

**OSB ENVIRONMENTAL AND NATURAL RESOURCES SECTION**

**EXECUTIVE COMMITTEE MEETING**

Friday, May 18, 2018 – 12:00 Noon

**LOCATION**

In person: Dunn Carney  
851 SW 6<sup>th</sup> Ave, 15<sup>th</sup> Floor  
Portland, OR 97204

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

**MINUTES**

In person: Dave Becker, Ashley Carter, Maura Fahey, Lawson Fite, Caroline Lobdell, Sarah Liljefelt, Kirk Maag, Ryan Shannon, Mark Strandberg,

By telephone: Caylin Barter, Dominic Carollo, Devin Franklin, Tiffany Johnson, Stacy Owen (Bar liaison)

Quorum (13 minimum of 17) reached

Excused: Michael Freese, Kate Moore, David Rabbino, Dustin Till

**Approval of Minutes:**

April minutes, as revised to Brownbags report to clarify references to Maura, approved by unanimous vote.

**Chair's report (Lawson):**

In the most recent Oregon State Bar Bulletin, the Bar published a "Statement on White Nationalism and Normalization of Violence" side-by-side with a separate "Joint Statement of the Oregon Specialty Bar Associations Supporting the Oregon State Bar's Statement." The Specialty Bar Associations felt that their statement should not have been on the same page as the Bar's statement because it gave the incorrect impression that the Specialty Bar Associations' statement was coming from the State Bar.

Although the statements are clearly differentiated, there has been controversy because the Specialty Bar Associations' statement names and criticizes the president, which potentially tips into politics, and – if it had actually come from the State Bar – could be a violation of the rule in *Keller v. State Bar of California* that attorneys required to be members of a state bar association have a First

Amendment right to refrain from subsidizing the state bar's political or ideological activities. The State Bar has not asked for the Sections' input on this controversy.

The E&NR Section has been working to ensure and promote diversity of background, views, and practice areas in its management and sponsored activities. Lawson asked if there was any concern or desire to follow up; hearing none, the E&NR Section will not follow up further.

The Section provided an updated flyer (based on the 2016 flyer) that was distributed at the May 17, 2018 swearing-in ceremony for new attorneys.

Several sections offer free membership to first year lawyers. We can afford the financial hit given our fund balance. Stacy will look into the process of opening up free membership to new members and get back to us.

### **Bar Liaison Report (Stacy):**

Nothing except that, if people do have comments, questions, or concerns about the statements on white nationalism, they can reach out directly to Helen Hierschbiel.

### **Treasurer's Report (Sarah):**

The end-of-April fund balance is \$15,363. Several of the bigger bills Sarah was expecting to see had not come out yet. As of the end of April, paid membership was up by 16 paid since January, and complimentary membership by six, to a total of 504 (496 paid).

### **Publications:**

#### **ENR Deskbook (Kirk/Mark)**

Kirk is still working to schedule a meeting with Linda at the Bar – he will have more at the next meeting.

Kirk confirmed that he and Mark are working on Volume 3 – there is a “Volume 4” that includes energy and climate issues that are outside the typical scope of our Section. We do not need to make a decision on Volume 4, or tell the Bar of any decision, until Volume 3 is done.

#### **Case Notes (Devin)**

The last Casenotes (Vol 33) went out in early May. When Devin sent it out, she asked for volunteers, and she has gotten some responses! So hopefully volunteers will be forthcoming and no problems in future. She'll start next volume in about a week and try to publish in about a month.

## **E-Outlooks (Tiffany)**

Tiffany hasn't secured an author for this month (she will touch base with Lawson), and if she can't find an original article she may repurpose a blog. Tiffany also will send out an email to the whole section asking for people to do summaries. Kirk suggested that she reach out to Lewis & Clark Law School, and Tiffany will try that again.

## **Education/CLE**

### **Brownbags (Maura/Caroline/Ryan)**

The next Brownbag will be on June 28th on groundwater regulation. Sarah Liljefelt and Lisa Brown (WaterWatch) will be presenting. It will be at Tonkon Torp. More details to come.

Maura is hoping to still do a presentation in September in Bend with Josh Newton – she will reach out to the Indian Law Section to co-host.

Mike suggested a Brownbag in Salem prior to the next legislative session – Maura will reach out to him to follow up.

### **Field Trips (Caylin/Michael/Tiffany)**

Caylin reported that we are booked for the Portland Harbor Cruise on Thursday, August 9, from 3-5 pm. She sent a notice to the ExCom soliciting help for getting presenters. She has recruited Julie Weis (who is on the Natural Resources Trustees Council). Kirk is reaching out to potential presenters for PRP perspectives. We need volunteers to recruit from regulators perspective – Tiffany volunteered to reach out to Kevin Parette at ODEQ.

