

**Professional Liability Fund**  
**Meeting of the Board of Directors**  
**April 19, 2024**  
**Tigard, Oregon**  
**Hybrid meeting (in person/Teams videoconference)**  
**Open Session Agenda**

[Open Session Teams link below:](#)

## Microsoft Teams meeting

Join on your computer, mobile app or room device

[Click here to join the meeting](#)

Meeting ID: 236 446 685 898

Passcode: ghwG6P

### Schedule:

- 9:00 a.m. Open Session Board Meeting in PLF Board Room**
- 11:00 a.m. Estimated start time for Executive Session – Executive Session begins at the conclusion of Open Session**
- 12:00 p.m. BOD/BOG joint lunch (meeting attendees only) in Columbia Room (1<sup>st</sup> floor of Bar Center)**
- 12:30 p.m. Estimated start time for BOD/BOG Joint Annual Meeting in Columbia (1<sup>st</sup> floor of Bar Center)**
- 2:30 p.m. Estimated conclusion of meetings**

**1. CHAIR REPORT (Mr. Hill–Chair)**

**Approval of Open Session Minutes (Action Required):**

(A)i. 2024-02-02 Draft Open Session Minutes (BOD)	<b>Action</b>	<b>Exhibit</b>
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**Approval of Executive Session Minutes in Open Session (Action Required in Open Session)**

(A)ii. 2024-02-02 (BOD/Claims)	<b>Action</b>	N/A
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(A)iii. 2024-03-14 (Standing BOD Meeting to Discuss Claims)	<b>Action</b>	N/A
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**Committee Minutes (No action required)**

(B)i. 2024-02-02 Finance/Investments Committee Meeting	Inform	<b>Exhibit</b>
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**2. GENERAL COUNSEL REPORT (Ms. Bowman)**

(A) General Counsel Update	Inform	N/A
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**3. CLAIMS REPORT (Mr. Borrillo)**

(A) General Claims Update	Inform	N/A
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**4. FINANCIAL REPORT (Ms. Morrow)**

(A) 2024-February 29 Financial Statements	Inform	<b>Exhibit</b>
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**5. PRACTICE MANAGEMENT ASSISTANCE PROGRAM REPORT (PMAP) (Ms. Dao)**

(A) Practice Management Assistance Program Update	Inform	N/A
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**6. OREGON ATTORNEY ASSISTANCE PROGRAM REPORT (OAAP) (Ms. Hazilla)**

	(A) OAAP Program Update	Inform	<b>Exhibit</b>
<b>7.</b>	<b>EXCESS PROGRAM AND ADMINISTRATION REPORTS (Ms. Preble)</b>		
	(A) Excess Program Update	Inform	N/A
	(A)i. Excess Program Committee Current Year Preliminary Results	Inform	<b>Exhibit</b>
	(B) Administration Update	Inform	N/A
<b>8.</b>	<b>COMMUNICATIONS PROGRAM REPORT (Ms. Hanson)</b>		
	(A) Communications Department Update	Inform	<b>Exhibit</b>
<b>9.</b>	<b>CEO REPORT (Ms. Livermore)</b>		
	(A) CEO Update	Inform	N/A
	(B) 2024 Public Board Member	Inform	N/A
<b>10.</b>	<b>BOG LIAISON REPORT (BOG) (Mr. Rosen/Ms. Hirschbiel)</b>		
	(A) BOG Update (Tentative)	Inform	N/A
<b>11.</b>	<b>UNFINISHED AND NEW BUSINESS</b>	N/A	N/A
<b>12.</b>	<b>EXECUTIVE SESSION – See separate agenda.</b> <b>Executive Session Materials Require a Password</b>		
<b>13.</b>	<b>ADJOURNMENT</b>		



# Professional Liability Fund

**DRAFT OPEN SESSION MINUTES  
OREGON STATE BAR  
PROFESSIONAL LIABILITY FUND  
BOARD OF DIRECTORS**

**February 2, 2024  
Hybrid meeting in Tigard, Oregon**

Board Chair Steve Hill called the open session meeting of the Board of Directors to order at 9:07 a.m. Present in addition to Mr. Hill were board members Gina Anne Johnnie, Chris Karlin (via Teams), Michelle Johansson, Ali Hilsher, John Bachofner, and Harshi Waters. In addition, Helen Hierschbiel (OSB CEO), David Rosen (OSB President), and Matthew McKean (OSB BOG liaison) attended open session (all via Teams). Also present were PLF staff members Megan Livermore, Betty Lou Morrow, Matt Borrillo, Heather Bowman, Emilee Preble, Tanya Hanson, Kyra Hazilla, Hong Dao, Heather Davis-Warren, Amy Hoven (via Teams), Cyndi Cruz, Pam Stendahl, Rachel Edwards, Maureen DeFrank (via Teams), Tony Sabala (via Teams), and Jason Ouellette.

This meeting was noticed and conducted in compliance with the Oregon Public Meetings Law, ORS 192.610, et seq. and a quorum was verified.

**1. Chair Report (Mr. Hill)**

Mr. Hill thanked everyone for participating and went directly into approval of the December 1<sup>st</sup>, 2023, minutes.

**(A) Approval of Open Session Minutes**

- i. 2023-12-01 Draft Open Session Minutes (BOD)

*Mr. Bachofner moved, and Ms. Johnnie seconded that the December 1, 2023, Open Session Minutes be approved as written. Motion passed unanimously 7-0 (1 absent, 1 vacancy).*

**Approval of Executive Session Minutes in Open Session**

- ii. 2023-11-28 Executive Session Minutes (BOD/Claims)

*Upon a duly made motion and second that the Executive Session Minutes be approved as written, the board voted and the motion passed unanimously 7-0 (1 absent, 1 vacancy).*

**(B) Committee Minutes**

- i. 2023-11-28 Finance and Investments Committee Minutes
- ii. 2023-12-01 Annual Joint Claims Committee/Claims Attorney Minutes

There was no discussion and no action required.

**2. Claims Report – Open Session (Mr. Borrillo)**

**(A) General Claims Report**

Mr. Borrillo reported that there were a few big claims last year, but nothing was out of the norm. We ended the year with 634 claims – 603 closed, which is down to 2/3 of what we saw pre-pandemic. Claims numbers are starting to slowly creep back up.

Mr. Borrillo stated the defense panel is continuing to evolve with people retiring but the claims department is working with defense panel firms on succession planning to ensure continuity on the panel. We are also looking to recruit new defense panel members with certain areas of expertise. Bankruptcy attorney recommendations and connections outside of Portland are welcomed.

The 2024 Defense Panel Conference will be held in Bend, Oregon, August 22-24. We are changing the format slightly to be more dynamic and have invited an outside speaker, Chick Herbert, to present during the Friday night dinner.

Mr. Borrillo referred to the materials stating that evaluations continue to be positive and provide a sense that people feel good about the work the claims attorneys do. Comments have been included with the evaluation results in the materials to put the numbers in context.

**3. Financial Reports (Ms. Morrow)**

**(A) Financial Report**

Ms. Morrow welcomed Cyndi Cruz and Jason Ouelette to the meeting and announced that Iranzi Ntthemuka has been promoted to Accounting Supervisor starting February 26, 2024.

Ms. Morrow referred the board to the materials and commented as follows.

Our December 31, 2023, draft YTD net position is \$3.4 million, a \$15 million positive swing from 2022, which ended the year at a \$12 million deficit. Ms. Morrow stated she is working on the year end reconciliations and working papers to ensure accuracy of the general ledger before the auditors arrive in April. The investment portfolio gained \$6.5 million in value. There were 700 claims budgeted for 2023 with the actual number being 634 new claims.

Ms. Morrow noted that the OAAP and PMAP programs have been restated as individual departments as opposed to the historical representation of “Risk Management”.

The Excess Program has a draft in year net position for 2023 of \$164,000 compared to a (\$312,000) deficit in 2022. Total expenses for the Excess Program have increased in 2023 as the program has a more robust promotion and advertising program. Additionally, the cost of doing business across all areas of the program is increasing.

**(B) Net Position 2024**

Ms. Morrow reported that the 2024 recommended net position is \$32.071 million.

**(C) 2023-December 31 Actuarial Review Memo**

Ms. Morrow reported that every 6 months actuaries do an analysis of recommended reserves. At the end of December 2023, the actuaries recommended \$12 million in indemnity and \$8.7 million in expense for a total of \$20.7 million.

**(D) Board Approval of Financial Matters**

Ms. Morrow asks for approval of the values below as reported in the materials and requested that with Mr. Hill’s permission we combine all values into one vote. Mr. Hill agreed.

- i. Adopt values for December 31 Claim Liabilities: \$20.7 million**
- ii. Adopt values for Average Claim Costs for 2024 Claims: \$23,000**
- iii. Adopt values for Liability for Extended Reporting Coverage (ERC): \$3.3 million**
- iv. Adopt values for Liability for Suspense Files: \$1.4 million**
- v. Adopt values for Liability for Adjusting and Other Expenses: \$3.5 million**

*Ms. Johnnie moved, and Mr. Bachofner seconded that the above values be adopted. Motion passed unanimously 7-0 (1 absent, 1 vacancy).*

**(E) PLF Draft FRI for Investment Consultancy Services (RFI)**

Ms. Morrow reported that we have worked with the investment consultancy firm, RVK, for ten years. In the interest of ensuring due diligence and as RVK manages a substantial portfolio, she recommends the PLF submit an RFI to select consultancy firms. The draft document in the materials represents Ms. Morrow’s first pass at creating the RFI and she welcomes any input. Ideally the RFI will

be circulated amongst 3-5 firms with regional offices in Oregon. The Finance Committee will convene after this meeting for further discussion.

**(F) IT Update**

Ms. Morrow reported that the PLF lost internet during the recent freeze and that no one could work from home for 4 days. We are considering how we can address this in the future. In addition, Ms. Morrow has spoken to DaVinci, our IT consultants, who will provide training for staff and perform testing to gauge ongoing issues and vulnerabilities in our cyber security.

Mr. Ouellette reported that the internal ISI team has been meeting virtually for several weeks. The ISI team will meet in person next week to go over procedures and workflows. After a statement of work has been submitted and approved, ISI will start building software and the PLF will begin the process of beta testing.

**4. Practice Management Assistance Program (PMAP) (Ms. Dao)**

**(A) Practice Management Assistance Program**

Ms. Dao thanked the PMAs who work very hard to enable us to produce the excellent services that we offer.

Ms. Dao reported that *inPractice* blog views were high at 22,175 with the most viewed video being how to create a pleading. Major themes that lawyers are contacting PMAP for are office systems, employment transitions, closures, mergers, and Trust Accounting. PMAP assisted with more lawyer transitions last year, receiving calls from both associates and firms seeking advice. In response PMAP will be writing articles aimed at assisting both associates and firms with issues surrounding lawyers leaving and joining firms. Ms. Dao reported that many lawyers call PMAs because they don't know where to go for resources. The dominant method of contact is by phone; however, many people are now using the web.

Ms. Dao reported that most attorneys using our services are in the Metro area. PMAP plans to do more outreach to local bars in rural areas by mailing resources and conducting in person visits, placing a special focus on outlying locations and offering Zoom as an option. PMAP is visiting 13 cities from March to June and offering local OSB members opportunities to meet with PMAs after presentations.

Ms. Dao reported that PMAP has strategically reduced the number of CLEs offered and is being very intentional about the design of CLEs. This year's focus is criminal law and other topics identified through interaction with attorneys. *Learning the Ropes* attendance has seen a shift to lawyers who are already employed in firms and a reduction in those opening solo practice. PMAP will adjust to better align with the demographics.

Ms. Dao reported that those who respond to the PMA evaluations have great things to say about PMAs. Feedback has been included in the materials.

As part of the 2024 goals planning, PMAP created a mission statement aimed at being more intentional about what kind of programs PMAP facilitates.

Ms. Livermore added that the PMAs collaborated with the Oregon State Bar last year to create videos to accommodate the new paralegals and that the effort is appreciated.

Mr. Bachofner requested that all BOD members receive a copy of each issue of *inBrief*.

**5. Oregon Attorney Assistance Program (OAAP) (Ms. Hazilla)**

**(A) OAAP Update**

Ms. Hazilla reported that the 2023 year in review will be presented in April, as this has been a uniquely challenging 5 weeks at OAAP. The OAAP team recently held their 2024 strategic planning meetings. OAAP is strategizing with the communications team to create themes, such as *Burnout*, for the *inSight* publications. The much-requested *Mindful Parenting Group* is coming back in April. *The Divorce Group* was very full in 2023 and will return in 2024. *Finding Meaningful Work* will take place twice per year. *The Women’s Trauma Group* will also be offered.

**6. Excess Program and Administration (Ms. Preble)**

**(A) Excess Program Update**

Ms. Preble reported that the Excess Program has had 706 applications so far for coverage in 2024. We ended 2023 with 709 firms covered at Excess. Of those, 644 renewing firms have been bound, which puts firm retention at 90.8%. Retention in the number of attorneys covered was 92%. Our retention goal is always 90% from year to year, so we are pleased to have hit – and exceeded – that mark. We expect the retention percentage to float up over the next few weeks as some of the late applicant firms continue to bind. We’ve added 21 firms with 37 lawyers as new business, and 11 tail coverage endorsements have been sold. Ms. Preble appreciates and is proud of the efforts of our underwriter, Melanie Hughes. There were some challenges during the ice storm due to the loss of database access, but people were kind and gracious and renewals are still on track.

**(B) Administrative Update**

Ms. Preble reported that Heather Davis-Warren has been onboarded as the new Executive Assistant and that Cindy Hill and Nancy Brown have retired.

**7. Communications Program (Ms. Hanson)**

## **(A) Communications Department Update**

Ms. Hanson reported on recent publications.

The December issue of *inBrief* was the Legislation Alerts issue, and included Ms. Dao's article about the risk of Chat GPT. Ms. Hanson thanks Ms. Johnnie for informing us of the Corporate Transparency Act legislation; which became effective on January 1, 2024. An alert about the Act was added to the website, along with an article in the December *inBrief*. The publication goes out to all PLF covered parties in a broadcast email to attorneys. Ms. Hanson will add the board of directors to a supplemental email list.

The winter issue of *inSight* focused on *Connection*. The spring issue is about *Burnout*, and later in the year it will focus on *Stigma* and *Asking for Help*.

The Communications Department also launched *inHouse*, an internal newsletter for staff to stay connected.

Ms. Hanson reported that the communications team has done a comprehensive review of the PLF website and modified all language to be inclusive of Licensed Paralegals. The team also created an overview page for LPs under the Coverage tab. Nya Campbell has been very helpful in providing info for a page on the basics for LPs. The team still plans to go through the OAAP website to update language to be inclusive of LPs, as well as all marketing materials and internal documents.

Ms. Hanson has also been working with managers to prepare the annual report and is collaborating with the PMAP team on their roadshow by creating ads for the bulletin and helping with outreach. We are getting a new professionally designed look for our updated Practice Management books, which will be available for lawyers to preorder.

## **8. CEO Report (Ms. Livermore)**

### **(A) CEO Update**

Ms. Livermore reported that the January Management Retreat last week featured an ambitious agenda that the management team will continue to work on. Key areas of focus during the meeting were on finding ways to do more outreach and strengthening the PLF relationship with the Oregon State Bar, ensuring that key staff are connected and building relationships. Ms. Livermore will be working with Heather Davis-Warren on outreach to outlying areas through a smaller roadshow.

The management team reaffirmed its commitment to fostering the growth of staff by offering opportunities to expand knowledge and grow. The PLF provides a training budget for each staff member for professional conferences and training. We are also working on wellbeing initiatives with the Oregon State Bar.



Ms. Livermore said that inspired by the PMAs vision statement, she gathered information about the PLF mission statement and goals in advance of the retreat. Both can be improved, and the management team plans to rework them before bringing them to the board for approval.

Ms. Livermore let the board know that once the ISI project gets going, we will begin preparations for the Spring reinsurance meetings in New Orleans with AON.

**(B) 2024 Public Board Member Discussion**

Ms. Livermore reported that both Public Board Member prospects recently fell through. The goal is to have someone for the board to vote on by the April board meeting.

**9. BOG Liaison Report (Mr. McKean)**

**(A) BOG Update**

Mr. McKean reported that the two big items from last year were paralegal licensing and alternative pathways to licensure.

David Rosen was sworn in during the January 12, 2024, Board of Governors meeting and the BOG adopted the following 2024 areas of focus: Access to justice, increased bar membership, a diversity action plan, strategic planning to improve wellbeing in the legal profession, governance (working on integrating paralegals into structure), implementing legislative priorities for 2025, and identifying and developing a plan for communications and outreach to OSB members.

A short discussion took place around the status of those who recently took the Licensed Paralegal exam. Ms. Hierschbiel stated that the Supreme Court is going to be meeting on Tuesday, February 6, 2024, and will approve the pass score.

**10. Unfinished and New Business**

Mr. Hill requested that the PLF liaisons to the Board of Governors commit to having at least one liaison attend each meeting on the schedule. PLF Liaisons are Steve Hill, John Bachofner, and Michelle Johansson.

Mr. Hill is excited about the locations he picked for our PLF board meeting this year and hopes everyone is happy with them: Salem, Bend, and Cannon Beach.

Mr. Hill shared committee assignments and indicated that if anyone is unhappy with their assignments, he is happy to touch base. If board members have questions about their committee assignments, please contact Heather Davis-Warren.

Ms. Livermore reminded the board that the Bend meeting on August 22nd is in conjunction with the Defense Panel Conference, August 23rd – 24th.

Mr. Hill requested that everyone add the out-of-town meetings to their calendars and try to attend in person to get to know each other.

**11. Executive Session**

Mr. Hill concluded the open session meeting and stated we would move into executive session, pursuant to ORS 192.660(2)(f) and (h) to discuss claim matters and other executive session issues. See separate executive session minutes.

**12. Adjournment**

The meeting was adjourned at 11:10 a.m.

DRAFT



# Professional Liability Fund

## OREGON STATE BAR PROFESSIONAL LIABILITY FUND **Finance/Investment Committee**

### Minutes of Meeting February 2, 2024

The Open Session of the Finance/Investment Committee met at approximately 11:30 am on February 2, 2024 in person and via Zoom video conference.

#### **Finance Committee Members:**

Chris Karlin (Chair)  
Michelle Johansson  
Harshi M. Waters

#### **Staff:**

Betty Lou Morrow  
Megan Livermore  
Cyndi Cruz

Notice of the meeting was given pursuant to ORS 192.640  
Material provided electronically prior to the meeting

#### Agenda:

- December 31, 2023 draft financial statements
- Cost of Claims
- Claims Reserves
- Investment Consultancy

Betty Lou opened the meeting asking the committee if they had any questions or concerns regarding the December 31, 2023 draft financial statements, Cost of Claims or Claims Reserves after the presentation at the Board of Directors meeting. There were no questions, Ms. Morrow stated anyone can reach out to her if they do.

Ms. Morrow began the discussion regarding the Request for Proposal "RFI" for the Investment Consultancy. The RFI has been completed and asked the committee if it should be sent to the Board of Directors before sending it out to prospective Investment Management Advisors. The committee agreed it could be reviewed by Chris Karlin, Ms. Morrow and Megan Livermore. The committee is in agreement to send three to six RFI's. Once the proposals are returned the committee will meet with any potential advisors before taking it to the BOD.

