

Oregon State Bar

2010 **COMMITTEE
& SECTION**

Annual Reports

2010 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 responsive to the needs of its members, the courts, and the bar. To all 2010 Committee and Section members, thank you for your time and expertise.

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COMMITTEES

Affirmative Action Committee

Activities and accomplishments

The Committee gathered information on bar passage rates for minority law students and began work to determine whether the anecdotal reports that the Multi-state exam posed the greatest hurdle. Reliable statistics proved difficult to obtain and the committee will continue that work in 2011.

The Committee began discussion of pipelining as a priority activity and Bar staff made contacts with other groups working on pipelining.

A subcommittee re-assessed the evaluation criteria for the Bar Grant program and made recommendations for changes.

The Committee, along with Bar staff, put on another successful OLIO retreat for in-coming law students. In addition, the spring social and BOWLIO events were very successful.

Matters considered/Matters pending

The Committee will continue to work on bar passage issues and evaluate whether the programs we are offering are the best options and whether there are other things we can do to improve the passage rate.

The Committee will also continue pipelining and Bar Grant evaluation.

The Committee will be very interested in the hiring of the new Diversity Director. Losing Frank Garcia at the beginning of 2011 will present some challenges, although Emily Yip has been doing an excellent job.

The OLIO subcommittee has borne the major share of the Committee work on OLIO. It would be useful to evaluate the role of the subcommittee and whether they can benefit from additional support from the full committee.

The Committee will re-evaluate the First Year Internship program, which has had only one employer in the past few years, to determine what should be done to make it a more useful program.

Any other comments

It is unfortunate that we lost Frank Garcia and some of the work of the AAC may slow down pending hiring and assimilation of a new Diversity Director. However, as noted above, Emily Yip has been very helpful.

Respectfully submitted: Lisa M. Umscheid (CH), Neisha A. Saxena (SEC), Amanda J. Austin, David W. Blasher, John M. Haroldson, Tom Kranovich, Honorable

Angel Lopez, Linda Meng, Mavel Morales, Honorable Adrienne C. Nelson, Erin Nelson, Margie Paris, Joelle Tavan, Christina Thacker, Ulanda Lynette Watkins, Lauren E. Winters, Bryne A. Moore (PM), Paulette Watanabe (PM), Audrey T. Matsumonji (BC), Frank Garcia (BL).

Judicial Administration Committee

Activities and accomplishments

During 2010, JAC met each month except during the summer months (July and August) and considered the following matters:

- Confidentiality and privacy concerns regarding public access to e-filing Documents;
- Ballot Measures 66 and 67 and the anticipated effect on the State budget;
- Initiative Petition 17 (Jury Nullification);
- Proposed Bail Bonds Bill HB 2286;
- Oregon Judicial Department's budget;
- Senate Bill 1007 delaying implementation of Measure 57;
- Expedited civil jury trial program;
- Initiative Petition 64 ("Keep the Courts Open" Act);
- Legislation changing the current civil and criminal court fees structure;
- Proposal by the House of Delegate to study defendants' required court appearances in criminal cases;
- Multnomah Co. Commissioners' approval of the building of the East County Courthouse

In addition, JAC prepared a draft white paper addressing the proposed bail bond legislation. Since then, there has been no activity with this legislation; as a result, the white paper remains in draft form until further developments arise in this matter.

Recommendations for 2011

Streamline JAC subcommittees to make better use of members' time. Instead of having 4 separate subcommittees, JAC should have just two subcommittees: Civil Legislation Subcommittee and Criminal Legislation Subcommittee.

Continue monitoring the following: developments with Oregon eCourt, the State's budget and its impact on the courts; the expedited civil jury trials program; and the proposed bail bonds bill.

Finalize the white paper regarding the bail bond industry if further developments arise.

Respectfully Submitted: Jennifer L. Gates (CH), Yumi Minagawa O'Neil (SEC), Susan G. Bischoff, Nancy J. Cozine, Susan R. Gerber, Matthew J. Lysne, Jean Kerr Maurer, Melanie Routh Maurice, Sean E. O'Day, Charles J. Paternoster, Robert W. Rainwater, Richard A. Roseta, Travis Taylor Sewell, John L. Svoboda, John H. Collier (PM), Ann L. Fisher (BC), Susan Evans Grabe (BL).

Legal Heritage Interest Group

Activities and accomplishments

During 2010, the Legal Heritage Interest Group scheduled and held several business meetings.

- The January 30 meeting was held at the Oregon State Bar.
- The March 13 meeting was held at the Oregon State Bar.
- The June 5 meeting was held at the Oregon State Bar.
- The November 6 meeting was held at the Oregon State Bar.

Matters considered/Matters pending

With leadership from Janet Kreft, and the Group members assistance in furnishing, the major project, "Members Room" at the OSB Center, is near completion. The "Members Room" resembles a lawyer's office of the 1930s. While waiting for the final touch of professional assistance, the final details about the Members Room are being addressed by Janet Kreft.

Bill Chin and other Group members have been and continue to work on the "Oregon Legal Professionals of Color Timeline Display." Bill plans to submit a tentative draft and collected Key Names of 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 2011

Ning Fu will be the new Chair. Luke Stanton will be the new Secretary.

A CLE is planned for 2011. A CLE subcommittee is formed, the members of which will select CLE subject issues and prospective speakers and panelists.

The subcommittee on "Legal Professionals of Color Timeline" will continue with new subcommittee members.

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. Suggestions have been made about visiting the Oregon Historical Society and the Oregon Police Museum. Members also express interest in having the group meetings at different locations, such as the Applegate House or county historical societies.

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: Bill Y. Chin (CH), Ning Fu (SEC), David B. Avison, Christian F. Boenisch, Megan K. Burgess, Sandijean Fuson, Andrew N. Harris, Samuel J. Kuzma, Karen M T Nashiwa, Luke Stanton, Jason Edward Wolf, Michelle Castano Garcia (BC), Paul Nickell (BL).

Legal Services Committee

Activities and accomplishments

The committee did the following:

- Approved the reallocation of funds between Legal Aid Services of Oregon (LASO) and the Oregon Law Center (OLC).
- Approved the Assignment Agreement between Columbia County Legal Aid and LASO assigning client services in Columbia County to LASO.
- Approved language revision to the Standards and Guidelines allowing for a new accountability process.
- Considered how to allocate the unclaimed client funds to the providers.
- Received updates regarding the impact of an interim legislative task force efforts on the filing fees currently dedicated to the OSB LSP.

Matters considered/Matters pending

The committee will continue to consider the issue of how to disburse the unclaimed client funds received by the bar for the legal aid providers.

Recommendations for 2011

Continue to stay informed about what is happening during the legislative session and be prepared as a committee to take steps to assist in getting the most favorable outcome for legal aid.

Request from CCLA a plan concerning how they will utilize their reserve.

Develop a policy concerning how to disburse the unclaimed client funds. This includes a percentage for disbursement and a percentage for the reserve.

Respectfully submitted: Marva Fabien (CH), Scott G. Seidman (SEC), Amy Edwards, Michael B. Hallinan, Erin Keith Landis, Josh Newton, Samuel E. Tucker, Cassandra Garrison (PM), Debra FJ Lee (ADV), Thomas J. Matsuda (ADV), Holly Pennock Barbour, Ralph Saltus, David Thornburgh, Michelle Castano Garcia (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 discussed issues facing different groups in meeting their MCLE requirements.

The Committee made recommendations concerning changes to the following MCLE rules and Regulations: MCLE Regulations 5.100(b); MCLE Rules 5.2, 5.5(b), 5.2(c), 5.4, .

Matters considered/Matters pending

This committee held four meetings during the 2010 calendar year. These meetings were held on March 6th, June 11th, September 17th, and December 3rd. Meetings were held in Salem, Portland, and Medford. A brief overview of matters considered is provided below.

March 5, 2010

Credit for self-study activities: Following discussion and a review of materials, the Committee asked Ms. Cline to determine what the cost of implementation, availability of materials, and what credits would be available under this program.

Credit for Legislative Service: Following discussion and a review of materials, the Committee voted to approve recommending a change to MCLE Rule 5.2 and Regulation 5.100(b) to allow partial credit for legislative service.

Waivers for Deployed Members: The Committee recommended that changes should be made in order to allow for proportional CLE waivers depending on the length of deployment.

Request for Review – Gary Meabe: The Committee reviewed Mr. Meabe's request for credit for his time studying the HOPE Program. Following discussion and a review of materials, Committee members voted to approve five (5) general CLEs for Mr. Meabe.

Electing to skip 2012 Reporting Period – Jerome Larkin: The Committee reviewed Mr. Larkin's request to skip the 2012 reporting period. Following discussion and a review of materials, the Committee voted to uphold Ms. Cline's decision to deny Mr. Larkin's request.

June 11, 2010

Member Request re Rule Revision – Jess Barton:

Following a discussion and a review of materials, the Committee voted to approve a recommendation to change MCLE Rule 5.5(b) to allow military service to be considered as a barrier to access to justice.

Sponsor Request for Review – Mike Long (OAAP):

Following a discussion and a review of materials, the Committee members voted to uphold Ms. Cline's decision to award 1.25 CLE credits for the class "Job Search 2010."

Member Request for Review – James Martinez:

Following a discussion and a review of materials, the Committee members voted to uphold Ms. Cline's decision to deny Mr. Martinez's request.

Follow-Up from Policy and Governance

Committee: The Committee reviewed the follow-up provided by the Policy and Governance Committee regarding proposed amendments to the MCLE Rules and Regulations that were approved by the MCLE Committee in December 2009.

September 17, 2010

Member Request re Rule Revision – Steve Larson:

Following a discussion and a review of materials, the Committee voted to approve a recommendation to change MCLE Rule 5.2(c) to allow members to receive CLE credit for substantive editing. The Committee voted to approve recommending this change to the Policy and Governance Committee for their November meeting.

Request from Pro Bono Committee – Mia

Crawford: Following a discussion and a review of materials, the Committee decided to form a subcommittee comprised of Caitlin Mitchel-Markley and a representative of the Pro Bono Committee. The subcommittee will review the proposed rule change to MCLE Rule 5.2 and recommend a revision to the Committee.

Member Request for Review re Ethics Credit -

Knoll: Following a discussion and a review of materials, the Committee members voted to award 2.25 ethics credits to Mr. Knoll for an American Arbitration Association "Arbitrator Ethics and Disclosure" program.

Follow-Up from Policy and Governance

Committee: The Committee reviewed the follow-up provided by the Policy and Governance Committee regarding proposed amendments to the MCLE Rules and Regulations that were approved by the MCLE Committee in December 2009. The Policy and Governance Committee declined to approve recommended changes to MCLE Rule 5.2(f) and 5.4. Caitlin Mitchel-Markley will draft proposed changes to 5.4 and present them to the group at the next meeting.

December 3, 2010

Member Request for Review – Sean Brennan:

Following a discussion and a review of materials, the Committee voted to approve an award of fifteen CLE Credits to Mr. Brennan.

Proposed Amendments to MCLE Rule 5.4:

Following a discussion and a review of materials, the Committee has requested that Caitlin Mitchel-Markley revise MCLE Rule 5.2 also to mirror the proposed change to MCLE Rule 5.4. The Committee will then move forward with changes to Rules 5.4 and 5.2.

Report on P&G Action on MCLE Rule 5.2(d) relating to credit for editing. The P&G Committee adopted our recommendations for editing, and it was approved by the Board of Governors and the Supreme Court on December 1, 2010.

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 continue to evaluate and recommend revisions to the MCLE rules on an as-needed basis.

Respectfully submitted by: Cindy Hunt (CH), Melissa Trefla Cribbins (SEC), Cecelia L. Batlan, Joseph M. Charter, Charles M. McNair, Caitlin Mitchel-Markley, Stace B. Gordon (PM), Karen J. Lord (BC), Denise Cline (BL).

Pro Bono Committee

Activities and accomplishments

The committee scheduled 11 meetings and pursued activities under 4 different subcommittees.

Law Student 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 website was completed and is now up and running at www.orprobono.net. All 3 Oregon law schools participated in the planning and implementation of the bulletin board.

Certified Programs Expansion 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. This subcommittee was essentially on hold this year as the chair of the subcommittee resigned early in the year.

Pro Bono Fair/Pro Bono Week Subcommittee. This subcommittee organized and promoted activities during pro bono week. The subcommittee also explored ways to acknowledge attorneys for their pro bono service. The subcommittee hosted a very successful pro bono fair that featured 2 CLE's and had an estimated 175 attendees.

CLE Credit for Pro Bono Subcommittee. The mission of this subcommittee is to get Bar approval for a rule that would allow attorneys to receive up to 6 CLE credit hours for each reporting period for providing pro bono representation in a civil or criminal matter. Such a rule would encourage attorneys to engage in pro bono services. The proposed rule would allow 1 CLE credit hour for each 5 hours of pro bono service. The Bar's MCLE committee was consulted regarding the proposed rule as it was determined that approval by the MCLE committee would make the rule more likely to be implemented by the Bar. The work will continue next year to produce a final version of the rule.

Matters considered/Matters pending

The Law Student Involvement Subcommittee will continue in a limited capacity. The purpose will be to keep tabs on the usage of the bulletin board by both students and practitioners.

The CLE Credit for Pro Bono Subcommittee will continue its work with the CLE Committee to work for implementation of its rule.

The Certified Programs Expansion Subcommittee will continue its work.

The Pro Bono Fair/Pro Bono Week Subcommittee will continue its work.

Recommendations for 2011

A "continuing projects subcommittee" was proposed. This subcommittee would monitor projects that had been completed to see how they were working.

A publicity subcommittee was also proposed to advertise pro bono initiatives.

Respectfully submitted: Matthew J. Rizzo (CH), Jay Bodzin (SEC), Dawn Andrews, Shenandoah M. Bunn, Jennifer Lee Coughlin, Maya Crawford, Jessica T. Hamilton, Amber Autumn Hollister, Philip Alan Johnson, Lissa K. Kaufman, Janice R. Morgan, E. Susan O'Toole, Traci Renee Ray, Brantley Shumaker, Miranda Shanell Summer, Catherine L. Keenan (ADV), Derek C. Johnson (BC), Catherine Petrecca (BL).

Procedure and Practice Committee

Activities and accomplishments

In 2010 the Committee reviewed and monitored legislation from the 2010 Special Legislative Session, as well as the activities of the UTCR Committee, the Council on Court Procedures and the Oregon Law Commission.

Matters considered/Matters pending

This Committee has considered and taken no position on SB 450, which creates a parent-child evidentiary privilege, nor on HB 3228, which limits damages in medical negligence cases. The Committee is studying HB 3215. The Committee opposed SB 404, which narrows the circumstances under which judges must recuse themselves.

