

Oregon State Bar
Meeting of the Board of Governors
October 13-14, 2004
Open Session Agenda

The Open Session Meeting of the Oregon State Bar Board of Governors will begin at 1:00 p.m. on October 13, 2004, and continue to the morning of October 14, 2004, if necessary to complete business; 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.

1:00 p.m. – 1:30 p.m.

1. Work Session

Departmental Presentation

- *Marlyce Gholston will discuss the operations and policy issues of the Board of Bar Examiners and the Admissions Department.*

2. Report of Officers

1:30 p.m.

A. Report of the President [Mr. Carter]

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|----|--|--------|---------|
| 1. | Meeting with Chief Justice Carson on August 11, 2004 | Inform | Exhibit |
| 2. | Local Bar Visits | Inform | |
| 3. | Liaison with the District Attorneys - Letter from Brad C. Berry | Action | Exhibit |
| 4. | New Student Convocation University of Oregon on August 16, 2004 | Inform | |
| 5. | Kulongoski Fund Raiser in Medford on August 18, 2004 | Inform | |
| 6. | Bates Fund Raiser in Medford on August 19, 2004 | Inform | |
| 7. | Committee on Professionalism at Lewis & Clark Law School on September 10, 2004 | Inform | |

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| 8. | Campaign Equal Justice “Laff Off” in Portland on September 10, 2004 | Inform | |
| 9. | Marion County Bar Association Executive Committee in Salem with Karen Garst on September 16, 2004 | Inform | |
| 10. | Estate Planning Section Executive Committee in Eugene with Karen Garst and Gerry Gaydos on September 17, 2004 | Inform | |
| 11. | New Admittee Swearing-In Ceremony in Salem with Karen Garst on September 28, 2004 | Inform | |
| 12. | Concern with the Number of Law Students Who Fail the Bar Exam – Lyle Velure Letter | Inform | Exhibit |

1:45 p.m.

B. Report of the President-elect [Ms. Cook]

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| 1. | November 18-20, 2004 Board of Governors Retreat | Inform | |
| 2. | Recent Activities | Inform | |

1:50 p.m.

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

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|----|--|--------|---------|
| 1. | ACLU and the Prayer Breakfast | Inform | Exhibit |
| | ➤ <i>Correspondence between OSB/ACLU regarding Prayer Breakfast at annual meeting.</i> | | |
| 2. | Annual Meeting Registration Update | Inform | |

2:00 p.m.

D. Oregon New Lawyers Division [Christine Meadows]

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

2:05 p.m.

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|----|------------|--------|--|
| A. | PLF Update | Inform | |
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| B. | Financial Report | Inform | Exhibit |
| | ➤ <i>The PLF will report on its current financial picture.</i> | | |
| C. | Approval of Changes to PLF Primary Claims Made Plan | Action | Exhibit |
| | ➤ <i>This year the PLF has reviewed the Primary Claims Made Plan and made significant changes. The Plan has been reorganized and changes have been made to the arbitration clause and the definitions section. Sections defining claims that are the "same or related" have been clarified and the available claims expense for some "same or related claims" increased. Changes to the Claims Expense section of the Plan have also been made along with other changes to the exclusions.</i> | | |
| D. | Approval of PLF Budget and Assessment | Action | Exhibit |
| | ➤ <i>The 2005 PLF budget will be presented to the BOG for approval as well as the proposed 2005 PLF Assessment. The PLF is seeking an increase in the assessment of \$400. The increase is primarily driven by increased frequency and severity.</i> | | |
| E. | Changes to PLF Policy Manual Involving Personal and Practice Management Assistance | Action | Exhibit |
| | ➤ <i>These are "housekeeping" changes. The changes track the language in ORS 9.568 to describe the services provided to lawyers which uses the term Personal and Practice Management Assistance, not "loss prevention," the term that appears in Policy Manual. Another change incorporates the Mission Statement, updates text with respect to the OAAP location and updates the qualifications for attorney counselors.</i> | | |

4. Closed Session Agenda

2:45 p.m.

