



# Capitol Insider

OGB Public Affairs Newsletter for Bar Leaders

## Public Affairs Committee

Gerry Gaydos, Chair, *Eugene*  
Mark Comstock, Vice-Chair, *Salem*  
William Carter, *Medford*  
Nena Cook, *Portland*  
Lauren Paulson, *Aloha*  
Linda Eyerman, *Portland*

## Oregon Courts Technology Task Force

Regional Information Gathering Work Sessions:

- November 2<sup>nd</sup>-Hood River
- November 3<sup>rd</sup>-Salem
- November 4<sup>th</sup>-Portland
- November 9<sup>th</sup>-Medford

At each location a morning and an afternoon session will be held. The afternoon session will focus on persons, such as lawyers who use or should be able to use OJD technology.

The purpose of the work sessions is to solicit input from OJD employees (judges and staff) and non-OJD employees (including: attorneys, collection agencies, and Department of Human Services), who use OJD technology.

For more information about the regional meetings please contact Paul Crowley, task force chair, or Barbara Benda, task force project manager, at (541) 386-1862.

October 28, 2004

## Legally Trained Candidates

Much has been made over the last year of the loss of several legally trained legislators from the ranks of the Oregon legislature. Whether through appointment or retirement, several such prominent legislators from the 2003 session have chosen not to return in 2005. Additionally, two lawyers – also former legislators – from southern Oregon, Judy Uherbelau and Del Parks, lost in their parties' legislative primaries in May. This article highlights races in which candidates with legal training are running for the legislature, statewide office, or Congress.

**Legislative Races**– There are three legally trained candidates running for legislative seats this fall, two in the Senate and one in the House.

John Wight is the Republican nominee challenging the Senate District 18 incumbent, Democratic Senator Ginny Burdick. John Wight practiced law in Portland for 25 years before moving on to other pursuits in 1996. He has also been active in local government for years, including serving as an assistant to former Portland mayor Connie McCreedy. Senate District 18 encompasses southwest Portland and Tigard.

In rural Benton, Polk, and Yamhill Counties, former trial lawyer Hank Franzoni is challenging incumbent Senator Gary George. Franzoni, a Democrat from Sheridan, practiced law in New Jersey and taught at Bloomfield College and Rutgers University. He is now retired from both pursuits. Newberg Republican Gary George has served in the Senate since 1997.

An interesting race to watch is the race for the open house seat in Bend (House District 54). Bend attorney and Democratic candidate Judy Stiegler has been civically active in her community for years, including serving on the Bend-La Pine School Board and as chairwoman of the Oregon Board of Education. In this hotly contested race, Stiegler is running

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against Republican Chuck Burley a small business owner with a background in the forest products industry.

A number of legally trained legislators from the 2003 session are expected to return to Salem in January. Senate President Peter Courtney (D-Salem) and Sen. Charlie Ringo (D-Beaverton) are in the middle of their term and David Nelson (R-Pendleton) is running for reelection unopposed. Barring a major electoral upset, Sen. Floyd Prozanski (D-Eugene) and Senate Democratic Leader Kate Brown (D-Portland) will be back as well.

In the House, Reps. Betsy Johnson (D-Scappoose), Brad Avakian (D-Beaverton), and Greg Macpherson (D-Lake Oswego) are all unopposed in their bids for re-election. The other four legally trained legislators – Reps. Dennis Richardson (R-Central Point), Phil Barnhart (D-Central Lane and Linn Counties), Robert Ackerman (D-Eugene), and Dan Doyle (R-Salem) – are all favored in their bids for re-election.

**Statewide Races** – In non-legislative races, there is a similar dearth of legally trained candidates. The most notable exception is the race for state Attorney General. Three of the four candidates for Attorney General are legally trained. The Democratic incumbent attorney, Hardy Myers, has a significant lead over Republican Salem attorney Paul Connolly. The other two candidates are Libertarian, Portland resident Donald G. Smith, Jr, who is an inactive member of the Oregon State Bar and mortgage loan officer and Constitution party candidate, Richard D. Hake, a non-lawyer from Rogue River.

**Congressional Races** – There are several notable U.S. congressional candidates who possess a legal background. U.S. Sen. Ron Wyden (D) is seeking re-election to a second full term in U.S. Senate and has a comfortable lead over his challengers. Sen. Wyden earned a law degree from the University Of Oregon School Of Law.

