

Oregon State Bar



2015 COMMITTEE
Annual Reports

2015 Committee Annual Reports

The Oregon State Bar would like to thank all Committee volunteers for their service. Committees 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 2015 Committee members, thank you for your time and expertise.

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Advisory Committee on Diversity & Inclusion

Activities and accomplishments:

The 17th Annual OLIO Orientation was held on August 7-9, 2015 in Hood River and was a great success. A total of 57 students attended this year, with 40 attorneys and 12 judges also participating. A total of 34 attorneys, in and out of the Hood River area, also attended our two free CLEs that weekend on Immigration 101 and Elder Abuse Reporting. OSB President Rich Spier presented welcoming remarks. Other BOG member volunteers and attendees included immediate past President Tom Kranovich, Ramon Pagan, Audrey Matsumonji, and Josh Ross. Keynote speakers included Attorney General Ellen Rosenblum, Judge Kenneth Walker, and attorney Lake Perriguet. In addition, we had 33 OLIO alumni attend our first OLIO Alumni Reunion event, held concurrently with this year's Orientation.

The ACDI and the D&I Department launched several exciting new programs this year. First, the Rural Opportunity Fellowship program matches diverse students with employment opportunities along the Oregon coast, east of the Cascade Mountains, and south of Roseburg. The Fellowship pays \$8,360 over the summer to students who work for a 501c(3) nonprofit or public employer in Oregon. One Rural Opportunities Fellowship was awarded in 2015.

Second, the Access to Justice Fellowship program was launched this year. This fellowship is awarded to a law student who intends to practice law in Oregon, and who can contribute to the bar's historically or currently underrepresented membership; who has experienced economic, social, or other barriers; who has a demonstrated commitment to increasing access to justice; or who has personally experienced discrimination or oppression. The recipient of this award must work for a non-profit or governmental entity in Oregon over the summer and is awarded a \$5,000 grant. One grant was awarded in 2015.

Finally, the D&I department launched a LSAT Scholarship program this year. The program awards six scholarships for LSAT preparation courses to six law school applicants attending college in the state of Oregon, or with significant ties to the state of Oregon, who can assist D&I with advancing its mission. One of these scholarships is being funded in part by the Oregon State Lottery and will go to an undergraduate student from a public Oregon university.

The ACDI supports these and other D&I programs in a myriad of ways, including reviewing applications and helping to select program recipients.

The ACDI and the Diversity section held a joint retreat in March, and followed up with a summer social event in July. OSB President Rich Spier was a wonderful addition to the joint retreat. These events provided a wonderful opportunity for both groups to engage with one another and become reenergized about our common goals.

Matters considered/Matters pending:

We hope to expand the Access to Justice and Rural Opportunities Fellowship programs in 2016 to award two fellowships for each program.

Recommendations for 2016:

Continue with established programs. Continue focusing on joint program opportunities with the Diversity section.

Respectfully submitted: Cynthia J. Starke (CH), Jacqueline Lizeth Alarcon (SEC), Jessica A. Asai, Irina S. Batrakova, Deborah M. Butler, Sherisa Davis-Larry, Jonathan S. Liou, Connie Elkins McKelvey, Gabriel Elias Moses, David P. O'Brien, Jonathan A. Patterson, Jammell Nicole Rose, Daniel Simon, Lisa M. Umscheid, Yazmin Wadia, Michael Y. Wu, Shari R. Gregory (OAAP), Mae Lee Browning (ONLD), Michael D. Levelle (BC), Mariann Hyland (BL).

Client Security Fund Committee

Activities and accomplishments:

The Client Security Fund Committee (CSF Committee) reviews claims of clients whose lawyers have misappropriated their money or other property. The CSF Committee discharges its duties by investigating claims and either making an award (for awards of less than \$5,000) or recommending to the Board of Governors that the client receive an award for some or all of the loss (for awards of \$5,000 or more). The Client Security Fund is an important component of the Oregon State Bar's obligation to protect the public. The ability to reimburse clients even in part for losses caused by their lawyers promotes confidence in the profession and improves the public view of lawyers.

The Fund is comprised entirely of annual member assessments and earnings on invested reserves. The maximum award is \$50,000 on any one claim. Clients are expected to exhaust their remedies against the lawyer before seeking an award from

the Fund. In exchange for a reimbursement from the Fund, claimants assign all of their rights against the defalcating lawyer; the OSB attempts to recoup on those assigned claims to the extent possible.

Matters considered/Matters pending:

The Fund received 40 new claims involving 26 lawyers in 2015; sixteen claims were carried over from 2014 and four claims were carried over from 2013. The Committee denied 16 claims, four of which denials were affirmed by the BOG on the claimant's request for review. The Committee gave final approval to 22 awards totaling \$28,917.44. On the Committee's recommendation, the BOG approved 10 claims totaling \$157,018.16. The year's total of \$185,935.56 is less than the \$250,000 budgeted for the year and is very much in line with historical CSF activity. Seventeen claims, requesting a total of \$210,030, were carried over to 2016.

