

Around the Bar



Ken Aber

Cosgrave Vergeer Kester LLP
The firm is pleased to announce the return of two litigation partners: **Ken Aber** and **Nicole Nowlin**. The addition of these two partners adds depth and experience to Cosgrave’s robust litigation practice.

Aber focuses his practice on personal injury, premises liability, products liability, sexual assault, real estate, and business litigation. With more than 25 years of experience, he has represented clients in 39 jury trials and over 200 arbitration hearings. Since July 2014, he has tried 12 jury trials to verdict. Prior to beginning his law career, he worked as a personal insurance underwriter for Chubb Insurance and a commercial insurance underwriter for Safeco Insurance.



Nicole Nowlin

Nowlin has defended individuals and businesses in a wide variety of complex matters over her 18-year legal career, including dram shop claims, premises liability regarding retailer, hospitality, and hotel-related claims; professional liability; automobile liability; and catastrophic bodily injury claims. She has had extensive experience defending businesses in vicarious liability claims involving sexual assaults by employees and agents. She is also an experienced insurance coverage attorney. She has courtroom trial experience and routinely handles binding arbitrations.

Miller Nash Graham & Dunn LLP
The firm is pleased to welcome attorney **Souvanny Miller** to the firm’s Portland office. Miller joins the firm’s prominent education law team, representing educational institutions throughout the Pacific Northwest. Before joining the firm, Miller practiced at a small law firm in southern Oregon. She also served as a law clerk for the Oregon School Boards Association, assisting staff attorneys in advising school boards and superintendents. Miller has experience advising municipalities and other public entities in regulatory compliance,



Souvanny Miller

constitutional law and public records and public meetings law. She has also represented clients in administrative proceedings, in Oregon circuit courts and before the Oregon Court of Appeals. Miller earned her law degree at Lewis & Clark Law School. During law school, Miller served as a judicial extern for the Honorable Michael H. Simon at the US District Court of Oregon and as a law clerk for the Trial and Appellate Divisions of the Oregon Department of Justice.



Amy Robinson

Amy Robinson was recently appointed to serve on the Washington State University (WSU) Vancouver Advisory Board for WSU’s Carson College of Business. Through building industry alliances, the advisory board helps to define the college’s vision, as well as provide guidance and best practices to the academic departments. Robinson is a seasoned employment attorney with over 15 years of experience in advising her clients on their ever-evolving employment law needs. She represents public and private employers throughout Washington and Oregon in a broad range of workplace-related issues. Robinson received her bachelor’s degree from WSU before earning her law degree at Lewis & Clark Law School. Prior to her legal career, Robinson worked as a human resources professional.

The Around the Bar column reports on MBA members’ moves, transitions, promotions and other honors within the profession. The submission deadline is the 10th of the month preceding publication or the prior Friday if that date falls on a weekend. All submissions are edited to fit column format and the information is used on a space-available basis in the order in which it was received. Submissions may be emailed to mba@mbabar.org.

COVID-19 Lawyer Stress: SOS

by Victoria Blachly
Samuels Yoelin Kantor
MBF Board



Lawyers like to fix things: we help people solve problems; we research and resolve; we take charge and plot a path; we are pretty much unstoppable. But then COVID-19 arrived and screamed, “Not so fast there, all of you cool cats and kittens!” While it is uncertain how long COVID-19 has been laying waste to people’s plans, let alone their very lives, we have now all been living with this new reality for the last several weeks. (And if I hear or read “these are unprecedented times” again, I will scream.) With all of the Paycheck Protection Program news, remote working tips, and even how to make yourself look better on Zoom (yes, there is a filter you can use, and I do - don’t judge me), I keep turning, time and time again to my lawyer friends and colleagues to ask, “What are you doing to get through this? How are you keeping yourself from breaking down from the stress?” I read articles that say scary things like, “The coronavirus pandemic could have a ‘profound’ effect on people’s mental health - now and in the future, say psychiatrists and psychologists who are calling for urgent research.” Philippa Roxby, BBC News (April 16, 2020). That [COVID-19] can be transmitted asymptotically has forced us to envision everyone as a potential threat. ‘We are training people to see the world as a dangerous place. This invisible enemy could be anywhere,’ says David Spiegel, a professor of psychiatry and behavioral sciences at Stanford University. *How a ‘quarantine state of mind’ will define an era*, Vox, Eleanor Cummins (April 16, 2020). Some of us find that COVID-19 isn’t making a substantial impact - maybe you have a small office that allows appropriate social distancing, sufficient financial reserves to weather the storm, or are enjoying the break from the often unrelenting pressures of the legal profession. But there are many more of us that find this time of paralysis frightening and stressful, because we are trained to take action and simply cannot take the action we want to take, in many instances. But there is hope. There should always be hope. And

