

AdvanceSheet™

PUBLISHED QUARTERLY BY OREGON WOMEN LAWYERS

VOLUME 25, No. 3 SUMMER 2014



President

Kendra Matthews

Vice President, President-Elect
Elizabeth Tedesco Milesnick

Secretary

Angela Franco Lucero

Treasurer

Laura Craska Cooper

Historian

Amber Hollister

Board Members

Hon. Allison Boomer
Hon. Frances Burge
Megan Burgess
Maya Crawford
Dana Forman
Kristina Holm
Susan Bradley Krant
Katharine Lozano
Banafsheh Violet Nazari
Jennifer Nicholls
Hon. Julia Philbrook
Kristin Sterling
Val Tomasi
Gloria Trainor
Hon. Youlee You

Past Presidents

Kathleen Rastetter
Megan Livermore
Heather L. Weigler
Concetta Schwesinger
Gwyneth McAlpine
Heather Van Meter
Laura Caldera Taylor
Kellie Johnson
Norma S. Freitas
Kate A. Wilkinson
Jennifer K. De Wald
Sarah J. Crooks
Elizabeth Schwartz
Lori E. Deveny
Debra Pilcher Velure
Marilyn E. Litzenberger
Teresa M. Kraemer
Patricia L. Heatherman
Julie Levie Caron
Phyllis Chadwell Myles
Helle Rode
Diana Craine
Kathryn M. Ricciardelli
Agnes Sowle
Katherine H. O'Neil

Executive Director

Linda Tomassi, 503.595.7831
linda@oregonwomenlawyers.org

Editor: Elise Gautier
elise.gautier@comcast.net

www.oregonwomenlawyers.org

Oregon Women Lawyers Celebrating 25 Years

By Kathryn Smith Root

As Oregon Women Lawyers turns 25, this is truly an occasion to celebrate and rejoice in how far we have come, yet be mindful of how much further we need to go to fully realize our organization's mission—to transform the practice of law and ensure justice and equality by advancing women and minorities in the legal profession.

The “founding mothers” who formed OWLS saw a need for an organization that would support and encourage women and minority lawyers to realize their full potential in career development and life. The organization would provide educational, networking, and mentoring opportunities by bringing together and connecting a wide variety of individuals. Women lawyers who had already achieved career success were encouraged to share information and ideas with younger and less experienced lawyers who would receive a hand up, a sounding board, or a facilitator. OWLS members have benefited from this professional and personal support, and from our camaraderie.



At OWLS' first Roberts-Deiz Awards Dinner, on April 3, 1992, from left: Judge Ann Aiken, Justice Betty Roberts, Judge Mercedes Deiz, Judge Roosevelt Robinson

OWLS was formed in 1989 to advance equality for women and minorities in the legal profession and the justice system. The organization was needed in part to counteract discrimination and unfair treatment of women and minority lawyers in various settings, including the courtroom, where it was not uncommon during that time for a woman lawyer appearing in court for the first time to be asked by a male judge, “Young lady, are you a lawyer?”

Justice Betty Roberts saw the need for OWLS to be an organization “uniquely capable of working on employment conditions that are now

Continued on page 4

OWLS Fall CLE and Reception on Sept. 26

By Sandra Fraser

Are young lawyers entitled? Are older lawyers workaholics? What are the roots of intergenerational conflict in the workplace?

On September 26, the OWLS Fall CLE will address these questions with keynote speakers Linda Williams Favero, MS, and Professor Renee G. Heath, PhD, as they stimulate discussion about how to overcome challenges presented by different generational perspectives of professional women in the workplace. The CLE will take place from 1 to 5 p.m. and will be followed immediately by a reception to celebrate OWLS' 25th anniversary, at which Congresswoman Suzanne Bonamici will speak. Please join us for both events at the Embassy Suites Hotel in downtown Portland.

The modern workplace is facing an unprecedented challenge as four generations now work side by side: the Traditional Generation (born before 1945), Baby Boomers (born 1946–1964), Generation X (born 1965–1980), and Generation Y, or Millennials, (born 1981–1995). Each generation, shaped

Continued on page 6

President's Message



Kendra M. Matthews

Oregon Women Lawyers held its first event—OWLS' First Annual Spring Conference—on April 1, 1989. We will celebrate that day—and the 25 years that

followed it—on Friday, September 26, 2014, at OWLS' Fall CLE and 25th Anniversary Reception. I hope you are able to attend.

Members who attended that first conference must look back with a sense of pride about how much they—and Oregon Women Lawyers—have accomplished over the past 25 years. I know I am proud of OWLS' history and our founding members.

In April 1989, I was living in the mountains of Colorado and about to graduate from high school. While I had a vague notion that I might become a lawyer, it never occurred to me that I would become an OWL, let alone OWLS' president. Aside from a love of Clyde Drexler and the movie *Quarterback Princess*, I had never given Oregon much thought. And, raised by a single mother who was intolerant of intolerance, I cared deeply about issues of equality, but not in any focused way.

By 1994—OWLS' 5th anniversary—I was far more engaged. The year before, I had been galvanized by Rosa Parks and Coretta Scott King at the 30th anniversary of the March on Washington. Just days after the march, my friends and I began working together to revive Georgetown University Law Center's Women's Legal Alliance (WLA). Our effort was not without its share of controversy but, by 1996, the WLA was a formidable organization on campus. It still thrives at Georgetown today.

Despite my incredible experience with the WLA, I did not immediately become an active OWLS volunteer when I moved to Oregon. My ties were forged around OWLS' 15th anniversary. This time, my inspiration was a bit more prosaic: In

2003, my good friend Sarah Crooks (then OWLS' president) called to tell me that—although I had not volunteered or expressed any interest—she had just appointed me to the Justice Betty Roberts and Judge Mercedes Deiz Awards Dinner committee.

Sarah is a good friend, indeed. I don't have time to Shanghai each of you onto an OWLS committee, but I would encourage you to join one that catches your interest. Every one of OWLS' programs is intended to promote our mission: "to transform the practice of law and ensure justice and equality by advancing women and minorities in the legal profession." Serving that mission—whether the specific goal of the program you are working on is small or great—is incredibly rewarding.

Regardless of whether you have time to volunteer, please make the most of your OWLS membership: Spend some time on the OWLS website, www.oregonwomenlawyers.org. Look at our annual awards and think about potential nominees. Spend some time in the resources section. Scroll through our events calendar, which lists OWLS events, as well as chapter events. Attend the Fall CLE! OWLS largely promotes its mission by helping our members succeed in the profession; taking advantage of the perks of membership is a great way for you to do your part.

Please also take a moment to complete OWLS' forthcoming membership survey. OWLS' anniversary is a natural time to look back, but also a wonderful time to focus on our future. The OWLS board is currently developing a new strategic plan for the organization. That plan begins with the membership survey; it begins with you.

In closing, I am honored to serve as OWLS' president this year. I am proud of all we have accomplished as an organization over the past 25 years, and I am excited to think about what we can accomplish over the next 25.

Kendra M. Matthews
President, Oregon Women Lawyers

OWLS Welcomes New Officers and Directors

Oregon Women Lawyers welcomes our new officers and board members for 2014–2015. Kendra Matthews has been elected president. Kendra, a partner at Ransom Blackman in Portland, previously served as OWLS' vice president, secretary, and historian. Elizabeth Tedesco Milesnick was elected OWLS' vice president and president-elect; she previously served as secretary and historian. Elizabeth is a partner at Miller Nash, practicing intellectual property and commercial litigation in Portland.

Laura Craska Cooper was re-elected treasurer. Laura is the managing partner at Ball Janik in Bend. Angela Franco Lucero was elected secretary, having served previously as historian. Angela is a partner at Kranovich and Lucero in Lake Oswego. Joining the executive committee is Amber Hollister, deputy general counsel for the Oregon State Bar, who will serve as OWLS' historian. All OWLS officers are also members of the OWLS Board of Directors.

OWLS also welcomes its newly elected and re-elected board members: Hon. Allison Boomer (Salem), Megan Burgess (Bend), Kristin Sterling (Portland), Val Tomasi (Portland), and Gloria Trainor (Portland).

Continuing to serve on the OWLS board are Hon. Frances Burge (Roseburg), Maya Crawford (Portland), Dana Forman (Portland), Kristina Holm (Portland), Susan Bradley Krant (Ashland), Katharine Lozano (Portland, Salem), Banafsheh Violet Nazari (Portland), Jennifer Nicholls (Medford), Hon. Julia Philbrook (Salem), and Hon. Youlee You (Portland).

