President Liani Reeves called the open session meeting to order at 12:25 p.m. on April 17, 2020. The meeting adjourned at 5:01 p.m. Members present from the Board of Governors were Colin Andries, Adrian Brown, Jenny Cooke, Chris Costantino, Kate Denning, Eric Foster, Anne Graham, Kamron Graham, John Grant, Bik-Na Han, Joseph Hesbrook, Ryan Hunt, Eddie Medina, Joe Piucci, Kyra Rohner, Traci Rossi, and David Wade. Not present were Rob Milesnick, and Michael Rondeau. PLF CEO, Nena Cook, was present. ONLD Chair, Mae Lee Browning, was present. Staff present were Cassandra Dyke, Danielle Edwards, Susan Grabe, Helen Hierschbiel, Amber Hollister, Karen Lee, Keith Palevsky, Cathy Petrecca, and Mike Williams.

1. Call to Order

2. President’s Report [Ms. Reeves]
   Ms. Reeves asked each board member to share how they are doing in light of the COVID19 crisis.

3. CEO Report [Ms. Hierschbiel]
   Helen Hierschbiel presented information contained in her written report about staff and operations of the OSB in light of the COVID19 crisis.

4. 2020 Strategic Areas of Focus
   A. BOG Meeting Ground Rules
      Liani Reeves went over the Ground Rules that were developed at the February Board Meeting.

   Motion: David Wade moved and Anne Graham seconded the approval of the ground rules. The board voted unanimously in favor of the motion. The motion passed.

5. BOG Committees
   A. Policy and Governance Committee [Mr. Wade]
      1. Proposed Amendments to OSB Bylaw 23.1 relating to PLF Board of Directors Composition
         David Wade presented a proposed amendment to OSB Bylaw 23.1, which adds a 10th non-voting position to the PLF Board, which may be filled by the immediate-past PLF CEO.

   Motion: The Policy and Governance Committee moved to waive the one meeting notice requirement and amend OSB Bylaw Article 23 Section 23.1. The board voted unanimously in favor. [Exhibit A]

      2. Proposed Amendments to OSB Bylaw 2.100 relating to BOG member roles and responsibilities
         David Wade noted that the Policy & Governance Committee did not vote on proposed amendments to OSB Bylaw 2.100 relating to BOG member roles and responsibilities. The item will be deferred to the next board meeting.

      3. COVID-19 Related Program Amendments
         a) Fee Dispute Resolution Program Amendments
David Wade presented the recommended changes to the Fee Dispute Resolution Program as laid out in the Committee memo to the Board.

**Motion:** The Policy and Governance Committee moved to temporarily suspend the Fee Dispute Resolution Program and amend the Fee Dispute Program Rules as set forth in Option 1 of the memo. The board voted unanimously in favor. The motion passed. [Exhibit B]

**B. Board Development Committee [Mr. Andries]**

1. **Appointment of various Committees, Councils, and Boards**

   Colin Andries presented the committee’s recommended appointments for several committees. [Exhibit C]

   **Motion:** The Board Development Committee moved to approve the appointments to all committees as outlined. The board voted unanimously in favor. The motion passed.

2. **Proposed Amendments to OSB Bylaw 9.1 relating to election procedures**

   Colin Andries presented the committee’s recommendation to amend OSB Bylaw 9.1 to allow the Board to modify election timelines in case of an emergency. [Exhibit D]

   **Motion:** The Board Development Committee moved to waive the one meeting notice requirement and approve amendments to OSB Bylaw 9.1. The board voted unanimously in favor. The motion passed.

   **Motion:** Pursuant to newly-adopted OSB Bylaw 9.1, Colin Andries moved and David Wade seconded to move the candidate statement deadline from 160 days to 122 days before October 19, 2020. The board voted unanimously in favor. The motion passed.

**C. Budget & Finance Committee [Mr. Grant]**

1. **Acknowledge Mike Williams as the CFO, with authority to conduct financial transactions within those guidelines established in the bylaws.**

   John Grant asked the Board to acknowledge Mike Williams as the CFO, with authority to conduct financial transactions within those guidelines established in the Bylaws.

   **Motion:** David Wade moved and Eric Foster seconded motion to acknowledge Mike Williams as CFO. The board voted unanimously in favor. The motion passed.

2. **Approve the appointment of Government Portfolio Advisors (GPA) to manage the Legal Services investment portfolio**

   John Grant explained that three finalists gave presentations to the Investment Committee to manage the Legal Service settlement portfolio, and the committee voted unanimously to approve the appointment of Government Portfolio Advisors (GPA).
Motion: The Budget and Finance Committee moved to approve appointment of GPA to manage the Legal Services Program funds, conditioned on reaching agreement on a final investment agreement. The board voted unanimously in favor. The motion passed. [Exhibit E]

3. Acknowledge receipt of Moss Adams Audit Introduction letter

John Grant explained that Moss Adams has accepted the engagement to perform an annual audit, and is scheduled to perform the audit during April to June, 2020, time period.

Motion: The Budget and Finance Committee moved to acknowledge the receipt of the engagement letter. Colin Andries, Jenny Cooke, Kate Denning, Eric Foster, Anne Graham, Kamron Graham, John Grant, Bik-Na Han, Joseph Hesbrook, Ryan Hunt, Eddie Medina, Joe Piucci, Kyra Rohner, Traci Rossi, and David Wade voted in favor. Adrian Brown declared a conflict of interest and abstained. The motion passed. [Exhibit F]

4. Approve SBA PPP loan under the Cares Act

John Grant explained that the CARES Act carried a provision for the Small Business Administration office to administrate the issuance of “Payroll Protection Program”. Staff submitted an application in the amount of $1.5M in order to preserve the option of accessing these funds. The funds would help ensure that the bar does not have to furlough or release any employees in 2020. Additionally, while there is no 100% guarantee, the reasonable likelihood is the loan will be forgiven. [Exhibit G]

Anne Graham expressed concerns that these funds were not intended for organizations such as the bar, and strong opposition to the bar applying for or accepting such funds.

Motion: The Budget and Finance Committee moved to approve the $1.5M Payroll Protection Program loan, which will show up on the budget as a loan, and be taken off if forgiven. Colin Andries, Adrian Brown, Jenny Cooke, Kate Denning, Eric Foster, John Grant, Kamron Graham, Bik-Na Han, Joseph Hesbrook, Ryan Hunt, Eddie Medina, Joe Piucci, Kyra Rohner, Traci Rossi, and David Wade voted in favor. Anne Graham voted against. The motion passed.

5. Approve Amendments to OSB Bylaw 6.4 regarding Effect of Failure to Pay Member fees, New Admittee Fees, and OSB Bylaw 6.5 changing the name of the section to Waiver of Fees and Assessments and adding an exemption for emergencies. [Exhibit H]

Motion: The Budget and Finance Committee moved to waive the one meeting notice requirement and approve the amendments to Bar Rules 6.4 and 6.5. The board voted unanimously in favor. The motion passed.

6. COVID-19 effect on 2020 and 2021 budgets

Mike Williams gave an overview of the COVID19 pandemic’s impact on economic conditions since late February 2020. [Exhibit I]

D. Public Affairs Committee [Mr. Foster]
1. Legislative Update
   Ratify COVID-19 legislative testimony in support of courts and legislation for consideration during the upcoming special session

Eric Foster presented information that the Public Affairs Committee took a position in support of the proposed legislative concept relating to the authority of the Chief Justice and timelines, which will be considered during the upcoming Special Session. [Exhibit J]

Motion: The Public Affairs Committee moved to ratify legislative testimony in support of the courts for this legislative session. The board voted unanimously in favor. The motion passed.

2. PAC recommendation to support ABA Day Digital Advocacy issues:
   Legal Services Corporation Funding, Public Service Loan Forgiveness, Legal Assistance for Homeless Vets, and Rural Broadband Infrastructure

Eric Foster presented the committee’s recommendation to support ABA Day Advocacy issues, which include Legal Services Corporation Funding, Public Service Loan Forgiveness, and Legal Assistance for Homeless Veterans and Rural Broadband Infrastructure.

Motion: The Public Affairs Committee moves to support the ABA Day Advocacy issues. The board voted unanimously in favor. The motion passed. [Exhibit K]

6. Professional Liability Fund [Ms. Cook]
   A. February 29, 2020 PLF Financial Statements

Nena Cook informed the board of the PLF Financial statement. Nena Cook explained the postponement of the April 10 installment payment until June 10, 2020. Ms. Cook is working with her staff to engage in long-term and short-term planning for cash flow. [Exhibit L]

   B. Memo to BOG Regarding the current Excess Enrollment Report

Nena Cook informed the board about the Excess Enrollment Report. [Exhibit M]

The board discussed the PLF proposal to amend PLF Bylaw 3.5. The board requested that the PLF BOD revisit the proposed bylaw to ensure it is consistent with newly revised OSB Bylaw 23.1.[see Exhibit A]

7. OSB Committees, Sections, Councils and Divisions
   A. Oregon New Lawyer Division Report

Mae Lee Browning presented information about what the ONLD has been doing to help the new lawyers. Launching virtual CLE’s. ONLD is going to do “Super Saturday” in a virtual format. [Exhibit N]

   B. Legal Ethics Committee ORPC 5.4(a)(5) “Bar Sponsored” language

Amber Hollister presented the Legal Ethics Committee response to the board query regarding the meaning of “bar-sponsored” in ORCP 5.4(a)(5). [Exhibit O]
Liani Reeves recommended that this issue be referred to the Policy and Governance Committee for further discussion and response to the Common Law Center’s letter. John Grant and Adrian Brown announced a conflict of interest and recused themselves from the discussion.

C. LRAP Policy Changes

Cathy Petrecca presented the change to the Loan Repayment Assistance Program policy and guidelines. [Exhibit P]

Motion: Colin Andries moved and David Wade seconded the LRAP Policy and Guideline Changes. The board voted unanimously in favor. The motion passed.

D. MCLE Proposed Amendments to Rules and Regulations regarding Access to Justice Definition and Accreditation Standard

Amber Hollister explained the proposed amendments to the MCLE Rules and Regulations and the Court’s request to post the proposed amendments on the bar website for 60 days for member comment. [Exhibit Q]

Motion: Colin Andries moved and John Grant seconded that the proposed amendments be posted on the bar’s website for 60 days for member comment, and then come back to the Board for final approval, and fix the typo on page 15 by adding “x”. The board voted unanimously in favor. The motion passed.

E. CSF Claim # 2019-39 Bertoni (Canell)

Amber Hollister explained the Client Security Fund Committee’s recommendation that the board grant claimant Angela Canell’s claim of $24,570 in the matter of CSF Claim BERTONI (Canell) 2019-39. Staff recommends the Board award a lesser amount of $23,920. The payment would exclude a refund of $650 in legal fees Mr. Bertoni offered to pay Ms. Canell, per CSF Rule 2.2 (prohibiting the reimbursement of legal fees paid when the Claimant received legal services that were not “minimal or insignificant”). [Exhibit R]

Motion: David Wade moved and Colin Andries seconded the CSF claim be paid in the amount of $23,920. The board voted unanimously in favor. The motion passed.

F. Year 2 Diversity Action Plan Implementation Report

Karen Lee presented the Year 2 Diversity Action Plan report. The climate survey is now posted on the Oregon State Bar website. The Legal Needs Study was completed, which helped increase funding for legal services. [Exhibit S]

Colin Andries informed the board that the implementation of the Leadership Institute is on hold until next year.
8. Other Items
   A. MBA Request
      Helen Hierschbiel presented the Multnomah Bar Association request for assistance with funding
      analysis of survey results relating to lawyers who have caregiving and other family-focused
      commitments. This matter will be on the board’s June agenda for a vote. [Exhibit T]

9. Closed Sessions – CLOSED Agenda
   The board went into closed session for a presentation by General Counsel, pursuant to ORS 192.660(2)(f)
   and (h) and ORS 192.690(1).

   A. Executive Session
      (pursuant to ORS 192.660(2)(f) and (h) and ORS 192.690(1))
      1. General Counsel Updates
      2. Litigation Updates

   The board returned to open session.

10. Consent Agenda
    A. Program Evaluation Report [Exhibit U]
    B. Client Security Fund Approvals and Appeal [Exhibit V]
       1. 2018-60 Deveny (Bentson & Norris)
       2. 2019-47 Deveny (Gandy)
       3. 2019-48 Wymetalek (Landrum)
    C. DCO Status Report [Exhibit W]
    D. Approve Minutes of Prior BOG Meeting [Exhibit X]
       1. Open Minutes February 6-7, 2020

   Motion: Kamron Graham moved and Eric Foster seconded to approve the consent agenda. The board voted
   unanimously in favor. The motion passed.
OREGON STATE BAR
Board of Governors Agenda

Meeting Date: April 17, 2020
From: Policy & Governance Committee
Re: Proposed Amendment to OSB Bylaws Section 23

**Action Recommended**

Waive the one meeting notice requirement and amend OSB Bylaw Article 23 to allow the PLF to add a tenth position to their board for the immediate past PLF CEO.

**Discussion**

OSB Bylaw Section 23.1 provides that the Board of Governors appoints the PLF Board of Directors and may remove any board member without cause. The PLF Board “consists of nine members, seven of which must be active, resident members of the Bar and two of which must be non-lawyers.”

The PLF Board of Directors would like to add a position to its board for the outgoing CEO of the PLF. See attached memo. Because the Board of Governors controls the size and composition of the PLF BOD, the BOG would have to amend OSB Bylaw Section 23.1 in order to accomplish this objective. The following is a proposed amendment to OSB Bylaw Section 23.1:

Section 23.1 Board of Directors

The Professional Liability Fund ("PLF") will conduct its business through a Board of Directors appointed by the Board of Governors. The PLF Board consists of nine members, seven of which must be active, resident members of the Bar and two of which must be non-lawyers. The terms of office of PLF Board members is five years, as staggered by the Board of Governors, with the term of office of each board member beginning on January 1 of each year. The Board of Governors may remove any member of the PLF Board without cause and must fill the positions that become vacant as expeditiously as possible to ensure continuity in the governance of the PLF. Persons appointed to fill vacancies on the Board of Directors serve the unexpired term of the member who is replaced. If a replacement appointment to an unexpired term is for two (2) years or less, the Board of Governors may thereafter reappoint that person to a term of up to five years. In considering the length of the reappointment, the Board will take into account the experience level of the PLF Board of Directors and the effect on the rotation cycle of the Board of Governors. **At the request of two-thirds of the members of the Board of Directors, the Board of Governors may appoint the immediate past PLF Chief Executive Officer to the Board of Directors for a period not to exceed one year following their resignation or retirement from the PLF CEO position. The former PLF CEO will be a non-voting, tenth member of the Board of Directors.**
OREGON STATE BAR
Board of Governors Agenda

Meeting Date: February 7, 2020
Memo Date: January 27, 2020
From: Nena Cook, PLF CEO
Re: Proposed amendment to PLF Bylaws, Article 3

Action Recommended

Approve the proposed amendment to PLF Bylaws, Article 3 to give the Board discretion to allow a departing CEO to serve on the Board for a one-year period after the CEO leaves the PLF.

Background

The PLF Board of Directors approved the proposed amendment to PLF Bylaws, Article 3 submitted from Carol Bernick at its December 6, 2019 board meeting. Ms. Bernick’s memo stated the following:

“I began at the PLF on October 1, 2014. Ira Zarov’s last day as CEO was September 30, 2014. In other words, we had no overlap. Fortuitously, John Berge, then a BOD member with 15 months left on his term, applied for and was hired as a Claims Attorney at the PLF. Ira offered to fill John’s remaining term. Since finding a new Board member was the last thing I wanted to focus on in my first week, I gladly accepted the offer. Some members of both the BOD and the BOG were reluctant, fearing that the former CEO’s presence on the BOD might undermine – even unintentionally – the authority of the new CEO. I was not concerned, as I knew Ira had a vested interest in my success. Having Ira available to me to have privileged conversations was invaluable.

Some have suggested that Nena and the PLF’s transition to Nena would benefit from my serving on the Board. There is not a current opening on the Board, which means the Bylaws need amendment. Both Saville and I have spoken to Nena about this idea and she seems genuinely enthusiastic for the same reasons I was. While I have provided Nena with a great deal of information, based on my experience, her deeper questions will come after she has been in the position for a few months. I would of course be happy to talk with her anytime even if I was not on the Board, but that position protects our communications and gives her (and the PLF) that
assurance. It is not unusual in for-profit companies for a retiring CEO to remain a member of the Board.

The proposed language allows the Board to choose whether to appoint a departing CEO for a period of no more than one year. I have not made the position *ex-officio* mostly so I can help with the committee and Assigned Director work (taking the load off other Board members). But, if that is the Board’s preference, I have no problem with that change.”

See attached proposed amendment.

NC/clh

Attachment: Article 3.5 of PLF Bylaws (2020)
Preamble
The Professional Liability Fund ("PLF") does hereby adopt the following as its Bylaws.

ARTICLE 1
PARTICIPATION IN PLF

1.1 Every active member of the Oregon State Bar ("OSB") engaged in the private practice of law with principal office in Oregon is required to participate in the mandatory coverage of the PLF unless otherwise exempt. (BOG 8/13/93; BOD 10/22/04; BOG 11/20/04)

ARTICLE 2
ASSESSMENTS

2.1 The Board of Directors will determine at least annually the assessment for the ensuing Claims Made Plan Period. (BCD 10/22/04; BOG 11/20/04; BOD 08/10/12; BOG 11/10/12)

ARTICLE 3
DIRECTORS

3.1 The PLF will be administered by a Board of Directors of nine persons selected by the Board of Governors of the Oregon State Bar. Seven persons will be and two persons will not be members of the Oregon State Bar. Each Director will serve for a term of five years and until a successor is appointed. Unless otherwise specified, a Director's term begins on January 1 of the year following appointment and continues for 5 years.

3.2 If a position becomes vacant, the Board of Governors will appoint a successor to that position for the unexpired period of the term.

3.3 (A) Any Director who has missed two consecutive regularly scheduled Directors meetings or three meetings in any six-months' period must provide an explanation upon request. If such Director fails to respond to the Board of Directors' request, or if a majority of the Board of Directors deems such explanation insufficient, the Board of Directors may suspend the Director and notify the Board of Governors that it requests that the Director be removed pursuant to Article 23.1 of the Oregon State Bar bylaws. In the event that at the next scheduled meeting of the Board of Governors, the Board elects not to remove the Director, the Director will resume his or her place on the PLF Board.

(B) In addition to removal pursuant to Section 3.3 of this Article, a Director may be suspended for cause only at a meeting called for the purpose of suspending the Director and the meeting notice must state that the purpose, or one of the purposes, of the meeting is to suspend the Director. A two thirds majority is required to suspend the Director. Representative examples of cause include breaches of fiduciary duty to the PLF, the prosecution of the Board member by the State Professional Responsibility Board, a criminal conviction, a court sanction, or any such other conduct that comprises the integrity of the Board member and that creates a reasonable expectation that such conduct will be detrimental to the PLF. If a Director is suspended, the Board of Directors will notify the Board of Governors that it requests that the Director be removed pursuant to Article 23.1 of the Oregon State Bar bylaws. In the event that at the next scheduled meeting of the Board of Governors, the Board elects not to remove the Director, the Director will resume his or her place on the PLF Board.

(C) Any Board member who accepts employment or whose firm accepts employment that is prohibited by Article 11 of the PLF Bylaws will be removed from the Board by a majority vote of the Board.

3.4 By October 31 of each year the Board of Directors will forward to the Board of Governors a list of recommended Director nominees equal to or greater than the number of available positions on the Board in the coming year. The Board will seek nominees according to qualifications determined by the PLF Board. These may include, but are not limited to, consideration of gender,
minority status, ability, experience, type of law practice, and region.

3.5 The Board of Directors may appoint a departing Chief Executive Officer to the Board of Directors for a period not to exceed one year following the CEO’s resignation or retirement from the Board. Such an appointment would be in addition to the Board membership set forth in Article 3.1.

ARTICLE 4
OFFICERS

4.1 The officers of the PLF Board of Directors will consist of a Chairperson, Vice Chairperson, and Secretary.

4.2 The PLF Board officers will be elected and may be removed by a majority of the PLF Board of Directors.

4.3 Each PLF Board officer will serve successive terms of one year and until the officer’s successor is elected.

4.4 The Chairperson will preside at all meetings of the Board of Directors and will have the authority to exercise the power of the Board between meetings of the Board. The Chairperson will perform all other duties as are incident to the office or are properly required by the Board of Directors.

4.5 The Vice Chairperson will perform the duties of the Chairperson in the absence or disability of the Chairperson and such other duties as may be assigned by the Chairperson or the Board. The Vice Chairperson will also be the Chairperson-Designate and will be the sole nominee for Chairperson at the next following election of officers unless at the time of the election, at least five members of the Board vote to permit additional nominations.

4.6 The Secretary will be responsible for maintaining appropriate and accurate minutes of the meetings of the Directors and will perform such other duties as may be assigned by the Chairperson or the Board.

(BOD 7/16/93; BOD 6/10/95; BOD 6/03/97; BOD 7/26/97; BOD 1/28/99; BOD 6/2-3/00; BOD 8/25/00; BOD 9/22/00; BOD 12/12/03; BOD 10/2/01; BOD 11/20/04; BOD 8/4/05; BOD 8/10/07; BOD 4/12/08; BOD 2/2/09)
Oregon State Bar
Board of Governors Agenda

Meeting Date: April 17, 2020
From: Amber Hollister, General Counsel
Re: Temporarily Suspending the Fee Dispute Resolution Program and Amending Program Rules due to COVID-19 Outbreak

Action Requested

Temporarily suspend operation of the Bar’s Fee Dispute Resolution Program until the bar can establish a mechanism for remote participation.

Simultaneously amend Fee Dispute Program Rules to allow General Counsel to require all Fee Dispute Program mediations and arbitrations to occur remotely if necessary to comply with local, state, or national public health orders or recommendations.

Background

The bar’s Fee Dispute Resolution Program offers voluntary arbitration and mediation of fee dispute disputes between Oregon attorneys and clients, between Oregon attorneys, and between Oregon clients and their out of state attorneys.

The Fee Dispute Resolution Rules presume that arbitration proceedings and mediations will be held in person. In fact, parties to an arbitration may only appear by telephone with the consent of all parties and at their own expense. Rule 8.7. Mediators are to determine a “mutually agreeable … place” for the mediation. Rule 7.1.

While this program has operated seamlessly for decades, the COVID-19 outbreak has created new challenges. On March 23, 2020, in response to the COVID-19 health crisis, Governor Brown issued Executive Order 20-12 requiring Oregonians to stay home to the maximum extent possible. The order prohibits social gatherings, and required that all persons maintain social distancing. In light of the order, the Oregon State Bar Center is currently closed to the public, and all in-person bar-sponsored events have been cancelled through the end of April 2020.

The Supreme Court has recognized the need to modify bar operations to comply with public health recommendations and orders. On March 27, 2020, the Chief Justice of the Oregon Supreme Court issued Emergency Order 2020-009, granting the bar authority to require all

1 OSB Lawyer Referral Service (LRS) panelists are required to agree to participate in fee arbitration as a condition of receiving referrals. See Fee Dispute Resolution Rule 4.4. LRS panelists who refuse to participate in Fee Arbitration may be removed from the LRS program under the LRS Policies.
admissions and disciplinary proceedings be held remotely. The Court’s order, however, did not address operation of the Fee Dispute Resolution Program, because that program is solely administered by the bar.

**Discussion**

To ensure compliance with the Governor’s Executive Order 20-12 and to safeguard the health of volunteer arbitrators, mediators and program participants, the Fee Dispute Resolution Program will need to modify operations or be suspended entirely.

Staff recommends that the Board (1) temporarily suspend the Fee Dispute Resolution Program\(^2\) to allow sufficient time to implement remote participation, and (2) amend program rules to provide General Counsel with the authority to require that parties meet remotely if necessary to comply with public health recommendations or orders.

While the program is suspended, staff would investigate available remote participation and online dispute resolution solutions, and develop an implementation strategy. Staff plans to seek the input of the Fee Dispute Resolution Advisory Committee, which is comprised of members with alternate dispute resolution expertise, during this process.

To adopt this approach the Board would need to amend the Fee Dispute Resolution Rules to provide:

“6.9. General Counsel may require that all fee arbitration and mediation proceedings take place by videoconference, or such other means that allows for remote participation of all parties, if General Counsel determines that remote participation is necessary to comply with local, state, or national public health orders or recommendations.”

The language of this proposed amendment is based on that contained in Chief Justice Order 20-09, which amends the Rules for Admission and Bar Rules of Procedure during the COVID-19 outbreak.

On a positive note, it is possible that implementing remote participation or online dispute resolution strategies may lower barriers to program participation and advance access to the program. If this occurs, staff may seek the Board’s input on whether remote participation strategies should continue after the pandemic ends.

**Options**

1. **Temporarily Suspend Fee Dispute Resolution Program and Amend Program Rules as Proposed.** This approach would allow the bar sufficient time to develop remote

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\(^1\) While the program is suspended, the Fee Administrator could continue to accept Petitions to Arbitrate and Mediate, and assign case numbers, but would not assign matters to program volunteer arbitrators and mediators.
participation options and ensure compliance with public health orders and recommendations. Staff recommends this option.

2. **Suspend Fee Dispute Resolution Program Indefinitely.** Alternately, the board could simply suspend the program indefinitely, until the end of the COVID-19 outbreak. The disadvantage of this option is that the public and attorneys would have to rely on other options for fee dispute resolution. Under this option, LRS Policies may need to be amended.

3. **Take No Action.** The risk of taking no action is that bar volunteers and participants could be exposed to unnecessary health risks. Depending on the circumstances, it may not be possible to implement social distancing in a traditional arbitration or mediation. Also, bar Volunteers may not have the expertise necessary to implement safety procedures. Finally, program volunteers and participants may be high-risk individuals who are attempting to self-isolate during the pandemic and unable to participate in-person.
OREGON STATE BAR
Board of Governors Agenda

Meeting Date: April 17, 2020
From: Colin Andries, Board Development Committee Chair
Re: Appointment recommendations to various bar committees

Action Recommended

Approve the Board Development Committee’s recommendations for new member appointments to the following groups.

Background

During the Board Development Committee’s meeting on April 17 the committee selected the following members for appointment consideration.

Client Security Fund Committee
The CSF Committee investigates and recommends acceptance or rejection of claims for reimbursement of lawyer theft or misappropriation of client money. The BDC recommends Tara Millan (082283), Wendy Beth Oliver (873100), Michael Thomas McGrath (013445), and Jeffrey Durocher (077174) as new members to the committee with partial term appointments.

Minimum Continuing Legal Education Committee
The MCLE Committee provides input, analysis and evaluation of the program that accredits education programs for Oregon attorneys. The BDC recommends Jill Gibson (973581) as a new member to the committee with a term ending December 31, 2020.

Procedure and Practice Committee
The Procedure and Practice Committee studies, monitors, and recommends changes in procedures governing civil cases in Oregon. The BDC recommends Dallas DeLuca (072992) as the secretary to the committee with a term ending December 31, 2020.

Quality of Life Committee
The Quality of Life Committee is responsible for educating lawyers and firms about the benefits of balancing personal life and career obligations. The following additional members are recommended for appointment Hansary Leforest (182698), Alyssa Bartholomew (051649), and Rebecca Lease (040804). Terms for all three members expire December 31, 2021.
OREGON STATE BAR
Board of Governors Agenda

Meeting Date: April 17, 2020
From: Board Development Committee
Re: Revisions to OSB Bylaw 9.1

Action Recommended

Waive the one meeting notice requirement and approve amendments to OSB Bylaw 9.1 as outlined below. Approve the candidate statement deadline and date of the 2020 Board of Governors election.

Background and Discussion

During its April 17 meeting, the Board Development Committee approved recommending changes to OSB Bylaw 9.1 to provide bar members additional time to file a candidate statement for the Board of Governors election.

Article 9 Election Procedures
Section 9.1 Date of Elections

The election for members of the Board of Governors will be held annually on the third Monday in October. Bar members who wish to appear on the ballot must present a candidate statement to the Chief Executive Officer of the Bar at least 160 days before the election.

The Board of Governors may take reasonable and necessary actions, including extending the deadline for candidate statements or the date of the annual election, if national or statewide events occur that severely disrupt the normal course of business.

Based on dates provided in the current bylaw, the candidate deadline is May 12, the election begins October 5 and ends October 19. Although the Board Development Committee did not vote on specific changes to the dates or timeline outlined in the currently outlined in the bylaw, the committee seemed to favor the idea of retaining the election dates in October and reducing the number of days between the candidate deadline and the date of the election to 120 days for the 2020 election only. Retaining the election dates previously outlined in the bylaw and modifying the candidate statement submission deadline to 120 days requires members to submit a statement by Sunday, June 21.
Background

On March 6th, the three finalists participating in the RFQ process to manage the Legal Services settlement portfolio presented their plan and thesis to manage the Legal Services settlement portfolio of funds. The Bar has received $39.9M in receipts and interest earned to date, and expects an additional ~$40M in receipts to be received by June 2021 bringing the total fund to $80M.

The three finalists presenting were Government Portfolio Advisors (GPA), Washington Trust, and RVK. Staff that participated in receiving the presentations and discussion leading to a final decision were Judith Baker, Michael Dunlap, Helen Hierschbiel, Keith Palevsky, and Bill Penn. BOG members of the Investment committee that participated in receiving the presentations and discussion leading to a final decision were John Grant, David Wade, Rob Milesnick, and Eric Foster. The committee voted unanimously to approve the appointment of Government Portfolio Advisors to manage the Legal Services settlement portfolio.

Discussions are in progress to finalize a contract agreement, and to develop a set of investment portfolio management instructions. The investment portfolio management instructions, when finalized, will be presented for approval to the Investment Committee.

Motion

The Budget & Finance committee requests approval by the BOG affirming the appointment of Government Portfolio Advisors, conditioned on a reaching agreement on a finalized contract, as the investment management firm for the Legal Services settlement portfolio.
OREGON STATE BAR
Board of Governors

Meeting Date: April 17, 2019
From: Budget and Finance Committee
Subject: Introductory Letter from Moss Adams LLC

Background

The BOG approved in November 2019 the appointment of Moss Adams as the independent auditors for the Oregon State Bar’s 2019 financial performance. Moss Adams has accepted the engagement, and is scheduled to perform the audit during the April thru June time period. Attached is the introductory engagement letter formally announcing the start of the audit.

Action

A motion is needed to acknowledge the receipt of the engagement letter by the Board.
Communication with Those Charged with Governance During Planning in Accordance with AU-C 260 (AU 380)

To the Board of Governors
Oregon State Bar
Oregon State Bar Fund

In connection with our engagement to audit the financial statements of Oregon State Bar Fund (the Bar Fund) as of and for the year ended December 31, 2019, professional standards require that we communicate with you certain items including our responsibilities with regard to the financial statement audit and the planned scope and timing of our audit. We would also appreciate the opportunity to meet with you to discuss this information further since two-way communication can provide valuable information in the audit process. It is our understanding that the Board of Governors are the appropriate persons within the Bar’s governance structure with whom to communicate.

As stated in our engagement letter dated December 3, 2019, we are responsible for conducting our audit in accordance with auditing standards generally accepted in the United States of America and Government Auditing Standards for the purpose of forming and expressing an opinion about whether the financial statements that have been prepared by management, with your oversight, are presented, in all material respects, in conformity with accounting principles generally accepted in the United States of America. Our audit of the financial statements does not relieve you or management of your respective responsibilities.

Our responsibility for the supplementary information accompanying the financial statements is to evaluate the presentation of the supplementary information in relation to the financial statements as a whole and to report on whether the supplementary information is fairly stated, in all material respects, in relation to the financial statements as a whole.

We will also provide the Bar Fund with the following non-attest services:

1. Assist you in drafting the financial statements and related footnotes and supplementary information as of and for the year ended December 31, 2019.

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested.
Our audit will include obtaining an understanding of the entity and its environment, including its internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. Material misstatements may result from errors, fraudulent financial reporting, misappropriation of assets, or violations of laws or regulations that are attributable to the Bar or to acts by management or employees acting on behalf of the Bar. We will communicate to you at the conclusion of our audit, significant matters that we believe are relevant to your responsibilities in overseeing the financial reporting process, including any internal control related matters that are required to be communicated under professional standards.

We expect to begin our interim audit procedures on approximately April 20, 2020, complete interim fieldwork on April 24, 2020, begin final fieldwork on approximately May 11, 2020, complete final fieldwork on approximately May 15, 2020, and issue our report no later than June 30, 2020.

This information is intended solely for the information and use of the Board of Governors and management of the Oregon State Bar Fund and is not intended to be and should not be used by anyone other than these specified parties.

Respectfully,

Moss Adams LLP

Portland, Oregon
March 20, 2020
The recently passed CARES Act carries a provision for the Small Business Administration (SBA) office to administrate the issuance of “Payroll Protection Program” loans to small businesses and non-profit organizations in response to the CV19 crisis.

The premise of the program, is to incentivize qualifying organizations to retain workers in the immediate period from April 1, 2020 through June 30, 2020, by providing a potentially forgivable loan to be used to help cover expenses related to payroll, mortgage interest, and utilities. The maximum amount of loan funding that can be requested, is 2.5x the average payroll expense, adjusted to exclude the employee and employer’s taxes, and the layer of salary above $100K for high wage earners.

The total amount of funding made available by the Act is $349B, available on a first-come first-serve basis. Entities requesting loans have been directed to submit an application to participating lender banks, of which Columbia Bank is a participating bank. The window to submit applications was set as April 3rd through April 10th. Entities were encouraged to submit applications as quickly as possible, that due to the fixed amount of funding available, and the limited duration.

The Bar elected to submit an application in the amount of $1.5M, and the funds (if approved) will help ensure that the Bar does not have to furlough or release any employees in 2020. Additionally, while there is no 100% guarantee, the reasonable likelihood is that the loan will be forgiven.

The proceeds of the loan will be directed toward, salary, mortgage interest, and utilities. The availability of these funds will help backstop the Bar against other contingencies including a decrease in revenues from CLE, Referral Services, and Bulletin advertising.

If the committee elects to not accept this loan, the Bar will withdraw the loan application.

**Motion**

The Budget & Finance committee requests approval of the $1.5M Payroll Protection Program loan, which will be reflected as debt on the Bar balance sheet (and removed from the balance sheet at the point that the loan is forgiven).
OREGON STATE BAR
Board of Governors

Meeting Date: April 17, 2020
From: Budget & Finance Committee
Subject: Proposed Bylaw changes – Fees and Waivers

Background

The payment due date for member fees this year was January 31, 2020, well before Governor Brown declared a state of emergency on March 8 and issued the stay home order on March 23, 2020. It is unlikely the state of emergency will be lifted when the newest group of lawyers begin entering the bar on May 21, 2020.

Given the economic realities they will be facing upon admission to the bar, we expect the 2020 new admittees to request extensions of time to pay member fees. The bylaws do not currently allow for extensions or waivers. The attached draft OSB bylaw 6.502 is modeled after the PLF Policy 3.350(E), and gives the CEO broad authority to grant extensions and waivers. The remaining proposed amendments are intended to provide greater transparency and clarity to the fee due dates and bases for waiver.

Note that the CEO is not contemplating complete waiver of new member fees, as that could have a significant impact on the bar’s budget forecast for 2020 and 2021. Instead, it is more likely that the CEO would grant some extension of time to pay new member fees for those entering the bar in 2020. The current payment window to suspension for new admittees, is 90 days from the admit date, and there is no late fee assessed. Fees are prorated to the month of the admit date.

As an alternative to OSB bylaw 6.502, the BOG could decide to provide for a different payment due date for new admittees. This would address the immediate issue of fees for those individuals expected to join the bar in May 2020. It would not, however, address similar circumstances that could give rise to a need to extend deadlines in the future.

Motion

Waive the one meeting notice requirement and approve adoption of the proposed amendments to OSB bylaws 6.4 and 6.5.

¹ For example, 279 new lawyers were admitted in May 2019. The fee assessed for these individuals was $354, for total revenue of $98,766.
Section 6.4 Annual Membership Fees and Assessments

Subsection 6.400 Due Date

The payment date for annual membership fees and assessments is January 31. If the payment date falls on a Saturday, a legal holiday or a day that the bar office is closed for any reason, including inclement weather or natural disaster, the due date of such fees and assessments is the next day that the bar office is open for business. As used in this section, "legal holiday" means legal holiday as defined in ORS 187.010 and 187.020, which includes Sunday as a legal holiday.

Subsection 6.401 Transfer of Member Status

No part of the membership fees will be rebated, refunded or forgiven by reason of death, resignation, suspension, disbarment or change from active to inactive membership after January 31. However, a bar member who, by January 31, expresses a clear intent to the Bar to transfer to inactive status and pays the inactive membership assessment by that date, but does not timely submit a signed Request for Enrollment as an Inactive Member, may be allowed to complete the inactive transfer without payment of the active membership assessment, if extenuating circumstances exist. The Chief Executive Officer’s decision regarding the existence of sufficient extenuating circumstances is final.

Subsection 6.402 Late Payment Penalty

The Board will set a late payment penalty to be assessed on any member delinquent in payment of member fees.

Subsection 6.403 Effect of Failure to Pay

Any member in default of payment of annual member fees will be given a reasonable opportunity to cure the default as determined by the Board. The Chief Executive Officer shall send a notice of delinquency to each member in default at the member’s electronic mail address on file with the bar on the date of the notice. The chief executive officer shall send the notice by mail to any member who is not required to have an electronic mail address on file with the bar under the rules of procedure. If a member fails to pay the fees or contributions within the time allowed to cure the default as stated in the notice, the member is automatically suspended.

Subsection 6.404 New Admittees

The Board may establish a uniform procedure for proration of membership fees based on admission to practice during the course of the year. New admittees will have ninety (90) days from the date of admission to pay their membership fees. If a new admittee fails to pay the fees within the time allowed, the new admittee is automatically suspended.
Section 6.5 Waiver of Fees and Assessments

Subsection 6.500 Hardship

In case of proven extreme hardship, which must entail both physical or mental disability and extreme financial hardship, the Chief Executive Officer may exempt or waive payment of annual membership fees and assessments of an active or inactive member. Hardship exemptions are for a one-year period only, and requests must be resubmitted annually on or before January 31 of the year for which the exemption is requested. “Extreme financial hardship” means that the member is unemployed and has no source of income other than governmental or private disability payments. Requests for exemption under this bylaw must be accompanied by a physician’s statement or other evidence of disability and documentation regarding income.

Subsection 6.501 Military and Peace Corps Service

The Chief Executive Officer, may, each year, waive or exempt annual membership fees and assessments for members in active military service, the Peace Corps, VISTA or other volunteer programs serving the national interest or the legal profession, and for which the member receives only a subsistence income, stipend or expense reimbursement that is the member’s principal source of income. Requests for waivers must be received on 15 days before the date that membership fees and assessments are due each year. Waivers will not be granted unless the lawyer’s service encompasses the majority of a year except in the case of military waivers, which may be granted for less than a year under special circumstances such as a war of unknown duration.

Subsection 6.502 Emergencies

The Chief Executive Officer may take reasonable and necessary actions, including extending deadlines and waiving late fees, if national or statewide events occur that severely disrupt the normal course of business.
With recent CV19 developments impacting economic conditions since late February, attached are two reforecast scenarios based on recent assessments.

The Bar has been operating in a “work from home, essential staff only in the building” since mid-March. Tenants have been working from home more or less since March 1st, and shortly thereafter the Bar closed the building to the public.

Bar staff started planning for a “work from home” scenario in late February. The additional expenditure incurred by the Bar to facilitate ensuring employees had the necessary hardware, software, and phone accessories was minor, less than $5K. A huge thank you goes to the I/T staff to facilitate this transition. Presently there are no more than 5 to 8 people in the building at any one time.

There will be impacts to revenue as a result of business conditions. This exhibit is focused on the most immediate worst case scenario, and is based on the premise that we will continue in this work from home environment through the end of the year. If work from home continues only for a few months, the negative impacts to the forecast will be something less than what is noted here, therefore more likely to be successfully navigated.

On several of the activities cited, we have already taken significant action to reduce expenses (building utilities, incidental services, travel, etc.). Department managers are actively working on a plan to address potential lost revenue in 2020 with planned recovery in 2021.

Looking forward toward, it is possible that economic conditions will remove the plan to raise member fees $45 in 2021. This will have to be monitored in the coming months and a decision made during the course of approving the 2021 budget. The purpose of this exhibit is to outline reasonable scenarios to successfully fund 2020 operations.

The Bar is fortunate, to have a few points in its favor:

a) Fee season collections were 99% complete prior to “work from home” mandates taking place in the economy. As a result, fee collections due to CV19 were not impacted.
b) Travel expense during work from home, will largely be avoided. This will have a positive impact in allowing the organization to reduce expenses.

Fee revenue collections this year totaled $9.4M, and cover close to two-thirds of the $15M operating budget (excluding $6.5M Legal Services). The challenge through the end of the year is to maintain a close watch on the other ~$5.5M in revenue sources, and to manage expenses to stay as reasonably close to a balanced budget as possible for the year.

Scenario A (impact to revenue and expense under “stay at home” through 1/1/2021): Inputs provided by each of the department managers for the following groups resulted in the following impact to revenues and expenses, resulting in a net deficit of ($511).

Factors included in this scenario:
- Zero rent collected from first floor tenants for the remainder of the year.
- Zero meeting room income for the remainder of the year.
- Factored decrease CLE/MCLE/Legal Pubs and Bulletin revenue.
- 50% reduction in RIS revenue for 4 months, some climb-back to 30% reduction.
- Significantly reduce building and utilities expenses.
- Reduction in Admissions fee revenue, but also offset with reduced grading fees.
- Bulletin lower ad revenue, offset with lower print costs.
- Decrease in expected interest income as a result of decreased interest rates.

<table>
<thead>
<tr>
<th>Name</th>
<th>Budget Revenue</th>
<th>Change to Revenue</th>
<th>Change to Expense</th>
<th>Net B/(W)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Admissions</td>
<td>925,690</td>
<td>5,552</td>
<td>44,415</td>
<td>49,967</td>
</tr>
<tr>
<td>CLE</td>
<td>775,395</td>
<td>(59,525)</td>
<td>86,866</td>
<td>27,341</td>
</tr>
<tr>
<td>Legal Pubs</td>
<td>435,340</td>
<td>(61,219)</td>
<td>4,722</td>
<td>(56,497)</td>
</tr>
<tr>
<td>MCLE</td>
<td>406,750</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Bulletin</td>
<td>631,264</td>
<td>(85,306)</td>
<td>9,453</td>
<td>(75,853)</td>
</tr>
<tr>
<td>Referral Services</td>
<td>811,811</td>
<td>(283,144)</td>
<td>0</td>
<td>(283,144)</td>
</tr>
<tr>
<td>Fanno Creek</td>
<td>994,323</td>
<td>(288,760)</td>
<td>142,176</td>
<td>(146,584)</td>
</tr>
<tr>
<td>Subtotal</td>
<td>4,980,573</td>
<td>(772,402)</td>
<td>287,632</td>
<td>(484,770)</td>
</tr>
<tr>
<td>Interest Income</td>
<td>186,240</td>
<td>(26,240)</td>
<td>(26,240)</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>5,166,813</td>
<td>(798,642)</td>
<td>287,632</td>
<td>(511,010)</td>
</tr>
<tr>
<td>Totals - all other Depts</td>
<td>15,836,551</td>
<td>(77,455)</td>
<td>311,677</td>
<td>234,222</td>
</tr>
<tr>
<td>Subtotal</td>
<td>21,003,364</td>
<td>(876,097)</td>
<td>599,309</td>
<td>(276,788)</td>
</tr>
<tr>
<td>Hold on Capital Projects</td>
<td>53,000</td>
<td></td>
<td>53,000</td>
<td></td>
</tr>
<tr>
<td>Grand Total</td>
<td>21,003,364</td>
<td>(876,097)</td>
<td>652,309</td>
<td>(223,788)</td>
</tr>
</tbody>
</table>

Across all other departments, there is net additional savings of $234K potentially attainable. There are decreases in other fee revenue of approximately ($77.5K), and offset by further cost reductions totaling +$312K. Factors included in this scenario:

- Push out of 2020 survey activities to 2021.
- Reductions in department travel across all departments, both direct and G&A.
- Reductions in BOG travel.
- Key events that cannot be held remotely to be cancelled.
- Reduction in the contingency line item.

**Scenario B: Additional actions:**

Actions in this group are certainly aggressive, in many cases will require negotiation and may not necessarily generate the desired savings. Additionally, consideration is being given to staffing levels, however these actions cannot be taken unilaterally without impacting programs.

Factors included in this scenario:
- Request a 3 month deferral of mortgage loan payments.
- Bulletin to be provided in electronic format until further notice to save on print fees.
- Selective hiring freeze on positions that are non-compliance/regulatory.
- Hold on all further capital projects.

Successful attainment of all actions in this Scenario B, closes the total deficit from negative to positive cash surplus of $113K.
2020 Budget and Reforecast Scenarios A & B:

<table>
<thead>
<tr>
<th>Description</th>
<th>Budget 2020</th>
<th>Scenario A Change</th>
<th>Scenario A Adjusted 2020</th>
<th>Scenario B Change</th>
<th>Scenario B Adjusted 2020</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>REVENUE</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Membership Fees (all)</td>
<td>9,323,343</td>
<td>9,323,343</td>
<td>9,323,343</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Program Fees</td>
<td>3,800,423</td>
<td>(561,097)</td>
<td>3,239,326</td>
<td>3,239,326</td>
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</tr>
<tr>
<td>Fund Dept. - Restricted</td>
<td>6,505,275</td>
<td>6,505,275</td>
<td>6,505,275</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Investment Income (Interest)</td>
<td>186,240</td>
<td>(26,240)</td>
<td>160,000</td>
<td>160,000</td>
<td></td>
</tr>
<tr>
<td>PLF Grant</td>
<td>200,000</td>
<td></td>
<td>200,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fanno Creek Place</td>
<td>988,083</td>
<td>(288,760)</td>
<td>699,323</td>
<td>699,323</td>
<td></td>
</tr>
<tr>
<td><strong>Total Revenues</strong></td>
<td>21,003,364</td>
<td>(876,097)</td>
<td>20,127,267</td>
<td>0</td>
<td>20,127,267</td>
</tr>
<tr>
<td><strong>EXPENSES</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Salaries and Benefits</td>
<td>9,944,651</td>
<td>(457,133)</td>
<td>(260,401)</td>
<td>(97,000)</td>
<td>(260,401)</td>
</tr>
<tr>
<td>Direct Program Expenses</td>
<td>9,782,914</td>
<td>9,782,914</td>
<td>9,782,914</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fanno Creek Place</td>
<td>427,551</td>
<td>(142,176)</td>
<td>285,375</td>
<td>(60,000)</td>
<td>225,375</td>
</tr>
<tr>
<td><strong>Operating Expense</strong></td>
<td>10,210,465</td>
<td>(142,176)</td>
<td>10,068,289</td>
<td>(60,000)</td>
<td>10,008,289</td>
</tr>
<tr>
<td>Depreciation</td>
<td>259,607</td>
<td></td>
<td>259,607</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Depreciation Building</td>
<td>515,910</td>
<td></td>
<td>515,910</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mortgage Interest</td>
<td>544,583</td>
<td></td>
<td>544,583 (180,000)</td>
<td>364,583</td>
<td></td>
</tr>
<tr>
<td>Non-Operating Expense</td>
<td>1,320,100</td>
<td>0</td>
<td>1,320,100 (180,000)</td>
<td>1,140,100</td>
<td></td>
</tr>
<tr>
<td>Net General &amp; Admin Offsets</td>
<td>218,204</td>
<td>218,204</td>
<td>218,204</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Contingency</td>
<td>25,000</td>
<td></td>
<td>25,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL EXPENSE</strong></td>
<td>21,718,420</td>
<td>(599,309)</td>
<td>21,119,111</td>
<td>(337,000)</td>
<td>20,782,111</td>
</tr>
<tr>
<td><strong>NET OPERATING REVENUE (EXP)</strong></td>
<td>(715,056)</td>
<td>(276,788)</td>
<td>(991,844)</td>
<td>337,000</td>
<td>(654,844)</td>
</tr>
<tr>
<td>Depreciation Expense (Addback)</td>
<td>775,516</td>
<td>775,516</td>
<td>775,516</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Capital Expenditures (Subtract)</td>
<td>(166,000)</td>
<td>(166,000)</td>
<td>53,000</td>
<td>(113,000)</td>
<td></td>
</tr>
<tr>
<td>Mortgage Principal (Subtract)</td>
<td>(194,461)</td>
<td>(194,461)</td>
<td>(194,461)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>LGIP &quot;Rainy Day&quot; Fund (Addback)</td>
<td>300,000</td>
<td>300,000</td>
<td>300,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>NET CASH POSITION</strong></td>
<td>(0)</td>
<td>(276,788)</td>
<td>113,212</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Items for further consideration:

1. Increasing volume of requests from Sections for remote event support.

During this period of CV19 work from home mandate, there is a significant increase in the volume of requests being fielded by the Sections requesting Bar administrative support for remote events. The Bar has 29 internal departments, and we are at full capacity while working remotely. Adding 41 sections to that existing workload requesting borrowed resources and the burden becomes high. The Policy & Governance committee is to charge the sections full fee $19.00 during this period of CV19 work from home until conditions return to something more normal.

2. CARES Act Payroll Protection Program (PPP) Loan Application

The recently passed federal CARES Act carries a provision for the Small Business Administration (SBA) office to administrate the issuance of “Payroll Protection Program” loans to small businesses and non-profit organizations in response to the CV19 crisis.

The premise of the program, is to incentivize qualifying organizations to retain workers in the immediate period from April 1, 2020 through June 30, 2020, by providing a potentially forgivable loan to be used to help cover expenses related to payroll, mortgage interest, and utilities. The maximum amount of loan funding that can be requested, is 2.5x the average payroll expense, adjusted to exclude the employee and employer’s taxes, and the layer of salary above $100K for high wage earners.

The total amount of funding made available by the Act is $349B, available on a first-come first-serve basis. Entities requesting loans have been directed to submit an application to participating lender banks, of which Columbia Bank is a participating bank. The window to submit applications was set as April 3rd through April 10th. Entities were encouraged to submit applications as quickly as possible, that due to the fixed amount of funding available, and the limited duration.

The Bar elected to submit an application in the amount of $1.5M, and the funds (if approved) will help ensure that the Bar does not have to furlough or release any employees in 2020. Additionally, while there is no 100% guarantee, the reasonable likelihood is that the loan will be forgiven.

The proceeds of the loan will be directed toward, salary, mortgage interest, and utilities. The availability of these funds will help backstop the Bar against other contingencies including a decrease in revenues from CLE, Referral Services, and Bulletin advertising.

If the committee elects to not accept this loan, the Bar will withdraw the loan application.
Motion

The Bar CFO requests a motion approving the $1.5M Payroll Protection Program loan, which will be reflected as debt on the Bar balance sheet, and subsequently removed from the balance sheet at the point that the loan is forgiven.
Ratify COVID-19 support for courts and for legislative concept regarding the authority of the Chief Justice to act in an emergency which will be considered during the upcoming Special Session.

Background

Over the last month or so, the Oregon State Bar and its members have supported the Oregon Judicial Department’s efforts to respond to the rapidly moving COVID-19 crisis. Bar members have shared suggestions, participated in OJD work groups, and volunteered their time and expertise in support of the Oregon Judicial Department and Chief Justice Martha Walters and the Chief Justice Orders in response to the COVID-19 crises.

During this same time period, the legislature’s Joint COVID-19 Legislative Committee has also been meeting to determine what statutory changes will be necessary when a Special Session is called to address the Governor’s Declaration of Emergency. Numerous legislative concepts are under consideration.

At its March 25th Public Affairs Committee meeting, the chair Eric Foster, and other members present, took a position in support of the proposed legislative concept relating to the authority of the Chief Justice and timelines which will be considered during an upcoming Special Session. In addition, chair Eric Foster, took a position in support of the courts and their actions in response to the COVID-19 pandemic. It is imperative for the bar to provide feedback to the judicial branch and to the legislative branch on the critical nature of our judicial system. The courts, lawyers, as officers of the court, and the Oregon State Bar, as an instrumentality of the court, are all essential parts of the justice system. All three are critical to protect the public and ensure access to justice for all Oregonians.
Action Recommended

Consider PAC recommendation to support ABA Day Advocacy issues: Legal Services Corporation Funding, Public Service Loan Forgiveness, Legal Assistance for Homeless Veterans and Rural Broadband Infrastructure.

Background

Each year, the Oregon State Bar sends a delegation of Oregon bar leaders to meet with their Senators and Representatives in Washington, D.C. to advocate in support of the issues highlighted for that year’s ABA Day. Traditionally those issues include funding for low income legal services through the Legal Services Corporation (LSC), and the preservation of the Public Service Loan Forgiveness (PSLF) program. This year, the ABA has selected two additional programs that it encourages bar delegations to support and advocate for in Washington, DC, this year: Legal Services for Homeless Veterans and Broadband Internet for Rural areas.

Issues for 2020 ABA Day

Funding for the Legal Services Corporation: Advocacy efforts last year helped increase LSC funding by $25 million to its highest appropriation ever -- $440 million. Despite this increase, funding remains woefully insufficient. Nearly one million low-income Americans who seek help for civil legal problems are turned away each year for lack of adequate resources. That number increases during emergencies like natural disasters and the current COVID-19 pandemic. In fact, legal services offices across the country are seeing a significant increased need for help already. Advocacy by bar associations around the country is important for helping the LSC get the FY 2021 funding required to meet that need.

Public Service Loan Forgiveness: Bar advocacy is needed to help preserve the Public Service Loan Forgiveness program (PSLF), which enables law school graduates and other professionals to embark upon, and remain in, less remunerative public service careers by offering partial student loan forgiveness for a service commitment of ten years. This important program has helped many underserved communities hire the prosecutors, public defenders, legal aid lawyers, doctors, nurses, teachers, social workers and other professionals they need in vital public service positions. Where would communities hit hard by COVID-19 be without access to these kinds of professionals today?
Legal Services for Homeless Veterans: The ABA’s goal is to persuade Congress to give the Department of Veterans Affairs (VA) the authority it needs to fund legal services for homeless veterans related to housing, family law, income support and other critical needs. Nearly 40,000 veterans are homeless on any given night, and there is a very real danger that that number will spike considerably in the coming months, given the increasing number of people losing jobs, being evicted, and facing poverty in the wake of the coronavirus pandemic.

One of the most important ways we can help veterans achieve self-sufficiency and secure permanent shelter is to ensure that they receive the legal help required to resolve legal problems that often prevent them from receiving needed VA services or benefits to which they are entitled. The lack of available legal help is exacerbated by the fact that the VA lacks the legal authority to directly support legal services. The ABA is advocating for passage of legislation that would authorize the VA Secretary to use existing funds to create a private-public grant program to deliver legal help to homeless veterans in need.

Rural Broadband: Another focus for 2020 is educating Members of Congress on the need to increase broadband access across the country. Approximately twenty-five million Americans lack high-speed internet (or “broadband”) access, 96% of whom live in rural areas. Inadequate access to high-speed internet disadvantages those living in remote areas in many critical ways. For example, it not only makes it hard for lawyers in rural areas to practice law, but it also discourages lawyers and other professionals from working in rural areas. With schools closed in response to the coronavirus pandemic, the critical need for broadband access has been brought into stark focus. Many children and adults living in rural communities impacted by COVID-19 do not have adequate broadband connections to access educational materials online, participate in remote learning, or take advantage of telemedicine opportunities that might be needed if they or their families get sick. We need to do better for rural Americans.
# Oregon State Bar
# Professional Liability Fund
# Financial Statements
# 2/29/2020

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<th>Description</th>
</tr>
</thead>
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</tr>
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<td>7</td>
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</tr>
</tbody>
</table>
### Oregon State Bar
Professional Liability Fund
Combined Primary and Excess Programs
Statement of Net Position
2/29/2020

#### ASSETS

<table>
<thead>
<tr>
<th></th>
<th>THIS YEAR</th>
<th>LAST YEAR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cash</td>
<td>$5,265,216.41</td>
<td>$6,749,014.48</td>
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<tr>
<td>Investments at Fair Value</td>
<td>62,131,134.45</td>
<td>60,634,914.26</td>
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<tr>
<td>Assessment Installment Receivable</td>
<td>8,904,024.75</td>
<td>8,808,695.58</td>
</tr>
<tr>
<td>Due from Reinsurers</td>
<td>111,284.61</td>
<td>706,342.91</td>
</tr>
<tr>
<td>Other Current Assets</td>
<td>76,027.16</td>
<td>73,271.05</td>
</tr>
<tr>
<td>Net Fixed Assets</td>
<td>340,299.58</td>
<td>408,169.60</td>
</tr>
<tr>
<td>Claim Receivables</td>
<td>111,531.53</td>
<td>111,531.53</td>
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<tr>
<td>PERS Deferred Outflow of Resources</td>
<td>1,479,492.46</td>
<td>1,479,492.46</td>
</tr>
<tr>
<td>Other Long Term Assets</td>
<td>0.00</td>
<td>2,500.00</td>
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</tbody>
</table>

**TOTAL ASSETS**

$78,419,010.95  
$78,973,931.87

#### LIABILITIES AND FUND POSITION

<table>
<thead>
<tr>
<th></th>
<th>THIS YEAR</th>
<th>LAST YEAR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accounts Payable and Other Current Liabilities</td>
<td>$149,770.00</td>
<td>$73,960.08</td>
</tr>
<tr>
<td>Due to Reinsurers</td>
<td>$1,657,526.87</td>
<td>$2,470,747.97</td>
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<tr>
<td>PERS Pension Liability</td>
<td>6,053,037.98</td>
<td>6,053,037.98</td>
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<tr>
<td>Liability for Compensated Absences</td>
<td>448,783.67</td>
<td>423,621.72</td>
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<tr>
<td>Liability for Indemnity</td>
<td>12,414,924.86</td>
<td>11,288,921.43</td>
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<tr>
<td>Liability for Claim Expense</td>
<td>13,524,081.51</td>
<td>13,393,754.92</td>
</tr>
<tr>
<td>Liability for Future ERC Claims</td>
<td>3,200,000.00</td>
<td>3,100,000.00</td>
</tr>
<tr>
<td>Liability for Suspense Files</td>
<td>1,500,000.00</td>
<td>1,500,000.00</td>
</tr>
<tr>
<td>Liability for Future Claims Administration (AOE)</td>
<td>2,400,000.00</td>
<td>2,400,000.00</td>
</tr>
<tr>
<td>Excess Ceding Commision Allocated for Rest of Year</td>
<td>821,087.45</td>
<td>744,265.44</td>
</tr>
<tr>
<td>Primary Assessment Allocated for Rest of Year</td>
<td>18,764,969.16</td>
<td>18,955,220.84</td>
</tr>
</tbody>
</table>

**Total Liabilities**

$60,934,181.50  
$60,403,530.38

#### Change in Net Position:

<table>
<thead>
<tr>
<th></th>
<th>THIS YEAR</th>
<th>LAST YEAR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retained Earnings (Deficit) Beginning of the Year</td>
<td>$16,213,455.12</td>
<td>$16,213,455.12</td>
</tr>
<tr>
<td>Year to Date Net Income (Loss)</td>
<td>1,271,374.33</td>
<td>2,356,946.37</td>
</tr>
</tbody>
</table>

**Net Position**

$17,484,829.45  
$18,570,401.49

**TOTAL LIABILITIES AND FUND POSITION**

$78,419,010.95  
$78,973,931.87
Oregon State Bar
Professional Liability Fund
Primary Program
Statement of Revenues, Expenses, and Changes in Net Position
2 Months Ended 2/29/2020

<table>
<thead>
<tr>
<th></th>
<th>YEAR TO DATE ACTUAL</th>
<th>YEAR TO DATE BUDGET</th>
<th>YEAR TO DATE VARIANCE</th>
<th>YEAR TO DATE LAST YEAR</th>
<th>ANNUAL BUDGET</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>REVENUE</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Assessments</td>
<td>$3,703,791.67</td>
<td>$3,756,500.00</td>
<td>$52,708.33</td>
<td>$3,741,821.83</td>
<td>$22,539,000.00</td>
</tr>
<tr>
<td>Installment Service Charge</td>
<td>49,202.17</td>
<td>51,166.00</td>
<td>1,963.83</td>
<td>49,222.33</td>
<td>307,000.00</td>
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<tr>
<td>Other Income</td>
<td>50,000.00</td>
<td>14,166.00</td>
<td>(35,834.00)</td>
<td>61,300.00</td>
<td>85,000.00</td>
</tr>
<tr>
<td>Investment Return</td>
<td>(2,127,131.60)</td>
<td>458,072.00</td>
<td>2,585,203.60</td>
<td>2,837,000.84</td>
<td>2,748,428.00</td>
</tr>
<tr>
<td><strong>TOTAL REVENUE</strong></td>
<td>$1,675,862.24</td>
<td>$4,279,904.00</td>
<td>$2,604,041.76</td>
<td>$6,689,345.00</td>
<td>$25,679,428.00</td>
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</tbody>
</table>

|                    |                     |                      |                       |                        |               |
| **EXPENSE**        |                     |                      |                       |                        |               |
| Provision For Claims: |                   |                      |                       |                        |               |
| New Claims at Average Cost | $2,961,000.00      |                      |                        | $3,220,000.00          |               |
| Coverage Opinions  | 6,583.40            |                      |                        | 46,492.36              |               |
| General Expense    | 12,644.14           |                      |                        | 20,479.01              |               |
| Less Recoveries & Contributions | 0.00 | (1,987.68) | (1,987.68) | (1,987.68) |               |
| Budget for Claims Expense | $3,140,000.00 |                      | $3,140,000.00 | $3,140,000.00 | $18,840,000.00 |
| **Total Provision For Claims** | $2,980,227.54 | $3,140,000.00 | $159,772.46 | $3,284,983.69 | $18,840,000.00 |

|                    |                     |                      |                       |                        |               |
| Expense from Operations: |                   |                      |                       |                        |               |
| Administrative Department | $468,980.58      | $567,731.00          | $98,750.42            | $410,258.54            | $3,491,186.00 |
| Accounting Department  | 129,564.28         | 173,846.00           | 44,281.72             | 131,894.31             | 1,062,552.00  |
| Loss Prevention Department | 301,347.76      | 399,761.00           | 98,413.24             | 296,224.53             | 2,387,876.00  |
| Claims Department      | 410,348.06         | 543,792.00           | 133,443.94            | 408,805.58             | 3,245,629.00  |
| Allocated to Excess Program | (150,638.82)    | (150,636.00)         | 2.82                  | (144,835.32)           | (903,833.00)  |
| **Total Expense from Operations** | $1,159,601.86 | $1,534,494.00        | $374,892.14            | $1,102,347.64          | $9,283,410.00 |

|                    |                     |                      |                       |                        |               |
| Depreciation and Amortization | $19,871.00     | $24,834.00           | $4,963.00             | $24,189.77             | $149,000.00  |
| Allocated Depreciation | (3,666.66)         | (3,666.00)           | 0.66                  | (3,583.34)             | (22,000.00)  |
| **TOTAL EXPENSE**   | $4,156,033.74      | $4,695,662.00        | $539,628.26            | $4,407,937.76          | $28,250,410.00|

| NET POSITION - INCOME (LOSS) | ($2,480,171.50) | ($444,424.00) | $2,035,747.50 | $2,281,407.24 | ($2,742,982.00) |
Oregon State Bar  
Professional Liability Fund  
Primary Program  
Statement of Operating Expense  
2 Months Ended 2/29/2020

<table>
<thead>
<tr>
<th>EXPENSE:</th>
<th>CURRENT MONTH</th>
<th>YEAR TO DATE ACTUAL</th>
<th>YEAR TO DATE BUDGET</th>
<th>VARIANCE</th>
<th>LAST YEAR TO DATE</th>
<th>ANNUAL BUDGET</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries</td>
<td>$394,731.47</td>
<td>$648,556.89</td>
<td>$874,880.00</td>
<td>$226,323.11</td>
<td>$656,290.84</td>
<td>$5,249,270.00</td>
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<tr>
<td>Benefits and Payroll Taxes</td>
<td>167,236.06</td>
<td>260,093.53</td>
<td>468,420.00</td>
<td>208,326.47</td>
<td>274,172.71</td>
<td>2,771,138.00</td>
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<td>Investment Services</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>52,000.00</td>
</tr>
<tr>
<td>Legal Services</td>
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<td>1,174.00</td>
<td>1,666.00</td>
<td>492.00</td>
<td>0.00</td>
<td>10,000.00</td>
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<td>Financial Audit Services</td>
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<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>25,000.00</td>
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<tr>
<td>Actuarial Services</td>
<td>8,712.50</td>
<td>8,712.50</td>
<td>0.00</td>
<td>(8,712.50)</td>
<td>10,862.50</td>
<td>26,000.00</td>
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<tr>
<td>Information Services</td>
<td>7,043.05</td>
<td>11,904.05</td>
<td>7,134.00</td>
<td>(4,770.05)</td>
<td>5,263.50</td>
<td>42,800.00</td>
</tr>
<tr>
<td>Other Professional Services</td>
<td>5,535.78</td>
<td>11,391.40</td>
<td>10,896.00</td>
<td>(495.47)</td>
<td>6,891.08</td>
<td>65,375.00</td>
</tr>
<tr>
<td>Staff Travel</td>
<td>900.19</td>
<td>900.19</td>
<td>1,166.00</td>
<td>265.81</td>
<td>1,784.00</td>
<td>50,000.00</td>
</tr>
<tr>
<td>Board Travel</td>
<td>946.51</td>
<td>1,644.40</td>
<td>8,666.00</td>
<td>7,021.60</td>
<td>1,784.00</td>
<td>52,000.00</td>
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<tr>
<td>NABRICO</td>
<td>250.00</td>
<td>250.00</td>
<td>0.00</td>
<td>(250.00)</td>
<td>250.00</td>
<td>12,900.00</td>
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<td>2,455.08</td>
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<td>3,970.92</td>
<td>3,498.55</td>
<td>38,500.00</td>
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<td>Rent</td>
<td>47,583.22</td>
<td>94,578.97</td>
<td>99,684.00</td>
<td>5,105.03</td>
<td>92,272.13</td>
<td>598,100.00</td>
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<tr>
<td>Printing and Supplies</td>
<td>22,501.47</td>
<td>28,854.80</td>
<td>12,500.00</td>
<td>(16,354.80)</td>
<td>16,006.64</td>
<td>75,000.00</td>
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<td>Postage and Delivery</td>
<td>2,011.82</td>
<td>3,690.88</td>
<td>2,300.00</td>
<td>(1,390.88)</td>
<td>2,283.03</td>
<td>13,800.00</td>
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<td>Equipment Rent &amp; Maintenance</td>
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<td>11,289.39</td>
<td>5,300.00</td>
<td>(5,989.39)</td>
<td>10,696.33</td>
<td>31,800.00</td>
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<td>Telephone</td>
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<td>51,500.00</td>
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<td>L P Programs (less Salary &amp; Benefits)</td>
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<td>66,022.91</td>
<td>86,928.00</td>
<td>20,905.09</td>
<td>53,151.97</td>
<td>521,560.00</td>
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<td>Defense Panel Training</td>
<td>59.66</td>
<td>59.66</td>
<td>0.00</td>
<td>(59.66)</td>
<td>0.00</td>
<td>0.00</td>
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<td>Bar Books Grant</td>
<td>16,666.67</td>
<td>33,333.34</td>
<td>33,334.00</td>
<td>0.66</td>
<td>33,333.34</td>
<td>200,000.00</td>
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<td>Insurance</td>
<td>2,760.10</td>
<td>5,520.20</td>
<td>6,266.00</td>
<td>745.80</td>
<td>9,612.88</td>
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<tr>
<td>Library</td>
<td>2,247.44</td>
<td>4,987.38</td>
<td>4,432.00</td>
<td>(555.38)</td>
<td>4,910.56</td>
<td>26,600.00</td>
</tr>
<tr>
<td>Subscriptions, Memberships &amp; C/C Char</td>
<td>42,263.33</td>
<td>107,643.12</td>
<td>46,548.00</td>
<td>(61,095.12)</td>
<td>56,870.59</td>
<td>279,300.00</td>
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<tr>
<td>Allocated to Excess Program</td>
<td>(75,319.41)</td>
<td>(150,638.62)</td>
<td>(150,636.00)</td>
<td>2.82</td>
<td>(144,835.32)</td>
<td>(903,833.00)</td>
</tr>
</tbody>
</table>

**TOTAL EXPENSE** $686,863.33 $1,159,601.86 $1,534,494.00 $374,892.14 $1,102,347.64 $9,283,410.00
Oregon State Bar
Professional Liability Fund
Excess Program
Statement of Revenue, Expenses, and Changes in Net Position
2 Months Ended 2/29/2020

<table>
<thead>
<tr>
<th></th>
<th>YEAR TO DATE ACTUAL</th>
<th>YEAR TO DATE BUDGET</th>
<th>YEAR VARIANCE</th>
<th>LAST YEAR BUDGET</th>
<th>ANNUAL BUDGET</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>REVENUE</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ceding Commission</td>
<td>$165,718.61</td>
<td>$158,334.00</td>
<td>($7,384.61)</td>
<td>$150,879.84</td>
<td>$950,000.00</td>
</tr>
<tr>
<td>Installment Service Charge</td>
<td>53,083.00</td>
<td>49,000.00</td>
<td>(4,083.00)</td>
<td>48,229.00</td>
<td>49,000.00</td>
</tr>
<tr>
<td>Investment Return</td>
<td>(73,422.34)</td>
<td>16,000.00</td>
<td>89,422.34</td>
<td>28,480.70</td>
<td>96,000.00</td>
</tr>
<tr>
<td><strong>TOTAL REVENUE</strong></td>
<td>$145,379.27</td>
<td>$223,334.00</td>
<td>$77,954.73</td>
<td>$227,589.54</td>
<td>$1,095,000.00</td>
</tr>
</tbody>
</table>

| **EXPENSE**          |                     |                     |               |                  |               |
| Operating Expenses (See Page 6) | $156,674.34 | $156,944.00         | $269.66       | $148,467.07      | $941,682.00   |
| Allocated Depreciation | $3,666.66     | $3,666.00           | ($0.66)       | $3,583.34        | $22,000.00    |

| **NET POSITION - INCOME (LOSS)** | ($14,961.73) | $62,724.00         | $77,685.73   | $75,539.13       | $131,318.00   |
Oregon State Bar  
Professional Liability Fund  
Excess Program  
Statement of Operating Expense  
2 Months Ended 2/29/2020

<table>
<thead>
<tr>
<th>EXPENSE:</th>
<th>YEAR ACTUAL</th>
<th>YEAR BUDGET</th>
<th>YEAR VARIANCE</th>
<th>YEAR LAST YEAR</th>
<th>YEAR BUDGET</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Salary</strong></td>
<td>$35,465.33</td>
<td>$69,948.00</td>
<td>($982.66)</td>
<td>$67,712.16</td>
<td>$419,691.00</td>
</tr>
<tr>
<td>Benefits and Payroll Taxes</td>
<td>$14,479.08</td>
<td>$28,920.00</td>
<td>(38.16)</td>
<td>$27,289.82</td>
<td>$173,521.00</td>
</tr>
<tr>
<td>Investment Services</td>
<td>0.00</td>
<td>134.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
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<tr>
<td>Office Expense</td>
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<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>Allocation of Primary Overhead</td>
<td>$25,375.00</td>
<td>$50,750.00</td>
<td>0.00</td>
<td>49,833.34</td>
<td>304,500.00</td>
</tr>
<tr>
<td>Reinsurance Placement &amp; Travel</td>
<td>$105.02</td>
<td>1,666.00</td>
<td>1,560.98</td>
<td>118.75</td>
<td>10,000.00</td>
</tr>
<tr>
<td>Training</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>Printing and Mailing</td>
<td>$828.00</td>
<td>266.00</td>
<td>(562.00)</td>
<td>828.00</td>
<td>1,600.00</td>
</tr>
<tr>
<td>Program Promotion</td>
<td>$1,700.00</td>
<td>$1,928.00</td>
<td>(567.00)</td>
<td>$2,495.00</td>
<td>$11,570.00</td>
</tr>
<tr>
<td>Other Professional Services</td>
<td>$1,295.00</td>
<td>$1,666.00</td>
<td>(941.50)</td>
<td>0.00</td>
<td>10,000.00</td>
</tr>
<tr>
<td>Software Development</td>
<td>0.00</td>
<td>1,666.00</td>
<td>1,666.00</td>
<td>190.00</td>
<td>10,000.00</td>
</tr>
</tbody>
</table>

**TOTAL EXPENSE**                  | **$79,247.43** | **$156,944.00** | **$269.66** | **$148,467.07** | **$941,682.00** |
## Combined Investment Schedule

Oregon State Bar
Professional Liability Fund

2 Months Ended 2/29/2020

<table>
<thead>
<tr>
<th></th>
<th>CURRENT MONTH THIS YEAR</th>
<th>YEAR TO DATE THIS YEAR</th>
<th>CURRENT MONTH LAST YEAR</th>
<th>YEAR TO DATE LAST YEAR</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Dividends and Interest:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Short Term Bond Fund</td>
<td>$13,738.13</td>
<td>$23,621.41</td>
<td>$20,906.36</td>
<td>$41,414.60</td>
</tr>
<tr>
<td>Intermediate Term Bond Funds</td>
<td>38,181.34</td>
<td>80,342.82</td>
<td>37,716.38</td>
<td>75,413.39</td>
</tr>
<tr>
<td>Bank Loans</td>
<td>10,059.52</td>
<td>21,390.89</td>
<td>11,678.20</td>
<td>24,545.62</td>
</tr>
<tr>
<td>Domestic Common Stock Funds</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>International Equity Fund</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>Real Estate</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>Hedge Fund of Funds</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>Real Return Strategy</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td><strong>Total Dividends and Interest</strong></td>
<td><strong>$61,978.99</strong></td>
<td><strong>$125,355.12</strong></td>
<td><strong>$70,300.94</strong></td>
<td><strong>$141,373.61</strong></td>
</tr>
</tbody>
</table>

|                          |                        |                        |                         |                        |
| **Gain (Loss) in Fair Value:** |                      |                        |                         |                        |
| Short Term Bond Fund     | $54,195.64             | $77,718.51             | ($17,735.80)            | ($14,092.11)           |
| Intermediate Term Bond Funds | 234,569.43             | 554,908.03             | (18,282.13)            | 52,737.43              |
| Bank Loans               | (50,315.41)            | (53,263.20)            | 33,680.45              | 78,372.36              |
| Domestic Common Stock Funds | (1,419,394.86)         | (1,430,296.51)         | 478,635.01             | 1,563,676.26           |
| International Equity Fund | (933,626.51)           | (1,474,975.89)         | 237,062.33             | 1,043,413.99           |
| Real Estate              | 0.00                   | 0.00                   | 0.00                   | 0.00                   |
| Hedge Fund of Funds      | 0.00                   | 0.00                   | 0.00                   | 0.00                   |
| Real Return Strategy     | 0.00                   | 0.00                   | 0.00                   | 0.00                   |
| **Total Gain (Loss) in Fair Value** | **($2,114,571.71)** | **($2,325,909.06)**   | **$713,359.86**        | **$2,724,107.93**      |

**TOTAL RETURN**

|                          | **($2,052,592.72)** | **($2,200,553.94)** | **$783,660.80**        | **$2,865,481.54**      |

|                          |                        |                        |                         |                        |
| **Portions Allocated to Excess Program:** |                      |                        |                         |                        |
| Dividends and Interest   | $2,125.88              | $3,418.75              | $892.82                 | $1,525.37              |
| Gain (Loss) in Fair Value | (72,529.81)            | (76,841.09)            | 9,059.67                | 26,955.33              |
| **TOTAL ALLOCATED TO EXCESS PROGRAM** | **($70,403.93)**       | **($73,422.34)**       | **$9,952.49**           | **$28,480.70**         |
Oregon State Bar
Professional Liability Fund
Excess Program
Balance Sheet
2/29/2020

**ASSETS**

<table>
<thead>
<tr>
<th></th>
<th>THIS YEAR</th>
<th>LAST YEAR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cash</td>
<td>$516,063.89</td>
<td>$1,162,474.34</td>
</tr>
<tr>
<td>Assessment Installment Receivable</td>
<td>1,515,344.75</td>
<td>1,369,866.58</td>
</tr>
<tr>
<td>Due from Reinsurers</td>
<td>111,284.61</td>
<td>706,342.91</td>
</tr>
<tr>
<td>Investments at Fair Value</td>
<td>2,344,717.45</td>
<td>1,941,274.14</td>
</tr>
<tr>
<td><strong>TOTAL ASSETS</strong></td>
<td><strong>$4,487,410.70</strong></td>
<td><strong>$5,179,957.97</strong></td>
</tr>
</tbody>
</table>

**LIABILITIES AND FUND EQUITY**

<table>
<thead>
<tr>
<th></th>
<th>THIS YEAR</th>
<th>LAST YEAR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Liabilities:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accounts Payable &amp; Refunds Payable</td>
<td>$0.24</td>
<td>$1,018.00</td>
</tr>
<tr>
<td>Due to Primary Fund</td>
<td>$105.02</td>
<td>$118.75</td>
</tr>
<tr>
<td>Due to Reinsurers</td>
<td>1,657,526.87</td>
<td>2,470,747.97</td>
</tr>
<tr>
<td>Ceding Commision Allocated for Remainder of Year</td>
<td>821,087.45</td>
<td>744,265.44</td>
</tr>
<tr>
<td><strong>Total Liabilities</strong></td>
<td><strong>$2,478,719.58</strong></td>
<td><strong>$3,216,150.16</strong></td>
</tr>
</tbody>
</table>

Net Position

<table>
<thead>
<tr>
<th></th>
<th>THIS YEAR</th>
<th>LAST YEAR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Net Position (Deficit) Beginning of Year</td>
<td>$1,888,268.68</td>
<td>$1,888,268.68</td>
</tr>
<tr>
<td>Year to Date Net Income (Loss)</td>
<td>(14,961.73)</td>
<td>75,539.13</td>
</tr>
<tr>
<td><strong>Total Net Position</strong></td>
<td><strong>$1,873,306.95</strong></td>
<td><strong>$1,963,807.81</strong></td>
</tr>
</tbody>
</table>

**TOTAL LIABILITIES AND FUND EQUITY**

<table>
<thead>
<tr>
<th></th>
<th>THIS YEAR</th>
<th>LAST YEAR</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><strong>$4,352,026.53</strong></td>
<td><strong>$5,179,957.97</strong></td>
</tr>
</tbody>
</table>
# Oregon State Bar
## Professional Liability Fund
### Primary Program
#### Balance Sheet
**2/29/2020**

### ASSETS

<table>
<thead>
<tr>
<th>Description</th>
<th>THIS YEAR</th>
<th>LAST YEAR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cash</td>
<td>$4,749,152.52</td>
<td>$5,586,540.14</td>
</tr>
<tr>
<td>Investments at Fair Value</td>
<td>59,786,417.00</td>
<td>58,693,640.12</td>
</tr>
<tr>
<td>Assessment Installment Receivable</td>
<td>7,388,680.00</td>
<td>7,438,829.00</td>
</tr>
<tr>
<td>Due From Excess Fund</td>
<td>105.02</td>
<td>118.75</td>
</tr>
<tr>
<td>Other Current Assets</td>
<td>75,922.14</td>
<td>73,152.30</td>
</tr>
<tr>
<td>Net Fixed Assets</td>
<td>340,299.58</td>
<td>408,169.60</td>
</tr>
<tr>
<td>Claim Receivables</td>
<td>111,531.53</td>
<td>111,531.53</td>
</tr>
<tr>
<td>Other Long Term Assets</td>
<td>0.00</td>
<td>2,500.00</td>
</tr>
<tr>
<td>PERS Deferred Outflow of Resources</td>
<td>1,479,492.46</td>
<td>1,479,492.46</td>
</tr>
<tr>
<td><strong>TOTAL ASSETS</strong></td>
<td><strong>$73,931,600.25</strong></td>
<td><strong>$73,793,973.90</strong></td>
</tr>
</tbody>
</table>

### LIABILITIES AND FUND EQUITY

<table>
<thead>
<tr>
<th>Description</th>
<th>THIS YEAR</th>
<th>LAST YEAR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accounts Payable and Other Current Liabilities</td>
<td>$149,664.74</td>
<td>$72,823.33</td>
</tr>
<tr>
<td>PERS Pension Liability</td>
<td>6,053,037.98</td>
<td>6,053,037.98</td>
</tr>
<tr>
<td>Liability for Compensated Absences</td>
<td>448,783.67</td>
<td>423,621.72</td>
</tr>
<tr>
<td>Liability for Indemnity</td>
<td>12,414,924.86</td>
<td>11,288,921.43</td>
</tr>
<tr>
<td>Liability for Claim Expense</td>
<td>13,524,081.51</td>
<td>13,393,754.92</td>
</tr>
<tr>
<td>Liability for Future ERC Claims</td>
<td>3,200,000.00</td>
<td>3,100,000.00</td>
</tr>
<tr>
<td>Liability for Suspense Files</td>
<td>1,500,000.00</td>
<td>1,500,000.00</td>
</tr>
<tr>
<td>Liability for Future Claims Administration (ULAE)</td>
<td>2,400,000.00</td>
<td>2,400,000.00</td>
</tr>
<tr>
<td>Assessment and Installment Service Charge Allocated for Remainder of Year</td>
<td>18,764,969.16</td>
<td>18,955,220.84</td>
</tr>
<tr>
<td><strong>Total Liabilities</strong></td>
<td><strong>$58,455,461.92</strong></td>
<td><strong>$57,187,380.22</strong></td>
</tr>
</tbody>
</table>

**Net Position**

<table>
<thead>
<tr>
<th>Description</th>
<th>THIS YEAR</th>
<th>LAST YEAR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Net Position (Deficit) Beginning of the Year</td>
<td>$14,325,186.44</td>
<td>$14,325,186.44</td>
</tr>
<tr>
<td>Year to Date Net Income (Loss)</td>
<td>1,286,336.06</td>
<td>2,281,407.24</td>
</tr>
<tr>
<td><strong>Total Net Position</strong></td>
<td><strong>$15,611,522.50</strong></td>
<td><strong>$16,606,593.68</strong></td>
</tr>
</tbody>
</table>

**TOTAL LIABILITIES AND FUND EQUITY**

<table>
<thead>
<tr>
<th>Description</th>
<th>THIS YEAR</th>
<th>LAST YEAR</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>TOTAL LIABILITIES AND FUND EQUITY</strong></td>
<td><strong>$74,066,984.42</strong></td>
<td><strong>$73,793,973.90</strong></td>
</tr>
</tbody>
</table>
OREGON STATE BAR
Board of Governors Agenda

Meeting Date: April 17, 2020
Memo Date: March 31, 2020
From: Nena Cook, PLF CEO
Re: 2020 Excess Enrollment Report

Action Recommended

No action requested.

Background

Beginning with the 2015 Excess renewal, the BOG asked that the PLF report at least annually about the Excess enrollment.

2020 Excess Enrollment

The 2020 Excess enrollment cycle is largely complete. During 2019, the program experienced $6.6 million in negative claims development (paid and reserved). This represented an increase of approximately 87% over 2018. When the Excess program experiences negative claims development, premium costs must increase to ensure financial stability for the program. Due to significant Excess claims experienced during the 2019 plan year, most renewing firms saw an increase of 10% in premium cost for 2020.

The PLF has three treaties with reinsurers, which we (creatively) title Treaty 1 (T1), Treaty 2 (T2), and Treaty 3 (T3). Treaty 1 is for coverage with limits up to $1.7 million; Treaty 2 has limits of $2.7-4.7 million; and Treaty 3 is $9.7 million.

Our renewal rate for 2020 was 92.5%, a slight dip from our historic average but slightly above the 2019 renewal rate. As of March 31, 2020, we have 685 firms (1928 attorneys) enrolled in our Excess Program. 14 firms purchased Extended Reporting Coverage (ERC) for their 2019 Excess Plans; this represents a slight decrease from last year but is in line with other years. The vast majority of these ERC purchases are due to lawyer retirements.

The 2020 renewal was the third year all Excess Coverage was renewed entirely online. Firms were able to complete the application online, receive quotes within ten days, and then bind online. Beginning last year and continuing this year, we accepted paper checks by mail
and allowed for online payments in the form of credit card and eCheck. All Declaration Sheets are available through the online portal so firms can easily access them when needed.

Every Excess Plan has an added cyber loss endorsement with limits up to $100,000 (firms 1-10 lawyers) or $200,000 (firms of 11 or more lawyers). We now offer up to $1,000,000 in additional cyber coverage by separate application for firms wanting higher limits. The cyber endorsement provides coverage for information security and privacy liability, cyber extortion (aka ransomware), privacy breach response services, regulatory defense and penalties, website media content liability, and crisis management and public relations services. The endorsement covers many claims that would otherwise be excluded under the PLF primary plan.

NC/clh
OREGON STATE BAR
Board of Governors Agenda

Meeting Date: April 17, 2020
Memo Date: April 7, 2020
From: Mae Lee Browning, Oregon New Lawyers Division Chair
Re: ONLD Report

The ONLD Executive Committee met virtually via the Blue Jeans platform on Friday, April 3, rather than in Roseburg as originally scheduled. We were joined by OSB BOG Liaison John Grant, BOG member Colin Andries and former ONLD Executive Committee member Jaimie Fender.

BOG member Colin Andries, former chair of the ONLD, informed the ONLD Executive Committee about steps taken by the ONLD during the past recession, and advised the Executive Committee that past ONLD EC members stood ready to help the ONLD support its membership during the difficult times that may be coming.

Jaimie Fender invited the ONLD to partner on a new event, Law to Leadership, to be held this fall, or early winter (depending on any social distancing requirements in place) at the Lewis and Clark campus, designed to support non-dominant culture law students and new lawyers who are interested in an alternative path. It would involve inviting corporate counsel, business owners, government attorneys, politicians, and other attorneys not following the typical firm (or solo) path. More information will follow.

The CLE Committee is pivoting to a series of one hour virtual CLEs on topics of interest to the newest lawyers, rather than hosting Super Saturday in June. They will make a proposal to OSB CLE Seminars on what they need, and will receive a price from CLE Seminars. They hope to have approximately 10 CLES available for viewing within the next two to three months.

The Student Outreach Committee has reached out to law students at the three law schools to find student liaisons to the ONLD. The committee will review the applications and make a recommendation to the Executive Committee at the May meeting.

The Access to Justice Committee will continue to partner with legal services providers on volunteer recruitment among new lawyers. This Committee will be involved in any FEMA related volunteer recruitment and training that may come up, as the ONLD is the representative organization for the ABA YLS, which has a contract with FEMA for volunteer recruitment and other aspects of FEMA Disaster Legal Services.

The Membership Committee had to cancel several networking events, and plans to investigate ways to conduct virtual networking. The Committee urged each Region Rep to find a way to conduct or participate in a virtual networking event in their region.

The ONLD approved changes to the Mission Statement and Committee charges, to bring those in line with the new Mission Statement of the Oregon State Bar. Those changes will be presented to the BOG at its June meeting for approval.
Finally, the ONLD will be working to create webinar-based programs for new lawyers with advice on dealing with the COVID-19 pandemic. This will involve some general advice on work productivity, stress management, and related topics, as well as pivoting to practice areas that will be viable through the recession that is likely to ensue.

BOG liaison John Grant has graciously offered to work with the ONLD on finding appropriate platforms for these programs, and to provide technical support as the group moves to a new way of providing content for the members.

The Executive Committee will meet next, virtually, on May 15 or 16, rather than the scheduled meeting in Prineville.

Networking and/or CLE events held since the last BOG report:

- Astoria Attorney Wellness CLE/Networking on February 21, in partnership with the OAAP, approximately 15 attendees
- All remaining events cancelled
A. Background

A firm has requested the bar to sponsor a lawyer referral service operated by the firm. This may implicate ORPC 5.4(a)(5), which prohibits a lawyer from sharing fees with a non-lawyer except that “a lawyer may pay the usual charges of bar-sponsored or operated not-for-profit lawyer referral service...” ORPC 5.4(a)(5) (emphasis added).¹

B. Question Presented

What does “bar-sponsored” mean in ORPC 5.4(a)(5)?

C. Discussion

i. Plain language meaning

The rules do not define “bar-sponsored.” Further, there is no case law interpreting the term. We look then to the dictionary definition and any interpretations of similar rules in other jurisdictions. See In re Conduct of Hocket, 303 Or 150 (1987) (in the absence of a definition of ‘dishonesty’ the court looked to Black’s, Webster’s, and interpretations in other jurisdictions.)

Sponsor is defined by Black’s Law Dictionary (11th ed 2019) alternately as “1. Someone who acts as a surety for another. 2. A legislator who proposes a bill. 3. Civil law. Someone who voluntarily intervenes for another without being requested to do so. 4. GODPARENT.”

Sponsor is defined in Webster’s Third New International Dictionary 2204 (unabridged ed. 2002) relevantly as “1. Roman law : one who binds himself to answer for another’s default : surety [...] 4. one who assumes responsibility for some other person or thing...”. It defines the verb sponsor as “to be or stand sponsor for; accept responsibility for.” Sponsorship is defined as “the state of being a sponsor : act of sponsoring : official or financial support.” id.

Rule 5.4(a)(5)’s use of the phrase “bar-sponsored or operated” suggests that “bar-sponsored” is not the equivalent of bar “operated.” Operate is defined by Webster’s Third New International Dictionary to mean, among other things:

¹ This committee does not know if the firm requesting the bar sponsor its proposed lawyer referral service will be charging fees to lawyers participating in their proposed service.
1 to cause to occur: bring about by or as if by the exertion of positive effort or influence: INITIATE <such influences may ~ remarkable changes> 2 a: to cause to function usu. by direct personal effort: WORK (~ a car> <operating a drill press> b: to manage and put or keep in operation whether with personal effort or not <operated a grocery store>

Id. at 1581.

ii. Other Jurisdictions

No other jurisdictions have a current provision similar to ORPC 5.4(a)(5).

iii. History

ORPC 5.4(a) was amended in 2012 after the adoption of a percentage fee model for the Lawyer Referral Service. According to the 2012 HOD Agenda (BOG Resolution No. 4) the amendment made clear that a lawyer’s participation in the bar-operated lawyer referral service would not violate the ORCPs. There appears to have been no discussion as to what bar-sponsorship of a referral service meant or would look like. However, what the rule does make clear is that just as a lawyer may pay the usual charges of a bar-operated lawyer referral service and not violate fee-sharing prohibitions, a lawyer may also pay the usual charges of a bar-sponsored lawyer referral service.

D. Conclusion

The use of both “operated” and “sponsored” in ORPC 5.4(a) suggest that a lawyer referral service need not be an internal bar program. Given the lack of guidance in the history of the rule and lack of persuasive authority from other jurisdictions, the Bar has broad authority under the plain meaning of “sponsored” to determine what bar-sponsorship of a referral service would look like.
April 1, 2019

Via Email:  (hhierschbiel@osbar.org)

Ms. Helen Hierschbiel  
Oregon State Bar  
16037 SW Upper Boones Ferry Rd  
Tigard, OR. 97224

Re: Instructions for OSB sponsorship of Lawyer Referral Service

Dear Ms. Hierschbiel,

In reviewing our strategic plan, the board of directors of the Commons Law Center (the “Commons”) is very interested in scaling our legal services for our modest-means clients and expanding our access to justice programs. Unfortunately, the majority of Oregonians contacting the Commons for help with a legal problem do not qualify for services for a number of reasons. On a daily basis, our intake staff and volunteers connect these potential clients with legal aid programs, lawyers in private practice, or other services such as the online Legal Resource Guide.

As you know, under RPC 5.4(1)(5), a lawyer may pay the usual charges of bar-sponsored or -operated not-for-profit “Lawyer Referral Service.” As a tax-exempt nonprofit Oregon corporation, the Commons is interested in starting a bar-sponsored Lawyer Referral Service. We write to seek sponsorship from the Oregon State Bar to operate as a bar-sponsored Lawyer Referral Service, thereby authorizing the Commons to collect a percentage of the legal fees generated by cases referred to participating lawyers.

We were not able to identify a formal mechanism to request such bar-sponsorship. We request your guidance on next steps to make this happen.

Sincerely,

Kimberly R. Burkland Pray  
President, Board of Directors
OREGON STATE BAR
BOG Agenda

Meeting Date: April 17, 2020
Memo Date: April 10, 2020
From: Loan Repayment Advisory Committee
Re: Changes to the LRAP Policies and Guidelines

Action Recommended

The Loan Repayment Assistance Program Advisory Committee recommends that the Board of Governors change the Program’s Policies and Guidelines to allow flexibility in the application, participant acknowledgement, check distribution, and loan payment deadlines, and to grant limited additional staff authority under exigent circumstances.

Background

The Loan Repayment Assistance Program (LRAP) is now in its 14th year of providing forgivable loans to lawyers pursuing careers in public service law. Through this program, lawyers working in public service may receive loans for up to $7,500 per year for three years to aid them in repaying their educational debt. Each loan is forgiven at the end of the year, provided that the lawyer remains in public service. Currently, the Policies and Guidelines mandate an April 15 deadline for applications, a June deadline to inform applicants of their status, and a July deadline for first disbursement of funds. They do not provide for any administrative flexibility. The circumstances that currently exist due to the COVID-19 pandemic make clear that some flexibility in those deadlines may become necessary. The LRAP Advisory Committee recommends that the Policies and Guidelines be changed to allow OSB staff to extend deadlines under exigent circumstances, and to inform the LRAP Advisory Committee of those extensions within 30 days. The changes also allow for more leeway in informing the applicants of their status, and in sending out loan payments. Finally, the change allows for an extension of time for recipients to use the funds to repay their loans. The CARES Act enacted by Congress provides a six-month suspension of federally held student loans, and the proposed change to the Policies and Guidelines allows flexibility to accommodate that suspension.

Proposed changes to the Policies and Guidelines are attached hereto.
Loan Repayment Assistance Program

Policies and Guidelines

Adopted by the Board of Governors
November 18, 2006

Revised February 22, 2019 April 17, 2020
The mission of the Oregon State Bar’s Loan Repayment Assistance Program is to attract and retain public service lawyers by helping them pay their educational debt.

