

Oregon State Bar

2017 COMMITTEE
Annual Reports

2017 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 2017 Committee members, thank you for your time and expertise.

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Advisory Committee on Diversity & Inclusion

Activities and accomplishments:

The committee provided planning and fundraising support to the D&I Department for the 20th Annual Oregon State Bar's Opportunities for Law in Oregon OLIO (OLIO) Orientation, held on August 4-7, 2017 in Gleneden Beach, Oregon. A total of 51 students participated in this year's OLIO program. Free CLEs for this OLIO Orientation included Briefs and Articles, (Jonathan Hood, Harrang Long Gary Rudnick; Courtney Peck, Perkins Coie) and Research and Client Communications (Nathan Morales, Harrang Long Gary Rudnick; Vamshi Reddy, Lane Powell). Thanks to the continuing support from the legal community, an OLIO fundraising sum of \$62,000 is expected to have been raised by the end of 2017.

The ACDI also assisted the D&I Department with program administration through application review and recipient section for the department's mentorship, scholarships, and summer employment programs.

Members of the ACDI provided input on the Oregon State Bar's second Diversity Action Plan, which is scheduled for approval in January 2018 for 2018-2020 implementation.

Matters considered/Matters pending:

The ACDI's charge was amended following BOG approval, to include soliciting nominations for the D&I Department's newly created Stella Kinue Manabe Award, which will recognize individuals who have demonstrated outstanding commitment to the Oregon State Bar's OLIO program.

The ACDI formed an ad-hoc Governance Subcommittee to review the ACDI's processes and structure and made recommendations for restructuring its subcommittees for 2018, as follows:

Recruitment Subcommittee: Incentivize diverse law students and lateral attorneys to practice law in Oregon and provide them with resources to assist their joining the Oregon State Bar.

Retention Subcommittee: Incentivize diverse attorneys practicing in Oregon to remain in the state on a permanent basis as they pursue their legal careers.

Access to Justice Subcommittee: Provide input and advice on the OSB's Diversity Action Plan to remove access to justice barriers on a systemic level,

and work with community partners to promote and provide access to justice.

Events, Engagement & Education Subcommittee: Promote the ACDI's mission by engaging the full committee with reports of current events impacting diversity and inclusion issues, looking for opportunities to educate the ACDI and OSB on new issues, and being responsive to the concerns of the Oregon legal community.

Governance Subcommittee: Review operating protocols regarding the ACDI's internal procedures and its working relationship with the D&I Department. (The Governance Subcommittee will convene every two years or more on an as-needed basis to review/propose additional operating protocols.)

D&I program application scoring will be distributed among these subcommittees.

Recommendations for 2018:

Subcommittees will meet in January 2018 to establish goals for the year.

Respectfully submitted: Daniel Simon (CH), Jonathan A. Patterson (SEC), Jacqueline Lizeth Alarcon, Bryson E. Davis, Sherisa Davis-Larry, Claudia G. Groberg, Susan Bradley Krant, Connie Elkins McKelvey, Andrea G. Montag, David P. O'Brien, Jollee Faber Patterson, Kasia E. Rutledge, Miranda Summer, Yazmin Wadia, Shari R. Gregory (OAAP), Ralph E. Gzik (ONLD), Nicole Rachael Commissiong (ADV), Phylis Chadwell Myles (ADV), Sarah M. Petersen (ADV), Michael D. Levelle (BC), Jonathan Puente (BL).

Client Security Fund Committee

Activities and accomplishments:

The Client Security Fund is established under ORS 9.625 to relieve or mitigate pecuniary losses incurred by the clients of Oregon lawyers and caused by the dishonest conduct of lawyers in their practice of law. The Client Security Fund Committee ("CSF Committee") oversees the fund, investigates claims, and either takes final action on claims (of less than \$5,000) or makes a recommendation to the Board of Governors (claims 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 (in full or 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 Bar attempts to recoup on those assigned claims to the extent possible.

