

**OSB ENVIRONMENTAL AND NATURAL RESOURCES SECTION
EXECUTIVE COMMITTEE MEETING
DRAFT MINUTES**

Friday, July 18, 2014, at 9:15 a.m.

LOCATION: In person: Sussman Shank, 1000 SW Broadway, Suite 1400, Portland, OR.

- Jared Ogden
- Patrick Rowe
- John Marsh
- Duncan Delano

By phone: Dial 1-888-891-0496 and enter 150048

- Kate Moore
- Sarah Liljefelt
- Karen Moynahan
- Anzie Nelson
- Lawson Fite
- Kirk Maag
- (Bar Liaison – Scott Morrill)

1. Approval of Minutes (Dustin)

The June minutes were unanimously approved as submitted by Dustin Till.

2. Chair's Report (John)

John questioned the group about a possible summer event for law school students and said that he would follow up on that idea.

Next, John talked about the recent House Of Delegates phone call, sharing the following key points:

- The deadline for submitting resolutions is Sept. 23rd
- The Big meeting is November 7th (with a couple smaller meetings before then) and John will attend that.
- John discussed the possibility of submitting a resolution on the Fastcase issue – having agencies make their administrative decisions available publicly. After coverage on the issue provided by Sarah and Committee discussion (see below under "Fastcase" for more information), the Committee took Sarah's recommendation not to submit a resolution on this issue.
- There are three resolutions that will be brought up:
 1. A resolution last year that passed was found unconstitutional (regarding something about intentional harassment) – will be brought up again to fix the unconstitutionality.
 2. Rule 5.5 allows out-of-state practitioners to practice in OR – so a new resolution would allow foreign attorneys to do same
 3. Ethics committee looking at rules re Medical Marijuana – issue of not helping client to commit violation of law

3. Bar Liaison Report (Scott)

Scott gave the following points and reminders:

- Vendor invoices should be sent directly to the Bar – OSB pays things directly
- Section should review current benefit options for various members (e.g., judges, new admittees) – Scott remembers that we just did that. But Bar needs to know of any changes. If want to change benefit structure for 2015, need to get those in – but not aware of a hard deadline. John says this is on our agenda and Karen will chair subcommittee that will address this before the end of the year.
- Call from manager of membership services department – re name change idea for Section. Goes on Board of Governors ("BoG") agenda, beginning with letter to Exec Director of BoG. If want to change for 2015, need to get it on the agenda for Sept. 5 meeting – get letter to her pronto. No interest among EC at this time on this issue.
- ABA doing evaluation of OSB disciplinary actions. They did that and report is due sometime this winter – it should be posted on Bar's website. Two interesting issues: who should have authority to settle actions – now a certain board has to authorize every settlement, even minor ones; also issue about improving screening process.

4. Treasurer's Report (Karen)

Karen was having trouble pulling up our Section report on the website remotely. She will update us later, but she reported the following numbers for June regarding membership and dues receipts:

- June revenues: Beginning, \$4,525; End, \$9,005. (So increase of \$4,480 in revenue.) Membership is at 529. This seems like a large increase. Some EC members offered potential explanations, and Karen said she will look into it.

5. Publications

a. Updating ENR deskbook (Laura)

No updates other than it's moving forward.

b. Casenotes (Jared)

Matt still running it – moving along smoothly as usual.

c. E-Outlooks (Sarah L.)

EC expressed interest last meeting about new "waters of U.S." rule. Kate drafted an article when the rule came out and agreed to update it to make it timely regarding extended comment period and to get it posted.

Fastcase:

Sarah made the following points and recommendations:

- One idea is to get support from BoG to get agencies on board with complying.
- The EC Fastcase subcommittee is meeting internally and with the Admin Law Section.
- As a reminder, SB 52 legislation passed, which requires state agencies to keep electronic copies of final orders and provide to the Bar when requested.
- But with Fastcase, we would still need to pay Fastcase to post and organize the files.
- Admin Law Section is looking at prices and costs.
- The EC subcommittee is also looking for support from other sections and reaching out to the Bar in general to get funding – because agency orders extend beyond orders relevant to each Bar section.