Aruna Masih (Portland) was appointed to a fill a vacant seat on the board at the May 17 board meeting.

Thank you all for agreeing to serve.

For more on OWLS activities, chapters, and volunteer opportunities, visit 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.

Upcoming OWLS Events

The Civil Rights Act of 1964: A 50-Year Anniversary

Thursday, July 24, 2–5 p.m.

Multnomah County Courthouse,
Jury Assembly Room. No cost.

Sponsors: OWLS, the Multnomah Bar
Assoc., and the OSB Diversity Section
To register: shannon@mbabar.org
Three Access to Justice credits pending

AdvanceSheet to Go Electronic

After 25 years of printing the OWLS *AdvanceSheet*, OWLS is moving to an electronic format beginning with the Fall 2014 issue.

We are not saying goodbye to our beloved quarterly publication. Rather, we are moving to a format that is friendlier to the environment and costs less. The *AdvanceSheet* will be easily accessed from



Terri Kraemer



Teresa Statler

anywhere you are with your mobile or stationary Internet connections, and it will continue to serve OWLS members with the enthusiasm and hard work of our volunteer *AdvanceSheet* committee and the exemplary editing of Elise Gautier, on whom we have relied since 2002.

With gratitude, OWLS thanks Terri Kraemer, who has chaired the *AdvanceSheet* committee for the last 12 years. This is her last issue as chair. Teresa Statler, a longtime committee member, has graciously agreed to chair the committee into the future.

Thank you, OWLS members, for your dedicated readership all these years. We trust that those who wish the printing would continue will adjust to the new format as we move to a more environmentally sustainable newsletter. We promise you that the content will continue to be terrific.

OWLSNet Eugene

Wednesday, September 22, 5–7 p.m.
Location TBD

OWLS Fall CLE and 25th Anniversary Reception

Friday, September 26

1–5 p.m., CLE: Talking About My Generation: Bridging the age gap at work
5 p.m., 25th Anniversary Reception, with a welcome by
Congresswoman Suzanne Bonamici
Embassy Suites, Portland
To register for the CLE, visit
www.oregonwomenlawyers.org

OWLS Dress for Success Fundraiser and Fashion Show

Thursday, October 2, 5 p.m.

Mark O. Hatfield U.S. Courthouse
1000 SW Third Ave., Portland
Join OWLS to help Dress for Success promote the economic independence of disadvantaged women. This event is more fun than you might imagine.
Register: www.oregonwomenlawyers.org

OWLS Contract Lawyers CLE

Featuring Sheila Blackford,
OSB Professional Liability Fund

Tuesday, October 7, 1 p.m.

MBA office, 620 SW Fifth Ave.,
Suite 1220, Portland

OWLS Disability CLE

Wednesday, October 15, 3–5 p.m.

Stoel Rives, 900 SW Fifth Ave.,
Suite 2600, Portland

OWLS CLE: Evaluating Attorneys: The minimum billable hour requirement and alternative models

Friday, October 24, 11:30 a.m.–1:30 p.m.

OWLS members \$25, lunch included.

Seating limited. Bank of America conference room, 121 SW Morrison St., Portland. For more information, visit
www.oregonwomenlawyers.org.

OWLS Career Development and Rainmaking Dinner

Thursday, November 13, 5 p.m.

Hotel Monaco, Portland

Exceptional
LITIGATION SUPPORT

THE BUSINESS JOURNAL
TOP 25 PORTLAND, OREGON
WOMEN OWNED
BUSINESSES



COURT REPORTING
TRIAL PRESENTATION
LEGAL VIDEOGRAPHY
VIDEOCONFERENCING
LEGAL TRANSCRIPTION
COPYING AND SCANNING
LANGUAGE INTERPRETERS

NAEGELI
Expect Excellence

DEPOSITION AND TRIAL

(503) 227-1544 • (800) 528-3335 • Schedule@NaegeliUSA.com

OWLS Celebrates 25 Years

continued from page 1

considered to be primarily a women's problem, but which in reality are societal and professional responsibilities. These problems are adequate child care, parental leave and job sharing." Judge Mercedes Deiz, in comparing the formation of OWLS to that of the National Association of Women Judges ten years earlier, said, "We must remember that one voice crying out alone frequently is ignored, whereas many voices loudly speaking through a spokesperson shielded by an organizational framework will be heard and heeded." [These quotes are from the first issue of the OWLS *AdvanceSheet*, Vol. 1, No. 1, Fall 1989.]

Organizers debated whether to form an independent group or be a section or division of the Oregon State Bar. The pros and cons of both approaches were discussed, and the overwhelming majority supported establishing an independent organization. Thus Oregon Women Lawyers was born. Membership has always been open to all who support the mission, including men, women, and those not in the legal profession.

To carry out its ambitious goals and broaden its visibility and outreach, OWLS established committees focused on budget, membership, annual conferences, special projects, legislative action, and the judiciary.

The charge of the special projects committee was to propose, develop, and coordinate projects such as CLEs, referral lists and surveys, and programs and services in areas such as mentoring, career development, law office economics, and balancing work and family. OWLS' First Annual Spring Conference took place in April 1989, with Oregon Supreme Court Chief Justice Edwin Peterson as the keynote speaker. The first membership directory, intended as a referral source, was distributed at the Second Annual Spring Conference in April 1990 and later that year to all women attorneys in Oregon.

In August 1990, Kathryn Ricciardelli (who would serve as OWLS president in 1992), ably assisted by Elizabeth Harchenko, developed and launched the OWLS Mentor Program at the three Oregon law schools. Also in 1990, OWLS formed a Contract Lawyers Referral Service to support and connect practitioners who work as contract lawyers.

OWLS has consistently focused attention on achieving career and personal growth and satisfaction and balancing family and career. At the first Spring



Kathy Root
in 1991 at
an OWLS
board
retreat



Top left: At the OWLS Spring
Conference on April 26, 1997, at
the University of Oregon (from
left): Karla Knieps, Kate Brown,
Dianne Middle, Marva Fabien

Left: Some OWLS leaders in 1993
(from left): Trudy Allen,
Nancy Moriarty, Janet Regnell,
Loree Devery, Kathryn Ricciardelli

Conference, a resolution was passed calling for the Oregon State Bar to establish a Commission on Combining Family and Career. Later that year, OWLS funded a statewide survey of parental leave policies within law firms, generating information that became the springboard for discussing ways in which such policies could and should be improved. A full-day conference on combining family and career was held in the fall of 1989.

The judicial liaison committee was created to secure the appointment and election of judges who support our mission. One of the first programs OWLS sponsored was entitled "Becoming a Judge: How to Make Getting There *Almost* Half the Fun." Held on November 4, 1989, with over 40 attendees, the program featured 22 speakers, including 12 sitting judges representing the Oregon Supreme Court, the Oregon Court of Appeals, and several circuit and district courts. Everyone who took part gained valuable knowledge and ideas about how to become a judge.

Due in part to that program's success, as well as ongoing interest by OWLS in fostering and promoting the election and appointment of well-qualified women and minority judges, in May 1991 a separate political action committee was created: JEWL PAC, the acronym for "Justice Endorsed by Women Lawyers Political Action Committee." With active participation by many OWLS members, JEWL PAC grew to have tremendous visibility and success in the overall Oregon judicial endorsement landscape. Many Oregon judges who first came to the bench during the JEWL PAC years did so in part based on a JEWL PAC endorsement. I specifically recall that Governor Barbara Roberts had a keen interest in JEWL PAC endorsements, and the number

of women judges dramatically increased during her administration.

After several years of active work, JEWL PAC was dissolved, but OWLS formed its own judicial endorsements committee to continue the momentum gained during the JEWL PAC years. Today the OWLS judicial workgroup does not endorse candidates but assists current and prospective judicial candidates in the application and appointment process, and works to educate decision makers about the importance of diversity on the bench.

In 1996, under the leadership of Patricia Heatherman, the Oregon Women Lawyers Foundation, an OWLS-affiliated 501(c)(3) organization, was created. The OWLS Foundation has given, and continues to give, grants to many deserving organizations, projects, and individuals, and it is building an endowment fund that will be used, as its board directs, for the greater good. OWLS and the OWLS Foundation have forged a strong bond to date, and our boards hope to work even more closely going forward to achieve our common goals.

As we move into our next 25 years and beyond, with recognition of where we have been, appreciation for where we are now, and hope for our future, let's adopt the following as our rallying cry:

Together we can.
Together we will.
Together we must!

