

Investiture of Mustafa T. Kasubhai

The **Honorable Mustafa T. Kasubhai** would be delighted if members of the Lane County Bar Association would honor him with their presence at his investiture as a United States Magistrate Judge.

Date: **Thursday, December 5, 2019**

Time: **4:00 p.m.**

Location: Wayne L. Morse United States Courthouse
405 East Eighth Avenue, Eugene, Oregon
Courtroom 2, 3rd Floor

Reception to follow.

In order to obtain an accurate attendee count, please kindly respond by **Friday, November 29, 2019**. Phone: (503) 326-8176; Email: dana_vinchesi@ord.uscourts.gov

Free Federal Bar CLE

The **Oregon Chapter of the Federal Bar Association** will live stream a CLE regarding **CM/ECF NextGen** to the Jury Assembly Room at the Wayne Morse U.S. Courthouse (405 E. Eighth Ave., Eugene) from **12:00 p.m. - 1:30 p.m. on Thursday, November 21, 2019**. Speakers will discuss changes to the federal system for electronically filing case documents scheduled to go live in January 2020 (which include the requirement to link CM/ECF and PACER accounts), and the remarks will be delivered by video from Portland to our Eugene location. Feel free to bring a brown bag lunch if you like. There is no charge for admission, but please bring an ID in order enter the courthouse. CLE accreditation is pending.

NALS Educational Meeting

NALS of Lane County will hold its next fall season educational meeting on **Tuesday, November 19, 2019**, from 12 noon to 1:00 p.m. at the law offices of Hershner Hunter, 180 East 11th Avenue, Eugene. Our guest speaker will be attorney **Rebecca Duffy** of **Court Appointed Special Advocates (CASA)** who will explain this agency's **legal advocacy for children**. Please send your RSVP to Charlene Sabini, PP, CLP, Director of Education, via email at besirius@pacinfo.com. *Parking is free at the back of the building off Pearl Street.*



LCBA Luncheon

New Lawyer Admittee Introductions and CLE Luncheon. Please join LCBA for one pre-approved Access to Justice credit as we welcome Portland-based employment attorneys **Courtney Angeli** and **Dana Sullivan**, founders of the employment law boutique firm **Buchanan Angeli Altschul & Sullivan LLP**, discussing the #MeToo movement and the legal profession. Our speakers have each been listed repeatedly among the list of the Top 50 lawyers in Oregon and the Top 25 women lawyers by SuperLawyers and are both featured in Best Lawyers in America in the employment law category. They will discuss the origins of the #MeToo movement, its ramifications in the legal profession, Oregon's legislative response to those issues, sexual harassment in legal workplaces, and steps law offices can take to address unwelcome conduct. This will be a fast-moving, information-packed lunch appropriate for employment law professionals, as well as those with no expertise in the field who are interested in the subject.

This luncheon will be held on **Wednesday, November 13, 2019** (differing from the usual Thursday luncheon date) from **12:00 p.m. to 1:00 p.m.** at The Graduate, 1st floor ballroom. The cost for advance online registrations is \$20 for LCBA members and \$25 for non-LCBA members (payable until midnight on November 11th) or \$25 for day-of registrations (payable by cash or check at the door). If you intend to pay \$25 at the door, please RSVP by email to **Joel Smith** or **Everett Meadows**, the Program Co-Chairs, at joel@cascadiaestateplanning.com or everett@gardnerpotter.com.

BAR NEWS SUBMISSION DEADLINE



Please help us get the Bar News to you in a timely manner. While all submissions are welcomed, remember the **deadline is the 20th of each month**. We try to accommodate the inclusion of all submissions, but cannot guarantee that any submissions received after this deadline will be included in the next issue. Submissions that do not make one issue of the newsletter will, of course, be included in the subsequent issue. We try to release the newsletter as close to the first of the month as possible; however, sometimes things happen to prevent that. Please keep that in mind when submitting information for an event that takes place during the first week of the month. The preparation of this newsletter is a labor of love, but it does take some time and effort. Your support of this process is greatly appreciated. Thank you.

Judge's Corner

Essay adapted from
Campaign for Equal Justice Keynote
10.4.19

Hon. Mustafa T. Kasubhai

Thank you for that gracious introduction, Judge Mooney.