The CSF reserve reached \$1.2 million in 2015 and the Committee supported the BOG's decision to reduce the assessment from \$45 to \$15. The Committee also believes the reserve is more than adequate to assure the integrity of the Fund for the foreseeable future.

Recommendations for 2016:

Continue reviewing claims. Review CSF rules and determine whether any modifications should be recommended to the BOG.

Respectfully submitted: Lisa Almasy Miller (CH), Ronald W. Atwood (SEC), Steven R. Bennett, Richard H. Braun, Lianne M. Butterfield, William A. Davis, David J. Malcolm, Mitzi M. Naucler, Karen J. Park, Stephen A. Rahe, Mark G. Reinecke, Stephanie A. Thompson, Carlos G. Calderon (PM), Johnathan E. Mansfield (BC), Sylvia E. Stevens (BL).

Judicial Administration Committee

Activities and accomplishments:

Improving awareness of the important role of the judiciary in civil society remains a key goal of the Committee. The Committee continued its community outreach efforts with the Speaker's Bureau project. Committee members have spoken to presiding judges and bar leaders in communities throughout the state, and the committee facilitated a community presentation by a judge in Washington County.

The Committee also submitted statements of support to the Legislature related to HB 2337

(adding new judgeships in Marion, Multnomah, and Washington counties), and SB 384 (requiring court reporter services in certain criminal cases). Additionally, the committee chair attended Law Day at the Legislature to help lobby for OJD's legislative priorities, including, specifically, funding for the judicial branch and HB 2337.

Matters considered/Matters pending:

The implementation of the civic outreach and community Speaker's Bureau will continue into 2016 with a growing emphasis on developing speaker modules on Oregon's treatment and other specialty courts, and continuing to identify and facilitate community presentations.

At this point, none of the committee members have volunteered or agreed to serve as Secretary for 2016.

Recommendations for 2016:

The committee has experienced a high rate of membership turnover in 2015, with several members resigning. Member participation has also been low. The committee and the bar should consider whether there are other ongoing tasks that this group can participate in to improve membership interest and involvement.

While the Speaker's Bureau program continues to make slow advancements, the continued success of this program depends on support from OJD and court leadership. The committee should consider reaching out and requesting active participation from these sources

Respectfully submitted: Danielle J. Hunsaker (CH), Bernadette House Bignon (SEC), Ryan Wesley Bounds, Carl Burnham, Jr., Susan K. Lain, Jessica Lueker Fleming, Sean M. Mazorol, Danielle J. O'Brien, Christopher Andrew Ramras, P K Runkles-Pearson, Phillip Aaron Spicerkuhn, James D. Williams, James C. Chaney (BC), Susan Evans Grabe (BL).

Legal Ethics Committee

Activities and accomplishments:

The Legal Ethics Committee held (or will hold) the following Meetings during 2015: (a) February 21, 2015 (at the OSB Center): 9:00 a.m. - 12:30 p.m.; (b) April 11, 2015 (at the OSB Center): 9:00 a.m. - 12:30 p.m.; (c) June 20, 2015 (in Medford): 9:00 a.m. - 12:30 p.m.; (d) August 15, 2015 (in Bend): 9:00 a.m. - 12:30 p.m.; (e) October 10, 2015 (in

Eugene): 9:00 a.m. - 12:30 p.m.; (f) December 12, 2015 (at the OSB Center): 9:00 a.m. - 12:30 p.m.

The Legal Ethics Committee submitted the following 24 Formal Opinions to the Board of Governors for approval during 2015, all of which were approved:

Formal Opinion 2005-4: "Conflicts of Interest, Current Clients: Advancement of Living Expenses, Bail, and Travel Expenses to Client."; Formal Opinion No. 2005-12: "Firm Names: Office Sharing with Separate Practice."; Formal Opinion No. 2005-31: "Information About Legal Services: Improper Use of Titles."; Formal Opinion No. 2005-35: "Information About Legal Services: Greeting Cards and Open House."; Formal Opinion No. 2005-65: "Listing of Nonlawyer Personnel on Firm Letterhead."; Formal Opinion No. 2005-70: "Lawyer Changing Firms: Duty of Loyalty."; Formal Opinion 2005-101: "Unauthorized Practice of Law: Lawyer as Mediator, Trade Names, Division of Fees with Nonlawyer."; Formal Opinion No. 2005-102: "Conflicts of Interest Between Lawyer and Client, Public Officials, Conduct Prejudicial to Administration of Justice: Lawyer-Municipal Judge Representing Clients Before City Council or Court."; Formal Opinion No. 2005-103: "Information About Legal Services: Multistate Law Firm, Advertising."; Formal Opinion 2005-108: Information About Legal Services: Dual Professions, Yellow Pages Advertising."; Formal Opinion 2005-109: "Letterhead Listing an Out-of-State Law Firm as "Associated Office.""; Formal Opinion No. 2005-120: "Conflicts of Interest, Former Clients: Lawyer Changing Firms, Former Prosecutor or Judge, Disqualification, Screening."; Formal Opinion No. 2005-127: "Information About Legal Services: Writing to Accident Victims."; Formal Opinion No. 2005-141 "Information Relating to the Representation of a Client: Recycling of Documents."; Formal Opinion No. 2005-150: "Competence and Diligence: Inadvertent Disclosure of Privileged Information."; Formal Opinion 2005-153: "Information About Legal Services: Insurer-Employed Lawyers' Firm Name."; Formal Opinion 2005-158: "Conflicts of Interest, Current Clients: Representing Driver and Passengers in Personal Injury/Property Damage Claims."; Formal Opinion 2005-168: "Lawyer-Owned Lawyer Referral Service."; Formal Opinion No. 2005-175: "Information About Legal Services: Lawyer Membership in Business Referral Clubs."; Formal Opinion 2006-176: "Conflicts of Interest: Lawyer Functioning in Multiple Roles in Client's Real Estate Transaction."; Formal Opinion No. 2011-186: "Receipt of Documents Sent

