

# AdvanceSheet™

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## The origins, impacts of qualified immunity

OWLS' Fall CLE explores how the doctrine sets the stage for Oregon laws, policies

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By Michelle Yang  
and Amanda Lamb

Qualified immunity is an enigmatic doctrine that has been at the center of the conversation around police accountability, particularly after the racial justice movement of 2020 forced the issue to the forefront. It is one that has been woven into how our courts approach constitutional violations by law enforcement officers for over 100 years, yet it is an issue that just recently has gained some mainstream exposure.

OWLS hosted a Fall CLE that explored the murky waters of the doctrine, in which Joanna Schwartz, UCLA law professor and author of

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From left, Lauren Bonds, keynote speaker and executive director of the National Police Accountability Project; UCLA School of Law professor Joanna Schwartz; and Ashlee Albies, civil rights attorney/partner at Albies, Stark & Guerriero. (Mary Dougherty)

## Pioneering women

*Queen's Bench led the way for women in state's legal profession*

By Trudy Allen

Part 2

In the last issue of the [AdvanceSheet](#), I described the founding of Queen's Bench in 1948 and some of what Queen's Bench — and our members, especially those who became judges — have accomplished over the years. Here the story continues.

In 1982 when I attended my first Queen's Bench meeting, Queen's Bench was in a transition period, when many of the early members



A Queen's Bench breakfast meeting at the Oregon State Bar Convention during the mid-1950s.

75  
YEARS

were still attending — and my generation had started to participate in growing numbers. From the early members, I learned a lot about our history and discovered

that many of them were pioneers for women in the legal profession in Oregon.

Queen's Bench originally included

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## President's Message

As we head into the 35th anniversary of OWLS and for me, personally, my eighth year on the OWLS' Board, I am struck by two things — OWLS has made tremendous progress in fulfilling its mission. And, yet, there is still so much work left to be done if we are to “transform the legal profession by pursuing equitable access to the legal system and equity for women and communities who are systemically oppressed.”

Since its inception 35 years ago, OWLS has helped to create a Judicial Work Group, which aims to improve diversity within Oregon's federal and state judiciary; we organized a book drive to donate hundreds of books to women incarcerated at Coffee Creek Correctional Facility through OWLS' Community Service Committee; we created a model parental leave policy through OWLS Working Parents Committee; and, along with several volunteers from our fellow affinity bar organizations, we helped to create the Times Up Oregon CLE program, a first-of-its-kind seminar to educate Oregon's legal community regarding the ongoing existence of and ways to interrupt sexual harassment and discrimination in the legal workplace.

These are just a few of the examples of OWLS' efforts to transform the legal profession throughout the years, all of which took hard work, determination, and, I'll be frank, a lot of volunteer time and financial resources.

OWLS would be nothing without its amazing executive director, Linda Tomassi, or our equally amazing program coordinator, Erika Maxon, and the efforts of so many of you, our members, to step up and volunteer to participate in OWLS events and programming.

As we look forward to the next 35 years as an organization and seek to build and improve upon our past work, I want to encourage each of our members to do one (or more) of the following:

■ Find one friend or colleague and encourage them to join OWLS. There is strength in numbers, and for each dollar in membership dues we achieve, that's one more dollar we can put toward paying our wonderful staff the salaries they deserve. It's one more dollar we can put toward putting on important programming to continue the fight toward equity for those out-



side the dominant culture.

OWLS offers membership dues on a sliding scale, starting as low as \$45. And if the sliding scale membership rates are still not feasible, OWLS offers some

limited membership scholarships. Reach out to [executivedirector@oregonwomenlawyers.org](mailto:executivedirector@oregonwomenlawyers.org) for further information.

■ For those of you financially able, consider renewing your OWLS membership at an enhanced level. OWLS offers enhanced memberships starting at \$200, up to \$1,000, with various benefits for each level of giving.

Information on the benefits of becoming an enhanced member are available here: <https://oregonwomenlawyers.org/about/opportunities-mentorship/enhanced-membership/>

■ Lastly, whether you are new to the organization or have been with us since the beginning, consider signing up to volunteer for an OWLS committee, chapter, or other specialty service. We need the next generation of OWLS leadership to start now, and joining a committee or chapter leadership is a great way to begin getting involved.

If you are interested in further information regarding OWLS committees and chapters, you can reach out to me, and I'll help you find a committee or chapter task that best suits your availability and interests. Send an email at [adeleridenour@markowitzherbold.com](mailto:adeleridenour@markowitzherbold.com).

Together we can make the next 35 years of OWLS even better than the last.

Adele Ridenour,  
President, Oregon Women Lawyers



**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.**



# Negotiating your WORTH

Information is power when talking salary



Anne Milligan



Elisa Dozono



Molly Honore

By Amanda Lamb

The Queen's Bench Monthly Speaker series in October featured a panel discussion on how attorneys (particularly female-identifying attorneys) should approach pay negotiations with a potential or current employer.

The session, moderated by Oregon State Bar President Lee Ann Donaldson, featured three panelists representing a variety of legal professions: Anne Milligan, senior deputy city attorney for the City of Portland, spoke about negotiating pay in government positions; Elisa Dozono, senior corporate counsel at CLEAResult, provided negotiating strategies for those seeking in-house counsel positions; and Molly Honore, a business litigation attorney with Markowitz Herbold, addressed how private litigation firms approach salary negotiations.

The advice the panelists shared applies to any attorney at any experience level, those negotiating for new positions, those requesting pay increases or promotions in their current job, or anyone wanting to consider the entire compensation package, rather than simply salary.

## Ahead of negotiations: Collect data

The panelists recommend collecting data to know what the average position in your field pays and what a specific law firm or organization's typical compensation package looks like prior to even applying for a position. The purpose of gathering data is to ensure that you approach negotiations truly knowing the market, what you want in compensation, and what you are worth.

## Knowing the market

While the Oregon State Bar's Economic Survey contains helpful information on average attorney compensation, there also are industry-specific resources provided by the panel. For instance, Honore recommended

those looking for litigation firm positions (including big law) review economic surveys conducted by the National Association for Law Placement and Above the Law. Those looking for corporate counsel positions can look to the Association of Corporate Counsel for similar surveys, Dozono said. Finally, Milligan said that government salaries can be obtained directly via public records requests and often are reported in local newspapers.

## Gathering information

Beyond gathering national, state, or even firm-specific data on salaries, the panelists also recommended conducting informational interviews with employees at firms to gain an understanding of the total compensation package. The panelists noted that most people are eager to talk about themselves and their jobs, so people should not hesitate to ask for interviews.

Honore noted that the best job seekers are prepared for the interview, understand the firm they are applying to, and know what they are looking for in a workplace. The informational interview can discuss salary but is perhaps more useful to gauge whether the organizational culture meets your needs. For instance, salaries may be lower than you desired, but the company offers generous bonuses or stock options, which may add to total compensation. Or perhaps you can learn that they will not negotiate on salary, but you can negotiate for additional vacation or other benefits.

Informational interviews will assist you in assessing total compensation packages (salary, bonuses), benefits (insurance, leave), and other important information (remote work), all of which become relevant in evaluating an offer. All of these elements are important, but the interviews also can lead to an understanding about the reality of the work. For example, it might be important to know not just how much vacation you receive, but whether the

firm's culture allows you to actually take vacation and leave work behind. Additionally, Milligan suggests you ask about cultural values, such as using leave to take care of family, the availability of child care, or sabbaticals. For the private sector, it is important to understand how billable hours are approached and how the number of hours billed affects overall pay (including bonuses), Honore said.

## Evaluating an offer

Once you receive an offer, the panelists recommended then going back to the data you collected to determine whether the firm's offer meets your overall needs, including, but not limited to, compensation. Honore suggested taking no more than two business days to evaluate the offer before turning to the negotiation phase. The compensation elements of an offer may depend on the sector. For instance, Dozono noted that signing bonuses are popular in corporate law, particularly on the East Coast. Additionally, some firms may offer remote work and, if so, also may include stipends for setting up home offices and travel reimbursement.

Milligan said that government positions are likely to be set up in specific salary grades, which means it may be important to negotiate the grade in addition to the pay rate itself. Similarly, some private firms have set salaries depending on the employee's years of practice (first year, second year, etc.), according to Honore. In evaluating the offer, it is important to understand where you fall in that structure and whether you can receive credit for additional work, such as a clerkship.

## Negotiating an offer

Armed with an understanding of your goals, data about the firm and the market, and your evaluation of the offer, now it is time to negotiate. With all these tools,

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# UPCOMING EVENTS

## Lawyers Association of Washington County Monthly Luncheon

Wednesday, Jan. 17, March 20, noon-1 p.m.

The chapter meets on the third Wednesday of the month, and alternates between virtual and in-person events. Please see the OWLS website for details. Contact [Kay Teague](#) or [Amanda Thorpe](#) for questions. No RSVP necessary.

## Cascade Women Lawyers Monthly Luncheon

Wednesday Jan. 31, Feb. 28, March 27, April 24, noon-1 p.m.

Old Towne Pizza 118 N.W. Greenwood Ave., Bend

The chapter meets the last Wednesday of the month. No RSVP necessary.

## Josephine County Women Lawyers Monthly Luncheon

Feb. 7, March 6, April 3, noon-1 p.m.

La Burrita Restaurant, 1501 N.E. F St., Grants Pass

The chapter meets the first Wednesday of each month for networking, discussing court situations, and more. No RSVP necessary.

## OWLS Online

Thursday, Feb. 8, April 11, noon-1 p.m.  
Virtual via Zoom

February topic: TEDWomen with Stacey Abrams, "3 Questions to Ask Yourself About Everything You Do"

April topic: "Healthy Striving vs. Shame and Perfectionism," with guest

speaker Heather Decker.

Zoom events take place at lunchtime with short programs and small group discussions. Details about hosting or volunteering with OWLS Online are available on the OWLS website.

[RSVP here for February.](#) [RSVP here for April.](#)

## Queen's Bench Monthly Luncheon

Feb. 13, noon-1 p.m.

Multnomah County Courthouse, 1200 S.W. First Ave., Courtroom 13C, Portland & WebEx

Queen's Bench presentations are on the second Tuesday of the month. No cost. [Register online.](#)

[Register for March;](#) [register for April.](#)

## OWLS, Multnomah County Courthouse - Love Day 2024

Wednesday, Feb. 14, 3-5 p.m.

Multnomah County Courthouse, 1200 S.W. First Ave., Portland

A team of Multnomah County judges are volunteering their time to officiate [free wedding ceremonies](#) for couples from diverse backgrounds who have socioeconomic hardships. This event is in collaboration with the Multnomah County Courthouse, Multnomah County and City Commissioners, community-based organizations, Oregon affinity bars, Oregon Women Lawyers, the Multnomah Bar Association, and the Multnomah Bar Foundation.

