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Time's Up Oregon: Sexual Harassment in Law

By Teresa Statler

OWLS and the OWLS Queen's Bench chapter, along with the majority of Oregon's affinity bar associations and the Multnomah Bar Association Equity, Diversity and Inclusion Committee, presented a CLE program on May 8, "Time's Up Oregon: Reckoning with Sexual Harassment in Oregon's Legal Community." The sold-out presentation was held at

more likely to resign (for example, the speakers noted, former Ninth Circuit Judge Alex Kozinski).

Courtney and Dana's top suggestion for legal employers was to commit to good training of all employees (live training, not online), with managers trained separately from other employees. If you experience sexual harassment yourself, Courtney and Dana suggested that you confront



The speakers (left to right): Dana Sullivan, Courtney Angeli, Amy Collins, Tina Tchen

the Benson Hotel in Portland and featured four dynamic women speakers. The CLE was sponsored by the Diversity & Inclusion Department of the Oregon State Bar.

Courtney Angeli and Dana Sullivan, partners at Buchanan Angeli Altschul & Sullivan, kicked off the presentation with a primer on sexual harassment law. They reported that most women have experienced harassment in the workplace, even though antidiscrimination laws have been transformative. Women of color, immigrants, and LGBTQ individuals face special challenges. Workplaces have been feeling the fallout of the #MeToo movement, and there still needs to be a better understanding of women in the workplace.

Courtney and Dana also presented statistics from the ABA Commission on Women in the Profession, including that 50% of women attorneys have experienced sexual harassment on the job. Progress has been made, however, including the various trainings and reforms made in state and federal courts. The speakers said that legal employers now are quicker to seek legal help when sexual harassment issues occur in the workplace, they are more mindful of the morale of women employees, and they are more likely to bring in outside investigators to look into these issues. There is also a greater likelihood now that sexual harassers will be terminated, and they are also

it directly and calmly, call it out, find supporters and mentors, consult an attorney, and "own" your worth and value by advocating for yourself.

Amy Collins, who is the coordinator of sexual and relationship violence prevention at Portland State University, spoke next on proactive violence prevention. She listed reasons that bystanders to sexual harassment do not intervene, including fear, thinking that someone else should or could do it, and risk of embarrassment. Intervening, however, is the right thing to do, Amy said. Options for action include being direct (telling the harasser to stop), distracting or diverting the attention of the harasser, delegating or asking others for help, and delaying action in the short term to come up with a long-term plan. CLE attendees then, at their tables, practiced recognizing barriers to intervening in sexual harassment and coming up with options to prevent it, based on scenarios Amy presented.

Tina Tchen, the keynote speaker, then took the podium to share hope, ideas, and strategies for creating diverse, culturally compliant, and equitable workplaces. Ms. Tchen, currently a partner at the Chicago firm Buckley LLP, is the former executive director of the White House Council on Women and Girls. She also spearheaded the Time's Up Legal Defense Fund, which

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President's Message



Hon. Allison Boomer

& Inclusion Department. I was inspired by the keynote speaker, Tina Tchen, who is a partner at Buckley LLP and was an assistant to President Obama, executive director of the White House Council on Women and Girls, and chief of staff to First Lady Michelle Obama. Ms. Tchen reflected on her time in the White House, eloquently and humorously articulating lessons learned about the importance of maintaining focus on equity and inclusion, and her fundamental optimism for the future.

Ms. Tchen said that during President Obama's first term, he consciously pursued diversity and gender parity in his appointments. However, in the heat of the 2012 campaign, President Obama momentarily lost sight of those goals, which resulted in an **inner circle** of primarily white, male advisors. It can be overwhelming to embrace new challenges in stressful or difficult situations. It's easy to lapse into the comfortable and familiar. It takes extra effort and concerted awareness to continue growing and learning.

Ms. Tchen's story is particularly poignant on OWLS' 30th anniversary, when some might wonder why we still need organizations like OWLS and the other affinity bar groups. Thanks to the work of many courageous trailblazers and their supporters, OWLS and its members have come a long way in the past 30 years. Oregon's governor, attorney general, and a majority of the Supreme Court justices are women, to name just a few achievements. Yet, we all must continue articulating our values and our vision for the legal community. The work of equity and inclusion is not a checklist of

items that we can mark as completed before moving to the next. It is a path featuring twists and turns, and perhaps some roundabouts. The way forward requires stamina, diligence, dedication, and openness.

Women are accustomed to working hard and putting in extra effort. Women now enroll in **college** and **law school** in greater numbers than men yet continue to do nearly twice as much **housework** and **child care**. The model of strong, hard-working women is close to my heart. My mother raised three girls while working full time as a teacher. She "did it all" with help from her mother, an immigrant to the United States in the 1920s who eked out a living while trying to learn English and "assimilate" to American culture. During my childhood, my mother graded papers on aluminum bleachers during my swim practices. I thought vacuuming was her hobby!

I see my friends and colleagues working as hard as my mother did to excel in the profession while caring for children and aging parents. That hard work should be rewarded with equal pay and opportunities for advancement. Yet, statistics on **pay equity**, partnership, and leadership positions reveal **persistent stagnation**. Barriers to advancement are often insidious and subtle. In hindsight, the belief that we will achieve equity in the legal profession based merely on educational gains seems naïve. OWLS' mission is just as crucial today as it was 30 years ago.

This year, OWLS will shine a spotlight on pay equity at our annual Fall Conference, on October 18 in Portland. Experts will share their knowledge and experience. The challenge for us is to use our collective wisdom and experience to develop practical solutions moving forward. Join this important discussion and gather with friends to celebrate OWLS' 30th anniversary.

Thank you for your ongoing support of OWLS. You enrich the organization. A special thank-you to OWLS past president Amber Hollister for her outstanding leadership. I am honored to serve as your president and excited for the year ahead.

Allison R. Boomer

Hon. Allison Boomer
President, Oregon Women Lawyers

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

Upcoming OWLS Events

Cascade Women Lawyers Bimonthly Networking Event

Bend
Wednesday, July 10, noon–1:30 p.m.
Taj Palace, 917 NW Wall St.

OWLS' 30th Anniversary Celebration & OWLS Foundation Legacy Society Launch

Portland
Thursday, July 11, 5–7 p.m.
100 SW Market St., in the Atrium
[RSVP to attend](#). No cost.

Contract Lawyers (Freelance Attorneys) Discussion Group

Portland and via phone
July 19, September 20, noon
OWLS HQ
121 SW Morrison St., 11th floor

Fashion Show to Benefit Dress for Success Oregon

Portland
Thursday, August 1, 5 p.m.
Multnomah Athletic Club
1849 SW Salmon St.
Register [online](#).

Queen's Bench Student Mixer

Portland
Thursday, September 12
Location TBD

Cascade Women Lawyers & OWLS Board Reception

Bend
Friday, September 20, 5–7 p.m.
Location TBD

Fall Conference: Navigating Pay Equity

Portland
Friday, October 18, 1–5 p.m.
Followed by
OWLS' 30th Anniversary Celebration
Embassy Suites, 319 SW Pine St.

GrOWLS Chapter

Riverside Best Western in Hood River or
Montira Thai in The Dalles
First Wednesdays, noon–1:30 p.m.
Contact [Carrie Benson](#) for details.

Joan Seitz Law Society

Roseburg
First Tuesdays, noon
Daily Grind Café, 368 SE Jackson St.

Josephine County Women Lawyers

Grants Pass
First Wednesdays, noon
La Burrita, 1501 NE F St.

Lane County Women Lawyers

Eugene
First Tuesdays in even months
noon–1 p.m.
Cafe Yumm on Broadway
Contact: [Kasia Mlynski](#)

Lawyers' Association of Washington County

Hillsboro
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.
Register on the Queen's Bench [website](#).
Or watch via [QB's Facebook page](#).



