

AdvanceSheet™

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The Arbitrator in You

By Lee Ann Donaldson

As a trial attorney, you know the ins and outs of your case, and you represent your client with conviction, but you can never be sure how the trier of fact is going to see your position. Have you ever considered a list of potential arbitrators for court-annexed arbitration and been frustrated because your options are limited to attorneys who are not like your client? Now is the time for you to stop looking at that list of proposed arbitrators and look in a mirror. You could be the next arbitrator selected to decide a case. The time to act is now!

Lawyers gain a formidable advantage by learning to see each case from every perspective. A valuable way to learn a decision-maker's perspective is to become a court-approved arbitrator. The compensation is more than financial; it is the confidence and wisdom you gain from the experience of deciding cases. We hope that more qualifying women lawyers and lawyers of diverse backgrounds will decide

to apply to be arbitrators with our court to enhance our ability to offer decision-makers who reflect our citizenry, and to allow diverse lawyers to gain that extra advantage of insight for their future clients.



Judge Susie Norby

Judge Susie Norby
Clackamas County Circuit Court

If you have practiced law for a minimum of five years (including outside of Oregon), you are eligible to be an arbitrator. UTCR 13.090 sets the standard for arbitrators in Oregon. In addition to practicing for five years, you must be an active member of the Oregon State Bar in good standing (or be a retired judge).

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Addressing Distress and Finding Our Ballast During Times of Uncertainty

By Karen A. Neri

In the last couple of weeks, COVID-19 has challenged our sense of health, stability, and safety. As bans on public gatherings are instituted, social distancing is emphasized, school districts and businesses are closed, CLEs and other law-related events are canceled, and changes to court operations are made, we have felt the far-reaching impact of COVID-19 within our legal community and our personal lives. The impact has been especially distressing in communities experiencing discrimination or racism, directly or indirectly, as social instability brings forth a focus on "others" and xenophobic sentiments.

In an attempt to prevent the virus from spreading, we are compelled to take action and maintain our social distance to preserve both our personal and our community health, leaving many of us feeling stressed, anxious, or even distraught. How do we find our ballast as we continue to feel unsettled and grow in our concerns during this pandemic?

It is first important to acknowledge that in facing uncertainty, we can each have a unique response. Our unique emotional responses and thoughts, such as stress and anxiety, are understandable. Stress is a state we experience when there is a threat to our sense of self, safety, or belonging, or to someone we care about, and anxiety can be a common response to stress. Anxiety serves as our warning system from the older part of our brain (the limbic system, which controls our emotions, and the brainstem, which regulates involuntary bodily actions) that interacts with our nervous system. Anxiety, as a part of our threat-detection system, helps guide and protect us as well as prepare us for action. Our physiological responses to anxiety may include our heart pounding, stomach churning, or tunnel vision.

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President's Message

My term as OWLS President did not end as I had anticipated. Like you, I expected a joyful celebration on March 13, visiting with old friends, raising much-needed funds for the OWLS Foundation, and toasting our wonderful Roberts & Deiz Award recipients, Gina Johnnie and Doug Park. Instead, we found ourselves monitoring daily coronavirus updates and reading horror stories about people stricken with the virus and overwhelmed health care systems.

OWLS decided to postpone the Roberts & Deiz Award dinner on March 11 after many days and hours of deliberation. We have not canceled a dinner since the flood in 1996. As we weighed many considerations, we appreciated hearing from our members about their concerns. We heard from members in high-risk groups who would not be able to attend and from members in low-risk groups who wanted to slow community spread. Ultimately, we called off the dinner despite fears about the significant financial impact on OWLS and the disappointment of those who were planning to attend. Several hours later, Governor Kate Brown announced a prohibition on events of more than 250 people, confirming that we made the right decision.

Since March 11, OWLS has made the difficult decision to fully cancel our 2020 dinner, given the uncertainty surrounding the duration of the pandemic and the considerable time and money required to reschedule the dinner this year. OWLS is not alone in having made the decision to cancel our signature event of the year. In its March [newsletter](#), the National Conference of Women's Bar Associations shared updates from women's bar groups around the country that have taken similar action. More groups have since followed suit, postponing or canceling events in [Michigan](#), [New York](#), and [California](#).

Although most of us are working from home and "social distancing" to the extent possible, OWLS is dedicated to continuing to serve our members. As we face social isolation and anxiety from



Photo: Adele Ridenour

Hon. Allison Boomer

the pandemic, we need connection to our friends and community members more than ever. When feasible, OWLS will offer programs through remote-access channels. Our committees are developing new, relevant programming and exploring ways to facilitate virtual conversations between members. In this edition of the *AdvanceSheet*, you will find [advice and resources from the OAAP](#) to support your mental health and well-being. The OWLS Foundation is working to assess and respond as effectively as possible to the needs of our community. For those of you who had already planned to donate to the Foundation at the 2020 Roberts & Deiz Award Dinner, you may still [make your donation online or by check](#). On behalf of OWLS and the OWLS Foundation, we sincerely thank you for your ongoing support.

Despite the stress of this pandemic, I have observed so much kindness and decency within our community, toilet paper hoarding aside. People are providing groceries and meals to others in need, scheduling phone and Skype dates with vulnerable and isolated community members, pooling resources for childcare, and when all else fails, opening their windows to sing and play music with their neighbors ... at least in Italy! Finding your own way to help is not only good for the community but also [good for your well-being](#). Helping others is empower-

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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.

Upcoming OWLS Events

Please check the [OWLS events calendar](#) on our website for upcoming OWLS events. Many events that had been scheduled for this spring have been postponed or canceled due to COVID-19. Many other events will be offered remotely. We will continue to update the events calendar as circumstances change.



President's Message

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ing in a time when we feel helpless. As always, OWLS members lead the way. I love all the ideas and resources shared on the listserve, and thank you for your contributions. We are all in this together.

Finally, as this is my last message as OWLS president, I want to extend my deep gratitude to everyone who has supported me during my tenure. There are too many of you to name, but I want to specially thank OWLS staff Linda Tomassi and Cassondra Sumrall, the OWLS Board of Directors, my colleagues at the Oregon Tax Court, and my wonderful partner Marshall. I am immensely grateful to have served as president of such a storied and vital organization. I leave OWLS in the capable hands of Maya Crawford Peacock along with an amazing new board of directors, looking forward to brighter times in the future.

Allison R. Boomer

Hon. Allison Boomer
President, Oregon Women Lawyers

POSTPONED

CLE presented by the Oregon Legal Workplace Task Force

Friday, October 23, 12–5 p.m.
Lunch included.
Details forthcoming.

On Feb. 13, Governor Kate Brown appointed OWLS member Manuel Perez to the Marion County Circuit Court. Judge Perez had worked as a hearings referee at the court and as a criminal defense attorney representing indigent clients. He began his career representing farmworkers at Oregon Legal Services. He has served on the boards of the Oregon Law Center and the Northwest Workers Justice Project. Judge Perez is running for the seat on the May 2020 ballot.



Celebrating the investiture of Multnomah County Circuit Court Judge Steffan Alexander on January 10 in Portland (left to right): Elisa Dozono, Sarah Einowski, Laura Salerno Owens, Matt Levin, Judge Steffan Alexander, Misha Isaak



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The Short Session That Wasn't

The 2020 short session of the Oregon Legislative Assembly began with organizational days in January to set the stage for what was hoped would be a quick and productive session. The 35-day session began with lawmakers setting forth an ambitious agenda, including bills to address the state's housing crisis, earthquake preparedness, how to fight wildfires, and a carbon fuel bill to combat climate change. Instead, Republicans in both the House and the Senate left the Capitol and the state to protest the cap-and-trade bills, [Senate Bill 1530](#) and [House Bill 4167](#), which would have set statewide greenhouse gas emissions reduction goals.

