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Pronouns and Privilege

By the Honorable Mustafa Kasubhai (he/him)

"[I]t is not difference which immobilizes us, but silence. And there are so many silences to be broken."
—Audre Lorde

Covid-19 forced most court hearings to go remote. Midway through the shutdown, I had the chance to empanel a grand jury after the previous one termed out. Excited about finally finding ways to bring people back safely into the courthouse, we summoned 70 potential grand jurors and placed them in three courtrooms to conduct voir dire. I was in my element. Engaging with the public, asking questions about their ability to serve as a grand juror, answering questions about service and the 18-month obligation. Speaking with potential jurors is a prime opportunity to share the importance of jury service to our judiciary and our democracy. As I asked questions and moved on to the next juror, I expressed my appreciation for their attendance and politely said, as I had for the last 13 years of judicial service, "Thank you, sir" or "Thank you, ma'am." My last "Thank you, sir" was met with "and I'm not a sir."

The time-honored expression of respect in gendered terms utterly failed. I had screwed up, even after having months before broadly incorporated practices in my chambers encouraging parties and counsel to identify their pronouns and

to find ways to speak in gender-neutral terms, precisely to prevent incidents like that. The incident demonstrates at least a double harm to the LGBTQ+ community. The first is the decision someone might make not to speak out and to remain silent, which contributes to invisibility and diminishment. Second, if someone decides to speak out, they are doing so without knowing what costly consequence they might bear. Both harms keep our courts from being accessible. Moreover, my intention to foster a more accessible space was insufficient to overcome the momentum of my practiced conventions.

I wrote this essay from my perspective as a cisgender male and as a judge in the District of



Judge Mustafa Kasubhai

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Immigrant Students Leading the Way

By Karla E. Márquez

On May 12, UndocuLaw North West (ULNW) hosted its first webinar for non-citizen prospective law students and pre-law counselors. The first session of the webinar was open to all participants, and the second provided an intimate setting for undocumented and non-citizen students to discuss the challenges of pursuing a legal education as non-citizens.

"I first applied to law school in 2013 as a DACAmented student and was admitted to several schools. There were many great law school resources for people of color, but not for students like me. I felt lost and rescinded my applications," said ULNW co-founder Diego Gutierrez, a 2021

graduate of Lewis & Clark Law School. Diego became a lawful permanent resident before re-applying to law school and naturalized during his 1L year, but he did not want other students to defer their dreams and experience isolation through the application process. With support from Mimi Huang, assistant dean of admissions at Lewis & Clark Law School, Diego gathered a team of students to plan for the first ULNW webinar.

During the first session of the webinar, ULNW co-founder and DACA recipient Jose Garcia-Puente discussed how factors such as money-saving strategies, the state and campus

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Executive Director
Linda Tomassi
linda@oregonwomenlawyers.org

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President's Message

I am thrilled to be writing my first President's Message to the members of an organization that has meant so much to me personally and professionally. My involvement with OWLS began while I was in law school. In 2009, I was awarded the Armonica Law Student Grant by our sister organization, the OWLS Foundation. Through that scholarship, I was paired with the Honorable Darleen Ortega, who invited me to my first Roberts & Deiz Award Ceremony. From there my involvement with OWLS continued to evolve and grow.

I want to take this opportunity to thank my predecessor, Maya Crawford Peacock. A forever graceful and humble badass human and lawyer, Maya will never promote herself, but she had to undergo something that few of us will experience. Maya ran two nonprofits during the pandemic, the Campaign for Equal Justice and OWLS. Her tenure as OWLS president was, undoubtedly, not what she expected. But with Maya's guidance, OWLS transformed itself quickly to adapt to new-world dynamics resulting from the pandemic.

We are still in a pandemic, but we are seeing Oregon slowly open its doors and slowly crawl out of hibernation. Given the ongoing unknowns, however, and who knows what other natural disasters may arise, I have no idea what to expect during my presidency. I have been looking forward to serving as the OWLS president for seven years, and I intend to make the most of it. It helps to know that I am not alone. The OWLS Board of Directors and our wonderful executive director, Linda Tomassi, work in solidarity with me.

There were many eye-opening moments for me last year, but the most reassuring was the level at which the OWLS board members stood up for one another and supported each other. This is why I serve on this board and this organization. OWLS has been a key contributor in my leadership and professional development. As president, I will continue to promote that level of development for others on the board.

Looking prospectively, I have many things to highlight for this upcoming year. I am proud to announce that for

the first time in OWLS' history, we are a majority minority board. In other words, the majority of our board members are women who identify as belonging to a group outside of the dominant white cisgender culture. Achieving this took intentional, deliberate self-reflection, and the acknowledgment that our past practices may have fallen in line with systemic marginalization of individuals within our community who identify as being outside the dominant culture. We all know that OWLS is often referred to as the Oregon White Women Lawyers. That is still a reality, and OWLS needs to continue working on equity issues. With a strong board of directors working beside me, I hope we are able to continue this introspective examination of who we are as an organization right now and what we want to be.

Our wonderful OWLS committees continue to do important work. The OWLS Working Parents Committee is furthering the equity work that the OWLS Board of Directors is striving to engage in by producing a CLE series titled "Parenting Through a Racial Justice Lens." The series is taking place on June 15, June 29, and July 20 from noon to 1:15 pm. Understanding what it means to be a child of color growing up in a society and within a system that was not made for people of color means understanding why our perspective is different than that of the white majority.

Our OWLS Fall CLE is scheduled to take place on October 22, virtually. While details are forthcoming, the topic that I have chosen to focus on is reparations. We have invited Professor Brenne Pernell, an adjunct professor at NYU Law and New York Law School, to give the keynote speech. Professor Pernell has done a lot of work on identifying how the 13th Amendment to the U.S. Constitution



Jacqueline Alarcón

Continued on page 3

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

MBA Awards to OWLS Members

Congratulations to OWLS board member Rima Ghandour, who received the Multnomah Bar Association's Professionalism Award at its annual meeting in May. Congratulations also to Margaret Davis, Meredith McMurray, and Veronica R. Rodriguez, who each received the MBA's Young Lawyers Section Award of Merit.

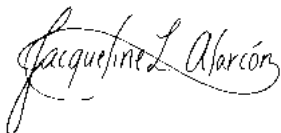
President's Message

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makes the constitutional case for reparations. Additionally, we have confirmed Justice Adrienne Nelson as our moderator, as well as Representative Janelle Bynum, Senator Lew Fredrick, and Portland civil rights activist Cameron Whitten, founder and CEO of Brown Hope. I am approaching this CLE topic with scrutiny and sensitivity, especially because I am not Black and this is an intersection of diversity that I am learning about as well. We all need to understand that diversity has many layers, and we should never assume that we know it all.

Finally, as we continue coming out of hibernation socially, please do so with care and mindfulness that there may be some among us who are not yet comfortable. Treat everyone with kindness and respect, and remember to check in with one another, especially those new attorneys whom your various places of work have hired. The 2020 and 2021 attorneys are starting to practice without having the same level of interaction and networking opportunities that the attorneys who came before had, and this can be difficult. When I was a newer attorney, the network I formed was my support system. Who is the support system for the new attorneys when it is more difficult to meet attorneys in this COVID-19 reality?

I look forward to serving as your president and welcome any opportunity to have a conversation about OWLS and what it means to me.



Jacqueline L. Alarcón
President, Oregon Women Lawyers

OWLS Welcomes New Officers and Directors

OWLS

is pleased to announce our new officers and directors for 2021–2022. Jacqueline Alarcón was elected president, having

served previously as president-elect, secretary, and historian. Jackie is a shareholder with Yates Family Law in Portland and serves as a volunteer pro-tem judge in Washington and Multnomah Counties.

Kristin Sterling was elected president-elect, having served previously two terms as treasurer. Kristin is the senior director of legal at Sentia Wellness in Portland and a longtime paddler with the OWLS' dragon boat team, the Dragonflies. Keshmira McVey was elected secretary, having served previously as historian. Keshmira is the emerging



Kristin Sterling

technologies program manager at the Bonneville Power Administration and a realtor with John L. Scott.

Adele Ridenour was elected treasurer,

having served previously as secretary and historian. Adele is a partner at Ball Janik in Portland and serves as a volunteer pro-tem judge in Washington County. Joining the OWLS Executive Committee as historian is Silvia Tanner, who is the senior sustainability analyst at the Multnomah County Office of Sustainability.

