

**OSB ENVIRONMENTAL AND NATURAL RESOURCES SECTION  
EXECUTIVE COMMITTEE MEETING – JANUARY 13, 2012**

**FINAL MINUTES**

The meeting was held at Miller Nash's offices in Portland, Oregon.

Attendance (A quorum of 12 members attended):

*In person:* Larry Burke, Lawson Fite, Hong Huynh, Sarah Liljefelt, Laura Maffei, John Marsh, Scott Morrill, Karen Moynahan, Patrick Rowe

*Via Telephone:* Kate LaRiche Moore, Dustin Till, Kim Stafford

*Others in Attendance:* Anzie Nelson (Port); Matt Preusch (2L, Lewis & Clark); Matt Shields, Staff Attorney OSB Public Affairs)

*Excused:* Jas Adams, Regina Cutler, Nathan Karman, Sarah Winter Whelan

**1. Welcome of New Members (Hong)**

Hong welcomed new members of the Executive Committee. Hong noted that we're an active section. Some of our goals for the year are to co-sponsor CLEs or other events with the Sustainable Future Section, and have more events outside the Portland metro area.

**2. Approval of Minutes from November and December 2011 Meetings (Patrick)**

November 2011 and December 2011 minutes were unanimously approved as presented. John Marsh will finalize and have the Minutes posted to the Section website.

**3. Chair's Report (Hong)**

Next month's meeting will be at the Port, starting at 9:15 a.m. Tour of PDX will follow, beginning at 11:30. We need to ensure call-in ability for the meeting.

Hong reported that Diane Henkels inquired about the ENR Section's efforts to create a list of attorneys who would like to do pro bono work and determine whether those attorneys would also be interested in being on a list the Sustainable Future Section may put together that focuses on pro bono work on land trust issues. Hong noted that Sarah Winter Whelan will continue to work on developing the pro bono attorney list. John Marsh suggested that Sarah reach out to Erin Madden to see if Erin would like to continue despite her departure from the EC.

#### **4. Matt Shields (Staff Attorney with OSB Public Affairs) – Legislative Issues**

In his role as a Staff Attorney with OSB Public Affairs, Matt works with the State Legislature, tracking bills of interest to the State Bar and its Sections. He likes to check in with the Sections early in the year to gauge their level of interest in coordinating with OSB on this. His office reviews bills every session, identifies those of interest to each Section, sends the list of bills to the legislative contact for each Section (Laura Maffei for ENR Section) and inquires if the Section would like OSB to track the bills. Given the short session this year, it may not be possible to wait for an ENR Section EC meeting to approve tracking bills; we may need to provide this approval via an e-mail vote.

If the Section would like to take a position on a bill, and/or have someone from the Section testify re: the bill in Salem, we will need to reach agreement among the EC to do so and get approval from the BOG. Also, OSB is available to help with preparing for testimony before legislature, even if not testifying on behalf of the Section.

OSB Public Affairs also sponsors or supports bills relevant to the practice of law, which often come in the form of technical fixes to statutes. If we are aware of problems in statutes that we believe would benefit from a legislative fix, we need to inform his group by approximately April 1, 2012 for the 2013 session. They need advance notice in order to get BOG approval and to submit to the Legislative Council for drafting. The concept does not need to be 100% finalized – can identify problem and propose fix; draft language encouraged but not required.

OSB Public Affairs has a lobbyist, and will lobby for any bills that OSB sponsors or supports.

Matt requests that ENR Section EC contact him if we are interested in any of the foregoing.

Matt does not anticipate significant environmental legislation in 2012, given that it is a short session.

#### **5. Treasurer's Report (John)**

The ENR Section had \$980 in expenses and \$75 in revenue in November, and an ending balance on December 31st of \$15,575. As of the end of November, the Section had 557 paid members and 2 complimentary members for a total Section membership of 559.

John reminds everyone that the Annual Budget was approved in November, and is attached to the November 2011 Meeting Minutes.

#### **6. Bar Liaison Report (Scott)**

Scott's position is in the Client Assistance Office, where he does intake for ethics complaints.

Reminds Section of the following:

\* Bar Leader Conference has been canceled due to declining attendance; looking for suggestions re: how to handle training, topics. Contact Member Services with any suggestions you may have

\* ENR Section needs to do our Initial Section Report.

\* We can expect to receive a Section Chair Survey.

\* Section Executive Committee list serve is going away; full Section list serve will still be available.

\* Any questions re: Section member lists, contact Sarah Hackbart.

\* New Lawyer Mentoring Program is recruiting lawyers with 7 or more years of experience to act as mentors. Mentoring is now mandatory for new lawyers (unless coming from state with which Oregon has reciprocity), many still need liaisons / mentors with whom they work for a year. This is similar to the Canadian system of “articling”. Many new lawyers have expressed an interest in being matched with more experienced environmental lawyers. Karen and Larry express concern in light of their past experience in which, mentees were not being paired with mentors who practice in mentees’ area of interest. Questions, contact Kateri Walsh (503) 431-6406.

\* The Bar encourages attorneys to log their pro bono hours. See Bar website “dashboard”, which allows tracking of CLE, dues, pro bono hours, etc.

