

Oregon State Bar



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2015 SECTION  
Annual Reports



# 2015 Section Annual Reports

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The Oregon State Bar would like to thank all Section volunteers for their service. Sections are vital to the ability of the bar to provide both member and public services and to keep the organization responsive to the needs of its members, the courts, and the bar. To all 2014 Section members, thank you for your time and expertise.

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## Administrative Law Section

### **Activities and accomplishments:**

With the dedication and hard work of the Executive Committee and the support of the Oregon State Bar's staff, the Administrative Law Section was able to make real progress on the section's long-term goals and meet our objectives for 2015.

First, the Executive Committee established the long-term goal of updating and expanding the Oregon State Bar's Fastcase law library, based on the legislative assist that made final orders in contested cases available to the bar for publication in 2014. Fastcase is currently requesting that the selected agencies provide their 2015 orders for publication, and also that they provide any missing 2014 orders. Several of the agencies have provided orders from 2010 through 2014, which are available on Fastcase because of the funding support provided by the bar. Final orders are available to all bar members on Fastcase.

Second, the Executive Committee decided to supplement our desk book, *Oregon Administrative Law*, to include the significant model rule changes, legislation, and recent case law that has developed since the book was published in 2010. An updated version of the desk book will ensure that a comprehensive account of state administrative law is available to practitioners, in addition to the perspective provided by the Department of Justice in its manual on administrative law. Authors have already signed on to update the book. We have established a workgroup to edit the book and recommend improvements. The bar intends to publish our supplement to *Oregon Administrative Law* in 2016.

Third, as a long-term goal, the Executive Committee agreed to renew our commitment to publishing agency-specific practice guides that contain practice tips and insight for navigating a particular agency's sea of procedures and policies. In the 1990s, the bar published a series of *Practice Guides*. These practical, close-up snapshots of agency practice and procedures can make administrative law practitioners more competent and the system more efficient, which reduces costs to agencies and clients. We need to assess which agencies should be included in this project and find experts to author these publications over the ensuing years.

Fourth, the section monitored the swarm of legislation affecting administrative law practitioners during the 2015 legislative session. As in previous

sessions, there were a large number of bills affecting the public's access to hearings, changing the regulatory authority of agencies, modifying the disclosure of public records, and amending the Administrative Procedures Act. During the session, the section kept members apprised of important legislation in our newsletters. The section also made recommendations to the legislature that reflected our long-standing commitment to ensuring that the public has access to fair hearings and a fair administrative justice system.

Fifth, the section continued to publish its quarterly newsletters. Our newsletters have provided timely explanations of evolving practice issues, case law developments, and procedural changes affecting practitioners. Newsletters also provided a forum for practitioners to express their opinions and to share insights into important administrative law issues.

Sixth, the section co-sponsored the annual conference of the National Association of Administrative Law Judiciary, which was held in Portland this year. This three-day conference focused on important developments from across the country in administrative law and administrative hearings. Judy Parker and John Mann carried the weight of the section's responsibilities for making this program a success.

Seventh, the section worked with bar staff to transition our website to the bar's new platform and give it an updated look. The new website continues to elucidate the section's purpose and provide useful information about the section. The website also provides indices to the newsletters to help users find new case law and other developments in administrative law that are examined quarterly in our newsletters.

### **Budget:**

Under the watchful eye of our veteran treasurer, Allan Arlow, the section has been an excellent steward of our finances in 2015. The last available bar report on our finances shows that we are on track for expenditures and that membership was up from 2014. The vast majority of section expenditures were for publishing our newsletters and for teleconferences needed to conduct our business. Our budget for 2016 will basically replicate the revenue and expenses for 2015.

### **Legislative issues:**

The Administrative Law Section monitored more than 230 bills that affected administrative law

practitioners during the 2015 session. As in previous sessions, the section opposed bill provisions that authorized agencies to unilaterally assess their costs if a hearing was requested. The agency—and only the agency—can recover its costs and attorney fees in these bill provisions. These cost assessments can effectively rob average Oregonians of their ability to request contested case hearings. This issue is a core issue for the section because access to a contested case hearing means access to due process, which is the backbone of administrative justice in Oregon.

For its law improvement activities, the section has pursued three important goals since its inception:

1) preventing the erosion of Oregonian's access to administrative justice; 2) ensuring that hearings are conducted by well-qualified, impartial administrative law judges; and 3) improving the fairness of procedures for administrative hearings and judicial review proceedings.

#### **Matters considered/Matters pending:**

The Administrative Law Section will continue its efforts to publish agency-specific *Practice Guides*, which proved to be highly successful practice tools in the past. The section also will focus on its commitment to expand the number of agencies providing final orders to Fastcase for publication.

#### **Recommendations for 2016**

The Administrative Law Section intends to continue working on its long-term goals, as outlined in this report, and establish objectives for meeting them in 2016.

*Respectfully submitted: Janice Krem (CH), Judith A. Parker (CH-Elect), Denise G. Fjordbeck (Past CH), Allan J. Arlow (TR), Carson Bowler (SEC), Matthew Barber, Cortney D. Duke-Driessen, Sivhwa Hwa Go, Dennis Koho, John M. Mann, James E. Mountain, Andrea N. Ogston, Norman R. Williams, Elisabeth A. Zinser (BC), Amy H. Zubko (BL).*

### **Admiralty Law Section**

#### **Activities and accomplishments:**

Section meeting planned for 17 Dec 2015. There will be a short business meeting followed by a CLE presentation titled Turbulent Terminal 6: For the past three-and-a-half years, Terminal 6 at the Port of Portland has been the site of a much-publicized labor dispute involving the ILWU's involvement in container operations. Labor lawyer Michael Garone will describe the legal proceedings and reported

decisions regarding this dispute, including cases before the National Labor Relations Board, the Oregon district court, and the federal courts of appeals.

#### **Budget:**

The section dues are \$15. An expenditure of \$100 is anticipated for the annual meeting and CLE, scheduled for 15 Dec 2014. Room rental is \$50. Refreshments will be served.

#### **Matters considered/Matters pending:**

The annual meeting and CLE are the principal activities of the section.

#### **Recommendations for 2016:**

Recruit new Section members and new executive committee.

*Respectfully submitted: Todd A. Zilbert (CH), Darien S. Loiselle (Past CH), John J. Breiling (TR), John R. Dudrey (SEC), Noah Jarrett, R Ray Heysell (BC), Sarah Hackbart (BL).*

### **Agricultural Law Section**

#### **Activities and accomplishments:**

In 2015, the Ag Law Section continued its pursuit of providing educational opportunities to its membership. The Section held its annual CLE on May 14 in The Dalles, Oregon. Topics were: Current State of Animal Welfare Laws and Emerging Issues, Emerging Marijuana Issues, Hot Topics in Employment Law Affecting Agricultural Businesses, and Confined Animal Feeding Operation (CAFO) Regulations in Oregon. The Section also held two Brown-Bag CLE events in Portland. The first, on January 27, was a legislative update. The second, held on November 12, was an update of agricultural employment laws.

#### **Budget:**

The Section entered 2015 with funds totaling \$4849. The Section's budget anticipated \$2300 in revenue through membership dues and CLE registrations and \$2599 in expenses. Budget numbers reported at the Executive Committee meeting in November suggest the Section will end the 2015 year slightly ahead of budget.

#### **Legislative issues:**

The Section did not expressly address any legislative issues in 2015. Instead, while the legislature was in session, members of the Executive

Committee monitored items of interest to the Section. The Section's January 27 Brown Bag CLE event was a legislative update.

***Matters considered/Matters pending:***

The Section followed through on its 2014 goal of expanding outreach to members and providing increased educational opportunities. The Section put on two Brown Bag CLE events in 2015 and has appointed new members to its subcommittee on membership development for 2016, with plans to continue hosting Brown Bag events. The Section is preparing to move the Section's website to a new bar platform in 2016 and to update content and revamp the appearance of the website in connection with that move.

***Recommendations for 2016:***

The Section should continue to pursue its goal of increased educational services to the Section. Because the corpus of the Section's membership resides in and around the City of Portland, the Section should endeavor to provide outreach events in the Portland area in 2016 and to utilize the website and listserv for educational purposes for the section members.

*Respectfully submitted: Karin E. Dallas (CH), Jeffrey C. Misley (CH-Elect), Helen Nelson (Past CH), Michael J. Gelardi (TR), Mary Anne Nash (SEC), Sally Anderson Hansell, Joseph H. Hobson Jr., Caroline Lobdell, Andrew G. Martin, Wyatt E. Rolfe, Brandy Augusta Sargent, Heath Curtiss (ADV), Timothy L. Williams (BC), Danielle Edwards (BL).*

**Alternative Dispute Resolution Section**

***Activities and accomplishments:***

This year, the Section: established a Bar-hosted listserv for its members; sponsored or co-sponsored three CLEs—"Anger: The Silent Decision Maker (How anger affects judgment and decision-making in negotiations and mediations)," "Early Resolution: Less Talk, More Action," and a probate mediation training program through the City of Beaverton Dispute Resolution Center and Clackamas County Resolution Services; awarded Jacqueline Abel with the Sid Lezak Award for Excellence in ADR; and made donations to the Oregon Minority Lawyers Association (to support diversity in ADR) and the Oregon Mediation Association (for OMA's annual fall conference). The Section's Executive Committee is currently considering additional donations to the Classroom

Law Project and the Campaign for Equal Justice. The Section did not publish any newsletters in 2015.

***Budget:***

As of October 31, 2015, the Section received \$4,570 in revenue, spent \$6,209, and had an ending fund balance of \$4,888.

***Legislative issues:***

The Section, through its chair, provided written testimony in support of supported SB 189, which changed ORS 36.224 to fix some inconsistencies in the process for state agencies to adopt model rules relating to mediation confidentiality.

***Recommendations for 2016:***

To establish the practice of sponsoring, each year, two one-hour brown-bag CLEs on the following topics: mediator ethics and mediation confidentiality. These specialized topics are of particular concern to mediators in Oregon, many of whom subscribe to the Oregon Mediation Association's Standards of Practice. The Oregon Supreme Court, in promulgating its court-connected mediator qualification rules (*see* CJO No. 05-028), also recognizes the importance of these topics by requiring court-connected mediators to have an hour of continuing education on each of these two topics every two years. While the Oregon Mediation Association, at its annual fall conference, usually offers courses on ethics and confidentiality, the Alternative Dispute Resolution Section should also support the education of Oregon lawyers on these issues, especially given the increasing importance of mediation in Oregon to the resolution of disputes in all areas of the law.

*Respectfully submitted: Mark A. Friel (CH), Amy L. Angel (CH-Elect), Xin Xu (TR), Christopher T. Carson (SEC), Thomas W. Brown, Eric O. English, Donna Parton Garaventa, Judith Giers, Daniel L. Harris, Myah Osher Kehoe, Roger A. Lenneberg, Gail A. McEwen, Michael J. Morris, Bruce L. Schafer, Sharon A. Williams, Ramon A. Pagan (BC), Amber Autumn Hollister (BL).*

**Animal Law Section**

***Activities and accomplishments:***

Emily Elison and Adam Karp, Executive Committee members of the section, spoke at the Animal Law Summit held at the Washington State Bar office in Seattle, Washington, in July 2015.

We continued to update our section website throughout the year with updates relating to animal law.

We began planning a CLE initially scheduled for the fall of 2015, but due to busy schedules, postponed the CLE to February 2016. Adam Karp is spearheading the CLE committee.

Amy Davidson, Chair, and other Executive Committee members made personal outreach to increase membership in the section. Unfortunately, the membership has declined.

**Budget:**

We had 63 paid memberships and 5 complimentary memberships. Our total revenue was \$945. Our total expenses were \$1338, for a loss of \$393. While there was a loss, this was a much smaller loss than in the previous year (\$1285).

**Matters considered/Matters pending:**

Currently the CLE is scheduled for February 2016 and planning is underway. We are working in coordination with the OSB CLE office. This will be our first all day CLE. The topic is "Animals in the Workplace." This will be a summary of how animal law intersects with employment laws. We anticipate a good participation with this novel topic.

The Section is working on reviving its internship program. The intern would assist with CLE preparation, website content, legislative matters, and other projects deemed appropriate by the Executive Committee.

**Recommendations for 2016:**

Recruiting new members will be a priority in 2016 to keep the section viable.

Because members are spread throughout the state, all Executive Committee meetings were held by phone in 2015. (In February 2015, we had an informal in-person gathering (more of a social event and not a meeting) with some Executive Committee members.) At least one in-person meeting would be preferable in 2016.

*Respectfully submitted: Amy L. Davidson (CH), Jaclyn Leeds (CH-Elect), Patricia Lulay (Past CH), Stacy McKerlie (TR), Denise S. Luk (SEC), Emily E. Elison, Lisa A. Frost, Adam P. Karp, Ted K. Martin, Shawna Rene Meyer, Mark E. Pilliod, Daina Arija Vitols, Alissa Migliore Weaver, Theresa M. Kohlhoff (BC), M. Kay Pulju (BL).*

**Appellate Practice Section**

**Activities and accomplishments:**

The Section sponsored or co-sponsored four CLEs this year, one of which was followed by the Section's annual Appellate Social.

