

OREGON STATE BAR

BULLETIN

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A Mindful Approach

David Rosen of Bend Carries the Work Forward

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avid Rosen, the 2024 Oregon State Bar president, seeks to continue the bar's efforts in access to justice, diversity, equity and inclusion, and lawyer well-being and to explore the interconnection between all three.

Rosen is a New Jersey native who first moved to Bend in 1997 with his wife Lisa, after graduating from the University of Pennsylvania with a degree in economics. After stints working at Deschutes Brewery and as a river ranger at Trout Creek, he moved to Colorado and worked for an internet tax startup.

In 2001, Rosen was hit by a car while bicycling home from work, fracturing his patella. During the forced hiatus from the mountains (Rosen's passion was snowboarding), he and Lisa moved back to her hometown of Washington, D.C., where Rosen worked as an economist for a law firm before attending the University of Maryland School of Law on a full academic scholarship from 2005 to 2008.

Throughout the 2000s, the Rosens continued to visit Bend and made the leap to return in 2010, with two young daughters in tow. While Lisa secured a job as a mental health therapist, Rosen commenced the search for a job in the particularly tough 2010 market. He was immediately struck by the hospitality of the Bend legal community, and how gracious and welcoming the Deschutes County Bar Association (DCBA) was.

"Almost every attorney here made time for me, had coffee with me and was willing to meet with me," Rosen says. Judge Alycia Syko-ra — then a civil attorney with DCBA and now a circuit court judge — suggested he attend the next DCBA event. Rather than having him walk alone into a room of strangers, Sykora offered to meet him beforehand so she could introduce him to other members. Not long after, Rosen serendipitously met up with a personal injury attorney in a local coffee shop and began working exclusively in personal injury.

Once embraced by the legal community, Rosen began looking for opportunities to give back. "That degree of welcoming in the law (community) really meant a lot to me," Rosen says. "When an opportunity to join the DCBA board opened up, I took it because I wanted to do the same for others."

Working on the DCBA board fueled Rosen's desire to expand access to justice for area residents. After serving as the president of the DCBA, Rosen helped establish the Deschutes County Access to Justice Committee (DCATJ), Oregon's first county bench-bar access to justice committee, in 2016. The DCATJ launched the Lawyer in the Library program, providing free weekly 30-minute consultations to local residents at the public library.

Rosen credits both the Deschutes Public Library and the Deschutes Circuit Court for its work in this area, which included Spanish language interpreter services for Lawyer in the Library participants. DCATJ also partnered with the Oregon Judicial Department to create a pilot program that brought public access to court records



in rural libraries, which was a first of its kind in Oregon. This work was quite novel at the time, and received statewide attention for its impact.

"When we created the Deschutes County Access to Justice Committee, it was a given that Dave would be a part of it because of his high level of involvement in the local bar association," says Judge Alta Brady, who now is a senior judge and previously was on the Deschutes County Circuit Court bench from 1994-2018, serving as presiding judge from 2012-18.

"Starting the Lawyer in the Library program did not serve Dave personally," adds Sykora. "It does show that he is alert to the needs of the underserved. And he takes action."

Rosen's path of personal and professional service is robust and nothing new. Along with his DCBA and DCATJ service, Rosen recently finished an eight-year term on the Oregon Law Foundation's

Photo Above: David Rosen is just the third Oregon State Bar president from Central Oregon.

Photo on this page and pages 18-19 by Josh Mannila.



The shift to opening High Desert Law has been positive for Dave. He is proud of his career ... When Dave is doing good work and supporting his clients and staff, he is happiest.



Board of Directors, serving as its president in 2021. Rosen has also served on the local and statewide CEJ campaigns, the OSB Uniform Civil Jury Instructions Committee (2018-20), OSB Futures Task Force Innovations Committee (2016-17) and the Oregon Consumer Justice Portal Planning Committee (2021-22).

