

Oregon State Bar
Special Open Session of the Board of Governors
March 8, 2019
Minutes

President Chris Costantino called the meeting to order at 3:39 p.m. on March 8, 2019. The meeting adjourned at 5:17 p.m. Members present from the Board of Governors were Chris Costantino and Colin Andries. Present by phone: Rob Gratchner, Julia Rice, Vanessa Nordyke, Tom Peachey, Liani Reeves, Traci Rossi, David Wade, John Grant, Bik-Na Han, Kamron Graham, Eric Foster, Jenny Cooke, and Whitney Boise. Not present were John Bachofner, Joseph Hesbrook, Eddie Medina, Michael Rondeau, and Katherine Denning. Staff present were Helen Hirschbiel, Amber Hollister, Susan Grabe, Keith Palevsky, Carol Bernick, and Cassandra Dyke.

1. Call to Order

The board accepted the agenda, as presented, by consensus. Ms. Costantino asked that the agenda be taken out of order to first address the Appellate Screening Committee recommendations.

2. Appellate Screening Committee

Mr. Peachey presented the committee's recommendations [**Exhibit A**]

Committee motion to approve Highly Qualified Candidates for Court of Appeals.

Ms. Rice moved and Mr. Foster seconded a motion to amend the committee motion to add Robert Koch to the Highly Qualified Candidates list. Ms. Reeves and Mr. Grant abstained. In favor were Ms. Rice, Mr. Foster, and Mr. Wade. Opposed were Mr. Peachey, Ms. Graham, Ms. Cooke, Ms. Rossi, Mr. Boise, Mr. Andries, and Ms. Han. Amendment failed

Committee motion to approve Highly Qualified Candidates for Court of Appeals. The board voted in favor of the motion. Ms. Rice was opposed. Ms. Reeves abstained.

3. Closed Sessions – see CLOSED Minutes

A. Executive Session (pursuant to ORS 192.660(1)(f) and (h)) - General Counsel Report

The board convened in executive session pursuant to ORS 192.660(1)(f) and (h)). The board reconvened in open session.

Motion: Mr. Grant moved, and Mr. Foster seconded, a motion to seek amendments to the Bar Act to clarify the bar's statutory mission and to add language to the Act to affirm the inherent authority of the Oregon Supreme Court to regulate the legal profession.

The board voted to approve the motion. Ms. Rossi was opposed. The motion passed.

Motion: Mr. Foster moved, and Ms. Rossi seconded, to proceed with proposed changes to the Bar Act as already moved and to also explore possible amendments to the Bar Act to provide that any vote by the House of Delegates on a proposed amendment to the Oregon Rules of Professional Conduct be reviewed by the Supreme Court.

The board voted to approve the motion. Mr. Peachey, Ms. Han, Ms. Graham, and Ms. Cooke were opposed. Motion passes.

Motion: Mr. Wade moved and Ms. Rice seconded a motion to seek additional Bar Act changes that would further align the bar with the Oregon Supreme Court. Mr. Andries called for quorum.

Ms. Costantino requested a roll call. The roll call demonstrated that quorum was no longer in effect. The motion failed for lack of a quorum.

March 8, 2019

Governor Kate Brown
State Capitol Building
900 Court St. NE, Suite 254
Salem, OR 97301

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Dear Governor Brown:

The Oregon State Bar's Appellate Screening Committee has completed its review of the candidates who have applied for appointment to the Oregon Court of Appeals and who agreed to disclose their application materials to the OSB. Pursuant to OSB Bylaws, the Committee has conducted an in-depth review of each application and candidate, including in-person interviews of all candidates who opted to participate in the process.

The Committee's review process is intended to provide you with relevant, reliable, and descriptive information to help inform your appointment decision. As instructed by OSB Bylaws, our recommendation of candidates as "highly qualified" is based on "the statutory requirements of the position, as well as information obtained in the review process, and the following criteria: integrity, legal knowledge and ability, professional experience, cultural competency, judicial temperament, diligence, health, financial responsibility, and public service." A "highly qualified" recommendation is intended to be objective, and the Committee's decision not to identify any specific candidate as "highly qualified" should not be viewed as a finding that the person is unqualified. A "highly qualified" recommendation is intended to reflect the candidate's overall ability to serve on the court.

The Board of Governors is pleased that members from around the state, including a public member, serve on the Appellate Screening Committee. We also deeply appreciate the assistance and leadership of your counsel and your office during this process.

Pursuant to OSB Bylaw 2.703, the Oregon State Bar Board of Governors* has approved the following list of candidates deemed "highly qualified" for appointment to the Oregon Court of Appeals:

Bloom, Benjamin
Brown, Marc
Bunch, William
Hoesly, Cody
Kamins, Jackie
Mooney, Jodie
Norby, Susie
Pagán, Ramón
Perry, Kenneth
Quinn, Julene
Runkles-Pearson, PK

The Board of Governors appreciates that there were many qualified candidates for the positions and that the review process presented a challenging task. According to OSB Bylaw 2.700, the list of the “highly qualified” candidates will be posted on the OSB webpage. Also pursuant to OSB Bylaws, we will gladly respond to any requests from your office as to whether certain other candidates meet a “qualified” standard.

Sincerely,



Christine R. Costantino
OSB President



Thomas C. Peachey
OSB Board of Governors
Appellate Screening Committee Chair

cc: Misha Isaak, General Counsel, Office of the Governor

*Please note that BOG member Liani Reeves has abstained from all discussion and votes related to the review of judicial candidates.