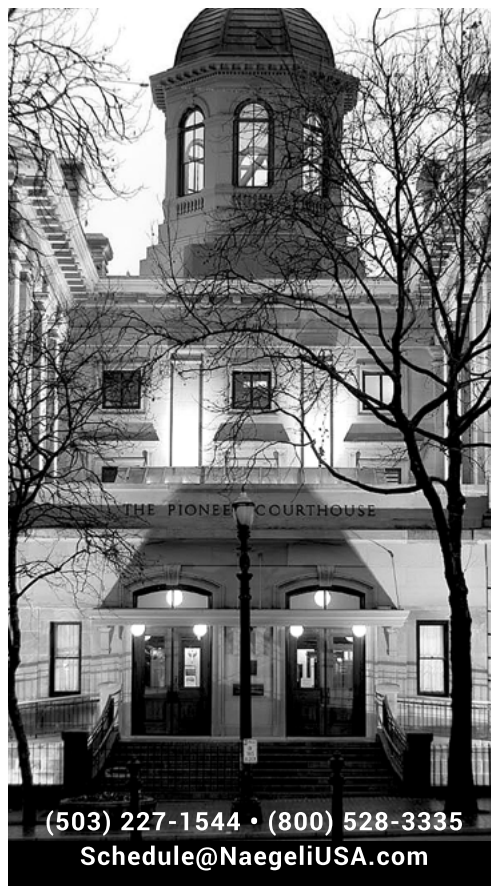
Photo: Hon. Marilyn Litzenberger

Justice Adrienne C. Nelson speaks at the groundbreaking ceremony for the new Adrienne C. Nelson High School.

The groundbreaking ceremony for the new Adrienne C. Nelson High School was held on June 26 in Happy Valley, located in Clackamas County.

Justice Nelson, a longtime OWLS member, was appointed to the Oregon Supreme Court in January 2018 and is the first African American to serve on an appellate court in Oregon.

Several OWLS members attended the ceremony. The high school will open in fall 2021. Congratulations, Justice Nelson.



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OWLS Welcomes New Officers and Directors

OWLS is pleased to announce our new officers and board members for 2019–2020. Hon. Allison Boomer was elected president, having served previously as president-elect and secretary. Allison is a tax magistrate at the Oregon Tax Court in Salem.

Maya Crawford Peacock was elected OWLS' president-elect, having served previously as secretary and historian. Maya is the executive director of the Campaign for Equal Justice, headquartered in Portland. Jacqueline Alarcón was elected secretary, having served previously as historian. Jacqueline practices family law with Yates Family Law in Portland. Joining the OWLS Executive Committee as treasurer is Kristin Sterling. Kristin is associate general counsel at Cura Cannabis Solutions. Joining the Executive Committee as historian is Adele Ridenour. Adele is a partner with Ball Janik in Portland and serves as a pro-tem judge in Washington County. All OWLS officers are also members of the OWLS Board of Directors.

OWLS is also pleased to announce its newly elected board members, Keshmira



OWLS board members at the annual board retreat in May, which was held at the Silver Falls Conference Center (left to right): back row: Sara Kobak, Elizabeth Ballard Colgrove, Kristin Sterling, Hon. Kate von Ter Stegge, Jackie Alarcón; middle row: Hon. Allison Boomer, Silvia Tanner, Susan Pitchford, May Low; front row: Kathryn Olney, Jennifer Nicholls, Keshmira McVey, Sheeba Suhaskumar

McVey (Portland) and Marisa Moneyhun (Portland). Additionally, Elizabeth Ballard Colgrove (Portland) and Sheeba Suhaskumar (Portland) were appointed to the

board to fulfill outgoing members' terms. Sara Kobak (Portland), May Low (Portland), and Ericka Langone (Lake Oswego) were reelected to three-year terms.



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 **Vemellia R. Randall Bar Exam Grant**, the **Justice Betty Roberts Leadership Conference Grant**, and the **Janis Hardman Medical Support Grant**.

Remember the OWLS Foundation and give a lasting legacy. Join the OWLF Legacy Society.

Visit www.owlsfoundation.org/donations



OWLS Members Receive MBA Awards



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Hala Gores (left), who received the MBA Diversity Award, and MBA President Rima Ghandour, who is also the immediate past president of Queen's Bench, the OWLS chapter in Multnomah County.

Several OWLS members received awards from the Multnomah Bar Association in May. They included Hala Gores, recipient of the MBA Diversity Award; Kasia Rutledge, recipient of the MBA Award of Merit; Anthony Blake Jr., recipient of the YLS Award of Merit; and Julia Hagan, recipient of the MBA Pro Bono Award. The MBA Professionalism Award recipient returned her award after the dinner and asked that the award reflect "no recipient" for 2019. The MBA board is honoring her request.

Pay Equity in Oregon: OWLS Fall Conference & Anniversary Celebration on Oct. 18

By Anne Milligan

In July 2017, Oregon passed the most comprehensive piece of pay equity legislation in the nation. Some were confused by it, while others barely took notice. After all, Oregon's original Equal Pay Act (OEPA) predated the federal Equal Pay Act (EPA), and the federal EPA has been in place since 1963. The truth is, in the 56 years since the EPA became law, the promise of pay equity between men and women has not been fulfilled, and an explicit promise of pay equity between other protected classes was not made by any state until 2016.

Despite the decades, equal pay lawsuits are still extremely rare. Only 29 opinions cite to ORS 652.220—the OEPA: 13 in state court, 16 in federal court. Only 18 of those opinions are published precedent. The 2017 amendments to the OEPA are specifically calculated to end that litigation lull and close the wage gap.

The gender wage gap is measured using data gathered by the U.S. Census Bureau and the Bureau of Labor Statistics, comparing all wages earned by all women who work full time, year-round, to all wages earned by all men working full time, year-round. The results of that analysis are stark. Nationwide, for every dollar made by a white man in 2015, white women made approximately \$0.77, African American women made \$0.64, and Hispanic women made just \$0.56.

Oregon's new law is a sea change in five parts: it expands the protected classes covered by the law, expands the damages allowed under the law, expands the definition of compensation, narrows the "bona fide" reasons that an employer can give to justify a pay disparity, and creates a narrow safe harbor that limits damages but not the fact of liability.

Coverage, Damages, and Compensation

The OEPA provides all employees the right to sue under ORS 652.230 (unpaid wages and damages) or ORS 659A.885 (civil action) for pay disparities between workers performing work of comparable character. ORS 652.220(6). While the federal EPA covers only pay disparities between men and women, the OEPA covers Oregon's ten core protected classes: race, color, sex, religion, age, sexual orientation, national origin, marital status, veteran status, and disability.

The 2017 amendments also dramatically enhanced damages under the OEPA. ORS 652.230 allows for one year of "unpaid wages" plus an equal amount as liquidated damages. ORS 659A.885 allows for two years of back pay, as well as compensatory and punitive damages. In addition, ORS 652.230 provides mandatory language for an award of fees to the successful plaintiff. In contrast, the EPA allows only economic (the pay difference) and liquidated damages.

Under the OEPA, "compensation" is all-inclusive. It is more than just wages or salary—it includes everything from vacation, health care plans, and bonuses to relocation reimbursement, to the extent the reimbursement exceeds actual costs incurred.

New Bona Fide Factors

The OEPA now provides that an employer can pay employees differently for similar work if the entire difference in compensation is based on one of the statutory bona fide factors: a seniority system (e.g., a union); a merit system; a system

that measures earnings by quantity or quality of production; workplace locations (e.g., Portland vs. Medford); travel (if necessary and regular for the employee); education; training; experience; or any combination of these factors if the combination accounts for the entire compensation differential. No other factor can justify a pay disparity.

