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Guardians of Civil Justice

A Case for Giving

By: OTLA Parliamentarian and Development Chair Brian Dretke

Do you want to make a difference in your client's case outcome?

Is there a particular law that is so unjust it is time for it to be revised or, better yet, abolished all together?

Do you think there should be more civil justice friendly legislators in Salem?

Does increasing PIP wage reimbursement and property damage, 20.080 limits, the amount recoverable in tort actions against public bodies by 7 times, extending the Statute of Ultimate Repose, fixing the minor's settlements, extending whistleblower protections to private employees, or changes to the UTPA to allow for recovery of statutory minimum payments for violations affect your practice and clients?

If you answered YES to any of the above... are you a Guardians of Civil Justice member?

If not, why not?

OTLA's Guardian program directly funds OTLA PAC which gives significant resources to civil justice friendly candidates running for office. The only way to change laws that will level the playing field and keep the courthouse doors open to Oregonians is to make certain we elect leaders who believe this is as important as we do.

As Past President Chuck Paulson has said many times over the years, contributing to the OTLA PAC should simply be considered "a tax on doing business." Without it, there would be little protection for your clients or your practice.

Because each of you are at different stages and success levels in your practice and to ensure that all members can participate, there are 5 levels to choose from – from \$25 per month up to \$500 per month. Every contribution makes a difference. Let's take a moment to look at milestone legislation that was passed last session.



Brian Dretke

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that will level the playing
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House Bill 2326: PIP Wage Reimbursement and Property Damage. Raised the PIP monthly wage reimbursement from \$1,250 to \$3,000 in ORS 742.524 and also raised minimum property damage liability limit from \$10,000 to \$20,000 in ORS 806.070. These figures had not been raised in 20 years!

Senate Bill 306: Increase 20.080 Limit. Increased the 20.080 and 20.082 limits from the current \$5,500 to \$10,000! 20.082 will jump to \$10,000 when the bill takes effect in January of 2010. 20.080 will go

first to \$7,500 in 2010, then to \$10,000 in 2012.

House Bill 2687-A: Minor's Settlements Fix. Fixed last session's bill allowing settlement of minor and incapacitated person's claims of up to \$25,000 without court approval or requiring a Conservatorship.

Senate Bill 311: Increasing the amount recoverable in tort actions against Public Bodies: Increases the amount recoverable from \$200,000 to \$500,000, up to \$1.5 M, depending on the defendant.

House Bill 3162: Whistleblower Protections: Extends the whistleblower protections public employees receive to private sector employees.

Senate Bill 307: Extend the Statute of Ultimate Repose for products liability cases. Increases Oregon's SOUR in products liability cases from 8 to 10 years with a "look away" provision; allowing you to look to the state of manufacture or import, if not in Oregon. Forty-eight states have a more favorable SOUR.

House Bill 3343: Requires insurance companies to pay attorney's fees in workers' compensation cases where currently claimant's attorneys are not compensated in cases in which they prevail.

OTLA Happenings...

On November 5th over 40 OTLA's Women's Caucus members attended a hosted luncheon with Secretary of State Kate Brown, Senator Jackie Dingfelder, former Senator now US Dept. of Agriculture Director of Rural Development Vicki Walker, House Majority Leader Mary Nolan, Representatives Margaret Doherty and Suzanne VanOrman for a dynamic political discussion at Pazzo Ristorante. "Looking around the room it was clear to see our PAC dollars at work." said OTLA President Dana Sullivan of the November event. "To have access to such a formidable group of women legislators who appreciate our work and support our most fundamental civil justice issues is truly invaluable."



(Left to right) Representatives Suzanne VanOrman, Margaret Doherty and US Dept of Agriculture Director Vicki Walker at the OTLA Women's Caucus luncheon.



Past President and Guardians Club Plus member Jane Paulson talks with Senator Jackie Dingfelder and House Majority Leader Mary Nolan.