Statement of Purpose
The Oregon State Bar recognizes that substantial educational debt can create a financial barrier which prevents lawyers from pursuing or continuing careers in public service law. The Oregon State Bar’s program of loan repayment assistance is intended to reduce that barrier for these economically-disadvantaged lawyers, thereby making public service employment more feasible.

Oregon Public Records Act Notice
The Oregon State Bar is subject to the Oregon Public Records Act, ORS Chapter 192. The bar has an obligation to disclose its records when requested, unless an exemption applies. The bar agrees the personal financial information you provide in response to the LRAP Application is submitted in confidence and will only be disclosed under the Act if required by law.

Section 1 – Administrative Partners

(A) Advisory Committee

(i) Membership
An Advisory Committee will be appointed by the Oregon State Bar (OSB) Board of Governors, and will be comprised of nine members who meet the following criteria:
- OSB President, or member of the Board of Governors designated by the President
- Chair of the OSB New Lawyers Division, or designee
- Representative from an Oregon law school, preferably with financial aid expertise
- Representative from the indigent criminal defense area of public service law
- Representative from a county district attorney’s office
- Representative from the civil area of public service law
- Three at-large members who are OSB members, represent geographical diversity, and have shown a commitment to public service law

(ii) Appointment and Administration
- OSB President and Chair of the OSB New Lawyers Division, or designees, will serve for a term of one year.
- Other Advisory Committee members will serve for a term of three years and may be reappointed for one additional term.
- Advisory Committee members will elect a Chair and such other officers as they determine are necessary from among Advisory Committee members. Officers shall serve a one-year term, subject to renewal.
• One-third of the initial appointments will be for one year, one-third for two years, and one-third for three years. The OSB Board of Governors will determine which of the initial positions is for which length.
• The OSB will designate a staff person to support the Advisory Committee’s work.
• Current applicants for or recipients of LRAP loans may not serve on the Advisory Committee.

(iii) Advisory Committee Duties
• Select participants for the loan repayment assistance program (LRAP or the Program), and report the selections to the OSB.
• Report annually to the OSB Governance and Strategic Planning Committee on the Program’s status.
• Amend and set policy guidelines as needed for the Program.
• Raise funds to achieve programmatic objectives.
• Adopt procedures to avoid conflicts of interest.
• Make clear program rules to avoid grievances.

(B) Oregon State Bar
• Support the Advisory Committee’s work through provision of a part-time staff person
• Receive and invest member dues designated for LRAP
• Administer other funds raised by the Advisory Committee
• Receive and review LRAP applications for completeness and eligibility, and forward completed applications from eligible applicants to the Advisory Committee
• Disburse LRAP money to participants selected by the Advisory Committee.
• Receive and review annual certifications of continuing LRAP eligibility.
• Provide marketing and advertising services for the Program, including an LRAP website which includes frequently asked questions with responses.
• Coordinate response to grievances submitted by Program participants.
• Handle inquiries about LRAP through the staff person or, if necessary, forward such inquiries to the Advisory Committee.
• Create temporary Policy and Guideline changes in exigent circumstances, to be approved by the LRAP Advisory Committee within 30 days.

Section 2 – Requirements for Program Participation

(A) Application and Other Program Procedures
• Applicants must fully complete the Program application, submit annual certifications and follow other Program procedures.
• Previous recipients are eligible to reapply.

(B) Qualifying Employment
• Employment must be within the State of Oregon.
• Qualifying employment includes employment as a practicing attorney with civil legal aid organizations, other private non-profit organizations providing direct legal
representation of low-income individuals, as public defenders, as private public defense contractors, or as deputy district attorneys.

- Judicial clerks and attorneys appointed on a case-by-case basis are not eligible.
- Thirty-five hours or more per week will be considered full-time employment; hours worked per week less than 35 will be considered part-time.
- Part-time employees are eligible to apply for the Program; however repayment assistance may be prorated at the discretion of the Advisory Committee, based on FTE.

(C) Graduation/License/Residency Requirements
- Program applicants must be licensed to practice in Oregon.
- Program participation is not limited to graduates of Oregon law schools. Graduates of any law school may apply.
- Program participation is not limited to recent law school graduates. Any person meeting Program requirements, as outlined herein, may apply.
- Program participation is not limited to Oregon residents, provided the applicant works in Oregon and meets other Program requirements.

(D) Income Cap for Initial Applicants
Applicants with salaries of more than $65,000 or net income from private, for-profit public defense work of more than $65,000 at the time of application will be ineligible for Program participation.
- The Advisory Committee may annually adjust the maximum eligible net income.
- As more fully described in Section 3(B)(ii), Program participants may retain eligibility despite an increase in salary above the cap set for initial participation.
- The maximum eligible salary may be pro-rated for part-time employees, based on FTE.

(E) Eligible Loans
All graduate and undergraduate educational debt in the applicant’s name will be eligible for repayment assistance.
- Applicants with eligible debt at the time of initial application less than $35,000 will be ineligible for Program participation.
- If debt in the applicant’s name and in others’ names is consolidated, the applicant must provide evidence as to amount in the applicant’s name prior to consolidation.
- Loan consolidation or extension of repayment period is not required.
- Program participants who are in default on their student loans will be ineligible to continue participating in the Program (see 4(C)(v) below for more details).

Section 3 – Description of Benefit to Program Participants

(A) Nature of Benefit
The Program will make a forgivable loan (LRAP loan) to Program participants.

(i) Amount and Length of Benefit
• LRAP loans will not exceed $7,500 per year per Program participant for a maximum of three consecutive years. LRAP loans cannot exceed the annual student loan payments of the participant.

• The Advisory Committee reserves discretion to adjust the amount of the LRAP loan and/or length of participation based on changes in the availability of program funding.

• LRAP loans will be disbursed in two equal payments per year.

(ii) Interest on LRAP Loans
Interest will accrue from the date the LRAP loan is disbursed, at the rate per annum of Prime, as published by the Wall Street Journal as of April 15 of the year in which the loan is awarded, not to exceed nine percent.

(iii) Federal Income Tax Liability
Each Program participant is responsible for any tax liability the Program participant may incur, and neither the Advisory Committee nor the OSB can give any Program participant legal advice as to whether a forgiven LRAP loan must be treated as taxable income. Program participants are advised to consult a tax advisor about the potential income tax implications of LRAP loans. However, the intent of the Program is for LRAP loans which are forgiven to be exempt from income tax liability.

(B) Forgiveness and Repayment of LRAP Loans
The Program annually will forgive one year of loans as of April 15 every year if the Participant has been in qualifying employment the prior year and has paid at least the amount of his/her LRAP loan on his/her student loans. Only a complete year (12 months from April 15, the due date of application) of qualifying employment counts toward LRAP loan forgiveness. The one year forgiveness period may be extended under exigent circumstances.

(i) Loss of Eligibility Where Repayment Is Required
Program participants who become ineligible for Program participation because they leave qualifying employment must repay LRAP loans, including interest, for any amounts not previously forgiven.
• The repayment period will be equal to the number of months during which the Program participant participated in the Program (including up to three months of approved leave), or 12 months, whichever is longer.
• The collection method for LRAP loans not repaid on schedule will be left to the discretion of the Oregon State Bar.
• Participants shall notify the Program within 30 days of leaving qualifying employment.

(ii) Loss of Eligibility Where Repayment Is Not Required
Program participants who become ineligible for continued Program participation due to an increase in income from other than qualifying employment (see Section 4(C)(iv)) or because their student loans are in default (see Section 4(C)(v)) will not receive any
additional LRAP loans. Such Program participants will remain eligible to receive forgiveness of LRAP loans already disbursed so long as the Program participant remains in qualifying employment and submits an employer certification pursuant to Section 4(C)(iii).

(iii) Exception to Repayment Requirement
A Program participant may apply to the Advisory Committee for a waiver of the repayment requirement if (s)he has accepted public interest employment in another state, or for other exceptional circumstances. Such Program participants will not receive any additional LRAP loans.

(C) Leaves of Absence
Each Program participant will be eligible to continue to receive benefits during any period of leave approved by the Program participant’s employer. If any such approved leave period extends for more than three months, the amount of time the Program participant must remain in qualifying employment before an LRAP Loan is forgiven is extended by the length of the leave in excess of three months. The leave time exceeding three months is added to the end of the year in which the leave is taken and thereafter, the starting date of the new year is reset based upon the new ending date of the year in which the extended leave is taken until the three year LRAP Loan period concludes.

Section 4 – Program Procedures

(A) Application and Disbursement Procedure
• Applications submitted to the Advisory Committee must be postmarked or delivered to the Oregon State Bar office by April 15 of each year, or a later date as determined by OSB staff during exigent circumstances.
  o Applicants must be members of the OSB already engaged in qualifying employment by the application deadline.
  o Applicants may not commence the application process prior to receiving bar exam results.
  o Unsuccessful applicants will get a standard letter drafted by the Advisory Committee and may reapply in future years as long as they meet the qualifications described in Section 2.
• Applicants will be notified by June 1, or a later date as determined by OSB staff during exigent circumstances of each year as to whether or not they have been selected for Program participation in accordance with the selection criteria set forth in Section 4(B).
• Those applicants selected as Program participants will receive a promissory note for the first year of LRAP loans along with their notification of selection. The executed promissory note must be returned to the Advisory Committee by June 15.
• Initial disbursement of LRAP loans will be made by July 1, or a later date as determined by OSB staff during exigent circumstances provided the executed promissory note has been returned.
• In conjunction with the annual certification procedure set forth in Section 4(C), persons who remain eligible Program participants will be sent a new promissory note, covering the LRAP loan in the upcoming year by June 1, which must be executed and

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returned by June 15, or a later date as determined by OSB staff during exigent circumstances.

- Ongoing disbursement of loans to persons who remain Program participants will be made on or about July 1, or a later date as determined by OSB staff during exigent circumstances of each year.

(B) Program Participant Selection

(i) Factors Considered

- Meeting the salary, debt and employment eligibility for the Program does not automatically entitle an applicant to receive a LRAP loan. If the Advisory Committee needs to select among applicants meeting the salary, debt and employment eligibility criteria, it may take into account the following factors:
  - Demonstrated commitment to public service;
  - Financial need;
  - Educational debt, monthly payment to income ratio, and/or forgivability of debt;
  - Extraordinary personal expenses;
  - Type and location of work;
  - Assistance from other loan repayment assistance programs;

- The Advisory Committee reserves the right to accord each factor a different weight, and to make a selection among otherwise equally qualified applicants.

- If there are more eligible applicants than potential Program participants for a given year, the Advisory Committee will keep the materials submitted by other applicants for a period of six months and may automatically reconsider the applicant pool if an individual selected to receive an LRAP loan does not participate in the Program.

(ii) Other Factors Considered Related to Applicant’s Income

The following factors, in addition to the applicant’s salary from qualifying employment, may be considered in determining applicant’s income:

- Earnings and other income as shown on applicant’s most recent tax return
- Income–producing assets;
- Medical expenses;
- Child care expenses;
- Child support; and
- Other appropriate financial information.

(C) Annual Certification of Program Participant’s Eligibility

(i) Annual Certifications Required

Program participants and their employers will be required to provide annual certifications to the OSB by April 15–May 1, or a later date as determined by OSB staff during exigent circumstances that the participant remains qualified for continued Program participation. Annual certifications forms will be provided by the Program. The OSB will verify that the Program participants remain eligible to receive LRAP loans and will obtain new
executed promissory notes by June 15 prior to disbursing funds each July 1, or a later date as determined by OSB staff during exigent circumstances.

(ii) Program Participant Annual Certifications - Contents
The annual certifications submitted by Program participants will include:
• Evidence that payments have been made on student’s loans in at least the amount of the LRAP loan for the prior year and evidence that student loan is not in default.
• Completed renewal application demonstrating continued program eligibility

(iii) Employer Certification - Contents
The annual certifications submitted by employers will include:
• Evidence that the Program participant remains in qualifying employment; and
• Evidence of the Program participant’s current salary and, if available, salary for the upcoming year.

(iv) Effect of Increase in Salary and Income and Changes in Circumstances
Program participants remain eligible for the Program for three years despite increases in salary provided that they remain in qualifying employment with the same employer and are not in default on their student loans. If a Program participant’s financial condition changes for other reasons, the Advisory Committee may make a case-by-case determination whether the Program participant may receive any further LRAP loans. Even if no further LRAP loans are received, this increase in income will not affect the LRAP loan forgiveness schedule so long as the Program participant remains in qualifying employment and submits an employer certification pursuant to Section 4(C)(iii).

(v) Effect of Default on Student Loans
Program participants who are in default on their student loans will be ineligible to receive further LRAP Loans, but may seek to have LRAP loans forgiven in accordance with the loan forgiveness schedule if they remain in qualifying employment and submit an employer certification pursuant to Section 4(C)(iii).

(vi) Voluntary Withdrawal from Program
A Program participant may voluntarily forgo future LRAP loans despite retaining eligibility (e.g., the Program participant remains in qualifying employment and receives a substantial increase in salary). In such a case, LRAP loans already received will be forgiven in accordance with the loan forgiveness schedule so long as the Program participant remains in qualifying employment and submits an employer certification as otherwise required under Section 4(C)(iii).

(D) Dispute/Grievance Resolution
• Grievance procedure applies only to Program participants, not applicants.
• Program participants have 30 days to contest a determination in writing.
• The Advisory Committee has 60 days to issue a decision.
• A Program participant may appeal the Advisory Committee’s decision by making a request in writing to Board of Governors within 30 days of the Advisory Committee’s decision. The decision of the Board is final.

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Action Recommended

Approve the attached proposed amendments to the MCLE Rules and Regulations relating to the accreditation standard for access to justice CLE activities, and post the proposed amendments on the bar website for 60 days for member comment.

Background and Discussion

On February 11, 2020, the Supreme Court approved the amended Statement of Purpose of the MCLE Rules and Regulations and the amendment to Rule One to add the definition of “equity.” The Supreme Court ordered the amendments effective immediately.

In response to the Diversity Action Plan (DAP), bar staff and the MCLE Committee solicited input from ACDI as to whether to revise the language of the MCLE Rules related to access to justice credit. ACDI proposed several amendments to the MCLE Rules and Regulations, some of which do serve to clarify and modernize language related to the access to justice credit requirements. The MCLE committee approved these proposed amendments at its December 2019 meeting. ACDI proposed additional amendments beyond the scope of the MCLE Committee’s and bar staff’s request for input, and which the MCLE Committee will further review and discuss.

At this time, to align the MCLE Rules with the new Statement of Purpose and the bar’s Mission, bar staff recommends that the BOG approve the attached proposed amendments for the reasons set forth below.

Rule 1.2

The proposed amendment to Rule One adds the definition of “access to justice” to the Rules. In that “increasing access to justice” is now part of the Purpose of the MCLE Rules and Regulations, it is necessary to provide members with a definition of “access to justice.”
Furthermore, “access to justice” is a required credit type and, therefore, ought to be defined in the Rules.

**Rule 3.400**

The proposed amendment to Rule 3.400 adds “low-income and other communities that lack access to or the ability to afford legal services” to the list of possible program topics that can be approved for practical skills credit. Education on how to identify and eliminate barriers to access to justice for low income and other communities that lack the ability to afford legal services is typically accredited for access to justice credit pursuant to Rule 5.14(d) and Regulation 5.400. However, the addition of this topic as a possible subject for practical skills credit is not counter advised. This type of education could appropriately be considered for either practical skills or access to justice credit depending upon the specific nature of the course.

**Regulation 3.600**

The proposed amendment to Regulations 3.600 modernizes the terminology setting forth the accreditation requirements for introductory access to justice credit.

**Rule 5.1(d)**

The proposed amendment to Rule 5.1(d) serves to modernize the terminology precluding certain attendance restrictions at CLE programs.

**Rule 5.14 (d) and Regulation 5.400**

The proposed amendments to Rule 5.14(d) and Regulation 5.400 modernizes the terminology setting forth the accreditation standards for access to justice credit.

Although these amendments do not change the access to justice credit requirement, they do involve the accreditation standard for access to justice credit. Bar staff and the Supreme Court, as expressed at its February 11, 2020 public meeting, acknowledge the sensitive history around this topic among bar membership. Hence, it is prudent to consider member input on any changes to the MCLE Rules surrounding access to justice credit. Therefore, bar staff recommends that the BOG approve the attached proposed amendments and place them on the bar website for 60 days for member comment. Bar staff will share member input with the BOG at its next meeting prior to presenting the amendments to the Supreme Court.
Conclusion

Bar staff now recommends that the BOG approve the attached proposed amendments to the MCLE Rules and Regulations, and post the proposed amendments on the bar website for member comment.
**Oregon State Bar**  
**Minimum Continuing Legal Education**  
**Rules and Regulations**  
*(As amended effective March 1, 2020)*

### Purpose

The purpose of minimum continuing legal education (MCLE) requirements is to further the OSB’s mission to improve the quality of legal services and increase access to justice. MCLE assists Oregon lawyers in maintaining and improving their knowledge, skills, and competence in the delivery of legal services to the public. This includes ensuring that Oregon lawyers receive education in equity in order to effectively and fully serve all Oregon communities. These Rules establish the minimum requirements for continuing legal education for members of the Oregon State Bar.

### Rule One  
**Terms and Definitions**

1.1 **Active Member**: An active member of the Oregon State Bar, as defined in Article 6 of the Bylaws of the Oregon State Bar.

1.2 **Access to justice**: Identifying and eliminating barriers to equitable access to counsel, legal assistance, and resources faced by underserved and marginalized groups, and improving the delivery of legal services to the public.

1.23 **Accreditation**: The formal process of accreditation of activities by the MCLE Program Manager.

1.34 **Accredited CLE Activity**: An activity that provides legal or professional education to attorneys in accordance with MCLE Rule 5.

1.45 **BOG**: The Board of Governors of the Oregon State Bar.

1.56 **Equity**: Ensuring that all individuals and groups have fair access to the same opportunities and resources by identifying and eliminating barriers that face underserved and marginalized groups, by acknowledging and understanding ingrained and systemic structural biases in society, and by committing to address these disparities. Underserved and marginalized groups include, but are not limited to groups that are historically underrepresented based on factors of culture, disability, ethnicity, gender and gender identity or expression, geographic location, national origin, race, religion, sex, sexual orientation, veteran status, immigration status, and socioeconomic status.

1.67 **Accredited CLE Activity**: An activity that provides legal or professional education to attorneys in accordance with MCLE Rule 5.

1.78 **Executive Director**: The executive director of the Oregon State Bar.

1.89 **MCLE Program Manager**: The bar staff member designated by the Chief Executive Officer to assist in the administration of the MCLE Program.

1.910 **Hour or Credit Hour**: Sixty minutes of accredited group CLE activity or other CLE activity.

1.101 **New Lawyer Mentoring Program (NLMP)**: A mandatory mentoring program designed to increase the competence and professionalism of new admittees in Oregon.

1.112 **NLMP Coordinator**: The bar staff member designated by the Chief Executive Officer to assist in the
administration of the NLMP.

1.123 NLMP Mentor: A lawyer recommended by the BOG and appointed by the Supreme Court to serve as a mentor in the NLMP Program.

1.134 MCLE Committee: The Minimum Continuing Legal Education Committee appointed by the BOG to assist in the administration of these Rules.

1.145 New Admittee: A person is a new admittee from the date of initial admission as an active member of the Oregon State Bar through the end of his or her first reporting period.

1.156 Regulations: Any regulation adopted by the BOG to implement these Rules.

1.167 Reporting Period: The period during which an active member must satisfy the MCLE requirement.

1.178 Sponsor: An individual or organization providing a CLE activity.

1.189 Supreme Court: The Supreme Court of the State of Oregon.

Regulations to MCLE Rule 1
Terms and Definitions

1.100 Inactive or Retired Member. An inactive or retired member of the Oregon State Bar, as defined in Article 6 of the Bylaws.

1.101 Suspended Member. A member who has been suspended from the practice of law by the Supreme Court.

1.110 MCLE Filings.

(a) Anything to be filed under the MCLE Rules shall be delivered to the MCLE Program Manager, at 16037 SW Upper Boones Ferry Road, PO Box 231935, Tigard, Oregon, 97281-1935.

(b) Filing shall not be timely unless the document is actually received by the MCLE Program Manager by the close of business on the day the filing is due.

(c) Timely filing of a completed compliance report as required by Rule 7.1 and 7.4(a)(2) is defined as the actual physical receipt of the signed report at the MCLE office, regardless of the date of posting or postmark, or the date of delivery to a delivery service of any kind. Reports may be delivered by facsimile or electronic transmission. If the due date for anything to be filed under the MCLE Rules is a Saturday or legal holiday, including Sunday, or a day that the Oregon State Bar office is closed, the due date shall be the next regular business day.

1.115 Service Method.

(a) MCLE Compliance Reports shall be sent to the member’s email address on file with the bar, except that reports shall be sent by first-class mail (to the last designated business or residence address on file with the Oregon State Bar) to any member who is exempt from having an email address on file with the bar.

(b) Notices of Noncompliance shall be sent via regular mail and email to the member’s last designated business or residence address on file with the Oregon State Bar and to the email address on file with the bar on the date of the notice. Email notices will not be sent to any member who is exempt from having an email address on file with the bar.

(c) Service by mail shall be complete on deposit in the mail.

1.120 Regularly Scheduled Meeting. A meeting schedule for each calendar year will be established for the BOG and the MCLE Committee, if one is appointed. All meetings identified on the schedule will be considered to be regularly scheduled meetings. Any other meeting will be for a special reason and/or
request and will not be considered as a regularly scheduled meeting.

1.130 Reporting Period. Reporting periods shall begin on January 1 and end on December 31 of the reporting year.

Rule Two
Administration of Minimum Continuing Legal Education

2.1 Duties and Responsibilities of the Board of Governors; Appointment of MCLE Committee.
(a) The Minimum Continuing Legal Education Rules shall be administered by the BOG. The BOG may modify and amend these Rules and adopt new rules subject to the approval of the Supreme Court. The BOG may adopt, modify and amend regulations to implement these Rules.
(b) The BOG shall develop the NLMP curriculum and requirements in consultation with the Supreme Court and shall be responsible for the NLMPs administration.
(c) The BOG may appoint an MCLE Committee to assist in the administration of these rules.
(d) There shall be an MCLE Program Manager who shall be an employee of the Oregon State Bar.
(e) There shall be an NLMP Coordinator who shall be an employee of the Oregon State Bar.

2.2 Duties of the MCLE Program Manager. The MCLE Program Manager shall:
(a) Oversee the day-to-day operation of the program as specified in these Rules.
(b) Approve applications for accreditation and requests for exemption, and make compliance determinations.
(c) Develop the preliminary annual budget for MCLE operations.
(d) Prepare an annual report of MCLE activities.
(e) Perform other duties identified by the BOG or as required to implement these Rules.

2.3 Duties of the NLMP Coordinator. The NLMP Coordinator shall:
(a) Oversee the day-to-day operation of the NLMP as specified in these Rules, including administration of enrollment and mentor matching.
(b) Approve requests for NLMP exemption or extension requests from program participants as specified in these Rules.
(c) Prepare an annual report of the NLMP and publish an NLMP Manual.
(e) Perform other duties identified by the BOG or as required to implement these Rules.

2.4 Appointment of NLMP Mentors.
(a) The Supreme Court may appoint NLMP mentors recommended by the BOG. Except as otherwise provided in these rules, to qualify for appointment, the mentor must be a member of the OSB in good standing with at least five years of experience in the practice of law, and have a reputation for competence and ethical and professional conduct.
(b) Attorneys in good standing in another United States jurisdiction who are not OSB members, but are qualified to represent clients before the Social Security Administration, the Internal Revenue Service, the United States Patent and Trademark Office, or the United States Citizenship and Immigration Services office are eligible to be appointed as mentors, provided they meet the other requirements of these rules.
(c) Attorneys in good standing in another United States jurisdiction who are not OSB members are eligible to be appointed as mentors with the recommendation of the NLMP Coordinator, provided they meet the other requirements of these rules.

2.5 Expenses. The executive director shall allocate and shall pay the expenses of the program including, but not limited to staff salaries, out of the bar’s general fund.

Rule Three
Minimum Continuing Legal Education Requirement

3.1 Effective Date. These Rules, or any amendments thereto, shall take effect upon their approval by the Supreme Court of the State of Oregon.

3.2 Active Members.

(a) Minimum Hours. Except as provided in Rules 3.3 and 3.4, all active members shall complete a minimum of 45 credit hours of accredited CLE activity every three years as provided in these Rules.

(b) Ethics. At least five of the required hours shall be in subjects relating to ethics in programs accredited pursuant to Rule 5.14(a).

(c) Abuse Reporting. One hour must be on the subject of a lawyer’s statutory duty to report child abuse and elder abuse (see ORS 9.114).

(d) Mental Health and Substance Use Education. At least one of the required hours shall be in subjects relating to mental health, substance use, or cognitive impairment that can affect a lawyer’s ability to practice law.

(e) Access to Justice. In alternate reporting periods, at least three of the required hours must be in programs accredited for access to justice pursuant to Rule 5.14(d).

3.3 Reinstatements, Resumption of Practice After Retirement and New Admittees.

(a) An active member whose reporting period is established in Rule 3.6(c)(2) or 3.6(c)(3) shall complete 15 credit hours of accredited CLE activity in the first reporting period after reinstatement. Two of the 15 credit hours shall be devoted to ethics and one shall be devoted to mental health and substance use education.

(b) New admittees shall complete 15 credit hours of accredited CLE activity in the first reporting period after admission as an active member, including two credit hours in ethics, one credit hour in mental health and substance use education and nine credit hours in practical skills. One of the ethics credit hours must be devoted to Oregon ethics and professionalism and four of the nine credits in practical skills must be devoted to Oregon practice and procedure. New admittees must also complete a three credit hour OSB-approved introductory course in access to justice. The MCLE Program Manager may waive the practical skills requirement for a new admittee who has practiced law in another jurisdiction for three consecutive years immediately prior to the member’s admission in Oregon, in which event the new admittee must complete nine hours in other areas. After a new admittee’s first reporting period, the requirements in Rule 3.2(a) shall apply.

(c) New admittees shall enroll in the NLMP within 28 days of admission, except as otherwise provided in these rules. New admittees shall complete the requirements of the NLMP curriculum established by the BOG, complete a mentoring plan and file a NLMP Completion Certificate, and pay the accreditation fee provided in Regulation 4.600 in the first three year reporting period after admission as an active member.
3.4 Out-of-State Compliance.

(a) Reciprocity Jurisdictions. An active member whose principal office for the practice of law is not in the State of Oregon and who is an active member in a jurisdiction with which Oregon has established MCLE reciprocity may comply with these rules by filing a compliance report as required by MCLE Rule 7.1 accompanied by evidence that the member is in compliance with the requirements of the other jurisdiction and has completed a child and elder abuse reporting credit required in ORS 9.114. This filing shall include payment of the fee set forth in Regulation 3.200(a) for processing the comity certificate of MCLE compliance from the reciprocal state.

(b) An active member whose principal office for the practice of law is in the State of Oregon may obtain from the MCLE Program Manager a comity certification of Oregon MCLE compliance upon payment of the fee set forth in Regulation 3.200(b).

(c) Other Jurisdictions. An active member whose principal office for the practice of law is not in the State of Oregon and is not in a jurisdiction with which Oregon has established MCLE reciprocity must file a compliance report as required by MCLE Rule 7.1 showing that the member has completed at least 45 hours of accredited CLE activities as required by Rule 3.2.

3.5 [Reserved.]

3.6 Reporting Period.

(a) In General. All active members shall have three-year reporting periods, except as provided in paragraphs (b), (c) and (d).

(b) New Admittees. The first reporting period for a new admittee shall start on the date of admission as an active member and shall end on December 31 of the next calendar year. All subsequent reporting periods shall be three years.

(c) Reinstatements.

(1) A member who transfers to inactive, retired or Active Pro Bono status, is suspended, or has resigned and who is reinstated before the end of the reporting period in effect at the time of the status change shall retain the member’s original reporting period and these Rules shall be applied as though the transfer, suspension, or resignation had not occurred.

(2) Except as provided in Rule 3.6(c)(1), the first reporting period for a member who is reinstated as an active member following a transfer to inactive, retired or Active Pro Bono status or a suspension, disbarment or resignation shall start on the date of reinstatement and shall end on December 31 of the next calendar year. All subsequent reporting periods shall be three years.

(3) Notwithstanding Rules 3.6(c)(1) and (2), reinstated members who did not submit a completed compliance report for the reporting period immediately prior to their transfer to inactive, retired or Active Pro Bono status, suspension or resignation will be assigned a new reporting period upon reinstatement. This reporting period shall begin on the date of reinstatement and shall end on December 31 of the next calendar year. All subsequent reporting periods shall be three years.

Regulations to MCLE Rule 3
Minimum Continuing Legal Education Requirement

3.100 Out-of-State Compliance. An active member seeking credit pursuant to MCLE Rule 3.4(b) shall attach to the member’s compliance report filed in Oregon evidence that the member has met the requirements of Rule 3 with courses accredited in any jurisdiction. This evidence may include certificates of compliance, certificates of attendance, or other information indicating the identity of the crediting
jurisdiction, the number of 60-minute hours of credit granted, and the subject matter of programs attended.

3.200 Reciprocity. An active member who is also an active member in a jurisdiction with which Oregon has established MCLE reciprocity (currently Idaho, Utah or Washington) may comply with Rule 3.4(a) by attaching to the compliance report required by MCLE Rule 7.1 a copy of the member’s certificate of compliance with the MCLE requirements from that jurisdiction, together with evidence that the member has completed a child and elder abuse reporting training required in ORS 9.114. No other information about program attendance is required.

(a) Members shall pay a filing fee of $25.00 with their submission of a comity certificate of MCLE compliance from a reciprocal jurisdiction.

(b) An active member whose principal office for the practice of law is in the State of Oregon may obtain from the MCLE Program Manager a comity certificate of Oregon MCLE compliance upon request and payment of a processing fee of $25.00.

3.300 Application of Credits.

(a) Legal ethics, access to justice and mental health and substance use education credits in excess of the minimum required can be applied to the general or practical skills requirement.

(b) Practical skills credits can be applied to the general requirement.

(c) Excess child and elder abuse reporting credits will be applied as general or practical skills credit. Access to Justice credits earned in a non-required reporting period will be credited as general credits.

(d) Members in a three-year reporting period are required to have 3.0 access to justice credits in reporting periods ending 12/31/2018 through 12/31/2020 and in alternate three-year periods thereafter.

3.400 Practical Skills Requirement.

(a) A practical skills program is one which includes courses designed primarily to instruct new admittees in the methods and means of the practice of law. This includes those courses which involve instruction in the practice of law generally, instruction in the management of a legal practice, and instruction in particular substantive law areas designed for new practitioners. A practical skills program may include but shall not be limited to instruction in: client contact and relations; court proceedings; low-income and other communities that lack access to or the ability to afford legal services; negotiation and settlement; alternative dispute resolution; malpractice avoidance; personal management assistance; the impact of substance abuse, cognitive impairment and mental health related issues to a law practice; and practice management assistance topics such as tickler and docket control systems, conflict systems, billing, trust and general accounting, file management, and computer systems.

(b) A CLE course on any subject matter can contain as part of the curriculum a portion devoted to practical skills. The sponsor shall designate those portions of any program which it claims is eligible for practical skills credit.

(c) A credit hour cannot be applied to both the practical skills requirement and the ethics requirement.

(d) A new admittee applying for an exemption from the practical skills requirement, pursuant to Rule 3.3(b), shall submit in writing to the MCLE Program Manager a request for exemption describing the nature and extent of the admittee’s prior practice of law sufficient for the Administrator to determine whether the admittee has current skills equivalent to the practical skills requirements set forth in this regulation.

3.500 Reporting Period Upon Reinstatement. A member who returns to active membership status as contemplated under MCLE Rule 3.6(c)(2) shall not be required to fulfill the requirement of compliance
during the member’s inactive or retired status, suspension, disbarment or resignation, but no credits obtained during the member’s inactive or retired status, suspension, disbarment or resignation shall be carried over into the next reporting period.

3.600 Introductory Course in Access to Justice. In order to qualify as an introductory course in access to justice required by MCLE Rule 3.3(b), the three-hour program must meet the accreditation standards set forth in MCLE Rule 5.14(d) and must substantively relate to include discussion of at least three of the following areas: age, culture, disability, ethnicity, gender and gender identity or expression, geographic location, national origin, race, religion, sex, sexual orientation, veteran status, immigration status, and socioeconomic status, race, gender, economic status, creed, color, religion, national origin, disability, age or sexual orientation and comply with the requirements of 5.400.

3.700 New Lawyer Mentoring Program Enrollment, Matching and Mentoring Plan.

(a) Within 28 days of admission, new admittees whose principal office for the practice of law is in the State of Oregon must file an NLMP Enrollment Form as required by Rule 3.3(c) or certify that they are exempt as provided in Rule 9.

(b) The NLMP Coordinator will match new admittees with NLMP mentors based principally on geography, and whenever possible, practice area interests. Upon request by the new admittee and NLMP mentor, the NLMP Coordinator may consider common membership in specialty or affinity bar organizations when establishing a match.

(c) The NLMP Coordinator will issue a notice to the new admittee and NLMP mentor as soon as an NLMP match is confirmed.

(d) The NLMP Coordinator may reassign a match upon request of the new admittee of NLMP mentor if the coordinator determines a match is not effective to meet the goals of the program.

(e) The new admittee is responsible for arranging the initial meeting with the NLMP mentor, and the meeting must take place within 28 business days of the new admittee’s receipt of notice of the match. At the meeting, the new admittee and NLMP mentor will review the elements of their mentoring plan, including:

1. Introduction to the Legal Community;
2. Professionalism, the Oregon Rules of Professional Conduct and Cultural Competence;
3. Introduction to Law Office Management;
4. Working with Clients;
5. Career Development through Public Service, OSB programs, and quality of life issues; and
6. Practice Area Basic Skills.

(f) The NLMP Coordinator will publish an NLMP Manual consistent with NLMP curriculum developed by the BOG, to provide additional information about developing and implementing and effective mentoring plan. The MCLE Committee may review and provide input on the NLMP Manual to the NLMP Coordinator.

(g) Subsections (b) through (e) do not apply if a new admittee has obtained a deferral as provided in Rule 9.

Rule Four
Accreditation Procedure

4.1 In General.
(a) In order to qualify as an accredited CLE activity, the activity must be given activity accreditation by the MCLE Program Manager.

(b) The MCLE Program Manager shall electronically publish a list of accredited programs.

(c) All sponsors shall permit the MCLE Program Manager or a member of the MCLE Committee to audit the sponsors’ CLE activities without charge for purposes of monitoring compliance with MCLE requirements. Monitoring may include attending CLE activities, conducting surveys of participants and verifying attendance of registrants.

4.2 Group Activity Accreditation.

(a) CLE activities will be considered for accreditation on a case-by-case basis and must satisfy the accreditation standards listed in these Rules for the particular type of activity for which accreditation is being requested.

(b) A sponsor or individual active member may apply for accreditation of a group CLE activity by filing a written application for accreditation with the MCLE Program Manager. The application shall be made on the form required by the MCLE Program Manager for the particular type of CLE activity for which accreditation is being requested and shall demonstrate compliance with the accreditation standards contained in these Rules.

(c) A written application for accreditation of a group CLE activity submitted by or on behalf of the sponsor of the CLE activity shall be accompanied by the program sponsor fee required by MCLE Regulation 4.300. An additional program sponsor fee is required for a repeat live presentation of a group CLE activity.

(d) A written application for accreditation of a group CLE activity must be filed either before or no later than 30 days after the completion of the activity. An application received more than 30 days after the completion of the activity is subject to a late processing fee as provided in Regulation 4.300.

(e) The MCLE Program Manager may revoke the accreditation of an activity at any time if it determines that the accreditation standards were not met for the activity. Notice of revocation shall be sent to the sponsor of the activity.

(f) Accreditation of a CLE activity obtained by a sponsor or an active member shall apply for all active members participating in the activity.

4.3 Credit Hours. Credit hours shall be assigned in multiples of one-quarter of an hour. The BOG shall adopt regulations to assist sponsors in determining the appropriate number of credit hours to be assigned.

4.4 Sponsor Advertising.

(a) Only sponsors of accredited group CLE activities may include in their advertising the accredited status of the activity and the credit hours assigned.

(b) Specific language and other advertising requirements may be established in regulations adopted by the BOG.

4.5 NLMP Accreditation.

(a) The new admittee is responsible for ensuring that all requirements of the NLMP are completed.

(b) Upon completion of the NLMP, a new admittee shall file a NLMP Completion Certificate, executed by the new admittee for accreditation by the MCLE Program Manager.
4.200 Group Activity Accreditation.

(a) Review procedures shall be pursuant to MCLE Rule 8.1 and Regulation 8.100.

(b) The number of credit hours assigned to the activity shall be determined based upon the information provided by the applicant. The applicant shall be notified via email or regular mail of the number of credit hours assigned or if more information is needed in order to process the application.

4.300 Sponsor Fees.

(a) A sponsor of a group CLE activity that is accredited for 4 or fewer credit hours shall pay a program sponsor fee of $40.00. An additional program sponsor fee is required for every repeat live presentation of an accredited activity, but no additional fee is required for a video or audio replay of an accredited activity.

(b) A sponsor of a group CLE activity that is accredited for more than 4 credit hours shall pay a program sponsor fee of $75. An additional program sponsor fee is required for every repeat live presentation of an accredited activity, but no additional fee is required for a video or audio replay of an accredited activity.

(c) Sponsors presenting a CLE activity as a series of presentations may pay one program fee of $40.00 for all presentations offered within three consecutive calendar months, provided:

(i) The presentations do not exceed a total of three credit hours for the approved series; and

(ii) Any one presentation does not exceed one credit hour.

(d) A late processing fee of $40 is due for accreditation applications that are received more than 30 days after the program date. This fee is in addition to the program sponsor fee and accreditation shall not be granted until the fee is received.

(e) The MCLE Program Manager shall apply the MCLE sponsor fees to all sponsors regardless of the sponsor’s entity type (private, governmental, or nonprofit), financial status, or relationship to the bar. The MCLE Program Manager shall collect a sponsor fee prior to processing all applications submitted by or on behalf of all program sponsors. The MCLE Program Manager may process applications submitted by individual bar members at no charge as long as the bar member applicant is not in any way affiliated with the program sponsor.

4.400 Credit Hours.

(a) Credit hours shall be assigned to group CLE activities in multiples of one-quarter of an hour or .25 credits and are rounded to the nearest one-quarter credit.

(b) Credit Exclusions. Only CLE activities that meet the accreditation standards stated in MCLE Rule 5 shall be included in computing total CLE credits. Credit exclusions include the following:

(1) Registration

(2) Non-substantive introductory remarks

(3) Breaks

(4) Business meetings

(5) Programs of less than 30 minutes in length

4.500 Sponsor Advertising.

(a) Advertisements by sponsors of accredited CLE activities shall not contain any false or misleading information.

(b) Information is false or misleading if it:
(i) Contains a material misrepresentation of fact or law or omits a fact necessary to make the statement considered as a whole not materially misleading;

(ii) Is intended or is reasonably likely to create an unjustified expectation as to the results to be achieved from participation in the CLE activity;

(iii) Is intended or is reasonably likely to convey the impression that the sponsor or the CLE activity is endorsed by, or affiliated with, any court or other public body or office or organization when such is not the case.

(c) Advertisements may list the number of approved credit hours. If approval of accreditation is pending, the advertisement shall so state and may list the number of CLE credit hours for which application has been made.

(d) If a sponsor includes in its advertisement the number of credit hours that a member will receive for attending the program, the sponsor must have previously applied for and received MCLE accreditation for the number of hours being advertised.

4.600 NLMP Accreditation.

(a) The new admittee shall pay a NLMP accreditation fee of $100.00.

Rule Five
Accreditation Standards for Category I Activities

5.1 Group CLE Activities. Group CLE activities shall satisfy the following:

(a) The activity must be offered by a sponsor having substantial, recent experience in offering continuing legal education or by a sponsor that can demonstrate ability to organize and effectively present continuing legal education. Demonstrated ability arises partly from the extent to which individuals with legal training or educational experience are involved in the planning, instruction, and supervision of the activity; and

(b) The activity must be primarily intended for presentation to multiple participants, including but not limited to live programs, video and audio presentations (including original programming and replays of accredited programs), satellite broadcasts and on-line programs; and

(c) The activity must include the use of thorough, high-quality written materials, unless the MCLE Program Manager determines that the activity has substantial educational value without written materials.

(d) The activity must have no attendance restrictions based on age, culture, disability, ethnicity, gender and gender identity or expression, geographic location, national origin, race, religion, sex, sexual orientation, veteran status, socioeconomic status, immigration status, race, color, gender, sexual orientation, religion, geographic location, age, handicap or disability, marital, parental or military status or other classification protected by law, except as may be permitted upon application from a provider or member, where attendance is restricted due to applicable state or federal law.

5.2 Attending Classes.

(a) Attending a class at an ABA or AALS accredited law school may be accredited as a CLE activity.

(b) Attending other classes may also be accredited as a CLE activity, provided the activity satisfies the following criteria:

1. The MCLE Program Manager determines that the content of the activity is in compliance with other MCLE accreditation standards; and
(2) The class is a graduate-level course offered by a university; and

(3) The university is accredited by an accrediting body recognized by the U.S. Department of Education for the accreditation of institutions of postsecondary education.

5.3 Legislative Service. General credit hours may be earned for service as a member of the Oregon Legislative Assembly while it is in session.

5.4 Participation in New Lawyer Mentoring Program. New admittee NLMP participants and NLMP mentors may earn MCLE credit for participation in the NLMP.

5.5 Other Professionals. Notwithstanding the requirements of Rules 5.15, participation in an educational activity offered primarily to or by other professions or occupations may be accredited as a CLE activity if the MCLE Program Manager determines that the content of the activity is in compliance with other MCLE accreditation standards. The MCLE Program Manager may accredit the activity for fewer than the actual activity hours if the MCLE Program Manager determines that the subject matter is not sufficient to justify full accreditation.

Accreditation Standards for Category II Activities

5.6 Teaching Activities.

(a) Teaching credit may be claimed for teaching accredited continuing legal education activities or for courses in ABA or AALS accredited law schools.

(b) Credit may be claimed for teaching other courses, provided the activity satisfies the following criteria:

   (1) The MCLE Program Manager determines that the content of the activity is in compliance with other MCLE content standards; and

   (2) The course is a graduate-level course offered by a university; and

   (3) The university is accredited by an accrediting body recognized by the U.S. Department of Education for the accreditation of institutions of postsecondary education.

(c) Credit may not be claimed by an active member whose primary employment is as a full-time or part-time law teacher, but may be claimed by an active member who teaches on a part-time basis in addition to the member’s primary employment.

(d) No credit may be claimed for repeat presentations of previously accredited courses unless the presentation involves a substantial update of previously presented material, as determined by the MCLE Program Manager.

5.7 Legal Research and Writing.

(1) Credit for legal research and writing activities, including the preparation of written materials for use in a teaching activity may be claimed provided the activity satisfies the following criteria:

   (a) It deals primarily with one or more of the types of issues for which group CLE activities can be accredited as described in Rule 5.13; and

   (b) It has been published in the form of articles, CLE course materials, chapters, or books, or issued as a final product of the Legal Ethics Committee or a final instruction of the Uniform Civil Jury Instructions Committee or the Uniform Criminal Jury Instructions Committee, personally authored or edited in whole or in substantial part, by the applicant; and
(c) It contributes substantially to the legal education of the applicant and other attorneys; and

(d) It is not done in the regular course of the active member’s primary employment.

(2) The number of credit hours shall be determined by the MCLE Program Manager, based on the contribution of the written materials to the professional competency of the applicant and other attorneys.

5.8 Service as a Bar Examiner. Credit may be claimed for service as a bar examiner for Oregon, provided that the service includes personally writing or grading a question for the Oregon bar exam during the reporting period.

5.9 Legal Ethics Service. Credit may be claimed for serving on the Oregon State Bar Legal Ethics Committee, Client Security Fund Committee, Commission on Judicial Fitness & Disability, Oregon Judicial Conference Judicial Conduct Committee, State Professional Responsibility Board, and Disciplinary Board or serving as volunteer bar counsel or volunteer counsel to an accused in Oregon disciplinary proceedings.

5.10 Credit for Committee and Council Service. Credit may be claimed for serving on committees that are responsible for drafting court rules or jury instructions that are designed to aid the judicial system and improve the judicial process. Examples include service on the Oregon State Bar Uniform Civil Jury Instructions Committee, Uniform Criminal Jury Instructions Committee, Oregon Council on Court Procedures, Uniform Trial Court Rules Committee, and the District of Oregon Local Rules Advisory Committee.

5.11 Service as a Judge Pro Tempore. Credit may be claimed for volunteer service as a judge pro tempore.

Accreditation Standards for Category III Activities

5.12 Credit for Other Activities.

(a) Personal Management Assistance. Credit may be claimed for activities that deal with personal self-improvement, provided the MCLE Program Manager determines the self-improvement relates to professional competence as a lawyer.

(b) Other Volunteer Activities. Credit for volunteer activities for which accreditation is not available pursuant to Rules 5.3, 5.4, 5.5, 5.6, 5.7, 5.8, 5.9, 5.10, or 5.11 may be claimed provided the MCLE Program Manager determines the primary purpose of such activities is the provision of legal services or legal expertise.

(c) Business Development and Marketing Activities. Credit may be claimed for courses devoted to business development and marketing that are specifically tailored to the delivery or marketing of legal services and focus on use of the discussed techniques and strategies in law practice.

Activity Content Standards

5.13 Group and Teaching CLE Activities

(a) The activity must have significant intellectual or practical content with the primary objective of increasing the participant’s professional competence as a lawyer; and

(b) The activity must deal primarily with substantive legal issues, legal skills, practice issues, or legal ethics and professionalism, or access to justice.

5.14 Ethics, Child and Elder Abuse Reporting, Mental Health and Substance Use Education, and Access to Justice.

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(a) In order to be accredited as an activity in legal ethics under Rule 3.2(b), an activity shall be devoted to the study of judicial or legal ethics or professionalism, and shall include discussion of applicable judicial conduct codes, rules of professional conduct, or statements of professionalism.

(b) Child and elder abuse reporting programs must be devoted to the lawyer’s statutory duty to report child abuse and elder abuse (see ORS 9.114).

(c) In order to be accredited as a mental health and substance use education credit under Rule 3.2(d), an activity shall educate attorneys about causes, detection, response, treatment, or problem prevention related to mental health or substance use.

(d) In order to be accredited as an activity pertaining to access to justice for purposes of Rule 3.2(e), an activity shall be directly related to the practice of law and designed to educate attorneys to identify and eliminate from the legal profession, the provision of legal services, and from the practice of law barriers to access to justice arising from biases against persons because of age, culture, disability, ethnicity, gender and gender identity or expression, geographic location, national origin, race, religion, sex, sexual orientation, veteran status, immigration status, and socioeconomic status.

(e) Portions of activities may be accredited for purposes of satisfying the ethics and access to justice requirements of Rule 3.2, if the applicable content of the activity is clearly defined.

Teaching Activity Content Standards

5.15 Other Professionals. Notwithstanding the requirements of Rules 5.6 and 5.13, credit may be claimed for teaching an educational activity offered primarily to other professions or occupations if the MCLE Program Manager determines that the content of the activity is in compliance with other MCLE accreditation standards and the applicant establishes to the MCLE Program Manager’s satisfaction that the teaching activity contributed to the presenter’s professional competence as a lawyer.

Unaccredited Activities

5.16 Unaccredited Activities. The following activities shall not be accredited:

(a) Activities that would be characterized as dealing primarily with personal self-improvement unrelated to professional competence as a lawyer; and

(b) Activities designed primarily to sell services or equipment; and

(c) Video or audio presentations of a CLE activity originally conducted more than three years prior to the date viewed or heard by the member seeking credit, unless it can be shown by the member that the activity has current educational value.

(d) Repeat live, video or audio presentations of a CLE activity for which the active member has already obtained MCLE credit.

Regulations to MCLE Rule 5
Accreditation Standards

5.050 Written Materials.

(a) For the purposes of accreditation as a group CLE activity under MCLE Rule 5.1(c), written material may be provided in an electronic or computer-based format, provided the material is available for the member to retain for future reference.
(b) Factors to be considered by the MCLE Program Manager in determining whether a group CLE activity has substantial educational value without written materials include, but are not limited to: the qualifications and experience of the program sponsor; the credentials of the program faculty; information concerning program content provided by program attendees or monitors; whether the subject matter of the program is such that comprehension and retention by members is likely without written materials; and whether accreditation previously was given for the same or substantially similar program.

5.100 Category I Activities

(a) Credit for legislative service may be earned at a rate of 1.0 general credit for each week or part thereof while the legislature is in session.

(b) Members who serve as mentors in the NLMP may earn a total of 8.0 CLE credits, including 2.0 ethics credits and 6.0 general credits, upon filing of a NLMP Completion Certificate. If a member serves as a mentor for more than one new lawyer, the member may claim up to 16.0 total credits, including 4.0 ethics credits, during the three year reporting cycle. If another lawyer assists with the NLMP completion, the mentoring credits must be apportioned between lawyers in a proportionate manner agreed upon by the NLMP mentors.

(c) Upon successful completion of the NLMP, new admittees earn 6.0 general/practical skills credits, which may be applied to the MCLE requirements of their first three-year MCLE reporting period.

5.200 Category II Activities.

(a) Teaching credit may be claimed at a ratio of one credit hour for each sixty minutes of actual instruction.

(b) With the exception of panel presentations, when calculating credit for teaching activities pursuant to MCLE Rule 5.6, for presentations where there are multiple presenters for one session, the number of minutes of actual instruction will be divided by the number of presenters unless notified otherwise by the presenter. Members who participate in panel presentations may receive credit for the total number of minutes of actual instruction.

(c) For the purposes of accreditation of Legal Research and Writing, all credit hours shall be deemed earned on the date of publication or issuance of the written work.

(d) One hour of credit may be claimed for each sixty minutes of research and writing, but no credit may be claimed for time spent on stylistic editing.

(e) Credit may be claimed for Legal Research and Writing that supplements an existing CLE publication may be accredited if the applicant provides a statement from the publisher confirming that research on the existing publication revealed no need for supplementing the publication’s content.

(f) Credit for Committee and Council Service pursuant to Rule 5.10. Members May claim three (3) general credits for each 12 months of committee and council service so long as the member regularly attends and participates in the work related to the functions of the committee.

(g) Service as a Bar Examiner. Three (3) credits may be claimed for writing a bar exam or local component question and three (3) credits may be claimed for grading a bar exam or local component question.

(h) Legal Ethics Service. Members may claim two ethics credits for each twelve months of service on committees and boards listed in Rule 5.9.

(i) Service as a Judge Pro Tempore. Members may claim one (1) general credits for every 2 hours of volunteer time spent on the bench as a judge pro tempore.
5.300 Category III Activities.

(a) Personal Management Assistance. Credit may be claimed for programs that provide assistance with issues that could impair a lawyer’s professional competence (examples include but are not limited to programs addressing burnout, procrastination, gambling or other addictions or compulsive behaviors, and other health related issues). Credit may also be claimed for programs designed to improve or enhance a lawyer’s professional effectiveness and competence (examples include but are not limited to programs addressing time and stress management, career satisfaction and transition, and interpersonal/relationship skill-building).

(b) Other Volunteer Activities. Credit may be claimed for volunteer activities for which accreditation is not available pursuant to Rules 5.3, 5.4, 5.5, 5.6, 5.7, 5.8, 5.9, 5.10, or 5.11. Credit may be claimed at a ratio of one credit hour for each two hours of uncompensated volunteer activities provided that the MCLE Program Manager determines the primary purpose of such activity is the provision of legal services or legal expertise. Such activities include but are not limited to:

1. Providing direct pro bono representation to low-income clients referred by certified pro bono programs;
2. Serving as a judge, evaluator, mentor or coach in any type of mock trial, moot court, congressional hearing or client legal-counseling competition, law-related class or law-related program at the high school level and above; and
3. Teaching a legal education activity offered primarily to nonlawyers high school age and older.

(c) Business Development and Marketing Activities. Credit may be claimed for courses devoted to business development and marketing that are specifically tailored to the delivery or marketing of legal services and focus on use of the discussed techniques and strategies in law practices. Examples include but are not limited to courses focusing on business development approaches, strategies and techniques available to attorneys, marketing to clients seeking legal services, and website development to promote one’s practice.

5.400 Access to Justice. A program shall not be ineligible for accreditation as an access to justice activity solely because even if it is limited to a discussion of substantive law, provided the substantive law relates to access to justice issues involving age, culture, disability, ethnicity, gender and gender identity or expression, geographic location, national origin, race, religion, sex, sexual orientation, veteran status, immigration status, and socioeconomic status, race, gender, economic status, creed, color, religion, national origin, disability, age, or sexual orientation.

(a) Access to justice programming should be guided by these three principles:

1. Promoting accessibility by eliminating systemic barriers that prevent people from understanding and exercising their rights.
2. Ensuring fairness by delivering fair and just outcomes for all parties, including those facing financial and other disadvantages.
3. Addressing systemic failures that lead to a lack of confidence in the justice system by creating meaningful and equitable opportunities to be heard.

(b) The presenters of access to justice and introductory access to justice programs should have the following qualifications in the topic being presented:

1. Lived experience;
2. Professional experience; or
(3) Substantial training.

5.500 Independent Study. Members may earn credit through independent screening or viewing of audio- or video-tapes of programs originally presented to live group audiences, or through online programs designed for presentation to a wide audience. A lawyer who is licensed in a jurisdiction that allows credit for reading and successfully completing an examination about specific material may use such credits to meet the Oregon requirement. No credit will be allowed for independent reading of material selected by a member except as part of an organized and accredited group program.

5.600 Child and Elder Abuse Reporting. In order to be accredited as a child abuse and elder abuse reporting activity, the one-hour session must include discussion of an Oregon attorney’s requirements to report child abuse and elder abuse and the exceptions to those requirements.

Rule Six
Credit Limitations per Category

6.1 In General.

(a) Category I Activities. Credits in this category are unlimited. Credit shall be allowed only for CLE activities that are accredited as provided in these Rules, and substantial participation by the active member is required. The MCLE Program Manager may allow partial credit for completion of designated portions of a CLE activity.

(b) Category II Activities. Credits in this category are limited to 20 in a three-year reporting period and 10 in a shorter reporting period. No accreditation application is required.

(c) Category III Activities. Credits in this category are limited to 6 in a three-year reporting period and 3 in a shorter reporting period. No accreditation application is required.

(d) An active member may carry forward 15 or fewer unused credit hours from the reporting period during which the credit hours were earned to the next reporting period.

(e) Except as provided in Regulation 5.100(c) and Rule 6.1(d), credit for a particular reporting period shall be allowed only for activities participated in during that reporting period.

(f) Credits for service as a mentor in the NLMP are limited as set forth in Regulation 5.100(b).

Regulations to MCLE Rule 6
Credit Limitations

6.100 Carry Over Credit. No more than six ethics credits can be carried over for application to the subsequent reporting period requirement. Ethics credits in excess of the carry over limit may be carried over as general credits. Abuse education credits earned in excess of the reporting period requirement may be carried over as general credits, but a new abuse reporting education credit must be earned in each reporting period in which the credit is required. Access to justice credits may be carried over as general credits, but new credits must be earned in the reporting period in which they are required. Carry over credits from a reporting period in which the credits were completed by the member may not be carried forward more than one reporting period.

6.200 Credits Earned in Excess of Credit Limitations. Any credits earned in excess of the credit limitations set forth in MCLE Rule Six may not be claimed in the reporting period in which they are completed or as carry over credits in the next reporting period.
Rule Seven
Compliance

7.1 Reports. Every active member shall file a completed compliance report certifying completion of the member’s MCLE requirement, on a form provided by the MCLE Program Manager, on or before 5:00 p.m. on January 31 of the year immediately following the active member’s reporting period.

7.2 Recordkeeping.
(a) Every active member shall maintain records of participation in CLE activities for use in completing a compliance report and shall retain these records for a period of twelve months after the end of the member’s reporting period.
(b) The MCLE Program Manager may maintain records of active members’ participation in CLE activities as necessary to verify compliance with the MCLE requirement.

7.3 Audits.
(a) The MCLE Program Manager may audit compliance reports selected because of facial defects or by random selection or other appropriate method.
(b) For the purpose of conducting audits, the MCLE Program Manager may request and review records of participation in CLE activities reported by active members.
(c) Failure to substantiate participation in CLE activities in accordance with applicable rules and regulations after request by the MCLE Program Manager shall result in disallowance of credits for the reported activity and, in certain situations, assessment of the late filing fee specified in 7.5(b).
(d) The MCLE Program Manager shall refer active members to the Oregon State Bar Disciplinary Counsel for further action where questions of dishonesty in reporting occur.

7.4 Noncompliance.
(a) Grounds. The following are considered grounds for a finding of non-compliance with these Rules:
   (1) Failure to complete the MCLE requirement for the applicable reporting period.
   (2) Failure to electronically certify and submit a completed compliance report on time.
   (3) Failure to provide sufficient records of participation in CLE activities to substantiate credits reported, after request by the MCLE Program Manager.
(b) Notice. In the event of a finding of noncompliance, the MCLE Program Manager shall send a written notice of noncompliance to the affected active member’s electronic mail address on file with the bar pursuant to Bar Rules of Procedure. The notice shall set forth the deadline to cure noncompliance, established by the Chief Executive Officer, which is not less than 21 days from the date of the notice. The MCLE Program Manager shall send the notice by mail to any member who is not required to have an electronic mail address on file.

7.5 Cure.
(a) Noncompliance for failure to electronically certify and submit a completed compliance report by the due date can be cured by filing the completed report demonstrating completion of the MCLE requirement during the applicable reporting period, together with the late fee specified in MCLE Regulation 7.200, no later than the deadline set forth in the notice of noncompliance.
(b) Noncompliance for failure to complete the MCLE requirement during the applicable reporting period can be cured by doing the following no later than the deadline set forth in the notice of noncompliance:
   (1) Completing the credit hours necessary to satisfy the MCLE requirement for the applicable
(2) Electronically certifying and submitting the completed compliance report; and
(3) Paying the late filing fee specified in MCLE Regulation 7.200.

(c) Noncompliance for failure to provide the MCLE Program Manager with sufficient records of participation in CLE activities to substantiate credits reported can be cured by providing the MCLE Program Manager with sufficient records, together with the late fee specified in MCLE Regulation 7.200, no later than the deadline set forth in the notice of noncompliance.

(d) Credit hours applied to a previous reporting period for the purpose of curing noncompliance as provided in Rule 7.5(b) may only be used for that purpose and may not be used to satisfy the MCLE requirement for any other reporting period.

(e) When it is determined that the noncompliance has been cured, the MCLE Program Manager shall notify the affected active member that he or she has complied with the MCLE requirement for the applicable reporting period. Curing noncompliance does not prevent subsequent audit and action specified in Rule 7.3.

7.6 Suspension. If the noncompliance is not cured within the deadline specified in the notice of noncompliance, the MCLE Program Manager shall recommend to the Supreme Court that the affected active member be suspended from membership in the bar.

**Regulations to MCLE Rule 7**

**Compliance**

7.100. Member Records of Participation.

(a) In furtherance of its audit responsibilities, the MCLE Program Manager may review an active member’s records of participation in Category I CLE activities. Records which may satisfy such a request include, but are not limited to, certificates of attendance or transcripts issued by sponsors, MCLE recordkeeping forms, NLMP mentoring plan checklist, canceled checks or other proof of payment for registration fees or audio or video tapes, course materials, notes or annotations to course materials, or daily calendars for the dates of CLE activities. For individually screened presentations, contemporaneous records of screening dates and times shall be required.

(b) Members claiming credit for Category II activities should keep course descriptions, course schedules or other documentation verifying the number of minutes of actual instruction, along with a sample of the written materials prepared, if applicable. Members claiming Legal Research and Writing credit should keep a log sheet indicating the dates and number of hours engaged in legal research and writing in addition to a copy of the written product.

(c) Members claiming credit for Category III activities should keep log sheets indicating the dates and number of hours engaged in pro-bono representation and other volunteer activities, along with course descriptions and course schedules, if applicable. Members claiming credit for direct pro-bono representation to low-income clients should also keep documentation establishing the referral by a certified pro-bono provider.

7.150 Sponsor Records of Participation. Within 30 days after completion of an accredited CLE activity, the sponsor shall submit an attendance record reflecting the name and Oregon bar number of each Oregon bar member attendee. The record shall be in a compatible electronic format or as otherwise directed by the MCLE Program Manager.
**7.200 Late Fees.** Members who complete any portion of the minimum credit requirement after the end of the reporting period or who fail to file a completed compliance report by the filing deadline set forth in Rule 7.1 must pay a $200 late fee.

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**Rule Eight**

**Review and Enforcement**

**8.1 Review.**

(a) Decisions of the MCLE Program Manager. A decision, other than a suspension recommended pursuant to Rule 7.6, affecting any active member or sponsor is final unless a request for review is filed with the MCLE Program Manager within 21 days after notice of the decision is mailed. The request for review may be by letter and requires no special form, but it shall state the decision to be reviewed and give the reasons for review. The matter shall be reviewed by the BOG or, if one has been appointed, the MCLE Committee, at its next regular meeting. An active member or sponsor shall have the right, upon request, to be heard, and any such hearing request shall be made in the initial letter. The hearing shall be informal. On review, the BOG or the MCLE Committee shall have authority to take whatever action consistent with these rules is deemed proper. The MCLE Program Manager shall notify the member or sponsor in writing of the decision on review and the reasons therefor.

(b) Decisions of the MCLE Committee. If a decision of the MCLE Program Manager is initially reviewed by the MCLE Committee, the decision of the MCLE Committee may be reviewed by the BOG on written request of the affected active member or sponsor made within 21 days of the issuance of the MCLE Committee’s decision. The decision of the BOG shall be final.

(c) Suspension Recommendation of the MCLE Program Manager. A recommendation for suspension pursuant to Rule 7.6 shall be subject to the following procedures:

1. A copy of the MCLE Program Manager’s recommendation to the Supreme Court that a member be suspended from membership in the bar shall be sent by regular mail and email to the member.

2. If the recommendation of the MCLE Program Manager is approved, the court shall enter its order and an effective date for the member’s suspension shall be stated therein.

**8.2 Reinstatement.** An active member suspended for noncompliance with the MCLE requirement shall be reinstated only upon completion of the MCLE requirement, submission of a completed compliance report to the bar, payment of the late filing and reinstatement fees, and compliance with the applicable provisions of the Rules of Procedure.

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**Regulations to MCLE Rule 8**

**Review and Enforcement**

**8.100 Review Procedure.**

(a) The MCLE Program Manager shall notify the active member or sponsor of the date, time and place of the BOG or MCLE Committee meeting at which the request for review will be considered. Such notice must be sent no later than 14 days prior to such meeting. If the request for review is received less than 14 days before the next regularly scheduled meeting, the request will be considered at the following regularly scheduled meeting of the BOG or MCLE Committee, unless the member or sponsor waives the 14 day notice.

(b) A hearing before the MCLE Committee may be recorded at the request of the active member or sponsor.
sponsor or the MCLE Committee. In such event, the party requesting that the matter be recorded shall bear the expense of such recording. The other party shall be entitled to a copy of the record of the proceedings at their own expense.

(c) The MCLE Program Manager shall notify the active member or sponsor of the decision and the reasons therefor within 28 days of the date of the review. A decision of the MCLE Committee shall be subject to BOG review as provided in Rule 8.1.

Rule Nine
Exemptions, Deferrals, and Waivers

(a) Exemptions from MCLE Requirements

(1) A member who is in Inactive, Retired or Active Pro Bono status pursuant to OSB Bylaw 6.101 is exempt from compliance with these Rules.

(2) A member serving as Governor, Secretary of State, Commissioner of the Bureau of Labor and Industries, Treasurer, or Attorney General during all or part of a reporting period must complete the minimum credit requirements in the categories of ethics, access to justice, and abuse reporting during the reporting periods set forth in MCLE Regulation 3.300(d). Such a member is otherwise exempt from any other credit requirements during the reporting period in which the member serves.

(3) A new lawyer who has practiced law in another jurisdiction for two years or more upon admission to the Oregon State Bar is exempt from the NLMP requirements.

(4) The MCLE Program Manager may grant any other exemption from the NLMP Requirements with the consent of the NLMP Coordinator, for good cause shown.

(b) Deferral of NLMP Requirements

(1) A new lawyer whose principal office on file with the bar, pursuant to the Bar Rules of Procedure, is outside the State of Oregon is temporarily deferred from the NLMP requirements. A New lawyer whose principal office remains outside the State of Oregon for two years or more is exempt from the NLMP requirements.

(2) The following members are eligible for a temporary deferral from the NLMP requirements upon written request to the NLMP Coordinator:

(i) A new member who is not engaged in the practice of law; and

(ii) A new member serving as a judicial clerk.

(3) The NLMP Coordinator may otherwise approve a deferral for good cause shown. Such a deferral is subject to continued approval of the NLMP Coordinator.

(c) Expiration or termination of NLMP deferral

(1) A new lawyer who ceases to qualify for a deferral under section (b) must notify the NLMP Coordinator and enroll in the NLMP within 28 days of the change in circumstance that led to the deferral.

(d) Other Waiver, Exemption, Delayed or Substitute Compliance

(1) Upon written request of a member or sponsor, the MCLE Program Manager may waive, grant exemption from, or permit substitute or delayed compliance with any requirement of these Rules. The request shall state the reason for the waiver or exemption and shall describe a continuing legal education plan tailored to the particular circumstances of the requestor. The MCLE Program Manager may grant a request upon a finding that
(i) hardship or other special circumstances makes compliance impossible or inordinately difficult, or

(ii) the requested waiver, exemption, or substitute or delayed compliance is not inconsistent with the purposes of these Rules.

(2) If a new lawyer seeks approval of an exemption, or delayed or substitute compliance with the NLMP requirements, both the MCLE Coordinator and the NLMP Coordinator must approve the request.

Regulations to MCLE Rule 9
Exemptions, Deferrals, and Waivers

9.100 Waivers and Exemptions. The MCLE Program Manager will consider requests for waivers and exemptions from the MCLE Rules and Regulations on a case by case basis.

9.200 NLMP Accreditation Fee Exemption. Any new lawyer participant who earns $65,000 or less annually and whose employer will not pay the fee is exempt from payment of the accreditation fee provided in Regulation 4.600

Rule Ten
Amendment

These Rules may be amended by the BOG subject to approval by the Supreme Court. Amendments may be proposed by the MCLE Committee, the executive director, or an active member. Proposed amendments shall be submitted and considered in compliance with any regulations adopted by the BOG.
OREGON STATE BAR
Board of Governors Agenda

Meeting Date: April 17, 2020
From: Amber Hollister, General Counsel
Re: CSF Claim No. 2019-39 Bertoni (Canell)

Action Requested

Consider Client Security Fund Committee’s recommendation that the board grant claimant Angela Canell’s claim of $24,570 in the matter of CSF Claim No. 2019-39 Bertoni (Canell). Staff recommends the Board award the lesser amount of $23,920.

Discussion

Claimant Canell hired Gary Bertoni in March 2017 to represent her in a criminal case arising from allegations she had forged checks. Mr. Bertoni agreed to accept a $6,500 flat fee payment for the entire representation, which Ms. Canell paid in full.

In November 2017, Ms. Canell entered a guilty plea and her sentencing was delayed to give her time to pay restitution. In March 2018, Ms. Canell’s plea was amended to a reduced sentencing recommendation in exchange for her payment of at least $22,000 in restitution. Between April and August 2018, Ms. Canell gave Mr. Bertoni $25,020 to apply towards her restitution payments. Under RPC 1.15-1, those funds were to be held in trust until they were paid to the party entitled to them.

In November 2018, Mr. Bertoni refunded $1,100 to Ms. Canell, explaining that those funds were not required for restitution. He also told Ms. Canell that he applied $1,798.75 of the “unneeded” restitution funds to his fees and costs. However, Ms. Canell paid the flat fee in full before November 2018 and the only out of pocket cost was previously paid ($20.75). The restitution funds were never delivered to Ms. Canell or the victims identified by the court.

In November 2018, Mr. Bertoni informed Ms. Canell of his upcoming disciplinary suspension and withdrew as counsel. On December 20, 2018, Thomas Freedman was appointed as counsel for Ms. Canell. Mr. Bertoni wrote to Mr. Freedman on February 6, 2019 saying he enclosed $22,124.25 for Ms. Canell, but did not actually deliver the funds. In his March 4, 2019 letter to Mr. Freedman, Mr. Bertoni offered a partial refund of attorney’s fees in the amount of $650.

Mr. Bertoni is currently suspended. There are also seven pending disciplinary prosecutions against Mr. Bertoni, including for conduct related to Ms. Canell’s loss.

At its March 14, 2020 meeting, the Client Security Fund Committee reviewed Ms. Canell’s claim and unanimously voted to recommend that the board reimburse her for
$24,570 for her loss. The Committee calculated Ms. Canell’s loss based on the $25,020 Ms. Canell paid Mr. Bertoni in restitution, minus the “excess” amount he refunded to her ($1,100), plus the refund in fees Mr. Bertoni offered to pay after withdrawing from the representation ($650).

The Committee acknowledged that the claimant did receive services that were more than minimal or insignificant in return for her $6,500 fee, and she received legal services by another, court-appointed attorney without cost to her. See CSF Rules 2.2 and 2.3. The Committee, however, voted to apply CSF Rule 2.1.6 and grant $24,570 based on a finding that Mr. Bertoni had failed to complete the representation and converted the funds Ms. Canell provided as restitution and waiver of those requirements were appropriate based on “extreme hardship or special and unusual circumstances.”

Staff recommends that the Board approve the claim in the lesser amount of $23,920. This payment would exclude the refund of $650 in legal fees Mr. Bertoni offered to pay Ms. Canell. See CSF Rule 2.2 (prohibiting the reimbursement of legal fees paid when the Claimant received legal services that were not “minimal or insignificant”).
Client Security Fund
Investigative Report

Re: 2019-39
Claimant: Angela Canell
Lawyer: Gary Bertoni
Investigator: Melissa May

RECOMMENDATION

I recommended approval of the claim in the amount of $24,570.

This amount consists of: (i) $25,020 in restitution funds paid by Ms. Canell to Bertoni, which he took from his IOLTA without authorization, minus $1,100 refunded to Ms. Canell in 2018 ($23,920); and (ii) $650 as a partial refund of attorney’s fees (as agreed by Mr. Bertoni in correspondence with Ms. Canell’s attorney).

CLAIM INVESTIGATION SUMMARY

Claim

Ms. Canell (through counsel, Thomas Freedman)\(^1\) filed her Application for Reimbursement requesting $28,520.75 in funds allegedly converted by her former attorney, Gary Bertoni. The requested $28,520.75 consists of a partial refund ($3,520.75) of the $6,500 flat fee Ms. Canell paid Bertoni, and $25,000 in funds Ms. Canell gave Bertoni to be used for payment of restitution.

Investigation

I contacted Bertoni several times but did not receive a substantive response. I also contacted Ms. Canell’s attorney Thomas Freedman, Multnomah County Assistant District Attorney Chris Shull, and Portland Police Bureau Detective Michele Michaels. I reviewed the electronic docket for Ms. Canell’s criminal case, correspondence between Bertoni and Freedman, the Bar’s Third Amended Formal Complaint (the “Complaint”) prosecuting Bertoni for this and other matters, and Bertoni’s response to the Complaint. I did not have access to Bertoni’s bank records, billing statements, or a client ledger for this matter but was able to obtain information about Bertoni’s bank deposits and withdrawals from Detective Michaels.

Background

Ms. Canell was indicted in 2017. She retained Gary Bertoni as her criminal defense attorney, and he appeared in her case on June 1, 2017. Over the course of several months, Ms. Canell paid a total of $6,500 as a flat fee to Mr. Bertoni, for representation in a criminal matter.

\(^1\) Mr. Freedman is representing Ms. Canell in this claim \textit{pro bono}. 

arising from check forgery. According to correspondence from Bertoni, she also paid $20.75 in expenses.

In November 2017, Ms. Canell entered a guilty plea, and sentencing was delayed until April 2018 to give her time to raise funds for restitution. In March 2018, her plea deal was amended to provide a reduced sentencing recommendation in exchange for at least $22,000 in restitution funds. Sentencing was delayed several times that year. In April 2018, Ms. Canell gave Bertoni $20,020 to be held in his IOLTA. She gave him an additional $5,000, also to be held in IOLTA, in August 2018. Those funds were to be used for payment of restitution to the victim, Umpqua Bank. In November 2018, Bertoni refunded $1,100 of the funds (representing restitution funds that he says were not needed at that time). He also says that he applied $1,795.75 of the “unneeded” restitution funds to his fees and costs; however, it appears that Canell had already paid her flat fee in full before November 2018, and Bertoni does not cite any costs beyond the $25.70 Bertoni mentions in correspondence.

In 2019, Ms. Canell ultimately pleaded guilty to Aggravated Theft in the First Degree and was ordered to pay $87,979.39 in restitution.

Results of Investigation

The recommended compensation for Ms. Canell’s lost restitution funds is based on the total of the restitution deposits ($25,020), less the $1,100 refund. Bertoni mentions the refund in correspondence with Freedman. Through Freedman, Canell acknowledges receiving $1,100 from Bertoni and does not recall whether the funds were a refund of attorney’s fees or restitution funds. She “believes it was a refund of restitution money, i.e., that she had deposited $26,100 in restitution with him.” Ms. Canell’s Application for Reimbursement refers only to $25,000 in restitution deposits; Disciplinary Counsel’s Third Amended Formal Complaint also only mentions a total of $25,000 in restitution funds deposited with Bertoni; and Detective Michaels’ notes show only $25,020 in restitution deposits. Thus, I recommend that the CSF approve reimbursement of $23,920 representing Ms. Canell’s restitution funds apparently converted by Bertoni.

Although normally the CSF does not reimburse clients for attorney’s fees where the attorney provided more than minimal or insignificant services, I believe a partial reimbursement of $650 is appropriate in this case. Although Ms. Canell received equivalent legal services from court-appointed counsel after Bertoni’s suspension, I believe a partial reimbursement of $650 is appropriate in this case because Bertoni offered in writing to refund $650 but did not actually send the funds.

Timeline Summary

<table>
<thead>
<tr>
<th>Date</th>
<th>Event Description</th>
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<tbody>
<tr>
<td>8/19/16</td>
<td>Theft (check forgery) by Claimant</td>
</tr>
<tr>
<td>5/31/17</td>
<td>Indictment of Claimant</td>
</tr>
<tr>
<td>6/1/17</td>
<td>Bertoni’s Notice of Representation</td>
</tr>
<tr>
<td>1/29/18</td>
<td>Canell’s first guilty plea</td>
</tr>
<tr>
<td>4/2/18</td>
<td>Per the Complaint, Canell paid Bertoni’s $6,500 fee in full prior to this date</td>
</tr>
<tr>
<td>3/30/18 or 4/2/18</td>
<td>Canell gave Bertoni $20,020 in restitution funds</td>
</tr>
</tbody>
</table>
FINDINGS AND CONCLUSIONS

1. The claim is timely. *See CSF Rule 2.1.8.*

2. Claimant is the injured client. *See CSF Rules 1.4 and 2.1.1.*

3. The loss was caused by the lawyer’s dishonest conduct. *See CSF Rule 2.1.2.*

4. The loss is not covered by any similar fund in another state. *See CSF Rule 2.1.3.*

5. The loss was not incurred by a financial institution covered by a “banker’s blanket bond” or similar insurance or surety contract. *See CSF Rule 2.1.4.*

6. The loss arose from, and was because of, an established lawyer-client relationship.

7. CSF Rule 2.1.6 is not satisfied. Bertoni has not been found guilty of a crime (although a criminal investigation apparently is ongoing) and Canell has not obtained a civil judgment against Bertoni. Although Bertoni has been suspended from the practice of law and the conduct at issue in this claim is the subject of disbarment proceedings, the claimed loss exceeds $5,000. Please see item 12, below.

8. Claimant has made a good-faith effort to collect the amount claimed. *See CSF Rule 2.1.7.*

9. The loss arose from the lawyer’s practice of law in Oregon. *See CSF Rule 2.1.9.*

10. CSF Rule 2.2 is satisfied as to a refund of $650 in attorney’s fees. Canell requests a refund of more than $3,000 of the approximately $6,500 she paid to Bertoni. Bertoni provided legal services that appear to be more than minimal or insignificant, and there has been no court or fee
arbitration panel determination regarding the fee dispute. However, in his letter to Canell’s counsel dated March 4, 2019, Bertoni offers a partial fee refund of $650. The CSF Committee could consider this offer “other evidence… that establishes that the client is owed a refund of a legal fee.” (CSF Rule 2.2) Thus, I believe it would be appropriate for the CSF to reimburse Canell for the $650.

11. The Claimant received equivalent legal services by another attorney without cost to the Claimant because her replacement counsel was appointed by the court; however, I ask the committee to find that the partial reimbursement of $650 is appropriate under these extraordinary circumstances. For example, Freedman indicated that he essentially had to redo all of Bertoni’s work – helping Canell withdraw her guilty plea, negotiating a new plea deal, and seeing that matter to conclusion. See CSF Rule 2.3.

12. Although the claim should be denied because CSF Rule 2.1.6 is not satisfied, approval of the claim in the amount of $24,570 is appropriate because extreme hardship or special and unusual circumstances exist. Claimant was recently released from custody and still owes restitution, Bertoni has offered to pay part of the claimed amount but has never followed through. Bertoni has asserted his Fifth Amendment privilege in the disciplinary case, and is likely to face criminal charges in the future. Thus, I believe it would be fruitless for Ms. Canell to pursue a civil judgment at this time. See CSF Rule 2.6.
2018–2020 DIVERSITY ACTION PLAN
IMPLEMENTATION REPORT: YEAR TWO
GOAL 1 Increase and sustain a diverse OSB and bench.

STRATEGY 1 Identify and gather information on experiences of lawyers from nondominant cultures.

ACTION 1.1.1 Conduct climate surveys.

<table>
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<tr>
<th>TARGET DATE</th>
<th>TARGET MEASURE</th>
<th>STATUS &amp; NEW TARGET DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018</td>
<td>Create climate surveys to identify the barriers and opportunities faced by lawyers from nondominant cultures in Oregon. COMMUNICATIONS</td>
<td>Complete</td>
</tr>
<tr>
<td>2018</td>
<td>Conduct climate surveys. COMMUNICATIONS</td>
<td>Complete</td>
</tr>
<tr>
<td>2018</td>
<td>Conduct exit surveys for lawyers from nondominant cultures who leave the state or withdraw from active practice. COMMUNICATIONS</td>
<td>Pending; 2020</td>
</tr>
</tbody>
</table>

**Year 1 Summary:** The Communications Department and Diversity & Inclusion (D&I) Department collaborated on this action item. The departments worked with community stakeholders, including the ACDI and Oregon affinity bar leaders, to develop questions for the survey. As stakeholder input was received and the survey developed, it was determined that the scope was too broad and the subject matter too personal to fit into a standard online survey. We concluded that it would be appropriate to 1) expand the approach by integrating the focus group and exit survey elements of this strategy (Membership Sphere 1.1.2) into the climate survey process, and 2) appoint a consultant experienced in both research and equity work to facilitate the process and to report on its findings. An RFP was released, and research firm KGR+C, in partnership with the Center for Equity & Inclusion, was retained. KGR+C’s proposed timeline indicates that the process will be complete in the first quarter of 2019.

**Year 2 Summary:** After further review and consultation with stakeholders, the quantitative survey was conducted from May through July 2019. The survey findings were used to frame focus group discussions with lawyers from five key cohorts: LatinX, Black, Asian/Pacific Islander, LGBTQAI2+, and people with disabilities. (Response rates for Veterans and American Indian/Alaska Native lawyers were too low for conventional significance testing.)

KGR+C Research used the focus group conversations to center the meaning and implication of findings for each group in their lived experiences. Their report combines quantitative highlights of the online survey with qualitative comments from the focus group to present a picture of the law practice climate for the five nondominant cohorts listed above. The report also includes suggestions for addressing specific diversity/equity/inclusion gaps and enhancing the overall climate for law practice in Oregon.

The key findings are contained in KGR+C’s report, which is posted on the OSB website. They are also developing a format for providing bar staff with data sets for further exploration that will not endanger respondent confidentiality. Staff will prepare, for comparison purposes, a baseline of answers for dominant culture correspondents and details on responses concerning bar programs.
MEMBERSHIP SPHERE

ACTION 1.1.2 Facilitate focus groups to gather feedback on member experiences.

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<th>TARGET DATE</th>
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<tbody>
<tr>
<td>2019</td>
<td>Create and conduct focus groups using the information gleaned from the climate surveys. COMMUNICATIONS</td>
<td>Complete</td>
</tr>
<tr>
<td>2020</td>
<td>Report to bar leadership on the focus group findings. COMMUNICATIONS</td>
<td>Complete</td>
</tr>
</tbody>
</table>

**Year 1 Summary:** Focus groups will be integrated into the climate survey process (see Membership Sphere 1.1.1). There is no change expected to the timing of this action item currently, although it may be completed before the 2020 target.

**Year 2 Summary:** Please see 1.1.1 above.

ACTION 1.1.3 Analyze lawyer fee rates and economic survey data to identify disparities for lawyers from nondominant cultures.

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<th>TARGET DATE</th>
<th>TARGET MEASURE</th>
<th>STATUS &amp; NEW TARGET DATE</th>
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</thead>
<tbody>
<tr>
<td>2018–2019</td>
<td>Correlate information gleaned from Action 1.1.1 and Action 1.1.2. COMMUNICATIONS</td>
<td>Pending; 2020</td>
</tr>
<tr>
<td>2019–2020</td>
<td>Use the information gathered to identify issues that warrant addressing. MEMBER SERVICES</td>
<td>Pending; 2020</td>
</tr>
</tbody>
</table>

**Year 1 Summary:** An addendum to the 2017 OSB Economic Survey (https://www.osbar.org/_docs/resources/Econsurveys/17EconomicSurvey.pdf) that focused on women lawyers and lawyers of color was completed in 2018. The results will be analyzed in combination with the results of the climate survey (Membership Sphere 1.1.1), due to be completed early in the first quarter of 2019. Per the timing of these elements, we expect to correlate information on lawyer fee rates and disparities in late 2019.

**Year 2 Summary:** Due to changes in the timeline for conducting and completing the climate survey (1.1.1), these items are pending for 2020.

**STRATEGY 2 Ensure the effective retention of diverse bar members, including members from nondominant cultures.**

ACTION 1.2.1 Develop D&I programs and other bar resources to support diverse lawyers who are new to Oregon ("lateral hires"), including lawyers from nondominant cultures.

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<tr>
<th>TARGET DATE</th>
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<tbody>
<tr>
<td>2019</td>
<td>Use the results from the Goal 1, Strategy 1 surveys, and focus groups to identify new program needs. D&amp;I</td>
<td>Pending; 2020</td>
</tr>
<tr>
<td>2020</td>
<td>Expand D&amp;I programming to address lateral hire retention. D&amp;I</td>
<td>Pending; 2020</td>
</tr>
<tr>
<td>2020</td>
<td>Expand D&amp;I programming to address new member retention. D&amp;I</td>
<td>Pending; 2020</td>
</tr>
</tbody>
</table>
MEMBERSHIP SPHERE

Year 1 Summary: Pending; expected to complete per original timeline.

Year 2 summary: See Membership Sphere 1.1.1: A draft of the climate survey and focus group results were released at the end of 2019. These will be reviewed to identify new program needs in 2020.

ACTION 1.2.2 Conduct outreach with legal employers to determine best practices for retaining lawyer employees from nondominant cultures.

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<tr>
<th>TARGET DATE</th>
<th>TARGET MEASURE</th>
<th>STATUS &amp; NEW TARGET DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018</td>
<td>Collect information from legal employers. D&amp;I</td>
<td>In progress; 2019</td>
</tr>
<tr>
<td>2019</td>
<td>Provide revised best practices toolkit to legal employers. D&amp;I</td>
<td>Pending; 2020</td>
</tr>
<tr>
<td>2020</td>
<td>Evaluate toolkit and outreach efforts. D&amp;I</td>
<td>Deferred</td>
</tr>
</tbody>
</table>

Year 1 Summary: An initial meeting with managing partners of around 20 Portland firms was held in early 2018. Given the number of people involved, scheduling has been challenging, and information collection was, therefore, not completed in 2018. However, the next meeting is expected to take place in early 2019. The related subsequent action items have been pushed forward accordingly.

Year 2 Summary: The Director of D&I continued to meet individually with managing partners to discuss retention efforts in 2019. Broader meetings with law firms regarding retention efforts will continue in 2020.

Since the meetings with legal employers are ongoing, the OSB Diversity Section voted to put the toolkit on hold until the next steps from the sessions have been established.

ACTION 1.2.3 Develop resources to assist legal employers in creating a diverse workforce.

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<th>TARGET MEASURE</th>
<th>STATUS &amp; NEW TARGET DATE</th>
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<tbody>
<tr>
<td>2018</td>
<td>Create a business case identifying the benefits of employing lawyers from nondominant cultures. D&amp;I</td>
<td>Pending; 2020</td>
</tr>
<tr>
<td>2019</td>
<td>Create resources to assist employers with lateral hire retention programs for lawyers from nondominant cultures. D&amp;I</td>
<td>Pending; 2020</td>
</tr>
<tr>
<td>2020</td>
<td>Begin to assess the impact and reach of resources. D&amp;I</td>
<td>Deferred</td>
</tr>
</tbody>
</table>

Year 1 Summary: Development of the business case is contingent on the dialogue with legal employers (Membership Sphere 1.2.2), which is ongoing, with a new target date of 2019. In the meantime, research on existing business cases has begun. As part of this work, the D&I Department is considering developing a CLE on the benefits of inclusive hiring practices.

Year 2 summary: See Membership Sphere 1.2.2.

STRATEGY 3 Encourage, support, and promote diverse bar members, including members from nondominant cultures, in seeking judicial positions.
ACTION 1.3.1 Review the bar’s process for obtaining feedback on judicial candidates to ensure it is qualitative and supports the Diversity Action Council’s (DAC) mission.

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<th>TARGET DATE</th>
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<th>STATUS &amp; NEW TARGET DATE</th>
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</thead>
<tbody>
<tr>
<td>2018</td>
<td>Modify bar bylaws to eliminate bar polls for the judicial selection process. PUBLIC AFFAIRS</td>
<td>Complete</td>
</tr>
<tr>
<td>2018</td>
<td>Survey stakeholders regarding the judicial screening process. PUBLIC AFFAIRS</td>
<td>Complete</td>
</tr>
</tbody>
</table>

**Year 1 Summary:** A draft modifying bylaws is under review by the OSB Board of Governor’s (BOG) Policy & Governance and Public Affairs Committees. We plan to seek feedback from stakeholders regarding the judicial screening process in 2019.

**Year 2 Summary:** Public Affairs Department staff solicited feedback from stakeholders on the proposed bylaws throughout 2019. The BOG then adopted the bar bylaw, eliminating bar polls for the judicial selection process in June 2019.

ACTION 1.3.2 Increase outreach to bar members, including members from nondominant cultures, regarding judicial positions.

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<tbody>
<tr>
<td>2018</td>
<td>Assess notice-of-judicial-vacancy recipient list and webpage placement of notices. PUBLIC AFFAIRS</td>
<td>Complete</td>
</tr>
<tr>
<td>2018</td>
<td>Assess placement of judicial vacancy notice to affinity bars and publications. PUBLIC AFFAIRS</td>
<td>Complete</td>
</tr>
<tr>
<td>2018</td>
<td>Modify judicial appointment recommendations process to assess cultural competency. PUBLIC AFFAIRS</td>
<td>Complete</td>
</tr>
</tbody>
</table>

**Year 1 Summary:** The judicial-vacancy-notice recipient list was updated to include affinity bar leaders and other stakeholders. A review of website placement of notices was conducted, and updates were made to increase visibility. Candidate review questions were updated to elicit information on cultural competency.

**Year 2 Summary:** Completed in 2018.

STRATEGY 4 Engage and collaborate with specialty bars and other organizations to advance diversity, equity, and inclusion in the Oregon legal community.

ACTION 1.4.1 Participate in meetings between affinity bars and OSB leadership to learn about affinity bars’ experiences and perceptions of the OSB as an institution, and of the OSB leadership.

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<th>TARGET DATE</th>
<th>TARGET MEASURE</th>
<th>STATUS &amp; NEW TARGET DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018</td>
<td>Work with affinity bars as requested to choose a facilitator and develop agendas. EXECUTIVE SERVICES</td>
<td>Complete.</td>
</tr>
<tr>
<td>2018</td>
<td>Provide OSB financial support for facilitating dialogue. D&amp;I</td>
<td>Complete.</td>
</tr>
</tbody>
</table>
MEMBERSHIP SPHERE

<table>
<thead>
<tr>
<th>Year</th>
<th>Target Measure</th>
<th>Status &amp; New Target Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018</td>
<td>Attend the meetings and ensure OSB leadership participation and follow up as appropriate. EXECUTIVE SERVICES</td>
<td>Complete</td>
</tr>
</tbody>
</table>

**Year 1 Summary:** A facilitator was agreed on and retained, and an agenda for the first meeting, which took place in July 2018, was developed. An outcome of the July discussion was to provide equity training for the BOG. The first BOG training session took place in November 2018, and content was on structural racism. Additional BOG trainings will take place in 2019. A plan for continued dialogue meetings in 2019 is to be determined.

**ACTION 1.4.2 Increase BOG awareness of and engagement in the work of affinity bars.**

<table>
<thead>
<tr>
<th>Year</th>
<th>Target Measure</th>
<th>Status &amp; New Target Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018</td>
<td>Organize a reception in conjunction with a BOG meeting, and invite affinity bars to attend and network with the BOG. EXECUTIVE SERVICES</td>
<td>Complete</td>
</tr>
<tr>
<td>2018–2020</td>
<td>Invite affinity bars to attend or submit reports to BOG meetings to report on their activities and events. EXECUTIVE SERVICES</td>
<td>Pending; 2019 – 2020</td>
</tr>
<tr>
<td>2018–2020</td>
<td>Ensure BOG representation at affinity bar events. EXECUTIVE SERVICES</td>
<td>Ongoing; 2019–2020 (2018 complete)</td>
</tr>
<tr>
<td>2019</td>
<td>Implement changes to the BOG’s participation in affinity bar work, as agreed on during the facilitated joint leadership meetings. CEO</td>
<td>Complete</td>
</tr>
</tbody>
</table>

**Year 1 Summary:** A joint Multnomah Bar Association (MBA)/OSB reception was held on January 4, 2018, in conjunction with the January BOG Committee meetings. Invitees included leaders from the BOG, OSB Oregon New Lawyers Division (ONLD), MBA, Multnomah Bar Foundation (MBF), MBA Young Lawyers Section (YLS), ACDI, OSB Diversity Section, MBA Equity, Diversity & Inclusion Committee, OAPABA, OGALLA: the LGBT Bar Association of Oregon, Oregon Hispanic Bar Association (OHBA), OMLA, OC-NBA, OFALA, Oregon Chinese Lawyers Association (OCLA), OWLS, Queen’s Bench, and Campaign for Equal Justice (CEJ). A similar reception took place in January 2019.

BOG members attended affinity bar events throughout the year, including the OHBA, OWLS, OAPABA, and OGALLA dinners. Affinity bar leaders were not explicitly invited to attend or submit reports at BOG meetings; however, the BOG president met one-on-one with the chairs of most of the affinity bar groups and attended the OMLA luncheon in the spring of 2018. The 2019 President and CEO are exploring the possibility of attending affinity bar board meetings in 2019 as an alternative method of connecting with affinity bar leaders.

**Year 2 Summary:** A joint Multnomah Bar Association (MBA)/OSB reception was held on January 10, 2019, in conjunction with the January BOG Committee meetings. Invitees included leaders from the BOG, OSB Oregon New Lawyers Division (ONLD), MBA, Multnomah Bar Foundation (MBF), MBA Young Lawyers Section (YLS), ACDI, OSB Diversity Section, MBA Equity, Diversity & Inclusion Committee, OAPABA, OGALLA: the LGBT Bar Association of Oregon, Oregon Hispanic Bar Association (OHBA), OMLA, OC-NBA, OFALA, Oregon Chinese Lawyers Association (OCLA), OWLS, Queen’s Bench, and Campaign for Equal Justice (CEJ).
BOG members attended affinity bar events throughout the year, including the OHBA, OWLS, OAPABA, OFALA, OC-NBA, and OGALLA dinners. In addition, the BOG president and CEO attended one board meeting of each of the following affinity bars: OHBA, OAPABA, OFALA, OMLA, and OC-NBA. During these meetings, we provided updates from the OSB, shared services that the OSB has available for affinity and other volunteer bar associations, learned about the work of the affinity bars, and received feedback about the OSB.

**ACTION 1.4.3 Assist affinity bars in promoting their activities and events to OSB leadership and OSB membership.**

<table>
<thead>
<tr>
<th>TARGET DATE</th>
<th>TARGET MEASURE</th>
<th>STATUS &amp; NEW TARGET DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018</td>
<td>Conduct outreach with affinity bars on the services OSB can provide to the membership. MEMBER SERVICES</td>
<td>Complete</td>
</tr>
<tr>
<td>2018</td>
<td>Improve placement and accessibility of affinity bar information on the OSB website. MEMBER SERVICES</td>
<td>In progress; 2019</td>
</tr>
<tr>
<td>2018–2020</td>
<td>Invite affinity bars to have a table and to include promotional materials at OSB events to showcase their organizations with membership. MEMBER SERVICES</td>
<td>Ongoing; 2018–2020 (2018 complete)</td>
</tr>
<tr>
<td>2019–2020</td>
<td>Include affinity bar events on the OSB website calendar in accordance with OSB communication guidelines. MEMBER SERVICES</td>
<td>Ongoing; 2018–2020 (2018 complete)</td>
</tr>
</tbody>
</table>

**Year 1 Summary:** Our Director of Member Services met with affinity bar leaders at the end of 2018 to provide a summary of available services and to answer questions about how to access them. Additionally, a new service was implemented in 2018, whereby new membership lists were distributed to affinity bar leadership to support their recruitment efforts. Mission statements and leadership contact information for each of the affinity bars were added to the D&I website, and more visible placement of this information on the primary OSB website is in progress.