A preliminary listing of the event is posted on the Section website. When we have the speakers lined up, we can send a blast to the Section membership with a link to the website, and then use Eventbrite to coordinate sign-ups. This would cost around \$100 in fees, but is cheaper than the \$8 per person the Bar charges and allows processing of credit cards.

We put down a \$1,800 deposit, with the likely total around \$2,700. Caylin suggested charging \$40 per ticket that would include the 2-hour cruise, food, and access to a cash bar. There was a consensus this is a good idea.

Sarah and Caylin and Stacy will coordinate with the Bar to set up the Eventbrite registration. Caylin will send Stacy the information for the "Save the Date" email (likely just what is already on the Website) to send out to the Section membership (via Sarah Hackbart).

### **Annual CLE (Kate)**

No update from Kate – the date is set (Thurs, October 19). Sarah sent Kate the request for basic information needed to get registration started. Lawson will follow up with Kate.

### **Legislation (Michael/David Rabbino)**

The Special Session is set (beginning May 21st). It will be very limited. The Section had an opportunity to present legislative proposals (Lawson sent it around to the EC) but E&NR hasn't had a lot of legislative improvement initiatives over the year.

### **Committees:**

#### **Pro Bono (Ashley/Lawson/Devin/Ryan)**

Ashley talked to California State Bar Pro Bono Section, which set up a disaster relief hotline for pro bono attorneys last year when the wildfires started in that state. FEMA provided them with information and coordinated the hotline with them. It was active only during working hours. The issues that came up most frequently included: how to deal with FEMA, price-gouging, insurance, landlord-tenant issues.

The California Bar set up a 6-hour CLE on how to answer the phone properly. They sent Ashley some YouTube videos related to the program and also suggested contacting the Texas State Bar, which has had a hurricane relief program for years. Our Section's Pro Bono Committee will have more information on next steps and concrete ideas at the June meeting.

#### **Technology (Dave Becker/Sarah)**

Everything on the website is updated, including placeholders for the next two events pending additional information and registration links.

#### **Diversity (Dave/Ashley/Maura/Caroline/Kate)**

The Diversity Committee met by telephone on April 26th. Maura will reach out to the Indian Law Section about an intersectional Brownbag in September in Bend. Caroline followed up at the Law School about Jillian Hershaw (food justice advocate) – she will probably come to the school-wide (not just Law School) Food Justice conference in Spring 2019. The E&NR Section might be able to provide outreach or co-sponsorship (Law School will handle logistics) – might also want to try to get one of the Specialty Bar Associations to also co-sponsor or otherwise be involved. Kathy Hessler at L&C is willing to be on a panel on aquaculture and Tribal rights at the October CLE.

We discussed whether the E&NR Section might offer a Section scholarship with diversity criteria and agreed it is an interesting idea to pursue – Stacy will check to see if other Sections are doing this and get back to us before the June meeting. Other organizations (Oregon Minority Lawyers Association, Federal Bar Association) may offer bar study scholarships or admission fee assistance.

Caroline volunteered to put together a list of resources for the E&NR ExCom of other Sections, bar associations, and law school/student groups that we then might be able to share notices about our events with (and vice-versa). Maura will send Caroline information on law student associations at the three Oregon law schools. Ashley will reach out to groups at the University of Oregon Law School and also to John Patterson (past Chair of the Diversity Section) to talk about setting up a meeting between our committee and that section to discuss what community and culture of diversity and inclusion look like and how different executive committees can work together to change the culture.

Dave will reach out to Jonathan Puente (Bar Director of Diversity and Inclusion) in June to set up a time that our Diversity Committee can meet with him to discuss our Section's work in this area and get input about issues to discuss from committee members who can't participate. Dave will continue to look at expanding the geographical diversity of the ExCom. Other ideas for expanding diversity include a professor from University of Oregon or Willamette Law Schools or former students of Caroline's doing work on natural resources for the Karuk Tribe and Cow Creek Band of Umpqua Tribe of Indians.

The Diversity Committee also did not think that the E&NR Section needs to make a statement regarding white nationalism or responding to the controversy over the Bar's and Specialty Bar Associations' statements.

### **Executive Committee Membership**

This will be constituted at the next meeting – we need to find one non-Executive-Committee member to be on the committee along with two EC members.