(Left to right) Secretary of State Kate Brown with Guardians of Civil Justice members Jodie Phillips Polich and OTLA Board member Elizabeth Welch.

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SIDEBAR

THE MONTHLY PUBLICATION OF THE OREGON TRIAL LAWYERS ASSOCIATION
December 2009

Sidebar is published by the Oregon Trial Lawyers Association and is distributed as a member benefit. Sidebar informs members about OTLA activities and current events across Oregon, the region and the nation. Reproduction of any material that appears in this publication without permission is prohibited.

All text and photos are the work of OTLA staff unless otherwise noted. For editorial and content questions or comments, please contact Amy Anderson at amy@oregontriallawyers.org or 503-223-5587 x102.

Sidebar is printed on recycled paper, 30% post-consumer content, by Nu-Way, an Oregon union printer.

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GUARDIANS *continued from page 1*

HB 2585: Consumer Class Actions – Repeals the Oregon Rule of Civil Procedure prohibiting class action for recovery of statutory minimum penalties for violations of the Unlawful Trade Practices Act, federal Truth in Lending Act and similar statutes, thus providing a powerful remedy to bring justice to those who perpetrate fraud on Oregon consumers.

This list does not include the dozens of bills introduced that OTLA was able to defeat that would have gutted the civil justice system.

OTLA PAC was a key contributor in 6 out of 7 successfully targeted House races, doubling the number of actual lawyers in the House. (Seats won: Barton, Garrett, Kahl, Matthews, Stiegler, VanOrman)

With only 31% of our overall membership contributing to the program at any level, we've managed to move a few mountains. Imagine what we could do with 50% of OTLA members giving to the Guardians! Please do your part in protecting your clients' rights.

Benefits of Guardians level (\$250) or Higher:

(1) Exclusive Guardians list serve with No Spam policy strictly enforced

(2) **Free** access to DME and brief banks, and **Free** MP3 downloads for CLE credit online

(3) \$100 non-transferable coupon for attendance at one OTLA CLE and

(4) **Free** Attendance at annual Guardians Luncheon and Reception.

(5) **Free** website access to CLE written materials, post CLE.

Benefits if Guardians Plus: the above mentioned, and one \$100 non-transferable coupon for attendance at OTLA convention.

Benefits if Stalwart: the above mentioned and no charge attendance (non-transferable) at OTLA convention.

All Guardians members are listed and thanked in a separate section of the OTLA Directory as well as in at least 3 Sidebar publications annually.

For more information, or to join the Guardians of Civil Justice, please call 503-223-5587 x102 or email: amy@oregontriallawyers.org



Senate President Peter Courtney speaks from the heart to OTLA Guardians of Civil Justice.

On November 12th, OTLA hosted a reception for all Guardians of Civil Justice members. Members were able to meet and mingle with special guests including Senate President Peter Courtney, Speaker of the House David Hunt, Senate Majority Leader Richard Devlin, House Majority Leader Mary Nolan, Senators Suzanne Bonamici and Floyd Prozanski, as well as Representative Paul Holvey.



OTLA President's Award recipient Neil Jackson talks shop with Speaker of the House David Hunt.



OTLA Board member Leslie O'Leary and Rick Braun enjoy the Guardians reception.



House Majority Leader Mary Nolan, Senator Suzanne Bonamici and Guardians member Angela Engstrom listen to Senate President Courtney's address along with Ronn Elizinga and Speaker of the House David Hunt.



(Left to right) Former Legislative Committee Chair Richard Lane, Senator Floyd Prozanski, Representative Brent Barton, and OTLA Board member Shelley Russell share a laugh.

Guardians Spotlight

OTLA Board Member Elizabeth Welch Gives on All Fronts

The concept of family is important to Elizabeth Welch. You may have noticed this raven-haired OTLA Board member breezing in to various section meetings and CLE's with her adorable (and well behaved) baby Elena on her hip. In 2006, Welch teamed up with her mother and fellow OTLA member Teresa Kohlhoff to form the first exclusively mother-daughter lawyer partnership in Oregon. They are proud to represent injured clients from their neighborhood in North Portland/St. John's. Multi-generational experience is their specialty. Community activism is their creed. And that theme carries over to the effort Welch puts in to OTLA.