And congratulations once more on your appointment to the Oregon Court of Appeals. You've done Lane County proud. If I might be so bold as to invoke an ancient trial judge prayer: "May every opinion you write begin and end with AWOP."

Members of our Lane County Bar, friends and colleagues—It is so good to see all of you again. It has been too long.

Thank you to the Campaign for Equal Justice for inviting me to share some thoughts today.

There are three parts to my keynote. First, a poem. Second, a gratitude. Finally, a dedication.

A POEM

Several years ago, **Judge Mooney** shared a poem with me. Upon hearing it, I was struck by its beauty and truth and dutifully wrote it down and taped it onto my desk. I'd like to share it with you now:

**He drew a circle that shut me out
Heretic, rebel, a thing to flout.
But love and I had the wit to win:
We drew a circle and took him In!**

The poem was penned by Edwin Markham. Oregon's very own poet laureate.

I share this poem, not only because it's just damned beautiful, but because it is also at the heart, the very foundation of justice.

The definition of "justice" can all too easily be sterilized to generally mean the administration of the law, conformity to the law, rightness, or even righteousness. These abstractions don't do justice to the term.

The heart and soul of justice, to the extent it is allowed to have one, comes from the people with the power to bring justice into our communities and to everyone.

Our Campaign for Equal Justice carries a long and honorable history in our state. Without all the people who support to it, and all the people who work for little pay and volunteer for legal aid, we would most certainly lose a bulwark that supports access to the courts. The Campaign for Equal Justice is at the center of this justice work. But without the legal profession's belief in this work that center cannot hold.

It is a tribute to Lane County that we are today celebrating 11 years

with this luncheon. We are celebrating 11 years during which our legal community takes time away from daily tasks to bear witness, to attest to the absolute need for the campaign's work to continue.

With the kind of support each us give and with the support the campaign receives statewide, legal aid served nearly 27,000 low income citizens last year. And even with this support, as a community we are still only serving 15% of the total number of vulnerable community members that would be eligible for, and require, legal assistance.

I would like to recite the poem one more time:

**He drew a circle that shut me out
Heretic, rebel, a thing to flout.
But love and I had the wit to win:
We drew a circle and took him In!**

As I think on this poem, I ponder a subtle but meaningful difference between the idea of "EQUAL JUSTICE" and "ONE JUSTICE". In my experience, the term "Equal Justice" can imply there are two kinds of justice that are deemed equal, though in substance they are not the same. Invoking the imagery of this poem, the notion of equal justice just described imagines two separate circles. I offer the idea, however, that the mark of an enlightened community is not that there are two circles of equal size wherein one kind of justice is exclusive of another kind of justice.

I am wholly disinterested in resting on the ideal of separate but equal. We have been down that road before and we need not describe the utterly flawed logic and intrinsic inequity of such a system. The ideal our community must pursue is the ideal of one circle that includes all of us. Without this ideal, there is no justice.

The Campaign pursues this ideal. Through your passion for justice and commitment to equity, we can keep drawing that circle wider such that one day that one circle will include everyone. This also means not one of us can be on the sidelines. Supporting the Campaign is one key way to draw the circle wider. Our practice of professionalism in this legal community plays a critical supporting role. So now I turn to you, to us.

A GRATITUDE

I am grateful to all of you, and our legal community here in Lane County.

I am grateful for having the chance to serve in our state courts and serve now in our federal courts. I have little doubt given the current state of affairs, there are few, if any places in the world today that I would have been given a shot. And despite the current state of affairs, I can confidently attest there is no better democracy and no other country than ours in which I could passionately, and with conviction, protect the rule of law.

People have asked me over this last year if I've noticed any differences between federal and state court. I've noticed a few differences, but to be sure, there are also similarities.

The buildings are different. Now, I can tell you when I worked in our venerable state courthouse, I would often look out of my window at the stainless-steel monstrosity (the federal courthouse) a few blocks away and declare how it just doesn't fit here. Having now worked in that "monstrosity" I must admit it is a lot prettier now.

One courthouse is old, the other one new. But they both leak when it rains. Both courts take 90 minutes for the lunch break. Courthouse security is tighter in federal court. Not because security is valued less by the people who work in the state courthouse, but because of the structural limitations of the old courthouse and budget limits. And yes, the federal courts have more resources. Even though the overall percentage of the federal budget is about the same as it is in the state.

