



Oregon Law Institute  
of Lewis & Clark Law School

## *22nd Annual Ethics CLE*

### **Communicating Across the Gender Gap: *What Lawyers Need to Know***

with Steven Stark and Sarah Wald

8:15 – 11:15 a.m.

**3 Access to Justice or General Credits**

### **Mandatory Child Abuse Reporting for Attorneys**

11:30 – 12:30 p.m.

**1 Child Abuse Rep Credit**

### **Making the Best of a Bad Situation: *Ethical and Practical Advice for Lawyers in Difficult Economic Times***

1:30 – 4:30 p.m.

**3 Ethics Credits**

**FRIDAY, NOVEMBER 6, 2009**

Oregon Convention Center  
777 NE Martin Luther King Jr. Blvd.  
Portland, Oregon

# Communicating Across the Gender Gap: *What Lawyers Need to Know*

with Steven Stark and Sarah Wald

3 Access to Justice Credits

7:45

LATE REGISTRATION AND DISTRIBUTION OF MATERIALS

8:10

WELCOME AND INTRODUCTION

8:15–11:15

## **Overview; Laying the Foundation with Four Points**

*There will be a 15-minute break during this session.*

- How important is gender anyway?
- The two main themes of the course
- The surprising lessons of childhood play
- Does law school work better for men?

## **How Women and Men Differ and How to Deal with the Differences: Public Persona and Physicality: What People Do When They Speak**

- Body language
- Use of space
- Physical appearance

## **How Women and Men Differ and How to Deal with the Differences: The Way People Speak**

- The two basic differences between male and female speakers
- The importance of listening (or at least appearing to)
- The use of voice

## **How Women and Men Differ and How to Deal with the Differences: Specific Issues in Conversational Style**

- Directness vs. indirectness
- “Small talk” and details
- Interruptions
- The uses of humor

## **How Women and Men Differ and How to Deal with the Differences: Styles That Lead to Misunderstandings and Affect Credibility**

- Modifiers and use of questions
- Failure to take credit
- Apologizing
- Criticism, unhelpful advice, and complaining as bonding

## **Special Issues in Gender Communication and the Law**

- Conflict and anger
- Persuasion and argument
- Expertise, authority, and confidence
- Meetings and hearings

**SARAH WALD** is former Dean of Students at Harvard Law School and Assistant Provost at Harvard University, where her work included issues related to women faculty and students. Her publications include articles in the *Harvard Women's Law Journal*, the *Administrative Law Review*, and other legal journals. She is a graduate of Brown University and Yale Law School. She is currently Chief of Staff and Senior Advisor at Harvard's John F. Kennedy School of Government.

**STEVEN D. STARK** is a writer, lawyer, and consultant who teaches courses on writing and speaking to lawyers and other professionals. A former cultural commentator for CNN, National Public Radio, and the Voice of America, he is the author of three books and one e-book and has written frequently for the *New York Times*, the *Los Angeles Times*, the *Atlantic Monthly*, and the *Boston Globe* where he was an op-ed columnist. His new book, *World Cup 2010: The Indispensable Guide to Soccer and Geopolitics*, will be published in February 2010. A former Lecturer on Law at Harvard Law School, he is a graduate of Harvard College and Yale Law School.

# Mandatory Child Abuse Reporting for Attorneys

1 Child Abuse Rep Credit

## 11:30–12:30 Mandatory Child Abuse Reporting for Attorneys

This session will address the mandatory reporting obligation for Oregon lawyers through a series of hypothetical scenarios and answer the following questions: What is child abuse? When do lawyers have an obligation to report abuse? How do you report? When are you prohibited from reporting abuse? What are the consequences of reporting? What are the consequences of not reporting when you should?

- *Linda J. Guss*, Assistant Attorney in Charge, Child Advocacy Section, Civil Enforcement Division, Oregon Department of Justice
- *Helen M. Hirschbiel*, Deputy General Counsel, Oregon State Bar

# Making the Best of a Bad Situation: *Ethical and Practical Advice for Lawyers in Difficult Economic Times*

3 Ethics Credits

## 1:30–2:30 Recent Developments Regarding Oregon's Rules of Professional Conduct

- Recent case law
- Recent ethics opinions
- Emerging issues
  - *Christopher R. Hardman*, Law Office of C.R. Hardman
  - *Jeffrey D. Sapiro*, Disciplinary Counsel, Oregon State Bar

2:30–2:45 BREAK

## 2:45–4:30 Making the Best of a Bad Situation: *Ethical and Practical Advice for Lawyers in Difficult Economic Times*

- To market or not to market: what the ethics rules on advertising and solicitation do and do not allow
- Ounces of prevention: limiting disciplinary and damage risk through careful client intake and fee agreements
- Brothers' and sisters' keepers: avoiding problems caused by stressed-out or impaired colleagues
- Not biting the hand that feeds you: fiduciary and fee-splitting standards for lawyers and firms when lawyers change firms
- Discretion versus valor: when and how to withdraw from an attorney-client relationship that isn't working
  - *Robert W. Hillman*, Professor of Law, University of California, Davis, School of Law; author of "Hillman on Lawyer Mobility" and "Law Firm Breakups: The Law and Ethics of Grabbing and Leaving"
  - *Peter R. Jarvis*, Hinshaw & Culbertson LLP
  - *Chris L. Mullmann*, Manager of the Client Assistance Office, Oregon State Bar
  - *Allison D. Rhodes*, Hinshaw & Culbertson LLP

4:30

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# 22<sup>nd</sup> Annual Ethics CLE

## MCLE CREDIT

*Communicating Across the Gender Gap* will receive **3** Access to Justice or General credits. *Mandatory Child Abuse Reporting for Attorneys* will receive **1** Child Abuse Rep credit. *Making the Best of a Bad Situation: Ethical and Practical Advice for Lawyers in Difficult Economic Times* will receive **3** Ethics credits.

