



Attorney General's

Public Law Conference

Conference Program Guide

Online Pre-Conference Edition

October 24 – 25, 2017

Salem Convention Center

Salem, Oregon 97301

Time	Tuesday, October 24, 2017						
Time/Track:	Core Public Law	Advanced Public Law	Contracts/Procurement	HR & Management	General & Extended	Extended	
8:15 - 8:35	Opening General Session and Welcome Address - Attorney General Ellen F. Rosenblum						
8:45 - 10:15	1A - Public Law Overview 2017	1B - Crafting an Effective Notice, Final Order, and Settlement for Contested Cases	1C - Getting it Done: Faster, Better, Smoother	1D - *Conducting Airtight Investigations in 2017	1E - Public Employee Ethics: What You Need to Know for 2017		
10:25 - 11:40	2A - Public Records Overview 2017	2B - Lawfully Entering Private Property: What You Need to Know Today	2C - Interagency and Intergovernmental Agreements: What You Need to Know	2D - *ADA Part I Foundational Concepts	2E - Tribal Relations and Legal Status of Indian Tribes Today		
11:45 - 12:45	Networking Lunch						
12:55 - 1:55	3A - 2017 Advanced Public Records: Retention Issues, Electronic Records Challenges, and More	3B - The Lay Rep Role in a Successful Contested Case Hearing (Repeat 8B)	3C - The Effective Use of Independent Contractors	3D - *Your Unfair Labor Practice Complaint is Before the Employment Relations Board. Next Steps...	3E - The Oregon Constitution: What You Need To Know		
2:05 - 3:35	4A - Public Meetings: Legal Requirements and Effective Practices for 2017	4B - It's the Foundation for Everything We Do: Statutory Interpretation Part 1	4C - Alternative Construction Contracts for 2017: Design-Build, CM/GC, ESPC, and...	4D - *Handling Whistleblower Claims in the New Biennium			
3:45 - 4:45	5A - The Buck Stops Here: State and Federal Funds, Grants and Debt Collection	5B - Orders in Other Than Contested Cases - Tips and Traps	5C - The Contract is Signed, What Could Possibly go Wrong? Contract Admin Survival Skills for 2017	5D - *Leave Law Landmines - Navigating Challenging Issues			
Wednesday, October 25, 2017							
8:15 - 9:45	6A - Contested Case Process: You've Issued a Notice and Received a Request for Hearing, Now What?	6B - Government Litigation and Record Management in Today's Tech Savvy World	6C - Contracts: Design and Construction 2017 - Fundamentals and Recent Developments	6D - *Veterans Preference	6E - Rulemaking Procedures 2017 (8:15 - 11:25)		
9:55 - 11:25	7A - Top 10: Common Legal Traps For Public Employees	7B - I Thought We Were the Experts! Statutory Interpretation Part 2		7D - *Social Media: Privacy, Speech Rights, and the Workplace	Extended Session		
11:30 - 12:30	Networking Lunch						
12:40 - 1:40	8A - DOJ and You! Getting the Most Out of Your Relationship with the Department of Justice	8B - The Lay Rep Role in a Successful Contested Case Hearing (Repeat 3B)	8C - Intellectual Property 2017	8D - *ADA Part II - Advanced Scenarios	8E - Rule Writing Skills (Repeat 9E) (12:40 - 2:25) Extended Session	9F - Investigator Skills for Administrative Proceedings (1:50 - 4:30) Extended Session	
1:50 - 3:20	9A - Best Practices When Interacting with the Legislature	9B - Generating Legal and Effective Public Involvement on Controversial Issues	9C - Information Technology Contracts: What You Need to Know in Today's Evolving Tech Environment	9D - *Drafting Effective Discipline Letters	Break 2:25 - 2:45 9E -Rule Writing Skills (Repeat 9E) (2:45 - 4:30) Extended Session		
3:30 - 4:30	10A - Hot Topics 2017	10B - Oregon's Marijuana Laws 2017	10C - Communicating Effectively with a Diverse Public	10D - *Providing and Obtaining Employment References			

Key:

* **Restricted** to HR and Management Only

Light Blue: Core and Basic

Dark Blue: Advanced and Specialized

Green: Contracts and Procurement

Yellow: HR & Management



OPENING GENERAL SESSION

8:15 AM to 8:35 AM Tuesday, October 24, 2017

Welcome and Remarks by Attorney General Ellen Rosenblum



A former federal prosecutor and state trial and appellate judge, Ellen Rosenblum was first elected to a four-year term as Oregon's 17th Attorney General in November, 2012 and was re-elected to a second term November 8, 2016. She is the first woman to serve as Oregon Attorney General. Her priorities include consumer protection and civil rights – advocating for and protecting Oregon's children, seniors, immigrants and crime victims and those saddled with education-related debt. She is committed to assisting district attorneys and local law enforcement in prosecuting elder abuse and complex crimes and has made crimes against children as well as consumer internet privacy high priorities.

Attorney General Rosenblum has been active in local and national organizations of lawyers, judges and attorneys general. She has served on the Executive Committee of the National Association of Attorneys General and she is the immediate past Chair of the Conference of Western Attorneys General. She has served as Secretary of the American Bar Association and is the Chair of the ABA Section of State & Local Government Law. She co-founded the section's Attorneys General and Department of Justice Issues Committee (AGDJ).

BREAKOUT SESSION #1

8:45 AM to 10:15 AM Tuesday, October 24, 2017 (90 minutes)

1A - Public Law Overview 2017

This workshop is an introduction to the essential policies and laws that apply to every state agency, board and commission. This includes the Agency's authority to act, tort claims, contested cases, rulemaking, public contracting and finance issues, public official ethics, and public meetings and records. This information will help you avoid potential conflict of interests or problems with gifts or political and lobbying activities. You'll also learn about Oregon's open government policies and how they impact your meetings and communications. ***This workshop is suitable for any state agency employee or board or commission member. This is an introductory survey of public law and is particularly appropriate for employees and managers who are coming to government service from other sectors.***

Presenter:

[Steven Wolf, Chief Counsel, DOJ General Counsel Division](#)

1B - Crafting an Effective Notice, Final Order, and Settlement for Contested Cases

This session addresses the critical bookends of the contested case process: On the Front end, Notice and Settlements, with Final Order writing on the back end. Attendees will come away with a better understanding of these and other requirements for writing legally defensible final orders. Additionally, this session will review good negotiation skills, and discuss factors that are unique to negotiating the informal disposition of contested cases. ***This workshop is intended for anyone with a role or interest in the contested case process.***

Presenters:

[Katharine Lozano, Senior Assistant Attorney General, DOJ Business Activities Section](#)

[Kyle Martin, Attorney-in-Charge, DOJ Business Activities Section](#)



1C - Getting It Done: Faster, Better, Smoother

The goal of this session is to help state agencies understand how to get the most bang for their time, effort and “buck” when engaging around a business need. The presenters will emphasize practical tips and techniques, arising from their extensive experience both inside and outside of government, for how to figure out a workable path forward, how to develop appropriate strategies, how to clarify needs and expectations, and ultimately how to make sure that the deal as documented properly addresses the need. They will focus on avoiding pitfalls and traps, including understanding more of the critical “devil in the details” drafting issues. ***This is a business transactions 101 type course suitable for any program manager or procurement professional.***

Presenters:

[Judy Giers, Deputy Chief Counsel, DOJ General Counsel Division](#)

[Chris Matthews, Senior Assistant Attorney General, DOJ Business Transactions Section](#)

[Mark Williams, Attorney-in-Charge, DOJ Business Transactions Section](#)

1D - Public Employers: Conducting Airtight Investigations in 2017

A competent investigation is among an employer’s best protections when responding to workplace complaints and assessing potential discipline. This session will cover the lifecycle of an investigation. Participants will learn techniques for getting started, including defining scope, identifying witnesses and documents, and when to consider giving Weingarten and Garrity warnings. ***This workshop is limited to executive and management service employees, which includes those with management, confidential or supervisory designation, and HR professionals only. For employees working out of class or in rotational positions in management, the approval of their immediate supervisor is required.***

Presenters:

[Yael Livny, Senior Assistant Attorney General, DOJ Labor and Employment Section](#)

[Tessa Sugahara, Attorney-in-Charge, DOJ Labor and Employment Section](#)

1E - Public Employee Ethics: What You Need to Know for 2017

All public employees are subject to the code of ethics set forth in ORS chapter 244. Come learn what you should do when met with a conflict, how to determine whether something is a prohibited gift, and which ethical obligations may apply even after you leave public employment. ***This workshop is suitable for any state agency employee or board or commission member.***

Presenters:

[Amy Alpaugh, Senior Assistant Attorney General, DOJ Government Services Section](#)

[Ronald Bersin, Executive Director, Oregon Government Ethics Commission](#)

[Marie Scheffers, Compliance and Education Coordinator, Oregon Government Ethics Commission](#)