- The EC subcommittee decided that passing a resolution this year is not advisable – better to give support to Admin Section and work with Bar to get funding for this project.
- Recommendation: no resolution; wait for Fastcase cost estimate; assist Admin Law Section with efforts to build coalition.

The EC decided to take the subcommittee's recommendation as Sarah presented.

6. Education/CLE

a. Brownbags (Anzie)

One scheduled for August 5th – re standing for two teenagers suing on basis of public trust for failing to act on climate change. We are co-coordinating with Sustainable Futures Section on this one.

Another one is scheduled for late August re recent decision by Supreme Court regarding EPA's recent decision on climate change regulation of existing power plants. This will be hosted at Stoel.

Another one in the works is a GMO food CLE – for and against labeling, as well as the national viewpoint – so it would be a 3-person panel with good diversity. Anzie is still looking into scheduling and format. This would probably happen in September.

b. Field trips (Lawson)

Lawson reported an update from Mike Friese, who is working on scheduling a trip to the water quality lab. Lawson will coordinate with him. This could be a good trip in November or December since it's inside.

Another idea would be a trip to the composting facility. Other ideas are welcome.

Another idea might be a tour of the green building techniques for the new tower in downtown where Stoel will be moving – probably later once construction more complete.

c. Annual CLE (Patrick)

Patrick brought up a couple items of business to take care of:

- Karen reported on the issue of different registration fees to charge each type of participant, with the following proposed numbers: \$150 (non-members); \$125 (members); \$100 (gov/NGOs); and \$20 (organizers/volunteers).
 - Discussion about how much to charge electronic participants.
 - Jared reports that Bar charges \$3 per head for anyone who registers in any tier beyond 3 tiers.
 - Speakers we don't charge.
- Dustin reported that the Save the Date is to go out next week. Dustin wondered if Jared's wife would be willing to update or refresh our Save the Date. But John pointed out that it's just an email that the Bar sends out, and we only give them the text, so no need to involve Jared's wife as of yet.
 - 503.431.6384 – Michele Lane – email blast to 3 sections for free for sending out Save the Date. Sarah Hackbart is the contact for member services.
- Need to confirm speakers by mid-August.
- Planning committee to touch base next month

7. Sub-Committees

a. Pro Bono (Patrick)

Patrick reported that he got the list of attorneys that volunteered to do pro bono work. He is still looking into who (what non-profits, etc.) received that list – Patrick will follow up with Sara Winter Whelan.

b. Technology (Kate and Jared)

Online tech testing – Jared reported that he is working with Edgefield to ensure online CLE participation works. Join Me is a \$19.99 monthly subscription. Jared will work on trials to get best audio quality.

c. Fastcase (Sarah L.) (see above)

d. Diversity (Lawson)

No update. There has been some interest from some NGO folks, so Lawson will follow up. And we still have one vacancy. Mention was made that we also may want to consider solo practitioners.

A question was asked about when we look to expiring periods to see what openings we'll have. John thinks that comes along in September. We'll add that to the September agenda. The website should list who is up for election and re-election.

e. Awards and Annual Meeting (Kirk)

No updates. But because this is becoming time-sensitive, Kirk will circulate a report with recommendations prior to the September EC meeting. If this needs formal approval, perhaps we can do that via an email vote. And at that point, we'll start working on the Annual Meeting.

Kirk will look into mid-December Thursday options, as the first week in December seemed to have significant conflict. The EC then discussed the following: Perhaps getting an interesting speaker would get good attendance. The Cleaners seemed to be a good venue. Having EC elections at that meeting could also help attendance, as last year those were handled at the Annual CLE.

f. Law School Outreach (Jared?)

Jared is not the lead, but John will email Corrin and Rose to see if they can head it up.

8. New Business (John)

CLE recording marketing. Duncan reported that he will reach out and see what the Bar is doing about marking those recordings we have and how we can supplement those marketing efforts.

Next meeting will be Sept. 19th after the August break.