

**Oregon State Bar  
Meeting of the Board of Governors  
October 9, 2015  
Special Open Session Agenda**

*The Special Open Session Meeting of the Oregon State Bar Board of Governors will begin at 4:00 p.m. on October 9, 2015.*

**Friday, October 9, 2015, 4:00 p.m.**

- 1. Call to Order/Finalization of the Agenda**
- 2. Board Development Committee [Ms. Matsumonji]**
  - A. 2016 BOG Public Member Appointment Action Exhibit
- 3. Budget & Finance Committee [Ms. Kohlhoff]**
  - A. 2016 Budget Action to be posted
- 4. Approve HOD Agenda [Mr. Spier]**
  - A. Approval of Resolutions Action Exhibit
  - B. Determine BOG Position on Delegate Resolutions and Identify Presenters and Speakers Action Exhibit
- 5. Approve E.D.'s Accrued Vacation Hours Carry-over [Ms. Hirschbiel]** Action
- 6. Request to co-Sponsor ABA President's Visit [Mr. Spier]** Action Exhibit
- 7. Recognition of Charles Wilhoite by Urban League of Portland** Inform
- 8. Legal Publications Author Recognition Reception**
  - A. All Board Members are Encouraged to Attend Inform Exhibit

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# OREGON STATE BAR

## Board of Governors Agenda

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**Meeting Date:** October 9, 2015  
**Memo Date:** October 1, 2015  
**From:** Audrey Matsumonji, Board Development Committee Chair  
**Re:** Board of Governors Public Member Recommendation

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### **Action Recommended**

Approve the Board Development Committee's recommendation to appoint one of five candidates interviewed for the Board of Governors Public Member position beginning January 1, 2016.

### **Background**

During the July meeting the Board Development Committee reviewed applications for all eight candidates interested in serving on the Board of Governors as a public member. Of those who applied, five were selected to move forward in the selection process.

On September 28 the committee conducted interviews which lasted 30-minutes and included eight questions. The candidates included:

**Michael Douglas**, Financial Advisor for Morgan Stanley Wealth Management in Salem

**Frank Garcia**, Partner at Garcia & Associates LLC in Wilsonville

**Robert Gratchner**, Data Privacy Officer for Siemens in Portland

**William (Al) Petersen**, Owner/Architect of AKAAN Architecture + Design LLC of St. Helens

**Sylvia Rasko**, Employee Relations Consultant at Samaritan Health Services in Corvallis

The Board Development Committee will discuss the applicants during the October 9 meeting and identify the candidate they wish to recommend for appointment during the October Board meeting. The candidates not selected for the BOG position will be considered for appointments to other OSB groups.

***This resolution is pending 10/9/15 decision made by BOG on 2016 Budget...***

**Resolution No. XXX: Increase 2016 Active Membership Fees by \$50. (Board of Governors Resolution No. 1)**

*Whereas*, the OSB Board of Governors is charged by ORS 9.080(1) with the executive functions of the Oregon State Bar, which includes assuring there are adequate resources for bar operations; and

*Whereas*, the annual membership fee is established by the Board of Governors and any increase over the amount established for the prior year must be approved by a majority of delegates voting thereon at the annual meeting of the House of Delegates, pursuant to ORS 9.191(1); and

*Whereas*, the annual membership fee has not been increased since 2006; and

*Whereas*, the Board of Governors has determined that an increase is required to maintain the current level of programs and services; now, therefore, be it

*Resolved*, that the 2016 Oregon State Bar membership be for active members be increased by \$XX.

<i>Membership Category</i>	<i>If paid by February 1, 2016</i>	<i>If paid after February 1 but by March 2, 2016</i>	<i>If paid after March 2, 2016</i>
Active members admitted in any jurisdiction before 1/1/13	\$537.00	\$587.00	\$637.00
Active members admitted in any jurisdiction on or after 1/1/13	\$453.00	\$503.00	\$553.00
Inactive members	\$125.00	\$150.00	\$175.00
Active pro bono members	\$125.00	\$125.00	\$125.00

## Background

The Board of Governors takes very seriously its obligation to use the bar's resources wisely, especially since most of the bar's annual revenue comes from the mandatory annual membership fees. Over the last ten years, the BOG has continued and improved operations without an active membership fee increase. During that time, and despite significant investment losses during the Great Recession, the Bar acquired the current OSB Center, made BarBooks a benefit of membership (with help from an annual PLF contribution), and has embarked on the acquisition of new organizational management software. Also during that period, non-personnel costs have been reduced by \$XXXX and, with the implementation of a new business model for Lawyer Referral, the Referral & Information Program has gone from an annual expense of approximately \$250,000 to being self-supporting.

