



RELU 2013

Annual Summer Conference
August 8-10, 2013
The Riverhouse, Bend, OR
11.25 MCLE Credits,
including 1 ethics credit and
1 CAR credit

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Thursday, August 8, 2013

7:00 Welcoming Wine Tasting
Featuring Maragas Winery, Volcano Vineyards, and Faith Hope and Charity Vineyards

Friday, August 9, 2013

8:00 Check-in, Late Registration, and Continental Breakfast

8:20 Opening Remarks—RELU Section Chair
Jeffrey B. Litwak, Columbia River Gorge Commission, White Salmon, WA

8:30 Real Estate Legislative Update
Dina E. Alexander, Radler White Parks & Alexander LLP, Portland

9:15 Real Estate Case Law Update
Alan K. Brickley, First American Title Insurance, Portland

10:15 Break

10:30 Leases, Rental Agreements, Reasonable Accommodations and Medical Marijuana
Edward Johnson, Oregon Law Center, Portland

11:00 No Country for Old Buildings: Increasing Resilience for a Cascadia Earthquake
Walter W. McMonies, Jr., Lane Powell PC, Portland
Jay Raskin, AIA, Ecola Architects, PC, Portland

11:30 Regulating the Financers: Dodd-Frank and Oregon Licensing Requirements
Lauren E. Winters, Division of Finance & Corporate Securities, Salem

12:00 **Lunch**
RELU Annual Meeting and Election of Officers

1:15 Breakouts

Practical Tips for Negotiating Commercial Leases
Bradley S. Miller, Ball Janik LLP, Portland
Kelly A. Struhs, Ball Janik LLP, Portland

Master Planning, A to Z
Jill R. Long, Lane Powell PC, Portland

2:15 Breakouts

Niday and Brandrup: The Future of Foreclosure in Oregon
Patricia A. Ihnat, Fidelity National Title, Portland

Breaking Up Is Hard To Do—Peculiar Attempts to Partition
Jennifer M. Bragar, Garvey Schubert Barer, Portland

2:45 Break

3:00 Breakouts

Non-Farm Dwellings, Other Resource Dwellings, and Lot of Record Issues
Liz Fancher, Law Office of Liz Fancher, Bend

Summary of Federal and Oregon Laws Applicable to Residential Real Estate Transactions
Phillip C. Querin, Querin Law LLC, Portland and Bend

4:00 Break

4:15 Child Abuse Reporting—A Lawyer's Duty to Report and Why It Makes a Difference
Judith F. Stiegler, Former Program Director and Legal Counsel, CASA of Central Oregon, Bend

5:15 **Adjourn**

5:30 **Annual Family Reception and Brew Tasting featuring GoodLife Brewing**
Sponsored by Gorilla Capital

Saturday, August 10, 2013

7:30 Late Registration and Full Breakfast

8:00 Land Use Legislative Update
Jennifer M. Bragar, Garvey Schubert Barer, Portland

8:30 Land Use Case Law Update
Tia M. Lewis, Schwabe Williamson & Wyatt PC, Bend
Peter Livingston, Black Helderline LLP, Portland

9:30 Break

9:45 Goal 9: The Struggle to Protect—and Enhance—Industrial Lands
Phillip E. Grillo, moderator, Davis Wright Tremaine LLP, Portland
Bernie Bottomly, VP, Gov. Affairs & Economic Dev., Portland Business Alliance, Portland
Thomas A. Hogue, DLCDC Economic Development, Salem
Susie Lahsene Regional Transportation and Land Use Manager, Port of Portland, Portland
Steven L. Pfeiffer, Perkins Coie LLP, Portland

11:00 Break

11:15 From Metadata to Social Media--Ethics in the Digital Age
David J. Elkanich, Hinshaw & Culbertson LLP, Portland

12:15 **Adjourn**

FACULTY
RELU 2013 ANNUAL SUMMER CONFERENCE

Dina E. Alexander, Radler White Parks & Alexander LLP, Portland.

Ms. Alexander has developed unique experience representing both the public and private sectors in public/private partnerships, and provides invaluable insight to clients on these types of projects. Over the last decade, she played a leading role representing the developers of South Waterfront, a \$2 billion, multi-phase, public/private project that is the largest urban redevelopment in the history of Portland, Oregon. She represented the City of Portland in the redevelopment of PGE Park (now Jeld-Wen Field) for Major League Soccer and has also worked on public/private partnership projects in California and Arizona. She is currently working with the City of Portland on a public/private partnership to renovate Veterans Memorial Coliseum.

