

# AdvanceSheet™

PUBLISHED QUARTERLY BY OREGON WOMEN LAWYERS

VOLUME 28, No. 3 SUMMER 2017



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## OWLS Fall CLE on Oct. 27: Diversity Issues Today Featuring Keynote by Barbara Arnwine

By Rebecca Guptill

**H**ow do we, as OWLS members, ensure justice and equality by advancing women and minorities in the legal profession? How do we increase diversity within our profession? How do we ensure justice for an increasingly diverse community? What exactly is intersectionality, and where do we fit in? What does it mean to be a feminist today?

Why is it so important that we ask these questions? What are the questions we don't realize we should be asking? How do we ignite change, and what does it mean to do so?

This year the annual OWLS Fall CLE will attempt to answer these complicated questions while opening participants' minds to other important questions and issues that need to be addressed as our profession continues to evolve in these challenging times. Igniting change and inspiring action toward achieving racial justice, social justice, and equality will be the focus of the Fall CLE, which aims to educate attendees on a wide array of diversity-related topics.



Barbara Arnwine

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## Above the ADA: Disability and Employment Law

By Jim Yocom

**T**oo often, disability is left out of conversations about workplace diversity and inclusion. Although the Americans with Disabilities Act (ADA) and its state analogs probably reduce rank discrimination against people with disabilities, the rules set minimum compliance requirements. Employers eager to leverage the strengths of a diverse workforce therefore can stumble when it comes to figuring out what to do, particularly with regard to hiring. Matthew Denney of Disability Rights Oregon, Carol Rozumalski of Seattle, and Banefsheh Violet Nazari of Nazari Law discussed numerous simple and inexpensive approaches to inclusion in an OWLS CLE titled "Above the ADA: Disability and Employment Law Through an Inclusive Lens," held in Portland on April 28. A recording of the program is available at the Professional Liability Fund's website, [www.osbplf.org](http://www.osbplf.org).

Ms. Nazari set the stage by arguing that employers cannot rely on compliance technologies like the ADA to advance the cause of inclusion. For instance, "essential job functions" are critical to analyzing discrimination or inclusion, but because employers establish job requirements, bias inevitably creeps into

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## Majority of Oregon Supreme Court Justices Are Women

**J**ustice Rebecca A. Duncan became a member of the Oregon Supreme Court immediately after the retirement of Justice David V. Brewer on June 30. Governor Kate Brown had announced her appointment on May 10.

Justice Duncan joined three other women serving on the seven-person court, making this the first time that women have constituted a majority of the Oregon Supreme Court.

Justice Duncan was appointed to the Oregon Court of Appeals in January 2010 by Governor Ted Kulongoski. She is the only member of Oregon's appellate courts who was a career public defender before serving on the bench. Congratulations, Justice Duncan.



Justice Rebecca Duncan



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## President's Message



Angela Franco Lucero

I was raised in an environment rich in diverse cultures, I was not isolated from the issues faced by members of marginalized communities. Discrimination in the United States is pervasive, and it comes in many forms. I too have felt its sting. While I am keenly aware that I am a minority, I was raised to be proud of my culture, my heritage, and my community. I am the child of a working-class family, and I grew up surrounded by working-class people. While I did not grow up with much privilege, I was raised with a tremendous amount of love and support. As the first person in my family to attend professional school, I know that my successes in life are a huge source of pride for my entire family.

Moving to Portland, Oregon, with its white majority population, was a culture shock for me. I found myself in a law school where only ten percent of the entire student body was minority. The food was different, the people in the community were different, and I was acutely aware of the fact that even among the students of color, few looked like me. I developed a heightened sense of insecurity due to the apparent ethnicity of my last name and the color of my skin. Of even greater pain was the stigma caused by the erroneous perception that I, along with my other classmates of color, unfairly benefited from the law school's and the bar's affirmative action programs. For the first time in my life, I doubted my intellect and ability to succeed. I questioned whether my New Mexico State University education was enough to compete with my cohorts from Duke, UC Berkeley, and Harvard. Like many women and people of color, I wondered whether my admission to law school was a mistake.

I am a Latina who was born and raised in Las Cruces, New Mexico, where the majority of the state's population is Hispanic and Native American. Although I was raised in

To further add to my apprehension and sense of insecurity, during my first summer in Portland a group of Nazi skinheads held a rally in downtown Portland. While I was not naive to the fact that discrimination existed, before moving to Oregon I had never been exposed to that level of organized overt hatred and disdain for people of diverse cultures.

I share this personal glimpse of my background only to illustrate the perspective that many minority students and attorneys face when moving to and choosing to stay in Oregon. I also share this story because, given the current political climate, members of non-dominant cultures are seeing and experiencing increasing levels of hatred, bigotry, and xenophobia. I cannot speak on behalf of all women lawyers or all lawyers of color. But for me, despite the barriers and culture shock I experienced as a minority in Oregon, I have found a sense of community and acceptance within the Oregon legal profession. It is because of this community that I chose to stay and practice law in Oregon. It is because of this community that I choose to fight to make the community in which we live and work more diverse and inclusive.

I owe a large part of my sense of community to OWLS and many of the other specialty bar associations in Oregon. Through OWLS I have developed many meaningful friendships, professional connections, and leadership skills that will benefit me for years to come. But more than that, through my involvement in OWLS, I have had the pleasure of working alongside some extraordinary women and men to help fulfill and promote OWLS' worthy and important mission: to "transform the practice of law and ensure justice and equality by advancing women and minorities in the legal profession." In furthering its mission, one of the principal purposes of OWLS is to actively promote equality and fair treatment of all people within the legal profession and within society at large. With 1,600 members, OWLS plays a significant role in shaping the future and face of our legal community.

Now, more than ever, it is important that OWLS rededicate itself to the task

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

## Daina Vitolins Appointed to Circuit Court

**G**overnor Kate Brown has appointed OWLS member Daina Vitolins to Oregon's 22nd Judicial District Circuit Court, effective July 1. The district comprises Crook and Jefferson Counties.

Judge Vitolins had served as the district attorney of Crook County since 2008. She is the immediate past president of the Oregon District Attorney's Association. You can read more about Judge Vitolins on page 15 of the Summer 2016 issue of this newsletter.

Congratulations, Judge Vitolins.

## President's Message

*continued from page 2*

of promoting its mission. Regardless of your political affiliation, OWLS members, as attorneys and members of the larger Oregon community, must continue the fight to ensure that basic civil rights are protected for all citizens and to build a community that honors individuals of all genders, colors, ethnicities, religions, sexual orientations, abilities, gender identifications, and national origins. We must strive to overcome the barriers of bias wherever they may be found within Oregon's legal community and the community at large. We must do this because, as Martin Luther King Jr. said, "Injustice anywhere is a threat to justice everywhere."

It is a great honor and privilege to serve as OWLS' president this year. The OWLS board is working to educate itself about issues of implicit bias and structural bias. We are exploring ways to effectively promote and increase diversity, equality, and inclusion within the OWLS community. My goal is to sustain and build an organization in which all members can find the kind of community that has supported my growth throughout my legal career. I look forward to working collaboratively with other Oregon specialty bar organizations to further the mission of OWLS and to better serve our community.



Angela Franco Lucero  
President, Oregon Women Lawyers

## New Speakers Database in the Works OWLS Needs You

**F**or years we have heard complaints that CLE presenters are usually white and male, and that CLE organizers seem not to care about that status quo. Many CLE organizers are volunteers and do what we all do when seeking assistance: we contact our friends and colleagues. With all due respect to our white male colleagues, this dynamic needs to change. Presenters need to reflect the bar. Toward that end, and with help from Kathy Modie of the Multnomah Bar Association, Jon Patterson, who is past president of the Oregon Chapter of the National Bar Association, and other OWLS volunteers, we will unveil the Non-Dominant Culture Speakers List in the near future.

This project needs your help.

Diverse attorneys with expertise on all aspects of the law, both civil and criminal, practice in Oregon. OWLS members will soon receive a Survey Monkey that provides the opportunity to be part of this speakers list, or to express interest in becoming trained to be presenters. Data from the survey will be made into a publicly available list that is updated regularly, so that those who are planning speaking engagements have more options. We expect support from our straight, white, cisgender male colleagues on this project, but do not request their participation at this time.

This list will not be exclusively made of OWLS members, although they are being prioritized as we get this project off the ground. Contact OWLS Executive Director Linda Tomassi with questions.

## Writers Wanted for OWLS *AdvanceSheet*

Do you like to write? Have you ever fancied yourself a journalist? The *AdvanceSheet* Committee is seeking new members. If you'd like to be part of the group that produces the OWLS newsletter, please contact the *AdvanceSheet* Committee chair, Teresa Statler, at [tstatler@easytsreet.net](mailto:tstatler@easytsreet.net). (Bonus: we meet only four times per year!)

## Celebrating 30 years



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## Upcoming OWLS Events

### OWLS Coffee Creek Book Drive

Statewide

**Monday, July 17, to Sunday, July 30**

Gather up your very gently used books for Coffee Creek, Oregon's only women's prison. The book drive enriches the collection of books available to the women incarcerated at Coffee Creek, as well as libraries in other correctional facilities. See the OWLS website for details.

### Dress for Success Fundraiser and Fashion Show

Portland

**Thursday, August 3, 5–7 p.m.**

Multnomah Athletic Club  
1849 SW Salmon St.

### Clackamas Women Lawyers & Lawyers' Association of Washington County

Picnic and Hike  
Sherwood

**Saturday, August 12**

Lunch at the picnic tables, noon  
Hike will start about 1 p.m.

Tualatin River National Wildlife Refuge  
19225 SW Pacific Highway

### Sunshine for Seniors

Portland

**Friday, September 7**

Lunch, Donations, 11:45 a.m.–12:15 p.m.  
Elder Abuse CLE, 12:15–1:15 p.m.  
Barran Liebman  
601 SW Second Ave., Suite 2300

### Contract Lawyers Discussion Group

Portland and by phone

**First Tuesdays** (starting Oct. 3), 1–2 p.m.  
Garvey Schubert Barer  
121 SW Morrison, Suite 100

Discuss matters of mutual interest with contract lawyers and people considering working as contract lawyers. The October 3 discussion will feature Traci Ray, executive director, Barran Liebman.

### OWLS Fall CLE

Featuring keynote speaker

**Barbara Arnwine**

Portland

**Friday, October 27, 1:30 p.m.**

Embassy Suites Hotel, 319 SW Pine St.

### GrOWLS

Columbia River Gorge

**First Wednesdays**, noon–1 p.m.

Hood River or The Dalles

### Josephine County Women Lawyers

Grants Pass

**First Wednesdays**, noon

La Burrita, 1501 NE F St.

### Lawyers' Association of Washington County

Hillsboro

**Second Mondays**, noon to 1 p.m.

Aybla Grill, 180 E Main St.

**Third Wednesdays**, 8:30–9:30 a.m.

Insomnia Coffee, 317 E Main St.

### Queen's Bench

Portland

**Second Tuesdays**, 11:45 a.m.–1 p.m.

Mark O. Hatfield U.S. Courthouse  
1000 SW Third Ave.

See the events calendar on the OWLS website for more information about each event.