**Minutes approved by Chris Karlin, Michell Johansson & Harshi Waters**

**Oregon State Bar  
Professional Liability Fund  
Financial Statements  
2/29/2024**

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6	Excess Program Operating Expenses
7	Combined Investment Schedule

**Oregon State Bar  
Professional Liability Fund  
Combined Primary and Excess Programs  
Statement of Net Position  
2/29/2024**

<u>ASSETS</u>		
	<u>THIS YEAR</u>	<u>LAST YEAR</u>
Cash	\$7,445,959.30	\$6,622,824.46
Investments at Fair Value	67,274,237.02	62,733,760.82
Assessment Installment Receivable	8,487,477.00	8,093,786.00
Due from Reinsurers	444,277.89	24,027.40
Other Current Assets	203,957.16	80,773.80
Net Fixed Assets	10,637,104.67	10,790,269.95
Claim Receivables	180,957.42	176,303.57
PERS Deferred Outflow of Resources	2,084,409.94	2,084,409.94
<b>TOTAL ASSETS</b>	<b><u>\$96,758,380.40</u></b>	<b><u>\$90,606,155.94</u></b>
 <u>LIABILITIES AND FUND POSITION</u>		
	<u>THIS YEAR</u>	<u>LAST YEAR</u>
<b>Liabilities:</b>		
Accounts Payable and Other Current Liabilities	\$404,551.36	\$120,865.13
Due to Reinsurers	\$2,399,943.07	\$2,338,235.37
Accrued Lease Liability	10,483,671.00	10,483,671.00
PERS Pension Liability	6,887,234.18	6,953,700.44
Liability for Compensated Absences	614,606.31	517,327.06
Liability for Indemnity	12,289,866.36	12,429,078.92
Liability for Claim Expense	9,071,927.60	9,463,914.72
Liability for Future ERC Claims	3,300,000.00	3,600,000.00
Liability for Suspense Files	1,400,000.00	1,500,000.00
Liability for Future Claims Administration (AOE)	3,500,000.00	3,100,000.00
Excess Ceding Commission Allocated for Rest of Year	680,695.78	851,771.82
Primary Assessment Allocated for Rest of Year	<u>19,206,510.25</u>	<u>18,202,775.83</u>
<b>Total Liabilities</b>	<b><u>\$70,239,005.91</u></b>	<b><u>\$69,561,340.29</u></b>
<b>Change in Net Position:</b>		
Retained Earnings (Deficit) Beginning of the Year	\$25,188,273.20	\$19,712,845.56
Year to Date Net Income (Loss)	<u>1,331,101.29</u>	<u>1,331,970.09</u>
<b>Net Position</b>	<b><u>\$26,519,374.49</u></b>	<b><u>\$21,044,815.65</u></b>
<b>TOTAL LIABILITIES AND FUND POSITION</b>	<b><u>\$96,758,380.40</u></b>	<b><u>\$90,606,155.94</u></b>

**Oregon State Bar  
Professional Liability Fund  
Primary Program  
Statement of Revenues, Expenses, and Changes in Net Position  
2 Months Ended 2/29/2024**

	YEAR TO DATE <u>ACTUAL</u>	YEAR TO DATE <u>BUDGET</u>	<u>VARIANCE</u>	YEAR TO DATE <u>LAST YEAR</u>	<u>ANNUAL BUDGET</u>
<b>REVENUE</b>					
Assessments	\$3,795,008.33	\$3,797,500.00	\$2,491.67	\$3,596,994.17	\$22,785,000.00
Installment Service Charge	46,294.42	40,833.34	(5,461.08)	43,561.00	245,000.04
Other Income	37,486.00	23,666.66	(13,819.34)	38,200.00	141,999.96
Investment Return	<u>1,348,834.10</u>	<u>642,730.78</u>	<u>(706,103.32)</u>	<u>1,225,826.05</u>	<u>3,856,384.68</u>
<b>TOTAL REVENUE</b>	<b><u>\$5,227,622.85</u></b>	<b><u>\$4,504,730.78</u></b>	<b><u>(\$722,892.07)</u></b>	<b><u>\$4,904,581.22</u></b>	<b><u>\$27,028,384.68</u></b>
<b>EXPENSE</b>					
<b>Provision For Claims:</b>					
New Claims at Average Cost	\$2,507,000.00			\$0.00	
Coverage Opinions	1,428.00			0.00	
General Expense	427.90			0.00	
Less Recoveries & Contributions	514.25			0.00	
Budget for Claims Expense		<u>\$2,741,666.66</u>			<u>\$16,449,999.96</u>
<b>Total Provision For Claims</b>	<b><u>\$2,509,370.15</u></b>	<b><u>\$2,741,666.66</u></b>	<b><u>\$232,296.51</u></b>	<b><u>\$0.00</u></b>	<b><u>\$16,449,999.96</u></b>
<b>Expense from Operations:</b>					
Administrative Team	\$318,098.81	\$535,914.54	\$217,815.73	\$0.00	\$3,215,487.24
Board of Directors	\$2,271.26	\$12,033.30	\$9,762.04	\$0.00	\$72,199.80
Fiscal and IT Teams	324,877.81	515,578.48	190,700.67	0.00	3,231,930.88
PMAP Team	132,357.42	171,287.28	38,929.86	0.00	1,027,723.68
OAAP Team	164,694.12	212,241.60	47,547.48	0.00	1,273,449.60
Claims Team	521,185.38	674,108.66	152,923.28	0.00	4,044,651.96
Allocated to Excess Program	<u>(172,980.34)</u>	<u>83,322.48</u>	<u>256,302.82</u>	<u>(167,569.66)</u>	<u>499,934.88</u>
<b>Total Expense from Operations</b>	<b><u>\$1,290,504.46</u></b>	<b><u>\$2,204,486.34</u></b>	<b><u>\$913,981.88</u></b>	<b><u>(\$167,569.66)</u></b>	<b><u>\$13,365,378.04</u></b>
Depreciation and Amortization	\$33,089.66	\$32,166.68	(\$922.98)	\$25,158.47	\$193,000.08
Allocated Depreciation	<u>(4,333.34)</u>	<u>4,333.34</u>	<u>8,666.68</u>	<u>(4,333.34)</u>	<u>26,000.04</u>
<b>TOTAL EXPENSE</b>	<b><u>\$3,828,630.93</u></b>	<b><u>\$4,982,653.02</u></b>	<b><u>\$1,154,022.09</u></b>	<b><u>(\$146,744.53)</u></b>	<b><u>\$30,034,378.12</u></b>
<b>NET POSITION - INCOME (LOSS)</b>	<b><u>\$1,254,599.90</u></b>	<b><u>(\$365,016.42)</u></b>	<b><u>(\$1,619,616.32)</u></b>	<b><u>\$1,162,765.96</u></b>	<b><u>(\$2,328,558.52)</u></b>

**Oregon State Bar  
Professional Liability Fund  
Primary Program  
Statement of Operating Expense  
2 Months Ended 2/29/2024**

<u>EXPENSE:</u>	<u>CURRENT</u> <u>MONTH</u>	<u>YEAR</u> <u>TO DATE</u> <u>ACTUAL</u>	<u>YEAR</u> <u>TO DATE</u> <u>BUDGET</u>	<u>VARIANCE</u>	<u>YEAR</u> <u>TO DATE</u> <u>LAST YEAR</u>	<u>ANNUAL</u> <u>BUDGET</u>
Salaries	\$448,799.96	\$885,078.82	\$1,008,203.84	\$123,125.02	\$614,192.77	\$6,049,223.04
Benefits and Payroll Taxes	186,494.12	371,582.49	538,499.12	166,916.63	291,478.15	3,230,994.72
Investment Services	0.00	0.00	0.00	0.00	0.00	61,500.00
Legal Services	2,959.60	2,959.60	5,416.66	2,457.06	5,130.60	32,499.96
Financial Audit Services	0.00	0.00	0.00	0.00	0.00	29,960.00
Actuarial Services	0.00	9,165.00	0.00	(9,165.00)	0.00	47,000.00
Communications	413.52	3,915.52	14,166.68	10,251.16	3,871.50	85,000.08
Information Services	8,084.70	17,117.35	9,666.66	(7,450.69)	19,669.54	57,999.96
Other Professional Services	10,021.03	22,111.92	21,383.36	(728.56)	34,970.90	128,300.16
Staff Travel	63.16	156.82	1,283.32	1,126.50	394.35	7,699.92
Board Travel	1,328.32	2,271.26	10,116.66	7,845.40	(11.36)	60,699.96
NABRICO	0.00	0.00	1,916.64	1,916.64	230.94	11,499.84
Training	550.22	5,398.50	24,916.70	19,518.20	4,603.18	149,500.20
Rent	52,523.09	104,397.57	108,518.50	4,120.93	101,851.11	651,111.00
Printing and Supplies	1,181.90	6,437.34	44,300.00	37,862.66	18,958.17	265,800.00
Postage and Delivery	215.22	718.22	1,300.00	581.78	2,223.87	7,800.00
Equipment Rent & Maintenance	2,921.77	19,094.71	15,250.00	(3,844.71)	14,808.01	91,500.00
Telephone	4,463.45	8,781.82	8,333.34	(448.48)	7,552.26	50,000.04
PMAP & OAAP Programs(less Sal & Ben	14,623.17	41,790.71	68,019.88	26,229.17	37,871.22	408,119.28
Defense Panel Training	0.00	0.00	16,666.66	16,666.66	0.00	99,999.96
Bar Books Grant	10,416.67	20,833.34	20,833.34	0.00	0.00	125,000.04
Insurance	0.00	0.00	8,000.00	8,000.00	8,138.46	48,000.00
Library	8,947.44	11,719.88	6,000.00	(5,719.88)	4,984.60	36,000.00
Subscriptions, Memberships & C/C Charq	5,095.05	73,763.58	67,549.98	(6,213.60)	128,328.41	405,299.88
Allocated to Excess Program	(86,490.17)	(172,980.34)	83,322.48	256,302.82	(167,569.66)	499,934.88
<b>TOTAL EXPENSE</b>	<b><u>\$672,612.22</u></b>	<b><u>\$1,434,314.11</u></b>	<b><u>\$2,083,663.82</u></b>	<b><u>\$649,349.71</u></b>	<b><u>\$1,131,677.02</u></b>	<b><u>\$12,640,442.92</u></b>

**Oregon State Bar  
Professional Liability Fund  
Excess Program  
Statement of Revenue, Expenses, and Changes in Net Position  
2 Months Ended 2/29/2024**

	<u>YEAR TO DATE ACTUAL</u>	<u>YEAR TO DATE BUDGET</u>	<u>VARIANCE</u>	<u>YEAR TO DATE LAST YEAR</u>	<u>ANNUAL BUDGET</u>
<b><u>REVENUE</u></b>					
Ceding Commission	\$173,718.96	\$173,333.34	(\$385.62)	\$169,786.36	\$1,040,000.04
Installment Service Charge	51,407.00	9,166.66	(42,240.34)	54,702.00	54,999.96
Investment Return	<u>54,396.24</u>	<u>22,728.00</u>	<u>(31,668.24)</u>	<u>63,396.04</u>	<u>136,368.00</u>
<b>TOTAL REVENUE</b>	<b><u>\$279,522.20</u></b>	<b><u>\$205,228.00</u></b>	<b><u>(\$74,294.20)</u></b>	<b><u>\$287,884.40</u></b>	<b><u>\$1,231,368.00</u></b>
<b><u>EXPENSE</u></b>					
Operating Expenses (See Page 6)	\$198,687.47	\$186,363.70	(\$12,323.77)	\$173,174.93	\$1,118,182.20
Allocated Depreciation	<u>\$4,333.34</u>	<u>\$4,333.34</u>	<u>\$0.00</u>	<u>\$4,333.34</u>	<u>\$26,000.04</u>
<b>NET POSITION - INCOME (LOSS)</b>	<b><u>\$76,501.39</u></b>	<b><u>\$14,530.96</u></b>	<b><u>(\$61,970.43)</u></b>	<b><u>\$110,376.13</u></b>	<b><u>\$87,185.76</u></b>



**Oregon State Bar  
Professional Liability Fund  
Excess Program  
Statement of Operating Expense  
2 Months Ended 2/29/2024**

	<b>CURRENT MONTH</b>	<b>YEAR TO DATE ACTUAL</b>	<b>YEAR TO DATE BUDGET</b>	<b>VARIANCE</b>	<b>YEAR TO DATE LAST YEAR</b>	<b>ANNUAL BUDGET</b>
<b><u>EXPENSE:</u></b>						
Salaries	\$50,695.08	\$105,684.88	\$92,800.74	(\$12,884.14)	\$0.00	\$556,804.44
Benefits and Payroll Taxes	25,500.94	46,713.18	38,012.96	(8,700.22)	0.00	228,077.76
Investment Services	0.00	0.00	433.34	433.34	0.00	2,600.04
Office Expense	0.00	0.00	0.00	0.00	0.00	0.00
Allocation of Primary Overhead	21,083.33	42,166.66	42,166.66	0.00	0.00	252,999.96
Reinsurance Placement & Travel	0.00	0.00	7,500.00	7,500.00	0.00	45,000.00
Training	0.00	0.00	1,000.00	1,000.00	0.00	6,000.00
Printing and Mailing	0.00	0.00	200.00	200.00	0.00	1,200.00
Program Promotion	0.00	920.00	2,500.00	1,580.00	0.00	15,000.00
Other Professional Services	0.00	1,913.50	1,500.00	(413.50)	0.00	9,000.00
Software Development	<u>236.25</u>	<u>1,289.25</u>	<u>250.00</u>	<u>(1,039.25)</u>	<u>0.00</u>	<u>1,500.00</u>
<b>TOTAL EXPENSE</b>	<b><u>\$97,515.60</u></b>	<b><u>\$198,687.47</u></b>	<b><u>\$186,363.70</u></b>	<b><u>(\$12,323.77)</u></b>	<b><u>\$0.00</u></b>	<b><u>\$1,118,182.20</u></b>

**Oregon State Bar  
Professional Liability Fund  
Combined Investment Schedule  
2 Months Ended 2/29/2024**

	<b>CURRENT MONTH <u>THIS YEAR</u></b>	<b>YEAR TO DATE <u>THIS YEAR</u></b>	<b>CURRENT MONTH <u>LAST YEAR</u></b>	<b>YEAR TO DATE <u>LAST YEAR</u></b>
<b>Dividends and Interest:</b>				
Short Term Bond Fund	\$28,532.93	\$57,076.82	\$12,071.77	\$23,776.91
Intermediate Term Bond Funds	36,164.69	72,333.86	34,494.58	65,604.49
Bank Loans	0.00	0.00	0.00	0.00
Domestic Common Stock Funds	0.00	0.00	0.00	0.00
International Equity Fund	0.00	0.00	0.00	0.00
Real Estate	0.00	0.00	0.00	530.53
Hedge Fund of Funds	0.00	0.00	0.00	0.00
Real Return Strategy	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
<b>Total Dividends and Interest</b>	<b><u>\$64,697.62</u></b>	<b><u>\$129,410.68</u></b>	<b><u>\$46,566.35</u></b>	<b><u>\$89,911.93</u></b>
<b>Gain (Loss) in Fair Value:</b>				
Short Term Bond Fund	(\$49,143.99)	(\$40,985.32)	(\$47,216.48)	(\$5,351.02)
Intermediate Term Bond Funds	(154,628.59)	(176,028.70)	(233,890.08)	138,339.17
Bank Loans	0.00	0.00	0.00	0.00
Domestic Common Stock Funds	1,024,730.10	1,234,223.25	(424,956.19)	751,000.17
International Equity Fund	262,993.77	256,610.43	(257,405.58)	315,321.84
Real Estate	0.00	0.00	0.00	0.00
Hedge Fund of Funds	0.00	0.00	0.00	0.00
Real Return Strategy	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
<b>Total Gain (Loss) in Fair Value</b>	<b><u>\$1,083,951.29</u></b>	<b><u>\$1,273,819.66</u></b>	<b><u>(\$963,468.33)</u></b>	<b><u>\$1,199,310.16</u></b>
<b>TOTAL RETURN</b>	<b><u>\$1,148,648.91</u></b>	<b><u>\$1,403,230.34</u></b>	<b><u>(\$916,901.98)</u></b>	<b><u>\$1,289,222.09</u></b>
<b>Portions Allocated to Excess Program:</b>				
Dividends and Interest	\$2,549.09	\$4,872.29	\$940.64	\$2,548.80
Gain (Loss) in Fair Value	<u>42,707.68</u>	<u>49,523.95</u>	<u>(19,462.06)</u>	<u>60,847.24</u>
<b>TOTAL ALLOCATED TO EXCESS PROGRAM</b>	<b><u>\$45,256.77</u></b>	<b><u>\$54,396.24</u></b>	<b><u>(\$18,521.42)</u></b>	<b><u>\$63,396.04</u></b>

**Oregon State Bar  
Professional Liability Fund  
Primary Program  
Balance Sheet  
2/29/2024**

**ASSETS**

	<b><u>THIS YEAR</u></b>	<b><u>LAST YEAR</u></b>
Cash	\$7,197,998.33	\$4,252,149.99
Investments at Fair Value	64,145,617.11	61,382,454.60
Assessment Installment Receivable	7,009,897.00	6,532,225.00
Due From Excess Fund	1,101.74	572.45
Other Current Assets	196,885.42	78,547.35
Net Fixed Assets	10,637,104.67	10,790,269.95
Claim Receivables	180,957.42	176,303.57
PERS Deferred Outflow of Resources	2,084,409.94	2,084,409.94
<b>TOTAL ASSETS</b>	<b><u>\$91,453,971.63</u></b>	<b><u>\$85,296,932.85</u></b>

**LIABILITIES AND FUND EQUITY**

	<b><u>THIS YEAR</u></b>	<b><u>LAST YEAR</u></b>
<b>Liabilities:</b>		
Accounts Payable and Other Current Liabilities	\$403,213.37	\$117,605.18
Accrued Lease Liability	10,483,671.00	10,483,671.00
PERS Pension Liability	6,887,234.18	6,953,700.44
Liability for Compensated Absences	614,606.31	517,327.06
Liability for Indemnity	12,289,866.36	12,429,078.92
Liability for Claim Expense	9,071,927.60	9,463,914.72
Liability for Future ERC Claims	3,300,000.00	3,600,000.00
Liability for Suspense Files	1,400,000.00	1,500,000.00
Liability for Future Claims Administration (ULAE)	3,500,000.00	3,100,000.00
Assessment and Installment Service Charge Allocated for Remainder of Year	19,206,510.25	18,202,775.83
<b>Total Liabilities</b>	<b><u>\$67,157,029.07</u></b>	<b><u>\$66,368,073.15</u></b>
<b>Net Position</b>		
Net Position (Deficit) Beginning of the Year	\$23,063,927.04	\$17,766,093.74
Year to Date Net Income (Loss)	1,254,599.90	1,162,765.96
<b>Total Net Position</b>	<b><u>\$24,318,526.94</u></b>	<b><u>\$18,928,859.70</u></b>
<b>TOTAL LIABILITIES AND FUND EQUITY</b>	<b><u>\$91,475,556.01</u></b>	<b><u>\$85,296,932.85</u></b>

**Oregon State Bar  
Professional Liability Fund  
Excess Program  
Balance Sheet  
2/29/2024**

**ASSETS**

	<b><u>THIS YEAR</u></b>	<b><u>LAST YEAR</u></b>
Cash	\$247,960.97	\$2,370,674.47
Due from One Inc	\$0.00	\$954.00
Assessment Installment Receivable	1,477,580.00	1,561,561.00
Due from Reinsurers and Beazeley	444,277.89	24,027.40
Other Assets	5,970.00	700.00
Investments at Fair Value	<u>3,128,619.91</u>	<u>1,351,306.22</u>
<b>TOTAL ASSETS</b>	<b><u>\$5,304,408.77</u></b>	<b><u>\$5,309,223.09</u></b>

**LIABILITIES AND FUND EQUITY**

	<b><u>THIS YEAR</u></b>	<b><u>LAST YEAR</u></b>
<b>Liabilities:</b>		
Accounts Payable & Refunds Payable	\$236.25	\$2,687.50
Due to Primary Fund	\$1,101.74	\$572.45
Due to Reinsurers	2,399,943.07	2,338,235.37
Ceding Commision Allocated for Remainder of Year	<u>680,695.78</u>	<u>851,771.82</u>
<b>Total Liabilities</b>	<b><u>\$3,081,976.84</u></b>	<b><u>\$3,193,267.14</u></b>
<b>Net Position</b>		
Net Position (Deficit) Beginning of Year	\$2,124,346.16	\$1,946,751.82
Year to Date Net Income (Loss)	<u>76,501.39</u>	<u>169,204.13</u>
<b>Total Net Position</b>	<b><u>\$2,200,847.55</u></b>	<b><u>\$2,115,955.95</u></b>
<b>TOTAL LIABILITIES AND FUND EQUITY</b>	<b><u>\$5,282,824.39</u></b>	<b><u>\$5,309,223.09</u></b>



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**MEMORANDUM**

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**TO:** OREGON STATE BAR PROFESSIONAL LIABILITY FUND BOARD OF DIRECTORS

**FROM:** OAAP DIRECTOR AND ATTORNEY COUNSELOR KYRA HAZILLA

**SUBJECT:** OREGON ATTORNEY ASSISTANCE PROGRAM UPDATE

**DATE:** 4/10/24

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We appreciate this opportunity to make this report to the board on behalf of the OAAP. Kyra Hazilla will be attending the board meeting.

