



Oregon Chapter Newsletter

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Upcoming Event!

Ski & CLE
at
Mount Hood Meadows
February 27, 2015

Sponsored by
Farleigh Wada Witt

More Details to Come!

Message from the President

Jim Williams



Dear Oregon Chapter ACC Members:

2014 was a remarkable year for our chapter. In case you haven't heard,

our chapter was recognized at the ACC Annual Meeting in New Orleans as an "Outstanding Chapter of the Year." This is a tremendous honor for our chapter. I am extremely proud of our chapter and grateful to our volunteer board members and chapter officers for their hard work and dedication to support our chapter. Representatives from ACC headquarters will be attending one of our chapter events in 2015 to "officially" present the award. Keep an eye on future announcements about this special event.



It was great to see many of our chapter members at our Holiday Social on December 17th hosted by Barran Liebman and NW Legal Search. I hope you enjoyed the wonderful venue, food, drinks and networking. We had a very busy Fall with CLE programs on "The Internet of Counterfeiting" hosted by Davis Wright

Tremaine in September, "How to Train Your Litigator" hosted by Immix Law Group in October, and a "U.S. Supreme Court

Update" presented by Ogletree Deakins at our annual chapter meeting in November. As part of our Professional Development and Mentoring Program, Michael Beck presented an informative program on "The Art of Influence: How to Have a Greater Influence in the Corporate World" in November. We also hosted our quarterly "At 5" Social at Reverend Nat's.

Over twenty Oregon chapter members attended the ACC Annual Meeting in New Orleans. If you attended, I hope you enjoyed the meeting and the evening social events. It's not too early to start thinking about the 2015 Annual Meeting which will be held in Boston next October. As an Outstanding Chapter of the Year winner, our chapter is receiving a complimentary registration fee (valued at over \$1,600) for the 2015 Annual Meeting. We will be giving the registration away to an Oregon chapter member (transportation, food and lodging are not included). Chapter members will receive an entry for each chapter event that they attend between January and June 2015. The more events you attend, the better chance you have to win!

I want to extend a special thank you to our long-time chapter board members who are

rotating off the board: Katherine Cowan and Amanda Gratchner both served as Chapter Presidents, Mary Del Balzo served as our Chapter Secretary, and Trey Thomas served as our sponsorship and programs chair since we launched our chapter sponsorship program. Our chapter would not be where we are today without their leadership and dedication.

As we move into 2015, I am excited to welcome our new board members: Bill Barber, Ben Buhayar, Katerina Kogan, and Yumi O'Neil. I am also excited about our new officers: Bonnie Page (President-Elect) and Marc Bocci (Secretary). Lisa Murphy is continuing to serve as our Treasurer. One of our first 2015 events will be a Ski and CLE event at Mt. Hood Meadows in February. 2015 is going to be another great year for our chapter and we hope to see you at several chapter events.



Oregon Chapter members Bonnie Page, Amanda Gratchner and Jim Williams accepting the Chapter of the Year award

UPCOMING CHAPTER EVENTS

February

Ski & CLE

February 27, 2015

Mount Hood Meadows

More details to come

Sponsor Farleigh Wada Witt



De-Mystifying the Impact of Measure 91

By Andrew Schpak, Barran Liebman LLP

On November 4, 2014, Oregon voters legalized the recreational use of marijuana. Within 12 hours of the result announcement, I had already received numerous calls and emails from clients and business-owning friends asking about the impact of Measure 91's passage and whether their companies would have to change the way they respond to marijuana use by employees.

Although we will not know all the details of Measure 91 until the Oregon Liquor Control Commission drafts the implementing regulations, it is not too early to reflect on how recreational marijuana is likely to come up in the workplace and what companies can do to prepare for legal weed.

Effective July 1, 2015, people over 21 years of age will be allowed to possess up to one ounce of marijuana in a public place and up to eight ounces in their home. The law also allows up to four marijuana plants per household, one pound of solid edibles, 72 ounces of marijuana-infused liquid, and one ounce of marijuana extract. That is a lot of marijuana.

