



# 2023 OADC Annual Convention

JUNE 15-17  
SUNRIVER RESORT

[oadc.com](http://oadc.com) | [info@oadc.com](mailto:info@oadc.com)



**CONTINUED  
LEGAL EDUCATION**



**NETWORKING  
OPPORTUNITIES**



**LEISURE  
ACTIVITIES**



**COLLEAGUES  
FRIENDS & FAMILY**

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# Quick Look Schedule



## THURSDAY, JUNE 15

3:00pm	Sunriver Lodge Check-in Time	
5:00pm - 5:30pm	Convention Registration Open	
5:00pm - 5:30pm	Young Lawyers/New Member Reception	Cove Event Yard
5:30pm - 7:30pm	Kick-Off Reception & Family Game Night	Cove Event Yard

## FRIDAY, JUNE 16

7:30am	Convention Registration, Continental Breakfast, & Exhibits for CLE Attendees	Homestead
8:30am - 12:00pm	CLE Sessions	Homestead
12:15pm - 1:30pm	Family Friendly Lunch	Besson Commons
1:00pm	Golf Tournament	Sunriver's Meadows Golf Course
2:00pm - 4:00pm	Pickleball Open Play	Fort Rock Park
5:00pm - 6:30pm	Women in Law Social Hour	Fireside Room
8:00pm	New Lawyer's <i>After-Hours</i> Gathering at the Owl's Nest	Owl's Nest at Main Lodge

## SATURDAY, JUNE 17

7:30am	Continental Breakfast & Exhibits for CLE Attendees	Homestead
7:45am - 1:00pm	CLE Sessions	Homestead
2:00pm	Benham Falls Two Mile Hike	Benham Falls East Trailhead

## SUNDAY, JUNE 18

11:00am	Sunriver Resort Check-out Time	
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7:30am Registration, Continental Breakfast & Exhibits for CLE Attendees

7:45am - 8:00am **Welcome, Introductions, Awards, & Announcements**

*Convention Chairs: Chad Colton, Markowitz Herbold PC; Megan Cook, Bullivant Houser PC; and John Eickelberg, Law Offices of Eric Shilling*

8:00am - 9:30am **Lawyer Well-Being: Concrete Strategies for Positive Change**

*Bena Stock, LL.B, MC, RCC.; Bena Stock Counselling & Consulting*

This presentation will explore mental health and well-being in the legal profession and will offer concrete strategies regarding how to improve mental health. We are happiest, healthiest, and most successful when we adopt healthy lifestyles and work habits. Long hours, demanding clients, complex files, and difficult opposing counsel can be occupational hazards in the practice of law. Understanding how you respond to these challenges, and learning coping mechanisms that will help you manage stress and anxiety, will help you build a flourishing career. This presentation will explore:

- Lawyer mental health.
- The importance of recognizing your automatic response to stress.
- Strategies to shift your thinking so you can better manage stress and anxiety.
- How perfectionism fuels procrastination and undermines self-confidence.
- How to build resilience and optimism.
- Why setting boundaries can help you manage expectations.

*Mental Health/Substance Abuse Credit request pending.*

9:30am - 10:00am **NETWORKING BREAK + EXHIBITS + AWARDS**

10:00am - 11:00am **Legal Ethics of Data Security**

*Nellie Barnard, Of Counsel, Schwabe Williamson & Wyatt; and Colin Folawn, Shareholder, Schwabe Williamson & Wyatt*

Protecting against cyber threats is an ongoing issue for companies of all shapes and sizes, including law firms. As cyber-attacks become increasingly more sophisticated and targeted, law firms are in the cross hairs of hackers, malware, and the like. Law firms have unique obligations under applicable Rules of Professional Conduct to ensure that client files and communications with clients are properly protected. This presentation will address these obligations and what to do in the event of a data breach.

