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**Committee
and Section
Annual
Reports**

2004 Committee and Section Annual Reports

Table of Contents

Committees

Affirmative Action.....	1	Medical Profession-Joint	8
Bar Press Broadcasters Council	3	Minimum Continuing Legal Education.....	8
Certified Public Accountants-Joint	3	Pro Bono	9
Client Security Fund	4	Procedure & Practice	10
Continuing Legal Education	5	Public Service Advisory	11
Federal Practice & Procedure.....	5	Quality of Life.....	12
Judicial Administration	6	State Lawyers Assistance	13
Legal Ethics.....	6	Uniform Civil Jury Instructions	13
Legal Heritage Interest Group	6	Uniform Criminal Jury Instructions.....	14
Legal Services	7	Unlawful Practice of Law	14

Sections

Administrative Law	17	Energy, Telecommunications & Utility Law	33
Admiralty	18	Environmental & Natural Resources.....	33
Agricultural Law.....	18	Estate Planning and Administration	35
Alternative Dispute Resolution	19	Family Law	36
Antitrust, Trade Regulation	20	Government Law	36
Appellate Practice	21	Health Law	37
Aviation Law	22	Indian Law	38
Business Law	23	Intellectual Property.....	39
Business Litigation	23	International Law	40
Civil Rights.....	24	Juvenile Law	40
Computer & Internet Law	25	Labor & Employment.....	41
Constitutional Law.....	26	Law Practice Management	42
Construction Law	27	Litigation	43
Consumer Law	27	Products Liability	44
Corporate Counsel	28	Real Estate & Land Use	44
Criminal Law	29	Securities Regulation	45
Debtor-Creditor	30	Sole and Small Firm Practitioners	46
Disability Law	30	Taxation	47
Diversity Law	31	Workers' Compensation	47
Elder Law	32		

Committees

Affirmative Action Committee

This report regards the OSB Affirmative Action Program (AAP) allocative programs, OLIO programs, and 2006 Sunset efforts. The AAP programs are designed to advance the following mission statement:

The mission of the Affirmative Action Program of the Oregon State Bar is to support the mission of the Oregon State Bar: by promoting respect for the rule of law, by improving the quality of legal services, and by increasing access to justice. The Program serves this mission by striving to increase the diversity of the Oregon bench and bar to reflect the diversity of the people of Oregon, by educating attorneys about the cultural richness and diversity of the clients they serve, and by removing barriers to justice.

ALLOCATIVE PROGRAMS

The bar's Affirmative Action Program includes allocative programs (scholarships, stipends, fellowships, and grants) funded by the bar's AAP assessment. Law students who can help to advance the program's mission are eligible to apply. Eligibility is not limited to ethnic minorities.

SCHOLARSHIP PROGRAM: The Scholarship Subcommittee scored 63 applications, and awarded 8 scholarships in the amount of \$2000 each, paid in two installments directly to each law school.

CLERKSHIP STIPEND PROGRAM: Thirty-three students applied for 20 stipends designated to secure clerkships with employers who could match at least the \$5.00/hour stipend. One stipend recipient asked the Stipend Subcommittee's permission to use her stipend with an employer who could not match the \$5.00. Ultimately, the Affirmative Action Committee decided to grant up to three exceptions per year to raise the stipend to Oregon's minimum wage (budget permitting) when an employer could not provide the match.

PUBLIC HONORS FELLOWSHIP PROGRAM: The Public Honors Subcommittee reviewed 9 applications for six fellowships and one Environmental Law grant. The AAP received the Environmental Law Grant for the fourth year through the American Bar Association. The fellowship recipients clerked for the Oregon Supreme Court, Oregon Court of Appeals, US District Court, Oregon DOJ, Oregon Law Center, and Multnomah DA. The ABA Environmental Clerk worked for the Cascade Resources Advocacy Group.

BAR EXAM GRANT: The Bar Exam Subcommittee reviewed a total of 14 applications for both the February and July bar examinations to award 9 grants. OMLA, through their annual auction in June, raised funds to award Bar Exam Preparation Course scholarships for ethnic minority graduates who did not receive awards through the Bar Exam Grant program.

OLIO

The bar's Affirmative Action Program includes OLIO (Opportunities for Law in Oregon) programs funded by grants and donations. OLIO is a recruitment/retention strategy for Oregon's ethnic minority law students. Eligibility is limited to ethnic minorities.

EMPLOYMENT RETREAT: The calendar year began with the Sixth Annual Employment Retreat at Lewis & Clark Law School on the last Saturday in January. The traditional round-robin mock interviews were again a tremendous hit. Through the mock interview process and the personal involvement of Career Services of the three law schools, we are finding that students are much more prepared for interviews, and are better equipped to secure employment through AAP programs as well as through individual efforts. The Employment Retreat included an Employer Forum wherein private and public sector firms of diverse

sizes sponsored tables to meet and greet the law students. The participating firms paid a \$50 fee to help cover Retreat expenses.

SPRING SOCIAL: Schwabe Williamson Wyatt PC hosted the 2004 Spring Social which drew ethnic minority law students, judges, and lawyers to the networking event honoring the graduating students.

LEGAL WRITING AND RESEARCH WORKSHOPS: These workshops are designed to transition ethnic minority law students from classroom Legal Writing/Research to LWR in practice. David Bartz and Judge Dick Baldwin conducted the workshop at the Schwabe Williamson firm in Portland. Judge Virginia Linder and Bob Rocklin conducted the workshop at Willamette in Salem. Joe Richards conducted the workshop at the Luvaas Cobb firm in Eugene.

FIRST YEAR INTERNSHIP PROGRAM (FYIP) implemented new Personal Statement criteria which the participating law firms decided would help to identify students who would better fit their firms' diversity objectives. Students submitted the Personal Statements along with resumes and legal writing samples.

BAR EXAM WORKSHOP: Stella Manabe and Jim Bailey presented this workshop in Portland and in Eugene for ethnic minority bar exam applicants. The workshop is a comprehensive approach to bar exam study with focus also on cultural issues ethnic minority applicants may experience.

OLIO ORIENTATION: The AAP held the Sixth Annual OLIO Orientation in Bend, Oregon. The Retreat successfully bonded the incoming ethnic minority law students to each other and to the bar. The 2004 Orientation included a social co-sponsored by the Oregon Minority Lawyers Association for Central Oregon OMLA members and bar leaders. Justice Wallace Carson was the featured keynote for that event. A total of 18 attorneys attended the Orientation. Judges and Justices who attended: Wallace Carson, Rives

Kistler, David Schuman, Cynthia Carlson, William Young, David Gernant, Marco Hernandez.

2nd ANNUAL BOWLIO: BOWLIO is a fundraiser for OLIO. The 2004 event featured guests Governor Kulongoski and First Lady Mary Oberst who bowled with each team. Over 200 law students, lawyers, and judges participated. Schwabe, Bullivant, Brownstein Rask, and Farleigh Wada firms created their own bowling shirts for this event. A total of 91 attorneys attended. Judges and Justices who attended: Ancer Haggerty, David Schuman, Paul Kurshner, Cheryl Albrecht, Robert Wollheim, Nan Waller, Henry Breithaupt, David Gernant, Rives Kistler, Katherine Tennyson, Marilyn Litzenberger, Thomas Ryan, Clifford Freeman.

2006 SUNSET

The AAC appointed a subcommittee headed by Judge Douglas Van Dyk. Judge Van Dyk identified a three-prong strategy to bring about an AAP extension beyond 2006 - (1) HOD education and elections; (2) membership education and publicity, (3) reunion of all AAP participants and beneficiaries.

The Clerkship Stipend Subcommittee, headed by Anastasia Meisner, did a great job updating and strengthening the AAP Registration Packet. The Packet is a complete description of the program as well as a major component of the application process for allocative programs. Because of its high visibility, it was important that the Packet be carefully evaluated for the more public 2006 scrutiny.

Respectfully Submitted: Richard Brownstein (CH), Hon. Douglas Van Dyk (SEC), Stephen Crew, Carl Crowell, Susan Dobrof, Tim Harmon, Hong Huynh, Amanda Mayhew, Anastasia Meisner, Judith Woo Poutasse, Diane Rea, Hon. David Schuman, David Simon, Monica Smith, Trung Tu, Rene Cardenas (PM), Marva Fabien (BC), Stella Manabe (BL).

Bar Press Broadcasters Council

This council is composed of lawyers and judges as well as editors and reporters from television, radio and print media. The group meets 4 times per year and takes a leading role in public education. The council is the primary vehicle for maintaining communications between lawyers and reporters on crucial issues of policy and law and has provided an invaluable forum for the exchange of views.

They have played an active role in changing the Uniform Trial Court Rule on cameras in courtrooms and hosted a major symposium on high-profile trials. The Council is reviewing the Bar Press Broadcast Council Guidelines.

Respectfully submitted: Duane Bosworth, (Ch-Elect), James Rice, Ronald Thom, Kristen Winemiller, Stephen Blixseth, Michael Schrunk, Janine Robben, Suzanne Upton, Daniel Keppler, Jim Losk, Marc Sussman, Allie O'Connor, William Carter(BC), and Kateri Walsh (BL).

Certified Public Accountants— Joint Committee

1. The committee regularly held meetings throughout the year for approximately 1½ hours at the Oregon State Bar offices.
2. Committee members regularly wrote Professional Insight articles for the OSCPA magazine; the magazine is published 11 times during the calendar year and Professional Insight articles are in every other issue. Articles covered items of interest to both accountants and attorneys, and dealt with issues such as successor liability, family limited partnerships, Oregon inheritance tax planning, material modifications under split dollar insurance regulations, and federal and state overtime laws.
3. The Committee cosponsored its annual golf tournament and lunch with the Multnomah Bar

Association and the Oregon Society of CPAs on August 10 at Langdon Farms Golf Course. Committee member Gregson Parker (CPA) took the lead for organizing the tournament. The annual golf tournament provides a good opportunity for accountants, attorneys, and their associates to network.

4. On October 08, 2004, the Committee held its fall retreat at the Stockpot, a restaurant in Beaverton.
5. The semi-annual, Committee-sponsored continuing education program (with CLE and CPE credits) was handed off to the OSCPA since it matured. The program addresses ethical issues common to lawyers and accountants such as independence, privileges, confidentiality, and conflicts of interests includes timely updates on relevant matters. It's presented in the month before the end of each profession's reporting period; this year on June 24 and December 19. Two speakers, Mark Friedman of Garvey Schubert Barer (a business litigator) and Jim Rigos of Rigos Professional Education Programs of Seattle (a regular CPA presenter) have been with the program since its inception in June 2002; both are attorneys and CPAs.
6. The Committee is actively promoting the bar-sections to accountants to make accountants aware of the opportunity to belong to the sections as associate members and participate in list serves.
7. The Committee examined its first specific assignment re continued promotion of the Oregon Emerging Business Task Force (OEBTF). The assignment needs updating; the OEBTF evolved into the Oregon Emerging Business Initiative (OEBI). Further outreach toward the OSB Business Law and Internet sections to determine if the Committee can assist the Sections and the OEBI is recommended; if assistance is not feasible or possible then this specific assignment should be deleted.

Recommendations for 2005

Continue the following goals:

1. Develop the Committee's web site into a user-friendly resource. It may serve primarily as a source of links to the OSCPAs web site, other OSB web sites, and other sites of interest.
2. Submit Professional Insight articles for the OSCPAs magazine and OSB Bulletin (as appropriate).
3. Provide social and networking opportunities for lawyers and accountants. Take a more active role in supporting the annual golf tournament.
4. Annual co-sponsorship of the continuing education program with the OSCPAs. Do a better job of promoting this CLE to attorneys.

Additional goals for 2005:

1. In light of the recent economic events and Oregon's business environment, the Committee should examine how it can promote its general assignment to provide information re free or low-cost legal and accounting services available to small start-up businesses in Oregon
2. Sponsor additional opportunities for accountants and lawyers to socialize.
3. Publicize the availability of other areas of attorney and accountant professional cooperation, such as referral services.
4. Promote the peer to peer program between the professions.

Respectfully submitted: Michael Wetzel (CH), Thomas Hutchinson (SEC), Jason W. Alexander, Brandon Benson, Chandra Emery, David C. Streicher, David M. Mondress, Deidre Straley, Delos R. Clark, Ginger Patmore, Joshua Barrett, Justin C. Jones, Robert N. Muraski,

Steven B. Resnikoff, T. Kenji Sugahara, Thomas L. Hutchinson, Milton Lankton, James Oberholtzer, David Simon, Owen Blank, Phyllis Edmundson (BC), and Cathi Pittman (BL).

Client Security Fund Committee

The committee met five times in 2004. Four meetings were held at the Oregon State Bar offices in Lake Oswego, and one meeting was held in Salem at a committee member's office. Teleconferencing was available at each meeting for anyone unable to attend in person.

At the January meeting bar liaison Sylvia Stevens gave an orientation for new members, which included an overview of the committee purpose and funding, as well as claim investigation. Over the course of the year the committee investigated 22 claims, six of which were approved and five of which were denied. Most of the remaining claims are under continued investigation. Two claims voted on by the committee were reopened at the request of the lawyers in question. One of the lawyers appeared by phone at two committee meetings to present her case, and based on new information provided to the committee, the committee recommended reversal of its prior approval of the claim against her. The committee declined to reconsider the other claim.

As of October 31, 2004 the CSF had a fund balance of \$884,265. The member assessment remains at \$5.00 for 2005. Next year the committee will continue its investigation of pending and new claims.

Respectfully submitted: Elizabeth Knight (CH), Darrin Class (SEC), Ronald Dusek, Debra Ehrman, David Roy, Mark Tipperman, Sarah Rinehart, Conrad Yunker, William Crow, Scott Howard, Floyd Shebley, Bonnie Merten (PM), Mark Comstock (BC), Sylvia Stevens (BL).

Continuing Legal Education Committee

The CLE Committee focuses on providing, on behalf of the OSB members, both input and feedback to the OSB CLE department program managers with respect to CLE Seminars and Publications. The CLE Committee has the following active subcommittees for furthering these objectives:

- Financial Analysis
- Section and Member Relations
- Technology, Delivery of Services, Future Trends
- Topic and Human Resource Development

During 2004, the main activity was reviewing OSB Staff Reports regarding Seminars and Publications while providing input and oversight on Seminars and Publications. An emphasis will be made on collecting annual reports from sections regarding diversity characteristics of CLE speakers, authors, and planners.

Respectfully submitted: Sheila Dale (CH), Justus Buck Humphreys (SEC), Robert G. Burt, Roland A. Johnson, Robert LeChevallier, William A. Masters, Josh Newton, Harry M. Auerbach, Steven A. Chase, Kathleen A. Cushing, John Jacobson, Michael Opton, Jenna Mooney, Roger Saydack, Victor Tiscornia, Gerry Gaydos, (BC), Linda Kruschke (BL), Karen D. Lee (BL)

Federal Practice and Procedure Committee

The Federal Practice and Procedure Committee ("Committee") regularly met at noon in the federal courthouse on the second Wednesday of each month in 2004, except for the months of January, July, and August. The Committee's major activities are outlined below.

The Standing Subcommittee on Proposed Rule Amendments continued to monitor and report to the full Committee on proposed changes in federal rules. Additionally, in an effort to further its coordination with the Local Rules Committee, Chairperson Jim Hiller was contacted several times during the year to update the Committee on local rule developments and issues of concern.

The Committee also followed developments concerning electronic discovery, including amendments to the Sedona Principles (electronic discovery guidelines developed through the Sedona Conference) as well as recent case law. Judge Janice Stewart was solicited to join the Committee based upon her knowledge of these issues. The Committee will continue to analyze this emerging area of the law with the possibility of proposing electronic discovery guidelines for adoption by the district court.

The Committee also spent substantial time analyzing several Congressional proposals to split the Ninth Circuit. Judges O'Scannlain and Redden appeared before the Committee to speak in favor of the split. Judge Kozinski graciously appeared by video teleconference to express his opposition to any change in the Circuit. Numerous letters, articles, and statistical materials were reviewed and analyzed concerning the Circuit's efficiency, size and other characteristics. The Committee will be polled in December regarding whether it should make a recommendation to the Board of Governors concerning proposed changes in the Ninth Circuit.

Finally, the need for greater participation by federal practitioners in the "Saturday Session" was discussed. This is an annual meeting that is well attended by the federal judiciary and it provides a valuable opportunity for interaction between the bench and the bar. A conclusion was reached that earlier and more frequent publicity concerning this annual meeting was needed. OSB print publications and other communications tools should be utilized to give better notice of this important annual event.