What has not changed is marijuana's inclusion on the list of Schedule 1 drugs in the federal Controlled Substances Act. As a result, marijuana is still (and will remain) illegal under federal law. If a company

wants to continue to prohibit the use of marijuana by employees despite the passage of Measure 91, that company can do so and rely on the Controlled Substances Act to legally support its position.

Notably, existing laws may mandate prohibition or testing. For instance, the Drug Free Workplace Act applies to many companies that have a contract with (or grant from) the federal government. Although the Drug Free Workplace Act does not require testing, it does mandate an awareness program, a reporting obligation, and a zero-tolerance policy. The Omnibus Transportation Testing Act requires drug and alcohol testing for safety-sensitive transportation employees in trucking, mass transit, aviation, railroad, and other transportation industries.

If a company is not covered by the Drug Free Workplace Act or the Omnibus Transportation Testing Act, then it has the discretion to decide to what degree it will tolerate marijuana use by employees. The most pressing decisions employers must make are what to say in the written drug and alcohol policy and whether to test for drugs and alcohol.

All companies should have a written drug and alcohol policy, even if the company plans to take a laissez-faire approach to employee use of marijuana. A written policy is necessary to protect the company's right to search, test, and fire an employee for showing up to work intoxicated. A company's policy should be custom-tailored, based on the degree to which an employer intends to tolerate marijuana use by employees, as well as the number of safety sensitive positions in the workplace.

Article continues on Page 4.



Oregon Chapter's 2014 Board with the Chapter of the Year award at the Chapter Annual Meeting.

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New Board Member Spotlight

This quarter we are spotlighting each of our new Board Members: Bill Barber of Umpqua Bank, Ben Buhayar of NWEA, Katerina Kogan of ESI and Yumi O'Neil of Moda Health.

Bill Barber, VP / Senior Attorney Umpqua Bank

Other than your colleagues and clients, what do you like most about your job?

I am empowered and trusted to perform my job independently while knowing that co-counsel is available if ever needed. Also, enjoy diverse practice areas and close proximity of office to home.

What is one thing about your company you would like the world most to know?

The company has grown from an institution consisting of a few branches in Southern Oregon to an institution with over \$22 billion in assets located in 5-states. Despite the growth, Umpqua associates are empowered to act as they see fit to promote excellent and personable customer service.

What is your favorite place in Oregon or southwest Washington and why?

Forest Park. It provides a nearby escape with miles of trails and nature to enjoy. Running a few miles on the trails and dropping down to NW Portland for a meal is good time spent.

Ben Buhayar, Attorney NWEA

How many people work in your legal department and in how many locations?

We have three attorneys, one paralegal and one legal secretary in our legal department. All of us work out of NWEA's headquarters in Portland's Old Town.

What is the best job you had before this one, either in the legal profession or outside of it?

I worked with the Oregon Watershed Enhancement Board, where I helped protect environmentally sensitive and important riparian lands with conservation easements.

What is your favorite place in Oregon or southwest Washington and why?

Mt. Bachelor – I've been visiting Mt. Bachelor for skiing since before I moved to Oregon (from the east) and skiing there never seems to get old.

Katerina Kogan, Attorney ESI, Inc.

What is the best job you had before this one, either in the legal profession or outside of it?

I have been fortunate in terms of interesting work. The most exciting was the opportunity to work for a manufacturer and seller of commercial communications satellites. The technology was truly "cutting-edge," each satellite unique and incredibly complex, and we watched our products launch into space to empower today's communications for companies and governments around the globe. It was awe-inspiring.

What is your favorite place in Oregon or southwest Washington and why?

The Astoria Column for its unmatched view and historic location.

What is the last book you read?

