

# CHAPTER 19

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## COURTROOM DO'S AND DON'TS

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## **Chapter 19**

### **COURTROOM DO'S AND DON'TS**

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## Decorum isn't Dead:

### *Courtroom Etiquette 101 – Top 10 Tips from The Bench*

*Presented by:*

The Honorable Adrian Lee Brown, Multnomah County Circuit Court  
and  
The Honorable Rebecca Guptill, Washington County Circuit Court

1. **Be on Time (*and communicate if you are running behind*)**. If you aren't early, you will probably be late. Be early (there is always something you can do to improve your case – e.g. practicing your argument, witness prep, introduce yourself and/or confer with opposing counsel, etc. -- while waiting. Remember, depending on the courthouse, you may need extra time to find parking; time to walk several blocks to court; wait in line to get through security; and maybe even search for your client (or agent and/or witness(s)). Oh, and that restroom stop!
  - a. If you are running late (life happens), you can still be professional about it by communicating to the court as soon as you know. The key is to *communicate* – whether with court staff (ideally directly through a call or email); or through your co-counsel, a fellow attorney or assistant from your office. If you are in the same courthouse and just in another courtroom, let that court staff or judge know so that they can alert the other courtroom.
  - b. If you aren't on time, be humble and apologetic. Do not make excuses or blame others, although a matter-of-fact explanation is fine (e.g. my infant twins both had diaper blowouts as I was getting them in the car for daycare (*actual statement from counsel to court staff*)).
  - c. Being late to a court hearing should be an extremely rare circumstance. You don't want to develop a reputation for lateness – you want judges and staff to find that running late is unusual and out

of character for you, preferably to the point where they are concerned for the worst; happy to hear that you are okay; and relieved to see you when you walk in the courtroom.

- d. If you do find yourself having trouble getting to court on time *regularly*, there is likely a professional practice or personal mental health issue you need to address. You are not alone, and there is help for lawyers struggling to keep up with the pace of the legal profession. The practice of law can be overwhelming. Please reach out to the Oregon Attorney Assistance Program (OAAP), for confidential, career-saving assistance on a range of issues. There is no shame in asking for help, and the court wants you to succeed in being the best professional you can be, for the bar, for your clients, and for the public. Take a look at what OAAP can offer at their website, <https://oaap.org/>. You can reach a counselor anytime by calling 503-226-1057, including after-hours for urgent matters.
2. **Dress to Impress (sorry soft pants).** When appearing in court, appropriate *and professional* attire is required. See UTCR 3.010. While some judicial districts may be more relaxed than others, always error on the side of formality. Yes, this means wear a suit or equivalent (blazer and tie, appropriate dress or pant suit, and professional accessories). Attorneys who dress professionally are noticed – in a positive way. How you dress is the beginning of your reputation – with the court, with opposing counsel, and with the jury. You will never be chastised for dressing professionally.
- a. Remind your clients and witnesses to dress appropriately for court -- no jeans, no sleeveless tops or sleeveless dresses; no shorts or mini-skirts; no chewing gum; and no hats (in courtroom).
  - b. If your client is in custody, you need to make sure they have appropriate court clothes to wear for a jury trial. Some counties have clothing banks to borrow from; and some clients may have family who are able to provide clothes. Plan ahead and make sure your

client has appropriate clothing for court and know the process with the jail and the court to ensure you have the appropriate permission for delivering the clothes.

3. **All Rise! (*Toto, we're not in Zoom court anymore*)**. Stand up when the judge enters the courtroom. See UTCR 3.050. Prepare your clients to do the same. Out of respect for those serving as a juror, stand during entry and exit of the jury from the courtroom, and during the reading of the jury verdict. Even if “All Rise,” is not called when the judge leaves the bench, it is still best practice to stand.
  - a. Always stand when addressing the judge (or jury) and have your clients do so as well.
  - b. It is generally acceptable to sit while asking questions of a witness, but it is always safest to ask the judge if you may remain seated for questioning.
  - c. Judges generally will allow attorneys some freedom of movement around the courtroom. Always ask if you may approach a witness, the bench, or to otherwise have that freedom. Play it safe and ask, “may I...?” before approaching witness or bench.
  - d. Remember that these are courts of public record – the mics around the courtroom are there to record the proceedings. You need to be close enough to a mic when talking for the record to be clear. Be mindful of mic locations when you are up and about so that you speak in proximity to one of them. You do NOT need to “eat the mic”. If you are near a mic, remember it will pick up your conversation with your client. Press (and hold) the button on the base of your mic to mute your mic.
4. **Check in with court staff when you arrive to court**, especially if you have not appeared in a particular courtroom before. Identify yourself, who you are representing, and what matter you are appearing on and its status. This

is helpful so that the staff and judge know when matters are ready to be heard and what order they should be heard in.

- a. Make sure you file your notice of representation on cases so that everyone knows you are on the case and to make sure you receive court notices properly.
  - b. Unless a judge or another attorney has announced your name on the record when calling the case, state your name and bar number for the record when you go to speak. Always best to make sure the record is clear and that all of the people involved – including the judge – know who you are and there is no confusion.
5. **Pronouns Matter!** Every judge and court likely has a different procedure to address pronoun usage. The judge and court staff will always appreciate being informed of preferred pronouns, names, titles, and honorifics. None of us want to be rude or confused. Every person deserves to be called by their preferred name and pronouns. Help us get it right! This is particularly important if there could be any confusion by the judge. Learn more at the following website: <https://pronouns.org/what-and-why>.
6. **Be ready (Bring your “A” game!).** Be prepared when you get to court – each time; every time.
- a. Have your calendar ready in case additional hearing dates are scheduled. And even if they aren’t set by the judge at the time of your hearing, post-hearing you should seize any opportunity to confer with opposing counsel on future dates.
  - b. If you think you have a conflict with a date being proposed – double check, other client meetings and personal appointments can generally be rescheduled -- trials and other court appearances take precedent. A trial or hearing in another courtroom, pre-planned vacation, medical procedure, etc, are actual conflicts. Another trial the same week, a consult, an office conference, etc. are not. Also,

being ready means having paid your trial fees, if applicable, *before* your trial starts and remember to leave enough time to do so!

7. **Stay Hydrated and Nourished**-- Bring a *filled* water bottle and snacks (for short breaks) to court and advise your clients do so as well. While most courtrooms will have pitchers of water and paper cup, don't count on it. Come prepared.
  - a. Don't plan to drink your coffee in a courtroom unless you are certain it is allowed in that courtroom. When in doubt, just ask the courtroom clerk.
  - b. Do not eat in a courtroom or chew gum, but have those snacks ready in case you have to work through lunch, or don't have enough time to leave courthouse.
  - c. Phones and electronic devices should be turned *off* – you don't want that unexpected alert or notification that comes through even if your phone is on silent.
  - d. If a phone needs to be turned on in order to check calendars, it is always safest to let the judge know and ask permission. If you have a laptop that you are using at counsel table, make sure it is in silent (not just on vibrate).
  - e. Make sure to inform clients and witnesses of these rules – they apply to them as well.

8. **Requests for Accommodations.** Ask for accommodations in advance.

