

## Quick takes

### Man shot, killed in Hermiston

I went to school with Alonso. Although it was many years ago I got to know him through his family. He was a fun and caring young man.

— Amie Mietchen

He was my husband's friend and we saw him last night not thinking it would be the last time. We talked about the children we had and we needed to get a play date schedule. In the 30 minutes we spoke, he showed to be a genuine kind-hearted person.

— Elena V. Romero

### Low snowpack this winter

A real bumper for farmers dependent on these snowpacks for irrigation!

— Kris Quick McCullough

Y'all can have all the snow we have been getting here in Kentucky. Pretty sure I moved to the south to be in a warmer climate. So far, not so much.

— Stacie Shular

### Meacham derailment

Wow, my dad always took me to derailments up the river, that happened a lot back then. You don't hear much about it anymore.

— Stephanie Williams

The engineer and conductor are safe, the derail didn't include the lead locomotives, I watched the leader and a few cars enter the Hinkle Yard.

— Jimmy Doherty

Oil trains. Why must I live right next to a train track?

— Samantha Kirkham

One of the great lessons of the Twitter age is that much can be summed up in just a few words. Here are some of this week's takes. Tweet yours @Tim\_Trainor or email editor@eastoregonian.com, and keep them to 140 characters.

# Legal aid deserves better than deceptive legislation

**S**ALEM — Some of my Democratic colleagues are acting like they just hit a record-breaking Powerball.

Interesting how something as charitable sounding as "the Legal Aid bill" can bring dollar signs to legislators' eyes.

House Bill 2700, which passed this week and now only needs the Governor's signature to become law, is about to make Oregon the friendliest state in the country for lawyers who bring class-action lawsuits. That's why the Oregon Trial Lawyers Association lobbied so heavily for this bill.

Here's how it would work. Have you ever received a notice in the mail telling you that you are part of a class-action lawsuit? Do you recall what you did with it? Perhaps you responded with an enthusiastic, "Count me in!" and completed the form necessary to participate as a member of the class action.

Or perhaps you treated the notice like junk mail and tossed it. Maybe you figured an individual payment would be minuscule and not worth your time. Maybe you planned to file your own lawsuit. Or maybe you didn't believe you had been wronged.

If the suit is later won or settled, and you have elected to

be a member of the class, you might receive a share of the damages. In Oregon, only those who choose to join the class can recover damages.

Some of my Democratic colleagues think it's unfair that a losing defendant shouldn't have to pay everyone — including those who didn't join the suit. Although individual payouts may be small, if multiplied by the number of people not participating, it can add up.

Under HB 2700, the folks who didn't join in the lawsuit would be included in the payout — but their share would go to Legal Aid and another entity to be decided by a judge.

I'm a supporter of Legal Aid, which provides legal assistance to people who cannot afford an attorney in civil cases. Not only has my family foundation given money to Legal Aid, but as a state senator I have helped constituents access Legal Aid. (Recent example: A renter who was left without sanitary bathroom facilities because her landlord refused to make necessary repairs.)

So what's my problem with "the Legal Aid bill"? For starters, not all the extra damages created by HB 2700 go to Legal Aid. The judge will have discretion in each case to decide whether to send

50 percent of the unclaimed damages to "any entity for purposes that the court determines are directly related to the class action or directly beneficial to the interests of class members."

"Any entity" — that's dangerously vague. This includes entities that qualify for a 501 (c) (4) tax exemption, which means social welfare and non-profit political organizations could be eligible to receive a payout. In other words, organizations that lobby.

Supporters of HB 2700 talk passionately about "corporate wrongdoers" and "increasing corporate accountability." If you read the bill, there is nothing about corporations or corporate wrongdoers. It refers to "defendants." Not all defendants in civil suits are corporations. And not all defendants are wrongdoers.

Supporters also claim that Oregon is in the minority, that most states direct some class action damages to worthy causes. That's a hard fact to pin down. It can vary from case to case. Some courts have rejected distribution schemes that automatically send unclaimed damages to charities, the state, or the existing class-action participants.