Our state court has a significantly higher volume of people and cases. After all our state courts are dealing with people in crisis in real time on a countless number of different legal topics every single day. There are fewer cases filed in federal court. But almost every case seems to turn into a complex case...maybe because we give everyone more time to create the complexity.

People have commented that it is so quiet in the federal courthouse. Compared to state court, definitely so. I would offer this, though. Everyone is reading briefs, researching the law and writing opinions. There is not much reason for noise.

In state court judges and lawyers are juggling dozens of matters that need resolution on that very same day. There is lots of noise.

I would analogize the difference this way. In state court, it is like running wind sprints until you collapse. In federal court it's like running a marathon, but sometimes you can walk it. Both are tough in different ways.

However, there is one significant and key similarity shared between the courts—**Bob Schrank**. He has that same impish wide-brimmed grin on his face in federal court too. You all know what I'm talking about. It's that same grin that gives me pause and makes me wonder what dirty joke he just told **[John] Kolego** about which he is so pleased with himself.

This last point has a serious side to it. What is so similar between the courts is the humanity that inhabits each building. Each one of you, all of us, contribute to the soul of our legal practice. That soul of which I speak is embodied in our professionalism in countless ways. I describe only a few here:

- Every time we consider the reasons to take a case or decline to take a case, and whether those reasons include, "Does it further a just cause?"
- Every time we counsel a client to peaceful resolution.
- Every phone call, email or letter we write to a client, opposing counsel, or pro-se party with a content and tone that preserves everyone's dignity.

- Every argument we make, and more importantly, the choice to make certain arguments and not others.
- Every decision we make, and sometimes more important than the decision itself, the manner and words in which we communicate the ruling.
- Everything we do in the context of our legal work, however small or great, has an impact on shaping the soul of our courts and our profession. Every action affects the availability of justice to everyone. What we do widens or contracts that circle in which justice resides.

We all should be proud of the legal community we have built here. It truly is special. Of course, we have those difficulties. But like all dysfunctional families, we either work through it and are better for it or ignore it and hope it goes away. But seriously, here in Lane County the lawyers have for many generations (and **Joe Richards**, I see you are here today – thank you so much for showing us how it is done), and still to this day, extend a hand to one another. That is profound. I see this kind of professionalism in both courts.

Helen Keller once wrote:

I long to accomplish great and noble tasks, but it is my chief duty to accomplish humble tasks as though they were great and noble. The world is moved along, not only by the mighty shoves of its heroes, but also by the aggregate of the tiny pushes of each honest worker.

Imagine how wide we make that circle when we take to heart the power of our daily, simple kindnesses. Helen Keller highlighted the power of our humble tasks. It is in the practice of humility that we can make justice a reality for everyone.

I tend to find myself speaking and thinking about humility a lot. It has been a huge preoccupation for me especially since becoming a judge. In large part because I know that to serve the public well, I must practice it well. And I know that on many more days than I care to admit, I fail.

I think of myself as the man I once sentenced to probation for the unlawful taking of a lot of deer. As one of his conditions of probation he was ordered to speak at gun safety and hunting courses about what he did and why it was wrong. I'm that guy.

This is what I've learned and try hard to get right: In the absence of humility, justice cannot be much more than revenge. In the presence of humility there is room for mercy.

While humility is often invoked as the lifeblood of our democracy and justice, society often abandons that humility for self-interested power. Yet how many civilizations have pursued that self-interest and have since disappeared from history. How many monuments celebrating that self-interest have crumbled? Instead, what a world we might create if we chose to be completely present for our children, our friends, our neighbors. What might it mean to

courageously give one's lifetime to redeem even just one person's life? Humility calls on us to pursue this kind of good. Humility asks us to embrace the truth that if we are not constantly struggling to widen the circle, perhaps we also don't deserve to be in it. Justice requires this kind of humility.

A DEDICATION

I dedicate this keynote to **Bill Warnisher**. Many of you knew him for far longer than I, certainly knew him better than I, and worked closely with him in ways as a judge I did not. And I'm sure you will agree with me that he was a great and humble man.

