

**Oregon State Bar
Meeting of the Board of Governors
May 1, 2018
Open Session Minutes**

President Vanessa Nordyke called the meeting to order at 11:00 a.m. on May 1, 2018. The meeting adjourned at 12:04 p.m. Members present from the Board of Governors were John Bachofner, Whitney Boise, Chris Costantino, Eric Foster, John Grant, Rob Gratchner, Guy Greco, Michael Levelle, Eddie Medina, Tom Peachey, Julia Rice, Michael Rondeau, Traci Rossi, Kerry Sharp, and David Wade. Not present were Colin Andries, Per Ramfjord, Kathleen Rastetter, and Liani Reeves. Staff present were Helen Hierschbiel, Amber Hollister, Kay Pulju, Susan Grabe, Jonathan Puente, Kateri Walsh, and Dani Edwards. Also present were Daniel Crowe and Maxine Bernstein, Oregonian Reporter.

1. Call to Order/Finalization of Agenda

2. Approval of Meeting Minutes.

Motion: Approve minutes from the April 20, 2018, Board of Governors meeting.

Mr. Rondeau moved, Mr. Bachofner seconded. The board approved the minutes unanimously.

Mr. Bachofner noted that the draft minutes from the April 20 board meeting accurately reflected the board's decision to only refund the portion of Mr. Lindsay's member fees that are attributable to the publication of the Specialty Bar Statement on page 43 of the April 2018 Bar Bulletin.

3. Requests for Refund of Bar Dues for Publication of the OSB & Specialty Bar Statements in the April 2018 Bulletin

Ms. Hierschbiel presented information on the responses from members and the public regarding the OSB and Specialty Bar Statements published in the April 2018 Bulletin. Ms. Hierschbiel noted that there were three decisions for the board to consider: the amount indicated the board would discuss the legal analysis of the refund options available during closed session. Additional discussion during the closed session will include the procedure to handle future request for refunds.

At Mr. Bachofner's request, Ms. Hierschbiel provided a summary of the cost scenarios as outlined in the agenda materials. President Nordyke reminded the board of OSB bylaw 12.6 and relating to the bar's requirement to refund only the portion of member fees attributed to the specialty bar statement.

Mr. Crowe inquired as to the board's interest in allowing public comment on this topic. President Nordyke allowed Mr. Crowe to address the board whereby he indicated it was his understanding that the April 20 BOG decision was to refund bar members their entire membership fee without limitation. Mr. Crowe further indicated he felt it was appropriate for the board to refund the full membership dues to each requesting member to ensure the impact on the bar was as significant as the impact on its members. Mr. Crowe further indicated that if

the BOG did not refund member fees in full, the bar would be subject to litigation and possible de-unification on the basis that the organization could no longer effectively self-regulate.

Executive Session (pursuant to ORS 192.660(1)(h)) – General Counsel Report

The Board went into closed session.

The Board went into open session.

Motion: Motion to refund membership fees attributed to the publication of the Specialty Bar Statement on page 43 of the April 2018 Bar Bulletin due to the confusion created by the placement of the Specialty Bar Statement next to the OSB Statement.

Mr. Bachofner moved, Mr. Peachy seconded, and the board voted unanimously to adopt the motion.

Motion: Motion to refund Shawn Lindsay in the amount of \$1.12 plus interest from the date fees were due until the date of the refund.

Mr. Wade moved, Mr. Foster seconded, and the board voted unanimously to adopt the motion.

Ms. Costantino clarified interest is based on the statutory interest. Mr. Bachofner further clarified the refund amount would be rounded up to the nearest cent.

Motion: Motion to direct the CEO, pursuant to OSB Bylaws Section 2.800 to approve future “opt-out” refund requests, in an amount and manner consistent with its decision at today’s meeting. Future partial payments will be adjusted to account for variations in interest accrued and the CEO will report back to the board on the status of requests.

Mr. Grant moved, Mr. Wade seconded, and the board voted unanimously to adopt the motion.