

Oregon State Bar
Meeting of the Board of Governors
April 12, 2019
Open Session Minutes

Chris Costantino called the meeting to order at 12:30 p.m. on April 12, 2019. The meeting adjourned at 3:57 p.m. Members present from the Board of Governors were Colin Andries, John Bachofner, Eric Foster, John Grant, Tom Peachey, Liani Reeves, David Wade, Whitney Boise, Eddie Medina, Kamron Graham, Kate Denning, Jenny Cooke, and Joseph Hesbrook. Not present were Julia Rice and Bik-Na Han. Present by telephone was Traci Rossi. Present from OLND Joel Strum. Present from the PLF Board were Saville Easley, Gina Johnnie, Megan Livermore, Holly Mitchell, Molly Jo Mullen, and Rob Raschio. PLF staff present were Carol Bernick and Barbara Fishleder. OSB Staff present were Helen Hirschbiel, Susan Grabe, Kateri Walsh, Dawn Evans, Keith Palevsky, Danielle Edwards, Kay Pulju, Amber Hollister, and Cassandra Dyke.

1. Call to Order/Finalization of Agenda

The board accepted the agenda, as presented, by consensus.

2. President's Report

- A.** Ms. Costantino talked about the Western States Bar Conference and how great it is to have a forum to share ideas and thoughts with 15 state bar organizations about issues of common interest. It was amazing to see the impact and the coveted envy of other bar associations because of Oregon having not only mandatory malpractice insurance, but the Professional Liability Fund in particular.

Ms. Bernick said that she values the relationship that the Professional Liability Fund and the Oregon State Bar have together and their goal is to continue that relationship.

3. Update and Discussion about Challenges to Unified Bars

- A.** Generative Discussion

Ms. Hirschbiel and Ms. Bernick facilitated a discussion about challenges to unified bars.

4. 2019 Strategic Areas of Focus

- A.** Diversity Equity Training

Ms. Costantino informed the board that Diversity Equity Inclusion trainings will be taking place in conjunction with the Board of Governors May 17th, July 27th, and November 21st meetings.

- B.** Diversity Action Plan

Ms. Costantino stated that reports are now posted on the Oregon State Bar website.

5. **BOG Committees, Special Committees, Task Forces and Study Groups**

A. Policy and Governance Committee

Ms. Reeves presented the committee's recommendations for the pro bono Civil Refugee Assistance Panel and amendments to the Lawyer Referral Services (LRS) revenue policy.

Motion: Approve creation of the new RIS pro bono panel for Civil Refugee Assistance.

Motion: Approve amendments to RIS policy to incorporate the \$250 trigger and the LRS revenue policy.

Motion: The board voted unanimously to approve the pro bono Civil Refugee Assistance Panel and the LRS policy changes from the Policy and Governance Committee as recommended. The motion passed. **[Exhibit A]**

B. Board Development Committee

Mr. Bachofner presented the appointments to the Bulletin Editorial Advisory Committee

Motion: The board voted unanimously in favor of the committee motion to approve the recommended appointments to the Bulletin Editorial Advisory Committee. The motion passed. **[Exhibit B]**

Mr. Bachofner presented recommended appointment to the Board of Public Safety Standards and Training Policy Committee. We have one member on an 11 member committee

Motion: The board voted unanimously in favor of the committee motion to approve the recommended appointment to the Board of Public Safety Standards and Training Policy Committee. The motion passed. **[Exhibit B]**

Mr. Bachofner presented that the Board Development Committee revisited their action plan and had a discussion on BOG training. Specifically, they discussed mentors and more extensive training for new BOG members.

May 14th is the deadline to put in an applications to be a BOG candidate.

C. Budget and Finance Committee

Mr. Wade presented information about covering claims for CSF. The bylaws now state that the reserve needs to be \$1 million plus claims. Given the current pending claims, this bylaw would require a significant increase in the CSF assessment in 2020. Reverting back to the prior policy (\$1 mil reserve) would limit the CSF assessment increase, while maintaining sufficient reserves for payment of claims.

Budget and Finance Committee unanimously approved motion to revert to the prior reserve policy of \$1 million. Proposed bylaw changes consistent with this recommendation will be presented at the next BOG meeting.

D. Public Affairs Committee

Mr. Foster presented information about the Bar Act changes and the BOG's law improvement bills.

May 8, 2019 is the Day at the Capitol.

6. Professional Liability Fund

Ms. Bernick presented an update on 2019 Excess Enrollment and the PLF financial situation. An audit was completed and will be provided at the June meeting.

Motion: Mr. Wade moved and Mr. Andries seconded a motion to amend PLF Policy 7.600(C)(2) regarding excess retroactive date discount to provide 10% per year discount. Tom Peachey and John Bachofner abstained. The motion passed. **[Exhibit C]**

7. OSB Committees, Sections, Councils, and Divisions

A. Oregon New Lawyer Division Update

Mr. Sturm presented an update on the ONLD and upcoming events.

B. Legal Services Program

Mr. Penn presented an update on the Legal Services Program Accountability Report.

Motion: Mr. Wade moved and Ms. Reeves seconded a motion to accept the 2018 Legal Services Program Accountability Report. The motion passed unanimously. **[Exhibit D]**

C. Civil Legal Needs Study

Mr. Penn presented an update on the Civil Legal Needs Study.

D. MCLE Proposed Rule for Pro Tem Judge Service

Ms. Hollister presented a recommendation of changes to the MCLE rules section 5 to include credits for volunteer service as a Pro Tem Judge that was approved by the MCLE Committee.

Motion: Mr. Grant moved and Ms. Graham seconded a motion accepting the MCLE Rule for Pro Tem Judge Service. The board voted unanimously in favor of accepting. The motion passed. **[Exhibit E]**

8. Resolution to Terminate Nationwide 457B Plan

Ms. Hollister gave a presentation in closed session

Motion: Mr. Andries moved and Mr. Bachofner seconded a motion adopting the resolution to terminate the Nationwide 457B Plan. The board voted unanimously in favor. The motion passed. **[Exhibit F]**

9. National Conference of Bar Examiners Testing Task Force Survey

Ms. Hirschbiel presented a request from the National Conference of Bar Examiners Task Force for assistance with distribution of a member survey.

Motion: Ms. Reeves moved and Mr. Peachey seconded a motion to approve the distribution of the National Conference of Bar Examiners Task Force Survey. The board voted unanimously in favor. The motion passed.

10. Closed Sessions—Closed Agenda

A. Executive Session (pursuant to ORS 192.660(1)(f) and (h))

The board went into closed session.
The board reconvened in open session to vote on the action item above in number 8.

11. Consent Agenda

Ms. Costantino asked if any board members would like to remove any items from the consent agenda for discussion and a separate vote. No one asked to do so.

A. Report of Officers & Executive Staff

- 1. Report of the Executive Director
- 2. Director of Regulatory Services

B. Client Security Fund Committee

- 1. CSF Financials
- 2. Claims to Approve and Review

C. Adopt Amendments to OSB Bylaw 1.2

D. Approve February 21, 2019 and March 8, 2019 meeting minutes.

Motion: Ms. Reeves moved, Mr. Bachofner seconded, and the board voted unanimously to approve all items on the consent agenda.

12. Good of the Order