Oregon's constitution requires that two-thirds of the chamber's members be present in the chamber to constitute a quorum to vote on legislation. Even though Democrats held supermajorities in both chambers, they needed two Republicans to be present in both chambers in order to vote on bills. With the departure of 11 Senate Republicans and 21 House Republicans, the legislature could not meet the quorum requirement in either chamber. Bills that had not passed both chambers were on hold until a quorum was present or the session ended. After attempts to negotiate a compromise failed, legislative leaders abruptly adjourned the session three days before the constitutional deadline.

Early adjournment left over a hundred bills and funding issues unresolved, including bills to address restructuring of the Public Defense Services Commission, strengthen the state's gun laws, and declare a statewide homelessness emergency. Other bills would have provided funding to address mental health and the foster care crisis, add three new judges (in Deschutes and Jackson Counties), and make necessary modifications to the fitness-to-proceed statute (regarding the capacity of criminal defendants to proceed).

In comparison to the more than 300 bills on key policy issues, as well as several agency budgets and funding bills that died, the following bills passed:

HB 4061 – Increases the surcharge for the cultural registration plate from \$15 to \$25

HB 4106 – This bill clarifies that the city of Damascus is no longer part of a county service district.



By Susan E. Grabe

HB 4140 – This bill requires that the Department of Education develop a form to be used when a student is diagnosed with a concussion or another type of brain injury. The form must describe academic accommodations that the public education program may make to support the student.

HCR 201 – Procedural rules for the session

SCR 202 – Commemorating the 100th anniversary of the federal Civilian Vocational Rehabilitation Act.

SCR 203 – Recognizing Oregon Women of Achievement for 2019

In the meantime, the coronavirus arrived in Oregon. The House speaker and the Senate president called the Emergency Board into session Monday, March 9, following adjournment of the legislature, to vote on money to combat the coronavirus, as well as funding for the flooding in Eastern Oregon. The legislature has created a [Joint Special Committee on Coronavirus Response](#) to review legislative proposals, and the committee has met several times.

It is likely that a special session of the legislature will have been called to address the COVID-19 emergency by the time this article is published.

COVID-19 and the Courts

Since the onset of the novel coronavirus and COVID-19, the disease it causes, the Oregon State Bar has been actively engaged with the courts, bar members, and the legislature to address issues and concerns facing Oregon's judicial system. The bar has also worked with the Oregon Trial Lawyers Association, the Oregon Association of Defense Counsel, and others to develop a response that addresses immediate challenges.

In March, Chief Justice Martha Walters issued several Chief Justice Orders (CJOs) addressing the coronavirus. [CJO 20-006](#)

(amended) imposes restrictions on court operations; [CJO 20-008](#) modifies the Uniform Trial Court Rules and expands e-signature authority; [CJO 20-009](#) amends the OSB Rules of Admission and Rules of Procedure; and [CJO 20-010](#) authorizes the waiver or suspension of collection fees. These orders are available on the OSB website, as are a message from Chief Justice Walters to bar members and her [letter to the legislature's Joint Special Committee on Coronavirus Response](#). For up-to-the-moment information on CJOs, updates to the Uniform Trial Court Rules, communications from the Oregon Judicial Department, and other relevant material, please visit the [OSB website](#).

The bar has been collaborating with the courts to set up workgroups within the Oregon Judicial Department. These workgroups have developed recommendations to help guide current and future CJOs and support the courts. In the coming weeks, they will continue to actively track issues within the court system.

The bar has also collaborated with the legislature, the courts, and various groups within the bar, both civil and criminal, to help craft legislative concepts. These concepts will (1) allow the chief justice the authority to issue CJOs within the realm of matters already before the court (i.e., actions that have been filed) and (2) address necessary policy decisions, such as the postponement or suspension of statutory deadlines, and the implementation of remote notarization, which rest with the governor and the legislature.

On Tuesday, March 24, Chief Justice Walters appeared before the Joint Special Committee on Coronavirus Response and delivered remarks on handling matters currently within the court system's jurisdiction. The legislature appears poised to address her proposals, as well as the proposals regarding causes of action before a lawsuit is filed in court, in a special session, which is imminent.

Please note that the bar has extended its restrictions on in-person meetings and events through the end of April, and the bar center remains closed to visitors as well. During this time, the bar remains fully operational, with staff working remotely. The best way to reach bar staff is via email.

Please see the [Oregon State Bar website](#) for updates. We welcome your questions.

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

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OWLS Members Running for Office in 2020

By Joslyn Keating

An article in the last edition of the *AdvanceSheet* listed OWLS members running on the May 2020 primary election ballot. Since then, the filing deadline for statewide candidates has passed, and many OWLS members listed in the article remain on the ballot. Those members are Ellen Rosenblum, who is seeking her third four-year term as Oregon's attorney general; Jamie McLeod-Skinner, running for Oregon secretary of state; Christina Stephenson, seeking nomination to the Oregon House of Representatives for the 33rd District, which includes parts of Multnomah and Washington Counties; Ethan Knight, vying for Multnomah County district attorney; and the Honorable Manuel Perez, running for Position 15 on the Marion County Circuit Court. Governor Brown appointed Judge Perez to the bench in February. This prompted his two competitors, OWLS members Jennifer Brown and Jennifer Gardiner, to withdraw from the race. In doing so, both announced their support for Judge Perez.

Many OWLS members have more recently entered the May primary race, including **Emerson Levy**, who is seeking the Democratic nomination to the Oregon House of Representatives for the 53rd District, a seat currently held by a Republican. The district is in Deschutes County. Ms. Levy is a Bend-based attorney currently enrolled in the Emerge Oregon program. Since moving to Bend in 2017, she has worked part time as a green-energy consultant. She was also the president of a local nonprofit group, Moms Club of Bend, in 2018 and 2019. If Ms. Levy wins her nomination in May, which requires a plurality of votes, she will move on to the November general election as the Democratic candidate.

Several OWLS members are running for contested judicial positions appearing on the May primary ballot in the course of the position's normal election cycle. In such races, if a candidate receives a majority vote in the primary election, that candidate is elected for a new full term. If no candidate in the race wins by a majority, the top two candidates will face off in the general election in November, when only a plurality of votes is necessary to win. OWLS members whose elections fall under this category of contested judicial positions are listed below.

Adrian Brown, Rima Ghandour, Sonia Montalbano, and Ernest Warren Jr. are each running for Position 12 on the Multnomah County Circuit Court.

Ms. Brown has been an assistant U.S. attorney since 2008. In that role she serves as the civil rights coordinator for the District of Oregon. Her practice focuses on civil rights cases involving housing, disability, education, and servicemember discrimination. From 2000 to 2007, Ms. Brown was a U.S. Air Force judge advocate, serving as defense counsel for about 21 months, as a circuit prosecutor for about two years, and providing an array of legal services at the McChord Air Force Base. Ms. Brown currently serves on the OSB Board of Governors and has previously volunteered as a Multnomah



Jamie McLeod-Skinner

County Circuit Court mediator and for programs promoting childhood literacy.

Ms. Ghandour is partner and owner of Ghandour Law. Her firm specializes in construction defect, personal injury, product liability, commercial/business, and insurance litigation. Before starting her own firm, Ms. Ghandour was partner at the Wiles Law Group, staff counsel at Liberty Mutual and Safeco Insurance, and deputy county counsel in Orange County. In recent years, Ms. Ghandour has been president of the Multnomah County Bar Association and Queen's Bench. She is also a founding member and past president of the board for the Arab American Cultural Center of Oregon.

