



Membership 2022

OCDLA

Membership

Strength in numbers. Fairness in justice. OCDLA is a community—more akin to a family than an amorphous nonprofit. Our family offers the best educational training programs and seminars in the state. We produce trial books and aids that are the envy of the nation. And, we're harnessing the power of the web with the development of the Library of Defense, the best "find it when you need it" web resource of all. We support list serves, committees of all sorts, amicus action, an expert witness database, legislative advocacy and even great social events and BBQ's. Members reap professional benefits, contribute to Oregon's family of defenders and help promote public awareness of our justice system.

Expert Witness Database

The Expert Witness Database contains reference information about hundreds of experts and is searchable on the Library of Defense. Updated annually. Now included at members.ocdla.org/directory too!

Legislative Representation, Analysis and Update

OCDLA sponsors legislation, presents the defense perspective, opposes efforts to dilute constitutional rights, and publishes a biennial *Legislative Analysis of Criminal and Juvenile Laws*. **All members receive a free PDF** version of the *Legislative Analysis*.

The Pond and Other Email Services

OCDLA offers several lists for members to communicate with each other. In addition to "the Pond" as the members' main email list is known, there are lists for juvenile and DUII practitioners. Email info@ocdla.org to subscribe.

Public Defense Coordination

OCDLA works closely with the Office of Public Defense Services, public defense contractors and appointed counsel to promote a fair system of public defense.

Publications

OCDLA trial books and guides are the best anywhere:

- *Criminal Law Formbook* – NEW! 2021 ed.
- *Defending Sex Cases**
- *DUII Notebook: A Comprehensive Guide to Your DUII Case**
- *Felony Sentencing in Oregon: Guidelines, Statutes, Cases**
- *Investigator's Manual**
- *Legislative Analysis* – Free in the Library of Defense
- *Mental Health & Criminal Defense**
- *Post-Judgment & Extraordinary Remedies**
- *Scientific Evidence Manual**
- *Search and Seizure Manual**
- *Still At War: A Guide for Defenders, Prosecutors & Judges Dealing with Oregon's Veteran Defendant Crisis**
- *Trial Notebook**

Laminated Guides:

- *Blakely Sentencing Challenges*
- *Constitution of Oregon—Criminal Justice Sections*
- *Preservation of Legal Issues*
- *Repeat Property Offender (REPO) Guide*
- *Sentencing Guidelines Grid*

Newsletters:

- *The Oregon Defense Attorney*
- *The Criminal Appellate Review*

*Books Online

OCDLA's newest feature: a subscription service providing online access to **ten major trial books**, starred in the list above. Entirely searchable trial manuals anytime, anywhere—from your phone in trial, your tablet in the court hallway, your laptop at home. Leave the books in the office, the PDFs on your desktop.

Web Presence: ocdla.org

OCDLA's website offers all the services you would expect and so much more. Sure, you can download motions and memoranda, sign up for seminars, order and download publications, search the current roster of members or find helpful links to other websites relating to law and criminal defense.

Library of Defense: libraryofdefense.org

The OCDLA Library of Defense is a digital manual for criminal defense built by the collective contributions of OCDLA members. The library hosts a vast and growing collection of helpful and up-to-date defense-related information, which allows members to find exactly what you need when you need it.

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Oregon Criminal Defense Lawyers Association

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OCDLA Board Districts

District 1 Counties

Baker • Crook
Deschutes • Gilliam
Grant • Harney
Hood River • Jefferson
Klamath • Lake
Malheur • Morrow
Sherman • Umatilla
Union • Wallowa
Wasco • Wheeler