Kathy Root was a founding mother of OWLS, serving on the initial board of directors, and as a vice president in 1990–1991. She was a founding member of JEWL PAC and was its president in 1993. She served on the OWLS Foundation board in 2003–2008, and she now chairs the Foundation's advisory board.



From left: Judge Beth Allen; Gail Shibley, chief of staff to Portland Mayor Charlie Hales; Judge Merri Souther Wyatt. Gail addressed Queen's Bench, the Multnomah County OWLS chapter, on May 13.

OWLS Members in Contested OSB Board of Governors Elections

By Angela Franco Lucero

Please take a moment to vote and support your fellow OWLS members who are running in contested Oregon State Bar Board of Governors (BOG) elections.

The BOG governs the Oregon State Bar and has the power to set policies for the bar. The BOG can be an important force to promote diversity within the legal profession and increase access to justice in the community at large. The BOG is composed of 14 lawyers elected from seven regions and four public members appointed by the BOG. Of the 14 lawyers who are currently BOG members, only two are women.

To vote, please visit the Oregon State Bar website, www.osbar.org. Once at the website, lawyers must log in to the "Members Only" page using their bar number and secure password. Ballots for the contested BOG elections will appear on the "Members Dashboard." Ballots will be distributed on October 6 and must be returned no later than 5 p.m. on October 20, 2014. Please help support your fellow OWLS members by voting.

The following OWLS members will be on the ballot:

Region 4:

Ramón A. Pagán

Region 5:

Joseph L. Franco

Region 6:

Vanessa Nordyke

Region 7:

Bonnie Carter

Kathleen Rastetter

Angela Franco Lucero is a partner at Kranovich and Lucero in Lake Oswego and serves as OWLS' secretary.

OWLS CLE on Family and Career

By Katie Riggs

On Friday, May 9, Oregon Women Lawyers hosted a CLE titled "Starting Your Family, Succeeding in Your Career." Speakers discussed strategies for managing your career and your family, taking parental leave, and developing and expanding leave policies at law firms.

Professor Keith Cunningham-Parmeter, of Willamette University College of Law, addressed laws regarding parental leave and the difference between men's and women's experiences with leave. He noted that an increasing number of men are primary caregivers, but they face discrimination at work for taking on what is still seen as a traditional female role. These biases against male caregivers affect both men and women, as they compound women's struggle to gain equality in the workplace when they start having families.

A panel of experienced lawyers and parents spoke about the type of leave they took and its effect on their careers. Brien Flanagan, of Schwabe Williamson & Wyatt, noted that after he took parental leave, he returned to work part-time and

later made partner. Ellen Voss, of Williams Kastner, discussed her experience in job-sharing when she had her two children. Susan Pitchford, of Chernoff Vilhauer, spoke about approaching her firm to develop a leave policy and working full-time with two young children. Cally Korach, of Hart Wagner, noted that flexibility is key to succeeding when trying to manage both your career and your new family.

Carol Bernick, managing partner of Davis Wright Tremaine's Portland office, discussed strategies for approaching your boss about developing a leave policy and what to consider before making your approach. It is important, she said, to know exactly how your success is measured and to be honest with yourself about your work goals and expectations before approaching your boss about the leave policy. She also noted that it is important to explain that a well-drafted leave policy is not just for parents—it is for everyone who faces life events, whether they involve a newborn, an elderly parent, or another family member.

Katie Riggs is an associate attorney at Pite Duncan in Portland.

When it's time to renew
my membership in
Oregon Women Lawyers
my answer is always
"Of Course!"

I'm proud to support OWLS
in their ongoing pursuit
of equal opportunities
for women in all
walks of life.

Catherine Alley Teach



teach reporting

teachreporting.com | 503.248.1003 | 800.230.3302

COURT REPORTING | VIDEOCONFERENCING

OWLS CLE: Making a Great Impression in Court

By Diane Rynerson

On April 15, U.S. Magistrate Judge Patricia Sullivan, based in Pendleton, and Circuit Court Judge Eva Temple, who serves in District Six (Morrow and Umatilla Counties), shared ideas for making a great impression in court. The one-hour program was part of OWLS' continuing series of free phone-in, noon-time CLEs. Moderated by Megan Burgess, OWLS membership committee co-chair, these call-in programs have proven to be a popular membership benefit.

In advance of the presentation, Judge Temple asked several state court judges to list the top ways to make a good impression in court as well as sure-fire

ways to leave a bad impression. By far, the most important item mentioned was to "be prepared." Being prepared means knowing the rules of the court in which you are appearing, including any special procedures required by the individual judge. It means confirming in advance that you are comfortable with courtroom technology and that you have allowed extra time for testimony if you have arranged for an interpreter. Witnesses and your client should be briefed on what to expect, and in some cases be invited to visit the courtroom in advance to become more comfortable with the setting.

Being prepared means knowing the

law that applies to your case and never misrepresenting what it means. If there is law on point that contradicts your position, you are required to let the judge know about it. If the judge asks you a question and you don't know the answer, don't guess. Say "I don't know your honor. If you would allow me, I will submit a supplemental memo on that issue."

Ensure that you have a complete mastery of the facts of the case. There is nothing worse than having the facts mentioned in your opening statement contradicted by your own witnesses.

Submit memoranda of law at least 48 hours before a trial. Don't present complex matters in a motion of limine while a jury is waiting for the trial to begin. Judge Temple made the point that no judge is upset about getting a memorandum early. Magistrate Judge Sullivan said that in federal court, specific deadlines will be issued regarding submission of motions, memoranda, objections, and the like once a trial date is set. The judges noted that cases cited should reference specific page numbers so that the judge does not need to search for the relevant point.

Being prepared means being on time, which means being 15 minutes early and absolutely never being late, barring unforeseen natural disasters. Judge Temple said that if the road is closed between Portland and Hermiston, phone the court to let it know. Part of being prepared is anticipating bad weather or road delays, so leave for court early enough to drive safely. If you have a reputation for punctuality, on the rare occasions when you are delayed through no fault of your own, you will have credibility.

For more thoughts from the judges on making a good impression in court, access their written handout or listen to the audio recording by going to the OWLS website events calendar and clicking on "April 15." The program was approved for one hour of Oregon Practice Skills MCLE credit.

Diane Rynerson is on OWLS' staff.



Hon. Patricia Sullivan

OWLS Fall CLE on Sept. 26

continued from page 1

by different social, economic, and cultural events, has different expectations of work. These differences lead to stereotypes and conflict: younger lawyers may be labeled "entitled" if they refuse to sacrifice their work-life balance in order to "pay their dues," while older lawyers may be labeled "workaholics" because they require more "face-time" in the office by associates.

Dr. Heath and Ms. Favero will address these issues, drawing on topics presented in their study "Generational Perspectives in the Workplace: Interpreting the Discourses that Constitute Women's Struggle to Balance Work and Life" (*Journal of Business Communication*, October 2012). The speakers will also explore the impact that changing structures and technologies in the workplace have on women

lawyers' attempts to balance work and life. During an interactive session, the speakers will provide attendees with new frames for thinking about intergenerational conflict.

During the final hour of the CLE, four Oregon lawyers representing four generations will join the speakers for a practical conversation about how we can use our greater understanding of each other to improve intergenerational collaboration

in our profession.

Dr. Renee Heath is a scholar in residence at the University of New Hampshire. She has been nominated for the highest teaching honor in the United States—the Carnegie Professor of the Year (2012)—and she won the Outstanding Teaching Award at the University of Portland (2011). Known for her work on generational conflict around work-life balance issues in the workplace, she has been honored for her mentorship of women in academics with the "She Flies with Her Own Wings" Award, bestowed by Oregon Women in Higher Education (2011).

Linda Williams Favero launched the University of Oregon's Alumni Career Services Center in Portland in 2008, and currently acts as its program director. She has spent much of her career working with law firms and legal professionals in Portland, and has spent years researching how professionals struggle to balance work and life, and how generations respond differently to these challenges.

For more on the CLE and reception, visit www.oregonwomenlawyers.org.

Sandra Fraser, a member of Generation X, practices construction and real estate law at Tomasi Salyer Baroway in Portland.



Renee G. Heath



Linda Williams Favero

Women's Trial Academy Dissects Anatomy of a Trial

By Kristen Tranetzki

Direct examination. Cross examination. Opening statements. These were the topics covered in recent months by the 12 female participants in the Women's Trial Academy, sponsored by OWLS and led by Renée Rothauge and Lisa Kaner, partners at Markowitz, Herbold, Glade & Mehlhaf. The academy's first program, which will last eight months, began in February.

