Oregon State Bar
Meeting of the Board of Governors
August 13-14, 2004
Open Session Minutes

For ease of future research efforts for the minutes, the minutes are written to reflect information as it appears on the agenda. Items in the minutes were not necessarily considered by the Board in the order in which they appear below.

The meeting of the Oregon State Bar Board of Governors was called to order Friday, August 13, 2004, at 12:45 p.m. by President William Carter and adjourned at 4:10 p.m. Board members present were Jack Enbom, Gerry Gaydos, Albert Menashe, Bette Worcester, Marva Fabien, Dennis Rawlinson, Jon Hill, Frank Hilton, Williams Carter, Ronald Bryant, Lisa LeSage, Mark Comstock, Phyllis Edmundson, and Lauren Paulson (1:15 p.m. to 4:10 p.m. with intermittent absences from 1:30 to 2:16 p.m.). Present from the PLF were Ira Zarov (12:45 p.m. – 1:15 p.m.) and Robert Cannon (12:45 p.m. to 2:00 p.m.). Staff present was Karen Garst, George Riemer, Jeff Sapiro (2:20p.m. – 3:00 p.m. – by phone) Rod Wegner, Susan Grabe, and Teresa Wenzel.

The meeting of the Oregon State Bar Board of Governors was reconvened Saturday, August 14, 2004, at 8:35 a.m. by President William Carter and adjourned at 9:50 a.m. Board members present were Lauren Paulson, Marva Fabien, Gerry Gaydos, Albert Menashe, Dennis Rawlinson, Lisa LeSage, Jon Hill, Frank Hilton, Bette Worcester, William Carter, Ronald Bryant, Mark Comstock, and Phyllis Edmundson. Staff present was Karen Garst, George Riemer, Susan Grabe, Rod Wegener, and Teresa Wenzel.

1. Report of Officers

A. Report of the President

1. Activities Since Last Meeting:

a. June 15, 2004 – Portland Managing Partners

Mr. Carter reported he and Nena Cook had met with the managing partners at the larger Portland participating partners regarding placing CLE publications online. The firms were polite but not very positive.

b. June 18, 2004 – Oregon Criminal Defense Lawyers Association

Mr. Carter attended the OCDLA conference and addressed issues of indigent defense funding.

c. July 28, 2004 – Oregon District Attorneys Association

Mr. Carter and George Riemer attended the ODAA conference. Some members of the group expressed feelings of exclusion from the bar. By statute, they cannot serve on the Board of Governors. They were interested in working on the relationship between the DAs and the bar.

d. August 4-8, 2004 – Atlanta ABA

At the ABA annual meeting in Atlanta, Mr. Carter learned Rod Wegener had been elected secretary of the National Association of Bar Executives for 2004-2005.

e. Meeting with The Chief Justice

Mr. Carter and OSB staff met with Chief Justice Wallace P. Carson, Jr. and discussed the following:

- The OJD budget for 2005-2007;
- The Chief Justice's Information Technology Task Force;
- The bar's E-filing Task Force;
- Professionalism and the role of trial judges;
- The Appellate Section's draft report;
- The new judges committee; and
- The court's approval of the disciplinary rule change regarding interest on lawyer trust accounts.

2. Preparation for HOD Meeting:

a. Regional HOD Meetings

Mr. Carter presented the schedule of regional HOD meetings, which will take place the third week in September (see exhibit in August 2004 BOG Agenda). The purpose of the meetings is to explain proposed resolutions; in particular, the changes made by the Supreme Court to the HOD approved new Proposed Rules of Professional Conduct. The regional board representative will chair the meeting and Mr. Carter or Ms. Cook will participate in person or by phone. Staff will attend all meetings.

b. Possible BOG Resolutions

Likely issues for the HOD include the revised Proposed Rules of Professional Conduct, online CLE publications, issues of diversity, and a possible proposed domestic violence policy.