In addition to the normal processing of claims (see data in following section), the CSF Committee's major accomplishment of 2017 was a rewriting of the rules of procedure governing claims. The revision included substantive changes and a comprehensive review for stylistic consistency. The amendment was spearheaded by a subcommittee that reviewed the existing CSF rules and consulted the ABA Model Rules for Lawyers' Funds for Client Protection to determine whether or not Oregon should change certain practices to confirm with the model rules. The subcommittee then proposed a package of revisions to the full CSF Committee, which approved them with amendments. The final package of revisions was submitted to the Board of Governors, which adopted the new rules at its September meeting.

The CSF Committee also conducted a review of its fund balance and of historic claims activity. In light of this review, the committee recommended to the Board of Governors that the annual assessment paid by active members of the bar be reduced from \$15 to \$10. The Board accepted this recommendation effective for the 2018 membership cycle.

Matters considered/Matters pending:

As of December 1, the Client Security Fund had received 42 new claims in 2017, involving 24 lawyers. In addition, fourteen claims were carried over from 2016. During 2017, the CSF Committee approved or recommended approval of 11 claims, totaling \$31,679.30. The committee also denied or recommended denial of 12 claims. One claim was withdrawn after payment by the Professional Liability Fund, and six claims were withdrawn or closed after the accused attorney resolved the dispute with the client. Twenty-six claims, requesting a total of \$222,796.87, will be carried over to 2018.

As of August 31, 2017 (the most recent period for which financial statements are available to the CSF Committee), the Client Security Fund balance

is approximately \$1.28 million. As noted above, there are pending claims of \$222,796.87. The CSF Committee believes that the present fund balance is adequate to assure the solvency of the fund for the foreseeable future.

Recommendations for 2018:

The CSF Committee engaged in periodic discussions concerning the appropriate target fund balance, and one committee member conducted an extensive survey of funds in other states. The committee did not reach a final decision concerning whether the current target balance (\$1 million) should be kept or reduced. The CSF Committee should continue this discussion in 2018, in addition to continuing its regular work of reviewing and acting on claims.

Respectfully submitted: Stephen A. Raheer (CH), Nancy M. Cooper (SEC), Ronald W. Atwood, Richard H. Braun, Carrie Hooten, Rod M. Jones, Karen J. Park, David P. Roy, Douglas Jordan Stamm, Steven B. Taylor, Stephanie Antonia Thompson, Raymond P. Young, Hon. Katharine von Ter Stegge (BC), Helen M. Hirschbiel (BL), Amber A. Hollister (BL).

Legal Ethics Committee

Activities and accomplishments:

The Legal Ethics Committee ("Committee") started the year with nine pending projects from the previous year. It submitted four opinions to the Board of Governors, and closed three inquiries without an opinion due to substantive law issues raised by those questions. The Committee started five new projects this year, and three are still currently pending review.

In addition, the Committee submitted two requested rule changes to the Board of Governors to submit to the House of Delegates.

Matters considered/Matters pending:

Two projects from 2012 were resolved this year. The Committee has completed and will present to the Board of Governors an ethics opinion related to providing elective share advice in estate planning. The Committee decided to close a project related to third party insurance billing due to the necessity of delving into substantive law to resolve the project.

One project from 2014 was resolved this year. The Committee has presented to the Board of Governors an ethics opinion related to the use of affidavits of prejudice.

One project from 2015 was resolved this year. The Committee has completed and will present an ethics opinion related to the use of lawyer referral services.

Two projects from 2016 were resolved this year. The Committee decided to close a project related to potential conflicts of interest arising under *Crimson Trace Corp. v. Davis Wright Tremaine, LLP*, due to the necessity of delving into substantive law to resolve the project. Further, the Committee decided to close a project related to the confidentiality of mediation communications discussed within *Alfieri v. Solomon* due to the current unsettled nature of the substantive law surrounding the decision.

Two projects started this year were resolved this year. The Committee presented a memorandum to the Board of Delegates discussing the issues surrounding the current ethical rules and the implementation of the Uniform Collaborative Law Act in Oregon. In the memorandum, the Committee recommended a number of potential options, including possibly amending the RPCs.

The Committee also presented a rule change to RPC 8.3 that was raised by the OSB Fee Mediation Task Force. The Fee Mediation Task Force requested that the Committee look into an attorney's duty to report ethical misconduct as it related to confidential mediation communications under ORS 36.220 in light of the Oregon Supreme Court's decision in *Alfieri v. Solomon*. The Committee recommended an exemption be added to RPC 8.3 to specifically exempt mediations communications under ORS 36.220.

