

Oregon State Bar
Meeting of the Board of Governors
June 24-25, 2005
Open Session Agenda

The Open Session Meeting of the Oregon State Bar Board of Governors will begin at 11:15 a.m. Friday, June 24, 2005, 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.

11:15 a.m. – 12:15 p.m.

1. Work Session – General Counsel

12:15 p.m.

2. Report of Officers

Mr. Rawlinson and Mr. Hilton will participate by phone. 888-272-7337 (2374990)

A. Report of the President [Ms. Cook]

- | | | | |
|----|---|--------|------|
| 1. | Meeting with the Douglas County Bar Association – April 11, 2005 | Inform | |
| 2. | Professionalism Speech to Third Year University of Oregon Law Students - April 15, 2005 | Inform | |
| 3. | ABA Lobby Day – April 26-29, 2005 | Inform | |
| 4. | Update on the House of Delegates List Serve Discussion Regarding the February Bar Exam | Inform | 1-11 |
| 5. | Jury Appreciation Day – May 4, 2005 | Inform | |
| 6. | Meeting with the Columbia County Bar Association – May 9, 2005 | Inform | |
| 7. | Testify for the Oregon Judicial Department Budget – May 10, 2005 | Inform | |
| 8. | Commission on Professionalism – May 12, 2005 | Inform | |
| 9. | The Vanishing Trial – June 2, 2005 | Inform | |

- 10. Meeting with the Cascade Women Lawyers - June 21, 2005 Inform
- 11. Meeting with Chief Justice Carson on June 22, 2005 Inform Handout
- B. Report of the President-elect [Mr. Rawlinson]
 - 1. Strategic Planning Retreat Inform
 - *Ideas for retreat will be discussed.*
- C. Report of the Executive Director [Ms. Garst]
 - 1. ASQ Leadership Conference Inform
 - *Ms. Garst will report on a recent conference she attended in Seattle sponsored by the American Society on Quality regarding benchmarking performance measures.*
 - 2. Media Relations Work Inform 13-14
 - *Steve Duin column and work done by Kateri Walsh.*
 - 3. Changes in 2006 BOG Meeting Schedule Inform 15-18
 - *Updates for the BOG Handbook.*
- D. Oregon New Lawyers Division [Christine Meadows] Inform
- 3. **Professional Liability Fund [Mr. Cannon, Mr. Santiago, Mr. Martinez]**

12:45 p.m.

 - A. General Update Inform
 - B. April 30, 2005 Fiscal Report and Report on 2004 Audit Inform 19
 - C. Revision of PLF Bylaws Article Relating to Indemnity - Article 10 Action 21-27
 - *The Board of Directors seeks to adopt a new Indemnity Provision consistent with the BOG's recent adoption of new provisions relating to providing defenses for disciplinary complaints and other litigation matters.*

- D. Removal of Directors – Article 3 Action 29-33
- *The Board of Directors seeks to add a provision to its bylaws that allows the removal and/or suspension of BOD members for actions that are inconsistent with the best interests of the PLF.*
- E. Revision of PLF Policy Manual Relating to Practice Management Action 35-41
- *These are technical changes to the PLF policies conforming text to statutory language and OSB bylaws. (Action Item)*

1:15 p.m.

4. Special Appearances

- A. ABA Update [Adrienne Nelson] Inform

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

1:30 p.m.

- A. Client Security Fund [Mr. Comstock]

1. William Judy Action 43-61

- *Consider the CSF Committee's recommendation to pay two claims; review the Committee's denial of two others, as requested by the claimants.*

- B. MCLE Committee [Ms. Skerjanec]

1. Review of MCLE Committee Denial of Credit Action 63-81

- *Barry Adamson has asked the BOG to review his application for MCLE credit, which was denied by the MCLE Administrator and the MCLE Committee.*

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

3:00 p.m.

- A. Access to Justice [Ms. Eyerman]

1. Appointment to Oregon Legal Aid Planning Commission Action 83-95

- *The Access to Justice Committee is making a recommendation to the BOG regarding the five at-large BOG appointments to the Oregon Legal Aid Planning Commission.*

2. Request for *Amicus Curiae* Participation of Action Handout
Oregon State Bar in *Velazquez v. Legal Services Corporation*

- *The bar participated as an amicus in this litigation involving LSC restrictions on the use of federal funds for the provision of legal services to the poor. The district court judge's decision is now being appealed. The bar again is being requested to sign on as an amicus in the foregoing case pending in the U.S. Court of Appeals for the Second Circuit. Both the plaintiff and defendant are appealing various rulings of the district court to the Court of Appeals. The plaintiff, the party the bar would be supporting, is seeking to uphold the district court judge's preliminary injunction that, subject to various procedures and disclaimers, one legal services program can provide restricted services using federal funds and unrestricted services using non-federal funds. The district court ruled that the LSC restrictions against one program providing both services were unconstitutional. LSC is appealing that ruling.*

The Access to Justice Committee is being asked to present a recommendation to the full board regarding the bar's amicus appearance in this case pursuant to Bar Bylaw 2.105.

