

**Oregon State Bar  
Special Meeting of the Board of Governors**

July 31, 2020

Virtual

**Open Session Agenda**

*The mission of the OSB is to serve justice and the public interest by promoting respect for the rule of law, improving the quality of legal services, and increasing access to justice.*

*The Special Open Session Meeting of the Oregon State Bar Board of Governors will begin at 4:10 p.m. July 31, 2020. Items on the agenda will not necessarily be discussed in the order as shown.*

**2020 BOG Areas of Focus**

**2020 BOG Ground Rules for Meetings**

1. **Call to Order**
2. **Awards Committee [Ms. Reeves]**
  - a. **2020 Award Recommendations** **Action** **Exhibit**
  - b. **Proposed Amendment to OSB Bylaws 4.3 and 4.8** **Action** **Exhibit**
3. **Selection of Special Meeting Date** **Action**

# OSB Board of Governors

## STATUTORY CHARGE

The Oregon State Bar (OSB) is a public corporation and an instrumentality of the Judicial Department of the State of Oregon.<sup>1</sup> The OSB Board of Governors (BOG) governs the state bar and must “at all times direct its power to serve the public interest by:

- (a) Regulating the legal profession and improving the quality of legal services;
- (b) Supporting the judiciary and improving the administration of justice; and
- (c) Advancing a fair, inclusive and accessible justice system.”<sup>2</sup>

As a unified bar, the OSB may use mandatory member fees only for activities that are germane to the purposes for which the bar was established.<sup>3</sup>

## MISSION

The mission of the OSB is to serve justice and the public interest by promoting respect for the rule of law, by improving the quality of legal services, and by increasing access to justice.

## FUNCTIONS AND GOALS

The BOG has adopted the following goals for its three statutory functions:

### **FUNCTION #1 – REGULATE THE LEGAL PROFESSION AND IMPROVE THE QUALITY OF LEGAL SERVICES**

**GOAL:** Protect the public by ensuring competence and integrity and promoting professionalism in the legal profession.

### **FUNCTION #2 – SUPPORT THE JUDICIARY AND IMPROVE THE ADMINISTRATION OF JUSTICE**

**GOAL:** Protect and advance the quality, integrity, and impartiality of the judicial system.

### **FUNCTION #3 – ADVANCE A FAIR, INCLUSIVE, AND ACCESSIBLE JUSTICE SYSTEM**

**GOAL:** Foster trust in, respect for, understanding of, and access to the justice system.

## FIDUCIARY ROLE

In order to advance the mission and achieve its goals, the BOG must ensure that the OSB is effectively governed and managed, and that it has adequate resources to maintain the desired level of programs and activities.

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<sup>1</sup> ORS 9.010.

<sup>2</sup> ORS 9.080.

<sup>3</sup> In *Keller v. State Bar of California*, 499 US 1,111 SCt 2228 (1990), the US Supreme Court held that an integrated bar's use of compulsory dues to finance political and ideological activities violates the 1st Amendment rights of dissenting members when such expenditures are not "necessarily or reasonably incurred" for the purpose of regulating the legal profession or improving the quality of legal services.

## **BOG AREAS OF FOCUS FOR 2020**

1. Board Culture and Leadership Development
  - a. Establish ground rules for conduct of BOG meetings.
  - b. Review board member roles and responsibilities and make changes as needed.
  - c. Identify board leadership development needs and implement training.
  - d. Review event anti-harassment policy and revise as needed.
2. Implement Diversity Action Plan items identified for 2020.
3. Support and participate in development of Diversity Action Plan for 2021-2023.
4. Provide review and oversight of the OSB governance model, programs, activities and communications to ensure alignment with the bar's public service mission.
  - a. Make changes as needed.
  - b. Support implementation of changes made in 2019 to existing programs.
  - c. Support development and implementation of paraprofessional licensing program, writing for the bar program, and leadership institute.
5. Provide budget oversight
  - a. Evaluate potential forms of revenue for 2021 budget and beyond.
  - b. Review the Client Security Fund cap limit and reserve level.
  - c. Determine definition of "gross income" for member fee discount.
6. Implement legislative priorities adopted for 2020.
7. Identify and adopt legislative priorities for 2021.