District 2 Counties

Lane

District 3 Counties

Coos • Curry
Douglas • Jackson
Josephine

District 4 Counties

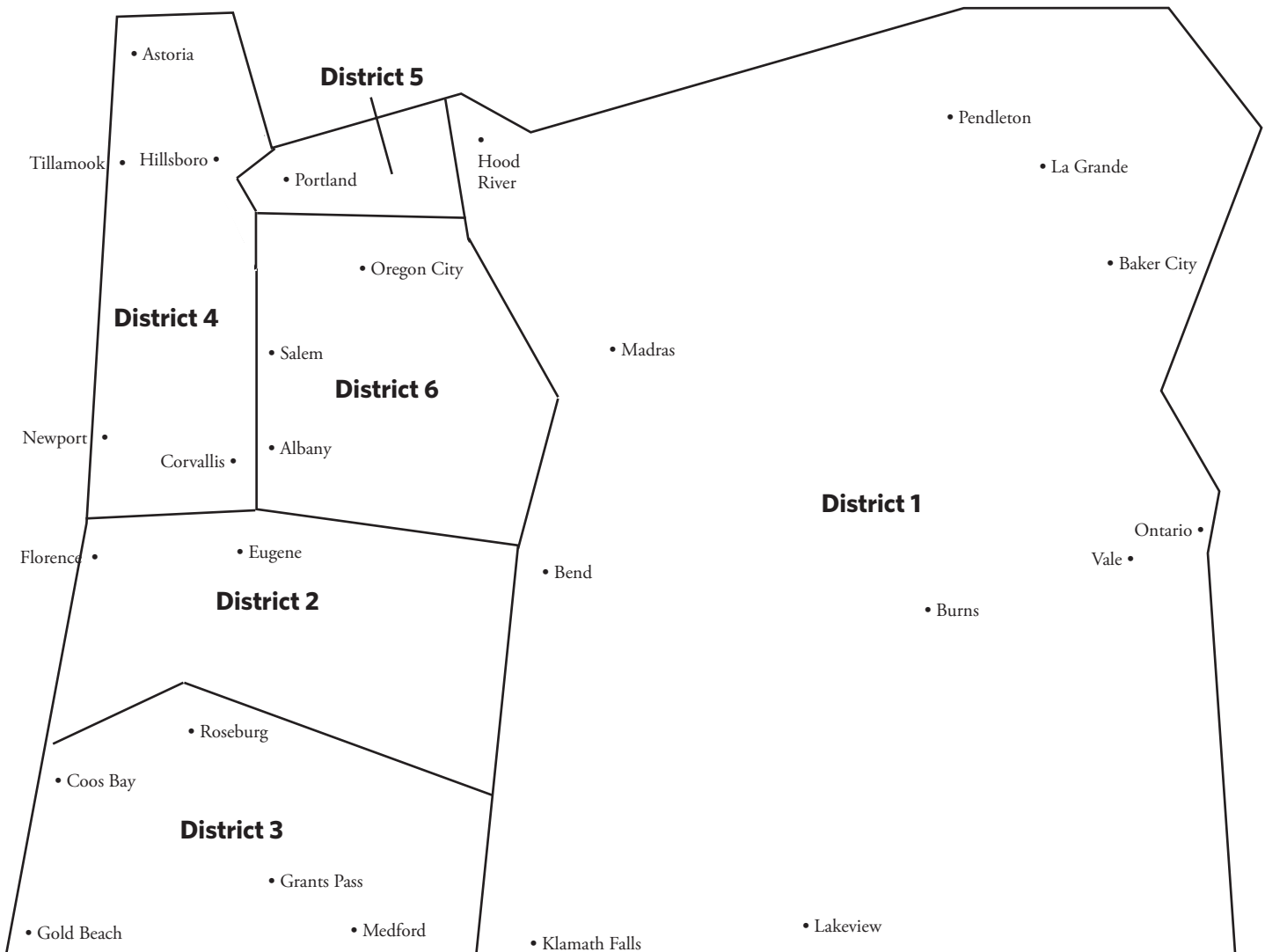
Benton • Clatsop
Columbia • Lincoln
Polk • Tillamook
Washington • Yamhill

District 5 Counties

Multnomah

District 6 Counties

Clackamas • Linn
Marion



OCDLA 2021-2022 Board of Directors

President



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Past Presidents

Robert J. Larson • John Henry Hingson, III • Gregory E. Veralrud • Ross M. Shepard • Richard A. Cremer • Shaun McCrea • James A. Arneson • Edward Jones • Jack L. Morris • David G. Terry • James G. Rice • Michael E. Rose • Bob Thuemmel • David M. Audet • Paul Levy • Phil Studenberg • Lisa Greif • Daniel A. Cross • John Connors • Gordon Mallon • Greg Hazarabedian • Cate Wollam • Robert S. Raschio • Lane Borg • EveLyn (Oldenkamp) Costello • Ed Kroll • Dave Ferry • Olcott Thompson • Alyssa Bartholomew

