

Oregon State Bar
Special Open Session of the Board of Governors
November 1, 2017
Minutes

President Michael Levelle called the meeting to order at 9:00 AM on November 1, 2017. The meeting adjourned at 10:09 AM. Members present from the Board of Governors were John Bachofner, Jim Chaney, Eric Foster, Guy Greco, Ray Heysell, Eddie Medina, Vanessa Nordyke, Tom Peachey, Per Ramfjord, Kathleen Rastetter, Julia Rice, Kerry Sharp, Whitney Boise, and Elisabeth Zinser. Not present were Chris Costantino, Rob Gratchner, John Mansfield, Liani Reeves, and Traci Rossi. Staff present were Helen Hirschbiel, Amber Hollister, Dawn Evans, Susan Grabe and Camille Greene.

1. Call to Order

Mr. Levelle called the meeting to order.

2. Discuss House of Delegates Meeting

Mr. Levelle asked Ms. Hirschbiel to present, for board discussion, feedback to the board re: the HOD agenda resolution to amend RPC 5.4(a)(5) and RPC 7.2(b)(2). Ms. Hirschbiel reported that since the last meeting, the bar had received a public records request, seeking records of conflicts of interest for those involved in the Futures Task Force. In addition, the current president of the Oregon Trial Lawyers Association Greg Zeuthen sent an email to Michael Levelle, stating that OTLA members had expressed concerns about staff presenting about the Futures Task Force at an out of state conference. Ms. Hirschbiel also noted the numerous emails that OTLA members had sent to the HOD delegates expressing their concerns about BOG Resolutions 7 and 8. Finally, some board members had expressed concerns to her about moving forward with the resolutions. In light of these events, Ms. Hirschbiel asked the board if they are still comfortable moving forward with support of BOG Resolutions 7 and 8. She also explained that while the resolutions could not be unilaterally removed from the Agenda at this point, the board could seek to amend the resolutions at the meeting, and she explained the process for doing that. Finally, if the board decided to move forward with the resolutions, Ms. Hirschbiel suggested that a board member present Resolutions 7 and 8 at the HOD meeting.

The Board members discussed the advantages and disadvantages of moving forward with the resolutions versus moving to amend to study further.

Mr. Bachofner suggested that the Board present the resolutions in a more neutral way and state that in light of all the feedback, the BOG would entertain a motion by the HOD to table the resolution for further review by the BOG.

Ms. Rice related that the feedback she received is that the BOG is not listening, and that the BOG should present a message that shows it is listening. Ms. Zinser noted that this is a wonderful opportunity to build trust.

Mr. Levelle reminded BOG members that the work of the Futures Task Force has been highly publicized and not hidden. He would like to hear a discussion of the recommendations at the HOD.

Mr. Foster and Mr. Medina concurred with wanting to hear the HOD discussion, but also agree that the message to the HOD should be that we hear you and the concerns raised and we are not opposed to studying the issues further.

Mr. Peachey stated he is not in favor of removing the resolutions from the HOD agenda, but rather hearing the arguments from the HOD.

Mr. Bachofner feels that in order to maintain a good relationship with HOD members, the resolutions must be considered and voted upon and not amended for further study.

Mr. Sharp said the HOD is more focused on discussing the process than the merits of the RPC change. He prefers we let the resolution proceed as usual with discussion and a vote. Ms. Rastetter agreed.

Ms. Nordyke also supports leaving the resolutions on the agenda, hopes there is a robust debate, and is comfortable with the vote determining the outcome and future board action. She is in favor of building trust with the members of the bar in general and the HOD members specifically.

Mr. Levelle asked if any board member wanted to make a motion to amend the resolution, but there was no interest in doing so. Mr. Chaney volunteered to present Resolutions 7 and 8 at the HOD meeting.

3. Appellate Screening committee Recommendations

Mr. Ramfjord presented the Appellate Screening Committee's recommendation to forward to the Governor's Office the following list of "Highly Qualified" candidates for the Oregon Tax Court:

Boomer, Allison
Manicke, Robert
Rastetter, Kathleen

Ms. Rastetter recused herself from the discussion, declared her conflict of interest, and abstained from voting.

Mr. Ramfjord presented the Appellate Screening Committee's recommendation to forward to the Governor's Office the following list of "Highly Qualified" candidates for the Oregon Supreme Court:

Allen, Beth
Cook, Nena
Kasubhai, Mustafa
Lageson, Erin
Nelson, Adrienne
Ortega, Darleen
Runkles-Pearson, P.K.
Shorr, Scott
Tookey, Douglas

Motion: Pursuant to OSB Bylaw 2.703, the Oregon State Bar Board of Governors voted to approve the Appellate Screening Committee’s recommendations for the list of candidates deemed “highly qualified” for appointment to the Oregon Tax Court and the Oregon Supreme Court, and to approve the letters as presented by the Appellate Screening Committee to the Governor’s office by the November 3rd deadline.

Ms. Rastetter declared a conflict and abstained from the discussion and vote. Ms. Reeves took no part in the discussion or consideration of any judicial candidates, and was not present for the vote.

Mr. Levelle will sign the letters prepared by Ms. Grabe for mailing by Friday, November 3, 2017.

Mr. Levelle ended the meeting.