

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

DANIEL Z. CROWE; LAWRENCE K. PETERSON;  
and OREGON CIVIL LIBERTIES ATTORNEYS, an  
Oregon Nonprofit Corporation,

Plaintiffs,

v.

OREGON STATE BAR, a Public Corporation;  
OREGON STATE BAR BOARD OF GOVERNORS;  
VANESSA NORDYKE, President of the Oregon  
State Bar Board of Governors; CHRISTINE  
CONSTANTINO, President-elect of the Oregon State  
Bar Board of Governors; HELEN HIERSCHBIEL,  
Chief Executive Officer of the Oregon State Bar;  
KEITH PALEVSKY, Director of Finance and  
Operations of the Oregon State Bar; AMBER  
HOLLISTER, General Counsel for the Oregon State  
Bar,

Defendants.

Case No. 3:18-cv-02139

**CIVIL RIGHTS COMPLAINT  
FOR INJUNCTIVE AND  
DECLARATORY RELIEF AND  
DAMAGES**

42 U.S.C. § 1983 (Freedom of Speech)  
42 U.S.C. § 1983 (Freedom of  
Association)  
42 U.S.C. § 1988 (Attorney Fees)

1. This civil rights lawsuit seeks to protect the First and Fourteenth Amendment rights of Oregon attorneys who have been forced to join the Oregon State Bar (“OSB”) and to pay for political advocacy by the OSB that they do not wish to support.

2. The State of Oregon requires attorneys to join and pay fees to a bar association, the Oregon State Bar (“OSB”), to be allowed to practice law in the state. ORS 9.160, 9.191.

3. Under U.S. Supreme Court precedent, a mandatory bar association such as the OSB must implement safeguards to ensure that members' dues are used only for the narrow purpose of improving the quality of legal services through the regulation of attorneys – not for political advocacy. *See Keller v. State Bar of Cal.*, 496 U.S. 1 (1990).

4. Supreme Court precedent also requires a mandatory association such as the OSB to fund its political advocacy with money paid by people who affirmatively consented to having their money used for that purpose. *See Janus v. Am. Fed'n of State, Cnty., & Mun. Emps., Council 31*, 138 S. Ct. 2448, 2486 (2018).

5. The OSB, however, has not implemented procedures to ensure that members' mandatory fees are not used for political advocacy, and it has used mandatory fees to fund political speech without obtaining members' affirmative consent in advance.

6. For example, the OSB used mandatory member fees to publish statements in the April 2018 issue of its *Bar Bulletin* that criticized President Donald Trump. Plaintiffs Daniel Crowe and Lawrence Peterson, who are Oregon attorneys, would not have chosen to fund that criticism but had no opportunity to prevent their mandatory dues from being used to pay for it.

7. In addition, Oregon's statute requiring attorneys to become OSB members is unconstitutional because it violates attorneys' First Amendment right to freedom of association and is not necessary to ensure the quality of legal services and regulate attorneys.

8. This lawsuit therefore asks this Court to declare Oregon's mandatory bar membership unconstitutional, or to order Defendants to adopt procedures to prevent members' mandatory fees from being used for political speech and other activities unrelated to improving the quality of legal services and regulating attorneys without the members' affirmative consent.

**JURISDICTION AND VENUE**

9. This action is brought under 42 U.S.C. §§ 1983 and 1988.

10. This Court has subject matter jurisdiction over Plaintiffs' claims under 28 U.S.C. §§ 1331 and 1343.

11. This Court has authority to grant declaratory and other relief under 28 U.S.C. §§ 2201 and 2202.

12. Venue is appropriate under 28 U.S.C. § 1391 and LR 3-2 because a substantial part of the events giving rise to the claim occurred in this District, and because Defendants operate or do business in this judicial District.

13. Divisional venue lies with the Portland Division as a substantial part of the events giving rise to the claim occurred within the Portland Division, Plaintiff Peterson resides in the Portland Division, and Plaintiff Oregon Civil Liberties Attorneys has its principal place of business in the Portland Division.

**PARTIES**

14. Plaintiff Daniel Z. Crowe is a citizen of the United States and resides in Marion County, Mt. Angel, Oregon. Plaintiff Crowe is a duly licensed attorney under the laws of Oregon and is a member of OSB because membership is a mandatory prerequisite to practice law in the State of Oregon under ORS 9.160.

