

AdvanceSheet

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OWLS Honors Judge Susan Graber

By Lizz Esfeld

On March 11, OWLS recognized Judge Susan Graber with the 29th Roberts & Deiz Award for her significant contribution to promoting women and others outside the dominant culture. This year's event was held virtually to celebrate Judge Graber's accomplishments.

Judge Graber has been a pillar of the Oregon legal community



2022 ROBERTS & DEIZ AWARD



Judge Susan Graber (left) receives the 2022 Roberts & Deiz Award from OWLS President Jacqueline L. Alarcón.

for over 50 years as the first woman law clerk in the U.S. Attorney's Office for the District

of Oregon and, most recently, as a trailblazing judge with the U.S. Court of Appeals for

the Ninth Circuit.

In video appearances, Supreme Court Justice

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Examining the Bar Exam

Should there be alternative avenues to admission?

By Ayla Ercin

Is competence in taking the bar exam equivalent to competence in practicing law? Should two years of supervised study or supervised practice be valued as highly as success in a two-day exam? Who benefits from the way we currently answer these questions, and who is harmed?

These are some of the big questions that were raised in the Feb. 8 installment of the OWLS Queen's Bench "Big Ideas" series that focused on "Alternatives to the Bar Exam" and the work of the Alternatives to the Bar Exam Task Force of the Oregon Board of Bar Examiners. Panelists included Judge Darleen Ortega of the Oregon Court of Appeals;

Joanna Perini-Abbott, a partner at Angeli Law Group; and Julie Preciado, an associate at Dunn Carney. The panel was moderated by Miriam Wainwright, a current law student. This article focuses both on the panel discussion and on the work of the task force more broadly.

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President's Message

On March 11, I was finally able to wear an outfit I had purchased about six months ago. I had planned to wear it at the in-person Roberts & Deiz Award dinner, but the pandemic kept us apart for the second year in a row. A lot of consideration went into our decision to hold this annual dinner virtually again. At the forefront was the safety of our members and guests. I was still excited to have a reason to deviate from the new norm and get a little more glammed up than usual. I am proud to say that this year's Roberts & Deiz Award celebration was a success. The OWLS Foundation raised funds to

continue its long-standing practice of awarding scholarships to law students and graduates as they continue their journey to joining our legal community as members of the Oregon State Bar.

At the dinner, we lauded the Honorable Susan Graber as the recipient of this year's Roberts & Deiz Award. The support surrounding Judge Graber's receipt of this award was inspiring and justified.

As the event came to an end, it was hard not to think about the fact that my term as OWLS president and my time on the OWLS Board of Directors also was ending on April 30. After my seven-plus years on the board, the thought of not having the strong support of women leaders surrounding me is daunting. On the way home from filming the virtual event, I had an emotional conversation with OWLS Executive Director Linda Tomassi about this part of my career being over. (I tend to get dramatic when turning a new chapter.)

Change is important, though, as it paves



"Change is important as it paves the way for new members, new ideas, new inspiration."

— **Jacqueline L. Alarcón**

the way for new members, new ideas, new inspiration. It is easy to remember a time when OWLS did not have term limits. While OWLS was run impressively then, I believe in the changes that OWLS has made and continues to make.

I would like to highlight some of the events and changes OWLS made during my pandemic-impacted presidency.

The OWLS Membership Committee started the year offering a virtual ballot measure breakdown. It continued with programming that included topics such as addressing unconscious bias, juries, a mandatory elder and child abuse CLE and rei-

magining the workplace after COVID-19. The committee concluded the year with a meeting to gauge interest in creating a virtual chapter, which thus far has resulted in First Wednesdays discussions.

The Leadership Committee worked to connect people through introvert social hours and networking opportunities for new lawyers and law students. Parna Mehrbani, Susanne Aronowitz and Melissa Chureau provided a four-part series on imposterism, and Nedra Rezinis presented a CLE about using LinkedIn.

The Working Parents Committee focused its energy on presenting the three-part series "Parenting Through a Racial Justice Lens," which featured Karen Neri and Andrea Redeau. The group also worked with the Multnomah Bar Association Young Lawyer's Section Service to the Public committee on a children's book drive.

In spring 2021, affinity bar leaders met on Zoom to discuss how to provide

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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

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networking and educational opportunities to new lawyers and law students in lieu of the dozens of opportunities they normally would have during the year. Organized by OWLS, bar leaders volunteered for a last Wednesday slot starting in September 2021 with the Leadership Committee kicking off the series with "Negotiating Your Worth at Work," an ever-popular topic.

OWLS adopted a new mission statement, which is "to transform the legal profession by pursuing equitable access to the legal system and equity for women and communities who are systemically oppressed." This new mission came as a result of lengthy and thoughtful work by the OWLS Board of Directors and our commitment to be more inclusive of the communities we serve.

OWLS Fall CLE focused on reparations — specifically, reparations for the Black community in Portland. About 160 people attended virtually, and we donated more than \$8,000 to the Western States Center.

At the end of the year, I can wholeheartedly say the pandemic changed the way we navigate events, but it did not stop us.

Looking forward, I want to focus attention on a few injustices. One was the hurdles law school graduates faced having to take the bar exam under daunting conditions that would affect anyone's ability to concentrate. I also ask the community to pay close attention to the upcoming political elections. There are candidates running who proudly accept donations from those rooted in white supremacy and homophobia.

The injustices are there. Pay attention and be an ally by helping right those injustices. As I said at the end of the Roberts & Deiz Award celebration — boo to white supremacy and yes to rainbows and sprinkles.

Jacqueline L. Alarcón,
President, Oregon Women Lawyers

OWLS Members Run for Office in May Primary

By Joslyn Keating

Several OWLS members will be on the May 17 primary election ballot. Those in contested races include **Christina Stephenson**, who is running against six other candidates for Commissioner of the Bureau of Labor and Industries.



In this nonpartisan race, any candidate with a majority of votes will be elected during the primary. Otherwise, the two candidates with the most votes will move forward to the general election.

BOLI's current commissioner, Val Hoyle, is not seeking reelection and is instead running for the Oregon House of Representatives for the 4th District. Stephenson is a civil and workers' rights attorney at Meyer Stephenson Employment Law. She also serves as the Region



Christina Stephenson

5 elected delegate for the Oregon State Bar House of Delegates and is co-chair of the Oregon Trial Lawyers Association Legislative Committee. Stephenson has gained government experience as a board member for the Multnomah County

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Upcoming Events



Queen's Bench Monthly Presentation

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Queen's Bench Presentations are the second Tuesday of the month at noon.

Affinity Bar Series "Young Diverse Attorneys Finding Their Voice in the Courtroom"

Featuring Oregon Hispanic Bar Association (OHBA) & the LGBT Bar Association of Oregon (OGALLA)
Wednesday, April 27, 5-6 p.m.

No cost. [Register Online.](#)



First Wednesday "The Surprising Connection Between Brain Injuries and Crime"

Wednesday, May 4, 11:45 a.m.-1 p.m.
No cost. [Register Online.](#)

Queen's Bench Monthly Presentation Big Ideas: "Artificial Intelligence and the Legal Profession" with Bruce MacEwen and Janet Stanton

Tuesday, May 10, 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.

Affinity Bar Series "Tribal Sovereignty, Tribal Courts, and Tribal Bars"

Featuring Northwest Indian Bar Association (NIBA)
Wednesday, May 25, 5-6 p.m.
No cost. [Register Online.](#)



First Wednesday "Stop SHOULDING All Over Yourself"

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

Queen's Bench Monthly Presentation Big Ideas

Tuesday, June 14, 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.

Affinity Bar Series

Featuring Oregon Asian Pacific American Bar Association (OAPABA)
Wednesday, June 29, 5-6 p.m.
No cost. [Register Online.](#)



Governor Brown Appoints OWLS Members

In January, Governor Kate Brown announced she will appoint OWLS members Judge Ramón Pagán and Anna Joyce to the Oregon Court of Appeals. Judge Pagán will fill the vacancy created by the elevation of Judge Roger DeHoog to the Supreme Court, and Judge Joyce will fill the vacancy created by the retirement of Judge Joel DeVore.

Governor Brown announced two appointments to the Marion County Circuit Court in February. She named OWLS members Jennifer Gardiner and Erious Johnson, who are filling the vacancies left by the retirements of Judge Cheryl Pelligrini and Judge Susan Tripp, respectively. Governor Brown also appointed OWLS member Kari Hathorn as District Attorney of Crook County to fill the vacancy created by the judicial appointment of Judge Wade Whiting.

Congratulations to all!

— Joslyn Keating

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Primary

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Commission on Economic Dignity, as a legislative work group member, and as a Democratic Precinct Committee person. She also was involved in drafting the 2019 Oregon Workplace Fairness Act and 2017 Oregon Fair Workweek Act.

OWLS member **Jamie McLeod-Skinner** is challenging incumbent Kurt Schrader in the race to become the Democratic nominee for the U.S. House of Representatives for Oregon's 5th Congressional District. With recent redistricting, this district now includes parts

 of Benton, Clackamas, Deschutes, Jefferson, Linn, Marion and Multnomah counties. McLeod-Skinner served as city manager for Phoenix, Oregon, and more recently as interim city manager in Talent, Oregon, where she led recovery efforts after the 2020 Labor Day wildfires. She has additional government experience serving on the Oregon Watershed Enhancement Board, Jefferson County Education Service District Board, and as city councilor in Santa Clara, California. If McLeod-Skinner wins her primary challenge, she will move on to the November general election as the Democratic candidate.

