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## Judge Susan Graber to Receive Roberts & Deiz Award at March 11 Event

By Lizz Esfeld

Judge Susan Graber, of the U.S. Court of Appeals for the Ninth Circuit, is the 2022 recipient of the OWLS Roberts & Deiz Award. Judge Graber will be honored at the 29th Roberts & Deiz Award celebration on March 11.

The OWLS Roberts & Deiz Award is presented each year to an individual selected based on their outstanding personal and professional contributions to promoting those from outside the dominant culture in our community. The award honors the legacies of Justice Betty Roberts (1923-2011), a leader and mentor in Oregon politics and the legal community and the first woman appointed to the Oregon appellate bench, and Judge Mercedes Deiz (1917-2005), a trailblazer who worked to promote and advocate for women, people of color, LGBTQ individuals, those with disabilities, and other marginalized com-

munities. She was the first Black woman admitted to the Oregon Bar and the first woman of color on the Oregon bench.



Judge Susan Graber

Judge Graber embodies the qualities of both of these women and has been a groundbreaker in the legal profession for over 50 years. In 1969, when she entered law school at age 19, fewer than 5% of all lawyers in the nation were women. Women comprised less than 10% of her 1L class at Yale Law School.

Despite the absence of women lawyers as role models, she achieved a long list of legal firsts and was a mentor to many. Judge Graber was the first woman law clerk in the U.S. Attorney's Office for the District of Oregon. She was the first woman labor/employment lawyer in two major firms. She was the first

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## The Honorable Suzanne Chanti Recognized for Promoting Equal Opportunities for All

By Shannon Richard

Lane County Women Lawyers presented the third annual Chief Justice Martha Walters Award (CJMWA) to the Honorable Suzanne Chanti at an in-person ceremony and luncheon on December 10.

Lane County Women Lawyers created this award to highlight the Eugene and Lane County legal community. The CJMWA recognizes a Lane County attorney who has demonstrated leadership in the pursuit of equal justice for all. The recipient of this award is a person who has transformed the law through advocacy to create or encourage equal opportunities for individuals facing obstacles to achievement and whose innovative approach to workplace culture or mentoring promoted advancement for all in the



The Honorable Suzanne Chanti

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## President's Message

The new year is here and while we are still in a pandemic, for me 2021 moved faster than 2020 did. The past year was hard as we realized the pandemic may never go away. How do we continue to live in a world where we always face the threat of contracting this potentially life-threatening or life-altering airborne virus? It's a good thing that humans are adaptable, and when we need to hustle, we can hustle. This has been my truth for 2021.

In coming to this realization, within OWLS we were able to continue some of our long-standing programming, and also present some of our larger events safely. We held our OWLS Fall CLE virtually for the first time. Our keynote address was presented by Professor Brence Pernell, Adjunct Professor of Law, NYU School of Law and New York Law School. Professor Pernell's presentation focused on redressing slavery's harm under the 13th Amendment. This presentation provided a scholarly perspective on how reparations can be justified under the U.S. Constitution.

Professor Pernell highlighted the fact that Section 2 of the 13th Amendment provides Congress with the power to enforce this amendment through appropriate legislation. *Jones v. Alfred H. Mayer Co.* (1967) amplified congressional authority by alluding to the fact that issues classified as a "relic of slavery" can fall within the purview of implementing legislation to further repair the harms slavery caused. In fact, this Supreme Court case stated that Congress has the authority to "pass all laws necessary and proper for abolishing all badges and incidents of slavery in the United States."

Yet, despite the above, not much progress has been made to repair our past wrongs. Professor Pernell touched on limitations to implement laws with a focus on reparations. Concepts like there not being the political will to keep this issue in focus or "too much" justice being required to do this repair work. We can spend billions on armed resources, but helping lift up a group of people in this country is too expensive.

This presentation caused a host of inter-

nal dialogue, much more than I had time to address during the presentation, where I had to navigate my engagement, participation, questions asked by the public, and external disruptions that we all face in a virtual world. Most importantly, I didn't get enough information.

I find the concept of the 13th Amendment "loophole" to be offensive. We shouldn't need a loophole to justify correcting the erasure and severe minimization of a group of people. In addition to the concept of a loophole approach to reparations, I became increasingly confused as to what Professor Pernell meant about legislation surrounding reparations, and what should be enacted, since it provides for basic human rights. I do not know the answers, but I want to continue the conversation.

Following Professor Pernell's presentation, Representative Janelle Bynum spoke about her work with the CROWN Act, House Bill 2935, which is a bill that joins other states in explicitly prohibiting employers and public schools from discriminating against individuals based on physical characteristics, such as hair. Senator Lew Frederick then spoke of the many years he has been involved in working toward passage of legislation that centers on reparations.

I appreciated Senator Frederick talking about his family's history and the discrimination they faced while he was growing up. The passion in his advocacy work was made that much more genuine because of his vulnerability in sharing his family's stories.

The final component of the OWLS Fall CLE likely was my favorite. I invited Oregon advocates to talk about what was happening in the state to support Black voices. This conversation was holistic,



Jacqueline Alarcón

*Continued on page 3*

*Our mission is to transform the legal profession by pursuing equitable access to the legal system and equity for women and communities who are systemically oppressed.*

## President's Message

*Continued from page 2*

genuine, vulnerable, and engaging. It was exactly what I wanted it to be. It meant more to me than the other aspects of the OWLS Fall CLE, not because the other presentations were weak or less informative, but because the focus was on local people doing local advocacy work.

I feel proud that during my presidency I was able to provide some creative programming for our community. What is clear is that this form of creative, outside of "normal" topics for a CLE needs to continue.

More than 120 people attended the CLE, and the feedback was overwhelmingly positive. Because of the amount of support we received, we were able to donate \$8,895 to the Western States Center. We can all continue to do more. This CLE was focused on Black voices, but we should all be aware that there are many other communities in the United States that deserve reparations. I hope to see more programming on these issues.

We need to continue to evolve and adopt our equity work. These efforts have been stifled for the past few years because of COVID, but not all can be blamed on the pandemic. There are a variety of ways that organizations can work on equity issues even during the pandemic. Looking at an organization's internal structure can lead to more inclusivity.

