

MILITARY AND VETERANS LAW SECTION

Executive Committee Minutes

April 17, 2018

Section Member Attendees: Chris Griffin, Megan McGuire, Troy Wood, Dan Wolfe, Jamie Fender, Helen Hirschbeil, Jennifer Sackett, Brian S. Wayson, Jennifer Dunn, Mark Holiday, Trevor Caldwell, David Schactrall, John Gearhart, Ian McWilliams, Heather Sinclair, John Haub, Mark Halody.

Oregon State Bar attendees: Ms. Helen Hirschbeil, Ms. Amber Hollister

Washington County Deputy District Attorney's Office: DDA John Gearhart, DDA Ian McMillan

Approval of March minutes as amended:

MVLS March Minutes: March Minutes corrected to add David Schactrall as being in attendance, and a corrected date for the MVLS presentation on Veterans Judicial Conference was April 9, 2018, and then unanimously approved.

Washington County Veterans Court Report

John Gearhart, DDA, Washington County, and DDA Ian McWilliams reported on the Veteran's Treatment Court being formed in Washington County. DDA Ian McWilliams indicated a design to take into consideration the nexus of military service as regards to the presenting issues in the judicial system. VA VJO Aaron Baxter is involved in planning and development of VA Treatment protocols. Members admitted to Veteran's Court will be required to waive confidentiality so that treatment providers can report directly to the Veteran's Court team. A dedicated defense attorney is being sought to join the team. Presiding Judge Charles Bailey and Judge Eric Butterfield will serve as judges on the team.

Measure 11 offenses, as well as many child abuse and sexual abuse crimes will disqualify those seeking placement in Veteran's Court. Some assault and DV cases may be considered on a case by case basis. It is expected that drug and DV cases will be qualifying cases. The nature of the progress of the participant will determine whether diversion or deferred sentencing will be considered. Class C felonies and misdemeanors are expected to be the bulk of the admitted cases. Benefits to defendants will be tied to performance in Veteran's Court, with an expected minimum time of participation of 12 months.

Peer mentors are being recruited, with great interest by American Legion, Special Forces Association, VFW, and community groups who will join the team with standardized training through VA auspices. It is expected that the VA, Portland, Vancouver, and CBOC Beaverton facilities will support treatment protocols.

Those with BCD and DD discharges are not expected to qualify for admission. Those with OTH discharges will be evaluated on a case by case basis.

Grant funding will be sought in the next FY. In the meantime, private donations are expected to support start-up efforts.

New Business:

Helen Hirschbiel, Chief Executive Officer, OSB, and Amber Hollister, Bar Counsel were present to discuss recent OSB articles in *The Bulletin*. A wide-ranging discussion was had, taking into consideration the *Keller* decision. In *Keller v. State Bar of California*, 499 US 1, (1990), the U. S. Supreme Court held that an integrated bar's use of compulsory dues to finance political and ideological activities violates the 1st Amendment rights of dissenting members when such expenditures are not "necessarily or reasonably incurred" for the purpose of regulating the legal profession or improving the quality of legal services.

Ms. Hirschbiel and Ms. Hollister informed the Section members that the Board of Governors had no advance knowledge of the contents of the specialty Bar groups and their published remarks in the April edition of "The Bulletin." We learned that the BOG is constrained by the by-laws with regard to speech and is expected to take up the issue of criticism of use of The Bulletin to publish editorial/specialty section remarks in the April publication during its scheduled meeting this week. We were advised that specialty associations are not part of the OSB and are not "Sections."

April 9, 2018, Oregon Judicial Department Veteran's Presentations:

Judges Beth Allen, Michael Sullivan, and as well as Office of Defense Legal Services Director Lane Borg, attorneys John Haub, and Daniel Crowe presented materials at the annual Judicial Department Conference in Sun River, Oregon on April 9, 2018. Subjects included, SRCA, USERRA, Discretionary DA Diversion, "Who is a Veteran?" and the Veteran's Justice Project and SSVF programs.

Legislative Initiatives:

Dan Crowe will join with Amy Zubko, Legislative Liaison from the OSB to study proposals for the upcoming Oregon Legislature "long session." The considerations include a proposed amendment to ORS 105.111(a)—Stay of Eviction for Servicemember(proposed) (establishing ODVA helpline and statutory authority to stay eviction proceedings for as much as 17 days.

Law School Initiatives:

Megan McGuire, Director of Career Services, Northwestern School of Law, Lewis and Clark College reported that Veteran graduates, faculty, and staff at this May's graduation will be permitted to wear have a distinctive tassel for the graduation ceremony.

Lewis and Clark Law School is fostering military liaison with military services and seeks placement for students interested in working on issues involving Veteran's law issues. An

association with ROTC programs in Oregon are being studied, with an eye toward commissioning as a JAG officer upon graduation from law school, as an alternative to direct commissioning programs.

A Military and Veterans Law course is being offered at Lewis and Clark Law School, as taught by Professor Chin. We discussed the subject of inviting the leadership of the Lawyers Referral Service,

Military Law Section—Lawyer Referral Service

Military Law Section to attend a future meeting to discuss mutual concerns and developments

Chair Jamie Fender adjourned the meeting at 1:30 PM

Dated this 17th day of April, 2018

John Haub, acting Secretary vice Larry Peterson