Volunteers are needed to help with this event. Donations requested include bridal dresses, small gifts for the couples, and desserts for the event,

as well as cash donations to help with the purchase of these items. [Please fill out this form](#) to volunteer or donate.

## Lawyers Association of Washington County Virtual CLE

Wednesday, Feb. 21, April 17, noon-1 p.m.

Virtual via Zoom

February topic: "Best Practices for the Lawyer Volunteer: From Nonprofits, Boards, Committees, and Orgs," with guest speaker Heather Weigler  
April topic: "Lawyer as Witness – Ethics Traps, and Tips When You Have Been Subpoenaed," with guest speaker Xin Xu

LAWC meets the third Wednesday of the month, and alternates between virtual CLE's and in-person events. For questions about registration, contact [Erika Maxon.](#) [RSVP here for February.](#) [RSVP here for April.](#)

## First Generation Professionals Discussion Group

Wednesday March 13, April 10, noon-1 p.m.

Multnomah County Circuit Court, 1200 S.W. First Ave., Portland, Room 12A

Are you the first in your family to go to college? Get a professional degree? Become a lawyer? If you think it would be helpful to talk with others who have had the same life experience, join Judge Alarcón on the second Wednesday of the month for that discussion. Snacks provided. Bring your lunch. No cost. Law students and legal professionals welcome. [RSVP to Judge Jackie Alarcón.](#)

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## Negotiating

*Continued from page 3*

negotiations should be easy. But the panelists recommended always having a counteroffer ready. Because of your extensive research, you will already know what you can and cannot negotiate over. Honore recommended being direct, picking a couple of items that are important to you, and making the case for why you think the firm should give you those items (armed with your data). Remember that these points may not be salary or compensation but

can include things such as paid time off (if the firm negotiates on those items) or even the type or number of cases you will handle (workload). Prioritize what is important to you.

Finally, ensure the important elements of the original offer and final offer are written down, including what you have negotiated.

While you can read tips and tricks for negotiations anywhere on the internet, the panelists offered a nuanced view into three different legal sectors' compensation structures. They emphasized that most of the work comes long before you ever receive an offer,

but is in researching the market, understanding the firm's culture through informational interviews, and knowing what you want in a position beyond salary. Then, once you have reached the negotiation stage, you have your goals at the forefront, supported by data on why your requests should be met. This not only improves your chances of success, but also ensures that your new position can meet all your needs, not just the financial ones.

*Amanda Lamb is a civil rights attorney with the Oregon Justice Resource Center.*



# In-person OWLS Chapter Summit returns

By Ashley McDonald  
and Mary Dougherty

The recently re-founded chapter, Lawyers' Association of Washington County, joined the OWLS Membership Committee in co-hosting the OWLS Chapter Summit on Oct. 26. The summit was a hybrid event, with participants having the option to choose between attending virtually or in-person in downtown Portland.

This was the first summit with an in-person attendance option since 2019. This year's gathering had a slightly different format than earlier years. While panels have been popular at prior summits, this year's event celebrated the return to in-person by taking a more personal, discussion-based approach that was aimed at connecting with others. This allowed for vulnerable, engaging conversations among the speakers and participants.

OWLS President Adele Ridenour began the summit by welcoming participants and leading introductions. Participants included leaders and members from four chapters, the co-chairs for OWLS Online, three officers from the Lewis & Clark Women's Law Caucus, representatives from the OWLS Foundation, the OWLS Board of Directors, and the OWLS Judicial Work Group. OWLS Program Coordinator Erika Maxon and OWLS Membership Committee co-Chairs Mary Dougherty and Ashley McDonald also attended.

JB Kim, the director of Diversity of Inclusion for the Oregon State Bar, kicked off the discussions with the topic of "Inclusive Leadership: Centering DEIA." This focused on action items and considerations for centering diversity, equity, inclusion, and accessibility in planning and hosting programs and events to recruit, retain, and support a diverse legal community.

Kim explained that the DEIA landscape has changed from focusing on being multicultural to embracing differences and acknowledging privileges. Participants were encouraged not to put DEIA on the back burner because their organization was functioning. Instead, Kim asked participants to take action by bringing in others not like them, creating a space for discussion and implementation of different ideas, and finding ways to provide support and community.

Heather Weigler and Jessica Price of the Judicial Work Group provided an update to



Attending the OWLS 2023 Chapter Summit on Oct. 26 were: (front, from left) Lindsey Craven, Monica Arnone, Ashley McDonald, Mary Carlich, (back, from left) Karen Neri, Madeline Russell, Hannah LaChance, Kay Teague, Jennifer Smith, and Heidi Strauch. Not pictured: Adele Ridenour, Diane Rynerson, Elizabeth Esfeld, Erika Maxon, Heather Weigler, JB Kim, Jeslyn Everitt, Jessica Price, Lori Hymowitz, Mai Vang, Mary Dougherty, and Nicole Lemieux.

the Road to the Bench CLE-in-a-Box that is now available for chapters across the state. The CLE is intended to empower local discussion and transparency within the legal community about judicial selection and to

provide advice about navigating that process in state and local elections and federal and administrative appointments.

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## Alice Bartelt



By Teresa Statler

OWLS mourns the loss of longtime active member Alice Bartelt who died suddenly on Aug. 29. Alice served on the OWLS Board from October 2002 to April 2009, and was also OWLS' Historian from 2006-09. She worked for SAIF as a trial and appellate attorney for over 25 years. She earned her J.D. from Lewis & Clark Law School in 1981.

Alice was not only active in OWLS. She also served as president of the Oregon Association of Parliamentarians. She was an expert on the nuances of Robert's Rules of Order and was always happy to share her expertise. She was also the president and a member of the Board of Directors of the League of Women Voters of Oregon, and was an active member of the American Association of University Women (AAUW), both the Portland and Beaverton branches. Alice was active in the Columbia Chapter of Americans United for Separation of Church and State, Washington County Democrats, NARAL Pro-Choice Oregon, Zonta International, and the Oregon State Bar. She loved to travel, read, do crossword puzzles, and go antiquing.

Alice and her husband, Dick (who died in 2006), moved to Oregon from California in 1970. They raised their daughters in Raleigh Hills and that is when and where she put into earnest action her passion for supporting organizations dedicated to women's rights.

Alice was generous with her time, a mentor to many, and was kind, witty, and brave. She is survived by daughters Barb Damon and Sandy Meyers, two grandsons, a sister, and her companion, Paul Moore. Alice will be greatly missed.

*Teresa Statler retired from her solo immigration law practice in Portland in 2021.*

## CWL, OWLS board gather

On Sept. 29, Cascade Women Lawyers (CWL) held a joint event with the OWLS Board of Directors in Bend. CWL is the Central Oregon chapter of Oregon Women Lawyers, and meets bimonthly.

Brix Law hosted a reception from 5 to 7 p.m. that brought together the statewide OWLS board and the local CWL board and members for food and socializing.

Cascade Women Lawyers started the evening with their annual meeting of their general membership and segued into a social hour featuring delicious tacos and a curated selection of wine. Former OWLS President Laura Craska Cooper hosted the event at her firm and created a fun opportunity for the OWLS and CWL boards to meet and make connections at this successful shared event.



Attendees at the joint Cascade Women Lawyers and Oregon Women Lawyers event included, from left, Emily Brown-Sitnick, Chloe Thompson, Taylor Hale, Kirsten Curtis, Hon. Beth Bagley, Ayla Ercin, Adele Ridenour, Mary Dougherty, and two children of guests.

## Chapter Summit

*Continued from page 5*

Some aspects of the Road to the Bench materials include running successful campaigns, understanding some of the challenges facing courts, encouraging judicial aspirations, processes to develop stronger candidates, and defining and promoting diversity in the courts.

This CLE is designed to provide a general level of information and tools such as PowerPoints and outlines that chapters can modify to suit the interests of chapter members where the CLE is held.

Chapters interested in the Road to the Bench CLE-in-a-Box or other member benefits coordinated by the Judicial Work Group may contact Weigler or Price for more information.

Kay Teague, co-chair of the Lawyers' Association of Washington County, concluded the summit by facilitating a discussion on improving chapter engagement by creating a culture of welcome and belonging. Teague began by sharing her personal experiences of being seen and of being ignored in the legal community. Participants then shared

their own experiences.

Teague led the group in identifying the commonalities underlying various experiences and encouraged participants to adapt strategies to create a welcoming space in which others could be seen and appreciated by acknowledging others, taking responsibility, being accountable for mistakes, and incorporating others in speaking on topics or providing their experience or opinions. Teague's affirming discussion carried over into further free-flowing conversations, while the participants enjoyed lunch together to conclude the summit.

The Membership Committee is working on implementing the takeaways from the chapter summit about inclusion, diversity, and belonging as we continue working with new volunteers to re-found inactive chapters and supporting the active chapters in building member engagement and promoting networking opportunities for law students and new lawyers.

*Ashley McDonald is an attorney with Focal PLLC in Seattle and Mary Dougherty is an attorney with Brownstein Rask in Portland.*



# Stupasky receives annual Walters Award

By Jeslyn Everitt

**O**n Nov. 17, Lane County Women Lawyers hosted its fifth annual Chief Justice Martha Walters Award Ceremony and Luncheon.

The event was held at the Gordon Hotel in Eugene, with a sold-out crowd of 80 attendees.

The Chief Justice Martha Walters Award recognizes a Lane County attorney who has demonstrated leadership in the pursuit of equal justice for all.

This year's recipient of the award, Tina Stupasky, has practiced law in Lane County for more than 37 years. She is currently a partner at Jensen Elmore Stupasky & Lessley, where she practices civil litigation with an emphasis on personal injury and medical malpractice.

Stupasky has dedicated her career to serving as an advocate for those who have suffered harm or injury, and who otherwise may not have a voice in the justice system without her representation.

Her leadership and commitment to advancing the legal profession can be seen in her dedication to mentoring attorneys and to educating her peers through conference presentations and CLEs. She makes a point of sharing her expertise with law students and those new to practicing law on the topics of starting your own practice, preparing and taking depositions, and other trial skills, and also serves as an adjunct instructor for



*Lane County attorney Tina Stupasky received the annual Chief Justice Martha Walters Award honoring leadership in the pursuit of equal justice for all.*

the UO School of Law Trial Practice seminar.

Stupasky has extensive service on boards and committees including the HIV Alliance Board, the Oregon Trial Lawyers Association, including as the group's president from 2016-17, and several statewide governor-appointed task forces.

Throughout her career spanning four

decades, she has been a champion of the Campaign for Equal Justice and gives her time and expertise readily on many subjects.