On February 11, 2015, the Section held a CLE entitled "*What Just Happened? A Review of Significant 2014 Oregon Appellate Decisions.*" It was 1.5 credits. The speakers were Justice Jack Landau, Judge Erika Hadlock, Solicitor General Anna Joyce, and Professor Jeff Dobbins. Section Chair Robyn Aoyagi moderated. The CLE was well-received with approximately 47 attendees.

On October 7, 2015, the Section co-sponsored with the American Constitution Society a free lunchtime CLE, entitled *U.S. Supreme Court Review and Preview*, at the Multnomah County Central Library. It was 1.5 credits. The speakers were Scott L. Nelson (Public Citizen Litigation Group), Jay Austin (Environmental Law Institute), Scott Shorr, and Professor Jeff Dobbins.

On October 29, 2015, the Section held its Fall CLE & Social. The CLE portion was 2.25 credits. The CLE started with a two-hour panel discussion of *E-Briefing in Oregon*, followed by a 15-minute *Preliminary Report on the Court of Appeals Performance Standards Survey*. The panelists were Justice Kistler, Justice Landau, Judge Sercombe, Lisa Norris-Lampe, Kelly Zusman, and Cody Hoesly. Section Chair Robyn Aoyagi facilitated, as well as moderated the E-Briefing Q&A. After the CLE, Justice Walters made remarks on retiring Justice Virginia Linder, and Judge Flynn made remarks on retiring Chief Judge Rick Haselton, after which the Section presented both judges with framed artwork as a memento of their many years of service. The Appellate Social followed. The event was well-received with approximately 65 CLE attendees and 100 attendees overall.

On December 14, 2015, the Section will be co-sponsoring with the Federal Bar Association a CLE on *Ninth Circuit Appellate Advocacy*. The CLE is pending approval for 2.5 credits, including an ethics credit, and will be held at the Pioneer Courthouse.

The Section is in the process of deciding whether to continue publishing the Appellate Almanac. In 2015, we published a "Chair's Note" and one substantive article.

The Section continues to oversee the Appellate Pro Bono Program. Between January 1 and

November 1, 2015, the Court of Appeals referred ten cases, of which five were assigned.

**Budget:**

Regarding the 2015 budget, the Section began the year with a balance of \$9,160 and anticipates ending the year with a balance of approximately \$9,000.

The most significant cost of the year was the Appellate Social in October, which was attended by approximately 100 appellate judges and lawyers. This is the Section's biggest and most popular event of the year, and the Section is committed to keeping it free for members. Accordingly, the Section uses Section funds to cover the cost of the Appellate Social, which are significantly (but not entirely) offset by income from a CLE held immediately before the Appellate Social. The Section otherwise received net positive income from its CLEs this year.

For the second year, the Section sponsored an Oregon state appellate judge to attend the Appellate Judges Education Institute (AJEI) Summit. At Chief Justice Balmer's recommendation, the sponsored judge was Judge Tookey of the Court of Appeals. The Section believes that it is in the best interests of both the appellate bench and the appellate bar for our state appellate judges to be informed and engaged in national discussions of appellate issues.

In 2015, the Section made approved donations to the Classroom Law Project, the Campaign for Equal Justice, and the Oregon Minority Lawyers Association.

On the whole, the Section's actual income and expenditures for the year were in line with expectations. The Section is committed to managing its budget and providing value to Section members.

**Legislative issues:**

The Section completed its work on HB 2336, amending ORS 19.260, and the Governor signed the bill into law on May 18, 2015.

An issue arose in 2015 about the "entry" date for judgments under the new e-filing system. This issue was discussed at some length over the course of the year and will likely lead to a proposed ORAP amendment in 2016.

**Matters considered/Matters pending:**

The executive committee considered a number of other items in 2015, including the following.

In addition to the four CLEs actually held, the Section planned to offer a CLE on Fourth Amendment issues, but it was ultimately cancelled due to speaker scheduling issues. It may be possible to offer this CLE in the future.

The CLE committee looked in some depth into the possibility of recording the Section's CLEs. This has proved surprisingly challenging but is a priority for the CLE committee next year.

The executive committee had ongoing discussions over the course of the year about the future of the Appellate Almanac. The Section published the Appellate Almanac as a bound paper volume in 2006 (Vol. 1), 2007 (Vol. 2), 2008 (Vol. 3), 2009 (Vol. 4), 2010 (Vol. 5), and 2012 (Vol. 6). It has proven increasingly difficult over the years to obtain high-quality content for the Almanac. In 2013, the Section decided to switch to an electronic format. Despite a substantial push for articles this year, the only items actually published were a Chair's Note in January and an article submitted on request by Supreme Court staff in January. As such, at the November meeting, the 2015 Chair recommended discontinuing the Almanac, which matter will be taken up further by the executive committee in 2016.

The Section discussed in 2015 whether to recommend to the appellate courts that a digital clock be obtained and used for oral arguments. This issue was rendered moot when the court starting using a digital clock at most oral arguments.

An issue was brought to the Section's attention regarding the "entry" date for judgments under the new e-filing system. Working with appellate court staff, the immediate issue was resolved to the executive committee's satisfaction, but the Section will likely recommend an ORAP amendment in 2016.

Helen Hirschbiel gave a presentation to the executive committee in September 2015, regarding changes that will occur next year with respect to section websites and section CLE registration processes. These changes will impact the Section's future costs and are currently under consideration by the executive committee, including how to transition the Section's website to the new OSB platform.

The Section began discussions in 2015 about the possibility of starting an appellate list serve for Section members. This matter will be pursued further in 2016.

### **Recommendations for 2016:**

The 2015 executive committee recommends that the Section sponsor or co-sponsor two to four CLEs in 2016, as well as hold the annual Appellate Social in the fall, and that the CLE committee continue to investigate CLE recording options so that the Section's CLEs are more accessible to section members outside the Portland area.

The 2015 executive committee recommends that the Pro Bono Committee investigate possible changes to the pro bono program in 2016 to increase participation.

The 2015 executive committee recommends that the Section seriously consider whether to discontinue the Appellate Almanac.

### **Any other comments:**

At its annual meeting on October 29, 2015, the Section voted to approve the following officer slate for next year: Chair - Cody Hoesly, Chair-Elect - Jona Maukonen, Past Chair - Robyn Ridler Aoyagi, Treasurer - Sara Kobak, Secretary - Derek Green.

Due to having sufficient funds to maintain the desired level of activities, the Executive Committee decided not to increase dues in 2016.

*Respectfully submitted: Robyn Ridler Aoyagi (CH), Cody Hoesly (CH-Elect), Theodore P. Heus (Past CH), Jona Jolyne Maukonen (TR), Sara Kobak (SEC), Stephen P. Armitage, Neil Francis Byl, Beth Cupani, Derek Douglas Green, Jonathan W. Henderson, Anna Marie Joyce, J Aaron Landau, Christine N. Moore, Julie A. Smith, Eli D. Stutsman, Lisa E. Lear (ADV), Per A. Ramfjord (BC), Julie Hankin (BL).*

## **Aviation Law Section**

### **Activities and accomplishments:**

The Executive Committee meets at noon on the last Thursday of each month at the Oswego Lake Country Club. All Section members are invited as it is an open forum for discussions pertaining to local and national aviation law related issues.

The Section is closely affiliated with the Aviation Section of the King County Bar Association. This year the 42<sup>th</sup> Annual Pacific Northwest Aviation Law and Insurance Seminar was held at Davis, Wright & Tremaine in Seattle, Washington. The event was well attended by OSB lawyers from Oregon and the Northwest.

A number of Section members continue to be interactive with the Lawyer Pilot Bar Association, a national association of lawyers specializing in Aviation Law and related fields.

### **Budget:**

The Section received approximately \$1,300 in dues during the year. Revenues were used to underwrite the cost of the annual meeting, and an administrative support fee assessed by OSB.

### **Legislative issues:**

The Section continuously monitors the Oregon Legislature for aviation-related legislation and also monitors the Oregon Aeronautics Division in Salem, Oregon.

### **Matters considered/Matters pending:**

The Section will continue its collaboration and possible co-sponsorship of the annual Pacific Northwest Aviation Law Seminar with the Aviation Section of the King County Bar Association for the 2015 seminar.

### **Recommendations for 2016:**

The Section will continue to support the annual Pacific Northwest Aviation Law CLE Seminar in 2016.

The Section will continue to monitor the Oregon Legislative Sessions for aviation-related matters.

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

*Respectfully submitted: Philip A. Rush (CH), Patrick T. Foran (CH-Elect), James B. Fisher (Past CH), Christine Tracey (TR), Sue McKeon (SEC), Roderick A. Boutin, Alfred Frank Bowen, Donald B. Bowerman, Matthew K. Clarke, Thomas J. Flaherty, Robert B. Hopkins, Spencer Karel, Timothy E. Miller, Steven L. Myers, Stuart W. Smith, A Richard Vial, Jonathan M. Hoffman (ADV), John C. Hutchison (ADV), Barbara Ann Jacobson (ADV), David J. Sweeney (ADV), R Ray Heysell (BC), Sarah Hackbart (BL).*

## **Business Law Section**

### **Activities and accomplishments:**

In 2015, the Section carried out its mission through activities of its Executive Committee and its subcommittees, consisting of: Social/Planning Subcommittee (chaired by David Ludwig), CLE Subcommittee (chaired by Kenny Haglund), Website/Content Subcommittee (chaired by Ambyr O'Donnell)

and Legislative Subcommittee (co-chaired by Chris Hall and John Thomas).

Highlights of the Section's 2016 activities include: the annual full-day CLE on various business topics (held Nov. 5, 2015); a panel CLE on indemnification provisions and issues (held July 16, 2015); issuance of the James B. Castles Leadership Award to Ken Stephens at the Section's annual meeting; and hosting two social events (one social event held in Portland co-hosted by the Section and the Oregon Society of Certified Public Accountants, and another joint social/CLE event held in Bend). During 2016 the Section also revised its website structure and content and awarded \$1000 scholarships to outstanding business law student from each of Oregon's three law schools.

**Budget:**

The Section has approximately 1,000 members and anticipates that membership levels generally will remain the same in 2016. Section revenues, generated primarily through member dues, are budgeted to be \$28,500 for 2015, and Section expenses are budgeted to be \$39,200 for 2016. Section revenues and expenses for 2015 are expected to total approximately \$28,000 and \$46,700, respectively. The cash balance as of December 31, 2015 is expected to be approximately \$56,000.

**Legislative issues:**

The Executive Committee sponsored no legislative improvement proposals during 2015. The Section regularly considers potential improvements to the Oregon Business Corporation Act and the Oregon LLC Act.

**Recommendations for 2016:**

In 2016, the Section will continue to explore ways to fulfill its mission and is evaluating additional CLE and social opportunities in addition to its annual full-day CLE event and intends to hold CLE/ social events in Eugene and Bend. The Section will solicit and review nominations for its James B. Castles Leadership Award, and grant scholarships to outstanding business law students at Oregon's three law schools. The Section also expects to evaluate potential business law legislative proposals.

*Respectfully submitted: David S. Matheson (CH), Kenneth R. Haglund (CH-Elect), Benjamin G. Lenhart (Past CH), Justin B. Denton (TR), David R. Ludwig (SEC), Holley Young Franklin, Lorie Harris Hancock, Edward Charles Impert, James M. Kearney, Dave*

*Kopilak, Ambyr M. O'Donnell, Valerie Sasaki, Thomas Michael Tongue, Tyler John Volm, Kyle D. Wuepper, Kerry L. Sharp (BC), Dani Edwards (BL).*

**Constitutional Law Section**

**Activities and accomplishments:**

The Section had two major accomplishments this year.

First, the section held its annual CLE. The CLE included a discussion of recent United States Supreme Court cases by noted scholar Dean Irwin Chemerinsky, a discussion of recent Oregon Supreme Court cases by Hon. Jack Landau, Hon. David Schuman, and Alycia Sykora, and a discussion of judicial elections including Hon. W. Michael Gillette and Hon. Virginia Linder.

Second, the Section published its annual newsletter on recent developments in state and federal jurisprudence.

**Budget:**

The section's projected year-end balance is \$26,043. One of the principal items of discussion and action for 2016 will be activities to draw down the ending balance in future years.

**Legislative issues:**

Although the section was updated regularly on bills and measures of interest in the 2015 Legislative Assembly, the section did not actively promote or oppose any bills or ballot measures.

*Respectfully submitted: Gregory A. Chaimov (CH), Erin J. Snyder Severe (CH-Elect), C Robert Steringer (Past CH), P K Runkles-Pearson (TR), Alycia N. Sykora (SEC), Jermaine F. Brown, Roger J. DeHoog, Kevin Diaz, Matthew J. Kalmanson, Erin C. Lagesen, Jack L. Landau, Harrison Latto, Jennifer Middleton, Chin See Ming, Darin M. Sands, Hon. David Schuman, Edward H. Trompke, Vanessa A. Nordyke (BC), Paul Nickell (BL).*

**Construction Law Section**

**Activities and accomplishments:**

CLE Events: The Section hosted a full day CLE at the Oregon Garden entitled Advanced Construction Law which was attended by 67 bar members and other professionals.