The Procedure and Practice Committee has liaison assignments with the following groups: 1) Uniform Trial Court Rules (UTCR), 2) Council on Court Procedures (CCP), 3) Chief Justice's Civil Law Advisory Committee (CJCLAC), and 4) Oregon Law Commission. Each of these committees had meetings in which P & P members attended and participated.

Recommendations for 2011

The Committee intends to look further into the creation of an E-court. The Committee will continue to explore issues that affect the practice of law that arise out of the legislative process and case law. Furthermore, the committee will continue to provide liaison to the Council on Court Procedures, Chief Justice's Civil Law Advisory Committee, UTCR, and the Oregon Law Commission.

Respectfully submitted: Courtney C. Dippel (CH), Anthony V. Albertazzi, Eleanor H Chin, Britney Ann Colton, Craig M. Cowley, Wm Keith Dozier, Michael B. Hallinan, Katherine Heekin, Matthew L. Jarvis, Elizabeth A. Kafel, Charles Marr, Eric Thomas McCormick, Michael E. (Mike) Swaim, Graham M. Sweitzer, Christopher H. Kent (BC), Matthew Shields (BL).

Public Service Advisory Committee

Activities and accomplishments

In 2010, the PSAC worked on restructuring the OSB Lawyer Referral Service program. The goal for this restructuring is to ensure that it provides the maximum availability to those individuals who need access to lawyers as well as maintaining its status as a service to the participating attorneys. In doing this the committee talked with participating attorneys, other similar program administrators, the ABA's Standing Committee on Lawyer Referral and Information Service, OS Bar staff, other OS Bar groups and sections, and members of the BOG. Due to the far-reaching changes that this would bring, these

changes have not yet been decided on or implemented, but the work is anticipated to continue into 2011. The committee also helped with the continued updating of the information on the Tel-Law scripts. These are posted online and in print as well as being on the Tel-Law service.

Matters considered/Matters pending

The PSAC is continuing to maintain and update the Tel-Law scripts and language availabilities in conjunction with Bar Staff. We are also still working on updating the Lawyer Referral Services program.

Recommendations for 2011

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 programs, Military Assistance Panel, Problem Solvers program, and Lawyer Referral Services program.

Respectfully submitted: Jessica L. Counsineau (CH), Douglas L. Tookey (SEC), Jill E. Brittle, Audrey J. Broyles, Wendy Chung, Sarah E. Harlos, Jodee Jackson, Jinnifer S. Jeresek, Dexter A. Johnson, Nathan J. Ratliff, Daniel Boyd Griffith (PM), Ethan D. Knight (BC), Kay Pulju (BL), George D. Wolff (BL).

Quality of Life Committee

Activities and Accomplishments

The Quality of Life Committee ("The Committee") met six times in 2010. The Committee began its work by reviewing the Committee's Charge, discussing goals for the year, and slotting new members into Subcommittees. The Committee's goals and accomplishments for 2010 are as follows:

Goal 1: Submit one or more articles for publication to the OSB Bulletin on topics related to balancing home/work life.

Kevin Myles is in the process of writing an article on volunteerism and how it causes some attorneys to transition out of private practice. He is still performing interviews but the article will be submitted to the OSB Bulletin for publication soon.

Goal 2: Update the Committee website to include articles written by Committee members and explore ways to publicize the resources on the Committee webpage.

Goal 3: Work with OSB to consolidate the Committee's two websites (as found on OSB's website) into one website.

Goal 4: Update the Committee website to include a list of resources related to quality of life issues and the practice of law.

Unfortunately, The Committee was unable to make much progress on the websites. Currently, there are two:

<http://osbqol.homestead.com>

www.osbar.org/leadership/committees/qol/index.html.

The Committee has not been able update the "homestead" site and it currently contains outdated information. This is particularly concerning because the State Bar's web site links directly to it. The Committee believes it would simplify matters if the two websites could be "merged" so that they both direct traffic to one site. The Committee proposes that the 2011 Committee focus on merging the two websites and updating the new site with current information as well as links to relevant resources.

Goal 5: 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.

Goal 6: 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.

The Committee organized two programs:

On February 10, 2010, Committee members Tanya Hansen, Kevin Myles, Chair Debbie Trant, presented with Barbara Jo Smith on "Planning Now for a Satisfying Legal Career." The program was held at Willamette Law School. It was mostly attended by 1Ls and 2Ls and was well-received by those in attendance.

On April 21, 2010, Committee member Cass SkinnerLopata presented with Kristie Gibson and Charlotte Nisser on "How to Go from Law Student to Successful Professional." The program was held at University of Oregon Law School and it was well-attended.

On September 29, 2010, Committee member Andrew Schpak presented with Kellie Johnson and Shawn Menashe on "How to Work a Room." The program was held at Lewis and Clark Law School. The program was well attended and a social followed.

Goal 7: Work on 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 is pleased with the Survey's response rate (45%). The Survey also received many answers to open ended questions. The key concerns shared by the respondents were inadequate pay, limited vacation, and a lack of interest in work. The Subcommittee will assemble some proposals to be distributed at the first meeting of the 2011 Committee.

The Committee also discussed the possibility of designing model policies for firms and other employers to

adopt. The Committee discussed the fact that it could also act as a clearinghouse for policies already in existence and/or help individuals develop proposed policies that fit their specific needs.

Recommendations for 2011

The 2010 Committee proposes a few goals for the 2011 Committee:

- Retain the current Goals set forth in the Committee Charge;
- Focus on the websites and specifically condensing the new sites into one and making sure the one site contains up to date information and resources;
- Review the results of the 2010 Survey and consider shaping programs and/or articles in order to focus on the issues commonly identified in the 2010 Survey;
- Continue to present programs at Oregon law schools and aspire to present at least one program at all three law schools in 2011; and
- Select topics and identify authors to draft articles on Quality of Life issues for publication in the OSB Bulletin.

Respectfully submitted: Deborah Trant (CH), Andrew M. Schpak (SEC), Walter L. Cauble, Erica C. Glaser, Allyson R. Keo, Kevin Milton Myles, Cassandra SkinnerLopata, Caroline Louise Smith, Demetri Tsohantaridis, Kris J. Nelson (PM), Tanya R. Hanson (PLF), Douglas S. Querin (PLF), Mitzi M. Naucler (BC), Stacy J. Hankin (BL).

State Lawyers Assistance Committee

Activities and accomplishments

During 2010, the committee received approximately 7 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. In 2010, the Committee took on the role of monitor for one lawyer who was placed on probation and one lawyer who was conditionally admitted.

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, LaGrande, and Bend.

Matters considered/Matters pending

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

SLAC also reviewed issues related to lawyer competence as impacted by aging and existing Bar programs, including the Senior Lawyers Task Force report and recommendations.

Recommendations for 2011

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: Robert M. Lusk (CH), Gregory J. Hazarabedian (SEC), Alexander C. Bassos, Kelly WG Clark, Elmer M. Dickens, Diane L. Grover, J O'Shea Gumusoglu, Kevin E. Lucey, Bryan R. Welch, Richard C. Whitlock, Donald Muccigrosso, Edward B. Versteeg, Meloney C. Crawford (OAAP), Douglas S. Querin (OAAP), Gina Anne Johnnie (BC), Helen M. Hierschbiel (BL).

Uniform Civil Jury Instructions Committee

Activities and accomplishments

This hard-working Committee passed the following instructions: Precautionary Instructions (5.01), Evidence (10.01), Evaluating Witness Testimony (10.03), Circumstantial Evidence (10.08 withdrawn), Prior Pleading as Evidence (13.03), Fiduciary Duty (50.01), Landlord Tenant - Limitations on Taking Possession of Premises (80.12 new), Landlord Tenant - Unlawful Removal, Exclusion or Diminution of Services (80.13 new), Landlord Tenant - Unlawful Retention of Security Deposit (80.14 new), Landlord Tenant - Failure to Disclose Legal Proceedings (80.15 new), Landlord Tenant - Right to Terminate (80.16 new), Landlord Tenant - Waiver of Right to Terminate (80.17 new), Common Law Nuisance (53.02 new), Defamation-Definitions (53A.01 new), Defamation-Elements (public figure) (53A.02 new), Defamation -Elements Private Figure Private Concern (53A.03 new), Defamation-Elements Private Figure Non-Media (53A.04 new), Defamation-Truth as a Defense (53A.05 new), Defamation-Consent as a Defense (53A.06

new), Defamation-Qualified Privilege (53A.07 new), Defamation- Loss of Qualified Privilege (53A.08 new), Defamation-Publish Defined (53A.09 new), Defamation-Multiple Publications (53A.10 new), Defamation-Damages (53A.11 new), Tort Damages-Wage Loss (70.20 new), Damages-Previous Infirm Condition (70.06), Damages-Aggravation of Preexisting Injury or Disability (70.07).

The Committee continued its support for the proposal that the uniform civil jury instructions be made available over the Internet at no cost or for a nominal fee. The Board of Governors adopted a proposal, with the support of the PLF, to make BarBooks™, including the UCJI book, available at no cost to active OSB members.

Matters considered/Matters pending

The Committee did not have time to adopt new employment instructions, though some were drafted. It will continue with its work to adopt a set of employment law instructions including drafting protected class discrimination, retaliation, OFLA discrimination, Whistleblowing, and updating wrongful discharge and disability discrimination instructions. The Committee will also evaluate jury instructions and cautions regarding use of the Internet and social networking to determine whether UCJI 5.03 needs further revision.

Recommendations for 2011

The new committee is a terrific group who will continue the excellent work of this year's committee.

Respectfully submitted: Kathleen J. Rastetter (CH), Cynthia Furrer Newton (SEC), Stephen K. Bushong, Brian D. Cox, Billie J. Eidson, Barry J. Goehler, Bryan W. Gruetter, Scott A. Jonsson, R Daniel Lindahl, Frederick H. Lundblade, Tracy M. McGovern, Laura TZ Montgomery, Honorable Susie L. Norby, Christopher R. Piekarski, Michael E. Haglund (BC), Linda L. Kruschke (BL).

SECTIONS

Administrative Law Section

Activities and accomplishments

The section regularly published its newsletter which is now distributed electronically.

The section held a successful one day CLE.

The section updated the OSB, CLE Administrative Handbook which will be published this year.

The section continued to monitor legislation and rules.

The section generated a pilot project by the OSB to determine the feasibility of publishing state agency final orders by FASTCASE.

The section monitored the Attorney General's Model Rules Advisory Group.

The section monitored the Attorney General's Transparency initiative.

The section maintained its website.

The section developed a liaison with the Administrative Law Section of the Washington Bar.

Recommendations for 2011

- Regularly publish the newsletter.
- Hold a CLE.
- Monitor legislation and rules.
- Continue the pilot project to determine the feasibility of publishing state agency final orders by FASTCASE.
- Monitor the Attorney General's Model Rules Advisory Group.
- Monitor the Attorney General's Transparency initiative.
- Maintain the website.
- Maintain liaison with the Administrative Law Section of the Washington Bar.
- Hold Executive Committee meetings.
- Hold an Annual Business Meeting.

Respectfully submitted: Frank T. Mussell (CH), Dennis Koho (CH-Elect), Christopher Cauble (Past CH), William J. Boyd (TR), Cortney D. Duke (SEC), Allan J. Arlow, Karen Ann Berkowitz, Thomas M. Cooney, Ann L. Fisher, Karla Forsythe, Philip Alan Johnson, David C. Landis, James E. Mountain, Karen L. Moynahan, Steven R. Schell, Janice Krem (ADV), Ann L. Fisher (BC), David W. Nebel (BL).

Alternative Dispute Resolution Section

Activities and accomplishments

The executive committee of the ADR Section met regularly throughout the year to address section business. A subcommittee of the committee has been working in conjunction with the staff of the Oregon State Bar to update and improve the Section's website. One of the goals of the subcommittee has been to do a better job of providing information about resources available to individuals working in the alternative dispute resolution field. Under the leadership of Forrest Collins, the section newsletter has been significantly improved and has been issued regularly throughout the year. The committee has also been working on enhancing communication amongst the various alternative dispute resolution organizations in the state. Finally, the executive committee has worked in conjunction with the Bar in putting together the ADR CLE program as well as mini-CLEs.

Budget

The section operated within its 2010 budget. Our 2011 budget will be filed before the end of the year.

Matters considered/Matters pending

See discussion above. In 2011, 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 and website.

Recommendations for 2011

We recommend that our section continue its work to provide information to its membership and others regarding alternative dispute resolution activities and resources in the state and to coordinate efforts by the various alternative dispute resolution organizations in Oregon.

Respectfully submitted: Honorable Mary J. Deits (CH), Helle Rode (CH-Elect), Robert S. Banks (Past CH), Lisa A. Amato (TR), Sharon A. Williams (SEC), Albert J. Bannon, Forrest R. Collins, Honorable Donald Owen Costello, Cynthia M. Fraser, Jane Gordon, Nancy E. Hochman, Alan T. McCollom, Gail A. McEwen, Evan P. Seifert, O Meredith Wilson, Nancy E. Hochman (ADV), Kenneth Mitchell-Phillips (BC), Helen Hirschbiel (BL).

Animal Law Section

Activities and accomplishments

The section is employing an intern (a third-year law student) to develop content for the web site, and a compendium of animal cases. The Public Outreach is

pursuing disaster training workshops, information on spay and neuter programs, and animals as citizens type educational programs. Professional Outreach is holding 2 CLEs in 2011 with the focus on the law as it relates to animals.

Executive Committee

Members are:

Greg Lynch, Chair

Kathy Hall, Chair-Elect

Michael Gottlieb, Treasurer

Robert Simon, Secretary

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

Amy L. Davidson

Scott A. Heiser

Nick Kahl

Annual meeting: If the CLE is offered the annual meeting will take place October 29 at Miller Nash in Portland; if there is no CLE the annual meeting will be held by e-mail.

Chair Lynch adjourned the meeting at 12:23 p.m.

Legislative issues

The Legislative liaisons hope to advance an agenda of law reform. Discussions were held throughout the year. This legislative session is planned for some particular law reform.

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

Any other comments

Our 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@hkllaw.com)

Pam Frasch (pfrasch@lclark.edu)

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

Respectfully submitted: Gregory P. Lynch (CH), Michael B. Gottlieb (TR), Robert S. Simon (SEC), Amy L. Davidson, Stephanie J. Engelsman, Holly Anne Gibbons, Kathryn A. Hall, Scott A. Heiser, Dane E. Johnson, Patricia Lulay, Van B. Quan, Scott Beckstead (ADV), Pamela D. Frasch (ADV), J. Alan Jensen (ADV), Andrew N. Moore (ADV), Todd A. Person (ADV), Mitzi M. Naucner (BC), Kay Pulju (BL).