The award ceremony featured video remarks by Chief Justice Walters, a slide-show review of past award presentations created by Oregon Court of Appeals Judge Jodie Mooney, and an interview of Stupasky moderated by Lane County Circuit Court Judge Beatrice Grace.

During her acceptance interview, Stupasky highlighted how her background working as a nurse at Sacred Heart Medical Center for 11 years before attending law school gave her the empathy and compassion to work with vulnerable populations and a commitment to fighting for the underserved.

Stupasky also shared how she has seen the Lane County bar become more representative with the addition of female advocates and judges.

The event was underwritten at the "Lady Justice" level by Johnson Johnson Lucas & Middleton, and at the "Scales of Justice" level by Hershner Hunter, Hutchinson Cox, and Watkinson Laird Rubenstein.

Please join Lane County Women Lawyers and OWLS at next year's Chief Justice Martha Walters Award ceremony scheduled for Nov. 22, 2024, with the nomination period for the award running from May 1 to July 31, 2024.

*Jeslyn Everitt is an associate general counsel at the University of Oregon and member of the OWLS Lane County chapter.*



*The Chief Justice Martha Walters Award Ceremony and Luncheon drew a sold-out crowd of 80 to the Gordon Hotel in Eugene on Nov. 17. Save the date for the 2024 luncheon on Nov. 22.*

Attending the Fall CLE on qualified immunity were, from left, panelists and Civil Rights Project Director Juan Chavez, civil rights attorney and panel moderator Ashlee Albies, OWLS President Adele Ridenour, guest speaker UCLA law professor Joanna Schwartz, Public Accountability Executive Director and panelist Athul Acharya, and Multnomah County Deputy County Attorney and panelist Andrew Jones. (Mary Dougherty)



## Qualified Immunity

*Continued from page 1*

"Shielded: How the Police Became Untouchable," introduced the keynote speaker, Lauren Bonds, executive director of the National Police Accountability Project. A panel then discussed the ways in which the doctrine plays into Oregon laws and policies.

Qualified immunity is a legal defense applied to government actors when they are sued in their individual capacity for actions taken as part of their official duties. In short, it can protect law enforcement officers (or other government employees) from lawsuits under certain circumstances, even if they violate the constitutional rights of an individual. There are countless examples of how qualified immunity has been used to prevent individuals who have been harmed by police from seeking justice and accountability. The issue is not about whether the police action was justified, just whether the officer can be held accountable for the action if it was not.

The speakers and panelists at the OWLS Fall CLE discussed how qualified immunity was invented by the Supreme Court and how it affects the practice of civil rights law today. The session explored qualified immunity's negative impacts on plaintiffs, but also how work at the national, state, and local levels can mitigate its harmful effects.

### Schwartz defined legal doctrine

Schwartz opened the CLE by walking through the origins and history of qualified immunity, starting with the Civil Rights Act of 1871, specifically Section 1983, which created a civil cause of action when a state actor violates the constitutional rights of another. Nearly 100 years after the law was passed, the Supreme Court invented the doctrine of qualified immunity to protect police officers when the officer is acting in "good faith."

Initially, the goal was to prevent law enforcement from the Catch-22 of being subject to a lawsuit if they acted or were accused of dereliction of duty if they failed to act.

Eventually, the legal test for qualified immunity became what it is today. The doctrine shields the public official from damages liability unless:

- (1) the public official violated a constitutional right, and
- (2) the right was "clearly established" at the time of misconduct.

The objective "clearly established" law standard replaced the subjective "good faith" component; the standard now requires a showing of a prior court decision with identical facts. Schwartz asserted that this prong of the legal test allows for fewer and fewer claims to meet this almost impossibly high standard.

The "clearly established" prong of the test begs several questions — how is a particular law "clearly established"? and how factually similar must the cases be in order for the law to be "clearly established"?

The answers to each question highlight issues with qualified immunity. For example, while circuit courts may differ in their definition of "clearly established," all consider published courts of appeal decisions to be "established law," though some (including the Ninth Circuit) also consider district court and unpublished opinions.

While this may seem straightforward, the Supreme Court allows courts to skip the first prong of qualified immunity (whether there was a constitutional violation) and skip to the second prong to determine whether the law was clearly established. If a court follows that process and finds no clearly established law, they never reach the question of whether the conduct violated the constitution. Thus, there is now no court case "clearly establishing" that the conduct

violated a constitutional right.

Instead, there are countless examples of police committing what seem to be obvious constitutional violations (for example, kicking a handcuffed individual, stealing items from the scene when executing a warrant, failing to read the address on a warrant before executing a no-knock warrant on the wrong house), but officers are granted qualified immunity because there was no "clearly established" law on point.

Of course, there are policy reasons why the Supreme Court continues to uphold qualified immunity. These include shielding officers from personal financial hardship and reducing the cost of litigation. Schwartz debunks these arguments. For example, her research found that in six years and across 81 jurisdictions, officers personally paid only 0.02% of the dollars awarded to plaintiffs. In over 99% of cases where a law enforcement officer is sued for a constitutional violation, the government employer indemnifies the officer and pays the entire cost of litigation, settlement, and/or judgment. Furthermore, Schwartz's research found that, in 1,200 cases across five districts, only 3% of the cases were decided on qualified immunity, though most cases raised qualified immunity as a defense. In other words, qualified immunity added time and cost to the litigation, but was otherwise not decisive (thus, it does not reduce the costs of litigation).

Additionally, proponents of qualified immunity claim that the legal doctrine is in place because it helps officers make split-second decisions without pause, but Schwartz explained the Fourth Amendment already provides such protection and that the officers can still make fatal mistakes despite any extra protection. U.S. Supreme Court Justice Sonya Sotomayor further describes it as a dangerous "shoot first, think later" approach.

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# Qualified Immunity

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## Effects on those harmed by police actions

Lauren Bonds then took the stage to reinforce the impact that qualified immunity has on those whose rights have been violated and the practical action we can each take in every level of government to advance police accountability. Bonds shared her experience concerning Peter Robinson, a Black man who was arrested and detained while moving into his own home during the night. Robinson, seeking to sue the officer responsible, went to the ACLU and four different attorneys. None would take his case.

The problem was that all cases regarding law enforcement actions against those “moving while Black” resulted in no “clearly established” law. None of the previous cases even reached the constitutional question, skipping to the second prong of qualified immunity analysis (exemplifying the problem discussed above). Before working with Robinson, Bonds never even considered qualified immunity as part of her practice, but now she and the National Police Accountability Project help those like Robinson, who face barriers such as finding an attorney or litigation program designed to navigate the qualified immunity doctrine.

Bonds continues to recognize that qualified immunity disproportionately impacts people most vulnerable to police misconduct, including Black, Indigenous, and other people of color.

The disproportionate impact is most strongly felt in areas in which more people need civil rights advocacy and vindication. Bonds identified several key problems qualified immunity creates for plaintiffs. For example, as Robinson’s case demonstrates, the legal barriers can make it difficult for a plaintiff to find a lawyer, even with a clear violation. Additionally, a qualified immunity defense can add years to a case, as it can be brought in a motion to dismiss, a motion for summary judgment, and again after trial.

All of these barriers result in a lack of justice for people who have been harmed. The act of suing someone who causes harm has a psychological effect; there is a benefit to holding that person accountable, even if that person is not the one to personally pay the fines and penalties.



Fall CLE attendees, from left, Em Atkinson, Sonia Montalbano, and Sara Long. (Mary Dougherty)

## Rays of hope

Both Schwartz and Bonds emphasized that the tide seems to be shifting on qualified immunity. There are essentially three paths to reducing the negative impacts of the qualified immunity doctrine. First, the Supreme Court could reverse its prior decisions establishing the doctrine. Because qualified immunity is entirely judge-made, it can be removed by a majority of the justices. And, after nearly 40 years of strengthening the doctrine, the Supreme Court appears to be walking back some constraints around the “clearly established” prong.

In recent cases, the court has found multiple examples of “obvious violations,” which do not require a prior case to establish the law. For instance, in *Taylor v. Riojas*, the Supreme Court struck down a Fifth Circuit opinion blocking a suit against prison officials who held an inmate in a cold cell overflowing with human waste for six days. The court found that no reasonable corrections officer could believe such circumstances were constitutional, despite no prior court case with the same facts. Additionally, several justices, including Clarence Thomas and Sotomayor, have written decisions and made public statements making clear their desire to reverse the qualified immunity doctrine.

The second solution to qualified immunity is an act of Congress. Because the doctrine was built out of the Supreme Court’s interpretation of a piece of legislation, Congress also has the power to clarify or change the law. As Schwartz noted during the CLE, after the racial justice movement of 2020 and the death of George Floyd, the George Floyd Justice in Policing Act was introduced. The bill included provisions to end qualified immunity. However, it did not pass and, at least in the

current Congress, there is little movement toward resurrecting the issue.

However, there is more hope on the third path, which is state-level action. Schwartz discussed laws passed by New York, New Mexico, and Colorado in the wake of George Floyd’s murder. The laws create a state cause of action for constitutional violations by law enforcement and do not allow qualified immunity as a defense. Many other states have considered or are considering similar laws. These laws are new, and it remains to be seen how they will affect the ability of plaintiffs to successfully bring a suit and obtain accountability. But they are a step in the right direction.

In addition to changing the legal structures, Bonds also provided steps individuals can take to minimize the harms caused by qualified immunity. First, she encouraged lawyers to be willing to represent these clients and rely on organizations such as NPAP and other civil rights attorneys for help. Second, she suggested lawyers can support community organizations by assisting with public records requests, because transparency is key to highlighting the harm caused by police misconduct and the inability to hold officers accountable. Finally, she recommended looking at each level of government (federal, state, and local) to make sure each is doing what they can to advance police accountability.

## Qualified immunity in Oregon

The information-dense training ended with a panel of Oregon attorneys who bring and defend civil rights cases against police officers. The panel, moderated by Portland-based civil rights attorney Ashlee Albies, included Juan

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## Qualified Immunity

*Continued from page 9*

Chavez, director of the Civil Rights Project at the Oregon Justice Resource Center; Athul Acharya, executive director of Public Accountability; and Andrew Jones, deputy county attorney for Multnomah County. Each panelist has extensive experience litigating qualified immunity and provided their perspective on how it works in practice, nationally, and in Oregon.

First, panelists discussed how qualified immunity affects their day-to-day practice. Chavez, for instance, compared the doctrine to the Death Star: not thinking about it every day, but it is capable of reigning terror at any moment. While it comes up in nearly every case he brings, Chavez notes that qualified immunity is rarely granted. For his clients though, the time that litigating qualified immunity adds to the case can be very impactful, contributing to plaintiff fatigue and impacting settlement negotiations.