The Committee has the following six projects pending:

One project from 2014: Using Bar Complaints to Gain an Advantage in a Civil Matter – The Committee has done substantial work on this matter and is reviewing research to determine whether an opinion or a rule change is needed.

One project from 2015: Interpretation of RPC 8.5 in Multi-jurisdictional engagements – The Committee is in the process of reviewing a draft of a potential opinion on this matter.

Four projects from 2017: Responding to Social Media Posts – The Committee has done substantial work on this matter; Lawyers in the marijuana business – The Committee is in the process of reviewing a draft of a potential opinion on this matter; Allocation of settlement authority in group

representation – The Committee is researching this matter; Change to Formal Opinion 2005-91: Lawyer as Officer of Client – The Committee has started the process to review this opinion to determine if a change to this opinion is needed.

Recommendations for 2018:

With the potential changes to RPC 7.3 now pending before the Oregon Supreme Court, the Committee should consider an opinion to inform attorneys to differentiate between ethical and unethical solicitation under the new rule. In addition, prior opinions related to RPC 7.3 will need to be revised to conform with the proposed changes to RPC 7.3.

The Legal Ethics Committee will continue to focus on reviewing prior projects to make thoughtful recommendations that will help the Bar. In addition, the Legal Ethics 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: Ankur Has Mukh Doshi (CH), Daniel L. Keppler (SEC), Summer R. Baranko, David J. Elkanich, Walter F. Fonseca, Samia Christine Haddad, Sarah E. Harlos, Kyann C. Kalin, John Klor, W. Greg Lockwood, Tara Kaylene Millan, Jonathan W. Monson, J. Adam Peterson, Michelle Marie Sweet, Justin M. Thorp, Corey B. Tolliver, Alexander S. Wylie, John E. Mansfield (BC), Helen M. Hierschbiel (BL).

Legal Heritage Interest Group

Activities and accomplishments:

During 2017, LHIG scheduled and held three business meetings at the Oregon State Bar Center: February 4th, March 18th, and October 21nd. Matters discussed at these meetings included a discussed of goals for the group for 2017 and beyond. The group identified its primary goals as increasing our community outreach with other groups, such as the Classroom Law Project and the Oregon Historical Society, actively creating partnerships with other organizations or bar groups for CLE presentations, and increasing our online presence.

The group decided to focus on the Oregon Constitution Challenge, an effort by the Oregon Secretary of State and State Archivist to raise money to preserve the original Oregon Constitution. Several members took a trip to Salem to see the original Constitution, which was in very poor condition. As part of LHIG's work on this issue, a small subcommittee met to discuss ways to assist with fundraising. The Constitutional Law Executive Committee was also contacted and were encouraged to raise money for this project. The effort was successful and the original Constitution has been restored.

Members participated in a field trip on June 3, visiting the Oregon State Hospital Museum of Mental Health in Salem, Oregon. The group was given a private tour of the museum, which chronicles the treatment of Oregonians throughout the history of the state who were considered to be mentally ill. By annual tradition, members also attended the U.S. District Court of Oregon Historical Society picnic on August 6th.

Matters pending before the group include an upcoming History Pub presentation with the Oregon Historical Society which will be given by member Marc Brown in 2018. Additionally, member Breckenridge Cartwright is spearheading an article regarding one of the longest serving legal assistants in Oregon.

Recommendations for 2018:

Recommendations for 2018 are to maintain the formalized secretary role, which had not been followed in recent years, to identify a chair-elect early for 2019, to consider a CLE for 2018 (the group generally does a CLE presentation every 2 years), and to complete the pending matters discussed above.

Respectfully submitted: Elizabeth Jessop (CH), Nicole A. Krishnaswami (SEC), Charles Allen, Alfred Frank Bowen, Marc D. Brown, Breckenridge Cartwright, Ellen D. Flint, Michael T. Harvey, Susan Hogg, Katerina Kogan, Abby K. Miller, Mark Douglas Monson, Andrew M. Narus, Spencer Q. Parsons, Robert S. Raschio, Megan R. Reuther, David P. Roy, Paul Nickell (PM), Robert J. Gratchner (BC), Dani Edwards (BL).