We honor Welch for her dedication to increasing awareness about the Guardians of Civil Justice among her OTLA peers. As the new lawyer representative of the board, through personal letters and calls, her outreach efforts have resulted in bringing in 6 new Guardian members this past month.

My worklife has changed in the last year because:

Babies! I had Elena December 29. This entire year she has come to work with me. I had my first child when I was in law school (I went into labor during wills and trusts) and came back to school 11 days later. This one I had on Monday and worked on Friday. I even answered emails in the hospital.

It's different being self-employed. I don't feel married to my work; I just like to be on top of things.

The opportunities I see from that change are:

I am a mother who constantly has kids with me. You have probably seen at least one of my kids at an OTLA event! I come from a big family (3 sisters and 3 nieces) and I work with my mom. I grew up in a law office; my mom's office was in our house. Work, home and kids for me are intertwined in more of a way than, I think, typical. My mom and I are really serious law-



Teresa Kohlhoff & Elizabeth Welch

yers – don't get me wrong – but it's hard to be full of yourself when you have spit up on your shirt.

I will not always have young kids. But while they are young, I want to be there. I do find it interesting that the most successful women are those that have adult children or none at all. I made my choice to have kids and to not farm them out while they are young. I struggle with the fact that

OTLA does make a difference. By having my ear to ground and going to as many OTLA things as I can, I have learned a ton.

there's a lot of opportunities I don't have because I have made this choice. I know men have kids too – but they have wives. Apparently successful women need wives too.

The best thing about my job is:

I truly believe that I have certain skills that the world needs. I am a spreadsheeter. There is nothing on earth that can't be spreadsheeted. I have clients come in and their lives are a mess. They are all over the place. I bring order and hopefully get them some peace and justice.

The hardest thing about my job is:

When I can't help. When the in-

surance companies play hardball and they are going to win and I can see that. I hate telling a client "this is the way things are." "The way things are" sometimes sucks and I feel so bad for my clients.

What I do in my job is:

Rock!

When I was a new lawyer, I wish I knew:

If the old dudes had it their way, I would ALWAYS be a new lawyer. But I think officially I am still a new lawyer. That said, I have learned a few things. Just because defense counsel is yelling

at me doesn't mean they are yelling the truth. Older attorneys really can take advantage of your inexperience. Grown men can be brats and should be treated as such. Experience and accompanying gumption will come.

Growing up I thought I would become:

A lawyer. I've always wanted to be a lawyer. When I was a kid my mom was in law school at the night program at Lewis & Clark. Her office was in our house. I realized very quickly that people came to my mom with their problems in our small town of Philomath. I saw that she could help.

I thought briefly about being an auto mechanic. I think that was a teenage desire to wear a jumpsuit and look burly. I recently saw that women make up only 2% of the mechanic world – I could have made a killing.

Why I did/didn't (see above):

Because that would be ridiculous.

Why I give to The Guardians of Civil Justice program:

To be honest I used to be a terrible giver. I usually only gave my time. But now I both give my time (on the Board and the New Lawyers Committee) and my money. I do find it really obnoxious for plaintiff's attorneys to benefit from great legislation without kicking down the cash. Someone did the work – now we can't be cheap.

GUARDIAN SPOTLIGHT *continued from page 4***What I'd like colleagues to know about OTLA is:**

OTLA does make a difference. By having my ear to ground and going to as many OTLA things as I can, I have learned a ton. But the organization is what we make it. If we don't give, then it goes away. Simple.

There's more to life than my job.**My favorite activities are:**

Getting creative with cooking. I like watching movies with my boyfriend Derek. I run, read books, and Facebook quite a bit.