2A – Public Records Overview 2017

Learn how Oregon's Public Records Law balances the public's interest in overseeing its government with confidentiality issues. Understand public record management and retention requirements, and how to respond to public records requests. Get practical advice for managing public records requests and requesters. *This course is suitable for employees who are new to the public records law, and for seasoned folks looking for a refresher of the basics.*

Presenters:

[Stephanie Clark, Manager, Records Management Unit, Oregon State Archives](#)

[Noah Ellenberg, Opinions Counsel, DOJ Chief Counsel's Office](#)

2B – Lawfully Entering Private Property: *What You Need to Know Today*

State and federal law, including constitutions, statutes and regulations, limit the authority of government employees or officers to enter private property. This session will describe the scope of those legal limitations, and how they apply in particular situations. *This workshop is appropriate for any agency employee who has a role that may require them to enter private property.*

Presenters:

[Jeff Bachman, DEQ's Office of Compliance and Enforcement](#)

[Gary Vrooman, Assistant Attorney General, DOJ Natural Resources Section](#)

2C - Interagency and Intergovernmental Agreements: What You Need to Know

Interagency and Intergovernmental agreements differ from private contracts and present their own unique set of challenges. What about agreements with tribes? When do interagency transactions need to be formalized into an IAA? Where can you find templates for your next agreement and what must be included in it? *This workshop is appropriate for any public works or public improvement manager or procurement professional.*

Presenters:

[David Elott, Senior Assistant Attorney, DOJ Tax and Finance Section](#)

[Seth Karpinski, Senior Assistant Attorney General, DOJ Civil Litigation Section](#)

[Jeffrey Wahl, Senior Assistant Attorney General, DOJ Health and Human Services Section](#)



2D – Public Employers: ADA Part I: Foundational Concepts

The employer's obligations under the ADA and state law change over time. This session covers the basics of the Americans with Disabilities Act, including who is covered under the ADA, what the rights and responsibilities are of the employee and the employer, how to handle requests for reasonable accommodations, and when to request medical information. This course is geared towards HR personnel and managers who work independently or in conjunction with HR during the accommodation process. ***This workshop is limited to executive and management service employees, which includes those with management, confidential or supervisory designation, and HR professionals only. For employees working out of class or in rotational positions in management, the approval of their immediate supervisor is required.***

Presenters:

[Brena Moyer Lopez, Senior Assistant Attorney General, DOJ Labor and Employment Section](#)

[Margaret Wilson, Senior Assistant Attorney General, DOJ Labor and Employment Section](#)

2E - Tribal Relations and Legal Status of Indian Tribes Today

This session provides a basic overview of the federally recognized tribes in Oregon, and will discuss some basic principles of Indian law such as sovereignty, immunity and jurisdictional issues. ***This workshop is suitable for any state agency employee or board or commission member.***

Presenter:

[Stephanie Striffler, Senior Assistant Attorney General, DOJ Appellate Division](#)

[Howard Arnett, Attorney, Karnopp, Petersen LLP](#)



NETWORKING LUNCHEON

11:45 am – 12:45 pm, Tuesday, October 24, 2017

BREAKOUT SESSION #3

12:55 PM to 1:55 PM Tuesday, October 24, 2017 (60 minutes)

3A - 2017 Advanced Public Records: Retention Issues, Electronic Records Challenges, and More

This training will focus on advanced public records concepts, such as managing electronic records; recent cases, public records orders, and legislation; and addressing participants' top concerns. *We will poll participants prior to the training to gather questions to address. This workshop is intended for any state agency employee, board or commission member who manages public records or responds to records requests as part of their daily jobs.*

Presenters:

[Noah Ellenberg, Opinions Counsel, DOJ Chief Counsel's Office](#)

[Mary Beth Herkert, State Archivist, Oregon State Archives](#)

3B - Lay Rep Role in a Successful Contested Case Hearing

(Repeats on following day, see 8B)

This training will emphasize practical tactics for effective case preparation and strategy, communicating with the parties and the decision-maker, identifying and addressing legal issues, discovery and evidentiary issues, code of conduct, and presenting at a hearing. This training is targeted at agency staff who represent their agencies at contested case hearings (often called "lay representatives" or case presenters). *This training is targeted at agency staff who represent their agencies at contested case hearings (often called "lay representatives" or case presenters). It will also be helpful for other agency staff or managers who are directly involved in hearings. A working knowledge of contested case hearings is recommended.*

Presenters:

[Dove Gutman, Senior Administrative Law Judge, Office of Administrative Hearings](#)

[Renee Moulun, Assistant Attorney-in-Charge, DOJ Natural Resources Section](#)

3C - The Effective Use of Independent Contractors

This session is an introduction to the essential policies and laws that apply to the use of independent contractors by state agencies, boards and commissions. Participants will receive practical advice on contracting with independent contractors so as to avoid a determination of employee status. *This workshop is suitable for any state agency employee or board or commission member.*

Presenters:

[Karen Johnson, Senior Assistant Attorney General, DOJ Business Transactions Section](#)

[Sylvia Van Dyke, Senior Assistant Attorney General, DOJ Labor and Employment Section](#)



3D - Your Unfair Labor Practice Complaint is Before the Employment Relations Board. Next Steps

This session will provide a substantive and procedural overview of unfair labor practice charges against public employers. Employment Relations Board members will explain the most common unfair labor practice charges filed against employers and discuss highlights from the Board's recent ULP decisions. This session will also cover the key changes in the Board's revised procedural rules, effective February 1, 2017. ***This workshop is suitable for any state agency employee or board or commission member.***

Presenters:

[Adam Rhynard, Board Chair, Employment Relations Board](#)

[Lisa Umscheid, Board Member, Employee Relations Board](#)

[Jennifer Sung, Board Member, Employee Relations Board](#)

3E - The Oregon Constitution - What You Need To Know

Learn about the Oregon Constitution, how it differs in important ways from the United States Constitution, and how the Oregon courts approach issues that arise under both constitutions. ***This workshop is suitable for any state agency employee or board or commission member.***

Presenter:

[The Honorable David Schuman, Senior Judge for the Oregon Judicial Branch](#)



BREAKOUT SESSION #4

2:05 PM to 3:35 PM Tuesday, October 24, 2017 (90 minutes)

4A - Public Meetings: Legal Requirements and Effective Practices for 2017

This training is an overview of Oregon's Public Meetings Law. Topics will include: types of meetings that must be open to the public and from which the public may be excluded under the Meetings Law, quorum requirements, and decisions by consensus. Presenters will also share options for public participation in public meetings, electronic meetings, and web conferences. ***This workshop is suitable for any state agency employee or board or commission member.***

Presenters:

[Johanna Riemenschneider, Senior Assistant Attorney General, DOJ Business Activities Section](#)

[Steven Wolf, Chief Counsel, DOJ General Counsel Division](#)

4B - It's the Foundation for Everything We Do: Statutory Interpretation, Part I

Reading and interpreting statutes is something we do every day – but are we doing it correctly? This workshop is an introduction to the important process of correctly interpreting statutes and rules. ***This workshop is suitable for any state agency employee or board or commission member.***

Presenter:

[The Honorable Jack L. Landau, Associate Justice on the Oregon Supreme Court](#)

4C – Alternative Construction Contracts for 2017: Design-Build, CM/GC, Energy Savings Performance Contracts, and other Alternative Contracting Methods

This workshop will cover the process for obtaining an exemption from the competitive bidding/low bid requirements of the Public Contracting Code for public improvement contracts, including the mandatory use of the DOJ Model Rules for CM/GC contracts by all public contracting agencies. The session will include a discussion of design-build contracting, energy savings performance contracts, CM/GC contracts, A+B/A+C/A+C+D transportation construction contracts, other alternative contracting methods where factors other than low-bid are evaluated, and practical considerations to keep in mind is using these alternative contracting methods. ***This workshop is appropriate for any project manager or procurement professional involved with public improvement contracts.***

Presenters:

[Blake Underwood, Senior Assistant Attorney General, DOJ Business Transactions Section](#)

[Rob Gebhardt, Senior Assistant Attorney General, DOJ Business Transactions Section](#)



4D - Public Employers: Handling Whistle-blower Claims in the New Biennium

That is a misuse of agency funds! I complained my supervisor was breaking the law and was fired! This agency's activity is endangering the public! These are all examples of potential whistleblower activity. Are your agency's practices for assessing and handling Whistleblower claims consistent with changes to the law, effective January 1, 2017? This course provides updates on changes to the law, covers recent court decisions, and provides practical tips for maintaining a stable workforce. ***This workshop is limited to executive and management service employees, which includes those with management, confidential or supervisory designation, and HR professionals only. For employees working out of class or in rotational positions in management, the approval of their immediate supervisor is required.***

Presenters:

[Yael Livny, Senior Assistant Attorney General, DOJ Labor and Employment Section](#)

[Tessa Sugahara, Attorney-in-Charge, DOJ Labor and Employment Section](#)



BREAKOUT SESSION #5

3:45 PM to 4:45 PM Tuesday, October 24, 2017 (60 minutes)

