

Oregon State Bar



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2020 SECTION  
Annual Reports



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# Agricultural Law Section

## **Activities and accomplishments:**

In 2020, the Ag Law Section (the “Section”) continued its pursuit of providing educational opportunities to its membership.

However, due to the pandemic and COVID-19, the Section’s activities were sharply curtailed in 2020.

The Section was forced to cancel its annual Round-Up CLE scheduled for May, 2020 in The Dalles, Oregon.

The Section did hold three Brown-Bag CLE events in 2020. The first, was held in Salem, Oregon on January 28, 2020, and featured Mary Anne Cooper who spoke on Oregon’s “right to farm” laws. There were 52 registrations, the majority by video. The second, held online July 15 was entitled “What’s In/What’s Out in 1031” and featured Toija Beutler of Buetler Exchange Group LLC. In addition, on September 17, 2020, the Section featured a one-hour CLE presentation by the OAAP entitled “Caring for Ourselves While Caring for Others” and was held via Zoom meeting.

## **Budget:**

The Section entered 2020 with funds totaling \$3,467. Budget numbers reported at the Executive Committee meeting in December suggest the Section will end the 2020-year end funds estimated at \$3,890.

## **Legislative issues:**

The Section did not expressly address any legislative issues in 2020, but members of the Executive Committee monitored items of interest to the Section. The Section is currently planning a brown bag CLE for January 6, 2021 on anticipated legislative issues in 2021.

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

The Section continues its goal of expanding outreach to members and providing increased educational opportunities. The Section hopes to continue offering its annual Round-Up CLE in May, 2021 (or later in 2021) while taking a wait and see approach for now due to COVID-19. In addition, the Section plans on continuing to offer (via Zoom or

other video platform) periodic Brown Bag CLE events in 2021 on issues involving Oregon agriculture.

**Recommendations for 2021:**

The Section should continue to pursue its goal of increased educational services to the Section. Because the Section’s membership resides both in and around the City of Portland, as well as outside of the Portland area, the Section should endeavor to provide outreach events in 2021 and to utilize the website and listserv for educational purposes for the Section members.

# Animal Law Section

## **Activities and accomplishments:**

We had originally planned to host a CLE on the UCC and animal law intersections in summer 2020, but due to COVID-19 these plans did not develop. Instead, Kristen Farnworth (2021 chair elect, 2020 secretary) and Maral Cavner (2021 chair, 2020 chair elect) presented separately at Lewis & Clark Law School as part of the Animal Legal Defense Fund Student Chapter. Kristen's talk was presented on February 25 and focused on the Oregon Humane Society's investigations and legal work. Maral's talk was presented on November 19 and focused on corporate policy work in animal law.

## **Budget:**

The section did not spend anything in 2020 due to COVID-19. We had originally planned to use funding for the CLE. We are looking into ways to donate.

## **Legislative issues:**

Alissa Weaver (at-large) campaigned in Jackson County regarding a ban on the commercial display of wild and exotic animals. No further legislative efforts.

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

N/A.

## **Recommendations for Upcoming Year:**

For 2021, the plan is to host at least one CLE event focused on a specific animal law topic (possibly the original UCC topic, but others – especially aligned with the pandemic – have been discussed). There are also plans to continue to arrange speaking engagement at law schools.

Our annual spring networking social had to be cancelled in 2020 due to COVID-19, but this event likely will return either virtually or later in the year depending on conditions.

## **Any other comments:**

N/A





# Antitrust and Trade Regulation Law Section

## **Activities and accomplishments:**

While COVID thwarted our normal practice of hosting spring and fall CLEs, the Executive Committee maintained a regular meeting schedule and discussed various way to increase membership, hold events as we adapt to the new reality, and considered potential merger with another section.

## **Budget:**

Budgetary documents will be submitted via separate email.

## **Legislative issues:**

N/A

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

N/A

## **Recommendations for Upcoming Year:**

The goal for 2021 is to creatively adapt to the pandemic world so that we can continue to host our CLEs and grow the section. Failing that, the Executive Committee has discussed potential sections to approach for merger. If we are not successful in growing the section or developing programing/content, the process of seeking merger will become more front and center.

## **Any other comments:**

There has been unprecedented amount antitrust activity from the FTC in the last few months, as the Commission has decided to target large technology companies such as Facebook and Google for break up.

Of particular note, Oregon's Attorney General has joined in the lawsuits against Facebook and Google.

It is possible, likely even, that this news may spur renewed interest in the Section and its subject matter.



# Appellate Practice Law Section

The Section organized two CLEs via Zoom this year. The first was titled Non-Unanimous Juries in Oregon: *Ramos v. Louisiana*. The panel consisted of Nora Coon, Douglas Petrina, Bobbin Singh, and Marcus Mundy with Anna Joyce moderating. The panel discussed the history and effects of non-unanimous juries in Oregon, the *Ramos* decision, and post-*Ramos* issues.

The second CLA was held in conjunction with our annual business meeting. Chief Justice Martha Walters and Chief Judge Jim Egan provided updates on the status of the courts. Afterwards, the Section presented: "First Things First: The Legacy of Justice Linde and State Constitutionalism." Former Justice Jack Landau, Judge Rex Armstrong, Judge Erin Lagesen, and Peenesh Shah discussed the works and legacy of Justice Linde with Judge Alycia Sykora moderating.

## **Activities and accomplishments:**

**Almanac.** Under Nora Coon's leadership, the Section published another edition of the Oregon Appellate Almanac.

**Pro Bono:** The Section continued to oversee the Appellate Pro Bono Program with the Oregon courts.

**Judicial Engagement:** The Section's Executive Committee continued to serve as a liaison on appellate matters between the bar and the appellate bench. Unfortunately, the Section was unable to sponsor an appellate judge to attend the Appellate Judges Education Institute because it was cancelled.

## **Budget:**

The section has 338 paid memberships and 48 complimentary memberships. The Section's ending fund balance as of October 31, 2020 was \$8,858. Because the Section started the year with a moderate balance, and the Section did not hold any social events requiring funds due to the pandemic, the Section did not charge for its CLEs.

### **Legislative issues:**

The Executive Committee maintains a legislative sub-committee to study and report on proposed legislation that could affect the Section and its members. The sub-committee monitored the short and special sessions but there was no proposed legislation impacting the Section. The sub-committee has not proposed any legislation.

The Executive Committee separately maintains an ORAP sub-committee to monitor and report on proposed changes to the Oregon Rules of Appellate Procedure through the appellate courts' ORAP committee, which was active in 2020. The ORAP committee made several changes to the ORAP.

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

In addition to the matters discussed above, the committee continued its commitment to diversity and inclusion within the appellate practice through choosing diverse panels for its CLE and its diversity and inclusion sub-committee. Continuing past practices, the Executive Committee also voted to support legal organizations that help to foster the advancement of the civic and legal community by providing contributions to the Campaign For Equal Justice, Oregon Minority Lawyers Association, and Classroom Law Project.

### **Recommendations for Upcoming Year:**

The Executive Committee hopes that 2021 will be a more active year for the Section and Executive Committee. The Committee expects in 2021 to continue to host CLEs (maybe even in-person again!), to create a new edition of the almanac, and to continue to support legal and civic organizations and events as it has in the past.

# Business Litigation Law Section

## **Activities and accomplishments:**

The Section planned four quarterly CLE events and accomplished three (the March 2020 CLE event was canceled due to COVID-19). The Executive Committee committed to including at least one racially- or ethnically-diverse speaker on each CLE panel, and that commitment was accomplished.

## **Budget:**

The Section's 2020 financial results were relatively flat. Expenses and revenues were lower than projected due to the inability to hold in-person CLE events. The Section is projecting a flat budget for 2021 in comparison to 2020.

## **Legislative issues:**

The Section did not address any legislative matters during 2020.

## **Recommendations for Upcoming Year:**

It is recommended that the Section continue its commitment to increasing diversity in the membership. In 2019, the Executive Committee committed to increasing gender diversity and in 2020 the Executive Committee committed to increasing racial and ethnic diversity in the membership through CLE speaking opportunities intended to highlight diversity in the Oregon State Bar.



# Cannabis Law Section

## **Activities and accomplishments:**

2020 was a tough year for our bar section. After last year's successful multi-day conference, the Cannabis Legal Institute, in Bend, OR, which was the first such conference ever put on by a state bar cannabis law section and was well attended, well-received, our section was ready to put on an even better CLI this year. Sadly, like everyone else, our plans were derailed by COVID, and we were only able to put on a virtual CLI, spanning five substantial presentations over the month of September. However, we did continue our lunchtime brownbag CLE program, and CLI was also well attended and has been a significant factor in the year over year growth of our section.

Although our plans were affected by COVID, the executive committee Zoom meetings we held each month were very helpful to the committee members in continuing to build our bar section and to maintain contacts within our legal industry. We continue to be very grateful for this Section.

## **Budget:**

The Section has approximately 189 members, of which 172 are paid members. The Cannabis Law Section continues to be solvent in each year since its inception, with an ending fund balance that is greater than our beginning fund balance. As a result of increased membership, driven by our CLE and CLI programs, the section had its highest grossing revenue year since its inception in 2017. The Section will close 2020 with a Fund Balance of \$10,766.00, which is more than triple our 2019 ending fund balance of 3,091.00. The increase in our fund balance has primarily been driven by our lack of major expenses and continuing to provide paid registration CLI and CLE programs for our section members. Membership in our Section dropped by 19% from 2019, and we expect it to stabilize around between 150-200 active members. What is abundantly clear is that we are and continue to be in great shape to finance a very high quality in-person CLI whenever COVID restrictions are relaxed.

The Section's budget outlook for 2021 is very positive. The Section intends to use our increased end of the year fund balance to attract additional national and internationally renowned speakers for our Third Annual Cannabis Legal Institute.

**Legislative issues:**

The Cannabis Law Section has yet to directly engage with the legislative process, either through sponsoring or commenting on proposed legislation. The Section intends to begin to take a more active role in 2020 and beyond.

**Matters considered/Matters pending:**

As described above, the Executive Committee performed the tasks and considered the matters related to organizing and hosting the Cannabis Legal Institute as well as our lunchtime CLE program. Such activities included identifying and approving speakers and venues, setting price points for our events and outreach with other Bar Sections. There are no matters pending before the Executive Committee that will not be addressed before the end of 2020.