**OSB Board of Governors Meetings  
Ground Rules**

Adopted April 17, 2020

1. Listen respectfully. Do not interrupt. Seek first to understand, then to be understood. Be curious.
2. Assume good intent. We are all doing the best we can. Seek to meet people where they are.
3. Say what is true for you. Speak from "I" perspective.
4. Attack the problem, not the person.
5. No swearing.
6. Be mindful of and attempt to balance introvert and extrovert sensibilities. Give yourself and others time to process and permission to not make sense.
7. Participate. Each person has a perspective that is valuable to the decision-making process. Seek to share your perspective in the way that works for you. If you have not spoken in a while, the chair may check in with you to make room for your voice.
8. Let others participate. Monitor the space you are occupying in the discussion. The chair may defer calling on you if you have already spoken so that other voices and perspectives can be shared.
9. Be present. Recognize that your multi-tasking may interfere with your attentive presence and be a distraction to others. Limit outside work to the extent possible. At the same time, do not police the activity of others.
10. Come prepared.
11. Stay on topic.
12. Speak up if someone is not following the ground rules, bylaws, BOG responsibilities.
13. Be on time, start on time, end on time.

# OREGON STATE BAR

## Board of Governors Agenda

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**Meeting Date:** July 31, 2020  
**From:** BOG Awards Committee  
**Re:** Award and Award Language Change recommendations for 2020

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### **Action Recommended**

Approve the following slate of recipients for the 2020 OSB awards and change the criteria for two awards to remove the requirement that the activity be done as a volunteer:

President's Membership Service Award  
Hon. Karrie McIntyre

President's Public Service Award  
Tonia L. Moro

President's Diversity & Inclusion Award  
Chad E. Paulson  
Jacqueline Lizeth Alarcón

President's Sustainability Award  
Robb Schechter

President's Technology & Innovation Award  
RecordSponge Oregon

Wallace P. Carson Jr. Award for Judicial Excellence  
Hon. Martha Walters

OSB Award of Merit  
Cheryl F. Coon

### **Background**

The ad hoc Awards Committee met by conference call on July 16 to review nomination materials and develop the recommendations detailed above. Committee members are: Liani Reeves (Chair), Colin Andries, Adrian Brown, Katherine Denning, John Grant, and Kamron Graham. The annual Awards Luncheon will be publicly announced via a special edition of *The Bulletin* dedicated to the OSB Award Winner, the Pro Bono Challenge Winners, and the 50-year members.

At the meeting, the Nominating Committee voted to recommend changing the nominating criteria of two awards--The Public Service Award and the Public Leadership Award--to remove the requirement that the activity be done as a volunteer. The proposed language change is attached.

## Proposed changes to OSB by-laws Sections 4.3 and 4.8

### **Section 4.3 President's Public Service Award**

The criteria for the President's Public Service Award is as follows: ~~the nominee must have volunteered his or her time for the activity in which she or he was involved~~; the nominee must be an active member of the Oregon State Bar; the nominee must have made a significant contribution to the public through efforts involving pro bono services; coordination of local public service law-related events, such as those associated with Law Day; service with community board or organizations or similar activities that benefit the public.

### **Section 4.8 President's Public Leadership Award**

The criteria for the President's Public Leadership Award are as follows: The nominee must not be an active or inactive member of the Oregon State Bar; ~~the nominee must have volunteered his or her time for the activity in which she or he was involved~~; the nominee must have made significant contributions in any of the areas described in the President's Awards (Sections 4.24.4 above).

# OREGON STATE BAR

## Board of Governors Agenda

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**Meeting Date:** July 31, 2020  
**From:** Helen M. Hirschbiel, CEO  
**Re:** Amendment to OSB Bylaw 2.107

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### **Action Recommended**

Consider waiving the one meeting notice requirement and adopting the proposed amendments to OSB Bylaw 2.107 regarding defense of disciplinary complaints and proceedings.

### **Background**