Ms. Montalbano is of counsel at McKean Smith. Before that she was part-

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Emerson Levy

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OWLS Members Running for Office in 2020

ner and associate at Elliott, Ostrander & Preston; owner of Sonia Montalbano, Attorney at Law; and partner at Cobb, Bosse & Montalbano. Ms. Montalbano serves as president of the Gus J. Solomon Inn of Court. She has also been elected to the OSB's House of Delegates and is a member of the Oregon Legal Workplace Task Force, co-chairing its Policy Work Group.

Mr. Warren is the founder and managing member of Warren & Sugarman, which, when established in 1990 as Walker & Warren, was the first African American law firm in Oregon. Mr. Warren's 30-year career has focused primarily on personal injury, real property, corporate matters, and criminal defense. In 2017 he became a faculty member for the ODLA Trial Skills College. Concurrent with his private practice, Mr. Warren was outside legal counsel for the RTC/FDIC and the Portland Development Commission.

The **Honorable Jenefer Grant** is seeking to retain Position 3 on the Columbia County Circuit Court, which she has held since 2007. Judge Grant was appointed to the bench by Governor Ted Kulongoski in 2007 and was elected for her first full term in the 2008 general election. Before becoming a judge, she worked in private practice handling criminal, juvenile, and family law matters, and representing indigent clients; served on the Columbia County Legal Aid Board of Directors; and taught as an adjunct professor at Portland State University.

The **Honorable Lisa Greif** is seeking her third six-year term on the Jackson County Circuit Court. She has held her position since 2009. Before becoming a judge, Judge Greif was the senior attorney for Southern Oregon Public Defender, Inc.

OWLS members **Edward Kroll** and **Kelly Lemarr** are competing against each other and two other candidates for Position 5 on the Washington County Circuit Court.

Mr. Kroll is a judge pro tem for Washington County Circuit Court, an adjunct professor for Lewis & Clark School of Law, and a partner at Kroll & Johnson. He also serves on the Washington County Public Safety Coordinating Council and is past president of the Washington County Bar Association. Since 2010, his private practice has focused on civil, criminal, juvenile, and family law matters. From 2007 to 2010, Mr. Kroll was a deputy district attorney for Multnomah County.

Ms. Lemarr is the supervising attorney and branch manager for the St. Andrew Legal Clinic in Hillsboro, a position she

has held since 2009. A significant portion of Ms. Lemarr's low-cost legal services involves issues disproportionately affecting minority and low-income communities, such as residential instability, food insecurity, mental illness, domestic violence,



Edward Kroll

sexual assault, and threats to immigration status. Her practice also focuses on family law matters, which occupy a large segment of the court's docket. Since 2018 Ms. Lemarr has been a judge pro tem for the Washington County Circuit Court and the Region 4 representative for the OSB Professional Responsibility Board. Her volunteer experience includes working on the Statewide Family Law Advisory Committee's Parental Involvement Workgroup.

One OWLS member running for a judicial position in the upcoming election cycle, **Amanda Thorpe**, will not be on the May primary ballot. She and only one other candidate are running for a specific judicial position that will be printed on the 2020 ballot outside the position's normal election cycle; in this case, due to a mid-cycle vacancy. Under such circumstances, the candidates bypass the primary and appear directly on the November election ballot. Ms. Thorpe is running for Position 1 on the Josephine County Circuit Court, left vacant by the retirement of Judge Annetta Spicer.

Ms. Thorpe is currently a judge pro tem for the Josephine County Circuit Court and of counsel at Cauble, Cauble, & Selvig. Before that, she was a partner at Hughes Rote Brouhard & Thorpe. Her private practice includes litigating family law, real property, landlord/tenant, debtor/creditor, probate, construction, contract, and business matters, among other areas of civil litigation. She also volunteers for several law-related boards and committees, including the OWLS Board of Directors since 2015, the Josephine County Family Law Advisory Committee since 2012, and the OSB Family Law Executive Committee since 2017.

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Kelly Lemarr

Several OWLS members are running for uncontested judicial positions on the ballot in 2020 consistent with the position's normal election cycle. These include Oregon Supreme Court Chief Justice Martha Walters; Court of Appeals Judges Erin Lagesen and Doug Tookey; Multnomah County Circuit Court Judges Steffan Alexander, Beth Allen, Amy Baggio, Angela Franco Lucero, Amy Holmes Hehn, Morgan Long, and Nan Waller; Jackson County Circuit Court Judges Lorenzo Mejia and Kelly Ravassipour; Washington County Circuit Court Judges Rebecca Guptill, Ricardo Menchaca, and Beth Roberts; Judge Karen Ostrye of the Seventh Judicial District (Sherman, Wasco, Gilliam, Wheeler, and Hood River Counties); and Marion County Circuit Court Judges Cheryl Pellegrini, Manuel Perez (mentioned above), and Susan Tripp. The judges in these uncontested races will be elected in the May primary if they receive a majority vote. In the unlikely event that any judge does not receive a majority vote due to one or more write-in contenders, the top two candidates will move onto the general election ballot, when only a plurality of votes is necessary to secure the position.

Three additional judges are running for uncontested judicial positions that will be on the ballot in 2020 outside the position's normal election cycle: Court of Appeals Judge Jacqueline Kamins, Lane County Circuit Court Judge Kamala Shugar, and Deschutes County Circuit Court Judge Alycia Sykora. These individuals will bypass the primary race and move forward to the November general election, where they will prevail, unless a write-in candidate receives more votes.

The Oregon 2020 primary election takes place on Tuesday, May 19. Best of luck to all OWLS candidates.

Joslyn Keating is an attorney for Tolleson Conratt Nielsen Maher & Replogle in Tigard. She represents employers and businesses.

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Queen's Bench Speaker Series 2020

By Anne Milligan

Each year, the incoming president of Queen's Bench (QB), the Multnomah County chapter of Oregon Women Lawyers, selects a theme for the chapter's upcoming year of CLE programming. As the QB president-elect in 2019, I spent much of the first quarter of 2019 meeting with past QB presidents and others who inspired me, seeking their advice on what direction QB should take with the 2020 CLE theme.

My predecessors were a tough act to follow. Magistrate Judge Stacie Beckerman's inspirational and action-oriented "We Can Do More" (2016) series had convinced me that there were at least ten local nonprofits for which I should be volunteering. Judge Katherine von Ter Stegge's compelling "Made in Oregon: Homegrown Issues and Strategies for Success" (2017) refused to let off the heat built by the previous year, continuing to coax us to action in our own community. Rima Ghandour's "We Are Oregon" (2018) brought an eye-opening, intersectional lens to the work, integrating the stories of disabled, refugee, and minority-status community members into a series that confronted tokenism and challenged participants to show up as fully anti-racist allies. Lastly, Elizabeth Ballard Colgrove's thoughtful 2019 series, "Crime and Punishment in Oregon," took on the massive topic of criminal justice reform in Oregon.

Ultimately, I decided to go in a very different direction from recent past presidents that was nonetheless inspired by them: the 2020 QB CLE series, "Difficult Decisions," was born.

This year, QB is exploring difficult, important, and landmark decisions made by Oregon judges. Each month, a judge is discussing the details and complications of the case or decision solo, with a trusted friend, or on a panel—their choice. Given that 2020 is an election year, we hope that attendees will contemplate difficult decisions that lie ahead, in the context of the judges' discussing how they faced and resolved the most difficult legal decisions of their careers.

Informing and interrupting this theme is the ongoing lack of diversity in our judiciary. On the one hand, it is true that the Oregon Supreme Court is now majority female and that just two short years ago, Governor Kate Brown at last appointed Justice Adrienne Nelson as

the first African American person to sit on our state's highest court and on any Oregon appellate court. On the other hand, the United States District Court for the District of Oregon has seen the appointment of only one Black Article III judge; one Article III judge of Hispanic descent; and one openly gay judge in the 161 years of the court's existence. When U.S. District Court Judge Karin Immergut was confirmed to the bench last fall, hers was the first appointment of a woman to that role in the District of Oregon in two decades and only the fourth in 161 years.