**2023 Year in Review**

The OAAP Attorney Counselors served over 3,140 people in 2023. This was achieved through almost 2,000 individual contacts with 547 lawyers, judges, law students, and others in the legal community, the presentation of 45 live CLEs, two Finding Meaningful Work workshops, a REBAR support group for retakers of the Oregon Bar, two Mindfulness groups (one offered specifically to OSB/PLF staff), Moving Forward support group for those ending a relationship, ADHD group, Depression and Anxiety support group, Trans\* Law Professionals group, and thrice weekly recovery support groups hosted by the OAAP.

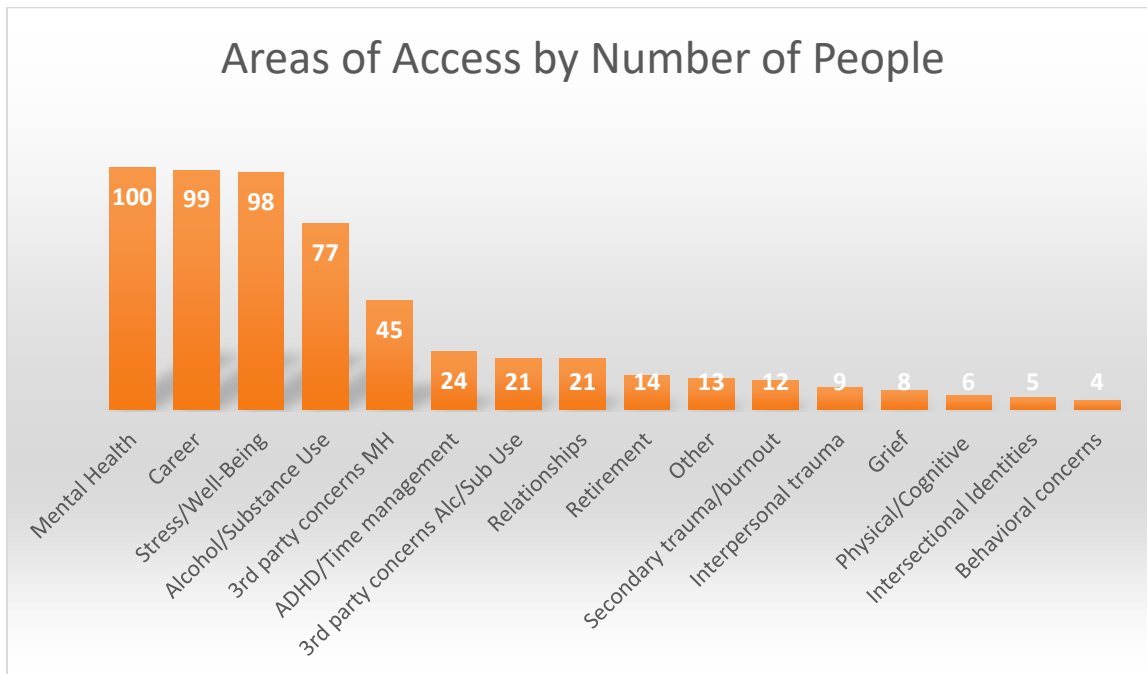
**2023 Presentations**

The presentations provided by the OAAP serve multiple purposes in the legal community. First, they serve to educate potential clients about the services offered by the OAAP as well as the uniquely-tailored, confidential nature of the program. Second, the presentations allow attorney counselors opportunities to outreach into communities around the state, both in person as well as virtually, and introduce themselves to potential clients. It is often easier for a first-time caller to reach out to someone they have seen in person. This means that most presentations are followed by an uptick in calls. This is even true of the recorded CLE's available on the PLF website. We get frequent follow up calls from lawyers who have viewed a free video and felt moved to access support. . In addition, these video recordings of OAAP presentations from the PLF website were viewed in their entirety over 900 times in 2023! The third purpose of our CLE

presentations and workshops is to offer psychoeducation, tangible support, and skill development in areas relevant to our community. This past year’s audiences included bar associations, legal staff, community groups, and legal employers both large and small, and law schools on topics ranging from vicarious trauma and trauma-informed lawyering, burnout, social connection and the loneliness epidemic, stress management, emotional regulation, as well as more general Mental Health Substance Use presentations for organizations around the state. OAAP attorney counselors also planned and presented a statewide training on suicide intervention strategies as well as a number of trainings for national audiences on secondary trauma as well as loneliness and connection in the profession.

**2023 Access**

Access at the OAAP remained steady throughout 2023. The most common reasons individuals accessed the OAAP in 2023 were concerns about their own mental health, support for career transitions, and seeking help for stress management or well-being concerns. Those categories each accounted for approximately 18% of individuals accessing the OAAP and those three reasons were the most common presenting issue for 54% of people seeking services. Alcohol and Substance Use concerns for one’s self comprised 14% of the contacts with the OAAP. And access because of concerns about someone else made up 12% of the calls to the OAAP. It is often the case that individuals who access our services need support with more than one area of their lives. For the purposes of statistics, we are able to report the primary challenge that the person identifies in their work with us.



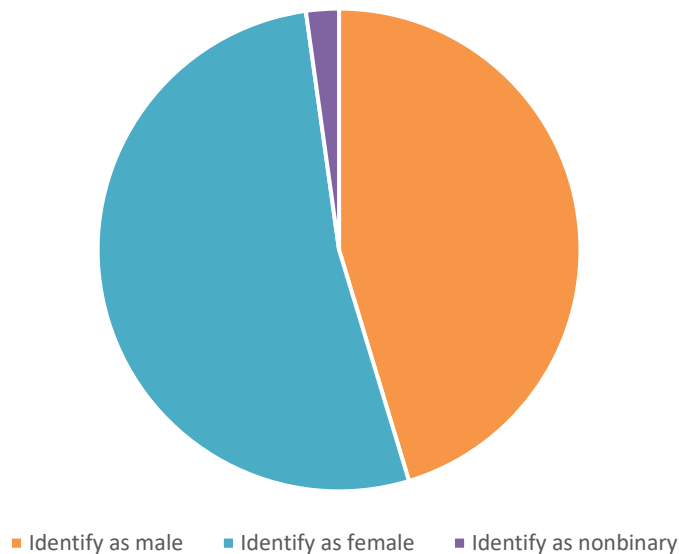
The OAAP continues to serve all members of the legal community and 85% of the people accessing the OAAP in 2023 were lawyers and judges. The OAAP’s service to lawyers outside the

Portland Metro area and outside the Willamette Valley continues to correspond exactly with the percentage of lawyers (according to OSB data) in those communities:

### Percentage of Lawyers Served Outside Portland Metro Area Compared to Percentage of Lawyers in those Areas

Geographic Area	Percentage of Lawyers in the Geographic Area (OSB data)	Percentage of Lawyers Served by OAAP
Willamette Valley	16.7%	16%
Southern	3.7%	4%
Eastern	5.3%	5.6%
Coast	2.1%	2.5%

Gender of People Served by the OAAP



Individuals in the legal community continue to access the OAAP as their first effort to try to seek help. We are often told that this is the very first time a person has spoken to a counselor, or told another person about the distress they are experiencing. Our position in the legal community, as confidential peers with professional counseling training, means that lawyer, judges, and law students trust us and feel safe accessing support when they have not been able to do this in the past.

### **OAAP Special Programming in 2023**

We saw the return of the Attorney Dinner to celebrate attorneys in recovery in 2023. This much-anticipated event was well-received and participants were delighted to be back in person. The same was true for the OAAP Retreat for Lawyers who Identify as Women and Nonbinary. The planning for both events is underway for 2024 (Attorney Dinner in May and Retreat in November). The support for this programming is incredibly meaningful.



**OAAP Access: 1/1/2023 to 12/31/2023 - All**

	<b>New Contact</b>	<b>Returning/Existing</b>	<b>Total</b>
<b>Client Contacts</b>	374	1603	1977

**Contacts by Region:**

	<b>New Contact</b>	<b>Returning/Existing</b>	<b>Total</b>
Downtown Portland 97201, 97204, 97205, 97207, 97208, 97209, 97228, 97240, 97258	152	649	801
Tri County	101	496	597
Willamette Valley	66	256	322
Southern	17	28	45
Oregon Coast	4	54	58
Central/Eastern/Gorge	18	76	94
Out of State	15	44	59
Unspecified	1	0	1
<b>Total</b>	<b>374</b>	<b>1603</b>	<b>1977</b>

**Type of client \***

	<b>New Contact</b>	<b>Returning/Existing</b>	<b>Total</b>
OR lawyer or judge	313	1398	1711
Law student	30	119	149
Pre Oregon licensure	16	32	48
Not an Oregon lawyer	13	52	65
Unspecified	2	2	4
<b>Total</b>	<b>374</b>	<b>1603</b>	<b>1977</b>
OSB/SLAC Monitored			

\* **Type of Client** = Non Oregon Lawyer includes pre-Oregon Licensure, people who failed the bar, disbarred.  
Other includes paralegals, support staff, & family members getting help.

**Participation by Gender**

	<b>New Contact</b>	<b>Returning/Existing</b>	<b>Total</b>
Male	159	762	921
Female	206	810	1016
Does Not Identify on Binary	7	29	36
Unspecified	2	2	4
<b>Total</b>	<b>374</b>	<b>1603</b>	<b>1977</b>

**Participation by Primary Area of Access**

<b>Program - Statewide</b>	<b>New</b>	<b>Existing</b>	<b>Total</b>
Alcohol and/or Other Substance Use	33	323	356
Alcohol/Substance Use 3rd party concerns	14	38	52
Behavioral Concerns (e.g. Gambling, sex, internet, eating)	2	6	8

Mental Health (Depression, Anxiety, etc.)	59	479	538
Mental Health 3rd Party Concerns	41	51	92
Relationships	16	67	83
Retirement	10	25	35
Career Support	73	246	319
Stress Management/Well-being	68	187	255
ADHD/Organization/Time Management	17	58	75
Physical/Cognitive Issues	5	7	12
Secondary Trauma/Burnout	11	15	26
Intersectional Identities	2	5	7
Grief	5	19	24
Interpersonal Trauma (recent emt*/l/phvs/sexual trauma)	8	68	76
Other*	10	9	19
<b>Total</b>	<b>374</b>	<b>1603</b>	<b>1977</b>

**Groups/Workshops**

<b>Recovery Groups (participation by region)</b>	
Downtown Portland	23
Tri-County	13
The rest of Oregon	9
<b>Total</b>	<b>45</b>

<b>Topical Support Group/Workshop (participation by region)</b>	
Downtown Portland	26
Tri-County	24
The rest of Oregon	18
<b>Total</b>	<b>68</b>

<b>On-going Support Group (participation by region)</b>	
Downtown Portland	24
Tri-County	19
The rest of Oregon	16
<b>Total</b>	<b>59</b>

<b>3 x online recovery groups</b>	
<<Group Name Here>>	

<<Group Name Here>>
Finding Meaningful Work x 2 (online) - 24
REBAR Support Group (hybrid) - 12
Mindfulness Group at PLF/OSB - 12
Mindfulness Group (online) - 12
Moving Forward (weekly/online) - 8
<<Group Name Here>>
ADHD (Monthly - online) - 25
Deoression/Anxiety Group (by-weekly - hybrid) - 14
*Trans Law Profe Support Group (monthly - online) - 20

### OAAP Speaking Engagements Attendance –2023

<b>Date</b>	<b>Organization/Topic/Location</b>	<b>Speaker</b>	<b>Total Attendees</b>
1/6/2023	ONLD - Attorney Well-Being: Taking Action for Ourselves and Each Other- Astoria	Kyra	15
1/11/2023	Large Corp. Legal Dept. – Lawyer Well-Being & Stress Mngmt – ZOOM	Kyra & Kirsten	60
1/24/2023	Non-Profit Legal Justice Provider – Lawyer Well-being	Bryan	6
1/26/2023	OTLA – Lawyer Well-Being and Mindfulness 101 – LIVE/PDX	Kirsten & John D.	26
1/27/2023	Indigent Defense Provider - Trauma Informed Lawyering– Salem	Bryan & Kirsten	15
2/3/2023	Small Law Firm– Trauma Responsive Lawyering - ZOOM	Bryan	5
2/9/2023	Yamhill County Bar – Lawyer Well-Being - ZOOM	Kyra	37
2/16/2023	Willamette Inns of Court – Trauma Informed Lawyering - ZOOM	Kyra	40
2/21/2023	MBA – One Lawyer Talking to Another – Live/Portland	Bryan	50
3/2/2023	OTLA - Lawyer Well-Being & Substance Use Recovery – Live/Portland	Kirsten	70
3/4/2023	OCDLA Conference – Compartmentalizing and Connection – Live/Eugene	Kyra	129
3/17/2023	Lewis & Clark LS Clinic – OAAP Services/Stress Management	Kirsten	12
3/22/2023	MBA Solo & Small Firms – A Conversation on Humanity in the Practice of Law - ZOOM	Kyra & Judge Fun	85
4/20/23	Large Law Firm – Procrastination – Live/Portland	Doug	15
4/21/23	Mid-Columbia Bar Assoc. – Procrastination - Live/Hood River	Doug	25

### OAAP Speaking Engagements Attendance –2023

4/21/2023	OAAP/PMA CLE – Perfectionism - ZOOM	Bryan & Monica	378
4/24/2023	Assoc. of Corp. Counsel – Lawyer Well-Being/Stress Management - ZOOM	Kyra	26
4/28/2023	ODAA – Lawyer Well-Being – Tools to Combat Stress, Secondary Trauma, & Burnout – Live - Salem	Kirsten	16
5/23/2023	OWLS Transition Series – Careers - ZOOM	Kirsten	12
6/9/23	Marion Co. Bar – Salem – Trauma Informed Lawyering	Bryan & Kirsten	16
6/12/2023	Douglas Co. Bar – Procrastination & Lawyer Well-Being - ZOOM	Doug	15
6/14/2023	Central Oregon Legal Professionals (COLP) Local NALS chapter – Stress Management - ZOOM	Kirsten	10
6/27/2023	Stoel Rives – Procrastination – Live/Portland	Doug	30
7/13/2023	Indigent Defense Providers – Secondary Trauma & Burnout - Portland	Kirsten	15
7/27/2023	Non-profit Legal Services Org. – Coping with Stress and Utilizing Healthy Boundaries - ZOOM	Kyra	12
8/4 & 5/2023	Opportunities for Law in Oregon (OLIO) Conf. – It’s Nice to Have a Friend: Stress, Connection, & Co-regulation – Hood River	Kyra	75
8/9/2023	Public Defenders of Maine – Trauma Informed Lawyering - ZOOM	Kyra	70
8/9/2023	Indigent Defense Providers – Trauma Informed Lawyering – Live/Portland	Kyra	14
8/10/2023	L & C Summer Inst. – OAAP Services & Stress in Law School - Live	Bryan	5
8/11/2023	Large Corp. Legal Dept. – Procrastination – Live/Salem	Doug	40

### OAAP Speaking Engagements Attendance –2023

8/16/2023	NABRICO conference – Lawyer Well-being to reduce Risk – Eugene	Kyra, Doug, Bryan	70
8/22/2023	Suicide Training Workshop – OSB Center	Kyra, Doug, Bryan	55
9/12/2023	Owen Panner Inns of Court – Lawyer Well-Being, the Brain, Emotional Regulation - Live/Portland	Doug	40
9/21/2023	OMJA Conf. – Conversations About Mental Health & Substance Use – Hood River, OR	Bryan	40
9/29/2023	Medium Law Firm – Conversations About Mental Health & Substance Use – Online	Bryan	15
10/4/2023	2023 CoLAP Conf – Social Connection - MASS	Kyra & Doug	65
10/13/2023	OSB Family Law Conf. – Challenging People, Challenging Practice: Caring for Our Clients While Caring for Others - Salishan	Bryan	325
10/17/2023	University of Oregon Lunchtime talk – Law Student Well-being – Eugene	Kyra	12
10/25/2023	Medium Law Firm – Procrastination Live/Portland	Doug	30
10/30, 10/31, 11/1/2023	Lewis & Clark L1 Foundations Class – Stress Management	Bryan & Kyra	160
11/3 & 4/2023	2023 Women’s Wellness Retreat – Social Connection - Cannon Beach	Kyra & Kirsten	30
11/8/2023	OSB Solo & Small Firms – Lawyer Well-Being: Tools to Reduce Stress & Vicarious Trauma - ZOOM	Kirsten	51
11/8/2023	Learning the Ropes – OAAP session – Live/Portland	Kirsten, Bryan, Kyra	120
11/8/2023	Learning the Ropes – Finding Authenticity in the Firm Environment-Live/Portland	Bryan & Parna	75
11/15/23	Washington Co. Bar Assoc – Lawyer Well-being – Live/Hillsboro	Doug	16
<b>Total (45)</b>			<b>2428</b>

1/1/2023 – 12/31/2023 – OAAP Program views

<b>Date</b>	<b>Title</b>	<b>Views</b> (The number of sessions in which a video starts playing)	<b>Impressions</b> (The number of sessions in which a video player is loaded)	<b>Finishes</b> (The number of times a download is initiated)	<b>Downloads</b> (System does not track)
7/27/20	Aging Parents & Family Members – Shari Pearlman	59	124	34	
7/27/20	Cultivating Lawyer Well-Being & Asking for Help– Shari Pearlman & Doug Querin	68	172	53	
7/27/20	Resilient Lawyer -Karen Neri	30	72	20	
7/27/20	Unhealthy Behaviors & Substance Use in the Family -Doug Querin	7	55	5	
7/28/20	Mindful Parenting -Kyra Hazilla & Doug Querying	52	111	33	
8/18/20	Trauma Informed Self-Care -Shari Pearlman	62	112	48	
9/17/20	CLE for Supervising Attorneys & Law Professors - Doug Querin & Shari Pearlman	65	92	38	
10/16/20	Addressing Trauma & Interpersonal Violence -Kyra Hazilla	22	47	19	
2/8/21	OWLS Parenting During the Pandemic -Kyra Hazilla	26	45	19	
2/28/21	Opening Up About Opening Up: Coping with the Transition Back to Social Engagement -Kyra Hazilla	90	148	46	
2/15/22	Lawyer Well-Being -Doug Querin	246	382	159	
2/25/22	What You Water Will Grow: Nurturing Your Productivity Habits - Monica Logan and Bryan Welch	382	598	214	
9/23/22	The Next Chapter: Planning for Retirement -Doug Querin	488	796	200	
4/27/23	Chari Yoga - Kirsten Blume	43	335	18	
	<b>Totals</b>	<b>1640</b>	<b>3089</b>	<b>906</b>	



## MEMORANDUM

**DATE:** April 11, 2024  
**TO:** PLF Board of Directors  
**FROM:** Emilee Preble, Director of Administration & Underwriting  
**RE:** 2024 Excess Enrollment Report

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### Action Recommended

No action requested.