What is beyond reasonable dispute is that, if HB 2700 becomes law, Oregon's class action rules will be the most

liberal in the country.

The bill also needs to address a blatant unfairness of its own: It can be retroactively enforced against defendants whose lawsuits are already in the works. This is like changing the rules in the middle of a contest. The retroactive feature is expected to invite appeals.

Gov. Kate Brown should have sent HB 2700 back to be reworked and tightened so trial lawyers are not the ultimate beneficiaries. I'm not bashing lawyers. I have a law degree, which is what you practically need these days to understand some of the bills brought before the legislature.

The supporters of HB 2700 know that most people don't have the time to read proposed legislation. By dubbing their proposed law as "the Legal Aid bill," they cleverly win immediate sympathy.

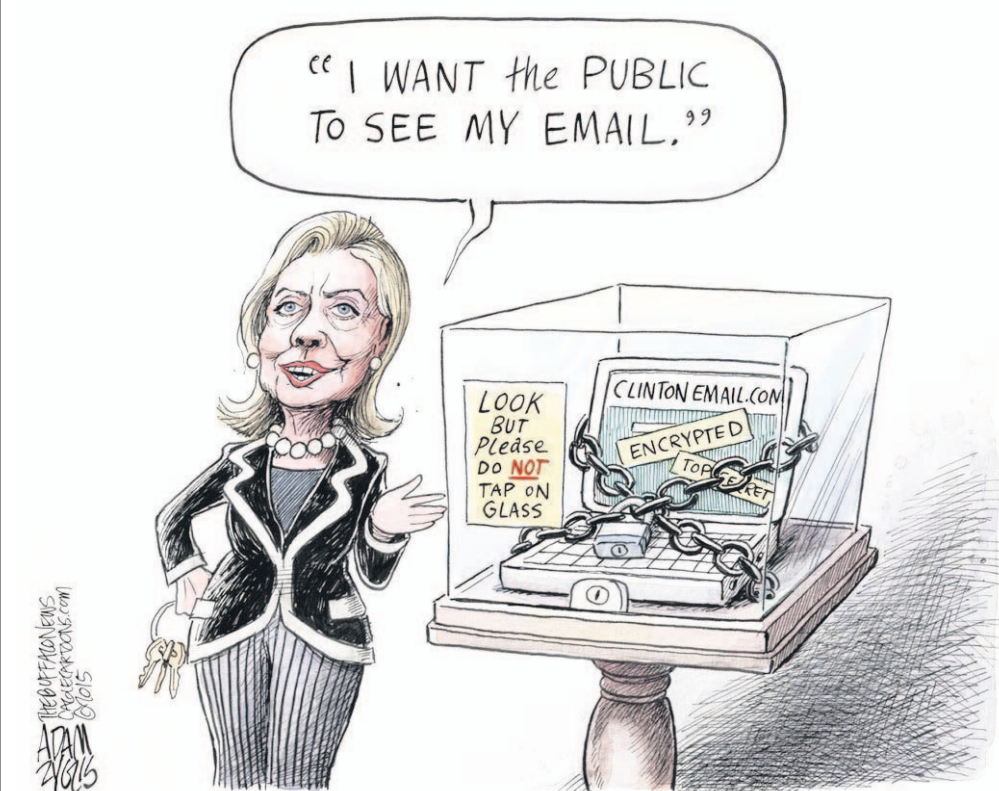
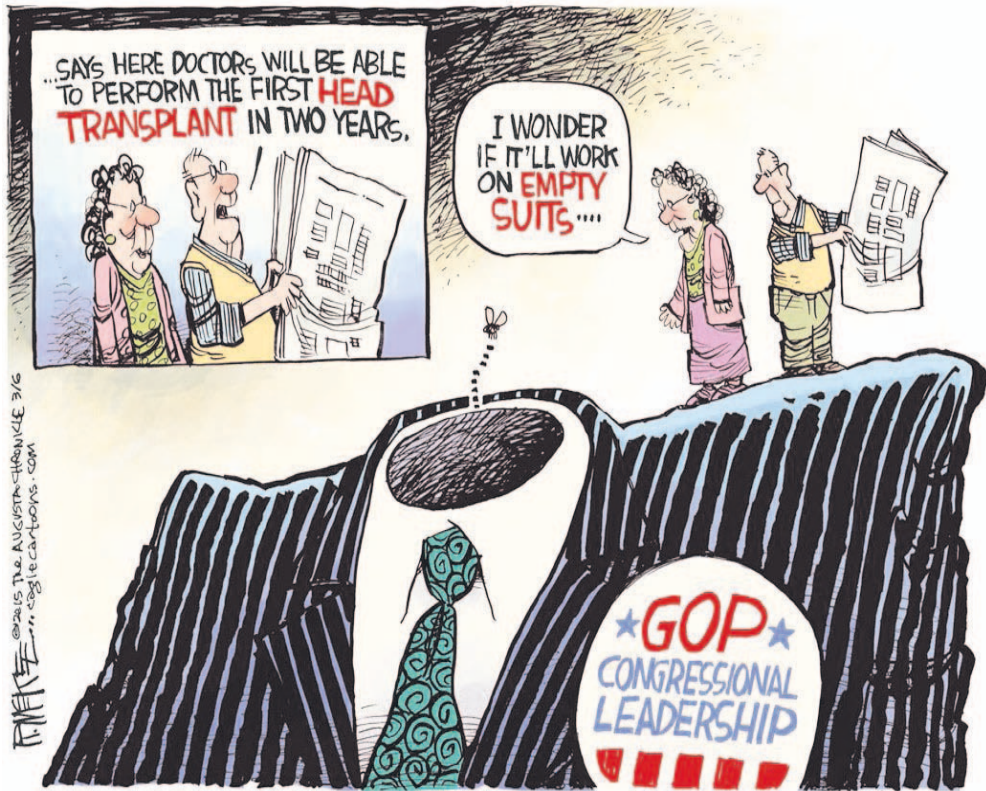
It's a maneuver that Charles Dickens would take delight in dissecting. His classic on the law, "Bleak House," follows a never-ending case through generations. The money is nibbled away by lawyers until nothing is left.