Affinity bars were invited to include membership materials in new member packets for the 2018 spring and fall swearing-in ceremonies, and affinity bar events were listed on the OSB website calendar, as requested; both processes are ongoing, and will continue into 2019–2020.

**Year 2 Summary:** Affinity bars were invited to include membership materials in new member packets for the 2019 spring and fall swearing-in ceremonies, and affinity bar events were listed on the OSB website calendar, as requested; notices to newly admitted bar members now include a link to the improved placement of affinity bar information on the website. All processes are ongoing and will continue into 2020.
MEMBERSHIP SPHERE

ACTION 1.4.4 Increase OSB technical coordination with specialty bars.

<table>
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<tr>
<th>TARGET DATE</th>
<th>TARGET MEASURE</th>
<th>STATUS &amp; NEW TARGET DATE</th>
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</thead>
<tbody>
<tr>
<td>2018</td>
<td>Enhance information sharing with affinity bars for continuing legal education and activities related to OSB functions. MEMBER SERVICES</td>
<td>In progress; 2019</td>
</tr>
<tr>
<td>2018</td>
<td>Update and enhance the resource list of OSB services available to membership and communicate to affinity bars. MEMBER SERVICES</td>
<td>In progress; 2019</td>
</tr>
<tr>
<td>2018–2020</td>
<td>Provide affinity bars access to OSB membership lists through the public records request process. MEMBER SERVICES</td>
<td>2019–2020: Pending (2018 Complete)</td>
</tr>
</tbody>
</table>

Year 1 Summary: A mechanism for allowing members to join sections at dues payment/renewal was implemented in December 2018. The bar is exploring ways to include general information about the existence of affinity bars and specialty bars to the membership during the dues payment/renewal process and will continue this work in 2019.

On December 10, 2018, OSB staff met with affinity bars to discuss services that the bar provides to its membership. The OSB sought feedback from affinity bars on proposed areas of coordination. OSB will continue exploring these ideas with a plan to have a complete factsheet available in early 2019.

New member mailing lists were provided to affinity bars after swearing-in ceremonies and periodically throughout the year, as part of the bar’s public records request process. The OSB will continue to share new membership lists with affinity bars as requested through 2020.

Year 2 Summary: There were three DEI trainings for the BOG in 2019 (Impact vs. Intent; Intercultural Conflict; White Privilege; and Learning to Lead as Full Diversity Partners). BOG training sessions will continue in 2020.

STRATEGY 5 Support an effective pipeline of diverse law students, including those from nondominant cultures, who feel sustained, welcomed, and encouraged to practice law in Oregon.

ACTION 1.5.1 Increase D&I program effectiveness.

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<tr>
<th>TARGET DATE</th>
<th>TARGET MEASURE</th>
<th>STATUS &amp; NEW TARGET DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018</td>
<td>Analyze current effectiveness based on data, current trends, and known issues. D&amp;I</td>
<td>In progress; 2020</td>
</tr>
<tr>
<td>2019</td>
<td>Implement changes to D&amp;I programming based on findings of the analysis, to provide opportunities for law and pre-law students, including professional connections, legal experience, and financial support. D&amp;I</td>
<td>Pending; 2020</td>
</tr>
<tr>
<td>2019</td>
<td>Formalize D&amp;I program applicant criteria and review the application process to ensure fairness, transparency, and applicant pool reach. D&amp;I</td>
<td>Pending; 2020</td>
</tr>
<tr>
<td>2020</td>
<td>Review progress based on implemented changes. D&amp;I</td>
<td>Pending; 2020</td>
</tr>
</tbody>
</table>
DIVERSITY ACTION PLAN 2018–2020 IMPLEMENTATION REPORT: YEAR TWO

MEMBERSHIP SPHERE

Year 1 Summary: Data for D&I programs dating back to 1998 was collated, and participant surveys for 2018 D&I programs were released and analyzed. A process was developed to facilitate an effective and consistent means of tracking and recording program developments, updates, and findings, to support decision making for future program development. Completion of program analysis is expected in early 2019, contingent on the timing of new software being implemented.

The D&I Department introduced two new programs in 2018. The Collaboration and Partnership program was introduced to support community stakeholder work in retention and access to justice. Rebar is a holistic program designed to help JDs retaking the bar exam through a bar preparation course, in-person classes to develop testing skills and address known challenges, and mental health and personal support from the Oregon Attorney Assistance Program (OAAP).

Year 2 Summary: Program data collection continued for the year and is up to date through 2019.

Due to court decisions, D&I will review application criteria and processes in 2020.

ACTION 1.5.2 Support diverse law students in Oregon, including students from nondominant cultures, through mentorship and community building, to encourage them to practice in Oregon upon graduation.

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<th>STATUS &amp; NEW TARGET DATE</th>
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</thead>
<tbody>
<tr>
<td>2018</td>
<td>Collaborate with Oregon law schools and other partners to create a robust and effective Opportunities for Law in Oregon (OLIO) orientation program. D&amp;I</td>
<td>Ongoing; 2018–2020 (2018 and 2019 complete)</td>
</tr>
<tr>
<td>2019</td>
<td>Implement Oregon Council on Legal Education and Admissions to the Bar (OCLEAB) agenda item asking Oregon law schools to report on their diversity trends. ADMISSIONS</td>
<td>Complete</td>
</tr>
<tr>
<td>2020</td>
<td>Review progress based on implemented changes. D&amp;I</td>
<td>Pending; 2020</td>
</tr>
</tbody>
</table>

Year 1 Summary: OLIO Orientation took place in August 2018 in Welches, Oregon. In addition to 49 students, we welcomed approximately 90 attorneys and other legal professionals, who presented on a wide range of content. The membership was invited to attend OLIO continuing education programming. Included in the event were also 11 judge participants, representatives from each of Oregon’s affinity bars, plus members of the ONLD, OAAP, ACDI, and BOG. Student feedback, both anecdotal and via completed surveys, was overwhelmingly positive. Eighty-seven percent of survey respondents strongly agreed or agreed to the following statement: “I am leaving OLIO feeling better prepared for law school and beyond.”

Diversity trend reporting was included as an agenda item at the October 2018 OCLEAB meeting; it was agreed that D&I reports would be a standing agenda item for all future OCLEAB meetings. (See also Membership Sphere 2.4.1.)

Year 2 Summary: OLIO Orientation took place in August 2019 in Welches, Oregon, with the theme of “What Do You Wish You’d Have Known as an Incoming Law Student?” In addition to the 48 student participants, 120 attorneys were presenting on a wide range of content. Judges, affinity bar leaders, members of the ONLD, OAAP, ACDI, and BOG also participated in the program. Student feedback, both anecdotal and via completed evaluations, was overwhelmingly positive. One hundred percent of survey
respondents agreed or strongly agreed with the statement, “I am leaving OLIO feeling better prepared for law school and beyond.”

**STRATEGY 6 Increase lawyer engagement in community organizations that encourage individuals from nondominant cultures to pursue a legal education.**

**ACTION 1.6.1 Create awareness in the legal community about existing programs, to encourage individuals from nondominant cultures to pursue a legal education.**

<table>
<thead>
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<th>TARGET DATE</th>
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<th>STATUS &amp; NEW TARGET DATE</th>
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</thead>
<tbody>
<tr>
<td>2018</td>
<td>Create a list of schools with pre-law programs, high schools with mock trial programs, and other educational organizations with school engagement initiatives. D&amp;I</td>
<td>Replaced</td>
</tr>
<tr>
<td>2019</td>
<td>Work with affinity bars, sections, committees, and other bar members to encourage member participation in the programs. D&amp;I</td>
<td>Replaced</td>
</tr>
<tr>
<td>2020</td>
<td>Obtain program feedback to evaluate effectiveness and reach. D&amp;I</td>
<td>Replaced</td>
</tr>
</tbody>
</table>

**Year 1 Summary:** We will consider the value of the 2018 target measure and how it can best support our program goals in 2019.

**Year 2 Summary:** The D&I Department will redirect resources to focus on attorney retention efforts.

**GOAL 2 Identify and work to eliminate barriers in the legal profession for members from nondominant cultures.**

**STRATEGY 1 Increase OSB efforts to educate members on the value of diversity, equity, and inclusion.**

**ACTION 2.1.1 Review the applicable minimum continuing legal education (MCLE) rules and regulations to determine whether programs approved for access-to-justice credit support the DAC’s mission.**

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<th>TARGET DATE</th>
<th>TARGET MEASURE</th>
<th>STATUS &amp; NEW TARGET DATE</th>
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</thead>
<tbody>
<tr>
<td>2018</td>
<td>Identify any changes needed to the MCLE rules and regulations. D&amp;I</td>
<td>Complete</td>
</tr>
<tr>
<td>2019</td>
<td>Secure MCLE Committee and Supreme Court approval of changes to MCLE rules and regulations. GENERAL COUNSEL.</td>
<td>Redirect for 2020</td>
</tr>
</tbody>
</table>

**Year 1 Summary:** The D&I Department, MCLE Committee, and ACDI have been collaborating on proposed revisions to the MCLE Rules and Regulations, beginning with the statement of purpose. Work on the proposed revisions to the rules and regulations will continue into 2019, with a final recommendation from the D&I Department and ACDI anticipated by mid-2019. The timing for requesting approval from the MCLE Committee, BOG, and Supreme Court is therefore expected as planned in late 2019.
MEMBERSHIP SPHERE

**Year 2 Summary:** Proposed changes to the MCLE Rules and Regulations were submitted in December 2019 by the ACDI to the MCLE Committee for review. Some of the changes were approved for submission to the BOG. The proposed changes will be considered by the BOG in early 2020.

**ACTION 2.1.2** Sponsor, promote, and encourage elimination-of-bias CLE programming, including implicit bias, equity, systemic racism, institutional racism, etc.

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<th>TARGET DATE</th>
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<th>STATUS &amp; NEW TARGET DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018</td>
<td>Deliver programming regarding Oregon Rule of Professional Conduct 8.4. CLE SEMINARS</td>
<td>Complete</td>
</tr>
</tbody>
</table>

**Year 1 Summary:** The following seminars were developed: *The ABCs of Oregon Legal Services: Accessibility, Barriers, and Challenges* (June 2018); *The State of the Union: Masterpiece Cakeshop and Other LGBT Law Developments* (September 2018), and *The Science of Implicit Bias* (November 2018).

**Year 2 Summary:** “Practicing Inclusion: How to Best Represent Clients with Disabilities” was approved for 2 access to justice credits out of 6 total CLE credits. The Litigation Institute planning committee developed a program in late fall 2019 for the 2020 Litigation Institute that focused on implicit bias in litigation practice. The program was approved for 3.5 access to justice credits out of 7 total CLE credits.

**ACTION 2.1.3** Promote Legal Employers Toolkit to legal employers.

<table>
<thead>
<tr>
<th>TARGET DATE</th>
<th>TARGET MEASURE</th>
<th>STATUS &amp; NEW TARGET DATE</th>
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</thead>
<tbody>
<tr>
<td>2018</td>
<td>Work with the OSB Diversity Section to complete the toolkit. D&amp;I</td>
<td>Pending; 2020</td>
</tr>
<tr>
<td>2019</td>
<td>Distribute the toolkit. D&amp;I</td>
<td>Deferred; 2020</td>
</tr>
<tr>
<td>2020</td>
<td>Obtain feedback from toolkit recipients. D&amp;I</td>
<td>Deferred</td>
</tr>
</tbody>
</table>

**Year 1 Summary:** An RFP for completing the toolkit was released, and a consultant retained. Since the toolkit will be informed by the climate survey (Membership Sphere 1.1.1) and information gathered from legal employers (Membership Sphere 1.2.2), the new target date for toolkit completion is 2019.

**Year 2 Summary:** The OSB Diversity Section voted to put the toolkit on hold while the meetings with legal employers are in progress (Membership Sphere 1.2.3). Related target measures have been deferred accordingly.

**ACTION 2.1.4** Publish articles in the Bulletin related to diversity, equity, and inclusion.

<table>
<thead>
<tr>
<th>TARGET DATE</th>
<th>TARGET MEASURE</th>
<th>STATUS &amp; NEW TARGET DATE</th>
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</thead>
<tbody>
<tr>
<td>2018</td>
<td>Develop a plan for soliciting potential diverse contributors/subjects for articles</td>
<td>Complete</td>
</tr>
<tr>
<td></td>
<td>COMMUNICATIONS</td>
<td></td>
</tr>
<tr>
<td>2018</td>
<td>Develop a process for inviting affinity bars to submit article ideas or written submissions for publication in the Bulletin. COMMUNICATIONS</td>
<td>Ongoing; 2019–2020</td>
</tr>
<tr>
<td>2018</td>
<td>Consider developing a regular column on diversity, equity, and inclusion. COMMUNICATIONS</td>
<td>Complete</td>
</tr>
</tbody>
</table>
MEMBERSHIP SPHERE

| 2019–2020 | Publish articles supporting and promoting diversity, equity, and inclusion within the legal profession. COMMUNICATIONS | Ongoing; 2019–2020 |

**Year 1 Summary:** The Bulletin planning process includes regular coverage of OSB priorities, including diversity, equity, and inclusion. New efforts at outreach were implemented in 2018, including meeting with the ACDI to help recruit members for possible pieces and to seek content suggestions. In 2019, a new Editorial Advisory Committee will assist with planning and oversight of the publication; one of the new committee’s charges is to “Ensure that multiple and diverse perspectives are considered in planning and publishing all editorial content.”

**Year 2 Summary:** Staff continue outreach to affinity bars and other stakeholders to ensure a diversity of voices in all sections of the Bulletin. In addition to the new editorial policies, staff have developed a checklist of items for contract writers to consider, which includes the importance of diverse voices in all feature articles. Topics covered in features and profiles during 2019 include OSB’s diversity commitments (President’s feature); the definition of “Indian” and Native identity; barriers to justice for low-income Oregonians, including populations facing additional challenges due to race, ethnicity, disability, immigration status, and other characteristics; and isolation as an issue for diverse lawyers in the workplace. A new column: “Diversity, Equity & Inclusion” debuted in the May edition, and will alternate with other regular columns on law practice management, legal history, etc.

**STRATEGY 2** The BOG functions in a way that is open and inclusive of different perspectives and experiences.

**ACTION 2.2.1** Task the Board Development Committee with assessing needs and with using the assessment to provide programming for the BOG on diversity, equity, and inclusion.

<table>
<thead>
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<th>TARGET DATE</th>
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<th>STATUS &amp; NEW TARGET DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018–2020</td>
<td>BOG members conduct a self-assessment on bias (e.g., implicit bias test from the Harvard Project Implicit [<a href="https://implicit.harvard.edu/implicit/takeatest.html">https://implicit.harvard.edu/implicit/takeatest.html</a>]). CEO</td>
<td>Ongoing; 2018–2020 (2018 complete)</td>
</tr>
<tr>
<td>2018–2020</td>
<td>Include at least one session on implicit bias, institutional racism, or equity principles for BOG members each year. CEO</td>
<td>Ongoing; 2018–2020 (2018 complete)</td>
</tr>
</tbody>
</table>

**Year 1 Summary:** The BOG’s Board Development Committee discussed strategies for self-assessments during its May and June meetings. The BOG continued this discussion during its June meeting. President Nordyke (OSB President 2018) strongly encouraged BOG members to take the Harvard Project Implicit online implicit bias tests. This action item continues into 2019 and 2020.

BOG members attended a half-day equity training session in November 2018 that focused on leading organizational change. The program was led by a facilitator with experience presenting to state bars. This action item continues into 2019 and 2020.
MEMBERSHIP SPHERE

Year 2 Summary: There were four DEI trainings for the BOG in 2019 (Impact vs. Intent; Intercultural Conflict; White Privilege; and Learning to Lead as Full Diversity Partners). BOG training sessions will continue in 2020.

ACTION 2.2.2 Adopt a BOG policy to review all bar programs, services, and activities with impact on lawyers from nondominant cultures as a factor for evaluation.

<table>
<thead>
<tr>
<th>TARGET DATE</th>
<th>TARGET MEASURE</th>
<th>STATUS &amp; NEW TARGET DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018</td>
<td>Policy is reviewed by BOG Policy &amp; Governance Committee and BOG. CEO</td>
<td>Complete</td>
</tr>
<tr>
<td>2018</td>
<td>Implement the policy and incorporate it into BOG orientation materials and online resources. CEO</td>
<td>Complete</td>
</tr>
</tbody>
</table>

Year 1 Summary: At the June 2018 BOG meeting, the BOG’s Policy & Governance Committee recommended that the BOG adopt a program review policy that includes an impact on lawyers from nondominant cultures as a factor for evaluation. The new policy has been implemented and was used to evaluate a proposed new leadership academy, and is included in online resources.

Year 2 Summary: N/A

STRATEGY 3 Support an open and inclusive award selection process for all OSB groups.

ACTION 2.3.1 Encourage transparency in the award nomination and selection processes.

<table>
<thead>
<tr>
<th>TARGET DATE</th>
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<th>STATUS &amp; NEW TARGET DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018-2019</td>
<td>Develop a policy and nomination form template for section awards. MEMBER SERVICES</td>
<td>In progress; 2020</td>
</tr>
<tr>
<td>2019–2020</td>
<td>Encourage and assist sections and the Oregon New Lawyers Division (ONLD) with promoting their award nomination process to affinity bars. MEMBER SERVICES</td>
<td>ONLD Complete; Sections Pending- 2020</td>
</tr>
</tbody>
</table>

Year 1 Summary: A nomination form template and suggested process has been drafted and is under review. Our target date for the final version is June 2019, just before most sections begin their award nomination process.

Year 2 Summary: The ONLD reviewed its process for recruitment and selection of award recipients, and in an effort to be more inclusive, the division expanded its notification seeking award nominations to all affinity and specialty bars in 2019. The division also utilized a committee to select award honorees rather than its prior method of allowing the chair to choose recipients unilaterally.

A template and revised process guiding sections on their award process is still underway.

STRATEGY 4 Review the admissions process to determine whether all applicants are treated equitably under the admission rules and procedures.
ACTION 2.4.1 Create policies and procedures establishing the appropriate collection and use of demographic data from applicants.

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<th>STATUS &amp; NEW TARGET DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018</td>
<td>Review current rules, policies, and procedures to determine best practices for collecting and using demographic data. ADMISSIONS</td>
<td>Complete</td>
</tr>
<tr>
<td>2019</td>
<td>Make changes to policies and procedures as needed to safeguard data collected from being used or made available for an admission decision related to any particular applicant. ADMISSIONS</td>
<td>Complete</td>
</tr>
<tr>
<td>2020</td>
<td>Make changes to policies and procedures, where necessary, to appropriately collect and use demographic data for statistical analysis. ADMISSIONS</td>
<td>Pending; 2020</td>
</tr>
</tbody>
</table>

**Year 1 Summary:** Research into data collection practices of other state bars was conducted. The October 2018 OCLEAB agenda included a request to hear from law schools about trends in law school applications, law school admissions processes, and standards, and overall job market data, including information on job placements for recent graduates. Oregon’s law schools reported on their incoming classes and the general job market for new lawyers, and they engaged in a productive discussion with the OSB’s D&I Director regarding ideas to keep applicants from nondominant cultures in Oregon. Each law school reported that it had its most diverse class yet. Each dean offered to share demographic data with the D&I Department. The Council agreed that D&I reports would be part of all future OCLEAB meetings.

**Year 2 Summary:** A review of Admissions Department policies and procedures showed that we immediately remove any voluntary demographic data in an applicant’s file. This policy will continue when we move to an online application and will happen automatically rather than relying on staff to remove the data. Therefore, our protections will be even more robust when we move to the online application.

ACTION 2.4.2 Collect data from the OSB Admissions Department, Oregon law schools, and applicants, to identify admissions trends of demographic groups.

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<th>TARGET MEASURE</th>
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</tr>
</thead>
<tbody>
<tr>
<td>2020</td>
<td>Ask OSB applicants to self-identify as part of the application process. ADMISSIONS</td>
<td>Pending; 2020</td>
</tr>
<tr>
<td>2020</td>
<td>Begin to review data with respect to identifying admissions trends by demographic. ADMISSIONS</td>
<td>Pending; 2020</td>
</tr>
</tbody>
</table>

**Year 1 Summary:** Implementation is expected in 2020 per the original target date.

**Year 2 Summary:** Implementation of this action item is expected in 2020 per the original target date.

**GOAL 3 Enrich the OSB by increasing the diversity of member representation in volunteer and leadership roles.**

**STRATEGY 1 Educate OSB member groups on the value of diversity, equity, and inclusion.**

ACTION 3.1.1 Create a benefit statement supporting the value of diversity.
MEMBERSHIP SPHERE

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<th>STATUS &amp; NEW TARGET DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018</td>
<td>Seek input from affinity bars and other stakeholders in creating the benefit statement. MEMBER SERVICES</td>
<td>Complete; 2019</td>
</tr>
<tr>
<td>2018</td>
<td>Gather baseline data to determine current member involvement in OSB volunteer and leadership roles. MEMBER SERVICES</td>
<td>Complete</td>
</tr>
<tr>
<td>2019</td>
<td>Distribute the benefit statement to bar groups. MEMBER SERVICES</td>
<td>Complete; 2019</td>
</tr>
<tr>
<td>2020</td>
<td>Evaluate the effectiveness of these education efforts, based on changes identified in overall volunteer participation. MEMBER SERVICES</td>
<td>Pending; 2020</td>
</tr>
</tbody>
</table>

**Year 1 Summary:** Baseline data for 2018 volunteers was gathered and evaluated based on four broad categories of OSB involvement: committees, discipline boards, member-elected groups (i.e., BOG and HOD), and self-elected groups (i.e., ONLD and OSB sections). In looking at the four self-reported demographic areas, data indicated committee members are significantly more likely than the other OSB volunteer types to report their demographic information. In turn, the data showed higher participation of historically underrepresented groups in all four demographic categories compared to OSB membership data. Please refer to the report appendix (pages 44-46) for a summary of this baseline data.

**Year 2 Summary:** In 2019, volunteer data was again gathered and reviewed. No significant changes were noted from the 2018 data. Because most volunteer terms are more than one year in length, the makeup of a volunteer board or committee does not change drastically from year to year. However, one issue that affects the results of the data tracking is the number of members who self-report continues to increase as new bar members are admitted to practice. This issue has been flagged, and it is under consideration of how and when to begin requesting member input on demographic questions again.

**STRATEGY 2 Increase diversity on all OSB self-electing boards and in membership elected positions.**

**ACTION 3.2.1 Encourage a diverse pool of candidates for BOG and House of Delegates (HOD) elections.**

<table>
<thead>
<tr>
<th>TARGET DATE</th>
<th>TARGET MEASURE</th>
<th>STATUS &amp; NEW TARGET DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018–2020</td>
<td>BOG members actively encourage diverse members, including members from nondominant cultures, to run for vacant positions on the BOG and HOD (annually). MEMBER SERVICES</td>
<td>Ongoing; 2020 (2018 and 2019 complete)</td>
</tr>
<tr>
<td>2018–2020</td>
<td>Encourage affinity and local bars to inform their members of BOG and HOD vacancies, including listserve and website postings. MEMBER SERVICES</td>
<td>Ongoing; 2020 (2018 and 2019 complete)</td>
</tr>
<tr>
<td>2018–2020</td>
<td>Encourage affinity and local bars to promote the importance of voting in HOD and BOG elections to their membership. MEMBER SERVICES</td>
<td>Ongoing; 2020 (2018 and 2019 complete)</td>
</tr>
</tbody>
</table>
MEMBERSHIP SPHERE

Year 1 Summary: The BOG Board Development Committee conducted outreach with each of the affinity bars regarding the BOG and HOD elections. Additional members of the BOG and staff engaged with members from nondominant cultures when encouraging members to run for election. When voting opened for the BOG election, affinity bars were asked to encourage their members to participate in the election. See Membership Sphere 3.1.1 regarding baseline data gathered for member-elected volunteers.

Year 2 Summary: The BOG Board Development Committee continued to build relationships with affinity and specialty bar leaders throughout 2018 and 2019. During recruitment for the BOG and HOD elections, Board members engaged leaders from affinity bars and encouraged candidates from nondominant cultures to run for election. When voting opened for the BOG and HOD election, affinity bar leaders were again asked to encourage their members to vote in the election.

**ACTION 3.2.2 Increase diversity of member representation on self-electing boards to reflect the diversity of the OSB membership.**

<table>
<thead>
<tr>
<th>TARGET DATE</th>
<th>TARGET MEASURE</th>
<th>STATUS &amp; NEW TARGET DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018</td>
<td>BOG review of ONLD bylaws and policies to ensure the election process is transparent and supports equity and inclusion. CEO</td>
<td>Complete</td>
</tr>
<tr>
<td>2018</td>
<td>Meet with sections during the annual meeting process to share the benefit statement (Action 3.1.1). MEMBER SERVICES</td>
<td>Ongoing through 2020</td>
</tr>
<tr>
<td>2019–2020</td>
<td>Include demographic data on membership lists and rosters. MEMBER SERVICES</td>
<td>Ongoing; 2020 (2018 and 2019 complete)</td>
</tr>
<tr>
<td>2019</td>
<td>BOG review of section bylaws and policies to ensure the election process is transparent and supports equity and inclusion. CEO</td>
<td>Expected for 2020</td>
</tr>
</tbody>
</table>

Year 1 Summary: Proposed changes to the ONLD bylaws relating to the election process were drafted and submitted to the ONLD and ACDI for input. Changes were then submitted to the BOG’s Policy & Governance Committee for approval. The BOG adopted the proposed ONLD bylaws changes at its meeting on November 21, 2018. Changes to the section bylaws will be considered in 2019. The review of section bylaws has been separated out from the ONLD bylaws, and a new target date of 2019 has been added.

OSB’s Director of Member Services met with several sections to discuss the Diversity Action Plan (DAP) in 2018. To support sections in considering diversity as a factor when selecting volunteers for the nominating committee and executive committee slate, the OSB shared members’ self-reported data with select section leaders. See Membership Sphere 3.1.1 regarding baseline data gathered for self-elected board volunteers.

Year 2 Summary: Staff continues to share demographic membership information with section leaders when they are developing annual meeting slates. During this selection period, leaders are reminded of the benefits and suggested methods for ensuring a balanced slate of nominees future executive committee rosters. The Board of Governors is expected to review section bylaws during the summer of 2020.

**STRATEGY 3 Encourage diversity of volunteer speakers and planners for CLE events.**
ACTION 3.3.1 Provide a resource list of affinity bars to bar groups planning CLE events.

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<tr>
<th>TARGET DATE</th>
<th>TARGET MEASURE</th>
<th>STATUS &amp; NEW TARGET DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018</td>
<td>Develop a list of affinity bars and include a description of the affinity bars’ mission statements. CLE SEMINARS</td>
<td>Complete</td>
</tr>
<tr>
<td>2019</td>
<td>Incorporate the DAC’s mission and affinity bars list in CLE co-sponsorship guidelines. CLE SEMINARS</td>
<td>Pending; 2020</td>
</tr>
</tbody>
</table>

**Year 1 Summary:** The list, which will include mental health and substance use resources in addition to affinity bar information, has been finalized.

**Year 2 Summary:** Due to changes with respect to court decisions, this action item will be reviewed for possible modifications.

ACTION 3.3.2 Look for opportunities to collaborate with affinity bars for CLE events.

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<tr>
<th>TARGET DATE</th>
<th>TARGET MEASURE</th>
<th>STATUS &amp; NEW TARGET DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018</td>
<td>Conduct an inventory of existing bar CLE events that would be suitable for collaboration with affinity bars; evaluate areas for further coordination for affinity bar CLEs. CLE SEMINARS</td>
<td>In progress; 2019</td>
</tr>
<tr>
<td>2019</td>
<td>Create a bar CLE resource guide for affinity bars. CLE SEMINARS</td>
<td>Pending; 2020</td>
</tr>
<tr>
<td>2020</td>
<td>Distribute the guide and begin CLE event collaboration with affinity bars. CLE SEMINARS</td>
<td>Pending; 2020</td>
</tr>
</tbody>
</table>

**Year 1 Summary:** An inventory of existing bar CLE events for possible collaboration is being conducted and is expected to be available by the end of June 2019.

**Year 2 Summary:** Due to changes with respect to court decisions, this action item will be reviewed for possible modifications.

ACTION 3.3.3 Look for opportunities to diversify the pool of CLE speakers.

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<tr>
<th>TARGET DATE</th>
<th>TARGET MEASURE</th>
<th>STATUS &amp; NEW TARGET DATE</th>
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</thead>
<tbody>
<tr>
<td>2018-2020</td>
<td>Distribute the Leadership and Volunteer Opportunities CLE Speaker reports to section executive committees annually, with a reminder that the CLE planning committees have this resource and should consider diversity when selecting CLE subject-matter experts. MEMBER SERVICES</td>
<td>Ongoing; 2020 (2018 and 2019 complete)</td>
</tr>
</tbody>
</table>

**Year 1 Summary:** The Director of Member Services met with section executive committees and shared volunteer lists throughout 2018.

**Year 2 Summary:** Staff continued to share the speaker volunteer list with sections in 2019 as requested. Further consideration of the effectiveness of this target measure is needed since only a few sections utilize this resource, instead opting to identify speakers they have seen present to other audiences. Additional
consideration should also be given to developing presentation skills for members who do not have such experience with the goal of widening the pool of potential subject matter expertise who are willing to present at a CLE program.

**STRATEGY 4 Collaborate with the BOG and Board Development Committee to increase the diversity of lawyers and public member-volunteers appointed by the BOG.**

**ACTION 3.4.1 Increase outreach to a diverse group of lawyers and nonlawyers, including individuals from nondominant cultures, for OSB volunteer positions.**

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<thead>
<tr>
<th>TARGET DATE</th>
<th>TARGET MEASURE</th>
<th>STATUS &amp; NEW TARGET DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018</td>
<td>Organize an event co-sponsored by the OSB’s D&amp;I Department, the BOG, and affinity bars, to explain OSB leadership opportunities, selection processes for OSB volunteer appointments, and application processes for the BOG and HOD. D&amp;I</td>
<td>2019 Complete</td>
</tr>
<tr>
<td>2018</td>
<td>Request that affinity and local bars include a link to the OSB Volunteer Survey on their websites. MEMBER SERVICES</td>
<td>Ongoing; 2019–2020 (2018 Complete)</td>
</tr>
<tr>
<td>2018-2020</td>
<td>Provide notices of volunteer and leadership opportunities to affinity and local bar organizations for distribution to their members and through their respective newsletters, including to community organizations that support individuals from nondominant cultures. MEMBER SERVICES</td>
<td>Ongoing; 2019–2020 (2018 Complete)</td>
</tr>
</tbody>
</table>

**Year 1 Summary:** We are reconsidering this event, and will request feedback from affinity bars on whether other approaches would be more valuable.

Recruitment for lawyers and public members was completed in 2018.

**Year 2 Summary:** The OSB President and CEO met with affinity bar leaders to discuss OSB leadership opportunities.

**ACTION 3.4.2 Educate the Board Development Committee members on the need to review appointment recommendations and decisions through an equity lens.**

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<thead>
<tr>
<th>TARGET DATE</th>
<th>TARGET MEASURE</th>
<th>STATUS &amp; NEW TARGET DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018-2020</td>
<td>Conduct an annual review of appointments with a focus on demographic and geographic factors. MEMBER SERVICES</td>
<td>Ongoing; 2019–2020</td>
</tr>
</tbody>
</table>

**Year 1 Summary:** The BOG completes its annual appointments cycle in November during its final meeting of the year. A review of the appointments made in 2018 was conducted in January 2019 with the BOG’s Board Development Committee.

**Year 2 Summary:** The BOG completed its annual appointments cycle in November during its last meeting of the year. A review of the appointments made in 2019 was conducted in February 2020 with the BOG’s
MEMBERSHIP SPHERE

Board Development Committee. Further detail on this target is outlined in action item 3.1.1 and is supported by an exhibit in the appendix (pages 58-60).

**ACTION 3.4.3 Ensure the appointment process is efficient and effective and that the BOG has enough member information.**

<table>
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<tr>
<th>TARGET DATE</th>
<th>TARGET MEASURE</th>
<th>STATUS &amp; NEW TARGET DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018</td>
<td>Board Development Committee reviews and refines internal processes. MEMBER SERVICES</td>
<td>Complete</td>
</tr>
</tbody>
</table>

**Year 1 Summary:** The review was conducted. Revisions to processes for appointment were initially implemented during the September 2018 Board Development Committee meeting. The committee will continue to discuss and refine its appointment process as necessary based on results from the annual review of appointments described in Membership Sphere 3.4.2.

**STRATEGY 5 Develop a leadership institute for Oregon lawyers who support the mission of the D&I Department, including lawyers from nondominant cultures.**

**ACTION 3.5.1 Address gaps and barriers to leadership positions within the BOG and affinity bars for underrepresented members of the bar.**

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<th>TARGET DATE</th>
<th>TARGET MEASURE</th>
<th>STATUS &amp; NEW TARGET DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018</td>
<td>Identify gaps and barriers. D&amp;I</td>
<td>In progress; 2020</td>
</tr>
<tr>
<td>2019</td>
<td>Craft a proposed course curriculum. D&amp;I</td>
<td>In progress; 2020</td>
</tr>
<tr>
<td>2020</td>
<td>Implement the course. D&amp;I</td>
<td>Pending; 2020</td>
</tr>
</tbody>
</table>

**Year 1 Summary:** The 2018 action item to identify gaps and barriers has been pushed forward to allow for our approach to be informed by stakeholder feedback from the climate survey (Membership Sphere 1.1.1) and the affinity bar dialogue (Membership Sphere 1.4.1.)

As a precursor to the curriculum development process, a cohort of affinity bar leaders and other stakeholders attended the State Bar of Arizona’s Leadership Institute in April 2018, to learn from its approach. The BOG has approved an ad hoc committee to craft a course curriculum, and this work will begin in 2019 in tandem with the preceding target measure to identify gaps and barriers.

**Year 2 Summary:** The ad hoc Leadership Institute Committee met throughout the second half of 2019 and successfully drafted a Leadership Institute program proposal. The proposed program included a mission statement, goals, advisory board charge, curriculum themes, application criteria, and application questions. This program was approved by the BOG at its November meeting. The Leadership Institute Advisory Board had their first meeting in December 2019 in anticipation of a September 2020 Institute launch.
STRATEGY 6 Encourage diversity of volunteer editorial review boards and authors for Legal Publications books.

ACTION 3.6.1 Increase representation of diverse members, including members from nondominant cultures, on Legal Publications editorial review boards, and as authors.

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<tr>
<th>TARGET DATE</th>
<th>TARGET MEASURE</th>
<th>STATUS &amp; NEW TARGET DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018</td>
<td>Contact local and affinity bars when recruiting new editorial board members and authors. LEGAL PUBLICATIONS</td>
<td>Pending; 2019</td>
</tr>
<tr>
<td>2019</td>
<td>Revise Editorial Review Board Guidelines to strongly encourage editorial review boards to consider diversity in identifying potential authors. LEGAL PUBLICATIONS</td>
<td>Pending; 2020</td>
</tr>
<tr>
<td>2020</td>
<td>Evaluate the effectiveness of efforts to increase the diversity of editorial boards and author pool. LEGAL PUBLICATIONS</td>
<td>Pending; 2020</td>
</tr>
</tbody>
</table>

**Year 1 Summary:** Affinity bars were contacted for inclusion in the author recruitment survey for a recent publication. In 2019, we plan to brainstorm additional methods of making editorial boards and author pools more inclusive and to collaborate with the D&I Department on recruitment outreach.

**Year 2 Summary:** In 2019, the focus for new editorial review boards turned to the issue of professionalism, and including professionalism tips in our publications. As a result, changes to the editorial board guidelines related to the diversity of the author pool have not yet been developed.

ACTION 3.6.2 Include more detailed biographical information and pictures of authors in the front matter of books, to showcase diversity involvement.

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<th>TARGET DATE</th>
<th>TARGET MEASURE</th>
<th>STATUS &amp; NEW TARGET DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018</td>
<td>Select two publications to include more detailed biographical information. LEGAL PUBLICATIONS</td>
<td>Complete</td>
</tr>
<tr>
<td>2019</td>
<td>Increase the number of publications that include detailed biographical information. LEGAL PUBLICATIONS</td>
<td>Ongoing; 2020</td>
</tr>
</tbody>
</table>

**Year 1 Summary:** The first publication with an extended bio was published in 2018 (Veterans, Military Service Members, and the Law). Three more publications are planned for a 2019 release with expanded bios: ADR in Oregon, Construction Law, and Insurance Law.

**Year 2 Summary:** In 2019, we released two books with extended author bios, including photos, in the front of the books: Construction Law and ADR in Oregon. Other books released in 2019 did not include extended bios, to maintain consistency with prior books in a series. Insurance Law, which has been delayed to 2020, will include extended bios. Going forward, the department plans to include extended bios for all publications.

STRATEGY 7 Evaluate the effectiveness of the New Lawyer Mentoring Program (NLMP) with respect to lawyers from nondominant cultures.
MEMBERSHIP SPHERE

**ACTION 3.7.1** Survey new lawyer participants to determine their level of satisfaction with the NLMP.

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<tr>
<th>TARGET DATE</th>
<th>TARGET MEASURE</th>
<th>STATUS &amp; NEW TARGET DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018</td>
<td>Review the existing new lawyer survey and determine whether additional information needs to be gathered. MEMBER SERVICES</td>
<td>In progress; 2019</td>
</tr>
<tr>
<td>2018</td>
<td>Modify the survey as necessary and implement it for all new lawyers upon program completion. MEMBER SERVICES</td>
<td>Completed in 2018</td>
</tr>
<tr>
<td>2019</td>
<td>Use the information gathered to identify issues that warrant addressing. MEMBER SERVICES</td>
<td>Annually</td>
</tr>
</tbody>
</table>

**Year 1 Summary:** Staff has reviewed the NLMP Completion Survey and identified several necessary changes to make the data gathered more useful in evaluating the experiences of new lawyer program participants.

**Year 2 Summary:** After revising the NLMP completion survey in 2018, staff slowly began gathering data to evaluate further the experience participants had through their mentoring relationship. In 2019 alone, 320 new lawyers completed the program, far fewer provided feedback through the NLMP survey, and less than a dozen members from a nondominant culture participated in the survey. Of those who did respond, responses indicated that members had a more favorable feeling toward the mentor with whom they were matched but overall were less satisfied with the program. Additional monitoring and further evaluation of the feedback will be conducted in 2020 to see if it was a sample size issue or a systemic issue.

**ACTION 3.7.2** Increase the pool of diverse mentors participating in the NLMP, including mentors from nondominant cultures.

<table>
<thead>
<tr>
<th>TARGET DATE</th>
<th>TARGET MEASURE</th>
<th>STATUS &amp; NEW TARGET DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018–2020</td>
<td>Evaluate mentor availability and areas of underrepresentation. MEMBER SERVICES</td>
<td>Annually; 2018–2020 (2018 and 2019 complete)</td>
</tr>
<tr>
<td>2018–2020</td>
<td>Conduct targeted outreach to ensure adequate availability of mentors from diverse member groups, including nondominant cultures. MEMBER SERVICES</td>
<td>Annually; 2018 and 2019 complete</td>
</tr>
</tbody>
</table>

**Year 1 Summary:** Program staff reviewed the pool of mentors and determined that additional recruitment of mentors outside the dominant culture would benefit the program. In early 2019, staff will conduct targeted outreach to affinity bars, specialty bars, and other stakeholders in an effort to increase the availability of mentors from outside the dominant culture.

**Year 2 Summary:** In 2019, the program saw a decrease in the rate of new mentors volunteering, with only about 50 new volunteers signing up throughout the year. The total number of mentors participating in the program is just shy of 1,800 members, with the demographics of these mentors mirroring those of the OSB membership as a whole. Staff will continue to monitor this, to determine whether new recruitment measures should be taken.
MEMBERSHIP SPHERE

ACTION 3.7.3 Review NLMP database fields to ensure adequate information is available when matches are made.

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<tr>
<th>TARGET DATE</th>
<th>TARGET MEASURE</th>
<th>STATUS &amp; NEW TARGET DATE</th>
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</thead>
<tbody>
<tr>
<td>2018</td>
<td>Revise NLMP forms as needed. MEMBER SERVICES</td>
<td>Ongoing; 2020 (2018 and 2019 complete)</td>
</tr>
</tbody>
</table>

Year 1 Summary: Current database questions elicit sufficient new lawyer and mentor information to make effective mentor matches. Ongoing consideration is required to determine how to best use mentor information during the matching process.

Year 2 Summary: Feedback from the completion survey suggests sufficient information is obtained from new lawyers and mentors to make effective program matches. See measure 3.7.1 for further detail.
GOAL 1 Increase representation and legal services to underserved and hard-to-reach communities in Oregon.

STRATEGY 1 Assess the civil legal needs of low-income Oregonians statewide, including hard-to-reach populations.

ACTION 1.1.1 Conduct planned Civil Legal Needs Study (CLNS) that provides comprehensive information about the legal needs of low-income Oregonians, including hard-to-reach populations.

<table>
<thead>
<tr>
<th>TARGET DATE</th>
<th>TARGET MEASURE</th>
<th>STATUS &amp; NEW TARGET DATE</th>
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</thead>
<tbody>
<tr>
<td>2018</td>
<td>Gather and analyze CLNS data. OLF</td>
<td>Complete</td>
</tr>
<tr>
<td>2018</td>
<td>Publish and share CLNS data with a wide range of stakeholders. OLF</td>
<td>Ongoing; 2019</td>
</tr>
<tr>
<td>2018</td>
<td>Conduct a media campaign to share the results of the CLNS. COMMUNICATIONS</td>
<td>Complete</td>
</tr>
</tbody>
</table>

Year 1 Summary: The CLNS report is complete, and a one-page legislative advocacy piece has been completed using the CLNS data to be used in the 2019 Legislative Session to advocate for increased legal aid funding.

The CLNS will be published and shared with a wide range of stakeholders in 2019, and there will be a media campaign to share the results.

Year 2 Summary: The OSB conducted a media campaign through February and March to share the results of the CLNS, and to supplement legal services advocacy work with the legislature. The study was covered in the Oregonian, Bend Bulletin, Register Guard, Salem Reporter, and Wallowa Chieftain. The Oregonian coverage also included editorial support for adequate funding for legal services. Staff also worked with LASO leadership on preparation for additional follow-up interviews in the spring. A key objective for 2020 will be to increase the use of the OSB’s social media platforms to raise awareness with both members and the public of legal services programs and needs.

The CLNS was published in 2019 and has already been used in a number of contexts. At the beginning of the year, results were used to advocate in the Oregon Legislature for increased funding for legal aid. The result is the first increase in legal aid funding since 2011. Beyond the legislature, the LSP worked with communications to attract statewide news coverage of the report’s findings. Legal aid providers have used the CLNS in their most recent strategic planning, and the CEJ is using the CLNS in their fundraising appeals. Additionally, Immigration legal providers have used parts of the CLNS in their fundraising and advocacy. Efforts continue to engage the philanthropic community with the results of the CLNS.

ACTION 1.1.2 Use the results of the CLNS to inform the legal services provided by the integrated statewide legal aid programs in accordance with the OSB Legal Services Program (LSP) Standards and Guidelines.
**PUBLIC OUTREACH SPHERE**

<table>
<thead>
<tr>
<th>Year</th>
<th>Action Description</th>
<th>Target Date</th>
<th>Status &amp; New Target Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>2019</td>
<td>Legal aid providers review the results and use these results on an ongoing basis as a factor when setting priorities for legal services and developing access strategies for low-income Oregonians, including hard-to-reach populations. LSP</td>
<td>Ongoing</td>
<td>2020 (2019 complete)</td>
</tr>
</tbody>
</table>

**Year 1 Summary:** As described in Public Outreach Sphere 1.1.1, preliminary analysis has been completed. The legal aid providers are aware of the results and were involved in preparing the final CLNS report in addition to assisting in the preparation of the one-page legislative advocacy piece. The legal aid providers will use the results of the CLNS coupled with information gathered from local/regional client needs assessments when setting priorities for legal service. This will begin in 2019 and will be an ongoing process.

Information about how the legal aid providers have incorporated the results of the CLNS when setting priorities for legal services will be included in the periodic accountability review of the legal aid providers conducted by the Legal Services Program.

**Year 2 Summary:** In 2019, the civil legal aid providers engaged in statewide strategic planning. This planning process was initiated to contemplate the use of a large cy pres award, but the timing also allowed for immediate use of information from the CLNS in the strategic planning process. The next accountability review in 2021 will consider the implementation of this new strategic plan based in part on the CLNS.

**ACTION 1.1.3 Use the results of the CLNS to inform the access strategies for low-income and hard-to-reach populations by the Oregon State Bar.**

<table>
<thead>
<tr>
<th>Year</th>
<th>Target Measure</th>
<th>Status &amp; New Target Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>2019</td>
<td>Review the results of the CLNS for possible OSB program changes. LSP</td>
<td>Pending; 2020</td>
</tr>
<tr>
<td>2020</td>
<td>Develop a plan for implementing access strategies. LSP</td>
<td>Pending; 2020</td>
</tr>
</tbody>
</table>

**Year 1 Summary:** These target measures are anticipated to be completed as planned. As a stakeholder, the OSB received the final CLNS report early in 2019. A review process will be set up to assess possible OSB program changes with a view to implementing access strategies.

**Year 2 Summary:** Although the CLNS was received by the OSB in early 2019, a process has not been set up to assess possible program changes. It is anticipated that it will be accomplished in 2020.

**STRATEGY 2 Ensure that the integrated statewide legal aid programs are targeting their services based on the most compelling needs of the client community, including hard-to-reach and diverse populations, including nondominant cultures, in accordance with the OSB LSP Standards and Guidelines.**

**ACTION 1.2.1 LSP staff conduct the accountability process outlined in the Standards and Guidelines.**

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<th>Target Date</th>
<th>Target Measure</th>
<th>Status &amp; New Target Date</th>
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</table>
**PUBLIC OUTREACH SPHERE**

<table>
<thead>
<tr>
<th>Year</th>
<th>Activity Description</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018</td>
<td>Staff, legal aid providers, and the LSP Committee review the current accountability process and make changes as necessary, including incorporating a review of effective technology. LSP</td>
<td>Complete</td>
</tr>
<tr>
<td>2018</td>
<td>Complete the accountability process and submit a report to the BOG. LSP</td>
<td>Complete</td>
</tr>
<tr>
<td>2019</td>
<td>Legal aid providers implement recommendations from the 2018 review process. LSP</td>
<td>Ongoing; 2020</td>
</tr>
</tbody>
</table>

**Year 1 Summary:** The LSP Committee and staff conducted an accountability review of the legal aid providers, and a draft report is complete. Staff and the LSP Committee reviewed the findings with all three legal aid providers in December 2018. The report is scheduled to be submitted to the BOG in early 2019. It is anticipated that providers will address the findings outlined in the report by the end of 2019.

**Year 2 Summary:** The LSP finalized the 2018 accountability report and presented the results to the BOG in April 2019. Providers have begun to implement the recommendations contained in the report, but some recommendations will take time to implement. The LSP will continue to monitor the progress made by the legal aid providers in 2020. Changes made based on the 2018 report will play a significant role in the next planned accountability review in 2021.

**STRATEGY 3 Increase pro bono representation of low-income Oregonians and hard-to-reach populations.**

**ACTION 1.3.1 Establish a baseline of current pro bono hours.**

<table>
<thead>
<tr>
<th>TARGET DATE</th>
<th>TARGET MEASURE</th>
<th>STATUS &amp; NEW TARGET DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018</td>
<td>Using the American Bar Association (ABA) survey results and hours reported by OSB Certified Pro Bono Programs, establish a baseline of pro bono hours. LSP</td>
<td>Complete</td>
</tr>
</tbody>
</table>

**Year 1 Summary:** The data needed to establish a baseline of pro bono hours has been gathered, including results of the ABA pro bono survey and voluntary reporting data from Oregon attorneys. Analysis needs to be performed in order to use the ABA survey to determine a scaling factor to move from self-reported pro bono hours to an estimate of pro bono hours performed. Analysis of the CLNS performed by the Oregon Law Foundation (OLF) may allow for an additional assessment of the number of individuals under 125 percent of the poverty level helped by pro bono attorneys.

**Year 2 Summary:** Efforts were made to compile pro bono statistics from the three information sources available to the bar: the ABA Survey information regarding pro bono completed in 2016, the Civil Legal Needs Study estimate of pro bono cases completed in 2017 and OSB member self-reported pro bono hours from the 2017 Pro Bono Roll Call.

In the ABA survey, 60% of respondents reported doing some pro bono work in 2016, and for those reporting some time, the average number of hours completed was 74.4. Extrapolating from the report that 14.3% of respondents to the Civil Legal Needs Study who received legal help got that help from a volunteer or unpaid attorney suggests that around 18,000 households below 125% of the poverty level
received support from a pro bono attorney in 2017. The Pro Bono Roll Call for 2017 saw 9.7% of active attorneys, 1,481, report doing a total of 45,210 hours of direct representation pro bono work. Further attorneys reported in the 2017 Roll Call that they performed an average of 30.5 hours of direct representation pro bono.

Because all three of these data sources have their own limitations and peculiarities, comparing the three to each other is nearly impossible. Instead of there being a single baseline number for pro bono, there is a collection of baseline numbers related to pro bono. Each set of numbers is valuable in its realm and may be compared over time with other figures gathered in a similar way.

Next Steps: The Roll Call occurs annually, and there is a fifteen-year data set related to the roll call. For the other statistics to be updated, the Bar will have to decide to the membership or the public.

**ACTION 1.3.2 Use the results of the ABA pro bono survey to develop strategies that are focused on nondominant cultures and hard-to-reach populations.**

<table>
<thead>
<tr>
<th>TARGET DATE</th>
<th>TARGET MEASURE</th>
<th>STATUS &amp; NEW TARGET DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018</td>
<td>Identify barriers to lawyers doing pro bono work and develop a plan for addressing them. LSP</td>
<td>Pending; 2020</td>
</tr>
<tr>
<td>2019</td>
<td>Implement the plan to address barriers to lawyers doing pro bono work. LSP</td>
<td>Pending; 2020</td>
</tr>
<tr>
<td>2020</td>
<td>Survey OSB membership on pro bono work. LSP</td>
<td>Pending; 2020</td>
</tr>
</tbody>
</table>

**Year 1 Summary:** Of the top barriers to doing pro bono work identified by the ABA Pro Bono Survey, seven are related to time: fears of not having enough time to do pro bono work and worries that pro bono work would take more time than expected. These time concerns show the need to have discrete pro bono opportunities. These opportunities might be carefully defined unbundled services, implementing ABA Free Legal Answers, or encouraging more providers to conduct drop-in or “advise and refer” clinics.

Also, present in the top ten barriers reported were concerns related to the subject area of pro bono work: fears of not having sufficient knowledge of practice areas and of not having an interest in the subject areas in which pro bono cases are available. Rounding out the top ten was a preference to do nonlegal volunteering.

An approach to addressing some of these barriers might be through marketing—communicating that pro bono is doable, even if you are not a subject expert, pro bono is satisfying no matter the subject area, and pro bono makes an important difference in people’s lives.

The ABA survey also identified features that could encourage Oregon attorneys to volunteer. Of the top ten, three elements are already provided by the Oregon State Bar: malpractice insurance, CLE credit for pro bono work, and free or reduced-cost CLEs—indicating a need for more publicity about the availability of these features (the Certified Pro Bono Program, credit provided for volunteering, and the free CLEs offered through the Pro Bono Fair and Celebration). Another takeaway from the ABA survey was that asking judges and prominent attorneys to help encourage volunteering might be an effective tactic to increase pro bono participation.
Other features lawyers thought would encourage pro bono work were offering limited-scope cases or allowing attorneys to select cases. These features seem to relate to the time concerns survey participants brought up in the barrier section. Some attorneys indicated a desire to pair with another attorney or mentor through pro bono, and a few mentioned administrative or research support as elements that would be helpful.

The work to identify a plan for addressing these barriers and identifying further barriers will be conducted in 2019. Depending on the details of the plan, it will begin in 2019 or 2020.

**Year 2 Summary:** Although a central plan to address the identified pro bono barriers was not developed in 2019, steps were taken based on the identified barriers. First, the pro bono website was updated to draw attention to the regulations already in place to encourage pro bono: CLE credit, softened conflict rules, and Liability coverage for Certified Programs. Second, the Pro Bono Committee has been exploring developing advise and refer “lawyer in the library” clinics. The library model, exemplified by the Deschutes County “Lawyer in the Library” program, provides a pro bono model where lawyers encounter fixed times to volunteer, fixed duration to providing legal help, and with a focus on issue spotting and identifying next steps requires only limited knowledge and ability.

Next Steps: with the help of the Pro Bono Committee, a lawyer in the library program will be assessed, and a plan for eliminating barriers will be implemented in 2020. Consideration will also be given to whether repeating a survey similar to the 2020 ABA pro bono survey would be helpful.

**ACTION 1.3.3 Continue to monitor the use of the ABA Free Legal Answers resource.**

<table>
<thead>
<tr>
<th>TARGET DATE</th>
<th>TARGET MEASURE</th>
<th>STATUS &amp; NEW TARGET DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018</td>
<td>Determine whether ABA Free Legal Answers will work as a resource for the OSB, LSP</td>
<td>Pending; 2020</td>
</tr>
<tr>
<td>2019</td>
<td>Implement, if identified as an appropriate resource. LSP</td>
<td>Pending; 2020</td>
</tr>
</tbody>
</table>

**Year 1 Summary:** We are waiting on IT resources and software implementation before this target measure can be tackled. The new target year is, therefore, 2019.

**Year 2 Summary:** We continued to wait for the capacity to tackle ABA free legal answers. Work was done to address staff concerns about the quality of work provided through ABA Free Legal Answers and adequate consumer protection. The LSP is presently working with legal aid and the courts to assess opportunities to improve online pro se resources. Further action on ABA free legal answers has been put on hold until that resource assessment is completed. The new target year is, therefore, 2020.

**STRATEGY 4 Increase representation through increased funding for the integrated statewide legal aid programs to increase access for low-income Oregonians, including underserved and hard-to-reach communities in Oregon.**

**ACTION 1.4.1 Use the CLNS to inform banks about the scope of the unmet legal needs of low-income Oregonians to support increased legal aid funding in Oregon.**
DIVERSITY ACTION PLAN 2018-2020 IMPLEMENTATION REPORT: YEAR TWO

PUBLIC OUTREACH SPHERE

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<tr>
<th>TARGET DATE</th>
<th>TARGET MEASURE</th>
<th>STATUS &amp; NEW TARGET DATE</th>
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<tbody>
<tr>
<td>2018</td>
<td>Increase Leadership Bank Program interest rate tiers to coincide with the Federal Reserve Bank increases. OLF</td>
<td>Complete</td>
</tr>
<tr>
<td>2018</td>
<td>Incorporate CLNS results into talking points to work with the Oregon Bankers Association and the banking community, to increase interest rates on Interest on Lawyer Trust Accounts (IOLTA) held in Oregon. OLF</td>
<td>Complete</td>
</tr>
<tr>
<td>2019</td>
<td>Continue to monitor interest rate increases and adjust Leadership Bank Program interest rates as needed.</td>
<td>Complete</td>
</tr>
</tbody>
</table>

**Year 1 Summary:** In 2018, the OLF Revenue Enhancement Committee developed a strategy, based on an increasing federal funds interest rate, to work with banks to increase the interest rate they pay on IOLTA deposits. The strategy included making an adjustment to the OLF’s Leadership Bank interest tiers for IOLTA deposits. All but one of the Leadership Banks committed to increase rates beginning January 1, 2019. Once the CLNS report is complete, it will be shared with the banking community, along with talking points that underscore the importance of paying an above-market interest rate on IOLTA deposits to impact legal aid services to low-income Oregonians. This target measure will take place in 2019.

Although the OLF will continue to monitor interest rates throughout 2019, the OLF has made the decision that the January 1 increase is the only adjustment the OLF plans to make to its Leadership Banks interest rate tiers in 2019.

**Year 2 Summary:** In 2019, The OLF continued to monitor interest rates and work with banks to maximize IOLTA interest revenue. Because the Federal Reserve Board reduced interest rates three times in 2019, the OLF lowered the interest rate that banks needed to pay to be part of the Leadership Bank Program. The OLF did this on December 1, 2019. Even though the FRB lowered interest rates three times, the OLF Leadership Banks continued to pay at the leadership rate through the end of November. During a year of continuing falling interest rates, the OLF had only one bank opt-out of being in the Leadership Bank Program.

**ACTION 1.4.2 Use the CLNS to inform the legislature about the scope of the unmet legal needs of low-income Oregonians to support increased legal aid funding in Oregon.**

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<tr>
<th>TARGET DATE</th>
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<th>STATUS &amp; NEW TARGET DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018</td>
<td>Establish a diverse network of leaders to support relevant issues and trends. PUBLIC AFFAIRS</td>
<td>Complete</td>
</tr>
<tr>
<td>2018</td>
<td>Meet with justice system partners during the interim period to discuss legislative concepts and funding priorities. PUBLIC AFFAIRS</td>
<td>Complete</td>
</tr>
<tr>
<td>2019</td>
<td>Present information on access to justice to lawyer-legislators and bar members, to ensure message consistency. PUBLIC AFFAIRS</td>
<td>Complete</td>
</tr>
</tbody>
</table>
PUBLIC OUTREACH SPHERE

Year 1 Summary: Meetings with leaders and coalition partners have been ongoing in 2018, including an initial meeting with coalition partners using the CLNS data to ensure message consistency.

Year 2 Summary: Meetings with legislative leaders and coalition partners took place throughout 2019, including sponsored events with the Citizens’ Campaign for Court Funding and Day at the Capitol. Legal aid funding was successfully increased by $300,000, with future biannual increases expected. The CLNS was completed at the beginning of the year. Results were used to inform the legislature about the scope of the unmet legal needs of low-income Oregonians and to advocate for increased funding for legal aid. The result is the first increase in legal aid funding since 2011.

ACTION 1.4.3 Conduct media outreach campaign to support funding efforts.

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<tr>
<th>TARGET DATE</th>
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<th>STATUS &amp; NEW TARGET DATE</th>
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</thead>
<tbody>
<tr>
<td>2018</td>
<td>Develop and execute a CLNS media outreach campaign. COMMUNICATIONS</td>
<td>Complete</td>
</tr>
</tbody>
</table>

Year 1 Summary: The CLNS report is complete. OSB Media Relations staff has begun meeting with the OLF and our partners in the legal services community to craft a strategic outreach campaign. We expect this to be a key focus of work in early 2019, followed by additional effort throughout 2019 to capitalize on news hooks and other emerging opportunities.

Year 2 Summary: See year two summary. (1.1.1)

ACTION 1.4.4 Explore partnering with the philanthropic community on the importance of funding legal aid to alleviate poverty.

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<th>STATUS &amp; NEW TARGET DATE</th>
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<tbody>
<tr>
<td>2018</td>
<td>Work with The Lawyers’ Campaign for Equal Justice (CEJ) and legal aid providers to develop a plan to partner with the philanthropic community. OLF</td>
<td>In progress; 2019-2020</td>
</tr>
<tr>
<td>2019</td>
<td>Implement the plan. OLF</td>
<td>Pending; 2019-2020</td>
</tr>
</tbody>
</table>

Year 1 Summary: The OLF Executive Director has taken steps to become more familiar with Grantmakers of Oregon and Southwest Washington (GOSW) and received permission from the OLF board to join in December 2018. This allows the OLF to interact and connect with the broader philanthropic community, which will enhance the ability of the OLF, the CEJ, and legal aid to partner with the philanthropic community. This target measure’s timeline was not met due to lack of time and the impact of the OLF department being understaffed.

Year 2 Summary: The OLF has become a member of GOSW, and the executive director has connected with members of the philanthropic community. So far, individual contact with other members of the philanthropic community at events has been more successful than efforts to provide information and panel discussions to large groups.
GOAL 2 Ensure all Oregonians are able to access the bar’s public protection programs.

STRATEGY 1 Engage in outreach to marginalized communities regarding the availability and purpose of the bar’s public protection programs.

ACTION 2.1.1 Develop relationships with community organizations working in the public protection arena.

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<tr>
<th>TARGET DATE</th>
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</thead>
<tbody>
<tr>
<td>2018</td>
<td>Identify and create a list of potential community partners. GENERAL COUNSEL</td>
<td>Complete</td>
</tr>
<tr>
<td>2019</td>
<td>Have a discussion with a representative from each identified group. GENERAL COUNSEL</td>
<td>Pending; 2020</td>
</tr>
</tbody>
</table>

Year 1 Summary: The OSB General Counsel’s Office, in partnership with the Lawyer Referral Service has developed a list of community partners. We are in the process of reviewing the list to determine our upcoming outreach strategy. In September 2018, bar staff presented at the Immigration Nonprofit Working Group’s 2018 Immigration Forum for Service Providers, to outline bar public protection programs and services available to Oregonians. The forum was attended by approximately 200 representatives from local nonprofits who work directly with underserved populations. In 2019, we will continue discussions with community partners.

Year 2 Summary: In early 2019, General Counsel’s Office conducted outreach to nonprofit service organizations to share materials regarding the bar’s public protection programs. The target date for one-on-one discussions has been moved to 2020.

ACTION 2.1.2 Design and utilize a toolkit for member and public outreach on public protection programs.

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<tbody>
<tr>
<td>2018</td>
<td>Create program descriptions for public protection programs and collect related application and complaint forms to form a public protection programs toolkit. GENERAL COUNSEL</td>
<td>Completed</td>
</tr>
<tr>
<td>2019</td>
<td>Discuss and review the toolkit with representatives from community organizations and member representatives. GENERAL COUNSEL</td>
<td>Pending; 2019</td>
</tr>
<tr>
<td>2020</td>
<td>Share the toolkit with targeted audiences. GENERAL COUNSEL</td>
<td>Pending; 2020</td>
</tr>
</tbody>
</table>

Year 1 Summary: A description of public protection programs has been developed for use in the toolkit. Translations of all complaint/claim forms in six languages (Arabic, Russian, Simplified Chinese, Somali, Spanish, and Vietnamese) have been completed. A process for receiving and responding to complaints received in these languages is being developed in preparation for these complaint forms being released.
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Year 2 Summary: In October 2019, bar staff from the General Counsel’s Office and the Lawyer Referral Service presented at the 2019 Immigration Service Providers Forum at Portland State University. Staff prepared and provided an OSB Resource Guide that summarized the available public protection programs, which was also available in Spanish. Staff also distributed materials related to the bar’s notario fraud prevention program and bar protection programs, including the Client Security Fund, Client Assistance Office, Unlawful Practice of Law Program, and Fee Dispute Resolution program.

STRATEGY 2 Develop a comprehensive approach for providing English-language learners access to the bar’s public protection programs.

ACTION 2.2.1 Develop policy to enable access to programs for persons who speak, read, or write languages other than English.

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<th>TARGET DATE</th>
<th>TARGET MEASURE</th>
<th>STATUS &amp; NEW TARGET DATE</th>
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<tbody>
<tr>
<td>2018</td>
<td>Evaluate staffing and other resources in relation to language needs. GENERAL COUNSEL</td>
<td>In progress; 2019</td>
</tr>
<tr>
<td>2019</td>
<td>Write and adopt a policy providing that individuals who file complaints in languages other than English have full access to programs. GENERAL COUNSEL</td>
<td>In progress; 2019</td>
</tr>
<tr>
<td>2020</td>
<td>Develop multilingual complaint/application forms and informational materials for public protection programs. COMMUNICATIONS</td>
<td>In progress; 2020</td>
</tr>
</tbody>
</table>

Year 1 Summary: The Client Assistance Office (CAO) is exploring the use of live interpreter services to enable communication with members of the public concerned about a lawyer’s conduct in Oregon when we are unable to effectively communicate in English or Spanish (for which sufficient resources already exist). We are developing a pilot program in which the bar will utilize interpreting and translation services to respond to written complaints received in a language for which we lack in-house language resources.

The OSB website currently includes a translation tool option, allowing a user to translate information about the complaint process, and complaint forms may be submitted online; however, we recognize that these translation tools may not provide high-quality translation. Because of this, we will continue to explore options to improve the user experience of English-language learners on the OSB website. For instance, in 2018, we released a Spanish language video regarding the CAO complaint process on the OSB website. See also Public Outreach Sphere 2.1.2.

Year 2 Summary: In early 2019, General Counsel’s Office updated a staff member’s job description to require bilingual English/Spanish skills as a vital component of the position. This staff member regularly translates CAO bar complaints, Client Security Fund and Fee Dispute Resolution inquiries, and answers questions from Spanish-speaking callers. Other languages are addressed on a case-by-case basis; for instance, in 2019, CAO was able to obtain translation services for a bar complaint received in Vietnamese.

STRATEGY 3 Ensure that the operation of the bar’s public protection programs is fair, safe, and welcoming to all.
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ACTION 2.3.1 Collect demographic data and feedback from users who access the bar’s public protection programs.

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<th>TARGET DATE</th>
<th>TARGET MEASURE</th>
<th>STATUS &amp; NEW TARGET DATE</th>
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</thead>
<tbody>
<tr>
<td>2018</td>
<td>Explore methods to collect data. COMMUNICATIONS</td>
<td>Complete.</td>
</tr>
<tr>
<td>2019</td>
<td>Collect user demographic data and seek feedback on user experience. COMMUNICATIONS</td>
<td>Pending; 2020</td>
</tr>
</tbody>
</table>

**Year 1 Summary:** Regulatory and Communications staff developed an online survey to assess user experiences based on the framework of procedural fairness. The survey includes a demographics section, allowing staff to compare the experiences of users from differing backgrounds. A link to the new survey will be included in notifications that a CAO or Disciplinary Counsel’s Office (DCO) matter has been closed.

**Year 2 Summary:** Implementation was first delayed by competing priorities and staffing changes. Returning to the project later in the year, staff decided on a new approach that would focus more keenly on DEI issues in a format that multiple bar programs could use to get consistent and actionable feedback. Data collection will begin in the first quarter of 2020.

ACTION 2.3.2 Analyze demographic data and feedback from users who access the bar’s public protection programs.

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<tr>
<th>TARGET DATE</th>
<th>TARGET MEASURE</th>
<th>STATUS &amp; NEW TARGET DATE</th>
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<tbody>
<tr>
<td>2018</td>
<td>Analyze the data collected. GENERAL COUNSEL</td>
<td>Pending;–2020</td>
</tr>
<tr>
<td>2019–2020</td>
<td>Meet with members, stakeholders, and possible community partners identified in Action 2.1.1, to discuss data and seek additional feedback. CEO</td>
<td>Pending; 2020</td>
</tr>
<tr>
<td>2020</td>
<td>Identify approaches for creating a safer and more welcoming public protection program process. GENERAL COUNSEL</td>
<td>In progress; 2020</td>
</tr>
<tr>
<td>2020</td>
<td>Develop a plan to implement approaches. GENERAL COUNSEL</td>
<td>Pending; 2020</td>
</tr>
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</table>

**Year 1 Summary:** Feedback from users is not scheduled until 2019; the timing of this item has been updated accordingly.

The OSB’s General Counsel is working with Oregon judges on approaches for creating a safe and more welcoming public protection program process based on principles of procedural fairness. In April 2018, Multnomah County Circuit Court judges made a presentation to bar staff and disciplinary board on implementing a procedural fairness program, as developed by the National Center for State Courts, at OSB.

We are developing a survey tool to benchmark procedural fairness goals to share with people who interact with the bar’s public protection programs.

**Year 2 Summary:** We have increased procedural fairness in the disciplinary process by providing procedural uniformity in all proceedings, stemming from the adoption of the Adjudicator model. We have
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also improved transparency in the process by making all Disciplinary Board decisions immediately available for public review.

ACTION 2.3.3 Coordinate with the work of the Oregon Supreme Court Council on Inclusion and Fairness (OSCCIF).

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<th>TARGET DATE</th>
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<tbody>
<tr>
<td>2018-2020</td>
<td>Participate in and support the work of the OSCCIF. CEO</td>
<td>Ongoing; 2019–2020 (2018 complete)</td>
</tr>
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</table>

Year 1 Summary: Chief Justice Balmer established the OSCCIF in 2016 to monitor and assist in the implementation of the Oregon Judicial Department’s (OJD) Strategic Plan related to access, inclusion, and fairness and to identify and coordinate efforts to integrate inclusion and fairness principles in all OJD practices and procedures. The OSB’s CEO was appointed to the OSCCIF as the OSB representative. In 2018, the CEO requested that the Chief Justice appoint the OSB Director of D&I to the OSCCIF in her stead. The OSCCIF met in March, June, September, and December of 2018. The OSCCIF worked with the OSB and legal aid to collect and coordinate online resources for self-representing litigants. They identified the resources each organization had shared and looked for gaps.

Year 2 Summary: The Director of D&I continued participation in the OSCCIF meetings throughout 2019. One exciting development for OSCCIF was the Court’s hiring of Valerie Colas to provide staff support to the group. During 2019, the Court also developed a strategic plan to address systemic access to justice issues within the judicial system. The OSCCIF has been tasked with the implementation of several elements of that plan in 2020-2021. With the departure of the D&I Director at the end of 2019, the CEO asked that she be reappointed to the group for 2020.

GOAL 3 Expand availability of public education, outreach, and self-navigation materials for underserved Oregon communities.

STRATEGY 1 Develop public legal information materials that are accessible to all Oregonians.

ACTION 3.1.1 Improve the readability of all OSB public legal information materials.

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<tbody>
<tr>
<td>2018</td>
<td>Determine the readability/grade level of existing content, and set a target standard (e.g., “Plain English” 8th-grade reading level). COMMUNICATIONS</td>
<td>Complete</td>
</tr>
<tr>
<td>2019</td>
<td>Edit the 30 most accessed topics to meet the new standard. COMMUNICATIONS</td>
<td>In progress; 2019</td>
</tr>
<tr>
<td>2020</td>
<td>Edit the next 30 most accessed topics to meet the new standard. COMMUNICATIONS</td>
<td>Pending; 2020</td>
</tr>
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</table>

Year 1 Summary: We reviewed 97 legal information topics for readability on the Flesch-Kincaid scale. For reading grade level, our materials ranged from 7.6 to 18.6, with an average grade level of 12.7. Given the
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nature of the material, our target for revisions is 8.0 (8th grade) or lower. Members of the BOG’s Public Service Advisory Committee have begun editing selected topics.

Year 2 Summary: We completed only seven revisions in 2019, although others have been assigned to volunteers. With progress so slow, we entered into a partnership with students at Portland State University’s Linguistics program to revise additional topics and reformat our web-based materials. Completion of 10-15 per year would be a more realistic goal.

ACTION 3.1.2 Improve access to legal information materials for English-language-learners.

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</thead>
<tbody>
<tr>
<td>2018</td>
<td>Present all public information materials online in formats that are compatible with the Google Translate app; post professionally translated materials available to the OSB online. COMMUNICATIONS</td>
<td>Complete</td>
</tr>
<tr>
<td>2019</td>
<td>Produce professional translation of the 20 most accessed topics in high-demand languages. COMMUNICATIONS</td>
<td>Pending 2020</td>
</tr>
<tr>
<td>2020</td>
<td>Produce professional translation of the next 20 most accessed topics in high-demand languages. COMMUNICATIONS</td>
<td>Pending 2020</td>
</tr>
</tbody>
</table>

Year 1 Summary: *Legal Issues for Older Adults 2017 Edition* was professionally translated into Russian, Spanish, Simplified Chinese, and Vietnamese, and it is available for free download from the OSB website. To date, a total of 430 non-English versions have been downloaded: 177 in Simplified Chinese, 123 in Russian, 85 in Vietnamese, and 45 in Spanish. All other materials posted to the public pages are compatible with the Google translate app posted on our public information home page.

Year 2 summary: As the result of a grant opportunity and major legislative changes, we shifted our focus in 2019 to developing Landlord/Tenant materials, our highest-demand legal topic area. We produced a new pamphlet, “New Rules for Landlords,” and had it professionally translated into Spanish, Russian, Vietnamese, and Simplified Chinese. We also produced three new landlord/tenant videos: “Landlord/Tenant Overview and Resources,” “Oregon's New Rent Control Law,” and “Termination Notices.” All three videos were presented in English, Spanish, Russian, Vietnamese, and Mandarin Chinese. A fourth video was produced in English, but we did not have funds available for a professional translation for recording in other languages. Instead, we placed a transcript next to the video so visitors can use the Google Translate app (available on all of our public pages) for a workable translation. Without additional funding, professional translation of print materials is likely to prove challenging, and we may continue to focus on video production as a more affordable option that is also more accessible for many people.

ACTION 3.1.3 Increase availability of legal information provided in video and other nontext formats, featuring diverse presenters, including presenters from non-dominant cultures.

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<tbody>
<tr>
<td>2018</td>
<td>Continue the production of Legal Q&amp;A videos in English, Spanish, and other high-demand languages; produce video introductions for OSB public protection programs in English and Spanish. COMMUNICATIONS</td>
<td>Ongoing; 2019–2020</td>
</tr>
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PUBLIC OUTREACH SPHERE

<table>
<thead>
<tr>
<th>Year</th>
<th>Action Description</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018</td>
<td>Produce and promote an instructional video for statewide dissolution forms (petitioner) in English and Spanish, in collaboration with justice system partners.</td>
<td>(2018 complete)</td>
</tr>
<tr>
<td>2019</td>
<td>Produce and promote instructional videos for other statewide family law forms.</td>
<td>Pending; 2020</td>
</tr>
</tbody>
</table>

**Year 1 Summary:** Input on video topics was solicited from the BOG’s Public Service Advisory Committee, ACDI, and other groups through outreach by the OSB’s Referral and Information Services (RIS) Manager promoting Lawyer Referral Services (LRS) and Modest Means. This work is ongoing, and attention to diversity in recruiting on-camera presenters as part of our recruitment efforts. To date, we have completed 13 videos in Spanish, including three on the bar’s Client Assistance Office, Lawyer Referral Service, and Modest Means Program, respectively. An additional three videos are available in Vietnamese. The Vietnamese videos and several of the Spanish videos are related to immigration law and were produced in partnership with legal community partner organizations.

**Year 2 Summary:** Staff worked with the Futures Committee of the Statewide Family Law Advisory Committee on scripting self-help videos for divorce litigants. Progress has been slow, but an introductory video has been completed, and the script for a step-by-step video on filling out petitioner forms has been completed. This project will continue into 2020. The production of Legal Q&A continues, including as discussed in Public Outreach Sphere Action 3.1.2. We currently have 152 videos available on our website, 29 of which are presented in languages other than English.

ACTION 3.1.4 Increase the availability of legal information materials to people with disabilities and special needs.

<table>
<thead>
<tr>
<th>Year</th>
<th>Action Description</th>
<th>Status &amp; New Target Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018</td>
<td>Review online materials for compatibility with screen readers; add captioning for public information videos. IT</td>
<td>In progress; 2019</td>
</tr>
<tr>
<td>2019–2020</td>
<td>Continue updating and monitoring of materials. IT</td>
<td>Pending; 2019–2020</td>
</tr>
</tbody>
</table>

**Year 1 Summary:** This work is being completed on an ongoing basis as the website is updated. The goal is to ensure that all public-facing files and forms are compatible with screen readers. Members of the Bar Accessibility Review Team (BART) are working with each department on creating accessible PDF documents, and the IT Department is assigned with the development of compatible online forms. Communications and CLE staff are working on adding subtitles to already-produced videos and will be testing live captioning for CLE seminars in 2019. This action item, originally under the ownership of the Communications Department, has been reassigned to the IT Department.
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**Year 2 Summary:** We continue to update webpages and documents and ensure we respond as quickly as possible. Compatibility with screen readers is an ongoing priority. As previously discussed, the cost is the biggest hurdle for the prioritization and success of the overall quality of the OSB website.

**STRATEGY 2 Enhance outreach to underserved communities regarding the Modest Means Program and Lawyer Referral Service.**

**ACTION 3.2.1 Assess current service levels and legal needs of underserved communities.**

<table>
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<tr>
<th>TARGET DATE</th>
<th>TARGET MEASURE</th>
<th>STATUS &amp; NEW TARGET DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018</td>
<td>Compile internal statistics on the Lawyer Referral Service and Modest Means Program, including calls from English-language learners, languages offered by panelists, and website translations. COMMUNICATIONS</td>
<td>Complete</td>
</tr>
<tr>
<td>2019</td>
<td>Compare services provided with results of the CLNS to identify underserved communities, and prioritize how the Lawyer Referral Service is meeting their legal needs. LSP</td>
<td>Pending, 2020</td>
</tr>
</tbody>
</table>

**Summary:** Communications staff gathered data on language use through all the OSB’s RIS Department programs, including the LRS and Modest Means Program. Using 2017 as a baseline, we collected data on calls through our Spanish line, panelists who indicate they speak another language and the number of referrals made with an additional language selected (including what the other language was). We can use this data to track subsequent years and whether the numbers increase due to our outreach efforts. Although we are unable to track usage of the online Google Translate app, we do know that the non-English versions of *Legal Issues for Older Adults* have been downloaded 430 times since posting early in 2018.

See Public Outreach Sphere 3.1.3 for website information.

**Year 2 Summary:** The CLNS was completed in 2019. A comparison of services is planned for 2020.

**ACTION 3.2.2 Implement outreach plan to underserved communities, including marketing and coordination with community partners.**

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<thead>
<tr>
<th>TARGET DATE</th>
<th>TARGET MEASURE</th>
<th>STATUS &amp; NEW TARGET DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018</td>
<td>Begin outreach to already identified underserved communities. COMMUNICATIONS</td>
<td>Complete</td>
</tr>
<tr>
<td>2019–2020</td>
<td>Continue outreach methods and monitor effectiveness. COMMUNICATIONS</td>
<td>Pending; 2020</td>
</tr>
</tbody>
</table>

**Year 1 Summary:** Outreach efforts in 2018 included the development of a list of community partners and meetings with Disability Rights Oregon, Catholic Charities, Proyecto UNICA, the American Civil Liberties Union (ACLU), the American Immigration Lawyers Association (AILA), and the OAAP. These meetings have already led to partnerships on Legal Q&A videos and volunteer recruitment efforts. The ACDI was asked for additional recommendations. This work is ongoing, in combination with outreach on the LRS and
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Modest Means Program, and will be completed in conjunction with the work outlined in the Public Outreach Sphere Goal 2.1.1.

**Year 2 Summary:** Outreach efforts in 2019 included development of a list of community partners and meetings with the State Family Law Advisory Committee (SFLAC), the Immigrant Refugee Community Organization, the Asian Family Center, SOAR Immigration Center, Central Latino Americano, the American Immigration Lawyers Association (AILA), and the OAAP. These meetings have already led to partnerships on Legal Q&A videos and volunteer recruitment efforts. The ACDI was asked for additional recommendations. This work is ongoing, in combination with outreach on the LRS and Modest Means Program, and will be completed in conjunction with the work outlined in the Public Outreach Sphere Goal 2.1.1.

**STRATEGY 3 Increase issue-based public education, targeting media outlets with legal trends and issues that affect underserved communities.**

**ACTION 3.3.1 Establish a diverse network of lawyers and bar groups who are leaders in relevant areas of practice.**

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<tr>
<th>TARGET DATE</th>
<th>TARGET MEASURE</th>
<th>STATUS &amp; NEW TARGET DATE</th>
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</thead>
<tbody>
<tr>
<td>2018</td>
<td>Work with select committees, sections, and affinity bars to support justice system issues. PUBLIC AFFAIRS</td>
<td>Ongoing; 2019–2020 (2018 complete)</td>
</tr>
<tr>
<td>2019</td>
<td>Develop a framework to continue the discussion and coordinate ongoing efforts. PUBLIC AFFAIRS</td>
<td>Complete</td>
</tr>
</tbody>
</table>

**Year 1 Summary:** Bills that the bar supported in the 2018 legislative session included:

- **HB 4008:** Prohibits fact finder from determining plaintiff’s damages for civil cause of action using calculation for projected future earning potential of plaintiff that takes into account race or ethnicity of plaintiff.
- **HB 4095:** Establishes privilege for communications with lawyer referral service.
- **HB 4097:** Modifies provisions relating to law libraries and law library services provided by counties.
- **HB 4010:** Establishes Task Force on Addressing Racial Disparities in Home Ownership.

**Year 2 Summary:** Bills that the bar supported in the 2019 legislative session included:

- **SB 357:** Increase the statutory allocation to legal aid services while establishing an annual increase based on the consumer price index (CPI). Amended into SB 5513.
- **SB 358:** Expand ORS 9.565 to allow for disclosure of an attorney taxpayer’s tax information by the Department of Revenue to the Oregon State Bar for the purpose of disciplinary proceedings. Eliminate the statutory prohibition on charging the membership fee to 50-year members. Modifies provisions regarding submission of certification and disclosures for lawyer trust accounts. Acknowledges the bar’s responsibility to regulate the legal profession, support the judiciary, and advance access to
DIVERSITY ACTION PLAN 2018-2020 IMPLEMENTATION REPORT: YEAR TWO

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justice. Acknowledges the inherent authority of the Oregon Supreme Court over the Oregon State Bar and regulation of the profession.

- SB 359: Update the Oregon Business Corporation Act, which is modeled after the Model Business Corporation Act, to provide for ratification of defective shareholder or director corporate action, and a process for affected parties to contest the ratification. Substantially similar changes are proposed for the Oregon Nonprofit Corporation Act.

- HB 2459: Establish a statutory provision under which a person who is an “authorized requester” may send a request in a statutory form to the person who holds an encumbrance against real property for a “lien information statement” to obtain pertinent payoff information.

- HB 2460: Clarify that a transferee is not liable for the purposes of the deferred property tax program if the transferee does not receive an interest in real or personal property from the estate.

- HB 2461: Expands resources available to active service members, including creating a referral list of programs that assist low-income veterans with housing stability. Includes date collection provisions through Oregon Criminal Justice Commission. Amended into HB 2530.

- HB 2462: Establish outreach to service members who have experienced combat injuries. Includes data collection and court outreach in navigating the legal system.

- SB 360: Comprehensive update to ORS Chapter 65. The proposal has been updated from HB 2609 (2017) to address issues raised by outside stakeholder groups.

- SB 361: Amend the prudent investor rule in the UPIA to clarify that fiduciaries may take into account Environmental, Social, and Governance factors when making investment decisions and developing investment strategies.

ACTION 3.3.2 Adopt a plan for responding to breaking legal news when it offers an opportunity to educate and enhance awareness of issues affecting underserved communities.

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<tr>
<th>TARGET DATE</th>
<th>TARGET MEASURE</th>
<th>STATUS &amp; NEW TARGET DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018</td>
<td>Work with bar leaders on a media response policy. COMMUNICATIONS</td>
<td>Complete</td>
</tr>
<tr>
<td>2019</td>
<td>Develop and implement the policy. COMMUNICATIONS</td>
<td>Pending; 2020</td>
</tr>
</tbody>
</table>

Year 1 Summary: Communications and media staff will conduct outreach with bar leaders, affinity bars, specialty bars, and external partners to raise awareness and increase opportunities for outreach, including in more rapid-response circumstances. Implementation and revision of the plan will continue throughout 2019.
PUBLIC OUTREACH SPHERE

Year 2 Summary: Communications and media staff worked with BOG to adopt a Social Media Policy for board members. Work will continue in 2020 to enhance the internal policies and continue to expand presence and visibility on social media platforms.

GOAL 4 Improve the administration of justice to better serve under-represented and marginalized communities.

STRATEGY 1 Support OSB justice system funding priorities.

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<th>TARGET DATE</th>
<th>TARGET MEASURE</th>
<th>STATUS &amp; NEW TARGET DATE</th>
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</thead>
<tbody>
<tr>
<td>2018</td>
<td>Meet with justice system partners during the interim to discuss legislative</td>
<td>Complete</td>
</tr>
<tr>
<td></td>
<td>concepts and funding priorities. PUBLIC AFFAIRS</td>
<td></td>
</tr>
<tr>
<td>2019</td>
<td>Host a Day at the Capitol to motivate members and educate legislative leadership.</td>
<td>Complete</td>
</tr>
<tr>
<td></td>
<td>PUBLIC AFFAIRS</td>
<td></td>
</tr>
<tr>
<td>2019</td>
<td>Present information on access to justice to lawyer-legislators and bar members to ensure message consistency. PUBLIC AFFAIRS</td>
<td>Complete</td>
</tr>
</tbody>
</table>

Year 1 Summary: The OSB’s Director of Public Affairs met with legislators and other justice system partners during the interim to discuss legislative concepts and funding priorities.

Year 2 Summary: Same as year one.

STRATEGY 2 Collaborate with the courts and support the Procedural Fairness in Courts Initiative.

ACTION 4.2.1 Develop lunchtime CLE series (Lunch and Learn) at the Capitol for staff and public on implicit bias and procedural justice.

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Year 1 Summary: CLEs coordinated during the 2018 Legislative Days included content on Procedural Justice, Elder Abuse, and Statutory Interpretation. Planning for the 2019 CLE series is underway.

Year 2 Summary: 2019 CLEs included content on mental health in the workplace, mandatory abuse reporting, and legislative ethics. A CLE on procedural justice CLE is scheduled for 2020.

ACTION 4.2.2 Determine goals of the OSCCIF regarding data identification and collection.
PUBLIC OUTREACH SPHERE

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<th>TARGET MEASURE</th>
<th>STATUS &amp; NEW TARGET DATE</th>
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</thead>
<tbody>
<tr>
<td>2018</td>
<td>Develop a plan on how to assist best. PUBLIC AFFAIRS</td>
<td>Complete</td>
</tr>
</tbody>
</table>

**Year 1 Summary:** The OSB’s Director of Public Affairs met with the Criminal Justice Commission regarding justice reinvestment data and coordinated with the OSCCIF regarding report recommendations and proposed changes to the Uniform Trial Court Rules (UTCRs).

**Year 2 Summary:** This item was completed in 2018 when the OSB’s Director of Public Affairs met with the Criminal Justice Commission regarding justice reinvestment data and coordinated with the OSCCIF regarding report recommendations and proposed changes to the Uniform Trial Court Rules (UTCRs).

**STRATEGY 3 Support access to justice in the legislative arena.**

**ACTION 4.3.1 Collaborate with other organizations to support procedural fairness and justice system reinvestment.**

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<th>TARGET DATE</th>
<th>TARGET MEASURE</th>
<th>STATUS &amp; NEW TARGET DATE</th>
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</thead>
<tbody>
<tr>
<td>2019</td>
<td>Host a Day at the Capitol; invite representatives from legal aid, indigent defense services, and coalition partners to participate in events. PUBLIC AFFAIRS</td>
<td>In progress; 2019</td>
</tr>
</tbody>
</table>

**Year 1 Summary:** This work is planned to take place in 2019. Day at the Capitol is an opportunity for lawyers to meet with their representatives and senators to talk about justice system issues directly related to the bar’s mission. The OSB’s Public Affairs Department arranges meetings for bar members with as many legislators as possible. The day is a chance to discuss the bar’s priorities for the 2019 legislative session.

**Year 2 Summary:** Meetings with legislative leaders and collation partners took place throughout 2019, including the Citizens’ Campaign for Court Funding and Day at the Capitol.

**ACTION 4.3.2 Develop coalitions to support access-to-justice initiatives.**

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<th>TARGET DATE</th>
<th>TARGET MEASURE</th>
<th>STATUS &amp; NEW TARGET DATE</th>
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</thead>
<tbody>
<tr>
<td>2018</td>
<td>Meet with coalition partners during the interim to discuss legislative concepts and funding priorities. PUBLIC AFFAIRS</td>
<td>Complete</td>
</tr>
</tbody>
</table>

**Year 1 Summary:** During the 2018 legislative interim, Public Affairs Department staff regularly met with stakeholders on a variety of topics, including topics related to access to justice and criminal justice reform. This included meetings with legislators, staff, and advocates who sought to update Oregon law to address frequently unintended collateral immigration consequences resulting from convictions of minor offenses.

**Year 2 Summary:** The Public Affairs Department continued to work with legislative staff on proposed legislation in 2019.
ACTION 4.3.3 Educate lawyer-legislators, bar members, and coalition partners about the need for legal aid services and indigent defense.

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<th>TARGET DATE</th>
<th>TARGET MEASURE</th>
<th>STATUS &amp; NEW TARGET DATE</th>
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</thead>
<tbody>
<tr>
<td>2018–2020</td>
<td>Host an access-to-justice event with coalition partners (annually). PUBLIC AFFAIRS</td>
<td>Ongoing; 2020 (2018 and 2019 complete)</td>
</tr>
</tbody>
</table>

**Year 1 Summary:** Public Affairs Department staff worked with outside groups to facilitate several events focused on access to justice and court funding. In December of 2018, the department hosted a Citizens Campaign for Court Funding breakfast that brought together attorneys representing business groups to advocate for the justice system. During the 2019 session, the Public Affairs Department will host a Day at the Capitol event that will focus largely on funding for legal aid and other justice system priorities.

**Year 2 Summary:** In 2019, the Public Affairs Department facilitated several Citizens’ Campaign for Court funding events, including four breakfasts with the Chief Justice. These events included outreach to business and nonprofit groups, as well as events in Bend, Lane, Multnomah, and Jackson counties. Additionally, the department hosted a Day at the Capitol event that focused largely on funding for legal aid, indigent defense, and the courts.

ACTION 4.3.4 Pursue consumer protection initiatives

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<th>TARGET DATE</th>
<th>TARGET MEASURE</th>
<th>STATUS &amp; NEW TARGET DATE</th>
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</thead>
<tbody>
<tr>
<td>2018</td>
<td>Pursue consumer protection initiatives related to the Futures Task Force Report (<a href="http://www.osbar.org/docs/resources/taskforces/futures/FuturesTF_Summary.pdf">www.osbar.org/docs/resources/taskforces/futures/FuturesTF_Summary.pdf</a>.) PUBLIC AFFAIRS</td>
<td>Complete</td>
</tr>
<tr>
<td>2019</td>
<td>Achieve progress in consumer protection initiatives in the 2019 legislative session. PUBLIC AFFAIRS</td>
<td>Pending; 2019</td>
</tr>
</tbody>
</table>

**Year 1 Summary:** HB 4095 (lawyer referral service attorney-client privilege legislation) and HB 4097 (law library resources bill) were passed in 2018.

**Year 2 Summary:** SB 358 was passed in 2019, addressing several consumer protection issues related to bar governance.

ACTION 4.3.5 Improve resources for self-navigators

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<th>TARGET DATE</th>
<th>TARGET MEASURE</th>
<th>STATUS &amp; NEW TARGET DATE</th>
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</thead>
<tbody>
<tr>
<td>2018–2019</td>
<td>Support court initiatives of the Futures Task Force. PUBLIC AFFAIRS</td>
<td>Complete</td>
</tr>
<tr>
<td>2019</td>
<td>Hold a successful legislative session. PUBLIC AFFAIRS</td>
<td>Complete</td>
</tr>
</tbody>
</table>
PUBLIC OUTREACH SPHERE

Year 1 Summary: This action item, originally under the ownership of General Counsel, has been reassigned to the Public Affairs Department. Implementation is pending.

Year 2 Summary: In 2019, the Public Affairs Department continued to work with courts on funding for additional resources for self-navigators as part of the overall judicial budget.

ACTION 4.3.6 Use the CLNS to update legislators about the unmet legal needs of low-income Oregonians to support increased legal aid funding.

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<th>TARGET DATE</th>
<th>TARGET MEASURE</th>
<th>STATUS &amp; NEW TARGET DATE</th>
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</thead>
<tbody>
<tr>
<td>2018</td>
<td>Establish a diverse network of leaders, including leaders from nondominant cultures, to support relevant issues and trends. PUBLIC AFFAIRS</td>
<td>Complete</td>
</tr>
<tr>
<td>2019</td>
<td>Hold a successful legislative session. PUBLIC AFFAIRS</td>
<td>Complete</td>
</tr>
</tbody>
</table>

Year 1 Summary: Throughout the 2019 session, the Public Affairs Department will work with other advocates for legal services, such as the Campaign for Court Funding, to advocate for increased funding for legal aid. The bar has already introduced one piece of legislation to this end and will be meeting with key legislators throughout session to discuss this issue. Legal Aid funding will also be a key focus at the OSB Day at the Capitol event in May 2019.

Year 2 Summary: Worked throughout the legislative session to educate legislators about unmet legal needs, and to encourage additional legal aid funding. Additional funding was added in the final OJD budget.
GOAL 1 Bar employees have a high level of diversity and inclusion competence and ownership.

STRATEGY 1 Provide educational opportunities for OSB employees.

ACTION 1.1.1 Provide one annual mandatory session focused on inclusion, equity, or cultural competence for all staff.

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<th>TARGET DATE</th>
<th>TARGET MEASURE</th>
<th>STATUS &amp; NEW TARGET DATE</th>
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</thead>
<tbody>
<tr>
<td>2018–2020</td>
<td>Identify topic and schedule presenter (annually). HUMAN RESOURCES</td>
<td>Ongoing; 2020 (2018 complete)</td>
</tr>
</tbody>
</table>

Year 1 Summary: The 2018 mandatory session was on The Science of Implicit Bias, delivered by the Director of the National Diversity Council. Staff attendance was around 85 percent; staff who did not attend are being scheduled to view a recording of the presentation. Staff was surveyed for feedback on the presentation, and that information will be evaluated. Input from staff on the 2019 topic will be requested.

Year 2 Summary: In June 2019, staff were surveyed for DEI training topics. A presenter was contacted, and preliminary work began. The estimated fee was beyond budgetary resources, and this project was therefore put on hold for 2019. However, conversations are being held that may lead to the project resuming for a 2020 training.

ACTION 1.1.2 Provide one annual mandatory session focused on diversity, inclusion, equity, or cultural competence for managers and directors (in addition to the annual all-staff training).