Newsletters: The Section published a quarterly newsletter on various construction law topics. The newsletters were sent to members via e-mail and posted on the Section's website. Justin Monahan with Ball Janik assumed the role of Section Newsletter Editor for 2016. Alan Mitchell was presented with an Oregon State Bar plaque to recognize his 16 years of service as the Section's Newsletter Editor.

Charitable giving: The Section is contributing \$1,000 to Bar-approved charities for 2015.

**Budget:**

The Section projects an ending balance of approximately \$17,511 at the end of 2015.

**Legislative issues:**

Jeremy Vermilyea, one of our executive board members, heads the Section's Legislative Subcommittee. Jakob Lutkavage-Dvorscak was appointed as co-chair of the legislative subcommittee. Jacob and Jeremy will coordinate and report to the executive board members about new and ongoing issues at the regular meetings.

**Matters considered/Matters pending:**

The executive board is discussing the potential for a combined CLE with the Washington Construction Section in 2016. A subcommittee was formed and is working with Tom Wolfendale on the issue.

**Recommendations for 2016:**

- Continue to maintain the Section's website.
- Focus a bit more energy on legislative issues.
- Continue to post the Section's newsletter on the Section's website and encourage more submissions from Section members at large.
- Continue to host CLEs outside the Portland metro area (if feasible) to foster connections with a diverse geographic representation of section members.

*Respectfully submitted: John Daniel Gragg (CH), Tara M. Johnson (CH-Elect), Jason W. Alexander (Past CH), Daniel L. Duyck (TR), Doug L. Gallagher (SEC), Frederick A. Batson, Timothy M. Dolan, William G. Fig, Sandra D. Fraser, Douglas R. Hookland, Justin Monahan, Thomas A. Ped, Michael W. Peterkin, Tyler James Storti, Jeremy T. Vermilyea, Curtis A. Welch, D. Gary Christensen (ADV), C. Andrew Gibson (ADV), Darien S. Loiselle (ADV), Charles R. Schrader (ADV), Peter J. Viteznik (ADV), James C. Chaney (BC), Dawn Nelson (BL).*

## Consumer Law Section

**Activities and accomplishments:**

The section held a CLE on November 19, 2015. The all-day CLE was entitled Consumer Debt Collection: Overview and Current Developments and featured Edwin Chow, the West Region Director of the Consumer Financial Protection Bureau, as well as several executive committee and section members involved in debt-collection. In July, the executive committee and other section members met with Oregon Attorney General Ellen Rosenblum and other DOJ attorneys to update section members about enforcement actions and polices effecting Oregon consumers, and for section members to provide feedback and suggestions based upon their diverse consumer-related practices.

In May, the social justice subsection of the Executive Committee volunteered at Potluck in the Park at O'Bryant Square, serving meals to those in need.

The section no longer has a newsletter; instead the section's website <https://consumerlaw.osbar.org/> regularly has new consumer law-related content provided by its members as well as information about the section and section activities. Regular announcements of website submissions and articles addressing consumer issues have been sent section-wide via the section listserv.

**Budget:**

As of October 22, the projected ending fund balance was \$8,995.00 Given the success of the recent CLE, that fund balance should increase by approximately \$2,000.00 Net revenue before the CLE was \$3,473.00.

**Legislative issues:**

The section continues to be active in monitoring bills in the legislature. Some of the bills that the section backed or made revisions to were HB 2252 (Requires person that engages in business as debt buyer in this state to obtain registration from Department of Consumer and Business Services), HB 3234 (Requires collection agency to enter into or attempt to enter into mediation with debtor before bringing action to collect claim or account), and SB 274 (Provides that attorney authorized to practice law who renders legal services in course of representing client is not required to register as collection agency)

**Matters considered/Matters pending:**

In order to increase the content on the section's website, the executive committee has discussed, and will continue to discuss, requirements for content contributions of its executive committee members. Another pending matter for 2016 involves whether the section will make additional charitable contributions to organizations that advance consumer-related issues.

**Recommendations for 2016:**

The section should sponsor at least one CLE for 2016. Section sponsored CLEs have been successful recently and have allowed the section to increase its fund balance. With the OSB's proposed CLE co-sponsoring profit-sharing model, the section may be unable to rely on CLEs to generate funds in the future and may need to consider other means to increase its funds. The section will continue to evaluate how to improve the value it provides to its members, including the increase of consumer law content on its website. The section will follow through on its sponsored legislation and will keep monitoring, and perhaps proposing, additional legislation related to consumer issues.

*Respectfully submitted: David W. Venables (CH), Michael Fuller (CH-Elect), Kelly Donovan Jones (Past CH), Kelly L. Harpster (TR), Jeremiah Vail Ross (SEC), John D. Adams, Brenda M. Bradley, Mark Coleman, Hope A. Del Carlo, Keith D. Karnes, Bret A. Knewtson, David L. Koen, Eva H. Novick, Jordan M. Roberts, Joel D. Shapiro, Richard A. Slottee, Michael D. Levelle (BC), Matthew Shields (BL).*

**Corporate Counsel Section****Activities and accomplishments:**

March 2015: held a networking event at Miller Nash; April 2015: put on Spring Roundtable CLE; June 2015: hosted a free networking luncheon at the Lake Oswego Country Club; August 2015: hosted a wine networking social at August Cellars in Newberg, Oregon; October 2015: held a full-day CLE at the OSB Offices; October 2015: put on a Fall Roundtable CLE; Maintained and improved the Section's website, by incorporating information for the upcoming events, and uploading photos of the events; Created a LinkedIn group for the Section.

**Budget:**

Membership numbers held steady and increased to over 400.

The ending balance for the Section that is currently in reserve is \$16,346.

The committee approved financial support to three Legal Clinics in 2015 at each individual law school.

*Respectfully submitted: Irina S. Batrakova (CH), Ann L. Fisher (CH-Elect), Gary H. Lau (Past CH), Amy Blumenberg (TR), Kristie L. Gibson (SEC), Travis J. Benn, Kimberly S. Boswell, Anthony J. Dal Ponte, Alex Michael Duarte, Ian V. Ford, Allyson Keo, Harlan E. Levy, John P. Nusbaum, Simeon D. Rapoport, Brian S. Thompson, Meghan E. Williams, Kathleen J. Rastetter (BC), Linda L. Kruschke (BL).*

**Criminal Law Section****Activities and accomplishments:**

On Friday, April 10, 2015, the Executive Committee held our Annual Contemporary Issues in Criminal Justice CLE entitled "Keeping Pace with the Science of Criminal Law." It was our 29<sup>th</sup> annual presentation and was held at the conference facility at Bar Office in Tigard. The program included a presentation by Thomas Fedor on DNA, emphasizing the practical application of the science of DNA in the criminal law arena, the annual Appellate Update, and a Legislative Update. The entertaining and educational highlight was provided by Thomas Lockridge and Steve Wilson, attorneys from Kentucky, who narrated and produced "Ethics, the Movie." It was a tongue-in-cheek production with local "actors" graphically demonstrating areas of ethical problems followed by analysis in light of our Oregon ethical rules. The presentation was very well received, and the evaluations reflected attendees' approval. The updates were provided by speakers from the Office of Public Defense Services as well as the DOJ Appellate Division and members of the Section's executive committee. The CLE was attended by approximately 100 persons.

On October 2, 2015, we again held our annual Regional Fall CLE where we reach out in the state to areas where CLE programs are seldom held in person. This year was our third such presentation, this time in Pendleton at the Wildhorse Resort and Casino. A little more than 20 persons were in attendance, and all rated the program very highly. It included Access to Justice on Native American Tribal Law, Animal Abuse Law, Elder Abuse Reporting, a Legislative Update, Prior Bad Acts, and the always well-received Appellate Update.

The Section's annual meeting was held on the same day, October 2<sup>nd</sup>, immediately following the CLE presentation.

**Budget:**

The Section continues to be fiscally sound. By contracting for presenters for the CLE programs, we are spending down our budgetary surplus. The cost of membership again remained the same as it has for several years, and we have maintained the same charge for registration for the annual and regional CLEs. The Section again made contributions, this year to the Oregon Minority Lawyers Association, the Classroom Law Project, and the Campaign for Equal Justice.

**Legislative issues:**

This year the Executive Committee discussed a few legislative issues but took no position on any of them. This is normal for our group, as a vote on substantive legal issues would be an even split in most circumstances. Late in the year, the Committee reviewed potential issues for the 2016 Legislative session but again will not be taking any positions.

**Matters considered/Matters pending:**

The Executive Committee spends most of its energy on the annual and regional CLEs. Planning and presenting the programs for both prosecutors and defenders requires thoughtful and considerate planning and is a process that clearly contributes to the overall atmosphere of the Committee. Our programs have been well received, and for the most part it is attributed to the cooperative efforts of the members of the Committee. Over the last few years, the attendance at the spring CLE in Portland has shrunk, and we would like to increase that number in the future. Also, we are continuing to explore ways of increasing the attendance at our regional programs in the fall to reach more members with live programs around the state.

The Committee is still working to establish a viable website. We have been able to make available online our materials for the CLEs, but we have not yet decided on a website that will meet our requirements and one that will be easily kept current with Section information for members. The Committee will continue to discuss and plan for implementation of this project into 2016.

We have used a survey program to seek the ideas and opinions of members and will be discussing the suggestions in the coming months.

**Recommendations for 2016:**

In addition to the subjects mentioned above, the Executive Committee is already actively planning the two CLE programs and beginning the necessary advertising for those programs. We are working with the Bar staff to assure that the process is timely and carried out smoothly. The Committee will be working within the budgetary constraints in providing the best service possible to the Section members.

*Respectfully submitted: Daniel Ousley (CH), Shawn Evans Wiley (CH-Elect), Gregory B. Scholl (Past CH), Aaron L. Brenneman (TR), Jamie S. Kilberg (SEC), Bradley C. Berry, Milan E. Castillo, Steven H. Gorham, Donna Brecker Maddux, Amy M. Queen, Timothy A. Sylwester, Kristen Lynn Tranetzki, Peter L. Deuel (ADV), Guy B. Greco (BC), Michelle Lane (BL).*

**Debtor-Creditor Section**

**Activities and accomplishments:**

In 2015, the section sponsored three CLE programs: (1) the annual Saturday Session meeting held on February 28, 2015, at the Salem Conference Center to address bankruptcy court practice, (2) the annual Northwest Bankruptcy Institute, which was held on May 1 and 2, 2015, at the Portland Marriott Downtown Waterfront Hotel; and (3) the section's Annual Meeting and CLE, which was held on September 16 and 17, 2015, at Sunriver Resort. The section also continued publication of its three-times-each-year newsletter to its members.

At the annual meeting, the section's Award of Merit was awarded to two section members: Bankruptcy Judge Frank R. Alley and attorney Todd Trierweiler. The award criteria include extraordinary service to the section members, outstanding contributions to legal education, promotion of professionalism, and community involvement, including pro bono assistance to Oregonians with debtor-creditor legal problems.

The section's Local Bankruptcy Rules and Forms Committee continued its practice of working for most of the year on proposed rule and form amendments to propose to the bankruptcy judges. The judges have adopted a majority of the section's proposals, which became effective on December 1, 2015.

**Budget:**

Based on the presently available financial data (that through October 31, 2015), the section's actual 2015 revenues and expenses appear to be generally within an expected range of the budgeted revenues and expenses. Although some actual expenses have been higher than budgeted, they are not substantially so. The ending fund balance as of October 31 is less than one year of projected expenses. Actions taken by the section's Executive Committee over the last few years to reduce expenses and enhance stable revenue have apparently been successful in arresting the reduction in the ending fund balance.

**Legislative issues:**

In 2015, the section proposed SB 368 to amend ORS 88.010 and related statutes to make clear that a "money award" is not a requirement in a judicial foreclosure. The bill was adopted by the legislature and approved by the governor. The section has not sponsored any legislation for the 2016 session.

**Matters considered/Matters pending:**

In 2015, a task force of the section's Executive Committee continued working with Legal Aid Service of Oregon to evaluate how the section's existing pro bono bankruptcy clinic programs can be expanded throughout Oregon. Also, the EC's Public Education Committee continued its process of evaluating several existing programs by which volunteers present financial education to high school students.

*Respectfully submitted: David W. Hercher (CH), Richard J. Parker (CH-Elect), M. Caroline Cantrell (Past CH), Clarke Balcom (TR), Justin D. Leonard (SEC), Jason M. Ayres, David A. Foraker, Leslie Andrea Gordon, Vanesa Pancic, Stephen A. Rahe, Natalie Carol Scott, Timothy A. Solomon, Joseph M. VanLeuven, Britta E. Warren, C. Casey White, Charles A. Wilhoite (BC), Karen D. Lee (BL).*

**Disability Law Section****Activities and accomplishments:**

Our major accomplishment this year was a new website, designed for maximum accessibility and as a template for other section websites.