As Dickens wrote, it isn't enough to have truth and justice on your side; you have to have law and lawyers.

■ *Betsy Johnson, a Democrat, is a state senator representing the Scappoose.*



**BETSY JOHNSON**  
Comment



## Rural Western communities need a fair economic shake

By GINA KNUDSON  
Writers on the Range

The failure to include the Secure Rural Schools program in this year's budget puts a spotlight on a public-lands identity crisis that has been simmering, and sometimes boiling over, for decades.

President Theodore Roosevelt got it right in 1908. Roosevelt understood that his big vision of creating a national forest system would have enormous financial implications for the communities that border these forests.

But now, both the original intent of the national forest system and the pact made with local communities seem like relics of the past. Recent federal budget decisions and discussions make it clear: We in America have become confused about what our national forests mean to us, and we simply don't give a damn about the neighboring communities.

The national forest system was created to improve and protect forests, secure water flows, and produce a continuous supply of timber. In fairness to the counties that contained these designated federal lands, Congress promised to share with them 25 percent of the receipts derived from the sale or use of commodities from each national forest. Mostly generated from timber sales, the money that went to the counties helped pay for critical services, such as public schools and roads.

When environmentalists successfully challenged the Forest Service's timber mission through the 1980s and '90s, Oregon Democratic Sen. Ron Wyden was among those who worked to broker a new deal with communities. His Secure Rural Schools and Community Self-Determination Act, enacted in 2000, was an attempt to honor the U.S. government's commitments to the West's rural communities.

The act not only offered counties money for schools and roads; it also

earmarked funding for the restoration of forests and watersheds. The idea was to give out-of-work loggers and other members of the local workforce a chance to earn a living by taking care of the public forests. In communities like Salmon, Idaho, where I live, we used that money to improve aspen stands, keep noxious weeds from choking out native plants, and improve the trails that allow the American public access to some of the special lands they rightfully own. We kept families in town, thanks to this work.

