Oregon State Bar
Meeting of the Board of Governors
September 11, 2008
Open Session Agenda

The Open Session Meeting of the Oregon State Bar Board of Governors will begin at 10:00 a.m. on September 11, 2008, and continue to the morning of September 13, 2008, 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, September 11, 2008

1. Call to Order/Finalization of the Agenda Action
   10:00 a.m.

2. Work Session - Public Affairs

3. Report of Officers
   10:20 a.m.
   A. Report of the President [Mr. Yugler]
      1. President’s Report Inform
      3. Approve Executive Director Contract Action 1-7
   B. Report of the President-elect [Mr. Gaydos]
   10:35 a.m.
      1. Discussion of 2008 BOG Retreat Inform
      2. Miscellaneous Inform
   10:50 a.m.
   C. Report of the Executive Director [Ms. Garst]
   11:00 a.m.
   D. Report of Oregon New Lawyers Division [Mr. Chi] Inform 9

4. Board Members’ Reports Inform
   11:05 a.m.
Board members will report briefly on news from their region or contacts with sections, committees, or/and other bar entities.

5. Professional Liability Fund [Mr. Cave]

11:25 a.m.

A. PLF Update

B. Approve PLF Assessment and Budget
   Action 11-44

C. Approve Changes to PLF Coverage Plan
   1. Section I.8 Damages
   Action 45-46
   2. Section V.4.b. Exclusion for Bad Faith/Sanctions
   Action 46
   3. Section V.20.a. - Special Capacity/Voluntarily Assumed Obligations
   Action 47-48
   4. Section IX.1.h – Assistance, Cooperation and Duties of Covered Party
   Action 48-50

D. Approve Changes PLF Excess Plan
   1. Section XIV
   Action 51-53

11:45 a.m.

E. Joint Salary Study – PLF CEO – OSB ED
   Action 55

   The PFL BOD is requesting that the BOG form a joint PLF BOD/BOG committee to select a consultant to conduct a salary study of the PLF CEO and OSB ED positions with the PLF and OSB sharing the cost of the consultant.

6. Special Appearances (Mr. Sapiro will participate by phone)

1:00 p.m.

A. Admissions Task Force Report
   Action 57-69

   The Admissions Task Force has completed its study of how we test and admit applicants to practice law in Oregon. The task force recommends certain changes to the bar examination. The task force report will be presented by chairperson Albert Menashe.

7. Rules and Ethics Opinions

1:15 p.m.

A. Proposed Formal Ethics Opinion
   Action 71-94
Consider the Legal Ethics Committee’s recommendation to issue the exhibit in the agenda as a formal legal ethics opinion of the Oregon State Bar.

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

1:30 p.m.

A. Budget and Finance Committee [Greene]

1. New Bar Center Purchase Inform 95-100

   The latest information on the purchase of the building from Opus Northwest will be shared at the meeting.

2. 2009 Executive Summary Budget Inform 101-114

   The summary budget has been reviewed by the Budget & Finance Committee and this is a first-look at the 2009 budget and the five-year forecasts. The status will be reported at the board meeting.

3. Addition of One Managerial Position Action 115-117

   Incorporated into the 2009 budget is a request for a manager position for the bar's Information & Design Technology Department. The executive director is requesting authorization to begin the search for the position now.

B. Public Affairs Committee [Fisher]

2:00 p.m.

1. Political Update Inform No exhibit

2:05 p.m.

2. Measure 59 Action 119-122

   Consider PAC recommendation to oppose Ballot Measure 59, which creates an unlimited deduction for federal income taxes on Oregon returns, because of the potentially negative impact on Oregon’s judicial system budget.
2:15 p.m.

3. Appellate Process Review Committee Report  Action  123-130
   Revisited

   ➢ Consider PAC recommendation to accept 2008 findings regarding the status of
   the appellate court system in Oregon.

2:25 p.m.

4. Multnomah County Court Facility Resolution  Action  131-137

   ➢ Consider request to support Multnomah County resolution to eliminate state
   preemption of document recording fee and redirect funds for local court facility
   use.

C. Public Member Selection [Worcester]

2:35 p.m.

1. 2009 BOG Public Member Recommendation  Action  Handout

   ➢ The committee conducted its interviews in August and is recommending a new
   public member for the board’s approval.

9. HOD Agenda

   ➢ 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.

2:40 p.m.

1. House of Delegates Agenda  Inform 139-150

2. Provision of Legal Services Following
   Determination of a Major Disaster (Item 9)  Action  141-143

3. Alternate Delegates (Item 10)  Action  143-144

4. Adoption of Oregon RPC 1.6(b)(7) (Item 11)  Action  144-145 and
   151-153

   ➢ Consider whether to formulate a possible amendment to the pending proposal
   to offer during the HOD meeting.

5. Encouraging Sustainability (Item 12)  Action  145

6. OSB Paralegal Certification (Item 13)  Action  145

7. Sentencing Fiscal Impact Statements (Item 14)  Action  145
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10. **Consent Agenda**  

11. **Default Agenda**  

12. **Closed Session Agenda**

3:40 p.m.

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

4:00 p.m.