- a. Make sure that the court staff knows well in advance if any interpreter is needed for your client or a witness so that it can be arranged. Never plan to bring your own interpreter -- court certified or qualified interpreters are the only interpreters allowed for court matters.

- b. Let the court clerk know if you, your client or a witness needs an assistive listening device, or needs other accommodations (breaks for pumping breast milk, or to take medication). The court and judges want to provide accommodations, and we need to know that you need them.
  - c. In general, let the court know if you are in need of a comfort break. Do so at an appropriate time and in an appropriately deferential manner. The judge could probably use a break too. (Extra professionalism points if you let us know that a self-represented litigant on the other side of your matter needs an interpreter or accommodation.)
  - d. Please alert court staff if there are any security concerns in a case, particularly if you are in a county that doesn't have security for the building.
9. **Communicate, communicate, communicate** (politely and professionally). Every judge's staff may have a preferred communication method. Most prefer email as they are often in court and unable to communicate via phone.
- a. Email is generally the safest and most preferable method for communicating to court staff. It is the safest way to avoid any *ex parte* communications. Always make sure to cc opposing counsel.
  - b. Do not have *ex parte* contact on a matter with a judge. Never email a judge directly on a matter (unless in a rare instance they have emailed you; and even then be sure to cc judicial staff and opposing counsel in your response).
  - c. Don't email staff a request that is actually a motion. When in doubt, check the UTCRs and SLRs, and confer with opposing counsel, before you reach out to judicial staff.

- d. Avoid asking for special favors of court staff – it puts them in an awkward position.
- e. Be polite to court staff at all times. They are underpaid, overworked, and doing their best. This goes for staff at filing counters, accounting, and other departments. Word gets around the courthouse if you are a rude or unpleasant person to work with. Kindness costs nothing.

10. **Know your Audience and Stay Curious.** It doesn't take much these days to learn about your judges—both background and their judicial practices.

- a. Before appearing before a judge see if the court's website provides any information about judges – Multnomah County judges have a public webpage for each judge on the court's website.
- b. Read the Uniform Trial Court Rules; the Supplemental Local Rules; and Consensus Statements; and any other practice guides available on the court's website.
- c. For court filings, know the general standard practices of that court, and any individualized practices the judge you are appearing before may have (e.g. a paper copy of filings over 10 pages must be delivered to chambers; or do not submit any paper copies to judges). Remember, judges are people too (and each independently elected public officials) and we each have our own style. Instead of being frustrated by these differences, embrace them and go with the flow of the judge you are appearing before.

## TRIAL PRACTIC TIPS—CRIMINAL CASES

Judge Stephen K. Bushong  
Multnomah County Circuit Court  
October 28, 2021

### I. Pre-Trial Preparation

- A. Trial Schedule.** Be realistic on how much time you will need for trial. It is better to overestimate than underestimate. Contact opposing counsel before requesting a trial date; attempt to agree on dates, or at least inform the other side that you will be requesting a trial date. Be sure your witnesses and experts are available before committing to a “Date Certain” trial date.
- B. Motions to Suppress & Other Dispositive Motions.** File your motions ahead of time; discuss them with opposing counsel. Consider whether truly dispositive motions can be decided in advance of trial. Consider a stipulated facts trial.
- C. Motions in Limine.** Use motions in limine to get pretrial rulings excluding (or admitting) evidence that is in dispute. Do not submit “boilerplate” motions. Emphasize quality, not quantity.
- D. Jury Instructions.** Use the Uniform Criminal Jury Instructions whenever possible. Don’t forget to fill in the blanks, or choose from suggested alternatives. Special instructions should be stated in neutral terms, with appropriate citations (including jump cites). When necessary, summarize complex statutory or regulatory schemes to make them understandable. Consider whether a “lesser included” instruction should be given.
- E. Verdict Form.** Your verdict form should logically follow from your jury instructions. Use the same terminology. Make sure you have a good understanding of the questions the jury will be expected to answer before you start the trial.
- F. Best Practices**
- Use an elements checklist
  - Prepare your jury instructions and verdict form before trial

- Practice your opening statement in front of a colleague or mirror
- Consider demonstrative exhibits to assist jurors' understanding of the evidence
- Confer with opposing counsel regarding exhibits, other issues that may or may not be in dispute
- Stipulate in advance of trial to the admissibility of exhibits
- Test technology in the courtroom beforehand; edit video testimony to minimize juror boredom

### **G. Common Mistakes**

- Failing to organize/edit trial exhibits
- Failing to edit videotaped evidence in advance
- Failing to talk to opposing counsel before trial about trial exhibits and other issues

## **II. Jury Selection**

Ask potential jurors about relevant life experiences, opinions and attitudes. Use short, open-ended questions. Don't make a speech or talk too much. Do not use "conditioning" questions that attempt to "plant the seed" for a favorable verdict. Don't be afraid to challenge a juror for cause.

### **A. Best Practices**

- Ask open-ended questions; learn about their life experiences and get them to tell you their stories.
- Remember that you are trying to figure out which jurors you will excuse, either for cause or with a peremptory challenge; you will not win your case in voir dire.
- Use favorable jurors to educate others and establish themes, even though the other side will likely bump them.

- Screen questions with your trial judge in advance if you think the other side might object.
- Orient jurors by explaining their task is to speak honestly and to share their experiences and attitudes – one way is to say the parties are looking for the “best fit.”
- Listen to jurors’ answers to your questions; follow up where appropriate, but don’t argue or correct them.
- Ask jurors about their attitudes and experiences with the critical issues in your case, but don’t attempt to condition them.
- Manage juror personalities; don’t let an outgoing juror dominate or ignore shy jurors.

## **B. Common Mistakes**

- Attempting to argue your case or “condition” the jurors to rule in your favor.
- Talking too much; not listening.
- Arguing with prospective jurors who express views that are contrary to yours or harmful to your case.
- Failing to ask questions that matter – about prior experiences and attitudes.
- Asking questions designed to use a juror as an “expert” witness for your case.
- Attempting to condition or manipulate jurors; jurors understand and resent you for trying this.
- Taking too long; there may not be a time limit, but jurors resent it when they think you’re wasting their time

### **III. Opening Statement**

Tell the story from a key player's perspective. Make it interesting; don't just summarize the testimony you expect to elicit from each witness. Set the scene; paint a picture with your words. Establish (and use) a theme for the trial. Define complex or technical words/phrases. Identify the cast of characters. Use visuals. Use a timeline where appropriate.

#### **A. Best Practices**

- Tell a story; pick your client's or a key witness's perspective and let the jury re-live the experience
- Use active and descriptive words; make the jury "see" and "feel" what happened
- Use demonstrative exhibits
- Define key terms; introduce the cast of characters; use a timeline
- Make it interesting; jurors are used to seeing the whole story unfold in an hour, as on "Law and Order"
- Pick a theme and stick to it
- Keep it short; you can fill in some of the details later
- Introduce your client; tell your client's story

#### **B. Common Mistakes**

- Reciting what each witness will say in order of appearance
- Telling the jury that the opening statement is not evidence
- Relying too much on technology
- Arguing and drawing conclusions for the jury; let them draw the conclusions

- Waiving or deferring opening statement

#### **IV. Presenting the Evidence**

##### **A. Direct Examination**

Focus the jury's attention on the witness. Get the testimony out in bite-sized pieces instead of a lengthy narrative. Stop the witness and ask a "why" question when appropriate. Use part of the answer in the next question to emphasize important points ("looping"). Use short, open-ended questions, but use leading questions to get through non-essential information more quickly or to avoid a misstep in a problem area. Use your experts to "teach" the jury about complex, technical issues. Use graphics, demonstrative exhibits, and other visuals to reinforce and explain the testimony. Avoid using lengthy videotaped evidence.

