

Oregon State Bar
Meeting of the Board of Governors
September 11, 2008
Open Session Agenda

The Open Session Meeting of the Oregon State Bar Board of Governors will begin at 10:00 a.m. on September 11, 2008, and continue to the morning of September 13, 2008, 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.

Thursday, September 11, 2008

1. Call to Order/Finalization of the Agenda Action

10:00 a.m.

2. Work Session - Public Affairs

3. Report of Officers

10:20 a.m.

A. Report of the President [Mr. Yugler]

1. President's Report Inform
2. Meeting with Chief Justice Paul J. De Muniz Inform A-B
August 28, 2008
3. Approve Executive Director Contract Action 1-7

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

10:35 a.m.

1. Discussion of 2008 BOG Retreat Inform
2. Miscellaneous Inform

10:50 a.m.

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

11:00 a.m.

D. Report of Oregon New Lawyers Division [Mr. Chi] Inform 9

4. Board Members' Reports Inform

11:05 a.m.

- *Board members will report briefly on news from their region or contacts with sections, committees, or/and other bar entities.*

5. Professional Liability Fund [Mr. Cave]

11:25 a.m.

- A. PLF Update
- B. Approve PLF Assessment and Budget Action 11-44
- C. Approve Changes to PLF Coverage Plan
 - 1. Section I.8 Damages Action 45-46
 - 2. Section V.4.b. Exclusion for Bad Faith/Sanctions Action 46
 - 3. Section V.20.a. - Special Capacity/Voluntarily Assumed Obligations Action 47-48
 - 4. Section IX.1.h – Assistance, Cooperation and Duties of Covered Party Action 48-50
- D. Approve Changes PLF Excess Plan
 - 1. Section XIV Action 51-53

11:45 a.m.

- E. Joint Salary Study – PLF CEO – OSB ED Action 55
- *The PFL BOD is requesting that the BOG form a joint PLF BOD/BOG committee to select a consultant to conduct a salary study of the PLF CEO and OSB ED positions with the PLF and OSB sharing the cost of the consultant.*

6. Special Appearances (Mr. Sapiro will participate by phone)

1:00 p.m.

- A. Admissions Task Force Report Action 57-69
- *The Admissions Task Force has completed its study of how we test and admit applicants to practice law in Oregon. The task force recommends certain changes to the bar examination. The task force report will be presented by chairperson Albert Menashe.*

7. Rules and Ethics Opinions

1:15 p.m.

- A. Proposed Formal Ethics Opinion Action 71-94

- *Consider the Legal Ethics Committee's recommendation to issue the exhibit in the agenda as a formal legal ethics opinion of the Oregon State Bar.*

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

1:30 p.m.

A. Budget and Finance Committee [Greene]

1. New Bar Center Purchase Inform 95-100
 - *The latest information on the purchase of the building from Opus Northwest will be shared at the meeting.*
2. 2009 Executive Summary Budget Inform 101-114
 - *The summary budget has been reviewed by the Budget & Finance Committee and this is a first-look at the 2009 budget and the five-year forecasts. The status will be reported at the board meeting.*
3. Addition of One Managerial Position Action 115-117
 - *Incorporated into the 2009 budget is a request for a manager position for the bar's Information & Design Technology Department. The executive director is requesting authorization to begin the search for the position now.*

B. Public Affairs Committee [Fisher]

2:00 p.m.

1. Political Update Inform No exhibit

2:05 p.m.

2. Measure 59 Action 119-122
 - *Consider PAC recommendation to oppose Ballot Measure 59, which creates an unlimited deduction for federal income taxes on Oregon returns, because of the potentially negative impact on Oregon's judicial system budget.*

2:15 p.m.

3. Appellate Process Review Committee Report Revisited Action 123-130

➤ *Consider PAC recommendation to accept 2008 findings regarding the status of the appellate court system in Oregon.*

2:25 p.m.

4. Multnomah County Court Facility Resolution Action 131-137

➤ *Consider request to support Multnomah County resolution to eliminate state preemption of document recording fee and redirect funds for local court facility use.*

C. Public Member Selection [Worcester]

2:35 p.m.

1. 2009 BOG Public Member Recommendation Action Handout

➤ *The committee conducted its interviews in August and is recommending a new public member for the board's approval.*

9. 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.*

2:40 p.m.

