

**Oregon State Bar  
Meeting of the Board of Governors**

January 28, 2005

**Open Session Agenda**

2/15/2005 11:56 AM

*The Open Session Meeting of the Oregon State Bar Board of Governors will begin at 12:30 p.m. on January 28, 2005, and continue to the morning of January 29, 2005, 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.*

12:00 p.m. – 12:30 p.m.

**1. Work Session**

- *Presentation by the Affirmative Action Program - Stella Manabe, Manager*

12:30 p.m.

**2. Report of Officers**

**A. Report of the President [Ms. Cook]**

1. Meeting with Chief Justice Carson on January 4, 2005 Inform 1-2
2. Focus of Priorities for 2005 Inform

- *Discussion with committee chairs regarding specific charges in addition to three 2005 priorities: improving the image of the profession; increasing the participation of women and minorities in bar activities; and examining the speed of the disciplinary process.*

12:40 p.m.

**B. Report of the President-elect [Mr. Rawlinson]**

1. Update on Current Activities

12:45 p.m.

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

1. Columbia Gorge Hotel Reception for Bar Members Inform

2. Client Success Stories from the Client Assistance Office Inform

12:50 p.m.

3. Professional Liability Fund [Mr. Cannon, Mr. Crow, Mr. Rice]

- A. General Update Inform
- B. Goals and Projects of 2005 Inform
- C. Financial Update Inform

➤ *A report on the current PLF financial picture.*

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

1:00 p.m.

A. Federal Practice and Procedure Committee [Mr. Riemer]

1. Recommendation of 2004 Federal Practice and Procedure Committee that the Board Oppose the Split of the U.S. Court of Appeals for the Ninth Circuit Action 3-7

➤ *The committee considered the recent legislative proposals to split the Ninth Circuit and recommends that the Board of Governors go on record as opposing it.*

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

1:10 p.m.

A. Joint OSB/PLF Committee on Defense of Volunteers and Staff [Mr. Hilton]

1. Adopt Change to New Bar Bylaw 2.107 Action 9-13

➤ *This special committee recommends the board adopt proposed new Bar Bylaw 2.107 which establishes a framework for the board's consideration of requests of volunteers and staff for defense of complaints of professional misconduct arising out of an act or omission occurring in the performance of their official duties on behalf of the bar. Any new bylaw is subjected to the one meeting notice rule (Article 26 of the Bar Bylaws) unless two-thirds of the entire board waive the notice requirement.*

1:20 p.m.

B. Budget and Finance Committee [Mr. Hilton]

1. Future Bar Center Inform 15

➤ *The committee will report on a tentatively scheduled January 27 meeting which is to discuss the vision of a future bar center and related issues.*

1:35 p.m.

C. Committee on the Judiciary [Mr. Hill]

1. Court of Appeals Vacancy Action Handout

➤ *The committee recommends the board approve the attached list of candidates suitable for appointment by the Governor to serve on the Court of Appeals.*

2. Revision to Bar Bylaw 2.703 – Statewide Judicial Appointments Action 17-20

➤ *The committee is recommending the board approve the attached revision of Bar Bylaw 2.703 on Statewide Judicial Appointments. Any bylaw amendment is subject to the one meeting notice rule (Article 26 of the Bar Bylaws) unless two-thirds of the entire board waive the notice requirement.*

1:50 p.m.

D. Member Services Committee [Ms. Cook]

1. Participation in the Bar Inform

➤ *Report on initiative to increase participation of women and ethnic minorities in bar activities.*

2. Recruitment Inform

➤ *Each board member will report on efforts to recruit qualified candidates for the House of Delegates*

3. Events from the Annual Meeting Inform 21-22

➤ *Confirm dates and locations for the 2005 House of Delegates meeting, Legislative Review CLE, Awards Luncheon, and Tent Show.*

## 6. Special Appearances

2:00 p.m. – time certain. Mr. Gleeson will call-in to the board meeting.

### A. MCLE Committee [Ms. Skerjanec]

1. BOG Review of MCLE Committee Denial of Credit Action 23-60

- a. J. Michael Gleeson

➤ *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.*

2:15 p.m.

### B. Oregon New Lawyers Division [Christine Meadows]

2:30 p.m.

### C. ABA Update [Ms. Nelson, Ms. Harbur, Mr. Barton]

1. ABA Update

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

### A. Policy and Governance Committee [Mr. Comstock]

3:00 p.m.

1. MCLE Self Study Action 61-85

➤ *The Policy and Governance Committee is recommending adoption of changes to the MCLE Regulations to clarify that self-study by itself (reading) is not permitted under the rules.*

3:05 p.m.

2. MCE Elimination of Bias Action 61-85

➤ *The Policy and Governance Committee is recommending adoption of changes to the MCLE Regulations to allow programs of substantive law to qualify for elimination of bias credit.*

3:20 p.m.

3. Remaining Issues from Special Committee on Board Relations; Revision to Bar Bylaw 18.6      Action      87-88
  - *The Board of Governors assigned certain issues to the Policy and Governance Committee upon the dissolution of the Special Committee on Board Relations. The committee is recommending an amendment to Bar Bylaw 18.6 to deal with selecting a temporary replacement for a board member suspended under the bylaw. Any new bylaw is subjected to the one meeting notice rule (Article 26 of the Bar Bylaws) unless two-thirds of the entire board waive the notice requirement.*

3:50 p.m.

B. Public Affairs Committee [Mr. Gaydos]

1. Request that Bar Appear as *Amicus Curiae* in *State v. Holbrook*      Action      89-118
  - *Bar member Stephen A. Houze has requested the bar appear as an amicus curiae in the case of State v. Holbrook before the Supreme Court, both as to the court accepting review of the case and on the merits. The Public Affairs Committee recommends the board decline the invitation. Mr. Houze has requested full board review of his request.*
2. *ABA v. FTC/NYSBA v. FTC* (re: Gramm-Leach-Bliley Act)      Action      119-144
  - *Ratify the decision of the Public Affairs Committee that the OSB join in the amicus brief to be filed in the referenced consolidated case, which challenged the FTC's authority to subject attorneys to the requirements of the Gramm-Leach-Bliley Act.*

4:00 p.m.

3. General Political Update      Inform      145-147
  - *Update on committee assignments, schedules, and activities.*

4:10 p.m.

4. Additional Changes to ORS Chapter 9      Action      149-152
  - *SB 272 (LC 449) regarding proposed changes to the Bar Act has been pre-session filed. Additional proposals have been recommended for consideration*

*by the board, including changes to the Client Security Fund and State Lawyers Assistance Committee statutes.*

4:20 p.m.

5. Judicial Election Initiatives Action 153-158

➤ *Two new initiatives relating to the elimination of designation of incumbency in judicial elections and the Judicial Accountability Act have been filed.*

8. Consent Agenda Action pink

9. Closed Session Agenda

4:40 p.m.

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

10. Default Agenda Inform blue

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