[Heirs to Forgotten Kingdoms: Journeys Into the Disappearing Religions of the Middle East](#) by Gerard Russell (Basic Books 2014). Drawing on his extensive travels in the Middle East and archival research, Russell, a former diplomat, provides an introduction to

the past, present, and perilous future of several ancient but not widely known religions. Part travelogue and part history, Russell's book is timely as it includes the origins of the Yazidis, who are fleeing the Islamic State and presents the impacts of the recent upheavals in the region on its religious minorities.

Yumi O'Neil, Associate General Counsel and Manager Moda Health

What is one thing about your company you would like the world most to know?

People associate Moda Health with health insurance, but Moda Health is a multi-faceted company with multiple subsidiaries that offer diverse health-related products and services.

What is your favorite place in Oregon or southwest Washington and why?

This place isn't in southwest WA, it's in south central WA - the Maryhill Stonehenge is one of my favorite places, because I appreciate the meaning behind this replica and I am intrigued by the randomness of such a replica being built in Maryhill, WA of all places.

What is the last book you read?

I love reading nonfiction books, and the last one that I read and enjoyed is "Give and Take: Why Helping Others Drives Our Success" by Adam Grant.

Measure 91 Article Continued

The next question is whether and when companies should test applicants and employees.

Employers can test: (a) post-offer but pre-employment; (b) randomly; (c) based on reasonable suspicion; and (d) after any on-the-job accident.

Although some companies may eliminate post-offer but pre-employment as well as random testing, companies should reserve the right to test upon reasonable suspicion and after any on-the-job accident. Testing based on reasonable suspicion and after on-the-job accidents will go a long way towards maintaining a workplace that is safe for all employees while providing the company with the power to identify and terminate employees who show up to work under the influence of drugs or alcohol.

Although Oregon has a Medical Marijuana Act, the Oregon Supreme Court has ruled that companies do not have to accommodate an employee's use of medical marijuana. However, companies should engage in the interactive process with employees who come to them with a medical marijuana card and explore alternative accommodations to the employee's underlying health condition.

Regardless of how strict or laid-back a drug and alcohol policy a company adopts, the company must be sure to enforce that policy consistently. Failure to do so can trigger discrimination, harassment, and retaliation claims.

Measure 91 goes into effect on July 1, 2015. In the interim, employers should review their drug and alcohol policies and remind all employees of the applicable rules and expectations.



Andrew Schpak, a partner at Barran Liebman LLP, represents management in employment litigation and provides advice in employment matters. He can be reached at 503-276-2156 and aschpak@barran.com

FEATURED ACC RESOURCES

The ACC's new and improved website launched June, 2014: <http://www.acc.com/>

With the new website, ACC has made it easy to find resources that fit your individual needs. The new website features pages specific to New to In House members, Chief Legal Officers and Law Department Executive Leaders. These pages can be accessed by clicking the links below:

[Resources for CLO's](#)

[Resources for Law Department Executive Leaders](#)

[Resources for New to In House Practice](#)

Welcome New Members!

Laurel Jamtgaard
Senior Director, Ariba, Inc.

Daniel Blaufus
General Counsel, Port of Portland

Siddarth Khanijou
Associate General Counsel, Cambia Health Solutions, Inc.

Saskia de Boer
Managing Director, Casey Family Programs

Kelly Stuhs
Associate Counsel, Knowledge Universe Education, LLC

Marc Alifanz
Senior Associate Counsel, Knowledge Universe Education, LLC

Anthony Stark
General Counsel, DiscoverOrg, LLC

Lindsey Kantawee
Assistant General Counsel, Columbia Sportswear

David Goldfried
Corporate Counsel, Holiday Retirement

Brett Fluegel
CFO & General Counsel, Alpha Card Systems, LLC

Jeanine Hays
VP, Intellectual Property, Nike, Inc.

JoDee Keegan
Corporate Counsel, Bridgewell Resources

Leslie Kendrick
Corporate Counsel, Daimler Trucks North America, LLC

Todd Hardy
Corporate Counsel, Daimler Trucks North America, LLC

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