Legal Services Committee

Activities and accomplishments:

The Legal Services Program Committee (LSP Committee) met five times over the course of the year and will meet again on December 6.

The LSP Committee forwarded a recommendation to the Board of Governors (BOG) for the disbursement of the unclaimed funds. The recommendation was to disburse \$69,576 from the annual unclaimed fund and hold the remaining Strawn v Farmers class action funds in reserve.

The LSP Committee engaged in site visits of legal aid offices across the state. This was not only an effort to have the committee better understand what legal services each office provides and how offices work to understand community legal needs, but also an effort to strengthen the program's relationships and build goodwill with the regional offices. The committee visited legal aid offices in Medford, Bend, and Eugene and will visit the Oregon Law Center's Portland office on December 6.

Matters considered/Matters pending:

The LSP Committee reviewed and will approve at their December meeting revisions to both the LSP Accountability Process and the Standards and Guidelines. The LSP Committee formed a subcommittee to review the LSP Accountability Process. The subcommittee revised the self-assessment tools to improve the information and data collected. The subcommittee also decided that the 2018 accountability process would include both the completion of the self-assessment tool by providers and site visits at three of the regional legal aid offices.

Recommendations for 2018:

Monitor the 2018 Legislative Session for opportunities to have funds appropriated to the LSP for distribution to the legal aid programs.

The LSP Committee will make a recommendation to the BOG about the disbursement of any unclaimed funds and any recommendations for changes to the current disbursement policy.

Present the revisions to the Standards and Guidelines to the BOG for approval at its February meeting.

Conduct an accountability review of the legal services providers throughout Oregon including self-assessment reports and site visits at a regional office of each the three service providers.

Present the Accountability Report to the BOG at the end of 2018.

Respectfully submitted: Andrea H. Thompson (CH), Brent H. Hall (SEC), Kristin L. Bremer Moore, Timothy C. Gerking, Ari D. Halpern, Sara Kobak, Kamala Hollander Shugar, Jenifer S. Billman (PM), Julia Courtney Rice (BC), Judith Baker (BL).

Loan Repayment Assistance Program Committee

Activities and accomplishments:

In May, 2017 the LRAP Advisory Committee met and reviewed 36 applications for forgivable loans submitted by Oregon attorneys working in public interest. From those applications, the Advisory Committee selected 14 attorneys to award loans ranging from \$3,000 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, 2017 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.

Recommendations for 2018:

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, Elaine J. Brown, Eric R. Foster, Jennifer Geller, Jennifer Nicholls, Courtney L. Quale-Conrad, Alan Andrew Rappleyea, William C. Penn (ADV), Catherine Petrecca (BL).

Minimum Continuing Legal Education Committee

Activities and accomplishments:

The Committee met on March 24, June 16, and September 22, 2017. Our final meeting of the year is December 8. The September meeting was held in the Department of Justice building in Medford and all other meetings were held at the Oregon State Bar Center in Tigard.

Matters considered/Matters pending:

In 2017, the Committee continued to hear requests to further define what qualifies for credit in Category II. Currently, the Committee has two requests for credit pending, one under Category III volunteer credit hours and another to receive credit for HOD meeting attendance.

The Committee considered and ultimately approved an amendment to the Rules to combine the required child abuse and elder abuse standalone credits into 1 hour long credit that covers both a lawyers reporting requirements for both child and elder abuse.

The Committee assisted the MCLE Administrator with the evaluation of requests from Sponsors and members for MCLE accreditation and earned credits. In both requests, the MCLE Administrators decision was upheld as the appeal request was found not to be consistent with MCLE rules.

The Committee continues to review and discuss MCLE topics across the nation, including the ABA MCLE Model Rules that were adopted in February 2017, and the trend towards competency based MCLE credits.

Finally, the Committee continued to work on keeping the voluminous MCLE Rules and Regulations up to date with several amendments for consistency and numbering. An amendment is pending for the December meeting to again amend the rules

to correct rule numbering and reflect legislative amendments.