From his roots in access to justice, Rosen branched out to dedicate himself to improving lawyer well-being throughout the state. He has served on the Well-Being Stakeholder Conference Planning Committee (2022-23), the OSB Quality of Life Committee (2019-20), as well as a speaker at the OSB Learning the Ropes seminar in 2020, where he addressed questions from new attorneys about work-life balance and how to use mindfulness in adversarial situations. In 2022, Rosen teamed with Bryan Welch of the Oregon Attorney Assistance Program to present a two-hour mindfulness course at the Circuit Court Judges Association Conference to help judges integrate mindfulness from the bench, and teamed with John Devlin in the summer of 2023 to provide a talk on mindfulness to the Oregon Trial Lawyers Association.

Rosen's interest in lawyer well-being came from his own efforts to find a better life balance as an attorney, to which he credits yoga as a catalyst for this work. Rosen currently practices and teaches at Groove Yoga in Bend.

"Dave always has been an authentic human being," says Rolf Gates, a nationally recognized yoga instructor for whom Rosen has studied under and continues to work with. "He's embraced every stage of his life ... snowboarding, law school, starting a family and starting a law practice ... and he's set goals along the way. The point of a goal is the person you become on the way to achieving it. The goals hold Dave accountable to something far more important, which is becoming the best version of himself."

Rosen's wife Lisa sees how this life-balanced approach comes together for Rosen and High Desert Law, the Bend law firm Rosen founded. "The shift to opening High Desert Law has been positive for Dave. He is proud of his career, and I know firsthand that he has amazing and supportive colleagues at HDL who make it easy for him to show up happy at his job. When Dave is doing good work and supporting his clients and staff, he is happiest."

State representative and fellow High Desert Law attorney, Jason Kropf, similarly sees a deep connection between Rosen's focus on well-being and his approach to the law.

"Dave's approach is one of service. Yes, we do personal injury work and help clients navigate the legal system. But, more importantly, we are taking the stress and worry from people so they can focus on their recovery, healing and medical care. Dave has instilled this in everyone at the firm," Kropf says.

Lisa notes how his commitment to balance and well-being extends to his life at home. "It is really important to us as a couple and parents to raise good humans who care about each other, who care about family and who care about the world and those around us," Lisa says. "Dave has always been a good and genuine role model of living your values, and I am pretty sure anyone who knows Dave would quickly mention his kind and genuine nature."

While she knows that the OSB presidency will add to Rosen's already busy schedule, she speaks of the preparation he has already engaged in, and his determination to do great work for the bar,

while also holding space for the many facets of life that he holds dear. “I imagine he will manage the presidency with the same grace with which he handles most things.”

We sat down with Rosen to talk to him about the intersection of life, law, mindfulness, and his plans to incorporate these concepts into his 2024 presidency.

Bulletin: I understand you’ve taught yoga at a studio in Bend for a number of years. How has yoga had an impact on your life?

As lawyers, we have tough but important jobs that impact people’s lives. But at the end of the day, we are dealing with people’s problems and that has an impact on us. If we are going to sustain ourselves, if we are going to make a career out of this profession, we must find some level of balance and sustenance. And that cannot simply be a paycheck. It’s about being purposeful in our work, preserving time and space for our families, and for ourselves. For me, the discipline of taking care of myself and keeping myself in line has been yoga.

Over time, I’ve tried to incorporate what I’ve learned from yoga, meditation and mindfulness into areas of my life that would benefit from me being calmer and more grounded or exercising healthy discernment, and that certainly includes my work life. It’s been an interesting journey to first see it as something to leave work for and now to see it as something to bring into work.