Antitrust and Trade Regulation Section

Activities and accomplishments

The Section sponsored and participated in three CLE's in 2010. The first CLE was a traditional format presentation by an outside speaker addressing discovery issues with electronically stored documents in antitrust and related cases. The second CLE, jointly sponsored with OSB, expanded on this theme in the format of a mock hearing on an original hypothetical involving discovery issues in an antitrust case, with attorneys playing the roles of judge, witnesses, and advocates. The third CLE, offered in conjunction with the annual meeting, was a panel presentation by enforcement officers from various agencies focused on antitrust and trade regulation issues. In addition, representatives of the section participated in an outreach program with students and faculty at Lewis and Clark School of Law.

Budget

The section stayed within its budget goals for 2010 and goes into 2011 with a positive balance of more than six thousand dollars, as reflected in the Treasurer's report.

Legislative issues

The section tracked legislative developments throughout the year in its subject matter area, with particular attention to regulatory developments affecting commerce in agricultural commodities and the advertising of "green" (environmentally friendly) goods and services.

Recommendations for 2011

The section leadership expects to focus on the goals of increasing both the overall membership and the diversity of the membership, especially with respect to increasing the participation of people based outside the Portland metro area, people associated with smaller firms or solo practices, and people employed by government agencies or as in-house counsel. In addition, the section leadership plans a more robust agenda of CLE's and brown-bag discussion groups.

Respectfully submitted: David L. Silverman (CH), Andrew E. Aubertine (CH-Elect), Kenneth Ray Davis (Past CH), Stephanie K. Hines (TR), John F. McGrory (SEC), Ryan M. Bledsoe, Kristin Lee Cleveland, Joseph N. Eckhardt, Nancy M. Erfle, Mark A. Friel, Tim D. Nord, Lloyd L. Pollard, Scott G. Seidman, Steve D. Larson (BC), Chris L. Mullmann (BL).

Appellate Practice Section

Activities and accomplishments

In 2010, the Appellate Practice Section remained on a steady course. Section membership remained largely constant compared to prior years. The section offered two CLEs: One in January, organized primarily by Treasurer Lora Keenan, on statutory and rule changes addressing the standard of review in certain types of appeals; the other in May, organized primarily by chair-elect Harry Auerbach, on appellate brief writing in state and federal courts. The section co-sponsored two other CLEs: The annual U.S. Supreme Court review in August (primary sponsor was the American Constitution Society), and the O'Connell Conference (run primarily by the University of Oregon School of Law, with the organizational aid of Past Chair Judith Giers) in September. The O'Connell conference concluded just before the Section's annual sternwheeler social. The 2010 Appellate Almanac (the 5th annual volume) is being mailed out in December, 2010. Finally, the section has worked to develop, and has just taken steps to initiate, an Appellate Court Pro Bono Program. Once operational, the program will provide a pool of attorneys to be drawn upon by the Oregon appellate courts in cases where the courts believe that participation by counsel on behalf of otherwise pro se clients would assist the court. The program is modeled on a similar Ninth Circuit program that has been operating for many years.

Budget

After several years in which the section carried a substantial fund balance from year to year, the last two years have seen relatively low carryover balances. At the end of 2010, in fact, the section chose not to make contributions to the CEJ and Classroom Law Project (as had been done in prior years) in order to maintain

a positive balance. At the final meeting of the year, the executive committee discussed the fact next year's budget will likely be unable to provide both the printed and bound appellate almanac as well as financial support for the sternwheeler social at the same level that has been true over the last five or so years. The year end budget therefore assumes a largely break-even social event in 2011, although the new year's executive committee will need to discuss the matter further.

Legislative issues

The section did not deal with any appellate issues this year.

Matters considered/Matters pending

At the final executive committee meeting of 2010, the committee addressed three issues that will require further attention during the course of 2011. First, there are the budget issues addressed above, which will require review by the new executive committee at its first meeting. Second, the section will need to continue to monitor the development of the Appellate Pro Bono Program and work with the program managers and courts to create an effective and efficient program. Third, the section discussed problems being faced by some attorneys in the period between the close of trial (when exhibits and other trial record materials are returned to the parties) and shortly before oral argument on appeal (when the Court of Appeals asks the trial court for the record on appeal). On occasion, if material is not properly marked at trial, or if counsel has failed to adequately retain trial material, it can be very difficult to prepare the briefs on appeal. The executive committee will pursue discussions with the Litigation Section and courts to identify whether useful steps can be taken to avoid these problems.

Recommendations for 2011

The above discussion notes several issues that will deserve continued attention for 2011.

Respectfully submitted: Jeffrey C. Dobbins (CH), Harry Michael Auerbach (CH-Elect), Judith Giers (Past CH), Lora E. Keenan (TR), Meagan A. Flynn (SEC), Neil Francis Byl, Theodore P. Heus, Ryan P. Kahn, Lisa E. Lear, Wendy M. Margolis, Julene M. Quinn, Paul L. Smith, Thomas W. Brown (ADV), M. Elizabeth Duncan (ADV), Keith M. Garza (ADV), James W. Nass (ADV), Scott Shorr (ADV), Thomas W. Sondag (ADV), Jane Ellen Stonecipher (ADV), Kenneth Mitchell-Phillips (BC), Julie Hankin (BL).

Aviation Law 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 Oregon Legislature of interest to the aviation community.

The Section co-sponsored the 37th Annual Pacific Northwest Aviation Law Seminar, and provided speakers for three-days of OSB-approved continuing education on matters of interest in aviation law.

Members of the Section prepared for and taught the biennial Aviation Law Seminar at Lewis and Clark Law School sponsored by the Aviation Section.

The Section hosted an observation site and reception for the 2010 Hillsboro Air Show at Global Aviation, Inc.

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

There are no substantial matters pending nor considered beyond those referred to above.

Recommendations for 2011

The Section will continue to support the Lewis and Clark Law School Aviation Law class.

The Section will monitor the Oregon legislative session for matters of import to the aviation community.

The Section will co-sponsor the 38th Annual Pacific Northwest Aviation Law CLE in September 2011.

The Section will continue to hold open meetings on a generally monthly basis.

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

Business Litigation Section

Activities and accomplishments

During 2010 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:

- 3/10/10; The Mysteries Of Voir Dire Revealed: What Every Business Trial Lawyer Needs To Know About Selecting The Right Jury; Bill Barton, Chris Dominic, and Dave Markowitz

- 5/12/10; The Vanishing Civil Jury Trial: Are Commercial Courts The Answer?; The Honorable Karsten H. Rasmussen, The Honorable Janice R. Wilson, Gary M. Berne, Peter C. Richter, & Richard S. Yugler
- 9/22/10; The Distressed Or Bankrupt In Litigation; Honorable Trish Brown, Stephen F. English
- 9/22/10; What Every Commercial Litigator Needs To Know When A Case Involves A Distressed Or Bankrupt Party Or When Faced With Litigation In Bankruptcy Court; Robert J. Vanden Bos
- 11/17/10; Look Before You Leap: Considerations When Determining the Necessity, Scope, and Protocol of an Internal Investigation; Dave Angeli, Angeli Law Group, Mike Fahlman, Grant Thornton, Roy Tucker, Perkins Coie LLP, & Moderated by Steve Blackhurst

A new slate of officers has been elected effective January 1, 2011. The Executive Committee will meet in January of 2011 for the annual planning session. The agenda will include a discussion of possible CLE topics for 2011; 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: Renee E. Rothauge (CH), Kerry J. Shepherd (CH-Elect), Joseph C. Arellano (Past CH), Paul W. Conable (TR), Thomas Russell Johnson (SEC), Kieran John Curley, Timothy S. DeJong, Katherine Heekin, Janet Knauss Larsen, Kevin S. Mapes, John F. McGrory, Craig G. Russillo, Christopher H. Kent (BC), Teresa Wenzel (BL).

Civil Rights Section

Activities and accomplishments

This year we continued publication of the Civil Rights Section's Newsletter. We published four issues on a quarterly basis as planned. We contacted, via a postcard mailing, all current and former judges in Oregon who have elected not to receive email notices from the Bar to offer a subscription to the newsletter. We established terms for the Editorial Board so four members would rotate off the Board each year, with the option of renewing.

We organized and co-sponsored a Public Forum with the Consumer Law Section entitled: "Consumer Rights in these Tough Economic Times" with presentations in both English and Spanish. This was an information forum open to the public at no cost.

We organized and co-sponsored a CLE with the Oregon State Bar entitled: "Successfully Litigating a Civil Rights Case." The CLE was well attended and well received.

We made contributions to the Fair Housing Council of Oregon and the Oregon Minority Law Association auction and sponsored the Japanese American Citizens League "Day of Remembrance."

Budget

We adhered to our budgetary goals. We continue to use a portion of our surplus, which we anticipate will continue as a surplus for approximately another two years.

Legislative issues

We continue to monitor legislation impacting Civil Rights practitioners.

Matters considered/Matters pending

We considered doing a series of one-hour CLEs both in Portland and in other geographical locations either in lieu of or in addition to our annual CLE.

We are currently considering how to address the decrease in funds we will see in the next few years when we exhaust our surplus.

We are working on a membership drive by reaching out to individuals who attended the CLE who are not section members to encourage them to join the section.

We are considering whether to host a listserv for the Civil Rights Section.

Recommendations for 2011

- Strive to increase membership.
- Plan a Public Forum that will entice a larger audience.
- Decide how to address the budgetary issues.

Respectfully submitted: Amy L. Angel (CH), Sally A. Carter (CH-Elect), Loren W. Collins (Past CH), Mary Ellen Page Farr (TR), Sarah Radcliffe (SEC), J. Ashlee Albies, Thaddeus August Betz, C. Akin Blitz, Sean M. Driscoll, Marianne G. Dugan, Meg Heaton, John A. Kodachi, Kevin T. Lafky, Mitzi M. Naucler (BC), Paul Nickell (BL).

Computer and Internet Law Section

Activities and accomplishments:

The Computer & Internet Law Section continued to focus on providing quality CLEs on topics of interest to our membership. During the course of the year, we sponsored eleven one-hour luncheon CLEs on a variety of computer & Internet law related topics. We also co-

sponsored with the Oregon State Bar a one-day annual CLE in September on online smear campaigns. Our other major focus has been on improving our website. Early in the year, we implemented a new online registration system for our luncheon CLEs and continued to make written materials from those CLEs available to members on our website. These additions to our website have been very well received by our membership and have helped us advertise and manage our luncheon CLEs more efficiently. Finally, we have begun audio recordings of our luncheon CLEs and are making these available for purchase and download by members of the Oregon State Bar through the Oregon State Bar's website.

In addition to the above foci, the Computer & Internet Law donated a package to the Oregon Minority Lawyers' Association fundraising event consisting of a Kindle e-reader, copy of the CILS deskbook and one-year free membership to the section. This donation was well received. We also held our usual monthly executive committee meeting and hosted an annual dinner and meeting in September.

Budget

The Computer & Internet Law Section continues to offset some of its expenses with revenue generated by the luncheon CLEs. Membership revenue has largely remained stable. We have, however, seen a tightening of our reserves over the last couple of years due to the increased Oregon State Bar Assessment and increased expenses associated with our annual CLE. The executive committee is meeting in December to review budget reserves for the upcoming year. We will be assessing how much of a reserve we need to maintain and whether, based on that assessment, we can make a contribution (e.g., Free Geek, Campaign for Equal Justice, ORTOP) as we have done in the past.

Due to our tightening reserves and increased expenses, a dues increase was approved at the annual meeting. Dues were increased 20% from \$20 to \$24. The executive committee believes this increase is consistent with dues for similar sections.

Matters considered/Matters pending

During the year, the executive committee considered a variety of matters related to the normal operation of the section. These matters included: Future CLE topics and speakers, logistics for web content, online registration form design and use, donation to Oregon Minority Lawyers' Association, annual CLE logistics, annual dinner/meeting logistics, and revenue and expense management.

Matters still pending before the executive committee include: announcement to new admittees regarding section membership, budget reserves, the making of a contribution, or not, and transition to new officers of the executive committee.

Recommendations for 2011

The executive committee will continue to look for ways to provide value to its membership. Items up for consideration include: moving from one one-day annual CLE to two or more half-day CLEs, opportunities to partner and co-sponsor events with other members, and new ideas for driving traffic to our website. The executive committee should continue to look for opportunities to attract new executive committee members to replace existing long time members reaching term limits.

Respectfully submitted: Travis J. Benn (CH), Marc Visnick (CH-Elect), Marinus Damm (Past CH), Richard A. Wilhelm (TR), Karen Dana Oster (SEC), Thomas E. Bahrman, Charles R. Bowers, Michael A. Cohen, Chad M. Colton, Paula Holm Jensen, Marti McCausland, Martin Francis Medeiros, Parna A. Mehrbani, Renee E. Rothauge, Heather R. Self, Robert A. Swider, C. Kalei L. Taylor, Michelle Castano Garcia (BC), Michael Legleiter (BL).

Constitutional Law Section

Activities and accomplishments

On December 3, 2010, the Section hosted its annual all-day CLE in Portland. The CLE is entitled "Constitutional Law 2010: Courts in Transition." The morning sessions included Professor Vikram Amar of the University of California, Davis (discussing Justice Stevens' long tenure on the US Supreme Court and the last term's cases) and Professor Garrett Epps of the University of Baltimore in Maryland (focusing on the First Amendment and recent cases). After lunch, retiring Oregon Supreme Court Justice Michael Gillette presented his "final thoughts" before his retirement. A four-person panel thereafter was moderated by appellate attorney Keith Garza. That panel consisted of Ninth Circuit Judge Susan Graber, retired DOJ attorney Robert Atkinson, appellate attorney Bill Gary, and retired Oregon Supreme Court Chief Justice Wallace P. Carson. That panel discussed Justice Gillette's primary contributions to the development of Oregon constitutional law. Finally, the day concluded with a 75-minute update on Oregon Constitutional cases from 2010. That final panel consisted of Court of Appeals judges Jack Landau and David Schuman, and attorney Alycia Sykora.

Earlier this year, in April 2010, the Section distributed an electronic newsletter to our members. The link to that newsletter is: http://www.osbar.org/newsletters/841/2010/ConLaw_2010Apr.pdf.

The section anticipates distributing another electronic newsletter early in 2011.

Budget

The Section's projected year-end balance is \$ 11,196. The 2011 budget amount is \$ 11,042.

Legislative issues

No significant involvement with legislative issues.

Matters considered/Matters pending

We anticipate publishing another electronic newsletter early in 2011. We will begin planning the next annual CLE early in 2011 as well.

Respectfully submitted: Alycia N. Sykora (CH), Chin See Ming (CH-Elect), Henry C. Breithaupt (Past CH), Gregory A. Chaimov (TR), Edward H. Trompke (SEC), John Paul (Toby) Graff, Erin C. Lagesen, Jack L. Landau, David Euan Leith, Maureen Leonard, Jennifer Middleton, Judge David Schuman, Michael H. Simon, C. Robert Steringer, Les Swanson, James N. Westwood, Derek C. Johnson (BC), Paul Nickell (BL).