Each of the monthly sessions starts with tips and advice from Renée, Lisa, and guest coaches, who are experienced female litigators and judges in the Portland area, followed by a demonstration of these trial skills by the Trial Academy participants and constructive feedback. Participants work within the closed universe of a model case in civil litigation, wherein defamation, destruction of personal property, and intentional infliction of emotional distress are alleged between family members. Participants are provided with necessary case materials to prepare for their assignments.

The April session focused on direct examination during trials. Nena Cook (Sussman Shank) and Julie Vacura (Larkins Vacura) joined as guest lecturers. Participants were encouraged to experiment with the timing of questions and pauses, and with movement in the courtroom. The importance of preparation was also emphasized, including working with your witnesses prior to trial and developing themes for your case to weave through their testimony. The April session concluded with the students conducting their own mock direct examination of the model case's defendant, followed by feedback from the guest lecturers.

New Family Law Mentoring Circle Forming Now

Sponsors: OWLS & Gevurtz Menashe
Mentors: Robin Wright & Julia Hagan
Meetings: First Thursday of every month, from Sept. 2014 to June 2015, noon-1 p.m. at the Gevurtz Menashe office in Portland.

Meeting materials provided courtesy of Gevurtz Menashe. Free CLE credit for some meetings courtesy of OWLS.

If you would like to join this new mentoring circle, contact Holly Johnston at holly.johnston@techlaw.com.

The May session addressed cross-examination. Guest lecturers Janet Hoffman (Janet Hoffman and Associates) and Julie Vacura offered tips. Preparation was stressed as a key element to successful cross-examination. For civil trials, preparation usually begins with a witness's deposition, months before trial. For criminal trials, however, for which depositions are not conducted, preparation requires work such as investigating the scene where the incident took place and the witnesses' backgrounds in advance of trial.

Participants were advised on how to deal with surprises during cross-examination, including how to handle unexpected and potentially damaging answers from hostile witnesses. The May session concluded with the students conducting their own mock cross-examination from the model case, which, to mimic real life, also included responding to objections raised under the Rules of Evidence by the guest lecturers and other participants.

The June session tackled opening statements. Guest lecturer Jane Paulson (Paulson Coletti) advised participants on how to organize opening statements to

best capture the jury's attention and gain its trust. Demeanor and the ordering of the opening are key to ensuring a receptive jury. The students then delivered their own opening

statements for either the model case plaintiff or the defendant. The five- to eight-minute opening statements were videotaped, providing students with the opportunity to observe their personal tics and critique what they liked and did not like about their own statements. Mock jurors also provided constructive feedback.

Participants in the first class of the Women's Trial Academy will continue to meet on a monthly basis through September 2014.

Kristen Tranetzki is an associate at the Angeli Ungar Law Group in Portland.



Julie Vacura

TEAMWORK

CREATIVITY

TENACITY

MIND CONTROL

WINE

LISTENING

**MARKOWITZ HERBOLD
GLADE & MEHLHAF PC**

Business Litigation at a Higher Level

Portland • 503.295.3085 • mhgm.com

The (Not Quite) A to Z of Judge Beth Bagley

By Rachel Hull

Judge Beth Bagley sits on the bench of the 11th Judicial District of Oregon, which covers Deschutes County. She was elected in 2012.

Aspirations. "My goal is to be the best judge I can be, and to be as prepared to make a decision as I can be. This will be a lifelong goal for me—I always want to improve and grow, and I believe there is always room to do so."

Bend. The seat of Oregon's 11th Judicial District is splendid Bend, "an amazing place to raise a family and enjoy the outdoors." Judge Bagley spends her free time with her husband and two children paddle boarding, biking, camping, and skiing cross-country and downhill.

Courtroom. After two years of feeling out of place among her law school peers, a 3L trial practice course taught by a local judge provided Judge Bagley with a clear path. "I realized that I was cut out to be a trial attorney, and after law school I sought out work that would let me spend most of my time in the courtroom. I spent nearly every day from 1997 to 2012 in a courtroom, first as a public defender in Coos Bay and then as a deputy district attorney in Coos County and Deschutes County."

Dockets. Judges in the 11th Judicial District rotate through assignments on a weekly basis. While the district is large enough to have special courts like family court, judges are expected to handle all matters, including the full range of civil, criminal, and family law cases. "It keeps the work fresh and interesting, and requires us to constantly build on our existing skill set and monitor changes in the law. I pursued a judicial position so I could expand my knowledge, and rotating among dockets allows me to do that."

Education. In addition to serving as an unofficial assistant for her daughter's third-grade soccer team, Judge Bagley works to improve education in Bend. Before becoming a judge, she was an elected member of the Bend-La Pine School Board and a volunteer board member of the Education Foundation for Bend-La Pine Schools, which provides teacher grants and activity-fee scholarships.

Groups. Judge Bagley is a member of groups including OWLS, Cascade Women Lawyers, the Deschutes County Bar Association, and the J.R. Campbell American Inns of Court. She is a founding member and current board member of the Oregon

Asian Pacific American Bar Association (OAPABA).

Iberia. Judge Bagley attended the University of California–Santa Barbara, graduating with a double major in political science and Latin American and Iberian studies. Her college career was partially financed by her pre-law occupation as a Starbucks barista, and she often attended class "smelling like the inside of an espresso grinder."

Leadership. "The most important thing we can do for other women lawyers is to identify, recruit, and advocate. Identify women who have serious potential to serve in leadership capacities, and then tell them that! Recruit women who are currently serving in leadership capacities to expand their work to other opportunities. Advocate for women in leadership positions through nominations, recommendations, fundraising, and personal networking or word of mouth. Our goal should always be to create pathways for qualified women in order to make our leaders a reflection of our community."

Mentors. Everyone needs a mentor, Judge Bagley says, even judges. Judge Bagley's mentor is Presiding Judge Alta J. Brady. "I am convinced that she knows all things—the breadth and depth of her legal knowledge is quite remarkable. She is always poised, and patient, even under difficult circumstances. I am fortunate that she always makes herself available to me as a resource, and I hope that all of her good habits will rub off on me."

Number 17. Judge Bagley selected the University of Minnesota Law School after looking at the *U.S. News and World Reports* law school rankings and applying to the schools in the top 20 where her admission chances seemed the best. As a "hothouse flower" who had lived only in Hawaii and California to that point, she notes that this "could have been the beginning of a catastrophe." In hindsight, she recommends that prospective law students choose a school where they in-

tend to work and live after graduation.

Pursuing the Bench. "Ultimately, I had exhausted myself with prosecution and was looking for an opportunity for change . . .

. . . I wanted to expand my professional horizons. Starting from my very first law job, I had the good fortune of being exposed to some incredible jurists. As a trial attorney I relied on judges to make sound legal decisions, usually on the spot. I thought I could do that, that I could do it well, and that continuing in a role of public service was a good fit and would be meaningful work."

Resolution. "Making decisions, resolving conflicts, giving parties an 'ending' (sometimes happy, sometimes not)—that is the reason I wanted to be a judge, and what I enjoy the most about the job. It is rarely the easiest part of the job, but it is why we have judges and why I wanted to become one. I wanted to use my knowledge and abilities to make sound decisions that have the potential to profoundly affect others."

Young Women. "If you want to be valued, work hard. If you want to be taken seriously, take your work seriously. Create your own opportunities, and do as much as you can to put yourself in charge of your own destiny. Being conscientious about your work is a matter of self-respect and demonstrates respect for others. Lastly, be yourself. Always resist the urge to conform your identity to the expectations that others may have of a 'woman lawyer.'"

Rachel Hull is an attorney for the Bonneville Power Administration.



Judge Beth Bagley



Christian Day (left) and Judge Julie Frantz strategize during OWLS' annual Take Your Kids to Work Day at the Multnomah County Courthouse on April 24. Lawyers and judges coached 150 kids, ages 5 to 18, for mock trial duties. In Judge Frantz's courtroom, the jury wanted to throw the book at the defendant after finding him guilty of stealing CDs from a store.

ABA Offers New Toolkits to Enhance Retention and Advancement of Women Lawyers

The American Bar Association's Commission on Women in the Profession released two new online toolkits in June: the Grit Project Program Toolkit and the Women of Color Research Initiative Program Toolkit.

Recent research has shown that highly successful women lawyers have two traits in common: grit and a growth mindset. *Grit* is defined as "perseverance and passion for long-term goals"; a *growth mindset* is the view that one's abilities can be developed. The commission's Grit Project educates women lawyers about the science behind grit and the growth mindset, in order to enhance the effectiveness, retention, and promotion of women lawyers.