15. Plaintiff Crowe has paid annual dues to the OSB since approximately 2014.

16. Plaintiff Lawrence K. Peterson is a citizen of the United States and resides in Clackamas County, Lake Oswego, Oregon. Plaintiff Peterson is a duly licensed attorney under the laws of Oregon and is a member of OSB because membership is a mandatory prerequisite to practice law in the State of Oregon under ORS 9.160.

17. Plaintiff Peterson has paid annual dues to the OSB since 1984.

18. Plaintiff Oregon Civil Liberties Attorneys (“ORCLA”) is a domestic nonprofit corporation with its principal place of business in Clackamas County, Lake Oswego, Oregon. All members of ORCLA are citizens of the United States, duly licensed attorneys under the laws of Oregon, and members of OSB because membership is a mandatory prerequisite to practice law in the State of Oregon pursuant to ORS 9.160.

19. Defendant Oregon State Bar is a public corporation established under ORS 9.010.

20. Defendant Oregon State Bar Board of Governors (the “Board”) is charged with the executive functions of OSB and with “direct[ing] its power to the advancement of the science of jurisprudence and the improvement of the administration of justice.” ORS 9.080(1). The Board has authority to “adopt, alter, amend and repeal bylaws and to adopt new bylaws containing provisions for the regulation and management of the affairs of the state bar not inconsistent with law.” *Id.* The Board governs OSB, determines the general policies of OSB, approves OSB’s annual budget, and appoints OSB’s Executive Director. The Board is a final policy maker regarding how OSB functions.

21. Defendant Vanessa Nordyke is President of the Board and, in that position, is responsible for creating and implementing procedural safeguards required to ensure member dues are used only for “chargeable” activities—meaning only those germane to improving the quality of legal services through the regulation of attorneys. Defendant Nordyke also participates in determining OSB positions on legislation and ballot measures as a member of both the Board and OSB’s Legislative Committee. Defendant Nordyke is responsible for enforcing the laws requiring membership and funding of OSB as a prerequisite to practicing law in the State of

Oregon. Defendant Nordyke is implementing and enforcing the unconstitutional practices and policies complained of in this action, acting under the color of state law.

22. Defendant Christine Constantino is President-elect of the Board and a member of the OSB's Budget and Finance Committee. The Budget and Finance Committee is tasked with overseeing the Board's financial operations, making recommendations to the Board regarding annual budgets and assessments, managing OSB's reserves and investments, receiving biennial audits, and providing guidance on long-range forecasts, operating expenses and capital purchases. Defendant Constantino is implementing and enforcing the unconstitutional practices and policies complained of in this action, acting under the color of state law.

23. Defendant Helen Hirschbiel is the Chief Executive Officer and Chief Executive Director of OSB. In that position, appointed by and acting under the supervision of the Board, Defendant Hirschbiel implements, administers, and supervises OSB's operation and program activities, managing a staff of approximately 90 individuals and an \$11 million annual budget. Defendant Hirschbiel is implementing and enforcing the unconstitutional practices and policies complained of in this action, acting under the color of state law.

24. Defendant Keith Palevsky is OSB's Director of Finance and Operations and a member of OSB's Budget and Finance Committee. Defendant Palevsky is implementing and enforcing the unconstitutional practices and policies complained of in this action, acting under the color of state law.

25. Defendant Amber Hollister is OSB's General Counsel and, in that position, is responsible for providing legal advice to the OSB and the Board. Defendant Hollister is implementing and enforcing the unconstitutional practices and policies complained of in this action, acting under the color of state law.

## FACTS

### **OSB's Mandatory Membership and Fee Collection**

26. Oregon law compels every attorney licensed in Oregon to join OSB in order to earn a living practicing law in the state. ORS 9.160.

27. Oregon law authorizes OSB to charge annual membership fees to its mandatory members. ORS 9.191.

28. As Oregon attorneys, Plaintiffs Crowe and Peterson, and Plaintiff ORCLA's members, are compelled to join OSB and to pay membership fees to Defendants as a condition of engaging in their profession. ORS 9.160, 9.191.

29. Defendants enforce laws requiring membership in and funding of OSB as a prerequisite to practicing law in the State of Oregon. ORS 9.160, 9.191.

30. Defendants act under color of state law when collecting, disbursing, and spending mandatory dues.

### **OSB's Disbursement of Mandatory Fees**

31. The OSB places the mandatory fees it collects into three separate funds: (1) a general fund, which provides funding for mandatory and discretionary services for members and the public; (2) a client security fund, which awards money to clients of Oregon attorneys who have lost money or property due to misappropriation or embezzlement by their lawyers; and (3) a diversity and inclusion department.