Jackie Leung is vying to represent Oregon's House District 19, which covers part of Marion County, as the Democratic nominee. She currently is a member



Jackie Leung

of the Salem City Council, where she has served since 2019. Leung's public service also includes acting as commissioner for the Oregon Commission on Asian and Pacific Islander Affairs, as a board member for the Oregon Hunger Task Force, as a traditional health worker representative for the Maternal Mortality and Morbidity Review Committee and as commissioner for the Salem Human Rights Commission. Leung



Jamie McLeod-Skinner

faces two other Democratic challengers in the primary.

OWLS member **Todd Spencer** is running for Marion County district attorney against one other candidate: the incumbent, Paige Clarkson. For this nonpartisan position, if either candidate receives a majority of votes in the primary, they will be elected at that time. If neither

candidate receives a majority of votes, both will be considered nominated and appear on the November ballot. Spencer is a public defender and court-appointed attorney in Marion County.



Todd Spencer

Spencer previously worked as a court-appointed attorney in Polk County and clerked for the Marion County Circuit Court in multiple capacities.

Sharia Mayfield is running against five other candidates for Multnomah County Chair. (Please see [story on page 7](#) on for a more detailed bio on Mayfield.)



Sharia Mayfield

Judge Darleen Ortega is seeking

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Primary

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reelection to Position 3 on the Oregon Court of Appeals, where she has served since 2003 — the first woman of color and only Latina to do so. Before becoming a judge, her 14-year legal practice focused on civil litigation at the trial and appellate levels.

On the bench, Judge Ortega distinguishes herself as a leader on issues of juvenile dependency and combating systemic inequities embedded in the legal system. She is a seasoned speaker and writer on those topics and others related to equity, privilege, racism and oppression, professionalism and lifting the perspectives of people at the margins.

Judge Ortega's repertoire includes receiving numerous awards and serving, both past and present, on several law-related boards and committees, such as the board of the Oregon Shakespeare Festival as chair of the Equity, Diversity and Inclusion Committee; the board of Northwest Health Foundation as chair of the Equity Committee; and the board of the Meyer Memorial Trust.

Judge Ortega also co-founded OneGeorgeFox, an alumni organization that advocates for LGBTQ students at George Fox University. She is a resource to all three Oregon law schools on issues of equity, diversity and inclusion, and mentors law students and new lawyers, particularly those from marginalized communities, to help them navigate the legal system.

Judge Ortega faces opponent Vance Day, a former judge who was suspended from the Marion County Circuit Court in 2018 for three years after the Commission on Judicial Fitness and Disability proved Day was guilty of six out of eight misconduct charges. This office can be won at the primary if either candidate receives the majority of votes. If neither candidate receives a majority of votes,



Judge Darleen Ortega



The Oregon 2022 primary election takes place Tuesday, May 17.

both proceed to the general election in November.

Judge Erious Johnson Jr. and Marion County Deputy District Attorney **Amy Queen** will not be on the May primary ballot, as they are both running for a judicial position printed on the 2022 ballot outside its normal election cycle; in their case, due to a midcycle vacancy. Under such circumstances, the candidates are considered nominated, bypass the primary, and appear directly on the November general election ballot. Each candidate is vying for Position 14 on the Marion County Circuit Court.

Judge Johnson has held that position since February 2022, when Gov. Kate Brown appointed him to fill the vacancy left by the retirement of Judge Susan Tripp.

Judge Johnson began his legal career as a litigation associate for a major law firm in New York. He then worked for the New York City Law Department as a litigator in the torts division and was the principal law clerk to a Bronx County judge. Once in Oregon, he opened a solo law practice and worked as the civil rights director for the Oregon Department of Justice. Judge Johnson resumed his solo practice in 2017, focusing primarily on criminal defense and plaintiff-side civil rights cases until his appointment to the bench in February. Judge Johnson is active in the community, volunteering for the Classroom Law Project and as an arbitrator. He also is a member of several law-related organizations and sits on the board of the Oregon Trial Lawyers Association, co-chairing its civil rights section.

Since 2004, Queen has served as a



Judge Erious Johnson Jr.

deputy district attorney in Marion County, where she is the Trial Team supervisor and leads the Domestic Violence Trial Team, Case Support Team and law clerk program. Queen also is an elected member of the Marion County Bar Board of Directors and a legal instructor at the Oregon Department of Public Safety Standards and Training. She has volunteered



Amy Queen

for numerous law-related organizations, committees and programs, including the Marion County Domestic Violence Council, Marion County Dispute Resolution Committee and the Oregon State Bar Criminal Law Section. If elected, Queen would be the first female Filipino American to serve on the Marion County Circuit Court.

OWLS members in uncontested judicial elections in 2022 include Court of Appeals Judges Anna Joyce and Ramón Pagán; Deschutes County Circuit Court Judge Alycia Herriott; Lane County Circuit Court Judges Erin Fennerty and Karrie McIntyre; Marion County Circuit Court Judges Channing Bennett, Jennifer Gardiner and Jodie Bureta; Multnomah County Circuit Court Judges Eric Dahlin, Jenna Plank and Chanpone Sinlapasai; and Washington County Circuit Court Judges Theodore Sims and Miranda Summer. Because the judicial positions for which Judges Joyce, Gardiner and Plank are running are uncontested and on the ballot outside the positions' normal election cycle, these individuals will move forward to the November general election without a primary vote. There, they will be elected by plurality. The remaining judges in these uncontested races will be elected in the May primary.

The Oregon 2022 primary election takes place Tuesday, May 17. Best of luck to all OWLS candidates!

Joslyn Keating is an attorney for Reinisch Wilson Weier in Portland and owner of Cake Hoopla, www.cakehoopla.com.

Multnomah County Chair Candidate Sharia Mayfield Puts Priority on Livability

By Melissa Jaffe

"I refuse to accept the view that mankind is so tragically bound to the starless midnight of racism and war that the bright daybreak of peace and brotherhood can never become a reality. ... I believe that unarmed truth and unconditional love will have the final word."

— Martin Luther King Jr.

Sharia Mayfield posted the above quote on her Twitter feed with the caption "My fav. of MLK Jr."

Mayfield is the youngest Multnomah County chair candidate but has an impressive track record and is absolutely

clear on how she'd like to effect immediate change ([View video](#) where Mayfield outlines her three primary issues.)

Her priorities are:

- Enforce camping bans and ramp up sanitary, serviced short-term alternatives;
- Clean up garbage;
- Expand dual-diagnosis services.

Mayfield was born in Portland to an Egyptian immigrant mother and local lawyer Brandon Mayfield who was born in Coos Bay (and who many may recall was wrongfully surveilled, profiled and arrested in connection to the 2004 Madrid



train bombings on the basis of a faulty fingerprint match). Having grown up in a Muslim household post-9/11 — and donning a headscarf during her teenage years — Mayfield faced harsh anti-Muslim bigotry and bullying. These painful experiences have fueled Mayfield toward deep compassion and a

steadfast commitment to fight for inclusion in her hometown.

Mayfield earned her bachelor's degree in creative writing from Stanford University and a law degree from Georgetown by the age of 24. She worked for two years as an intelligence

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Bar Exam

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How It Got Started

In the early days of the COVID-19 pandemic, there was a great deal of concern about the upheaval to students' daily lives and study routines, combined with health concerns about holding an in-person exam. The deans of Oregon's three law schools wrote to the Oregon Supreme Court asking for a one-time emergency grant of "diploma privilege" — allowing graduates to gain admission to the bar without passing the bar exam. Combined with letters from law students making the same request, and the advocacy of Judge Ortega for both diploma privilege and broader reform to the gateways to admission to practice, the court granted emergency "diploma privilege" and opened a broader inquiry into permanent alternatives to the bar exam by forming the Alternatives to the Bar Exam Task Force.

One "big idea" that came from the panel discussion was the idea of questioning why we accept the bar exam itself as a suitable means of determining who is qualified to practice law. Although the task force closely examined the proposed alternatives to the exam to insure they would measure competence to practice law and be equitable in their results, Judge Ortega pointed out that the bar exam itself would not pass scrutiny if viewed through this same lens. The bar exam focuses too much on areas of law practitioners won't need, focuses too heavily on memorization and regurgitation, and burdens those who are ready to practice, but are unable to take unpaid time to study or are unable to pay for expensive bar review courses. The bar exam disproportionately harms historically marginalized communities, without protecting the public. These underlying deficiencies of the bar exam were key considerations in leading the task force to the unanimous recommendation that alternatives are viable and should be offered to protect the public and enhance equitable access to the practice of law.

Coming to a Consensus

The task force was made up of a wide variety of stakeholders, including interested parties from law schools (students, faculty and deans), the board of bar examiners,



the judiciary, affinity bar organizations, the Legislature and others. While participants came from many backgrounds and brought divergent opinions to the table, it is notable that they left their initial discussions in agreement: The task force unanimously concluded that exam alternatives can satisfy their core concerns — that consumers of legal services be protected from harm and provided with competent counsel, and that alternative programs would encourage equitable access to the legal profession.