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<tbody>
<tr>
<td>2018–2020</td>
<td>Identify topic and schedule presenter (annually). HUMAN RESOURCES</td>
<td>Pending; 2020</td>
</tr>
</tbody>
</table>

Year 1 Summary: The timing of this action is contingent on the results of the pending cultural assessment survey (Bar Operations Sphere 2.1.1), which will inform the subject matter for this training. This action item is postponed accordingly, with implementation expected to begin in 2019.

Year 2 Summary: The cultural assessment survey was postponed. The results of this survey were to inform the training for managers and directors. In the absence of these results, we planned to have the presenters from the staff training (Bar Operations 1.1.1) make a separate presentation to managers and directors; again, due to estimated fees being beyond budgetary resources, the training did not occur.

ACTION 1.1.3 Provide at least one annual cultural awareness day for all employees.

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<th>TARGET DATE</th>
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<th>STATUS &amp; NEW TARGET DATE</th>
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</thead>
<tbody>
<tr>
<td>2018–2020</td>
<td>Identify culture to highlight; hold activity (annually). D&amp;I</td>
<td>Ongoing; 2019–2020</td>
</tr>
</tbody>
</table>
Year 1 Summary: After brainstorming potential content and format for this action item, we concluded that this action item provided a good opportunity to develop an employee education session, as opposed to a “cultural awareness” activity, and we adjusted the approach accordingly. We identified transgender and nonbinary inclusivity as a topic that should be addressed with all employees, as a primer for the plan to install gender-neutral restroom facilities (Bar Operations Sphere 2.3.1). The training was conducted in February 2019 by a leader in LGBTQ advocacy and policy work.

Year 2 Summary: The first session was held in early 2019. Another session will be identified and held in 2020.

ACTION 1.1.4 Develop a “tip of the month” feature on the intranet that focuses on information and topics relating to diversity, inclusion, equity, or cultural competence.

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Year 1 Summary: Our “D&I Monthly” intranet feature was introduced in January 2018 and included the following: “Introducing D&I Monthly” (January); Lunar New Year—a brief description of the holiday and its traditions, plus a link to Portland Lunar New Year events (February); the nuances of sign language—video excerpt from a TED Talk by Christine Sun Kim (March); background on and link to the Harvard Implicit Bias Test (April); a history of LGBTQ Pride and the Stonewall uprising (May); the 28th anniversary of the Americans with Disabilities Act (June); OLIO Orientation—video from OLIO alumni about OLIO’s impact (July); video excerpt from Cracking the Codes by Shakti Butler, a film about the causes and consequences of systemic inequity, and a reminder that D&I has the full movie for employees to borrow (August); Mental Health Awareness Week and mental health resources (September); short documentary on the challenges faced by trans people serving in the military (October); Oregon’s affinity bars—link to mission statements and where to find information about affinity bars (November); valuing neurodiversity—a video by psychologist Dr. Devon MacEachron (December).

Year 2 Summary: The D&I Monthly intranet feature that was introduced in 2018 continued throughout 2019. The following topics were included: Black History Month and a link to the 2016 documentary Stay Woke: The Black Lives Matter Movement (January); LGBT+ terminology resource - as a follow-up to the trans and nonbinary inclusivity training (Bar Operations 1.1.3), (February); Women's History Month and a brief history of Mary Leonard, the first woman to be admitted to practice law in Oregon (March); release of Diversity Action Plan Year One Implementation Report (April); invitation to the D&I Department CLE for diverse lateral attorneys (May); Juneteenth and the commemoration of the freedom of the last remaining enslaved African and African American people in the US (June); invitation to the 2019 OLIO Orientation Judges' Reception (July); support Black-Owned Restaurants Week (August); Hispanic Heritage Month - a brief history and links to Hispanic/Latinx businesses in Oregon (September); a brief history and context around Indigenous People’s Day (October); TEDx talk, I am Not Your Inspiration, Thank You Very Much, on ableism and the social model of disability by journalist and disability rights advocate Stella Young, plus a link to the City of Portland’s Disability Language Guide (November); OAPABA’s Adopt-A-Family program – sponsorship drive for holiday gifts for families in need (December).
STRATEGY 2 Ensure managers and directors are held accountable for professional development in relation to diversity, inclusion, equity, and cultural competence.

ACTION 1.2.1 Update managers’ and directors’ performance evaluation templates to ensure that diversity and inclusion ownership and competence are included as leadership attributes to be evaluated.

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<th>TARGET MEASURE</th>
<th>STATUS &amp; NEW TARGET DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018–2020</td>
<td>Review templates, change as necessary and implement for the year (annually). HUMAN RESOURCES</td>
<td>Ongoing; 2020 (2018 and 2019 complete)</td>
</tr>
</tbody>
</table>

Year 1 Summary: 2018 performance evaluation templates were updated and distributed to managers and directors.

Year 2 Summary: 2019 performance evaluation templates were updated and distributed to managers and directors.

ACTION 1.2.2 Encourage managers and directors to identify and participate in external educational opportunities that focus on professional development around diversity and inclusion.

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<th>TARGET DATE</th>
<th>TARGET MEASURE</th>
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</table>

Year 1 Summary: A demonstrated commitment to and support of diversity and inclusion are attributes of leadership and professionalism outlined in the director performance evaluations. These items were highlighted in the written evaluations conducted in 2018. In addition, during regular meetings with individual reports throughout the year, the CEO discussed equity and inclusion learning opportunities, both in moments of everyday life and through professional trainings.

Year 2 Summary: The CEO continues to discuss with her direct reports throughout the year, equity, and inclusion learning opportunities, both in moments of everyday life and through professional trainings. All direct reports attended at least one of the three BOG DEI trainings conducted during 2019, and several attended more than one.

STRATEGY 3 Review current OSB language used in relation to diversity and inclusion and make updates according to current best practices.

ACTION 1.3.1 Research best practices around diversity and inclusion language.

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<th>TARGET DATE</th>
<th>TARGET MEASURE</th>
<th>STATUS &amp; NEW TARGET DATE</th>
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</thead>
<tbody>
<tr>
<td>2018</td>
<td>Collate findings into a best-practices report. D&amp;I</td>
<td>In progress; 2020</td>
</tr>
</tbody>
</table>
**Bar Operations Sphere**

### Year 1 Summary:
Initial work has begun and will continue into 2019. Input from stakeholders will be solicited.

### Year 2 Summary:
We plan to complete this item in 2020.

**ACTION 1.3.2 Conduct an assessment of OSB language, including pronouns, used on all internal and external materials.**

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<th>TARGET MEASURE</th>
<th>STATUS &amp; NEW TARGET DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018</td>
<td>Identify language and all language locations for updating, using the best-practices report. D&amp;I</td>
<td>In progress; 2020</td>
</tr>
<tr>
<td>2019</td>
<td>Develop a language update implementation plan. D&amp;I</td>
<td>Pending; 2020</td>
</tr>
<tr>
<td>2019</td>
<td>Implement consistent language updates per the implementation plan. D&amp;I</td>
<td>Pending; 2020</td>
</tr>
</tbody>
</table>

**Year 1 Summary:** Initial work has begun and will continue into 2019. A first draft of recommendations to update the demographic categories used by the OSB was developed; further work will continue in collaboration with a leader in LGBTQ advocacy and policy and other stakeholders.

**Year 2 Summary:** This work will continue into 2020.

**ACTION 1.3.3 Update OSB staff regarding changes to best-practices terminology and language.**

<table>
<thead>
<tr>
<th>TARGET DATE</th>
<th>TARGET MEASURE</th>
<th>STATUS &amp; NEW TARGET DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>2019</td>
<td>Include best-practices language updates within the annual staff education session. HUMAN RESOURCES</td>
<td>Pending; 2020</td>
</tr>
</tbody>
</table>

**Year 1 Summary:** Implementation is on schedule for 2019.

**Year 2 Summary:** The D&I Department will share their languages best practices report and implementation plan in 2020 (Bar Operations 1.3.2). Training on best practices language was to be included in the training provided to staff in 2019. Presenters for what will now be 2020 training are aware this should be included in the training.

**Strategy 4 Ensure the OSB bylaws are consistent with the OSB and DAC mission and goals around diversity and inclusion.**

**ACTION 1.4.1 Review bylaws and identify bylaws that need to be amended.**

<table>
<thead>
<tr>
<th>TARGET DATE</th>
<th>TARGET MEASURE</th>
<th>STATUS &amp; NEW TARGET DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>2019</td>
<td>Identify bylaws. GENERAL COUNSEL</td>
<td>In progress; 2019</td>
</tr>
<tr>
<td>2020</td>
<td>Draft and present amendments to the BOG for approval. GENERAL COUNSEL</td>
<td>Pending; 2020</td>
</tr>
</tbody>
</table>

**Year 1 Summary:** General Counsel has completed an initial review of OSB bylaws to present to the BOG for further consideration.
Year 2 Summary: General Counsel continues to review OSB bylaws to present to the BOG for further consideration.

GOAL 2 Foster a welcoming and inclusive workplace and accessible programs, services, and Bar Center.

STRATEGY 1 Acquire an understanding of the bar’s workplace culture.

ACTION 2.1.1 Devise and conduct a workplace culture assessment.

<table>
<thead>
<tr>
<th>TARGET DATE</th>
<th>TARGET MEASURE</th>
<th>STATUS &amp; NEW TARGET DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018</td>
<td>Conduct a workplace culture assessment and analyze data. HUMAN RESOURCES</td>
<td>In progress; 2019.</td>
</tr>
</tbody>
</table>

Year 1 Summary: We found that previously engaged consultants in 2018 provided disappointing survey drafts. In an effort to get the most useful results, it was decided to take a step back and start over. We are in the process of reviewing RFPs, utilizing the D&I Department’s recommendations following their search for a consultant on other projects. Work will continue into 2019.

Year 2 Summary: The cultural assessment survey was postponed after work was halted with the initial consultants. After an RFP process led by DI, a consultant was hired to survey the membership. DI suggested this consultant be used for the internal cultural assessment survey and after the membership survey was complete. Additionally, needed budgetary resources exceeded the 2019 budget. The 2020 budget includes funds for this project. The consultants will be contacted.

ACTION 2.1.2 Evaluate employees’ reasons for leaving the organization.

<table>
<thead>
<tr>
<th>TARGET DATE</th>
<th>TARGET MEASURE</th>
<th>STATUS &amp; NEW TARGET DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018</td>
<td>Review exit interview process and implement changes. HUMAN RESOURCES</td>
<td>Pending; 2020</td>
</tr>
<tr>
<td>2019</td>
<td>Develop a method for reviewing and analyzing data. HUMAN RESOURCES</td>
<td>Complete</td>
</tr>
<tr>
<td>2020</td>
<td>Analyze and evaluate current and historic data. HUMAN RESOURCES</td>
<td>2020</td>
</tr>
</tbody>
</table>

Year 1 Summary: Work on this action item has not yet started.

Year 2 Summary: Exit interview data for 2015-2019 was collected, and methods for reviewing the data was created.

ACTION 2.1.3 Conduct an internal salary equity assessment.

<table>
<thead>
<tr>
<th>TARGET DATE</th>
<th>TARGET MEASURE</th>
<th>STATUS &amp; NEW TARGET DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>2019</td>
<td>Conduct an assessment by a third-party contractor and analyze data. HUMAN RESOURCES</td>
<td>Ongoing; 2020 (2019 complete)</td>
</tr>
</tbody>
</table>

Year 1 Summary: This project is conducted by Human Resources at the direction of the OSB’s General Counsel.
Year 2 Summary: As part of Oregon’s Pay Equity Act, and evaluation of all salaries was conducted in 2019. This assessment will be executed each year to ensure salaries are equitable.

STRATEGY 2 Use the results of data collection to identify areas for improvement.

ACTION 2.2.1 Develop a plan to address areas that need improvement.

<table>
<thead>
<tr>
<th>TARGET DATE</th>
<th>TARGET MEASURE</th>
<th>STATUS &amp; NEW TARGET DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>2020</td>
<td>Develop and implement the plan. HUMAN RESOURCES</td>
<td>Pending; 2020</td>
</tr>
</tbody>
</table>

Year 1 Summary: Implementation is on schedule for 2020.

Year 2 Summary: Implementation is on schedule for 2020.

STRATEGY 3 Identify and resolve barriers to the OSB being a welcoming environment for all.

ACTION 2.3.1 Develop and implement a plan to ensure inclusive restroom access for all employees and visitors.

<table>
<thead>
<tr>
<th>TARGET DATE</th>
<th>TARGET MEASURE</th>
<th>STATUS &amp; NEW TARGET DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018</td>
<td>Develop the plan and identify needed resources. D&amp;I</td>
<td>Complete</td>
</tr>
<tr>
<td>2019</td>
<td>Implement the plan. FINANCE AND OPERATIONS</td>
<td>Pending, 2020</td>
</tr>
</tbody>
</table>

Year 1 Summary: We are in the process of quoting the cost to convert an area on the first floor into a single-use bathroom. Cost will determine if the construction portion of this project can be executed within the 2019 budget or if it will need to be deferred until 2020. Education as part of this plan took place in February 2019 (see Bar Operations Sphere 1.1.3).

Year 2 Summary: The bar has committed, with BOG approval, to construct a gender-neutral, single-use restroom on the first floor and will place signage throughout the building calling out its location on the first floor. Construction is currently scheduled to begin and be completed in January 2020.

ACTION 2.3.2 Develop and implement a policy and procedure to create an inclusive environment for nonbinary and transgender employees.

<table>
<thead>
<tr>
<th>TARGET DATE</th>
<th>TARGET MEASURE</th>
<th>STATUS &amp; NEW TARGET DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>2019</td>
<td>Develop a plan and identify needed resources. HUMAN RESOURCES</td>
<td>Pending; 2020</td>
</tr>
<tr>
<td>2020</td>
<td>Implement the plan. HUMAN RESOURCES</td>
<td>Pending; 2020</td>
</tr>
</tbody>
</table>

Year 1 Summary: On track for 2019 implementation.

Year 2 Summary: A plan was developed in 2016 and placed on hold. In 2019, there was no additional work done on this item, pending for 2020.
STRATEGY 4: Continue to identify and resolve barriers to accessibility for persons with disabilities to OSB programs, services, and Bar Center.

ACTION 2.4.1: Develop and implement a plan to identify and resolve barriers to OSB Center facility.

<table>
<thead>
<tr>
<th>TARGET DATE</th>
<th>TARGET MEASURE</th>
<th>STATUS &amp; NEW TARGET DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018</td>
<td>Review building user feedback to identify ways to improve building accessibility. GENERAL COUNSEL</td>
<td>In progress; 2020</td>
</tr>
<tr>
<td>2019</td>
<td>Create a plan and identify needed resources to improve building accessibility. GENERAL COUNSEL</td>
<td>In progress; 2020</td>
</tr>
<tr>
<td>2020</td>
<td>Implement the accessibility plan. GENERAL COUNSEL</td>
<td>Pending; 2020</td>
</tr>
</tbody>
</table>

Year 1 Summary: A survey of members with disabilities taken in 2016 showed about 15 percent of respondents had feedback regarding access to the OSB Center. The comments did not identify any physical barriers with particularity. The BART has identified a list of discretionary capital improvement projects to improve building accessibility, with a priority list, and has submitted it to the OSB’s CFO for use in the budgeting process.

Year 2 Summary: In 2019, BART increased the frequency of its meetings. The bar is focusing on improving the accessibility of the bar’s website for users with visual disabilities. The BOG also approved the creation of a gender-neutral, all-user accessible bathroom on the first floor in January 2020.

For follow-up: Refinance ADA survey.

ACTION 2.4.2: Ensure OSB websites are compatible with screen readers.

<table>
<thead>
<tr>
<th>TARGET DATE</th>
<th>TARGET MEASURE</th>
<th>STATUS &amp; NEW TARGET DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018</td>
<td>Create a plan to continue identifying and updating portions of the website that are not accessible to persons utilizing screen readers. IT</td>
<td>Complete</td>
</tr>
<tr>
<td>2019</td>
<td>Implement the website accessibility plan. IT</td>
<td>Ongoing; 2019–2020</td>
</tr>
</tbody>
</table>

Year 1 Summary: The current website is fully updated except for PDF downloads (see Public Outreach Sphere 3.1.4). An ongoing process is in place for tracking and resolving the remaining problems as they arise while the website is rewritten. The Information Technology Department is assuming responsibility for this action item, which was previously assigned to General Counsel.

Year 2 Summary: We continue to update webpages and documents and ensure we respond as quickly as possible. Compatibility with screen readers is an ongoing priority. As previously discussed, the cost is the biggest hurdle for the prioritization and success of the overall quality of the OSB website.
DIVERSITY ACTION PLAN 2018-2020 IMPLEMENTATION REPORT: YEAR TWO
BAR OPERATIONS SPHERE

ACTION 2.4.3 Continue to educate bar staff and bar leaders about accessibility.

<table>
<thead>
<tr>
<th>TARGET DATE</th>
<th>TARGET MEASURE</th>
<th>STATUS &amp; NEW TARGET DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018</td>
<td>Gather feedback and identify areas where bar staff and bar leaders may require additional assistance or education on accessibility issues. GENERAL COUNSEL</td>
<td>In progress; 2020</td>
</tr>
<tr>
<td>2019</td>
<td>Hold bar staff training on accessibility. GENERAL COUNSEL</td>
<td>Pending; 2020</td>
</tr>
<tr>
<td>2019</td>
<td>Develop accessibility guides and recommendations that respond to bar staff and bar leaders’ needs. GENERAL COUNSEL</td>
<td>Pending; 2020</td>
</tr>
<tr>
<td>2020</td>
<td>Distribute accessibility guidelines and recommendations to bar staff and bar leaders. GENERAL COUNSEL</td>
<td>Pending; 2020</td>
</tr>
</tbody>
</table>

Year 1 Summary: The primary efforts here for this work have been in outreach to OSB sections. Section websites are mostly compliant at this point, and all of their CLE activities are transferring to our CLE Seminars Department in 2019, a step that will facilitate improved oversight and consistency in respect to the way reasonable accommodations requests and prioritizing accessibility for events are handled. Work on this action item will continue into 2019.

Year 2 Summary: The D&I Department circulated a list of accessibility-related preferred terminology through the intranet for bar staff. The Member Services group has continued to work with Sections to improve accessibility of section events.

GOAL 3 Build a workforce that is diverse and inclusive at every level.

STRATEGY 1 Collect demographic data as one benchmark for measuring the diversity of applicants and the workforce.

ACTION 3.1.1 Evaluate the categories currently used by the OSB for measuring staff diversity.

<table>
<thead>
<tr>
<th>TARGET DATE</th>
<th>TARGET MEASURE</th>
<th>STATUS &amp; NEW TARGET DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018</td>
<td>Assess categories and expand as necessary. HUMAN RESOURCES</td>
<td>Complete</td>
</tr>
<tr>
<td>2019</td>
<td>Implement revised data collection. HUMAN RESOURCES</td>
<td>Complete</td>
</tr>
<tr>
<td>2020</td>
<td>Develop and implement a system for ongoing review and analysis of data. HUMAN RESOURCES</td>
<td>Complete</td>
</tr>
</tbody>
</table>

Year 1 Summary: The first month of analysis using the new categories was August 2018. The D&I Department will be providing updated categories for gender identity once their work on this item is complete, expected in 2019 (Bar Operations Sphere 1.3.2).

Year 2 Summary: The data is collected on a monthly basis, with reports created and shared with the CEO. An annual review is presented in the department’s program measures.
DIVERSITY ACTION PLAN 2018-2020 IMPLEMENTATION REPORT: YEAR TWO
BAR OPERATIONS SPHERE

ACTION 3.1.2 Investigate options for assessing the diversity of applicants.

<table>
<thead>
<tr>
<th>TARGET DATE</th>
<th>TARGET MEASURE</th>
<th>STATUS &amp; NEW TARGET DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>2019</td>
<td>Evaluate electronic application systems. HUMAN RESOURCES</td>
<td>Pending; 2020</td>
</tr>
<tr>
<td>2020</td>
<td>Update application process. HUMAN RESOURCES</td>
<td>Pending; 2020</td>
</tr>
</tbody>
</table>

Year 1 Summary: On track for 2019–2020 implementation, per the target dates.

Year 2 Summary: Due to budgetary constraints, this project is postponed until 2020.

STRATEGY 2 Ensure that the OSB recruitment process is inclusive and equitable.

ACTION 3.2.1 Assess the current OSB recruitment process.

<table>
<thead>
<tr>
<th>TARGET DATE</th>
<th>TARGET MEASURE</th>
<th>STATUS &amp; NEW TARGET DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018</td>
<td>Develop a method for assessment. D&amp;I</td>
<td>In progress; 2020</td>
</tr>
<tr>
<td>2019</td>
<td>Conduct the assessment and analyze data. D&amp;I</td>
<td>Pending; 2020</td>
</tr>
</tbody>
</table>

Year 1 Summary: The D&I Department is continuing to work with the Human Resources (HR) Department on assessing best practices for recruitment. It is not expected that there will be a delay in the assessment and data analysis target measure.

Year 2 Summary: This action is pending for 2020.

ACTION 3.2.2 Identify areas for improvement and develop a plan for improvement.

<table>
<thead>
<tr>
<th>TARGET DATE</th>
<th>TARGET MEASURE</th>
<th>STATUS &amp; NEW TARGET DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>2019</td>
<td>Develop a plan. HUMAN RESOURCES</td>
<td>Pending; 2020</td>
</tr>
<tr>
<td>2020</td>
<td>Implement the plan. HUMAN RESOURCES</td>
<td>Pending; 2020</td>
</tr>
</tbody>
</table>

Year 1 Summary: On track, per target dates.

Year 2 Summary: This project is contingent on the workplace culture assessment (Bar Operations Sphere 2.1.1), and is therefore on hold until the assessment results are available.

STRATEGY 3 Increase the diversity of applicants for vacant positions at the OSB.

ACTION 3.3.1 Build relationships with external groups and organizations that are focused on diversity.
BAR OPERATIONS SPHERE

### Year 1 Summary:
Work to identify external groups and organizations will proceed in 2019.

### Year 2 Summary:
This action is pending for 2020.

#### ACTION 3.3.2 Expand outreach to a more diverse pool of potential applicants.

<table>
<thead>
<tr>
<th>TARGET DATE</th>
<th>TARGET MEASURE</th>
<th>STATUS &amp; NEW TARGET DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018</td>
<td>Identify external groups and organizations. D&amp;I</td>
<td>Pending; 2020</td>
</tr>
<tr>
<td>2018</td>
<td>Develop a plan for building relationships with identified organizations that is appropriate to each organization. D&amp;I</td>
<td>Pending; 2020</td>
</tr>
<tr>
<td>2019</td>
<td>Implement the plan. D&amp;I</td>
<td>Pending; 2020</td>
</tr>
</tbody>
</table>

Year 1 Summary: Through a variety of resources, the HR Department’s advertising plan was updated with additional job advertising partners. Resources included the D&I Department, colleagues, current advertising partners, and research. As a result, the advertising plan was updated, and job announcement advertising was expanded. Though these target measures are complete, applicant outreach will be reviewed on an ongoing basis.

Year 2 Summary: The evaluation of resources is ongoing, with new or out-of-date information added or removed as necessary.

#### STRATEGY 4 Explore and use bias interrupters in the hiring process.

#### ACTION 3.4.1 Incorporate hiring committees into the hiring process.

<table>
<thead>
<tr>
<th>TARGET DATE</th>
<th>TARGET MEASURE</th>
<th>STATUS &amp; NEW TARGET DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018</td>
<td>Identify opportunities for the use of hiring committees. HUMAN RESOURCES</td>
<td>Complete</td>
</tr>
<tr>
<td>2018</td>
<td>Investigate and experiment with alternative hiring models that incorporate hiring committees. HUMAN RESOURCES</td>
<td>Complete</td>
</tr>
<tr>
<td>2019</td>
<td>Develop training for hiring committee participants. HUMAN RESOURCES</td>
<td>Complete</td>
</tr>
<tr>
<td>2019</td>
<td>Identify staff interested in participating in hiring committees and provide training. HUMAN RESOURCES</td>
<td>Pending; 2020</td>
</tr>
</tbody>
</table>

Year 1 Summary: Hiring committees were used for four open positions in 2018. The process is being refined and altered after each hire to be efficient and effective.

Year 2 Summary: Hiring committees were used for eight positions filled in 2019. With each use, more is learned, and adjustments are made to improve the system. At the beginning of each committee, training
is held to review the process and how the different steps help to reduce bias in the hiring process. A pool of interested participants has not yet been developed.

**ACTION 3.4.2 Create accountability for hiring process decisions.**

<table>
<thead>
<tr>
<th>TARGET DATE</th>
<th>TARGET MEASURE</th>
<th>STATUS &amp; NEW TARGET DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018</td>
<td>Implement a step within the hiring process that requires decision-makers to state a reason why they did not choose to take applicants to the next stage. <strong>HUMAN RESOURCES</strong></td>
<td>Complete</td>
</tr>
<tr>
<td>2018</td>
<td>Provide training for managers and directors on bias interrupters. <strong>HUMAN RESOURCES</strong></td>
<td>Pending; 2019</td>
</tr>
</tbody>
</table>

**Year 1 Summary:** Hiring committee members for recruitment in 2018 were required to state a reason why they chose not to take each applicant to the next stage. A template was created and attached to each resume, to be completed by each committee member. Committee members were also required to indicate on each template their decision and why it was made, and to complete, as much as possible, the checklist of job requirements.

Bias interrupter training will be scheduled after the cultural assessment survey (Bar Operations Sphere 2.1.1) is complete.

**Year 2 Summary:** Bias interrupter training was to be the focus of training provided by the consultants. Reduced fees are being negotiated for a 2020 training.

**GOAL 4 Engage a diverse and inclusive group of contractors, suppliers, vendors, and consultants.**

**STRATEGY 1 Develop and implement a process for ensuring consideration of a diverse list of third-party vendors.**

**ACTION 4.1.1 Review the current processes used organization-wide for selecting contractors, suppliers, vendors, and consultants.**

<table>
<thead>
<tr>
<th>TARGET DATE</th>
<th>TARGET MEASURE</th>
<th>STATUS &amp; NEW TARGET DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018</td>
<td>Review and document the process. <strong>FINANCE AND OPERATIONS</strong></td>
<td>Complete</td>
</tr>
</tbody>
</table>

**Year 1 Summary:** A process, including a template for RFPs and a decision matrix that includes price; time to completion; quality; and Office of Minority, Women and Emerging Small Business (OMWESB) registration (or similar) as factors was created, and went live in October 2018. See also Bar Operations Sphere 4.1.2.

**ACTION 4.1.2 Create and implement a policy or policies for contracting with third-party vendors that account for the various needs of the organization and consider a diverse vendor pool.**
Year 1 Summary: Data on supplier diversity is not currently collected; however, a draft policy involving voluntary vendor self-identification is in place, which will allow us to draw on this data going forward.

A procedure that encourages consideration of a diverse vendor pool went live in October 2018.

Year 2 Summary: Per the procedure implemented in 2018, the bar identified seven projects that were quoted utilizing the standard quotation form, requesting voluntary diversity disclosure data. The total value of goods and services quoted through November 30, 2019, using this process is $281,500.

ACTION 4.1.3 Review annual diversity spending before the next year budget is finalized.

Year 1 Summary: N/A. This was a new item.

Year 2 Summary: A review meeting was held in December of 2019 with the CEO, GC, CFO, and Director of D&I. The group affirmed the continued practice of using the RFQ forms with voluntary diversity disclosures. To date (between enactment in A4 2018 through December of 2019), eight projects had been submitted for a quote with a total dollar value in excess of $200K.
GLOSSARY

ACRONYMS

ABA American Bar Association
ACLU American Civil Liberties Union
AILA American Immigration Lawyers Association
BART Bar Accessibility Review Team
BOG Board of Governors (Oregon State Bar)
CAO Client Assistance Office (Oregon State Bar)
CEJ Campaign for Equal Justice
CLNS Civil Legal Needs Study
DAC Diversity Advisory Council
D&I Diversity & Inclusion
DCO Disciplinary Counsel's Office (Oregon State Bar)
GOSW Grantmakers of Oregon and Southwest Washington
HOD House of Delegates (Oregon State Bar)
IOLTA Interest on Lawyer Trust Accounts
LRS Lawyer Referral Services (Oregon State Bar)
LSP Legal Services Program (Oregon State Bar)
MBA Multnomah Bar Association
MBF Multnomah Bar Foundation
MCLE Minimum Continuing Legal Education
NLMP New Lawyer Mentoring Program
OAAP Oregon Attorney Assistance Program
OAPABA Oregon Asian Pacific American Bar Association
OCLA Oregon Chinese Lawyers Association
OCLEAB Oregon Council on Legal Education and Admissions to the Bar
OC-NBA Oregon Chapter of the National Bar Association
OFALA Oregon Filipino American Lawyers Association
OGALLA The LGBT Bar Association of Oregon
OHBA Oregon Hispanic Bar Association
OLIO Opportunities for Law in Oregon (Oregon State Bar)
OMLA Oregon Minority Lawyers Association
OMWESB Office of Minority, Women and Emerging Small Business
ONLD Oregon New Lawyers Division (Oregon State Bar)
OSB Oregon State Bar
OSCCIF Oregon Supreme Court Council on Inclusion and Fairness
OWLS Oregon Women Lawyers
RIS Referral and Information Services (Oregon State Bar)
UCTRs Uniform Trial Court Rules
YLS Young Lawyers Section (MBA)
### 2019 Volunteer Recruitment and Appointment Data

<table>
<thead>
<tr>
<th>2019 Volunteers</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicants</td>
<td>225</td>
</tr>
<tr>
<td>Appointed</td>
<td>71</td>
</tr>
<tr>
<td>Appointed %</td>
<td>32%</td>
</tr>
</tbody>
</table>

#### Volunteers by Race & Ethnicity

<table>
<thead>
<tr>
<th></th>
<th>Total volunteers</th>
<th>Members appointed</th>
<th>Appointed %</th>
<th>Leadership membership*</th>
<th>OSB membership</th>
</tr>
</thead>
<tbody>
<tr>
<td>American Indian or Alaska Native</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>1%</td>
<td>0.5%</td>
</tr>
<tr>
<td>Asian or Pacific Islander</td>
<td>9</td>
<td>3</td>
<td>33%</td>
<td>7%</td>
<td>3%</td>
</tr>
<tr>
<td>Black or African American</td>
<td>7</td>
<td>3</td>
<td>43%</td>
<td>2%</td>
<td>1%</td>
</tr>
<tr>
<td>Hispanic or Latino</td>
<td>5</td>
<td>3</td>
<td>60%</td>
<td>6%</td>
<td>2%</td>
</tr>
<tr>
<td>Self-Identified</td>
<td>3</td>
<td>2</td>
<td>67%</td>
<td>2%</td>
<td>3%</td>
</tr>
<tr>
<td>White or Caucasian</td>
<td>156</td>
<td>52</td>
<td>33%</td>
<td>66%</td>
<td>63%</td>
</tr>
<tr>
<td>Declined to state</td>
<td>48</td>
<td>8</td>
<td>17%</td>
<td>16%</td>
<td>29%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>225</strong></td>
<td><strong>71</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### Volunteers by Sexual Orientation

<table>
<thead>
<tr>
<th></th>
<th>Total volunteers</th>
<th>Members appointed</th>
<th>Appointed %</th>
<th>Leadership membership*</th>
<th>OSB membership</th>
</tr>
</thead>
<tbody>
<tr>
<td>Heterosexual</td>
<td>129</td>
<td>44</td>
<td>34%</td>
<td>66%</td>
<td>49%</td>
</tr>
<tr>
<td>Lesbian, Gay, Bisexual</td>
<td>10</td>
<td>5</td>
<td>50%</td>
<td>5%</td>
<td>2.7%</td>
</tr>
<tr>
<td>Self-Identification</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>.2%</td>
</tr>
<tr>
<td>Declined to state</td>
<td>86</td>
<td>22</td>
<td>26%</td>
<td>30%</td>
<td>49%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>225</strong></td>
<td><strong>71</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### Volunteers by Gender Identity

<table>
<thead>
<tr>
<th></th>
<th>Total volunteers</th>
<th>Members appointed</th>
<th>Appointed %</th>
<th>Leadership membership*</th>
<th>OSB membership</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>63</td>
<td>22</td>
<td>35%</td>
<td>34%</td>
<td>32%</td>
</tr>
<tr>
<td>Female</td>
<td>91</td>
<td>31</td>
<td>34%</td>
<td>41%</td>
<td>24%</td>
</tr>
<tr>
<td>Transgender</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>.1%</td>
</tr>
<tr>
<td>Declined to State</td>
<td>71</td>
<td>18</td>
<td>25%</td>
<td>17%</td>
<td>45%</td>
</tr>
</tbody>
</table>
## Bar Operations Sphere

### Total Volunteers

<table>
<thead>
<tr>
<th></th>
<th>Total</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>225</td>
<td>71</td>
<td></td>
</tr>
</tbody>
</table>

### Volunteers by Disability Status

<table>
<thead>
<tr>
<th>Status</th>
<th>Total volunteers</th>
<th>Members appointed</th>
<th>Appointed %</th>
<th>Leadership membership*</th>
<th>OSB membership</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>6</td>
<td>2</td>
<td>33%</td>
<td>3%</td>
<td>1.4%</td>
</tr>
<tr>
<td>No</td>
<td>144</td>
<td>50</td>
<td>35%</td>
<td>70%</td>
<td>53%</td>
</tr>
<tr>
<td>Declined to State</td>
<td>75</td>
<td>19</td>
<td>25%</td>
<td>28%</td>
<td>45%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>225</strong></td>
<td><strong>71</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Volunteers by Years of Practice

<table>
<thead>
<tr>
<th>Years of Practice</th>
<th>Total volunteers</th>
<th>Members appointed</th>
<th>Appointed %</th>
<th>Leadership membership*</th>
<th>OSB membership</th>
</tr>
</thead>
<tbody>
<tr>
<td>5 years or less</td>
<td>64</td>
<td>19</td>
<td>17%</td>
<td>17%</td>
<td>18%</td>
</tr>
<tr>
<td>6-15 years</td>
<td>77</td>
<td>24</td>
<td>31%</td>
<td>34%</td>
<td>32%</td>
</tr>
<tr>
<td>16-25 years</td>
<td>40</td>
<td>12</td>
<td>30%</td>
<td>22%</td>
<td>21%</td>
</tr>
<tr>
<td>26-35 years</td>
<td>24</td>
<td>10</td>
<td>42%</td>
<td>17%</td>
<td>15%</td>
</tr>
<tr>
<td>36+ years</td>
<td>20</td>
<td>6</td>
<td>30%</td>
<td>10%</td>
<td>14%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>225</strong></td>
<td><strong>71</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Public vs. Private

<table>
<thead>
<tr>
<th></th>
<th>Total volunteers</th>
<th>Members appointed</th>
<th>Appointed %</th>
<th>Leadership membership*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public</td>
<td>51</td>
<td>23</td>
<td>45%</td>
<td>32%</td>
</tr>
<tr>
<td>Private</td>
<td>174</td>
<td>48</td>
<td>28%</td>
<td>67%</td>
</tr>
</tbody>
</table>
Thank You for this opportunity!

Dear Kathy, Sarah & Guy,

Thank you for inviting us to submit a proposal for your current project. We are thrilled that our work with the OSB has led you to us — it’s always great to get a word-of-mouth recommendation! — and are very excited at the prospect of working together.

Thank you, as well, for sharing your working caregiver survey and spending some time discussing your goals with us. It was very helpful, and left us with a genuine respect and appreciation for the research you are working on. Understanding the lived experiences of the members of the MBA — not just their work experiences — is a meaningful and vital step to enhancing work-life equity. Moreover, seeking to assess and understand the ways in which those demands are distributed and borne — often disproportionately — by those who identify as female and/or come from non-dominant, “collectivistic” cultures and backgrounds is a goal we share and would very much like to support.

As is our practice, this first document constitutes our initial thoughts on different ways in which we might help. We are very receptive to modifying these approaches — they are simply starting points for a discussion about what might fit your needs (and the realities of budgets and timelines) best. Please don’t hesitate to be in touch with any thoughts or questions.

We look forward to talking with you again soon!

Connie + Ben @ KGR+C

MBA Caregiver Research Overview

• The Multnomah Bar Association — a group of approximately 3700 lawyers in and around the Portland Metro area committed to representing the interests of its members — is seeking a partner to help with their Working Caregiver survey.
• The MBA stakeholder group has work-shopped and developed much of the survey content and structure, though it is not content-optimized or programmable in its current form.

MBA Caregiver Research Consulting Proposal

Options to assist the Multnomah Bar Association in conducting research into:

1. Caregiving and family-focused commitments among MBA members, and
2. Caregiving strategies for supportive employers to enhance work-life equity.
MBA Caregiver Research Goals

- Better understand the current landscape for MBA member caregivers (including base rates, structured and unstructured experiences, and professional impact)
- Develop insights into the challenges and barriers caregivers experience and the ways in which they might be mitigated
- Develop intersectional profiles of legal professionals who are in caregiver roles to determine if they are distributed equitably
- Provide input for content to be used in crafting a “Supportive Employer” pledge

The Project: How KGR+C Can Help

Given the research goals and the current state of the survey instrument, we can see the following possible ways in which KGR+C might pitch in and help the MBA with the Caregiver survey:

1. **Execution-focused consultation and advice** on the survey, helping MBA to:
   - Make sure audit and research instruments are in line with research development, findings and reporting
   - Develop relevant and measurable outcomes to better enable insight development, findings and reporting

2. **Content and analysis-focused services** in helping MBA to:
   - Assimilate the survey-focused goals above
   - Answer qualitative survey questions and build on qualitative feedback to help build the “knee-jerk” of caregiving, efficacy, and develop strategies for addressing work-life balance and reducing negative life impacts
   - Develop a sampling plan that will help us to capture a version of our desired group and produce accurate
   - Develop an analysis plan and statistical approach to turn qualitative, unstructured comments into a plan to allow for effective statistics, common cause of research and validity of findings, and trends, from nuanced insights

3. **Take a full-service approach and act as the research agency for the project**, helping MBA to:
   - Provide a full-service model. It reduces to very expensive to assist with the research insight development goals
   - Offer programming, recruitment, timelines, battery batteries, and stakeholder development
   - Develop and report on analysis
   - Interpret and bin-up findings for presentations to stakeholders

As you might expect, the type of support we provide affects our cost and timing estimates, with the first approach (Plan A) being the shortest and cheapest, and the last (Plan D) requiring a longer timeline and higher budget.

KGR+C Caregiver Research Support Options

<table>
<thead>
<tr>
<th>Plan</th>
<th>Execution-focused Consultation Services</th>
<th>Content + Analysis Services</th>
<th>Full Service Design, Field, Analyze, Present, Archive</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. <strong>KGR+C</strong></td>
<td>200 hours of meeting(s)</td>
<td>150 hours of meeting(s)</td>
<td>100 hours of meeting(s)</td>
</tr>
<tr>
<td>2. <strong>KGR+C</strong></td>
<td>300 hours of meeting(s)</td>
<td>200 hours of meeting(s)</td>
<td>150 hours of meeting(s)</td>
</tr>
<tr>
<td>3. <strong>KGR+C</strong></td>
<td>400 hours of meeting(s)</td>
<td>300 hours of meeting(s)</td>
<td>250 hours of meeting(s)</td>
</tr>
</tbody>
</table>

- **Report**
  - Mark research to support the goals and deliver a new instrument, response collection, and deliver findings

- **Qualitative**
  - Conduct targeted in-person interviews to validate survey and general findings with the help of the examining, qualitative approach

- **Quantitative**
  - Conduct an in-depth analysis to determine overall gaps between existing survey and research
  - Conduct a detailed analysis to conduct the survey data

- **Data Collection**
  - Analyze and present data
  - Develop a detailed data analysis plan to support the survey and results

- **Survey Design**
  - Valid and reliable survey
  - Test and refine survey instrument
  - Administer the survey

- **Analysis**
  - Analyze the data
  - Present the findings

- **Writing**
  - Write up and present findings
About Us

Who We Are

A Bit About KGR+C

KGR+C Basics
- Founded in 2012 by principals with extensive academic, commercial, governmental + non-profit research
- Partnership w 2 core lines of business
  - EDI Research + Consulting
  - Research and Data Strategies, Insights, Analytics + Modeling
- We are academically trained with deep experience in real-world settings
- Both have been conducting social, academic and applied research for over 25 years, in more than 50 languages across 80 countries, with 80-90% of data from social science disciplines
- Both have been conducting social, academic and applied research for over 20+ years in more than 50 languages across 80 countries, with 80-90% from social science disciplines
- We are strategic consultants, not product salespeople
- We don’t have “products” to sell.
- Because every engagement is different, every approach we take is custom designed.
- We believe in transparency and collaboration
- We believe in transparency and collaboration.
- We support our work after the project ends
- We don’t drop off a report and move on. If anyone on your team needs to follow-up after a project wraps, we’re happy to help

Some Recent KGR+C Clients

- PGE
- accenture
- IRS
- City of Vancouver
- Center for Equity and Inclusion
- Meyer Memorial Trust
- AbInBev
- Oregon State Bar
- Yvonne
- D’Addario
- rco
**How We Do Research**

*(Equity, Diversity + Inclusion Focus)*

The First Step in KGR+C Research: Diagnosis

Much like a visit to the doctor, our first step in every engagement is to hold a Listening Session(s) with stakeholders to hear your lived experience, and to understand the history and background that gave rise to our collaboration. We are interested in YOUR perspective regarding your:

- Frustrations and struggles;
- Your overarching goal; and the ways you want research to feed into them;
- Your research goals - how you would like to use the research;
- What kinds of insights you need it to provide, and;
- Who you need to communicate those insights to, and what you hope THEY make of it.

Your answers to each of these questions help us narrow down the research scope and approach.

Step 2: Determine Treatment – Design around your goals

**Align the Goals discussed in Listening Sessions**

**With the Methodologies, Design, Sampling + Materials Best Suited to meeting those Goals**
Goal-Based Research Options

KGR+C EDI research generally falls into one of the following goal-based approaches:

<table>
<thead>
<tr>
<th>Goal-Based</th>
<th>Measures</th>
<th>Approach</th>
</tr>
</thead>
<tbody>
<tr>
<td>Core: Care</td>
<td>Self-leveling, looking to assess climate, take pulse of culture</td>
<td>Core goal: Want to understand current EDI beliefs and factors driving focus to drive efforts</td>
</tr>
<tr>
<td>Primary: Measure(s)</td>
<td>Qualitative IDI, Environment, Sample Demography</td>
<td>Core goal: Want to create change by understanding what to focus efforts to have meaningful impact</td>
</tr>
<tr>
<td>Case Study Design</td>
<td>Listening Sessions, plus: Qualitative FGI, Interview (3-6 hrs)</td>
<td>Core goal: Want to build towards an integrated culture, mindfully and systematically, leading to sustainable, ongoing goals of change program</td>
</tr>
</tbody>
</table>

About KGR+C

Consulting Services

What We Offer

Time-based Consulting Services that tend to fall into 3 basic “types”

- **Help for DIY Clients**
  - Methods = Instruments Consulting
  - Evaluation and Assessment of existing surveys, field interviews, qualitative guidelines, research materials, RFPs, etc.
  - Methodological Assessment or Design Evaluation
  - Analysis Plan Evaluation / Recommendation
- **Design + Analytics Services**
  - Custom Design, Methods, Module + Analytics Consulting
  - New / Custom Methods, Modules, Protocols, Concept or Construct Measures, Scale Development
  - Variable Development / KPI / Outcome Metrics
  - Database Design + Variable Encoding
- **Strategies + Insights Development**
  - Meta-Analysis, Systems + Structures Consulting
  - Meta-Analysis of Archival Research + link across existing research for trends, themes + insights; links to additional resources
  - Efficient: application to data structures, data-contexts + systems, Diversity + Stakeholder Culture based on purpose, structural options, implications to all measurements
  - Unlocking Existing Data Potential for End-users: services to connect end-users to the data they need

4/6/2020
2019
OSB Program Evaluation Reports
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ADMISSIONS DEPARTMENT
2019 PROGRAM EVALUATION

Program Goal Statement

The Admissions Department (Admissions) is the first point of contact for all potential members of the Oregon State Bar. The goal of Admissions is to examine applicants and recommend to the Supreme Court those who fulfill the requirements prescribed by law and the rules of the Supreme Court, in a fair, confidential, and cost effective manner.

Program Description

Admissions supports the work of the Board of Bar Examiners (Board), and performing duties as prescribed by the applicable statutes, rules and policies governing admission to the Oregon State Bar. The Board acts for the Oregon Supreme Court (Court) in the evaluation of applicants’ moral character and fitness to practice law and requisite learning and ability to practice law in Oregon. Admissions program activities include: processing all applications; preparing, grading and administering the bar exam; investigating and evaluating applicants’ honesty, fairness and respect for the rights of others and for the laws of the state and nation; conducting evidentiary hearings; and making recommendations to the Court.

Volunteers/Partnerships

**Volunteers:** The Board of Bar Examiners is comprised of twelve attorneys and two public members appointed by the Oregon Supreme Court. Attorney members are appointed for three-year terms and public members are appointed for one-year terms. Special investigators are also bar member volunteers who investigate specific applicant files for character and fitness issues.

**Partnerships:** In addition to the previously mentioned relationship with the Court, Admissions also works closely with the State Court Administrator when transmitting items to the Court. The State Lawyer Assistance Committee monitors conditional admissions approved by the Court. The National Conference of Bar Examiners (NCBE) provides testing materials, grading services, and general bar exam support to the department. Due to Oregon’s adoption of the Uniform Bar Exam and the increasing usage of alternative admissions, Admissions’ staff regularly works with other jurisdictions in obtaining information about applicants to the Oregon State Bar. Admissions also works with the three Oregon law schools in providing them with relevant exam data for their ABA reporting requirements, feedback for proposed rule changes, and informational presentations to students. Other partners of the program include bar exam facilities, security software companies and electrical providers.

The Board, along with the Chief Justice, the deans of each law school in Oregon, and one member of each law school’s faculty make up the Oregon Council on Legal Education and Admission to the Bar (OCLEAB), which meets once per year with the goal of improving legal education and the bar admissions process.

Outcomes and Evaluation
Provide staff support to BBX in its recommendations for membership on BBX and co-graders; Work with incoming BBX chair to set board meeting and event calendar.

Provide BBX with information about volunteer applications and support process that seeks diverse representation on BBX and in co-grader pool; coordinate communication with BOG regarding recommendations and ensure provision of information to Supreme Court to secure timely appointments. Upon appointment by the Court, coordinate with incoming BBX chair regarding coming year’s calendar, which includes the selection of dates for board meetings, OCLEAB, release of bar exam results, and grading sessions.

Outcome: During 2019, the appointment process and scheduling of events were timely completed.

Provide staff support to BBX in its public meetings and judicial proceedings.

Admissions assists the BBX with the following activities related to the functions of its public meetings and judicial processes: scheduling at least nine meetings of the full board and any necessary subcommittee meetings; reserves meeting space and telecommunication support for such meetings; prepare minutes from prior meetings and agendas for future meetings, together with exhibits related to the subjects to be discussed by the BBX; and provide reports and data to support the BBX in making decisions related to its functions. Additionally, Admissions assists the BBX in preparing an agenda for OCLEAB, reserves meeting space for the OCLEAB meeting and provides reports and data to support the functions of OCLEAB.

Outcome: In 2019, Admissions supported nine public meetings of the BBX; nine judicial proceedings in which the BBX made determinations related to testing accommodations and character and fitness recommendations to the Court; ten meetings of various subcommittees of the BBX; six meetings of a task force formed to study the concept of essential eligibility requirements and recommend any necessary changes to the bar exam application; and one OCLEAB meeting.

Process applications

Admissions processes all applications for membership, which includes applicants who must take the Oregon bar examination and must meet a filing deadline, and all other applicants that can be submitted at any time of year – applicants seeking admission based upon a UBE score taken elsewhere, reciprocal applicants, law teachers, house counsel, and military spouses.

The application process as presently administered involves a manual review of the application and supporting documentation for completeness; data entry of application information, assuring appropriate payment; identification and flagging of incomplete answers; running a criminal and civil background check; and communicating with the applicant regarding any missing information or items. The goal for initial processing is within two weeks of receipt; however, twice annually around the filing deadline for applicants intending to take a bar exam, the initial processing time can take longer.

Outcome: During 2019, the average processing time for all applicants were timely completed.
Conduct character and fitness investigations

The BBX is authorized to conduct investigations and to convene evidentiary hearings for the purpose of determining where applicants possess good moral character and fitness to practice law pursuant to ORS 9.220(2) and the Bar Rules for Admission.

Admissions reviews all applications to identify any items that require additional information from the applicant or third parties. Examples of records that might be sought include criminal prosecutions, civil litigation in which the applicant was a party, employment records, or school records pertaining to code of conduct violations. Once the requisite records and additional information or explanation have been obtained, the staff determines whether there are any remaining issues that should be evaluated by the BBX and, if so, coordinates assignment of review of application materials by a BBX member for presentation to the BBX. The length of time for individual files varies depending upon the number of sources from whom records are sought, the responsiveness of the applicant to requests for information, and the responsiveness of third parties for records or documents.

For every application in which the BBX votes to interview the applicant, Admissions coordinates scheduling a three-member panel to interview the applicant, providing any support sought by the panel in preparation for the interview and attending the interview.

Admissions provides support to the BBX throughout the process for those files in which the BBX does not recommend approval, which can include identifying volunteer lawyers willing to serve as special investigators through the evidentiary hearing process; drafting documents, working in coordination with the volunteer special investigator; assisting in lining up witnesses; scheduling meeting rooms; preparing materials for the hearing; maintaining the agency record; maintaining the hearing record; assisting the hearing panel in coordinating and drafting their opinion; assisting the Board members assigned to draft the full Board’s opinion and minority reports in coordinating and drafting their various opinions; and filing the agency record with the Oregon Supreme Court at the time that the opinion of the Board is filed with the Court.

Outcome: In 2019, staff completed all C&F investigations and interviews in a timely manner. Staff assisted the Board in conducting its first C&F hearing in 14 years. Staff ensured that the hearing was conducted pursuant to the Rules for Admission. The agency record was timely filed with the Court. Oral argument related to the C&F hearing is currently scheduled for May 3, 2020.

Process special testing accommodation requests in timely manner in accordance with ADA guidelines

Exam takers that seek accommodations must submit requests by a deadline that is communicated during the application process. Once the deadline has passed, Admissions prepares materials for a meeting of the BBX’s Testing Accommodations Committee, which will review and make decisions regarding all requested accommodations. At times, requests for accommodation are received after the deadline, and a decision made by the BBX as to whether good cause exists for the applicant’s failure to timely submit a request for accommodation. Admissions coordinates any additional meetings necessitated by late-filed requests. Once the roster of special accommodations has been finalized, Admissions prepares a customized script for each exam proctor that fits the timing of each special accommodation applicant’s schedule. Training is held for exam proctors who will monitor special accommodation exam takers. Also, rooms must be selected to comport with the accommodations made – which means, in some instances, allocating a single room to a single applicant.
Outcome: During 2019, all special accommodation requests processed in a timely fashion. Additionally, all accommodation instruction scripts were written and proctors were trained. Finally, all applicants receiving testing accommodations actually received the accommodations to be provided and their exams were proctored without error or incident.

Administer two bar examinations per year

Admissions is responsible for locating and contracting for examination sites, which is typically done more two years in advance, to ensure that the examination is held in a safe, comfortable, and accessible environment. Onsite security is arranged. Volunteer proctors are recruited from among OSB staff for the main examination site as well as for those exam takers who will be tested at the OSB Center. BBX members are also recruited to serve as monitors at the main examination site for each day of the exam. Admissions is responsible for ensuring and maintaining examination security in compliance with NCBE terms of use, which includes the secure storage of exam answers and the return of MBE booklets. Admissions coordinates with an outside provider of secure examination software, which is the mechanism through which all exam takers who utilize laptop computers take the exam. Admissions staff is onsite to respond to any and all exam-day issues that may arise. Admission staff arranges for the timely return of exam materials to the NCBE in compliance with its return schedule.

Outcome: During 2019, Admissions successfully administered both bar examinations in compliance with the Rules for Admission and consistent with all NCBE requirements.

Provide staff support to bar examination grading twice a year

Admissions makes arrangements for housing of BBX members and co-graders for each grading session. Admissions makes arrangement for BBX members and co-graders to attend the NCBE Grading Workshop which takes place on the first Saturday following each bar exam. Admissions prepares for each grading session a grading manual containing exam grading instructions, schedules, and protocols; coordinates the preparation of all materials to be utilized by each grader during the grading session; provides staff support in ensuring that written scores are properly input by graders, attributed to the correct applicant and timely transmitted to the NCBE. Admissions staff ensures that regrading is accomplished once the scaled scores are returned from the NCBE, and then resubmits all grades to the NCBE for final scaling. Upon receipt of final scaled scores, with assistance from OSB IT, Admissions staff generates final exam score reports to the Court and all applicants by the published release date. Admissions provides each Oregon law school the information necessary for them to maintain their ABA accreditation. Admissions also communicates all necessary reporting data to the NCBE to provide to all non-Oregon ABA accredited law schools.

Outcome: Both grading sessions in 2019 were timely completed and scores were released by the published date of release.

Provide staff support to the Court for Admissions Ceremonies twice a year

Admissions works with the Oregon Supreme Court’s staff to identify those applicants who are eligible to take their oath of office at the Admissions Ceremony. Admissions works with applicants who may be late in providing material to establish their eligibility for taking the oath of office, such as providing proof
of passage of the MPRE or certificates of graduation. Admissions staff assist Court staff in registering applicants for the Admissions Ceremony. Admissions Manager assists Court staff in preparing the Admissions Ceremony program and prints the program to be handed out to attendees at the ceremony.

**Outcome:** All eligible applicants were correctly identified in the respective program for each Admissions Ceremony in 2019. All eligible applicants who attended an Admission Ceremony in 2019 took their oath of office at the ceremony. Both Admissions Ceremonies were conducted without issue in 2019.

**Continuously update information and improve processes**

Information regarding examinations is updated on the website after each examination. Aside from bar exam results, other information, such as FAQ’s, is routinely reviewed for improvement. Admissions also works with BBX on such projects as reviewing Rules of Admission for refinement, as needed.

**Outcome:** In 2019, Admissions assisted the BBX in amending the Rules for Admission to allow certified law students to maintain their certifications for longer periods, ensuring organizations and firms who use certified law students do not have interruptions in services to their constituents or clients due to lapses in such certification. The BBX also amended the Rule for Admission to include Essential Eligibility Requirements (EERs), which are intended to make the admission process and decision making more transparent and ensure that future admission recommendations are based on an applicant’s conduct rather than an applicant’s condition. Admissions staff assisted a task force who made recommendations to the BBX about the aforementioned EERs and recommended changes to the C&F questions on the bar exam application. Support of the task force included scheduling meetings of the task force, preparing minutes, agendas and necessary materials for each meeting and maintaining work-product for the task force’s review. Staff executed the BBX’s recommended changes to bar exam application, ensuring that all C&F questions on the bar exam application are now conduct based.

**Supervise and support the development of Admissions staff**

Admissions holds staff meetings at least bi-weekly to ensure coordination of work, dissemination of pertinent information, and obtain feedback regarding ongoing projects and tasks. Admissions provides staff with all necessary training to ensure compliance with the aforementioned program measurements and OSB’s values and mission.

**Outcome:** In 2019, Admissions met at least weekly to ensure coordination of work. We trained a new employee, who came on board in June. We had staff receive additional training on background checks and excel spreadsheet development to assist with developing reports that are designed to make our bar exam and application processing more efficient.
I. Goal Statement

The primary goal of the Client Assistance Office (CAO) is to promptly review and properly process public inquiries about the conduct of lawyers in Oregon. Our secondary goals include working to prevent complaints by educating lawyers and legal consumers and assisting lawyers and clients to resolve potential service issues.

II. Program Description

Staff

CAO was established in 2003 to separate the initial screening and evaluation of complaints about lawyer conduct from Disciplinary Counsel, and to provide a resource to legal consumers for information and assistance regarding concerns about lawyer conduct. When fully staffed, inquiries submitted to CAO are evaluated by three full time CAO lawyers (one of whom also acts as manager) with administrative support from two non-lawyer assistants. For about half of 2019, CAO efforts were supplemented by a part time lawyer hired to assist in clearing a backlog resulting from the loss of a staff lawyer in 2018. Due to a retirement, transfers within the bar, and an out-of-state move, CAO has lacked a stable set of three lawyers in years 2015 through 2018.

Process - Assistance

As appropriate and as resources permit, CAO provides information and assistance to legal consumers in response to telephone calls and written correspondence. The general information provided most often involves describing what obligations lawyers have under our rules. For instance, when do our rules permit or require a lawyer to terminate the lawyer’s employment and what are a lawyer’s obligations if terminated? CAO also may assist in addressing potential service issues. This most often involves attempts to re-establish communication between the lawyer and client, or helping to address a client’s file or property concerns. Whether or not CAO is able to assist, CAO often refers legal consumers to other agencies or programs that may help address their concerns. Typical examples are referrals to the OSB Lawyer Referral Service, OSB Fee Dispute Resolution Program, OSB Professional Liability Fund, Legal Aid Services of Oregon, Oregon DOJ Consumer Protection, Community Alliance of Tenants, or Rental Housing Alliance Oregon.

Process - Inquiries

CAO collects information from inquirers regarding their concerns and, where misconduct might be implicated, seeks a response from the lawyers identified. If CAO evaluation of an inquiry finds sufficient evidence to support a reasonable belief that a lawyer may have violated the rules or statutes governing lawyer conduct, the inquiry is referred to Disciplinary Counsel for further evaluation, accompanied by a brief memo describing the confidential basis for the referral. Otherwise, the inquiry is dismissed with a
written explanation for the dismissal provided to the inquirer and respondent. Inquirers are notified of the ability to request General Counsel review of CAO dismissals. General Counsel review is final. Most dismissals are not contested. Despite the high volume of matters processed by CAO, 95-100% of dismissals are affirmed after General Counsel review.

**Other efforts to enhance professionalism**

CAO lawyers support the bar’s General Counsel and Deputy General Counsel in responding to calls from lawyers seeking advice from the OSB Legal Ethics Helpline. CAO lawyers answered hundreds of Ethics Helpline calls in 2019. CAO also contributes to bar efforts to ensure professionalism by educating lawyers about their professional responsibilities through CLE programs and OSB publications. CAO lawyers contributed approximately 34 hours of continuing legal education in different programs for bar members around the state. The presentations included ethics school, trust account school, mandatory abuse reporting, and other subjects as requested. In addition to presenting in the Portland area, CAO lawyers spoke at events in Salem and Newport. CAO staff made a presentation to law students for an OLIO event. CAO contributed an article for publication in the *OSB Bulletin*.

**III. Volunteers/Partnerships**

CAO regularly works with a wide range of partners at the bar including General Counsel, Disciplinary Counsel, Public Records, Referral and Information Services, Communications and Public Services, Information and Design Technology, Client Security Fund, Unlawful Practice of Law Committee, Continuing Legal Education, Bar Bulletin and State Lawyers Assistance Committee. CAO lawyers served as liaisons to OSB sections (Government Law, Juvenile Law, Indian Law and Sustainable Future). Outside the bar, CAO maintains relationships with state courts, local and specialty bars, the Professional Liability Fund, and the Oregon Attorney Assistance Program, regarding issues that may be of common concern. CAO staff also proctored bar exams.

**IV. Program Measures - Outcomes and Evaluation**

**Outcome #1: Process a high volume of inquiries in a timely manner.**

Program measures call for CAO to process a high volume of inquiries in a timely manner. In 2019, CAO logged 1,971 inquiries and disposed of 1,930. For purposes of comparison: in 2018, CAO logged 1,968 and disposed of 1,947; in 2017, CAO logged 2,046 and disposed of 1,942; in 2016, CAO logged 2,027 and disposed of 1,938. Additionally, CAO staff handles thousands of telephone contacts from the public seeking information about the Oregon State Bar, ethical duties governing lawyers, and the lawyer regulatory system in Oregon. In 2019, CAO tracked for the first time general telephone statistics using the bar’s telephone software. Those statistics show that CAO staff handled well over 11,000 calls over the course of the year. Only a fraction of those calls are logged into the database, chiefly those in which some follow-up action is required after the call. Additionally, CAO’s experienced staff is able to provide consumer information and assistance that prevents many avoidable complaints. Some telephone contacts later become or relate to logged matters.
For inquiries that do not warrant further investigation or require a substantive dismissal, CAO practice is to acknowledge the inquiry within three days of receipt. For inquiries that warrant further investigation or require a substantive dismissal, CAO attempts to review the inquiry and respond with an initial letter within 7 - 14 days.

Program measures call for CAO to dispose of 70% of complaints and inquiries within sixty days of receipt. In 2019, CAO disposed of about 67% of complaints and inquiries within that time. The average time for all dispositions was 72 days.

**Outcome #2: Ensure proper disposition of complaints by making the correct decision to refer to disciplinary counsel or dismiss.**

CAO continues to provide high quality analysis in the disposition of matters. Of the 1,930 matters disposed of in 2019, 234 (12.2%) were referred to Disciplinary Counsel. (Cf. 2018 13.3%; 2017 13.7%; 2016 14.5%; 2015 12.5%). 1,052 matters were dismissed. In about 138 instances, CAO was able to contact a lawyer and actively assist in resolving the client’s concerns. In the remaining matters, CAO provided information or referrals to other programs.

Program measures state that at least 90% of CAO dismissals should be affirmed on review by General Counsel. In 2019, there were 270 requests for General Counsel review of CAO dismissals. Over 99% of CAO dismissals were affirmed on review.

**Outcome #3:  Ensure a high level of competence among staff.**

CAO staff lawyers are experienced lawyers familiar with a wide range of legal issues. CAO non-lawyer staff has many years of experience in legal practice and at the bar. CAO staff members consult with each other and review each other’s work to maintain quality and help ensure a sound decision making process. CAO staff members attend MCLE programs and take advantage of other opportunities to maintain and improve skills, such as participation in the ABA Center for Professional Responsibility and National Organization of Bar Counsel. At the bar level, CAO lawyers meet periodically with General Counsel and Disciplinary Counsel staff lawyers to help ensure consistency of analysis and approach. Weekly CAO staff meetings help CAO staff to spot and address problems as they arise.

**Outcome #4: Promote public awareness of CAO and its services.**

CAO’s informational video materials have been translated into Spanish and captioned for the hearing impaired. CAO website materials are screen readable and offer google translation into any other written language. CAO works with General Counsel, Communications, and Diversity and Inclusion departments to ensure our ability to serve diverse populations.

**Outcome #5: Identify technological and process improvements to improve department efficiencies.**

CAO operates as a mostly paperless office. In 2019 CAO participated in the implementation of new public records software. CAO continues to improve internal forms and processes.
Program Goal Statement

The CLE Seminars Department advances the Bar’s mission of improving the quality of legal services by contributing to lawyer competence through high-quality continuing legal education seminars and seminar products that are relevant, widely accessible, and cost-effective.

Program Description

As a provider of CLE seminars, the OSB operates in a highly competitive market that is defined by hundreds of other CLE providers, including no-cost or low-cost CLE seminars offered by OSB-related groups and below-market bulk pricing options from national online providers as low as $199 a year for unlimited CLE credit. To meet these challenges and provide a meaningful educational experience, the Seminars Department has increasingly relied on technology to deliver its CLE seminars and products in a variety of formats and pricing options that recognize the current delivery expectations among legal professionals.

Volunteers/Partnerships

Volunteers: 283 attorneys and other professionals volunteered as planners and speakers in 2019, some more than once, to fill 339 opportunities.

Partnerships: The CLE Seminars Department cosponsored seminars with 15 OSB sections, and the following Washington State Bar entities: the Business Law Section, the Creditor Debtor Rights Section and WSBA CLE. The CLE Seminars Department also augmented its original CLE programming with offerings from five educational partners: the Alaska Bar Association, the American Psychology-Law Society, CLE Webinars.com, Mesa CLE, and WebCredenza.

Outcomes and Evaluation

Outcome #1: Promote professional excellence and professional development by providing readily available 24/7 access to OSB CLE seminars, services, and information.

Measures: Continue a creative and flexible approach to program and product formats to meet changing member priorities for attending in-person events.

In 2019 the CLE Seminars Department produced 30 in-person seminars. Almost all of the live events were also webcast over the Internet. All seminars were recorded and could be ordered 24/7 through the bar’s online product catalog. On-demand products (video or audio) were available for access upon completing the online purchase. Hard media seminars (CD or DVD) could also be ordered online. Products were made to order and then shipped to the customer.
Maintain on-demand seminar inventory sufficient to satisfy MCLE self-study reporting requirements.

The membership had 24/7 online access to 324.25 hours of MP3 downloads and 369.25 hours of on-demand video. In addition to general credit seminars, the offerings included programs that qualified for legal ethics, practical skills, abuse reporting, access to justice, and mental health/substance use credits.

2019 followed the 2018 trend of increasing purchases of on-demand media. There were 3,668 on-demand video sales from March to December 2019, compared to 2,527 for the same period in 2018. MP3 audio files showed a similar increase. From March to December 2019, 1,604 audio CLE presentations were purchased, compared to 911 same period sales for 2018.

Continue to support sales of seminars on hard media (audio CDs and DVDs).

Although hard media (CD and DVD) purchases continue to decline, that media was a format still utilized by a number of members and entities. In 2019, the Department had 445 CD sales, 121 DVD sales, and 37 DVD rentals of its 15-credit reciprocal admission set.

Outcome #2: High member and section satisfaction with CLE curriculum, organization, and other CLE-related services.

Measures: Survey attendees and sections regarding their satisfaction with topics, format, logistics, and staffing.

The department continued to provide high quality CLE content for the membership. Of those returning a seminar evaluation, 91% rated the overall quality of the seminar as “very good” or “excellent.” Onsite seminar staff were rated “very good” or “excellent” by 98% of those who responded, while the onsite check-in process garnered a “very good” or “excellent” response by 98% of those who turned in an evaluation.

In 2019, sections rated the department’s CLE services in the Membership Services Department’s section survey (1 – 5 scale). The average ratings were: 4.54 (providing accurate information on co-sponsoring CLEs); 4.54 (timely distribution notices regarding programs); 4.54 (staff assistance with program
planning and logistics); and 4.85 (courtesy of staff). The ratings are almost identical to the 2018 CLE services ratings.

*Evaluate revenue-sharing model for programs cosponsored with sections.*

The Department implemented a new section cosponsored revenue sharing model in 2019. The previous model calculated the section’s revenue share on a per capita basis and required time consuming calculations by CLE staff. The new model shares a percentage of net seminar revenue. This is a much more efficient way for staff to calculate the revenue while still providing sections a share of the seminar revenue in an amount similar to that calculated under the former model.

*Promote cosponsorship and CLE registration services to sections.*

The Department cosponsored 15 events with OSB Sections. These events ranged from basic or fundamental courses to advanced level institutes. With the new requirement in 2019 that sections cosponsor an event once every three years, the Department anticipates the number of cosponsored events increasing in second and third year of the cosponsorship cycle.

Four options of section registration services were initially launched in 2019 and covered a range of section CLE programs, from RSVP-only events to multi-day conferences. The number of section events that utilized the bar’s online registrations services increased significantly. In 2018, the Department assisted sections with 21 events and processed 1,745 registration. For 2019, the number of section events increased to 76 events and 3,880 registrations. In addition, a number of sections wanted to market their programs more frequently than provided with the options. In response, the Department began offering a marketing add-on for an additional fee.

**Outcome #3:** Continue to develop cost-efficient strategies and processes to achieve budget goals and ensure fiscal responsibility.

*Measures:* Implement in-house webcasting and on-demand catalog hosting.

In-house webcasting and an online bar product catalog were available to bar members during 2019. A new feature of the product catalog was the ability to place an order online for seminars on hard media (CD and DVD). Previously, customers had to call the CLE Service Center to speak and speak with
a staff to place and pay for the order. Now, the entire transaction takes places online, with order fulfilment handled manually through CLE Seminars and Copy Center staff.

Evaluate pricing models and recommend any changes that will enhance ability to achieve budget goals.

The Department tested two group registration pricing models. Tiered registration was offered for multiple registrations from one organization to attend in-person CLE events. For live webcasts and on-demand videos, an additional viewer discount was available after the first viewer paid the regular registration price.

While the Department received numerous inquiries throughout the year about both the tiered and additional viewer discounts, only one organization (a CPA firm) used the tiered registration to attend a live CLE event. No purchasers used the additional viewer discount for live webcasts or on-demand videos.

Identify and implement efficiencies in processes and logistics. Evaluate staffing needs.

Although the CLE registration and online product catalog still had technological challenges when it launched in late 2018, it reached a basic level of functionality in 2019. CLE Seminars staff continued to assist the IT Department with testing and developing workarounds. The most critical registration and product catalog platform gaps were identified so those could be addressed as a priority to improve the customer experience.

The increase in section registration services also required the Department to reevaluate staff assignments for handling section intake and delivering registration services. After some trial and error, adjustments were made to the process. As a result, the department was able to accommodate a 260% increase from 2018 in the number of section events that used CLE registration services.

Outcome #4: Advance diversity, equity, and inclusion among speakers and planners; engage in programming that promotes access to justice

Measures: Work with CLE planners to encourage recruiting CLE presenters that reflect the diversity of the bar membership; review speaker and planner data each year and maintain statistics.
Of the CLE speakers and planners who indicated a gender, the following were identified: 57% female and 43% male. 25.09% selected “declined to state,” and 27.92% did not indicate a gender at all. This last figure includes non-member speakers for which data was not available.

The following ethnicities were identified by CLE speakers and planners: 52.30% White, 2.12% Asian, 2.47% multiple ethnicities, 1.41% Hispanic, and 0.35% Black. 14.84% selected “decline to state,” and 26.50% did not indicate any ethnicity.

The majority of speakers and planners were from Multnomah County (51.94%), followed by Marion County (7.42%), Lane County (5.3%), Washington County (5.3%), Clackamas County (2.83%), and Deschutes County (1.41%). Benton, Jackson, Lincoln, Polk, and Yamhill counties were represented by 2.83% of the speakers and planners, while 22.97% of the speakers and planners lived outside the state.

*Develop CLE programming that advances access to justice.*

In June 2019, the CLE Seminars Department cosponsored *Practicing Inclusion: How Best to Represent Clients with Disabilities* with the Disability Law Section.

In late fall, a subcommittee of the Advisory Committee for Diversity and Inclusion approached the CLE Department to discuss a new format for an Introductory to Access Justice program.

During the 2019 planning process for the cosponsored 2020 Litigation Institute, a theme of implicit bias was developed. The Director of CLE Seminars secured a national presenter to give two presentations at the 2020 Institute: an understanding of implicit bias and implicit bias in a litigation context.
COMMUNICATIONS & PUBLIC SERVICES DEPARTMENT

2019 Program Measures

I. Program Goal Statement

The OSB Communications Department advances the bar’s mission of promoting respect for the rule of law, improving the quality of legal services and increasing access to justice through consistent and effective delivery of OSB priority messages to members and the public. For Member Communications, the primary goals are to provide information that benefits members in their practices and to increase member awareness of bar priorities and services. For Public Communications, the primary goals are to promote public confidence in the justice system, respect for the rule of law and an understanding of the importance of Oregon lawyers to an efficient, accessible justice system.

II. Program Description

The Member Communications group publishes the OSB Bulletin, the electronic BOG Update and other broadcast email messages, prepares editorial content for the bar’s website and assists other bar programs in developing marketing and outreach materials. This group also coordinates the annual awards event, 50-Year Member Luncheon and other membership projects and events, including membership surveys and research.

Public Communications comprises programs and services designed to educate the public about laws, lawyers and the legal system and how to find help with legal problems. Education efforts focus on the bar’s website, including legal information videos and specialty publications.

Within Public Communications, the Creative Services group provides art direction, production management and quality control of all print and web collateral material promoting the programs, services and organizational brand of the OSB. Creative Services works closely with other department staff to coordinate marketing campaigns for the organization and assist bar programs in their individual marketing efforts. The department also provides design and production assistance for sections and local bars.

Media relations are also coordinated by department staff. This involves working with statewide news outlets to provide background on bar policies and processes, including regulatory functions and specific disciplinary cases. Staff also provide spokespeople to comment on any story with a law-related element, actively promote coverage of bar programs and initiatives, and support the judicial branch in responding to media inquiries and unjust criticism of the judiciary.

III. Volunteers/Partnerships

Volunteers: Approximately 50 members annually serve as authors and sources for Member Communications; an additional 100 or so assist annually with public information materials.

Partnerships: The Communications department partners with OSB sections and committees, affinity and county bars, the Oregon Judicial Department, legal aid programs, social service agencies, schools, and community and business leaders.
IV. Outcomes and Evaluation

Outcome #1: OSB members are informed about OSB priorities, programs and events.
Bar priorities are communicated through the Bulletin, the OSB website and the Bar News and BOG Update e-newsletters. Breaking and important news items are placed on the bar’s home page, which was viewed more than 3 million times in 2019. The department also produced 45 Bar News and BOG Update emails, which achieved an average open rate of 32 percent, a slight increase from the 30 percent open rate in 2018. Eight other emails were sent, inviting members to participate in surveys or informing them of important news; those had an average open rate of 53 percent. Emails to LRS panelists – including monthly reporting reminders and invoice reminders – had a strong average open rate of 87 percent.

The Bulletin, which publishes 10 times a year, is perhaps our most important vehicle for communicating with members. (Double issues are published in February/March and August/September.) Each issue includes columns on legal ethics, law practice management and legal writing. Each issue also includes information about CLE Seminars and Legal Publications, lawyer discipline summaries and a Bar News section for announcements and event promotion. Priority issues for the OSB are promoted through feature stories and columns; examples from 2019 include: “Focused on the Mission,” a profile of OSB President Chris Costantino; “Barriers to Justice,” a feature on the civil legal needs study; “Order in the Court,” about public and media access to court proceedings; “Defining Indian,” focused on Native identity and sovereignty; and “Times’ Up Oregon,” a feature on sexual harassment within the legal community. In addition, a special themed issue focused on lawyer well-being and a new recurring column explored issues related to diversity, equity and inclusion.

The Bulletin also assists other bar programs, legal community partners and community groups by sharing information about their services and events through the Bar News section and complimentary advertising. One or more pages of each issue are reserved for marketing CLE Seminars and Legal Publications. Other ads are placed on a space-available basis once all editorial content and paid ads have been laid out. In 2019, the value of donated ad space totaled $18,850 for CLE and Legal Publications; $60,525 for all other OSB programs; $26,155 for legal community partners; and $15,330 for community service and charitable groups.

A specific focus for 2019 was to continue outreach to affinity bars and other stakeholders and work with the new Bulletin Editorial Advisory Committee to ensure a diversity of voices in all sections of the Bulletin. In addition to new editorial policies, staff have developed a checklist of items for contract writers to consider, which includes the importance of diverse voices in all feature articles and columns, not only as sources but also as writers and photographers.

A focus for 2020 will be a consolidation and customization of messages sent from the bar. Using an automated email marketing application that is integrated with member profile data in Aptify, the Communications Department will be able to consolidate individual messages (OSB, section and program messages) into a weekly newsletter with content tied to topic codes selected by the members and other data maintained in Aptify. By reducing the number of marketing messages emailed to our audience from 6.4 million to 1.5 million, the department hopes to reduce the strain on recipients and provide a more helpful communication package that more effectively promotes the sales of bar products and services. The new system also has the potential to greatly streamline and personalize notifications regarding regulatory compliance.
**Outcome #2: OSB marketing efforts and other communications vehicles are consistent, timely, effective and designed to reinforce the bar’s visual brand.**

Marketing assistance for bar programs, services and special initiatives continued throughout the year. Creative Services staff coordinated semi-weekly meetings with staff from CLE Seminars and Legal Publications throughout 2019, with a focus on identifying opportunities for cross marketing of bar products and services. The CLE section of the *Bulletin* was rebranded mid-year as OSB Education & Research, and available filler space in the magazine was used to support the email marketing of products from both departments by directing viewers to their online product catalogs.

One goal for 2019 was to improve coverage of section and committee events through development of an online calendar populated through Aptify. With development of a new member dashboard as the top priority for the 2020 regulatory compliance cycle, completion of the calendar was put on hold. Section events have been added, but until Aptify is fully integrated, the existing online calendar remains active. Page views of the current calendar in 2019 totaled 1.4 million, which recognizes its continued use as an information tool. Once construction of a new calendar can begin with IT, additional event information that can be utilized by the new, more robust calendar feature will be gathered.

Because nearly all the bar’s marketing efforts direct people to its website, statistics on website usage are a useful indicator of whether OSB messages have been received. These numbers also demonstrate that the website has become a go-to source for information for both members and the public. Web traffic to osbar.org increased or held steady in 2019, as shown in the following tracking chart:

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<td>41.5 million</td>
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<td>Hits</td>
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**Outcome #3: OSB offers an array of practical, understandable legal information to help the public access the justice system.**

The Communications Department provides legal information to the public in multiple formats, primarily delivered through the bar’s website. The public information home page includes summaries of more than 100 legal topics, along with a growing library of more than 150 “Legal Q&A” videos – 29 of them presented in languages other than English. The site also offers information on bar services for the public, such as the Lawyer Referral Service.

In 2019, the bar’s public legal information pages recorded 1,379,864 page views. The first and third most-popular pages were the public home page (159,807 views) and the Referral & Information Services home page (136,132 views), both of which are promoted through a Google Ad Words campaign as well as regular postings to Craig’s List sites for Oregon. The most viewed legal topic pages were Landlords and Tenants (159,807) and Divorce in Oregon (47,376). Total page views were significantly higher than in 2018, including for all the pages specifically noted.
The Communications Department produced 13 new Legal Q&A videos in 2019 in English and three in other languages. The video library received 22,000 views, and for the first time, more people viewed the videos on their phones than on tablets or computers.

Following substantial legislative changes to Oregon’s landlord/tenant laws, Oregon Housing and Community Services awarded the bar a grant to develop new public education materials. Landlord/tenant materials have always been in high demand: In 2018 the landlord/tenant page on the OSB website averaged 8,000 page views per month. Since the updated page launched in late June of 2019, it has averaged approximately 20,000 page views per month. Materials produced through this grand project are detailed below.

- Staff produced a new pamphlet, “New Rules for Landlords,” and had it professionally translated into Spanish, Russian, Vietnamese and Simplified Chinese. Staff also produced three new landlord/tenant videos: “Landlord/Tenant Overview and Resources,” “Oregon’s New Rent Control Law” and “Termination Notices.” All three videos were presented in English, Spanish, Russian, Vietnamese and Mandarin Chinese. All versions of the videos are available on the OSB website and were provided to public access TV stations in Washington County, Southern Oregon, Monmouth, Woodburn, Portland and Gresham/East County. The videos will play on an intermittent, as-needed basis by each station until a cancel order is submitted. TVC-TV in Washington County provided a schedule of 13 broadcasts.

- The Communications Department also worked with CLE Seminars to present a live in-person and webcast event for the public. “Legal Q&A: An Update to Landlord/Tenant Law in Oregon” featured two lawyers who practice landlord/tenant law presenting information updates and answering audience questions. A total of 155 people registered, 34 in person and 121 for the webcast. The session was recorded and posted on the bar’s website. Questions that were not answered during the seminar due to time constraints or were otherwise submitted to bar staff were used to create a video called “More Legal Q&A.” This video is posted on the same web page as the original seminar video. Because it is presented in English only, staff created a transcript that can be used with the online Google Translate app that appears on all the site’s public information pages.

In addition, staff reviewed 97 legal information topics for readability on the Flesch-Kincaid scale and set a target standard for improvement – part of an effort set forth in the bar’s Diversity Action Plan to determine the readability/grade level of existing public legal information content. For reading grade level, materials ranged from 7.6 to 18.6, with an average of 12.7; the target is 8.0. Although staff only completed seven revisions (several others have been assigned to volunteers), the department has entered a partnership with students at Portland State University’s Linguistics Department to revise additional topics and reformat the bar’s web-based materials. This will be an ongoing project with multiple partners and volunteers.

**Outcome #4: The OSB is a trusted source of information and expertise for statewide media.**

The OSB Media Relations manager works daily with journalists around Oregon who cover all manner of law-related stories, directing them to lawyer experts on everything from environmental to constitutional law. Staff also manages media inquiries regarding the bar’s regulatory role, including coverage of disciplinary matters and other public protection programs such as the Client Security Fund and Unlawful Practice of Law enforcement.
As the bar transitioned in 2019 to a new process for public records requests, Media Relations staff worked to ensure the system could continue a relationship-based and transparent approach to the bar’s work with statewide media. This reinforces the position of the OSB as a trusted, transparent and rigorous regulatory body. In a year with particularly high-profile stories regarding both discipline and litigation, the coverage in Oregon media outlets has been accurate, fair and helpful in informing the public of the bar’s commitment to public protection.

In addition to managing responses to incoming inquiries, the Communications Department had several outreach projects this year in support of the bar’s mission. First, staff conducted a media campaign to share the results of the Civil Legal Need Study and to supplement legal services advocacy work with the Legislature. The study was covered in The Oregonian, Bend Bulletin, Register Guard, Salem Reporter and Wallowa Chieftain. Coverage in The Oregonian also included editorial support for adequate funding for legal services. Communications Staff also worked with LASO leadership on preparation for additional follow-up interviews in the spring.

In the fall, the department promoted the expansion of the bar’s Landlord/Tenant public education materials. News releases went to 74 media outlets, resulting in print or broadcast coverage from the following: Portland Tribune, Oregonian, Bend Bulletin, KGW TV, Portland Chinese Times, KUNP/KATU – Univision, El Latino de Hoy, Slavic Family News and Russian Radio American. The project was also promoted through Twitter, with a total reach (including retweets) of 23,652 users.

Working with the Bar Press Broadcasters Council, the bar hosted its annual dialogue between judges, district attorneys, defense attorneys, law enforcement officials and print and broadcast journalists. The program informs journalists of the importance of the fair trial process in Oregon’s courts, and provides an opportunity for these professional constituencies to address conflicts and tensions in a dialogue facilitated by the Hon. Michael Simon of the U.S. District Court.

Staff also played a lead role in educating courts and media about recent changes to the Uniform Trial Court Rule addressing cameras and other electronic devices in Oregon courts. In addition to working with several courts and the OJD, staff played a role in facilitating discussions between statewide media and Multnomah County Circuit Court in advance of the Jeremy Christian trial, one of the most high-profile cases in Oregon in some years.

As a trusted neutral party, the bar’s public relations manager is called upon frequently by both journalists and judges to provide guidance on conflicts that naturally arise between courts and media.

**Outcome #5: OSB provides exceptional service to a diverse public and membership.**

The Communications team continued to support the Aptify implementation, including an announcement regarding new MCLE reporting processes and the continuation of the “hunt group” to provide telephone assistance to members with questions about regulatory compliance (fees, MCLE, IOLTA and more).

The department’s primary focus in this area for 2019 was to conduct a climate survey – a key element of the bar’s Diversity Action Plan. The goal of the survey was to identify the barriers and opportunities faced by lawyers from non-dominant cultures in Oregon, providing the bar with a thorough understanding of the current culture while identifying opportunities to enhance and extend our efforts.
to create a fully inclusive and equitable bar. Communications and D&I staff worked with KGR+C Research to develop the survey, which was conducted in two parts.

Phase one was an online survey developed with input from numerous stakeholders and fielded from May through July of 2019. Phase two was a series of focus groups to discuss themes from the survey findings. Each group consisted of a different cohort of respondents: LatinX, Black, Asian/Pacific Islander, LGBTQAI2+ and people with disabilities. (Response rates for Veterans and Native American/Alaska Native lawyers were too small for conventional significance testing.) In phase two, KGR+C Research used the focus group conversations to center the meaning and implication of findings for each group in their lived experiences.

The draft report, which was presented to the OSB Board of Governors in November 2019, combines quantitative highlights of the online survey with qualitative comments from the focus groups to present a picture of the law practice climate for the five non-dominant cohorts listed above. The report also includes suggestions for addressing specific diversity/equity/inclusion gaps and enhancing the overall climate for law practice in Oregon.

The final report will be published early in 2020 and will serve as a guide in developing the bar’s next three-year Diversity Action Plan.

**Outcome 5: Continue to develop cost-efficient strategies and processes to achieve budget goals and ensure fiscal responsibility.**

The department has three distinct budgets: Communications, *Bulletin* and Creative Services.

- In Communications, special events matched budget projections and revenue for the bar’s online career center once again exceeded projections, totaling $60,000 (a 27 percent increase over 2018).
- The Creative Services budget also met targets, with expenses lower than prior years due to a reduction in staff FTE.
- The *Bulletin* had less-positive results, failing to break even despite changes in paper and printing that reduced costs and an attempt to generate new revenue through a special themed issue. To address the *Bulletin* budget issues, staff explored various options for handling advertising and production. Minor changes to advertising policies and major changes in production are expected to significantly reduce production costs in 2020. Staff also expect to achieve savings by reducing freelance costs and producing more content in-house, including the new Celebrate Oregon Lawyers issue in October. This special issue will complement a new OSB event that will replace the traditional Awards Luncheon, 50-Year Member Lunch and Pro Bono Challenge event. By combining the events, the bar expects to reduce expenses while redirecting staff resources to new public education programming that directly supports the bar’s mission.
Program Goal Statement

Disciplinary Counsel’s Office (DCO) performs many of the Bar’s regulatory functions. DCO’s primary goal is to administer an objective, efficient, consistent, and cost-effective system for the regulation of lawyers in order to serve the public interest, and promote public and member confidence in our regulatory system.

Program Description

As an instrumentality of the judicial department of the State of Oregon, the Bar is responsible for regulating lawyer conduct for the protection of the public and the integrity of the legal profession. DCO administers most of the Bar’s regulatory programs that are mandated by statute or court rule. Departmental responsibilities include: the investigation of ethics complaints; the prosecution of disciplinary proceedings authorized by the State Professional Responsibility Board (SPRB), including handling all appeals of formal proceedings before the Oregon Supreme Court; probation and diversion monitoring of lawyers who have been placed in either remedial program, and, where appropriate, enforcing compliance; conducting a twice-annual ethics school that is required for all lawyers who are publicly sanctioned; administration of the trust account overdraft notice program; conducting a twice-annual trust account school; reviewing, investigating, and making recommendations on reinstatement applications; representing the Bar in contested reinstatement proceedings; processing status changes; processing and screening pro hac vice applications; and processing requests for and issuing certificates of good standing, status change certificates, and disciplinary history certificates.

Volunteers/Partnerships

Volunteers: The SPRB is comprised of eight lawyers and two public members who are nominated by the Board of Governors (BOG) and appointed by the Oregon Supreme Court. The lawyer members are representative of the seven in-state Bar regions; the public members are at-large. Members serve staggered four-year terms. The SPRB is responsible for authorizing all disciplinary charges, formal disciplinary proceedings, overseeing the ensuing prosecution, authorizing appeals of trial panel decisions, and providing settlement authority for the resolution of disciplinary proceedings.

The Disciplinary Board is comprised of 71 geographically-assigned lawyers and public members and the Adjudicator, all of whom are recommended by the Bar and appointed by the Oregon Supreme Court. The Adjudicator is employed by the Bar and supervised by General Counsel. Three-member trial panels, chaired by the Adjudicator and including one additional lawyer and one public member, hear formal proceedings, decide whether misconduct has been established and determine the appropriate sanction where misconduct is found. DCO also occasionally enlists a volunteer member to serve as Bar Counsel in a disciplinary matter. In 2019, the Bar did not retain any Bar Counsel.
For respondent attorneys who are put on probation or diversion, other attorneys serve as volunteer probation/diversion monitors to ensure that respondents are complying with the terms of their diversions or probations.

Partnerships: Other groups and entities play a role in maintaining high standards of ethics and competency, including the Bar’s Client Assistance Office, which screens ethics complaints; General Counsel’s office, which provides information and advice to members regarding ethical issues; the State Lawyers Assistance Committee, which investigates referred lawyers to determine whether to take jurisdiction to address issues such as substance use and mental health that are impacting the lawyer’s competency to discharge duties to clients; the Professional Liability Fund’s Practice Management Attorneys; and the Oregon Attorney Assistance Program.

Outcomes and Evaluation

Outcome No. 1: Identify attorneys whose conduct may pose a substantial risk of immediate and irreparable harm to the public and investigate and prosecute those attorneys, where warranted, on an expedited basis for purposes of public protection.

In any given year, DCO receives approximately 300 new matters for investigation. With such a caseload, the department is responsible for prioritizing its work to best protect the public. Therefore, at the outset of an investigation, DCO identifies any lawyers who may pose a substantial risk of imminent harm by their continued practice of law, either due to evidence of affirmative misconduct (e.g. theft, conversion of client funds, practice abandonment), or because the lawyer has been adjudged to be incapacitated, or appears to be suffering from some type of impairment that is precluding him/her/them from practicing law safely and competently.

In the first situation, DCO moves for an immediate suspension of the lawyer’s license pending adjudication of the formal disciplinary charges. Such proceedings are heard by the Adjudicator on an accelerated schedule. In the second situation, DCO petitions the Oregon Supreme Court for an order transferring the attorney to inactive membership status if there has been an adjudication of incapacity, or may petition the court to determine whether the lawyer is disabled from continuing to practice law due to a personality disorder, mental infirmity or illness, diminished capacity, or addition to drugs, narcotics, or intoxicants.

DCO’s goal is to file appropriate pleadings within three to five months from DCO’s receipt of the complaint. This is a new policy that was implemented in January 2020.

In 2019, DCO filed one new petition for the immediate suspension of a lawyer based on the lawyer’s forgery of court orders. That petition resulted in the lawyer stipulating to the interim suspension.1

Outcome No. 2: Conduct thorough investigations and recommend appropriate disciplinary charges and sanctions.

1 DCO also sought to extend similar orders in two other cases that were originally entered in 2018. In both cases, the suspension orders were continued and remained in effect.
As a regulatory department, one of DCO’s fundamental responsibilities is to complete thorough investigations that result in appropriate dispositions. Dispositions include dismissing matters that lack sufficient evidence for the Bar to sustain its burden of proof, or recommending charges and appropriate settlements, including letters of admonition, public reprimands, or suspensions of varying lengths. Dispositions also include decisions from trial panels or the Oregon Supreme Court.

With regards to dismissals, a complainant may appeal a dismissal to the SPRB. In 2019, there were 44 appeals of dismissals. The SPRB upheld DCO’s dismissals in all matters.

The SPRB also offers letters of admonition, which a respondent can accept or decline. In 2019, there were 34 letters of admonition offered, all of which were accepted by the respondents.

The majority of disciplinary proceedings result in stipulations in which the Bar and the respondent agree on the sanction. If the sanction calls for a suspension of six months or less, the Adjudicator reviews and approves the sanction. If the suspension is for a greater term, the Oregon Supreme Court reviews and approves the stipulation. In 2019, there were 53 stipulations that were entered into between the parties, all of which were approved.

In 2019, DCO tried four contested cases to trial panels. In each case, DCO prevailed as to the majority of the violations alleged and obtained its requested sanction.2

The Oregon Supreme Court issued one opinion in 2019 from a case the respondent appealed in 2018. DCO prevailed in that case, with the court finding the Bar had proven additional violations that the trial panel had dismissed, and imposing a longer suspension than the one the panel imposed.

Finally, DCO does not evaluate this outcome based solely on successful dispositions. In any period of time, DCO expects that respondents will prevail in some cases, before trial panels or before the court. However, in a multi-year span, if DCO prevails in the majority of its cases, that affirms that its investigations, recommendations, and prosecutions are sound.

Outcome No. 3: Meet or exceed timeline and disposition targets for investigation and prosecution of disciplinary proceedings.

The target measures are a means of assessing the pace at which matters proceed from receipt to disposition, whether by dismissal, stipulation, or trial. The “initial action” typically means sending a letter requesting information of a respondent, but might also be seeking additional information from the complainant or obtaining information from a third party as a first step. The “probable cause” decision is determining that the matter should be dismissed or be presented to the SPRB. Additional time is built in for the amount of time that it takes to prepare the memorandum to the SPRB regarding probable cause recommendations. The length of time between taking a matter to the SPRB with a recommendation and filing the formal complaint typically allows time for negotiation before the filing of the formal complaint. Within 30 days of receipt of a respondent’s answer, DCO requests the appointment of a trial panel. From there, the disciplinary board clerk is in charge of scheduling all hearings with input regarding availability from the trial panel members and the parties.

2 Three of those cases have been appealed to the Oregon Supreme Court so the disposition is not final.
The below chart compares information for 2019 and 2018:

<table>
<thead>
<tr>
<th>Step</th>
<th>Target</th>
<th>2018 Average</th>
<th>2019 Average</th>
</tr>
</thead>
<tbody>
<tr>
<td>Initial Action</td>
<td>14 days from receipt</td>
<td>10 days</td>
<td>11 days</td>
</tr>
<tr>
<td>Probable cause decision</td>
<td>4 months (120 days) from receipt</td>
<td>213 days</td>
<td>139 days</td>
</tr>
<tr>
<td>Recommendation to SPRB</td>
<td>9 months from receipt</td>
<td>9 months</td>
<td>7.5 months</td>
</tr>
<tr>
<td>SPRB review of staff dismissals</td>
<td>90% upheld</td>
<td>98%</td>
<td>100%</td>
</tr>
<tr>
<td>File formal complaint</td>
<td>60 days from SPRB authorization</td>
<td>185 days</td>
<td>57 days</td>
</tr>
<tr>
<td>Request trial panel</td>
<td>120 days from formal complaint</td>
<td>90 days</td>
<td>71 days</td>
</tr>
<tr>
<td>Resolve 70% without trial</td>
<td></td>
<td>70%</td>
<td>96%</td>
</tr>
<tr>
<td>Initial trial setting</td>
<td>Within 6 months of assignment to a trial panel</td>
<td>222 days</td>
<td>261</td>
</tr>
<tr>
<td>Prevail in 90% of formal cases</td>
<td></td>
<td>Prevailed in 100%</td>
<td>97%</td>
</tr>
</tbody>
</table>

During 2019, the average time to take initial action was below the target time, and the department improved the time in which it took to make probable cause decisions. Also, cases taken to the SPRB with recommendations exceeded the 9-month goal in 2019.