Recommendations for 2018:

While the Committee has continued to have discussions and review evidence of the importance of stand-alone credits for substance abuse and mental health of lawyers, scheduling conflicts have prevented any final action to be completed. It is anticipated that the Committee will make a decision in 2018 whether to create stand-alone categories for those areas.

Any other comments:

Our chair participated in meetings regarding the Oregon Bar transitioning to the Uniform Bar Exam. Our committee appreciated being included as the ramifications of the transition affects many areas of the bar, including MCLE.

Respectfully submitted: Katherine Michelle Zerkel (CH), Adam Tyler Adkin (SEC), Denise G. Fjordbeck, K. William Gibson, Sandy Lyon Kuenzi, John R. Mellgren, Douglas R. Olsen, Eugene M. Thompson, Karen M. Elliott (PM), Liani JH Reeves (BC), Denise Cline (BL).

Pro Bono Committee

Activities and accomplishments:

The full committee met the second Tuesday of every other month at Stoel Rives.

Each subcommittee met during the months when the full committee was not scheduled to meet. The subcommittees included: The Events Subcommittee chaired by Stephen Galloway, The Publicity Subcommittee chaired by Laura Westmeyer, and The Special Projects Subcommittee chaired by Natalie Hedman.

The Publicity Subcommittee drafted a notice about the new CLE credit for pro bono work, and contacted local bar associations in each Oregon County to publish the notice in their newsletters. The goal was to advertise and promote the CLE credit widely. The subcommittee has also been working on an article to publish in the Bar Bulletin

Members of the Committee presented to the Oregon Association of Corporate Counsel about the ability to do Pro Bono work in Oregon under our practice rules.

The Special Projects Subcommittee identified a small non-profit community organization as having a need for a volunteer pro bono day for

immigration and family law consults. Representatives of the organization, Bridging Cultures, met with subcommittee members to present about their community and their needs. The subcommittee connected with Catholic Charities and the Oregon Law Center to organize a day of service called The Immigrant Family Safety Planning Workshop in Canby, Oregon. The volunteer day was held on October 10, 2017 and was a great success.

Coordinating Pro Bono Efforts: The Special Projects also contacted some of the local bar associations, particularly in the tri-counties, to coordinate pro bono efforts and opportunities. We hope to expand this project for next year, and coordinating with the OSB on the pro bono guide to publicize upcoming events.

The Events Subcommittee attended the monthly planning meetings and helped organize the events for the Pro Bono Celebration in October and also events in Eugene and Salem with Willamette Law School and the University of Oregon Law School.

Members of the committee helped Markowitz Herbold connect to resources at the Oregon Law Center and the Pro Bono Coordinator at the Bar to set up a pro bono program at their firm.

Matters considered/Matters pending:

The Pro Bono Committee has decided to change some of the subcommittee structures. The subcommittees will now be Day of Service Subcommittee, Outreach Subcommittee, and Publicity Subcommittee. The Day of Service Subcommittee will identify organizations with specific needs and might benefit from volunteer pro bono attorneys in a variety of topics, such as family law, immigration, small business clinic, wills/guardianships, etc. The Outreach Subcommittee will work to coordinate pro bono efforts in the tri-counties as well as within other regions. The Publicity Committee will continue efforts to publicize CLE credit for pro bono work and recruiting in house counsel for pro bono work. We hope that this subcommittee will also continue to investigate and plan for a way to incorporate the ABA's "Second Season of Service Initiative" program to engage and encourage retiring and retired attorneys to do Pro Bono work. We hope that this new structure will help crystalize the purpose and goals of the subcommittees.

Recommendations for 2018:

In addition to following up on the progress and accomplishments discussed above, the committee need to continue ways to work with the ONLD on days of service, investigate the possible interaction between the New Lawyer Mentoring Program and Pro Bono, and the Pro Bono website through the OSB. Although an ONLD member was invited to our meetings, the collaboration and communication was not effective. We hope to improve upon it next year. We also believe that the OSB should provide some funding to this subcommittee in order to host CLEs, publicizing in various media outlets, and possibly to cover the expenses of holding a service day. Without funding, the committee is restricted to only engaging in projects that are either limited or relying on other organizations.