32. In 2018, OSB disbursed mandatory fees in the following manner: client security fund (2%); diversity and inclusion (8%); loan repayment assistance program (2%); disciplinary counsel and client assistance office (34%); other regulatory programs: governance, general counsel, new lawyer monitoring (19%); and other bar programs and services (35%).

33. In 2019, OSB has proposed to disburse mandatory fees in the following manner: client security fund (2%); diversity and inclusion (8%); loan repayment assistance program (2%); disciplinary counsel and client assistance office (34%); other regulatory programs: governance, general counsel, new lawyer monitoring (19%); and other bar programs and services (35%).

34. Although OSB publishes this general information about its allocation of membership fees, it does not publish information about whether or how it determines whether a given allocation of funds was for purposes germane to improving the quality of legal services and regulating attorneys.

#### **OSB's Use of Mandatory Fees for Legislative and Policy Advocacy**

35. OSB uses mandatory member fees to engage in legislative and policy advocacy in accordance with "Legislative Policy Guidelines" that were approved by the Board.

36. OSB's Legislative Policy Guidelines state: "OSB's legislative or policy activities shall be limited to those reasonably related to any of the following subjects: regulating and disciplining lawyers; improving the function of the courts, including issues of judicial independence, fairness, efficacy and efficiency; making legal services available to society; regulating lawyer trust accounts; the education, ethics, competence, integrity and regulation of the legal profession; providing law improvement assistance to elected and appointed government officials; issues involving the structure and organization of federal, state and local courts in or affecting Oregon, issues involving rules of practice, procedure and evidence in federal, state or local court in or affecting Oregon; or issues involving the duties and functions of judges and lawyers in federal, state and local courts in or affecting Oregon."

37. OSB's Legislative Policy Guidelines do not distinguish between germane and non-germane activities.

38. OSB's Legislative Policy Guidelines do not articulate what, if any, tests or procedures are in place to ensure OSB's classification of expenditures as germane is proper.

39. OSB's legislative and policy activities include political speech.

40. Through its legislative and policy activities, OSB expends member dues for political and ideological activities that are not germane to OSB's purpose.

**The April 2018 *Bar Bulletin***

41. The OSB uses member dues to publish a periodical called the *Bar Bulletin*.

42. The April 2018 issue of the *Bar Bulletin* included, on opposing pages, two statements on alleged "white nationalism," one of which specifically criticized President Donald Trump.

43. A true and accurate copy of these two statements is attached as Exhibit A and incorporated herein by reference.

44. These statements constituted political speech.

45. Plaintiffs Crowe and Peterson, and Plaintiff ORCLA's members, had no opportunity in advance to prevent their mandatory member dues from being used to publish the April 2018 *Bar Bulletin* statements.

46. Plaintiffs Crowe and Peterson learned of OSB's publication of these statements when they received the *Bar Bulletin* by mail in April 2018.

47. Plaintiffs Crowe and Peterson disagree with the statements' allegations against, and explicit and implicit criticism of, President Trump.

48. If given a choice, Plaintiffs Crowe and Peterson would not have voluntarily paid for publication of the statements.



49. On April 25, 2018, Plaintiff Peterson contacted Defendant Hierschbiel to inform OSB of his objections to the use of bar fees to publish the statements, and he requested a refund of his annual membership fees.

50. On April 26, 2018 Plaintiff Crowe contacted Defendant Hierschbiel to inform OSB of his objections to the use of bar dues to publish the statements, and he requested a refund of his annual membership fees.

51. In response to their objections, Plaintiffs Crowe and Peterson each received a partial dues refund from OSB in the amount of \$1.15 (\$1.12 plus statutory interest from the date bar fees were due).

52. Other OSB members also objected to the statements in the April 2018 *Bar Bulletin* and then received partial dues refunds.

53. OSB has not informed Plaintiffs of how it calculated the amounts of these partial dues refunds.

### **Plaintiffs' Injuries**

54. Plaintiffs Crowe and Peterson, and Plaintiff ORCLA's members, do not wish to have their OSB membership dues used to fund OSB's legislative and policy advocacy and, if given a choice, would not fund that activity.

55. Plaintiffs Crowe and Peterson, and Plaintiff ORCLA's members, did not wish to have their OSB membership dues used to publish the two statements in the April 2018 *Bar Bulletin* and, if given a choice, would not have funded the statements' publication.

56. Plaintiffs Crowe and Peterson, and Plaintiff ORCLA's members, do not wish to have their OSB membership dues used for any other political speech or activity and, if given a choice, would not fund any political speech or activity by OSB.