The department also improved in 2019 in filing formal complaints within 60-days from authorization.

The goals pertaining to the percentage of cases settled and the percentage of cases in which the Bar prevailed were exceeded. Of the 96% of cases that were resolved without trial, that number includes 53 stipulations, 1 no-contest plea, 4 Form B resignations, three reciprocal discipline decisions, and 8 trial panel opinions that were issued in cases in which the respondent did not appear and therefore, was held in default.

**Outcome No. 4: Increase Bar and public contacts**

During 2019, outside speaking opportunities continued at a pace consistent with the prior year. Outreach to the larger legal community will continue as a priority.

**Outcome No. 5: Increase the use of Diversion/Probation as alternatives to discipline**

Beginning in 2018, DCO was able to offer diversion exclusively to respondents as an alternative to taking the matter to the SPRB. The SPRB continues to have the option of offering probation, where all or a portion of a period of suspension is stayed, pending successful completion of the probationary terms. Both DCO and the SPRB are mindful that the facts of a case and the circumstances of a respondent must be such that there is an identifiable condition or issue that can be addressed by remedial action in order for diversion or probation to be appropriate. An administrative staff member monitors all diversions, probations, conditional admissions, and conditional reinstatements, and a staff attorney handles any
enforcement measures that arise from failures to abide by diversionary or probationary terms. As of the end of 2019, 40 different matters were being monitored.

**Outcome No. 6: Implement Changes in DCO Rules and Procedures**

In 2019, the Oregon Supreme Court approved amendments to some of the Bar Rules of Procedure designed to provide additional clarity and streamline formal proceedings. Such amendments included specifying the time in which respondent has to file an answer to an amended complaint, changes to procedures relating to the involuntary transfer of respondents to inactive status, and the rules governing formal reinstatements.

**Outcome No. 7: Process regulatory work in timely manner**

In 2019, DCO timely processed 588 pro hac vice applications; 40 arbitration registrations; 1,684 status transfers, which included 370 resignations and 327 reinstatements; and issued 1,066 good standing certificates, 27 status change certificates and 142 disciplinary history certificates.

**Outcome No. 8: Continue with technology improvements**

During 2019, DCO staff members continued to participate in the refinement and testing of components of the new association management software. DCO continues to enhance, through currently available technology and software, the extent to which documentation is stored and transmitted electronically, in order to reduce paper and postage costs and render records more readily accessible through means other than a paper file, working with IDT to make incremental refinements in the disciplinary database. By late 2019, DCO had decided to transition to a new document management system known as NetDocuments, which was implemented in the department in February 2020.

**Outcome No. 9: Conduct a successful Ethics School**

Two sessions of “Ethics Best Practices” were presented, in May and November, through the combined efforts of lawyers from DCO, the Client Assistance Office, and OAAP. Although the programs are available to any member, the largest proportion of attendees is mandated to attend as a result of disciplinary sanctions. Written program materials and live presentation aids are continually reviewed and refined. Feedback from attendees is overwhelmingly favorable.

**Outcome No. 10: Conduct Trust Account School**

In 2018, DCO started holding a twice-annual Trust Account School as a result of respondents being in discipline as a result of poor trust account management. In 2019, two sessions of Trust Account School were presented in March and September through the combined efforts of DCO staff members and lawyers, the Client Assistance Office, and a PLF Practice Management Attorney. The largest proportion of attendees is mandated to attend as a condition of being in probation or diversion. Feedback from attendees has been extremely positive, with multiple participants stating they wished the program was mandatory for all new lawyers.
DIVERSITY & INCLUSION
2019 Program Evaluation

Goal Statement

The Diversity & Inclusion Department supports the Oregon State Bar’s mission of increasing access to justice by fostering a diverse Oregon bench and bar to effectively serve the diversity of the people of Oregon.

Program Description

The Diversity & Inclusion (D&I) Department works strategically to assist OSB leadership in supporting the bar’s mission to serve justice and the public interest by promoting respect for the rule of law, improving the quality of legal services, and increasing access to justice.

The Department is responsible for programs that increase the diversity of the Oregon bench and bar. These programs recognize the individual backgrounds of OSB members and how those experiences contribute to strengthening Oregon’s legal community, increasing access to justice, and promoting laws and legal solutions that better serve clients and their communities. Diversity includes, but is not limited to: age; culture; disability; ethnicity; gender and gender identity or expression; geographic location; national origin; race; religion; sex; sexual orientation; veteran status; and socio-economic status. A diverse and inclusive bar is necessary to attract and retain talented attorneys and bar leaders, effectively serve clients with diverse needs, understand and adapt to increasingly changing local and global markets, and improve the credibility of the legal profession.

Volunteers/Partnerships

Volunteers: A key resource to assist the D&I Department with meeting its goals is the Advisory Committee on Diversity & Inclusion (ACDI), which for 2019 had 16 volunteer members (including two public members) and an advisory member from each of the three Oregon law schools. In addition to the ACDI volunteer engagement, OSB members volunteer to participate in a variety of Department programs, including the Employment Retreat and OLIO (Opportunities for Law in Oregon) Orientation.

Partnerships: The Department collaborates with the OSB Diversity Section, Oregon’s three law schools, local and affinity bar associations, the judiciary, public and private legal employers, and various colleges, universities, and community organizations.
Outcomes and Evaluation

Outcome #1: Programming is comprehensive and encourages diversity within the bar and bench

The Department’s efforts focus on lawyer recruitment and retention in Oregon. Recruitment efforts begin with law students attending Oregon’s three law schools. The Department administers and funds a summer stipend program to encourage law students to engage in summer employment within the state. The positions are typically unpaid or lower paid positions, and the stipend support allows the students to stay in Oregon during the summer break and gain valuable work experience with non-profit, private, government, and judicial employers. In 2019, 30 students were selected to receive a stipend, which was slightly more than a 16% increase in the number of stipends that were awarded in 2018.

The Judicial Mentoring Program matches Oregon law students with a judicial mentor. Mentorships are dependent upon the number of judges who participate. Although the number of judges decreased by approximately 22% from 2018 participation, 27 law students were still able to have a judge as a mentor in 2019.

In 2019, two D&I events focused on recruitment at the law school level: the Employment Retreat and OLIO Orientation.

In 2019, 53 students participated in the Employment Retreat, which offered law students the opportunity to learn about employment in different areas of the law, including government positions and the judiciary, and participate in mock interviews. The Employment Retreat was held at the OSB Center in Tigard, and the Department found that providing transportation from the Salem and Eugene law schools significantly increased student participation. 38 students attended the Employment Retreat in 2018, compared to 53 students in 2019.

The OLIO Orientation is the Department’s most complex program. It provided law students with multiple substantive presentations on a legal practice in Oregon. It also created a way for incoming and upper-division law students at the three Oregon law schools to connect with each other and members of the Oregon legal community during a multi-day retreat. Although the number of law students attending the program is limited to 50, the number of lawyers and judges who volunteered to participate increased by 30%, from 93 volunteers in 2018 to 121 in 2019.

After law school graduation, the Department continues its recruitment efforts by partnering with the Oregon Minority Lawyers Association (OMLA) for its bar exam grant program. The Department announces the availability of the grants through the D&I webpage, the Oregon law schools, social media, and listserv postings. The applications are collected by the Department and then forwarded to OMLA for grant selection. In 2019, all 23 applicants received a bar exam grant from OMLA.

Further recruitment efforts were inaugurated in 2019 with ReBar, a program for Oregon bar exam applicants who previously had not passed the exam. The program provided an in-person bar preparation course, a cohort support group through the Oregon Attorney Assistance Program (OAAP), and a stipend to provide financial assistance while the exam takers took time off from their employment to study. There were 15 participants for the February 2019 cohort, and 4 passed the bar exam. For the July 2019 cohort, the number of participants was reduced to 12 to better align with OAAP support group
resources; 4 passed the bar exam. The February and July ReBar pass rates of 26.67% and 33.32%, respectively, were slightly higher than the repeat bar exam rate for Oregon, which is 25%.

Oregon lawyer retention efforts included a CLE and networking event specifically geared for lateral-hire attorneys new to the Oregon State Bar. This event, held at the OSB Center, attracted approximately three dozen participants.

With the goal of identifying and retaining future leaders, the BOG approved the formation of the Leadership Institute Advisory Board (LIAB). Charged with the responsibility of creating a program to cultivate leadership skills in attorneys who later could serve the bar and state-wide community, the LIAB met in December 2019 to begin planning for the September 2020 launch of the bar’s Leadership Institute.

Continuing on work that began in 2018, the Department conducted a climate survey of OSB members to establish a baseline of the current culture in Oregon’s legal community and identify barriers to retention of attorneys who contribute to the diversity of the bar and bench. The survey was completed in the last part of 2019. A draft was circulated in December 2019 to stakeholders for comment. A final version is expected to be released in 2020.

Outcome #2: The Diversity Advisory Council (DAC) is supported and held accountable for implementation of the Diversity Action Plan.

The D&I Department supports the DAC by scheduling, convening, and facilitating regular meetings of the DAC to discuss the status of and barriers to implementation efforts. In addition, the Department tracks the progress of the action items, proposes solutions to barriers, and compiles the annual implementation report for the Board of Governors. In addition, the Department works with an ad hoc DAC auxiliary committee to provide additional feedback. In 2019, the DAC met twice with the auxiliary committee for input. The Year 2 DAP Implementation Report is scheduled to be presented to the BOG in 2020.
FINANCE AND OPERATIONS
2019 PROGRAM REVIEW

Overview:

Finance and Operations are managed as one group, but are essentially two functions. The first function is: A) Finance & Accounting, which is staffed by three full-time FTE (Controller, A/P Accountant, and A/R Accountant), and B) Building Operations which is staffed by two full-time FTE (Facilities Manager, and Mail Room staff person). Both functions report to the Director of Finance and Operations (i.e. the CFO). The CFO has several additional responsibilities C) in addition to the traditional Finance/Accounting and Operations functions.

Finance and Operations indirectly supports all of the Bar’s Functions and Goals (i.e. 1. Regulate the Legal Profession and the Improve the quality of Legal Services, 2. Support the Judiciary and the Administration of Justice, and 3. Advance a Fair, Inclusive, and Accessible Justice System) by providing standard back-office services across all Bar departments.

Finance and Operations most directly advances the Bar’s Values of Integrity, Accountability, and Excellence as we strive for accuracy in all of our financial based tasks and strive at all times for efficiency and lowest possible cost in our operations.

A) FINANCE & ACCOUNTING

Program Goal Statement

The development and oversight of the Oregon State Bar’s (OSB) financial goals and objectives is the responsibility of the OSB Board of Governors (BOG) and it’s Budget & Finance (B&F) Committee. The BOG and the Committee are comprised of volunteer lawyers and public members.

The goal of the Finance Department is to provide financial services that contribute to effective and efficient performance of the OSB, by:

- Adherence to the goals and objectives as set forth by the BOG and B&F Committee.
- Providing accurate and timely financial record keeping in accordance with GAAP.
- Maximizing the return on the financial portfolio.
- Improve processes by streamlining activities.

Program Description

Finance is comprised of three core individuals, a Controller, and A/P Accountant, and an A/R Accountant. During fee membership season (December thru February), a temp is usually hired to help support the volume of transactions involving membership payment of dues (due January 31st) and to help answer member inquiries by phone.
Finance provides day-to-day financial and financial administration support services to all staff and departments of the bar and to the membership and the public. Accounting services are critical to the successful financial operation of the organization, and performs the following tasks:

- Payroll.
- Cash Management.
- Accounting.
- Financial reporting.
- Managerial reporting.
- Membership billing and payment receipt.
- Tenant invoicing.
- Meeting room rental.
- Transactional record keeping and check generation for Bar Sections.
- Management of the Bar investment portfolio.
- Payback and return analysis.
- Restricted funds management of reserves.

Outcomes and Evaluation:

1. Effective and timely performance of processes:
   
<table>
<thead>
<tr>
<th>2019 Performance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monthly close and generation of financial reports</td>
</tr>
<tr>
<td>Annual Budget that is balanced</td>
</tr>
<tr>
<td>Annual Audit with no major deficiencies</td>
</tr>
</tbody>
</table>

   All three measures of timely performance were met in 2019. Monthly close was completed on time, the 2020 budget was submitted as a balanced budget, and Moss Adams concluded the audit for the one-year period ended December 31, 2018 citing no major deficiencies and confirming the financial statements reflected the financial position of the Bar in all material respects.

2. Save $'s and/or Time
   
<table>
<thead>
<tr>
<th>2019 Performance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Spending alignment to revenue to achieve ≥ $0 net contribution each year.</td>
</tr>
<tr>
<td>Aptify updated for the 2020 Fee season and all invoices executed electronically.</td>
</tr>
<tr>
<td>Maintain Pacific Office Automation contract headcount at 0.5.</td>
</tr>
<tr>
<td>Execute the 2020 Fee season without a fee season temp (1.0 HC for 3 months)</td>
</tr>
<tr>
<td>All capital projects accompanied with a payback analysis, and four signature review. (Finance, General Counsel, and I/T review; and CEO approval).</td>
</tr>
<tr>
<td>Eliminate Finance reliance on Access</td>
</tr>
<tr>
<td>Close payroll account with Wells Fargo, merge to Columbia Bank.</td>
</tr>
<tr>
<td>Simplify the journal entry sequence for investments accounting.</td>
</tr>
</tbody>
</table>

   Fee season collections for 2020 have been very smooth, and membership is clearly more comfortable with the new Aptify system, resulting in a collection curve that running ~ $500K ahead of last year through December 31\textsuperscript{st}.

3. Professionally develop Accounting staff:
a. Controller: 3 units of classroom training in 2019. .5 / 1
b. A/P Accountant: Advanced Excel I and II. .5 / 1
c. A/R Accountant: Cross-trained to be able to cover Payroll and check generation. .5 / 1

As a group we did not complete as many training classes as planned, but we are making progress and this remains an objective for 2020.

4. Implement new compliance directives and associated internal controls as may be required for:
   a. Sales Tax N/A for 2019, remain aware for 2020
   b. New tiers for membership billing definition and testing 2020, for fee season 2021

The Bar accounting staff is taking steps to be compliant with these initiatives as may be necessary in 2020.

Two key objectives are present for Accounting and Finance in 2020:
1. The implementation of a new and/or upgraded accounting system, to replace GP/Dynamics (2015) which no longer be supported by Microsoft after April 2020.
2. Successful implementation into Aptify of the new member fee discount structure for the 2021 fee season, which will shift the discount from years of service, to a defined gross income threshold.

B) OPERATIONS

Program Goal Statement

The goal of the Operations function is to manage the Building, which the Bar owns and occupies, toward two critical objectives; a) maximize profitability, and b) to a high level of satisfaction for our tenants, our guests, and our employees by:

- Leasing office suites to external businesses to reside as tenants in our building.
- Providing conference rooms available for rent to our tenants, internal CLE, and external entities.
- Providing services to a high level of efficiency and cost effectiveness including; Mailroom, Lunchroom, Restrooms, Utilities, Parking Lot and Grounds maintenance, and Janitorial services.

Program Description

Operations is comprised of two core individuals, a Facilities Manager, and Mailroom staff person. Operations provides day to day support services and performs the following tasks:

- Advertising for vacant space when seeking new tenants.
- Oversight of common area maintenance (CAM).
- Grounds and Landscaping maintenance.
- Maintenance and repair of utilities (in many cases through 3rd party contractors and specialists).
- Copying, mailing, and shipping of Bar materials.
- Stocking general use supplies (tissue / utensils / 1st floor kitchen / restroom supplies).
- Building interior; paint, lights, carpet, window coverings.
- Safety compliance (exit routes, fire extinguishers, etc.)
- Building access and temperature control.

**Outcomes and Evaluation:**

<table>
<thead>
<tr>
<th>2019 Performance</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Building occupancy rate (goal 100%) 1 / 1</td>
</tr>
<tr>
<td>2. CAM on schedule and within budget. 1 / 1</td>
</tr>
<tr>
<td>3. Strict adherence to maintenance schedule for all utilities and compliance (water-fire-safety) 1 / 1</td>
</tr>
<tr>
<td>4. General supplies available without interruption. 1 / 1</td>
</tr>
<tr>
<td>5. Meeting rooms clean, functional, no complaints (getting it right the first time always). 1 / 1</td>
</tr>
<tr>
<td>6. Update the Hostile Visitor Group procedure. 1 / 1</td>
</tr>
<tr>
<td>7. Retrofit fluorescent and incandescent lighting to lower cost LED. 1 / 1</td>
</tr>
</tbody>
</table>

As of October 2018, the building is running at full occupancy. All required maintenance was performed in the year. The air handling system does need a significant 10 year cycle of maintenance, however issues have been reasonably addressed and large expenditure has been line itemed for the 2021 budget (after the planned member fee increase).

Two key objectives are present for 2020:


2. Completion of the neutral-use restroom on the first floor is scheduled as a Q1’2020 construction activity.

Initiatives for 2021:

1. $100K is set aside for incremental refurbishment and repair in 2020 to address: a) Air handling system, and b) Selective replacing of carpeting in high traffic areas.

**C) ADDITIONAL RESPONSIBILITIES OF THE CFO:**

In addition to the core accounting, finance, and building operations duties noted above, there are additional tasks that fall upon the CFO for execution and these include:

1. Liaison to the Budget and Finance Committee, and member/liaison to the Investment Committee. Responsibilities of being a subcommittee liaison include setting the agenda for meetings, preparing meeting memo’s informing board memos of specific issue, analysis and recommendations, being a facilitator during the meeting, and generating meeting minutes to be recorded as official record.

2. Management of the Bar’s investment Portfolio: The Bar has $5.3M (as of 12/31) invested approximately 50/50 between Becker Capital (Columbia Trust) and Washington Trust. The CFO must maintain a regular pulse on the performance of these funds, and provide updates as appropriate to the Investment Committee, which is a subset of the Budget and Finance Committee.
3. Management of the Bar’s debt: The Bar’s mortgage loan was refinanced in February 2019, securing a reduced interest rate from 5.99% to 4.66% and reducing the annual payment burden by $195K (from $793K annually to $598K). The new loan has a 10 year term (amortized over 30 years) and has a balloon payment of $9.6M due February 2029.

4. Signature authority for all of the Bar’s finances including bank accounts with Columbia Trust, Becker Capital (Columbia Trust), Washington Trust, and the State of Oregon LGIP account.

5. Overall prioritization of Bar financial objectives, in conjunction with and subject to approval and edit by the CEO, of the Bar’s revenue and expense activity footprint. Proactively communicating those objectives and working with Department managers and staff to achieve financial results.

**Outcome and Evaluation:**

<table>
<thead>
<tr>
<th>2019 Performance</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Positive grade of overall performance as prepared by the chair of the Budget and Finance Committee.</td>
</tr>
<tr>
<td>2. Positive return of the Bar’s investment portfolio greater than or equal to the risk free rate of return (10 year T-Bill rate)</td>
</tr>
<tr>
<td>3. Conclude the refinance of the Bar’s mortgage loan to a lower interest rate.</td>
</tr>
<tr>
<td>4. Achieve a total net contribution of no worse than $0 (balanced budget) and positive overall performance grade as prepared by the CEO.</td>
</tr>
</tbody>
</table>

The CFO met the duties as outlined. Performance from operations was better than budget and generated a positive net contribution, the investment portfolio ended the year in a significantly more positive position (relative to the start of the year) after adjustment for $1.1M being withdrawn and assigned to cash. The investment portfolio, after adjustment for the cash withdrawn, returned 17% for the year.

Two key objectives are present for 2020:

1. Finalization of the member fee discount for 2021, in terms of overall definition to include; a) period used to define gross income (i.e. prior year to determine current year, current year projection to determine current year, etc.), and b) any relevant cutoff point. This will need to be approved by the Budget & Finance committee, and the BOG with enough time to allow staff to test and define the product prior to the December 1st start of the fee season.

2. Ensuring adequate liquidity and a spending plan for the Client Security Fund. Due to the number of claims associated with the former Deveny practice, the CSF has a balance of $429K as of 12/31. Ensuring there is agreement on any allocation of funds from the $1.1M cash on deposit, and a decision on the proposal to: a) increase reserve from $1M to $1.25M, and b) raise the cap limit from $50K to $100K.
GENERAL COUNSEL’S OFFICE
2019 PROGRAM MEASURES

I. Goal Statement

The primary objective of General Counsel’s Office is to provide cost-effective, high-quality legal advice and representation to protect the legal and policy interests of the Oregon State Bar.

Secondary objectives are to administer the Client Assistance Office (see CAO Program Measures), the Fee Dispute Resolution Program and the MCLE Department effectively and efficiently. General Counsel’s Office also includes the professional Adjudicator, provides training and support to the Disciplinary Board, and functions as the Disciplinary Board Clerk’s Office. Additionally, General Counsel’s Office supports the Unlawful Practice of Law Committee, the State Lawyers Assistance Committee, the Client Security Fund, and the Legal Ethics Committee, and is responsible for providing timely and accurate ethics assistance to members. The office is also a general resource for questions from the public and others about the role of the bar, the regulation of the profession and related issues.

II. Program Description

General Counsel’s Office provides legal advice to the OSB on internal matters such as personnel, contracts, public meeting and public records compliance and non-disciplinary litigation. The Office also advises and assists the Board of Governors in the development of bar policy on a variety of issues. The Office is a resource to the public, the courts, and other branches of government regarding the role of lawyers and the legal profession, the regulation of lawyers and other issues.

General Counsel oversees the operation of the Client Assistance Office and the MCLE Department. Both programs develop and evaluate their own program measures and day-to-day functions are handled by the CAO Manager and the MCLE Administrator. Ultimate responsibility for personnel and program issues, however, rests with General Counsel. Additionally, General Counsel reviews, upon request, all complaints dismissed by the CAO and makes a final decision.

General Counsel’s Office also administers the Fee Dispute Resolution Program, a voluntary mechanism for resolving fee disputes between bar members and their clients, or between bar members. Participants may have their disputes submitted to either mediation or arbitration. Arbitrations are heard by a single arbitrator or a panel of three arbitrators, depending on the amount in dispute. Three-arbitrator panels are comprised of two lawyers and a public member. All mediators and arbitrators are volunteers. The party requesting mediation or arbitration pays a modest fee. Mediators may elect to prepare a settlement agreement when the mediation results in resolution of the dispute. Arbitration decisions are binding on the parties, subject to only limited court review.

General Counsel’s Office provides administrative support to the Unlawful Practice of Law Committee, which investigates complaints of unlawful practice by persons who are not members of the Oregon State Bar. As of January 2018, the Committee is appointed by the Supreme Court. Based on the Committee’s recommendation, the bar is authorized by statute to seek injunctive relief against unlawful
The Committee also refers matters to other agencies as appropriate, and engages in public education and outreach through, among other things, participating in presentations at community events.

General Counsel’s Office provides ethics assistance to bar members, responding to approximately 4,000 telephone requests, 400 e-mail requests, and 20 requests for advice letters each year. General Counsel staff are regular contributors to the Bulletin and to continuing legal education programs of the bar and other organizations. General Counsel’s Office provides feedback to the OSB Legal Ethics Committee as requested, assisting in the development of formal opinions that are issued by the Board of Governors and in the development of proposed amendments to the Oregon Rules of Professional Conduct. General Counsel provides staff support to special task forces studying rules of professional conduct for lawyers and, occasionally, judges.

General Counsel’s Office also supports the State Lawyers Assistance Committee, which is charged with reviewing and resolving complaints about lawyers whose conduct may impair their practice of law. When a layer is determined to be within the jurisdiction of SLAC, the committee develops and monitors the lawyer’s participation in a remedial program.

General Counsel’s Office provides staff support to the Client Security Fund Committee. The Committee is responsible for administering the Client Security Fund, which reimburses claimants whose property was wrongfully taken as a result of lawyer dishonesty.

Beginning in January 2018, General Counsel’s Office expanded to include the bar’s professional Adjudicator, who presides over disciplinary trial panels and hears other special proceedings. The Office continues to provide training and support to the Disciplinary Board, and serves as the Disciplinary Board Clerk’s Office. The Disciplinary Board Clerk assists the Adjudicator, schedules Disciplinary Board hearings, and serves a central repository for all pleadings and official documents relating to formal disciplinary proceedings. The Clerk maintains the original record of pleadings and other documents in disciplinary cases, tracks the progress of the proceedings through final disposition, and provides periodic notices when events do not occur within the time frame set out in the Bar Rules of Procedure (none of which were necessary in 2018). General Counsel’s Office organizes and presents the annual Disciplinary Board Conference and advises Disciplinary Board members on procedural matters as needed.

Stipulations for Discipline: 26; time for Adjudicator approval—10 days or less

General Counsel’s Office also manages the receipt and distribution of Unclaimed Lawyer Trust Account funds appropriated to legal services pursuant to ORS 98.368(2). Each year, the Office receives unclaimed lawyer trust account funds from attorneys and financial institutions, and processes claims from claimants. The Office periodically reports claims to the Department of State Lands and Legal Services Department on funds received and claims paid.

In 2018, General Counsel’s Office will assume primary responsibility for receiving and responding to public records requests. The Public Records Coordinator will continue to coordinate and communicate with bar departments. General Counsel will provide advice to the Coordinator to enable compliance with new legislative requirements, including the identification of exempt materials.
III. Volunteers/Partnerships

General Counsel's Office partners with a variety of members and others in fulfilling its responsibilities. When insurance does not provide coverage, we attempt to recruit members to represent the bar on a pro bono or reduced fee basis to help with the more complex non-disciplinary litigation in which the bar is involved. The bar also receives legal representation on employment and some other legal matters either pro bono or at reduced fees. Members of the Legal Ethics, State Lawyers Assistance, UPL Committees, and Client Security Fund Committee are all volunteers, including the public members; the same is true of the panelists for the Fee Dispute Resolution Program and, with the exception of the Adjudicator, the public and lawyer members of the Disciplinary Board. General Counsel's Office also frequently partners with Oregon lawyers, specialty and local bar associations, and the Professional Liability Fund to provide continuing legal education programs.
I. **Program Goal Statement**

The goal of the Human Resources Department is to maintain compliance with all state and federal regulations related to human resources and safety issues; maintain a skilled, qualified, professional, productive, and diverse workforce as required to meet the service demands of the organization and make a positive impact on service areas; manage a comprehensive and cost effective benefit program; and create and enhance training options at all staff levels.

II. **Program Description**

The Human Resources Department provides direct service for all employment, training and development, performance evaluation, staff and member benefit administration, policy development, workers’ compensation, and all safety-related activities for all Bar departments and personnel. The department ensures compliance with federal and state human resources and safety requirements.

III. **Volunteers/Partnerships**

**Partnerships:** Vendors are used to provide training and products that come with service agreements. The Bar utilizes professional insurance brokers to review current policies and advise on market conditions when securing workers’ compensation, health, and employment practices coverage. The Bar and PLF create a group, where practicable, for health insurance and employee assistance program contracts to ensure best rate premiums.

IV. **Outcomes and Evaluation**

**Outcome #1:** Fill all regular and temporary vacancies within a reasonable and appropriate amount of time to meet or exceed the needs of the hiring director or manager. Incorporate methods that facilitate a diverse outreach and recruitment.

**Measures:**
- Timely completion of process
- Effective pre-screening to identify sufficient pool of qualified candidates
- Seek opportunities to increase a diverse pool of qualified candidates
- Monitor retention rates of new hires
Assist directors with succession planning

There were twenty open positions in 2019. Four positions remained unfilled at the end of 2019. Of the sixteen filled positions, thirteen were filled from the outside, three of those were temporary employees subsequently hired. Current employees filled three positions. Individuals hired in 2019, with the exception of one, remain employed with the Bar.

### 2019 Open Positions

<table>
<thead>
<tr>
<th>Position Title</th>
<th>Exempt or Non Exempt</th>
<th>Date Recruitment Started</th>
<th>Date Offer Accepted</th>
<th>No. of Days Open</th>
<th>Internal or External Fill</th>
<th>Still Employed</th>
<th>Race</th>
<th>Sex</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administrative Assistant – OLF/LSP</td>
<td>Exempt</td>
<td>03/29/19 06/14/18</td>
<td>01/04/19</td>
<td>204</td>
<td>External</td>
<td>Yes</td>
<td>White</td>
<td>F</td>
</tr>
<tr>
<td>Admissions Specialist</td>
<td>Non Exempt</td>
<td>04/09/19</td>
<td>06/05/19</td>
<td>57</td>
<td>External</td>
<td>Yes</td>
<td>White</td>
<td>F</td>
</tr>
<tr>
<td>Assistant Disciplinary Counsel - Litigation</td>
<td>Exempt</td>
<td>03/29/19 (139 days) Restarted 01/03/20</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bulletin Editor</td>
<td>Exempt</td>
<td>11/15/18</td>
<td>02/12/19</td>
<td>89</td>
<td>External</td>
<td>Yes</td>
<td>White</td>
<td>M</td>
</tr>
<tr>
<td>Business Systems Analyst and Project Manager</td>
<td>Exempt</td>
<td>11/19/18</td>
<td>01/18/19</td>
<td>60</td>
<td>External</td>
<td>No</td>
<td>White</td>
<td>M</td>
</tr>
<tr>
<td>Business Systems Analyst and IT Project Manager</td>
<td>Exempt</td>
<td>07/23/19</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chief Financial Officer</td>
<td>Exempt</td>
<td>10/31/19</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>CLE Seminars Program and Event Assistant</td>
<td>Non Exempt</td>
<td>02/11/19</td>
<td>09/09/19</td>
<td>210</td>
<td>External</td>
<td>Yes</td>
<td>White</td>
<td>F</td>
</tr>
<tr>
<td>Deputy General Counsel</td>
<td>Exempt</td>
<td>01/17/19</td>
<td>02/09/19</td>
<td>23</td>
<td>Internal</td>
<td>Yes</td>
<td>Asian</td>
<td>M</td>
</tr>
<tr>
<td>Director of Diversity &amp; Inclusion</td>
<td>Exempt</td>
<td>09/17/19</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Disciplinary Counsel and Director of Regulatory Services</td>
<td>Exempt</td>
<td>08/05/19</td>
<td>12/31/19</td>
<td>148</td>
<td>Internal</td>
<td>Yes</td>
<td>White</td>
<td>F</td>
</tr>
<tr>
<td>Discipline Legal Secretary</td>
<td>Non Exempt</td>
<td>01/03/19</td>
<td>05/09/19</td>
<td>126</td>
<td>External (hired temp)</td>
<td>Yes</td>
<td>Asian</td>
<td>F</td>
</tr>
<tr>
<td>Discipline Legal Secretary</td>
<td>Non Exempt</td>
<td>02/19/19</td>
<td>11/07/19</td>
<td>261</td>
<td>External</td>
<td>Yes</td>
<td>White</td>
<td>F</td>
</tr>
<tr>
<td>Diversity &amp; Inclusion External Coordinator</td>
<td>Non Exempt</td>
<td>11/16/18</td>
<td>04/15/19</td>
<td>150</td>
<td>External</td>
<td>Yes</td>
<td>Hispanic</td>
<td>M</td>
</tr>
<tr>
<td>MCLE Program Assistant</td>
<td>Non Exempt</td>
<td>01/16/19</td>
<td>01/16/19</td>
<td>0</td>
<td>External (hired temp)</td>
<td>Yes</td>
<td>White</td>
<td>F</td>
</tr>
<tr>
<td>Member Services Assistant</td>
<td>Non Exempt</td>
<td>02/05/19</td>
<td>05/29/19</td>
<td>113</td>
<td>External</td>
<td>Yes</td>
<td>White</td>
<td>F</td>
</tr>
<tr>
<td>Member Services Records Specialist</td>
<td>Non Exempt</td>
<td>01/18/19</td>
<td>02/16/19</td>
<td>19</td>
<td>Internal</td>
<td>Yes</td>
<td>White</td>
<td>F</td>
</tr>
<tr>
<td>Member Services Specialist</td>
<td>Non Exempt</td>
<td>01/18/19</td>
<td>01/25/19</td>
<td>7</td>
<td>External (hired temp)</td>
<td>Yes</td>
<td>More than one</td>
<td>F</td>
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<tr>
<td>RIS Assistant – Bilingual</td>
<td>Non Exempt</td>
<td>08/04/18</td>
<td>01/28/19</td>
<td>177</td>
<td>External</td>
<td>Yes</td>
<td>Hispanic</td>
<td>F</td>
</tr>
<tr>
<td>RIS Assistant – Bilingual</td>
<td>Non Exempt</td>
<td>02/09/18</td>
<td>03/20/19</td>
<td>404</td>
<td>External</td>
<td>Yes</td>
<td>Hispanic</td>
<td>F</td>
</tr>
</tbody>
</table>
During 2019, the Bar hired thirteen employees new to the Bar and, of those thirteen, three are males, one is Asian, three are Hispanic, one identifies as more than one race, one identifies as transgender, and one indicates sexual orientation as an identity. Of the nine employees who left in 2019, three were males, one was Hispanic, and one identified as transgender.

The female employee population increased by four and the male employee population remained steady at 28. The male employee population represents only 31% of the total employee population, down 2% from 2018. The 2019 average turnover rate for males was 0.85% and 0.81% for females. In 2019, the Bar hired ten females and six females left the Bar.

The Bar continues to focus on increasing the diversity of the applicant pool through outreach to the community, agencies, publications, and websites directed toward the diverse community.

The 2018-2020 Diversity Action Plan outlines additional strategies for increasing the applicant pool. One strategy is the use of hiring committees. In 2019, recruitment for eight open positions utilized hiring committees. The hiring committees filled three positions with
three males, two white, one Hispanic, two over the age of forty, one identifies as transgender, and one indicates sexual orientation as an identity.

Overall, Bar staff reached 90 employees. The 2019 average turnover rate is 0.83% – 0.93% for White employees, 0.0% for African-Americans, 0.0% for Asians, 0.64% for Hispanics, and 0.0% for those identifying as more than one race. The one Hispanic employee who left relocated out of state.

Because of the 2018-2020 Diversity Action Plan, statistics for the employee population expanded to include more races. Races added are American Indian or Alaska Native and Native Hawaiian or other Pacific Islander. Additionally, the Bar stopped tracking national origin statistics. The 2019 statistics include the first full year report.
Filling the RIS Assistant - Bilingual positions remained a struggle and all the RIS Assistant positions were filled by April 2019. The use of hiring committees slows down the process yet remains a valuable tool.

Average days to fill all positions decreased by 16.00 days. Hiring exempt staff in 2019 decreased by 10.78 days and decreased for non-exempt staff by 44.60 days. Two non-exempt positions and seven exempt positions remain open at the end of 2019.

**Number of Days to Hire**

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of Filled Positions</th>
<th>Average Days to Fill</th>
<th>Variance (Days)</th>
<th>Number of Filled Non-Exempt Positions</th>
<th>Average Days to Fill</th>
<th>Variance (Days)</th>
<th>Number of Filled Exempt Positions</th>
<th>Average Days to Fill</th>
<th>Variance (Days)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2004</td>
<td>21</td>
<td>56.65</td>
<td>NA</td>
<td>17</td>
<td>60.40</td>
<td>NA</td>
<td>4</td>
<td>46.40</td>
<td>NA</td>
</tr>
<tr>
<td>2005</td>
<td>15</td>
<td>69.67</td>
<td>13.02</td>
<td>8</td>
<td>57.63</td>
<td>(2.77)</td>
<td>7</td>
<td>83.43</td>
<td>37.03</td>
</tr>
<tr>
<td>2006</td>
<td>18</td>
<td>74.06</td>
<td>4.39</td>
<td>13</td>
<td>70.77</td>
<td>13.14</td>
<td>5</td>
<td>82.60</td>
<td>(.83)</td>
</tr>
<tr>
<td>2007</td>
<td>19</td>
<td>76.64</td>
<td>2.58</td>
<td>14</td>
<td>69.72</td>
<td>(1.05)</td>
<td>5</td>
<td>96.00</td>
<td>13.40</td>
</tr>
<tr>
<td>2008</td>
<td>13</td>
<td>102.46</td>
<td>25.82</td>
<td>11</td>
<td>82.82</td>
<td>13.10</td>
<td>2</td>
<td>210.50</td>
<td>114.50</td>
</tr>
<tr>
<td>2009</td>
<td>7</td>
<td>65.00</td>
<td>(37.46)</td>
<td>5</td>
<td>63.60</td>
<td>(19.22)</td>
<td>2</td>
<td>72.00</td>
<td>(138.50)</td>
</tr>
<tr>
<td>2010</td>
<td>8</td>
<td>22.88</td>
<td>(42.12)</td>
<td>5</td>
<td>23.20</td>
<td>(40.40)</td>
<td>3</td>
<td>22.33</td>
<td>(49.67)</td>
</tr>
<tr>
<td>2011</td>
<td>24</td>
<td>55.42</td>
<td>32.54</td>
<td>21</td>
<td>57.57</td>
<td>34.37</td>
<td>3</td>
<td>40.33</td>
<td>18.00</td>
</tr>
<tr>
<td>2012</td>
<td>12</td>
<td>64.42</td>
<td>9.00</td>
<td>12</td>
<td>70.09</td>
<td>12.52</td>
<td>1</td>
<td>2.00</td>
<td>(16.00)</td>
</tr>
<tr>
<td>2013</td>
<td>19</td>
<td>65.00</td>
<td>58.00</td>
<td>13</td>
<td>44.77</td>
<td>(25.32)</td>
<td>6</td>
<td>108.83</td>
<td>106.83</td>
</tr>
<tr>
<td>2014</td>
<td>15</td>
<td>76.47</td>
<td>11.47</td>
<td>11</td>
<td>75.18</td>
<td>30.41</td>
<td>4</td>
<td>63.75</td>
<td>(45.08)</td>
</tr>
<tr>
<td>Year</td>
<td>Month</td>
<td>Value 1</td>
<td>Value 2</td>
<td>Value 3</td>
<td>Value 4</td>
<td>Value 5</td>
<td>Value 6</td>
<td>Value 7</td>
<td></td>
</tr>
<tr>
<td>------</td>
<td>-------</td>
<td>---------</td>
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</tr>
<tr>
<td>2015</td>
<td>22</td>
<td>51.18</td>
<td>(25.29)</td>
<td>15</td>
<td>37.58</td>
<td>(37.60)</td>
<td>7</td>
<td>83.80</td>
<td>20.05</td>
</tr>
<tr>
<td>2016</td>
<td>12</td>
<td>48.75</td>
<td>(2.43)</td>
<td>7</td>
<td>35.29</td>
<td>(2.29)</td>
<td>5</td>
<td>67.60</td>
<td>(16.20)</td>
</tr>
<tr>
<td>2017</td>
<td>24</td>
<td>84.71</td>
<td>35.96</td>
<td>8</td>
<td>66.50</td>
<td>31.21</td>
<td>6</td>
<td>76.00</td>
<td>8.40</td>
</tr>
<tr>
<td>2018</td>
<td>14</td>
<td>144</td>
<td>108.04</td>
<td>9</td>
<td>154.78</td>
<td>123.57</td>
<td>5</td>
<td>124.60</td>
<td>48.6</td>
</tr>
<tr>
<td>2019</td>
<td>16</td>
<td>128</td>
<td>(16.00)</td>
<td>12</td>
<td>144</td>
<td>(10.78)</td>
<td>4</td>
<td>80</td>
<td>(44.60)</td>
</tr>
</tbody>
</table>
Retention Rates of New Hires tracks the to-date retention rate of employees hired since November 2003. During this period, the Bar filled 250 positions and 136 of those employees left the Bar. Nineteen left for the sole reason of leaving for another job. The Bar involuntarily terminated 24 employees (three completed a limited duration assignment). The remaining left voluntarily due to a variety of reasons to include:

- higher salary;
- geographic relocation;
- increased commuting expenses;
- full-time employment;
- pursuing a new career or returning to a former career;
- family decisions or health issues;
- returning to college or law school;
- entering the military;
- retirement; and
- following their dreams such as starting a business or changing a career path.

Exempt position retention rates tend to be more stable as more exempt employees are in chosen careers for which they have dedicated education and training. Non-exempt staff tend to be in a job where there is more ease of movement, including career or life changes.

In 2019, two employees left for another position paying more money, one employee retired from a very long career with the OSB and two retired from shorter careers with the bar, one employee left to stay home with her newborn son, one employee left to return to a previous self-employment opportunity, one employee was unhappy, and one employee relocated out of state.

In the past, the number of people leaving for another position paying more money was nonexistent. In recent years, this reason appears on a more regular basis.
Annual Average Turnover Rate

<table>
<thead>
<tr>
<th>Year</th>
<th>Turnover Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>2005</td>
<td>0.85%</td>
</tr>
<tr>
<td>2006</td>
<td>1.55%</td>
</tr>
<tr>
<td>2007</td>
<td>1.46%</td>
</tr>
<tr>
<td>2008</td>
<td>0.73%</td>
</tr>
<tr>
<td>2009</td>
<td>0.54%</td>
</tr>
<tr>
<td>2010</td>
<td>0.62%</td>
</tr>
<tr>
<td>2011</td>
<td>1.07%</td>
</tr>
<tr>
<td>2012</td>
<td>1.21%</td>
</tr>
<tr>
<td>2013</td>
<td>1.27%</td>
</tr>
<tr>
<td>2014</td>
<td>0.73%</td>
</tr>
<tr>
<td>2015</td>
<td>1.24%</td>
</tr>
<tr>
<td>2016</td>
<td>1.36%</td>
</tr>
<tr>
<td>2017</td>
<td>1.35%</td>
</tr>
<tr>
<td>2018</td>
<td>1.12%</td>
</tr>
</tbody>
</table>
There are four unfilled positions at the end of 2019 for a total of 4.0 FTE. These unfilled positions are not included in this report.

### Headcount

<table>
<thead>
<tr>
<th>Year</th>
<th>Exempt Staff</th>
<th>Non-Exempt Staff</th>
<th>Total Staff</th>
<th>Total FTE</th>
</tr>
</thead>
<tbody>
<tr>
<td>2005</td>
<td>46</td>
<td>45</td>
<td>91</td>
<td>82.972</td>
</tr>
<tr>
<td>2006</td>
<td>45</td>
<td>45</td>
<td>90</td>
<td>81.975</td>
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<td>2007</td>
<td>45</td>
<td>45</td>
<td>90</td>
<td>84.850</td>
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<td>2008</td>
<td>39</td>
<td>53</td>
<td>92</td>
<td>86.275</td>
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<td>2009</td>
<td>38</td>
<td>57</td>
<td>95</td>
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<td>92</td>
<td>85.675</td>
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<td>95</td>
<td>86.275</td>
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<tr>
<td>2013</td>
<td>39</td>
<td>53</td>
<td>92</td>
<td>84.400</td>
</tr>
<tr>
<td>2014</td>
<td>42</td>
<td>52</td>
<td>94</td>
<td>87.100</td>
</tr>
<tr>
<td>2015</td>
<td>42</td>
<td>53</td>
<td>95</td>
<td>89.350</td>
</tr>
<tr>
<td>2016</td>
<td>41</td>
<td>46</td>
<td>87</td>
<td>83.325</td>
</tr>
<tr>
<td>2017</td>
<td>41</td>
<td>45</td>
<td>86</td>
<td>82.200</td>
</tr>
<tr>
<td>2018</td>
<td>44</td>
<td>42</td>
<td>86</td>
<td>82.075</td>
</tr>
<tr>
<td>2019</td>
<td>41</td>
<td>49</td>
<td>90</td>
<td>84.575</td>
</tr>
</tbody>
</table>
Three employees retired in 2019. Today, there are twelve employees eligible for full PERS retirement. Four of those employees are directors or managers.

### Employees Eligible for Full Retirement

<table>
<thead>
<tr>
<th>Year</th>
<th>Currently Eligible</th>
<th>Eligible within 1 to 5 Years</th>
<th>Eligible within 6 to 10 Years</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td># of Staff</td>
<td>% of Staff</td>
<td># of Staff</td>
</tr>
<tr>
<td>Jul 2009</td>
<td>9</td>
<td>10%</td>
<td>17</td>
</tr>
<tr>
<td>Jan 2010</td>
<td>10</td>
<td>11%</td>
<td>18</td>
</tr>
<tr>
<td>Jan 2011</td>
<td>9</td>
<td>10%</td>
<td>18</td>
</tr>
<tr>
<td>Jan 2012</td>
<td>9</td>
<td>9%</td>
<td>18</td>
</tr>
<tr>
<td>Jan 2013</td>
<td>12</td>
<td>13%</td>
<td>25</td>
</tr>
<tr>
<td>Jan 2014</td>
<td>10</td>
<td>11%</td>
<td>21</td>
</tr>
<tr>
<td>Jan 2015</td>
<td>10</td>
<td>11%</td>
<td>19</td>
</tr>
<tr>
<td>Jan 2016</td>
<td>11</td>
<td>12%</td>
<td>25</td>
</tr>
<tr>
<td>Jan 2017</td>
<td>11</td>
<td>13%</td>
<td>13</td>
</tr>
<tr>
<td>Jan 2018</td>
<td>11</td>
<td>13%</td>
<td>12</td>
</tr>
<tr>
<td>Jan 2019</td>
<td>11</td>
<td>13%</td>
<td>14</td>
</tr>
<tr>
<td>Jan 2020</td>
<td>12</td>
<td>13%</td>
<td>13</td>
</tr>
</tbody>
</table>
Outcome #2: Provide training and development programs and opportunities in a cost-efficient manner. Guide organizational strategy and compliance training needs, as well as personal and professional growth opportunities, to boost employee competence.

Measures: Identify and arrange at least four all-staff presentations each year on issues such as wellness, personal finance, retirement planning, workplace harassment, and diversity. Assist directors and managers to identify and organize appropriate areas of training specific to their needs.

This year we offered subject matter including:

- Retirement Savings
- CPR (adult and child)/First Aid/Blood Borne Pathogens/AED
- Information Technology
- Airport Renovations
- Holiday Planning
- Hostile Visitors
- Diversity (2)

This listing of 2019 trainings does not recognize external training opportunities staff attended through their own department’s budget. The expense for all of these opportunities is $830.

Outcome #3: Manage employee-related risk by maintaining the most cost effective and comprehensive workers’ compensation and employment practices liability insurance coverage. Protect human and physical resources by training employees in critical aspects of safety and management skills. Manage a fully-functioning Safety Committee.

Measures: Oversee the work of the Safety Committee
Collaborate with the CFO on security issues
Coordinate periodic safety and security training for staff
Monitor liability coverages and update as appropriate
Provide regular guidance to directors and managers on staff management
All interested staff were trained during the annual first aid, CPR (adult and child), automated external defibrillator, and blood-borne pathogen seminar. We have 15 OSB employees trained for emergencies. Training for new certifications was provided to OSB and PLF staff.

The Safety Committee met once each quarter. It was a quiet year for the committee. A few of the issues included:

- a fire in the smoking shed;
- a review of posted locations for fire extinguishers and first aid kits;
- update emergency exit maps;
- providing more information to staff about response to a hostile visitor;
- emergency preparedness;
- cleaning clutter from building storage areas;
- moth traps in the kitchens; and
- servicing the telephones and intercoms in the elevators.

“Tip of the Month” continued in 2019 as employment law updates and HR tips were provided to managers and directors. Topics for 2019 included:

- Leadership Training: 8 Steps to Coaching for Better Performance
- 10 Common Phrases That Turn Employees Against You
- DOL Issues Six New Opinion Letters and Establishes a New Office of Compliance Initiatives
- Mid-Year Check-In Conversation Guide for Managers and Employees
- The 4 Essential Skills of a Master Manager
- 5.3 Vacation
- Rest and Meal Period Requirements

The 2019 Employment Practices Liability (EPL) policy was renewed for an annual premium of $11,403 reflecting a 0.84% increase. The EPL policy carries the same $2,000,000 limit, third-party coverage, and directors and officers liability insurance (D&O). The EPL portion of the premium increased by 3.59% from $4,681 to $4,849. The D&O portion of the premium decreased by 14.69% from $7,571 to $6,459.

The workers’ compensation policy renewed with an $10,312 premium reflecting a 5.32% decrease. The experience modification factor, used in calculating our premium, decrease from 1.02 to 1.01. No employees filed workers’ compensation claims in 2019.
## Insurance Coverage and Activity

<table>
<thead>
<tr>
<th>Policy Period</th>
<th>Workers' Compensation Claims</th>
<th>Annual Premium</th>
<th>Variance</th>
<th>Dividend Received</th>
<th>Experience Modification Factor</th>
<th>Employment Practices Liability Claims</th>
<th>Annual Premium</th>
<th>Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td>2004 to 2005</td>
<td>1</td>
<td>$8,450</td>
<td>(4.3%)</td>
<td>n/a</td>
<td>.79</td>
<td>1</td>
<td>$9,765</td>
<td>(10.49%)</td>
</tr>
<tr>
<td>2005 to 2006</td>
<td>1</td>
<td>$10,474</td>
<td>24.00%</td>
<td>n/a</td>
<td>.80</td>
<td>0</td>
<td>$11,237</td>
<td>15%</td>
</tr>
<tr>
<td>2006 to 2007</td>
<td>0</td>
<td>$9,819</td>
<td>(6.25%)</td>
<td>n/a</td>
<td>.82</td>
<td>0</td>
<td>$8,633</td>
<td>(23.17%)</td>
</tr>
<tr>
<td>2007 to 2008</td>
<td>5</td>
<td>$10,136</td>
<td>(0.015%)</td>
<td>$1,123</td>
<td>.87</td>
<td>0</td>
<td>$8,643</td>
<td>0.12%</td>
</tr>
<tr>
<td>2008 to 2009</td>
<td>2</td>
<td>$9,873</td>
<td>(2.59%)</td>
<td>n/a</td>
<td>.88</td>
<td>0</td>
<td>$8,224</td>
<td>(4.85%)</td>
</tr>
<tr>
<td>2009 to 2010</td>
<td>0</td>
<td>$9,982</td>
<td>1.10%</td>
<td>n/a</td>
<td>1.04</td>
<td>0</td>
<td>$7,961</td>
<td>(3.20%)</td>
</tr>
<tr>
<td>2010 to 2011</td>
<td>4</td>
<td>$9,633</td>
<td>(3.5%)</td>
<td>$3,832</td>
<td>1.07</td>
<td>0</td>
<td>$8,119</td>
<td>1.98%</td>
</tr>
<tr>
<td>2011 to 2012</td>
<td>1</td>
<td>$9,425</td>
<td>(2.16%)</td>
<td>$3,268</td>
<td>1.09</td>
<td>0</td>
<td>$6,928</td>
<td>(14.67%)</td>
</tr>
<tr>
<td>2012 to 2013</td>
<td>0</td>
<td>$9,681</td>
<td>2.71%</td>
<td>$3,655</td>
<td>0.98</td>
<td>0</td>
<td>$6,880</td>
<td>(.69%)</td>
</tr>
<tr>
<td>2013 to 2014</td>
<td>1</td>
<td>$10,447</td>
<td>7.92%</td>
<td>$2,920</td>
<td>0.99</td>
<td>0</td>
<td>$8,095</td>
<td>17.66%</td>
</tr>
<tr>
<td>2014 to 2015</td>
<td>0</td>
<td>$10,514</td>
<td>0.64%</td>
<td>$2,969</td>
<td>0.97</td>
<td>0</td>
<td>$8,713</td>
<td>7.63%</td>
</tr>
<tr>
<td>2015 to 2016</td>
<td>0</td>
<td>$9,897</td>
<td>(5.87%)</td>
<td>$2,133</td>
<td>0.86</td>
<td>0</td>
<td>$9,120</td>
<td>4.67%</td>
</tr>
<tr>
<td>2016 to 2017</td>
<td>1</td>
<td>$8,964</td>
<td>(9.43%)</td>
<td>$2,508</td>
<td>0.80</td>
<td>0</td>
<td>$9,451</td>
<td>3.63%</td>
</tr>
<tr>
<td>2017 to 2018</td>
<td>2</td>
<td>$13,931</td>
<td>55.41%</td>
<td>$2,382</td>
<td>1.36</td>
<td>0</td>
<td>$12,252</td>
<td>29.64%</td>
</tr>
<tr>
<td>2018 to 2019</td>
<td>1</td>
<td>$11,760</td>
<td>(15.58%)</td>
<td>$647</td>
<td>1.02</td>
<td>0</td>
<td>$11,308</td>
<td>(7.70%)</td>
</tr>
<tr>
<td>2019 to 2020</td>
<td>0</td>
<td>$10,312</td>
<td>(5.32%)</td>
<td>$3,690</td>
<td>1.01</td>
<td>0</td>
<td>$11,403</td>
<td>0.84%</td>
</tr>
</tbody>
</table>
Outcome #4: Comply with regulatory requirements through continual auditing and updating of current policies and practices.

Measures: Monitor and update personnel policies as needed, including recommending new policies and practices.

The Safety Committee continues to be active with quarterly meetings. The PLF sends a representative to the meetings. There has been little need for action by the committee. Some of their activity is described in Outcome #3.

The Emergency Planning Committee was formed in 2017 to create and evaluate procedures for small emergencies; for example, the building is without power for an extended period. The committee met several times during 2019. Procedures are in place for small emergencies. The committee now evaluates procedures for larger emergencies.

New and revised Employee Handbook policies include:

3.6 Rest Periods for Expression of Breast Milk
5.11 Airline Mileage Awards
I. Program Goal Statement

The Information Technology (IT) Department provides strategic direction, administration, and oversight for the acquisition, development, operation, and integration of all information technology resources and services, including hardware, software, and supporting infrastructure to manage and deliver information using voice, data, and video conferencing services.

II. Program Description

The IT Department manages overall information technology resources and operations, including the bar’s technology-related projects, networking, systems infrastructure, analysis, databases, hardware & software acquisition and integration, programming, web services, and technical/end-user support and training.

IT establishes Technical Operating Standards, methods, and priorities while creating efficiencies, increasing all technological services, and reducing cost.

IT oversees the security and privacy of the information systems, communication lines, and equipment to ensure confidentiality, reliability, and security of organization data, proprietary information, and intellectual property.

IT negotiates, oversees, and administers third-party vendor contracts related to IT and communication systems. Coordinates and evaluates the work of contract vendors and programmers on department-related projects.

Researches, designs, and recommends technology-related solutions that meet the needs and requirements of the end-users. IT drives those projects from initiation through implementation to successful and timely completion.

III. Volunteers/Partnerships

The IT Department supports and partners with the rest of the OSB Departments in fulfilling their corresponding volunteer agreements. Due to security and regulatory compliance matters, it is challenging for the IT Department to engage with volunteers for day-to-day technical support.
IV. Outcomes and Evaluation

Outcome # 1: Develop new Technical and Cyber Technology policies.

A newly installed Firewall is now updated regularly, and as soon as emergency patches become available. In addition, the new Firewall reports daily Threat Analysis, Traffic Analysis, Web Activities, VPN Access Analysis, and System Activity.

We have also completed, maintain, and review quarterly reports from (2) providers, Card Connect & Trustwave for PCI-DSS compliance. Card Connect provides quarterly Pen Testing to OSB Network gateway.

In collaboration with the Finance Department, we now have an insurance policy that can be used in the event of a severe and impacting Cyber Attach.

OSB staff is now required to change passwords every six months, and new employees to change their temporary passwords on the first day of training.

Outcome # 2: Via Business Analysis, Project Management, and Technical Support we want to accelerate the deployment of new systems and create new revenue opportunities.

OSB has deployed a few Cloud-hosted Secure Applications. New contracts for Cloud-hosted platform support AES 256 bit encryption, SOC 2, and GDPR, HIPPA and ISO 2700X certification compliance among other regulations.

Examples:

SmartVault – Online Document Storage and Secure File Sharing

Description: Accounting staff went paperless and centralized all invoices. Reduced paper, increase efficiencies, and there are no additional needs for cabinets and folders.
GovQA – Public Records Management Software

Description: It deflects records requests before they are submitted. Save time with customized workflow processes, notifications, and reports. It redacts easily and securely before releasing documents.

NetDocuments – Online Document Governance Software Solution

Description: Increase efficiency without sacrificing security. Restrict external stakeholders from accessing or sharing data via robust access controls. Improved the staff capabilities to search any documents by any word in the content of the folders and files.

Smartsheet – Project Management & Collaboration software. The Smartsheet platform allows OSB users to collaborate, by sharing secure documents, and Gantt Charts.

Video Conferencing Software (BlueJeans) – Video Conferencing Software continues to be a widely use cloud-hosted application. It is used regularly for employment interviews and all level meetings with internal and external stakeholders.

Aptify - (AMS) in-house development for MCLE

Description: Via in-house development, the MCLE Module received a new style and framework developed from ground zero. It created opportunities to track revenues and monitor compliance with fewer staff hours. A new modern approach to monitoring and maintenance is now available for OSB staff.

Aptify - (AMS) CLE Enhancements

Description: Via an internal collaboration staff and an outside developer, a few key enhancements were developed to accelerate the process of providing new CLE’s and monitoring the subscriber responses. This effort mitigated problems and created efficiencies.
Outcome # 3: Accelerate the Digital Transformation Initiative to reduce the numbers of live Systems and create savings.

The newly acquired Cloud-based contracts of SmartVault, GovQA, and Smartsheets, NetDocuments, have created endless possibilities for the year one and future years of OSB. All the above systems listed in Outcome #2, add value in many new ways, including the following:

- Reduce paper trail by fully integrating the new systems with o365
- Process improvement
- Reducing IT complexity
- Adopting new technologies
- Minimizing the procurement of new hardware while leveraging more modern technologies
- Via BlueJeans, ROI Calculations estimate more than $ 18k in savings during FY2019
- Improve collaboration for project managing
- Helping OSB staff to be more effective
- Improving security is a top business priority

Outcome # 4: Mitigate repetitive technology problems by training and deploying more technologies that are modern.

The online Help Desk System tracks all requests for new service as well as ongoing problems reported by the users.

In 2019, the IT Department reported and closed in 2064 work orders, with an SLA percentage resolution of 89% or higher per IT staff members.

The Goal for 2020 is to decrease the number of closed tickets per IT Agent and increase SLA percentage over 90% by educating OSB staff members and deploying more stable technologies.
**Outcome # 5: Create group Technical Training for all OSB staff.**

Measure:

In 2019, OSB IT deployed multiple newer technologies listed below.

a- Upgraded all users to Microsoft Office 2016,
b- Deployed GovQA - Public Records Management Software
c- SmartVault - Online Document Storage and Secure File Sharing
d- NetDocuments - Online Document Governance Software Solution
e- Smartsheet - Project Management & Collaboration software
f- BlueJeans – Cloud-based Video Conferencing Solution
g- Continuous development of Aptify Software Modules
h- Increased the amount of OSB users using PDF editors

Although we acknowledged that additional training could be done to items a and g above, we provided extensive and comprehensive training for the newly deployed technologies.

**Outcome # 6: Reduce the cost of all existing Technology contracts for procurement, licensing, and services.**

One of the IT primary initiatives is to reduce the cost of in-house hardware and Servers. Our Business Facilities has some challenges to keep power without interruptions in the case of a power failure. In addition, Hardware and Servers are old and in need of an immediate refresh.

By deploying new cloud-based systems, we reduce the expensive cost of hardware with a life expectancy of 3-5 years, and the cost Software Licenses, off-site backups, and support maintenance.

In 2019, we reduced the yearly cost Hardware Renewal fees & Software License fees from a single vendor from $24k to under $5k yearly.

Also, external software developer fees were reduced by more than $10k yearly.
LEGAL PUBLICATIONS DEPARTMENT
2019 PROGRAM MEASURES

I. Program Goal Statement

The Legal Publications Department supports the members of the Oregon State Bar in the practice of law through the publication of quality research materials.

II. Program Description

Building on a history of service that began in the 1950s when OSB published its first legal handbook, Legal Publications provides Oregon attorneys with the basic reference tools they need to practice law in a variety of areas. In 2019, print publications were continued primarily on a pre-order basis. All publications, together with one PLF publication, the Disciplinary Board Reporter, and Legislation Highlights, are online as BarBooks™, available to all OSB active members as a benefit of membership.

The basic library contains 45 titles, ranging from brief “booklets” to five-volume treatises, from A (Administering Oregon Estates) to W (Workers’ Compensation). The publications are distinguished from those of national publishers because they are Oregon-specific and written by Oregon practitioners. The focus is on Oregon statutes, cases, administrative rules, forms, and legal traditions. The publications also provide practice tips, caveats, queries, and notes. Many titles include practice forms. Members consistently indicate that OSB Legal Publications products are very important to their practice. In addition, OSB Legal Publications products regularly win the ACLEA’s Best Awards in the publications category.

III. Volunteers/Partnerships

Volunteers: A significant number (between 150 and 200) bar member volunteers serve as authors and editors of OSB publications in a typical year, either individually or in committees.

Partnerships: The Legal Publications Department is in partnership with the judiciary through preparation of Uniform Civil and Uniform Criminal Jury Instructions used by the courts. The department also occasionally works with sections both formally and informally to produce new publications and revisions.
IV. Outcomes and Evaluation

Outcome #1: Develop a budget with realistic projections for revenue and expense. Review staffing and other expenses and make recommendations to Executive Director regarding appropriate adjustments.

Measures: Actual revenue and expense are within reasonable percentage of budget. Increased editor page counts.

Pursue alternate revenue sources, including offering e-Books to members and non-members on the bar’s e-Biz site via Aptify functionality.

Evaluation: Actual revenue for 2019 fell short of budget by approximately $7,005 for print books and by $10,264 for royalties, but exceeded budget by approximately $6,310 for BarBooks™ and e-Book sales. The BarBooks™ revenue is from law libraries, the three Oregon law schools, Portland Community College, and staff accounts for firms. The royalties are for licensing of our jury instructions and books to Bloomberg, LexisNexis, and Thomson Reuters. In 2019, Bloomberg gave notice of nonrenewal of our license agreement for all books except jury instructions, which accounts for the loss of revenue in this category.

Print book sales have dropped across the board for several years as more members decide to access Legal Publications resources on BarBooks™. With new titles, that trend continued in 2019. Several new titles brought in only half of what was expected. However, sales of backlist titles were again almost twice what was budgeted. Another negative impact on the budget was the delay of two titles—Advising Oregon Businesses vol. 5 and Insurance Law in Oregon—which were held up because not all chapters were received from the volunteer authors and editors in time. Budgeted revenue for these two books was almost $36,000.

Actual direct expenses, and general and administrative expenses, were at or below budget in almost every category. Items warranting special note are as follows:

- Printing expenses were 88% of budget, primarily because the two titles that were not completed and printed.
- Indexing expenses were 46% of budget, primarily because some titles were not indexed or the prior index was updated in-house.
• Professional dues were 164% of budget because 2020 OSB dues were booked in December.

Overall, the direct program expense of the department was approximately $9,362 below, or 85% of, the budgeted direct program expense. In addition, the general & administrative expenses were approximately 88% of budget.

The total page count of books completed in 2017 was 5,431 and in 2018 was 7,852 pages. In 2019, we came in between those two numbers with 6,376 published pages, continuing to exceed the department’s goal of publishing at least 5,000 pages per year.

Outcome #2: Produce high quality legal resources that meet members’ needs.

Measures: Publish new titles and updates to existing titles according to an established schedule.

Develop new publications in conjunction with OSB Sections as appropriate.

Assess membership views on content quality and ease of use, by survey or otherwise.

Evaluation: In 2019, the Legal Publications Department released complete revisions of Construction Law, ADR in Oregon (to replace Arbitration and Mediation), and Juvenile Law: Delinquency; two topical codebooks; supplements for Uniform Civil Jury Instructions, Uniform Criminal Jury Instructions, Oregon Formal Ethics Opinions, and Oregon Rules of Professional Conduct Annotated; a new edition of Automobile Law: A Compilation; and the Disciplinary Board Reporter.

In 2019, the Legal Publications Department continued its e-Books offerings on the Aptify online store. No new titles were added in 2019 due to insufficient staff time to prepare them. With only the four original titles offered, e-books brought in $1,290 in revenue in 2019. This is slightly higher than budgeted for the year.

The department received general feedback from members regarding the benefits of the BarBooks™ online library, which the universally appreciate and find useful. In addition, our 2018 release Veterans, Military Servicemembers, and the Law was awarded the ACLEA’s Best Award of Professional Excellence in the publications category.

Outcome #3: Ensure diversity of Legal Publications authors and editors.
Measures:  Author demographics mirror OSB demographics as nearly as possible.

Develop standards for and assist editorial board with selection of diverse authors.

Evaluation:  In 2019, author and editor demographics tracked closely with membership demographics with a few exceptions. The percentage of authors and editors who identified as white was almost 4% higher than the membership. There is room for increased participation of most racial minorities in this important volunteer role. Efforts have continued to increase participation by racial minorities by soliciting assistance from the Diversity & Inclusion Department and bringing this important issue to the attention of editorial review boards who select authors.

<table>
<thead>
<tr>
<th>Racial Demographics for 2019</th>
<th>Authors &amp; Editors</th>
<th>Active Members</th>
</tr>
</thead>
<tbody>
<tr>
<td>Asian</td>
<td>2.4%</td>
<td>3.0%</td>
</tr>
<tr>
<td>Black</td>
<td>1.2%</td>
<td>0.9%</td>
</tr>
<tr>
<td>Hispanic</td>
<td>1.8%</td>
<td>1.8%</td>
</tr>
<tr>
<td>Native Americans</td>
<td>0.6%</td>
<td>0.5%</td>
</tr>
<tr>
<td>Multi or Other</td>
<td>2.4%</td>
<td>2.7%</td>
</tr>
<tr>
<td>White</td>
<td>67.3%</td>
<td>63.4%</td>
</tr>
<tr>
<td>Declined to state</td>
<td>20.2%</td>
<td>21.5%</td>
</tr>
<tr>
<td>Unknown</td>
<td>4.2%</td>
<td>6.3%</td>
</tr>
</tbody>
</table>

In 2019, the breakdown of Legal Publications authors and editors by sex showed an increase in the number of female volunteers, as compared with the membership breakdown that remained steady. This was in part because of ADR in Oregon and Juvenile Law: Delinquency had a larger number of female authors and editors. But also because we were able to recruit two female editorial board members and some female authors for Construction Law, which has historically had many more male volunteers.

<table>
<thead>
<tr>
<th>Demographics by Sex for 2018</th>
<th>Authors &amp; Editors</th>
<th>Active Members</th>
</tr>
</thead>
<tbody>
<tr>
<td>Female</td>
<td>39%</td>
<td>38%</td>
</tr>
<tr>
<td>Male</td>
<td>67%</td>
<td>62%</td>
</tr>
</tbody>
</table>
The Legal Publications Department has supported the bar’s commitment to diversity and inclusion in other ways. In 2019, we included the photo and expanded bio of authors and editors in the front matter of selected books. In particular, every attempt has been made to ensure that diversity issues are considered in the selection of our marketing graphics.
Program Goal Statement

The Member Services Department advances the OSB mission by providing professional networking and leadership development opportunities for bar members through administration and support to its committees and sections.

Program Description

The Member Services Department conducts recruitment for all lawyer and non-lawyer volunteer positions and coordinates the selection of all BOG appointed positions. The department is responsible for ensuring the integrity of the bar’s elections and judicial preference polls, managing the associate member, law student membership, and company administrator programs. The Defense Counsel Panel is also maintained by the department.

Administrative support including maintenance of volunteer rosters, leadership training, distribution of meeting notices, meeting room scheduling, and retention of minutes for the OSB’s 43 sections and 18 committees is provided by the department. Communication about member education and networking opportunities are coordinated and distributed to members throughout the state based on affinity and county bar membership.

The Member Services Department administers the Loan Repayment Assistance Program which was created in 2007 in recognition of the substantial educational debt and the financial barrier it creates for lawyers who wish to pursue a career in public service law.

The department manages all company and person records in the membership database and oversees reservations for all external and internal meeting room usage. The reception team, which is the first point of contact for member and public inquiries, are included in the department FTE.

Volunteers/Partnerships
Volunteers: Approximately 900 members and non-lawyer volunteers serve on the various bar groups the department supports.

Partnerships: The Member Services Department partners with OSB Board of Governors, sections, committees, affinity and county bar associations.

Outcomes and Evaluation

Outcome #1: Members have diverse array of high-quality and cost-effective professional networking and leadership opportunities that advance the mission and goals of the OSB.

Section membership continues to be a popular resource for bar members seeking professional development and networking opportunities within their practice area. In 2019 section membership levels increased by 10% and totaled 18,998 memberships purchased across the 43 sections. Just over 5,800 bar members joined one or more section in 2019. The primary cause for the increase in section membership levels was the significant rise in complementary memberships. 2019 was the first year membership fees were processed in the bar’s new association management software platform. In the new online portal, the system allowed eligible members to automatically receive complementary section memberships without completing a separate paper form, an out-of-date process previously required to receive this section-offered benefit.

The program review of section support continued this year with a focus on membership levels and fund balances. In 2017 based on direction from the BOG Policy and Governance Committee, sections with more than two years of operating revenue in reserve were informed of the need to spend their fund balance down. The Budget and Finance Committee and Policy and Governance Committee reviewed the section activity in this area. To address ongoing problems, the committees considered bylaw changes to require a minimum threshold of 100 members to maintain the section and to eliminate the 50% per member assessment fee subsidy for any section with more than two years of membership dues revenue in reserve. In the summer of 2019 the BOG approved bylaw modifications to incorporate a fund balance carryover limit and a minimum number of member threshold. In late fall, the BOG decided to sunset two sections based on their inability to attain adequate membership levels.

Outcome #2: Effective volunteer recruitment and retention for the organization.

Maintaining an adequate and diverse pool of lawyer and non-lawyer volunteer candidates remains a top priority. The department continues to support the BOG Board Development Committee with outreach to a variety of law-related groups, including affinity, county, and specialty bar organizations. In 2019,
225 members completed the leadership and volunteer opportunities questionnaire to indicate their interest in serving. The demographic data of volunteer leaders mirrors or exceeds the diversity of the OSB membership in nearly all categories. See attached Recruitment and Appointment exhibit for specific data.

The BOG Board Development Committee conducted a review of its newly modified process for appointment review and selection. The new process allows BDC members to conduct a “deep dive” into recommendations and it has proven to be more efficient and effective means to handle appointments.

Ensuring a diverse pool of non-lawyer volunteer candidates continues as a focus for the department and the BOG Board Development Committee. The OSB continued its outreach efforts and ongoing relationship building with community organizations, and was again fortunate to have 34 public member volunteer applicants. Of those who applied, 15% self-identified from a racial or ethnic non-dominant culture and 6% indicated a sexual orientation other than heterosexual.

Evaluating the effectiveness of the Volunteer Defense Counsel Panel was a focus for 2019. The goal of the program is to provide a resource for accused lawyers when complaints are referred to the Disciplinary Counsel’s Office. The list of panel members is primarily made available upon request to the OSB, the PLF, or the OAAP. The OSB has continued to see an increase in requests for the resource list. Additional work in the coming year is needed to recruit more volunteers, particularly those from rural communities.

The department partners with the BOG Board Development Committee on recruitment of volunteers for the House of Delegates and Board of Governors elections. The number of candidates running in the HOD election in 2019 returned to the average level as compared to the extreme candidate count from 2018. Four of the eight regions held contested positions and the ABA House of Delegates seats were contested as well. The BOG election included open seats in regions 5, 6, and out of state. All races were contested.

**Outcome #3: Maximize the number of LRAP loans awarded and ensure guidelines and policies facilitate the program goals.**

Thirty-one public service attorneys applied for an LRAP loan in 2019. As in years past, applicants continue to represent every corner of the state and a variety of public service attorneys, all with high student debt and low income. The LRAP Advisory Committee selected 23 of those applicants to receive forgivable loans ranging from $1,200 to $7,000, with an average amount of $3,260. The attorneys selected include eight civil legal service providers, four non-profit staff attorneys, three Deputy District Attorneys from rural counties, and eight public defenders.
Outcome #4:  Excellent customer service to the membership, bar groups, and staff.

In early 2019, efforts in this area focused on the launch of section membership products and the new company administrator portal in the new AMS platform. Since both of these modules are related to the member compliance season, it was critical to ensure a smooth transition by working closely with the development and implementation teams to avoid service disruptions for members. Although a decrease in section membership renewals was expected for 2019 based on changes to the OSB member fee and section renewal process, by the end of the year overall the number of section memberships increased by 10% over last year.

The company administrator portal was a new feature for the membership in late 2018. By the end of 2019, more than 350 administrators were granted access to pay OSB membership fees and report IOLTA on behalf of bar members. In 2019 the company administrator portal was expanded to allow support staff to update a member’s MCLE transcript, register them for live CLE programs, and link to the PLF payment site. This continues to be an effective tool for firms and government organizations of all sizes.

In 2019 department staff took a leading role in facilitating and training an internal staff group who assist members with questions about regulatory compliance (membership fees, MCLE reporting, and IOLTA reporting) issues.

Feedback from the committee and section department evaluation survey remains positive. On a scale of 1 to 5, where 1 means poor and 5 means excellent, officers rated the department at 4.7 for providing accurate information, 4.4 for timely distribution of meeting notices, and 4.9 for courtesy of staff. Committee chairs rated the department at 4.5 for assistance with the appointment of new members. Section officers rated list serve support services at 4.5 for ease of use, courtesy of staff, and timely response to issues.

Outcome #5:  Events and services are cost-effective and conducted in fiscally responsible manner.

The Member Services Department closed 2019 slightly over its projected budget for the year. The overage was based on higher than expected staff salaries and benefits. In early 2019 the department restructured to improve efficiency, this effected the projected salary expenses for the year. In addition to changes to position descriptions, the department also absorbed additional responsibilities including daily sorting of all OSB incoming mail, processing membership list sale requests, and planning and execution of the Celebrate Oregon Lawyers event. The new event will replace the bar’s former 50-Year Member Lunch, Awards Luncheon, and Pro Bono Challenge and Awards event.

2019 Volunteer Recruitment and Appointment Data
### 2019 Volunteers

<table>
<thead>
<tr>
<th></th>
<th>Applicants</th>
<th>225</th>
<th>Appointed</th>
<th>71</th>
<th>32%</th>
</tr>
</thead>
</table>

### Volunteers by Region

<table>
<thead>
<tr>
<th>Region</th>
<th>Total volunteers</th>
<th>Members appointed</th>
<th>Appointed %</th>
<th>Leadership membership*</th>
<th>OSB membership</th>
</tr>
</thead>
<tbody>
<tr>
<td>Region 1</td>
<td>7</td>
<td>4</td>
<td>57%</td>
<td>9%</td>
<td>5.6%</td>
</tr>
<tr>
<td>Region 2</td>
<td>10</td>
<td>6</td>
<td>60%</td>
<td>7%</td>
<td>5.6%</td>
</tr>
<tr>
<td>Region 3</td>
<td>11</td>
<td>5</td>
<td>45%</td>
<td>6%</td>
<td>4.4%</td>
</tr>
<tr>
<td>Region 4</td>
<td>31</td>
<td>6</td>
<td>19%</td>
<td>13%</td>
<td>11.2%</td>
</tr>
<tr>
<td>Region 5</td>
<td>107</td>
<td>33</td>
<td>31%</td>
<td>40%</td>
<td>37.1%</td>
</tr>
<tr>
<td>Region 6</td>
<td>32</td>
<td>11</td>
<td>34%</td>
<td>15%</td>
<td>10.3%</td>
</tr>
<tr>
<td>Region 7</td>
<td>24</td>
<td>6</td>
<td>25%</td>
<td>9%</td>
<td>6.9%</td>
</tr>
<tr>
<td>Out of State Region</td>
<td>3</td>
<td>-</td>
<td>-</td>
<td>1%</td>
<td>19%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>225</strong></td>
<td><strong>71</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Volunteers by Race & Ethnicity

<table>
<thead>
<tr>
<th>Race/Ethnicity</th>
<th>Total volunteers</th>
<th>Members appointed</th>
<th>Appointed %</th>
<th>Leadership membership*</th>
<th>OSB membership</th>
</tr>
</thead>
<tbody>
<tr>
<td>American Indian or Alaska Native</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>1%</td>
<td>0.5%</td>
</tr>
<tr>
<td>Asian or Pacific Islander</td>
<td>9</td>
<td>3</td>
<td>33%</td>
<td>7%</td>
<td>3%</td>
</tr>
<tr>
<td>Black or African American</td>
<td>7</td>
<td>3</td>
<td>43%</td>
<td>2%</td>
<td>1%</td>
</tr>
<tr>
<td>Hispanic or Latino</td>
<td>5</td>
<td>3</td>
<td>60%</td>
<td>6%</td>
<td>2%</td>
</tr>
<tr>
<td>Self-Identified</td>
<td>3</td>
<td>2</td>
<td>67%</td>
<td>2%</td>
<td>3%</td>
</tr>
<tr>
<td>White or Caucasian</td>
<td>156</td>
<td>52</td>
<td>33%</td>
<td>66%</td>
<td>63%</td>
</tr>
<tr>
<td>Declined to state</td>
<td>48</td>
<td>8</td>
<td>17%</td>
<td>16%</td>
<td>29%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>225</strong></td>
<td><strong>71</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Leadership membership includes members currently serving on a standing committee, Disciplinary Board, and the State Professional Responsibility Board.
### Volunteers by Sexual Orientation

<table>
<thead>
<tr>
<th></th>
<th>Total volunteers</th>
<th>Members appointed</th>
<th>Appointed %</th>
<th>Leadership membership*</th>
<th>OSB membership</th>
</tr>
</thead>
<tbody>
<tr>
<td>Heterosexual</td>
<td>129</td>
<td>44</td>
<td>34%</td>
<td>66%</td>
<td>49%</td>
</tr>
<tr>
<td>Lesbian, Gay, Bisexual</td>
<td>10</td>
<td>5</td>
<td>50%</td>
<td>5%</td>
<td>2.7%</td>
</tr>
<tr>
<td>Self-Identification</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>.2%</td>
</tr>
<tr>
<td>Declined to state</td>
<td>86</td>
<td>22</td>
<td>26%</td>
<td>30%</td>
<td>49%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>225</strong></td>
<td><strong>71</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Leadership membership includes members currently serving on a standing committee, Disciplinary Board, and the State Professional Responsibility Board.

### Volunteers by Gender Identity

<table>
<thead>
<tr>
<th></th>
<th>Total volunteers</th>
<th>Members appointed</th>
<th>Appointed %</th>
<th>Leadership membership*</th>
<th>OSB membership</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>63</td>
<td>22</td>
<td>35%</td>
<td>34%</td>
<td>32%</td>
</tr>
<tr>
<td>Female</td>
<td>91</td>
<td>31</td>
<td>34%</td>
<td>41%</td>
<td>24%</td>
</tr>
<tr>
<td>Transgender</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>.1%</td>
</tr>
<tr>
<td>Declined to State</td>
<td>71</td>
<td>18</td>
<td>25%</td>
<td>17%</td>
<td>45%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>225</strong></td>
<td><strong>71</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Volunteers by Disability Status

<table>
<thead>
<tr>
<th></th>
<th>Total volunteers</th>
<th>Members appointed</th>
<th>Appointed %</th>
<th>Leadership membership*</th>
<th>OSB membership</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>6</td>
<td>2</td>
<td>33%</td>
<td>3%</td>
<td>1.4%</td>
</tr>
<tr>
<td>No</td>
<td>144</td>
<td>50</td>
<td>35%</td>
<td>70%</td>
<td>53%</td>
</tr>
<tr>
<td>Declined to State</td>
<td>75</td>
<td>19</td>
<td>25%</td>
<td>28%</td>
<td>45%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>225</strong></td>
<td><strong>71</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Volunteers by Years of Practice

<table>
<thead>
<tr>
<th></th>
<th>Total volunteers</th>
<th>Members appointed</th>
<th>Appointed %</th>
<th>Leadership membership*</th>
<th>OSB membership</th>
</tr>
</thead>
<tbody>
<tr>
<td>5 years or less</td>
<td>64</td>
<td>19</td>
<td>17%</td>
<td>17%</td>
<td>18%</td>
</tr>
<tr>
<td>6-15 years</td>
<td>77</td>
<td>24</td>
<td>31%</td>
<td>34%</td>
<td>32%</td>
</tr>
<tr>
<td>16-25 years</td>
<td>40</td>
<td>12</td>
<td>30%</td>
<td>22%</td>
<td>21%</td>
</tr>
<tr>
<td>26-35 years</td>
<td>24</td>
<td>10</td>
<td>42%</td>
<td>17%</td>
<td>15%</td>
</tr>
<tr>
<td>36+ years</td>
<td>20</td>
<td>6</td>
<td>30%</td>
<td>10%</td>
<td>14%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>225</strong></td>
<td><strong>71</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Public v. Private

<table>
<thead>
<tr>
<th></th>
<th>Total volunteers</th>
<th>Members appointed</th>
<th>Appointed %</th>
<th>Leadership membership*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public</td>
<td>51</td>
<td>23</td>
<td>45%</td>
<td>32%</td>
</tr>
<tr>
<td>Private</td>
<td>174</td>
<td>48</td>
<td>28%</td>
<td>67%</td>
</tr>
</tbody>
</table>

*Leadership membership includes members currently serving on a standing committee, Disciplinary Board, and the State Professional Responsibility Board.*
MINIMUM CONTINUING LEGAL EDUCATION
2019 PROGRAM EVALUATION

Program Goal Statement

Further OSB’s mission to improve the quality of legal services and increase access to justice by ensuring Oregon lawyers comply with the minimum continuing legal education requirements established by the Oregon Supreme Court.

Program Description

The MCLE Rules promulgated by the Supreme Court delegate oversight and administration of the MCLE program to the OSB Board of Governors. The BOG is charged with formulating new or amended MCLE Rules for the Court’s approval; the BOG is also authorized to adopt regulations to implement the Rules. The MCLE Rules generally require all active members of the bar to complete 45 hours of continuing legal education every three years. Five of the hours must be in legal ethics or professionalism. One hour of training must be on the subject of a lawyer’s statutory duty to report child and elder abuse, and one hour of training must be on mental health/substance use. Members are also required to complete three access to justice credits in alternate reporting periods. New admittees are required to complete 15 credits including nine practical skills, two legal ethics, one mental health/substance use, and a 3-credit introductory course in access to justice during their first reporting period. One of the ethics credit hours must be devoted to Oregon ethics and professionalism and four of the nine credits in practical skills must be devoted to Oregon practice and procedure.

An MCLE Committee appointed by the BOG serves as program advisor to the BOG by reviewing and recommending changes to the MCLE Rules and Regulations as appropriate to meet program goals. The MCLE Committee also reviews decisions of the MCLE Program Manager regarding program accreditation, waivers and exemptions, upon request by a member or sponsor. The MCLE Program Manager supervises the day-to-day activities and flow of work, accredits programs, makes decisions about compliance and waivers, and conducts audits.

Volunteers/Partnerships

The MCLE program is established by the Board of Governors, subject to the review of the Supreme Court (ORS 9.112). Oversight of the program is delegated by the BOG to the MCLE Committee, which consists of six attorneys and one public member, all volunteers.
Outcomes and Evaluation

Outcome #1: Assure prompt and efficient processing of compliance reports.

In 2019, staff completed the processing of approximately 5,000 compliance reports for the period ending 12/31/2018. The reports were reviewed by staff in a timely manner such that member satisfaction was evident.

Notices of Noncompliance were sent to approximately 290 members on March 4, 2019, which was in keeping with the timeline goal. Note this is a 36 percent decrease in the number of notices sent compared to the prior year. This measured improvement was the result of a deliberate effort to improve communication regarding the MCLE Rules.

Staff made every effort to personally follow up with and assist noncompliant attorneys with curing their deficiencies such that only 16 bar members were ultimately suspended by the Supreme Court for MCLE noncompliance.

Outcome #2: Assure prompt and accurate processing of accreditation applications.

The majority of all applications for accreditation were processed within 30 days of receipt of the completed application. Application processing time varied depending on the time of year. During the compliance season applications were prioritized based upon member need. For example, applications requesting credit for the 2018 reporting period were prioritized over applications filed early for future programs. After the compliance season ended, the backlog was caught up and the department staff found a rhythm for turning around applications within a week of receipt. This resulted in significant positive feedback by sponsors and members. The pace was successfully maintained through the end of 2019 so that the program database was sufficiently up to date for the commencement of the next reporting cycle.

Outcome #3: Assure that MCLE Rules, Regulations and procedures facilitate compliance by members.

OSB’s MCLE Rules are among the most flexible and generous in the country, allowing for a wide range of programs and accredited activities from which members can meet their requirement. Approximately 8,000 programs were accredited between January 1 and December 31, 2019. Many members complete their entire requirement by screening online programs. Staff made an increased effort this year to educate and coach attorneys on the variety of ways they can meet their MCLE requirements, including, but not limited to recommending and promoting participation in approved pro bono programs and the New Lawyer Mentoring Program.

With the implementation of our new association management software in 2019, compliance reporting and submission of accreditation applications has become markedly easier for members and sponsors.
Telephone and email inquiries from members and sponsors are almost always answered the same business day. Members and sponsors are nearly universally complimentary about the helpful and courteous assistance provided by staff.

Several MCLE reminders about upcoming deadlines were posted in the electronic Bar News or Bulletin in 2019. Email reminder notices were sent to members with reporting periods ending 12/31/2019 October, December and January. This year, notices were revised and tailored specifically to the members’ reporting requirements based upon the type of cycle they were assigned. This provided more specific and individualized communication to members. In addition, detailed instructions for using the new online reporting system were included with all notices. FAQs and reporting instructions for each type of reporting cycle were added to the bar’s website.

Because of the need to make all staff consistently available to work on the development and testing of the new association management software immediately beginning after the compliance reports were processed through the start of the next compliance season, a limited audit was conducted during the compliance season as opposed to separately following the conclusion of the season.

In May 2019, only 16 members (less than 0.003%) were suspended for failure to meet their MCLE obligations. The standard for this outcome is less than 1% of the reporting group suspended for non-compliance.
NEW LAWYER MENTORING PROGRAM
2019 PROGRAM EVALUATION

Program Goal Statement
The OSB New Lawyer Mentoring Program advances the OSB’s mission to serve justice by improving the quality of legal services, promoting professionalism, and assisting new lawyers in transitioning from students into competent, ethical and professional lawyers.

Program Description
The NLMP launched in 2011, under Supreme Court rule, to assure that every new lawyer in Oregon would have the benefit of a more senior bar member to welcome them into the profession, and serve as a resource during their transition from student to practitioner.

Soon after admission, new lawyers who are actively practicing are matched to volunteer mentors for a one-year program. The program includes a six-part curriculum, including: introduction to the legal community; ethics and professionalism; law office management; working with clients; career satisfaction; and practical skills. Although this does provide some structure, the requirements within each curriculum area are minimal, allowing participants to shape the program to the specific needs of each lawyer.

At the completion of the program year, mentors and new lawyers receive eight and six MCLE credits respectively.

Volunteers/Partnerships
Since its inception, approximately 2,600 new lawyers have been connected with mentors, each of whom was a volunteer. Each year has seen roughly 350 matched pairs moving through the program, which means 350 volunteer mentors. The NLMP partners with OSB Section and committee leadership, county and specialty bars, Inns of Court, and the Oregon Judicial Department in efforts to showcase the program, and to recruit additional volunteers.

Outcomes and Evaluation
Outcome #1: Recruitment and retention of volunteer mentors is effective in meeting the needs of new lawyers entering the program.

Bar members have been involved with the program since its inception as committee members, CLE speakers, and as active participants (mentors and new lawyers). So far, 1,758 members have volunteered to serve as mentors, and 2,292 new lawyers have completed the program. In 2019 alone, 320 attorneys completed the program.

2019 saw a decrease in the rate of new mentors volunteering, with only about 50 new volunteers. Staff will continue to monitor this, to determine whether new recruitment measures should be taken. Based on interests of new lawyers in 2019 and early 2020, affinity and county bar associations and several OSB
sections will be approached for partnering on mentor recruitment in the coming year. Current recruitment is being done through the Solo and Small Firm Section.

In late 2018, the post-completion survey was updated to request participant gender identification information in an effort to further evaluate the experience each participant had through the mentoring relationship. While there were very few non-binary responders, those that did respond indicated that they had a more favorable feeling toward the mentor with whom they were matched, but overall were less satisfied with the program. Additional monitoring and further evaluation of the feedback will be conducted in 2020 to see if it was a sample size issue or a systemic issue.

Staff has also noticed some discrepancies in satisfaction between urban and rural practitioners, with rural practitioners less satisfied in two discreet areas. Again, staff will monitor this to see if the responses stay consistent over time.

**Outcome #2: Ensure NLMP activities, procedures, and rules support program goals.**

A five-year Program review began in 2016 with additional information garnered through the 2017 OSB New Lawyer Survey. The statistics gathered over the years show continued wide-spread support for the program, with strong support for some modifications, such as a reduction in the reporting requirements, and reduction or elimination of the program completion fee. The BOG recommended that the Program fee be eliminated for all new attorneys whose income is less than the OSB LRAP requirement (currently $65,000). In 2018, that meant revenue was reduced by approximately $6,000, from $31,000 to $24,800. Revenue for 2019 was $19,100.

As part of the program review, the BOG recommended the NLMP rules be merged into the MCLE rules. Staff and the MCLE Committee worked to incorporate these changes to the rules, and this was completed by the end of 2019. Staff are now working to ensure that reporting of the NLMP completions works in the MCLE system.

**Outcome #3: Continue to operate the program in a cost-efficient manner.**

In July of 2017 the program was moved to the Member Services Department and the program staffing allocation was reduced by .25 FTE. As a result of this change, and while upholding the program’s high standard for member responsiveness, efficiencies were realized in matching program participants and processing compliance reports. No other significant operational changes were made for 2019.
OREGON NEW LAWYERS DIVISION
2019 PROGRAM MEASURES

Program Goal Statement

The mission of the Oregon New Lawyers Division is to assist new lawyers with the transition to practicing law in Oregon and to engage and leverage new lawyers in support of the mission, functions, and values of the Oregon State Bar.

Program Description

The Oregon New Lawyers Division has four goals:

1. That ONLD members understand the mission, functions and values of the Oregon State Bar and participate in its leadership, programs, services, and activities;
2. Assist new lawyers with the transition to practicing law in Oregon;
3. ONLD members have opportunities to use their unique talents and perspectives to explore development of services and activities that advance the mission, functions and values of the Oregon State Bar;
4. The sharing of information and ideas about the challenges and opportunities for ONLD members in the legal profession.

Activities and programs of the ONLD are developed and executed by its Executive Committee which consists of eleven members, one member from each of the seven OSB regions and four at-large members. In 2019, the ONLD had four subcommittees through which it engaged in programming. Those subcommittees were Access to Justice, Continuing Legal Education, Membership, and Student Outreach.

ONLD membership is automatic for all OSB members who have practiced in Oregon for six or fewer years or are under the age of 37. Approximately 25% of OSB members meet the criteria for ONLD membership.

Volunteers/Partnerships

Volunteers: In 2019, 14 members made up the Executive Committee and Subcommittee Chairs of the ONLD. In addition, another 50 OSB members volunteered with the ONLD in some capacity, either serving on one of the Subcommittees, speaking at a CLE program, or volunteering at an event.

Partnerships: The ONLD partners with the OSB Board of Governors, various OSB sections and committees, affinity and county bar associations. Networking and CLE events are generally co-hosted with another entity, including the Federal Bar Association, the Multnomah Bar Association, OGALLA, OWLS, etc. See a complete list, below, under Outcome #2.
Outcomes and Evaluation

Outcome #1: ONLD members participate in the leadership, programs, services, and activities of the Oregon State Bar.

As a way of fostering synergy and reducing duplication of efforts, liaisons from the ONLD Executive Committee served on various bar groups in 2019 including the Advisory Committee on Diversity and Inclusion, Loan Repayment Assistance Program Advisory Committee, the Pro Bono Committee, the MCLE Committee, and the Quality of Life Committee. Additional liaison positions will be added to several other OSB committees and sections moving into 2020.

Beginning in 2019 the program evaluation will focus on data-driven measurements of success. As a starting point, in terms of membership engagement for new terms beginning January of 2019, 24% of section executive committees and 32% of committee members meet the ONLD membership criteria.

Outcome #2: New Lawyers are provided resources to assist with the transition to the practice of law.

In 2019, the ONLD hosted several networking and CLE events throughout the state, partnering with the Clackamas, Deschutes, Lane, Linn-Benton, Marion, Mid-Columbia, Multnomah, and Washington County Bar Associations, the Clark County (Washington) Bar Association, the Federal Bar Association, the Hispanic Bar Association, Oregon Trial Lawyers Association, Oregon Asian Pacific American Bar Association, Oregon Minority Lawyers Association, the Oregon Chapter of the National Bar Association, the Oregon Chinese Lawyers Association, the Queen’s Bench – Multnomah OWLS Chapter, the Professional Liability Fund, Legal Aid Services of Oregon, the Campaign for Equal Justice, each of the Oregon law schools, the Diversity and Inclusion Department of the OSB, and a number of OSB sections including Business Law, Debtor/Creditor, Workers’ Compensation, Consumer Law, Disability Law, Solo and Small Firm, and Tax Law.

Over 900 attorneys attended one of the 20 events hosted or co-hosted by the ONLD. This does not include the swearing-in ceremonies or any of the law school events.

Free or low-cost CLE program topics in 2019 focused on attorney wellness, with free live CLE programs offered in Salem, Eugene, Bend, and Hood River. In addition, the ONLD offered Super Saturday (a full-day CLE event with two program tracks focused on different practice areas).

The CLE Committee of the ONLD Executive Committee partnered with the Professional Liability Fund on Learning the Ropes, which is a three-day CLE program designed to introduce new lawyers to the practice of law.

The ONLD hosted new lawyer receptions after each swearing-in ceremony to welcome new members to the bar and provide information about the services available to them through the ONLD and the OSB. At the annual meeting and awards ceremony, the ONLD membership had the opportunity to hear from a diverse array of award-winning lawyers. The Annual Meeting was held at Coopers Hall, with approximately 150 attendees. ONLD award winners spoke movingly of their work.
Outcome #3: Law Students are aware of the resources provided by the Oregon State Bar.