New Safe Harbor

Oregon's law gives employers a safe harbor if they conduct a pay equity analysis, but it is not a complete defense. The new provision allows courts to grant employer motions to disallow compensatory and punitive damages if the employer

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Anne Milligan



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Pay Equity in Oregon

can show that in the last three years it (1) completed an equal-pay audit (2) in good faith that was (3) reasonable in detail and scope in light of the employer's size and (4) related to the protected class asserted by the plaintiff; and (5) as a result of the audit, the employer eliminated the wage differentials for the plaintiff and (6) made reasonable and substantial progress toward eliminating wage differentials for the protected class asserted by the plaintiff. Even if a safe harbor motion is granted, an employee would still be owed back pay if she can show an illegal wage differential.

Amendments to the Amendments

SB 123, passed by the Oregon legislature on June 29, 2019, will amend the standard to achieve safe harbor, if the bill is signed by Gov. Brown. Instead of making safe harbor contingent on an employer providing an employee-plaintiff with a flawless and voluntary economic remedy before litigation even happens (see #5 above), SB 123 allows employers safe harbor from compensatory and punitive damages if they conducted a pay equity audit that was calculated to and actually did close some wage gaps, even if it wasn't perfect. SB 123, if signed into

law, would also provide that increases in employee pay that result from an audit are not an admission of liability in a pay equity lawsuit. It also explicitly provides that an employer can pay employees performing work of comparable character differently if justified by the statutory bona fide factors and contained in a collective bargaining agreement.

OWLS Fall Conference on Oct. 18

Intrigued by the new law? Wondering how it will affect your compensation as an employee, or what steps you need to take as a partner/employer? Join OWLS in Portland on Friday afternoon, October 18, for the annual OWLS Fall Conference, followed by a special celebration in honor of OWLS' 30th anniversary. Maya Raghu, director of workplace quality and senior counsel to the National Women's Law Center, will open the program with a keynote address providing historical context, defining key concepts, and explaining efforts around the country in courts, legislatures, and companies.

Next, Laura Salerno Owens of Markowitz Herbold and Anne Milligan of the Portland City Attorney's Office will bring the focus to Oregon, sharing practical tips from their years of experience. Attendees

will break into small groups to engage in facilitated discussion of several topics, including knowing your worth, negotiating pay, and real-world compliance. Email proposed questions and discussion topics to OWLSCLE@gmail.com. Questions and topics will be used anonymously. We can't wait to see you! For more information, please email linda@oregonwomenlawyers.org.

Anne Milligan is a deputy city attorney at the Portland City Attorney's Office.



Laura Salerno Owens

OWLS' Federal Courthouse Connection



Adele Ridenour (left), OWLS historian, with Judge Anna Brown at the event

One hundred OWLS members, friends, colleagues, law students, summer associates, and mentees gathered on June 14 for OWLS' annual Federal Courthouse Connection. Each June, OWLS partners with the chief judge of the U.S. District Court for the District of Oregon for this casual networking lunch, held at the Mark O. Hatfield U.S. Courthouse in Portland.

During a short intermission, Judge Anna Brown offered a brief history of women judges on Oregon's federal bench, noting that it has been 20 years since a woman has been appointed as a U.S. District Court judge for the District of Oregon. Historically, only 18 women have served on all of Oregon's federal benches, including those serving as magistrate judges.

A special thank-you to Gosia Fonberg from Chief Judge Michael Mosman's office, the federal judges in attendance, and event sponsors Garvey Schubert Barer and Hon. Stacie Beckerman.



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Progress Made, More Work to Do

OWLS charter members discuss how the practice of law has changed over three decades

By Elisa Dozono

It was a time before email, before blogs, Twitter, even websites. The lawyer ads in the *Oregon State Bar Bulletin* were basic text boxes with stark block-letter announcements that provided phone numbers but no other contact information.

Indeed, OWLS' founding in 1989 came shortly after the first fax transmission from NASA to the space shuttle *Discovery*, leading to great debate over whether law firms truly needed to invest in fax machines that could process a standard page in 15 seconds 24 hours a day.¹

Chris Helmer, the first woman attorney hired at Miller Nash Graham & Dunn, notes that there was less urgency in those days, and less expectation of availability. Back then, when Chris traveled overseas for her international law practice, she had to find a phone booth to pick up her messages. In May, she opened her laptop in Germany and was immediately on the Miller Nash system. Technology, she notes, has sped the world up, but "it's good and bad because you can't get away."

In 1989, women made up only 22% of the Oregon State Bar;² as of 2017, women still comprised only 37%.³

Senior Judge Alta Brady says that when she began practicing law in Central Oregon, it was not uncommon for her to be the only female in the courtroom other than court staff. When the handful of women lawyers in the area began meeting as an informal support group, their male counterparts dubbed them "the Coven." Today, the group is more commonly known as Cascade Women Lawyers.

Judge Brady says that now it's not uncommon to have all women in her courtroom. And as the Deschutes County District Attorney's Office has hired more women, increasingly "the rock-star litigators have been women handling the high-profile cases."

Both Chris Helmer and Judge Brady note the dramatic changes in courtroom attitudes as well. Chris Helmer recalled Judge Gus Solomon's chastising the other woman being sworn into federal court with her for wearing pants. "Back then, you couldn't wear pink because it was not tough. Today, you don't have to be a woman trying to act like a man," said Chris.

Judge Brady recalls a male judge who became so focused on her that he would switch dockets to make sure that she was in his courtroom—until her male boss intervened. "There were lots of stories early on, but very few by the time I left," said Judge Brady. "There are fewer 'sweet-heart' and 'little lady' comments now."

Former Oregon Secretary of State and Women's Rights Coalition lobbyist Jeanne Atkins worries that women haven't achieved as much movement as they can in the legislative arena.

"We've been good on health and wellness alliances and family leave, but we've missed some basic civil rights issues," she observes. Take sexual harassment: "It's surprising that 'Me Too' complaints have taken this long to take off and rise up. It's so basic to people to be able to operate," she says. "We've been trying to change the rules in the good professional way you're supposed to . . . in the system that is—not be too angry, too whiny—

and then the lid blew off because it was too much."

While courtroom attitudes have improved, Judge Brady notes that the challenges for civil practitioners remain if you want to balance a 60-hour workweek with family life. In 1989, 22.5% of the bar had a personal income over \$90,000. In 2017, the median income for all women attorneys was \$88,000, while the median for men was \$120,000.^{4,5}

Diversity consultant and executive coach Peggy Nagae believes that the promotion of women into the highest levels of leadership and recognition of



Chris Helmer

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Overview

Oregon's 80th Legislative Assembly adjourned Sunday, June 30, just hours shy of the constitutionally required adjournment time of 12 midnight. During a frenetic session punctuated by rancor, the supermajority of Democrats in both chambers achieved major wins, including a \$2 billion tax increase to fund education, various housing bills ([HB 2001](#), [2003](#), and [2006](#)), paid family and medical leave ([HB 2005](#)), Medicaid funding, pay equity ([SB 123](#)), an increase in the Earned Income Tax Credit ([SB 758](#)), and prepaid postage on ballots ([SB 861](#)). However, significant bills that did not pass included those concerning non-unanimous juries ([HJR 10](#)), a non-economic damages cap ([HB 2014](#)), a task force to restructure indigent defense ([HB 3145](#)), vaccines, guns, and most notably, the cap-and-trade carbon bill ([HB 2020](#)), which triggered a nine-day walkout by 11 Senate Republicans (their second walkout of the session). Once members returned to provide a quorum so the Senate could conduct its business, the session proceeded at breakneck speed Saturday and Sunday, concluding on the 30th.

OSB Priorities

The Oregon State Bar budget priorities for 2019 were to support (1) adequate funding for Oregon's courts, (2) funding for indigent defense and low-income legal services, and (3) the bar's package of law improvement legislation, including changes to clarify the language of the bar's mission to protect the public and the bar's relationship to the Oregon Supreme Court.