Recently, OWLS has taken a deep dive as to how best to evolve our equity work. The work focusing on diversity and inclusion has changed because of how white supremacy works. Diversity and inclusion are no longer enough. Among other aspects of diversity, we need to start having more conversations about cultural competency. How can OWLS be a more inclusive organization? We started by reviewing our mission statement.

Revamping our mission statement has been five years in the making. Finally, at our December board meeting, we adopted the following as our mission statement: "To transform the legal profession by pursuing equitable access to the legal system and equity for women and communities who are systemically oppressed." I will continue to highlight this for the remainder of my presidency because it is a big deal. Our mission statement had remained the same for decades. Next, we will turn to our bylaws, because equity work needs to start at a foundational level when it comes to businesses and

organizations.

I hope that OWLS can serve as a leader for other organizations so they also can do internal work. Organizations that I am particularly interested in seeing evolve are the Oregon State Bar and the Multnomah Bar Association. The OSB and the MBA both have a professionalism statement. Who was this statement created by and for? It may not have been created by people who look like me or for me. I know firsthand that the MBA already is hard at work on this issue. The concept of "professionalism" is a concept that has been historically used to attack people of color.

Do you want to know how? Feel free to reach out, and I will be happy to have a conversation with you. In the meantime, I know that I will continue to work with both OWLS and the MBA to evolve.

Happy holidays, and cheers to a wonderful 2022!

Jacqueline L. Alarón,  
President Oregon Women Lawyers

## OWLS member appointed

In December, the U.S. Senate confirmed OWLS member [Jennifer Sung](#) to serve as a U.S. circuit judge for the U.S. Court of Appeals for the Ninth Circuit. Jennifer will be the first Asian American woman to serve on one of Oregon's seats for the Ninth Circuit. She is filling the seat being vacated by The Honorable Susan Graber, who assumed senior status mid-December. This is a lifetime appointment.



Jennifer  
Sung

Jennifer has served on the Oregon Employment Relations board since 2017. Her vast experience includes litigation in courts, administrative agencies and arbitrations, complex civil litigation in state and federal court, including contractual dispute and class action employment cases.

Jennifer received her JD from Yale Law School in 2004.



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# Upcoming Events

A look at what's coming up in the next several months.

## Affinity Bar Series Featuring Oregon Trial Lawyers Association "Representing Victims of Police Misconduct & Brutality"

Wednesday, January 26, 5-6 p.m. with Nadia Dahab, Jane Moisan and Rian Peck  
No cost. Registration information forthcoming.

## Queen's Bench Monthly Presentation "Alternatives to the Bar Exam"

Tuesday, February 8, noon-1 p.m., via Zoom and Facebook Live with the Honorable Darleen Ortega, Kamron Graham, Joanna Perini-Abbott, Jennifer Reger. Moderated by Miriam Wainwright.  
No cost. Register Online.  
Queen's Bench Presentations are the second Tuesday of the month at noon.

## First Wednesday "Managing Neuro Diversity in the Law Firm Arena"

Wednesday, February 2, 11:45 a.m.-1 p.m.  
No cost. [Register Online.](#)

## Sidebar Social for New Lawyers & Law Students

Wednesday, February 9, 5-6:15 p.m.  
Networking for new lawyers & law student  
No cost. Register Online.

## CLE: "Extinguishing Imposterism: Strategies for Legal Organizations to Minimize Unwarranted Self-Doubt and Cultivate Excellence"

featuring Susanne Aronowitz, Melissa Chureau and Parna Mehrbani  
Wednesday, February 16, noon-1:30 p.m.  
Registration Online.

## Queen's Bench Monthly Presentation "Childcare as Infrastructure," with Andrea Paluso

Tuesday, March 8, noon-1 p.m., via Zoom and Facebook Live  
No cost. [Register Online.](#)  
Queen's Bench Presentations are the second Tuesday of the month at noon.

## OWLS Roberts & Deiz Award 2022 (virtual) & OWLS Foundation Special Appeal

Friday, March 11, 6-7:45 p.m.  
Celebrating the Honorable Susan Graber  
[Register Online.](#)  
Title Sponsor: [Paulson Coletti Trial Attorneys](#)

## Queen's Bench Monthly Presentation "How to Turn a Big Idea Into a Reality," with Somya Kaushik

Tuesday, March 8, noon-1 p.m., via Zoom and Facebook Live  
No cost. [Register Online.](#)  
Queen's Bench Presentations are the second Tuesday of the month at noon.

## OWLS Civil Rights Trip to the Southern U.S.

Led by Ron Silver and Elise Gautier  
April 26-May 3  
Visit historic sites from the civil rights movement. For information, contact [Elise.](#) Registration is closed.

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# Once-in-a-Decade Convocation on Equality Examines Diversity in the Legal Profession

By Ayla Ercin

Once every 10 years, the Oregon legal community comes together to reflect on its past efforts to increase diversity in the legal field, to plan for future progress, and to inspire positive change. On November 5, the Oregon State Bar Diversity Section hosted the third Convocation on Equality. The



Governor Kate Brown

theme for the all-day event was “Charting the Way Forward.”

Governor Kate Brown kicked off the virtual event with an introduction and a review of some of her legislative accomplishments focused on racial justice and equity. Ed Edmo, a Shoshone-Ban-

nock poet, performer, and lecturer on Northwest tribal culture offered a land acknowledgment.

Senior Judge Angel Lopez and Judge Melvin Oden-Orr, both of the Multnomah County Circuit Court, then led the opening session. Judge Lopez was a major organizer of the Oregon State Bar’s first Convocation on Equality in 2001 and promoted the creation of the OSB Diversity Section. Judge Oden-Orr is the founding chair of the OSB Diversity Section. Both judges drew on these experiences to reflect on the history of the Oregon State Bar’s diversity and inclusion efforts, the founding of the OSB Diversity Section, and current trends they are seeing, such as an increase in affinity group participation and changing voices at the decision-making table. An increase in general counsel positions filled by people of color and increased diversity on the bench were cited as examples of progress. The session ended with a look toward the future and a discussion of new initiatives.