1. House of Delegates Agenda Inform 139-150
2. Provision of Legal Services Following Determination of a Major Disaster (Item 9) Action 141-143
3. Alternate Delegates (Item 10) Action 143-144
4. Adoption of Oregon RPC 1.6(b)(7) (Item 11) Action 144-145 and 151-153

➤ *Consider whether to formulate a possible amendment to the pending proposal to offer during the HOD meeting.*
5. Encouraging Sustainability (Item 12) Action 145
6. OSB Paralegal Certification (Item 13) Action 145
7. Sentencing Fiscal Impact Statements (Item 14) Action 145

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|-----|---|--------|---------|
| 8. | Creation of House of Delegates Executive Committee (Item 15) | Action | 145-146 |
| 9. | Amendment to House of Delegates Quorum Requirement (Item 16) | Action | 146 |
| 10. | Fair Compensation for Those Practicing Public Defense Law in Oregon (Item 17) | Action | 146-147 |
| 11. | Adequate Funding of Legal Services for All Citizens (Item 18) | Action | 147-148 |
| 12. | Adequate Funding of Legal Services for Low Income Oregonians (Item 19) | Action | 148-149 |
| 13. | Adequate Funding of Legal Services for Low Income Oregonians - Revised | Action | 154 |
| 14. | Create Elected Consumer Insurance Advocate (Excluded Item) | Action | 149 |

10. Consent Agenda

Action pink

11. Default Agenda

Inform blue

12. Closed Session Agenda

3:40 p.m.

- | | | | |
|----|---|--------------------|--------------------|
| A. | Reinstatements (Judicial proceeding pursuant to ORS 192.690(1) – separate packet) | Discuss/
Action | lavender
agenda |
|----|---|--------------------|--------------------|

4:00 p.m.

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|----|--|--------------------|-----------------|
| B. | General Counsel/UPL Report (Executive Session pursuant to ORS 192.660(1)(f) and (h) - separate packet) | Discuss/
Action | green
agenda |
|----|--|--------------------|-----------------|

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

**Oregon State Bar
Board of Governors
September 11, 2008
Default Agenda**

11. Default Agenda

- A. Executive Director
 - 1. Operations Report Inform 171-178
 - 2. Status of Actions from Past Board Meetings Inform 179
- B. Access to Justice Committee
 - 1. Minutes – July 18, 2008 Inform 181-183
 - 2. Minutes – August 15, 2008 Inform 185-186
- C. Budget and Finance Committee
 - 1. Minutes - August 15, 2008 Inform 187-188
- D. Member Services Committee
 - 1. Minutes – July 18, 2008 Inform 189-190
 - 2. Minutes – August 15, 2008 Inform 191-192
- E. Policy and Governance Committee
 - 1. Minutes – July 18, 2008 Inform 193
 - 2. Minutes – August 15, 2008 Inform 195-196
 - 3. Joint Meeting with Member Services Committee - August 15, 2008 Inform 197-198
- F. Public Affairs Committee
 - 1. Minutes – July 18, 2008 Inform 199
- G. Public Member Selection
 - 1. Minutes – July 18, 2008 Inform 201
- H. CSF Claims Report Inform 203-205

**Oregon State Bar
Board of Governors
September 11, 2008
Consent Agenda**

10. Consent Agenda

A. Approve Minutes

1. Minutes of Open Session

- | | | | |
|----|-----------------|--------|---------|
| a. | July 18, 2008 | Action | 155-160 |
| b. | August 1, 2008 | Action | 161-162 |
| c. | August 15, 2008 | Action | 163 |

2. Minutes of Executive Session

- | | | | |
|----|---------------|--------|-----|
| a. | July 18, 2008 | Action | 165 |
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3. Minutes of Judicial Proceedings

- | | | | |
|----|---------------|--------|---------|
| a. | July 18, 2008 | Action | 167-168 |
|----|---------------|--------|---------|

B. Appointments Committee

Action Handout

- *The Appointments Committee will have a handout of standard committee and board appointments available at the meeting for the consent agenda.*

C. Client Security Fund

1. CSF Claim Recommended for Payment

- | | | | |
|----|--|--------|-----|
| a. | No. 07-20 <i>Bothwick (Botorf) v. Dunn</i> | Action | 169 |
|----|--|--------|-----|

