

Oregon State Bar
Meeting of the Board of Governors
June 11-12, 2004
Open Session Agenda

The Open Session Meeting of the Oregon State Bar Board of Governors will begin at 12:00 p.m. on June 11, 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.

Friday, June 11, 2004

12:00 p.m. – 1:00 p.m.

1. Joint Luncheon - Oregon State Bar Board of Governors and Professional Liability Fund Board of Directors

- *Luncheon with program presented by Bob Nunn (PLF) and Nena Cook (BOG). In addition, there will be a presentation regarding the Oregon Attorney Assistance Program by the PLF's staff. OAAP counselors will give a presentation on the scope and nature of the OAAP programs.*

1:00 p.m.

2. Report of Officers

A. Report of the President [Mr. Carter]

- | | | | |
|----|--|--------|---|
| 1. | Meeting with Chief Justice Carson | Inform | |
| 2. | Local Bar Visits | Inform | |
| 3. | USA Patriot Act Forum | Inform | 1 |
| 4. | ABA Lobby Day | Inform | |
| 5. | Legislator Contacts | Inform | |
| 6. | Assignment of Facilities Planning Effort to the Budget and Finance Committee | Action | |
| 7. | Board Member/Bar Members/Staff Communications | Inform | |
| 8. | Miscellaneous | Inform | |

Note: The attached exhibits do not contain pages 3-4.

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

- | | | | |
|----|-------------------------|--------|--|
| 1. | Eastern Oregon Trip | Inform | |
| 2. | Other Recent Activities | Inform | |

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

1:30 p.m.

- | | | | |
|----|--------------------------|--------|---|
| 1. | New Organizational Chart | Inform | 5 |
| 2. | Event Dinner Tables | Inform | |

➤ *Often we buy a table for ten for various events held by our partners, such as the Multnomah Bar Association and the Classroom Law Project. However, lately we have been unable to fill the seats. Should we still buy the tables but give the tickets to some organization like Legal Aid?*

1:35 p.m.

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

A. Approval of Policy Changes

- | | | | |
|----|--|--------|-------|
| 1. | PLF Policy 2.300(3) and PLF Policy 5.250 | Action | 7-9 |
| 2. | PLF Policy 5.350 | Action | 11-13 |
| 3. | PLF Policy 7.100 | Action | 11-13 |

➤ *Refers to duties of the Finance Committee and makes the policy consistent with the committee's functions.*

➤ *Clarifies language relating to PLF budgeting process.*

➤ *Refers to treatment of excess liability program retained earnings. The change makes the excess policy consistent with the PLF mission, goals, and legal obligations of the PLF.*

- | | | | |
|----|-----------------------|--------|-------|
| 4. | PLF Bylaws Goal No. 2 | Action | 11-13 |
|----|-----------------------|--------|-------|

➤ *Modifies PLF Goal 2 by incorporating Goal 3 into Goal 2 and deleting Goal 3.*

5. PLF Policy 5.200 Action 15-16

➤ *Approve changes to PLF Policy 5.200 "Investment Guidelines." The changes to PLF Policy 5.200 adopt the most recent asset allocation recommendations.*

3:00 p.m. – 3:30 p.m.

4. Dessert Social

➤ *The BOG, PLF BOD, OSB staff, and PLF staff will meet in the OSB Center lobby. This will be a time to visit and get acquainted with each other. The BOG and PLF BOD members will be asked to introduce themselves to the group.*

3:30 p.m.

5. Work Session

A. Member Services Department

B. Oregon New Lawyers Division [Christine Meadows] Inform

1. ONLD Report

4:00 p.m.

6. In re Leisure

➤ *Consider information regarding In re Leisure and give direction to staff on appropriate action to take concerning the approximately 506 PLF suspensions potentially affected by the Supreme Court's decision in In re Leisure, 336 Or. 244, 82 P.3d 144 (2003).*

4:30 p.m.

7. Closed Session Agenda

A. Reinstatements (Judicial proceeding pursuant to ORS 192.690(1) – separate packet) Discuss/ green Action agenda

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

Saturday, June 12, 2004

9:00 a.m.