## OWLS, OGALLA Brunch and Bedazzle Pride Celebration

By Kamron Graham



Enjoying the celebration (left to right): Judge Beth Allen, Chris Cress, Kamron Graham, Congresswoman Suzanne Bonamici, Justice Virginia Linder, Aruna Masih, Jenna Brown, Violet Nazari

On Sunday, June 18, OWLS and OGALLA, the LGBT bar association of Oregon, partnered to host their second annual Brunch and Bedazzle at Perkins Coie in Portland. The event was held to celebrate the LGBT community and diversity and to prepare for the Pride march that day. Over 65 people attended, including ten children. Event sponsors were Perkins Coie, Ghandour Law, and Bennett Hartman Morris & Kaplan.

OWLS and OGALLA provided a room full of decorating materials to help "bedazzle" t-shirts and signs to wear in the Pride march, including a carefully curated table especially for children, with non-toxic paints and markers and

kid-sized t-shirts and superhero masks. Attendees made signs supporting the LGBTQ community and diversity in the legal community while they enjoyed delicious food and beverages.

Former Oregon Supreme Court Justice Virginia Linder was recognized as the recipient of the Portland Pride Community Spotlight Award, recognizing her contributions to the LGBT and legal communities. She was accompanied by several members of the bench, including Judge Amy Holms-Hehn, Judge Beth Allen, and Judge Janice Wilson.

Congresswoman Suzanne Bonamici attended and provided inspirational remarks about supporting one another,

building community, and staying strong in the face of national uncertainty and strain. She then met and graciously posed for photos with attendees until the brunch ended.

Brunch and Bedazzle attendees then joined in the Pride march with community organizations including Basic Rights Oregon, SAGE Metro Portland, and the ACLU of Oregon. Some also marched with Justice Linder and Oregon's LGBT judicial contingency.

*Kamron Graham is deputy public guardian and conservator for Multnomah County, co-chair of OGALLA, and a board member of the OWLS Foundation.*



## OWLS Chapter Summit to Take Place on Oct. 27

By Jennifer Nicholls

On October 27, immediately prior to the OWLS Fall CLE, leaders of several OWLS chapters will gather in Portland for the fourth annual OWLS Chapter Summit. The summit provides leaders an opportunity to network and discuss events and other issues of concern to the chapters.

The initial summit was held in 2014 and was hosted by Queen's Bench. In subsequent years, other chapters have assumed hosting duties. In 2015, the OWLS Mary Leonard Chapter hosted, followed by Rogue Women Lawyers in 2016. In prior years, the majority of OWLS chapters have been represented. Attendees have traveled from as far as Ashland, Bend, and Hermiston to attend.

Although each summit follows a different format, all the chapter summits have offered chapter leaders an opportunity to network, brainstorm about new event ideas and potential collaborative events, and learn about other OWLS events. An annual topic of interest is how to recruit and retain members at the chapter level. In prior years, speakers have made brief presentations regarding good governance best practices, intersectionality, and chapter collaborative events. The summit also affords an opportunity for the OWLS Board of Directors to share information with the chapters, such as the recently revised chapter-rebate policy. Attendees often remark that they find the event inspiring and leave with great ideas to implement at the chapter level.

The event is now entering its fourth year. Chapter leaders can expect to be contacted in the near future about attending and participating in this year's summit.

The 2017 OWLS Chapter Summit will be generously sponsored by the OWLS Foundation, which will cover the cost of the event, including lunch for attendees. The event will be on October 27, from approximately 10 a.m. to 1 p.m. Registration for the summit will open in several weeks; in the meantime, questions can be directed to Jennifer Nicholls.

**Jennifer Nicholls** is a partner at Brophy Schmor in Medford and an OWLS board member.

## OWLS Welcomes New Officers and Board Members



*The OWLS Board of Directors (left to right): Back row: Jacqueline Alarcón, Adele Ridenour, Hon. Valeri Love, Hon. Allison Boomer, Kathryn Olney, Megan Burgess, Amber Hollister, Gloria Trainor, Violet Nazari; Front row: Aruna Masih, Maya Crawford, Yumi O'Neil, Angela Franco Lucero, Amanda Thorpe, Sara Kobak. Not pictured: Katharine Lozano, Jennifer Nicholls, Susan Pitchford, Kristen Sterling, Val Tomasi, Jim Yocom.*

OWLS welcomes our new officers and board members for 2017–2018. Angela Franco Lucero is our new president, having served previously as president-elect, treasurer, and secretary. Angela is a partner at Kranovich and Lucero in Lake Oswego, practicing insurance defense and personal injury law.

Amber Hollister is president-elect, having served previously as treasurer and historian. Amber is the general counsel for the Oregon State Bar in Tigard. Hon. Allison Boomer continues as OWLS' secretary. She is a tax magistrate at the Oregon Tax Court in Salem. Megan Burgess, who served previously as historian, was elected as treasurer. Megan is an attorney with Peterkin & Associates in Bend, practicing real estate and construction law. Joining the executive committee as historian is Maya Crawford. Maya is the executive director of the Campaign for Equal Justice. All OWLS officers are also members of the board.

In addition, Kathryn Olney, of Bend, has been elected to the board, and board members Val Tomasi, Gloria Trainor, and Kristin Sterling, all in Portland, have been re-elected.



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Iayesha Smith with her son (left) and Heather Weigler with her daughter at OWLS' Take Your Kids to Work Day at the Multnomah County Circuit Court on April 27. At right, Edie Rogoway coaches Deontrell B. as he plays prosecutor in a mock trial at the event.

## Above the ADA

job descriptions and advertising. And sometimes the problem is less about bias than it is about outright hostility; some legal training materials invoke imagery of employers under siege from disability-related lawsuits.

Ms. Rozumalski suggested that employers can help induce people with disabilities to apply and succeed in the hiring process simply by offering relevant information without being asked and by being ready and able to provide information if requested. For example, people with disabilities often plan on-site visits with care in order to satisfy medical and biological needs. A website with detailed information about entrances, available rest rooms, and transportation facilitates that planning. Ms. Rozumalski identified information in job postings and interview invitations that helps people with disabilities figure out whether to apply for a job and how to "put their best foot forward" in the application and interview processes.

Offering such information as a matter of course instead of making the candidate request it or justify its importance signals the employer's understanding that people with disabilities are valuable assets on their workforces. Effective inclusion with respect to disability often pivots on that understanding. Much of the skill set that employers say they look for in job candidates is precisely what people with disabilities cultivate in their daily lives. For example, managing a physical disability often requires phenomenal prob-



Matthew Denney, Violet Nazari, Carol Rozumalski

lem-solving and organizational skills. Ms. Rozumalski discussed how people with disabilities on the workforce can help make employers more competitive, more efficient, more flexible, and more successful.

Mr. Denney introduced "universal design" as another way for employers to advance inclusion rather than assuming that comporting with legal requirements alone will suffice. By designing workplaces and procedures that are accessible to all, employers can circumvent much of the awkwardness in legal compliance procedures. Indeed, employers viewing the ADA as a tool primarily for reducing the risk of lawsuits can overlook ample situations in which a universal design policy could preempt a lawsuit arising out of compliance issues. Not only can universal design signal inclusion and build a strong workforce, it can reduce legal risks, often more effectively and less expensively than a formal process.

In sum, employers eager to diversify their workforces with respect to disability must do more than rely on the ADA and similar compliance technologies. Boilerplate nondiscrimination statements and accommodation procedures are not enough. A shift in perspective away from a siege mentality, risk management, and screening out deficits rooted in stereotypes is essential. Thinking in terms of inclusion can support a discerning employee-selection process and avoid lawsuits to boot.

**Jim Yocom** serves on the OWLS board.

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## Fall CLE on Oct. 27

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Barbara Arnwine will be the keynote speaker and one of several panelists. Ms. Arnwine regularly speaks about how to ignite change and inspire action with regard to justice and equality. She is internationally renowned for her contributions to critical justice issues, including her role in the passage of the Civil Rights Act of 1991 and the 2006 reauthorization of provisions of the Voting Rights Act. She hosts a weekly hour-long radio show on Radio One called *Igniting Change with Barbara Arnwine*, and she teaches at Columbia Law School.

Ms. Arnwine is the president and founder of the Transformative Justice Coalition and currently serves on the boards of the National Coalition to Abolish the Death Penalty (as vice chair), MomsRising, and Independent Sector. She served as executive director of the Lawyers' Committee for Civil Rights Under Law from 1989 until 2015. Ms. Arnwine is an esteemed graduate of Scripps College and Duke University School of Law.

The OWLS Fall CLE will take place on Friday, October 27, in Portland, and it promises to be an enlightening educational experience for those who choose to participate. Additional details will be provided when they become available. It is expected that the CLE will qualify for at least one access to justice MCLE credit. If you are interested in being better equipped to bring about a more just and equal society, plan on attending and come prepared to be inspired to become an activist for positive change within our profession and our community.

**Rebecca Guptill** is an attorney with the Harris Law Firm in Hillsboro, practicing primarily in the area of family law. She is the acting chair of the Lawyers' Association of Washington County, the Washington County OWLS chapter.



“Implicit bias” has become a popular topic in legal circles, as “diversity” has begun to wane. Unfortunately, the way both these topics are discussed in our legal community does not genuinely challenge our behavior and assumptions enough to meaningfully address the persistent inequities that bias and lack of diversity implicate.

In part, the disconnect I’m perceiving is simply what happens with concepts that aim to address challenging problems; before long the concepts become so watered down that they cease being useful. “Implicit bias” and “diversity” seem headed the way of “equality” and “affirmative action” as ideas that were briefly challenging but became less and less meaningful.

But “implicit bias” and “diversity” are also fundamentally too limited as means for addressing persistent inequities. Both concepts allow us to make minimal efforts toward that end without dealing with the root causes for those inequities. Our diversity efforts, for example, likely will, at best, motivate us to allow a few people from under-represented backgrounds into privileged spaces, without dealing with the racism, sexism, heterosexism, homophobia, ableism, and other biases that have caused our structures to function to exclude and to assign value in ways that disadvantage people who do not fit into our dominant paradigms. And without dealing with those biases, we will tend to allow in only those who fit into and justify those paradigms, leaving our biases unchallenged.

“Implicit bias,” likewise, frames the concept of bias too narrowly. As currently discussed in every program I have seen on the topic, the focus is on persuading participants (typically using the Harvard Implicit Association Test) that everyone has unconscious biases and encouraging us to “eliminate” them. However, bias is not exclusively or primarily manifested in individuals, and addressing bias as purely a problem of personal perception spares us the work of understanding what fuels, feeds, and reinforces our biases, work that is necessary if we are to address the problem of bias in any significant way.

As Robin DiAngelo has expressed very helpfully in discussing racism (the form of bias we, arguably, most resist addressing), the notion that racism consists primarily of individual acts of cruelty virtually guarantees that attempts to name and address racism will be met with predictable outrage. Under that conception, to name racism is to insult an individual.

## THE JUDGES’ FORUM



By Judge Darleen Ortega  
Oregon Court of Appeals

Such a conception “functions beautifully to protect racism by making it impossible to engage in the necessary dialogue and self-reflection that can lead to change.”<sup>1</sup>

In reality, racism and other biases are primarily structural. All institutions have a dominant culture; all institutions function with deference to the comfort and needs of the privileged members of that dominant culture. As Ms. DiAngelo explains, “A structural understanding recognizes racism as a default system that institutionalizes an unequal distribution of resources and power between white people and people of color. This system is historic, taken for granted, deeply embedded, and it works to benefit whites.”<sup>2</sup> Most of the ways that racial and other biases are perpetuated are cultural and structural; meaningful change is not possible without addressing structures.