**OREGON STATE BAR
MEETING OF THE BOARD OF GOVERNORS
Schedule of Events
September 10-14, 2008
9/9/2008 5:15 PM**

Meeting Place Sunriver Resort **Phone:** 800-801-8765
P.O. Box 3609
17600 Center Drive
Sunriver, OR 97707

Wednesday, September 10, 2008

6:30 p.m. – 7:30 p.m. **Cocktails**

7:30 p.m. – 9:00 p.m. **Dinner – BOG and Guests**
Marz Bistro
163 NW Minnesota
Bend, OR 97701

541-389-2025



Thursday, September 11, 2008

7:00 a.m. – 9:00 a.m. **Breakfast – Homestead I**

8:30 a.m. – 5:00 p.m. **Committee and Board Meetings – Homestead II and III**
Sunriver Resort
P.O. Box 3609
17600 Center Drive
Sunriver, OR 97707



8:00 a.m. – 8:30 a.m. **Appointments Committee** (Evans, Gerking, Fisher, Johnnie, Piucci, Vieira, Wright) * **Homestead III**

8:30 a.m. – 9:00 a.m. **Public Affairs Committee** (Fisher, Gaydos, Johnson, Piucci, Skerjanec, Vieira) **Homestead II**

9:00 a.m. – 10:00 a.m. **Member Services Committee** (Gaydos, Wright, Johnson, Fisher, Johnnie, Kent) ** **Homestead III**

10:00 a.m. – 5:00 p.m. **Board Meeting – Homestead II**

12:00 p.m. – 1:00 p.m. **Lunch – Homestead I**

6:00 p.m. – 7:30 p.m.



**Reception /Dinner –Kick-off for Futures Conference
Homestead I**

Sunriver Resort
17600 Center Drive
Sunriver, OR 97707

800-801-8765

* and ** indicate committees which have no overlap and can meet at the same time.

Friday, September 12, 2008

8:00 a.m. – 5:00 p.m.



Futures Conference

Riverhouse
3075 N Highway 97
Bend, OR 97701

541-389-3111

5:00 p.m. – 6:30 p.m.

Futures Conference Reception

Riverhouse
3075 N Highway 97
Bend, OR 97701

541-389-3111

7:30 p.m. – 9:00 p.m.

Dinner – BOG, Staff, PLF, and Guests

Pine Tavern Restaurant
967 Northwest Brooks Street
Bend, OR

541-382-5581

Saturday, September 13, 2008



HOD Meetings

Sunriver Resort

8:00 a.m. – 10:00 a.m. **Breakfast - Great Hall**

9:00 a.m. – 10:00 a.m. **Delegate Orientation**

Homestead I

Sunriver Resort

9:00 a.m. – 10:00 a.m. **Out-of-State HOD Meeting**
Sunriver Resort
Gallery 712 by River Lodges

9:00 a.m. – 10:00 a.m. **Local Bar Presidents' Meeting**
Sunriver Resort
Gallery 707 by River Lodges

10:00 a.m. – 2:00 p.m. **House of Delegates Meeting**
Sunriver Resort
Homestead I

5:30 p.m. – 7:00 p.m. **Dinner – BOG, Staff, PLF, and Guests**
Trout House 541-593-8880
57235 River Rd.
Sunriver, OR 97707



Sunday, September 14, 2008



8:30 a.m. – 9:00 a.m. **Breakfast - Fireside Room**

9:00 a.m. – 10:30 a.m. **President-elect Interviews – Fireside Room**

10:30 a.m. – 11:30 a.m. **President-elect Nomination Committee Deliberation**
(Gaydos, Gerking, Skerjanec, Worcester, Yugler)
Fireside Room

Business Casual Attire



Casual Attire



Let's Dress Up



No Meeting

Policy and Governance Committee (Gerking, Worcester, Evans, Greene, Lehner, Matsumonji, Vieira) **

No Meeting

Executive Director Search Special Committee (Skerjanec, Fisher, Gaydos, Johnnie)

No Meeting

Budget and Finance Committee (Green, Skerjanec, Gaydos, Kent, Lehner, Worcester) *

No Meeting

Access to Justice Committee (Wright, Vieira, Gerking, Kent, Lehner, Matsumonji)

No Meeting

Public Member Selection Committee (Worcester, Lehner, Greene, Johnnie, Vieira)

No Meeting

Appellate Screening Committee (Evans, Gerking, Johnson, Greene, Matsumonji)