OCDLA Staff

101 East 14th Avenue, Eugene, OR 97401 • (541) 686-8716 • ocdla.org



Shaun McCrea
Executive Director, 2016



Mae Lee Browning
Legislative Director, 2020



Tracye May
Administrative Assistant, 1991



Jennifer Root
Administrative Assistant, 2000



Alene Sybrant
Bookkeeper, 2002

Association By-Laws

I. Name and Purpose

The name of this organization is the Oregon Criminal Defense Lawyers Association. The purpose of the Oregon Criminal Defense Lawyers Association will be to provide and to promote scholarship in the area of legal representation in criminal, juvenile, and mental commitment proceedings. Furthermore, the organization will promote public awareness as to the function and duties of the criminal defense practice in general, within the limitations imposed by law on non-profit organizations

II. Membership

A. **REGULAR MEMBERSHIP.** Regular membership in the Association shall be open to 1) all attorneys in good standing with the Bar who are engaged in defense of criminal, juvenile or mental commitment cases and 2) faculty members of law schools.

B. **SUSTAINING MEMBERSHIP.** The title of sustaining Member shall be conferred by the Board of Directors on a Regular Member who, in lieu of the payment of the established regular membership dues, pays the Association a sum to be set by the Board of Directors.

C. **LIFE MEMBERSHIP.** The title of Life Member shall be conferred by the Board of Directors on a Member, who in lieu of the payment of established membership dues, pays a one-time payment to be set by the Board of Directors. That person shall not be required to pay annual membership dues. A life member who fails to meet the requirements for membership at any time shall be suspended from membership during the time of such ineligibility. A Life Member who retires from the defense of criminal, juvenile, or mental commitment cases, and/or who has voluntarily elected inactive or retired status with the bar association, shall remain as a Life Member of the Association with all the rights and privileges appurtenant thereto.

D. **PROFESSIONAL NON-LAWYER MEMBERSHIP.** Professional Non-lawyer membership shall be open to individuals who provide substantial contributions and services to the defense of criminal cases. Included in this membership category shall be investigators and legal assistants.

E. **LAW STUDENT MEMBERSHIP.** Law student membership shall be open to students enrolled in accredited law schools.

F. **HONORED MEMBERSHIP.** The title of honored Member shall be conferred by the Board of Directors on an OCDLA member who is either permanently or temporarily retired from the active practice of law. Honored member dues shall be the same as Professional Non-Lawyer Membership.

G. **VOTING.** Each Regular, Sustaining and attorney Life Member shall be entitled to one (1) vote at the Association's proceedings. Honored Members, Professional Non-Lawyer Members and Student Members are not entitled to vote.

III. Board of Directors

A. **ELIGIBILITY.** Professional Non-lawyer or Student Members shall not be eligible to become elected members of the Board. Eligibility for election to the Board shall be extended to all other classes of membership.

B. **NUMBER OF DIRECTORS.** The Board shall consist of fourteen (14) Directors. Private attorney representation shall be by seven members, one elected from each of the six regions established by ORS 9.025(2), and one to be elected at large. "Private attorneys" are those members who are not employed by those organizations designated in 1 through 7 of section B. Private attorney Directors must maintain their principal business office in the district from which they are elected.

Public defender representation shall consist of one representative each from the following offices: 1) the Metropolitan Public Defender, 2) Public Defender Services of Lane County, Inc., 3) the State Public Defender, 4) the Federal Public Defender, 5) Multnomah Defenders, Inc., 6) Southwest Oregon Public Defender Services, Inc./Umpqua Valley Defender Services, Inc. to share a representative, and 7) Southern Oregon Public Defender, Inc.

C. **TERM OF OFFICE.** The members of the Board of Directors shall be elected at the Annual Meeting of the Association and hold office for a period of two years commencing with their election at said Annual Meeting.

D. **ELECTION.** Private attorney Directors shall be elected by a majority vote of eligible and voting, dues-paid members at the Annual Meeting. Public Defender Directors shall be elected or appointed by their constituents in any manner determined by Public Defender Offices

In odd-numbered years, Directors from Region 3, 5, 6 will be elected and Directors from the State Public Defender, Public Defender Services of Lane County, Inc., the Metropolitan Public Defender and Southern Oregon Public Defender, Inc. will be chosen. In even-numbered years, Directors from Region 1, 2, 4 and one At-Large will be elected and Directors from the Multnomah Defenders, Southwest Oregon Public Defender Services, Inc./Umpqua Valley Defense Services, Inc., and the Federal Defender will be chosen.

