Minutes of Annual Meeting and of Executive Committee Meeting of November 2, 2010

Sustainable Futures Section

Oregon State Bar

The Annual meeting convened at the offices of Miller Nash in Portland at 9:00 a.m.

Attending: James Kennedy (Chair), Robin Bellanca Seifried (Treasurer), Diane Henkels (legislative contact), Dick Roy, Michelle Slater, Dallas DeLuca (Secretary), Jennifer Gates, Pat Neill, Ellen Grover, Rod Wegener (OSB liaison), Rhonda Kennedy, Shannon J. Fallon, Sheila Blackford, J. Charles Griggs and Amie Jamieson.

ANNUAL MEETING

**Review of Accomplishments** - Jim

• Section’s mission

• Fourth issue of Newsletter out in December

• Five programs produced in 2010

• Website developed.

• Legislative efforts initiated with more to come in 2011.

• Successful award program, both from Section and new Board of Governors Sustainability award, with awards being heavily publicized

• Developing partners in sustainability program for web- based recognition to forms with internal sustainability practices.

• Pat Neill did a review of court practices.

• Section reviewing court practices of submitting 2-sided filing to courts

• Starting review of clients requesting firms have sustainability practices

• Starting study group for protecting future generations

**Robin** – Review of expenses and revenue and differences from budget versus actual.

**Jim** – Elections. 2011 Executive Committee will be 10 people.

**Dick** – Nominating committee report (see handout F, at end of the minutes).

• List of nomination recommendations from nominating committee.

See attached report. No other nominations offered

• Dick and Michelle moved to accept the slate proposed by the nominating committee. Motion passed.

• No other nomination made from the floor.

• All members voted on board members for 2011. All nominees from slate from nominating committee passed.

Moved to adjourn Annual Meeting. Annual meeting adjourned at 9:27 a.m.

EXECUTIVE COMMITTEE MEETING

1. **Acceptance of Annual Meeting Election Results** – Jim

2. **Approve Minutes of October 1, 2010 and October 12, 2010 Executive Committee Meetings**

Approved.

3. **Sustainability issues at House of Delegates Meeting** – Jim

• Jim described events at House of Delegates meeting concerning Danny Lang’s proposal, adopted by HOD. HOD will create a study group as result of vote to determine if statute at issue could be changed to improve sustainability related concerns. Executive Committee discussed having a member on that study group.

• Our section received favorable comments at the HOD meeting.

• Other issues discussed at HOD concerned printing of Member Directories.

• HOD meeting had higher attendance than usual.

4. **Report on Paperless Initiatives at Oregon State Bar** – Rod

• Review of history of sustainability at and within the Bar

A. OSB resolved to discontinue printing of Membership Directory.

• Book that will be printed is same as old Membership Directory, with resource lists and advertisements, but without the “white pages” membership list.

• During 2010, there were 15,000 changes to member information, which indicates printed directory is quickly out of date.

• Online membership directory will have improved search functions soon.

B. Email: OSB requested all members have email addresses in order to email annual Membership Statements.

C. BarBooks: will be available to all members online for free starting January 2011.

• In future, BarBooks will move to a Wiki-format to increase frequency of updates.

• Bar books in printed form will still be available for purchase or members will be able to print PDF version of BarBooks

• BarBooks will be available on Kindle and other PDAs

• PLF providing $300,000 3-year grant to fund changes in BarBooks

D. Internal to Bar

• OSB has started a sustainability group to educate staff at OSB on sustainability practices

• Now developing internal practices and policies to improve sustainable practices at the Bar building

E. Bar Center received Energy Star rating again just recently

• Overall, Bar’s paper and postage budget decreasing.

• Bar is documenting savings and reductions

• Also, there were reductions in gas and electricity use in 2010 compared to 2009

• Section endorsement of Bar charges would help reduce resistance from some Bar members

• Some members not happy with decision not to print white pages of Membership Directory

• Sheila Blackford: discussed that within ABA Practice Management section, the most popular topic is “the paperless office.”