Consumer Law Section

Activities and accomplishments

The section hosted a Summer CLE series on foreclosure defenses, bankruptcy basics, and new consumer legislation. It also co-sponsored a public forum on consumer topics with the Civil Rights Section.

Budget

As of December 31, 2010 the section had a fund balance of approximately \$4402. The CLEs hosted by the section in 2010 netted approximately \$1746.

Legislative issues

The section is sponsoring a bill in the 2011 legislative session that would increase the minimum wages exempt from garnishment.

Matters considered/Matters pending

There are no matters considered still pending as of December 31, 2010, except for approval of the minutes from the November 2010 executive committee meeting.

Recommendations for 2011

In 2011, the section plans to hold foreclosure prevention CLEs in the Bend and Medford areas, and a CLE on new consumer legislation after the 2011 legislative session concludes.

The section is also interested in exploring the feasibility of co-sponsoring a consumer law pro bono clinic and disseminating information via its website in lieu of a newsletter.

Respectfully submitted: Keith D. Karnes (CH), Brenda M. Bradley (CH-Elect), Bret A. Knewtson (Past CH), Andrew U. Shull (TR), Mark Coleman (SEC), Danielle Beauvais, Moloy K. Good, Lissa K. Kaufman, David L. Koen, Tim Alan Quenelle, Joshua L. Ross, Louis D. Savage, Terrance J.

Slominski, Robert S. Sola, Nanina D. Takla, Ian H. Wallace, Ann L. Fisher (BC), David W. Nebel (BL).

Corporate Counsel Section

Activities and accomplishments

- April – Complimentary CLE on “Contests and Sweepstakes”
- May – Half-Day CLE on “Social Networking”
- June – Complimentary Networking Luncheon
- December – Complimentary CLE on “Child Abuse Reporting”
- June - Published Spring 2010 Newsletter
- December - Planning to publish Fall/Winter 2010 Newsletter

Budget

We began 2010 with approximately \$11,250 (as of February), and are ending 2010 with approximately \$12,500 (as of November). Almost all of our events, including a Networking Event at Lake Oswego Country Club, were free for Corporate Counsel Section members, and all included food. The only paid event was a half-day CLE at the Multnomah Athletic Club in May.

Recommendations for 2011

To be determined at the first meeting of the new year, on January 6, 2011. Expected to be 3-4 CLEs, one of which is likely to be a complimentary Ethics CLE in December, and the publication of a Spring and Fall newsletter.

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

Criminal Law Section

Activities and accomplishments

On April 3, 2009 the Section sponsored our 23rd Annual Contemporary Issues In Criminal Justice CLE at the United States Courthouse in Portland. The program included the annual appellate update and focused on Forensic Science issues. The attendance was slightly lower than in past years; however, the program evaluations were very positive.

The Executive Committee (EC) continues to evaluate

ways to best serve our members through a survey of membership interests in future CLE programs, posting recent case law and cases pending review in the Oregon Supreme Court on our website, and planning a mini-CLE on a white collar crime topic for February 2011.

The EC held monthly meetings except for July and August. Meetings were held at the OSB Center. The late summer meeting is traditionally held in various parts of the state outside of the Portland area. This year it was held in Hood River in September.

Members, Dan Ousely, Janelle Wipper and Greg Scholl completed the full two consecutive terms members are permitted to serve on the EC. The Hon. Rebecca Duncan will conclude her service on the committee now that she has become a member of the Court of Appeals.

Budget

The Section's budget remains healthy. This enabled the EC to again vote to absorb the Bar's increased cost per member fee to the Section without passing the increased cost onto the membership. The Section continued giving new admittees their first year membership to the Section without cost. 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 Executive Committee has been examining legislation which would have a systemic impact and would not implicate the particular interests of either the defense or prosecution bars. Specifically, the EC examined proposed legislation which would authorize private bail bonds which initially surfaced during the 2010 special legislative session. In October, the EC heard presentations and arguments from the chief proponents and one of the opponents of the legislation. The EC deferred taking a position until a specific bill is introduced.

Matters considered/Matters pending

The 2011 Annual CLE has been scheduled for Friday, April 1, 2011 at the OSB Center. This represents a change in location from the United States Courthouse in Portland. The major consideration in moving the location is to take advantage of the capacity to offer live streaming video of the CLE to make the program more accessible to members in outside the Portland and Salem areas. The planning is underway and the program will feature an afternoon presentation and question and answer period with jurors who have served on criminal cases. This is a reprise of perhaps our most highly regarded past program. Judges and jurors from three counties will participate.

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 EC is developing a shorter CLE on a white collar crime topic in Portland in February 2011 and will continue to explore presenting other shorter regional CLE programs throughout the State at little or no cost.

Recommendations for 2010

Successful presentation of a top quality CLE in April, 2011; additional regional "mini-CLE" programs; and increased communication and opportunities for the Section membership. Improve written materials from the annual CLE and make them generally available; consider recording of session to permit members who cannot attend the CLE to order the recording and materials for personal viewing.

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

Debtor-Creditor Section

Activities and accomplishments

The Debtor-Creditor Section had 737 members in 2010 and carried out its work primarily through its subcommittees as described below. The Section conducts an annual meeting and CLE program and co-sponsors the Northwest Bankruptcy Institute CLE program with the Washington State Bar Creditor-Debtor Section on topics relevant to the debtor-creditor practice. The Section conducts the Saturday Session meeting between the bench and bar. The Section provides service to the public in a variety of ways, including its pro-bono bankruptcy clinic, legislative committee, public education committee, and the C.A.R.E. presentations to local high schools. The Section publishes a newsletter three times a year, is very active in legislative matters, and maintains a Section website.

Active Committees

Annual Meeting: Organizes and conducts the annual meeting. The 2010 annual meeting and CLE were held on October 29 and 30, 2010, at the Benson Hotel in Portland Oregon.

Award Merit: Seeks out persons who deserve special recognition for extraordinary contributions in the debtor-creditor area. This year the committee awarded The Honorable Albert E. Radcliffe with the Award of Merit.

C.A.R.E. Program: Organizes and presents educational programs to high school students throughout Oregon on the responsible use of credit.

Consumer Bankruptcy: Meets regularly to discuss

issues affecting consumer bankruptcy practice.

Continuing Legal Education: Conducts CLE programs in conjunction with Annual Meeting and at other times on topics relevant to the Section's membership.

Legislative: Sponsors new legislation and comments on legislative proposals applicable to debtor-creditor practice.

Local Rules: The committee had 10-12 active members this year and reviewed existing forms and rules and provided the bankruptcy court with input, including an 80 page report.

New Lawyers: Conducts networking and CLE programs for members of the Section new to practicing debtor-creditor law.

Newsletter: Publishes three issues per year on debtor-creditor topics relevant to the Section's membership.

Nominating: Proposes nominees to fill vacancies on Section's Executive Committee.

Northwest Bankruptcy Institute: Co-sponsors Annual CLE Program with Washington State Bar Creditor-Debtor Section. The 2010 Institute was held in Spokane, Washington. The 2011 Institute is scheduled to be held in Portland, Oregon.

Pro Bono: Conducts bankruptcy clinics and provides volunteer lawyers for low income bankruptcy clients.

Public Education: Develops strategies to educate the general public concerning debt management and bankruptcy.

Saturday Session: Conducts annual meeting between Bankruptcy Court judges and staff and bankruptcy practitioners on current issues relevant to local bankruptcy practice.

Website: Maintains the Section's website at www.osb-dc.org and in 2010 launched an upgraded website with new capabilities that has been well received by the Section.

Budget

For 2010 the Section operated with a positive ending fund balance and for 2011 has provided for a budget that will carry out the work of the Section while providing for positive fund balance.

Legislative issues

The Section has been active in identifying legislative issues, proposing legislation, monitoring progress of bills, taking positions on bills as authorized by the Executive Committee and testifying at legislative hearings. A detailed listing of legislative actions can be found at the section's website – www.osb-dc.org.

Matters considered/Matters pending

Significant Events in 2011:

The Federal Judicial Center is holding a workshop for Bankruptcy Judges in Portland in August 3-5, 2011. The Section is planning on sponsoring a reception or other event for the Judges.

Respectfully submitted: Miles D. Monson (CH), Patrick W. Wade (CH-Elect), Thomas M. Renn (Past CH), Tara J. Schleicher (TR), Susan S. Ford (SEC), Gary L. Blacklidge, Trish M. Brown, M. Caroline Cantrell, Rex Kyle Daines, Matthew A. Goldberg, David W. Hercher, Thomas A. Huntsberger, P. Rebecca Kamitsuka, Loren Svedlund Scott, Ted A. Troutman, Gina Anne Johnnie (BC), Karen D. Lee (BL).

Disability Law Section

Activities and accomplishments

The Disability Law Section Executive Committee met approximately eight times during 2010. 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 number reflected above does not take into account the countless hours that Executive Committee members spent in informal discussions regarding the CLE and e-newsletter.

The Section's Co-Chair (M. Logan) attended the HOD's meeting.

The Section's Co-Chair (L. Traynor) sent personalized (hand-written notes) to each attorney who had previously been identified as a member of the Disability Law Section, but had not renewed his/her membership.

The Section's Co-Chair (L. Traynor) met with approximately five attorneys who had questions about the Disability Law Section.

Bob Joondeph, Section Member, and Co-Chair (L. Traynor) discussed the 20th anniversary of the Americans with Disabilities Act (ADA) for an article in the OSB's Bar Bulletin.

Budget

The Disability Law Section's expenses remained under-budget. The budget balance remains strong for the upcoming year and should allow for website revision, newsletter(s), and conducting CLE event(s).

CLE

The Executive Committee presented a CLE on ethics/juvenile/education issues in October 2010 with extensive support from Kateri Walsh, Community Relations for the OSB.

Legislative issues

The Executive Committee met with Matt Shields, OSB's Public Affairs, to discuss the coordination, tracking, and sponsorship of legislative issues.

The Executive Committee (through Bob Joondeph) tracked and discussed legislative issues pertaining to Oregon's 2010 Special Session. In particular, we discussed:

- (a)HB 2442 (related to Department of Human Service issues, including criminal record checks for employees and expands the definition of "verbal abuse").
- (b)HB 3618 (related to workers' compensation insurance and training for home care workers).

Bob Joondeph agreed to track (and report on) legislative matters pertinent to the Disability Law Section's membership and interests.

Matters considered/Matters pending

Newsletter:

The Executive Committee expects to publish its e-newsletter (electronic format) in early 2011.

The Executive Committee followed the BOG's proposal that the Bar Books (online version of CLE publications) be made available to members at no additional cost.

The Executive Committee met with Tanya Hansen of the PLF who would like to form a loss prevention subcommittee again. The subcommittee would gather members' concerns/ideas about malpractice, CLE development, and practice aids. Participants need not be a member of the Executive Committee and could be any section member.

Recommendations for 2011

Several Executive Committee members requested that the Committee meet every other month, not monthly, and utilize email on non-meeting months to communicate with each other, if necessary.

Develop and foster outreach or opportunities for Section Members who live outside the Portland metro area.

Publish a list of "who in the Section does what kind of law and indicate whether they'd be willing to entertain an occasional e-mail from other section members with questions."

Revisit the "Matters Considered/Matters Pending" in early 2011.

Continue outreach to law students and support removal of barriers to bar examination and admission. The Executive Committee discussed meeting again with Frank

Garcia and Jon Benson of the OSB regarding possible new or updated rules for bar admission with respect to disability. A specific issue, regarding the cost and time commitment necessary for students to obtain current and accurate assessments, remains a top priority.

Track pertinent legislation for Oregon's 2011 legislative session.

Continue to follow and support Universal Design issues as set forth in previous years (particularly 2009).

Review the Section's website to determine what revisions, if any, need to occur.

Any other comments

The Executive Committee wishes to thank Margaret Robinson for thirty years of dedication to the OSB and its members. She retired from the OSB on November 30, 2010.

Respectfully submitted: Lana L. Traynor (Co-CH), Micky Feusse Logan (Co-CH), Heidi von Ravensberg (Past CH), Theodore E. Wenk (TR), Amrit K. Sidhu (SEC), Bradley P. Avakian, Janice Krem, Sherri Lynne Rita, Audrey T. Matsumonji (BC), Margaret Robinson (BL).

Diversity Law Section

Activities and accomplishments

In 2010, the Diversity Section Executive Committee, "DSEC" and its sub-committees completed an active year. The following is a summary of activities and accomplishments.

The Convocation on Equality Sub-committee spearheaded the efforts to select a steering committee to develop and plan the second Convocation on Equality to be held on November 4, 2011, to celebrate and continue the mission of the Diversity Section and the OSB to assure the OSB membership reflects, supports and provides access to justice in support of Oregon's diverse population. The steering committee working with DSEC's sub-committee are organizing to bring together inspiring speakers from across the nation, judges, practitioners and community members to engage in discussion and workshops to collaborate on methods, processes and activities designed to provide attendees with practical tools necessary for continuing to do diversity work as well as facilitate relationship building in order to continue efforts to build more diversity into Oregon's legal community. The planning efforts for the 2011 COE event can be followed by logging into: <http://convocationonequality.blogspot.com>.

After the success of their first of four in a series of Employer Round Table lunch meetings in 2009, the Employment and Advancement Sub-Committee organized the remaining 3 Employer Round Tables discussions

during the first 6 months of 2010. These round table meetings provided a forum for legal employers to dialogue and collaborate on common issues surrounding recruitment and retention of minority lawyers. Judge Darleen Ortega facilitated the final session, entitled, "The Real Exit Interview," to great reviews.

The Collaboration & Communication Sub-Committee re-launched the Diversity Section website and utilized the website, Twitter and Facebook to post information about upcoming networking, mentoring, social and educational events.

DSEC promoted the Diversity Section and diversity efforts within the OSB by providing informational brochures and special magnets to new admittees at their swearing-in ceremonies in the spring and fall of 2010.

DSEC engaged in opportunities to co-sponsor, attend and support events with organizations such as Oregon Women Lawyers, the OSB Affirmative Action Committee (OLIO and BOWLIO), the Oregon Minority Lawyers Association, Oregon Pacific Asian Bar Association, the Fair Housing Counsel of Oregon, the Multnomah Bar Association, the Oregon Hispanic Bar Association, and "Say Hey" to promote and support their diversity building efforts. Included were co-sponsorship with OWLS, the CLE entitled "Road to the Federal Bench" on April 8, 2010 and a cash donation to OMLA's Summer Auction.

DSEC continued their ongoing dedication to monitoring issues that arise before the Access to Justice issues by providing a member to the Access To Justice Advisory Committee to communicate and collaborate with the Policy and Governance, "P&G" committee of the OSB Board of Governors, "BOG" and the Oregon Supreme Court.