The Difficult Decisions series facilitates a conversation about both the most difficult choices that judges will ever make and a critical, background question: Who gets to make Oregon's most difficult legal decisions? Judge Beth Allen, a long-time QB board member, took a huge laboring oar with me in soliciting speakers for this series—and this was hard work indeed. So many highly accomplished women and judges of color declined to be a part of this series, saying that they did not think they had any difficult decisions to share. During this process, I often wondered



Judge Beth Allen

which of four things was true: (1) that women and people of color (POC) were not receiving an even distribution of high-profile or landmark cases, (2) that women and POC felt they would suffer a greater degree of community backlash for discussing important but controversial cases, (3) that, like so many us, these extraordinary individuals minimized their remarkable accomplishments due to an unknowable blend of imposter syndrome and internalized misogyny, or (4) that perhaps the biggest decisions from a public perspective look different from the

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Molly Jo Mullen

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Queen's Bench Speaker Series 2020

inside—that some judges think that the important decisions they've made were not difficult or noteworthy enough to be the subject of a CLE.

Historically, our lunches are held on the second Tuesday of the month in courtroom 9A of the federal courthouse in downtown Portland, and everyone is welcome. Doors open at 11:45 a.m., and the lunch commences at noon.

In January, we revisited *Geiger v. Kitzhaber* and the legalization of same-sex marriage in Oregon with Judge Michael McShane and the former attorneys for three litigants in the case. In February, we discussed difficult decisions spanning 28 years over three courts with Senior Judge Anna Brown. In March, retired Judge Katherine Tennyson and Judge Beth Allen offered their opinions on the history and state of case law on embryo ownership in Oregon, through the lens of the very public decision in *Cory Neal Sause v. Jordan Schnitzer*.



Senior Judge Anna Brown

All three lunches felt intimate, despite wall-to-wall attendance, and revelatory. The video of each CLE is available on our Facebook page for viewing anytime, if you happen to want to fill quarantine time with free CLEs.

In April, our lunch temporarily moves online to the Zoom platform, where we will be joined by Chief District Judge Marco Hernández and Presiding Judge Stephen Bushong, who will discuss the impact of COVID-19 on the operations of the courts, and their decisions in that process. Attendance is free for all and open to the public, but registration is required to secure attendance instructions.

Here are the other upcoming lunches:

May 12: DEATH WITH DIGNITY. "Life, Liberty and the pursuit of Happiness" as laid out in the United States Declaration of Independence are just three examples of the "unalienable Rights" with which all people are endowed. These rights form

a moral standard that, as a country, we believe is worth striving for. But what happens at the end of life? Do we have a liberty interest in choosing the timing and manner of our death? Judge Stephen Bushong and Barbara Coombs Lee—lawyer, physician assistant, and president emerita of Compassion & Choices—will discuss one of the most difficult decisions of all, death with dignity.

June 9: SILENT NO MORE. Now more than ever, employees find themselves



Magistrate Judge Youlee You

unwilling to quietly endure misconduct that would have been de jure half a generation ago. In the face of cultural flux and a rising tide of claims, Oregon Supreme Court Chief Justice Martha Walters will discuss last year's landmark employment law decision that dramatically expanded Oregon's anti-retaliation law, *McLaughlin v. Wilson*, 365 Or. 535 (2019).

July 14: COURTS IN CRISIS. Every judge faces difficult decisions, but for immigration judges—who are employees of the U.S. Department of Justice rather than lifetime or term appointees (or electeds)—the decision-making process is interrupted and informed by unique complications ranging from high case quotas, waning decisional independence, and DOJ policy directives to the complex vicarious trauma that comes from hearing petitioners' stories of rape, genocide, and religious and political persecution. Retired immigration Judge Andrea Sloan will join us in a critical conversation about the state of the U.S. immigration judiciary.

August 11: DEADLY SPEECH. Against the backdrop of a rash of violence against abortion providers in the early 1990s, the Portland-based American Coalition of Life Activists published a "Deadly Dozen" poster featuring 13 abortion providers and their home addresses, declaring that they were "GUILTY OF CRIMES AGAINST HUMANITY." Was the "Deadly Dozen" poster protected First Amend-

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Chief Justice Martha Walters

ment speech or a "true threat"? Judge Robert Jones, who was then the amicus counsel for the ACLU Foundation of Oregon, U.S.D.C. Judge Michael H. Simon, and Carol J. Bernick, who was then the plaintiff's counsel, will discuss *Planned Parenthood, et al. v. American Coalition of Life Activists*.

September 8: IT'S YOUR TURN. What happens when you feel that your assigned judge won't be able to fairly adjudicate your case? U.S.D.C. Magistrate Judge Youlee You and retired Multnomah County Circuit Court Judge Jean Maurer will discuss what happens when the judge is the topic of the difficult decision.

October 13: JUDGE KELLY SKYE — TBA

November 10: SELF-REPRESENTED PARTIES: A VIEW FROM THE BENCH Multnomah County Circuit Court Judge Patricia McGuire, Oregon Tax Court Judge Robert Manicke, and Magistrate Allison Boomer will discuss the complexities of decision making when pro se litigants appear before the court, as well as the judges' tips for what the lawyers representing the opposition should know and do in every case involving a pro se litigant.

December 8: HOLIDAY LUNCH HONORING WOMEN JUDGES. It's the most wonderful time of the year! Save the date for our beloved holiday lunch honoring Oregon's women judges. We will return to the "TEDx Talk" style we followed in 2016 and 2018 with three courageous speakers from our community who will tie together the threads of this year's theme, Difficult Decisions.

Queen's Bench looks forward to seeing you in the coming months—digitally for now, and in person once it is socially responsible to do so.

Anne Milligan is the 2020 president of Queen's Bench and a deputy city attorney in the Portland City Attorney's Office, serving as the sole employment litigator for the City of Portland.

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Meet Washington County Circuit Court Judge Kathleen Proctor

By Amy Arnett

The Honorable Kathleen J. Proctor became the 15th judge for the Washington County Circuit Court in January 2019, after winning in the May 2018 primary for the newly created position. Knowing that the new position would handle many domestic relations and juvenile cases, she had decided to throw her hat in the ring in early 2018 because she wanted to provide her legal experience in those areas to the court. Indeed, about half of her docket consists of domestic relations cases and some private adoptions, and the other half is devoted primarily to juvenile dependency and delinquency matters.

The fifth of six children and the first one to go to college, Judge Proctor knew from a young age that she wanted a college education. Having worked in a variety of jobs—including as a lifeguard, as a swim instructor, and at a convalescent hospital—she viewed going to college and earning a degree as a pathway to opportunities and independence. With the encouragement of friends, Judge Proctor went to Southern Oregon State College (now Southern Oregon University) in Ashland and graduated with a BA in English. Following college, she worked for SAIF Corporation for ten years as a claims adjuster. After re-evaluating her professional goals, she decided to pursue a long-held desire to go to law school, which she did while caring for two young children.

Shortly after graduating from Willamette University College of Law in 2005, Judge Proctor began practicing appellate law in the area of workers' compensation, but decided she wanted to be more involved in the advocacy process—particularly for those who couldn't advocate for themselves. Interested in the impact of domestic relations matters on children and always drawn to issues regarding families, Judge Proctor began her own practice, primarily in the area of domestic relations. She continued in private practice until October 2018.