- E. **LIMITATION OF SERVICE.** In no event shall a Director hold that office for more than two (2) consecutive, complete two (2)-year terms.
- F. **ABSENCE.** A Director shall not accept office unless that Director intends to attend all meetings. A Director with more than two unexcused absences per year may be removed by a majority vote of the Board of Directors.
- G. **VACANCY.** The unexpired term of a Board member shall be filled by majority vote of the Board of Directors.
- H. **QUORUM.** A quorum for a Board of Directors meeting shall be seven (7) members.
- I. **BOARD OFFICERS.** At the Annual Meeting and whenever necessary, the Board of Directors shall choose one (1) of its Directors as the President of the Board of Directors, one (1) of its Directors as Vice President, and one (1) of its Directors as Secretary to serve until the next Annual Meeting. The President shall have no greater powers than any other Director except to serve as spokesperson for the Board of Directors and to have ministerial authority subject to Board review. The President of the Association shall serve as Chairperson of meetings of the Board of Directors.
- The Vice President shall assist the President in the performance of the President's duties and shall also perform such other duties as may be prescribed by the Board of Directors. In the case of the absence of the President, the Vice President shall act as President. In the case of the death of the President or in the event of resignation or removal from office, the powers and duties of the President shall devolve upon the Vice President who shall conclude the term of office of the President in accordance with the provisions of these by-laws.
- The Secretary shall attend and keep minutes of all meetings of the Association and shall have such other powers and perform such other duties as are incidental to the office of Secretary or as may be assigned from time to time by the Board of Directors or by the President.
- J. **POWERS AND DUTIES.** The Board of Directors may appoint such officers, agents, and committees including an executive officer as it may deem necessary. All such appointments shall serve at the pleasure of the Board. The Board shall set and annually review any and all compensation, if any, of such appointments. The Board shall organize all meetings of the membership. The Board as a body shall meet on a regular basis but not less than five (5) times in any one year. Furthermore, the Board of Directors shall have broad powers to carry out the purposes of the Oregon Criminal Defense Lawyers Association and to implement these by-laws.

IV. Meetings

- A. **TIME AND PLACE.** The Association shall hold an Annual Meeting of all its members at a time and place as may be fixed by the Board of Directors and may hold such other meetings of all members when necessary.
- B. **QUORUM.** Except for amendments to by-laws, those members who are eligible to vote and are present at any meeting of the Association shall constitute a quorum for the transaction of business at said meeting.

V. Membership Assessments

Individual membership assessments shall be set by the Board of Directors.

VI. Dissolution of Assets

In the event this Association shall dissolve, its assets shall be liquidated and distributed to charitable organizations.

VII. Amendments

Any amendment to the by-laws shall be made by a simple majority vote of all eligible and voting dues-paid Life, Sustaining and Regular Members. Only eligible, paid Life, Sustaining and Regular Members may vote for an amendment, and each member shall have only one vote. Each eligible member shall receive prior notice in writing of each proposed amendment and shall be given the opportunity to vote.

Original by-laws enacted July, 1978. By-laws amended September 22, 1978, October 27, 1979, March 21, 1980, October 16, 1980, September 18, 1981, March 16, 1984, March 28, 1986, May 8, 1987, May 13, 1988, May 1, 1989, April 9, 1996, March 5, 1997, July 3, 2001, and April 29, 2016.

Stacey Reding, President

Shaun McCrea, Executive Director

OCDLA LEGISLATIVE COMMITTEE BY-LAWS

Version 12/01/11

Pursuant to OCDLA Board action on July 15, 2011, the former Legislative Committee was disbanded. A new committee and structure was proposed that would allow a more efficient and effective system for addressing the challenges of legislative sessions. The following new Legislative Committee by-laws were approved by the Oregon Criminal Defense Lawyer's Association (OCDLA) Board of Directors on October 21 and December 1, 2011:

I. THE LEGISLATIVE COMMITTEE

The OCDLA Legislative Committee (hereinafter "Legislative Committee") will consist of nine voting Members comprised of two Co-chairs, a Board Liaison and six additional OCDLA members, and two non-voting Ex Officio members.

A. Legislative Committee Duties and Purpose

1. To advise OCDLA lobbyist(s) on legislation having an important and direct impact the OCDLA's primary function as a 501(c)(3) non-profit organization.
2. To develop, propose, and prioritize legislation of interest to OCDLA members.
3. To direct the lobbyist(s) positions regarding proposed legislation.
4. To assist lobbyist(s) in preparing testimony before legislative committees, work groups and meetings with legislators.
5. To research new legislation for the legislation's impact on the practice of criminal and juvenile law, to prepare position statements, to obtain witnesses for testimony, and to attend and participate in weekly meetings during the legislative session and other meetings as deemed necessary by the Co-chairs and/or lobbyist.