Throughout the event, participants were shown a selection of prerecorded videos. These included in-depth interviews with six members of the Oregon State Bar from diverse backgrounds, a



## Note from OWLS executive director:

During the OSB Convocation on Equality, attendees learned that a planned presentation on white supremacy in Oregon’s legal profession to be given by two law firm partners who are women of color was canceled. The OSB determined it did not pass their Keller review. OWLS looks forward to working with Oregon’s affinity bars and other interested parties to move discussion forward on this important, nonpartisan topic.

— Linda Tomassi

review of the Oregon Judicial Branch’s efforts to increase equity, diversity, and inclusion, and a video from the Multnomah Bar Association discussing its efforts toward inclusivity.

The plenary session for the event was a presentation made by Christine Cress, a Portland State University professor in the Educational Leadership and Policy Department whose research focuses on learning environments. Her session, “The Neurobiology of Conscious and Unconscious Bias” discussed the biology of the human brain, why it is built to make quick but potentially biased decisions, and how we can work to change these unconscious biases.

Ms. Cress discussed brain processes that developed for survival — the brain is designed to take in experiences, learn from them, and create a simplified framework that we can use in the future to make quick predictions for action. This is a protective mechanism that allows the brain

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# Affinity Bar Series Panelists Offer Tips to Ease Stress, Avoid Burnout

By Laura Gardner

**O**n October 27, the Multnomah Bar Association and its Young Lawyers section hosted the second installment of the Affinity Bar Series for New Lawyers and Law Students. The session, titled “Setting Boundaries & Avoiding Burn Out,” was moderated by Kirsten Rush and featured a panel of speakers that included Julie Preciado, Iván Resendiz Gutierrez, Ron Cheng, and Samantha

Radcliffe.

The panelists practice in a wide range of legal areas and have varying levels of expertise, but all described feeling burned out at some point in their careers. While individual experiences differ, they advised attorneys to be aware of common symptoms such as lack of motivation, feeling cynical, overwhelmed, or wanting to isolate. Without making changes or taking a break, the problem will only worsen.

Offering personal insight, Mr. Cheng confessed he had been uneasy about getting professional help until he heard respected colleagues talk about their regular therapy schedules. Mr. Cheng started with the Oregon Attorney Assistance Program (OAAP) and continued therapy on his own. He noted that many times people are unable to identify their own issues, especially when they’re deeply immersed in them. Therapy helps people process and understand those issues and helps create a path to a solution. Ms. Preciado added that the OSB Mentorship Program or a life coach also can provide help.

All the panelists agreed that sometimes it is hard to identify symptoms of burnout in the legal profession since it is common to work grueling hours on overwhelming caseloads. However, in recent years some law firms, especially in the Pacific Northwest, have started putting more emphasis on work/life balance.

Ms. Preciado said it’s good to periodically take note of your goals and your progress toward achieving them, evaluate your strengths and weaknesses, and talk and share your thoughts with mentors. It’s a practice that will improve with time.

Mr. Cheng also advised to be on the

lookout for toxic law firm environments. New attorneys often doubt their capabilities and think the law isn’t for them when really it’s the firm disrespecting and burdening them.

Answering an audience member’s question about being an attorney with children, Ms. Rush said she and her husband worked hard to schedule their lives and set priorities. Her schedule has evolved to four longer days, and it’s been great for her family. The legal field is diverse, and the same schedule won’t work for everyone, so seeing an attorney achieve work/life balance is inspiring.

Mr. Cheng noted that the legal career is a marathon. In his first five years, he said he had unrealistic expectations but has learned to revise them. It can take years, or even decades, to reach your goals, so having this mentality eliminates unnecessary stress. He has known colleagues with health conditions stemming from job stress and realized there’s no point ending up with a poor quality of life and the inability to enjoy retirement.

This was a great event for law students and new lawyers as it gave insight into the reality of working as a lawyer. In law school I didn’t really understand what the daily life of an attorney would be. Learning that attorneys in my field valued life beyond work eased my anxiety about life after law school. Now two years in, there is still an expectation to work incredibly hard and give your all to your career but with the understanding that it’s not sustainable if you don’t rest and have a life outside of work.

*Laura Gardner is an associate attorney at Hedman Family Law.*



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# Meet Court of Appeals Judge Robyn Ridler Aoyagi

By Nora Coon

Growing up in New Mexico, Judge Robyn Ridler Aoyagi didn't know any lawyers. The only lawyer she'd ever met had given her a bank deposit slip with his name on it because he was out of business cards. She recalls thinking that she "had no conception of what jobs were available in the world. ... You could be a waitress, you could be a teacher, you could work at Walmart, you could be a doctor." In her sophomore year of high school, she decided to become a lawyer. After graduating from Tufts University, she went on to Harvard Law School. There, her class was only 38% women, but she "felt inspired by the women professors. I still remember meeting Elizabeth Warren on the first day of law school."

Judge Aoyagi's first view of what a judge's job entailed came when she clerked for the D.C. Circuit Court of Appeals after graduating from law school. As a law clerk, Judge Aoyagi didn't think she could ever become a judge, but believed it was "so obviously the best job in the world." Now at the Court of Appeals, Judge Aoyagi still feels that way: "In terms of the day-to-day work, it's extremely interesting, it's very meaningful, and I think we all want meaning in our lives, and that's what drives us. ... I just love it."

In 2000, after completing her clerkship, Judge Aoyagi moved to Oregon to work at Tonkon Torp, where she focused on complex civil litigation and appellate cases. Governor Kate Brown appointed her to the Oregon Court of Appeals in 2017, after the retirement of Judge Timothy Sercombe and the appointment of now-Justices Rebecca



Judge Robyn Ridler Aoyagi

Duncan and Meagan Flynn to the Oregon Supreme Court. One of the biggest surprises for Judge Aoyagi when she joined the court was "how understaffed we are and how challenging it makes it to get the work done in a timely fashion," especially compared to her experience in private practice. Every judge on the Oregon Court of Appeals has a heavy workload, represented by the cases stacked on the shelves in their offices. Judge Aoyagi explains, "I work a lot. There's a degree to which I think my work style is well suited to a faster-paced environment. I am very cognizant of every case on my shelf, and I basically just work as hard as I have to to keep the shelf down because I can't bear it. I can't control a lot of the delays in the system, but I can control what's on my shelf."