Respectfully submitted: Michael G. Hanlon (CH), Jeffrey Stewart Love (SEC), Carolyn Alexander, Charles Gorder, John Langslet, Andrew Reilly, Christopher Carson, Michelle Holman Kerin, James Sutherland, Jeff C. Duncan Brecht, Thad Guyer, John F. McGrory, Dennis N. Balske, Hon. Trish M. Brown (ADV), Hon. Garr M. King (ADV), Hon. Janice M. Stewart (ADV), Nena Cook (BC), and George Riemer (BL).

Judicial Administration Committee

In 2004, the committee embarked on an extremely large project to better educate the courts to help build stronger communities. The project consisted of months of information gathering and creating a handbook to be distributed to judges in Oregon to aide in dialogue with civic groups and other organizations.

In 2005, the committee will work with the board on judicial evaluations and legislative proposals in the 2005 session that will impact the courts and judicial system.

Respectfully submitted: Tom Kranovich (CH), Marilyn Odell (SEC), Janine Blatt, Audun Sorensen, Douglas Bray, Bruce Rubin, Elmer Dickens, Hon. Dale Koch, Ken Crowley, Jay Chock, Debra Velure, Dave Hittle, Kristen David, Mary McCauley Burrows, Janine Blatt, Michael Bloom, Michael Washington, Frank Hilton (BC) and Susan Grabe (BL).

Legal Ethics Committee

The committee met six times during the year and focused on reviewing and updating existing ethics opinions in light of the anticipated adoption of the new Oregon Rules of Professional Conduct. The rules were adopted by the House of Delegates in October 2004 and were approved by the Oregon Supreme Court later that month. By the end of the year, the committee had reviewed and updated 95

opinions. The committee will continue this work next year and will submit the completed set of updated opinions to the Board of Bar Governors for their consideration and approval. The committee recognizes and thanks committee member Peter Jarvis for spearheading this massive undertaking.

The committee received no new requests for formal opinions in 2004. One ethics opinion submitted to the Board of Bar Governors last year was revised and subsequently approved by the Board in April (2004-175 Advertising and Solicitation: Lawyer Membership in Business Referral Clubs). The committee members themselves generated and discussed numerous proposals for ethics opinions on a variety of topics. One such proposal resulted in a draft opinion, which remained pending at year's end.

Respectfully submitted: David Runner (CH), Janice Turner (SEC), E. Joseph Dean, Richard Diaz, Llewellyn Fischer, Christopher Hardman, Bonnie Richardson-Kott, C. Lane Borg, Christopher Cauble, Mark Holady, William Kirby, Mark McCulloch, Wendy Baker, Peter Jarvis, Robert Simon, Frank Weiss, Gerry Gaydos (BC), and Sylvia Stevens (BL).

Legal Heritage Interest Group

During 2004, the Legal Heritage Interest Group scheduled four meetings. The main emphasis of the interest group throughout the year was the completion, publication and subsequent marketing of the Oregon State Bar's history, *Serving Justice, A History of the Oregon State Bar 1890-2000*. For that reason, all of our meetings were held this year at the offices of the Oregon State Bar. In 2005, the group expects to return to its pattern of meeting in historic locales.

Serving Justice was printed and arrived in time to be featured at the Oregon State Bar Convention in October. A Marketing subcommittee had been formed, chaired by Katherine O'Neil, a former member and chair of our group. Katherine is a

member of the group's Advisory Panel and was elected an "Honorary Member for Life" of the group.

Serving Justice's authors, the late Gordon Dodds and Cathy C. Alzner, have given the Oregon State Bar a book of which it can be most proud. Besides being a visually beautiful publication, the contents collected therein will be of interest to lawyers, their friends and families, as well as scholars. In 2005 the group will continue marketing efforts and hopes to facilitate a continuing legal education offering based on *Serving Justice*, perhaps focusing on the bar's diversity history.

A second focus of the group is in the collection of oral histories from Oregon State Bar members at or after the time of their retirement. As the U.S. District Court Historical Society has an active oral history program in operation, the group offered its services in support of those endeavours. After the emphasis on marketing *Serving Justice* has waned, the group will renew its own efforts to insure oral histories are also taken from lawyers who were not active in federal court.

In addition, the group continued its efforts to encourage, develop and recruit authors for articles in the OSB *Bulletin's* Legal Heritage column and solicited nominations for the OSB's awards. In response to the latter goal, the group joined other groups in the successful nomination of Katherine O'Neil for the OSB Award of Merit. From our group's point of view, the main factor in Katherine's nomination what her Herculean efforts on behalf of the group in enabling the publication of *Serving Justice*. Without Katherine's leadership and persistive determination, the Oregon State Bar would not now be enjoying this beautiful and "first class" chronicle of its history.

Respectfully Submitted: David B. Avison (CH), Janet D. Kreft (SEC), Jack Gore Collins, Dean S. Kaufman, Deanna Page Laidler, Prof. Ron B. Lansing, Linda Lorney Lindholm, Hon Edward Leavy, Johnston A. Mitchell, Jon J. Napier, Hon Owen M. Panner, Jennifer R. Roumell, S. Diane Rynerson, Katherine O'Neil [HON], Prof.

Cathy Croghan Alzner (ADV), Carolyn Buan (ADV), Betty I. Crofoot (ADV), Prof. Tim Garrison (ADV), Fred A. Granata (ADV), Caroline Stoel (ADV), Bette L. Worcester (BC), Marlyce Gholston (BL), and Paul Nickell (BL).

Legal Services Program Committee

The Committee met five times during 2004. The Committee also received a memo updating the members on a number of issues.

The Committee took action on one issue over the course of the year and it is as follows:

The issue was an ongoing concern from 2003 in which a peer review of Columbia County Legal Aid (CCLA) found that CCLA's pro bono program did not meet the Legal Services Program (LSP) Standards and Guidelines. In 2003 the Committee decided that CCLA must submit, to the LSP Committee, a compliance plan that would outline how CCLA would meet the program standards and spend down their surplus of cash assets. This compliance plan had to be submitted by December 31, 2003.

CCLA submitted a compliance plan and on February 24 it was approved by the LSP Committee provided that CCLA continued to work toward program improvement and spending down the budgeted surplus pursuant to the timelines set out in the plan.

In April CCLA began discussions with Legal Aid Services of Oregon (LASO) to have LASO provide services in Columbia County and CCLA would in turn reimburse LASO with their surplus funds. On December 22, the LSP Committee approved a Memorandum of Understanding between CCLA and LASO. Under the MOU, LASO agreed to provide the following service to CCLA and CCLA will reimburse LASO from their surplus funds at the starting rate of \$25,000 annually:

- Place a ½ staff attorney in the CCLA office in St. Helens to provide direct services to clients.
- LASO staff familiar with pro bono systems will work with CCLA as needed to integrate CCLA's pro bono resources into LASO's client services.
- Assist CCLA with setting-up administrative systems that will accommodate the restrictions of LASO's funding.

Respectfully submitted: Larry Rew (CH), Howard Arnett (SEC), Stephen Walters, Douglass Schmor, Kent Thurber, David Ross, William Van Atta, Anne Kelly Feeney (PM), Ron Chase (PM), Lisa LeSage (BC), and Judith Baker (BL).

Medical Profession— Joint Committee

The Medical Profession (Joint) Committee is comprised of attorneys and physicians. The committee serves as a liaison between the medical and legal professions. The Committee mediates disputes, on a voluntary basis, between members of the professions consistent with the letter and spirit of the Joint Statement of Principles adopted by the OSB and OMA. The Committee did not have to meet during the current year.

The Committee is also charged with providing educational opportunities for HIPAA. Members of the Committee met with various working groups regarding the future implementation of HIPAA regulations.

Respectfully submitted: Douglas Schaeffer(CH), Michael Crew (SEC), Mary Pool, Keith Bauer, Robert Cowling, Margaret Maguire, Paul Frisch, (OMA)John Enbom (BC), and Scott Morrill (BL).

Minimum Continuing Legal Education Committee

The Minimum Continuing Legal Education Committee is an advisory body to the MCLE Administrator and to the Board of Governors. During 2004, the Committee has:

- Heard and made decisions on requests for review of MCLE Administrator decisions;
- Considered and recommended changes to the MCLE Rules and Regulations; and
- Continued to develop expertise regarding the MCLE programs in Oregon and in other jurisdictions.

The rule revision process that we began in 2003 was completed. Transcript reporting of MCLE credits is getting closer to implementation. Thanks to creative activity by the Board of Governors, responsibilities of the Committee attracted the attention of many bar members and helped us achieve our goal of communicating with the membership regarding changes. The new diversity education rule continued to present issues for Committee consideration, but the number of questions and problems presented seems to be declining. Continuity remains a challenge as for consecutive years the outgoing chair is leaving the Committee, but the Committee has attracted some very able and committed new members.

The function of the MCLE requirement is to maintain and enhance the currency and competency of Oregon lawyers in the substantive areas, including the ethical rules, governing the areas in which they practice. In the year ahead, the Committee will continue to assist the MCLE Administrator in developing and carrying out a work plan to meet performance measures and to achieve goals set by the BOG. Meetings will continue to be quarterly, or at the call of the Administrator or the Chair.

We again suggest a study on the extent to which various CLE requirements improve, or fail to improve, attorney competence.

Respectfully submitted: Keith Mobley (CH), Lois M. Cole (SEC), Stace Gordon (PM), Laura H. Kosloff, Thomas M. Ryan, Ellen M. Voss, Gerry Gaydos (BC), and Sylvia Stevens (BL).

Pro Bono Committee

The Pro Bono Committee met 12 times in 2004. In light of our Committee's new charge for 2004 (which includes a general charge and specific program outcomes relating to the institutionalization of a pro bono culture in the State, the expanding of pro bono services at the local level, and the solicitation of nominations for lawyers committed to pro bono work), our Committee divided up into subcommittees assigned to work on: (1) publicity; (2) promoting judicial involvement; (3) promoting lawyer involvement; and (4) coordinating efforts between pro bono committees. Subcommittees (1) and (3) later merged into a single subcommittee devoted to reaching out to lawyers in the State through a variety of means.

The publicity and lawyer involvement subcommittee was probably our most active subcommittee. Its accomplishments include:

- Having the December bar *Bulletin* dedicated to pro bono.
- Developing the OSB Pro Bono web site and making a wealth of information available online, including an updated Volunteer Opportunities Handbook.
- Preparing presentations (for judges, lawyers and law students) to promote volunteer opportunities and the Pro Bono Roll Call (reporting hours).
- Working with OSB Section newsletters to advertise the Pro Bono Roll Call and the pro bono web site.
- Coordinating with sections and OSB functions to schedule public speaking opportunities using the pro bono presentations.

- Developing a brochure to market the Pro Bono Roll Call and the pro bono web site.
- Coordinating with the OSB New Lawyers Division's Pro Bono Challenge to get lawyers to report pro bono hours.

The publicity and lawyer involvement subcommittee also spent a considerable amount of time continuing last year's efforts to develop and promote a model pro bono policy for law firms. These efforts include drafting a model policy and coordinating efforts with the Multnomah Bar Association's Young Lawyers' Section.

The judicial involvement subcommittee was also active. Its accomplishments include:

- Meeting with judges from Multnomah County and NE Oregon to gather input regarding how judges can promote pro bono.
- Submitting a list of judicial activities to ethics committee of the judicial conference for opinion.
- Working to get a presentation made at the annual, state-wide judicial conference.

Finally, the coordination subcommittee was very successful in working with local committees and organizations including our Committee, Legal Aid Services of Oregon, the OSB New Lawyers' Division Pro Bono Committee, the MBA's Young Lawyers' Section Pro Bono Committee, and pro bono coordinators from each of Oregon's law schools. A joint committee was created with representatives from each of these groups. This joint committee has met and will continue to meet on a regular basis to coordinate the various groups' efforts.

The Committee notes that the lack of funding for the Committee places constraints on the Committee's ability to conduct activities supporting pro bono programming.

The Committee notes that one problem for new pro bono volunteers is the lack of mentors in the area of law in which the OSB member is volun-

teering. The Committee discussed development of a resource manual listing not only the pro bono programs and opportunities available, but also OSB members willing to assist volunteers in the substantive area of law of the pro bono service. Mentoring could include "field trips" with volunteers to court proceedings in order to reduce volunteer trepidation for court proceedings.

The Committee has the following recommendations:

- The Committee should continue to monitor the pro bono volunteer opportunities and needs, possibly developing a resource book listing pro bono opportunities as well as mentors in the substantive areas of law of pro bono service. The Committee should review other means of encouraging pro bono participation, including CLE credit for some pro bono activities, conducting a study to determine how to increase pro bono service, pro bono mentor assignments and activities, BOG adoption of a model law firm pro bono policy, presentation at the Learning the Ropes CLE, and other possible programs and forms.
- The Committee should continue to assist the Campaign for Equal Justice with legal services fund-raising efforts, especially targeting OSB leaders to contribute to CEJ.
- The Committee should continue to monitor legislative and legal developments regarding legal services funding.
- The Committee should continue its work with Oregon law schools to develop cooperative programs to recognize Oregon law students that provide pro bono services and encourage increased law student pro bono participation.
- The Oregon State Bar should hire a full time pro bono coordinator to spearhead OSB activities to promote increased pro bono participation, and assist with coordination of pro bono programs and activities among legal

services providers and other organizations across the state.

- The Committee should continue to refine its message to the legal community at large, finding ways to develop a more sophisticated understanding of the factors that motivate certain lawyers and groups of lawyers (who may share similar viewpoints because of shared circumstances or experiences) to provide pro bono services, and tailoring the Committee's message (or messages) accordingly.

Respectfully submitted: Mark Friel (CH), Jeffrey Lindberg (SEC), Betty Crofoot, David Ellis, Arron Guevara, Michael Guy, Janay Haas, Ryan Kahn, Cathy Keenan, Bradley Maier, Beverly Pearman, Jeffrey Pitzer, Daniel Reising, Vincent Salvi, Laura Schantz, and Matthew Wilson, Lisa LeSage (BC), Judith Baker (BL), Leila Borazjani (Law Student).

Procedure & Practice Committee

The Procedure & Practice Committee has been monitoring and reviewing legislative proposals that affect Procedure and Practice issues in Oregon.

The Procedure & Practice Committee submitted one bill to the 2005 Legislature. LC 472 would modify existing statute to allow an extension of the statute of limitations upon attorney's death under certain circumstances. The Procedure and Practice Committee also submitted a suggested amendment to ORCP 54:E Offer of Compromise to the Council on Court Procedure.

Along with the legislative proposals the Procedure & Practice Committee has liaison assignments with the following groups: 1) Uniform Trial Court Rules (UTCRC), 2) Council on Court Procedures (CCP) and the 3) Chief Justice's Civil Law Advisory Committee (CJCLAC).

The committee will continue to explore issues that affect the practice of law that arise out of the

legislative process and case law. Furthermore, the committee will continue to provide liaison to the Council on Court Procedures, Chief Justice's Civil Law Advisory Committee, and the Oregon Law Commission.

Respectfully submitted: Stuart Brown (CH), Michael Zusman (SEC) Brian Dretke, John Coletti, Carl Kiss, Alex Libmann, Richard Roseta, Everett Jack, Richard Weill, Allyson Krueger, Christopher Morgan, Scott Pratt, David Morrison, Ron Bryant (BC), and Jill Mallery(BL).

Public Service Advisory Committee

The Public Service Advisory Committee advises the Board of Governors and Oregon State Bar staff on public service issues and priorities to assist the bar in achieving its public outreach and education goals. In general, the Public Service Advisory Committee seeks to act as a sounding board and provide advice in two primary areas: public education regarding available legal resources and the provision of legal services to the public.

In particular during 2004, the Public Service Advisory Committee provided advice regarding the following topics, among others:

- The development of the North Coast Legal Project, a proposed low-income legal clinic;
- The provision of legal services to lower income clients using a sliding fee scale;
- The use of discrete task representation and limited attorney advice in an effort to minimize attorney fees for lower-income clients;
- The Bar's Tel-Law and Web-Law programs, including updating the programs' scripts;
- Pro bono/pro se assistance, including via the Military Assistance Panel;
- Educating lawyers as to when Professional Liability Fund coverage is not necessary;

- Staff decisions regarding Lawyer Referral Service panelist eligibility;
- Online lawyer referrals;
- Encouraging barmembers to participate in public service and public education programs;
- Lawyer Referral Service consultation fees, including whether to raise the \$35 initial consultation fee;
- Modest Means Program panelist recruitment;
- Lawyer to Lawyer panelist recruitment;
- Radio advertising;
- OSB web site links;
- Updating the book, *Legal Issues for Older Adults*;
- Lawyer Referral Service/Modest Means Program staff training;
- The Bar's Problem Solvers Program for teenagers; and
- Public surveys regarding, among other things, attitudes toward lawyers and the American legal system.