Soon after Bill passed away and many of us at the federal court learned of the news, **Judge Coffin** shared a story. A chaplain told the judge that he remembered Bill well. Some years ago, and before Bill retired from the DA's office, the chaplain contacted Bill and conveyed to him that a man under the chaplain's care was deathly ill and quickly failing. The dying man asked the chaplain if there was any way that he could help him see his daughter before he died. It turns out Bill was the prosecutor assigned to the daughter's criminal case and she was in custody. While the chaplain thought it a long shot, he told Bill about the man's last wish. Bill didn't hesitate. He coordinated a temporary release so the daughter could be with her father when he died.

I cannot fathom the far reach of that ripple of kindness across time's waters. Can you?

Bill knew how to draw the circle ever wider. The privilege we have as lawyers and judges gives us the choice to do the same. This is the kind of justice worth pursuing.



Free Probate CLE

FREE 1 HOUR PROBATE CLE

The November **Lane County Probate Committee CLE**, will be held on **Tuesday, November 12, 2019, from 12:00 p.m. to 1:00 p.m. in Courtroom 302**. Prof. **Susan Gary**, UO, School of Law will present information on *2019 New Legislation and Cases*

Free Family Law CLE



The November **Lane County Family Law Section CLE** will be held on **Tuesday, November 26, 2019, from 12:00 p.m. to 1:00 p.m.** in Courtroom 302. **Erika Hente**, Oregon Law Center, and **Amanda Husted**, Access the Law, will present information on the topic: *Self-Represented Litigants as Opposing Parties*. Additional speakers to be announced.

Announcements



We are pleased to announce that **Gaydos Churnside & Balthrop, PC** attorney **Nicholas Balthrop** has accepted a position with the Oregon Department of Justice and will be transitioning out of private practice.

Nick has been a key part of the firm's business, intellectual property, real property and creditors' rights practice since he obtained his license in 2015. He looks forward to serving our community in this new capacity, and we wish him well in his new venture.



Announcements



Gleaves Swearingen LLP is pleased to announce that **Austin K. Smith** has joined the firm as an associate. Austin earned his J.D. from the University of Oregon School of Law. His practice focuses on litigation. Gleaves Swearingen is a Eugene law firm, serving Oregon and the Northwest since 1924.



Ideas Wanted



Please contact LCBA Family Law Section Co-Chairs **Karen Anderson** at kanderson@luvaascobb.com or **Mallory Woodman** at mwoodman@longtinlaw.com if you would like to be added to the LCBA Family Law Section listserv to receive updates on speakers and reminders for events. Also, please don't hesitate to contact us if you have any suggestions for CLE topics or speakers.





We Need Your Help

GLAD (Grupo Latino de Acción Directa) is a non-profit organization dedicated to education and outreach to underrepresented communities. The GLAD pro bono program connects local attorneys with asylum seekers to assist those in need. GLAD provides technical support, translation services and interview preparation assistance. GLAD's program coordinator, **Michelle Martinez**, is looking for attorney volunteers to assist asylum seekers in immigration court. Please contact Michelle at gladoregon@gmail.com to learn more information about this program.

Be A Volunteer

SPONSORS CLINIC VOLUNTEER LAWYERS NEEDED

The nonprofit **Sponsors** holds a monthly legal clinic, usually the first Friday of the month, 2:00 p.m. - 4:00 p.m. University of Oregon law students assist with intake, and a volunteer attorney provides advice and guidance to clients who have recently been released from Oregon correctional facilities. The clients bring a range of questions, frequently related to their post-incarceration obligations, debt, and family law. The clinic has two volunteer attorneys but is in need of at least one more attorney to rotate months. Email **Janie Morgesen**, law.mogensen@gmail.com, or **Jennifer Geller**, jgeller@uoregon.edu, if you are interested or would like more information.

Be A Coach

Our local High Schools are in need of volunteer Mock Trial coaches for the 2019-20 season. This is incredibly valuable and rewarding work for those of you who like to work with young people. If you are interested in coaching a team please contact **Dennis Gerl** at 541-337-1360 or dmgerl108@gmail.com.



