

Oregon State Bar
Special Open Session of the Board of Governors
May 23, 2014
Minutes

The meeting was called to order by President Tom Kranovich at 3:00 p.m. on May 23, 2014. The meeting adjourned at 3:25 p.m. Members present from the Board of Governors were Jenifer Billman, Jim Chaney, Hunter Emerick, Ray Heysell, Matt Kehoe, Theresa Kohlhoff, John Mansfield, Caitlin Mitchel-Markley, Travis Prestwich, Josh Ross, Richard Spier, Simon Whang and Timothy Williams. Staff present were Sylvia Stevens, Helen Hirschbiel, Rod Wegener, Susan Grabe, Mariann Hyland, Dani Edwards, and Camille Greene.

1. Call to Order

Mr. Kranovich asked whether there were any changes to the agenda. Mr. Prestwich asked that agenda item #2: **Diversity Section and Disability Law Section Request** be removed from the agenda pending further review by the Public Affairs Committee.

Motion: Ms. moved, Mr. seconded, and the board voted unanimously to approve the agenda with the deletion of agenda item #2: **Diversity Section and Disability Law Section Request**.

Motion: The board voted unanimously to approve committee motion to remove agenda item #2: **Diversity Section and Disability Law Section Request**.

2. Wells Fargo Signing Authorization

Ms. Stevens asked the board to authorize Ms. Hirschbiel as a signer on the Wells Fargo account.

Motion: Mr. Spier moved, Mr. Heysell seconded, and the board voted unanimously to approve authorization of Ms. Hirschbiel's signature on the Wells Fargo account.

3. Interim Financial Report

Mr. Wegener presented an interim financial report; more detail will be presented in June after the next Budget & Finance Committee meeting.

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Discussion of items on this agenda is in executive session pursuant to ORS 192.660(2)(f) and (h) to consider exempt records and to consult with counsel. This portion of the meeting is open only to board members, staff, other persons the board may wish to include, and to the media except as provided in ORS 192.660(5) and subject to instruction as to what can be disclosed. Final actions are taken in open session and reflected in the minutes, which are a public record. The minutes will not contain any information that is not required to be included or which would defeat the purpose of the executive session.

1. Call to Order

Mr. Kranovich called the meeting to order.

2. Other Matters

Approval of Revised OSB/BBX Operating Principles

Ms. Hirschbiel asked the board to decide whether to approve the attached proposed Operating Principles for the Oregon State Bar (“OSB”) and the Board of Bar Examiners (“BBX”) relating to attorney admissions. Mr. Spier recommended approval by the board.

Motion: On motion of Mr. Emerick, seconded by Mr. Prestwich, the board voted unanimously to approve the operating agreement as presented. **[Exhibit A]**

Operating Principles
for the
Oregon State Bar and Board of Bar Examiners

1. BBX and OSB Roles and Responsibilities in Admissions

The Oregon Supreme Court has sole authority to determine who should be admitted to the practice of law in the State of Oregon. The Board of Bar Examiners (“BBX”) is appointed by the Court to examine applicants and recommend to the Court for admission to practice those applicants who meet the requirements prescribed by the law and the rules of the Court. To that end, the BBX’s responsibilities ~~include~~ include for: developing and adopting a bar examination; determining the manner of examination, including what accommodations to provide applicants; grading bar examinations; setting standards for bar exam passage, and; evaluating applicants’ character and fitness to practice law.

The Oregon State Bar (“OSB”) is responsible for providing facilities, equipment and administrative support to the BBX and otherwise implementing admissions policies established by the BBX and the Court.

2. Employment: Admissions Director and Admissions Staff

The Admissions Department staff, including the Admissions Director, are employees of the OSB.

A. Hiring of the Admissions Director

In the event of a vacancy in the Admissions Director position, the OSB will prepare a job description in consultation with the BBX. The OSB will conduct the initial screening of applicants. The initial pool of candidates will be submitted to the BBX for consideration. The BBX and the OSB will conduct joint interviews of selected candidates and the BBX will recommend its choice for the position to the OSB Executive Director. The OSB Executive Director will make the final hiring decision, giving due consideration to the recommendation and input of the BBX and subject to the BBX’s not objecting to the final hiring decision. If the BBX objects to the Executive Director’s final hiring selection decision, recruitment will be reopened.

B. Supervision, Discipline, Firing or Reassignment of the Admissions Director

OSB Regulatory Counsel is responsible for the day-to-day supervision and annual performance evaluation of the Admissions Director. The BBX will provide input on its working relationship with the Admissions Director and any concerns that it may have. The OSB Executive Director will make personnel decisions regarding the Admissions Director, including but not limited to discipline, reassignment or employment termination, giving due consideration to the recommendations and input of the BBX.

3. Liability

A. OSB

As provided in OSB Bylaw 2.106 and subject to the limitations provided in the Oregon Tort Claims Act, the OSB will defend and indemnify the OSB officers, Board of Governors, individual BOG members and OSB employees, including Admissions Department staff, against and for any and all claims arising out of an alleged act or omission occurring in the performance of their duties.

B. State of Oregon Judicial Branch

Subject to the limitations provided in the Oregon Tort Claims Act, the State of Oregon Judicial Branch will defend and indemnify the BBX and its individual members against and for any and all claims arising out of an alleged act or omission occurring in the performance of their duties.

4. Budget

With the approval of the Oregon Supreme Court, the BBX may fix and collect fees to be paid by applicants for admission, which shall be paid into the treasury of the OSB. The BBX annual budget shall be prepared and BBX fiscal operation shall be managed in accordance with OSB policy, including cost containment measures that the OSB may implement for the OSB as a whole. The BBX annual budget shall be approved for submission to the Court by mutual agreement of the BBX and the BOG, after consideration of the policy goals and strategic plans (including, but not limited to, technology enhancements) of the BBX and the BOG.

5. Confidentiality

The OSB and BBX recognize that, pursuant to Oregon Supreme Court rule, the records, work product and proceedings of the BBX in carrying out its functions are confidential. The OSB will exercise reasonable care to prevent unauthorized disclosure of BBX records and information and will adhere to the rules of the Oregon Supreme Court regarding confidentiality.

6. These Operating Principles supersede and replace the 1989 Agreement between the Oregon State Bar and the Board of Bar Examiners.

Approved by:

Hon Thomas A. Balmer
Chief Justice, Oregon Supreme Court

Date

Tom Kranovich
President, Oregon State Bar

Date

Renee Starr
Chair, Board of Bar Examiners

Date