57. Plaintiffs Crowe and Peterson, and Plaintiff ORCLA's members, object to being required to be members of OSB to be allowed to practice law in Oregon.

58. Plaintiffs Crowe and Peterson, and Plaintiff ORCLA's members, object to being required to pay dues or fees to OSB to be allowed to practice law in Oregon.

59. Plaintiffs Crowe and Peterson, and Plaintiff ORCLA's members, have suffered irreparable harm from being required to join and pay dues to OSB as a condition of practicing law in Oregon.

60. Plaintiffs Crowe and Peterson, and Plaintiff ORCLA's members will suffer irreparable harm if the State of Oregon continues to require them to be members of, and pay dues to, OSB as a condition of practicing law in Oregon.

**FIRST CLAIM FOR RELIEF**  
**(Compelled Speech and Association)**  
**(First and Fourteenth Amendments)**

61. The allegations contained in the preceding paragraphs are incorporated by reference as if fully set forth here.

62. Mandatory bar fees inherently impinge on the First Amendment rights of freedom of association and freedom of speech.

63. To limit mandatory fees' impingement on First Amendment rights, the Supreme Court has required bar associations such as OSB to use mandatory fees only for activities germane to improving the quality of legal services. *See Keller*, 496 U.S. at 14.

64. To protect the rights of OSB members and ensure mandatory member fees are utilized only for chargeable expenditures, *Keller* requires the OSB to institute safeguards that provide, at a minimum: (a) notice to members, including an adequate explanation of the basis for the dues and calculations of all non-chargeable activities, verified by an independent auditor; (b)

a reasonably prompt decision by an impartial decision maker if a member objects to the way his or her mandatory dues are being spent; and (c) an escrow for the amounts reasonably in dispute while such objections are pending. *Keller*, 496 U.S. at 14.

65. Refunding mandatory fees after a member's objection is resolved is insufficient to protect members' First Amendment rights. A remedy that merely offers dissenters the possibility of a refund does not avoid the risk that dissenters' funds may be used temporarily for an improper purpose.

66. OSB does not provide Plaintiffs Crowe and Peterson, and Plaintiff ORCLA's members, an adequate explanation for the basis of their mandatory dues.

67. OSB does not afford Plaintiffs Crowe and Peterson, and Plaintiff ORCLA's members, any constitutionally adequate procedure to dispute the way their dues are spent.

68. OSB has taken the position that it may use member dues for non-chargeable activities as long as it refunds a portion of dues back to members who object to the non-chargeable activity.

69. As a result of its insufficient safeguards and procedures, OSB has used mandatory member dues for non-chargeable activities, including political speech, without receiving members' affirmative consent, both through its publication of the April 2018 *Bar Bulletin* and through its legislative and policy advocacy generally.

70. By failing to provide the minimum safeguards required by the First and Fourteenth Amendments before collecting and expending mandatory member dues, Defendants maintain and enforce a set of laws, practices, procedures and policies that deprive Plaintiffs of their First and Fourteenth Amendment rights.

71. This deprivation of constitutional rights is causing Plaintiffs to suffer irreparable injury for which there is no adequate remedy at law. Unless enjoined by this Court, Plaintiffs will continue to suffer irreparable harm.

72. Plaintiffs are entitled to declaratory and injunctive relief against continued enforcement and maintenance of Defendants' unconstitutional laws, practices, procedures and policies, and are entitled to an award of attorney fees. *See* 28 U.S.C. §§ 2201, 2202; 42 U.S.C. §§ 1983, 1988.

**SECOND CLAIM FOR RELIEF**  
**(Right to Affirmatively Consent)**  
**(First and Fourteenth Amendments)**

73. The allegations contained in the preceding paragraphs are incorporated by reference as if fully set forth here.

74. Under the First and Fourteenth Amendments, a mandatory bar association may not use a member's mandatory dues or fees to engage in political activities or other activities not germane to the bar association's purpose of improving the quality of legal services through the regulation of attorneys unless the member affirmatively consents to having his or her dues or fees used for that purpose.

75. To protect members' First Amendment rights, a mandatory bar association such as OSB must create an "opt-in" system for members to pay for the bar association's non-germane speech and activities; it cannot require members to opt out to avoid paying for non-germane activities. *See Janus*, 138 S. Ct. at 2486.

76. The OSB has used mandatory member fees for non-chargeable activities, including political speech, without receiving members' affirmative consent, both through its

publication of the April 2018 Bar Bulletin and through its legislative and policy advocacy generally.