Respectfully submitted: Jeff Olson (CH), Steven Todd (SEC), Alice Bartelt, Glen Downs, Jeannine Ferguson, William Walsh, John Connors, Paula Hammond, Christy Monson, Nichole DeGroot, Sonya Fischer, Thomas Rayhel, John Schroedel, Donald Hopkins (PM), Albert Menashe (BC), and Kay Pulju (BL).

Quality of Life Committee

The Quality of Life Committee held seven meetings during 2004. At the start of the year, the Committee's goals were:

- A. Outreach to members of local bar associations and establishment of mentoring opportunities via Community Building Subcommittee.
- B. Submit at least two articles for publication in The Bulletin or other OSB publication(s).
- C. Presentations to law schools (financial planning; maintaining balance).
- D. Update and maintain web site.

Substantial progress was made in the following areas:

- A. The Community Building Subcommittee focused on initiating contact with local bar presidents. We completed the mock script that was in progress at the end of last year. All committee members were asked to contact several local bar presidents and establish liaisons between the committee and the local bar associations. After initial contact was made, committee members were asked to follow up with e-mails to the established liaisons. A list of established liaisons will be created for follow-on projects. It is anticipated that this project will continue into the new year, with the focus changing to the work of building and improving a sense of community within the bar now that liaisons have been established.
- B. The Articles Subcommittee focused on researching, writing and publishing an article about law firms that have been selected as great places to work, and what those law firms do to address quality of life issues and keep their employees satisfied. Interviews were conducted with several local and out-of-state law firms, and preparation of the article is in process. The OSB Bar Bulletin

has been contacted; publication is expected in March 2005.

- C. The Law School Presentations Subcommittee focused on making presentations to law school students on quality of life issues involving financial planning and student loans. Presentations will have a panel of speakers including members of the committee and outside financial planners. It was originally anticipated that presentations would be made at the three Oregon law schools in Fall 2004, however, due to changes in some of the law schools' schedules, it is now anticipated that two of the presentations will be made in Spring 2005. A presentation concerning Financial Planning was made to Lewis & Clark law school in October 2004. Once all of the presentations have been made, the Committee will consider publishing an article based on the content of the presentations.
- D. The web site was updated to include a current roster of Committee members. Although the Committee continues to lack a member that has the design skills necessary to update the web site, the Committee evaluated the web site and made recommendations for improvements.

Respectfully Submitted: Tamara Lewis (CH), Thomas Smith (SEC), Tonya Alexander, Mary Overgaard, Jerry Hodson, Elizabeth Semler, Marilyn Podemski, James Jennings, Herbert Harry, Gail Young (PM), Mike Long (OAAP), Shari Gregory (OAAP), Jonathan Hill (BC) and Stacy Hankin (BL).

State Lawyers Assistance Committee

During 2004, the committee received new referrals from judges, attorneys, and the Bar. Each referral was investigated in accordance with procedural goals adopted by SLAC in 2001. The committee continues to accept jurisdiction and to monitor remedial programs for several attorneys. Other investigations resulted in the committee declining jurisdiction. SLAC has been discussing with Disciplinary Council whether there is a role for SLAC in the Bar's new diversion process and this discussion remains ongoing. This past year, SLAC has focused on amending the bylaws to enable the committee to become more effective in how each case is reviewed and monitored. A specific provision of the amended bylaws included an extended two-year term of the Chair, to add a more thorough level of continuity and organization due to the long-term nature of our caseload.

SLAC has also discussed the invaluable assistance provided by the OAAP and our goal this year is to reach out to the OAAP in a more effective and comprehensive manner to assist us in effectively providing services to attorneys in need and to protect the public pursuant to our bylaws. SLAC had a very busy year and had many success stories, however, an attorney monitored by the committee passed away unexpectedly recently and this devastating impact on our committee has increased our level of concern for our bar membership and our level of commitment in terms of educating the bar on the resources provided by this committee.

Respectfully submitted: Susan R. Gerber (CH), Calvin Souther (SEC), Hon. Eveleen Henry, Richard Lee Barton, Kelly W.G. Clark, Douglas D. Hagen, Andrew Burns, Michael Seidel, Douglas Querin, Donald Muccigrosso (PM), Dr. Eugene Minard (PM), Shari R Gregory (PLF liaison), Michael Long (PLF Liaison), Bette L. Worcester (BC), Sylvia E. Stevens (BL).

Uniform Civil Jury Instructions Committee

This year the committee held a total of 12 meetings. With the exception of one meeting in Eugene, all the meetings were held at the Oregon State Bar offices in Lake Oswego.

The committee made significant revisions to 14 existing instructions. The subject matters of those revised instructions included worker's compensation discrimination, loss of consortium, and disability discrimination. The committee made less significant revisions to 34 existing instructions in order to clarify language, to update statutory references, and to conform instructions or comments to case law. The committee withdrew four instructions relating to whistleblower liability because the Legislature committed such matters to the court, and not to a jury.

In addition, the committee made substantial progress in completing a multi-year project to update and reorganize the Red Book so that the instructions and comments contained therein are legally and substantively up to date. As a part of that review of the Red Book, the committee reviewed dozens of instructions for accuracy. The committee also continued the process of attempting to simplify language of the instructions to make them more easily understood and readable by jurors.

The OSB publications staff has indicated that the revisions are expected to be published in 2005.

Respectfully Submitted: Bruce C. Hamlin (CH), Jeffrey D. Capps (SEC), William G. Blair, Peggy S. Foraker, Marilyn E. Litzenberger, Phylis Chadwell Myles, Sharon A. Rudnick, Megan B. Annand, Jan K. Kitchel, Christopher P. Koback, Jay W. Beattie, Scott N. Hunt, Neil W. Jackson, John T. Kaempf, Jennifer K. Oetter, Mark Comstock (BC), Linda Kruschke (BL).

Uniform Criminal Jury Instructions Committee

In 2004 the committee met monthly and added new instructions regarding identity theft and other various crimes. More significantly the committee provided a framework of Jury instructions for environmental crime.

Respectfully submitted: William Meyer (CH), Jennifer Lloyd (SEC), Mitch Lampson, David Angeli, Ho Peter Evans, Ethan Knight, Andrew Kohlmetz, Lisa Ludwig, Doug Marteeny, Michael Slauson, Bruce Tarbox, Cheryl Albrecht, Guy Greco, Rankin Johnson, Lauren Paulson (BC), and Elise Gautier (BL).

Unlawful Practice of Law Committee

The Unlawful Practice of Law (UPL) Committee met each month (12 times) during 2004, to discuss issues related to the unlawful practice of law and recommend action in cases investigated by Committee members. In the next year, the Committee will continue to work on resolving cases in a timely fashion, resolving older cases, and filling the positions that come open during the year.

Committee Membership

During 2004, the complexion of the Committee changed somewhat. We saw the usual amount of turnover, replacing over three members. However, the steady, experienced core remained during the year, continuing to contribute their hard work and experience for the benefit of the Committee and ultimately consumers. In filling vacancies, we continued to strive for geographic and substantive diversity, and were successful in adding new skill sets.

Trends

In the complaints referred for investigation, as well as in the matters that were inquiries, a number of substantive issues commonly arose. We saw the following trends in 2004:

- Multijurisdictional practice – Many of our issues and discussions concerned practitioners in other states, and whether their conduct violated Oregon law.
- Bankruptcy – A large number of cases revolved around bankruptcy filings, advice concerning bankruptcy, and other issues and documents related, or potentially related, to bankruptcy.
- Professional Crossover – We saw cases involving professionals in a variety of other fields, including tax advice and tax planning, labor and employment, insurance, and financial and investment advising.
- Collections - Several cases raised issues and concerns in a relatively new area concerning collections activities, assignment, factoring, and work of collection agencies.

Investigations

Current Year:

As of the date of this report, 78 new matters had been referred to the Committee for investigation in the year 2004. This reflects an increase of almost 22% over the number referred in 2003, when the Committee received 64 referrals for investigation. During 2004, the Committee resolved 62 investigations as follows:

New matters in 2004:	78
Resolved For the Year 2004:	
Dismissal	15
Notice Letter	10
Admonition Letter	18
Cease and Desist Agreement	4
Referred for Prosecution	15*
Total	62

* Does not include unassigned matters.

The number of matters referred for prosecution includes many files relating to the same respondent, such as Layne Barlow and Paul Michael Moore. This does not reflect an inappropriate tendency toward prosecution, but rather the ongoing conduct of repeat offenders—another concern and issue the Committee wrestled with frequently. Bar staff continued to do an outstanding job in 2004 recruiting volunteers to prosecute UPL cases. However, this was a topic of frequent discussion, and one which impacted the Committee’s decisions on whether to prosecute a case. The Committee generally shares the bar staff’s concerns about this issue and believes we will see this as a challenge again in 2005.

As of December 2004, the following reflects the status of the UPL cases:

Year End 2004 Pending Matters:

Unassigned matters	9
Total Outstanding Investigations .	49*
Breakdown by year of complaint:	
2002	2
2003	10
2004	37
C & D Pending	3
Referred to BOG	3
In Prosecution	14

* Does not include unassigned matters.

Review of Prior Years

We have continued to see a rise in complaints and investigations—evidenced by some of our reported figures for prior years:

Matters referred for investigation:

2003	64
2002	58
2001	46
2000	27

Cases Disposed of in 2003:

Complete resolution:	37
Waiting final action	20

Pending as of year-end 2003:

Outstanding Investigations . .	43
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Cease & Desist agreements . . .	3
Prosecution	16
Other pending status	1

Legislative Matters

The Committee formed a group to review the issue of licensing and regulating paralegals. This group was lead by Tom Howser. After identifying key resources, initial review and consideration, evaluation of the pressing legislative and bar-imposed timelines, and consultation with bar staff, this project was held for future Committee consideration and review.

Relationships

The Committee also discussed and worked to develop and maintain good relationships with other agencies and entities that share enforcement authority. This included making well-reasoned decisions about when to avoid duplicating efforts and when the Committee should spend spare resources on prosecution. Of particular import to the Committee are the Oregon Department of Justice, local district attorneys’ offices and local judges the Oregon Department of Consumer and Business Services, the Secretary of State, the Construction Contractors’ Board, and the Federal Trade Commission.

Submission

This report was prepared by Michelle Teed (2004 Chair) on January 7, 2005. Respectfully submitted on behalf of all members who served on the Committee and the officers including Dan Drazan (Chair Elect) and Robyn Stein (Secretary).

Respectfully submitted: Michelle Teed (CH), Daniel Drazan (Ch-Elect), Robyn Stein (SEC), Bruce Bornholdt, Kurt Hansen, Lawrence Mann, Noel Snyder, J O’Shea Gumusoglu, Elizabeth Aronoff, Christine Coers-Mitchell, Robert Schulhof, Thomas Howser, Kathleen Johnson, Trent Whitford, Theresa Wright, Gregory Sackos (PM), Dean Dailey Hollomon (PM), Frank Hilton, (BC), Linn Dion Davis (BL).

Sections

Administrative Law Section

Executive Committee 2005 as approved at the Annual Business Meeting, November 5, 2004:

<i>Chair:</i>	Lorey H. Freeman
<i>Chair Elect:</i>	Ann Fisher
<i>Past Chair:</i>	Lorey H. Freeman
<i>Treasurer:</i>	Thomas Ewing
<i>Secretary:</i>	Michael Campbell
<i>At Large:</i>	Janice Krem; Philip Campbell; Mary Nester; Timothy Sullivan; Steve Rissberger; Sandra Hansberger; Louis Savage

Executive Committee

The Executive Committee met six times during the year at the offices of the Oregon State Bar.

Subcommittees

The newsletter committee, chaired by Tim Sullivan, produced four outstanding newsletters. The Administrative Law Section's Deskbook is being updated under the guidance of Janice Krem. It is hoped that the latest version will be available in early 2005. Three legislative proposals were pre-session filed by the Judiciary Committee at the OSB Annual Meeting. The legislative committee, chaired by Janice Krem has already invested a great deal of time in those proposals which remain works in progress.

Annual Meeting

The annual meeting was held on November 5 at the offices of the Oregon State Bar. The treasurer's report was received and new officers and at-large members elected. Patrick Allen, Administrator of the Office of Regulatory Streamlining made a presentation on the work of his office followed by healthy debate among section members.

Continuing Legal Education

On October 30 the section co-sponsored a CLE with the Oregon Association of Administrative Law Judges and Willamette Law School entitled, "Delivering Justice in Administrative Decisionmaking in Oregon." It was well attended and generated some additional revenue for the section.

Budget

The section expects to close the year with a carry-over balance of \$3,334.

Proposals for Next Year

The section intends to continue publication of newsletters and make improvements to its web site. It also hopes to sponsor additional opportunities for section members to socialize.

There are two CLEs in development for 2005. One addresses issues related to judicial review of Orders in Contested Cases after the Court of Appeals decision *Norden v. Water Resources Dept.* and the other will cover judicial review of state agency actions generally.

During the 2005 legislative session the Legislation and Rules Committee expects to move forward on its legislative proposals as well as bills which impact the substantive law or practice.

Beginning in 2005, the section has added a line item to its budget for a \$500.00 contribution to the Campaign for Equal Justice. This was approved without dissent by the Executive Committee.

Respectfully submitted: Lorey H. Freeman (CH), Lane H. Shetterly, (Past CH), Thomas E. Ewing (TR), Ann L. Fisher (SEC), Michael R. Campbell, Janice Krem, Mary A. Nester, Steve Rissberger, Philip Schradle, Fancine Shetterly, Timothy M. Sullivan, Jonathan P. Hill (BC), Jill R. Mallery (BL).

Admiralty Section

This past year the Admiralty Section addressed its identity. Dormant for a number of years, it found itself in jeopardy of being "deep sixed" by the bar. A call to arms was answered and on Aug. 6, revitalization resulted at a luncheon meeting hosted by the Miller, Nash firm. A vote was recorded (unanimous) to preserve the section, eschewing abolition or merger.

An annual meeting ensued on Nov. 9, hosted by the Wood, Tatum firm. The agenda included election of officers (see below), and a CLE hour presented by the (near) pre-eminent Carl Neil: "Take It To The Limit One More Time." Collegiality fueled the camaraderie that flowed thereafter at the hosted reception. The section has adopted an "in for free" program, whereby any new (or fallen away) members enjoy a year free of dues if sign up is done by the end of January.

Respectfully submitted: Dennis R. VavRosky (CH), John J. Breiling (TR), Ky Fullerton (SEC), M. Christie Helmer, Darien S. Loisselle, Nancy R. Walseth, Linda K. Eyerman (BC), Sarah Hackbart, (BL).

Agricultural Law Section

Section Information

Members: 132

Annual Dues: \$15.00

2004 Executive Committee:

Chair: Jesse D. Lyon
Chair-Elect: Jean Underhill Wilkinson
Past Chair: Lawrence B. Rew
Treasurer: George L. Anderson
Secretary: David Smiley
At Large: Steven Shropshire, David Simon, David Leonard, Chuck Toole, Bob Butler

2005 Executive Committee:

Chair: Jean Underhill Wilkinson
Chair Elect: Joe Hobson
Past Chair: Jesse D. Lyon
Treasurer: George L. Anderson
Secretary: David Smiley
At Large: Steven Shropshire, David Simon, Bob Butler, Chuck Toole, Larry Rew

Web site:

<http://www.osbaglaw.homestead.com/contact.html>

E-Mail List Serve: aglaw@lists.osbar.org

Section Overview

The Agriculture Law Section of the Oregon State Bar is one of the smaller sections of total members, but particularly at the Executive Committee level is very active. Because Agriculture is diverse based on its crops and livestock and doing business in every county in Oregon, it is difficult to hold meetings in one location that can reasonably be attended by the members. Attempts have been made to hold such meetings at the OSB Annual Convention, but the attendance has been very low. It is not even really practical for the Executive Committee of the to meeting together in one physical location. It has become clear that conference call meetings are effective and well attended by the Executive Committee. Such meetings are held monthly. The has in the past and will continue in the future to monitor (read the tea leaves) of the Agriculture law and provide information to the practitioners that is unique to the Agricultural legal field.

2004 Activities of the Section

- The invited Brent Searle, communications director for the Oregon Department of Agriculture, to participate monthly in the executive committee conference call to disseminate (and receive) information of impor-

tance to (and from) agricultural lawyers in the state. All section members are invited and welcome to listen to the group's teleconferences, and these reports are shared monthly (with the executive committee minutes) to all section members.

