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]
   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]
   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 Action 37-52
   House of Delegates
   ➢ 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**

   ➢ 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**

   ➢ 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**

   ➢ 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**

   ➢ 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 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 Bylaw 10 on Diversity be Amended to 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

- 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

- Update on joint meeting with counties regarding court facilities.
8. Consent Agenda

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

B. Appointments
   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
   1. Bar Bylaws – Annual Meeting  Action  98-102
      ➢ The committee is recommending that the references to the discontinued annual meeting be removed.
   2. Joint CPA/OSB Committee Charge  Action  104-105
      ➢ The committee is recommending that the charge be approved with the current language regarding pro bono.

D. CSF Committee
   1. Claims Recommended for Payment
      a. No. 05-16 - Giles v. Tripp - $6,142  Action  106-107
      b. No. 05-27 - Bornowski v. Marsh - $3,700  Action  107
9. Default Agenda

A. Executive Director

1. Correspondence
   a. Letter from Norman Wiener and Ky Fullerton Regarding Oregon’s Appellate Court System
   b. Letter From Ingrid Swenson Thanking Bar for Support of the Office of Public Defense Services

2. Articles
   b. D. C. Circuit Says FTC Can’t Regulate Lawyers Inform 114
   c. In Rare Move, N. Y. Judiciary Includes Raises in Proposed Budget Inform 116-119
   d. The Billable Hour: Are Its Days Numbered? Inform 120-126
   e. Corporate Counsel Focus New Attention on Law Firms’ Hires Inform 128-130

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 on Reinstatement Applicants Inform 142-154

   ➢ 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


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**

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

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