OJD Budget and Citizens' Campaign for Court Funding

After the Ways and Means tri-chairs released their proposed budget, which called for 5% and 6% reductions in funding for the Oregon Judicial Department, the Citizens' Campaign for Court Funding kicked into gear. Such a reduction would have had devastating consequences for the court system. Since certain parts of its budget are constitutionally protected and cannot be reduced (such as interpreter payments, juror payments, and judges' salaries), any cuts are felt more deeply everywhere else in the budget.

A key component in the OSB support for the courts was the Citizens' Campaign for Court Funding, a statewide coalition of citizens, business, and community groups formed to ensure adequate and stable court funding. This effort included work to provide funding for critical



By Susan E. Grabe

improvements to court facilities, as well as to increase the number of judges and staff to ensure access to justice. Citizens' Campaign for Court Funding members throughout the state advocated for adequate funding for the courts. Their advocacy made the difference, and in the last few days of June, the Senate and House passed [House Bill 5513](#) and a number of other bills that provided funding to address many of the department's needs. Thank you to everyone who contacted legislators, testified in Salem, and participated in the Oregon State Bar's Day at the Capitol.

Staffing. Senate Bill 5513 restores funding for 80 vacant judicial staff positions, which will enable the courts to begin to restore public service hours and improve the timeliness of court actions. In addition, the legislature approved nine new positions to support the implementation of SB 24 (aid-and-assist legislation) and SB 973 (behavioral health prevention and diversion grants). These two bills provide support and services for people with serious mental illness and substance addictions.

Judges. The legislature recognized the need to address increased workload and added two new judgeships, one in Jackson County and one in Marion County, with funding for support staff ([HB 5050](#) and [HB 2377](#)). In addition, judges will receive a salary increase next year, and the legislature permanently removed the statutory connection between legislative salaries and judicial salaries. Judicial compensation will be increased by \$5,000 beginning on July 1, 2020.

Courthouse Projects and Bonding Authority. This biennium, the legislature provided bonding authority to rehabilitate, update, and replace five courthouses: Lane County (\$87.6 million), Clackamas County (\$31.5 million), Linn County (\$15.9 million), Multnomah County (\$8.5 million for furnishings), and the Oregon Supreme Court Building (\$27.8 million). In addition, the legislature provided \$2 million in General Fund dollars for planning for the new Benton County Courthouse.

State Court Technology Fund. Since the implementation of Oregon eCourt, the Oregon Judicial Department and the Oregon legislature have explored and utilized a variety of funding sources. These include civil filing fees and funds from the Criminal Fine Account, which are deposited in the State Court Technology Fund to fund the Oregon eCourt program. Under [HB 5029](#), just under \$4 million is allocated to the State Court Technology Fund for Oregon eCourt. This is a 25% increase over the 2017–2019 approved legislative budget.

In addition, the legislature passed [House Bill 2241](#), which authorizes the chief justice to collect case initiation fees from public bodies and local governments. These funds will also be deposited in the State Court Technology Fund. The legislature expects \$2.4 million to be raised by this bill, allowing Oregon eCourt to be fully funded for the biennium.

Filing Fee Increase. In addition, the legislature increased most civil filing fees by 6% (a handful are 3%) ([HB 3447](#)). Examples include filing, motion, settlement conference, trial, document, and marriage solemnization fees. The increase in filing fees will go into effect on October 1, 2019. Almost \$300,000 of the increase will be directed to the State Court Technology Fund this biennium. Notably, the bulk of this filing fee increase, the approximately \$3 million remainder, will be deposited into the state's General Fund.

Legal Aid and Indigent Defense

Another OSB budget priority was to increase funding for legal services for low-income Oregonians in both the civil and criminal justice systems.

Civil Legal Services. Since 2011, funding for legal aid has been a static statutory allocation. At the beginning of the 2019 legislative session, the Oregon State Bar Board of Governors introduced SB 357 in support of civil legal-aid providers in Oregon. The goal of the bill was to increase the amount of state funding for civil legal-aid services and create a biannual funding increase.

This year, after discussions with advocates and the tri-chairs of the Joint Committee on Ways and Means, funding for civil legal-aid services was incorporated into the Oregon Judicial Department budget ([SB 5513](#)). As a result, the Legal Services Program, which provides fiscal and regulatory oversight to Oregon's civil legal-aid providers, will distribute approximately \$400,000 in additional funding this biennium to legal-aid pro-

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Capitol Update

viders. This is the first increase in state statutory funding in almost a decade.

Indigent Defense. The OSB also worked to ensure funding sufficient to support (1) adequate compensation for publicly funded attorneys in the criminal and juvenile justice systems (2) reduced caseloads for attorneys representing parents and children, and (3) efforts to ensure the right to counsel for adults at the trial level in Oregon. The OSB supported the Defense Services Commission funding under SB 5532 and efforts to implement the recommendations of the Sixth Amendment Center Report to restructure the way indigent defense is provided and to ensure that caseloads are maintained at a level that allows public defenders adequate time to provide competent representation for all clients.

Indigent Defense Restructure. HB 3145 originally proposed to create a new indigent defense structure based on the recommendations from the Sixth Amendment Center and was later amended to form a task force to further study the issue. That bill failed to pass, but HB 5050, which did pass, includes a \$20 million appropriation to Office of Public Defense Services. It is likely that legislative leadership will pull together a work group and bring something back in 2020 to address those recommendations related to pay parity and caseloads.

OSB Law Improvement Proposals

The third OSB priority for 2019 was to support the OSB 2019 Law Improvement Package. The package of legislation, which included the following nine legislative concepts, was successfully enacted:

[SB 357](#) (Legal Aid Increase)

—Incorporated into SB 5513

[SB 358](#) (Bar Act Update)

[SB 359](#) (Ratification of Defective Corporate Acts)

[SB 360](#) (Nonprofit Code Update)

[SB 361](#) (Prudent Investor)

[HB 2459](#) (Lien Information Statements)

[HB 2460](#) (Senior Property Tax Referral Program)

[HB 2461](#) (Eviction Stay for Veterans)
—Concept incorporated into HB 2530

[HB 2462](#) (Veterans in the Criminal Justice System)

Most important for the bar was [SB 358](#) (Bar Act Update), which does five things:

- Allows the Oregon Department of Revenue to disclose information to the bar regarding member activity

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in specific circumstances

- Acknowledges the bar's responsibility to regulate the legal profession, support the judiciary, and advance access to justice
- Acknowledges the inherent authority of the Oregon Supreme Court over the Oregon State Bar and regulation of the profession
- Removes the prohibition on charging license fees for 50-year members
- Adjusts reporting timelines for IOLTA accounts

Placing this language in the statute will allow the bar to continue to focus on public protection while responding to the changing nature of the legal profession.

Thank you to the section volunteers who shepherded these proposals through the legislature. The OSB Scorecard can be found here. Congratulations to the bar sections and their legislative contacts for the successful passage of the proposed legislation!

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

Susan E. Grabe is the director of the Oregon State Bar Public Affairs Department.

More Work to Do

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their value still has a ways to go. She sees tremendous positive change not only in the number of attorneys of color, but also in their leadership and willingness to be part of the change process. In OWLS' next 30 years, she hopes that white women, who have both outsider and insider experience, from gender and whiteness, respectively, will use that status to be bridge builders for others more often in the diversity and inclusion realm. "This is why organizations like OWLS," Peggy says, "are so important—to keep spearheading and not assuming that there is equity and that our work is done, because it's not."

Elisa Dozono, a partner at Miller Nash Graham & Dunn in Portland, received the OWLS Roberts & Deiz Award this year.