Respectfully submitted: Shalini Vivek (CH), Stephen H. Galloway (SEC), Mary Beth Allen, Rachel Anne Wood Arnold, David B. Avison, R. Brent Berselli, John C. Clarke, Mathew W. dos Santos, Sandra S. Gustitus, Stephanie M. Harper, Natalie A. Hedman, Charlotte Hodde, Kyung Duk Kevin Ko, Laura Westmeyer, Peter S. Wilcox-Jones, Christine Zeller-Powell, Christo J. de Villiers (ADV), Heather Kemper (ADV), Christine R. Costantino (BC), William C. Penn (BL).

Public Service Advisory Committee**Activities and accomplishments:**

In 2017, the Public Service Advisory Committee (the “committee”) continued its focus on advancing the Oregon’s State Bar’s (the “Bar’s”) public service and outreach goals. To that end, it continued to oversee the administration of the following six programs: (1) Lawyer Referral Service (the “LRS”); (2) Modest Means Program; (3) Lawyer-to-Lawyer; (4) Military Assistance Panel; (5) Problem Solvers; and (6) FEMA Response.

With regard to the LRS, the committee continued to discuss whether, how, and to what extent the LRS can and/or should limit participation by panelists who have been subject to disciplinary action by the Bar. In 2017, the committee proposed new policy language for consideration by the Board of Governors (the “BOG”). The committee also discussed the charge of the Futures Task Force and the related role of unbundled legal services in the context of the LRS.

The committee continued to debate whether to add elder law and/or appellate law to the Modest

Means Program, as well as considered a new proposal for the addition of “Collaborative Family Law.” Those discussions are ongoing.

In addition to the above programming, the committee also provided advice and support on the Bar’s development of/participation in multiple public education programs, including the American Bar Association’s Law Day, the Bar’s elder law handbook, and online legal Q&A videos (short videos that answer basic legal questions in common areas of law). For Law Day, which occurred on May 1, the committee compiled a thematic online quiz about the origins and impacts of the Fourteenth Amendment to the United States Constitution. The elder law handbook, known as *Legal Issues for Older Adults*, is being printed in five additional languages—Spanish, Vietnamese, Mandarin, Korean, and Russian—with the assistance of a grant from the Oregon Department of Human Services. By the end of 2017, there will also be approximately 80+ Q&A videos on the Bar website, on a variety of topics ranging from collecting unemployment benefits to applying for asylum. Most videos are in English, but some are also in Spanish or Vietnamese, and closed captioning will be available soon.

Recommendations for 2018:

The committee should continue to monitor the LRS percentage fee revenue model implementation, as well as come to a final recommendation regarding the potential expansion of the Modest Means Program into the above-mentioned areas. Additionally, it should continue to prioritize the number and accessibility of legal Q&A videos and other similar materials designed to convey information about the law to the general public.

Respectfully submitted: Shayna M. Rogers (CH), Diana Winther (SEC), Steven R. Bennett, Janay Haas, Sybil Hebb, Ann Y. Lechman-Su, Keith Leitz, Loretta I. Mabinton, Bonnie Marie Palka, Vittal Patel, Jovanna L. Patrick, Emily Pringle, Leanne T. L’Hommedieu (PM), Sheila Malone Blackford (PLF), Vanessa A. Nordyke (BC), Eric McClendon (BL), Kay Pulju (BL).

Quality of Life Committee

Activities and accomplishments:

The committee in 2017 has focused on finding effective means of engaging with the legal community to carry out the committee's charge.

Work of the committee was shared among three subcommittees: Work-Life Balance, Publications & Social Media and Law School Presentations.

The Work-Life Balance subcommittee worked to develop a series of 'brown bag' presentations for bar members to address topics such as mindfulness and support for attorneys with dependents (young children or aging parents). The subcommittee has explored venues available for these presentations.

The Publications and Social Media subcommittee has developed a system for tracking articles and online materials relevant to the committee's charge and publicizing them via Facebook.

The Law School Subcommittee staffed an informational table at Lewis and Clark Law School in October 2017 to educate future attorneys about available resources. Panel presentations are planned for Willamette University Law School on January 16, 2018, and University of Oregon Law School on February 26, 2018.