Despite these accomplishments, however, it has become clear to the BOG that the current level of programs and services cannot be maintained without an increase in the annual membership fee. To offset the impact of the fee increase, the BOG has reduced the Client Security Fee assessment from \$45 to \$15.

**Oregon State Bar**  
**House of Delegates Resolution**  
**Resolution in Support of Adequate Funding for Legal Services to Low-Income Oregonians**

*Whereas*, providing equal access to justice and high quality legal representation to all Oregonians is central to the mission of the Oregon State Bar;

*Whereas*, equal access to justice plays an important role in the perception of fairness of the justice system;

*Whereas*, programs providing civil legal services to low-income Oregonians is a fundamental component of the Bar's effort to provide such access;

*Whereas*, since 1998, pursuant to ORS 9.575, the Oregon State Bar has operated the Legal Services Program to manage and provide oversight for the state statutory allocation for legal aid in accordance with the Bar's Standards and Guidelines (which incorporate national standards for operating a statewide legal aid program);

*Whereas*, during the great recession the staffing for legal aid programs was reduced while the poverty population in Oregon increased dramatically, thus broadening "the justice gap" in Oregon;

*Whereas*, Oregon's legal aid program currently has resources to meet about 15% of the civil legal needs of Oregon's poor creating the largest "justice gap" for low-income and vulnerable Oregonians in recent history;

*Whereas*, Oregon currently has 1 legal aid lawyer for every 8,900 low-income Oregonians, but the national standards for a minimally adequately funded legal aid program is 2 legal aid lawyers for every 10,000 low-income Oregonians;

*Whereas*, assistance from the Oregon State Bar and the legal community is critical to maintaining and developing resources that will provide low-income Oregonians meaningful access to the justice system.

*Resolved*, that the Oregon State Bar;

- (1) Strengthen its commitment and ongoing efforts to improve the availability of a full range of legal services to all citizens of our state, through the development and maintenance of adequate support and funding for Oregon's legal aid programs and through support for the Campaign for Equal Justice.
- (2) Request that Congress and the President of the United States make a genuine commitment to equal justice by adequately funding the Legal Services Corporation, which provides federal support for legal aid.
- (3) Work with Oregon's legal aid programs and the Campaign for Equal Justice to preserve and increase state funding for legal aid and explore other sources of new funding.
- (4) Actively participate in the efforts of the Campaign for Equal Justice to increase contributions by the Oregon legal community, by establishing goals of a 100% participation rate by members of the House of Delegates, 75% of Oregon State Bar Sections contributing \$50,000, and a 50% contribution rate by all lawyers.
- (5) Support the Oregon Law Foundation and its efforts to increase resources through the interest on Lawyers Trust Accounts (IOLTA) program, and encourage Oregon lawyers to bank at OLF Leadership Banks that pay the highest IOLTA rates.
- (6) Support the Campaign for Equal Justice in efforts to educate lawyers and the community about the legal needs of the poor, legal services delivery and access to justice for low-income and vulnerable Oregonians.
- (7) Encourage Oregon lawyers to support civil legal services programs through enhanced pro bono work.
- (8) Support the fundraising efforts of those nonprofit organizations that provide civil legal services to low-income Oregonians that do not receive funding from the Campaign for Equal Justice.

*Presenters:*

*Kathleen Evans*  
*House of Delegates, Region 6*

*Gerry Gaydos*  
*House of Delegates, Region 2*

*Ed Harnden*  
*Board of Governors, Region 5*

**Background**

“The mission of the Oregon State Bar is to serve justice by promoting respect for the rule of law, by improving the quality of legal services and by increasing access to justice.” OSB Bylaw 1.2. One of the four main functions of the bar is to be “a provider of assistance to the public. As such, the bar seeks to ensure the fair administration of justice for all.” *Id.*

The Board of Governors and the House of Delegates have adopted a series of resolutions supporting adequate funding for civil legal services in Oregon (Delegate Resolutions in 1996, 1997, 2002, 2005–2014). This resolution is similar to the resolution passed in 2014, but provides updates on the ratio of legal aid lawyers to Oregonians eligible for legal aid services.

The legal services organizations in Oregon were established by the state and local bar associations to increase access for low-income clients. The majority of the boards of the legal aid programs are appointed by state and local bar associations. The Oregon State Bar operates the Legal Services Program pursuant to ORS 9.572 to distribute the state statutory allocation for civil legal services and provide methods for evaluating the legal services programs. The Campaign for Equal Justice works collaboratively with the Oregon Law Foundation and the Oregon State Bar to support Oregon’s legal aid programs. The Bar and the Oregon Law Foundation each appoint a member to serve on the board of the Campaign for Equal Justice.