The COVID pandemic has affected Judge Aoyagi's experience on the Court of Appeals in several ways. During this time, she's done "a lot more writing at midnight," and oral arguments are entirely remote. Judge Aoyagi sees benefits and drawbacks to the virtual environment. It's difficult to see body language on Zoom, which makes it harder

for the judges to take turns asking questions. She prefers in-person arguments in "the beautiful Supreme Court courtroom," but recognizes the need for at least some remote arguments "in perpetuity, which is an access to justice issue. We're a statewide court, so there's some logic to thinking about whether we want to be more accessible to people outside the Portland-Salem corridor." She looks forward to being back in the office and regrets how the pandemic has limited contact with clerks and externs.

Judge Aoyagi strongly encourages young attorneys to begin their careers by discovering what they enjoy about practicing law. "You should figure out what success would look like for you, rather than what someone else considers to be success." Whatever you choose, she says, "it's very important to not just have mentors but to have advocates. It's important to have someone who's in the rooms that you're not in." During her 17 years at Tonkon Torp, Judge Aoyagi benefited from the women and men who mentored her and advocated for her.

One of Judge Aoyagi's most unexpected pleasures has been working with law students and new lawyers. She hopes that when it's safe to do so, people will "feel free to come say hi and introduce themselves. We're fortunate to live in a state that has a good bench-bar relationship, so take advantage of that."

*Nora Coon is a deputy public defender in the Criminal Appellate Section of the Oregon Office of Public Defense Services and serves on the OWLS Foundation board. She previously clerked for Judge Aoyagi as well as for the Honorable Jack L. Landau.*

## Convocation on Equality

*Continued from page 5*

to recognize and respond in potentially dangerous situations, but can give rise to unconscious biases that are resistant to change.

Ms. Cress went on to suggest ways to address unconscious biases — by preparing the brain to change through healthy routines and then working to bring forward our biases to examine and change them. Ms. Cress encouraged participants to engage in conversations that challenge our assumptions, to listen in expanded social networks, to participate in new activities, and to consider alternative views of the world.

The event's afternoon sessions included an informal networking opportunity and two breakout sessions with three available options in each session. Breakout sessions included a panel discussion on being a strong mentor, a session on how to advance your career, a discussion of disability in the workplace, a discussion led by U.S. Magistrate Judge Mustafa Kasubhai, and an employer roundtable where hiring practices and strategies were discussed.

Finally, three awards were presented by Governor Brown. Ekuia Hackman was awarded the On-the-Rise Award, defense attorney Ernest Warren was awarded the Distinguished Service Award, and Judge Lopez was awarded the Lifetime Achievement Award. All three awards recognize

recipients for their significant contributions to fostering diversity, equity, and inclusion in the legal profession or the wider community, while in differing phases of their careers. OWLS congratulates each award recipient.

Overall, the convocation gave participants the opportunity to share their experiences and to reflect on past success, while encouraging networking, career strategizing, and positive action to advance diversity in the legal workplace of the future. We look forward to the progress the next decade will bring.

*Ayla Ercin is an attorney and staff member at the Campaign for Equal Justice in Portland.*

## Hon. Suzanne Chanti

*Continued from page 1*

legal profession.

The inspiration for this award came when former Eugene attorney and now Justice Martha Walters was unanimously elected by her colleagues to Chief Justice of the Oregon Supreme Court in 2018.

Judge Chanti, the 2021 honoree, embodies the qualities of the CJMWA. She earned her JD at the University of Oregon in 1988 after graduating from Southern Oregon University in Ashland. Prior to ascending to the bench in February 2010, she was a partner with Chief Justice Walters from 1992 to 2006, when the Chief Justice was appointed to the Supreme Court.

Judge Chanti dedicated her career to advocating for equal justice for all people. As an attorney, she was a strong and successful advocate for the disadvantaged. She primarily represented plaintiffs in employment and civil rights litigation, working hard to level the playing field for her clients. This included groundbreaking litigation involving disabled golfer Casey Martin in his lawsuit against the PGA Tour to allow Martin to use a golf cart during tournaments.

On the bench, Judge Chanti handles everything from complex civil litigation and important questions of constitutional law in criminal cases to managing treatment court and juvenile dockets. Judge Chanti served on many county, state, and federal bar committees in addition to doing volunteer work for the disability community and serving on the boards of directors of the Eugene Ballet and Lane County Public Defenders. Retiring in May 2021, she currently serves as the co-chair of the



*From left: Hon. Suzanne Chanti, Hon. Martha Walters, and Hon. Debra Vogt*

Oregon Judicial Department Behavioral Health Advisory Committee. Judge Chanti has been a leader, locally and statewide, in rethinking legal and judicial policies and rules to encourage equality, expand and simplify access to the courts, and give voice to disadvantaged people.

The celebration this year was held in person at the Gordon Hotel in Eugene. The more than 50 people who attended the ceremony gladly provided proof of vaccination and wore masks throughout the event. The program began with an excerpt from The Center Collaborative podcast and featured [Judge Chanti's comments relating to the importance of connecting on a human level with people she encounters so that they know she](#)

[cares about them.](#)

The program also included remarks from the award's namesake and inspiration, Chief Justice Martha Walters, and an interview of this year's recipient by the Honorable Jay McAlpin. The Honorable Debra Velure presented the award to Judge Chanti. During the interview, Judge Chanti revealed that she became a lawyer because of the barriers she encountered in her early life and believed that, as an attorney, she would have the power to change. Judge Chanti has succeeded and continues to do just that.