The committee is attempting to organize a "Meet Up" group for Oregon attorneys to participate in recreational activities.

Matters considered/Matters pending:

The committee plans to make a concerted push to author articles for publication in 2018. Possible places for publication include OAAP's *In Sight* and the *Bar Bulletin*.

The Work-Life Subcommittee will finalize a roster and schedule of speakers for monthly presentations.

The committee remains interested in sponsoring a CLE. However, the lack of a budget for the committee makes organizing and publicizing a CLE challenging.

Recommendations for 2018:

Few Oregon attorneys are aware the committee exists. It is challenging for the committee's members alone to publicize the committee's existence and scope of work. The ability to communicate with all bar members, such as through the *Bar Bulletin* or bar-wide email notices, would be useful.

Any other comments:

Full participation by all committee members has been a challenge. Engagement is difficult for members not in the Portland metro area.

Respectfully submitted: Michael John Turner (CH), Nadia Dahab (SEC), Mark J. Baskerville, Greg A. Claessens, Sally R. Claycomb, Lori DeDobbelaere, Emily Ann Farrell, Kara L. Govro, Bruce Matsuo Nishioka, Ellen C. Pitcher, Michael B. Reid, Michelle A. Ryan, Shannon Iris Wilson, Deena M. Anreise (PM), Tanya R. Hanson (PLF), Eddie D. Medina (BC), Dani Edwards (BL).

State Lawyers Assistance Committee

Activities and accomplishments:

During 2017, the committee received approximately 10 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 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. The committee continues to monitor approximately 4 other traditional referrals.

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 2017, the Committee took on the role of monitor for 4 new lawyers who were conditional admittees, and continued to monitor 1 lawyer from the previous year. The committee did not receive any new probation assignments, but did continue to monitor 6 probation referrals from previous years. The committee undertook the monitoring of 1 lawyer who entered into a diversion agreement this year, and we continue to monitor 2 other lawyers from previous years under their respective diversion agreements. 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, such as Bend and Medford.

Matters considered/Matters pending:

The committee continues to weigh how to best evaluate and monitor referred attorneys experiencing age-related cognitive impairments.

As previously noted, for the first time in fall 2016, the SLAC Secretary, who is functionally the SLAC Chair-Elect, attended the ABA National Conference on Lawyer Assistance Programs. He reported that the programming was on point and helped him place the SLAC efforts in context. We continued that practice this year, again sending the committee secretary to this important conference.

Recommendations for 2018:

Continue to develop protocol for evaluating and assisting lawyers who may be experiencing cognitive decline. Explore partnerships with local medical research facilities on these issues.

Continue the training for the committee chair and/or secretary related to ABA CoLAP programs.

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 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.

Endeavor to let bar members know what SLAC is, why it exists, and how it can help.

Respectfully submitted: John D. Parsons (CH), Edward B. Versteeg (SEC), Mark J. Baskerville, Sara L. Butcher, Michael Cougar, Cynthia Botsios Danforth, Stephen J. Doyle, William M. Horner, Jerilyn Ann Krier, Kevin E. Lucey, Sharon D. Maynard, Laura B. Rufolo, Elizabeth Schwartz, Josh Soper, Jonathan P. Strauhull, Michael Villanueva (PM), Douglas S. Querin (OAAP), Guy B. Greco (BC), Amber A. Hollister (BL).

Uniform Civil Jury Instruction Committee

Activities and accomplishments:

The Committee completed the complicated series of Landlord/Tenant jury instructions. Those instructions required repeated discussions and outreach to attorneys that practice in that particular field. The Committee also continued the process of reviewing all instructions that had not been reviewed since 2008 or 2009. Those instructions required significant review, including case law research and thorough discussions.

The Committee revised 10 instructions, added one instruction and removed one instruction. Some of the revisions were minor, but most involved significant review. Those revisions included some wage and hour instructions and employment law instructions.

Matters considered/Matters pending:

The Committee continues the process of completing the review to insure all instructions are updated or still applicable and supported by case law.

