



2005

Committee  
and Section  
Annual  
Reports



# 2005 Committee and Section Annual Reports

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## Committees

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### Affirmative Action Committee

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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 48 applications, and awarded 8 scholarships in the amount of \$2000 each, paid in two installments directly to each law school.

**CLERKSHIP STIPEND PROGRAM:** Thirty-five students applied for 20 stipends designated to secure clerkships with employers who could match at least the \$5.00/hour stipend. In 2004, 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. There were no exception requests in 2005.

**PUBLIC HONORS FELLOWSHIP PROGRAM:** The Public Honors Subcommittee reviewed 7 applications for six fellowships and one Environmental Law grant. The AAP received the Environmental Law Grant for the fifth year through the American Bar Association. The fellowship recipients clerked for the Oregon Supreme Court, Oregon Court of Appeals, Office of the Governor, Oregon Law Center, Marion County DA and Multnomah DA. The ABA Environmental Clerk worked for Harrang Long Gary Rudnick PC in Eugene.

**BAR EXAM GRANT:** The Bar Exam Subcommittee reviewed a total of 28 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*), a recruitment/retention strategy for Oregon's ethnic minority law students. All entering ethnic minority law students are invited to participate in the OLIO Orientation. All students, regardless of ethnicity, who are committed to advance the OLIO mission can apply to participate in the Orientation and are also eligible to participate in other OLIO activities.

**EMPLOYMENT RETREAT:** The calendar year began with the Seventh 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:** In lieu of the annual Spring Social to honor graduating students, law students were invited to attend the OWLS Awards Dinner in March, especially to honor the recipient of the 2005 Mercedes Deiz Award, Stella Manabe, AAP Administrator. Individual lawyers and law firms sponsored seats for the attending 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 OLIO participants. 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 Seventh Annual OLIO Orientation in Redmond, Oregon. The Retreat successfully bonded the incoming ethnic minority law students to each other and to the bar. The 2005 Orientation

included a social co-sponsored by the Oregon Minority Lawyers Association for Central Oregon OMLA members and bar leaders. Also participating for the first time was a middle school student and her mother as a pilot project to encourage younger ethnic minority Oregonians to consider a legal career while helping to expand the ethnic minority law student community outside of law school.

**3rd ANNUAL BOWLIO:** BOWLIO is a fundraiser for OLIO. The 2005 event featured guest First Lady Mary Oberst. Over 200 law students, lawyers, and judges participated.

**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.

*Respectfully Submitted:* Stephen F. Crew (CH), Lynn R. Nakamoto (SEC), Carl D. Crowell, Timothy R. Harmon, Hong N. Huynh, Amanda L. Mayhew, Anastasia Yu Meisner, Douglas V. Van Dyk, Susana Alba, Judith Woo Poutasse, David Schuman, David R. Simon, Trung D. Tu, Richard J. Brownstein, Lori E. Deveny, David W. Giles, Tom Kranovich, Marva Fabien (BC), Stella K. Manabe (BL).

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## **Bar Press Broadcasters Council**

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The Bar Press Broadcasters Council has adopted a mission of "Building a Culture of Dialogue" among lawyers, judges and journalists. In 2005, they held two major events around this goal, one in Portland and one in Eugene. The programs brought together some of the most prominent judges, lawyers, and journalists from print, radio and television to talk about the process of covering high-profile crime and court stories. The goal was

for all parties to learn from other constituencies about their concerns, and to gain perspective that will inform future decision-making in courtrooms, law offices and newsrooms.

Additionally, in order to meet the specific needs of TV stations, the Council developed a program to take directly into broadcast stations. The program brings a judge, a defense attorney and a prosecutor into the newsrooms to share their perspective on working with media, and then to answer questions from the journalists. The program was held at 3 of the 4 TV stations in Portland, and each station has requested follow-up visits. A similar program was held for radio reporters throughout the city.

The Council began work on a major project to replace the Bar Press Guidelines, considered to be outdated. The Council is drafting a comprehensive booklet to be used as a resource for bar members and journalists involved in legal issues coverage. The booklet will track the chronology of a criminal case, and address the concerns of each constituent group at each stage. Development of that book is well underway. Publication expected in mid-2006.

As a side note, the Oregon State Bar Media Relations Program is working concurrently to develop some separate products specifically for lawyers when the Bar Press Guidelines are officially replaced by the Council.

Plans for 2006 include Building the Culture events (outlined above) in Portland and Bend, publication of the Bar Press Guidebook, additional programs brought directly into print, radio and TV news departments.

*Respectfully submitted:* Duane A. Bosworth (CH), Stephen R. Blixseth, Michael D. Schrunk, Suzanne Upton, Daniel L. Keppler, Jim Losk, Janine Robben, Marc Sussman, Allie O'Connor, Jeffrey S. Seymour, Ronald D. Thom, David C. Wang, Steven M. Wilker, Nena Cook (BC), Kateri Walsh (BL).

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## Certified Public Accountants-Joint Committee

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1. The committee regularly held meetings in February, April, June, August and December for approximately 1 hour at the Oregon State Bar offices.
2. Committee members and other legal and accounting professionals 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. The articles covered items of interest to both accountants and attorneys, and dealt with issues such as business valuation, social security reform, Circular 230 amendments, and changes in bankruptcy law.
3. The Committee cancelled its annual golf tournament because the tournament lost money in 2004. A subcommittee was formed to reevaluate the golf tournament for 2006.
4. The Committee cancelled its fall retreat.
5. The Committee discussed and OSB liaison Albert Menashe helped Committee member Thomas Brown schedule a half-day CLE program on business valuations at the Oregon State Bar offices.
6. The Committee had several discussions and made changes to the Committee's assignment to encourage more pro bono work and informational public speaking.
7. The Committee worked to update its website hosted at OSCPA.com. The Committee provided information about its assignment and meeting schedule, and copies of past minutes are available for viewing my members and non-members.

### *Recommendations for 2006*

Continue the following goals:

1. Continue to update and maintain the Committee's website hosted by the OSCPA.

2. Submit *Professional Insight* articles for the OSCP magazine and OSB Bulletin (as appropriate).
3. Provide social and networking opportunities for lawyers and accountants, including restarting the annual golf tournament this summer.
4. Encourage members to start or assist with continuing education programs through the OSB and OSCP.

Additional goals for 2006:

1. Reevaluate the specific Committee assignments.
2. Promote additional opportunities for accountants and attorneys to socialize.
3. Discuss establishing a list server for accountants and attorneys to discuss cross-discipline questions.
4. Hosting one Committee meeting at an alternative location, such as the Oregon Food Bank.
5. Evaluate the future of the fall retreat.

*Respectfully submitted:* Thomas L. Hutchinson (CH), Brandon A. Benson (SEC), Gary R. Barnum, Stephen Bush, Owen D. Blank, Thomas S. Brown, Eric R. Foster, Justin C. Jones, Gary S. Leavitt, David J. Malcolm, David M. Mondress, Robert N. Muraski, Hoang H. Nguyen, Gregson Parker, John D. Parsons, Steven B. Resnikoff, Mark W. Rose, Brian S. Thompson, Albert A. Menashe (BC), and Cathi Pittman (BL).

## **Client Security Fund Committee**

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The committee met four times in 2005. Two meetings were held at the Oregon State Bar offices in Lake Oswego, and two meetings were 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. The committee received and investigated twenty-eight claims in 2005 and continued its investigation into several claims filed in previous years. Of these claims, seventeen were paid, including two from 2002, two from 2003, and ten from 2004; and fifteen claims, nine from 2005, and six from 2004, were denied. The remaining claims are under continued investigation.

As of October 31, 2005 the CSF had a fund balance of \$915,762.00. Next year the committee will continue its investigation of pending and new claims.

*Respectfully submitted:* Darrin Class(CH), Scott Howard(SEC), Scott Asphaug, William Crow, Jennifer Kimble, Dennis McCaffrey, Bonita Merten (PM), Thomas Moore, Sarah Rinehart, Constantin Severe, Floyd Shebley, Theodore Sumner, Conrad Yunker, Mark Comstock (BC), Sylvia Stevens (BL).

## **Continuing Legal Education Committee**

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In lieu of an annual report, the CLE Committee submitted a memorandum to the Board of Governors requesting that the board either sunset the committee or provide it with new specific and workable charges. At its November 19th meeting, the board voted to sunset the CLE Committee because its traditional role is now duplicated by CLE Seminar planning committee and CLE Publication editorial committees

*Respectfully submitted:* Kathleen A. Cushing (CH), G. Victor Tiscornia (SEC), Harry M. Auerbach, Steven A. Chase, Jenna Leigh Mooney, Timothy J. Bernasek, James C. Casterline, Walter L. Cauble, Shari L. Lane,



Robert A. Schuler, Gina M. Stewart, Michael E. Swaim, Alycia N. Sykora, Trinh C. Tran, Richard S. Yugler, (BC), Karen Lee (BL), Linda Kruschke (BL).

## Federal Practice and Procedure Committee

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The Federal Practice and Procedure Committee (“Committee”) regularly met at noon in the federal courthouse on the second Wednesday of each month in 2005, except for the months of May, July, August and November. 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 and others on his committee were contacted several times during the year to update the Committee on local rule developments and issues of concern.

The Committee also continued to follow developments concerning electronic discovery, including the proposed amendment to the federal rules regarding electronic discovery. Judge Janice Stewart joined the Committee and added her knowledge of these issues.

The Committee followed up on the recommendation of last year’s Committee to the Oregon State Bar Board of Governors recommending that it take a stand against several Congressional proposals to split the Ninth Circuit. Last year, the Board declined to consider the issue. This year, the Committee sent a letter to the Board again recommending that it consider the issue. It did, and came out against the proposals to split the Ninth Circuit.

The Committee continued to discuss the need for greater participation by federal practitioners in the “Saturday Session.” 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.

The Committee discussed ways to possibly streamline summary judgment practice in the Court.

*Respectfully submitted:* Jeffrey Stewart Love (CH), Michelle Holman Kerin (SEC), Christopher Carson, James Sutherland, Jeff Brecht, Thad Guyer, John F. McGrory, Dennis N. Balske, Joel I. Bruhn, Vishnu N. Jetmalani, Matthew J. Lynse, Kathryn M. Pratt, Mark L. Stermitz, Dana L. Sullivan, Garr King (ADV), Janice M. Stewart (ADV), Randall L. Dunn, (ADV), Timothy C. Gerking (BC), George A. Reimer, (BL).

## Judicial Administration Committee

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In 2005, the committee took on several large projects, consisting of creating momentum around Jury Appreciation and Law Day, in-depth studies on judicial evaluation and judicial independence as well as continuing outreach work on the Judicial Speaker’s Bureau.

In 2006, the committee will work with the board on preparing legislative proposals for the upcoming 2007 session that will impact the courts and judicial system.

*Respectfully submitted:* Marilyn Odell (CH), Michael Bloom (SEC), Ann Christian, Kathleen Dolan, Marsha Morasch, Jack Morris, Douglas Bray, Bruce Rubin, Hon. Dale Koch, Kenneth Crowley, Debra Vogt, David Hittle, Kristen David, Michael Washington, Mary McCauley Burrows (PM), Audun Sorensen, (PM), Carol Skerjanec (BC), Susan Grabe (BL).

## Legal Ethics Committee

The committee met seven times during the year. The committees work focused on reviewing and updating OSB Formal Ethics Opinions 1991-1 through 2004-175 in light of the adoption of the new Rules of Professional Conduct. The committee submitted the complete set of 175 revised opinions to the Board of Bar Governors, which approved the changes at its August meeting. The committee recognizes and thanks bar liaison Sylvia Stevens and committee member Peter Jarvis for their diligence and excellent work.

The committee received two new requests for formal opinions in 2005. Due to the scale of the bar opinion revision project (which included 25 completely revised opinions), the committee deferred work on those new requests until after completion of the bar opinion revision project.

For the upcoming year, the committee plans to respond to the two pending opinion requests as well as any others that are received. In addition the committee will complete its study of several possible amendments to the Oregon Rules of Professional Conduct and make a recommendation to the Board of Governors.

*Respectfully submitted:* William Kirby (CH), Wendy Baker (SEC), Paul Levy, Roger DeHoog, Bonnie Richardson, Janice Turner, Joan-Marie Michelsen, Lane Borg, Mark McCulloch, Christopher Cauble, Robert Simon, Peter Jarvis, Joseph Dean, Frank Weiss, Sheree Lynn Rybak, Gerry Gaydos (BC), and Sylvia Stevens (BL).

## Legal Heritage Interest Group

### *Recommendations:*

1. Space permitting, all OSB 50-year members should be permitted to audit OSB CLE programs at no charge.

2. An archive policy should be developed by the OSB, to ensure the safe keeping of items of future historic interest.

The Legal Heritage Committee should be continued through the next membership year.

During 2005, the Legal Heritage Interest Group scheduled four meetings. Two of the meetings focused on libraries. We met at the Oregon Historical Society Library and learned about its resources. At the Multnomah County Law Library annex, librarian Jacque Jurkins briefed us on the history of the library and professional law librarianship in Oregon.

Marketing of the Oregon State Bar's history, *Serving Justice, A History of the Oregon State Bar 1890-2000* continued to be an emphasis, with efforts to sell individual copies at various gatherings of lawyers. We continued our discussions of making the book the centerpiece of an educational event, with a possible emphasis on diversity.

We maintained liaison with other groups interested in Oregon legal history, notably the US District Court of Oregon Historical Society, the Multnomah Bar Association's 100th anniversary celebration history subcommittee and the Queen's Bench history committee.