In most ways, the legal system is terrible at addressing institutional racism and other forms of structural bias; it mostly doesn’t attempt to do so. But the legal system does contain a good example of a sound effort at addressing structural bias. Inside the appellate court system, we understand that every appellant is at a structural disadvantage because a prior judge or agency has already concluded that the appellant should lose her case. For corresponding reasons, a respondent on appeal has a structural advantage. As a consequence, we allow appellants to file the opening brief, wherein they identify the issues on appeal. In a sense, the appellant sets the agenda. The respondent’s answering brief engages within

the framework conceived by the appellant, and then the appellant is allowed to reply. A similar thing happens at oral argument: the appellant argues first; the respondent then

answers; and finally the appellant may make a rebuttal argument. This way of proceeding does not entirely correct structural bias, but it is a sound way to structure the proceedings so as to undercut structural bias.

What if, instead, the judges went into a private room with the respondent, talked through the case with him, came to a tentative resolution, and then called in the appellant and asked her what she thought about that tentative resolution? No matter how articulate and careful the appellant were to be in that scenario, she would not have much chance of affecting the outcome of the case.

Unfortunately, the way we address structural bias of other kinds—like, for example, institutional racism—is to function as though no structural adjustment is needed, because we believe ourselves individually to lack racist intent. Consequently, a person who is at a structural disadvantage—as people of color demonstrably are in the legal system, for example—is likely to experience the legal system much like the appellant would in my hypothetical scenario. In fact, the hypothetical seems like a pretty good metaphor for what it feels like to function—not just to raise issues of bias but also to prove oneself at all, to achieve anything of significance—from a position at the margins.

No system—including the legal system—will address its structural biases

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Judge Darleen Ortega

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## The Judges' Forum

without looking beyond individual bias and beginning the work of understanding how such biases manifest. Such work will take significant energy and resources and is likely to challenge us. A casual interest in implicit bias will not get us there, nor will incremental efforts at diversity that are aimed at finding "diverse" candidates who fit well into our existing systems. We need to begin to understand how structural bias works and to alter our ways of doing things to account for and begin to address it.

A problem is that structural bias is very hard to see if you are a beneficiary of it. A white person attempting to perceive how racism affects structures, for example, is like a fish attempting to perceive water. Addressing structural bias will necessarily involve recognition that the people most adept at recognizing structural bias are those at the margins, who are on the losing end of structural bias—the very people who are least likely to be setting the agenda, deciding what issues are important, and making the final call when a matter is in dispute. Addressing structural bias will involve giving priority to the voices that we are least inclined

to listen to.

We are not likely to undertake any of this work—including addressing implicit bias or meaningfully diversifying the judiciary and other places of privilege and leadership—without a sense of urgency. The work is too costly and difficult, and it is too difficult for those with privilege to imagine the upsides (though those upsides certainly exist). So, in the near term, here are some things to do to build an appropriate sense of urgency:

1. Acquire some education about racism. Participate in an Undoing Racism Workshop with the People's Institute (<http://pinwseattle.org/register.php>) or a Reframing Racism workshop or Reframing Equity e-course with the Center for Equity and Inclusion (<http://ceipdx.org/whatwedo/>).

2. Learn about white fragility: <http://www.alternet.org/news-amp-politics/11-ways-white-america-avoids-taking-responsibility-its-racism>.

3. Learn about moral licensing: <http://revisionisthistory.com/episodes/01-the-lady-vanishes>.

4. Read *The New Jim Crow*, by Michelle Alexander.

*continued from page 7*

5. Explore some of the ways that racism is bad for our bodies: <https://www.theatlantic.com/health/archive/2013/03/how-racism-is-bad-for-our-bodies/273911/>.

6. Explore Christena Cleveland's work on listening well as a person of privilege: <http://www.christenacleveland.com/blogarchive/2013/05/listening-well-as-a-person-of-privilege-the-complete-series>.

7. Watch *Get Out*: <http://portlandobserver.com/news/2017/mar/28/film-seep-your-consciousness/>.

8. Watch *I Am Not Your Negro* and read the work of James Baldwin. Mr. Baldwin said, for example:

*I don't know if white Christians hate Negroes or not, but I know . . . the most segregated hour in American life is high noon on Sunday. That says a great deal for me about a Christian nation. It means I can't afford to trust most Christians, and I certainly cannot trust the Christian church. I don't know whether the labor unions and their bosses really hate me—that doesn't matter—but I know I'm not in their union. I don't know whether the real estate lobby has anything against black people, but I know the real estate lobby is keeping me in the ghetto. I don't know if the board of education hates black people, but I know the textbooks they give my children to read and the schools we have to go to. Now, this is the evidence. You want me to make an act of faith, risking myself, my wife, my woman, my sister, my children on some idealism which you assure me exists in American, which I have never seen.<sup>3</sup>*

### Endnotes

1. Robin DiAngelo, "11 Ways White America Avoids Taking Responsibility for Its Racism," <http://www.alternet.org/news-amp-politics/11-ways-white-america-avoids-taking-responsibility-its-racism>.

2. *Id.*

3. James Baldwin, as transcribed in *I Am Not Your Negro: A Companion Edition to the Documentary Film Directed by Raoul Peck*, by James Baldwin and Raoul Peck (Vintage Books, 2017). Mr. Baldwin made these remarks during an interview on the Dick Cavett Show in 1968.



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# Judge Anna J. Brown Takes Senior Status July 27, Creating Potential of Just Fourth Oregon Woman to Serve as U.S. District Judge in the Court's 158-Year History

By Heather Van Meter

After 25 years as a trial judge, including nearly 18 years serving as an Article III judge for the District of Oregon, Judge Anna Jaeger Brown will transition to "senior status" on July 27, which will create a vacancy on Oregon's U.S. District Court, to be filled by presidential nomination and confirmation by the U.S. Senate. Judge Brown will reduce her caseload and work less, with more ability to select her caseload and control her time. She is looking forward to spending more time with her husband, Paul, to whom she has been married for nearly 40 years, and with her large extended family, as well as to travel, garden, knit, and enjoy life away from the bench.

Judge Brown's long, distinguished career as a trial lawyer and judge in Oregon was born while she was in the night program at Lewis & Clark Law School (then known as Northwestern School of Law at Lewis and Clark College) and while she clerked during the day for Multnomah County Circuit Judge John C. Beatty Jr., whose daily docket immediately drew her to trial court work. Once admitted to the Oregon bar in 1980, she joined the Portland-based Bullivant Houser Bailey law firm and, in 1986, she became one of the first two women elected to the firm's partnership. At the time, she was one of a small group of women trial lawyers in Oregon handling civil jury cases, and in time, she broadened her professional focus to consider judicial service.

Judge Brown will be forever grateful to Governor Barbara Roberts who, in 1992, first appointed her to a vacancy on the Multnomah County District Court and just two years later appointed her to a Multnomah County Circuit Court vacancy. There, Judge Brown presided over many routine and complex criminal, family law, and civil matters, including the highly publicized *Williams v. Phillip Morris* jury trial, Oregon's first tobacco-products-liability case whose punitive damages award was reviewed in multiple Oregon appellate and U.S. Supreme Court decisions.

In 1999, while President Bill Clinton sought to fill numerous federal judicial vacancies through an active Republican-controlled Senate, Judge Brown submitted her name for consid-



*Oregon's female federal judges (left to right): Magistrate Judge Jolie A. Russo, Judge Anna J. Brown, Magistrate Judge Youlee Yim You, Magistrate Judge Stacie F. Beckerman, retired Bankruptcy Judge Elizabeth Perris, Judge Susan Graber of the Ninth Circuit Court of Appeals, Chief Bankruptcy Judge Trish M. Brown, Judge Ann Aiken, Magistrate Judge Patricia Sullivan, Magistrate Judge Janice M. Stewart. Photo taken in winter 2017.*

eration to fill the vacancy created when U.S. District Judge Malcolm F. Marsh took senior status. With her sterling reputation as a trial lawyer and judge, together with the support of Senator Ron Wyden and Senator Gordon Smith, she was easily nominated and confirmed, and she was sworn in as a member of the U.S. District Court of Oregon on October 26, 1999.

Of the 29 U.S. District Court judges who have served in Oregon since the court's founding in 1859, only three have been women: Judge Helen J. Frye was the first, appointed by President Jimmy Carter in 1980; former Chief Judge Ann L. Aiken was the second, appointed by President

Clinton in 1998; and Judge Brown was the third and last, appointed nearly 18 years ago. Judge Brown has profound respect for her male colleagues, including the four men appointed to be district judges after her, but she is adamant that it is well beyond time for another woman to be named to Oregon's U.S. District Court bench, and she sincerely hopes that her time as a senior judge will include the collegial company of a woman serving as Oregon's 30th U.S. District Court judge.

*Heather Van Meter is a senior assistant attorney general in the Oregon Department of Justice and a past president of OWLS.*

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# Judge Anna J. Brown to Be Honored with American Inns of Court's Esteemed Professionalism Award

By Heather Van Meter

Oregon's U.S. District Judge Anna J. Brown will be honored with the 2017 American Inns of Court Professionalism Award for the Ninth Circuit at the upcoming Ninth Circuit Judicial Conference on July 17. The award is a high honor and recognizes a lawyer or judge "whose life and practice display sterling character and unquestioned integrity, coupled with ongoing dedication to the highest standards of the legal profession and the rule of law."

Senior U.S. District Judge Robert E. Jones, who has known Judge Brown her entire career, formally nominated her for the award, stating that she is "the best of the best around here" and "loved and respected by everyone on this Court," not to mention one of his "star students" in evidence and advocacy classes at Lewis & Clark Law School. Several supporting letters cited Judge Brown's handling of the recent Malheur Wildlife Refuge criminal cases, but their overarching theme was Judge Brown's career-long dedication to the highest standards of professionalism

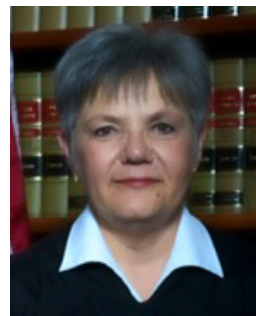
and unwavering commitment to the rule of law.

For example, Senior Ninth Circuit Judge Edward Leavy said Judge Brown "has the special gift of contributing calm, dignity, and grace to every gathering." U.S. Magistrate Judge Stacie F. Beckerman, who appeared before Judge Brown as an assistant U.S. attorney, noted that Judge Brown was known to be "tough, but fair" and an inspiring trailblazer female lawyer and judge. Multnomah County Circuit Court Judge Cheryl Albrecht wrote that Judge Brown is "a shining example of someone who exemplifies unwavering integrity, persistent promotion of the value of the rule of law, and lifelong commitment to the utmost in professionalism and ethical legal practices." In addition, Multnomah County Circuit Court Judge Xiomara Torres, who volunteered as a law-student intern in Judge Brown's chambers, emphasized that Judge Brown "exemplifies professionalism in our legal community" by constantly encouraging and making time for law students, new

lawyers, and new judges like her.

Along with other American Inns of Court award recipients, Judge Brown will be honored at the U.S. Supreme Court this fall in a ceremony at which Justice Elena Kagan will preside.