The Grit Project Toolkit provides bar associations, law firms, and corporate legal departments all the materials needed to present a program in which these traits are assessed, taught, and learned. Materials include program agendas, customizable PowerPoint slides, a library of relevant scenarios for group exercises (including several digital vignettes), a discussion guide for presenters, program handouts, and a bibliography. To download the toolkit, visit www.ambar.org/grit.

The newest program from the Commission on Women in the Profession's Women of Color Research Initiative is "From Visible Invisibility to Visibly Successful: Women of Color Research and Strategies for the Workplace." It builds on the initiative's critical research studies and consolidates its research projects into a program resource for bar associations, law firms, and corporate legal departments.

The online toolkit includes program agendas, customizable PowerPoint slides, questions for panelists, scenarios for discussion, program handouts, and a bibliography. Goals include fostering open dialogue on diversity dynamics in the workplace and specifying steps that law firms can take to provide women of color with equal opportunities and necessary tools and create a culture that will lead to the increased retention and advancement of women of color. Download the toolkit at www.ambar.org/WomenOfColor.

OWLSNet Event in Salem

By Erin Dawson

"Who are you? Why should I care?" Those questions launched the keynote discussion on personal brand strategy that took place at the OWLSNet event on June 25. Professionals throughout the Mid-Willamette Valley gathered at the Hallie Ford Art Museum in Salem for an evening of relaxed networking.

Central to the gathering, Linda Jeo Zerba, founder of Big Squirrel, a Portland-based brand strategy firm, discussed the basics of a compelling story. And brand effectiveness is all about the story. Drawing on her work with major national companies, Linda offered key points on constructing a personal brand strategy. She discussed exercises to develop professional clarity, identify a vision, and establish a relevant point of view. To learn more about Linda's work, visit her website, bigsquirrel.com.

Support for the OWLSNet event was exceptional. Hosted by OWLS, Willamette University College of Law, and the Oregon Bankers Association, the evening offered attendees an opportunity to mingle with colleagues in professions as diverse as real estate, insurance, financial planning, and



Enjoying the event are Dorothy Bean (left) and Maureen McGee.

appraisal. Feedback from guests at the close of the event: give us more—more networking and more thought-provoking topics and speakers.

OWLSNet thanks our generous sponsors and donors: Collier Law, Huggins Insurance Services, the Salem Real Estate Group, Stangeland Vineyards, Gilgamesh Brewing, and Gamberetti's. Organization for the event was led by Salem OWLSNet committee members Stephanie Palmblad and Erin Dawson, with support from OWLSNet committee co-chairs Jenny Eadie and Rima Ghandour, and the entire OWLSNet committee.

Erin Dawson is the immediate past president of the Mary Leonard Law Society, the Salem-area chapter of OWLS.

Now you know what we've always known about Rick Lee and Heather Bowman.



Exceptional lawyers. Respected by their peers. Rick Lee is listed on Super Lawyers 2014 for insurance coverage. Heather Bowman has been selected to Rising Stars for employment litigation.

Congratulations from your friends and colleagues at Bodyfelt Mount.



BODYFELT / MOUNT
attorneys at law

CELEBRATING
XXXV
35 YEARS
bodyfeltmount.com

OWLS Hosts Talks on Overseas Opportunities for Lawyers

By Teresa Statler

On June 5, at the Bodyfelt Mount firm in Portland, OWLS presented "Lawyers Abroad: Overseas Opportunities for Lawyers." Speakers were Portland attorney Lisanne Butterfield, clinical law professor Theresa (Terry) Wright, and from Mercy Corps, General Counsel Barnes Ellis and Regional Program Director Kathy Fry.

Lisanne Butterfield began the presentation by telling attendees that after clerking for a judge following law school, she answered an *Oregon State Bar Bulletin* advertisement for a position in Guam with a large Honolulu-based firm. Lisanne enjoyed the warm and welcoming people in Guam and the island lifestyle. Early in her practice there, she was given a great deal of responsibility, handling complicated litigation matters, just two years out of law school. Lisanne's husband, also an attorney, landed a job in Guam as well, and the two of them traveled to Bali, Hong Kong, and Palau during the four years they lived in Guam.

Lisanne used the professional connections and experience she gained in Guam to help her find a position in Portland upon the couple's return to Oregon.

Terry Wright, a clinical law professor at Lewis & Clark Law School, spoke about her work in Riga, Latvia, in 1998 for a week and in 2003 for two weeks. The law school received funding through a grant from USAID to aid in curriculum

development at a law school in Riga. As a volunteer, Terry helped develop courses and programs in environmental law, legal writing, and the school's clinical program.

In 2002, Terry was recruited by the Rule of Law Initiative (ROLI) of the American Bar Association (ABA) to go to Croatia to evaluate clinical programs in law schools in that country. This assignment lasted two and a half months, and during that time Terry also worked with Croatian law students involved in an international business arbitration competition. Continuing her overseas legal adventures, in 2012 Terry went to Istanbul, Turkey, for a week to train Iranian law professors in how to get their law schools' clinical programs up and running.

Terry suggested that a good place to start researching overseas opportunities is the ABA's ROLI website, at www.americanbar.org/advocacy/rule_of_law.html. She said that ROLI tries to match an attorney's particular skills with a country's need and that attorney volunteers should expect to "hit the ground running." Attorneys who have worked with diverse clients or population groups have a particular advantage, Terry said.

Kathy Fry, who is not an attorney, but is the Latin America/Caribbean & Balkans/Caucasus regional program director for Portland-based Mercy Corps, discussed pro bono legal opportunities available in Portland that have an international

flavor. Since 1979, Mercy Corps has been helping people in the "world's toughest places" survive the crises they confront and turn them into opportunities to thrive.

Mercy Corps does not employ lawyers overseas. Its legal needs are based on the particular issues faced in the countries in which it serves. Backed by a two-attorney staff in Portland, pro bono lawyers help with issues such as setting up a limited liability company in Barbados, or reviewing contracts between produce farmers in Guatemala and Walmart to better equalize the farmers' bargaining positions. Pro bono attorneys have also helped with labor-related issues and in ensuring that Mercy Corps complies with U.S. government regulations prohibiting the aiding of terrorist organizations in the countries in which it works.

Handouts available at the event included information from the International Action Network for Gender Equity and Law (IANGEL), which defends and promotes the rights of women and girls around the world. Pro bono attorneys who contact IANGEL (www.iangel.org) can be matched with a project that best suits their interests and skills.

OWLS thanks the speakers and thanks Bodyfelt Mount for hosting the event and the wine and cheese reception afterward.

Teresa Statler practices immigration law in Portland.



Kathy Fry



Professor Terry Wright



Lisanne Butterfield



Suzy Driver
Attorney Coach



Coaching in business and professional development

www.thedrivergp.com • 503.939.5329

OWLS' brown bag lunches for contract lawyers and others interested will begin again after Labor Day and continue on the first Tuesday of each month except December. This is a chance for those working as contract lawyers or thinking about doing so to meet with colleagues to ask questions and get ideas for improving their practice. Meetings begin at 1 p.m. at the Multnomah Bar Association conference room, 620 SW Fifth Avenue, Suite 1220, in Portland. Questions? Contact Diane at diane@oregonwomenlawyers.org.

Clackamas Women Lawyers Educating and Networking

By Jennifer Dalglish

Clackamas Women Lawyers (CWLS), the OWLS chapter in Clackamas County, had a busy but fun spring season. In April, CWLS enjoyed its annual wine tour, visiting three vineyards: Styling Vineyards and Utopia Vineyards, both in Newburg, and Evening Land Vineyards in Dundee. Judge Kathie Steele and CWLS President Ericka Langone did an outstanding job coordinating the event this year, complete with a luxury bus. We're already looking forward to finding out which vineyards we'll be touring next year.

On May 22, more than 15 CWLS members gathered in the Holman Law Center hearings room for a roundtable discussion on whether women really can have it all, be it all, do it all. This was the first in a series of informal discussions planned on relevant topics. The facilitators were CWLS Vice President Jennifer Dalglish, OWLS President Kathleen Rastetter, and former CWLS President Carol Anne McFarland. Attendees included members in their 20s, 30s, 40s, 50s, and 60s. One purpose of the discussions, beyond networking and socializing, is to brainstorm

ideas for implementing positive change in the subject area on both an individual and a local level. Due to demand, an additional lunchtime roundtable on this topic has been scheduled for August 21.