there are tools. This article provides several healthy coping mechanisms for you to choose from, opting for your own adventure for how to focus on positive mental health. But first, The Requisite Lawyer Disclaimer: I am, in absolutely no way, qualified to give actual mental health advice, through experience or training, and we cannot minimize the serious impact COVID-19 is having on some of us that would require professional mental health assistance. Please be kind to yourselves and seek appropriate care. Rather, this article is meant to share some tips that have worked for other lawyers - or tips that haven’t worked at all - in an effort to get us all talking about this scary, scary time. We have to stay strong to get through to the other side to the “new normal” or the “new abnormal.” Attorney Tanya Durkee Urbach puts it into a better focus, “The idea that this is all temporary and someday it will return to ‘normal’ can cause a tremendous amount of impatience to return to that state of normalcy. Early I realized that ‘return to normal’ is nothing more than an idea. The truth is, whatever the future holds, it will not be the same ‘normal’ we once knew, at least not possibly for many years to come. That realization was key. It reminded me that today’s normal is normal today. So, with intentionality, I decided to wake up every day knowing, this is what life is right here, right now. I realized that if I do not find the joy, make the most, do what I can today, while this is what life is, and tomorrow, while this is what life still is, months maybe even years will go by and I will have lost time and opportunity for joy.” These many tips and tricks are offered for you to try to find that “opportunity for joy.”

We’re Gonna Zoom, Zoom, Zoom-a-Zoom
Where is the room in your home or a space outside that is quiet enough to keep you focused on the meeting, but interesting enough to make the other attendees jealous of your yard, your curated and intellectual bookshelf, or your cute cat that magically knows when the Zoom meeting starts? Or is it more like, “Where is that mute button!?” because your children have come screaming into the room, or everyone else in your household is already on their own Zoom meetings, so you are stuck in the laundry room, balancing your laptop on a pile of dirty clothes? Dan Duyck’s theory is that your real estate may well increase in value, if you promote your separate, private, well designed “Zoom Room” as a feature. My own firm has a standing Friday Zoom Happy Hour,

and we’ve tried charades, Pictionary, theme nights, and trivia. In some ways it’s forced family fun, because you can be certain that not everybody feels like attending every event, but it’s also necessary, because we miss each other. Zoom or FaceTime with friends, family and colleagues can be a good stress reliever. It’s easy and you only have to wear a clean shirt with your pajamas or sweatpants. Go for a theme: western, 80’s big hair, Jersey shore, Hawaiian shirts, fun cocktails, cooking tips - the list is endless. Leslie Johnson calls her Zoom lunch with friends, “Really good medicine.” Michael Walker attended a webcast gala for the Oregon Symphony, enjoying the live performance and calling it “a breath of fresh air.” One of my first Zoom experiments was when Chris Costantino taught my 12-year-old daughter how to make macarons via Zoom. Chris’ were picture-perfect and ours...well, not so much. Melanie Marmion shares, “I would say I’m coping with the stress by being more in touch with my extended family and friends who are scattered across the states. We’ve done Zoom birthday parties together and figured out how to play virtual card games. Prior to COVID-19 much of my favorite socializing involved live music. With that outlet off the table, we’ve adjusted. Every weekend my friends pick a live concert that we can all watch on YouTube and we have a Zoom virtual dance party. It’s been nice to connect with friends and family in ways that we never did before COVID-19.” Hilary Newcomb says, “Basically there’s no such thing as over-communicating lately. People desire that connection, feedback and it’s necessary for our cases to stay on task and for us to be coordinated and productive.” Paul Gilles reiterates that point, “Most important for us/me, is to be visible and available for folks. Let them know what we’re doing, be open about our struggles and wins. Everyone is anxious, so this transparency (even if only so that they can plan) is very important.”

