats with the patience to be photographed and the personality to project the range of cat behaviors needed for a proper retelling of the story. In Debbie’s words, “You can only use so many photos of kitties looking adorable.”

As so many have done when faced with a problem, Debbie turned to the OWLS listserve. Who knew that OWLS members have such personable cats? Over a period of several months, Debbie was welcomed into the homes of OWLS members and took hundreds of digital pictures of their cats, which were then Photoshopped into



appropriate Regency-era settings. Pixie, Maggie Biondi’s cat, was selected as the cover kitty. She then found even greater fame when her photo appeared on the front page of the January 25 issue of *The Wall Street Journal*, as an illustration for an article on the 200th anniversary of *Pride and Prejudice*.

Debbie and Pamela didn’t set out to publish the book in *Pride and Prejudice*’s bicentennial year. They have been friends since their high school days, when they were constantly coming up with ideas they hoped would make them rich and

famous. They ditched their initial plan, to become blues guitarists, but both have become writers. Pamela is the author of numerous children’s books. Debbie’s best known writing to date is *The Complete Guide to Contract Lawyering*. She also edits the Oregon State Bar *Debtor-Creditor Newsletter* and recently edited a compilation of selected works of her creative writing students in the Clark College Mature Learning Program. Debbie combines her writing career with lawyering—another field that requires the careful use of words.

Pamela came up with the idea for *Pride and Prejudice and Kitties* in 2006, but other projects and the search for a publisher delayed the project. The book was published this month. Although it will be most appreciated by those with a thorough knowledge of the original text and an affection for cats, the clever wordplays (“The entire estate was end-tailed to a male hair”) and the timeless story will entertain a wide range of readers.

You can meet Debbie on May 7 at 7 p.m. at Broadway Books in Portland. For more about the book, go to www.prideandprejudiceandkitties.com.

Diane Rynerson is the executive director of the National Conference of Women’s Bar Associations and was the first executive director of Oregon Women Lawyers.

1. “The Owl and the Pussycat,” by Edward Lear.