- The section contracted with Weisha Mize to make available Oregon Water Resources Department (WRD) water rights and similar decisions from the Department on a web site accessible to members of the Oregon State Bar as well as others. An arrangement has been reached which is a combination of the WRD putting on the Office of Administrative Hearings web site all contested proposed and final orders since 1990 (except Klamath cases). Additional funding will be necessary to complete the project and also to accomplish the stated goal of creating a digest of significant pre 1990 cases. The section will continue to solicit the support of other sections and law firms with an interest in water law.
- The section hosted a CLE at the OSB Annual Meeting. The primary substantive topic concerned the development and negotiation of agricultural conservation easements. Presenters were Larry Rew, Chuck Toole, and Kelly Struhs. Environmental and Real Estate section members were also invited. The CLE also offered an update on the newly-available WRD case resources (David Leonard and Weisha Mize), and a presentation by Brent Searle about ODA resources available to lawyers in our section.

Respectfully submitted: Jesse D. Lyon (CH), Jean Underhill Wilkinson (Ch-Elect), Lawrence B. Rew (Past CH), George L. Anderson (TR), David W. Smiley (SEC), Robert D. Butler, William M. Ganong, Steven J. Joseph, David H. Leonard, Steven L. Shropshire, David R. Simon, Charles K. Toole, Scott Warner, Ronald L. Bryant (BC), Barbara Buehler (BL).

Alternative Dispute Resolution Section

The Executive Committee of the ADR Section continued its tradition of monthly meetings throughout the year. Many of the meetings were several hours in length as we found ourselves immersed in discussion and action in the fields of mediation, arbitration and other dispute resolution processes and topics.

They published two newsletters on a wide variety of topics, including "Mindfulness," "The Uniform Mediation Act and Oregon Law," and "Mediator as Diagnostician." The ADR Newsletter continues to be mailed to all members of the and can also be found on the web site at www.osbadr.homestead.com.

They spent considerable time in the following areas:

- Participating in the development of Uniform Trial Court Rules as they relate to mediation within the court system;
- Surveying our membership and providing information concerning the Uniform Mediation Act;
- Working with the Oregon Mediation Association as they contemplated changes to their Core Standards of Practice;
- Exploring the possibility of introducing expanded "apology" legislation; and
- Learning about and supporting efforts to continue funding for non-court ADR programs (which were part of the now defunct Dispute Resolution Commission);

In November, they also held a CLE in conjunction with the Oregon Mediation Association's Conference. Our panels were "Lawyers, Mediators and Social Capital: Intersections & Challenges;" "Women Lawyers: Impact to the Legal Profession and Mediation," and "Oregon and the Uniform Mediation Act."

Respectfully submitted: Jane Gordon (CH), Les Swanson (CH-Elect), William N. Gross (Past CH), Stanley A. Sitnick (TR), Alison S. Kelley (SEC), Jeffrey M. Batchelor, William J. Boyd, Bradley L. Brown, Bethany Evans, Cynthia M. Fraser, Susan M. Hammer, Rebecca H. Heirs, Kristena A. LaMar, Susan M. Leeson, Jim Melamed, Lisa A. Peters, Suzanne Townsend, Lauren J. Paulson (BC), Sarah Hackbart (BL).

Antitrust and Trade Regulation Section

Introduction

This is the annual report for the Antitrust and Trade Regulation Section, outlining our activities over the last year, and plans for next year.

Membership

Section membership grew over the last year, and the Executive Committee saw some geographic and practice diversity changes. Notably, the includes several members outside of the Portland metro area, and in-house counsel. Nonetheless, the membership continues to be concentrated in Portland.

2004 CLEs

The Executive Committee determined early in the year that it would seek to expand its efforts at offering CLEs, including presenting more programs, on a wider range of subjects, and integrating noteworthy speakers from outside Oregon where possible and feasible. The Executive Committee recognized this as a way to manage the relatively large surplus and to offer more services to members, and thus the sponsored three CLE programs this year.

The first was a bid-rigging program, presented by Andy Aubertine, Peter Goldberg, and Mark Anderson in March. The presentation was geared toward government procurement officers and gov-

ernment law practitioners generally. It was held as a breakfast program at the Wells Fargo tower, and was relatively well attended.

The second CLE was held in conjunction with the Energy, Telecom and Utility Law, as part of their annual retreat. Presentations were made by Sharon Nelson with respect to the Telecommunications Act of 1996. The overall retreat was relatively well attended, with a small number of antitrust practitioners attending the program.

The third CLE was held in conjunction with the annual meeting in October. The presenters were Professor Stephen Calkins and Michael Simon, who talked about case law and other antitrust issues and developments over the last year. The program was held at the new Perkins Coie office in the Pearl District, and was well attended.

2004 Activities

The Executive Committee also undertook several new projects on behalf of the section to improve the benefits of membership:

- List serve — A list serve was developed and implemented, which will reach all section members, allowing them to communicate and share information directly on a real-time basis.
- Web site — The section's web site has been dramatically enhanced, including adding a page of helpful links and sources for antitrust information and case law, meeting dates and times, and soon materials from prior CLEs.
- The Committee considered and discussed whether a newsletter would be feasible. Several Committee members explored this idea with available staff. This concept was not implemented primarily because dedicated resource could not be identified.
- The Committee considered and evaluated various donation and scholarship requests

over the year. For the most part, the Committee agreed that members did not anticipate their dues to be allocated to these purposes, so they were not pursued.

- The Committee began discussing the feasibility of hosting a writing competition. Two Committee members have been assigned to research this more fully and bring additional information to the Committee for discussion.
- The Committee paid special attention to projecting and managing finances this year, to balance the efforts to manage the surplus and develop valuable programs for the members. This was successfully implemented, leaving them with a reasonable reserve for the next year.

2005 Planning

The Executive Committee looks forward to continuing its efforts next year to present two to three CLE programs that will be of interest to section and OSB members generally, responsibly managing the budget, and coordinating where feasible with other sections and program sponsors.

Respectfully submitted: Michelle Teed (CH), Kristin Lee Cleveland (CH-Elect), Richard G. Price (Past CH), Thomas Russell Johnson (TR), Scott G. Seidman (SEC), David Stanley Aman, Mark A. Anderson, Andrew E. Aubertine, Richard L. Baum, Christina Beatty-Walters, Vincent F. Chiappetta, Kenneth Ray Davis, Sheila Fox Morrison, David L. Silverman, Darsee Staley, R. Alan Wight, Linda K. Eyerman (BC), Chris L. Mullman (BL).

Appellate Practice Section

The Appellate Practice Section normally sponsors several continuing legal education seminars each year and also publishes a newsletter for its members.

Continuing Legal Education:

May 26, 2004 at ODS Tower

May 27, 2005 at Willamette Law School, Salem

Advanced Mandamus Practice in the Oregon Supreme Court

Keith M. Garza, Senior Staff Attorney, Oregon Supreme Court

September 27, 2004 at ODS Tower

Internal Practices of the Oregon Court of Appeals

Honorable Robert Wollheim, Oregon Court of Appeals

James Nass, Council for the Oregon Appeals Courts

November 12, 2004 at ODS Tower

November 15, 2004 at Department of Justice

Preservation with the Honorable Rives Kistler, Oregon Supreme Justice

Honorable Rick T. Haselton, Oregon Court of Appeals Judge

The section provides bar members who share interests in this particular area of law with an opportunity to develop and improve their skills. It also provides them with a forum for communication and action in matters of common interest.

The section currently has 329 members and the membership dues are \$10 per year.

Respectfully submitted: Jacqueline L. Koch, (CH), David Hittle, (Past CH), Robert K. Udziela, (CH-Elect), Michael C. Livingston, (TR), Keith M. Garza (SEC), Walter J. Ledesma, R. Daniel Lindahl, Scott Shorr, Bruce L. Campbell, Maureen Leonard, Marjorie S. Speirs, Thomas W. Sondag, Jeffrey M. Batchelor, Thomas W. Brown, M. Elizabeth Duncan, James W. Nass, Jane Ellen Stonecipher, Linda K. Eyerman, (BC), M. Kay Pulju, (BL).

Aviation Law Section

The Aviation Law Section meets at noon on the last Tuesday of each month at the Oswego Lake Country Club. The section periodically produces a newsletter and discusses issues germane to aviation law specifically and the practice of law generally. The section co-sponsors the annual Pacific Northwest Aviation Law Conference with the Seattle-King County Bar Association - Aviation Section.

Specific Activities Occurring in 2004:

- Held its annual meeting at The Legends in Portland.
- Considered various legislative proposals.
- Presented Martin Schedler with a Lifetime Achievement Award.
- The section developed an aviation law curriculum and course materials that were accepted by the Lewis & Clark Law School. The section will teach an aviation law course at the Law School in the 2005 Spring semester.
- Held noon CLE with guest speakers from the FAA and medical field.
- Section donated aerial flights to the Oregon Minority Lawyers Association Scholarship Fundraiser, which generated \$575 to the MLA.
- The section continues to be interactive with the Lawyer Pilot Bar Association, a national association of lawyers specializing in Aviation Law and related fields.

Respectfully submitted: Steven L. Myers (CH), A. Richard Vial (Past-CH), John C. Hutchison (TR), Patrick J. Kurkoski (CH-Elect/SEC), John R. Barker, Donald B. Bowerman, Lance Caldwell, Thomas J. Flaherty, Jonathan M. Hoffman, Robert B. Hopkins, Barbara Ann Jacobson, Timothy E. Miller, Philip A. Rush,

Charles A. Sams, David J. Sweeney, Christine Tracey, Martin Schedler (ADV), Michael F. Van Hoomissen (ADV), Phyllis J. Edmundson (BC), Sarah Hackbart (BL)

Business Law Section

1. Section goals and objectives for the period ending December 31, 2005.

- Continue to enhance and expand Business Section web site.
- Promote alignment of Oregon Securities Act with the Uniform Securities Act, in conjunction with the Securities Law Section and the Public Affairs Committee.
- Produce and deliver continuing legal education programs to section members and the bar on relevant and timely business-law related topics.
- Continue outreach to non-Portland section members with localized meetings, events and mixers.
- Inform members of events, trends and developments in business law and section matter via web site, newsletter (Oregon Business Lawyer, published 2-4 times per year), list serve and blast e-mail messages.

2. Committees

- Legislative: Andrew Morrow
- Newsletter (Business Lawyer): Andrew Ognall
- Continuing Legal Education and Annual Meeting: Ernie G. Bootsma
- Corporate Finance/M&A: Paul Migchelbrink
- Financial Institutions: Michelle Druce
- Business Practice Tools: Melissa A. Boge
- Regional Outreach: Jason M. Anderson

3. *Legislative Contact:*

Andrew Morrow

4. *Committee meeting schedule through December 16, 2005.*

Unless otherwise noted, all meetings will be held in Portland.

- 1) December 17, 2004 (Arlington Club)
- 2) January 21, 2005 (Ater Wynne)
- 3) February 18, 2005
- 4) March 18, 2005
- 5) April 15, 2005
- 6) May 20, 2005
- 7) June 17, 2005
- 8) July 15, 2005 (Ashland, OR)
- 9) August 19, 2005
- 10) September 16, 2005
- 11) October 21, 2005
- 12) November 18, 2005
- 13) December 16, 2005

Respectfully Submitted: Brentley M. Bullock (CH), Timothy J. O'Hanlon (Ch-Elect), Catherine A. Shaw (Past-CH), Jason M. Brauser (TR), Brenda L. Meltebeke (SEC), Jason M. Anderson, Vicki A. Ballou, Patricia L. Chapman, Mitchell E. Hornecker, Anthony R. Kreitzberg, Jeffrey F. Nudelman, Andrew H. Ognall, Claire J. Philpott, Robert A. Stout, Gerry Gaydos (BC), Paul Nickell (BL).

Business Litigation Section

During the past year, the Business Litigation Section has focused on maintaining and improving the quality of its popular mini CLE series. The following CLEs were held in Portland this year:

1. February 11, 2004: *What's Important to In-House Counsel* – Speakers: Amy Peterson, Eric English and Simeon Rapoport
2. April 14, 2004: *So You Think You Are Going to Trial?* — Speakers: Honorable Wallace P. Carson and Honorable Dale R. Koch
3. June 9, 2004: *What Civil Litigators Should Know About Government Investigators* – Speakers: Marc Blackman and Joseph Arellano
4. September 15, 2004: *The Weyerhaeuser Antitrust Cases: Perspectives from Counsel for Plaintiffs* – Speakers: Michael Haglund
5. November 10, 2004: *What Every Lawyer Should Know About Ethics Litigation* – Speakers: Jane Angus and Chris Hardman

The Board has elected a new slate of officers whose positions will be effective January 1, 2005. The entire Board will be meeting in January 2005 for our annual planning session. Topics for this meeting will include:

1. Planning CLEs for the 2005 calendar year.
2. Reviewing web site capability and opportunities through the Oregon State Bar.
3. Discussing potential for CLE programs outside of Portland.
4. Discussing potential for half or full day CLE program.
5. Discussing ways to increase membership.

This does not at this time anticipate proposing any new legislation.

Respectfully submitted: Steve D. Larson (CH), Julie R. Vacura (CH-Elect), Loren D. Podwill (Past CH), Christopher T. Carson (TR), Bruce H. Cahn (SEC), Joseph C. Arellano, Paul W. Conable, Keith S. Dubanevich, Mary Ellen Page Farr, Roxanne L. Farra, Julie Bardacke Haddon, John F. McGrory, Lynn R. Stafford, Jonathan M. Radmacher, Dennis P. Rawlinson (BC), Teresa Wenzel (BL).

Civil Rights Section

In 2004, the OSB Civil Rights Section accomplished the following:

- Put on three major CLEs, the first two of which were free and open to the public:

Civil Liberties After 9/11 and the USA Patriot Act

Featuring the author of the Patriot Act - Viet Dinh, United States Congressman Earl Blumenauer, United States Attorney Karin Immergut, ACLU national board member Charles Hinkle, United States Department of Homeland Security counsel Tim Keefer, and Portland Seven criminal defense attorney Kris Winemiller

This was later broadcast on radio on Oregon Public Broadcasting as well as on cable television channels

This is also available online on the bar's web site in streaming video format, and copies of the videotapes are available for purchase from the bar at a nominal cost

Traffic Stops and Civil Rights

This community forum featured mayoral candidate and former chief of police Tom Potter and explored the extremely sensitive civil rights issues in police stops and the use of deadly force in Portland's minority community following fatal shootings during recent traffic stops

Copies of the forum videotapes are available for purchase from the bar at a nominal cost

Civil Rights, Civil Liberties...and Civil Unions? A Year of Civil Issues in Oregon

This CLE focused on developments since the April 15 Patriot Act forum, as well as on the pending litigation surrounding the gay marriage issue this year in Oregon. It featured Oregon attorney Brandon Mayfield, who was

arrested by the FBI just weeks following the section's Patriot Act forum - and later released after it was determined that the FBI fingerprint identifications were incorrect, along with his criminal and civil attorneys Steven Wax and Elden Rosenthal, and on the gay marriage litigation Oregon ACLU executive director David Fidanque and attorney Kelly Clark

- Transcribed and posted on the section's web site the entire proceedings of the Federal Bar Association's forum on the Foreign Intelligence Surveillance Act Courts, which forum was held in Portland last year, featuring presentations from the trial and appellate judges from the secret FISA courts discussing the only published cases from those courts
- Produced and distributed a two part video of the Patriot Act forum, which has been widely played on cable television stations throughout the state
- Produced and distributed videotapes of the Traffic Stop CLE
- Produced several Civil Rights newsletters, distributed electronically, and
- Donated \$500 to the Campaign for Equal Justice.

Recognition of the Civil Rights Section's significant work this year was reflected by:

- Receipt of two OSB President's Membership Service Awards
- Selection of the section's web site (on background material relating to the USA Patriot Act) as the "Ninth Circuit Web site of the Week" by the U. S. Ninth Circuit Court of Appeals web master.

As of September 30, 2004, the section's fund balance is \$3,345.

Continuing its work in 2004 the Civil Rights Section plans to:

- hold a major practical skills CLE on Litigating Section 1983 Cases
- continue publishing the Civil Rights newsletter
- contribute to the Campaign for Equal Justice, and
- monitor legislation and new cases that affect civil rights.

Respectfully submitted: John Clinton Geil (CH), Edward Johnson (CH-Elect), Carl Kiss (Past CH), Kyle B. Dukelow (TR), Dennis Steinman (SEC), Barbara J. Diamond, John M. Kreutzer, Richard F. Liebman, Richard R. Meneghello, Katelyn S. Oldham, David D. Park, Lauren J. Paulson (BC), Kateri Walsh (BL).

Computer and Internet Law Section

The Computer and Internet Law Section (CILS) strives to further the continuing education and enhance the effectiveness of attorneys who practice in fields including computer and internet related issues. At its January 2004 kick-off meeting the Executive Committee of the CILS agreed to concentrate its efforts on improving upon the already high quality CLE programs presented to the section and to providing additional value-added practice aids through the development of a CILS web site. This report provides details of the section's accomplishments toward those ends.

