The Open Session Meeting of the Oregon State Bar Board of Governors will begin at 12:00 p.m. on February 6, 2009; 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, February 6, 2009

1. **Call to Order/Finalization of the Agenda**  
   Action  
   1:00 p.m.

2. **Work Session - Member Services**  
   1:20 p.m.

3. **Swearing in of Officers**
   
   A. Michelle C. Garcia  
      Action  1
   
   B. Barbara m. DiLaconi  
      Action  2

4. **Report of Officers**
   
   A. Report of the President [Mr. Gaydos]
      1. Miscellaneous  
         Inform
   
   B. Report of the President-elect [Ms. Evans]
      1. Miscellaneous  
         Inform
   
   C. Report of the Executive Director [Ms. Schmid]
      1. Miscellaneous  
         Inform
   
   D. Oregon New Lawyers Division [Mr. Williamson]
      1. ONLD Report  
         Inform 3-7
In November 2008, the Oregon State Bar conducted the third survey in a five-year longitudinal study to collect information about the attitudes and experiences of Oregon lawyers in their first years of practice. The 2008 survey followed the same format as the previous two years.
1. Minutes
   a. January 9, 2009
   b. November 15, 2009

G. Public Affairs Committee Minutes
1. Minutes
   a. January 9, 2009
   b. December 7, 2009

H. Client Security Fund
1. CSF Claims Report

I.
1:35 p.m.

5. **Board Members’ Reports**

   ➢ *Board members will report briefly on news from their region or contacts with sections, committees, or/and other bar entities.*

6. **Professional Liability Fund [Mr. Zarov]**

1:50 p.m.

   A. **General Update**

   B. **Financial Report**

   C. **2008 Claims Attorney and Defense Counsel Evaluations**

   D. **Approval of the 2009 Excess Rates**

   ➢ *Approval of PLF 2009 Excess Rates as set forth in the exhibit.*

7. **Special Appearances**

2:00 p.m.

   A. **OSB ABA Delegates [Ms. Harbur, Judge Nelson, Ms. Meadows]**

      1. **Report**

      ➢ *The OSB’s ABA Delegates will review matters to be considered at the ABA HOD in February 2009.*

   B. **Special Appearance - Mr. Comstock**

      1. **Update**

      ➢ *Mr. Comstock of Garrett Hemann Robertson PC, a former board member, will update the board on the activities of the Oregon Law Commission, OSB/OJD Task Force on Oregon eCourt, and various internal committees of the Supreme Court.*
8. **Rules and Ethics Opinions**

2:15 p.m.

A. Government Lawyer Employment Negotiations  Action  23-28

   ➢ *This proposed formal opinion is resubmitted with a revision requested by the BOG in November.*

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

2:25 p.m.

A. Sustainability Task Force [Mr. Greene]
   1. Update  Inform

2:35 p.m.

B. Advertising Task Force
   1. Report  Action  29-35

   ➢ *The report of the task force is submitted for the consideration of the board.*

C. Legal Service Program Committee [Ms. Baker]
   1. General Fund Appropriation for Legal Aid  Action  37-41

   ➢ *The committee recommends disbursing the remaining general fund appropriation being held by OSB.*

D. Member Services Committee [Ms. Johnson]
   1. Update  Inform

3:00 p.m.

E. Policy and Governance Committee [Ms. Evans]
   1. Repeal of CLE Multiple User Policy  Action  43-44

   ➢ *The Board is asked to revisit this new policy based on the highly negative response from members and others.*
2. House of Delegates
   Inform No exhibit
   - The committee recommends increasing outreach to HOD members and utilizing the HOD as a forum for gathering the membership's views on governance issues.

3. Admissions Task Force
   Inform No exhibit
   - The committee recommends taking no further action.

4. Senior Lawyers Task Force
   Action 45-47
   - The committee recommends forming a Senior Lawyers Task Force to study and make recommendations regarding issues facing the profession as a large number of lawyers reach retirement age.

5. MCLE Regulations
   Action 49
   - The committee recommends adopting regulations to expand the scope of personal management programs and to clarify the standard for introductory Access to Justice programs.

6. Developing Comment to the Oregon RPCs
   Action 51-52
   - The committee recommends that the BOG inquire whether the Supreme Court is amenable to adopting official comment to provide interpretive guidance for the ORPCs.

7. Diversity Mission Task Force
   Action 53-55
   - The committee recommends that the BOG designate as a Diversity Mission Task Force the members who volunteered for that task at a recent retreat of the Affirmative Action Committee and the Diversity Section.

4:00 p.m.

8. Long Range Planning
   Inform 57-65
   - The executive director will introduce the long range planning process and creation of a policy issues inventory for the BOG’s long range planning.

