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Questions About Judicial Elections? The Judicial Candidate Voting Guide has Answers

Elder Financial Abuse Listening & Learning Session

Thursday, Nov. 6, 2014
1:30 p.m. - 3:00 p.m.

Hosted by:

- Elders in Action
- Oregon AG
Ellen Rosenblum
- Portland City
Commissioner
Nick Fish

Q Center
4115 N. Mississippi
Avenue, Portland, OR
97217

RSVP: 503.235.5474
Info@eldersinaction.org

Ballots for the 2014 election were mailed on October 15th and must be returned to [county election offices](#) by November 4th. Unlike elections for state or federal office, judicial candidates are prohibited from discussing controversial community matters in order to maintain their impartiality.

The Oregon State Bar created and published the [2014 Judicial Candidate Voting Guide](#) in order to provide Oregon voters with detailed information about judicial candidates throughout Oregon. The guide has been published during every primary and general election since 2002 based on responses to questionnaires sent to judicial candidates. This format allows the Oregon State Bar to assist judicial candidates in remaining impartial and staying within the parameters of the judicial code while addressing voter questions and concerns. Generally, all candidates in contested races respond to the questionnaire, while roughly 60 percent of judicial candidates in uncontested races participate.

The guide itself was adapted from the detailed questionnaires traditionally used by the Oregon State Bar in screening appellate candidates as a service to the Governor. The profiles provide background on candidates' legal history, qualifications for judicial office, and professional and civic involvement. The guide also gives candidates an opportunity to discuss the role of judges and courts, their philosophical approach to the judicial role, and important areas of the judicial system that are of particular interest or concern to them.

In addition to the judicial questionnaires, the Bar publishes [results from judicial-preference polls](#) among Bar members in any jurisdiction with a contested race. The poll gives voters a sense of the legal community's preferences, with the notion that lawyers may be in a unique position to assess a candidate's legal acumen, work ethic, and judicial temperament.

First Elder-Abuse-Reporting CLE Presented During "Elder Law 2014: Emerging Challenges"

PUBLIC AFFAIRS DEPARTMENT

- Susan Grabe,
Public Affairs Director
- Amy Zubko,
Public Affairs Legislative Attorney
- Matt Shields,
Public Affairs Staff Attorney
- Amanda Lunsford,
Public Affairs Assistant

During the 2013 session, the legislature passed [House Bill \(HB\) 2205](#), which expanded attorney mandatory reporting requirements under ORS 124.050. As of January 1, 2015, all active Oregon attorneys will not only be mandatory reporters of child abuse, abuse of adults with mental illness or developmental disabilities, and abuse of long-term care residents (if representing the

resident), they will also be required to report elder abuse.

Recently the Oregon State Bar's Elder Law section hosted "[Elder Law 2014: Emerging Challenges](#)," which included a CLE entitled "Oregon Lawyers' Mandatory Duty to Report Elder Abuse." The CLE, which was attended by 179

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attorneys, was the first CLE specifically addressing the new elder-abuse-reporting requirements. The CLE not only addressed the different types of abuse (financial exploitation, neglect, verbal abuse, physical abuse, and sexual abuse) but also highlighted warning signs of abuse, walked attendees through the reporting process, and discussed exceptions to the reporting requirement.

Beginning with the 2015 reporting year, all active Bar members will need to complete an elder-abuse reporting

CLE during their three-year reporting period. In subsequent reporting years, attorneys will need to either attend a child-abuse reporting CLE or an elder-abuse reporting CLE. Additional information may be found on each member's dashboard on the [Oregon State Bar's website](#).

There are a number of [elder-abuse reporting CLEs](#) scheduled in the next month. If you have specific questions about the new reporting requirements, please contact the General Counsel's office at (503) 620-0222.

Notario Fraud Conference held at Oregon State Bar

During the 2013 legislative session, HB 2573 passed with bipartisan support. The bill, proposed by the Oregon State Bar's Board of Governors, provides a remedy under the Unlawful Trade Practices Act (UTPA) for the unauthorized practice of law in immigration cases. The legislative concept was proposed to address the problem of unauthorized immigration consultants or "notarios" who claim to have the necessary credentialing to represent clients in immigration proceedings.

While ORS 9.280 prohibits a person from acting as an immigration consultant for compensation unless the person is an active member of the Bar or was authorized by federal law to do so, the Bar has only a limited ability to enforce this prohibition. By amending the UTPA through HB 2573 to explicitly include immigration consultants, victims of notario fraud were provided with a private right of action, including

recovery of attorney fees and the right to seek punitive damages. Further, under HB 2573 the Oregon Department of Justice now has the ability to prosecute individuals who engage in the unlawful practice of law in the immigration context and assess significant civil penalties.

On September 24, the Oregon State Bar; the American Immigration Lawyers Association, Oregon Chapter; and the Oregon State Bar's Consumer Law Section hosted the Notario Fraud Conference CLE. Approximately 88 lawyers and stakeholders attended the CLE at the Oregon State Bar Center. Secretary of State Kate Brown, the keynote speaker, opened the conference with the presentation "Notaries and Notarios – The View from the Oregon Secretary of State's Office." Other speakers included representatives from the U.S. Attorney's Office, the Oregon Department of Justice, the

Multnomah County District Attorney's Office, as well as private attorneys and advocates from across the state. Thank you to Secretary Brown; Frank Garcia, Director of Diversity & Inclusion from the Governor's office, and all of the participants for supporting this important conference.

The Oregon State Bar's Unlawful Practice of Law Committee is looking forward to continuing its work with the Oregon Department of Justice, the Oregon Secretary of State's office, the Governor's Office and the new Consul General of Mexico for Oregon, Armando Ortiz Rocha, on this important issue.

The Notario Fraud Conference is available for playback and can be found on the [Oregon State Bar's CLE webpage](#).

Oregon Supreme Court Hears Oral Arguments on SB 822 and SB 861

On October 14, the Oregon Supreme Court held oral arguments on changes made to the Public Employees Retirement System (PERS) during the 2013 legislative session. Senate Bill (SB) 822 and SB 861, which limit the increase of the cost-of-living adjustment and ended the compensation of out-of-state retirees paying Oregon state income taxes on their pensions, was challenged by a number of current and former PERS members. Oral arguments in *Mo-*

ro v. State of Oregon, S061453, can be viewed on the [Oregon Judicial Department's website](#). An opinion is expected next spring.

The Oregon State Legislature's Legislative Fiscal Office (LFO) released two memos regarding the budget implications of SB 822 and SB 861. They can be found on [LFO's publications page](#).