We created a survey to members of the Disability Section to better inform ourselves of what they would like to see us focus on.

We wrote an article for the Oregon Bar Bulletin about accessibility.

We also created a professional development scholarship.

We recruited new members of the Bar to the Executive Committee of the Disability Section.

We planned for a major CLE, which will occur in March 2016, re higher education and accommodation, with a panel presentation.

We reached decisions on how to spend our surplus.

We co-sponsored an OMLA event and an OWLS event – disability social.

**Recommendations for 2016:**

Continue to populate website, increase participation in the section, co-sponsor and be involved in worthwhile presentations by other sections, educate the Bar and the public about disability issues.

*Respectfully submitted: Cheryl F. Coon (CH), Lin J. Hendler (CH-Elect/SEC), Beth Englander (Past CH), Ann Marie King (TR), Risa M. Davis, Emily Teplin Fox, Monica A. Goracke, Kathryn L. Kammer, Audrey T. Matsumonji (BC), Christopher Ling (BL).*

**Diversity Section****Activities and accomplishments:**

Broad Representation: The OSB Diversity Section Executive Committee (DSEC) continues to reflect a broad representation of the OSB membership with executive committee members from a range of geographic locations and from specialty bars, government practice, Oregon law schools, and small/med-sized/large law firms.

Outreach, Inclusion and Networking: On March 19 a joint retreat was co-chaired by Hon. Julia Philbrook, Chair of DSEC and Cindy Starke, Chair of the OSB Advisory Committee on Diversity and Inclusion (ACDI) Maryiann Hyland gave a historical perspective on ACDI and the Diversity Section. OSB President Richard Spier and those in attendance discussed common goals and how to achieve them.

On July 31 a joint social for members of ACDI and DSEC was hosted by DSEC member Randy Arthur.

Judge Philbrook and other committee members attended and contributed to these important gatherings in support of our mission: Tillicum Gathering of specialty bar leaders on May 13; MBA Diversity Mixer on June 15; Opportunities for Law in Oregon Orientation on August 7-9, where DSEC members Jonathan Patterson and Claudia Groberg were co-chairs for the first OLIO Alum Reunion; and the Annual HOD meeting on November 6.

Convocation on Equality Toolkit: A best-practices manual for diversity recruiting, retention, and hiring is now with a copy editor at the Oregon State Bar. It is anticipated there will be final edits after feedback from the chapter authors with a goal of publishing in February 2016. Emilie Edling has coordinated and stewarded the mission to finalize this important publication.

Judicial Recognition Committee: The committee continues its charge to recognize judicial officers of diverse backgrounds who are serving the bar and the public. This committee drafted letters of congratulations for all the recipients of the OSB and OWLS awards. Audrey Hirsch, a committee member organized a special recognition for Judge Cheryl Pellegrini at an event at the Marion County Courthouse on October 12. Other committee members include Daniel Santos, Jessica Asai, and Judge Philbrook.

CLE Committee: This newly formed committee, chaired by Judge Albrecht, organized and supported three CLE events in 2015. Other committee members are Carlos Rasch, Gabriela Sanchez, Jonathan Patterson and Sean Brennan.

The first CLE and social "Race in the Rotunda: Promoting and Monitoring Minority Interests in the Legislature" was co-sponsored by Willamette University College of Law and held at the University Center in Salem on June 3. Danny Santos led the panel and presenters included Liani Reeves, Judy Parker, and Lucy Baker.

The second "Women's Rights are Human Rights – Or Are They?" was held at the Mark O Hatfield Courthouse in the Courtroom of the Hon. Anna Brown on August 31. Lisa LeSage from the ABA Rule of Law Initiative spoke about her work in Turkey and the role of women's rights in international law.

The third, "Create, Connect, Contract-The Nuts and Bolts of Public Contracting for Minority and Women-Owned Businesses" CLE was held on September

24 at the Hotel Monaco in Portland. The presenters included Melvin Oden-Orr and Lisa Gramp.

Collaboration and Communication Committee: This committee co-chaired by Claudia Groberg and Shannon Richard and ably assisted by Audrey Hirsch and Megan Livermore supported the efforts of other committees and completed many tasks that will help the section moving forward. The committee updated the DSEC website, completed a Diversity Section member survey, and provided materials about our section at OLIO and to new admittees at swearing in ceremonies. They were responsible for promoting the section and our CLE's. This committee drafted letters encouraging others to join the section.

***Budget:***

The section provided monetary support for OLIO, Oregon Minority Lawyers Association (OMLA) and the Lawyer's Campaign for Equal Justice (CEJ). The section paid for editing of the Toolkit with convocation funds and also voted to provide complimentary membership to law students, judicial staff and new admittees. Jessie Young prepared budget reports and forecasts for our section. Lane Powell and newly elected DSEC member, Gabriela Sanchez have generously agreed to host our monthly meetings in 2016.

***Matters considered/Matters pending:***

Toolkit finalization.

***Any other comments:***

The OSB Diversity Section envisions an Oregon State Bar that reflects the diversity of the people of Oregon. The Diversity Section has been actively involved in activities designed to organize and lead the effort to promote diversity in the Oregon State Bar.

***Recommendations for 2016:***

Continue to collaborate with and support minority and specialty bar associations. Reach out to specialty bar associations for advisory members. Solidify a more concrete method of electing officers for 2017.

*Respectfully submitted: Hon. Julia Philbrook (CH), Yesenia Gutierrez (Ch-Elect), Jessie D. Young (TR), Janna Beth M. Kim (SEC), Randy L. Arthur, Jessica A. Asai, Thomas S. Brennan, Emilie K. Edling, Rima I. Ghandour, Claudia G. Groberg, Audrey B. Hirsch, Megan I. Livermore, Jonathan A. Patterson, Shannon L. Richard, Nicole Rachael Commissiong (ADV).*

*Daniel P. Santos (ADV), Audrey T. Matsumonji (BC), Mariann Hyland (BL).*

## **Elder Law Section**

### **Activities and accomplishments:**

The Elder Law Section Executive Committee meets 6 times a year, and is comprised of 5 officers and 9 members for a total of 14.

Most activities of the Elder Law Section take place through the work of specific Section subcommittees. The 4 subcommittees of the Elder Law Section Executive Committee include the CLE Committee, Newsletter Committee, Legislative Committee, and Elder Abuse Committee. Subcommittee membership is open to all interested section members.

**CLE Subcommittee:** The CLE subcommittee, chaired by Donald Dickman, is responsible for planning Section CLEs. The Section has traditionally sponsored, in conjunction with OSB, an annual CLE in Portland, with replay opportunities around the state.

On October 2, 2015, the Section presented "Elder Law Elements 2015" at the Oregon Convention Center. Topics included Medicaid Eligibility for Long-Term Care, Medicaid Issues and Planning Strategies, Special Needs Trusts and ABLE Accounts, Elder Law Concerns in Estate Planning, Protective Proceedings basics, and Elders Abuse Reporting Requirements.

On April 24, 2015, the Section held its 12<sup>th</sup> annual UnCLE, an informal day-long session in Eugene where participants meet with their peers to "talk shop" both in workshop settings and over breakfast, lunch and social hour. The number of attendees is limited to 80. The UnCLE provides 4 separate sessions - with each session offering 4 topics from which attendees can select to participate. The topics usually include estate planning, protective proceedings, Medicaid and Practice Management. Attendees bring printed materials to share and actively participate in session discussions by raising questions and providing answers based on personal and practice experience.

**Newsletter Subcommittee:** The quarterly Elder Law Section Newsletter, professionally edited by Carole Barkley, is a major benefit provided by the Section to its members. The Subcommittee is chaired by Erin Evers. Its members and the editor determine each issue's focus, and then recruit writers

for specific topics to fit the focus. The newsletter is distributed electronically, saving money and environmental resources. Issues from past years are available on the Section's webpage on the OSB website.

**Elder Abuse Issues Subcommittee:** This subcommittee has been primarily focused on monitoring the Legislature's Elder Abuse Work Group. The committee was inactive in 2015.

**Legislative Subcommittee:** During 2015, the subcommittee worked extensively with the Section, the Bar, and other stakeholders to monitor and participate in legislative proposals that affect elders and incapacitated or financially incompetent populations. It is chaired by Anastasia Meisner.

### **Budget:**

As of November 30, 2015, the Elder Law Section had 575 paid memberships and 29 complimentary memberships (given to judges, court staff and OSB members of 50 or more years). This is a 5% increase from 2014. Annual dues remain at \$25. The Section maintains a reserve to allow for special projects from time to time, and to assure a continued ability to offer newsletters and CLEs. In addition, the Section made contributions to the Campaign for Equal Justice and the Oregon Minority Lawyers Association.

### **Matters considered/Matters pending:**

Various Section members have been involved and will continue to be involved with legislative proposals. In addition, planning is underway for both the May 2016 and October 2016 CLE events and the newsletter themes and topics are being settled for 2016.

### **Recommendations for 2016:**

The Section will consider whether to reestablish holding an annual weekend retreat. This opportunity would allow Executive Committee members to team build, identify possible 2016 Section projects, and develop strategies to achieve adopted projects.

*Respectfully submitted: Erin M. Evres (CH), Kay Hyde-Patton (CH-Elect) Michael A. Schmidt (Past CH), Monica D. Pacheco (TR), Jan Elana Friedman (SEC), Kathryn M. Belcher, Victoria D. Blachly, Jason C. Broesder, Don Blair Dickman, Darin J. Dooley, Tim McNeil, Anastasia Yu Meisner, J. Thomas Pixton, Whitney D. Yazzolino, R. Ray Heysell (BC), Matthew Shields (BL).*

## **Energy, Telecommunications & Utility Law Section**

### ***Activities and accomplishments:***

In 2015, the ETU Section sponsored 3 CLE's (7.5 hours of MCLE credits approved), one Networking session and the annual meeting. CLE topics included; Impact of Marijuana Legalization on Electric Utilities, Ethical issues in practicing before the OPUC, Google Fiber/Telecommunications, OPUC update and a Legislative update.

### ***Budget:***

The Section began the year with a surplus of \$7,012. After revenues of \$5,945 and expenses of \$8,334, the section is forecast to end 2015 with a surplus of \$4,623. This is consistent with the Executive Committee's goal of reducing its surplus.

### ***Legislative issues:***

The Section did not take a position on any legislation in 2015. The Section does not anticipate taking a position on legislation in 2016.

### ***Matters considered/Matters pending:***

The Executive Committee did not consider any matters outside the activities and accomplishments described above, and no other matters are pending.

### ***Recommendations for 2016:***

I recommend that the section continue to offer free/low cost CLEs to members and provide networking opportunities for members. The section should target 3 CLEs, one networking opportunity, and its annual meeting. I also recommend that the section continue its renewed focus on offering CLEs. I recommend that the Section consider developing and adopting an annual CLE plan for the next year instead of planning CLEs on a 3-6 month rolling timeframe.

*Respectfully submitted: Henry R. Tilghman (CH), Betsy Bridge (CH-Elect), Scott M. Rickard (Past CH), Alan J. Galloway (TR), G. Catriona McCracken (SEC), Stephanie S. Andrus, Sarah E. Edmonds, William E. Hendricks, Jeffrey S. Lovinger, Adam Lowney, Timothy L. McMahan, Jonathan M. Norling, David C. Olson, Mark R. Thompson, Mark P. Trincherio, Mary M. Wiencke, Matthew D. Yates, James C. Chaney (BC), Cheryl L. McCord (BL).*

## **Environmental & Natural Resources Section**

### ***Activities and accomplishments:***

ENR held one CLE brownbag lunch in 2015 and an all-day CLE ("Year in Review") on October 23 at McMenamans Edgefield. Both were well-attended and well-reviewed by attendees. The section produced four editions of its electronic newsletter, E-Outlook, and published its Casenotes newsletter five times. There was one section field trip to visit the Willamette Falls and former Blue Heron paper mill area in Oregon City. In the spring the Executive Committee hosted a pizza party at Willamette Law School to thank students for their drafting of case notes that the Executive Committee circulates to its members. The Executive Committee provided informational materials for the Bar swearing in ceremony this past summer.

### ***Budget:***

The Executive Committee (EC) approved the 2016 budget with the following provisions. Dues will remain the same in 2016 at \$20 per year. Projected 2016 revenues are \$14,580 and projected expenses are \$13,850.00. This budget will provide for a reserve balance of approximately \$14,800.

### ***Legislative issues:***

The section issued an eOutlook on the 2015 legislative session to inform members of environmental and natural resources legislative actions and activities.

### ***Matters considered/Matters pending:***

The section is not aware of any parties that have utilized the pro bono directory of attorneys willing to provide assistance to environmental nonprofits and other groups. Accordingly, we are in the process of updating the directory and in 2016 will be engaging in a renewed effort to inform organizations that may wish to utilize the services of a pro bono attorney about the directory.