### Background

Beginning with the 2015 Excess renewal, the BOG asked that the PLF report at least annually about PLF Excess Coverage enrollment. This memorandum contains the report of the 2024 PLF Excess renewal cycle.

### 2024 Excess Enrollment

The 2024 Excess enrollment cycle for coverage beginning January 1, 2024, is complete. Most renewing firms saw an increase of around 4% in premium cost for 2024. This increase was primarily related to pressures in the reinsurance market around three areas of exposure: nuclear verdicts (verdicts higher than \$10 million), social inflation (increase in claim severity over what would be anticipated under ordinary circumstances), and third-party litigation funding (additional funding from third parties causes an escalation in costs to resolve claims). While these trends were more limited in Oregon, they were a driver in the reinsurance market pricing for professional liability lines of business this renewal cycle. Even with the increase to the cost of coverage, our law firm renewal rate – the percentage of firms who purchased coverage in 2023 that renewed coverage for 2024 – was above 93%. This renewal rate is slightly higher than the program's historical average of 90-91%. As of April 11, 2024, we have 688 firms (1788 attorneys) enrolled in our Excess Program. A total of thirteen firms have purchased Extended Reporting Coverage (ERC) for their 2023 Excess Plans. This represents a modest increase from 2023. The majority of these ERC purchases are due to lawyer retirements.

The PLF has four treaties with reinsurers, which we title Treaty 1 (T1), Treaty 2 (T2), Treaty 3 (T3), and Treaty 4 (T4). Treaty 1 is for coverage with limits up to \$1.7 million; Treaty 2 has limits of \$2.7- 4.7 million; and Treaty 3 has limits of \$9.7 million. Treaty 4 is the treaty that governs our Cyber Liability and Breach Response Endorsement. Every Excess Plan has an

added cyber loss endorsement with limits up to \$100,000 (firms 1-10 lawyers) or \$200,000 (firms of 11 or more lawyers). We also offer up to \$1,000,000 in cyber coverage by separate application for firms who want those higher limits. The cyber endorsement provides coverage for information security and privacy liability, cyber extortion (aka ransomware), privacy breach response services, regulatory defense and penalties, website media content liability, and crisis management and public relations services. The endorsement covers many claims that would otherwise be excluded under the PLF primary plan.

The PLF Excess Program is entirely paperless. Firms can complete the application, receive quotes, and bind coverage via echeck or credit card through a secure online portal. We continue to accept paper checks by mail. All Declaration Sheets are also available through the online portal so firms may easily access them when needed.

Applications for PLF Excess Coverage are available throughout the year. Firms are encouraged to apply at any time.





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Oregon Attorney  
Assistance Program

# inSIGHT

Thrive in Law, Thrive in Life • ISSUE NO. 123 • SPRING 2024

## In This Issue

Is “Happy Lawyer” an Oxymoron? • PAGE 1

Canaries in the Coal Mine: Working Together to Reduce Burnout in the Legal Profession • PAGE 4

Parental Burnout Primer for Legal Professionals • PAGE 9



## Oregon Attorney Assistance Program

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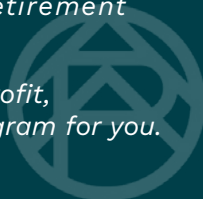
*Challenging Times*

*Burnout & Vicarious Trauma*

*Law School Challenges*

*Planning for Retirement*

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## Is “Happy Lawyer” an Oxymoron?

*By Douglas Querin*

The “happy lawyer” question arose for me some months ago when I was struck with the realization that, during my 15-plus years with the Oregon Attorney Assistance Program (OAAP), the single most common topic I have read, written, and spoken about has been the unhealthy and problematic state of lawyers’ physical and mental health.

The duties, responsibilities, practices, and habits of those in our legal community often create or exacerbate significant personal and professional well-being challenges in the lives of lawyers and others with whom they are close. It’s clear that the demands of our profession can take a toll.

*Continued on page 2*

The OAAP is a confidential service of the Professional Liability Fund for all members of the Oregon legal community.

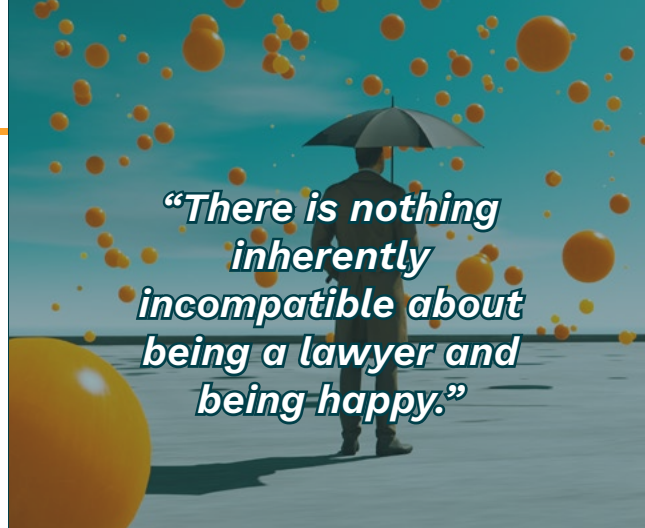
So, is “happy lawyer” an oxymoron? Let’s start with the foundational question: What is happiness? The frustrating answer, of course, is that it means different things to different people. Though it escapes easy definition, the concept of happiness generally resonates with each of us in its own special way. In her book, *The How of Happiness: A Scientific Approach to Getting the Life You Want*,<sup>1</sup> Sonja Lyubomirsky describes happiness as a combination of various characteristics and emotions:

1. Experiencing positive emotions such as joy, gratitude, love, and contentment
2. General satisfaction with one’s life
3. Flow and engagement in enjoyable activities
4. Meaning and purpose
5. Positive relationships with friends, family, partners, and colleagues
6. Optimism, positive thinking, acts of kindness, and resilience

In his 2015 law review article, “What Makes Lawyers Happy?”,<sup>2</sup> Lawrence Krieger comments that the data “demonstrate that lawyers are very much like other people, notwithstanding their specialized cognitive training...” Happiness research has generally found little to no significant correlation between *external factors* (e.g., income, status, prestige positions) and happiness/well-being. *Internal factors*, on the other hand, (e.g., autonomy, competence, social connections, and positive psychological factors) are correlated with happiness/well-being. In short, meaningful happiness typically comes more from within oneself than from without—and this is true for lawyers and non-lawyers alike.

Equally important, according to both Lyubomirsky and Krieger, is the psychological reality that (1) happiness levels fluctuate in the same way as moods and attitudes depending on any number of circumstances and conditions and (2) happiness does not *just happen*; it must be attended to and nurtured.

Although the U.S. legal profession has distressingly high rates of certain mental and behavioral health conditions, no known



**“There is nothing inherently incompatible about being a lawyer and being happy.”**

research or literature suggests that lawyers as a group have innate psychological, physiological, or behavioral conditions precluding them from being “happy,” however one defines that term. It is true that the legal community at large has much to do in addressing its well-being issues. It is *not true*, however, that the *majority* of lawyers are less healthy than the general population. In fact, statistically speaking, a clear majority of lawyers are reasonably healthy, functioning well, and reasonably satisfied with their chosen occupation despite the stresses of the work.

While “career satisfaction” is only one benchmark of happiness, it is worth noting that the most recent OSB economic survey<sup>3</sup> asked respondents to rate their satisfaction with their legal employment on a scale from 1 (very dissatisfied) to 5 (very satisfied). Statewide, the mean average was 3.93, a slight decrease from the 3.98 of 2017. [Depending on geography, type of employment, and other factors, some groups reported satisfaction levels both above and below this average.] In a survey recently published in the *ABA Journal*,<sup>4</sup> 68% of responding lawyers reported that, despite work-related stresses, they were satisfied or very satisfied with their overall job, and “71% of the lawyers would not switch careers if given a chance for a do-over...” Finally, findings reported in a 2023 Pew Research study<sup>5</sup> of job satisfaction among the general U.S. population suggest that lawyer satisfaction levels are well within statistical norms.

So what are we to make of all this? In my view, the question “Is ‘happy lawyer’ an oxymoron?” is a non sequitur. There is nothing inherently incompatible about being a lawyer and being happy. At times it may not be easy; it may take attention and work. But it is eminently

doable! The good news is that our profession is recognizing that it is healthy for lawyers to talk about their mental and emotional health and well-being, including how they can achieve the level of happiness they seek. We need to normalize these conversations to effectively help ourselves, others, our clients, and our communities. In this way, each of us can foster increased happiness and well-being, within the profession and beyond.

**- DOUGLAS QUERIN**  
Senior Attorney Counselor, OAAP



## Annual Recovery Dinner

We are pleased to share that the 35th Annual Attorney Dinner Celebrating Recovery will be held on **Friday, May 17, 2024, at the Embassy Suites by Hilton Portland Downtown**. If you haven't attended this event before, it's a great opportunity for fun and fellowship with other lawyers in recovery. If you have, then you know it's a great time to catch up with old friends and meet new ones. For more information or how to register, contact the OAAP at [bryanw@oaap.org](mailto:bryanw@oaap.org) or [douglasq@oaap.org](mailto:douglasq@oaap.org).

### OTHER WORKS BY DOUG QUERIN AT OAAP.ORG

#### *inSight*

- Social Connections: An Essential For Well-Being (Winter 2023)
- How Anxiety, Depression, Stress, Drinking Impact Lawyers (Spring 2023)

#### **Thriving Today**

- Moderation During the Holidays (December 15, 2023)
- There is More (June 22, 2023)
- The OAAP: Providing Confidential Help for Over 40 Years (Summer 2023)

### ENDNOTES

1. Sonja Lyubomirsky, *The How of Happiness: A New Approach to Getting the Life You Want* (New York: Penguin Books, 2008), available on Amazon.
2. Lawrence S. Krieger and Kennon M. Sheldon, "What Makes Lawyers Happy? A Data-Driven Prescription to Redefine Professional Success," 83 GEO. WASH. L. REV. 554 (2015), available at <https://ir.law.fsu.edu/articles/94>.
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4. Debra Cassens Weiss, "Lawyers report high level of satisfaction with their jobs, but stress remains an issue, survey finds," ABA Journal (April 12, 2023), available at <https://www.abajournal.com/news/article/lawyers-report-high-level-of-satisfaction-with-their-jobs-but-stress-remains-an-issue-survey-finds>.
5. Juliana Mestasce and Kim Parker, "How Americans View Their Jobs," Pew Research Center (March 30, 2023), available at [https://www.pewresearch.org/social-trends/2023/03/30/how-americans-view-their-jobs/#:~:text=About%20half%20of%20workers%20say,paid%20time%20off%20\(49%25\)](https://www.pewresearch.org/social-trends/2023/03/30/how-americans-view-their-jobs/#:~:text=About%20half%20of%20workers%20say,paid%20time%20off%20(49%25)).



**“When we put the canary down into the coal mine and the canary starts having problems with breathing and living and functioning, we don’t say ‘Oh shoot, how do we make that canary more resilient?’”**

## **Canaries in the Coal Mine: Working Together to Reduce Burnout in the Legal Profession**

*By Bryan Welch*

“I feel tired all the time. I can’t seem to get started on the things I need to do. I feel angry and irritated even when I’m home with my family. Nothing I do seems to help anyone—what’s the point? I can barely make myself go to work now—the thought of doing this for 15 more years is unbearable.”

Thoughts like these are often expressed by lawyers who come to the OAAP for help with what they see as a growing dissatisfaction with their work and are common signs of burnout. According to Christina Maslach, a professor of psychology at the University of California, Berkeley and one of the leading experts in this field, “burnout is a state of physical, emotional, and mental exhaustion, as well as cynicism and detachment from work.” Lawyers experiencing burnout usually have symptoms in all three of these dimensions. They may suffer from

physical ailments like fatigue or lack of energy, headaches and stomach problems, or panic attacks. They or their colleagues might notice mood shifts like irritability, anger, or withdrawal. Burnout fuels dissatisfaction, disillusionment, pessimism, and hopelessness. And burned out lawyers undergo emotional changes that often show up as numbness or disengagement from work and personal relationships, which in turn can lead to unhealthy coping strategies like increased substance use or misusing food, sex, or the internet.

### **OAAP Recovery Support Meetings**

The OAAP offers three weekly, confidential recovery support meetings for Oregon lawyers, judges, and law students who are interested in healing from problem substance use. Our recovery meetings have successfully served our Oregon legal community for 40 years. They provide a confidential, safe, friendly, and respectful environment for those seeking healthy and sustainable recovery from alcohol and other drugs, and are accessible in person and by teleconference.

**For questions about our meetings or other information, please contact OAAP Attorney Counselors Doug Querin at [DouglasQ@oaap.org](mailto:DouglasQ@oaap.org), 503.226.1057 ext. 12; or Bryan Welch at [BryanW@oaap.org](mailto:BryanW@oaap.org), 503.226.1057 ext. 19.**

## Women in Trauma Group

Starting Spring 2024, the OAAP will facilitate a confidential support group for women who have experienced trauma, including volatile relationships or childhood trauma, and/or who have struggled with a loved one's compulsive behaviors. Topics will include the process of trauma, power and abuse, grounding and self-soothing, and healthy relationships.

OAAP Attorney Director Kyra Hazilla, JD, LCSW, and OAAP Attorney Counselor Associate Kirsten Blume, JD, MA Candidate, will facilitate the group.

**Please watch for more information on our website or a broadcast email.**

### A Systemic Problem

Lawyers are particularly susceptible to burnout due to the high degree of stress that frequently comes with the profession. In a 2023 survey by the New Jersey Bar Association, lawyers reported burnout rates nearly twice that of the general population. Putting in long hours on weekends, expectations of availability outside normal business hours, and isolation all correlated with elevated levels of burnout. The unrelenting pressure to perform at an exceptional level, deliver outstanding results, and meet the demands of clients, colleagues, and the courts can be daunting and lead to feelings of inadequacy and frustration. In addition, a tendency toward perfectionism, the need for personal validation through achievement, and stressful life circumstances can all exacerbate this susceptibility.

It's critical to acknowledge that burnout diminishes cognitive function. Studies show that brain structures responsible for regulating attention, memory, logic, and other executive functions are impaired in people experiencing burnout. Medical imaging has revealed that the amygdala—the part of the brain that helps detect and manage response to threat—is larger in people exposed to chronic burnout. For lawyers, this all adds up to a heightened potential for mistakes, missed deadlines, and deteriorating relationships with clients and colleagues.

The decline in work satisfaction that comes with burnout also begets absenteeism and turnover, which can erode the overall efficiency of a law firm. In a recent Massachusetts survey of 4,450 lawyers, more than 75% of respondents reported experiencing burnout, and nearly half of those who responded had considered leaving their current job—or the legal profession—in the past three years. Burnout rates were even higher for women, caregivers, and members of marginalized groups. Paula Davis is a lawyer and coach who specializes in helping lawyers overcome burnout and authored the book, *Beating Burnout at Work: Why Teams Hold The Secret to Well-Being and Resilience*. She notes that “burnout is not just a personal problem, it's a problem for the legal profession as a whole. Burned out lawyers are less able to provide high quality representation to their clients, and this ultimately undermines the integrity of the legal system.”

Burnout is more than a person's inability to cope with work stress. It is spawned by a workplace environment in which the demands of the job chronically outweigh the resources available. Says Davis, “Burnout is an individual expression of a workplace culture / systemic issue, and it should not be labeled as a personal illness or defined in medical terms.” That is, burnout is not a problem solved simply by doing more yoga or eating more salad. It is a problem that will exist so long as the conditions that created it exist. Addressing burnout in the legal system therefore requires a two-pronged approach. The first is to eliminate the causes of burnout by changing workplace culture to lessen job demands and enhance job resources. The second is to develop personal strengths to mitigate the symptoms of burnout.

### A Culture Change

Efforts to prevent burnout need to start by assessing the work environment. As Jennifer Moss, author of the *The Burnout Epidemic: The Rise of Chronic Stress and How We Can Fix It*, says, “When we put the canary down into the coal mine and the canary starts having problems with breathing and living and functioning, we

*Continued on page 6*

don't say 'Oh shoot, how do we make that canary more resilient?'" Instead, we look at how to make the environment more sustainable. Maslach identified six primary environmental factors (job demands) correlated with burnout (what Davis calls "The Core 6"): unfairness; unmanageable workloads; lack of control or autonomy; lack of communication, support, and connection; lack of recognition and reward; and, finally, a disconnect between employee and workplace values. To offset the impacts of these demands, employers can work to provide greater resources in each of these areas.

**Fairness.** *Do employees trust their managers to be fair?*

Employees are less subject to burnout when decision making is transparent, isn't perceived as arbitrary, and gives them a voice; when rules and policies apply equitably to all regardless of position; and when opportunities for advancement or desirable assignments are based on merit.

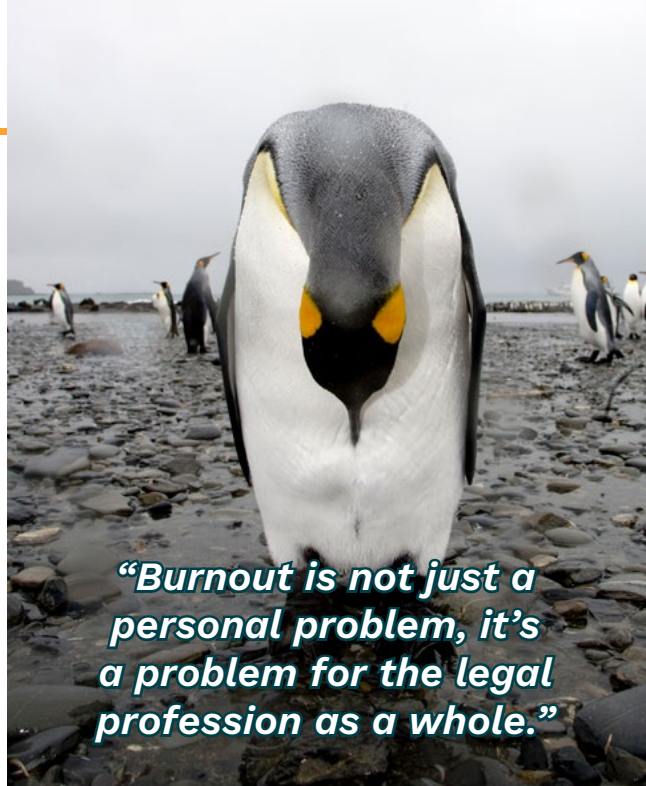
**Workload.** *Do employees have what they need to do their job well?*

Lawyers are used to being highly productive. However, mounting billable hour pressure, staffing reductions, inadequate or outdated office systems, lack of training, and an expectation of constant availability explain why many attorneys feel overburdened by the sheer volume of responsibilities. Do they have a genuine opportunity to "turn off" work obligations, or are they expected to be accessible and responsive 24/7?

**Autonomy.** *Do managers trust their employees to do what they need to excel?*

The ability to have agency over how one conducts their life is a basic human need, particularly for independent, high-functioning professionals like lawyers. At work, this can look like having some choice about what to work on, whom you work with, when and how you work, etc. Micromanagement is counterproductive and destroys trust and confidence.