Upcoming CLEs

LANE COUNTY
PROBATE & ESTATE PLANNING CLEs
2019-2020 (2nd Tuesday of the Month)
Courtroom 302, 12:00 p.m. - 1:00 p.m.
(Subject to change)

DATE	TOPIC / SPEAKER
Tues. December 10, 2019	<i>Supplemental Needs Trust & What's New</i> Speaker: TBA
Tues. January 14, 2020	<i>Small Estates - Basics & What's New</i> Speaker: TBA
Tues. February 11, 2020	<i>Tax Deferred Accounts in Estate Planning</i> Speaker: TBA
Tues. March 10, 2020	<i>Advance Directives</i> Speaker: TBA
Tues. April 14, 2020	<i>Charitable Giving and Estate Planning & Administration</i> Speaker: TBA
Tues. May 12, 2020	<i>Testamentary Capacity & Ethics</i> Speaker: Lynda Zukaitis
Tues. June 9, 2020	<i>Annual Planning Meeting & Recommend new Chair</i>

Announcements

LEGAL AID HAS MOVED!

Legal Aid is pleased to announce that they have moved to a new office. Effective **November 1, 2019**, the new address is: **Oregon Law Center, Lane County Legal Aid, 101 E. Broadway, Suite 200, Eugene, Oregon 97401**. Telephone number and individual emails remain the same.



A reminder that walk-in intake days/hours are Monday, Wednesday and Friday from 12:45 p.m. until 3 p.m.

If you have any questions about eligibility for legal services or what legal issues they accept, please call.

Upcoming CLEs

LANE COUNTY FAMILY LAW SECTION
ASSOCIATION OF FAMILY &
CONCILIATION COURTS
2019 CLE CALENDAR
Courtroom 302, 12:00 p.m. – 1:00 p.m.
(Subject to confirmation & change.)

DATE	TOPIC / SPEAKER
Dec. 19, 2019	<i>Mental Health Professionals as Expert Witnesses</i> Speakers: Sara Rich, Lee Ann Wichmann, and Theresa Kintigh, additional TBA



Save the Date

Public Defender Services of Lane County, Inc.
Holiday Open House
Hosted by The Board of Trustees
Live Music by Crooked Road
Friday December 13, 2019
5:00-9:00 p.m.
1143 Oak St, Eugene, OR 97401



Save the Date

Oregon Law Students Public Interest Fund 25th
Annual Auction, Friday, February 7th, 5:30 p.m.,
EMU Ballroom.



Save the Date

Lane County Women Lawyers invites you to attend the presentation of the Chief Justice Martha Walters Award to its first recipient, Hon. Martha Walters. The Award recognizes a Lane County attorney who has demonstrated leadership in the pursuit of equal justice for all. LCWL will honor Chief Justice Walters at a luncheon on December 13, 2019 at the Downtown Athletic Club. Lunch will consist of a plated salad, soup buffet and dessert bar. The room will open at 11:45 a.m. and there will be musical entertainment by the Don Elkington Jazz Quartet before the program starts at 12:15 p.m.. Tickets, \$35 for individuals and \$245 for tables of 7, can be purchased by visiting tinyurl.com/ChiefJusticeWaltersAward

Attorney Positions Available

Immigration law firm with offices in Eugene and Salem seeks bilingual (Spanish) associate. Prior experience in an administrative law area preferred but not required. Please contact Raquel at raquel@immigrationoregon.com.



CIVIL PRACTICE ATTORNEY

Luvaas Cobb's Eugene office is looking to add an experienced attorney to their well-respected and growing firm. Candidates must have 3 or more years of experience in civil practice. Expertise in the areas of real estate, commercial law, business and corporate law, elder law and litigation are of particular interest. Strong research and writing skills, excellent communication skills, and attention to detail are necessary requirements. A competitive salary and benefit package will be offered to the right candidate. All submissions of interest will be kept strictly confidential. Please send written interest to Candyce L. Steward, Law Office Administrator, Luvaas Cobb, 777 High Street, Suite 300, Eugene, Oregon 97401, or email to csteward@luvaascobb.com.



