

Oregon State Bar



2009 **COMMITTEE
& SECTION**

Annual Reports

2009 Committee and Section Annual Reports

The Oregon State Bar would like to thank all Committee and Section volunteers for their service. Committees and Sections are vital to the ability of the bar to provide both member and public services and to keep the organization responsible to the needs of its members, the courts, and the bar. To all 2009 Committee and Section members, thank you for your time and expertise.

Table of Contents

COMMITTEES

Client Security Fund Committee.....	1	Pro Bono Committee.....	5
Federal Practice & Procedure Committee.....	1	Public Service Advisory Committee.....	6
Legal Ethics Committee.....	1	Quality of Life Committee.....	6
Legal Heritage Interest Group.....	2	State Lawyers Assistance Committee.....	7
Legal Services Program Committee.....	2	Uniform Civil Jury Instructions Committee.....	8
MCLE Committee.....	3	Unlawful Practice of Law Committee.....	9

SECTIONS

Agricultural Law Section.....	11	Diversity Section.....	21
Alternative Dispute Resolution Section.....	11	Elder Law Section.....	22
Animal Law Section.....	12	Environmental and Natural Resources.....	23
Antitrust and Trade Regulation Section.....	13	Estate Planning & Administration Section.....	24
Appellate Practice Section.....	13	Family Law Section.....	25
Aviation Section.....	14	Health Law Section.....	26
Business Law Section.....	14	Indian Law Section.....	27
Business Litigation Section.....	16	Intellectual Property Section.....	28
Civil Rights Section.....	16	Juvenile Law Section.....	29
Computer & Internet Law Section.....	16	Labor and Employment Law Section.....	30
Constitutional Law Section.....	17	Law Practice Management Section.....	31
Construction Law Section.....	18	Litigation Section.....	32
Consumer Law Section.....	19	Products Liability Section.....	33
Corporate Counsel Section.....	19	Real Estate and Land Use Section.....	34
Criminal Law Section.....	19	Securities Regulation Section.....	35
Disability Law Section.....	20	Sole and Small Firm Practitioners Section.....	36
		Taxation Section.....	37
		Workers Compensation Section.....	38

COMMITTEES

Client Security Fund Committee

Activities and accomplishments:

The Client Security Fund Committee (CSF Committee) reviews claims made by the public involving dishonest conduct of Oregon attorneys that results in a monetary loss to the claimant and recommends to the Board of Governors how those claims should be resolved. The CSF Committee discharges its duties by assigning claims to individual committee members. The committee member then reviews the materials received, contacts the complainant and the attorney whose conduct is alleged to have caused the loss to determine the scope and nature of the complaint. Information is gathered from a variety of sources. The committee member then compiles the information and submits a written report to the entire committee. The committee considers the claim at the next full committee meeting, and recommends that the Board of Bar Governors either pay the claim, not pay the claim, or that the claim be investigated further. In rare instances, the claim is tabled pending action by another interested party.

Recommendations for 2010:

There has been a significant increase in claims filed with the Client Security Fund and in larger amounts. As a result, the Client Security Fund may fall below its required minimum reserve. I recommend that the Board approve a modest increase to the Client Security Fund assessment in response to this increased claims volume.

Respectfully submitted: Susan T. Alterman (CH), Robert E. Quintero (SEC), Martin Barrack, Eric R. Foster, C Scott Howard, Linda L. Marshall, Michael Hugh McGean, Joan-Marie Michelsen, J Russell Rain, Connie Swenson, Max S. Taggart, Ron J. Palmer (PM), Karen J. Lord (BC), Sylvia E. Stevens (BL).

Federal Practice & Procedure Committee

Activities and accomplishments:

During 2009, the committee has continued to work with Magistrate Judge Janice Stewart to organize and prepare resource materials for the US District Court's revitalized pro bono program. We have also tried to develop cooperative relationships with the FBA and Ninth Circuit attorney representatives from this district. Some of the committee membership also reviewed proposed changes

to the Federal and Local rules of civil procedure and submitted public comments to same.

Matters considered/Matters pending:

The committee will continue to help with the District Court's pro bono program over the next year. The committee also plans to explore how other districts handle judicial selection and judicial review to determine whether this group should undertake any role in these activities. The committee would like to publish federal practice tips and other short articles on a periodic basis in the OSB Bulletin and is working on amending the committee charge to accomplish this goal. Finally, the committee plans to continue its liaison efforts with other organizations in Oregon that focus on federal practice issues, including assisting with the District Court conference if appropriate.

Recommendations for 2010:

Continue working on ways to improve interest and involvement in committee service. Continue working with the Bar to broaden the committee's charge to include the additional ideas for projects discussed above.

Respectfully submitted: Danielle J. Hunsaker (CH), Elizabeth A. Semler (SEC), Marianne G. Dugan, Thomas J. Flaherty, Kristina Hellman, R Scott Jerger, Stephen William Manning, P Andrew McStay, Barrett C. Mersereau, Elizabeth Tedesco Milesnick, Karen O'Kasey, Michael M. Ratoza, Kristina M. Reynolds, Michelle Vlach-Ing, Honorable Randall L. Dunn (ADV), Honorable Garr M. King (ADV), Honorable Janice M. Stewart (ADV), Steve D. Larson (BC), Martha M. Hicks (BL).

Legal Ethics Committee

Activities and accomplishments:

We worked on pending requests for opinions, and forwarded two to the Board of Governors. (2009-181 (Government Lawyer Employment Negotiations), and 2009-182 (Conflicts of Interest)).

Matters considered/Matters pending:

Committee members are continuing to work on a number of projects, including: an opinion regarding unbundling and one regarding unauthorized disclosure of information to third parties. Members are also in the preliminary stages of drafting an opinion concerning conflicts in elder law cases.

Recommendations for 2010:

The Committee will continue to work on its pending projects and will respond to new requests for opinions.

Respectfully submitted: Ethan D. Knight (CH), Holli K. Houston (SEC), Stuart M. Brown, Victor Calzaretta, David J. Elkanich, Susan R. Gerber, Michele Grable, Guy B. Greco, Kurt F. Hansen, Jet Harris, Dana C. Heinzelman, Michael J. Licurse, William H. Replogle, Brenna Tanzosh, Mark M. Williams, Ann L. Fisher (BC), Sylvia E. Stevens (BL).

Legal Heritage Interest Group

Activities and accomplishments:

During 2009, the Legal Heritage Interest Group scheduled and held several business meetings.

- The January 24th meeting was held at the Oregon State Bar.
- The March 28th meeting was held at the Federal Courthouse in Eugene. Member Kate Weatherly helped organize the Courthouse meeting.
- The May 16th meeting was held at the Oregon State Bar.
- The July 18th meeting took place at Fort Vancouver where Group members toured the Fort and held a meeting.
- The October 24th meeting was held at the Oregon State Bar.

Matters considered/Matters pending:

A major project of the group nearing completion is the “Members Room” at the new OSB Center. With leadership from Janet Kreft, the Group has assisted in furnishing a period room resembling a lawyer’s office of the 1930’s. Final details about the Members Room are being addressed by Janet Kreft.

Bill Chin, Maiya Hall, and Diane Rynerson have been and continue to work on the “Oregon Legal Professionals of Color Timeline Display.” This group has been collecting information on significant legal professionals of color in Oregon. This project will take several years because of the need to collect hard-to-get historical information and the need to verify the accuracy of such information.

Recommendations for 2010:

Bill Chin will be the new Chair. Ning Fu will be the new Secretary.

A CLE is planned for 2010.

We will continue to market the remaining copies of Serving Justice.

The subcommittee on “Legal Professionals of Color Timeline” will continue.

The Group, through Paul Nickell, continues to solicit articles for the OSB Bulletin that addresses historical legal issues

Visiting historical sites and holding meetings in these locations will continue.

Any other comments:

The Legal Heritage Interest Group continues to play an important role in helping OSB members and others in the larger community understand Oregon’s legal history.

Respectfully submitted: Maiya M. Hall (CH), Bill Y. Chin (SEC), Christian F. Boenisch, Jack Gore Collins, Betty I. Crofoot, Ning Fu, Sandijean Fuson, Andrew N. Harris, Randall B. Kester, Randall B. Kester, Samuel J. Kuzma, Katherine R. Weatherly, Anthony H B Wilson, Honorable Owen M. Panner (ADV), Barbara M. Dilaconi (BC), Paul Nickell (BL).

Legal Services Program Committee

Activities and accomplishments:

The committee has so far met five times in 2009 with an additional meeting taking place on December 21, 2009. For accomplishments please see the paragraph below regarding matters considered and pending.

Matters considered/Matters pending:

The committee considered a number of different issues. They made a recommendation to the BOG concerning disbursement of the general fund appropriation awarded in 2007 and in 2009. The committee approved reviewing and updating the Legal Services Program’s peer review process. The committee approved taking out the presumptive funding ceiling language in the Standards and Guidelines to make it consistent with the intent of the statute and legislative history. The committee will consider on December 21 whether to mandate that all providers of legal services should have a staff attorney model or if Columbia County Legal Aid should be awarded an exception.

Recommendations for 2010:

At some point, hopefully in the near future, the restrictions on the federal Legal Service Corporation funds will be lifted. The committee will need to review the LSP Stan-

dards and Guidelines and funding to providers in light of the fact that a dual system no longer needs to exist to provide a full array legal services to low-income Oregonians.

In 2010 the committee may have to forwarding their recommendation to remove the presumptive funding ceiling language from the Standards and Guidelines to the BOG.

The structure of Columbia County Legal Aid will continue to be an issue.

Respectfully submitted: Beverly C. Pearman (CH), Marva Fabien (SEC), Michael B. Hallinan, Erin Keith Landis, Scott G. Seidman, Samuel E. Tucker, Ron Chase (PM), Cassandra Garrison (PM), Debra F J Lee (ADV), Thomas J. Matsuda (ADV), Holly Pennock Barbour (ADV), Ralph Saltus (ADV), David Thornburgh (ADV), Theresa L. Wright (BC), Judith Baker (BL).

MCLE Committee

Activities and accomplishments:

The Committee reviewed and made decisions on requests for review of MCLE administrator decisions.

The Committee continued to develop expertise regarding the MCLE programs in Oregon offered by MCLE providers other than the Oregon State Bar.

The Committee made recommendations concerning changes to the following MCLE rules and Regulations; MCLE Regulations 1.115, 3.300(d), 4.3350(e), 5.100, 6.100; proposed Regulation 3.300; MCLE Rules 3.3(b), 5.2(a)(1), (2) and (5), 5.2(c)(1)(i), (ii), (iii) and (iv), 5.2(f) and (g), 5.4, 5.5(a), 7.4(b) and 8.1(c)(1) .

Matters considered/Matters pending:

This committee held four meetings during the 2009 calendar year. These meetings were held on March 6th, June 12th, August 7th, and December 4th. A brief overview of matters considered is provided below.

Committee members Max Rae and Michael McNichols will be addressing the OSB Policy and Governance Committee on January 15, 2010 to present and discuss proposed changes to the MCLE Rules as presented during the December 4, 2009 MCLE Committee meeting.

March 6, 2009

The committee reviewed the request by Ms. Deveny concerning denial of credits for teaching activities. A discussion followed concerning the modification of MCLE Form 3 to clarify confusion about the awarding of credits.

After a discussion of the circumstances surrounding Ms. Deveny's request for the award of MCLE credits for the teaching and participation in the National Conference of Woman's Bar Association and the Multnomah Bar Association Medical Malpractice program, the committee awarded Ms. Deveny 7.5 credits for the Woman's Bar Association program and 8.0 credits for the MBA's program.

The committee discussed the need to modify Form 3 concerning the need to reference Regulation 5.100 for clarification purposes. Ms. Cline said that she would modify the form to conform to the changes requested by the committee.

The committee discussed and unanimously approved a ninety day retroactive application for the approval of the Rule 5.2 amendments for anyone seeking to apply the changes to the MCLE reporting period ending in December 2008.

Committee proposed the formation of a subcommittee to review proposed changes to the existing rules regarding teaching and legal research and writing credit. A subcommittee was formed consisting of Max Rae and Michael McNichols

The committee reviewed the proposed amendments to MCLE Rule 3.7 regarding reporting periods after reinstatement. The committee voted unanimously to submit the proposal to the Board of Governors.

June 12, 2009

The committee reviewed a request by Mr. Mountain-spring to skip the access to justice requirement for the 12/31/2012 reporting period. Following discussion and a review of materials, due to the current permissive language in the rule, the committee members unanimously voted to allow him to choose which reporting he could skip. The committee recommended the rule be changed.

The committee reviewed Mr. Stephens request to grant credit for graduate school courses. Following discussion and a review of materials, the committee members unanimously voted to deny the request, but permit Mr. Stephens to submit a more detailed request for credit along with further documentation regarding how the courses meet the requirements of the rule.

The committee considered a request by Ms. Cline to determine whether excess personal management assistance credits can be carried over to the following period. Following discussion and a review of materials, the committee members unanimously voted to uphold Ms. Cline's determination that excess personal assistance credits cannot be carried over.

The committee considered a request by Ms. Cline to consider proposing an amendment to the MCLE rules to permit notices to be sent by first class mail rather than certified mail. Following discussion and a review of materials, the committee recommended that Ms. Cline further investigate various alternatives and make a recommendation to the committee at the next meeting.

Ms. Cline presented an email from Jol A. Silversmith regarding Advantage Legal Seminars for the committee's information. No action requested and no action taken.

Committee members Max Rae and Michael McNichols will continue working on proposed amendments to MCLE Rule 5.2(c).

August 7, 2009

The committee voted to change "may" to "shall" in the last sentence of Rule 3.2(c). Approved 4-1. The proposed amendment was forwarded to the Board of Governors.

The committee discussed proposed changes to MCLE Rule 7.4(b) which requires notices to be sent by certified mail. Following discussion and a review of materials, the committee recommended that Ms. Cline send notices by certified mail without return receipt requested.

Committee members Max Rae and Michael McNichols discussed proposed amendments to several of the MCLE rules and regulations. Following discussion and a review of materials, the committee recommended that a subcommittee of Michael McNichols, Max Rae and Denise Cline meet and further discuss the proposed amendments. The committee also discussed issues relating to the performance of pro bono activities and the issuance of MCLE credits. Following discussion, the committee recommended that the aforementioned subcommittee of Michael McNichols, Max Rae and Denise Cline explore this issue further and draft proposed rules or regulations.

The committee recommended that Ms. Cline notify Mr. Mountainspring of the committee's proposed amendment to Rule 3.2(c). She will provide an advance draft to the committee for review.

December 4, 2009

The committee reviewed Mr. Stephens' resubmitted request to grant credit for graduate school courses. Following discussion and a review of materials, the committee members unanimously voted to deny the request. The committee directed that Ms. Cline prepare a letter to Mr. Stephens informing him of the committee's decision.

The Committee reviewed proposed amendments to MCLE Regulation 1.115 concerning service by mail and

recommended that the amendments be forwarded to the OSB Policy and Governance Committee with a favorable recommendation.

The Committee reviewed a proposed amendment to MCLE Regulation 4.350(e) concerning late fees to be paid by local bar associations which was submitted to the committee by Ms. Cline. After discussion, the committee recommended that the proposed amendments be forwarded to the OSB Policy and Governance Committee with a favorable recommendation.

The Committee reviewed a proposed amendment to MCLE Regulation 3.300 concerning the reporting requirements for access to justice credits. After discussion, the committee recommended that the proposed amendments be forwarded to the OSB Policy and Governance Committee with a favorable recommendation.

The Committee then reviewed several proposed amendment to MCLE Regulations which had been the topic of prior review by the committee during previous sessions. The proposed changes were the culmination of the work done by the subcommittee consisting of Max Rae and Michael McNichols. The MCLE Rules to be affected by the proposed changes are Rule 3.3(b), 5.2(1), (2), (4) and (c)(1), 5.4, 5.5(a) and (b), MCLE Regulations 5.100, Rule 6.3 and Regulation 6.200. After discussion, the committee recommended that the proposed amendments be forwarded to the OSB Policy and Governance Committee with a favorable recommendation with Mr. Rae and Mr. McNichols attending the next meeting to present the proposed changes to the committee.

Recommendations for 2010:

In the year ahead the committee will continue to assist the MCLE administrator with the evaluation of requests for review of the administrator's decision concerning CLE accreditation and earned credits by program providers and Bar members.

The committee will seek clarification of its role concerning the review of MCLE Department budget/financial information presented to it.

Respectfully submitted by: Michael D. McNichols (CH), Jennifer L. Niegel (SEC), Joseph M. Charter, Melissa Trefla Cribbins, Cindy Hunt, Max Rae, Stace B. Gordon (PM), Christopher H. Kent (BC), Denise Cline (BL).

Pro Bono Committee

Activities and accomplishments:

The committee scheduled 11 meetings, two of which were cancelled. The committee pursued activities under three separate subcommittees, as follows:

Aspirational Standard Subcommittee:

Building on a similar proposal made in 2008, this subcommittee was tasked with drafting a recommendation to the Board of Governors and House of Delegates to replace the bar's current pro bono Aspirational standard, found in Section 13.1 of the OSB Bylaws in favor of the Aspirational Standard found in ABA Rule 6.1 and to move it out of the Bylaws and into the Oregon Rules of Professional Conduct. Much of the subcommittee's efforts were directed toward building support from within the bar and addressing perceived shortcomings in the 2008 proposal.

