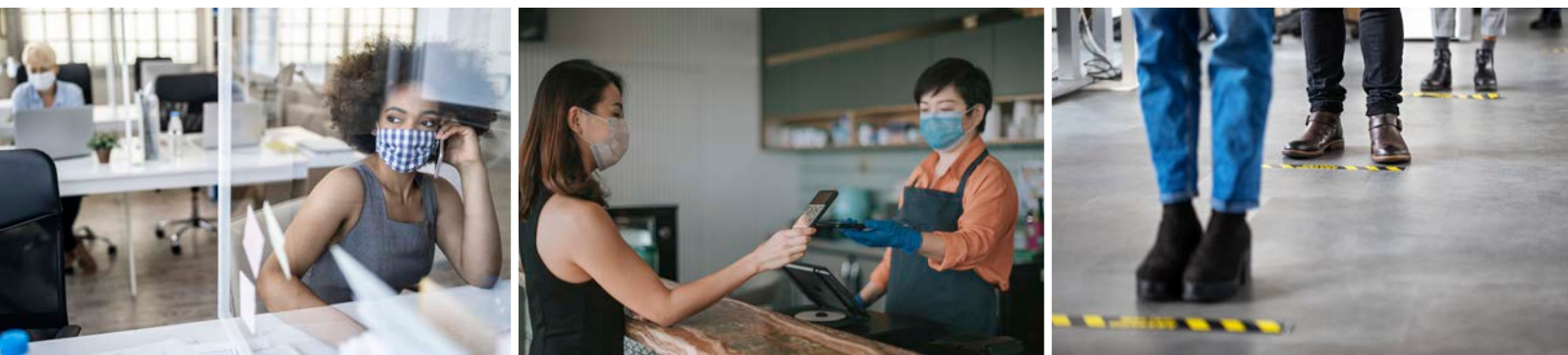




# OADC 2020 Virtual Fall Seminar

November 16-19, 2020 | 12 pm-2:15 pm each day

*What is the New Normal going to look like and when will it arrive?*





# OADC 2020 Virtual Fall Seminar

November 16-19, 2020

## SCHEDULE OF EVENTS

Monday, November 16

12:00 - 1:00 pm

### Socially Distanced Discovery and Challenges Confronted by Parties and The Court

**HON. STEPHEN K. BUSHONG, MULTNOMAH COUNTY CIRCUIT COURT JUDGE**

**ELIZABETH FALCONE, SHAREHOLDER, OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.**

The coronavirus pandemic has wreaked havoc on courts across the country, with litigators and judges turning to remote depositions and hearings to attempt to keep cases on track. This session will cover how the judicial system is grappling with unique issues posed by remote litigation, including at deposition, in hearing, and at trial.

1:00 - 1:15 pm

### Break

1:15 - 2:15 pm

### Oregon Legislative Update

**ROCKY DALLUM, PARTNER, TONKON TORP LLP**

A forward look at the 2021 legislative session and how it could impact law of importance for civil defense lawyers.

Tuesday, November 17

12:00 - 1:00 pm

### Practicing in the Tri-County Area

**TASHA LYN COSIMO, ESTATE PLANNING ATTORNEY, CARESS LAW PC**

**ALEX ORTIZ, OWNER OF RALL & ORTIZ LLC**

The presentation will address differences in litigation practices in the Tri-County area from litigation practices in Clark County and SW Washington. The panel will focus on issues that practitioners who typically practice in Oregon should be aware of when litigating across the river.

1:00 - 1:15 pm

### Break

1:15 - 2:15 pm

### Navigating Policy Limit Demands

**JAMISON MCCUNE, ASSOCIATE, BODYFELT MOUNT**

**PEDER RIGSBY, SHAREHOLDER, BULLIVANT HOUSER**

Regardless of who you represent, policy limit demands must be handled with care. This presentation will discuss the proper steps to take when a policy limits demand is received from the prospective of defense counsel, as well as from the perspective of coverage counsel for insurers and insureds. This presentation will also discuss the use of, and potential risks posed by, stipulated judgments and garnishment proceedings.

Wednesday, November 18

12:00 - 1:00 pm

### Damage Control

**PRESENTED BY HUBBELL COMMUNICATIONS**

**ERIN FOOTE MORGAN, MANAGING DIRECTOR AT HUBBELL COMMUNICATIONS**

Join Hubbell Communications for this session where we'll share the down and dirty secrets of reputation management, the reasons why attorneys should never go into battle without a killer PR strategy locked and loaded, and why your client's next crisis may be their best opportunity yet.