**Recommendations for 2021:**

As indicated above, the Section intends to continue to grow our lunchtime CLE program, as well as increase the visibility and attendance at our Cannabis Legal Institute. For 2021, the Section's goal is to hold no fewer than 10 CLEs and to increase attendance at the CLI. To accomplish this goal, the Section intends to expand the focus of the CLI include legal issues in cannabis that affect California and Washington in addition to Oregon, and to market accordingly. We also intend to analyze our pricing structure for the CLI so that it will be revenue generator, as well as re-consider its location to be more attractive on a state-wide and regional basis. We are also considering holding our annual meeting in conjunction with the 2020 CLI to increase attendance.



# Construction Law Section

## **Activities and accomplishments:**

On October 9, 2020, The Construction Law Section successfully presented a full-day CLE on construction-related matters/issues. The CLE was the section's first fully remote CLE. Due to the pandemic, we provided the CLE at a significantly reduced cost to our members and the general bar membership. Notwithstanding, due to the success of the CLE, the Section was able to donate \$4,000 to Bar-approved charities. Other Section activity was restrained by COVID 19.

## **Budget:**

See attached. *Legislative issues:*

None for 2020. The group formed a subcommittee that is analyzing Oregon's retainage statute to suggest clarifications/revisions to address uncertainty/vagueness in the statute.

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

No pending matters.

## **Recommendations for Upcoming Year:**

In addition to our yearly CLE, the Section is discussing the possibility of providing more CLEs in the form of Brown Bag Lunch and Learn sessions which were originally going to be scheduled throughout 2020. That schedule has now been pushed to 2021, depending on whether or not it is feasible due to COVID-19 restrictions. If possible, in 2021, we intend to host the annual CLE off-site. To better reach our membership, in 2020, the Section had planned to hold its yearly CLE in Eugene. If possible, that will likely be the location for 2021. Lastly, to increase our membership the Section is considering/discussing offering free or discounted memberships to new attorneys (under 2 years) and/or attorneys employed by a government agency.

## **Any other comments:**

None.



# Consumer Law Section

## **Activities and accomplishments:**

Despite being facing the limitations brought by 2020, and particularly by COVID-19, the Section persevered and had several notable accomplishments.

While typical outreach and informational activities had to be postponed, the Section adopted the mission of bringing Oregon tenant-side attorneys into the section as consumer lawyers. Not only will the pairing strengthen the numbers of the Section and will provide a section home for tenant-side attorneys whose clients are often among the most vulnerable of Oregon consumers.

Particularly of note was the Section's annual day-long CLE in October. The CLE featured informative presentations on tenants' rights and consumer issues related to advocating for tenant clients. The CLE continued the important theme that the Executive Committee adopted this year of embracing tenant-side attorneys into the consumer law section in an effort to increase access to justice for so many tenants who will bear the burden of the economic challenges brought on by COVID-19. The CLE was co-sponsored with OSB, and was presented online in order to reach as many attorneys around the state as possible and help advance the missions of both improving the quality of legal services and increasing access to justice for those Oregonians most in need.

The Section nominated and approved three awards in 2020. The Sections 2020 Award of Merit was presented to Kyle Iboshi for his important reporting that shed light on abuses of consumer rights suffered by Oregon consumers. The Section 2020 Award of Lifetime Achievement was awarded to Craig Colby and Michael Baxter. The awards were presented to Mr. Iboshi and Mr. Colby at the Section's annual CLE. The Section will present Mr. Baxter's award at a future event.

The Section actively proposed legislation in order to provide legislative fixes to consumer law statutes and increase access to justice for sponsorship by OSB, discussed in greater detail below.

The Section continues to maintain a member list serve and a Section website with upcoming events and original articles on consumer law issues and cases of note. The website is updated frequently with consumer-related posts. This year the website has served an important

role of helping disseminate important consumer-protection information in an effort to assist Oregonians being informed about consumer rights, scams, illegal practices, and resources to assist Oregon consumers who may face the

The Section was prepared to host a welcome event for a national gathering of consumer attorneys in the spring. Unfortunately the event was changed to online and the event had to be canceled due to COVID-19 restrictions.

### **Budget:**

Overall Section membership stayed steady and free memberships fell. These numbers are likely a result of limited outreach opportunities due to COVID-19. CLE revenue and costs continued to run under budget. The Section is currently clarifying the status of income from the October CLE.

The Bar approved a waiver for all sections this year for the new OSB policy that would charge the Section \$4 more per member than the annual membership fee (\$19 more per free membership). The Executive Committee continues to discuss ways to creatively use the reserve funds to benefit members, with the recognition that, due to changes in Bar policy, membership revenues may decrease and the Section may earn substantially less from CLEs than it earned in the past.

### **Legislative issues:**

The Section remains active in reviewing and providing feedback on legislation that impacts consumers. The Section proposed two bills for OSB sponsorship in an effort to increase access to justice for Oregon consumers and to fix the Oregon Consumer laws that have been rendered useless in practice. The Board of Governors decided not to sponsor the legislation to fix the Oregon Consumer laws that would increase access to justice for Oregon consumers wronged by abusive creditors, landlords, and debt collectors. The OSB will move forward to support the introduction of a bill to increase access to justice for the Oregonians who require pro bono or legal aid representation by clarifying the statute awarding attorney fees to the prevailing party. The 2021 Legislative Session is sure to include a number of substantive bills related to consumer issues as the challenges faced by Oregon consumers continue to mount during the pandemic.

The Section will identify and monitor 2021 legislation that may impact consumers. The Section may take appropriate action if needed.

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

The Section will continue to advocate for legislation that provides legislative fix to ineffective consumer laws that do not work as intended.

The Section continues to consider ways to address the new Bar policies in order to maximize the use of Section funds to promote access to justice for consumers and raise awareness for consumer rights.

The Section seeks to increase outreach efforts and diversity in the Section, on the Executive Committee, and in Oregon consumer practice. To that end, the Section's 2021 officers include a more varied gender representation than in the past.

### **Recommendations for 2020:**

In 2021, the Section intends to sponsor at least one full-day CLE on a topic or topics of interest to consumer lawyers. In order to reach a broader audience, the Section plans to bring in a national speaker on an emerging consumer issue and to make the CLE available state-wide by webcast. The Section will continue to look into providing more frequent, less formal CLE to continue to engage the membership and community.

The Section will continue to maintain the list serve and website and to host both traditional and public service social events for members to network when in-person events are possible.

The Section will continue to monitor and provide feedback about legislation of interest to consumer lawyers, as well as continue to propose legislative fixes to be sponsored by OSB.

The Executive Committee will continue to discuss and implement creative ways to use the fund balance to provide services to members.

If the Attorney General is willing and able, the Section will continue its tradition of holding an annual luncheon with members, depending on whether in-person events are possible again.

The Section will continue to expand its scope to include and welcome in tenant-side attorneys.

### **Any other comments:**

None.



# Criminal Law Section

## **Activities and accomplishments:**

2020 was a challenging year for all of us, including the Criminal Law Section. Nevertheless, we have endeavored to continue to provide high-quality training to our section members—criminal defense attorneys and prosecutors.

We had planned to host our 34th Annual Contemporary Issues in Criminal Justice full-day CLE in early April 2020. However, due to the shut-downs related to COVID-19, we had to cancel. We also had to cancel our other planned in-person CLEs and section networking events.

Nevertheless, we hosted two web-based CLEs: an appellate update in June 2020 and a specialty credits afternoon in October 2020, focusing on the attorney discipline process and abuse reporting, providing our members with an opportunity to earn ethics and abuse-reporting credits.

## **Budget:**

The section continues to remain fiscally sound. The section is committed to continuing to spend down our current fund balance to within the Bar-mandated cap over the next several years by providing discounted seminars and increased networking opportunities, to the extent we are able. Indeed, all of our 2020 programming was free of charge, and we are considering extending that into 2021. We also continue to explore opportunities to increase the accessibility of programming to rural communities through scholarships and recordation. We are also considering reducing or eliminating section dues, should the economic impacts of the COVID crisis continue.

## **Legislative issues:**

As it does each year, the Executive Committee discussed legislative issues. However, we did not draft legislation and took no positions on proposed bills. Our Executive Committee and section members defer to our respective professional organizations (Oregon District Attorneys Association and Oregon Criminal Defense Lawyers Association) for policy decisions and direction.

**Matters considered/Matters pending:**

The section will remain focused on spending down our section fund balance by providing high- quality and accessible training events and networking opportunities to our section members.

**Recommendations for Upcoming Year:**

As noted above, the section will continue to find ways to provide services and content to section members at reduced cost and easier access — including remote attendance and recorded content.

**Any other comments:**

Include any additional important information.



# Debtor Creditor Law Section

## **Activities and accomplishments:**

The Debtor Creditor Section starts each year by holding Saturday Session, a collaborative effort with judges, practitioners, United States Trustees, taxing agency officials and other members of the bar who come together to hear and discuss matters of the Courts and betterment of the practice of law. The 2020 event was held in February and produced the largest attendance in the history of Saturday Session due to the presentation of William Rule, Senior Economist from the Administrative Office of the U.S. Courts. This activity engaged a large portion of our section membership and provided information about our economic outlook and how it would potentially affect practitioners in 2020.

In March, 2020, the Committee shifted it's focus to how to engage the Section virtually due to the limitations imposed on in-person events. The committee worked with Legal Aid Services of Oregon to change all in person bankruptcy clinics to direct referral and worked with practitioners to ensure the successful transition. Committee members assisted in re-negotiating contracts with vendors for clinic events and venues which were canceled as a result of social distancing and governor's orders. Those venues were preserved through these efforts for 2021 events which we are hopeful will again take place in person. Direct referrals of low-income individuals to volunteer attorneys assisted them in getting the help they needed with most attorneys engaging with consumers through Zoom or by phone throughout the year.

In April, 2020, the first virtual 33<sup>rd</sup> Annual Northwest Bankruptcy Institute was held. That format provided an outstanding legal education program with presenters switching formats to recorded presentations without video. Practitioners scheduled to appear in person did so through recordings which are now available through the OSB. These were stellar presentations with varied program topics that covered consumer and business issues including the Fair Debt Collection Practices Act, Tax Liens, and the Small Business Reorganization Act.

In a separate CLE, the Honorable Judge McKittrick provided a virtual presentation on anticipated PPP Loan guidance and forgiveness to bar members via the Federal Bar Association. This CLE brought together

many bankruptcy practitioners with other members of the federal bar to engage on a common issue that was new and required quick application. Practitioners learned about guidelines which then evolved and changed throughout the year.

Throughout the year, members of the Executive Committee met on numerous occasions to plan the Annual Meeting and CLE that took place virtually in October 2020. This was one of our largest attended Annual meetings with more than 150 people attending. We conducted surveys prior to the event about social distancing and attendance to maximize how and where funds were spent on the meeting. We received many positive comments about how use of the virtual format allowed Section members across the state to attend the meeting and obtain their continuing legal education credits, while limiting costs for travel, hotel and meals.

