

Oregon State Bar
Meeting of the Board of Governors
April 2-3, 2004
Open Session Agenda

The Open Session Meeting of the Oregon State Bar Board of Governors will begin at 11:30 a.m. on April 2, 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.

11:30 a.m.

1. Work Session

A. General Counsel's Office [George Riemer]

1. Client Security Fund, Fee Arbitration, MCLE, legal and ethics advice.

B. Issues Affecting the Future of the Legal Profession

1. Federalization of Lawyer Regulation 1-15
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1:00 p.m.

2. Report of Officers

A. Report of the President [Mr. Carter]

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|----|--|--------|-------|
| 1. | Meeting with Chief Justice Carson | Inform | 16-17 |
| 2. | County Bar Visits – Douglas County | Inform | |
| 3. | OCLEAB Meeting on Indian Law and Professionalism Statement | Inform | |
| 4. | NCBP 2004 Midyear Meeting – San Antonio | Inform | |
| 5. | Western States Bar Conference – Scottsdale | Inform | |

1:15 p.m.

B. Report of the President-elect [Ms. Cook]

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|----|-----------------------------------|--------|-------|
| 1. | Bar Leadership Institute, Chicago | Inform | |
| 2. | Multnomah County Courthouse | Inform | 18-24 |
| 3. | Update on Recent Activities | Inform | |

1:25 p.m.

- C. Report of the Executive Director [Ms. Garst]
 - 1. Columbia County Legal Aid Inform
 - 2. Walters II Task Force/Legal Services Corporation Inform
 - 3. BOG Retreat at Salishan – November 2005 Inform
 - 4. BOG Liaisons Attending Section/Committee Meetings Inform
 - 5. 2003 Program Measures Evaluation Inform Handout

➤ *This item will be discussed Saturday, April 3, 2004, at 9:30 a.m.*
- D. Oregon New Lawyers Division [Christine Meadows] Inform Phone
 - 1. ONLD Report

3. Professional Liability Fund [Mr. Cannon, Mr. Palmer, Mr. Bloom]

1:30 p.m.

- A. 2003 Claims Experience Inform 25-27
 - *Year end report for 2003 Claims Experience*
- B. Practice Management and OAAP Inform 28-37
 - *Year end report for Practice Management and OAAP*
- C. Financial Report Inform 28-46
 - *Year end report for Finance*
- D. Changes to PLF Policy 3.300 – Installment Payment Action 47-51
 - *Changes to the PLF installment plan language are necessary due to the Supreme Court's recent ruling in the Leisure case. These changes clarify the plan and comply with the statutory notice requirements.*

2:00 p.m.

4. Closed Session Agenda

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|----|--|--------------------|-----------------|
| A. | Reinstatements (Judicial proceeding pursuant to ORS 192.690(1) – separate packet) | Discuss/
Action | green
agenda |
| B. | Litigation and Advice of Counsel (Executive Session pursuant to ORS 192.660(1)(f) and (h) - separate packet) | Discuss/
Action | green
agenda |

5. Rules and Ethics Opinions

2:50 p.m.

A. Legal Ethics Opinion

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|----|--|--------|-------|
| 1. | Proposed Formal Opinion No. 204-175 | Action | 52-58 |
| | <i>➤ This Proposed Formal Opinion was initially considered by the BOG in January 2004. This version contains modest changes to the January version and deals with the propriety of a lawyer participating in a business-networking group, the sole purpose of which is the exchange of business referrals.</i> | | |
| 2. | Action of Supreme Court on Proposed Rules of Professional Conduct | Action | 59-69 |
| | <i>➤ The Court has informed us of the version of the proposed rules it is willing to adopt. In order to proceed, the Board needs to adopt this version and decide when to call a meeting of the House of Delegates to consider the adopt of that version also. If the Board and House approve the changes requested by the Court, the proposed rules will be submitted to the Court for final adoption. The Board should decide what to recommend to the Court regarding a preferred effective date for the new rules.</i> | | |

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

3:05 p.m.

A. MCLE Committee

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|----|---|--------|-------|
| 1. | MCLE Regulations Changes | Action | 70-76 |
| | <i>➤ Approve technical corrections to the MCLE Regulations to conform them to the rules approved by the Supreme Court on February 20, 2004.</i> | | |

2. MCLE Accreditation (Review of MCLE Committee Decision) Action 77-82

➤ *Consider Stephen R. Moore's request for approval of one hour of self-study credit in conjunction with a two-hour live CLE program.*

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

3:15 p.m.

A. Public Affairs Committee [Mr. Gaydos]

1. Candidate Filings and Judicial Races Inform 83

➤ *Overview of candidate filings and contested judicial races in appellate courts.*

3:25 p.m.

2. Appellate Structure Workgroup Report Action 84

➤ *Status report on the Appellate Structure Workgroup progress and recommendations.*

4:25 p.m.

3. Law Improvement Package Inform 85-86

➤ *Update on development of legislative package from sections and committees to meet May 1, 2004, pre-session filing deadline.*

B. Member Services Committee [Mr. Carter]

4:30 p.m.

1. Updates from the Recruitment, Annual Meeting and Awards Subcommittees Inform

4:40 p.m.

2. Update on Video Conferencing Action 87-91

➤ *Two board members and staff viewed the operation of a video conferencing network, OPEN, operated by the State's Educational Service Districts. The committee is recommending future investigation and trials to determine if the bar should participate in this network.*

4:50 p.m.

3. Feasibility Report on Online CLE Publications Action 92-107

➤ *Staff has prepared a feasibility report on placing all CLE Publications online. The committee will make a recommendation based upon the report at its April 2 meeting on whether the plan should be rolled out to the membership for their input.*

Saturday, April 3, 2004

9:00 a.m.

4. Task Force on Electronic Filing Action 108-127

➤ *The committee will make a recommendation on the formation of a task force on electronic filing at its April 2 meeting. The 2002 House of Delegates passed a resolution in favor of electronic filing in the state's courts.*

C. Policy & Governance Committee [Ms. Cook]

9:10 a.m.

1. Casemaker™ – Section Specific Material Action 128

➤ *The committee has polled the sections in regard to their support for the committee's recommendation that all section specific material added to Casemaker™ be made available to all active bar members who are eligible to access Casemaker™. All of the sections who have responded to date have voiced support for the committee's recommendation.*

9:15 a.m.

2. Affirmative Action Program Sunsets in 2006 Action 129

➤ *The AAP and the \$30 mandatory fee will sunset in 2006 unless the House of Delegates supports an extension. The committee heard from representatives of the AAP at its February meeting and is recommending a special committee to draft a recommendation regarding the sunset to the committee and then the full board.*

9:25 a.m.

3. BOG Member Involvement in Judicial Campaigns Action 130-133

➤ *The committee will hear a proposal regarding this issue at its April 2 meeting and may bring a recommendation to the board for a change in policy.*

4. Change to Bar Bylaw 6.6 Action 134

➤ *The committee recommends that Bar Bylaw 6.6 be changed to conform the deadline for waiver applications with the fee due date. This action will require a separate action to waive the one meeting notice requirement.*

5. Approval of Workers' Compensation Board Attorney Fee Schedule and Proposed Rule Action 135-156

➤ *Each year, the Board of Governors is asked to approve a schedule of attorney fees for the Workers' Compensation Board. In addition, this year there is a proposal to adopt OAR 438-015-011, which is entitled "Attorney Retainer Agreement." The committee will bring a recommendation to the full board after its meeting on April 2.*

8. Consent Agenda

9. Default Agenda

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