In addition, the group continued its efforts to develop ideas and recruit authors for articles of historical interest in the *OSB Bulletin*.

*Respectfully Submitted:* S. Diane Rynerson (CH), Janet D. Kreft (SEC), Richard D. Barber, Jack Gore Collins, Betty I. Crofoot, Dean S. Kaufman, Jack L. Kennedy, Hon. Randall B. Kester, Deanna Page Laidler, Prof. Ron B. Lansing, Johnston A. Mitchell, Hon Owen M. Panner, Katherine O'Neil (HON), David B. Avison (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 will meet a total of three times during 2005 with their last meeting held in December after this report was submitted.

The Committee took action on two issues over the course of the year. Those actions are as follows:

1. Amending the OSB-LSP Standards and Guidelines

The committee approved, subject to BOG approval, the amendments to the Standards and Guidelines. The amendments strengthened the OSB Legal Services Program Policies concerning integrating services and eliminating the legal and physical separation between the programs and will be used to challenge the restrictions that have been placed on programs that receive LSC federal funding.

2. Amending the Presumptive Funding Level in the OSB-LSP Standards and guidelines

The committee approved subject to BOG approval, that the presumptive funding language in the Standards and Guidelines be amended to raise the existing 3.1 million funding ceiling to 5.1 million. The increase to 5.1 million represents the 2003 filing fee level adjusted for inflation increased by the 1.6 million dollar gap to meet the legal needs of the poor assessed in 2003. It was agreed by the committee that the amended language change as presented meets the 1997 and 2003 legislative intent to provide additional funding for legal services to the poor at the same time continuing the approach adopted by the Interim Civil Legal Services Task Force who developed the Standards and Guidelines in 1998.

The committee also discussed and agreed that the language found in the Standards and Guidelines at V. A. 2. Additional Funds should be changed so as not to create an expectation that the Legal Services Program Committee “will” award additional funds to applicants if the presumptive funding level is met in the future.

*Respectfully submitted:* Howard G. Arnett (CH), Stephen S. Walters (SEC), Douglass H. Schmor, Kent Thurber, David Ross, William Van Atta, Ron Chase (PM), Jennifer Stenzel Grant (ADV), Laurence H Hamblen (ADV), Michael Keeney (ADV), Debra Lee (ADV), Thomas Matsuda (ADV), Ralph Saltus (ADV), David Thornburg (ADV), Samuel E Tucker, Linda K Eyerman (BC), Judith Baker (BL).

## Medical Profession-Joint Committee

At the recommendation of the Policy and Governance Committee the Oregon State Bar Board (OSB) of Governors voted to disband the Joint Medical Legal Committee on November 19, 2005. There has been no request for action or meeting to deal with a substantive issue since July 2, 2001 with the exception of an informational meeting requested by the Chair Bruce Wiegman February 25, 2003.

The OSB suggests the following resources:

The Health Law Section of the Oregon State Bar is active, involved in continuing education, legislative activities, and applicable federal and state law involving healthcare.

The OSB Client Assistance Office (CAO), manager Chris Mullman with a staff of six, investigates inquiries and complaints. The CAO will direct complaints with credible evidence of ethics violations to the Office of Disciplinary Council and attempt to resolve other matters within the resources of the Oregon State Bar.

An existing OSB committee handles attorney fee disputes.

The Oregon State Bar is interested in a continuing relationship with the Oregon Medical Association and would recommend future issues be directed to the Board of Governors if not satisfactorily addressed by one of the offices, committees or sections outlined above.

*Respectfully submitted:* Douglas L. Schaffer (CH), Michael D. Crew (SEC), Mary L. Pool, Keith J. Bauer, Robert L. Cowling, Margaret M. Maguire, Robert W. Staley, John A. Enbom, Paul R. Frisch (BC), Scott A. Morrill (BL).

## **Minimum Continuing Legal Education Committee**

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The Minimum Continuing Legal Education Committee is an advisory body to the MCLE Administrator and to the Board of Governors. During 2005, the Committee has:

- Reviewed 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.

One committee project is underway and close to completion; transcript reporting of MCLE credits is in effect and coverage will expand with the coming year. State bar staff and the MCLE committee are hopeful that this process will make compliance with MCLE requirements easier for all members.

The committee has continued to have discussions and comments from members regarding the diversity credit requirement, which was first implemented in 2001. During 2004 and 2005, the committee had many discussions about whether or not substantive law programs could qualify for elimination of bias (diversity) credit. In 2005, the Board of Governors approved MCLE Regulation 5.500, which states:

“A program shall not be ineligible for accreditation as an elimination of bias activity solely because it is limited to a discussion of substantive law, provided the substantive law relates to issues involving race, gender, economic status, creed, color, religion, national origin, disability, age, or sexual orientation.”

In March 2005, the MCLE Committee recommended amending Rules 3.2(b) and 5.5(a) to clarify 1) that the child abuse reporting credit counts as an ethics credit; and 2) that the elimination of bias credit requirement is in addition to the legal ethics credit requirement. The Supreme Court approved these amendments in August 2005.

In June 2005, the MCLE Committee recommended adoption of a non-discrimination attendance rule for accreditation of CLE programs. The Supreme Court approved the proposed rule in September 2005. MCLE Rule 5.1(f) states:

“The activity must have no attendance restrictions based on race, color, gender, sexual orientation, religion, geographic location, age, handicap or disability, marital, parental or military status or other classification protected by law, except as may be permitted upon application from a provider or member, where attendance is restricted due to applicable state or federal law.”

The function of the MCLE requirement is to maintain and enhance the competency of Oregon lawyers in substantive areas of law governing the areas in which they practice, including ethical considerations. 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.

The committee has in the past suggested that a study be done on the extent to which various CLE requirements improve, or fail to improve, attorney competence. The committee continues to believe this proposal has merit.

*Respectfully submitted:* Laura H. Kosloff (CH), Ellen M. Voss (SEC), Stace B. Gordon (PM), Thomas M. Ryan, Donald P. Bourgeois, Kara K. Davis, Carol D. Skerjanec (BC), and Denise Cline (BL).

## Pro Bono Committee

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The Pro Bono Committee has met 11 times this year to date and will meet for the 12th time on December 20, 2005. The Committee formed three subcommittees to address the following subjects: (1) a model pro bono policy, (2) reporting of pro bono hours, and 3) a pro bono mentor program. In addition, members of the Pro Bono Committee continued to pursue judicial involvement in pro bono as liaisons to the State Family Law Advisory Committee's (SFLAC) Subcommittee on Self-Represented Litigants. The Pro Bono Committee also participated in the Coordination Committee (ONLY Committee) with the MBA Young Lawyer Division Pro Bono Subcommittee, the OSB New Lawyers Division, and the OLC/LASO Pro Bono Committee to coordinate pro bono activities in Multnomah County and statewide.

### *Accomplishments*

#### Model Pro Bono Policy Subcommittee

- Developed a customizable pro bono policy that law firms can adapt to their unique needs and cultures with a worksheet for firms to select particular policy components.
- Coordinated a marketing and implementation strategy to assist law firms in adopting a pro bono policy, expected to continue through 2006.

#### Pro Bono Mentor Program Subcommittee

- Developed a resource for attorneys seeking assistance on pro bono cases and an opportunity for attorneys willing to offer pro bono assistance to other attorneys.
- Collaborated with the OSB Referral and Information Services Department to develop a pro bono component to the Lawyer to Lawyer Program and evaluate how often bar members use the Lawyer to Lawyer program for pro bono cases.

#### Reporting Subcommittee

- Evaluated the pro bono reporting process from 2003 and 2004 through data analysis and feedback from law firms to identify barriers to voluntary reporting.
- Revised the pro bono reporting process, including new Pro Bono Roll Call categories, a new reporting form, a new Pro Bono Roll Call brochure, a new form for law firms to report on behalf of their attorneys, and improved online reporting.
- Considered the experiences of other states with mandatory pro bono reporting and the possibility of adopting a similar policy in Oregon. The Committee will consider this idea further in 2006.
- Met with members of the Small Firm and Solo Practitioner Section to calm concerns that the OSB is pursuing a mandatory pro bono policy. The Committee agreed that critical infrastructure issues and widespread opposition by bar membership make mandatory pro bono requirements infeasible for Oregon.
- Advertised the 2005 Pro Bono Roll Call in the September and December issues of the Bar Bulletin.

#### SFLAC Subcommittee on Self-Represented Litigants (Pro Bono Accomplishments)

- Recommended that the Board of Governors co-sponsor a presentation by Richard Zorza, a nationally known expert on pro se matters, for the 2006 Annual SFLAC Conference and the 2006 Circuit Judges Association Conference. The BOG approved \$1,500 in support for this purpose. Mr. Zorza will address the ethics of judicial involvement in the promotion of pro bono service.
- Developed a joint workshop with the Pro Bono Committee for the 2006 Annual SFLAC Conference.

### Other Pro Bono Committee Activities

- Worked with the ONLY Committee to coordinate the 2005 Pro Bono Fair, including the 2004 Pro Bono Challenge awards ceremony, two CLE programs (on domestic violence and landlord-tenant law), and an information fair featuring several pro bono programs.
- Worked with the OSB on the December 2005 Bar Bulletin pro bono story.
- Discussed incentives to encourage pro bono service, such as CLE credits.
- Worked with the OSB New Lawyers Division Pro Bono Subcommittee and the MBA Young Lawyers Section Pro Bono Committee to revise and expand the *Pro Bono Opportunities in Oregon handbook*. The new handbook was distributed at the 2005 new member swearing in event, the OSB Leadership Conference, and several CLE program. It is also available on the Pro Bono website.
- Worked with the OSB to add a section to the Bar Directory for programs that provide pro bono opportunities.
- Redesigned the Pro Bono website to provide more information and to make it easier to find.

*Respectfully submitted:* Jeff Lindberg (CH), Jeff S. Pitzer (SEC), Nyla L. Jebousek, Matthew A. Wilson, Mark A. Friel, Michael S. Guy, Bradley D. Maier, Beverly C. Pearman, Daniel K. Reising, Laura L. Schantz, Tiffany Jan Davidson, Tim McNeil, BeaLisa Sydlik, Catherine L. Keenan (ADV), Maya Crawford (ADV), Linda K. Eyerman (BC), Debra Cohen Maryanov (BL).

### 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. SB 285,

which was enacted as Ch. 457 Oregon Laws 2005, modifies 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 and consulted with the Council on a possible amendment to ORCP 9 to permit service of papers via e-mail if all parties consent. During the course of the 2005 legislative session, members of the committee reviewed and analyzed literally dozens of proposals that related in some fashion to the practice of law in Oregon. Several members also testified before legislative committees or attended committee hearings to act as a resource if needed.

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:* Michael C. Zusman, (CH), Everett W. Jack (SEC), Brian C. Dretke, John N. McKeegan, Richard A. Weill, Christopher Morgan, David P. Morrison, Scott O. Pratt, Christopher A. Bishop, Wm Keith Dozier, William G. Earle, Harrison Latto, Maureen H. McKnight, Connie L. Speck, Alexander S. Wylie, Dennis P. Rawlinson (BC), Sally Ann LaJoie (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 2005, the Public Service Advisory Committee provided advice regarding the following topics, among others:

- Networking and training for the staff of RIS and other providers of legal services to the public;
- A statewide Jury Appreciation outreach effort, including a legislative proclamation for Jury Appreciation Week in May;
- The Bar's Tel-Law and Web-Law programs, including updating the programs' scripts;
- Marketing of the Modest Means and Lawyer to Lawyer programs;
- Development of topics and questions for a public survey on the legal system;
- Program suggestions for the LegalLinks cable television series;
- Encouraging Bar members to participate in public service and public education programs;
- Model retainer agreements for the Modest Means Program;
- Distribution of the updated book *Legal Issues for Older Adults*;
- Feasibility of sponsoring a second Citizens Justice Conference;

*Respectfully submitted:* Steven Todd (CH), Nichole DeGroot (SEC), Don Hopkins, Robert Steringer, Katie Lane, Chuck Reynolds,

Bruce Bornholdt, Craig Hopkins, Joel Corcoran, Paula Hammond, Sonya Fischer, Albert Menashe (BC), and Kay Pulju (BL).

## Quality of Life Committee

The Quality of Life Committee held seven meetings during 2005. At the start of the year, the Committee's goals were:

1. Continue to work on outreach to members of local Bar Associations and establish speaking opportunities via the Community Building Subcommittee;
2. Submit one article for publication in the Bulletin or other OSB publication;
3. Make presentations to Oregon law schools concerning financial planning and maintaining life balance; and
4. Update and maintain Quality of Life website.

Substantial progress was made in the following areas:

- A. The Community Building Subcommittee continued to work on initiating contact with local Bar presidents using the mock script completed early in 2005. After a list of established liaisons was created, follow-up projects were initiated and an e-mail letter was sent to Bar liaisons in October, reiterating the activities of the Quality of Life Committee. As a result of the outreach activities, the Committee received two opportunities to make presentations.
- B. The Articles Subcommittee successfully completed the research, writing and publishing of an article about law firms selected as great places to work and how those firms address quality of life issues to keep their employees satisfied. The article was published in the July

issue of the OSB Bar *Bulletin* and was positively received.

- C. The Law School Presentation Subcommittee continued to work on making presentations to law school students concerning quality of life issues. A presentation was made at Willamette University School of Law by a panel of speakers including two members of the Committee and an outside financial advisor. This Subcommittee is now working on the creation of a PowerPoint presentation and a step-by-step “how to” binder for future presentations. Additionally, this Subcommittee intends to expand the scope of future presentations and will work on developing that scope during 2006.
- D. The Quality of Life website was further updated to improve ease of access and direct links to other quality of life-related websites and to the article published by the Articles Subcommittee were added.
- E. During 2005, the Committee hosted a guest speaker who spoke about quality of life issues resulting from marketing activities by lawyers.