1:00 - 1:15 pm

### Break

1:15 - 2:15 pm

### Implicit Bias

**JUSTICE ADRIENNE NELSON, OREGON SUPREME COURT**

This presentation will identify what unconscious bias is and strategies to interrupt it. The unconscious bias video for jurors will be shown and an explanation of how and why it was developed will be given. We will explore how unconscious bias can impact perceptions, actions, decisions and outcomes in the courtroom.

Thursday, November 19

12:00 - 1:00 pm

### Limitations on Liability in a Post-Bagley and Covid World

**HON. JUDITH MATARAZZO, MULTNOMAH COUNTY CIRCUIT COURT JUDGE**

**BRAD C. STANFORD, SHAREHOLDER, LITIGATION GROUP CHAIR, BANK OF AMERICA FINANCIAL CENTER**

**TESSAN WESS, ASSOCIATE, LEWIS BRISBOIS**

This panel presentation will address the evolution of exculpatory clauses after Bagley v. Mt. Bachelor, examining under what circumstances such clauses are enforced, the terms of an effective clause and the future for liability waivers.

1:00 - 1:15 pm

### Break

1:15 - 2:15 pm

### Lawyer Well-Being:

### Healthy Awareness of Mental Health & Substance Use Issues

**DOUGLAS S. QUERIN, JD, LPC, CADC I, ATTORNEY-COUNSELOR - OREGON ATTORNEY ASSISTANCE PROGRAM (OAAP)**

Those attending this one-hour presentation will learn about: Recent research regarding mental health and substance use challenges in the legal profession; Common obstacles to treatment & the need for greater support of lawyer well-being; Common signs and symptoms of anxiety, depression, unhealthy stress, and problematic use of substances; Well-being tools and suggestions; Oregon Attorney Assistance Program resources.



An application is being made to the Oregon State Bar for 8 CLE Credits for the entire Fall Seminar. A la carte programming will be for 2 CLE credits per day

# Conference Speakers

## Hon. Stephen K. Bushong Multnomah County Circuit Court Judge



Hon. Stephen K. Bushong has been a Circuit Court Judge in Multnomah County since 2008. He was named Chief Civil Judge in 2013 and Presiding Judge in 2018. Judge Bushong received his undergraduate degree and J.D. from the University of Michigan. After law school, Judge Bushong worked as a judicial clerk and joined the litigation department of the Miller Nash law firm in Portland in 1985. He worked for the Oregon Department of Justice from 1994 until he was appointed to the bench. At DOJ, he served as an Assistant Attorney General, Attorney-in-Charge of the Special Litigation Unit, and Chief Trial Counsel of the Department's Trial Division. Judge Bushong serves on the Oregon Law Commission and has served on the Oregon State Bar's Uniform Civil Jury Instruction committee, the executive committees of the OSB's Litigation and Government Law sections, and as chair of Multnomah Bar Association's professionalism committee. He authored chapters in the OSB publications on Civil Pleading and Practice (2012) and Oregon Constitutional Law (2013), and regularly submits articles on "Recent Significant Oregon Cases" featured in the OSB's Litigation Journal.

## Tasha Lyn Cosimo Estate Planning Attorney, Caress Law PC



Tasha Lyn Cosimo has practiced as a civil litigator for ten years on both the defense and plaintiff side. Tasha was a partner at Smith Freed Eberhard practicing in both Oregon and Washington for eight years and after a brief stint in plaintiff side work, Tasha is now an estate planning attorney with Caress Law PC practicing in both Oregon and Washington. Tasha has trial and arbitration experience in both Oregon and Washington; as well as, significant experience appearing in Washington courts as a Portland-based attorney. Tasha's defense practice focused on construction defect; personal injury, specifically in the premises liability and auto; product defect; wrongful death; UIM/UM; and minor settlements. As a plaintiff-side attorney, Tasha focused on personal injury, elder abuse, land use, and contract disputes. Tasha's broad practice areas have provided her the opportunity to appear in a large number of courts all over both Oregon and Washington.

## Rocky Dallum Partner, Tonkon Torp LLP



Rocky is a partner in the firm's Government Relations & Public Policy Practice Group. His practice includes strategic counsel and direct advocacy for corporate and nonprofit clients engaging Oregon's legislative and executive branches. Rocky is particularly active in the areas of tax policy, life sciences, and natural resources. Before joining Tonkon Torp, Rocky worked for nearly five years as in-house counsel at a large, public manufacturing company. There, he advised business clients on general corporate matters, labor and employment law, and mergers and acquisitions. Rocky has also served as a legislative director, campaign manager, and outreach director for organizations in Oregon and Idaho.