The ONLD recruited members to serve as interviewers for the U of O 1L Mock Interview Day, and then hosted a networking event following it. ONLD members attended start-of-school events at each of the three law schools. Law students are invited to networking events when they are held close to the law schools. ONLD Executive Committee members are visible attendees at OLIO, serving as panelists and mock interviewers, and attending the social events.

Outcome #3: Events and services are cost-effective and conducted in a fiscally responsible manner.

ONLD expenses were slightly lower than projected for 2019, approximately $2,000 under the $61,000 direct costs budgeted.
PUBLIC AFFAIRS DEPARTMENT
2019 PROGRAM MEASURES

Program Goal Statement.
The Public Affairs Department advances the bar’s mission to serve justice and the public interest by promoting respect for the rule of law, by improving the quality of legal services and by increasing access to justice. The Public Affairs program goals are to support the judiciary and improve the administration of justice by protecting and advancing the quality, integrity, and impartiality of the judicial system and to provide access to a fair and inclusive justice system. Public Affairs achieves these goals by ensuring adequate funding for the judicial system and by providing legal knowledge and expertise to governmental bodies, by proposing legislation for law improvement, and by advocating on matters that affect the legal profession and access to justice. The Department team works with a broad cross-section of judges, legislators, lawyers, and public citizens to ensure that Oregon’s legal system works for its citizens.

Program Description.
The Board of Governors Public Affairs Committee develops the policies that guide the department’s work. It recommends positions the bar should take on public policy issues that affect the bar and the legal profession.

Public Affairs advances a fair, inclusive, and accessible justice system by fostering trust in, respect for, understanding, and access to the justice system. The Public Affairs Department (PAD), overseen by the Public Affairs Committee, informs and assists bar groups, bar members, and government bodies on a variety of bar-related legislation and public policy issues facing the profession and responds to legal trends that affect the practice of law and the bar.

The Public Affairs Department works with OSB sections and committees on law improvement legislation and to respond to legal trends that affect the practice of law and the bar.

The focus of PAD during 2019 has been legislative advocacy in the long session of the Oregon Legislature, participating in work groups and task forces, and assisting sections and committees prepare for the 2020 and 2021 legislative sessions.

Volunteers/Partnerships.

Volunteers: In addition to the members of the BOG Public Affairs Committee, PAD collaborates with several hundred lawyer volunteers. The vast majority are from bar sections and committees working on law improvement projects.

This year, the Public Affairs Department, at the direction of the Board of Governors, focused on elevating the visibility, inclusiveness and statewide reach of the Citizens Campaign for Court
Funding. This entailed building a coalition to support an increase in funding for the Oregon Judicial Department from the Oregon Legislature. The Public Affairs Department, joined with the Oregon Judicial Department, to organize five breakfasts throughout the state focusing on both business and nonprofit community leaders. Ultimately, 40 community leaders signed on to a letter in support of increased funding for the Oregon Judicial Department. The efforts of the Public Affairs Department in revitalizing the CCCF supported an increase of 2.8% for the Oregon Judicial Department.

**Partnerships:** PAD has working relationships with other OSB departments. Outside coalition building is an ongoing activity. It currently emphasizes government leaders, business interest groups, the nonprofit community, elected officials, and local legal communities.

**Outcome #1: Support and protect the quality and integrity of the judicial system.**

**A. Support adequate funding for the Judicial Branch in the Legislature.**

The Public Affairs Committee designated adequate funding for the judicial department, indigent defense, and legal services as the bar’s highest legislative priorities for 2019.

The Public Affairs Department coordinated with the Oregon Supreme Court and advocated for funding of the judicial system, eCourt, courthouse facilities, and judicial compensation. Activities included BOG members testifying in support of adequate funding for the judicial branch, indigent defense, and legal services. We succeeded. The legislature provided funding in line with our goals.

During the 2019 legislative session, the Public Affairs Department coordinated and supported BOG members and bar members testifying in support of adequate funding for the Oregon Judicial Department, low- and moderate-income civil legal services, and indigent defense at the Oregon State Legislature’s budget hearing held throughout Oregon.

Public Affairs engaged the following to support those priorities.

- Hosted a successful BOG reception in Salem during the legislative session with a large turnout of legislative leaders and bar members.
- Hosted a successful Day at the Capitol in Salem during the legislative session with a large turnout of legislative and bar leaders.
- Increased state funding of civil legal aid by three percent with inflationary increases built into future funding.
- Supported the Public Defense Service’s request for additional funding.
- Supported the Oregon Judicial Department’s request for
  - an increase in judicial compensation,
  - additional judges, and
  - a budget increase.
- Participated in ABA Lobby Day in Washington DC in support of federal funding for the Legal Services Corporation.
B. Responds appropriately to challenges to a fair and impartial judiciary.

During the 2019 legislative session, the Public Affairs Department, at the request of the Public Affairs Committee, engaged and educated legislators, staff, and stakeholders on six legislative concepts that could affect the practice of law.

- **HB 2241** – PAD staff worked closely with the Oregon Judicial Department in support of legislation to allow OJD to collect filing fees from government entities. The bill ultimately did not pass but bar feedback will help inform the next iteration when it resurfaces in the 2021 session.

- **HB 3145** – PAD staff worked closely with agency staff, stakeholders, bar members, and leadership to respond to questions and provide technical feedback on the proposed restructuring of the Public Defense Services Commission. Although the bill did not pass, the legislature earmarked $20 million for the PDSC in support of its restructuring efforts to be distributed in 2020. Public Affairs will continue to work with the stakeholders.

- **HJR 10** – The Oregon State Bar Board of Governors voted to support the end of non-unanimous juries in Oregon. The resolution did not pass. The US Supreme Court recently heard oral arguments about the issue and an opinion is expected by June 2020.

- **SB 79** – PAD staff worked with the Oregon Department of Revenue to draft language to allow the Department of Revenue to collect judgements on behalf of the bar. The bill passed.

- **SB 907** – PAD staff worked with the Professional Liability Fund to educate legislators and staff on the Professional Liability Fund process and legal malpractice as well provide feedback on the language as drafted. SB 907 did not receive a public hearing nor work session, and therefore did not pass, but we expect the issue to be revisited in the next legislative session.

- Proposed fee-sharing amendment. PAD staff worked to educate legislators and staff on the Attorney-Referral Work Group process and the importance of the existing statutory prohibition on fee-sharing. The amendment was not considered.

C. Participate meaningfully in the judicial selection process.

In 2019, the Public Affairs Department, which is responsible for the Appellate Screening Special Committee, organized and staffed two appellate interview processes for the Oregon Supreme Court with 25 applicants as well as for a Court of Appeals position with nine candidates and eight interviews. The Public Affairs Department worked in conjunction with the Governor’s office throughout the judicial review process. This included organizing and staffing judicial
vacancy meetings under very tight timelines, interviewing the applicants, working closely with the Governor and her staff, and organizing and publishing results.

In addition, in 2019 the Public Affairs Department distributed notices for 16 appellate and other judicial vacancies to lawyers, specialty bars, and interested groups.

Public Affairs also worked with the Diversity and Inclusion Department to update OSB bar bylaws to eliminate the use of bar preference polls. The OSB Board of Governors voted to remove them from the bar bylaws in June 2019.

D. **Promote understanding of and respect for the rule of law, the judicial system and the legal profession.**

Publications.

Public Affairs published fourteen issues of the *Capitol Insider*, a newsletter on legislative and public affairs issues of interest to bar members by the end of the year. As of the end of December, 7,616 Oregon bar members have opted-in to receive the *Capitol Insider*.

The Public Affairs Department published the 2019 edition of *Oregon Legislation Highlights*, a comprehensive overview of 2019 legislation organized by practice area in October. This publication can be a valuable tool to provide law practitioners about the latest changes to Oregon law.

Events.

In addition to the February President’s Reception attended by legislators, judges, and bar members, the bar hosted the Day at the Capitol. Approximately 40 members attended the luncheon that included presentations from the Oregon Supreme Court, Public Defense Services Commission, and the Oregon Law Center. Moreover, bar members met with 30 legislators or their staff to share their support for the bar’s legislative priorities.

The Public Affairs Department worked with the Chief Justice to and the Citizens Campaign for Court Funding (CCCF) to host breakfasts for business and nonprofit leaders throughout the state to discuss the value of the court system to all segments of society and to address the court’s budgetary needs. Throughout the legislative session, the Public Affairs Department, through the CCCF, worked with the Chief Justice and OJD staff to host court funding breakfasts through the state. Events were held in Coos Bay, Deschutes County, Jackson County, Lane County and two in Multnomah County. The events in Multnomah County were each geared to the business community or the nonprofit community. In addition, the bar hosted the Attorney Referral Work Group.

**CLE.**

Finally, PAD staff, along with the Senate Interim Judiciary Committee, organized and hosted three CLEs at the Capitol for lawyers, legislators, staff, and lobbyists with over 80 total
attendees in October, November, and December. In addition, anecdotally we understand that a similar number of bar members attended the CLEs either as a live or recorded broadcast on the legislature’s closed-circuit recording system.

E. Pursue improvements to the administration of justice

**2019 Legislative Session.** This year the bar had nine law improvement bills generated by sections and committees during the 2018 interim. During the long session, the bar’s nine law improvement bills were put forward by the Board of Governors, the Business Law Section, the Debtor-Creditor Section, the Elder Law Section, the Military and Veterans Law Section, the Nonprofit Law Section, and the Sustainable Future Section.

Each bar group, with the assistance of the Public Affairs group, successfully passed their legislative concept(s) passed through the legislative process. The governor signed all nine proposals into law.

In addition, to the bar’s law improvement bills, the bar engaged on a number of bills and funding requests that were not identified in the bar priorities. These legislative concepts required significant engagement by section and committee members as well as bar staff.

- **HB 3006, HB 3007, HB 3008** - PAD staff and Elder Law and Estate Planning and Administration Sections’ representatives worked closely with the Oregon Law Commission, advocates, staff, and legislators by providing technical feedback and alternative language on a trio of probate focused legislative concepts.

- **HB 2601** – During the 2017 legislative session, PAD staff worked with representatives from the Elder Law and Estate Planning and Administration Sections in response to the proposed Falk-Alfano Act. PAD staff and practitioners provided technical feedback and requested that a work group be formed to address the legislative concept and return in 2019. HB 2601 was the compromise legislation.

- **HB 3377** - At the request of Legislative Leadership, the Oregon Law Commission hosted a legislative workgroup on capitol conduct. PAD staff provided technical feedback and support to the commission throughout the work group process and the passage of the bill.

- **SB 318, SB 356, SB 736** - PAD staff and the Family Law Section’s legislative contact worked closely with advocates, staff, and legislators provided technical feedback and alternative language on a trio of family law legislative concepts. SB 736, which did not pass during the 2019 legislative session, was sent to the Oregon Law Commission for additional work.

- **SB 783** – PAD staff worked with the Oregon Department of Justice to support SB 783 which clarified a notice provision in elder abuse cases.
PAD worked with sections to keep members informed about legislation that could affect the practice of their members. Prior to the legislative session, PAD staff reached out to the sections to discuss the legislative process, how to engage, and identified a legislative contact for each section.

During session, the department forwarded 2,379 of the 2,868 introduced bills to 45 of the legislative contacts and managed a bill tracking system to which the sections have access. In total, 5,273 bill referrals were made to the sections and committees. Staff assisted sections navigate and receive authority to take positions on legislation.

**2020 Legislative Session.** In January 2020, the Public Affairs Committee adopted the bar’s 2020 Legislative Priorities as well as the bar’s 2020 Legislative Guidelines. The bar’s legislative guidelines are funding for the court and funding for low income legal services both civil and criminal.

**Workgroups.** PAD staff continued to staff Oregon Law Commission work groups and the Council on Court Procedures. In 2019 Oregon Law Commission work groups include Probate Modernization, Remote Notarization, a rewrite of Oregon’s LLC Act, and Collaborative Law. In addition, PAD staff and section members continue to participate in the WINGS workgroup and the State Family Law Advisory Committee.

**Legislative Workgroups.** Beginning at the end of the 2019 legislative session, PAD also staffed a number of work groups arising from legislative concepts for the 2020 and 2021 legislation sessions. PAD staff were involved with workgroups on numerous issues including Full Faith and Credit, Restrictive Covenants, and Consumer Data Privacy.

**Attorney-Referral.** In 2017, the Referral Fees Committee was created in response to a House of Delegates request to review and consider changes to ORPCs 5.4(a)(5) and 7.2(b)(2). The Committee made up of 23 members, finalized and submitted their proposals to the Board of Governors in 2019. After BOG acceptance of the report, the report was submitted to and accepted by the House of Delegates and ultimately to the Oregon Supreme Court.

**Landlord/Tenant Education.** During the 2019 Legislative Session, the Public Affairs Department, at the request of the Oregon Department of Housing and Community Services, worked with the Communications Department to produce a communications and education plan regarding SB 608 (2019). The bill, which had an emergency clause, made substantial changes to the eviction process in Oregon. Over the course of six months, the Public Affairs Department and the Communications Department worked closed with housing authorities to create and share original content with the public in an effort to educate landlords and tenant. These resources have been shared via brochure, the bar’s website, community outreach, and webinars.

**Trimet.** In Spring 2019, Trimet released a plan that would could have resulted in a new rail line running through the Oregon State Bar’s parking lot. PAD staff engaged the advisory committee,
built a coalition of local business and property owners, connected with public officials at the state and local level to voice the bar’s concerns and worked with General Counsel’s office to submit testimony. Through the efforts of the Public Affairs Department, the bar successfully lobbied to keep the rail line of the bar’s property.

**Outcome #2: Promote diversity, equity and inclusion within the legal community and the provision of legal services.**

In 2019, the Public Affairs Department took a multi-pronged approach to promoting diversity, equity, and inclusion within the legal community and the provision of legal services. Within the legal community, the Public Affairs Department continued to focus on diversity and inclusion in the judicial selection process by soliciting feedback on both candidates and the screening process.

In addition, the Department hosted its first ever Mental Health in the Workplace CLE in Salem to expand practitioners knowledge of mental health issues that may affect practitioners and how to help.

The Department was successful in promoting diversity, equity, and inclusion through the provision of legal services. Department staff met with legislators and staff to develop and support access-to-justice initiatives resulting in a $300,000 increase in funding for legal aid services for the poor.

Public Affairs also worked with the Diversity and Inclusion Department to update OSB bar bylaws to eliminate the use of bar preference polls. The OSB Board of Governors voted to remove them from the bar bylaws in June 2019.

**Outcome #3 - Support adequate funding for low- and moderate-income legal services and indigent defense.**

In 2019, the Public Affairs Department successfully focused on funding for civil legal aid services. The bar introduced, with the support of the legal services community SB 357, which would have increased state funding for civil legal aid. As part of the Department’s support of legal services, staff organized public testimony from coalition partners. This included a presentation on the 2018 Civil Legal Needs study to the legislature. Working with the Senate and House Co-Chairs of the Joint Ways and Means Committee, the Public Affairs Department successfully increased state funding and ensured that civil legal aid services would be eligible for the same biannual inflationary increase while moving the legal aid funding stream into the court budgetary process. The Public Affairs Department provided coalition to support legal aid by meeting with legislators, stakeholders, and the executive branch and by providing education efforts on the need for increased funding.

For indigent defense, the Public Affairs Department organized testimony in support of the Public Defense Service Commission’s requested budget by BOG members down in Salem. Further, the Public Affairs Department, at the direction of the Public Affairs Committee
conceptually supported the goals of the 6th Amendment Center report and the efforts of
advocates to restructure PDSC and the Office of Public Defense Services through HB 3145.
Public Affairs staff provided statutory language, educated legislators and non-partisan staff on
the importance of OPDS and the 6th Amendment reporting findings, and ensured that bar
members were able to testify in support of the bill.

The Public Affairs Department continues to work closely with the Oregon Judicial Department
to support the development of self-navigator programs.
Referral and Information Services (RIS) is designed to increase the public’s ability to access the justice system, as well as benefit bar members who serve on its panels.

Program Description

The Lawyer Referral Service (LRS) began as a mandatory program in 1971 when attorney advertising was limited by ethics rules. A voluntary program since 1985, LRS is the oldest and largest program in RIS and the only one that produces revenue. The basic LRS operating systems (e.g., computer hardware and software) support the other department programs. Approximately 500 OSB members participate as LRS panel attorneys. The Referral and Information Services Department (RIS) also offers several other programs that help both the people and the lawyers of Oregon. The Modest Means Program (MMP) is a reduced-fee program assisting low to moderate-income clients in the areas of family law, landlord-tenant disputes, foreclosure, and criminal defense. Problem Solvers is a pro bono program offering legal advice for youth ages 13-17. Lawyer to Lawyer connects Oregon lawyers working in unfamiliar practice areas with experienced lawyers willing to offer informal advice at no charge. The Military Assistance Panel (MAP) connects military personnel and their families in Oregon with pro bono legal assistance. Attorneys volunteering for this program are provided training on the Servicemembers’ Civil Relief Act (SCRA) and other applicable law.

Outcomes and Evaluation

Outcome #1: Maintain customer satisfaction by ensuring that client requests are handled in a prompt, courteous, and efficient manner.

Total call volume from the public increased 7.0% over 2018, with a total of 84,591 received. Even with increased volume, RIS was able to provide service to more callers and capture more referrals by focusing on reducing the number of callers who abandon the call queue due to long wait times. Despite a constant staff shortage, only 1.64% of callers abandoned an RIS call line in 2019, down from 1.99% in 2018.
A training schedule continued throughout 2019, with every staff meeting now including a substantive law overview for a different area of law to ensure staff is making accurate referrals. Enhanced training has reduced errors among staff, and use of instant messaging software has helped staff assist each other with referral questions without interrupting active client calls.

**Outcome #2: Increase access to justice by raising member and public awareness of RIS programs.**

The public-oriented focus for 2019 was to continue increasing traffic to the OSB website and to spread awareness of RIS programs as part of the bar’s multi-year Diversity Action Plan (DAP).

Throughout 2019, RIS worked with other staff in the Communications & Public Services Department to continue the pilot Craig’s List and Google Ad Words campaigns. Staff posted a “Need Legal Help?” message at various times on Craig’s List. The posting included an embedded link to the “Legal Help” page on the bar’s website.

At the same time, RIS continued its two Google Ad Word campaigns. The first campaign, “OSB Website,” focuses on increasing the use of the OSB public website by people looking for information on legal topics. The second campaign, “RIS,” focuses on directing potential clients to the online referral request form for the Lawyer Referral Service for a specific area of law. This campaign is coordinated with the release of “Legal Q & A” videos that are produced by other communications department staff. The “key words” used in the ads are the same as the legal topic covered in the videos.

In coordination with the ad campaigns, the Communications department has been vigorously adding “Legal Q&A” videos to the public website. This dual approach increased traffic to the OSB website and the online referral page. The online referral request numbers below show a substantial increase over 2018, showing the effectiveness of combined marketing efforts: online referral requests have increased 40% since 2017.

DAP outreach efforts included consulting with the Public Service Advisory Committee (PSAC) to build a comprehensive list of organizations that serve Oregon’s minority and marginalized communities. The RIS manager used this list to begin contacting and meeting with organizations such as State Family Law Advisory Committee (SFLAC), the Immigrant Refugee Community Organization, the Asian Family Center, SOAR Immigration Center, Central Latino Americano, the American Immigration Lawyers Association (AILA), and the OAAP. Outreach efforts will continue through 2020 and beyond.
Overall call volume increased in 2019, reaching 84,591 calls and 7,925 online referral requests. This represents a 19.10% increase in online referrals and a 7.01% increase in calls over 2018. RIS made 52,071 total referrals – a 4.89% increase in referrals over the previous year. The totals by program area are:

- LRS 50,036
- Modest Means 1,899
- Problem Solvers 112
- Military Assistance 24

Outreach to members remained focused on current panelists; with total LRS registration remaining stable in 2019, no active recruitment of new panelists was warranted. However, the MMP is in need of new panelists in some under-served areas, such as Eastern Oregon and some parts of the coast. RIS staff is working with the creative services team to create several MMP recruitment advertisements for the Bar Bulletin in order to boost attorney participation. Other outreach efforts will be a focus for 2020.

**Outcome #3: Adapt services to meet both public and members’ needs.**

In October of 2019 LRS implemented a $250 threshold to the percentage fee model. From now on, panelists will not be required to remit 12% on an LRS-referred case unless the referral results in at least $250 in fees earned and collected by the panelist. The goal of the threshold is to incentivize attorneys to take on small matters that they would ordinarily avoid due to the cost and administrative burden. This change was well received by panelists and has had a “mere peppercorn” of fiscal impact.

The RIS Manager was part of the Innovations work group of the OSB Futures Task Force to develop recommendations on enhancing the provision of legal services to all Oregonians. This involved making recommendations related to RIS and its public outreach programs. A cross-department team is currently implementing one recommendation: Better coordination of online information materials offered by OSB, the Oregon Judicial Department and Legal Aid Services of Oregon. The team has already identified gaps and areas of overlap for landlord/tenant law, family law, consumer law, criminal law, and self-help resources.

This is an ongoing project that coincides with another cross-department goal for 2020, which was to develop and maintain the bar’s legal information materials for the public.
The RIS manager also assisted the Communications Department with developing new Landlord/Tenant materials, our highest-demand legal topic area. This project produced a new pamphlet, “New Rules for Landlords” that was professionally translated into Spanish, Russian, Vietnamese and Simplified Chinese. It also produced three new landlord/tenant videos: “Landlord/Tenant Overview and Resources,” “Oregon's New Rent Control Law” and “Termination Notices.” All three videos were presented in English, Spanish, Russian, Vietnamese and Mandarin Chinese. Finally, every landlord/tenant topic that already appeared the OSB website was updated.

Outcome #4: Implement break-even budget based upon adoption of percentage fees revenue model.

In 2019 LRS collected $720,466 in percentage fee revenue, which represents $6,003,883 in business generated for panelists. LRS registration revenue for the year was $86,700. RIS also received $31,885 in grant funds. Therefore, total gross revenue for 2019 was $839,051.

Department expenses totaled $661,784, and the indirect cost allocation (ICA) totaled $260,809. Therefore, total net expense for the program was $83,542.

The combination of registration and percentage fee revenue resulted in a net loss of revenue for the first since percentage-fee implementation in October of 2012. Total revenue for the bar since percentage fee implementation is $5,500,135 ($4,727,827 percentage fee and $772,308 registrations) which represents $39,398,558 in business generated for LRS panelists since October of 2012.
OREGON STATE BAR
Board of Governors Agenda

Meeting Date: April 17, 2020
From: Amber Hollister, General Counsel
Re: CSF Claim No. 2018-60 Deveny (Bentson and Norris)

Action Requested

Consider Client Security Fund Committee’s recommendation that the board grant claimants Erica Bentson’s and Cheryl Norris’s claim of $50,000 ($25,000 each) in the matter of CSF Claim No. 2018-60 Deveny (Bentson and Norris).

Discussion

Claimants Erica Bentson and Cheryl Norris hired Ms. Deveny in early 2014 to investigate and pursue a medical malpractice wrongful death claim of their mother, Helen L. Bentson. Helen L. Bentson had died on November 8, 2013, while she was in the care of Kaiser Permanente.

Claimants signed a contingency fee agreement and agreed Deveny was to receive one-third of any settlement. In September 2015, Ms. Deveny settled the claim with Kaiser for $100,000 and had Ms. Bentson sign a release as “Personal Representative of the Estate of Helen L. Bentson” on October 5, 2015. Ms. Deveny sent the release to Kaiser and Kaiser issued a check for $100,000 payable to “Lori E. Deveny in Trust for the Estate of Helen Bentson”. The check was endorsed by Ms. Deveny and deposited into one of her accounts. An estate was never opened, however, and no court ever appointed Ms. Bentson or Ms. Norris as Personal Representative.

Following settlement for a period of over two years, the Committee’s investigator found Ms. Deveny repeatedly lied to claimants. She asserted that the distribution was held up because of a Medicare lien; the investigator found no evidence to suggest a lien ever existed. Ms. Deveny stopped responding to claimants’ inquiries after April 19, 2018, and claimants later discovered Ms. Deveny had resigned Form B. Neither of the claimants received any of the settlement funds.

Ms. Deveny resigned Form B, effective July 26, 2018, while numerous disciplinary cases were pending; at this time, charges against her are pending in state and federal court alleging theft, criminal mistreatment, wire fraud and tax evasion.

The Committee initially determined that it was unable to issue reimbursement to claimants because they were not the Personal Representatives of their mother’s estate. The Committee recognized, however, that it would be extraordinarily difficult for claimants to open
a probate proceeding nearly seven years after the death of the decedent to seek appointment as Personal Representatives.

At its March 14, 2020 meeting, the Client Security Fund Committee reviewed Ms. Bentson’s and Ms. Norris’s claim, Helen Bentson’s Will, an Affidavit of Heirship and Indemnity signed by claimants and unanimously voted to recommend that the Board reimburse each claimant separately for $25,000 for a total award of $50,000 for their joint losses.

The Committee discussed the fact that claimants’ assignment of claim to the Fund may not be enforceable, because the settlement funds were directed to the estate not claimants. The Committee, however, determined that the errors in settlement were due to Ms. Deveny’s handling of the matter, and not any fault of claimants. The Committee concluded that Ms. Deveny likely avoided opening a probate in order to assist her conversion of settlement funds.

Ms. Bentson’s and Ms. Norris’s claim would not ordinarily be eligible for reimbursement at this time, pursuant CSF Rule 2.1.6, because Ms. Deveny has not been found guilty of a crime and the claimants have not obtained a civil judgment against her. The Committee, however, voted to waive the requirement of CSF Rule 2.1.6 based on extreme hardship. CSF Rule 2.6.

Staff recommends that the board approve the claim, consistent with the CSF Committee’s recommendation.
March 11, 2020

CLIENT SECURITY FUND
INVESTIGATION REPORT

RE: Client Security Fund Claim No. 2018-60
Claimants: Erica Bentson and Cheryl Norris
Attorney: Lori E. Deveny
Investigator: Rod M. Jones

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INVESTIGATOR'S RECOMMENDATION

I recommend approval of this claim in the amount of $50,000.00.

CLAIM INVESTIGATION SUMMARY

Lori Deveny was admitted to the Oregon State Bar in 1989. She was suspended on April 30, 2018, and her Form B Resignation was accepted on July 26, 2018. Deveny is currently under investigation by federal and state law enforcement agencies. A 92-count indictment was filed against Ms. Deveny in Multnomah County Circuit Court on May 23, 2019. It is my understanding that the State criminal charges filed against Ms. Deveny are still pending, and trial is scheduled to begin on May 11, 2020.

This CSF claim involves a medical malpractice wrongful death claim that was made on behalf of Cheryl Norris' and Erica Bentson's mother, Helen L. Bentson, who died on November 8, 2013, while in the care of Kaiser Permanente Health Plan of the NW, Inc. Ms. Bentson and Ms. Norris retained Lori Deveny to investigate and pursue the potential claim in early 2014. Ms. Deveny had these clients sign a contingent attorney fee agreement, allowing Ms. Deveny to retain 33-1/3% of any settlement. A copy of the agreement was not provided to the clients. The clients paid an initial retainer for costs advanced in the amount of $2,500.00.

In early September, 2015, Ms. Deveny reached a settlement agreement with Kaiser Permanente, to settle the claim for $100,000.00. On September 25, 2015, Claimant Erica Bentson signed the Release as "Personal Representative of the Estate of Helen L. Bentson." (Exhibit 1) Ms. Deveny then sent the Release to Kaiser and on October 5, 2015, Kaiser Permanente issued a check in the amount of $100,000.00, payable to "Lori E. Deveny in Trust for the Estate of Helen Bentson." That check was endorsed by Deveny and deposited in one of her accounts. (Exhibit 2) An Estate was never opened.
Following the settlement, Ms. Deveny then began a multi-year litany of excuses and explanations in e-mails that were sent to the Claimants, telling them that the distribution of the settlement proceeds was being held up because of a Medicare lien. Deveny spun tale after tale explaining why the proceeds could not be disbursed, continually blaming Medicare and its government employees for the delay. The last e-mail excuse from Lori Deveny was sent April 19, 2018. After that, she failed to respond to the Claimants’ inquiries, and they then discovered on June 29, 2018, through an OregonLive article about Deveny, that they had probably been deceived all along.

Deveny failed to return any further phone calls and did not respond to any more e-mails. Neither of the Claimants received any of the settlement funds.

On July 15, 2018, the Claimants made a claim with the PLF. The claim was denied on July 24, 2018. (Exhibit 3) The Claimants also contacted Detective Brian Sitton, the lead detective with the Portland Police Bureau, in charge of the Deveny investigation. According to Detective Sitton, he was informed by Medicare that a letter had been issued indicating that “$0.00 was due and the case was closed.” He also indicated that it did not appear that any type of lien had ever been issued by Medicare. (Exhibit 4)

In September of 2018, the Claimants jointly submitted their application to the Client Security Fund, seeking reimbursement in the amount of $50,000.00. They indicated that their total loss was $66,670.00 which was the net settlement after a 33-1/3% reduction for Ms. Deveny’s attorney fee.

The Estate of the Claimants’ deceased mother, Helen L. Bentson, is technically the “client” that owns the claim against Attorney Lori Deveny. However, an estate was never opened, and requiring the decedent’s two daughters, who are the only heirs and beneficiaries of the Estate, to open an estate solely to pursue the claim is an unreasonable request under these circumstances. Attached is a copy of the last known Will, confirming that the decedent named her two daughters as co-personal representatives, and that the two daughters are the sole surviving heirs entitled to the residue of the Estate, pursuant to Article 1 through 4 of the Will, attached hereto as Exhibit 5.

This matter was considered by the CSF Committee on January 11, 2020. The Committee voted to defer the matter until after the individual claimants signed an Affidavit of Heirship/Deviser and Indemnity, which they have now done. A copy of that document is attached as Exhibit 6.

FINDINGS AND CONCLUSIONS

1. The claim is timely. CSF Rule 2.1.8

2. Claimants, Erica Bentson and Cheryl Norris, are the two individuals who were injured as the wrongful acts of attorney Lori Deveny. Although the Estate of Helen Bentson might technically be the “client” that would hold the claim against Lori Deveny, in light of the number of
other claims against Deveny and the pending criminal actions against Deveny, any ultimate recovery by the Bar in the form of a subrogation claim appears to be futile. Accordingly, even though Erica Bentson and Cheryl Norris, individually, cannot assign their claims against Deveny to the Bar, we should waive that requirement under these circumstances. (If the Bar did elect to pursue a reimbursement claim against Deveny, I have no doubt that Bentson and Norris would cooperate with the Bar in any way necessary.)

3. The loss was caused by the lawyer’s dishonest conduct. CSF 2.1.2

4. The loss is not covered by any similar fund in another State. CSF Rule 2.1.3

5. The loss was not incurred by a financial institution covered by a “bankers blanket bond” or similar insurance or surety contract. CSF Rule 2.1.4

6. The loss did arise from, and was because of an established lawyer-client relationship.

7. I recommend the Committee waive Rule CSF 2.1.6 in light of the number of claims pending against Ms. Deveny and the apparent limited amount of available assets held by Deveny.

8. Claimants have made a good-faith effort to collect the amount claimed. CSF Rule 2.1.7.

9. The loss did arise from the lawyer’s practice of law in Oregon. CSF Rule 2.1.9

10. Ms. Deveny apparently absconded with $66,670 that was ultimately due to the Claimants, as sole heirs of the Estate of Helen L. Bentson. I recommend approval of this claim in the amount of the cap of $50,000.00.
CONFIDENTIAL RELEASE

IN RETURN FOR THE CONSIDERATION and payment of ONE HUNDRED THOUSAND DOLLARS AND NO CENTS ($100,000.00) paid to THE ESTATE OF HELEN L. BENTSON ("Plaintiff") and her attorney, LORI E. DEVENY, the undersigned hereby release and forever discharge KAISER FOUNDATION HOSPITAL, a California corporation, KAISER FOUNDATION HEALTH PLAN OF THE NORTHWEST, INC., an Oregon corporation, and NORTHWEST PERMANENTE, P.C., an Oregon corporation (herein defendants), their employees, agents, assigns and subsidiaries, from any and all claims related to the medical care provided to HELEN L. BENTSON by defendants on or about November 2013. This release specifically includes any claims for the personal injuries to HELEN L. BENTSON related to the care provided by defendants.

It is also expressly understood and agreed that this Release and Settlement is intended to cover and does cover not only all known injuries, losses and damages, but any further losses and damages not now known or anticipated, but which may later be discovered, including all the effects and consequences thereof, in any way related to, connected with, or arising from the medical, nursing and hospital care and treatment provided to HELEN L. BENTSON on or about November 2013, by defendants, and any related claims that were or have been made in this matter.

IT IS FURTHER AGREED that this settlement does not constitute an admission of liability on the part of the defendants, their agents and employees, all of whom expressly deny any legal liability.

The parties also acknowledge any Medicare interest payable under this Agreement shall be the sole and exclusive responsibility of The Estate of Helen L. Bentson. The Estate agrees that the duties stated in this paragraph are non-delegable and failure to perform such duties shall provide the released parties with a right to recover any monies paid due to the failure to satisfy Medicare's interests, including any additional expenses incurred and attorney fees. The parties
acknowledge and understand that released parties are required to report any payment to a Medicare beneficiary in settlement of a claim under a liability insurance policy or self-insurance to Medicare (CMS). The parties are not aware of any Medicare interest in this case.

In consideration of the payments set forth in the Settlement Agreement, plaintiff waives, release, and forever discharges defendants from any obligations for any claim, known or unknown, arising out of the failure of defendants to provide for a primary payment or appropriate reimbursement pursuant to 42 U.S.C. § 1295y(b)(3)(A).

The plaintiff understands this settlement may impact, limit or preclude their right or ability to receive future Medicare/CMS benefits arising out of the injuries alleged in this lawsuit, and nevertheless wishes to proceed with the settlement.

Should any person or entity not a party hereto challenge the validity of this Agreement, or any term thereof, pursue recovery of monies from defendants or bring a claim or claims against defendants arising out of 42 U.S.C. § 1395y(b) related to payment for items or services related to the injuries claimed in this action, the plaintiff shall provide to defendants such cooperation and assistance as defendants may reasonably request in order to resist such a challenge or defend such a claim.

IT IS THE INTENTION OF THIS INSTRUMENT to acknowledge full and complete settlement and satisfaction of any and all claims for loss, damage, injury, or expense including any claim for lost wages and/or income. The Estate will satisfy any and all outstanding liens or third-party rights of reimbursement, including Medicare, out of the proceeds of this settlement and further agrees to indemnify and hold harmless defendants and their employees, insurers, agents and assigns, as well as all others directly or indirectly liable from any claims asserted by third parties against the proceeds of the settlement.

The parties, who signed below, mutually agree to neither publish nor take any steps to publish or make known the amount, terms or conditions of this Settlement Agreement except to the extent necessary for the preparation of tax returns or for financial advice. The parties may also disclose details to others necessary to permit them to satisfy any other legal obligation.
However, the parties and their counsel will instruct anyone to whom they must disclose such settlement information that the information is CONFIDENTIAL and is not to be communicated to any other person; this does not bar the parties from compliance with Medicare/CMS reporting pursuant to 42 U.S.C. § 1395y(b).

The parties will respond to any inquiries regarding the status or outcome of plaintiff's claims by stating only that the matter has been “resolved,” “ended,” “finished,” or “settled.”

All parties to this agreement agree that the confidentiality provision was negotiated mutually. Therefore, all sums set forth herein constitute damages on account of personal and physical injuries or sickness, within the meaning of Section 104(a)(2) of the Internal Revenue Code of 1986, as amended, and no portion of the settlement proceeds represent exemplary or punitive damages nor prejudgment or post-judgment interest, but that such claims are nonetheless being released. Further, no portion of the proceeds were paid in exchange for confidentiality.
FINALLY, The Estate of Helen L. Bentson, and the undersigned, expressly acknowledge and agree that they have read and fully discussed the full, final and comprehensive nature of this confidential Settlement and Release Agreement with their attorney, and acknowledge and agree that receipt of the funds described herein and execution of this confidential Settlement and Release Agreement will FOREVER BAR ANY FURTHER CLAIMS as described herein. The Estate of Helen L. Bentson and her attorney, Lorii E. Deveny, acknowledge they have received no consideration, promise or inducement that is not expressly set forth in this release document, and the sole inducement and consideration causing them to execute this Settlement and Release Agreement is set forth herein.

IN WITNESS WHEREOF, I have hereunto set my hand this 25th day of September 2015.

[Signature]

as Personal Representative of the Estate of Helen L. Bentson

State of Oregon
County of Multnomah ss.

On the 25th day of September 2015, the above-named Personal Representative of the Estate of Helen L. Bentson appeared before me personally and acknowledged the foregoing instrument to be her voluntary act and deed.

[Notary Seal]

NOTARY PUBLIC OF OREGON
My Commission expires: 9/20/2016

APPROVED AS TO FORM:

[Signature]

LORRIE DEVENY, ESQ.
Attorney for The Estate of Helen L. Bentson
From: Pauline M. Davis
Sent: Tuesday, July 10, 2018 9:37 AM
To: Heather P Kadow <Heather.P.Kadow@kp.org>; Joanie X Johnston <Joanie.X.Johnston@kp.org>
Subject: Copy of signed check?
Importance: High

Hi Heather and Joanie,

Is it possible to get a copy of the back of this check to verify signature (see attached)?

Thank you,
July 24, 2018

Erica Bentson
Cheryl Norris
10359 SW Hollyridge Lane
Beaverton, OR 97005

Re: PLF File No.: 046318
Covered Party: Lori E. Deveny
Claimants: Erica Bentson and Cheryl Norris

Dear Ms. Bentson and Ms. Norris:

This will acknowledge receipt of your letter to the Professional Liability Fund (PLF) dated July 17, 2018 regarding your claim against Lori Deveny. I am the claims attorney who has been assigned to investigate and evaluate this claim.

Please be aware that it is generally my policy to communicate only in writing with claimants who are not represented by a lawyer. This helps both of us to avoid misunderstandings throughout the process. Consequently, if you contact me by phone, my likely response will be to write you a letter rather than to discuss the matter with you on the phone or return your call if you leave a message. If you engage an attorney, please advise me at once and I will communicate directly with your attorney. You must look solely to your own attorney to advise you on all matters concerning this claim.

Because the PLF usually defends lawyers against whom claims are asserted, our interests are adverse to yours. For this reason, you should understand that nothing in this letter or any future correspondence is intended as legal advice to you, and you should not consider it to be legal advice.

At this point, the PLF must deny your claim. Under our Claims Made Plan, we exclude from coverage claims for alleged intentional misconduct such as misappropriation of settlement proceeds. I, of course, have no reason to believe Ms. Deveny misappropriated your settlement funds; I suspect there is some kind of miscommunication that has happened. As such, even though the PLF is denying coverage for your claim, I am willing to try to facilitate communication between you and Ms. Deveny on a voluntary basis. I have reached out to Ms. Deveny, and if she responds with information to provide to you, I will do so.
Finally, please be aware that asserting a claim by letter to the PLF or the responsible attorney does not "toll" (stop) or satisfy any applicable time deadlines or statutes of limitations. The time deadlines will continue to run and may expire while discussions are under way.

The PLF encourages you to obtain your own independent legal advice regarding all aspects of your claim, including any time deadlines that apply to it.

Sincerely,

Heather A. Bowman
Claims Attorney

HAB/maa

c:   Lori Deveny (Personal and Confidential)
From what I have been able to determine from Medicare, and it's a weird process, it looks like there was not a "lien" issued by Medicare. That is not an official determination, but a preliminary finding by the person I contacted. I have been making a list of others who are in a similar situation and will be providing information to Medicare in a more formal format to obtain the information we are seeking. But it looks like at this point that Medicare issued a letter or finding and in the letter it indicated $0.00 was due and the case was closed.
WILL

OF

HELEN LOVE BENTSON

I, Helen Love Bentson, of Salem, Oregon, declare that this is my Will and revoke all prior Wills and Codicils.

ARTICLE 1

FAMILY

1.1 SPouse. I am not married.

1.2 DESCENDANTS. My presently living children are:

Cheryl Lynn Norris, born [redacted]
Erica Ann Bentson, born [redacted]

References to "my children" and "child" in this document shall include the above individuals.

ARTICLE 2

LEGAL REPRESENTATIVES

2.1 PERSONAL REPRESENTATIVE. I name Cheryl Lynn Norris and Erica Ann Bentson as my co-personal representatives. If a co-personal representative fails to qualify or ceases to act as my co-personal representative, I name the remaining co-personal representative to serve as my sole personal representative.

ARTICLE 3

SPECIFIC GIFTS AND SPECIAL DIRECTIONS

3.1 TANGIBLE PERSONAL PROPERTY. I give any interest I have in household goods and furnishings, personal vehicles, recreational equipment, clothing, jewelry, personal effects, and other tangible personal property for personal or household use, together with any insurance proceeds or policies relating to this property, according to the terms of a written memorandum prepared and signed by me that is found with my personal property at the time of my death. If no such memorandum can be located within thirty (30) days following the date of my death, and as to all other property not specifically described in such written memorandum, I give this personal property in substantially equal shares to my surviving children to be divided among them as they agree or, if they do not agree, as my personal representative determines, in my personal
ARTICLE 4
RESIDUE

4.1 IF ANY DESCENDANT SURVIVES. I give the residue of my estate in equal shares to my then surviving children. If a child does not survive me, that child’s share shall lapse and be distributed to my surviving child. If neither of my children survives me, I give the residue of my estate in equal shares to my then surviving descendants, with right of representation.

4.2 CONTINGENT BENEFICIARIES. If none of my descendants survive me, I give the residue of my estate to those persons surviving me who would be entitled to receive my intestate property as determined by Oregon law at the time of my death.

ARTICLE 5
PERSONAL REPRESENTATIVE

5.1 NO BOND REQUIRED. No bond shall be required of any individual named in this Will as my personal representative.

5.2 POWERS. I give my personal representative all powers conferred on a personal representative by Oregon law as now existing or later amended, whether or not those powers are exercised in Oregon.

5.3 TRANSFER TO CUSTODIAN. If any interest passes under this Will to a person under the age of 21, I authorize my personal representative to transfer that interest to a custodian for that person under the Oregon Uniform Transfers to Minors Act.

ARTICLE 6
GENERAL ADMINISTRATIVE PROVISIONS

6.1 SURVIVORSHIP. A beneficiary under my Will shall be considered to survive me only if the beneficiary is living on the ninetieth day after the date of my death.

6.2 DESCENDANTS. "Descendants" means all naturally born or legally adopted children of the person indicated.

Will of
Helen Love Bentson
6.3 RIGHT OF REPRESENTATION. "Right of representation" means a division into equal shares, counting one share for each living descendant at the nearest generation containing at least one living taker and one share for each deceased descendant at that generation who leaves one or more then surviving descendants. Each living descendant at the nearest generation receives one share. The share of each deceased descendant at that generation passes with right of representation to his or her then surviving descendants.

6.4 DEATH TAXES. I direct my personal representative to pay out of the residue of my estate, without apportionment, all estate, inheritance, and other death taxes (including interest and penalties) payable by reason of my death on property passing under this Will. If my residue is insufficient to pay all such death taxes, the excess shall be apportioned according to Oregon law.

6.5 DEBTS AND EXPENSES. I direct my personal representative to pay out of the residue of my estate my debts as they come due, and my funeral and estate administration expenses.

6.6 ELECTIONS, DECISIONS, AND DISTRIBUTIONS. I authorize my personal representative and my trustee, if any, to make any election or decision available to my estate or trust under federal or state tax laws, to make pro rata or non-pro rata distributions without regard to any differences in tax basis of assets distributed, and to make distributions in cash, in specific property, in undivided interests in property, or partly in cash and partly in property. The good faith decisions of my personal representative or trustee in the exercise of these powers shall be conclusive and binding on all parties, and my personal representative or trustee need not make any adjustments among beneficiaries because of any election, decision, or distribution.

6.7 CHANGE IN CORPORATE FIDUCIARY. If any corporate fiduciary is merged or voluntarily liquidated into or consolidated with another entity having the required fiduciary powers, the successor shall have all powers granted to the original corporate fiduciary.

6.8 BENEFITS SOLELY FOR DESIGNATED BENEFICIARIES. All gifts and any trusts under this instrument are solely for the benefit of the beneficiaries specifically named or described and are not for the benefit of any other person.

6.9 NO THIRD-PARTY BENEFICIARIES. I acknowledge that the services provided to me and on my behalf relating to this Will are personal to me. My personal representatives, trustees, heirs, and beneficiaries are not now, nor are they intended to become, third-party beneficiaries of the services performed by my attorneys on my behalf.

6.10 GOVERNING LAW. The validity and construction of my Will shall be determined under Oregon law in effect on the date my Will is signed.

Will of Helen Love Bentso

Helen Love Bentso
6.11 CAPTIONS. The captions are inserted for convenience only. They are not a part of this instrument and do not limit the scope of the section to which each refers.

I have signed this Will on this 13th day of June, 2005.

Helen Love Bentson

On the date of the foregoing Will of Helen Love Bentson, I saw her sign it. Upon her representation that it was her Will, I signed my name below as a witness.

Priscilla Bentson residing at Salem, Oregon.

Will of
Helen Love Bentson
STATE OF OREGON

County of Marion

Theresa M. Wade and Cleo M. Ramsay, being sworn, each say:

On the date of the attached Will of Helen Love Bentson, I saw Helen Love Bentson sign it. I then, on that same date, attested the Will by signing my name to it as a witness.

To the best of my knowledge and belief, at that time Helen Love Bentson was of legal age of sound mind and not acting under any restraint, undue influence, duress, or fraudulent misrepresentation.

SUBSCRIBED AND SWORN to before me on this 13th day of June, 2005.

[Signature]

NOTARY PUBLIC FOR OREGON
My Commission Expires: 7-6-00
AFFIDAVIT OF HEIRSHIP/DEVISE AND INDEMNITY

We, Erica Bentson and Cheryl Norris, being first duly sworn, state the following:

1. Helen L. Bentson ("Decedent") died on November 8, 2013, in Marion County, Oregon. A copy of Decedent’s death certificate is attached as Exhibit A.

2. Decedent died testate. A copy of her Last Will and Testament ("Will") is attached as Exhibit B.

3. We are the claiming successors, as defined in ORS 114.505(2), to Decedent’s estate. Specifically, we are the sole devisees under Decedent’s Will, and are nominated as co-personal representatives under the Will. We also are Decedent’s only children and heirs. Decedent was not married at the time of her death, did not have a registered domestic partner at the time of her death, and was not survived by any other children or by any descendants of a deceased child.

4. The mailing addresses, telephone numbers, and email addresses of the Decedent’s devisees are as follows:

   Erica Bentson
   2001 NE Linnaea Dr., #401
   Bend, OR 97701
   (503) 453-2554
   Email: ericabentson@gmail.com

   Cheryl Norris
   12014 172nd Street Ct E
   Puyallup, WA 98374
   (253) 314-1410
   Email: Cheryl.norris@foreycma.com

5. The Decedent’s estate has not been admitted to probate in any state.

6. The purpose of this Affidavit is to induce the Oregon State Bar to accept this Affidavit in forbearance of a demand to probate Decedent’s estate, and to transfer funds belonging to Decedent’s estate directly to us, by paying one-half of such funds to each us.
7. All of the expenses associated with Decedent's death, all funeral expenses, all debts of the Decedent and all other claims against Decedent of any kind have been paid or will be paid from the funds described in paragraph 6. There are no federal or state estate or inheritance taxes due on account of Decedent's death.

8. We hereby agree to indemnify and hold harmless the Oregon State Bar from any and all liability, obligation, expenses, legal fees, or litigation costs which it may incur as a result of the inaccuracy of any statement made intentionally, negligently, or innocently in this Affidavit.

Signed and sworn to (or affirmed) before me on February 22, 2020 by ERICA BENTSON.

Signed and sworn to (or affirmed) before me on February 15, 2020 by CHERYL NORRIS.
OREGON STATE BAR
Board of Governors Agenda

Meeting Date: April 17, 2020
From: Amber Hollister, General Counsel
Re: CSF Claim No. 2019-47 Deveny (Gandy)

Action Requested

Consider Client Security Fund Committee’s recommendation that the board grant claimant Stephen Gandy's claim of $50,000 in the matter of CSF Claim No. 2019-47 Deveny (Gandy).

Discussion

Claimant Gandy hired Ms. Deveny in April 2010 to represent him in a homeowner’s insurance claim and medical malpractice lawsuit. Ms. Deveny agreed to a contingent fee agreement, in which she was to receive one-third of any settlement. Ms. Deveny settled the homeowner’s insurance claim for $100,000 in 2011 and paid $15,000 to Claimant Gandy in 2014. The medical malpractice suit was dismissed in 2016, and no settlement was reached. Ms. Deveny never paid any additional funds to Claimant Gandy.

Ms. Deveny resigned Form B, effective July 26, 2018, while numerous disciplinary cases were pending; at this time, charges against her are pending in state and federal court alleging theft, criminal mistreatment, wire fraud and tax evasion.

Under the terms of the fee agreement, Claimant Gandy would have been entitled to 2/3 of $100,000, but he only received $15,000. The Committee determined that the Claimant was still owed $51,670.

The Committee considered evidence suggesting that Ms. Deveny may have advanced costs related to the potential medical malpractice trial, but was unable to determine that the Claimant benefited from those expenditures.

At its March 14, 2020 meeting, the Client Security Fund Committee reviewed Claimant Gandy’s claim and unanimously voted to recommend that the Board reimburse him for $50,000 in loss. Claimant Gandy’s claim would not ordinarily be eligible for reimbursement at this time, pursuant CSF Rule 2.1.6, because Ms. Deveny has not been found guilty of a crime and Claimant Gandy has not obtained a civil judgment against her. The Committee, however, voted to waive the requirement of CSF Rule 2.1.6 based on extreme hardship. CSF Rule 2.6.

Staff recommends that the board approve the claim, consistent with the CSF Committee’s recommendation.
Client Security Fund
Investigative Report

Re: 2019-47
Claimant: Stephen Gandy
Lawyer: Lori Deveny
Investigator: Melissa May

RECOMMENDATION

I recommended approval of the claim in the amount of $50,000.

CLAIM INVESTIGATION SUMMARY

Claim

Officer Gandy’s Application for Reimbursement requests reimbursement of $52,000 stolen by Lori Deveny. Their fee agreement called for a 33 1/3% fee for a settlement before trial. Deveny obtained a $100,000 payment from the relevant homeowner’s insurance policy and only paid $15,000 to Officer Gandy. (The related medical malpractice case did not go to trial.)

Investigation

I reviewed the financial documentation submitted by Officer Gandy and confirmed the amounts Deveny received and paid by talking with Detective Brian Sitton, who is investigating Lori Deveny’s crimes.

Background

Officer Gandy was bitten by a dog while working as a Portland Police officer. The bite caused serious injuries. He retained Lori Deveny to pursue a homeowner’s insurance claim and a medical malpractice case related to the injury.

Deveny obtained $100,000 from the homeowner’s insurance company in 2011, and gave Officer Gandy $15,000 in 2014. Deveny was unable to proceed on the first day of trial for the medical malpractice claim, and that case ultimately was dismissed in 2016. She never paid any additional funds from the homeowner’s insurance to Officer Gandy.

Results of Investigation

After subtracting Deveny’s 1/3 contingent fee, Officer Gandy’s recovery should have been $66,670. Thus, Deveny still owes Gandy $51,670.
Detective Sitton mentioned several notations in Deveny’s financial records related to expenses supposedly paid in relation to Gandy’s case. (See attached email.) Officer Gandy recognized Dr. Blaylock’s name as a potential expert witness (for the trial that never occurred). Other than that, there is no evidence that the other amounts listed in the attached email were paid for Officer Gandy’s benefit. Gandy indicated that the file Lori Deveny kept for his matters does not include any receipts, copies of canceled checks, ledgers, invoices, or other records of payment of expenses related to his case. I do not believe it is appropriate to subtract the amounts listed on the attached email from the $51,670 owed by Deveny. Therefore, I recommend approval of the claim in full, subject to the $50,000 cap.

FINDINGS AND CONCLUSIONS

1. The claim is timely. See CSF Rule 2.1.8.

2. Claimant is the injured client. See CSF Rules 1.4 and 2.1.1.

3. The loss was not caused by the lawyer’s dishonest conduct. See CSF Rule 2.1.2.

4. The loss is not covered by any similar fund in another state. See CSF Rule 2.1.3.

5. The loss was not incurred by a financial institution covered by a “banker’s blanket bond” or similar insurance or surety contract. See CSF Rule 2.1.4.

6. The loss arose from, and was because of, an established lawyer-client relationship.

7. CSF Rule 2.1.6 has not been satisfied because Deveny has not been found guilty of a crime and Gandy has not obtained a civil judgment against her. The other factors in CSF Rule 2.1.6 are not applicable here. I recommend that the committee apply a hardship exception here because of the difficulty of obtaining payment on any judgment against Deveny.

8. Claimant has made a good-faith effort to collect the amount claimed. See CSF Rule 2.1.7.

9. The loss arose from the lawyer’s practice of law in Oregon. See CSF Rule 2.1.9.

10. CSF Rule 2.2 is not applicable here.

11. CSF Rule 2.3 is not applicable here.

Although the claim should be denied because Rule 2.1.6 has not been satisfied, approval of the claim in the amount of $50,000 is appropriate because extreme hardship or special and unusual circumstances exist. See CSF Rule 2.6.
OREGON STATE BAR  
Board of Governors Agenda  

Meeting Date: April 17, 2020  
From: Amber Hollister, General Counsel  
Re: CSF Claim No. 2019-48 Wymetalek (Landrum)  

**Action Requested**  
Consider Client Security Fund Committee’s recommendation that the board award $11,785.78 of claimant James Matthew Landrum’s claim in the matter of CSF Claim No. 2019-48 Wymetalek (Landrum).  

**Discussion**  
Claimant Landrum hired attorney Wymetalek in August 2016 to represent him in a spousal and child support modification. Wymetalek agreed to a $2,000 retainer that Mr. Landrum paid by providing his Visa credit card information to Wymetalek. The modification was concluded in May 2017.  

In October 2016, Wymetalek started charging additional unauthorized fees to Mr. Landrum’s Visa. Claimant states he did not notice these charges until January 2017 and emailed Wymetalek about the charges. At that time, Wymetalek did not claim that he was entitled to more than $2,000 in fees; instead, he claimed he had a substitute bookkeeper and thought perhaps Landrum had been billed accidentally for his work for other clients.  

Over the next several months, Wymetalek continued to blame his bookkeeper for not his failure to reverse the charges to Landrum. Landrum contacted the Visa provider to explain the situation, but Visa did not reverse charges because he did not claim he was being defrauded and Visa found the charges were not timely disputed.  

In addition to the $2,000 retainer, Mr. Wymetalek charged a total of $17,785.78 on Landrum’s credit card, for a total payment of $19,785.78. From January 2017 until the present claim was filed, Wymetalek refunded Landrum $6,000; Wymetakel stopped responding to Claimant around May 2019. Claimant filed a bar complaint against Wymetalek in October 2019.  

In December 2019, Wymetalek filed for Chapter 7 Bankruptcy and listed Landrum as a creditor with a disputed “unknown” amount of debt. As of the end of February 2020, Landrum had not made a claim on the bankruptcy to assert fraud for a non-dischargeable debt. The Committee concluded that because Landrum holds a claim against Wymetalek in his pending bankruptcy, he met the requirement of CSF Rule 2.1.6(iii) (“the claimant holds an allowed claim against the lawyer’s . . . bankruptcy estate, which remains unsatisfied”).  

Mr. Wymetalek resigned Form B, effective February 20, 2020.
At its March 14, 2020 meeting, the Client Security Fund Committee reviewed Landrum’s claim and unanimously voted to recommend that the Board reimburse him for $11,785.78 of his loss. The Committee calculated the loss by subtracting the $2,000 in earned attorney fees and $6,000 in refunded charges from $19,785.78, the total amount charged to his Visa. The Committee determined Claimants claim for interest accrued on his Visa credit card was not a reimbursable loss under CSF Rule 2.2, which provides, “No award reimbursing a legal fee may exceed the actual fee that the client paid the lawyer.”

A criminal investigation of Wymetalek is pending but no charges have been filed.

Staff recommends that the board approve the claim, consistent with the CSF Committee’s recommendation.
Client Security Fund
Investigative Report

Re: 2019-48
Claimant: James Matthew Landrum
Lawyer: Craig Wymetalek, OSB #964641
Investigator: David A. Hytowitz

RECOMMENDATION

I recommend approval of the claim in the amount of $11,785.78.

CLAIM INVESTIGATION SUMMARY

James Matthew “Matt” Landrum hired Craig Wymetalek to secure a spousal and child support modification in August 2016. The fee required a deposit of $2,000.00 (it is not clear if this was a flat fee or not). Landrum gave Wymetalek his Visa card number to charge the deposit in full at the time of retention. Over time Wymetalek secured the modification to conclusion in May 2017. Starting in October 2016, while the matter was pending, and without Landrum originally noticing, Wymetalek started charging additional unauthorized charges to Landrum’s Visa card. The amounts initially did not attract Landrum’s attention until after January 2017, when the monthly Visa balance seemed larger than he expected, at which point Landrum noticed the charges had started. He emailed Wymetalek about them at the time. Wymetalek had started billing small chunks sometimes twice a day beginning in October 2016 through January 2017. Even after Landrum pointed out the problem to Wymetalek, he billed Landrum additionally at least once or twice. Wymetalek claimed the accounting for his office was made a mess of by his CPA’s substitute bookkeeper handling his billings. His initial claim was that he was not sure what happened but suspected the substitute billed Landrum for other clients’ work. That convinced Landrum that it was not fraud per one of his email exchanges with Wymetalek in January 2017. That line of thought continued for months until November 2019 when he filed his complaint with the bar and the CSF.

Blaming the rogue bookkeeper became a regular response with the CPA “trying to get to the bottom of the charges and get them reversed” for the next several months. The large credit card debt affected Landrum’s credit and threatened to cost him a loan for a new house. On May 15, 2017, Wymetalek wrote a letter to the mortgage company on Landrum’s behalf. He also created a letter from the “alleged CPA, Brian Palmer. The letters stated that Wymetalek had managed to reduce Landrum’s obligations under his divorce. The letters also acknowledged what Wymetalek claimed in them that there were unfortunate unauthorized charges of an additional $17,785.78 of charges beyond the original authorized $2,000.00. The letters claimed Palmer was trying to get to the bottom of the unauthorized charges and as soon as they could, would arrange for them to be reversed. They never were.

After several months of complaint by Landrum, Wymetalek arranged to get some funds to Landrum by checks for $2000 twice over the next year and then a PayPal transfer of $2000 in May 2019. Wymetalek kept stalling on repeated emails from Landrum that he was trying to fix his
accounting and get the cash flow back up to make regular payments. Several times he promised payments and never made them. Landrum eventually talked to his Visa provider who initially was going to reverse the charges but when Landrum did not understand he had been defrauded they reversed the credit finding he did not dispute the billings timely, leaving Landrum with a large Visa bill and interest. Landrum essentially received the work for $2000.00 deposit, and then over the next two years, three payments totaling another $6,000.00.

Landrum would threaten to report the issue to the bar and Wymetalek would repeatedly promise he would try to get payments to him of between $1500-2000.00 each and even proposing a $500 per month payment plan. This was not acceptable to Landrum finally as he lost his job in 2019 and he himself had a cancer diagnosis in May 2019. When Landrum finally realized no payments were forthcoming after the May 2019 payment, and that Wymetalek was no longer responding, it was too late for him to claim fraud on the charges other than to the bar. He was eventually referred to the CSF by the Client Assistance Office of the bar and filed this claim November 21, 2019. [Landrum eventually found a new job and while at one time offered to let Wymetalek work off the overcharge in part by doing a will and other documents – he then advised Wymetalek his new employers benefit plans would take care of them so they were not needed.]

After the claim was filed with the CAO, their investigator, who was already working on at least one claim against Wymetalek for fraudulently creating pleadings and signed court orders making it look like work had been completed in another divorce matter, investigated this case. The investigator determined that no Palmer Accounting nor CPA Brian Palmer existed. The investigator determined that the address for Palmer Accounting was a mailbox Wymetalek opened and arranged to have billed in care of his home address. Wymetalek never responded to the Bar on Landrum’s complaint nor on another similar one. I also Googled the alleged CPA and checked the listing of CPA’s licensed in the State on the Accountancy Board’s website and found no Brian Palmer CPA or firm existed in Oregon.

Wymetalek was suspended pending discipline matters in late December 23, 2019. He signed a Form B resignation from the Bar on December 26, 2019. The Form B included 5 different claims against him which were pending at the time. Those claims included at least one like Landrum’s and two others with similar RPC charges, plus the fraudulent pleading case. The Supreme Court disbarred Wymetalek as of February 20, 2020.

In December 2019, Wymetalek through an attorney filed a Chapter 7 bankruptcy. Despite admitting the overcharges in two letters to Landrum’s lender (the one on his letterhead and the one of the fake CPA letterhead), Wymetalek listed Landrum and a few other debts as provisional only, did not list an amount and claimed they were disputed without stating any reason why. There has not been any formal claim or assertion of fraud to prevent the provisional claim from non-discharge for fraud etc., as of the last week of February 2020. From reviewing the emails, the limited investigation by the bar and the bankruptcy schedules and the similar case the bar was investigating, it appears that Wymetalek took advantage of having the Visa card numbers to charge amounts to his clients to overcome cash flow issues and may have been paying one off with another’s charged money. He clearly was deeply in debt and had tax liens and student loans let alone a large home loan payment. Wymetalek’s income was not sufficient to carry his cashflow problems even without the money he charged on Landrum’s Visa.
A “Linked In” inquiry shows Wymetalek seeking human resources positions or contract work, not legal work.

FINDINGS AND CONCLUSIONS

1. The claim is timely. See CSF Rule 2.1.8.

2. Claimant is the injured client. See CSF Rules 1.4 and 2.1.1.

3. The loss was caused by the lawyer’s dishonest conduct. See CSF Rule 2.1.2.

4. The loss is not covered by any similar fund in another state. See CSF Rule 2.1.3.

5. The loss was not incurred by a financial institution covered by a “banker’s blanket bond” or similar insurance or surety contract. See CSF Rule 2.1.4.

6. The loss did arise from, and was because of, an established lawyer-client relationship. See CSF Rule 2.1.5(ii) for alternative.

7. CSF Rule 2.1.6 has not been fully satisfied as there is no judgment or other claim secured to date. Wymetalek is being investigated by Tigard Police Department and according to them the Washington County DA is aware of the case per Mr. Landrum. CAO referred the matter to Tigard PD. Tigard has not responded to this investigator’s emails.

8. Claimant has made a good-faith effort to collect the amount claimed. See CSF Rule 2.1.7. Claimant repeatedly emailed and contacted Wymetalek for payment. No judgment has been secured nor filing of claim in the bankruptcy court, especially to object to discharge of the overcharged funds. Mr. Landrum did not apparently understand what he had received from the Bankruptcy court and lost the document. As noted, Mr. Landrum did receive partial reimbursement and then Wymetalek stopped responding about the time the bar finally took disciplinary action on a different claim.

9. The loss did arise from the lawyer’s practice of law in Oregon. See CSF Rule 2.1.9.

10. CSF Rule 2.2 satisfied as the funds sought were the overcharges Wymetalek acknowledged in his letters (his and his false CPA) to the mortgage lender that they happened.

11. The Claimant did not receive equivalent legal services by another attorney without cost to the Claimant. See CSF Rule 2.3.

Although the claim should be denied because no judgment was secured or lawsuit filed against Wymetalek, nor formal claim filed in the bankruptcy court, approval of the claim in the amount of $11,785.78 is appropriate because extreme hardship or special and unusual circumstances exist. The attorney repeatedly strung Landrum out, created a fake accountant and wrote letters both on his letterhead and on the fake CPA’s letter head claiming the overcharges were due to billing mistakes by the accountant’s staff, all of which was not true. The amount recommended is the principal amount of the overcharged amount net of the $2,000.00 fee and reimbursements ($6000.00) from Wymetalek. It does not include
amounts for interest charges on the Visa, an increased interest rate on the home loan for the new home nor for Mr. Landrum's time at $75 per hour dealing with the problem created by Wyematek. The bankruptcy filing does not show how Mr. Wyematek is supporting his family, including his wife, a high school aged son and a college aged son (who was apparently living in Seattle at the time of the filing). See CSF Rule 2.6.

It is recommended if this claim is approved by the committee and the BOG, that steps be taken immediately by the bar to prevent this debt from being discharged in bankruptcy.
1. Decisions Received.

   a. Supreme Court

      Since the Board of Governors met in January 2020, the Supreme Court took the following action in disciplinary matters:

      - Accepted the Form B resignation from Hillsboro lawyer Craig Wymetalek.
      - Issued an opinion in In re Andrew Long I, remanding this matter back to the trial panel.

   b. Disciplinary Board

      One Disciplinary Board trial panel opinion has been issued since January 2020.

      - In re Erik Graeff of Vancouver, Washington (3-year suspension).

      In addition to this trial panel opinion, the Adjudicator approved stipulations for discipline in: In re Conrad E. Yunker of Salem (60-day suspension), In re Amber N. Wolf of West Linn (reprimand), and In re Frank Wall of Portland (60-day suspension, all stayed, 2-year probation).

      The Adjudicator approved BR 7.1 suspensions in: None.

2. Decisions Pending.

   The following matters are pending before the Supreme Court:

   In re James D. Harris – dismissed; OSB appealed; oral argument March 9, 2020; under advisement
   In re Christopher K. Skagen – (reciprocal discipline matter) disbarment; respondent appealed; order holding petition in abeyance issued February 11, 2020
   In re Andrew Long 2 – disbarment; respondent appealed; awaiting briefs
The following matters are under advisement before the Adjudicator of the Disciplinary Board:
None.

The following matters are under advisement before a trial panel of the Disciplinary Board:
None.

3. Trials.

The following matters are on our trial docket in coming weeks/months:

In re Erin C. Walters – May 5-8, 2020
In re Rachel Frances O’Neal – May 18-19, 2020
In re Brent S. Tantillo – June 16, 2020
In re Stefanie L. Burke – June 23, 2020
In re Gary B. Bertoni – July 21-24, 2020

4. Diversions.

The following diversion agreements have been entered into since January 2020:
None.

5. Admonitions.

The SPRB issued 4 letters of admonitions since January 2020. The outcome in these matters is as follows:

- 4 lawyers have accepted their admonitions;
- 0 lawyers have rejected their admonition;
- 0 lawyers have asked for reconsiderations;
- 0 lawyers have time in which to accept or reject their admonition.

6. New Matters.

Below is a table of complaint numbers in 2020, compared to prior years, showing both complaints (first #) and the number of lawyers named in those complaints (second #):
As of April 1, 2020, there were 196 new matters awaiting disposition by Disciplinary Counsel staff or the SPRB. Of these matters, 26% are less than three months old, 23% are three to six months old, and 51% are more than six months old. Seven of these matters were on the March SPRB agenda.

CCD/rlh
President Liani Reeves called the open session meeting to order at 9:04 a.m. on February 7, 2020. The meeting adjourned at 3:17 p.m. Members present from the Board of Governors were Colin Andries, Adrian Brown, Chris Costantino, Kate Denning, Eric Foster, Anne Graham, Kamron Graham, John Grant, Bik-Na Han, Joseph Hesbrook, Ryan Hunt, Rob Milesnick, Joe Piucci, Kyra Rohner, Traci Rossi, and David Wade. Not present were Eddie Medina and Michael Rondeau. PLF Members present were Nena Cook and Mike Batlan. Staff present were Judith Baker, Cassandra Dyke, Danielle Edwards, Susan Grabe, Helen Hierschbiel, Keith Palevsky, and Kay Pulju. Also present was ABA HOD Oregon Delegate Marilyn Harbur.

1. Call to Order

2. President’s Report [Liani Reeves]

   During her term as President, Liani Reeves plans to focus on (1) intergenerational knowledge transfer and understanding; (2) lawyers responsibility to promote understanding of and respect for the rule of law (3) access to justice in rural Oregon.

3. 2020 Strategic Areas of Focus
   
   A. Generative Discussion on BOG Culture

   Discussion of potential meeting and engagement ground rules to reflect the culture the board wants.

   B. Justice for All Summit update [Judith Baker]

   Judith Baker summarized the Justice for All Summit and shared options for next steps as set forth in her memo to the board [Exhibit A]. The Chief Justice will write a letter in support of OLF hiring someone to facilitate the next phase. If the BOG is interested in this project, they should consider whether to join in the letter of support.

   Motion: Adrian Brown moved and Eric Foster seconded to authorize that Liani Reeves sign onto a letter in support of OLF hiring someone to facilitate the next phase. Colin Andries, Adrian Brown, Jenny Cooke, Kate Denning, Eric Foster, Anne Graham, John Grant, Bik-Na Han, Joseph Hesbrook, Ryan Hunt, Rob Milesnick, Joe Piucci, Kyra Rohner, Traci Rossi, and David Wade voted in favor. Kamron Graham declared a conflict of interest and abstained. The motion passed.

4. Closed Sessions – CLOSED Agenda

   A. Executive Session

   (pursuant to ORS 192.660(2)(f) and (h) and ORS 192.690(1))

   1. Consultation with Outside Counsel

   The Board met in executive session. The purpose of the session was to consider exempt records and to consult with the bar’s outside counsel pursuant to ORS 192.660(2)(f) and (h). Any action taken was in open session and is reflected in the open session minutes. The minutes will not contain any information that is not required to be included or that would defeat the purpose of the executive session.
5. **BOG Committees**

A. **Policy and Governance Committee** [David Wade]
   1. **Travel Reimbursement Policy**

   David Wade reported on the Policy and Governance Committee’s recommendation to amend OSB Bylaw Article 7.5 regarding Travel Reimbursement. [Exhibit B]

   **Motion:** The Policy and Governance Committee moved to waive the one meeting notice requirement and approve the amendment to OSB Bylaw Article 7.5 regarding Travel Expense Reimbursements. Adrian Brown, Jenny Cooke, Kate Denning, Anne Graham, Kamron Graham, Bik-Na Han, Joseph Hesbrook, Ryan Hunt, Rob Milesnick, Joe Piucci, Liani Reeves, Kyra Rohner, and David Wade all declared an actual conflict and abstained from the voting. Colin Andries, Eric Foster, John Grant, and Traci Rossi all declared a potential conflict and voted in favor. The motion passed.

   2. **Program Review Policy**

   David Wade reported on the committee’s proposal to amend the board’s Program Review Policy. [Exhibit C]

   **Motion:** The Policy and Governance Committee moved to adopt the proposed revisions to the Program Review Policy. The board voted unanimously in favor. The motion passed.

   3. **Paraprofessional Licensing Committee**

   David Wade reported on the adoption of the paraprofessional licensing implementation committee charge [Exhibit D], and the appointment of a chair.

   **Motion:** The Policy and Governance Committee moved to appoint Judge Kirsten Thompson as chair, subject to her acceptance. The board voted unanimously in favor. The motion passed.

   **Motion:** The Policy and Governance Committee moved to approve the paraprofessional licensing implementation committee charge. The board voted unanimously in favor. The motion passed.

   4. **Presidential Statements**

   David Wade reported on a proposed protocol for statements made on short notice by the President. [Exhibit E]

   **Motion:** The Policy and Governance Committee moved to adopt a protocol regarding statements made by the president. The board voted unanimously in favor. The motion passed.

B. **Board Development Committee** [Colin Andries]
   1. **Appointment of various Committees, Counsels, Boards**

   Colin Andries presented the committee’s recommended appointments for several committees. [Exhibit F]
2. Board of Bar Examiners Co-Grader Recommendations

Colin Andries presented the committee’s recommendation for the Board of Bar Examiners.

Motion: The Board Development Committee moved to approve the Board of Bar Examiners Co-Grader list for submission to the Supreme Court for appointment. The board voted unanimously in favor. The motion passed.

3. BOG and HOD Election Outreach

Colin Andries encouraged board members to conduct member outreach regarding openings on the HOD and BOG.

C. Budget & Finance Committee [John Grant]

1. Client Security Fund Reserve Recommendation

John Grant outlined the Client Security Fund Committee’s proposal, presented to the board at the November 23, 2019 meeting, to increase the Fund’s reserve from $1,000,000 to $1,250,000 and increase per claim cap limits per, from $50,000 to $100,000. The Budget and Finance Committee carefully considered the CSF Committee’s recommendation at its last meetings. The Committee gathered additional information about CSF claim history and discussed whether the Fund could continue to reimburse claimants if the per claim cap was raised. [Exhibit G]

Motion: The Budget and Finance Committee moved to direct the Client Security Fund Committee to draft a proposed amendment to the Client Security Fund Rules to increase the per-claim cap limits from $50,000 to $100,000 for losses occurring on or after January 1, 2022. Adrian Brown, Jenny Cooke, Kate Denning, Eric Foster, Anne Graham, Kamron Graham, John Grant, Bik-Na Han, Joseph Hesbrook, Ryan Hunt, Rob Milesnick, Joe Piucci, Kyra Rohner, Traci Rossi, and David Wade voted in favor of the committee motion. Colin Andries abstained. The motion passed.

John Grant outlined the committee’s motion to transfer $500,000 from the bar’s general reserve to the Client Security Fund, pursuant to ORS 9.635(1). John Grant explained that once these funds are transferred to the Client Security Fund, they will be permanently designated to be used only for the purposes of the Fund. The transfer will allow the Fund to meet its $1,000,000 reserve requirements in the coming year.

Motion: The Budget and Finance Committee moved to transfer $500,000 of the bar’s general reserve funds to the Client Security Fund.

Colin Andries and Adrian Brown expressed concerns about the transfer and whether it would be more appropriate to invest the funds in other programs. John Grant explained that if the Fund’s current claim trajectory continues, the transfer should enable the Fund to continue to pay outstanding claims without maintaining the CSF Assessment at $50.00 per member. David Wade explained that the funds earmarked for transfer to the CSF were withdrawn from the bar’s investment portfolio and placed in a LGIP account last year, with the understanding that they would likely be transferred to the CSF. Eric Foster stated that
it was important for the board to follow its own reserve policies for the CSF, and the work of the CSF is squarely within the board’s mission to serve the public interest.

Secondary Motion: Colin Andries moved and Adrian Brown seconded to table the committee motion until April 2020. Colin Andries and Adrian Brown voted in favor of the motion to table. Jenny Cooke, Kate Denning, Eric Foster, Anne Graham, Kamron Graham, John Grant, Bik-Na Han, Joseph Hesbrook, Ryan Hunt, Rob Milesnick, Joe Piucci, Kyra Rohner, Traci Rossi, and David Wade voted against the motion to table. The motion to table failed.

The board voted on the original Budget & Finance Committee motion to transfer $500,000 of general reserve funds into the CSF reserves. Adrian Brown, Jenny Cooke, Kate Denning, Eric Foster, Anne Graham, Kamron Graham, John Grant, Bik-Na Han, Joseph Hesbrook, Ryan Hunt, Rob Milesnick, Joe Piucci, Kyra Rohner, Traci Rossi, and David Wade voted in favor. Colin Andries voted against. The committee motion passed.

2. Budget & Finance Work Plan

John Grant gave information regarding the Budget & Finance Work plan. [Exhibit H]

D. Public Affairs Committee [Eric Foster]

1. Legislative Update

Eric Foster gave a report on the Public Affairs Committee and the bills and amendments that are currently pending in the legislature.

6. Professional Liability Fund [Nena Cook]

A. Draft December 31, 2019 PLF Financial Statements

Nena Cook gave an update on the 2019 PLF Financial Statements. [Exhibit I]

B. December 31, 2019 RVK PLF Quarterly Performance Report

Nena Cook gave an update on the PLF 2019 Quarterly Performance [Exhibit J]

C. Memo to BOG re 2019 Covered Party Evaluations

Nena Cook gave an update regarding the 2019 Covered Party evaluations. [Exhibit K]

D. Memo to BOG re proposed revision to PLF Bylaws, Article 3. [Exhibit L]

Nena Cook presented proposed amendments to the PLF Bylaw, Article 3 that would give the PLF Board of Directors discretion to allow a departing CEO to serve on the board for a one-year period after the CEO leaves that PLF.

Amber Hollister noted that OSB Bylaw 23.1 would have to be amended in order to adopt the proposed PLF Bylaw amendment.

Colin Andries would like it to go to Policy and Governance Committee for review.
Adrian Brown would like to have an explanation on the difference between an ex officio and full board member for the departing CEO.

Liani Reeves sent this matter to the Policy and Governance Committee for review.

7. **OSB Committees, Sections, Councils and Divisions**
   
   **A. Oregon New Lawyers Division Report [Mae Lee Browning]**

   Mae Lee Browning gave an update on the ONLD and its plans for the 2020. [Exhibit M]

   **B. Proposed Amendments to MCLE Rule 4.300 re: Sponsor Fees [Amber Hollister]**

   Amber Hollister explained the proposed amendments to MCLE Regulation 4.300(e), as proposed by the MCLE Committee. [Exhibit N]

   **Motion:** Colin Andries moved and Joe Piucci seconded to adopt the MCLE Committee proposed amendments to MCLE Regulation 4.300(e). The board voted unanimously in favor. The motion passed.

   **C. Legal Ethics Opinion on Solicitation [Amber Hollister]**

   Amber Hollister sought the board’s input on the proposed formal ethics opinion on attorney solicitation. This proposed opinion is an entirely new opinion, which discusses the 2018 amendments to Oregon Rule of Professional Conduct 7.3.

8. **Other Items**

   **A. Celebrate Oregon Lawyers Event [Kay Pulju]**

   Kay Pulju updated the board on plans for the Celebrate Oregon Lawyers Event, which will be held on Thursday, October 29, 2020 at the Sentinel Hotel.

   **B. ABA HOD Resolutions [Marilyn Harbur]**

   Marilyn Harbur reported on the ABA HOD Resolutions. [Exhibit O]

   The board took no action on the ABA House of Delegates Resolutions presented.

9. **Closed Sessions – CLOSED Agenda**

   **A. Executive Session**
   
   (pursuant to ORS 192.660(2)(f) and (h) and ORS 192.690(1))
   
   1. **General Counsel Updates**

   The Board met in executive session. The purpose of the session was to consider exempt records and to consult with counsel pursuant to ORS 192.660(2)(f) and (h). Any action taken was in open session and is reflected in the open session minutes. The minutes will not contain any information that is not required to be included or that would defeat the purpose of the executive session.
The board returned to Open Session.

David Wade moved to remove the appeal of CSF Case No. 2018-39 Roller (Guzman Fernandez) from the Consent Agenda. The appeal was removed from the Consent Agenda based on board consensus. [Exhibit P]

**Motion:** John Grant moved and Ryan Hunt seconded a motion to deny the appeal of the CSF Case No. 2018-39 Roller (Guzman Fernandez). Ryan Hunt, Bik-Na Han, Kyra Rohner, Eric Foster, Rob Milesnick, and John Grant voted in favor. Joe Piucci, Colin Andries, Jenny Cooke, Kate Denning, Kamron Graham, Adrian Brown, and David Wade voted in opposition. The motion failed.

**Motion:** Jenny Cooke moved and Colin Andries seconded the motion to grant to grant appeal of CSF Case 2018-39 Roller (Guzman Fernandez) and reimburse Mr. Guzman Fernandez in the amount of $3,876. Colin Andries, Adrian Brown, Jenny Cooke, Kate Denning, Kamron Graham, John Grant, Rob Milesnick, Joe Piucci, and David Wade voted in favor. Ryan Hunt, Eric Foster, Kyra Rohner, Bik-Na Han voted against. The motion passed.

10. Consent Agenda
   A. Report of Officers & Executive Staff
      1. Director of Regulatory Services [Exhibit Q]
   B. Approve Minutes of Prior BOG Meetings
      1. Open Minutes January 10, 2020 [Exhibit R]
   C. Client Security Fund Approvals and Appeal [Exhibit S]
      1. CSF Appeal, CSF Case No. 2019-34 Creighton (Moye)
      2. CSF Claim Approval, CSF Case No. 2018-73 Deveny (Hegwood)
      3. CSF Claim Approval, CSF Case No. 2019-10 Glaeser (Macario)
      4. CSF Claim Approval, CSF Case No. 2019-18 Bertoni (Olmos)
      5. CSF Claim Approval, CSF Case No. 2019-29 Deveny (Freyer)

**Motion:** John Grant moved and Colin Andries seconded, and board voted unanimously in favor of motion to approve the consent agenda. The motion passed.
OREGON STATE BAR
Board of Governors

Meeting Date: February 7, 2020
From: Judith Baker
Re: Justice for All Summit

Action Recommended

Receive update on the Justice for All Summit and discuss possible next steps.

Background

In 2016, as part of the Oregon State Bar Futures Task Force, a Self-Navigator Workgroup (Workgroup) was formed to propose ways to reduce the number of self-navigators (i.e., self-represented litigants) in Oregon’s courts. The Workgroup’s focus was to review the online resources available for self-navigators in Oregon, to determine what gaps or barriers exist in the availability or accessibility of those online resources, and to identify and implement ways to improve.

The Workgroup found that Oregon has three robust websites that provide legal information to self-navigators: the OJD website and corresponding court websites; the OSB public information website, and; the Oregon legal aid organizations’ website, Oregon Law Help. The Workgroup determined that although the online information was impressive, more needed to be done to address duplication of efforts, identify gaps, and make the information more accessible.

The Workgroup recommended that a committee be established with representatives from the three stakeholder groups (OJD, OSB, and Legal Aid), to coordinate and collaborate on the information available on their respective websites. Part of the work included understanding what was on each stakeholder’s website and providing updated information for greater coordination. The work also included creating higher visibility for these three primary websites. A committee was formed in 2017 and the stakeholders started to coordinate the information available on their respective websites. The end result was a large spreadsheet that outlines different areas of law and the corresponding self-help resources that are available on each stakeholder’s website.

The spreadsheet has been helpful for the stakeholders to understand what is on their each of the three websites. That said, it has not furthered a collaborative and coordinated effort between the stakeholders to leverage their websites in a way that enhances the experience for the end user by making self-help materials more visible, accessible and effective. On a national level, states are building collaborative partnerships among stakeholders to
explore ways to leverage websites and portals to serve people with unmet legal needs by connecting them to resources.

2020 Justice for All Summit

The Justice for All Summit (The Summit), held on January 14, was a joint effort by the Oregon Judicial Department, The Oregon State Bar, and Oregon’s legal aid providers to explore how Oregon’s self-help resources can be built upon to provide better access to Oregonians with unmet legal needs. The Summit showcased how other states were using legal information portals and remote facilitators to provide legal system self-navigators with information and referrals tailored to their needs. The presenters were Angela Tripp, Director of the Michigan Legal Help (MLH) Program, J. Singleton, Program Manager of the Legal Services State Support, Stacey Marz, Administrative Director of the Alaska Court System, and Lester Bird, a Principal Associate for the Civil Legal System Modernization team at The Pew Charitable Trusts.

Attendance at the Summit was robust and included key constituents from Legal Aid, the Oregon Judicial Department and the Oregon State Bar. Other key stakeholders in attendance were the Oregon Law Foundation, the Campaign for Equal Justice, the Multnomah Bar Association and the other legal service organizations/nonprofits that provide advice and referrals to self-represented litigants.

The Summit also included a facilitated conversation about leveraging Oregon’s resources to better assist legal system self-navigators. A summary of that facilitated conversation is attached to this memo.

Possible Next Steps

The Summit generated significant interest in how best to provide self-help resources to self-navigators. In order to keep the momentum, a possible next step could start with engaging stakeholders to build a road map and outline a plan. The Oregon Law Foundation has some funds that could possibly be used to either contract or hire someone to undertake this next step. Funding someone to take on this work allows this effort to move forward in a focused way without adding it to someone’s already full plate. The Oregon Law Foundation board meets on February 28 and it will be requested that this be on their agenda.

The final plan should include the following recommendations:

- How to build a legal information website and portal that is open to all, but focused on the legal needs of low-income individuals and families in Oregon. The legal information website should
  - Guide users quickly to the relevant legal topic through curated triage and simple navigation;
- Inform users of their legal options and provide the tools to take the next steps through plain language legal information and self-help tools including interactive form assembly; and
- Connect users to curated community-based resources based on their legal and social needs, demographics, and geography.

- How to dedicate resources to meet these goals and assure dedicated staffing that is expert at both content development and interactive management. This includes hiring professional technical expertise as well as other experts to develop, implement and maintain the system, including literacy experts for content.

- A recommendation regarding where dedicated staff and the legal information website and portal should be located. Does one stakeholder make sense over another?

- A recommendation regarding how to fund this effort in a sustainable way.

There are several factors in place that make this an ideal time to move forward. Oregon has a new Civil Legal Needs Study (CLNS) that highlights the tremendous need so there is a keen awareness of the impact of the justice gap on low-income Oregonians. The CLNS does not include modest means but it is well known that the need is great for that population as well. There is also stakeholder support for a statewide portal and legal information website with dedicated resources and staff. A challenge will be finding a sustainable funding source but that should not stop this effort from moving forward. Lastly, there is a lot of information available from other states so there should be some streamlining since Oregon will not have to reinvent the wheel.
Summary of discussion.

In order to discover topics that resonated and thoughts about where Oregon should head, participants were presented with five discussion questions. Questions were discussed in ten groups and groups were asked to present the key elements of their discussions. Participants were also invited to submit additional thoughts after the summit ended. Below is a summary of responses to these questions.

What, if anything, from the presentation struck you as particularly important or compelling?

Responses to the first question largely connected with four concepts for delivering legal information: centralized, simplified, collaborative, and consumer-driven.

Centralization comments connected with having a single place for consumers to access information, and having dedicated staff and funding focusing on providing legal information and self-help resources. The legal portal concept – ask, refine, learn, connect – resonated with participants noting the need to connect to next steps and related services.

Simplification comments expressed the need for court processes to adapt to the way consumers are choosing to use the courts. One group stated that current realities should dictate and not the needs of the past. Another group noted that high numbers of self-represented court users is not a problem but is instead an opportunity to improve the court system.

Collaboration comments focused both on the need for a diversity of stakeholders in the implementation process and the need for the courts, the bar, and legal aid to collaborate on a solution going forward. Groups noted that there will always be a need for full representation help from legal and that there will always be a need for in-person court navigation, but a well-engineered portal could satisfy the needs of many and allow legal and navigators to work where they are needed most.

Comments about focusing on consumers noted the need for resources to be built for those using the resources and not for the tastes of lawyers or judges.
What is the first thing you would do to improve legal information and self-represented court user resources? What else would you prioritize?

Responses to this question fell into two categories: steps to begin simplifying court processes and steps to start centralizing resources. Court-focused responses talked about simplification of processes, reduction of the time to handle legal issues, and expansion of the locations and times where consumers can interact with the courts. Centralization-focused responses focused on finding designated staff, building a strategic plan for responding to consumer needs, and identifying long-term funding.

Where could funding come from and where should funding come from to improve legal information and self-represented court user resources?

Responses related to funding all focused on the need to generate new funding sources while preserving current funding for the courts and legal aid. Suggestions of funding sources included punitive damages, lottery funds, federal Title IV-D funding, foundations, an Oregon wealth tax, Oregon Law Foundation/IOLTA revenue, fees from the Bar’s Lawyer Referral Service, and a concerted effort from all interested parties to secure legislative funding. Many expressed the desirability of having multiple funding sources in order to insulate from cuts in individual funding sources.

If access to expanded legal information and self-represented court user resources were driven through a portal, what are the pros and cons of housing these efforts at each of the Bar, the OJD, legal aid, somewhere else?

There was not a clear consensus on where expanded resources would best be housed; several commented that where resources ended up was less important than cooperation from all players. The neutrality of the courts and the Bar was seen as an advantage. The ability to expand on existing resources of the bar and legal aid was seen as an advantage. Participants expressed some fear that resources housed in the judicial department might be more subject to the ebbs and flows of budgets than other potential hosts. Some participants saw a separate organization with a dedicated mission and staff as advantageous. Others thought that focusing on qualities like accountability, protection from liability, and cooperation were more important than the specific location of resources.
What has not been talked about today that we should be discussing in connection to legal information and self-represented court users?

Participants identified additional topics that clustered into four general areas.

- There is a need to develop a culture of lawyers providing limited representation and unbundled services to provide meaningful help at an affordable cost to the many people who do not need full representation. This may require a cultural shift for lawyers and a support from courts for new models of representation.

- There is a need for plain English and translation not only from one language to another but also from court and legal system jargon to easily understood court forms, communications, and orders.

- There is a need to understand how people access information with attention given to those who do not have consistent private access to digital communication and steps need to be taken to compensate for differences in access. Empowering other community players like librarians and other service providers to help consumers through a portal may address some of these issues.

- There is a need to stay focused on the voices not in the room – law libraries, court users, and justice system involved individuals – and make sure that they are brought into the conversation as efforts develop.
OREGON STATE BAR
Board of Governors Agenda

Meeting Date: February 7, 2020
From: Policy & Governance Committee
Re: Proposed Amendment to OSB Bylaws on Travel Reimbursement

Action Recommended

Waive the one meeting notice requirement and amend OSB Bylaw Article 7.5 regarding travel expense reimbursements.

Proposed Amendment to OSB Bylaw Subsection 7.5

Subsection 7.503 Travel Reimbursements

Any person who is entitled to a travel reimbursement pursuant to this section may retain travel awards, mileage awards, credit card awards and other awards or benefits accrued while in the conduct of the person’s official duties, as part of their reimbursement of expenses and official compensation. As to members of the Board of Governors, this subsection shall only apply to the President and President-Elect in office on January 1, 2020, and members of the Board of Governors whose terms commence on or after January 1, 2019.

This proposed bylaw change would allow persons who obtain travel reimbursements to:

(1) retain travel awards obtained in the course of official travel (e.g., travel vouchers, frequent flyer miles or hotel loyalty points); and

(2) retain credit card benefits (e.g., miles, points, cash back) obtained when using a personal credit card for official duties that is later reimbursed by the bar.

The bylaw would not apply to reimbursement requests aside from travel.
OREGON STATE BAR
Board of Governors Agenda

From: Policy and Governance Committee
Meeting Date: February 7, 2020
Re: Program Review Policy Amendments

Action Recommended

Adopt the proposed revisions to the Program Review Policy.

Background

In June 2018, the Board of Governors adopted a program review policy to ensure bar programs and services are run efficiently and effectively and continue to be aligned with the bar’s mission and strategic goals.

Effective January 1, 2020, the Bar Act was amended to reflect a revised statutory mission. Now, the OSB Board of Governors (BOG) must “at all times direct its power to serve the public interest by:

(a) Regulating the legal profession and improving the quality of legal services;
(b) Supporting the judiciary and improving the administration of justice; and
(c) Advancing a fair, inclusive and accessible justice system.”

In order to reflect this new statutory charge, the Policy & Governance Committee recommends that the Board adopt proposed revisions to the program review policy as set forth in the attached redline of the policy.
I. Purpose. The purpose of this policy is to implement the Board’s obligations to ensure that the limited resources of the Oregon State Bar are effectively used to support the Bar’s mission and strategic goals.

II. Policy

A. All current programs, services and activities (PSA) of the Oregon State Bar shall undergo a review at least once every three years, or more frequently as appropriate, using the process and criteria outlined below.

B. All proposed new PSAs shall undergo the same review process before being approved by the Board of Governors (BOG), and shall be reviewed after the first year of the new program before being recommended for continuation to the BOG.

C. Scores are for informational purposes only and do not bind the BOG with respect to the particular program.

D. The Policy and Governance Committee (PGC) will be responsible for the review.

III. Process

A. Once every three years, staff shall provide to the PGC at the beginning of the year, the following information regarding all current PSAs of the Oregon State Bar:
   1. Brief description of the existing PSA and how it supports the OSB statutory charge, mission, and functions.
   2. Most recent annual budget for the PSA, including % of OSB overall operating budget;
   3. Most recent program measures and program evaluation for the PSA;
   4. Where applicable
      a. Number or % of bar members served or impacted on an annual basis,
      b. Number or % of bar members, and number of members of the public, from non-dominant cultures served or impacted on an annual basis, and
      c. Number of members of the public served or be impacted on an annual basis;
   5. Number of volunteers engaged in the PSA, number of hours of volunteer service and value of volunteer engagement;
   6. Description of and comparison with competing internal and external PSAs, if any.

B. Upon review of the information provided, the PGC shall determine which PSA or PSAs to review in depth, considering the following factors:
1. BOG strategies and areas of focus for the year.
2. How recently an in-depth review was conducted for the PSA.
3. Resources available to conduct the review.
4. Whether the PSA is new. (See II.B.)

C. The PGC shall determine the information needed to conduct the in-depth review and develop a proposed action plan and schedule for completion of the review. In conducting its in-depth review, the PGC shall use the evaluation and scoring criteria set forth below as a foundation for its analysis.

IV. Evaluation and Scoring Criteria
   A. Description of Existing/New Program, Service, Activity (PSA).

   B. Member Impact. Number or % of bar members served or impacted on an annual basis; for new PSA include basis for projection; rate on a scale of 1 [low impact] to 3 [high impact].

   C. Impact on Individuals from Non-Dominant Cultures. Number or % of bar members from non-dominant cultures served or impacted; number of members of the public from non-dominant cultures served or impacted on an annual basis; for new PSA include basis for projection; rate on a scale of 1 [low impact] to 3 [high impact].

   D. Public Impact. Number of members of the public served or impacted on an annual basis; for new PSA include basis for projection; rate on a scale of 1 [low impact] to 3 [high impact].

   E. Competition. Competing PSAs; describe and compare with OSB and outside entity parallel PSAs; rate on a scale of 1 [high competition] to 3 [low competition].

   F. Volunteer Engagement. Number of volunteers engaged in the PSA; number of hours of volunteer service, and; value of volunteer engagement. Rate on a scale of 1 [low volunteer engagement] to 3 [high volunteer engagement].

   G. Annual Cost/Revenue of PSA. Rate on a scale of 1 [net cost] to 2 [net neutral] to 3 [net revenue].
      1. Direct Cost
      2. Indirect Cost (includes personnel and related overhead expenses)
      3. Capital Cost (if applicable)
      4. Revenue Generated (if applicable)
      5. Net

   H. Percentage of Operating Budget. Rate on a scale of 1 [high percentage of budget] to 3 [low percentage of budget].
I. Alignment with Statutory Functions and Mission.