Hobby Anyone?
There is an unrealistic expectation that one should be massively productive with this time in quarantine, learning a new language, knitting your own safety masks from your organic silk worms, and/or solving world peace. But do we really need added pressure to perform right now? As one person told me, “My new skill is finding a place to hide my potato chips from my kids.” Some people have enjoyed this time to read those novels stacked by their bed, but give me television like “Tiger King,” because - say what you want about it - I did not think about COVID-19 once the entire time I was watching that train wreck. Never have lawns and gardens been so well-tended. Never have dogs been more walked. Marie Kondo now makes

Continued on page 18

COVID-19 Lawyer Stress: SOS

Continued from page 17

her organizing process look like a cakewalk, compared to how quarantined over-achievers have taken to their homes.

Laura Nelson suggests virtual wine tasting (www.ardenpdx.com/virtual-wine-tastings) and acrylic paintings of pets.

How about shopping, that age-old-hobby? Ginger Skinner reports, “There are three new Porsches in my neighborhood. I think people are spending money to have a sense of control.”

Valerie Sasaki cut her own hair, and was so excited about her success that you would have thought she had won the lottery.

Both Ginger Skinner and Joe Willis recommended the same bird feeder - that crazy one that spins squirrels right off of it. That’s what passes for entertainment in this day. Not to be outdone, Lane Shetterly reports, “I’ve come to look forward to weeding on Saturdays.” And there’s a lot of truth in this: take joy in small things. But it is good that Lane is outside stretching his legs, when Francine Shetterly is baking and cooking more, to which Lane states, “I heartily endorse.” Indeed, my own 12-year old daughter, beyond bored, recently cooked a four-course meal for me and my husband, which I also “heartily endorsed.”

Cooking is a very popular stress-relieving hobby. Bonnie Richardson shares, “It’s actually therapeutic to me and reminds me of the time before kids when I used to cook all kinds of wonderful meals from scratch and on a super budget, feeding all of my law school friends who were my family back then.” Rosemary Colliver is also cooking more: “Super fun to spark up the BBQ for lunch and grill some brats!” And Hilary Newcomb is seizing the day when she says, “It’s fun and delicious to bake a cake every week! Sheesh, why not?”

Pilar French finds her entertainment with podcasts, “I love them - you can exercise, clean the house, cook, garden, and listen to some great free entertainment. My favorite is Business Wars: the rise of Patagonia and The North Face and every single season of American Scandals - lots of white collar crime and governmental corruption historical stories.” Carl Bjerre is another podcast fan who says, “Walks are great, especially with the wonderful toasty Spring weather that arrived recently, and especially with podcasts or a piano piece.”

Anne Steiner listens to music with her children, taking the opportunity to teach them about The Beatles, Led Zeppelin, Rolling Stones, and other eras and genres of music, like Motown.

“I try to do things that make me laugh, like watching videos or TV shows,” Holly Somers says (another Peloton devotee, but more about Peloton later). Check out SGN (Some Good

News) with actor John Krasinski on YouTube, for something that will make you smile - although it might also make you cry. It is heartwarming.

Steve Kantor, ever the humanitarian, wants to know how he can help others during this crisis, because he “can’t sew,” so aside from making face masks, what are the options? And while this is certainly admirable, it’s also important to take a step back from such pressures and take a time out. However, always the social creature that he is, Steve has also enjoyed lunches in his neighborhood cul-de-sac, with everyone at an appropriate distance, but also enjoying each other’s company.

Eric Wieland is another attorney who has found that assisting others helps to reduce his stress: “Being of service to other people gives you a sense of meaning and purpose, and that service can look different for everybody.”

And maybe it’s not picking up a new hobby, but dusting off an old one that helps with stress. The Honorable Stacie F. Beckerman reports, “I have returned to playing the piano after 30 years, finding music to be my most effective stress reliever right now.”

Parna Mehrbani’s hobbies include a combination of activities and rest: “I’m baking, finally learning how to use my sewing machine, knitting, planning knitting projects, just sitting, spending time with my plants, maybe over-watering them? Reading, cleaning, breathing. I have nowhere to go, which I feel like is a place I’ve been looking for, for a long time.”

