

Oregon Law Commission

Proposed Minutes

Meeting Date: October 11, 2024 (10: 00 am to Noon)

Location: Zoom

Chair: Valerie Sasaki

Members Present: Justice Rebecca Duncan, Chief Judge Erin C. Lagesen, Senior Judge Mary Mertens James, Lisa Udland, Christa Obold Eshleman, Professor Susan Gary, Dean Jeffrey Dobbins, Representative Jason Kropf, Representative Kim Wallan, Senator Floyd Prozanski, John DiLorenzo, Professor Kristen Bell

Members Absent: P.K. Runkles-Pearson, Cody Hoesly, Dean John Parry

Guests: Justice Martha Walters, Amie Fender Sosa, Susan Grabe, Ethan Smith

Staff Members: Amy Zubko

Informational Items

1. **Welcome and Introductions:** The first order of business was to welcome Kristen Bell, a professor at the University of Oregon School of Law as the newest Commissioner. Commissioner Bell spoke briefly and provided an overview of her background.

Amy Zubko informed the Commission that Sen. Floyd Prozanski had been reappointed to the Commission.

2. **Minutes:** Commissioner Valerie Sasaki provided background on the Commission's use of recording for minutes over the last few years. Beginning with the June 7, 2024 meeting, the Commission will provide both recordings and written minutes for the full Commission meetings. Commissioner James moved and Commissioner Dobbins seconded the adoption of the June 7, 2024 minutes. The minutes were adopted unanimously.
3. **Active Projects:** Commissioner Christa Obold Eshleman and Commissioner Sasaki provided an overview of the two active proposals.

Municipal and Justice Courts Appeals Process: Commissioner Obold Eshleman provided an update on the Municipal and Justice Courts Appeals Process proposal. She shared that 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.

Commissioner Obold Eshleman walked the Commission through the proposed changes that would be included in the bill. In addition, she shared with the Commission that there

were issues and questions that had been raised but, due to time constraints and the quickly approaching 2025 legislative session, would not be able to be addressed before the next legislative session. For this reason, the report on the project would include a recommendation for additional work on specific issues.

Commissioner Prozanski shared that he had been approached by the municipal and justice court judges and that there was interest in a separate bill that would modify the statutory language that addressed the requirements for courts of record and that he expected to sponsor a bill on the issue during the 2025 legislative session.

Revised Uniform Limited Liability Company Act: Commissioner Sasaki reported that an updated draft with language from the Oregon Department of Justice, Oregon Trial Lawyers Association, and the Oregon Department of Revenue had been incorporated into Senate Bill 909 and was now LC 266. Commission Sasaki provided an overview of the changes from the three entities. She also provided an update on the draft report and expressed her appreciation to Anne Koontz (OLC Office and Research Assistant) and Thomas Grossman (OLC/UO PDX Program Fellow) for their assistance with drafting the report.

Justice Martha Walters, Uniform Law Commissioner, shared a suggestion with the Commission that the OLC reach out to the Uniform Law Commission to provide an update on the bill.

4. **Materials:** Ms. Zubko provided an update on the Commission's hard copy and electronic materials. Over the summer OLC staff reviewed the OLC website for holes, redundancies, and dead links. The website now includes links to recordings of workgroup meetings, the links under the Report heading have been updated, and information on previous projects has been updated.

In addition, over the summer OLC reviewed, cataloged, and organized approximately 180 OLC binders from previous projects. The catalog has already been used successfully to respond to requests for information.

Staff and Students: After a hiatus of a few years, the OLC has returned to working with students. Working with the University of Oregon School of Law and the UO Law School Portland Program, the Commission hired summer staff and restarted a Fellows program for law students.

5. **Budget Overview:** Ms. Zubko provided an overview of the Oregon Law Commission's financial situation. The Commission was on track with its proposed budget for FY 2024. While the OLC only hired one summer staff member, rather than two, the UO Cost Center increased.

FY 2025 budget: During the June 2024 meeting the Commission discussed its budget and the potential uses for carryforward funds, including a limited duration post-graduate legal

fellow. At the June meeting, the Commission tentatively approved the OLC budget for 2025. While the Commission tentatively approved the budget, Commission members requested additional time to consider final approval, including the decision to create a post-graduate legal fellow. Commissioner Sasaki moved for final approval of the budget and Commissioner Obold Eshleman seconded the motion. The motion passed unanimously.

In addition, the Commission discussed the proposed 2025 – 2027 state funding request, including a Policy Option Package request for \$50,000. Commissioner Prozanski moved, and Commissioner James seconded the motion. The motion passed unanimously with Commissioner Lagesen abstaining.

6. **Workplan:** Ms. Zubko shared a 3-month workplan with the Commission and provided an overview of the goals through the end December 2024. Commissioner James moved and Commissioner Dobbins seconded the adoption of the workplan which was adopted unanimously.
7. **Program Committee/Subject Matter Panels:** Ms. Zubko provided a brief overview of the creation of the subject matter panels and shared that over the summer approximately 20 practitioners and agency representatives who participate in estate planning and administration received two proposals: The Uniform Partition of Heirs Property Act and the Uniform Electronic Wills Act. The deadline for feedback was October 31, 2024.

As a part of this conversation, Commission Sasaki and Commissioner DiLorenzo shared potential paths forward for the Program Committee. Commissioner DiLorenzo suggested the addition of a reception during the legislative session to reintroduce the Commission to legislators and stakeholders. Representative Kim Wallan supported the idea of additional outreach to educate legislators and staff on the work and process of the commission. Commissioner Prozanski also shared his interest to have the Commission provide a brief overview of its work during the opening days of the Legislature.

8. **Meeting Schedule:** The Commission discussed the need to hold a meeting in December to allow for discussion of the two proposals expected to be put forward for the 2025 legislative session. In addition, Commissioner Sasaki shared her interest in scheduling the 2025 meetings at one time. Outreach on potential dates should be expected in the coming weeks.