

Oregon State Bar
Meeting of the Board of Governors
 August 19, 2005
Open Session Agenda

The Open Session Meeting of the Oregon State Bar Board of Governors will begin at 10:15 a.m. on August 19, 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.

10:15 a.m. – 11:30 a.m.

1. Closed Session Agenda

- | | | | |
|----|--|--------------------|-----------------|
| 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 |

11:30 a.m. – 12:30 p.m.

2. Department Presentation

- *Rod Wegener, the Chief Financial Officer of the bar, will make a presentation on the programs he manages in the Finance and Operations Department of the bar.*

12:30 a.m.

3. Report of Officers

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|----|--|--------|---------|
| A. | Report of the President [Ms. Cook] | | |
| 1. | Meeting with Chief Justice Carson on August 11, 2005 | Inform | Handout |
| 2. | Preparation for HOD Meeting | | |
| a. | Regional HOD Meetings | Inform | |
| 3. | Ethics in 18 Holes | Inform | |
| 4. | Judge Rosenblum's Investiture | Inform | |
| 5. | Depositions | Inform | |
| 6. | Convocation at University of Oregon | Inform | |

- B. Report of the President-elect [Mr. Rawlinson]
 - 1. November Retreat Inform
- C. Report of the Executive Director [Ms. Garst]
 - 1. Miscellaneous Inform
- D. Oregon New Lawyers Division [Christine Meadows, Inform
by phone (888-272-7337, ID - 1717200)]

4. Professional Liability Fund [Mr. Cannon, Mr. Santiago, Mr. Martinez]

1:00 p.m.

- A. Update Inform
- B. Report on PLF Defense Panel Training Inform
- C. Fiscal report Inform 1-8
- D. Approval of Changes to PLF bylaw Action 9-10
Article III, relating to removal of directors

➤ *This proposal addresses the process for the PLF BOD to recommend to the BOG removal of a PLF director.*

1:30 p.m.

5. Rules and Ethics Opinions

- A. Legal Ethics Opinion
 - 1. Re-issue OSB Formal Ethics Opinions Action 11-33
1991-1 thru 2004-175

➤ *Consider the recommendation of the Legal Ethics Committee to re-issue OSB Formal Ethics Opinions 1991-1 to 2004-175 as Opinions 2005-1 through 2005-175; the opinions have been revised to conform to the new Oregon Rules of Professional Conduct.*

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

1:40 p.m.

A. Client Security Fund [Mr. Comstock]

1. Request to Reconsider Denied Claim Action 35-36
Warren v. Judy No. 02-08

➤ *Review the CSF Committee's recommendation that the Warren v. Judy claim be paid despite the Committee's denial of the claim and the claimant's failure to request review.*

2. Retain Counsel in Ohio for Two CSF Claims Action 37-38

➤ *Consider the committee's request to authorize the retention of counsel in Ohio to pursue judgment of nondischargeability in connection with two CSF claims.*

1:50 p.m.

B. MCLE Committee [Ms. Skerjanec]

1. MCLE Committee Denial of Credit to the Action 39-57
Workers Compensation Section

➤ *The Workers' Compensation Section Executive Committee has asked the BOG to review the denial of its application for CLE accreditation for one of two sessions held during the 23rd Annual Workers' Compensation Annual Meeting. The session was entitled "Myths and Realities of Motivation and Helping People Realize their Potential" and was presented by Mark Speckman, head football coach at Willamette University.*

2:00 p.m.

C. Federal Practice and Procedure Committee

1. 9th Circuit Court of Appeals Split Action 59-89

➤ *The Federal Practice and Procedure Committee is recommending the board take a position against the split of the 9th Circuit Court of Appeals.*

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

2:15 p.m.