3. Lawyers With Multiple Complaints

Mr. Carter stated he and Mr. Riemer had reviewed staff's summary of one lawyer with over 170 complaints. He said the bar's primary responsibility is to protect the public. These issues fall between violation of disciplinary rules and malpractice issues. He indicated he wanted to meet with Judge Daniel Harris, the current chair of the Joint Bench/Bar Commission on Professionalism. He would ask the commission to review staff's work on this issue. Mr. Riemer stated the Client Assistance Office, in operation for a year, saw the majority of problems it received as ones of neglect and poor communications by lawyers with their clients. Ms. LeSage stated a concern about spending so much time on just a few cases, especially where complaints were dismissed through the disciplinary process. Mr. Menashe said he supported Mr. Carter's recommendation. Mr. Enbom, BOG Public Member, indicated a similar issue exists with doctors; however, the medical board can issue sanctions for "unprofessional conduct."

4. Defense and Indemnification of Bar Volunteers and Staff

a. Status Report

Mr. Carter indicated he had authorized Mr. Riemer to pay the defense costs of the trial panel members who Mr. Paulson had made complaints against. Mr. Paulson did not withdraw the complaints as he had indicated he would at the previous board meeting. The client Assistance Office dismissed them. In addition, Mr. Carter authorized legal representation for Karen Garst, Jeff Sapiro, and Wayne Appleman who were noticed for depositions by Mr. Paulson in his pending disciplinary proceeding.

The special committee assigned to look at the issue of defense and indemnification of volunteers and staff has met and will be presenting a proposal to the board in October.

5. Convention:

a. 50-Year Members Presentation

Ms. Cook will emcee the 50-year member awards.

b. Awards Presentations

Mr. Carter indicated he will spread the presenting responsibilities around by asking board members to assist with the awards presentations.

c. Other

Mr. Rawlinson reported on the tent show's progress, stating there are many interesting acts. He was particularly pleased with participation by the Ninth District Circuit Court Judges. Several board members (Linda Eyerman, Frank Hilton, and Albert Menashe) are actively selling tables to firms. Kay Pulju, of the OSB staff, will serve as director. Mr. Rawlinson said Ms. Pulju and her staff, Ms. Maldonado and Ms. Daltoso, are doing a "fabulous job."

B. Report of the Executive Director

1. Committee Mailings

Ms. Garst asked whether board members would prefer to receive all committee materials together rather than separately, as is now the practice. Board members indicated they would like materials sent all together.

C. Conduct of Board Member Lauren Paulson

Lisa LeSage indicated she felt she had a fiduciary duty to the bar to express concerns she had about the conduct of Board Member Lauren Paulson. She felt Mr. Paulson had an actual conflict of interest in continuing to serve on the board while he raised various issues about the conduct of other board members and staff in connection with a pending disciplinary prosecution against him. She stated she was concerned by the expense incurred by the bar to defend volunteers against whom Mr. Paulson had filed disciplinary complaints. She also addressed the negative attitude of Mr. Paulson toward bar staff in several communications including those to his region members. She indicated Mr. Paulson had not withdrawn his complaints against trial panel attorney volunteers as he had indicated he would to the board at its last meeting. She further stated Mr. Paulson had agreed to run his regional communications by Ms. Cook and he had not done so with a recent regional HOD Delegate communication containing inaccurate information regarding the presentation to the HOD of the new Proposed Rules of Professional Conduct. This communication left the impression that this project was a staff driven effort when it was not. She indicated, in dealing with his pending disciplinary case, he has indicated he would subpoena various judges, staff, and lawyers. Ms. LeSage stated Mr. Paulson had every right to defend himself to the fullest but his defense was a conflict of interest with his role as a board member. She asked Mr. Paulson to resign from the Board of Governors during the pendency of his current bar prosecution. Further, she indicated Mr. Paulson had not paid on time a discovery request bill of approximately $2,400. According to Ms. LeSage, Mr. Paulson had also attempted unsuccessfully to "find dirt" on Mr. Carter. Ms. LeSage handed out a motion filed by Mr. Paulson in his pending disciplinary case

that indicated the bar's leadership and staff had been improperly talking about his disciplinary case. (Mr. Paulson repeatedly left the meeting during Ms. LeSage's presentation. He stated he could not be present if the board discussed his pending disciplinary proceeding.)