*Respectfully submitted:* Thomas S Smith (CH), Tonya M Alexander (SEC), Timothy J Felling, Mary A Overgaard, Jerry B Hodson, Elizabeth A Semler, Herbert L Harry, Edward B Anderson, Patricia A Deem, Mary D McCourt (PM), Shari R Gregory (PLF), Michael P Long (PLF), Timothy C Gerking (BC), Stacy Hankin (BL).

## **State Lawyers Assistance Committee**

During 2005, 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. Most of the business conducted by the committee involved confidential discussions surrounding cases assigned to each

member. Those confidential discussions cannot be revealed in this report.

This past year, SLAC invited a member from the medical community to discuss how physicians are handled when a drug or alcohol problem arises and how a doctor or one in the medical community makes such a referral. The primary difference between the medical and legal communities is the lack of mandatory reporting. Currently, attorneys are not required to report or refer a member of the bar who they feel may be having difficulties in their practice as a result of impairment from the use of drugs or alcohol. SLAC discussed a proposal that would entail a new rule wherein the District Attorneys office in each county would be required to report or refer to SLAC a member of the bar who has been arrested for an alcohol/drug related offense or DUII. The referral would be made to SLAC and SLAC would take the normal steps to investigate the issue and to determine whether further action is needed. SLAC feels as though many of the referrals received by the committee over the years involved attorneys who were beyond help with their addictions. SLAC would like to become more involved in assisting attorneys before it is too late, not only for the attorney but for any client who may be harmed by the lawyers impairment. This proposal is currently being discussed with District Attorneys Association.

*Respectfully submitted:* Susan R. Gerber (CH), Calvin Souther (SEC), Richard L. Barton, Andrew T. Burns, Eveleen Henry, Lee C. Nusich, Douglas S. Querin, Michael W. Seidel, Douglas D. Hagen, Michael C. Lewton, Robert M. Lusk, Stephen J. Williams, Shane Haydon (PM), Donald Muccigrosso (PM), John A. Enbom (BC), Meloney Crawford Chadwick (PLF), Jonathan Benson (BL).



## Uniform Jury Instruction-Civil Committee

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This year the committee held a total of 11 meetings. All meetings were held at the Oregon State Bar offices in Lake Oswego.

The committee completed 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. Unfortunately, the committee was unable to reach consensus relating to UCJI 46.08 (Premises Liability-Invitee's Duty) and the instruction was not revised although it will have a caveat discussing the diverging viewpoints. Further, the committee decided to not make wholesale changes to the punitive damages instructions as the law is rapidly evolving in that area.

The OSB publications staff has indicated that the revisions will be published in late 2005.

*Respectfully Submitted:* Jeffrey D. Capps (CH), Jennifer K. Oetter (SEC), Megan B. Annand, Jan K. Kitchel, Christopher P. Koback, Jay W. Beattie, Scott N. Hunt, Caroline R. Guest, Christopher T. Hill, Michael H. McGean, Charles J. Merten, Damien J. Sinnott, William B. Stockton, David J. Elkanich, Kathleen Hansa-Rastetter, Mark Comstock (BC), Linda Kruschke (BL).

## Uniform Jury Instructions- Criminal Committee

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In 2005, the committee met monthly and added new instructions regarding traffic offenses (failure to carry, present license), boating under

the influence, and several new crimes. In addition, the committee began a review of the entire book, for the purpose of updating outdated material and finding errors in existing instructions; the committee completed reviews of several chapters and intends to continue the review next year. Finally, the committee modified certain general instructions to take into account ABA Principles for Juries and Jury Trials.

*Respectfully submitted:* Jennifer S. Lloyd (CH), Guy B. Greco (SEC), Cheryl A. Albrecht, Rankin Johnson, Ethan D. Knight, David Angeli, Douglas R. Marteeny, Michael J. Slauson, Steven Griffin, Lisa J. Ludwig, Katherine Weber, Karla Nash, Ladd Wiles, Leah B. Cronn, Susan K. Hohbach, Douglas Minson (BC), Dean Land (BL).

## Unlawful Practice of Law Committee

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The Unlawful Practice of Law (UPL) Committee met each month, except November, during 2005 to discuss UPL issues, present the findings of Committee member investigations, and recommend action based on such findings.

2005 was another very busy year for the Committee. So busy, in fact, that the Committee requested and the Board of Governors approved an increase in the Committee's membership. In filling vacancies on the UPL Committee, a critical factor is geographic diversity. Many UPL complaints come from areas of Oregon outside the Portland metropolitan area, and the public is best served by having Committee members from all corners of the state available investigate UPL complaints.

As in years past, many UPL complaints referred to the Committee for investigation in 2005 involved multijurisdictional practice by lawyers licensed in other states, professionals in law-related fields, such as accounting, tax advice and financial services, non-lawyer bankruptcy preparers, and debt collectors. In 2005, there also seemed to be a

significant number of complaints regarding non-lawyers performing legal services for immigrant populations and independent paralegals performing a variety of legal services.

As of the date of this report, approximately 60 new complaints have been referred to the Committee for investigation since the beginning of 2005. This is a decrease from the number of complaints which had been referred to the Committee as of this date last year. While this would seem to result in less work for the Committee in 2005 than in 2004, that did not seem to be the case. There were several cases under investigation from prior years which carried over into 2005, and the complexity of several of the cases, both new and old, required significant time commitments by Committee members.

*Respectfully submitted:* Daniel J. Drazan (CH),  
Bruce A. Bornholdt (CH-Elect), Noel Snyder (SEC), J. O'Shea Gumusoglu, Michelle Teed, Christine Coers-Mitchell, Jennifer P. Kimble, Robert P. Schulhof, Thomas C. Howser, Kathleen Johnson, Trent T. Whitford, Theresa L. Wright, Alan K. Brickley, Donn M. Bury, Ronald M. Somers, Gregory A. Sackos (PM), Gil Moss (PM), Dean D. Hollomon (PM), Frank H. Hilton (BC), Linn D. Davis (BL).

## Sections

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### Administrative Law Section

Executive Committee 2006 as approved at the Annual Business Meeting, September 30, 2005:

<i>Chair:</i>	Ann Fisher
<i>Past Chair:</i>	Lorey H. Freeman
<i>Treasurer:</i>	Thomas Ewing
<i>Secretary:</i>	Janice Krem
<i>At Large:</i>	Philip Schradle; Michael Lilly; Timothy Sullivan; Steve Rissberger; Sandra Hansberger; Louis Savage; William Boyd; Thomas M. Cooney

#### *Executive Committee*

The Executive Committee met five times during the year at the offices of the Oregon State Bar and once in Salem following the Annual Business meeting. The committee adopted a Section Mission Statement and protocols for selecting legislative concepts.

#### *Subcommittees*

The newsletter committee, chaired by Tim Sullivan, produced three outstanding newsletters. The Administrative Law Section's Deskbook Supplement was completed and published in early 2005. Three legislative proposals were pre-session filed by the Judiciary Committee at the OSB Annual meeting. One of those proposals were enacted into law.

#### *Annual Meeting*

The annual meeting was held on September 30, 2005 at the Salem Convention Center. The treasurer's report was received and new officers and

at-large members elected. There was a panel discussion CLE entitled "What Do You Have the Right to Know? Discovery Issues in Oregon Administrative Law."

#### *Continuing Legal Education*

The Section sponsored three Continuing Legal Education seminars; there were presentations in both Salem and Portland of "Judicial Review Under the APA-the Basics and Beyond"; in addition to the CLE at the Annual Business Meeting.

#### *Budget*

The section expects to close the year with a carry-over balance of \$3858.

#### *Proposals for Next Year*

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

During the 2005 legislative session the Legislation and Rules Committee will be working on legislative proposals approved by the Executive Committee to present to the OSB Public Affairs Committee in April.

The section will continue its support for the Campaign for Equal Justice with a \$500.00 contribution.

*Respectfully submitted:* Lorey H. Freeman (CH), Ann Fisher (CH-Elect), Thomas Ewing (TR), Michael Campbell (SEC), Janice Krem, Philip Schradle, Mary Nester, Timothy Sullivan, Steve Rissberger, Lou Savage, Sandra Hansberger, Jonathan P Hill (BC), Susan Grabe (BL).

## Admiralty Law Section

On Thursday, November 10, 2005, the section held its annual meeting and CLE entitled "Endangered Salmon and Steelhead" at the US Bankcorp Tower. Section member John J. Breiling, from the Office of Counsel for the Corp of Engineers presented the CLE and outlined the framework of Maritime and traditional Admiralty Law changes from 1776 through 2004. He also discussed the 9th Circuit: Federal Columbia River Power System Cases and other ESA Cases - 5 - 9th Circuit and 1 - 8th Circuit decision. The CLE was approved for 1 MCLE credit.

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

## Agricultural Law Section

### *Section Information*

Members: 120

Annual Dues: \$15.00

### *2006 Executive Committee:*

*Chair:* Joe Hobson  
*Chair Elect:* David Smiley  
*Past Chair:* Jean Underhill Wilkinson  
*Treasurer:* George L. Anderson  
*Secretary:* Vacant  
*At Large:* Steven Shropshire, David Simon, Chuck Toole, Larry Rew, Tim Bernasek, Elizabeth Howard, Jesse Lyon, Scott Warner

The Agricultural Law Section of the Oregon State Bar represents a diverse group of attorneys

who tackle legal issues involving agricultural crops and livestock throughout Oregon. The Executive Committee held monthly telephone conferences rather than face to face meetings since these attorneys are widely dispersed throughout the metro and rural areas of the state. These telephone conferences were well attended and participants often shared weather and crop status reports from one end of the State to the other.

### *2005 Activities*

The Section hosted multiple guest speakers during its conference calls to give updates on agricultural issues discussed and negotiated in the 2005 Oregon State Legislature. The guest speakers included: lobbyists from the Oregon Farm Bureau, Don Schellenberg, Katie Fast and Greg Addington; legislative committee chairs, Senator Charlie Ringo, Representative Bill Garrard, and Representative Patti Smith; and Oregon Department of Agriculture employees, Brent Searle and Jim Johnson. The Section paid particular attention to Measure 37 negotiations, pesticide reporting, and renewable energy efforts.

The Section was also able to secure additional funding and continue the efforts started in 2004 on its water law project. In 2004, the Section contracted with Weisha Mize to research, organize and make available Oregon Water Resources Department decisions on a website maintained by the Office of Administrative Hearings for easy access and research by the public.

The Section jointly hosted a brown-bag CLE entitled "Wolves in Oregon!" with the Environmental and Natural Resources Law Section. This CLE featured a panel of attorneys and stakeholders involved in Oregon's planning to deal with the anticipated re-emergence of wolves in Oregon. The topics included: the history of wolves in Oregon and their contribution to wildlife diversity; Oregon's Wolf Conservation and Management Plan and the status of legislation associated with it; the federal court decision "uplisting" the gray wolf from threatened to

endangered status and its impact on Oregon's planning efforts; the range of impacts that wolves may have on natural resources and associated industries, including ranching; and other policy and legal aspects of the "wolf question." The speakers included Sharon Beck, a 4th generation cattle rancher from NE Oregon in the heart of the Grande Ronde Valley; Brett Brownscombe, the Conservation Director for the Hells Canyon Preservation Council; Bill Cook, a Senior Assistant Attorney General in the Natural Resources Section of the Oregon Department of Justice's General Counsel Division; Mark Henjum, the State Wolf Program Coordinator for ODFW and lead author of the Oregon Wolf Conservation and Management Plan; and Elizabeth Howard, an associate attorney at the law firm of Churchill Leonard Lodine & Hendrie, LLP in Salem.

Respectfully submitted: Jean Underhill Wilkinson (CH), Joe Hobson (CH-Elect), Jesse D. Lyon, (Past-CH), George L. Anderson (TR), David Smiley (SEC), Steven Shropshire, David Simon, Bob Butler, Chuck Toole, Larry Rew, Steve Joseph, William Ganong, Carol Skerjanec (BC), Barbara Buehler (BL)

## Alternative Dispute Resolution Section

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We began our year with an Executive Committee retreat on January 21, 2005. We made plans for the year that resulted in either the continuation or the initiation of the following activities:

- A series of Brown Bag lunches on mediation topics in Salem including such topics as Understanding Lying in Mediation, Dealing with Difficult Behaviors in Mediation, and How to Determine What Cases Should Go to Mediation.
- Our Legislative Committee tracked legislation of interest to the Section and reported to the Executive Committee on developments throughout the legislative session.
- The Section instituted a new award for excellence in arbitration. This award honors Professor Carlton J. Snow a law professor at Willamette University College of Law for over 33 years. In his national work as an arbitrator he published over 3,000 opinions and was a national leader in the arbitration community. The first Carlton J. Snow Excellence in Arbitration award was made at our Section Annual Meeting to the family of Carlton J. Snow who died November 19, 2004. This award will be made annually, or as is appropriate, to an outstanding arbitrator.
- The Section also, at its Annual Meeting, September 30, 2005, awarded the Sidney Lezak Award for Excellence in ADR to Eugene attorney, John Gartland. The Section did not make an award this year for its Interdisciplinary Cooperation Award, the first recipient of which was Shannon L. Stewart, now deceased, for her fifteen years of dedicated and excellent service as the Mediation Coordinator for Small Claims and F.E.D. Mediation for Multnomah County.
- The Section published two newsletters this year with articles on Resolving School Board Conflicts, Using the Internet to Benefit Your Mediation Practice, The Uniform Mediation Act, and Court-Connected Mediator Qualifications Rules.
- Our Annual Meeting and CLE were held on September 30, 2005 in Lincoln City. The CLE included sessions on ADR in the Tribal Courts, The New OSB Ethics Rules, Legislative Updates, Oregon's State and Local Mediation Programs, and Arbitrators and the Arbitration Process.
- Section officers met with Oregon Mediation Association officers during the year on joint planning efforts for the OMA Annual Conference on November 4 and 5, 2005. Section members Sue Leeson and Les Swanson presented a program at the OMA Conference on How Values Cause Conflicts that Drive

Change. Also, OMA representatives attended one of the Section's monthly meetings.