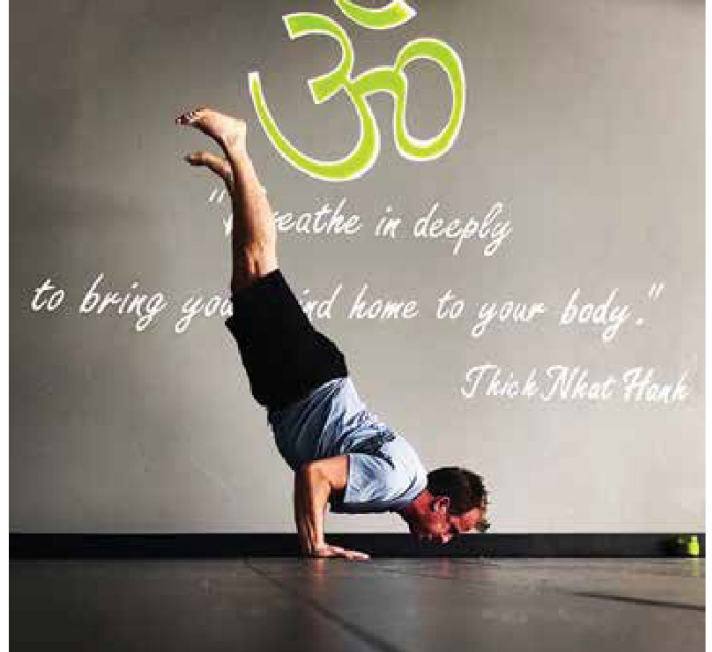
You have presented a few workshops on mindfulness to attorneys. What is the correlation between the practice of mindfulness and how it improves the practice of law?

I believe clients want an attorney making grounded, wise decisions, not from emotion. Clients rely on us to provide advice from a place of reason, with a charted course and a directed outcome. I believe our clients do not want their attorneys reacting, haphazardly addressing issues, or expending energy and resources on things that are outside of their control.

When you think about mindfulness, you can’t help but think about this type of work (lawyering). If mindfulness is being present without attachment, well that’s exactly what you’re hiring an attorney to do — be present without emotional attachment, moving forward in the clients’ best interest.

So, not only is mindfulness relevant, but when you define what an attorney does — when we are on our game — it is synonymous with mindfulness. And if we know that this is a skill enhanced by repetition, and science shows us that the brain rewires itself through neuroplasticity, then when we are focused on well-being and mindfulness, we are 100% focused on becoming better lawyers.

This is nothing new. The lawyers that came well before us saw this. The lawyers that we aspire to, the lawyers that are our heroes, that set the tone and delivered justice. When you ask questions like does it appear as if these lawyers were grounded, had vast abilities to concentrate, to act from wisdom, does it appear like they were unshakable and that they were not going to be reactive, there’s a common theme that runs throughout.



Photos: (top) David Rosen plays with practicing an arm balance before teaching a vinyasa yoga class.

(bottom) Rosen has trained under nationally recognized yoga instructor Rolf Gates (left).



2024 OSB President David Rosen is a New Jersey native. He is pictured with his wife, Lisa, enjoying Kohr's, a Jersey Shore tradition, in Seaside Heights, New Jersey, in 2021.

Mindfulness has always been a cornerstone of our profession. Just because we name it does not mean it is new. But because we are naming it, it gives us the opportunity to make it more formulaic, to explain it in language, and by doing so, to make it more accessible. And it gives us the opportunity to equip each and every attorney with this skill set, which is not only better for ourselves and better for the bar but it's better for the people of Oregon and the services we provide.

■ How does this play into your vision for the bar?

I feel incredibly fortunate to practice law in Oregon. I firmly believe practicing in Oregon is a function of the values cultivated by the bar itself, through its mission, goals, and programs.

As attorneys, I think the first question to ask ourselves is: Are we taking an active role in the legacy we are creating? Our careers are a lot shorter than we think. Those who have practiced the longest likely agree with this the most. Our progress (and our individual and collective legacies) – whatever that means to each of us – is predicated on inheriting the efforts of those who came before us and a debt we owe to those who come after us. We carry this burden for both the public and Oregon's future lawyers to get it as right as we can. Like the rule of law, progress is always in flux, always in jeopardy, and always ripe for improvement.

In big-picture terms, we are taking a baton from those who came before us, running a short distance (our career) and passing it on to the generations that come after us. Our work and this profession can very quickly take us off course. However, if we learn how to maintain alignment with our own internal compass — regardless of where we are in our career — what results is consciously working to do the work we were meant to do.