Jones represents the other side of the qualified immunity debate, as he is the one bringing the defense when his clients, law enforcement officers (and others) at Multnomah County are sued. He noted that an original goal of qualified immunity was to limit defendant exposure to litigation, but that does not happen in Oregon. In part, this is because the local civil rights bench is experienced with bringing civil rights suits and arguing against qualified immunity.

Ultimately, cases are brought because plaintiffs are seeking some sort of accountability for the harm done to them. Many want to prevent similar harm to others. Panelists were asked whether these cases can actually deter similar actions by officers. Jones noted that, while most cases settle, defense lawyers can encourage jurisdictions to use lawsuits as a teaching tool. Even if the jurisdiction was not held liable, there are still lessons to be learned regarding why an action led to a lawsuit.

Of course, to deter future harm, it helps to at least establish that there was harm done and that the officer is liable for that harm. Acharya, who typically handles cases on appeal, recommends lawyers always encourage the court to address the first prong of the qualified immunity analysis (was there a constitutional violation) in addition to determining whether the law was clearly established. He noted that Ninth Circuit courts typically decide both prongs. This builds the case law in the



*Civil rights attorney Ashlee Albies and Multnomah County Deputy County Attorney Andrew Jones, were part of the panel discussing how qualified immunity affects their day-to-day practice. (Mary Dougherty)*

### **Schwartz and Bonds both noted how courts are allowing more practices to be considered “obvious” violations and reducing the specificity with which cases have to match exact facts.**

circuit, creating more “clearly established” law plaintiffs can cite to circumvent qualified immunity.

Ultimately, while qualified immunity adds time and expense to civil rights cases, the panelists note that many of the broader issues with the doctrine are less acute in Oregon and the Ninth Circuit. For instance, there is an experienced civil rights bar that practices throughout Oregon, making it less difficult for plaintiffs to find representation. Additionally, the Ninth Circuit is fairly expansive when it comes to defining “clearly established” law, allowing plaintiffs to cite facts in district court and unpublished opinions.

However, unlike in other states, the Oregon Legislature has not taken action to address qualified immunity at the state level and, according to Acharya, does not appear to have the appetite to do so anytime soon.

### **Conclusion**

Qualified immunity creates a barrier to justice by ending the discussion about police misconduct without holding officers accountable. Throughout OWLS’ Fall CLE presentations, presenters and panelists expressed a sense of frustration that this judge-invented doctrine

with so many pitfalls remains ingrained in the civil legal system. Despite the countless examples of cases with clear constitutional violations being dismissed on qualified immunity grounds, there is little appetite in the U.S. Congress or Oregon state Legislature to address the problem. And it seems dire when most hope is placed in the U.S. Supreme Court to overturn their own doctrine.

And yet, each speaker and panelist provided some confidence about mitigating the negative impacts of qualified immunity. As Schwartz noted, the vast majority of cases involving law enforcement are not decided on qualified immunity, a theory supported by the local panelists. Schwartz and Bonds both noted courts are expanding how they analyze “clearly established” law, allowing more misconduct to be considered “obvious” violations and reducing the specificity with which prior cases have to match exact facts. And while state action cannot address all the problems with qualified immunity, Bonds discussed how state and local reforms that include more than just qualified immunity improve plaintiff’s ability to achieve accountability in these cases.

And perhaps most importantly to OWLS members, both speakers and the local panelists highlighted the benefit of having a strong community of civil rights lawyers practicing in Oregon, willing to bring cases against law enforcement, and able to beat back qualified immunity defenses.

*Michelle Yang is an estate planning attorney at Draneas Huglin & Dooley LLC in Lake Oswego.*

*Amanda Lamb is a civil rights attorney with the Oregon Justice Resource Center.*



# Meet OWLS board member Angela Polk

By Michelle Yang

Seeking to make big changes, OWLS board member Angela Polk realizes the need to focus on the small changes first. "This allows us to build a better foundation for ourselves to allow everyone to fit in," Polk says.

Since returning to her Portland hometown from the East Coast, Polk has been determined to improve access to the legal system for the community, at any socioeconomic level.

Polk is now supervisor of the Multnomah Circuit Court Legal Resource Center, but before that, she clerked in Prince George's County of Maryland and also in St. Croix of the Virgin Islands after graduating from Howard University School of Law. During her clerkships, she fell in love with writing and crafting opinions and orders, and she enjoyed seeing and being a part of the behind-the-scenes work that went into the legal process.

Polk also served as a prosecutor while in the Virgin Islands and had the opportunity to see the other side of the legal system. Although she gained a unique perspective as a prosecutor, she realized it was not suitable to her objectives as a member of the legal community.

It was then that she made her return to Portland in 2015 to clerk in Multnomah County and later joined the Operations



**"Part of being a good citizen is to be involved in the community at a grassroots level."**

— Angela Polk

Department. As supervisor, Polk contributes daily to show how the court can function for those in need of legal help. To Polk, it is "an opportunity to work at the ground level of how everything works for those who are trying to understand the role of the court."

She finds ways to guide them and explain what goes into various processes and procedures. Polk finds that offering this kind of help is gratifying in a different way than when she wrote opinions and orders because it informs laypeople how the legal system works.

Polk views the Legal Resource Center as a significant addition to Multnomah County's legal system because

it started off as an idea that had been building for a while. It launched in 2020, but the pandemic forced the center to switch to a virtual model. In 2022, employees and staff returned on-site and it was opened to the public, which has made a much more significant impact.

With this regular access to justice, Polk sees a "better working relationship between the public and legal service providers," and that "working together ... provides more and better information to those who need it," thereby supplying them with better tools to navigate the legal system. Whether it is information on filing or being a witness, from contract law to landlord-tenant issues to criminal expungement, "there is now a softer landing to help those that walk through the



Angela Polk is the supervisor of the Multnomah Circuit Court Legal Resource Center showing how the court functions for those in need of legal help.

door accomplish what they hope to accomplish," she says.

It is no surprise, then, that Polk is extremely family and community-oriented and is heavily involved in programs that work with houseless communities. She is involved with her local church and puts together food packages and other basic necessities to distribute around the city. She believes that "part of being a good citizen is to be involved in the community at a grassroots level."

Polk is undoubtedly doing her share in being part of the solution to access to justice.

*Michelle Yang is an estate planning attorney at Draneas Huglin & Dooley in Lake Oswego.*

## Lane County Women Lawyers hold Fall Social

Over 40 lawyers and law students attended the Lane County Women Lawyers' Fall Social on Sept. 28 at Hop Valley Brewing. The event was free and was co-sponsored by the University of Oregon Women's Law Forum and Oregon Women Lawyers.

Attendees played a bingo ice-breaker game where each

bingo square was a different experience. Participants completed their grid by finding and speaking to someone who had participated in that activity. Many of the attendees were law students who appreciated the opportunity to meet practitioners and start out the term with a fun social event.

— Jeslyn Everitt



Lane County Women Lawyers' free Fall Social was held at Hop Valley Brewing.

# 'I am not a lady judge'

By Judge Morgan Wren Long

I am not a lady judge. I am female, and I serve on the Multnomah County Circuit Court. While I identify as both a lady and a judge, I cringe at being referred to as a "lady judge." I equally abhor the term "lady lawyer." These terms have always rubbed me the wrong way, but it was only recently that I put much thought into why.

At this year's Queen's Bench Holiday Luncheon, I was inspired by Trudy Allen's presentation on the history of the organization, which is celebrating its 75th anniversary. I was fascinated by the fact that "Queen's Bench" was chosen due to disagreement over whether to include "women" and "lawyers" in the name. Thankfully, we are past the time when even identifying as an organization composed of female attorneys could potentially hurt that organization's ability to function.

I proudly stand on the shoulders of the amazing women who came before me. I have been a member of OWLS since law school and serve on the board of the Queen's Bench so that I can continue the fight for equity for women and communities who are systemically oppressed. I was inspired by the long list of women-identifying lawyers and judges who have blazed the trail toward promoting women in the legal profession.

I left the luncheon feeling buoyed by the future that I see among my fellow amazing women lawyers (as well as nonbinary lawyers, women-identifying lawyers, and lawyers from all different communities who are systemically oppressed). As I walked back to the courthouse, I pondered why it is that I proudly identify as a woman lawyer and yet feel instant offense when I hear the term "lady lawyer."

My team mascot in high school was a mustang. During pep rallies, the announcer would



tell us to put our hands together for our Mustangs, and the boys' teams would run out to cheers. Next up, they would tell us to welcome our Lady Mustangs, and out came the girls' teams. I recall asking one of my teachers why the boys weren't introduced as the Gentleman Mustangs; I didn't get much of a response. I guess I was expected to simply accept

What surprises me the most is how often I hear the phrase from fellow lawyers.

that the standard athletes were the boys, and the girls were something different.

This question popped up again as we watched the brave U.S. athletes who dominate at the Women's World Cup fight to earn even a fraction of the salary that their underperforming male counterparts do. Why do the women compete in a tournament that describes their gender while the men compete in a tournament that implies that it is the only World Cup? Why do men compete in the NBA, while women have a W tacked on at the beginning? Is the WNBA too much to say while WNBA is fine?

I recognize that these are not new questions. Title IX was passed before I was even born, though the fight to ensure equal opportunities for all students (male, female, nonbinary, and beyond) continues nationwide. Now that our society and laws are finally recognizing that gender is far more than simply male and female, there is a shift to encompass a broader spectrum of equal-access issues. How can there ever be full equal access and opportunities in athletics when females continue to play sports that include their gender in the title while men do not?

I am referred to as a "lady judge" far more than I would ever have expected. The

surprised petitioner for a restraining order who answers the phone and says, "Oh! I didn't expect to hear from a lady judge." The fellow parent at a PTA meeting who finds out what I do for a living and says, "Cool, a lady judge!" The angry litigant in my courtroom who snarls, "Well, what else could I expect from a lady judge" as he stomps out. It is frequently said with surprise, sometimes negatively, and often seems to be complimentary. No matter the intention behind the phrase, it makes me see red each time that I hear it. I got fairly used to hearing the phrase "lady lawyer" after so many years of practice, but somehow didn't expect for it to continue once I put on my robe. What surprises me the most is how often I hear the phrase from fellow lawyers.

Just as women should be able to compete in athletics without having their gender be the first thing mentioned, every person who takes the bench deserves to be referred to by their title absent any mention of their gender. I have never heard anyone use the phrase "gentleman judge." To use the term "lady judge" is to imply that the standard judge is a male. But there is only a 27% chance of being assigned to a male judge when one files for a divorce in Multnomah County. Many people still think of a typical judge as being a white, heterosexual, cisgender male; this describes only one of the 11 judges that I currently sit with on the Family Law Bench. Our presiding judge, chief criminal judge, and chief family law judge here in Multnomah County are all females.

