

**OSB ENVIRONMENTAL AND NATURAL RESOURCES SECTION  
EXECUTIVE COMMITTEE MEETING<sup>1</sup>**

**FINAL MINUTES**

**November 18, 2011, 9:15 a.m.**

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

Attendance (A quorum of 13 members attended):

*In person:* Laura Maffei, John Marsh, Jas Adams, Hong Huynh, Patrick Rowe

*Via Telephone:* Rachel Ruckman, Regina Cutler, Nathan Karman, Brett Kenney,  
Scott Morrill, Erin Madden, Susan O'Toole, Karen Moynahan,  
Dustin Till, David Ashton, Sarah Winter Whelan

*Others in Attendance:* None

*Excused:* None

**1. Approval of Minutes from September and October 2011 Meeting (John)**

September minutes were unanimously approved as presented and October minutes were unanimously approved as corrected.

**2. Chair's Report (Jas)**

- Jas thanked the members of the EC that will be leaving at the end of this year for their service which includes David Ashton, Pam Hardy, Erin Madden, Susan O'Toole, and Rachel Ruckman.
- Laura Maffei has agreed to be the EC webmaster for the coming year.
- Jas requested that the list of upcoming Brownbags be added to the ENR webpage.
- Jas reported that he is working on the ENR Section annual report for 2010 which will be submitted to the OSB.
- Jas reported on fieldtrips as Adam Orford could not make this EC meeting. Highly successful fieldtrips occurred on August 10<sup>th</sup> to the Clean Water Services Durham Wastewater Treatment and Struvite Recovery facility and the Vestas

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<sup>1</sup> Agenda is Attachment 1.

wind turbine site. A fieldtrip to the Port of Portland green office building is tentatively scheduled for February on the day of the EC meeting. That date has not been confirmed yet. It was also noted that a fieldtrip should be planned for a wetlands project next year.

**3. Treasurer's Report (Laura)**

The ENR Section had \$2154 in expenses and \$610 in revenue in October, and an ending balance on October 31st of \$16,461. As of the end of October, the Section had 557 paid members and 2 complimentary members for a total Section membership of 559.

**4. Bar Liaison Report (Scott)**

Scott provided the following report:

- Reminded section to consult with Bar's Information Services (Anna Zanolli) for technical issues associated with sending E-Outlook via e-mail.
- Confirmed that the section was about to forward the proposed new members/officers to the Bar.
- Reminded the section that the new Casenotes editor needed to sign a contract for services with the Bar.
- Reminded Jas, the outgoing president, that the section annual report was due.

**5. Approval of 2012 Budget (Laura)**

The EC officers led by Treasurer Maffei compiled a draft budget for the ENR Section for 2012. The budget was approved by the EC (See Attachment 2). It was noted that some of the account codes need to be confirmed as accurate with the OSB.

**6. Approval of Slate of ENR Board nominations (Hong)**

Hong (Chair of the Nominations Subcommittee) presented the slate for the EC for next year that was proposed by the Nominations Subcommittee. In addition to Hong, the subcommittee was composed of Karen Moynahan, Susan O'Toole, Dustin Till, Ernest Estes, and Karen Reed. The subcommittee sought candidates to provide diversity on the EC geographically, in practice areas, and of clients. Candidates expressing interest in serving on the EC included diversity in these areas except for they were all from the Portland metro area. As charged, the subcommittee proposed three candidates for election to the EC which included Larry Burke, Sarah Liljefelt, and Dan Mensher. It was noted that two additional current members of the EC had decided to resign at the end of this year since the subcommittee had finished its' work. In light of this fact, the EC added Lawson Fite to the list of proposed candidates for election to the EC. In addition, the EC decided to take an additional nomination from the floor at the annual meeting in December. The proposed slate as

noted above was approved for consideration of the membership at the annual meeting.

In addition, the subcommittee proposed, and the EC approved, the following list of candidates for officers of the EC in 2012:

- Hong Huynh – Chair
- Laura Maffei – Chair-Elect
- John Marsh – Treasurer
- Patrick Rowe – Secretary
- Jas Adams – Immediate Past Chair

**7. Awards Subcommittee Report (David)**

The Awards Subcommittee was David Ashton (Chair), Christopher Ryciewicz, Dawn Winalski, Diana Federoff, Ernest Estes, Greg Fullem, Ilene M. Gaekwad, Kate L. Moore, Kirk B. Maag, Marla L. Quick, Mary Anne Nash, Michael J. Esler, Susan Jane M. Brown, and Ansley Nelson. They received four nominations for the 2011 OSB ENR Section Leadership and Service Award. The subcommittee unanimously recommended, and the EC unanimously approved, Mark Morford for the award. The award will be an art piece with a small plaque attached denoting the award.

**8. Brownbags (Nathan)**

Nathan reported that the last brownbag was the October 6th presentation by Owen Schmidt on NEPA. He noted that no more brownbags are planned until next year, but if someone desires to do one in December it could probably be accommodated. As noted above, a list of planned brownbags will be maintained on the ENR webpage.