OWLS is also pleased to announce our newly elected board members, Rima Ghandour (Portland) and Amy Heverly (Bend). At its May 1 meeting, the OWLS board appointed Emily Brown-Sitnick (Portland) to fill a vacant seat.



Keshmira McVey



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Upcoming Events

Queen's Bench Monthly Presentation

Tuesday, July 13, noon–1 p.m.
via Zoom and Facebook Live
No cost. Register [online](#).

OWLS Leadership Committee: Planning for the Unexpected

Wednesday, July 21, noon–1 p.m.
via Zoom
No cost. [Click here](#) for more info.

American Bar Association Commis- sion on Women in the Profession 2021 Margaret Brent Women Lawyers of Achievement Award Honorees

Honoree: Oregon Attorney General
Ellen Rosenblum
Thursday, August 5

Queen's Bench Monthly Presentation

Tuesday, August 10, noon–1 p.m.
via Zoom and Facebook Live
No cost. Register [online](#).

Queen's Bench Monthly Presentation

Tuesday, September 14, noon–1 p.m.
via Zoom and Facebook Live
No cost. [Click here](#) for more info.

Affinity Bar Series for New Lawyers and Law Students

Begins Wednesday, September 29
Topic: Negotiating your work at work
[Click here](#) for more information.

Queen's Bench Monthly Presentation

Tuesday, October 12, noon–1 p.m.
via Zoom and Facebook Live
No cost. [Click here](#) for more info.

OWLS Fall CLE (virtual) Reparations: The Constitution and Oregon Law

Friday, October 22, 1–5 p.m.
Featuring Prof. Brence Pernell,
Rep. Janelle Bynum, Sen. Lew Frederick,
Justice Adrienne Nelson. Details at right.

Convocation on Equality

Friday, November 5

OWLS Civil Rights Trip to Mississippi & Memphis

Led by Ron Silver and Elise Gautier
April 26–May 3, 2022
Visit historic sites from the civil rights
movement of the 1950s and 1960s. De-
tails on page 12; only 9 seats available.

OWLS Fall CLE on Reparations

OWLS is excited to present our vir-
tual Fall CLE on Friday afternoon,
October 22. It is titled "Repara-
tions: The Constitution and Oregon Law."

Please save
the date for
this impor-
tant discus-
sion, fea-
turing a
keynote ad-
dress by Bren-
ce Pernell,
adjunct profes-
sor of law at the
NYU School
of Law and at
New York Law
School. Profes-
sor Pernell's [scholarly interests](#) intersect
race, education, and the law. He will dis-
cuss the constitutional grounds for using
the 13th Amendment for reparations. His
keynote will be followed by a Q&A session
moderated by Justice Adrienne Nelson.



Professor Brence Pernell

Following Professor Pernell, we will be
joined by Oregon Representative Janelle
Bynum, who represents District 51, and
Oregon Senator Lew Frederick, who rep-
resents District 22. The CLE will conclude
with a panel discussion including activist
Cameron Whitten, also moderated by
Justice Nelson.

If you would like to co-sponsor this CLE,
please contact OWLS Executive Director
[Linda Tomassi](#).



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OWLS Foundation Adopts New Mission Statement

By Kamron Graham

The mission of the Oregon Women Lawyers Foundation is to advance and enhance equity, inclusion and belonging in the Oregon legal profession and to promote access to justice for underserved people.

We have a new mission statement! And it was long overdue. We have evolved as an organization, and our mission statement needed to evolve with us. This new statement reflects what we want to accomplish now. Our previous statement used antiquated language and outdated terminology.

Our board spent considerable time reflecting on what we want to achieve and how we can best communicate that within the structure of a mission statement. We are proud to belong to an organization focused on this mission—and we hope that you are also proud of this result.

On a practical level, this exercise has prompted us to reexamine the grant application process, the questions we ask of applicants, and the way we rate applications. We are attempting to put into practice the values of our new mission—to ensure that we are equitable, inclusive, and respectful in every aspect of our work.

I want to lift up the members of the Mission Statement Committee (in addition to myself). I hope you will take the opportunity to thank them for their considered work—Janice Wilson, Traci Ray, Tammi Caress, and Christine Meadows.

And let's celebrate the incredible work of the OWLS Foundation—\$300,000 in grants since our founding 25 years ago.

I am honored and excited to be OWLS Foundation president. I have the privilege of working with a fantastic board of directors—every member is creative and committed to our mission. I am filled with gratitude to see what has been accomplished by the lawyers and future lawyers who have received OWLS Foundation grants.

I look forward to what we will accomplish together in the future. If you have ideas to share or want more information about involvement, please be in touch.

Kamron Graham, deputy public guardian and conservator for Multnomah County, is the president of the OWLS Foundation.



New Officers at OWLS Foundation

The Oregon Women Lawyers Foundation is pleased to announce officers for its 2021-2022 board year as follows: Kamron Graham is president; Julia Markley is president-elect; Katerina Kogan is treasurer; and Trudy Allen is secretary/historian. New to the board this year are Rima Ghandour and Deena Sajitharan. To learn more, [click here](#).

Nominations for Roberts & Deiz Award Due Oct. 15

Oregon Women Lawyers is accepting nominations for the 2022 Roberts & Deiz Award. Nominations are due EOB, Friday, October 15, 2021. [Click here](#) for the nomination form.

Nominees have graduated from an accredited law school and reside or do business in Oregon. Award recipients are selected based upon outstanding personal and professional contributions promoting those from outside the dominant culture in the legal profession or the community.

Examples of the kinds of work OWLS hopes to recognize through this award include mentoring and providing opportunities for lawyers from outside the dominant culture to thrive, working to bridge the gap between the legal profession and those who exist outside the dominant culture, and working behind the scenes as an unsung leader to mentor and highlight the struggles of those outside the dominant culture, whether in the legal profession or the community at large.

Thank You
for Supporting
the
**OREGON
WOMEN
LAWYERS
FOUNDATION**

The mission of the Oregon Women Lawyers Foundation, the 501(c)(3) sister organization of OWLS, is to advance and enhance equity, inclusion and belonging in the Oregon legal profession and to promote access to justice for underserved people.

www.owlsfoundation.org



Attorney General Rosenblum to Receive ABA Award

By the Honorable Allison Boomer

OWLS is thrilled to share that the American Bar Association has selected Oregon Attorney General Ellen Rosenblum as one of its 2021 recipients of the Margaret Brent Award. The award—named for the first women lawyer in America—recognizes an outstanding woman lawyer who has achieved professional excellence and paved the way for other women in the legal profession.¹ Rosenblum was selected from a national pool of distinguished lawyers and judges, becoming only the third woman from Oregon to receive the honor. Justice Betty Roberts received the award in 2006, and Justice Lynn Nakamoto received the award in 2017.²

Attorney General Rosenblum's accomplishments and accolades could fill a book, but I will try to be concise. Rosenblum graduated from the University of Oregon School of Law in 1975 and started her legal career at a small general practice in Eugene, eventually becoming its first female partner. She then served as an assistant U.S. attorney for eight years, a Multnomah County District and then Circuit Court judge for 16 years, and an Oregon Court of Appeals judge for six years. Following a brief retirement from the bench, Rosenblum successfully ran for attorney general in 2012, becoming the first woman in Oregon to hold the position. She has since been re-elected twice and is currently serving her third term.

In selecting Rosenblum to receive the Margaret Brent Award, the ABA recognized that she is a visionary trailblazer who not only sees how the world can be better but puts in the work to make her vision reality. Rosenblum was a founding member of Lane County Women Lawyers in 1978 and a founding member of OWLS



Left to right: Hon. Ellen Rosenblum, Katherine O'Neil, Hon. Betty Roberts in 1999; Hon. Allison Boomer, Attorney General Ellen Rosenblum in 2019



in 1988. At its first annual spring conference in 1989, OWLS approved a resolution on "combining family and career" drafted by then-Judge Rosenblum.³ This led to the creation of the Oregon State Bar's Committee on Combining Family and Career, a first in Oregon. Naturally, Rosenblum served on the committee.

She founded several other organizations and initiatives, including the Girl Scouts Beyond Bars program for Oregon girls and their incarcerated mothers, the ABA Minority Judicial Clerkship Program, and the Democratic Attorneys General Association's Women's Initiative. In 2009, Rosenblum chaired the ABA President's Commission on Diversity, which resulted in the publication of "Next Steps for Diversity in the Legal Profession."