U.S. Rep. David Wu (D-Portland), an inactive member of the Oregon State Bar, is campaigning to keep his seat in the 1<sup>st</sup> District in what has turned out to be a highly competitive congressional race in Oregon. The race for the 1<sup>st</sup> District between Rep. Wu and Republican challenger Goli Ameri has become one of the most expensive congressional races in the country.

Rep. Earl Blumenauer (D-Portland), a graduate of Lewis and Clark Law School is being challenged for his 3<sup>rd</sup> District seat by Socialist candidate Walter Brown. Brown is a former state senator, volunteers at Consumer Justice Alliance in Lake Oswego, and is an emeritus member of the Oregon State Bar.

Republican Jim Zupancic has mounted a strong campaign for the 5<sup>th</sup> District against incumbent Rep. Darlene Hooley (D-Salem). Zupancic is a business and real estate attorney in Lake Oswego, former Lake Oswego School Board Chairman, small business owner, and co-founder of Genesis Electronics Corporation.

## **Getting to Know Oregon's Legally Trained Legislators**

The presence of Oregon legislators with legal training is rapidly diminishing. This is of great concern to the bar since legally trained individuals are specially qualified to serve as legislators due to their education and professional experiences. Every month (as space permits) the Capitol Insider will be spotlighting a different legislator with a background in the law. This month's spotlight is on Sen. David Nelson.

Sen. David Nelson (R-Pendleton) was first elected to the Oregon Senate in 1996. Sen. Nelson represents the citizens of Umatilla, Union, Wallowa, and a portion of Morrow County. He served as Senate Majority Leader for the 2001 session. In 2003, Sen. Nelson chaired the Senate Committee on Business and Labor.

Sen. Nelson has been a consistent voice for citizens of Eastern Oregon. He has supported programs to ensure Eastern Oregonians have access to quality education and healthcare. Sen. Nelson is running unopposed for re-election in Senate District 29.

Sen. Nelson earned his law degree from University of Montana Law School and his B.A. in Political Science from University of Oregon. He practiced law in Conrad, Montana from 1967-1981 and served as Prosecuting Attorney in Pondera County from 1971-1975. In 1981 he returned to his home town of Pendleton to take over the family farm. Sen. Nelson and his family farm wheat and canola.

## **Interim Judiciary Committee**

The Joint Interim Judiciary Committee met on October 15, 2004 in conjunction with the bar's annual meeting. William Carter, Oregon State Bar President, provided the committee with an overview of the bar and current activities, including changes in the discipline system, implementation of the Client Assistance Office program, and the upcoming House of Delegates meeting agenda. Gerry Gaydos, Public Affairs Committee Chair, and Ed Harnden presented the committee with the final Appellate Process Review Committee Report and responded to questions concerning its contents. Susan Grabe, Public Affairs Director, introduced the bar's legislative package. In addition, representatives from the Tax Law Section and the Uniform Trust Code workgroup gave a brief overview of their legislative proposals. This year the bar presented 27 law improvement proposals to the committee for the 2005 legislative session.

The 2005 legislature will convene on January 10, 2005. The opportunity to file the OSB law improvement package before the session begins is provided as a courtesy of the Joint Interim Judiciary Committee. It allows the OSB proposals, usually more technical in nature, to be set for hearings early in the session.

Following is the list of OSB section and committee legislative proposals for the 2005 session.

LC#	Summary
	<b>OSB BOG</b>
LC 449	Board Governance Provisions
	<b>OSB SECTIONS</b>
	<b>Administrative Law</b>
LC 450	Mental and physical examinations of licensees
LC 450-1	Costs and fees in agency proceedings
LC 450-2	Standardizes provisions related to the administrative hearings process
	<b>Consumer Law</b>
LC 451	Increases homestead and automobile exemptions
LC 452	Creates an exemption for child care tax credit
	<b>Debtor-Creditor</b>
LC 453	Requires sheriffs to accept cashier's or official bank checks at judicial sales
LC 454	Allows recording notice of bankruptcy by trustee or debtor in county in which the debtor has real property
LC 455	Allows for payment of remaining proceeds of sale of personal property in possessory lien foreclosure to junior lienholder
	<b>Elder Law</b>
LC 456	Amends small estates statute to allow supplemental affidavit to be filed
LC 457	Enlarges the time for filing estate and conservator accountings from 30 to 60 days
LC 458	Allows a trustee to file an elderly abuse petition for an abused trustor or trustor's spouse
	<b>Estate Planning</b>
LC 459	Uniform Trust Code (jointly requested with the Elder Law section)
LC 460	Amendment to the Trustee Powers Act, adds to the trustees' power a power to split a single trust into two separate trusts under certain conditions
LC 461	Uniform Transfers to Minors Act, provisions regarding the delayed transfer of custodial property to a minor until age 25

