

**Oregon State Bar
Special Open Session of the Board of Governors
January 27, 2015
Minutes**

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. .

1 an “employee” as the term is defined in the public employees’ retirement laws. However, an em-
 2 ployee of the state bar may, at the option of the employee, for the purpose of becoming a member
 3 of the Public Employees Retirement System, be considered an “employee” as the term is defined in
 4 the public employees’ retirement laws. The option, once exercised by written notification directed
 5 to the Public Employees Retirement Board, may not be revoked subsequently, except as may other-
 6 wise be provided by law. Upon receipt of such notification by the Public Employees Retirement
 7 Board, an employee of the state bar who would otherwise, but for the exemption provided in this
 8 subsection, be considered an “employee,” as the term is defined in the public employees’ retirement
 9 laws, shall be so considered. The state bar and its employees shall be exempt from the provisions
 10 of the State Personnel Relations Law. No member of the state bar shall be considered an
 11 “employee” as the term is defined in the public employees’ retirement laws, the unemployment
 12 compensation laws and the State Personnel Relations Law solely by reason of membership in the
 13 state bar.

14 **SECTION 5.** ORS 9.200 is amended to read:

15 9.200. (1) Any member in default in payment of membership fees established under ORS 9.191 (1)
 16 [*for a period of 30 days, or any person in default in payment of membership fees established under*
 17 *ORS 9.191 (2) for a period of 30 days after admission or as otherwise provided by the board,*] or any
 18 member in default in payment of assessed contributions to a professional liability fund **established**
 19 under ORS 9.080 (2) [*for a period of 30 days, shall, after 60 days’ written notice of the delinquency,*
 20 *be suspended from membership in the bar*] **shall be given written notice of delinquency and a**
 21 **reasonable time to cure the default.** The executive director of the Oregon State Bar shall send
 22 the notice of delinquency to the [*delinquent*] member at the member’s electronic mail address on file
 23 with the bar on the date of the notice. The executive director shall send the notice by mail to any
 24 member who is not required to have an electronic mail address on file with the bar under the rules
 25 of procedure. If a [*delinquent*] member fails to pay the fees or contributions within [*60 days after the*
 26 *date of*] **the time allowed to cure the default as stated in** the notice, the member is automatically
 27 suspended. The executive director shall provide the names of all members suspended under this
 28 section to the State Court Administrator and to each of the judges of the Court of Appeals, circuit
 29 and tax courts of the state.

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

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

34 35 **BOARD OF BAR EXAMINERS**

36
37 **SECTION 6.** ORS 9.210 is amended to read:

38 9.210. [*The Supreme Court shall appoint 12 members of the Oregon State Bar to a board of bar*
 39 *examiners. The Supreme Court shall also appoint two public members to the board who are not active*
 40 *or inactive members of the Oregon State Bar. The board shall examine applicants and recommend to*
 41 *the Supreme Court for admission to practice law those who fulfill the requirements prescribed by law*
 42 *and the rules of the Supreme Court. With the approval of the Supreme Court, the board may fix and*
 43 *collect fees to be paid by applicants for admission, which fees shall be paid into the treasury of the*
 44 *bar.*]

45 (1) **The Board of Governors of the Oregon State Bar shall nominate for appointment by**

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

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

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

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

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

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

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