**9. E-Outlooks (Patrick)**

Patrick noted that an E-Outlook on Invasive Species authored by Jas Adams was issued earlier this month. The following E-Outlooks are planned:

- Cost Recovery Remedies for Portland Harbor (Patrick, David, Hon, Chris R.) [late January]
- Climate Change and Renewable Energy (Dustin, David, Laura)

**10. Casenotes (Jared)**

No report.

**11. Updating ENR Deskbook (Laura)**

Laura reported that the schedule for updating the deskbook has not changed and is as follows:

- Authors submit chapters to our internal editors in late-January to early-February.

- Edited chapters to OSB editors in mid-Spring.
- The Deskbook will be published online in early 2013. Hard copies will be available for order from the OSB.

She noted that we are one author short on the topic of waste and that Dan Mensher has agreed to be one of the deskbook authors.

## **12. Law School Liaison Reports (Rachel, Karen, Kim)**

The liaisons recommended:

- A professor at each law school should be identified to serve as a mentor to law students for casenotes and a contact for the EC.
- The best purpose of liaisons for the law schools is the above and a lower priority is providing the opportunity for law students to serve on the EC.

## **13. Pro Bono Project Update (Sarah)**

The subcommittee (Sarah, Rachel, and Erin) have worked hard over the last several months to determine the need and interest in a pro bono directory. They have informally surveyed environmental non-profits and the ENR Section. They received much interest and support for a directory from the non-profits, but the response and potentially the interest from the ENR Section was low. They outlined some reasons why the response from the ENR might have been low and recommended the following:

- Move forward with directory because of the NGO interest and the belief that requests to the ENR to actually signup for a directory would get more interest than a request to provide interest in doing so.
- Focus the directory on providing services to “small need-based public interest organizations” and not “industry-centric groups,” although it could be left to the attorney providing services to decide what organizations/interests they would assist.

Much discussion occurred on these recommendations in addition to the potential for the directory including attorneys interested in providing “low bono” (reduced rate) as well as pro bono services. The EC tabled a decision on this topic until the January EC meeting.

## **14. Annual CLE (John)**

John reported that the CLE this year had revenues of \$2400 and costs of about \$3000. This resulted in a loss of a little under \$600 which was less than the budgeted loss of \$1000. A total of 57 attended the event. Materials for the CLE have been posted to the ENR website.

Comment forms were submitted by 20 attendees. Most attendees rated the CLE as “Very Good.” No attendees rated the CLE less than “Good.” Commenters supported continuing the annual CLE at McMenamins Edgefield, occurring in September or October, and being focused as an annual update on environmental law. Commenters had many good suggestions for speakers and speaker topics. Commenters appreciated the affordability of the CLE.

The EC approved reserving McMenamins Edgefield for the first Friday in October for the 2012 CLE and moving the EC meeting/social events to Friday late afternoon after the speakers instead of occurring on the evening before the CLE. John will secure the reservation after checking for potential conflicts with other environmental law events on the first Friday of October.

**15. Annual Meeting (Erin)**

The Annual Meeting is all set up. The guest speaker this year is Brett Brownscombe, the Governor's Deputy Natural Resource Advisor. The event will start at 5:30 PM with the presentation starting at 6:00 PM. Jas will send out a save the date to the ENR membership.

**16. New Business**

None

The meeting was adjourned at about 11:00 AM.

**Next Meeting Date: Friday, December 9, 2011, at 5:30 PM, at the Hotel Vintage Plaza (Pazzo Ristorante, Burgundy Room) in downtown Portland at 422 SW Broadway**

## **ATTACHMENT 1 – AGENDA**

### **OSB ENVIRONMENTAL AND NATURAL RESOURCES SECTION EXECUTIVE COMMITTEE MEETING**

#### **AGENDA<sup>2</sup>**

Friday, November 18, 2011, at 9:15 a.m.

**LOCATION:** Schwabe Williamson & Wyatt; 1211 SW 5th Ave., Portland, OR; 19th Floor  
To participate by phone: Dial 1-888-891-0496 and enter 150048

1. Approval of Minutes from September and October 2011 Meetings (John)
2. Chair's Report (Jas)
3. Treasurer's Report (Laura/Hong)
  - Monthly report
  - Approval of 2012 Budget
4. Approval of Slate of ENR Board nominations (Hong)
5. Bar Liaison Report (Scott)
6. Casenotes (Jas)
7. Updating ENR Deskbook (Laura)
8. Brownbags (Nathan)
9. Annual CLE (John)
  - Debrief – evaluation forms, attendance, financials, other
  - Scope, Location, and Time of Year
  - Next Steps
10. E-Outlooks (Patrick)
  - Cost Recovery Remedies for Portland Harbor (Patrick, David, Hong, Chris R.)
  - Climate Change (Dustin, David, Laura)
11. Law School Liaison Reports (Karen, Kim, Rachel)
  - a. Recommendation on how best to focus law school efforts (law school liaisons)
12. Annual Meeting (Erin)
13. Pro Bono project update (Sara)
  - Report on survey
14. Awards Subcommittee Report (David)
  - Recommendation from awards subcommittee
15. Discussion of Executive Committee membership and formation of a Nominating Committee (Jas)
16. New Business (Jas)