Endnotes

1. "The Facts about FAX," *Oregon State Bar Bulletin*, July 1989, 23–24, 38.
2. Oregon State Bar Membership Research Survey ("1989 OSB Membership Survey"), 10.
3. Oregon State Bar 2017 Economic Survey: Report of Findings ("2017 OSB Economic Survey"), 10.
4. 1989 OSB Membership Survey at 36.
5. 2017 OSB Economic Survey at 24.



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OWLS Leadership Committee: Selling Your Success

By Marisa Moneyhun and Linda Tomassi

On April 11, the OWLS Leadership Committee hosted a panel discussion in Portland titled "Selling Your Success." The panel featured Julia Markley (of Perkins Coie), Sheila Potter (Oregon Department of Justice), and Corinne Celko (Emerge Law Group), with Marisa Moneyhun (Law Office of Marisa Moneyhun) serving as moderator. Over 30 OWLS members attended this lunch-time event.

The discussion's purpose was to assist associate-level and newer attorneys in presenting themselves in the best possible light during the annual review process. Topics included how to present accomplishments, how to address and overcome setbacks, setting realistic goals for the future, and how to "talk numbers."

Sheila said that at the Department of Justice, "no one should be surprised by what is said at the evaluation," given the department's process of ongoing conversations.

Julia noted that self-evaluation is important at Perkins Coie, where everyone in the firm, including partners, goes through an evaluation process.

The panelists offered many tips:

- Follow the instructions on your review form.
- Use active verbs.
- Have someone else review your form before you turn it in.
- Keep compliments you receive—for bad days, as reminders, and to help with performance reviews. Keep approvals and compliments in email and other folders to track your successes.
- Share your accomplishments in real time. When you receive a compliment, forward it to the partner with "what a nice compliment from our client."



Panelists (from left) Julia Markley, Corinne Celko, and Sheila Potter with moderator Marisa Moneyhun.

- Track your client deliverables, pro bono work, and other community service work.
- Keep track of your small accomplishments as well as your large ones.
- Own your success. Own your achievements. Make sure you demonstrate your value to your organization.
- If you don't have the confidence to own your accomplishments and can't just "come out and say it," you can use language such as "I focused on xyz and it came to fruition."
- Don't assume that the firm notices what a good job you're doing and will reward you accordingly.
- If you are complimented, say thank you and own it. It is appropriate to acknowledge team effort, but own the compliment.
- You can do amazing work and still lose. Talk about the process and the outcome.
- If you go into your review with the attitude that "everything is perfect," you'd better be right.
- If you have improvements to make, use language like "here is what I learned from this, what I'd like to get better at, and what I'm doing differently now."
- Mistakes aren't the problem. Not acknowledging or learning from them is the problem. If something is fixable, talk about what you did to fix it. If you can't fix a mistake, talk about what you did to ameliorate the damage.
- Being able to incorporate negative feedback is important. Own up to your part of a mistake, and the solutions. Ask for advice. Show that you are self-aware, take initiative, and are introspective.
- Find out your reputation from someone who will be determining your future, a person who has a seat at the table.
- Have a "stable of mentors." Gender doesn't necessarily matter here.
- When talking about numbers, use statistics and speak to your ability to build business, your skills sets, the clients you brought in, and ways you took initiative. Make the business case for your pay.

OWLS thanks the panelists for their insights.

Marisa Moneyhun is the attorney owner of the Law Office of Marisa Moneyhun in Portland and serves on the OWLS board. **Linda Tomassi** is OWLS' executive director.

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What OWLS/LCWL Meant to Me on My Journey to the Bench

In law school, I never contemplated a need to be involved in any organization that promoted the advancement of women and minorities in the law. I had grown up with the support of family and friends, and I knew I could accomplish anything I set my mind to. I know now that it was naïve to think that this alone was all I needed to succeed as a lawyer. My outlook changed when I started private practice and was exposed to challenges and choices that would shape my career and personal life.

I remember negotiating the employment contract for my first job as a practitioner. A pregnancy leave policy was important to me because I had decided not to pursue veterinary medicine when I received career counseling in high school indicating that I could not be a vet if I wanted to have children. A document the law firm gave me contained a "Disability Leave" provision. I asked, "Is pregnancy a disability?" Although I heard, "We never thought of that," the firm stepped up immediately to offer a pregnancy leave policy for me and those who came after me. Later, as I began counseling clients, some responded to me in ways that were more puzzling, making comments like, "We like it when you attend our meetings 'cuz you're much prettier than [older male lawyer]." No one mentioned my abilities or intelligence. Lesson #1: Speak up for what you think is important. Don't assume that others will offer you what you need.

From these early experiences, my eyes were opened to issues that I never imagined I would encounter, so I joined OWLS/Lane County Women Lawyers (LCWL) when I was offered my first year of membership free. The statewide organization was just five years old. I went to my first OWLS event in the Spring of 1995 at Lewis & Clark College. I must have been looking a little lost in the main room as a woman approached me and introduced herself: "Hi, I'm Betty. Where are you from?" The conversation went from there, and in a few minutes I found a seat and was learning who "Betty" was. The open arms of OWLS gave me a safe haven to discuss the issues I was facing with women, like Betty, who had already blazed a trail for me to follow. I remember Betty's counsel and encouragement later when I shared with her that I aspired to be on

THE JUDGES' FORUM



Judge Debra E. Velure
Lane County Circuit Court

the bench. Lesson 2#: Networking with women inspires a code to live by—WWBD (What Would Betty Do?).

I started my local chapter involvement with some disappointment. At the first several meetings I attended, there was no programming—just a couple of women ordering lunch and talking about their dogs. I was fortunate to meet Antonia DeMeo, who had become involved on the state level. She said that Lane County needed a representative on the state OWLS board and she thought I'd be great at it. I decided to take the plunge. I served on the OWLS board with Laura Montgomery and met Carrie Cogswell Connelly on a Spring CLE planning committee. We brought the energy we found at the state level to LCWL, and we started local programming and clothing drives. Lesson #3: Work-life balance means saying yes sometimes.

I served with many amazing women on the OWLS board, including Gini Linder (nka Judge/Justice). At a board retreat at Camp Sherman, I brought a few bottles of my "homebrew," and Gini and her partner, Colleen, were game to try it. An invaluable bond of mentorship formed as Gini inspired me with stories of the pioneering women, including herself, who created a landscape for Oregon legal practitioners before there was OWLS. Gini was ultimately the first person OWLS endorsed for judicial office, and I was thrilled to be part of that vote. I admired her commitment to OWLS' mission in serving for many years as OWLS historian. Lesson #4: Remember where you came from and how you got where you are.

When OWLS turned 15, I left Eugene to follow my husband's job. Because of OWLS, the transition to practice in Portland was easier, and I felt welcomed by the Queen's Bench community. During that time, I was privileged to appear in front of Hon. Marilyn Litzenberger, who served as OWLS president immediately before I did. I lived her struggles in applying for a judicial appointment and felt victorious when her campaign



succeeded. Marilyn was equally thrilled with the news of my appointment, and I was grateful to share a few months on the bench with her before her retirement at the end of last year. Marilyn's example of persistence inspired me when I faced multiple rejections. Lesson #4: Never let anyone steal your dreams.

Next up—motherhood, which brought me back to Eugene to be near family and led to my application for the bench. In the six years since I had left Eugene, I felt forgotten there, but I immediately sought out LCWL to renew my involvement. The group's focus had expanded to include interdisciplinary networking and more participation with the University of Oregon Law School. I knew I was now home and made the decision to apply for a vacancy with the Lane County Circuit Court. OWLS, specifically, Kate Wilkinson and the Judicial Work Group, provided help with the process, including editing of application materials, mock interviews, and support when I failed. Lesson #5: It is always okay to come home.

While my investiture last September was a celebration of my accomplishment, my proudest moment was seeing an entire row of LCWL members with a bouquet of flowers for me. OWLS was 29 years old, and the faces of LCWL are new, but the energy and capabilities of these women inspire confidence that the mission is in good hands. Lesson #6: Bring others with you on your journey.