II. CO-CHAIRS

The Co-chairs will be appointed by the OCDLA Board for a period not to exceed two years from the date of appointment. The Board may reappoint a current sitting Co-chair for a second period not to exceed two years from the date of reappointment. The two-year appointments shall be staggered. The board liaison shall not be eligible to be appointed a chair.

A. Co-Chair Duties, Functions and Limitations

1. To schedule and convene, in consultation with the Lobbyist(s), general meetings of the Legislative Committee. Delegation of the communication of the meeting may be given to the Lobbyist(s), but the responsibility lies with the co-chairs. The co-chairs shall set a meeting each week of Legislative Session, defined as a session initiated by the opening gavel in the House of Representatives and/or the Senate of Oregon to Sine Die declaration in each chamber, unless in consultation with Lobbyist(s), it is determined that no meeting is necessary. The co-chairs will also call at a minimum two (2) pre-legislative meetings. The co-chairs shall attend each meeting of the Legislative Committee unless unavailable.
2. To preside over meetings of the Legislative Committee in a manner determined by the Co-chairs. The Co-chairs will use Roberts Rules of Order if deemed necessary by the Co-chairs to move the discussion or debate to a conclusion. The Co-chairs may neither make nor second motions while presiding over the meeting.
3. Ensure that decorum be maintained and all members of the committee are given appropriate time to present their views. Priority should be given to making sure all views are heard.
4. Consult with the Executive Director and/or the Board President on the activities of the Legislative Committee and to offer advice on Legislative Committee's positions on legislation to assist the Board President in the Board President's interactions with the Media and general public on the OCDLA legislative agendas.
5. Advise the Board on appointments of members to the Legislative Committee. The co-chairs will offer advice on what type of expertise is currently needed on the committee, and potential members who meet the need of the committee.
6. Advise the Board President, Lobbyist(s), and Executive Director if the co-chairs believes a decision of the Legislative Committee will have a negative impact on the image or status of the OCDLA for purposes of further Board of Directors action.
7. Report, in writing, to the OCDLA Board of Directors no later than 30 days from Sine Die of both chambers, a comprehensive review of the functioning of the Legislative Committee including the effectiveness of the members of the committee and the Lobbyists, major legislative achievements or losses, and areas needing Board action.
8. Hold and perform all responsibilities associated with a Legislative Committee Member, including responsibilities for a subject area of legislation.

III. COMMITTEE MEMBERS, ADVISORY MEMBERS, EX OFFICIO MEMBERS

There will be nine voting MEMBERS of the Legislative Committee including the Co-chairs and Board Liaison. All voting Members will have equal voting rights on any issue before the committee. Excluding the Co-chairs, each Member will be appointed by the OCDLA Board of Directors in consultation with the Co-chairs of the Legislative Committee. Each Member will have specific responsibilities to the Legislative Committee. Some or all will be assigned a specific topic area of potential legislation. The Member will be assigned specific research and writing assignments in that area during the legislative session. The Member will be responsible for providing the research and writing in a clear, concise and timely manner to the Legislative Committee and the Lobbyist(s). Each Member serves at the discretion of the OCDLA Board of Directors and are subject to removal from the Legislative Committee if they fail to meet the standards of care outlined.

Each Member will head a sub-committee responsible for legislation in a specific subject area, or general criminal practice, and will be available to take on a subject area as the need arises. Subject areas will be decided by the committee, by a majority vote. The goal is for Members to identify experts in the subject area and to recruit and mentor younger members of the OCDLA who have expressed an interest in a subject area or in legislative work in general. The sub-committees will research and prepare information for the committee and lobbyist(s). Ultimate responsibility for the preparation of the information rests with the committee member.

The sub-committee will consist of up to three non-voting ADVISORY members. Advisory members may become proxy voting members if a regular member is unable to attend a meeting and is so designated by the regular member. Advisory members may prepare assigned research and writing assignments and present them to the committee. The sub-committees will not have any recognized status outside of the Legislative Committee.

Non-voting EX OFFICIO members of the Legislative Committee will include the Executive Director of the OCDLA or designee, and the Executive Director of the Office of Public Defense Services (OPDS) or designee.

