

Oregon State Bar
Special Open Session of the Board of Governors
March 20, 2015
Minutes

President Richard Spier called the meeting to order at 1:30 p.m. on March 20, 2015. The meeting adjourned at 1:45 p.m. Members present from the Board of Governors were Jim Chaney, Guy Greco, Ray Heysell, Theresa Kohlhoff, John Mansfield, Vanessa Nordyke, Per Ramfjord, Kathleen Rastetter, Josh Ross, Kerry Sharp, Simon Whang, Charles Wilhoite and Tim Williams. Not present was Audrey Matsumonji, Ramón A. Pagán, Travis Prestwich and Elisabeth Zinser. Staff present were Sylvia Stevens, Susan Grabe, Kateri Walsh, Dani Edwards and Camille Greene. Also present was ONLD Chair, Karen Clevering.

1. Call to Order

Mr. Spier called the meeting to order.

2. ABA Young Lawyers Division Request

Ms. Clevering presented the Oregon New Lawyers Division (ONLD) request for authorization to propose a resolution to the ABA Young Lawyers Division (ABA YLD) Assembly at the 2015 Annual Meeting. **[Exhibit A]**

The proposed resolution would request that the ABA YLD support an amendment to the Model Rules of Professional Conduct to mirror the language in Oregon RPC 8.4(a) (7) defining professional misconduct to include:

in the course of representing a client, knowingly intimidate or harass a person because of that person's race, color, national origin, religion, age, sex, gender identity, gender expression, sexual orientation, marital status, or disability.

In response to an inquiry from Mr. Spier, Ms. Clevering confirmed that the proposal will also include the "legitimate advocacy" exception in RPC 8.4(c).

Motion: Mr. Whang moved, Mr. Chaney seconded, and the board voted unanimously to approve the ONLD's request.



YLD Assembly Resolution Idea Form (2014-2015)

I. PERSON SUBMITTING IDEA			
Clevering	Karen		
Last Name	First Name	Middle Initial	
Oregon New Lawyer's Division			
Firm/Organization	City	State	Zip
Oregon New Lawyer's Division			
Name of ABA YLD Affiliate, Committee, Board or Team			
Email	Karen.clevering@doj.state.or.us	Phone	503-947-4530
(required for contact purposes)			

II. RESOLUTION INFORMATION	
Resolution Title	Amending the Model Rules of Professional Conduct to ban intimidation or harassment based on a person's status
Has this been presented before?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If yes: when, where, and by whom?	
Resolution Supporters – list supporters or those to be targeted as potential co-sponsors	
Center for Professional Responsibility ABA Diversity Center ABA YLD Diversity and Outreach Committees, including Minorities in the Profession, Sexual Orientation and Gender Identity and Women in the Profession ABA YLD Ethics and Professionalism Committee	
Resolution Summary, Purpose & Desired Outcome	
The resolution asks the assembly to propose to the ABA to amend Rule 8.4 of the ABA Model Rules of Professional Conduct to add the following section 7 to Rule 8.4(a) "in the course of representing a client, knowingly intimidate or harass a person because of that person's race, color, national origin, religion, age, sex, gender identity, gender expression, sexual orientation, marital status, or disability."	
Any additional information to help us consider your resolution?	
The Oregon Supreme Court recently amended the Oregon Rules of Professional Conduct to include the above language, making it misconduct for an attorney to harass or intimidate individuals (which includes other attorneys and non-attorneys) solely based on that person's status. The goal is to expand this rule nation wide and the ABA Model Rules are the best way to do so.	

Please submit form to Assembly Speaker Dave Scriven-Young (dscriven-young@pecklaw.com) and Tara Blasingame (tara.blasingame@americanbar.org) **no later than September 15, 2014 for the ABA Midyear Meeting and no later than March 31, 2015 for the ABA Annual Meeting**. Resolution ideas are considered and confirmed on a rolling basis. However, you must meet the above deadlines if you wish to have your proposal considered at a particular meeting of the ABA YLD Assembly. Please go to ambar.org/yldassembly for more information on resolutions.