As she has achieved the highest levels of success within her own career, Attorney General Rosenblum has used her platform to open doors for those at the margins, generously sharing advice and encouragement with countless students, clerks, and new attorneys. Rosenblum initiated and chaired "Women in Court" CLEs in the late 1970s and early 1980s, which were taught by and for the first

group of women litigators in Oregon. During her tenure on the bench, she created a monthly brown-bag luncheon in her courtroom for women lawyers and judges, wrote "The Judges Forum" column in the OWLS *AdvanceSheet*, and spoke at OWLS Road to the Bench events. Rosenblum has worked to create a pipeline of women running for office, recruiting qualified candidates and sharing her expertise.⁴ When many new lawyers were struggling to find work in 2009, Rosenblum created a collaboration between the ABA's Judicial Division and the National Association of Law Placement to help new lawyers find temporary judicial internships. As a working mother (and now grandmother!) Rosenblum has supported numerous lawyers seeking to balance work and caregiving responsibilities, sharing resources and practical advice.

We hope you will join OWLS in congratulating Attorney General Ellen Rosenblum and celebrating her at a virtual awards ceremony hosted by the ABA on August 5.

Hon. Allison Boomer is the presiding magistrate of the Oregon Tax Court.

Call for Volunteers

Volunteer committees are the backbone of Oregon Women Lawyers. Committee work is one of the best ways to support OWLS—and make friends and professional connections in the process. Committee members are members of OWLS.

Committee work varies in duration and time commitment, with some committees serving as limited-term "project" committees and others providing year-round guidance and oversight for issue areas. Most committees meet once a month or once every two months and can be joined by OWLS members in any location, as meetings are held by phone or video conferencing, as well as in person.

The time commitment varies and can be as little as 3–5 hours per month. Feel free to contact the [committee chair](#) of any committee you'd like to join. Or respond to this [brief 5–7 minute survey](#) to discover the best committee fit for you. We welcome your participation.

Endnotes

1. <https://www.americanbar.org/groups/diversity/women/margaret-brent-awards/nominationinformation/>.
2. <https://www.americanbar.org/groups/diversity/women/margaret-brent-awards/pasthonorees/>.
3. OWLS *AdvanceSheet* Fall 1989.
4. For more, see the article in the OWLS *AdvanceSheet* Summer 2016 titled "A Conversation with Oregon Attorney General Ellen Rosenblum," detailing her remarks at the program "Skills and Strategies for Emerging Political Leaders."

The 2021 Legislative Session Overview

The 2021 legislative session ended on Saturday, June 27, the constitutional deadline, after addressing the pandemic, guns, taxes, affordable housing, forest fire management, racial equity, police accountability, and mental health. Legislators and staff conducted an all-virtual session except for floor sessions. This is likely to continue into the regularly scheduled short session in 2022. The 2021 regular session was hamstrung by pandemic protocols and slowed by partisan parliamentary moves.

Most of the legislation that lawyers care about will be covered in the [OSB Legislation Highlights](#), to be published in late summer.

OSB Priorities

The Oregon State Bar's budget priorities for 2021 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.

A key component in the OSB support for the courts included the Oregon Campaign for Court Funding, a statewide coalition of Oregonians, business groups, and community groups formed to ensure adequate and stable court funding. This effort included work to provide funding for critical improvements to court facilities, as well as to increase the number of judges and staff to ensure access to justice.

Law Improvement Bills

The third OSB priority for 2021 was to support the OSB 2021 Law Improvement Package of legislative proposals. The package of legislation, which included nine legislative concepts, was enacted. Thank you to the section volunteers who shepherded these proposals through the legislature. A list of the bills can be found [here](#).

OJD Budget, HB 5012

The 2021–2023 legislatively approved budget for Oregon's court system includes a General Fund increase of 12.7% from last biennium's legislatively approved budget. General Fund dollars are used primarily for the administration and operations of Oregon's court system. While the overall budget is a 2.2% decrease from the 2019–2021 legislatively approved budget, that is due to the wrap-up of the Oregon Courthouse Capitol Construction



By Susan E. Grabe

and Improvement Fund, which was used for the seismic retrofitting of the Oregon Supreme Court building.

The budget for the court system contains funding not only for the Oregon Judicial Department (OJD) but also for the Council on Court Procedures, the Oregon Law Commission, and the Legal Services Program. The Legal Services Program received an approximate million dollar increase in funding, as well as additional funding for housing-related matters.

The legislature highlighted funding for several new or continued investments, including the following:

(1) data tracking and analysis related to disparate outcomes regarding pretrial release, data tracking and improving the aid-and-assist process, and expanding evidence-based treatment courts;

(2) equity, diversity, and inclusion human resources support to reduce disparate outcomes in the imposition and collection of fees and fines, pretrial release, and other aspects of court decision making;

(3) behavior health services to support, and services for, people with mental health and serious substance abuse issues, which includes planning for and convening a justice summit with public safety and human services partners;

(4) a juvenile delinquency improvement project;

(5) centralized support for child support and self-represented litigants; facilitate access to federal funds for child support enforcement and centralized family law facilitation services;

(6) collaborative grants and agreements, including funds for the Multnomah County Resource Center (Multnomah County has created an agreement with the Multnomah County Circuit Court to use the county's law library fund to pay for staff and operating costs for the resource center and specialty courts such as drug courts.);

(7) capital improvement funding to provide tech services to connect courts,

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rural communities and vulnerable populations in Josephine and Klamath County Courthouses for safety and security purposes; and

(8) information technology staff and hardware, including a General Fund backfill of a revenue shortfall.¹

New Judgeships in Deschutes County

In addition to the statewide funding, the Oregon Judicial Department received funding for two new judicial seats and support staff in Deschutes County. This year, with the growing population in the Bend area, Deschutes County was prioritized. The positions will begin on January 1, 2022.

Family Treatment Court Study

The legislature has asked OJD to report back to the legislature in February 2022 regarding criteria and need for the establishment of a statewide family treatment court program and possible alternative programs. These programs would include child advocacy legal representation by the Department of Justice for parents in the DHS system; publicly funded representation of both parents and children; DHS services to families in child welfare cases;

behavioral, mental health, and substance use disorder treatment; housing; and identification of pilot project counties.

Courthouses

Since the 2011 legislative session, OJD and the Oregon legislature have worked together to rehabilitate, update, and replace courthouses throughout the state. This biennium, the legislature provided bonding authority and a state match for four counties to move forward with their courthouse plans:

Benton County: \$20.7 million

Linn County: \$16 million

Crook County: \$11.8 million

Clackamas County: \$1

The legislature has requested that OJD, along with Clackamas County, return to the legislature prior to the 2022 legislative session a report on the "design, build, finance, operation, and maintenance public-private partnership (P3) agreement(s) for the Clackamas County Courthouse."²

OJD also received funding to finish the Supreme Court building modernization, and security and efficiency improvements in the Josephine and Klamath County Courthouses.

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Public Defense Services Commission Restructure, HB 5030

The Office of Public Defense Services (OPDS) is housed in the Oregon Judicial Department and overseen by a seven-member commission. Chaired by Per Ramfjord, the commission has been instrumental in a complete restructuring of the agency. The 2021–2023 budget is a decrease in funding of 4.5% from the 2019–2021 legislatively approved budget.

The 2021–2023 legislatively recommended budget, unlike in the previous biennium, includes a holdback of \$100 million. These funds have been earmarked for the Public Defense Services Commission (PDSC), and the decision to release the funds by the legislature will be based on PDSC's progress in the eight areas listed below, as well as more clarity and certainty on procurement costs. If the \$100 million is released to PDSC, Oregon's public defense system will see a 23.6% increase over its 2019–2021 legislatively approved budget.

This biennium, the recommendation for Oregon's public defense system is to restructure the program with a focus on the following areas:

"(1) re-structuring the agency's appropriation measure along cost centers to increase the transparency of budgeted activities and to impose a heightened level of financial discipline and accountability on the agency;

(2) reorganizing the agency's budget structure along lines of business;

(3) augmenting operational staffing in key areas of the agency, including agency leadership, financial management, and procurement;

(4) adding compliance, audit, and Performance Management functionality to the agency;

(5) in-sourcing base level information technology services;

(6) directing an independent financial and performance audit of the agency, including reviews of agency operations, procurement, human resources, information technology, accounting, budget, performance management, and auditing;

(7) converting three existing permanent full-time positions to limited duration so as to assess the long-term need for the positions; and

(8) provides General Fund to resolve material current service level deficits across the agency."³

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ATTORNEY RECRUITMENT



I will forever be grateful for the **life-changing work** Rosemary conducted on my behalf. She **connected me with the employer of my dreams**, and did so tactfully, professionally, and with such a kind, human touch. — Z.S.

