

Oregon State Bar
Meeting of the Board of Governors
January 30-31, 2004
Open Session Agenda

The Open Session Meeting of the Oregon State Bar Board of Governors will begin at 9:00 a.m. on January 31, 2004, however the following agenda is not a definitive indication of the exact order in which items will appear before the Board. Any item on the agenda may be presented to the Board at any given time during the board meeting.

9:00 a.m. – 9:30 a.m.

1. Work Session - Communications [Kay Pulju]

- *This department coordinates major communication efforts for both the membership and the general public. For the public, we offer programs and services designed to educate the public about laws, lawyer, and the legal system; and how to find help with legal problems. Education efforts include: Public legal education seminars and cable TV programs; pamphlets and specialty publications; public service announcements; website materials and Tel-Law. The Lawyer Referral Service, Modest Means and Problem Solvers program connect Oregonians with lawyers and resources for legal help.*

The Member Communications group publishes the OSB Bulletin, Bar News, and miscellaneous bar publications designed to benefit members in their practices and increase awareness of leadership issues and program activities. This group also coordinates the OSB Annual Meeting and other membership projects and events, including membership surveys and research. Media relations activities support our education and access goals as well as those of partner groups.

2. Report of Officers

9:30 a.m.

A. Report of the President [Mr. Carter]

- | | | | |
|----|--|--------|---------|
| 1. | Meeting with Chief Justice Carson | Inform | Handout |
| 2. | Swearing in of New Board Member -
Linda Eyerman | Action | Handout |

B. Report of the Executive Director [Ms. Garst]

- | | | | |
|----|--|--------|------|
| 1. | Legal Services Program – Columbia County | Inform | |
| 2. | Client Assistance Office Report | Inform | 1-12 |

C. Oregon New Lawyers Division

1. ONLD Report [Christine Meadows] Action Handout

➤ *Update on ONLD programs and a proposal to host an American Bar Association Young Lawyers Division conference in Portland in 2005.*

3. Closed Session Agenda

10:00 a.m.

- A. Reinstatements (Judicial proceeding pursuant to ORS 192.690(1) – separate packet) Discuss/Action green agenda
- B. Litigation (Executive Session pursuant to ORS 192.660(1)(f) and (h) - separate packet) Discuss/Action green agenda
- C. Privileged Communication from Counsel on PERS issue (Executive Session pursuant to ORS 192.660(1)(f) - separate packet) Discuss/Action green agenda

4. Rules and Ethics Opinions

10:45 a.m.

A. Legal Ethics Opinion

1. Proposed Formal Opinion No. 2004-175 Action 13-17

➤ *Proposed formal opinion addresses ethical considerations relating to participation in business networking clubs.*

B. Special Ethics Committee

1. Status of Proposed Oregon Rules of Professional Conduct Action 18-65

➤ *Review the Rules Committee's recommendations to address Supreme Court's concerns.*

5. OSB Committees, Sections, Councils, Divisions and Task Forces

A. Client Security Fund [Mr. Comstock]

1. CSF Claims Recommended for Payment Action 66-69

➤ *Consider the following claims, recommended for payment by the Client Security Fund at its meeting on November 15, 2003: No. 03-04 Trulson v. McNannay (\$4,000), No. 03-10 Fleming v. Moe (\$914), No. 03-13 Eiring v. Judy (\$30,670) and No. 03-18 Williams v. Cuniff (\$1,231.25).*

10:50 a.m.

- B. Futures Committee Action 70-76

1. Committee's Annual Report [John Bridges]

➤ *John Bridges, chair of the President's Advisory Committee on Issues Affecting the Future of the Legal Profession, will discuss the Committee's annual report to the BOG and make a recommendation regarding the Committee's desire to continue its work.*

**6. BOG Committees, Special Committees, Task Forces and Study Groups
(continued after Special Appearances)**

11:05 a.m.

A. Policy & Governance Committee [Ms. Cook]

1. MCLE Rules and Regulations Action 77-79

➤ *The Committee would like the Board to revisit its previous adoption of changes to these rules regarding diversity training because of feedback from the Supreme Court and the Court's Access to Justice Committee. The Committee will be reviewing the board exhibit at its January 30 meeting and making a recommendation to the full Board.*

7. Appearances/Special Issues

11:20 a.m.

- A. ABA Update [Mark Johnson, Marilyn Harbur
Adrienne Nelson] Inform 80-90

11:35 a.m.