5A - The Buck Stops Here: State and Federal Funds, Grants and Debt Collection

This workshop is intended for public employees, program managers and administrative staff who may receive, handle or distribute public funds – or who have third parties collect funds on your agency’s behalf. The workshop will review current DAS and State Treasury requirements, and the legal issues to be aware of when handling public funds. ***This workshop is appropriate for any state agency employee or board or commission member.***

Presenters:

[Cynthia Byrnes, Assistant Attorney-in-Charge, DOJ Tax and Finance Section](#)

[Michael W. Grant, Assistant Attorney-in-Charge, DOJ Civil Recovery](#)

[Cora Parker, Director of Finance for the Oregon State Treasury](#)

5B - Orders in Other Than Contested Cases – Tips and Traps

Did you know that your informal email conversation with a member of the public might be an “Order in Other than a Contested Case”? Learn all about what these orders look like, including due process issues, and how they are treated under the Administrative Procedures Act, ORS Chapter 183. ***This workshop is suitable for any state agency employee or board or commission member.***

Presenters:

[Jesse Davis, Senior Assistant Attorney General, DOJ Civil Litigation Section](#)

[Denise Fiordbeck, Attorney-in-Charge, DOJ Civil Appeals, Appellate Division](#)

5C - The Contract is Signed, What Could Possibly go Wrong? *Contract Admin Survival Skills for 2017*

This session is designed to cover the key elements necessary for effective administration of public contracts. Topics include development of a contract administration plan, sharing of administration responsibilities, performance monitoring, potential problems in contract administration, payment of invoices and contract amendments. Presenters will provide an overview of the DOJ contract review process, including how to make the best use of your attorney, time-saving tips, model forms, and more. ***This workshop is appropriate for any program or project manager or procurement professional.***

Presenters:

[Rob Gebhardt, Senior Assistant Attorney General, DOJ Business Transactions Section](#)

[Mark Williams, Attorney-in-Charge, DOJ Business Transactions Section](#)



5D - Public Employers: Leave Law Landmines - Navigating Challenging Issues

You already know the basics of FMLA/OFLA and annual leave. This training covers the tricky stuff: Managing the absent employee, the employee with more sick leave amassed than their FMLA/OFLA entitlement, and other challenging issues. Attendees will leave this session with clarity and advice to ensure that both the employer and employee are protected when navigating the Leave Laws. ***This workshop is limited to executive and management service employees, which includes those with management, confidential or supervisory designation, and HR professionals only. For employees working out of class or in rotational positions in management, the approval of their immediate supervisor is required.***

Presenters:

[Sylvia Van Dyke, Senior Assistant Attorney General, DOJ Labor and Employment Section](#)

[Margaret Wilson, Senior Assistant Attorney General, DOJ Labor and Employment Section](#)



BREAKOUT SESSION #6

8:15 AM to 9:45 AM Wednesday, October 25, 2017 (90 minutes)

6A - Contested Case Process: You've Issued a Notice and Received a Request for Hearing, Now What?

This training is an overview of the contested case process. The workshop will help agency representatives and investigators understand the contested case process and ensure that it is efficient, effective and fair, while still accomplishing the agency's mission and objectives. *This workshop is suitable for any state agency employee or board or commission member.*

Presenters:

[Warren Foote, Senior Assistant Attorney General, DOJ Business Activities Section](#)

[Angie Hunt, Senior Assistant Attorney General, DOJ Business Activities Section](#)

6B - Government Litigation and Record Management in Today's Tech Savvy World

This session will address electronic record management in this high-tech age. This will include the reasons that it's important to store these records, particularly for future lawsuits. We will address e-discovery, including working "with" and "in" the legal system; solving litigation related problems; dealing with litigation from the agency perspective; and what the court expects from your agency. *This workshop is suitable for any state agency employee or board or commission member who may need to respond to discovery requests.*

Presenters:

[Eleanor Chin, Senior Assistant Attorney General, Civil Litigation Section](#)

[Jake Hogue, Assistant Attorney General, Government Services Section](#)

6C – Contracts: Design and Construction 2017 - Fundamentals and Recent Developments

In this session attendees will be updated on the unique Architectural and Engineering Services and Related Services contracting methods, recent revisions to the DOJ Model Rules, basic Public Improvement, and Public Works contracting requirements. Also covered are the unique methods to be used for emergency construction work and minor alteration, ordinary repair or maintenance of public improvement structures; practical drafting issues, and concerns with design and construction contracts. *Suitable for anyone involved with Design/Construction Contracts.*

Presenters:

[Stephanie Thompson, Senior Assistant Attorney General, DOJ Business Transaction Section](#)

[Blake Underwood, Senior Assistant Attorney General, DOJ Business Transactions Section](#)



6D – Public Employers: Veterans Preference

Points? Piles? Preferences? Don't get tripped up by the veteran's preference laws! In this interactive training which focuses on practical, real-world examples, you will learn the ins and outs of the laws that provide a preference to veterans. Suitable for HR and recruitment personnel as well as any hiring manager, the course will cover basic legal requirements as well as recent court and administrative decisions, plus practical skills to maintain legal compliance. *This workshop is limited to executive and management service employees, which includes those with management, confidential or supervisory designation, and HR professionals only. For employees working out of class or in rotational positions in management, the approval of their immediate supervisor is required.*

Presenters:

[Sylvia Van Dyke, Senior Assistant Attorney General, DOJ Labor and Employment Section](#)

[Neil Taylor, Assistant Attorney General, DOJ Labor and Employment Section](#)

6E - Rulemaking Procedures 2017

Extended Session: 8:15 am – 11:30 am

This session includes information on when rulemaking is required, when it is not, and public involvement in the rulemaking process including the formation and conduct of advisory committees. Participants will explore requirements for fiscal impacts statements, timelines for giving notice of rulemaking, and the scheduling and conduct of rulemaking hearings. *This workshop is suitable for any state agency employee or board or commission member involved with rulemaking. (3 hours, continues through 7E).*

Presenter:

[Susan Amesbury, Senior Assistant Attorney General, DOJ Government Services Section](#)



BREAKOUT SESSION #7

9:55 AM to 11:25 AM Wednesday, October 25, 2017 (90 minutes)

7A - Top 10: Common Legal Traps for Public Employees

We polled our DOJ attorneys regarding the Top 10 things that our clients need to know. The result was a list of new and emerging legal challenges (i.e. using personal electronic devices) and “traps” for the unwary. This session will highlight the Top 10 things that we believe every DOJ Client needs to know to stay out of trouble. ***This workshop is suitable for any state agency employee or board or commission member.***

Presenters:

[Mary Bray, Senior Assistant Attorney General, DOJ Business Transactions Section](#)

[Kyle Martin, Attorney-in-Charge, DOJ Business Activities Section](#)

[Sheila Potter, Deputy Chief Trial Counsel, DOJ Trial Division](#)

7B - I Thought We Were the Experts! Statutory Interpretation, Part 2

This workshop will take a more in depth look at *PGE v. BOLI*, *Gaines* and other relevant cases that shape the way we interpret statutes and rules. The session will clarify when courts will defer to a state agency's interpretation of its own statutes and its own rules, as well as provide guidelines for applying statutory construction rules in varying fact situations. ***This workshop is aimed at those who are charged with writing rules or in other roles in which correct rule and statute interpretation is critical.***

Presenter:

[The Honorable Jack L. Landau, Associate Justice, Oregon Supreme Court](#)

7D - Public Employers: Social Media: Privacy, Speech Rights, and the Workplace

Social media is the water cooler of today's workplace. Among concerns for public employers is balancing the need to maintain a respectful workplace with an employee's interest in using personal social media to express personal opinions about the workplace. This class examines the cutting edge of privacy and speech-based considerations in social media use by public employees, and discusses some essential techniques that a public employer can apply to stay on top of these issues and mitigate risks. ***This workshop is limited to executive and management service employees, which includes those with management, confidential or supervisory designation, and HR professionals only. For employees working out of class or in rotational positions in management, the approval of their immediate supervisor is required.***

Presenters:

[Brena Moyer Lopez, Senior Assistant Attorney General, DOJ Labor and Employment Section](#)

[Tessa Sugahara, Attorney-in-Charge, DOJ Labor and Employment Section](#)



NETWORKING LUNCHEON

11:30 am – 12:30 pm, Wednesday, October 25, 2017

BREAKOUT SESSION #8

12:40 PM to 1:40 PM Wednesday, October 25, 2017 (60 minutes)

8A - DOJ and You! Getting the Most Out of Your Relationship with the Department of Justice

This workshop describes the available tools to get the right answers to your questions and make the best use of your attorney. Participants will learn how to spot the “not-so-obvious” legal issues. We will also discuss the protections afforded when clients rely on their attorney’s legal opinion and the significance of the attorney-client privilege (and how this privilege can be inadvertently waived – with unfortunate consequences.) ***This workshop is suitable for any state agency employee or board or commission member.***

Presenters:

[Amy Alpaugh, Senior Assistant Attorney General, DOJ Government Services Section](#)

[Steven Wolf, Chief Counsel, DOJ General Counsel Division](#)