Mr. Paulson stated Ms. LeSage's presentation was "orchestrated." Mr. Carter indicated Ms. LeSage had herself asked for time on the board's agenda. Ms. LeSage stated, "no one set me up." Mr. Paulson then stated Ms. LeSage had orchestrated a character assassination commencing months ago. In June, he indicated he made an overture to Mr. Carter and Ms. Cook to mediate these issues and Mr. Carter had refused. Mr. Paulson said he would not resign and he was here to connect his regional members to the board. He indicated there were two types of lawyers – those who want lawyers to just behave, e.g., prosecutors, judges, and bar leaders; the other group includes touchy feely lawyers who care about the poor, the meek, and the downtrodden. He indicated this difference is at stake here. He said he would respond to each issue raised by Ms. LeSage in writing. He said his participation in the Disciplinary Task Force was to address the disciplinary rules as applied to the poor and meek, especially sole practitioners. He said it was a failure of bar leadership and staff to not address these issues prior to the creation of the DSTF.

Mr. Carter stated he and Ms. Cook saw Mr. Paulson's reaction to his disciplinary complaint as "the best defense is an offense." That strategy was in conflict with his duties as a board member. Mr. Carter said Mr. Paulson had tried to browbeat Disciplinary Counsel and bar staff and had threatened to sue Ms. Cook and him. Mr. Paulson responded this was not a conflict. Mr. Rawlinson commended Mr. Carter, Ms. Cook, and Ms. LeSage for bringing this issue to the full board. He said he was gravely concerned about the conflict and also wanted to avoid losing a valuable board member. He said there are deep conflicts when the Chief Justice and judges are subpoenaed by a board member in defense of his disciplinary case because one of the functions of the bar is to be a "partner with the judiciary." Mr. Rawlinson indicated he had spoken to a judge subpoenaed by Mr. Paulson. The judge was given no flexibility in scheduling his disposition and was upset. Mr. Rawlinson was also disturbed by the fact Mr. Paulson had not withdrawn his complaints and his recent Region 4 communication was not sent to Ms. Cook for review as previously agreed and was not accurate. He proposed a subcommittee to meet with Mr. Paulson to attempt to resolve the issues presented today.

Mr. Hilton stated Mr. Paulson's actions were not appropriate. He indicated Mr. Paulson should obtain a lawyer to represent him. Ms. LeSage indicated Ms. Fishleder at the PLF could perhaps be contacted regarding Mr. Paulson's behavior. Mr. Riemer said the board's ability to govern is at stake and that options included the statutory recall procedure for board members or the enactment of a more modern removal procedure by the legislature. Mr. Carter said a board member being prosecuted

should not serve on the board and a legislative change to that effect should be sought. Mr. Comstock stated mediation might be a solution and he would support a subcommittee and would be happy to serve. Mr. Gaydos stated he would also serve. He also stated he was troubled by Mr. Paulson's failure to abide by his commitment and personal attacks on staff and board members had to stop. Mr. Gaydos said he was particularly troubled by attacks on staff who are doing a very fine job. Mr. Carter expressed his doubts whether Mr. Paulson would abide by any agreement reached. Mr. Riemer suggested any recommendations of the subcommittee should be brought back to the full board.

Mr. Carter indicated he would appoint a special board committee composed of Mr. Rawlinson, Mr. Gaydos, and Mr. Comstock to consider the options available to the board on this topic and to meet with Mr. Paulson. Mr. Paulson indicated he would participate and he welcomed the chance to explain his actions. He said sometimes, negative things can turn into positives. Mr. Carter also asked Mr. Riemer to present options to the board on this topic.

Motion: Mr. Rawlinson moved, Mr. Bryant seconded, and the board passed a motion to approve the payment of expenses to Mr. Voorhees for the representation of Ms. Garst, Mr. Sapiro, and Mr. Appleman regarding depositions scheduled by Mr. Paulson (yes, 13; no, 0; absent, 3 [Cook, Eyerman, Paulson]).