The Recommendations

The task force took a deep dive into models from Canada, Wisconsin, Washington, D.C., and New Hampshire, among other jurisdictions, and examined the relative merits of each. Ultimately, the task force recommended the adoption of an experiential learning pathway and a supervised practice pathway.

Under the experiential learning pathway, law school coursework after the first year would be designed to focus on actual legal practice and would result in a demonstration of competence through a legal portfolio that is regularly examined for competence. Employers and consumers in New Hampshire who had experience with graduates of a similar program noted that these graduates were typically a step ahead of their classmates and already had developed practical skills, confidence and a cohort community.

The supervised practice pathway, on the

other hand, focuses on post-graduation work in the field. Graduates would be required to undertake supervised legal practice for a set number of hours, and would regularly submit portfolios of work product for review and evaluation of competence by the Board of Bar Examiners. Although this pathway has been criticized as favoring those with prior connections to the legal industry, the task force believed the specific requirements could be crafted to lessen this effect. At the same time, the availability of this pathway would be beneficial because it would provide alternatives for graduates from non-Oregon law schools. The task force anticipates that rigorous standards will determine the type of activities that qualify as supervised practice, the qualifications of supervising attorneys, and the precise number of practice hours required, among other requirements.

Pros and Cons

Although the alternative admission methods will require significant additional work from the admissions staff of the Oregon State Bar, and potentially higher fees for alternative admission seekers, the task force ultimately believed that consumers can be protected and equity served by offering applicants more choices. Offering alternative admission options will enhance the quality of the admission process in Oregon and may, in fact, be necessary to accurately assess a graduate's ability to practice law. Judge Ortega emphasized this idea, that creating alternatives to the bar exam should not free us from examining the exam itself with a critical eye. She believes that if the alternatives are passed without the underlying validity of the bar exam itself being questioned, the alternatives will be undervalued in favor of a test that is not well designed to measure true competence. Joanna Perini-Abbott made a similar point in paraphrasing Brian Gallini, the dean of the College of Law at Willamette University School of Law, who has argued that the equivalent of being under examination for two years should be valued at least as highly as a two-day exam.

Where It is Now

On July 7, 2021, the task force made its recommendation to the Oregon Supreme Court that the experiential pathway and the

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Mayfield

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and national security adviser to U.S. Sen. Ron Wyden before joining the Oregon Department of Justice as a lawyer in both the Trial and Appellate divisions for nearly two years.

Since then, she has had forays in construction law, criminal defense and cannabis law before settling into workers rights. Mayfield currently works at Meyer Stephenson and runs her own firm helping workers in discrimination, retaliation and wage/labor matters. Mayfield also is an adjunct professor teaching privacy law at Willamette University.

When asked where homeless people would be placed if camping bans are enforced to the full extent of the constitutional limits, Mayfield suggested starting with public lots. She calculated the costs of providing hygiene services such as mobile laundry, portable showers and mobile toilets. The total, she says, would end up costing less than the current responses and would have more visible rapid results.

During our brief discussion, Mayfield repeated the phrase: "Don't let perfection be the enemy of the good." While she believes in her plan for immediate action, she also emphasized her eagerness to collaborate.

"I think we need a more focused collaboration on how we address (problems like homelessness), and that includes me.



If someone else has a better idea, please, share it with me. I don't have all the answers, but I do feel we need to take practical and immediate action," she said.

Mayfield feels she has a good handle on the livability crisis facing Portland and how to effectively tackle the greatest concern, by far, of her potential constituents: homelessness.

"My experience has lined up and suited me well to address the exact emergencies that we're dealing with. For example, working in criminal defense and on criminal appeals for the state, I've seen both sides of criminal law. I've seen the intersection of mental health, drug addiction and crime with regard to the homeless population. A lot of my criminal defendants were homeless; they failed to appear. We call those FTAs; they had warrants out for their arrest and bail just kept getting higher and higher and most of them, if they were caught, would go to jail for a night, and then go back out on the streets," Mayfield said.

Mayfield favors a different approach, instead using dual-diagnosis programs already in existence that couple mental

health practitioners with law enforcement.

She said police are absorbing a problem that is not necessarily what they are trained to manage, namely, being forced to make a psychological assessment. Instead, Mayfield favors letting mental health professionals determine whether the proper destination is a hospital or treatment facility, instead of jail.

Mayfield explained that the costs of current methods, namely, providing low-income housing, are only a small part of the overall solution and must be coupled with more immediate wide-scale action.

Housing-first-only models do not meet the needs of the houseless population when mental health and drug addiction are co-factors. She believes the current approach, under the leadership of the three commissioners running against her, isn't serving the needs of the county.

"I'm trying to sound the alarm from the standpoint of a lawyer who has worked in these areas and who has expertise in these areas and has answers," she said.

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

Bar Exam

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supervised practice pathway to admission be adopted as alternatives to the bar exam. The court had follow up questions that the task force addressed and presented to the court at its Jan. 11, 2022, public meeting. At that meeting, the court unanimously supported the concept, and asked the Board of Bar Examiners to form a development committee to hash out the details. A large part of the remaining process will be soliciting input from the public. All members of the bar are encouraged to examine the alternatives and, hopefully, advocate for their passage.

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



Molly Jo Mullen

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Judge Graber

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Virginia Linder, Centri Capital CEO Rey Ramsey, and current and former law clerks Jamey Harris and Robert Koch all praised Judge Graber for her incredible mentorship and ongoing efforts to lift up attorneys who might not otherwise have the opportunities she provides. Multnomah County Circuit Judge Benjamin Souede remembered clerking for Judge Graber as an important formative period in his career. Jessica Mindlin, the national director of training and technical assistance at the Victim Rights Law Center acknowledged Judge Graber for advancing progressive policies that are taken for granted now, but which were revolutionary when Judge Graber began championing them. Many of the speakers pointed out that Judge Graber was on the cutting edge of advancing lawyers outside the dominant culture while also making them feel like they belonged in her law firm, her courtroom and at the table of any discussion happening in the Oregon legal community.

When Judge Graber took the virtual stage, she noted that receiving the award

is "one of the brightest highlights" of her career, and that she has been an OWLS member since its founding. She recounted her experiences with Justice Betty Roberts and Judge Mercedes Deiz as trailblazers who inspired and supported her throughout her career. Justice Roberts encouraged her ambition to become an appellate judge and contributed the filing fee for her first judicial race. Judge Graber also told the story of passing the bar in New Mexico in 1972 as one of only four women sworn in that year.

"The chief justice began his remarks at the ceremony by observing that it was a great day for all you gentlemen and your wives. The women were invisible," Judge Graber said.

She is grateful that her upbringing valued diversity and that she found a life partner who shares her values. Judge Graber acknowledged those around her, including her incredibly diverse law clerks over the years. Additionally, "by honoring me, you also honor those of us who are introverts and who hope to help improve the world and the culture one person at a time." Judge Graber said she is proud of those she has worked with during her career and dedicated her award to them. "The best and brightest are everywhere" and "talent looks like everyone," she said.

Other highlights from this year's Roberts & Deiz celebration included a lighthearted sendup of "tell me you're a lawyer with-

By honoring me, you also honor those of us who are introverts and who hope to help improve the world and the culture one person at a time."

— Judge Susan Graber



out telling me you're a lawyer," with Judge Graber joining at the end with "tell me you were appointed by the president of the United States to the federal bench for life without telling me you were appointed by the president of the United

States to the federal bench for life. I'll go first."

The OWLS Foundation held a fundraising appeal and raffle during the event that generated over \$44,000 to support the foundation's grants.

These funds will be used to provide scholarships and other financial assistance to law students outside the dominant culture.

The Choose Your Own Adventure raffle allowed a choice of three trips in the United States and Mexico.

Congratulations and bon voyage to past OWLS board member Jennifer Nicholls of Medford for winning the raffle.

Thank you to the sponsors and to all who attended this memorable event. Judge Graber's impact on the legal community is best summed up by Supreme Court Justice Linder: "Because of you, law firms changed, courts changed, judges changed, lawyers changed. Because of you, our legal community is so much better." Thank you, Judge Graber, and congratulations.

Lizz Esfeld is a business litigation associate with Preg O'Donnell & Gillett and a member of the OWLS Roberts & Deiz Award Committee.

Judge Susan Graber with the 2022 Roberts & Deiz Award.

Nominations Sought for OWLS 2022 Workplace Leader Award

Nominations must be
received via email by
5:00 p.m.

Friday, June 10, 2022.

Please send them to
OWLS Transformation
Committee Chair
Sheeba Roberts
(sroberts@bpmlaw.com)

Grief Takes Time

City of Portland Revises Bereavement Policy to Include Pregnancy Loss

By Anne Milligan and Michelle Rodríguez

Last year, New Zealand made international headlines and received praise after Prime Minister Jacinda Ardern signed into law a bill that gave parents (including those pursuing parenthood through adoption or surrogacy) three days of bereavement leave after a miscarriage or stillbirth. Leave following an abortion, even where medically indicated, was not covered by the new law.

While most of the world hailed this decision as long overdue, in fact, India has had a more expansive policy in place dating back to 1961. India's law provides for [six weeks income continuation](#) for employed women who experience a miscarriage or medical termination and additional paid leave in specific circumstances.