A separate committee has commenced to assist low-income individuals with pro-bono litigation services through the bankruptcy court. Members of the committee include practitioners from debtor and creditor practice areas, as well as the US Bankruptcy Court. The program is in the early stages. It promises to provide greater access to justice to those who cannot afford an attorney in a bankruptcy litigation setting. We hope to finalize it in 2021 for access by the general public.

### **Budget:**

We began this year planning ways to facilitate greater use of our budget for the benefit of our members. The committee brainstormed new lawyer events/socials, co-sponsored CLEs and decreased fees for our Annual Meeting. For example, at the collaborative Saturday Session in 2/2020, we offered a lower cost with meals and experienced the greatest attendance in the history of Saturday Session.

Shortly after, as a result of COVID-19, many of the Section's historic in person activities were shifted to a virtual format or were unable to occur. This greatly impacted the sections plans to spend down its historic reserves. The section is hopeful that 2021 permits a "return to normal" allowing traditional in person events. We continue to have surplus of funds into 2021 which is necessary to offset the anticipated expenses for 2021 annual events including the Pacific Northwest Bankruptcy Institute and the Section's Annual Meeting.

Although many of the contracts were revisited, as a result of COVID-19, if the section is unable to attend planned events for which 2021 contracts were signed, the section may incur cancellation fees. A portion of the

accumulated funds are held to address this limited potential liability. Also for the 2021 budget, we have increased budget items for the pro-bono clinic as the Section is working with Legal Aid Service of Oregon to increase access to justice through their programs throughout the State, including production of handbooks and the bankruptcy legal aid clinic for consumers.

### **Legislative issues:**

The session of the Oregon legislature in 2020 was incredibly short with politics keeping the number of legislative proposals actually passed very limited. In May, 2020 the BOG approved a Debtor-Creditor law improvement proposal for including in the bar's 2021 legislative package. The Committee is on track as a section to advocate for the bill in the next legislative session.

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

Matters pending at the end of the year include continuing planning through committees for the 2021 Saturday Session, Northwest Bankruptcy Institute and the Annual Meeting, reviewing content, ideas and speakers relevant to current events and how to best utilize virtual format to engage our section membership further and engage additional members in 2021.

Bankruptcy clinic dates have been picked, venues for later in the year reserved, and volunteers are actively being engaged.

### **Recommendations for Upcoming Year:**

One of the biggest goals the section has is outreach to the low-income community to provide access to justice. Activities are currently being planned to create booklets and videos to promote access to those who cannot afford legal assistance. The litigation committee previously referenced will also provide greater access to the Courts for pro-se litigants.

Recommendations for the upcoming year include more Zoom activities planned to engage the section and increase membership. With bankruptcy filings declining, membership continues to decrease each year. Outreach to law schools in 2021 or other sections for co-sponsored events may generate larger interest in the section. Offering reduced costs for CLEs or scholarships has been discussed by the Committee and will likely be implemented in 2021.



# Disability Law Section

Activities and accomplishments: We stayed active and had regular meetings despite the pandemic. We have been having our monthly meetings and getting quorums, we kept our website blog going. We awarded two scholarships this year to our CLE and we were able to hold a successful virtual CLE with interesting and timely topics. These further the OSB's mission to serve justice because we are providing continuing education to Oregon attorneys regarding serving disabled people, particularly with regard to how to pivot their practice during a pandemic. We provided timely information on ethical considerations necessary to continue to provide services to Oregon's disabled population so that access to justice did not suffer through the pandemic.

## **Budget:**

The Disability Law Section has a balance right now \$4,581. We have \$6 more than we started the year which is \$1,500 more than we projected. Part of this is because we spent no money on our CLE because it was done virtually. We awarded two scholarships to the CLE this year, which was a first for us. Because we anticipate the pandemic continuing, we are not budgeting any money for a CLE next year, because we can have the CLE virtually. We are also going to up our donation to the Campaign for Equal Justice to \$1,000, because we feel strongly about their mission to supporting access to justice.

## **Legislative issues:**

We have not really followed up on this too much. We can request that the Bar do some tracking for us, but our EC is very small and does not really have the resources to dedicate this. We rely on information from Disability Rights Oregon, Oregon Trial Lawyers Association, and the Bar for updates on legislative issues. We have chosen to dedicate our limited resources to providing information to Oregon attorneys and law students rather than legislative advocacy.

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

We are always interested in getting more involvement from our section and reaching new lawyers and law students interested in pursuing disability law. We are considering changing the format of our CLE to monthly lunchtime CLE and maybe make it free for our section members so that it is accessible to more members. We are also considering not

only focusing on disability related topics, but also required credits to get more traffic in these CLEs.

**Recommendations for Upcoming Year:**

We want to continue to figure out how to get more outreach and involvement from our section to boost our membership, particularly during the pandemic. We want to be a resource to our members and be an active section.

**Any other comments:**

None.

# Elder Law Section

## **Activities and accomplishments:**

The Elder Law Section Executive Committee meets six times a year and is comprised of five officers and eleven members for a total of sixteen. Our May, July & September meetings were held via conference call due to the COVID-19 pandemic. Our November meeting was held via Zoom so that it could be recorded to comply with Public Meetings Law and HB4212 that temporarily requires recording in place of the physical location. Most Elder Law Section activities take place through the work of specific Section subcommittees. The four subcommittees of the Elder Law Section Executive Committee are the CLE Committee, Newsletter Committee, Legislative Committee, and Scholarship Committee. Subcommittee membership is open to all interested section members.

**CLE Subcommittee:** The CLE subcommittee is responsible for planning Section CLEs. The Section has traditionally sponsored, in conjunction with OSB, an annual CLE in Portland during the fall, with replay opportunities around the state. This year due to the COVID-19 pandemic, we were unable to hold our very popular UnCLE typically held in May in Eugene as well as a new CLE that would have focused on elder financial abuse litigation. The subcommittee was able to quickly pivot from in-person CLE to a webinar format for our fall CLE entitled “Guardianships and Conservatorships.” Topics included Guardianship and Conservatorship basics, alternatives to protective proceedings, rights of protected persons in Oregon and legal ethical issue for elder law attorneys.

**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’s members and the editor determine each issue’s focus and 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.

**Scholarship Subcommittee:** The Elder Law Section provided scholarships to our CLEs to new lawyers and/or those earning a smaller annual salary. We provided scholarships to five participants for our Fall CLE in October 2020.

**Legislative Subcommittee:** During 2020 the Legislative Subcommittee worked with the Section, the OSB, and other stakeholders to monitor and participate in legislative proposals that affect people who are elderly, incapacitated and/or financially incapable.

**Budget:**

As of October 31, 2020, the Elder Law Section had 539 paid memberships and 14 complimentary memberships (given to judges, court staff and OSB members of 50 or more years). This is a 3.5% decrease from 2019. Annual dues remain unchanged at \$25 for 2020. The Section maintains a reasonable reserve to allow for special projects from time to time, occasional paid CLE speakers (as we had in 2019), additional CLE scholarships, and to assure a continued ability to offer newsletters and CLEs. The Section made contributions in 2020 to the Oregon Minority Lawyers Association, Guardian Partners, Disability Rights Oregon, and Oregon Lawyers Assistance Foundation.

**Legislative issues:**

Important legislative issues monitored in 2020 included HB 4212A, Remote Online Notarization (RON) and the Advance Directive workgroup.

**Matters considered/Matters pending:**

It is anticipated that Section members will continue to be involved with legislative proposals during the 2021 legislative session. Planning will soon begin for our 2021 CLE events and the newsletter themes and topics are being discussed for 2021. Oregon’s elderly population has been severely affected by the pandemic. Elder law attorneys have had to find creative ways of practicing including video conferencing and extensive phone conferences. To reduce or avoid personal contact with our clients we have had to come up with creative “sign at home” or “walk through signing” strategies. 2020 has been a challenge for the entire country and the population our Section serves has been hit very hard.

**Recommendations for Upcoming Year:**

The Elder Law Section will continue strive to increase access to justice by providing scholarships to our CLEs, keeping our Section fee reasonable, encouraging Section members to contribute to the Face Masks for the Courthouse program, monitoring relevant legislation, and donating to



causes that assist and support elders, people experiencing disabilities and minorities.

**Respectfully submitted:**

Theresa Hollis (CH), Julie Meyer Rowett (CH-Elect), Darin Dooley (Past-CH), Andrea Ogston (TR), Anastasia Yu Meisner (SEC), Corey Driscoll, Katherine Gapinski, Christian Hale, Christopher D. Hamilton, Alana Hawkins, Rebecca Kueny, Kay Hyde-Patton, Jennifer Kwon, Matthew McKean, Julie C. Nimnicht, Monica Pacheco, Anne Graham (BC), Amy Zubko (BL).



# Energy, Telecom & Utility Law Section

## **Activities and accomplishments:**

Briefly describe the section's activities and accomplishments from the current year. Include specific details of how the section's activities further the OSB's mission to serve justice and the public interest by promoting respect for the rule of law, improving the quality of legal services, and increasing access to justice.

Our biggest accomplishment for this year was making sizable donations to five organizations using the funds we were unable to otherwise use this year for ETU-related activities. We made \$600 contributions to Campaign for Equal Justice, St. Andrews Legal Clinic, Oregon Law Students Public Interest Fund, Lewis and Clark Public Interest Law Project and Willamette Public Interest Law Project. The COVID-19 pandemic and subsequent social distancing and quarantine requirements made this a challenging year. Although we began this year with a number of goals, including increased outreach to students and practitioners in other parts of the state, as well as organizing and hosting two CLEs and a summer social — the challenges of the pandemic caused us to reevaluate these for 2020.

## **Budget:**

Provide general budget information from the current year and/or upcoming year.

Per discussions with Natalie Batiste, the ETU section will be utilizing its 2020 budget for 2021.

## **Legislative issues:**

None.

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

Provide information on all matters considered by the executive committee and any matters still pending.

Matters considered by the executive committee included planning events and outreach, and financial support of bar-approved organizations

given the lack of events/spending from the section in 2020. Matters still pending include planning events (CLEs) and outreach, which the section is working to do this year.

**Recommendations for Upcoming Year:**

Sections provide members a forum for improving legal skills and knowledge, improving the law and administration of justice, exchanging ideas and information, and engaging in pro bono service and other activities to increase access to justice. With this in mind, indicate any planned activities and goals for the upcoming year that further the OSB's mission.

Goals for 2021 include expanding the outreach of the section to other areas of the state (i.e. outside of the Portland area, where most active members reside/practice), expanding outreach to law students through events partnership, and to plan and host events including CLEs and networking events (virtual or in person, as appropriate).