Mr. Riemer indicated the bar would serve as a third party fee payer and bills would be submitted to him at the regular PLF defense rate.

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

A. CSF Committee

1. Claims Recommended for Payment

Mr. Comstock stated the CSF recovered almost $20,000 from a lawyer for whom prior payments had been made.

a. Walker v. Anderson No. 03-15

Motion: Mr. Comstock moved, on behalf of the CSF Committee, to pay the claim in *Walker v. Anderson* and to waive the judgment requirement. The motion passed unanimously.

b. *Sedlak's Shoes v. Cuniff* No. 04-03

Motion: Mr. Comstock moved, on behalf of the CSF Committee, to pay the claims in *Sedalk's Shoes v. Cuniff*. Mr. Cuniff died unexpectedly and did not have enough funds in his trust account to return funds to clients for work not performed. The motion passed unanimously.

c. *Snyder v. Cuniff* No. 04-02

Motion: Mr. Comstock moved, on behalf of the CSF Committee, to pay the claims in *Snyder v. Cuniff*. Mr. Cuniff died unexpectedly and did not have enough funds in his trust account to return funds to clients for work not performed. The motion passed unanimously.

3. Professional Liability Fund

A. General Update

Mr. Cannon reported the auditors gave the PLF an excellent report in particular praising Ira Zarov, Bruce Schafer, and Tom Cave for how well the fund is run. No adverse issues were identified in the audit. The PLF Board of Directors will bring a proposed assessment for 2005 in October. The preliminary figures indicate an increase of $400 for a total of a $3000 assessment. Mr. Carter asked for an explanation of the increase in the PLF assessment be made at the 2004 OSB House of Delegates meeting on October 16, 2004, in addition to the clarification on the limits involving similar cases or multiple lawyers involved in the same case.

B. Update on Revisions to Coverage Plan

Mr. Zarov indicated the plan has been totally rewritten and reorganized. One change includes the elimination of mandatory arbitration regarding interpretation of the plan. Instead, the parties will resolve differences in the court system. The rewritten plan has been available on the PLF's website and communicated to key stakeholders.

C. Financial Report

The number of cases for 2004 is about 100 cases higher (925) than a year ago (825). This can be attributed in part to more cases referred to PLF from the bar's Client Assistance Office. They are not likely to be severe but currently each one must be reserved at $17,000. If the additional claims are resolved without payment of the amounts reserved, the estimated cost per claim will decrease in future years. In addition, there have been more catastrophic office closures than in the past and the claims have been more complex.

4. Closed Session Agenda

A. Reinstatements (Judicial proceeding pursuant to ORS 192.690(1) – separate packet)

B. Litigation and Advice of Counsel (Executive Session pursuant to ORS 192.660(1)(f) and (h) - separate packet)

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

A. Special Committee on *In re Leisure,* 336 Or. 244, 82 P.3d 144 (2003)

Mr. Bryant introduced the recommendations of the special committee appointed to deal with the Supreme Court decision in *In re Leisure*. The following recommendations will be placed in the Bulletin and on the bar's website with a notice to all lawyers in each category. All of these apply to lawyers who were suspended for non-payment of a PLF installment.

a) Currently active

The bar will correct its database and place a memo in the membership file. If a lawyer requests reimbursement of the $75 reinstatement fee paid, it will be reimbursed.

b) Reinstated, but not now active

The bar will correct its database and place a memo in the membership file. If a lawyer requests reimbursement of the $75 reinstatement fee paid, it will be reimbursed.

c) Did not seek reinstatement

The bar will correct its database and place a memo in the membership file. Lawyers will be contacted to determine if they wish to return to active status. Each of these will be dealt with on a case-by-case basis.

d) Was also suspended for another reason

The bar will correct its database and place a memo in the membership file.

e) Disciplined for practicing law while suspended

The bar will correct its database and place a memo in the membership file. The bar will ask the SPRB to rescind any admonitions and ask the Disciplinary Board and Supreme Court to vacate any discipline imposed.