After approval by the full pro bono committee, the proposal was approved by the Access to Justice subcommittee of the Board of Governors, and then forwarded by the Board of Governors for consideration by the House of Delegates without a recommendation either way from the Board. The House of Delegates rejected the proposal at its November 6 meeting.

Law School Involvement Subcommittee:

The law student involvement subcommittee continued its work on an electronic bulletin board to match pro bono law students with pro bono attorneys and public interest organizations. The committee was involved in lengthy discussions with the Bar about locating the bulletin board on the Bar website. The outside vendor that operated the legal research portion of the Bar site agreed to create and host the bulletin board. The vendor's contract was terminated before the site became operational, however, and no other resources were available at the Bar to create and maintain the site.

The subcommittee then entered discussions with Lewis and Clark Law School, which offered to create and maintain an electronic bulletin board for pro bono law students throughout the state. At the conclusion of the year the subcommittee was in discussions with Lewis and Clark, Willamette and University of Oregon law schools to design a website that would be accessible and appropriate for students at all three schools.

Expansion of Certified Programs Subcommittee:

The Oregon Bar's unique Pro Bono Certification program allows legal service organizations to offer professional liability coverage for otherwise exempt attorneys

who wish to engage in a pro bono practice. Certified Pro Bono Programs all undergo an application process and follow certain guidelines that ensure that adequate support exists for the attorneys offering pro bono assistance and that client needs are met. Currently, 12 organizations are certified. This Subcommittee examined the Bylaw governing the certification process, Oregon State Bar Bylaw 13.201 and determined what changes would allow more legal services organizations to seek certification. Working closely with the PLF, the subcommittee recommended language changes to the BOG, which were accepted and became applicable in November, 2009.

The Subcommittee will continue its work in 2010 by identifying and working with legal services organizations throughout the state to ensure that there are more programs with geographic and practice-area diversity, both to allow more exempt attorneys to engage in a pro bono practice and to ensure that client needs are met.

Matters considered/Matters pending:

The Law School Involvement and Expansion of Certified Programs subcommittees will continue their work in 2010.

Recommendations for 2010:

The committee will develop one or two new initiatives for 2010. The committee probably will not consider revisiting adoption of Rule 6.1, but may consider other issues affecting the aspirational standard as it exists in the Bylaws.

Respectfully submitted: David J. Petersen (CH), Matthew J. Rizzo (SEC), Dawn Andrews, Jamie Azevedo Stremming, Brandon A. Benson, Jay Bodzin, Shenandoah M. Bunn, Maya Crawford, Brien Joseph Flanagan, Jessica T. Hamilton, Karen E. Harris, Amber A. Hollister, Janice R. Morgan, E Susan O'Toole, Miranda Shanell Plummer, Catherine L. Keenan (ADV), Theresa L. Wright (BC), Catherine Petrecca (BL).

Public Service Advisory Committee

Activities and accomplishments:

In 2009, the PSAC worked on restructuring the Modest Means program to ensure that it provided the maximum availability to those individuals who need legal representation, but do not have the financial means to pay current market rates. In doing this we talked with participating attorneys, other similar program administrators, Bar staff, and members of other committees and the BOG. Ultimately we developed a recommendation for the program that was adopted by the BOG. The PSAC also worked with Bar staff to continue the 30 Second Law School program. This program is geared toward public education about common legal questions as well as informing them about the public resources hosted by the Bar at www.osbar.org.

Matters considered/Matters pending:

The PSAC is continuing to maintain and update the 30 Second Law School program in conjunction with Bar Staff. We are also looking at updating and possibly restructuring the Lawyer Referral Services program.

Recommendations for 2010:

The PSAC should continue to focus on expanding the public's knowledge of legal concepts and resources. It should also continue to maintain and improve the services offered to the public by the Bar such as the Modest Means program and Lawyer Referral Services program.

Respectfully submitted: Jessica L. Cousineau (CH), Melya Stylos (SEC), Audrey J. Broyles, Wendy Chung, Jodee Jackson, Jinnifer S. Jeresek, Dexter A. Johnson, Nathan J. Ratliff, Diane C. Rivera, Douglas L. Tookey, Honorable Youlee Y. You, Shelly Radmer (PM), Karen J. Lord (BC), M. Kay Pulju (BL), George D. Wolff (BL).

Quality of Life Committee

Activities and accomplishments:

The Quality of Life Committee held six meetings of the full Committee during 2009. Subcommittees met during the intervening months between full committee meetings. Portions of the first two meetings were spent creating and assigning goals for the year that were consistent with elements of the Committee's Charge. The Committee's goals and accomplishments for 2009 were as follows:

Goal 1: Submit one or more articles for publication to the OSB Bulletin on the use of video conferencing

technology (VCT) and its relation to sustainability and the practice of law, and articles on other topics related to balancing home/work life.

Kris Nelson is working on an article for the Bulletin regarding the use and barriers of video conferencing technology and plans to research a follow-up piece on various legal uses of VCT.

Ted Heus's article, "Intervention: Confessions of a Travel Addict", was published in the October 2009 issue of the Bulletin.

Erica Glaser is working on an article looking at lawyers and career changes prompted by turning 40.

Goal 2: Update the Committee website to include a list of resources available for firms who wish to use VCT.

Kris Nelson compiled a list of various video conference technologies that was provided to the Sustainability Task Force.

Goal 3: Organize and present at least one panel at one of the Oregon law schools regarding a topic involving quality of life issues and the practice of law.

In September, OAAP Attorney Counselor Mike Long presented a noon hour workshop at Lewis & Clark Law School on "What Can You Do With a Law Degree? Exploring Alternative Careers". The program was attended by approximately 45 students. Cass SkinnerLopata is coordinating a spring semester program at the University of Oregon which is tentatively scheduled for February. She is working with the UO student groups the Women's Law Forum, Outlaws and a new group called MAPS (Mental and Physical Sanity). The topics being discussed for the program range from work/life/family balance, wage inequality, to mental health issues. Camellia Osterink is in communication with Willamette University College of Law to plan a presentation there.

Goal 4: Explore working with the OAAP to organize and present a CLE on the topic of "lawyers at midlife" and transitions in the practice of law.

Mike Long and the OAAP have developed a CLE that dovetails the topics in Mike's book, "Lawyers at Midlife". Because this CLE has already been developed and is already being offered throughout the state, and because the QOL committee has no funds with which to produce such a CLE, this goal was not pursued.

Committee members Andrew Schpak and Walt Cauble were appointed to a Senior Lawyers Task Force, formed this year. The Task Force presented proposals to the OSB BOG on three subjects: engaging senior lawyers in

mentorship, social, and professional development opportunities; assisting lawyers with the transition from practice; and responding to age impaired lawyers.

Goal 5: Explore the possibility of preparing one or more articles, based on Mike Long's recent book "Lawyers at Midlife", for publication in the OSB Bulletin.

The Committee explored the possibility of doing a book review or a series of excerpts from the book that could be published in the Bulletin. However, the August/September issue of the Bulletin featured an article written by Janine Robben, "Road to Retirement", that included several references to the book. Therefore, it was determined that a book review would be too duplicative.

Goal 6: Investigate what studies or surveys have already been conducted regarding alternate work schedules. If appropriate, draft and circulate a survey to the members of the Bar regarding alternative work schedules and the use of innovative technologies that people are using to balance work/home life.

The Committee conducted research on various surveys that had already been done by other groups, such as the Multnomah Bar Association, and reviewed research and literature on the ways that firms are utilizing creative work options, to respond to the desire for more work/life balance and to increase associate retention. The Home/Worklife Balance subcommittee drafted a survey and the Committee is working with OSB Communications Manager Kay Pulju to finalize the survey which will be sent to a sampling of OSB members. Results from that survey will be used to determine what related goals may be set by next year's QOL committee. Information from the survey could be very timely and useful in offering creative solutions for addressing the economic challenges firms are currently facing, or for addressing some of the issues that have been discussed by the committee regarding transitions and the law.

Goal 7: Update the Committee website to include recent articles written by Committee members and explore ways to publicize the resources on the Committee webpage.

Committee webmaster Ted Heus updated the Committee's website to include articles written within the last year by Committee members and added links to the ABA and other resources on quality of life, including a list of articles and resources with phone numbers.

Goal 8: Continue work on sustainability and the law by involvement of Committee designee to the BOG's Task Force on Sustainability.

Debbie Trant was the Committee's representative to the Sustainability Task Force, formed by the OSB BOG last year. The Task Force's work over the year culminated in a proposal to the BOG for a Sustainable Future Section. That proposal was recently approved by the BOG.

Debbie and Kris Nelson continued to monitor and report on sustainability issues and trends, and Debbie reported regularly on the progress of the Task Force.

Recommendations for 2010:

Given the formation of the new Sustainable Future Section, the Committee recommends that item #7, regarding sustainability, be removed from the Committee's charge.

We recommend that all other current elements of our Committee Charge remain intact for 2010.

Respectfully submitted: Ellen K. Jones (CH), Kris J. Nelson (SEC), Walter L. Cauble, Erica C. Glaser, Theodore P. Heus, Camellia Osterink, Andrew M. Schpak, Cassandra SkinnerLopata, Caroline Louise Smith, Deborah Grace Trant, Tanya R. Hanson (PLF), Douglas S. Querin (PLF), Barbara Dilaconi (BC), Stacy J. Hankin (BL).

State Lawyers Assistance Committee

Activities and accomplishments:

SLAC began the year with a new training/orientation session for all current and new SLAC members on January 22, 2009.

During 2009, the committee received approximately 8 new traditional referrals from attorneys, judges, the SPRB, and members of the public. Each referral was investigated in accordance with the OSB Bylaws and the SLAC authorizing statute, ORS 9.568. The committee continues to accept jurisdiction and to monitor remedial programs for several attorneys. Much of the business conducted by the committee involved confidential discussions surrounding these cases. Those confidential discussions cannot be revealed in this report.

Additionally, the committee evaluates and monitors lawyers who are referred from Disciplinary Counsel's Office (DCO) as part of the conditional admission/reinstatement and diversion/probation process. The number of these types of cases that were referred to SLAC for monitoring has decreased slightly from years past. In 2009, the Committee took on the role of monitor for one lawyer who was placed on diversion and one lawyer who was conditionally reinstated.

SLAC continues to utilize the assistance of former

committee members and attorneys throughout the state to assist in monitoring lawyers in areas where the current members don't reside/practice, such as the coast and Bend.

The SLAC committee met with disciplinary counsel and the bar's executive director to discuss expanding the diversion program and SLAC's role monitoring attorneys on diversion programs. SLAC additionally updated its policy on disclosure of file information as well as its Charge.

Matters considered/Matters pending:

SLAC has been developing a community/lawyer outreach advertisement to enhance understanding of SLAC's role in the Bar.

Recommendations for 2010:

Continue to look for and implement improvements to the SLAC monitoring process such that SLAC becomes a reliable and skilled resource for monitoring agreements between impaired lawyers and DCO.

Continue to improve communication and cooperation between SLAC and OAAP.

Continue to seek creative ways to help impaired lawyers and protect the public.

Respectfully submitted: Laura B. Rufolo (CH), Robert M. Lusk (SEC), Alexander C. Bassos, Honorable Henry C. Breithaupt, Elmer M. Dickens, Honorable Ted E. Grove, Diane L. Grover, Gregory J. Hazarabedian, Bryan R. Welch, Donald Muccigrosso (PM), Edward B. Versteeg (PM), Meloney Crawford Chadwick (PLF), Douglas S. Querin (PLF), Gina Anne Johnnie (BC), Helen M. Hirschbiel (BL).

Uniform Civil Jury Instructions Committee

Activities and accomplishments:

The Committee had an extremely busy and productive year and passed and/or revised a record number of instructions, which include the following: Burden of Proof and Assault (14.01), Battery (new 40.01A), Actual Agency-Hospital Context (new 44.06), Apparent Agency-Hospital Context (new 44.07), Damages-Breach of Contract (65.18), Damages-Preliminary Instruction (70.01), Non-economic Damages (new 70.19), Tort Damages-Personal Property (70.09), Tort Damages-Personal and Real Property (loss of use) (70.10), Tort Damages-Personal and Real Property (Lost Profits) (70.11), Damages-Avoidable Consequences (73.01), Punitive Damages-General (75.02),

Punitive Damages- Out-of-State Conduct (75.02A), Punitive Damages-Harm to Others (75.02B), Damages for Lost Profits (new 77.01), Retaliation for Complaint to Landlord-Defense to No-Cause Eviction (80.02), Waiver by Acceptance of Partial Rent Before a Nonpayment of Rent Notice (80.07), Good Faith (80.08), Special Verdict-Fault/Negligence, Causation, Damages (90.03A), Special Verdict-Comparative Fault/Negligence (90.04), Special Verdict-Multiple Defendants-Comparative Fault/Negligence (90.05), Special Verdict-Multiple Persons Potentially at Fault (90.06), Special Verdict-Counterclaim (90.07), Special Verdict-Mitigation (failure to use a seat belt) (90.08), Special Verdict-Comparative Negligence and Mitigation (90.09), and Special Verdict-Employer Liability-Comparative Fault/Negligence (90.10).

The Committee, in conjunction with the Uniform Criminal Jury Instructions Committee, formally proposed to the Oregon State Bar Board of Governors that the uniform civil and criminal jury instructions be made available over the Internet at no cost or for a nominal fee. The Board of Governors is very interested in the topic and is looking at how to make everything published by the OSB available online.

Matters considered/Matters pending:

The instructions that the Committee did not have time to address fully this year, but will be addressed next year are as follows: Affirmative Defenses-Nonspecific (new 18.08) (passed first read), Pleadings as Proof (new 13.01), Tort Damages-Wage Loss (new 70.xx), Damages-Susceptibility (new), and a new series of Employment Law instructions and Defamation instructions.

Recommendations for 2010:

The Committee has a terrific group next year and I expect they will be as diligent and productive as our group this year.

Respectfully submitted: Katherine Heekin (CH), Kathleen J. Rastetter (SEC), Steven C. Burke, Brian D. Cox, Billie J. Eidson, Barry J. Goehler, Michael B. Hanifin, Frederick H. Lundblade, Tracy M. McGovern, Laura TZ Montgomery, Cynthia Furrer Newton, Honorable Susie L. Norby, Christopher R. Piekarski, Honorable Thomas M. Ryan, Timothy L. Williams, Stephen V. Piucci (BC), Linda L. Kruschke (BL).

Unlawful Practice of Law Committee

Activities and accomplishments:

The Unlawful Practice of Law Committee (UPLC) met every month during 2009, except for August, to discuss UPL issues, present the findings of Committee member investigations, and recommend action based on those findings. Actions that the UPLC may recommend on UPL complaints are: 1) dismissal; 2) notice letter; 3) admonition letter; 4) cease and desist agreement; or, 5) prosecution for injunctive relief. The prosecution and signed cease and desist agreements must be approved by the Board of Governors. As in prior years, the UPLC saw a variety of complaints including multi-jurisdictional practice by lawyers licensed in other states, professionals in law related fields such as accounting, tax advice and financial services, land use practitioners (planners), FED practitioners, debt collectors and document preparers.

The UPLC had between 17 and 19 members in 2009, although the Committee is slated to have as many as 21 members. After resignations and expirations, the UPLC decided to fill only 17 of the positions, such that the 2010 committee will be comprised of 14 attorney members and 3 public members. With additional members, the committee experienced problems meeting the quorum requirement. Workload on the Committee has been such that 17 committed members are efficient, effective and optimal. Previous experience with a larger UPLC has led to the conclusion that a larger committee with several uninvolved members is frustrating and ineffective. However, the Committee would like to retain the ability to appoint additional members, up to a total of 19, to accommodate any future increase in workload.

In 2009, several UPLC members continued to participate in a discussion group concerning out-of-state lawyers who set up offices in Oregon but maintain that they only practice the law of the state in which they are licensed ("OOSL Discussion Group"). This group helped to propose changes, including a proposed statutory modification to allow admission on motion.

Matters considered/Matters pending:

The UPLC received 45 new complaints of UPL in 2009, which is the same at the Committee received in 2008. New cases appear to be steady. At the beginning of 2008 the Committee had approximately 37 cases open from 2008 and earlier, which was again the same number as we began with in 2008. Throughout the year we reduced these old cases to 19, only one of which remains from 2008 and none from earlier years. This is a signifi-

cant reduction in the number of old cases that the UPLC will have on its initial 2010 docket.

The UPLC closed 68 cases this year, as compared to only 47 in 2008. Of these 68 closed cases, 23 cases were dismissed in 2009 and 24 in 2008. In 2009, we sent notice letters in 16 cases, as compared to eight in 2008. In 2009, we sent admonition letters in 18 cases, as compared to 11 in 2008. The UPLC negotiated cease and desist agreements in six cases, four of which are pending at the end of 2009. There were three cease and desists negotiated in 2008. One injunction case was prosecuted in 2009, as compared to two in 2008 and five injunction cases are in prosecution at the end of 2009, which is the same as at the end of 2008. By the end of 2009, the UPLC had zero pending investigations from 2007 and earlier and only one case remaining from 2008.

Recommendations for 2010:

Committee membership training for new members seems to be a weakness on the UPLC. While in 2009, new members were assigned "mentors" of more-experienced members, more can be done to assist new members. In particular, new members should be encouraged to be cautious in the language used in letters and even conversations with witnesses, complainants and accused. Members should be strongly discouraged from using language that makes a definitive finding of UPL or otherwise appears to make binding decisions by a single UPLC member. In addition, reducing the number of citizen (non-attorney) UPLC members from three to two would be appropriate given the Committee size of 17.