8B - The Lay Rep Role in a Successful Contested Case Hearing

(Repeat from previous day, see session 3B)

This training emphasizes practical tactics for effective case preparation and strategy for the Lay Representative. Communicating with the parties and the decision-maker, identifying and addressing legal issues, discovery and evidentiary issues, code of conduct, and presenting at a hearing will be covered in the workshop. ***This training is targeted at agency staff that represent their agencies at contested case hearings (often called “lay representatives” or case presenters). It will also be helpful for other agency staff or managers who are directly involved in hearings. A working knowledge of contested case hearings is recommended.***

Presenters:

[Dove Gutman, Senior Administrative Law Judge, Office of Administrative Hearings](#)

[Renee Moulun, Assistant Attorney-in-Charge, DOJ Natural Resources Section](#)



8C - Intellectual Property 2017

Agencies create their own material and use the material of others daily. All that material has the potential to be claimed as intellectual property! This workshop will explore intellectual property issues impacting state agencies, both as owners and users, of intellectual property. ***This workshop is suitable for any state agency employee or board or commission member.***

Presenters:

[Jack McDonald, Senior Assistant Attorney General, DOJ Business Transaction Section](#)

[Stephanie Thompson, Senior Assistant Attorney General, DOJ Business Transaction Section](#)

8D - Public Employers: ADA Part II: Advanced Scenarios

This session covers more advanced components of the Americans with Disabilities Act. We will discuss how to handle situations when discipline and the ADA overlap, and dealing with difficult requests for accommodation. This course is geared towards HR personnel and managers who work independently or in conjunction with HR during the accommodation process. ***This workshop is limited to executive and management service employees, which includes those with management, confidential or supervisory designation, and HR professionals only. For employees working out of class or in rotational positions in management, the approval of their immediate supervisor is required.***

Presenters:

[Yael Livny, Senior Assistant Attorney General, DOJ Labor and Employment Section](#)

[Margaret Wilson, Senior Assistant Attorney General, DOJ Labor and Employment Section](#)

8E - Rule Writing Skills (offered again at 9E)

Extended Session: 12:40 – 2:25 pm (1 hour 45 minutes)

This training concentrates on the science and art of rule drafting. We will also review the purpose and goals of administrative rules, the meaning of "plain language," statutory requirements for rule clarity and simplicity, and the writing of legally defensible rules. ***It is strongly recommended that you attend the sessions 4B and 7B, on statutory interpretation, before participating in this class. This workshop is suitable for any state agency employee or board or commission member.***

Presenter:

[Serena Hewitt, Attorney-in-Charge, DOJ Government Services Section](#)



9A - Best Practices When Interacting with the Legislature

State agencies are required to make reports to the legislature, and are sometimes asked to testify before a legislative committee. Agencies also have a role in developing legislative concepts, proposing amendments to bills and working with stakeholders. Understand the role of DAS, your Department of Justice Attorney, and Legislative Counsel in helping you navigate this process. *This workshop is intended for any agency staff or board or commission member that work directly with the legislature.*

Presenters:

[Lindsay Baker, Government Relations Director at the Department of Administrative Services](#)

[Dexter Johnson, Legislative Counsel for the Oregon Legislative Assembly](#)

[Aaron Knott, Legislative Director, DOJ Attorney General's Office](#)

[Shannon O'Fallon, Senior Assistant Attorney General, DOJ Health and Human Services Section](#)

9B - Generating Legal and Effective Public Involvement on Controversial Issues

This workshop will review the options available to effectively and creatively engage the public in shaping important public policies, distributing scarce resources, and implementing important but unpopular facilities or projects. Learn from state agencies through their experiences successfully engaging the public on contentious issues. *This workshop is suitable for any state agency employee or board or commission member.*

Presenters:

[Amy Alpaugh, Senior Assistant Attorney General, DOJ Government Services Section](#)

[Jeanne Lawson, Principal and Founder, JLA Public Involvement](#)

[André Ourso, OHA Section Manager for the Oregon Medical Marijuana Program](#)

[Michael Grant, Chief Administrative Law Judge, Administrative Hearings Division](#)

9C - Information Technology Contracts: What You Need to Know in Today's Evolving Tech Environment

What can you do to ensure that the acquisition of technology is timely and in compliance with good public procurement practices? This workshop addresses information technology contracts with an emphasis on basic structure, use of standard forms and drafting statements of work. This workshop will cover all types of technology procurement including Software as a Service (SaaS); Cloud Policy, hardware, software, and IT services. *This workshop is appropriate for program managers & procurement professionals dealing with technology contracts.*

Presenters:

[Jennifer Bierke, Director of Strategic Technology, Office of the State Chief Information Officer](#)

[Ellen Flint, Assistant Attorney General, DOJ Business Transactions Section](#)

[John McCormick, Senior Assistant Attorney General, DOJ Business Transactions Section](#)



9D - Public Employers: Drafting Effective Discipline Letters

All the work involved in a personnel review often comes down to the discipline letter. Once delivered, it cannot be changed unless the action is rescinded and the letter reissued. This training integrates the legal requirements with practical aspects for producing an effective document that will survive a grievance or administrative review. ***This workshop is limited to executive and management service employees, which includes those with management, confidential or supervisory designation, and HR professionals only. For employees working out of class or in rotational positions in management, the approval of their immediate supervisor is required.***

Presenters:

[Yael Livny, Senior Assistant Attorney General, DOJ Labor and Employment Section](#)

[Brena Moyer Lopez, Senior Assistant Attorney General, DOJ Labor and Employment Section](#)

9E - Rule Writing Skills (offered earlier at 8E)

Extended Session: 2:45 to 4:30 pm (1 hour 45 minutes)

This training concentrates on the science and art of rule drafting. We will also review the purpose and goals of administrative rules, the meaning of "plain language," statutory requirements for rule clarity and simplicity, and the writing of legally defensible rules. ***It is strongly recommended that you attend both sessions 4B and 7B, on statutory interpretation, before participating in this class. This workshop is suitable for any state agency employee or board or commission member.***

Presenter:

[Serena Hewitt, Attorney-in-Charge, DOJ Government Services Section](#)

9F - Investigator Skills for Administrative Proceedings

Extended Session: 1:50 to 4:30 pm (2 hours 40 minutes)

The presenters will discuss the role of investigators in the administrative process, evidence gathering and report writing, interviewing techniques and tools, testifying at depositions and hearings. The session will also explore guidelines, based on legal standards developed within the law of evidence, to assist an individual conducting any type of investigation to gather information. ***This workshop is appropriate for new and experienced agency staff that have some investigatory role.***

Presenters:

[Jonathan Groux, Senior Assistant Attorney General, DOJ Labor and Employment Section](#)

[Gay Stender, Lead Investigator, DOJ Financial Fraud and Consumer Protection Section](#)



BREAKOUT SESSION #10

3:30 PM to 4:30 PM Wednesday, October 25, 2017 (60 minutes)

10A – Hot Topics 2017

What's hot? New legislation, recent legal cases and changes in federal law and policy will impact your agency. We are seeing, for example, significant legislative concepts that can impact your public records, public meetings and rulemaking activities. Come hear about these and other emerging hot topics. ***This workshop is suitable for any state agency employee or board or commission member.***

Presenter:

[Denise Fjordbeck, Attorney-in-Charge, DOJ Civil Appeals, Appellate Division](#)

10B - Oregon's Marijuana Laws 2017

Learn about the state's current marijuana laws, both civil and criminal. How much money in taxes is the marijuana industry bringing in? Can local governments regulate and tax marijuana? What changes did the 2017 Legislature make with regard to marijuana laws? What impact is the Trump Administration having on Oregon's legal marijuana industry? If you have questions about how marijuana legalization may impact the agency you work for, we will do our best to provide some answers or at least some direction. ***This workshop is suitable for any public employee with an interest or role in marijuana regulation.***

Presenters:

[Shannon O'Fallon, Senior Assistant Attorney General, DOJ Health and Human Services Section](#)

[Colin Benson, Senior Assistant Attorney General, DOJ Criminal Justice Division](#)

10C – Communicating Effectively with a Diverse Public

We all communicate with those who are different than us. Although seemingly impartial and unbiased, those exchanges may deliver negative, offensive or insensitive messages that demean a diverse person's identity. This presentation will highlight examples of such communications; raise awareness of the subconscious biases that produce such language, and provide strategies to improve non-biased and effective communication with a diverse public. ***This workshop is suitable for any state agency employee or board or commission member.***

Presenter:

[Yvonne A. Tamayo, Professor of Law, General Counsel, Willamette University College of Law](#)



10D - Public Employers: Providing and Obtaining Employment References

Whether you're called upon to provide reference information about a former employee or you're calling a candidate's references, this course will give you the know-how to handle everyday situations and more challenging scenarios. Suitable for HR professionals, including recruiters, as well as managers, the course will address underlying legal basics, risk mitigation strategies, and specific do's and don'ts. Taught in a practical, interactive style, this training covers negligent hiring, defamation, confidentiality, public records, and internet reference checks, among other topics. ***This workshop is limited to executive and management service employees, which includes those with management, confidential or supervisory designation, and HR professionals only. For employees working out of class or in rotational positions in management, the approval of their immediate supervisor is required.***

Presenters:

[Sylvia Van Dyke, Senior Assistant Attorney General, DOJ Labor and Employment Section](#)

[Neil Taylor, Assistant Attorney General, DOJ Labor and Employment Section](#)



Speaker Bios

Amy Alpaugh is a Senior Assistant Attorney General in the Oregon Department of Justice, Government Services Section, General Counsel Division. Amy has worked in the Appellate and Civil Enforcement Divisions as well. Before joining the Department, she clerked for Justice Susan Graber on the Oregon Supreme Court. She received her J.D. from the University of California, Davis and her B.S. from the University of California, Berkeley.