Contact Rosemary!

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Director of Attorney Recruitment
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Queen's Bench Series: I've Been F'd (Furloughed, Fired, or Foiled)

By Jenna Plank

The past 15 months have turned the personal and professional lives of many lawyers upside down. More lawyers than ever have recently been, or are facing the prospect of being, furloughed, fired, or foiled. The Queen's Bench F'd team is here to let you know that you are not alone and to provide help and support as we collectively navigate the world of legal employment in these uncertain times.

The ongoing OWLS Queen's Bench series "I've Been F'd" began on April 27 with a very personal presentation by the immediate past president of Queen's Bench, Anne Milligan, who described her own path in the world of legal employment. Judge Beth Allen introduced Anne and framed the "I've Been F'd" series as an ongoing project designed to provide help and support to women lawyers who are feeling that their employment situation is just not what it should be. The series includes (1) ongoing drop-in sessions during which attorneys can chat, commiserate, and exchange employment tips and leads, and (2) access to a website for those who need immediate assistance.

Anne launched the "I've Been F'd" series by stating that she has probably held over 30 jobs throughout her lifetime, ranging from numerous minimum wage jobs to lawyer, and that her path to her current position as a deputy city attorney with the City of Portland was anything but an easy one. Anne explained that she grew up poor with a highly religious mother and an absentee addict father in what would now be the equivalent of section 8 housing. She first became aware of lawyers at age 6, when her family's apartment fell into substandard conditions and free legal aid was needed to save her family from a literally rotting home.

Anne explained that her mother eventually remarried, and that she and her evangelical stepfather pulled Anne out of public school and encouraged her to drop out of high school to pursue religious and domestic skills. At age 17, after Anne permanently ran away from home, her parents withdrew all of her savings from minimum wage odd jobs from her bank account. Anne worked, rented rooms from various friends and friends' families, and finished up her

senior year of high school living on her own. She then attended college on a full scholarship, and later law school.

Despite removing herself from her family situation, however, Anne's life was not all roses. Although she graduated 10th in her law school class, graduating at the bottom of the Great Recession meant that she and many of her peers received no job offers upon graduation. She said she applied for over 300 jobs across the country without success, and that this pervasive rejection confirmed what she had sensed in law school: that she didn't "belong" in the legal community and wouldn't be accepted. After law school, Anne worked at an Arkansas comedy club and a dim sum restaurant, despite being a fully licensed attorney. At one point she told herself that if she wasn't gainfully employed as an attorney within six months, she planned to die by suicide.

Anne did eventually land a job as an attorney, but like many new attorneys, she found herself working in poor condi-



Anne Milligan

tions. She described her first boss, a solo practitioner, as "absolutely unethical," noting a time he suggested that she falsify a postmark date to comply with discovery deadlines. Eventually, Anne filed a bar complaint against her boss, and she was fired. There was no legal protection

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I've Been F'd

given to attorney whistleblowers who complained of another attorney's ethical misconduct in Arkansas at that time, and in 2013 Anne found herself fired for the first time in her life.

After a cross-country move to Oregon, she tapped into the OWLS network for assistance with finding a job here. Six months after moving to Oregon, Anne found herself totally and utterly broke. She sent an email to the OWLS listserv offering to houseclean, babysit, do contract legal work, or do other odd jobs to make ends meet. Her email was met with over 40 offers of kind words and offers to meet for coffee, and shortly thereafter she was offered a job with an insurance defense firm. It was the first time in her life that she was paid a salary and had health insurance.

This new job, however, was not the happy ending Anne had hoped for. She said that working at the firm felt austere, isolating, and unsupportive, and that she began suffering from depression. Then a newlywed, Anne's spouse, an Iraq Afghanistan veteran, began dealing with significant PTSD complications and substance abuse issues, further worsening

Anne's depression, ability to care for herself and her ill spouse, and ability to concentrate on work. Anne requested and received a temporary disability accommodation of limiting her work hours to 40 hours per week for six months—"part time" in the private-firm world—but it seemed clear to Anne that the firm was not pleased with the arrangement. Anne started looking for a new job.

Her next move was to an employment firm. After Anne had worked there for two years, her sister was involved in a serious car wreck, her grandmother died, her stepfather was diagnosed with terminal cancer, her spouse's alcoholism escalated, and she got divorced. Three associates quit in quick succession, leaving the remaining associates buried in work. Anne frequently reported to work in offices in two different states, working and commuting long hours. Exhausted, Anne once again sought disability leave to reduce her hours at work by 20% for five weeks.

It became clear to Anne that working at a private firm was incompatible with her disability, regardless of what firm she worked at. Anne began looking for

in-house and government work, as well as legal-adjacent work that would utilize her employment law skills. After a few months of looking, a friend reached out and sent her the posting for a position with the City of Portland. Anne said that in the job interview for the position, she was completely, transparently herself because she wanted to be able to be her full self at work.

After working for the City of Portland for a few years, with consistently gleaming performance evaluations and uniformly positive feedback from leadership and stakeholders, Anne finally came to the conclusion that it wasn't her that was flawed after all. It was the systems within private law firms that were flawed. "You don't have to focus on past failures—there is a place for all of us," Anne stated. After years of searching for the right legal "home," she had finally found her place, and she felt affirmed that she had been an excellent attorney all along and there was a workplace where she could really belong. Anne's overarching message was that a lot of newer attorneys struggle. Judge Allen added that "it's pretty rare for new attorneys, especially for female attorneys, to be successful at their first job."


Anne and Judge Allen concluded by saying that the search for a good employment fit can take a long time—but don't give up. Lawyers should quit the practice of law only if they know there is just no way they can use their law degree and be happy. Applicants need to do their homework. Find out which employers have bad reputations, and don't apply there. Be upfront in job interviews about who you are and what you need to make the employment relationship work, even if that means seeking a disability accommodation—so often dreaded as a scarlet letter in our profession. Seek guidance from the Oregon Attorney Assistance Program, which has an ongoing, confidential support group for job seekers. If you are in an employment situation that is not working out for you, know you're not alone. There is a place for all of us in this workforce: you just have to keep looking.

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

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OWLS Presents CLE on Mindfulness

By Teresa Statler

On May 6 via Zoom, OWLS presented an insightful lunchtime CLE, "The Mindful Lawyer: A Practice in Resilience." The presenters were certified mindfulness coach Tim Musgrave, lawyer and partner Wesley Fitzwater of Fitzwater Law, and attorney Melissa Chureau, a senior assistant attorney general for the State of Oregon. The CLE provided attendees with tips and educational pieces on mindfulness and how it can help lawyers in their personal and professional lives.

Wes Fitzwater began the presentation by telling us that mindfulness and its partner, meditation, have gone "mainstream"; mindfulness is not a religion or a philosophy. Rather, it should be considered a tool or skill, like eating well or exercising. Law schools, major corporations, first responders, and even the British Parliament are now using mindfulness techniques to help deal with stress, conflict, and negative emotions.

Lawyers think—it is a habit and is necessary to our jobs. We need to balance the almost constant thinking process with peace and periods of non-thinking. Our minds need recuperation. Wes asked us to close our eyes and focus on when we were last in a truly peaceful state with a quiet mind, and then to focus on the last time we were truly joyful. We compared these responses with the last times we felt stress and anxiety or when we last woke up in the middle of the night worrying about a case.

Lawyers work in a conflict-based profession in which we deal with severe emotions and with people who are in agitated emotional states. The competitive environment can leave us emotionally drained and unable to be truly emotionally present, for ourselves or our family members, if we do not take time to focus on ourselves, and on "stopping to smell the roses."

Wes then handed the presentation over to Tim Musgrave, who taught attendees several "mind garden" exercises that allow us to focus on positive emotions,

which in turn allow us to become resilient. Tim said we should make these exercises part of our routine. The "awareness of breath" (AOB) exercise, for example, focuses our minds on our breathing patterns. Deep breathing tells the brain to use the parasympathetic nervous system, which, in turn, reduces anxiety, fear, and racing thoughts.

Tim told attendees that there is validated research that mindfulness techniques like AOB disrupt negative thought patterns and habits, allow our inner critic to become our inner coach, and facilitate personal body awareness. Tim told us

to focus on the basic "law" of the harvest: you reap what you sow. He said to think of your mind as a garden: what you allow to grow in it, you will be able to harvest. In other words, negativity breeds more negativity. This explains why even small matters occupy so much of our thoughts. Tim also said that research shows that negative information is perceived more quickly than positive information.