**Communication, Support, Connection.** *Do employees feel like they are a valuable member of the team?*



**"Burnout is not just a personal problem, it's a problem for the legal profession as a whole."**

We all know instinctively that having friendships at work has many benefits—it reinforces psychological safety, improves job performance, sparks innovation, and reduces absenteeism. According to a 2022 Gallup survey, people who had a best friend at work were twice as satisfied with their job as those who didn't. Creating opportunities to forge these relationships at the office is crucial, even more so in the wake of the pandemic. Feeling connected is important; so is feeling supported, especially for new lawyers and new employees. Firms can minimize burnout by embracing real mentorship and training, by delivering timely and meaningful feedback on work product and behaviors, and by fostering open channels of communication.

**Recognition and Reward.** *Do employees feel that their hard work is seen and appreciated?*

Recognition and reward include being compensated commensurately for the work, but fair pay alone is not sufficient. Taking time to celebrate successes as a team and directly acknowledging team members' achievements and contributions is also key.

**Values.** *Do employees find their work meaningful?*

Be able to articulate company values and mission. Are firm actions consistent with those values? Whom are you serving? Why is this work worthwhile? Are employee skills and talents being put to their best use?

According to Davis, acknowledging the problem, getting leadership buy-in and support for change, and assembling and nurturing thriving teams within the organization are all vital to successfully confronting workplace burnout. If you're interested in learning more, refer to *Beating Burnout at Work* where she describes how she has helped organizations create these teams.

## Developing Personal Strengths

So what can lawyers do to build their own strengths to help them alleviate the symptoms of burnout? Here are a few ideas:

- **Take breaks:** It's essential to take breaks from work to recharge and refocus. Whether it's a short walk outside or a longer vacation, time away from one's job duties and other professional commitments can help prevent burnout. If you're lucky enough to have paid leave, use it. That's what it's for. If instead you work for yourself, set an intention and block off time to be away from the office.
- **Practice self-care:** Yes, I know I said that beating burnout isn't about doing more yoga, but engaging in activities that promote physical and mental well-being—such as good sleep, exercise, meditation, or favorite hobbies—can help moderate the effects of stress and symptoms of burnout.
- **Set boundaries:** Preventing overload and maintaining work-life balance requires setting clear boundaries around work and nonwork time. Carve out time to turn off the phone. Establish limits on when you'll check email. Let clients know when they should (and shouldn't) expect responses.
- **Advocate for yourself:** If you find that you need additional support around any of the "Core 6" job demands listed above, start the conversation. If the workload is too much, let your manager know. Ask questions if you need a clearer picture of the task or your role. If need be, look for resources outside of your firm for mentorship and training.

*Continued on page 8*



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**No shame.  
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Just help.**



**We're here when  
you're ready.**

- **Seek support:** Finally, get help if you're feeling overwhelmed. Lawyers pride themselves on being self-sufficient, but they should not be afraid to ask for assistance when things feel unmanageable. This could mean talking to a therapist or seeking counsel and encouragement from friends, family, colleagues, or a mentor. Or call us here at the OAAP. We can offer guidance and resources to help you and your organization thrive.

– **BRYAN WELCH**  
Attorney Counselor, OAAP



## OTHER WORKS BY BRYAN WELCH AT OAAP.ORG

### *inSight*

- The Heartfelt Importance of Social Connection During the Holiday Season (Winter 2023)
- The OAAP: Providing Confidential Help for Over 40 Years (Summer 2023)

### Thriving Today

- Savoring a Summer Shower (August 7, 2023)
- Flashing Lights and Guiding Lights Lawyers and ADHD (March 15, 2021)

## ENDNOTES

1. Alok Patel and Stephanie Plowman, "The Increasing Importance of a Best Friend At Work," Gallup Workplace, January 19, 2024, <https://www.gallup.com/workplace/397058/increasing-importance-best-friend-work.aspx>
2. Beth Hudnall Stamm, "Professional Quality of Life Scale (ProQOL)," Center for Victims of Torture, <https://proqol.org/>
3. Christina Maslach and Michael Leiter, Understanding the Burnout Experience: Recent Research and its Implications for Psychiatry, *World Psychiatry* 15 no. 2 (June 2016): 103-111, <https://onlinelibrary.wiley.com/doi/full/10.1002/wps.20311>
4. Jenna Sirken et al., "Lawyer Well-Being In Massachusetts: Final Report," NORC and Massachusetts Lawyers Concerned for Lawyers, February 1, 2023, [https://www.norc.org/content/dam/norc-org/pdfs/NORC\\_MA%20Lawyer%20Well-Being%20Report\\_Final\\_2023\\_2\\_1.pdf](https://www.norc.org/content/dam/norc-org/pdfs/NORC_MA%20Lawyer%20Well-Being%20Report_Final_2023_2_1.pdf)
5. Jennifer Moss, *The Burnout Epidemic: The Rise of Chronic Stress and How We Can Fix It* (Boston: Harvard Business Review Press, 2021).
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7. National Academy of Medicine, "Valid and Reliable Survey Instruments to Measure Burnout, Well-Being, and other Work-Related Dimensions," <https://nam.edu/valid-reliable-survey-instruments-measure-burnout-well-work-related-dimensions/>
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9. Paula Davis, "How to Address Burnout In The Legal Profession," *Forbes*, April 27, 2021, <https://www.forbes.com/sites/pauladavis/2021/04/27/how-to-address-burnout-in-the-legal-profession/?sh=77646a25434b>
10. Putting Lawyers First Task Force, "Putting Lawyers First Task Force: An Excerpt of the Report and Recommendations on Improving the Legal Profession for Lawyers," New Jersey State Bar Association, March 2023, <https://images.law.com/contrib/content/uploads/documents/399/94862/PLF-ltr-CJ-Rabner-And-Report-Excerpt-4-7-2023.pdf>

## Mindful Parenting Group Starts April 2024

Beginning in April 2024, we will be forming a group for lawyers who want to learn how to implement mindfulness-based parenting practices in their lives. The group will be offered in hybrid format at the OAAP office in downtown Portland with remote attendance option available, and facilitated by OAAP Director Kyra Hazilla, JD, LCSW, and OAAP Attorney Counselor Associate Kirsten Blume, JD, MA candidate.

**If you are interested in this group, or for more information please contact Kirsten Blume, at 503.226.1057, ext. 11, or 800.321.6227, ext. 11, or at [kirstenb@oaap.org](mailto:kirstenb@oaap.org).**





# Parental Burnout Primer for Legal Professionals

By Kyra Hazilla

As you have read elsewhere in this publication, burnout is often defined as a condition caused by a toxic and unrelentingly stressful work environment. Many researchers now broaden that definition to include a constellation of symptoms characterized by emotional exhaustion, depersonalization (losing our sense of who we are and our connection to others), and a lack of self-efficacy that can result from chronic exposure to emotionally draining environments across domains and outside of helping professions.

One such area receiving more attention in the research—especially since the pandemic—is burnout affecting parents. It stands to reason that any responsibility beset by too much stress and too few resources can overwhelm a person’s ability to cope—and parenting is no exception. Parental burnout is defined as “a prolonged response to chronic and overwhelming parental stress.”<sup>1</sup> Symptoms specific to parents include both emotional and physical exhaustion, as well as physical discomfort (somatic complaints like back or neck pain), poor sleep quality, emotional distancing from their children, a loss of one’s sense of self as a parent (especially in contrast with previously feeling connected to that role), feelings of being “fed up” with the parenting role, and a sense of incompetence in their role as a parent.<sup>2,3</sup>

Researchers at Ohio State University specifically studied the pandemic’s effect on working parents, and here is what they found:<sup>4</sup>

- Sixty-six percent (66%) of parents reported being burned out.
- Factors strongly associated with parental burnout included being female, the number of children living in the home, parental anxiety, having a child(ren) diagnosed with anxiety or ADHD, and concern that their child(ren) may have an undiagnosed mental health disorder.
- Burnout was strongly associated with an increased risk of depression, anxiety, and increased alcohol consumption in parents, as well as the likelihood of engaging in punitive parenting practices.
- Parental burnout is also associated with an increased risk of children demonstrating signs of distress, such as internalizing (e.g., feels sad or unhappy, is down on themselves,

*Continued on page 10*

worries a lot), externalizing (e.g., fights with other children, doesn't listen to rules, teases others), and attention behaviors (e.g., inability to sit still, has trouble concentrating, is easily distracted).

In addition to the factors mentioned above, other researchers have found that parental perfectionism increases burnout risk, as does chronic stress. In a profession that glorifies perfectionism, clings to a culture of overwork, and consistently ranks high in chronic stress and low in social support, it comes as no surprise that parents in the legal profession experience burnout at high rates. While no studies of parental burnout specifically address lawyers, a good deal of correlational research (including in the most recent Bloomberg survey) finds that women lawyers with children were the most burned out of all respondents.<sup>5</sup> Race, culture, and country also affect burnout.

What can we do to prevent or mitigate parental burnout? First, we need to recognize the risks and symptoms. Building emotional competence and self-awareness allows us to identify and address these changes early and proactively. Second, a supportive community is vital for all parents, but especially those in the legal profession. Some of us are fortunate to have deep and strong networks through supportive family, but many of us need to craft our own safety net. Surrounding ourselves with people who support our parenting selves is protective against overwhelm and thus burnout. Research

shows that developing positive parenting skills and self-compassion practices can protect and intervene against burnout. Lastly, creating time for leisure and intentional self-care is crucial for our own functioning, as well as modeling for our children. If you need support, accessing one-on-one or group services is a great start.

– **KYRA HAZILLA**  
Director, OAAP



### OTHER WORKS BY KYRA HAZILLA AT OAAP.ORG

#### *inSight*

- Fostering Connection in a Lonely Profession (Winter 2023)
- Meaningful Connections at Work (Winter 2023)

#### **Thriving Today**

- Well-Being Week in Law: 2023 Preview (April 28, 2023)
- If You Aren't Feeling Buoyed by Resilience, Post-Traumatic Growth May Be on the Horizon (September 1, 2022)

### ENDNOTES

1. Mikolajczak et al, "Parental burnout: what is it, and why does it matter?" *Clinical Psychological Sciences*, 2019 p. 1319.
2. Mikolajczak et al, "Exhausted parents: sociodemographic, child-related, parent-related, parenting and family-functioning correlates of parental burnout," *Journal of Child and Family Studies*, 2018
3. Roskam et al. 2018.
4. "Pandemic Parenting: Examining the Epidemic of Working Parental Burnout and Strategies to Help," The Ohio State University, Office of the Chief Wellness Officer and College of Nursing, May 2022 ([https://wellness.osu.edu/sites/default/files/documents/2023/03/OCWO\\_ParentalBurnout\\_3674200\\_Report\\_FINAL.pdf](https://wellness.osu.edu/sites/default/files/documents/2023/03/OCWO_ParentalBurnout_3674200_Report_FINAL.pdf))
5. "Analysis: Female Lawyers Report More Stress, Burnout Than Males," Jessica R. Blaemire, *Bloomberg Law Analysis*, October 2, 2023 (<https://news.bloomberglaw.com/bloomberg-law-analysis/analysis-female-lawyers-report-more-stress-burnout-than-males>).

# Parent Burnout Scale

## Step 1: Check Yourself for Working Parent Burnout

The 10-item Working Parent Burnout Scale is a tool that can be used to help both parents and clinicians determine whether a parent is experiencing burnout. This scale is free for use and should be employed more readily in the clinical setting as part of routine visits, but especially if a child or parent is being seen for a mental health condition. This scale has demonstrated validity and reliability to detect parental burnout in the working parent population.

	Not At All	A Little	Somewhat	Moderately So	Very Much So
Item 1: I get/feel easily irritated with my child(ren).					
Item 2: I feel that I am not the good parent that I used to be to my child(ren).					
Item 3: I wake up exhausted at the thought of another day with my child(ren).					
Item 4: I find joy in parenting my child(ren).					
Item 5: I have guilt about being a working parent, which affects how I parent my child(ren).					
Item 6: I feel like I am in survival mode as a parent.					
Item 7: Parenting my child(ren) is stressful.					
Item 8: I lose my temper easily with my child(ren).					
Item 9: I feel overwhelmed trying to balance my job and parenting responsibilities.					
Item 10: I am doing a good job being a parent.					

## Step 2: Score Each Item

For all questions except questions 4 and 10 on the scale, use these point values.

- Not at all = 0 points
- A little = 1 point
- Somewhat = 2 points
- Moderately so = 3 points
- Very much so = 4 points

**Questions 4 and 10 use reverse scoring.**

Use these point values for questions 4 and 10.

- Not at all = 4 points
- A little = 3 points
- Somewhat = 2 points
- Moderately so = 1 point
- Very much so = 0 points

## Step 3: Calculate the Total

Add all points together for a final score.

## Step 4: Interpret the Score

- 0-10 Points: No or few signs of burnout
- 11-20 Points: Mild burnout
- 21-30 Points: Moderate burnout
- 31+ Points: Severe burnout

**Score 31+: Severe burnout** – Ask for help from your healthcare provider or mental health professional; connect with family members and friends. Utilize available resources.

**Score 21-30: Moderate burnout** – Take action! Start interventions (e.g., take time out of each day to do something for your mental health and well-being), decrease stressors, use available resources and consider asking for help. If your level of burnout is interfering with your ability to function or concentrate, seek mental health help immediately. It is a strength to recognize when help is needed, not a weakness.

**Score 11-20: Mild burnout** – Start preventive interventions such as taking short recovery breaks each day to do something for your mental health and well-being, decrease stressors and identify resources to help.

**Score 0-10: No or few signs of burnout** – you should continue to do the things you are doing and remember to prioritize good self-care.

*Scale Copyright, Kate Gawlik and Bernadette Mazurek Melnyk, 2021.*



## OAAP STAFF

**Kyra Hazilla, JD, LCSW**  
**Director of the OAAP**  
503.226.1057 ext. 13  
kyrah@oaap.org

**Douglas Querin, JD, LPC, CADC I**  
**Senior Attorney Counselor**  
503.226.1057 ext. 12  
douglasq@oaap.org

**Bryan Welch, JD, CADC I**  
**Attorney Counselor**  
503.226.1057 ext. 19  
bryanw@oaap.org

**Kirsten Blume, JD, MA Candidate**  
**Attorney Counselor Associate**  
503.226.1057 ext. 11  
kirstenb@oaap.org

**Jeanne Ulrich**  
**Program Assistant / Office Manager**  
503.226.1057  
jeanneu@oaap.org

## Career Resources from the OAAP

### FINDING MEANINGFUL WORK

The OAAP holds a periodic 6-session networking and support group for lawyers making job or career transitions called “Finding Meaningful Work.” The sessions assist lawyers in creating a personalized job search plan; developing a mission statement and elevator speech; learning and practicing networking skills; and honing job search skills. Presently, sessions meet virtually through videoconference. To participate or for more information about the next group, please contact OAAP Attorney Counselor Associate Kirsten Blume, JD, MA Candidate, 503.226.1057 ext 11, [kirstenb@oaap.org](mailto:kirstenb@oaap.org).

### CAREER SELF-ASSESSMENT

The OAAP attorney counselors can help you assess your career path and career opportunities. If you would like information about self-assessment, contact OAAP Attorney Counselors Doug Querin, JD, LPC, CADC I, 503.226.1057 ext. 12, [douglasq@oaap.org](mailto:douglasq@oaap.org); Kyra Hazilla, JD, LCSW, ext. 13, [kyrah@oaap.org](mailto:kyrah@oaap.org); Bryan Welch, JD, CADC I, ext. 19, [bryanw@oaap.org](mailto:bryanw@oaap.org); or OAAP Attorney Counselor Associate Kirsten Blume, JD, MA Candidate, 503.226.1057 ext 11, [kirstenb@oaap.org](mailto:kirstenb@oaap.org).

### OAAP LENDING LIBRARY

Did you know that the OAAP maintains a wide variety of books available for members of the Oregon legal community to borrow? We have titles on diverse topics such as career, stress, anxiety, burnout, relationships, mindfulness, recovery, and retirement that can help you thrive in law and in life. To learn more, call Jeanne Ulrich at 503.226.1057. We invite you to stop by and peruse our shelves!

## WELCOME, LICENSED PARALEGALS

Congratulations on your recent admission to the Oregon State Bar! The Professional Liability Fund is pleased to welcome you to our program.

### Malpractice Coverage

The coverage provided to licensed paralegals is the same as the coverage provided to attorneys—the primary coverage limits, claims expense allowance, and assessment are the same for each OSB member. Your PLF primary coverage limits are \$300,000 per claim or \$300,000 in the aggregate for multiple claims made against you in any plan year. In addition, there is a \$75,000 claims expense allowance included with the coverage, available for defense costs. In 2024, the assessment for your PLF primary coverage is \$3,500. All new admittees to the Oregon bar are eligible for a discount in the first 36 months of PLF coverage.

For an overview of PLF coverage for licensed paralegals, visit [www.osbplf.org](http://www.osbplf.org) > [COVERAGE](#) > [LICENSED PARALEGALS](#). For details on how to begin coverage and pay your PLF assessment, visit [www.osbplf.org](http://www.osbplf.org) > [COVERAGE](#) > [DO I NEED COVERAGE?](#) > [How to Begin Coverage – Licensed Paralegals](#).

### Services and Resources

In addition to malpractice coverage, you have full access all the services of the PLF that the Oregon legal community has enjoyed for nearly 50 years Those benefits include free and confidential practice management assistance through the PLF practice management attorneys, claims assistance by the PLF claims attorneys, a wide range of legal education and resources, and the free and confidential services of the Oregon Attorney Assistance Program that helps lawyers, judges, licensed paralegals, and law students with well-being and personal challenges.

Visit [www.osbplf.org](http://www.osbplf.org) > [SERVICES](#) > [HOW WE HELP](#) to learn more about PLF services available to Oregon legal professionals. At [www.osbplf.org](http://www.osbplf.org) > [SERVICES](#) > [CLES & RESOURCES](#), you can explore the many different resources the PLF maintains to assist practitioners, including CLEs, practice aids, toolkits, blogs, newsletters, and books.

### Questions?

If you have questions about beginning your coverage or paying your PLF assessment, please contact the PLF Accounting Department at [plfaccounting@osbplf.org](mailto:plfaccounting@osbplf.org) or 503.924.1771 for assistance. If you have questions about your PLF coverage, contact Emilee Preble at [emileep@osbplf.org](mailto:emileep@osbplf.org) or Heather Bowman at [heatherb@osbplf.org](mailto:heatherb@osbplf.org) or call 503.639.6911. We are happy to answer any questions you may have.

*Wishing you all the best in your legal career!*

**OSB Professional Liability Fund**

# Oregon Business Lawyer

Oregon State Bar Business Law Section Newsletter • March 2024

**Congratulations to the 2024 Business Law Section Executive Committee!**

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## ERISA at Fifty: An Employee Benefits Attorney's Perspective

*Christine Zinter, Schwabe Williamson & Wyatt PC*

The landmark Employee Retirement Income Security Act of 1974 (ERISA) marks its fiftieth anniversary this year. The statute that began as a reaction to the 1963 Studebaker automobile bankruptcy, which left thousands of workers under the age of sixty with no pension benefits, has since evolved into a pervasive set of regulations impacting nearly all provisions of employer-sponsored benefit packages. Yet, after fifty years of amendments and extensive federal case law, ERISA remains an enigma. Though exploring the scope of ERISA would require a treatise (and a bottle of Excedrin), attorneys and their clients should understand certain basics of ERISA.