Susan Amesbury is a Senior Assistant Attorney General in the Oregon Department of Justice, Government Services Section, General Counsel Division. Susan has been with DOJ for over 18 years. Susan serves as contact counsel for a number of state agencies, advising them on all aspects of public law including rulemaking, public contracting, public records and meetings issues. Before coming to the General Counsel Division, she worked in the Department's Appellate Division for a year as an Honors Attorney and clerked for two federal judges. Susan earned her J.D. from the University of Oregon School of Law.



Howard Arnett is an Attorney with Karnopp, Petersen LLP. He has concentrated his practice in the area of Federal Indian law, especially with representation of the Confederated Tribes of the Warm Springs Reservation of Oregon and other tribes on matters involving treaty rights, tribal sovereignty and gaming. Howard has worked extensively with the Oregon State Bar, and served as President of the Oregon Law Foundation Board in 2013. He currently serves as the statewide Co-Chair of the Lawyers' Campaign for Equal Justice. Howard is an adjunct professor at the University of Oregon School of Law. He teaches courses on American Indian Law, Tribal Law and Tribal Courts and Comparative Law of Indigenous Peoples.



Jeff Bachman is an Environmental Law Specialist with the Office of Compliance and Enforcement of the Oregon Department of Environmental Quality, where he brings and resolves formal enforcement actions for violation of Oregon environmental laws. Jeff specializes in water quality and hazardous waste cases, but has worked in all DEQ's program areas. As part of his responsibilities, he advises inspectors on their authority to carry out inspections and the evidentiary requirements necessary to bring successful enforcement actions. Jeff has been with DEQ-OCE since 1995.



Lindsay Baker is the Government Relations Director at the Department of Administrative Services. She has served in this position since November 2016. She joined state service at the beginning of the 2013 Legislative Session, where she served as Legislative Assistant to Rep. Cliff Bentz. She joined the House Majority Office as Policy Advisor under then-Majority Leader Val Hoyle for the duration of the 2014 and 2015 sessions, and most recently served the Senate Majority Office as Policy Advisor during the 2016 session. In her current role, Lindsay focuses on statewide-impact legislation, stakeholder engagement, and coordination among executive branch agencies. She earned her J.D. from Lewis & Clark Law School.



Colin Benson is a Senior Assistant Attorney General in the Oregon Department of Justice, Criminal Justice Division. Colin began his career as a prosecutor in Douglas County where he prosecuted a wide variety of crimes and was assigned to the Douglas Interagency Narcotics Team in 2009. The team's area of expertise was interdicting clandestine marijuana grow operations. When Colin joined the DOJ in 2014 he volunteered to assist with the Measure 91 Committee because marijuana had been a big part of his career. He received his J.D. at Willamette University College of Law



Ronald Bersin is the Executive Director of the Oregon Government Ethics Commission. Ron began his career with the State of Oregon as a Revenue Agent in 1988 for the Department of Revenue. In March of 2000, he was promoted to the senior investigator position for the Oregon's State Board of Tax Practitioners. In September 2002, he was appointed the interim Executive Director for the Board of Tax Practitioners and was promoted to the Executive Director in September of 2003. In November of 2006, he was promoted to the Executive Director of the Oregon Government Ethics Commission.



Mary Bray is a Senior Assistant Attorney General in the Oregon Department of Justice, Business Transactions Section, General Counsel Division. Mary worked as an Assistant Attorney General at DOJ from 1997 to 2006, and re-joined in the Business Transactions Section as a Senior Assistant Attorney General in 2014. Prior to re-joining DOJ, Mary worked as Oregon Lottery's Contracting and Procurement Officer from 2006 to 2014. Prior to her time with the State of Oregon, Mary worked as an associate attorney for the law firm Harrang Long Gary Rudnick, PC, in Eugene, Oregon. Mary graduated from Willamette University Law School in 1993.



Jennifer Bjerke is the Director of Strategic Technology in the Office of the State Chief Information Officer and oversees the program responsible for Enterprise IT Governance, project oversight and portfolio management of all major IT investments, and Enterprise Architecture. Prior to joining the Office of the State CIO in 2014, Jennifer spent 20 years with the Oregon Department of Corrections, holding multiple positions in institution security operations and Information Technology Services, where she ultimately served as Chief Information Officer. Jennifer earned her B.S. in Administration of Justice from Portland State University in 1994, her Certificate in Public Management from Willamette University in 2009 and her PMP through the Project Management Institute in 2010.



Cynthia Byrnes is an Assistant Attorney-in-Charge in the Oregon Tax and Finance Section of the Department of Justice. Cynthia has been in the Tax & Finance section since June 1993 and advises the Oregon State Treasurer's office. Cynthia began her career as an Associate Attorney with Martin, Bischoff, Templeton, Langstlet & Hoffman law firm in 1990 until 1993. She received a Master of International Management from the American Graduate School of International Management and a J.D. from the Willamette University College of Law.



Elleanor H. Chin is a Senior Assistant Attorney General in the Oregon Department of Justice, Trial Division. She joined the Oregon Department of Justice in 2016, and has been a trial litigator since 2000 and electronic discovery specialist since 2005. She has written and taught extensively on electronic discovery topics. She has an A.B. from Bryn Mawr College and M.S.W. and J.D. degrees from the University of Michigan. She lives in Portland with her husband and three children.



Stephanie Clark is the Manager of the Records Management Unit at the Oregon State Archives. She regularly presents records management best practices to public officials in cities, counties, state agencies, and special districts across Oregon. Stephanie received her Master's in Library and Information Science from Simmons College in 2008.



Jesse Davis is a Senior Assistant Attorney General in the Civil Litigation Section of the Oregon Department of Justice, Trial Division. He joined the Department in 2006, initially in the General Counsel Division, handling a variety of juvenile court and contested case hearings. In 2007, Jesse moved to the Trial Division, and has appeared in circuit courts across the State representing and defending agencies ranging from PERS to Parks, from Lottery to Liquor, and from DHS to DMV. Jesse received his J.D. from Lewis & Clark Law School, and clerked for the Honorable Ancer L. Haggerty of the U.S. District Court for the District of Oregon before joining DOJ.



Noah Ellenberg is Opinions Counsel in the Oregon Department of Justice, Chief Counsel's Office, General Counsel Division. Until recently, he served as DOJ's Public Records Counsel, which involved advising state agencies and DOJ on public records issues, working with the Attorney General's Office on public records petitions, and managing DOJ's own process for responding to records requests. He began his legal career at a private firm in Portland practicing white-collar criminal defense and civil litigation. He then served as Public Records Attorney at the Office of Governor Kate Brown, before joining DOJ in 2016.



David Elott is a Senior Assistant Attorney General in the Oregon Department of Justice, Tax and Finance Section, General Counsel Division. David first joined the Department in 1995 advising state agencies on governmental and intergovernmental finance transactions. In 2006 David joined the Portland Development Commission, serving initially as Assistant General Counsel and later as Deputy General Counsel. David returned to the Department in 2013 and now advises state agencies on a broad range of business transactions including intergovernmental, real estate and information technology matters. David received his J.D. from Harvard.



Denise Fjordbeck is the Attorney-in-Charge in the Oregon Department of Justice, Civil and Administrative Appeals Section, Appellate Division. She is a Double Duck, having received both her BA and JD from the University of Oregon. Before joining DOJ's Trial Division in 1990, she practiced with a small firm in Eugene. She joined the Appellate Division in 1997. Her interest in administrative law goes all the way back to her first year of law school, when she was introduced to the APA Flowchart developed by former Attorney General Dave Frohnmayer. She enjoys working with agencies to troubleshoot and solve problems, as well as uphold their orders on appeal.



Ellen Flint is an Assistant Attorney General in the Oregon Department of Justice, Business Transactions Section, General Counsel Division. She counsels agencies on IT systems and services acquisition, licensing, implementation, and compliance issues. Before going to work for the State of Oregon in 2004, Ellen worked in private practice and in contract and budget management at a senior and Medicaid services nonprofit. Prior to joining DOJ in 2012, Ellen worked at the Department of Human Services and with the Oregon Health Authority on a wide swath of issues. She received her J.D. from Northwestern School of Law of Lewis & Clark College.