**Next Meeting Date: Friday, December 9, 2011, at 7:00 PM at Pazzos, 627 Southwest Washington Street, Portland, OR 97205. If you will not be able to attend, please notify John Marsh before the meeting via email to be excused.**

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<sup>2</sup> A quorum of the ENR EC is composed of at least 9 of the 17 members.

# ATTACHMENT 2 – ENR 2012 Budget

## OREGON STATE BAR Environmental & Natural Resources - 813 Section Budget Worksheet

Description	2009 Actuals	2010 Actuals	08/31/11 2011 YTD	2011 Budget	Projected Year End 12/31/2011	2012 Budget Amount
<b>813-U002-000 Dues Rate</b>				\$15	\$15	\$15
<b>813-U001-000 Member Count - Paid Memberships</b>	544	550	552	550	557	550
<b>813-U004-000 Member Count - Comp Memberships</b>	15	11	1	25	2	25
<b>Member Count - Total Memberships</b>	<b>559</b>	<b>561</b>	<b>553</b>	<b>575</b>	<b>559</b>	<b>575</b>
<b>OSB Support Assessment per member</b>	<b>\$5.25</b>	<b>\$6.50</b>	<b>\$6.50</b>	<b>\$6.50</b>	<b>\$6.50</b>	<b>\$6.50</b>
<b>REVENUES</b>						
813-4348-000 Luncheon Event Revenue						
813-4405-000 Membership Fee Revenue	8,160	8,265	8,280	8,250	8,355	8,250
813-4550-000 Sponsorship Fee Revenue						
813-4565-000 Registrations - Conferences/Seminars	4,395	5,100	300	5,000	2,325	3,000
813-4999-000 Miscellaneous Income						
<b>Total Revenue</b>	<b>12,555</b>	<b>13,365</b>	<b>8,580</b>	<b>13,250</b>	<b>10,680</b>	<b>11,250</b>
<b>EXPENSES</b>						
813-7040-000 Annual Meeting	347	297		500	1,000	1,500
813-7720-000 Case Law Summaries	303	1,133		2,000	1,200	2,000
813-7195-000 Committee - Executive	149	480		100		500
813-7195-049 Committee - Desk Book				500		500
813-7195-062 Committee - Legislative						
813-7195-100 Committee - Subcommittee				500		500
813-7200-000 Community Service - Probono				1,000		1,000
813-7205-015 Computer - Internet / Web						
813-7245-000 Conferences / Seminars Expense	6,794	3,263	750	5,000	3,530	4,000
813-7270-000 Contributions						
813-7270-031 Contributions - OLIO - Opportunities for Law in Oregon						
813-7270-034 Contributions - Classroom Law Project	100	100		100	100	100
813-7270-055 Contributions - Campaign for Equal Justice	500	750		750	1,000	750
813-7270-056 Contributions - OR Minority Lawyers Assoc.	250	400		400	400	400
813-7270-063 Contributions - Peacemaker						
813-7270-059 Contributions - St Andrew Legal Clinic				300	300	300
813-7320-000 Education						
813-7321-000 Education-Public						
813-7395-000 Gifts & Awards		100	125	150	150	500
813-7538-000 Luncheon Expense				180		200
813-7715-000 Newsletter & Case Law Summaries				1,000		
813-7620-000 Outreach Programs						
813-7700-000 Printing Services						
813-7710-046 Publications production-Section						
813-7765-000 Research						
813-7815-000 Scholarships				2,000	95	2,000
813-7836-000 Social Events				1,500		1,500
813-7840-000 Speaker Expense		130				
813-7850-000 Special Projects						
813-7860-000 Sponsorships						
813-7885-000 Telephone - Conference Calling	579	565	325	1,000	450	1,000
813-7745-000 OSB Support Services Assessment	2,930	3,595	3,588	3,738	3,633.50	3,737.50
813-7999-000 Miscellaneous Expense	7	35		300		300
<b>Total Expense</b>	<b>11,959</b>	<b>10,848</b>	<b>4,788</b>	<b>21,018</b>	<b>11,859</b>	<b>20,788</b>
<b>Net Revenue (Expense)</b>	<b>596</b>	<b>2,517</b>	<b>3,792</b>	<b>(7,768)</b>	<b>(1,179)</b>	<b>(9,538)</b>
813-3100-000 Beginning Fund Balance			13,704		13,704	12,526
<b>Ending Fund Balance</b>			<b>17,496</b>		<b>12,526</b>	<b>2,988</b>