What, then, should lawyers do? First of all, purposefully notice and take in the good—change your mindset. Then, after getting rid of the weeds in your garden, water and fertilize it. Do something purposefully, such as commending others, which makes both you and them feel good. Another recommendation is to keep a gratitude journal: write down daily one to three things you are grateful for and that have a positive effect on your life.

Melissa Chureau closed out the presentation by telling us to focus on learning self-compassion. She led us in an exercise that began by first anchoring ourselves in the body or the breath, and then becoming aware of any negative thoughts. Pretend that it is not you who is struggling with these thoughts, but rather, a friend. Say the positive things you would say to a friend to yourself, instead. Accept yourself as you are; you are not alone.

Melissa told attendees that research shows that if we practice mindfulness techniques for eight minutes a day for

two weeks, we will see physical benefits like feeling more peaceful, and we will also develop new neural pathways in the brain that will lead to improved well-being. Other benefits include increased cognitive function, increased focus, and increased resilience to what life throws at us each day.

Melissa also mentioned several mindfulness resources: the [Mindful.org](https://www.mindful.org) website, apps such as "Insight Meditation," mindfulness/stress reduction classes, and mindfulness groups, such as the one in Clackamas County that meets each Wednesday.

Thank you Wes, Tim, and Melissa for an excellent and essential presentation.

Teresa Statler has a solo immigration law practice in Portland.



Melissa Chureau



Tim Musgrave



Wes Fitzwater

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Christine Moore (1973–2021)

By Bonnie Richardson

OWLS member Christine Moore passed away unexpectedly on April 9. She had just celebrated her 48th birthday with her husband, Colm Moore, and their two children. Christine was a friend, colleague, mother, mentor to many, and a shining example of a woman who has achieved great success in all parts of her life.

Christine graduated from Lewis & Clark Law School in 2002. She started her legal career as a judicial clerk to Justice Miriam Shearing, the first woman on the Nevada Supreme Court. She went on to work as a public defender before making her way back to Oregon to clerk for Oregon Supreme Court Justice “Skip” Durham.

Christine entered private practice working at Bennett Hartman Morris & Kaplan, and then at Landye Bennett Blumstein before joining Richardson Wright LLP. A passionate advocate for individuals seeking justice, Christine served on the Board of Governors for the Oregon Trial Lawyers Association, co-chaired the OTLA Amicus Committee, and was the past chair of the Oregon State Bar Appellate Section Executive Committee. Everyone who knew Christine would describe her as humble and kind, with a laugh that filled the room. We will miss her.

Bonnie Richardson is a partner at Richardson Wright LLP in Portland.



Christine Moore

OWLS Civil Rights Trip to Mississippi & Memphis

You are invited to join other OWLS members for an in-depth tour of civil rights history in the 1950s and 1960s in Mississippi and Memphis. We will meet in Jackson, MS, on Tuesday, April 26, 2022, and the tour will conclude in Memphis, TN, on May 3 (with optional departure on May 2).

The tour will be led by Ron Silver, a retired assistant U.S. attorney in Oregon, who created this tour, and Elise Gautier, longtime editor of the OWLS *AdvanceSheet* and a Mississippi native. The tour will include visits to the home of Medgar and Myrlie Evers, sites associated with the killing of Emmett Till and the Freedom Summer killings, Fannie Lou Hamer’s gravesite, and other small towns in Mississippi, as well as meals with civil rights guests. We will also visit two superb museums, the Mississippi Civil Rights Museum in Jackson, and the National Civil Rights Museum in Memphis, which includes part of the Lorraine Motel. We’ll meet at least once before the tour for an overview of the history.

The maximum size of the tour group is 12 people. Participants will purchase their own plane tickets, hotel rooms, and meals, which we estimate will total about \$2,000/person, and will pay a share of the joint costs (van rental, gas, honoraria, etc.), which we estimate at about \$700/person if the tour is full.

For more information about this incredible tour, please contact [Elise](#). Nine seats on the tour are available, and they will go to the first nine OWLS members who send in a \$250 deposit.



Immigrant Students Leading the Way

climate of support for undocumented students, access to state identification, and eligibility for state bar admission affected his decision to apply to law school. After completing his 1L year at Lewis & Clark Law School, Jose wanted to help others envision a legal career and hoped to “establish a community that empowers future generations of non-citizen law students.”

In addition to having to meet the academic and cultural demands of law school, undocumented students are challenged by unexpected educational costs, such as health insurance, parking cost increases, and wardrobe upgrades. Students who are citizens or lawful permanent residents can apply for government-subsidized low-interest loans to pay for living expenses and qualify for federal or state benefits, such as Medicaid, but undocumented students fund these expenses in other ways. A portion of the session discussed the benefits of maintaining year-round full-time employment for access to health insurance and income to pay for school, and the difficulty of balancing such employment with professional

networking and applying for summer externships in their field of interest.

“Organizing this event helped me understand the importance of sharing my story with others and the effect I can have on other people,” said ULNW co-founder Alyne Sanchez, a rising 3L at Willamette Law School and a DACA recipient. Alyne shared the results of her law school research paper on professional licenses for undocumented attorneys, and she provided examples of how students can advocate for admission to their state bar. Knowing that students might feel shy about asking for support from their mentors, Alyne described her personal experience of asking her support network for help finding information about admission to the Washington State Bar.



Alyne Sanchez

“I’ve stayed in the shadows for too long,” Alyne said, “and because of it I felt that I had to do the undocumented law school journey on my own. Now I know that I need to be the person I needed when I was going through the application process.”

ULNW will host future events to assist prospective law students with the LSAC fee waiver, and connect current undocumented law students with attorneys who entered their state bar as non-citizens. For more information, you can email undoculawnorthwest@gmail.com.

Karla E. Márquez is a rising 3L and part-time student at Lewis & Clark Law School. She is a DACA recipient, a co-founder of UndocuLaw North West, and an OWLS student member.



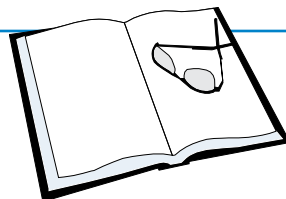
Karla E. Márquez

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Me and White Supremacy

By Layla F. Said
(Quercus (U.K.), Sourcebooks (U.S.), 2020, 258 pages)

Book Review by Jenna Plank



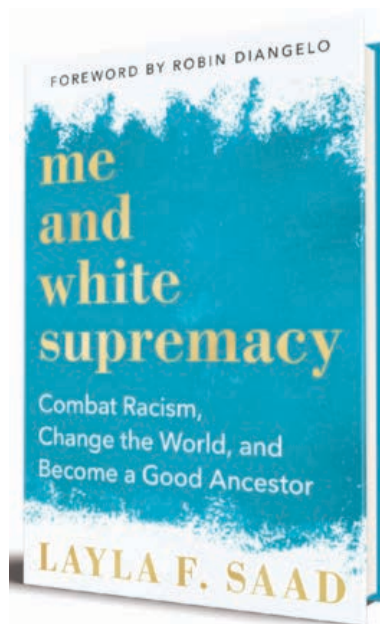
“Create the change the world needs by creating change within yourself.” Those are the opening words and primary theme of the 2020 *New York Times* best-selling book *Me and White Supremacy*, by Layla F. Said. Published in the wake of the Black Lives Matter movement, *Me and White Supremacy* is not a book focused on the history of racism and white privilege in America. Rather, the book is designed as a tool to illustrate the prevalence of white supremacy today, and to give the reader strategies for practicing antiracism in our everyday lives. In the author’s words, the purpose of the book is to “help the [reader] do the internal and external work needed to be a good ancestor,” and to show the reader how “to leave this world in a better place than [they] found it.”

Me and White Supremacy is a self-guided journey through author Said’s 28-day course on how to identify white privilege, recognize how white supremacy is perpetuated, and do the work needed to actively combat white supremacy. The book encourages the use of journaling and provides multiple prompts at the end of each chapter to encourage readers to continually challenge their self-perceptions, actions, and beliefs. Part I of the book warns that over the 28-day course the reader will be overwhelmed, intimidated, and made uncomfortable, but explains that doing what is needed to be actively antiracist is all about “doing what is right, and not what is easy.”

Week one of the course is dedicated to the “basics,” including the question “What is white privilege?” Said explains that white privilege is the unearned advantages granted to those who are or pass as white. In a society in which white people are explicitly and implicitly held out as superior to others, white people are granted automatic advantage over others. Said explains that white privilege is everywhere, but rarely seen by those who enjoy it. Said illustrates as an example that most white readers have never had to consider whether they’re receiving a traffic ticket or being audited because of the color of their skin. Not so for Black, Indigenous, and other persons of color (BIPOC).