CWLS partnered with several Clackamas County departments, the Oregon City Public Library, and author Janay Haas to present on June 12 a CLE titled "Everything You Need to Know About Small Claims Court, Justice Court and Resolution Services." Jennifer Dalglish, Clackamas County law librarian, served as moderator for the program. Janay Haas, an Oregon attorney and author of *Everybody's Guide to Small Claims Court in Oregon* spoke first and provided an overview of small claims court in Oregon. Next, Hon. Karen Brisbin provided an informative presentation on the Clackamas County Justice Court. The program was capped off by Erin Ruff's summary of the Small Claims Mediation Program available through Clackamas County Resolution Services.

This event was open to both legal professionals and members of the general public at no cost. The panel answered

questions from the audience at the end and stayed afterward to mingle and answer more questions. The program materials are available at the Clackamas County Law Library.

Every Thursday at noon from June 19 through July 24, CWLS is co-hosting with the OSB Diversity Section screenings of the documentary *Half the Sky* at the Oregon State Bar building in Tigard. The documentary, filmed in ten countries, focuses on women and girls who are living under some of the most difficult circumstances imaginable and fighting bravely to change them. The screenings are worth OSB Access to Justice credits, include written materials, and are followed by a presentation and discussion. Moderators have included Emilie K. Edling, Angela Lucero, Amber Hollister, Ericka Langone, Yesenia Gutierrez, and Audrey Hirsch.

Jenn Dalglish is the director of the Alden E. Miller Law Library of Clackamas County and the vice president of the Clackamas Women Lawyers.

Courthouse Connection



Enjoying the event (from left): Kaiti Ferguson, Karen Nashiwa, Damien Munsinger, Katherine von Ter Stegge

An intense rainstorm didn't dampen the spirits of those attending the annual Federal Courthouse Connection luncheon at Portland's Mark O. Hatfield U.S. Courthouse on June 26. Chief Judge Ann Aiken welcomed an appreciative group of lawyers and law students, who enjoyed an opportunity to meet one another over a light luncheon followed by ice cream brought from Prince Puckler's Gourmet Ice Cream in Eugene by Judge Aiken for the occasion. Magistrate Judges Paul Papak and Janice Stewart also attended.

After showing a brief video produced by the Federal Bar Association for its inaugural Women in the Law Conference, Judge Aiken highlighted the need for innovative thinking and reforms in the practice of law, promising opportunities for further discussion.



ke
KATHRYN ELSESSER
PHOTOGRAPHY

Take advantage of
August Tuesday's 15% discount!

503.957.5143

Kathryn@kephotog.com

www.KathrynElsesserPhotography.com

OWLS Foundation Starts New Year with Appreciation Event

By Traci Ray

The Oregon Women Lawyers Foundation kicked off its 2014–2015 year on May 15 with an appreciation event at the University Club in Portland. The event was attended by many past officers of OWLS and the OWLS Foundation, and by the Foundation's 2014 Vernellia Randall Bar Exam grantee, Heather Murray, who talked about how important the grant has been to her.

The Foundation also rolled out its new marketing materials and endowment program. Kathy Root, president of the OWLS Foundation Advisory Board, announced that she had included the Foundation in her estate plan, a long-lasting source of funding.

The Foundation's board hopes to host annual appreciation events. Thanking Foundation supporters, sharing stories about the grants helping to support women and minorities in accessing and participating in the justice system, and fundraising to benefit future law students and graduates are all wonderful reasons to make this event a signature affair.

Traci Ray, the executive director at Barran Liebman, serves on the OWLS Foundation board.



OWLS Foundation board members at the Foundation's April 26 retreat (left to right): Standing: Kate Wilkinson, Phylis Myles, Sarah Freeman, Lori E. Deveny (president), Kristie Gibson (treasurer), Aruna Masih, Terri Kraemer, Katerina Kogan, Diane Rynerson (ex officio), Kate von Ter Stegge, Jodee Jackson. Sitting: Deanna Wray (president-elect), Jill Brittle, Maite Uranga, Trudy Allen (secretary and historian).

Meet OWLS Historian Amber Hollister

By Mary Anne Anderson

Amber Hollister, OWLS' historian and an OWLS board member, likes to "keep well-meaning lawyers out of ethical trouble." The Oregon State Bar's deputy general counsel since January 2011 and a mother of two young boys, she spends the first part of her workdays on mom duties, then launches into a full calendar fielding ethics calls, writing informal ethics opinions, providing legal advice to bar staff and the OSB Board of Governors, and reviewing appeals of dismissed disciplinary complaints. The daughter of a cabinetmaker and finish carpenter, she finds beauty in the intellectual craft of lawyering and derives satisfaction from "helping lawyers do the right thing."

Originally from Fairbanks, Alaska, Amber graduated in 1999 with a degree in political science from Reed College. This would perhaps come as no surprise to Amber's great grandmother, Gladys E. Montier, a "fiercely intelligent woman" who worked in Washington, DC, as a personal secretary to Ethel Kennedy and a clerk to the Senate Judiciary Committee.

After writing her thesis on toxic-reporting legislation and the accompanying environmental movement, Amber took the LSAT on a "lark." She

was admitted to the University of Washington School of Law, but deferred her admission a year to work in the Port of Portland's legal department and take time to be sure she wanted to invest her time and money in pursuing a law degree. The intellect and enthusiasm of Cory Streisinger, then general counsel at the Port of Portland, inspired Amber to commit to a career in law.

Following law school, Amber secured a clerkship with U.S. District Court Judge Robert Whaley in Spokane, Washington. That experience proved invaluable to Amber, who was the first in her immediate family to graduate from college. She considers Judge Whaley an important professional role model to this day.

Amber took a position with Perkins Coie's litigation practice group in August 2005. Although she learned a lot about lawyering as a result of that experience, Amber felt drawn to seek out a career in public service. Starting in January 2008, she served as deputy general counsel to former Governor Ted Kulongoski and enjoyed the unique experience of serving as legal counsel to a governor who was also a former Oregon Supreme Court justice.

At the end of Kulongoski's term, Amber transitioned into her present job, where

she performs challenging work and specializes in the area of professional responsibility and ethics. Unlike the days when her great grandmother was relegated to support and secretarial positions, Amber finds herself in a "somewhat unusual" situation in today's legal community in that both her boss, General Counsel Helen Hierschbiel, and her boss's boss, Executive Director Sylvia Stevens, are women.

Amber is a proponent of balance and advises young lawyers to "[b]e true to yourself and have the courage to ask for what you want." When not busy being a mom and lawyering, Amber plays viola in the Sunnyside Symphony Orchestra, knits, listens to audiobooks, and enjoys travel, especially to Italy.

Amber is a proponent of balance and advises young lawyers to "[b]e true to yourself and have the courage to ask for what you want." When not busy being a mom and lawyering, Amber plays viola in the Sunnyside Symphony Orchestra, knits, listens to audiobooks, and enjoys travel, especially to Italy.

Mary Anne Anderson, a founding OWLS member, is a staff attorney at the U.S. District Court in Portland.



Amber Hollister

MLLS CLE: Ethically Advancing in the Digital Age

By Stephanie Palmblad

On April 16, the Mary Leonard Law Society presented its spring CLE, "Technology and Your Ethical Responsibilities." The event, held at Willamette University College of Law, featured speakers Amber Bevacqua-Lynott, an assistant disciplinary counsel, and Sheila Blackford, a practice management advisor, both with the Oregon State Bar, and David Madden, an intellectual property lawyer with Mersenne Law in Tigard.

Dave Madden noted that "the law is not populated by engineers," so part of his work includes translating between technical language and legal language. Many of the people who break ethical rules regarding technology don't understand the technology. Because Oregon lacks case law on technological issues, lawyers here are not as aware of the pitfalls as they might be elsewhere.

Amber Bevacqua-Lynott said that although few OSB ethics opinions discuss technology issues, those issues should be treated like any other ethics issue in which competence and confidentiality are crucial. For example, the assumption now is that if an attorney sends a document containing metadata, the sending was intentional, because competence in dealing with metadata is presumed. Sending such a document may raise serious confidentiality issues if the lawyer does not understand metadata.

The OSB is a resource for attorneys and provides an index of practice aids addressing technology issues, with a focus on knowledge and protecting the client's personal information.