Judge Amy Baggio

OWLS congratulates Judge Amy Baggio, an OWLS member, on her recent appointment to the Multnomah County Circuit Court. A graduate of Lewis & Clark Law School, she worked at the Office of the Federal Public Defender for ten years and then as a criminal defense attorney in private practice. She has received awards from the ACLU of Oregon and the American Jewish Committee for her representation of detainees held at Guantanamo Bay Detention Camp.

Oregon's specialty bars and Perkins Coie welcomed law students and attorneys to a diversity mixer on Thursday, June 13, on Perkins Coie's terrace in Portland. Enjoying the event are (from left):

at top: Kim Stuart, Judge Steven Powers, Julia Preciado; middle: Iyasha Smith, Kamron Graham, Kristina Holm, Kim Stuart; bottom: Gloria Trainor, Eva Goldberg, Shari Gregory, Talia Guerrero, and baby Emery Guerrero.



OGALLA (the LGBT Bar Association of Oregon) and the OTLC (the Oregon Trans Law Caucus), with the help of OWLS, held the fourth annual Brunch and Bedazzle, hosted by Perkins Coie in Portland, prior to the Portland Pride Parade on Sunday, June 16. Thank you to Perkins Coie and to Jackie Alarcón, Shari Gregory, Ed Marks, and Maria Keddis for their generous donations that made the morning possible. This year marks Stonewall's 50th anniversary, and we honor the trailblazers who fought for LGBT equality in the 1969 uprising.

—By *Kristina Holm*, an attorney at Perkins Coie in Portland

Time's Up Oregon

has raised over \$23 million and provided 800 attorneys for pro bono and reduced fee services to fight sexual harassment.

Ms. Tchen began her presentation with the sobering fact that the legal industry will not reach gender parity in law firms at senior levels of the profession until 2181. She also said that sexual harassment remains prevalent in law firms where there are allegations of gender bias and male-dominated culture is on display, especially in firms doing litigation. There is some good news, however. The "old boy network" is being challenged, sexual harassment is more often reported now, and the gender pay gap is slowly starting to narrow. The gender "credit gap," when men take credit for women's ideas, is also being highlighted and challenged.

Ms. Tchen recommended that women attorneys pay attention in meetings, focus on the barriers and "micro aggressions" women experience, and call them out. She also said to keep in mind that there are many types of sexual harassment in legal workplaces, including jokes, physical contact, demeaning remarks, and the ways work and assignments are given.

Ms. Tchen concluded her presentation with ideas on how the legal profession can change. First of all, sexual harassment needs to be taken as seriously and treated with the same rigor as other illegal conduct, such as securities fraud. We need a holistic approach to building balanced workplaces; this includes a diverse workforce and leadership. Workplace culture needs to be "driven from the top"—all employees will notice the actions, tone, and signals from a firm's senior partners. An intentional and sustained effort is needed to reinvest in, and keep current in, diversity programs. Lastly, the legal profession needs to go beyond the legal requirements. Ms. Tchen suggested that instead of mere compliance, legal employers must train to the culture and values they want.

OWLS thanks all the presenters and CLE sponsors for highlighting this important issue and for providing insight, perspectives, and ideas for change.

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

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OWLS Introvert Work Group

By Elizabeth Elkington

An introvert can be defined as someone who prefers calm environments. In general, introverts tend to prefer less stimulation, and they need to recharge after social gatherings. Extroverts usually gain energy from social interactions. On the spectrum from introvert to extrovert, most people find themselves somewhere in the middle. To gain a better understanding of where you fall on this spectrum, you can take the Myers-Briggs personality test.

The OWLS Introvert Work Group was created to provide assistance to introverts operating in a world designed for extroverts. As a subgroup of the OWLS Leadership Committee, the work group's goal is to teach others the value of introverts and provide leadership skills to women and people from non-dominant cultures. Whether a person identifies as an introvert or an extrovert, the work group aims to help OWLS members develop leadership skills and recognize strengths in one another.

The work group is currently planning a fall lecture series that will focus on programs designed for law students. These lectures will be presented by alumni who identify as introverts and can offer advice on navigating the legal world as an introvert. Lectures will be held at Lewis & Clark Law School, Willamette University, and the University of Oregon.

Additionally, the work group is planning a series of webinars for people who want more information about being an introverted lawyer. Topics may include the introvert-extrovert spectrum, legal skills for introverts, and networking skills.

The work group has also begun hosting a series of bimonthly social hour gatherings to provide smaller scale networking opportunities for introvert lawyers. The first will be at the offices of Gevurtz Menashe on July 9, and the next will take place in September. These socials are reserved for a limited number of people to ensure that those present can create new contacts in a relaxed environment. For details, contact Elizabeth Elkington at eelkington@gevurtzmenashe.com.

The next OWLS Introvert Work Group meeting will be held on August 5 at noon in the offices of Garvey Schubert Barer in Portland. All are welcome.

Elizabeth Elkington is an attorney at Gevurtz Menashe in Portland.

Meet Jackson County Circuit Court Judge Lisa Greif

By Renata Gowie

The Honorable Lisa Greif has been a judge on the Jackson County Circuit Court for over a decade. After an unsuccessful campaign for the position in 2006, she was elected in November 2008 and began her service in January 2009. In 2014, she was re-elected to a six-year term, which expires in January 2021. Throughout her years on the bench, Judge Greif has presided over a varied docket including criminal, domestic relations, juvenile, and probate matters, and treatment courts. Currently, she presides over a criminal docket and mental health court. Her criminal docket includes a rotation in which she presides over trials but also serves as an arraignment judge, motions judge, and sentencing judge.

Judge Greif was born and raised in the Portland area and is a graduate of Lake Oswego High School. She is a "Double Duck," having graduated from the University of Oregon with a BA in political science and minors in biology and environmental studies, and later with a JD that featured a criminal law certificate.

Judge Greif entered law school intending to pursue a career in environmental law, but found that she enjoyed criminal law. She was inspired by Professor Margie Paris, who was a white-collar criminal defense lawyer in Chicago before she taught criminal law. By graduation, Judge Greif's goal was to be a criminal trial attorney, regardless of whether she was with the prosecution or defense. She obtained a job with Southern Oregon Public Defender, Inc., in Medford. Judge

Greif thought she would stay in Medford for only a few years, enough time to gain valuable experience, but she loved Medford and has lived there for 21 years.

Bert Putney, the first head of Southern Oregon Public Defender, Inc., taught Judge Greif about the importance of maintaining her reputation and integrity. She was a good advocate for her clients, while enjoying good relationships with law enforcement, the District Attorney's Office, and the Probation Office. "Professionalism garners respect," Judge Greif notes, and the duty of professionalism extends to others beyond fellow lawyers and the judge. In fact, her father, a business and probate lawyer who did not frequent the courtroom, instilled in her the importance of being respectful to the judicial assistants and other court staff. She sees the importance of that sentiment from the other side now that she is a judge.

To women who want to be judges, Judge Greif recommends attendance at Road to the Bench CLEs and events. She encourages women considering the judiciary to talk to judges about their journeys to the bench and their experiences on the bench. Judge Greif noted that she experienced a period of adjustment when she was a new judge, particularly the transition from serving as an advocate for a position or party to being and remaining neutral.

Judge Greif also recommends getting involved with local bar activities. She was a bar association president, which helped her to get to know attorneys outside

her practice area. She has also served on the boards of the Oregon Criminal Defense Lawyers Association and OWLS, and she has served as an officer

in Rogue Women Lawyers, the Jackson County chapter of OWLS. She also has been involved in the general community, particularly with the Southern Oregon Humane Society, the Family Nurturing Center, and La Clinica.

