

Oregon State Bar
Meeting of the Board of Governors
February 6, 2009
Open Session Agenda

The Open Session Meeting of the Oregon State Bar Board of Governors will begin at 12:00 p.m. on February 6, 2009; 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, February 6, 2009

- 1. Call to Order/Finalization of the Agenda** Action
1:00 p.m.
- 2. Work Session - Member Services**
1:20 p.m.
- 3. Swearing in of Officers**
 - A. Michelle C. Garcia Action 1
 - B. Barbara m. DiIaconi Action 2
- 4. Report of Officers**
 - A. Report of the President [Mr. Gaydos]
 1. Miscellaneous Inform
 - B. Report of the President-elect [Ms. Evans]
 1. Miscellaneous Inform
 - C. Report of the Executive Director [Ms. Schmid]
 1. Miscellaneous Inform
 - D. Oregon New Lawyers Division [Mr. Williamson]
 1. ONLD Report Inform 3-7

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Default Agenda

- 11. Default Agenda** **Inform** **blue**
- A. President
 - B. Executive Director
 - 1. Operations Report Inform 111-114
 - 2. Status of Actions from Past Board Meetings Inform 115
 - 3. Five-year Longitudinal Study Survey Inform 117-120
 - *In November 2008, the Oregon State Bar conducted the third survey in a five-year longitudinal study to collect information about the attitudes and experiences of Oregon lawyers in their first years of practice. The 2008 survey followed the same format as the previous two years.*
 - C. Access to Justice Committee
 - 1. Minutes
 - a. January 9, 2009 Inform 121-122
 - b. November 15, 2009 Inform 123-124
 - D. Budget and Finance Committee
 - 1. Minutes
 - a. January 9, 2009 Inform 125-126
 - b. November 15, 2009 Inform 127-128
 - E. Member Services Committee
 - 1. Minutes
 - a. January 9, 2009 Inform 129-130
 - b. November 15, 2009 Inform 131
 - F. Policy and Governance Committee Minutes

1. Minutes
 - a. January 9, 2009 Inform 133-134
 - b. November 15, 2009 Inform 135
- G. Public Affairs Committee Minutes
 1. Minutes
 - a. January 9, 2009 Inform 139
 - b. December 7, 2009 Inform 141-142
- H. Client Security Fund
 1. CSF Claims Report Inform 143-146
- I.

1:35 p.m.

5. Board Members' Reports Inform

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

6. Professional Liability Fund [Mr. Zarov]

1:50 p.m.

- A. General Update Inform
- B. Financial Report Inform
- C. 2008 Claims Attorney and Defense Counsel Evaluations Inform 9-11
- D. Approval of the 2009 Excess Rates Action 13

- *Approval of PLF 2009 Excess Rates as set forth in the exhibit.*

7. Special Appearances

2:00 p.m.

- A. OSB ABA Delegates [Ms. Harbur, Judge Nelson, Ms. Meadows]
 - 1. Report Info/Action 15-22

- *The OSB's ABA Delegates will review matters to be considered at the ABA HOD in February 2009.*

- B. Special Appearance - Mr. Comstock

- 1. Update Inform

- *Mr. Comstock of Garrett Hemann Robertson PC, a former board member, will update the board on the activities of the Oregon Law Commission, OSB/OJD Task Force on Oregon eCourt, and various internal committees of the Supreme Court.*

8. Rules and Ethics Opinions

2:15 p.m.

- A. Government Lawyer Employment Negotiations Action 23-28

➤ *This proposed formal opinion is resubmitted with a revision requested by the BOG in November.*

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

2:25 p.m.

- A. Sustainability Task Force [Mr. Greene]

1. Update Inform

2:35 p.m.

- B. Advertising Task Force

1. Report Action 29-35

➤ *The report of the task force is submitted for the consideration of the board.*

- C. Legal Service Program Committee [Ms. Baker]

1. General Fund Appropriation for Legal Aid Action 37-41

➤ *The committee recommends disbursing the remaining general fund appropriation being held by OSB.*

- D. Member Services Committee [Ms. Johnson]

1. Update Inform

3:00 p.m.

- E. Policy and Governance Committee [Ms. Evans]

1. Repeal of CLE Multiple User Policy Action 43-44

➤ *The Board is asked to revisit this new policy based on the highly negative response from members and others.*

2. House of Delegates Inform No exhibit
 - *The committee recommends increasing outreach to HOD members and utilizing the HOD as a forum for gathering the membership's views on governance issues.*
3. Admissions Task Force Inform No exhibit
 - *The committee recommends taking no further action.*
4. Senior Lawyers Task Force Action 45-47
 - *The committee recommends forming a Senior Lawyers Task Force to study and make recommendations regarding issues facing the profession as a large number of lawyers reach retirement age.*
5. MCLE Regulations Action 49
 - *The committee recommends adopting regulations to expand the scope of personal management programs and to clarify the standard for introductory Access to Justice programs.*
6. Developing Comment to the Oregon RPCs Action 51-52
 - *The committee recommends that the BOG inquire whether the Supreme Court is amenable to adopting official comment to provide interpretive guidance for the ORPCs.*
7. Diversity Mission Task Force Action 53-55
 - *The committee recommends that the BOG designate as a Diversity Mission Task Force the members who volunteered for that task at a recent retreat of the Affirmative Action Committee and the Diversity Section.*

4:00 p.m.