Without Authority."; Formal Opinion No. 2011-187: "Competency: Disclosure of Metadata."; Formal Opinion No. 2011-188: "Information Relating to the Representation of a Client: Third-Party Electronic Storage of Client Materials."; Formal Opinion 2015-190: "Lawyer Indemnification of Defendant for Failure to Reimburse, or Set Aside Sufficient Funds to Reimburse Third Party Payer for Medical Expenses Already Advanced, or for Future Liability under Medicare Secondary Payer Act."

The Legal Ethics Committee submitted the following Formal Opinion to the Board of Governors for approval following its October 10, 2015, Meeting; however, it has not yet (@ December 1, 2015) been approved: Formal Opinion 2005-169: "Information About Legal Services: Firm Names—Retired Partner Mediator."

Matters considered/Matters pending:

The Legal Ethics Committee currently (@ December 1, 2015) has the following 13 pending Projects:

One 2010 Project for the review of Formal Opinion 2005-125;

Three 2012 Projects that relate to – (i) Elective share advice in estate planning and elder law, (ii) 3rd Party insurance billing (revision of Formal Opinion 2005-157), and (iii) Conflicts of interests in third party actions under Oregon workers compensation statute;

One 2013 Project that relates to disputes over funds in light of Arizona Rule 42;

Seven 2014 Projects that relate to – (i) Impeaching a former client with a criminal conviction, (ii) RPC 7.2(a) and *de minimus* gifts, (iii) Revision of Formal Opinion 2005-18, Formal Opinion 2005-106, Formal Opinion 2005-128, and Formal Opinion 2007-180 – all of which were affected by the 2014 amendment of RPC 7.2, (iv) Amendment of RPC 1.2 to prohibit a bar complaint to gain an advantage in a civil matter, (v) Revision of Formal Opinion 2005-94 in light of In re. Spencer, (vi) Guidance on affidavits of prejudice, and (vii) Definition of "real-time" electronic control; and (e) One 2015 Project that relates to conflicts in the representation of spouses for estate planning..

Recommendations for 2016:

The Legal Ethics Committee will focus on eliminating the above backlog of Projects from 2010, 2011, 2012, 2013, and 2014 by December 31, 2016.

In addition, the Legal Ethic Committee will: (a) Provide timely responses to inquiries from Oregon State Bar members and the Board of Governors; (b) Prepare Formal Opinions for the Board of Governors approval; (c) Study and recommend changes to the RPCs arising out of issues considered by the Legal Ethics Committee or directed by the Board of Governors; (d) Review existing Formal Opinions in light of changes made to the Oregon RPCs; and (e) Make nominations to the Board of Governors for the Oregon State Bar Award of Merit, President's Public Service Award, Membership Service Award, Affirmative Action Awards, Joint Bench Professionalism Award, as well as any other state, local and national awards for lawyers who make a contribution to serving the legal needs of Oregonians.

Respectfully submitted: Robert G. Burt (CH), Kristin Asai (SEC), Summer R. Baranko, Kimberly S. Boswell, Jay Daniel Brody, Ankur Hasmukh Doshi, Sean K. Downey, David J. Elkanich, Laurie R. Hager, Daniel L. Keppler, Jeremy A. Markiewicz, Jonathan W. Monson, Wilson C. Muhlheim, Michelle M. Sweet, Corey B. Tolliver, Alexander S. Wylie, James C. Chaney (BC), Helen M. Hirschbiel (BL).

Legal Heritage Interest Group

Activities and accomplishments:

During 2015, LHIG scheduled and held three business meetings at the Oregon State Bar Center: January 24th, March 21st, and October 10th. Matters discussed at these meetings include 2016 CLE plans, outreach and education opportunities including Bar Bulletin articles or shorter-form materials, the future of the Member's Room, and future field trips. Members participated in a field trip on June 20th, attending a presentation at Pearson Air Museum in Vancouver, WA. The topic was Valery Chkalov's completion of the first transpolar flight at Pearson Field and its lasting impact on US-USSR/Russia relations. By annual tradition, members also attended the U.S. District Court of Oregon Historical Society picnic on August 9th.

From July through October, a small subcommittee of members met frequently by phone to coordinate a response to the Bar's plans to change the purpose and décor of the Member's Room, an LHIG project dating to the design of the current Bar Center. Rachel Hull and Janet Kreft spoke on behalf of the group at the Board of Governors meeting on July

24th. Ultimately, the Board decided to dismantle the Member's Room, and LHIG Secretary Mary Anne Anderson secured a new home for the furniture that had not already been removed.