Warren Foote is a Senior Assistant Attorney General in the Oregon Department of Justice, Business Activities Section. He graduated from the University of Oregon School of Law in 1977. After initially working as an Assistant District Attorney in Lane County for several months, he embarked on a 21 year career in the Army Judge Advocate General's Corps. Warren earned an LL.M. in Environmental Law at George Washington University in 1994 (night classes). After retiring from the Army in 1998 as a Lieutenant Colonel (LTC), Warren continued his legal career with the Oregon Department of Justice, General Counsel Division, where he has served for over 19 years as the legal counsel to the Oregon Medical Board as well as other regulatory boards. Legal services include providing legal advice on various issues and serving as board "prosecutor" at contested case hearings. Warren's also represents the Board of Psychologist Examiners and the Board of Licensed Professional Counselor and Therapists.



Rob Gebhardt is a Senior Assistant Attorney General in the Oregon Department of Justice, Business Transactions Section, General Counsel Division. Rob has practiced commercial law for more than 36 years, with the last 16 years as part of DOJ's Design and Construction Practice Group where he has focused on design and construction contract drafting and negotiation, procurements, contract administration issues and design and construction disputes, including many major complex projects and transactions.



Judy Giers is Deputy Chief Counsel in the Oregon Department of Justice, Chief Counsel's Office, General Counsel Division. After graduating from law school in 1990, she clerked for the Oregon Court of Appeals, before joining a private firm handling big cases – Is Oregon's school funding system unconstitutional? – and little cases – Is it a crime to throw a snowball at a cop? She has taught Constitutional Law and other classes at the University of Oregon Law School. Before joining DOJ, she was in-house counsel to Archtrave Health and helped to launch Oregon's first Coordinated Care Organization. She joined DOJ in July of 2014, just in time to help implement Oregon's new recreational marijuana law.



Michael Grant is the Chief Administrative Law Judge at the Public Utilities Commission (PUC). He joined PUC of Oregon in 1993 and has served as its Chief Administrative Law Judge since 2003. Michael is currently Chair of the NARUC Subcommittee on Administrative Law Judges and has given numerous presentations on utility regulation and administrative law. He received his J.D. from the University of Oregon.



Michael W. Grant is an Assistant Attorney-in-Charge in the Oregon Department of Justice, Civil Recovery Section. In 1998, he graduated from the Northwestern School of Law at Lewis and Clark College. For the last 19 years, he has worked in the DOJ Civil Recovery Section. His practice areas include civil litigation, bankruptcy and collection of state debt.



Jonathan Groux is a Senior Assistant Attorney General in the Oregon Department of Justice, Labor and Employment Section. He has practiced law in the private and public sector during his 19 year legal career. He served as a Deputy District Attorney I and II in Klamath and Coos County respectively and represented the State of Oregon's interests in the Labor and Employment Section; litigation counsel within the Business Activities Section, prosecuting financial crimes in the Criminal Justice Division, and; as the Attorney-in-Charge of the Financial Fraud and Consumer Protection Section. He previously worked as an Associate Attorney in a Boston firm and as an Assistant Attorney General in the Business and Labor Bureau of the Massachusetts Attorney General's Office. He holds a BA from Goddard College, an MTS from Boston University, and a J.D. from Willamette University.



Dove Gutman is a Senior Administrative Law Judge with the Office of Administrative Hearings. ALJ Gutman joined the Office of Administrative Hearings in 2003 and has extensive experience hearing cases for the Department of Human Services, Department of State Lands, Oregon Water Resources Department, Teacher Standards and Practices Commission, Real Estate Agency, PERS, and DEQ. ALJ Gutman has provided training to agency personnel and ALJs on agency-specific topics and administrative law principles and procedures. Prior to joining the Office of Administrative Hearings, ALJ Gutman practiced criminal law in Eugene, Oregon. She has a J.D. from Willamette College of Law.



Mary Beth Herkert is the State Archivist. She has worked at the Oregon State Archives since 1985 as a processing archivist, records manager and manager of the Information and Records Management Unit. She was appointed State Archivist in December 2005. Mary Beth received her Master's degree in History in 1984 at the State University of New York at Albany (SUNYA). Mary Beth is a Certified Records Manager (CRM), a Certified Archivist (CA) and has served and serves on many state and national boards relating to government records.



Serena Hewitt is the Attorney-in-Charge in the Oregon Department of Justice, Government Services Section. In 2005 she worked as an attorney in the Government Services Section, and has served as the section's Attorney-in-Charge since 2012. She is the contact attorney for the Driver and Motor Vehicle Services Division, and Office of Emergency Management. Prior to coming to work at the Department of Justice, she worked as a librarian and archivist for approximately ten years. Serena holds a J.D. from Northwestern School of Law, Lewis and Clark College.



Jake Hogue is an Assistant Attorney General in the Oregon Department of Justice, Government Services Section. He has worked as an attorney in the General Counsel Division, since 2014. Before joining the General Counsel Division, he worked in the Oregon Department of Justice's Appellate Division and Trial Division. Jake is the contact attorney for several state agencies, including the Department of Education, the Early Learning Division, and Oregon Corrections Enterprises. Jake earned a master's degree from the University of Chicago, and holds a J.D. from the University of Oregon School of Law.



Angie Hunt is an Assistant Attorney General in the Oregon Department of Justice, Business Activities Section, General Counsel Division. Angie is General Counsel for the Board of Accountancy and also works with Oregon OSHA. Prior to working for DOJ, Angie worked as an Assistant Attorney General at the Colorado Attorney General's office and was a prosecutor for the Denver City Attorney's office. She has been a lawyer for over 10 years and has first chaired over 100 jury trials, numerous court trials and administrative hearings.



Dexter Johnson is the Legislative Counsel for the Oregon Legislative Assembly. As Legislative Counsel, he is the director of the Office of Legislative Counsel – the internal law firm for the state legislature. He is a 1988 graduate of Albany Law School of Union University, in Albany, New York. He joined the Office of Legislative Counsel as a staff attorney in 1994 and was appointed Legislative Counsel in 2007. He has also served as an Assistant County Counsel with Clackamas County and as an Attorney-Advisor with the United States Treasury Department. He is an Oregon State Bar Leadership College Fellow (2006) and past chair of the Oregon State Bar Public Service Advisory Committee.



Karen Johnson is a Senior Assistant Attorney General in the Oregon Department of Justice, Business Transactions Section, General Counsel Division. Karen is contact counsel for the Department of Administrative Services, Procurement Services division and also for Enterprise Technology Services. She has been a lawyer for over 30 years with experience in the private and government sectors. Karen has been with the DOJ since November 2006. Business Transactions handles large procurements and contracts for the State of Oregon. Her specialty is information technology, with a heavy emphasis in communications.



Seth Karpinski is a Senior Assistant Attorney General with the Oregon Department of Justice Civil Litigation Section. Seth is the primary attorney handling commercial litigation for the State. He has represented ODOT in numerous construction claims cases and contract bid disputes. He has handled contract claims for state agencies as well as commercial disputes involving Oregon's public universities. Prior to joining DOJ, Seth worked in private firms across the country emphasizing civil litigation and corporate bankruptcy. Seth received his J.D. from King Hall School of Law at the University of California, Davis.



Aaron Knott is the Legislative Director for the Attorney General Ellen Rosenblum and the Oregon Department of Justice. Aaron came to the Office of the Attorney General following six years serving as a Deputy District Attorney in Multnomah County. He has served as Committee Counsel for the House and Senate Judiciary Committees during the 2011 Legislative Session. Aaron has also worked as an attorney in private practice and for Mercy Corps. Aaron obtained his J.D. from the University of Minnesota School of Law.



The Honorable Jack L. Landau is an Associate Justice on the Oregon Supreme Court. In 1989 Justice Landau joined the Oregon Department of Justice, first as the Attorney-in-Charge of the Trial Division's Special Litigation Unit and later as Oregon's Deputy Attorney General. In 1992, Governor Barbara Roberts appointed him to the Oregon Court of Appeals, where he served through 2010, when he was elected to the Supreme Court. Justice Landau is a member of the adjunct faculty at Willamette University College of Law. He was an editor for the Oregon State Bar handbooks, "Interpreting Oregon Law" and "Oregon Constitutional Law," and is the author of several law review articles on statutory and constitutional interpretation.



Jeanne Lawson principal and founder of JLA Public Involvement, is recognized as one of the leading voices and innovators in the field of civic engagement and collaborative governance. Jeanne was instrumental in the development and establishment of the International Association for Public Participation (IAP2), and is known for her skillful facilitation and public process strategy on a variety of complex and controversial projects including: statewide planning policy, storm water and wastewater management planning, and land use issues, and transit and transportation projects. Jeanne now assists the OLCC with stakeholder outreach on implementation of the recreational marijuana law.



Yael Livny is a Senior Assistant Attorney General in the Oregon Department of Justice, Labor and Employment Section, General Counsel Division. Before joining DOJ, she worked as a defense litigator and employment counsel at law firms in Washington, D.C. and Portland, Oregon, including Ball Janik LLP and Cooley Godward LLP. Yael was previously the Chair of the Oregon State Bar's Litigation Section. She earned her J.D. from UC Berkeley Law School.