Mobility can raise security concerns

The panel noted that massive amounts of client data are carried in cell phones and laptops. Great care must be taken to safeguard any item used to store client data. Most attorneys understand how to protect boxes of physical files and would notice if a storage facility or office were broken into. By contrast, in cloud storage, your information is constantly under attack and you may never know if an attack is successful in stealing data. Encrypt your files, so that if the device is stolen, the files cannot be accessed.

Who has the key to your secure client files?

With cloud storage, Dave explained, if a company has the ability to reset your password, the password can be exploited

by third parties to access sensitive data. The password to your sensitive data is the key to your client files, and you are relying on companies to store your key with as much diligence as you would exercise. The most secure option is a storage service that has no information about your password and no ability to reset that password. Amber said that using a service that allows resetting of the password is not an ethical violation yet, but as technology advances, the ethical expectation of competence will also advance.

There's no such thing as a free product

Dave also suggested that attorneys consider how a cloud service makes a profit. The answer, Amber said, may be that they use your data. Dave noted that companies may sell information about whom you are talking to, what you are talking about, and how often you talk. This traffic analysis can be sold.

Sheila Blackford suggested that you read your cloud service's user agreement and consider encrypting documents before you store them in the cloud. Dave suggested Truecrypt as a good resource for encryption, noting that it is free and as safe as is reasonably possible. The panel agreed that freeware must be used cautiously, including services like Google email and Google document storage, as well as email-sorting programs. These services are incredibly convenient, but they may not be appropriate for client data. Knowing the risks, attorneys should consider cautioning clients not to send sensitive information through an email provider such as Google.

Handle passwords securely

Sheila suggested using services, like eWallet, that store your passwords. Dave noted that even random, complex passwords can be cracked by third parties, so passwords cannot be relied on for long-term security. It is critical to use different passwords for each service you use.

E-discovery and disclosure rules are advancing

As a result of advances in e-discovery, courts are unwilling to accept the contention that discovery is too difficult and expensive. Courts may demand production of vast amounts of digital information, including metadata, unless it is protected from discovery. Amber maintained that

traditional rules of discovery still apply, including fair methods for obtaining discovery and truthfulness. Sheila noted that the OSB Professional Liability Fund practice-management team is available to work with attorneys on discovery issues.

Dave reminded attendees that no product that is for sale will cure you of the need to understand technology.

The following OSB ethics opinions can be found at www.osbar.org/ethics/toc.html: No. 2013-189: "Accessing Information About Third Parties Through a Social Networking Website"; No. 2011-187: "Competency: Disclosure of Metadata"; and No. 2011-188: "Information Relating to the Representation of a Client: Third-Party Electronic Storage of Client Materials."

The American Bar Association offers online resources on legal technology at www.americanbar.org/groups/departments/offices/legal_technology_resources.html.

Stephanie Palmblad practices estate planning, probate administration, and probate litigation with Collier Law in Salem.



SUSAN M. HAMMER
Dispute Resolution Services



Creative Approaches to Complex Problems

*International Academy of Mediators
Distinguished Fellow, Top 25 Oregon
Women Lawyers, Oregon Super
Lawyers® & Best Lawyers in America®*

503-222-5949
www.Susan-Hammer.com

Meet OWLS Member Judith Armatta

By Danielle Lordi

OWLS member Judith Armatta is a lawyer, journalist, and human rights advocate. She decided to pursue a legal career after reading letters sent by conscientious objectors serving time in U.S. prisons to Congressman John Seiberling, for whom Judith served as a legislative aide following her graduation from the University of Oregon in 1969. The prisoners' words opened her eyes to the inhumane treatment going on inside prison walls. She graduated from Lewis & Clark Law School in 1975.

As a woman pursuing a legal career in the 1970s, Judith experienced discrimination and harassment unknown to most women lawyers of today. As a law student, she faced professors who openly refused to call on women, considering them not serious about a legal career. One professor wrote sexual comments on a paper she wrote. As the first female Coos County counsel, she was called Dolly by a county commissioner and dealt with a sheriff who refused to work with her.

Inspired by, and despite, such treatment, Judith tirelessly pursued her passion for human rights. In the United States, she worked with the Oregon Student Public Interest Research Group, Prisoners' Legal Services of Oregon, ACLU, Metropolitan Public Defender, Oregon Public Defender, and Oregon Legal Services. She co-founded a Corvallis women's shelter and managed another women's shelter in Clackamas County. With then-Chief Justice Wally Carson, she founded Oregon's Domestic Violence Council. She has also served on numerous boards, committees, and task forces.

In 1997, Judith left the United States to serve as the American Bar Association's first legal liaison to Serbia, tasked with supporting an independent judges association that had courageously ruled against the Slobodan Milosevic regime. In addition to her work for judicial reform, she worked with women's nongovernmental organizations, human rights groups, bar associations, and law faculties. In Montenegro, she helped found the Women Lawyers and Judges Association.

Judith also joined local woman attorneys and OWLS member Terry Rogers, then the ABA's liaison to Macedonia, to organize the first conference of woman lawyers in the former Yugoslavia following the Bosnian War. During the Kosovo War, Judith was evacuated to Macedonia,

where she established a War Crimes Documentation Project with Kosovo refugees.

Judith left Montenegro in spring 2000, accepting a position with the Coalition for International Justice as legal liaison to the International Criminal Tribunal for the former Yugoslavia in The Hague, Netherlands. As liaison, Judith monitored the war crimes trial of Milosevic, the first head of state to be tried for war crimes. She published 300 short summaries about the trial on the Internet in an effort to demystify the arcane legal proceedings and make the trial—and thereby the developing system of international justice—accessible to a wider audience. Her book *Twilight of Impunity: The War Crimes Trial of Slobodan Milosevic* is a direct result of this experience and her efforts to rectify what she views as an overly simplistic and, in many respects, incorrect media interpretation of the trial.

Since returning to Oregon, Judith has volunteered with the Partnership for Safety and Justice, Oregon Voices, and the Common Cause Oregon Fair Courts Network. She continues to work on her second book, about the need to reform sex offense laws in the United States.

Judith spends her free time with family and friends, including her partner of 22 years, Kate Titus. She enjoys photography, exercise, fixing up her and Kate's 1908 house, reading, visiting the coast, and bird watching. She is also an avid Red Sox fan. And, of course, she loves to travel (but not, she notes, for relaxation).

Judith is an OWLS member because, she says, women lawyers "need to have the support of others with a similar understanding of discrimination against women in the legal profession and in the legal system" and "to help make women lawyers visible." She explains: "People can dispense with an individual but not so much with a large group of powerful, well-informed women (and men)."

Her advice for young women lawyers: "Believe in yourself. Stand up for yourself. Have the self-confidence (not arrogance) that you see in male (and some female) colleagues. Network (novel idea!) and find mentors wherever they appear, or go looking for them. If you can afford it, gain experience through volunteering and interning in places that interest you. Expand, don't contract, your circle of acquaintances. Remember: law is a profession, not a contest, and you are privi-

leged to join it. Give back to your community for all you have received. Learn new things always. You can teach yourself a whole subject area, like international criminal law.

See every failure as an opportunity. Save for retirement, starting now. Keep your sense of humor. And for goodness' sake, take care of yourself—relax, have fun, exercise, eat good food (including ice cream), and (wasting my breath) don't overwork."

Danielle Lordi is an associate at Bryant, Lovlien & Jarvis in Bend.

[Editor's Note: The OWLS AdvanceSheet occasionally includes a profile of an OWLS member whose career path differs from most. If you know an OWLS member you think we should profile, please send your suggestion to elise.gautier@comcast.net.]



Judith Armatta

L&C Honors Mentors



From left, top: Maya Crawford, Rebecca Fischer; below: Nellie Barnard, Nora Coon

Lewis & Clark Law School recently recognized two OWLS members, Maya Crawford and Nellie Barnard, for their outstanding mentoring of first-year law students Rebecca Fischer and Nora Coon, who presented the awards at a reception at Lewis & Clark on April 2. Maya, an OWLS board member, is a staff attorney with Legal Aid Services of Oregon. Nellie is a judicial clerk to Justice Virginia Linder of the Oregon Supreme Court.

OWLS Dragonflies Racing April to October

By Laurie Daley

Racing is never dull for the OWLS Dragonflies dragon boat team. In the very first heat of our first race this year, for example, we were sandwiched between two other teams halfway through the course. We maintained our cool composure and everyone escaped unscathed, but it was an exciting way to start the season.

We also raced on Memorial Day weekend at Vancouver Lake in a fundraiser for wounded veterans, a very worthy cause. Working in combination with another team, we placed first in the mixed 2,000-meter competition.