Membership and Finance

Although lean times have occasioned some fall off in our section's membership (a decrease felt by many bar sections), at 285 members the CILS remains healthy and participation and interest in our CLE programs continues to run strong. Our revenues remain stable, and the section is fiscally solid at year-end with a healthy fund balance to carry us into 2005.

Luncheon CLE's

During 2004, our members received a steady monthly diet of informative and compelling luncheon CLE programs. We plan to continue presenting a strong luncheon CLE program in 2005, with added emphasis on practical skills-related programs.

Legislative Subcommittee

The legislative subcommittee, ably led by Prof. Lydia Loren, has made concerted efforts to make Oregon legislators aware of the section's presence and its utility in regards to computer and internet-related legislation. During 2005, the subcommittee will continue to work to identify and comment upon legislation of interest to the section.

Annual CILS CLE Programs

In October, the section co-sponsored with the bar a full-day CLE program entitled "Technology to Market: Domestic, Federal and International Legal Issues." This well-received program featured uniformly excellent speakers and content, and generated positive feedback from the attendees.

CILS Web Site

Recognizing the rapid pace of the evolving body of computer and internet law, this year the Executive Committee is focusing on developing a web site to serve as an invaluable resource tool and practice aid for CILS members. The CILS web site is nearly complete, and will feature links to other resource sites, legal analysis, case law, news, CLE programs, section events and other information useful in the practice of computer and internet law. The members-only web site should be available for section members before year-end.

CILS Annual Meeting

The section's annual meeting on September 21st at Pazzo restaurant was well attended and provided a low-key and relaxing environment for members to meet with the Executive Committee and network with colleagues.

The Future

Every year the Executive Committee is faced with the challenge of increasing the value of section membership for all of our members. The best means for us to meet that challenge is to ensure that the energy and engagement of our membership remains at a high level. Your active participation in the section and its activities will continue to provide us with the feedback, support and direction we need to provide only the highest quality programs and services. I encourage each section member to contact anyone on the Executive Committee for information on how to more actively participate. A list of the Executive Committee contacts may be found on our web site at www.osbcils.org.

In closing, it has been a busy and rewarding time for me as Chair of the section. I was given a unique opportunity to work with an extremely talented and energetic group on this year's Executive Committee. I want to thank all of them and you, our members, for your combined support and hard work. Together we have once again delivered on a commitment for increasing value and promoting excellence.

Respectfully submitted, Marc Visnick (CH), Timothy E. Siegel (CH-Elect), Stephen H. Leasia (Past CH), Anne E. Koch (TR), Martin F. Medeiros (SEC), Thomas E. Bahrman, Charles R. Bowers, Jacob J. Carroll, Stuart K. Cohen, Anthony E. Davis, Kohel M. Haver, Nicholas P. Herriges, Lydia P. Loren, Steven T. Lovett, Renee E. Rothauge, John Stevason, Robert A. Swider, Jonathan P. Hill (BC), David A. Johnson (BL).

Constitutional Law Section

The Constitutional Law Section was formed to promote the fundamental importance of constitutional law, both state and federal.

CLEs: In 2004, the section organized and sponsored two CLE programs. On June 17, 2004, the section sponsored a half-day CLE program at the

Oregon Convention Center. The program addressed state and federal constitutional issues regarding the debate over same-sex marriage. The CLE was well attended and well regarded.

On November 19, 2004, the section sponsored a full-day CLE program at the MAC Club. The program featured national and Oregon speakers, including Professors Erwin Chemerinsky, Pamela Karlan, and Garrett Epps. Professor Chemerinsky reviewed the leading cases decided by the United States Supreme Court in its October 2003 Term and previewed the key cases pending before the Supreme Court in its October 2004 Term. Professor Chemerinsky also discussed the developing legal theory known as "popular constitutionalism." Professor Karlan discussed key issues involved in Supreme Court litigation over the constitutional right of "one person, one vote," especially political gerrymandering. Professor Epps gave a luncheon address discussing possible questions that the United States Senate may choose to ask future nominees to the United States Supreme Court. In addition, a panel of distinguished state court jurists and practitioners discussed Oregon constitutional jurisprudence after the "Linde Court." This CLE was also well attended and well regarded.

Weblog ("blog"): In 2004, the section began discussions concerning the development of a weblog (or "blog") to serve the needs of Oregon lawyers interested in state and federal constitutional law. Those discussions will likely continue in 2005.

Finances: The Section remains fiscally sound. It chose not to seek an increase in Section dues, and it continued to make a \$500 contribution to the Campaign for Equal Justice.

Respectfully submitted: Michael H. Simon (CH), David Euan Leith (CH-Elect), Katherine G. Georges (Past CH), James N. Westwood (TR), Thomas M. Christ (SEC), Paula Lynne Abrams, Judith Giers, John P. (Toby) Graff, Charles F. Hinkle, Henry H. Lazenby, Margarita G. Molina, Roy Pulvers, Ruth M. Spetter, Edward H. Trompke, David Schuman, Les Swanson, Marva Fabien (BC), Kateri Walsh (BL).

Construction Law Section

The Section sponsored a CLE entitled "2004 Practitioner's Guide to the Oregon Construction Contractors Board" in conjunction with their annual meeting, December 3, 2004.

A CLE entitled "The New World of Construction Insurance and Risk Transfer" was planned for January, 2005. It is co-sponsored by the Section, AGC, and Professional Education Systems Institute (PESI).

The Section's newsletter was published in July.

A List Serve was set up for the section. The Section continued investigation into putting a web site into place.

On-Line CLE Publication was discussed. The committee requested additional information on the cost projected for this effort, and the anticipated revenue loss from the lost sales of printed material, in order to better evaluate the proposed charge.

The Executive Committee invited David Nebel to meet with them to discuss how the committee could become involved in taking a stand on proposed legislation as a committee or individually. David did an excellent job in presenting what the committee could or could not do related to legislative action. A committee member was appointed legislative liaison.

The Section completed the year with its annual meeting on December 3 and the election of officers for 2005. The following were elected to positions on the Executive Committee and/or as officers:

<i>Chair:</i>	Janelle Chorzempa
<i>Chair Elect:</i>	Jack Levy
<i>Past Chair:</i>	Roger Lenneberg
<i>Secretary:</i>	Dana Anderson
<i>Treasurer:</i>	Alan Mitchell
<i>Member-At-Large:</i>	Gary Christensen, Angela Otto

Respectfully submitted: Roger A. Lenneberg, (CH), Janelle E. Chorzempa, (CH-Elect), David T. Douthwaite, (Past CH), Dana A. Anderson, (TR), Jack Levy, (SEC), Nancy K. Cary, D. Bary Christensen, David T. Douthwaite, Jack Levy, Darien S. Loielle, Alan L. Mitchell, Angela Otto, James H. Van Dyke, Dennis P. Rawlinson (BC), Sarah Hackbart (BL).

Consumer Law Section

1. Formation

The Board of Governors approved the formation of the Consumer Law Section in October 1995.

2. Finances

The Section currently has 139 members. The annual Section dues are \$15. The estimated end of year account balance for the Section is \$10,513.

3. Executive Committee

The Executive Committee has met on a regular monthly basis since the formation of the Section. Executive Committee meetings are generally held from noon to 1:00 pm on the third Wednesday of each month at the Lewis & Clark Legal Clinic, 310 SW 4th Avenue, Suite 1018, Portland, Oregon. Telephone: (503) 768-6500. For the third year, the July meeting of the Executive Committee was held with Oregon Attorney General, Hardy Myers, in his offices in Salem, Oregon.

As of January 1, 2005, the Executive Committee will be:

<i>Chair:</i>	Justin Baxter
<i>Chair Elect:</i>	Hope Del Carlo
<i>Immediate</i>	
<i>Past Chair:</i>	Truman Stone
<i>Secretary:</i>	Pam Yee
<i>Treasurer:</i>	Amber Anderson

Members-At-Large:

Melisse Cunningham
Margaretta Eakin
Moloy Good
Bret Knewton
Tim Quenelle
Ron Rubino
Richard A. Slottee
Terry Slominski
Jason Skelton

4. *Committees*

The Section currently has a four standing Committees: CLE, Legislative, Newsletter, and Social. Each of these meet periodically as needed.

5. *Continuing Legal Education*

In conjunction with the OSB Annual Meeting, on October 14, 2004, the section sponsored a CLE entitled *Consumer Law and Punitive Damages—The Recovery and the Keeping*. This CLE was approved for 1 General Credit.

6. *Newsletter*

The Section has published two issues of our newsletter in May and August 2004, and has a third issue pending. The position of Newsletter Editor has been ably filled by Amber Anderson who is supported by a standing committee. The Section receives printing and mailing assistance from the Oregon Department of Justice Financial Fraud/Consumer Protection Section.

7. *Legislation*

The Section has proposed two bills for the 2005 Legislative session which were submitted to the BOG, approved and pre-session filed. The Legislative Committee has been working to find support for the proposals.

LC 451 is a proposal to increase the homestead and automobile exemptions.

LC 452 would create a new exemption for the Additional Child Care Tax Credit.

The Section has endorsed a proposal which lends official support for restoring general funding to the Oregon Department of Justice Financial Fraud / Consumer Protection Section within the Attorney General's budget. The Section will work through the BOG to gain approval for this stance.

Respectfully submitted: Truman A. Stone (CH), Justin M. Baxter (CH-Elect), Ronald J. Rubino (Past CH), Amber Anderson Westlund (TR), Hope A. Del Carlo (SEC), Melisse S. Cunningham, Moloy K. Good, Bret A. Knewton, Tim Alan Quenelle, Jason A. Skelton, Terrance J. Slominski, Richard A. Slottee, Pamela E. Yee, Marva Fabien (BC), David W. Nebel (BL).

Corporate Counsel Section

The Executive Committee met regularly during the year to discuss, plan and coordinate the activities of this 400-member section. Activities included maintenance and further expansion of the section's web site, publication of several issues of an online newsletter, two breakfast roundtables, a lawyer-to-lawyer networking luncheon and presentation of three CLE programs.

In March a "Meet the Judges" roundtable was held in Portland, attended by a number of section members as well as Federal and State judges. In May, the section presented a Diversity and Ethics CLE. In June was the lawyer-to-lawyer, no agenda, networking luncheon. October's roundtable involved a fascinating discussion of the "First Federal Court in Oregon." In November, the section presented a CLE entitled "What if the Government Knocks on your Door." The annual meeting and election of members and officers of the section for the coming year was held on November 16. The final section activity for 2004 is a CLE to be held in on December 8, 2004 entitled "Questions and (Some) Answers About Mandatory Child Abuse Reporting."

The section's finances are solid and it was determined that there was no immediate need for a dues increase.

Future section activities are expected to include monthly Executive Committee meetings, generally on the first Wednesday of each month except July and August, 3 or 4 roundtable discussions and two CLE presentations on topics of interest to members of the section. The section plans to continue publication of its online newsletter and to expand and enhance its web site.

To participate in section activities or to become involved in section administration, please feel free to contact any member of the Executive Committee.

Respectfully submitted: Philip S. Harris (CH), Kathleen Barsocchini (CH-Elect), Richard W. Olson (Past CH), Brian S. Thompson (TR), John E. LaVeille (SEC), Joel L. Augée, Joseph A. Brislin, Andrea L. Bushnell, Jeffrey B. Erb, Andrew S. Glikbarg, Jacob A. Heth, Grethe A. Larson, Simeon D. Rapoport, Kevin S. Thomas, David L. Uyemura, Tom J. Wettlaufer, Matthew A. Wilson, Victoria S. Baum (ADV), Frank H. Hilton (BC), Lorraine R. Jacobs (BL).

Criminal Law Section

The Criminal Law Section consists of approximately 600 members comprised mainly of judges, prosecutors and defense attorneys. The section's purpose is to bring together OSB members involved in the criminal justice system to discuss issues of importance, promote professionalism and education of its members. Under the direction of Treasurer Ken Bauman, the section's financial position is very secure and the year end should produce added reserves to the section's balance sheet. The Executive Committee consists of 12 members - six involved in prosecution and six practicing criminal defense.

The Section was very active in 2004 and some of the accomplishments are as follows:

1. In April, 2004, the section sponsored the 17th Annual Contemporary Issues in Criminal Justice. The section continued publication of its newsletter and web site
2. The section continued to disseminate the latest state and federal appellate decisions on criminal law via a list service.
3. The Executive Committee continued its tradition to meet at least once or twice a year outside the Willamette Valley. In 2004, the Executive Committee held the August meeting in Wallowa County.
4. Members of the Executive Committee participate in the Criminal Justice Advisory Committee chaired by Chief Justice Wallace Carson and will monitor legislation affecting the criminal justice system for the Oregon State Bar.
5. The Executive Committee declined to support the proposed ethics rules presented to the House of Delegates in 2003. However, in 2004 the Executive Committee studied the recommended changes by the Oregon Supreme Court and supported the amended proposal as presented to the House of Delegates in 2004.

Respectfully submitted: Lindsay R. Partridge (CH), Daniel Ousley (CH-Elect), Cynthia L. Easterday (Past CH), Kenneth C. Bauman (TR), Rebecca A. Duncan (SEC), Sarah Snyder Morris, Gregory B. Scholl, Marc Sussman, Timothy A. Sylwester, David G. Terry, Janelle F. Wipper, Lauren J. Paulson (BC), Kateri Walsh (BL).

Debtor-Creditor Section

The Section made the following contributions this year:

- Publication of three issues of the Debtor/Creditor Section Newsletter.
- Formation of the Young Lawyers Committee. The committee met every month beginning in October 2004, organized a backstage tour of the clerks' area of the bankruptcy courts and sponsored a one-hour, video linked presentation by three trustees in Eugene and Portland.
- At the Oregon State Bar Convention on October 14-16, the Debtor-Creditor Section sponsored a CLE program entitled "Bankruptcy Intro for Non-Bankruptcy Lawyers-This Means You!"
- Co-sponsored the 17th Annual NW Bankruptcy Institute, April 16-17, in Portland.
- Held the section annual meeting and CLE: "How are Your Trial Skills," on November 5 & 6, 2004, in Eugene.
- The Legislative Committee of the section considered legislative proposals and provided feedback to the bar, particularly regarding the UTC changes
- Looked at options regarding expanding its web presence.

Respectfully submitted: Carolyn G. Wade, (CH), Peter McKittrick (CH-Elect), Gary U. Scharff, (Past CH), Thomas W. Stille, (TR), Stephen T. Tweet (SEC), Frank R. Alley, Ronald C. Becker, Susan T. Egnor, David A. Foraker, Russell D. Garrett, Christopher D. Hatfield, Richard J. Parker, Teresa H. Pearson, Thomas M. Renn, Todd Trierweiler, Mark B. Comstock, (BC), George A. Riemer, (BL).

Disability Law Section

The Disability Law Section meets monthly. The section has several standing subcommittees, each of which was instrumental in advancing the causes of disability law attorneys in Oregon in 2004, specifically:

Publications
CLE Committee
Public Policy
Disability Survey, Judicial Systems

In February 2004, the section sponsored a CLE presented by outgoing Executive Committee member, Dennis Steinman. The program included a discussion of deaf culture and a disability law summary with updates on the responsibilities and obligations attorneys have in providing reasonable accommodations to deaf clients.

The section has determined to issue a final newsletter via broadcast e-mail and switch to a web site-based newsletter. This site will have the capacity to be updated more rapidly and to be accessed readily by any section member. A print version will be provided upon request.

The Public Policy subcommittee encouraged, via a letter of comment to the Court, that the Federal Court in Eugene be made physically accessible. The subcommittee is also drafting comments to the Bureau of Labor and Industries - Civil Rights Division upon the proposed Oregon Administrative Rules implementing 2003 state statutes prohibiting discrimination against disabled persons by state government.

For 2004, the section renewed its commitment to the Campaign for Equal Justice with a financial contribution.

Work continues upon the development of a survey instrument to measure the accessibility of state courthouses, along with the planning necessary to have the survey conducted.

The section experienced a mid-year change of Chairperson, as Elizabeth A. Stevenson took a new

employment opportunity which requires extensive out-of-state travel.

Respectfully submitted: Theodore E. Wenk, (CH), Alice M. Plymell (TR), Barbara A. Brainard, Suzy Harris, Robert C. Joondeph, Margaret J. Nightingale, Dennis Steinman, Heidi von Ravensberg, Linda Ziskin, , John A. Enbom (BC), Rod Wegener (BL).

Diversity Section

This section has 116 members. The activities of its section during year 2004 included the following:

Executive Committee Meetings

The executive committee met six times during the 2004 calendar year at the offices of Bullivant Houser Bailey in downtown Portland. The section's annual meeting was also held at the Bullivant offices on November 1st.