### **Annual Award/Meeting (Dave Becker, Dominic)**

There is a nomination form that Kirk developed and Dave has – June or July is the time to start soliciting nominations.

Kirk will send Dave the contact information for the venue – Dave will aim to get Tuesday, December 11th or Wednesday, December 12th.

Kirk also will send Dave the whole list of past awardees to post on the website.

**Other/New Business (Lawson) – None.**

**OREGON STATE BAR**  
**Environmental & Natural Resources - 813**  
**Statement of Revenue and Expense**  
**For the Four Months Ending April 30, 2018**

| Description                          | April<br>2018 | YTD<br>2018   | Budget<br>2018 | % of<br>Budget | April<br>Prior Year | YTD<br>Prior Year |
|--------------------------------------|---------------|---------------|----------------|----------------|---------------------|-------------------|
| <b>REVENUES</b>                      |               |               |                |                |                     |                   |
| Membership Fees                      | \$80          | \$9,920       | \$10,300       | 96.3%          | \$20                | \$10,060          |
| Registrations - Conferences/Seminars |               |               | 3,000          | 0.0%           |                     |                   |
| <b>Total Revenue</b>                 | <b>80</b>     | <b>9,920</b>  | <b>13,300</b>  | <b>74.6%</b>   | <b>20</b>           | <b>10,060</b>     |
| <b>EXPENSES</b>                      |               |               |                |                |                     |                   |
| Annual Meeting                       |               |               | 2,200          | 0.0%           |                     |                   |
| Case Law Summaries                   |               | 155           | 600            | 25.8%          |                     |                   |
| Committee - Executive                |               |               | 400            | 0.0%           |                     |                   |
| Committee - Subcommittee             |               |               | 200            | 0.0%           |                     |                   |
| Computer - Internet / Web            |               |               | 100            | 0.0%           |                     |                   |
| Conferences / Seminars Expense       |               |               | 5,000          | 0.0%           |                     |                   |
| Education                            |               | 40            | 2,200          | 1.8%           |                     |                   |
| Gifts & Awards                       |               | 242           | 600            | 40.3%          |                     |                   |
| Telephone - Conference Calling       | 17            | 54            | 200            | 26.8%          | 9                   | 38                |
| OSB Support Services Assessment      | 32            | 3,968         | 4,120          | 96.3%          | 8                   | 4,024             |
| Miscellaneous Expense                |               | 161           | 1,000          | 16.1%          |                     |                   |
| <b>Total Expense</b>                 | <b>49</b>     | <b>4,620</b>  | <b>16,620</b>  | <b>27.8%</b>   | <b>17</b>           | <b>4,062</b>      |
| <b>Net Revenue (Expense)</b>         | <b>31</b>     | <b>5,300</b>  | <b>(3,320)</b> |                | <b>3</b>            | <b>5,998</b>      |
| <b>Beginning Fund Balance</b>        |               | <b>10,063</b> |                |                |                     |                   |
| <b>Ending Fund Balance</b>           |               | <b>15,363</b> |                |                |                     |                   |
| <b>Section Member Count - Paid</b>   | <b>4</b>      | <b>496</b>    |                |                |                     | <b>503</b>        |
| <b>Section Member Count -</b>        |               | <b>8</b>      |                |                |                     | <b>12</b>         |
| <b>Section Member Count - Total</b>  | <b>4</b>      | <b>504</b>    |                |                |                     | <b>515</b>        |

### E & NR Detail

| Account Numbe | Account Description                              | Date      | Vendor Reference         | Debit Amoun | Credit Amount |
|---------------|--|-----------|--------------------------|-------------|---------------|
| 813-4405-000  | Membership Fees                                  | 4/3/2018  | DUES                     | \$0.00      | \$20.00       |
| 813-4405-000  | Membership Fees                                  | 4/5/2018  | DUES                     | \$0.00      | \$20.00       |
| 813-4405-000  | Membership Fees                                  | 4/23/2018 | DUES                     | \$0.00      | \$20.00       |
| 813-4405-000  | Membership Fees                                  | 4/24/2018 | DUES                     | \$0.00      | \$20.00       |
| 813-7745-000  | OSB Support Service Assessment                   | 4/30/2018 | Apr Section Admn Fee     | \$32.00     | \$0.00        |
| 813-7885-000  | Telephone - Conference Calls                     | 4/12/2018 | Apr 2018 PGI Billing     | \$16.63     | \$0.00        |
| 813-U001-000  | Environmental & Nat'l Resource Section Member Cr | 4/30/2018 | Apr Section HC adjustmer | 4           | 0             |