The section will hold the annual meeting in December where Executive Committee elections will take place. At the meeting we will again be providing our annual award to a deserving attorney, recognizing leadership, service, and outstanding contributions in the areas of environmental and natural resources law.

**Recommendations for 2016:**

Continue to produce quality E-Outlook articles, sponsor CLE brownbag lunches, issue the Casenotes newsletter and organize field trips of interest to Section members. We will also explore ways to connect with other regions in the state, present another high-quality CLE in October, and seek diversity in the Section and Executive Committee membership.

*Respectfully submitted: Patrick G. Rowe (CH), Karen L. Moynahan (CH-Elect), John H. Marsh (Past CH), Dustin Trowbridge Till (TR), Lawson E. Fite (SEC), Lawrence B. Burke, Rose Francis, Michael C. Freese, Sarah R. Liljefelt, Kirk B. Maag, Kate LaRiche Moore, Mary Anne Nash, Jared A. Ogdon, Karin Power, David A. Rabbino, L. Ansley St Clair, Christopher G. Winter, Kerry L. Sharp (BC), Stacy R. Owen (BL).*

**Family Law Section****Activities and accomplishments:**

The 2015 Family Law Section Annual Conference was a great success this year with almost 400 registrants and an excellent panel of speakers. The conference was hosted at Salishan Resort and approved for 13.75 CLE credits, including 3 Ethics and 1 Elder Abuse. The section is proud to offer this CLE for one of the lowest costs per CLE credit of all the sections.

This year, we implemented the new Professionalism Award and presented it to Paul DeBast at the Family Law Conference.

The Family Law Newsletter was published every other month by our esteemed newsletter editor, the Honorable Judge Daniel Murphy.

There was a change to the name and mission, as well as some of the operating procedures, of the Standing Committee on Adoption and Assisted Reproductive Technology (previously the "Standing Committee on Adoption").

**Budget:**

The Section continues to be in a strong financial position thanks to membership dues and the large number of registrants at the annual conference. Our Section dues are still \$25.00 per member.

**Legislative issues:**

The Family Law Section sponsored SB 370, which was passed and goes into effect on July 1, 2016. SB

370 provides that certain death benefits available to members of Public Employees Retirement System and other public employer retirement plans may be paid to former spouse and dependent child as provided in judgment of annulment or dissolution of marriage or of separation.

**Matters considered/Matters pending:**

This year we had a subcommittee work hard to move our 2016 and 2017 Annual Conference to Sunriver, Oregon. We will test out this new venue and welcome input from the section members on how they like the change.

We are working on whether and to what extent we can post the materials from past CLEs on the section website.

**Recommendations for 2016:**

The Board of Governors is making a number of policy decisions that will affect CLE seminars in the future. The Bar may be more directly involved in the CLE seminars, and some of the work for the Executive Committee in 2016 will be to work with the bar to smoothly implement these changes. Another change will be that the section website will eventually be hosted on the bar platform. The website subcommittee of the Executive Section will be working closely with the Bar to make sure our website continues to provide the section members with the most helpful information.

The Executive Committee welcomes its newest member, Gwen Moore of Johnson, Phillips & Moore, in Bend, Oregon.

**Any other comments:**

We'd like to extend our thank you to Laura Rufolo, who has been on the Executive Committee for the last 8 years! We truly appreciate all the work she's done over the years and especially her important role as the "institutional memory" for all things not officially put into a policy. Thank you Laura- you will be greatly missed!

*Respectfully submitted: Debra Dority (CH), Kimberly A. Quach (CH-Elect), Lauren Saucy (Past CH), Zachary Fruchtengarten (TR), Jennifer E. Currin (SEC), Jennifer J. Brown, Andrew D. Ivers, Murray S. Pettit, Laura B. Rufolo, Annelisa D. Smith, Melinda Thomas, Stephanie F. Wilson, Guy B. Greco (BC), Susan Evans Grabe (BL).*

## Government Law Section

### **Activities and accomplishments:**

Continuing Legal Education Seminars: The Government Law Section planned and presented two accredited Continuing Legal Education seminars in 2015. Each CLE was developed by a volunteer subcommittee of the Section's Executive Committee. The Winter CLE was held in February at Salishan and the Fall CLE was co-sponsored by the OS Bar and held in October at the Hotel Monaco in downtown Portland.

The February CLE at Salishan Spa and Golf Resort covered topics of marijuana, Ethics, LUBA, PECBA and ERB, and free speech and art. The CLE was attended by over 50 lawyers and was well-received. The CLE subcommittee solicited sponsorships to host a social hour at the conclusion of the CLE. The social provided an opportunity for public law practitioners to socialize in a relaxed, collegial setting.

The October CLE was co-sponsored by the Oregon State Bar. It covered topics of marijuana, public records, new legislation, discretionary immunity, the right to rest, the FOG program, and police body cameras. The CLE was at capacity for the room and well-received. As our surplus budget continues to grow, at this CLE we sponsored lunch for the attendees. At the conclusion of the CLE, the section adjourned to its annual business meeting, followed by a social hour.

Regular Meetings and Annual Meeting: On the second Tuesday of each month at 1:30pm, the Section's Executive Committee conducts its regular meetings at the bar headquarters in Lake Oswego. Executive Committee members typically attend telephonically by dialing into 1-888-891-0496; Passcode 854884. All are welcome to attend and may attend by telephone.

The Section again convened its annual meeting in conjunction with the Fall CLE. Business included election of open executive committee positions, as well as officers of the executive committee.

Website: The Government Law Section maintains a website which contains information regarding membership, including listing officers and Executive Committee members. The website provides links to our CLE announcements, and it lists job opportunities of interest to the membership and Bar at large. Maintenance of the website is on-going.

E-mail updates: The committee also continued to send out periodic email updates and alerts to Section members on legal developments, employment opportunities, and topics of interest to public law practitioners.

Scholarships: The Section continues to offer scholarship opportunities to practitioners in need. The Section offers up to 25 scholarships to pay admission to Section. In addition to that, the section provides scholarships to CLEs for new admittees interested in public practice and for practitioners who cannot afford the costs of admission.

### **Budget:**

As of September 2015, annual revenue is \$14,804 and expenses are \$12,050, for net revenue in the amount of \$2,754. The section made charitable contributions in the amount of \$3,000.

The Government Law Section submitted a budget for 2016. The Budget shows a beginning fund balance in the amount of \$18,503, and projected ending fund balance in the amount of \$16,768. The Section projects 2016 revenues in the amount of \$13,570 and expenses in the amount of \$15,305. The 2015 budget allocates funds for a \$1,500 contribution to the Campaign for Equal Justice and a \$1,000 contribution to the Oregon Minority Lawyers Association, and \$500 to the Classroom Law Project. The section expects to have approximately 430 total members in 2016.

### **Matters considered/Matters pending:**

We are starting work on our next CLE in February 2016.

### **Recommendations for 2016:**

Our 2016 budget reflects the recommendation to continue our scholarship for new and needy members, as well as continuation of charitable contributions for Campaign for Equal Justice and Minority Lawyers.

*Respectfully submitted: Alan Andrew Rappleyea (CH), Benjamin Walters (CH-Elect), John R. Huttli (Past CH), Kathryn A. Short (TR), Chelsea Glynn (SEC), Eric Blaine, James K. Brewer, Thomas A. Brooks, Laurie E. Craghead, Eric S. DeFreest, Chad A. Jacobs, Tamara E. Jones, William K. Kabeiseman, Alison R. Kean, Brena Moyer Lopez, Sean E. O'Day, Terence L. Thatcher, Kathleen Rastetter (BC), Denise Cline (BL).*

## Health Law Section

### **Activities and accomplishments:**

In 2015, the section provided multiple lunch time CLEs with food at no cost to participants, multiple networking events with food at no cost to participants, and an annual day long CLE in October. Membership dues were waived for judges, judicial lawyer staff, new bar members, fifty year bar members, and law students.

### **Budget:**

The section conducted its activities within the 2015 budget, and maintains a modest surplus of funds.

### **Legislative issues:**

The section continues to monitor health related legislation and provides membership with updates through a website link and CLE offerings.

### **Recommendations for 2016:**

In 2016 the section will continue focusing on providing educational and networking opportunities for section members, adjusting its budget accordingly.

*Respectfully submitted: Jenny Franks (CH), Mary Anne Anderson (CH-Elect), Tamara X. Arthur (Past CH), Deanna Paige Laidler (TR), Leslie Bottomly (SEC), Rachel Anne Woods Arnold, Jonathan H. Bauer, Sarah L. Bimber, Meghan Bours, Jeffrey D. Kirtner, Susan J. Mahoney, Molly K. Marcum, Shannon K. O'Fallon, Brian M. Parrott, Roger M. Saydack, Hillary A. Taylor, Travis S. Prestwich (BC), Dustin Dopps (BL).*

## Indian Law Section

### **Activities and accomplishments:**

Sponsored day-long CLE on "Justice in Indian Country," including out of state presenters, and made CLE available to NALSA volunteers.

Continued to offer support to Tribal-State Judicial Consortium; members assisted in planning and presenting at consortium kick-off meeting.

Distributed ILS materials at swearing-in ceremony.

Maintained ILS website.

### **Budget:**

ILS conducted its activities within the 2014 budget, except for exceeding its CLE budget in order to make the CLE available for a reasonable cost, maintained significant overall fund balance.

### **Legislative issues:**

Monitored legislation; no specific proposals submitted.

### **Matters considered/Matters pending:**

The section is continuing to plan for brown bag CLEs, including co-sponsoring with the Natural Resources Section, and reached out to the Elder Law Section about possible co-sponsorship.

### **Recommendations for 2016:**

Continue to plan brown bag CLEs and potential additional Section CLE or joint CLE with another section such as Natural Resources or Elder Law.

Continue to offer support to Tribal-State Judicial Consortium.

*Respectfully submitted: Stephanie L. Striffler (CH), Melissa Masat Robertson (CH-Elect), Craig J. Dorsay (Past CH), Nathan A. Karman (TR), Diane Henkels (SEC), Kristy Kay Barrett, Jennifer Biesack, Anthony Stephen Broadman, Stephen P. Kelly, Lauren J. Lester, Douglas C. MacCourt, Lee Kevin Shannon, Patrick Sullivan, Cathern E. Tufts, Kristen L. Winemiller, Jessie D. Young, Guy B. Greco (BC), Michelle Lane (BL).*

## Intellectual Property Section

### **Activities and accomplishments:**

The Executive Committee continued its tradition of using subcommittees to oversee a variety of issues relevant to the Section. These subcommittees were: CLEs, Outreach, Brown Bag CLE Series, Legislative, and Website. The Scholarship subcommittee was discontinued this year, due to a lack of interest in the Section's scholarship program.

The Section held its annual "Year in Review" CLE at the Bar Center on February 13, 2015, and it continued the monthly Brown Bag CLE series at the Ace Hotel/The Cleaners in Portland throughout the year. The Annual Meeting was held on October 7, 2015, at the Sentinel Hotel, with John Cabeca, Director of the Silicon Valley Regional Office of the United States Patent and Trademark Office, speaking about the opening of the new Silicon Valley Regional

Office. The Section also sponsored a CLE by Judge Mosman and local IP attorneys to be held in 2016.

The Section was active in outreach to the Section membership and interested legal community. The Section supported events at Lewis & Clark Law School and University of Oregon Law School, at which attorneys from the Section attended to discuss their IP practices with students. The Section also held several Happy Hour Outreach events in Portland for Section members to meet in an informal atmosphere.

The Section cooperated with the OSB to transfer hosting of the Section's Website, which the Section maintains to provide information to Section members. The Section is currently working to replace materials from prior CLEs that were lost during the transfer.

At the request of some Section members (at the Lane County Bar Association), the Section began investigating the possibility of recording Brown Bag CLEs for replay or live-streaming. The Section is still working through various issues related to this project, including the verification of attendance for CLE credit purposes and payment for viewing of recorded CLEs.

#### **Budget:**

We anticipate that the Section will end the year with an anticipated net revenue of approximately \$1392, leaving the section with a balance of \$19,556. Section enrollment held essentially steady in 2015, with 51 former members not renewing their Section membership and 50 new members, for a net loss of 1 member. The Committee does not expect the slight change in membership to materially impact the budget for 2016. The committee elected not to raise section dues in 2016.

#### **Legislative issues:**

The Section works with the Public Affairs Committee of the Bar to monitor and track legislation that may affect Section members' intellectual property practices. There were no intellectual property-related bills in 2015 that warranted the Committee's attention.

#### **Matters considered/Matters pending:**

The Annual "Year In Review" CLE will be held on February 5, 2015 at the Bar Center. The Section will continue the monthly brownbag CLEs and Happy Hours. Law school outreach sessions are in the planning stages. Also, the Section sponsored a CLE by Judge Mosman and local IP attorneys to be held

in 2016, and anticipates continuing to provide funds in support of that CLE.