When Judge Greif is not working, she spends time with her two yellow Labradors. She enjoys the outdoors and activities such as fishing, hiking, and camping. She follows sports teams that are located in the Pacific Northwest and is a fan of the University of Oregon football team. An avid reader, she found inspiration in Michelle Obama's book *Becoming*. She also enjoys reading the OWLS *AdvanceSheet*, and praises its content.

Judge Greif is a regular member of a poker group consisting of women lawyers. It's a great way to connect with women lawyers in a personal way. Some members have become her closest friends.

Renata Gowie is an assistant United States attorney and chief of the Civil Division at the U. S. Attorney's Office in Portland.



Judge Lisa Greif

Queen's Bench Hosts Presentation on Opioid Epidemic

By Elizabeth Ballard Colgrove

Queen's Bench (QB), the Multnomah County chapter of Oregon Women Lawyers, hosted its monthly lunch and (pending) CLE on June 11 at the federal courthouse in Portland. The theme of QB's 2019 lunchtime series is "Crime and Punishment in Oregon." Approximately 25 people attended the June event, which featured Suzanne Hayden, counsel to Oregon's U.S. attorney on community engagement and strategic enforcement; Donna Maddux, assistant U.S. attorney in the Criminal Division of the U.S. Attorney's Office in Portland; and Adrian Brown, assistant U.S. attorney in the Civil Division of that office.

The presentation focused on the U.S. Attorney's Office's strategy of prevention, enforcement, and treatment to respond to the opioid epidemic. More than 60% of the 70,237 drug overdose deaths in the United States in 2017 were opioid related. Oregon has one of the highest rates of opioid prescriptions and opioid misuse in the country, averaging three deaths every week from prescription opioid overdose.

Suzanne described the scope of the problem and outreach efforts; Adrian explained how she has used the Americans with Disabilities Act to keep public housing entities from discriminating against people with a history of opioid use disorder; and Donna discussed how she teamed up with a U.S. Attorney's Office Drug Unit attorney to successfully prosecute the first and only District of Oregon criminal prosecution of a medical professional for operating an opioid pill mill. Donna emphasized that her office does not target individual users.

QB lunches take place the second Tuesday of every month at the federal courthouse in Portland; lunch reservations can be made at our [website](#). Learn more about QB and watch our lunches captured via FacebookLive at any time by liking our [Facebook page](#).

Elizabeth Ballard Colgrove works at the Oregon Department of Justice in Portland and serves on the OWLS board.

OWLS Members Visit Cuba

By Kathryn Bourn

“Why Cuba?” a friend asked. I can speak only for my own motivations for joining the trip organized by Oregon Women Lawyers. As someone who came of age as the Cold War was ending, I have been fascinated by Cuba. When the Soviet Union collapsed, and once again when Fidel Castro died, I assumed that communism would come to an end in Cuba. I have also struggled to understand the rationale behind continuing the U.S. trade embargo and travel restrictions on Cuba, when relations with the world’s other communist countries have normalized. Cuba felt like a place that you have to visit to understand.

OWLS’ Journey to Cuba, organized by Cuba Cultural Travel, provided that chance for 17 lawyers, judges, and spouses from all over Oregon. We felt privileged to be able to make the trip. Just days before our departure, the Trump administration announced new restrictions on nonfamily travel to Cuba. (OWLS members traveled on an education/people-to-people tourist card.)

Highlights of our eight-day trip included cruising the Malécon seawall in vintage convertibles; swimming in the Bay of Pigs and El Rocio waterfall in the mountains outside of Trinidad; a dance performance at Proyecto Grabadown, an organization that provides artistic outlets for youth born with Down syndrome; visiting the Playa Giron Museum, which features exhibits about the 1961 invasion; a tour of the Museum of Cuban Art led by an art history professor; walking tours of old Havana and Trinidad; seeing the rare bee hummingbird, the smallest living bird; and visits to a tobacco farm, a coffee plantation, and an organic farm.

We arrived in Havana on April 25. Our first evening featured a private performance of Cuban music led by professor and band leader Alberto Faya. The next few days blended lectures by university professors on Cuba’s economy, history, and legal system with sightseeing trips and fabulous meals.

A panel of young women lawyers described the practice of law in Cuba. “The principal leaders of our revolution were lawyers,” one noted. Cubans attend law school straight out of high school. Obtaining a law degree takes four years, and then the graduate must complete three years of law-related social service (or



two years plus a year of military service) before taking the bar exam.

Lawyers are paid by the government and earn the “national salary”—about \$25–\$50 a month—for a 40-hour workweek. Although some 200 businesses have been opened up to “self-employment” (Cuba’s term for the private sector), accountants are the only profession allowed to be self-employed.

Several of the lawyers we met described working side gigs, like waitressing in privately owned restaurants, in order to make ends meet. In addition to the national salary, Cubans receive a food ration, an electricity ration, housing, free daycare, paid maternity leave, and government-paid healthcare and education. The electricity ration is insufficient to pay for air conditioning, and produce must be bought at market prices.

Cuba has a new constitution, which, among other things, has moved up the point at which someone gets access to an attorney in a criminal proceeding. No jury trials are held. Depending on the court level, one to five judges, including non-lawyer “lay judges,” decide the case.

The new constitution has affirmed recognition of private property rights. We found real estate ownership arrangements interesting. Individual Cubans are allowed to own a maximum of two houses: one in the city and a country or beach house. In Havana, we passed many crumbling apartment buildings. Our guides explained that the government owns the land under the building, and the occupants own the individual apartments, which often are very nice inside,

but no one owns the building structure. Without the equivalent of a homeowners association, people do not always come together to maintain the exteriors.

Among the other things we learned:

Game of Thrones: You can get the latest episodes in Cuba. American TV shows come in on thumb drives. (The third episode of the final season aired while we were there, and our tour guide, Oscar Fernandez, teased us with threats of spoilers.)

Uniquely Cuban solutions: When subsidized oil imports from the Soviet Union came to an end in the 1990s, one of Cuba’s workarounds was hiring “hitchhiking coordinators” to hang out along major highways and require government-owned vehicles to stop to pick up hitchhikers.

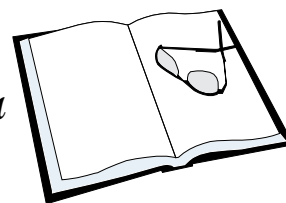
“Cuban math”: For example, private farmers are expected to sell 90% of their crops to the Cuban government. “So with the 20% that you keep...,” our guide started to explain. “Wait, what?” we asked as the numbers didn’t add up. “Cuban math,” he explained. Or, put another way, as our guide reminded us of the consequences if we did not show up on time, “In Cuba, 90% equals 100%. We can stand to lose a few of you.”

As for the questions I had about Cuba, the answers could fill (and have filled) many books. The shortest answer is one that our tour guide gave us many times: “It’s complicated.”

Kathryn Bourn is an associate with Gresham Family and Bankruptcy Law. She is a former board member of both OWLS and Queen’s Bench.

The Color of Law: A Forgotten History of How Our Government Segregated America

By Richard Rothstein
(Liveright Publishing Corp., 2017, 342 pages)



Book Review by Teresa Statler

Richard Rothstein, a distinguished fellow of the Economic Policy Institute, has written a powerful book about how governments and American society in the 20th century imposed racial segregation in housing and housing policy nationwide. His history is both sad and infuriating, as well as painstakingly researched and presented. The book focuses on de jure segregation and racist policies that worsened it throughout the 20th century.

In the chapter "Public Housing and Black Ghettos," Rothstein busts the image that public housing consists primarily of high-rise towers with few amenities in central city neighborhoods, plagued by crime and drugs and filled with single minority mothers with their children. He tells us that "it's a mostly inaccurate image even today, but it couldn't be further from the reality of public housing when it began in the mid-twentieth century." At that time, public housing was not heavily subsidized and was for working and lower-middle class white families who paid the full cost of operations with their rent. Its purpose "was to give shelter not to those who were too poor to afford it but to those who could afford decent housing but couldn't find it because none was available."

