



## Arden J. Olson Shareholder

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### Overview

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Arden Olson handles matters involving health law, ERISA, insurance law, legal ethics, and complex litigation (including ERISA litigation). His current engagements include helping insurers, coordinated care entities, and health providers with implementing new state and federal rules and regulations (including those promulgated under the Affordable Care Act), defending lawyers before the Oregon State Bar, and managing health care claims in federal and state courts.

Arden previously practiced privately in Seattle and in Philadelphia and with the Oregon Department of Justice (including serving as General Counsel to SAIF Corporation), before joining the firm in 1992. He has also served as General Counsel to a Coordinated Care Organization and to a regional health maintenance organization.

### How I Serve Clients

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As a litigator, I take pride in accomplishing our clients' goals in court, as efficiently as possible. Working with clients whose businesses increase the "size of the pie" for our society as a whole, however, is what I find most fulfilling. Not every legal problem is a "win-lose" contest, and a really good day is when we can find those elusive "win-win" situations.

### Practice Emphasis

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- Health Care Industry
- Insurance Law
- Business & Commercial Litigation
- Legal & Judicial Ethics
- Regulatory (Administrative) Law & Proceedings

### Education

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- J.D., University of Washington School of Law (1978)
  - *Order of the Coif*
  - Executive Editor of the *Washington Law Review*
  - Recipient of the Vivian Carkeek Prize
- B.A. (Philosophy), *summa cum laude*, Pacific Lutheran University in Tacoma
- Completed the Executive Education for Corporate Counsel Program at Duke University Fuqua School of Business in Durham, North Carolina

## Admissions

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- Oregon State Bar
- State Bar of California
- Washington State Bar Association
- U.S. Court of Appeals for the Third and Ninth Circuits
- U.S. Supreme Court
- United States Tax Court
- U.S. District Courts in Oregon, Washington, California, and Pennsylvania

## Professional Recognition

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- AV Preeminent Peer Review Rated with Martindale-Hubbell®
- Selected for inclusion in Oregon Super Lawyers® in 2006, 2009-2012, 2014-2023
- Listed in The Best Lawyers in America© for health care law and ethics and professional responsibility law since 2020

## Memberships

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- Served in a variety of roles in the bars in state bar organizations
- Fellow, American Bar Foundation
- Member, Association of Professional Responsibility Lawyers ("APRL").
  - 2017-21 member of the Board of Directors of APRL, comprised of more than 450 lawyers, law professors and judges holding an interest in lawyers' professional responsibility, legal ethics, legal malpractice, and the evolving law of lawyering, primarily through the application of the rules of lawyer ethics to the practice of law.
- Elected Member, American Law Institute
- Member, the American Bar Association
- Former Member, American Bar Association's Standing Committees on Professionalism and Ethics & Professional

## Community Involvement

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- Member of the Board of Directors for the Eugene Symphony

## Representative Matters

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- *Bruch v. Firestone Tire & Rubber Co.*, 828 F.2d 134 (3d Cir. 1987), aff'd in part 485 U.S. 986 (1988). Trial counsel in landmark ERISA lawsuit ultimately resolved by the U.S. Supreme Court.
- *Providence Health Plan v. McDowell*, 385 F.3d 1168 (9th Cir 2004), cert. denied, 544 U.S. 961 (2005). Established as a matter of federal law that reimbursement actions by health plans under state law are not preempted by ERISA.
- *Love v. Thomas*, 858 F.2d 1347 (9th Cir. 1988). Represented the State of Oregon in obtaining injunctive relief against the United States Environmental Protection Agency for wrongfully withdrawing an herbicide from the market.
- *Stuart v. Pittman*, 350 Or. 410, 255 P.2d 482 (2011). Successfully collected on an oral contract of insurance purchased to guard against a contractor's potential default.

