

June 3, 2013

LGBT Bar Association  
Nomination Committee – 40 Under 40

Re: Paul Southwick

To Whom it May Concern:

I am proud to write on behalf of our firm's nomination of Paul Southwick for the LGBT Bar's 40 Under 40 Award. In his relatively short career, Paul has already distinguished himself as a skilled commercial litigation attorney but also demonstrated a profound commitment to LGBT equality.

I am the Partner in Charge of the Portland office of Davis Wright Tremaine, an office of 80 attorneys. I am also a practicing trial lawyer and have worked with Paul on a number of occasions, most significantly in a SOX whistleblower retaliation case. Paul's ability to quickly and fully grasp the legal and factual nuances of the case allowed me to entrust in him significant tasks, including taking important depositions and arguing significant motions, one of which in particular stands out. In Oregon state court, a plaintiff must seek permission from the court to amend the complaint to add a claim for punitive damages. The standard is not a significant one and in employment termination cases, it is not uncommon to stipulate to such amendments. For a variety of reasons, our employer client did not want to stipulate and we opposed the motion. Paul briefed and argued it. As we walked to court I counseled Paul that he would almost certainly lose. And, once the argument started, the judge made it pretty clear he thought ours was a losing position. Paul was arguing against one of the most respected plaintiff's attorneys in town – someone with more than 30 years' experience. Despite these obstacles, over the course of the next 45 minutes Paul brought the judge back from what was a certain adverse ruling to a decision in our clients' favor with respect to two of the three defendants. It was impressive to say the least.

But Paul's greatest contribution to this office and our community is his contribution to the conversation about LGBT issues. Paul attended a very conservative college, George Fox University where he first came to understand he was gay. Not only was George Fox not hospitable, it was openly hostile. After graduation from college and then law school (in Michigan), Paul learned of others at George Fox coming to terms with their sexuality while at

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college and tried to engage the leadership of the school on how best to provide support for these individuals, some of whom had already attempted suicide. The leadership was not willing to change its policies that barred homosexual conduct on campus ("acceptance" is contingent on a promise of celibacy). He encouraged the school to bring speakers to campus to discuss the issue. Again, George Fox refused. Paul, working with others, organized their own forum off campus that drew about one hundred people. The impact was significant and drew additional support from alumni, staff, faculty, neighbors and organizations in Oregon and throughout the country working for LGBT rights and support. The group, led by Paul, formed a new 501(c)(3) organization, One George Fox, primarily as a place of support for those feeling isolated and confused by George Fox's rhetoric and practices and also to try to extend the dialogue with George Fox.

Paul's efforts were widely publicized within the firm and he received tremendous support. Sadly, two staff members from other offices told Paul they disagreed with his advocacy in ways that were not appropriate. Paul demonstrated tremendous maturity in his response to these isolated comments, recognizing they did not reflect the position of the firm or his supervising attorneys. He was – deservedly – angry, but did not let that interfere with the work he was doing.

Most recently Paul has taken on a ground breaking case in California on behalf of a transgender woman who was expelled from her private Christian college for purportedly "lying" on her application when she indicated her gender as female. Earlier this month the judge denied the college's motion to dismiss. Paul – just four years out of law school – is leading the trial team on this case and argued the motion. The case has garnered international attention.

I end the letter where I began. It truly is my honor to write in support of Paul's nomination. He has already had a significant impact on the lives of hundreds of people and is poised to achieve so much more. Davis Wright Tremaine is proud to have Paul as our colleague and we support his work wholeheartedly.

Very truly yours,

Davis Wright Tremaine LLP



Carol J. Bernick