## **7. Updating ENR Deskbook (Laura)**

Deskbook is moving forward. The Waste Handling chapter still need to be fully assigned. Kim Stafford notes that an attorney from Metro will serve as one author for the Waste Handling section. There is discussion of assigning the second half to a DEQ person or to Paul Logan. During the meeting, however, Larry volunteered to write the second part of the chapter since he wrote the prior chapter on underground storage tanks. Laura was shooting for late January production schedule for that Volume, but may get pushed back.

Once a new deadline is established, the Bar will notify authors of the new deadline for the Volume that includes the Waste Handling chapter.

## **8. Brownbags (Nathan)**

Hong provides update in Nathan’s absence. Nathan Karman organizes the brownbags, for which there are CLE credits at no cost to section member attendees. We hope to continue this activity as it provides significant benefits to section members.

Nathan hopes to do a brownbag on DEQ enforcement. Karen Moynahan will suggest possible speakers to Nathan.

Hong asks EC to offer any suggestions for future brownbag sessions and recommends that a brainstorming session for Brownbags and E-Outlooks at a future EC meeting.

### **9. Casenotes (Jas/Jared)**

Hong provides update in Jas' absence. The Section hired Jared Ogden recently to serve as the editor. Patrick will make sure that Jared is on our list of invitees for the EC meetings and invited to attend each meeting to provide a report.

Lawson Fite reports that he is drafting a casenote on polar bear / ESA issue.

### **10. E-Outlooks / Newsletters (Patrick)**

No report on the forthcoming issues. Sarah Liljefelt volunteers to act as the new E-Outlook editor.

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

Karen M. is the EC liaison to Willamette Law School. She will be at Willamette next week, will touch base and look into having students assist with Casenotes and E-Outlooks. Hong agrees this is a good idea, referencing Willamette's existing regular new case law updates that are sent by email. The scope of the updates beyond environmental law

Matt Pruesh, the Lewis & Clark law student representative, notes that Lewis & Clark also regularly publishes an update re: environmental law in the Ninth Circuit. He will look into whether we can use articles from that update in our Casenotes and E-Outlooks.

Matt learned about the ENR EC through Jas Adams, with whom he clerked at DOJ. Matt was interested in connecting with larger environmental legal community, hence his getting involved as the liaison. He notes that many other students are interested in getting more involved. Karen suggests students getting involved with mentoring program and Section events.

Hong suggests that we improve our efforts to inform students of free Section membership for students and in inviting students to Section events, including our EC meetings.

Matt requests permission to write a short article for Lewis & Clark's daily news publication, informing students of the EC, and opportunity for free membership in the ENR Section. He will forward the draft to Kim Stafford, the EC liaison to Lewis & Clark, for her review/approval prior to its publication.

Rachel was our liaison to U of O Law School, but is no longer on the EC, so we are looking for a new liaison for U of O.

## **12. Pro Bono project update (Sara W.)**

Hong reports in Sara's absence. The goal of the project is to establish a list of attorneys interested in doing public interest environmental law work on a pro bono or low fee basis. We need an additional EC member to assist with these efforts, in light of Erin Madden's departure from the EC, and asks anyone interested to contact Sara. Patrick will request update from Sara for the February meeting.

## **13. Field Trips (Hong re: February field trip, Adam if available re: others)**

Hong: Adam Orford is lead in this project. Hong requests any ideas for future field trips and to coordinate with Adam. Notes that students are welcome to attend. Hong will check with Adam to ensure that he is interested in continuing as the lead coordinator on this.

Lawson Fite asks if the Section might be interested in visiting Bonneville Dam. He will contact a DOJ attorney that represents BPA to coordinate; Matt P. will assist as he also has a contact at BPA. We will target March or April for this field trip.

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

John gave report in November (see November Minutes). People were very happy with this year's CLE – the venue, cost, topics and speakers. At November meeting, the EC gave John direction to schedule first Friday in October for next year's CLE, which he will do, once he confirms there are no conflicts with other CLEs at that time.

John will send e-mail soliciting assistance for new subcommittee: Karen, Patrick and Lawson Fite volunteer to assist.

## **15. New Business (Hong)**

None

The meeting was adjourned at about 10:40 AM.

**Next Meeting Date: Friday, February 10, 9:15 a.m. at the Port of Portland, 7200 N.E. Airport Way, Headquarters Building, 8<sup>th</sup> Floor "Channel" Conference Room, Portland, OR 97218 (directions below). If you will not be able to attend, please notify Patrick Rowe before the meeting via email to be excused.**

[Driving Directions to Port of Portland Headquarters Building](#)

- Follow Airport Way toward the PDX control tower and follow the long-term parking garage signs.
- Park in the new long-term parking garage and take your parking ticket with you.

- Take the elevator on the east end of the garage marked “Port Offices” to the 1st floor lobby and follow the signs to the elevators for the Port offices and go to the 8th floor.
- Please bring your parking garage ticket to the 8<sup>th</sup> floor lobby receptionist to have your parking validated.

#### Directions from the MAX Airport Station

After exiting the MAX train, walk towards the terminal building and enter via the ground floor doors. Continue north towards the opposite end of the baggage claim area. Take the second set of escalators down to the tunnel level and proceed to the end of the tunnel. Turn right and go straight ahead, through double glass doors. The elevators are to the left. Take the elevator to the 8th floor reception area.