Best Practices Committee (Todd Hanchet, Chair)

The Best Practices Committee continued its hard work toward helping firms implement the "Best Practices" identified at the Convocation on Equality. The BPC has created a process designed to explore various "Best Practices" by individual law firms. This process consists of three meetings, or facilitations, with the particular firm during which the firm's diversity efforts, commitments, and goals are discussed. The BPC has received interest from several other firms who wish to participate in the facilitation sessions and the BPC will undertake those as soon as possible.

Education Committee (Alice Bartelt, Chair)

The Education Committee of the Diversity Section of the Oregon State Bar has the responsibility for educating the Diversity Section members

specifically, and the Oregon State Bar membership generally, on the laws, policies and practices with respect to the virtues of diversity in the legal profession. To that end, the committee has been gathering information about potential speakers and programs. The committee held a CLE on February 19, 2004 in Portland. It focused upon the opportunities and the challenges of working with various ethnic groups.

The committee sponsored two CLEs at the OSB Annual Convention. The events included representatives from Nike, Microsoft, and Kaiser who spoke about diversity in corporate America, and representatives from the University of Oregon, Willamette University, and Reed College who spoke about their perspectives on Brown v. Board of Education.

Networking/Career Development Committee (Diane Schwartz, Chair)

The committee organized two networking/career development events at the Charles White Gallery, in Downtown Portland, in spring 2004. The events provided minority attorneys with an opportunity to meet and develop relationships with businesses and professional associations in attendance.

Respectfully submitted: Jeanne F. Loftis (CH), Sidney A. Galton (CH-Elect), David R. Simon (TR), Janna Beth Kim (SEC), Richard D. Baldwin, Mary Crawford, Robert C. Joondeph, Liane I. Richardson, Deanna L. Wray, Stella K. Manabe (ADV), Marva Fabien (BC), Donna M. Gigoux (BL).

Elder Law Section

Since its founding in 1997, membership in the Elder Law Section of the Oregon State Bar continues to grow. There were more than 500 section members in 2004, our largest membership yet.

2004 Section Subcommittee Activities

1. **Continuing Legal Education.** The section's annual CLE program was held at the Oregon Convention Center on October 8, 2004. The program entitled "Elder Law Connections" was highly rated by registrants. The total registration was 230 attorneys. Of that, 170 registered for the Portland seminar and 50 registered for the video replays. In keeping with a two year alternating cycle, the program was geared toward experienced elder law practitioners with sessions ranging from the new ethics code to elder "abuse-proofing" to tax and real property issues.

In May, the section held its second Un-CLE in Eugene. Based upon a format taken from the National Academy of Elder Law Attorneys, the Un-CLE provides a relaxed and unstructured shared discussion format of current substantive and practice topics. Reviews of the program were very positive, with participants urging repetition of the format for the substantive and networking benefits.

2. **Newsletter.** The Newsletter Subcommittee, under the leadership of Penny Davis and editor Carole Barkley, produced four quality issues informing section members of important developments and practice tips.
3. **Agency and Professional Relations.** In the face of significant state budget cuts, the A&PR subcommittee worked hard to advocate for continued funding and services for medical and long-term care for seniors and the disabled. Subcommittee members spent

numerous hours in meetings with State officials and grass roots advocates.

4. **Computer and Technology.** The E.L section's list serve has become one of the most significant resources for elder law attorneys around the state. Multiple topics are posted and discussed daily. The section's web site also continues to grow and provide important information to section members.
5. **Probono.** The subcommittee has worked hard to improve access to legal services for the low-income elderly and disabled around the state.
6. **Training video for guardians and conservators.** A video is being developed by a panel including section members, professional fiduciaries, respondent advocates, courts and court staffs to educate professional as well as lay fiduciaries.

2005 Section Activities

Oregon's revenue shortfall will continue to play a major role in section activities for 2005. The legislative and APR subcommittees will continue their advocacy against further cuts to Medicaid and other critical programs for seniors and the disabled in the upcoming legislative session.

The section's annual CLE is scheduled for October 7, 2005. Also, by popular demand, the Un-CLE will likely return in the May of 2005.

Respectfully submitted: Wesley D. Fitzwater (CH), Mark M. Williams, (CH-Elect), S. Jane Patterson (TR), Ruth Simonis (SEC), Dady K. Blake, Allyn E. Brown, Susan Ford Burns, Claudia M. Burton, Cinda M. Conroyd, Kristianne M. Cox, Penny L. Davis, Sam Friedenberg, Steven A. Heinrich, Leslie Kay, Alexis Packer, Sylvia Sycamore, Ronald L. Bryant (BC), David W. Nebel (BL).

Energy, Telecommunications & Utility Law Section

2004 Activities

2004 was an active year for the Energy, Telecom and Utility Law Section ("ETU"). ETU held a two-day CLE and retreat at Bonneville Hot Springs Resort in July, which consisted of a tour of the Bonneville Dam as well as a variety of CLE panels on energy, telecommunications and utility issues. The CLE was well attended by both section and non-section members. Other ETU events included participation in numerous audio teleconferences and a field trip to the Bonneville Power Administration transmission control center. Together, these events provided 17 credits.

ETU also updated the functionality of its web site, allowing for automatic news updates on utility issues in the Pacific Northwest and providing a database of utility law cases.

The Energy, Telecom & Utility Law Section held its annual meeting in November 2004 and elected a slate of officers. This event included a social hour with a jazz band and hors d'oeuvres provided by Red Star.

Activities Planned for 2005

Future plans for the upcoming year include:

- Revising and updating section's web site to provide a search engine for state and federal utility law statutes;
- Coordinating additional CLE events focusing on current events in the energy and telecommunications industries; and
- Coordinating a young lawyers' social event

Legislative Activities

ETU is considering sponsoring or supporting legislation that would place appeals of Oregon Public Utility Commission orders in the court of appeals rather than the state circuit court.

Respectfully submitted, Jonathan M. Norling (CH), Edward A. Finklea (CH-Elect), Carson D. Bowler (Past CH), Jason W. Jones (TR), Susan Ackerman (SEC), J. Jeffrey Dudley, Melinda J. Davison, Ann L. Fisher, Paul J. Kaufman, Kathryn A. Logan, John P. Nusbaum, Lawrence H. Reichman, Christina M. Smith, John A. Enbom (BC), Cheryl L. McCord (BL).

Environmental & Natural Resources Section

2004 Activities

The section oversaw the implementation of a newly reformatted newsletter as new volunteers came on board, and the newly hired editor/coordinator began working in his role as case note editor. The section published three hard copy editions through October 2004, with a fourth edition expected out by the end of December. In addition, the section published two editions of its E-Outlook newsletter, providing the members with timely information on developing issues. Additionally, the section made the decision to switch from the OSB's standard 30% post-consumer fiber paper to 100% post-consumer fiber paper beginning with the October 2004 issue. The Executive Committee resolved to encourage other sections and the OSB itself to do the same wherever feasible.

The section sponsored two CLEs at its annual meeting in October: "Spotting and Resolving Environmental Issues in Real Property Transactions" and "An Update on the Hatchery vs. Wild Fish Controversy." Additionally, the section sponsored a lunchtime brown bag CLE on citizen suits in July.

The section also continued its marketing and sales efforts for the *ENVIRONMENTAL AND NATURAL RESOURCES LAW* desk book, published in 2002. The Executive Committee also began its effort to revise and update the desk book for 2005.

The section continued working with OSB staff to update and develop the web site, and renewed its effort to maintain the site as a source of relevant information to environmental and natural resources law practitioners.

The section launched a strategic planning effort, forming a committee to oversee the process. As an initial step, the section worked with the OSB to conduct a comprehensive membership survey over the internet at no cost to the section. The information gathered will be used to guide the section's strategic planning effort.

As of 10/31/04 the section had an end-of-period fund balance of \$7,710.00, down from \$9,004.00 at the beginning of the year. This is by design, as the Executive Committee chose to spend down some of the section's reserve fund in its budgeting process for 2004. Depending on how the final Outlook edition expenses are booked, the section should finish the year very close to the projected end-of-year position.

The section held its annual meeting on October 14th. At that time, the Chair presented a summary of the year's accomplishments and a preview of activities for 2005. The membership then held its annual elections with the following results approved by unanimous result:

The officers for 2005:

Chair: Kristen Tsehai Bonanno
Chair Elect: Donald H. Pyle
Treasurer: Renee Moulun
Secretary: William Sherlock
Immediate Past Chair: Steven L. Shropshire

The following people were elected as Members at Large for a two-year term:

Leslie A. Carlough December, 2006
J. D. Williams December, 2006
Jas Adams December, 2006
Kenneth Dobson December, 2006

In addition, Anita Winkler, who was a mid-term appointment, was elected to serve through December, 2005.

The section will hold its annual membership social event on December 15th at Lane Powell Spears Lubersky LLP.

Anticipated Activities for the Upcoming Year.

The section will continue to refine and improve its revised newsletter format in 2005, including the addition of a section reporting on pending appeals.

The section will complete its strategic planning process and adopt a 5-year plan.

The section will continue working with specialists to further develop the web site to make it a more functional tool for the membership.

The section will continue to organize CLEs, including a joint CLE with the Administrative Law Section.

Proposed Legislation

The section is not proposing any legislation.

Respectfully submitted: Steven L. Shropshire (CH), Kristen Tsehai Bonanno, (CH-Elect), Bart A. Brush, (Past CH), Donald H. Pyle (TR), Renee Moulun (SEC), David Ashton, Leslie A. Carlough, Danna C. Fogarty, Diane Henkels, Peggy Hennessy, Marjorie C. Lifsey, Douglas W. MacDougal, Alia S. Miles, William Sherlock, Anita MA Winkler, John A. Enbom (BC), Scott A. Morrill (BL).

Estate Planning and Administration Section

The Estate Planning and Administration Section is one of the largest sections of the Oregon State Bar. It focuses on helping attorneys engaged in the practice of estate planning, including disability and tax planning, planning for minors, and the administration of probate estates and trusts. The assistance is rendered through timely articles published four times a year in the section's newsletter, committees that review and attempt to make improvements in the law in our area of practice, continuing legal education programs and, shortly, internet sharing of information in our practice area through a list serve. A brief review of some of the work performed by section sub-committee's follows:

CLE Programs

Over the past year, two continuing legal education programs were developed and co-sponsored with the OSB.

July 24, 2004 - Estate Planning for Non-Traditional Couples

November 19, 2004 - Planning the Taxable Estate

Legislative Work

- a) UTC. (LC 459) The proposed Uniform Trust Code legislation would help to create a body of law for trusts and trust administration that would give practitioners some much needed guidance and guidelines and, to some extent, harmonize will and trust law. The committee reviewed this proposed legislation and several committee members took an active role in its drafting. The committee determined to sponsor the legislation.
- b) Revocation on Divorce. The committee reviewed and determined not to object to this proposed legislation, which will be sponsored by the Family Law Section, but will not be taking a position on the bill, which has limited application. The committee approved re-submitting previously sponsored legislation on this subject in the 2007 session.
- c) Power of Attorney. The section followed the status of the new power of attorney legislation and was informed that the proposed legislation will be presented by the Judiciary Committee, rather than as a section bill.
- d) Oregon Inheritance Tax. The section actively studied the effects of the new inheritance tax law and considered clarifications. However, the Tax Section will sponsor new legislation.
- e) Transition of Conservatorship to Probate Legislation. The Elder Law Section and the Estate Planning and Administrative Section are participating in a study group to review this legislation proposed by Warren Deras on behalf of the Division of State Lands.
- f) Amendment to the Trustee Powers Act. (LC 460) The committee studied an amendment to the Trustee Powers Act that would add a provision allowing a trustee to split a single trust into two separate trusts under certain conditions.
- g) Uniform Transfers to Minors. (LC 461) The committee studied an amendment that would make recently enacted law uniform with other law regarding the delayed transfer of property to a minor.
- h) In summary, for the 2005 legislative session the section plans on sponsoring three bills: (1) Uniform Trust Code; (2) Uniform Transfers to Minors changes; and, (3) an amendment to the Trustee's Powers Act.

Newsletter Articles

Several articles were considered for the newsletter, including articles on prudent investing for charitable organizations, the revised UMIFA provi-

sions, and planning for timberlands under section 2057 of the Oregon inheritance tax. Topics for future articles discussed include a legislative update, creditor claims against non-profit organizations, a sample letter regarding the responsibilities and duties of trustees with regards to a trustee's investment responsibilities, an update on plans for the section's web site, and an article on the recent Oregon appellate case, *Caba v. Barker*.

Respectfully submitted: Richard A. Pagnano (CH), Christopher P. Cline (CH-Elect), Bernard F. Vail (Past CH), James R. Cartwright (TR), Timothy J. Wachter (SEC), Karen C. Allan, William D. Brewer, Shannon M. Connelly, Susan N. Gary, Jonathan A. Levy, Donna R. Meyer, David E. Paulson, Michael R. Sandoval, Kenneth Sherman, Anne M. Thompson, Eric H. Vetterlein, Theresa M. Wade, Ron D. Bailey (ADV), Jeffrey M. Cheyne (ADV), Penny H. Serrurier (ADV), Ronald L. Bryant (BC), Jill R. Mallery (BL).

Family Law Section

The Family Law Section has continued to refine the new format for its annual seminar. The number of registrants continues to grow. During the 2004 conference in Salishan, we had approximately 380 registrants. The Conference Committee has worked to reduce extraneous costs, which will most likely produce a surplus.

The Executive Committee will begin actively working on legislation affecting the domestic relations practice. 2005 is a legislative year and much of the Executive Committee's attention will be devoted to legislative issues during the spring of 2005. The Executive Committee will continue to perfect the annual conference and news letter. The web site continues to develop and we have recently initiated the Family Law Forum to allow section members to post questions to other interested attorneys. The committee will continue to meet every other month. We have one in-person meeting during the summer months and the second in-

person meeting during our fall Family Law Conference.

Beginning January 1, 2005, Ron Johnston of Portland will be chair.

Respectfully submitted, Tammy M. Dentinger (CH), Ronald Allen Johnston (CH-Elect), Jacqueline L. Koch (Past CH), Jeffrey F. Renshaw (TR), Mary Lois Wagner (SEC), Kimberly S. Brown, Gweneth Burgess-Thompson, John H. Case, Gordon L. Dick, William Francis, David G. Gannett, Lynn F. Jarvis, Edward B. Meece, Steven N. Thomas, Albert A. Menashe (BC), Susan Evans Grabe (BL).

Government Law Section

2004 was a banner year for the Government Law Section. Although membership decreased slightly, the section put on two highly successful CLE programs, and the Executive Committee extended its outreach efforts by meeting in Ashland in October, followed by a small reception honoring several recent retirements from government employment by section lawyers. The Executive Committee improved its accessibility to the members by seeking input on section donation policies, and by instituting the acclaimed "e-alert" e-mail communication system to alert section members to important recent developments on government law issues.

On February 27, 2004, the section sponsored its annual mid-year CLE. The program was presented at the Inn at Spanish Head in Lincoln City and contained a variety of topics. Mandatory Child Abuse credits for understanding meth labs, the nuts and bolts of administrative warrants, some national and local perspectives on an important takings case, an update on the PERS litigation, and a preview of the proposed disciplinary rule changes were all presented in an interesting and informative manner by experts on each issue. We were honored to have the Hon. Anna J. Brown speak at

our luncheon, to tell us what not to do in her court! The section is currently developing the program for the 2005 mid-year CLE, which will be held as always in Lincoln City on February 25, 2005, on the Friday of the Newport Seafood and Wine Festival.

On November 5, 2004, the section presented a second CLE in a joint venture with the Oregon State Bar, focusing on how government lawyers advise their clients on matters of constitutional import, and Tribal Sovereignty issues government lawyers may well run into. The speakers on the first topic were extremely candid and courageous, since some were involved in what turned out to be controversial advice that prompted many headlines. Tribal Sovereignty was explained by two lawyers, one a guest from Washington State, who have a deep knowledge of the issue. The section purchased three videos of the conference for those who had a conflict with the League of Oregon Cities meeting.

Both CLE programs were a success, with many government lawyers in attendance.

The section made contributions of \$2000 to the Campaign for Equal Justice, and set aside \$1000 to support the upcoming 2006 International Municipal Lawyers Association (IMLA) Conference to be held in Portland.

Respectfully submitted, John R. Osburn (CH), Stephanie A. Smythe (CH-Elect), N. Robert Shields (Past CH), Danny R. Olsen (TR), Terrence D. Mahr (SEC), Wayne Belmont, James M. Coleman, Christopher A. Gilmore, Walter R. Gowell, Linda J. Kessel, Steven E. Rich, Ruth M. Spetter, Lisa M. Umscheid, Phyllis J. Edmundson (BC), Denise Cline (BL).