LHIG has joined the U.S. District Court of Oregon Historical Society and Oregon Women Lawyers' joint Oregon Women Judges project, which seeks to collect biographical information on past and current female judges, and may expand later to minority judges. Mary Anne Anderson and Katerina Kogan will be the points of contact between the project and LHIG

Matters considered/Matters pending:

LHIG is planning another CLE for fall 2016. The proposed topic is the history of progressive medical law in Oregon, including right to die, right to try, and medical marijuana. A CLE subcommittee will be responsible for planning, and may seek co-sponsorship from another section.

The group plans to coordinate with bar staff to inventory and digitize the information resources in the former Member's Room, which includes photographs, documents, and books.

Recommendations for 2016:

LHIG recommends Jamie Dickinson as Chair and Mary Anne Anderson as Secretary.

Respectfully submitted: Rachel Lynn Hull (CH), Mary Anne Anderson (SEC), David B. Avison, Gabriel Mead Biello, Bill Y. Chin, Jamie Lynne Dickinson, Mary Ellen Page Farr, Ning Fu, Michael T. Harvey, Elizabeth Jessop, Katerina Kogan, Janet D. Kreft, Robert S. Raschio, Adam Schenker, Heidi O. Strauch, Jacqueline A. Tommas, Kirk Wintermute, Paul Martinez (PM), Jay Mullen (PM), Elisabeth A. Zinser (BC), Paul Nickell (BL).

Legal Services Committee

Activities and accomplishments:

The committee met five times over the course of the year and it is anticipated it will meet again in December.

The committee forwarded a recommendation to the BOG for the disbursement of both the unclaimed funds collected annually and the Strawn v Farmers class action.

A subcommittee was set up with the following charge: Recommend mechanisms or procedures to

review, and if needed, address the issues that have been identified with the delivery of legal services at LCLAAC. The mechanisms or procedures shall be fair, deliberate and impartial. The subcommittee is expressly instructed not to prejudge any particular outcome. Rather, once the review is complete, a range of options should be formulated for further discussion by the Committee. The subcommittee has met three times over the course of the year. It is anticipated that the subcommittee will continue its work into 2016.

The LSP Director is completing her review of the legal aid programs and it is anticipated that she will submit that report in December to the LSP Committee.

Matters considered/Matters pending:

The subcommittee will continue its review of LCLAAC and it is anticipated will make a recommendation to the full committee sometime the first quarter of 2016.

Recommendations for 2016:

To work with Lane County Law and Advocacy Center to create a service model that is in the best interest of clients in Lane County.

The LSP Committee will make a recommendation to the BOG about the unclaimed funds and any changes to the current disbursement policy. The LSP Committee should consider a possible investment policy for those funds that cannot be disbursed.

The LSP Committee will make a recommendation to the BOG about how to disburse the \$600,000 in one time General Fund money allocated to the LSP Committee during the 2015 Legislative Session

Respectfully submitted: Kristin L. Bremer Moore (CH), Kamala Hollander Shugar (SEC), Timothy C. Gerking, Brent H. Hall, Sara Kobak, Josh Newton, Andrea H. Thompson, Jenifer S. Billman (PM), Theresa M. Kohlhoff (BC), Judith Baker (BL).

Loan Repayment Assistance Program Committee

Activities and accomplishments:

In May, 2015 the LRAP Advisory Committee met and reviewed 29 applications for forgivable loans submitted by Oregon attorneys working in public interest. From those applications, the Advisory Committee selected 13 attorneys to award loans ranging from \$2,400 to \$7,500 to assist them in

re-paying their student loan debt. Attorneys working as legal services staff attorneys, public defender and deputy district attorneys were all represented. Attorneys selected work throughout the state. Each attorney selected has made a commitment to public service, and this Program allows them to continue to do that work.

Matters considered/Matters pending:

At the November, 2015 meeting, the Advisory Committee reviewed input from members of the Bar, reviewed all of the Policies and Guidelines, and determined that the Policies and Guidelines should remain the same. The Advisory Committee determined to make changes to the application to ensure that a full and complete financial picture of each applicant is provided.

Recommendations for 2016:

The Advisory Committee will ensure that potential applicants are aware of the Program and its requirements, will strive to ensure that a complete financial picture of each applicant is available, within the extent allowed by law, and will again endeavor to select participants who have proven their commitment to public service.

Respectfully submitted: Richard L. Wesenberg (CH), Lori Alton, Andrea J. Anderly, Russell S. Barnett, Amanda Summer Husted, Jennifer Nicholls, Vanessa A. Nordyke, William C. Penn, Courtney L. Quale, Catherine Petrecca (BL).

Minimum Continuing Legal Education Committee

Activities and accomplishments:

The Committee met on March 20, June 18, August 14 and October 20. The Committee's final meeting of 2015 will be on December 11. All meetings were held at the Oregon State Bar Center in Tigard. The specific matters the Committee considered are set out below. As a general summary, the Committee provided oversight of the revenue and expenses of the MCLE program, considered and recommended changes to the MCLE Rules and Regulations, and monitored developments in the area of MCLE regulation in other states.