Oregon’s legal aid program consists of four separate non-profits that work together as part of an integrated service delivery system designed to provide high priority free civil legal services to low-income Oregonians in all 36 Oregon counties through offices in 17 communities. There are two statewide programs, Legal Aid Services of Oregon (LASO) and the Oregon Law Center (OLC); and two county wide programs, Lane County Legal Aid and Advocacy Center and the Center for Non-Profit Legal Services (Jackson County). Because the need is great and resources are limited, legal aid offices address high priority civil legal issues such as safety from domestic violence, housing, consumer law, income maintenance (social security, unemployment insurance, and other self-sufficiency benefits), health, employment and individual rights. About 35% of legal aid’s cases are family law cases, usually helping victims of domestic violence. All of these programs work to stretch limited resources through pro bono programs and self help materials. Legal aid’s website, [oregonlawhelp.com](http://oregonlawhelp.com) receives about 130,000 unique visitors a year.

Providing access to justice and high quality legal representation to all Oregonians is a central and important mission of the Oregon State Bar. An Oregon study concluded that low-income Oregonians who have access to a legal aid lawyer have a much improved view of the legal system compared with those who do not have such access: 75% of individuals without access to a lawyer were negative about the legal system, but of those who had access to a legal aid lawyer, 75% had a positive view of the legal system regardless of the outcome of their case. The 2014 Task Force on Legal Aid Funding, which included representatives of the Bar, the Law Foundation, the judiciary, the legislature and private practice concluded that legal aid funding should be doubled over the next 10 years. Because funding for legal aid is a state, federal and private partnership, with about 80 different sources of funding, increases in funding must be made across the board to address the justice gap.

Currently, slightly more than 20% of lawyers contribute to the Campaign for Equal Justice, but in some Oregon regions (Jackson County and Lane County, for example), participation is as high as 40%.

DANNY LANG,  
OSB #790078 & CSB #78838

Brandi Goodman,  
Paralegal

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**TO: CAMILLE GREEN**

**FAX NO: 503-684-1366**

**DATE: September 22, 2015**

**RE: HOD Agenda Item**

**FROM:  DANNY LANG**

GLINDA SIFERS

CASEY  JEAN

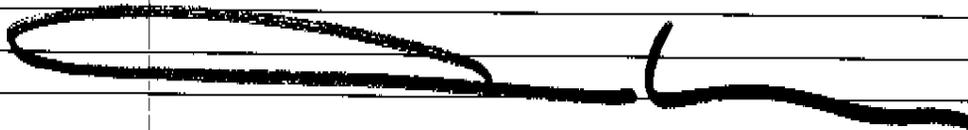
ELNORA  BRANDI

URGENT .....  
Reply A.S.A.P. ....  
Reply Via Fax A.S.A.P. ....  
For Your Review .....  
Original Mailed .....  
Original Not Mailed. ..

**PAGES INCLUDING COVER PAGE: 3**

**COMMENT:**

*Revised text of Proposed agenda item.*



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***PROPOSED 2015 HOD AGENDA ITEM***

***PROPOSAL TO***  
***PROVIDE FOR INTOXILYZER DEVICES AT OLCC LICENCED ESTABLISHMENTS.***

WHEREAS, ORS 813.010 is the Oregon Statute prohibiting "Driving Under the Influence".

WIHEREAS, it is difficult, without testing, to determine the Blood Alcohol Content Level of a person;

WHEREAS, Establishments Licensed by the OLCC are also prohibited from serving *Visibly Intoxicated Persons*;

WIHEREAS, violation of ORS 813.010 is a Class A Misdemeanor and may also result in the offense being charged as a Felony;

WHEREAS, it is well known and acknowledged that driving under the influence of Alcohol results in far too many Deaths, Serious Injuries, and Substantial Collision Damages;

WHEREAS, it is not unlawful to consume Alcoholic Beverages and operate a Motor Vehicle;

WHEREAS, newer technology makes it possible to quickly obtain a Brcath Test Result using an Intoxilyzer type device;

WHEREAS, the Insurance Industry would benefit from fewer Claims arising from "Alcohol Related Motor Vehicle Accidents";

WHEREAS, fewer Alcohol Related Motor Vehicle Accidents would result in lower Insurance Premiums upon the reduction of DUII related accidents;

WHEREAS, the Oregon Judicial Department would realize a fiscal benefit by the reduction in number of DUII Cases filed; Jury Trials; and related matters such as Diversion Proceedings.