*Ethics Credit Request Pending.*

11:00am - 11:15am **NETWORKING BREAK + EXHIBITS**

11:15am - 12:15pm **Lightning Round**

*George S. Pitcher, Lewis Brisbois Bisgaard & Smith*

The Lightning Round is back! Seven minutes each with these seven scintillating topics:

1. *Employment Updates: Release Restrictions & Mandatory Disclosures* Greg Lockwood, Gordon & Rees
2. *Paid Leave Oregon* Rachel Timmins, Ogletree Deakins
3. *Dealing with the Difficult Opponent: Tips for Approaching Settlement when the other Side Refuses* John Bachofner, Bachofner Arbitration & Mediation
4. *My Recent Experience as a Juror in Washington County;* Melanie Rose, Smith Freed Eberhard
5. *Effectively Asserting the Economic Waste Defense to Avoid Cost of Repair Damages* Molly Honoré, Markowitz Herbold
6. *Is A Motion to Strike the Motion that's Right? Why Judges Prefer Facts that will Get you to Admissible Evidence versus Supplying Admissible Evidence* Michael Godfrey, SBH Legal
7. *Your Client's Expert has Been Subpoenaed to Testify Against Them. Now What?* Jason Evans, Sussman Shank

# CLE Agenda



SATURDAY, JUNE 17

HOMESTEAD

7:30am Continental Breakfast for CLE Attendees

7:45am - 8:00am **Introductions, Awards, & Announcements**

*Convention Chairs: Chad Colton, Markowitz Herbold PC; Megan Cook, Bullivant Houser PC; and John Eickelberg, Law Offices of Eric Shilling*

8:00am - 9:00am **Uncertainty and Opportunity: Management Trends in the Legal Industry in 2023**

*Marci Taylor, JD, Principal, Mantra Legal Consulting*

After experiencing some of their best financial years ever, law firms are readjusting their business strategies for uncertain economic times. Adapting to a permanent hybrid work environment, realignment of staff and operations, shifting marketing and business development strategies and an increased focus on technology and cybersecurity are leading concerns for law firm management. This presentation will share the latest trends in law firm management, particularly as they relate to litigation practices, including key financial performance indicators, changing strategies for firm growth, talent management and building a thriving firm culture in a post-pandemic world.

Marci Taylor provides strategy, management, and marketing consulting services to law firms throughout the country. A former practicing attorney, Marci has been working in law firm management for nearly twenty-five years.

*Business Marketing Credit Request Pending.*

9:00 am - 9:15am **NETWORKING BREAK + EXHIBITS**

10:00 - 11:00am **Appellate Update: Keeping Your Practice Up to Date**

*Judge Stephen Bushong, Oregon Supreme Court; Judge Anna Joyce, Oregon Court of Appeals, and appellate attorney Matt Kalmanson, co-managing partner, Hart Wagner PC*

The ever popular appellate update returns with Oregon Court of Appeals Judge Anna Joyce and Multnomah County Circuit Judge Stephen Bushong reviewing the most recent significant Oregon appellate court opinions impacting the civil defense practice.

10:15am - 10:45am **NETWORKING BREAK + EXHIBITS**

10:45am - 11:45am **Motions on the Pleadings**

*Judge Benjamin Souede, Multnomah County Circuit Court*

In this presentation, Multnomah County Judge Benjamin Souede will provide his observations about modern pleading and motions practice. He will discuss recent developments in Oregon law that impact pleadings and motions and tips about some of the best – and least – effective practices he has seen from practitioners.

*Oregon Practice and Procedure Credit Request Pending.*

11:45am - 12:00pm **NETWORKING BREAK + EXHIBITS**

12:00pm - 1:00pm **Comparative Fault in a Reckless World: How Miller v. Agripac Alters (or Maybe Doesn't Alter) the Landscape**

*David Cramer, Partner, MB Law Group; Tom Purcell, Partner, MB Law Group*

The Court of Appeals' decision in *Miller v. Agripac*, 322 Or App 202 (2022), relying on *State v. Gutierrez-Medina*, 365 Or 79 (2019), held that a finding of recklessness against a defendant took that defendant out of the rubric of comparative fault set forth in ORS 31.600, et seq. This presentation will look at the differing levels of culpability, their impact upon allocations of fault, and Miller's ramifications for defending cases and third-party practice.

## CLE Credit Notes

Application has been made to the Oregon and Washington State Bars for approximately 5 general CLE credit hours, 1 ethics credit, and 1.5 Mental Health credits. The State Bars reserve the right to make the final determination of eligible CLE credits.



### by Judge Stephen Bushong, Oregon Supreme Court

Stephen Bushong earned his B.A. from the University of Michigan in 1980 and a J.D. from the University of Michigan Law School in 1984. His career experience includes working as a judicial clerk for United States Magistrate Marc L. Goldman; as an attorney in several law firms; as an assistant attorney general, attorney-in-charge, and chief trial counsel for the Oregon Department of Justice; and as a judge for the Multnomah County Circuit Court.