The length of reports is a common problem. Reports that come in without any supporting documents fail to give the Committee the information it needs to make appropriate decisions. Overly-lengthy reports create a resource burden and take up unnecessary Committee member time in review. New members in particular may require some descriptive information on the ideal contents of a report. The Committee may consider a revised report format with more specific guidelines and requirements. Also, the timing of reports should be limited such that no reports will appear on the agenda or be sent to the membership less than one week prior to the meeting where the report will be discussed. Less time than that is unfair to the membership. The Chair will want to continue to evaluate the docket of outstanding cases monthly with the entire Committee. This process has helped greatly in reducing the time it takes to complete reports and may assist members in making better decisions about what documents need to be included in their reports.

It is of high importance that Committee members feel that their work is valuable to the public and the Bar. Members are volunteers and it is crucial to create an atmosphere in the Committee whereby members feel that their efforts are significant and useful. To assist with that, the Committee may want to consider avenues for better communication with the BOG. Without an understanding of changing BOG direction, and limited Bar resources, the Committee may find itself susceptible to decisions that are countermanded at the BOG. This is demoralizing to the Committee membership. Bar staff and BOG liaison can contribute to keeping the lines of communication open between UPLC and BOG. The Chair may want to attend a BOG meeting or find other avenues to create a clear sense of direction for the Committee that is in-line with BOG direction.

Any other comments:

The UPLC has made a significant effort to reduce an old problem for the Committee: aged cases. It has not been unusual for a UPL matter to take one to two years to reach resolution. The UPLC has made a strong effort to reduce the old cases on the docket by instituting some docket-management practices. In particular, the Chair evaluates the entire docket orally with the entire UPLC at least once every other month. The docket format has changed to make it easier to follow the progress of investigations and the timing of reports. Cases more than 90 days old are evaluated orally, before the entire UPLC to ensure that the investigator does not require additional resources to get the case resolved. Also, all cease and desist cases are evaluated by the UPLC monthly to ensure that the negotiations are proceeding timely. Overall, the UPLC has made a strong effort to utilize the talents and resources of all UPLC members in resolving UPL cases quickly.

Respectfully submitted: J O'Shea Gumusoglu (CH), Frederic E. Cann (CH-Elect), C Lane Borg (SEC), Teri L. Durham, Oscar Garcia, Roland A. Johnson, Jane E. Mopper, Clayton Huntley Morrison, Mary A. Overgaard, Todd M. Siegel, Ronald M. Somers, Stephanie Antonia Thompson, Simon Whang, Lisa J. Douglass (PM), Joseph M. Fabiano (PM), Bonnie K. Robb (PM), Deanne Snedeker (PM), Theresa L. Wright (BC), Helen Hierschbiel (BL).

SECTIONS

Agricultural Law Section

Activities and accomplishments:

The Agricultural Law Section held its annual "Round Up" meeting in The Dalles in May, 2009. The meeting provided CLE credit to attendees and focused on Estate Planning issues that occur in the agricultural setting.

Budget:

The Section spent \$986 on its annual Round Up. In addition \$119 was spent on conference call meetings and \$641 was spent on Bar support Services. The Section received \$1830 in registration revenue.

Legislative issues:

None.

Matters considered/Matters pending:

The Executive Committee is considering submitting a legislative concept concerning streamlining the contested case process in water issues. A committee has formed and will make recommendations to the Committee in early 2010.

Recommendations for 2010:

The Section will again host its "Round Up" meeting in The Dalles in late spring. Date and topic are to be determined.

Respectfully submitted: Timothy J. Bernasek (CH), Heath Curtiss (CH-Elect), Elizabeth Howard (Past CH), George L. Anderson (TR), Therese A. Ure (SEC), Joseph H. Hobson, Steven J. Joseph, Jesse D. Lyon, Andrew G. Martin, Estate of Lawrence Rew, Steven L. Shropshire, Charles K. Toole, Barbara Dilaconi (BC), Dani Edwards (BL).

Alternative Dispute Resolution Section

Activities and accomplishments:

The ADR Section had an active year in 2009. We instituted a successful and well-attended occasional lunch time mini-CLE series on topics of interest to the section. Section members are permitted to attend one program without charge, as a benefit of section membership. The ADR Section also co-sponsored the annual OMA Conference held in Eugene, which was a two day conference featuring national speakers. The section also

made a technological leap forward and began publishing a monthly online newsletter. The newsletter includes articles of interest to the ADR community, and lists of events and opportunities. The Executive Committee held regular meetings to address section business. The section also began to look at its website and Internet presence, and is in the process of planning on how best to upgrade our web presence.

Budget:

The section operated within its 2009 budget, and cut section expenses in 2009. Our 2010 budget will be filed before the end of the year.

Legislative issues:

The Section has followed and continues to follow with interest proposed legislation in Oregon that would require mediation prior to foreclosure of residential property. The Executive Committee also invited Matt Shields, Public Affairs Staff Attorney at the Bar, to our October meeting to discuss section involvement in the legislative process generally.

Matters considered/Matters pending:

See discussion above. In 2010, the section hopes to continue its efforts to better serve the bench and bar, and to continue to be a clearinghouse of information for the ADR community in Oregon through our newsletter.

Recommendations for 2010:

We recommend that our section continue its lunch time mini-CLE series, that we continue to publish our newsletter online, and that we continue to offer services to the bench and bar. The section also hopes to offer a full day ADR CLE program in 2010.

Respectfully submitted: Robert S. Banks (CH), Honorable Mary J. Deits (CH-Elect), Alan T. McCollom (Past CH), Julie Gentili Armbrust (TR), Lisa A. Amato (SEC), Scott Belows, William J. Boyd, Honorable Donald Owen Costello, Bethany Evans, Cynthia M. Fraser, Jane Gordon, Kim Gordon, Bryan W. Gruetter, Helle Rode, Sharon A. Williams, O Meredith Wilson, Nancy E. Hochman (ADV), Robert L. Vieira (BC), Helen M. Hierschbiel (BL).

Animal Law Section

Activities and accomplishments:

The Section had major accomplishments for its second year at all subcommittee levels. Please see the summary of committee reports below.

Budget:

Michael Gottlieb reported the funds on hand as \$2,048. The budget for 2010 was presented with some suggested changes. The Committee agreed to set a CLE reserve fund of \$5,000 to facilitate having guest speakers at a section CLE and similar educational purposes. Committee agreed to switch to "Free Conference" services to save \$100 and to retain the \$100 of Outreach funds for the Public Outreach sub-committee. (see 2010 Budget and Long Range).

Legislative issues:

Legislation – Matt Shields of OSB Public Affairs reported that all section sponsored law improvements should be submitted to him prior to April 1, 2010 so that the BOG may have an opportunity to review and approve for referral to Legislative Counsel. – Chair Lynch will lead a group to aid Crook County (at the request of the County Court) in the design and drafting of a model animal welfare ordinance applicable to a predominantly rural county with limited revenue sources. The Bar should suggest under the improvement of laws that the following statutes and rules be suspended in the event of a declared emergency in a county or in the state:

- Ors 87.159 lien for care
- ORS 167.340 Animal abandonment
- ORS 601.140 Carcass of domestic animals
- ORS 811.200 Carrying dog on vehicle
- ORS 811.710 Duties of Driver
- OAR 603-015-0035 duties of boarding
- OAR 603-015-0050 husbandry practices
- OAR 603-015-0055 animals in transit

Matters considered/Matters pending:

Public Outreach – Web site has added a book review section which has members reviewing popular literature for the public. Chair Lynch indicated that he will assign to his firm lawyers the job of compiling the cases in Oregon which relate to animals in all areas of the law.

Professional Outreach - Amy Davidson led a panel with Alan Jenson and Margaret Vining on June 24, 2009 CLE Brown Bag on Estate Planning for Pets. Approximately 30 participants. CLE was a demonstration of the video streaming for short form CLE intended to create more opportunities for professionals outside the Portland area. The program lasted 1.5 Hours and had a large interactive component.

Animals in Disasters – Robert Simon reports that the sub-committee has prepared a list of legislative improvements for submission to the Bar.

- ORS 87.159 lien for care
- ORS 167.340 Animal abandonment
- ORS 601.140 Carcass of domestic animals
- ORS 811.200 Carrying dog on vehicle
- ORS 811.710 Duties of Driver
- OAR 603-015-0035 duties of boarding
- OAR 603-015-0050 husbandry practices
- OAR 603-015-0055 animals in transit

Recommendations for 2010:

Over the next year we should seek for ways to raise the profile of the section and aid in defining the concept of "what is animal law" for the purpose of our section. There needs to be a law and philosophy change in Oregon to raise the status of animals from chattels to something more. The Crook County effort is one part of this approach. The compendium of Oregon animal cases is another. The Section should remain all inclusive and non-ideological, seeking to be a resource for animal advocates as well as a place to exchange ideas across practice areas where animals become involved.

Any other comments:

Our new freeconference.com conference call number is: (605) 715-4920, access code 976889

The following section members have agreed to serve on the Advisory Board.

Scott Beckstead – sbeckstead@humanesociety.org

Holly Anne Gibbons – holly@gibbonsireland.com

Todd Peterson – todd@injurylaworegon.com

Alan Jensen – alan.jensen@hkclaw.com

Pam Frasch – pfrasch@lclark.edu

Andrew (Drew) N. Moore – dmoore@co.lincoln.or.us

Respectfully submitted: Gregory P. Lynch (CH), Laura J. Ireland (Past CH), Michael B. Gottlieb (TR), Robert S. Simon (SEC), Scott Beckstead, Amy L. Davidson, Holly Anne Gibbons, Scott A. Heiser, Patricia Lulay, Andrew N. Moore, Van B. Quan, Mitzi M. Naucner (BC), M. Kay Pulju (BL).

Antitrust and Trade Regulation Section

Activities and accomplishments:

Our section hosted three four CLE programs as follows:

- Brown bag lunch addressing resale price maintenance and activities at the Oregon Department of Justice on May 21, 2009.
- Brown bag lunch addressing the ABA's proposed rules on expert witness discovery on July 2, 2009.
- Joint CLE with IP section regarding Google books settlement issues on September 10, 2009.
- Annual meeting CLE featuring annual update of antitrust and unfair competition cases on November 4, 2009.

Budget:

As reflected in the treasurer's report, our Section began with a healthy surplus and ended the year with roughly the same surplus.

Legislative issues:

Our section analyzed and issued an opinion of no position regarding pending legislation in the Oregon house concerning the award of attorneys' fees in consumer-related trade practices complaints.

Recommendations for 2010:

Continue with less formal brown bag formats. Explore more social-type gatherings. Continue to try to enlist activities aimed at outside the Portland area.

Respectfully submitted: Kenneth Ray Davis (CH), David L. Silverman (CH-Elect), Christina L. Beatty-Walters (Past CH), Andrew E. Aubertine (TR), Stephanie K. Hines (SEC), Vincent F. Chiappetta, Kristin Lee Cleveland, Joseph N. Eckhardt, Nancy M. Erfle, Mark A. Friel, John F. McGrory, Tim D. Nord, Scott G. Seidman, Michelle Castano Garcia (BC), Chris L. Mullmann (BL).

Appellate Practice Section

Activities and accomplishments:

The Section sponsored a number of CLE's in 2009. Early in the year we sponsored a brown bag CLE in Portland on the new Oregon Rules of Appellate Procedure. In June, we co-sponsored with the Federal Bar Association a CLE on Ninth Circuit Practice. In July, we sponsored a CLE on the recent cases from the United States Supreme Court. In October, we co-sponsored with the law school from both Willamette University and UO a conference celebrating the 150th Anniversary of the Oregon Supreme Court.

We also published our 4th Annual Appellate Almanac, which was sent out to all our members and all the appellate judges in July of 2009.

Budget:

The Section has, for the last few years, been spending down a surplus accumulated in prior years. This year we met our goal of spending down to a reasonable reserve. We also increased our dues from \$10 to \$15, largely to cover increased per member fees charged by the Bar.

Legislative issues:

The Section was not too involved in legislative issues this year. In the current financial crisis, most legislative issues affecting the courts had to do with budgets. The Section expects to be involved in rule changes that are now in process as a result of some of the recent legislative changes.

Matters considered/Matters pending:

The Section expects to be involved in rule changes related to de novo review, two judge panels, and oral argument changes over the coming year through our representative on the ORAP committee.

Recommendations for 2010:

In the coming year, the executive committee will be looking at ways to keep Almanac expenses down while continuing to provide hard copies of the Almanac to all our members. We are planning to continue to offer CLE's and to have a Social event in the Fall.

Respectfully submitted: Judith Giers (CH), Jeffrey C. Dobbins (CH-Elect), Scott Shorr (Past CH), Wendy M. Margolis (TR), Harry Michael Auerbach (SEC), Marc D. Brown, Meagan A. Flynn, Ryan P. Kahn, Lora E. Keenan, Lisa E. Lear, Julene M. Quinn, Paul L. Smith, Thomas W. Brown

(ADV), M. Elizabeth Duncan (ADV), Keith M. Garza (ADV), Jacqueline L. Koch (ADV), James W. Nass (ADV), Thomas W. Sondag (ADV), Jane Ellen Stonecipher (ADV), S Ward Greene (BC), Julie Hankin (BL).

Aviation Section

Activities and accomplishments:

The Section held a monthly lunch meeting as an open forum for practitioners with cases or questions of common interest to other aviation lawyers.

The Section worked with the OSB liaisons to monitor and disseminate information on activities before the 2009 regular session of the Oregon Legislature of interest to the aviation community.

The Section co-sponsored the 36th Annual Pacific Northwest Aviation Law Seminar, three-days of OSB-approved continuing education on matters of interest in aviation law.

Members of the section committed to preparing for and teaching the biennial Aviation Law Seminar at Lewis & Clark Law School.

Budget:

The Section received approximately \$1,000 in dues during the year. Revenues are used to underwrite the cost of the annual meeting, the cost of the annual CLE, and administrative support fees assessed by OSB.

Matters considered/Matters pending:

During the year the Section's Executive Committee adopted the policy of waiving dues for members of the judiciary and judicial staff. The Executive Committee elected to not schedule a summer social to avoid a scheduling conflict with the CLE held in Portland in September. There are no matters pending.

Recommendations for 2010:

The Section will support the Lewis & Clark Law School class beginning in January, 2010.

The Section will monitor the February, 2010, special legislative session for matters of import to the aviation community.

The Section will co-sponsor the 37th Annual Pacific Northwest Aviation Law CLE set for Suncadia, Washington, in September, 2010.

The Section will continue to hold open meetings on a

generally monthly basis.

Respectfully submitted: Roderick A. Boutin (CH), Robert B. Hopkins (CH-Elect), Thomas J. Flaherty (Past CH), Timothy E. Miller (TR), Philip A. Rush (SEC), John R. Barker, Donald B. Bowerman, Jonathan M. Hoffman, John C. Hutchison, Barbara Ann Jacobson, Steven L. Myers, Stuart W. Smith, David J. Sweeney, Christine Tracey, A Richard Vial, Honorable Charles A. Sams (ADV), Stephen V. Piucci (BC), Sarah Hackbart (BL).

Business Law Section

Activities and accomplishments:

The Section's mission is to provide excellent service to the diverse group of business law practitioners throughout the State of Oregon by:

- providing regular, timely and useful information about the practice of business law
- promoting good business lawyering and professionalism
- fostering communication and networking among our members
- advocating improvement of business law
- supporting Oregon's business infrastructure and business community

The Section carried out that mission in 2009 through the activities of its Executive Committee and its subcommittees (described below). The Executive Committee received regular reports from, and provided feedback to, the Section's liaison with the office of the Oregon Secretary of State (Peter Threlkel, Director of the Corporation Division). The Section's "listserv" also played a significant role in serving the Section's members.

The Section's subcommittees are: Legislative Committee (chaired by Chris Hall with assistance from Candice Brown), CLE/Annual Meeting Committee (chaired by Dean Alterman), Oregon Business Lawyer publication committee (chaired by Candace Brown).

The activities of the Legislative Committee are discussed below under the "Legislative issues" heading. The activities of the other subcommittees are described in the following paragraphs.

The CLE/Annual Meeting committee planned and co-sponsored with the Bar a CLE on corporate law issues—December 3, 2009.

The Oregon Business Lawyer Committee worked on ways to revitalize the Section's newsletter publication. The Committee worked with the Director of Business Law Programs at Lewis & Clark Law School and a group of interested students in creating the revitalized Section newsletter and distributed an electronic publication highlighting legal developments and issues germane to a business law practice.

Budget:

The Section had approximately 1,168 members in 2009; the Section expects to continue at approximately that level (1,175) in 2010. Section revenues, generated mainly through member dues, are budgeted to be \$36,250 in 2010 (slightly less than the 2009 year-end projection of \$37,450). Section expenses are projected through the 2009 year-end to be approximately \$47,481; expenses for 2010 are budgeted to be approximately \$38,550.

Legislative issues:

The Legislative Committee attended hearings and followed through on two proposed pieces of business-law-improvement legislation sponsorship by the Section. These were: (1) a proposal for separate class voting under ORS 60.441, following the model act, and (2) a proposal concerning the 30-day waiting period to effect a short term merger under ORS 60.491 (ORS 60.554 would also be affected). HB 2304 and HB2305 (which passed).