Before taking her place on the bench, Judge Proctor was a three-time president of the Washington County Bar Association. She also served on its judicial selection committee, which evaluates and makes recommendations for judicial candidates to the Governor's Office, and she chaired a region of the Oregon State Bar Disciplinary Committee. This latter



Judge Kathleen Proctor

experience emphasized to her the importance of one's reputation and the value of good ethics. In addition, she volunteered by serving on the board of the Domestic Violence Resource Center in Washington County and also represented children pro bono in family law cases. Judge Proctor was also involved in the OWLS Leadership Committee's Rainmakers Program, which she thought was a fantastic way for newer lawyers to learn from more experienced ones.

For newer women lawyers, Judge Proctor recommends finding a mentor "who you feel will be supportive of you and teach you some things." From the perspective of a judge, she stresses the importance of learning to write well and presenting a clear snapshot of the

experience emphasized to her the importance of one's reputation and the value of good ethics. In addition, she volunteered by serving on the board of the Domestic

issues at the outset. She also encourages newer women lawyers to become actively involved in OWLS, to volunteer their time, and to attend events within their legal communities and bar associations to meet and engage with quality lawyers.

Judge Proctor's advice to those interested in becoming a judge: don't be afraid to talk to judges in your county about your interest, including going to lunch with them. She also suggests developing your skills by becoming a pro-tem judge, if you have the opportunity, or an arbitrator. Participating in a CLE panel, she notes, can also help develop public speaking skills and build confidence in an area of law.

In her free time, Judge Proctor likes to garden. She is also quite handy and has sanded floors, torn out her kitchen for a remodel, and painted her house interior and exterior. One of her latest projects is training her new golden retriever puppy, Della (named after fictional lawyer Perry Mason's secretary, Della Street), to be a therapy dog.

Amy Arnett is a partner at the law firm Parsons Farnell and Grein in Portland.

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Thank You, Outgoing OWLS Board Members

By Ericka Langone

The OWLS Board of Directors sincerely thanks its four outgoing board members: OWLS President Allison Boomer, Kathryn Olney, Gloria Trainor, and Judge Katharine von Ter Stegge.

Magistrate Boomer has served on the OWLS board since 2012, and she is now concluding her term as OWLS' president. She has served on the OWLS Awards Committee, Membership Committee, Finance Committee, Nominating Committee, Fall CLE Committee, and 30th Anniversary Committee. She has also been involved with the OWLS Mary Leonard Chapter (formerly the Mary Leonard Law Society) since 2009, including serving as its president. She will continue to serve on the Mary Leonard Chapter board as the OWLS liaison.

Kathryn, one of OWLS' original members, has served on the OWLS board since 2017. After moving to Bend in 2011, she served on the Cascade Women Lawyers board for three years. Kathryn recently organized the "Four Days in Clint" webinar on the detention of children at the southern U.S. border. She regularly contributes to OWLS' social media pages and has served on various OWLS



Hon. Allison Boomer



Kathryn Olney



Gloria Trainor



Hon. Kate von Ter Stegge

Committee, Awards Committee, and Judicial Work Group, a committee on which she will continue to serve.

Ericka Langone, an OWLS board member, is the assistant general counsel at FP Transitions in Lake Oswego.

committees over the years. She will remain on the Awards Committee, assist with CLEs, and co-chair the Judicial Work Group to continue developing the new Road to the Bench handbooks and programming.

An OWLS board member for the past nine years, Gloria is one of our longest-serving board members. She has served on the *AdvanceSheet* Committee, the Roberts & Deiz Award Dinner Committee, and the Nominating Committee, and she is an original member of OWLS IN. Gloria will continue to serve on the *AdvanceSheet* Committee and on OWLS IN. Her law firm has been an OWLS sponsor for many years.

Judge von Ter Stegge has been an OWLS board member since 2018. She is a past president of Queen's Bench, the OWLS chapter in Multnomah County, and she has served on its board for many years. She also served on the OWLS 30th Anniversary Committee, Awards Committee, and Judicial Work Group, a committee on which she will continue to serve.

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OWLS board member Amanda Thorpe holds the Campaign for Equal Justice (CEJ) Equity Cup, which she accepted on behalf of Josephine County at the CEJ luncheon on Feb. 20 in Portland. The cup is awarded to the region with the greatest increase in bar members who donated to the CEJ during the year.

OWLS Presents Video CLE on Detention of Children at U.S.-Mexico Border

By Teresa Statler

On February 24, OWLS presented a lunchtime video CLE featuring Professor Warren Binford of Willamette University College of Law, who detailed the days she spent in June 2019 in Clint, Texas, inspecting the border patrol station where immigrant children were being detained by Border & Customs Protection, part of the U.S. Department of Homeland Security. Professor Binford, who is an internationally recognized expert on children's rights, is also the director of the law school's Clinical Law Program. In June 2019, she was invited by the legal team in the class action *Flores v. Barr*¹ to help conduct a series of site inspections of the government facilities where immigrant children have been detained since 2017. Pursuant to the 1997 "Flores Settlement,"² the U.S. government must ensure "safe and sanitary" conditions for detained minors.

In her CLE presentation, entitled "Four Days in Clint," which was a live, web-based video presentation, Professor Binford began with a short history of

why the United States is now dealing with the mass immigration of families and unaccompanied children at the U.S. southern border. Most of the children and families are from Guatemala, Honduras, and El Salvador. In the case of Guatemala, Professor Binford reminded us that in the early 20th century, Guatemala was considered the United States' "Banana Republic," with the U.S.-based United Fruit Company holding significant financial and political influence in that country. Professor Binford went on to note that the U.S. played "an active role in destabilizing" the Guatemalan government with covert action by the CIA to overthrow the democratically elected president in 1954.

As a result, Guatemala has suffered from more than 60 years of political and financial instability and a weak infrastructure, which has allowed gangs and drug lords to take over. Violence, including rape, kidnapping, and murder, have occurred in recent years. These are the main reasons that people are migrating from Guatemala and the other Central Amer-

ican countries. Although the migration is labeled a border "crisis" by the Trump administration, Professor Binford pointed out that in 2019, the actual number of migrants

presenting at the U.S. southern border to ask for asylum was lower than in 2014.

The 1997 "Flores Settlement" was an agreement by the U.S. government and a class of plaintiffs headed by young Jenny Flores that provided that facilities which hold minor children will be safe and sanitary and will address the unique vulnerability of children. The settlement also called for the children to be expeditiously released to family members or other responsible adults. Children were to be allowed safe water, food, toilets, medical assistance, and the like. They were also to be segregated from unrelated adults. Recently, attorneys have been back in federal court arguing that the Trump administration is in violation of the Flores Agreement. It was against this backdrop that Professor Binford and others were asked to inspect the facilities where children are currently being held.

Professor Binford flew into El Paso in June 2019 for a week's site visit. She and the others found out that children were being sent to the new Clint, Texas, Border Patrol facility, which was designed to hold no more than 90 adult men. They arrived at the facility, and were given a roster of 350 children. Their demand to see the children and where they were being housed was denied. An hour later, however, children were brought into a conference room to speak with Professor Binford and other attorneys. The attorneys spoke with the children themselves. What the attorneys found was a "truly horrific situation," with the children telling them that they had been sleeping on concrete floors, there was a lack of toilets, there were no showers, and children were being kept on a loading dock and in a warehouse with no windows. The team



Prof. Warren Binford



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New in Oregon: The Oregon Legal Workplace Task Force

By Linda Tomassi

In May 2019 a coalition of affinity bar associations, with a grant from the OSB Diversity & Inclusion Department, presented the CLE "Time's Up Oregon: Reckoning with Sexual Harassment in Oregon's Legal Community." This conference, held in Portland, was the first of its kind in Oregon's legal community, offering startling statistics on the under-reporting of sexual harassment and discrimination in the legal workplace, along with a powerful video capturing the stories of just a handful of those who have been subjected to it. The CLE also included training on how to identify and interrupt sexual harassment and discrimination.