Matters considered/Matters pending:

In 2015, the Committee amended the MCLE Regulations to clarify the accreditation criteria for child- and elder-abuse reporting programs.

The Committee considered revisions to the MCLE rules and regulations to allow CLE credit for various legally related volunteer activities, as well as business development and marketing programs. Proposed revisions are expected to be approved by the Committee at the December Committee meeting.

The Committee also discussed a request that those teaching National Association of Legal Support Professionals (NALS) classes earn CLE teaching-activity credits and chose to address the request as part of the larger proposed revision of Rules and Regulations dealing with volunteer activities.

At the Board of Governors' request, the Committee considered a sponsor accreditation fee policy that applies more equitably to all applicants than the current policy. The Committee has prepared a memo to the Board of Governors that recommends elimination of the exemption for payment of the sponsor fee by local bar associations in Oregon. As a second option, the Committee's memo suggests exempting local and specialty bars from the sponsor fee if the program is offered at no charge (other than meal costs) to its members.

Due in large part to the new association management software being developed, the Committee considered ways to streamline the MCLE rules and regulations regarding accreditation and reporting. Proposed revisions are expected to be approved by the Committee at the December Committee meeting.

Recommendations for 2016:

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 OSB members. The Committee will also continue to hear requests, evaluate and recommend revisions to the MCLE rules on an as-needed basis.

Respectfully submitted: Christy Alisa King (CH), Allison W. Banwarth (SEC), Adam Tyler Adkin, K William Gibson, Linda K. Gouge, Linda J. Larkin, John R. Mellgren, Katherine Michelle Zerkel, Karen M. Elliott (PM), Travis S. Prestwich (BC), Denise Cline (BL).

New Lawyer Mentoring Committee

Activities and accomplishments:

Oversaw the general operational year for the NLMP. Approved recommendations for revisions to the Supreme Court's Mentoring Rule, including substantive changes to the mentor eligibility requirements. Began the process of drafting a policy to certify some in-house law firm mentoring programs, in order to expedite the completion process for participating members. Planned and hosted two events: 1) A three hour mentoring CLE and social in the spring; and 2) the annual Movies and Mentoring CLE and Social in the fall. Reviewed all volunteer mentors before forwarding to the Court for appointment. Advised staff on a variety of communications and outreach matters. Advised staff on several specific instances of difficulties in mentoring relationships.

Matters considered/Matters pending:

The committee is in the final stage of drafting above-mentioned law firm certification policy. It is also making some minor changes to the schedule of events

Recommendations for 2016:

The committee will continue to build on and expand relationships partnerships with specialty bars and local bars to identify areas of collaborations. The committee may explore development and implementation of another major recruitment campaign

Respectfully submitted: Sarah M. Petersen (CH), Patricia Asrani Arjun, Alfred Frank Bowen, Sarah J. Brown, G Valerie Colas, Diane M. DePaolis, Ariel J. Dreher, Scott D. Eads, John C. Howry, Vincci W. Lam, Kelsie Davis McDaniel, Lisa J. Norris-Lampe, Bob L. O'Halloran, Michael T. Purcell, David E. Smith, Jessica Wilcox, Maria Zlateva, Joshua L. Ross (BC), Kateri Walsh (BL).

Pro Bono Committee

Activities and accomplishments:

The full committee met the second Tuesday of every other month at Wyse Kadish LLP.

Each subcommittee met during the months when the full committee was not scheduled to meet. The subcommittees included: The Events Subcommittee chaired by Shalini Vivek, The Publicity Subcommittee

chaired by Justin Sawyer, and The Special Projects Subcommittee chaired by Peter Willcox-Jones.

Accomplishments included:

Drafting and proposing language to the MCLE committee to amend the rules to allow attorneys to earn MCLE credit for pro bono work performed.

Proposing to adopt the pro bono website, developed in association with the Tennessee Bar Association, that is being supported by the ABA, which the committee will be responsible for administration of.

Reaching out to the various sections of the OSB in order to determine which sections have pro bono committees or promote or organize pro bono work, and whether there is interest from the sections in any support from the Pro Bono Committee.

Exploring whether to create a Pro Bono Section of the OSB, and what the pros and cons of such a section might be.

Discussing whether the committee should adopt the ABA's "Second Season of Service Initiative" program which will engage and encourage retiring and retired attorneys to do pro bono work.

Investigating how and in what form the committee can publish pro bono-related articles and information in The Bulletin.

Planning, conducting, and participating in panel presentations and events at law schools to increase awareness regarding pro bono opportunities.

Planning and conducting Pro Bono Celebration Week.

Matters considered/Matters pending:

The Publicity subcommittee is exploring a follow up to last year's social media summit. It is currently waiting for survey feedback from certified programs.

The committee awaits the decision from the MCLE committee regarding the proposed amendment recognizing CLE credit for pro bono service.

The committee will continue to promote use and awareness of the ProBonoStudent@OSBAR.org email address, presentations at law schools, and Pro Bono Celebration Week.