The Philippines allows [60 days of paid leave](#) for miscarriage and medically indicated termination, while Indonesia grants [six weeks paid leave](#) for the miscarrying parent (only two paid days for the spouse; none for an unmarried partner), and Mauritius grants [three weeks for miscarriage and 14 weeks for stillbirth](#). Taiwan has a conditional paid miscarriage leave between [five days and four weeks](#) depending on how far along the pregnancy was.

The United States, in contrast, has no federal or statewide law requiring paid, job-protected

leave for those who lose pregnancies to miscarriage, stillbirth or abortion.

As recently as summer 2021, the bereavement policy for the City of Portland only allowed its employees leave to grieve for closely defined biological or legal family members. Narrow definitions of family, however, only favor particular types of families. Historically, family definitions in law and policy often have failed to meet the needs of families in the United States — particularly families of color and LGBTQ+ families — and they frequently still fall short today. People have a broad array of loved ones who are central to their notions of family and caregiving. For instance, many LGBTQ+ individuals forge close relationships with friends and informal support networks — i.e., chosen families. While some newer laws such as Oregon's Paid Family Leave Law include language that is meant to capture a more inclusive definition of family, most laws do not. All manner of families continue to experience the collateral consequences of narrow family definitions in local, state and federal policy and would benefit from more inclusive definitions of family in workplace leave policies.

Beginning in June 2021 — Pride month — Michelle Rodríguez, Senior Policy Adviser for Portland Commissioner Mingus Mapps, and Deputy City Attorney Anne Milligan set out to overhaul the city's bereavement policy, adding

language to allow for leave for "close affinity" relationships, such as unmarried partners — plural, to include poly families — household members, "chosen family" and any person who the employee has a significant personal bond with that is like a familial relationship.

Gender designations were removed from the policy (e.g., from son/mother to child/parent), so that everyone can see themselves and their family members in the policy, regardless of their identification within the gender spectrum. Finally, inspired by other countries' paid miscarriage leave policies, Rodríguez added pregnancy loss to the policy, including leave following an abortion (regardless of whether it was medically indicated), to hold equal space for all forms of pregnancy loss.

On Oct. 13, 2021, the City Council voted unanimously for the [new policy](#), becoming the second municipality in the United States to provide such protections for its employees. It is hoped that this policy will form a roadmap for one tangible step that employers throughout the country can take to transform abstract numbers and abstract offers of support to caregivers and parents into concrete promises.

Anne Milligan is Deputy City Attorney for the City of Portland and Michelle Rodríguez is Senior Policy Adviser for Portland Commissioner Mingus Mapps.

OWLS First Wednesday Series Shines Light on Neurodivergent Lawyers

By Jessica Wilcox

In 1972, the City of Berkeley, California, installed the first official "curb cut" at an intersection on Telegraph Avenue to accommodate wheelchairs. This small change, designed specifically to benefit the disabled, ended up benefiting all community members.

This phenomenon is now known as the "Cut-Curb Effect," which demonstrates that laws and programs planned to benefit vulnerable groups often end up benefiting all of society. During the OWLS First Wednesday Series, the "Cut-Curb Effect" came into full focus with a

discussion on aiding neurodivergent lawyers and how those changes also could benefit the entire profession.

One in seven Americans is neurodivergent. The term neurodivergent, originally coined by Australian sociologist Judy Singer in 1998, not only covers individuals with autism spectrum disorder (ASD) and attention deficit hyperactivity disorder (ADHD), but also includes those with cognitive differences (IQ), brain injury, and learning and psychological disabilities.

Neurodivergence is not considered a deficit, but rather a difference that experts recommend should be "expected, accepted and respected."

Regardless of this guidance, neurodivergent individuals frequently abstain from disclosing this disability, or even entering the legal profession. Autistic people currently face the highest rates of unemployment of all disabled groups, with two-thirds of those diagnosed not working. And, despite only 0.53% of attorneys self-reporting as disabled (which is statistically improbable), 12% of attorneys still report experiencing ADHD symptoms — a percentage three times higher than the national average. It is clear from these statistics that this is an issue within the profession that needs to be

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Outsmarting Your Own Unconscious Bias

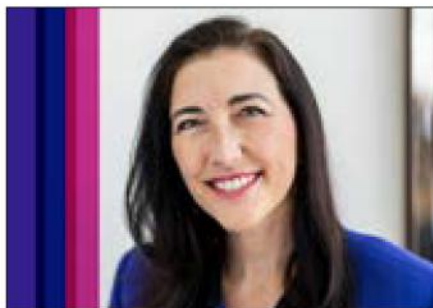
By Jessica Wilcox

Remember the old riddle, “A father and son are in a horrible car crash that kills the dad. The son is rushed to the hospital. Just as he’s about to go under the knife, the surgeon says, ‘I can’t operate — that boy is my son!’”

Do you remember the answer? Don’t worry if you don’t, 78% of Americans asked did not say the surgeon was the mother. This is unconscious bias in action.

People have an unconscious or implicit bias when, rather than being neutral, they have a reflexive preference for (or aversion to) a person or group of people. During the OWLS March First Wednesday, “How to Outsmart Your Own Unconscious Bias,” members discussed how unconscious bias has impacted their legal careers and how they navigate their own biases.

In the past few decades, neuroscience and behavioral research have provided new data explaining the why and how behind unconscious bias. Unconscious bias is a subtle cognitive process that starts in the amygdala, the section of the brain that activates the fight-or-flight response. The conscious brain cannot interpret all input so it must use inferences or categories that, unfortunately, often results in a habit of thought that leads to errors in perception, memory, reason or decision-making in an attempt to efficiently grasp the moment.



“To outsmart unconscious bias, the unexpected must become expected.”

— Valerie Alexander

This unintentional response is meant to keep humans alive, not make hiring decisions.

Unconscious bias affects women lawyers in myriad ways. So many, in fact, that its ubiquity often makes it too exhausting to deal with in real time. Also, an overlooked but important aspect of the MeToo movement was the realization by many women that these biases could even be addressed. Implicit bias — and the acceptance of it — has been built into the American workplace and now must be dismantled. This is easier said than done.

The OWLS discussions focused on the insidious nature of unconscious bias, identifying that even women’s expectations of other women result in issues. This led to questions about how much one could ignore before losing integrity

and endangering others, how to speak up without sabotaging oneself, and what tools are even available to aid in this decision and discussion. Unfortunately, there were no easy answers, and members concluded that just bringing awareness to this issue has helped them make better choices.

In her TEDx talk, lawyer Valerie Alexander explained that “to outsmart unconscious bias, the unexpected must become expected.” To do so, she recommended three things: “One: Take every opportunity to change your mental picture and open yourself to possibilities. Two: Examine your own behavior and ask, ‘Is this how I would do this if this person looked like me?’ and Three: Make a conscious effort to expose yourself to the unexpected.”

OWLS members recognized that it is difficult to “expose yourself to the unexpected” in Oregon due to its homogeneity. However, members proposed getting involved with minority bar groups, like the Oregon Asian Pacific American Bar Association (OAPABA), or volunteering with a law school’s Black Law Students Association.

If you are interested in learning more about your own biases, visit Harvard’s Project Implicit test: <https://implicit.harvard.edu/implicit/takeatest.html>. Because, in the case of unconscious bias, knowing is the entire battle.

Jessica Wilcox handles Labor & Employee Relations for the City of Vancouver, Washington.

Neurodivergent

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addressed.

Ableism is discrimination against people with disabilities based on the belief that typical abilities are superior and is a form of bigotry that is still commonly accepted in the United States. It is particularly prevalent in professional settings where the focus on what disabled employees can’t do, and not what they can, justifies regressive employment decisions. This is especially true in the legal setting where the intellectual rigor, expectations of perfection, and general acceptance that any weakness should be exploited stifles transparency and seemingly prohibits any accommodation.

During breakout sessions, OWLS members

discussed ways lawyers can counteract ableism within the legal field with a focus on mentorship. Members proposed “reverse mentorship” — when junior employees mentor senior leaders. Like many junior employees, the Americans with Disabilities Act of 1990 (ADA), which protects the rights of all disabled Americans, is a millennial. And unlike senior leaders, junior employees have accessed the ADA throughout their lives. For example, the Oregon State Bar (OSB) currently provides effective ADA accommodations to OSB exam test takers.

When senior leaders spearhead a discussion on neurodiversity and defer to junior employees’ lived experience and innate knowledge of potential issues and accommodations, this not only destigmatizes neurodiversity within the workplace but assists those who often cannot advocate for themselves by giving

them the floor. Pair this approach with a “Soft Disclosure” policy — where employees are encouraged to talk about what they need, not why they need it — and all employees benefit.

By focusing on strengths and not weaknesses, employers can not only create and maintain safe environments for neurodiverse employees but neurotypical ones as well. Accommodations for neurodivergent employees are typically straightforward and inexpensive, and oftentimes these adaptations benefit a broad swath of neurotypical employees as well. Not to mention how this “Cut Curb” also would positively impact client relations and future policies/laws that will make a change that is desperately needed.

Jessica Wilcox handles Labor & Employee Relations for the City of Vancouver, Washington.

