The Open Session Meeting of the Oregon State Bar Board of Governors will begin at 9:00 a.m. on January 31, 2004, 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.

9:00 a.m. – 9:30 a.m.

1. Work Session - Communications [Kay Pulju]

- This department coordinates major communication efforts for both the membership and the general public. For the public, we offer programs and services designed to educate the public about laws, lawyer, and the legal system; and how to find help with legal problems. Education efforts include: Public legal education seminars and cable TV programs; pamphlets and specialty publications; public service announcements; website materials and Tel-Law. The Lawyer Referral Service, Modest Means and Problem Solvers program connect Oregonians with lawyers and resources for legal help.

The Member Communications group publishes the OSB Bulletin, Bar News, and miscellaneous bar publications designed to benefit members in their practices and increase awareness of leadership issues and program activities. This group also coordinates the OSB Annual Meeting and other membership projects and events, including membership surveys and research. Media relations activities support our education and access goals as well as those of partner groups.

2. Report of Officers

9:30 a.m.

A. Report of the President [Mr. Carter]

1. Meeting with Chief Justice Carson Inform Handout
2. Swearing in of New Board Member - Linda Eyerman Action Handout

B. Report of the Executive Director [Ms. Garst]

1. Legal Services Program – Columbia County Inform
2. Client Assistance Office Report Inform 1-12
C. Oregon New Lawyers Division

1. ONLD Report [Christine Meadows] Action Handout
   ➢ Update on ONLD programs and a proposal to host an American Bar Association Young Lawyers Division conference in Portland in 2005.

3. Closed Session Agenda

10:00 a.m.

A. Reinstatements (Judicial proceeding pursuant to ORS 192.690(1) – separate packet) Discuss/ green Action agenda
B. Litigation (Executive Session pursuant to ORS 192.660(1)(f) and (h) - separate packet) Discuss/ green Action agenda
C. Privileged Communication from Counsel on PERS issue (Executive Session pursuant to ORS 192.660(1)(f) - separate packet) Discuss/ green Action agenda

4. Rules and Ethics Opinions

10:45 a.m.

A. Legal Ethics Opinion

   ➢ Proposed formal opinion addresses ethical considerations relating to participation in business networking clubs.

B. Special Ethics Committee

   ➢ Review the Rules Committee’s recommendations to address Supreme Court’s concerns.
5. OSB Committees, Sections, Councils, Divisions and Task Forces

A. Client Security Fund [Mr. Comstock]

1. CSF Claims Recommended for Payment  Action  66-69

   ➢ Consider the following claims, recommended for payment by the Client Security Fund at its meeting on November 15, 2003: No. 03-04 Trulson v. McNannay ($4,000), No. 03-10 Fleming v. Moe ($914), No. 03-13 Eiring v. Judy ($30,670) and No. 03-18 Williams v. Cuniff ($1,231.25).

10:50 a.m.

B. Futures Committee  Action  70-76

1. Committee’s Annual Report [John Bridges]

   ➢ John Bridges, chair of the President’s Advisory Committee on Issues Affecting the Future of the Legal Profession, will discuss the Committee’s annual report to the BOG and make a recommendation regarding the Committee’s desire to continue its work.

6. BOG Committees, Special Committees, Task Forces and Study Groups
   (continued after Special Appearances)

11:05 a.m.

A. Policy & Governance Committee [Ms. Cook]

1. MCLE Rules and Regulations  Action  77-79

   ➢ The Committee would like the Board to revisit its previous adoption of changes to these rules regarding diversity training because of feedback from the Supreme Court and the Court’s Access to Justice Committee. The Committee will be reviewing the board exhibit at its January 30 meeting and making a recommendation to the full Board.

7. Appearances/Special Issues

11:20 a.m.

A. ABA Update [Mark Johnson, Marilyn Harbur  Adrienne Nelson]  Inform  80-90

Open Agenda  January 30 – 31, 2004  Page 3
11:35 a.m.