My favorite story about a hobby was shared by Joe Willis: “Someone suggested doing puzzles. Our family always had one spilled out on a dedicated card table for family gatherings. It would generally be completed with the help of the many gathered. [My wife,] Judy and I tried it. Finished one over more than a week. Next was harder and took longer. In part because there were three missing pieces. One was at a crucial point for finding others. I spent several frustrating hours and gave up. We finally laid all pieces to discover three missing pieces. I accused the little terriers of eating them but they gave their cutest looks of innocence. Who knows? My take on all this: Puzzles are not relaxing.”

Get on the Move (Just Do It) or Relax (Don’t Do It)

You can go one of two ways: (1) Look at this extra time I have, now that I don’t commute, brush my teeth or hair, or care what I wear? I’m going to exercise like crazy. Or the second option is (2) We are all doomed, so I better take this entire bag of chocolate chips, make a bunch of gooey cookies, and eat them all in one sitting, because I haven’t worn anything with a waistband for a month and I’m in denial about the consequences of what I eat.

Never before have we had access to more free online exercise classes. And there’s a

valid reason Peloton’s stock has increased - people love it, like it’s an elixir. “People are exercising in my neighborhood like their life depends on it,” says Ginger Skinner. Bob Banks, (yet another Peloton devotee, by the way) takes a drive with his other bike to unpopulated country roads to ride outside Vernonia, Mountindale and North Plains. Sara Butcher walks to and from work, both to avoid public transportation and for her mood, saying, “It is very helpful in dealing with stress and just being outside helps elevate my mood.”

Julie Engbloom is an inspiration for multi-tasking, when she shares, “Now I’m lunging around the house with leg weights on, doing bicep curls at my desk, and riding my stationary bike most days. It is so much easier to fit it in when there’s no commute and everything else that goes with getting oneself to and from the office every day.”

Robert Koury has focused some energy on exercise, “I have been trying to increase my step count every day/week (with mixed success). I have a good friend who is doing the same thing and some evenings I drive to his house and we walk his neighborhood (on opposite sides of the street) and catch up. He has taken this walking thing to a whole new level even hitting over 26.2 miles of walking in one day.”

Although, maybe the emphasis on exercise right now should be exercising for our mental health, more than for our physical health. It’s not a competition. This is a massive stress test in our lives, and there is no grade on your exercise plans. We each need to do what we can to get through, so whichever path you choose, just try for some moderation.

But let me submit another idea: Moving doesn’t necessarily have to be physical. Move out of your comfort zone. If you move in the same way, all of the time, physically or mentally, that can create a rut where you are not growing.

Author Heidi K. Brown is an associate professor of law and director of legal writing at Brooklyn Law School. She is the author of *The Introverted Lawyer: A Seven-Step Journey Toward Authentically Empowered Advocacy* (ABA 2017) and *Untangling Fear in Lawyering: A Four-Step Journey Toward Powerful Advocacy* (ABA 2019). Brown wrote an article for the April/May 2020 *ABA Journal* titled, *How to Cross-Train for Peak Lawyering*.

Brown discusses how athletes use cross-training to become better athletes, and lawyers should do the same. “Real athletes and performers - and their employers and coaches - attend to numerous other facets affecting individual performance. These drivers include emotions such as fear, anxiety and self-doubt; challenges like ego or temper; the realistic need for rest and recovery; the ability to process feedback and critique; and the capacity to rebound from losses and mistakes.”

“We can challenge and inspire each other to attend to multiple well-being dimensions on a daily, or at least weekly basis. We can carve five minutes, 15 minutes, maybe even 30 minutes out of our billable calendars each week to:

- Acknowledge a work task we find satisfying and enjoyable.
- Give thought to one financial goal.
- Check in with our emotions.
- Think about moving our physical bodies in a different way or at a different time.
- Try one healthy(ier) food or drink option.
- Learn one new thing.
- Ponder our purpose.
- Connect with someone familiar or new.
- Check out something cultural.
- Do something artistic.
- Rest and recover like athletes and performers do.

*** This endeavor does not have to be expensive or time-consuming. It *does* have to be deliberate, intentional and inclusive.”

So many options, and you now have the time to try one or more.