Jessica Price has championed students' rights, education reform her entire career

By Marisa Moneyhun

As an undergraduate at Yale College, Jessica Price learned firsthand that not all students received similar educational experiences in K-12 public school settings. As a graduate of Crenshaw High School in Los Angeles, Price recalls times attending class when no teacher was present. She left her undergraduate studies with a desire to be either a community organizer or a teacher and spent her first year out of college working at the Legal Assistance Foundation of Chicago. During that time, Price gained experience with community organizing. Her experiences there opened her eyes to the idea of becoming an attorney.

After attending Harvard Law School, Price clerked for the Honorable Eldon E. Fallon with the Eastern District of Louisiana and then for the Honorable Dorothy W. Nelson with the U.S. Court of Appeals for the Ninth Circuit.

Price then worked with the American Civil Liberties Union of Southern California for six years where she focused her caseload on litigating inmates' rights, police misconduct cases and advocating for the rights of English language learners in the public school system. In her role at the ACLU, Price engaged in community organizing to inform parents of the rights of their English language-learning children within the public education system. One of her proudest achievements at the ACLU was a successful lawsuit against the State of California relating to the allocation

of funds that were intended to be dedicated to English learners.

Price's next position was as a special assistant to the vice chancellor for Equity, Diversity and Inclusion at the University of California Los Angeles, which combined the skills she honed at the ACLU and her passion for educational reform. Price was instrumental in developing and chairing an appeals board for student sexual misconduct matters and developed policies for student appeals. While at UCLA, she also served as the interim Title IX coordinator, where she worked to build up the office and to implement lasting change relating to university response to sexual harassment and sexual violence within the school community.

In 2017, Price moved to Eugene to start her position as assistant general counsel at the University of Oregon. Jessica currently is an associate general counsel with the University of Oregon. Her practice focuses on international employment, government grants and ethics. Price is proud that she is able to do work that facilitates the recruitment of international talent to provide University of Oregon students with outstanding educators from diverse backgrounds.

In addition to serving as a board member of OWLS, Price serves by governor appointment and Senate confirmation on the Oregon

Commission on Black Affairs, is a member of the Oregon State Bar Legal Ethics Committee, and is president of her local Rotary Club in Eugene. In her remaining spare time, you will find Price brewing beer, including a chocolate peanut butter stout, with her partner and two dogs.

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



Jessica Price's practice focuses on international employment, government grants and ethics.

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Meet Lane County Circuit Court Judge Valeri Love

By Laura Gardner

When Judge Valeri Love of Lane County was appointed to the bench in 2011, she mused that it was “lucky” there were three judicial vacancies that year. Nearly 20 judicial applications were submitted and four finalists were interviewed by the governor. Looking at her career and impact on the Oregon legal community the past 25 years, we are fortunate to have such a thoughtful and compassionate professional in our midst.

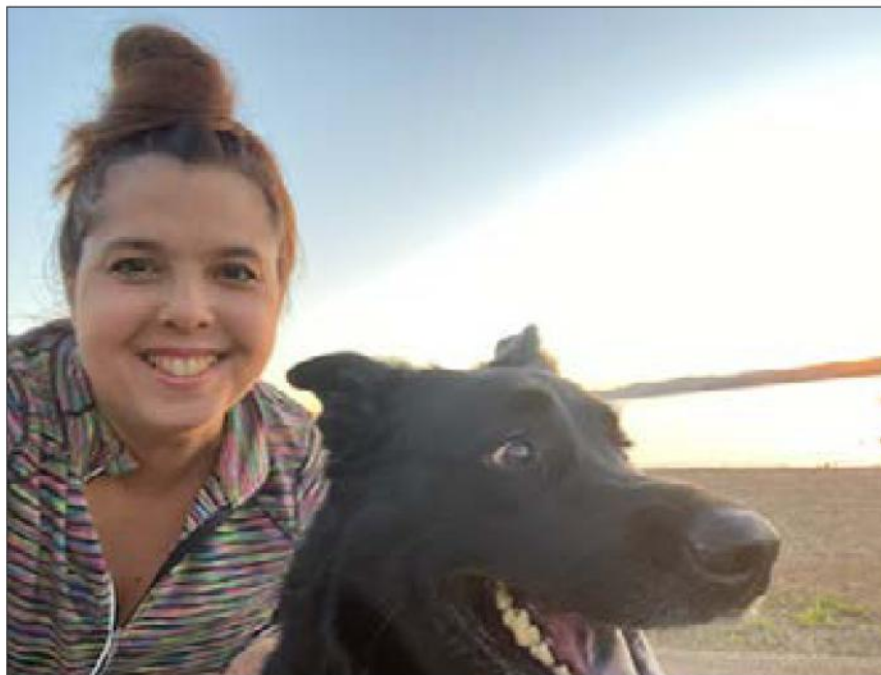
It is obvious her colleagues agree as she has received a number of accolades, including:

- Lane County Bar Association Distinguished Service Award 2016
- Oregon State Bar President’s Membership Service Award 2016
- Chief Justice’s Juvenile Court Champion Award 2014
- Oregon New Lawyers Division Honorable John F. Acosta Professionalism Award 2021

Originally from Hawaii, Judge Love graduated from Punahou, a private college prep school in Honolulu, and moved to Oregon to attain an undergraduate from Linfield College.

Though Judge Love loves Oregon now, while attending Linfield she made a deal with her mom that she would “stick it out” for at least two years before moving back to Hawaii. Those two years turned into nine years total as she completed her law degree and master’s degree in management from Willamette University. She began her legal career in 1995 as a judicial clerk for the Honorable Darryl L. Larson. After clerking, she worked in different legal areas including as a deputy district attorney at the Lane County DA’s office and at Gleaves Swearingen Potter & Scott LLP law firm.

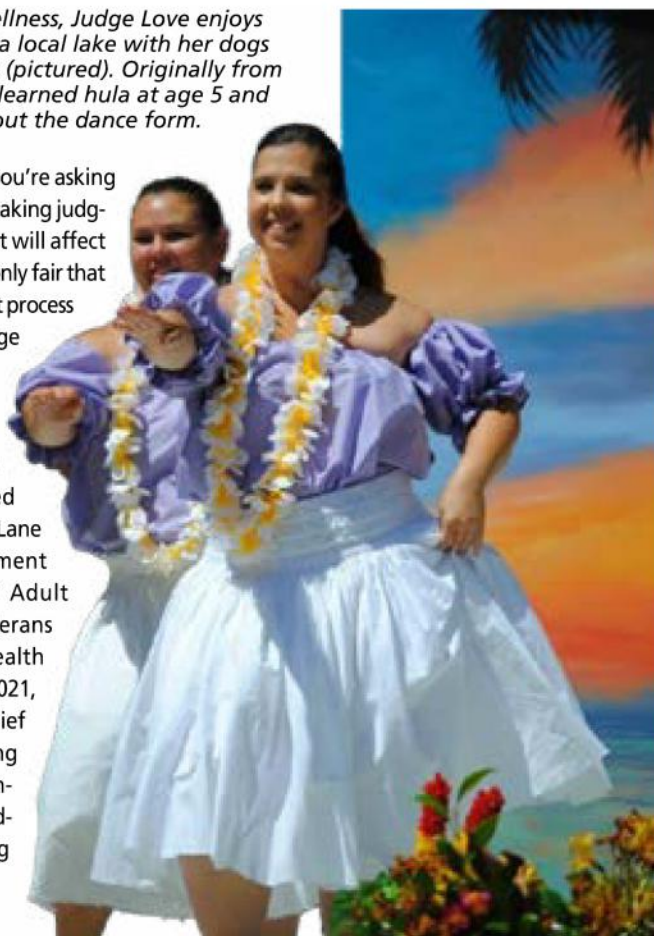
It is always impressive to meet a judge, and a question I tend to ask when given the chance is, “Did you expect or plan to be a judge?” Most of the time, I’m met with an “absolutely not,” which is the sentiment Judge Love shared. When Oregon had three judicial vacancies, Judge Love was encouraged by her friend and now-colleague Judge Karrie McIntyre to apply. As is often the case for women, it can be through friends’ support and encouragement that we achieve something we never expected



Committed to wellness, Judge Love enjoys spending time at a local lake with her dogs Makana and Kona (pictured). Originally from Hawaii, Judge Love learned hula at age 5 and is passionate about the dance form.

to attain. By applying, you’re asking for a job that involves making judgments about others that will affect the rest of their life. It’s only fair that the judicial appointment process requires a potential judge to be transparent and thoroughly vetted as well.

Previously, Judge Love was the assigned judge for all three of Lane County’s adult treatment courts (Lane County Adult Treatment Court, Veterans Court and Mental Health Court). Since January 2021, she has served as the chief juvenile judge, hearing dependency and delinquency cases and presiding over Juvenile Drug Court (RAP Court).



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Judge Love

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Typically, after a verdict is read or sentencing is ordered, a judge rarely knows what happens to defendants. However, with these dockets, Judge Love often sees the same individuals multiple times and is able to get to know them on a more personal level. The best days for her are when she has an opportunity to see youth and adults back in her courtroom and hears about and celebrates their achievements and accomplishments since she last saw them. She remembers a young man walking into her courtroom whom she had seen in foster care years earlier. He remembered her too, and she was incredibly proud of everything he had achieved. Judge Love admitted there are extremely hard cases she must preside over on a nearly daily basis, but the amazing successes that she gets to witness and celebrate make every day worth it.