Week two addresses anti-Blackness, racial stereotypes, and cultural

appropriation, all of which, Said says, unconsciously perpetuate the dehumanization of BIPOC. Said explains that “color-blindness,” that is, the belief by some that they “don’t see color” and



thus cannot be racist is “naïve at best, and dangerous at worst.” At the heart of colorblindness is the implication that acknowledging Blackness is somehow negative. Said adds that if a person acts as if color doesn’t exist, they will never do anything affirmative to effect systemic change. Said also points out examples of active anti-Blackness all around us, visible in the underrepresentation of Black women in positions of leadership, the common assumption that all financially successful Black men are athletes, and the expectation that Black children will be stronger but less intelligent than their white counterparts.

Week three, titled “allyship,” seeks to explain how sometimes, in an effort to practice allyship to BIPOC, those with white privilege do more harm than good. Said warns us to particularly beware of acts that on the surface seem like allyship, but are actually nothing more than tokenism and the perpetuation of white-savior narratives. She explains that the hiring or promotion of one BIPOC as a prop or symbol of antiracism actually just acts as a cover to allow the

continuation of white supremacy as the norm within an organization. Similarly, those who step in to speak on behalf of BIPOC leave BIPOC with no space to speak for themselves, and thus those with good intentions end up perpetuating a narrative of white supremacy.

Lastly, week four is dedicated to the topics of power, relationships, and commitment. This section challenges the reader to explore their relationships with other people with white privilege, as well as their personal values and actual personal commitment to antiracism. Said explains that those with white privilege need to call in and call out their close friends and family on harmful white supremacist thoughts and behaviors. Readers with white privilege must push other white people in positions of leadership for change. It’s not enough to simply not be racist. It takes actions of antiracism to effect change to the existing structures of white supremacy all around us.

Said explains that the active work of antiracism includes taking responsibility for your own antiracist education. It also includes having racial conversations with other white people, contributing money to BIPOC causes and businesses, and leaving space for BIPOC to communicate their own messages and lead their own movements. She reiterates that dismantling white supremacy requires a continual repudiation of commitment to antiracism—again, and again. Said ends by encouraging the reader to take action: “Antiracism is not about perfectionism. It is about the intention to help create change met with the consistent commitment to keep learning, keep showing up, and keep doing what is necessary so that BIPOC can live with dignity and equality.”

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

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Noreen Saltveit McGraw (1932–2021)

By Diane Rynerson

The contributions of Noreen Ann Kelly Saltveit McGraw, who died in Portland on May 31, to the long-term success of Oregon Women Lawyers were significant. Some of the most difficult times for a nonprofit organization come after the first enthusiasm around its founding has waned, and the board and committees are left with the challenges of creating useful and sustainable programs and structures. Noreen joined the OWLS board in 1992, in the third year of OWLS' existence. Most of the board members at the time were in the early stages of their careers. Noreen, on the other hand, had practiced law for years in a variety of settings. She understood how to get things done in the wider legal community.

Importantly, Noreen's OWLS board term (1992–1995, and service as secretary 1994–1995) largely coincided with her service on the Oregon State Bar Board of Governors (1992–1994, and service as vice president 1993–1994). Noreen's advice and insights may well be one of the reasons that Oregon Women Lawyers has always had a collaborative relationship with state and local bar groups. The OWLS board determined that she should get the recognition that women lawyers had largely been denied, and advocated for her to receive the Oregon State Bar's highest award, the Award of Merit. In 1995, Noreen became only the second woman (after Justice Betty Roberts) to receive that recognition. That same year, she also became the first woman to receive the Multnomah Bar Association's Professionalism Award.

When Noreen Ann Kelly was born in Medford on March 7, 1932, she joined a family known for its civil rights advocacy and political activism. Her paternal grandfather's outspoken opposition to the Ku Klux Klan, which had a powerful local presence, almost certainly prevented him from becoming a judge when he ran for election in 1922. Her father, Edward C. Kelly, was a prominent attorney who did become a circuit court judge in 1957. Her mother, Mary Greiner Kelly, was a reporter for the Medford *Mail Tribune*, and had also written for *The Washington Post* and the Portland *News Telegram*. During the late 1930s, she had served as campaign manager for Nan Wood Honeyman, Oregon's first female U.S. representative, and she continued to play a prominent role in

Democratic politics.

It was only natural that Noreen took a leadership role in Catholic social service groups at Marylhurst College (where she earned the first of three bachelor's degrees) and subsequently served as state president of the Young Democrats while she was a law student at the University of Oregon.

After law school graduation in 1955 and a five-month stay in Europe, Noreen joined the Medford firm Kelly & Kelly and practiced with her father and older brother Bernard until her father became a Jackson County Circuit Court judge. Noreen had been appointed city judge of Medford in 1956, and her brother Bernard was a part-time city judge of Jacksonville. This led to an appearance on March 2, 1958, on the TV show *What's My Line?* (To read more about the Kelly family, see this newsletter's [Summer 1992 issue](#), page 3.)

One of Noreen's best-known cases came as a result of her mother's reporting on the 1923 failed robbery of the Southern Pacific's "Gold Special" in Tunnel 13 of the Siskiyou Summit, in which four men were murdered by Ray, Roy, and Hugh DeAutremont. Noreen's mother advocated for clemency for Hugh, the youngest of the three DeAutremont brothers, and had encouraged her husband to represent him after his conviction. When Noreen's father became a judge, Noreen took over the case, and succeeded in getting Hugh probation on federal charges, which led to his release after 31 years in prison. He died of cancer a few months later. (To learn more about the attempted robbery and its aftermath, watch the *Oregon Experience* documentary [Murder on the Southern Pacific](#).)

Noreen moved to Portland in 1960, and for the first time encountered sex discrimination in her job search. Although there were few women lawyers at the time (she was one of only four women admitted to the Oregon State Bar in



Noreen Saltveit McGraw

1955), her experiences practicing law in Southern Oregon in a family firm had largely shielded her from the realities faced by women in the legal profession. She eventually found work as an assistant attorney general and was assigned to the State Industrial Accident Commission trial staff, becoming one of just two women litigators at the Oregon Department of Justice. In November 1960, she married Carl Marcus Saltveit, an assistant labor commissioner. Among the approximately



Judy Henry (left) and Noreen in 2007

400 guests at their wedding were the most prominent Oregon women politicians of the day: Congresswoman Edith Green, Senator Maurine Neuberger, and former Congresswoman Nan Wood Honeyman.

In 1968, Noreen returned to private practice, in part to make it easier to balance parenting and lawyering. Noreen and her family had lived for a year in Mexico, and she also took classes part time at Portland State, earning a bachelor's degree in Spanish in 1969. As a result of her proficiency in Spanish, a substantial number of her clients were Spanish speaking.

In November 1970, the director, deputy director, and director of the trial and appellate division of Oregon's Legal Aid Service, Charles Merten, Lawrence Aschenbrenner, and John H. Clough, resigned in order to join Don Marmaduke and Noreen Saltveit in forming Oregon's first public-interest law firm: Marmaduke, Aschenbrenner, Merten & Saltveit. The firm's stated goal was to spend at least 50% of its time in environmental law, consumer protection, and civil rights. That firm, the partnership Merten & Saltveit that followed, and Noreen in her individual capacity represented many individuals and nonprofit organizations

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Noreen Saltveit McGraw

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in significant litigation, such as the successful opposition to plans to build the Mt. Hood freeway through southeast Portland. Noreen also advocated for increased respect for women in the legal profession, speaking out in the mid-1970s about discrimination in hiring practices by private firms and government agencies.

In the final decades of her career, Noreen honed her skills in alternative dispute resolution, becoming one of Oregon's early and prominent champions of the field. In the words of Judy Henry, another prominent advocate for alternative dispute resolution, "Noreen was a groundbreaker who embraced alternative dispute resolution in Oregon at its earliest inception. She was a friend, mentor and an absolute joy to be around."

After a divorce in the 1990s, Noreen married William R. McGraw, a drama professor from Ohio. They moved first to Prineville, and later to San Diego. Noreen continued to mediate cases. She returned to Portland in 2018 to be closer to family.

Noreen is treasured by many as a friend, mentor, and role model. The Oregon State Bar's first female president, the Honorable Julie Frantz, remembers her as "a trailblazer for women in the legal profession, a tireless advocate for the rights of those whose voices are not always heard, a consummate professional, and a committed public servant who gave selflessly of her time and talents to address societal injustices as well as raise the bar of the legal profession. All the while, day to day, Noreen was simply a true delight."