## Publications

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- "Special Issues for In-House Lawyers and Government Lawyers," Chapter 11 of *The Ethical Oregon Lawyer* (2015 rev.)
- "Is Some Behavior Ethical But Improper?" *Oregon State Bar Bulletin*, p. 29-33 (February/March 2013)
- "Insurance Counsel Conflict of Interest," *Oregon State Bar Bulletin*, p. 36-41 (September/October 2008)
- "Health Initiatives Would Breed Uncertainty," *Oregon Health Law*, p. 7 (October 1996)
- "ABA Commission Proposes New Rules of Professional Conduct," *Washington State Bar News*, p. 43 (May 1980)
- "American Bar Association Young Lawyers Division," *The Lawyer's Conscience* (July 30, 1980) co-author Christopher L. Otorowski
- Comment "Parol Evidence in Washington: The Use of Extrinsic Evidence to Address the Integration and Interpretation of Writings," *52 Washington Law Review* 923 (1977)

## Presentations

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- "One-Client Lawyers: Avoiding the Consigliere Dilemma," American Public Power Association, Legal & Regulatory Conference (October 23, 2019)
- "Ethics in Billing and Collection For Family Lawyers: How Not to Let Money Become the Root of Evil to Your Professional Life," Oregon State Bar Family Law Annual Conference (October 14, 2017)
- "Solicitation to Withdrawal: Professionalism with Clients and Other Counsel," Oregon State Bar CLE (December 2015)
- "Top Ten Reasons APRL Should Not Create a Specialty Certification Program," Association of Professional Responsibility Lawyers (August 1, 2015)
- "The Ethics of Representing Your Firm's Members Against Your Firm's Client," IP Brown Bag CLE hosted by the Oregon State Bar (December, 2014)
- "Conflict of Interest by Lawyer Lobbyists," (paper presented at Ethics in Lobbying & Government Affairs Program for ABA Business Section Fall Meeting (October 2012)
- "Top Ten Ways Plaintiff's Counsel Can Risk Ethics Trouble, in Haiku" Oregon Trial Lawyers Association (September 30, 2011)
- "Ethics in Bankruptcy: Confidentiality, Disclosure, and Due Diligence," Oregon State Bar Debtor-Creditor Section (September 17, 2011)
- "Best Practices for Giving Ethics Advice," 37th ABA National Conference on Professional Responsibility, Memphis, TN (June 4, 2011)
- "'Confidential' Client Information: When are Secrets Not Secret?," ALI-ABA Live Telephone Seminar/Audio Webcast, Ethics and Professionalism Series (April 14, 2011)
- "Ethical Traps for Tax Attorneys," Oregon State Bar Tax Section (November 17, 2010)
- "Attorney-Client Confidences in Employment Disputes," 2010 Public Employment Relations Conference (April 8, 2010)
- "Effective & Ethical Representation Agreements: The Ten Commandments and Beyond," ALI-ABA Telephone Seminar (March 10, 2010)
- "Ethics Challenges for Business Lawyers," PLI 41st Annual Institute on Securities Regulation (November 6, 2009)
- "How to Avoid Ethics Violations as Insurance Defense Counsel," HB Litigation Conferences teleconference (June 23, 2009)

## Presentations Cont.

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- "Recognizing Ethical Issues in Electronic Discovery," Half Moon Continuing Legal Education, Practicing Legal Ethics in the Electronic Law Office (September 25, 2008)
- "Legal Ethics in Dealing with the Government: Contacting a Represented Public Agency and Limitations on Government Lawyers Appearing Before the Agencies They Also Represent," Oregon Law Institute (October 26, 2007)
- "The Pulse of Healthcare in Oregon," Oregon Law Institute (October 12, 2007)
- "Coverage Counsel: The Forgotten lawyer in Cumis," ABA Tort Trial & Insurance Practice Section 2007, ABA Annual Meeting (August 11, 2007)
- "Recent Developments in Oregon Legal Ethics," Roland K. Rodman American Inn of Court (December 6, 2006)
- "Managing Ethical Issues in Your Day-to-Day Practice in Oregon," National Business Institute (December 15, 2005)
- "Legal Ethics in Oregon: Solutions to the Most Common Ethical Challenges," National Business Institute (June 6, 2005)
- "Tales of the Tube" Ethics Presentation, Oregon State Bar Continuing Legal Education (November 12, 2003)
- "Top Ten Reasons Not to Adopt the ABA Model Ethics Rules in Oregon," Roland K. Rodman American Inn of Court, Eugene, OR (November 5, 2003)
- "ERISA, COBRA and HIPAA: An Overview of the Statutory and Regulatory Framework in Oregon," Lorman Education Services (October 23, 2003)
- "Who Is Our Client?" SAIF Corporation, Salem, OR (October 1, 1992)



### Portland

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