The OSB Board of Governors (BOG) is charged by the legislature (ORS 9.080) to “at all times direct its power to the advancement of the science of jurisprudence and the improvement of the administration of justice.” The Oregon State Bar (OSB) is also responsible, as an instrumentality of the Judicial Department of the State of Oregon, for the regulation of the practice of law. As a unified bar, the OSB may use mandatory member fees only for activities that are germane to the purposes for which the bar was established.

The Oregon State Bar (OSB) is a public corporation and an instrumentality of the Judicial Department of the State of Oregon. The OSB Board of Governors (BOG) governs the state bar and must “at all times direct its power to serve the public interest by:

(a) Regulating the legal profession and improving the quality of legal services;
(b) Supporting the judiciary and improving the administration of justice; and
(c) Advancing a fair, inclusive and accessible justice system.”

As a unified bar, the OSB may use mandatory member fees only for activities that are germane to the purposes for which the bar was established.

The mission of the Oregon State Bar is to serve justice and the public interest by promoting respect for the rule of law, by improving the quality of legal services, and by increasing access to justice.

Rate each factor on a scale of 1 [low alignment] to 3 [high alignment]:

1. Ensure competence in the legal profession.
2. Ensure integrity in the legal profession.
3. Promote professionalism in the legal profession.
4. Support the judicial system. This includes ensuring that courts are adequately funded, impartial and have structural integrity. This also includes maintaining the Bar Act and rules pertaining to regulation of the legal profession.
5. Improve the administration of justice. This includes ensuring that laws and court rules are fair, efficient, and effective.
6. Promote the quality and integrity of the judiciary.
7. Advance diversity, equity and inclusion within the legal community and the provision of legal services.
8. Foster public understanding of the law and justice system.
9. Increase access to justice.

IV. PSA Review Matrix. The attached matrix shall be used to capture the evaluations of existing and proposed PSA's and shall be included as an attachment to a board reporting form for presentation to the Board of Governors to validate existing and approve proposed PSAs.
Action Recommended

Approve paraprofessional licensing implementation committee charge.

Background

In September 2019, the Board of Governors approved the Paraprofessional Licensing Implementation Committee, but did not formally establish a charge for the committee. The Policy and Governance Committee recommends the Board adopt the following charge for the implementation committee:

Engage stakeholders to develop a regulatory framework for licensing paralegals consistent with the recommendations of the OSB Futures Task Force Report in order to increase access to the justice system while ensuring the competence and integrity of the licensed paralegals and improving the quality of their legal services.
3. Presidential Statements

If an issue arises that the President or the CEO believe may warrant a public statement under a short timeline, the CEO will convene a BOG Response Team to include:

- President
- President-Elect
- Public Affairs Chair
- Senior Public Member
- Depending on the availability of key leaders and nature of the issue, the makeup of this team may be adjusted.

The BOG team will coordinate with the staff response team, as assembled by the CEO or acting CEO, depending on the nature of the issue. The CEO will update and engage BOG leadership on the status of the issue and the staff response, strategic and/or legal concerns, framework of the key message, and the initial communications response plan.

Discussion will include consideration of OSB bylaws:

- **Section 11.1: General Policy.** Communications of the Bar and its constituent groups and entities, including printed material and electronic communications, should be germane to the law, lawyers, the practice of law, the courts and the judicial system, legal education and the Bar in its role as a mandatory membership organization. Communications, other than permitted advertisements, should advance public understanding of the law, legal ethics and the professionalism and collegiality of the bench and Bar.

- **Section 11.3 Media Relations.** The Bar will be responsive to the needs of the media and will identify persons to speak for the Bar. All statements made to the media, whether oral or by news release, must be informational in nature and must avoid statements of personal opinion or positions not considered or adopted by the Board. The President is the official chief spokesperson for the Bar. If public appearances or statements by the chairperson or other officer or member of any bar committee are deemed necessary, prior authority must be obtained in advance from the President.

With input from the staff and BOG teams, the President will make a final determination as to a statement, its key message, and any potential signers in addition to the President. The staff team, under direction of the CEO, will draft the statement, with the President having the sole authority for final approval.

If another member of the Board of Governors identifies an issue that may warrant a Presidential statement, the BOG member should contact the President and/or the CEO to consider implementing this process.
OREGON STATE BAR
Board of Governors Agenda

Meeting Date: February 7, 2020
From: Colin Andries, Board Development Committee Chair
Re: Appointment recommendations to various bar and bar-affiliated groups

Action Recommended
Approve the Board Development Committee’s recommendations for lawyer and public member appointments to the following groups.

Background
During the Board Development Committee’s meeting on January 10 the committee selected the following members for appointment consideration.

Legal Ethics Committee
The Legal Ethics Committee develops opinions in response to ethics inquiries and recommends changes to the ethics code. The BDC recommends Trisha Thompson (164929) as a new member to the committee with a term ending December 31, 2022.

Legal Services Program Committee
The Legal Services Program Committee oversees the OSB Legal Services Program and the funds appropriated to the bar by the Oregon Legislature. The BDC recommends Candace Ballard as a new public member to the committee with a term ending December 31, 2022.

During the Board Development Committee’s meeting on February 6 the committee selected the following members for appointment consideration.

Oregon Law Center and Legal Aid Services of Oregon Board
The OSB Board of Governors has authority to make appointments to this joint governing board. Sherisa Davis-Larry (140743) is recommended for a three-year appointment.

Leadership Institute Advisory Committee
The Leadership Institute Advisory Committee is responsible for developing and implementing the newly created Leadership Institute. A majority of the committee members were appointed during the November BOG meeting when the committee was established. The following additional members are recommended for appointment Akira Heshiki (012858) to represent the in-house counsel perspective, Claudia Garcia Grober (041835) offers government experience, and Mae Lee Browning (145534) offers a new lawyer perspective. Terms for all three members expire December 31, 2022.

Disciplinary Board
A new chair is needed for Region 2 of the Disciplinary Board. Chas Horner (080848) has served on the DB since 2012 and is recommended for appointment. If approved by the BOG, Mr. Horner’s recommendation will be sent to the Supreme Court for appointment consideration.
The current 2020 Client Security Fund fee assessment is $50, which will provide ~750K toward reserves in 2020. The target assessment for 2021 is $30.

In October 2018, the Bar was awarded custodianship of all files pertaining to the practice of Lori E. Deveny. As of January 29, 2020, there are forty-three (43) claims associated with this practice, totaling $2,624K (capped at $50K and/or amounts paid the total claim amount is $1,221K), of which thirty-one (31) claims have been paid totaling $873K. One (1) claim has been rejected and one (1) claim has been withdrawn. Based on the cap amount there is $368K across ten (10) Deveny practice claims outstanding.

The “Pending” column captures all claim line items (using the $50K cap), factored at a 100% payout for the Deveny line items, and 70% estimated payout factor across all other claims, there is a current deficit against the available fund balance at January 29th of ($396K). The projected additional amount of reserves needed to restore the $1M reserve level by the end of the year is $424K, inclusive of CSF collected fees in 2020.

<table>
<thead>
<tr>
<th>CLAIM AMT</th>
<th>PENDING</th>
</tr>
</thead>
<tbody>
<tr>
<td>Line Items not closed</td>
<td>$998,464</td>
</tr>
<tr>
<td>Reserve as of December 31, 2019</td>
<td>$429,250</td>
</tr>
<tr>
<td>Payments made in January 2020 (thru 1/29/20)</td>
<td>$(86,107)</td>
</tr>
<tr>
<td>Reserve as of January 29, 2020</td>
<td>$343,143</td>
</tr>
<tr>
<td>Fund Excess/(Deficit)</td>
<td>$(396,230)</td>
</tr>
</tbody>
</table>

Deveny at 100% & Estimated Activity Payout Factor 70%

Weighted $ Amount | $517,561

Reserve Minimum | $1,000,000

Calculated Amount needed to maintain $1M Total Reserve | $1,174,418

2020 Assessment remaining to be recognized ($50/member ~ $750K total) | $750,000

Potential Net Additional Reserve Needed B/(W) | $424,418

Lori E. Deveny | $541,604 | $368,813

We have on deposit $1100K for CSF use, if needed. If no further claims above the current factored pipeline amount ($518K) were paid this year, the total additional amount to bring the fund back to $1M is $424K.
The same information is presented below, along with a sequenced projected reserve balance in future years:

A second scenario is provided below. We have on deposit $1100K for CSF use, if needed (taken from 2019 investment portfolio proceeds). This second scenario takes into consideration allocating $537K from this amount to assist attaining the $1M minimum reserve by the December 31, 2020.
Consideration of CSF Committee Proposal

At the November 23rd BOG meeting, a proposal was presented to consider two elements:

a. Increasing the reserve from $1,000,000 to $1,250,000.

b. Increasing the cap limit per claim, from $50,000 to $100,000.

Regarding the first element, increasing the reserve from $1,000,000 to $1,250,000, IF the rate of payouts is relatively stable year over year, this is the equivalent of a one-time fee assessment of $16.67 per member (~15,000 members). This essentially keeps that additional amount in reserve for future use when needed, and would provide additional available funds to support either higher $ payouts per claim, or a higher frequency of payouts in a given period.

If there is a year with a relatively high level of CSF payouts, the impact of carrying a $1.25M reserve level will re-impose that additional $16.67 fee amount on the membership to re-establish that level of reserves.

This is illustrated in the table below:

<table>
<thead>
<tr>
<th>Scenario to illustrate impact of Increasing reserve by $250K:</th>
<th>2020</th>
<th>2021</th>
<th>2022</th>
<th>2023</th>
<th>2024</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assessment Fee delta</td>
<td>$15.00</td>
<td>$31.67</td>
<td>$15.00</td>
<td>$15.00</td>
<td>$54.00</td>
</tr>
<tr>
<td>Number of Members</td>
<td>15,000</td>
<td>15,000</td>
<td>15,000</td>
<td>15,000</td>
<td>15,000</td>
</tr>
<tr>
<td>Total year CSF fees collected</td>
<td>$225,000</td>
<td>$475,000</td>
<td>$225,000</td>
<td>$225,000</td>
<td>$810,000</td>
</tr>
</tbody>
</table>

IF ONLY to $1.25M to $1.00M

<table>
<thead>
<tr>
<th>Scenario to illustrate impact of Increasing reserve by $250K:</th>
<th>2020</th>
<th>2021</th>
<th>2022</th>
<th>2023</th>
<th>2024</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reserve end of year Dec 31st:</td>
<td>$1,000,000</td>
<td>$1,250,000</td>
<td>$1,250,000</td>
<td>$665,000</td>
<td>$665,000</td>
</tr>
<tr>
<td>Restated reserve, including assessment fee (full year)</td>
<td>$1,225,000</td>
<td>$1,475,000</td>
<td>$1,475,000</td>
<td>$1,475,000</td>
<td>$1,225,000</td>
</tr>
<tr>
<td>Estimated payouts</td>
<td>$1 (225,000)</td>
<td>$1 (225,000)</td>
<td>$ (810,000)</td>
<td>$ (225,000)</td>
<td>$ (225,000)</td>
</tr>
<tr>
<td>Projected reserve, end of year</td>
<td>$1,000,000</td>
<td>$1,250,000</td>
<td>$1,250,000</td>
<td>$665,000</td>
<td>$1,250,000</td>
</tr>
</tbody>
</table>

Regarding the second element of the proposal, i.e. increasing the cap limit from $50,000 to $100,000, we can generate the following estimates of additional payment exposure placed upon the fund:

Current Pipeline (non-Deveny):
There are currently thirty-three (33) open claims in the pipeline that are not associated with the former Deveny practice. Of those 33 claims, only one has a claim amount greater than $50K and is in the amount of $98K (additional exposure $48K). Of the remaining claims, there are two (2) claims submitted at $50K.

Deveny Practice:
Total Number of Claims (to date): 43
Number of Claims > $50K: 15
Additional Claim $ exposure (amount > $50K up to $100K limit) $458K
It is worth noting there are four (4) claims, right at the $50K cap limit. If we were operating already in an environment with a higher cap limit, perhaps the amount of the claim would have been greater.

Claims Reviewed 2015 thru 2019 (non-Deveny):
There was a total of one hundred ninety-two (192) cases were reviewed and closed in the four-year period 2015 through 2019, and paid a total of $345K. Of those 192 claims, nine (9) were submitted for amounts greater than $50K, and two (2) were submitted at $50K. The total additional exposure (up to a $100K cap) of the nine (9) claims was $369K.
Summary Points and Discussion

- Raising the reserve an additional $250,000, from $1,000,000 to $1,250,000, would impose a one-time $16.67 fee on each member to first establish the higher reserve level. For each instance where there is a high degree of claims paid in excess of the funds generated within any subsequent year, this same amount would again potentially be imposed to restore the reserve.

- Raising the cap limit from $50K to $100K, does carry additional exposure. However, that exposure appears to be mostly associated with severe occurrences as exampled by the recent former Deveny practice. Since 2015, there were eleven (11) other claims submitted at $50K or greater, and in only one (1) of those instances was there a $50K final claim amount paid.

- Last year, we sold $1.1M from the investment portfolio, to potentially be used for CSF purposes. That amount is still available and could be used to: a) allocate a one-time amount of ~$500K to help restore the reserve back to $1M, and/or b) allocate a one-time amount of $250K to increase the reserve from $1M to $1.25M.

- We could mitigate allocating the above noted cash, by slowing the rate of payments, continuing to impose the $50 fee beyond just 2020, or letting the fund generically restore itself back to the desired level of reserve over time.
Background

In an effort to provide visibility to activities pertaining to Budget & Finance in the calendar year 2020, the attached work plan has been prepared. This plan is intended to help map those activities that will require the committee’s review and/or approval in the upcoming year.

An attached document is also being provided to help provide background to the oversight responsibility to members of the committee, and help delineate those tasks that are the responsibility of staff.
## 2020 Budget & Finance Work Plan

Objective: Topics and/or specific proposals for review that require decision by the Budget & Finance committee in 2020.

The oversight responsibilities of the committee (and Board) are separate and distinct from those of management. Effective oversight administration is to monitor performance to ensure the strategic attainment of the Bar as a business entity, and to protect the entity’s assets and reputation.

<table>
<thead>
<tr>
<th>2020 Areas of Focus</th>
<th>To Do Tasks</th>
<th>In Process (B&amp;FC)</th>
<th>Cost $K</th>
<th>B&amp;FC Tasks Done (Forecasted)</th>
<th>In Process (BOG)</th>
<th>BOG Tasks Done</th>
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<tr>
<td><strong>I. Revenues</strong></td>
<td></td>
<td></td>
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<td></td>
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</tr>
<tr>
<td>2021 Fee Season Income Definition</td>
<td>Definition of gross income threshold for qualified discount</td>
<td>Goal: Neutral</td>
<td>(Jun 2020)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>New sources of Revenue</td>
<td>Program ideas related to: 1. Certification and/or credentialling 2. Law firm match Sellers to Buyers 3. Match Pro Bono Attorneys to Projects 4. RIS price point evaluation 5. Other (member and/or non-member)</td>
<td>TBD</td>
<td>(Sep 2020)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>II. Expenditures</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>List of Write-offs</td>
<td>List of proposed write-offs (typically uncollected fee assessments).</td>
<td>TBD</td>
<td>(Apr 2020)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Client Security Fund</td>
<td>Review proposal to: 1. Increase cap limit from $50K to $100K 2. Increase reserve from $1.0M to $1.25M</td>
<td>TBD</td>
<td>(Apr 2020)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>III. Assets</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Legal Aid (Cy Pres)</td>
<td>by the Investment Committee: Approval of a fund manager to manage Legal Aid Cy Pres investment portfolio. 1. Send RFQ packet (Jan) 2. Present to Investment Cmte (Feb) 3. Selection (Feb)</td>
<td></td>
<td>(Feb 2020)</td>
<td></td>
<td></td>
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</tr>
<tr>
<td><strong>IV. Compliance</strong></td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Audit</td>
<td>Acceptance of the audit report of 2019 fiscal year results by Moss Adams, LLC.</td>
<td>$32.5</td>
<td>(Jun 2020) included in 2020 budget</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Audit</td>
<td>Appointment of auditors for the audit of 2020 fiscal year results.</td>
<td></td>
<td>(Nov 2020)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sustainability Report</td>
<td>Acceptance of the 2020 sustainability report.</td>
<td>$0 internal staff</td>
<td>(Nov 2020)</td>
<td></td>
<td></td>
<td></td>
</tr>
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</table>
# Oregon State Bar Professional Liability Fund
## Financial Statements
### 12/30/2019

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<td>Primary Program Statement of Revenues, Expenses and Changes in Net Position</td>
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<tr>
<td>4</td>
<td>Primary Program Operating Expenses</td>
</tr>
<tr>
<td>5</td>
<td>Excess Program Statement of Revenues, Expenses and Changes in Net Position</td>
</tr>
<tr>
<td>6</td>
<td>Excess Program Operating Expenses</td>
</tr>
<tr>
<td>7</td>
<td>Combined Investment Schedule</td>
</tr>
</tbody>
</table>
Oregon State Bar
Professional Liability Fund
Combined Primary and Excess Programs
Statement of Net Position
12/30/2019

<table>
<thead>
<tr>
<th>ASSETS</th>
<th>THIS YEAR</th>
<th>LAST YEAR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cash</td>
<td>$8,902,290.91</td>
<td>$9,787,903.20</td>
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<tr>
<td>Investments at Fair Value</td>
<td>59,331,688.39</td>
<td>52,769,432.72</td>
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<tr>
<td>Due from Reinsurers</td>
<td>1,108,658.84</td>
<td>188,052.24</td>
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<tr>
<td>Other Current Assets</td>
<td>817,976.04</td>
<td>767,866.72</td>
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<tr>
<td>Net Fixed Assets</td>
<td>364,286.58</td>
<td>416,116.37</td>
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<tr>
<td>Claim Receivables</td>
<td>113,471.53</td>
<td>114,512.69</td>
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<tr>
<td>PERS Deferred Outflow of Resources</td>
<td>1,479,492.46</td>
<td>1,151,573.46</td>
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<tr>
<td>Other Long Term Assets</td>
<td>2,500.00</td>
<td>7,121.09</td>
</tr>
<tr>
<td><strong>TOTAL ASSETS</strong></td>
<td><strong>$72,120,364.75</strong></td>
<td><strong>$65,202,578.49</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>LIABILITIES AND FUND POSITION</th>
<th>THIS YEAR</th>
<th>LAST YEAR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Liabilities:</td>
<td></td>
<td></td>
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<tr>
<td>Accounts Payable and Other Current Liabilities</td>
<td>$127,985.40</td>
<td>$354,653.45</td>
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<tr>
<td>Due to Reinsurers</td>
<td>$30,667.31</td>
<td>$50,708.22</td>
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<td>Deposits - Assessments</td>
<td>11,188,890.00</td>
<td>10,835,021.00</td>
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<td>PERS Pension Liability</td>
<td>6,053,037.98</td>
<td>4,931,707.98</td>
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<tr>
<td>Liability for Compensated Absences</td>
<td>423,621.72</td>
<td>423,621.72</td>
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<tr>
<td>Liability for Indemnity</td>
<td>13,200,000.00</td>
<td>11,200,000.00</td>
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<tr>
<td>Liability for Claim Expense</td>
<td>13,796,072.32</td>
<td>13,400,000.00</td>
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<tr>
<td>Liability for Future ERC Claims</td>
<td>3,200,000.00</td>
<td>3,100,000.00</td>
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<tr>
<td>Liability for Suspense Files</td>
<td>1,500,000.00</td>
<td>1,500,000.00</td>
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<tr>
<td>Liability for Future Claims Administration (AOE)</td>
<td>2,400,000.00</td>
<td>2,400,000.00</td>
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<tr>
<td>Excess Ceding Commision Allocated for Rest of Year</td>
<td>2,825.58</td>
<td>0.00</td>
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<tr>
<td><strong>Total Liabilities</strong></td>
<td><strong>$51,923,100.31</strong></td>
<td><strong>$48,195,712.37</strong></td>
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</table>

Change in Net Position:

<table>
<thead>
<tr>
<th></th>
<th>THIS YEAR</th>
<th>LAST YEAR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retained Earnings (Deficit) Beginning of the Year</td>
<td>$16,213,455.12</td>
<td>$20,094,730.19</td>
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<tr>
<td>Year to Date Net Income (Loss)</td>
<td>3,983,809.32</td>
<td>(3,087,864.07)</td>
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<tr>
<td><strong>Net Position</strong></td>
<td><strong>$20,197,264.44</strong></td>
<td><strong>$17,006,866.12</strong></td>
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**TOTAL LIABILITIES AND FUND POSITION**

<table>
<thead>
<tr>
<th></th>
<th>THIS YEAR</th>
<th>LAST YEAR</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><strong>$72,120,364.75</strong></td>
<td><strong>$65,202,578.49</strong></td>
</tr>
</tbody>
</table>
## Oregon State Bar Professional Liability Fund
### Primary Program
### Statement of Revenues, Expenses, and Changes in Net Position
### 12 Months Ended 12/30/2019

<table>
<thead>
<tr>
<th></th>
<th>YEAR TO DATE ACTUAL</th>
<th>YEAR TO DATE BUDGET</th>
<th>VARIANCE</th>
<th>YEAR TO DATE LAST YEAR</th>
<th>ANNUAL BUDGET</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>REVENUE</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Assessments</td>
<td>$22,516,994.00</td>
<td>$22,687,500.00</td>
<td>$170,506.00</td>
<td>$24,093,241.00</td>
<td>$22,687,500.00</td>
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<tr>
<td>Installment Service Charge</td>
<td>297,637.00</td>
<td>318,000.00</td>
<td>20,363.00</td>
<td>318,509.00</td>
<td>318,000.00</td>
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<tr>
<td>Other Income</td>
<td>159,169.22</td>
<td>117,000.00</td>
<td>(42,169.22)</td>
<td>94,986.34</td>
<td>117,000.00</td>
</tr>
<tr>
<td>Investment Return</td>
<td>8,605,571.68</td>
<td>893,734.00</td>
<td>(7,711,837.68)</td>
<td>(2,174,949.41)</td>
<td>893,734.00</td>
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<tr>
<td><strong>TOTAL REVENUE</strong></td>
<td>$31,579,371.90</td>
<td>$24,016,234.00</td>
<td>($7,563,137.90)</td>
<td>$22,331,786.93</td>
<td>$24,016,234.00</td>
</tr>
</tbody>
</table>

|                      |                      |                      |          |                         |               |
| **EXPENSE**          |                      |                      |          |                         |               |
| Provision For Claims |                      |                      |          |                         |               |
| New Claims at Average Cost | $18,107,000.00 | $17,653,600.00 |              |                         |               |
| Actuarial Adjustment to Reserves | 1,207,053.09 | (984,196.26) |  |  |  |
| Net Changes in AOE Liability | 0.00 | 100,000.00 | 200,000.00 |  |  |
| Net Changes in ERC Liability | 100,000.00 |  |  |  |  |
| Coverage Opinions    | 75,471.49           | 221,942.35           |  |  |  |
| General Expense      | 83,583.12           | 85,218.38            |  |  |  |
| Less Recoveries & Contributions | (3,927.68) | (2,431.92) |  |  |  |
| Budget for Claims Expense | $17,350,000.00 | $17,350,000.00 | $17,350,000.00 |  |  |
| **Total Provision For Claims** | $19,569,180.02 | $17,350,000.00 | ($2,219,180.02) | $17,274,132.55 | $17,350,000.00 |

|                      |                      |                      |          |                         |               |
| Expense from Operations |                      |                      |          |                         |               |
| Administrative Department | $2,626,958.93 | $3,516,137.00 | $889,178.07 | $2,855,159.41 | $3,516,137.00 |
| Accounting Department | 990,284.47 | 1,022,951.00 | 32,666.53 | 959,991.88 | 1,022,951.00 |
| Loss Prevention Department | 2,240,592.24 | 2,348,264.00 | 107,671.76 | 2,222,391.42 | 2,348,264.00 |
| Claims Department | 3,072,803.46 | 3,156,597.00 | 83,793.54 | 2,841,194.04 | 3,156,597.00 |
| Allocated to Excess Program | (869,011.92) | (869,012.00) | 0.08 | (954,209.04) | (869,012.00) |
| **Total Expense from Operations** | $8,061,627.18 | $9,174,937.00 | $1,113,309.82 | $7,924,527.71 | $9,174,937.00 |

|                      |                      |                      |          |                         |               |
| Depreciation and Amortization | $123,071.01 | $151,000.00 | $27,928.99 | $152,507.81 | $151,000.00 |
| Allocated Depreciation | (21,500.04) | (21,500.00) | 0.04 | (21,999.96) | (21,500.00) |
| **TOTAL EXPENSE**    | $27,732,378.17      | $26,654,437.00       | ($1,077,941.17) | $25,329,168.11 | $26,654,437.00 |

|                      |                      |                      |          |                         |               |
| **NET POSITION - INCOME (LOSS)** | $3,851,250.73 | ($2,638,203.00) | ($6,489,453.73) | ($2,989,449.29) | ($2,638,203.00) |
# Oregon State Bar
## Professional Liability Fund
### Statement of Operating Expense
#### 12 Months Ended 12/30/2019

<table>
<thead>
<tr>
<th></th>
<th>CURRENT MONTH</th>
<th>ACTUAL</th>
<th>BUDGET</th>
<th>VARIANCE</th>
<th>LAST YEAR TO DATE</th>
<th>ANNUAL TO DATE</th>
<th>ANNUAL BUDGET</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>EXPENSE:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Salaries</td>
<td>$404,314.98</td>
<td>$4,920,919.86</td>
<td>$4,988,057.00</td>
<td>$67,137.14</td>
<td>$4,771,315.59</td>
<td>$4,988,057.00</td>
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<td>Benefits and Payroll Taxes</td>
<td>153,400.69</td>
<td>1,946,283.38</td>
<td>2,780,976.00</td>
<td>834,692.62</td>
<td>1,889,809.90</td>
<td>2,780,976.00</td>
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<td>Investment Services</td>
<td>12,783.36</td>
<td>51,914.59</td>
<td>48,000.00</td>
<td>(3,914.59)</td>
<td>49,512.81</td>
<td>48,000.00</td>
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<td>Legal Services</td>
<td>0.00</td>
<td>20,473.50</td>
<td>10,000.00</td>
<td>(10,473.50)</td>
<td>10,898.25</td>
<td>10,000.00</td>
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<td>Financial Audit Services</td>
<td>0.00</td>
<td>25,000.00</td>
<td>24,500.00</td>
<td>(500.00)</td>
<td>22,957.50</td>
<td>24,500.00</td>
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<tr>
<td>Information Services</td>
<td>5,468.55</td>
<td>52,008.48</td>
<td>65,000.00</td>
<td>12,991.52</td>
<td>54,244.13</td>
<td>65,000.00</td>
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<tr>
<td>Document Scanning Services</td>
<td>0.00</td>
<td>0.00</td>
<td>22,500.00</td>
<td>22,500.00</td>
<td>36,908.34</td>
<td>22,500.00</td>
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<tr>
<td>Other Professional Services</td>
<td>5,550.75</td>
<td>64,491.29</td>
<td>73,500.00</td>
<td>9,008.71</td>
<td>54,244.13</td>
<td>73,500.00</td>
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<td>Staff Travel</td>
<td>81.76</td>
<td>4,568.40</td>
<td>14,700.00</td>
<td>10,131.60</td>
<td>5,416.77</td>
<td>14,700.00</td>
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<tr>
<td>Board Travel</td>
<td>6,939.47</td>
<td>57,545.42</td>
<td>57,500.00</td>
<td>(45.42)</td>
<td>59,905.51</td>
<td>57,500.00</td>
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<td>NABRICO</td>
<td>0.00</td>
<td>13,788.87</td>
<td>15,650.00</td>
<td>1,861.13</td>
<td>9,009.23</td>
<td>15,650.00</td>
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<tr>
<td>Training</td>
<td>24.12</td>
<td>20,960.98</td>
<td>37,000.00</td>
<td>16,039.02</td>
<td>24,717.43</td>
<td>37,000.00</td>
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<tr>
<td>Rent</td>
<td>46,995.75</td>
<td>577,684.48</td>
<td>581,656.00</td>
<td>3,971.52</td>
<td>557,855.44</td>
<td>581,656.00</td>
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<tr>
<td>Printing and Supplies</td>
<td>5,479.64</td>
<td>92,366.63</td>
<td>78,000.00</td>
<td>(14,366.63)</td>
<td>97,549.91</td>
<td>78,000.00</td>
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<tr>
<td>Postage and Delivery</td>
<td>669.55</td>
<td>11,762.69</td>
<td>13,800.00</td>
<td>2,037.31</td>
<td>15,224.76</td>
<td>13,800.00</td>
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<tr>
<td>Equipment Rent &amp; Maintenance</td>
<td>445.59</td>
<td>49,317.61</td>
<td>66,500.00</td>
<td>17,182.39</td>
<td>36,435.70</td>
<td>66,500.00</td>
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<td>Telephone</td>
<td>4,282.46</td>
<td>51,839.32</td>
<td>51,000.00</td>
<td>(839.32)</td>
<td>50,264.65</td>
<td>51,000.00</td>
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<tr>
<td>L P Programs (less Salary &amp; Benefits)</td>
<td>43,143.45</td>
<td>435,106.22</td>
<td>498,050.00</td>
<td>62,943.78</td>
<td>513,523.34</td>
<td>498,050.00</td>
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<tr>
<td>Defense Panel Training</td>
<td>0.00</td>
<td>63,417.01</td>
<td>42,410.00</td>
<td>(21,007.01)</td>
<td>1,330.01</td>
<td>42,410.00</td>
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<td>Bar Books Grant</td>
<td>16,666.63</td>
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<td>200,000.00</td>
<td>0.00</td>
<td>200,000.00</td>
<td>200,000.00</td>
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<td>Insurance</td>
<td>2,760.10</td>
<td>36,835.23</td>
<td>58,450.00</td>
<td>21,614.77</td>
<td>42,289.92</td>
<td>58,450.00</td>
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<td>Library</td>
<td>4,494.88</td>
<td>33,638.45</td>
<td>33,600.00</td>
<td>(38.45)</td>
<td>37,779.08</td>
<td>33,600.00</td>
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<tr>
<td>Subscriptions, Memberships &amp; C/C Charg</td>
<td>17,072.41</td>
<td>167,532.12</td>
<td>250,100.00</td>
<td>82,567.88</td>
<td>276,554.65</td>
<td>250,100.00</td>
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</tr>
<tr>
<td>Allocated to Excess Program</td>
<td>(72,417.66)</td>
<td>(869,011.92)</td>
<td>(869,012.00)</td>
<td>(0.08)</td>
<td>(954,209.04)</td>
<td>(869,012.00)</td>
<td></td>
</tr>
</tbody>
</table>

**TOTAL EXPENSE** | **$658,156.48** | **$8,055,330.11** | **$9,166,937.00** | **$1,111,606.89** | **$7,916,314.31** | **$9,166,937.00** |
Oregon State Bar
Professional Liability Fund
Excess Program
Statement of Revenue, Expenses, and Changes in Net Position
12 Months Ended 12/30/2019

<table>
<thead>
<tr>
<th></th>
<th>YEAR TO DATE ACTUAL</th>
<th>YEAR TO DATE BUDGET</th>
<th>YEAR VARIANCE</th>
<th>YEAR LAST YEAR</th>
<th>YEAR ANNUAL BUDGET</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>REVENUE</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ceding Commission</td>
<td>$913,189.80</td>
<td>$945,000.00</td>
<td>$31,810.20</td>
<td>$965,899.01</td>
<td>$945,000.00</td>
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<tr>
<td>Profit Commission</td>
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<td>0.00</td>
<td>49,775.00</td>
<td>(1,601.42)</td>
<td>0.00</td>
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<tr>
<td>Installment Service Charge</td>
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<td>52,000.00</td>
<td>3,771.00</td>
<td>49,938.00</td>
<td>52,000.00</td>
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<tr>
<td>Investment Return</td>
<td>156,683.99</td>
<td>20,000.00</td>
<td>(136,683.99)</td>
<td>(91,585.79)</td>
<td>20,000.00</td>
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<tr>
<td><strong>TOTAL REVENUE</strong></td>
<td>$1,068,327.79</td>
<td>$1,017,000.00</td>
<td>($51,327.79)</td>
<td>$922,649.80</td>
<td>$1,017,000.00</td>
</tr>
</tbody>
</table>

| **EXPENSE**         |                     |                     |               |                |                   |
| Operating Expenses (See Page 6) | $914,269.16 | $1,020,700.00 | $106,430.84 | $999,064.62 | $1,020,700.00 |
| Allocated Depreciation | $21,500.04 | $21,500.00 | ($0.04) | $21,999.96 | $21,500.00 |

| **NET POSITION - INCOME (LOSS)** | $132,558.59 | ($25,200.00) | ($157,758.59) | ($98,414.78) | ($25,200.00) |
## Statement of Operating Expense

**12 Months Ended 12/30/2019**

<table>
<thead>
<tr>
<th></th>
<th>CURRENT MONTH</th>
<th>CURRENT TO DATE</th>
<th>YEAR TO DATE</th>
<th>YEAR TO DATE</th>
<th>YEAR TO DATE</th>
<th>ANNUAL</th>
</tr>
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<tbody>
<tr>
<td><strong>EXPENSE:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Salaries</td>
<td>$33,856.08</td>
<td>$406,272.96</td>
<td>$475,000.00</td>
<td>$68,727.04</td>
<td>$473,991.96</td>
<td>$475,000.00</td>
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<tr>
<td>Benefits and Payroll Taxes</td>
<td>13,644.91</td>
<td>163,738.92</td>
<td>175,000.00</td>
<td>11,261.08</td>
<td>181,217.04</td>
<td>175,000.00</td>
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<tr>
<td>Investment Services</td>
<td>345.28</td>
<td>599.97</td>
<td>200.00</td>
<td>(399.97)</td>
<td>1,472.19</td>
<td>200.00</td>
</tr>
<tr>
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<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
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<td>299,000.04</td>
<td>299,000.00</td>
<td>(0.04)</td>
<td>299,000.04</td>
<td>299,000.00</td>
</tr>
<tr>
<td>Reinsurance Placement &amp; Travel</td>
<td>0.00</td>
<td>9,377.82</td>
<td>15,000.00</td>
<td>5,622.18</td>
<td>4,845.99</td>
<td>15,000.00</td>
</tr>
<tr>
<td>Training</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>Printing and Mailing</td>
<td>0.00</td>
<td>828.00</td>
<td>4,000.00</td>
<td>3,172.00</td>
<td>919.82</td>
<td>4,000.00</td>
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<td>Program Promotion</td>
<td>1,905.00</td>
<td>11,305.00</td>
<td>15,000.00</td>
<td>3,695.00</td>
<td>12,854.50</td>
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<tr>
<td>Other Professional Services</td>
<td>781.25</td>
<td>9,736.25</td>
<td>27,000.00</td>
<td>17,263.75</td>
<td>3,497.50</td>
<td>27,000.00</td>
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<tr>
<td>Software Development</td>
<td>0.00</td>
<td>13,410.20</td>
<td>10,000.00</td>
<td>(3,410.20)</td>
<td>21,265.58</td>
<td>10,000.00</td>
</tr>
<tr>
<td><strong>TOTAL EXPENSE</strong></td>
<td>$75,449.19</td>
<td>$914,269.16</td>
<td>$1,020,700.00</td>
<td>$106,430.84</td>
<td>$999,064.62</td>
<td>$1,020,700.00</td>
</tr>
</tbody>
</table>
## Combined Investment Schedule

### 12 Months Ended 12/30/2019

<table>
<thead>
<tr>
<th>Dividends and Interest:</th>
<th>CURRENT MONTH</th>
<th>YEAR TO DATE</th>
<th>CURRENT MONTH</th>
<th>YEAR TO DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>THIS YEAR</td>
<td>THIS YEAR</td>
<td>LAST YEAR</td>
<td>LAST YEAR</td>
</tr>
<tr>
<td>Short Term Bond Fund</td>
<td>$3,702.03</td>
<td>$169,274.89</td>
<td>$8,181.39</td>
<td>$191,869.86</td>
</tr>
<tr>
<td>Intermediate Term Bond Funds</td>
<td>46,360.27</td>
<td>522,030.00</td>
<td>66,561.98</td>
<td>445,817.60</td>
</tr>
<tr>
<td>Bank Loans</td>
<td>11,376.32</td>
<td>147,554.74</td>
<td>11,852.47</td>
<td>117,763.05</td>
</tr>
<tr>
<td>Domestic Common Stock Funds</td>
<td>93,487.40</td>
<td>300,547.12</td>
<td>70,450.55</td>
<td>243,331.52</td>
</tr>
<tr>
<td>International Equity Fund</td>
<td>337,241.80</td>
<td>346,807.79</td>
<td>213,710.29</td>
<td>218,794.14</td>
</tr>
<tr>
<td>Real Estate</td>
<td>44,715.87</td>
<td>170,691.64</td>
<td>39,883.75</td>
<td>153,718.28</td>
</tr>
<tr>
<td>Hedge Fund of Funds</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>Real Return Strategy</td>
<td>24,088.33</td>
<td>28,140.54</td>
<td>137,003.63</td>
<td>137,003.63</td>
</tr>
</tbody>
</table>

**Total Dividends and Interest**

$536,883.69 $1,680,994.51 $438,780.97 $1,508,298.08

<table>
<thead>
<tr>
<th>Gain (Loss) in Fair Value:</th>
<th>CURRENT MONTH</th>
<th>YEAR TO DATE</th>
<th>CURRENT MONTH</th>
<th>YEAR TO DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>THIS YEAR</td>
<td>THIS YEAR</td>
<td>LAST YEAR</td>
<td>LAST YEAR</td>
</tr>
<tr>
<td>Short Term Bond Fund</td>
<td>($1,611.16)</td>
<td>$79,999.36</td>
<td>$19,765.30</td>
<td>($136,342.83)</td>
</tr>
<tr>
<td>Intermediate Term Bond Funds</td>
<td>(66,146.16)</td>
<td>509,148.12</td>
<td>66,941.67</td>
<td>(367,037.66)</td>
</tr>
<tr>
<td>Bank Loans</td>
<td>32,293.96</td>
<td>27,195.76</td>
<td>(80,638.43)</td>
<td>(122,606.26)</td>
</tr>
<tr>
<td>Domestic Common Stock Funds</td>
<td>390,520.32</td>
<td>3,682,092.38</td>
<td>(1,295,297.99)</td>
<td>(897,415.57)</td>
</tr>
<tr>
<td>International Equity Fund</td>
<td>265,979.28</td>
<td>2,261,313.22</td>
<td>(781,397.84)</td>
<td>(2,012,228.04)</td>
</tr>
<tr>
<td>Real Estate</td>
<td>30,211.89</td>
<td>146,980.87</td>
<td>15,195.60</td>
<td>182,929.78</td>
</tr>
<tr>
<td>Hedge Fund of Funds</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>Real Return Strategy</td>
<td>0.00</td>
<td>374,531.45</td>
<td>(429,885.74)</td>
<td>(422,132.70)</td>
</tr>
</tbody>
</table>

**Total Gain (Loss) in Fair Value**

$651,248.13 $7,081,261.16 $(2,485,317.43) $(3,774,833.28)

**TOTAL RETURN**

$1,188,131.82 $8,762,255.67 $(2,046,536.46) $(2,266,535.20)

### Portions Allocated to Excess Program:

<table>
<thead>
<tr>
<th>Dividends and Interest:</th>
<th>CURRENT MONTH</th>
<th>YEAR TO DATE</th>
<th>CURRENT MONTH</th>
<th>YEAR TO DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>THIS YEAR</td>
<td>THIS YEAR</td>
<td>LAST YEAR</td>
<td>LAST YEAR</td>
</tr>
<tr>
<td>Dividends and Interest</td>
<td>$7,623.75</td>
<td>$27,263.34</td>
<td>$11,276.67</td>
<td>$43,718.06</td>
</tr>
<tr>
<td>Gain (Loss) in Fair Value</td>
<td>9,247.72</td>
<td>129,420.65</td>
<td>(63,872.66)</td>
<td>(135,303.85)</td>
</tr>
</tbody>
</table>

**Total Allocated to Excess Program**

$16,871.47 $156,683.99 $(52,595.99) $(91,585.79)
Oregon State Bar  
Professional Liability Fund  
Excess Program  
Balance Sheet  
12/30/2019

### ASSETS

<table>
<thead>
<tr>
<th></th>
<th>THIS YEAR</th>
<th>LAST YEAR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cash</td>
<td>$2,106,316.85</td>
<td>$2,178,521.08</td>
</tr>
<tr>
<td>Due from One Inc</td>
<td>$96,914.00</td>
<td>$131,948.00</td>
</tr>
<tr>
<td>Due from Reinsurers</td>
<td>1,108,658.84</td>
<td>188,052.24</td>
</tr>
<tr>
<td>Other Assets</td>
<td>700.00</td>
<td>0.00</td>
</tr>
<tr>
<td>Investments at Fair Value</td>
<td>578,078.94</td>
<td>1,327,973.08</td>
</tr>
<tr>
<td><strong>TOTAL ASSETS</strong></td>
<td><strong>$3,890,668.63</strong></td>
<td><strong>$3,826,494.40</strong></td>
</tr>
</tbody>
</table>

### LIABILITIES AND FUND EQUITY

<table>
<thead>
<tr>
<th></th>
<th>THIS YEAR</th>
<th>LAST YEAR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Liabilities:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accounts Payable &amp; Refunds Payable</td>
<td>$1,891.25</td>
<td>$2,292.50</td>
</tr>
<tr>
<td>Due to Primary Fund</td>
<td>$447.22</td>
<td>$0.00</td>
</tr>
<tr>
<td>Due to Reinsurers</td>
<td>30,667.31</td>
<td>50,708.22</td>
</tr>
<tr>
<td>Deposits of Next Year's Assessment</td>
<td>1,834,010.00</td>
<td>1,885,225.00</td>
</tr>
<tr>
<td>Ceding Commision Allocated for Remainder of Year</td>
<td>2,825.58</td>
<td>0.00</td>
</tr>
<tr>
<td><strong>Total Liabilities</strong></td>
<td><strong>$1,869,841.36</strong></td>
<td><strong>$1,938,225.72</strong></td>
</tr>
<tr>
<td>Net Position</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Net Position (Deficit) Beginning of Year</td>
<td>$1,888,268.68</td>
<td>$1,986,683.46</td>
</tr>
<tr>
<td>Year to Date Net Income (Loss)</td>
<td>132,558.59</td>
<td>(98,414.78)</td>
</tr>
<tr>
<td><strong>Total Net Position</strong></td>
<td><strong>$2,020,827.27</strong></td>
<td><strong>$1,888,268.68</strong></td>
</tr>
<tr>
<td><strong>TOTAL LIABILITIES AND FUND EQUITY</strong></td>
<td><strong>$3,890,668.63</strong></td>
<td><strong>$3,826,494.40</strong></td>
</tr>
</tbody>
</table>
## Oregon State Bar
### Professional Liability Fund
#### Primary Program
#### Balance Sheet
#### 12/30/2019

### ASSETS

<table>
<thead>
<tr>
<th></th>
<th>THIS YEAR</th>
<th>LAST YEAR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cash</td>
<td>$6,795,974.06</td>
<td>$7,609,382.12</td>
</tr>
<tr>
<td>Investments at Fair Value</td>
<td>58,753,609.45</td>
<td>51,441,459.64</td>
</tr>
<tr>
<td>Due From Excess Fund</td>
<td>447.22</td>
<td>0.00</td>
</tr>
<tr>
<td>Other Current Assets</td>
<td>719,914.82</td>
<td>635,918.72</td>
</tr>
<tr>
<td>Net Fixed Assets</td>
<td>364,286.58</td>
<td>416,116.37</td>
</tr>
<tr>
<td>Claim Receivables</td>
<td>113,471.53</td>
<td>114,512.69</td>
</tr>
<tr>
<td>Other Long Term Assets</td>
<td>2,500.00</td>
<td>7,121.09</td>
</tr>
<tr>
<td>PERS Deferred Outflow of Resources</td>
<td>1,479,492.46</td>
<td>1,151,573.46</td>
</tr>
<tr>
<td><strong>TOTAL ASSETS</strong></td>
<td><strong>$68,229,696.12</strong></td>
<td><strong>$61,376,084.09</strong></td>
</tr>
</tbody>
</table>

### LIABILITIES AND FUND EQUITY

<table>
<thead>
<tr>
<th></th>
<th>THIS YEAR</th>
<th>LAST YEAR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accounts Payable and Other Current Liabilities</td>
<td>$125,646.93</td>
<td>$352,360.95</td>
</tr>
<tr>
<td>Deposits - Assessments</td>
<td>9,354,880.00</td>
<td>8,949,796.00</td>
</tr>
<tr>
<td>PERS Pension Liability</td>
<td>6,053,037.98</td>
<td>4,931,707.98</td>
</tr>
<tr>
<td>Liability for Compensated Absences</td>
<td>423,621.72</td>
<td>423,621.72</td>
</tr>
<tr>
<td>Liability for Indemnity</td>
<td>13,200,000.00</td>
<td>11,200,000.00</td>
</tr>
<tr>
<td>Liability for Claim Expense</td>
<td>13,796,072.32</td>
<td>13,400,000.00</td>
</tr>
<tr>
<td>Liability for Future ERC Claims</td>
<td>3,200,000.00</td>
<td>3,100,000.00</td>
</tr>
<tr>
<td>Liability for Suspense Files</td>
<td>1,500,000.00</td>
<td>1,500,000.00</td>
</tr>
<tr>
<td>Liability for Future Claims Administration (ULAE)</td>
<td>2,400,000.00</td>
<td>2,400,000.00</td>
</tr>
<tr>
<td><strong>Total Liabilities</strong></td>
<td><strong>$50,053,258.95</strong></td>
<td><strong>$46,257,486.65</strong></td>
</tr>
</tbody>
</table>

**Net Position**

<table>
<thead>
<tr>
<th></th>
<th>THIS YEAR</th>
<th>LAST YEAR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Net Position (Deficit) Beginning of the Year</td>
<td>$14,325,186.44</td>
<td>$18,108,046.73</td>
</tr>
<tr>
<td>Year to Date Net Income (Loss)</td>
<td>3,851,250.73</td>
<td>(2,989,449.29)</td>
</tr>
<tr>
<td><strong>Total Net Position</strong></td>
<td><strong>$18,176,437.17</strong></td>
<td><strong>$15,118,597.44</strong></td>
</tr>
</tbody>
</table>

**TOTAL LIABILITIES AND FUND EQUITY**

|                                      | **$68,229,696.12** | **$61,376,084.09** |
Quarterly Investment Performance Analysis
Oregon State Bar Professional Liability Fund

Period Ended: December 31, 2019
# Table Of Contents

1. Total Fund  
2. Investment Manager Profiles  
3. Addendum & Glossary  

Page 3  
Page 14  
Page 26
Total Fund
Oregon State Bar Professional Liability Fund
Total Fund
As of December 31, 2019

Asset Allocation by Manager and Schedule of Inventable Assets

Performance shown is net of fees. Allocations shown may not sum up to 100% exactly due to rounding. During 10/2019, $2,000,000 was distributed from WellsFargo:SD Gv Bd;I (WSGIX).
## Asset Allocation, Performance, Asset Allocation vs. Target & Schedule of Investable Assets

### Asset Allocation & Performance

<table>
<thead>
<tr>
<th>Allocation</th>
<th>Performance (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Market Value ($)</td>
<td>%</td>
</tr>
<tr>
<td><strong>Total Fund Ex Low Duration</strong></td>
<td>57,766,776</td>
</tr>
<tr>
<td><strong>Domestic Equity</strong></td>
<td>17,377,230</td>
</tr>
<tr>
<td>Vanguard TSM Idx:Inst (VITSX)</td>
<td>17,377,230</td>
</tr>
<tr>
<td><strong>International Equity</strong></td>
<td>13,572,682</td>
</tr>
<tr>
<td>American Funds EuPc:F3 (FEUPX)</td>
<td>6,826,726</td>
</tr>
<tr>
<td>Dodge &amp; CoxIntl Stock (DODFX)</td>
<td>6,745,956</td>
</tr>
<tr>
<td><strong>Intermediate Fixed Income</strong></td>
<td>18,566,055</td>
</tr>
<tr>
<td>DoubleLine:Cr Fxd In;I (DBLFX)</td>
<td>9,338,653</td>
</tr>
<tr>
<td>Guggenheim:TR Bd;Inst (GIBIX)</td>
<td>9,227,402</td>
</tr>
<tr>
<td><strong>Bank Loans</strong></td>
<td>2,800,401</td>
</tr>
<tr>
<td>Voya:Floating Rate;I (IFRIX)</td>
<td>2,800,401</td>
</tr>
<tr>
<td><strong>Real Estate</strong></td>
<td>5,450,409</td>
</tr>
<tr>
<td>Barings Core Property (CF)</td>
<td>1,937,973</td>
</tr>
<tr>
<td>RREEF America REIT II (CF)</td>
<td>3,512,436</td>
</tr>
</tbody>
</table>

### Asset Allocation vs. Target Allocation

<table>
<thead>
<tr>
<th>Market Value ($)</th>
<th>Allocation (%)</th>
<th>Target (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Domestic Equity</td>
<td>17,377,230</td>
<td>30.08</td>
</tr>
<tr>
<td>International Equity</td>
<td>13,572,682</td>
<td>23.50</td>
</tr>
<tr>
<td>Intermediate Fixed Income</td>
<td>18,566,055</td>
<td>32.14</td>
</tr>
<tr>
<td>Bank Loans</td>
<td>2,800,401</td>
<td>4.85</td>
</tr>
<tr>
<td>Real Estate</td>
<td>5,450,409</td>
<td>9.44</td>
</tr>
<tr>
<td>Total Fund</td>
<td>57,766,776</td>
<td>100.00</td>
</tr>
</tbody>
</table>

### Asset Allocation vs. Target Allocation Differences

- **Domestic Equity**: 1.08%
- **International Equity**: 0.50%
- **Intermediate Fixed Income**: -0.86%
- **Bank Loans**: -0.15%
- **Real Estate**: -0.56%

### Schedule of Investable Assets

<table>
<thead>
<tr>
<th>Periods Ending</th>
<th>Beginning Market Value ($)</th>
<th>Net Cash Flow ($)</th>
<th>Gain/Loss ($)</th>
<th>Ending Market Value ($)</th>
<th>% Return</th>
</tr>
</thead>
<tbody>
<tr>
<td>CYTD</td>
<td>49,253,795</td>
<td>-</td>
<td>8,512,981</td>
<td>57,766,776</td>
<td>17.25</td>
</tr>
</tbody>
</table>

Performance shown is net of fees. Allocations shown may not sum up to 100% exactly due to rounding.
Oregon State Bar Professional Liability Fund
Total Fund Thematic and Liquidity Analysis

Asset Allocation by Theme

Capital Appreciation 52%
Capital Preservation 34%
Inflation 14%

Thematic Analysis - January 1, 2005 to December 31, 2019

Alpha
Capital Appreciation
Capital Preservation
Inflation

A = HFRI EH: Eq Mkt Neut Index (Alpha)
B = MSCI ACW Index (USD) (Gross) (Capital Appreciation)
C = Bloomberg US Gov't Bond Index (Capital Preservation)
D = Real Return Custom Index (Inflation)

Correlation Matrix - 10 Years

<table>
<thead>
<tr>
<th></th>
<th>A</th>
<th>B</th>
<th>C</th>
<th>D</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>1.00</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>B</td>
<td>0.69</td>
<td>1.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>C</td>
<td>-0.28</td>
<td>-0.40</td>
<td>1.00</td>
<td></td>
</tr>
<tr>
<td>D</td>
<td>0.54</td>
<td>0.77</td>
<td>-0.01</td>
<td>1.00</td>
</tr>
</tbody>
</table>

RVK Liquidity Rating

82

Asset Allocation by Liquidity

Liquid 86%
Less Liquid 9%
Not Liquid 5%

RVK Liquidity Rating

82

As of December 31, 2019

Asset Allocation by Theme is based on dedicated manager allocations; as such, thematic allocations are approximations. Allocations shown may not sum to 100% exactly due to rounding. The RVK Liquidity Rating is calculated using beginning of month investment weights applied to each corresponding asset class liquidity rating. Please see the Glossary for additional information regarding liquidity, thematic, and custom index descriptions.
Asset Allocation by Theme

- Capital Appreciation: 54%
- Capital Preservation: 32%
- Inflation: 14%

Thematic Analysis - December 1, 2005 to December 31, 2019

- Alpha
- Capital Appreciation
- Capital Preservation
- Inflation

Correlation Matrix - 10 Years

<table>
<thead>
<tr>
<th></th>
<th>A</th>
<th>B</th>
<th>C</th>
<th>D</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>1.00</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>B</td>
<td>0.69</td>
<td>1.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>C</td>
<td>-0.28</td>
<td>-0.40</td>
<td>1.00</td>
<td></td>
</tr>
<tr>
<td>D</td>
<td>0.54</td>
<td>0.77</td>
<td>-0.01</td>
<td>1.00</td>
</tr>
</tbody>
</table>

A = HFRI EH: Eq Mkt Neut Index (Alpha)
B = MSCI ACW Index (USD) (Gross) (Capital Appreciation)
C = Bloomberg US Gov't Bond Index (Capital Preservation)
D = Real Return Custom Index (Inflation)

Asset Allocation by Liquidity

- Liquid: 86%
- Less Liquid: 9%
- Not Liquid: 5%

RVK Liquidity Rating: 82

Asset Allocation by Theme is based on dedicated manager allocations; as such, thematic allocations are approximations. Allocations shown may not sum to 100% exactly due to rounding. The RVK Liquidity Rating is calculated using beginning of month investment weights applied to each corresponding asset class liquidity rating. Please see the Glossary for additional information regarding liquidity, thematic, and custom index descriptions.
Performance Attribution

- Investment Pool Performance: 5.08%
- Strategic Asset Allocation (SAA): 4.89%
- Tactical Asset Allocation (TAA): 0.00%
- Style Selection (SS): 0.00%
- Manager's Skill (MS): 0.19%

SAA: 4.89%
- Domestic Equity: 2.60%
- International Equity: 2.05%
- Intermediate Fixed Income: 0.04%
- Bank Loans: 0.09%
- Real Estate: 0.12%

TAA: 0.00%
- Domestic Equity: -0.01%
- International Equity: -0.03%
- Intermediate Fixed Income: 0.00%
- Bank Loans: 0.00%
- Real Estate: 0.00%

SS: 0.00%
- Domestic Equity: 0.00%
- International Equity: 0.00%
- Intermediate Fixed Income: 0.00%
- Bank Loans: 0.00%
- Real Estate: 0.00%

MS: 0.19%
- Domestic Equity: 0.00%
- International Equity: -0.12%
- Intermediate Fixed Income: -0.02%
- Bank Loans: 0.01%
- Real Estate: 0.00%

Performance shown is net of fees. Calculation is based on monthly periodicity. See Glossary for additional information regarding the Total Fund Attribution - IDP calculation.
Performance Attribution

Investment Pool Performance: 17.25%
Strategic Asset Allocation (SAA): 17.69%
Tactical Asset Allocation (TAA): -0.37%
Style Selection (SS): 0.00%
Manager's Skill (MS): -0.06%

Performance shown is net of fees. Calculation is based on monthly periodicity. See Glossary for additional information regarding the Total Fund Attribution - IDP calculation.
### Oregon State Bar Professional Liability Fund

**Comparative Performance**

| Fund Type                                      | QTD | CYTD | 1 Year | 3 Years | 5 Years | 7 Years | 10 Years | 2018 | 2017 | 2016 | 2015 | 2014 | Since Incep. | Inception Date |
|------------------------------------------------|-----|------|--------|---------|---------|---------|----------|-------|------|------|------|------|------|-------------|----------------|
| **Total Fund**                                 | 4.91| 15.86| 15.86  | 8.02    | 5.96    | 6.45    | 6.46     | -4.08 | 13.40| 6.82 | -0.77| 4.79| 6.80| 03/01/1989  |
| **Actual Allocation Index**                    | 4.73| 16.17| 16.17  | 8.13    | 6.13    | 6.46    | 6.46     | -3.15 | 12.36| 6.12 | 0.37 | 4.61| -   |            |
| **Difference**                                 | 0.18| -0.31| -0.31  | -0.11   | -0.17   | -0.01   | -0.00    | 0.09  | 1.04 | 0.70 | -1.14| 0.18| -   |            |
| **Total Fund Ex Low Duration**                 | 5.08| 17.25| 17.25  | 8.72    | 6.63    | 7.29    | 7.15     | -4.59 | 14.87| 8.06 | -0.72| 5.72| 5.62| 12/01/1999 |
| **Actual Allocation Ex Low Duration Index**    | 4.89| 17.32| 17.32  | 8.80    | 6.68    | 7.24    | 7.26     | -3.57 | 13.86| 6.97 | 0.29 | 5.97| 5.66|            |
| **Difference**                                 | 0.19| -0.07| -0.07  | -0.08   | -0.05   | -0.11   | -1.02    | -1.01 | 0.10 | 0.19 | -1.01| -0.25| -0.04|            |
| **Domestic Equity**                            |     |      |        |         |         |         |          |       |      |      |      |      |      |            |
| **Russell 3000 Index**                         | 9.01| 30.72| 30.72  | 14.47   | 11.18   | 14.10   | 11.92    | -5.30 | 21.17| 12.62| 0.57 | 12.51| 8.40| 01/01/2005 |
| **Difference**                                 | -0.09| -0.30| -0.30  | -0.10   | -0.06   | -0.28   | -1.50    | -0.06 | 0.04 | -0.12| 0.09 | -0.05| -0.63|            |
| **Vanguard Spl TSM Index**                     | 9.00| 30.84| 30.84  | 14.56   | 11.21   | 14.35   | 13.44    | -5.17 | 21.19| 12.68| 0.40 | 12.58| 14.28|            |
| **Difference**                                 | 0.01| -0.03| -0.03  | -0.01   | -0.01   | -0.01   | -0.01    | 0.01  | -0.02| -0.01| 0.00 | -0.01| -0.01|            |
| **Rank**                                       | 29  | 26   | 26     | 19      | 9       | 12      | 8        | 26    | 40   | 27  | 33  | 29  | 16  |            |
| **International Equity**                       | 10.36| 25.25| 25.25  | 9.89    | 5.46    | 6.85    | 5.85     | -16.82| 27.37| 4.52 | -5.93| -1.20| 6.03| 01/01/2005 |
| **MSCI ACW Ex US Index (USD) (Net)**           | 8.92| 21.51| 21.51  | 9.87    | 5.51    | 5.44    | 4.97     | -14.20| 27.19| 4.50 | -5.66| -3.87| 5.25|            |
| **Difference**                                 | 1.44| 3.74 | 3.74   | 0.02    | -0.05   | 1.41    | 0.88     | -2.62 | 0.18 | 0.02 | -0.27| 2.67 | 0.78|            |
| **American Funds EuPc;F3 (FEUPX)**             | 10.10| 27.42| 27.42  | 12.41   | 7.35    | 7.65    | 6.62     | -14.91| 31.02| 0.92 | -0.57| -2.41| 7.57| 01/01/1998 |
| **MSCI ACW Ex US Index (USD) (Net)**           | 8.92| 21.51| 21.51  | 9.87    | 5.51    | 5.44    | 4.97     | -14.20| 27.19| 4.50 | -5.66| -3.87| -   |            |
| **Difference**                                 | 1.18| 5.91 | 5.91   | 2.54    | 1.84    | 2.21    | 1.65     | -0.71 | 3.83 | -3.58| 5.09 | 1.46 | -   |            |
| **IM All ACWI Ex US (MF) Median**              | 9.55| 25.65| 25.65  | 10.42   | 5.51    | 5.89    | 5.54     | -15.50| 28.32| 1.01 | -1.19| -4.55| 5.69|            |
| **Rank**                                       | 33  | 30   | 30     | 27      | 23      | 23      | 17       | 24    | 40   | 33  | 51  | 39  | 29  |            |
| **Dodge & Cox Intl Stock (DODFX)**             | 10.61| 22.78| 22.78  | 7.67    | 3.68    | 6.11    | 5.76     | -17.98| 23.94| 8.26 | -11.35| 0.08| 8.16| 10/01/2011 |
| **MSCI ACW Ex US Index (USD) (Net)**           | 8.92| 21.51| 21.51  | 9.87    | 5.51    | 5.44    | 4.97     | -14.20| 27.19| 4.50 | -5.66| -3.87| 7.06|            |
| **Difference**                                 | 1.69| 1.27 | 1.27   | -2.20   | -1.83   | 0.67    | 0.79     | -3.78 | -3.25| 3.76 | -5.69| 3.95 | 1.10|            |
| **IM All ACWI Ex US (MF) Median**              | 9.55| 25.65| 25.65  | 10.42   | 5.51    | 5.89    | 5.54     | -15.50| 28.32| 1.01 | -1.19| -4.55| 7.61|            |
| **Rank**                                       | 24  | 63   | 63     | 84      | 85      | 45      | 44       | 84    | 83   | 4   | 93  | 8   | 41  |            |

Performance shown is net of fees. Inception dates shown represent the first full month following initial funding. Indices show "-" for "Since Inception" returns when the fund contains more history than the corresponding benchmark. Please see the Addendum for additional information regarding custom indices.
## Oregon State Bar Professional Liability Fund
### Comparative Performance

<table>
<thead>
<tr>
<th>Category</th>
<th>QTD</th>
<th>CYTD</th>
<th>1 Year</th>
<th>3 Years</th>
<th>5 Years</th>
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<td>8.72</td>
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<td>8.64</td>
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<td>8.64</td>
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<td>7.60</td>
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Performance shown is net of fees. Inception dates shown represent the first full month following initial funding. Indices show "-" for "Since Inception" returns when the fund contains more history than the corresponding benchmark. Please see the Addendum for additional information regarding custom indices.
### Oregon State Bar Professional Liability Fund
### Comparative Performance

**As of December 31, 2019**

<table>
<thead>
<tr>
<th>Fund Description</th>
<th>QTD</th>
<th>CYTD</th>
<th>1 Year</th>
<th>3 Years</th>
<th>5 Years</th>
<th>7 Years</th>
<th>10 Years</th>
<th>2018</th>
<th>2017</th>
<th>2016</th>
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<td>6.19</td>
<td>6.56</td>
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Performance shown is net of fees. Inception dates shown represent the first full month following initial funding. Indices show "-" for "Since Inception" returns when the fund contains more history than the corresponding benchmark. Please see the Addendum for additional information regarding custom indices.
As of December 31, 2019

Oregon State Bar Professional Liability Fund
Comparative Performance - Composite
QTD

CYTD

1
Year

2
Years

3
Years

5
Years

7
Years

10
Years

2018

2017

2016

2015

2014

Total Fund
Actual Allocation Index
Difference

5.02
4.73
0.29

16.36
16.17
0.19

16.36
16.17
0.19

5.91
6.07
-0.16

8.53
8.13
0.40

6.49
6.13
0.36

6.99
6.46
0.53

7.02
6.46
0.56

-3.60
-3.15
-0.45

13.97
12.36
1.61

7.39
6.12
1.27

-0.24
0.37
-0.61

Total Fund Ex Low Duration
Actual Allocation Ex Low Duration Index
Difference

5.19
4.89
0.30

17.76
17.32
0.44

17.76
17.32
0.44

6.27
6.36
-0.09

9.24
8.80
0.44

7.18
6.68
0.50

7.84
7.24
0.60

7.73
7.26
0.47

-4.11
-3.57
-0.54

15.45
13.86
1.59

8.66
6.97
1.69

Domestic Equity
Russell 3000 Index
Difference
US Equity Segment
Rank

9.02
9.10
-0.08
8.64
37

30.76
31.02
-0.26
28.69
28

30.76
31.02
-0.26
28.69
28

11.30
11.42
-0.12
10.05
27

14.51
14.57
-0.06
13.46
33

11.22
11.24
-0.02
10.50
31

14.22
14.38
-0.16
13.40
30

12.23
13.42
-1.19
12.88
66

-5.27
-5.24
-0.03
-5.78
42

21.21
21.13
0.08
20.71
39

International Equity
MSCI ACW Ex US Index (USD) (Net)
Difference
Intl. Equity Segment
Rank

10.50
8.92
1.58
9.29
17

25.93
21.51
4.42
22.64
19

25.93
21.51
4.42
22.64
19

2.64
2.11
0.53
3.08
59

10.52
9.87
0.65
10.51
50

6.09
5.51
0.58
6.44
66

7.49
5.44
2.05
6.82
26

6.53
4.97
1.56
6.53
50

-16.35
-14.20
-2.15
-13.71
91

Intermediate Fixed Income
Bloomberg US Agg Bond Index
Difference
US Fixed Income Segment
Rank

-0.04
0.18
-0.22
0.44
77

6.91
8.72
-1.81
9.09
84

6.91
8.72
-1.81
9.09
84

3.90
4.27
-0.37
4.33
70

4.62
4.03
0.59
4.44
47

4.09
3.05
1.04
3.67
39

3.61
2.72
0.89
3.27
41

4.99
3.75
1.24
4.80
46

Low Duration Fixed Income
ICE BofAML 1-3 Yr US Trsy Index
Difference

0.35
0.50
-0.15

3.96
3.54
0.42

3.96
3.54
0.42

2.73
2.56
0.17

2.22
1.84
0.38

1.84
1.39
0.45

1.66
1.13
0.53

Bank Loans
S&P/LSTA Lvg'd Loan Index
Difference

1.57
1.73
-0.16

7.48
8.64
-1.16

7.48
8.64
-1.16

4.08
4.46
-0.38

4.35
-

4.45
-

1.63
1.52
0.11
1.90
63

7.18
5.35
1.83
7.54
51

7.18
5.35
1.83
7.54
51

7.62
6.84
0.78
7.71
52

7.60
7.10
0.50
8.56
62

9.57
8.97
0.60
9.26
48

Real Estate
NCREIF ODCE Index (AWA) (Gross)
Difference
Real Estate Segment
Rank

Since
Incep.

Inception
Date

5.38
4.61
0.77

6.39
-

01/01/2005

-0.18
0.29
-0.47

6.32
5.97
0.35

6.90
6.37
0.53

01/01/2005

12.67
12.74
-0.07
12.45
46

0.62
0.48
0.14
0.28
36

12.69
12.56
0.13
11.02
18

8.81
9.03
-0.22
8.61
42

01/01/2005

28.14
27.19
0.95
28.21
51

5.16
4.50
0.66
4.34
35

-5.34
-5.66
0.32
-2.94
79

-0.59
-3.87
3.28
-2.44
24

6.76
5.25
1.51
6.18
21

01/01/2005

0.98
0.01
0.97
-0.38
14

6.08
3.54
2.54
4.74
31

5.24
2.65
2.59
4.21
40

1.39
0.55
0.84
-0.03
11

6.28
5.97
0.31
6.01
43

5.96
4.32
1.64
5.06
34

12/01/2005

2.63
1.22
1.41

1.51
1.58
-0.07

1.21
0.42
0.79

1.73
0.88
0.85

0.84
0.54
0.30

1.86
0.62
1.24

3.63
2.20
1.43

12/01/2005

4.15
-

5.01
-

0.79
0.44
0.35

4.12
-

10.16
-

-0.69
-

1.60
-

4.07
4.44
-0.37

07/01/2017

10.53
10.17
0.36
11.03
55

11.98
11.42
0.56
10.74
19

8.07
8.35
-0.28
8.14
52

7.54
7.62
-0.08
8.88
77

9.32
8.77
0.55
9.18
49

16.00
15.02
0.98
12.99
11

12.08
12.50
-0.42
13.06
66

7.39
7.72
-0.33
8.49
82

01/01/2005

Performance shown is gross of fees. Inception dates shown represent the first full month following initial funding. Indices show "-" for "Since Inception" returns when
the fund contains more history than the corresponding benchmark. Please see the Addendum for additional information regarding custom indices. Segment medians
shown are from the All Master Trust universe.

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Investment Manager Profiles
Manager: Vanguard TSM Idx:Inst (VITSX)
Benchmark: Vanguard Spl TSM Index
Peer Group: IM U.S. Multi-Cap Core Equity (MF)

Performance

<table>
<thead>
<tr>
<th></th>
<th>QTD 1</th>
<th>Year 1</th>
<th>3 Years</th>
<th>5 Years</th>
<th>7 Years</th>
<th>10 Years</th>
<th>2018</th>
<th>2017</th>
<th>2016</th>
<th>2015</th>
<th>2014</th>
</tr>
</thead>
<tbody>
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<td>Manager</td>
<td>9.01</td>
<td>30.81</td>
<td>14.55</td>
<td>11.21</td>
<td>14.34</td>
<td>13.43</td>
<td>-5.16</td>
<td>21.17</td>
<td>12.67</td>
<td>0.42</td>
<td>12.56</td>
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<tr>
<td>Benchmark</td>
<td>9.00</td>
<td>30.84</td>
<td>14.56</td>
<td>11.21</td>
<td>14.35</td>
<td>13.44</td>
<td>-5.17</td>
<td>21.19</td>
<td>12.68</td>
<td>0.40</td>
<td>12.58</td>
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<tr>
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<td>-0.03</td>
<td>-0.01</td>
<td>0.00</td>
<td>-0.01</td>
<td>-0.01</td>
<td>0.01</td>
<td>-0.02</td>
<td>-0.01</td>
<td>0.02</td>
<td>-0.02</td>
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<td>29</td>
<td>26</td>
<td>19</td>
<td>9</td>
<td>12</td>
<td>7</td>
<td>26</td>
<td>40</td>
<td>27</td>
<td>32</td>
<td>29</td>
</tr>
<tr>
<td>Population</td>
<td>750</td>
<td>738</td>
<td>654</td>
<td>562</td>
<td>478</td>
<td>390</td>
<td>752</td>
<td>728</td>
<td>678</td>
<td>623</td>
<td>714</td>
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</table>

Peer Group Scattergram - 10 Years

Peer Group Analysis - Multi Statistics - 10 Years (Excess Return vs. Risk Free)

<table>
<thead>
<tr>
<th></th>
<th>Excess Return</th>
<th>Tracking Error</th>
<th>Info Ratio</th>
<th>Sharpe Ratio</th>
<th>Downside Risk</th>
</tr>
</thead>
<tbody>
<tr>
<td>Manager</td>
<td>12.91 (9)</td>
<td>0.03 (100)</td>
<td>-0.31 (35)</td>
<td>1.01 (9)</td>
<td>7.79 (75)</td>
</tr>
<tr>
<td>Benchmark</td>
<td>12.92 (9)</td>
<td>0.00 (100)</td>
<td>N/A</td>
<td>1.01 (8)</td>
<td>7.79 (76)</td>
</tr>
<tr>
<td>Median</td>
<td>11.43</td>
<td>3.34</td>
<td>-0.47</td>
<td>0.84</td>
<td>8.22</td>
</tr>
</tbody>
</table>

Portfolio Characteristics and Dist. of Market Cap (%)

<table>
<thead>
<tr>
<th>Portfolio</th>
<th>Wtd. Avg. Mkt. Cap ($M)</th>
<th>Median Mkt. Cap ($M)</th>
<th>Price/Earnings Ratio</th>
<th>Price/Book Ratio</th>
<th>5 Yr. EPS Growth Rate (%)</th>
<th>Current Yield (%)</th>
<th>Beta (5 Years, Monthly)</th>
<th>Number of Securities</th>
<th>Active Share</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>241,051</td>
<td>1,175</td>
<td>22.65</td>
<td>3.51</td>
<td>14.20</td>
<td>1.79</td>
<td>1.00</td>
<td>3,540</td>
<td>0.65</td>
</tr>
<tr>
<td>Median</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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</table>

Sector Weights (%)

<table>
<thead>
<tr>
<th>Sector</th>
<th>Weight</th>
</tr>
</thead>
<tbody>
<tr>
<td>Communication Services</td>
<td>8.42</td>
</tr>
<tr>
<td>Consumer Discretionary</td>
<td>10.04</td>
</tr>
<tr>
<td>Consumer Staples</td>
<td>0.32</td>
</tr>
<tr>
<td>Energy</td>
<td>4.03</td>
</tr>
<tr>
<td>Financials</td>
<td>13.55</td>
</tr>
<tr>
<td>Health Care</td>
<td>14.16</td>
</tr>
<tr>
<td>Industrials</td>
<td>10.83</td>
</tr>
<tr>
<td>Information Technology</td>
<td>22.18</td>
</tr>
<tr>
<td>Materials</td>
<td>2.83</td>
</tr>
<tr>
<td>Real Estate</td>
<td>3.81</td>
</tr>
<tr>
<td>Utilities</td>
<td>3.28</td>
</tr>
<tr>
<td>Other</td>
<td>0.00</td>
</tr>
</tbody>
</table>

Performance shown is net of fees and product specific. Calculation is based on monthly periodicity. Parentheses contain percentile ranks.
Benchmark consists of DJ US TSM Index through 04/22/05; MSCI US Brd Mkt Index (USD) (Net) through 06/02/13; and CRSP US Tot Mkt Index thereafter.
Manager: American Funds EuPc:F3 (FEUPX)
Benchmark: MSCI ACW Ex US Index (USD) (Net)
Peer Group: IM All ACWI Ex US (MF)

Performance

<table>
<thead>
<tr>
<th></th>
<th>QTD 2018</th>
<th>1 Year 2018</th>
<th>2 Years 2018</th>
<th>3 Years 2018</th>
<th>5 Years 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Manager</td>
<td>10.10</td>
<td>27.42</td>
<td>12.44</td>
<td>7.26</td>
<td>7.51</td>
</tr>
<tr>
<td>Benchmark</td>
<td>8.92</td>
<td>21.51</td>
<td>9.87</td>
<td>5.51</td>
<td>5.44</td>
</tr>
<tr>
<td>Difference</td>
<td>1.18</td>
<td>5.91</td>
<td>2.57</td>
<td>1.75</td>
<td>2.07</td>
</tr>
<tr>
<td>Peer Group Median</td>
<td>9.55</td>
<td>25.65</td>
<td>10.42</td>
<td>5.51</td>
<td>5.89</td>
</tr>
</tbody>
</table>

Population: 435 435 435 348 319 270 442 469 438 373 396

Peer Group Scattergram - 10 Years

Peer Group Analysis - Multi Statistics - 10 Years (Excess Return vs. Risk Free)

<table>
<thead>
<tr>
<th></th>
<th>Excess Return</th>
<th>Tracking Error</th>
<th>Info Ratio</th>
<th>Sharpe Ratio</th>
<th>Downside Risk</th>
</tr>
</thead>
<tbody>
<tr>
<td>Manager</td>
<td>6.70 (26)</td>
<td>3.20 (76)</td>
<td>0.43 (21)</td>
<td>0.48 (27)</td>
<td>9.29 (73)</td>
</tr>
<tr>
<td>Benchmark</td>
<td>5.34 (65)</td>
<td>0.00 (100)</td>
<td>N/A</td>
<td>0.37 (66)</td>
<td>9.70 (45)</td>
</tr>
<tr>
<td>Median</td>
<td>5.89</td>
<td>3.71</td>
<td>0.15</td>
<td>0.41</td>
<td>9.55</td>
</tr>
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</table>

Portfolio Characteristics and Dist. of Market Cap (%)

<table>
<thead>
<tr>
<th></th>
<th>Portfolio</th>
<th>Benchmark</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wtd. Avg. Mkt. Cap ($M)</td>
<td>93,189</td>
<td>75,601</td>
</tr>
<tr>
<td>Median Mkt. Cap ($M)</td>
<td>24,315</td>
<td>8,444</td>
</tr>
<tr>
<td>Price/Earnings Ratio</td>
<td>20.54</td>
<td>16.14</td>
</tr>
<tr>
<td>Price/Book Ratio</td>
<td>3.05</td>
<td>2.34</td>
</tr>
<tr>
<td>5 Yr. EPS Growth Rate (%)</td>
<td>19.01</td>
<td>8.14</td>
</tr>
<tr>
<td>Current Yield (%)</td>
<td>0.86</td>
<td>3.19</td>
</tr>
<tr>
<td>Beta (5 Years, Monthly)</td>
<td>0.93</td>
<td>1.00</td>
</tr>
<tr>
<td>Number of Securities</td>
<td>309</td>
<td>2,412</td>
</tr>
<tr>
<td>Active Share</td>
<td>90.93</td>
<td>N/A</td>
</tr>
</tbody>
</table>

Region Weights (%)

- EM Asia: 16.93%
- EM Europe: 16.32%
- EM Latin America: 7.66%
- EM Mid East+Africa: 5.37%
- Europe ex UK: 10.53%
- Frontier Markets: 11.86%
- Japan: 14.97%
- Middle East: 16.14%
- North America: 5.83%
- Pacific ex Japan: 7.07%
- United Kingdom: 10.70%
- Other: 5.50%

Performance shown is net of fees and product specific. Calculation is based on monthly periodicity. Parentheses contain percentile ranks.
Manager: Dodge & Cox Intl Stock (DODFX)
Benchmark: MSCI ACW Ex US Index (USD) (Net)
Peer Group: IM All ACWI Ex US (MF)

As of December 31, 2019

**Performance**

<table>
<thead>
<tr>
<th></th>
<th>QTD 1</th>
<th>Year 2</th>
<th>Year 3</th>
<th>Year 5</th>
<th>Year 7</th>
<th>Year 10</th>
<th>2018</th>
<th>2017</th>
<th>2016</th>
<th>2015</th>
<th>2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>Manager</td>
<td>10.61</td>
<td>22.78</td>
<td>7.67</td>
<td>3.68</td>
<td>6.11</td>
<td>5.76</td>
<td>-17.98</td>
<td>23.94</td>
<td>8.26</td>
<td>-11.35</td>
<td>0.08</td>
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<tr>
<td>Benchmark</td>
<td>8.92</td>
<td>21.51</td>
<td>9.87</td>
<td>5.51</td>
<td>5.44</td>
<td>4.97</td>
<td>-14.20</td>
<td>27.19</td>
<td>4.50</td>
<td>-5.66</td>
<td>-3.87</td>
</tr>
<tr>
<td>Difference</td>
<td>1.69</td>
<td>1.27</td>
<td>-2.20</td>
<td>-1.83</td>
<td>0.67</td>
<td>0.79</td>
<td>-3.78</td>
<td>-3.25</td>
<td>3.76</td>
<td>-5.69</td>
<td>3.95</td>
</tr>
<tr>
<td>Peer Group Median</td>
<td>9.55</td>
<td>25.65</td>
<td>10.42</td>
<td>5.51</td>
<td>5.89</td>
<td>5.54</td>
<td>-15.50</td>
<td>28.32</td>
<td>1.01</td>
<td>-1.19</td>
<td>-4.55</td>
</tr>
</tbody>
</table>

**Peer Group Scattergram - 10 Years**

**Up/Down Markets - 10 Years**

**Peer Group Analysis - Multi Statistics - 10 Years (Excess Return vs. Risk Free)**

**Portfolio Characteristics and Dist. of Market Cap (%)**

**Region Weights (%)**

Performance shown is net of fees and product specific. Calculation is based on monthly periodicity. Parentheses contain percentile ranks.
Manager: DoubleLine:Cr Fxd Invl (DBLFX)  
Benchmark: Bloomberg US Agg Bond Index  
Peer Group: IM U.S. Broad Market Core+ Fixed Income (MF)  

### Performance

<table>
<thead>
<tr>
<th></th>
<th>QTD 1 Year</th>
<th>3 Years</th>
<th>5 Years</th>
<th>7 Years</th>
<th>10 Years</th>
<th>2018</th>
<th>2017</th>
<th>2016</th>
<th>2015</th>
<th>2014</th>
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<tbody>
<tr>
<td>Manager</td>
<td>0.32</td>
<td>7.99</td>
<td>4.16</td>
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<td>4.11</td>
<td>0.63</td>
<td>6.86</td>
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<td>Benchmark</td>
<td>0.18</td>
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<td>3.54</td>
<td>2.65</td>
<td>0.55</td>
<td>5.97</td>
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<tr>
<td>Difference</td>
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<td>0.13</td>
<td>0.39</td>
<td>0.52</td>
<td>N/A</td>
<td>-0.03</td>
<td>1.12</td>
<td>1.46</td>
<td>0.08</td>
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<tr>
<td>Peer Group Median</td>
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<td>9.33</td>
<td>4.15</td>
<td>3.22</td>
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<tr>
<td>Rank</td>
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<td>81</td>
<td>50</td>
<td>37</td>
<td>32</td>
<td>N/A</td>
<td>20</td>
<td>43</td>
<td>52</td>
<td>9</td>
</tr>
<tr>
<td>Population</td>
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<td>178</td>
<td>145</td>
<td>283</td>
<td>265</td>
<td>228</td>
<td>205</td>
</tr>
</tbody>
</table>

### Peer Group Scattergram - 7 Years

![Peer Group Scattergram](image)

### Up/Down Markets - 7 Years

![Up/Down Markets Graph](image)

### Peer Group Analysis - Multi Statistics - 7 Years (Excess Return vs. Risk Free)

<table>
<thead>
<tr>
<th></th>
<th>Excess Return</th>
<th>Tracking Error</th>
<th>Info Ratio</th>
<th>Sharpe Ratio</th>
<th>Downside Risk</th>
</tr>
</thead>
<tbody>
<tr>
<td>Manager</td>
<td>2.45 (33)</td>
<td>1.09 (68)</td>
<td>0.46 (29)</td>
<td>0.91 (17)</td>
<td>1.59 (80)</td>
</tr>
<tr>
<td>Benchmark</td>
<td>1.95 (60)</td>
<td>0.00 (100)</td>
<td>N/A</td>
<td>0.66 (56)</td>
<td>1.71 (69)</td>
</tr>
<tr>
<td>Median</td>
<td>2.11</td>
<td>1.32</td>
<td>0.13</td>
<td>0.70</td>
<td>1.82</td>
</tr>
</tbody>
</table>

### Portfolio Characteristics

<table>
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<th></th>
<th>Portfolio</th>
<th>Benchmark</th>
</tr>
</thead>
<tbody>
<tr>
<td>Effective Duration</td>
<td>4.76</td>
<td>5.87</td>
</tr>
<tr>
<td>Spread Duration</td>
<td>N/A</td>
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<tr>
<td>Avg. Maturity</td>
<td>6.59</td>
<td>8.06</td>
</tr>
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<td>Avg. Quality</td>
<td>A2</td>
<td>Aa1/Aa2</td>
</tr>
<tr>
<td>Yield To Maturity (%)</td>
<td>3.06</td>
<td>2.32</td>
</tr>
<tr>
<td>Coupon Rate (%)</td>
<td>3.73</td>
<td>3.17</td>
</tr>
<tr>
<td>Current Yield (%)</td>
<td>2.91</td>
<td>N/A</td>
</tr>
<tr>
<td>Holdings Count</td>
<td>1,668</td>
<td>11,037</td>
</tr>
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### Sector Distribution (%)

<table>
<thead>
<tr>
<th>Sector</th>
<th>Percentage</th>
</tr>
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<tbody>
<tr>
<td>Other</td>
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</tr>
<tr>
<td>Bank Loans</td>
<td>10.52</td>
</tr>
<tr>
<td>EMD</td>
<td>10.00</td>
</tr>
<tr>
<td>Dvfd Non-US Municpals</td>
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</tr>
<tr>
<td>Non-Inv Grade Corp</td>
<td>10.00</td>
</tr>
<tr>
<td>Inv Grade Corp</td>
<td>10.00</td>
</tr>
<tr>
<td>CMBS</td>
<td>10.00</td>
</tr>
<tr>
<td>ABS</td>
<td>10.00</td>
</tr>
<tr>
<td>Non-Agency MBS</td>
<td>10.00</td>
</tr>
<tr>
<td>Agency MBS</td>
<td>10.00</td>
</tr>
<tr>
<td>Gov't Related TIPS</td>
<td>10.00</td>
</tr>
<tr>
<td>US Trety</td>
<td>10.00</td>
</tr>
<tr>
<td>Cash Equiv</td>
<td>10.00</td>
</tr>
</tbody>
</table>

Performance shown is net of fees and product specific. Calculation is based on monthly periodicity. Parentheses contain percentile ranks. Allocation to "Other" consists of CLOs.
Manager: Guggenheim:TR Bd;Inst (GIBIX)  
 Benchmark: Bloomberg US Agg Bond Index  
 Peer Group: IM U.S. Broad Market Core+ Fixed Income (MF)

### Performance

<table>
<thead>
<tr>
<th></th>
<th>QTD 1</th>
<th>Year 1</th>
<th>3 Years</th>
<th>5 Years</th>
<th>7 Years</th>
<th>10 Years</th>
</tr>
</thead>
<tbody>
<tr>
<td>Manager</td>
<td>-0.64</td>
<td>4.69</td>
<td>4.02</td>
<td>3.88</td>
<td>4.25</td>
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<tr>
<td>Benchmark</td>
<td>0.18</td>
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<td>4.03</td>
<td>3.05</td>
<td>2.72</td>
<td>3.75</td>
</tr>
<tr>
<td>Difference</td>
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<td>-4.03</td>
<td>-0.01</td>
<td>0.83</td>
<td>1.53</td>
<td>N/A</td>
</tr>
<tr>
<td>Peer Group Median</td>
<td>0.37</td>
<td>9.33</td>
<td>4.15</td>
<td>3.22</td>
<td>2.90</td>
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<tr>
<td>Rank</td>
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<td>98</td>
<td>61</td>
<td>18</td>
<td>3</td>
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<tr>
<td>Population</td>
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<td>307</td>
<td>254</td>
<td>197</td>
<td>178</td>
<td>145</td>
</tr>
</tbody>
</table>

### Peer Group Scattergram - 7 Years

- **Return (%)** vs. **Risk (Standard Deviation %)**
  - Manager: 4.25%
  - Benchmark: 2.72%
  - Median: 2.90%

### Up/Down Markets - 7 Years

- 50 Up Months: 0.75%
- 34 Down Months: -0.24%

### Peer Group Analysis - Multi Statistics - 7 Years (Excess Return vs. Risk Free)

- **Excess Return**
  - Manager: 3.43 (3)
  - Benchmark: 1.95 (60)
  - Median: 2.11
- **Tracking Error**
  - Manager: 1.68 (22)
  - Benchmark: 0.00 (100)
  - Median: 1.32
- **Sharpe Ratio**
  - Manager: 0.88 (5)
  - Benchmark: N/A
  - Median: 0.13
- **Downside Risk**
  - Manager: 1.31 (1)
  - Benchmark: 0.66 (56)
  - Median: 1.82

### Portfolio Characteristics

<table>
<thead>
<tr>
<th></th>
<th>Portfolio</th>
<th>Benchmark</th>
</tr>
</thead>
<tbody>
<tr>
<td>Effective Duration</td>
<td>4.63</td>
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<td>Spread Duration</td>
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<td>5.25</td>
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<td>Avg. Quality</td>
<td>Aa3</td>
<td>Aa1/Aa2</td>
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<tr>
<td>Yield To Maturity</td>
<td>2.53</td>
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</tr>
<tr>
<td>Coupon Rate (%)</td>
<td>2.20</td>
<td>3.17</td>
</tr>
<tr>
<td>Current Yield (%)</td>
<td>2.11</td>
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</tr>
<tr>
<td>Holdings Count</td>
<td>1,044</td>
<td>11,037</td>
</tr>
</tbody>
</table>

### Sector Distribution (%)

- Other: 3.57%
- Bank Loans: 0.00%
- Municipal: 0.00%
- Non-Inv Grade Corp: 6.83%
- Inv Grade Corp: 2.08%
- CMBS: 18.62%
- ABS: 15.86%
- Non-Agency MBS: 0.45%
- Agency MBS: 12.40%
- Gov't Related: 5.72%
- US Treas: 22.73%
- Cash Equiv: 39.64%

Performance shown is net of fees and product specific. Calculation is based on monthly periodicity. Parentheses contain percentile ranks. Allocation to "Other" consists of repos, other fixed income mutual funds, and currency.
**Performance**

<table>
<thead>
<tr>
<th></th>
<th>QTD</th>
<th>1 Year</th>
<th>3 Years</th>
<th>5 Years</th>
<th>7 Years</th>
<th>10 Years</th>
<th>2018</th>
<th>2017</th>
<th>2016</th>
<th>2015</th>
<th>2014</th>
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</thead>
<tbody>
<tr>
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<td>1.80</td>
<td>1.41</td>
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<td>1.22</td>
<td>0.45</td>
<td>1.06</td>
</tr>
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<td>1.86</td>
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<td>0.87</td>
<td>0.57</td>
<td>0.64</td>
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<tr>
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<td>-0.02</td>
<td>-0.06</td>
<td>0.01</td>
<td>0.01</td>
<td>0.42</td>
<td>-0.51</td>
<td>0.32</td>
<td>0.35</td>
<td>-0.12</td>
<td>0.42</td>
</tr>
<tr>
<td>Peer Group Median</td>
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<td>3.17</td>
<td>1.64</td>
<td>1.20</td>
<td>0.89</td>
<td>1.15</td>
<td>1.11</td>
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<td>31</td>
</tr>
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<td>90</td>
<td>133</td>
<td>127</td>
<td>123</td>
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<td>138</td>
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</table>

**Peer Group Scattergram - 10 Years**

**Up/Down Markets - 10 Years**

**Peer Group Analysis - Multi Statistics - 10 Years (Excess Return vs. Risk Free)**

**Portfolio Characteristics**

<table>
<thead>
<tr>
<th></th>
<th>Portfolio</th>
<th>Benchmark</th>
</tr>
</thead>
<tbody>
<tr>
<td>Effective Duration</td>
<td>1.78</td>
<td>1.89</td>
</tr>
<tr>
<td>Spread Duration</td>
<td>N/A</td>
<td>1.89</td>
</tr>
<tr>
<td>Avg. Maturity</td>
<td>2.97</td>
<td>1.96</td>
</tr>
<tr>
<td>Avg. Quality</td>
<td>Aaa</td>
<td>Aaa/Aa1</td>
</tr>
<tr>
<td>Yield To Maturity (%)</td>
<td>2.20</td>
<td>1.60</td>
</tr>
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<td>Coupon Rate (%)</td>
<td>2.92</td>
<td>2.01</td>
</tr>
<tr>
<td>Current Yield (%)</td>
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<td>N/A</td>
</tr>
<tr>
<td>Holdings Count</td>
<td>156</td>
<td>236</td>
</tr>
</tbody>
</table>

**Sector Distribution (%)**

- CMBS: 0.67 (0.00)
- ABS: 0.00 (17.07)
- Agency MBS: 0.00 (58.55)
- Gov't Related: 0.00 (5.10)
- US Tray: 0.00 (17.09)
- Cash Equiv: 1.52 (0.00)

**Portfolio Benchmark**

Effective Duration 1.78 1.89
Spread Duration N/A 1.89
Avg. Maturity 2.97 1.96
Avg. Quality Aaa Aaa/Aa1
Yield To Maturity (%) 2.20 1.60
Coupon Rate (%) 2.92 2.01
Current Yield (%) 2.83 N/A
Holdings Count 156 236

Performance shown is net of fees and product specific. Calculation is based on monthly periodicity. Parentheses contain percentile ranks.
Manager: Voya Floating Rate I (IFRIX)
Benchmark: S&P/LSTA Lvg'd Loan Index
Peer Group: IM U.S. Bank Loans (MF)

As of December 31, 2019

Performance

<table>
<thead>
<tr>
<th></th>
<th>QTD 1</th>
<th>1 Year</th>
<th>3 Years</th>
<th>5 Years</th>
<th>7 Years</th>
<th>10 Years</th>
<th>2018</th>
<th>2017</th>
<th>2016</th>
<th>2015</th>
<th>2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>Manager</td>
<td>1.37</td>
<td>6.66</td>
<td>3.12</td>
<td>3.48</td>
<td>3.46</td>
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<td>2.79</td>
<td>7.64</td>
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<td>1.65</td>
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<td>Benchmark</td>
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<td>4.15</td>
<td>5.01</td>
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<td>-1.23</td>
<td>-0.97</td>
<td>-0.69</td>
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<td>-1.33</td>
<td>-2.52</td>
<td>1.22</td>
<td>0.05</td>
</tr>
<tr>
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<td>7.60</td>
<td>3.54</td>
<td>3.67</td>
<td>3.46</td>
<td>4.33</td>
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<td>3.61</td>
<td>8.85</td>
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<td>0.55</td>
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<td>75</td>
<td>58</td>
<td>51</td>
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<td>34</td>
<td>86</td>
<td>72</td>
<td>19</td>
<td>7</td>
</tr>
<tr>
<td>Population</td>
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<td>148</td>
<td>79</td>
<td>233</td>
<td>222</td>
<td>208</td>
<td>194</td>
<td>206</td>
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Peer Group Scattergram - 7 Years

Peer Group Analysis - Multi Statistics - 7 Years (Excess Return vs. Risk Free)

<table>
<thead>
<tr>
<th></th>
<th>Excess Return</th>
<th>Tracking Error</th>
<th>Info Ratio</th>
<th>Sharpe Ratio</th>
<th>Downside Risk</th>
</tr>
</thead>
<tbody>
<tr>
<td>Manager</td>
<td>2.65 (52)</td>
<td>0.65 (66)</td>
<td>-1.04 (54)</td>
<td>1.09 (24)</td>
<td>1.27 (88)</td>
</tr>
<tr>
<td>Benchmark</td>
<td>3.33 (9)</td>
<td>0.00 (100)</td>
<td>N/A</td>
<td>1.24 (11)</td>
<td>1.40 (73)</td>
</tr>
<tr>
<td>Median</td>
<td>2.66</td>
<td>0.72</td>
<td>-0.97</td>
<td>0.93</td>
<td>1.52</td>
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</table>

Portfolio Characteristics

<table>
<thead>
<tr>
<th>Portfolio</th>
<th>Benchmark</th>
</tr>
</thead>
<tbody>
<tr>
<td>Effective Duration</td>
<td>N/A</td>
</tr>
<tr>
<td>Spread Duration</td>
<td>N/A</td>
</tr>
<tr>
<td>Avg. Maturity</td>
<td>5.05</td>
</tr>
<tr>
<td>Avg. Quality</td>
<td>B1</td>
</tr>
<tr>
<td>Yield To Maturity (%)</td>
<td>6.57</td>
</tr>
<tr>
<td>Coupon Rate (%)</td>
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<td>Current Yield (%)</td>
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<tr>
<td>Holdings Count</td>
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</table>

Quality Distribution (%)

Performance shown is net of fees and product specific. Calculation is based on monthly periodicity. Parentheses contain percentile ranks.
**Performance**

<table>
<thead>
<tr>
<th></th>
<th>QTD</th>
<th>1 Year</th>
<th>3 Years</th>
<th>5 Years</th>
<th>7 Years</th>
<th>10 Years</th>
<th>2018</th>
<th>2017</th>
<th>2016</th>
<th>2015</th>
<th>2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benchmark</td>
<td>1.52</td>
<td>5.35</td>
<td>7.10</td>
<td>8.97</td>
<td>10.17</td>
<td>11.42</td>
<td>8.35</td>
<td>7.62</td>
<td>8.77</td>
<td>15.02</td>
<td>12.50</td>
</tr>
<tr>
<td>Difference</td>
<td>0.07</td>
<td>1.67</td>
<td>0.28</td>
<td>0.22</td>
<td>-0.63</td>
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<td>-0.93</td>
<td>0.08</td>
<td>1.03</td>
<td>-0.83</td>
<td>-2.68</td>
</tr>
</tbody>
</table>

**Historical Statistics - 10 Years (Excess Return vs. Risk Free)**

- **Manager**: 1.77, 4.88, 9.81, 10.41, 12.67, 13.15, 3.08, 3.16
- **Benchmark**: 2.14, 4.33, 7.45, 13.15, 1.46

- **Standard Deviation**: 1.77, 2.14, 4.88, 10.41, 12.67, 13.15, 3.08, 3.16
- **Sharpe Ratio**: 4.88, 4.33, 7.45, 13.15, 1.04, 1.03
- **Downside Risk**: 0.00, 0.00, 0.00, 0.00, 0.00, 0.00, 0.00, 0.00
- **Excess Return**: 9.81, 10.41, 13.15, 3.08, 3.16

**Actual Correlation - 10 Years**

- NCREIF ODCE Index (AWA) (Gross): 0.79
- S&P 500 Index (Cap Wtd): -0.21
- Russell 2000 Index: -0.17
- MSCI EAFE Index (USD) (Net): -0.24
- MSCI Emg Mkts Index (USD) (Net): -0.30
- Bloomberg US Agg Bond Index: -0.01
- Bloomberg US Trsy US TIPS Index: 0.06
- Wilshire US REIT Index: -0.08
- HFRI FOF Comp Index: -0.30
- Bloomberg Cmdty Index (TR): -0.15
- ICE BofAML 3 Mo US T-Bill Index: -0.54
- Cons Price Index (Unadjusted): -0.02

**Relative Performance - Since Inception**

- Cumulative Annualized Over/Under Relative Performance
- Over/Under Performance

---

As of December 31, 2019

Manager: Barings Core Property (CF)
Benchmark: NCREIF ODCE Index (AWA) (Gross)
The Fund pursues a diversified core real estate strategy and seeks to provide its investors with a real rate of return in excess of 5% and to outperform the NCREIF ODCE Index over the long-term. The Fund invests primarily in high quality assets across the four major property types (office, industrial, retail and multi-family) and in major metropolitan areas. The Fund favors wholly-owned assets and maintains a portfolio diversified by property type, geographic area, lifecycle, leverage and tenancy to control risk. It operates with moderate leverage and may invest up to 10% of its gross assets in higher risk, value-added real estate investment opportunities.