8. **BOG Committees, Special Committees, Task Forces and Study Groups (continued)**

   A. **Public Affairs Committee [Mr. Gaydos]**

      1. **Update on Current Political Situation**
         Inform 91-114
         - Discuss how the BOG can be involved in cultivating legislative relationships.

      2. **Standards for Juvenile Law Practitioners**
         Action 115
         - *The PAC recommends BOG formation of a task force to develop guidelines for juvenile practitioners.*

      3. **Update on Ballot Measure 30 Regarding Income Tax Surcharge**
         Inform 116-122
         - Review the latest information on the ballot measure and its impact on the courts and indigent defense.

   B. **Committee on the Judiciary [Mr. Gaydos]**

      1. **Update**
         Inform
         - *The Committee’s activities are outlined in the minutes of its January 9, 2004 meeting in the Default Agenda.*

9. **Professional Liability Fund [Mr. Cannon, Mr. Palmer, Mr. Bloom]**

11:55 a.m.

   A. **PLF Policy 5.200**
      Action 123-128
      - *The PLF periodically reviews its investment guidelines to make certain that they reflect our investment strategy. The recommended changes include several housekeeping changes and the addition of a new asset class.*

   B. **Change to Article 3.5 PLF Bylaws**
      Action 129-130
      - *The bylaws need to be updated to reflect the change of BOD terms to the calendar year. This change relates to the date the PLF BOD submits nominees to the BOG.*
10. Consent Agenda

A. Approval of Minutes from November 13-15, 2003

B. Budget & Finance Committee [Mr. Hilton]
   1. Bylaw Amendment - Financial Matters
      ➢ The committee recommends an amendment to Bylaw 7.106 to add the requirement for two signatures on electronic transactions in excess of $10,000.

C. Redistribution of Filing Fee Funds
   ➢ The Legal Service Program Committee has been polled and is recommending that the request of LASO and OLF to redistribute their share of filing fees for 2004 be granted.

D. Appointments Committee
   1. Appointments to the House of Delegates
      a. Region 4
      b. Region 5
      c. Two Appointments for Region 6
      d. Corrections to Roster Information for Regions 1 and 5
   2. Appointment of Legal Services Committee Advisory Committee Member
   3. Appointment to the State Lawyers Assistance Committee
   4. Appointment to the Continuing Legal Education
   5. Chair and Member Appointment to the Medical Profession – Joint Committee
   6. Appointment to the Client Security Fund
   7. Appointment to the Federal Practice and Procedure Committee
8. Appointment to the Pro Bono Committee  Action  149

9. Appointment to the Certified Public Accountants Joint Committee  Action  149

10. Appointment to Disciplinary Board
   a. Appointment to Region 5  Action  149
      and Correction to Roster
   b. Appointment to Region 6  Action  149

11. Commission on Judicial Fitness and Disability  Action  149

11. Default Agenda  Inform  blue

   A. Executive Director [Ms. Garst]
      1. Operations Report  Inform  150-155
      2. Status of Action Items  Inform  156-158
      3. New Jersey’s Bar Urges Court-Ordered Arbitration’s End Inform  159-162
      4. Law School Probed on Reverse Discrimination Claims Inform  163-165
      5. Malpractice Settlement Bill Clears Key California Panel Inform  166-167

   B. Committee Minutes
      1. Budget and Finance Committee  Inform  168-169
      2. Committee on the Judiciary  Inform  170-172
      3. Member Services Committee  Inform  173-174
      4. Policy and Governance Committee  Inform  175-176
      5. Public Affairs Committee  Inform  177-178
C. Budget and Finance

1. Sections Fund Balances Inform 179-181

➢ The Budget & Finance Committee reviewed the sections' budgets for 2004 and is alerting other board members to review the size of the section's fund balance with the sections they represent.

D. General Counsel [Mr. Riemer]

1. DR 1-105 Report Inform 182-200

➢ Informational report on written advisory ethics opinions issued under DR 1-105 from July 1, 2003 to December 31, 2003.

E. Client Security Fund Claims Report Inform 201-207

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