WHEREAS, availability in Real Time of a Person's Blood Alcohol Content will serve as a deterrent and Crime Prevention Measure;

WIHEREAS, making available Intoxilyzer type devices in Establishments licensed to serve Alcoholic Beverages would foreseeably provide Patrons, Servers, and Establishments with an objective indication of impairment in addition to reliance upon *Visible Intoxication*;

WIHEREAS, the Advancement of the Science of Jurisprudence pursuant to Section 1.2 – Purposes of the By-Laws of the Oregon State Bar involve matters of Moral and Legal Interest to Oregon State Bar Members;

THEREFORE BE IT RESOLVED that the House of Delegates rccommend and encourage the Board

of Governors, in the furtherance of the improvement of the Administration of Justice, to recommend to the Oregon Legislature a study of relevant Statutes and Oregon Administrative Rules regulating licensed Establishments serving Alcoholic Beverages, to study implementation of incentives or requirements that Intoxylizer type devices be available for use by Patrons during hours when Alcoholic Beverages are served, so as to make available the means and methods for determining a Patron's Blood Alcohol Content, in addition to reliance upon *Visible Intoxication*.

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Respectfully Submitted by:



Danny Lang  
Region Three Delegate

No fiscal impact upon the Oregon State Bar. Funding for implementation may be obtained from revenues from Alcoholic Beverage taxes and/or OLCC Licensee Permit Fees.

Note: Oregon Judicial Department savings noted above would likely offset cost of implementation.

## 2015 HOD Resolutions

Item	Sponsor	Description	On HOD Agenda?	Presenter	BOG Position?	Presenter of BOG Position
7	BOG	In Memoriam	Yes		support	n/a
8	BOG	Veterans' Day Rememberance	Yes		support	n/a
9	BOG	Membership Fee Increase	Yes		support	n/a
10	Delegate	Adeq. Funding for Legal Svcs.	Yes	K.Evans/G.Gaydos/E.Harnden	support	
11	Delegate	Intoxilyzer Devices at OLCC Licensed Establishments	No	n/a	n/a	n/a

## Sylvia Stevens

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**From:** Ed Harnden  
**Sent:** Tuesday, September 29, 2015 9:34 AM  
**To:** Sylvia Stevens; Guy Walden  
**Cc:** Traci Ray  
**Subject:** ABA President Brown's Visit

Sylvia & Guy-

We are excited to welcome the ABA President to Portland on October 26<sup>th</sup>. We have a great breakfast with Managing Partners and Bar Leaders planned, as well as a CLE and Reception in the afternoon. Judge Nelson and Traci Ray have made all of the arrangements, and I have been asked to fundraise. It would be wonderful if the OSB and MBA could be listed as co-sponsors of the visit, and we would welcome your attendance and promotion of the events.

Would the OSB and MBA be willing to co-sponsor at the \$1,000 level each? Your sponsorship would be greatly appreciated and we would place your logos on all of the invitations (that are set to go out asap) and thank you at each event.

Please let me know if you have any questions.

**Ed Harnden**  
Managing Partner

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**From:** [Richard Spier](#)  
**To:** [Camille Greene](#)  
**Cc:** [Sylvia Stevens](#)  
**Subject:** FW: 2015 Legal Publications Author Recognition Reception  
**Date:** Monday, September 21, 2015 5:39:17 PM

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Let's include this on the BOG agenda for that day. Thanks.

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**From:** Camille Greene [mailto:CGreene@osbar.org]  
**Sent:** Monday, September 21, 2015 10:43 AM  
**To:** BOG 2015  
**Subject:** 2015 Legal Publications Author Recognition Reception

[Oregon State Bar](#)



## Oregon State Bar

### 2015 Legal Publications Author Recognition Reception

You are cordially invited to our  
Volunteer Author Recognition Reception hosted by the  
Board of Governors and the OSB Legal Publications Department

Please join us in recognizing the outstanding contributions of our volunteer  
authors and editorial review board members over the past two years.

The following publications will be recognized:

CRIMINAL LAW, 2013 Revision  
APPEAL AND REVIEW, 2014 Edition  
THE OREGON REAL ESTATE DESKBOOK, 2015 Edition

Friday October 9, 2015  
5:00 p.m.  
Oregon State Bar Center  
Tigard, Oregon

RSVP by Monday October 5th to Jenni Abalan  
[jabalan@osbar.org](mailto:jabalan@osbar.org) or (503) 431-6345

Thank you for helping us honor and celebrate our many volunteers who make  
both BarBooks™ and our print publications possible. We produce quality  
resources because of you.

Light appetizers to be provided.

Oregon State Bar | 16037 SW Upper Boones Ferry Road | Tigard, Oregon 97224

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