Schwabe™

Nellie Barnard

Shareholder

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How I represent clients at Schwabe

I provide legal ethics and risk management advice to lawyers, law firms, law students, and in-house legal departments. I also represent Oregon and Washington lawyers in attorney discipline matters and character and fitness proceedings, including on appeal. With a deep background in complex business and financial services disputes, I guide my clients toward successful resolutions from the inception of a case through appeal.

I appreciate the obstacles that lawyers and law firms face in the practice and the business of law, and I work collaboratively with clients to minimize the risk of liability, including issues involving conflicts of interest, sanctions, privilege, client confidentiality, engagement, and withdrawal procedures, multi-jurisdictional practice, lawyer-client relationships, fee disputes, and practice planning and management. I help lawyers and law firms address the boundaries involving attorney advertising and marketing, including issues particular to social media, client solicitation, business relationships with non-lawyers, and fee sharing. I advise law firms and lawyers on ethical and fiduciary issues related to lateral hiring, law firm dissolution, and expulsion matters, and I serve as outside ethics counsel to law firms. I am a frequent CLE speaker on legal ethics, risk management, and discipline defense issues, and I also serve as Assistant General Counsel to the firm.

Experience

- Defend lawyers in disciplinary matters before the Oregon State Bar and Washington State Bar Association, including reciprocal discipline matters.
- Represented lawyers and students before bar associations regarding

EDUCATION

Lewis & Clark, Law School, Juris Doctor degree, cum laude (2012)
Middlebury College, Bachelor of Arts degree, magna cum laude (2006)

ADMISSIONS

Oregon State Courts
Washington State Courts
U.S. Court of Appeals - Ninth Circuit
U.S. District Court - District of Oregon
U.S. District Court - Western District of Washington

issues related to licensing, admissions, reciprocity, comity, character and fitness reviews, and unauthorized practice of law issues.

- Provided outside general counsel services and risk management advice to lawyers, law firms, and in-house legal departments on the topics of conflicts, engagement and withdrawal procedures, privilege, client solicitation, client confidentiality, lawyer-client relationships, social media, and more.
- Defended sanctions motions, disqualification motions, fee disputes, and complex privilege disputes.
- Defended complex business disputes and consumer financial services litigation in state and federal court at both the trial and appellate court levels, including successfully arguing dispositive motions and appeals.

Memberships

- Multnomah Bar Association: Treasurer (2021-2022), Board Member (2019-2022), Professionalism Committee (2016-2019)
- Oregon Women Lawyers (2011-present)
- Association of Professional Responsibility Lawyers (2015-present)
- American Bar Association, Center for Professional Responsibility (2015-present)

Awards

- Recognized by *Best Lawyers: Ones to Watch® in America*, Professional Malpractice Law (2022-2024)
- Oregon *Rising Star* List, Professional Liability (2020-2022)
- Campaign for Equal Justice, Associates Award (2021 & 2022)

Resources & Ideas

Oregon Water Rights and Regulations
Event

CLE: How to Ethically Communicate with the Government
Event

Advancing Industry Focus: Five Schwabe Lawyers Elevated to Shareholder Positions
News

Additional Publications

Thoughts on Law Firm Engagement Letters, January 6, 2022

Efforts Toward Improved Diversity and Inclusion Through the Anti-Bias Rule*, The Federal Lawyer*, Winter, 2021

Oregon Judicial Ethics, *The Ethical Oregon Lawyer*, November 3, 2015

Additional Events

Follow the Yellow Brick Road, A practical exploration of avoiding legal ethics risk in the first five years of practice, Multnomah Bar Association, Young Lawyer Section, March 2024

A Day in the Life of an Ethical Lawyer, Washington Defense Trail Lawyers Annual Ethics Seminar, December 2023

Can I use Generative AI to Practice Employment Law?, Oregon Trial Lawyers Association, November 2023

Up the Ladder or Out the Door: Ethics Issues for Every Securities Lawyer, Oregon State Bar, November 2023