Bernie Bottomly, VP, Gov. Affairs & Economic Dev., Portland Business Alliance, Portland. Mr. Bottomly is an Oregon native, born and raised in Beaverton. He attended the University of Oregon where he earned his bachelor's degree in political science. He served as District Administration for U.S. Congressman Les AuCoin for almost a decade with responsibility for natural resource, transportation and economic development policy. He also served for nine years as legislative director for Tri-Met with responsibility for state and regional legislative affairs, regional transportation and finance policy. Prior to joining the Alliance, Bernie was the director of community services at Pacific Power with responsibility for community services in Oregon, Washington and California.

Jennifer M. Bragar, Garvey Schubert Barer, Portland.

Ms. Bragar's practice is focused on land use, municipal and environmental law. She represents business, community, and government entities. She has appeared before the Land Use Board of Appeals and is a frequent lecturer and author on Oregon land use law. Ms. Bragar has been involved with a number of significant cases in Oregon, including advocacy for a coalition of private property owners who challenged a Umatilla County ordinance that would have severely restricted land available for commercial wind facilities in 2011. The Oregon Land Use Board of Appeals upheld this challenge based on violations of the Constitution and administrative regulations. Further, Ms. Bragar assists in her firm's representation of several cities as special counsel and general counsel, including Oregon City, Island City, and the City of Rivergrove. Ms. Bragar is also involved in representing multiple clients on hazardous waste cleanup actions arising under federal and state Superfund laws. This work involves negotiations with federal and state regulators, cost recovery and contribution actions, the allocation of liability among private parties, and natural resource damage claims.

Alan K. Brickley, First American Title Insurance, Portland.

Mr. Brickley is currently Counsel with First American Title Insurance Company. He has been in title insurance and/or real estate law for over 50 years. He is a 1970 graduate of Northwestern College of Law/Lewis and Clark College JD and an MBA, University of Oregon, 1992. He has been a member of the Oregon State Bar since 1970. In addition to his duties at First American he has taught at Clackamas Community College, Lewis and Clark, Northwestern College of Law, Marylhurst University and Willamette University Law School. He is currently an Adjunct Professor at Portland State University. Mr. Brickley was also involved in civic affairs as former Mayor of West Linn (1974-1982) and currently on the City Club of Portland where he has served on the Board of Governors and Chair of the Research Board. He is a frequent lecturer on real estate related issues for the Oregon State Bar, Oregon Law Institute, Mortgage Lending Education Board (2006 Educator of the Year) and other organizations.

David J. Elkanich, Hinshaw & Culbertson LLP, Portland.

Mr. Elkanich is a litigation attorney, with an emphasis on legal ethics and risk management. He advises both lawyers and law firms in a wide-range of professional responsibility matters, whether arising in a litigation or transactional matter. He has a particular focus on defending lawyers, in attorney discipline matters, disqualification motions, and similar actions. Mr. Elkanich particularly enjoys advising lawyers and other professionals on how to navigate an “electronic” practice, including the hows and how nots of engaging in online activity, mining metadata and in utilizing social media. He shares his thoughts on these issues (and others) on Twitter @DavidElkanich, and also on www.theethicalquandary.com, a Hinshaw & Culbertson LLP legal ethics and litigation blog written for attorneys, by attorneys. Mr. Elkanich also has a general commercial litigation practice, defending large entities and financial institutions, including home loan servicers and related entities, and represents other professionals in licensing and litigation matters.

Liz Fancher, Law Office of Liz Fancher, Bend.

Ms. Fancher is a lawyer whose practice focuses on land use and development issues, including work as a land use hearings officer for Multnomah County. Her office is located in Bend, Oregon. She is a 1980 graduate of Willamette College of Law. Prior to entering the private practice of law in 1995, she worked as a judicial law clerk, criminal prosecutor, assistant city attorney and county counsel. She is a former member of the RELU Executive Committee. She enjoys legal cases that involve historical research such as legal lot determinations, nonconforming use cases and development in older planned unit developments.

Phillip E. Grillo, Davis Wright Tremaine LLP, Portland.