Following the overwhelmingly positive feedback on the conference, the planning group reconvened to discuss what else could be done to harness the tremendous response from the community. The result

is the Oregon Legal Workplace Task Force (OLWTF). The group is largely composed of volunteers from Oregon's affinity bar associations, including the Multnomah Bar Association and the OWLS Queen's Bench chapter, with the support of the OSB D&I Department. The group's purpose is to strive to end workplace harassment in the legal profession in an effort to reduce attrition and create safe, equitable, and inclusive workplaces.

Legal professionals need to understand the breadth and depth of the workplace harassment problem, to care about it, and to take steps toward making workplaces safe, equitable, and inclusive. The questions being asked in order to achieve that goal include the following: Do the lawyers being promoted to management positions have both the training and the temperament necessary to be good leaders? Should a management CLE be mandatory? What kind of effective trainings exist for lawyer-managers? Should law firms sign onto a statement of principle

about ending workplace harassment? What are we doing as a profession to help one another, especially younger lawyers who may be unfamiliar with firm culture?

The OLWTF is looking into all of these topics, including the creation of a confidential hotline staffed by experienced volunteer lawyers that legal professionals can call to get guidance navigating workplace issues. We are also researching best practices policies for law firms of various sizes to consider adopting, including a policy for transitioning attorneys and other workplace protections for LGBTQ professionals.

We hope you will join us at our first training to address workplace harassment issues, which will be held on October 23, beginning at noon, in Portland. Please save the date for what should be another impactful CLE. We hope you will help be part of the solution.

Linda Tomassi is the OWLS executive director and the chair of the OLWTF.

Detention of Children

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took photos and went to the media; the resulting publicity created a firestorm of negative press last summer.

When discussing what can be done to stop this tragedy, Professor Binford named several things: litigation (the *Flores* litigation continues); educating the public; engagement with legislators; individual public action, such as local op-ed articles; and donations to nonprofit organizations such as Project Amplify and RAICES. Professor Binford and others started a nonprofit, Amplify the Children (www.project-amplify.org), so that the children's stories, in their own words, can be shared with the world. She also suggested volunteer opportunities for attorneys with organizations such as Al Otro Lado and Team Brownsville (both at the border), and with local organizations that can use pro bono attorneys, such as Immigration Counseling Service and Catholic Charities of Oregon – Immigration Legal Services.

The CLE was approved for 1.0 Access to Justice credits. Thank you, Professor Binford, for this eye-opening presentation.

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

Endnotes

1. *Flores v. Barr*, No. 17-56297 (9th Cir. 2019).
2. *Reno v. Flores*, 507 U.S. 292 (1993).

For more information about OWLS and OWLS chapters, activities, and events, please visit www.oregonwomenlawyers.org.



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Meet OWLS Board Member May Low

By Jenna Plank

May Low joined the OWLS board last year because she wanted to get more involved in the Oregon legal community, and because she wanted to be part of the change that she envisions for OWLS and the legal community at large as we move into the next decade. As a native of Singapore, and the current legal services manager at IRCO (Immigrant and Refugee Community Organization), May represents a growing number of diverse women taking leadership roles in our legal community.

Having grown up in Singapore, May came to the United States at age 19 to attend college at Boston University, where she majored in film and television. While in Boston, May developed a deep love for the Red Sox, cannoli, and the myriad cultural identities she saw there.

May knew that she wanted to stay in the United States, and her plans to eventually attend law school were accelerated in the wake of 9/11. She enrolled at the New England School of Law, located in the heart of her beloved Boston. It was in law school that May realized that the law could be a vehicle for getting involved and effecting social change.

Unfortunately, upon graduation, May wasn't initially able to do a lot of what



May Low

she really wanted to do because of her visa status. She was relegated to working for for-profit employers able to afford a visa sponsorship. For a time, she

jumped from firm to firm, knowing all along that corporate litigation was not what she wanted to do.

Eventually May moved to Portland, and was able to secure permanent status in the United States. She took a job in the federal tax department of a large accounting firm, but after a few years began yearning for work that was more meaningful to her. May volunteered with the City of Portland, working on the city's sanctuary task force. Through that opportunity, she found her way to IRCO. May describes herself as so "very lucky" to have gotten into her current position, where she is once again able to connect to communities around her and work on issues ranging from human traf-

ficking to immigration to Social Security disability work.

May is married with a young child, and serves on the Oregon Legal Workplace Task Force, OWLS IN, and the Oregon State Bar's Advisory Committee on Diversity and Inclusion (ACDI). More than anything, May hopes that her service on the OWLS board will further connect OWLS and the legal community to our surrounding communities. May explains that in Boston, where so many people have different cultural identities and ties to lands outside the United States, she always felt "included" in her surroundings. It's not quite the same here in Portland, but she and others are actively working to undo the institutional racism around us.

May's outlook on the future of OWLS and the legal system is optimistic and hopeful. Her message to young women lawyers is this: Try to really see one another. Social change is hard, but we're all in this together, and we all have a voice—just don't forget to use it.

Jenna Plank is a senior deputy district attorney at the Multnomah County District Attorney's Office.

OWLS members participated in Womxn's marches on March 1.

At right: Melissa Parker and Jennifer Brown, members of the OWLS Mary Leonard Chapter, at the march in Salem. Below: OWLS members at the march in Portland.



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Beneath a Ruthless Sun: A True Story of Violence, Race, and Justice Lost and Found

By Gilbert King
(Riverhead Books, 2018, 432 pages)

Book Review by Bridget Budbill

In December 1957, a ruinous freeze unexpectedly hit Lake County, Florida, destroying its orange groves and arresting the futures of citrus farmers and farm workers far and wide. This calamitous event opens Gilbert King's telling of the true story of Jesse Daniels and serves as an apt metaphor for the devastation of the man's life by the cruelty of corrupt law enforcement and county officials with limitless power to destroy the vulnerable.

Blanche Knowles, a white woman from a prominent Lake County family, was raped in her home the week before Christmas in 1957. Knowles's account of her assault to law enforcement described her rapist as Black. Enter the infamous Lake County sheriff, Willis McCall, the top law enforcement officer in the county for nearly 30 years.

McCall was also the sheriff in the notorious "Groveland Four" case, during which McCall shot two Black defendants in the back while they were handcuffed together, killing one, in perhaps the most well-known event in a long list of notoriously brutal abuses. He was suspected by the NAACP and the FBI of organizing the bombing of the home of Harry T. Moore, executive director of the Florida NAACP. Moore and his wife were killed by the bomb attack. McCall was tried and acquitted by an all-white jury for the killing of Tommy J. Vickers, a Black defendant with a history of mental illness, who was held in McCall's custody. McCall repeatedly kicked Vickers in the stomach as discipline for Vickers's "unruly" behavior in his cell. Following the beating, Vickers remained in an isolation cell—with no running water or toilet—

for seven days, vomiting up black foam, before he ultimately died.

Despite Knowles's description of her rapist as Black, McCall, without explanation, focused his attention on Jesse Daniels, a poor 19-year-old white man whose intellectual disability left him "uneducable" and who still slept with a stuffed bear in his parents' home. One theory King presents is that it may have been, in Jim Crow-era Florida, more socially palatable for Knowles's rapist to be a white man than a Black man.

On December 22, 1957, deputies asked Daniels if he'd come down to their office to help answer some questions regarding a rape case, with the promise that he'd see his parents again that evening. Daniels, known for being sweet and helpful, willingly obliged. When Daniels was a child, he was given an "imbecile" classification after taking the Intelligence Quotient (IQ) test, as he had scored in the 25–55 IQ range. Deputies obtained a confession from Daniels on December 28 without allowing him to speak with his parents or an attorney. Though innocent and despite never having been brought to trial for the rape of Knowles, Daniels

would not return home for more than 14 years.