DSEC communicated with the BOG President, Kathy Evans and former Executive Director, Teresa Schmidt to request the OSB provide easy access on the website for members of the public and the bar to view the OSB mission statement, functions and values.

The Collaboration & Communication Sub-Committee drafted the response submitted by DSEC and the AAC to the BOG's P&G committee regarding a proposal to amend the access to justice MCLE requirement to allow "experiential credit". The proposal was subsequently dismissed by the P&G and the BOG.

The DSEC reviewed a proposal to include military service as a category which would qualify for Access to Justice MCLE credit.

Continued efforts to support and maintain communications with the Affirmative Action Committee by holding a joint retreat in January 2010 as well as continuing 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
- Timely monitoring and updating of the OSB Diversity Section website, Twitter and Facebook fan pages.
- Continuing to refine the procedures for inviting participants onto the committee
- Preparing and sending letters to section members, non-renewing members and new admittees to advise them of the ongoing activities of the section.

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 development and facilitation of planning for the 2011 Convocation on Equality. DSEC expects 2011 to require a greater level of support from the section as the date of the Convocation draws closer. With that in mind, DSEC set aside \$2000 to date and budgeted an additional \$1000 for 2011. In addition, DSEC expects there will be new projects initiated in support of the section’s mission.

Matters considered/Matters pending

After further investigation and communication with resources at the OSB, DSEC decided not to implement guidelines specific to the section regarding gifting to organizations that support our mission, choosing instead to rely on the guidelines already in place through the bar.

DSEC also decided there was no need to increase section dues for 2011.

The committee recognizes there may be a need to engage in future investigation in to whether there is a need to take any action on the issue of how the MBE impacts diverse law students.

Recommendations for 2011

DSEC expects members will take more responsibility to assist with the efforts to plan and organize for the Convocation on Equality 2011.

DSEC expects to continue to play a significant role in any discussions relevant to the Access to Justice CLE credit, including quality, relevance and content of coursework.

The section is interested in continuing to collaborate with other organizations that support diversity efforts within the bar and the community where necessary to provide leadership in those areas.

Finally, DSEC is committed to increasing visibility of the section within the bar by seeking new membership, monitoring and expanding information available on the website and through social networks.

Respectfully submitted: Andrea J. Anderly (CH), Diane Schwartz Sykes (CH-Elect), Akira Heshiki (Past CH), Anthony A. Padilla (TR), Cashauna Hill (SEC), Honorable Cheryl A. Albrecht, Randy L. Arthur, Rosa Chavez, Emilie K. Edling, Marva Fabien, Antonio J. Gonzalez, Robert C. Joondeph, Janna Beth M. Kim, Megan I. Livermore, Audrey T. Matsumonji (BC), Frank Garcia (BL).

Elder Law Section

Activities and accomplishments

Most activities of the Elder Law Section take place through the work of specific section subcommittees. Subcommittee membership is open to all interested section members.

CLE Subcommittee: The Section has traditionally sponsored, in conjunction with OSB, an annual CLE in Portland, with replay opportunities around the state. On October 1, 2010, the Section presented “Elder Law Roundup: Substance and Practice” to 142 attendees at the Oregon Convention Center. Topics included Medicaid and Other Public Benefits; Benefits and Issues for Veterans; Drafting Special Needs Trusts, Income Cap Trusts, Powers of Attorney; Reporting Elder Abuse; and Elder Law Practice Improvement Tips.

In May 2010, the Section held its 7th annual UnCLE, an informal day-long session in Eugene where participants meet with their peers to “talk shop” both in workshop settings and over breakfast, lunch and social hour. Attendees, limited to 75 because of space available and because of the desire to keep the group informal and workable, choose among 16 workshop topics. Attendees bring printed materials to share and engage raising questions and providing answers based on personal, practical experience. The UnCLE is approved for CLE credits.

In 2010, the Section wished to expand its CLE capabilities to areas of the state at some distance from Portland and Eugene, to serve a greater number of members and other interested attorneys. On October 14, 2010, Penny Davis, of Davis, Pagnano, McNeil et al, Section Past Chair, made a presentation in Medford to the Southern Oregon Estate Planning Council on Medicaid issues. This session was approved for 1.5 CLE credits. On October 26, 2010, Steve Owen, of Fitzwater Meyer, Executive Committee member, addressed the Deschutes County Bar Association (Bend) luncheon on the topic of Elder Abuse: Recognition and Responses.

Newsletter Subcommittee: The quarterly Elder Law Section Newsletter, professionally edited by Carole Barkley, is a major benefit provided by the section to its members. Subcommittee members and the editor determine each issue’s focus, then recruit writers for specific topics to fit the focus. The newsletter is now distributed electronically,

saving money and environmental resources. Issues from past years are available on the Section's webpage on the OSB website.

Agency and Professional Relations Subcommittee:

Members of this subcommittee meet 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.

Computers and Technology Subcommittee: This committee monitors the Section's active listserve for members, and updates the Section's webpage on the OSB website, acting as liaison between section members and OSB information technology staff. In addition to the CLEs and the quarterly newsletter, the listserve is the other major benefit to Section members. The listserve provides an on-going open forum for peer discussion of practice issues, questions for information and resources, and alerts to changes in laws, rules and court practices that affect section members and their clients.

Elder Abuse Issues Subcommittee: This subcommittee monitors elder abuse issues and responses to elder abuse, both civil and criminal. Subcommittee members provide special presentations to the community, and track trends in criminal prosecution. Members also from time to time represent the Elder Law Section of elder abuse committees and task forces convened by various public and state agencies.

Budget

As of October 31, 2010, the Elder Law Section had 550 paid memberships and 54 complimentary memberships (given to judges, court staff, and OSB members of 50 or more years). This is a slight decrease from 2009. Annual dues remain at \$25. Actual expenses are under the budgeted numbers at this point, but not all expenditures for the year have yet been logged. The Section maintains a reserve, to allow for special projects from time to time, and to assure a continued ability to offer newsletters and CLEs, even in lean years. The Section regularly contributes to the Campaign for Equal Justice and the Oregon Minority Lawyers Association.

Legislative issues

During 2010, the Elder Law Section focused attention on three legislative issues. Section members worked with members of other sections and the judiciary, along with Bar staff, to make changes to HB 2137, pertaining to procedures involved in maintaining confidentiality of information in protective proceedings, to facilitate administration of the procedures within the various probate departments around the state. In addition, Section members proposed changes to and were involved in discussions regarding changes to the Elective Share statutes, particularly as to how to deal with Special Needs

Trusts vis à vis the "augmented estate." The Section discussed and voted to support the Estate Planning Section's proposed amendment to ORS 107, removing the presumption that inherited property is contributed equally to the marital estate.

Matters considered/Matters pending

In November, the Executive Committee considered assisting Professor Jennifer Wright, of St. Thomas School of Law, who is chair of the elder law section of the Minnesota State Bar Association, in her research into elder law mediation, by distributing a questionnaire to the section membership. The matter is pending, as distribution methods are considered.

Recommendations for 2011

The Elder Law Section Executive Committee held its annual retreat on September 17-19 at Newport. Goals and activities identified for 2011 include: continuing to explore ways to assist elder law attorneys working with Hispanic elders and their families; developing a generic, simple descriptive statement to answer: What is Elder Law?, increasing public awareness of this area of law; identifying opportunities to raise awareness/provide training on issues of financial abuse, particularly for bank and credit union staff and others dealing with incapacitated elders and/or predatory financial abusers at public institutions; engaging in outreach to other attorneys for whom elder law issues are not commonly part of their practice; tips and traps; and exploring ways to mentor new elder law attorneys, either in conjunction with the Bar's mentorship program or separately.

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

Environmental and Natural Resources Section

Activities and accomplishments

In 2010 the Environmental and Natural Resources Section continued its focus on educational services to its members. The Section produced a number of publications and educational seminars on a variety of environmental topics and switched to publishing all of its materials electronically. The Section also promoted collegiality through three social events held in the Portland metro area.

The Section hosted two major one day seminars. Its Annual Environmental and Natural Resources CLE: Environmental Law Year in Review was held in October at the McMenamens Edgefield in Troutdale. The section also hosted a seminar in November at Portland International Airport on Civil and Criminal Environmental Enforcement: From the Perspective of the US EPA and its Partners.

The Section also held five free educational Brownbag sessions on subjects as diverse as incorporating sustainability into cleanups, the State's sustainability efforts, invasive species control in Oregon, developments in geothermal energy and ethical compliance for environmental lawyers. We qualify our Brownbags for continuing legal education credit from the Bar.

In January, the Section published an edition of Outlook on The Public Trust Doctrine, Climate Change and Future Generations. The Section also produced eight issues of E-Outlook, an electronically delivered summary of a significant legal development, covering significant published cases in water resources law, the Endangered Species Act, the Clean Water Act, the Comprehensive Environmental Response, Compensation and Liability Act, and cleanup cost recovery insurance law. We also tracked environmental bills of interest in the 2010 Legislative Session and published summaries on the Section's internet page.

The Section also published four editions of Case Notes, a quarterly summary of significant legislation, regulations and case law developments.

We maintained an active internet site where we uploaded all available materials for the educational events and publications the Section promoted. Section publications and presentations are all available for viewing and downloading at <http://osbenviro.homestead.com>.

Recommendations for 2011

In 2011, the Section intends to continue to implement its mission of provide section members an opportunity to develop and improve skills in environmental and natural resource law, provide a forum for communication and action in matters of common interest, and foster professionalism through a broad variety of activities.

Respectfully submitted: David Ashton (CH), Jas Jeffrey Adams (CH-Elect), Diane Henkels (Past CH), Hong N. Huynh (TR), Laura Maffei (SEC), Rachel L. Barton-Russell, Michael R. Campbell, Ellen H. Grover, Pamela Hardy, Nathan A. Karman, Erin C. Madden, John H. Marsh, Karen L. Moynahan, E. Susan O'Toole, Patrick G. Rowe, Susan L. Smith, Kimberlee A. Stafford, Michael E. Haglund (BC), Scott A. Morrill (BL).

Estate Planning and Administration Section

Activities and accomplishments

We produced two full-day CLEs, co-sponsored with the OSB:

- June 25: Basic Estate Planning and Administration – 245 attendees
- September 23: Advanced Estate Planning – 219 attendees

(This CLE was held on a Thursday due to conflicts with other Sections. We suspect that the Thursday schedule contributed to lower attendance than is usual for our advanced CLE.)

We published four issues of our Section Newsletter. The newsletter is now distributed electronically, to save money, and is available to our members on our website. We also have permitted faculty at the three Oregon law schools to distribute the newsletter to students who are interested in estate planning. We are trying to get more section members involved in writing for the newsletter and are trying to reach out to members who want to volunteer.

We created a Pinnacle of the Pantheon Award to honor Warren Deras, a Section member who has contributed significantly to the Section and the estate planning bar. We announced the award at the June CLE and in the Newsletter.

We provided feedback on the Bar's proposed Mentor Program.

We created a new program to provide free one-year memberships in the Section to members of the Oregon Minority Law Association who are interested in estate planning. We have no limit on the number of free memberships and will consider cases as people apply. In our first year of offering this opportunity only one person applied and he was given a free membership. We will not provide an unlimited number of free memberships, but we may provide more than one if more people apply.

We maintained and improved our website. In particular, we are adding back issues of our Newsletter (scanned issues from the pre-electronic distribution era).

Our Executive Committee actively works on law reform projects. Those projects are described below under the Legislative Issues heading.

Budget

We should have an \$8,000-\$9,000 balance at the end of 2010. Our carryover continues to decrease slowly, but we decided not to raise membership fees this year due to the recession. We cut expenses by reducing the

cost of our Executive Committee meetings (we have one meeting that has a social element to it) and by converting our Newsletter to electronic distribution. Our budget for next year is otherwise the same, and we will revisit the question of increasing fees next year.

Legislative issues

We prepared three bills for the 2011 legislative session:

- Principal and Income Act changes – LC 473
- Changing the presumption in a dissolution for property acquired by gift – LC 472
- Elective Share – technical corrections – LC 471 (Oregon Law Commission may introduce this bill)

We provided input on several bills that will be proposed by other sections or organizations:

- Oregon Inheritance Tax Workgroup – Inheritance Tax Bill, LC 245
- Elder Law Section – amendment to Elective Share Statute to create statutory valuation for special needs trusts – LC 470
- Oregon Law Commission – Real Property TOD Deeds

We gathered information and discussed possible bills on two topics and then decided not to pursue that legislation:

- Wind development severance rights – we worked with another bar section and ultimately concluded not to pursue legislation on this subject
- Short-term fix to formula provisions affected by the repeal of the federal estate tax – because we would have to wait until 2011 to propose this legislation, we decided not to pursue it (the problem should be fixed in 2011)
- Restitution paid to estates - the DOJ will likely develop legislation to address this problem so we decided to wait on this issue

We began work on projects that may lead to bills for 2013 and will continue this work next year:

- Probate reform, in particular nonintervention probate
- Oregon Uniform Trust Code revisions

Matters considered/Matters pending

Young Estate Planning Lawyers – At our last meeting in 2010 the Committee discussed the creation of a Young Lawyers group, similar to the one created by the Tax Section. The Committee concluded that we did not yet have enough information to move forward. We will continue to consider this project next year.

Recommendations for 2011

We intend to hold two CLEs, continue to publish the Newsletter, provide testimony for the three bills sponsored by our Section, and continue to work on future legislation.

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

Family Law Section

Activities and Accomplishments

The Family Law Section continues to be very well regarded throughout the State of Oregon. Even in a difficult economy section membership remains steady. The membership was 1105.

The section again conducted a very successful Annual Meeting and CLE Conference at Salishan Lodge. This conference continues to be highly regarded conference attended by section members throughout the state. This year's attendance was over 390, which we believe may have been a record. We have again been able to attract quality out-of-state presenters as well as the finest in-state presenters.

The Section Listserve continues to grow and provide section members with access to other family law practitioners throughout the state. Coupled with the monthly newsletter, Section Members continue to have a source for information and current case law on a regular basis.

New contracts with Salishan were approved for future conferences in 2011, 2012 and 2013.

Budget

The Section continues to be in a strong financial position as a result of membership dues and the annual conference. The Section continues to look at new programs to fund, which could benefit the entire section.

Legislative Issues

While this was not a legislative session year, the section continued to review and support legislation which would have an impact on family law. The Section continued work on the *Olseburg* fix and approved language in our March meeting. The changes to ORS 107.139 and ORS 109.103 were approved and supported.

Additional Comments

The Executive Committee expanded its committee size by two new members due to numerous requests to be active in the section. We have actively requested more personal involvement by the membership. We have continued to meet on a bi-monthly basis with two face-to-face meetings throughout the year. While we have made some inroads with regard to participation of more Central and Eastern Oregon members, we have continued to explore ways to have more total state involvement in the section. The Section has also continued to explore ways to make our conference and CLE more national in scope by using national speakers discussing national topics while also meeting the needs of younger, less experienced members.

