

Oregon State Bar
Meeting of the Board of Governors
February 3-4, 2006
Open Session Agenda

The Open Session Meeting of the Oregon State Bar Board of Governors will begin at 1:00 p.m. on Friday, February 3, 2006, and continue to the morning of February 4, 2006, if necessary to complete business; 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.

Thursday, February 2, 2006

3:30 p.m. – 5:00 p.m.

1. Budget and Finance – Special Meeting

Friday, February 3, 2006

1:00 p.m. – 1:20 p.m.

2. Work Session – Finance and Operations, Rod Wegener, OSB CFO

3. Report of Officers

1:20 p.m.

A. Report of the President [Mr. Rawlinson]

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|-----------------------------------|--------|
| 1. Board Leadership Opportunities | Inform |
| 2. Bar Leader Conference | Inform |
| 3. Gaelic Procedures | Inform |

1:35 p.m.

B. Report of the President-elect [Mr. Menashe]

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|---------------------------------------|--------|
| 1. Bar Leader Conference - Committees | Inform |
| 2. Miscellaneous | Inform |

1:40 p.m.

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

1. Miscellaneous Inform

1:45 p.m.

D. Oregon New Lawyers Division [John Marandas] Inform

➤ *Mr. Marandas will appear by phone.*

4. Professional Liability Fund [Ms. Miller, Mr. Cannon, Mr. Martinez]

1:50 p.m.

A. Approval of Pro Bono Program Coverage Plan Action 1-34

➤ *The PLF offers coverage to lawyers who are not required to have PLF coverage, generally government lawyers or retired lawyers, who volunteer to do Pro Bono work for OSB approved Pro Bono programs designed to serve low-income clients. The Pro Bono Coverage Plan is identical in its coverage provisions as other PLF plans. The PLF BOD requests approval of the 2006 Pro Bono Coverage Plan.*

B. Update Inform

➤ *An overview of 2005 and an update on the current status of the PLF.*

C. Financial Report Inform 35

D. Preview of 2006 Inform

➤ *A report on issues and initiatives we are likely to address in 2006.*

5. Special Appearances

2:05 p.m.

A. Request to Co-Sponsor Resolutions before ABA House of Delegates Action 37-52

➤ *The attached memo explains the proposed resolutions and Bar Bylaw 12.1 setting forth the guidelines the board uses in deciding whether to take positions on public policy issues.*

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

2:20 p.m.

A. Client Security Fund [Mr. Comstock]

1. *OSB v. Philip M. Kelley* – CSF Collections Action 53-54

➤ *The board will consider whether to authorize the expenditure of additional funds to pursue a judgment of nondischargeability against Philip M. Kelley for monies paid out by the Client Security Fund.*

2. *Munoz v. Feest* - No. 05-22 Action 55-57

➤ *Ray Munoz requested the board review the CSF Committee's denial of his claim.*

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

2:30 p.m.

A. Appointments [Mr. Gerking]

1. U of O Request for Distinguished Service Award Nominations Inform 59

➤ *Committee has nominated Jim Hennings, Metro Public Defenders office, and Marilyn Cover, Classroom Law Project. The deadline for submitting the nominations is February 3, 2006.*

2:35 p.m.

B. Budget and Finance Committee [Mr. Menashe]

1. New Bar Center Action 61-62

➤ *The letter of intent has been signed by both parties and the purchase and sales agreement will be delivered to the bar soon. The committee foresees action for the bar to engage counsel to review all legal documents with Opus and a project manager to oversee the construction components. The committee also is considering a matrix defining the decision authority of the numerous space, design, and function components of the project.*

3:05 p.m.

C. Committee on the Judiciary [Mr. Hill]

1. Request for Direction from Committee on the Judiciary Action 63-70

➤ *The committee is asking the full board for direction on various projects, including the pursuit of a feasibility study concerning the establishment of a judicial evaluation program for circuit court judges.*

D. Member Services Committee [Mr. Yugler]

3:35 p.m.

1. Report of the Tent Show Planning Group Action Handout

➤ *Report from the Tent Show Planning Group on the structure and location of the 2006 Tent Show. The committee will review the exhibit at its February 3 meeting and there will be a final recommendation to the board on February 3.*

2. Review of Communications and Services to Inform Bar Member Groups

➤ *Member Service Committee is reviewing communications and services to bar member groups, beginning with local bar associations.*

3. Leadership College Fellows Inform 71

➤ *The fellows have been selected and the committee will inform the board of the selection.*

4. HOD Recruitment Inform 73-75

➤ *BOG regional members are asked to recruit HOD candidates from their regions.*

3:45 p.m.

