

## BUSINESS LITIGATION

### WINNER

#### Keith Ketterling

Managing  
shareholder  
Stoll Stoll  
Lokting & Shlachter PC



**Your Age:** 43.

**College and year of graduation:** Western Michigan University 1984.

**Law school and year of graduation:** University of Iowa 1987.

**Professional history in brief:** I began practicing law in Houston with Vinson & Elkins, defending hospitals and blood banks in AIDS and medical malpractice matters. In 1991, I moved to Portland to join Stoll Stoll Berne Lokting & Shlachter, became a shareholder in 1996 and managing shareholder in 2001.

**Why you chose law as a profession:** I always viewed lawyers as people who stood up for the rights of clients when they were right and counseled clients on resolving matters when they were wrong. I have since found that few cases are black and white; good lawyers do a fair bit of both in each case.

**How you came to emphasize business litigation:** Starting out in medical malpractice, I found it necessary to learn the underlying medical procedures involved in each case, but I had little interest in medicine. I realized I needed to find an area of law that I enjoyed. My

interests were in the financial and business world. Thus, I decided to focus my practice on securities, financial fraud and business litigation. Now, in every case, I get to learn and understand the underlying business involved in the case. I thoroughly enjoy the complexities and variety of my practice.

**Most memorable case:** During “voir dire” (the process of questioning prospective jurors, which in Texas is more like opening argument) of my first trial, the opposing lawyers made much of the fact that the

### RUNNERUP

**JAMES McDERMOTT**  
Ball Janik LLP

case was the “worst” they had ever seen and that I worked for a 500-lawyer firm with former Texas Gov. John Connally. I responded by asking the panel how many of them had watched “L.A. Law” the night before, and after seeing the lawyers on TV, how many of them were disappointed to see me rather than someone like the TV lawyers. After the laughter subsided, I looked around and commented that none of the other 499 lawyers in the firm, nor Gov. Connally, were with me trying the case. In fact, I noted, my client thought that this case was so clear-cut that even I could win it as my first trial. Fortunately, I did win, but this case taught me never to take myself too seriously and to let the jury see me rather than me trying to act like a “lawyer.”

**Tell us about a trend, hot topic or pressing issue in the field of business litigation:** Although arbitration was once regarded as a streamlined method of

deciding business disputes, that is seldom the case anymore. Business disputes tend to be complex with much at stake. Hence, discovery and prehearing procedures in arbitration may be as time-consuming as a court case. In fact, many times the only remaining differences between arbitration and court cases are the fact finders (arbitrators instead of juries) and the extremely limited appeal rights in arbitration. Unfortunately, this means that arbitration participants have lost the efficiencies associated with arbitration and given up the right to appeal decisions on very serious matters.

**What do you do to relax:** Take long, steep, challenging bike rides.

**Favorite restaurant:** Bugatti’s.

**Briefly describe a charitable or political cause you actively support, and why:** I am on the Lake Oswego School Foundation Board. The foundation raises money to pay for additional classroom teachers. Until the Oregon Legislature decides to responsibly address stable and sufficient school funding, each of us, in our own communities, needs to step forward to fill the gap. It is not enough to say that school funding will be fixed in the future; children in school right now are the future, they cannot wait. A future fix is a present failure.

**Tell us one bit of personal trivia that might surprise people:** I got married in Iowa but was not in the state long enough before the wedding to get a marriage certificate. Hence, my wife and I have a common law marriage.