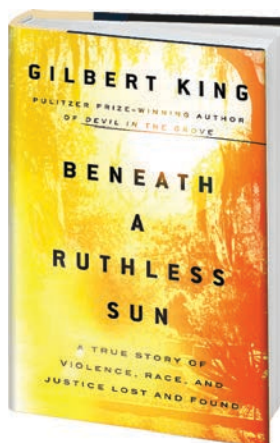
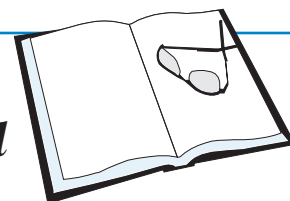
Daniels spent those 14 years locked up at the Florida State Hospital, deemed criminally insane, waiting to be brought to trial for a crime he did not commit. King's account braids the myriad channels through which none of the justice system actors in Lake County had any intention of bringing Daniels to trial. They were instead intent on exercising every ounce of influence they had to keep him in stasis, captive in an institution known for pioneering the frontal lobe lobotomy using a tool similar to an ice pick.

That Daniels was ever released at all was largely due to the fearless, dogged devotion to his story by a reporter named Mabel Norris Reese. Norris Reese endured professional isolation and personal danger for her relentless pursuit of justice for Daniels, including visits from McCall's friends in the Ku Klux Klan, cross burnings in her front yard, and the poisoning of her dog. She never quit. Norris Reese died in 1995. She was inducted into the Lake County Women's Hall of Fame in 2018, following the publishing of this book. Daniels also died in 2018.

Beneath a Ruthless Sun serves as a stark reminder of the evils of unchecked power, the failures of a justice system more concerned with control than justice, and the insidious nature of marginalization. The twists and turns in King's account of the Daniels case are as compelling a read as any pulp fiction novel and worlds more devastating.

Bridget Budbill is a pretrial program analyst at the Oregon Criminal Justice Commission.

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Among those enjoying the Oregon Hispanic Bar Association (OHBA) dinner on February 21 in Portland were Silvia Tanner, who is an OWLS board member and an OHBA board member, and OWLS member Felipe Alonso.



Addressing Distress

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The newest part of our brain (the cortex) gathers the information received from our nervous system, limbic system, and brainstem to make sense of it all. We may experience this process as persistent worry, anticipation of possible outcomes for the alarming situation, and endless searching of ways to dispel the threat. Fear is often the emotion at the core of our anxiety. We are most likely to find ourselves being irritable, angry, or upset; controlling; experiencing shame, self-doubt, or failure; and/or withdrawing/escaping from our present reality when we are fearful and anxious.

When we are distressed as described above, our natural desire to be soothed or to immediately find safety and comfort is activated. When safety and comfort are not available to us, our fight-or-flight symptoms stay on. Neuroscience informs us, however, that our brain and body need reprieve from the fight-or-flight mode to maintain our health and positive well-being. There are multiple ways we can actively soothe our anxious mind and nervous system during this time of uncertainty. Here is a short list of ways we can do so:

1. Maintain our social relationships using digital or analog connections. Research informs us that the most effective way to feel comforted and grounded is to stay connected with people who are important to us and with whom we feel safe. It is incredibly helpful to find ways to stay virtually connected with our family, friends, colleagues, and other members of our support system. Social distancing has made this difficult for us but not impossible. We could use a wide variety of video communication applications or messaging platforms for this purpose (e.g., Google Hangout, WhatsApp, Skype, Facebook Messenger, or Twitch). If access to the internet or these applications is not available, we can use three-way phone calls or conference calls to connect with each other. Consider creating a community of support online of your own. Let us also remember to offer our support and show solidarity to members of our community such as our Asian and Pacific Islander kindred who are experiencing racism, discrimination, or xenophobia during the pandemic.

2. Increase or cultivate our self-soothing practices and help others do the same. Self-soothing practices could include using mindfulness, deep belly breathing, self-compassion, moving our

body, exercise, tactile objects of comfort, or music. These tools allow us to self-regulate and feel grounded in the moment so we can remain present, engaged with each other as needed, and less likely to turn toward unhealthy ways of coping, such as substance use. Share freely with each other information about these practices.

3. Target threat-based thinking and adopt strength-based thinking. Literature on anxiety, positive psychology, and compassion explains that our feelings of distress and associated negative thoughts target our amygdala (where fear is processed), leading to an activated sympathetic nervous system (fight or flight). Finding a method that helps us interrupt our negative thinking patterns and reframe our experience can alleviate anxious feelings. This could be separating ourselves from our thoughts so we can see them as thoughts instead of facts (e.g., instead of thinking "I will be sick," consider "I'm having the thought of being sick"); using visualization techniques (bringing to mind in the present moment a safe or calming image); or practicing gratitude daily (e.g., being thankful for resources that allow you to connect virtually).



OAAP Attorney Counselor Karen A. Neri

4. Intentionally focus on aspects you can control. Shift your attention away from those external forces beyond your control and focus on areas in which you are able to take action. Our world and communities will continue to adjust to the pandemic, which will include a level of disruption to our personal and professional lives. A huge area we can focus and act on is self-care (taking the time to care for our own needs) and community-care (taking care of others or allowing others

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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**.

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Addressing Distress

to care for us). This includes following, and reminding others to follow, the public health experts' recommendations for protecting our health. See the [Centers for Disease Control and Prevention \(CDC\) website](#).

5. Seek help from others, including professionals, when you are struggling. Reach out to people who will hold space for you, welcome your concerns or mixture of emotions, and affirm your experiences. This includes support groups, counselors, therapists, and the Oregon Attorney Assistance Program (OAAP). Support groups can be found online, and many providers now offer telehealth. The OAAP is available 24 hours, 7 days a week, for short-term counseling, support groups, or to provide resources or referrals as needed. Our office remains open and is accessible remotely.

Additionally, here is a list of resources to use and share freely with others:

- [Coronavirus Anxiety](#)—Helpful Expert Tips and Resources, from the Anxiety and Depression Association of America
- [Managing Anxiety & Stress](#), from the CDC
- [Coronavirus Sanity Guide](#), from Ten Percent Happier
- [Disastershock](#): How to Cope with the Emotional Stress of a Major Disaster (includes ways to help your child cope), by the Center for Child and Family Development, University of San Francisco
- [COVID-19 \(Coronavirus\) Information and Resources](#) (includes a list of online communities/support), by the National Alliance on Mental Illness (NAMI)
- [Daily virtual mindfulness session](#) with Jeena Cho

For families with children or students

- [Coping in Times of Uncertainty](#), from Metropolitan Pediatrics
- Free Educational Sites:
 - [Scholastic Learn at Home](#): Free Resources for School Closures
 - [PatrickCarman.com](#) (live broadcasts and free audiobooks)
- [Virtual Tours](#) of Famous Museums, collected by *The Washington Post*
- [Tips for successful online learning](#), from the University of Virginia



Online Recovery Groups

- AA Online Meeting Directory: <http://aa-intergroup.org/directory.php>
- Al-Anon Online: http://12stepforums.net/alanon_family_group_online_meeting.html
- IDAA: <https://www.idaa.org/>
- In The Rooms, an online addiction recovery community, AA, NA, Dual Diagnosis, SAA (sex addiction), CPA (chronic pain): www.intherooms.com
- NA Online: http://12stepforums.net/narcotics_anonymous_online_meeting.html
- Recovery Dharma: Healing from Addiction with Buddhist Practice, daily meetings via computer, smartphone, or dial-in: <http://recoverydharma.online/>

Crisis Lines

- 24/7 Crisis Hotline: National Suicide Prevention Lifeline Network: 1-800-273-TALK (8255) (Veterans, press 1.)
- Crisis Text Line: Text TALK to 741-741 to text with a trained crisis counselor from the Crisis Text Line for free, 24/7.
- OAAP After-Hours Line: 503.226.1057
- SAMHSA Treatment Referral Hotline (substance abuse): 1-800-662-HELP (4357)
- RAINN National Sexual Assault Hotline: 1-800-656-HOPE (4673)

If you are concerned about your, or someone else's, mental health or substance use, call the Oregon Attorney Assistance Program. Whether you need immediate help or general information, call us at 503.226.1057 and ask to speak with an attorney counselor. Our services are free and confidential. You can find more information at www.oaap.org. We are here for you.