77. OSB maintains and enforces a set of laws, practices, procedures, and policies that are not adequate to ensure that mandatory member fees will not be used for non-chargeable activities, including political speech, without members' affirmative consent.

78. Accordingly, Defendants are maintaining and actively enforcing a set of laws, practices, procedures and policies that deprive Plaintiffs of their rights of free speech and free association, in violation of the First and Fourteenth Amendments.

79. Plaintiffs are entitled to declaratory and injunctive relief against continued enforcement and maintenance of Defendants' unconstitutional laws, practices, procedures and policies, and are entitled to an award of attorney fees. See 28 U.S.C. §§ 2201, 2202; 42 U.S.C. §§ 1983, 1988.

**THIRD CLAIM FOR RELIEF**  
**(Compelled Membership)**  
**(First and Fourteenth Amendments)**

80. The allegations contained in the preceding paragraphs are incorporated by reference as if fully set forth here.

81. The First and Fourteenth Amendments protect not only the freedom to associate, but also the freedom not to associate.

82. The First and Fourteenth Amendments protect the freedom to avoid subsidizing group speech with which an individual disagrees.

83. By its very nature, the OSB, as a mandatory bar association, violates these rights.

84. Mandatory associations are permissible only when they serve a compelling state interest that cannot be achieved through means significantly less restrictive of associational freedoms.

85. The only state interest possibly served by a mandatory bar association is improvement of the quality of legal services through the regulation of attorneys.

86. The state can readily use means that are significantly less restrictive of associational freedoms to improve the quality of legal services through the regulation of attorneys.

87. This is evidenced by the 18 states that regulate the legal profession without requiring attorneys to join and pay a bar association.

88. By failing to utilize means significantly less restrictive of associational freedoms than a mandatory association, Defendants maintain and actively enforce a set of laws, practices, procedures and policies that deprive Plaintiffs of their rights of free speech and free association, in violation of the First and Fourteenth Amendments.

89. Plaintiffs are entitled to declaratory and injunctive relief against continued enforcement and maintenance of Defendants' unconstitutional laws, practices, procedures and policies, and are entitled to an award of attorney fees. See 28 U.S.C. §§ 2201, 2202; 42 U.S.C. §§ 1983, 1988.

### **REQUEST FOR RELIEF**

Wherefore, Plaintiffs respectfully request that this Court enter judgment in Plaintiffs' favor and:

A. Declare that Plaintiffs' rights to freedom of speech and association under the First and Fourteenth Amendments are violated by Defendants' failure to implement the minimum safeguards required by *Keller v. State Bar of California*;

B. Declare that Defendants may not use the mandatory fees of OSB members, including Plaintiffs, for non-chargeable activities unless the members have affirmatively consented to having their dues used for those purposes, as required by *Janus v. AFSCME*;

C. In the alternative, declare that Defendants violate Plaintiffs' rights to freedom of speech and association under the First and Fourteenth Amendments by enforcing Oregon statutes that make membership in OSB a prerequisite to practicing law in Oregon and by imposing mandatory dues as a condition of membership;

D. Preliminarily and permanently enjoin Defendants and all persons in active concert or participation with them from enforcing ORS 9.160, which mandates membership in the Oregon State Bar, and ORS 9.191, which requires payment of membership fees to the Oregon State Bar.

E. Award Plaintiffs Crowe and Peterson damages in the amount of all dues they have paid to the Oregon State Bar within the applicable limitations period, plus interest;

F. Award Plaintiffs their costs, attorneys' fees, and other expenses in accordance with law, including 42 U.S.C. § 1988; and

G. Order such additional relief as may be just and proper.

Dated this 13th day of December, 2018.

**DANIEL Z. CROWE, LAWRENCE K. PETERSON, and  
OREGON CIVIL LIBERTIES ATTORNEYS**

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*Attorneys for Plaintiffs*





Feb. 23, 2018

### Statement on White Nationalism and Normalization of Violence

As the United States continues to grapple with a resurgence of white nationalism and the normalization of violence and racism, the Oregon State Bar remains steadfastly committed to the vision of a justice system that operates without discrimination and is fully accessible to all Oregonians. As we pursue that vision during times of upheaval, it is particularly important to understand current events through the lens of our complex and often troubled history. The legacy of that history was seen last year in the streets of Charlottesville, and in the attacks on Portland's MAX train. We unequivocally condemn these acts of violence.

We equally condemn the proliferation of speech that incites such violence. Even as we celebrate the great beneficial power of our First Amendment, as lawyers we also know it is not limitless. A systemic failure to address speech that incites violence emboldens those who seek to do harm, and continues to hold historically oppressed communities in fear and marginalization.