### Judge Anna Joyce, Oregon Court of Appeals

Anna Joyce is a judge on the Oregon Court of Appeals. Prior to being appointed to the Court of Appeals, Joyce was a shareholder at the Markowitz Herbold law firm in Portland. Her practice focused on complex civil litigation motions and appeals, and she served as the managing shareholder. She argued hundreds of appeals before Oregon's appellate courts and the Ninth Circuit Court of Appeals, and briefed cases before the U.S. Supreme Court. Before joining the Markowitz firm, Joyce practiced in the Appellate Division of the Oregon Department of Justice from 2003 to 2015, and served as Oregon's Solicitor General. Joyce has taught appellate advocacy at Lewis & Clark Law School, is a mentor for the Oregon State Bar New Lawyer Mentoring Program, and serves on the board of directors for Outside In. Joyce began her legal career as a law clerk for Oregon Court of Appeals Judge Rives Kistler. She is a native Oregonian and received both her bachelor's degree and her J.D. from the University of Oregon.



### Judge Benjamin Souede, Multnomah County Circuit Court

Judge Benjamin Souede has been a Multnomah County Circuit Judge since 2017. Prior to his appointment to the bench, Judge Souede moved between private practice and public service throughout his legal career. His private practice in Oregon (first at Lane Powell and then as a founding member of the Angeli Law Group) focused on complex civil and white collar criminal litigation. His public service career included stints as a Senior Advisory to Senator Hillary Rodham Clinton, and as General Counsel to Oregon Governor Kate Brown.





### Bena Stock, LL.B, MC, RCC.; Bena Stock Counseling & Consulting

Bena is a former litigation lawyer. She practiced law for over 23 years, primarily in the areas of professional negligence and insurance defense. While working for the Lawyers Indemnity Fund of BC, she discovered the role she enjoyed most was helping lawyers with the emotions that sometimes accompanied reporting an error or a possible error. She decided to retire from law to obtain a master's degree in counseling so she could make lawyer well-being her full-time job.

Bena is the founder of Bena Stock Counseling & Consulting. She is a Registered Clinical Counselor and a member of the British Columbia Association of Clinical Counselors. Bena is also a former Associate Director of the Lawyers Assistance Program of BC. She has helped many clients in the areas of anxiety, depression, anger management, relationships, as well as career coaching, and career transition. Bena believes in strength-based counseling and works toward helping clients discover and build on their strengths, while learning new strategies to overcome life's challenges.

She is a frequent presenter to law firms and legal organizations on topics relating to lawyer wellness, including how to maximize mentoring, time management, bolstering resilience, and overcoming procrastination, to name a few. She is also a law firm workplace wellness consultant.

Bena is married to a commercial litigator and together they raised two daughters, so she knows the joys and challenges of balancing career and family. She also believes in giving back to her community and was formerly on the Board of the North Shore Family Court and Youth Justice Committee, and the North Shore Restorative Justice Society.

Bena is an avid road cyclist and has participated in several grand fondos in BC and Europe. She also enjoys hiking, skiing, and cooking, and has a third-degree black belt in Tae Kwon Do.



### Colin Folawn, Shareholder, Schwabe Williamson & Wyatt

Colin Folawn helps clients resolve complex disputes, often involving the maritime and technology industries. He handles cases involving privacy and data security breach matters, maritime/admiralty law, and complex contract issues that include insurance and commercial matters. He also provides legal advice to lawyers regarding legal ethics and loss prevention. Colin has tried civil jury cases to verdict in Washington courts and has written and argued several successful motions in state and federal courts. An experienced appellate lawyer, he has won cases before the Ninth Circuit Court of Appeals, the Washington Court of Appeals, and the Washington Supreme Court.



### David Cramer, Partner, MB Law Group

David Cramer represents clients in a broad range of complex civil litigation matters. He also devotes part of his practice to representing and advising businesses. His litigation practice includes personal injury and product liability, commercial litigation, and he has experience defending corporations in trademark and copyright litigation.

# Speaker Bios



## Greg Lockwood, Gordon & Rees

Greg Lockwood is a Partner in Gordon Rees Scully Mansukhani's Portland office. He assists businesses, executives, and professionals resolve disputes in courts, arbitrations, and administrative proceedings across the country. His practice focuses on commercial, employment, and products litigation.