**Any other comments:**

None.

# Environmental & Natural Resources Law Section

## **Activities and accomplishments:**

Briefly describe the section's activities and accomplishments from the current year. Include specific details of how the section's activities further the OSB's mission to serve justice and the public interest by promoting respect for the rule of law, improving the quality of legal services, and increasing access to justice.

**Brownbag CLEs:** The ENR Section hosted a brownbag CLE, *Sea Otters on the Oregon Coast: Once Upon a Time and Perhaps Again*. This program was held remotely online and was free to Section members. The event was well attended, and the Executive Committee plans to hold additional remote programs in the future to allow our members outside the Portland metro area to join in these programs. Another remote brownbag CLE will be held in December of 2020, addressing environmental justice issues associated with inclusion of impacted communities in planning projects. The Section will apply for an access to justice credit for the CLE.

**Annual CLE:** The ENR Section hosted its annual "Environmental Law Year in Review" CLE on October 8, 2020. 91 people attended the event, and we received positive feedback. Key presentation topics included changes to the National Environmental Policy Act and Council on Environmental Quality regulations, Endangered Species Act issues in water resources management, Superfund law legal updates and use of alternative dispute resolution tools, Oregon forest law and policy update, Oregon 1200-z stormwater discharge general permit rulemaking, ocean and coastal law, and the ethics of storytelling in environmental advocacy. This year's annual CLE was held remotely and co-sponsored by the OSB for the first time. As in previous years, the Section worked to keep registration costs down to make the CLE accessible to more members, and the Section offered a scholarship to all Section members to lower the cost below the OSB's Section member rate.

**E-Outlooks:** The ENR Section published 8 E-Outlook articles, which provide detailed analyses of recent legislative, regulatory, and judicial developments relevant to environmental and natural resources practitioners. These articles addressed *Baley v. United States*, Total

Maximum Daily Load standards under the Clean Water Act in the Klamath Basin, the 2020 Waters of the United States regulations under the Clean Water Act, *County of Maui v. Hawaii Wildlife Fund*, new regulations under Section 401 of the Clean Water Act, climate change under the public trust doctrine, the U.S. Environmental Protection Agency's adopted regulation governing guidance documents, and the Oregon Department of Environmental Quality's updated guidance for conducting ecological risk assessments.

**Case Notes:** The ENR Section distributed three editions of its Case Notes publication, which summarize numerous recent state and federal case law decisions that are relevant to our members.

{P0514176; 0650.02 SRL }

**Website:** The Section continues to use its website to share information and materials. For the annual CLE in 2020, all materials were distributed via the website. The website is an effective portal where members can access publications, review Executive Committee minutes and financial reports, and learn about upcoming Section events.

**ListServ:** The Section uses its listserv to provide notices about upcoming events, including Executive Committee meetings. It does not receive a lot of traffic, but we alert Section members to its availability as a resource for sharing information.

**Field Trips:** The Section did not host any field trips during 2020 due to the COVID-19 pandemic. In typical years, the Section hosts several field trips that are well attended and include CLE credit for attendees.

### **Budget:**

Provide general budget information from the current year and/or upcoming year.

As of the end of October, 2020, the Section's fund balance was \$14,570. The Executive Committee approved the 2021 budget with the following provisions: projected 2021 revenues are \$17,575 and projected expenses are \$16,399. This budget will provide for a reserve balance of approximately \$14,924. As of the end of October, 2020, the Section has 536 total members (483 paid, 53 complimentary for students and new lawyers).

### **Legislative issues:**

Describe any legislative issues from the previous year and any upcoming legislative matters.

The Executive Committee works with the OSB annually to track Oregon bills that are of interest to the Section's members, providing updated information on the OSB's website, and a link to such information on the Section's website. A summer E-Outlook article typically focuses on state legislative updates, but the 2020 short legislative session ended without enacting environmental and natural resources bills that would have been included in the update.

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

Provide information on all matters considered by the executive committee and any matters still pending.

The Section's annual award and remote award presentation will occur in December of 2020 at a date to be determined.

An access to justice CLE addressing environmental justice issues associated with inclusion of impacted communities in planning projects will be held remotely on December 9, 2020 (MCLE credit approval to be applied for).

### **Recommendations for Upcoming Year:**

{P0514176; 0650.02 SRL }

Sections provide members a forum for improving legal skills and knowledge, improving the law and administration of justice, exchanging ideas and information, and engaging in pro bono service and other activities to increase access to justice. With this in mind, indicate any planned activities and goals for the upcoming year that further the OSB's mission.

The Section will continue to distribute high-quality E-Outlook and Case Notes articles, sponsor brownbag CLEs, host field trips of interest to Section members, and present another full-day CLE in 2021.

### **Any other comments:**

Include any additional important information.

The Executive Committee continues to work on diversifying the committee and the section membership, and those efforts will continue in 2021.

{P0514176; 0650.02 SRL }



# Estate Planning and Administration Law Section

## **Activities and accomplishments:**

Briefly describe the section's activities and accomplishments from the current year. Include specific details of how the section's activities further the OSB's mission to serve justice and the public interest by promoting respect for the rule of law, improving the quality of legal services, and increasing access to justice.

The section was active in four areas in 2020: (1) In November, the section conducted a virtual full-day CLE program, which was co-sponsored by the OSB CLE Department. The CLE covered topics related to basic estate planning and administration. The program was well-attended and successful. (2) The section published a quarterly newsletter with articles on current developments and technical topics of interest to estate planners. (3) The section monitored legislation pending in the 2020 legislative session, and proposed 4 bills for the 2021 legislative session. (4) The section maintains a very active listserv, which is very helpful to our members in sharing information on estate planning and administration topics.

## **Budget:**

Provide general budget information from the current year and/or upcoming year.

The section has an annual budget of approximately \$26,000. A reserve fund currently holds approximately \$17,000, which will be used for future projects.

## **Legislative issues:**

Describe any legislative issues from the previous year and any upcoming legislative matters.

The section proposed 4 bills for the 2021 legislative session concerning:

- ii. Will retention by attorneys.
- ii. The impact of divorce on financial and health care powers of attorney.

iii. The conveyance of property held as tenancy by entirety to a revocable trust.

iv. A simplified method of funding a revocable trust after the death of the trustor.

**Matters considered/Matters pending:**

Provide information on all matters considered by the executive committee and any matters still pending.

The matters considered by the executive committee are discussed above, and currently no significant matters are pending.

**Recommendations for Upcoming Year:**

Sections provide members a forum for improving legal skills and knowledge, improving the law and administration of justice, exchanging ideas and information, and engaging in pro bono service and other activities to increase access to justice. With this in mind, indicate any planned activities and goals for the upcoming year that further the OSB's mission.

**Any other comments:**

Include any additional important information.

**Respectfully submitted:**

OSB Staff will insert a list of current executive committee members.

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# Family Law Section

## **Activities and accomplishments:**

In the year that delivered one tragedy after another, the family law section did its best to continue serving our members. The legal field experienced unprecedented challenges and changes. Members found themselves working remotely, disconnected from colleagues, appearing in court remotely, with increased caregiving responsibilities and struggling financially. The executive committee provided recommendations to Chief Justice Walters on COVID-19 rule changes and urged the court to continue providing essential services to those needing family law matters litigated. Sadly the section found it necessary to cancel the 2020 Family Law conference due to the COVID 19 restrictions and health risk. We considered a virtual conference but after investigation streaming services were not sufficient and gathering speakers for a video recording was also unwise. The committee made an effort to arrange for virtual CLEs but found that speakers and volunteers were few and far between as our community continued to reel from COVID, financial strain, wild fires, social unrest, calls for change and equity, and a volatile political season. The Executive Committee assisted members by providing information and vetting resources regarding remote working conditions. The section listserv became an even more essential resource as new issues as well as challenges arose both in the manner and substance of the practice. Family law attorneys saw increased need for service, high conflict cases involving COVID 19 complications regarding schooling, schedule and exchanges. Devastating increases in domestic violence, significant increase in the demand for social services and legal aid services, financial strain and a surge in mental health crisis called on family law practitioners to step up and assist at the highest level of practice. The Listserv provided a resource for attorneys to collaborate, problem solve and minimize contrary legal advice regarding emerging issues and clarifying old ones.

The committee regularly conducted its meetings by telephone, with the exception of two meetings typically held in person. Due to COVID 19 and the need for safety precautions all meetings were held by telephone. The committee also moved its website to being facilitated by the bar. The section continues to publish the section newsletter with updates on caselaw, legislation, and other matters of significance.

## **Budget:**

The section was off budget as a result of the cancellation of the section's primary source of income- the section's annual conference. However, as the conference has operated at a loss for the last several years it was not of significant impact. The committee successfully negotiated a postponement of the 2020 Salishan contract without financial penalty so the section's budget was not adversely effected. The section did pay a deposit toward the 2021 conference but otherwise incurred no conference related expenses. A slight decline in membership likewise resulted in less income than estimated. The section incurred lower expenses this year as result of the lack of the conference, but also in regard to travel and food expenses that were not incurred because committee meetings were not conducted in person.

Projecting into 2021, our section budget included a continued decline in membership, and anticipate the decline may be exacerbated by the financial hardship of COVID 19. It was virtually impossible to accurately project the income for the 2021 annual conference. The section remains under a contract with significant minimum expenditures. We anticipate it will be necessary to renegotiate the contract for a reduction of those minimums (which are based on our historic attendance of nearly 400). If the regulations on gatherings are eased or end we will conduct the conference, but it is highly unlikely to see the kind of attendance seen in previous years. However, lacking accurate information for projections the 2021 budget is based on historic experience with the conference and the contractual minimums in terms of expense and income. The aim would be to supplement in person attendance with a virtual option and therefore have comparable income.

The section has included in the budget increased cost for web streaming as we anticipate offering CLE content and the conference virtually (at least in part) in 2021.

## **Legislative issues:**

The Executive Committee has continued to monitor the legislation and committee regarding authorizing paraprofessionals throughout the year and will continue to do so going forward. 2019 saw significant legislation proposed regarding a presumption of equal parenting time, which was passed as an amendment to ORS 107.102 that did not in fact create such a presumption. However, at times the amendment was applied and argued by parties and counsel as though a presumption was in fact enacted. The committee made an effort through the listserv,

newsletter and professional contacts to alleviate confusion to prevent the misapplication of the statute and create more consistent legal advice. The committee advised Chief Justice Walters on procedural issues and court rules, some of which required legislative amendments related to requirements of proceedings, timelines, and form of appearance. The legislative committee reviewed the pending legislative issues for those implicating family law matters and there were none of significance. The committee conferred with the “Sunshine Committee” that reviewed legislative procedures and rules to create more transparency to the procedure. The Sunshine Committee identified a few areas that were part of or intersected with family law but the changes were not significant or of impact. The legislative committee will continue to review the pending legislation for those issues of relevance to family law. A few proposals were presented for legislation or floated by members, but there were no legislative revisions that the committee agreed to shepherd or spearhead.