B. General Counsel/UPL Report (Executive Session pursuant to ORS 192.660(1)(f) and (h) - separate packet)  
   Discuss/ green Action agenda

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

A. Executive Director
   2. Status of Actions from Past Board Meetings Inform 179

B. Access to Justice Committee
   1. Minutes – July 18, 2008 Inform 181-183
   2. Minutes – August 15, 2008 Inform 185-186

C. Budget and Finance Committee
   1. Minutes - August 15, 2008 Inform 187-188

D. Member Services Committee
   1. Minutes – July 18, 2008 Inform 189-190

E. Policy and Governance Committee
   1. Minutes – July 18, 2008 Inform 193
   3. Joint Meeting with Member Services Committee - August 15, 2008 Inform 197-198

F. Public Affairs Committee
   1. Minutes – July 18, 2008 Inform 199

G. Public Member Selection
   1. Minutes – July 18, 2008 Inform 201

H. CSF Claims Report Inform 203-205
10. Consent Agenda

A. Approve Minutes

1. Minutes of Open Session
   b. August 1, 2008  Action  161-162
   c. August 15, 2008  Action  163

2. Minutes of Executive Session
   a. July 18, 2008  Action  165

3. Minutes of Judicial Proceedings
   a. July 18, 2008  Action  167-168

B. Appointments Committee  Action  Handout

  The Appointments Committee will have a handout of standard committee and board appointments available at the meeting for the consent agenda.

C. Client Security Fund

1. CSF Claim Recommended for Payment
   a. No. 07-20 Bothwick (Botorf) v. Dunn  Action  169
OREGON STATE BAR
MEETING OF THE BOARD OF GOVERNORS
Schedule of Events
September 10-14, 2008
9/9/2008 5:15 PM

Meeting Place
Sunriver Resort
P.O. Box 3609
17600 Center Drive
Sunriver, OR 97707

Phone: 800-801-8765

Wednesday, September 10, 2008

6:30 p.m. – 7:30 p.m.    Cocktails

7:30 p.m. – 9:00 p.m.    Dinner – BOG and Guests
                      Marz Bistro 541-389-2025
                      163 NW Minnesota
                      Bend, OR 97701

Thursday, September 11, 2008

7:00 a.m. – 9:00 a.m.    Breakfast – Homestead I

8:30 a.m. – 5:00 p.m.    Committee and Board Meetings – Homestead II and III
                       Sunriver Resort
                       P.O. Box 3609
                       17600 Center Drive
                       Sunriver, OR 97707

8:00 a.m. – 8:30 a.m.    Appointments Committee (Evans, Gerking, Fisher, Johnnie,
                         Piucci, Vieira, Wright) * Homestead III

8:30 a.m. – 9:00 a.m.    Public Affairs Committee (Fisher, Gaydos, Johnson, Piucci,
                         Skerjanec, Vieira) Homestead II

9:00 a.m. – 10:00 a.m.   Member Services Committee (Gaydos, Wright, Johnson, Fisher,
                         Johnnie, Kent) ** Homestead III

10:00 a.m. – 5:00 p.m.   Board Meeting – Homestead II

12:00 p.m. – 1:00 p.m.   Lunch – Homestead I
6:00 p.m. – 7:30 p.m.  **Reception /Dinner –Kick-off for Futures Conference**  Homestead I

Sunriver Resort  
17600 Center Drive  
Sunriver, OR 97707  
800-801-8765

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

**Friday, September 12, 2008**

8:00 a.m. – 5:00 p.m.  **Futures Conference**  
Riverhouse  
3075 N Highway 97  
Bend, OR 97701  
541-389-3111

5:00 p.m. – 6:30 p.m.  **Futures Conference Reception**  
Riverhouse  
3075 N Highway 97  
Bend, OR 97701  
541-389-3111

7:30 p.m. – 9:00 p.m.  **Dinner – BOG, Staff, PLF, and Guests**  
Pine Tavern Restaurant  
967 Northwest Brooks Street  
Bend, OR  
541-382-5581

**Saturday, September 13, 2008**

8:00 a.m. – 10:00 a.m. **Breakfast - Great Hall**

9:00 a.m. – 10:00 a.m. **Delegate Orientation**  
**Homestead I**  
Sunriver Resort
9:00 a.m. – 10:00 a.m. **Out-of-State HOD Meeting**
Sunriver Resort  
**Gallery 712** by River Lodges

9:00 a.m. – 10:00 a.m. **Local Bar Presidents’ Meeting**
Sunriver Resort  
**Gallery 707** by River Lodges

10:00 a.m. – 2:00 p.m. **House of Delegates Meeting**  
Sunriver Resort  
**Homestead I**

5:30 p.m. – 7:00 p.m. **Dinner – BOG, Staff, PLF, and Guests**  
Trout House  
541-593-8880  
57235 River Rd.  
Sunriver, OR 97707

**Sunday, September 14, 2008**

8:30 a.m. – 9:00 a.m. **Breakfast - Fireside Room**

9:00 a.m. – 10:30 a.m. **President-elect Interviews – Fireside Room**

10:30 a.m. – 11:30 a.m. **President-elect Nomination Committee Deliberation**  
(Gaydos, Gerking, Skerjanec, Worcester, Yugler)  
**Fireside Room**
Business Casual Attire

Casual Attire

Let’s Dress Up

No Meeting  **Policy and Governance Committee** (Gerking, Worcester, Evans, Greene, Lehner, Matsumonji, Vieira)

No Meeting  **Executive Director Search Special Committee** (Skerjanec, Fisher, Gaydos, Johnnie)

No Meeting  **Budget and Finance Committee** (Green, Skerjanec, Gaydos, Kent, Lehner, Worcester)

No Meeting  **Access to Justice Committee** (Wright, Vieira, Gerking, Kent, Lehner, Matsumonji)

No Meeting  **Public Member Selection Committee** (Worcester, Lehner, Greene, Johnnie, Vieira)

No Meeting  **Appellate Screening Committee** (Evans, Gerking, Johnson, Greene, Matsumonji)