President Richard Spier called the meeting to order at 8:00 a.m. on January 27, 2015. The meeting adjourned at 8:14 a.m. Members present from the Board of Governors were Guy Greco, Ray Heysell, Theresa Kohlhoff, Audrey Matsumonji, Vanessa Nordyke, Ramón A. Pagán, Travis Prestwich, Per Ramfjord, Kathleen Rastetter, Josh Ross, Kerry Sharp, Simon Whang, Charles Wilhoite, Tim Williams and Elisabeth Zinser. Not present were Jim Chaney and John Mansfield. Staff present were Sylvia Stevens, Dawn Evans, Susan Grabe and Camille Greene.

1. Call to Order and Roll Call

Mr. Spier determined we have a quorum.

2. Reconsideration of Board of Bar Examiners Legislation

Mr. Spier presented a request from Chief Justice Balmer to withdraw the portion of the OSB legislative package involving the Board of Bar Examiners, but to continue discussing a long-term resolution of the issues.

Motion: Mr. Greco moved, Mr. Heysell seconded, and the board voted unanimously to withdraw sections 6 and 7 of the attached SB 381 [Exhibit A] and to work with the Chief Justice and the BBX on the issues.
an “employee” as the term is defined in the public employees’ retirement laws. However, an employee of the state bar may, at the option of the employee, for the purpose of becoming a member of the Public Employees Retirement System, be considered an “employee” as the term is defined in the public employees’ retirement laws. The option, once exercised by written notification directed to the Public Employees Retirement Board, may not be revoked subsequently, except as may otherwise be provided by law. Upon receipt of such notification by the Public Employees Retirement Board, an employee of the state bar who would otherwise, but for the exemption provided in this subsection, be considered an “employee,” as the term is defined in the public employees’ retirement laws, shall be so considered. The state bar and its employees shall be exempt from the provisions of the State Personnel Relations Law. No member of the state bar shall be considered an “employee” as the term is defined in the public employees’ retirement laws, the unemployment compensation laws and the State Personnel Relations Law solely by reason of membership in the state bar.

SECTION 5. ORS 9.200 is amended to read:

9.200. (1) Any member in default in payment of membership fees established under ORS 9.191 (1) for a period of 30 days, or any person in default in payment of membership fees established under ORS 9.191 (2) for a period of 30 days after admission or as otherwise provided by the board, or any member in default in payment of assessed contributions to a professional liability fund established under ORS 9.080 (2) for a period of 30 days, shall, after 60 days’ written notice of the delinquency, be given written notice of delinquency and a reasonable time to cure the default. The executive director of the Oregon State Bar shall send the notice of delinquency to the [delinquent] member at the member’s electronic mail address on file with the bar on the date of the notice. The executive director shall send the notice by mail to any member who is not required to have an electronic mail address on file with the bar under the rules of procedure. If a [delinquent] member fails to pay the fees or contributions within [60 days after the date of] the time allowed to cure the default as stated in the notice, the member is automatically suspended. The executive director shall provide the names of all members suspended under this section to the State Court Administrator and to each of the judges of the Court of Appeals, circuit and tax courts of the state.

(2) An active member delinquent in the payment of fees or contributions is not entitled to vote.

(3) A member suspended for delinquency under this section may be reinstated only on compliance with the rules of the Supreme Court and the rules of procedure and payment of all required fees or contributions.

BOARD OF BAR EXAMINERS

SECTION 6. ORS 9.210 is amended to read:

9.210. [The Supreme Court shall appoint 12 members of the Oregon State Bar to a board of bar examiners. The Supreme Court shall also appoint two public members to the board who are not active or inactive members of the Oregon State Bar. The board shall examine applicants and recommend to the Supreme Court for admission to practice law those who fulfill the requirements prescribed by law and the rules of the Supreme Court. With the approval of the Supreme Court, the board may fix and collect fees to be paid by applicants for admission, which fees shall be paid into the treasury of the bar.]}

(1) The Board of Governors of the Oregon State Bar shall nominate for appointment by
the Supreme Court a board of bar examiners to examine applicants, investigate their char-
acter and fitness and other qualifications and certify to the Supreme Court for admission to
the Oregon State Bar those applicants who fulfill the requirements prescribed by law and the
rules of the Supreme Court. The composition of the board of bar examiners shall be as pro-
vided in the rules adopted under subsection (2) of this section. The Supreme Court may ap-
point the nominated individuals or may appoint other individuals to the board of bar
examiners.

(2) The board of governors shall formulate rules for carrying out the functions of the
board of bar examiners and rules governing the qualifications, requirements and procedures
for admission to the bar by examination and otherwise. After the rules are adopted by the
Supreme Court, the board of governors has the power to enforce the rules.

(3) With the approval of the Supreme Court, the board of governors shall fix and collect
fees to be paid by applicants for admission to the bar.

(4) Applications for admission and any other materials pertaining to individual applicants
are confidential and may be disclosed only as provided in the rules described in subsection
(2) of this section. The bar's consideration of an individual applicant's qualifications is a ju-
dicial proceeding for purposes of ORS 192.610 to 192.690.

SECTION 7. The Board of Governors of the Oregon State Bar shall first nominate and
the Supreme Court shall first appoint the board of bar examiners in accordance with the
amendments to ORS 9.210 by section 6 of this 2015 Act on or before September 1, 2015.

UNIT CAPTIONS

SECTION 8. The unit captions used in this 2015 Act are provided only for the convenience
of the reader and do not become part of the statutory law of this state or express any leg-
islative intent in the enactment of this 2015 Act.

EMERGENCY CLAUSE

SECTION 9. This 2015 Act being necessary for the immediate preservation of the public
peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect
on its passage.