Mr. Grillo is a seasoned land use attorney with over 30 years' experience in a broad range of planning, permitting, and development issues. He works closely with clients in industries such as healthcare, housing and mixed use development, telecommunications, energy, hospitality, agribusiness, and manufacturing. He is a founding member of the Working

Waterfront Coalition, served as a former land use hearings officer, and is a frequent speaker on current land use topics.

Thomas A. Hogue, DLCD Economic Development, Salem.

Mr. Hogue is the Economic Development Specialist for the Oregon Department of Land Conservation and Development. In that role he works on economic development and employment land supply issues statewide. Prior to working for the State of Oregon he was a locally elected official, the executive director of a feisty historic preservation non-profit, and a technical consulting business owner in Boulder County, Colorado.

Patricia A. Ihnat, Fidelity National Title, Portland.

Ms. Ihnat is counsel for Fidelity National Title in Oregon. She has been with Fidelity for 19 years. Before her move to Portland in 2004, Pat held various positions with Fidelity in Arizona including litigation counsel, claims counsel, and underwriting counsel. Prior to joining the title industry, Ms. Ihnat had an active litigation and appellate practice focusing on real estate and commercial issues. She also worked as a staff attorney for the Arizona Court of Appeals. Ms. Ihnat is a current member of the RELU Executive Committee and the RELU Legislative Subcommittee. She is a past president of the Oregon Land Title Association. She received her law degree from the University of Arizona, and is admitted to practice law in Oregon, California, and Arizona. Her undergraduate degree in Mathematics is from Franklin College, Franklin, Indiana.

Edward Johnson, Oregon Law Center, Portland.

Mr. Johnson is a 1993 graduate of Columbia Law School. Following law school, he worked as a litigation associate in the New York City offices of Kaye Scholer, LLP for three years. Since 1996 he has been a legal aid lawyer in Portland, Oregon. For five years, Ed was a staff attorney at Legal Aid Services of Oregon with a caseload made up primarily of housing and domestic violence cases. Starting in 2002 he has had a statewide position as the housing and homeless rights litigation support attorney in the State Support Unit of the Oregon Law Center. His practice focuses on fair housing, subsidized housing, housing preservation and homeless rights litigation.

Susie Lahsene, Regional Transportation and Land Use Manager, Port of Portland, Portland.

Tia Lewis, Schwabe Williamson & Wyatt PC, Bend.

Ms. Lewis celebrated her 20th anniversary as an Oregon lawyer this year having graduated *cum laude* with a Certificate in Environmental and Natural Resources Law from Lewis & Clark School of Law in 1993. She has practiced law in Central Oregon since that time focusing her practice areas in real estate and land use. Her experience includes all aspects of development permitting and approval, from conceptual approval through land divisions and project development; including approvals through the complex administrative

permitting systems of federal and state governmental agencies such as ODOT, DEQ, the U.S. Forest Service, Dept. of Fish & Wildlife, as well as city and county governmental bodies. She has significant experience in obtaining industrial, commercial, and residential entitlements, managing consultants and project team members to utilize collaborative efforts and streamline overlapping requirements with all regulatory jurisdictions and agencies. Ms. Lewis has been selected annually by her peers for inclusion in the *Best Lawyers in America* publication since 2010. Ms. Lewis is a member of the Oregon State Bar and serves on the Education Committee of its Real Estate and Land Use Section. She is vice chair of the board of directors for Deschutes Children's Foundation and is an active member of the Rotary Club of Bend.

Peter Livingston, Black Helterline LLP, Portland.

Mr. Livingston began his practice as a business attorney and litigator in state and federal courts. He now focuses his practice on land-related matters, including land use permitting, real estate transactions, environmental issues and appeals. He has over thirty years of experience, mostly in large-firm settings, but also at the Oregon Land Use Board of Appeals (LUBA), Multnomah County and with a public interest advocacy group. He is licensed to practice in Oregon and Washington.

Jill R. Long, Lane Powell PC, Portland.

Ms. Long focuses her practice on land use and real estate, with a focus on obtaining land use entitlements for retailers, developers and property owners. She has successfully obtained entitlements for a broad range of clients, from national retailers to local family-owned shopping center developers. She has appeared successfully before city and county boards throughout Oregon and Washington, the Oregon Land Use Board of Appeals, the Oregon Department of Transportation and the Columbia River Gorge Commission, advocating for clients involved in a variety of projects including property development, zone and comprehensive plan changes, legislative lobbying, design review, variances and appeals.