##### **B. Cross Examination**

Don't try to do too much. Don't go over the witness's testimony on direct in excruciating detail in the hopes that he will get tripped up on the details. Figure out what points you expect to make with the witness, make those points, and then stop. Typical points: perception; memory; interest in the litigation or other bias; qualifications to offer expert opinions. Control the witness. Use leading statements to make your points and ask the witness to confirm them. Use the other side's expert to get testimony that helps your case, when possible.

##### **C. Redirect Examination**

Use redirect to give your witness a chance to explain any troublesome or confusing answers. Do not "save" key testimony for redirect; that will typically open the door for re-cross.

##### **D. Effective Use of Exhibits and Technology**

If you use documents or other exhibits, make sure the jury can or will be able to see the exhibit. Publish the exhibit to the jury after it is accepted into evidence. Make a clear record by referring to documents by exhibit number. Power point presentations can be effective, but don't rely too heavily on them and be sure to clear it with the judge first.

## **E. Objections**

Make short, one-word objections (relevance, hearsay) in front of the jury. Ask to be heard outside the presence of the jury if you want to argue the point. Don't be afraid to object (jurors expect lawyers to object on occasion), but don't overdo it. Use your judgment; don't object on minor points that don't make a difference.

## **F. Best Practices**

- Make sure an exhibit has been received before showing it to the jury
- Let your witnesses tell the story on direct examination; don't lead your own witnesses
- Make your points on cross-examination and stop; don't try to do too much
- Object when necessary; jurors expect lawyers to object occasionally. Remember, you're making a record for possible appeal
- Don't object just because you can; jurors don't like lawyers who object too much and make it appear that they have something to hide (or want to make life difficult for opposing counsel)
- Make specific objections based on the rules of evidence
- Use Rule 104 hearings appropriately (to challenge an expert's qualifications or the basis for an expert's opinion)
- Use your experts to teach the jurors

## **G. Common Mistakes**

- Offering exhibits that include objectionable material; better to redact objectionable material and have the exhibit received than to have it excluded

- Showing illustrative or other exhibits to the jury without the judge's approval; can be embarrassing in front of the jury if objection is sustained
- Failing to object when necessary, or failing to make specific objections based on the rules of evidence
- Making "speaking" objections in front of the jury
- Trying to do too much on cross; don't lose control, and don't let the other side's witness repeat (and reinforce) testimony on direct

## **V. Closing Argument**

Trust the jury; by the end of the trial, they understand. Do not summarize evidence the jury has already heard several times. Argue the circumstances, the credibility of the witnesses, or other critical issues. Use analogies and examples. Explain why your version of the facts makes more sense. Use the jury instructions and verdict form; tell the jury how you want them to answer the questions and why. Ask questions; answer some of them. Focus on the key issues, and give the jury some direction. Tell them the exhibit numbers of the exhibits you want them to look at during deliberations. Don't bluster or overstate the facts of the case. Pay attention to the time; don't be afraid to stop.

### **A. Best Practices**

- Use the jury instructions and verdict form
- Argue and persuade; don't just summarize the evidence
- Use demonstratives and visuals
- Trust the jury; by the end of the trial, they understand and want to decide the case
- Focus on the key points in dispute; don't try to argue everything
- Juries want to do the right thing; explain why ruling in your favor is the right thing to do

- Address any weakness or “elephants in the room”
- Ask jurors to look at specific exhibits (by number), but don’t overdo it
- Keep it short, and end on a strong point

#### **B. Common Mistakes**

- Torturing the jury by making them sit through lengthy, unnecessary recitation of all the evidence
- Referring to facts that are not in evidence
- Attacking opposing counsel; do not make it personal
- Ignoring the jurors’ body language

### **VI. Verdict**

If you lose, ask the judge to poll the jury on the record. Confirm the results on the record.

### **VII. PERSONAL CONDUCT**

#### **A. The Judge’s Perspective**

- Be professional and respectful at all times. Lawyers must behave with courtesy towards everyone in/outside the courtroom. You are never offstage if you are within sight or hearing distance of any juror or member of the court staff.
- If you know a matter for the court is going to take more than a few minutes, let the judge know in advance so it can be arranged to coincide with a jury break.

- Speaking objections are never appropriate during a jury trial. If you need to make a record, ask to be heard outside the presence of the jury.
- Judges do not like surprises – keep your judge apprised of the order of witnesses, which exhibits you intend to offer and legal issues that are critical to your case.
- Be realistic in your estimates about how long the matter will take. Don't tell the judge that you can try the case in 2 days and then take 4. Make a schedule and stick to it.

## **B. The Jury's Perspective**

- Jurors do not appreciate lawyers who are disorganized and seemingly unprepared. If you are using a video, PowerPoint, or other "high tech" device, make sure the equipment works and you know how to operate it. Cue the equipment to begin at the correct place. Be prepared with your exhibits.
- Jurors do not like it when lawyers seem to be wasting their time with cumulative evidence, repetitive arguments, or numerous "matters for the court" during trial.
- Jurors do not like lawyers being rude to each other, to their support staff, to court staff, or anyone else. They're always watching.
- Jurors do not like to be manipulated. Persuade jurors to come to a just decision; manipulation rarely works.

## TIPS FOR BETTER BRIEF WRITING AND ORAL ARGUMENT

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### BRIEF WRITING

1. **Concede Nothing:** Judges are impressed by tough lawyers. Make your opponent fight for every inch of ground, no matter how indefensible your position. If your opponent says today is Monday, move to strike for lack of personal knowledge. If you are persistent, you'll eventually wear the other side down.
2. **Use the Shotgun Approach:** Make as many arguments as possible, no matter how weak. When in doubt, most judges just tote up the points, e.g., "plaintiff has ten arguments in her favor, defendant only one, so plaintiff must have the stronger case."
3. **Phrase Every Argument in the Alternative:** If the complaint accuses your client of violating NEPA by not preparing an environmental impact statement, you should simultaneously argue that your client: (a) fully complied with all NEPA requirements for this project; (b) fully complied with NEPA for a prior project, and this is just a continuation of that project; (c) was not required to comply with NEPA; (d) complied with NEPA in spirit; (e) plaintiff lacks standing to contest your failure to comply with NEPA; or (f) . . .
4. **Don't Give Away the Surprise Ending:** Briefs are like mystery novels -- you don't want to ruin the suspense by revealing the surprise ending too early. Use the first 34 pages of your brief to lay out the most complicated legal puzzle imaginable. Only after you have completely befuddled the other side (and the judge as well) should you play your ace in the hole. "In any event, this is all academic because [fill in the blank]." The judge will be awed by your legal *tour de force*.
5. **Use All 35 Pages:** One of the most embarrassing things you can do as a lawyer is to file a 15-page brief when the local rules allow up to 35 pages. Your little brief looks wimpy sitting on the table next to your opponent's power-brief with its 49 attached exhibits all housed in deluxe imitation wood-grain binders. You might as well attach a note saying: "Sorry, but my client has a very weak case and I can't think of any other arguments to make on her behalf." If you run out of things to say, just repeat the same arguments over again. No one will notice.
6. **Always Attach Exhibits:** Exhibits lend an air of authority to a brief. It is no longer just a lawyer making an argument; now you have documentary proof of your client's position. If you don't have any exhibits, invent some. It really doesn't matter what you use because, if they are fat enough and contain lots of technical-sounding fine print and rows of numbers, no one will read them anyhow.
7. **Ignore Controlling Authority:** A lot of lawyers assume they have an ethical duty to cite controlling authority contrary to the position advocated by their client; that is nonsense. By definition, if the judge doesn't follow a case, then it is not controlling. If it is not controlling, then you have no ethical obligation to cite the case. Seems simple enough to me.