8. BOG Committees, Special Committees, Task Forces and Study Groups (continued)

A. Public Affairs Committee [Mr. Gaydos]

1. Update on Current Political Situation Inform 91-114
 - *Discuss how the BOG can be involved in cultivating legislative relationships.*
2. Standards for Juvenile Law Practitioners Action 115
 - *The PAC recommends BOG formation of a task force to develop guidelines for juvenile practitioners.*
3. Update on Ballot Measure 30 Regarding Income Tax Surcharge Inform 116-122
 - *Review the latest information on the ballot measure and its impact on the courts and indigent defense.*

B. Committee on the Judiciary [Mr. Gaydos]

1. Update Inform
 - *The Committee's activities are outlined in the minutes of its January 9, 2004 meeting in the Default Agenda.*

9. Professional Liability Fund [Mr. Cannon, Mr. Palmer, Mr. Bloom]

11:55 a.m.

A. PLF Policy 5.200 Action 123-128

- *The PLF periodically reviews its investment guidelines to make certain that they reflect our investment strategy. The recommended changes include several housekeeping changes and the addition of a new asset class.*

B. Change to Article 3.5 PLF Bylaws Action 129-130

- *The bylaws need to be updated to reflect the change of BOD terms to the calendar year. This change relates to the date the PLF BOD submits nominees to the BOG.*

10.	Consent Agenda	Action	pink
	A. Approval of Minutes from November 13-15, 2003	Action	131-143
	B. Budget & Finance Committee [Mr. Hilton]		
	1. Bylaw Amendment - Financial Matters	Action	144
	➤ <i>The committee recommends an amendment to Bylaw 7.106 to add the requirement for two signatures on electronic transactions in excess of \$10,000.</i>		
	C. Redistribution of Filing Fee Funds	Action	145-147
	➤ <i>The Legal Service Program Committee has been polled and is recommending that the request of LASO and OLF to redistribute their share of filing fees for 2004 be granted.</i>		
	D. Appointments Committee		
	1. Appointments to the House of Delegates		
	a. Region 4	Action	148
	b. Region 5	Action	148
	c. Two Appointments for Region 6	Action	148
	d. Corrections to Roster Information for Regions 1 and 5	Action	148
	2. Appointment of Legal Services Committee Advisory Committee Member	Action	148
	3. Appointment to the State Lawyers Assistance Committee	Action	148
	4. Appointment to the Continuing Legal Education	Action	148
	5. Chair and Member Appointment to the Medical Profession – Joint Committee	Action	148
	6. Appointment to the Client Security Fund	Action	148
	7. Appointment to the Federal Practice and Procedure Committee	Action	149

8.	Appointment to the Pro Bono Committee	Action	149
9.	Appointment to the Certified Public Accountants Joint Committee	Action	149
10.	Appointment to Disciplinary Board		
	a. Appointment to Region 5 and Correction to Roster	Action	149
	b. Appointment to Region 6	Action	149
11.	Commission on Judicial Fitness and Disability	Action	149
11.	Default Agenda	Inform	blue
A.	Executive Director [Ms. Garst]		
	1. Operations Report	Inform	150-155
	2. Status of Action Items	Inform	156-158
	3. New Jersey's Bar Urges Court-Ordered Arbitration's End	Inform	159-162
	4. Law School Probed on Reverse Discrimination Claims	Inform	163-165
	5. Malpractice Settlement Bill Clears Key California Panel	Inform	166-167
B.	Committee Minutes		
	1. Budget and Finance Committee	Inform	168-169
	2. Committee on the Judiciary	Inform	170-172
	3. Member Services Committee	Inform	173-174
	4. Policy and Governance Committee	Inform	175-176
	5. Public Affairs Committee	Inform	177-178

C. Budget and Finance

1. Sections Fund Balances Inform 179-181

- *The Budget & Finance Committee reviewed the sections' budgets for 2004 and is alerting other board members to review the size of the section's fund balance with the sections they represent.*

D. General Counsel [Mr. Riemer]

1. DR 1-105 Report Inform 182-200

- *Informational report on written advisory ethics opinions issued under DR 1-105 from July 1, 2003 to December 31, 2003.*

E. Client Security Fund Claims Report Inform 201-207

12. **Good of the Order (Non-action comments, information and notice of need for possible future board action)**