As a unified bar, we are mindful of the breadth of perspectives encompassed in our membership. As such, our work will continue to focus specifically on those issues that are directly within our mission, including the promotion of access to justice, the rule of law, and a healthy and functional judicial system that equitably serves everyone. The current climate of violence, extremism and exclusion gravely threatens all of the above. As lawyers, we administer the keys to the courtroom, and assist our clients in opening doors to justice. As stewards of the justice system, it is up to us to safeguard the rule of law and to ensure its fair and equitable administration. We simply cannot lay claim to a healthy justice system if whole segments of our society are fearful of the very laws and institutions that exist to protect them.

In today's troubling climate, the Oregon State Bar remains committed to equity and justice for all, and to vigorously promoting the law as the foundation of a just democracy. The courageous work done by specialty bars throughout the state is vital to our efforts and we continue to be both inspired and strengthened by those partnerships. We not only refuse to become accustomed to this climate, we are intent on standing in support and solidarity with those historically marginalized, underrepresented and vulnerable communities who feel voiceless within the Oregon legal system.



Vanessa A. Nordyke  
2018 President  
Board of Governors



Jonathan Puente  
Director of Diversity & Inclusion



Helen Hierschbiel  
Chief Executive Officer



Christine R. Costantino  
2018 President-elect  
Board of Governors



Liani Reeves  
Board of Governors  
Liaison to the Advisory Committee  
on Diversity & Inclusion



Jonathan Patterson  
Chairperson  
Advisory Committee  
on Diversity & Inclusion

## Joint Statement of the Oregon Specialty Bar Associations Supporting the Oregon State Bar's Statement on White Nationalism and Normalization of Violence

The Oregon Asian Pacific American Bar Association, the Oregon Women Lawyers, the Oregon Filipino American Lawyers Association, OGALLA-The LGBT Bar Association of Oregon, the Oregon Chapter of the National Bar Association, the Oregon Minority Lawyers Association, and the Oregon Hispanic Bar Association support the Oregon State Bar's Statement on White Nationalism and Normalization of Violence and its commitment to the vision of a justice system that operates without discrimination and is fully accessible to all Oregonians.

Through the recent events from the Portland MAX train attacks to Charlottesville, we have seen an emboldened white nationalist movement gain momentum in the United States and violence based on racism has become normalized. President Donald Trump, as the leader of our nation, has himself catered to this white nationalist movement, allowing it to make up the base of his support and providing it a false sense of legitimacy. He has allowed this dangerous movement of racism to gain momentum, and we believe this is allowing these extremist ideas to be held up as part of the mainstream, when they are not. For example, President Trump has espoused racist comments, referring to Haiti and African countries as "shithole countries" and claiming that the United States should have more immigrants from countries like Norway. He signed an executive order that halted all refugee admissions and barred people from seven Muslim-majority countries, called Puerto Ricans who criticized his administration's response to Hurricane Maria "politically motivated ingrates," said that the white supremacists marching in Charlottesville, North Carolina in August of 2017 were "very fine people," and called into question a federal judge, referring to the Indiana-born judge as "Mexican," when the race of his parents had nothing to do with the judge's decision. We are now seeing the white nationalist movement grow in our state and our country under this form of leadership.

As attorneys who lead diverse bar associations throughout Oregon, we condemn the violence that has occurred as a result of white nationalism and white supremacy. Although we recognize the importance of the First Amendment of the United States Constitution and the protections it provides, we condemn speech that incites violence, such as the violence that occurred in Charlottesville. President Trump needs to unequivocally condemn racist and white nationalist groups. With his continued failure to do so, we must step in and speak up.

As attorneys licensed to practice law in Oregon, we took an oath to "support the Constitution and the laws of the United States and of the State of Oregon." To that end, we have a duty as attorneys to speak up against injustice, violence, and when state and federal laws are violated in the name of white supremacy or white nationalism. We must use all our resources, including legal resources, to protect the rights and safety of everyone. We applaud the Oregon State Bar's commitment to equity and justice by taking a strong stand against white nationalism. Our bar associations pledge to work with the Oregon State Bar and to speak out against white nationalism and the normalization of racism and violence.