Karen A. Neri is an attorney counselor at the OAAP.

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The Arbitrator in You

How do I sign-up/apply to be an arbitrator?

Each county's circuit court establishes an arbitration commission that is responsible for supervising the arbitration program. The commission must have judicial and attorney members and include as an ex officio member the trial court administrator. Several counties require an application and a mandatory CLE training for arbitrators. Usually the local bar associations coordinate with the arbitration commission for the training. For example, Washington County held a training on February 6 at the Washington County Courthouse. The Washington County Arbitration Commission intends to make the training available for check-out and replay at the Washington County Law Library.

Multnomah County holds trainings, usually in the summer, in conjunction with the Multnomah Bar Association and has the materials available for download via its website. The latest session available by video was held in 2017. Clackamas County holds a two-hour training from time to time and an annual one-hour court-procedure session at the Clackamas County Bar Association. A video and an audio recording of the training are available at the Clackamas County Law Library.

Marion County has three arbitration panels: personal injury, domestic relations, and commercial/real property. Marion County also requires that an arbitrator applicant have participated in at least ten trials or arbitrations, either as a lawyer or an arbitrator, in the practice area the applicant wishes to arbitrate and three letters of recommendation.

How many women serve on arbitration panels?

To determine how many women serve as arbitrators in four of Oregon's most populated counties, the OWLS Leadership Committee conducted a cursory review of the arbitration panel lists provided by the counties and interviewed the county arbitration clerks.

The Multnomah County arbitration clerk reported that 23% of the county's 180 arbitrators are women, which represents an increase from previous years. In the last year, only five women have been added to the list, but several female arbitrators have been removed from the pool because they have been appointed to the bench or have retired.

Washington County has 117 arbitrators for all types of cases, a number that includes only 19 women, representing 16% of the total.

Clackamas County has 41 arbitrators available for all case types. Only seven (17%) are women.

Marion County lists 27 arbitrators for personal injury/negligence cases, with only one woman available, representing 3%. The domestic relations arbitrator panel has five arbitrators, none of whom are women. The commercial/real property panel has 20 arbitrators listed, including only two women (10%).

There is no experience quite like serving as a decision-maker weighing and evaluating evidence presented by competing interests. The insights it provides on how to present a case as an advocate are invaluable. To be able to gain these insights and serve your community

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is a fantastic opportunity that a wider range of the bar should take. And the community would benefit greatly from a more diverse pool of arbitrators who come from a variety of backgrounds and life experiences, leading to better reasoned and more legitimate decision-making.



Judge David Rees

Judge David Rees
Multnomah County Circuit Court

What is court-annexed arbitration?

To help alleviate the demand for limited judicial resources, the parties in certain cases are required to participate in court-annexed arbitration. Specifically, civil cases in which the amount in controversy is under \$50,000, and domestic relations cases in which the parties are arguing about something other than custody, are automatically ordered "off" the court docket and transferred into court-annexed arbitration. This process is governed by ORS 36.400 through 36.425 and UTCR Chapter 13.

In some counties, the parties receive a list of randomly selected arbitrators from which to choose; in others, the parties select from a list of all the arbitrators on the panel. The parties may select an arbitrator independently, use the list to narrow the selection of an arbitrator for the clerk or judge to choose, or wait until the clerk or arbitration judge makes the selection for them.

Once the case is assigned an arbitrator, all motions and evidentiary rulings are decided by the arbitrator. The arbitrator issues prehearing orders, holds a hearing, and issues an award. The arbitrator is both the judge and the jury. The resulting award may be reduced to judgment or appealed to the circuit court.

Arbitration provides access to justice for many people who otherwise could not afford to resolve their case through the justice system. To keep this path open, we know that we need a robust and diverse group of arbitrators. Just as we know that having a diverse bench

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For more information about OWLS and OWLS chapters, activities, and events, please visit www.oregonwomenlawyers.org.

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The Arbitrator in You

is important to maintaining the confidence of the community in our courts, the same is true for our pool of arbitrators.

Judge Nan Waller
Multnomah County Circuit Court

How are arbitrators compensated?

Serving as an arbitrator is not a volunteer job. The arbitration commissions set the hourly rates for arbitrators and often set a maximum per case. For example, Clackamas County allows arbitrators to bill \$175 per hour up to \$1,400 per case. Washington County's fee schedule allows for billing \$175 per hour with a cap of \$2,100. Multnomah County allows arbitrators to be compensated \$600 for the first four hours, and \$150 per hour for an additional four hours. Marion County permits arbitrators to bill \$125 per hour.

While these compensation rates are lower than the rates charged by some attorneys in private practice, they do provide some compensation while you serve your community.

Several of Oregon's recently appointed judges served as arbitrators before being appointed to the bench. Arbitrators handle an increasing number of controversies filed in court. Arbitrators can decide whether a collection agency has a valid contract it can enforce, whether an injured person has sustained damages because of a collision and how much, and whether a divorcing couple's property should go to the petitioner or the respondent, or should be split up. Arbitrators also decide motions for summary judgment and consider petitions for attorney fees. The experience is invaluable.

Why should more OWLS members serve on arbitration panels?

Our courts' efforts to earn Oregonians' confidence is undermined when our decision-makers do not reflect our population. Oregon led the country in female representation in our state judiciary. But many cases are decided by arbitrators, not judges, and the percentage of female arbitrators in our courts is negligible. Arbitrators have as much authority as judges and are often the only decision-makers parties ever meet. But as long as the arbitrators that parties see do not reflect our state's diversity, a sense of true justice will remain elusive for those whose cases end at arbitration. Clackamas County encourages qualified attorneys of all genders and backgrounds to apply to become arbitrators with our court!

Judge Susie Norby
Clackamas County Circuit Court

OWLS has focused for many years on increasing the presence of women and other attorneys from outside the dominant culture in our judicial branch. Through our concerted efforts, the judiciary is becoming more and more reflective of the diverse communities we serve. Judges are crucial to our judicial system, yet it is also important to recognize the critical role that arbitrators serve in providing access to justice.

Many cases that are eligible for arbitration are filed by self-represented litigants. They turn to the courts to help

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resolve their conflicts and problems. When participants in the justice system feel like they are understood and their stories are being heard, they are more satisfied with the result, even if it is not favorable. Part of that feeling of being heard and understood is seeing an arbitrator who looks like them, a woman, for example, or a person of color. The current composition of the arbitration panels does not adequately reflect the composition of the Oregon State Bar or of the communities we serve. To ensure that parties have potential arbitrators that reflect their own community, more potential arbitrators must apply. We need **you** to apply.

The OWLS Leadership Committee is committed to assisting OWLS members who want to become arbitrators in the court-annexed arbitration program. Please contact Lee Ann Donaldson, at leeann@nicholslaw.group, with questions or if you need assistance.

Lee Ann Donaldson is an attorney at the Nichols Law Group in Portland. She is a member of the OWLS Leadership Committee.

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