DOMESTIC RELATIONS ATTORNEY

Luvaas Cobb, a well-respected and long-established Eugene law firm, is looking for an attorney to join our busy family law practice. Candidates should have no less than 3 years of family law experience, have excellent communication skills, and be able to handle all aspects of the litigation process. In addition to being a professional and collegial place of employment, the firm also provides a competitive salary and benefit package. All submissions of interest will be kept strictly confidential. Please send written interest to Candyce Steward, Law Office Administrator, Luvaas Cobb, 777 High Street, Suite 300, Eugene, Oregon 97401 or by email to csteward@luvaascobb.com.

Office Space Available

Office space in downtown Eugene across from Whole Foods. Excellent atmosphere, quiet office with lots of character. Shared space with a non-profit organization; GLAD. \$500 per month plus utilities. Contact Raquel at raquel@immigrationoregon.com.



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Paralegal with 10 years of experience specializing in small practice bookkeeping and payroll. Contact Marisela Taylor, 541-942-0000, or mari@paintedmountaindesign.com



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MEDIATION SERVICES

Retired senior judge **Jack Billings** is available for mediation and arbitration services. Judge Billings has settled literally hundreds of domestic relations, tort, real estate, construction defect, contract and other disputes during his more than 45 years of bar service. He can generally arrange a mediation within a few weeks. For information on fees and availability contact him at: srjudgejab@yahoo.com, 541-510-6239.

Upcoming Events

- | | | |
|-------------|---|---|
| November 7 | LCBA UO Law
<i>Mentor/Mentee Social</i>
Oakshire Public House
5:50 p.m. - 7:30 p.m. |  |
| November 11 | Holiday - Court closed | |
| November 12 | Probate CLE
<i>2019 New Legislation and Cases</i>
Professor Susan Gary
Courtroom 302
12:00 p.m. - 1:00 p.m. | |

- | | | |
|-------------|--|---|
| November 13 | LCBA Luncheon
Welcome New Admittees!
Access to Justice CLE
Graduate Eugene
12:00 p.m. - 1:00 p.m. |  |
| November 19 | NALS Educational Meeting
<i>CASA</i>
Rebecca Duffy
Hershner Hunter
12:00 p.m. - 1:00 p.m. | |
| November 21 | FBA CLE
Free Video Broadcast
<i>CM/ECF NextGen</i>
Federal Courthouse
12:00 p.m. - 1:30 p.m. | |
| November 26 | Family Law CLE
<i>Self-Represented Litigants as Opposing Parties</i>
Erika Hente & Amanda Husted
Courtroom 302
12:00 p.m. - 1:00 p.m. |  |
| November 28 | Holiday - Court closed | |
| December 5 | Investiture of Hon. Mustafa T. Kasubhai
Wayne L. Morse US Courthouse
Courtroom 2
4:00 p.m.
<i>Reception to follow</i> | |
| December 10 | Probate CLE
<i>Supplemental Needs Trust & What's New</i>
TBA
Courtroom 302
12:00 p.m. - 1:00 p.m. |  |
| December 11 | Holiday Party | |
| December 13 | LCWL
Chief Justice Martha Walters Award
Luncheon
Downtown Athletic Club
12:15 p.m. - ? |  |
| | Public Defender Services
Holiday Open House
1143 Oak Street
5:00 p.m.- 9:00 p.m. | |
| December 19 | Family Law CLE
<i>Mental Health Professionals as Expert Witnesses</i>
Sara Rich; Lee Ann Wichmann & Theresa Kintigh
Courtroom 302
12:00 p.m. - 1:00 p.m. |  |
| December 25 | Holiday - Court closed | |

Lane County Bar Association
 c/o Secretary-Treasurer
 Post Office Box 11379
 Eugene, OR 97440

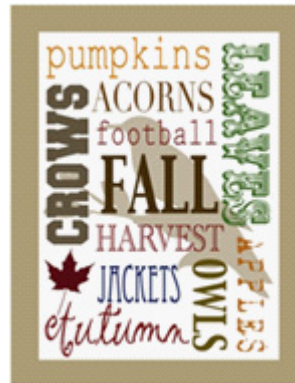


Freelance Legal
 Secretaries/Assistants:

Kelly Lee (541) 515-2962
 Tamara Banavige (541) 431-0812



Veteran's Day
 November 11, 2019



Bar News

Next Submission Deadline: **Wed., November 20, 2019**

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Issues of the *Bar News* are available at:
<http://lanecountybar.org>



Lane County Bar Association

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