ERISA, despite beginning as a law to ensure the financial safety of employer-sponsored retirement plans, is not just a law about pensions and 401(k) plans. Over the years, Congress has expanded ERISA's reach over health and welfare plans by amending ERISA to include sweeping protections

such as the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), the Health Insurance Portability and Accountability Act (HIPAA), the Mental Health Parity and Addiction Equity Act (MHPAEA), and the Patient Protection and Affordable Care Act (ACA). Signs suggest that for at least several of the next fifty years, Congress will be focusing ERISA on employer-sponsored health care rather than retirement plans; the House of Representatives Committee on Education and the Workforce, which has jurisdiction over employer-sponsored health coverage, is requesting feedback from the employee health benefits community on "ways to build upon and strengthen ERISA."

Whether a retirement plan or group medical package, ERISA requires that all employee benefit Plans must have

- a Plan Document, the written instrument setting forth all the minutiae of the benefit program(s) offered under the Plan;
- a Plan Sponsor, the employer or entity standing in the shoes of an employer such as a union or association; and
- a Plan Administrator, the person designated by the Plan Document with the ultimate fiduciary responsibility to the Plan.

The Plan Administrator, in turn, is responsible for

- ensuring all participants and beneficiaries receive sufficient Plan information (for instance, the provisioning of ERISA-compliant Summary Plan Descriptions, or SPDs);<sup>1</sup>
- disclosing and reporting Plan information to the government (Form 5500 Annual Return filed with the Department of Labor); and
- adhering to fiduciary conduct standards—specifically, acting in the sole interest of the Plan

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participants. An employer needs to understand its obligation to get those documents delivered in an ERISA-compliant fashion.

Because it is not possible to contract away all ERISA liability, employers should also (1) be aware of every entity servicing its Plans and what those entities' service contracts say about fiduciary liability and limitations of liability, (2) create a plan to fulfill any Plan Administrator duties not contractually accepted by the service providers, and (3) actively monitor the service providers.

Monitoring service providers requires additional work on the part of the employer; it is no longer acceptable to set up an employee benefit plan and assume it will run itself. In addition to the recent wave of class action lawsuits holding 401(k) Plan Sponsors (employers) responsible for poor investment choices and unreasonable retirement plan fees, Congress's new focus on ERISA fiduciary duties in group health and welfare plans means an employer needs to be knowledgeable not only about retirement plan issues but also the myriad of amendments to ERISA that concern group health and disability plans. At the very least, a wise employer will take a few moments to review the Department of Labor's Fiduciary Education Campaign page to learn how to mitigate a costly fiduciary liability mistakes. ♦

## Endnote

1. A summary plan description is an understandable summary of a participant's rights and obligations under the Plan and must contain certain specific information in order to be an ERISA-compliant document. [29 U.S.C. §1022](#), [29 CFR §2520.102-3](#)

**Introducing Jackie Krantz, the new editor of the Business Law Section's newsletter!**



Jackie earned her Master of Science in Book Publishing from Portland State University in 2023. During her time in the program, she received a well-rounded education, learning the ins and outs of editing, marketing, and digital skills. Since then, she has been working as a freelance editor and book marketer for a variety of clients. Her favorite thing about editing is the fact that she gets to learn as she edits. She is excited to work for the OSB because she will be able to learn more about the law in Oregon. Welcome, Jackie!

---

## Professional Liability Fund: Do I Need Coverage?

*From the OSB Professional Liability Fund website as of April 1, 2024*

### Who qualifies for PLF coverage?

Any OSB member engaged in the private practice of law whose principal office is in Oregon is required to maintain malpractice coverage with the PLF. The PLF provides coverage of \$300,000 aggregate of all claims plus an additional \$75,000 claims expense allowance as provided in the 2024 Primary Coverage Plan. In 2024, the assessment for this coverage is \$3,500 for each OSB member.

Complying with the PLF coverage rules is an OSB licensing requirement for each individual Bar member. Each year OSB members must pay their assessment in full or installments or complete a request for exemption by the default date on their billing statement.

### Am I exempt from coverage?

You are exempt from PLF coverage if you do not engage in private practice of law (such as serving

as in-house counsel for a company, working as a licensed paralegal exclusively for a nonprofit, or if you are retired), or if your principal office is outside of Oregon. You must request an exemption from PLF coverage each year, even if the nature of your exemption status has not changed.

If you claim exemption from the PLF, you are not permitted to engage in any private practice in Oregon beyond the permitted scope of your exemption, whether or not you are paid for the work. If you claim exemption in error, you will be required to pay all past due assessment amounts with late payment charges.

You can request an exemption from PLF coverage by (1) completing the Request for Exemption form emailed with your yearly PLF assessment notice or (2) submitting your Request for Exemption electronically via the website. [Follow this link for more information.](#) ♦

# PLF

## PRACTICE MANAGEMENT ATTORNEYS

### LIVE AND IN PERSON

## UNLOCKING SUCCESS: STRATEGIES TO ELEVATE YOUR PRACTICE



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Professional  
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09

JAN  
2024

## SHAPE YOUR WORK WITH PRO SE PARTIES

“Water shapes its course according to the nature of the ground over which it flows.” – Sun Tzu, *The Art of War*

Like the adaptability of water, attorneys should adjust their communications with pro se opposing parties. Due to a general lack of legal experience, self-represented litigants can easily misunderstand their position and your role as opposing counsel. For example, if you are involved in a negotiated settlement against a pro se party, they might mistakenly believe that you are advocating for them.

Clear communication with pro se parties can help prevent misunderstandings and allow you to better work with them and obtain the information you need to represent your client competently and diligently. Focus on building a professional relationship with them that clearly defines roles and interests. Consider the following tips when interacting with a self-represented litigant to help avoid potential ethics or malpractice issues.

### 1. Be Professional

Lawyers typically deal with other lawyers as opposing counsel, and it becomes routine to navigate the legal landscape with them. So when an opposing party appears pro se, lawyers may be thrown off guard or inclined to downplay the significance or impact of self-representation. Regardless of their reason for appearing pro se, it is important to be professional. Set aside any preconceived ideas you might have about pro se parties and approach the matter with an open mind.

Treat pro se parties with the same respect and professionalism you would show opposing counsel.

For example, don't ignore them in court or engage in ex parte discussions with the judge just because the opposing party is not a licensed legal professional.

It can sometimes be challenging to communicate with pro se parties for several reasons. They might not have an email or a phone, or perhaps they're not very responsive. However, that doesn't mean you should overlook them. Avoid issues by establishing clear expectations of professional courtesies at the start of the case. Explain why it's important to have accurate contact information in sharing and receiving documents from the court. Get creative in finding ways to connect.

## 2. Communicate Clearly

Failing to clearly communicate your role as opposing counsel to a pro se party can lead to a mistaken belief on their part that you are their lawyer. As a result, they may rely on you for guidance on the next steps in the legal process, their responsibilities to the court, or the progress of their case.

To prevent such confusion, avoid providing information that might be seen as legal advice. If pro se parties seem uncertain or muddled about the requirements in, say, the UTCR or ORCP, encourage them to hire a qualified legal practitioner to help them. Make it clear that you are not their attorney and cannot offer advice on the court rules or their case. Consider including a statement at the end of each letter, emphasizing that you do not represent them and to forward the letter to their lawyer if they hire one.

Keep your communication limited to confirming dates and deadlines, conferring on continuances, and handling discovery matters. Follow up any verbal conversations in writing to create a clear record of what was said.

## 3. Educate and Focus on Your Client

As your case progresses, dealing with a pro se party could become more difficult. They might intentionally complicate the case, or they might genuinely be unsure of what to do next. This can be frustrating for you and your client, who may feel like the other party is trying to manipulate the situation. It's essential to explain to your client the challenges of working with a pro se party due to their limited knowledge of the legal process and the laws. Reassure your client that you are working to establish clear communication with the other party for the client's benefit.

Always prioritize your client's interests. Whether your client decides to settle the case or move forward should be based on the strength of their own case and not because the other side has no legal representation. Inform the client that legal strategic decisions should not be made on the assumption that they have an automatic advantage over the pro se party.

Concentrate on collaborating professionally with the opposing party to advance the client's interest. Collaboration means being responsive when the pro se party seeks information, and expect them to do the same. Steer clear of any actions that might be perceived as unprofessional, dishonest, or dismissive. By following these suggestions, you can build a positive working relationship with any opposing party.

When working with pro se parties, treat everyone respectfully, communicate clearly, and prioritize professionalism to navigate the legal waters accordingly.

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□ **Categories:** **Communication, Law Practice, Malpractice Prevention** / InPractice / by **Monica**

**Logan**

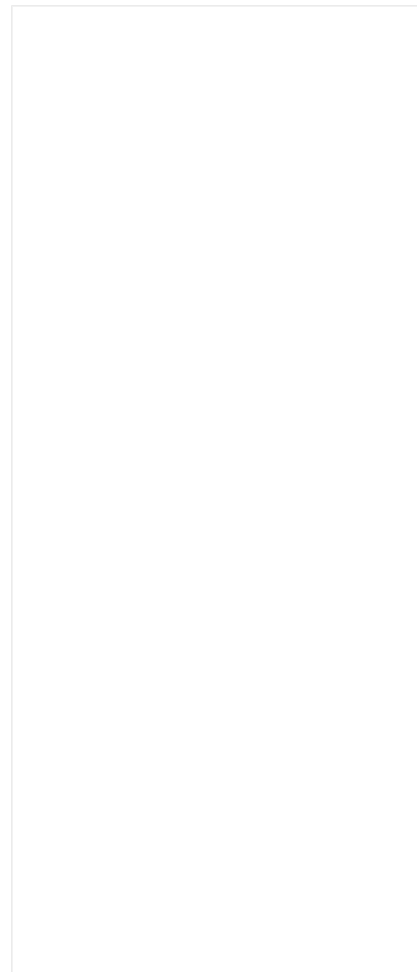
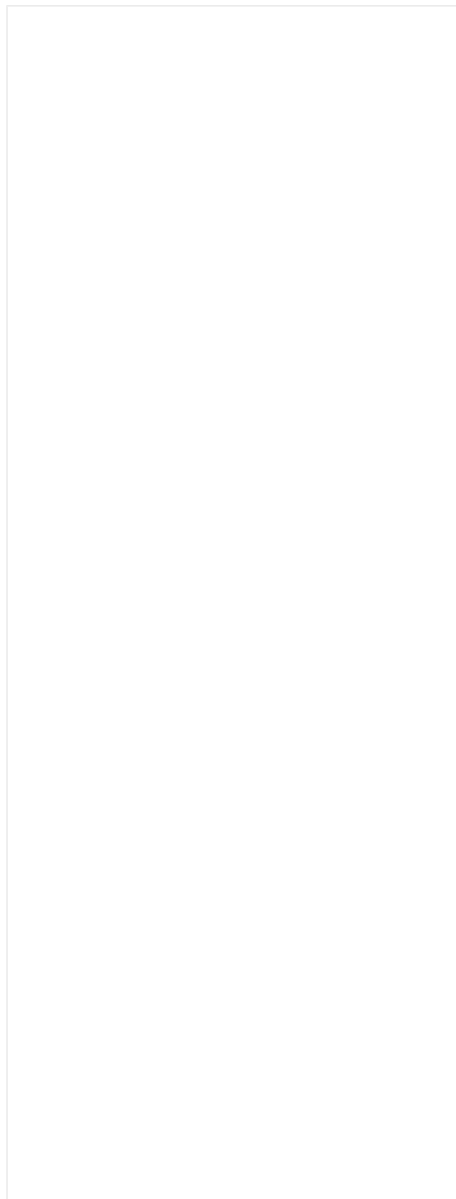
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## Post Author: [Monica Logan](#)



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16037 SW UPPER BOONES FERRY ROAD, SUITE 300

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JAN  
2024

## FRAUDULENT ACTIVITY ALERT RELATING TO THE CORPORATE TRANSPARENCY ACT

As many business law practitioners are aware, a new federal law called the Corporate Transparency Act took effect on January 1, 2024. The wide-reaching legislation imposes new reporting requirements on most small and medium-sized businesses, individuals with ownership interest or control in those entities, and the lawyers or other legal professionals involved in their formation. Failure to comply with the strict reporting deadlines may carry civil and/or criminal penalties.

Reports must be filed with the U.S. Department of Treasury's Financial Crimes Enforcement Network (FinCEN), which has established a Beneficial Ownership Information (BOI) E-Filing System. The following alert appears on [FinCEN's BOI home page](#):

- **Alert:** FinCEN has been notified of recent fraudulent attempts to solicit information from individuals and entities who may be subject to reporting requirements under the Corporate Transparency Act. The fraudulent correspondence may be titled "Important Compliance Notice" and asks the recipient to click on a URL or to scan a QR code. Those e-mails or letters are fraudulent. FinCEN does not send unsolicited requests. Please do not respond to these fraudulent messages, or click on any links or scan any QR codes within them.

Lawyers who represent individuals or entities that may be subject to the Act's reporting requirements should notify their clients about FinCEN's alert and advise them not to respond to unsolicited requests purporting to come from FinCEN. Law firms should also inform their law office staff about

the alert and instruct them to report any such unsolicited messages.

To learn more about the Corporate Transparency Act, please see [this article and accompanying sidebar](#) in the December issue of *inBrief* and [this article](#) in the December issue of the Oregon State Bar *Bulletin*.

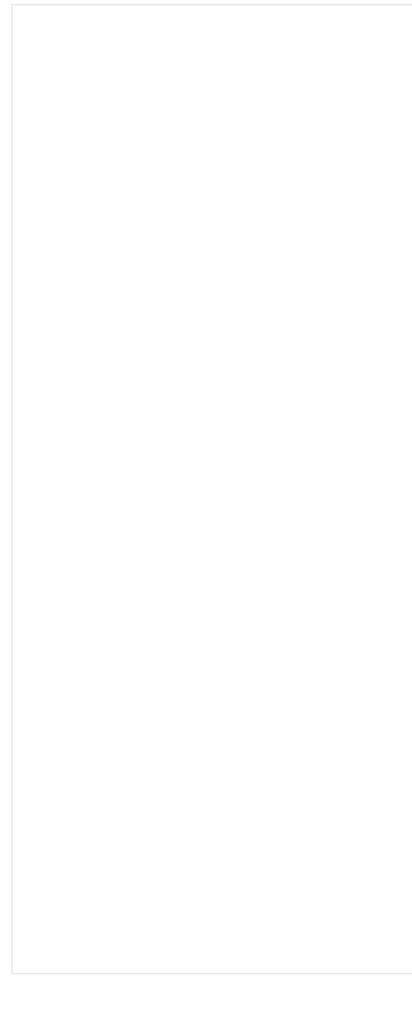
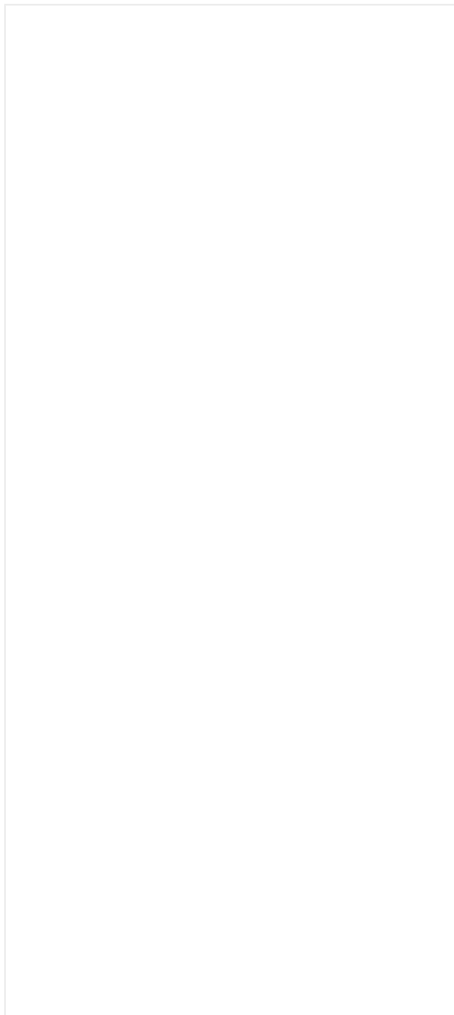
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JAN  
2024

## PLF WELCOMES NEW BOARD MEMBERS IN 2024

The PLF is pleased to announce the addition of two new members and one reappointment to our board of directors. **John Bachofner (Camas)** and **Mark Johnson Roberts (Portland)** have been appointed as new board members effective January 1, 2024. **Gina Johnnie (Salem)** has been reappointed for one additional year. Her term will expire at the end of 2024. Mr. Bachofner's 2-year term will conclude at the end of 2025, and Mr. Johnson Roberts' 5-year term will conclude at the end of 2028.

### John Bachofner (Lawyer Member) – Camas

John R. Bachofner practiced law in Oregon since 1988 and Washington since 1989, with a focus on insurance coverage and litigation. He retired from the private practice of law as a Shareholder and Director at Jordan Ramis, PC, where he served as the firm's Ethics and Loss Prevention Shareholder, and Chair of the firm's Insurance Coverage and Defense Group.

Effective January 1, 2023, he is working solely as an arbitrator, mediator, and consultant with Bachofner Arbitration & Mediation.

### Mark Johnson Roberts (Lawyer Member) – Portland

Mark Johnson Roberts holds a bachelor's degree from Reed College, a JD from the UC Berkeley School of Law, and an LLM in International Law from the Willamette University College of Law. Mr. Johnson Roberts retired as Deputy General Counsel to the Oregon State Bar in February 2019. His background is in family law, appellate litigation, and lawyer conduct regulation.

He is a past president of the Oregon State Bar, a past president of the National LGBT Bar Association,



and a past chair of Oregon's State Professional Responsibility Board. He served for many years in the American Bar Association House of Delegates and was Chair of the ABA Commission on Sexual Orientation & Gender Identity. Presently he is a member of the ABA Standing Committee on Gun Violence.

Mr. Johnson Roberts was given the Multnomah Bar Association's 2014 Professionalism Award, "for the highest ethical standards and exemplary conduct in the practice of law and for making the practice of law more enjoyable."

### **Gina Johnnie (Lawyer Member) – Salem**

Gina Johnnie focuses her practice in banking and lending law, creditor's rights, agriculture, construction, and real estate law.

Ms. Johnnie's background in construction litigation and project financing is an asset in serving financial institutions and efficiently managing complex, multi-state business transactions. Though she enjoys working across many areas of law for clients facing different kinds of legal issues, the bulk of her work is focused on putting together and, if necessary, taking apart commercial loans. In addition, she serves as outside counsel to small to medium-sized businesses and assists individual clients on select issues.

### **Current and Outgoing Board Members**

These new members will join current PLF Directors Steve Hill (Chair) (Pendleton), Michelle Johansson (Vice Chair) (Portland), Chris Karlin (Public Member) (Secretary-Treasurer) (Portland), Ali Hilsher (Eugene), and Harshi Waters (Portland).

We extend our warmest thank you to outgoing board members Akeem Williams (Portland) and Oren Haker (Portland) for their years of excellent service.

