



OREGON LAW COMMISSION MINUTES

Meeting Date: June 7, 2024 (10: 00 am to Noon)
Location: Zoom
Chair: Valerie Sasaki
Members Present: P.K. Runkles-Pearson, Justice Rebecca Duncan, Chief Judge Erin C. Lagesen, Senior Judge Mary Mertens James, Lisa Udland, Cody Hoesly, Christa Obold Eshleman, Professor John Parry, Professor Susan Gary, Dean Jeffrey Dobbins, Representative Jason Kropf, Representative Kim Wallan, Senator Floyd Prozanski, John DiLorenzo
Guests: Victor Reuther, Jessica Minifie, Amie Fender Sosa, Jenna Adams Kalloch, Mohsen Manesh, Matt Shields, Susan Grabe
Staff Members: Amy Zubko, Debra Thurman

Informational Items

- 1. Welcome and Introductions:** Amy Zubko, the new director of the Oregon Law Commission, opened the meeting, provided a brief introduction, and overview of her background.
- 2. Committee Member Introductions:** Ms. Zubko provided an overview of the Commission membership with a focus an introduction of the new members and designees. Fred Boss, after many years as the Attorney General's designee, has retired from the Oregon Department of Justice. Lisa Udland, Oregon Department of Justice Deputy General Counsel has joined the Commission as the Attorney General's new designee. Dean Brian Gallini, the Dean of Willamette University School of Law, has left the university. Dean Jeffrey Dobbins is the new representative from Willamette. Professor Susan Gary, the representative from the University of Oregon School of Law, has retired and is now a professor emeritus. The University of Oregon School of Law is in the process of identifying a new law school representative.
- 3. Commission Administration:** Ms. Zubko provided an overview of operational and administrative efforts currently underway.

Budget Overview: Ms. Zubko provided an overview of the Oregon Law Commission's financial situation. Due to COVID and staff turnover, the Commission has carryforward funds of \$416,554. Out of those carryforward funds, \$135,929 has

been held back as contingency funds. In addition, the Commission received current service level funding for the 2023 – 2025 biennium of \$364,969.

Post-graduate limited duration legal fellow: The Commission discussed the possibility of creating a post-graduate limited-duration fellow program for a recent law school graduate. The anticipated cost per year would be \$85,325. The position would support the Commission's workgroup and legislative efforts. Questions raised included who would be eligible to participate in the program, whether it would increase the timeliness of workgroup proposals, and when it would be necessary to make the decision on creating the position. The proposal was tabled until the end of the meeting to allow for discussion of the project pipeline.

Student Engagement: Ms. Zubko provided an overview of student support for the Oregon Law Commission both at Willamette University College of Law and at the University of Oregon School of Law. She shared that the Commission was currently receiving resumes and interviewing for a summer student worker. In addition, she shared that the OLC is working with the University of Oregon School of Law's Portland Program to create a joint fellowship for second- and third-year law students.

Outreach: Ms. Zubko thanked the Commissioners for their willingness to meet as part of onboarding process. She has also begun the process of reaching out to stakeholders, former commissioners, and legislative offices.

Materials: The Oregon Law Commission is the repository of both hard copy and electronic materials. These materials include reports, minutes, research, and other materials used to develop legislative proposals. Ms. Zubko reported that the OLC website and the hard copy materials are under review with the goal of updating the OLC website and identifying an archiving process. Commissioner Dobbins shared that there were potentially additional materials that were still housed at Willamette University School of Law.

4. **Active Projects:** Ms. Zubko provided a brief introduction of the two active Commission projects.

Revised Uniform Limited Liability Company Act: Commissioner Cody Hoesly provided an update on the Revised Uniform Limited Liability Company Act proposal. The proposed legislation, first introduced in the legislature in 2023 as Senate Bill 909, was the product of three years of workgroup meeting and did not pass during the 2023 session. A small group has been working with the Oregon Trial Lawyers Association and the Oregon Department of Justice on a potential amendment with a plan to resubmit the bill in the 2025 legislative session. The Commission discussed additional steps that the Commission and chairs can take in support of the bill for the 2025 legislative session including: a robust report which can be used to increase

workgroup member and public understanding of the proposal and early outreach to legislators and the legal community.

Municipal and Justice Courts Appeals Process: Commissioner Christa Obold Eshleman provided an update on the Municipal and Justice Courts Appeals Process proposal. She shared that the workgroup has been ongoing since 2020 and is on track to have a proposal for the legislature in the 2025 legislative session. The proposed legislation is a reorganization of a wide array of statutes from different locations within the ORS with the goal of drafting modernized and cohesive language. The group began its work focused on justice courts and is now headed towards the municipal court language.

5. Next Steps:

Open Projects: Ms. Zubko provided a brief overview of three open workgroup projects and shared she would be reaching out to stakeholders to identify interested parties with the goal gauging interest and potentially starting workgroups in 2025.

The Uniform Partition of Heirs Property Act: The proposal was approved by the full Commission in 2020. Commissioners discussed stakeholders who may be interested in the proposal including Multnomah County Commissioner Jaypal and the former Chief of Staff for State Senator Arnie Roblan, Rosie Shatkin. In addition, Thomas Mitchell, the reporter for the Uniform Law Commission on this project was recommended as a resource. Previous efforts with this project, which met briefly in 2020, included outreach to both rural and urban stakeholders.

The Uniform Electronic Wills Act: The proposal was approved by the full Commission in 2020. The proposal was not discussed at the meeting

The Model Corporation Act: The proposal was approved by the Program Committee in 2023. This proposal has not been reviewed by the full Committee. The Commission discussed the need to identify potential workgroup members and discussed the current LLC workgroup members as a possibility.

Program Committee: Chair Sasaki shared that the Program Committee would plan on meeting in the fall of 2024 to consider existing proposals currently in the pipeline and any new proposals that came to the Commission.

Subject Matter Panels: Chair Sasaki shared an overview of a subject matter panel project with the goal of creating practice area expert groups to respond to questions. She proposed that Estate Planning and Administration and Criminal Law could be two pilot subject areas. Commissioner Runkles-Pearson shared her interest in the OLC maintaining its focus on the criteria identified in statute. Commissioner Dobbins suggested that the subject matter panels could fall under the purview of

the Program Committee. **Commissioner** Lagesen suggested that there should be a policy for the developing subject matter panels.

Action Items

- 6. Budget:** Ms. Zubko provided an overview of the Oregon Law Commission's financial situation, the reports generated from by the University of Oregon School of Law, and a proposal to hire undergraduate students, law students, and explore the possibility of creating a post-graduate law graduate to serve as a one-year legal fellow. The Commission discussed the proposed budget, the proposed post-graduate fellowship and the student staff and fellowship positions. The conversation touched on the benefits of student involvement, the workload of the OLC director, and the possibilities for creating the post-graduate fellowship as a supervised pathways position.

Amended Motion: Commissioner DiLorenzo moved to tentatively approve the OLC budget for 2025 and postpone final approval until the next meeting. Chair Sasaki seconded the motion and it was adopted unanimously.

Workplan: Ms. Zubko shared a 3-month workplan with the Commission.

Motion: Chair Sasaki moved that the Commission adopt the work plan as circulated for the next quarter, and then review the Q2 work plan at the September meeting. Commissioner Runkles-Pearson seconded, and the motion was adopted unanimously.

Future Meetings: Ms. Zubko shared two online polls to determine availability for meetings in September 2024 and December 2024. Commission members were requested to complete the polls by June 21, 2024.