The Legislative Committee flagged and tracked third party legislative proposals that became bills of interest to the Section including bills regarding:

- corporate recordkeeping requirements (HB 2089 and 2364)
- ability to call a special meeting by shareholders of a public company (HB 2353)
- state ability to assess debt against a "reorganized business entity" (HB 2148).
- conforming definitions in business entity statutes to recognize native American tribes as a business entity (HB2312)
- changes to the constituency statute proposed by OLSF (HB 2829)
- low profit LLC (HB2886)
- revisions to Oregon trademark law

The Legislative Committee reviewed bills and provided comments or testimony where appropriate.

The Legislative Committee monitored American Bar Association reports on model acts and law improvements.

The Section continued to monitor uniform laws and the RULLCA Task Force continued its review of a NCUSL proposal regarding limited liability company statutes. The Section's RULLCA Task Force is co-chaired by David Culpepper and John Draneas, with Chris Hall serving as liaison; the work of the Task Force continues.

The Section is considering whether law improvement bills in the areas of the Oregon Business Corporation Act and Oregon LLC Act are appropriate and will continue these efforts into 2010.

Matters considered/Matters pending:

The Section will host an event in January with a luncheon speaker to help honor a Castles Award recipient. See also legislative and OBL. The Section is considering a subcommittee to look into matters related to the courts and the way business disputes and complex commercial issues are handled and whether the Section can help support improvement initiatives.

Recommendations for 2010:

The Section will continue its work on the Oregon Business Lawyer publication with a goal of two newsletters to our members, continue to look at ways to improve content on the Section's website, and address legislative issues for the next session including an analysis of whether the Oregon Business Corporation Act requires improvement in any area. The Section will honor again review recommendations for a worthy recipient for our Castles Award, and based on our proposed January event determine whether the format of a luncheon coupled with a 'marquee' speaker attracts a wider audience (that is, a higher level of attendance by Section members) for this special Section event. The Section will target a day-long CLE. See above regarding a new subcommittee related to something akin to a "business court."

Respectfully submitted: Andrew H. Ognall (CH), Gustavo J. Cruz (CH-Elect), Patricia Lockary Chapman (Past CH), Sally Anderson-Hansell (TR), Michelle S. Druce (SEC), Dean N. Alterman, Kevin E. Brannon, Abraham JB Cable, Candice Natalya Carr, Jason A. Dalton, Sara N. Gray, M Christopher Hall, Timothy L. Jackle, Andrew J. Morrow, Paul J. Taylor, Kevin S. Thomas, Christopher H. Kent (BC), Paul Neese (BL).

Business Litigation Section

Activities and accomplishments:

During 2009 the Business Litigation Section continued its CLE programs and presented four seminars. All CLEs were held in Portland at the Benson Hotel. Attendance remained consistent. These were:

- 3/11/09; Mass mediation Misery – Banging Heads and other Assorted Body Parts; Judge Michael R. Hogan and Judge Lyle C. Velure
- 5/13/09; The Craig Berkman Trial; Barnes Ellis, Steve English, Dave Fortino, and Paul George
- 9/9/09; Oregon Department of Justice Agenda and Priorities; Keith Dubanevich and John R. Kroger
- 11/11/09; Class Action Trial; Barnes Ellis, Tim Snider, Steve Larson, and Judge David Rees

A new slate of officers has been elected effective January 1, 2010. The Executive Committee will meet in January of 2010 for the annual planning session. The agenda will include a discussion of possible CLE topics for 2010; holding a CLE out of the Portland area; and bringing in a nationally recognized speaker for one of the CLEs.

Legislative issues:

The Business Litigation Section does not at this time anticipate proposing any new legislation but it will continue to monitor legislative proposals of interest to Section members.

Respectfully submitted: Joseph C. Arellano (CH), Renee Rothauge (CH-Elect), Keith Dubanevich (Past CH), Kerry Shepherd (TR), Paul Conable (SEC), David H. Angeli, Kieran John Curley, Timothy S. DeJong, Thomas Russell Johnson, Kevin Mapes, John F. McGrory, Craig G. Russillo, Steve Larson (BC), Teresa Wenzel (BL).

Civil Rights Section

Activities and accomplishments:

This year we continued publication of the Civil Rights Section's Newsletter. There were only three publications in 2009 since one of our issues was a double issue.

We also organized and hosted along with the Oregon State Bar a civil rights CLE entitled "*An Eye on Civil Rights: A State and Federal Update on Discrimination.*"

We put together and hosted a Public Forum entitled "*Know Your Rights: Immigration, Employment & Related*

Issues." The forum featured speakers who discussed the rights of documented and undocumented immigrants in the workplace and beyond.

We established a new policy for filling vacancies on the Civil Rights Newsletter Editorial Board.

We participated in the OSB Diversity Planning Task Force, which recommended programmatic goals for the OSB with respect to diversity. Amy Angel was the committee representative on the Task Force.

We made a contribution of \$500 to the Campaign for Equal Justice.

Budget:

We adhered to our budgetary goals.

Matters considered/Matters pending:

At the present time we are still considering the following matters:

- Distribution of the Civil Rights Newsletter to judges;
- Filling vacancies on the Editorial Board for the Civil Rights Newsletter
- Recommendations for 2010:
- More collaborative projects with other organizations sharing our goals.
- Increased involvement in legislative matters

Respectfully submitted: Loren W. Collins (CH), Amy L. Angel (CH-Elect), Katelyn S. Oldham (Past CH), Steven A. Kraemer (TR), John A. Kodachi (SEC), Sally A. Carter, Sean M. Driscoll, Marianne G. Dugan, Mary Ellen Page Farr, Kevin T. Lafky, Sarah Radcliffe, Audrey T. MATsumonji (BC), Paul Nickell (BL).

Computer & Internet Law Section

Activities and accomplishments:

In January, we published the e-Commerce Deskbook, and made no-cost electronic copies available to members via the section website. The Deskbook was also the subject of an OLI-sponsored CLE in early June.

Our staple educational program is the Luncheon CLE series. In 2009, the series ran in January, February, March, April, May, June, July, September, and October. A change of venue, to Kell's, has been well received.

In September, the section's all-day Annual CLE brought top-level practitioners and educators to bear on the mani-

fold issues surrounding privacy in the modern connected world. The Annual CLE was simultaneously webcast, and recorded for future viewing. As in 2008, the section combined the annual meeting with a "Speakers' Dinner", honoring the presenters of the Annual CLE.

In October, the section sponsored a detailed CLE on "IP Remedies", hosted at Lewis & Clark Law School, and contributed funds to support the technical education function of a local non-profit organization, Free Geek.

Budget:

The section's 2009 budget slightly reduced the year-end carryover of funds, while maintaining sufficient reserves to support CLE expenses. With expenses on the increase, the treasurer and executive committee approved a conservative budget for 2010.

Recommendations for 2010:

The executive committee should consider a small increase in dues to offset the raised member services fees.

Any other comments:

The Executive Committee believes, given the complexities of this area of law and the increase in youth interest, that membership and education are critical to its success. We've been successful in attracting younger, new participants to meetings, and to the slate of officers.

Respectfully submitted: Marinus Damm (CH), Marti McCausland (CH-Elect), Renee E. Rothauge (Past CH), Travis J. Benn (TR), Richard A. Wilhelm (SEC), Thomas E. Bahrman, Michael A. Cohen, Chad M. Colton, Paula Holm Jensen, Lydia Pallas Loren, Martin Francis Medeiros, Parna A. Mehrbani, Karen Dana Oster, Heather R. Self, John Stevason, Robert A. Swider, Marc Visnick, Gina Anne Johnnie (BC), Michael Legleiter (BL).

Constitutional Law Section

Activities and accomplishments:

We presented the day-long CLE "Constitutional Law 2009 on December 11, 2009. In addition to a review of the 2008-2009 term of the United States Supreme Court, professors Vikram Amar and Robert Tsai spoke on the subject of the U.S. Supreme Court in Transition. A panel of Oregon private and public sector lawyers participated in a panel on the state and federal perspectives regarding the exclusionary rule and the Fourth Amendment. Judges Landau and Schuman and moderator Alycia Sykora participated in a panel discussion of developments under the

Oregon Constitution.

We continued to work on the "sesquicentennial" project of producing DVD material for classrooms and other uses related to the Oregon Constitution. Several students from the University of Oregon received funding to produce research papers on various Oregon Constitution related subjects. Funding for this effort came from grants received, primarily through the efforts of Les Swanson. The section also participated with the Oregon Law School in a symposium on the Sesquicentennial of the Oregon Constitution. On a less serious note, section members assisted the public affairs section of the Oregon State Bar in producing an online quiz for laypersons and lawyers relating to the Oregon Constitution. Section members James Westwood and Henry Breithaupt participated in the recording of two programs on constitutional law for the Legal Links television program.

The section continued to sponsor a blog. It may be the age of the executive committee members that explains why the blog effort has not been as vigorous as some may have hoped.

Budget:

For the ten months ending October 31, 2009 revenue of the section was \$4,650. Our fund balance at that point was \$12,983. The largest expenditures by the section were for student research grants, which, as stated above, were funded from grant money received by the section. The largest expenditures expected in the rest of the calendar year will be for speaker honoraria in connection with the CLE program.

Legislative issues:

We had no significant involvement in legislative issues.

Recommendations for 2010:

Continue work on the DVD project, continuation of the highly successful annual CLE program and hopefully expanded membership.

Respectfully submitted: Honorable Henry C. Breithaupt (CH), Alycia N. Sykora (CH-Elect), Erin C. Lagesen (Past CH), Gregory A. Chaimov (TR), Edward H. Trompke (SEC), Rebecca A. Duncan, Honorable Jack L. Landau, David Euan Leith, Jennifer Middleton, Chin See Ming, Honorable David Schuman, Michael H. Simon, C Robert Steringer, Les Swanson, James N. Westwood, Gina Anne Johnnie (BC), Paul Nickell (BL).

Construction Law Section

Activities and Accomplishments:

The following is a list of the general goals and objectives that the Executive Committee accomplished for the Section over the past year:

Maintained and expanded the Section's website.

Made the Section's newsletter available (and searchable) on the Section's website.

Established an annual, rotating CLE program to address basic construction law topics in addition to the current CCB program held every other year (held in Bend, Oregon this year).

Re-instituted Brown Bag CLE Series; made this series available on the Section's website.

Re-instituted the Sticks and Bricks CLE. For future CLEs of this nature, the Committee will strive to better coordinate with the Bar to ensure that the practical skills aspect of this type of CLE are properly described and applicable for credits sought.

Further defined and refined the purpose and function of the Committee's subcommittees, including:

The Legislative Subcommittee - general purpose is to monitor any new changes in construction-related laws, to obtain input from and funnel information to Section members about new or proposed changes in construction law, and to determine whether Executive Committee or Section should recommend any changes that would improve existing law.

Referee Program Oversight Subcommittee - general purpose is to monitor program, to obtain feedback and funnel information to Section members regarding this program, to determine whether Executive Committee or Section should recommend any changes to the program, and to consider whether Executive Committee or Section should promote state-wide adoption of the program.

Cyclical CLE Subcommittee - general purpose was to establish an annual one to one and one-half day CLE program to address a rotating schedule of basic construction law topics. CLE to be held in different locations around the state. CLE to provide two to three years' worth of different topics, which will then be recycled and updated every two to three years.

Brown Bag CLE Series Subcommittee - general purpose was to continue brown bag CLE series and make series available on website.

Legislative issues:

The following is a list of general legislative issues that arose during 2009, which impacted the Section:

Former HB 2366 - joint interim work group formed to address the issues raised by former HB 2366. The issues raised by former HB 2366 continue to be addressed by the joint interim work group.

New Filing Fees - potential impact on common construction law filings, e.g., lien foreclosure and construction defect claims that involve multiple defendants. In the case of lien foreclosure claims, the inclusion of necessary defendants could result in the filing fee exceeding the lien claim. This issue was just recently raised and continues to be addressed by the Committee.

Potential ambiguity/conflict between ORS 87.021(1) and (3). This is one example of current legislation that the Committee might suggest be clarified during the 2011 term.

Potential enactment of statewide referee program for complex construction cases. After discussion with the presiding judges for Multnomah and Clackamas counties, there does not appear to be interest in making the referee program (currently in place in Multnomah county) a statewide program. It has already been adopted informally by Clackamas and Washington counties where the parties voluntarily agree to submit to the same.

Matters considered/Matters pending:

See above discussion.

Recommendations for 2010:

The following is a list of the general goals and objectives that the Committee hopes to accomplish for the Section during the next year:

- Continue to maintain and expand the scope and searchability of the Section's website.
- Continue to post the Section's newsletter on the Section's website and encourage more submissions from Section members at large.
- Sponsor the second "cyclical" annual, rotating CLE program to address basic construction law topics. The goal is to hold this CLE in Eugene, Oregon in the fall of 2010.
- Continue the Brown Bag CLE Series at no cost to Section members.
- Sponsor a Sticks and Bricks CLE to address the practical skills application. This CLE will likely be held in the summer.

- Sponsor the bi-annual CCB Update CLE in conjunction with the 2010 annual meeting.

Respectfully submitted: Angela Otto (CH), D Gary Christensen (CH-Elect), Alan L. Mitchell (Past CH), James H. Van Dyke (TR), Darien S. Loiselle (SEC), Jason W. Alexander, William J. Boyd, Timothy M. Dolan, John. Daniel Gragg, Robert L. O'Halloran, Thomas A. Ped, James C. Prichard, Daniel R. Schantz, Peter J. Vitezniak, Gina Anne Johnnie (BC), Sarah Hackbart (BL).

Consumer Law Section

Activities and accomplishments:

The main goal of the section was to do a series of workshops of 2 hr CLE's to allow section members and others to focus on one consumer law topic. By holding the discussion in an informal setting attendees would discuss their issues and learn from each other. The social setting also aided in allowing attendees to develop a network of people they can discuss consumer law issues with.

The section completely failed to get a newsletter out which was sorely needed.

Budget:

CLE was expensive but we netted about \$2,877 which exceeded our expectations. Budget is more or less fiscally sound.

Legislative issues:

Attempt to adopt the Federal bankruptcy exemption was blocked. The legislature did increase the homestead and car exemption again.

Matters considered/Matters pending:

No material matters are pending. Review of the budget would be appropriate.

Recommendations for 2010:

Resurrect the newsletter. There is a lot of local consumer news that we should report. Assist the OSB with revamping the lawyer referral categories for consumer law. Try to award the Dick Slottee award of excellence.

Respectfully submitted: Bret A. Knewton (CH), Keith D. Karnes (CH-Elect), Moloy K. Good (Past CH), Brenda M. Bradley (TR), Ian H. Wallace (SEC), Justin Michael Baxter, Danielle Beauvais, Hope A. Del Carlo, Danny H. Gerlt, Phil Goldsmith, Lissa K. Kaufman, Tim Alan Quenelle, Joshua L. Ross, Louis D. Savage, Andrew U. Shull, Terrance J.

Slominski, Robert S. Sola, Theresa L. Wright (BC), David W. Nebel (BL).

Corporate Counsel Section

Activities and accomplishments:

The Section held a roundtable discussion on Contracting Dos and Don'ts in April 2009, a 4-hour CLE on Bankruptcy and Reductions in Force in May 2009, a networking luncheon at Oswego Lake Country Club in June 2009, a roundtable discussion on how to work with outside counsel in October 2009, and a CLE on Ethics Issues for In-House Counsel in December 2009.

Budget:

Budgeted Revenues for 2009 were \$11,400, budgeted expenses were \$10,864, leaving budgeted net revenue of \$536. Expectations are that actual year-end results for 2009 will approximate the budget.

Matters considered/Matters pending:

Matters considered are reflected in the minutes of the meetings of the Section's Executive Committee posted on the Section's website.

Recommendations for 2010:

For 2010, the Section should continue providing its members with quality programs on relevant issues to corporate counsel.

Respectfully submitted: Brian S. Thompson (CH), Joseph A. Pugh (CH-Elect), Matthew A. Wilson (Past CH), Gary H. Lau (TR), Robert J. Barsocchini (SEC), Christian F. Boenisch, Lance Alan Brooks, Kenton Erwin, Daniel J. Field, Ann L. Fisher, C Edward Gerdes, Jeffrey A. Johnson, Vivian M. Lee, David Meisels, Keith Edward Parker, Tiffany A. Souza, Ann L. Fisher (BC), Lorraine R. Jacobs (BL).

Criminal Law Section

Activities and accomplishments:

On April 3, 2009 the Section sponsored our 22nd Contemporary Issues In Criminal Justice CLE. This program was both well attended and the reviews of the program were very positive.

The Executive Committee continues to evaluate the best way to serve our members including recent case law posting to the website, preparing exemplary CLE's and reviewing the potential for regional, smaller CLE's held

throughout the state at little or not cost to our members.

Almost monthly meetings of the Executive Committee were held at the OSB Center, however the late summer meeting, as is tradition, was held outside of the Portland area. In the past it has been held in areas from Astoria to Joseph. This year the meeting was in Redmond.

The Section supported a couple of legislative measures which were passed by the 2009 Oregon Legislature and signed into law by the Governor.

Lastly, the Section is co-sponsored, with the Bar, a Driving Under the Influence of Intoxicants CLE.

Budget:

The Section's budget continues to be healthy. Once again the Executive Committee voted to absorb the Bar's increased cost per member fee to the Section and not pass the increased cost onto the membership. Additionally the Section voted to give requesting new admittees their first year membership to the Section without cost to the new member. Profitable CLE's will continue to benefit the Section members with the ability to offer nationally known speakers at the annual CLE.