Respectfully submitted: Richard William Funk (CH), Anthony H B Wilson (CH-Elect), Robert C. McCann (Past CH), Charles M. Zennache' (TR), Laura B. Rufolo (SEC), Sean E. Armstrong, Jacy F. Arnold, Marcia Buckley, Grace Y. Lee, M Scott Leibenguth, Gregory P. Oliveros, Linda Reed Haase, Kristen Sager-Kottre, Lauren Saucy, Kenneth Mitchell-Phillips (BC), Susan Evans Grabe (BL).

Health Law Section

Activities and accomplishments

In 2010 the section co-sponsored with the Oregon Health Lawyers Association an annual CLE. This was held in conjunction with the section annual meeting. The topic this year was Healthcare Reform and covered both State and Federal reform. In addition, the section sponsored four, 1-hour, lunchtime brown bag CLEs. These were less formal to encourage members to discuss current topics in healthcare and included POLST and end of care issues, Minors and Informed Consent, Update on the Oregon Health Authority, and a final one is scheduled in December on the Health Professionals' Service Program.

This year the Health Law Section participated in one lunch event at Willamette Law School and two at Lewis & Clark; all events focused on sharing different perspectives of practicing health law with the students and to provide students with the opportunity to ask questions. Attempts to coordinate an event at University of Oregon Law School were attempted, but without success. The Health Law Section invited law students at all three schools to consider submitting papers for publication on the Section's website, while no one submitted anything, students did respond originally about their intent to submit papers later in the year. Students were also invited to attend the Health Law Section CLE in October.

Over the last year the website committee has continued to improve the website. We have hired a website designer to maintain and update our site and through his work the site is more up-to-date and

organized. Our next steps are to grow the content on the site so that it continues to be an ever useful resource for our membership.

In 2010, Executive Committee member Ben Knaupp worked with his board of editors to organize health care attorneys to write, collect and edit revisions to the new and reorganized Health Law Manual. This project began in 2008 with a review and re-organization plan of the original 4 volume sets. On October 1st, 16 final drafts were submitted to the Bar publications department to begin the final editing process. There are 3 chapters still in the final stages of production and the authors have committed to finish their work before year's end.

Budget

In 2010 we are projecting a net revenue of \$3,968 and ending fund balance of \$19,136. For 2011, we are anticipating a slight increase in membership to 295 members and have approved a budget that will allow the section to improve the section website and conduct additional outreach to law students and potential members.

Legislative issues

2010 was not a legislative year in Oregon. The section sponsored a CLE focused on federal health reform.

Recommendations for 2011

Continue CLE activity including brown bag lunch sessions and possible partnership with Washington State Society of Healthcare Attorneys for a joint CLE in Portland or Vancouver.

Finalize updated Health Law Manual.

Further investment in development of the section's website resources, and use the website as the primary communication tool for the section, including development of more substantive content.

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

Respectfully submitted: Peter D. Ricoy (CH), Kelly Knivila (CH-Elect), Nicola Yeats Pinson (Past CH), Brian M. Parrott (TR), Amy Vandenbroucke (SEC), Rachel Anne Woods Arnold, Karen Ann Berkowitz, Stephen Christopher Bush, Gwen M. Dayton, Linda DeVries Grimms, Molly Burns Herrmann, Robert C. Joondeph, Benjamin D. Knaupp, Shannon K. O'Fallon, Lauren Rhoades, Jaclyn K. Semple, Ethan D. Knight (BC), Dustin Dopps (BL).

Indian Law Section

Activities and accomplishments

The ILS had a number of significant accomplishments in 2010, summarized as follows:

Conferences: In June, the ILS co-sponsored a national Tribal Energy Conference with the National Renewable Energy Laboratories, the US Department of Energy and the Affiliated Tribes of Northwest Indians. The conference was a three-day event held at Kahneeta Resort on the Confederated Tribes of Warm Springs reservation in Central Oregon. CLE credit was obtained for 16 credit hours. Several hundred people attended the event, including tribes from across the US. Members from the ILS and Executive Committee attended and presented at the conference.

In November, the ILS voted to support the Lewis & Clark Law Review Spring Symposium to be held Friday, April 15, 2011 entitled *The Future of International Law in Indigenous Affairs: The Doctrine of Discovery, the United Nations, and the Organization of American States*.

Special Meetings: In July, the ILS and Ater Wynne LLP hosted Professor Frank Pommersheim, and the Native American Law Students for a discussion about Professor Pommersheim's new book, *Braid of Feathers: American Indian Law and Contemporary Life*. Frank Pommersheim teaches at the University of South Dakota School of Law, where he specializes in Indian law. Prior to joining the faculty in 1984, he lived and worked on the Rosebud Sioux Reservation for ten years. He has served on a number of tribal appellate courts throughout Indian country and currently serves as Chief Justice for the Cheyenne River Sioux Tribal Court of Appeals and the Rosebud Sioux Supreme Court. Approximately 30 law students, ILS members and practitioners attended the event. Ater Wynne LLP donated the space, food and beverages.

Collaboration with Other Indian Law Programs: The ILS was invited by the University of Oregon Law School and the Native American Law Students Association (NALSA) at the Law School to attend and participate in a presentation by Judge Don Costello (Coquille Tribe) on April 29 at the UO law school. The Eugene area Native American community hosted a culture night/potluck for students (NASU and NALSA) after this event from 6:00-8:00pm at the Many Nations Longhouse that ILS also attended. At the event, the ILS was asked whether it would support the University of Oregon's efforts to fund a Tribal Law Professorship at the Law School. The ILS discussed the request at its regularly scheduled meeting and unanimously agreed to support a full time, tenure track professorship focused on Indian Law and tribal outreach at the Law School.

Newsletter and Web Publications: The ILS continued to post information of interest to the Section on the ILS website, including job opportunities in Indian Law, events and conferences concerning Indian Law and tribal activities.

Activities in Indian Country: The Annual Meeting for the ILS was held at the Confederated Tribes of Grande Ronde lands in and around Grande Ronde, Oregon, including a tour of the tribe's successful fisheries project, a visit to the newly constructed long house, and a meeting with Chief Judge Suzanne Ojibway Townsend and her staff at the tribal court. After the tours of the tribal facilities and tribal court, the Annual Meeting was held over dinner at the tribal casino. The slate of candidates for the 2011 Executive Committee was confirmed, including the deletion of Patricia Davis from the Members at Large with terms ending 12/31/12. Several section members who were not on the Executive Committee, and at least one member of another OSB section attended the meeting.

Budget

The budget adopted for 2011 is as follows: \$6,476 projected for 2011. Included in this budget is \$500 for the 2011 international indigenous law CLE at Lewis & Clark and \$500 for a Campaign for Equal Justice contribution.

Legislative issues

While the ILS discussed potential legislative concepts, it chose not to propose legislation for consideration in the 2011 Session. However, the Executive Committee reviewed the activities by several Executive Committee and ILS members to address the problems raised in the case of *State v. Kurtz*, Jefferson County Circuit Court A132184 (September 26, 2008) concerning the ruling that state law does not recognize tribal officers as state police officers for matters of enforcement of state laws in Indian Country. Actions suggested included a legislative fix and the need for an amicus brief. Legislation to address the Kurtz issue is likely to be proposed by tribes and supportive organizations in 2011.

Matters considered/Matters pending

Contributions to the Lewis & Clark Law Review Spring Symposium and the Campaign for Equal Justice approved by the ILS are pending.

Recommendations for 2011

The co-sponsorship of a national and regional tribal energy conference and the Annual Meeting held at Grande Ronde tribal lands were considered successes and similar events should be encouraged in the future.

Respectfully submitted: Douglas C. MacCourt (CH), David D. Shaw (CH-Elect), Lisa Jean Bluelake (Past CH), Stephen P. Kelly (TR), M. Brent Leonhard (SEC), Jennifer A.

Amiott, Jennifer Biesack, Patricia L. Davis, Craig J. Dorsay, Michael J. Grieser, Brent H. Hall, Carl Frederick Merkle, John W. Ogan, Lee Kevin Shannon, Carl V. Ullman, Mitzi M. Naucler (BC), Michelle Lane (BL).

Intellectual Property Section

Activities and accomplishments

The Section had an active year. The Section followed up on a survey from 2009 that identified members' interests in CLE programs. The primary result was a monthly "Brown Bag" CLE held at The Cleaners facility in downtown Portland. This monthly series began during the end of 2009, and the Section followed up that early success with a full slate of Brown Bag sessions throughout 2010.

Additionally, the Intellectual Property Section continued to organize and sponsor several CLE's in 2010, including the following:

- Year End IP Review – This annual CLE provides a summary of important decisions and legislation across the IP spectrum.
- Section Annual Meeting – For this CLE, the Section brought in a senior official from the USPTO, namely, Jasmine C. Chambers, Deputy Administrator for Policy External Affairs at the USPTO. Ms. Chambers spoke on the topics of Design Patent Examination in Technology Center 2900 and The USPTO's Work-Sharing Initiatives
- The Section 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 5th Annual Legal Specialties Lunch at Lewis & Clark Law School
- Participated at the Lewis & Clark IP event (wine event)

The Section continued to support the Intellectual Property Section newsletter for the Year 2010 and worked with Lewis & Clark to transition 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.

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.

Legislative issues

There were no significant legislative issues in 2010, and the Section had no involvement with the legislative process.

Recommendations for 2011

The Section is planning on continuing on developing the Brown Bag lunch series, including providing opportunities 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 will actively plan the 2011 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.

Respectfully submitted: Michelle C. Craig (CH), Michael Heilbronner (CH-Elect), B. Anna McCoy (Past CH), Karen Wetherell Davis (TR), Britt Bachtel-Browning (SEC), Bartley F. Day, Timothy S. DeJong, Thomas L. Evans, Susan L. Ford, Kevin M. Hayes, James L. Lund, Kelly A. Luzania, Amanda L. Mayhew, Joseph S. Miller, Ambyr M. O'Donnell, David C. Ripma, Devon Zastrow Newman, R. Scott Jerger (ADV), Julie Eling Penry (ADV), Maureen Claire O'Connor (BC), Dustin Dopps (BL).

Juvenile Law Section

Activities and accomplishments

CLE

On January 29, 2010, the Section co-sponsored with the Bar its annual CLE at the Oregon State Bar, titled "Juvenile Law 2010: Moving Ahead"

The moderator was Juvenile Court Judge Nan G. Waller. The CLE was designed to provide an overview of topics faced daily by juvenile law practitioners. The day started with a panel discussion regarding concerns surrounding cases involved in both the juvenile court and circuit court family law. Then the focus moved to accessing DHS and juvenile court records. The afternoon involved a view of education rights of children, including homeless youth and/or foster youth with special education needs. An overview of immigration issues for an illegal immigrant who is also a delinquent youth was provided along with a current legislative update before ending with expert advice on how to make a proper record for appellate review. Speakers included: Gloria Anderson, Honorable Rex Armstrong, Brian V. Baker, Shannon L. Flowers, Joel Greenberg, Honorable Michael C. Livingston, Honorable Maureen H. McKnight, Kamala Hollander Shugar, Ingrid Swenson, F.G. (Jamie) Troy, II, and Inge D. Wells.

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

In addition, the Section co-sponsored a lunchtime CLE in Portland on the UCCJEA. The section videotaped the CLE and as part of the ongoing attempt to provide information throughout the state, posted the video of the CLE and the accompanying materials on the section's website. Judge McKnight delivered a detailed UCCJEA presentation to juvenile court practitioners. The attached materials included a thorough look at the UCCJEA, with a focus on application in the juvenile dependency system. The presentation included a step by step analysis for tackling challenging UCCJEA issues within the juvenile court context. In addition, Judge McKnight posed several dependency-specific UCCJEA hypothetical questions in a Q&A format.

Additionally, the Section co-sponsored the Juvenile Law Training Academy's October 18-19, 2011 CLE in Eugene, Oregon 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 World Forestry Center in February 2011.

Website

The Juvenile Law Section website continues to be 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.

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.

Legislative issues

Tom Cleary reported updates as to legislation pertinent to Juvenile Court practitioners. Section members were involved in the E-Court subcommittee regarding Juvenile Court confidentiality issues.

Budget

The increase of section dues to \$25.00 provided the section with additional funds for the 2010 budget. This allowed for reinstating the allowance for Executive Committee expenses to attend meetings and increased

the ability to have members from other areas of the state and has provided a bit of a surplus going into 2011.

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.

Matters considered/Matters pending

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, November 13, 2010 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 2011 was held and the 2011 budget discussed and approved.

Respectfully submitted: Cathy M. Ouellette (CH), Christine Kanta Herbert (CH-Elect), Julia Maureen Hagan (Past CH), Kathleen Payne (TR), Julie Goss Sutton (SEC), Thomas P. Cleary, Peter D. Ellingson, Shannon L. Flowers, Honorable James Lee Fun, Maren E. Lundgren, Amy Saeger Miller, Shannon N. Penner, J. Adam Peterson, Steven E. Rosenbaum, Sheri Thonstad, Ethan D. Knight (BC), Dani Edwards (BL).

Labor and Employment Section

Activities and accomplishments

The Section held its annual conference on September 24, 2010. There were over 120 attendees. The program included case law updates, in-depth analysis of public and private sector labor boards, and ethics. There were also roundtable discussions on arbitration clauses and social networking. The event also included live entertainment by the Brody Theater Improv Group during lunch. The section made a special outreach effort to law students at the three Oregon law schools and had over thirty law student attendees. The section had very positive feedback from attendees.

The Section has also authorized the creation of a website for the section. This website will serve the membership through incorporation of a listserv, recent developments and job board. The web site designer has been selected, a subcommittee has established essential design elements and it is expected that the new site will be up by January.

Budget

The Section had a balance of \$14,885 as of January 1, 2009. As of November 1, 2009 the balance is \$13,501. The Section estimates that the 2010 budget will be roughly the same as the 2009 budget.

Recommendations for 2011

The section is planning on having its annual meeting outside of the Portland area in October 2011. The section is also continuing its breakfast briefing series with three briefings in the Portland and Eugene areas. Finally, the section's goal is to have the website fully functional and in regular use by section members in 2011.

Respectfully submitted: Thomas K. Doyle (CH), Jennifer L. Bouman (CH-Elect), Allyson S. Krueger (Past CH), Nathan Schwartz Sykes (TR), Scott N. Hunt (SEC), Brenda K. Baumgart, Barbara J. Diamond, Henry H. Drummonds, Norman D. Malbin, Richard R. Meneghello, Paul M. Ostroff, Katherine C. Tank, Leroy J. Tornquist, Jason Michael Weyand, Julia Williams, Audrey T. Mastumonji (BC), Christine Kennedy (BL).