Namaste Ohhhhhhhmmmmmmmmmm (Get it....Nama Stay Home. <groan>)

Tied with walking the dog, meditation/mindfulness was the most popular tip I heard from attorneys for a tool that helped with the stress of the times. Although, one could easily argue that walking your dog is indeed a type of meditation, in and of itself, so maybe that’s why they were so close. And before I leave the topic of pets, how many people have new puppies right now? Tim Resch’s justification for that adorable new puppy was, “When would we all be at home to train a puppy?” Kali Jensen calls those animals, “Pandemic puppies.”

Tanya Durkee Urbach shares her experience with meditation, “I have found such joy and contentment from sitting in gratitude for this moment right here right now. And, knowing I have had 10 minutes of silence helps me face what I need to do.”

Lawyer/coach Jill Long offers this easy meditation called, “Three Breaths.”

1. “Take a first deep breath in. As you exhale acknowledge what’s happening for you - name it in your mind (I’m anxious, I’m scared, I’m overwhelmed, etc...).
2. Take a second deep breath in. As you exhale really land in your body - focus on feeling the weight of your feet on the floor or if sitting, weight of your seat in the chair, let your arms hang at your side and feel the weight of gravity as they hang.
3. Take a third deep breath in. As you exhale turn your attention to what’s next (the next thing in your day: a meeting, making dinner, not yelling at your kids, etc.) and focus on how you want to show up. It can be

helpful to evoke a quality in your mind, like calm, loving, compassionate, etc.”

Jill also uses a daily gratitude journal, as a form of meditation and stress relief.

Daniela Holgate suggests a midday yoga break in your backyard, or meditating in front of an open window.

Take a Time Out

It is entirely okay to not click on the news as soon as you wake up. Could it be possible that checking that continuous count of people dying from COVID-19 might not be the very best option for starting your day? But as lawyers, we crave information and knowledge, and have an expectation that press briefings should help us to better understand what is occurring. We want instructions. We want knowledge. We want to know why Congress cannot take charge, or why PPE’s are so difficult to obtain. But satisfying answers often are not provided (don’t even get me started on bleach), so taking a step back might be just what we need.

Denise Gorrell, with two small children, gives herself a break by hitting that glorious snooze button on the alarm, because she can afford to take those few extra minutes, with the flexibility of working remotely.

Bob Banks says, “One thing not to do: look at your retirement account every day!”

Administrative Law Judge Holly Somers says she limits the amount of news she reads or watches to one hour per day. And it is too easy to get sucked into the news, due to our very nature as lawyers, compelled to gain information, isn’t it?

Sonia Montalbano shares how unplugging helps her, “I completely unplug for at least half a day on the weekends, always at the end of the day. No phone, no computer, no TV. That brings my stress level down significantly. It’s hard to do because we feel so isolated. However, the first time I did that I woke up the next morning feeling better than I had after a one-week vacation.” Think about the fact that while we are quarantined and isolated and reaching out through technology to connect, technology can also be a large psychic drain, so taking a break from it can actually reduce stress.

Jan Friedman shares, “Do the best you can with work and clients - then allow away time even if it’s not physically away. Remember that we are resilient, we can change, we have this opportunity to do so - to go through the portal.”

Kali Jensen sums it up perfectly: “Be forgiving with yourself, especially when you see others who have more free time now. Don’t expect yourself to learn new skills or accomplish incredible feats during this time. Many of us are working harder now than we were before, and we need to remember what a great contribution that is, and that we will come out of this

Continued on page 20

COVID-19 Lawyer Stress: SOS

Continued from page 19

better lawyers than we were before. If you have the time to develop new skills or do cool new stuff, that's great - but it's not expected. Taking care of yourself is expected. Treat yourself like you're someone you are responsible for taking care of."

Structure or Free-Flow?

Each of us had a routine for our workdays. Often those routines varied somewhat, but getting to the office at a certain time, pouring that cup of coffee, saying hello to your colleagues - there's a certain rhythm and pace that kept the beat of your day. With working remotely, does your day have that same type of structure, or is it more like a jazz scat routine where the rhythm is a challenge to follow? Do you ever get to the afternoon and think, "Hmmm... maybe I should make some effort and brush my teeth today?" (That can't be only me.)

Nellie Barnard has found that structure is important to her, and her young children: "My daughter comes and gets me at 5 p.m. every day and I am 'off the clock' until my kids go to bed. This and similar daily rituals are very grounding for us. We also read a book as a family in the morning after breakfast and my three-year-old walks me to work in the morning down the hallway."

