



Oregon Law Institute
of Lewis & Clark Law School

OREGON GOVERNMENT LAW 2006

The Final Chapters— For Now!

This program will focus on topical legal issues for attorneys who work in public law. Topics include a discussion of the impact of *Clarke v. OHSU* (2006) on the Tort Claims Act and other liability limits and on public body insurance, an analysis of initiatives on the November 2006 ballot to impose a spending cap on state government and to limit the power of eminent domain, and a status report on litigation interpreting Ballot Measure 37 following its reinstatement by the Oregon Supreme Court in *MacPherson v. DAS* (2006). The program should therefore be of interest to seasoned practitioners as well as attorneys who want to become more familiar with public law.

FRIDAY, OCTOBER 20, 2006

Oregon Convention Center
777 NE Martin Luther King Jr., Blvd., Portland, Oregon

6.5 General MCLE Credits

This CLE completes OLI's four-year effort to update its 1991 publications, **GOVERNMENT LAW** and **LOCAL GOVERNMENT LAW**. Participants can expect comprehensive written materials that will update the chapters from the 1991 publications. At the conclusion of this program OLI will offer a compilation of the updated chapters in a CD-ROM format. Program attendees will be given the first opportunity to purchase the CD.

SCHEDULE

- 8:15 LATE REGISTRATION AND DISTRIBUTION OF MATERIALS
- 8:40 WELCOME AND INTRODUCTION
- 8:45 - 9:45 **School Law in Oregon**
Five challenging issues facing educational institutions today:
- Education records — FERPA, state law and other records issues
 - Student speech
 - Charter schools and other alternative education arrangements
 - No Child Left Behind Act
 - Search and seizure
 - Elizabeth Thomson Denecke
 - J. Michael Porter
- 9:45 - 10:45 **Major New Developments in Employment Law and Their Impact on Public Sector Employers**
- Free speech rights after *Garcetti v. Ceballos*
 - Preventing retaliation claims
 - Disability law update
 - Christine Cusick Nesbit
- 10:45 - 11:00 BREAK
- 11:00 - 12:00 **Clarke v. OHSU — Are Liability Limits a Thing of the Past? And What Are Insurer and Insureds to Do?**
In *Clarke v. OHSU*, the Court of Appeals held that ORS 30.265(1), which bars claims against individuals and substitutes a claim against the public body, is unconstitutional as applied. Many observers have suggested that this decision eliminates the damages limits of the Oregon Tort Claims Act. Are the damages limits for public bodies dead? Will the Oregon Supreme Court revive them?
- William F. Gary
 - Mark S. Rauch
- 12:00 - 1:00 LUNCH (optional lunch at live program)
- 1:00 - 2:00 **Emerging Issues in Special District Law**
- Special district law update
 - Update on the relationship between special districts and urban renewal districts
 - Summary of areas of special district law which may be unfamiliar to cities
 - J. Kenneth Jones
 - Christy K. Monson
- 2:00 - 2:15 BREAK

SCHEDULE (cont.)

2:15 - 3:15

Initiatives that Could Change Your Life (Restriction on the Power of Eminent Domain, State Spending Cap)

- Oregon's response to *Kelo*
- The other thing with Measure 57 — getting it right the first time
- Measure 48 — Oregon's "Taxpayer's Bill of Rights"
 - Basic provisions
 - How it might affect state and local governments
 - Drafting disasters
 - *John M. Junkin*
 - *Harvey W. Rogers*

3:15 - 4:15

Measure 37 — Post-*MacPherson* Litigation: More Clarity or Added Confusion?

A discussion of developing case law construing the requirements of Measure 37.

- *Jeffrey G. Condit*
- *Phillip E. Grillo*
- *Kelly S. Hossaini*

4:15

ADJOURN

PROGRAM FACULTY

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William F. Gary

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Christy K. Monson

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J. Michael Porter

Miller Nash LLP

Mark S. Rauch

*General Counsel,
City County Insurance Services*

Harvey W. Rogers

Preston Gates & Ellis LLP

LIVE PRESENTATION

Portland – 10/20/06

Oregon Convention Center
777 NE MLK Jr. Blvd.

MCLE CREDIT

*Oregon Government Law 2006: The
Final Chapters — For Now!* will
receive **6.5** General MCLE credits.

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VIDEO REPLAYS

Please register at least
one week prior to the
replay date.

Bend – 11/3/06

Replay 8:30 a.m.

Bryant Lovlien & Jarvis
591 Mill View Way

Eugene – 10/27/06

Replay 8:30 a.m.

Harrang Long Gary & Rudnick, P.C.
360 East 10th Avenue, Ste. 300

Medford – 10/27/06

Replay 8:30 a.m.

Kellington, Krack, Richmond,
Blackhurst & Glatte, LLP
23 Newtown Street

Portland – 11/8/06

Replay 9:00 a.m.

Oregon Law Institute
Gus J. Solomon Courthouse,
620 S.W. Main St., Suite 706

REGISTRATION / ORDER FORM

OREGON GOVERNMENT LAW 2006: THE FINAL CHAPTERS — FOR NOW!

Friday, October 20, 2006

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TUITION *(Prices apply to live and video replays.)*

\$159 "Early Bird" tuition *(received by October 16, 2006).*

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paralegals, or secretaries *(received by October 16, 2006).*

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OPTIONAL LUNCH AT LIVE SEMINAR

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Check out our website at www.lclark.edu/org/oli
or email us at oli@lclark.edu.**

CONFIRMATION: Confirmation will be sent via e-mail or fax one week before the program.

CANCELLATION POLICY: Tuition minus a \$20 handling charge will be refunded if the cancellation request is *written and received* by Tuesday, October 17, 2006.

NEED ASSISTANCE: If you are a person with a disability, please let OLI know in time to make any necessary accommodations for you.

TUITION ASSISTANCE: A limited number of scholarships are available based on financial need. Contact OLI.