Law Practice Management Section

Activities and accomplishments

Held CLE this year with PLF and Solo Section on Resources for New Lawyers. The CLE was designed especially for practitioners interested in learning about the resources offered by the Bar and PLF. The section also created outline of goals for 2010. 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. At our final meeting of the year, the Executive Committee discussed whether the section has accomplished its purpose and should consider winding down in 2011. The committee focused on several factors, including the section's past history and considerable success in influencing both the Oregon State Bar and Professional Liability Fund to fully embrace the law practice management cause.

Budget

As the section is considering winding down, we will use the first quarter of 2011 to decide budgetary issues and discuss what to do with funds in hand.

Matters considered/matters pending

Whether to wind down and, if so, how to proceed with that process is our priority matter for future meetings. While no final decision to sunset the section has been made at this time, the Executive Committee felt that it would be prudent to pursue a course of action that did not further complicate matters while discussions continued. In turn, the Executive Committee decided:

- To allow more time to further consider all possible sunset scenarios.
- To remove the LPM Section from the 2011 Membership Dues Statement (which went out earlier this month) – because billing existing membership and adding new members appeared to be somewhat unfair, and an unduly complicated course of action, should the section sunset during 2011.
- To carry-over existing membership for 2011 without any dues assessment or payment. In turn, the 2010 membership rolls would be preserved.
- To carry-over Executive Committee members and/or fill vacancies necessary to achieve a quorum.

Respectfully submitted: Rick Glantz (CH), Carol Decker Wilson (CH-Elect), Dawna Mason (Past CH), M. David Daniel (TR), Dawnne L. Linenbrink (SEC), Dee Crocker, Sandi Glandon, Michael D. Hess, Charles M. McNair, Mary Patricia Sauer, Vicki M. Smith, James D. Vick, Barbara M. Dilaconi (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 recipient, and co-sponsorship of the annual Litigation Institute and Retreat and the biennial Fundamentals of Oregon Civil Trial Procedure CLE. Once again, the Litigation Section was pleased to offer scholarships to the Litigation Institute and Retreat, which enabled public service attorneys and those with financial need 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 Litigation 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 an important reason to join the Section.

2010 Litigation Institute and Retreat

2010 marked our 17th annual Litigation Institute and Retreat, which we co-sponsor with the Oregon State Bar. This year, the Litigation Section provided five scholarships to the Institute. Four of these were awarded on the basis of financial need, and one "Dennis Rawlinson Scholarship" was awarded to an attorney working in the public sector. Dennis Rawlinson Scholarships are given each year to honor the tremendous contribution that Dennis Rawlinson has made to the Litigation Institute. Denny and his committee always do an excellent job in locating national and regional speakers for the Institute. At the 2010 Institute, we were fortunate to have Michael Cash as our keynote speaker.

2011 Litigation Institute and Retreat

Planning is in progress for the 18th annual Litigation Institute and Retreat, and we are very pleased to report that the popular Michael Cash is returning to join Tom Mauet as the keynote speakers. Once again, we expect to have a stellar program.

Owen Panner Professionalism Award

On the Friday evening of the Litigation Institute and Retreat, we hold an annual banquet and present the Owen Panner Professionalism Award to a deserving recipient. We were thrilled to present the 2010 Panner Award to Nancie Potter, formerly of Roberts Kaplan LLP. Nancie received the award shortly prior to her retirement from the practice of law and the start of her new career as a marriage and family counselor. As usual, we have a number of outstanding nominees for the 2011 Panner Award, making the selection a difficult decision. We expect to complete the selection process prior to the publication of the fall edition of the Litigation Journal, so that we can make the announcement in the Journal.

Fundamentals of Civil Trial Procedure Seminar

This two day seminar will be held in the fall of 2011. We have created a sub-committee to plan and update this CLE and our goal is to keep the CLE as practical and useful as possible, particularly for newer attorneys.

Website

We are working to update and improve the content of our website. A sub-committee is in the process of updating the site so that it remains a relevant source of information for our members and the community.

Budget

We expect to end the year with a surplus in excess of \$8,500. 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. The Executive Committee will continue to monitor expenses carefully to be sure that we are staying within our budgeted surpluses.

Matters considered/Matters pending

We are continually interested in the quality of the educational seminars that we present or participate in presenting, and work hard to ensure the highest quality education for our section members.

We currently have three openings on the Executive Committee, and 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 2011

The outgoing Chair recommends that the Executive Committee continue its work on the planning of the next Fundamentals of Oregon Civil Trial Procedure CLE, the updating of the website, and the recruitment of new Executive Committee members with an eye toward diversity in terms of geographic location, ethnic and gender diversity, and practice areas.

Respectfully submitted: Colleen O'Shea Clarke (CH), Simeon D. Rapoport (CH-Elect), John A. Berge (Past CH), Kimberly D'Aquila (TR), Timothy L. Williams (SEC), John R. Bachofner, Peter L. Barnhisel, Benjamin M. Bloom, Eric L. Dahlin, Pamela Hediger, Lindsey H. Hughes, Theresa M. Kohlhoff, Kathryn P. Salyer, Melinda Thomas, Wm. Randolph Turnbow, Mindy Wittkop, Stephen V. Piucci (BC), Karen D. Lee (BL).

Real Estate and Land Use Section

Activities and accomplishments

Summary: The Executive Committee and its subcommittees were active throughout the year. The Executive Committee met monthly except in the month of July. Subcommittees met as needed. Subcommittees consisted of Education, Real Property Legislation and Land Use Legislation. In addition groups were formed for special projects such as webpage review. Subcommittees reported regularly to the Executive Committee at their meetings.

Education: Education is a primary goal of the section. The RELU Annual meeting seminar was held August 13 and 14 at Salishan in Lincoln City. Registered attendance

was about 210. The Annual Meeting Subcommittee, with assistance from Norma Freitas, was responsible for the meeting and continuing education programs presented, providing 11 credits for those attending all of the sessions, including one ethics and one access to justice credit. The section also held a one-day CLE in Portland on basic topics of Real Estate and Land Use, co-sponsored with the OSB on November 19th. Attendance was 106 with 26 online in attendance. In addition the section sponsored three lunch-hour continuing education programs in Portland that drew 100 attendees.

RELU Digest: The Real Estate and Land Use Digest continues to publish five or six times a year. In 2010 issues were published in February, April, July, September and one is due out in December. The digest began about 1978 and has consistently produced a high-quality publication primarily discussing Oregon case law. It is ably edited by Kathryn Beaumont and has a number of volunteer co-editors who write the reviews. The Digest is distributed electronically to all members unless requested otherwise and copies are sent to judges and law librarians. Publications are archived back to 2000.

RELU Website: The section website has been completely updated and refined in 2010 and the calendar has been increased to show other Bar related activities that would be of interest to members of the section.

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 is one of the most beneficial and widely-used services provided by the Section to our members. Over a year's time there were over 19,000 visits by members, averaging about 1500 per month.

Membership and Volunteer Development: The Executive Committee continues to focus on membership development and attempts to encourage new and continuing section members to volunteer opportunities. New initiates to the Bar are offered a free membership for the balance of their year of swearing-in. Sign-up sheets are distributed at the annual meeting encouraging participation in the subcommittees.

Section Liaisons: Our Executive Committee has three active members who attend sister section meetings and act as liaisons. We encourage this kind of inter-section sharing and hope to foster more active connections in the future.

Budget

2010 revenues and expenditures will be generally within budget. Membership is slightly down probably due to the economy. An increase in expenses is anticipated due to increased costs. The section has requested an

increase of 50 cents as a means of rounding off our dues to an even amount. At this time we are the only section with dues that include a fraction of a dollar. Reserves remain at a reasonable level and are intended to cover the cost of our two major CLEs should there be a dramatic downturn in attendance or a cancellation.

Legislative Issues

Our section did not have any proposals for the special session in 2010 although we tracked all bills relating to our section. In the 2011 session we will have one bar-sponsored bill relating to land use. Both subcommittees will track all bills relating to real estate and land use. Normally there will be between 200 and 300 bills of that nature in a session.

Recommendations for 2011

The section is recommended to continue planning for two major CLE sessions, one in combination with the Annual Meeting. Continuation of the Digest as a benefit to our members at no additional cost is expected. As this is a legislature year (and every year will be) the Executive Committee should continue to monitor related bills and receive reports from the subcommittees. The listserv should continue to be promoted and enjoy a high level of use. The website should continue to house pertinent information and increase its calendar of activities. Long-range planning should be developed more fully.

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

Securities Regulation Section

Activities and accomplishments

Executive Committee Membership 2009 Officers

Chair:	David Matheson, Perkins Coie LLP
Chair-Elect:	Paul H. Trincherro, Grenley, Rotenberg, Evans, Bragg & Bodie, P.C.
Past Chair:	Gustavo J. Cruz, Nob Hill Law, P.C.
Treasurer:	Tanya A. Durkee Lane Powell PC
Secretary:	Jeffery Bird, Schwabe, Williamson & Wyatt P.C.

**2010 Officers
(Elected at October 27, 2010 Annual Meeting):**

Chair:	Paul H. Trincherio, Grenley, Rotenberg, Evans, Bragg & Bodie, P.C.
Chair-Elect:	Tanya A. Durkee, Lane Powell PC
Past Chair:	David S. Matheson, Perkins Coie LLP
Treasurer:	Jeffery Bird, Schwabe, Williamson & Wyatt P.C.
Secretary:	Jacob S. Gill, Stoll Berne

**Committee Members Elected for Two-Year Terms at
2010 Annual Meeting:**

Jacob Gill, Stoll Berne

**Continuing Members Elected at 2009 Annual
Meeting:**

Kevin C. Anselm, Chief of Enforcement and Securities,
Oregon Department of Consumer and Business Services,
Oregon Division of Finance and Corporate Securities

Jason Hartley Barker,
Holland & Knight LLP

Paul J. Blechmann

Michael J. Esler,
Esler, Stephens & Buckley

Sara N. Gray,
Stoel Rives LLP

Justin Martin,
Myatt & Bell, PC

Justin Sawyer,
Miller Nash LLP

David Wang,
Vestas

Monthly Luncheons and Annual Meeting

Monthly Luncheons

The Securities Regulation Section held monthly luncheons with CLE speakers in Portland, primarily at the Governor Hotel. A list of the monthly lunch speakers for 2010 and the dates and subjects of their presentations follows:

2010 Luncheon Speakers

- January 20 – Milo Petranovich (Lane Powell PC) and Gary Berne (Stoll Berne) – “Contribution Under the Oregon Securities Laws, Assigning Responsibility or Dividing the Spoils?”

- February 17 – David Wang (Holland & Knight LLP) – “Preparing for the 2010 Proxy Season”
- March – NWSI – No lunch meeting
- April 21 – Jacob S. Gill (Stoll Berne) – “Rule 506 of Regulation D”
- May 19 – Mark Bates, Sr. Manager, PricewaterhouseCoopers LLP – “Recent Developments in Accounting Standards Applicable to a Securities Law Practice”
- June 16 – Bruce Campbell and Justine Fischer – “Current Trends and Issues in Securities Arbitration”
- July 14 – Chris Brisbee (USI) and Tim Burns (Perkins Coie LLP) – “Director & Officer Insurance: Trends, Coverage and Traps for the Unwary”
- September 17 – Oregon Division of Finance and Corporate Securities, including Kevin Anselm, Caroline Smith, Jason Ambers, David Weiss and Jason Weber – “Don’t Forget Your Friends in Salem: The State of Oregon’s Role in Securities Regulation”
- October – Annual Meeting – No lunch meeting
- November 18 – Michael J. Esler (Esler, Stephens & Buckley) Milo Petranovich (Lane Powell PC) – “Current Issues in Real Estate Based Securities”
- December 8 – Peter R. Javis (Hinshaw & Culbertson LLP) – “Conflicts in Securities Litigation”

Annual Meeting

The Securities Regulation Section held its Annual Meeting in Portland on October 27, 2010. The keynote speaker was Mark Edlen, Co-founding member and Managing Principal of Gerding Edlen Development Co. LLC. Mr. Edlen’s presentation was titled “Trends and Sustainability Practices in Portland and West Coast Commercial Development.”

Budget

The Section continues to enjoy a positive financial situation. As of October 31, 2010, the Section had a cash balance of \$11,744, which has accrued over several years, and the cash flow from membership fees and other revenue sources was sufficient through the ten months ended October 31, 2010 to cover expenses relating to luncheons and the Section’s other activities.

In 2010 the Section again awarded a \$500 scholarship to the top securities law student at each of Oregon’s three law schools who was chosen by the professor who teaches securities regulation at the school. The Section also contributed \$500 to the Campaign for Equal Justice.

For 2011 the Section projects a continuing positive cash balance and expects to continue its monthly luncheons, its scholarships and contributions, and its

sponsorship of and participation in the Northwest Securities Institute, which will be held in Portland on February 5 and 6, 2011.

Additional comments

As of October 31, 2010, the Section had 256 members.

During 2010, the Section initiated a website and listserv for members.

During 2010, Section members visited each of Oregon's three law schools to meet with students to discuss the nature of a securities law practice generally and to encourage students to enroll in a securities law class. Jeff Bird primarily led this initiative.

Paul Trincherro represented the Section on the planning committee for the Northwest Securities Institute program held in Seattle, Washington on March 5 and 6, 2010.

Respectfully submitted: David S. Matheson (CH), Paul H. Trincherro (CH-Elect), Gustavo J. Cruz (Past CH), Tanya Durkee Urbach (TR), A. Jeffery Bird (SEC), Kevin C. Anselm, Jason Hartley Barker, Paul J. Blechmann, 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 Cournoyer (BL).

Sole and Small Firm Practitioners Section

Activities and accomplishments

The Executive Committee held monthly meetings throughout the year. In addition monthly member lunch meetings were held in the Portland area throughout the year.

The Listserv continues to be active. It provides resources 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. We hired a consultant and now the website is up and constantly being refined. We are working to provide each member with at least a static web page being linked from our web site. Dave Madden and Myah Osher have also been working long hours on the web site.

On July 9 the SSFPS through Janice Hazel sponsored a CLE on Cloud computing that was generously underwritten by Clio. The Oregon Minority Lawyers Association and the PLF co-sponsored the event and it was taped by the PLF.

On Oct 1 the section experimented with a first Friday CLE that was co-sponsored with the PLF.

On November 4 we co-sponsored with the OMLA and Catholic charities a program on Tax issues and problems that Affect Non-Documented and Immigrant Populations. All of the coordination of this event was done by Janice Hazel.

On November 19 we co-sponsored a Bar Resource Fair and CLE. It was an exciting event for about 80 people to get some CLE Credit and meet different people at the Oregon State Bar, Law Librarians, Local Bar Associations and different sections of the PLF. A special thanks to George Wolff who really helped this event get off the ground and did a lot of leg work.