*Derly H. Bechthold*

**Derly Bechthold**  
President, Oregon Asian Pacific  
American Bar Association



*Angela Franco Lucero*

**Angela Franco Lucero**  
President, Oregon Women Lawyers



*Julia Markley*

**Julia Markley**  
President, Oregon Filipino American  
Lawyers Association



*Kamron Graham*

**Kamron Graham**  
Co-Chair, OGALLA-The LGBT Bar  
Association of Oregon



*Alysia Harris*

**Alysia Harris**  
President, Oregon Chapter of the  
National Bar Association



*Chase Morinaka*

**Chase Morinaka**  
Chair, Oregon Minority  
Lawyers Association



*Iván Resendiz Gutierrez*

**Iván Resendiz Gutierrez**  
President, Oregon Hispanic Bar Association

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

Daniel Z. Crowe; Lawrence K. Peterson;  
Oregon Civil Liberties Attorneys

**(b)** County of Residence of First Listed Plaintiff Marion  
(EXCEPT IN U.S. PLAINTIFF CASES)

**(c)** Attorneys (Firm Name, Address, and Telephone Number)  
Military Disability Lawyer, LLC Goldwater Institute  
1567 Edgewater St. NW, PMB 43 500 E. Coronado Rd.  
Salem, OR 97304 Phoenix, AZ 85004  
800-392-5682 602-462-5000

**DEFENDANTS**

Oregon State Bar; Oregon State Bar Board of Governors;  
Vanessa Nordyke; Christine Constantino; Helen Hirschbiel; Keith  
Palevsky; Amber Hollister

County of Residence of First Listed Defendant Clackamas  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF  
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 3 Federal Question (U.S. Government Not a Party)
- 2 U.S. Government Defendant
- 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input checked="" type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input checked="" type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES			
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act			
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act
	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input checked="" type="checkbox"/> 950 Constitutionality of State Statutes			

**V. ORIGIN** (Place an "X" in One Box Only)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from Another District (specify)
- 6 Multidistrict Litigation - Transfer
- 8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
42 U.S.C. Sec. 1983; 42 U.S.C. Sec. 1988

Brief description of cause: State of Oregon statutes requiring attorneys to join & pay fees to bar association & pay for political advocacy violate First & Fourteenth Amendments

**VII. REQUESTED IN COMPLAINT:**

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$

CHECK YES only if demanded in complaint:  
JURY DEMAND: Yes  No

**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE 12/13/2018

SIGNATURE OF ATTORNEY OF RECORD

/s/ Luke D. Miller

**FOR OFFICE USE ONLY**

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_



AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the
District of Oregon
Portland Division

Daniel Z. Crowe, et al.

Plaintiff(s)

v.

Oregon State Bar, et al.

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

Oregon State Bar
c/o Vanessa A. Nordyke
President
DOJ Trial Division
1162 Court St. NE
Salem, OR 97301

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Luke D. Miller
Military Disability Lawyer, LLC
1567 Edgewater St. NW
PMB 43
Salem, Oregon 97304

Jacob Huebert
Aditya Dynar
Goldwater Institute
500 E. Coronado Rd.
Phoenix, Arizona 85004

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_ .

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_ , who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I returned the summons unexecuted because \_\_\_\_\_ ; or

Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00 .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the
District of Oregon
Portland Division

Daniel Z. Crowe, et al.

Plaintiff(s)

v.

Oregon State Bar, et al.

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

Oregon State Bar
c/o Ellen Rosenblum
Attorney General
1162 Court St. NE
Salem, OR 97301

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Luke D. Miller
Military Disability Lawyer, LLC
1567 Edgewater St. NW
PMB 43
Salem, Oregon 97304

Jacob Huebert
Aditya Dynar
Goldwater Institute
500 E. Coronado Rd.
Phoenix, Arizona 85004

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I returned the summons unexecuted because \_\_\_\_\_ ; or

Other *(specify)*:

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00 \_\_\_\_\_.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the
District of Oregon
Portland Division

Daniel Z. Crowe, et al.

Plaintiff(s)

v.

Oregon State Bar, et al.

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

Oregon State Bar Board of Governors
16037 SW Upper Boones Ferry Road
Tigard, Oregon 97224

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Luke D. Miller
Military Disability Lawyer, LLC
1567 Edgewater St. NW
PMB 43
Salem, Oregon 97304

Jacob Huebert
Aditya Dynar
Goldwater Institute
500 E. Coronado Rd.
Phoenix, Arizona 85004

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk



AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I returned the summons unexecuted because \_\_\_\_\_ ; or

Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00 \_\_\_\_\_.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the
District of Oregon
Portland Division

Daniel Z. Crowe, et al.

Plaintiff(s)

v.

Oregon State Bar, et al.