• CJ DeMuniz has announced that all OSB Bar members must have an email address by Jan 1, 2011.

• Discussion of SFS endorsement of Bar policies. Diane will draft policy for Section to endorse by Nov. 8 for Bar review.

• Moved to have Diane draft a proposal to vote upon by Nov 9. Motion passed.

5. **Discussion of Role of Section in 2011 Legislative Session** – Diane

• See handout A

• Diane briefly explained the Bar’s limitations on involvement with legislative process. The Oregon legislature is considering several judicial procedural changes that will have sustainability-related effects

• Further discussion postponed for December executive committee meeting.

6. **2011 Budget** – Robin

• Discussion of projected expenses and revenue (see handout B).

• Discussion of allowed carry-over from one year to the next.

• Discussion of travel budget for travel to Executive Committee meetings.

• Motion passed to adopt proposed budget with the revision to eliminated the one line for joint social event.

7. **Programs** – Dick and Robin

• See two handouts (C & D) for program ideas.

• Discussion of listed topics in handout and possible speakers.

• For Green Guides topic, discussion of proposal from former Federal Trade Commission member, Jay Eckhart. This would be highly visible project in Oregon business community.

• Discussion of upcoming joint program with the Business Section.

• Diane reported City Attorney of Newberg, Oregon would like to organize a program with us.

• Jim raised idea of having a re-play of the Constitution program in either or both Eugene or Bend.

8. **SFS First Year Celebration Event (November 8) and Award Commemoratives** – Robin and Ellen

• Robin encouraged all to attend and displayed the Awards for Max Miller and Robin Morris Collin.

• Dick encouraged all to recruit a few more attendees.

• Personnel from Governor’s office have RSVP’d.

• Michelle reported volunteer from Oregon College of Art that will design awards for next year.

9. **Membership Development Activities** – Jim and Dick

• See handout E.

• Dick presented ideas for increasing section visibility to all Bar members.

• Emails from members to the rest of their firm about upcoming events.

• Need “captains” within firms.

• Each executive committee member should select a few from Dick’s potential “captain” list and then contact with message proposed by Dick between Nov. 15 and 30 about message we want the captain to send to her or his firm on Nov. 30 about Section membership.

• Student Membership: Diane reported on OSB policy for student members. Also reported that E&NR had executive committee members responsible as liaisons to each Oregon law school.

• Student members must pay, or section must pay, the $6.50 membership fee that goes to the Bar for administration.

• Diane, Jim and J. Charles Griggs will examine, as test case, recruiting at Lewis & Clark law school.

10. **Executive Committee Meetings** – Jim and Ellen

• Ellen explained that an executive committee meeting in Bend could be done in conjunction with the Deschutes County Bar Association and other local law group events. Also, executive committee meeting attendees could also tour local environmental restoration and protection projects.

• Pat explained how an executive meeting could be held in Eugene in connection with a Lane County Bar Association.

• Ellen and Jim discussed possible partners to work with for meetings in Central and Eastern Oregon, including various tribe and environmental groups.

• Jennifer suggested a Eugene trip be done with a tour of the courthouse.

• Program Committee will plan executive committee meetings in conjunction with programs in non-Portland locations.

• Future Executive Committee Meetings: December 3 and January 7 at 9 am- 11 am., location TBD. January 7 will be a “planning meeting.” Suggested that future Portland executive committee meetings be first Friday of month.

• Dick raised issue of planning future mission statement direction. Dick will prepare meeting on that topic.

11. **Update on Inclusion of Resource Materials on Web Site** – Dallas

• No update.

12. **Update on DOJ Inquiry Regarding Filing Double-Sided Documents in State Court**

• DOJ lawyers would like presentation on this issue at a judicial conference, and an article on this.

• Jen reported on Multnomah County and Pat reported on Lane County.