Recommendations for 2018:

The Committee should continue the pending work and focus on whether the instructions are supported by current case law or whether the instructions are consistent with the statutory language. The Committee should avoid changes that are not necessary to update the instructions. In other words, don't try to fix what isn't broken.

Respectfully submitted: Kimberly A. Sewell (CH), Jeffrey Armistead (SEC), Hon. Cheryl A. Albrecht, Robert H. Beatty-Walters, Lorelei Craig, Beth Creighton, Charley Bevins Gee, Katie Jo Johnson, Anthony D. Kuchulis, Daniel Kevin Le Roux, Eva M. Marcotrigiano, David D. Park, William Chad Stavley, Melissa Lopeman Tahir, Ulanda L. Watkins, Jeffrey Sherwin Young, John R. Bachofner (BC), Lorraine R. Jacobs (BL).

Unlawful Practice of Law Committee

Activities and accomplishments:

The Committee continues to investigate reports of the unlawful practice of law (“UPL”) under the amended bylaws, adopted by the Board of Governors in 2015.

The Committee continued advocacy and advisory opinion work via two subcommittees established in 2016. The advocacy subcommittee has been heavily involved in notario fraud issues, especially in light of the immigration law changes that occurred in 2017. Members of the subcommittee attended and represented the bar at events hosted by community members, such as the Mexican Consulate, Catholic Charities, DPSST, and Russian Radio. In addition, the subcommittee arranged to have speakers at Committee meetings to help educate the members of the Committee and to brainstorm ways the Committee can help with these issues in the community. Speakers included Quinn Andrus, United States Customs and Immigration Service Community Relations Officer/Liaison, and Helietta Gonzalez Hernandez and Briseida Rayon Baza, both from the Mexican Consulate.

The advisory opinion subcommittee worked on drafts of various topics and presented one draft opinion, Advertising, to the Committee for review. Further edits are being made and it is expected that the opinion will be approved by the Committee in early 2018. Each member of the subcommittee continues to work on draft opinions, with an expectation that additional draft opinions will be presented to the Committee in early 2018.

Additionally, the subcommittee discussed issues surrounding the dissemination of family law forms by court clerks. The subcommittee determined that a document that the court clerks could provide to pro se litigants to help them best select the form they need would alleviate the current concern of clerks selecting forms for a pro se litigant and potentially committing UPL. The subcommittee will continue to work on that document in 2018.

Matters considered/Matters pending:

48 cases were opened this year as of November 20, 2017. There are 19 matters still currently open with 4 of those cases being from the end of 2016. The committee will dispose of at least 1 of the pending matters at its December 8, 2016 meeting. The Committee issued 2 closure letters,

12 Informational letters, 4 dismissal letters, 1 notice letter, and 3 advertisement letters. The Committee recommended 2 cases for prosecution, which are pending. 2 cases were referred to other agencies. The Committee also took no action on 4 cases.

Recommendations for 2018:

The Committee encourages 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 committee will retain the subcommittees as these provide an efficient way to address public outreach and the creation of advisory opinions. The advocacy subcommittee will continue to network and work collaboratively with local organizations, including engaging speakers for Committee meetings, regarding notario fraud and UPL.

Because complaints of notario fraud often involve Spanish speakers, we recommend that the BOG continues to recommend members with Spanish language skills for appointment to the Committee. Fraud among Russian speakers is also an issue, and ideally the BOG will continue to take this into account when recommending members. The Committee currently has at least one member fluent in Spanish and one member fluent in Russian.

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 are always much more helpful in terms of engaging in meaningful discussions about investigations.

The Committee encourages the Board of Governors to include a representative from the Committee as part of the Paraprofessional Licensing Exploratory Committee.

Respectfully submitted: Erin K. Fitzgerald (CH), Jay Bodzin (CH-Elect), Mary Ellen Briede (SEC), James M. Brown, Monica A. Goracke, Wendy L. Hain, Jacob O. Kamins, Andrea K. Malone, John J. Marandas, Alexander S. Ogurek, Dylan S R Potter, Stephen A. Raher, Caroline Smith, Theresa L. Wright, Morad B. Noury (PM), Samuel D. Reese (PM), Traci Rossi (BC), Mark Johnson Roberts (BL).



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