Male should not be the standard for a judge, and at this point, it is no longer what should be expected. But if the phrase "lady judge" is still used, there will continue to be the implication that the standard judge is male. It is time that the phrases "lady lawyer" and "lady judge" be relegated to the history books. I am a lady. I am a judge. I am not a lady judge.

*Judge Morgan Wren Long serves in the Multnomah County Circuit Court.*





## Meet Marion County Circuit Court Judge Natasha Zimmerman

By Malcolm MacWilliamson

Upon first meeting Judge Natasha Zimmerman, it's easy to assume she's a native Oregonian, if only due to her fierce passion for the state's legal community. But Judge Zimmerman's journey to the bench began in Tübingen, Germany, where she was born. She came to the United States as an infant, growing up in Providence, Rhode Island, and then Ashton, Idaho. Judge Zimmerman majored in international relations

and history at the University of Idaho before attending law school at the University of Idaho College of Law.

Judge Zimmerman moved to Oregon after school and, since then, her career has been punctuated by variety. She began working at Morley, Thomas, McHill

& Phillips, a small law firm in Lebanon, where she "did a bit of everything," including criminal law and jury trials, civil litigation, family law, and cases that went to the Oregon Court of Appeals and the Oregon Supreme Court. After her daughter was born, Judge Zimmerman transitioned into a new role as staff attorney on the Workers' Compensation Board, where she again had the opportunity to work on a wide variety of cases.

Judge Zimmerman's role in the community has only grown over time. From her position as staff attorney, she moved on to work for the City of Salem, first as an assistant city attorney and then as deputy city attorney. These experiences led to her position as a hearings referee pro tem in the Marion County Circuit Court, where she presided over criminal cases and cases in the juvenile department. In August, Gov. Tina Kotek appointed Judge Zimmerman to the bench as a Marion County



Outside of the courtroom, Judge Natasha Zimmerman is passionate about dragon boat racing, above, and baking all manner of sweet treats, left.




Circuit Court judge.

When asked what she enjoys most about her job, Judge Zimmerman emphasized the opportunity her role affords to make a difference in people's lives. As a judge, she strives to treat those who appear in front of her with respect and to make them feel heard. Only then will someone understand a judge's decision — even

if they disagree with it.

The care and empathy that Judge Zimmerman offers to those in her courtroom are also reflected in her community activities. She is president of OWLS' Mary Leonard chapter, serving Marion and Polk counties. Judge Zimmerman

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**LAWC social:** From left, Pam Yee, Mary Carlich, new admittee Patty Flynn, and Elizabeth Lemoine.



**Queen's Bench:** Rachel Olejar, Radhika Shah and Grace Badik.



**LAWC social:** From left, Kay Teague, new admittee Nicholas McCormick, Amanda Thorpe, and Jennifer Peckham.

## OWLS welcomes new admittees

New admittee welcome events offer the chance to network with OWLS members from a variety of practice settings and areas of law, as well as graduates of every Oregon law school, along with out-of-state schools.

Queen's Bench and Lewis & Clark Law School hosted a celebration for new bar admittees and bar-takers on Oct. 17.

The Lawyers Association of Washington County held its new admittee social on Oct. 18.



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**ANTONIO TELLEZ SANTAELLA**  
WILLAMETTE



**Queen's Bench:** Natasha Richmond and Elizabeth Rovianek.



**Queen's Bench:** April Stone, left, and Ekua Hackman.



**Queen's Bench event** offered a chance to mingle.



# Queen's Bench holiday soirée looks at group's rich past with eye to the future

By Teresa Statler

**O**n Dec. 12, Queen's Bench honored women judges at its annual Holiday Luncheon at the Sentinel Hotel in Portland. Outgoing Queen's Bench President Veronica Rodriguez welcomed luncheon attendees with a special recognition of the many women judges present. After handing over the Queen's Bench president's pin to incoming leader Erin Dawson, Rodriguez introduced keynote speaker Trudy Allen in this, the 75th anniversary year of the organization's founding.

Allen, who retired from the practice of law in 2014, was president of Queen's Bench in 1986 and 1991, is a former OWLS historian, was the 2008 Justice Betty Roberts Award recipient, has been an OWLS Foundation board member since 1999, and currently serves as its secretary/historian. In the 1990s and 2000s, she also chaired the Queen's Bench Historical Perspectives Committee. Her presentation was a condensed version of the history of Queen's Bench, with a slide show featuring the many women who have made the organization what it is today.

Allen told attendees that the first organization in Oregon open to all women lawyers was founded in March 1923 and was called the Women Lawyers Association of Oregon.

Later, there was dissension over whether it would strengthen the position of women lawyers or be folly to affiliate with a separate women's bar association. The Women Lawyers Association of Oregon later disbanded over the issue.

In 1948, 25 women lawyers, including Helen Althaus, founded Queen's Bench, which originally included all the women attorneys in Oregon as members. There was a desire to eliminate the words "women" and "lawyers" from the group name.

In 1991, Althaus, who was the original historian of Queen's Bench, gave the organization a wealth of information and documents about its history, including a copy of the constitution, which contains the original mission statement: "The promotion of professional advancement, comradeship, and good fellowship among women members of the



*OWLS Foundation historian Trudy Allen, the keynote speaker at the annual Queen's Bench Holiday Luncheon, and Elise Koepke, this year's Manche Langley Scholarship recipient. (Teresa Statler)*

legal profession," which is not all that different from the current mission statement. Allen went on to note that in July 1972, Queen's Bench members decided to start meeting for lunch on the second Tuesday of each month, a tradition that continues today.

Queen's Bench incorporated as a non-profit in January 1988, and OWLS followed in 1989, with Queen's Bench becoming OWLS' first chapter. Allen mentioned by name the many women judges who have been keynote speakers at the monthly

and holiday luncheons. The holiday get-together itself began in 1988 as a cocktail party honoring women judges. It is always a well-attended event, with this year being no exception. Allen told attendees that the monthly luncheons have been an excellent opportunity for networking, and Queen's Bench has held many other gatherings over the years, including receptions for new bar admittees, summer picnics, and "Bridge of

[\*Continued on page 18\*](#)

## Queen's Bench

*Continued from page 1*

all the women attorneys in the state as its members, who held an annual breakfast meeting at the Oregon State Bar Convention.

For years, the men at the bar convention had put on a skit at what was called the "tent show." At the 1953 bar convention, Queen's Bench put on a skit. It really opened the men's eyes, and a lot were surprised to find that there were at least 12 women lawyers on stage at one time. They would have been even more surprised if they had realized how many women had been admitted to the Oregon bar by that time: 180! And 64 of those women had been active in Queen's Bench and its predecessor women lawyer organizations.

In the early 1970s, Helen Althaus was the chair of the QB committee on new members and she would send handwritten invitations to each new woman admittee. In 1972 there were 11, and in 1973 there were 27. After that, she stopped writing personal letters and had typewritten invitations duplicated. By 1975, there were nearly 50 new members, and in 1977, over 70. The growth of women entering the profession was starting to really ramp up.

Among the older women still attending QB in the 1980s were:

■ Helen Althaus, president in 1973. In 1947, Althaus was the first woman to serve as a law clerk to a judge in Oregon, and in 1953, she was the first woman associate at what is now



Many early Queen's Bench members were still attending in the 1980s, including from left, Helen Althaus, Neva Elliott, Dorothy Fones, and Gladys Everett.

Miller Nash.

■ Neva Elliott, one of the very few women litigators in the 1930s, '40s, and '50s. She became a pro tem municipal judge in 1959, then a pro tem Multnomah County judge, from 1967 to the late '80s. She was still coming to Queen's Bench as late as 1999.

■ Dorothy Fones, president in 1964; secretary in 1948, 1963 and for more than 10 years from the '70s through 1988. For many years, she used to call every woman on her phone list every month to remind them to come to the Queen's Bench meeting.

■ Gladys Everett, the first woman municipal judge (pro tem) in Portland in 1935. Everett and Dorothy McCullough Lee started the first all-women law firm in Oregon in 1931.

### Monthly luncheon speakers, themes

Prior to 1988, QB had speakers at its monthly luncheons only rarely. In one example, in June 1948, the subject was "The uniform marriage & divorce laws." Since 1988, we've had a speaker at Queen's Bench meetings almost every month. For the first few years, we had a theme of featuring successful women in leadership roles. We had such prominent women leaders as Norma Paulus, a lawyer, who had been the first woman secretary of state of Oregon. She spoke in 1989 when she was a board member of NW Power Planning Council, then in 1993 in her role as state superintendent of education, and later in 2001 and 2007.

In addition to Paulus, we've had several recurring speakers, most notably Kate Brown, who in 1991, as a lobbyist for the Women's Rights Coalition, gave a legislative update. She continued to give legislative updates in 1993, 1995, and 2001, when she was serving in the Oregon State Legislative Assembly. She also spoke in 2000 and 2006.

Beginning in 2014, we started having annual themes, such as:

■ Authentic communication (2014);

■ "We Can Do More" — Coming together to help those who are struggling (2016);

■ Made in Oregon — Home-grown Issues and Strategies for Success (2017);

■ We are Oregon — An Intersectional Lens (2018);

■ Difficult Decisions (2020);

■ Big Ideas (2022); and

■ Practicing Inclusivity (2023) — a particularly fitting theme for our anniversary celebration.

These themes have sparked some of our most engaging discussions.

From 2003 through 2016 and once again in 2021, we had a recurring theme of welcoming new admittees. At the welcoming luncheon in May 2006, the speaker was Katherine O'Neil, the founding president of OWLS, a longtime supporter of Queen's Bench, a tireless advocate for women, and a wonderful role model for us all.

### Venues

We've met at a variety of locations over the years, including the International Club at the Hilton Hotel, the Georgian Room at what was the Meier & Frank department store, the auditorium at the Standard Insurance Center, the Governor Hotel (now the Sentinel Hotel), the Hatfield Courthouse, and now the new, beautiful Multnomah County Courthouse.

### The calendar

For Queen's Bench's 50th anniversary celebration, we published a commemorative 1998 calendar, featuring 16 of the early members of Queen's Bench. The calendar shows how many of these members had significant career accomplishments.