Recommendations for 2016:

In addition to following up on the progress and accomplishments discussed above, the committee intends to 1) Develop and implement the pro bono

website and recruit attorneys to provide free legal advice to the community; 2) discuss and analyze whether it would be beneficial to create a pro bono "section" of the OSB in light of the OSB's new information database and email system; 3) reassess subcommittees to determine whether we are fulfilling the full committee's mission and if any changes should be made.

Respectfully submitted: JMeagan E. Robbins (CH), Christo J. de Villiers (SEC), R. Brent Berselli, Sarah Rose Dandurand, Beth Ariel Eiva, William P. Haberlach, Virginia M. Hanks, Sara L. Mader, Allison G M Martin, Gabrielle D. Richards, Gerard P. Rowe, Justin C. Sawyer, Jonathan P. Strauhull, Shalini Vivek, Peter S. Willcox-Jones, Maya Crawford (ADV), Sheri E. Osher (ADV), Timothy L. Williams (BC), Catherine Petrecca (BL).

Public Service Advisory Committee

Activities and accomplishments:

In 2015, the Public Service Advisory Committee (committee) continued its focus on advancing the Oregon State Bar's (Bar) public service and outreach goals.

A major focus for the committee this year was monitoring the Modest Means Program (MMP) pilot project that expanded the program into several new areas of law. Members of the Workers' Compensation, Disability Law and Military and Veterans sections presented the BOG with recommendations for expanding the MMP into these areas. The BOG approved expansion of the MMP and directed the committee to create a pilot program. The committee created a draft proposal and met with focus groups from the bar sections for input. The pilot launched with the new LRS program year on September 1, 2014 and was scheduled to end on August 31, 2015. However, the PSAC decided to extend the pilot an additional year in order to obtain more data prior to making a final determination.

The committee considered and rejected a proposal from the workers' comp section regarding percentage fees in workers' comp cases. Instead, the committee voted unanimously to make a recommendation to the BOG on a global change to percentage fees in the form of a \$200 "trigger" amount. If a referral does not result in the panelist earning and collecting at least \$200 on the case, the attorney will not pay a remittance to the bar. The BOG's Budget and Finance

Committee will review this recommendation in early 2016.

The committee continued monitoring and refining the percentage fee revenue model implemented in late 2012 for the Lawyer Referral Service (LRS) program. Since percentage fee implementation, LRS has generated over \$1,800,000 in revenue for the bar and \$12,600,000 revenue for participating attorneys. In 2014 the program achieved a net profit for the first time in forty-three years and is on track to achieve this goal again in 2015.

Matters considered/Matters Pending:

The committee will continue to monitor the development of the MMP expansion pilot and make recommendations thereon.

Recommendations for 2016:

The committee will recommend a \$200 trigger to the BOG as discussed above.

The committee will continue its oversight of LRS practices and procedures.

The committee will continue its review and oversight of bar materials and information designed to convey information about the law to the general public.

Respectfully submitted: Jennifer A. Costa (CH), Debra Cohen Maryanov (SEC), Steven R. Bennett, Heidi K. Brown, Gary Firestone, Kamron L. Graham, Sybil Hebb, Mark J. Lang, Vittal Patel, Richard H. Rizk, Shayna M. Rogers, Josh Soper, James B. Horan (PM), Sheila Maloney Blackford (PLF), Elisabeth A. Zinser (BC), Eric McClendon (BL).

Quality of Life Committee

Activities and accomplishments:

Committee members edited Virginia Terhaar’s article on quality of life issues titled “The Quality of Your Life”. The article was published in the December 2014 issue of InSight.

Committee members Michael Turner and Amy Miller staffed an informational table at Lewis and Clark Law School on September 30, 2015. Committee members successfully interacted with many law students who had quality of life questions and concerns.

On June 4, 2015 Committee member Amy Miller presented at the OAAP Lawyers in Transition networking, educational, and support group.

Members of the Work/Life Balance subcommittee have planned a mindfulness and meditation seminar CLE, scheduled for February 25, 2016 in downtown Portland at the Standard Insurance Building. The CLE, titled “Stress Relief for Lawyers Through Meditation” will include active mindfulness exercise and a panel of practitioners to describe their experiences.

The Committee maintained an active social media presence through Facebook.

Committee member Ruben Medina drafted an article on how to plan for and take a sabbatical as a solo-practitioner.

On April 25, 2015, committee member Virginia Terhaar presented at the Oregon Women Lawyers and Oregon Attorney Assistance Program women’s retreat. Virginia shared strategies for coping and self-care in one’s professional and personal lives.

Day of Unplugging/Media Free Day: Committee members investigated whether to make efforts to encourage the Oregon legal community to join the National Day of Unplugging, scheduled for March 6-7, 2015. It was determined that the date is too early in the calendar year to enable the committee to successfully plan an event in connection with the National Day.

Quality of Life Committee members set individual goals for their own pursuit of quality of life initiatives. Members serve as resources and examples to the legal community. Some of the quality of life determinations and decisions made by members within the 2015 year include: researching, proposing, and achieving a flexible work schedule within a rigid office environment, taking a “working sabbatical”, transitioning from full-time practice to part-time practice and restaurant ownership, establishing a mindfulness/meditation practice, establishing social connections, and developing an exercise regimen.