Motion: Mr. Bryant moved, Mr. Rawlinson seconded, and the board unanimously passed the special committee's recommendations.

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

A. Budget and Finance Committee

1. Request for Funds from Campaign for Equal Justice

Mr. Hilton outlined the recommendation of the committee to approve $10,000 from the Contingency Fund for the Campaign for Equal Justice's legal aid open houses for 2004. The committee also decided that it would place $5,000 in each even year's budget for these open houses.

Motion: The board unanimously passed the committee's motion to accept its recommendations.

2. 2005 Executive Summary Budget

Mr. Hilton stated, after reviewing the staff's summary budget, the committee had decided to ask Rod Wegener, the CFO, to return to the next committee meeting with a balanced budget. The committee does not want a deficit for 2005. The contingency for payment to PERS is a significant factor in the potential red ink.

3. Audit Report for 2002 and 2003

The audit report was received by the Board of Governors and two recommendations were made. OSB staff is in the process of implementing both recommendations. Ms. Garst mentioned a possible error in the payment of non-exempt or hourly employees based upon an average bi-weekly computation. She has authorized an outside audit to verify time sheets and payments for the last three years. Any amounts owing to employees will be paid; the bar will not seek repayment if there were overages.

Motion: Mr. Bryant moved, Mr. Gaydos seconded, and the board unanimously passed a motion to accept the audit report.

Mr. Paulson asked about the occasions when the bar's bank balance exceeds the bank's insured limit. Mr. Wegener explained this occurs rarely and only during fee payment days when the total amount of the daily receipts exceed the bank's insurance limit. To eliminate this problem, transfers are made immediately the next business day.

4. Update on PERS

Mr. Hilton informed the board the committee was exploring alternatives to the PERS plan for new hires. The committee has looked at an alternative plan offered by Oregon Health Sciences University. The committee felt the bar

should seriously consider changing from a defined benefits plan to a defined contribution plan where the bar could decide what amount to contribute to employee accounts. The committee sought authorization from the board to pursue this change, including the development of a statutory change to allow the bar to create a new plan for new employees on and after a particular date. The committee also sought authorization from the board to consult with outside pension counsel to see if the bar can join a revised 457 deferred compensation plan in which Clackamas County and the City of Lake Oswego participate with the potential benefit of lower administrative charges to participating employees. Ms. Grabe cautioned the board to keep any change to the Bar Act simple and outlined the risks to seeking a change in the statutes governing the bar. A change may cause the legislature to want to make other changes to the Bar Act as well.

Motion: The board unanimously passed the committee's motion to authorize the development of a statutory change, the research of an alternative pension plan, and the improvement of the deferred compensation plan available through ING. This is to be accomplished in consultation with an outside pension expert at a cost of no more than $5,000.

5. Future Bar Center

The committee sought authorization to sign a contract with Macadam Forbes, a real estate firm. No cost will accrue to the bar until a building is purchased or the bar center is sold. The committee is concerned land near the bar center, which is in a desirable location, is becoming increasingly unavailable. Mr. Menashe stated Rod Wegener would provide options for buying land, etc., to the committee. Mr. Carter emphasized the need to study the bar's facility needs prior to purchasing any land.

Motion: The board passed the committee motion to contract with Macadam Forbes (yes, 13; no, 1 [Paulson]; absent, 2 [Cook, Eyerman].

B. Committee on the Judiciary

1. Judicial Speakers' Bureau Notebook

Mr. Bryant discussed the notebook, included with the agenda, which is to be used by judges as part of a speakers' bureau to support outreach in their communities.

Motion: The board unanimously passed the committee's motion to approve the Judicial Speakers' Bureau Notebook.

2. Judicial Appointment Process for Appellate Court Vacancies

Mr. Bryant expressed concern with the current process because it requires the bar to pass the names of all eligible candidates on to the Governor and eligibility is based on meeting the minimal qualifications set by statute. Because almost all candidates are eligible according to the statute, the committee would like to use the version number 2, outlined in the exhibit, which adds, screening characteristics like integrity, temperament, etc.