#### **Recommendations for 2016:**

The Section had a successful year and continued its strong monthly and annual CLE programs, in addition to bringing Section members together at outreach events. It is recommended that the Section continue these programs. It also is recommended that the Section continue its efforts to record these CLEs in such a way that they can be remotely attended by Section members outside of the Portland metropolitan area.

*Respectfully submitted: Thomas L. Evans (CH), Anne E. Koch (CH-Elect), Timothy S. DeJong (Past CH), Thomas E. Vesbit (TR), John D. Russell (SEC), Vicki A. Ballou, Jamie Lynne Dickinson, Christopher D. Erickson, Ian D. Gates, John E. Grant, Kevin M. Hayes, Anna Laakmann, Parna A. Mehrbani, Elizabeth Tedesco Milesnick, John Cathcart Rake, Thomas J. Romano, Vincent Sliwoski, Devon Zastrow Newman, Johnathan E. Mansfield (BC), Dustin Dopps (BL).*

## **Juvenile Law Section**

#### **Activities and accomplishments:**

The annual CLE "Children at the Crossroads: The Intersection Between Delinquency and Dependency" was held on February 27, 2015 at the Bar Center and was well attended. Scholarships were offered for new section admittees and law students. The moderator was attorney Tahra Sinks of Salem, Oregon. Several outstanding speakers presented on various issues including a stimulating discussion regarding What Children In Foster Care Want You To Know, an enlightening presentation on cross-over youth and improving outcomes for youth involved in both the delinquency and dependency systems, and the ever-popular Appellate Update.

The 2016 CLE "Ethics! Navigating Issues in Juvenile Law" is scheduled for February 26, 2016 at the Bar Center. We're pleased to offer a CLE heavy in ethics credits that will also address taking appropriate self-care as attorneys from the Oregon Attorney Assistance Program from a former practicing juvenile law attorney.

The Executive Committee also compiled an Editorial Board to update the outdated Juvenile Law Section BarBook, which is in great need of an update after approximately ten years. While this will

require a significant amount of work from those who volunteered, it is an essential service to provide to our section members.

***Budget:***

We ended the year with a balance of \$7,353 and the 2016 budget was approved at the October annual meeting. The Executive Committee voted to continue to approve dedication of \$500 to the Juvenile Law Training Academy and \$100 to the Campaign for Equal Justice for 2016, both of which were also approved for 2015. We discussed the value of covering travel expenses for our Executive Committee members from different parts of the state and continued to fund that for 2016. We remain committed to keeping a lower balance to be considered a reasonable amount at the direction of the Bar.

***Legislative issues:***

We had a very active Legislative Subcommittee this past year that reviewed and tracked the vast majority of legislation related to juvenile law. The subcommittee reported at each meeting and updated the Executive Committee on relevant legislative matters. Most importantly, Executive Committee members spent significant time documenting enrolled legislation from the 2015 session and provided a document to the Oregon State Bar to include in its 2015 Legislative Highlights BarBook. As in previous years we chose not to sponsor any legislation this year due primarily to the diverse practice areas of our section. We discussed considering potential clean-up legislation for the next regular session in 2017.

***Matters considered/Matters pending:***

As in the previous year, there was considerable discussion in 2015 regarding the implementation of E-Courts throughout the state and the impact to practitioners regarding access and availability of juvenile court records. This item remained on the agenda all year and if significant problems remain, the Committee discussed authoring a letter to the Oregon Judicial Department outlining concerns and requesting the matter be addressed.

In addition, Liaison reports provided updates on Family Law, Criminal Law, Indian Law, Legislative Issues, Children’s Justice Act, Department of Human Services and a new Appellate Update. We continue to seek subcommittee members with an interest in

and attention to those issues that directly or indirectly impact a juvenile law practice.

The discussion continued this year regarding the Executive Committee seeking funding from CJA to potentially fund quarterly one hour CLEs or “brown bag” seminars for juvenile law attorneys in different parts of the state. This was tabled for 2015 due to the work involved with the annual CLE, tracking and reporting on legislation and assignment of an Editorial Board for the revised BarBook. It is still a worthy idea that has a lot of support should there be a subcommittee willing to take this on.

Our section website is a continued item of discussion. We moved the maintenance of the website to the Bar. The Committee deliberated about different ways to ensure it is a useful tool for practitioners. These discussions should continue.

***Recommendations for 2016:***

As mentioned above, we recommend continuing the E-Court implementation discussion and sending a letter on behalf of the Executive Committee to the Oregon Judicial Department should significant issues affecting a significant amount of juvenile court practitioners remain. The discussion regarding offering smaller, local community CLEs or trainings should continue provided the trainings are vetted through the Executive Committee or a subcommittee for content and accuracy.

Several thoughtful and innovative discussions were had regarding different ways to encourage or support section membership. One option included offering memberships connected to the annual CLE attendance. This idea should be followed up on by the membership subcommittee should it be possible under Bar rules.

Encourage attendance from Executive Committee members by keeping agendas concise and informative. Subcommittee attendance should be spread more evenly among Executive Committee members.

***Any other comments:***

The Juvenile Law Section has a very healthy number of section members considering the number of juvenile law practitioners state wide. We are proud to have Executive Committee members serve from across the state, many of whom traveled in person to attend meetings. Discussions were often more lively and helpful as a result, this should continue

to be a consideration in nominating new Executive Committee members.

*Respectfully submitted: Joanne L. Southey (CH), Morgan Wren Long (CH-Elect), Carrie Elaine Rasmussen (Past CH), Brandon S. Thueson (TR), Meghan S. Bishop (SEC), Kristen P. Farnworth, Lauren Freeman, Annette Hillman, Jennifer F. Kimble, Danielle J. O'Brien, Tim O'Donnell, Holly A. Preslar, Hon. Michele C. Rini, Sarah S. Robbins, Shannon Storey, Robin J. Wright, Michael D. Levelle (BC), Linn D. Davis (BL).*

## **Labor & Employment Section**

### **Activities and accomplishments:**

The Section had a very productive year. The Section hosted multiple breakfast briefings on employment and labor topics. It also hosted a two day CLE at Salishan Lodge for its annual meeting with over 125 attendees. For the first time, it hosted a Labor and Employment Boot Camp for new practitioners. This event was well received and the Section plans to host this again next year as there was a waiting list for attendees since we limited participation to 50 people. The Section has a website and members of the Section have contributed articles for publication on the website this year. The Section continues to have a listserv for all of its members.

### **Budget:**

The Section has a significant reserve from the 2014 conference and its increase in dues in 2014. The Section contributed funds to OLIO, OMLA and to the Campaign for Equal Justice. It also provided scholarships for newer lawyers to the annual CLE and subsidized the Boot Camp. The Section plans to increase its scholarship opportunities for the Annual CLE and the Boot Camp next year as well as contribute funds to OLIO, OMLA and the Campaign for Equal Justice again. The Salishan CLE came close to breaking even which demonstrates a very successful event as out of town CLEs usually lose money versus CLEs in Portland.

### **Legislative issues:**

The Section monitored the various labor and employment bills that were in the Legislature this year. Updates were provided to Section members.

### **Matters considered/Matters pending:**

The Section is working on a letter to the Bar on its proposed changes to the CLE program for Bar Sections.

### **Recommendations for 2016:**

The Section should work with the Bar on their proposed changes to CLEs. This will impact the Section's revenues going forward. The Section also plans to continue the Labor and Employment Boot Camp, continue the breakfast briefings and plan a Portland CLE.

*Respectfully submitted: Nathan Schwartz Sykes (CH), Sarah K. Drescher (CH-Elect), Jason Michael Weyand (Past CH), Lisa A. Amato (TR), Aruna A. Masih (SEC), Kyle T. Abraham, Brenda K. Baumgart, Clarence M. Belnavis, Stephen L. Brischetto, Paul C. Buchanan, Barbara J. Diamond, Scott N. Hunt, Philip Alan Johnson, Christopher G. Lundberg, Paul M. Ostroff, Jenifer Sung, Jeffrey P. Chicoine (ADV), Vanessa A. Nordyke (BC), Christine Ford (BL).*

## **Litigation Section**

### **Activities and accomplishments:**

At the beginning of 2015, the Executive Committee decided upon several key goals for the year:

Of highest priority was to continue to provide additional programming, networking, and information for the many newer lawyers who were forced to hang their own shingles as a result of a difficult job market for lawyers. The Executive Committee remains concerned by the lack of mentorship and training these lawyers receive, and the effect that lack has on the entire litigation bar and court system. To address this, the Executive Committee created an ex-officio position for the chair of the Oregon New Lawyers Division (ONLD) and filled it with Ben Eder, who is very active in activities concerning new lawyers. As a result of our partnership with the ONLD, we presented a new CLE on fundamental practice issues targeted at new lawyers.

Another priority was to provide increased value to Section members. The Executive Committee has been revamping the Section's website, and continuing to grow a new page on the Section website called Judge's Corner, where an Oregon judge posts an article each month on a topic of interest to them. Each quarter, the Section has been

providing a free hour-long teleconference CLE, in which judge/authors participate expand upon the issues addressed in their articles and to answer questions from callers. This teleconference series is geared toward newer litigators, but the Section has received excellent feedback from both newer and more seasoned attorneys in the audience.

Also a priority was the continuation of the excellent programming that the Section has presented for years, including the annual Litigation Institute and Retreat in March, and the quarterly publication of the Litigation Journal.

***Budget:***

The Section began the year with \$13,707 carried over from 2014. Major expenses included the quarterly publication of the Litigation Journal, the 2015 Litigation Institute & Retreat, and Executive Committee meetings. The Section has exceeded its projected revenue from membership fees. The Section significantly exceeded its budget for seminar and teleconference expenses, primarily as a result of the new quarterly teleconference.

***Legislative issues:***

The Executive Committee historically has not been active in legislative issues. That held true in 2015.

***Matters considered/Matters pending:***

The Executive Committee is continuing to consider and refine the process and delivery platform for our quarterly teleconference series to provide a seamless experience for judges and attendees. Planning is also underway for the 2016 Litigation Institute & Retreat.

***Recommendations for 2016:***

The 2016 Executive Committee should continue its emphasis on serving newer lawyers by continuing to add programming. The Executive Committee should also look for ways to increase networking opportunities among members.

*Respectfully submitted: Yael A. Livny (CH), John R. Bachofner (CH-Elect), Melinda Thomas (Past CH), Scott C. Lucas (TR), Renee E. Rothauge (SEC), Peter L. Barnhisel, Eric L. Dahlin, Lindsey H. Hughes, Jeanne F. Loftis, Steven T. Lovett, Josephine H. Mooney, Simeon D. Rapoport, Kim Sugawa-Fujinaga, Jennifer S. Wagner, Kate Anne Wilkinson, Ben Eder (Ex Officio), Timothy L. Williams (BC), Karen D. Lee (BL).*

## **Military & Veterans Law**

***Activities and accomplishments:***

The section continued the planning and work up, along with its partners at the Willamette School of Law, for the establishment of a legal clinic at the Willamette Law School for veterans. The plan calls for law students at Willamette to staff the clinic under the supervision of a staff lawyer and a professor at the law school. Lewis and Clark School of Law has requested that this section help establish a similar legal clinic for veterans at its law school.

At the request of Willamette School of Law, two members of the section will be teaching a one semester course in military and veterans law in the spring of 2016. The two instructors have been assigned and the class outline and text book have been chosen. Two other members of the section will be teaching a similar course at Lewis and Clark School of Law as soon as the final planning has been completed.

The section is continuing in its planning for a CLE in military and veterans law for southern and central Oregon lawyers in Medford and Bend.

Dan Crowe and Alisha Firestone put together an excellent written proposal for the establishment of a law clinic at Willamette Law School entitled Oregon Veterans Law Clinic, Willamette University College of Law, A Pro Bono Clinic Serving Disabled Veterans and Their Families.

The section's present members total 105. The section's membership goal for 2016 is 150.

***Budget:***

Membership fee revenues for 2015 as of August 31, 2015 were \$1,840.00. The projected year end revenues for 2015 were \$1,900.00. The expenses for the section as of August 31, 2015 were \$820.00. The projected 2015 year end expenses were \$1,660.00. The actual money on hand as of August 31, 2015 was \$2,188.00. The projected balance of funds on hand at the end of 2015 is \$2,428.00.

***Legislative issues:***

The section continues to monitor legislative matters through its legislative affairs committee which reports to the section's executive board on legislative matters pertinent to military and veterans issues.

**Matters considered/Matters pending:**

The matters pending are the two proposed military and veterans legal clinics at Willamette School of Law and Lewis and Clark School of Law and the two law classes in military and veterans law at the two law schools. The other pending matter is the CLE for southern and central Oregon.

**Recommendations for 2016:**

The section should complete the teaching of the class at Willamette College of Law in Military and Veterans Law, complete the planning for a similar law class at Lewis and Clark School of Law, complete the establishment of the Military and Veterans Law Clinic at Willamette College of Law, complete the planning for and actually give the CLE in Military and Veterans Law in Medford and Bend for lawyers in southern and central Oregon, and increase the section membership to 150.

