

OSB ENVIRONMENTAL AND NATURAL RESOURCES SECTION EXECUTIVE COMMITTEE MEETING

MINUTES

Friday, May 14, 2010, at 9:15 a.m.

The meeting was held at Schwabe Williamson & Wyatt's offices in Portland, Oregon.

The following people were in attendance:

In person: Jas Adams, Diane Henkels, Laura Maffei, Erin Madden, John Marsh, Karen Moynahan, Susan O'Toole, and Patrick Rowe.

Via Telephone: David Ashton, Rachel Barton-Russell, Nathan Karman, Kimberlee Stafford and Scott Morrill.

Excused: Hong Huynh, Michael Campbell, Pamela Hardy, and Micah Steinhilb.

1. Minutes

Meeting minutes for April 2010, were discussed, revisions made, and unanimously approved.

2. Chair's Report (David Ashton)

The Chair had nothing in addition to topics covered under other agenda items.

3. Treasurer's Report (Hong Huynh via Jas Adams)

(a) There were **\$15** in revenue and **\$1,144** in expenses in April, with an ending balance of **\$14,371**. The expenses included an edition of caselaw updates, a \$400 down payment for the fall CLE, and telephone and other incidentals.

(b) As of the end of April, there were **529** paid members and **9** complimentary members, for **538** total. Our paid membership is within 11 of budget

4. Bar Liaison Report (Scott Morrill)

(a) Scott indicated that the bar is soliciting nominations for 2010 annual awards. Nominations are due June 23.

(b) Scott reported on a section liaison meeting. The liaisons learned that there is a lot of money (\$500k+) tied up in sections' accounts. Some sections have huge balances, but ENR is not one of them. There was discussion at the meeting about making all bar books available online with little or no additional cost to OSB members. The BOG is very interested in this project. Scott mentioned that a new, Urban Renewal Task Force is being formed with distance learning as one of its initiatives. **Diane Henkels** indicated she would be interested in participating and will contact Scott for more information.

5. Casenotes (Micah Steinhilb via David Ashton)

David reported on Micah's behalf that Micah is collecting cases and assignments are going out for the next edition of casenotes. It should be published by the end of June. Please note that Micah has new email address at his new firm: steinhilb@bodyfeltmount.com.

There was a general discussion about timing for any transition of the editor's position, depending on Micah's willingness to continue as editor.

6. Newsletters

(a) Climate Change and Renewable Energy. (David Ashton/Laura Maffei)
Nothing new to report at this time.

(b) Upcoming Outlook Topics. We renewed our discussion about topics for upcoming Outlook editions:

- Portland Harbor. David has is working on this topic, including brownfield cleanup, the city's River Plan, UP/Triangle Park, cost recovery & NRD, and remediating oil spills. Erin and Kimberlee are still on tap to help with this topic.
- Dam removal: Michael is absent so no update.
- Integrated Water Resources. Karen confirmed that this is still at least 6 months out as the advisory committee meets and determines what to recommend to DEQ.
- Natural Law. Rachel reported that she is still working on the topic but needs a little time to reevaluate..
- NEPA 40th Anniversary. No update on this issue
- Klamath Basin. No update.
- Oil Spills?. We discussed this as a very timely issue, and could include Oregon's recent legislation, Valdez vs. Gulf Coast, developments in the Arctic, and OPA cost recovery. It could be done as a point-counterpoint type of issue.

7. Updating E&NR Deskbook (Laura Maffei)

Laura had nothing new to report **Patrick Rowe** volunteered to help with the sections covering ORS 465.

8. CLEs and Brownbags

(a) Brownbags. (David Ashton) The brownbag on invasive species was a big hit.

Green Remediation. The Port will host this at its new offices at the airport on June 8.

Sustainability. We are looking at setting up a brownbag in Salem with Elin Shepard of the Oregon Department of Administrative Services to discuss sustainability practices in government. This is scheduled for June 24. There was some discussion about spacing out the brownbags, but the June 24 date is firm and cannot be moved.

Update on Citizen's Suits: This will likely be a point-counterpoint discussion with Tom Lindley and someone from PEAC. No date has been set for this yet.

(b) Annual CLE. The subgroup did not have a meeting this month and the agenda is still fluid to accommodate speakers' schedules. After touring Edgefield, it appears there will be an economical room available to us Thursday evening, perhaps for an ethics presentation (suggested titles: "beer & ethics," "no-host ethics"). There also may be an informal golf "tournament" on Thursday afternoon to encourage folks to get out to the venue. David suggested that we ask Sarah Hackbart to send the "Save the Date" notice out one more time because we don't yet have an agenda to send out.

9. E-alert Topics

The MS4 case alert went out earlier this week. There should be another one on an ESA case out of New Mexico that will go out next week – authored by Karen Reed of Bateman Seidel.

10. New Business

(a) Pro Bono listserve. (this topic was covered earlier in the meeting to accommodate schedules). Dallas Deluca attended the meeting in person to discuss various concerns and issues related to this project. Dallas has done a fair amount of research on the listserve idea and presented some of his findings. The goal of the project is to match willing lawyers with those who need services in environmental law. A starting point may be a focus on providing services to non-profit environmental organizations.

Important questions to resolve are: (1) who will run the service (ENR? Law schools? Other organization?); (2) how to collect and screen projects, including conflict checks; and (3) which clients will the service accept. Dallas spoke with PEAC and learned that there is an incredible amount of effort needed to screen out the "junk" cases. There are some folks at L&C law school interested in the project, but none of them has enough time to become involved at any substantive level.

Dallas indicated that he looked into similar projects and found that, according to

the ABA, there aren't any currently within the U.S. The ABA has a directory of attorneys that will provide pro bono services, but does not directly refer the work. There was a suggestion that we could do this and provide the directory to 501(c)(3) groups.

Dallas found that there are some projects run by non-profits like PEAC, but they are not statewide programs. Dallas will continue to research each state to determine whether there are any state-run programs that provide pro bono environmental services.

We discussed the Legal Aid model which is to email cases weekly to a list of willing attorneys and get responses directly. According to Sarah Hackbart at the bar, we could set up a listserv to send out the requests in a similar manner.

Overall, the intake and conflict checks are still a huge hurdle that we will need to figure out. David suggested we create a smaller group to pursue this: **Erin, John, Jas, Susan** and **Dallas** all volunteered.

The committee agreed this project should start small and grow organically.

(b) Spring Social. The social is set for May 20th at Hotel Vintage Plaza in their wine cellar room. So far there are 30 RSVPs, including 3 from the committee. Susan is concerned that there will not be enough food as attendance may increase with drop-ins. She would like \$100 in addition to the \$400 already budgeted to add food. This request came up when we no longer had a quorum, so Susan will put it to an email vote. There was a general discussion about which budget line item this event would fit into.

Jas adjourned the meeting at 10:45 a.m.

**Next Meeting Date: Friday, June 11, 2010, at 9:15 a.m., at Schwabe
Williamson & Wyatt; 1211 SW 5th Ave, 19th Floor;
Portland, OR.**