Motion: The board unanimously passed the committee recommendation to propose version 2 to the Governor.

3. Judicial Evaluation

Mr. Bryant stated the committee had discussed at length a process for evaluating judges in Oregon in order to provide information to the public during the election process. The Chief Justice indicated to Mr. Carter this would not be received well by the judiciary, but if the bar did decide to proceed, it was important to identify the purpose of the evaluation and what would be done if deficiencies were found.

Mr. Hill, Board Public Member, spoke in favor of an evaluation process based on clearly defined standards, which are systemic in nature and a process conducted by an organization outside the bar to increase the credibility of the results. He mentioned several similar efforts going on in the education system in Oregon. He indicated one program by a radio talk show indicating few judges run opposed creates negative publicity that is difficult to overcome. He said it would be better to design a system for evaluation now. Ms. Edmundson mentioned the importance of defining the purpose of evaluation – Is it to get a bad judge out? To inform the public? Or to make things work better? She indicated it would be better to define the critical issues prior to approaching the judiciary.

The Joint Legislative Audit Committee will hold a hearing on proposed performance measures for the Oregon Judicial Department in September and may set standards the bar's committee might want to use.

Several board members commented about the need for benchmarks or standards to measure efficiency; for a view of the system as a whole first; to be proactive; to look at other states' experiences including the Chicago model, which the committee favors; to look at all the stakeholders in the process, including the Judicial Fitness Commission; to look at the administrative law judge evaluation system in Workers Compensation cases; and to work with the judiciary as our "Partner with the Judiciary" function indicates.

Mr. Carter outlined a charge to the Committee of the Judiciary to look both at the macro aspects of the judicial system as well as at individual judicial evaluations and to devise standards or benchmarks. The committee should also define what the goal of the process would be. The board, by consensus, approved this charge to the committee.

C. Member Services Committee

1. Online CLE Publications

Mr. Carter indicated staff had done a random survey of bar members matching the demographics of the bar as a whole. The survey was not scientific and was probably biased toward users of the internet and e-mail as the survey was done online. Mr. Carter said that in his visits around the state, mostly at county bars with a large percentage of solo practitioners, the response was very positive. He and Ms. Cook met with the managing partners of several Portland law firms who were not very positive. The committee is recommending a resolution be drafted for presentation to the House of Delegates that would require a membership referendum for a $70 fee increase for active bar members starting in January 2006. The resolution would include a $15 rebate for each attorney over 15 in firms or organizations with more than 15 attorneys.

Board members commented this will give the HOD something of substance to deal with, the PLF increase of $400 should be noted at the meeting, and the affirmative action fee of $30 sunsets in 2006. Ms. Garst and Mr. Carter will work on the information packet and the resolution for presentation to the board at its September 3, 2004 meeting to approve the HOD agenda for October 16, 2004.

Motion: The board unanimously passed the committee motion to present a resolution to the House of Delegates authorizing a membership referendum for a $70 fee increase for active bar members starting in January 2006 and including a $15 rebate for each attorney over 15 in firms or organizations with more than 15 attorneys.

2. Web Conferencing

Mr. Carter informed the board a test of full two-way video conferencing through the Internet would be conducted for board members and staff at the September 3, 2004, committee meetings. Mr. Rawlinson indicated Mr. Carter might also be able to participate in the Region 5 HOD meeting through his firm's video conferencing system.

3. Annual Meeting Update

Mr. Rawlinson added Bette Worcester had been very helpful in preparations for the tent show on Friday, October 15, 2004, at the annual meeting and she would vet the acts for the show. Mr. Menashe, Mr. Enbom, Mr. Bryant, and Ms. Eyerman had been very helpful as well in selling tables to law firms for the event.

4. Casemaker™ for Law Students

Mr. Carter introduced the recommendation of the committee to offer Casemaker™ free to law students at the three Oregon law schools. Mr. Wegener indicated it could be done at no additional charge to the bar. It would not be difficult for the bar's Information Systems Department. Ms. LeSage said the Oregon New Lawyers Division is eager to present informational sessions on Casemaker™ for law students at the three law schools.