• A few issues identified:

1. Are courts following the UTCR and allowing it;

2. What do judge’s think about it; and

3. What are the practical problems or benefits observed in actual practice, e.g. copy problems.

• Aimee and Diane will lead project to recruit section members to contact all 36 courts to survey on those questions.

13. **Interface with Other Sections** – Jim

• Jim and Dick have discussed with ENR, Business law, Antitrust, and corporate counsel doing joint programs.

• We have joint programs planned with Business Law Section and Anti-Trust Sections, and we did have a social event with ENR section.

• Michelle and Dick to draft strategy on future joint programs with other sections.

• Sheila Blackford suggested working with solo/small firm section, which is starting a First Friday CLE series.

14. **Discussion of 2011 Section Goals and Priorities**–

• Postponed to December and January meetings.

15. **Update on Section Study Groups** - Jennifer

A. Study group on Requests for Proposals to law firms bidding on client work.

• Jen reported on research.

• Goal is to have a report or article in April.

• Jen requested suggestions for an author for the report.

• Goal is to investigate frequency and issues around client requests for law firm proposals (“RFP”) where the RFP includes sustainability.

B. Future Generations Study Group – Jim

• Jim reported efforts to recruit attorneys for the group.

• Roy Pulvers suggested to Jim that A.G. Kroger may be interested and Jim awaiting discussion with the A.G.’s office before proceeding further.

End: 11:54 a.m.

Handout A – legislative tracking

Greetings,

This is a summary of information about how SFS may interact with State of Oregon legislation---we will use this more in Dec and Jan. Most of the information comes from the OSB Public Affairs http://www.osbar.org/pubaffairs

The Bar and its sections operate within the following parameters of regarding participation in the legislative process:

Can:

Assist with "law improvement." This includes reviewing proposed legislation or amendments for internal consistency and consistency with existing law, suggesting technical changes to better address the intent of the drafters, and preparing summaries and commentaries.

Can’t:

As an integrated (mandatory) bar OSB cannot use compulsory dues to finance political and ideological activities as that violates the 1st Amendment rights of dissenting members when such expenditures are not germane to the bars purpose, which the court identified as regulating the legal profession and improving the quality of legal services. Keller v. State Bar of California, 499 US 1, 111 SCt 2228 (1990). Keller does not prohibit integrated bars from using member dues to advance political or ideological positions that are not germane to the bars purpose; however, it requires that dissenting members receive a refund of the portion of dues attributable to the non-germane activity.

OSB Bylaws most pertinent to possible SFS legislative activity:

1.6 OSB Section/Committee Roles and Responsibilities

Sections and committees of the bar operate under the umbrella of the bar and thus are subject to the same legal constraints as the board. In light of the political restrictions outlined above, here are some examples of activities that are permitted and some that are restricted:

1) Bar groups may propose legislation within their area of jurisdiction subject to BOG approval.

2) Bar groups may take positions or respond to public policy activities on legislation. OSB Section/Committee leaders cannot use bar funds to advocate a position on a ballot measure. This means money, staff time during working hours, travel allowances, facilities or equipment. Section/ committee members or officers cannot ask staff to research or write a speech designed to support or oppose a ballot measure or charge travel expenses for attending a meeting at which such a position is advocated.

3) Bar groups may coordinate or liaison with any group to engage in information gathering on issues involving the bar, the judicial system, the judicial department budget and issues relating to the administration of justice. Meetings to develop strategies to pass or

defeat any measure or candidate are not permitted.

4) Bar groups can develop legislation for sponsorship to be included in the bar’s legislative package or take positions on legislation that fall within Keller and legislative guidelines subject to OSB Public Affairs Committee approval.

5) Bar groups may not advocate a political position for or against an initiative or referendum or candidate.