Matters considered/Matters pending:

Law School Presentations: University of Oregon Law School has requested that the traditional QOL presentation be moved from the fall to the spring. The Law School Presentations subcommittee is working to plan a presentation for spring at the U of O on “Grit, Resilience and the Practice of Law.” The members of the Law School Presentations subcommittee were unable to make a connection to Willamette University’s law school.

Transitions in the Practice of Law: The Transitions in the Practice of Law Subcommittee began the year with an ambitious agenda; to plan several networking events where lawyers interested in (or contemplating) transitions could connect with others and listen to a speaker discuss their own transition experience. The planning for the events is underway; however, the events have yet to be scheduled. The full committee is supportive of the plan for networking events; the experience of committee members is that informal support is essential for successful transitions.

Work/life Balance: Continue the planning and program development for the February 2016 mindfulness and meditation CLE.

Recommendations for 2016:

Continue to work on article development for 2016.

Build on the legal community’s energy and interest in mindfulness with a 2016 CLE focused on meditation and mindfulness.

Determine whether the development and promotion of a media-free day is viable and if so, plan efforts to accomplish a media-free day within the Oregon legal community.

Determine strategic plan for use of social media/ website and implement strategic plan which allows for continued dissemination of quality of life committee related issues.

Determine the most effective way to utilize the wealth of knowledge of committee advisory members.

Respectfully submitted: Amy Saeger Miller (CH), Ruben Medina (SEC), Lori DeDobbelaere, Cody J. Elliott, Dennis C. Karnopp, Eva M. Marcotrigiano, Mark S. Rauch, Michael B. Reid, Erin O. Sweeney, Michael John Turner, Anne E. Villella, Virginia Terhaar (PM), Adina R. Flynn (ADV), Tanya R. Hanson (PLF), Ramon A. Pagan (BC), Charles Schulz (BL).

State Lawyers Assistance Committee

Activities and accomplishments:

During 2015, the committee received approximately 7 new traditional referrals from attorneys, judges, the SPRB, and members of the public. The committee continues to monitor approximately 10 other traditional referrals. Each new 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 a number of 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 2015, the Committee served as monitor for four lawyers who were placed on probation, while continuing to monitor three other probation referrals. No lawyer entered into a diversion agreement this year, but we continue to monitor two existing diversion agreements. The Committee also continues to monitor two lawyers who were conditionally admitted to practice.

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 or practice, such as Bend and Medford

Recommendations for 2016:

Continue to use and evaluate protocol developed by SLAC for evaluating and assisting lawyers who may be experiencing cognitive decline.

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. To support this goal, for the first time in 2016 the bar will send SLAC’s chair-elect to the ABA National Conference for Lawyer Assistance Programs.

Continue to improve communication and cooperation between SLAC and OAAP.

Continue to improve communication and cooperation between SLAC and the Board of Bar Examiners.

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

Respectfully submitted: Kevin E. Lucey (CH), Vaden B. Francisco (SEC), Sara L. Butcher, Michael Cougar, Cynthia Botsios Danforth, Stephen J. Doyle, William M. Horner, Robert (Kim) M. Lusk, Sharon D. Maynard, Gretchen Gunn Merrill, John D. Parsons, Teri L. Plagmann, Edward B. Versteeg (PM), Douglas S. Querin (OAAP), Audrey T. Matsumonji (BC), Amber Autumn Hollister (BL).

Uniform Civil Jury Instructions Committee

Activities and accomplishments:

The Committee completed the work begun in 2013 of reviewing instructions that had not been reviewed since 2005. The Committee also reviewed all instructions that had not been reviewed since 2006 or 2007. The Committee is in the process of reviewing all instructions that had not been reviewed since 2008 or 2009 – all of those instructions have been assigned to committee members for preliminary review.

The Committee focused mainly on instructions that required significant review and revision. The Committee revised and approved 42 instructions. 23 of those instructions involved major revision or discussion, 7 of those instructions involved minor revision, and 12 of those instructions were approved “as-is.” The Committee has identified 44 additional instructions that will require review and revision in 2016.

The Committee made an effort to involve other members of the Bar when the Committee felt that outside expertise would be helpful. For example, the Business Litigation Section has agreed to review UCJI 50.01 through 50.03 to see if any revisions are necessary. In addition, a group of land use attorneys has agreed to review the Condemnation instructions (UCJI 60.01 through 60.23) to see if any revisions are necessary.

The Committee continued the significant revisions to the Landlord/Tenant Instructions, which is a time-intensive process. Those revisions will continue in 2016.

Matters considered/Matters pending:

As noted above, there remain 44 instructions that review and revision. In addition, the reviews by the Business Litigation Section and the land use attorneys need to be supervised.

Recommendations for 2016:

For 2016, the Committee should complete the pending work noted above and determine whether any additional areas require instructions and/or review.