Motion: The board unanimously passed the committee's motion to provide Casemaker™ free to law students at the three Oregon law schools.

D. Policy and Governance

1. Electronic Voting for OSB Elections and Polls

Ms. LeSage introduced the committee's recommendation to change the bar's bylaws to allow electronic voting, a process which will save time and money for the bar.

Motion: Mr. Hill moved, Mr. Bryant seconded, and the board unanimously passed a motion to waive the one meeting notice requirement for the bylaw change.

Motion: The board unanimously passed the committee's motion to approve rules on electronic elections and to allow staff to begin to conduct electronic elections.

2. Proposed Oregon Rules of Professional Conduct

Ms. LeSage outlined the history of the 2003 approval of the Proposed Oregon Rules of Professional Conduct by the House of Delegates. After the HOD's approval, the board worked with the Supreme Court, which accepted the vast majority of the changes. The changes sought by the court are incorporated into the proposal before the board. In addition, there is a change to Rule 1.15 to assure compliance with constitutional requirements. Staff also corrected some typographical errors and made technical corrections in the final document. She also indicated the committee recommends the additional of

"domestic partner" after the word "spouse" in the last sentence of Rule 1.8(c) to assure its consistency with other rules. She asked Mr. Carter to assure a board member would be available at each regional HOD meeting to explain the history of the development of these rules and to emphasize this was not a staff driven process.

Motion: The board passed the committee's motion to make all the changes indicated above and to support the revised rules for submission to the House of Delegates (yes, 12; no, 1 [Paulson]; absent, 3 [Cook, Enbom, Eyerman]). Ms. Nancy Cooper will be asked to introduce the final version of the rules at the HOD meeting.

Mr. Paulson was opposed because he did not feel the revisions complied with the recommendations of the Disciplinary System Task Force, which called for a comprehensive review of the disciplinary rules in order to assure they were clear and simple.

A final copy of the revised Proposed Oregon Rules of Professional Conduct with all the changes will be available at the board's September 3, 2004 meeting.

E. Public Affairs Committee

1. Appellate Structure Review Committee Report

Mr. Gaydos indicated the committee had added a summary and a discussion of the importance of the independence of the judiciary as well as a series of recommendations drawn from the Appellate Section Committee's report. The bar will package the report to assure the summary is included in any distribution of the report. Bar staff will draft a press release and work with editors and reporters regarding the report. Mr. Gaydos asked Mr. Carter to meet with the Appellate Section. The report will be presented to the Interim Judiciary Committee in October at the annual meeting. Mr. Paulson asked if Mr. Hinkle's views had been assessed and Ms. Grabe indicated he had stated he thought it was a good report. Bar staff will draft a letter of thanks to the section and its committee's members.

Motion: The board unanimously passed the committee's motion to accept its recommendation to include the committee summary with the Appellate Structure Review Committee Report.

2. General Political Update and 2005 OSB Law Improvement Package.

Mr. Gaydos indicated the board would have lunch with the Interim Judiciary Committee on Friday, October 15, 2004, during the annual meeting. Mr. Carter asked staff to draft talking points on the bar's legislative package and background notes on legislators attending. Bill drafts are coming in to the bar

from Legislative Counsel. The committee has approved a request by the Alternative Dispute Resolution Section to support its effort to remove the sunset on its appropriation from the current filing fee allocation statute. The committee is also grappling with the issue of court facilities around the state.

7. Consent Agenda

Mr. Carter indicated there was a supplemental memo regarding appointments on the agenda.

Motion: Mr. Hill moved, Mr. Bryant seconded, and the board unanimously passed a motion to approve the consent agenda.

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

Ms. Garst reminded board members designated to "sign" the regional communications that any additions to the text provided by Mr. Carter would need to be reviewed by Ms. Cook.

Motion: Mr. Gaydos moved, Mr. Menashe seconded and the board unanimously passed a motion to adjourn.