The primary purpose of the proposed military and veterans law school classes and CLE is to increase awareness and knowledge among Oregon lawyers of military and veterans law so as to assist military and veterans clients with any legal problem. The primary purpose of the proposed legal clinics is to assist disabled and financially challenged veterans with legal problems, especially with housing difficulties.

*Respectfully submitted: Thomas J. Flaherty (CH), David L. Kramer (CH-Elect), Mark A. Ronning (Past CH), Brian Scott Mayson (TR), Mary Ellen Page Farr (SEC), Bryan R. Boender, Daniel Zene Crowe, Alisha L. Firestone, Spencer Gwartney, Jonas J. Hemenway, Wesley A. Hill, Mark John Holady, James Gordon Rice, Sean J. Riddell, Robert P. Schulhof, Beth A. Allen (ADV), Lori A G Hellis (ADV), Amrit K. Sidhu (ADV), Kerry L. Sharp (BC), Troy J. Wood (BL).*

**Nonprofit Organization Law Section**

**Activities and accomplishments:**

The section continues to grow at a solid pace. Membership has increased each year and in 2015, our section grew by almost 10%. The section sponsored a full day CLE, began holding quarterly brown bag lunch discussions for practitioners, issued a quarterly newsletter, and assembled a work group to review and propose updates to ORS Chapter 65, the Nonprofit Corporation Act. The section held its annual membership meeting in September as part

of the full day CLE and elected a new Executive Committee and officers. The section also reviewed and updated its website.

**Budget:**

The section is in the black. As a benefit to section members, the section paid for attendees' lunch at its fall CLE and plans to hold a social in February 2016 for its members. The section also made charitable contributions to the Campaign for Equal Justice and OMLA.

**Legislative issues:**

The section's Legislation Committee actively monitored the 2015 legislative session for proposed legislation affecting nonprofit corporations. As previously noted, we also formed a work group to consider proposing amendments to ORS Chapter 65, the Nonprofit Corporation Act. The workgroup has met regularly, elicited feedback from nonprofit practitioners on certain proposals under consideration, and hopes to have a bill ready for submission to the OSB in April 2016 for the 2017 legislative session.

**Matters considered/Matters pending:**

Pending goals include finalizing and holding a social for section members in early 2016 and having a legislative proposal ready for submission to the OSB in April 2016 for the 2017 legislative session.

**Recommendations for 2016:**

The section plans to continue holding quarterly brown bag lunch discussions for practitioners and issuing a quarterly newsletter. The section also plans to offer some CLEs, but is considering whether to change the format to multiple short CLE sessions instead of a full day session. The section plans to continue outreach to grow its membership.

*Respectfully submitted: Susan A. Bower (CH), Nancy A. Chafin (CH-Elect), Nancy B. Murray (Past CH), Anne Elizabeth O'Malley (TR), Kate MH Kilberg (SEC), David E. Atkin, Richard Baroway, Jane Coulter Hanawalt, Marisa Kaye Meltebeke, Scott O. Pratt, Michele E. Wasson, Elisabeth A. Zinser (BC), Anna Zanolli (BL).*

## Products Liability Section

### **Activities and accomplishments:**

The Products Liability Section had a productive year in 2015. The executive committee planned and sponsored its annual CLE at the Nine's Hotel in downtown Portland titled: Regulatory Compliance. The annual CLE featured national experts, Kenneth Ross and Sean Kane, who discussed the responsibilities of product sellers and manufacturers *after* a product has been placed on the market. The CLE was a great value for members and non-members alike, and included, thanks to the CLE subcommittee's efforts, a wonderful buffet lunch. David Rocker, Blake Robinson, and Christiane Fife comprised the CLE planning subcommittee.

The section Newsletter was published in April of 2015 and included contributions by Todd Bradley, Nicholas Kampars, Kirsten Abel, and an article reprinted by permission from Maria Janoski. A Winter Newsletter is underway for 2015 and expected to be published by the end of the year.

Efforts were also made and continue to improve the Products Liability Section website. There were changes made in 2015 to conform the website to a standard platform and protocol shared by all Oregon State Bar practice sections. The Products Liability section is still working to enrich the website content, create more engaging visuals and enhance navigability.

Products Liability Section executive member Kirsten Abel took the lead in our outreach effort to new bar admittees this year by preparing an informational flyer describing the Products Liability Section to be offered to new lawyers at this year's Oregon State Bar swearing in ceremony. The Products Liability Section offered new bar admittees membership in the section for the first year at no charge.

### **Budget:**

Over the last several years the Products Liability section has run a surplus balance of between three and six thousand dollars. At the time of this annual report, the account balance of the section is \$5,604. This is a typical and acceptable surplus to run for a section this size according to Oregon State Bar representative Dani Edwards. The surplus allows the section to fund projects quickly and provides flexibility on operational goals.

The Products Liability Section has not raised membership dues for at least the past 5 years, in part due to the budget surplus, and the majority of the section's budget is used each year to present its annual CLE.

### **Recommendations for 2016:**

The executive committee of the Products Liability Section has spent much of its time in 2015 considering three important goals for the section. The recommendation for 2016 is to continue focusing on the three goals below and generate new approaches to their fulfillment:

Increase the section membership through outreach,

Maintain the quality of our annual CLE and improve its attendance, and

Publish its Newsletter more frequently, with a goal of 3 quality newsletters per year providing helpful and informative material and updates to section members and the Oregon bar in the area of products liability litigation.

*Respectfully submitted: Patrick D. Angel (CH), Michele C. Smith (CH-Elect), Peter W. Preston (TR), Heather C. Beasley (SEC), Kristin L. Abel, David E. Artman, Todd Bradley, R. Brendan Dummigan, Faith Marie Morse, Blake J. Robinson, David Casby Rocker, Joseph S. Walsh, Stephen P. Yoshida, Travis S. Prestwich (BC), Camille Greene (BL).*

## Real Estate & Land Use Section

### **Activities and accomplishments:**

RELU's Executive Committee and its subcommittees worked actively throughout 2015. The Executive Committee met monthly except for July and August; or November and December meeting was combined on December 4. Subcommittees met as needed. Subcommittees consisted of Education (Annual Summer Conference, Fall Forum (now Spring Conference) and Luncheon Seminars), Real Estate Legislation, Land Use Legislation and Publications, whose functions are discussed below. Subcommittees reported regularly to the Executive Committee through their Subcommittee Chairs, who are also members of the Executive Committee.

Annual Summer Conference. The RELU Annual Meeting/Summer Conference was held August 6 through 8 at Riverhouse Convention Center in Bend,

Oregon. Registered attendance was well above last year's attendance. The Education Committee, with assistance from Norma Freitas, was responsible for organizing and executing the Summer Conference, which provided 11.25 credits for those attending all the Summer Conference sessions, including 1 hour of ethics and 1 hour of child abuse reporting.

Annual Fall CLE. The section's usual one-day Fall CLE has been rescheduled to Spring 2016.

Luncheon Seminars. The section sponsored several lunch-hour continuing education programs in Portland, and hopes to move toward 6 seminars a year with those seminars scheduled and advertised at least six months in advance. The seminars are audio-recorded and made available on the Section's website at no charge to members unable to attend.

Publications. Since 1978, the section has produced a high-quality quarterly or bi-monthly newsletter that summarizes and discusses developments in Oregon Land Use and Real Estate appellate case law, LUBA decisions, and legislation. The new RELU Digest editor, Jenny Bricker, and assistant editor, Judy Parker, have brought fresh ideas and a wealth of editorial experience. The Publications meets every 60 to 90 days to discuss upcoming ideas, provide feedback on past issues and generally support the editors. The subcommittee is also working on a redesign of the Section's website, where the Digest is hosted.

RELU Listserve. The listserv continues to provide a useful communication tool for section members to exchange ideas and to post questions on legal issues. The Executive Committee appoints a list serve moderator, but the RELU Listserve is largely self-governing. Members rate the listserv as one of the most beneficial and widely used services provided by the Section to RELU members.

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

LUBA Opinions. The section completed a two-year initiative in conjunction with LUBA to pay for scanning 10 years of LUBA opinions and orders, so

that LUBA could place digital copies on its website, from which they can be copied and made available through FastCase.

Real Estate Deskbook. In 2013, the section approached the bar with a proposal to update the Real Estate Bar-Books, and several members of the Executive Committee assumed the role of lead editors and authors. The old series of five volumes was completely reorganized in a more logical order, gaps were identified and filled with new chapters, and the entire series was brought current. The new Deskbook was completed mid-year, and the Deskbook printed and shipped by OSB Publications in the Fall. A significant accomplishment for the Section.

***Budget:***

2015 expenditures are generally within budget, with revenues slightly greater than forecast and expenses slightly less than forecast—both positive results. The increased attendance and sponsorship of the Section's Annual Summer Conference was the leading cause for the positive result. The Section will continue to maintain reserves remain sufficient to cover the cost of the RELU Annual Summer CLE should there be a cancellation or dramatic downturn in attendance.

***Legislative issues:***

RELU tracked a number of bills during the 2015 legislative session and produced reports available on the section's website. Both subcommittees track all several hundred bills relating to real estate and land use. The Section provided comments on several bills.

***Recommendations for 2016:***

The Executive Committee should continue the tradition of holding a long-range planning session in conjunction with the Committee's Ashland meeting. The session is a valuable source of new ideas to improve services to members.

The Publications subcommittee should continue to meet periodically with the Digest editors to provide guidance on its direction.

The Executive Committee and Publications subcommittee should continue to work to improve the design, portability, and content of the section's website.

The Fall Forum (now Spring Conference) should continue to evaluate its content and offering. The Executive Committee has considered a joint fall

conference with the Administrative Law section to address overlapping issues—that discussion should be continued. OSB CLE Department has suggested the Section host an alternative format program (“e.g., an UnConference (topic-specific discussion sessions, no lecture) or a hands-on workshop sessions for basics, such as drafting a lease, spotting contract trips and traps, how to prepare for a LUBA hearing, etc.”)—the Executive Committee should continue exploring that idea.

*Respectfully submitted: Thomas Bahrman (CH), Jennifer M. Bragar (CH-Elect), Tod A. Bassham (Past CH), Dustin R. Klinger (TR), Patricia A. Ihnat (SEC), Dina E. Alexander, Eugene V. Anderson, Laura Craska Cooper, Laurie E. Craghead, Sarah Stauffer Curtiss, Lauren A. King, Alan Matthew Sorem, Rebecca Biermann Tom, Kristin H. Yuille, Norma S. Freitas (ADV), Theresa M. Kohlhoff (BC), Jennifer Walton (BL).*

## Securities Regulation Section

### **Activities and accomplishments:**

The Securities Regulation Section (the “Section”) sponsored seven CLE luncheons on securities regulation topics (with an eighth CLE luncheon to be held for the December luncheon with a topic pending) and obtained, or will obtain, 0.5 MCLE-approved credits for each of these presentations. (As of the date of this report, MCLE approval has not yet been sought for the November presentation, but approval is expected to be granted upon application.) The Section gathered for an annual meeting dinner at which Rod Underhill, Multnomah County District Attorney, spoke in October.

Brad Daniels represented the Section on the planning committee for the 35<sup>th</sup> Northwest Securities Institute program, co-sponsored by the Oregon, Washington and Idaho State Bars in Portland, in April, 2015.

In 2015, the Section will award \$500 scholarships to the top securities law students at the University of Oregon School of Law and the Willamette University School of Law (as chosen by their securities law professor).

The Section contributed \$500 to the Campaign for Equal Justice.

Monthly Luncheons: The Section held monthly luncheons with CLE speakers at the Sentinel Hotel

in Portland. A list of the lunch speakers for 2015 and the dates and subjects of their presentations follows:

November 18, 2015 Meeting – *State of Oregon v. Nistler: Expert Testimony in Securities Litigation* (Presented by Tippi Pearse and Caroline Smith, Financial Enforcement Officers of the Oregon Division of Finance & Corporate Securities; Jason Weber, partner of O’Connor Weber LLP)

August 19, 2015 Meeting – *Investing in Craft and Cannabis* (Presented by Jason Barker of Holland & Knight LLP and Dave Kopilak and Marco Materazzi, partners at Emerge Law Group)

June 17, 2015 Meeting – *Oregon v. Marsh – The Latest on Scierter and Reliance for Open Market Securities Purchases* (Presented by Keith Ketterling, Keith Dubanevich, Scott Shorr and Josh Ross of Stoll Berne)

May 20, 2015 Meeting - *Putting the Plus in Reg A.* (Presented by Alison M. Pear of Ater Wynne LLP)

March 18, 2015 Meeting - *BITCOIN: Regulations and Legal Risks for a New Virtual Currency.* (Presented by John Casey and Adam Holbrook of K&L Gates)

February 20, 2015 Meeting – *When Insider Trading is Not Insider Trading & Updates to the Federal Sentencing Guidelines for Securities Cases.* (Presented by Kristen Tranetzki, Angeli Ungar Law Group LLC)

January 21, 2015 Meeting - *M&A Brokers: SEC No-Action Relief and Applicable State Laws.* (Presented by Kenneth R. Haglund Jr., Lane Powell PC)

### **Budget:**

The Section continues to enjoy a positive financial situation. As of October 31, 2015, the section had a cash balance of \$8,663 and the cash flow from membership dues and other revenue sources was sufficient through the 10 months ended on October 31, 2015 to cover expenses relating to luncheons, the annual meeting and the Section’s other activities.