8. Long Range Planning Inform 57-65
 - *The executive director will introduce the long range planning process and creation of a policy issues inventory for the BOG's long range planning.*
9. Introductory Course in Access to Justice Action 67-70
 - *The MCLC Committee asks the board to review and approve the proposed MCLE Regulation 3.600 for all members admitted to the bar on or after January 1, 2009.*

F. Public Affairs Committee [Mr. Piucci]

1. Post Conviction Relief Task Force Action 71

➤ *Consider PAC recommendation to accept final report from Post Conviction Relief Task Force.*

2. 2009 Legislative Session Update Inform

➤ *Update on Public Affairs activities, court funding, Oregon eCourt, and March 17 Day at the Capitol.*

3. Resolution on Torture Action

10. Consent Agenda Action pink

11. Default Agenda Inform blue

12. Closed Sessions

4:45 p.m.

- A. Judicial Session (pursuant to ORS 192.690(1) Reinstatements **Discuss Lavender Action Agenda**

- B. Executive Session (pursuant to ORS 192.660(1)(f) and (h) General Counsel/UPL Report **Discuss Green Action Agenda**

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

Oregon State Bar
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Consent Agenda

| 10. Consent Agenda | Action pink |
|---|---------------------|
| A. Approve Minutes of November 15, 2008 | |
| 1. Minutes of Open Session | |
| a. January 9, 2009 | Action 73 |
| b. November 15, 2008 | Action 75-85 |
| 2. Minutes of Judicial Proceedings | |
| a. November 15, 2008 | Action 87-90 |
| 3. Minutes of Closed Session | |
| a. November 15, 2008 | Action 91 |
| B. Budget and Finance Committee | |
| 1. Ratify 2009 Budget | Action 93-103 |
| 2. Corporate Resolution to Change Investment Authority | Action 105-106 |
| ➤ <i>The resolution adds Teresa Schmid as an officer authorized to invest funds on behalf of the bar in accordance with Bylaw 7.401. This resolution replaces the resolution with Karen Garst's name.</i> | |
| C. Appointments Committee | |
| 1. Approve Various Appointments | Action Handout |

D. Client Security Fund

1. Approval of CSF Claims

- | | | | |
|----|---------------------------------------|--------|---------|
| a. | 07-20 Coyote v. Dunn- \$4,000.00 | Action | 107 |
| b. | 08-21 Budrow v. White - \$26,891.35 | Action | 107-108 |
| c. | 08-32 Eisele v. Nicholls - \$7,000.00 | Action | 108-109 |
| d. | 08-37 Jones v. Watson - \$615.00 | Action | 109 |

**OREGON STATE BAR
MEETING OF THE BOARD OF GOVERNORS
Schedule of Events
February 5-7, 2009
2/2/2009 3:25 PM**

Meeting Place Salem Conference Center **Phone:** 503-589-1700
200 Commercial Street SE
Salem, OR 97301

Thursday, February 5, 2009



- 11:30 a.m. – 12:30 p.m. **Lunch with the Supreme Court**
j. james restaurant 503-362-0888
325 High St. SE
Salem, OR
- 2:00 p.m. – 3:00 p.m. **Member Services Committee** (Johnson, Fisher, Gaydos, Johnnie,
Larson, Piucci, Wright,) *
Pringle Creek
- 4:30 p.m. – 7:00 p.m. **President's Reception – Legislators, BOG, Leadership College,
and Local Bar**
Salem Conference Center
Gallery
- 7:00 p.m. – 9:00 p.m. **BOG Dinner**
Bentley's Restaurant 503-779-1660
291 Liberty SE
Salem, OR
(inside Salem Conference Center on Liberty Street side)

Friday, February 6, 2009



7:30 a.m. – 10:00 a.m. **Breakfast**

Outside Croisan B

9:00 a.m. – 9:30 a.m.

Access to Justice Committee (Wright, Garcia , Johnnie, Lord, Matsumonji, Naucler, Vieira)
Pringle Creek

9:30 a.m. – 10:00 a.m.

Appointments Committee (Johnnie, DiIaconi, Evans, Fisher, Greene, Larson, Piucci, Wright)
Croisan B

10:00 a.m. – 10:30 a.m.

Executive Director Evaluation Special Committee (Naucler, DiIaconi, Evans, Gaydos, Johnson)
Pringle Creek

10:30 a.m. – 12:00 p.m.

Policy and Governance Committee (Evans, DiIaconi, Greene, Kent, Larson, Marsumonji, Naucler) **
Croisan B

11:00 a.m. – 12:00 p.m.

Public Affairs Committee (Piucci, Fisher, Garcia, Gaydos, Johnnie, Johnson, Vieira) **
Pringle Creek

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

12:00 p.m. – 1:00 p.m.

Lunch
Croisan C

1:00 p.m. – 4:30 p.m.

Board Meeting
Croisan B

5:00 p.m. – 7:00 p.m.

BOG Dinner with ONLD
Alessandro's Restaurant
120 Commercial St NE
Salem, OR 9730

503-370-9951

Business Attire



Casual Attire



Let's Dress Up