I knew I was grown up when:

I could speak intelligently about refinancing a house.

I've always wanted to:

Travel. And I would have if it weren't for these meddling kids.

I'll do it (see above) when:

The kids get a little older. Then we're going to vacation where there are no phones and lots of sun!

My best subject in high school was:

Social studies. My high school social studies teacher told me "The World Needs More Elizabeth Welch's." I have tried to live up to that.

The classes in law school I dreaded were:

I used to fall asleep in Trademarks until the professor asked me if he was too boring. I was so horrified I played the baby card. In reality I was really bored. I couldn't imagine going to law school, having all of this possibility to help people, and instead spending all day suing companies using Adidas' seashell design. I know, I do see why Trademark attorneys exist. But that particular issue seemed like a waste of a good brain.

My first job was:

Working in my mom's law office. My first task was to cut her announcement out of the Benton Bulletin. I cut the picture out but not the article and then had to tape them together. I was 5.

I'm proudest of:

Accomplishing what I have done under the conditions I have done them.

I wish:

I had a little more courage.

Guilty pleasure:

Pie, ice cream and romance movies.

I can't live without:

Coffee. And wine.

Most influential person in my life:

Probably my mom. Imitation is the sincerest form of flattery! My mom's a fireball. She has a lot of energy. She wanted to be a lawyer and she did it. She fought everyone to get here. She still fights everyone, even though she thinks she's all Zen Buddhist now. My mom will be doing her Italian hand-

swipe-under-the-chin thing until she dies. While she has little tolerance for stupidity, she has incredible compassion for people and the desire to use her brain to help others.

Favorite fictional character:

What girl from the 1980's doesn't love Lloyd Daubler? "Kickboxing. Sport of the future."

What I appreciate most among my friends:

I am one of four girls born in five years, so my sisters are my friends. It's hard to break into our little group. I appreciate the fact that we all love our kids and spouses so much. That we all still try to do our art, whatever that art is. I appreciate that my sisters have people in their lives that think they are the bee's knees.

My favorite authors/poets/musicians/movies:

I'm a big soul music fan. I like documentaries, romance movies, self-help books, cookbooks, and good novels about people being normal ala Anne Tyler.

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In January we asked our membership to help usher in the new *Guardians of Civil Justice* program to fund our PAC efforts in 2009 and beyond. The following OTLA members answered that call and we **thank you** for your generous contributions.

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One of the benefits of being an OTLA member is the variety of free monthly Section meetings with stalwart attorneys who share their vast experience in practice. All include a full hour of free CLE credit. Sections include: Employment Law, Professional Negligence, Legal Staff, Business Litigation, Family Law, Consumer Law and Motor Vehicles. Are you taking advantage of this invaluable membership service?



Guardians member Dave Miller speaks at the November Professional Negligence CLE at OTLA. Fellow Guardians member Todd Bradley enjoys the discussion.



A packed audience heard Guardians member and Past President Larry Wobbrock and OTLA Legal Staff member Donna Engleman share their collective expertise in trial preparation at the free Legal Staff brown bag CLE.

Help spread some Holiday Joy Be an OTLA 2010 SNOW BALL SPONSOR

Deck the Halls on January 8th – as the 2010 OTLA Snow Ball will be joyfully returning to the Adrianna Hill Grand Ballroom. Get your dancing shoes ready. Portland's Design Band really knows how to put on a show and get the dance-floor jumping. Bring your favorite requests and make sure to ask lead singer/ Master of Ceremonies Tracy Stone to do his Ray Charles impersonation. It's a winner! And there's a lot more fun in store for the evening.

This is a great relationship-building event for all OTLA members and a rare opportunity to really mix and mingle in a fun social atmosphere.

To help defray costs for New Lawyer members, please consider spreading some seasonal joy by signing up to be a sponsor!

SNOW BALL Sponsor Levels:

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SnowBall: \$500
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(Band Sponsor): \$1,500

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