Can I Ethically Use Generative AI to Practice Law, Lethal ethics and loss prevention for every lawyer, Oregon Trial Lawyer Association, October 2023

From Intake to Resolution, Ethics Issues for Every Construction Law Lawyer, 28th Annual Oregon Construction Law Seminar, September 2023

Can I Use Generative AI to Practice Law?, Ethics Hour with Schwabe, July 14, 2023

The Ethics of Data Security, Oregon Association of Defense Counsel Annual Convention, June 16, 2023

Spotting and Analyzing Conflicts in Construction Defect Litigation, Construction Project Scheduling & Delay Claims Conference, May 16, 2023

Ethical Considerations for In-House Counsel, WSSHA Spring Health Law Conference, April 28, 2023

Ethical Duties Concerning Self-Represented Litigants, Multnomah Bar Association CLE, April 18, 2023

Multnomah Bar Association, Professionalism, and Ethics, March 16, 2023

Professionalism and Ethics – Legal Ethics Tips for Young Lawyers, Multnomah Bar Association's Young Lawyer's Section CLE Seminar Series, March 16, 2023

How to Ethically Staff Your Legal Practice – Legal Ethics and Loss Prevention for Every Lawyer, Ethics Hour with Schwabe, February 3,

2023

The Ethics of Investigations, 30th Annual Endangered Species Act Conference, January 27, 2023

Annual Ethics Seminar, Washington Defense Trial Lawyers, December 15, 2022

Ethical Issues in Litigation (Defense), December 15, 2022

Washington Defense Trial Lawyers Ethics Seminar, December 15, 2022

Ethics Hour: Top Ten Ways Lawyers Get Into Trouble, Legal Ethics and Loss Prevention for every lawyer, December 2, 2022

So You Think You've Made a Mistake, Managing Errors and Minimizing Risk, Annual Oregon Land Use Law Seminar, December 2, 2022

Coping with Burnout and Staying Ethical While You Do It, Multnomah Bar Association, October 2022

Social Media and Lawyers: Raising Your Profile Without Jeopardizing Your License, The Seminar Group, CLE Bootcamp, December 2021

Confidentiality, Conflicts and COVID, The Seminar Group, 25th Annual Oregon Land Use Seminar, December 2021

Confidentiality, Conflicts and COVID, Federal Bar Association, Oregon Chapter, December 2021

Current Risk Management Issues in the Practice of Law, Multnomah Bar Association Young Litigators Forum Winter Series, March 2021

Ethical Considerations in Land Use Law, 24th Annual Oregon Land Use Law Conference, December 2020

Ethical Considerations in Construction Law, 25th Annual Oregon Construction Law Conference, September 2020

45th ABA National Conference on Professional Responsibility, Rule 8.4(a) and Attempted Rule Violations, American Bar Association, May 2019

Lewis & Clark Law School Ethics and Professionalism Panel, Multnomah Bar Association, October 2018

Legal Ethics for Nonprofit Lawyers, Oregon State Bar, September 2018

No Three Strikes, but The Lawyer is Still Out Panel: Discipline for Attempted Ethics Violations under RPC 8.4(a), Moderator, Association of Professional Responsibility Lawyers Annual Meeting, August 2018

Legal Ethics for Contract Lawyers, Oregon Women Lawyers, Contract Lawyers Section, July 2018

A Day in the Ethical Life of a Tax Lawyer, 18th Annual Oregon Tax Institute, Oregon State Bar, June 2018

21st Annual Oregon Land Use Law-the Ethical Land Use Lawyer: Five Issues Worth Your Time, The Seminar Group, December 2017

Services

Appellate

Financial Institutions

Litigation

Community Activities

- Harpole Committee (2011-present)
- Campaign for Equal Justice, Associates' Committee (2015-2022)

Outside Interests

I love hiking, biking, ski mountaineering, whitewater rafting, cooking, and spending time with my family.