Section 12.4 Committees and Sections

Any committee or section wishing to sponsor legislation or take a position on any rule or public policy issue will inform the Public Affairs Program, and through that office, the Board, of the exact nature of the legislation proposed. A copy of the bill, proposed rule or policy will be presented for consideration and approval of the Board. A committee or section of the Bar may not represent to the legislature or any individual, committee or agency thereof, a position or proposal or any bill or act, as the position of that committee or section of the Bar without the majority approval of the members of that committee or, in the case of a section, the executive committee and the prior approval of the Board, except as follows. During a legislative session or during the interim, a bar committee or the executive committee of any section must contact the Bar’s Public Affairs Program before taking any position on a bill, rule or public policy issue within its general subject area. The chair of the Board’s Public Affairs Committee will determine, within 72 hours of notice of the issue, whether it is appropriate for the Bar to take an official position or to allow the section or committee to take a position as requested. The full Public Affairs Committee or the full Board may be consulted before a final decision is made. Bar staff and the Public Affairs Committee of the Board will make every effort to accommodate committees and sections that wish to express positions on relevant issues. The Public Affairs Program shall be kept informed about the status of such positions and related activities.

SFS’ possible internal organizational actions w/regard to the legislature:

--section should have a legislative subcommittee which is involved in the legislative process

--monitor legislative activity in their respective area of expertise and to provide objective technical assistance from proposal of the legislation until signature by the governor

--be prepared to provide technical analysis on key bills relating to their particular area of expertise for the purposes of law improvement

--if SFS decides to take a position on a bill, it must make a written request to the public affairs committee setting forth its position and how it is appropriate under the legislative guidelines established by the Board of Governors & consider fiscal implications

--most of the legislation from bar groups goes through the judiciary committees of the legislature

--other?

SFS’ communication with the Bar re legislative issues:

--it is important that public affairs staff is notified especially if a section is taking a position for or against a bill

--inform public affairs staff if the section is interested in particular issues within the section’s area of expertise

--if a section or committee decides to take a position on a bill, the section must make a written request to the public affairs committee setting forth its position and how it is appropriate under the legislative guidelines established by the Board of Governors

--it is a good idea to inform Public Affairs of executive committee or legislative subcommittee meetings dealing with legislative issues so that Public Affairs can keep better track

Handout B – FINAL BUDGET

|  |  |
| --- | --- |
| 835-U002-000 Dues Rate | 20 |
| 835-U001-000 Member Count - Paid Memberships | 250 |
| 835-U004-000 Member Count - Comp Memberships |  |
| Member Count - Total Memberships | 250 |
| Note: Increased OSB Support Services Fee per member | 6.50 |
| REVENUES |  |
| 835-4025-000 Annual Event Revenue |  |
| 835-4190-000 Grants Received |  |
| 835-4348-000 Luncheon Event |  |
| 835-4348-052 Luncheon Event – Portland |  |
| 835-4348-053 Luncheon Event - Salem / Midvalley |  |
| 835-4405-000 Membership Fees | 5,000 |
| 835-4550-000 Sponsorship Fees |  |
| 835-4565-000 Registrations - Conferences/Seminars Revenue | 2,000 |
| 835-4620-000 Sales |  |
| 835-4999-000 Miscellaneous Income |  |
| Total Revenue 7,000 |  |
| EXPENSES |  |
| 835-7040-000 Annual Meeting Expense |  |
| 835-7040-100 Annual Dinner | 1,000 |
| 835-7720-000 Case Law Summaries |  |
| 835-7195-000 Committee – Executive |  |
| 835-7195-054 Committee - Award of Merit |  |
| 835-7195-080 Committee - CLE Subcommittee |  |
| 835-7205-015 Computer - Internet / Web | 350 |
| 835-7245-000 Conferences / Seminars Expense | 1,500 |
| 835-7270-000 Contributions |  |
| 835-7320-000 Education |  |
| 835-7395-000 Gifts & Awards | 300 |
| 835-7538-000 Luncheon Expense |  |
| 835-7715-000 Newsletter | 600 |
| 835-7620-000 Outreach Programs | 1,000 |
| 835-7700-000 Printing Services |  |
| 835-7815-000 Scholarships |  |
| 835-7836-000 Social Events |  |
| 835-7840-000 Speaker Expense |  |
| 835-7850-000 Special Projects |  |
| 835-7885-000 Telephone - Conference Calling | 350 |
| 835-7745-000 OSB Support Services Assessment | 1,625 |
| 835-7999-000 Miscellaneous Expense | 275 |
| Total Expense | 7,000 |
| Net Revenue (Expense) | 0 |
| 835-3100-000 Beginning Fund Balance | 0 |
| Ending Fund Balance | 0 |