Productivity Coach Heather Decker, JD, says, "My main coaching advice is to reduce expectations of ourselves and others. Identify your most important task to complete each day and get that done. Prioritize remaining tasks, and if you can complete a couple more tasks each day, bravo!"

Laura Nelson suggests you change your work location to break up the monotony. She moves throughout her house during the day, from the kitchen

table, to the basement, and then to the office in her attic. I can see how this would be helpful, because at our "normal" offices, one can take a break by walking down the hall and talking to a colleague, so take a break and move around.

The Honorable Stacie F. Beckerman takes her laptop outside to enjoy the sunshine while she works. A little Vitamin D is always a good thing.

Chris Ray is a fan of structure: "Converting office routine and organizational mechanics were a definite adjustment, but keeping a schedule is key. I can start work sooner than having to drive in, but need additional time at lunch to take Bear (miniature Australian shepherd) on a walk away from everyone. For me, adding structure and calm to the chaos is helpful."

"Take it one step and one day at a time. Go slow and take breaks," says Heather Decker. Because it is not just as simple as just taking care of ourselves, is it? As Judge Katherine Tennyson, Ret., explains, "This is not just happening to us, it is happening to the law firms, the employees, the clients who are in paralyzing positions, and everyone. This is trauma and can feel like an unrelenting sadness." Accordingly, experiencing substantial stress is to be expected. But with our take-charge lawyer genetics, we do have some control and we do have some choices.

Conclusion

We are all in the same ocean paddling as fast as we can, but we are just in different boats right now. Some law practices are busy and thriving now, and some are making difficult financial choices. When I asked one friend how she was doing, she responded, "I vacillate between coping remarkably and failing miserably." Another responded, "I have been on a roller coaster...

some good days; some bad days." And yet another said, "But in an honest moment I would say that like other tragedy-like periods in my life, my personal go-to mode is to lean in and plow through it with action (being called to the moment), and in the process I don't really take good care of myself. The signs are all over the place, but my brain instinctively works that way. The intentional piece is real - the will is what I am fighting now." And it's not just our stress, but stress for our families: "It's been a process to digest, this entire process so far, and I cried when they announced school was closed for the year." Yet another attorney reported there can be moments of peace, "but then my little energy of flame goes out and I am back to barely keeping my head above water." Another attorney said, "It has been like watching a tidal wave come in to shore and now being tossed about as the wave hit the shore, waiting to resurface to catch my breath." And the stress is not just for what we are enduring now, but what is to come. Another friend shared, "Right now, I am stressed about going back to the office before there are effective treatments or a vaccine."

Can't we all identify with these statements - some days, or some moments, seem fine, or even if they are not, we take action and plow through? That's what problem-solving lawyers do, right? But then I walk outside and see two strangers walking, tear up with anxiety, and I want to flee, not knowing if they are carriers or not. That's not healthy, right? But we don't have control right now and the truth is, we never did. Keep talking to others. Keep connecting in your own way. Keep trying. It's okay to ask for help, particularly when we are all missing or grieving something. Strive for progress, not perfection - and we will be together soon.



LEGAL NORTHWEST

Providing temporary and direct hire placement of:

Paralegals, Legal Assistants, Receptionists, Litigation Assistants, File Clerks, Document Coders and Transcriptionists.

ESTABLISHED | TRUSTED | LOCAL | EFFECTIVE

Partner of the Multnomah Bar Association since 1996.



Visit us at:
www.legalnw.com
info@legalnw.com
p. 503.242.2514



EARN CLIENT TRUST & REFERRALS WITH RUBY®

While you're busy juggling projects, court, and office duties, your future clients are calling you. Are you answering them all?

20%+
BOOST IN POTENTIAL
NEW BUSINESS

10hrs
OF DISTRACTION FREE
TIME REGAINED

10%+
INCREASE IN HAPPY
CUSTOMERS

"Ruby allows my office to focus on our work, while knowing all our calls will be answered by a friendly, live human. Engaging Ruby was one of the smartest things I did when I opened my own firm, and a key to my firm's success."

-MICHAEL DOWNEY, DOWNEY LAW GROUP



VISIT WWW.RUBY.COM/MTBA TO LEARN MORE OR BETTER YET CALL US AT **844-338-4769**



+



20 www.mbabar.org