Second, we need to take a deeper dive at examining bias. Bias that exists in our system, in our firms and organizations, bias that exists within ourselves and of ourselves. By acknowledging it, we give ourselves an opportunity to learn, grow and evolve. This includes recognizing that the practice of law is called “practice” not “perfection.”

Public perception of lawyers is not going to change until we take a closer look at ourselves and the work we are doing. I practice personal injury law. There are a lot of ways one can explain what that entails. In looking deeply at what's involved, what I've learned is that we are helping guide people through trauma and empowering them to know that *they* have the capacity to move beyond a traumatic event. When we see our role in terms of where we fit in – be that empowering clients to move forward, providing certainty and protections in the future, or helping clients make changes – there's not only opportunity to live into that space but become better attorneys.

Do you see an interplay between lawyer well-being and the other work the bar is doing?

One hundred percent. While access to justice, diversity, equity and inclusion, and lawyer well-being are all different, they are inherently interconnected. I had the opportunity to see Ruby Sales, founder of the SpiritHouse Project, tie it all together at a conference here in Bend:

“Work for justice not only causes us to change the world on the outside, but to change our inner lives, to have a transformation of values, how we see each other, to interrogate our assumptions about our perceptions of each other and ourselves. And it is not just about civil rights, it’s really about a larger movement of freedom ... We are doing this work not only to change the world outside, but to raise our consciousness so that we see each other and the world clearer, in more humanistic ways. I don’t do the work just for you and you don’t do the work just for me. We do the work for all of ourselves.”

By way of example, one of the biggest threats to access to justice and equitable justice for all is the flat lawyer curve. Oregon currently does not have enough lawyers to meet the public need and its lawyer population is not growing. The problem is particularly acute in some regions and some areas of law. However, the problem is getting worse throughout all of Oregon.

When we ask why folks are not becoming lawyers, or why some lawyers leave the profession, one key reason is quality of life. This was just highlighted with our recent well-being report to the House of Delegates in November, painting “a dire picture of the mental health and well-being of the legal profession as compared to other professions, with higher incident rates of sleep deprivation, stress, social alienation, suicide, substance abuse, depression, work addiction, work-life conflict, job dissatisfaction, and burnout.”

If we want to make any changes to the lawyer curve, we need to look at the major threats to the profession, to the problems faced by individuals in the profession, and meet these issues head on.

Similarly, when we’re talking about inclusion and equity and a more diverse lawyer population, this includes destigmatizing mental health and substance abuse, normalizing conversations and facilitating help-seeking behaviors. We not only have to talk about whether we are doing enough, but if the people making decisions are not those that are impacted by them, then we’ve obviously got more work to do.

You mentioned your work started in access to justice, do you have any additional thoughts on how to fix the access to justice gap?

The gap in access to justice that we have long wrestled with is increasing, not shrinking. The weight of the access-to-justice gap is carried on the shoulders of all who cannot access justice and the limited number of legal professionals regularly working in this area.

The gap shrinks when we all take our share of the burden — when we take the weight off those impacted and each carry some discomfort. For most of us that means giving up time and money. Donations should be slightly uncomfortable. Providing time should



Photos: (top) Rosen has two daughters. He took a trip to Japan in 2023 with Cassidy.

(bottom) Rosen and his daughter Greta have been to multiple Dallas Cowboys games together. He still believes, “This is our year!”



be slightly uncomfortable. Not unmanageable, but uncomfortable. If we are not contributing time and/or money in a way that makes us slightly uncomfortable, we simply are not doing enough to shrink the gap. And if you are managing a trust account, look at a leadership bank that provides interest on IOLTA accounts. A lot of small discomfort in the aggregate adds up quite quickly.

You've been willing to speak openly about your relationship with alcohol. Can you share why that's important to you?