*Shannon Richard is the Assistant Attorney-in-Charge, Civil Recovery Section, Oregon Department of Justice.*

## Queen's Bench Luncheon

**By Melissa Jaffe**

On December 14, OWLS' Queen's Bench chapter held its annual Holiday Lunch Honoring Women Judges virtually again. Queen's Bench President Hon. Beth Allen ceremoniously handed over leadership to incoming President April Stone, an associate with Markowitz Herbold. The event started with a slideshow and a soundtrack curated by QB board member Ekuia Hackman. Judge Allen then presented the chapter's largest-ever CourtCare donation of \$2,500 to Victoria Blachly, vice president of the Multnomah Bar Foundation. Ms. Stone then

announced her theme for 2022 – Big Ideas. Save the date for noon the second Tuesday of the month in 2022. Also, please mark your calendars for December 13 at noon for an unprecedented keynote speaker.

**You are not alone:** During the "Addiction and Mental Health Awareness & Support" presentation, panelists shared powerful, vulnerable stories about the realities of mental health and substance abuse patterns in the legal community. Due to the sensitive nature of the topic, the event was not recorded.

Panelists shared their personal stories, including that practicing law can be exhaust-

ing and antagonistic. They encouraged those who may be concerned about their mental health or possible substance abuse to seek help, including in-patient treatment, counseling from the Oregon Assistance Attorney Program (OAAP) or others, and finding supportive and trusted mentors. Their common message was: "You are not alone. We have been where you are. Please reach out." Text 503-841-5720 to be confidentially connected to one of the presenters to receive help with your recovery journey.

*Melissa Jaffe is the owner and principal attorney at Law Offices of Melissa B. Jaffe and founder of Blissness School.*



# 2021 End of Year Legislative Wrap-Up

By Susan Graber

Although the 2021 legislative session ended Saturday, June 27, we have had not one, but two special sessions. The first special session was dedicated to redistricting state and congressional legislative districts based on the latest census data. Those decisions withstood judicial challenge and have set off a dizzying round of musical chairs. One important result of the census changes and redistricting was the addition of a 6th congressional district south of Lake Oswego and stretching

deep into the valley. Rep. Andrea Salinas, D-Lake Oswego, and Rep. Ron Noble, R-McMinnville, already have thrown their names in the ring for the seat. Others are considering a run as well. Decisions regarding who will be running for statewide and legislative offices will be made closer to the March 8 filing deadline.

The second special session, in December, was called by Governor Kate Brown to address continuing landlord tenant issues, respond to the drought in much of Oregon, an increase in illegal marijuana grows throughout the state, and to provide

support to the Afghan refugees who are arriving in Oregon.

During the second special session, the Legislature considered five bills.

- **Senate Bill 891** – Extends suspension of termination of residential tenancies for nonpayment of rent for tenants who have applied for emergency rental assistance and provided documentation of application to their landlord on or before June 30, 2022, throughout period that application is pending. Renters now have

*Continued on page 12*

## Judge Susan Graber

*Continued from page 1*

woman lawyer to chair several committees and lawyer delegations at the Ninth U.S. Circuit Judicial Conference.

In 1988, Judge Graber was appointed to the Oregon Court of Appeals, following in the footsteps of Justice Roberts, and became its first woman presiding judge of a Court of Appeals panel. In 1990, Judge Graber was appointed to the Oregon Supreme Court and became only the second woman to ever serve on that body.

In 1998, Judge Graber was nominated to the U.S. Court of Appeals for the Ninth Circuit and became the first woman from Oregon to take a seat on that court.

Judge Graber has worked tirelessly to mentor attorneys from diverse backgrounds. She has strived to create an accepting environment among her clerks and routinely hires outside the usual Ivy League/top 10 law schools. Nearly half of her law clerks have been women of color, nearly 20% have identified as LGBTQ, and nearly 20% are people of color. The best praise for Judge Graber, however, comes from those she's mentored.

Judge Graber's philosophy is expressed best in her OWLS article "In Praise of Mentors." She wrote, "You too are role models, even when you aren't aware of it. You mentor in small ways whenever you work with a less experienced lawyer and make suggestions. Be conscious of your status as a mentor; embrace it. ... Giving to the next generation of lawyers, in whatever way fits with your position and personality, is one of the most rewarding experiences that you can have. Through it, you will impart the values of the legal profession and ensure that our profession will benefit from diverse leadership of

which we all can be proud."

Judge Graber exemplifies the qualities that we honor in both Justice Roberts and Judge Deiz. She has provided leadership and guidance to vulnerable populations and individuals outside the dominant culture in our community. She is devoted to supporting and including women and communities who are systemically oppressed, and does so in a way that inspires everyone around her to continue to fight for the greater good.

Judge Graber announced on February

11 her intention to take senior status upon appointment of her successor. Judge Graber has created an environment of inclusion and mentorship in the legal community that will continue long past her time on the bench.

OWLS is proud to honor Judge Graber with the 2022 OWLS Roberts & Deiz Award on March 11. OWLS, our community, and our profession thank her for the work she has done.

*Lizz Esfeld is an attorney at Preg, O'Donnell & Gillett in Portland.*



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# Phoenixes Rising

## As Part of Queen's Bench Series, Fire Chief Sara Boone, Speaker Tina Kotek, and Commissioner Val Hoyle Discuss Resilience

By Erin N. Dawson

The past few years have reminded us again and again of that precious resource called resilience. To say that 2020 and 2021 have called for an abundance of it would be an understatement.

In 2021, Queen's Bench hosted monthly presentations with the inspiring theme of Phoenixes Rising to celebrate the many women in our community who have experienced challenges, have been knocked down, and who have found a way to rise back up.

Our discussions with leaders from all walks have included conversations with Multnomah County Commissioner Jessica Vega Pederson, Multnomah County Health Department Director Ebony Clarke, Secretary of State Shemia Fagen, Deputy City Attorney Anne Milligan, attorney Lorena Reynolds, attorney Victoria Blachly, and Regional Disaster Officer Rebecca

### Join the discussion

Please join us in 2022 for more community and connections as the Queen's Bench explores the theme "Big Ideas."

Presentations are the second Tuesday of the month at noon.

Marshall with the American Red Cross.

In October, Sara Boone shared her journey to become Portland's first Black fire chief. Chief Boone described how her own experiences helped her realize several truths that have been instrumental in her ability to get back up again and again. Those truths include:

- Fear of failure, which often prevents us from making decisions at key junctures. Don't let your reaction to fear stop you

from saying yes to an opportunity.