- The Section monitored developments concerning the Uniform Trial Court Rules as they might affect mediators.
- The Section continued its website on ADR activities.
- The Executive Committee enjoyed its work on behalf of the Section during the year and is working on ways in which to increase the opportunity for Section members to participate on committees and in the important activities of the Section.

*Respectfully submitted* by Les Swanson, Chair of the ADR Section Executive Committee for 2005.

*Respectfully submitted:* Les Swanson (CH), Alison S. Kelley (CH-Elect), Jane Gordon (Past CH), Stanley A. Sitnick (TR), Cynthia M. Fraser (SEC), Jeffrey M. Batchelor, Kristena A. LaMar, Alan T. McCollom, Jim Melamed, Suzanne Townsend, Julie Gentili Armbrust, Bradley L. Brown, Rebecca H. Hiers, Adrienne C. Nelson, William J. Boyd, Bethany Evans, Susan M. Leeson, Lauren J. Paulson (BC), Helen M. Hirschbiel (BL).

## Antitrust Trade Regulation Section

### *Introduction*

This is the annual report for the ANTITRUST, TRADE REGULATION & UNFAIR BUSINESS PRACTICES SECTION, outlining our activities over the last year, and plans for next year.

### *Membership*

The membership of the section has remained stable in 2005. The Section hopes to offer greater value and, in turn, expand membership.

### 2005 CLEs

The Executive Committee determined that it wanted to continue to focus its efforts on offering excellent and time CLEs. Specifically, the section had a three part series related to distribution issues. Each program is described below.

*March 31, 2005*

*"Where is My Product Going?: Perspective on the legal issues that arise in distribution relationships, including franchising, brand protection and antitrust concerns."*

Speaker: Mike Heilbronner, the principal of IdealLegal, P.C., a law firm located in Portland that provides expert brand and other intellectual property advice that is business-focused, practical, and customized for each client. Mike spent the previous decade handling intellectual property issues for a number of Fortune 500 companies as in-house counsel for Adidas, and as an associate with the esteems intellectual property group of Killpatrick Stockton, LLP.

*June 2, 2005, Wells Fargo Tower*

*"The Accidental Franchise: Defranchise My License, Please"*

Speaker: Gary S. Duvall, Partner at Dorsey & Whitney in Seattle. Gary is a nationally-recognized franchise expert. He has been selected by his peers for inclusion in "The Best Lawyers of America," 1995-present.

*October Annual Meeting CLE:*

Keynote Speaker:

- William "Billy" Vigdor, of Vinson & Elkins LLP, Washington D.C., was formerly the Deputy Assistant Director in the Bureau of Competition at the Federal Trade Commission. Billy is the author of "Antitrust alerts", available at [www.velaw.com](http://www.velaw.com), has been published in several journals, and has spoken on antitrust law across the country.

- John McGrory, partner at Davis Wright Tremaine LLP, has years of experience litigating in the antitrust and securities arena.
- Ann Spiegel, of the St. Louis, Missouri Greensfelder, Hemker & Gale firm, was formerly in-house with Shell Oil. She now litigates antitrust and trade regulation and franchise matters.
- Andy Aubertine, founder of the Aubertine Law Firm, specializes in antitrust and trade regulation litigation. He has drafted legislation amending provisions of the Oregon Antitrust Act and was an assistant attorney general for the Oregon Department of Justice.

### 2005 Activities

#### Update Section Website

The section has made a dedicated effort to improve the section's website in order to make material more readily available to section members and others. In December, we hope to make access to a digitized video of our annual meeting available to section members over the website, who could not attend the meeting live.

#### Results of our Section Survey.

We conducted a survey of our membership and recently tallied the results. We have found that we are on our way to achieving this year's goal of diversifying our membership base beyond the large Portland area firms. In fact, we are digitally taping this meeting and CLE presentation so that it can be viewed from the Section website. Survey respondents expressed interest in a newsletter and presentation of materials specific to Oregon, which are our goals for the upcoming year. By and large, respondents ranked the Sections CLE presentations as "very good" and chose topics for upcoming CLE's to address specifics of unfair business practices, antitrust intellectual property issues and antitrust healthcare related issues. Although a number of members mentioned that the locations of the CLE's were not convenient to them, more often than not, inability to attend was

due to being too busy. Our survey also revealed that many people may not realize the Section has a website, which is accessible through the Oregon State Bar website [www.osbar.org](http://www.osbar.org).

### 2006 Planning

In 2006 the Section hopes to continue to provide high quality, relevant CLEs to the section. The Section hopes to have three CLEs, with at least one providing a Judge as a panelist to provide the judicial perspective on the issue. The section hopes to continue to improve its access to information, particularly to members outside the Portland area, who often cannot participate in our programs live. In addition, the section hopes to generate two issues of a Section Newsletter.

*Respectfully submitted:* Kristin L. Cleveland (CH), Tom Johnson (CH-Elect), Michelle Teed (Past CH), Scott Seidman (TR), Christina Beatty-Walters (SEC), Ken Davis, Richard Baum, James Denham, Mark Anderson, Sarah Adams Lien, David Silverman, Chin See Ming, Vincent Chiappeta, Andrew Abertine, David Aman, Ben Fetherston, Chris Mullman (BL).

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## Appellate Practice Section

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On November 11, 2005, the section held their annual meeting via broadcast e-mail vote: the following executive committee members were elected for 2006:

#### Officers

Chair	Keith M. Garza
Chair-Elect	Walter Ledesma
Treasurer	Thomas W. Sondag
Secretary	Scott Shorr
Past Chair	Robert K. Udziela

#### New Members-at-Large - Terms Ending 12/31/07

Mary M. Reese  
Charles F. Adams  
Meagan A. Flynn  
Judith Giers  
Marc D. Brown

Existing Members-at-Large - Terms Ending  
12/31/06

Jeffrey C. Dobbins  
Lisa E. Lear  
Wendy M. Margolis

The Appellate Practice Section also launched a new publication -- The Oregon Appellate Almanac. The section's Executive Committee will publish the Almanac annually and distribute it to all members as one of the benefits of section membership. Guided by the words of the founder of the Farmer's Almanac, Robert B. Thomas, "Our main endeavor is to be useful, but with a pleasant degree of humor." Our Almanac will aim to inform and delight by presenting a broad variety of topics of interest to the appellate bar.

*Respectfully Submitted:* Robert K. Udziela (CH), Keith M. Garza (CH-Elect), Jacqueline L. Koch (Past CH), Scott Shorr (TR), Walter J. Ledesma (SEC), Bruce L. Campbell, Maureen Leonard, Thomas W. Sondag, Marjorie A. Speirs, Jeffrey C. Dobbins, Lisa E. Lear, Wendy M. Margolis, Frank H. Hilton (BC), 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 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 2005:*

- Held its annual meeting at Oswego Lake Country Club.
- Presented Phil Rush with the Jim Barron Award.
- Section members, led by Phil Rush,

presented an aviation law course at the Law School in the 2005 Spring semester. The Law School scheduled to course again for Spring 2006.

- Held a noon CLE with the director of the Oregon Department of Aviation.
- Held a fall Hangar party at Tim Miller's hangar, with airplane rides for all.

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:* Patrick Kurkoski (CH), Philip Rush (CH-Elect), Steven Myers (Past CH), John Barker (TR), Stuart Smith (TR), Charles Sams, Donald Bowerman, Thomas Flaherty, Jonathan Hoffman, John Hutchison, Timothy Miller, David Sweeney, Christine Tracey, Richard Vial, Lance Caldwell, Robert Hopkins, Barbara Jacobson, Martin Schedler (ADV), Sarah Hackbart (BL).

## Business Law Section

1. Section goals and objectives for the period ending December 31, 2006.

- Continue to enhance and expand Business Section website.
- 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 website, newsletter (Oregon Business Lawyer, published 2-4 times per year), listserv and blast e-mail messages.

- Review the Business Corporation Act and with the assistance of the Public Affairs Committee make recommendations regarding changes.

## 2. Committees

- Legislative: Andrew Morrow
- Newsletter (Business Lawyer): Andrew Ognall
- Continuing Legal Education and Annual Meeting: *to be determined*
- Corporate Finance/M&A: Paul Migchelbrink
- Financial Institutions: Claire Philpott
- Business Practice Tools: Melissa A. Boge
- Regional Outreach: *to be determined*

## 3. Legislative Contact

Andrew Morrow

## 4. Committee meetings schedule through December 15, 2006

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

- 1) December 16, 2005 (Tonkon Torp)
- 2) January 20, 2006 (Foster Pepper)
- 3) February 17, 2006
- 4) March 17, 2006
- 5) April 21, 2006
- 6) May 19, 2006
- 7) June 16, 2006
- 8) July 21, 2006
- 9) August 18, 2006
- 10) September 15, 2006
- 11) October 20, 2006
- 12) November 17, 2006
- 13) December 15, 2006

*Respectfully Submitted:* Timothy J. O'Hanlon, (CH), Andrew Morrow, CH-Elect), Brentley Bullock (Past CH), Jason Brauser (TR), Brenda Meltebeke (SEC), Jason Anderson, Vicki Ballou, Sally Anderson-Hansell, Neil Cole, Claire Philpott, Patricia Chapman, Michelle Druce, Andrew Ognall, Gerry Gaydos (BC), Michelle Peterson (BL).

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## Business Litigation Section

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During 2005 the Business Litigation Section continued its CLE programs and presented five CLEs. All CLEs were held in Portland at the Governor Hotel. These were:

February 9, 2005: *Protective Orders - How to Get Them and Recent Changes in State and Federal Court* —Speakers: Honorable Dale Koch, Presiding Judge Multnomah County Circuit Court, Theresa Bottomly, Managing Editor of the News Department of The Oregonian And Jeffrey S. Love, Chair OSB Federal Practice and Procedure Committee

April 13, 2005: *FROM AMFAC TO PAMCORP (With Not Much in Between): Law and lessons from the PamCorp piercing litigation* —Speakers: Jeffrey M. Batchelor and Joseph C. Arellano

June 8, 2005: *A THORN IN THE ROSE GARDEN - The Oregon Arena Corporation Trial: A "Classic" Confrontation with Expert Evidence* —Speakers: Richard J. Stone

September 14, 2005: *PLAINTIFFS, PARISHIONERS, AND THE CHURCH: The Archdiocese in Bankruptcy* —Speakers: David L. Slader, Albert N. Kennedy, and Steven M. Hedber

November 9, 2005: *THE INTERSECTION OF ELECTRONIC DISCOVERY AND ETHICS* —Speakers: Peter R. Jarvis, Hinshaw & Culbertson LLP, and Barbara A. Frederiksen, Senior Managing Consultant, Johnson-Laird, Inc.

A new slate of officers has been elected effective January 1, 2006. The Board will meet in January 2006 for the annual planning session.

Topics for this meeting will include:

1. CLE planning for 2006. In particular, attendance seems to have leveled off, so ways to increase attendance will be discussed.
2. Reviewing website capabilities and opportunities through the Oregon State Bar.
3. Discussing potential for CLE programs outside of Portland.
4. Discussing long range budgeting in the event CLE attendance does not increase.

The Business Litigation Section does not at this time anticipate proposing any new legislation.

*Respectfully submitted:* Julie Vacura (CH), Christopher Carson (CH-Elect), Steve Larson (Past CH), Bruce Cahn (TR), Jonathan Radmacher (SEC), Keith Dubanevich, Joseph Arellano, Mary Ellen Farr, Roxanne Farra, Lynn Stafford, Paul Conable, Julie Haddon, John McGrory, Dennis Rawlinson (BC), Teresa Wenzel (BL).

## **Civil Rights Section**

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In 2005, the OSB Civil Rights Section accomplished the following: hosted two successful CLEs - one a full day program on Section 1983 litigation in Oregon, the other an evening program discussion Oregon's Death With Dignity Act currently pending before the Supreme Court of the United States; produced three newsletters (the fourth will be published in December); donated \$500 to the Campaign for Equal Justice. For 2006, the section plans to continue it's tradition of publishing the newsletter, hosting one or two CLE programs, contributing to the Campaign for Equal Justice, and monitoring legislation that affects civil rights.

*Respectfully submitted:* Edward Johnson (CH), Dennis Steinman (CH-Elect), John Kreutzer (TR), Katelyn Oldham, John Geil, David Park, Michael Dale, Barbara Diamond, Seth Karpinski, Richard Liebman, Marva Fabien (BC), Paul Nickell (BL).

## **Computer and Internet Law Section**

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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 2005 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 there has been some reduction in our Section's membership, at 276 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 2006.

### *Luncheon CLE's*

During 2005, 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 2006, with continued 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 2006, 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 "Licensing Content and Technology: Tips, Traps and Strategies." This well-attended and 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. Unfortunately, the development of the website ran into some unanticipated delays this year. It should be available fairly early in 2006.