In addition to the women I've noted above, some of the Queen's Bench members featured in the calendar were:

■ Hon. Mary Jane Spurlin, the first woman

*Continued on page 17*

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## Queen's Bench

*Continued from page 16*

appointed to serve as a judge in Oregon (Multnomah County District Court, in 1926);

■ Dorothy McCullough Lee, who became the first woman mayor of Portland in 1949, a major "first" for women. She had been the first woman lawyer elected to the Oregon Legislature (to the House in 1928 — and then to the Oregon Senate in 1932);

■ Hon. Jean Lewis, the first woman circuit court judge in Oregon (Multnomah County, in 1961);

■ Marian Rushing, the first woman city attorney in Portland (in 1968); and

■ Manche Langley, the much-loved matri-



Manche Langley

arch, who had been admitted to practice in 1909 and was still vigorously practicing law when she died in 1963, one month short of her 80th birthday, while she was the chief deputy district attorney of the domestic relations department for Multnomah County. She was very charismatic, energetic and witty — and was a revered mentor to a lot of the younger women lawyers. Helen Althaus said: "Perhaps most of all, Manche was a humanitarian. Despite her efforts at anonymity, Manche's ever-impulsive, unselfish generosity to those in need became legendary in her lifetime."

### Scholarship

When Langley died, Queen's Bench started a collection of money, with the goal of creating a scholarship in her memory. It took over 30 years, but in the late 1990s a scholarship finally was started at Lewis & Clark Law School in her name. It is still awarded there. It is Queen's Bench's scholarship, and I encourage all of you to donate to it to help enhance its endowment. We initially sold the 50th anniversary calendar as a fundraiser for the Manche Langley Scholarship, and if you'd like to buy a calendar for this purpose, [please contact me](#).

### Significant achievements

Moving ahead to more recent times, there are many additional notable women who've been involved in Queen's Bench who have had significant achievements, including the many women judges whom I featured in Part 1 of this article and the following:

■ Ruth Spetter, the second woman presi-



*The Queen's Bench 50th anniversary celebration in 1998 included a commemorative calendar showing the September 1959 QB monthly meeting.*

dent of the MBA in 1990 and vice president of the Oregon State Bar in 1990.

■ Kate Brown, secretary of Queen's Bench in 1990, who was a majority leader of the Oregon Senate (2005), then secretary of state (2009-2015), and the first woman-lawyer governor of Oregon (2015-2023).

■ Elizabeth Ballard Colgrove, president of QB in 2019 and the district attorney for Morrow County in 2006-10.

■ Ellen Rosenblum, a Queen's Bench member since the late 1970s; after an illustrious career in the judiciary (1989-2011), in 2012 she became the first woman attorney general of Oregon.

■ Hon. Rima Ghandour, president of QB in 2018; she was president of the MBA in 2018-19 and has received several awards, including the MBA Professionalism Award in 2021 and the MBA Diversity Award in 2023.

■ Kamron Graham, secretary of QB in 2018; she was president of the Oregon State Bar in 2022.

### The history wall

In 2004, it was the QB 50th anniversary calendar that inspired Oregon State Bar Executive Director Karen Garst to invite Queen's Bench to compile photographs of several women to frame and hang in what was originally going to be a women's history room at the OSB center. We formed the Queen's Bench Historical Perspectives Committee, consisting of me (as chair), Diane Rynerson, Nanci Klinger (2003 QB president),

[Continued on page 18](#)



*This poster was a product of the Queen's Bench Historical Perspectives Committee.*





Attendees at this year's annual Queen's Bench Holiday Luncheon at the Sentinel Hotel on Dec. 12 were, from left, Alletta Brenner, Ekua Hackman, Hon. Cheryl Albrecht, Susan Grabe, and OWLS Founding President Katherine O'Neil.



## QB holiday soirée

*Continued from page 15*

the Goddesses" runs.

Queen's Bench founders and members over the years have included many of the pioneer women in the Oregon legal community, women with significant accomplishments.

One of them was Manche Langley, a much-loved "matriarch" who was admitted to practice in 1909 and was still practicing law when she died in 1963, just short of her 80th

birthday. Langley was charismatic, energetic, and a mentor to younger women lawyers.

In the late 1990s, Queen's Bench started a scholarship in her honor at Lewis & Clark Law School, which is still being awarded.

This year's recipient, Elise Koepke, was present at the luncheon. Allen encouraged attendees and OWLS members to donate to enhance the scholarship endowment.

Allen wrapped up her presentation by noting that she is inspired by Queen's Bench because of its rich heritage, inherited from

many remarkable women, and that the organization has had the ability to pass this heritage on to each new generation. This fact has meaning for all women lawyers.

The luncheon concluded with a raffle for the Queen's Bench 50th anniversary calendars, which are a fundraiser for the Manche Langley Scholarship.

*Teresa Statler retired from her solo immigration law practice in Portland in November 2021.*

## Queen's Bench

*Continued from page 17*

Nicole Rhoades (a QB board member) and Kim Kaminski (2004 QB president). The project grew into something far beyond what was first envisioned — it is now a 24-foot-long, three-panel display that hangs in the hallway of the OSB office. If you've seen it there, you'll have seen that it credits Oregon Women Lawyers for the work. It specifically was a Queen's Bench project.

It has a timeline of 101 items on both the state and national levels — plus 46 photos — and much more. It tells an inspiring story of many women who have pioneered the way for women lawyers in Oregon, and of how women in the state have often been ahead of trends across the country to gain rights and expand opportunities for women lawyers. It's one of many things of which

Queen's Bench can be proud.

The event to launch the completed display was attended by many significant pioneers, such as Hon. Betty Roberts, Hon. Susan Grabe, Norma Paulus, and Noreen Saltveit McGraw — who in 1957 became the first woman judge in southern Oregon as a municipal court judge for Medford.

The OWLS Foundation has a number of copies of a poster that shows the three panels of the wall display. If you'd like to purchase a poster, please let me know. It's a great way to support the OWLS Foundation. And by hanging it in your office, you can increase the visibility of our proud heritage.

Our founding members had the wisdom and foresight to institute a strong foundation

■ of welcoming new members into the profession and to our meetings,

■ of having a supportive and inclusive forum for networking — and finding friends

— among women, and

■ with a mission to advance the position of women and the underrepresented in the legal profession.

These goals are as valid as ever — 75 years later — which shows how visionary our predecessors were.

We're proud of our strong and enduring tradition. Let's keep it going!

*Trudy Allen has been a member of Queen's Bench since 1982. She was president twice, in 1986 and 1991, and served on the Queen's Bench board from 1988-98. In the 1990s and 2000s, she chaired the Queen's Bench Historical Perspectives Committee. Since 1999, she has been on the board of the OWLS Foundation, as its historian. In 2008, she was the recipient of OWLS' Justice Betty Roberts Award. She is retired from the practice of law.*



## Shortlisted

# Formidable: American Women and the Fight for Equality 1920-2020

By Elisabeth Griffith  
(Pegasus Books, 2022, 507 pages)

Book Review by Teresa Statler

Academic and women's rights activist Elisabeth Griffith has written a beehemoth of a women's history book in "Formidable." It is engaging and incredibly comprehensive; at the same time, however, it can also seem like a rather dry recitation of the last hundred years of women's history in America, with little analysis.

This reviewer agrees with other, more prominent, reviewers that the book is "essential," "intriguing," and "epic in its scope and detail." Although Griffith more or less succeeds with her goal to present "a multi-racial inclusive chronology," this is not a book to pick up casually. The history and information Griffith imparts is important, and sometimes very intense, and it contains a huge cast of characters: names we have often heard and others we have not. She drily remarks in her introductory chapter, "[w]omen's changing names present a problem which biographers of men do not have to address."

Griffith divides her book into 10 long and detailed chapters, roughly corresponding to the 10 decades between 1920 and 2020. In the first chapter, "Now We Can Begin," she actually goes further back — to the first women's rights convention in Seneca Falls, New York, in 1848 and the women who began the fight for suffrage, such as Susan B. Anthony and Elizabeth Cady Stanton. To her credit, Griffith gives equal time and narrative weight to Black women such as Mary Terrell and Ida B. Wells-Barnett. Griffith notes that the drive for women's rights came from the abolitionist movement. Nevertheless, she also tells us that the history of women's political action in America was often "a riptide of racism and white privilege." Once the 19th Amendment gave the vote to American women, Griffith goes on to correctly note that although it enfranchised Black women as well as white, "it did not protect their right to vote."

Some of the later chapters cover "The Eleanor Effect" (1928-1945), "Pillboxes and Protests" (1960-1972), "Isolation and Intersectionality" (1993-2008), and "Leaning In and Losing" (2009-2016). All the chapters are

long, but, fortunately, Griffith provides many subheadings to keep the reader on track. She covers anything and everything that happened to American women since 1920 up to and including the 2020 presidential election.

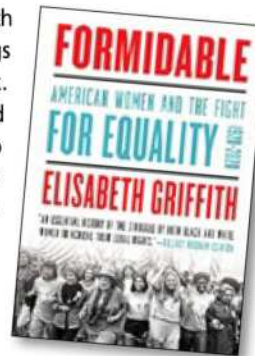
In places, however, Griffith goes a bit too far afield; as important as their stories are to 20th century

American history, a discussion of Jackie Robinson breaking the color barrier in 1947 and the murder of Emmett Till in 1955 do not have much to do with the fight for women's equality. At times, at least for this reader, it was mildly upsetting to relive recent history, like the 2016 presidential debates and "Reproductive Justice and the Roberts Court."

Because the book is replete with so much historical information, it is not surprising that it contains many depressing facts and incidents. They are almost too many to mention but several that struck this reader included the fact that in the 1920s, right after women won the right to vote, the two major political parties did not and would not nominate women for seats that could be won. Griffith discusses the Fair Labor Standards Act of 1938, noting that it applied only to 20% of the workforce and to 14% of the jobs held by women. Yet another example is that in the 1960s, all 50 states restricted jury service for women, with three not allowing it at all, and that five states required court approval for a woman to open a business in her own name.

Griffith also discusses in great detail the fight for and political machinations surrounding the failure of the Equal Rights Amendment in the 1970s. The book's later chapters, which recount more recent American history, include facts like (as of 2022) 87% of U.S. counties do not have clinics providing abortions and 28% of American women do not have the minimum funds required to open a bank account.

Throughout the book, Griffith lightens the historical load a bit by telling the reader about American women in "popular culture" from 1920 to 2020. A tiny sampling of the women she mentions include the athlete



Mildred "Babe" Didrikson, Baltimore divorcee Wallis Simpson, and Billie Holiday, who was considered a symbol of resistance and a 1930s civil rights icon, something unknown to this reader.

