

**OREGON STATE BAR**  
**MEETING OF THE BOARD OF GOVERNORS**  
Schedule of Events  
September 14-16, 2006  
9/14/2006 4:11 PM

**Meeting Place** The Hilton Conference Center      **Phone:** 541-342-2000  
66 East Sixth Ave.      **Fax:** 541-342-6661  
Eugene, OR 97401

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**Thursday, September 14, 2006**

5:00 p.m. – 7:00 p.m.      Local Bar Social – Lane/Douglas County Bar Associations  
Adam's Place      (541) 344-6948  
30 E. Broadway  
Eugene, OR

**Friday, September 15, 2006**

9:00 a.m. – 5:30 p.m.      **AAP CLEs – Valley River Inn**

8:00 a.m. – 12:00 p.m. **Board Committee Meetings – The Hilton Conference Center**

8:00 a.m. – 8:30 a.m.      **Committee on the Judiciary** (Hill, Enbom, Fabien, Gerking,  
Skerjanec) \*\* Studio A  
**Call in Number:** 888-272-7337  
**Conference ID:** 1717200

8:00 a.m. – 8:30 a.m.      **Member Services Committee** (Yugler, Comstock, Menashe,  
Minson, Worcester, Wright) \*\* Studio B & C  
**Call in Number:** 888-272-7337  
**Conference ID:** 9490741

8:30 a.m. – 9:00 a.m.      **Policy and Governance Committee** (Comstock, Fabien, Gerking,  
Greene, Menashe, Vieira, Worcester) Studio A  
**Call in Number:** 888-272-7337  
**Conference ID:** 9490741

9:00 a.m. – 9:30 a.m.      **Appointments Committee** (Gerking, Eyerma, Fabien, Vieira,  
Wright, Yugler) \* Studio B & C  
**Call in Number:** 888-272-7337  
**Conference ID:** 1717200

9:00 a.m. – 10:00 a.m. **Budget and Finance Committee** (Menashe, Enbom, Gaydos,  
Green, Minson, Skerjanec, Worcester) \* Studio A  
**Call in Number:** 888-272-7337

**Conference ID:** 9490741

10:00 a.m. – 11:00 a.m. **Public Affairs Committee** (Gaydos, Comstock, Eyerman, Hill, Vieira, Yugler) Studio A  
**Call in Number:** 888-272-7337  
**Conference ID:** 1717200

11:00 a.m. – 12:00 p.m. **Access to Justice Committee** (Eyerman, Enbom, Fabien, Gerking, Skerjanec, Vieira, Wright) Studio B & C  
**Call in Number:** 888-272-7337  
**Conference ID:** 1717200

12:00 p.m. – 1:00 p.m. **Lunch – The Hilton Conference Center – Main Room**

1:00 p.m. – 5:00 p.m. **BOG and PLF Joint Meeting**  
**The Hilton Conference Center – Studio A**

5:30 p.m. – 6:30 p.m. **President’s Reception – Valley River Inn - Foyer**

6:30 p.m. – 7:30 p.m. **BOG Dinner – Valley River Inn – Rogue Room**

7:00 p.m. – 11:00 p.m. **AAP Dinner and Program – Valley River Inn - Ballroom**

**Saturday, September 16, 2006**

7:00 a.m. – 8:00 a.m. **Local Bar Presidents’ Breakfast – The Hilton Conference Center**

8:00 a.m. – 8:50 a.m. **AAP Presentation – The Hilton Conference Center**

9:00 a.m. – 2:00 p.m. **House of Delegates Meeting – The Hilton Conference Center**

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\* and \*\* indicate committees which have no overlap and can meet at the same time.

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NO MEETING **Executive Director Evaluation Special Committee** (Skerjanec, Comstock, Gaydos, Greene, Hill, Menashe, Minson)

NO MEETING **Public Member Selection Committee** (Enbom, Greene, Hill, Worcester, Yugler)

**Oregon State Bar**  
**Meeting of the Board of Governors**  
September 15, 2006  
**Open Session Agenda**

*The Open Session Meeting of the Oregon State Bar Board of Governors and the Joint Session Meeting with the PLF will begin at 12:00 p.m. on September 15, 2006. 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.*

Dial-in Number: 888-272-7337  
Access Code: 2374990

**Friday, September 15, 2006**

1:00 p.m.

1. **Work Session - Legal Service Program/OLF**
2. **Report of Officers**

1:20 p.m.

A. Report of the President [Mr. Rawlinson]

1. Meeting with Chief Justice Paul R. De Muniz  
September 5, 2006 Inform Handout
2. President's Award Inform
3. Gaelic Procedures Inform

1:35 p.m.

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

1. National Conference of Bar Presidents, August 2-5 Inform
2. November Retreat Inform
3. Miscellaneous Inform

1:45 p.m.