With those hard days and cases come a high level of stress and burnout in the legal field. Judge Love makes sure to spend quality time with friends and family and her two dogs. She values dedicated time for wellness and is deeply committed to hula, which she began learning at the age of 5. Recently, she traveled to Portland to participate in a hula workshop hosted by highly respected instructors from Hawaii. It is a practice that keeps her connected with her culture. She described it as the one activity she knows will always ground her and take her mind off everything else.

Asked what advice Judge Love would give to attorneys early in their career, she said: "When asking yourself what can you get involved in outside of work but still in the legal community, look at what you're passionate about. Don't join something because you think you should get involved or that it might look good on paper." Judge Love recalled that when she was applying for the judicial vacancy and listing the organizations, committees and groups with whom she'd served, she was surprised at the amount of activities she had done. She volunteered for activities because she was interested in the group's issue or purpose. It's no surprise she's involved in many different civic organizations

and activities, including the Lane County Bar Association, Oregon Asian Pacific American Bar Association, the National Casa Judicial Leadership Council and Oregon Women Lawyers.

Judge Love expressed her gratitude and joy with the Oregon legal community. "The Oregon legal community is amazing and small," and Love believes one of its biggest

"Look at what you're passionate about. ... Don't join something because it might look good on paper."

— Judge Valeri Love

strengths is that many attorneys understand that even though they are in a naturally adversarial atmosphere, they understand the importance of being friendly and respectful with one another, even in a courtroom. It's a disadvantage to be unnecessarily adversarial toward opposing parties because it often does not help your client. There is already intense pressure in these types

of jobs, and it's important for all attorneys to maintain their integrity in the profession.

"There's no need to put someone else down to achieve your own goals," she said.

Laura Gardner is an associate attorney at Hedman Family Law, LLC.

Legislative Update for 2022 Short Session

By Susan Grabe

A short session is a mad dash to the finish line and this year's legislative session was no different. The 81st Legislative Assembly ended four days before the 35-day constitutional limit. From beginning to end, Feb. 2 to March 4, every bill and budget was under a tight timeline to schedule a hearing and a work session to make it through one chamber and over to the next.

While there was an exception for some of the bigger policy bills, such as overtime pay for agricultural workers or a major investment in child care, almost universally, bills had to be "fully baked" upon introduction if they wanted to meet the internal deadlines. And even with the most straightforward of bills, legislators put in early mornings and

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www.owlsfoundation.org



Legislature

Continued from page 15

late nights with multiple amendments to review, special committees to attend, and hours of public hearings in which to participate.

The session was marked by new leadership and no walkouts, which had become the norm the last few sessions. Notably the 2022 session was the last regular session for Senate President Peter Courtney, D-Salem, and the first session for Speaker Dan Rayfield, D-Corvallis. This session, a total of 271 bills were introduced and 127 passed both chambers.

A major theme of this year's session, was a significant increase in state revenue and federal funds. As a result, the Oregon Legislature had approximately \$2.5 billion to distribute this year. While legislators ultimately held on to approximately \$750 million as a cushion in the ending fund balance, a number of policy bills, as well as the budget rebalance bill, distributed approximately \$1.7 billion. This year, the budget rebalance bill, [House Bill 5202](#), was almost 200 pages long and included funding for programs across the state, including a variety of programs and projects housed at the Oregon Judicial Department (OJD) and the Public Defense Services Commission (PDSC).

Bar Priorities

Historically, the bar focuses on its Legislative Priorities, funding for the courts, indigent defense, and civil legal aid, and does not submit legislation during a short session. This year, in response to the work done by the Access to Justice Coalition, the bar successfully took the lead on a request for state funding for the Oregon Law+Connect portal project. At the end of the short session, the bar, with the support of its partners, the Oregon Judicial Department and Oregon's civil legal aid providers, received start-up funding for the build and development of a one-stop [legal information portal](#). Additional funding also was allocated to the bar's legal services program for the provision of immigration legal services ([SB 1543](#)).

Judicial Department Priorities

This session, the Oregon Judicial Department submitted three legislative concepts and requested funding for a number of projects. The three bills addressed fines, fees,



remote proceedings ([HB 4120](#)), Child Support Referees ([HB 4121](#)) and judicial compensation ([SB 1581](#)). Of the three, only SB 1581, related to an increase in judicial compensation, did not pass and the issue is expected to return in the 2023 legislative session. On the budget side, OJD received funding for statewide expansion of its pretrial release program including the removal of minimum bail amounts and the establishment of pretrial release guidelines, a reorganization of the Office of the State Court Administrator, and the replacement and remodeling of county courthouses across the state. The Oregon Supreme Court and Benton, Crook, Deschutes, Columbia and Clackamas counties all received state support in their efforts to either replace or update their existing courthouses.

Indigent Defense Priorities

As some may remember during the 2021 session, the Legislature earmarked \$100 million for the Public Defense Services Commission (PDSC) based on caseload and financial projections. This session, the PDSC returned to the Legislature and shared that based on its projections, it would need approximately \$76 million of those earmarked funds. However, the PDSC also is projecting an additional \$50 million is necessary for non-routine expenses. These issues are expected to be addressed through the Legislature in the spring.

While a more robust conversation about the structure and funding of the Office of Public Defense Services is expected this spring, the PDSC did receive a 5.1% increase (\$16.2 million) in funding during the 2022 legislative session. The Legislature directed \$12.8 million to Multnomah, Washington, Marion and Lane counties for the procurement of indigent defense counsel, while approximately \$743,000 was appropriated to begin the planning phase for a financial and case management upgrade. In addition, new positions were approved for guardianship and juvenile representation. (See [HB 5202](#))

This past legislative session saw significant funding for projects and programs throughout the state. These investments are expected to make long-term and significant changes in education, mental health, the justice system and housing. For many legislators however, this was the last opportunity to play a part in making those investments. This year, three lawyer legislators: Senate President Peter Courtney, Representative Karin Power and Representative Marty Wilde, as well as a number of other legislators have chosen not to file for the 2022 election. Their contributions to Oregon's justice system have been substantial and the bar thanks each of the 90 legislators for serving.

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

Shortlisted

Mediocre: The Dangerous Legacy of White Male America

By Ijeoma Oluo
(Seal Press, 2020, 318 pages)

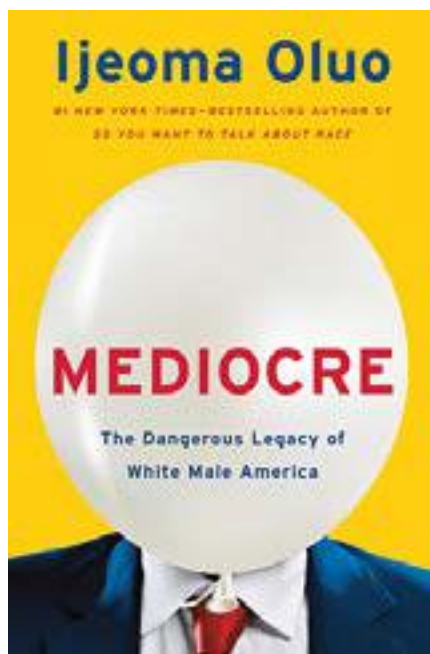
Book Review by Laura Gardner

Some may be nervous or even slightly offended after seeing the title, but this is a book everyone should read. *Mediocre: The Dangerous Legacy of White Male America* is the second book by Ijeoma Oluo whose debut, *So You Want to Talk About Race* gained quick notoriety.

A Nigerian American based in Seattle, Oluo is a No. 1 New York Times best-selling author. Aptly, her second book comes at a time when conservatives are fighting against Critical Race Theory being taught in schools. This is a must-read for anyone seeking a better understanding of America's history and current society. As described on her website, "As provocative as it is essential, this book will upend everything you thought you knew about American identity and offers a bold new vision of American greatness." Oluo's writing touches many phases of American history from the Wild West to the Great Depression to the NFL to the beginnings of college education.

As an intro to understanding what her writing is about, Oluo summarizes:

"I am not arguing that every white man is mediocre. I do not believe that any race or gender is predisposed to mediocrity. What I'm saying is that white male mediocrity is a baseline, the dominant narrative, and that everything in our society is centered around preserving white male power regardless of white male skill or talent. I also know that many white men accomplish great things. But I will argue that we condition white men to believe not only that the best they can hope to accomplish in life is a feeling of superiority over women and people of color, but also that their superiority should be automatically granted them simply because they are white men. The rewarding of white male mediocrity not only limits the drive and imagination of white men; it also requires



forced limitations on the success of women and people of color in order to deliver on the promised white male supremacy. White male mediocrity harms us all."

Throughout her book, Oluo is pointedly direct so the reader can clearly understand the reality of what she is describing. White men are praised for mediocrity and society is designed to maintain white men at this level. By design, this structure minimizes the efforts and achievements by people of color and women. Understanding this baseline allows the reader to revisit aspects of American history through a different lens.