Other interesting information imparted in the book includes the fact that modern Barbie dolls now come in eight skin tones, 23 hairstyles, and many different body types. Griffith unremarkably notes that "[i]t took

almost half a century for Barbie to change; change for real women also came slowly." Other popular cultural references are the fact that the "curve-clinging" evening dresses of the 1930s were only made possible by the invention of the tampon, and that the first Black "Breck Girl" appeared in a magazine advertisement in 1974 wearing an Afro. In the chapter covering the 1990s, Griffith has a subsection about "Women in the Headlines," women such as the soccer star Brandi Chastain and Toni Morrison, winner of the 1993 Nobel Prize in Literature.

In the book's final chapter, titled "Epilogue: Not Enough," Griffith finally provides a bit of analysis. In the chapter's first paragraph she states: "There were many parallels and contrasts between 1920 and 2020. Both were presidential election years. Both election seasons were fraught with racial violence. In both eras, a pandemic killed hundreds of thousands and infected the incumbent presidents. ... In 1920, almost no women ran for office; in 2020, there were too many women candidates to count, including the vice presidential nominee." She discusses the January 2017 Women's March (which she says "galvanized" her into writing this book) and women's participation in the Black Lives Matter movement. She suggests that "entitled white women, even so-called 'allies,' need to avoid appropriating the rage and grief of Black women." Griffith approvingly recounts the story of Portland's "Wall of Moms," who protested in downtown Portland in the summer of 2020, and she provides the shocking statistic that Amy Coney Barrett was the first U.S. Supreme Court justice confirmed without

[Continued on page 20](#)



# The haunting truth behind ghost stories

By Lori Hymowitz

On Oct. 12, OWLS Online presented “What Ghost Stories Tell Us About Ourselves” featuring a TEDx talk by Coya Paz Brownrigg, the associate dean for curriculum and instruction at DePaul University in Chicago and who holds a doctorate in performance studies from Northwestern University.

According to Paz Brownrigg, we can learn a lot from ghost stories, and while the ghost may not be real, the story is. Paz Brownrigg discussed leading an event where she invited people to tell their ghost stories. Some were typical spooky tales, while others took a broader look at what a ghost story might be. Paz Brownrigg talked about ghost tales as a forum where people gather and connect for the thrill of the storytelling, but also where sometimes a ghost story can be a way to recount history.

An example is ghost stories about the Triangle Shirtwaist Factory fire in New York in 1911, where 146 garment workers died.



Coya Paz Brownrigg

Paz Brownrigg said that by asking two questions — What does/did the ghost want? What do you want/expect from the ghost? — we acknowledge the ghost and the underlying issues. A ghost may have been the victim of a great injustice. Or a ghost may just ask that we remember what occurred.

There are also “leave me alone” ghosts, which impart bad energy or a creepy feeling. Paz Brownrigg mentioned appropriated

spaces, such as gentrified neighborhoods, as an example. We can ask whether we belong or have a right to be in the space we are occupying. Stories such as those offer a way to address the unknown or unknowable, taking us straight to the emotion of an experience.

Another type of ghost is the one that is still with us. These are loved ones and can be active or passive ghosts. Perhaps they are a family member; we show them how much we would like to connect with them.

Ghosts and ghost stories also are a way to demonstrate our feelings about death and provide ways to show how we can remember. Many ghost stories reveal a deep longing not to be forgotten. They can represent grief or history living in the present.

Ghost stories ask us what we want from the specter. The stories we tell show our intent and address subconscious feelings. Yes, ghost stories may be scary, but so are other unknowns.

To watch this thought-provoking presentation, [click here](#).

Lori Hymowitz is a staff attorney at Stoll Berne.

## Book review

Continued from page 19

bipartisan support since 1869.

Griffith is a scholar of women’s history and it shows with the incredibly thorough (and often overwhelming) information she provides throughout the book about the people, events, and movements involved in the fight for equality. Occasionally, she gets a fact wrong; for example, Edith Green was a congresswoman from Oregon, not Washington. But Griffith should be commended for giving us “an essential history of the struggle by both Black and white women to achieve their equal rights,” in the words of Hillary Clinton.

The book contains 25 pages of photographs of some of the American women she tells us about, and it also contains almost 100 pages of detailed endnotes and a bibliography for further research and reading on this important topic.

*Teresa Statler retired from her solo immigration law practice in Portland in November 2021.*



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By Susan Grabe

The 2024 Oregon Legislature will begin earlier than before, starting with Organizational Days the second week of January. The official start of the session is constitutionally slated to begin Feb. 5 and ends on March 10. The filing deadline for candidates for office is March 12. The short session is usually focused on budget issues or leftover policy issues from the previous long session. Compressed timelines make it difficult to get issues of substance over the finish line unless legislators and others work out agreements in advance. The bar does not typically sponsor legislation in the short session; instead, it will monitor legislation and react as necessary.

Gov. Tina Kotek has announced her priorities for the short session as \$600 million for housing and homelessness; \$19 million to address an Oregon Department of Transportation shortfall; and changes to how education is funded. Myriad other issues will surface throughout the session, including behavioral health, the unrepresented defendant crises, urban growth boundaries and housing stabilization, access to medical care, and more. Legislators and others will introduce legislation related to the implementation of Ballot Measure 110 and decriminalization of drug crimes, homelessness, and access to treatment programs.

The other noteworthy item is the number of ballot measures referred by the Legislature to the voters and that will be on the 2024 ballot.

■ **Impeachment of Statewide Elected Officials.** The Oregon Impeachment of Elected State Executives Amendment was referred to the voters by the Legislature in the 2023 session ([see HJR 16](#)). This measure would add impeachment without cause for state executives in the Oregon constitution.

■ **Ranked-Choice Voting.** Ranked-choice voting was referred to the voters by the Legislature in [HB 2004](#) in the 2023 session. Ranked-choice voting allows voters to rank candidates based on preference, instead of just choosing their top candidate. If no single candidate receives over 50% of first-preference votes, the candidate with the lowest number of votes is eliminated and their votes are distributed to other candidates. That process continues until a candidate has amassed a majority of the vote.

■ **Public Officials Compensation Commission.** This measure was referred to the voters by [SJR 34](#) passed in the 2023 session. If it passes, the commission would set pay for statewide elected officials, lawmakers, judges,

## Legislative update



and elected district attorneys.

### 2024 priorities, legislation highlights

At its November meeting, the Oregon State Bar Board of Governors adopted three priorities for the 2024 legislative session:

■ Support stable funding for Oregon's courts.

■ Support civil and immigration legal services for lower-income Oregonians.

■ Partner with stakeholders in support of a healthy and functioning justice system for all Oregonians, including a robust public defense system.

In addition, the "OSB Legislation Highlights" publication, a practice aid that keeps lawyers up to date on the latest statutory changes, is now [available online](#).

### Indigent defense

The 2023 Legislature, through SB 337, passed sweeping changes to Oregon's indigent defense system. The Public Defense Services Commission (PDSC) will be dissolved and replaced by a new Oregon Public Defense Commission (OPDC), which will be moved from the judicial branch to the executive branch by 2025.

The new OPDC was appointed by the governor effective Jan. 1, and includes:

#### Oregon Judicial Department appointees:

- Rob Harris
- Susan Mandiberg
- The Hon. Robert Selander (retired)

#### Governor appointees:

- Alton Harvey
- Adrian "Addie" Smith
- Jennifer Parrish Taylor

#### Senate President

- Tom Lininger

#### House Speaker

- Jennifer Nash

#### Joint House and Senate

- Former Rep. Peter Buckley

#### Nonvoting members

- Rep. Paul Evans
- Sen. Floyd Prozanski
- Brooks Reinhard
- Justin Wright

The new legislation requires that at least 20% of counsel appointed at the trial level must be employees of the OPDC by 2031, increasing to 30% by 2035. PDSC already is taking steps to address this requirement, including hiring a director for a new office to be based in Portland. An additional southern Oregon office will be created soon.

Senate Bill 337 also required local courts to draft plans to address the immediate unrepresented defendant crisis. Those plans are being implemented.

### Around the bar

#### Licensed paralegals

In early 2024, Oregon will welcome its first cohort of licensed paralegals. The program was developed by the bar to address the unmet need of Oregonians in family and landlord tenant cases. The Supreme Court approved the program in 2022. The Legislature passed SB 306 in 2023, which goes into effect in January 2024 and will facilitate LPs providing limited-scope legal services in family and landlord/tenant law. Approximately 10 applicants have registered to take the exam in December. In addition to education and experiential requirements, they must pass two exams: one on legal ethics and the other on the scope of their license, which includes what legal issues would require referral to a lawyer for more complex legal assistance. In order to protect legal consumers, applicants will be required to comply with IOLTA account requirements and carry PLF insurance. There are updated materials on the bar's website on the licensed paralegal page with information for both applicants and lawyers.

#### Law Practice Development Committee (SPPE)

The bar, along with the Board of Bar Examiners and the Oregon Supreme Court, is currently working on developing two alternatives to the bar exam. These two proposals would not replace the bar exam, but rather provide Oregon lawyers with alternative pathways to practicing in Oregon.

#### Supervised Practice Portfolio Exam

On Nov. 7, 2023, the Oregon Supreme Court approved a new apprenticeship and portfolio form of examination for admission to the Oregon State Bar. This program would

[Continued on page 22](#)



University of Oregon School of Law students and alumni attend OGALLA's 31st annual OGALLA Gala Dinner and Fundraiser. Poison Waters, center, was the guest performer. (Malcolm MacWilliamson)

## OGALLA gala raises cash for a good cause

**O** GALLA, Oregon's LGBTQIA+ Bar Association, hosted its 31st annual OGALLA Gala Dinner and Fundraiser on Oct. 13 at the Vibrant Table event space in Portland. Proceeds from the evening's festivities will benefit the Bill and Ann Shepherd Legal Scholarship, which is awarded to third- and fourth-year law students who plan to advance the rights of LGBTQIA+ people. The delightful and hilarious Portland drag queen Poison Waters emceed the event.

Ashley Yorra Britzany Bones Coni Rathbone Karna Gustafson

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## Legislature

*Continued from page 21*

allow law school graduates to participate in a paid supervised practice program and develop a portfolio to submit to the Board of Bar Examiners rather than take the bar exam. The program will launch in May 2024.

### Oregon Experiential Portfolio Examination

This program is being developed for second- and third-year law students and focuses on experiential learning and courses critical for practice. It is still in the early stages of development.

### New public portal

The bar has worked for several years to revamp how Oregonians access legal help, and/or navigate the legal system themselves. A new public portal will combine the work of multiple organizations (Oregon State Bar, Oregon Judicial Department, Oregon Law Center, Oregon Law Foundation, Legal Aid Services of Oregon, and Oregon Consumer Justice) that previously was scattered across platforms into one interactive tool. The new portal will launch in January with family law, landlord/tenant law, and public safety assistance and will add additional areas of law throughout 2024.