## TIPS FOR BETTER BRIEF WRITING AND ORAL ARGUMENT

8. **Use String Citations:** Anyone can cite the latest Ninth Circuit authority. What really impresses the judge is citing a long list of pre-World War II cases from district courts in Louisiana and Mississippi that your law clerk cribbed from an old ALR article.
9. **Cite Corpus Juris Secundum:** Can't find a case on point? Just cite CJS. It is comprehensive, authoritative and those Latin titles get the judge every time. It always worked for Perry Mason. In a pinch, the Harvard Law Review will suffice.
10. **Don't Shephardize:** Shephardizing is expensive. If you cite a few dozen cases in a brief (or for you string-citers, perhaps a few hundred cases), that adds up to a lot of pocket change, not to mention the time involved. Don't waste your money -- the odds are that the key cases you cited are still good law. If they aren't, you're cooked and there is nothing you can do about it anyhow so, why throw good money after bad?
11. **Cite Out-of-Circuit Authority:** I don't know why people think the Ninth Circuit is so special -- it's just one of thirteen circuits. If Ninth Circuit case law doesn't favor your client, then cite a circuit that is more hospitable. Timid attorneys may want to put a little "*but cf. XYZ (9th Cir. 1993)*" at the end of the string-citation to avoid possible ethical problems. Alternatively, point out that the Ninth Circuit's position has not been followed by other circuits and urge the trial judge to overrule the Ninth Circuit. **Example:** "The circuits (with the sole exception of the Ninth Circuit) are unanimous in holding that the Civil Rights Act of 1991 is not retroactive. The Ninth Circuit's position is clearly an aberration and should not be followed."
12. **Attack Your Opponent:** Your opponent is a sleazebag who should not be believed and that is reason enough to rule against him. So be sure you attack your opponent in the brief, call him names and impugn his motives.
13. **Whine:** Few federal judges are young enough to still have small children at home, but all it takes is a pair of whining lawyers to bring back those nostalgic memories of two six-year-olds squabbling. "Judge, his brief is one page too long." "Judge, he pretended to be negotiating with me while he was secretly preparing a complaint." It will make the judge feel twenty years younger.
14. **Omit No Defense:** Defenses were put on this earth for only one purpose -- to be used by defense attorneys. There's no sense letting them go to waste. **Example:** A prisoner filed a civil rights action alleging that female clerical employees at a local jail had been viewing strip searches of male inmates through a peep window. The defendants promptly moved to dismiss the inmate's claim on grounds of qualified immunity, *i.e.*, they didn't know that such conduct was wrong. Some attorneys might have trouble asserting that defense with a straight face -- but that's what junior associates are for.
15. **Don't Read the Cases You Cite:** You're thumbing through the Federal Digest and you find the perfect headnote -- you couldn't have written a better holding if you'd tried. Should you read

## TIPS FOR BETTER BRIEF WRITING AND ORAL ARGUMENT

the case just to be sure it really stands for that proposition? Of course not! Why spoil perfection? A lot of bad things can happen when you go beyond the headnote and read the actual case. You might discover that the court was applying Washington law instead of Oregon law, or that there were some distinguishing circumstances. Ignorance is bliss.

16. **Employ See Creatively:** This is one of the most useful signals in brief writing. For instance, you can cite a terribly complicated case to support an obscure procedural point (which the case does not stand for). No one who reads the case can “see” in it what you could -- but are they going to admit that? Of course not, because they don’t want to admit they are not smart enough to see the brilliant point you are making. This strategy works particularly well with law clerks who graduated from big name law schools but are haunted by subconscious feelings of inadequacy.

17. **Argue Issues Not Before the Court:** This strategy works for both briefs and oral arguments. If the issue before the court is not your strongest, don’t fight a losing battle. Change the subject and argue some other issue where you have a chance of prevailing. For instance, if the issue is change of venue, argue the merits of the case, e.g., there is no point transferring this case because defendant can’t win in any court.

18. **A Little Latin Goes a Long Way<sup>1</sup>:**

- A. Because plaintiff has not shown he suffered measurable injury, his claim must be denied.
- B. *De minimis non curat lex. Damnum absque injuria. Cadit quaestio.*

Which paragraph sounds more authoritative? The second one, of course. *Vel caeco apparat.* (It would be apparent even to a blind man.) Would you rather tell the jury that your client was “caught between a rock and a hard place,” or “*a fronte praecipitium a tergo lupi*” (“a precipice in front, wolves behind”)? If the defendant calls your client a “lying cur”, just smile and say: “*Proprium humani ingenii est odisse quem laeseris.*” (It is human nature to hate a person whom you have injured.) Everyone will assume that if you’re smart enough to use all these Latin phrases, the rest of your arguments must be of similar caliber. *Experto credite.*

19. **Don’t Search for Recent Decisions:** The job of a law clerk can be tedious. One of the few pleasures they get is to uncover a recent decision that neither party cited. Why deprive them of that pleasure by reading slip opinions or doing a Westlaw search?

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<sup>1</sup> If you don’t know any Latin, ask your local bookstore to order copies of Eugene Ehrlich’s *Amo, Amas, Amat and More: How to Use Latin to Your Own Advantage and to the Astonishment of Others* (Harper & Row 1985); Richard A. Branyon’s *Latin Phrases & Quotations* (Hippocrene Books 1994); and Henry Beard’s *Latin For All Occasions* (Random House 1990) and *Latin For Even More Occasions* (Random House 1991).

## TIPS FOR BETTER BRIEF WRITING AND ORAL ARGUMENT

20. **Let Your Opponent Do Your Research:** Don't have time to research the theories of your case? No problem. Include the whole kitchen sink in your complaint and let the other side sort them out in its motion to dismiss. Or maybe the judge's law clerk can figure out which theories are viable.

21. **Always Get the Last Word:** If your opponent files a reply brief, then you *must* file a supplemental response. If she files a sur-reply brief, then you immediately file another supplemental response. Following oral argument, send the judge a letter responding to your opponent's points. A letter is more effective than a brief because the judge won't realize it is a brief in disguise until after he has begun to read it. The better letters start by discussing some innocuous procedural matter and then digressing to merits almost as an afterthought, or so the reader should believe.