Brena Moyer Lopez is a Senior Assistant Attorney General in the Oregon Department of Justice, Labor and Employment Section, General Counsel Division. Brena began her legal career as a staff attorney at the Legal Aid Farmworker program in Woodburn, Oregon. She joined the Oregon DOJ in 2013, where she advises and represents a variety of state agencies in employment-related matters, including union grievance arbitrations and hearings before the Oregon Employment Relations Board. Brena received her J.D. from the University of Texas School of Law.



Katharine Lozano is an Assistant Attorney General in the Oregon Department of Justice, Business Activities Section, General Counsel Division since 2008. Katharine represents approximately 26 regulatory boards and agencies in contested case proceedings, from notice through resolution. She was previously in private practice in Indianapolis, Indiana, and was also an appellate canonical judge for the Archdiocese of Indianapolis. She received her J.D. from Notre Dame Law School.



Kyle Martin is the Attorney-in-Charge of the Oregon Department of Justice, Business Activities Section, General Counsel Division, since May, 2006. He has worked as an Assistant Attorney General for the Section since October, 1999. The Section works with about 50 different professional licensing and regulatory agencies. His work focuses on administrative law and contested case hearings for client agencies. He is licensed as an attorney in Oregon, Washington and Hawaii. Kyle obtained his J.D. from Lewis & Clark Law School.



Chris Matthews is a Senior Assistant Attorney General in the Oregon Department of Justice, Business Transactions Section, General Counsel Division. Chris chairs the real property group. Prior to joining DOJ, he was a partner at Perkins Coie LLP in Portland, Oregon. He graduated magna cum laude from Hastings in 1989, and clerked for a federal judge.



John McCormick is a Senior Assistant Attorney General in the Oregon Department of Justice, Business Transactions Section, General Counsel Division. He began his legal career with the DOJ in 1997, left the Department in 2005, and returned to the DOJ in April of 2015 after 8 ½ years as in-house counsel for a financial services company headquartered in Portland, Oregon, and a stint as a stay-at-home dad. Throughout his legal career John has focused his practice on helping in-house and agency clients with legal issues related to the acquisition and use of information technology.



Jack McDonald is a Senior Assistant Attorney General in the Oregon Department of Justice, Business Transaction Section, General Counsel Division, since 2003. He is chair of the Intellectual Property practice group within the Business Transitions Section. He has a law degree from Lewis & Clark Law School. He is admitted to practice before the U.S. Patent and Trademark Office.



Renee Moulun is an Assistant Attorney-in-Charge in the Oregon Department of Justice, Natural Resources Section, General Counsel Division. She has represented state agencies for over ten years in contested case hearings before the Office of Administrative Hearings and has taught water law as an adjunct professor at the University of Oregon's School of Law as well as at Lewis and Clark Law School. She has her J.D. from Northwestern School of Law of Lewis & Clark College.



Shannon O'Fallon is a Senior Assistant Attorney General in the Oregon Department of Justice, Health and Human Services, General Counsel Division. After law school Shannon worked for the Alaska Attorney General's Office for over seven years, representing both human services and natural resource agencies. She joined the Oregon DOJ in 2002, and has advised the Public Health Division since 2004. Shannon advises the Public Health Director, the Medical Marijuana programs, OLCC's Recreational Marijuana Program, Health Security Preparedness and Response, and the Center for Health Statistics among others. She graduated from the University of Oregon School of Law.



André Ourso is the Manager of the Oregon Medical Marijuana Program (OMMP) within the Public Health Division of the Oregon Health Authority. André joined OHA in November of 2015 at the beginning of OHA's oversight of Oregon's Early Start limited retail marijuana sales period. André oversees the registration and regulation of OMMP registry cardholders, growers, dispensaries and processors. He has also been involved in the implementation of Oregon's marijuana regulatory scheme which includes administrative rules related to labeling, concentration limits and cannabis testing. Before relocating to Oregon, André was the executive director of the Florida Board of Medicine and previously practiced administrative law for the Florida Department of Health. He graduated from the University of Florida School of Law and holds a Master of Public Health from the University of South Florida.



Cora Parker is the Director of Finance for the Oregon State Treasury. She oversees banking and cash management activities, as well as the public funds collateralization program. Cora has been with the State of Oregon for nearly 20 years and has had the opportunity to work in several statewide executive leadership roles, including the Governor's Office as the Director of the Economic Recovery Executive Team. Cora also served 3 years as the Deputy Director for the Oregon Department of Land Conservation and Development, acting briefly as the Interim Director. Cora has executive level administrative experience with Oregon Economic and Community Development Department, Department of Administrative Services, as well as Secretary of State audit experience. Cora has a Bachelor's degree from Gonzaga University and an MBA from Willamette University.



Sheila Potter has been the Deputy Chief of the Trial Division since January 2012. She was a Senior Assistant Attorney General in the Special Litigation Unit of the Trial Division before that, handling mostly complex civil litigation and constitutional challenges. Before she joined the Oregon Department of Justice, she worked as a trial lawyer at a large firm in Portland, Oregon, handling insurance coverage and complex commercial litigation for private clients. Her first job as a lawyer was to serve as judicial clerk for then-Judge Ellen Rosenblum in the Multnomah County Circuit Court. She received her J.D. from the University of Colorado at Boulder approximately 100 years ago, or so it feels some days.



Adam Rhynard is the Employment Relations Board Chair. Adam earned his B.F.A. and M.A. at the University of Arizona and his J.D. from Northeastern University School of Law. Before moving to Oregon, he practiced extensively in the areas of labor, employment, and campaign finance law. From 2008-2013, he worked in a neutral capacity as a Staff Attorney for the Workers' Compensation Board, advising all members of that Board and drafting administrative orders to resolve employer-employee disputes under the Workers' Compensation Act. Adam was appointed to the Employment Relations Board effective March 15, 2013. He was reappointed to a four-year term effective October 1, 2015.



Johanna Riemenschneider is a Senior Assistant Attorney General in the Oregon Department of Justice, Business Activities Section, General Counsel Division. She has worked in the General Council Division of the Department since 1999, representing a variety of state agencies, boards and commissions. From 1995 to 1999, Johanna practiced law in New Mexico. She received her J.D. from Lewis & Clark Law School.



Marie Scheffers is the Compliance and Education Coordinator for the Oregon Government Ethics Commission, where she gets to geek out on Oregon Government Ethics law every day. She has worked for all three branches of Oregon state government. She also managed a goat project in the mountains of Rwanda, wrote a human rights training for civil society organizations next to the White Nile in South Sudan, and defended criminal cases in jury trials in three Oregon counties. She recently discovered scuba diving and can't get enough of it, but only in warm water.



The Honorable David Schuman was a judge on the Oregon Court of Appeals from 2001 until 2014. He is currently a Senior Judge for the Oregon Judicial Branch and Professor of Practice at the University of Oregon Law School. Before joining the Court of Appeals, he taught college English before attending law school; clerked for now-retired Oregon Supreme Court Justice Hans; practiced law in the Oregon Department of Justice as Assistant Attorney General in the Appellate Division and as Deputy Attorney; taught law at the University of Oregon School of Law, served as Associate Dean for Academic Affairs. Born and raised in Glencoe, Illinois, Judge Schuman graduated Stanford University, San Francisco State University M.A., University of Chicago (Ph. D., English Literature) and University of Oregon School of Law.



Gay Stender is Lead Investigator in the Oregon Department of Justice, Financial Fraud / Consumer Protection Section, Civil Enforcement Division. She began her employment with the Oregon DOJ in 1999. The majority of Gay's investigative caseload consists of FF/CP and Child Advocacy Section matters. She has also assisted with investigations involving civil rights, child support, and diverse matters generated from the Oregon DOJ General Counsel Division in the service of numerous state agencies. Prior to her employment with the DOJ, Gay worked for the Oregon Department of State Police, the Office of State Fire Marshal, the Oregon Department of Transportation and the Oregon Public Utility Commission.



Stephanie Striffler is a Senior Assistant Attorney General in the Oregon Department of Justice. She has been DOJ's Native American Affairs Coordinator since 1997, as well as counsel for the Oregon Governor's negotiating team with respect to tribal gaming compacts. During her years in the Oregon DOJ, she has served in the Appellate Division, as Special Counsel to the Attorney General, and Attorney-in-Charge of the Special Litigation Unit. She serves on the Executive Committee of the Indian Law Section of the Oregon State Bar. She has been responsible for the chapter on State-Tribal Cooperative Agreements in the last several editions of the Conference of Western Attorneys General American Indian Law Deskbook. She graduated from Reed College and the University of Chicago Law School, and clerked on the Oregon Court of Appeals.