For some members of Congress, such as Republican Doc Hastings of Washington, the former chairman of the House Natural Resource Committee, that wasn't enough. So the Secure Rural Schools law was eliminated by Congress, largely on the theory that eliminating funding would spur more timber harvests.

For most of us living in the rural West, this was a strange rationale: Trying to force the Forest Service to harvest more timber seemed at best grandstanding, at worst insulting. Legislative wand-waving is not going to bring back my town's sawmill or its workforce, and it will not cure the forests of insect and disease or magically alter public values that have shifted from extraction to restoration. That train has left the station.

In 1908, President Roosevelt and Congress insisted that sharing timber revenues with impacted counties was the right and politically wise thing to do. Until we return to that

approach, we will continue to see states challenging federal land ownership and management in a vain attempt to fill the vacuum. We'll also be turning our backs on what looked like hope for rural communities and the land, a

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chance to recognize and invest in the bond that local people have with their places.

Agriculture Secretary Tom Vilsack said in January of this year that Forest Service lands "contribute more than \$13 billion to the economy each year through visitor spending alone." The department also says that Forest Service lands provide 20 percent of the nation's clean water, at a value estimated at \$7.2 billion annually.

Theodore Roosevelt recognized that a fair share of the national forests' most important commodities of the time belonged to the counties that housed national

forest lands. If we've now decided that the commodities we most value on these forests are recreation and clean water, let's re-balance the books with that in mind. Those of us in rural places may have endured steeply declining education budgets over the past few years, but even we can cipher that 25 percent of \$13 billion is a whole lot more than the \$50 million counties will share this year. Our national forests are worth more than the timber we harvest, and forest communities deserve an honest share.

■ *Gina Knudson is director of Salmon Valley Stewardship in Lemhi County, Idaho.*

## How 'bout that chub?

Corvallis Gazette-Times

Amid all of the problems, politics and challenges facing him, Rep. Peter DeFazio paused while he was back home to celebrate a victory: In just over two decades, a 3-inch Oregon minnow has wriggled back from the brink of extinction, and a lot of people deserve some praise for that.

Federal wildlife managers formally announced a few weeks ago that the Oregon chub has been removed from the Endangered Species List — the first fish ever taken off the roster of imperiled species. Other fish have come off the list because they went extinct.

DeFazio was with 100 people who gathered at the William L. Finley National Wildlife Refuge 10 miles south of Corvallis to celebrate that several thriving populations of chub now live there in the shallow freshwater habitat.

Such shallows used to be common in Oregon's Willamette Basin, but they were filled in by construction and agriculture. By 1993, when the chub was added to the Endangered Species List, only about 1,000 fish remained in eight known populations. Today an estimated 140,000 chub in 80 populations live along the Willamette River.

Credit goes to the ESA, but it also goes to private property owners and stakeholders who worked together to secure havens and habitats for the fish — and the other species who call those shallow waterways home.

It's worth pausing to thank all of those who made this small victory possible, and Richard Hannan, a deputy regional director of the U.S. Fish and Wildlife Service, which administers the ESA, did just that. He noted that Oregon is doing species recovery right. He singled out biologists Paul Scheerer and Brian Bangs of the Oregon Department of Fish and Wildlife as the two who led the recovery effort. Also deserving kudos are the nonprofit McKenzie River Trust, which has protected six chub populations on its Lane County properties; Gail Haws, an Oakridge-area private landowner who came to the aid of the small chub by offering them safe harbor; the Confederated Tribes of the Grand Ronde, U.S. Army Corps of Engineers, Willamette National Forest, U.S. Natural Resources Conservation Service and the Bonneville Power Administration.

We'd like to celebrate more such successes, not only locally, but globally. Perhaps this is expertise that Oregon could export to the many places where large species are in serious trouble. But that is an editorial for another day.