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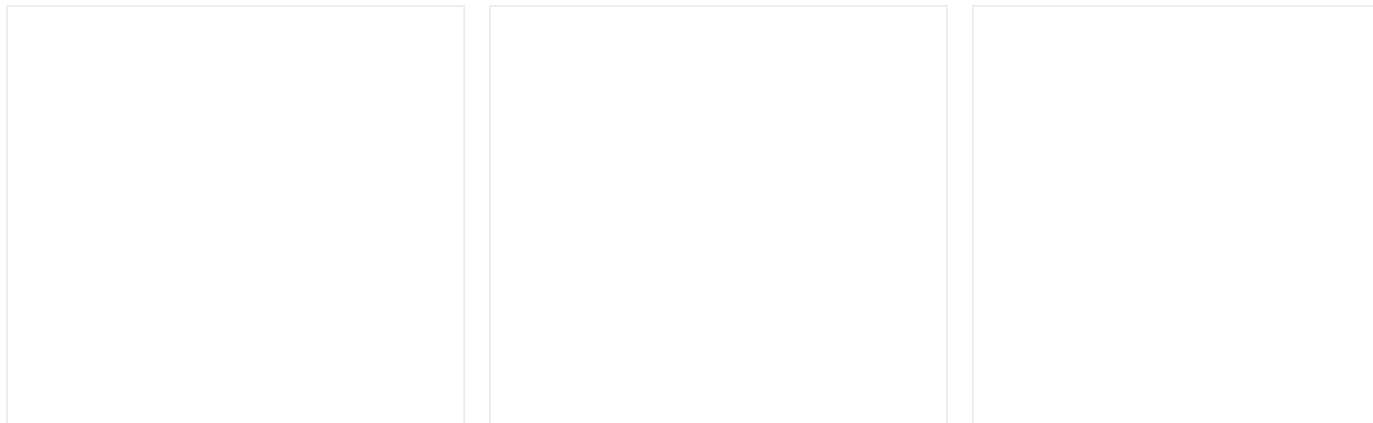
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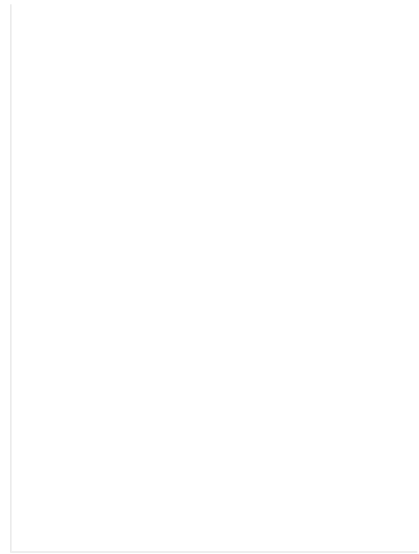
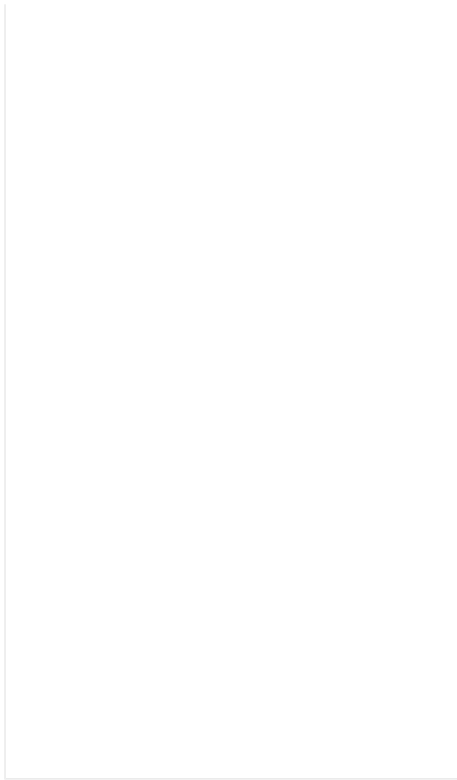
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JAN 2024



## COZY AND CONNECTED AT THE COAST

On November 3 and 4, the OAAP hosted its 14th Annual Wellness Retreat for Lawyers Identifying as Women or Nonbinary at the Surfsand Resort in Cannon Beach. A picturesque sunset with Haystack Rock greeted participants on Friday, and the quintessential pelting Oregon coast rain and whipping sand made the fireplace surrounded by books a welcoming sight on Saturday.

The weekend's theme was "Cozy and Connected." Thirty-five lawyers gathered to connect, engage, learn, and create. The two-day event included presentations, self-compassion practice, creative drawing, yoga, and crafts all focused on the concept that, as lawyers, social connection is key to our well-being.

We started Friday with a delicious welcome lunch and a meet-and-greet activity. Energy and laughter filled the room as people walked around learning new details about each other's lives and stories. One of the afternoon's presenters, Amber Hollister, JD, taught that interconnectedness is at the heart of Ethical law practice and provided us with helpful ideas for building professional competence through community. Another speaker, Judge Sinlapasai, brought attention to access to justice being rooted in community—including the importance of our own support networks—and awareness of the barriers people face navigating legal systems. The day came to a calming end with a guided self-compassion exercise and creative drawing practice.

With the wind and rain roaring outside, Saturday morning yoga by the fire was hosted by OAAP Attorney Counselor Associate Kirsten Blume, JD, MA Candidate, and Registered Yoga Trainer (200 hrs), who warmed us up and provided an opportunity to intentionally breathe and move into the day. OAAP Director Kyra Hazilla, JD, LCSW, and presenter Shelley Gillespie, LCSW, reminded the group that we are not alone in sometimes feeling lonely in our profession, and that growing in community can

help strengthen our sense of self. Together, we considered what connectedness feels like to each of us and got active with our hands through the restorative art of collage. It was delightful to see the many colors, images, pictures, and words that represent our stories and the many parts of who we are.

The retreat wrapped up in a circle, considering the strength of our unity and the power of being together in person for the first time since 2019. The time together embodied cozy and connected and reminded us that social connection builds our resilience. We send our deepest heartfelt gratitude to each of our organizers, speakers, and the incredibly engaged participants who made the experience beautiful and impactful. Thank you.

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□ **Categories:** **Wellness** / Thriving Today / by **Kirsten Blume**

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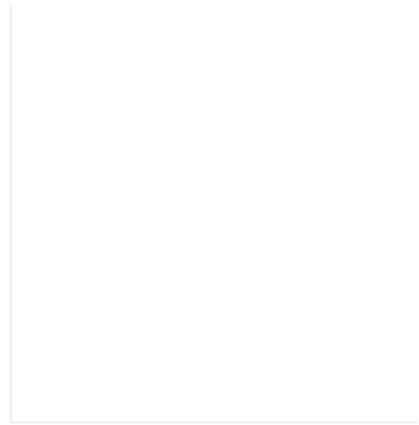
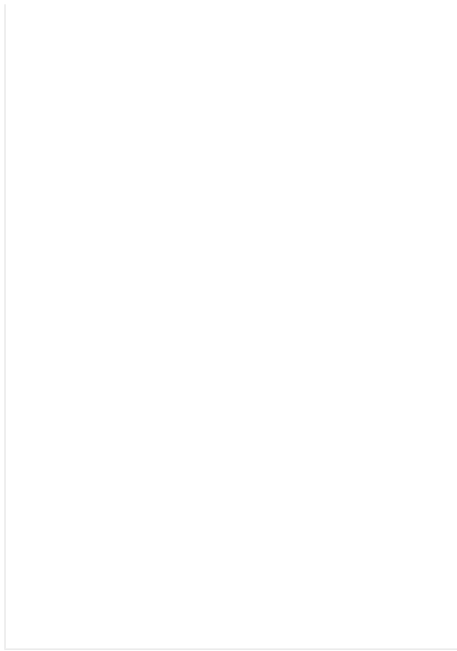
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JAN 2024



## OUTSOURCING WORK TO VIRTUAL RECEPTIONISTS OR ASSISTANTS









When current resources are stretched to their limits and you need help meeting demands, hiring staff can become essential. If you want someone who can work from wherever, a remote staff person is often the first thought—but you should also consider outsourcing to a virtual receptionist or assistant. Although these terms are often used interchangeably, they contain key differences that set them apart:

- Remote staff.** They work entirely remotely on either a part- or full-time basis. They can be an independent contractor or an employee, based on various factors. See our [practice aid](#) for more information about those classifications. You can find remote staff through networking, staffing agencies, popular job search websites like LinkedIn or ZipRecruiter, or other traditional job search methods.
- Virtual receptionists or assistants.** They also work entirely remotely, but they are an independent contractor already employed by a professional staffing company. Depending on the services offered by the staffing company, these workers can fulfill various roles within your firm, ranging from basic administrative tasks to more specialized or complex projects. Generally, this would not be just one person, but various people assigned to your account. Virtual receptionists focus more on front-end administrative tasks like answering and transferring calls. They may also provide intake services like screening potential clients and scheduling meetings. While a virtual assistant may also offer call handling and intake services, they often go beyond that and provide additional services like calendar and email management, document drafting, legal research, data entry, and billing.

Virtual Receptionist	Virtual Assistant
<ul style="list-style-type: none"> <li>• Answering phones, transferring calls,web chatting</li> <li>• Screening calls</li> <li>• Taking messages</li> <li>• Outbound calls</li> <li>• Scheduling meetings</li> <li>• Client intake</li> </ul>	<ul style="list-style-type: none"> <li>• Answering phones, transferring calls,web chatting</li> <li>• Screening calls</li> <li>• Taking messages</li> <li>• Outbound calls</li> <li>• Scheduling meetings</li> <li>• Client intake</li> <li>• Calendar management</li> <li>• Email management</li> <li>• Document drafting</li> <li>• Legal research</li> <li>• File management</li> <li>• Data entry</li> <li>• Case filing</li> <li>• Billing and bookkeeping</li> <li>• Social media and marketing</li> </ul>

The comparison chart below describes pricing and common services provided by specific staffing agencies:

# Virtual Staffing

	Pricing	Focus on incoming calls/intake	Schedule appts.	Outbound calls	Email mgmnt.	File mgmnt.	Document drafting	Legal research	Billing and bookkeeping	Social media and marketing
	\$299-\$1,199/mo	✓	✓							
	\$64-\$1,794/mo	✓	✓	✓						
	\$235-\$1,640/mo	✓	✓							
	\$375-\$675/mo	✓	✓	✓						
	\$299-\$2,350/mo	*includes virtual receptionist services	✓	✓	✓	✓	✓	✓	✓	✓
	\$360-\$1,255/mo	*includes virtual receptionist services	✓	✓	✓	✓	✓	✓	✓	✓
	See website	*includes virtual receptionist services	✓	✓	✓	✓	✓	✓	✓	✓
	Quoted	*includes virtual receptionist services	✓	✓	✓	✓	✓	✓	✓	✓

When deciding whether to enlist the services of a virtual receptionist or assistant and which company to utilize, dive into the details of your firm and ask yourself (and the staffing company) the following questions:

- What type(s) of services do I need and what does the company provide?** If you only need someone to answer the phone, a virtual receptionist would be a good option. Find out whether they offer greeting customization, call screening, and answering callers' questions. Additional receptionist services may include routing or blocking spam calls, recording and transcription, transfer to text, and scheduling appointments. You would need a virtual assistant for more complex services like legal research and document drafting. Determine whether the assistant should have additional expertise, such as experience preparing trial exhibits, knowledge of a particular practice area, or familiarity with a state court's filing rules.
- What is the pricing structure?** Most staffing companies offer tiered monthly or annual subscription plans. Before signing any plan, ask if they charge a cancellation fee. For call answering, are you charged per call or per minute? How many calls or minutes are included in the plan? Do unused minutes roll over to the next month? Can you purchase more time if needed before the end of your subscription period? If you are paying for virtual assistant services, is it a flat fee or billable? If billable, can you specify a maximum?
- Is there a time difference?** If the person works in a different time zone, issues may arise if you need to communicate quickly or need projects completed by a certain time.
- Do I need someone who speaks a particular language?** Many virtual receptionists speak English and Spanish. If you need additional languages, be sure to ask whether that is available and, if so, whether availability is impacted by the number of personnel or time zones.
- Can I work with the same person each time?** Most staffing agencies, especially those offering virtual receptionist services, do not assign you the same person each time. But some companies, like **Lawfecta** and **Get Staffed Up**, can provide you a dedicated virtual assistant.
- What is their availability?** If the virtual receptionist or assistant has other clients they're serving, they may not be available for you immediately or within a short time period. If that is what you need, virtual staff may not be a good fit. Some virtual receptionists are available 24/7/365. Determine whether this is necessary for you and your clients, as it can be expensive and result in calls being routed to call centers outside the United States. Even if you have a dedicated virtual assistant, they may also be working other jobs. Be sure you understand their availability to you and whether they have a required response or turnaround time.
- What are my options if I'm unhappy with someone's work?** Do you receive a refund for what you've been charged? Can you request that you not be assigned that person again?
- Will they have access to my system?** If you are allowing a virtual receptionist or assistant any access to your system—such as your calendar for scheduling appointments or client documents for drafting—be mindful of your ethical obligations, including confidentiality and non-lawyer supervision. Even if they have already signed a confidentiality agreement through the staffing agency, you should have them sign an additional agreement with you if possible. See our sample confidentiality agreement on our website at <https://www.osbplf.org/services/resources/> > Practice Aids > Staff > Confidentiality in the Law Office.

If you choose to outsource to a virtual receptionist or assistant, effective use of their services depends on having the systems in place for them to complete the work:

- Communicate with the staffing agency about what services you will be utilizing and any changes that need to be made to things like software applications or user licenses.
- When assigning specific duties, give clear instructions and outline expectations. Always follow up with assignments in writing and ask that they acknowledge receipt and confirm their understanding of the task or project.
- Carefully review final work product and provide feedback for improvement if necessary. These simple steps can help you optimize the services these support personnel can provide to your firm.

Many legal professionals struggle with the concept of hiring. However, seeing the potential of virtual receptionists and assistants can dissolve those apprehensions and unveil a realm of tailored choices. They can offer specific solutions aligned with your unique needs, alleviate some of the burdens that come with being an employer, and provide a cost-effective avenue to do more with less.

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□ **Categories:** [Law Practice, Staff](#) / [InPractice](#) / by [Rachel Edwards](#)

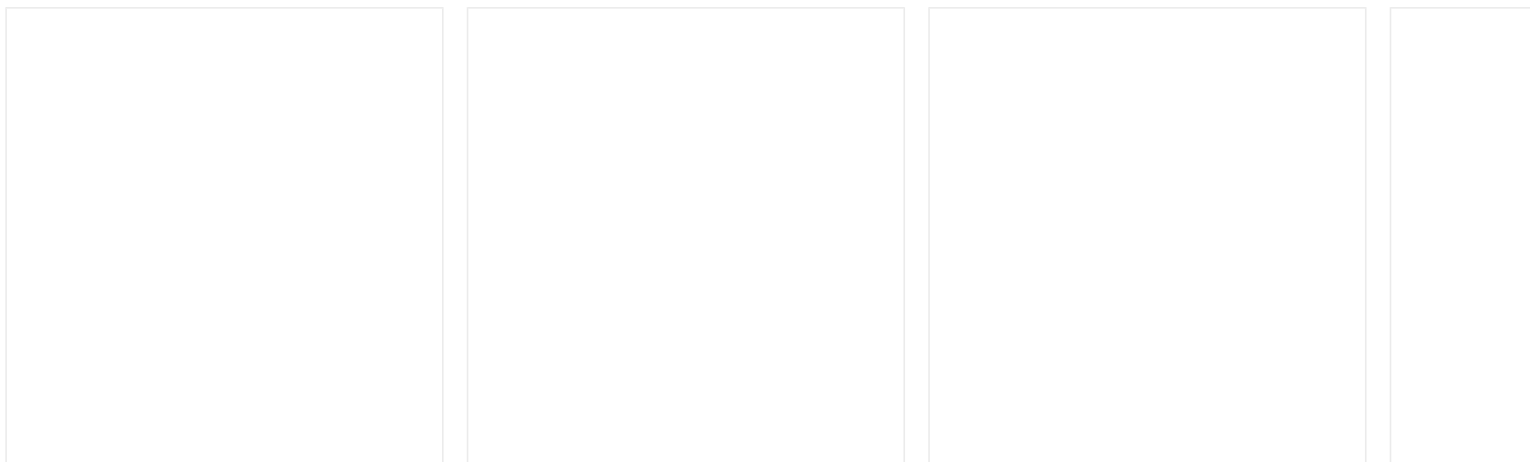
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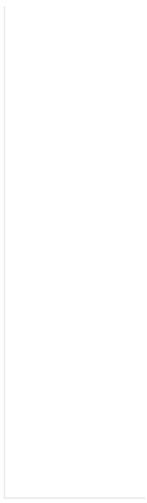
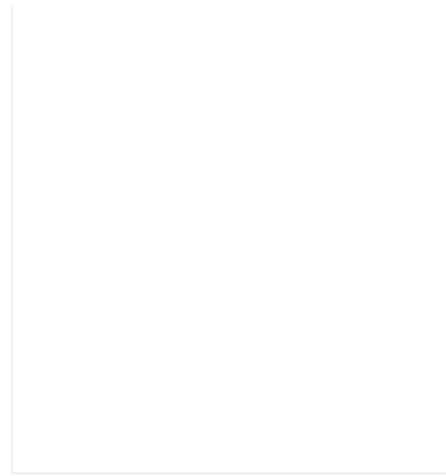
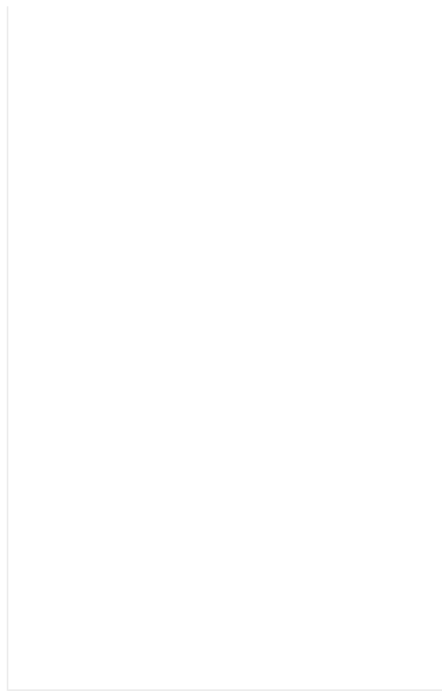
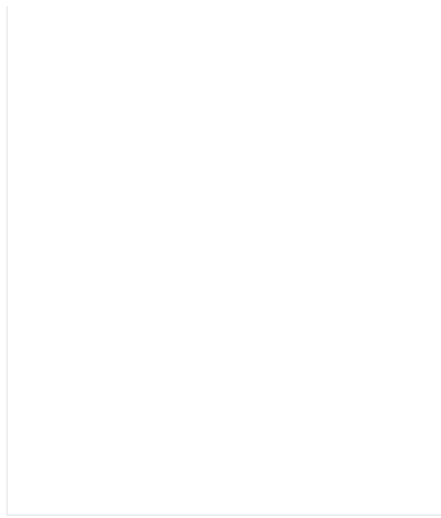


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FEB  
2024

## LET IT GO: RETENTION AND DESTRUCTION OF ORIGINAL CLIENT DOCUMENTS

Many attorneys find themselves with wills, deeds, and other original client documents in their possession over the course of their law practice. These records often get stored in filing cabinets or bankers boxes for years without further consideration until the lawyer's retirement or death. Those events are usually what prompt an attorney (or their personal representative) to call us for advice on file destruction.

Generally, the PLF recommends that attorneys store client records for a minimum of 10 years from the date they cease work on a matter. Certain client records, however, must be kept longer. For example, Oregon law outlines specific requirements that must be satisfied before an original will can be destroyed. If you find yourself grappling with the responsibility to safeguard original client documents, consider the following tips. They'll not only protect your clients' interests but will also streamline your document retention system, allowing you to "let it go" with confidence.

### 1. Return original documents to clients.

The PLF suggests that attorneys keep only a copy of original documents and promptly return the originals to the client. This is often easier said than done. Many clients feel more comfortable leaving important documents with their attorney rather than keeping them in their personal possession. However understandable, this is rarely the best course of action for either party. Consider the case of estate planning documents. Original wills and deeds are client property and must be safeguarded as such pursuant to the Oregon Rules of Professional Conduct. This obligation inevitably leads to additional storage costs and risk for attorneys who retain these records.