The chapters are separated by topic ranging from the NFL, higher education, women of color in politics, and the present-day workplace atmosphere and hierarchy. Oluo takes us through key moments in history to show how this system works and how white men constantly fail upward. Each chapter describes a point in history and coincides with a current parallel.

For example, in her chapter about the current state of the NFL, Oluo starts with the origins of college football. It started in

the early 1900s and only white men were allowed to play. The sport was so brutal, it was not uncommon for college athletes to die. When young Black men were put on teams, other colleges would boycott games and refuse to play against them. It took years for colleges to start enlisting Black men while certain owners and universities absolutely refused. Looking at the NFL now, white men make extreme profit on the bodies of Black men. The majority of professional football players are Black, but the team owners, managers and coaches are mostly white. When San Francisco 49ers quarterback Colin Kaepernick kneeled during the national anthem to protest social injustice and police brutality, he was never signed onto a team again and his football career was over. In the past few years, the NFL has attempted to put itself in a position that supports Black Lives Matters and counteracts racism, but it has yet to acknowledge its treatment of Kaepernick.

Another chapter in Oluo's book focuses on women of color in politics. Shirley Chisholm ran for president in 1972, but not many people know about her. In 1971 and 1972, Black male political leaders were getting ready to put their names in for the first major Black candidate for U.S. president. After Martin Luther King Jr. was assassinated in 1968, these leaders were hesitant, so Chisholm surprised everyone and announced her campaign. She had already made a name for herself in Congress with her impressive political career, so it was not surprising that she was met with sexist/racist critiques and dismissals.

Unfortunately, it was not just white men who refused to vote for her. It also was women, as many believed only a white man could defeat Richard Nixon. It turned out that was incorrect as Nixon beat Democratic Sen. George McGovern, another white male, and was elected to his second term.

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Emerging From the Pandemic

Dig out your favorite “going to court” outfit from the back of your closet. For some it’s a sharp blazer and a set of pearls, for others it’s the cult classic “Ducky” shoes with the right confidence-boosting design. You know the one: the outfit that makes you feel more competent and grounded when diving into the hard work of advocacy that lies ahead. Grrr ... you’ve just discovered another reason to curse the stupid pandemic: The outfit doesn’t fit and who has worn shoes ... actual shoes ... in years now?!

It’s not just the clothes not fitting that has left us feeling cattywhompus in the adjustment to the “new normal.” It’s that feeling that everything has changed so now we must learn to navigate in a new way. We hear and use different vocabulary now, terms like “pandemic fatigue.” As best as I can tell, “pandemic fatigue” is a ubiquitous term that has taken on a variety of meanings. In the legal profession, it could be said to encompass a medley of emotions (in no particular order):

- Frustration with remote client meetings, depositions, court appearances, professional meetings;
- Feelings of disconnect from co-workers, colleagues and professional groups;
- Helplessness at the stalled out nature of life being on hold;
- Anxiety about how or when “things will get back to normal” (And how much notice will we have for that anyway? Will I have time to order a new “going to court outfit?”)
- _____(Insert your feelings here.)

Judge Rebecca Guptill did a great job in the [OWLS Fall 2021 AdvanceSheet](#) issue (Page 7) talking about resilience and suggesting ways for us to stay healthy in these trying times. In this article, we’ll turn our attention to things to think about when breaking out of the inertia of our COVID habits (aka binge-watching BBC mystery dramas).

COMMUNICATE YOUR EXPECTATIONS. Specifically, how do we navigate when the other person involved would like to handle the mode of our meeting, depositions or court appearance differently than I feel comfortable with?

Communication is the great problem-solver, but also can be the root of the problem in the first place. Getting the lay of the land is best addressed at the outset of the relationship. If you are maintaining an online presence for

THE JUDGES’ FORUM



The Honorable Karrie McIntyre
Lane County Circuit Court

clients, be sure to include information about your expectations for the mode of your meetings clearly on your website, and check to keep your website updated. That way, on the front end, clients will know if there is an expectation for in-person meetings versus remote and make their choices based on what is best for them.

When dealing with adverse counsel, asking expressly in your first interactions about their expectations paves the way for improved communication. Having routine check-ins about whether their position or comfort level regarding mode of appearance has changed in anyway helps planning for both you and your client. If you do not agree with adverse counsel on how to handle your necessary appearances (such as depositions and court hearings), then prepare and plan to file motions that are properly supported with affidavits for court ruling on the requisite mode of appearance. If you have not yet prepared some forms in this regard, it might be the time to do so.

As we move further from March 2020, there may be different Presiding Judge Orders (PJOs) about how your judicial district is conducting court proceedings. We need to be versed on our local district’s PJOs that are in effect. Courts, both nationally and statewide, are tackling how to incorporate new technology on which we have come to rely with our existing systems.

Remote hearings have kept courthouses open and running. Remote technology has improved access to justice in ways that we are not eager to abandon in favor of a return “to the old way of doing things.” The difference it makes for litigants to be able to attend court hearings around work or child care schedules is enormous. There has been strongly voiced support for keeping these types of remote hearings as options in the future.

THINK ABOUT PURPOSEFUL ENGAGEMENT. When tossing aside our working uniform of the past two years (pajamas on the bottom and

blazer on the top — the mullet of our business wear) and stepping our toes into the outside world, let’s make a genuine connection.

Remember that wholehearted belly laugh you had that summer in 2019 while sitting in the backyard with your friends talking about the silly thing you said or did in a deposition or court? Remember your friends snorting and saying, “Yeah?! You think that was bad, listen to this. ...” in another round of sharing experiences that brought us closer to the people around us. It’s part of what’s missing now.

The pandemic distilled our existence back to the very core. We focused first on our immediate families and then our circles of people we trust with our health issues. Then our circle grew to surround ourselves with people who embrace the issues of the pandemic in the same way that we do. Now we struggle with feelings of listlessness and being disconnected, which, in our profession could be a death knell. We make our living by communicating with others and helping people. If we are not communicating and making those meaningful connections, then we are of less service in our profession.

How do we jumpstart that process of breathing life back into the legal community?

1. LET’S MEANINGFULLY CONNECT. Contact a friend or a professional colleague who has dropped below the radar during the pandemic. The pandemic has brought out the inner hermit in all of us. We have embraced the simplicity of limited contacts and sometimes thrived in the lack of plans and social interaction. But we need one another. Our friends and colleagues with whom we share vulnerability and deep belly laughs are the glue that help the disrupted pieces of our lives stick together and mean something.

2. CONTRIBUTE SOMETHING. Let’s share something we are passionate about in our professional forums instead of feeling overwhelmed or apathetic about it (Think about writing an article *smile*). In recent years it has become an oft-heard mantra that we should focus on self-care and truly evaluate when we have too much on our plate. Some of us have handily adopted Bartleby the Scrivener’s famous saying of “I would prefer not to” as a survival mechanism. I applaud you for those measures. (Seriously, I do; it is a skill.) However, we must evaluate a sense of apathy versus a need for self-care. If we are passionate about a subject, a

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Mediocre

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Presently, there are many more women and people of color in politics, but they're still met with sexist, racist and xenophobic rhetoric no matter what they do. Leaders like Alexandria Ocasio-Cortez, Ayanna Pressley, Rashida Tlaib and Ilhan Omar won their spots the same way as white men, but white men rarely get doxxed online, are

sent death threats or even are the targets of assassination attempts. The system is not the same for everyone, and that is the way it was designed by the Founding Fathers. Writing that all men were created equal when Black men were owned as property is a foundation Oluo is dismantling and fighting against. The system that puts white men at the top in all aspects of life has not helped American society. It holds us back as it constantly steps on everyone

else in the way. Oluo ends her book with this: "The centering of white manhood at the expense of everyone else was done by people. ... We have to have more than just the desire to fight; we have to have the bravery to look at ourselves and see our complicity in the violence of white male supremacy."

Laura Gardner is an associate attorney at Hedman Family Law, LLC.

Thank you

OWLS thanks these members for renewing at an enhanced level.

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Kamron Graham is Tireless Advocate for Marginalized

By Diane Rynerson

You may have read the in-depth profile of Oregon State Bar President Kamron Graham in the [January 2022 Oregon State Bar Bulletin](#), but since she also is concluding her term as president of the Oregon Women Lawyers Foundation, we thought you'd want to learn more about this remarkable bar leader.

Graham's day job with the Multnomah County Public Guardian/Conservator's Program is very much one of public service. She typically handles about 35 cases, with a new case coming in about every six weeks. All her clients are protected people. A good portion of each day is spent coordinating with medical providers, managing clients' finances, negotiating with families and doing end-of-life planning. All cases originate in Multnomah County, and most clients live in the Portland metropolitan area.

Why does someone who already does so much work in the public interest dedicate her free time to work on behalf of the legal community? Graham is clear that there are different types of public service — the hands-on, individual client-based tasks and the broader public policy-oriented work that is necessary to implement societal change. Graham's vision is to build a legal community that truly values and respects differences and works to meet everyone's legal needs.

Graham's curiosity about other cultures and embrace of differences was evidenced early on. After graduation from Hillsboro High School, she went across the country to New Hampshire's Colby-Sawyer College, coincidentally the alma mater of Marilla Marks Ricker, a suffragist

whose 1890 petition to the New Hampshire Supreme Court opened the New Hampshire Bar to women. As an undergraduate, Graham's favorite class was a survey of Japanese literature. She still enjoys reading Japanese authors in translation. She began her studies as an art history major, but after the first semester decided a business degree would be more practical. She earned a bachelor's degree in business management.