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| A. | Reinstatements (Judicial proceeding pursuant to ORS 192.690(1) – separate packet) | Discuss/
Action | green
agenda |
| B. | Litigation and Advice of Counsel (Executive Session pursuant to ORS 192.660(1)(f) and (h) - separate packet) | Discuss/
Action | green
agenda |

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

3:05 p.m.

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| A. | Client Security Fund | | |
| | 1. <i>Gordon v. Anunsen- Pay Claim of \$5,000</i> | Action | Exhibit |

- 2. *Trulson v. McNannay* – Set Aside Findings Action Exhibit
 - 3. *Wilson v. Cederwall* – Set Aside Findings Action Exhibit
 - 4. *Wilson v. Torres* – Set Aside Findings Action Exhibit
- B. MCLE Committee
- 1. BOG Review of MCLE Committee Denial of Credit Action Exhibit
 - *J. Michael Gleeson has asked the BOG to review his application for MCLE credit, which was denied by the MCLE Administrator and the MCLE Committee. Mr. Gleeson has requested the opportunity to appear before the board to present his position.*

3:15 p.m.

C. Elder Law Section

- 1. Request to File *Amicus Curiae* Brief Action Exhibit
 - *The section is asking the board to approve signing on to an amicus curiae brief in the Ninth Circuit. The issue is whether there is a private right of action under 42 USC Sec 1983 to enforce provisions of the Medicaid Act. The Policy and Governance Committee will review the brief prior to the board meeting and make a recommendation.*

6. BOG Committees, Special Committees, Task Forces and Study Groups

3:30 p.m.

A. Budget and Finance Committee [Mr. Hilton]

- 1. Annexation of Bar Center to City of Lake Oswego Action Exhibit
 - *The bar received a letter from the city indicating the "City of Lake Oswego would ... like to invite the Bar to join our community through annexation."*

3:35 p.m.

B. Member Services Committee [Mr. Carter]

- 1. Web conferencing Action Exhibit

- *The committee recommends including \$10,000 in the 2005 budget to offer web conferencing capabilities to bar committees and board entities through a private vendor chosen by staff.*

3:45 p.m.

C. Policy and Governance Committee [Ms. Cook]

1. MCLE Rule Amendments Action Exhibit

- *The committee will review proposed changes to the MCLE Rules and make a recommendation to the full board at the meeting. The changes involve a limitation on teaching credit, a change to clarify there is no credit for law schoolteachers, and a change to clarify there is no further charge for video replays.*

3:55 p.m.

2. OSB/OLF Agreement Action Exhibit

- *The OSB Executive Director, the OLF Executive Director, the OSB General Counsel and the OLF Board of Directors have been working on a redraft of the agreement the OSB has to provide staff and other support to the OLF. The Policy and Governance Committee will review the draft and make a recommendation to the full board at the meeting.*

D. Public Affairs Committee [Mr. Gaydos]

4:05 p.m.

1. General political update Inform

- *Update on Legislative activities.*

4:15 p.m.

2. Update on Joint Interim Judiciary Committee and 2005 OSB Law Improvement Package Inform

- *Report on testimony before Joint Interim Judiciary Committee regarding activities of the bar, its law improvement package of legislative proposals and the final recommendations from the Appellate Structure Committee Report.*

4:25 p.m.

E. Special Committee on Board Relations [Mr. Rawlinson, Mr. Gaydos, Mr. Comstock]

1. Report and Recommendation of the Committee Action Exhibit

- *This report contains a number of proposed changes to the Bar's Bylaws. Bar Bylaw 26 provides as follows:*

Any amendment of the Bar's Bylaws requires notice at a prior Board meeting unless two-thirds of the entire Board waives the notice requirement. The Bar's Bylaws may be amended by affirmative vote of a majority of the entire Board at any regular meeting or at any special meeting of the Board called for that purpose.

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| 7. | Consent Agenda | Action | pink |
| 8. | Default Agenda | Inform | blue |
| 9. | Good of the Order (Non-action comments, information and notice of need for possible future board action) | | |