It should be noted that in addition to Roger Wegner, George Wolff met with the section almost every month. The section appreciated the support from both George and Roger.

Much of our time was spent on Bar Books. We are very pleased that it will be included in Bar membership beginning with this coming year. We also purchased an OSB season ticket. Each member who wishes to buy into the season ticket can attend a CLE for \$50.00. We are looking into possibly buying an OLI season ticket.

Budget

We started the year with a budget of around \$12,000 and will keep a similar budget for next year. Our dues are still just \$15.00 a person.

Legislative issues

We continue to be concerned about funding for the law libraries around the State. It was a quiet legislative year for the section. The Executive Committee discussed and took positions on HOD resolutions affecting Section members. Our legislative coordinators for 2011 will be Kelly Doyle, Janice Hazel and Myah Osher.

Matters considered/Matters pending

We are also trying to restart and/or begin lunch meetings for Salem, Eugene, Bend and Southern Oregon. We are working on helping our members better utilize Lawyer Referral. We are also trying to reach out to new attorneys and those entering sole or small firm practice.

Recommendations for 2011

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 make the bar aware of the contribution of Sole and Small practitioners to the Legal Climate in this state while continuing to try and help each member of the SSFPS be a better attorney. Making sure that BarBooks are successfully utilized should be a high priority. We are going to continue to make communication a goal: communication between the section and the bar, the section and the members,

between members (networking) and between the section and the public.

Any other comments

We now have over 500 members.

Respectfully submitted: Kelly Michael Doyle (CH), Janice L. Hazel (CH-Elect), W. Scott Phinney (Past CH), Donna G. Goldian (TR), Joshua S. Williams (SEC), Wendy J. Baker, Russell D. Bevans, Michael L. Cooper, Vincent A. Deguc, Anne E. Denecke, Janice L. Hirsch, David H. Madden, Myah Michelle Osher, Gary Underwood Scharff, Dorothy E. Schmidt, Kathleen Allmon Stoneman, J. Douglas Wells, George D. Wolff (ADV), Christopher H. Kent (BC), Rod Wegener (BL).

Sustainable Future Section

Activities and accomplishments

The Sustainable Future Section (SFS) was created at the end of 2009. Consequently, the SFS Executive Committee devoted considerable attention in early 2010 to organizational activity, including attracting members, adopting a mission statement, developing a web site, creating a newsletter, identifying program concepts, and establishing objectives and priorities.

In April 2010, the Section began publishing its newsletter, *The Long View*, on a quarterly basis. *The Long View* contains articles on a wide array of sustainability topics. The fourth edition of the newsletter will be published in December, 2010. Except for an initial paper edition, *The Long View* is distributed electronically to minimize paper use and reduce production expenses. *The Long View* is edited by Michelle Slater, who is assisted by an Editorial Board comprised of Executive Committee members.

During 2010, the Section presented the following five programs: (i) "How Sustainability is Transforming the Practice of Law" (April, 2010; brown bag lunch); (ii) "Should the Oregon Constitution be Amended to Protect the Environmental Rights of Future Generations" (May, 2010; breakfast debate); (iii) "Energy Series: Renewable Energy" (September, 2010; brown bag lunch); (iv) "Energy Series: Carbon Management" (September, 2010; brown bag lunch); and (v) "The New Wave of Corporate Governance Legislation – Moving Beyond Profits to Public Benefits" (November, 2010; brown bag lunch). MCLE credit has been approved or is pending for all of these programs.

In 2010, the Sustainable Future Section created Sustainable Leadership Awards to recognize the exceptional contributions of lawyers and law firms in advancing sustainability. The recipients of Sustainable Leadership Awards, Ater Wynne LLP, Max Miller, and Professor Robin Morris Collin, were honored in

November, 2010. In addition, based on the Section's recommendation, the Board of Governors created the Oregon State Bar President's Sustainability Award. The first recipient of the President's Sustainability Award was Dick Roy.

The Section created several study groups in 2010. One study group undertook a review of sustainable practices with respect to judicial and administrative hearings. Another study group is focusing on barriers to filing double-sided documents in state courts as permitted by existing state court rules. As more fully discussed in "Recommendations and Activities for 2011" below, two other study groups are in the process of being organized and will complete their work in 2011.

In addition, the SFS Executive Committee provided support in 2010 for various sustainability measures undertaken by the Oregon State Bar.

Budget

As of November 19, 2010, the Section's projected 2010 expenses were \$7,139 with a projected year-end balance of \$1,057. Because the Sustainable Future Section was newly organized in 2010, a budget was not created until the Section determined its priorities, which included the quarterly publication of *The Long View*, developing a web site, and producing several high quality CLE programs. The SFS Executive Committee spent Section funds conservatively throughout its first year of existence based on the risk of unanticipated expenses in relation to its limited financial resources.

The SFS Executive Committee expects that the Section's actual spending will follow its budget more closely in 2011. Major budgeted expenses for 2011 include CLE programs (\$1,500), outreach (\$1,000) and the annual awards and section anniversary celebration event (\$1,000). The SFS Executive Committee expects that the Section's CLE programs for 2011 will be breakeven or profitable.

Legislative issues

The Sustainable Future Section did not propose any legislation for the 2010 special session or the 2011 regular session of the Oregon Legislature. The Section's legislative activity has been limited to monitoring legislation that pertains to sustainability.

Recommendations for 2011

In 2011, the SFS Executive Committee plans to initiate its Partners in Sustainability program to provide web-based recognition to law firms that implement sustainable office practices that satisfy criteria established by the Section. The Executive Committee is working on sustainability criteria for the program.

The Long View will continue to be published electronically on a quarterly basis during 2011. The Section is working to expand the distribution list for the newsletter. The Sustainable Future Section is in the process of upgrading its web site to include links to sustainability resources to assist persons seeking additional information on sustainability topics. All editions of *The Long View* will continue to be available on the Section's web site.

The Section anticipates offering between six and eight programs for MCLE credit in 2011. Many of the programs are anticipated to be in the brown bag lunch format successfully utilized by the Section in 2010.

During 2011, several study groups of the Sustainable Future Section will complete their work. The study group focusing on barriers to filing double-sided documents in state courts, which is described above, anticipates publishing its findings in early 2011. Another study group will review the emergence of sustainability criteria in requests for proposals involving legal services. A third study group will analyze how the environmental rights of future generations might be protected by the establishment of legal guardians, special masters and experts to speak for the environmental interests of future generations. Findings of these study groups may be covered in articles in *The Long View* or in the Section's programs.

In 2011, the SFS Executive Committee intends to broaden its outreach to other Bar sections with respect to identifying common objectives, sharing resources, and jointly sponsoring CLE programs. The Executive Committee also plans to create better coordination with the Oregon law schools and law students.

Respectfully submitted: Jim Kennedy (CH), Robin Bellanca Seifried (TR), Dallas Steven DeLuca (SEC), Jennifer L. Gates, Ellen H. Grover, Diane Henkels, K. Patrick Neill, Richard E. Roy, Michelle Slater, Michael E. Haglund (BC), Rod Wegener (BL).

Taxation Section

Activities and accomplishments

Laws: Thank you very much to Robert Manicke for heading up our Laws committee. Robert and the other committee members have done a fantastic job coordinating the section's comments on pending legislation and proposed administrative rules. He has also coordinated our regular liaison meetings with the Department of Revenue. We also saw member involvement with IRS informational events improve and look forward to continuing to develop those relationships.

This committee has really lived up to its mandate of Law Improvement. Regular attendees on that committee

are: Jeff Abbott, Jeff Cheyne, Nikki Dobay, Dan Eller, Eric Kodesch, Heather Harriman, Bill Manne, Jessica Shoup, Katherine VanZanten, Jeff Wong, and Amy Zubko. Laws is one of our largest committees, and their contribution to the practice of tax law in Oregon is equally substantial. I want to thank them for all of their hard work this year.

Luncheon Series: John Magliana and Barbara Smith did an excellent job organizing our Portland and Salem Luncheon Events. I am an annual pass member to the Portland series (and encourage you to be as well!) and was very impressed by the diversity of topics. I am a fan of the new venue - the staff at Red Star have been very accommodating and the food is great! I was also fortunate enough to attend the July 20th lunch in Salem where Dan Eller spoke on Tax Controversy. I was very impressed by his talk and the collegiality of the Salem lunch attendees. I hope to be able to attend more of their events in the future.

Mentor of the Year: Although it's also discussed in the NTLC summary below, I wanted to highlight this new award that the NTLC instituted to recognize exceptional mentoring. Many, if not all, of us would not be as successful as we are today if someone (or several someones!) hadn't taken the time to mentor us along the way. I am constantly impressed by the kindness and generosity of my fellow section members when it comes to mentoring other professionals. Thanks to Mary Dougherty and Jennifer Woodhouse for their hard work in drafting the criteria, proposing this award to the Executive Committee, and handling the myriad details of the nomination process. This year's first award was presented to Jeff Wong at the end-of-year mentoring event at Paddy's on November 16th. Congratulations to Jeff!

Newsletter: This year saw us move to an all-electronic newsletter, which is more environmentally friendly and allows us to print more in-depth articles. My thanks to Jeff Tarr, Jeff Abbott, Neil Kimmelfield, Dave Striecher, Laura Takasumi, Scott Schiefelbein, Steve Nofziger, Josh Husbands, and Jennifer Woodhouse for all of their hard work to produce the three issues we enjoyed this year. I also want to thank those folks who wrote articles for the newsletter this year. I always learn something new when I open up a new issue.

New Tax Lawyers: The new tax lawyers of the Taxation Section (defined as section members who had been practicing for 10 or fewer years) became an official committee of the section this year. Kim Pray lead this very energetic, friendly group whose members are (unfortunately) too many to list in this space. This was one of our most active committees this year. Here is a brief summary of their activities (although this really doesn't do them justice):

- Established a new tax lawyer list-serv with 135 members;

- Had three brownbag CLE events where NTLC members presented on their area of practice to groups of 15-20 people;
- Developed and obtained Executive Committee approval of a public interest tax law stipend;
- Travelled to the Oregon law schools to discuss different types of tax practice;
- Coordinated with the Newsletter committee to create publication opportunities for newer tax attorneys;
- Developed, solicited nominations for, and awarded the first Mentor of the Year award to Jeff Wong;
- Developed a mentoring program that matched newer tax attorneys with senior tax attorneys (applications are open for 2011's program!);
- Worked with the executive committee to solicit proposals for an updated website; and,
- Created networking opportunities within the group to share information, best practices, and get to know each other.

I have really enjoyed working with this team and attending their (many) fun, interesting, and informative events. I encourage you to attend them as well in 2011!

Professionalism Award: Thanks to our Professionalism Award nominating committee, consisting of Jeff Wong, Jeff Tarr and Katherine VanZanten. The section awarded Robert Manicke the 2010 Professionalism Award at this year's Tax Institute. I really enjoyed Elizabeth Harchenko's kind remarks about Robert's work to create bridges between the practitioner community and the Department of Revenue. Congratulations to Robert!

I encourage you to nominate an exceptional practitioner of your acquaintance for this award in 2011.

Tax Institute: We had a great attendance at our Tenth Annual Tax Institute this last year. I think this was partly due to the fact that we were fortunate enough to feature some really exceptional speakers including Marty McMahon, Marc Sellers, Mary "Handy" Hevener, and Judge Breithaupt. Thanks to Steve Christensen, Dave Culpepper, Dan Eller, Kim Pray, Mike Wetzel and Amy Zubko for their hard work in making it our most successful institute to date!

I also encourage you to "save the date" for next year's Institute. Please mark your calendars for June 2 and 3, 2011 for the Eleventh Annual Tax Institute to be held at the Multnomah Athletic Club.

Finally, This group also coordinated the very successful "ABA CLE On the Road" event that brought Bahar Schippel and Terry Cuff to town to talk about drafting partnership agreements. Thanks to Kim Pray and the University of Oregon for working with us so that we could have that event at the White Stag building.

Legislative issues

Legislation was proposed, but has been withdrawn as of this date.

Recommendations for 2011

Continue as anticipated.

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

Workers' Compensation Section

Activities and accomplishments

The section held its 26th Annual Meeting on May 14, 2010 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:

ALJ Chuck Mundorff –Chair
Dale Johnson – Chair Elect
Julie Masters –Treasurer
Norm Cole–Secretary
Matthew Fisher – Past Chair

Members-at-Large:

James L. Edmunson
Tom Harrell
Rob Guarassi
ALJ Jacqueline Jacobson
Doug Rock
Steve Schoenfeld
Ron Bohy
ALJ Kate Donnelly
Jennifer Roumell
ALJ Nick Sencer
Dennis VavRosky
Keith Semple

The meeting was held in conjunction with a two-day seminar. The seminar was approved for 8.75 general 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 5, 2010 free of charge to its members. The conference covered three hours of general ethics credits addressing common issues facing both sides of the workers' compensation section's bar, and included presentations from Administrative Law Judges and Court of Appeals Judges. 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 2011. Generally, the largest expenditures relate to the seminars sponsored by the section. The executive committee also acknowledged the continued budgetary shortfalls and elected to cease future charitable contributions. Rather, the committee will actively encourage its membership to individually contribute. The 2011 budget currently reflects a net revenue of (-\$1,865), and will therefore continue to look for ways to reduce expenditures throughout the year.

Recommendations for 2011

The executive committee will continue with monthly meetings held in accordance with the section bylaws. The standing committees will continue to meet for the purpose of meeting various goals laid out by the executive committee. A key focus for the next year will be ensuring the Going Forward Committee execute the mission of putting on at least one CLE directed at teaching a "nuts and bolts" of workers' compensation, with the goal being to attract new practitioners to the section. Emphasis will be placed on new law school graduates to educate them about the opportunities in workers' compensation law.

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 2011 is to put on at least one Bench/Bar ethics CLE, although this standing subcommittee has suggested

an interest in changing the venue, and will look into opportunities to do so in the following year.

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 2011 annual meeting/CLE will again be held at Salishan Lodge on May 13 - 14, 2011.

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 subcommittee is made of the three most recent 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 2011 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.

Going 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. This committee has been directed to work with the Bar's CLE department in producing a program. The committee will also work with the Bar's new Mentoring Program to fully and actively participate per guidance of the Bar and the Supreme Court.

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 M. Fisher (CH), Charles R. Mundorff (CH-Elect), Matthew Lansing Roy (Past CH), Julie Masters (TR), Dale C. Johnson (SEC), Ronald L. Bohy, Norman D. Cole, Kate Donnelly, James L. Edmunson, Robert J. Guarrasi, Jacqueline M. Jacobson, Jennifer R. Roumell, Steven Mark Schoenfeld, Keith Semple, Nicholas M. Sencer, Adam T. Stamper, Dennis R. VavRosky, Derek C. Johnson (BC), Suzanne Cushing (BL).



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