*Heather Van Meter is a senior assistant attorney general in the Oregon Department of Justice and a past president of OWLS.*



Judge Anna J. Brown

## Clackamas Wine-Tasting Tour

By Annalise Oetken



Enjoying the event (left to right):

Angie Russo, Bonnie Carter



Tom and Cindy Kranovich, Judge Kathie F. Steele

On June 10, Clackamas Women Lawyers and the Clackamas County Bar Association co-hosted their annual wine-tasting tour. Riding on a chartered bus, the 26 participants first visited Domaine Divio Estate, where proprietor Bruno Corneaux discussed his experiences as a winemaker. Then the group enjoyed a private tasting at Stoller Family Vineyard before being graciously hosted at the home of Dick Erath for a potluck lunch. Dick, a pioneer of the Oregon wine industry, regaled the group with fascinating stories about the Oregon wine industry before giving a full tour of his personal vines and gardens.



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# OWLS CLE on Gender Bias in Performance Evaluations

By Joslyn Keating

For employers and employees alike, performance evaluations are sometimes viewed as an affliction in a productive work environment. If you have been on either side of a traditional performance evaluation, you can probably imagine why. For employers, the review process might involve gathering and synthesizing a year's worth of performance data from multiple sources, and then analyzing how the data show positive or negative aspects of the employee's performance. From an employee's perspective, rating systems are often considered subjective measures of performance, leading to evaluations that are colored by the reviewer's own beliefs. Indeed, when it comes to gender, research shows that a reviewer's personally held stereotypes and attitudes can cause the reviewer to unfairly evaluate women and men differently. This disparity is referred to as an "implicit bias" when the reviewer is not aware that a personal belief or attitude is causing the inequitable behavior.

During an April 6 phone-in CLE presented by the OWLS Leadership and Membership Committees, I, along with Kate Wilkinson (director of litigation services at the Oregon School Boards Association) and Traci Ray (executive director at Barran Liebman) sought to illustrate how implicit gender biases manifest during performance evaluations and negatively affect women, especially women in the legal field. The panelists explained that gender stereotypes lead evaluators to rate men and women differently for the same behaviors or to rate them on different sets of behaviors for the same job.

Essentially, evaluators set performance expectations based on the gender stereotypes they ascribe to and rate job performance consistent with those stereotypes. As a result, women get more nonconstructive feedback than men. For example, women are more likely to be penalized for their communication styles or personality traits, such as being "too aggressive" or "hard to work with." These unhelpful criticisms are far more prevalent in the performance evaluations of women than men. Evaluators are also more likely to give women vague feedback and attribute their accomplishments to external factors, rather than job-related skills. Men, on the other hand, tend to be given a clearer idea of what

they are doing well and areas in which they need to improve.

Without documented job-specific accomplishments, it can be difficult for an employer to justify promoting a woman. Conversely, the lack of skill-based feedback deprives women of the opportunity to focus on areas of improvement that will allow them to advance in their careers.

To combat the implicit gender biases that put women at a subtle disadvantage for advancement, the CLE panelists offered the audience some practical tips. Preparations to counter any negative feedback that may be tainted by implicit biases should begin far in advance of the performance evaluation. Employees are encouraged to actively track and document their own performance throughout the review period. This may include soliciting regular input from managers and co-workers.

Once the employee receives the evaluation, it can be difficult to identify when a performance critique or rating is rooted in an implicit gender bias. Employees should therefore ask for clarification or

specific examples if a comment is vague or seems unjustified. An employee who feels unprepared to respond to a questionable critique during a review meeting, or feels that a response may be negatively influenced by an emotional reaction, should ask that the meeting be rescheduled (or just make up an excuse to leave for a moment). A written reply to the evaluation can also prove useful, especially if it is supported by documentation that discredits the evaluation.

Because evaluators who act on implicit biases are oblivious of their behavior, the key to eradicating the problem is awareness. One can only hope that, as more law firms and attorneys acknowledge and confront the implicit gender biases that impede the advancement of women in their organizations, those efforts will yield an accelerated demise of the gender gap in pay and status in the legal field.

A special thanks to Jim Yocom for organizing the CLE and to Vera Warren for serving as moderator.

*Joslyn Keating focuses on OSHA, workers' compensation, and employment defense at Cummins, Goodman, Denley & Vickers.*

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The 2017 legislative session recently adjourned after a six-month focus on budgets and taxes, with a smattering of bills that relate to the court system and various areas of substantive law. After working through the 4th of July holiday, Oregon's 79th Legislative Assembly finally adjourned "sine die" on Friday, July 7, three days shy of the constitutionally required deadline of July 10.

The pace of the 2017 session was frenetic, with the Legislative Counsel's Office drafting 4,871 bill drafts. 2,827 measures were introduced, and 3,754 proposed amendments were drafted. 655 measures passed both chambers and were signed by Governor Kate Brown.

Legislators faced a \$1.8 billion deficit going into the session, but positive revenue forecasts adjusted the deficit downward to \$1.4 billion. However, the increase in tax revenues triggered the "kicker," which meant taxpayers were entitled to a credit on their tax returns (instead of a kicker check, as in the past). A "provider tax" package of \$900 million to cover Medicaid shortfalls nearly erased the deficit.

The November 2016 election meant that the Democrats maintained an edge in the House (35–25), the Senate (17–13), and the Governor's Office; the majority controlled much of the conversation, to the consternation of the minority party.

Even though the Democrats had a majority, reaching a consensus on larger policy issues that raised revenue or increased a fee required a 3/5 vote, and thus proved to be difficult. Nonetheless, highlights of the session included a \$5.3 billion transportation package to address infrastructure and congestion problems that affect the entire state, pay equity (HB 2005), predictable scheduling for employees (SB 828), and a recreational immunity fix that immunizes governmental entities from some tort claims (SB 327). Left on the table: rent control (HB 2004), any sort of corporate activities tax, a Horton fix that would allow juries to award noneconomic damages in appropriate cases without the current \$500,000 cap (SB 737), and changes to address the PERS unfunded liability.

### **Oregon Judicial Department Budget**

The Oregon Judicial Department (OJD) budget included a 4.4% reduction (approximately \$14 million) in General Fund dollars for the trial, tax, and appellate courts and court administration (HB 5013), although it still ended up with two new judgeships, one in Washington



By Susan E. Grabe

County and one in Josephine County (HB 2605). The funding does identify a \$4 million increase in other funds for specialty courts treatment and specialty court programs as well as funding for eCourt. Additionally, there is almost a \$1 million reduction in General Fund and Criminal Fine Account funding for pass-through payments. These reductions will apply to mediation/conciliation programs, law libraries, court security, the Oregon Law Commission, and the Council on Court Procedures. Judges did not receive a salary increase, but they do have a COLA, enacted last session.

### **Oregon eCourt**

The Oregon Judicial Department completed its statewide implementation of Oregon eCourt at the end of 2016. At the start of this session, OJD identified an \$8.3 million shortfall in funding for eCourt. Currently, the eCourt system is funded through three sources: civil filing fees, criminal fines and assessments, and user fees.

As part of the OJD budget, Oregon eCourt received approval for a \$10.7 million Other Fund expenditure from the State Court Technology Fund. This funding will support staff positions and final implementation costs associated with Oregon eCourt. To reach that budget number, OJD has a multipronged approach: increase filing fees, increase fines and assessments, and increase user access fees. A fourth source of revenue, still under consideration, but not acted on this session, would impose an overhead assessment on governmental entities. Currently, 60% of the users are public subscribers such as law enforcement entities, the Oregon Department of Justice, public defense providers, district attorneys, the Department of Corrections, etc. These entities do not pay to access the eCourt system.

HB 2795 increases civil court filing fees by 5% as of October 1, 2017. The bill also decreases the amount of the foreign judgment fee, and adds a \$2 increase over the 5% to prevailing party fees and garnishments. This will raise an additional \$2.9

million for OJD to fund Oregon eCourt. HB 2797 increases presumptive criminal fines by \$5 beginning January 1, 2018, and will raise an additional \$3.1 million to fund Oregon eCourt. In addition, eCourt user fees to access the system were increased on July 1 to raise \$1.5 million.

### **Court Facilities**

This session, the legislature funded courthouse upgrades in Lane and Multnomah Counties and provided funding to seismically retrofit the Oregon Supreme Court building in Salem. In addition, the legislature allocated funding for state and county court security.

SB 5505 and 5506 contain the funding provisions for Oregon's courthouse facilities. The bills identify and limit the maximum amount of bond and third-party financing agreements that the state may issue, as well as set forth the expenditure limitation for capital construction projects.

SB 5505 allows OJD to issue bonding of \$5.1 million for the Lane County Courthouse, \$102.5 million for the completion of the Multnomah County Courthouse, and \$6.1 million for the seismic upgrade to the Oregon Supreme Court building in Salem. Under SB 5506, OJD received authority to spend \$8.9 million on courthouse equipment and furnishings for the Multnomah County Courthouse and \$6 million on the Oregon Supreme Court Building renovations.

Senate Bill 5529 allocated \$6.4 million from the Criminal Fine Account toward state court security as well as distributions to county court security accounts and \$3.1 million for the Oregon eCourt system.

### **Public Defense Services Budget**

For indigent criminal defense, the recommended budget for the 2017–2019 biennium is \$303,877,532 total funds. While this is an increase from the 2015–2017 budget, similar to the increase made to several other agency and commission budgets, this funding level is below the current service level of funding.

The legislature, however, was able to add \$4.7 million in General Funds to the budget of the Public Defense Services Commission (PDSC). This additional funding addresses an ongoing shortfall in the current service level budget and was intended to decrease the need to request additional funds at the end of the biennium. However, no additional funding was allocated to the courts or PDSC to address the potential impact of implementing the grand jury recording bill (SB 505). Concerns have been raised that recording grand juries could increase



the number of preliminary hearings in the three counties identified to phase in the program initially. In years past, the PDSC has found it necessary to petition the legislature for additional funds toward the end of the biennium to address unexpected budget shortfalls.

### Additional Bills of Interest

Below are the highlights of some other bills of interest to practitioners.

**SB 374, Real ID.** Allows the state to issue driver's licenses and ID cards in compliance with federal standards imposed as a result of the 9/11 attacks.

**SB 505, Grand Jury.** Directs district attorneys to ensure that proceedings before grand juries are recorded using audio electronic recording devices designated, provided, and maintained by OJD.

**SB 1067, Cost Containment.** Enacted to address the budget shortfall. Among other things, the bill centralizes debt collection for debts owed to the state, merges the two public employee health insurance plan boards, and reduces the cap on state employee positions.

**HB 2191, Shell Corporations.** Authorizes the secretary of state and the Department of Justice to investigate alleged or potential violations of business entity statutes and to require business entities to provide lists of shareholders and other information.

**Public Records.** A trio of public records bills: HB 2101 creates the Oregon Sunshine Committee to review exemptions to public records and report back to the legislature; SB 481 establishes timelines to respond to public record requests; and SB 106 creates a public records advocate position as well as a council to address disputes between the public and public bodies.

**HB 2355, Racial Profiling and Possession of Controlled Substance.** Requires collection of data relevant to racial profiling and reduces possession of a controlled substance from a felony to a misdemeanor in certain circumstances.