22. **Assume the Judge Knows Everything About Your Case:** You've been working on this case for months. You know the facts and the relevant law, and so should the judge. After all, if she wasn't so smart she wouldn't be a judge. So, when writing a brief, just dive right into your arguments without any introduction or background. Don't bother including a capsule summary of your argument at the beginning -- the judge will figure it out eventually.

Conversely, you should assume the judge knows nothing about basic legal principles. A classic example is a major law firm that devoted ten pages of a brief to explaining the concept of *stare decisis* to a veteran trial judge. Unfortunately, the "controlling" case was construing California law and the judge was applying Oregon law. Oh well, *non omnia possumus omnes*. (No one can be an expert in all things.)

23. **File Your Brief Late:** The best time to file a brief is Friday afternoon at 4:30 for an oral argument on Monday. That's particularly effective when the judge's law clerk has already finished her memo and now has to stay all weekend to revise it. You are assured of getting the last word. You should also mail a copy to your opponent on Friday afternoon. With some luck, he won't receive it until oral argument is over.

24. **Cite Unavailable Materials:** When citing unpublished district court opinions or similar materials, never attach a copy to your brief. If the judge can't read the case you've cited, he'll have to take your word on its contents. That also applies to obscure 19th Century treatises, or \$600/year industry newsletters.

25. **Move to Strike:** Federal judges love motions to strike. Don't like something in your opponent's complaint? Move to strike the offending words. If your opponent files affidavits opposing your summary judgment motion, move to strike the entire affidavits or particular sentences in them. If you prevail on the motion to strike, you win the case since your summary judgment motion is now unopposed.

## **Uniform Trial Court Rules**

The most current UTCRs, along with other court rules, can be found at the following link:

<https://www.courts.oregon.gov/rules/Pages/default.aspx>

# CHAPTER 20

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## ALTERNATIVE DISPUTE RESOLUTION – MANDATED AND VOLUNTARY

Lisa Brown  
*Lisa Brown Attorney, LLC*

## **Chapter 20**

### **ALTERNATIVE DISPUTE RESOLUTION - MANDATED AND VOLUNTARY**

#### **T A B L E O F C O N T E N T S**

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III.	PREPARING FOR MEDIATION .....	20-17

## *Alternative Dispute Resolution*

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## The Benefits of ADR

“Discourage litigation. Persuade your neighbors to compromise whenever you can. Point out to them how the nominal winner is often a real loser – in fees, expenses, and waste of time.”



Abraham Lincoln, 1850

## Forms of Alternative Dispute Resolution

- Ombuds
- Facilitation
- Fact finding
- Mediation
- Mediation/Arbitration
- Mandatory Arbitration
- Contractual Arbitration

## Ombuds

- An Ombuds is a designated neutral, impartial person who provides independent, impartial, confidential and informal assistance.
- Ombuds do not advocate for either party to a dispute; their job is to research and identify potential options for resolving the issues presented and to help identify a fair resolution that is acceptable to everyone involved.

## Facilitation

Facilitation is an informal process involving a neutral third party to facilitate communications and assist the parties in accomplishing a defined task.

## Fact Finding

- Neutral third party
  - Investigates complaint
  - Interviews witnesses
  - Gathers facts
  - Prepares non-binding report indicating what facts substantiate or do not substantiate complaint

## Consensus Building

- Neutral third-party facilitator
- Assists group of individuals to find consensus through facilitated discussions and negotiations

## Mediation

- Neutral third party
- Assists parties in reaching settlement of disputed issue
- Does not impose settlement terms
- Allows parties to find commonality after sharing their respective positions either directly or through the impartial mediator

## Value of Mediation to the Parties in Dispute

- Mediator is neutral and can view facts objectively
- Mediator can assist parties in identifying solutions and options they may not have considered
- Mediation allows for an early settlement, avoiding prolonged and expensive litigation
- Mediation allows for creative solutions
- Parties may select mediator with substantive expertise in the disputed issues
- Confidential (with some limitations)

## Mediation/Arbitration Option

A contract clause or policy can provide that the parties have the option of starting with a mediation and moving to arbitration if the mediation is unsuccessful.

## Sample Mediation Clause

If a dispute arises out of or relates to this policy/contract or the breach of this policy/contract and if the dispute cannot be settled directly through negotiation, the parties agree first to try in good faith to settle the dispute by mediation administered by (ADR provider), prior to resorting to arbitration or litigation.

## Arbitration

Arbitration is the adjudication of a dispute by an impartial arbitrator (or a panel of three arbitrators) selected by the parties who hears evidence presented by both parties and renders an Award which is generally a binding decision.

## Types of Arbitrations

- Contractual: Arbitration is usually a creature of contract; a well drafted arbitration clause is essential for both parties to a contract as it will define the arbitration process.
- Mandatory Court Annexed Arbitration: (ORS 36.400 to 36.425) Applies to civil cases where the relief claimed is for money or damages in an amount less than \$50,000, exclusive of attorney fees, costs and disbursements as well as for some domestic relations cases not involving children or support

## Benefits of Arbitration

- Fair and efficient process
- Timely decision, prompt resolution
- Privacy, minimal court intervention
- Finality: Narrow grounds for appeal

## Benefits of Arbitration

- Substantive expertise of Neutrals
- Flexible and focused on party needs
- Cost reduction
- Confidentiality

## Factors to Consider in Drafting and Arbitration Clause

Identify an arbitration administrator (e.g. Arbitration Service of Portland, American Arbitration Association, JAMS).

Why? this will provide the parties with the applicable set of rules and eliminate ambiguity in how the proceedings will be conducted

## Administered Arbitration Providers

- Independent and Impartial
- Independent Administration of the ADR process
- Established Standards for Neutrals
- Clear Selection Process involving all parties
- Identifying Neutrals by areas of substantive expertise
- Choice of Provider

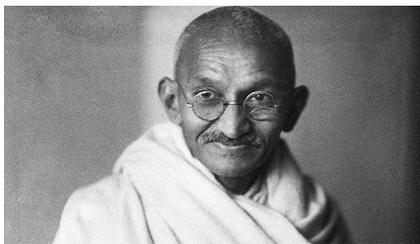
## Benefits of Administered Arbitration

- Experienced and qualified arbitrators
- Established rules and procedures
- Administrative support
- Set fees

## Sample Arbitration Clauses

We, the undersigned parties, agree to submit the following controversy to arbitration administered by (ADR provider) under its applicable rules: (describe controversy). We agree that this controversy be submitted to (one)(three) arbitrators. We further agree that we will observe this Agreement and the rules of the Arbitration Service and abide by the Award rendered by the Arbitrators, and that a judgment may be entered in the court having jurisdiction over this controversy.

## The Benefits of ADR



“I had learnt the true practice of law. I had learnt to find the better side of human nature and to enter men’s hearts. I realized the true function of a lawyer was to unite parties riven asunder. The lesson was so indelibly burnt into me that a large part of my time during the twenty years of my practice as a lawyer was occupied in bringing about private compromises of hundreds of cases. I lost nothing thereby – not even money, certainly not my soul.”