Legislative issues:

The Section sponsored just a couple of "housekeeping" pieces of legislation, although the Executive Committee did have discussions about others.

Matters considered/Matters pending:

The 2010 Annual CLE has already been scheduled for April 2, 2010. The planning for it is well underway and speakers are already being secured. The Section continues to examine ways to increase communication with the membership, and will likely increase our presence and use of the website this coming year. As mentioned above, the Section Executive Committee is looking into the feasibility of a regional "road show" style CLE provided throughout the State at little or no cost.

Recommendations for 2010:

Successful presentation of a top quality CLE in April, 2010 and increased communication and opportunities for the Section membership.

Respectfully submitted: Bradley C. Berry (CH), Marc Sussman (CH-Elect), Gregory B. Scholl (Past CH), Peter L. Duel (TR), Tahra Sinks (SEC), Rebecca A. Duncan, Barbara Gabriela Ghio, Gregory D. Horner, Samuel C. Kauffman, Daniel Ousley, Timothy A. Sylwester, Janelle Factora Wipper, Gina Anne Johnnie (BC), Kateri Walsh (BL).

Disability Law Section

Activities and accomplishments:

December 1, 2009

The Disability Law Section Executive Committee met approximately every month during 2009. Meetings were held at the Oregon State Bar offices with the available conference call technology allowing many members outside the metro area to participate by telephone.

The Executive Committee met with the new OSB Executive Director Teresa Schmidt to discuss OSB's new five-year plan which will include universal design (UD) in its diversity goals and to review the OSB Site Evaluation report which was issued by Denise Spielman of ADA Answers Northwest OSU Center on Community Accessibility. The Section continued to provide input to the OSB on its web accessibility.

The Executive Committee presented a CLE on Fibromyalgia and Social Security.

The Executive Committee published a newsletter in print and electronic formats.

The Executive Committee supported law students with disabilities with their legal career development. A fund to help Oregon law students with disabilities defray expenses associated with attending a national conference and career fair for law students with disabilities was developed. Referrals were provided to a student interested in pursuing a career in disability and civil rights law.

The Executive Committee met with Mary Crawford to discuss her survey of interest for a disability law publication comparing Oregon and federal law. Committee members were interested and submitted their ideas.

The Section Chair participated on the OSB Diversity Task Force.

The Section's Past Chair attended the Diversity Summit.

The Section's Chair Elect attended the Leadership College.

The Section Chair's Designated Alternate and an At-Large Member who is a Delegate both attended the November House of Delegates meeting.

Budget:

The Section expenses were under budget. The budget balance remains strong for the upcoming year and should allow for website revision, newsletter(s) and conducting CLE events.

Legislative issues:

The Section was pleased to have new membership on the Executive Committee committed to identifying priority issues appropriate for the Section to take action upon. The Section continues to have an interest in tracking legislation in the state session.

Matters considered/Matters pending:

The Executive Committee plans to continue working on matters pertaining to Universal Design. The Executive Committee plans to meet again with Frank Garcia and Jon Benson regarding possible new or updated rules for bar admissions as they pertain to disability. One specific related issue of concern is addressing the cost and time commitment necessary for students with cognitive disabilities to obtain current and accurate expert assessments.

Recommendations for 2010:

Publish two editions of the section newsletter.

Present a CLE with topic TBA.

Continue to participate in OSB's work on Universal Design.

Review and renew support for the Access to Justice Task Force Report.

Continue to outreach on OSB diversity matters.

Continue outreach to students and support removal of barriers to bar examination and admission.

Examine the emerging issue of retaining people who commit crimes in the state hospital for the length of their sentence rather than returning them to the community as soon as their condition stabilizes and explore the Executive Committee's role with respect to this issue.

Respectfully submitted: Heidi von Ravensberg (CH), Lana L. Traynor (CH-Elect), Theodore E. Wenk (Past CH), Alice M. Plymell (TR), Amrit K. Sidhu (SEC), Thomas K. Doyle, Micky Feusse Logan, Sherri Lynne Rita, Christina Thacker, Audrey T. Matsumonji (BC), Margaret Robinson (BL).

Diversity Section**Activities and accomplishments:**

During 2009, the Diversity section:

Held the first of a series of employer roundtable discussions – providing employers an opportunity to share ideas and collaborate on how they deal with common issues such as recruitment, retention and hiring.

Kicked off the planning on the 2011 Convocation on Equality – the first Convocation was held in 2001, this event will commemorate the progress made during the past 10 years since the birth of the Diversity Section, it will arm participants with practical tools necessary for continuing to do diversity work as well as facilitate relationship building within the diverse community.

We also co-sponsored the following CLEs:

- A Discussion on Diversity held at the Young Lawyer Summit, and co-sponsored with the Multnomah Bar Association on 3.5.09
- "Road to the Bench" co-sponsored with OWLS and OMLA on 4.22.09
- Representing Immigrant Workers on Wage and Hour and Workers
- Compensation Discrimination Claims co-sponsored along with the Labor and Employment Section and the OTLA held on 7.24.09

Made sure we were part of critical conversations that impact issues of Diversity in the bar. Including:

- Nominating and sending a member of the DSEC to serve on the Access to Justice Advisory Committee
- Sending a member of the DSEC to participate in a subcommittee to create an OSB Diversity Mission Statement
- Participating in the Diversity Summit held on November 4th
- Supporting and maintaining relationship with the Affirmative Action Committee by holding a joint retreat and having communications via a liaison to the committee

Continued to make process improvements in order to increase membership and participation in the Section by

- Increasing visibility during the swearing-in ceremony
- Re-launching our new Diversity section website, twitter updates and Facebook fan page
- Continuing to refine the procedures for inviting participants onto the committee
- Co-hosting social events with other groups, including the BOG

Budget:

With the launch of some exciting initiatives – our budget was spent on supporting some of our new key

projects which included hosting and facilitation of our employer roundtable series, and the facilitation of a kick off meeting to plan for the 2011 Convocation on Equality. Continued efforts will support both of these projects as well as new initiatives that support our mission.

Matters considered/Matters pending:

The committee is considering implementing guidance on evaluating how or when the section should give donations to other organizations that support our mission.

The committee will also consider whether an increase in dues should be proposed for the following year

Future consideration may be given to whether any action should be taken on how the MBE impacts diverse law students –this issue was tabled pending more information on a study being conducted by the University of Oregon

Recommendations for 2010:

Work will be continued on the Convocation on Equality as well as our on-going Employer Roundtable sessions

It is expected that the section will continue to participate in discussions around the Access to Justice CLE credit and improvements and recommendations

It is expected that the section will continue to collaborate with other organizations that support diversity efforts within the bar and where necessary to provide leadership in those areas.

Respectfully submitted: Akira Heshiki (CH), Andrea J. Anderly (CH-Elect), Mary Crawford (Past CH), Anthony A. Padilla (TR), Diane Schwartz Sykes (SEC), Honorable Cheryl A. Albrecht, Alice M. Bartelt, Emilie K. Edling, Olivia Godinez, Antonio J. Gonzalez, Cashauna Hill, Robert C. Joondeph, Janna Beth M. Kim, Jeanne F. Loftis, Annette Elizabeth McGee, Larry Seno, David W. Blasher (ADV), Marva Fabien (ADV), Kellie Johnson (BC), Frank Garcia (BL).

Elder Law Section

Activities and accomplishments:

The CLE Subcommittee presented its 6th annual UnCLE program in Eugene on Friday, May 15, 2009. The UnCLE, which is modeled after the National Academy of Elder Law Attorneys (NAELA) UnProgram, is limited to 75 participants. Section members have the opportunity to choose the 16 topics for the day's agenda (for example, contested guardianships and conservatorships, transfers by long-term care facilities, veterans' benefits, and trust funding) and to participate in facilitated small group

discussions on four of the topics. The section sponsors its annual fall CLE program with the OSB CLE department. "Elder Law Issues and Answers," which was held on Friday, October 2, 2009, at the Oregon Convention Center, featured well-received presentations on a range of subjects, including cultural competence and communication; 2009 legislation; developments in the Medicaid program; and options for removing unwanted occupants from an elder's home. 165 people attended the live seminar, with video replays scheduled around the state.

The quarterly Elder Law Section Newsletter, which is professionally edited by Carole Barkley, is one of the most important benefits that the section provides for members. The Newsletter Subcommittee works with the editor to choose practice-oriented themes for the issues, to generate ideas for articles, and to identify potential authors. The newsletter is distributed electronically, which saves money and environmental resources. Issues from past years are available on the section's webpage on the OSB website.

The Agency and Professional Relations (APR) Subcommittee schedules quarterly meetings with representatives of the Oregon Department of Human Services to discuss changes to administrative rules and practices that affect Medicaid assistance for long-term care services and other public benefits. The areas discussed during 2009 included the treatment of promissory notes, annuities and pension funds, transfers to a disabled son or daughter, and protections against spousal impoverishment.

The section has an active listserve for members, which is monitored by the Computers and Technology Subcommittee. The listserve has developed into a forum for discussing challenging issues that members encounter in their practices as well as an avenue for posting questions and sharing information. The section's major disappointment concerning the listserve is the inability to archive posts and to index them for later retrieval. The subcommittee has contacted OSB about this issue and been informed that it is not possible to archive the posts using the current software. This subcommittee also provides information to OSB staff to update the section's webpage.

The Elder Abuse Issues Subcommittee monitors elder abuse issues and responses to elder abuse, both civil and criminal. Recently, there appears to be more police and prosecution activity in the area of elder financial abuse. Several section members have written chapters for the judges' bench book on protective proceedings, which is expected to be available online. The bench book was one of the needs identified by the Supreme Court Task Force on Protective Proceedings.

Budget:

As of October 31, 2009, the Elder Law Section had 574 members, of which 31 were complimentary memberships for judges, judges' staff, and 50 year OSB members. This is a slight increase over 2008. The annual dues remain at \$25, with a reserve of about \$20,000 to cover future expenses. The budgeted expenditures exceed the anticipated revenue by a small amount. The section's major expenses are the UnCLE program, which has made a small net profit after losing money for its first few years; the fees paid to the professional editor for the newsletter.

Legislative issues:

The Elder Law Section proposed one bill during the 2009 session. The legislature enacted Senate Bill (SB) 370, which amends ORS 111.275 and 125.030 to provide clear statutory authority for the court to enter limited judgments on requests for fiduciary fees and attorney fees in probate cases and in protective proceedings. The intent of the bill was to provide the basis for uniform practice throughout the state. A number of section representatives worked on various versions of House Bill (HB) 3077, the Oregon Law Commission bill that made major changes to the elective share of a surviving spouse, over a period of several years. The legislation goes into effect in 2011, and amendments are likely after practitioners have experience with the changes. The section worked on SB 16, which gives a health care representative named in an advance directive for health care the power to consent to involuntary psychiatric hospitalization for up to 18 days for treatment of behavior caused by dementia. The section opposed an earlier version of the bill which would have allowed hospitalization for an unlimited period with no opportunity for review. The section expects to be involved with legislation concerning advance directives for health care in the 2011 session as the authority given by SB 16 will sunset on January 2, 2012.

Matters considered/Matters pending:

The subcommittees carry out most of the work of the section under the direction of the Executive Committee. That work is described above. The Executive Committee authorized a contribution of \$500 towards the expenses of a training for mediators organized by the Multnomah County Probate Court, which plans to implement a pilot program to mediate contested guardianship, conservatorship, and probate matters.

Recommendations for 2010:

The Elder Law Section Executive Committee held its annual retreat on September 19, 2009, at Bella Beach.

The goals and activities identified for the coming year include making materials about elder law issues more accessible to Hispanic communities in Oregon; coordinating legislative activity and CLE programs with OSB sections that have common interests; providing more resources and support for newer lawyers and lawyers new to the field of elder law; and providing several short live CLE programs for section members outside the metropolitan areas.

Respectfully submitted: Penny L. Davis (CH), Sylvia Sycamore (CH-Elect), Ryan Edward Gibb (Past CH), Brian Haggerty (TR), J Geoffrey Bernhardt (SEC), Jason C. Broesder, Susan Ford Burns, Don Blair Dickman, Sam Friedenber, Leslie Kay, Eric M. Kearney, Stephen R. Owen, Michael A. Schmidt, Stephen R. Skipton, Brian M. Thompson, Whitney D. Yazzolino, Karen J. Lord (BC), David W. Nebel (BL).

Environmental and Natural Resources Section**Activities and accomplishments:**

Newsletters: Produced one newsletter—Environmental Crimes

Case Notes: Hired a new case notes editor

E-alerts: Produced 3 e-alerts

Legislative Updates from the 2009 Session

Federal Greenhouse Gas Reporting

EPA Proposes Rules to Reduce Greenhouse Gas Emissions

CLEs:

1 day long CLE: The Promise of Development: Natural Resource Issues in a New Economy (in Bend)

Brownbags:

Limitations Periods Under Cercla And Ors 465—Harmonizing Limitations Periods With The Long Timelines And Latency Of Hazardous Substance Claims

The Coeur Alaska Case: Rational Reconciliation Or Polluter's Charter

Update On Insurance Cost Recovery In Pollution Cases

Legislating Solutions To Climate Change In A Struggling Economy

Forestry And Climate Change

Other activities:

Participation in the Sustainability Task Force leading to a report submitted to the OSB Board of Governors

Collaborated in producing OSB's carbon footprint assessment

ENR Deskbook revision: began planning

Maintained ENR website: maintained a website w/ all CLE materials available from the past year, newsletters, meeting minutes and agendas from the year, and announcements of environmental and natural resource law related events

Student advisory committee members participated in Executive Committee activities (i.e. hiring a casenotes editor)

Budget:

Beginning fund balance for 2009 was \$ 10,587

Ending fund balance: for January 2009 was \$ 15,564

Total members: beginning 2009: 512, as of 10/31/09: 559

Projected beginning fund balance for 2010: \$9,687

Projected ending fund balance for 2010: \$5,452

Projected members for end of 2010: 560

Legislative issues:

The ENR did not submit any legislative improvement recommendations, though the section's representatives do follow legislative developments.

Matters considered/Matters pending:

The ENR considered matters related to all activities and accomplishments in 2009. Other matters considered included updating the ENR Desk book and whether newly admitted members or judges should get free memberships. Currently, ENR gives free memberships to students only.

Matters pending:

ENR Desk book supplement

Producing case notes

Newsletters: Climate Change and the Public Trust, Renewable Energy

Membership: Can and should ENR give free memberships to judges and newly admitted bar members?

Recommendations for 2010:

CLE programs: organize another day-long CLE that continues ENR efforts to reach out to all parts of the state and membership, and to generate revenue from the CLE this coming year; continue brown bags

Case notes: achieve a sustainable pool of volunteer writers and begin a regular case note generating routine

Determine the most beneficial next step in updating the ENR desk book—either breaking it down, creating a new supplement, or seeking another alternative

Collaborate with another section by putting on a joint CLE program

Any other comments:

ENR increased donations due to a poor economy, and adequate funds in the Budget

ENR increased geographical and law practice diversity on the Exec. Committee which now includes 2 Eugene attorneys, 2 Bend attorneys, 2 Salem attorneys

Respectfully submitted: Diane Henkels (CH), David Ashton (CH-Elect), William Sherlock (Past CH), Jas Jeffrey Adams (TR), Hong N. Huynh (SEC), Rachel L. Barton-Russell, Michael R. Campbell, Ellen H. Grover, Pamela Hardy, Laura Maffei, John H. Marsh, E Susan O'Toole, Donald H. Pyle, Susan L. Smith, Kimberlee A. Stafford, Crystal Chase (ADV), Audrey T. Matsumonji (BC), Scott A. Morrill (BL).

Estate Planning & Administration Section

Activities and accomplishments:

As of October 31, 2009, the section had 1,264 members. The section annual meeting was held on November 20, 2009 at the Nines Hotel in Portland, Oregon. Follow-up is a summary of the section's activities in 2009:

CLE Programs:

February 26, 2009

Estate and Distribution Planning for Retirement Benefits with Natalie Choate

7 General CLE credits

June 19, 2009

The Crossroads of Estate Planning and Dissolution Law: Lessons for Lawyers in Both Fields

6.25 General CLE credits

November 20, 2009

Administering the Taxable Estate

6 General CLE credits, 1 Ethics credit

Newsletters:

The section published four newsletters, in January, April, July and October, with articles on a wide range of topics of interest to trust and estate practitioners. The section switched to an electronic distribution of the newsletter with the October 2009 issue.

Website:

The section maintained a website with copies of section newsletters, selected legislative information, links, and other resources helpful to section members.

Listserve:

The section maintained a listserve open to section members. The listserve allows members to post questions and information of interest to estate planning attorneys.

Budget:

The section's financial position remains strong. The annual membership fee will remain at \$20. As of October 31, 2009, the section had an ending fund balance of \$6,398.

Legislative issues:

The section sponsored the following bills in the 2009 legislative session:

SB 237: Authorizing springing powers of attorney.

SB 371: Technical corrections to the Uniform Trust Code.

SB 238: Adopting the Uniform Adult Guardianship Act.

SB 235: Increasing small-estate dollar limits.

HB 2308: Requiring the Oregon Department of Revenue to issue a closing letter for an Oregon inheritance tax return.

HB 2357: Modifying the Oregon disclaimer statute.

In addition, the section has reviewed and commented on legislation sponsored by others, including amendments to the natural resources exclusion to the Oregon inheritance tax, a proposed bill regarding the Uniform Durable Powers of Attorney Act, and an amendment to the elective share statute.