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

Vanessa Nordyke
Oregon State Bar Board of Governors
16037 SW Upper Boones Ferry Road
Tigard, Oregon 97224

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Luke D. Miller
Military Disability Lawyer, LLC
1567 Edgewater St. NW
PMB 43
Salem, Oregon 97304

Jacob Huebert
Aditya Dynar
Goldwater Institute
500 E. Coronado Rd.
Phoenix, Arizona 85004

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

I returned the summons unexecuted because \_\_\_\_\_; or

Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00 \_\_\_\_\_.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the
District of Oregon
Portland Division

Daniel Z. Crowe, et al.

Plaintiff(s)

v.

Oregon State Bar, et al.

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

Christine Costantino
Oregon State Bar Board of Governors
16037 SW Upper Boones Ferry Road
Tigard, Oregon 97224

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Luke D. Miller
Military Disability Lawyer, LLC
1567 Edgewater St. NW
PMB 43
Salem, Oregon 97304

Jacob Huebert
Aditya Dynar
Goldwater Institute
500 E. Coronado Rd.
Phoenix, Arizona 85004

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_ .

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_ , who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I returned the summons unexecuted because \_\_\_\_\_ ; or

Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00 \_\_\_\_\_ .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the
District of Oregon
Portland Division

Daniel Z. Crowe, et al.

Plaintiff(s)

v.

Oregon State Bar, et al.

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

Helen Hierschbiel
Oregon State Bar Board of Governors
16037 SW Upper Boones Ferry Road
Tigard, Oregon 97224

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Luke D. Miller
Military Disability Lawyer, LLC
1567 Edgewater St. NW
PMB 43
Salem, Oregon 97304

Jacob Huebert
Aditya Dynar
Goldwater Institute
500 E. Coronado Rd.
Phoenix, Arizona 85004

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

I returned the summons unexecuted because \_\_\_\_\_; or

Other *(specify)*:

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00 \_\_\_\_\_.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the
District of Oregon
Portland Division

Daniel Z. Crowe, et al.

Plaintiff(s)

v.

Oregon State Bar, et al.

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

Keith Palevsky
Oregon State Bar
16037 SW Upper Boones Ferry Road
Tigard, Oregon 97224

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Luke D. Miller
Military Disability Lawyer, LLC
1567 Edgewater St. NW
PMB 43
Salem, Oregon 97304

Jacob Huebert
Aditya Dynar
Goldwater Institute
500 E. Coronado Rd.
Phoenix, Arizona 85004

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk



Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

I returned the summons unexecuted because \_\_\_\_\_; or

Other *(specify)*:

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00 \_\_\_\_\_.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the
District of Oregon
Portland Division

Daniel Z. Crowe, et al.

Plaintiff(s)

v.

Oregon State Bar, et al.

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

Amber Hollister
Oregon State Bar
16037 SW Upper Boones Ferry Road
Tigard, Oregon 97224

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Luke D. Miller
Military Disability Lawyer, LLC
1567 Edgewater St. NW
PMB 43
Salem, Oregon 97304

Jacob Huebert
Aditya Dynar
Goldwater Institute
500 E. Coronado Rd.
Phoenix, Arizona 85004

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

I returned the summons unexecuted because \_\_\_\_\_; or

Other *(specify)*:

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00 \_\_\_\_\_.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

DANIEL Z. CROWE; LAWRENCE K. PETERSON;  
and OREGON CIVIL LIBERTIES ATTORNEYS, an  
Oregon Nonprofit Corporation,

Plaintiffs,

v.

OREGON STATE BAR, a Public Corporation;  
OREGON STATE BAR BOARD OF GOVERNORS;  
VANESSA NORDYKE, President of the Oregon  
State Bar Board of Governors; CHRISTINE  
CONSTANTINO, President-elect of the Oregon State  
Bar Board of Governors; HELEN HIERSCHBIEL,  
Chief Executive Officer of the Oregon State Bar;  
KEITH PALEVSKY, Director of Finance and  
Operations of the Oregon State Bar; AMBER  
HOLLISTER, General Counsel for the Oregon State  
Bar,

Defendants.

Case No. 3:18-cv-02139

CORPORATE DISCLOSURE  
STATEMENT

Pursuant to Fed. R. Civ. P. 7.1 and LR 7.1, the undersigned, counsel of record for Oregon Civil Liberties Attorneys, certifies that Oregon Civil Liberties Attorneys, as of this date, does not have a parent corporation and that no publicly held corporation holds 10% or more of its stock.

DATED this 13<sup>th</sup> day of December, 2018.

By: /s/ Luke D. Miller

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