Health Law Section

Executive Committee 2004:

<i>Chair:</i>	Lorey H. Freeman
<i>Chair Elect:</i>	Matthew Werner
<i>Past Chair:</i>	Margaret Maguire
<i>Treasurer:</i>	Gary Harrell
<i>Secretary:</i>	Gwen Dayton
<i>At Large:</i>	Mark Bonano, Dana Scheele, Charles Sinsel, Campbell Groner, Kurt Hansen

Executive Committee 2005 as approved at the Annual Business Meeting, October 14, 2004:

<i>Chair:</i>	Matthew Werner
<i>Chair Elect:</i>	Gary Harrell
<i>Past Chair:</i>	Lorey H. Freeman
<i>Treasurer:</i>	Charles Sinsel
<i>Secretary:</i>	Dana Scheele
<i>At Large:</i>	Margaret Maguire, Gwen Dayton, Mark Bonanno, Kurt Hansen, Amanda Guldager, Nicola Pinson and Jenny Kaufmann

Executive Committee

The Executive Committee met six times during the year at the offices of the Oregon State Bar.

Subcommittees

- The newsletter committee, chaired by Amanda Guldager, produced three outstanding newsletters.
- Volume V of the Health Law CLE. "Liability for Health Care" is in development with hope of publication in 2005. Connie McKelvey and Steve Hendricks are the editors for the volume.
- Four legislative proposals were pre-session filed by the Judiciary Committee at the OSB

annual meeting. Gwen Dayton chairs the Legislative Committee. The section sponsored two CLEs. The first, held in conjunction with the OSB Annual Meeting entitled "Health Information and Privacy Update." The second, held in November was a panel discussion entitled "Health Care Fraud and Abuse Investigations: Tips from the Enforcement Agencies." Charles Sinsel chaired the CLE subcommittee.

- Mark Bonanno chair and web site "committee of one" continued to improve the section web site with helpful information and links.

Annual Business Meeting

The annual meeting was held on October 14, 2004 at the Oregon Convention Center in conjunction with the Annual Meeting of the Oregon State Bar. The treasurer's report was received and new officers and at-large members elected.

Budget

The section expects to close the year with a carry-over balance.

Proposals for Next Year

The section intends to continue publication of newsletters.

In 2005, the Executive Committee plans to focus its efforts on improving the web site with some help from technicians at the OSB.

During the 2005 legislative session the Legislative Committee expects to move forward on its legislative proposals as well as bills which impact the substantive law or practice.

Respectfully submitted: Lorey H. Freeman (CH), Matthew M. Werner (CH-Elect), Margaret M. Maguire (Past CH), Gary P. Harrell (TR), Gwen M. Dayton (SEC), Mark A. Bonanno, P. Campbell Groner, Kurt F. Hansen, Dana Shenker Scheele, Charles A. Sinsel, John A. Enbom (BC), Jonathan P. Benson (BL).

Indian Law Section

A subcommittee was established to explore whether it is advantageous to have an Indian Law question on the Oregon bar exam, and if so, how to get it on the exam. The committee consisted of Chris Burford, Ed Goodman, Howie Arnett, David Brown and Lee Shannon. The subcommittee, and the Executive Committee, looked at issues involved. The consensus was in favor of including Indian Law on the bar exam. An e-mail was sent to the section membership with pro and con statements attached. The issue will continue to be addressed in 2005.

Very few expenditures on several of the larger line items were made, so fairly little of the budget was spent. Harold Shepherd's Center for Tribal Advocacy returned the Indian Law section's \$500 donation to help them fund their September CLE. They did well enough on ticket sales that they were able to refund the contribution.

The First Annual Northwest Tribal Water Rights Conference, co-sponsored by the Center for Tribal Water Advocacy, the University of Oregon and the Oregon State Bar took place October 1-2, 2004, in Eugene.

An OSB inquiry regarding CLE publications online was presented. The OSB is considering putting electronic versions of all the CLE reference books on the OSB web site, linked to Casemaker. All active OSB members would have instant access to all published CLE references. There would be no charge to active members for access to these materials. The annual membership would, however, be increased by \$70. It was noted that a downside would be that the already high membership fees would go higher. The bar asked for a response to this proposal. Several members spoke in favor of it, no one spoke in opposition.

The Indian Law Section Annual Meeting and CLE was held at the World Forestry Center on December 3. Nominations for the 2005 Executive Committee were made. The following were elected: Deneen Aubertin Keller, (CH), Christopher

Burford (CH-Elect), Melissa Robertson, (SEC), John Schultz, (TR), Lee Ann Easton, (Past-CH), Starla Roels, Brett Kenney. Members whose terms end 12/31/05 will continue on the committee.

Respectfully submitted: Lea Ann Easton, (CH), Deneen Aubertin Keller, (CH-Elect) Jennifer K DeWald, (Past CH), John M. Schultz (TR), Christopher L. Burford, (SEC), Howard G. Arnett, David G. Brown, Donald O. Costello, Kimberly D'Aquila, Edmund C. Goodman, Shayleen T. Idrogo, Douglas C. MacCourt, Melissa M. Robertson, Kevin L. Shannon, Cynthia J. Starke, James D. Williams, Marva Fabien, (BC), Jami Curl, (BL).

Intellectual Property Section

CLE's and Conferences

- Sponsored four lunchtime interactive panel discussions on IP topics.

Trade Secret Litigation

Attorney-Client Privilege for
Patent Advice

The Law According to Barbie

European Patent Office

- Hosted a luncheon CLE at Section Annual Meeting on the Business implications of Open Source Software.
- Co-sponsored with WSBA IP Section the 2nd Annual Pacific NW Arts Symposium, covering Legal and Business Issues of the Arts and Entertainment Industries.

Community Involvement

- Provided financial support to several teams of law students from University of Oregon and Lewis & Clark for their participation in Giles Rich Patent Law and Saul Lefkowitz Trademark Moot Court competitions as well as organizing & judging practice rounds for the L&C team.

- Co-sponsored writing contest with Lewis & Clark Intellectual Property Student Organization (IPSO) for Oregon law school students, with winners to be published in the IP Newsletter.
- IPA social event at Lewis & Clark for lawyers and law students.
- Career panel and social event at Willamette.
- Recruited new Executive Committee member from Eugene.

Publications

- Collaborated with IPSO to publish the Spring 2004 and Fall 2004 Oregon Intellectual Property Newsletters which were distributed to section members.

Anticipated Activities for 2005

- Repeat events at Lewis & Clark and Willamette.
- Hold event for UO law students, either in Portland or Eugene.
- Publish Spring 2005 and Fall 2005 Oregon Intellectual Property newsletters.
- Facilitate student participation in the Giles Rich and Saul Lefkowitz Patent and Trademark Moot Court competitions.
- Sponsor quarterly luncheon CLEs and co-sponsor one or more other CLEs.
- Continue developing section web site.

Respectfully submitted, Paula Holm Jensen (CH), Craig Rogers (CH-Elect), Alan P. Polaski (Past CH), Anne W. Glazer (TR), Wayne W. Rupert (SEC), John R. Dawson, Carol A. Busby, Karen Wetherell Davis, Thomas L. Evans, Paul L. Havel, Michael Heilbronner, Daniel P. Larsen, Christopher J. Lewis, B. Anna McCoy, Joseph S. Miller, Ambyr M. O'Donnell, Gregory A. Zafiris, Bette L. Worcester (BC), Mark Salveit (BL).

International Law Section

The section continued its focus on its continued enhancement and participation at regular ILS-sponsored CLE events, development of its web site and the continued exploration and implementation of ways to utilize section resources to best serve its members.

The section focused on the following areas:

1. CLEs: The Executive Committee held seven CLEs during the year for its members. Average attendance was approximately 25 attendees.
2. A networking event was held in October with two other sections. The feedback from the event was positive, in the future a similar event will be held but with more notice to partner sections' executive committees.
3. A Website Subcommittee was established to maximize the benefit of the section web site for ILS members. The subcommittee hired a web site administrator to keep contact information, calendar notices and electronic newsletter articles up to date.
4. An Articles and Linking Subcommittee was established. This subcommittee collected links for posting on the section's web site for the benefit of the membership. In addition, the Executive Committee approved a new requirement that each Executive Committee member publish an article for posting on the web site each year.

Respectfully submitted, Ambyr M. O'Donnell (CH), Shannon K. Waage (CH-Elect), Christopher R. Ambrose (Past CH), Lew E. Delo (TR), Bradley C. Lechman-Su (SEC), Jacob J. Carroll, William L. Clydesdale, Marcy Edwards, Gregory W. Engrav, Patchen M. Haggerty, Akana K. J. Ma, Turid L. Owren, Steven C. Smith, Natella V. Svistunova, Phyllis J. Edmundson (BC), Peggy Miller (BL).

Juvenile Law Section

The purpose of this report is to outline the activities of the Juvenile Law Section of the Oregon State Bar during the year 2004, and to further state the goals and objectives of the section for the immediate future.

The goal of the section continues to primarily be service to the members of the section through education and providing information. Towards this end, one of the most active subcommittees of the section has been the Continuing Legal Education Sub-committee and the Web Site Subcommittee. The section's annual CLE was held on April 16, 2004 and was very well received. In addition, the section offered members an opportunity to attend a reception featuring an informal talk by nationally renowned children's rights lawyer, Marcia Lowry from New York.

The section also continued work on its web site this year under the editorship of Emily Cohen. The web site's goal is to provide the Juvenile Law Section membership with useful information and links for their practice. An objective is also to provide information on the web site that was traditionally found in the section's newsletter.

Angela Sherbo headed the Legislative Subcommittee this year. This sub-committee monitored legislation which would impact practitioners in the juvenile law area.

Several Executive Committee members also sat on other committees impacting the practice of juvenile law in Oregon. These included the Oregon State Bar Juvenile Law Performance Standards Revision Task Force and the Juvenile Law Academy committee responsible for developing the curriculum for the implementation of a state wide training program for juvenile law practitioners. Executive Committee members also sat on a work group for legislation addressing the role and appointment of Guardians Ad Litem in Juvenile Court.

Other activities included:

- 1) Determining how the section should spend revenue.
- 2) Continuing the section's liaison with the Criminal Law, Family Law and Indian Law Sections.
- 3) Planning a March 2004 CLE which will address juvenile sex offender issues as well as scientific evidence of child abuse. The CLE will also include a child abuse reporting CLE credit.
- 4) Determining how best to ensure that the Executive Committee provides outreach to practitioners beyond the Tri-County area.
- 5) Sending Executive Committee members to national conferences in our area of practice and to bring information back to the committee. This year the section paid for Emily Cohen and Doug Killian to attend conferences related to juvenile law.
- 6) Clarifying the PLF coverage for attorneys appointed as Guardians Ad Litem in juvenile court by contacting Ira Zarov from the PLF and obtaining a letter describing coverage.
- 7) Providing input to the Juvenile Law CLE Publications Committee on topics to be covered in the CLE to be published in 2005.
- 8) Obtaining information from the Oregon Trial Lawyers Association regarding referral and assignment of guardians ad litem for children in potential civil lawsuits involving the Department of Human Services and/or the Oregon Youth Authority.

Respectfully submitted, Lissa K. Kaufman (CH), Douglas P. Killian (CH-Elect), Kathryn W. Underhill (Past CH), Kristy K. Barrett (TR), Emily S. Cohen (SEC), Janie M. Burcart, Kristine M. Kaufman, Karen R. McClintock, Dawn M. McIntosh, James A. Palmer, Rahela K. Rehman, Angela Sherbo, Ingrid Swenson, Katherine E. Tennyson, Kristen E. Thompson,

Robin J. Wright, Victoria S. Baum (ADV), Jonathan P. Hill (BC), Helen M. Hirschbiel (BL).

Labor and Employment Section

The Labor and Employment Section maintains a membership of 750 as of the October 2004 monthly financial report, which is slightly lower than the prior year's membership.

The section held five "brown bag" sessions, three in Portland and two in Eugene. The Portland sessions were held in March, April and May and featured administrators from state agencies: Christine Hammond, who is the Administrator for the Wage and Hour Division of the Bureau of Labor and Industries (BOLI); Amy Klare, the administrator of BOLI's Civil Rights Division; and Peter DeLuca, administrator for the Oregon Safety and Health Division. The first Eugene program was held in June and featured Renee Bryant, the tax manager for the State Employment Department. A second Eugene program was held in November with Annette Talbot of BOLI, discussing changes to the overtime exemptions.

On October 21, 2004, the section held its annual meeting and CLE program in Portland at the Doubletree Hotel Lloyd Center. Speakers and topics covered were as follows:

- Obtaining Public Records for Employment Cases—Nancy J. Hungerford, The Hungerford Law Firm, Oregon City
- Discovery and Evidence: Obtaining and Using Critical Information—Martha Lee Walters, Walters Chanti & Zennache PC, Eugene, and Corbett Gordon, Fisher & Phillips LLP, Portland
- Documenting Discipline: Tips & Traps—Cathleen Callahan, National Labor Relations Board, Portland
- Employment Law Update—Richard F. Liebman, Barran Liebman LLP, Portland

- Forecast for 2005 Legislative Session—Trica Smith, Oregon School Employees Association, Salem, and Lisa Trussel, Associated Oregon Industries, Salem
- The New FLSA "Fair Pay" Rules—Annette E. Talbott, Oregon Bureau of Labor & Industries, Portland
- Damages: Experts and Calculations—Eric Fruits, Ph.D., ECONorthwest, Portland
- Damages: Labor Arbitration Cases—Tom Levak, Arbitrator, Portland
- View from the Juror's Box: Employment Cases—Chris Beck, Tsongas Litigation Consulting, Portland

The program was well-received with approximately 175 attendees.

Nancy Brown (an arbitrator) will become section chair on January 1, 2005. Newly elected officers are:

- Chair Elect:* Michael Tedesco (Law Offices of Michael Tedesco)
- Treasurer:* Craig Armstrong (Miller Nash LLP)
- Secretary:* Mitra Shahri (Law Office of Mitra Shahri)

New members elected to the Executive Committee are:

- Michael Holland (Linn-Benton Community College)
- Susan Hammer (Arbitrator and Mediator)
- David Snyder
- Karin Guenther (Tonkin Torp LLP)
- Scott Hunt (Busse & Hunt)

Continuing as members of the Executive Committee:

- Brian Hungerford (The Hungerford Law Firm)
- Adam Morrison (National Labor Relations Board)
- Ann M. Boss (Oregon Department of Justice).

The section dues were raised starting this year to \$15 (from \$10) to cover the cost of adding services to Casemaker. The section took steps to have the decisions of the Employment Relations Board added, although copyright issues on pagination of the decisions have delayed public release of these decisions on Casemaker.

The section continues to support the Campaign for Equal Justice with a \$1500 donation.

Respectfully submitted: Jeffrey P. Chicoine (CH), Nancy E. Brown, (CH-Elect), Kathryn T. Whalen (Past CH), Michael J. Tedesco (TR), Craig R. Armstrong (SEC), M. Ann Boss, Paul Hays, Brian Hungerford, Elizabeth A. Joffe, Howell L. Lankford, Adam D. Morrison, Christine C. Nesbit, Mitra Shari, Nena Cook (BC), Christine Kennedy (BL).

Law Practice Management Section

The Law Practice Management Section engaged in a number of activities during the course of the year. These included:

1. As a result of feedback from the LPMS's 2003 technology CLE, the section presented a similar CLE on successfully utilizing technology in the practice of law. The session was presented at the OSB Annual Meeting on October 15, 2004. A panel presented the latest options and approaches to technology to approximately 60 attorneys and legal managers present.
2. The section newsletters were published.
3. The section's membership committee provided section information to new bar admittees and solidified plans to survey members' needs.
4. The section's web site committee upgraded the web site to provide easier access to section newsletters and resource information.
5. The section continued collaborative working relationships with two other OSB sections:

the Sole and Small Firm Practitioners Section and the Oregon New Lawyers Division through co-sponsorship of the OSB Annual Meeting CLE.

6. The section continued collaborative working relationships with the Oregon Chapter of the Association of Legal Administrators through co-sponsoring the annual Partner Dinner on October 28, 2004. The keynote speaker from Hildebrandt International spoke on the topic "What Keeps Managing Partners Awake at Night".

Respectfully submitted: Fern Puls (CH), M. David Daniel (CH-Elect), John A. Cummins (Past CH), Craig K. Edwards (TR), Carol Decker (SEC), Evan P. Boone, Dawna Brophy, David L. Carlson, Maureen A. DeFrank, Daniel A. Hill, Dawnne L. Linenbrink, Fred C. Nachtigal, David P. O'Brien, Dennis M. Odman, Darla L. Pierce, Jay Richardson, Kathi Rutten, Mary P. Sauer (EO), Albert A. Menashe (BC), Carol Wilson (PL), Margaret Robinson (BL).