This January is 16 years for me without drinking, one day at a time. In these 16 years, I never woke up with a morning of regret for having too much to drink and I never had a day of regret in making that decision. I feel like we are starting to see a shift, but there's still shame and stigma around substance abuse in our profession. We are

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Photo Above: Snowboarding has always been a passion for Rosen, which is what originally brought him to Bend.



not normalizing it enough. When reputable studies show that more than 1 in 5 attorneys have a substance problem, that tells us that we need to create more space for us to have open discussions.

I cannot overstate what a gift acknowledging my alcoholism has been to me. For starters, my alcoholism has not defined me. By turning toward it, acknowledging it, and looking at what's there, it has allowed me to uncover — and continue to uncover — the wisdom and insights that reside within that decision. Embracing the things we'd like to change within ourselves is where we encounter growth and an opportunity to learn — not just about the things we'd like to change, but about our life as a whole.

Take a look at the serenity prayer. It is not just a way to address addiction, but a *way of being* in life — and you don't have to be an addict to embody this. We can approach a situation, identify what is within our control, what is not within our control — and use that wisdom to determine how we want to show up in both respects. We can use the distinction of what is within our control versus not in our control to determine our own personal measure of success. When we define success in this manner, we give ourselves full autonomy to learn and grow from the experience.

Similarly, “one day at a time” began for me long before most of us adopted it at the beginning of COVID. What it means to me is that we can make something a priority and address it consistently and with wisdom. In 2008, when I quit drinking, there was a degree of shame and stigma around even questioning if you had a problem — and I know this still exists. Internally, it was something I needed to address, but externally, I had such a hard time with that. And so internally, I knew that I could just focus on taking it one day at a time, that I could just show up for this day, one day at a time. That has stuck with me. The application of one day at a time — like the serenity prayer — goes far beyond drinking. It comes into my meditation practice, it comes into work, it comes into my family and talking with my kids. The applications are endless. How do we fix the access to justice gap? How do we make our bar more diverse, inclusive and equitable? How do we improve lawyer well-being? One day at a time. ■

Photo Above: David Rosen is a huge fan of the Grateful Dead. His family attended the band's Fare Thee Well Tour in Santa Clara, California, in 2015.



Leading From Region 1

David Rosen, the owner of High Desert Law, is just the third bar president from Central Oregon – the first since Dennis Karnopp in 1996. Jason Kropf, an attorney at High Desert Law (as well as the state representative for House District 54 in Bend), sees Rosen’s presidency as an important one for the OSB and Central Oregon.

“There are shared values and issues that we are working on across the state, in particular, access to justice,” says Kropf. “It’s important to have leadership from a variety of areas. Things are different in Burns, Bend, Bandon and the I-5 corridor.”

Rosen sees his role as a facilitator to provide much-needed perspective from outside the major metro areas.

“The bar and the Oregon New Lawyers Division have started to make significant strides in vocalizing the rural legal access problem,” Rosen says. “As we continue to move this work forward, it’s important to have a voice that can speak to these issues.”

Rosen hopes to continue Bend’s rather short legacy of impressive bar presidents: “Dennis Karnopp was highly intelligent, well-respected and incredibly kind. He modeled what we aspire to. Following Dennis in this role is an honor that is not lost on me.”

Rosen’s colleagues, friends and family all know he’s destined for a successful 2024 based on the compassion, integrity and hard work he’s committed to the Oregon legal community in the years leading up to this opportunity.

“There is a fundamental decency, kindness and honesty to Dave that will be a benefit to the Oregon State Bar,” says Rolf Gates, a nationally recognized yoga instructor who has worked with Rosen. “Being willing to be responsible for things out of your control is the courage it takes to be a leader ... and Dave has that courage.”

“I’m excited to see first-hand what Dave is going to do as part of the leadership of the bar. He’s been a big part of the steps forward we’ve taken as a bar in recent years,” says Kropf. “Dave also is someone who is fully aware of attorney well-being. He’s talked openly about his own struggles and the steps he’s taken to have the sort of practice and life he wants. That’s an important message for the bar to hear.” ■

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