Mahatma Gandhi - 1927



## Lisa Brown

Lisa Brown mediates and arbitrates cases through the American Arbitration Association, balanced billing arbitration panels in Washington and Virginia, court mandated arbitration programs, the Oregon State Bar Fee Dispute Resolution program, and a variety of other arbitration panels.

Having been a litigator for many years, Lisa enjoys the opportunity to assist parties in resolving disputes through facilitation, arbitration and mediation as cost effective alternatives to litigation. Lisa is a frequent speaker on alternative dispute resolution, recognizing the importance of educating litigators, in-house lawyers, business owners and transactional attorneys on the value of using arbitration and mediation as risk management tools.

Lisa's contact information is: [lisa@lisabrownattorney.com](mailto:lisa@lisabrownattorney.com), 503-887-2436.



## **Preparing for Arbitration**

By Lisa Brown

### **Preliminary Considerations**

- Is this arbitration proceeding court mandated or required by contract?
- What rules apply: the local court rules for court mandated arbitration or the rules of the arbitration service designated in the contract (American Arbitration Association, Arbitration Service of Portland, JAMS, FINRA)? Read the rules carefully before you start the arbitration process.
- Is the arbitration binding or is there an opportunity for de novo review?

### **Demand and Response**

- Clearly state each claim and defense.
- Clearly identify damages, including interest and attorney fees if they are allowed by statute or contract.
- Be sure you have identified the correct parties, as it may not be possible to amend.
- If you are using an arbitration service, the arbitration service may charge more money to add a party or increase your damages at a later time.

### **Preparing Your Case**

- Prepare for arbitration like you would for trial.
- This is your client's one chance to be heard, so be sure you are well prepared.

### **Preliminary Hearing with Arbitrator**

- Be prepared in advance of the preliminary hearing with the arbitrator: know what discovery you need, how many depositions you want to take (if any), how much time you anticipate needing to complete discovery, when you and your client could reasonably be prepared for an arbitration, where the arbitration should take place (check the arbitration agreement and the service provider's rules).
- Confer with opposing counsel to reach an agreement on as many of these issues as possible; agree, if possible, on a discovery deadline and time frame for the arbitration hearing.



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- Be prepared to state how long you will need to present your case and how many days will be necessary for the arbitration.
- Ask if the exhibits should be electronically submitted or if the arbitrator prefers binders and when those exhibits should be provided.
- Talk with your clients and key witnesses before the preliminary hearing to be sure you know when they are available to attend an arbitration.
- How does the arbitrator prefer to resolve discovery disputes?

### **Discovery Issues**

- Be mindful that arbitration proceedings are intended to be efficient and cost effective.
- Be aware of any limitations on depositions set by the arbitration agreement, the court rules or the service provider's rules.
- Avoid lengthy motions to compel; best practice is to send a short letter to the arbitrator, copying all parties, identifying the issues in dispute and the positions of each party.
- Stipulated Protective Orders: does the arbitration service/court have sample forms?

### **Subpoenas**

- Use the forms provided by the arbitration service.
- Consider what authority the arbitrator has over the party receiving the subpoena to compel their attendance (especially if the witness is out of state).

### **Prehearing Statement**

- This is your chance to explain your case and provide an overview for the arbitrator.
- The prehearing statement should be a roadmap for the arbitrator to review in advance of the hearing.
- Take the opportunity to introduce the key witnesses and exhibits to educate the arbitrator.
- Identify the elements of the claims and defenses.
- Explain industry terms and educate the arbitrator on technical issues or matters that are unique to your client's business.
- If you have a complex or unusual issue that your arbitrator may not be familiar with, address that issue in the prehearing statement.



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- Remember to address damages.
- Consider incorporating a chronology into your prehearing statement or presenting the facts in chronological order, as that chronology will serve as a valuable guide for the arbitrator throughout the arbitration process.
- Alert the arbitrator and opposing counsel if you anticipate the need to have a witness testify by phone; obtain advanced consent and approval.
- Alert the arbitrator of the need for any technical support you may need at the hearing.
- Provide your pre-hearing statements of proof (witness & exhibit lists) and digital copies of exhibits to the arbitrator(s) and opposing counsel on a timely basis.

## **Arbitration Hearing**

### **Preliminary Matters**

- In advance of the hearing, review the opponent's exhibits and decide if you can stipulate to the exhibits. If the parties can agree on exhibits, consider preparing a joint set of exhibits for the arbitration.
- Consider in advance if you plan to exclude witnesses so that issue can be addressed before the arbitration commences and a location can be identified for the witnesses to sit while waiting to testify.
- If you stipulate to some of the facts that are not in dispute, be sure to include those facts in your chronology, pre-hearing statement, and opening statement so there are no "gaps" in the factual information presented to the arbitrator.
- Will you need to ask for permission to take witnesses out of order?

### **Opening Statements**

- Your opening statement should be a concise summary of the legal and factual issues, explaining what you believe the evidence will show. Let the arbitrator know what damages or other relief you are seeking.
- What are the five key issues you want the Arbitrator to remember and consider as the evidence unfolds?
- Explain how you will tell the story of your case through witnesses and documents
- Be brief, but provide a clear roadmap of your case, following the roadmap you provided in your preliminary statement.



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## **Examination of Witnesses**

- Include all potential witnesses in your witness list, but only call the witnesses that are truly necessary to prove your case.
- Avoid unnecessary objections, remembering that this is an arbitration proceeding, not a trial, so you are usually not creating a record for appeal.
- Encourage your witnesses to look at the arbitrator when testifying.
- While arbitrations are less formal than a trial, the direct and cross examination should be conducted as it would be at trial: do not question the witness as if this is a deposition.
- Focus your questions on the key points you raised in your opening statement so the arbitrator can understand how the facts relate to the legal claims, defenses, or damages.
- Be sure every question has a clear purpose; if you or your witness starts to wander away from the key issues, you will confuse the arbitrator.
- Remember there is usually not a court reporter, so go slowly, allowing the arbitrator time to write down the important testimony.
- Listen carefully to questions from the arbitrator, as that will alert you to issues the arbitrator may not fully understand.
- Remind parties and witnesses that they cannot comment on or supplement the testimony of the witness who is testifying: they must remain silent as they would in a courtroom while someone else is testifying.
- Remind your client that they cannot openly comment on your opening, closing, witness testimony, exchanges with opposing counsel or the arbitrator. Again, they must remain silent as they would in a courtroom.
- Encourage parties and witnesses not to use terms unique to their business without first explaining to the arbitrator what those terms mean.

## **Closing Statements**

- Discuss how the evidence proved or failed to prove the elements of the claims/defenses.
- Discuss the opponent's evidence as it relates to your case.
- Follow through on your theme and reinforce the five key points that you shared in your prehearing statement and opening.
- Clearly underscore the issues you want the arbitrator to remember and consider when the arbitrator is later writing the opinion.



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## **Post Hearing Briefs**

- Take the opportunity to prepare a post hearing brief, if one is allowed, but keep it short, focused, and on point: again, what are the key issues you want to be sure the arbitrator understands about your case (facts, legal issues, damages) before they prepare findings of fact, conclusions of law and a final award?