Walter W. McMonies, Jr., Lane Powell PC, Portland.

Mr. McMonies focuses his practice on real estate and business transactions, including acquisitions of real estate, commercial leasing, mortgage finance, LLC formation and structuring, Section 1031 exchanges, condominiums, family farms. He has substantial experience representing real estate developers, family trusts, and apartment, office and retail property investors. He has a special interest in historic buildings and their renovation and seismic upgrading.

Bradley S. Miller, Ball Janik LLP, Portland.

Mr. Miller joined Ball Janik LLP in 1994 and serves on the firm's Management Committee. His principal areas of practice are real estate leasing, acquisitions, and financing, project finance, and general business law. He has extensive experience representing clients on

industrial, office, retail and multi-family purchases and sales, and he represents national developers of multi-family projects. He also assists a number of the Northwest's leading developers and property owners with industrial, retail, and office leases. During the recent economic turmoil, Mr. Miller has extended his practice to advising clients on creative ways to acquire distressed properties and loans and representing landlords and tenants in the renegotiation of leases.

Steven L. Pfeiffer, Perkins Coie LLP, Portland.

Mr. Pfeiffer is a partner in the firm's Real Estate & Land Use practice. He focuses on land use, natural resource law and real estate development, and his representation includes the full spectrum of development interests including office, retail industry, institutional and resort.

Phillip C. Querin, Querin Law LLC, Portland and Bend.

Mr. Querin's legal practice in Portland, Oregon spans over 40 years. Before starting his solo real estate practice in 2010 he had spent 25 years as a partner at the international law firm of Davis Wright Tremaine, one of the largest firms in the country. During 15 of those years, he co-chaired the firm-wide Real Estate Litigation Practice Group and was chair of the Real Estate Practice Group for the Portland office. Currently, Mr. Querin's main office is located in Portland, Oregon, and he has a home office in beautiful Bend, Oregon.

Jay Raskin, AIA, Ecola Architects, PC, Portland.

Ecola Architects has more than 20 years of experience providing commercial and residential architectural design services for projects in Portland and along Oregon's north coast. Principal Jay Raskin has earned a reputation for careful insertion of homes and buildings into their environments, whether it be beachfront, neighborhood, or downtown. Seismic upgrades are another area of specialization for Ecola Architects. Mr. Raskin has extensive knowledge on the topic and has presented before various boards and the media on the critical nature of such upgrades along the Oregon coast and Cascadia fault.

Judith F. Stiegler, Former Program Director and Legal Counsel, CASA of Central Oregon, Bend.

Ms. Stiegler practiced law in central Oregon from 1979 to 1997, emphasizing family, criminal and juvenile law. She was the Program Director and In-House Legal Counsel for CASA of Central Oregon, 1998-2007. She served as the state representative for House District 54 in the 2009-2011 legislatures and currently is a part-time instructor in Political Science at Central Oregon Community College.

Kelly A. Struhs, Ball Janik LLP, Portland.

Ms. Struhs is a partner of Ball Janik LLP and has practiced real estate and business law since 2001. She offers clients real estate experience with a firsthand perspective on the

day-to-day demands facing real estate businesses. She handles multimillion dollar transactions involving the acquisition, development, financing, leasing, asset management, and disposition of real estate. Ms. Struhs is currently involved with the local chapters of the Commercial Association of Brokers, Commercial Real Estate Women, and the Urban Land Institute, along with the Multnomah Bar Association and Oregon Women Lawyers. She received her J.D, cum laude, from St. Louis University School of Law in 2001, and her B.S. in Social Work, magna cum laude, from St. Louis University School of Social Work in 1998.

Lauren E. Winters, Division of Finance & Corporate Securities, Salem

Ms. Winters is a Senior Policy Analyst with the Oregon Department of Consumer and Business Services – Division of Finance and Corporate Securities (DFCS). Before joining DFCS, Ms. Winters was a law professor at Gonzaga University School of Law. From 1991 to 2002, she worked for two large regional law firms where her practice focused on creditors' rights and bankruptcy. In 2009, Ms. Winters received her LL.M in Banking and Financial Law from Boston University School of Law.