The OSB's law improvement package of legislation for 2017 was largely successful, with one bill (HB 2609) turned into an interim workgroup for further revisions. You can find details on the OSB website. Thank you to the section volunteers who shepherded these proposals through the legislature.

Most of the legislation that lawyers care about will be covered in the *OSB Legislation Highlights*, to be published in late summer.

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

## Lane County Women Lawyers' Clothing Drive

By Mary Savage



At the clothing drive (left to right): Mary Savage, Rebecca Ivanoff, Catherine Jedlicka, Lorelei Craig, Rachel Collins from Womenspace, Julia Manela, Kasia Mlynsk

On Thursday, April 6, Lane County Women Lawyers hosted its annual clothing drive to benefit the Womenspace Economic Empowerment Program. Donations of gently used professional clothing for both men and women, and cash, were accepted, and all who donated were treated to a delicious buffet lunch at the Steelhead Brewery in Eugene. The clothing drive was a huge success, with judges, attorneys, and local professionals all coming out to support the cause. Thank you to all of our participants. We look forward to working with the Womenspace Economic Empowerment Program next year for another exciting event.

**Mary Savage**, a lawyer and human resources manager at Kernutt Stokes in Eugene, serves on the Lane County Women Lawyers Steering Committee.



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*Linn-Benton Women Lawyers met on June 22 for the group's spring membership event at Sybaris Restaurant in Albany. Enjoying the event are (clockwise, from bottom left) Fay Stetz-Waters, Keri Smith, Georgia Smithee, Joan Demarest, Rebecca Winters, Amy Cook, Hon. Carol Bispham, Lorena Reynolds, Denise Soto, Rachel Kittson MaQatish, Beth Crawford, Mitzi Maucler, and Janet Boytano.*

For more information about OWLS, visit [www.oregonwomenlawyers.org](http://www.oregonwomenlawyers.org).

## OWLS Networking in Salem on May 2

By Erin Dawson



*At the event (l to r): Margaret Gander-Vo, Morgan Sund, Elayna Zammarelli*

On Tuesday, May 2, mid-Willamette Valley OWLS members and other local professionals gathered at the beautiful Hallie Ford Art Museum in Salem to share food, drinks, and good company.

Central to the evening, Sonia Miller, a speaker, coach, and author, offered keynote remarks titled "The Invincible Professional Woman: Find Your Blind Spots, Reveal Your Power." To watch a recording of Sonia's presentation, visit [soniamiller.com/workshops-and-retreats](http://soniamiller.com/workshops-and-retreats).

This OWLS networking event was made possible through the generosity of presenting sponsor Surety Solutions.

## Contract Lawyers Discussion Group



*Lisa C. Brown*

*Susanne Aronowitz*

The OWLS Contract Lawyers Discussion Group met in Portland on May 2 and June 6. Lisa C. Brown, an employment lawyer with Bullard Law, provided essential information on May 2 about the differences between contract lawyers and employees and how to maintain those distinctions. On June 6, Susanne Aronowitz, an attorney, coach, and career consultant for lawyers, discussed career management for contract lawyers and sole practitioners.

On October 3, the group will resume meeting on the first Tuesday of each month from 1 to 2 p.m. at the offices of Garvey Schubert Barer in Portland.



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# Meet Multnomah Circuit Court Judge Karin J. Immergut

By Shaun Morgan

Judge Karin J. Immergut has served as a circuit court judge in Multnomah County since 2009, presiding over hundreds of civil and criminal trials. As a judge, she appreciates the opportunity to interact with jurors, litigants, criminal defendants, and members of the public generally who may view civic institutions with skepticism or even hostility. She strives to treat the people who come into her courtroom with respect, so they leave with the feeling that the system can provide people with a fair shake. Before joining the bench, Judge Immergut served for six years as the United States attorney for the District of Oregon. She is believed to be the first U.S. attorney to give birth while in office.

Her father, who was Jewish, was born in Vienna, Austria. To escape persecution, he fled to China before settling in Brooklyn, New York, and working as a chemist. While working temporarily as a chemist in Sweden, her father met her mother, a Swedish chemist and mathematician. They married in Sweden, and together they immigrated to Brooklyn, where Judge Immergut was born.

Judge Immergut's formative years in Brooklyn triggered her interest in the criminal justice system. She describes growing up with the feeling that crime was always around her, a feeling that would influence her career choices.

Judge Immergut attended Amherst College, graduating with a degree in psychology and Spanish in 1982. Amherst had elected to admit female students for the first time only three years before she arrived. She pursued psychology because she was interested in human behavior and motivations. Building on her interest in crime, she worked during school on an independent research study on prisons that included GED tutoring to an inmate at the county jail. Upon graduating, she received a fellowship from the New York City Urban Fellows Program to work with the government agency responsible for the jail system. Realizing that a law degree would give her the best opportunity to pursue her interest in criminal justice, she enrolled at the University of California-Berkeley's Boalt Hall School of Law, graduating in 1987.

After law school, Judge Immergut accepted a litigation associate position with the civil law firm Covington & Burling in Washington, DC. Although she highly enjoyed her civil practice at the firm, she

chose to leave after a year when offered the rare opportunity to serve as an assistant United States attorney (AUSA) in Los Angeles, California. There she handled a wide variety of cases, including numerous complex drug and money-laundering cases. She went to trial in approximately ten cases during her first year, making it a point to try as many cases as possible, including volunteering to take cases that other attorneys were not enthusiastic about trying. In 1992 she was promoted to deputy chief of the narcotics and money-laundering section. In 1994 she served as the chief of the training section for the office, training and supervising new trial attorneys.

In 1994 Immergut accepted a position with the law firm Gravel & Shea in Burlington, Vermont. She handled civil litigation, including employment cases, personal injury, and contract disputes. During that time, she also volunteered as a pro bono attorney for the federal bar, representing indigent defendants.

In 1996 she relocated to Portland, where she began working at the Multnomah County District Attorney's Office, prosecuting felonies, including drug cases, financial fraud, elder fraud, and homicides. She left in 2001 to become an AUSA for the District of Oregon, where she prosecuted mortgage fraud, large-scale identity theft, and gun cases. Two years later, President George W. Bush appointed her to be the United States attorney for the District of Oregon, and she was unanimously confirmed by the U.S. Senate.

Judge Immergut is concerned by the lack of women in leadership positions today, noting that while women make up almost 50% of law school graduates,

they tend to be underrepresented in the courtroom and in high-stakes litigation. She therefore serves on the OWLS Leadership Committee and works to

organize a speakers series on political leadership to provide insight on women in leadership. So far, U.S. Representative Suzanne Bonamici and Oregon Attorney General Ellen Rosenblum have been speakers, and the committee plans to schedule an array of state and local politicians from both sides of the aisle.

Judge Immergut encourages female attorneys to make themselves visible and learn as much as they can in their practices by volunteering for tough assignments and taking on cases that other attorneys might not. She also encourages women to serve on leadership committees in their organizations and to apply for promotions, even if that means subjecting themselves to rejection and criticism.

Outside of work, Judge Immergut enjoys spending time with her two daughters and husband. Her oldest daughter will attend Dartmouth College in the fall. Her husband is a litigation attorney in Portland who recently published his first novel, *Bitter Is the Wind*, which Judge Immergut enjoyed reading. She is an avid Bruce Springsteen fan and has attended 45 of his concerts with her husband.

*Shaun Morgan is an associate attorney at Rizzo Mattingly Bosworth in Portland.*



Judge Karin J. Immergut

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# Road to the Bench Comes to Southern Oregon

By Jennifer Nicholls



Panelists at the Road to the Bench event were (left to right) Judges Bethany Flint, Linda Baker, Patricia Crain, and Kelly Ravassipour.

On April 29, Cascade Women Lawyers and Rogue Women Lawyers hosted a “Road to the Bench” presentation in Medford. This was the first Road to the Bench activity held in Southern Oregon in several years.

Road to the Bench, a program created by the OWLS Judicial Workgroup, is designed to explain and demystify the process of applying or running for a judicial opening.

Thirteen OWLS members from six counties (Deschutes, Douglas, Jackson, Jefferson, Josephine, and Multnomah) attended. The program was free to OWLS members. Several Medford-area OWLS members even opened their homes for those traveling from out of town to ensure that the event was affordable for all.

Four judges participated in the Road to the Bench panel discussion: Presiding Judge Linda Baker (Josephine County), Judge Patricia Crain (Jackson County), Judge Bethany Flint (Deschutes County), and Judge Kelly Ravassipour (Jackson County). Each judge shared her own unique story and perspective on judicial service. And each was very candid about her journey to the bench, as well as her life on the bench.

The conversation began with each judge describing how she came to the realization that she wanted to become a judge. Judge Flint said that she knew

at a young age. For the other panelists, the realization came during the natural progression of their careers.

Each judge then described her experience with the actual application process, from the initial intake form to the interviews. Although all four judges were appointed, each also spoke about her experience of running to retain the seat.

Each of the four also spoke candidly about the impact that being a judge has had on her life and her family's life. One spoke of coping with her first death threat. Another spoke of the challenges of being a judge while raising young children.

Despite the “reality check,” Judge Baker emphasized that she was participating on the panel to encourage the attendees to pursue seats on the bench. She suggested that attendees interested in the judiciary take advantage of opportunities to experience the role of a judge, including applying for positions as judges pro tem, judicial referees, and municipal judges.

Attendees reported being at very different stages in their own careers. Some described their planning to apply for a judicial opening in the coming years. One reported currently being in the screening process. Some attended to show support for other OWLS members interested in this career path.

All attendees commented that they were grateful for the judges' candor and receptiveness to answering questions.

Heather Weigler, co-chair of the OWLS Judicial Workgroup, also attended. She said that she had recently met with someone in Governor Brown's office who had reiterated the governor's commitment to diversifying the bench, particularly outside the Portland metro area. The Road to the Bench program has been successful in encouraging and supporting OWLS members from non-dominant cultures to pursue and secure judicial appointments around the state. The OWLS Judicial Workgroup also supports applicants for judicial openings by reviewing application materials and conducting mock interviews.

After the panel discussion, the attendees enjoyed a networking lunch, which allowed OWLS members from six counties (including leaders of several different OWLS chapters) to connect.

This event was a collaboration between Rogue Women Lawyers and Cascade Women Lawyers. The organizers hope that it is the first of many collaborations to help bring OWLS programming to Southern and Central Oregon.

*Jennifer Nicholls is a partner at Brophy Schmor in Medford and an OWLS board member.*

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



# Becoming a Happy Lawyer

By Jennifer Nicholls

On April 29, following the Road to the Bench presentation and lunch in Medford, Janna Wittenberg presented "A Bibliophile's Guide to Becoming a Happy Lawyer."



Before law school, Janna earned a BA and an MA in psychology, while also taking a heavy science course load. For this presentation, she reviewed psychological studies on happiness, noting that "my interest in this topic is as esoteric as my education."

She explained: "What's interesting to me is taking the psychological studies on happiness and meshing them with other fields. How does this work look from the perspective of science [or] religion [or] sociology [or] literature [or] the law? To me, if you can look at an issue from various disciplines, the whole picture starts to emerge that you would otherwise only see through a peep-hole."

Janna began the presentation by addressing myths about happiness and kindness. Then she discussed the factors that studies show make a person "happy," including the traits or feelings that make a person, objectively, feel happier. She then extended this analysis to the practice of law—to evaluate why attorneys are not particularly happy by objective measures, but also how these traits can affect the attorney-client relationship.