## Elizabeth Falcone Shareholder, Ogletree, Deakins, Nash, Smoak & Stewart, PC



Elizabeth Falcone is a Shareholder with Ogletree, Deakins, Nash, Smoak & Stewart, P.C. Ms. Falcone represents private and public employers in all aspects of employment law, including wage/hour matters, wrongful termination, discrimination, and harassment litigation. She has experience defending class action cases, as well as single and multi-plaintiff cases. She has tried cases for employers in state and federal courts. She also has experience in traditional labor law, including handling grievance arbitrations and collective

bargaining, as well as advising employers with unionized workforces. Based on the breadth of her experience and her achievements, in April 2016, Law360 selected Ms. Falcone from among over 1,000 nominees as one of the top lawyers in the United States under the age of 40. She was one of just 7 lawyers selected in the Employment law practice area.

## Hon. Judith Matarazzo Multnomah County Circuit Court Judge



Judge Judith Matarazzo was elected to the Circuit Court in 2006. Prior to serving as a Judge she was in private practice in Portland, Oregon specializing in the area of personal injury and medical malpractice. She also served frequently as a mediator and arbitrator. Judge Matarazzo served on the Oregon State Bar Disciplinary Board, Oregon Trial Lawyers Board of Directors as well as the Oregon Law Institute Board of Directors. While on the bench, she has served on the Multnomah County Civil Case Management Committee, Jury Orientation Committee, Gus Solomon Inn of Court, Judicial Conduct Committee in addition to teaching a Trial Practice Class at Lewis and Clark Law School. Judith is active in the community and has sat on the board of the following Organizations: Oregon Society of Artists; Child Care Aware of America; Colonial Dames of America, Oregon Chapter; American Heart Association, Gala Chair; Bosco-Milligan Foundation, Auction Chair; Salvation Army Capital Campaign Cabinet; Trinity Episcopal Cathedral; Oregon Law Institute/Lewis and Clark Law School; Oregon Trial Lawyers Association Board; Triangle Lake Camp and Conference Center. A native of Nashville, TN, she is married to an attorney and is the mother of one adult child. In her spare time, she can be found in the kitchen, where she enjoys cooking and entertaining.

## Jamison McCune Associate, Bodyfelt Mount



In high school Jamison's first job was as a "looper" at a local country club. In true Caddyshack fashion, Jamison was awarded the Evans Scholarship, a caddy scholarship which provided full tuition at the University of Oregon. Jamison graduated from the University of Oregon in three years with a double major in political science and philosophy. He also spent many Saturdays rooting for the Ducks in the stands at Autzen Stadium or McArthur Court. Jamison chose to remain at Oregon for law school because of his love of the state and his desire to practice law in the Pacific Northwest. While Jamison is a native Oregonian, he enjoys actively exploring the United States. In his free time, he also enjoys golfing, watching the Portland Trailblazers, and training on and off for half marathons.

## Erin Foote Morgan Managing Director at Hubbell Communications



Erin's first job, at age 11, was loading the fridge with Cokes at Hartig Rhodes Norman Mahoney and Edwards, a large law firm in Anchorage, Alaska, where her mother was the longtime managing partner. Before completing an undergraduate degree in political science from the University of Oregon, Erin had worked for years as a paralegal on summer and winter breaks at the firm. A lifelong regret—Erin never did get her own law degree. But after obtaining a Master's in journalism from the University of Missouri, Erin has spent 15 years in strategic communications working alongside attorneys in a different capacity: litigation PR. From the firm conference room to the newsroom to the courthouse steps, Erin has orchestrated every facet of legal PR and is ready to pull back the curtain on how strategic communications can help save your client's reputation and win your next case.

## Justice Adrienne Nelson Oregon Supreme Court



Justice Adrienne Nelson was appointed to the Oregon Supreme Court on January 2, 2018, making her the first African American to sit on the state's highest court and on any appellate state court. Her election to a six-year term in November 2018 made her the first African American woman elected statewide in Oregon. In 2006, she was appointed as a trial judge on the Multnomah County Circuit Court in Portland, Oregon, making her the second African American female judge in the state of Oregon. Justice Nelson is a sought-after speaker on a variety of topics including diversity, inclusion, equity, community engagement, leadership and professional development. Throughout her career, Justice Nelson has been involved in many national, state, local, and specialty bar associations, often serving in a leadership capacity. She is currently the Chair of the Oregon Supreme Court Council on Inclusion and Fairness, the American Bar Association (ABA) Diversity and Inclusion Center and the Diversity and Inclusion Advisory Council. In the community, she sits on the Oregon Historical Society Board, the Literary Arts Board, the Reed College Board of Trustees and the Oregon Community Foundation Portland Leadership Council where she chairs the Connection to the Black Communities committee. She also sits on the Girl Scouts Beyond the Bars (GSBB) Advisory Board of which she formerly chaired.