Respectfully submitted: John Thomas Devlin (CH), Katharine von Ter Stegge (SEC), Hon. Cheryl A. Albrecht, Kenneth C. Crowley, Charley Bevins Gee, Timothy J. Heinson, Charles R. Henderson, Benjamin

P. Keane, Gordon L. Osaka, Mark Allen Peterson, Jeremiah Vail Ross, Steven Boyd Seal, Kimberly A. Sewell, William Chad Stavley, Melissa Lopeman Tahir, Kathleen J. Rastetter (BC), Lorraine R. Jacobs (BL).

Uniform Criminal Jury Instructions Committee

Activities and accomplishments:

We amended four verdict instructions (1015, 1016, 3302, and 3303), the hindering prosecution instruction (1228), two coercion instructions (1432 and 1433), the definitions for sex crimes (1600), the first-degree child neglect instruction (1704), the UUV instruction (1819), two criminal mischief instructions (2019 and 2022), and two firearm possession instructions (2410 and 2411). We finished the enhancement factors by passing three new instructions (3316, 3317, and 3318), and we withdrew one instruction about a peace officer’s use of force during arrest (1227A). In the drug chapter, we warned practitioners that any crimes having to do with marijuana may be affected by Ballot Measure 91 and House Bill 3400. The legislature passed HB 2335, which we proposed through the Law Improvement Program.

We considered but did not pass instructions about joined cases and the use of transcripts in criminal cases.

We’re working on revising the drug chapter instructions to conform to Measure 91 and HB 3400. We will probably amend the instructions for 1444 (strangulation) and 1653 (luring a minor) to conform to legislative changes. We may amend 1044 (definition of physical injury), but we’re waiting to see what the legislature does. Other possibilities include a new instruction regarding prior DULLs, an amendment to 1051 (aid and abet vs. aid or abet), and an amendment to 1001 (introductory instruction).

Recommendations for 2016:

The amendments to the drug chapter instructions will be a big task for next year’s committee.

Respectfully submitted: Jamie Contreras (CH), Andrew D. Robinson (SEC), David J. Amesbury, Erin Nicole Biencourt, Erik M. Blumenthal, Barry W. Engle, D Aaron Jeffers, Rankin Johnson, Harrison Latto, Amanda Nadell, Justin W. Nelson, Steven L. Price,

Paul L. Smith, Alix Wicks, Holly N. Winter, Guy B. Greco (BC), Dean P. Land (BL).

Unlawful Practice of Law Committee

Activities and accomplishments:

In 2015, the Board of Governors adopted amended bylaws which redefined the committee's authority and increased the committee's focus on consumer outreach and education. Under its new bylaws, the committee continues to investigate reports of the unlawful practice of law. After investigation, the committee may close the file, refer the complaint to another agency or department, or recommend that the Board of Governors authorize the initiation of a civil suit. The committee no longer sends cautionary letters or negotiates cease and desist agreements.

This year the committee continued to focus on the problem of notario fraud. Staff liaison Amber Hollister presented on notario fraud at a community forum of 75 Deferred Action Childhood Arrivals Program service providers. In addition, the bar created a new webpage focusing exclusively on notario fraud and distributed over 5,000 Spanish-language pamphlets about the dangers of notario fraud.

In order to increase efficiency, the committee began tracking a 60-day due date on all cases assigned to investigators. Members request extensions as necessary. The committee also began using a new short form report for cases where the investigator recommends closure.

Matters considered/Matters pending:

As of December 10, 2015, the Committee opened 74 cases. There are currently 11 matters pending. The committee issued 18 closure letters, 16 Information letters, 13 dismissal letters, 1 advertisement letters, 3 debt collection letters, 3 cases we recommended prosecution with 1 case currently under advisement with a law firm for prosecution, 4 cases were referred to other agencies. We also took no action on 2 cases and are waiting for other bar disciplinary decisions on 2 cases.

Recommendations for 2016:

The Committee suggests members stay on top of the sixty day turnaround rule. This keeps investigations fresh, and provides timely resolution to the complainant and respondent.

The Committee will continue its efforts to educate the public about the dangers of the unlawful practice of law, especially in the notario and debt reduction contexts.

The amended bylaws provide that no more than one quarter of the committee membership can be lawyers in private practice. To this end, the 2016 Committee Roster will include an increased number of government and non-profit lawyers.

Because complaints of notario fraud often involve Spanish speakers, we recommend that the BOG continues to appoint members with Spanish language skills to the Committee.

To the extent possible, the Committee also encourages members to be present for meetings in lieu of telephonic appearances. While that is not always feasible, particularly in light of the distances some members would have to drive, in-person meetings were always much more helpful in terms of engaging in meaningful discussions about investigations.

Respectfully submitted: Katharine von Ter Stegge (CH), David F. Doughman (CH-Elect), Erin K. Fitzgerald (SEC), Joel C. Benton, Jay Bodzin, Jermaine F. Brown, Monica A. Goracke, Frank H. Hilton, Jacob O. Kamins, Alan S. Lanker, Martie L. McQuain, James H. Nitta, Karen M. Oakes, Caroline Louise Smith, Ellen Marie Weintraut, Robert P. Latham (PM), Michael D. Levelle (BC), Amber Autumn Hollister (BL).



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