E. Policy and Governance Committee [Mr. Comstock]

1. Membership Petition Regarding MCLE Elimination of Bias Requirement Action 76-85

➤ *The committee will consider making a recommendation regarding this petition that was received on January 6 prior to the full board's consideration.*

Information regarding the MCLE Program's history and a copy of the petition is included in the board's agenda.

4:15 p.m.

a. Members of the Bar and Public to Address Inform
the Board

- *Thomas C. Howser will speak to the board regarding this issue. Any other members of the bar or public will be asked to address this issue at this time.*

2. Henry Kane's Petition Asking that Bar Action Closed
Bylaw 10 on Diversity be Amended to Agenda
Delete "Sexual Orientation"

- *The board will receive advice of counsel in executive session; the Public Meetings Law provides that "No executive session may be held for the purpose of taking any final action or making any final decision."*
- *This matter will be discussed during the board's Executive Session to commence at 9:00 a.m. Saturday, February 4, 2006 and final action or decision will be taken or made in open session following the discussion on the morning of February 4, 2006.*

F. Public Affairs Committee [Mr. Gaydos]

5:00 p.m.

1. Judicial Compensation Inform

- *Update the board about discussions with representatives of the Judges' Association regarding development of a strategy to increase compensation and retirement benefits in 2007. Report on the current status of the judicial recall initiative in Marion County.*

5:10 p.m.

2. Court Facilities Inform

- *Update on joint meeting with counties regarding court facilities.*

5:15 p.m.

8. Consent Agenda

Action pink

A. Approve Minutes

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|----|------------------------------|--------|-------|
| 1. | Minutes of November 18, 2005 | Action | 86-93 |
| 2. | Minutes of December 21, 2005 | Action | 94 |

B. Appointments

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|----|---|--------|----|
| 1. | Appointment to State Lawyers Assistance Committee | Action | 96 |
| 2. | Appointment to MCLE Committee | Action | 96 |
| 3. | Appointment to Region 5 House of Delegates | Action | 96 |
| 4. | Appointment to Uniform Criminal Jury Instructions | Action | 96 |

C. Policy and Governance

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|----|---|--------|--------|
| 1. | Bar Bylaws – Annual Meeting | Action | 98-102 |
| | ➤ <i>The committee is recommending that the references to the discontinued annual meeting be removed.</i> | | |

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| 2. | Joint CPA/OSB Committee Charge | Action | 104-105 |
| | ➤ <i>The committee is recommending that the charge be approved with the current language regarding pro bono.</i> | | |

D. CSF Committee

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|----|---|--------|---------|
| 1. | Claims Recommended for Payment | | |
| a. | No. 05-16 - <i>Giles v. Tripp</i> - \$6,142 | Action | 106-107 |
| b. | No. 05-27 - <i>Bornowski v. Marsh</i> - \$3,700 | Action | 107 |

- 9. Default Agenda** **Inform** **blue**
- A. Executive Director
1. Correspondence
- a. Letter from Norman Wiener and Ky Inform 108-109
Fullerton Regarding Oregon's Appellate
Court System
- b. Letter From Ingrid Swenson Thanking Inform 110
Bar for Support of the Office of Public
Defense Services
2. Articles
- a. Talking Points – Fee Increase – 12-15-05 Inform 112-103
(Oregon State Bar)
- b. *D. C. Circuit Says FTC Can't Regulate Inform 114
Lawyers*
- c. *In Rare Move, N. Y. Judiciary Includes Inform 116-119
Raises in Proposed Budget*
- d. *The Billable Hour: Are Its Days Inform 120-126
Numbered?*
- e. *Corporate Counsel Focus New Attention Inform 128-130
on Law Firms' Hires*
3. Operations Report Inform 132-139
4. Status of Actions from Past Board Meetings Inform 140-141
- B. Disciplinary Counsel
1. Criteria for Imposing MCLE Requirements Inform 142-154
on Reinstatement Applicants
- *At a previous board meeting members asked what the standards were for imposing
CLE requirements on reinstatements. The information is submitted per that request.*
- C. Budget and Finance
1. November 30, 2005, Financial Report Inform 156-159
- D. Committee Minutes

1. Access to Justice Committee
 - a. Minutes of January 6, 2006 Inform 160-163
 2. Budget and Finance Committee
 - a. Minutes of January 6, 2006 Inform 164-165
 3. Committee on the Judiciary
 - a. Minutes of January 6, 2006 Inform 166-167
 4. Member Services Committee
 - a. Minutes of January 6, 2006 Inform 168-169
 5. Policy & Governance Committee
 - a. Minutes of November 19, 2005 Inform 170
 - b. Minutes of January 6, 2006 Inform 172-174
- E. CSF Claims Report Inform 176-179

Saturday, February 4, 2006

9:00 a.m. – 10:00 a.m.

10. 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 |

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