

## **OSB Government Law CLE- March 2019**

### **Where McQuillin Leaves Off and 2019 Begins For Government Lawyers**

**Friday, March 8, 2019**

**OSB Facility (Columbia A and B Conference Room)**

#### **Short Term Rentals ---To Air BnB or Not to Be**

**Tony Garcia**

**Wendy Johnson**

With ingenuity of the internet and an economy that creates the perfect environment, the Short Term Rental phenomenon is leveling the playing field between the homeowner and the hotel/motel industry. The STR business is happening statewide and is having statewide impacts. Neighborhoods are changing and local governments need to keep up. How are family homes treated as businesses? What are the arguments the STR industry is leveling against government regulating what goes on in a home? These questions and more are presented while our speakers will provide insights about new state legislation affecting the industry and how different jurisdictions are dealing with issues assured to come to your clients' neighborhoods.

#### **Personnel Investigations - Tips on working with outside investigators**

**Ashley Driscoll**

If employment law isn't complicated enough, conducting investigations for public sector employers is not something the client can afford to do without knowing what pitfalls may exist. Investigating something wrong can have larger impacts than simply not getting the information needed to make a decision: It can create liability for your organization. This program will help familiarize legal professionals with what to look for in conducting investigations for public sector employer and how to select and oversee investigators and their investigation.

#### **Heckler's Veto. Limits to removing the public from a public space**

**Kenny Montoya and Aaron Hisel**

This 1<sup>st</sup> Amendment issue crops up in various ways. We hear about the market place of ideas but those are pretty lofty concepts when your client is eyeing down a packed room of emotions. When our public space becomes ever-more polarized, it becomes ever-more difficult to advise consistently depending on what your mayor or council person might find popular or even acceptable. Our speakers and their firm have been in the trenches to represent local governments with first amendment litigation. Their experience and helpful guidance can assist you with simplifying your counsel in the area of 1<sup>st</sup> amendment issues.

**Recognizing Mental Health Needs- OAAP there to assist understanding mental health, substance use and cognitive impairment**

## **Kyra Hazilla**

The bar requires a new mandatory CLE requirement related to mental health and substance use education. This specific requirements provides that at least one of our 45 required CLE credit hours shall be in subjects relating to mental health, substance use, or cognitive impairment that can affect a lawyer's ability to practice law. This requirement clearly is in response to the known pressures and demands of the modern practice of law, which if not handled effectively can manifest in destructive ways that may be critical to far more than just your professional standing. Our speaker will provide an overview of the Bar's experience, OAAP programs, its resources and how to recognize mental health needs and address them for others or, just as importantly, ourselves.

## **Land Use Update**

**Bill Kabeiseman and Carrie Richter**

Things can change fast in the world of land use – from new LUBA board members to legislative re-zonings, there is always something happening in the world of land use. Our speakers will highlight new laws and cases that may significantly affect the operations of your local government and things to look out for in the future.

## **Municipal Law Litigation/Appellate Update**

**Denis Vannier**

The municipal lawyer may seek listserv suggestions and rely on experience but ultimately, we must keep up with laws and decisions of our state and federal appellate courts. Our speaker will update you on recent developments in caselaw that may affect your local-government client.

## **Oregon Government Ethics Update - Regulations and opinion letters:**

**Alison Kean**

**Sean O'Day**

With an addition of an ethics topic, this seminar is providing two mandatory CLE credit requirements. Typical with the application of ethic rules, often the analysis generate more questions and/or multiple answers: Facts change everything. Typical questions for the municipal attorney: Who's your client? How do you communicate with a Council member who is asking for advice? Dealing with unrepresented persons? Lawyer as witness? Special responsibilities of a prosecutor? These or maybe even other questions will be discussed, and bring your facts for our speaker to facilitate the discussions toward the best analysis.