	<b>Family Law</b>
LC 462	Amends ORS Chapter 107 to terminate of beneficiary designation upon divorce
	<b>Health Law</b>
LC 927	Permits disclosure of some protected health information concerning decedents and incapable persons
LC 463	Permits disclosure of some protected health information to a parent or legal guardian of unemanicaped minor
LC 464	Changes the law regarding hearings on DHS applications for waivers from statutory and regulatory requirements
LC 465	Changes the administrative rules for workers compensation regarding subpoenas for medical information to require subpoenas in the same format specified in the ORCP's
	<b>Real Estate &amp; Land Use</b>
LC 466	Sale of county property (ORS 275.190 and 275.220)
LC 467	Final plat approval (Hammer v. Clackamas County)
LC 468	Annexation approval by road authorities (ORS 222.120)
	<b>Taxation</b>
LC 469	Allows limited liability companies wholly owned by one or more nonprofit corporations to qualify for property tax exemption; amends ORS Ch. 307
LC 470	Modifies Oregon inheritance tax law to resolve disconnect between Oregon law and federal tax system
	<b>Workers Compensation</b>
LC 471	Workers Compensation Board amendment to "Own Motion" jurisdiction
	<b>OSB COMMITTEES</b>
	<b>Procedure and Practice</b>
LC 472	Modifies existing statute to allow an extension of the statute of limitations upon attorney's death

## Election 2004

During the last Presidential election approximately 80% of registered voters in Oregon cast a vote. Your vote can make a difference. In Oregon, during the last Presidential race only 6,765 votes statewide (less than one-half of 1 %) separated Al Gore and George Bush. Elections determined by a few votes are not uncommon. During the 2002 general election the race for House District 28 in Washington County was decided by only 40 votes.

Oregon is among the many states, that have experienced an increase in new voter registration. Across the country, especially in urban areas where the vote was close in 2000, county election offices have seen higher numbers of people registering to vote

than four years ago. As of the end of August, almost 90,000 Oregonians have registered to vote since the May primary. Oregon voter registration has increased by nearly 4% from August 2003 to August 2004. During the month of August, voter registration increased by 3.56% in Multnomah County (the highest increase in the state), 3.12% in Linn County, and 2.6 % in Washington County. Statewide, approximately 2.1 million Oregonians are registered to vote in the 2004 general election, an increase from the 1.95 million voters registered for the November 2000 election.

Groups motivated by the close election in 2000 are responsible for the increase in voter registration. These groups have mounted strong campaigns focused on registering new voters. No one can predict how the newly registered voters may affect the election. More Oregonians are casting their ballot earlier this election than in the last presidential race. As of October 27, 2004, approximately 45% of ballots have been returned to county election offices compared to roughly 31% of ballots returned at the same time during the November 2000 election.

## **Remember to Vote**

Don't forget to vote in this year's general election on November 2, 2004. By now you should have received your vote-by-mail ballot packet. If you have not received your ballot, contact your county elections office for assistance. The post office will not forward your ballot. If you move or change your mailing address you need to update your voter registration with a change of address. For help please contact your county elections office.

Your ballot must be received at a county elections office or an official drop site by 8 pm on November 2. Please remember postmarks do not count. The Secretary of State is urging Oregonians to mail their ballots early or drop them off at an official county drop site to ensure their vote counts. Friday is the last day to mail your ballot back to the county. After Friday, you should bring your ballot to an official county drop site.

For more election information please visit the Secretary of State's Election Division website at [www.sos.state.or.us/elections/resources.html](http://www.sos.state.or.us/elections/resources.html). A list of official county ballot drop sites can be found at [www.oregonvotes.org/drop.htm](http://www.oregonvotes.org/drop.htm).