#### *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](http://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:* Timothy Siegel (CH), Martin Medeiros (CH-Elect), Marc Visnick (Past CH), Renee Rothauge (TR), Thomas Bahrman (SEC), Charles Bowers, Jacob Carroll, Kohel Haver, Nicholas Herriges, Michael Cohen, Anthony Davis, Anne Koch, Heather Self, John Stevason, Robert Swider, Lydia Loren, Jonathan Hill (BC), David Johnson (BL)

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## **Constitutional Law Section**

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

CLE: On November 4, 2005, the Section sponsored a full-day CLE program at the Embassy Suites in Portland. The program featured national and Oregon speakers, including Professors Jesse Choper and Mark Tushnet. The professors shared their perspectives on the legacy of the Rehnquist Court, and on what the future may hold with the Roberts Court. Professor Tushnet also provided a "wrap-up" of the last term and a preview of the 2005 October Term. Another panel discussed the recent United States Supreme Court argument in *Gonzales v. Oregon*, related to Oregon's Death with Dignity Act. Robert Atkinson of the Oregon Department of Justice, who argued the case for

Oregon, provided his perspectives and insights from that experience. Donald Daugherty of Wisconsin, who briefed the case on the opposing side for *amicus* federal legislators provided his perspectives and a counterpoint. Finally, a panel—consisting of the Honorable David Schuman, Charles Fletcher, Charlie Hinkle, and Erin Lagesen—discussed developments in state constitutional law. This CLE was well attended and well regarded.

**Weblog (“blog”):** Following discussions last year, we launched the first blog of any section of the Oregon State Bar. The blog is up-and-running and is frequently updated, thanks primarily to the diligence of Erin Lagesen. The blog provides current information about developments in Oregon and federal constitutional law, along with commentary on such developments. The objectives of this project are to provide a venue to discuss timely issues of constitutional law, to inform the Section, the Bar, and the public about issues and developments in this field, and to do so in a way that is interesting and, hopefully, entertaining.

**Newsletter:** The Section published a newsletter this year. The Section is grateful to the Honorable Jack Landau, and to executive committee members Michael Simon and Les Swanson, for their contributions.

**Finances:** At this writing, the Section remains fiscally sound. We await the final accounting as to our Fall CLE.

*Respectfully submitted:* David Leith (CH), James Westwood (CH-Elect), Michael Simon (Past CH), Katherine Georges (TR), Charles Hinkle (SEC), Erin Lagesen, Chin See Ming, Les Swanson, John (Toby) Graff, David Schuman, Paula Abrams, Henry Lazenby, Margarita Molina, Ruth Spetter, Edward Trompke, Timothy Gerking (BC), Diane Campbell (BL).

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## Construction Law Section

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### *CLE Programs*

On September 15, 2005, the section sponsored a CLE titled “Practice Tips for Construction Industry Outside Counsel”. The CLE was held at the Pazzo Ristorante and included their Annual Meeting.

On November 4, 2005, the section co-sponsored a CLE titled “Crossing the River: Washington & Oregon Construction Law.” It was held at the Clark County Bar Association.

### *In 2005 the Section published two Newsletters*

The April 2005 newsletter included the following articles:

- Suggestions for Multnomah County Construction Litigation Procedures.
- Revisions to the AIA A201 - General Conditions?
- What is the Statute of Limitations for Construction Claims?
- Oregon's Lane Use Revolt
- Are you Metadata Savvy?

The November 2005 newsletter included the following articles:

- 2005 Legislative Update
- 2005 Case Law Update

*Respectfully submitted:* Janelle C. Chorzempa (CH), Jack Levy, (CH-Elect), Roger A. Lenneberg, (Past-CH), Alan L. Mitchell (TR), Dana A. Anderson (SEC), Nancy K. Cary, Angela Otto, Jason W. Alexander, D. Gary Christensen, Darien S. Loiselle, James H. Van Dyke, Frank H. Hilton (BC), Beth Richley, (BL).

## Consumer Law Section

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### 1. Formation

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

### 2. Finances

The Section currently has 153 members. The annual Section dues are \$15. The estimated end of year account balance for the Section is \$10,653.

### 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.

As of January 1, 2006, the Executive Committee will be:

<i>Chair:</i>	Hope Del Carlo
<i>Chair-Elect:</i>	Pamela Yee
<i>Imm. Past Chair:</i>	Justin Baxter
<i>Secretary:</i>	Lara Gardner
<i>Treasurer:</i>	Bret Knewton
<i>Members-At-Large:</i>	Truman Stone Margaretta Eakin Moloy Good Tim Quenelle Ronald Rubino Terrance Slominski Richard Slottee Greta Gibb Eva Novick Phil Goldsmith Robert Sola

### 4. Committees

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

### 5. Continuing Legal Education

The section presented two CLEs. The first was a day long CLE on identity theft, which was held on August 5, 2005. The second was a one-hour CLE on the ethics of taping phone conversations, which was held on December 1, 2005.

### 6. Newsletter

The Section has published three issues of our newsletter in 2005, 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 successfully advocated for SB273 relating to increases of the homestead and automobile exemptions.

*Respectfully submitted:* Justin Baxter (CH), Hope Del Carlo (CH-Elect), Truman Stone (Past CH), Pamela Yee (SEC/TR), Lara Gardner, Bret Knewton, Tim Quenelle, Ronald Rubino, Richard Slottee, Margaretta Eakin, Greta Gibbs, Moloy Good, Terrance Slominski, Mark Comstock (BC), David Nebel (BL).

## Corporate Counsel Section

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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 website, publication of an online newsletter, two breakfast roundtables, a lawyer-to-lawyer networking luncheon and presentation of three CLE programs.

In March a Legislative Update roundtable was held at the OSB offices in Lake Oswego, attended by a number of section members as well as state lobbyists and legislators. In May, the section presented an ethics CLE focused on potential

conflict inherent in Sarbanes-Oxley requirements. In June we hosted the lawyer-to-lawyer, no agenda, networking luncheon. The Section's Fall CLE exploring intangible asset exploitation was held in September at the World Forestry Center. October's roundtable involved an intriguing discussion of Oregon lawyers whose careers have evolved to include literary endeavors. The annual meeting and election of section Executive Committee members and officers for the coming year was held on November 15. The final section activity for 2005 will be a CLE to be held on December 7, 2005 and will focus on Elimination of Bias, and 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, two to three roundtable discussions and two to three 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 website.

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:* Kathleen Barsocchini (CH), John LaVeille (CH-Elect), Philip S. Harris (Past CH), Brian Thompson (TR), Andrea L. Bushnell (SEC), Joel L. Augee, Marc Bocci, Joseph A. Brislin, Jeff Erb, Dan Field, David Meisels, Hollis McMilan, Donovan Snyder, Tom Wettlaufer, Mathew Wilson, Victoria Baum, Richard Yugler (BC), Lorraine Jacobs (BL).

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## Criminal Law Section

The Criminal Law Section was created to provide a forum for discussion of issues affecting practitioners in the criminal justice system and to

educate the members of the Section on current issues in the field. The Section has more than 600 members, including prosecutors, defense attorneys, and judges. The Executive Committee is made up of twelve members, always consisting of six from the prosecution side and six from the defense practice.

Ken Bauman has been the Treasurer of the Section for several years and is principally responsible for the financial success of the Section. Unfortunately, he is stepping down at the end of this year, but he is leaving the Section in a very secure position, well able to continue its work.

In April, 2005, the Section held its 18<sup>th</sup> Annual Contemporary Issues in Criminal Justice, a CLE session centering on breaking issues in criminal law. It was held in the new Federal Courthouse in downtown Portland and was well attended. The section continues to circulate a newsletter and has a website. Members can also receive the latest state and federal appellate decisions through a list service.

Two members of the Executive Committee serve on the Criminal Justice Advisory Committee (CJAC), chaired by Chief Justice Carson. The Section followed legislation affecting criminal law practice during the last legislative session.

The Executive Committee has a tradition of meeting at least once a year outside the Portland area to accommodate those members who travel monthly to the Bar office from the far-flung corners of Oregon. In July, the Committee met on the central coast at Newport.

*Respectively submitted:* Daniel Ousley (CH), Rebecca Duncan (CH-Elect), Lindsay R. Partridge (Past CH), Kenneth C. Bauman (TR), Janelle Factora Wipper (SEC), Bradley C. Berry, Peter L. Deuel, Joseph A. O'Leary, Gregory B. Scholl, Tahra Sinks, Marc Sussman, Timothy A. Sylwester, Douglas L. Minson (BC), Kateri Walsh (BL).

## **Debtor-Creditor Section**

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### *CLE Programs*

On January 13, 2005, the Young Lawyers' Committee of the Debtor-Creditor section presented a panel discussion with the Judges from Eugene and Portland

On February 16, 2005, the Young Lawyers' Committee hosted a panel discussion regarding §707(b) substantial abuse with Gail Geiger, in Eugene and Vivienne Popperl in Portland.

On March 23, 2005, the Young Lawyers' Committee hosted a panel discussion regarding general Chapter 13 bankruptcy issues.

On April 15 and 16, 2005, the section co-sponsored a CLE titled "Northwest Bankruptcy Institute" with the Oregon State Bar.

On May 20, 2006, the Young Lawyers' Committee hosted an after work social for section members at the 21st Avenue Bar & Grill.

On October 7 & 8 2005, the section co-sponsored a CLE titled "Bankruptcy 2005: State and National Legislative Changes for Northwest Practitioners" with the Oregon State Bar.

On December 7, 2005, the Young Lawyers' Committee hosted a presentation by Judge Perris and Geil Geiger on the nuts and bolts of the means test analysis.

### *In 2005 the Section published three Newsletters*

The Winter 2005 included the following articles:

- New Legislation Creates Notice Requirements (and Traps!) in Construction Defect Cases.
- Chapter 7 Debtor Converts Collateral Post-Discharge - What Can the Secured Creditor Do?
- The Home Equity Conversion Mortgage - A Tool for Debtor-Creditor Attorneys.

*The Spring 2005 included the following articles:*

- Some Bankruptcy Amendments Are Effective Now!
- Creditors' Counsel Can't Ignore the Bankruptcy Bill
- Capped Claims and Letters of Credit

*The Fall 2005 included the following articles:*

- What Bankruptcy Attorneys Need to Know About the New Bankruptcy Rules and Forms.
- New Obligations of Debtor's Counsel.
- A Few Practical Considerations for Creditors Under BAPCPA

*Respectfully submitted:* Peter McKittrick (CH), Thomas W. Stilley (CH-Elect), Carolyn G. Wade (Past CH), Stephen T. Tweet (TR), Teresa H. Pearson (SEC), Ronald C. Becker, Susan T. Egnor, David A. Foraker, Christopher D. Hatfield, Thomas M. Renn, George Hoselton, Miles D. Monson, Elizabeth L. Perris, Douglas R. Schultz, Richard J. Parker, Mark B. Comstock (BC), George A. Riemer (BL).

## **Disability Law Section**

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The Disability Law Section Executive Committee meets monthly (with the exception of one summer month and one winter month). Working under the Executive Committee, the Section's standing subcommittees help the Section serve to advance and enhance the administration of justice and the legal system by disability law attorneys in Oregon. These are: \*Publications \*CLE Committee \*Public Policy \*Disability Survey, Judicial Systems.

In February 2005, the Section sponsored a well received half day CLE with a panel of five expert attorneys discussing the statutory changes to the Individuals with Disabilities Education Act. A

follow-up CLE on IDEA/IDEIA regulatory changes is planned for February or early March 2006.

The Section co-sponsored with the Oregon Social Security Claimants Representative (OSSCR) group, a 2 hour lunch time CLE in November on the Medicare Modernization Act, Part D with a panel of three experts which was also well-attended and received. Further such, low-cost, lunch-time seminars on other topics of interest to disability law practitioners are planned for late spring.

The Public Policy & Disability Survey subcommittees helped host a focus group for the Bench/Bar Courthouse Access Task Force, and continues to assist with the Task Force's efforts.

The Publications subcommittee has opted to develop to a web based format, but additionally to restart print newsletters for 2006. The web site is open and under development. Announcements have begun to be posted. (Including a congratulations to multiple term Section Treasurer, Alice Plymell who was selected for the 2005 Meritorious Service Award by the University of Oregon Law School - given each year to recipients who have made extraordinary contributions to legal education and the law.)

Section polls will be posted on the website, as well as inquiries for input on Section policy comments. E-mail reminders regarding web site updates will be sent to the Section membership. Past print newsletters have been archived there, along with current contact information for the Executive Committee members. The web address is: <http://osbdisabilitylaw.homestead.com/> (or link via the 'sections' information on the [www.osbar.org](http://www.osbar.org) website).

*Respectfully submitted:* Theodore E. Wenk, (CH), Alice M. Plymell (TR), Suzy Harris (SEC), Robert C. Joondeph, Linda Ziskin, Margaret J. Nightingale, Neisha Saxena, John A. Enbom (BC), Rod Wegener (BL).

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## Diversity Section

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This Section has 235 members. The activities of the Section during 2005 included the following:

### *Executive Committee Meetings*

The executive committee met eight times in 2005 at the offices of Bullivant Houser Bailey in downtown Portland. A retreat was held at McMenamin's Kennedy School in northeast Portland. The Section's Annual Meeting was held at the Bullivant offices on October 12th.

### *Best Practices Committee (Todd Hanchet, Chair/David Simon)*

The Best Practice Committee is in the process of gathering information from the law firms who participated in the Convocation on Equality 2001. The committee has asked for the status of the "best practices" (as recommended by the Convocation) implemented by the firms in order to determine how the section can best support the firms' goals of recruiting, maintaining and increasing diverse attorneys.