- Lead with your heart before your mind tells you that you don't belong.
- Only when you accept yourself are you truly empowered.

In November, Oregon House Speaker Tina Kotek and Labor Commissioner Val Hoyle met for a conversation on how they started in politics and public service, how they have learned to lead more effectively through the COVID-19 pandemic, and why they continue to remain hopeful after 2020 and 2021.

Speaker Kotek and Commissioner Hoyle shared gratitude for the resiliency of the legal system, noting that when things have seemed scary and insecure, our system of law has held fast. Each speaker also recognized the resiliency needed to exist in politics. Speaker Kotek acknowledged that at some point in politics you're bound to fail, but it's important to pick yourself up and keep fighting. Commissioner Hoyle agreed that being in politics is difficult, but she is proud of the strong women leaders in Oregon.

Queen's Bench is grateful for every amazing speaker in 2021 who brought us inspiration each month.

*Erin N. Dawson is an attorney with Markowitz Herbold PC in Portland.*

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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.

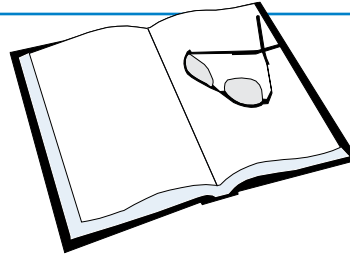
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# Shortlisted: Women in the Shadows of the Supreme Court



By Renee Knake Jefferson and Hannah Brenner Johnson  
(New York University Press, 2020, 287 pages)

Book Review by Renata Gowie

**S**hortlisted: *Women in the Shadows of the Supreme Court* has its origins in the high court nominations of Sonia Sotomayor (2009) and Elena Kagan (2010). Although each woman possessed exceptional educational pedigrees and legal experience that rivaled or exceeded any male justice, the media improperly fixated on their gender, lack of husband and children, attire, and weight.

The authors embarked on an empirical study of the media's depiction of every Supreme Court nominee from 1971 (William Rehnquist and Lewis Powell) to Sotomayor and Kagan. During their research, the authors discovered that several women have been "shortlisted" for the Supreme Court. Shortlisted, in this context, means the woman is qualified for the position, but not selected because the purpose of the list is to create the appearance of diversity while preserving the status quo.

The authors present short profiles of nine women who appeared on presidential shortlists for the Supreme Court before or alongside Sandra Day O'Connor, who was historically appointed to the court in 1981. The women include Amalya Lyle Kearse, an African American judge who currently sits on the United States Court of Appeals for the Second Circuit.

The first woman shortlisted is Florence Allen. Born in 1884, Allen, surprisingly, was not the first woman in her family to attend college. Her mother was the first woman admitted to Smith College and Allen's older sister would become the dean of women at The Ohio State University. Despite (or because of) an unconventional personal life — Allen lived romantically with two women at different times — Allen had a successful judicial career. She was the first woman judge in Ohio (elected in 1920 to the Common Pleas Court); the first woman judge on a state court of last resort (elected in 1922 to the Ohio Supreme Court); and the first woman appointed to a federal appellate court (the United States Court of Appeals for the Sixth Circuit, where she



served from 1934-66). Her colleagues on the Sixth Circuit were not happy about her arrival; one even took to bed for two days. They also excluded her from their lunches. Allen repeatedly appeared on official presidential shortlists as early as 1932. Despite women lawyer groups urging her appointment, she was not always seriously considered. Some male justices adamantly opposed women on the court. How could they sit in conference with their robes off and feet up if a woman were present?

The authors reference some African American women lawyers who could have been considered for the court absent racist and sexist beliefs of decision-makers. For instance, Jewel Lafontant, the first African American woman graduate of the University of Chicago Law School, argued and won a case before the Supreme Court in 1963. In 1973, she became the first woman U.S. Deputy Solicitor General, the second highest official in the U.S. Department of Justice office that briefs and argues cases before the Supreme

Court. In 1966, Constance Baker Motley became the first African American woman appointed to the federal judiciary; she served 39 years on the U.S. District Court for the Southern District of New York.

While President Jimmy Carter had no Supreme Court vacancies to fill, he nevertheless increased the racial, ethnic, and gender diversity of the federal bench more than any previous president. For instance, Carter appointed more women as federal judges (40) than his predecessors combined (10). One of those women was Ruth Bader Ginsburg, whom he appointed to the U.S. Court of Appeals for the D.C. Circuit in 1980, and who was later appointed to the Supreme Court in 1993.

The authors explain that women who seek the bench are trapped in a "double bind" in which undesirable consequences attach to the options presented. The authors explore the "binds, conundrums, and contradictions" regarding: (1) feminism/racism; (2) appearance/femininity/respectability; (3) professional and intimate relationships; (4) motherhood/competing careers; and (5) age. The authors examine the common characteristics and experiences of the profiled women and suggest strategies for more women to go from shortlisted to selected.

Anytime a woman is a finalist for appointment to a prestigious position, whether it be judicial, political, corporate, or otherwise, she wonders whether she is under true consideration or whether she is a finalist to placate groups calling for diversity. This is particularly true for women of color. After reading this book, one looks at shortlists in a different light. The selected person is not always the most qualified, but perhaps the most connected to the decision-makers. The authors' suggestions for surmounting the shortlist can help women who seek to advance in any arena. In short, even if one is not seeking a judgeship, *Shortlisted* is an excellent book that is well worth reading.

**Renata Gowie** is the chief of the Civil Division at the U.S. Attorney's Office for the District of Oregon.



## Legislative Wrap-Up

*Continued from page 9*

until before their first court appearance or June 30, 2022 (whichever comes first), to share their [Oregon Emergency Rental Assistance Application](#) with their landlord and establish the safe harbor. If, however, the application is closed, or the funding does not cover the cost of unpaid rent, the landlord may continue with eviction proceedings for unpaid months.

- **Senate Bill 892** – Directs state Department of Agriculture to establish a forgivable loan program to provide financial assistance to farming and ranching producers in Oregon with lost gross farm income in calendar year 2021 due to qualifying natural disaster.