While at Seattle University School of Law, ethics was a favorite subject because of the complexity of debates about "the right thing to do." Graham also enjoyed torts and a course in Middle Eastern law. While in law school, she spent three weeks in Beijing studying bankruptcy law. A favorite study trip after Graham became a lawyer was to Cuba, where she enjoyed the warmth of the people and learned about Cuban history and the Bay of Pigs invasion from the Cuban perspective. At a bar in Havana, Graham met a woman who was so excited that she was a lawyer, that she insisted her daughter, also a lawyer, leave work to meet Graham. If time and money were no object, a bucket-list trip would be to bike across Sweden and Denmark.

When she has a few free hours, Graham loves to read. She recently finished *Black Ice*, by Carin Gerhardsen. Graham doesn't watch much television, but she does watch Netflix. Recent favorites have been *Cobra Kai*, and *The Mandalorian*. Since the beginning of the pandemic, Graham also has made time for regular, in-person board game with her mother and nephew. Whoever wins gets to choose the game for the next time. Games include Villainous, Clue, Rivals for Catan, chess and others.



Kamron Graham

Weightlifting at a women's gym is another free-time activity for Graham.

Oregon State Bar presidents traditionally do a lot of traveling, and Graham is hopeful that she will be able to visit lawyers in various parts of the state beginning in late spring. While on road trips, she listens to an '80s playlist or an occasional podcast. One she recommends is *The Science of Happiness*, which provides research-based strategies for happier living.

Graham joined the Oregon State Bar Board of Governors with a goal to become president. Her other bar leadership roles have happened quite organically through recognition of her extensive experience with nonprofit organizations and boards and her strong network of friends and colleagues developed through her ties with OGALLA, Oregon Women Lawyers and other affinity bars. Graham's leadership style is collaborative, friendly and open. Her compassion and sense of purpose combined with her well-developed sense of humor make her the ideal leader for Oregon lawyers as we strive to make positive changes in the legal community and the services we provide.

Diane Rynerson serves on the OWLS Foundation Board of Directors.

Pandemic

Continued from page 18

policy, a need for change (whatever is our thing), we can do something. When confronted with the prospect of taking action, it is both easy and natural to conclude that if we cannot effect immediate and lasting impact then it may not be worth the time or energy. This country prides itself on its grassroots philosophy of growth and change, so sign up for a shift at the warming center, write that letter in support of legislation,

agree to write an OWLS article (*smile), or join a committee. Self-care means assessing your needs and adopting healthy boundaries. Isn't there room for a small gesture for something you genuinely care about?

3. TURN ON OUR CAMERAS. When attending remote lunch meetings, show we are engaged in the presentation. (Yes, I realize this means others may not want to watch me eat, so I am a little on the fence about proper etiquette in this regard.) It is a small yet concrete action, but also, it's a metaphor about visibly communicat-

ing your interest, respect and engagement in the meeting that others have carved time out of their busy days to attend. Show some enthusiasm and appreciation for the work of others.

What if we made one small gesture in our professional lives to make it better for another lawyer? It's the philosophy of mentorship, camaraderie and support that has made OWLS — and the Oregon Bar — such a wonderful organization. I am grateful that we have one another.

The Honorable Karrie McIntyre is a Lane County Circuit Court Judge.

Oregon Women Lawyers Annual Report

October 2020 - September 2021

OWLS Chapters

We held our ninth chapter summit virtually in October 2020, featuring leaders from around the state and the OWLS Foundation. The OWLS' program coordinator provided a recorded slideshow for state chapters with resources and tips for chapter leaders.

Several chapters in smaller communities became dormant during the pandemic as their usual activities are in person for networking and camaraderie. However, of note:

Lane County Women Lawyers remotely presented the second Chief Justice Martha Walters Award to Judge Debra Vogt, Lane County Circuit Court. The award 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 in the legal profession for all.

The chapter also held remote presentations on courtroom issues, as well as "sustaining self-care in quarantine."

The **Queen's Bench** chapter continued its popular monthly speaker series under President Anne Milligan, then Judge Beth Allen beginning in January. The theme for 2020 was "Difficult Decisions" and for 2021 it was "Phoenixes Rising." The 2020 annual holiday luncheon honoring women judges also was held remotely and featured retired Judge Doug Beckman, Larry Muzzy and moderator Rachel Saslow. In 1996, Judge Beckman sentenced Muzzy — then a frightened, gifted young teen — under the draconian mandatory minimums of Oregon's new "one strike, you're out" Measure 11. Muzzy was one of the first children to be incarcerated in Oregon under Measure 11.

In January 2021, Phoenixes Rising speaker Miranda Summer discussed going from a sudden hearing loss to hearing cases as a judge. Other speakers in the series included Lorena Reynolds, Anne Milligan, Shemia Fagan, Kyra Hazilla, Jessica Vega Pederson, Ebony Clarke and Victoria Blachly.

The OWLS **Mary Leonard** chapter held a virtual Access to Justice CLE with civil rights

From the Executive Director's Desk

More than anything, I wish health and well-being to you, and hope that your pandemic suffering has been minimal. For several months at the beginning of COVID-19, I learned some things about my resiliency: one star, do not recommend. If you had the same experience, I hope you've come through the other side as well.

OWLS volunteers have inspired and kept us moving forward, learning that we can, and must, continue to connect members, programming and events throughout the state even after we wade back into seeing one another in person. When you're ready to spend some of your precious time making the legal community a better place, please be in touch. We have volunteer opportunities ranging from serving on the Roberts & Deiz Award Committee to writing for this newsletter. Stay safe. I'm looking forward to seeing you and working together in person soon.

— Linda Tomassi

expert and former assistant U.S. attorney Ron Silver on the 60th anniversary of the Freedom Rides. They held their new admittee lunch virtually as well as an author event, and during the summer, co-sponsored a virtual fun run to benefit Marion and Polk counties' CourtCare.

OWLS and the OWLS Foundation

OWLS and our sister organization, the OWLS Foundation worked together to create a virtual Roberts & Deiz Award event for the first time. We honored Gina Johnnie of Salem and Doug Park of Eugene, and the foundation raised funds for its grants.

Mentoring

OWLS' mentoring during the year was

entirely online and focused on new lawyers and law students. A benefit to this format is that students from all three schools were able to meet and talk with professionals from different backgrounds from around the state.

Contract Lawyer Service

OWLS' Contract Lawyer Service provides employers with a medium through which to post contract positions to OWLS members participating in the service.

Listserv Communications

The OWLS listserv connects OWLS members around the state for personal and professional referrals, important discussions and advice. The OWLS office is able to connect members with referrals around the country through the National Conference of Women's Bar Associations listserv. It proved to be an important resource during the pandemic, helping people connect with health care and vaccine sites.

Education

In lieu of a fall CLE in 2020, OWLS held a virtual workshop titled "Understanding Racism in Oregon: A Workshop for the Oregon Legal Community," featuring Rakeem Washington and Kasia Rutledge of Engage to Change.

The Global Pandemic and Our Mental Health

OWLS and the Oregon Attorney Assistance Program partnered for a virtual mental health CLE, "Addressing Trauma and Interpersonal Violence: Finding Peace during the Pandemic."

With community members suffering from extraordinary pressures due to the pandemic, many chapters and committees stepped up with CLEs focusing on mental and physical health issues.

The OWLS **Membership Committee** started the year offering a virtual ballot measure breakdown, and continued programming that included topics such as addressing unconscious bias and juries, a mandatory elder

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Annual Report

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and child abuse CLE, and reimagining the workplace after COVID-19. The committee concluded the year with a meeting to gauge interest in creating a virtual chapter that thus far has resulted in First Wednesdays.

The **Leadership Committee** worked to connect people through introvert social hours and networking opportunities for new lawyers and law students. Parna Mehrbani, Susanne Aronowitz and Melissa Chureau remained steadfast in providing programming on imposterism with a four-part series, and Nedra Rezinas presented a CLE about using LinkedIn.

Awards

The OWLS board honored Gina Johnnie and Doug Park with the 2020 OWLS Roberts & Deiz Award in 2021 during our first virtual event of its kind. The early stages of the pandemic occurred right around the time of the 2020 awards, which coincided with the first closures due to COVID and the dinner was canceled at the very last minute.

Dragonflies

The OWLS [dragon boat team](#) was on hiatus due to COVID concerns but got back on the water during the summer. Go 'Flies!

Working Parents

The [Working Parents Committee](#) focused its energy on presenting a three-part series, "Parenting Through a Racial Justice Lens," featuring Karen Neri and Andrea Redau. It also worked with the Multnomah Bar Association Young Lawyer's Section Service to the Public Committee on a children's book drive.

Introvert Legal Professionals Subcommittee

The Introvert Legal Professionals group offered networking social hours online during the pandemic and provided a marketing CLE.

Affinity Bars

Oregon Affinity Bar Leaders created an online series for new lawyers and law students to network and learn on the last Wednesday of the month.

Organized by OWLS, we also started the series in September with the Leadership Committee's ever-popular topic "Negotiating Your Worth at Work."

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