For 2016, the Section projects a continuing positive cash balance and expects to continue its monthly luncheons, its scholarships and contributions, and its sponsorship of and participation in the Northwest Securities Institute, which will be held in Seattle in April 2016.

**Additional comments:**

As of October 31, 2015, the Section has 234 fully-paid members.

*Respectfully submitted: Jason Hartley Barker (CH), Brad S. Daniels (CH-Elect), Matthew Dane Larson (TR), Bernard John Casey (SEC), Nancy A. Chafin, Michael J. Esler, M. Christopher Hall, Darius L. Hartwell, Keith A. Ketterling, Marco Materazzi, Van Mitchell Pounds, Andrea Schmidt, Michael George Taylor, Kristen Lynn Tranetzki, Tanya Durkee Urbach, David C. Wang, Joshua L. Ross (BC), Susan Roedl Cournoyer (BL).*

**Solo & Small Firm Section**

**Activities and accomplishments:**

This year the section launched a series of free CLEs. Our "Legal Lunchbox" series included ten different presentations on everything from business planning to ethics. The classes were presented to a live audience in Portland, and they were webcast to members throughout the state.

We also presented an all-day CLE on how to build and maintain a profitable solo or small firm practice. With 88 registrants, we had a packed house. We charged our members only \$60 for a full day of programming, which included lunch and a social hour. Thanks to a deep discount for newer attorneys, we brought in 25 attorneys who had been practicing for less than four years.

Our educational programs encouraged more lawyers to join the section. We now have over 700 members, an increase of roughly 50 over last year.

The educational programs also enhanced our revenue. By bringing in roughly 50 new members, the Legal Lunchbox series increased our membership revenue by nearly \$1,000. The all-day CLE yielded a net profit in excess of \$6,000, largely because we secured sponsors and sold advertising tables to various vendors.

**Budget:**

Our budget is solid, and we do not expect any increase in our \$19 annual dues in the foreseeable future.

**Legislative issues:**

The section has not pursued any legislative changes this year.

**Matters considered/Matters pending:**

One of our priorities for the year was to launch a more useful and user-friendly website. We have retained a consultant, and work will commence early in 2016. We intend to update the website frequently so that it can serve as an online newsletter.

We are working with the OSB on a solo and small firm practice conference to be held in Bend in July of 2016. We expect to continue our Legal Lunchbox series, and will look for ways to combine educational programs with social and networking opportunities.

To aid in our planning for next year, we conducted a member survey. Roughly 63% of the respondents work as solos. Most members ranked CLEs and a robust list serve as primary benefits of membership. A fair number of members would like the section to advocate for changes in PLF dues and payment plans. We will keep these and other results in mind as we proceed in 2016.

**Recommendations for 2016:**

In a year-end retreat, we implemented some new procedures to encourage follow through and accountability, and we agreed to try some cloud-based project management software.

We will meet with the PLF to address member concerns, and we will determine whether any particular reforms or changes should be recommended.

*Respectfully submitted: Christopher B. Rounds (CH), Kellie Ann Furr (CH-Elect), Heather A. Brann (Past CH), Michael L. Cooper (TR), Joshua S. Williams (SEC), Kelly Michael Doyle, Ryan P. Hamilton, Janice L. Hazel, Elizabeth J. Inayoshi, Ryan Michael Kroll, Heather Margrath Murray, Gary Underwood Scharff, Scott D. Schnuck, Hertsel Shadian, Johnathan E. Mansfield (BC), Rod Wegener (BL).*

**Sustainable Future Section**

**Activities and accomplishments:**

In 2015, the Section's sixth year, the Executive Committee continued to refine and vigorously pursued its primary objectives: providing programs and information to bar members, raising awareness of and recognizing sustainable law office practices, growing Section membership, exploring emerging issues in sustainability and advancing dialogue about the intersection between the law and sustainability.

Newsletter: To date in 2015, three issues of *The Long View* were published. A fourth issue is expected in December 2015. *The Long View* features a variety of authors and a wide array of sustainability topics. *The Long View* is distributed electronically to minimize paper use and reduce production expenses. This year *The Long View* was edited by Ann McQuesten, who is assisted by an Editorial Board comprised of Executive Committee members.

Programs: The Section presented six programs in 2015, all of which received CLE credit from the Bar. Highlights include our semi-annual outlook for sustainability issues in the legislative session, a discussion of sustainable land use and affordable housing, and advising benefit corporations in Oregon and Delaware. In December, we are exciting to host our first program on environmental ethics.

By the end of 2015, the Section will have presented almost 40 programs over its first six years.

Awards/Partners: The Section added four new Partners in Sustainability in 2015, including our first in-house legal department, bringing our total current Partners to 18. Also in 2015, the Section awarded its fifth annual Sustainable Law Office Leadership Award to Stahancyk, Kent & Hook for its composting program.

Climate Change Task Force: The Section formed a Climate Change Task Force at the beginning of the year to research and make recommendations relating to the potential impacts of climate change on the legal profession. The group will present a report with recommendations for the legal community to the Section in 2016.

### **Budget:**

As of September 30, 2015, the Section's projected 2015 expenses were \$4,200 with a projected year-end balance of \$12,200. As in prior years, the Executive Committee continued to spend Section funds conservatively in 2015. The largest expenditures were for the OSB support services assessment, awards and special projects, including advertising expenses associated with the Section's Sustainable Law Office Leadership Award and Partners in Sustainability Program.

For 2016, major budgeted expenses again are anticipated to include special projects and awards (\$2000 each) and the OSB support services assessment (\$2,400). The Section hopes to use some of its funds in 2016 for a more costly CLE

program, such as a day-long program or a shorter event with a nationally prestigious speaker.

### **Recommendations for 2016:**

In early 2016, Executive Committee members will attend a retreat to plan for 2016 and the future. At the retreat, the Executive Committee will determine its primary goals and objectives for 2016.

The Section plans to continue offering multiple programs, publishing *The Long View* and recognizing lawyer and law firm efforts to improve sustainable office practices.

Leadership: At the recommendation of the nominating committee, the Section elected the following slate of officers and executive committee members: Chair, Ann McQuesten; Chair-Elect, June Wiyrick Flores; Treasurer, Max Miller; Secretary, Diane Henkels; Members-at-large for two-year terms: Alexander Tkacz, Courtney Johnson, Jennifer Gates, and Maggie Vining. Current Chair Robin Seifried will become immediate Past Chair, and Members-at-large Michelle Slater will continue with a two-year term ending in 2016.

*Respectfully submitted: Robin Bellanca Seifried (CH), Ann McQuesten (CH-Elect), Jennifer L. Gates (Past CH), James M. Kennedy (TR), Diane Henkels (SEC), Lindsay Byrne, Max M. Miller, Michelle Slater, Margaret Vining, June M. Wiyrick Flores, James C. Chaney (BC), Rod Wegener (BL).*

## **Technology Law Section**

### **Activities and accomplishments:**

The Tech Law section rolled out a new website this year which has a much improved and updated look. The web copy for the site remains a work in progress.

The section adopted a new mission statement this year to more appropriately reflect the section's purpose: "The mission of the Oregon State Bar Technology Law Section is to provide the legal community with relevant, timely educational opportunities concerning legal issues brought about by technology and technological innovation."

The section held the following CLEs in 2015:

Lunch time CLEs: *Ethical Obligations related to Cyber Security and Use of Technology Law* (2/26/2015), *Crowdfunding in Oregon* (3/25/2015),

*Rise of the Drones* (4/23/2015), *Senior Netizens-Preventing Elder Abuse Online* (11/18/2015)

Annual CLE: *Bits on Bytes* (10/9/2015) including the following topics: *Software Archiving and Privacy, The Disruptive Impact of Technology on the Practice of Law, How Technology is Changing Litigation, Social Media Ethics issues for Lawyers, Harnessing the Power of Neurodiversity, Introduction to University IP Management, Licensing, and Startup Companies*

**Budget:**

The Section's finances remain healthy. The Technology Law Section continues to offset some of its expenses with revenue generated by CLEs. We will continue to assess our revenue and expenses throughout the coming year and whether further adjustments to the budget are necessary.

**Legislative issues:**

The Section has not been the driving force in any legislative initiatives this year but has stayed apprised of, and discussed, relevant legislative developments over the year.

**Matters considered/Matters pending:**

During the year, the Executive Committee considered a variety of matters related to the normal operation of the Section, such as CLE presentations, updating the Section website, collaboration with other OSB Sections concerning CLEs, outreach efforts to potential new members, and revenue and expense management. Pending matters include further outreach to bar members with an interest in the section's continued mission. We will also be planning additional CLEs with the OSB CLE Department including lunch time, half and full day programs.

**Recommendations for 2016:**

The Technology Law Section executive committee is recommending, for 2016, that: (i) the Section continue its efforts to attract new members via social events, social media and interesting, timely and relevant CLEs; (ii) the Section deploy its Executive Committee members to develop and produce more lunch time CLEs, a mid-year half day CLE and a robust annual CLE; (iii) the Section continue to explore and engage in additional efforts to recruit new bar members.

*Respectfully submitted: Joseph Durkee (CH), Scott Schneider (CH-Elect), Robert A. Swider (Past CH), Leigh Francis Gill (TR), Robb Shecter (SEC), Travis*

*J. Benn, Charles R. Bowers, Chad M. Colton, Tricia Juettemeyer, Suk Kim, Marti McCausland, Ambyr M. O'Donnell, Marc Visnick, Laura A. Zager, Johnathan E. Mansfield (BC), Michael Legleiter (BL).*

## **Workers' Compensation Section**

**Activities and accomplishments:**

The section held its annual business meeting on May 8, 2015 at the Salishan Spa and Golf Resort at Gleneden Beach, Oregon. The meeting was chaired by Keith D. Semple. New officers and executive committee members were elected for 2016.

The section sponsored two CLEs this year. The first took place on May 8<sup>th</sup> and 9<sup>th</sup>, 2015, at the Salishan Spa and Golf Resort at Gleneden Beach, Oregon, in conjunction with the section's annual meeting. This seminar was approved for 9 general credits.

Our second seminar, the Bench/Bar Professionalism Forum, was held at the Salem Convention Center in Salem, Oregon on October 23, 2015. This seminar was approved for 1 ethics credit, 1 Access to Justice credit and 1 general credit.

**Budget:**

The section has maintained its budgetary goals for 2015, under Treasurer Ronald Bohy's leadership. The beginning fund balance was \$20,992 and the projected year-end fund balance is \$20,200. The section made contributions to the Campaign for Equal Justice, and the Oregon Minority Lawyers Association.

**Legislative issues:**

Our Access to Justice sub-committee successfully proposed and lobbied for Senate Bill 371. This legislation allows an insurer or self-insured employer to mail notice of closure of workers' compensation claim to beneficiaries of a deceased worker under certain circumstances, and establishes the date by which beneficiaries of deceased worker must request reconsideration of a notice of closure if notice is not provided. The legislation also mandates that the insurer or self insured employer pay for necessary interpreter services a reconsideration proceeding.

The section also proposed an administrative rule change that would remove a section from the form provided to a workers' attending physician that

allows that worker and the provider to request that a condition be accepted as part of the claim.

***Matters considered/Matters pending:***

The reduction in attorneys practicing workers' compensation law continues to be a concern for the section with regard to access to justice and quality representation for injured workers, especially in those more rural areas of the State of Oregon. Another major concern is access to justice for injured workers who speak English as a second language or not at all.

The section spent a substantial portion of the year trying to complete a redesign of the website, which was to include a searchable section directory that could be used by injured workers looking for an attorney. We have since been informed by OSB leadership that the searchable directory cannot be made available to the public because it might compete with the OSB Lawyer Referral Service. We are in the process of making the necessary revisions to the website.

We also gave a presentation to the Board of Governors in an attempt to obtain adjustments to the fee splitting provisions of the Lawyer Referral Service, with the goal of reducing the fee split to attract more attorney participation. That proposal is still pending.

For the 2017 full session, the section will propose legislation that future appointments to the workers' compensation board be members in good standing with the Oregon State Bar.

Many thanks to all those section members who have devoted their time to assisting with the section's activities this year.

*Respectfully submitted: Keith Semple (CH), Tom Harrell (CH-Elect), Jacqueline M. Jacobson (Past CH), Ronald L. Bohy (TR), Jenny Ogawa (SEC), Katherine M. Caldwell, Bin Chen, Linda D. Conratt, Alana C. DiCicco, Christine Coffelt Frost, Allison B. Lesh, M. Kathryn Olney, John M. Oswald, Carol A. Parks, Steven Mark Schoenfeld, Raymond T. Smitke, Geoffrey G. Wren, Timothy L. Williams (BC), Suzanne Cushing (BL).*



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