Janna then explained how this knowledge about happiness can be applied to the practice of law. It has obvious implications, for example, in decisions about work-life balance. It can also be used to improve attorney-client communication and support the client's decision-making process. Janna also applied this analysis to the model rules of professional conduct to show that an interdisciplinary approach to happiness can help an attorney render competent legal services, while also helping the attorney be a happier individual.

The presentation has been approved for one personal management assistance MCLE credit.

*Jennifer Nicholls, a partner at Brophy Schmor in Medford, is on the OWLS board.*



Dalia Nagati (left), a member of the OWLS Community Service Committee, organized the OWLS Habitat Build on April 29, and she and other OWLS members and friends helped build a house at NE 64th and Killingsworth in Portland.



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# MBA Introduces Diversity Award to Help Increase Awareness About Equity Issues

By Rima Ghandour

**T**his year, the Multnomah Bar Association (MBA) introduced its new Diversity Award. The award recognizes individual attorneys, legal employers, or other legal organizations who are working to increase diversity within the MBA and local legal community.

The most compelling of the many reasons the award was created can be summed up by a simple reality. Approximately one-third of the residents of Multnomah County are people of color, but the diversity of the legal profession in our county does not come close to reflecting that. As our population grows, that disparity could also grow.

The MBA endeavors to make Oregon a more appealing place to practice law for people of color and other non-dominant populations. Increasing awareness of the lack of diversity, inclusion, and equity in our legal community and inspiring the community to become involved by addressing the issue is one way to address the difference between our profession and the population it serves.

In May, the MBA awarded the first MBA Diversity Award to Aruna Masih. Aruna has dedicated herself professionally and personally to improving our legal system and is a leader within OWLS and the Oregon Minority Lawyers Association (OMLA). She volunteers her time with these organizations because she believes that the bar and law firms should afford attorneys of color and women equal opportunities for professional advancement.

Aruna is a conscientious mentor of new lawyers, both within and outside her firm. These, among others, are the reasons that Aruna was recognized for this award.

The award was initiated by the MBA Equality and Diversity Committee. The screening committee for the award includes representation from the Oregon specialty bar organizations. The award is meant to shine a spotlight on the many efforts to foster a culture of diversity and inclusion. The award is also a continuation of the MBA's efforts, through the committee, to identify ways in which the MBA can promote diversity in the practice of law. These include the LSAT Prep Course Scholarship, the Tillicum Gathering, the MBA Bar Fellows Program, and the Statement of Diversity Principles.

The MBA Board of Directors considered the creation of a new award very carefully, in part because some feel that the awards and events that already exist are creating "award fatigue." A deciding factor in the creation of the MBA Diversity Award was the concept of procedural fairness and the need to inspire confidence in the judicial system. For many years, a large part of the MBA focus has been on elevating the image of lawyers and inspiring faith in our justice system. Confidence in a trusted, independent court system has been eroded at the national, state, and local levels.

One concept we have been hearing about increasingly from the circuit court here in Portland is that of procedural fair-

ness: the idea that citizens who come in contact with the justice system are far more likely to accept the outcome of court proceedings, regardless of what they may be, if they trust the system. Several issues can undermine the advancement of procedural fairness. One of those is a lack of diversity in the bar and bench.

The MBA hopes that by joining with the specialty bars in shining a light on the importance of equity and inclusion, and by encouraging a bar that is representative of the population it serves, we can make progress when it comes to diversity in the legal profession. Our hope is that the new MBA Diversity Award will contribute to that goal.

*Rima Ghandour is the secretary of the MBA and the president-elect of Queen's Bench, the OWLS chapter in Multnomah County. She founded Ghandour Law in 2013, and her law practice revolves around construction defect and insurance defense.*



Aruna Masih

## OWLS Mary Leonard Chapter Hosts Night Out for CourtCare

By Emily Crocker

**O**n June 1, the OWLS Mary Leonard Chapter (OWLS MLC) held a fundraiser for Marion County CourtCare at Santiam Brewery in Salem. The brewery generously agreed to donate \$1 for every beer sold during a five-hour period that day. The chapter raised \$600 for Marion County CourtCare, thanks to the support of Santiam Brewery; our sponsor, Surety Solutions; and donations from our wonderful attendees. The fundraiser was a success, and OWLS MLC was happy to partner with some outstanding local businesses.

Once open, Marion County CourtCare will provide free childcare for parents and guardians who must attend proceedings at the Marion County Courthouse. Having this high-quality, safe care will allow parents and guardians to focus on the proceedings and will shield children from sensitive, tense, and potentially disturbing content.

*Emily Crocker is a trial attorney with the Gatti Law Firm in Salem and a board member of the OWLS Mary Leonard Chapter.*



Left to right: OWLS MLC President Tiffany Hamilton, OWLS MLC Immediate Past President Maureen McGee, and Stacey Janes of event sponsor Surety Solutions



# OWLS Foundation Welcomes New Board Members

The OWLS Foundation's mission is to educate and support women and minorities in accessing and participating in the justice system. In May, the Foundation welcomed three new board members.

Suleima Garcia is a deputy district attorney for Multnomah County. She was a 2014 recipient of the OWLS Foundation's Armonica Law Student Book Grant, and she gave the testimonial for our 2015 special appeal.

Kamron Graham is deputy public guardian and conservator for Multnomah County. She is co-chair of OGALLA—Oregon's LGBT bar association—and a trustee of the Oregon Law Foundation, as well as a board member of Queen's Bench, the OWLS chapter in Multnomah County.

Marisa Moneyhun is the owner of the Law Office of Marisa Moneyhun, which focuses on estate planning, probate, and adult protective proceedings. She chairs the OWLS Leadership Committee.

To learn more about the OWLS Foundation and its grants, please visit [owlsfoundation.org](http://owlsfoundation.org).



*OWLS Foundation board members (left to right): Top row: Hon. Janice Wilson, Sarah Freeman (president-elect), Traci Ray, Deanna Wray (president); Second row: Lori Deveny, Hon. Jill Tanner, Iayesha Smith; Third row: Kamron Graham, Diane Rynerson, Christine Meadows, Tammi Caress; Bottom row: Trudy Allen (secretary and historian), Nicole DeFever, Suleima Garcia, Katerina Kogan (treasurer). Not pictured: Jodee Jackson, Kristie Gibson, Marisa Moneyhun.*

# Vernellia R. Randall Exam Grant Goes to Thomas Allen

By J. Nicole DeFever



The Vernellia R. Randall Bar Exam Grant is available to students in their final year of law school who are parents of children under the age of 18, with special consideration for children under the age of 6 and single custodial parents. This year the grant recipient is Thomas Allen.

Thomas has come a long way since he was working at a pizza place and found out that he was going to become a dad. That moment inspired him to go to college and then to law school, because he wanted to give his son more than he had had as a child. But the thing that resonates most about Thomas is his clear perspective: "I am a parent before I am a law student," he says.

Because his father was absent during his childhood and spent Thomas's adolescent years in prison, Thomas lacked a relationship with a father figure. "It is this experience that has molded me into the father I am and am still becoming," explains Thomas. He feels that while being a single parent during law school is difficult, it also helped him stay focused on the bigger picture.

Thomas was an extern for Judge Michael McShane and before that was a law clerk at the Oregon Department of Justice. He plans to sit for the July bar exam.

On May 20, Carter watched his father graduate from University of Oregon School of Law. That is exactly the kind of connection and memory that Thomas wants to provide for his son. And it is exactly that kind of positive role model—male or female—that makes all the difference in the world. We wish Thomas the best of luck on the bar exam and hope to see him at future OWLS events.

*J. Nicole DeFever is an assistant attorney general at the Oregon Department of Justice.*

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The Oregon Women Lawyers Foundation, the 501(c)(3) sister organization to OWLS, is proud to focus on educating and supporting women and minorities in order to further their access to and participation in the justice system.

We fund the **Armonica Law Student Book Grant**, the **Vernellia R. Randall Bar Exam Grant**, the **Justice Betty Roberts Leadership Conference Grant**, and the **Janis Hardman Medical Support Grant**.

To learn more about the Foundation, our grants, or to donate, please visit [owlsfoundation.org](http://owlsfoundation.org).



# Mary Jane Spurlin: Oregon's First Woman Judge

By Trudy Allen

**“Law Deemed Not Too Weighty to Be Successfully Handled by Women”<sup>1</sup>**—how’s that for a newspaper headline? Obviously, these days, we’d consider it condescending and even insulting. But times have changed, and when it appeared in the *Oregonian* on April 26, 1926, it was intended in a positive way, attributed to Oregon’s first woman judge, Mary Jane Spurlin, as an assertion of a woman’s ability to handle service on the bench. Having been sworn in a few weeks earlier on April 1, 1926, she declared that she liked the work. The article states that she had already received “high commendation upon the judgments she has given.”

Judge Spurlin had been appointed by Gov. Walter M. Pierce to fill a vacancy on the Multnomah County District Court for a term that was due to expire at the end of that year. So, within months of attaining the bench, she had to run for election. The *Oregon Voter* recommended voting for her, stating that she was held in “astonishingly high regard . . . among the legal profession.”<sup>2</sup> Nevertheless, she lost the election, so she left the bench on December 31, 1926, having served for only nine months. It was a blip on the radar screen of women’s hopes of having female representation on the bench in Oregon. We did not have another woman judge until 1961, when Jean Lewis was appointed to the Multnomah County Circuit Court. By then, Spurlin’s judicial career had almost been forgotten.

In addition to being a pioneer by serving as the first woman judge and being so well regarded in that role, Mary Jane Spurlin was a remarkable woman in many ways. Never married, she focused on her legal career and her seemingly ubiquitous civic and community work. She was a true “career woman” when that was not a common path.

Her career path was atypical both before and after her judicial service. She didn’t embark on a legal career until well into adulthood. She was 41 when she graduated from law school in 1924. It was only a few months after she passed the bar in 1925 that she was appointed to the bench. She was 43 by the time she was sworn-in.

At age 44, Judge Spurlin was back in the private practice of law. She worked as a lawyer for at least 35 more years. For nearly 40 years, she was very active

in the community, participating in at least 38 professional, civic, political, or charitable organizations and committees, and in many cases she served in significant leadership roles. “She [was] responsible for much social legislation to better the conditions in the home, where there [was] lack of finances, and to better the general conditions of women and children.”<sup>3</sup> She was profoundly interested in adult education, especially for women, and she was a frequent speaker for numerous organizations.

## Early Life, Business Career, and Law School

Mary Jane Spurlin was born January 16, 1883, near a village in the foothills of the Blue Ridge Mountains of Virginia. The nearest place to register her birth was Sparta, North Carolina. She was the third in a family of nine children and grew up in rural Virginia, much of the time on a farm. At age 18 she was a school teacher in a country school for a year. Then her family moved to Canada, and she went with them.

She attended Strathcona University in Edmonton, Alberta, later taking a business college course. For several years she was a stenographer and clerk in law and insurance offices. In 1913 or 1914, she and her family moved to Portland, Oregon. Despite discouragement from her family, she decided to pursue a legal education. She attended Northwestern College of Law (now Lewis & Clark Law School) while operating a successful public stenographic office, thus paying her way through law school.