- **Senate Bill 893** – Requires prioritizing financial assistance to local law enforcement agencies to partner with community-based organizations in order to address the humanitarian crisis associated with unlawful marijuana cultivation or distribution operations in awarding grants through the Illegal Marijuana Market Enforcement Grant Program.

- **Senate Bill 5561** – Appropriates money from the General Fund to specified state agencies for specified expenses. In addition to funding for the bills mentioned above, the bill provided approximately \$18 million in funding to assist Afghan refugees in their transition to Oregon. This funding will be used for a variety of services including immigration legal service Senate Concurrent
- **Resolution 41** – Adjourning sine die 2021 second special session of 81st Legislative Assembly.

All five of the bills passed both chambers and were signed by the Governor on December 14, 2021.

Most of the legislation that lawyers care about from the full 2021 legislative session and second special session will be covered in the OSB Legislation Highlights, found [here](#).

An update to address the second special session is in process.

### 2022 Legislative Session

The 2022 Legislative Session will open Tuesday, February 1, 2022, and constitutional sine die (last day of session) is March 7, 2022. Colloquially referred to as the “short session,” expected topics include a budget rebalance, continued focus on COVID-19 and housing, the Ramos decision, the Private Forest Accord, and restructuring of the Public Defense Services Commission.

### OSB 2022 Legislative Priorities and Guidelines

[The Oregon State Bar’s Board of Governors \(BOG\) Legislative Priorities and](#)

[Legislative Guidelines for the 2022 Legislative Session](#) were adopted at its November 2021 meeting.

### 2022 OSB Legislative Priorities

1. Support Court Funding. Continued support for stable funding for Oregon’s courts.

- Advocate that the Legislative Assembly improve funding to provide needed court services, support suitable and sufficient court facilities, work to attract and retain high quality judges, and support the goals of the Judicial Department Strategic Campaign.

2. Support legal services for low-income Oregonians.

- Civil Legal Services. Legal assistance and representation for financially qualified individuals in Oregon’s civil justice system.

- o Request that Congress and the president make a genuine commitment to equal justice by adequately funding the Legal Services Corporation, which provides federal support for legal aid;

- o Work with Oregon’s legal aid programs and the Campaign for Equal Justice to preserve and increase state funding for legal aid and explore other sources of funding.

- o Support Access to Justice Web Portal Project.

- Indigent Defense. Constitutionally and statutorily required representation of financially qualified individuals in Oregon’s criminal and juvenile justice systems:

- o Partner with stakeholders to obtain adequate resources and commensurate compensation for public defense providers, and support the development of caseload standards that ensure those public defense providers can meet their constitutional and ethical obligations.

3. Track and engage on 2022 legislation per Oregon State Bar Legislative Guidelines.

One priority for the bar includes the Oregon Access Portal. The Oregon State Bar, in partnership with the Oregon Judicial Department, the Oregon Law Foundation, and Oregon’s civil legal aid providers, are asking the Legislature for one-time funds for the development and implementation of OregonAccess, a one-stop coordinated civil legal aid self-help portal.

Another priority for the bar not specifically referenced in the priority document is the [Paraprofessional Licensing Implementation Committee](#) report and recommendations to be submitted for the OSB Board of Governors and Supreme Court review and consideration.

**April 1, 2022, Deadline for 2023 Law Improvement Proposals.** The Oregon State Bar Law Improvement Program is an avenue for Bar sections and committees to participate in the legislative process. Law improvement legislation includes proposals

to clarify statutory ambiguities, to modify unforeseen glitches in major legislation passed in previous sessions, and to codify case law as necessary. In 2021, Bar members advocated to provide that Oregon courts should provide full faith and credit to orders and judgments issued by tribal courts, to clarify military and veterans preferences, and to update will retention timelines. The deadline for 2023 Law Improvement Proposals is April 1, 2022.

**Courts and Courthouses.** The Oregon Judicial Department has three bills that it plans to submit for the 2022 legislative session as well as a number of budget notes that will be reported on during the 2022 session. Bills under consideration for introduction in the 2022 session include an increase in judicial compensation; authority for PJ’s to delegate authority to a child support referee (to take leverage federal funds for adjudicating child support cases eligible for federal reimbursement); and an omnibus bill to address court fees and fines, including permanent authority for CJ (directly or delegate to PJ) to direct or permit remote court appearance. See, 2021 SB 296 (5)(c) and (d).

The court also is working with the counties on improving or replacing a number of unsafe courthouses around the state, including courthouses in: Benton, Clackamas, Crook and Curry counties. Lane and Linn counties are pending further action.

**2022 Legislative Session Logistics.** The 2022 Legislative Session will open Tuesday, February 1, 2022, and constitutional sine die (last day of session) is March 7, 2021. Colloquially referred to as the “short session,” expected topics include a budget rebalance, continued focus on COVID-19 and the attendant challenges, housing, the Ramos decision, the Private Forest Accord, and the Public Defense Services Commission.

**Prior to the 2022 Session, the Legislature will hold Legislative Days.** During this three-day period, January 11-13, 2022, legislators will meet to discuss legislative concepts expected to be introduced during the 2022 Legislative Session, holding hearings, and finalize legislative concepts. Bills must be filed pre-session with the Secretary of the Senate or the Clerk of the House on January 14, 2022.

**Work on the state Capitol with a focus on seismic retrofitting.** This project will continue through the 2022 Legislative Session and parts of the Capitol, including the majority of the hearing rooms, are expected to be closed while construction continues.

*Susan Grabe is the Oregon State Bar chief communications and public affairs officer.*

# Meet Keshmira McVey

OWLS board secretary, Bonneville Power manager has dedicated career to conservation

By Marisa Moneyhun

**K**eshmira McVey attended the University of California at Berkeley where she received her Bachelor of Science in Conservation Resource Studies, then went on to study at Northwestern School of Law at Lewis & Clark College with an emphasis on environmental law. Upon graduation in 1997, Keshmira got a job with the Bonneville Power Administration, where she is still employed.

Keshmira has worked in a variety of positions at Bonneville. Currently, she is the program manager for Energy Efficiency Emerging Technologies where she focuses on bringing those advances to market. Administering a vast portfolio, Keshmira oversees project managers researching new technologies with the goal of implementing reliable products that conserve significant amounts of energy.