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

The section has experienced a slight but steady decline in membership in the last few years and that continued in 2020. The committee is committed to determining the source of the decline and turning the trend around.

The most pressing matter is the 2021 conference and whether it is feasible to hold the conference in person, remotely or a combination thereof. The likelihood is that some version in person will be able allowed, but the bulk of the planning happens roughly six months in advance. The expense of the conference and size of same make it difficult to plan without certainty.

The section has pending a request for a contribution from the Campaign for Equal Justice. Earlier in the year the committee approved a small contribution, its first charitable contribution.

The committee continues to hope to hold virtual CLEs and continues to look for speakers willing to present on family law topics.

The committee reviewed nominations for the sections two awards, the professionalism award and Professor Award. The recipients would typically be honored at the section’s conference. Having not been able to do so the section continues to look for appropriate ways to recognize the recipients, such as in the Bar Bulletin.

The section formed a surplus committee to review and make recommendations for a spend down of the section's surplus. The Bar has extended the deadline for the surplus reduction for 2020. However, the section continues to have a significant surplus despite operating at a loss (due to conference expenditures) for several years. The committee will be looking into appropriate uses for the surplus that serve our section members and the bar's mission.

The section listserv continues to provide an outstanding resource to members statewide. The section has adjusted its protocols to conform to the Bar's current listserv policy. As attorneys work remotely and we have less opportunities to come together the listserv provides not only answers to legal questions, but just as importantly, fosters community.

### **Recommendations for Upcoming Year:**

The committee will need to continue to find ways to offer services to members virtually as in person events are unlikely to resume to full capacity in 2021.

The committee should continue to encourage collaboration and community by virtue of the listserv, despite the lessening of restrictions on monitoring and content.

The committee needs to continue to advocate for its members needs and safety, including those members who are required to appear for in person hearings, and to encourage members to prioritize self-care and mental well being during these trying times.

The committee will need to put in a significant and early effort into planning the 2021 annual conference. The conference will need to have content that can be delivered in person or virtually and top notch speakers who can convey the material regardless of the medium.

Flexibility and understanding will need to be built into the plans so that as the COVID regulations change the conference can accommodate them. The committee will need to work with the Bar to negotiate the Salishan conference to lower the minimums or, if need be, postponing yet again and having a virtual only conference.

In 2021 as executive committee positions become available the committee should seek diverse candidates in all respects, including BIPOC, LGBTQIA, regional representation and diverse areas of family law practice.

**Any other comments:**

It's been an honor to serve the section in this exceptional year.





# Government Law Section

## **Activities and accomplishments:**

Continuing Legal Education Seminar: The Government Law Section planned and presented one accredited Continuing Legal Education seminar in 2020. The CLE was developed by a volunteer subcommittee of the Section's Executive Committee. The Section initially planned a traditional in-person Spring CLE in Portland, but postponed the program due to concerns presented by COVID-19.

The seminar was converted to a web-based video seminar with live Q&A by the speakers through co-sponsorship with the OSB as a half-day program. The topics included a regular and special session legislative update, standardizing intergovernmental agreements and legal issues raised in the time of COVID-19. The CLE was well attended by attorneys across the state and remains accessible as a recorded presentation through the OSB. The Section offered and awarded scholarship opportunities for attending the CLE.

The Section held its annual business meeting by telephonic and video conferencing to elect officers for the coming year and invite issues raised by the section members at large.

Section members have updated the Section website and we maintain postings of current job listing and events of relevance to government law practitioners. We also have further developed archives of meeting minutes and materials from Section activities.

## **Regular Meetings and Annual Meeting:**

The Section's Executive Committee schedules regular meetings on the second Tuesday of each month at 1:30 p.m. These regular meetings are held telephonically and have been extended to video-conferencing with recording, on a trial basis, during 2020 to better develop connectivity among members.

The Section convened its Annual Meeting in October 2020, independent of the Fall web-based CLE program. The Annual meeting included election of open executive committee positions and executive officers for 2021.

### **Budget:**

The Budget for 2020 remains healthy. The Section had 463 members as of mid-year with approximately \$6,900 in revenue from dues. The Executive Committee did not seek a dues increase for 2021.

As of August 2020, the budget forecast for 2020 suggests the ending fund balance is expected to be down slightly due to a one-time loss incurred due to rescheduling of the Spring CLE. Contingent positive offsets include a negotiated pending credit from the Spring CLE venue if an in-person event becomes viable in 2021 and pending credits from the Section's Fall CLE programming.

The Section made charitable contributions in the amount of \$1,500 to the Campaign for Equal Justice and \$500 to the Oregon Lawyers Assistance Foundation.

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

A sub-committee of the Executive Committee is actively planning for the 2021 CLE programming. The Section remains interested in developing additional Government Law CLE publication materials.

### **Recommendations for 2021:**

Our 2020 recommended budget reflects a continuing commitment to fund scholarships ensuring access to all Section programming, as well as continuing charitable contributions for authorized outside programming such as the Campaign for Equal Justice, OLIO, the Oregon Minority Lawyers Association and the Oregon Legal Assistance Foundation. The Executive Committee has also discussed the success of co-sponsoring CLE events with other organizations and developing diverse CLE programming with networking opportunities.

### **Respectfully submitted:**

Mr. DeFreest, Eric S	Chairperson
Mr. Blaine, Eric	Chair-Elect
Mr. McGear, Douglas M	Past Chair
Mr. Brooks, Thomas A	Treasurer
Mr. Anderson, Brad	Secretary
Ms. Mulvihill, Patricia M	Member
Ms. Sherbo, Kelly	Member

Ms. Whitney, Hope S	Member
Ms. Kammer, Kathryn L	Member
Ms. Percell, Haley Elizabeth	Member
Ms. King, Lauren A	Member
Ms. Hanson, Sarah E	Member
Ms. Brown, Adrian Lee	BOG Contact
Mr. Atkinson, Daniel P	Bar Liaison
Mr. Rockwell, Spencer C	Member
Mr. Brewer, James K	Member
Mr. Jacobs, Chad A	Member



# Juvenile Law Section

## **Activities and accomplishments:**

We started the year with a membership survey to better understand how we could improve the practice of juvenile law. 98 section members responded to the survey. Key takeaways from the survey are: 1. Members want CLEs accessible to all (statewide) and short/quick webinars are preferred. Consider a quarterly webinar with short tips on new topics. 2. Members appreciate appellate updates, 3. Significant interest in JLEC pursuing legislative changes; 4. The section members really want to be provided with more information.

We began planning for an online CLE and talked with the Bar about options to support this format. Little did we know that our vision for a “virtual” CLE was prescient—about a month later the pandemic changed how we interact. All of the sudden, virtual CLEs were ubiquitous. Based on feedback from the OSB regarding their ability to support our section in hosting a virtual CLE, we decided to postpone our CLE until 2021.

The pandemic significantly changed the way we practice juvenile law and forced us to adapt rapidly. We learned how to advocate in video and telephonic court proceedings, visited our child clients outside of their foster homes, and collaborated to find solutions to keep families together and children safe. Recognizing the fragility of parents and children impacted by the juvenile court system, our section compiled a list of supportive resources and distributed it to our membership.

One of EC members and an appellate attorney, Ginger Fitch, now provides regular appellate updates to the section.

We contributed nearly \$2000 to organizations that will improve practice, increase bar diversity and/or improve access to justice. We partnered with a group of juvenile court stakeholders to present the Juvenile Law Training Academy, a 2-day multidisciplinary training conference for juvenile court practitioners.

We recognized two members of our section through awards. Normally we would present the awards at the CLE, but this year published the announcement in the Bar Bulletin.

*Professional Advocate Award: This award recognizes a juvenile court lawyer who has demonstrated notable professionalism both in and out of court and has developed significant*

*expertise in an area of juvenile law to improve outcomes in juvenile cases.*

Roxanne Scott is the 2020 recipient of the Professional Advocate Award.

*New Practitioner Advocacy Award: This award recognizes an outstanding and enthusiastic new juvenile court lawyer in practice for fewer than five years.*

Judah Largent is the 2020 recipient of the New Practitioner Advocacy Award.

**Budget:**

See the financial statements, available here <https://www.osbar.org/sections/financials.html> , for more details. Due to holding meetings virtually and postponing the CLE, we have assets of about \$10,000.

**Legislative issues:**

N/a

**Matters considered/Matters pending:**

The most significant matter pending is the CLE.

**Recommendations for Upcoming Year:**

We will continue to focus on improving the practice of juvenile law, diversifying the attorneys and judges within the juvenile law community, and promoting access to justice.

**Any other comments:**

None

# International Law Section

## **Activities and accomplishments:**

The section co-sponsored a CLE for import & export issues with Lewis & Clark Law School in March. The event was well-attended by students and non-attorney professionals in addition to attorneys.

The section became a table sponsor for an event for Celebrate Trade Gala Dinner, originally scheduled in May 2020, but the event was postponed to May 2021 due to the COVID-

19. The sponsorship helps fund scholarships for Oregon Consular Corps Scholarship Fund, which provides scholarships for students at each of the following five schools: Lewis & Clark College, Oregon State University, Portland State University, the University of Oregon, and the University of Portland.

## **Budget:**

The Section ended 2019 with the Bar's waiver for maximum fund balance. Accordingly, we were encouraged to spend down funds this year on CLEs and other activities to further the section's objectives. We co-sponsored a CLE and co-sponsored an event. As of October 2020, the section has 83 paying members and 31 non-paying members. The section projects to end the fund balance of approximately \$4,700 for 2020. For 2021, we project a balanced budget within the Bar's guidelines.

## **Legislative issues:**

Currently, the section does not have any legislative matters.

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

The executive committee has been primarily focused on providing CLE's in various areas of international law for the section's members.

We are planning to have a CLE on international family law issues in spring of 2021. It will be likely co-sponsored with the Family Law Section, and we plan to apply for ethic credit in addition to general CLE credit.

### **Recommendations for Upcoming Year:**

As mentioned above, we are working on a CLE on international family law issues in spring of 2021. We continue to plan quality CLEs and networking opportunities for the section's members.