Matters considered/Matters pending:

The section is evaluating legislative proposals for the 2011 legislative session.

Respectfully submitted: Penny H. Serrurier (CH), Susan N. Gary (CH-Elect), Jonathan A. Levy (Past CH), Eric H. Vetterlein (TR), Susan A. Miller (SEC), Karen C. Allan, William D. Brewer, Jeffrey M. Cheyne, D Charles Mauritz, Jeffrey G. Moore, Marsha Murray-Lusby, Timothy O'Rourke, Ian T. Richardson, Thomas J. Sayeg, Kenneth Sherman, Honorable Katherine E. Tennyson, Matthew Whitman, Bernard F. Vail (ADV), Kathleen A. Evans (BC), Matthew Shields (BL).

Family Law Section

Activities and accomplishments:

The Family Law Section continues to be active and successful. Section membership has increased to 1116 members.

The Section successfully conducted its annual three day Annual Meeting and CLE Conference at Salishan by presenting 10.5 general credits and 1 ethics credit. This CLE Conference also offered an opportunity to earn 2 optional credits: 1 child abuse and 1 elimination of bias credits. The seminar had 387 participants.

The Section Listserve continues to be a forum through which member can get practice advice on many topics. The Family Law Listserve and the section Newsletter continue to be useful practice aids to section members.

Budget:

The financial position of the section remains strong, particularly with the increased membership and CLE Conference attendance, which helps fund the newsletter.

Legislative issues:

In the 2009 session, the section sponsored two bills, HB 2310 and HB 2311, both which became law. Both modified the Family Abuse Prevention Act statutes. HB 2310 expanded the court's authority to modify an existing order for "good cause shown" such as specific changes in parenting plans. HB 2311 made an exception to the restraint on respondent by permitting the respondent to use a third party to serve the petitioner. Another bill introduced, HB 3888, would have reversed the Olesberg decision. This bill, as amended, was supported by the Family Law and Estate Planning Sections but the amendments never came up for a hearing before the legislature adjourned

Additional comments:

The Executive Committee continues with its practice of bi-monthly meetings with two face-to-face meetings, one occurring in Salem and the other at the Salishan conference.

These provided an opportunity for those members in all areas of the state to come together and meet personally, socialize, and conduct section business.

Respectfully Submitted: Robert C. McCann, Jr. (CH), Richard William Funk (CH-Elect), Gordon L. Dick (Past CH), Honorable Charles M. Zennache' (TR), Carl R. Stecker (SEC), Sean E. Armstrong, Jacy F. Arnold, Marcia Buckley, Seth W. Hantke, Grace Y. Lee, M. Scott Leibenguth, Laura B. Rufolo, Lauren Saucy, Anthony HB Wilson, Theresa L. Wright (BC) Susan Evans Grabe (BL).

Health Law Section

Activities and accomplishments:

In 2009, the Health Law Section sponsored a well attended CLE on October 9 in partnership with the Oregon Health Lawyers Association. The CLE focused on changes resulting from Oregon's 2009 legislative session as well as the status of federal health reform, among other timely topics. The section also sponsored two one-hour "Health Law Legislative Updates" to keep members informed during the course of the legislative session. We also launched the newly revamped section website in January and worked to build content so that it will be a useful resource to section members and health lawyers in Oregon. We accomplished a major portion of updating the Health Law Manual and expect a new edition to be ready by 2010. The section also engaged in successful outreach to Oregon law schools that included participation on career panels and invitation to the section CLE at a reduced price.

Budget:

In 2010, the Health Law Section anticipates membership of 270, with total membership fees revenue of \$3,900. Our fund balance at the beginning of 2009 was \$12,442 with an anticipated end of year balance of \$15,936. The Executive Committee approved a 2010 budget that includes new spending items to offer members further benefits, such as development of the website's resources and keynote speaker support for the annual CLE.

Legislative issues:

The Health Law Section had a legislative coordinator who regularly kept the executive committee up to date on legislative and regulatory matters. As mentioned above, the section sponsored two very well attended "Health Law Legislative Updates" to keep members up to date on significant health law legislation during the course of the session. The section did not sponsor legislation during the 2009 legislative session.

Matters considered/Matters pending:

The Executive Committee considered

Legislation. The section sponsored two one-hour "Health Law Legislative Update" CLEs during the course of the session.

The OSB Health Law Manual. The editorial committee accomplished updates to a major portion of the Health Law Manual and anticipates a new edition of the manual to be finalized in 2010.

Website. The executive committee launched the new section website in early 2009 and will continue to develop content in 2010.

Use of section funds. The executive committee elected not to make a contribution to the Campaign for Equal Justice and instead focus section resources on areas of specific interest and concern to health lawyers.

Law school outreach. Related to the above bullet, the section engaged in outreach to Oregon law schools.

Members. The committee approved complimentary memberships for newly admitted lawyers. The committee plans to evaluate retention of these members when data is available in 2010.

Recommendations for 2010:

Continue CLE activity, including updates of federal health reform.

Finalize updated Health Law Manual.

Invest in development of the section's website resources, and use the website as the primary communication tool for the section.

Continue law school outreach, and encourage participation by law students in Executive Committee activities.

Respectfully submitted: Nicola Yeats Pinson (CH), Peter D. Ricoy (CH-Elect), Gwen M. Dayton (past CH), Kelly Knivila (TR), Linda DeVries Grimms (SEC), Rachel Anne Wood Arnold, Karen Ann Berkowitz, Molly Burns Her-

mann, Benjamin D. Knaupp, Shannon K. O'Fallon, Brian M. Parrott, Lauren Rhoades, Amy Vandenbroucke, Barbara M. Dilaconi (BC), Dustin Dopps (BL).

Indian Law Section

Activities and accomplishments:

In 2009, the Section held a summer potluck in July at Sellwood Park in Portland. Section members and their families were invited to eat, mingle, have fun in the sun, and play ball. The Section provided hamburgers, garden burgers and hot dogs. The Section held its annual meeting on October 27 at Old Town Pizza in downtown Portland. At the annual meeting, the membership voted on the Nominating Committee nominations for the upcoming 2010 Executive Committee and discussed possible activities for 2010.

In 2007, the Executive Committee decided to establish a Section website where Section members could have articles posted and that could provide a forum for membership interaction and resources. In 2009, the Executive Committee decided to use the website services from the Oregon State Bar in lieu of the private webmaster services contracted for previously. A website subcommittee was also established to facilitate website postings, including events, articles, notices, employment opportunities, and Executive Committee meeting minutes. In addition, a member directory was added to the website in late 2009. The directory lists individual Section members who opt to participate and their practice areas.

The Executive Committee also decided to take advantage of the list serve opportunities offered by the Oregon State Bar. This decision was made with the goal of increasing interaction among Section members and to provide a forum for Section members to ask questions of or share information with other Section members.

The Section held its first writing competition in 2009. All Juris Doctoral and LLM students attending Lewis & Clark Law School, University of Oregon School of Law, or Willamette University College of Law were eligible. The deadline for submissions was September 1, 2009. Three submissions were received. One prize in the amount of \$1,000 was awarded for the winning entry submitted by Teresa Jacobs of University of Oregon. The winning entry was also published on the website.

The Section typically sponsors a day-long CLE every other year. The Section cosponsored a CLE in 2008, and plans to hold its next CLE in 2010.

Budget:

The Section saved some money in 2009 from the new website hosting arrangement and limiting contributions to the \$500 for the Equal Access to Justice. The Section also spent significantly less money on the annual meeting than was budgeted (with no impact on attendance as attendance was slightly higher than recent years).

The estimated year-end reserves (as of December 31, 2009) will be \$7590. The Section regularly accesses its reserves as it has been difficult to operate on annual revenue from Section memberships alone, especially with increased bar assessment costs and other bar related expenses. The budgeted expenses for 2010 are \$5,040.00 leaving a budgeted net annual deficit of \$1,840. The approved 2010 budget is as follows:

Revenue \$3,200 (\$20.00 x 160 members)

Budgeted Expenses as follows:

\$800 Annual Meeting

\$500 Executive Committee

\$300 Website and Internet costs

\$1,000 Conferences/Seminars

\$500 Contributions (Campaign for Equal Justice)

\$400 Telephone Conference Calling

\$500 Misc. costs

\$1,040 OSB Support Assessment

\$5,040

Legislative issues:

In response to the request by the Oregon State Bar for proposals for "law improvement" amendments to Oregon statutes, the Section proposed legislation, embodied in HB 2312, to adopt consistent definitions for the various types of foreign business entities wherever they appear in ORS chapters 58 – 70, and to assure that American Indian tribes are included among the types of foreign governments that are recognized as having the power to create and license such entities. The main way that HB 2312 achieves this is by replacing the phrase "organized under the laws of a state other than this state" with the phrase "organized under laws other than the laws of this state." The former phrase unintentionally excluded tribes, while the latter phrase includes them. In addition, HB 2312 replaced the diversity of definitions of "entity" with a single definition. That definition has been expanded by adding the phrase "a federally recognized Native American or

American Indian tribal government” to the list of entities. Chris Burford, the Section’s Legislative Contact, provided testimony before the House and Senate on this legislation.

The Section also supported other House and Senate bills that the Section had been offered the opportunity to comment on, including HB 5025 (funding state government agencies, including CIS), SB 217 (funding cultural resource protection), and SJM 10 (urging Congress to designate tribes as “local education agencies”).

In 2009, the Executive Committee established a legislative subcommittee to assist the Legislative Contact with legislative proposals. The new Legislative Contact for 2010 is Executive Committee member Craig Dorsay.

Recommendations for 2010:

The Section plans on sponsoring a full-day CLE in 2010. The Section also hopes to sponsor additional social networking opportunities and to expand the information and utility of the Section’s website. In addition, the Section will continue to encourage the membership to visit Oregon’s Indian tribes and attend various events throughout the year held by Oregon tribes on their reservation lands, which are advertised on the website.

Respectfully submitted: Lisa Jean Bluelake (CH), Douglas C. MacCourt (CH-Elect), John M. Schultz (Past CH), David D. Shaw (TR), Jennifer A. Amriott (SEC), Jennifer Biesack, Patricia L. Davis, Craig J. Dorsay, Michael J. Griesser, Brent H. Hall, Stephen P. Kelly, Carl Frederick Merkle, John W. Ogan, Lee Kevin Shannon, Carl V. Ullman, Mitzi M. Naucler (BC), Shelley Dobson (BL).

Intellectual Property Section

Activities and accomplishments:

The Section had an active year. As part of the Section’s desire to reach out to its member a survey was completed to identify members interest in outreach CLE programs. The survey results are being used to direct programs which specifically address the interest of the members.

The Intellectual Property Section has continued to organize and sponsor several CLE’s in 2009, including the following:

- Year End IP Review
- Section Annual Meeting
- The Section has continued its support of intellectual property law students and the law school as follows:

- Participated at an IP event at University of Oregon Law School,
- Participated at 4th Annual Legal Specialties Lunch at Lewis and Clark Law School
- Participated at the Lewis and Clark IP event (wine event)

The Section continued to support the Intellectual Property Section newsletter for the Year 2009 and is in the process of working with Lewis and Clark in regards to a transition plan to an online format. The Section has taken an additional commitment to assist in providing mentors and reviewers to assist students in writing articles for the new electronic newsletter format.

The Section continued periodic happy hours (no-host) to enable social and business networking between members of the Section.

We also implemented a new monthly BrownBag Seminar and Roundtable in the fall. Under the new program, each committee member is responsible for assisting in organizing one of the monthly BrownBags. As of the end of December, three BrownBags were held, including one directed to patent matters, one to copyright matters and one to trademark matters.

Budget:

The Section maintained its forecasted budget while engaging in opportunities to invite and sponsor out-of-state speakers. The Section was further able to provide food for Happy Hour networking events as well as sponsor a room for the Brown Bag lunch events.

The Section did vote to raise dues at the annual meeting and the dues increase will help to support additional out-of-town speakers, additional BrownBag events and co-sponsorship opportunities.

Legislative issues:

The Section worked to review and provide comments for the Trademark Model State Bill. Although the section did not proceed with sponsorship, comments and discussions were provided and section members actively participated in the process.

The Section also actively reviewed pending legislation and discussed whether to pursue any action. No action was taken for new legislation.

Recommendations for 2010:

The Section is planning on continuing on developing the Brown Bag lunch series, including providing opportuni-

ties for local members to participate as speakers and as audience participants.

The Section is further planning to continue the Year End IP law overview and is actively putting together plans for the 2010 event.

The Section further is continuing to develop the Happy Hour events and other social networking events for intellectual property practitioners and students. These events continue to be successful and of value to the members of the Section.

The Section hopes to use the Survey results in its planning of events for 2010, using recommendations regarding timing and locations to reach out to many of its members who responded to the Survey.

Respectfully submitted: B. Anna McCoy (CH), Michelle C. Craig (CH-Elect), Christopher J. Lewis (Past CH), Britt Bachtel-Browning (TR), Michael Heilbronner (SEC), Karen Wetherell, Bartley F. Day, Thomas L. Evans, Susan L. Ford, Kevin M. Hayes, James A. Hilsenteger, Kelly A. Luzania, Amanda L. Mayhew, Joseph S. Miller, Ambyr M. O'Donnell, Esin Onart, Julie Eling Penry, Steve D. Larson (BC), Mark Saltveit (BL).

Juvenile Law Section

Activities and accomplishments:

CLE

On February 13, 2009, the Section co-sponsored with the Bar its annual CLE at the World Forestry Center, titled "Juvenile Law 2009: Meeting the Needs of Children and Youth with Mental Health and Developmental Concerns." The CLE had 116 participants.

The moderator was Washington County Juvenile Court Judge James Fun, and our keynote speaker was the Honorable Leonard Edwards, Judge in Residence, Administrative Offices of Courts, Center for Families and Children and Courts, San Francisco, California. An "Overview of the Developmental Disability Service System for Children in Oregon" was presented by Janette C. Williams of the Office of Developmental Disability Services, and Julia T. Greenfield, an attorney at Disability Rights Oregon. The Honorable Michael C. Livingston provided "Appellate Case Law Update." Mary Claire Buckley, Director of the Oregon Psychiatric Security Review Board addressed "Insanity Defense and Juvenile PSRB Jurisdiction and Other Law-Related Issues." From Jackson County Juvenile Services, Karey Casebier related a "JPSRB Case Study." Mary M. McBride and Dominique Sotelo outlined "Correctional and

Behavioral Treatment Services under the Oregon Youth Authority." Finally, Dr. Eric M. Johnson presented "Forensic Evaluation in Delinquency Cases: A Developmental Look at Capacity, Culpability, Mental Illness, and Risk Assessment," with strong approval from the summary of evaluations by conference participants.

The Section provided scholarships to this CLE for students from each of the three law schools in the State.

Additionally, the Section is co-sponsoring the Juvenile Law Training Academy's October 19-20, 2009 CLE in Eugene, Oregon. Section funds have been authorized for that program, which continues to be excellent training opportunity for juvenile law practitioners.

The Section is currently planning the 2010 Juvenile Law CLE, which is scheduled for the Oregon State Bar Conference Center on Friday, January 29, 2010.

Website

Due to the efforts of Chair-Elect Cathy M. Ouellette, the Juvenile Law Section website has developed into a very useful tool for practitioners. The "Links and Resources" section is valuable online directory. The Section continues to operate a Juvenile Law listserv. This year summaries of bills pending in the Legislature pertinent to juvenile law practice were posted on the Juvenile Law Section Website.

Membership

The Committee has continued its efforts to increase members and has maintained the practice of offering free memberships to judges and those 50-year members of the Oregon State Bar. In addition, the Committee has offered free 2009 membership for 2009 Bar admittees. The Membership Subcommittee invited juvenile practitioners working with Oregon Public Defense Services to become members of the Section. Practitioners in the DA and AG's offices were also contacted. In addition, Juvenile Court judges were contacted and offered memberships with the Section. New Juvenile Section members will be welcomed by letter and encouraged to participate in the Section CLEs.

As of August 31, 2009, the Section had 291 paid members (an increase of 17 from 2008) and 24 complimentary members, for a total of 315 members.

Past Chair Janie Burcart (La Grande) resigned from the Executive Committee in May 2009. Sheri Thonstad (Hood River) was appointed to finish her term.

Legislative issues:

Both Ingrid Swenson and Tom Cleary reported updates as to legislation pertinent to Juvenile Court practitioners. Bill summaries were posted on the Juvenile Law Website. Section members participated in the Oregon Law Commission Senate Bill 1092 Work Group, which requires notice to school principals of delinquency charges filed against students attending their schools. Section members are also involved in an OLC Work Group regarding revision of Juvenile Court jurisdiction.

Budget:

The 2009 budget focused on increasing revenues through membership and decreasing Executive Committee expenses (for mileage, overnight, and out-of-area conferences). The leaner budget in 2009 has operated within the revenues provided this year.

In September 2009 the Bar notified the Executive Committee of a Bar assessment fee increase effective January 2010. The Juvenile Law Section dues have not changed in some time. Given the increased costs and the Bar's higher assessment, the Executive Committee recommended an approval of a \$5.00 increase in membership fee beginning January 2010.