The Legislative Committee will be responsible for determining which pieces of legislation are the most important to the OCDLA and its membership. Each piece of legislation deemed by the lobbyist or Legislative Committee Member to have an impact on the core mission of the OCDLA and its members will be ranked by two-thirds vote in order of importance, with "1" being of the utmost importance and "5" being of no importance. All other votes will be passed by a majority vote of the Legislative Committee and if there is a tie on the vote, the matter dies for lack of a majority.

A. Committee Member Duties, Functions and Limitations

1. Attend every meeting of the Legislative Committee either in person or via electronic communications such as telephonically or through an internet site such as Skype. If a Member is unable to attend, they should notify the co-chairs of their absence prior to the meeting. The Member should notify and designate an Advisory member to attend the meeting in their stead as a proxy. If the Member fails to attend three (3) or more meetings without excuse, the Member is subject to removal from the Legislative Committee by the OCDLA Board of Directors.
2. Prepare position papers on specific legislation assigned for their review by researching the topic and critically analyzing the impact of the legislation on the core mission of the OCDLA and its members.
3. Present their findings to the Legislative Committee with recommendations on whether the OCDLA should take a position on the legislation and the priority the Committee should give to the advocacy for or against the legislation.
4. Confer with the other members of the Legislative Committee to determine which legislation is most important to the core mission of the OCDLA and its members.
5. Assist the lobbyist(s) in preparing for the lobbyist(s) testimony, work groups or conferences with legislators. The lobbyist(s) will assist said member in effectively communicating their position to the legislature.
6. Membership on the Legislative Committee represents a commitment to OCDLA, and willingly associating oneself to OCDLA's position and issues. A committee member may not lobby the legislature on an OCDLA issue contrary to the OCDLA position without approval of the committee. Only upon a majority vote of the committee shall such advocacy be allowed. Should the committee vote no, the committee member may only advocate on the issue by relinquishing his/her membership on the committee. For purposes of this section an "OCDLA issue" or "OCDLA position" means an issue selected or position arrived at, including the decision to remain silent on an issue, by the OCDLA Legislative Committee or the OCDLA Board of Directors.
7. Obtain expert testimony for hearings in front of legislative committees and coordinate with the lobbyist(s) in preparing that testimony. If there is a cost associated with the expert testimony, the member must get pre-approval for the cost from the Executive Director of the OCDLA prior to securing a final acceptance of any invitation.
8. Become the OCDLA's expert on legislation and its impact on the law in their specific subject area. As allowed by the Legisla-

OCDLA Committees

Amicus Curiae

Chair: Rosalind Lee, (541) 485-5110

Board Liaisons:

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Nicole Pritchard, (541) 267-2472

Nora Coon, (503) 378-2344

Capital Defenders

Co-Chairs:

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Richard Wolf, (503) 384-0910

Development

Chair and Board Liaison: Ruben Medina, (503) 656-0091

Olcott Thompson, (503) 581-6681

Disability and Veterans Justice

Judah Largent, (541) 316-8118

Diversity, Equity, and Inclusion

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Tristen Edwards, (503) 225-9100

Sara Foroshani, (503) 226-3083

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Andres Acosta, (503) 480-0521

Kathleen Baker, (503) 303-5426

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Shala Helm, (541) 779-5636

Lisa Janoski, (503) 679-2108

Reid Kajikawa, (541) 484-2611

Sean Lo, (503) 225-9100

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Christian Muro, (503) 480-0521

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Stacey Reding, (503) 226-3083

Andrew Robinson, (503) 378-2451

Education

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Tahra Sinks, (503) 363-5588

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Kathleen Strek, (541) 752-3616

Elizabeth Wakefield, (503) 225-910

Law School Outreach

Lewis and Clark

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University of Oregon

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Brook Reinhard, (541) 484-2611

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OCDLA Legislative Director:

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Richard McBreen, (503) 827-8092

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REPRESENT

If you or someone you know is participating on a committee, please tell us! Contact OCDLA at 541.686.8716 or info@ocdla.org with the name of the committee and OCDLA member participating. Thank you.