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

1. ASAE Conference Inform No Exhibit
  - *I attended this conference in Boston in August and would like to share a few of the ideas I picked up.*
2. BOG Evaluation Inform 1-3
  - *At the ASAE Conference mentioned above, this board evaluation document was presented. I think it would be very helpful if each board member filled it out (no need to list name) and I will tally for the retreat.*

1:50 p.m.

D. Oregon New Lawyers Division [John Marandas]

1. Update Inform

2:00 p.m.

3. **Professional Liability Fund** [Mr. Cannon]

- A. General Update Inform
- B. Report on London Meetings with Reinsurers Inform
- C. Financial Report Inform
- D. Special Underwriting Assessment (SUA) Appeal Action 5-8
  - *In cases where indemnity or defense costs exceed \$75,000 a SUAs is assessed against the covered party. Covered parties who disagree with the SUA assessment may appeal to the BOG. A SUA appeal has been made. OSB Bar Bylaw 23 requires that the President of the OSB appoint a committee to review the appeal and make final recommendations to the BOG, which decision is final.*
- E. Approve PLF 2007 Budget and Assessment Action 9-85
  - *PLF and BOG policies require that the PLF budget and assessment be approved by the BOG.*

#### 4. Special Appearances

2:15 p.m.

A. Report of PLF and BOG Liaisons

Inform No Exhibit

#### 5. HOD Agenda

2:25 p.m.

- *The board needs to decide if it will take a position on the resolutions and who will present the board's position.*

*The HOD Agenda items are listed in the order they appear in the agenda.*

##### 1. Board Position on Printed HOD Resolutions

- |    |   |        |       |
|----|---|--------|-------|
| a. | BOG Resolution No. 1 – Continue Affirmative Action Program  | Action | 90-91 |
| b. | HOD Resolution No. 1 – Mileage Reimbursement for Attending Annual HOD Meeting   | Action | 91-92 |
| c. | HOD Resolution No. 6 – Termination of OSB Leadership College  | Action | 92    |
| d. | HOD Resolution No. 9 – Direct the Board of Governors to Establish a Requirement for Special Assessments above Normal Bar Dues | Action | 93    |
|    | (1) Amendment   | Action | 111   |
| e. | HOD Resolution No. 15 – Adopt Fairness in Compensation for Those Practicing Public Defense Law                                | Action | 93-94 |
| f. | BOG Resolution No. 2 – In Memoriam  | Action | 94-95 |
| g. | BOG Resolution No. 3 – Proposed Amendments to Oregon Rules of Professional Conduct  | Action | 95-99 |
| h. | BOG Resolution No. 4 – Proposed Revised Statement of Professionalism  | Action | 98-99 |

i.	BOG Resolution No. 5 – Opposes Judicial Districting Ballot Initiative	Action	99-100
j.	HOD Resolution No. 2 – Elimination of Rule Prohibiting Post-trial Contact with Jurors	Action	100
k.	HOD Resolution No. 3 – Encourage and Recommend Availability of Optional Form Pleadings	Action	100
l.	HOD Resolution No. 4 – Amend ORCP 7A to Eliminate “True Copy” Certification	Action	100
m.	HOD Resolution No. 5 – Direct the Board of Governors to Restore Armed Forces Advertising to the Oregon State Bar <i>Bulletin</i>	Action	100-101
n.	HOD Resolution No. 7 – Adopt ABA Formal Opinion 06-441 as Position of Oregon State Bar	Action	101 and 106-110
	(1) Amendment	Action	111
o.	HOD Resolution No. 8 – Direct the Board of Governors to Establish an Equal Fee Structure for Voluntary Online Continuing Legal Education Publication Subscription Service	Action	101-102
p.	HOD Resolution No. 10 – Direct the Board of Governors to Recommend Renumbering the Oregon Rules of Civil Procedure	Action	102
q.	HOD Resolution No. 11 – Amend Rule 2 of the House of Delegates Procedures	Action	102-103
r.	HOD Resolution No. 12 – Direct the Board of Governors to Amend Article 26 of the Bar Bylaws	Action	103

- s. HOD Resolution No. 13 – Direct the Board of Governors to Amend Article 10 of the Bar Bylaws Action 103-104
  - t. HOD Resolution No. 14 – Support of Adequate Funding for Legal Services for Low-income Oregonians Action 104
  - u. HOD Resolution No. 16 – Oppose Taxpayer Bill of Rights Ballot Initiative Action 104-105
2. Board Position on Potential HOD Resolutions
- a. HOD Resolution to Sunset LRAP Action 111

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

A. Budget and Finance Committee [Mr. Menashe]

3:25 p.m.

- 1. New Bar Center Inform 113-115
  - *The board is updated on the latest issues on the new bar center now that the lease/purchase agreement with Opus has been executed.*

3:35 p.m.