Recognition of Juvenile Law Judges and Lawyers

At the February 2009 Conference, the Executive Committee solicited nominations of Juvenile Law judges and lawyers for an Oregon State Bar award. Judge Nan Waller was chosen as the sections nominee and a number of juvenile law practitioners, judges, and community leaders wrote letters in support of Judge Waller's nomination. The Oregon Board of Bar Governors has selected Judge Nan Waller for the President's Public Service Award, which will be bestowed on her at the December 2, 2009 OSB Awards Dinner. The Section plans to recognize juvenile law practitioners at its annual Juvenile CLE.

Mentoring

The Section is working on a Juvenile Practitioner Mentoring Program, which it hopes to implement in January 2010.

Matters considered/Matters pending:

An Executive Committee Work Group is tasked with addressing the issue of youth being shackled in the courtroom. Other committee members have been working on Juvenile Tort Claim issues.

Executive Committee members have continued as liaisons for the Family Law, Criminal Law, and Indian Law

sections.

Formal subcommittees for CLE, website, membership, awards, budget, and mentorship were formed working between Executive Committee meetings. Seven Executive Committee meetings were scheduled for 2009.

Annual Meeting

The Section Annual Business Meeting was scheduled for Saturday, October 10, 2009 at 9:00 a.m. at the Oregon State Bar Offices, 16037 SW Upper Boones Ferry Road, Tigard, Oregon 97224. At that time the election for Executive Committee members for 2010 was held and the 2010 budget discussed and approved.

Respectfully submitted: Julia M. Hagan (CH), Cathy M. Ouellette (CH-Elect), Christine Kantas Herbert (TR), Julie Goss Sutton (SEC), Thomas P. Cleary, Peter D. Ellingson, Shannon L. Flowers, Honorable James Lee Fun, Leslie J. Harris, Kathleen Payne, Shannon N. Penner, Steven E. Rosenbaum, Cara J. Smith, Ingrid Swenson, Sheri Thons-tad, Stephen V. Piucci (BC), Dani Edwards (BL).

Labor and Employment Law Section

Activities and accomplishments:

The section maintains a membership of approximately 805 paid and 42 complimentary members as of November 1, 2009. Attorneys who were admitted to the Oregon State Bar during 2009 were invited to join the section at no cost for the 2009 membership year.

The Section hosted 3 Breakfast Briefings this year, the topics were:

- Layoffs & Reductions in Force – Lisa Brown, Bullard Smith Jernstedt Wilson, Portland
- Supreme Court Update – Clay Creps, Bullivant Houser Bailey, Portland
- Legislative Updates – Richard Meneghello, Fisher & Phillips, LLP, Portland

The briefings were presented in both Portland and Eugene. Attendance at each briefing was at least 30.

The section co-sponsored the creation of a Low Wage Immigrant Worker panel of volunteer attorneys in conjunction with the Oregon Law Center. A CLE was held on July 24, 2009 to train the volunteers on handling these cases. Approximately 30 attorneys have signed up as volunteers to address the unmet legal needs of this community.

The section conducted its Annual Meeting and two ½ day CLEs at Sunriver on September 25 and 26, 2009. Speakers and topics covered in the continuing legal education program were as follows:

- Employment Law Nuts and Bolts: Discrimination Laws—Not as Easy as They Look – Karen O'Connor, Barran Liebman LLP, Portland, Scott N. Hunt, Busse & Hunt, Portland
- Employment Law Nuts and Bolts: Wage and Hour – Norman D. Malbin, Attorney at Law, Portland, Paul M. Ostroff, Lane Powell PC, Portland
- Employment Law Nuts and Bolts: FMLA/OFLA/ADA – Jennifer L. Bouman, Bullard Smith Jernstedt Wilson, Portland, Jason Weyand, Oregon AFSCME, Pendleton
- Update on Labor and Employment Cases – Richard F. Leibman, Barran Liebmann LLP
- 2009 Legislative Update – Dennis Westlind, Stoel Rives, LLP
- Family Leave In Depth – Thomas K. Doyle, Bennett Hartman Morris & Kaplan LLP, Portland and Katherine C. Tank, Schwabe Williamson Wyatt PC, Bend
- NLRB and ERB Update – Rich Ahearn, National Labor Relations Board, Seattle and Susan Rossiter, Employee Relations Board, Salem
- Negotiation and Mediation—Do Rose-Colored Glasses Participate? – The Honorable Edwin J. Peterson, Willamette University College of Law, Salem

Approximately 50 people attended and feedback from the event was quite good.

Budget:

The Section had a balance of \$15,473 as of January 1, 2009. As of November 1, 2009 the balance is \$16,835.00. Additional expenses of approximately \$1,000 are outstanding and will be paid during 2009. The Section estimates that the 2010 budget will be roughly the same as the 2009 budget.

Recommendations for 2010:

The Section will present its annual meeting and CLE in Portland in 2010. The Section intends to offer several Breakfast Briefings on current legal topics as well. We will also be looking at new ways to raise the profile of the section, provide additional helpful programming to our section members and increase membership.

Respectfully submitted: Allyson S. Krueger (CH), Thomas K. Doyle (CH-Elect), Giles Gibson (Past CH), Scott

N. Hunt (TR), Henry H. Drummonds (SEC), Brenda K. Baumgart, Jennifer L. Bouman, Stephanie M. Harper, Sherman B. Kellar, Norman D. Malbin, Richard R. Meneghello, Paul M. Ostroff, Nathan Schwartz Sykes, Leroy J. Tornquist, Jason Michael Weyand, Audrey T. Matsumonji (BC), Christine Kennedy (BL).

Law Practice Management Section

Activities and accomplishments:

During the year, the Section focused on completing its web site and holding two CLE's on Law Practice Management. The web site is ready for public viewing. The Section co-sponsored a CLE on May 8, 2009 with the Small and Sole Practitioner Section presenting a full-day of technology related topics. The Section again co-sponsored a CLE on November 20, 2009 with the Small and Sole Practitioner Section presenting a full-day CLE on a variety of sessions on how to run a sole or small law firm.

The Section developed an outline plan of what it should focus on both in short- and long-term goals. This document was created to provide consistency from year-to-year along with breaking down what needs to be done to accomplish the goals stated in the plan.

Budget:

The Section is not recommending any increase in its budget. It expects its budget to be nearly identical to the 2009 budget.

Matters considered/Matters pending:

The Section will be focusing on growing its membership in 2010 along with continuing to provide CLE's. It plans to provide a minimum of one full-day CLE.

Recommendations for 2010:

It is recommended that the Section goals for 2010 is to provide education, grow the members, and send a survey to see what tools or information the Section members would want to see to enhance their membership.

Respectfully submitted: Dawna Mason (CH), Eric (Skip) Winters (Past CH), M. David Daniel (TR), Carol Decker Wilson (SEC), David L. Carlson, Rick Glantz, Dawnne L. Linenbrink, Charles M. McNair, Mary Patricia Sauer, Vicki M. Smith, Dee Crocker (PLF), Mitzi M. Naucler (BC), George D. Wolff (BL).

Litigation Section

Activities and accomplishments:

Comprised of attorneys practicing in areas ranging from civil to criminal, plaintiff to defense, personal injury to commercial, consumer to business, and real estate to family litigation, the Litigation Section remains the largest section of the Oregon State Bar. Our signature activities continue to be publication of the Litigation Journal, selection of the annual Owen M. Panner Professionalism Award winner, and sponsorship of the annual Litigation Institute and Retreat and the biennial Fundamentals of Oregon Civil Trial Procedure CLE, which was held in October, 2009. Once again the Litigation Section was pleased to offer scholarships to the Litigation Institute and Retreat, which enabled public service and minority lawyers to attend this important event. As is our tradition, members of the Executive Committee paired up with scholarship recipients to personally host them at the Institute and Retreat. We still maintain a website; assist in providing speakers for other CLE events, and work to promote communication, camaraderie, and professionalism within the bench and bar. Here are some further details:

Litigation Journal. We produced three issues of the Journal this year, coming in under budget for this project. Editor Denny Rawlinson continues to spearhead this first-rate publication. We believe the Journal is a valuable resource and a reason why lawyers choose to join the Section.

2009 Litigation Institute and Retreat. 2009 marked our 16th annual Litigation Institute and Retreat, which we co-sponsor with the Oregon State Bar. This year, the Section was able to fund a total of seven scholarships to the Institute. Three of which are known as the "Dennis Rawlinson Scholarships". These scholarships are awarded to those working in the public sector. They are given to honor the tremendous contribution that Dennis Rawlinson has made to the Litigation Institute. Denny and his committee always do an excellent job of locating national and region speakers and select topics that are timely and have broad application. At the 2009 Retreat, we were fortunate to have Terence F. MacCarthy speak on "Impeachment: Weapons of Mass Destructions".

2010 Litigation Institute and Retreat. Planning is complete for the 17th annual Litigation Institute and Retreat featuring Michael P. Cash and his topic will be "Trials: Tips, Tactics and Practical Tales." On Friday, we have scheduled David B. Markowitz to discuss, "The Perfect Question"; Peter C. Richter, his topic, "Beyond Mad Men: The Sci-

ence of Persuasion"; John M. Barkett covering "E-Discover Rules, Tools and Trouble"; and Julie D. Elkins, Stephen F. English, and Timothy J. Helfrich who will provide a panel discussion on "Depositions". On Friday night we will have our annual banquet including the presentation of the 13th annual Owen M. Panner Professionalism Award to Nancy K. Potter, Roberts Kaplan, LLP., Portland.

2009 Panner Professionalism Award. We were overjoyed to give the 2009 Panner Award to Thomas E. Cooney, Cooney and Crew, LLP., Portland.

2010 Panner Professionalism Award. As usual, we had an outstanding selection of nominees this year making the selection a difficult decision. After investigation, and much discussion, the subcommittee recommended excellent candidates from whom the executive committee chose Nancy K. Potter as our 2010 Panner Award recipient. Ms. Potter has accepted the award and confirmed that she will attend the March 5, 2010 Awards Dinner during the 17th annual Litigation Institute and Retreat. This year, our goal was to complete the selection process prior to the publishing of the fall litigation journal, so that we would have an opportunity to make the announcement within that journal.

Fundamentals of Civil Trial Procedure. This two day seminar was held on October 16th and 17th at the Oregon State Bar Center. We have created a sub-committee to review this CLE and recommend changes to the programs and speakers. It is our goal to keep this CLE as practical and useful as possible, particularly for younger attorneys.

Website. In 2009 we worked to update and improve the content of our website. A sub-committee continues to monitor and update the site so that it remains a relevant source for our members and the community.

Budget:

We expect to end the year with a surplus of approximately \$15,000. We have experienced some increases in our Litigation Institute and Retreat budget as a result of the expense due to national speakers and also the funding of the scholarships. We will continue to fund a total of seven scholarships in 2010. We also changed our lodging and reimbursement policy for Executive Committee members attending Executive Committee meetings. We have decided to provide full reimbursement for those meetings. Previously, we had limited reimbursement as a result of lack of funds. Currently, we are again experiencing yearly surpluses and as a result decided to make the change. If we continue to experience an increase in that ending surplus, we may consider adding a fourth Litigation Jour-

nal publication each year. The Executive Committee will continue to monitor expenses carefully to be sure that we are staying within our budgeted surpluses.

Legislative issues:

Lindsey Hughes has acted as the Legislative Liaison to the Executive Committee and has done an outstanding job of keeping the Committee informed of legislation effecting or otherwise of interest to litigators. The Section did not take a formal position on any proposed legislation.

Matters considered/Matters pending:

We are continually interested in the quality of the educational seminars that we present or participate in presenting. These include primarily, the fundamentals of Oregon Civil Trial procedure and the education provided at the annual Litigation Institute and Retreat. The members of the sub-committees responsible for those events have worked very hard to ensure the highest quality education for our section members.

We currently have four openings on the Executive Committee and the nominating committee has been working to fill those. We are hopeful to have some new members join our ranks next year. We continue our effort to attract members from diverse geographic locations. However, work demands and travel make it difficult to attract new committee members from outlying areas.

Recommendations for 2010:

The outgoing Chair recommends that the Executive Committee continue to work on the revisions to the Fundamentals of Oregon Civil Trial Procedure CLE and work on filling the open slots on the Executive Committee with an eye toward diversity in terms of geographic location, minority status and practice areas.

Respectfully submitted: John A. Berge (CH), Colleen O'Shea Clarke (CH-Elect), Honorable Tracy A. Prall (Past CH), Timothy L. Williams (TR), Simeon D. Rapoport (SEC), Peter L. Barnhisel, Benjamin M. Bloom, Eric L. Dahlin, Kimberly D'Aquila, Douglas E. Hojem, Lindsey H. Hughes, Theresa M. Kohlhoff, Michael R. Mahony, Kathryn P. Salyer, Sarah Rhoads Troutt, Wm. Randolph Turnbow, Mindy Wittkop, Christopher H. Kent (BC), Karen D. Lee (BL).

Products Liability Section

Activities and accomplishments:

Newsletter

Historically, the section has published two to three newsletters per year. The Spring 2009 newsletter included excellent submissions from several practitioners. The current newsletter is nearing completion under the editorship of Todd Bradley.

Publication Contest

The Executive Committee expanded its efforts to recruit interest in the section's law student publication contest. The contest invites law students to write and submit articles on topics related to products liability to the section's contest subcommittee. The section offers recognition including a cash prize of \$2000 and publication of a winning submission in the Products Liability Newsletter.

CLE

For the past several months, a CLE subcommittee has engaged in planning the section's upcoming CLE. Although the section has historically combined its annual meeting with a fall CLE, planning considerations have moved the upcoming CLE to April 2010. This is consistent with bylaws Article III, Section 6 directing the section to sponsor or co-sponsor not less than one CLE every two years.

Happenings of Interest

This year the Executive Committee has included a slot on its monthly meeting agendas for members to share anecdotes and updates of interest relating to legislation, judicial opinions and trial results that relate to products liability. I believe this informal sharing of information has been valuable.

Nominating Committee and Annual Meeting

This month, a nominating subcommittee is completing its work, having assembled a talented and well-balanced slate to continue the work of the Executive Committee through 2010. The 2009 annual meeting will be held via electronic ballot distributed this week.

Budget:

The section's account balance is currently approximately \$7,885, and has remained fairly steady over the course of 2009. The balance is somewhat higher than anticipated in part because no publication contest prize was awarded in 2009. The Executive Committee understands that maintaining a substantial balance is not necessarily desired, and plans to use funds to promote the section's

mission with an upcoming newsletter publication, CLE expenses, and potential publication contest prize expense.

Recommendations for 2010:

Challenges

For 2010, I will encourage David Rocker as Chair to ensure that committee business at monthly meetings is not impeded by a lack of quorum by increasing awareness of bylaws Article VI, Section 3, under which a position on the executive committee may be deemed vacant if a member fails to attend two consecutive meetings unexcused, or four consecutive meetings, even if excused. Additionally, planning of the section's CLE in the next cycle should begin approximately six months before the CLE, and should include at least one "backup" plan in case a desired speaker or topic proves unworkable.

Respectfully submitted: Scott F. Kocher (CH), David Casby Rocker (CH-Elect & SEC), Bruce C. Hamlin (Past CH), Deanna L. Wray (TR), Charles E. Bolen, Jeffrey A. Bowersox, Todd Bradley, Brian Campf, Henry H. Drummonds, Andrew Lee, Scott C. Lucas, Michelle K. McClure, Leslie W. O'Leary, Evan M. Schechter, Helen C. Tompkins, Heather J. Van Meter, Stephen V. Piucci (BC), Teresa Wenzel (BL).

Real Estate and Land Use Section

Activities and accomplishments:

Summary - The Executive Committee and its subcommittees were active throughout the year. The subcommittees on annual meeting, education, real property legislation and land use legislation met on various matters and reported to the Executive Committee throughout the year.

Education - Education is the primary goal of the section. The RELU Annual Meeting and seminar was held August 14 and 15 at The River House in Bend. Registered attendance was approximately 180. The Annual Meeting subcommittee, with the assistance of Norma Freitas, is responsible for the meeting and continuing education programs presented, providing approximately 12 credits for those attending, including one ethics and one access to justice credit. The section also held a one-day CLE in Portland on advanced topics in Real Estate and Land Use, co-sponsored with the OSB. In addition, the section sponsored four lunch-hour continuing education programs in Portland that regularly drew 100 attendees.

RELU Digest - The Real Estate and Land Use Digest continues bi-monthly publication with the help of volunteer contributors and the diligence of Ed Sullivan and

Kathryn Beaumont. The Digest is distributed to members, judges and law libraries in electronic format and is also available to members on the section's website.

RELU Website - The section website continues to be refined and updated. Development of a Digest archival database along with search tools is a long term project anticipated to provide an important research source for section members.

RELU Listserve - The listserv continues to provide a useful communication tool for section members to exchange ideas and to post questions on legal issues. The Executive Committee appoints a list serve moderator, but the listserv is largely self-governing. It has proved to be one of the most beneficial and widely-used services provided by the Section to our members.

Membership and Volunteer Development - The Executive Committee continues to focus on membership development and attempts to direct new and continuing section members to volunteer opportunities that both interest the members and helps to sustain the short and long-term goals of the section. The website continues to direct new volunteers and provides a useful recruitment tool.

Liaisons with Other Sections - The Executive Committee has established permanent liaisons with multiple sections of the bar, researching opportunities for more effective delivery of educational and other services to its members through cooperation with those sections. In support of the greater legal community, the Executive Committee approved a contribution to the Campaign for Equal Justice.