# Indian Law Section

## **Activities and accomplishments:**

The Indian Law Section's goal is to encourage a greater understanding and improve the practice of Indian law throughout Oregon and includes promoting respect for the rule of law within Oregon's exterior boundaries, be it tribal law or state law. The Section works to support education of current legal issues in Indian law, as well as to improve the functioning of the courts in issues of fairness through support of diversity in the law and on the bench. The Section represents a wide spectrum of attorneys who handle cases, transactions and other matters involving Indian law: attorney in private practice, attorneys who work as in-house attorneys for Indian tribes, attorneys for non-profit organizations advocating for tribal rights, and attorneys who serve as tribal court judges for Indian tribes in Oregon. The Section also welcomes tribal leaders and tribal members, or anyone else interested in Indian law issues.

In support of our mission as described above, and in furtherance of the OSB's mission

to serve justice and public interest, the Section Executive Committee pivoted quickly in with the onset of COVID times, including:

- Providing support for the virtual nationwide Indigenous Law Graduation;
- Organizing and promoting a three-part virtual lunchtime CLE, including scholarships for lawyers in need to attend free of charge;
- Participating in the Tribal Court / State Court Forum;
- Beginning to revamp our website to include information on tribal court availability and COVID; and
- Convening a Nominating Committee to:
  - o Ensure EC sustainability by filling all officer roles; and
  - o Considering whether the Section should adopt some version of a non-voting Advisory Council to ensure that goals continue to align with interests of tribal members and those of tribal courts situated within Oregon's exterior boundaries. Implicit in this question was what impact and

influence such an AC would have on, and advantage for, Section membership.

Last, the Section made a substantial effort to continue forward with securing broad full faith and credit in state courts for tribal court judgments, order, and decrees through the legislative effort begun in 2018.

### **Budget:**

In an effort to support Section membership and further spend down member funds so as not to incur the added support services fee implemented in 2018. The Section had already voted to spend down the funds prior to the Bar issuing its exception for the increased fees in 2020. The Section EC approved several donations in support of the following organizations germane to both the Section's and Bar's stated mission and goals:

- Virtual Indigenous Law Graduation, in support of Native American, Alaska Native, and Native Hawaiian law school graduates entering the profession;
- Oregon Lawyer Assistance Foundation, in support of mental health and addiction recovery services provided to lawyers through the OAAP;
- An increased donation to the Oregon Minority Lawyers Association for bar study stipends; and
- An increased donation to the Campaign for Equal Services, in support of access to justice.

Additionally, a donation to Northwest Indian Bar Association for law student scholarships and bar stipends has been submitted to the OSB CEO for approval. That approval is pending.

Legislative issues: The Section's Legislative Subcommittee continued its efforts, started in 2019, to work with the Oregon State Bar's Public Affairs Committee and bring forward legislation to further clarify and broaden full faith and credit for all tribal court orders, judgments, and decrees by state courts via Oregon statutory amendment. The proposed language is currently being considered by tribal court stakeholders. After changes are suggested and considered, the Legislative Subcommittee will present on the legislation to the Tribal Court / State Court Forum towards the beginning of 2021.

## **Recommendations for Upcoming Year:**

Recommendations include continued consideration and thoughtful progress on:

- The EC Advisory Council question,
- The FFC legislative effort,
- Remodeling the Section’s website to make it a more effective communication and educational tool for Section membership; and
- Continuing either the lunchtime or afternoon CLEs to further improve legal skills and knowledge of Indian law in Oregon among all OSB membership, particularly in areas where jurisdictional or statutory “crossover” is increased or complex.



# Intellectual Property Law Section

## **Activities and accomplishments:**

We held our annual Year-in-Review CLE at the Bar Center in February, seven lunchtime CLEs throughout the year, and our Annual Meeting CLE in October. Our CLEs covered such topics as BitTorrent Movie Copyright Litigation, Trade Secrets, Implied Patent Licensing, and Social Media Advertising and Influencers. Our Annual Meeting featured a presentation by Michael Labbee of Intel regarding the Intersection of IP Rights and Big Data. While we could not host our normal social events due to the pandemic, we hosted a virtual happy hour with the Oregon Volunteer Lawyers for the Arts.

## **Budget:**

We will end the year on budget, with approximately 434 members in the section and a balance of approximately \$19,735.

## **Legislative issues:**

The legislative subcommittee of the executive committee tracked a handful of bills, none of which warranted the Section taking an official position.

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

The executive committee successfully transitioned lunchtime CLEs to a virtual format. When it is safe to meet in groups again, the executive committee will need to find and secure a new venue for the Section's regular lunchtime CLEs. We have secured all but one of the speakers for our annual Year-in-Review CLE, which will be held virtually in February, 2021.

## **Recommendations for Upcoming Year:**

The executive committee is working toward securing a full slate of lunch-time CLE speakers for 2021. Lunchtime CLEs will continue to be virtual for the foreseeable future. We are also actively exploring opportunities with all three Oregon law schools to have virtual events for outreach with their students, if possible.

**Any other comments:**

The Intellectual Property Section is a thriving and busy section of the bar. The executive committee meets monthly. We look forward to continuing to offer numerous, diverse CLE topics and speakers and other programs of interest for our section members in 2021.

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# Litigation Law Section

## **Activities and accomplishments:**

The Section continued its tradition of active leadership, excellent programming, and focused outreach. Our Executive Committee was active this year, meeting five times. This year proved to be especially challenging due to the rise of the COVID-19 pandemic. As many organizations have had to do, we moved to a remote platform, which allowed for maximum participation of the statewide group. We met in-person on January 18 in Cannon Beach; in-person on February 29 at Skamania, following the Litigation Institute and Retreat; remotely on June 5; remotely on September 25, which was the Annual Meeting; and a Special Meeting on December 15.

The year included successful CLE presentations and programming, which were well attended by the Section's membership. In an effort to increase the awareness of diversity and social justice, the Section offered presentations at the 27<sup>th</sup> Annual Litigation Institute and Retreat on the science of implicit bias, all of which are available as CLEs on the OSB website.

The Executive Committee participated in the program planning and presentation of the Litigation Institute and Retreat at Skamania. Participation rebounded from last year, including demographic diversity that promises success for this program going forward. The subcommittee of the Section continues to study and make recommendations on the future of the Institute, including its timing, location, and programming, to ensure its success going forward.

The Oregon Supreme Court instituted a New Lawyer Mentoring Program that is required for all new OSB members in their first 12-18 months as new lawyers. Not surprisingly, the Bar saw a great interest in Litigation and many members of the Section participated in this year-long mentoring project.

The Executive Committee continues to address the changing demographics of the Section, focusing on expanding its outreach to newer practitioners. These efforts have been successful; we have seen newer attorneys join the Section and we have diversified our Executive Committee. We are also increasing the scholarship budget designed to attract younger practitioners. Those efforts will continue.

**Budget:**

The Section continued to be financially sound this year, operating consistently with the 2020 budget.

On the expense side, the Section experienced savings in several areas and saw most budgeted expenses come in under budget. Specifically, although the Executive Committee met more times than is typical, the expenses associated with the Executive Committee meetings were well under budget, especially given our move from in-person to remote platforms.

**Legislative issues:**

The Executive Committee has monitored legislative activities, but nothing of import to the Section's membership as a whole arose that required action.

**Matters considered/Matters pending:**

The Executive Committee is dedicated to providing excellent programming to the members and the groundwork for continued success with programming is in place.

**Recommendations for 2021:**

The current Executive Committee recommends that in 2021 we continue to create excellent programming, actively pursue membership recruiting, and promote diversity. We are excited to have three new board members join us to diversify the Executive Committee and bring fresh insight into offering our members engaging and meaningful programs that bring value to their membership.

**Any other comments:**

Include any additional important information.

Respectfully submitted: Jeanne Loftis (CH), Lindsey Hughes (CH-Elect), David Linthorst (TR), Ben Eder (SEC), Justice Brooks, Judge Matthew Donohue, Gilion Dumas, David Linthorst, Judge Josephine Mooney, Lucas Reese, Renee Rothauge, Kimberly Stuart, Jennifer Wagner, Kate Wilkinson, Xin Xu, Karen Lee (BL).



# Military and Veterans Law Section

## **Activities and accomplishments:**

Despite the limitations and constraints created by the pandemic, OSB's Military and Veterans Law Section (MVLS) provided training and support to Oregon's veterans, servicemembers, and the lawyers and organization working to support them.

## **The section sponsored the following virtual CLEs:**

- November 10, 2020: Justice Involved Veterans (1 hour): Instruction on specific criminal justice issues for veterans, and best practices for representation of veterans in criminal matters.
- October 27, 2020: Representing Veterans and Their Families—VA Accreditation (3.5 hours): Representing Veterans and their families with VA accreditation. Speaker Mary Markovich. Topics: Representing before the VA, Veterans Health Administration, National Cemetery Administration, Veterans Benefits Administration, Claims procedure, Appeals procedure, VA accredited agents and attorneys duties.
- September 14, 2020: COVID Update—Eviction Moratorium, Employment/Unemployment Law, and VA Update (1 hour): Eviction moratorium, Employment/unemployment update and VA benefits update. Speakers were Juhi Aggarwal, Heather St. Clair and Renaye Murphy.

**The section donated one copy of its OSB Bar Book, *Veterans, Military Servicemembers, and the Law (2018)* to the Veterans Service Office (VSO) in each of Oregon's 36 counties. This project was done in partnership with the Oregon Department of Veterans Affairs (ODVA).**

## **Budget:**

See budget presented by MVLS treasurer Mark Holady.

**Legislative issues:**

Through OSB's law improvement program, the section has proposed legislation to amend Oregon's veterans' preference statute to allow current servicemembers seeking employment after discharge to apply for and receive the preference, and to change the language governing application of the privilege to ensure consistent and equal application. The section will work to move this legislation through the process during the 2021 regular session.

**Matters considered/Matters pending:**

There are no pending matters aside from the legislative proposals noted above.

**Recommendations for Upcoming Year:**

In 2021 MVLS plans to provide timely and useful CLEs on issues of importance to veterans and current servicemembers. MVLS will ensure proposed legislation on veterans' preference makes it through the legislative process, and ensure that that BOLI promulgates administrative rules consistent with the section's intent. When the public health situation improves, MVLS will focus on in-person activities for section members, and mentorship of law students and new lawyers.

MVLS would like to continue to grow the section and continue to foster good relationships with organizations serving veterans across Oregon.

**Any other comments:**

MVLS appreciates OSB's support during this difficult year.

MVLS continues to evaluate how we can execute our mission to provide a voice for the Oregon State Bar to address the unique legal needs of Oregon's veterans and servicemembers.