3:10 p.m.

B. Budget and Finance Committee [Mr. Hilton]

1. Future Bar Center Inform 97-103

- *The committee will report on its review of the architect's research on the possible expansion of the existing bar center and the latest information on the S.W. 5th Avenue building in downtown Portland.*

3:40 p.m.

C. 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 | |
| | ➤ <i>Candidates for upcoming Board of Governors vacancies; all positions uncontested.</i> | | |
| 3. | Online CLE Publications | Inform | 105 |
| | ➤ <i>Results of advisory vote and future communications to the House of Delegates regarding online CLE publications.</i> | | |

4:00 p.m.

D. Policy and Governance Committee [Mr. Comstock]

- | | | | |
|----|---|--------|---------|
| 1. | Section Donations/Change to Bar Bylaws | Action | 107-110 |
| | ➤ <i>The committee recommends approval of a request from the Labor and Employment Section to make a donation to the Carlton Snow scholarship fund. The committee is also recommending a change to allow scholarships to law students who are not necessarily the top students in the class. Finally, a change is recommended in Bar Bylaw 15.401 to allow the executive director to approve such requests instead of the board. Any new bylaw 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.</i> | | |
| 2. | Change to Diversity Bar Bylaw to Add Religion | Action | 111 |
| | ➤ <i>The committee recommends a change to Article 10, Diversity of the Bar Bylaws, to add "religion" as a basis for which any bar entity may not discriminate. Any new bylaw 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.</i> | | |
| 3. | Adoption of an Appointment Process for Bar Bylaw 18.6 Suspension | Action | 113-115 |
| | ➤ <i>The committee made minor changes to the language proposed at the board's April meeting and is recommending the changes be adopted. Any new bylaw 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.</i> | | |
| 4. | SLAC Changes | Action | 117-130 |
| | ➤ <i>The committee is recommending the changes in the Bar Bylaws proposed by the State Lawyers Assistance Committee in order to conform them to legislation submitted by the bar this legislative session. These changes would authorize SLAC to provide monitoring and supervision to lawyers on</i> | | |

disciplinary diversion or who are conditionally admitted. Any new bylaw 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.

5. Election Date in Uncontested Elections Action 131-133
- *The Policy and Governance Committee will make a recommendation on this issue at its June 24 meeting. The statute allows the board to declare a candidate elected when there is no contest. A revision to the Bar Bylaws is proposed to deal with this situation now and in the future. Any new bylaw 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.*
6. Redistricting Action
- *The committee examined the statistics involved with this issue and is recommending deferral until 2008 or until consideration is made to add an additional board member. The statistics have not changed significantly since the last redistricting in 1997 and any changes would necessitate a geographic expansion of Region 1, which is not desired at this time.*
7. Employment Ad Policy for the *Bulletin* Action 135
- *The committee will make a recommendation determining whether the Bulletin advertising policies permit or should permit placement of employment ads by the U.S. Army National Guard.*

Saturday, June 25, 2005

9:00 a.m.

E. Public Affairs Committee [Mr. Gaydos]

1. General Political Update Inform
- *Update on political activities and session end as well as ONLD Legislative Program.*
2. Status of Bar Sponsored Package of Legislation Inform 137-139
- *Update on the status of bills sponsored by the bar for the 2005 legislative session.*
3. Alternative Minimum Tax Draft BOG Resolution Inform 141-146

- *Drafted resolution for PAC to consider and forward to the Board of Governors regarding the repeal of the Alternative Minimum Tax as it relates to attorney fees.*

9:30 a.m.

F. Public Member Selection [Mr. Enbom]

- | | | | |
|----|----------------------------------|--------|-----|
| 1. | Appointment of New Public Member | Action | 147 |
|----|----------------------------------|--------|-----|

- *The committee recommends the appointment of Jon Hill to replace Phyllis Edmundson on the BOG and serve the remainder of her term, which will expire 12/31/07. The committee will review the public member selection timeline and recruit a new public member for a four- year term.*

9:35 a.m.

- | | | | |
|----|-----------------------|--------|------|
| 7. | Consent Agenda | Action | pink |
| 8. | Default Agenda | Inform | blue |
| 9. | Closed Session Agenda | | |

9:40 a.m. – 10:40 a.m.

Mr. Sapiro will participate by phone. 888-272-7337 (2374990)

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