

MILITARY AND VETERANS LAW SECTION

Executive Committee

May 19, 2015 Minutes

The meeting was called to order at 12:00 noon by the Chair, Tom Flaherty, at the Oregon State Bar Center in Tigard, Oregon. Present were Tom Flaherty (chair), Mary Ellen Farr (secretary), Daniel Zene Crowe, Jack Platten, Jonah J. Hemenway and Troy Wood (bar liaison). Present by telephone were Mark Ronning (past chair), Brian Boender and Dwight Meers.

Minutes. The minutes of the meeting of April 21, 2015, were approved unanimously.

Committee Reports.

Legal Clinic. Dan Crowe reported on the progress of the Legal Clinic committee. Crowe and Flaherty met with bar leadership, including the president, executive director and representatives of the bar's legal counsel and the PLF on April 24, 2015. The bar's concerns were limiting the bar's potential exposure for errors made by students and not taking dues away from other programs. Sylvia Stevens, the bar's executive director, and Helen Hierschbiel, bar counsel, will draft a memorandum of guidance for the clinic. The memorandum will be available by the next section meeting.

Crowe and Alicia Firestone met again before the section meeting with the board of governors where the bar's concerns were discussed. Crowe also noted that he has been working on obtaining funding and is waiting for responses and has been considering organizations to hold the clinic's funds. Given some of the bar's concerns, the committee discussed the importance of the section merely facilitating the development of the clinic on behalf of members who are interested in such a clinic, rather than operating the clinic.

Platten moved to approve the concept of the clinic and to authorize Crowe to move forward on working out the details. The motion passed unanimously.

Law School Class. Ronning reported that he and Chris Putezenski met with Dean Norman Williams of Willamette University to work out the details of the class. The class will be two hours a week for thirteen weeks with an emphasis on civilian law issues facing the military and veterans. They are working on preparing the syllabus and other materials by August 31st for the university's review. The class instructors will coordinate with the legal clinic. The class will begin in winter of 2016.

Bar Information. Wood reported on issues which are currently confronting bar leadership. He referenced two cases which apply to the use of bar funds for bar activities. The cases arise generally from a United States Supreme Court case of 1990, *Keller v. California State Bar*, <https://supreme.justia.com/cases/federal/us/496/1/>. The two recent cases are: *North Carolina Board of Dental Examiners v. FTC*, http://www.supremecourt.gov/opinions/14pdf/13-534_19m2.pdf, and *In Re Petition on State Bar of Nebraska*,

<https://supremecourt.nebraska.gov/sites/supremecourt.ne.gov/files/sc/opinions/s36-120001.pdf>.

In particular in the Nebraska case, the involuntary state bar was forced to become a voluntary bar, except for admissions and disciplinary issues, because the Nebraska Supreme Court concluded that the bar could not force members to pay for services which only benefitted some members. The Oregon bar is considering these decisions, and these issues also inform the bar's current concerns about the section's involvement in the legal clinic.

Communication. One of the above concerns relates to sections using private web servers which could have the effect of bar dues subsidizing some entity. Hemenway reported that the section is in compliance with the bar's requirements. He is transitioning the URL to a simpler one through the bar: www.milvet.osbar.org.

Legislative. Farr reported that no one had contacted her wanting the section to support or oppose legislation.

The meeting was adjourned at 12:55 p.m.