Keshmira thrives in solving complex problems and working in a team environment to develop innovative solutions. A few of the projects Keshmira has been most proud of during her career at Bonneville include litigating in the U.S. Court of Appeals for the Ninth Circuit and working on a White House initiative.

Keshmira is the OWLS Board secretary and previously worked with the OWLS nominating committee. She encourages new attorneys to “just join” and see what OWLS has to offer. Keshmira notes that the organization has enrichment programs, and she has found the listserv to be invaluable. She says the OWLS’ mission to transform the legal profession by pursuing equitable access to the legal system and equity for women and communities that are systemically oppressed



Keshmira McVey

is more critical now than ever.

When Keshmira isn’t working, she stays busy. In addition to time with family and friends, swimming, and biking, Keshmira is a licensed realtor. Representing both buyers and sellers in the residential and commercial market, Keshmira loves helping people navigate their big life decisions and realize their dreams.

*Marisa Moneyhun is a partner at Kehoe Moneyhun Law in Portland.*

## OWLS Congratulates 2021 Vernellia R. Randall Bar Exam Grant Recipients



Ana Escobedo-Barraza

**I**n 2021, the Oregon Women Lawyers Foundation awarded Willamette University College of Law student Ana Escobedo-Barraza and Lewis & Clark Law School student Destini Martinez the \$5,000 Vernellia R. Randall Bar Exam Grant.

Once barred, Ana plans to focus her practice on helping people in the areas of immigration and family law. As Destini moves forward with her legal career, she hopes to

pursue public interest work serving women and minorities.

The Vernellia R. Randall Bar Exam Grant is awarded twice a year to assist law students who are parents with children under age 18 to prepare for the Bar exam. Parents in their final year of study who intend to practice law in Oregon may apply in advance of the February and July Bar examinations.

*Congratulations, Ana and Destini!*



Destini Martinez

## OWLS Member Appointed to Deschutes County Circuit

**G**overnor Kate Brown recently appointed OWLS member Alycia Herriott to one of two Deschutes County Circuit Court positions created during the 2021 legislative session.

Prior to the appointment, Judge Herriott was a trial attorney for Gilroy Napoli Short Law Group, where her practice focused on criminal defense, personal



Judge Alycia Herriott

injury, and victims’ rights. Before that, Judge Herriott served as a deputy district attorney in Deschutes County and Clackamas County and as a special assistant U.S. attorney for the Dis-

trict of Oregon.

She grew up in Klamath Falls and is a 2008 graduate of Willamette University College of Law. In her spare time, Judge Herriott is active in her community and volunteers for programs like the New Lawyer Mentor Program and Deschutes County Emerging Adult Program.

*Congratulations, Judge Herriott!*

# OWLS Thanks Elise Gautier for Nearly 20 Years of Service

By Teresa Statler

**E**lise Gautier, editor extraordinaire, has recently retired. Upon completing the Fall 2021 issue of the *AdvanceSheet*, she stepped back from editing OWLS' newsletter and from her other freelance editing projects.

Elise started her editing and desktop publishing business in 1995, after a short but successful time as a civil litigator in San Francisco. She has a BA in English from Yale, a master's degree in public policy from Claremont Graduate School, and a law degree from the University of California, Berkeley. In addition to her work on the *AdvanceSheet*, Elise edited the Oregon State Bar's Civil Rights Section newsletter for 19 years, was the update editor for a National Lawyers Guild legal treatise for 25 years, and wrote and edited grant proposals and other material for many other nonprofits.

Elise started editing the *AdvanceSheet* with the Fall 2002 issue. In the intervening years, her incredible attention to detail and her high standards for articles have made the *AdvanceSheet* the respected



Elise Gautier

publication it is today. Elise says that her favorite part of working on the newsletter was "getting to know so many wonderful, kind, committed, and talented OWLS members over the years," including "the intrepid Linda Tomassi," who began working for OWLS a short time after Elise started as editor. Elise would like to extend her thanks "for all the time we've shared" to the many OWLS members with whom she has worked.

When asked to provide tips for writers, Elise offered two: write with precision, and set aside the written piece and go back to it later. Precise statements prevent confusion, she says, and when writers return to articles they've written, they usually find something they'd like to revise.

One thing that Elise, a Jane Austen fan, plans to do in retirement is read more books. She particularly enjoys reading about the civil rights movement of the 1950s and 1960s, and next up on her reading list is Julian Bond's *Time to Teach: A History of the Southern Civil Rights Movement*. She also plans to spend more time with loved ones, "embark on adventures as yet undetermined," and continue her volunteer work on the board of directors of Oregon Black Pioneers, a nonprofit that educates Oregonians about the state's Black history.

OWLS thanks Elise for her time, expertise, and dedication to the success of the *AdvanceSheet* over 19-plus years. Elise, we will miss you!

*Teresa Statler recently retired from her solo immigration law practice in Portland.*

## Join OWLS Board

This spring, the 19-member Oregon Women Lawyers Board of Directors will have five openings, and has one position to be filled immediately. If you have played a leadership role with an OWLS chapter, committee, or other affinity bar organization and want to support the OWLS mission, please consider serving on the board.

Board members provide financial oversight, fundraising, and strategic direction, and help shape the future of OWLS programs and policies. Being on the OWLS board is an ac-

tive position, and members must participate on at least two working committees.

Board elections are held in April, with new members taking office May 1 for a three-year term. Members are limited to two terms. Meetings are held eight times a year.

If you want to help guide OWLS and form valuable connections with other attorneys, complete [this statement of interest](#) and send your resume to OWLS President-elect Kristin Sterling, at [owlsresident@oregonwomenlawyers.org](mailto:owlsresident@oregonwomenlawyers.org), by end of business February 11.

## Denise Szott Joins *AdvanceSheet*

**D**enise Szott joins the *AdvanceSheet* as editor and designer. She has 20-plus years as an editor, designer, and writer for Pamplin Media Group, the Portland Business Journal, Luminare Press, and other print and online publications.

Denise looks forward to being part of a publication that advances equity and empowerment of women.



Denise Szott

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