Amicus Curiae Committee Guidelines

(adopted 9/16/95)

The following procedure and guidelines have been established for OCDLA Amicus Curiae Committee requests and assistance:

I. Procedure

- A. A written request for *amicus curiae* assistance should be made by letter or fax to the committee chair. The request should include (1) a concise statement of the case, including its procedural background, the legal issues involved, the reasons why the case has broad importance, and the reasons for OCDLA intervention; and (2) supporting documentation—such as appellate briefs, court opinions, and the petition for review—to enable the committee to fully analyze the request. See generally ORAP 9.07. Requesting counsel may wish to initially phone any committee member to discuss the case and the appropriate contents to be included in the request.
- B. The request will be photocopied and mailed to committee members for their prompt review. If the committee decides that *amicus* intervention is appropriate, the chair will consult with the OCDLA President to determine whether the case raises a controversial issue requiring a full review and decision by the Board of Directors.
- C. After a final decision is reached, the requesting counsel will be notified of the decision.
- D. The requesting attorney and the committee shall work together to locate an OCDLA member with substantial appellate experience who is willing to serve as the *amicus* author. The *amicus* attorney shall consult with the committee chair before completing the *amicus* brief. The *amicus* attorney shall file copies of the *amicus* application, *amicus* brief, and the court's decision with the OCDLA office.

II. Guidelines

- A. The committee will consider the following factors in deciding whether to enter as *amicus curiae* in a proceeding:
 1. The importance of the case to OCDLA goals.
 2. Whether the case will advance OCDLA's special values including:
 - a. A strong and independent defense bar.
 - b. The right of effective assistance of counsel for accused persons.
 - c. The defense of accused persons subjected to public prejudice.
 3. The extent of OCDLA membership support for the positions to be advocated.
 4. The complexity of the case.
 5. Whether the claimed error is preserved.
 6. The anticipated quality of direct advocacy by the requesting attorney.
 7. Whether the case will have precedential value.
 8. Other relevant factors set forth in ORAP 9.07.
- B. Absent unusual circumstances, OCDLA will defer appearing as *amicus curiae* until a case reaches the Oregon Supreme Court or the United States Court of Appeals for the Ninth Circuit.

For more information, contact
Rosalind Lee, Chair, OCDLA Amicus Committee
474 Willamette St Ste 302
Eugene OR 97403
ros@mansonlee.com

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The OCDLA thanks the following members who have demonstrated their commitment to the association by becoming a Life Member. To learn more, visit ocdla.org and click on "Membership."

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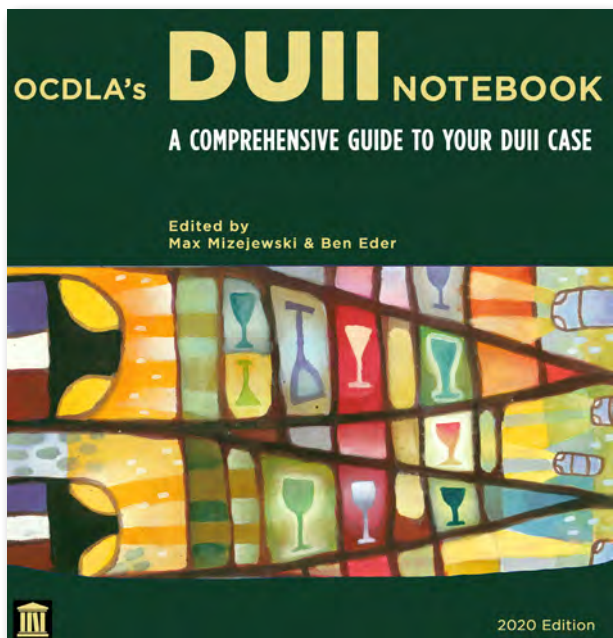
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2022 Update



In 2020 Max Mizejewski & Ben Eder overhauled the DUI Trial Notebook, adding new chapters, motions and case law, and expanding the Resource Guide.

2022 updates include:

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Mar 31	SB 295 and Community Restoration Webinar
Apr 8-9	Trial Skills College Public Defender Services of Lane County, Eugene
May 5-6	Juvenile Immersion Training Agate Beach Inn, Newport
May 6-7	Annual Juvenile Law Conference Agate Beach Inn, Newport
June 23-25	Annual Conference Riverhouse on the Deschutes, Bend
Sep 9-10	September Seminar Agate Beach Inn, Newport
Oct 17-18	Juvenile Law Training Academy TBD
Nov 8-12	Sunny Climate Seminar Fairmont Orchid, Hawaii's Big Island
Dec 3-4	Winter Conference Benson Hotel, Portland



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