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## PREPARING FOR MEDIATION

By Lisa Brown

### Explain what mediation is to your client and how it differs from going to trial:

- The parties are in charge of the settlement terms
- The mediator has no stake in the outcome and no authority to impose a settlement
- The process is voluntary, confidential, and solution oriented
- Consider and discuss what happens if the case does not settle in mediation

### Selecting a Mediator: know what you are trying to accomplish and what your client needs

- Consider different mediation styles, personalities, and experience in deciding what would work best for your case:
  - A third party neutral?
  - A judge?
  - An evaluative approach?
  - A collaborative mediator
  - A mediator who focuses on passing the numbers back and forth?
  - A mediator who is empathetic, a good listener, creative and solution oriented?
  - A mediator who genuinely cares about getting the case resolved (or considers this “just another mediation”)
- Consider the mediator’s subject matter expertise
- Consider whether the mediator's personality will be a good fit with your client
- Consider how the mediator will interact with opposing counsel and their client as well as anyone else who may be an active participant in the mediation process

### Mediation Statement

- What information has the mediator requested?
- Would it be helpful to meet or talk with the mediator in advance?
- Provide the mediator with enough factual and legal information for them to work with in the mediation process, allowing them to understand and analyze the strengths and weaknesses of the case from the standpoints of both parties
- Are there nonmonetary issues that are important to either party?
- What are the emotional issues driving the case?
- What information would it be helpful for the mediator to know about opposing counsel or the other party?
- Be clear what it is you and your client want to accomplish at the mediation
- Is there a reason a joint session may not be advisable in your case?



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- Is there anything it would be helpful for the mediator to know about your client in advance of the mediation?

### **Preparing Your Client**

- Explain that the process is voluntary
- Discuss the possibilities of joint sessions and caucus sessions
- Become comfortable discussing both the strengths and the weaknesses of your case
- Prepare your client to respond to the mediator's direct questions
- Explain the confidentiality requirements

### **Consider taking along a draft of a settlement agreement (hard copy and digital):**

- Be mindful of the terms you want to include in the settlement agreement and bring a list with you (confidentiality, tax indemnity, damages for breach, arbitration, etc.)
- Tell the mediator what terms are essential to settlement at the start of the mediation process
- Consider sending a draft agreement to the mediator (without numbers included) with your mediation statement



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## ACCESS TO JUSTICE: BUILDING A SUSTAINABLE AND INCLUSIVE PRACTICE

Steven L. Hill

*Hill Law Office*

Kim T. Le

*Waxler & Le Immigration Law, LLC*

Emery Wang

*Vames & Wang*

Hong Dao, Moderator

*Professional Liability Fund Director of Practice  
Management Assistance*

**Suggested readings from various sources for working with diverse clients and making your practice accessible:**

- You May Be Needed Elsewhere: How a Market Analysis Can Help You, <https://www.osbplf.org/inpractice/you-may-be-needed-elsewhere--how-a-market-analysis-can-help-/>
- Legal Ethics and Trauma-Informed Lawyering, <http://www.repairconnect.org/sites/default/files/2017-Ribet-Legal-Ethics-Trauma-Informed-Lawyering.pdf>
- Pedagogy of Trauma-Informed Lawyering, [https://www.law.nyu.edu/sites/default/files/upload\\_documents/Katz%20-%20Halder%20Pedagogy%20of%20Trauma-Informed%20Lawyering.pdf](https://www.law.nyu.edu/sites/default/files/upload_documents/Katz%20-%20Halder%20Pedagogy%20of%20Trauma-Informed%20Lawyering.pdf)
- Representing Transgender and Gender-Diverse Clients, <https://www.okbar.org/barjournal/may2020/obj9105taylor/>
- How Working Remotely Builds the Case for Accessibility, <https://www.lawpracticetoday.org/article/working-remotely-builds-case-accessibility/>
- Tips on Making your Practice Gender/LGBTQ Inclusive, <https://www.lawpracticetoday.org/article/tips-on-making-your-practice-gender-lgbtq-inclusive/>
- Law Firm Website Accessibility and ADA Compliance, <https://www.lawlytics.com/blog/ada-compliance/>
- Multilingual Law Firm Websites and SEO Best Practices, <https://www.lawlytics.com/blog/multilingual-law-firm-websites-and-seo/>
- Five Habits of Cross-Cultural Lawyering and More, <https://fivehabitsandmore.law.yale.edu/jean-and-sues-materials/habits/intro-to-the-habits/>

# COMMUNITY RESOURCES

## Culturally Specific Service Providers

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### Asian Health & Service Center

9035 SE Foster Rd.  
Portland, OR 97266  
Phone: 503-872-8822  
<http://www.ahscpdx.org/>

3800 SW Cedar Hills Blvd. #196  
Beaverton, OR 97005  
Phone: 503-772-5880

Provides culturally and linguistically sensitive care to Asians, including outpatient mental health services, disease education and management, cancer prevention and screening, immunization and education, and senior programming.

### El Programa Hispano (Catholic Charities)

333 SE 223rd Ave #100  
Gresham, OR 97030  
Phone: 503-669-8350  
<https://www.elprograma.org/>

2740 SE Powell Blvd.  
Portland, Oregon 97202  
Phone: 503-231-4866

[http://www.catholiccharitiesoregon.org/services\\_latino\\_services.asp](http://www.catholiccharitiesoregon.org/services_latino_services.asp)

Provides emergency economic assistance, self-sufficiency activities, mental health counseling, domestic violence case management, and youth service to low-income Latino residents in metro Portland.

### Immigrant & Refugee Community Organization (IRCO)

10301 NE Glisan St.  
Portland, OR 97220  
Phone: 503-234-1541  
<http://www.irco.org/>

Promotes the integration of refugees, immigrants, and the community at large into a self-sufficient, healthy, and inclusive multiethnic society by providing multicultural, community-based services such as early childhood development services, parent education and support, youth services, anti-poverty assistance and health education programs.

Additional locations:

- **IRCO Africa House** – supports Portland’s growing African Refugee and Immigrant populations.  
709 NE 102nd Ave  
Portland, OR 97220  
Phone: 503-802-0082
- **IRCO Pacific Islander & Asian Family Center** – provides culturally specific programming for Portland’s Asian and Pacific Islander communities.  
8040 NE Sandy Blvd

Portland, OR 97213  
Phone: 503-235-9396

- **IRCO Eastern Oregon** – supports refugee families residing in or near Malheur County, OR.  
723 S Oregon St  
Ontario, OR 97914  
971-335-7107
- **IRCO Senior Center** – provides services to a diverse group of elder community members.  
10615 SE Cherry Blossom Dr.  
Portland, OR 97216  
Phone: 503-484-6371

### **Intercultural Psychiatric Program (IPP)**

2214 Lloyd Center  
Portland, OR 97232  
Phone: 503-494-4222  
<http://www.ohsu.edu/xd/education/schools/school-of-medicine/departments/clinical-departments/psychiatry/divisions-and-clinics/ipp.cfm>

Provides culturally sensitive mental health services for immigrant, refugee and ethnic communities with an emphasis on individuals and families whose first language is not English.