## Jason Evans, Sussman Shank

Jason is a member of the Sussman Shank's Litigation Department. His practice is focused on representing the interests of individuals and businesses in complex and civil litigation. Jason supports the firm's railroad, transportation, and personal injury teams in all phases of case management and litigation.



## John Bachofner, Bachofner Arbitration & Mediation

John R. Bachofner has 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 1/1/23, he is working solely as an arbitrator, mediator, and consultant with Bachofner Arbitration & Mediation.



# Speaker Bios



## Marci Taylor, JD, Principal, Mantra Legal Consulting

Marci is a principal and a legal industry veteran with 25+ years of experience. She provides strategy, management and marketing consulting services to law firms throughout the country. Marci works with law firm managing partners, department/practice leaders and C-suite executives and advises clients on strategic planning and growth, succession planning, firm and practice management, brand strategy, marketing and business development and client relations. She facilitates law firm retreats and provides leadership and management development and marketing/business development training programs.

Prior to joining Withum, Marci served law firm clients through her independent consulting practice and as a principal with a leading, national legal management consulting firm, handling hundreds of law firm engagements. Her understanding of market dynamics, firm culture and interpersonal relationships allow her to serve as a trusted advisor to law firm leaders and to guide clients to smart growth, intergenerational transition and effective, motivational management. Marci has been quoted in the New York Times and the legal press and written for leading industry publications. Her thought-provoking presentations have been featured at national and regional conferences, seminars, workshops and retreats.



## Melanie Rose, Smith Freed Eberhard

Melanie is a litigator with a diverse civil litigation practice focusing on catastrophic injury, premises liability, automobile liability, dram shop, and commercial litigation. Melanie's practice takes her all over the state of Oregon and Washington regularly, and occasionally into Idaho as well. She has given a number of presentations on changes in Oregon and Washington law highlighting the Pacific Northwest's unique legal landscape.



## Michael Godfrey, SBH Legal

Michael joined SBH Legal in 2017 and became a partner in 2023. He advises clients in Washington and Oregon on mitigating risk and managing pre-litigation situations, but also represents his clients in all levels of litigation including administrative hearings, jury trials, and appellate litigation. His practice includes state and federal employment defense matters including workers' compensation, wrongful termination, ADA, wage & hour, OSHA/WISHA claims, and all other employment-related discrimination claims. He is admitted to practice in Oregon and Washington, U.S. District Court, and the 9th Circuit Court of Appeals.

Born and raised in Eastern Oregon, he is native to the Pacific Northwest. He and his wife, Taylor, live in Portland with their son, Jackson, and golden retriever, Watson.

# Speaker Bios



## Molly Honoré, Markowitz Herbold

Molly Honoré is a pragmatic litigator who works with her clients to solve complex business problems. Molly's clients appreciate her direct involvement and straightforward communication at every stage of their representation whether developing case themes, deciding how to structure an argument, or strategizing during negotiations. Her style is well matched to litigation involving closely-held businesses, the focus of Molly's practice.

Molly is adept at managing litigation in state and federal court. She routinely advises and represents clients in commercial disputes, including shareholder and contract matters, business tort claims, products liability, professional negligence, and real estate litigation.



## Nellie Barnard, Of Counsel, Schwabe Williamson & Wyatt

Nellie Barnard is an experienced litigator who excels at providing legal ethics and risk management advice to lawyers, law firms, law students, and in-house legal departments. Nellie also represents Oregon and Washington lawyers in attorney discipline matters and character and fitness proceedings, including on appeal. Capable of defending complex business or financial services litigation disputes, Nellie guides her clients toward successful resolutions from inception through appeal, if necessary.

Nellie appreciates the obstacles that lawyers and law firms face in the practice and the business of law. She works collaboratively with her clients to minimize the risk of liability including issues involving conflicts of interest, sanctions, privilege, client confidentiality, engagement and withdrawal procedures, multi-jurisdictional practice, lawyer-client relationships, fee disputes, and practice planning and management. She helps lawyers and law firms address the boundaries involving attorney advertising and marketing, including issues particular to social media, client solicitation, business relationships with non-lawyers, and fee sharing. Nellie also advises law firms and lawyers on ethical and fiduciary issues related to lateral hiring, law firm dissolution, and expulsion matters, and she [www.schwabe.com](http://www.schwabe.com) serves as outside ethics counsel to law firms. She also serves as Assistant General Counsel to the firm.