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

## It's not too early to start thinking about summer camps

**A**lthough it's still winter, parents are on the lookout for fun spring or summer camp programs for their children.

Luckily, Oregon has a plethora of options for kids of all ages and interests. Whether your child is an outdoor enthusiast, an aspiring artist, or a budding scientist, there are camps that cater to different passions and hobbies.

### Tips for choosing a summer camp for your child

#### ■ What piques your child's curiosity?

Consider what your child likes to do. Whether it's sports, arts, academics, or outdoor activities, finding a camp that aligns with their interests will ensure they have an engaging and enjoyable experience.

#### ■ Safety first

Check for certifications, qualified staff, and a safe environment. Ask about their safety protocols, including medical facilities and staff-to-child ratios.

#### ■ Read reviews and seek recommendations

Online reviews and word-of-mouth recommendations from other parents can provide valuable insights. Look for camps with positive feedback and satisfied participants.

#### ■ Community collaboration: Share your camp experiences

To ease the decision-making process for parents, we've created a [list of camps available](#). If you would like to add camps to the list, please [email us](#) and we will add it to this community-driven resource.

— Carlotta Alverson



## EXPLORING EVENT CODE OF CONDUCT POLICIES – PART 1:

# The art of holding space for community and belonging

A draft model code of conduct policy and form for making reports (the MCC) was circulated for OWLS member review and comment in November. We received a number of thoughtful, substantive comments and a few questions that have been incorporated into the following Q&A.

### Why do we need a policy?

The task force that drafted the MCC wasn't established in response to any specific incident, but we hope you don't find that reassuring. It was established for a few reasons:

- Many individuals, including lawyers, are out of practice with networking and building respectful relationships;

- Workplaces and organizations are struggling to return to pre-pandemic levels of employee and member engagement; and

- A continuous news cycle of threats to democracy has politicized the complex issues at the heart of our mission, which have come to be known as "identity politics."

Maintaining the character of events that have been adapted to an online platform and back again through the pandemic years has been a daunting task. Potential issues have emerged that require careful planning, including Zoom-bombing and gate-crashing. The MCC task force has researched what other nonprofit organizations and event planners have done at the policy and event levels to further a commitment to a safe, welcoming, and inclusive environment.

Having a policy provides guidance to event planners and leaders within OWLS to address any reported issues, and the policy gives notice to participants that they may be asked to withdraw from conversing with another participant, leave an event without refund, or another response that is appropriate under the circumstances. The MCC establishes a formal channel within OWLS to report unacceptable behavior, but it does not replace self-accountability for words or conduct that demean on the basis of identity and are counter to our mission.



### Who decides what is and is not acceptable?

The MCC includes an express reference to the rules of professional conduct. ORPC 8.4(a) (7) was recently amended to more closely conform to ABA Model Rule 8.4(g), which is often referred to as the Diversity Rule. The Oregon rule states that it is misconduct in the practice of law for a lawyer to "knowingly intimidate or harass a person because of that person's race, color, national origin, ethnicity, religion, age, sex, gender identity, gender expression, sexual orientation, marital status, or disability."

There is no bright-line rule about what lawyers know is intimidation or harassment on the basis of identity, and the laws prohibiting discrimination vary by location and are amended periodically. Instead of adopting a static definition, the MCC includes a link to resources for further reading about bias and harassment issues and incorporates any event-specific expectations. Many events have a mentoring aspect where there is an expectation of maintaining confidences shared by others. The rules of professional conduct provide a minimum standard, but our community expects more from one another, and our friends and colleagues deserve better.

The task force has recommended a standing committee to review the MCC at least annually, update the further reading materials periodically, and to plan a CLE at least annually to ensure that members and leaders are familiar with the policy and our collective responsibilities to all participants at

our events. The standing committee also will be responsible for coordinating the response to reports and making a recommendation to the board with respect to the outcome requested in a report.

### What is interference with another person's experience or participation?

In conversations about DEI within our organization as well as legal workplaces and other bar organizations, there are a few common themes around identity politics that lead to misunderstanding through dismissiveness or ignorance of another identity or identities. There is an expectation that participants will take responsibility for mistakes even if they feel embarrassed or misunderstood.

Our events and programs will continue to provide opportunities to be thoughtful about how one gains understanding of different points of view and to learn and practice skills to disrupt bias and discrimination. The following tips are not an exhaustive list, and are included to illustrate areas where there are opportunities to address or diffuse an issue directly with the people involved before it rises to the level of interference.

**Learning to Listen.** When did it become taboo to talk about politics? One might argue that it is only impolite to talk about politics if one is impolite while talking about politics.

Virtue signaling, whether it is performative wokeness or performative offensiveness, is unproductive and has negative effects on communities and people who are targeted on the basis of identity. We aspire to represent ourselves and our organizations well, but what happens when we represent ourselves and our organizations poorly? It is important to recognize when a conversation has shifted to a point where neither person is listening and withdraw or redirect to avoid interference, intimidation, or harassment of another participant.

We all recently made it through another

[\*Continued on page 24\*](#)

## Code of conduct

*Continued from page 23*

holiday season, and no one died from talking politics at the dinner table. As we move into the bar organization gala and law firm open house season, what have we learned from our family and friends that will be helpful in those professional settings? Maybe your family and friends enjoyed a spirited debate, maybe your family and friends congratulated one another for avoiding politics altogether, and maybe your family and friends had some uncomfortable conversations (or uncomfortable silences). The common denominator in that discomfort is almost always thinking about how to respond while the other person is still talking instead of being present and listening.

**Tip:** Move the conversation beyond pre-packaged quips and memes that are poor substitutes for talking points. Quips and memes are the conversational equivalent of sharing an article without reading it. Click-bait headlines are annoying in news feeds and even more so face-to-face. When you are uncomfortable, use an open-ended question and give the response your full attention. If you are feeling too emotional to do that, then withdraw from the conversation. As with everything else, listening gets easier with practice.

**Spotting Subtext.** How many times have you seen someone defending “good intentions” with an extensive argument about the merits of one point of view while ignoring the fact that it is not the only point of view? Having good intentions is not the same as caring for others.

It is important to acknowledge bias and prejudice in any discussion of being polite, civil, or professional. Insisting on perfection in the messenger before one will listen to the message is a distraction from making sure that different points of view are heard and valued. Traditional standards of professionalism were established by straight white men and often ignore identities with differing views of what is professional. If the implication is that the answer from the white point of view is the most important or the “default,” then it is time to reframe the question to acknowledge a different set of experiences and viewpoints.

**Tip:** Please don’t deflect that someone is too sensitive, overreacting, or was only joking around. Consider if there is an unexamined stereotype or prejudice. When you fail in that — and we all do because no one is perfect — whether you realize on your own a bit too

late or you learn from another person that a word or phrase carries negative connotations that validate the bigoted beliefs, it is best to acknowledge the person you have harmed and their point of view, apologize, and handle potentially loaded tropes and situations with more care in the future.

**Bridging Bias.** Where do we go to improve understanding? Self-education about the history and contributions of historically marginalized identities should not be time-limited, but heritage months and diversity calendars are important opportunities to embrace diversity.

Before you ask someone else to educate you about historical and current events, particularly events involving abuse, discrimination, natural disasters, racism, and war, please carefully consider the setting, your relative power and privilege, and your respective identities. There are many books, museums, and other resources for self-education that do not impose on members of groups affected by generational trauma. Marginalized people do not owe you their free labor.

Historical and ongoing discrimination includes harms rooted in discriminatory systems. When the way something has “always” been only goes back to a specific time period, then

consider if it is really a time-honored tradition or if it is, instead, a pretext that perpetuates systems of prejudice. Membership in the legal profession does not guarantee that the leaders of our workplaces and professional organizations have the cultural competence to promote respect across cultures, nor does membership in an affinity or specialty bar organization assure that an individual is protected against bias or prejudice in our words and conduct.

**TIP:** It’s never a bad idea to research why social constructs such as ethnic identity exist and how they affect people, but it is important to be thoughtful with questions that one might have about cultural differences. There are links to [resources](#) for further reading about bias and harassment issues available on the OWLS website.

In sum, the MCC is a framework to prioritize inclusive leadership, invite feedback, and promote insight in our community to improve our organizational culture. OWLS is dedicated to fostering events and gatherings of Oregon lawyers, whether held in person or online — including email groups and forums — that promote an inclusive, respectful, and harassment-free experience in the practice of law.



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# Oregon Women Lawyers seeks directors

This spring, the OWLS Board of Directors will have openings. If you have played a leadership role with an OWLS chapter, committee, or other affinity bar organization and are interested in serving on the OWLS Board in support of the OWLS mission, please consider serving on the board. Board members provide financial oversight, strategic direction, fundraising, and help to share the future of OWLS programs and policies. The OWLS Board is an active board.

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

Please complete this [statement of interest](#) and send your current resume to OWLS President-elect Marisa Moneyhun at [owlspresident@oregonwomen-lawyers.org](mailto:owlspresident@oregonwomen-lawyers.org) by end of business Feb. 9.

## Judge Zimmerman

*Continued from page 13*

merman encourages *AdvanceSheet* readers to get involved in their respective communities.

Discussing the various programs facilitated by the Mary Leonard chapter, Judge Zimmerman expressed her love of the annual PenPal reading program with students at North Salem High School. Through this program, students — many of whom are first-generation college hopefuls — select a book and are paired with members of the Marion County legal community, who then purchase the book for themselves and the student. The student and legal professional read the book, writing three letters to each other throughout its course. The partners often write about both the book and their lives, sometimes forming longstanding, meaningful mentorship relationships.

Based on Judge Zimmerman's high praise for the PenPal program, it came as no surprise that one of her favorite recreational activities is reading — especially mysteries. She also often can be found baking pies, breads, holiday cookies, sweets, or specialty cookies. She gets great joy trying recipes from "The Great British Baking Show." Judge Zimmerman also enjoys racing on an all-women's dragon boat team in Salem, which she joined two seasons ago, and has found it "truly wonderful to participate in that sport."

When asked what advice she would give to women who want to be judges, Judge Zimmerman recommends challenging yourself to be open to twists in your career, and being open to letting your career take you places that you



*Judge Natasha Zimmerman joined a dragon boat team in Salem two years ago and enjoys racing.*

might not have expected. Judge Zimmerman also stressed the importance of setting limits; of knowing it's OK to say no and that if a job is not consistent with your values, it is fine to move on to another.

Judge Zimmerman underscored that she has always strived to make choices based on what is right and fits with her values, and that she is honored this has led her to the position she is in. She hopes to continue to serve the Salem, Marion County, and Oregon communities well.

**Malcolm MacWilliamson** is an attorney at Schwabe, Williamson & Wyatt in Portland.

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