During the Great Depression and World War II, there was a severe shortage of housing and it was difficult for the working class to buy homes. President Franklin D. Roosevelt's New Deal created the first public housing for civilians, but segregated the developments, or excluded African Americans entirely. Even the Civilian Conservation Corps (CCC) segregated its camps. Rothstein spends many pages telling the shameful story of local governments all over the country that built segregated developments—either by fiat or by policy. Throughout the mid- to late-20th century, these housing projects frequently defined the racial character of neighborhoods.

Other chapters in the book discuss racial zoning, "block busting," and "red-lining," actions that were common throughout the country and also in Portland. Racial zoning occurred in many large cities, starting around 1910,

where ordinances prevented African Americans from buying homes on blocks where whites were a majority and vice versa. Although the U.S. Supreme Court in 1917¹ forbade the first wave of these policies, the federal government began to recommend ways that cities all across the country, not just in the South, could evade that ruling.

During FDR's administration, the precursor to the Fair Housing Authority (FHA) created maps of every metropolitan area, marking zones in red where there was a risk of foreclosure based on the race of the occupants. Later, in the 1950s through the 1970s, banks declined to issue mortgages for these red-lined areas, essentially preventing African Americans from buying homes in these neighborhoods, as well as declining to give them home equity loans, which in turn led to the deterioration of the homes and neighborhoods.

As a result, African Americans were forced to buy homes "on contract." These contract sales agreements, often written by real estate speculators, usually provided that ownership would transfer to the purchaser after 15 to 20 years, but if a single monthly payment was late, the speculator could evict the would-be owner.

"Block busting" (a new term for this reader) was one reason for "white flight." Real estate agents would panic white families into listing their homes, warning them that a "Negro invasion" was imminent and their property values would collapse. Other homeowners would then

succumb to the scaremongering and sell their homes at discounted prices to the agents and their speculators. Also, local real estate boards would often "blackball" any agent who sold a home in a white neighborhood to a non-white buyer, thus denying the agent access to the multiple listing service upon which her livelihood depended.

Rothstein's later chapters "Suppressed Incomes" and "Looking Forward, Looking Back" are especially thought-provoking. He discusses the ostensibly race-neutral economic issues that also resulted in segregated neighborhoods, such as the mortgage interest deduction and the fact that local and federal governments have always invested heavily in highways to connect suburban (mostly white) commuters to their downtown offices, but have invested comparatively little in buses, subways, and light rail for city residents. Rothstein's final chapter contains ideas on how to remedy this "unconstitutional segregation we have allowed to fester."

This important and timely book contains many interesting historical photographs, detailed notes, a bibliography, and an index. It also contains an appendix with Rothstein's thoughtful answers to frequently asked questions. *The Color of Law* would make a good choice for book group discussions.

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

1. *Buchanan v. Worley*, 245 U.S. 60 (1917).

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Meet OWLS Board Member Kathryn Olney

By Joslyn Keating

Kathryn Olney's OWLS roots run deep. She recalls being at the planning meetings before OWLS was incorporated in 1989, back when Katherine O'Neil spearheaded the organization. At the time of OWLS' founding, Kathryn had been an attorney for two years. She recalls, "When I was a young lawyer, being a strongly opinionated women lawyer was questioned and not uplifted; and that's not true anymore. Now strong women abound in the bar, and I'm proud to be associated with all of them." This, Kathryn said, is owing to organizations like OWLS.

Kathryn was born in White Salmon, Washington, across the Columbia River from Hood River, Oregon. Due to her father's work with the U.S. Forest Service, her family relocated several times in her youth. In the fourth grade, Kathryn moved to McKenzie Bridge, Oregon, where her family stayed for three years. In the seventh grade, she moved to Government Camp, Oregon. She lived there through high school, attending Sandy High School and graduating in 1976. At that time, very few of her graduating class went on to higher education.

In 1981 Kathryn graduated from the University of Oregon, having majored in general humanities and minored in women's studies. After working for a few years, she decided to go to law school at Willamette University. During law school, she clerked for what is now Brown, Tarlow, Bridges & Palmer in Newberg.

After graduating from law school in 1987, Kathryn worked for a year as a staff attorney for the Oregon Workers' Compensation Board. This was followed by over 23 years as a trial attorney for Liberty Mutual in Portland. In 2011 Kathryn took a position as SAIF Corporation's only trial attorney in Bend, where she still works and lives today. Kathryn's husband, Jim, quit his job in Portland to live a semi-retired life in Bend, working summers in a golf pro shop. Their son, Robert, 26, currently lives in Shanghai, China.

In May 2017 Kathryn began her three-year term on the OWLS Board of Directors. Before that, she had served on the board of Cascade Women Lawyers. She is currently on several OWLS volunteer committees, including the Awards Committee, Judicial Work Group, and Community Service Committee. In the fall of 2018, Kathryn helped found, and eventually co-chaired, the OWLS Special Committee on Family Separation & Child Detention. That committee was designed to respond to the United States policies affecting immigrants at the U.S.-Mexico border by, among other avenues, encouraging pro bono efforts to assist detainees.

Kathryn has traveled to Tijuana, Mexico, on two occasions to volunteer for Al Otro Lado, a nonprofit organization offering primarily immigration-related services at the border. In both January and June of this year, she spent a week volunteering for Al Otro Lado. See the Spring 2019 edition of the *AdvanceSheet* for a

recap of her January trip.

When combating feelings of helplessness because of the current political climate, Kathryn reminds herself that, as Vanita Gupta said,

"Despair is the enemy of justice." She has this written on a sticky note affixed to her computer. In addition to her work at the border, Kathryn volunteers as a statewide board member for the Campaign for Equal Justice.

When asked to reflect on her time with OWLS, Kathryn remarked that the organization has had its ups and downs over the years. But the arc of the organization and its overall contributions to the legal community in Oregon are everything she was hoping for. This, she says, is evidenced by the number of women and people of color now serving on the bench in Oregon. She hopes to reinvigorate the Road to the Bench Program, which is designed to mentor attorneys throughout the state who are interested in becoming judges.

Joslyn Keating is an attorney for Cummins Goodman Denley & Vickers in Newberg. She represents employers and businesses.



Kathryn Olney

Take Your Kids to Work Day



Angela Polk coaches the swearing-in.

On April 25, OWLS and Multnomah County Circuit Court judges hosted the annual Take Your Kids to Work Day event at the county courthouse in downtown Portland. The event provides kids an opportunity to learn about the court process and justice system by participating in age-appropriate mock trials assisted by lawyers and judges.

OWLS MLC Raises Cash for CourtCare

By Becky Maile

On June 1 the OWLS Mary Leonard Chapter hosted a fundraising event, Salem Day Out for CourtCare, to benefit Mid-Valley CourtCare. Many thanks to our sponsors for making this event possible: Landerholm Family Law, OWLS Foundation, Capitol Auto Group, Garrett Hemann Robertson, Sherman Sherman Johnnie & Hoyt, Carty Law, Five Marketing, Bob Cegon—State Farm Insurance Agent, Kueny Law, Law & Mediation Office of Michelle Vlach-Ing, Law Office of Julia Rice, Law Offices of Keri Trask Lazarus, Maps Community Foundation, Parsons Farnell & Grein, Quality Door Service Inc., Sarah Jobe—Windermere Real Estate, Swanson Lathen Prestwich, and Marion County Bar President Heather Van Meter. Thank you to everyone who donated and showed up to support the cause and make this year's fundraising effort such a success. With all of your help, we raised over \$13,800!

Becky Maile, an associate with Weatherford Thompson in Albany, is the historian for the OWLS Mary Leonard Chapter.



Marti McCausland (left) and Maureen McGee enjoy the event.

Photo: Diana Liz Dettwyler