Handout C – Programs

Handout D – Programs

Handout E – Membership Development

**SUSTAINABLE FUTURE SECTON**

**Membership Development Plan**

**Draft by Jim Kennedy and Dick Roy**

**November \_\_, 2010**

**Background.** The Sustainable Future Section (SFS) is a new section. At the time of OSB membership renewal in December and January, an Oregon lawyer may simply remain in an old section for another year, without consciously considering membership in SFS.

**Goal.** Increase the likelihood that lawyers will make a conscious decision on whether to join SFS for 2011.

**Plan.** Create an SFS Membership Committee that includes “law firm members,” or lawyers in firms who agree only to send a note to members of their firm (1) to alert them to the SFS choice as a renewal item and (2) to recommend that they join for 2011. Law firm members could take additional steps if they had ideas that might work well within the culture of the firm.

**Candidates.** On the backside is a list of candidates by firm for the SFS Membership Committee, suggested by Dick except where noted. Members of the Executive Committee should make additional suggestions.

**Invitation to Join.** An EC member should call the candidate to invite to person to join the SFS Membership Committee as limited law firm member. If the lawyer cannot be reached by phone, a heads up voice mail should be left, followed up by an e-mail.

*[Name of candidarte]*

*As I mentioned in my e-mail, Dick Roy [or other source] suggested that I contact you to see if you could assist the Bar’s new Sustainable Future Section (SFS) in a minor way within your firm. Because the section is new, and not yet well known, we have formed a Membership Committee. As a firm representative, we would ask you to get out the word about SFS within your firm by circulating an e-mail message on about \_\_\_\_\_, just in advance of the Bar sending out membership renewal notices for 2011. The e-mail message below is an example.*

*Please let me know if you are able to help out. Your help will be greatly appreciated.*

*[SFS EC member name]*

**Example: internal e-mail to firm members**

*To firm lawyers,*

*Before you renew your Bar membership for 2011, I wanted to alert you to the option of joining the new* ***Sustainable Future Section*** *that began operations early this year. Off to a great start this year, the section is doing pioneering work in weaving the role of a sustainability into the Oregon legal profession in some very interesting ways. If you are not yet a member, please consider joining for 2011 to keep abreast of activities and show your support for the goals of SFS.*

Handout F - Nominating Committee Report

**SUSTAINABLE FUTURE SECTION**

**2010 REPORT OF NOMINATING COMMITTEE**

October 8, 2010

To: Jim Kennedy, Section Chair

From: 2010 SFS Nominating Committee

In accordance with Article VI, Section 8, of the section bylaws, the Nominating

Committee has the following nominations for the 2010 election of officers and members-at-large of the Executive Committee of the Sustainable Future Section:

Chair: James M. Kennedy

Chair-Elect: Michelle Slater

Secretary: Dallas Steven DeLuca

Treasurer: Robin Bellanca Seifried

Terms ending on December 31, 2012

Ellen H. Grover

Amie Jamieson

Richard E. Roy

Continuing members-at-large with terms ending on December 31, 2011

Jennifer L. Gates

Diane Henkels

Patrick K. Neill

The 2010 SFS Nominating Committee

*Ellen Grover, Jennifer Gates, Bill Kabeiseman,*

*Kate Moore, Pat Neill, & Dick Roy*