## Rachel Timmins, Ogletree Deakins

Rachel is an associate in our Portland, Oregon office focusing on employment litigation and traditional labor. Rachel represents employers in a wide range of employment and labor matters. She has appeared in state and federal court, as well as in front of the National Labor Relations Board (NLRB) and through private arbitrations and mediations.

Rachel graduated cum laude from Lewis & Clark law school, where she was the Lead Article Editor of the Lewis & Clark Law Review and mentor to incoming law students. During law school, Rachel worked in the legal department of Adidas. Rachel also served as an extern to the Honorable Magistrate Stacie F. Beckerman at the U.S. District Court for the District of Oregon.

### MAKE YOUR RESERVATION ASAP - DON'T BE LEFT WITHOUT A ROOM!

Sunriver Resort is pleased to extend special group lodging rates to OADC convention attendees. Sunriver Resort offers guest rooms, condominiums, and homes for you to choose from. Sunriver Resort has a variety of pet and family friendly lodging options. For more information on what Sunriver Resort has to offer, visit their website at:

<https://www.sunriverresort.com/group-stays/oregon-association-of-defense-counsel>

**Note: OADC contracts with Sunriver Resort for lodging and thus has obligations to meet. Please help us continue to be able to offer this benefit by booking your lodging directly through Sunriver Resort – NOT a third-party website or provider.**

In addition to current room rates, a resort fee of 15% per room per night will be added; this includes: taxes, assessment fees, cleaning fees (if applicable to your lodging type), wifi, access to Sage Springs Club and Spa, The Cove, resort swimming pools, hot tubs, steam room, fitness center, tennis courts, Crosswater and Caldera Links, intra-resort transportation, parking, daily newspaper from the lobby, and in-room coffee.

These rates are subject to change. Please consult with the reservation agent regarding lodging policies, cancellation, late arrival and early departure fees.

### GROUP ROOM RATES (PER NIGHT) FOR OADC CONVENTION ATTENDEES:

Lodge Village Guestroom: \$259

Lodge Village Suite: \$359

River Lodge King: \$319

2 and 3 bedroom condos; 3 bedroom townhomes; 3 and 4 bedroom homes\*

\*Homes and condominiums are subject to minimum night stays and best available rate at time of reservation. OADC is able to help secure 10% off the best available rate in homes and condos for our attendees at the time of booking. Please note that certain homes and condos may not be eligible for this discount.

### To make your reservation:

Contact Sunriver Resort directly at 800.547.3922 and ask for the OADC's 2023 Annual Convention room block

or make your reservation at <https://www.sunriverresort.com/group-stays/oregon-association-of-defense-counsel>

### RESERVATION DEADLINE

**Monday, May 1**

**You are strongly encouraged to book lodging right away, this will ensure the best available options and prices. June is peak season for Sunriver Resort, lodging is filling up fast.**

### MEMBER, NON-MEMBER, AND JUDGES REGISTRATION INCLUDES:

#### CLE Materials

OADC is increasingly aware that every piece of printed paper has an impact on our event's carbon footprint. In an effort to minimize paper waste, CLE session materials will not be printed for attendees. Session materials will be emailed to each attendee approximately one week prior to the convention. If you wish to reference materials during sessions, you're encouraged to bring electronic devices; although, power access is limited and not guaranteed. You also have the option to print at home and bring a copy. Be aware that Sunriver Resort is not able to accommodate printing. Materials will be provided to attendees only as they are submitted by each speaker.

#### Meals

Thursday night reception and dinner, along with beverage tickets  
Friday continental breakfast & Friday lunch  
Saturday continental breakfast

### COMPANION REGISTRATION INCLUDES:

#### Meals

Thursday night reception and dinner, along with beverage tickets  
Friday lunch for the entire family

### CANCELLATION POLICY

Cancellations received on or before May 30 will receive the full registration amount back, minus a \$50 administrative fee. Cancellations received between May 31 and June 5 will receive a 50% refund of total fees. Cancellations received after June 5, no shows, and same-day cancellations will not receive a refund. There will be no refunds given for partial attendance.

Space is limited and early registration is encouraged. In the event that room space becomes filled to capacity, some registrants will not be able to be accommodated and will be notified. Registrations will be accepted on a first-come, first-served basis.