Clients, too, are disadvantaged by this approach. Many attorneys switch firms, change locations, or

leave the practice of law altogether. In the process of these transitions, clients can lose continued access to their estate planning records, making it more difficult for family members to manage their affairs upon illness or death. The PLF receives numerous calls each year from individuals searching for their loved ones' original wills. These documents are often difficult to track down unless a lawyer has kept diligent storage records and/or notified the PLF of their whereabouts if the attorney has moved or retired.

To prevent this unfortunate situation, review all of your client files—both current and closed—scan the entire file for your records, and then return any originals to the client. If a comprehensive file review is not feasible, adopt a “today forward” strategy where you promptly return original client records once a matter concludes. Also, include retention and destruction guidelines in your engagement letters and fee agreements. Clients will then know up front which documents they will be responsible for maintaining when the representation ends and when their records will be destroyed.

## 2. Review Oregon law and PLF guidance before destroying client records.

If you have original client documents, proceed with caution before destroying any records. Keep a permanent inventory of files you destroy and the destruction dates. For further guidance in this area, see our [File Retention and Destruction Guidelines](#). ORS 112.815 specifically details the requirements for disposing of a will. The statute mandates that at least 20 years elapse before the will can be destroyed if an attorney does not know whether the testator is deceased. It imposes further conditions when an attorney knows that the testator has passed away. Additionally, ORS 112.820 stipulates the exclusive destruction procedure, including notice and affidavit requirements.

Violating any of these provisions exposes an attorney to the risk of liability for improper destruction; fortunately, ORS 112.825 also creates a safe harbor for lawyers who destroy a will in accordance with these statutes. Regardless of your situation, if you have possession of a client's original will, review ORS 112.800 to 112.830 on the disposition of wills and any relevant case law carefully before destroying any client records.

## 3. Follow best practices for storing original documents.

Lawyers must ensure they have proper storage for all original client files they cannot return or destroy. Any paper documents should be kept in a fire-resistant and waterproof safe or cabinet in a secure location. Once your physical records are safely stored, develop an inventory system so you can easily access them when needed. Additionally, you should include a scanned version of the original document with the complete digital client file. This digital file must be properly stored and backed up to prevent any data loss. The PLF has a helpful practice aid about computer backup available [here](#).

While it may seem like good client service to retain your clients' original documents, avoid this practice when possible. Provide clients with tips to safeguard their records and remind them of the convenience of retaining custody over some of their most important documents. This approach will save both the lawyer and client frustration and expense in the long run.

Remember, by letting go of unnecessary clutter and implementing robust storage and retention strategies, you can truly "let it go" and focus on serving your clients effectively.

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□ **Categories:** [File Retention](#) / [InPractice](#) / by [Kalia Walker](#)

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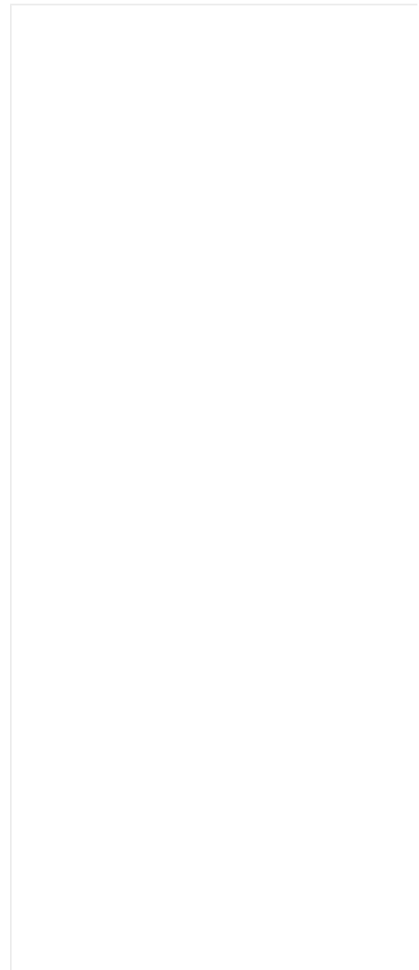
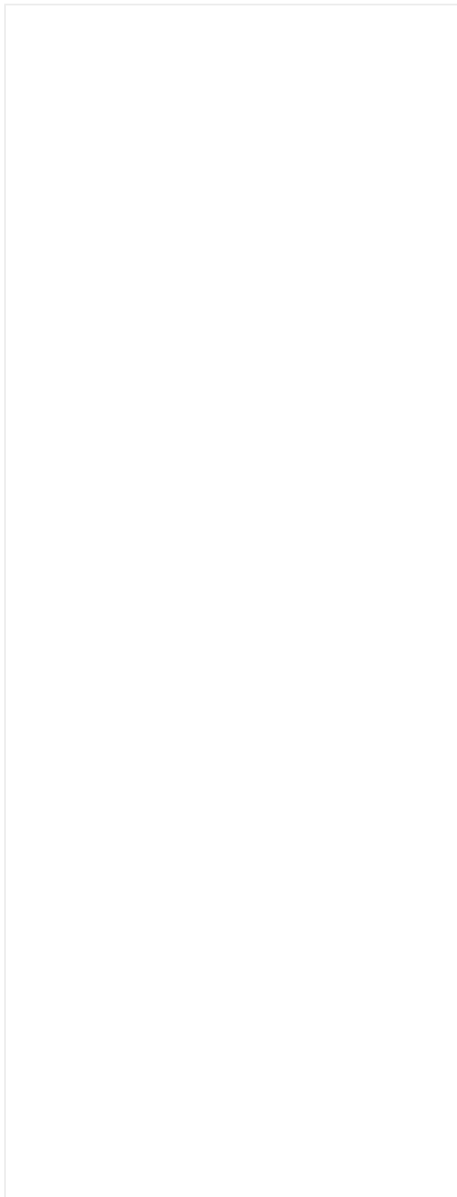
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MAR  
2024

## COURT OF APPEALS CONSTRUES HB 4212

On February 28, in the case of *Mouton v. Tri-Met*, 331 Or App 247 (2024), the Oregon Court of Appeals issued its ruling that the extended statute of limitations period in HB 4212 applicable to most civil actions came to an end on December 31, 2021. In this decision, the appellate court reviewed three consolidated negligence actions initiated in early 2022 that were all dismissed by the trial court as time barred. In their subsequent appeals, each plaintiff argued that their complaint was timely filed, relying on temporary legislation enacted in the early stages of the COVID-19 pandemic. This legislation, partly geared toward extending statutes of limitations for civil actions during extraordinary times, consists of Sections 6, 7, and 8 in House Bill (HB) 4212 (2020), as modified by Senate Bill (SB) 296 (2021) and SB 813 (2021). These legislative provisions are compiled in the Oregon Laws of 2020, Chapter 12 (1st Special Session) (HB 4212), amended by Oregon Laws of 2021, Chapter 199 (Regular Session) (SB 296), and Oregon Laws of 2021, Chapter 499 (Regular Session) (SB 813), collectively referred to as “HB 4212” here.

Each defendant contended that the dismissal of the action against them was proper. The essence of the dispute centered on a matter of statutory construction, necessitating a determination of when the extended statute-of-limitations period in HB 4212 concluded: December 31, 2021 (the repeal date); March 31, 2022 (90 days past the repeal date); or June 30, 2022 (90 days after the end of the COVID-19 state of emergency in Oregon). After examining the text, context, and legislative history, the court of appeals agreed with the trial courts' interpretation and affirmed the dismissals, finding that HB 4212 effectively extended the enumerated statutes of limitations through December 31, 2021. Consequently, civil cases initiated after December 31, 2021, are not subject to the temporary tolling under HB 4212.

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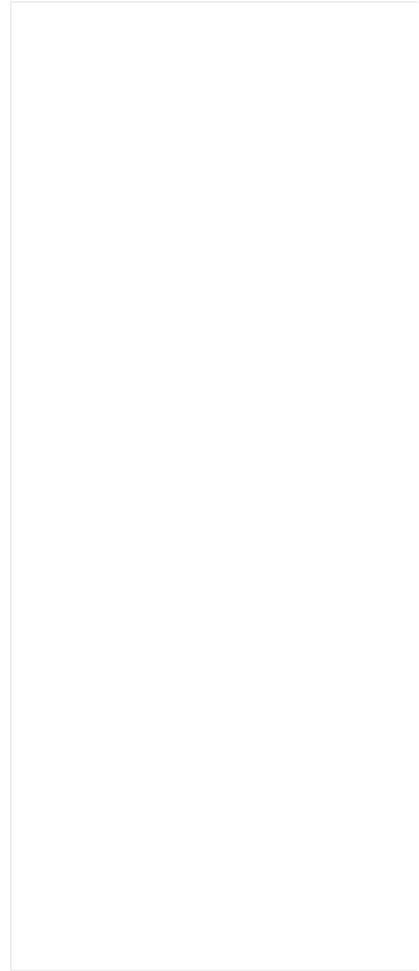
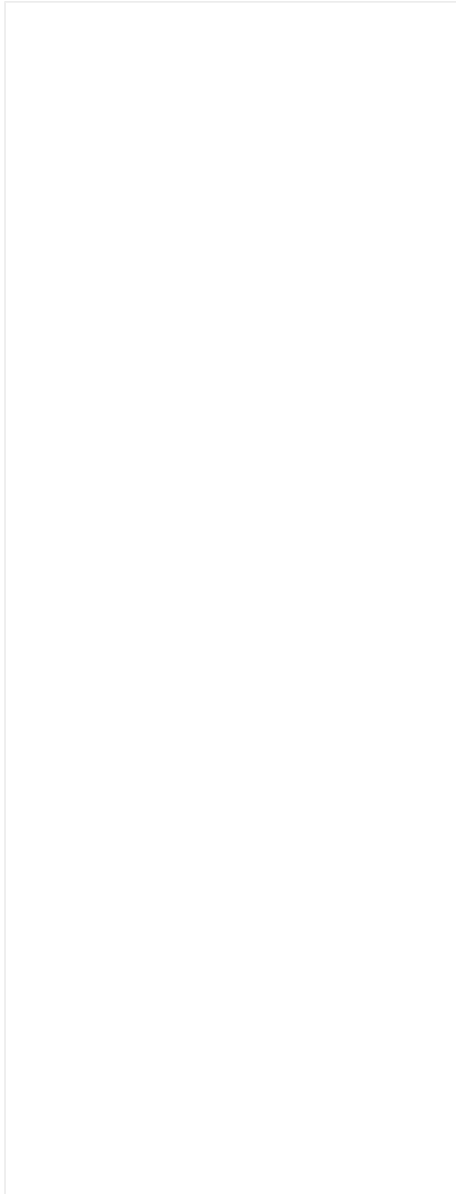
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08

APR  
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## PEER-TO-PEER PRESSURE: INTERVIEW WITH A BOOKKEEPER

Today, two friends with smartphones can share a meal and split the check instantly. Venmo, Zelle, and Cash App are peer-to-peer smartphone applications (P2P) that streamline money transfers by linking user credit cards or bank accounts to rapidly move funds between users. As these quick and easy tools continue to gain popularity, more businesses will accept them as a new payment standard, reshaping how we handle our money.

In the legal field, client interest in P2P apps is also rising. While undoubtedly convenient, lawyers must assess their security and suitability for their practice. For example, lawyers should avoid using these processors with trust accounts to prevent potential ethics violations.

To delve deeper into this payment method, I spoke with Sarah Prevost, an accounting specialist and founder of [Mintage Labs](#). She has over 20 years of experience serving attorneys and law firms and has noticed a surge in questions about integrating peer-to-peer payments as a direct response to client demands.

### **Monica: Hello, Sarah. Thank you for meeting with me. What is your take on peer-to-peer payment processing generally?**

Sarah: Well, peer-to-peer is great for splitting shared costs, like lunch with a colleague or gas on a trip. It's handy when places accept only one credit card.

### **Have you seen peer-to-peer payment used in the legal field?**

Yes, sometimes independent contractors—like translators—only accept peer-to-peer payments, so firms must navigate those payments. Also, people who are comfortable with an app for personal use tend to consider it as an option for their business. Many P2P apps offer a special business account to encourage widespread use.

For law firms, though, it's crucial to deposit and retain funds properly. We all know that commingling your operating and trust accounts could run afoul of ethical rules, but it's also important to keep business and personal funds separate. Some of these apps have one login for both accounts, so be careful which account you use. If an attorney really needs to use this type of processor, be sure to research and select the right app for your office.

### **Do you have any tips for managing peer-to-peer transactions?**

Keep a close eye on the account to track your accounts receivable (what clients owe you and what they paid). Thorough documentation of all transactions may be necessary for a future audit or review of your accounts. Each transfer of funds should have a digital paper trail. Make sure you have an electronic receipt for every transaction to double-check it. For easier reporting, some P2P apps can integrate with your accounting software, but most don't offer this feature. Review your account regularly to catch any mistakes.

### **What do you see as the potential risks of making peer-to-peer payments?**

Once you send money on these platforms, it's gone. This means that these ultraconvenient apps offer little hope of recovering any money sent because of a fraudulent action or scheme. It is also a useful tool for scammers because they tend to press for a transaction under a deadline, and initiating a transfer is simple and fast on these platforms. Despite oversight by the Federal Trade Commission's Bureau of Consumer Protection and related state agencies, the sheer volume of collective transactions makes monitoring and recovery efforts nearly impossible.

### **How can attorneys protect themselves when using peer-to-peer processors?**

When executing any P2P transaction—with a client or someone else—always keep your routing number and bank account info hidden. You should also check the recipient's account details thoroughly before sending any money.

### **Do you think it's helpful to do a test transfer by sending a small amount first?**

Yes, that's a great idea. This way you can confirm that everything's correct and hopefully avoid a mistake in the larger monetary transaction.

### **What about privacy concerns? I see some peer-to-peer apps publicize money transfers to all app users. I would worry that the published transaction info could be a breach of confidentiality.**

Yes, attorneys should adjust the app's settings to assure that all transactions are always private.

### **What other potential pitfalls should attorneys be aware of if they are considering peer-to-peer as a long-term option?**

Well, one key question to ask is what data the platform collects, how it's used, and whether it's shared with third parties. If you are using a free service, then in exchange for the app you are likely supplying the vendor with your information. So be sure to review the terms of service before conducting any transactions. It's important to understand the rights and responsibilities of both the customer and the app provider.

### **What measures are in place to protect the privacy of customers' (i.e., you and your clients) personal and financial information?**

Attorneys should also be mindful of the app's record retention policies. Most P2P platforms only keep transaction data for two years, so attorneys will need to download and store that data in their own system periodically.

To reiterate, this platform should be reserved for sporadic reimbursements to staff via their personal accounts. It can be risky if used long-term for all office transactions, like business expenses or client

refunds.

**Speaking of terms of service, how are disputes over peer-to-peer payments handled? Is it difficult to get them resolved?**

It can be. You might have a dispute with the vendor or a third-party merchant like an integrated credit card processor. You need to read the terms of service to know what policies or procedures for dispute resolution are in place.

**Any last words of advice for attorneys?**

Your business bank account holds your hard-earned money, so it's crucial to protect it. You may be able to take additional steps to safeguard your funds. For instance, some banks offer sweep accounts. These function as a pre-processing holding that releases any funds only after they clear the sweep. It's worth discussing with your bank whether this is an option for you.

It's also wise to establish a clear policy for sending and following up on mailed checks. Fraudsters may steal and exploit old invoices and checks, so it's important to track whether the recipient deposited the funds.

Finally, I really want to emphasize avoiding connecting your trust account to unknown processors. Any financial software transacting out of your trust account should be a legal-specific payment processor. I have seen an increase in fraud cases related to trust accounts, so be extra cautious with any trust account transactions.

**I think an important point you touched on is that attorneys need to understand how any trust account-connected processor works, any surcharges that may apply, and what information the software is collecting and sharing. Thank you, Sarah, for all your information and fantastic advice to attorneys.**

If a firm decides to incorporate peer-to-peer apps into its practice, effective management of these transactions requires meticulous documentation and regular account review. It is key to have a thorough recipient verification process. Irreversible transactions, susceptibility to scams, and privacy issues are potential risks, which underscore the importance of cautious usage. For long-term use, attorneys should consider the platform's existing data privacy policies, along with available record retention policies and dispute resolution procedures. Ultimately, attorneys need to understand these systems to better safeguard their practice and their clients' interests before giving in to peer pressure.

**Additional Resources:**

[Accepting Credit Cards](#)

[Peer to Peer Payment Apps](#), ABA GPSolo eReport May 2022

[Clients Want to Pay Electronically](#), OSB Bulletin Feb/Mar 2020

[Avoiding Wire Fraud](#), PracticePro Presentation

[When Fraud Strikes](#), OSB Bulletin July 2023

[Getting Paid](#), OSB Bulletin Nov 2016

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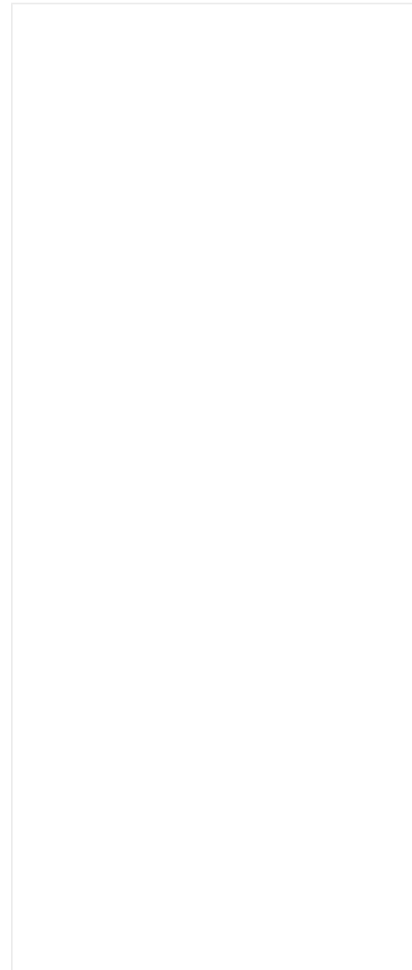
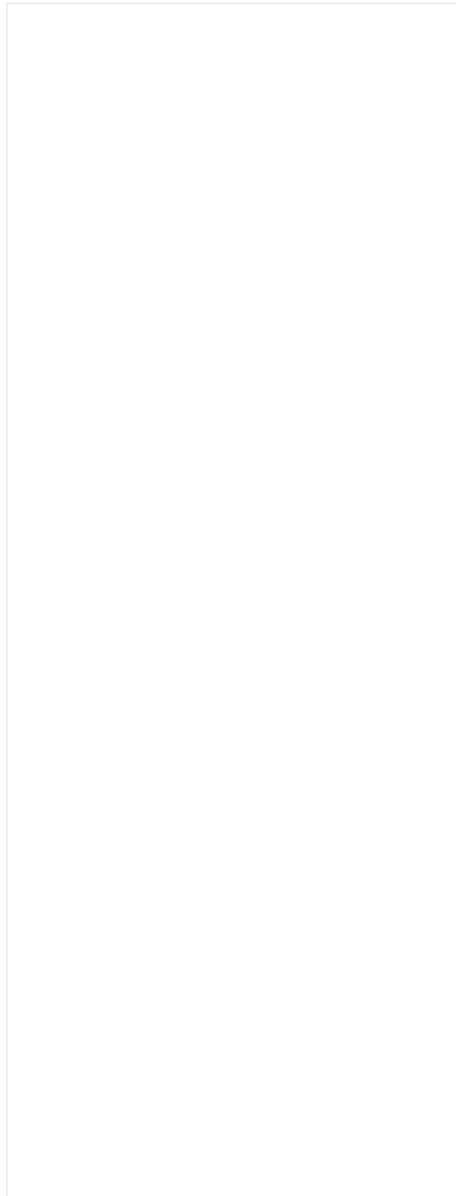
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