## Early Legal Career and Judicial Service

Upon receiving notice in September 1925 that she was admitted to practice law in Oregon, Spurlin entered private practice. Only five months later, Democratic Governor Walter M. Pierce announced his appointment of Spurlin to the Multnomah County District Court, to replace Judge Richard Deich.

She was sworn in on April 1, 1926, amid much celebration. The crowd in the flower-bedecked courtroom included a delegation from the Business and Professional Women’s club, of which she was a member. That evening the club honored her with a banquet in the Crystal Room at the Benson Hotel, “an elaborate affair”<sup>4</sup> attended by representatives of many



Mary Jane Spurlin, 1927  
*Oregon Historical Society, #cn 13057*

women’s societies. In acknowledging the honor paid to her, Judge Spurlin stated: “I am deeply touched . . . . However, I am not unmindful of the fact that behind it all lies a much greater significance—it is a recognition of woman’s participation in public affairs; it is a beginning.”<sup>5</sup>

Manche Langley, president of the Women Lawyers Association of Oregon, also spoke: “We don’t have to say Judge Spurlin was appointed because she was a woman; she was appointed in spite of the fact she was a woman because she was competent. There is no reason for taking the attitude that there is sex in brains; woman has admitted her own incompetency too long.”<sup>6</sup>

In Judge Spurlin’s first case, a second woman attorney was also in the courtroom: Violet A. C. Ahlf represented the defendant in the automobile damage case. As a district court judge, Spurlin presided over misdemeanor criminal cases, traffic offenses, small claims, and civil cases in which the amount at issue was not more than \$300. This was during the Prohibition era, so many of her cases dealt with liquor-law violations. She handled all these cases with tact and wisdom, earning the practically unanimous commendation of the Portland bar for efficiency as a district judge.<sup>7</sup>

When Judge Spurlin’s seat was up for election in November 1926, the candidates’ political parties were noted on the

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# Mary Jane Spurlin: Oregon's First Woman Judge

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ballot. Spurlin was a dyed-in-the-wool Democrat; her opponent, Fred L. Olson, was a Republican. The October 23, 1926, *Oregon Voter* magazine stated: "The Voter believes that the advice of the republican county central committee to vote the republican ticket straight, should be disregarded ... due to the preponderance of responsible opinion to the effect that Miss Spurlin ... is better qualified [and] the astonishingly high regard in which Miss Spurlin is held quite generally among the legal profession and by those business men who know of her business career before she was appointed."<sup>8</sup>

Despite such urging, she lost the election, with 30,000 votes (44.5%) to Olson's 37,000 (55.5%). All but one of the county seats in the election went to Republicans, so it is quite possible that her party affiliation played a significant role in her loss. She was mentioned as a possibility for another judicial appointment in 1928, but was not chosen by the governor at the time, a Republican.

Reflecting on her judicial career in an article that appeared in *Sunset Magazine* in January 1928, Spurlin stated: "Pioneering has its hardships as well as its rewards. ... Seen in retrospect, the experience has been broadening. Not necessarily, though, does such experience harden one toward life or toward transgressions. It gives insight into underlying causes, and that in itself should create a greater understanding, a deeper sympathy—a healthy sympathy which can be made a constructive force differing from one that is purely sentimental." Spurlin continued: "My appointment was an opening wedge only. Surely we shall see more women as judges in the state of Oregon. My own policy was to meet each situation as it arose, with an open mind." The article's author observed that the "judgeship meant more to Miss Spurlin than appeared on the surface" and that Spurlin "brought to the bench ... a trained mind without bias, an unyielding determination to work, and an instinctive feeling for honesty." The article says, "She has exceptionally keen perception in the matter of lying," quoting an offender's statement that "no lie will ever get by!"<sup>9</sup>

## Legal Career

### After Judicial Service

From 1927 through 1930, Spurlin worked as a sole practitioner in the private practice of law. In late 1930 she was appointed by Multnomah County

District Attorney Lotus L. Langley to serve as a deputy district attorney. She handled women's and children's cases, including morals violation charges against girls under 18 years of age, and she gave advice on cases regarding non-support of wives and families. She interviewed 15 to 25 people per day. She counseled many women and girls with no place to turn.

"Yes, it is hard, emotionally exhausting work," she said. "But there is the vital desire to help the poor women and girls who come to me hopelessly tangled in some mess or down and out, that compensates. ... Broken homes due to financial upheavals have thrown thousands of young people adrift .... It is our responsibility to guide these young people into constructive channels .... That's our job as I see it."<sup>10</sup> Thus, we see how her constructive "healthy sympathy" and compassion for people in the justice system were among her outstanding strengths.

After a new district attorney was elected in November 1934, Spurlin's term ended, and she went to work in early 1935 for the Multnomah County Children's Bureau. In July 1935, she was appointed director of women's work for the state organization implementing Oregon's portion of the Works Progress Administration (WPA), the far-reaching federal relief program that was being established around the country.

Spurlin resigned from the WPA in 1937 and went back into private practice. She handled a variety of matters, including probate, zoning, and criminal law. It appears that she was a sole practitioner most of the time, but for an unknown period she had a woman partner, Emilie Eisenhower (who had been admitted to practice in 1934). In 1961 she was still practicing law, although she was then in her late 70s, and, ironically, she was sharing an office with Jean Lewis, right before Lewis assumed the bench as Oregon's second woman judge.

Spurlin served as a volunteer in several law-related professional organizations, including the Multnomah County Bar (she was its second vice president in 1935); the Oregon State Bar's committee on notaries; Phi Delta Delta, the international women's legal fraternity (she was its national treasurer from 1925 to 1928); and the Woman Lawyers Association of Oregon and its successor, Queen's Bench of Oregon. In 1934, she was president of the Northwestern College of Law Alumni Association.

## Community Service

Spurlin served in many distinguished leadership roles in the community. For example, in 1925 she was appointed by the governor to the Child Welfare Commission of Oregon; she chaired the Portland Housing and Planning Association in 1929; and in 1927–1928 she served as president of the Portland City Federation of Women's Organizations, composed of 93 organizations. She served for many years (1927 to at least 1948) on the federation's board and on the board of trustees for its building association (1945–1956). From 1928 to at least 1933, she served on the board of the Public Welfare Bureau, and was its recording secretary for most of those years.

For over 25 years (1926–1952), Spurlin was very active (serving in several officer and committee-chair positions) in the Oregon chapter of the Soroptimists, an organization of business women whose mission is to improve the lives of women and girls in local communities and throughout the world. From 1920 to at least 1929, she was a member and sometimes an officer or committee chair of the Business and Professional Women's club. In 1930 she was a board member of the Portland chapter of Sorosis, the first professional women's club in the United States.

For at least 25 years (1926 through at least 1950), she was a board member and served in several officer and committee positions for the Women's Convalescent Home in Portland, which maintained a hospital for needy women and girls requiring convalescent care after hospitalization. She participated in many other civic, charitable, and political organizations as well.

In 1933, Spurlin was one of 19 women listed in an article in the *Oregonian* that urged recognition of their "contributions to society [that] must not be forgotten." The article states that the women are doing the "most for the welfare of the public, for strengthening the moral, mental, social, cultural, artistic and spiritual progress of the community."<sup>11</sup>

Keenly interested in educating women regarding their civic duties, she conducted classes through the League of Women Voters and served on its speakers' bureau as well as the speakers' bureaus of the Portland Community Chest (the forerunner of United Way; she was the bureau's

Continued on page 22

# Meet OWLS Board Member Jacqueline Alarcón

By Bridget Budbill

When the opportunity arose for Jacqueline Alarcón, an associate with Portland-based Yates Family Law, to join the OWLS Board of Directors, she, in her own words, “didn’t hesitate.”

Jacqueline’s roots in OWLS began when she attended the annual Roberts & Deiz Awards Dinner during her second year of law school with her mentor, the Honorable Darlene Ortega of the Oregon Court of Appeals. After graduation from Willamette University College of Law, Jacqueline immersed herself in Clackamas Women Lawyers, an OWLS chapter, working her way up to chapter president in 2016.

Now on the OWLS board, Jacqueline aims to help steer OWLS toward a renewed focus on its mission of furthering opportunities for minorities and members of non-dominate cultures in the Oregon legal community.

“While OWLS has done an exceptional job of furthering women professionally, socially, and economically, our mission includes women and minorities, and the latter have taken a backseat. Right now, the OWLS board is having substantive discussions about bringing minorities to the forefront of our mission,” said Jacqueline.

Advancing minorities includes actively considering implicit and structural biases, seeking out education on bias and micro-aggressions, and developing strong partnerships with other specialty bar organizations that “promote non-dominate cultures,” Jacqueline explained.

An example of OWLS’ self-critique concerns the event that first introduced Jacqueline to OWLS—the Roberts & Deiz Awards Dinner. Intentionally or not, she said, the Justice Betty Roberts Award (named for the first woman to serve on the Oregon Court of Appeals and the Oregon Supreme Court, Justice Betty Roberts, a white woman) tends to be given to a white person, while the Judge Mercedes Deiz Award (named for Judge Mercedes Deiz, the first African American woman admitted to the Oregon bar and to serve on the Oregon bench) tends to be given to a person of color. Of the 25 people who have received the Justice Betty Roberts Award, all are white. Of the 25 people who have received the Judge Mercedes Deiz Award, 60% are people of color.

“They were both pioneering women lawyers, so for those trends to exist indicates that we have some implicit bias to address,” said Jacqueline. “That OWLS is actively acknowledging this issue is a huge step in the right direction.”

Jacqueline explained that her dedication to addressing equity issues as part of her OWLS leadership is “not just a matter of interest” but is an inextricable part of her “reality” as a person of color. Growing up in El Salvador, being a first-generation American, and having life experiences different from those of other board members “are aspects of myself I believe are among the most important” in contributing to OWLS, she said.

These same experiences have also strengthened Jacqueline’s family-law

legal practice, allowing her to adapt and relate to client-specific circumstances. While these situations can be difficult, Jacqueline acknowledged, she appreciates that her role allows her to witness the “transformation” of her clients and to assist them in “healing and then getting to a place of power.”

Outside the legal realm, Jacqueline is a self-described “secret introvert” and an avid reader, as well as keenly dedicated to her cat and dog. Jacqueline and her husband enjoy seeking out culinary adventures by way of new and unique restaurants. Jacqueline also serves as vice president of the board of Adelante Mujeres, a Forest Grove-based organization that seeks to empower Latina women and their families through education- and enterprise-oriented programs.

As she continues to tackle new endeavors as an OWLS board member, Jacqueline encourages members of the Oregon legal community to share their perspectives, critiques, and questions with her and others on the OWLS board.



Jacqueline Alarcón

*Bridget Budbill is a natural resources attorney in the Office of General Counsel of the Bonneville Power Administration.*

## Mary Jane Spurlin: Oregon’s First Woman Judge

chair in 1931–1932) and the Presidents’ Club of Portland.

Spurlin lived on a three-acre property in Washington County, where she raised sheep to keep the blackberry vines from overtaking her front yard. According to an interview she gave the *Oregonian* in April 1961, her sympathy for animals was surpassed only by her love for children. She had retired from law practice by the time she died in a nursing home in Portland, on June 4, 1970, at age 87. She was repeatedly described as a charming woman of grace, poise, and dignity, a fitting tribute to Oregon’s first woman judge.