Noreen is survived by her four children, including OWLS member Mary Lang.

Diane Rynerson was OWLS' first executive director, and she served for many years as executive director of the National Conference of Women's Bar Associations.

Meet Elizabeth Ballard Colgrove

By Marisa Moneyhun

OWLS board member Elizabeth Ballard Colgrove has spent her career deeply invested in protecting victims and the vulnerable.

After graduating with a degree in psychology from Missouri Western, she began accompanying children to court in dependency and delinquency matters. There she witnessed firsthand the trauma facing children during those proceedings and knew she wanted to be a litigator advocating for others.

In 2002, after graduating from the University of Oregon School of Law, Elizabeth got her start as a deputy district attorney in Morrow County, Oregon. While she wasn't working with children as she initially thought she would, Elizabeth found that she loved working with and on behalf of victims. At the time, all of the judges and a majority of the attorneys in Morrow County were men. Elizabeth, a single mother, found comradery and support through OWLS and the women attorneys of Eastern Oregon.

Governor Ted Kulongoski appointed Elizabeth in 2006 as district attorney for Morrow County to finish her predecessor's term. She subsequently ran, and won, a general election for district attorney. As she was campaigning, Elizabeth made a point to canvass and meet as many eligible voters in Morrow County as possible. During the process, one voter, who had previously been prosecuted by Elizabeth, thanked her and told her that she had helped change that person's life for the better.

In 2010, Elizabeth left Morrow County to join the Oregon Department of Justice, where she is currently the assistant attorney in charge of the Medicaid Fraud Unit. In this role she prosecutes Medicaid providers for billing fraud, and individuals



Elizabeth Ballard Colgrove

and facilities for elder abuse and neglect in Medicaid-funded facilities. Elizabeth decided to leave the Morrow County District Attorney's Office because she was excited by the opportunity to take on more complex fraud cases, while at the same time specializing in her practice areas. Elizabeth is also appointed as a special assistant United States attorney to assist the U.S. Attorney's Office in health-care fraud cases.

Elizabeth loves to travel and is an avid hiker who enjoys hiking in Portland, in the gorge, and at the coast. She is looking forward to hiking later this summer in Yellowstone National Park and the Grand Tetons with family and friends.

By serving on the OWLS board, Elizabeth hopes to help provide newer attorneys with the support and connection that she received from OWLS as a new lawyer herself. Elizabeth also serves on the OWLS Membership Committee and the OWLS Community Service Committee.

Marisa Moneyhun practices estate planning and estate administration at Kehoe Moneyhun Law.

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The group comprises a wide range of attorney experience and practice area expertise, from new lawyers to 30-year "veterans." All must be bar members.

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Pronouns and Privilege

Oregon. I am committed to finding ways to increase access to the courts. I offer this essay up as a description, not a prescription, of my own continuing journey, with all of its stumblings and fumbings, toward equity.

Several years ago, I first noticed faculty at the University of Oregon School of Law sending me emails with their pronouns in signature lines. At the time I thought I was tuned in to what was happening in diversity and inclusion, although I've come to appreciate that thinking I know what it's all about is the first sign that I don't know nearly enough. I was curious and skeptical. My immediate reaction those many years ago was that this practice seemed performative and unnecessary. After all, I'd known these faculty members for years, and I thought I had been aware of their gender identity and thus their pronouns, hadn't I?

Over time, my first reaction slowly transformed from a skepticism of pronoun identification to an appreciation of its importance, but it was still not something I saw myself doing. It was something the newer generation of lawyers and professionals employed. I, on the other hand, was already a judge, and my time for this kind of change was past. Also, employing my pronouns felt both inauthentic to me and simultaneously a bit too political for a judge. My excuses included that surely by now people knew my gender and pronoun usage, and I did not see any other judge using pronouns in this way, substantiating my conclusion that perhaps it was just too political. Let the next generation carry the water on this one. When I reflect on my thoughts about pronouns, the image of a wet, slippery fish writhing about and struggling for a way out comes to mind. I was that fish.

I have the luxury of a certain privilege as a judge and a cisgender man. While that privilege is tempered in some ways by my experiences as a person of color, the privilege is still quite real. My judicial position affords me the insulation from being confronted with my shortcomings quite so quickly, if at all. Very few people will tell me I'm wrong or demand I do something differently. There is little feedback. In the few times lawyers let down their guard and share thoughts or frustrations about the courts, I hear a resignation that judges will be judges, and the cost to a lawyer of disaffecting a judge is too great a risk. My privilege is compounded by the



The Honorable Mustafa Kasubhai
U.S. District Court, District of Oregon

intersectional synergy of being a judge and a cisgender man. I am a beneficiary of a privilege that too often engenders the silence of others. Privilege is my walled garden that shuts out the sounds and sights from the rest of the world.

What else am I failing to see or hear? Until 18 months ago, I failed to more clearly see or hear the value, the weight, and the power of pronouns. I give credit to the many trailblazers—those faculty at the UO School of Law; the diversity, equity, and inclusion staff at the Oregon State Bar; and all the newer lawyers who provided their pronouns in their email signature lines. They realized something I had clearly missed. It is grammatically clear that conventional singular pronouns used to describe people are intrinsically gendered. The use of these gendered pronouns every day and all of the time required me to assume someone's gender and also exclude people who identify as non-binary. A truth and a comfortable benefit about privilege is that I get to be all too unaware of my unconscious biases. The harder truth is that while I might be oblivious to those biases, the objects of my biases are all too aware of the impacts.

The impact of this abstract understanding became more clear as I considered how many people over the last 14 years that I have been a judge must have appeared in front me anxious or fearful that their gender identity, if it didn't conform to that which they believed I expected, would be met with a severe consequence, such as a higher sentence or fine, a loss of custody, reduced parenting time, a snide remark, or at least a disapproving look. How many people were compelled to conceal their gender identity in court, and how many people agonized and stressed over these decisions, and how many people spent so much of their mental and emotional energy on passing, to avoid recrimination in court, that they were unable to spend time preparing for court?

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How many attorneys have not been able to present their best cases for the same reasons? This landscape is despairing and exhausting. As long as this kind of exclusion persists, our courthouse doors are only slightly ajar.

I'm not sure how to get those doors all the way open. The judiciary is by nature conservative and it changes slowly. Convention is favored. And formality is, well, formalized. Gendered pronouns

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are ubiquitous in everyday language, and formal gendered honorifics such as *Mr.*, *Mrs.*, or *Ms.* are expected in court. Court decorum requires attorneys to refer to witnesses, jurors, and opposing counsel by their last names. How do we do that without a gendered honorific? How do we do that without assuming what someone's gender identity is? We lack conventions for this kind of conversation in our courts. What if we judges asked others to state their pronouns or we created a space in which attorneys and litigants could volunteer their own? Judges can lead the way—we need not be bystanders.

As a judge I have a great deal of latitude in defining the experience in the courtroom. I started working from the idea that if people, and lawyers in particular, saw a judge identifying his pronouns in an email signature line, then people appearing in front of me might not experience fear or anxiety, at least on the basis of gender identity. I drew the comparison to the value of being a judge of color. It is axiomatic that representation on the bench makes a difference to the perception of fairness. I have had countless experiences wherein people have shared with me how empowering it is to see someone with brown skin on the bench. It has made people of color feel like there was a place for them in our courts. Even though I am a cisgender male judge, if people of diverse gender identities felt safe and welcomed, then perhaps they could allocate their attention and energy on presenting their best selves and their best cases in the courtroom.

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Pronouns and Privilege

Now, if you receive an email from me, in the automated signature line and next to the District of Oregon seal you will find my pronouns (he/him) by my name. Once I started using my pronouns in my signature line, my courtroom deputy and law clerks began including their pronouns in their email signature lines, without any direction from me. But how many litigants, witnesses, or lawyers actually receive an email from my staff or me? I searched for ways to do more.

On the District of Oregon court website each judge has our own section in which we can include information unique to our chamber's practices. I had been on the District Court bench for over a year and a half, and I had yet to upload any information to my section. This was the perfect opportunity to formalize my communications regarding, among several other practices, the use of pronouns. My courtroom rules provide:

The parties and counsel are encouraged to advise the Court of their pronouns. People appearing before this Court may do so in writing and when appearing for conferences, hearings or trials. Attorneys are encouraged to identify their pronouns in their signature lines when submitting documents for filing. All parties and counsel are instructed to address each other in all written documents and court proceedings by those pronouns previously identified.

