

Oregon State Bar
Meeting of the Board of Governors
August 13-14, 2004
Open Session Agenda

The Open Session meeting of the Oregon State Bar Board of Governors will begin at 1:00 p.m. on August 13, 2004, and will reconvene at 9:00 a.m. on August 14, 2004, if necessary; 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, August 13, 2004

1. Report of Officers

1:00 p.m.

A. Report of the President [Mr. Carter]

1. Activities Since Last Meeting:

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| a. | June 14, 2004 – Columbia County Bar with George | Inform | |
| b. | June 14, 2004 – Clatsop County Bar with George | Inform | |
| c. | June 15, 2004 – Portland Managing Partner’s Meeting with Nena | Inform | |
| d. | June 18, 2004 – Oregon Criminal Defense Lawyers Association, Bend | Inform | |
| e. | July 28, 2004 – Oregon District Attorneys, Seaside with George | Inform | |
| f. | August 4-8, 2004 – Atlanta ABA Conference with Lisa | Inform | |
| g. | Meeting with The Chief Justice | | |
| | (1) August 11, 2004 – Minutes | Inform | Handout |

2. Upcoming Activities:
 - a. August 16, 2004 – University of Oregon New Student Orientation Inform
3. Preparation for HOD Meeting:
 - a. Regional HOD Meetings Inform 1
 - b. Possible BOG Resolutions Inform
 - c. Gruber Resolution (Diversity) Inform
 - d. Other Inform
4. Lawyers With Multiple Complaints Inform 3-18

➤ *Mr. Carter and Mr. Riemer have discussed the issue of lawyers who have many complaints. They are bringing several options to the board for discussion, recommendation, and possible future action.*
5. Defense and Indemnification of Bar Volunteers and Staff
 - a. Status Report Inform
6. Convention:
 - a. 50-Year Members Presentation Inform
 - b. Awards Presentations Inform
 - c. Other Inform

1:30 p.m.

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

1. Committee Mailings Inform

➤ *Currently, mailings are done either through e-mail or snail mail by the staff person to the committee. Staff would like to know if the board would rather have these mailed (or e-mailed) together.*

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

1:35 p.m.

A. CSF Committee

1.	Claims Recommended for Payment	Action	19-20
a.	Walker v. Anderson No. 03-15	\$1,447.25	
b.	Sedlak's Shoes v. Cuniff No. 04-03	820.48	
c.	Snyder v. Cuniff No. 04-02	95.86	

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

1:45 p.m.

- A. General Update Inform
- B. Update on Revisions to Coverage Plan Inform 21-56
- *The PLF has made major revisions to its Coverage Plan. We expect to bring final changes to the BOG at its October meeting.*
- C. Financial Report Inform
- *A report on the PLF audit and an update on the current financial picture.*

4. Closed Session Agenda

2:10 p.m.

- 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
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5. OSB Committees, Sections, Councils, Divisions and Task Forces

2:30 p.m.

- A. Special Committee on *In re Leisure*, 336 Or. 244, Action 57-60
82 P.3d 144 (2003)
- *Mr. Bryant will present the committee's recommendation to the board for consideration.*

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

2:45 p.m.

- A. Budget and Finance Committee [Mr. Hilton]
1. Request for Funds from Campaign for Equal Justice Action 61-71
 - *The Campaign has requested \$10,000 for the open houses for legal aid programs in 2004.*
 2. 2005 Executive Summary Budget Inform 73-84
 - *This report is the first look at the 2005 budget and five-year forecasts based on current operations and expected trends.*
 3. Audit Report for 2002 and 2003 Action 85
 - *In mid-July, the board received a copy of the bar's audit report for fiscal years 2002 and 2003 and the management letter. The board should acknowledge receipt of the report.*
 4. Update on PERS Inform 87-89
 - *With the increasing cost of PERS, various bar representatives have met to discuss alternative retirement plans.*
 5. Future Bar Center Inform 91
 - *The subcommittee will report on the status of future sites for the bar center.*

B. Committee on the Judiciary [Mr. Bryant]

3:30 p.m.

1. Judicial Speakers' Bureau Notebook Action 93
Mailed Separately.

➤ *The Committee on the Judiciary recommends the board endorse the Judicial Speakers' Bureau Notebook. If so endorsed, it will be presented to the Judicial Conference and the bar will encourage its use by judges throughout the state.*

3:50 p.m.

2. Judicial Appointment Process for Appellate Court Vacancies Action 95-101

➤ *The Committee on the Judiciary will be discussing changes to the Bar's Bylaws and internal policies to implement the Governor's requested changes to the bar's appellate court candidate screening process on August 13, 2004. Its specific recommendations will be presented to the full board on August 14, 2004.*

3. Judicial Evaluation Action 103-109

➤ *The Committee on the Judiciary is requesting direction from the board on whether to pursue the development of an evaluation process for Oregon judges.*

Saturday, August 14, 2004

C. Member Services Committee [Mr. Carter]

9:00 a.m.

1. Online CLE Publications Action 111-116

➤ *The committee will consider the results of a membership survey at its August 13 meeting and will make a final recommendation regarding a resolution to the House of Delegates for a membership referendum on increasing the membership fees by \$70 in order to place CLE Publications on the bar's website and provide all the books in this manner to all active members of the bar.*

9:30 a.m.

2. Annual Meeting Update Inform
 - *Dennis Rawlinson will provide the board with an update of the entertainment and sales of tables for the Friday dinner at the OSB Annual Meeting in October.*

9:35 a.m.

3. Casemaker™ for Law Students Action 117
 - *The committee is recommending the bar provide free access to Casemaker™ to the students of the three Oregon law schools.*

D. Policy and Governance

9:40 a.m.

1. Electronic Voting for OSB Elections and Polls Action 119-123
 - *In January 2003, the Policy and Governance Committee authorized staff to begin investigating conducting electronic elections. Staff has completed its investigation, decided on a vendor, and tested it out. Staff is asking that the Policy and Governance Committee recommend approval to conduct electronic elections to the board. The statute states that the board will adopt rules to conduct electronic elections. These rules, along with changes to the bylaws, are included in the board agenda.*
2. Proposed Oregon Rules of Professional Conduct Action 125-152
 - *Approve the recommendation of the Policy & Governance Committee that Proposed Oregon Rule of Professional Conduct 1.15 be revised as recommended by the Oregon Law Foundation and approve submission to the House of Delegates in October 2004, of revised Proposed Oregon Rules of Professional Conduct, incorporating changes from 2003 suggested by the Supreme Court and the Oregon Law Foundation as well as a few minor staff suggestions.*

E. Public Affairs Committee [Mr. Gaydos]

9:50 a.m.

1. Appellate Structure Review Committee Report Action Handout

➤ *Consider PAC recommendation regarding report.*

2. General Political Update and 2005 OSB Law Improvement Package. Inform

➤ *Update on Legislative activities.*

7. **Consent Agenda** Action pink
8. **Default Agenda** Inform blue
9. **Good of the Order (Non-action comments, information and notice of need for possible future board action)**