*Trudy Allen serves on the Oregon Women Judges project and has been the historian of the Oregon Women Lawyers Foundation since 1999. From 1993 to 1998, she was the OWLS historian.*

### Endnotes

1. “Work of Judge Liked: Miss Spurlin, Jurist, Fond of Court Position. Law Deemed Not Too Weighty to Be Successfully Handled by Women,” *The Morning Oregonian*, April 26, 1926.
2. *Oregon Voter*, October 23, 1926, page 14.
3. “Woman Deputy Dulls Edge of Care for Women, Girls,” *The Sunday Oregonian*, November 11, 1934.
4. “Miss Mary Spurlin Sworn In on Bench,”

*The Morning Oregonian*, April 2, 1926.

5. *Daily Capital Journal* (Salem, Oregon), April 3, 1926.

6. “Miss Mary Spurlin Sworn In on Bench,” *The Morning Oregonian*, April 2, 1926.

7. “A Lady on the Bench,” *Sunset Magazine*, January 1928, page 48.

8. *Oregon Voter*, October 23, 1926, page 14.

9. “A Lady on the Bench,” *Sunset Magazine*, January 1928, page 48.

10. “Woman Deputy Dulls Edge of Care for Women, Girls,” *The Sunday Oregonian*, Nov. 11, 1934.

11. “Mrs. Warner Wins High Recognition,” *The Morning Oregonian*, July 3, 1933.

*continued from page 21*



## My Own Words

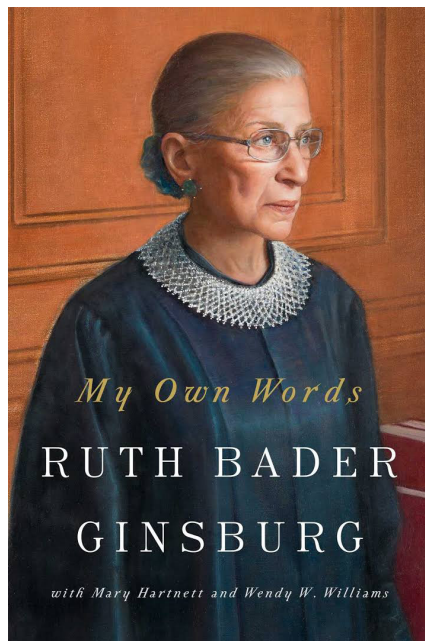
By Ruth Bader Ginsburg with Mary Hartnett and Wendy W. Williams  
(Simon & Schuster, 2016, 334 pages)

Book Review by Gloria Trainor

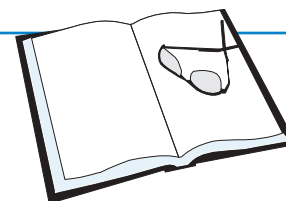
It's difficult not to love Justice Ruth Bader Ginsburg. The second woman appointed to the United States Supreme Court seems to have it all: grace, wit, smarts, grit, tenacity—the list of positives goes on and on. Likewise, there is no shortage of published material about her life and career: *My Own Words*, *The Notorious RBG*, *Sisters in Law*, and *The Legacy of Ruth Bader Ginsburg*, to name just a few. And of course there is the opera, *Scalia/Ginsburg*, a story of the close yet unlikely friendship between RBG and the late Justice Antonin Scalia. Add to that the numerous articles lauding her decisions, demeanor, and style, and even a blog dedicated to following her life, and there is no doubt that RBG is iconic and well loved.

President Bill Clinton nominated Ruth Bader Ginsburg in June 1993, and she took the oath of office as an associate justice of the U.S. Supreme Court on August 10, 1993. For the prior 13 years, she had served as a judge on the U. S. Court of Appeals for the District of Columbia Circuit. Before that, she was a law professor and a litigator.

RBG's life and career, at every stage, was built on the understanding that only with gender equality and equity for all minorities could the United States truly prosper. She was largely responsible for the launch of the American Civil Liberties Union's Women's Rights Project in 1972, and she successfully litigated a long list of cases that, in large part, allowed courts around the country to repeatedly conclude that gender discrimination is unacceptable under the United States Constitution.



Many remark about RBG's small stature, but she commands ample space on the Court. RBG is known as the justice most likely to dissent, an act about which she is not shy, and only one of the many ways she has worked so thoroughly and painstakingly toward gender equality. RBG has broken decades-long records for the number of dissents by one justice in one term on the Court, and she often uses public-speaking opportunities to help her audiences understand the important role of dissenting opinions. Her oral dissents, delivered from the bench, have inspired national attention and review, as they are eloquently and articulately delivered with illustrative analogies and usually with humor.



I liken *My Own Words* to a sampler platter of the life and times of RBG. The book is organized into five parts: Early Years and Lighter Side; Tributes to Waypavers and Pathmarkers; On Gender Equality: Women and the Law; A Judge Becomes a Justice; and The Justice on Judging and Justice. While I enjoyed the book overall, the subject matter varied widely from part to part and sometimes even from chapter to chapter, which ultimately felt disjointed to me. The subject matter ranged from a tedious reading of parts of the *Scalia/Ginsburg* script to narratives about RBG's childhood, family, her loving husband (Martin Ginsburg), and their two children to excerpts of RBG's many educational speeches about landmark Supreme Court decisions, dissents, and political process.

Despite struggling with the fragmented feel of the book's topical organization, I recommend the read for its many interesting tidbits, little-known facts about RBG, and quips and insights from the iconic justice herself.

"May I tell you, good readers, how this book came to be," RBG says in the preface. "[Co-authors] Wendy Williams and Mary Hartnett visited me in chambers. They had a proposal: 'People will write about you, like it or not. We suggest that you name as your official biographers authors you trust. The two of us volunteer for that assignment.'" And so the story begins.

*Gloria Trainor practices at Trainor Law, a law firm in Portland focused on serving the LGBTQ community in domestic relations cases and civil litigation.*

## The Oregon Women Judges Project

Mary Jane Spurlin was the first of 139 women who have served as judges in Oregon. The Oregon Women Judges project (OWJ), which is co-sponsored by OWLS and the U.S. District Court of Oregon Historical Society, has been compiling information about all the women who have become judges in Oregon and is preparing to develop a website that will make the pertinent information accessible to the public. The website will include profiles of Mary Jane Spurlin and others.

To make this valuable resource come to fruition, OWJ is seeking funding. You can assist by sending a donation to the U.S. District Court of Oregon Historical Society, a 501(c)(3) organization. Its website is [usdchs.org](http://usdchs.org). Please mail your check (payable to the U.S. District Court Historical Society) with a note designating it for the "Oregon Women Judges Website Project," to: U.S. District Court of Oregon Historical Society, 740 U.S. Courthouse, 1000 SW Third Ave., Portland, OR 97204-2902.

If you have questions, please contact Kathryn Roberts at [kroberts@englending.com](mailto:kroberts@englending.com).

# OWLS and OAAP Co-sponsor Annual Women's Retreat

By Teresa Statler



From left: Eve Bernfeld, Alice Peters Diffely, Kristin LaMont

OWLS and the Oregon Attorney Assistance Program (OAAP) co-sponsored the tenth annual Women's Wellness Retreat for Lawyers on Friday and Saturday, April 7 and 8, at the Oregon Garden Resort in Silverton. Forty-eight women participated in the two-day event, which covered mind-body unity techniques, yoga sessions, Chi Walking and mindful movement, and discussions on "safe spaces" and professionalism and self-care.

After registration, a healthy lunch buffet, and an introductory activity so attendees could get to know each other, Eve Bernfeld, a certified Alexander Technique teacher, presented a short training on the Alexander Technique, a way of learning about self-development and self-care so we can better take care of ourselves. This personal care begins with realizing that we have every waking moment available in which to remember ourselves, and that doing so takes no extra time or extra money.

Eve told attendees that the three steps to reconnect with ourselves are to pause, let out a breath, and then lighten up. This simple technique is often hard to implement. Taking the time to pause also allows us the possibility of making a different choice.

That session was followed by free time and then dinner, at which attendees discussed among themselves their favorite self-care activities, the types of exercise that energize them the most, and how they replenish themselves at the end of a long day. Friday was capped off by a relaxation yoga session, led by Michelle Ryan.

After a good night's sleep and a start-the-day yoga session, attendees were back at it on Saturday morning.

Banafsheh Violet Nazari presented "Safe Spaces: An Intersectional Analysis." Violet told attendees not to limit themselves, and that they can and should have an "intersectional perspective"—seeing things from many angles. She encouraged attendees to see themselves as warriors: attorneys, family members, community members, caretakers, justice seekers, and change makers. Being multifaceted allows one to reject the "check-box" and be holistic, which is different from our component identities. Attendees then discussed among themselves intersectionality and norms and also implicit bias.

Alice Peters Diffely, a certified Chi Running and Chi Walking master instructor, then gave attendees ideas and exercises for improving our body awareness, concentration, postural alignment, and patterns of movement, so as to enhance efficiency and reduce injury.

During the lunch hour, attendees could tour the Oregon Garden or partake in flower arranging, facilitated by Kristin LaMont, a lawyer and flower farmer. Virginia Terhaar, PhD, presented the final session on professionalism and self-care and the importance of keeping the two in sync. Virginia encouraged attendees to separate thinking and feeling. She encouraged us to improve our listening skills by making eye contact, centering ourselves on what the person speaking to us has to say, and truly listening.

The retreat was organized by Shari Gregory and Jeanne Ulrich of the OAAP. We thank them for their hard work in helping attendees improve their mind-body connection for relaxing at home and at work.

*Teresa Statler has a solo immigration law practice in Portland. She is the chair of the AdvanceSheet Committee.*

## Kristin LaMont Lawyer and Flower Farmer

Several years ago, Kristin LaMont and her husband moved to 26 acres outside Salem. Although she had gardened some as a hobby, they had no set plan for what they would do with their land. Kristin practices family law full time, and although she finds her practice satisfying, she was always looking for ways to alleviate stress and take care of herself.

In October 2014, Kristin treated herself to a workshop from Erin Benzakein, an internationally known flower farmer and blogger, at Floret Farm in Mount Vernon, Washington. At the workshop, Kristin said she found "fifteen happy women from around the world." After attending the workshop, Kristin began to think seriously about flower farming herself.

Slowly, but surely, she and her husband improved the soil on their land and invested in infrastructure (a tractor, for example), so that in 2016, they "grew for real." In 2017, they doubled their growing area to three acres, and now they sell their flowers to designers, flower workshops, and local restaurants, and Kristin also does some wedding work. Kristin and her husband grow flowers (as Witte Farm) from February to late fall; a "hoop house" allows them to extend the growing season. They grow a wide variety of flowers, including ranunculus, specialty tulips, anemones, stock, snapdragons, sweet peas, foxglove, hellebores, lisianthus, dahlias, climbing fragrant roses, clematis, and honeysuckle. She laughingly says that her husband is "labor" and she is "management."

Kristin says that lawyering exposes us to conflict and risk assessment, creating a "negative space," and flower farming provides her with an antidote. She works the same number of hours at her law practice as she did before her flower farm took off, but she finds flower farming "restorative." She now pays attention to things like the weather and what is leafing out, rather than focusing so much on her and her clients' stress. You can follow Kristin at [www.instagram.com/wittefarm/](http://www.instagram.com/wittefarm/).