### *Education Committee (Alice Bartelt, Chair)*

The Education Committee, created a survey to poll members of the Oregon State Bar who attended an Elimination of Bias CLE. The purpose of the poll is to determine if interest is higher for substantive law or for cultural issues. The survey might also be used to give recommendations for highly rated CLEs/speakers to aid other sections or organizations who plan to present an Elimination of Bias CLE.

### *Networking/Career Development Committee (Diane Schwartz, past Chair)*

The Networking Committee planned two events in 2005 on February 23<sup>rd</sup> and May 23<sup>rd</sup>. The purpose of these events was to introduce diverse attorneys to other professionals in order to meet and develop business relationships.



## Elder Law Section

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Membership in the Elder Law Section continues to increase. There were 562 members as of November 30, 2005.

*2005 Officers:* Mark Williams, Chair; Kristianne Cox, Treasurer; Steven A. Heinrich, Secretary, Jane Patterson, Chair-elect and Wesley D. Fitzwater, Past Chair.

*2005 Members at Large:* Susan Ford Burns, Hon. Claudia M. Burton, Penny L. Davis, Sam Friedenberg, Ryan Gibb, Brian Haggerty, Leslie Kay, Alexis Packer, Sylvia Sycamore and Gary L. Vigna, and John A. Enbom.

### *2005 Section Subcommittee Activities:*

1. *Continuing Legal Education.* The Section's annual CLE program was held at the Oregon Convention Center on October 7, 2005. The program entitled "*Tools of the Trade for the Elder Law Practitioner*" was highly rated by registrants. Attendance was slightly down. In keeping with the alternating cycle, the program was geared toward basic elder law issues. Topics included administration of revocable living trusts, basic Medicaid, estate recovery and end-of-life decision-making.

In May, the section held its third UnCLE in Eugene. Based upon a format taken from the National Academy of Elder Law Attorneys, the UnCLE 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 began being electronically distributed during 2005 for cost-saving purposes. The newsletter continues to provide valuable and up-to-date articles and information for elder law attorneys. There is a paid editor, Carole

Barkley. The new chair of the subcommittee is Prof. Leslie Harris.

3. *Agency and Professional Relations.* The Agency and Professional Relations subcommittee continued to meet with officials from Department of Human Services to discuss pending rule changes and current issues, and to advocate for continued funding and services for medical and long-term care for seniors and the disabled.
4. *Computer and Technology.* The Elder Law Section's is very active and has become one of the most significant resources for elder law attorneys around the state. Multiple topics are posted and discussed daily. The section also maintains a website.
5. *Pro Bono.* The subcommittee has not had any significant activity in 2005.
6. *Legislative.* The subcommittee promoted several successful bills in the 2005 legislative session.

### *2006 Section Activities:*

Oregon's revenue shortfall continues to play a major role in Section activities for 2006. The Agency and Professional Relations subcommittee will meet with the Department of Human Resources and advise the Section on upcoming changes and issues. The Legislative subcommittee is working on proposed legislation for the 2007 legislative session. The newsletter will continue to be distributed in electronic format, and along with the Section, the Section provides invaluable sharing of information to its members.

The section's annual CLE is scheduled for October 6, 2006. The unCLE will be held on May 5, 2006 in Eugene.

*Respectfully Submitted:* Mark Williams (CH), Jane Patterson (CH-Elect), Wesley D. Fitzwater (Past CH), Kristianne M. Cox (TR), Steven A. Heinrich (SEC), Penny L. Davis, Ryan E. Gibb, Claudia M. Burton, Brian Haggerty, Alexis

Packer, Sylvia Sycamore, Gary L. Vigna, Susan F. Burns, Sam Friedenberg, Leslie Kay, John A. Enbom (BC), David W. Nebel (BL).

Logan, Melinda J. Davison, Stephen C. Hall, Christina M. Smith, Phyllis J. Edmundson (BC), Cheryl L. McCord (BL).

## Energy, Telecommunications & Utility Law

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### 2005 Activities

On April 15, 2005, the section hosted a CLE titled "Third Annual Developing Markets in the West teleconference hosted by Restructuring Today." The CLE occurred at the offices of Perkins Coie in Portland Oregon. This years speaker was Yakout Mansour, Nora Brownell, Peter Weigand, Jackson Mueller and Bob Dickerman.

On September 28, 2005, the section hosed a CLE titled "Energy Policy Act of 2005", at the Sweetbrier Inn and Suites.

- The Public Utility Holding Company Act Reform was addressed by panel members: Steven McCarrel, J. Dudley and Mike Morgan.
- The Transmission Reform was addressed by Michael Early.
- The PURPA Reform and the Implications for independent Power Producers was addressed by Ken Kaufmann.

### Activities Planned for 2006

Future plans for the upcoming year include:

- Updating the Section's web site.
- Coordinating additional CLE events focusing on current events in the energy and telecommunications industries

*Respectfully submitted:* Edward A. Finklea, (CH), Susan Ackerman (CH-Elect), Jonathan M. Norling (Past CH), Ann L. Fisher (TR), Lawrence H. Reichman (SEC), J. Jeffrey Dudley, James Richard George, Kathryn A.

## Environmental & Natural Resources Section

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In 2005 the section had 461 members. The Executive Committee held the sections annual meeting November 16, 2005 at the offices of Lane Powell, 601 SW 2<sup>nd</sup> Avenue, Suite 2100, Portland, Oregon 97204. The section distributed several legislative alerts as broadcast e-mails and created a full section list serve.

### 1. CLE Programs

*January 12, 2005* Brown-Bag CLE titled "Oregon Supreme Court's Decision in Norden v. Water Resources Dept." at Lane Powell Spears Lubersky LLP.

*May 25, 2005* Brown-Bag CLE titled "Mixing Zones - Does Oregon Need Them or Not?" at the ODS Tower.

*September 21, 2005* CLE titled "Wolves in Oregon" at the ODS Tower.

### 2. In 2005 the Section published two Outlook Newsletters

The Spring newsletter contained the following articles: West of the Beach : Oregon's Other Natural Resources; Floodplain Protection and NFIP: Preparing for a Programmatic Shift; Political Pressure and Public Policy in the Siskiyou; Steens Mountain: Threatening to use the Antiquities Act to Force Lane Protection; An Endangered Species Act Concept Returns From the Brink of Extinction: Nurturing the Adverse Modification Standard.

The Fall newsletter contained the following articles: Why sustainability matters to lawyers; Meshing Law Practice and Sustainability; The City of Portland: Legal and Sustainability Project;

Common Ground in Energy Policy: Energy Conservation and Renewable Energy Programs in Oregon; Wolves in Oregon.

*Respectfully submitted:* Kirsten T. Bonanno (CH), Donald H. Pyle (CH-Elect), Steven L. Shropshire (Past CH), Renee Moulun (TR), William Sherlock (SEC), Marjorie C. Lifsey, Diane Henkels, James J. Adams, Leslie A. Carlough, Kenneth P. Dobson, James D. Williams, Anita MA Winkler, David Ashton, Peggy Hennessy, Carol D. Skerjanec (BC), Scott Morrill (BL).

## **Estate Planning and Administration Section**

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In 2005 the section had 1,054 members. The Executive Committee held the sections annual meeting November 4, 2005 at the Oregon Convention Center.

The primary activities of the Estate Planning & Admin. Section in 2005 were:

### *1. CLE Programs*

June 10, 2005: Cosponsored with the Oregon State Bar, "Hot Topics in Estate Planning" at the Double Tree Hotel Lloyd Center. This CLE provided 6.25 General CLE credits.

November 4, 2005: Cosponsored with the Oregon State Bar, "Administering Trusts in Oregon", at the Oregon Convention Center. This CLE provided 5.75 General CLE credits and 1.5 Ethics credits.

### *2. In 2005 the Section published three newsletters*

January 2005 issue included the following articles: Proposed Legislation on Death of a Protected Person; Evidentiary Issues in Estate Claims: Claimant Testimony Rule; Unitrust Conversion and Power to Adjust Under Oregon's Uniform Principal and Income Act.

April 2005 issue included the following articles: Basic Estate Planning for Nontraditional Couples;

Who Wants to be a Realtor?; What's New; Practice Tip: Draft Estate Documents to Allow for Gifts from an Incapacitated Donor; Legislative Watch.

July 2005 issue included the following articles: Legislation Report - as of July 1, 2005; *Hendrickson's Estate v. Warburton* is Not the Only Law That Governs Representative Actions, and Its Holdings is Qualified; *Hendrickson's Estate v. Warburton* Continues to be "Good Law"; What's New: *Reynolds v. Schrock*.

Respectfully submitted: Christopher P. Cline (CH), James R. Cartwright (CH-Elect), Richard A. Pagnano (Past CH), Timothy J. Wachter (TR), Jonathan A. Levy (SEC), Penny H. Serrurier, Karen C. Allan, David E. Paulson, Thomas J. Sayeg, Anne M. Thompson, William D. Brewer, Susan N. Gary, Donna R. Meyer, Michael R. Sandoval, Kenneth Sherman, Eric H. Vetterlein, Theresa M. Wade, Bette Worcester (BC), Jill Mallery (BL).

## **Family Law Section**

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The Family Law Section continues to be active and successful. The Section successfully conducted its annual three day collegial Annual Meeting and CLE Conference at Salishan by presenting 11 hours of high quality CLE to nearly 400 participants. The Section List serve is increasingly active. The Family Law Forum, the section Website, and the section Newsletter continue to be useful practice aids to section members. A new section newsletter editor was appointed.

The Executive Committee monitored and commented on numerous legislative items this year during the Legislative Session. The Section also appointed a task force to study possible legislative amendments to ORS 107.126. This task force has been actively meeting pursuant to its charge. The Section also established a Standing Committee on Legislation to collect family law related legislative ideas and to proactively assert them to the

legislature. The Section's Executive Committee continues to meet bi-monthly.

Beginning January 1, 2006, Jeffrey R. Renshaw of Portland will be Section Chair.

*Respectfully Submitted:* Ronald Johnston (CH), Jeffrey Renshaw (CH-Elect), Tammy Dentinger (Past CH), Mary Lois Wagner (TR), Gordon Dick (SEC), Kimberly Brown, John Case, Gordon Dick, William Francis, Lynn Jarvis, Ted Meece, Michael Bandonis, Gweneth Burgess-Thompson, Michele Grable, David Hull, David Gannett (Adv), Albert Menashe (BC), Susan Grabe (BL).

## **Government Law Section**

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The Government Law Section continued its efforts to make Oregon a better place to practice government law. Membership increased beyond projections to 441 members. The section put on two well-attended CLE programs. A full-day CLE was held on February 25 at the Inn at Spanish Head in Lincoln City. CLE topics included: updates on Ballot Measure 37 as explained by a lawyer, an appraiser and a land use planner; and troubleshooting public contracts, insurance and public agent issues.

The section also cosponsored a half-day CLE with the Oregon State Bar on September 23 at the World Forestry Center in Portland. That CLE included a legislative update and discussions of public/private development agreements and civil unions. It was followed by the annual meeting and election of officers and executive committee members for 2006. New members elected are Clackamas County Counsel Steven R. Lounsbury and Oregon Department of Justice Chief Trial Counsel Stephen K. Bushong.

The section's CLEs and meetings are often occasions for social events designed to bring members together and honor member contributions. After the annual meeting on September 23, the section held the second annual

social event to honor recent retirees from the in-house practice of government law. The event was held at the Washington Park Zoo's Cascade Grill and honored Adrienne Brockman, Tom Sponsler, Rusty Brewer, Jeff Condit and Chip Lazenby.

The section uses an e-mail communication system to alert section members to important recent developments on government law issues, such as pending legislation and important court decisions.

The section's website ([www.osbgovlaw.homestead.com](http://www.osbgovlaw.homestead.com)) provides links to sample contract forms and other useful information for government law practitioners. The executive committee takes on special projects from time to time.

The section budgeted for contributions of \$2,000 to the Campaign for Equal Justice and \$1,000 for outreach programs such as the Oregon Minority Lawyers Association. It contributed \$2,000 to support the upcoming 2006 International Municipal Lawyers Association (IMLA) Conference to be held in Portland.

Annual dues have been maintained at a low \$10.

*Respectfully submitted:* Stephanie Smythe (CH), Danny Olsen (CH-Elect), John R. Osburn (Past CH), Terrence D. Mahr (TR), Wayne Belmont (SEC), Walter R. Gowell, Steven E. Rich, Ruth M. Spetter, Lisa M. Umscheid, John H. Hammond, Henry H. "Chip" Lazenby, Karen M. Williams, Christy K. Monson, Timothy Gerking (BC), Denise Cline (BL).

## **Health Law Section**

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In 2005 the section had 256 members. The Executive Committee met the third Thursday of every other month at 9:00 am at the Oregon State Bar offices. In addition, the Section held its annual meeting and CLE on October 20, 2005 at the Ecotrust Conference Center.

*The primary activities of the Health Law Section in 2005 were:*

1. *CLE Programs*

The Health Law Section continued its CLE programs, focusing on topics of particular interest to section members. The 2005 sponsored the following programs:

August 3, 2005: Brown-Bag Lunch CLE Presentation, "Medical Marijuana: Legal Update" held at the Multnomah County Courthouse.

October 20, 2005: CLE Presentation "2005 Health Law Legislative Update" held at the Ecotrust Conference Center.

December 9, 2005: CLE co-sponsored with The Oregon Health Lawyers Association, "2005 Health Law Update" held at the Embassy Suites Hotel.

2. *Newsletter*

In 2005 the Section published two issues of the Oregon Health Law Newsletter, and contained some of the following articles: Detecting Medical Records Tampering; Oregon's Safety Net Providers; Oregon Patient Safety Commission Update: and Economic Credentialing.