## PROGRAM PRODUCTS

Even if you cannot attend, you can still get the program on CDs or DVDs. Use the order form in this brochure to order your set today! OLI Annual Passholders may purchase OLI program products at 50% off the full retail price.

## CONFIRMATION

Confirmation will be sent via e-mail.

## CANCELLATION POLICY

Tuition minus a \$20 handling charge will be refunded if the cancellation request is *written and received* by Monday, November 2, 2009.

## NEED ASSISTANCE?

If you are a person with a disability, please let OLI know in time to make any necessary accommodations for you.

## TUITION ASSISTANCE

A limited number of scholarships are available based on financial need. Contact OLI.

## QUESTIONS?

Please call OLI at (503) 768-6580 in Portland or toll-free in Oregon at (800) 222-8213, e-mail us at [oli@lclark.edu](mailto:oli@lclark.edu), or visit our website at [www.lclark.edu/org/oli](http://www.lclark.edu/org/oli).

## VIDEO REPLAYS

Please register at least one week prior to the replay date.

### Bend – 11/20/09

**Gender Gap – 8:30 a.m.**  
**Child Abuse Reporting – 11:30 a.m.**  
**Ethical Advice – 1:30 p.m.**  
Bryant Lovlien & Jarvis  
591 Mill View Way

### Eugene – 11/13/09

**Gender Gap – 8:30 a.m.**  
**Child Abuse Reporting – 11:30 a.m.**  
**Ethical Advice – 1:30 p.m.**  
Harrang Long Gary & Rudnick PC  
360 East 10th Avenue, Ste. 300

### Medford – 11/13/09

**Gender Gap – 8:30 a.m.**  
**Child Abuse Reporting – 11:30 a.m.**  
**Ethical Advice – 1:30 p.m.**  
Kellington Krack Richmond Blackhurst & Glatte LLP  
23 Newtown Street

### Portland – 12/2/09

**Gender Gap – 8:30 a.m.**  
**Child Abuse Reporting – 11:30 a.m.**  
**Ethical Advice – 1:30 p.m.**  
Oregon Law Institute  
Gus J. Solomon Courthouse  
620 SW Main Street, Ste. 706

## Have you purchased your 2009–2010 OLI Annual Pass?

Start the first of any month, from September 1, 2009 through January 1, 2010, and your OLI Pass is good for the next 365 days. For information about the OLI Annual Pass, visit our website at [www.lclark.edu/org/oli](http://www.lclark.edu/org/oli).

**New this year, OLI Passholders receive a  
20% discount on online and MP3 CLEs!**

**22<sup>nd</sup> Annual Ethics CLE**

Friday, November 6, 2009

Name

OSB No. or Profession

Firm/Organization

Street Address

City/State/Zip

Phone

E-Mail

Please "✓" appropriate box below:

- Live presentation
- Video replay. Location: \_\_\_\_\_ Date: \_\_\_\_\_  
Please register at least one week prior to the replay date.

**TUITION** *Prices apply to live and video replays.***ALL THREE SESSIONS:**

- \$189** Early registration tuition (*received by November 2, 2009*)
- \$95** Legal aid attorneys (*received by November 2, 2009*)
- \$25** OLI Annual Passholder (OLI Pass No. \_\_\_\_\_)
- \$20** Add to above tuition if registration received *after November 2, 2009*

**INDIVIDUAL SESSIONS:**

- Communicating Across the Gender Gap*
- \$139** Early registration tuition (*received by November 2, 2009*)
- \$15** OLI Annual Passholder (OLI Pass No. \_\_\_\_\_)
- Mandatory Child Abuse Reporting for Attorneys*
- \$35** Early registration tuition (*received by November 2, 2009*)
- \$15** OLI Annual Passholder (OLI Pass No. \_\_\_\_\_)
- Making the Best of a Bad Situation*
- \$139** Early registration tuition (*received by November 2, 2009*)
- \$15** OLI Annual Passholder (OLI Pass No. \_\_\_\_\_)
- \$20** Add to above tuition if registration received *after November 2, 2009*

**PRODUCT ORDER** *I am unable to attend. Please send me:***All Three Sessions:**

- \$219** Audio CDs and materials
- \$319** DVDs and materials

*Communicating Across the Gender Gap*

- \$149** Audio CDs and materials
- \$189** DVDs and materials

*Mandatory Child Abuse Reporting*

- \$35** Audio CDs and materials

*Making the Best of a Bad Situation*

- \$149** Audio CDs and materials
- \$189** DVDs and materials

- Deduct 50% from product order if you are an OLI Passholder (OLI Pass No. \_\_\_\_\_)
- \$7.00** *Note: Add \$7.00 shipping & handling fee to above product orders.*

ENCLOSED IS \$ \_\_\_\_\_ BY:

- Check payable to Oregon Law Institute (OLI)
- Credit Card: Acct. # \_\_\_\_\_
- VISA  MasterCard
- Exp. Date: \_\_\_\_\_ Signature: \_\_\_\_\_

Return this form with payment to:  
OLI Registrar  
620 SW Main St., Ste. 706  
Portland, OR 97205-3037

...or fax this registration  
form including credit  
card information to:  
(503) 768-6585.