The same written advice is provided in my case management and trial management orders, in Rule 16 conference scheduling orders, and in my instruction letter outlining procedures for settlement conferences.

The changes I've made are far from flawless. For example, the first iteration of the above-quoted language encouraged parties and counsel to "advise the Court of their preferred pronouns." Not long after I had uploaded this information last summer, I received a call from Lake Perriguet. He had seen the changes to my website section, and in a kind and courageous way he proceeded to explain to me that "preferred pronouns" evokes the idea that a person's pronoun is optional, and gives the impression that pronouns other than the ones specified are acceptable. For many people, a pronoun is not a preference, but a statement of fact. His explanation made obvious and perfect sense to me, but only after he voiced it. Mr. Perriguet was willing to

reach across that far-too-present chasm between judges and the bar and take a chance on educating me.

I quickly revised my documents, but I couldn't as quickly shake off the doubt that I, personally, could normalize these changes in a way that created something positive rather than having it utterly collapse around me and cause harm. While I think about equity issues generally, I can speak from personal experience on

The last formal procedure I have adopted is to include my pronouns in my signature line on all my written opinions, unpublished and published.

race and ethnicity. But I don't have the experience of being anything other than a cisgender man, and I began to realize that I lacked the language to speak on gender equity. I'm all too familiar with purported allies claiming the authoritative stage and speaking for others. I did not want to be that person. But was I becoming that person? And yet I did not want to quit, because quitting is also a privilege that I can get away with.

Changes to documents on my website seemed too passive. Soon after those changes were made, I committed to begin every civil hearing, status conference, and jury selection with an introduction that invited attorneys or potential jurors to introduce themselves and provide their pronouns so I could be sure to address them respectfully and appropriately. Lawyers have been quite responsive, jurors not so much. There also remains for me the constant reminder of the major blunder on my part that I described above—I had fallen into a pattern of making assumptions—and now I try every day to practice otherwise.

Then one day an out-of-state attorney was in a Rule 16 conference. I invited the attorneys to introduce themselves and to kindly provide their pronouns. This time, the attorney said he did not understand what I was asking him to do. Thinking I had not adequately described the exercise, I rephrased the invitation. There was a pause on the phone line, and the attorney repeated that he didn't understand. I was pretty sure I had explained it simply and surmised

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that he did not want to oblige. This had not happened before. I made one more effort and explained that I wanted people from diverse gender identities to be acknowledged with respect and that was the reason I invited this introduction. Another pause on the line was followed by the attorney's declaring something to the effect of, "I'm not interested; just go ahead and assume."

In that space between breaths before I spoke again, I realized something important. He was not comfortable. The point of this work was to create a safe place and to normalize gender diversity. But I also realized that in order to do that, I had to create a safe and accessible place for everyone. So I stuffed my ego and assumed. This experience also reminded me that while there may be some cisgender individuals who do not want to disturb the privileged practice of assuming gender, there can just as surely be non-binary gendered people who want it the same way because it would still not be safe to openly identify.

The last formal procedure I have adopted is to include my pronouns in my signature line on all my written opinions, unpublished and published. Assuming the practice reflects an authentic commitment to equity and inclusion, imagine how powerful a statement it could be when Ninth Circuit Court judges do this. And dare I dare to imagine when U.S. Supreme Court justices include their pronouns?

Over the last year I've had many uncertain experiences with pronouns. Admittedly my footing has not always been steady as I've tried to navigate this landscape. So why do this work? As a judge in our federal courts I have a responsibility to find ways to ensure access to our courts. When people are not seen or heard, they have no real access to the courts. When people feel unsafe coming into the courts because of their gender identity, there is no real access. When we deny someone their identity, we have the power to erase them. That is horrifying. But when we can acknowledge gender, a name, and identity, we exercise the power to honor a person's dignity. When we do this we say, "I see you, I hear you." That is how we can break the silences between us.

U.S. Magistrate Judge Mustafa Kasubhai
of the U.S. District Court for the District of Oregon is based in Eugene.

OWLS CLE on Building Referral Partners Through LinkedIn

By Joslyn Keating

It is commonplace for today's tech-dependent attorneys to have LinkedIn profiles through which they broadcast career moves and accomplishments and stay connected to colleagues. Many, however, are clueless about how to use the platform to generate lasting, productive referral sources. To help remedy this, on April 23 the OWLS Leadership Committee hosted an interactive workshop-CLE led by Nedra Rezinaz, a web designer and marketing strategist and consultant.

Nedra endorsed the "RING" method to improve a professional's LinkedIn profile and network interactions: *R*—reshape your profile to include powerful words, a creative "about" section, and a professional up-to-date picture. *I*—invite referral partners with posts that show up in others' feeds, share resources, and give credit to those doing great things. *N*—name those connections most likely to be great referral sources and start connecting and engaging with them. *G*—greet and be authentic, rather than formulaic and impersonal, in your LinkedIn interactions.

To maintain and grow the fledgling referral partnership, Nedra stressed the importance of regular communication, even with casual check-ins, and expressing gratitude through handwritten cards, custom videos, or gifts.

Joslyn Keating is an attorney for Reinisch Wilson Weier in Portland.



Nedra Rezinaz

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

Capitol Update

This restructuring follows the [Sixth Amendment Center's recommendations](#) from its 2019 report on Oregon's public defense system.

In addition, PDSC received a \$3.7 million supplemental increase for the 2019–2021 biennium to cover end-of-biennium costs.

ODJ Bills of Interest*

[SB 295](#) – Aid and Assist

[SB 296](#) – CJ Authority In Emergencies

[SB 297](#) – Judicial Marshall Retirement

[SB 298](#) – Housekeeping

[HB 2176](#) – Fairness in Court Collections

[HB 2177](#) – Criminal Case Initiation Fees

[HB 2178](#) – Reducing Tax Court Fees

Other Bills of Interest*

Here is a list of bills of interest that may affect the practice of law:

[SB 193](#) – Restricts limitation on award of noneconomic damages to claims in actions for wrongful death. Provides that jury in criminal action may render verdict of guilty only by unanimous agreement, and verdict of not guilty only by concurrence of at least 10 of 12 jurors.

[SB 513](#) – Requires students to complete at least one-half credit of civics in order to receive high school diploma.

[SB 755](#) – Modifies and provides for implementation of Ballot Measure 110 (2020).

[SB 778](#) – Establishes Office of Immigrant and Refugee Advancement to operate statewide immigrant and refugee integration strategy.

[HB 2158](#) – Clarifies role of state treasurer with respect to unclaimed property and escheated estates.

[HB 2168](#) – Establishes Juneteenth, celebrated on June 19, as a legal state holiday.

[HB 2178](#) – Modifies provisions relating to fees in tax court.

[HB 2359](#) – Requires health care providers to work with health care interpreters from health care interpreter registry operated by Oregon Health Authority to provide interpretation services.

[HB 3291](#) – Requires ballots returned by mail to have postal indicator showing ballot was mailed not later than date of election and be received by county clerk not later than seven days after date of election.

Housing Bills

[SB 278](#) – Requires landlords and courts to delay termination of residential tenancies for nonpayment for 60 days if tenant provides documentation of application for rental assistance.

[SB 282](#) – Extends grace period for repayment of residential rent accrued during emergency period of April 1, 2020, to June 30, 2021, until February 28, 2022.

[HB 2009](#) – Establishes temporary limitations on lenders' remedies for borrowers' failures to make payments on obligations secured by mortgages, trust deeds, or land sale contracts for certain real property.

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Redistricting

The House and Senate are expected back in Salem on Sept. 20 for a special session to approve the long-delayed maps for new legislative and congressional districts to be used in the 2022 election. Some leaders want the short session to focus only on redistricting, without lawmakers wandering into other policy areas.

Some lawmakers have suggested that the special session could include a catch-up on areas such as campaign finance reform that got short-shrift because of tight schedules and big agendas. However, it is more likely that issues left over from 2021 will be taken up in the 35-day short session of the legislature in 2022.

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

* Although all bills listed here have been passed by both houses of the legislature, many had not yet been signed by the governor at the time this newsletter was published. The governor has 30 days after the end of the session to sign the bills, veto the bills, or simply allow the bills to become law without her signature.

Endnotes

1. [Legislative Fiscal Office Recommendation for the Oregon Judicial Department Budget.](#)
2. [HB 5006 Preliminary Budget Report, p. 60.](#)
3. [Legislative Fiscal Office Recommendations for the Public Defense Services Commission.](#)

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