*Respectfully submitted:* Matthew M. Werner (CH), Gary P. Harrell (CH-Elect), Lorey H. Freeman (Past CH), Charles A. Sinsel (TR), Dana S. Scheele (SEC), Mark A. Bonanno, Kurt F. Hansen, Nicola Pinson, Gwen M. Dayton, Amanda H. Guldager, Emily J. Kaufmann, Margaret M. Maguire, John Enbom (BC), Jon Benson (BL).

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## **Indian Law Section**

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In 2005 the section had 157 members. The Executive Committee held twelve meetings during 2005. Meetings were held at 9:15 am on the third Wednesday of every month via conference call. In addition, the Section held its annual meeting with a CLE on December 2, 2005, at the offices of the Ater Wynne LLP.

The primary activities of the Indian Law Section in 2005 were:

*CLE Programs*

On October 21 & 22, 2005, the section sponsored the "Second Annual Northwest Tribal Water Rights Conference". This CLE was co-sponsored with The Center for Tribal Water Advocacy, the University of Oregon School of Law, the Wayne Morse Center, and the Mountaineers Foundation.

On December 2, 2005, the section hosted a CLE titled "Standing Tall: The Lifeway of Kathryn Jones Harrison, Chair of the Confederated Tribes of the Grand Ronde Community."

*Activities*

On July 29, 2005, the section held a complimentary networking reception and light supper with students from the Lewis & Clark Indian Law Summer Program and the Portland State University Tribal Government Program at the Native American Community and Student Center at the Portland State University

The section also distributed a newsletter titled "The Arrow's Edge" which contained the following articles:

- Connecting The Dots: an examination of the Federal Government's trust responsibility to the Columbia River Treaty Tribes and their salmon.
- An overview of credit enhancement options for tribal transactions.
- NAHASA Negotiated Rulemaking Activities in FY 2004
- Alternative Dispute Resolution: a burden or an opportunity?

*Respectfully submitted:* Deneen Aubertin Keller (CH), Christopher L. Burford (CH-Elect), Lea Ann Easton (Past CH), John M. Schultz (TR), Melissa M. Robertson (SEC), David G. Brown,

Howard G. Arnett, Edmund C. Goodman, Brett V. Kenney, Starla K. Roels, Douglas C. MacCourt, Lee K. Shannon, Harold S. Shepherd, Cynthia J. Starke, Carol Skerjanec (BC), Jami Curl (BL).

## Intellectual Property Section

This has been a busy year for the Intellectual Property Section. We started the year with several goals, including putting together a number of CLE's on significant, IP-related topics and co-sponsoring CLE's of interest to our section members; sponsoring IP moot court teams from Oregon law schools; continuing to produce a quality newsletter in conjunction with Lewis and Clark Law School's Intellectual Property Student Organization; updating the section website to provide more current and meaningful resources to IP practitioners; and creating an outreach program to encourage section involvement from lawyers and law students beyond the Portland metro area. I am happy to report a successful year in each of these areas.

As part of our outreach program, we now have membership on the executive committee from several areas outside of Portland, helping us keep in touch with the needs of our section membership throughout the state. We also co-sponsored activities with student organizations at the Willamette and University of Oregon Law Schools, in addition to the traditional Lewis and Clark Law School activities.

The section's newsletter, powered by the IPSO at Lewis and Clark continues to be a big success. In addition, the section has been heavily involved in assisting Oregon law schools in their intellectual property moot court competitions both by providing judges and by contributing financially to support teams. The section's website has also been updated and is undergoing continued improvements to make it more helpful and meaningful to section members.

And, as always, in addition to co-sponsoring a number of CLEs on IP-related topics, the section put together a number of its own informative CLEs, including such topics as noncompetition agreements and trade secret law, patent licensing, publicity rights, and others. Throughout the year, we have been grateful for the attendance and support of the many section members who have helped to contribute to our continued success as a section. We plan to continue to expand on these goals as we move forward into the new year.

*Respectfully Submitted:* Craig Rogers (CH), Paula Holm Jensen (Past Chair), Gregory Zafirios (TR), Anne Glazer (SEC), Christopher Lewis, Anna McCoy, Michelle Craig, Bartley Day, Paul Havel, Michael Heilbronner, Carol Busby, Karen Wetherell Davis, Thomas Evans, Daniel Larsen, Joseph Miller, Ambyr O'Donnell, Bette Worcester (BC), Mark Saltveit (BL).

## International Law Section

The section continued its focus on its continued enhancement and participation in ILS-sponsored CLE events, development of its website 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. CLE's: The executive committee held three CLE's during the year for its members. Average attendance was approximately 25 attendees.
2. The executive committee, in conjunction with the website subcommittee and the section's website administrator worked to enhance the ILS website for the benefit of all of its members. The website includes updated contact information, calendar notices and electronic newsletter articles.
3. The articles and linking subcommittee explored additional, helpful links for posting

on the section's website for the benefit of the membership.

4. The executive committee has begun the process of bringing CLE attendance to those members who may be outside of the Portland area via phone conferencing. This remains in the development stages, but if there is membership interest, hopes to be in place for the following year.

*Respectfully submitted:* Shannon K. Waage (CH), Lew E. Delo (CH-Elect), Ambyr M. O'Donnell (Past CH), Patchen M. Haggerty (TR), Jacob J. Carroll (SEC), William L. Clydesdale, Marcy Edwards, Akana K. J. Ma, Turid L. Owren, Steven C. Smith, Natella V. Svistunova, D. David Rossen (ADV), Peggy Miller (BL).

## **Juvenile Law Section**

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In 2005 the section had 251 members. The Executive Committee met the third Saturday of every month at the OSB Offices. In addition, the Section held its annual meeting on October 29, 2005. The Executive Committee used broadcast e-mail for communication and found this method of communication to be very helpful.

*The primary activities of the Juvenile Law Section in 2005 were:*

### *1. CLE Programs*

On March 11, 2005, the section co-sponsored a CLE with the Oregon State Bar titled "Current Issues in Juvenile Law: Sex and Science." The seminar occurred at the World Forestry Center in Portland Oregon and provided 5.25 General CLE credits and 1 Child Abuse reporting credit.

On October 17 and 18<sup>th</sup>, 2005, the section co-hosted a CLE with the OSB Family Law Section titled "Essentials of Juvenile Court Practice" during the judicial conference at the Serbu Youngh Campus in Eugene.

*Respectfully submitted:* Douglas P. Killiam (CH), Kristy K. Barrett (CH-Elect), Lissa K. Kaufman (Past-CH), Janie M. Burcart (TR), Emily S. Cohen (SEC), Kristine M. Kaufman, Dawn M. McIntosh, Rahela K. Rehman, James A. Palmer, Ingrid Swenson, Katherine E. Tennyson, Kirsten E. Thompson, Ricahrd A. Cremer, Angela Sherbo, Robin J. Wright, Karen R. McClintock, Victoria S. Baum (ADV), Jonathan P. Hill (BC), Helen Hierschbiel (BL).

## **Labor and Employment Section**

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The Labor and Employment Section maintains a membership of 771 member as of the October 2005 monthly report which is slightly than the prior year's membership. Attorneys who passed the Oregon State Bar during 2005 were invited to join the section at no cost for the first year.

This section continued its practice of sponsoring "brown bag" seminars in both Portland and Eugene. The Portland seminars were held in February, April and September. Renee Byrant, Tax Manager of the Oregon Department of Employment address how the employment taxation system works, common mistakes in unemployment hearings and what's new pending legislation. Sylvia Stevens from the Oregon State Bar discussed the new Oregon Rules of Professional Conduct. Anna Zanolli also from the Oregon State Bar led a presentation on using Casemaker. In January 2005 in Eugene the administrators of the Oregon Bureau of Labor, Civil Rights Division presented an overview of the agency's role and procedures.

On October 8, 2005 the section held its annual meeting and CLE program in Sunriver. Speakers and topics covered were as follows.

Update of Labor and Employment Cases  
Richard Liebman  
Barran and Liebman

Sexual Orientation Claims in Oregon  
Edward Reeves, moderator

Stoel Rives LLP

Panel Members:

Barbara Diamond, Smith, Diamond & Olney

Susan Eggum, Susan K Eggum PC

Corbett Gordon, Fisher & Phillips

#### Roundtable Discussions

(Attendees selected one)

(A) Significant Cases 2004 with Richard Ahearn, Regional Director, NLRB Region 19 Seattle (Private Sector)

(B) PECBA Decisions 2004 and 2005 with James Kasameyer, Member of the Oregon Employment Relations Board (Public Sector)

(C) Evidentiary Issues in Employment Cases with Craig Crispin, Crispin Employment Lawyers and Calvin Keith, Perkins Coie LLP

Legislative Update

Dennis Westlind, Tonkon Torp

The program was well received with approximately 55 attendees.

Michael Tedesco will become the section chair on January 1, 2006. Newly elected officers are:

Chair Elect: Craig Armstrong

Treasurer: Karin Guenther

Secretary : Giles Gibson

Member at Large - Term ending 12/31/07

Allyson Krueger

Adam Morrison

Vickie Stilley Cowan

Member at Large - Term ending 12/31/06

David Synder

Mike Holland

Susan Hammer

Scott Hunt

In 2005 the decisions of the Oregon Employment Relations Board were added to Casemaker. William Greer, arbitrator and Rod Wenger, Oregon State Bar were instrumental in seeing this project to completion.

The section continues its support of the Campaign for Equal Justice with a \$1500 contribution. The section also contributed to the memorial funds for Carlton Snow and Harry Chandler, who were pioneers in Oregon's public sector labor law.

*Respectfully submitted:* Nancy E. Brown (CH), Michael Tedesco (CH-Elect), Jeffrey Chicoine, (Past CH), Craig Armstrong (TR), Mita Shahri, (SEC), Ann Boss, Brian Hungerford, Adam Morrison, Giles Gibson, Karin Guenther, Susan Hammer, Michael Holland, Scott Hunt, David Snyder, Albert Menasche (BC), Christine Kennedy (BL).

### Law Practice Management Section

In 2005 the section had 171 members. The Executive Committee met every other month in different location throughout Oregon. In addition, the Section held its annual meeting on November 10, 2005, at 3:00 pm at the Oregon State Bar Offices, 5200 SW Meadows Road, Lake Oswego, Oregon. The Executive Committee used for communication the broadcast e-mail services provided by the OSB Member Services Department and found this method of communication to be very helpful.

The primary activities of the Law Practice Management in 2005 were David Carlson, David Daniel and Dee Crocker did a technology show at the Oregon New Lawyers Divisions Super Saturday on October 22, 2005

*Respectfully submitted:* M. David Daniel, (CH), David L. Carlson (CH-Elect), Fern Puls (Past CH), Craig K. Edwards (TR), Carol Decker (SEC), Evan P. Boone, Dawnne L. Linenbrink, Fred C. Nachtigal, David P. O'Brien, Dennis M. Odman, Darla L. Pierce, Steve Sequin, Robert D. Butler, Daniel A. Hill, Jay Richardson, Dawna Brophy, Albert A. Menashe (BC), 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 section 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 12<sup>th</sup> Annual Litigation Institute and Retreat at Skamania Lodge on March 4 and 5, 2005 (including the award of four scholarships);
- Planning and preparation for the 13<sup>th</sup> Annual Litigation Institute and Retreat to be held at Skamania Lodge on March 10 and 11, 2006;
- Initial planning for the 14<sup>th</sup> Annual Litigation Institute and Retreat in 2007;
- Administering and awarding the annual Owen M. Panner Professionalism Award;
- Planning, preparation, and presentation of the Fundamentals of Oregon Civil Trial Procedure CLE held October 21 and 22, 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, expanding, and maintaining the section's web page ([www.osblitigation.com](http://www.osblitigation.com)).

*Respectfully submitted:* Richard A. Lane (CH), Marc A. Spence (CH-Elect), Karen E. Saul (Past CH), John A. Berge (TR), Nancie K. Potter (SEC), Benjamin Bloom, Stephen Bushong, Raymond D. Crutchley, W. Eugene Hallman, Lindsey Hughes, Michael R. Mahony, Tracy A. Prall, Simeon D. Rapoport, Judy D. Snyder, Sarah R. Troutt, Dennis P. Rawlinson (BC), and Karen D. Lee (BL).

## Products Liability Section

This is a small section with about 174 members. The Executive Committee held twelve meetings during 2005. Meetings were held at noon on the third Tuesday of the month in the conference rooms the law offices of Lindsay, Hart, Neil and Weigler. In addition, the Section held its annual meeting and CLE on November 18, 2005 at the offices of the Oregon State Bar.

*The primary activities of the Products Liability Section in 2005 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 2005 program was titled "Effective Warnings Product Liability Strategies."

### *2. Products Liability Newsletter*

In 2005 the Section published two issues of the Products Liability Newsletter. The issues had an average length of 21 pages, a professionally designed logo, and professional typesetting and printings. All issues of the newsletters were mailed to section members, judges and referees.

### 3 Activities

The anticipated primary activities of the Products Liability Section in 2005 are its annual CLE, the continued publication of Section Newsletters, and updating and maintaining the new Products Liability Committee web site.

*Respectfully submitted:* Charles S. Tauman, (CH), Jay W. Beattie (CH-Elect), William A. Masters, (Past CH), Meagan A. Flynn (TR), Edward T. Tylicki (SEC), Timothy J. Helfrich, Rick Klingbeil, Michelle K. McClure, Lawrence Baron, Bruce C. Hamlin, Georgory T. Lusby, Leslie W. O'Leary, Thomas B. Powers, Ellen M. Voss, Anne D. Foster, Laura L. Rhodes, Linda K. Eyerman (BC), Teresa Wenzel (BL).