A. Access to Justice Committee [Ms. Eyerman]

1. Change to Legal Services Program Standards and Guidelines – Presumptive Funding Limit Action 91-113

➤ *The committee is recommending that the BOG approve raising the presumptive funding limit found in the Legal Services Program Standards and Guidelines. The amount of filing fees collected in 2004 for the Legal Services Program exceeded the level of presumptive funding set in 1998 and found at Section V.A.1. of the OSB-LSP Standards and Guidelines.*

2. Loan Repayment Assistance Program Report Inform

2:45 p.m.

B. Budget and Finance Committee [Mr. Hilton]

1. 2006 Executive Summary Budget Inform 115-133

➤ *This is the first look at the 2006 budget and the recommendations from the committee.*

2. 2006 Member Fee Resolution Action Page 249

➤ *The fee resolution must be approved by the board for inclusion on the HOD agenda.*

3. Future Bar Center Inform 135-152

➤ *The committee has reviewed numerous issues and is making recommendations to the board on how to proceed with the exploration for a bar center in the future.*

3:30 p.m.

C. Committee on the Judiciary [Mr. Hill]

1. Proposed revision of Bar Bylaw 2.703 – Statewide Judicial Appointments Action 153-158

➤ *Committee on the Judiciary recommendation that the board approve a revised Bar Bylaw 2.703 (Statewide Judicial Appointments). 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.*

D. Member Services Committee [Ms. Cook]

1. OSB Leadership College Action 159-161
 - *The committee recommends approval of the new Oregon State Bar Leadership College for 2006. The mission of the college will be to recruit, train, and retain emerging leaders for the legal community and the Oregon State Bar.*
2. Online CLE Publications Action Handout
 - *The committee will propose a board position on the Online CLE Publications proposal for consideration by the House of Delegates.*
3. Tent Show [Dennis Rawlinson] Inform
 - *Update on planning for the 2005 tent show, scheduled for November 4.*

3:40 p.m.

E. Policy and Governance Committee [Mr. Comstock]

1. Past-president on Board of Governors Action 153-169
Charles Williamson will attend by phone (888-272-7337, ID - 1717200)
 - *The committee is recommending that the past-president serve “ex-officio” on the board the year following the presidency. The person’s expense would be paid, but they would not have a vote on 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.*
2. Changes Oregon Rules of Professional Conduct Regarding IOLTA Action 171-178
 - *The Oregon Law Foundation and the General Counsel’s office have proposed changes to Oregon RPC 1.15-1 and 1.15-2 for submission to the House of Delegates. The changes are intended to clarify the IOLTA requirements for out-of-state members and to comply with banking practice.*
3. Disciplinary Sanctions on Bar’s Website Action 179-193
 - *The committee is recommending that disciplinary suspensions (reprimand, suspension, and disbarment) be placed in the public member directory on the website.*

4. Non-discrimination for MCLE Accreditation Action 195-196
 - *The committee recommends adoption of a non-discrimination rule for accreditation of CLE programs for MCLE. The rule must be approved by the Oregon Supreme Court.*
5. Military Ads in the Bulletin Action 197-244
 - *The committee recommends adopting a policy that creates an exception to the current advertising policy for the United States Armed Forces. 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.*

4:40 p.m.

F. Public Affairs Committee [Mr. Gaydos]

1. General political update Inform
 - *End of session update*

4:50 p.m.

G. Public Member Selection Committee [Mr. Enbom]

1. Selection of BOG Public Member Finalists for Interviews Inform

4:55 p.m.

H. HOD Agenda

1. HOD 2005 Fee Resolution
 - a. Approve the 2006 Fee Resolution for the HOD Agenda Action 245 & 249
 - *This resolution would make the 2006 bar fees the same as those for 2005.*
2. 2005 HOD Agenda
 - a. Approve the agenda for the 2005 HOD Annual Meeting Action 247-254
 - *The board will meet in open session to approve the proposed House of Delegates annual meeting agenda.*

5:25 p.m.

8. Consent Agenda
9. Default Agenda
10. Good of the Order (Non-action comments, information and notice of need for possible future board action)