- 2. 2007 Executive Summary Budget Action 117-127
  - *This summary is the first look at the 2007 budget and requires some board action on certain programs or activities.*

B. Member Services Committee [Mr. Yugler]

3:50 p.m.

- 1. OSB Awards Action 129
  - *OSB award honorees have been chosen by the Member Services Committee.*
- 2. CLE Online Publications' Early Bird Discount Action 131

C. Policy and Governance Committee [Mr. Comstock]

4:00 p.m.

1. Standard Section Bylaws Action 133
  - *The committee recommends changes to the Standard Section Bylaws to encourage sections to allow complimentary membership and CLE attendance to 50- year members and to judges and their lawyer staff.*

4:05 p.m.

2. Revision of Bar Bylaw 5.1 Regarding Election of ABA Delegates Action 135
  - *This is a housekeeping change that was missed when the elections were changed.*

D. Public Affairs Committee [Mr. Gaydos]

4:10 p.m.

1. Update on Political Activities Related to Upcoming Inform No Exhibit Election Cycle
  - *Discuss OSB activities regarding Constitutional Amendment 40 relating to the election of judges by geographic district and Measure 48 relating to the cap on state spending also known as the Taxpayer's Bill of Rights, TaBor.*

4:25 p.m.

2. Metro Recycling Initiative Action No Exhibit
  - *Consider Public Affairs Committee recommendation to endorse Metro's Recycle at Work Partnership to increase recycling rates in the Portland Metro Area and to show that metropolitan area businesses care about the environment and using resources efficiently.*

E. Public Member Selection [Mr. Enbom]

1. New Public Member Action 137-144
  - *The committee conducted its interviews in August and is recommending a new public member for the board's approval.*



- 7. Consent Agenda Action pink
  - 8. Default Agenda Inform blue
- 4:30 p.m.
- 9. Closed Session Agenda
    - A. Reinstatements (Judicial proceeding pursuant to ORS 192.690(1) – separate packet) Discuss/lavender agenda  
Action
    - B. Litigation and Advice of Counsel (Executive Session pursuant to ORS 192.660(1)(f) and (h) - separate packet) Discuss/green agenda  
Action
  - 10. Good of the Order (Non-action comments, information and notice of need for possible future board action)

**Oregon State Bar**  
**Meeting of the Board of Governors**  
September 15, 2006  
**Consent Agenda**

**7. Consent Agenda**

A. Approve Minutes

- |    |                           |        |         |
|----|---------------------------|--------|---------|
| 1. | Minutes of July 7, 2006   | Action | 145-153 |
| 2. | Minutes of August 4, 2006 | Action | 155-156 |

B. Appointments Committee

- |    |   |        |     |
|----|---|--------|-----|
| 1. | Appointment to Unlawful Practice of Law Committee                 | Action | 157 |
|    | ➤ <i>Recommendation: Alice Bartelt, term expiring, 12/31/07</i>   |        |     |
| 2. | Appointment to House of Delegates Region 4                        | Action | 157 |
|    | ➤ <i>Recommendation: Antonia Porras, term expiring, 12/31/09</i>  |        |     |
| 3. | Appointment to PLF Board of Directors                             | Action | 157 |
|    | ➤ <i>Recommendation: Rodney E. Lewis, term expiring, 12/31/09</i> |        |     |

**Oregon State Bar**  
**Meeting of the Board of Governors**  
September 15, 2006  
**Default Agenda**

8. **Default Agenda** **Informblue**
- A. **Executive Director**
1. **Correspondence**
- a. Letter from the Honorable Claudia Burton Inform 159  
    ➤ *Justice Wallace P. Carson, Jr. chosen for award.*
2. **Articles**
- a. *Responding to Rhetoric Against Judges* Inform 161-164
- b. *Restoring the Public Value of 'Justice for All'* Inform 165-167
- c. *Every Lawyer Can Make a Difference* Inform 169-170
- d. *England Poised to Reform Legal Market* Inform 171-173
3. **Reports**
- a. *Final Report of Bench/Bar Task Force on Access to State Courts for Persons with Disabilities* Inform Handout
- b. *Riley Research's Study of Public Opinions of Lawyers* Inform 175-202
- c. **Operations Report** Inform 203-209
- d. **Status of Actions from Past Board Meetings** Inform 211-212
- B. **Budget and Finance Committee [Mr. Menashe]**
1. **July 31, 2006 Financial Statements** Inform 213-217

- C. Minutes of Board of Governors Committee Meetings
  - 1. Minutes of Board Committees Inform 219-249
    - *Access to Justice, Budget and Finance, Committee on the Judiciary, Member Services Committee, Policy and Governance Committee, Public Affairs Committee, Public Member Selection*
- D. CSF Claims Report Inform 251-255