## Real Estate and Land Use Section

2005 was a very busy year for RELU. Two significant factors contributed to the level of activity of the Section this year: the legislature and Measure 37.

During the course of the year, RELU's Executive Committee created and coordinated subcommittees who met regularly to deal with pending legislation. While the Section did not sponsor any bills this year, we provided testimony on several, and during each Executive Committee meeting we received a report on the current status of real estate and land use bills. In addition, written reports of the status of legislation pending of interest to the Section was posted on our website.

Measure 37 provided the Section with much opportunity for discussion. We have tracked the activities of the measure, followed potential legislation as it was being considered and discussed the implementation of it at the state and local government level. We have and continue to consider the wisdom of conducting a special seminar on the topic.

Education of our members continues to be the primary goal of the section. To that end RELU

puts on two extensive CLE programs each year. The first is the annual meeting which was very well attended, and provided a day and a half of training, including topics for both real estate and land use practitioners. Our October CLE focused on special advanced real estate topics. The section administers its own annual meeting, with some limited services from the OSB, but the October CLE is co-sponsored with the OSB.

The Executive Committee met 10 times during the course of the year. Two of those meetings were held outside the Portland metro area. One was held in Ashland, the other in Tillamook. The annual meeting was in Redmond at Eagle Crest, and our October CLE was in downtown Portland. A quorum was present for every meeting, with some members attending by phone and others in person.

The Section's website and list serve continue to be excellent resources for the provision of information to our members. The Executive Committee uses the website for posting and archiving group info, and for recruitment of new members and leadership. The list serve has developed into a wonderful source of discussion among members on a variety of topics. The Executive Committee reviewed the guidelines and protocols for use of the list serve this year in light of the increased use of this tool.

One of the biggest projects undertaken by the Section this year was converting the Digest to electronic format and distribution. That conversion is expected to eventually result in significant savings. The conversion has allowed us to keep membership dues at a stable level and yet still provide the same amount of quality. We will continue to review the distribution policies and refine them. During 2005 we produced one hard copy Digest under the former system and will publish five or six electronic versions. Each Digest is full of useful and timely information for Section members. In 2004 the Digest celebrated 25 years and it remains the crowning jewel of our Section.

Recruitment of new members has become a higher priority for the Section this year. The Executive Committee has formed a Membership Committee to look at ways to retain existing members and to recruit new members. We have employed free memberships to recent admittees, offered discount coupons for enrollment at our CLE's and changed the pricing structure for our annual meeting in order to attract new members. This new strategy seems to be working as our membership increased even during registration for the annual meeting. This is a subcommittee that will continue to work and provide ideas to help our Section grow.

Also during the course of the year, the Executive Committee has revised our Reimbursement Policy to favorably match up to the OSB administration of mileage reimbursements. We also eliminated our old lending library since its materials were completely outdated, and the location and availability of the materials were questionable. We have continued our contractual relationship with Clay Tablet, and have enjoyed several hundred dollars in revenue from that contract. We updated our Recruitment policies so that the nominating committee matches the RELU By-Laws.

The Education Committee continues to be active year round, and is already beginning planning activities for next year. A separate CLE report will be coming from that subcommittee directly to the OSB to fulfill that requirement. The Education Committee has made huge strides in upgrading our annual meeting. The quality of the program is strong, and for the second year in a row it has been a positive cash flow for the Section. The addition of advertising sponsorships, and the keen eye for cost management are the primary reasons for the turn around. Attendance has been way up due to the quality of the program as well.

A new budget is being discussed and will be adopted and transmitted along with this Annual Report. Our current revenue and expenditures are generally within budget, and our cash carryover is

predicted to a reasonable amount given the size of our annual budget.

In the year to come, the Section intends to continue producing up to 6 Digest issues; to have an annual meeting (this year it will be at Salishan); to have an October CLE (this time it will be on land use topics); to work on potential legislation for introduction in the 2007 legislature; to enhance and upgrade our website; and to continue to provide the list serve for our members. The Membership Development Committee will continue to meet and suggest ways to increase our membership and to attract new members into the leadership of the Section.

*Respectfully submitted:* Wallace Lien (CH), Patricia Chapman (CH-Elect), Shannon Johnson (Past CH), Joan Kelsey (TR), Karen Williams (SEC), Dominic Collette, Dean Alterman, Christopher Crean, Jeffrey Keeney, John Pinkstaff, Liz Fancher, Christian Hearn, Gregory Nelson, Victoria Baum (ADV), Kathryn Beaumont (ADV), Norma Freitas (ADV), Dennis Rawlinson (BC), Jane Gillespie (BL).

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## Securities Regulation Section

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

### OSB SECURITIES REGULATION SECTION LUNCHEON SPEAKERS FOR 2005

Jan. 19, 2005  
Don Mazziotti, Portland Development  
Commission  
*Diversity Issues Facing the PDC*

Feb. 2005  
NWSI-No Luncheon

March 16, 2005

Keith Ketterling, Stoll Stoll  
*Tips for Cross-Examination of Experts in  
Customer-Broker Cases*

April 20, 2005

Cliff Spencer, Foster Pepper  
*Compensation Committee Reports and Proxy  
Statement Disclosures*

May 18, 2005

Allan Garten  
*White Collar Investigations and Prosecutions by the  
United States Attorney*

June 15, 2005

Jeff Tarbell, Willamette Management  
*Fairness Opinions*

July 20, 2005

Art Crozier, Innisfree M & A Inc.  
*Proxy Contests*

Aug. 17, 2005

David Tatman  
*Recent Developments at the State of Oregon*

Oct. 2005

Annual Mtg. Tim Boyle  
*"Home Grown Oregon Company"*

Nov. 16, 2005

Ralph Shaw  
*"Venture Capital in Oregon"*

In addition, the section's the annual meeting was held on October 18, 2005. As indicated in the table above, Columbia Sportswear CEO Tim Boyle was our speaker. His remarks addressed how Columbia has grown and operates.

The Section continues to enjoy a positive financial situation. The Section has a projected surplus in excess of \$5,000 which it has maintained for several years, and the cash flow from membership fees and other revenue sources is sufficient or nearly sufficient to cover the expenses relating to luncheons and the section's other activities.

For 2006, the section has budgeted \$750 to set up a website. This project has been deferred from prior years. In 2005, the section awarded a \$500 scholarship to a top student at each of Oregon's three law schools who chosen by the professor who teaches securities regulation at each school. The Section also contributed \$500 to the Campaign for Equal Justice.

In 2006, the Section expects to continue its monthly luncheons, its scholarships and its sponsorship of and participation in the Northwest Securities Institute.

## **Sole & Small Firm Practitioners Section**

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The section hosted two free CLE's in 2005, one on July 29, 2005 CLE at the Marion County Courthouse showed replays of recorded diversity and child reporting seminars. The second was on September 30th at the Salem Conference Center titled "The Business of Law - Resources for Sole and Small Firm Practitioners."

Below is a description of benefits section members receive:

\*\*\* Access to our on-line member list serve. We were the first Bar Section to use a member list serve and ours remains one of the best. The list serve is a wonderful resource for seeking answers to legal questions or problems related to new or small practice, to trade forms, to make referrals, and to network together for the benefit of our clients and each other.

\*\*\* Local Chapters. Local chapters are currently meeting periodically in Portland and Eugene. These are a great opportunity to network and get one free CLE credit from an hour presentation during the meeting. We are looking to establish other local chapters; if you are interested, let us know and we will help you start one in your area. This is one place where you can volunteer and really make a difference.

\*\*\* Bar Advocacy. We actively and effectively advocate within the Bar for the benefit of sole and small firm practitioners. We have successfully helped defeat proposals for “multi-disciplinary practice” (i.e., other non-lawyer entities owning law firms) and we successfully advocated for a recent disciplinary task force for review of the disciplinary process, obtained a position for SSFP members on the task force, and then spearheaded adoption of the task force recommendations.

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

## **Taxation Section**

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In 2005, 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 throughout the entire year. Salem had seven lunches again this year. Both lunches make a small profit, but the primary focus is education of members.

### *Legislative Issues*

The Tax Section proposed two different statutory changes in 2005:

- 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.

All legislation in which we were involved passed the Legislature.

### *2005 Annual Tax Institute*

We held our 5<sup>th</sup> annual Tax Institute, and was able to make a profit again this year. Our marks for the seminar were very high, and we realized that we are probably best to focus on quality in-state speakers, without the need to bring in a lot of out of town speakers. We are already planning for our 2006 Tax Institute to be held in June.

### *Broadbrush Taxation Seminar*

Our Broadbrush Taxation Seminar which is held every other year was held in October 2005. The Seminar is aimed at those Bar members who are not tax experts, and was well attended with approximately 180 Bar members. Approximately 2/3 of those attending were season ticket holders.

### *Newsletter*

We continued to produce a newsletter to our members, with articles of interest to the Tax Section members. Our newsletter editor let things slide a bit this year, and we only sent out 2 newsletters this year. We have made a change in editor of the newsletter, and expect to issue either 3 or 4 newsletters in 2006.

*Respectfully submitted:* Karey A. Schoenfeld (CH), Jeffrey Abbott (CH-Elect), Timothy O'Rourke (Past CH), Mark Huglin (TR), Marc Sellers (SEC), Joshua Husbands, Charles Lewis, Katherine VanZanten, Joseph Wetzel, Ian Richardson, Valerie Sasaki, Barbara Smith, Gerry Gaydos (BC), Karen Lee (BL).

## Workers' Compensation Section

### 2005 Section Activities:

#### 1. Executive Committee Meetings

Monthly Section Executive Committee meetings were held, with the exception of July, August, October and December, 2005 due to a lack of a quorum. A meeting which likewise failed to have a quorum present at the time of the Section's Bench/Bar Ethics program in November. Minutes of each meeting have been submitted to the Bar in accordance with the Section Bylaws. The Minutes were taken by Linh Vu, Secretary, and can be accessed on the Section's Website.

#### 2. Annual Meeting

The Section's 23rd Annual Meeting was held on May 20, 2005 at the Salishan Lodge at Gleneden Beach, Oregon. The meeting is coupled with a two-day CLE, which was held on May 20-21, 2005. This CLE was, as usual, very well-attended by both sides of the bar, judges and Board members. The CLE was approved for 4.25 MCLE credits. The program also included 2 diversity credits. After appeal, these credits were not allowed by the Oregon State Bar. 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 18, 2005. The CLE was held at the Willamette Valley Vineyards in Salem, Oregon. The conference covered three hours of discussion regarding various topics involving workers' compensation and ethics. The seminar was once again very well attended and was approved for 3.00 ethics and 1.00 general credits. This seminar, which included lunch, was provided free of charge to members.

#### 4. Executive Committee Officers and Members for 2006

At the 2005 Annual Meeting, the section membership elected officers and executive committee members for 2006. The terms of office for these officers commence January 1, 2006.

#### Officers for 2006:

Martin Alvey, Chair  
Linh Vu, Chair Elect  
ALJ Holly Somers, Secretary  
Matthew Roy, Treasurer  
Rodger Hepburn, Past Chair

#### Committee Members for 2006:

Shelly Edling  
Dean Lederer  
Marcos Thesing  
Meg Carman  
Arthur Stevens, III  
Chuck Mundorff  
Jill Reichers  
Julie Masters

#### 5. Executive Standing Committees:

Legislative  
Rules  
Professionalism  
Race/ethnic  
Salishan CLE  
Communications  
Douglas Daughtry Award of Merit

These committees met on an as needed basis throughout 2005.

#### 6. Resignation of Section Chair Abigail Herman.

Section Chair, Abigail Herman resigned her position in June, 2005. ALJ Herman was appointed by Governor Kulongoski to Chair the Workers' Compensation Board. As a result of her appointment, Board Chair Herman felt that it would be a potential conflict of interest for her to also serve as Chair of the Workers' Compensation Section. Martin Alvey became Chair of the Section upon ALJ/Board Chair Herman's resignation. The remaining Officers retained their

positions until the regularly scheduled change in officers on January 1, 2006.

#### 2006 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; give advice to 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 2006 is to put on at least one Bench/Bar ethics CLE at Willamette Valley Vineyards. Facilitators/planners for next years' Bench/Bar CLE have not been identified.

*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 2006 annual meeting/CLE at

Salishan Lodge. Sally Curey has agreed to chair the subcommittee and the committee already has the process of planning the 2006 event largely completed.

*Communications:* Monitor the development and production of the Section Website, 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.

*Douglas Daughtry Award Committee:* 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, 2006 to start accepting nominations and making recommendations to the full committee for the award, which, if given, will be presented at Salishan 2006.

3. Proposed Legislative Changes: None at this time.

4. Proposed Rule Changes: None at this time.

#### 2006 Budget:

The 2006 Section budget was presented to the committee at the October meeting by the Section Treasurer, Matthew Roy. The budget was to have been voted on and approved at the time of the November meeting at the Bench/Bar Forum. A quorum was lacking at that meeting. The budget was approved by the Executive Committee membership by an e-mail vote and was submitted directly to the Board of Governor's Budget and Finance Committee for its approval.

*Respectfully Submitted:* Martin Alvey (CH), Rodger Hepburn (Past CH), Matthew Roy (TR), Linh Vu (SEC), Holly Somers, Meg Carman, Shelley Edling, Dean Lederer, Julie Masters, Charles Mundorff, Jill Riechers, Arthur Stevens, Mark Thesing, Jonathan Hill (BC), Suzanne Cushing (BL).