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

A. MCLE Committee

1. Request for Review of MCLE Accreditation Action 17-32

➤ *Consider the request of member Pamela Holsinger for BOG review of the decisions of the MCLE Administrator and MCLE Committee denying MCLE credit for a USDOJ in-house training program.*

9. BOG Committees, Special Committees, Task Forces and Study Groups
(Continued after Special Appearances)

9:05 a.m.

A. Access to Justice Committee [Ms. LeSage]

1. OSB Legal Services Task Force Action Handout
Recommendation

➤ *The OSB Legal Services Task Force will make a recommendation to the Board of Governors, through the Access to Justice Committee, regarding the civil legal service structure in Oregon that will eliminate the barriers in the current system while maximizing legal service access to low-income clients in Oregon. If approved, the recommendation will be submitted to the Legal Services Corporation in Washington, D.C.*

2. Volunteer Pro Bono Hour Reporting Action 33-34

➤ *The Access to Justice Committee will recommend the Board of Governors approve changes to the pro bono reporting process so attorney volunteer pro bono hours are no longer collected on the membership fee statement but are collected on a form inserted in the December Bulletin or online.*

9:30 a.m.

B. Budget and Finance Committee [Mr. Hilton]

1. Update on PERS Issues Action Handout

➤ *The committee has reviewed the current and future potential costs of funding the PERS retirement program for bar staff and has discussed options to the current plan and a possible replacement plan.*

2. Write Off Uncollectible Receivables Action 35-39

➤ *The committee is recommending a change in the current rules for writing off uncollectible receivables as the policy pertains to bar members.*

9:50 a.m.

C. Committee on the Judiciary [Mr. Bryant]

1. Judicial Appointment Process for Circuit Court Vacancies Inform 41-44

➤ *The board approved the judicial appointment process for circuit court vacancies at its April 2, 2004, meeting. MBA President Robert Neuberger sent a letter expressing surprise the board approved the new process without consulting the MBA. The Committee on the Judiciary will discuss Mr. Neuberger's letter at its June 11 meeting and will report its discussion to the board.*

10:00 a.m.

2. Request for Direction on Issue of Creating Judicial Evaluation Process Action 45-79

➤ *The committee would like direction from the full Board of Governors whether to pursue the development of a judicial evaluation process for Oregon judges, based on local conditions and considering Oregon elects judges while many other states use judicial selection commissions to nominate candidates to appointing authorities.*

10:15 a.m.

D. Member Services Committee [Mr. Carter]

1. Annual Meeting Tent Show/Dinner Inform 81-83

➤ *The MSC Subcommittee will ask board members to help assure its success.*

10:20 a.m.

E. Policy and Governance

1. Bylaw 2.300 Change Regarding Public Member Action 85

➤ *This bylaw needs to be changed in order to appoint Bette Worcester to another term. The committee recommends adoption of this change. A motion to waive the one meeting notice requirement will need to be made if this change is to be adopted at this meeting.*

- 2. Appointment of Bette Worcester to Second Term on the Board of Governors Action

10:30 a.m.

10. Special Appearances

- A. Oregon State Bar Delegates to the ABA House of Delegates [Mark Johnson, Marilyn Harbur, and Adrienne Nelson]

- 1. Update from the ABA House of Delegates Members Regarding 2004 Midyear Meeting Inform 87-101
- 2. Sneak Preview of 2004 Annual Meeting Inform 103-109

- *The attachment outlines issues that will be coming up at the ABA House of Delegates meeting this summer in Atlanta.*

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

11:00 a.m.

- B. Public Affairs Committee [Mr. Gaydos]

- 1. Candidate Filings and Judicial Races Inform 111-115
- 2. Appellate Structure Review Committee Report Action 117
- 3. 2005 OSB Law Improvement Package of Legislation Action 119-123

- *Review results of primary election, judicial races, and lawyer candidates.*
- *Accept Appellate Structure Review Committee Report and recommendations.*
- *Ratify Public Affairs Committee submission of OSB Law Improvement Package to Legislative Counsel's Office.*

- 11. Consent Agenda Action pink

- 12. Default Agenda Inform blue

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