Litigation Section

The Litigation Section remains the largest section of the Oregon State Bar. It is comprised of attorneys practicing in diverse areas of litigation ranging from civil to criminal, plaintiff to defense, personal injury to commercial, consumer to business, and real estate to family litigation. General activities include publication of the Litigation Journal, sponsorship of the annual Litigation Institute and Retreat and the biennial Fundamentals of Oregon Civil Trial Procedure CLE, frequent sponsorship of speakers at other CLE events, maintenance of a web site, and promotion of communication, camaraderie, and professionalism within the bench and bar. Specific activities in the past year have included:

- Publication of three issues of the Litigation Journal;

- Sponsorship and presentation of the 11th Annual Litigation Institute and
- Retreat at Skamania Lodge on March 5 and 6, 2004 (including the award of four scholarships);
- Planning and preparation for the 12th Annual Litigation Institute and Retreat to be held at Skamania Lodge on March 4 and 5, 2005;
- Initial planning for the 13th Annual Litigation Institute and Retreat in 2006;
- Administering and awarding the annual Owen M. Panner Professionalism Award;
- Planning, preparation and presentation of the Fundamentals of Oregon Civil Trial Procedure CLE to be presented in October 2005 (a practical skills CLE);
- Providing support for an OSB CLE program on evidence topics;
- Support of pro bono support activities, such as the Campaign for Equal Justice;
- Participation in the OSB's Casemaker™ Evaluation Group;
- Appointment of a liaison to the Civil Law Advisory Committee; and
- Creating and expanding the section's web page.

Respectfully submitted: Karen E. Saul (CH), Richard A. Lane (CH-Elect), Theresa L. Wright (Past CH), Nancie K. Potter (TR), Marc A. Spence (SEC), John A. Berge, Raymond D. Crutchley, Susan K. Eggum, W. Eugene Hallman, Michael R. Mahony, Tracy A. Prall, Simeon D. Rapoport, Judy D. Snyder, Robert G. Thomson, Sarah R. Troutt, Dennis P. Rawlinson (BC), and Karen D. Lee (BL).

Products Liability Section

This is a small section with about 170 members. The Executive Committee held twelve meetings during 2004. Meetings were held at noon on the third Tuesday of the month in the conference rooms on the 19th floor of the law offices of Schwabe, Williamson and Wyatt at the PacWest Center, 1211 SW Fifth Avenue, Portland, Oregon. Several out-of-Portland members attended by phone each month. In addition, the section held its annual meeting and CLE on October 22, 2004 at the offices of the Oregon State Bar. The Executive Committee used for communication the e-mail list (prod-ex@lists.osbar.org) and found this method of communication to be very helpful.

The primary activities of the Products Liability Section in 2004 were:

1. Annual CLE Program

The Products Liability Section continued its tradition of presenting high-quality CLE programs, focusing on topics of particular interest to section members. The 2004 program was titled "Products Liability: New Legal Strategies and Trial Tactics in 2004." About 47 people attended this half day CLE held on October 22, 2004, at the OSB offices.

2. Products Liability Newsletter

In 2004 the section published three issues of the Products Liability Newsletter. The issues had an average length of 16 pages, a professionally designed logo, and professional typesetting and printings. All issues of the newsletters were mailed to section members, judges and referees.

3. 2005 Activities

The anticipated primary activities of the Products Liability Section in 2004 are its annual CLE, the continued publication of section Newsletters, and updating and maintaining the new Products Liability Committee web site.

Respectfully submitted, William A. Masters (CH), Charles S. Tauman (CH-Elect), Anne M. Talcott (Past CH), Meagan A. Flynn (TR), Jay W. Beattie (SEC), Lawrence Baron, Kelly L. Anderson, Molly Jo Mullen, Anne D. Foster, Bruce C. Hamlin, Timothy J. Helfrich, Rick Klingbeil, Michelle K. McClure, Thomas B. Powers, Laura L. Rhodes, Edward T. Tylicki, Linda K. Eyerman (CH), Teresa Wenzel (BL).

Real Estate and Land Use Section

The Real Estate & Land Use Section is one of the larger sections, with a membership over 1000. The Section provides a variety of services to real estate and land use lawyers with emphasis in the areas of continuing legal education and legislation. Activities during 2004 included:

- Sponsored two continuing legal education programs, including the annual meeting and a CLE on the fundamentals of land use law
- Publication of a quarterly newsletter, the Digest
- Continued legislative and education subcommittees
- Made a significant financial contribution to the Campaign for Equal Justice, targeting specific real estate or land use legal needs of the population served
- Support of the bar on several legislative issues with review and advocacy
- Continued work on the section web page and list serve program

The 2004 Annual Meeting and CLE had one of the largest turnouts in recent history. There were 205 total registrations. The conference contained strong topics and speakers, with a good balance of land use and real estate subjects and substantive opportunities to network.

The Executive Committee did extensive research on providing the option to distribute the

Digest electronically. The first issue will go out in early spring to members with an e-mail address listed with the bar. For those who choose to have a paper copy or do not have an e-mail address, their copy will be mailed.

The Executive Committee approved and adopted the Oregon Opinion Letter Report. The 2004 Report and pro forma opinion were subject to an extensive peer comment period and were the subject of a session at the section's 2004 Annual Meeting. The report has proven useful for both real estate and lenders' counsel around the country, and it has proven useful for both real estate practitioners and nonpractitioners alike.

Respectfully submitted: E. Shannon Johnson (Ch), Wallace W. Lien (Ch Elect), Patricia L. Chapman (SEC), Karen Williams (TR), Dean N. Alterman, Greg Nelson, Liz Fancher, Christian E. Hearn, Jeffrey H. Keeney, Joan S. Kelsey, John C. Pinkstaff, Greg Nelson, Dominic Colletta, Ronald Bryant (BC), Jane Gillespie (BL).

Securities Regulation Section

List of nominees for the OSB Securities Regulation Section Executive Committee

Two year terms on the Executive Committee

David Matheson, Perkins Coie
Charmin Shiely, Foster Pepper Tooze
Robert Muraski, Farleigh Wada & Witt
Paul Trincherro, Grenley Rotenberg Evans Bragg & Bodies
Greg Mallory, Schwabe Williamson & Wyatt

Officers:

President: Michael Zusman, Evans & Zusman
President-Elect: David Post, Miller Nash
Treasurer: Sherrill Corbett, Tonkon Torp
Secretary: Timothy DeJong, Stoll Stoll Berne Lokting & Schlachter

2004 ANNUAL REPORT

The Securities Regulation Section continued to hold monthly luncheons in Portland at Fernando's Hideaway with CLE speakers of interest to the members. A list of the monthly lunch speakers and the dates and subjects of the presentations held to date are as follows:

January 21, 2004

Bob Roach, Vice President of OTR, Inc
Escrow Accounts for the Issuance of New Securities

March 17, 2004

Scott Shorr and Joe Arellano
2003 Securities Legislation: The Earth Moved or Did It? Two Perspectives on the Significance and Effect of 2003 Revisions to Oregon Blue Sky Laws

April 21, 2004

Rich Callahan, Audit Partner, KPMG LLP
Effects of Sarbanes-Oxley on the Accounting Profession

May 19, 2004

Robert Banks, Esq.
Recent Developments in Securities Arbitration

June 16, 2004

Jeffrey Erb, Assistant General Counsel of PacifiCorp
The last (most costly) Hurdle to Sarbanes Compliance: An Insider's View of Internal Control Now and in the Future

July 21, 2004

Representatives of the Oregon Division of Finance and Corporate Securities
Meet Our Regulators

September 15, 2004

Pauline Calande, SEC Asst. District Administrator for Enforcement
What's New at the SEC?

The section co-sponsored the 24th Annual Northwest Securities Institute with the Washington State Bar in Seattle, Washington on February 27-28, 2004. The section will hold its annual meeting on October 19, 2004. The dinner

will feature Professors Donald Balmer and James Moore speaking on political science and the 2004 elections.

Along with the Business Law Section and the bar, the section also took part in forming the Uniform Securities Act Task Force which is charged with analyzing the uniform act. The section will monitor the Task Force and any other proposed legislation affecting securities regulation.

The section has awarded three \$500 scholarships to the top securities regulation section student at each Oregon law school. The section also made a donation to a memorial fund honoring Robert Alt, a corporate law professor at Willamette and long time contributor to the section and its programs who passed away this year, as well as a contribution to the Campaign for Equal Justice.

The section continues to have a positive financial situation. The section will have a modest surplus for the year, with cash flow from membership fees and annual dues sufficient to meet expenses for luncheons, the annual meeting and other ordinary expenses.

For 2005, the section expects to continue the monthly luncheons and other programs. The NWSI will be held in Portland in February, 2005. The section will continue to monitor relevant legislation and any other areas of interest to the members.

Respectfully submitted: Jon R. Summers (CH), Michael C. Zusman (CH-Elect), Steve D. Larson (Past CH), David G. Post (TR), Sherrill A. Corbett (SEC), Richard L. Baum, Gustavo J. Cruz, Timothy S. DeJong, Joshua E. Husbands, Greg Mallory, Kimberly Anne Medford, Nancie K. Potter, Kathryn P. Salyer, Jonathan P. Hill (BC), Susan Evans Grabe (BL).

Sole & Small Firm Practitioners Section

The Sole and Small Firm Practitioners Section represents the interests of attorneys in either sole practice or in firms of five or fewer attorneys, and strives to serve their needs.

Specific activities:

1. Organized and facilitated meetings of local groups of member attorneys meeting either once a month or when a speaker and CLE topic can be coordinated. The section is continually looking for volunteers willing to organize in other areas or to supplement existing groups.
2. Continued to use its list serve to link section members via computer
3. Cosponsored CLE with LPMS, ONLD at the OSB Annual Meeting in Seaside. The session was on "Tips for Successfully Practicing Law in the E-environment" and featured a panel presentation.
4. Continued to assess the structure and goals of the section in response to member needs.
5. Developed a web site.

Respectfully submitted: Robert A. Browning (CH), Vincent A. Deguc (CH-Elect), Russell D. Bevans (Past CH), James A. von Hippel (TR), Donna G. Goldian (SEC), Michael L. Cooper, Kelly M. Doyle, W. Scott Phinney, Lauren J. Paulson (BC), Margaret Robinson (BL).

Taxation Section

In 2004, the section focused on the following areas:

Luncheon Series

Tax luncheons are held in both Portland and Salem for local practitioners. The Portland series included sessions from January through November. Salem had seven lunches again this year. The mailings for Salem were sent by e-mail this year, allowing the program to make a little money this year! Both lunches make a little bit of profit, but the primary focus is education of members.

Legislative Issues

The Tax Section has proposed two different statutory changes:

- Allow nonprofit entities to hold real estate in an LLC and still qualify for property tax exemptions.
- Change the definition of a QTIP trust for inheritance tax purposes, to allow more existing trusts to qualify for exclusion of inheritance taxes at the death of the first spouse to die.
- In addition, John Draneas represented the Tax Section on a Governor's Task Force to develop a new definition of independent contractor. The Task Force unanimously approved a change, which will be presented to the Legislature in the 2005 term.

2005 Annual Tax Institute

We are still in the planning stages of our annual tax institute to be held in May 2005. We did not hold an institute in 2004, so that we could shift the timing to May from the prior schedule in the fall. We hope this will draw better attendance.

Newsletter

We continued to produce a newsletter to our

members, with articles of interest to the Tax Section members. So far we have sent out two newsletters, and our third one for the year should be out shortly. We plan to do three or four newsletters again in 2005.

Respectfully submitted: Timothy O'Rourke (CH), Karey A. Schoenfeld (CH-Elect), William S. Manne (Past CH), Marc K. Sellers (TR), C. Jeffrey Abbott (SEC), Mark L. Huglin, Joshua E. Husbands, Charles S. Lewis, Valerie Sasaki, Barbara J. Smith, Katherine O. VanZanten, Joseph Wetzel, Albert A. Menashe (BC), Karen D. Lee (BL).

Workers' Compensation Section

2004 Section Activities:

1. Executive Committee Meetings

Monthly section Executive Committee meetings were held, with the exception of June 2004 due to a lack of a quorum. Minutes of each meeting have been submitted to the bar in accordance with the section bylaws. The minutes were taken by Martin Alvey, Secretary, and can be accessed on the section's web site.

2. Annual Meeting

The section's 22nd Annual Meeting was held on May 14, 2004 at the Salishan Lodge at Gleneden Beach, Oregon. The meeting is coupled with a two-day CLE, which was held on May 14 and 15. This CLE was, as usual, very well-attended by both sides of the bar, judges and board members. The CLE was approved for 6.75 MCLE credits (including 1 ethics credit). The program included various legal and medical speakers covering topics relevant to practitioners on both sides of the bar.

3. Bench/Bar CLE

The section also sponsored a Bench/Bar Ethics CLE on November 12, 2004. The CLE was at the Willamette Valley Vineyards in Salem, Oregon. The conference covered three hours of discussion

regarding various topics involving ethics, including behavior in depositions, ethics at the Board, and ethics in everyday situations. The seminar was very well attended and was approved for 2.25 ethics and .75 general credits. This seminar, which included lunch, was provided free of charge to members.

4. Executive Committee officers and members for 2005

At the 2004 Annual Meeting, the section membership elected officers and executive committee members for 2005.

Officers for 2005:

Chair: ALJ Abigail Herman
Chair Elect: Martin Alvey,
Secretary: Linh Vu
Treasurer: Matthew Roy,
Past Chair: Rodger Hepburn

Committee Members:

ALJ Jill Riechers
Julie Masters
Shelley Edling
Dean Lederer
Mark Thesing
Meg Carmen
ALJ Keith Kekauoha
Charles Mundorff
Holly Somers
Art Stevens
Debra Ehrman

5. Executive Standing Committees:

Legislative
Rules
Professionalism
Race/ethnic
Salishan CLE
Communications
Daughtry Award

These committees met on an as needed basis throughout 2004.

2005 Section Activities

1. The Executive Committee will continue with monthly meetings held in accordance with the section bylaws.

2. The standing committees will continue to meet on an as needed basis to function with the following general goals:

Legislative: Monitor proposed and potential legislation, advise the committee regarding the advisability of proposed legislation, and review current workers' compensation laws to keep the committee apprised of new developments.

Rules: Monitor proposed and potential rules under the Board and Department; advise the committee regarding the advisability of proposed rules; and review the current rules of the board and the department in consideration of suggestions for the improvement of current rules.

Professionalism: Advance the interests of section members by sponsoring seminars and programs dealing with professionalism and ethics; consider means by which the section can improve relations between the membership and those providing services to injured workers and employers, clients and members of the public. The goal for 2005 is to put on either one or two Bench/Bar ethics CLEs. Given the success of the November 12, 2004 program, the plan is to put on at least one program next year at Willamette Valley Vineyards. Matthew Roy and Sandra Haynes are being looked to as the primary facilitators/planners for next years' Bench/Bar CLEs.

Race/Ethnic: Identify means by which the section can facilitate the use of the Workers' Compensation Forum by practitioners and members of the public; educate lawyers, judges and those providing services to injured workers and employers regarding the potential impact of cultural differences upon use of the Workers' Compensation System.

Salishan/CLE: Plan and coordinate the annual section business meeting and CLE. The section voted to hold the 2005 annual meeting/CLE at

Salishan Lodge. Betsy Wosko has agreed to chair the subcommittee and the committee is already in the process of planning the 2005 event.

Communications: Monitor the development and production of the section web site, the section newsletter, and continue efforts in getting relevant practice information to all section members. The committee is looking into sending out a high quality section newsletter on a monthly or quarterly basis.

Daughtry: This committee is made of the most recent three past chairs and meets to make recommendations to the full committee on the merit of nominations for the award. This committee will begin meeting in January 2005 to start accepting nominations and making recommendations to the full committee for the award, which, if given, will be presented at Salishan 2005.

3. Proposed legislative changes: None at this time.

4. Proposed rule changes: None at this time.

2005 Budget:

The 2005 section budget was approved by the committee at the November 12, 2004 meeting and the section treasurer, Debra Ehrman, has submitted her report along with the budget directly to the Board of Governor's Budget and Finance Committee for its approval.

Respectfully submitted, Rodger M. Hepburn (CH), Abigail L. Herman (CH-Elect), Philip H. Garrow (Past CH), Debra Ehrman (TR), Martin L. Alvey (SEC), Meg Carman, Shelley K. Edling, Sandra K. Haynes, Keith B. Kekauoha, Dean J. Lederer, Charles R. Mundorff, Matthew Lansing Roy, Holly J. Somers, Arthur W. Stevens, Mark Thesing, Linh T. Vu, Linda K. Eyeran (BC), Suzanne Cushing (BL).