Tessa Sugahara is the Attorney-in-Charge in the Oregon Department of Justice, Labor and Employment Section, General Counsel Division. Tessa advises state agencies on labor and employment issues and has been practicing employment law for almost 15 years. After working in private practice, she joined the Oregon DOJ in 2001, beginning in the Human Services section and transferring to the Labor and Employment group. She is co-author of two chapters of the Oregon State Bar Publication: Labor and Employment Public Sector. She received her J.D. from the University of Oregon.



Jennifer Sung is an Employment Relations Board Member. She earned her B.A. from Oberlin College and her J.D. from Yale Law School. After law school, she served as a law clerk to Judge Betty Binns Fletcher of the United States Court of Appeals for the Ninth Circuit, and completed a Skadden Fellowship at the Brennan Center for Justice at NYU School of Law. From 2007-2017, she practiced labor and employment law, primarily representing labor unions and employees, first at Altshuler Berzon LLP, based in San Francisco, California, and then at McKanna Bishop Joffe, LLP, based in Portland Oregon. She is an active member of the Oregon State Bar Labor and Employment Section's Executive Committee. Jennifer was appointed to the Employment Relations Board effective March 15, 2017.



Neil Taylor is an Assistant Attorney General in the Oregon Department of Justice, Labor and Employment Section, General Counsel Division. Neil clerked for the General Counsel's Labor and Employment Section before graduating from Lewis and Clark Law School in 2012. After law school, Neil worked as a State Labor Relations Manager for the Oregon Department of Administrative Services, where he negotiated Collective Bargaining Agreements on behalf of the state and advised agencies on administering the CBAs. Neil returned to the Labor and Employment Section as an AAG in November, 2013, where he works on a broad spectrum of labor and employment law with a focus on labor law related issues.



Stephanie Thompson is a Senior Assistant Attorney General in the Oregon Department of Justice, Business Transactions Section, General Council Division. She currently advises state agencies on contract matters, especially design and construction contracts, procurement and contract administration, and trademark and copyright issues. She earned both a BA and a master's degree in Interior Architecture from the University of Oregon. Before joining the department in 2008, Stephanie was in private practice handling copyright and trademark matters with an intellectual property boutique firm in Brooklyn, New York, and an adjunct professor in the architecture program at the University of Oregon. She obtained her juris doctor degree from Northwestern School of Law, Lewis & Clark College.



Yvonne A. Tamayo is a Professor of law, General Counsel, at Willamette University College of Law. Professor Tamayo joined the Willamette University College of Law faculty in 1998. A practicing attorney prior to teaching, She has taught at St. Thomas University School of Law (Miami, 1991 - 1993), Suffolk University Law School (Boston, 1993 - 1996), and the University of Orlando School of Law (1996 - 1998). She is a member of the Oregon State Bar Legal Ethics Committee, formerly a member of the ABA Standing Committee on Professionalism, AALS Section on Professional Responsibility Executive Committee and the LSAC Subcommittee on Misconduct and Irregularities. She serves as General Counsel to Willamette University. In April 2006, Tamayo received the Jerry E. Hudson Award for Excellence in Teaching.



Lisa Umscheid is a member of the Employment Relations Board. She earned her B.A. from Pomona College and her J.D. from Willamette University College of Law. Before joining the Board, Lisa worked for more than 20 years as a labor and employment attorney, representing both public and private employers. She served as labor and employment counsel for Metro, the regional government in the Portland area. She also represented the State of Oregon in labor and employment matters in her capacity as Senior Assistant Attorney General at the Oregon Department of Justice. Lisa has served multiple terms on the Oregon State Bar Advisory Committee for Diversity and Inclusion, and is the former chair of the OSB Government Law Section. Lisa was appointed to the Employment Relations Board effective October 17, 2016.



Blake Underwood is a Senior Assistant Attorney General in the Oregon Department of Justice, Business Transactions Section, General Counsel Division. Blake has practiced commercial law for more than 31 years, with an emphasis on design and construction contracts, real property, secured transactions, debtor-creditor law and commercial litigation. He currently serves as the Chair of the Design & Construction Practice Group within the Business Transactions Section. Most recently, he has acted as the principal author of the Attorney General's Model Rules. Blake obtained his J.D. from Northwestern School of Law, Lewis & Clark College. He is a frequent speaker on public procurement and contracting in the design and construction field.



Sylvia Van Dyke is a Senior Assistant Attorney General in the Oregon Department of Justice, Labor and Employment Section, General Counsel Division. Sylvia has worked as an AAG in the Labor & Employment Section of DOJ since 2007. Previously, she practiced employment law at a business law firm in Eugene, Oregon and briefly served as Director of Human Resources and in-house counsel for a private company. She graduated from University of Oregon Law School in 2003, earning Order of the Coif.



Gary Vrooman is an Assistant Attorney General in the Oregon Department of Justice, Natural Resources Section, General Counsel Division. He advises the Department of Environmental Quality's on all aspects of their land solid and hazardous waste, and environmental cleanup programs. Gary has been with DOJ since 2007.



Jeffrey Wahl is a Senior Assistant Attorney General in the Oregon Department of Justice, Health and Human Services Section, General Counsel Division and is Lead Counsel for the Oregon Health Authority. Jeff joined DOJ in 1997 and from the beginning represented various divisions within the Department of Human Services and subsequently, the Oregon Health Authority advising executive leadership. Spanning nearly his entire career with DOJ, Jeff has been involved in reviewing the majority of personal services contracts for DHS and OHA and has participated in several intergovernmental workgroups for the development of intergovernmental agreement templates and resolving issues related to intergovernmental contracting. Jeff is a native Oregonian and received a bachelor's degree in science and a master's degree in Pharmacology from Oregon State University. Jeff graduated from Willamette University College of Law in 1992.



Mark Williams is the Attorney-in-Charge in the Oregon Department of Justice, Business Transactions Section, General Counsel Division. Mark has worked as an Assistant Attorney General in the Business Transactions Section since 1998. Prior to joining DOJ, he was in private practice primarily in business law, banking and creditor's rights and worked in-house for two banks. In a brief sojourn from Oregon, he worked for a federal bank regulatory agency in Washington D.C. Mark graduated from Lewis and Clark Law School in 1980.



Margaret Wilson is a Senior Assistant Attorney General in the Oregon Department of Justice, Labor and Employment Section, General Counsel Division. Before joining DOJ in 2015, she was a lawyer in private practice for 21 years. She has served as a court-appointed arbitrator in Lane and Douglas Counties, a mediator, and a pro tem judge in Creswell, Oregon. She is the past chairperson of the Lane County Bar Association Employment Law Committee, and a past executive board member of the Oregon State Bar Association Civil Rights Section. She earned her J.D. from the University of Oregon School of Law in 1993.



Steven Wolf is Chief Counsel of the Oregon Department of Justice's General Counsel Division. In that capacity he and his Deputy, Judy Giers, manage the Division (consisting of nearly 100 attorneys and 50 professional staff), which is responsible for providing day to day legal services to almost all state agencies. Steve joined the Division as an Assistant Attorney General in 1998, and has served as its Chief Counsel since 2012. Before coming to the Department of Justice, Steve was an attorney in SAIF Corporation's legal services division and before that was in private practice in Portland, Oregon. A native, committed, and ardent Oregonian, Steve received his bachelor's degree in English from the University of Oregon, and his J.D. from Willamette University College of Law in Salem.



Conference Written Materials

A link to the Conference Written Materials will be available to registered attendees the week before the Conference. This link is also open during the conference and for the week after. This linked webpage includes:

- The Conference Written Materials formatted as one PDF document
- Full Conference Program Guide, including schedule, workshop descriptions, and speaker bios
- PDF version of any additional session materials

Written materials are also available for purchase for \$75.00 during the registration process UP TO 30 DAYS PRIOR TO THE CONFERENCE.

Accessibility and Accommodations

The Salem Convention Center is accessible. If you need accommodations under the Americans with Disability Act (ADA), please contact Bob Koreski, Department of Justice ADA Coordinator, via email at Bob.J.Koreski@doj.state.or.us, or phone (503) 947-4348, no later than September 25, 2017, so that we can make the appropriate accommodations.

Networking Lunch

A Networking lunch will be held each day of the conference in the Willamette Ballroom for registered attendees who have indicated a lunch preference and are wearing their name badge. Most lunch tables will be staffed with an Assistant Attorney General or workshop presenter.

CLE Credits

An application has been made with the Oregon State Bar for Continuing Legal Education Credits for this Conference.

Conference Center Location and Parking

Parking is very limited at the Conference Center. We highly encourage alternative transportation such as public transportation, [Uber](#) or [Lyft](#), cycling or walking. If you must drive, please consider carpooling.

Information for parking near Conference Center: http://salemconventioncenter.org/pdf/Parking_Map.pdf

- <https://www.uber.com/cities/salem/>
- <https://www.lyft.com/cities/salem-or>

Onsite Program Guide:

The complete on-site version Program Guide will be available for download 30 days prior to the event.

Questions?

Contact us at: lawconference@doj.state.or.us, Pre-conference Phone (503) 947-4540

Public Law Conference

Written Materials



ELLEN F. ROSENBLUM
Attorney General

October 2015

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