This year we have a full racing calendar, which started in April in Olympia (the setting of our dramatic 2014 debut) and continues through October, with a race each month. We are racing in Oregon, Washington, and Victoria, BC. You'll find details at www.owlsdragonflies.org.

With several new paddlers this year, we are working hard to be strong competitors. We greatly appreciate the support of our sponsors: Roe & Greene; Oregon Women Lawyers; Tomasi Salyer Baroway; Broer & Passannante; Perkins Coie; Cumulus Legal Services; Kell, Alterman & Runstein; Law Office of Nancy L. Mensch; Red Dog Home Inspections; and Shaun N. Christiansen of Northwestern Mutual.

Laurie Daley is the librarian at Bullivant Houser Bailey in Portland.

Women's Wellness Retreat on Mindfulness

By Shari R. Gregory

The Seventh Annual Women's Wellness Retreat for Lawyers saw a record turnout of 53 participants learning techniques for increasing mindfulness in our lives. The retreat, held on May 2 and 3 at the Oregon Garden Resort, was sponsored by the Oregon Attorney Assistance Program (OAAP) and OWLS. It began with lunch and an opportunity to get to know one another better.

Lewis & Clark law professor Amy Bushaw kicked off the CLE portion of the event with insights about what creates satisfaction professionally and personally. Working as advocates for other people can distance us from our own well-being, thinking like a lawyer can distance us from emotions, and the terrible combination of high stakes and low control over the outcome is a recipe for dissatisfaction. In addition, many lawyers are faced with the pressures of child rearing and home tending with little time for self care.

Amy offered wonderful ideas for how to cultivate the skills and values that contribute to well-being. Switching our mental "to-do" list to a goal-oriented endeavor informed by our intrinsic values can change our perceptions of the looming tasks for the better. Aspiring to meet three important psychological needs—autonomy, connectedness, and competence—can help us in our quest for contentment.

After a substantial restorative break, we visited with each other over a fantastic dinner. That evening and the next morning, yoga sessions drew a large crowd.



At the retreat, from left: Professor Amy Bushaw, Michelle Ryan (yoga teacher), Kyra Hazilla (OAAP attorney counselor)

In a session titled "Lawyering from Your Center: The Mind-Body Connection to Inner Peace," Denise Gour taught us the importance of deep breathing (and the vast difference between a shallow breath, providing only four ounces of air, and a full breath, which gives us a whole liter of air). We learned that when we mindfully appraise our thoughts and feelings, check their effect on our bodies, and treat ourselves with compassion, we are better able to return to a calm state.

Dr. Jillayne Sorenson taught "Cultivating Emotional Resilience through Mindfulness." We talked about how our emotions function and the useful information they provide us. The ability to access positive emotions is the biggest factor in building resilience.

Professor Amy Bushaw closed the retreat with ideas about how to bridge the gap between intention and action. We left with tools to support our own well-being by nourishing our ability to be present in all senses of the word.

Shari Gregory is assistant director at the Oregon Attorney Assistance Program.

Lilly Ledbetter Speaks in Portland

By Joanna Robinson

With tremendous grace and humility, Lilly Ledbetter spoke at Portland State University (PSU) on April 24, describing the events in her life that culminated in a historic piece of legislation bearing her name. Here she was—the woman who had never set out to be an activist—standing before a Portland audience of state and local leaders with a simple message: "Let's go make a difference in each other's lives!"

As keynote speaker for the Abigail Scott Duniway Speaker Series, hosted by the Center for Women's Leadership at PSU, Ledbetter's sincerity and strength were impossible to resist. Simply and honestly, she spoke of how short-changed she felt after discovering that she was being paid 40% less than her male co-workers at a Goodyear tire factory in Alabama.

Most of us in the audience were familiar with the background of Ledbetter's story, or so we thought. The details of her initial lawsuit, and the subsequent U.S. Supreme Court ruling that Ledbetter was not entitled to a jury award of \$3.8 million because she had filed her claim more than 180 days after receiving her first discriminatory paycheck, are well known. What seemed new was the glimpse into her character as a woman who reluctantly became a champion in her own right. She explained: "I knew I would never see a dime, but I knew the law was on my side. I could not let [gender pay discrimination] go because it was illegal.... I have no regrets."

Never lamenting the many challenges she faced throughout her journey, she acknowledged the impact the judicial branch had on her future: "The Supreme Court changed my life completely." Instead of resigning herself to the unjust burden of the Court's ruling, this wife, mother, and grandmother decided to stand up, get right back in the ring, and lobby Congress to pass the Lilly Ledbetter Fair Pay Act. She described the relief she felt when on January 29, 2009, she stood next to President Obama and watched him sign her bill into law.

Grasping the magnitude of Ledbetter's extraordinary effort to forge a way for women in this country, the audience responded with gratitude.

Joanna Robinson is a contract attorney with the commercial litigation firm Jurva Martin in Portland.

Summer 2014

Printed on recycled paper

The New Soft War on Women: How the Myth of Female Ascendancy Is Hurting Women, Men—and Our Economy

By Caryl Rivers and Rosalind C. Barnett (Tarcher/Penguin, 2013, 273 pages)

Book Review by Teresa Statler

Journalist Caryl Rivers and clinical psychologist Rosalind Barnett want to spread the word that women still do not have it made. They argue that an insidious war of subtle biases and barriers is currently being waged to marginalize women, abetted by the media. What is the "New Soft War"? The authors tell us that "it's less a frontal assault than an ongoing and very effective guerilla movement. . . . The bombs are under the surface, but they still explode. This isn't an overt conspiracy to hold women back. Instead it's a perfect storm of economic, political and social factors that combine to threaten women's progress."

In describing the parameters of this "new" war, the authors provide us with many statistics from varying sources that clearly show that gender discrimination in the workplace is alive and well. For example, they cite a *Wall Street Journal* report that establishes that women get promoted based on past performance, while men get promoted based on "potential." This explains why "we see so many young male hotshots moving up the ladder, ahead of more seasoned females." The authors review other studies to show that women "adjust" to this situation, which slows their progress even more, and so the discrimination goes on without the awareness of men or women.

Another battlefield in the New Soft War is that "what works for men all too frequently undercuts women." The authors posit that handsome men in the corporate world "rarely raise suspicion or attract the negative personal attention that beautiful women get." Examples,

the authors say, are Carly Fiorina of Hewlett-Packard and Jill Barad of Mattel; their hard-driving and flamboyant manner irritated many men. In other words, competent women are often seen as unlikeable, and their careers suffer for it.

The authors also make interesting points about issues such as anger, which they declare to be "problematic" for women: "Anger expression is an effective means for attaining higher status for men; for women, it has the opposite effect." Angry women are seen as less competent and less powerful than men, and as a result, women are paid less.

Rivers and Barnett discuss the "glass cliff" and "glass escalator," which they see as more problematic than the proverbial "glass ceiling." They note that often, when major companies are in crisis, a woman is brought in to steer them through troubled waters. In these situations, the women are perched on the edge of the "glass cliff" and set up for failure. These women are then blamed for the negative outcomes that were set in motion before they were brought in.

The "glass escalator" describes white men who go into stereotypical female occupations, such as nursing, social work, and elementary school teaching. They quickly earn more money than women do, get a "double boost" from being white males, and rise more quickly than equally qualified women, in position, pay, and benefits.

The authors are critical of many "mentoring" programs, finding that many women in the workplace are "mentored to death" but are often not promoted.

They say that women should look for a sponsor instead, as men do. Sponsorship programs, which are made up of vigorous counseling and strategizing from someone interested in a woman's success, are more likely, the authors contend, to bring results.

The book includes many examples of recent media coverage concerning various studies of women in the workplace. The authors dissect several articles in such respected publications as *The New York Times* and *The Atlantic* and show how they are often based on anecdotal information or small, non-representative studies. The authors also spend some time chastising the media—and deservedly so—for "the new message that women can be smart, and can achieve—but they have to be hot [attractive] while doing it." This message has also trickled down to high schools and colleges, where intelligent girls and young women are feeling pressure to be impossibly attractive. This oversexualization of young women is taking a major toll, leading to serious mental and physical health problems.

After finishing this well-written but somewhat depressing book, this reader did not see the "New Soft War" as all that new, or all that soft. Rather, it seems to be the same old story of gender discrimination. But it is still a war that women need to win. Along with *Lean In*, by Sheryl Sandberg, *The New Soft War* should be required reading for professional women all of ages.

Teresa Statler has a solo immigration law practice in Portland.

