

**Oregon State Bar**  
**Meeting of the Board of Governors**  
September 28-29, 2007  
**Open Session Agenda**

The Open Session Meeting of the Oregon State Bar Board of Governors will begin at 11:00 a.m. on September 28, 2007; 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.

**Friday, September 28, 2007**

**1. Report of Officers**

11:00 a.m.

A. Report of the President [Mr. Menashe]

1. Meeting with Chief Justice Paul J. De Muniz  
August 6, 2007 Inform 1-2  
  
September 17, 2007 Inform Handout
2. Reinstatement Protocol Inform 3  
  
➤ *Staff has drafted an outline for presentations on reinstatements for the board to discuss and approve.*
3. OSB President's Schedule of Events Inform 5  
  
➤ *The exhibit indicates events that the OSB President has attended since the last BOG meeting.*

11:15 a.m.

B. Report of the President-elect [Mr. Yugler]

1. Final Board Schedule for 2008 Inform 7
2. Meetings, Conferences, and Fundraisers Inform  
  
➤ *Rick will update the board on events/meetings he has attended since the last board meeting including NCBP Conference, meetings with Chief Justice, HOD Regional Meetings, Fundraisers, PLF Board Meeting, Defense Panel Conference, and the Investment Committee.*

- 3. Past Presidents' Council Inform

11:25 a.m.

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

11:30 a.m.

- D. Board Member Reports

11:35 a.m.

➤ *This section of the BOG agenda is designed for board members to report briefly on news from their regions or contacts with sections, committees, and other bar entities.*

**2. Professional Liability Fund [Mr. Cannon]**

11:55 a.m.

- A. General Update [Mr. Cannon, Mr. Cave]
  - 1. Financial Report Inform
  - 2. Moving Update Inform
  - 3. 2008 NABRICO Inform
- B. Approve 2008 PLF Budget Action 9
- C. Approve 2008 PLF Primary Program Assessment Inform 11-42
- D. Actuarial Review of PLF Primary Program Claim Liabilities Inform 43-67
- E. Amend PLF Exclusion 5 Relating to the Business Activities of Covered Parties Action 69-71
- F. Amend PLF Exclusion 10 Relating to Attorney Fees Action 73-75
- G. Amend PLF Exclusions 2 and 4 Relating to Wrongful Conduct Action 77-79
- H. Amend PLF Exclusion 20 Relating to Contractual Obligation Exclusion Action 81-83

12:25 p.m.

**3. Special Appearances**

A. Diversity Section [Mary Crawford]

1. Proposed EOB Resolution Action 85-87

**4. Rules and Ethics Opinions**

1:00 p.m.

A. Ethics Committee [Ms. Stevens]

1. Proposed Formal Ethics Opinion on Trial  
Publicity Action 89-102

1:30 p.m.

2. Proposed Formal Ethics Opinion on Indigent  
Defense Caseloads Action 103-134

1:50 p.m.

B. SPRB [Mr. Gerking]

1. Proposal for Rule Limiting the Activities  
Disciplined Lawyers May Perform in a Law  
Firm Action 135-153

➤ *SPRB seeks direction from the board whether to continue working on a proposed rule that would restrict the type of activities a disbarred, suspended, or resigned lawyer may perform while employed by a law firm.*

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

2:05 p.m.

A. MCLE Committee [Ms. Skerjanec]

1. OWLS Request for Review of MCLE  
Committee's Decision Action 155-252

➤ *Request to review CLE accreditation for a 75 minutes panel presentation entitled Community and Volunteer Involvement. This presentation was a breakout session at the May 4, 2007 Women as Leaders CLE program.*

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

A. Access to Justice Committee [Ms. Eyerman]

2:20 p.m.

1. LSPC Recommendation to Increase Administrative Filing Fee Action 253-254

➤ *The Legal Services Program Committee is making a recommendation to OSB Board of Governors to increase the filing fee administrative fee from \$90,000 to \$108,000.*

2. LSPC Recommendation to Increase General Action Fund Appropriation for Legal Aid for 2007-2009 255-259

➤ *The Legal Services Program Committee is making recommendations to the Board of Governors regarding the General Fund appropriation of \$700,000 to the OSB to fund increased costs for legal aid during the 2007-09 biennium.*

B. Budget and Finance Committee [Mr. Greene]

2:25 p.m.

1. New Bar Center Inform 261-263

➤ *The board will be updated on the latest information on the construction and cost of the new bar center.*

C. Policy and Governance Committee [Mr. Gerking]

2:55 p.m.

1. Change in Alcohol Policy Action 265-266

➤ *The committee is recommending a change in bar policy to allow bar funds to be used to purchase alcohol for official events.*

3:10 p.m.

2. Reciprocity with Alaska Action 267-268

➤ *Alaska is willing to enter into a reciprocity agreement with the Oregon State Bar.*

D. Public Affairs Committee [Mr. Gaydos]

3:20 p.m.

1. Political Update Inform No Exhibit
  - Update on upcoming election cycle, ongoing projects and February special session.

3:30 p.m.

2. Pending Initiatives Action 269-275
  - PAC recommendation to BOG on proposed HOD resolutions regarding pending initiatives that affect the justice system.

E. Public Member Selection Committee [Ms. Worcester]

3:50 p.m.

1. Board of Governors Public Member Recommendation Action 277-280
  - The committee conducted its interviews in August and is recommending a new public member for the board approval.

7. HOD Agenda

- The board needs to decide if it will take a position on the resolutions and who will present the board's position.

*The HOD Agenda items are listed in the order they appear in the agenda.*

3:55 p.m.

1. 2008 Membership Fee Action 281
2. Mileage Reimbursement for HOD Members Action 281
3. Amend ORS 12.020(1) Action 281-282
4. In Memoriam Action 282
  - Ms. Fabien will present. The following will be added to the list: Dana A. Anderson and Jack L. Sollis. To be removed from the list John Salisbury. If you know of additional names please let Ms. Fabien know.

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|-----------------------|---|--------------------|--------------------|
| 5.                    | Record of Proceedings   | Action             | 282-283            |
| 6.                    | Support Adequate Funding  | Action             | 283-284            |
| 7.                    | Continue the Current Policy Prohibiting the Use of Bar Funds for the Purchase of Alcoholic Beverages            | 284                |                    |
| 8.                    | Restore Decision to Ban Military Advertisement in OSB Publications  | Action             | 284-285            |
| 8.                    | <b>Consent Agenda</b>   | <b>Action</b>      | <b>pink</b>        |
| 9.                    | <b>Default Agenda</b>   | <b>Inform</b>      | <b>blue</b>        |
| 4:00 p.m. – 5:00 p.m. |   |                    |                    |
| 10.                   | <b>Special Appearance</b>   |                    |                    |
|                       | A. Oregon Minority Lawyers Association  |                    |                    |
| 11.                   | <b>Closed Session Agenda</b>  |                    |                    |
|                       | A. Reinstatements (Judicial proceeding pursuant to ORS 192.690(1) – separate packet)                            | Discuss/<br>Action | lavender<br>agenda |
|                       | B. General Counsel/UPL Report (Executive Session pursuant to ORS 192.660(1)(f) and (h) - separate packet)       | Discuss/<br>Action | green<br>agenda    |
| 12.                   | <b>Good of the Order (Non-action comments, information and notice of need for possible future board action)</b> |                    |                    |