### **Native American Youth & Family Center (NAYA)**

5135 NE Columbia Blvd.  
Portland, OR 97218  
Phone: 503-288-8177  
[www.nayapdx.org](http://www.nayapdx.org)

Seeks to enrich the lives of Native youth and families through education, community involvement, and culturally specific programming.

### **Slavic Oregon Social Services (Ecumenical Ministries of Oregon (EMO))**

7931 NE Halsey St #304  
Portland, OR 97213  
Phone: 503-777-3437  
<https://emoregon.org/ross/>

Seeks to successfully integrate Slavic-speaking immigrants and refugees into Oregon and southwest Washington communities by providing services that increase independence, enable economic self-sufficiency, and improve mental and physical well-being. In addition, provides multi-layered support services for survivors of domestic violence and sexual assault.

## **Interpretation and Translation Services**

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### **IRCO International Language Bank**

10301 NE Glisan St.  
Portland, OR 97220  
Phone: 503-234-0068 | 503-505-5186  
<https://irco.org/ilb/>

Provides telephone and onsite interpretation as well as translation services.

### **Passport to Languages**

6443 SW Beaverton-Hillsdale Hwy, Suite 390  
Portland, OR 97221  
Phone: 800-297-2707 | 503-297-2707  
<https://www.passporttolanguages.com>

Provides onsite, telephonic and video interpretation as well as translation transcription services.

### **TeleLanguage**

610 SW Broadway, Suite 200  
Portland, OR 97205  
Phone: 888-983-5352  
<https://teelanguage.com>

Provides onsite and telephonic interpretation and professional translation.

### **Linguava**

2106 NE Marx St.  
Portland, OR 97220  
Phone: 800-716-1777 | 503-265-8515  
<https://linguava.com>

Provides onsite, telephonic and video interpretation as well as translation services.

### **Collective of Indigenous Interpreters of Oregon (Pueblo Unido)**

(Mailing Address)  
3439 SE Hawthorne Blvd #327  
Portland, OR 97214  
Phone: 503-360-0314  
<https://www.pueblounidopdx.org/collective-of-indigenous-interpreters-of-oregon.html.en>

Provides interpretation services for indigenous languages from Mexico, Central America, and South America.

## **Free / Low-cost Immigration Services**

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### **Catholic Charities of Portland – Immigration Legal Services**

2740 S.E. Powell Blvd, Suite 2

Portland, OR 97202

Phone: 503-542-2855

<https://www.catholiccharitiesoregon.org/services/immigration-legal-services/>

Provides legal assistance with family visas, naturalization, asylum, Deferred Action for Childhood Arrivals (DACA), removal/deportation defense through immigration and federal courts, Temporary Protected Status (TPS), visas for crime victims, assistance to survivors of human trafficking, as well as assistance for refugees.

### **Immigration Counseling Service (ICS)**

519 S.W. Park Ave, Suite # 610

Portland, OR 97205

Phone: 503-221-1689

<http://www.ics-law.org>

Provides legal assistance with family unification, representation for detained unaccompanied migrant children (UAC), protection from persecution for asylees and refugees, U and T visas for victims of domestic violence and other serious crimes including human trafficking, Deferred Action for Childhood Arrivals (DACA), removal/deportation defense, and other services.

### **Lutheran Community Services Northwest Immigration Counseling and Advocacy Program**

605 S.E. Cesar E. Chavez Blvd., Portland, OR 97214

Phone: 503-231-7480 (Portland), 503-472-4020 (Yamhill/Salem), 503-924-2448

(Beaverton), 360-694-5624 (Vancouver)

<http://www.lcsnw.org>

Provides legal assistance with lawful permanent residency (green cards), family-based visas, asylum and deportation, employment authorization, Deferred Action for Childhood Arrivals (DACA), naturalization (citizenship), temporary protected status, visas for crime victims (U Visas) and survivors of human trafficking (T Visa), assistance to survivors of domestic violence (VAWA), travel documents (refugee travel documents, re-entry permits), visitor visa, diversity lottery, and removal/deportation defense, as well as assistance for refugees.

Also provides non-legal services including translation of certificates services, notary services, passport photos, fingerprinting, and other types of assistance

### **Immigrant Defense Oregon (Metropolitan Public Defenders)**

101 S.W. Main St, Suite 1100

Portland, Oregon 97204

Phone: 888-673-5290 | 503-225-9100

<https://mpdlaw.com/immigrant-defense-oregon/>

Provides removal/deportation defense, counseling regarding potential immigration consequences of criminal charges, representation of detained unaccompanied migrant children (UAC), asylum, certain affirmative applications, and appeals.

### **IRCO Immigration Legal Services**

605 S.E. Cesar E. Chavez Blvd., Portland, OR 97214

Phone: 971-271-6537

<https://irco.org/what-we-do/legal-services/>

Provides legal assistance with removal/deportation defense, affirmative applications for relief including for survivors of crime, human trafficking and domestic violence, consular processing, as well as assistance for refugees.

### **SOAR Immigration Legal Services (Ecumenical Ministries of Oregon (EMO))**

7931 NE Halsey St., Ste. 302

Portland, OR 97213

Phone: 503-384-2482 | (refugees) 503-221-1054

<https://emoregon.org/soar-legal/>

Provides legal assistance with applications for U.S. citizenship, asylum, removal/deportation defense, DACA renewals, employment authorization, family-based visas, lawful permanent residency (Green Cards), temporary protected status (TPS), U-visa, Cuban Adjustment Act, and Violence Against Women Act (VAWA), as well as assistance for refugees.

### **Pueblo Unido (Not a law firm)**

Phone: 503-360-0324

<https://www.pueblounidopdx.org/get-help-detention.html.en>

Provides legal services navigation into Equity Corps of Oregon (ECO), Oregon's universal representation program for impoverished Oregonians in removal/deportation proceedings. Once navigated into ECO, will be matched with a legal professional/law office.

## **Free Legal Services**

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### **Legal Aid Services of Oregon**

520 SW 6th Avenue, Suite 700  
Portland, OR 97204  
Phone: 503-224-4086  
Toll Free: 1-888-610-8764  
<http://lasoregon.org/>

Provides free civil legal services for low-income clients throughout Oregon. Has field offices located in Albany, Bend, Klamath Falls, Newport, Pendleton, Portland, Salem, and Roseburg. Services for farm workers are available through offices in Woodburn, Hillsboro and Pendleton. A statewide tax clinic helps resolve disputes with the IRS and Department of Revenue. In addition, the Native American Program provides statewide services and representation on Native American issues. The Central Administrative office for the program is located in Portland.

### **Oregon Law Center**

522 SW Fifth Ave., Suite 812  
Portland, OR 97204  
Phone: 800-672-4919 (Toll-Free)  
<http://oregonlawcenter.org/>  
<https://oregonlawcenter.org/how-to-get-help/find-your-local-office/>

Provides free civil legal services to low-income individuals to assure fairness on matters related to critical needs like food, shelter, medical care, income and physical safety. Had field offices in Coos Bay, Grants Pass, Gresham, Hillsboro, Eugene, McMinnville, Portland, Ontario, Salem, St. Helens, and Woodburn.

### **Oregon Law Help**

<http://oregonlawhelp.org/>

Free legal information for low-income Oregonians