9. Introductory Course in Access to Justice
   Action 67-70
   - The MCLC Committee asks the board to review and approve the proposed MCLE Regulation 3.600 for all members admitted to the bar on or after January 1, 2009.
F. Public Affairs Committee [Mr. Piucci]

1. Post Conviction Relief Task Force  Action  71
   ➢ Consider PAC recommendation to accept final report from Post Conviction Relief Task Force.

2. 2009 Legislative Session Update  Inform
   ➢ Update on Public Affairs activities, court funding, Oregon eCourt, and March 17 Day at the Capitol.

3. Resolution on Torture  Action

10. Consent Agenda  Action pink

11. Default Agenda  Inform blue

12. Closed Sessions

4:45 p.m.

A. Judicial Session (pursuant to ORS 192.690(1))  Discuss Lavender
   Reinstatements  Action Agenda

B. Executive Session (pursuant to ORS 192.660(1)(f))  Discuss Green
   and (h) General Counsel/UPL Report  Action Agenda

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

A. Approve Minutes of November 15, 2008
   1. Minutes of Open Session
      a. January 9, 2009 Action 73
      b. November 15, 2008 Action 75-85
   2. Minutes of Judicial Proceedings
      a. November 15, 2008 Action 87-90
   3. Minutes of Closed Session
      a. November 15, 2008 Action 91

B. Budget and Finance Committee
   1. Ratify 2009 Budget Action 93-103
   2. Corporate Resolution to Change Investment Authority Action 105-106

      ➢ The resolution adds Teresa Schmid as an officer authorized to invest funds on behalf of the bar in accordance with Bylaw 7.401. This resolution replaces the resolution with Karen Garst's name.

C. Appointments Committee
   1. Approve Various Appointments Action Handout
D. Client Security Fund

1. Approval of CSF Claims
   a. 07-20 Coyote v. Dunn - $4,000.00 Action 107
   b. 08-21 Budrow v. White - $26,891.35 Action 107-108
   c. 08-32 Eisele v. Nicholls - $7,000.00 Action 108-109
   d. 08-37 Jones v. Watson - $615.00 Action 109
OREGON STATE BAR
MEETING OF THE BOARD OF GOVERNORS
Schedule of Events
February 5-7, 2009
2/2/2009 3:25 PM

Meeting Place: Salem Conference Center
200 Commercial Street SE
Salem, OR 97301

Meeting Place: Phone: 503-589-1700

Thursday, February 5, 2009

11:30 a.m. – 12:30 p.m. Lunch with the Supreme Court
j. james restaurant 503-362-0888
325 High St. SE
Salem, OR

2:00 p.m. – 3:00 p.m. Member Services Committee (Johnson, Fisher, Gaydos, Johnnie,
Larson, Piucci, Wright, ) *
Pringle Creek

4:30 p.m. – 7:00 p.m. President’s Reception – Legislators, BOG, Leadership College,
and Local Bar
Salem Conference Center
Gallery

7:00 p.m. – 9:00 p.m. BOG Dinner
Bentley’s Restaurant 503-779-1660
291 Liberty SE
Salem, OR
(inside Salem Conference Center on Liberty Street side)
Friday, February 6, 2009

7:30 a.m. – 10:00 a.m. Breakfast
   Outside Croisan B

9:00 a.m. – 9:30 a.m. Access to Justice Committee (Wright, Garcia, Johnnie, Lord, Matsumonji, Naucler, Vieira)
   Pringle Creek

9:30 a.m. – 10:00 a.m. Appointments Committee (Johnnie, DiIaconi, Evans, Fisher, Greene, Larson, Piucci, Wright)
   Croisan B

10:00 a.m. – 10:30 a.m. Executive Director Evaluation Special Committee (Naucler, DiIaconi, Evans, Gaydos, Johnson)
   Pringle Creek

10:30 a.m. – 12:00 p.m. Policy and Governance Committee (Evans, DiIaconi, Greene, Kent, Larson, Marsumonji, Naucler)
   Croisan B

11:00 a.m. – 12:00 p.m. Public Affairs Committee (Piucci, Fisher, Garcia, Gaydos, Johnnie, Johnson, Vieira)
   Pringle Creek

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

12:00 p.m. – 1:00 p.m. Lunch
   Croisan C

1:00 p.m. – 4:30 p.m. Board Meeting
   Croisan B

5:00 p.m. – 7:00 p.m. BOG Dinner with ONLD
   Alessandro’s Restaurant 503-370-9951
   120 Commercial St NE
   Salem, OR 9730
Business Attire

Casual Attire

Let’s Dress Up