## Alex Ortiz Owner of Rall & Ortiz LLC



Flavio A. (Alex) Ortiz has practiced as a civil defense attorney for over 10 years. He is licensed in Oregon and Washington and practices in both state and federal courts. He has handled trial and appellate cases in both states and has argued before the Oregon Supreme Court. He brings a strong analytical approach to his practice, and enjoys the opportunity to advocate for his client's positions by using research and practical reasoning. He was selected as an Oregon Rising Star in 2015, 2016, and 2017 by Super Lawyers. Alex has defended manufacturers, sellers, contractors, insurers, as well as other businesses, professionals, and individuals in a number of contexts. He has handled cases involving extensive property losses, including fires, explosions, earth movement, and construction defects. He has defended claims for discrimination, civil rights violations, negligent and intentional emotional distress (i.e. psychic injuries), and bad faith. His practice also includes defending personal injury and wrongful death claims and Uninsured / Underinsured Motorist (UM/UIM) and Personal Injury Protection (PIP) claims. Alex is a lifelong resident of Oregon, where his parents' migrant worker families settled in the 1960s. He lives in Portland with his wife and three daughters, with whom he enjoys playing games and listening to music. He is a member and active supporter of the Oregon Hispanic Bar Association.

## Peder Rigsby Shareholder, Bullivant Houser



Peder Rigsby's practice includes a variety of areas in casualty and commercial litigation in both state and federal court of Oregon and Washington. His practice emphasizes insurance defense, products liability, wrongful death and catastrophic injury, professional malpractice, employment litigation, and general commercial litigation. Prior to joining Bullivant, Peder practiced insurance defense, construction defect, and general civil litigation. Peder has handled complex litigation, including multi-party construction defect cases. His role as a former extern for a state Supreme Court justice and law clerk for two state trial court judges has given him a broad range of legal experience.

# Conference Speakers

## Douglas S. Querin, JD, LPC, CADC I Attorney-Counselor - Oregon Attorney Assistance Program (OAAP)



Douglas S. Querin, JD, LPC, CADC I, is an Attorney-Counselor with the Oregon Attorney Assistance Program (OAAP), providing resource referrals and confidential behavioral health and addiction counseling services to Oregon lawyers, judges, and law students. He practiced law as a trial lawyer in state and federal courts in Oregon for over 25 years, returned to graduate school earning an M.A. in Counseling, and became licensed as a Professional Counselor, and certified as a Drug and Alcohol Counselor. He started at OAAP in 2006. Doug frequently presents at Oregon law schools, law firms, bar associations, and judicial conferences on professional well-being issues in the legal community.

## Brad C. Stanford, Shareholder Litigation Group Chair, Farleigh Wada Witt



For over 30 years, Brad has assessed and managed clients' risks and successfully litigated cases involving such diverse matters as business disputes, product liability, personal injury, insurance coverage, class actions, environmental matters, wage and hour and other employment issues, and real estate disputes. He is skilled at developing clear and compelling trial strategies, and has a quiet confidence that puts his clients at ease. Brad considers his clients' business objectives and financial considerations when collaborating on litigation strategy. He has extensive courtroom experience and has tried many cases. Brad will be an aggressive advocate when necessary, or can use his considerable negotiation skills to broker a settlement. He is a recognized leader in ski area and recreational product liability defense, and past president of the Association of Ski Defense Attorneys. Brad understands all aspects of the ski industry, and actively participates in all industry meetings of consequence in the Pacific Northwest. He was awarded the 2008 Industrial Strength Award by the Pacific Northwest Ski Areas Association, a prestigious honor presented to individuals who have made a significant contribution to the Pacific Northwest ski industry.

## Tessan Wess Associate, Lewis Brisbois



Tessan Wess is an associate in the Portland office of Lewis Brisbois and a member of the Products Liability and General Liability Practices. She is from Toronto, Canada and began her legal career in South Florida, before putting down roots in the Pacific Northwest, where she enjoys being outdoors with her family and their adopted dog, Niko. Tessan graduated from the University of Central Florida in 2007 with a B.S. in Legal Studies and minor in Business. She earned her J.D. from Nova Southeastern University in Ft. Lauderdale, Florida in 2010. During law school, she was a member of the Moot Court Honor Society and competed in the National Environmental Moot Court Competition at Pace University in New York. Additionally, Tessan pursued a focus in environmental law courses as a visiting student at Lewis & Clark Law School. Tessan has a background in coverage and bad faith litigation, construction defect, employment disputes, product liability and general liability litigation. She has represented clients in every phase of litigation, including jury and bench trials in federal and state courts in Oregon and Washington.

# Thank You to Our OADC Partners!



**MACHAON**  
MEDICAL EVALUATIONS