# Products Liability Law Section

## **2020 Activities and accomplishments:**

The external events of 2020 constructively imposed what might fairly be called a “pass-through” year in 2020. Prior to the onset of the Covid 19 pandemic, the executive committee had contemplated conducting the Section’s annual CLE in October or November 2020, the Section’s primary event. With the onset of Covid 19 and other external factors, the EC concluded that it would be difficult to conduct a productive CLE in 2020 in any format.

The EC conducted quarterly meetings by phone. Other customary activities such as law school visits were also suspended during 2020.

## **Budget:**

As of this writing, the section has achieved 93.5% of budgeted revenue YTD and is at 21.5% budgeted expenses, with a remaining budget surplus of \$4,905.00. Expenses are obviously much lower than predicted in large part because the annual CLE was not conducted. All expenses incurred in 2020 were related to the OSB Support services Assessment and conference calling.

We have a surplus which is typical and acceptable for a section this size according to the Oregon State Bar. 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 five 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 2021:**

The EC has agreed that it is difficult at this point to make firm plans for activities and goals for 2021 in light of the ongoing Covid 19 epidemic and the different strains that has placed on the Executive Committee and section members. The Executive Committee tentatively looks forward to presentation of the annual CLE in October or November 2021 if external conditions permit. Other Committee events such as law school visitation will have to be reviewed for feasibility in the coming months.



# Real Estate and Land Use Law Section

## **Activities and accomplishments:**

RELU's Executive Committee, along with its standing and ad hoc subcommittees, continued its work throughout 2020 to expand member services, to increase Section membership, and to increase diverse state-wide participation in our Section – all despite the significant challenges presented by the COVID-19 pandemic. The Executive Committee met monthly except for July and August by telephone or videoconference; and the November and December meetings were combined. Subcommittees met as needed. Standing Subcommittees consisted of Education (Annual Summer Conference, Spring Conference and Luncheon Seminars, (each with its own subcommittee)), Real Estate Legislation, Land Use Legislation, Publication/Digest, and Diversity, Equity, and Inclusion, whose functions are discussed below. Subcommittees reported regularly to the Executive Committee through the subcommittee chairs, who are also members of the Executive Committee. The new Diversity, Equity and Inclusion subcommittee, which was organized in 2019, began its work to increase diversity in the RELU Section based on the BOG guidelines.

**Annual Summer Conference.** For the first time in many years, the RELU Section was unable to hold its Annual Conference in person. However, the Annual Summer Conference Subcommittee quickly pivoted to an online CLE series. The Section hosted nine hour-long webinars on Thursdays throughout the summer and offered the CLEs for free to Section members. The recordings of these CLEs were also made available to Section members on the Section's website.

**Annual Spring CLE.** The section's one-day Spring CLE was cancelled, but the subcommittee is working on plans for 2021.

**Luncheon Seminars.** The Sections in-person Luncheon Seminars were also cancelled in 2020, but the subcommittee is exploring options for webinars similar to the 2020 Annual Conference.

**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 RELU Digest editor, Jenny Bricker, and assistant editor, Judy Parker, have brought fresh ideas and a wealth

of editorial experience. The Publications Subcommittee meets every 60 to 90 days to discuss upcoming ideas, provide feedback on past issues and generally support the editors. Through the efforts of our new webmaster, Judy Parker, the Section's website is updated regularly and now includes even more information about subcommittees and how members can get involved in Section activities or access Section resources.

RELU Listserv. The RELU listserv continues to serve as a useful communications tool for Section members to post questions concerning legal issues, and to exchange ideas and announcements about employment opportunities. The RELU Listserv is self-governing, but the Executive Committee appoints a list serve moderator who may occasionally find it necessary to remind members of the listserv protocols. The listserv monitor typically is the Vice-Chair of the Section. 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 become involved in subcommittees and other volunteer opportunities. New OSB members are offered a free membership for the balance of the year of admission. Sign-up sheets are distributed at the annual meeting encouraging participation in the subcommittees.

### **Budget:**

2020 expenditures were generally within budget, with revenues and expenses slightly lower than forecasted due to the COVID-19 pandemic. Even though the Summer Conference was held online, the Education Committees still managed to secure a number of sponsorships and advertisers to offset expenses. The Section aims to continue to maintain reserves sufficient to cover the cost of the RELU Annual Summer Conference should there be a cancellation or dramatic downturn in attendance.

### **Legislative issues:**

RELU tracked a number of bills during the 2020 legislative session and delivered webinars on those bills during the online Summer Conference series. The Real Estate legislative subcommittee and Land Use legislative subcommittees track all bills relating to real estate and land use.

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

Model Opinion Letter. An ad hoc RELU subcommittee continues its work on developing an updated model opinion letter for Oregon practitioners.

### **Recommendations for Upcoming Year:**

Assuming in-person gatherings will be allowed in 2021, the Executive Committee should renew its 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 Executive Committee should continue to work with the OSB to identify procedures that ensure that RELU's Annual Conference can continue in its current format even as the Bar has implemented its new CLE co-sponsorship process. The Executive Committee should continue to satisfy the OSB co-sponsorship requirements with the spring CLE RELU-OSB co- sponsorship.

The Executive Committee should continue to identify opportunities for outreach to diverse members of the OSB, and to increase diversity in Section membership. The subcommittees that plan the RELU Section luncheon series and Spring CLE should continue to explore crossover topics with other sections.

### **Any other comments:**

None.





# Securities Regulation Law Section

## **Activities and accomplishments:**

The section organized and sponsored the following CLEs and Programs in 2020:

- February 12: CLE Luncheon Program (Sentinel Hotel): “Regulation BI: Preparing Clients for the New Standard of Conduct”
- March 6: Co-sponsored and organized Annual NW Securities Institute in Seattle
- June 30: Webinar Program: “Securities Enforcement and Regulation During the Pandemic: A Discussion With the Division of Financial Regulation”
- October 7: Webinar Program: “The Litigation Aftermath of Aequitas Capital Management”

The section held executive committee meetings on January 14, April 10, June 5, August 19, and October 28. It conducted its annual meeting and election of officers via email in November.

The section awarded a \$500 scholarship to the top securities law student at Lewis & Clark Law School, and has reached out to the other Oregon law schools to make the same scholarship available in future years.

The section also donated \$500 to the Campaign for Equal Justice.

## **Budget:**

Attached

## **Legislative issues:**

None.

**Matters considered/Matters pending:**

The section will be a key sponsor and organizer of the 2021 NW Securities Institute. It will continue to sponsor webinars and (hopefully) live CLE programs in the upcoming year. A planning meeting is scheduled for January 8, 2021.

**Recommendations for Upcoming Year:**

None.

**Any other comments:**

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# Solo Small Firm Section

Activities and accomplishments: SSF continue to advance its mission of strengthening solos and small firms through education, advocacy, and community. In education we have continued our SSF Legal Lunchbox series of monthly CLEs, generally we have between 30-40 attendees with as many as 100 attendees for a single CLE; we put on a 5 part CLE series centered around new advances and complex issues surrounding a COVID 19 environment, titled “Weathering 2020: Adapting Your Practice in Turbulent Times.”

Legislative issues: Our Advocacy committee responded by presenting information to our members regarding issues being voted on by the BOG, Board of Bar Examiners (questions regarding the bar exam: delaying the exam and licensing attorneys without taking the exam), Law Libraries (allocations of funding that could result in law library closures), and numerous other issues that have arisen during this tumultuous year. We also assigned a member liaison, Hertsel Shadian, to Bars Alternative Pathways Committee, as well as a Legislative Liaison, Dona Marie Hippert, to ensure that our section was always aware of upcoming changes with the Bar.

In Community: we faced difficult obstacles with very little in person interaction with Members, we put together a COVID 19 Roundtable, that served as a social as well as educational resource for our members. The Roundtable concept spearheaded by Ellyn Stier resulted in a weekly virtual roundtable that lasted over four (4) months to keep section members connected. The Section also donated funds to the Campaign for Equal Justice, seeing a direct need for support especially during this pandemic. We have a Film discussion Social scheduled for early December as an opportunity for members to discuss compelling Cinema in a social setting. We maintain our website with calendaring information, access to Executive Committee agendas, minutes, and budgets; and we continue to have one of the most active and helpful list serves in OSB.

## **Budget:**

Due to the limitations we faced with no in person events, our budgeted funds for this year remain mostly untouched. We spent funds on online communications (Zoom), we supplemented member charges for attending our Weathering 2020 CLE Series and we will have minimal expenses for our virtual EC retreat this December, and we spent the

majority of section funds on OSB Support Services. We will likely end the year close to \$10,000 under budget. We have hopes that next year will not require us to stay in this lockdown state where we are unable to utilize in person meetings, so in anticipation of this we have maintained the same budget as last year.

Regardless of the circumstances we will strive to offer our section the most benefit we can! Matters considered/Matters pending:

Our committee considered matter's ranging from Bar action to social events. We were

consistently involved in administrative actions of the Bar and we communicated to our section utilizing our list serve on a regular basis. We also began the process of Blogging information relevant to our section. There have been obstacles to our efforts, but we continued to provide as much insight, information, and opportunity as we could to our section.

### **Recommendations for Upcoming Year:**

We anticipate providing another great year of CLE material. Specifically, our Legal lunchbox CLE committee is finalizing a slate for our monthly CLE Series, as well as our CLE committee is working on a potential 5-6-part marketing CLE series. Our Advocacy committee anticipates more changes in the upcoming year, many issues ranging from Law library funding to Bar Changes to Section bylaws are on the horizon and have been hotly discussed throughout the year. Our communications committee is continually innovating our web presence and working on new ways to provide support and information to our members. And, our Social committee continues to create opportunity to connect, even in this current world of social distancing.

Any other comments: The SSF Committee has been dedicated to Diversity and Inclusion. When this year started, we had hoped to involve more people and communities in our activities than ever before. Although we have been limited due to a global pandemic, we have managed to advance the Bars goals of diversity and inclusion by adding 2 new Executive Committee members as well as volunteer participants throughout the state. Our current committee reflects the diversity in our section and will continue to grow with a more inclusive and mindful approach to not only our section, but to our society as a whole.