Executive Committee - The Executive Committee met eleven times during the course of the year. Meeting locations included the OSB offices in Tigard, Portland, Ashland, and Bend. A quorum was present for every meeting with some members attending by phone. The nominating subcommittee met electronically and recommended a slate of candidates for 2010 based on the Section's nominating committee guidelines. The slate was unanimously confirmed by the Executive Committee and approved by the membership at the annual meeting in August.

Budget:

2009 revenue and expenditures were generally within budget. The revenue from the Annual Meeting was lower than budgeted, raising concerns of continuing shortfalls in light of rising prices and the impact of general economic conditions on section members. A requested increase in section dues was denied by OSB. There continues to be a budgeted reserve which the Executive Committee

approved as reasonable given the expense of the Annual Meeting the possibility the section would have to reimburse OSB for any losses if a CLE were canceled.

Legislative issues:

Our section suggested law improvement legislation relating to both land use and title law issues that were approved for action by OSB and introduced in the state legislature. Legislation dealing with both land use and two real estate law improvement were introduced. A number of our members appeared before the state legislature to testify regarding this legislation. One land use bill amending the process for appealing a decision from LUBA was enacted as Chapter 25, Oregon Laws 2009 (amending ORS 197.850). Unfortunately, the other items of legislation engendered unforeseen controversy and were withdrawn. Our real estate legislation and land use legislation subcommittees are currently working on proposed legislation for consideration during forthcoming legislative sessions.

Recommendations for 2010:

The section will continue to produce up to six issues annually of the Digest; conduct its Annual Meeting in August 2010 at the Salishan Resort in Gleneden Beach; present an October CLE in Portland on basic topics in Real Estate and Land Use; host three to five luncheon continuing education programs in Portland; propose, monitor and report on specific legislation; enhance and upgrade the RELU website; continue the member listserve; and continue short and long-range planning and member outreach/development efforts.

Respectfully submitted: Dominic G. Colletta (CH), Gregory L. Nelson (CH-Elect), Joan S. Kelsey (Past CH), Christian E. Hearn (TR), John C. Pinkstaff (SEC), Thomas E. Bahrman, Tod A. Bassham, James C. Casterline, Joshua A. Clark, Laurie E. Craghead, Christopher D. Crean, Liz Fancher, Jeffrey B. Litwak, Norma S. Freitas (ADV), Christopher H. Kent (BC), Michelle M. Peterson (BL).

Securities Regulation Section

Activities and accomplishments:

Executive Committee Membership

2009 Officers (Elected at October 21, 2008 Annual Meeting):

Chair: Gustavo J. Cruz, Jr., Davis Wright Tremaine LLP

Chair-Elect: David S. Matheson, Perkins Coie LLP

Past Chair: Timothy S. DeJong, Stoll Berne

Treasurer: Paul H. Trincherro, Grenley, Rotenberg, Evans, Bragg & Bodie, PC

Secretary: Tanya A. Durkee, Lane Powell PC

2010 Officers (Elected at October 28, 2009 Annual Meeting):

Chair: David S. Matheson, Perkins Coie LLP

Chair-Elect: Paul H. Trincherro, Grenley, Rotenberg, Evans, Bragg & Bodie, PC

Past Chair: Gustavo J. Cruz, Jr., Davis Wright Tremaine LLP

Treasurer: Tanya A. Durkee, Lane Powell PC

Secretary: A. Jeffery Bird, Schwabe, Williamson & Wyatt PC

Committee Members Elected for Two-Year Terms at 2009 Annual Meeting:

Kevin C. Anselm, Chief of Enforcement/Securities Licensing and Registration, Oregon Division of Finance and Corporate Securities

Jason H. Barker, Holland & Knight LLP

Paul J. Blechmann, The Law Office of Robert J. McGaughey

Michael J. Esler, Esler, Stephens & Buckley

Sara N. Gray, Stoel Rives LLP

Justin R. Martin, Myatt & Bell PC

Justin C. Sawyer, Miller Nash LLP

David C. Wang, Holland & Knight LLP

Continuing Members Elected at 2008 Annual Meeting:

Sherrill A. Corbett, Tonkon Torp LLP

Jacob Gill, Stoll Berne

Monthly Luncheons and Annual Meeting

Monthly Luncheons

The Securities Regulation Section held monthly luncheons in Portland at the Governor Hotel with CLE speakers. A list of the monthly lunch speakers for 2009 and the dates and subjects of their presentations follows:

OSB Securities Regulation Section Luncheon Speakers for 2009

January 21

Timothy S. DeJong, Stoll Berne, and Robert D. Newell,
Davis Wright Tremaine LLP

Securities Litigators Posing as Constitutional Lawyers:
Plaintiff and Defense Counsel Discuss Dormant Com-
merce Clause Challenge to Oregon Securities Law

March 18

Milo Petranovich, Lane Powell PC

Combing for TICs and Tic-Tac-Dough: Tenancies-In-
Common and Securities Laws

May 20

Joseph C. Arellano, Kennedy, Watts, Arellano & Ricks
LLP and Bruce Schafer, Professional Liability Fund

Professional Liability Issues in Securities Practice:
Avoiding Common Pitfalls

June 17

Janet Hoffman, Hoffman Angeli LLP

Maintaining Client Confidences while Sharing Informa-
tion with Auditors: A discussion of the challenges posed
by the new legal and business environment for working
with outside auditors and current legal trends on sharing
information with auditors, including the potential impact
of the pending *en banc* review of *United States v. Textron*

August 19

Danielle Benderly, Perkins Coie LLP

Reinvigorating Underwater Stock Options

November 18

Kevin C. Anselm, Chief of Enforcement and Securities,
State of Oregon Department of Consumer and Business
Services

The Financial Storm – The State of Securities in Oregon
Annual Meeting

The Securities Regulation Section held its Annual
Meeting in Portland on October 28, 2009. The keynote
speaker was Michael J. Esler, of Esler, Stephens & Buckley,
and the title of his presentation was: “Badger v. Paulson
and Pushing the Limits of Respondeat Superior Liability.”

Budget:

The Section continues to enjoy a positive financial
situation. As of August 31, 2009, the Section had a cash
balance of \$11,226. This balance has accrued over sev-
eral years, and the cash flow from membership fees and

other revenue sources, including payments for monthly
luncheons, has been sufficient during 2009 to cover
expenses related to the monthly luncheons and the Sec-
tion’s other activities.

In 2009, the Section again elected to award a \$500
scholarship to a top student at each of Oregon’s three law
schools, who was chosen by the professor who teaches
Securities Regulation at each of the schools. The Section
also contributed \$500 to the Campaign for Equal Justice.

For 2010, the Section projects a continuing posi-
tive cash balance and expects to continue its monthly
luncheons, its scholarships and its sponsorships of and
participation in the Northwest Securities Institute.

Respectfully submitted: Gustavo J. Cruz (CH), David S.
Matheson (CH-Elect), Timothy S. DeJong (Past CH), Paul
H. Trinchero (TR), Tanya A. Durkee (SEC), Kevin C. Anselm,
A Jeffery Bird, Sherrill A. Corbett, Michael J. Esler, Jacob
S. Gill, Sara N. Gray, Justin R. Martin, Justin C. Sawyer,
David C. Wang, Steve D. Larson (BC), Susan Roedl Courn-
oyer (BL).

Sole and Small Firm Practitioners Section

Activities and accomplishments:

The Executive Committee held monthly meetings
throughout the year. We moved the meetings from Salem
to the Bar Center to conserve Section resources. In ad-
dition monthly member lunch meetings were held in the
Portland area throughout the year.

The listserv continues to be active. It provides re-
sources to members on substantive and procedural issues.
In addition it provides a good means of communication
for the Executive Committee and the membership

Janice Hazel worked with Bar staff to develop a
website for the Section. It has been tested and is being
revised for its launch.

The Section teamed up with the Law Practice Manage-
ment Section and the PLF to co-sponsor two very success-
ful CLES. A technology seminar in the spring attracted
over two hundred attendees. It included a tech show.
Solo by Choice in the fall filled the Bar center to overflow-
ing. Barbara Fishleder at the PLF was instrumental in the
success of both programs.

Members of the Executive Committee served on the
Casemaker/Fastcase Review Committee, and the BOG’s
Senior Lawyers Task Force.

Budget:

We started the year with just over \$20,000 in funds. After all of the year's activities we should end up with around \$16,000. This includes a \$700 contribution to OMLA and our share of the two CLEs. Our budget for next year will be similar to this year's only with more members.

Legislative issues:

We continue to be concerned about funding for the law libraries around the State. New rules concerning protection of client financial information are also an issue.

The Executive Committee discussed and took positions on HOD resolutions affecting Section members. A major concern was the change to the pro bono rules. The Section Chair and other members testified against the proposal at HOD and it was ultimately defeated.

Our legislative coordinators for 2010 will be Dave Maden, Kelly Doyle, Scott Phinney and Stan Muir.

Matters considered/Matters pending:

We are working with the Bar staff and the BOG to resolve the issue of unfair pricing of BarBooks. We have a proposal for a temporary reduction for members from the Bar publication Department. We also sent a resolution to the BOG to further reduce the cost for members so that it is similar to a firm of similar size. The BOG has the resolution under advisement. In the meantime we are putting together a proposal to obtain discount pricing on the same basis as a large office share.

While we support the work of the OMLA it has been suggested that we look into a scholarship program specifically targeted at prospective sole and small firm practitioners.

We are also trying to restart and/or begin lunch meetings for Salem, Eugene, Bend and Southern Oregon.

Recommendations for 2010:

We need to continue to move forward on our goals. Those include continued CLEs and services for our members. We also need to continue to meddle in the Bar's business to assert and protect the interests of our members and other sole and small firm practitioners. We should try to develop a brownbag CLE series and affinity programs. Successful resolution of the BarBooks issue should be a high priority.

Any other comments:

We now have over 400 members.

For the first time in recent memory we will have a full Executive Committee next year. Our Executive Committee for 2010 is:

- Chair - Kelly Michael Doyle
- Chair Elect - Janice L. Hazel
- Past Chair - W. Scott Phinney
- Secretary - Joshua S. Williams
- Treasurer - Donna G. Goldian

Continuing members with terms expiring 12/31/2010:

Russell D. Bevans-Position 1

New members with terms from 1/1/2010 through 12/31/2010:

- J. Douglas Wells-Position 4
- Gary Underwood Scharff-Position 5
- David H. Madden-Position 6

New members with terms from 1/1/2010 through 12/31/2011:

- Anne E. Denecke-Position 7
- Kathy Stoneman-Position 8
- Wendy J. Baker-Position 9
- Janice L. Hirsch-Position 10
- Elizabeth A. Kafel-Position 11
- Dorothy E. Schmidt-Position 12

Reappoint after January 1, 2010: Vincent A. Deguc-Position 2 and Michael L. Cooper-Position 3

Respectfully submitted: W. Scott Phinney (CH), Kelly Michael Doyle (CH-Elect), Donna G. Goldian (TR), Joshua S. Williams (SEC), Russell D. Bevans, Robert A. Browning, Michael L. Cooper, Vincent A. Deguc, Janice L. Hazel, Christopher H. Kent (BC), Rod Wegener (BL).

Taxation Section

Activities and accomplishments:

The Executive Committee meets four times a year. The membership is fairly stable at around 450 members, thus creating the stable revenue base. The Section is financially healthy and anticipates using funds to increase the quality of CLE by bringing in speakers from out of town for the Tax Institute and a regularly-produced luncheon program series as a benefit to members. In addition, funds have been authorized for the improvement and maintenance of the Section's web site. This report provides more details on the Section's activities and goals.

Luncheon Series

Tax luncheons are held in both Portland and Salem for local practitioners. Both series included sessions throughout the entire year. While both lunches make some profit, the primary focus is education of members.

Annual Oregon Tax Institute

The 9th Oregon Tax Institute was held at the Multnomah Athletic Club. The event made some money and attendance was up. The 2010 Oregon Tax Institute is already planned and it is anticipated to operate at a slight loss. The event will be held at the Multnomah Athletic Club.

Website

The Section's web site is maintained, by Spotted Horse Software, which also does work for other sections of the Oregon Bar. While it is still produced on paper and mailed to Section members, the Section's newsletter is also accessible electronically through the web page. We try to update the website regularly to notify members of Section events.

Newsletter

The section continues to produce a newsletter to our members, with articles of interest to tax practitioners. A Newsletter subcommittee meets via teleconference about once a month. Three newsletters will be produced this year.

Tax Section ListServ

This year the Committee tried to use the Listserv to notify members of various events and changes in the law. We have seen a slight increase in its usage by members but hope for more in the future.

Budget:

Revenues for 2009 are projected to be about \$33,893. Expenses are projected to be about \$25,819. The ending fund balance is projected to be \$62,046. In 2010 the revenues and expenses are projected to be about \$31,775 and \$33,512, respectively. It is likely that expenses will increase with the 10th Oregon Tax Institute.

Legislative Issues:

The Section is not sponsoring any legislation for the upcoming short 2010 legislative session. The Section's legislative committee is very active and hopes to assist legislators in understanding future tax legislation. The Section plans to work with the Bar and Oregon Department of Revenue to improve tax legislation.

The Legislative subcommittee meets periodically with heads of the Oregon Department of Revenue to discuss ongoing tax issues and to keep open lines of communication. The Department forwards proposed administrative rule changes to the subcommittee, which are then forwarded to executive committee members for review and comment. The cooperation between the Section and the Department of Revenue continues to increase, and that our assistance to the Department in preparing and reviewing constructive legislative proposals is appreciated.

Broad Brush Taxation Seminar

The Broad Brush Taxation Seminar, which is held every other year, occurred in November 2009. This Seminar is aimed at those Bar members who are not tax experts.

Respectfully submitted: Katherine O. VanZanten (CH), Valerie Sasaki (CH-Elect), Mark L. Huglin (Past CH), Neil D. Kimmelfield (TR), Larry Joseph Brant (SEC), Steven > Christensen, Dan Eller, Gwendolyn Griffith, Vivian M. Lee, Mark F. LeRoux, John Anthony Magliana, Robert T. Manicke, David C. Streicher, Jeffrey S. Tarr, Michael C. Wetzel, Jeffrey M. Wong, Karen J. Lord (BC), Karen D. Lee (BL).

Workers Compensation Section

Activities and accomplishments:

The section held its 26th Annual Meeting on May 15, 2009 at the Salishan Lodge at Gleneden Beach, Oregon. At the meeting, the section elected the following officers and members-at-large to serve on the Executive Committee:

Officers:

Matthew Fisher –Chair
ALJ Chuck Mundorff – Chair Elect
Julie Masters –Treasurer
Dale Johnson –Secretary
Matthew Roy – Past Chair
Members-at-Large:
James L. Edmunson
Rob Guarassi
Jacqueline Jacobson
Ron Bohy
Norm Cole
Chuck Mundorff
ALJ Kate Donnelly
Jennifer Roumell
Adam Stamper
ALJ Nick Sencer

Dennis VavRosky

The meeting was held in conjunction with a two-day seminar. The seminar was approved for 7.25 general and 1.0 professional responsibility MCLE credits. The program included various legal and medical speakers covering topics relevant to practitioners of workers' compensation on both sides of the Bar.

The section also sponsored a Bench/Bar Ethics CLE on November 13, 2009 free of charge to its members. The conference covered one hour of discussion regarding child abuse reporting for practitioners of workers' compensation law and two hours of access of justice credit. The CLE was held at the Willamette Valley Vineyards in Turner, Oregon. The conference included a free lunch for all section members.

Budget:

The executive committee has approved the section's budget for 2010. Generally, the largest expenditures relate to the seminars sponsored by the section.

Recommendations for 2010:

The executive committee will continue with monthly meetings held in accordance with the section bylaws. The standing committees will continue to meet on an as-needed basis to function with the following general goals:

Legislative issues:

Monitor proposed and potential legislation and rules under the Board and Department; provide advice to the committee regarding the advisability of proposed legislation or rule changes, and review current workers' compensation laws to keep the committee apprised of new developments.

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 2010 is to put on at least one Bench/Bar ethics CLE at Willamette Valley Vineyards.

Access to Justice:

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 2010 annual meeting/CLE will again be held at Salishan Lodge on May 14-15.

Communications:

Monitor the development and production of the section's website and continue efforts in getting relevant practice information to all section members.

Douglas Daughtry Award Committee:

This committee is made of the most recent three past section chairs and meets to make recommendations to the full committee on the merit of nominations for the award. This committee will began meeting early in 2010 to start accepting nominations and making recommendations to the full committee for the award, which, if given, will be presented at section's Annual Meeting at Salishan.

Go Forward Committee:

This committee focuses on the sustainability of our practice, including recruitment of new lawyers and expanding our practice area. Initial focus will be on recruiting law students. The committee will help prepare basic CLEs geared toward new members and develop a speakers bureau for lunch time talks.

Technology Committee:

This newly created committee focuses on exploring ways to benefit section members and the forum by utilizing advances in technology. The committee will continue to explore implementation of systems that promote efficiency and economy in the workers' compensation arena.

Respectfully submitted: Matthew Lansing Roy (CH), Matthew M. Fisher (CH-Elect), Holly J. Somers (Past CH), Julie Masters (TR), Dale C. Johnson (SEC), James L. Edmunson, Robert J. Guarrasi, Jacqueline M. Jacobson, Dean J. Lederer, Charles R. Mundorff, Jill M. Riechers, Jennifer R. Roumell, Adam T. Stamper, Arthur Wilber Stevens, Dennis R. VavRosky, Barbara M. Dilaconi (BC), Suzanne Cushing (BL).



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