# Ustainable Future Law Section

## **Activities and Accomplishments:**

1. April 24<sup>th</sup> Earth Day CLE: SFS held its first day long CLE on April 24<sup>th</sup> via Zoom webinar. The CLE, "*Sustainability Law – Past & Future*", was viewed by 95 participants from Oregon and around the Country, the highest participation we have had for an event of this kind. It was approved for 7.25 total CLE credits, including one Access to Justice Credit. As the webinar was recorded, we are able to offer replay for those who could not attend. All materials from the CLE were made available for download on the SFS website.
2. December 18<sup>th</sup> CLE: An Ethics CLE – "*Recycling in the Law Office*" via Zoom webinar, with speaker David Elkanich will be held on Friday, December 18, 2020 from noon to 1:00 pm for 1.0 Ethics CLE credit.
3. New SFS Listserv: The new Section Listserv launched in March and was used to advertise events, CLEs and sustainability news of interest to members. The Listserv helped increase connection with SFS Members outside the Portland area.
4. SFS Website: The SFS website was updated with information on: CLEs, Meetings, CLE handouts, SFS Committees, the 2020 Eco-Challenge and the SFS Partners in Sustainability Program. Written materials for all SFS CLE Programs in 2019, and the 2020 Earth Day CLE, were added and made available for download to the public.
5. 2020 Eco Challenge: SFS's team "Oregon Lawyers & Sustainability Warriors", participated in the 2020 People's Eco-Challenge from October 7- 28<sup>th</sup>, 2020. Participants committed to learn and incorporate sustainable lifestyle choices.
6. Membership Increase: Section Membership increased from 259 at the end of 2019 to 278 at the end of 2020. Complimentary section membership for new bar admittees to the bar, was promoted on the website and at our day long CLE.

## **Budget:**

The SFS had \$13,254.00 at the start of 2020. We had net income of \$2,434 and ended with a balance of \$15,688.00. Projected expenses

for 2021 are \$15,273, projected income is (\$9,673.00), for a projected balance at the end of 2021 of \$6,016.00, to comply with Bar limits.

**Legislative Issues:**

The legislative committee circulated information on upcoming legislation via the SFS Listserv. No new legislation was proposed by SFS.

# Taxation Law Section

## **Activities and accomplishments:**

This was an unprecedented year due to the COVID-19 Pandemic. The Taxation Section worked diligently throughout the year to ensure the work of the Taxation Section continued.

## **New Tax Lawyers Committee:**

This year, the New Tax Lawyers Committee (“NTLC”) was chaired by Julie Kelly, who also acted as liaison between the NTLC and the Executive Committee (“EC”). In addition, the NTLC organized and managed the Public Stipend Program Public Service Stipend Program (which awarded a summer stipend to a J.D. student to serve in a position involving taxation), and a Law Student Outreach Program (in which panels of tax practitioners give presentations at Oregon law schools to educate law students about the practice of tax law and opportunities to volunteer with the Section). Due to the pandemic, the NTLC held this outreach as a webinar where law students from the three Oregon law schools attended. This increased attendance from prior, in-person meetings.

## **Laws Committee:**

The Laws Committee (“LC”), which is chaired by Dan Eller, acts as a liaison between the Section and the taxing authorities. As part of that function, the LC meets with leaders of the Oregon Department of Revenue several times each year to discuss policy issues, including legislative and rulemaking proposals, program changes within the Department, and ways to work together to communicate with taxpayers effectively about state tax law. Due to the pandemic, these meetings were held via zoom in 2020. The LC, through volunteers from the Section, also reviews Oregon tax bills as they work their way through the legislative process. The LC’s goals are to minimize confusing or ambiguous language and to alert responsible persons in the Legislature and the Department of Revenue to provisions that may have consequences not intended by the proponents. The LC also reviews draft proposals of Oregon Administrative Rules with similar goals. The LC also participated in the Oregon Tax Court stakeholder meeting, it had a packed agenda with proposed rule amendments, a legislation proposal, and Covid-19 response.

### **Monthly Luncheon CLEs:**

The Section hosts monthly luncheon CLEs in Portland. The Portland series was organized by Peter Evalds. Due to the pandemic, the in-person lunches were moved to a zoom format. Peter Evalds did an exceptional job in organization, rescheduling, and administering this program.

### **Oregon Tax Institute:**

Each year, the Section hosts a two-day CLE featuring well-known speakers on a variety of tax topics. Due to the pandemic, the Oregon Tax Institute was rescheduled to a four-day institute on September 15 – 18, 2020 and held via zoom. Speakers included national and local experts on federal and state tax topics. The planning committee was chaired by Chris Heuer.

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

Due to the constraints of COVID, the Section was unable to hold the day long CLE in April at the Oregon Bar Center and did not conduct other lunchtime CLEs, and the Summer Associate Social as we have in prior years.

The Section considered and approved additional charitable contributions to the Campaign for Equal Justice and Oregon Minority Lawyers Association. As COVID restrictions are likely to remain in place for much of 2021, we also approved additional charitable bequests of up to \$4,000.00 to Bar approved charities in our 2021 Budget.

The Section is organizing another day long CLE to coincide with Earth Day, on April 22, 2021. At this time, the plan is to conduct the CLE via Zoom webinar due to COVID restrictions.

Once COVID restrictions are released, the Section plans to continue organizing additional lunchtime CLEs and webinars throughout the year related to sustainability and the law. We may also organize “volunteer days”, for tree planting or other activities, as we have done in prior years before COVID.

The Section recognizes a continued need to increase diversity in the Section, in our CLE programs, and in outreach to members from smaller communities around the State.



## **Recommendations for Upcoming Year**

1. Increase participation and promotion of the Partners in Sustainability Program and 2021 Eco Challenge.
2. Hold an “annual” day long Earth Day CLE in April; organize 2-4 other hour long CLEs in person and via webinar, throughout the year.
3. Increase diversity in the Section, its programs and activities.
4. Increase participation and communication among SFS members via the Listserv and Website.
5. Promote the SFS and its programs to law students at University of Oregon, Willamette and Lewis & Clark Law School.
6. Review and discuss legislative matters of interest to Section members.

## **Website and Newsletter:**

This year, the Section continued the updated Website on the OSB’s new platform – incorporating publication of the newsletter into a blog / on demand format. The Website is updated by Sarah Lora and the newsletter is edited by Dallas Thomsen.

## **Budget:**

Treasurer Catherine Yao submitted to the OSB a 2021 budget that was approved by the EC on October 1, 2020, the Section’s final EC meeting of 2020.

## **Legislative issues:**

In 2020, the LC analyzed the numerous tax bills adopted by the legislature. The chair of the LC reported on those developments in a meeting of the Section’s monthly lunch series and provided a version of the outline for that meeting to the bar for the Legislative Updates publication.

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

The minutes of the four quarterly meetings reflect all matters considered during 2020.

### **Recommendations for Upcoming Year:**

The chair recommends that the EC continue its historic pattern of CLE and other committee work as outlined above. The chair met with Section members who expressed an interest in volunteering for the Section, and recommends the EC continue to look for new volunteers.

# Workers' Compensation Law Section

## **Activities and Accomplishments:**

In 2020 the Workers' Compensation Section awarded its Professionalism Award to Julie Masters, in recognition of her exemplary contribution to the Workers' Compensation bar. This annual award is given to the attorney whose personal and professional conduct has most consistently reflected adherence to the highest standards of professionalism in the practice of law. With this annual award, the Section seeks to further the mission of the Oregon State Bar, which is to serve justice and the public by promoting respect for the rule of law.

This year the Section also sought to improve the quality of legal services, by producing a four-hour virtual CLE program, in joint sponsorship with the Oregon State Bar.

Finally, the Section made progress toward the goal of increasing access to justice, by recommending to the Workers' Compensation Board that it modify its notice of hearing to include contact information for the Oregon Ombudsman for Injured Workers. The Board has now made the recommended change. In addition, the Section made donations of \$500 each to the Campaign for Equal Justice, and to the Oregon Minority Lawyers Association.

## **Budget:**

The Section's biggest annual expense is the Annual Meeting and CLE, which is normally held in May at Salishan Resort, and was budgeted for \$30,000 in 2020. Due to restrictions on social gatherings related to the coronavirus pandemic, however, the annual event was changed to a virtual meeting and CLE on October 31, 2020. While the final revenue and expense figures were not available at the time of this writing, as of October 31, 2020 revenue for the Section totaled \$7,625 for the year, offset by total expenses of \$6,828. The second biggest annual expense is the Bench-Bar Forum, which was budgeted for \$9,500; but that event was canceled. Year-to-date Section membership as of October 31, 2020 was 324 (including 305 paid), compared to 351 (319 paid) as of the same date in 2019.

Total projected revenues for 2020 amount to \$7,625, against expenses of \$7,948, for a projected operating loss of \$323. This would leave an ending fund balance as of December 31, 2020 in the amount of \$16,169. The Section anticipates total revenue in 2021 of \$51,900, and total expenses of \$52,085. Additional details can be found at page 81 on the Bar's website at the following web address: <https://www.osbar.org/sections/financials.html>

### **Legislative Issues:**

The Section was not directly involved in any legislative issues in 2020; and does not currently have legislative matters on the agenda for 2021.

### **Matters Considered/Pending:**

On referral from the Section's Access to Justice subcommittee, the Section is currently pursuing a proposal to amend OAR 436-060-0140(8), to require specific uniform language in claim denials. The primary purpose of this recommendation is to give clear and concise notice regarding appeal rights and resources to injured workers whose claims have been denied.

In 2020 the Access to Justice subcommittee completed work on a comprehensive Workers' Compensation Vocational Issues Survey, designed to determine whether vocational assistance professionals and other interested stakeholders believe that the current system for providing vocational assistance to injured workers is meeting the needs of workers and employers. The Section recently forwarded the final 22-page report to the Management Labor Advisory Committee (MLAC) for its consideration. MLAC is expected to review the report in 2021.

The Access to Justice subcommittee is currently studying the advisability of recommending changes to standard forms used by the Workers' Compensation Division (WCD), and Workers' Compensation Board (WCB), to provide non-binary options for injured workers and other stakeholders for indicating their preferences with regard to gender. The Section anticipates that it will complete work on this project in the coming year.

### **Recommendations for Coming Year:**

The Section intends to produce two CLE programs in 2021: the Annual Meeting and Conference at Salishan; and the Bench-Bar Forum (location

to be determined). In the event that in-person events are prohibited or unsafe, the Section intends to substitute virtual events.

The Going Forward subcommittee will continue its outreach to young lawyers and law students using a variety of means, including social gatherings. Again, if in-person social gatherings cannot be scheduled due to the pandemic, the Section will look for other ways to engage these groups.

Finally, the Section will work toward making its website more useful to attorneys, by providing current information regarding scheduled events, up-to-date access to relevant resources, and greater interactivity, so that Section members can express their opinions and make known their needs concerning all aspects of workers' compensation law.

### **Other Comments:**

The Section wishes to express special thanks to our Salishan subcommittee for planning and executing our Annual Meeting and CLE, a task made especially difficult in this uniquely challenging year; and to the dedicated professionals at the Oregon State Bar for their invaluable assistance in producing and presenting the CLE program.



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