### Property Type Allocation (%)

<table>
<thead>
<tr>
<th>Property Type</th>
<th>Manager</th>
<th>Benchmark</th>
</tr>
</thead>
<tbody>
<tr>
<td>Apartment</td>
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</tr>
<tr>
<td>Hotel</td>
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<tr>
<td>Industrial</td>
<td>14.69</td>
<td>19.30</td>
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<tr>
<td>Office</td>
<td>31.28</td>
<td>33.80</td>
</tr>
<tr>
<td>Retail</td>
<td>17.13</td>
<td>17.10</td>
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<td>Other</td>
<td>2.69</td>
<td>4.30</td>
</tr>
</tbody>
</table>

### Geographic Allocation (%)

<table>
<thead>
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<th>Region</th>
<th>Manager</th>
<th>Benchmark</th>
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</thead>
<tbody>
<tr>
<td>West</td>
<td>42.45</td>
<td>41.70</td>
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<tr>
<td>East</td>
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<td>30.80</td>
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<tr>
<td>Midwest</td>
<td>4.56</td>
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</tr>
<tr>
<td>South</td>
<td>19.78</td>
<td>19.90</td>
</tr>
</tbody>
</table>

Performance shown is gross of fees and product specific. Calculation is based on quarterly periodicity. Investment profile data shown is provided by the investment manager and is as of the most recently available quarter end. Allocation data shown is based on NAV. Manager allocation to "Other" consists of land and self-storage. Benchmark allocation to "Other" consists of entertainment (theaters, golf courses, bowling alleys), healthcare (hospitals, clinics), manufactured homes, parking lots, self-storage units, senior living, and undeveloped land.
## Performance

### Historical Statistics - 10 Years (Excess Return vs. Risk Free)

<table>
<thead>
<tr>
<th>Year</th>
<th>QTD</th>
<th>1 Year</th>
<th>3 Years</th>
<th>5 Years</th>
<th>7 Years</th>
<th>10 Years</th>
<th>2018</th>
<th>2017</th>
<th>2016</th>
<th>2015</th>
<th>2014</th>
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<tbody>
<tr>
<td>Manager</td>
<td>1.65</td>
<td>7.27</td>
<td>7.71</td>
<td>9.75</td>
<td>10.95</td>
<td>12.31</td>
<td>8.42</td>
<td>7.44</td>
<td>9.14</td>
<td>16.74</td>
<td>13.03</td>
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<tr>
<td>Benchmark</td>
<td>1.52</td>
<td>5.35</td>
<td>7.10</td>
<td>8.97</td>
<td>10.17</td>
<td>11.42</td>
<td>8.35</td>
<td>7.62</td>
<td>8.77</td>
<td>15.02</td>
<td>12.50</td>
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<tr>
<td>Difference</td>
<td>0.13</td>
<td>1.92</td>
<td>0.61</td>
<td>0.78</td>
<td>0.78</td>
<td>0.89</td>
<td>0.07</td>
<td>0.18</td>
<td>0.37</td>
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### Actual Correlation - 10 Years

<table>
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<th>Actual Correlation</th>
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<tbody>
<tr>
<td>NCREIF ODCE Index (AWA) (Gross)</td>
</tr>
<tr>
<td>S&amp;P 500 Index (Cap Wtd)</td>
</tr>
<tr>
<td>Russell 2000 Index</td>
</tr>
<tr>
<td>MSCI EAFE Index (USD) (Net)</td>
</tr>
<tr>
<td>MSCI Emg Mkts Index (USD) (Net)</td>
</tr>
<tr>
<td>Bloomberg US Agg Bond Index</td>
</tr>
<tr>
<td>Bloomberg US Trsy US TIPS Index</td>
</tr>
<tr>
<td>Wilshire US REIT Index</td>
</tr>
<tr>
<td>HFRI FOF Comp Index</td>
</tr>
<tr>
<td>Bloomberg Cmdty Index (TR)</td>
</tr>
<tr>
<td>ICE BofAML 3 Mo US T-Bill Index</td>
</tr>
<tr>
<td>Cons Price Index (Unadjusted)</td>
</tr>
</tbody>
</table>

## Relative Performance - Since Inception

### Manager: RREEF America REIT II (CF)

Benchmark: NCREIF ODCE Index (AWA) (Gross)

As of December 31, 2019
Investment Strategy
The Fund pursues a diversified core real estate strategy and is qualified as a private real estate investment trust (REIT). It emphasizes the active management of stable, well located properties among the four primary property types (office, industrial, retail and multi-family) in major metropolitan markets throughout the US and seeks to provide preservation of capital, a steady income dividend, enhanced returns from portfolio construction, active management, selective value-added investments, and long term liquidity. It operates with a leverage limit of 30% and may invest up to 10% of its gross assets in higher-risk, value-added real estate investment opportunities.

Investment Profile
<table>
<thead>
<tr>
<th></th>
<th>1998</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fund Inception</td>
<td></td>
</tr>
<tr>
<td>Legal Structure</td>
<td>REIT</td>
</tr>
<tr>
<td>Fund Structure</td>
<td>Open-End</td>
</tr>
<tr>
<td>Gross Real Estate Assets ($M)</td>
<td>14,101</td>
</tr>
<tr>
<td>Fund Leverage %</td>
<td>17.78</td>
</tr>
<tr>
<td>Portfolio Occupancy %</td>
<td>91.01</td>
</tr>
<tr>
<td>Cash Reserve %</td>
<td>3.19</td>
</tr>
<tr>
<td>Number of Investments</td>
<td>109</td>
</tr>
<tr>
<td>Number of Limited Partners</td>
<td>311</td>
</tr>
</tbody>
</table>

Property Type Allocation (%)

Geographic Allocation (%)

Performance shown is gross of fees and product specific. Calculation is based on quarterly periodicity. Performance is currently preliminary due to unavailable data from the manager for the current quarter. Investment profile data shown is provided by the investment manager and is as of the most recently available quarter end. Allocation data shown is based on NAV. Benchmark allocation to “Other” consists of entertainment (theaters, golf courses, bowling alleys), healthcare (hospitals, clinics), manufactured homes, parking lots, self-storage units, senior living, and undeveloped land.
Addendum & Glossary
Performance Related Comments

- Performance shown is net of fees, unless otherwise noted.
- In 02/2011, assets invested in American Funds EuPc:A (AEPGX) were transferred in-kind to American Funds EuPc:F-2 (AEPFX). As such, client specific performance shown prior to 02/2011 is representative of the A share class.
- In 10/2014, assets invested in Vanguard TSM Idx;Sig (VTSSX) were transferred in-kind to Vanguard TSM Idx;Adm (VTSAX). As such, client specific performance shown prior to 10/2014 is representative of the Signal share class.

Manager Transition Comments

- In 09/2013, Aurora Offshore Fund II (CF) was liquidated. The full redemption was received on 10/24/2013.
- Westwood Income Opp:Inst (WHGIX) was funded in 10/2013 with proceeds from full redemption of Aurora Offshore Fund II (CF).
- In 05/2014, Platte River Fund, LP (CF) was liquidated, and the proceeds were reinvested in Vanguard TSM Idx;Sig (VTSSX). The full redemption was received on 05/13/2014.
- In 12/2014, PIMCO:Tot Rtn;Inst (PTTRX) and PIMCO:Low Dur;Inst (PTLDX) were liquidated, while Guggenheim;TR Bd;Inst (GIBIX) and WellsFargo:SD GV Bd:I (WSGIX) were funded.
- In 04/2016, shares of Vanguard TSM Idx;Adm (VTSAX) were exchanged for Vanguard TSM Idx;Inst (VITSX).
- In 11/2016, PIMCO:Comm RR Str;Inst (PCRIX) was liquidated.
- In 12/2016, Vanguard Infl-Prot:Adm (VAPIX) was liquidated.
- In 05/2017, PIMCO:All Asset;Inst (PAAIX) was liquidated. The proceeds were used to fund VOYA: Floating Rate;I (IFRIX) in 06/2017.
- In 01/2018, assets invested in American Funds EuPc:F2 (AEPFX) were transferred in-kind to American Funds EuPc:F3 (FEUPX). As such, client specific performance shown prior to 01/2018 is representative of the F2 share class.
- In 09/2019, Westwood Income Opp:Inst (WHGIX) was liquidated and the proceeds were reinvested in American Funds EuPc:F3 (FEUPX), Dodge & Cox Intl Stock (DODFX), DoubleLine:Cr Fxd In;I (DBLFX), Guggenheim;TR Bd;Inst (GIBIX), and Vanguard TSM Idx;Inst (VITSX).

Index Comments

- The Target Allocation Index is calculated monthly and currently consists of 29% Vanguard Spl TSM Index, 23% MSCI ACW Ex US Index (USD) (Net), 33% Bloomberg US Agg Bond Index, 5% S&P/LSTA Lvg'd Loan Index, and 10% NCREIF ODCE Index (AWA) (Net).
- From 12/2018 to 05/2019, the Target Allocation Index consisted of 26% Vanguard Spl TSM Index, 22% MSCI ACW Ex US Index (USD) (Net), 28% Bloomberg US Agg Bond Index, 5% S&P/LSTA Lvg'd Loan Index, 10% NCREIF ODCE Index (AWA) (Net), and 9% Westwood Custom Index.
- From 06/2017 to 11/2018, the Target Allocation Index consisted of 24% Vanguard Spl TSM Index, 21% MSCI ACW Ex US Index (USD) (Net), 26% Bloomberg US Agg Bond Index, 5% S&P/LSTA Lvg'd Loan Index, 10% NCREIF ODCE Index (AWA) (Net), and 14% Westwood Custom Index.
- From 12/2016 to 05/2017, the Target Allocation Index consisted of 24% Vanguard Spl TSM Index, 21% MSCI ACW Ex US Index (USD) (Net), 26% Bloomberg US Agg Bond Index, 10% NCREIF ODCE Index (AWA) (Net), 14% Westwood Custom Index, and 5% Real Return Custom Index.
- From 11/2013 to 11/2016, the Target Allocation Index consisted of 20% Vanguard Spl TSM Index, 19% MSCI ACW Ex US Index (USD) (Net), 22% Bloomberg US Agg Bond Index, 10% NCREIF ODCE Index (AWA) (Net), 14% Westwood Custom Index, and 15% Real Return Custom Index.
- In 10/2013, the Target Allocation Index consisted of 20% Vanguard Spl TSM Index, 19% MSCI ACW Ex US Index (USD) (Net), 22% Bloomberg US Agg Bond Index, 10% NCREIF ODCE Index (AWA) (Net), 14% 60% MSCI ACW (Net)/40% Bbrg Gbl Agg Idx, and 15% Real Return Custom Index.
- From 11/2010 to 09/2013, the Target Allocation Index consisted of 20% Russell 3000 Index, 19% MSCI ACW Ex US Index (USD) (Net), 22% Bloomberg US Agg Bond Index, 10% NCREIF ODCE Index (AWA) (Net), 14% 60% MSCI ACW (Net)/40% Bbrg Gbl Agg Idx, and 15% Real Return Custom Index.
- From 05/2006 to 10/2010, the Target Allocation Index consisted of 21% Russell 3000 Index, 21% MSCI ACW Ex US Index (USD) (Net), 22% Bloomberg US Agg Bond Index, 10% NCREIF ODCE Index (AWA) (Net), 14% HFN FOF Multi-Strat Index (Net), and 15% Real Return Custom Index.
- From 12/2005 to 04/2006, the Target Allocation Index consisted of 21% Russell 3000 Index, 20% MSCI ACW Ex US Index (USD) (Net), 31% Bloomberg US Agg Bond Index, 8% NCREIF Property Index, 10% HFN FOF Multi-Strat Index (Net), and 10% Real Return Custom Index.

The Actual Allocation Index and Actual Allocation Ex Low Duration Index are calculated monthly using beginning of month asset class weights applied to each corresponding manager benchmark return.

The Vanguard Spl TSM Index consists of DJ US TSM Index through 04/22/2005; MSCI US Brd Mkt Index (USD) (Net) through 06/02/2013; and CRSP US Tot Mkt Index thereafter.
<table>
<thead>
<tr>
<th>Fund Name</th>
<th>Fee Schedule</th>
<th>Market Value As of 12/31/2019 ($)</th>
<th>Estimated Annual Fee ($)</th>
<th>Estimated Annual Fee (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vanguard TSM Idx:Inst (VITSX)</td>
<td>0.03 % of Assets</td>
<td>17,377,230</td>
<td>5,213</td>
<td>0.03</td>
</tr>
<tr>
<td>American Funds EuPc:F3 (FEUPX)</td>
<td>0.49 % of Assets</td>
<td>6,826,726</td>
<td>33,451</td>
<td>0.49</td>
</tr>
<tr>
<td>Dodge &amp; Cox Intl Stock (DODFX)</td>
<td>0.63 % of Assets</td>
<td>6,745,956</td>
<td>42,500</td>
<td>0.63</td>
</tr>
<tr>
<td>DoubleLine:Cr Fxd In;I (DBLFX)</td>
<td>0.42 % of Assets</td>
<td>9,338,653</td>
<td>39,222</td>
<td>0.42</td>
</tr>
<tr>
<td>Guggenheim:TR Bd;Inst (GIBIX)</td>
<td>0.51 % of Assets</td>
<td>9,227,402</td>
<td>47,060</td>
<td>0.51</td>
</tr>
<tr>
<td>WellsFargo:SD Gv Bd;I (WSGIX)</td>
<td>0.42 % of Assets</td>
<td>1,564,912</td>
<td>6,573</td>
<td>0.42</td>
</tr>
<tr>
<td>Voya:Floating Rate;I (IFRIX)</td>
<td>0.80 % of Assets</td>
<td>2,800,401</td>
<td>22,403</td>
<td>0.80</td>
</tr>
<tr>
<td>Barings Core Property (CF)</td>
<td>1.00 % of First $25 M</td>
<td>1,937,973</td>
<td>19,380</td>
<td>1.00</td>
</tr>
<tr>
<td></td>
<td>0.80 % Thereafter</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RREEF America REIT II (CF)</td>
<td>0.95 % of Assets</td>
<td>3,512,436</td>
<td>33,368</td>
<td>0.95</td>
</tr>
<tr>
<td><strong>Total Fund</strong></td>
<td></td>
<td><strong>59,331,688</strong></td>
<td><strong>249,169</strong></td>
<td><strong>0.42</strong></td>
</tr>
</tbody>
</table>

Mutual Fund fees are sourced from Morningstar and/or the investment manager.
Glossary

**Active Return** - The difference between the investment manager/composite performance relative to the performance of an appropriate market benchmark.

**Active Share** - Measures the degree to which the holdings of a fund differ from the holdings of the benchmark. Active share is calculated by taking the sum of the absolute value of the differences of the weight of each holding in the fund versus the weight of each holding in the benchmark and dividing by two.

**Alpha** - A measure of the difference between a portfolio's actual returns and its expected performance, given its level of risk as measured by beta. It is a measure of the portfolio's historical performance not explained by movements of the market or a portfolio's non-systematic return.

**Alpha Ratio** - A measure of a portfolio's non-systematic return per unit of downside risk. It is measured by dividing the alpha of a portfolio by the downside risk. The non-systematic return is a measure of a portfolio's historical performance not explained by movements of the market.

**Average Quality** - Bond quality ratings are reported using the investment managers' and the index providers' preferred rating agency. Average Quality for managers unable to provide this statistic is instead provided by Morningstar; if unavailable on Morningstar, it has been estimated using a credit quality distribution provided by the manager. There are two primary rating agencies in the US. Moody's assigns ratings on a system that employs up to four symbols (consisting of letters and numbers) such as, Aaa, Aa2, etc., with Aaa being the highest or safest rating. Standard & Poor's (S&P) employs a system that uses + and - along with letters such as AAA, AA+, etc. The two rating agencies' systems are summarized below:

<table>
<thead>
<tr>
<th>S&amp;P</th>
<th>Moody's</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>AAA</td>
<td>Aaa</td>
<td>Prime/Highest credit quality</td>
</tr>
<tr>
<td>AA+</td>
<td>Aa1</td>
<td>High credit quality</td>
</tr>
<tr>
<td>AA</td>
<td>Aa2</td>
<td></td>
</tr>
<tr>
<td>AA-</td>
<td>Aa3</td>
<td></td>
</tr>
<tr>
<td>A+</td>
<td>A1</td>
<td>Upper-medium credit quality</td>
</tr>
<tr>
<td>A</td>
<td>A2</td>
<td></td>
</tr>
<tr>
<td>A-</td>
<td>A3</td>
<td></td>
</tr>
<tr>
<td>BBB+</td>
<td>Baa1</td>
<td>Lower-medium credit quality</td>
</tr>
<tr>
<td>BBB</td>
<td>Baa2</td>
<td></td>
</tr>
<tr>
<td>BBB-</td>
<td>Baa3</td>
<td></td>
</tr>
<tr>
<td>BB+</td>
<td>Ba1</td>
<td>Speculative/Low credit quality</td>
</tr>
<tr>
<td>BB</td>
<td>Ba2</td>
<td></td>
</tr>
<tr>
<td>BB-</td>
<td>Ba3</td>
<td></td>
</tr>
<tr>
<td>B+</td>
<td>B1</td>
<td>Highly speculative</td>
</tr>
<tr>
<td>B</td>
<td>B2</td>
<td></td>
</tr>
<tr>
<td>B-</td>
<td>B3</td>
<td></td>
</tr>
<tr>
<td>CCC+</td>
<td>Caa1</td>
<td>Substantial credit/default risk</td>
</tr>
<tr>
<td>CCC</td>
<td>Caa2</td>
<td>Extremely speculative</td>
</tr>
<tr>
<td>CCC-</td>
<td>Caa3</td>
<td></td>
</tr>
<tr>
<td>CC</td>
<td>Ca</td>
<td>Vulnerable to default</td>
</tr>
<tr>
<td>C</td>
<td>Ca</td>
<td></td>
</tr>
<tr>
<td>D</td>
<td>C</td>
<td>In default</td>
</tr>
</tbody>
</table>

**Benchmark Effect** - The difference between the blended return of each respective managers' benchmark within a composite and the composite's benchmark return.

**Beta** - A measure of the sensitivity of a portfolio to the movements in the market. It is a measure of a portfolio's non-derisifiable or systematic risk.

**Box Plots** - A graphical representation of the distribution of observations. From top to bottom, the four boxes represent the spread between the maximum value and the minimum value in each quartile. A quartile represents the values that divide the observations into four quarters (i.e., 1st quartile, 2nd quartile, 3rd quartile, and 4th quartile). The median observation is where the 2nd quartile and 3rd quartile meet.

**Buy and Hold Attribution** - At the beginning of the time period under analysis, the manager and benchmark portfolios are broken down into segments (i.e., styles, sectors, countries, and regions) based on the desired type of attribution. The formula assumes zero turn-over to the manager and benchmark portfolios throughout the period and calculates the segment returns ("buy and hold returns") to arrive at performance attribution. Due to portfolio turnover, buy and hold attribution may not accurately represent quarterly performance relative to the benchmark. Country, region, sector, and style allocations are as of the date one quarter prior to the reporting date, and the returns shown are for those segments throughout the quarter reported. Due to disclosure guidelines set by each investment manager, equity characteristics shown are as of the most recent date available. The following is the methodology for segment classification.

- **Sector** - Attribution is calculated using the Global Industry Classification Standard (GICS) which is a detailed and comprehensive structure for sector and industry analysis. Stocks are classified by their primary sector, as defined by S&P Capital IQ data.
- **Country/Region** - Attribution is calculated using the Morgan Stanley Capital International (MSCI) region standards. Stocks are classified by their domicile country/region, as defined by S&P Capital IQ data.
- **Style** - Stocks are classified into the following style boxes: large/mid/small vs. growth/neutral/value. Stocks are classified along large/mid/small categories at the time of the Russell index rebalancing, using the index market cap boundaries as cutoff points. Stocks are classified along growth/neutral/value categories at the time of the Russell index rebalancing, using the price/book ratio as supplied by S&P Capital IQ. Stocks in the Russell 3000 Index portfolio are sorted by price/book ratio; names with the highest price/book ratio that make up 1/3 of the total market capitalization are assigned to the growth category, names that make up the subsequent 1/3 of the total market capitalization are assigned to the neutral category, while the balance of the names are assigned to the value category.

Portfolio Characteristics and Buy and Hold Attribution reports utilize product-specific data for all mutual funds and commingled funds.

**Capital Markets Review**

- **Breakeven Inflation** - Measures the expected inflation rate at each stated maturity by taking the difference between the real yield of the inflation-linked maturity curve and the yield of the closest nominal Treasury maturity.
- **Consumer Confidence** - Measures domestic consumer confidence as defined by the degree of optimism on the state of the economy that consumers express through saving and spending.
- **Consumer Price Index (CPI)** - Measures the change in the price level of consumer goods and services.
- **Federal Funds Rate** - The interest rate at which a depository institution lends funds maintained at the Federal Reserve to another depository institution overnight. It is one of the most influential interest rates in the US economy, since it affects monetary and financial conditions, which in turn have a bearing on key aspects of the broad economy including employment, growth and inflation.
- **Option-Adjusted Spread** - Measures the flat spread of an index or bond to the Treasury yield curve after removing the effect of any embedded options.
**Glossary**

**Purchasing Managers Index (PMI)** - Measures economic activity by surveying purchasing managers on a monthly basis to whether business conditions have improved, worsened, or stayed the same.

**Real Gross Domestic Product (Real GDP)** - An inflation-adjusted measure that reflects the value of all goods and services produced by an economy in a given year.

**US Dollar Total Weighted Index** - Measures the value of the US Dollar relative to a basket of other world currencies. It is calculated as the weighted geometric mean of the dollar's value versus the EUR, GBP, CAD, SEK, CHF, and JPY.

**Unemployment Rate** - The percentage of the total labor force that is unemployed but actively seeking employment.

**VIX** - Measures the implied volatility of S&P 500 Index options by looking at the market's expectation of the S&P 500 Index volatility over the next 30 day period. Commonly referred to as the "fear index" or the "fear gauge."

**Cash Flow Effect** – The composite’s active return minus the sum of each managers’ active return minus the benchmark effect.

**Consistency** - The percentage of quarters that a product achieved a rate of return higher than that of its benchmark. The higher the consistency figure, the more value a manager has contributed to the product's performance.

**Convexity** - A measure of the shape of the curve that describes the relationship between bond prices and bond yields.

**Correlation** - A statistical measure of the relationship between asset class returns. A value of 1.00 is a perfect correlation; that is, the asset classes always move in the same direction. A value of -1.00 indicates a perfect negative correlation, in which the asset classes always move in opposite directions of each other. A value of 0 indicates there is no relationship between the direction of returns of the two asset classes. Correlation calculations only consider the direction of changes relative to two variables and not the magnitude of those changes.

**Coupon Rate** - The percentage rate of interest paid on a bond or fixed income security; it is typically paid twice per year.

**Current Yield** - The annual income of a security divided by the security's current price.

**Down Market Capture** - Down market by definition is negative benchmark return and down market capture represents the ratio in % terms of the average portfolios return over the benchmark during the down market period. The lower the value of the down market capture the better the product's performance.

**Downside Risk** - A measure similar to standard deviation, but focuses only on the negative movements of the return series. It is calculated by taking the standard deviation of the negative monthly returns. The higher the factor, the riskier the product.

**Earnings Per Share** - It is backward looking, calculated using the one year current EPS divided by the one year EPS five years ago.

**Effective Duration** - The approximate percentage change in a bond's price for a 100 basis point change in yield.

**Excess Return vs. Market** - Average of the monthly arithmetic difference between the manager's return and the benchmark return over a specified time period, shown on an annualized basis.

**Excess Return vs. Risk Free** - Average of the monthly arithmetic difference between the manager's return and the risk-free return (i.e., ICE BofAML 3 Mo US T-Bill Index unless specified otherwise) over a specified time period, shown on an annualized basis.

**Excess Risk** - A measure of the standard deviation of a portfolio's performance relative to the risk free return.

**Expense Ratios** - Morningstar is the source for mutual fund expense ratios.

**Gain/Loss** - The net increase or decrease in the market value of a portfolio excluding its Net Cash Flow for a given period.

**Indices** - All indices and related information are considered intellectual property and are licensed by each index provider. The indices may not be copied, used or distributed without the index provider's prior written approval. Index providers make no warranties and bear no liability with respect to the indices, any related data, their quality, accuracy, suitability and/or completeness.

**Information Ratio** - Measured by dividing the active rate of return by the tracking error. The higher the information ratio, the more value-added contribution by the manager.

**Liability Driven Investing (LDI)** - A method to optimally structure asset investments relative to liabilities. The change in liabilities is estimated by the Ryan Labs Generic PPA Index of appropriate duration for that Plan. This benchmark is based on generic data and is therefore an approximation. RVK is not an actuarial firm, and does not have actuarial expertise.

**Estimated Funded Status** - The estimated ratio of a Plan’s assets relative to its future liabilities. This is calculated by dividing the Plan's asset market value by the estimated present value of its liabilities. The higher the estimated funded status, the better the Plan’s ability to cover its projected benefit obligations. An estimated funded status of 100% indicates a Plan that is fully funded.

**Estimated PV of Liabilities** - An estimate of a Plan's future liabilities in present value terms. The beginning of the period liability is provided by the Plan's actuary. The period-end present value liability estimate provided in this report is derived by applying the estimated percentage change generated using the Ryan Labs Generic PPA Index with duration similar to that reported on the most recent actuarial valuation report.

**Duration of Liabilities** - The sensitivity of the value of a Plan's liabilities to changes in interest rates, as calculated by the Plan's actuary.

**Durated of Liabilities** - The dollar-weighted average duration of all the individual Plan assets.

**Estimated Plan Hedge Ratio** - The estimate of how well a Plan's investment portfolio is hedged against changes in interest rates - a primary driver of funded status movements. This is calculated by dividing the dollar-weighted values of both the Plan asset duration by the liability duration and multiplying by the estimated funded status. An estimated plan hedge ratio of zero indicates that the Plan's liabilities have not been hedged, whereas a value of one indicates fully hedged.

**Modified Duration** - The approximate percentage change in a bond's price for a 100 basis point change in yield, assuming the bonds’ expected cash flows do not change.
Glossary

**Mutual Fund Performance** - Whenever possible, manager performance is extended for any share class that does not have 10 years of history. Using Morningstar’s methodology, a single ticker within the same fund family (often the oldest share class) is chosen to append historical performance.

**Net Cash Flow** - The sum, in dollars, of a portfolio's contributions and withdrawals. This includes all management fees and expenses only when performance shown is gross of fees.

**Peer Groups** -
- **Plan Sponsor Peer Groups** - RVK utilizes the Mellon Analytical Solutions Trust Universe along with the Investment Metrics Plan Sponsor Universe. The combined Mellon Analytical Solutions Trust Universe and Investment Metrics Plan Sponsor Universe is used for comparison of total fund composite results and utilizes actual client performance compiled from consultant and custodian data. The Plan Sponsor Peer Group database includes performance and other quantitative data for over 2,100 plans which include corporate, endowment, foundation, public, and Taft Hartley plans. Plan Sponsor Peer Groups are gross of fees.
- **Investment Manager Peer Groups** - RVK utilizes Investment Metrics’ Peer Groups for investment manager peer comparison and ranking. The Investment Metrics Peer Group database includes performance and other quantitative data for over 840 investment management firms and 29,000 investments products, across more than 160 standard peer groups. Mutual Fund Peer Groups are net of fees.

**Percentile Rankings** - Percentile rank compares an individual fund's performance with those of other funds within a defined peer group of managers possessing a similar investment style. Percentile rank identifies the percentage of a fund's peer group that has a higher return (or other comparative measurement) than the fund being ranked. Conversely, 100 minus the individual fund's ranking will identify the percentage of funds within the peer group that have a lower return than the fund being ranked.

1 - Highest Statistical Value  100 - Lowest Statistical Value

**Performance Methodology** - RVK calculates performance for investment managers and composites using different methodologies.
- **Investment Managers** - Performance is calculated for interim periods between all large external cash flows for a given month and geometrically linked to calculate period returns. An external cash flow is defined as cash, securities, or assets that enter or exit a portfolio. RVK defines a "large cash flow" as a net aggregate cash flow of ≥10% of the beginning-period portfolio market value or any cash flow that causes RVK calculated performance to deviate from manager/custodian reported performance in excess of 5 basis points for a given month.
- **Composites** - The Modified Dietz methodology is utilized to calculate asset class, sub-asset class, and total fund composite performance. The Modified Dietz method calculates a time-weighted total rate of return that considers the timing of external cash flows; however, it does not utilize interim period performance to mitigate the impact of significant cash in- and outflows to the composite.

RVK calculates performance beginning with the first full month following inception. Since inception performance may vary from manager reported performance due to RVK using the first full month of returns as the inception date. Performance for both managers and composites is annualized for periods greater than one year.

**Portfolio Characteristics** - Due to disclosure guidelines set by each investment manager, portfolio characteristics shown are as of the most recent date available.

**Price to Earnings Ratio** - The ratio of a company’s share price to its per-share earnings

**Private Equity Quartile Ranks** - Private Equity quartile ranks are generated using vintage year peer group data provided by Thomson Reuters, and are based on each fund’s annualized, since inception internal rate of return (IRR). Three Private Equity peer groups are available via Thomson Reuters: Buyout, Venture, and All Private Equity. Ranks are available quarterly, at a one-quarter lag.

**Return** - Compounded rate of return for the period.

**% Return** - The time-weighted rate of return of a portfolio for a given period.

**R-Squared** - The percentage of a portfolio's performance explained by the behavior of the appropriate benchmark. High R-Squared means a higher correlation of the portfolio's performance to the appropriate benchmark.

**Risk Free Benchmark** – ICE BofAML 3 Mo US T-Bill Index unless specified otherwise.
Glossary

RVK Liquidity Rating - A qualitative method for determining the relative amount of liquidity in a portfolio. The characteristics considered when determining relative liquidity include trading volume, gates for redemption, leverage, nature of transactions, and pricing mechanisms. The RVK Liquidity Rating is calculated using beginning of month investment weights applied to each corresponding asset class liquidity rating.

<table>
<thead>
<tr>
<th>Asset Class</th>
<th>RVK Liquidity Rating</th>
</tr>
</thead>
<tbody>
<tr>
<td>Liquid Investments</td>
<td></td>
</tr>
<tr>
<td>T-Bills and Treasuries</td>
<td>100</td>
</tr>
<tr>
<td>Cash Equivalents</td>
<td>98</td>
</tr>
<tr>
<td>TIPS</td>
<td>95</td>
</tr>
<tr>
<td>US Large Cap Equity</td>
<td>95</td>
</tr>
<tr>
<td>Diversified Real Return</td>
<td>93</td>
</tr>
<tr>
<td>Stable Value (Participant Directed)</td>
<td>91</td>
</tr>
<tr>
<td>Non-US Large Cap Equity</td>
<td>90</td>
</tr>
<tr>
<td>Global Tactical Asset Allocation</td>
<td>88</td>
</tr>
<tr>
<td>US Small Cap Equity</td>
<td>85</td>
</tr>
<tr>
<td>REITs</td>
<td>85</td>
</tr>
<tr>
<td>Non-US Small Cap Equity</td>
<td>85</td>
</tr>
<tr>
<td>Emerging Markets Equity</td>
<td>85</td>
</tr>
<tr>
<td>Core Fixed Income</td>
<td>85</td>
</tr>
<tr>
<td>Core Plus Fixed Income</td>
<td>80</td>
</tr>
</tbody>
</table>

| Less Liquid Investments      |                      |
| Fixed Income Plus Sector     | 50                   |
| Bank Loans                   | 50                   |
| Stable Value (Plan Sponsor Directed) | 50   |
| Absolute Return Strategies   | 35                   |

| Not Liquid Investments       |                      |
| Core Real Estate             | 25                   |
| Core Plus Real Estate        | 15                   |
| Non-Core Real Estate         | 5                    |
| Private Equity Funds of Funds| 5                    |

Sector Allocation - Negative fixed income sector allocation reflects manager’s use of derivatives, short selling, or interest rate swaps.

Sharpe Ratio - Represents the excess rate of return over the risk-free return (i.e., ICE BofAML 3 Mo US T-Bill Index unless specified otherwise), divided by the standard deviation of the excess return to the risk free asset. The result is the absolute rate of return per unit of risk. The higher the value, the better the product’s historical risk-adjusted performance.

Simple Alpha - The difference between the manager's return and the benchmark's return.

Spread Duration - The approximate percentage change in a bond's price for a 100 basis point change in its spread over a Treasury of the same maturity.

Standard Deviation - A statistical measure of the range of a portfolio's performance. The variability of a return around its average return over a specified time period.

Time Period Abbreviations - QTD - Quarter-to-Date. CYTD - Calendar Year-to-Date. FYTD - Fiscal Year-to-Date. YOY - Year Over Year.

Thematic Classification - Represents dedicated manager allocations; as such, thematic allocations are approximations. RVK categorizes the following asset classes as Alpha, Capital Appreciation, Capital Preservation, and Inflation:

<table>
<thead>
<tr>
<th>Alpha</th>
<th>Capital Appreciation</th>
<th>Capital Preservation</th>
<th>Inflation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Absolute Return Strategies</td>
<td>Public Equity</td>
<td>Core Fixed Income</td>
<td>TIPS</td>
</tr>
<tr>
<td>Currency Overlay</td>
<td>Private Equity</td>
<td>CMBS Fixed Income</td>
<td>Bank Loans</td>
</tr>
<tr>
<td></td>
<td>Preferred Securities</td>
<td>Asset Backed Fixed Income</td>
<td>Core Real Estate</td>
</tr>
<tr>
<td></td>
<td>High Yield</td>
<td>Domestic Core Plus Fixed Income</td>
<td>Real Return</td>
</tr>
<tr>
<td></td>
<td>Convertible Fixed Income</td>
<td>Mortgage Backed Fixed Income</td>
<td>Inflation Hedges</td>
</tr>
<tr>
<td></td>
<td>TALF Funds</td>
<td>International Developed Fixed Income</td>
<td>REITs</td>
</tr>
<tr>
<td></td>
<td>Distressed Debt</td>
<td>Cash Equivalents</td>
<td>Commodities</td>
</tr>
<tr>
<td></td>
<td>Emerging Market Fixed Income</td>
<td>Stable Value</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Value Added Real Estate</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Opportunistic Real Estate</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Total Fund Attribution – The Investment Decision Process (IDP) model provides an approach to evaluating investment performance that applies to all asset classes and investment styles. The IDP model is based on a top-down hierarchy framework of investment decisions, with each decision contributing to the overall profit or loss. The IDP approach starts from the strategic asset allocation and follows the flow of the investments down to the manager’s skill.

Strategic Asset Allocation (SAA) – The percentage return gained or lost from the long-term strategic asset allocation decision, the most significant determinant of long-term performance. SAA is the product of the target asset allocation multiplied by the corresponding benchmark returns.

Tactical Asset Allocation (TAA) – The percentage return gained or lost from not having been precisely allocated at the target asset allocation mix, whether by deviations that are tactical in nature or a by-product of moving towards the target mix. TAA is the product of the actual asset allocation multiplied by the broad asset class benchmarks, less the SAA.

Style Selection (SS) – The percentage return gained or lost from intentional style biases within each asset class (e.g. value rather than core or overweight to emerging markets relative to benchmark). SS is the product of the actual manager allocation within each asset class multiplied by their specific benchmark, less TAA.

Manager’s Skill (MS) – The percentage return gained or lost from manager value added relative to their specific benchmark. MS is the product of the actual manager allocation multiplied by their achieved excess return.

Total Fund Beta - Total Fund Beta is calculated using the S&P 500 as the benchmark. It represents a measure of the sensitivity of the total fund to movements in the S&P 500 and is a measure of the Total Fund’s non-diversifiable or systematic risk.

Tracking Error - A measure of the standard deviation of a portfolio's performance relative to the performance of an appropriate market benchmark.
Glossary

**Treynor Ratio** - Similar to Sharpe ratio, but focuses on beta rather than excess risk (standard deviation). Treynor ratio represents the excess rate of return over the risk-free rate (i.e., ICE BofAML 3 Mo US T-Bill Index unless specified otherwise) divided by the beta. The result is the absolute rate of return per unit of risk. The higher the value, the better historical risk-adjusted performance.

**Unit Value** - The dollar value of a portfolio, assuming an initial nominal investment of $100, growing at the compounded rate of %Return for a given period.

**Up Market Capture** - Up market by definition is positive benchmark return and up market capture represents the ratio in % terms of the average portfolios return over the benchmark during the up market period. The higher the value of the up market capture the better the product's performance.

**Yield to Maturity** - The rate of return achieved on a bond or other fixed income security assuming the security is bought and held to maturity and that the coupon interest paid over the life of the bond will be reinvested at the same rate of return. The 30-Day SEC Yield is similar to the Yield to Maturity and is reported for mutual funds.

**Yield to Worst** - The bond yield calculated by using the worst possible yield taking into consideration all call, put, and optional sink dates.
Disclaimer of Warranties and Limitation of Liability - This document was prepared by RVK, Inc. (RVK) and may include information and data from some or all of the following sources: client staff; custodian banks; investment managers; specialty investment consultants; actuaries; plan administrators/record-keepers; index providers; as well as other third-party sources as directed by the client or as we believe necessary or appropriate. RVK has taken reasonable care to ensure the accuracy of the information or data, but makes no warranties and disclaims responsibility for the accuracy or completeness of information or data provided or methodologies employed by any external source. This document is provided for the client’s internal use only and does not constitute a recommendation by RVK or an offer of, or a solicitation for, any particular security and it is not intended to convey any guarantees as to the future performance of the investment products, asset classes, or capital markets.
MEMORANDUM

DATE: January 15, 2020
TO: OSB Board of Governors
FROM: Nena Cook
RE: 2019 Claims Attorney and Defense Counsel Evaluations (through December 2019)

Since the early 1990s, we have sent our Covered Parties evaluation forms at the closure of their claim files for them to complete and return to us. Because the PLF is a mandatory program for Covered Parties and they have no choice but to buy their professional liability coverage from the PLF, we believe it is important to give them an opportunity to express their opinion about how their claims were handled. Attached for your information is a copy of the evaluation form sent to each Covered Party upon closure of the file.

We have always received high marks from our Covered Parties. We question them in three major categories about how the claim was handled: 1) overall handling; 2) handling by PLF Claims Attorney; and 3) representation by defense or repair counsel.

The PLF Claims Department closed 937 claims in 2019 and received 336 evaluations (36% of claims closed) from the Covered Parties. The results of the 2019 evaluations are as follows:

**PLF OVERALL:**

<table>
<thead>
<tr>
<th>Total Responses</th>
<th>Very Satisfied</th>
<th>% of Responses</th>
<th>Satisfied</th>
<th>% of Responses</th>
<th>Not Satisfied</th>
<th>% of Responses</th>
</tr>
</thead>
<tbody>
<tr>
<td>336</td>
<td>308</td>
<td>91.67%</td>
<td>26</td>
<td>7.74%</td>
<td>2</td>
<td>0.59%</td>
</tr>
</tbody>
</table>

**PLF CLAIMS ATTORNEY:**

<table>
<thead>
<tr>
<th>Total Responses</th>
<th>Very Satisfied</th>
<th>% of Responses</th>
<th>Satisfied</th>
<th>% of Responses</th>
<th>Not Satisfied</th>
<th>% of Responses</th>
</tr>
</thead>
<tbody>
<tr>
<td>336</td>
<td>313</td>
<td>93.16%</td>
<td>20</td>
<td>5.95%</td>
<td>3</td>
<td>0.89%</td>
</tr>
</tbody>
</table>
We are pleased with both the level of response and the degree of satisfaction expressed by our Covered Parties. The evaluations reflected 99.41% of those responding were very satisfied/satisfied with the overall handling of their claim, 99.11% were very satisfied/satisfied with the performance of their PLF Claims Attorneys, and 99.04% were very satisfied/satisfied with the performance of their defense or repair counsel. The PLF Claims Attorneys work hard at providing our Covered Parties with the good service they deserve and should feel proud of this accomplishment.

NC/ms  
Att.

c: Cindy Hill (w/att.)
CONFIDENTIAL EVALUATION FORM
October 31, 2019

Our claims experience indicates that many of our covered parties have ideas, feedback, and information which assist us in preventing future losses. We request your cooperation in answering the following questions. If the space provided is inadequate for your comments, please feel free to attach additional pages. All information will remain confidential.

Covered Party: [CP]  Bar No.: [OSB#]
Claimant(s): [CL]  PLF Claim No.: [File #]

PLF Claims Staff Attorney: <Claims Attorney>
Assigned Defense Counsel: [DP Counsel Name or N/A]

I. PLF CLAIMS STAFF:
   I. (a) How satisfied were you overall with the handling and disposition of the above referenced matter?
   ☐ Very Satisfied  ☐ Satisfied  ☐ Not Satisfied
   I. (b) How satisfied were you overall with the services provided by the PLF staff attorney?
   ☐ Very Satisfied  ☐ Satisfied  ☐ Not Satisfied
   I. (c) Were you kept fully informed by the PLF staff attorney?
   ☐ Yes  ☐ No
   I. (d) If this matter was settled, did you find the settlement reasonable?
   ☐ Yes  ☐ No
   I. (e) Other comments or suggestions:

II. DEFENSE OR REPAIR COUNSEL: (Complete this section only if outside defense or repair counsel was assigned to this matter.)
   II. (a) How satisfied were you overall with the services of the assigned defense or repair counsel?
   ☐ Very Satisfied  ☐ Satisfied  ☐ Not Satisfied
   II. (b) Were you kept fully informed at all stages?
   ☐ Yes  ☐ No
   II. (c) Did you find the fees charged reasonable?
   ☐ Yes  ☐ No
III. LOSS PREVENTION/GENERAL:

III. (a) What do you feel prompted this legal malpractice claim/repair?

________________________________________________________________________

III. (b) What advice would you pass on to others who face similar situations?

________________________________________________________________________

III. (c) Using the benefit of hindsight, what would you have done differently?

________________________________________________________________________

☐ I would like free and confidential office systems assistance. Please have a PLF Practice Management Advisor contact me. If you would like to call for an appointment, call 503-639-6911 or 1-800-452-1639.

The Oregon Attorney Assistance Program (OAAP) provides free and confidential assistance with alcohol and chemical dependency, career satisfaction, stress management, procrastination, and gambling addiction. If you would like more information, contact one of our OAAP Attorney Counselors at (503) 226-1057:

Kyra Hazilla, ext. 13
Shari R. Pearlman, ext. 14
Karen A. Neri, ext. 11
Doug Querin, ext. 12
Bryan R. Welch, ext. 19

Number of lawyers in your firm at the time the alleged error occurred: __________

Areas of law in which you practiced at the time the alleged error occurred (by percentage):

<table>
<thead>
<tr>
<th>Business</th>
<th>Real Estate</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Criminal</td>
<td>Workers Comp.</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Domestic Relations</td>
<td>Other (specify):</td>
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<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Estate &amp; Probate</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>PI Plaintiff</td>
<td></td>
</tr>
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<td></td>
<td></td>
</tr>
</tbody>
</table>

TOTAL: __________

Estimated number of hours you spent on this claim: __________

Thank you for providing us with this feedback. **PLEASE RETURN WITHIN 10 DAYS TO:**

Attn: Nancy
Professional Liability Fund
PO Box 231600
Tigard, OR 97281-1600
OREGON STATE BAR
Board of Governors Agenda

Meeting Date: February 7, 2020
Memo Date: January 27, 2020
From: Nena Cook, PLF CEO
Re: Proposed amendment to PLF Bylaws, Article 3

Action Recommended

Approve the proposed amendment to PLF Bylaws, Article 3 to give the Board discretion to allow a departing CEO to serve on the Board for a one-year period after the CEO leaves the PLF.

Background

The PLF Board of Directors approved the proposed amendment to PLF Bylaws, Article 3 submitted from Carol Bernick at its December 6, 2019 board meeting. Ms. Bernick’s memo stated the following:

“I began at the PLF on October 1, 2014. Ira Zarov’s last day as CEO was September 30, 2014. In other words, we had no overlap. Fortuitously, John Berge, then a BOD member with 15 months left on his term, applied for and was hired as a Claims Attorney at the PLF. Ira offered to fill John’s remaining term. Since finding a new Board member was the last thing I wanted to focus on in my first week, I gladly accepted the offer. Some members of both the BOD and the BOG were reluctant, fearing that the former CEO’s presence on the BOD might undermine – even unintentionally – the authority of the new CEO. I was not concerned, as I knew Ira had a vested interest in my success. Having Ira available to me to have privileged conversations was invaluable.

Some have suggested that Nena and the PLF’s transition to Nena would benefit from my serving on the Board. There is not a current opening on the Board, which means the Bylaws need amendment. Both Saville and I have spoken to Nena about this idea and she seems genuinely enthusiastic for the same reasons I was. While I have provided Nena with a great deal of information, based on my experience, her deeper questions will come after she has been in the position for a few months. I would of course be happy to talk with her anytime even if I was not on the Board, but that position protects our communications and gives her (and the PLF) that
assurance. It is not unusual in for-profit companies for a retiring CEO to remain a member of the Board.

The proposed language allows the Board to choose whether to appoint a departing CEO for a period of no more than one year. I have not made the position *ex-officio* mostly so I can help with the committee and Assigned Director work (taking the load off other Board members). But, if that is the Board’s preference, I have no problem with that change.”

See attached proposed amendment.

NC/clh

Attachment: Article 3.5 of PLF Bylaws (2020)
BYLAWS OF THE PROFESSIONAL LIABILITY FUND

Preamble
The Professional Liability Fund ("PLF") does hereby adopt the following as its Bylaws.

ARTICLE 1
PARTICIPATION IN PLF

1.1 Every active member of the Oregon State Bar ("OSB") engaged in the private practice of law with principal office in Oregon is required to participate in the mandatory coverage of the PLF unless otherwise exempt.

(BOD 5/14/93; BOG 8/13/93; BOD 10/22/04; BOG 11/20/04)

ARTICLE 2
ASSESSMENTS

2.1 The Board of Directors will determine at least annually the assessment for the ensuing Claims Made Plan Period.

(BOD 10/22/04; BOG 11/10/04; BOD 08/10/12; BOG 11/10/12)

ARTICLE 3
DIRECTORS

3.1 The PLF will be administered by a Board of Directors of nine persons selected by the Board of Governors of the Oregon State Bar. Seven persons will be and two persons will not be members of the Oregon State Bar. Each Director will serve for a term of five years and until a successor is appointed. Unless otherwise specified, a Director’s term begins on January 1 of the year following appointment and continues for 5 years.

3.2 If a position becomes vacant, the Board of Governors will appoint a successor to that position for the unexpired period of the term.

3.3 (A) Any Director who has missed two consecutive regularly scheduled Directors meetings or three meetings in any six-months’ period must provide an explanation upon request. If such Director fails to respond to the Board of Directors’ request, or if a majority of the Board of Directors deems such explanation insufficient, the Board of Directors may suspend the Director and notify the Board of Governors that it requests that the Director be removed pursuant to Article 23.1 of the Oregon State Bar bylaws. In the event that at the next scheduled meeting of the Board of Governors, the Board elects not to remove the Director, the Director will resume his or her place on the PLF Board.

(B) In addition to removal pursuant to Section 3.3 of this Article, a Director may be suspended for cause only at a meeting called for the purpose of suspending the Director and the meeting notice must state that the purpose, or one of the purposes, of the meeting is to suspend the Director. A two thirds majority is required to suspend the Director. Representative examples of cause include breaches of fiduciary duty to the PLF, the prosecution of the Board member by the State Professional Responsibility Board, a criminal conviction, a court sanction, or any such other conduct that comprises the integrity of the Board member and that creates a reasonable expectation that such conduct will be detrimental to the PLF. If a Director is suspended, the Board of Directors will notify the Board of Governors that it requests that the Director be removed pursuant to Article 23.1 of the Oregon State Bar bylaws. In the event that at the next scheduled meeting of the Board of Governors, the Board elects not to remove the Director, the Director will resume his or her place on the PLF Board.

(C) Any Board member who accepts employment or whose firm accepts employment that is prohibited by Article 11 of the PLF Bylaws will be removed from the Board by a majority vote of the Board.

3.4 By October 31 of each year the Board of Directors will forward to the Board of Governors a list of recommended Director nominees equal to or greater than the number of available positions on the Board in the coming year. The Board will seek nominees according to qualifications determined by the PLF Board. These may include, but are not limited to, consideration of gender,
minority status, ability, experience, type of law practice, and region.

3.5 The Board of Directors may appoint a departing Chief Executive Officer to the Board of Directors for a period not to exceed one year following the CEO's resignation or retirement from the Board. Such an appointment would be in addition to the Board membership set forth in Article 3.1.

ARTICLE 4
OFFICERS

4.1 The officers of the PLF Board of Directors will consist of a Chairperson, Vice Chairperson, and Secretary.

4.2 The PLF Board officers will be elected and may be removed by a majority of the PLF Board of Directors.

4.3 Each PLF Board officer will serve successive terms of one year and until the officer's successor is elected.

4.4 The Chairperson will preside at all meetings of the Board of Directors and will have the authority to exercise the power of the Board between meetings of the Board. The Chairperson will perform all other duties as are incident to the office or are properly required by the Board of Directors.

4.5 The Vice Chairperson will perform the duties of the Chairperson in the absence or disability of the Chairperson and such other duties as may be assigned by the Chairperson or the Board. The Vice Chairperson will also be the Chairperson-Designate and will be the sole nominee for Chairperson at the next following election of officers unless at the time of the election, at least five members of the Board vote to permit additional nominations.

4.6 The Secretary will be responsible for maintaining appropriate and accurate minutes of
The ONLD Executive Committee met in Newberg on Saturday, January 11 for the annual retreat and January Executive Committee meeting. We were joined by OSB BOG Liaison John Grant.

The 2020 retreat focused on: (1) Getting to know the many new members of the Executive Committee, and Committee Chairs; (2) discussing the plans for the four Committees; and (3) discussing how best to serve the ONLD members in each Region.

BOG liaison John Grant informed the Executive Committee about the new, finalized Mission, Goals/Functions of the Oregon State Bar, stressing the importance of keeping public service in mind. The Executive Committee discussed keeping all ONLD events in line with the OSB Mission and goals. The Chair appointed an ad hoc committee to review the ONLD’s own Mission Statement/Goals and bylaws to ensure that they are consistent with the BOG’s new language.

The ONLD have the following goals/focus for 2020:

The CLE Committee will focus on ensuring that at least one low-cost CLE is held in each Region, will host a Super Saturday CLE, giving new lawyers the opportunity to be exposed to a variety of practice areas appropriate for new lawyers, will partner with the PLF on Learning the Ropes and will ensure that a CLE takes place in conjunction with each travel meeting of the ONLD Executive Committee.

The Student Outreach Committee will work with the three law schools on networking and other opportunities for law students, will be involved with the May/October swearing-in ceremonies, and will look for opportunities to reach out to programs beyond the Portland Metro area with which it can partner to further exposure to lawyers/legal careers among non-dominant cultures.

The Access to Justice Committee will continue to partner with legal services providers on volunteer recruitment among new lawyers.

The Membership Committee will continue its work of hosting partnered, monthly networking events in the tri-county area, and is partnering with the CLE Committee for the CLE/networking events that will happen in each Region.

The Executive Committee discussed how best to support new lawyers embarking into a solo or small firm practice. The Chair appointed an ad hoc committee to discuss this new project. It will likely be in the format of small web-based seminars on varying topics. The ONLD will partner with BOG liaison John Grant, the Solo and Small Firm Section, the PLF, and Affinity Bars for this project.
The Chair appointed liaisons to the following Committees: LRAP, Pro Bono, ACDI, MCLE, Quality of Life, Public Service and Legal Services along with the Solo and Small Firm Section Executive Committee is outstanding.

The Executive Committee will meet next on February 22 in Astoria.

Networking and/or CLE events held or scheduled so far in 2020 include:

• University of Oregon 1L mock interviews, followed by a networking event on January 24 with approximately 40 attendees

• Astoria Attorney Wellness CLE/Networking on February 21, in partnership with the OAAP

• Tax Section/law student networking event in Eugene on March 2

• Roseburg Attorney Wellness CLE/Networking event on April 3, in partnership with the OAAP and the Douglas County Bar Association

• Professionalism CLE/Networking event in Clackamas County on June 26, in partnership with the Clackamas County Bar Association
OREGON STATE BAR
Board of Governors Agenda

Meeting Date: February 6, 2020
Memo Date: January 10, 2020
From: Jade Priest-Maoz, MCLE Program Manager, MCLE Committee Liaison
Re: Proposed MCLE Regulation 4.300(e) for the fair and equal application of MCLE Rule 4.2(c)

Action Recommended

Approve the proposed MCLE Regulation 4.300(e) for the consistent application of the MCLE sponsor fee required by MCLE Rule 4.2(c).

Background

MCLE Rule 4.2(c), which requires the payment of an MCLE sponsor fee to cover the costs of accreditation, has not historically been applied equally to all MCLE program sponsors. MCLE Rule 4.2(c) states:

A written application for accreditation of a group CLE activity submitted by or on behalf of the sponsor of the CLE activity shall be accompanied by the program sponsor fee required by MCLE Regulation 4.300.

There is no exception, however, to Rule 4.2(c) set forth in the MCLE Rules. The MCLE Program Manager has blanket authority under Rule XX to waive fees in cases of hardship ...

While most sponsors willingly pay the sponsor fee, certain sponsors have objected to paying the fee on the grounds they have not historically been charged, they have limited resources, or they are in some way affiliated with the bar and therefore believe they should be exempt from paying the fee. For example, until recently, XXXX has asserted they are “exempt” from paying a sponsor fee.

While at one time there was an exemption to the sponsor fee for local bar associations, in November 2015, the BOG removed this exemption in the interest of fairness. The BOG also considered the impact this exemption had on bar revenue at the time. No other exemption to the MCLE sponsor fee has ever been carved out in the MCLE Rules.

The same amount of bar staff time and resources is used to process program accreditation applications no matter the sponsor of the program. Bar staff strives to apply the MCLE Rules fairly to all OSB members and CLE program sponsors. The de facto practice of enforcing MCLE Rule 4.2(c) on some sponsors and not others may give the impression the MCLE sponsor fee requirements are not applied consistently to all sponsors. In addition, the loss
of revenue from unpaid sponsor fees has a direct impact of all OSB members in that bar fees are directly affected by bar revenue.

At its September 27, 2019, the MCLE Committee discussed this issue and determined that it was important to prioritize the consistent application of sponsor application fees pursuant to MCLE Rule 4.2(c), as memorialized in the attached policy. Bar staff recommended this policy be implemented in the form of a Regulation to MCLE Rule 4. The MCLE Committee agreed and unanimously approved the attached proposed amendment to Regulation 4.300.

Discussion

Bar staff and the MCLE Committee now recommend the BOG approve the proposed MCLE Regulation 4.300(e) effective immediately.
RESOLUTION

RESOLVED, That the American Bar Association urges Congress to enact legislation to clarify and explicitly ensure that it shall not constitute a federal crime for lawyers, consistent with state, territorial, and tribal ethical rules, to provide legal advice and services to clients regarding marijuana-related activities that are in compliance with state, territorial, and tribal law.
RESOLVED, That the American Bar Association urges state, territorial, and federal courts to apply the modern incorporation doctrine standards to the Seventh Amendment to the Constitution of the United States and make its formulation of the fundamental right to trial by jury in civil cases applicable to all states of the Union.
RESOLVED, That the American Bar Association urges Congress to enact legislation to clarify and ensure that it shall not constitute a federal crime for banking and financial institutions to provide services to businesses and individuals, including attorneys, who receive compensation from the sale of state-legalized cannabis or who provide services to cannabis-related legitimate business acting in accordance with state, territorial, and tribal laws; and

FURTHER RESOLVED, That the American Bar Association urges that such legislation should clarify that the proceeds from a transaction involving activities of a legitimate cannabis-related business or service provider shall not be considered proceeds from an unlawful activity solely because the transaction involves proceeds from a legitimate cannabis-related business or service provider, or because the transaction involves proceeds from legitimate cannabis-related activities.
RESOLUTION

RESOLVED, That the American Bar Association urges Congress to enact legislation to clarify and explicitly ensure that it shall not constitute a federal crime for lawyers, consistent with state, territorial, and tribal ethical rules, to provide legal advice and services to clients regarding marijuana-related activities that are in compliance with state, territorial, and tribal law.
INTRODUCTION

This Resolution addresses the current uncertainty facing lawyers in the provision of advice and legal services to clients within the cannabis industry resulting from the tension between state and federal law over marijuana regulation. A majority of states have legalized marijuana in at least some circumstances, while the federal government continues to ban the drug outright. Although the federal government has taken limited steps to accommodate state reforms, the gap between state and federal law has created a tension and uncertainty relating to the criminal prosecution of activity in or relating to marijuana. Regardless of current federal prohibitions, the state-legalized marijuana industry was estimated at $10.4 billion as of the end of 2016, employing some 250,000 Americans.¹

This Resolution addresses the provision of advice and legal services in jurisdictions where marijuana has been legalized, many of which have amended or interpreted their ethical rules of professional responsibility to explicitly allow lawyers to provide advice and legal services relating to conduct expressly permitted by state law.² However, such advice and legal services may nonetheless constitute a violation of federal criminal law. Lawyers are concerned by the very real possibility of criminal prosecution and, at minimum, by ethical qualms arising from the current legally ambiguous nature of providing such legal services. As a result, lawyers and law firms are deterred from representing clients involved in the state-legalized marijuana trade or representing ancillary companies providing services to companies directly involved in the state-legalized marijuana trade.

This policy is necessary to clarify that such provision of advice and legal services in compliance with state law does not constitute unlawful activity pursuant to federal law. This policy is crucial for allowing lawyers to advise clients without fear of criminal liability, assist such clients to comply with both state and federal laws, allow for the development

BACKGROUND ON FEDERAL PROHIBITION

Even as these state reforms have proliferated—and public support for them has ballooned, federal law governing marijuana has remained essentially unchanged since the passage of the Controlled Substances Act (CSA) in 1970. Under the CSA, all controlled substances (essentially, all substances—with the notable exceptions of alcohol and tobacco—that can cause dependence) are placed onto one of five Schedules (I-V) using criteria that relate to the substance's medical benefits and its harms. Congress itself placed marijuana on Schedule I when it passed the CSA, reflecting the belief (circa 1970) that marijuana was a dangerous drug with no proven medical benefits that could otherwise redeem it.

This classification means that marijuana—like other Schedule I drugs, such as heroin and LSD—is subjected to the strictest possible regulatory controls. Indeed, the manufacture, distribution, and even possession of Schedule I substances, including marijuana, are criminal offenses outside of very narrowly circumscribed FDA-approved clinical research trials.

THE RESULTING LEGAL QUAGMIRE

There is an obvious tension between marijuana's federal Schedule I status—which prohibits marijuana in virtually all circumstances—and state regulatory reforms—which increasingly authorize marijuana for at least some purposes. While state and federal law often diverge—on everything from environmental to workplace laws—marijuana policy is the only area where the states regulate and tax conduct the federal government nearly universally prohibits.

In recent years, the federal government and the states have reached an uneasy truce that has reduced, but not eliminated, this tension. Guidance memos from the Department of Justice (DOJ) to United States Attorneys around the country once generally counseled deference to state policy as a matter of policy (not law). While those memos were rescinded by then-Attorney General Sessions, and then apparently re-adopted by

6 See, e.g., Justin McCarthy, Two in Three Americans Now Support Legalizing Marijuana, Gallup, Oct. 22, 2018 (reporting that 66% of Americans support legalizing marijuana, up from only 12% in 1970).

9 The CSA is codified at 21 U.S.C. §§ 801 et seq. Congress has recently enacted one notable reform: it narrowed the definition of “marijuana” for purposes of the CSA, and thus the scope of the statute’s ban on the drug, when it passed the 2018 Farm Bill. See Robert A. Mikos, See New Congressional Farm Bill Legalizes Some Marijuana, Marijuana Law, Policy and Authority Blog, https://mv.vanderbilt.edu/marijuanaw/2019/12/new-congressional-farm-bill-legalizes-some-marijuana (Dec. 13, 2018) (noting that 2018 Farm Bill excludes from the definition of marijuana cannabis that contains less than 0.3% THC by dry weight).

10 21 U.S.C. § 812(b). These criteria include the substance’s accepted medical use (if any), its potential for abuse, and its physical and psychological effects on the body. Id.

11 See id. at §841 (criminalizing marijuana trafficking); Id. at § 844 (criminalizing marijuana possession).

12 See Memorandum from David W. Ogden, Deputy Attorney Gen., to Selected U. S. Attorneys (Oct 19, 2009); Memorandum from James M. Cole, Deputy Attorney Gen., to All U. S. Attorneys (Aug. 29, 2013).
What is more, the ongoing tension has generated considerable confusion over the enforceability of some state regulations. Although Congress may not force the states to ban marijuana (e.g., to enact or retain their own state law prohibitions on marijuana activities), just how far the states may depart from the federal government's approach to regulating marijuana remains unclear.16 State laws regulating a variety of activities—from employment discrimination against marijuana users to taxation of marijuana sales—have been subject to preemption challenges brought by private parties and even state officials.19

In short, despite State law, Cannabis remains an illegal controlled substance everywhere in the United States.

No one should be satisfied with the legal and regulatory quagmire that has resulted from the unresolved tension between state reforms and federal law. Although many of the burdens described above fall upon marijuana users and suppliers, not all of these costs are internalized to those violating federal law. For example, the unavailability of even the most basic banking services means that marijuana is a multi-billion dollar cash business. This makes marijuana businesses and their clients targets of crime and significantly hampers the work of the state regulators and tax collectors who govern them.

THE UNCERTAINTY FACING LAWYERS

This tension between federal and state laws directly impacts attorneys with clients in or interested in entering state-authorized marijuana business activities. Regardless of state law, so long as marijuana remains a Schedule I controlled substance such client’s marijuana business activities remain federally criminal conduct. Thus, the provision of

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19 E.g., Bourgoin v. Twin Rivers Paper Co., LLC, 187 A.3d 10 (Maine 2018) (holding state workers compensation law preempted to the extent it required employer to compensate injured employee for purchase of medical marijuana); Nebraska v. Colorado, 136 S.Ct. 1034 (2016) (denying states’ request for leave to file complaint in Supreme Court’s original jurisdiction; complaint had sought declaration that regulatory structure created by Colorado’s Amendment 64 conflicts with and is thus preempted by the federal CSA).
law. Legal counsel is vital to the development of law and regulations. Because of the central importance of the rule of law to the American system of government and the conflict between federal and state laws related to marijuana, it is the purpose of this Resolution to ensure attorneys working in states that have chosen to legalize marijuana are permitted to represent clients, in accordance with state law, without fear of federal criminal prosecution. Until such fear is addressed, lawyers will continue to be deterred from advancing the rule of law and clients will continue to be deprived of much needed legal guidance and counsel.

Respectfully submitted,

Dorothea M. Capone
Chair, Tort Trial and Insurance Practice Section
February 2020
7. Brief explanation regarding plans for implementation of the policy, if adopted by the House of Delegates.
Work with Congress to introduce legislation.

8. Cost to the Association. (Both direct and indirect costs)
None.

9. Disclosure of Interest. (If applicable)
None.

10. Referrals.
Business Law Section
Center for Professional Responsibility
Section of Civil Rights & Social Justice
Criminal Justice Section
Health Law Section
Intellectual Property Law Section
Labor & Employment Law Section
Section of Litigation
Real Property, Trust and Estate Law Section
Section of Taxation

11. Name and Contact Information. (Prior to the Meeting. Please include name, telephone number and e-mail address). Be aware that this information will be available to anyone who views the House of Delegates agenda online.)

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EXECUTIVE SUMMARY

1. Summary of this Resolution

This Resolution resolves the current uncertainty facing lawyers in the provision of advice and legal services to clients within the cannabis industry resulting from the tension between state and federal law over marijuana regulation. A majority of states have legalized marijuana in at least some circumstances, while the federal government continues to ban the drug outright. Because marijuana related activities remain federally criminal conduct, the fear of prosecution for conspiring to commit a crime or aiding and abetting a crime is currently deterring lawyers from advising clients operating state-authorized marijuana businesses, who are thus deprived of desperately needed counsel and guidance. This Resolution is necessary to clarify that such provision of advice and legal services in compliance with state law does not constitute unlawful activity pursuant to Federal law. This Resolution is crucial for allowing lawyers to advise clients without fear of criminal liability, assist such clients to comply with both state and federal laws, allow for the development of laws and regulations, and will align with the ultimate objectives of the Department of Justice: adherence to the rule of law.

2. Summary of the Issue that this Resolution Addresses

This Resolution addresses the lack of clarity as to whether lawyers may be prosecuted for violating or conspiring to violate any federal act merely by providing advice and legal services to a client relating to a state-authorized marijuana activity or business. Statutory clarity will remove the fear of prosecution, allowing lawyers to advance the rule of law by providing such clients with much needed counsel and guidance on adhering to state laws and navigating the tension between state and federal law.

3. Please Explain How the Proposed Policy Position Will Address the Issue

This Resolution will provide explicit statutory clarity that exempts from criminal prosecution the provision of advice and legal services relating to statute-authorized marijuana activity or business, consistent with the ethical rules of that state.

4. Summary of Minority Views or Opposition Internal and/or External to the ABA Which Have Been Identified

Not applicable / None.
RESOLUTION

RESOLVED, That the American Bar Association urges state, territorial, and federal courts to apply the modern incorporation doctrine standards to the Seventh Amendment to the Constitution of the United States and make its formulation of the fundamental right to trial by jury in civil cases applicable to all states of the Union.
REPORT

Historical Background

When the States considered ratification of the Constitution of the United States, the most salient argument against replacement of the Articles of Confederation with the newly drafted Constitution was the absence of a bill of rights.1 The right to trial by jury was contained in each of the state declarations of rights that preceded the U.S. Constitution and was the right most urgently advocated for the Bill of Rights.2 The importance of juries, both generally and in civil cases in particular, is well recognized in the policies of the Association. Even so, the guarantee of the fundamental right to a civil jury trial currently depends on state constitutions. Three states, Colorado, Louisiana, and Wyoming, have no civil-jury trial guarantee in their state constitutions.3 All other state constitutions guarantee a civil-jury trial, but apply it unevenly and sometimes less rigorously than the federal courts apply the Seventh Amendment right to trial by jury in civil cases.

Originally, the provisions of the federal Bill of Rights applied only to the federal government and not the states.4 Under the organic acts, only those parts of the U.S. Constitution obligatory on the states apply as well to territories.5 For that reason, the resolution, if implemented, would also extend Seventh Amendment rights to territories. However, tribal courts, as the judicial branch of a separate sovereign are not subject to the Bill of Rights or the Fourteenth Amendment,6 and the resolution makes no change to those arrangements.

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1 W. Virginia State Bd. of Educ. v. Barnette, 319 U.S. 624, 635-37 (1943) ("Without promise of a limiting Bill of Rights it is doubtful if our Constitution could have mustered enough strength to enable its ratification.").
3 Eric J. Hamilton, Note, Federalism and the State Civil Jury Rights, 85 Stan. L. Rev. 851, 858-59 (2013). Louisiana follows a civil-law tradition, rather than the common law, unique among states. Because the Seventh Amendment preserves the jury-trial right as it existed at common law, federal law will determine eligibility for the application of the Seventh Amendment. Parsons v. Bedford, 28 (3 Pet.) U.S. 433, 447 (1830), established that the Seventh Amendment's reference to suits under common law embraced cases in which "legal rights were to be ascertained and determined, in contradistinction to those where equitable rights alone were recognized." In addition, the Supreme Court held that "the Seventh Amendment also applies to actions brought to enforce statutory rights that are analogous to common-law causes of action ordinarily decided in English law courts in the late 18th century, as opposed to those customarily heard by courts of equity or admiralty." Grandfis. G. A. v. Nordberg, 492 U.S. 33, 42 (1989). The federal district courts already have experience applying this principle to Louisiana statutory causes of action because the Seventh Amendment applies in federal courts sitting by diversity. Gasperini v. Ctr. for Humanities, Inc., 518 U.S. 415, 432 (1996).
4 Barton v. City of Baltimore, 32 U.S. 243, 247 (1833).
5 See, e.g. Newby v. Gov't of Guam, 2010 Guam 4, ¶ 45 (Guam Mar. 5, 2010). ("the Seventh Amendment's guarantee of a civil jury trial has never been extended to the States, and because the Organic Act only extends the Seventh Amendment to Guam as it applies to the States, see 48 U.S.C. § 1421b(u) (2006)."
than according to the rules of the common law." The Amendment is generally acknowledged to contain two complimentary provisions: the Preservation Clause and the Reexamination Clause. The Preservation Clause protects the right to trial by jury as it existed under the English common law when the Amendment was adopted. More broadly, the Preservation Clause protects a litigant's rights to a jury trial and all the prerogatives that come with it. The Reexamination Clause, on the other hand, prevents substitution of judicial factfinding for the jury's determinations.

The test for a Seventh Amendment violation is fundamentally historical in nature and consists of two questions: 1) "whether we are dealing with a cause of action that either was tried at law at the time of the founding or is at least analogous to one that was;" and, 2) whether the particular trial decision must fall to the jury in order to preserve the substance of the common-law right as it existed in 1791.

The Incorporation Doctrine

Under the Incorporation Doctrine, a federal right is applicable to the States "if it is 'fundamental to our scheme of ordered liberty,' or 'deeply rooted in this Nation's history and tradition.'" In 2019, the Supreme Court unanimously applied the Excessive Fines Clause of the Eighth Amendment to the States for the first time. Also, recently, the Second Amendment's right to bear arms was incorporated.

Unquestionably, civil jury trials are a "fundamental" feature of our justice system. Moreover, it is essential to a fair trial. It thus qualifies under the first alternative test for incorporation. Still, it qualifies as well for incorporation under the second alternative test.

Like the Excessive Fines Clause incorporated in *Timbs*, the civil-jury right "traces its venerable lineage back to at least 1215" and Magna Carta. William Blackstone wrote that Magna Carta's acknowledgement of trial by jury was "the principal bulwark of our

16 *Markman*, 517 U.S. at 376 (citations omitted).
17 *Timbs*, 139 S. Ct. at 687.
18 Id.
19 *Id.*
23 *Cf. Timbs*, 139 S. Ct. at 687. See also *Magna Carta* ch. 39 (1215).
24 Sir William Blackstone's commentaries on English common law, published on the eve of the American Revolution in 1765 had a profound impact on American legal thinking and were widely accepted as "the most satisfactory exposition of the common law of England .... [U]ndoubtedly, the framers of the Constitution were familiar with it." *Schick v. United States*, 195 U.S. 85, 69 (1904).
Just as Timbs said of the excessive-fines prohibition, the jury-trial right "has been a constant shield throughout Anglo-American history." Indeed, as with excessive fines, "the historical and logical case for concluding that the Fourteenth Amendment incorporates the [Amendment] is overwhelming." Given the modern approach to the Incorporation Doctrine, arguments against application of the Seventh Amendment, as the Supreme Court recognized in incorporating the Second Amendment, are "nothing less than a plea to disregard 50 [now 60] years of incorporation precedent and return . . . to a bygone era."

The precedents against incorporation long predate incorporation precedent. Seventh Amendment incorporation was only reviewed in Walker v. Sauvinet, 92 (2 Otto) U.S. 90 (1875) and Minneapolis & St. Louis R. Co. v. Bombolakis, 241 U. S. 211 (1916). Both decisions preceded the Supreme Court's first articulation of what is now called the Incorporation Doctrine in Gitlow v. New York, 268 U.S. 652 (1925), which held that the Fourteenth Amendment's Due Process Clause made the First Amendment's free-speech guarantee applicable to the States. Today's Supreme Court has criticized reliance on the cases from that earlier era, because they "did not engage in the sort of Fourteenth Amendment inquiry required by our later cases," and has invited courts to undertake that analysis.

Although it may be anticipated that some states may oppose incorporation of a civil jury trial right because of the added expense that more jury trials may involve, however, as the Ninth Circuit has held, "the availability of constitutional rights does not vary with the rise and fall of account balances in the Treasury." That statement reflects, as well, the ABA's position adopted in 2014 AM Res. 105a, where the report favorably quoted the Ninth Circuit on this issue and opposed the "suspension or delay of the fundamental right to a civil jury trial, in the face of difficult fiscal circumstances."

Conclusion

The resolution urges state, territorial, and federal courts to apply the modern incorporation doctrine standards to the Seventh Amendment to the Constitution of the United States and make its formulation of the fundamental right to trial by jury in civil cases applicable to all states and territories of the Union. It is an issue the Supreme Court has not revisited since 1916. In the time since then, the Supreme Court has applied the Incorporation Doctrine to nearly every other provision of the Bill of Rights. In 2019, it applied, for the first time, the Eighth Amendment's Excessive Fines Clause and, this term, is considering incorporation of the Sixth Amendment's unanimous criminal jury requirement, a position that the ABA urged the Supreme Court to adopt in an amicus brief. If the unanimous criminal jury requirement is incorporated, only the Seventh Amendment's civil-jury guarantee and the Third Amendment's quartering of troops provision will remain.

35 Timbs, 139 S. Ct. at 689; see also Victoria A. Ferrai-Myers, Ph.D. & Jason B. Myers, Echoes of the Founding: The Jury in Civil Cases as Conferor of Legitimacy, 54 SMU L. Rev. 1857 (2001).
36 Timbs, 139 S.Ct. at 689.
37 McDonald, 561 U.S. at 780.
39 Amster v. United States District Court for the District of Alaska, 792 F.2d 1423, 1429 (9th Cir. 1986).
GENERAL INFORMATION FORM

Submitting Entity: Tort Trial and Insurance Practice Section

Submitted By: Thea M. Capone, Chair, Tort Trial and Insurance Practice Section

1. **Summary of the Resolution(s).**

   This resolution urges state and federal courts to apply the modern incorporation doctrine standards to the Seventh Amendment to the Constitution of the United States and make its formulation of the fundamental right to trial by jury in civil cases applicable to all states of the Union.

2. **Approval by Submitting Entity.**

   Approved by the Tort Trial and Insurance Practice Section on November 13, 2019.

3. **Has this or a similar resolution been submitted to the House or Board previously?**

   No.

4. **What existing Association policies are relevant to this Resolution and how would they be affected by its adoption?**

   Not applicable.

5. **If this is a late report, what urgency exists which requires action at this meeting of the House?**

   Not applicable.

6. **Status of Legislation. (If applicable)**

   Not applicable.

7. **Brief explanation regarding plans for implementation of the policy, if adopted by the House of Delegates.**

   The resolution would enable the Association to file an amicus curiae brief in support of a case that asks that the Seventh Amendment be applied to applicable common-law causes of action that originate in state courts.

8. **Cost to the Association. (Both direct and indirect costs)**

   None.
EXECUTIVE SUMMARY

1. Summary of the Recommendation

This resolution urges state, territorial, and federal courts to apply the modern incorporation doctrine standards to the Seventh Amendment to the Constitution of the United States and make its formulation of the fundamental right to trial by jury in civil cases applicable to all states and territories of the Union.

2. Summary of the Issue that the Recommendation Addresses

The Supreme Court has not revisited incorporation of the Seventh Amendment since 1916. In the time since then, the Supreme Court has applied the Incorporation Doctrine to nearly every provision of the Bill of Rights. In the past decade, it has incorporated the Second Amendment’s right to bear arms and the Eighth Amendment’s Excessive Fines Clause. This term, it is considering the Sixth Amendment’s unanimous criminal jury requirement. If the latter is incorporated, it leaves only the Seventh Amendment’s civil-jury guarantee and the Third Amendment’s quartering of troops provision as unincorporated. That Third Amendment has not figured in litigation, so that it effectively treats the civil jury as an orphan from the rest of the Bill of Rights, even though its claim for importance and its place in our history and traditions is second to none. This resolution seeks to remedy that and help restore the civil jury trial right to its proper place in the pantheon of rights guaranteed by the Bill of Rights.

3. Please Explain How the Proposed Policy Position Will Address the Issue

This resolution will permit the Association to participate as amicus curiae on the incorporation question involving civil juries as it has, most recently, on the incorporation of the Excessive Fines Clause.

4. Summary of Minority Views or Opposition Which Have Been Identified

At this time, the sponsors do not know of any opposition.
RESOLVED, That the American Bar Association urges Congress to enact legislation to clarify and ensure that it shall not constitute a federal crime for banking and financial institutions to provide services to businesses and individuals, including attorneys, who receive compensation from the sale of state-legalized cannabis or who provide services to cannabis-related legitimate business acting in accordance with state, territorial, and tribal laws; and

FURTHER RESOLVED, That the American Bar Association urges that such legislation should clarify that the proceeds from a transaction involving activities of a legitimate cannabis-related business or service provider shall not be considered proceeds from an unlawful activity solely because the transaction involves proceeds from a legitimate cannabis-related business or service provider, or because the transaction involves proceeds from legitimate cannabis-related activities.
REPORT

INTRODUCTION

This Resolution addresses the current banking uncertainties facing lawyers who provide services to, and other businesses operating in, the legitimate cannabis industry resulting from the tension between state and federal law over marijuana regulation. A majority of states have legalized marijuana for medical or recreational use, while the federal government continues to ban the drug outright. Although the federal government has taken limited steps to accommodate state reforms, the gap between state and federal law has created tension and uncertainty relating to the criminal prosecution of activity in, or relating to, marijuana. Regardless of current federal prohibitions, the state-legalized marijuana industry was estimated to reach $10.4 billion as of the end of 2018, employing some 250,000 Americans.\(^1\) By 2025, the U.S. cannabis market is estimated to nearly triple, reaching $30 billion.\(^2\)

This Resolution addresses the provision of banking services in jurisdictions where marijuana has been legalized for medicinal or other purposes. Lawyers are key to upholding the rule of law. Legal advice is particularly necessary for an emerging industry such as cannabis, especially given the divergence of state and federal laws and the multiplicity of local, state, and federal regulations. Concerns about banking keep many lawyers and law firms from representing clients involved in the state-legalized marijuana trade or representing ancillary companies providing services to companies directly involved in the state-legalized marijuana trade.

Currently, the threat of criminal prosecution prevents most depository institutions from banking clients, including lawyers, who are in the stream of commerce of state-legalized marijuana.\(^3\) This Resolution is necessary to clarify that such provision of legal and other services in compliance with state law should not constitute unlawful activity pursuant to

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created a Marijuana Enforcement Division within its Department of Revenue to regulate the state's more than 1,000 licensed marijuana facilities. Many states also allow local municipalities and counties to determine whether marijuana can be legally produced or sold within the jurisdiction's boundaries.\footnote{See, e.g., Oregon Laws 2017, Chapter 475B Section 461 (ORS 475B.461) (allowing a referendum to prohibit an applicant for a license for the production, processing or sale of marijuana items to operate in a city or county); Oregon Laws 2017, Chapter 475B Section 926 (ORS 475B.926) (allowing for local time, place and manner regulations).}

BACKGROUND ON FEDERAL PROHIBITION

Even as these state reforms have proliferated—and public support for them has ballooned,\footnote{See, e.g., Justin McCarthy, Two in Three Americans Now Support Legalizing Marijuana, Gallup, Oct. 22, 2018 (reporting that 66% of Americans support legalizing marijuana, up from only 12% in 1970).} federal law governing marijuana has remained essentially unchanged since the passage of the Controlled Substances Act (CSA) in 1970.\footnote{The CSA is codified at 21 U.S.C. §§ 801 et seq. Congress has recently enacted one notable reform: it narrowed the definition of "marijuana" for purposes of the CSA, and thus the scope of the statute's ban on the drug, when it passed the 2018 Farm Bill. See Robert A. Mikos, See New Congressional Farm Bill Legalizes Some Marijuana, Marijuana Law, Policy and Authority Blog, https://www.washlaw.wisc.edu/marijuanallaw/2018/12/new-congressional-farm-bill-legalizes-some-marijuana/ (Dec. 13, 2018) (noting that the 2018 Farm Bill excludes from the definition of marijuana cannabis that contains less than 0.3% THC by dry weight).} Under the CSA, all controlled substances (essentially, all substances—with the notable exceptions of alcohol and tobacco—that can cause dependence) are placed onto one of five Schedules (I-V) using criteria that relate to the substance's medical benefits and its harms.\footnote{21 U.S.C. § 812(b). These criteria include the substance’s accepted medical use (if any), its potential for abuse, and its physical and psychological effects on the body. Id.}

Congress itself placed marijuana on Schedule I when it passed the CSA,\footnote{Gonzales v. Raich, 545 U.S. 1, 13-14 (2005).} it did so based, in part, on a recommendation from the Assistant Secretary of the U.S. Department of Health, Education, and Welfare that cannabis be placed on Schedule I, "at least until the completion of certain research."\footnote{Id.} The Drug Enforcement Administration has the authority to issue licenses for such research. Indeed, the CSA provides a mechanism to administratively reschedule cannabis, based on such new research and discoveries demonstrating marijuana's medical efficacy.\footnote{See 21 U.S.C. § 811.} The DEA has repeatedly rejected requests to reschedule cannabis, most recently, in August 2016, when it denied a petition from the states of Rhode Island and Washington.\footnote{81 Fed. Reg. 53667–53766.} The agency's rationale for refusing to reschedule is always the same: the dearth of clinical trials demonstrating cannabis's medical efficacy; "there are no adequate and well-controlled studies proving efficacy; the drug is not accepted by qualified experts; and the scientific evidence is not widely available."\footnote{Id. at 53666.} The 33 states and various countries, including Canada, that have legalized
marijuana users and suppliers would be subject to arrest and prosecution by the DOJ, and not just for their conduct going forward. Those using and producing marijuana could also be prosecuted for violations of the Controlled Substances Act they committed while the riders were in effect (so long as the statute of limitations has not expired). Moreover, anyone out of compliance with state regulations would also be subject to criminal sanctions, even if their violations of state regulations were de minimis.

Because the spending riders operate only as a restraint on DOJ action, they have not prevented other parties from using federal law against state-compliant marijuana businesses and users. For example, state-licensed and state-law-abiding marijuana businesses continue to have difficulty obtaining banking services, due to financial regulations that limit transactions in the proceeds of "unlawful" activities; they pay unusually high federal taxes, due to federal tax code rules that deny them deductions other (federally legal) businesses are allowed to take; they cannot secure federal protection for their trademarks, due to administrative rules that limit such protection to marks used in "lawful" commerce; and they have faced a growing number of private lawsuits under federal law because the federal RICO statute considers growing and selling marijuana to be actionable racketeering activities.

What is more, the ongoing tension has generated considerable confusion over the enforceability of some state regulations. Although Congress may not force the states to ban marijuana (e.g., to enact or retain their own state law prohibitions on marijuana activities), just how far the states may depart from the federal government's approach to regulating marijuana remains unclear. State laws regulating a variety of activities—from employment discrimination against marijuana users to taxation of marijuana sales—have been subject to preemption challenges brought by private parties and even state officials.

In short, despite State law, Cannabis remains an illegal controlled substance everywhere in the United States.

No one should be satisfied with the legal and regulatory quagmire that has resulted from the unresolved tension between state reforms and federal law. Although many of the

22 McIntosh, 833 F.3d at 1179 n.5 ("Congress currently restricts the government from spending certain funds to prosecute certain individuals. But Congress could restore funding tomorrow, a year from now, or four years from now, and the government could then prosecute individuals who committed offenses while the government lacked funding.").
23 See Erwin Chemerinsky, et al., Cooperative Federalism and Marijuana Regulation, 62 U.C.L.A. L. Rev. 74, 90-100 (2015); Mikos, Marijuana Law, Policy, and Authority, supra note 2 at 356-412 (detailing these and other obstacles faced by state-licensed marijuana businesses).
25 E.g., Bourgoin v. Twin Rivers Paper Co., LLC, 187 A.3d 10 (Maine 2018) (holding state workers' compensation law preempted to the extent it required employer to compensate injured employee for purchase of medical marijuana); Nebraska v. Colorado, 136 S. Ct. 1034 (2016) (denying states' request for leave to file complaint in Supreme Court's original jurisdiction; complaint had sought declaration that regulatory structure created by Colorado's Amendment 64 conflicts with and is thus preempted by the federal CSA).
government. This is because banks risk losing their master account with the Federal Reserve or having their assets seized under criminal and civil asset forfeiture laws for failing to comply with federal laws, including the Bank Secrecy Act, that prohibit, which requires banking institutions to maintain comprehensive compliance programs designed to prevent money laundering—criminal activity that involves the transformation of illegally obtained funds into the appearance of legitimate funds.

Ironically, by preventing banks from working with the cannabis industry, current law fosters potential money laundering. Most transactions with cannabis companies must be done in cash. This includes paying taxes, bills, and payrolls. This has spawned an industry of off-the-books alternative payment systems. Payments in cash and through alternative payment systems are often invisible to law enforcement. To determine whether transactions and businesses are legitimate or fronts for illegal activity. This erodes the rule of law in and of itself.

In 2014, the Department of Treasury's Financial Crimes Enforcement Network ("FinCEN") issued guidance for banks working with the cannabis industry. Unfortunately, this did not provide sufficient safety for many financial institutions. Out of approximately 12,000 banks and credit unions in the United States, only 633 provide services to the cannabis industry, including attorneys. Federal Reserve Chairman Jerome Powell testified that banking the cannabis industry "puts financial institutions in a very difficult place and puts

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GENERAL INFORMATION FORM

Submitting Entity: Tort Trial and Insurance Practice

Submitted By: Dorothea M. Capone, Chair

1. **Summary of Resolution(s).**

   This Resolution encourages Congress to enact legislation to ensure financial institutions, attorneys, and others may provide services to individuals and businesses operating in, or as part of, the state-legalized cannabis industry, consistent with state or tribal law in jurisdictions where cannabis has been legalized, without fear of federal prosecution. The Resolution further encourages Congress to ensure that proceeds from transactions involving cannabis-related businesses in such jurisdictions are not considered proceeds from an unlawful activity solely because the transaction involves proceeds from the state-legalized cannabis industry.

2. **Approval by Submitting Entity.**

   This resolution was approved by the Tort Trial and Insurance Practice Section Council during the Section’s Fall Leadership Meeting on October 19, 2019.

3. **Has this or a similar resolution been submitted to the House or Board previously?**

   No.

4. **What existing Association policies are relevant to this Resolution and how would they be affected by its adoption?**

   19A104 called for marijuana to be removed from Schedule I of the Controlled Substances Act. This Resolution seeks to supplement 19A104 by calling on Congress to clarify that banking institutions serving the cannabis industry, and serving those who serve the state-legalized legitimate cannabis industry, may do so without fear of regulatory or legal repercussions.

5. **If this is a late report, what urgency exists which requires action at this meeting of the House?**

   N/A

6. **Status of Legislation. (If applicable)**

   Not applicable.
12. **Contact Name and Address Information.** (Who will present the report to the House? Please include name, address, telephone number, cell phone number and e-mail address.)

   Michael Drumke  
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   Daniel F. Gourash  
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   Cleveland, OH  
   (216) 566-8200  
   dfgourash@sseq-law.com
Client Security Fund
Investigative Report

Claim Number: 2018-39
Claimant: Teodora Guzman Fernandez
Lawyer: Dale Maximiliano Roller
Investigator: Douglas Stamm

RECOMMENDATION

I recommended denial of the claim. Claimant is seeking reimbursement of $3,876.

CLAIM INVESTIGATION SUMMARY

Claimant is a Mexican citizen. Her husband hired Mr. Roller to assist her with applying for legal status in the United States. Claimant entered the country illegally on two prior occasions. In one instance, United States Customs and Immigration Service (“USCIS”) found she entered unlawfully. In another instance, Claimant agreed to a voluntary removal or deportation. Claimant stated that she told Mr. Roller all of this when she hired him in 2013. At the time, Claimant said Mr. Roller assured her this would not be a problem.

Claimant paid Mr. Roller a $1,500 flat fee. Claimant was responsible for paying costs associated with the application process, which she said totaled $2,376. These costs included filing fees and a required medical exam. Claimant has submitted proof of payment for $921 of the $2,376. As part of the application process, Claimant was required to attend an interview with the Department of State at the United States Consulate in Ciudad Juarez, Mexico. Prior to her interview (around June 2016), Claimant learned her application would be denied because she entered the United States illegally more than once. After receiving this call, Claimant contacted Mr. Roller. Claimant said Mr. Roller told her not to worry and to simply cross the border illegally again. Claimant then consulted with another attorney in Salem (Barbar Ghio), who told her that her application should never have been filed in the first place because she would be automatically ineligible for legal status based on her two prior illegal entries into the United States.

Claimant is being represented pro bono by attorney Terry Wright in connection with this CSF claim. During Ms. Wright’s handling of this matter for Claimant, she independently learned from another immigration lawyer that it was facially clear that Claimant was ineligible for legal status at the time she hired Mr. Roller.

FINDINGS AND CONCLUSIONS

1. The claim is timely pursuant to Rule 2.1.8(ii).

2. Claimant is the injured client.

3. The loss was not caused by the lawyer’s dishonest conduct. Based on my experience with claims involving Mr. Roller, this conduct slightly predates his other misdeeds. Even when Mr.
Roller began committing various forms of misconduct, he typically would accept a fee and delay his client’s cases without accomplishing anything. Here, Mr. Roller did accomplish something: he filed an application for lawful status on behalf of Claimant. There are no facts indicating that Mr. Roller accepted Claimant’s fee knowing her application would be denied.

It is also important to note that Claimant and Ms. Wright acknowledge that Mr. Roller did work on Claimant’s case. They stated Mr. Roller interviewed Claimant, prepared paperwork, had Claimant sign paperwork, filed forms with USCIS, and let Claimant know when her interview was scheduled in Ciudad Juarez. However, Claimant and Ms. Wright feel Mr. Roller’s work amounted to nothing of value. In their view, Mr. Roller simply wanted to make money.

Although Claimant is understandably frustrated that she received useless advice for her money, it is difficult to believe that Mr. Roller would have done the work he did if his intent at the outset was to act dishonestly. In my view, this appears to be more an issue of malpractice than dishonest conduct.

4. The loss is not covered by any similar fund in another state.

5. The loss was not incurred by a financial institution covered by a “banker’s blanket bond” or similar insurance or surety contract.

6. The loss did arise from, and was because of, an established lawyer-client relationship.

7. Mr. Roller was disbarred in August 2017.

8. Ms. Wright stated that Claimant’s husband “has not made a concerted effort to collect the money owed.” However, Claimant and Ms. Wright (after consulting with Dawn Edwards at the Oregon State Bar) concluded Mr. Roller is judgment-proof. Ms. Wright also states that if Claimant pursued formal legal action against Mr. Roller, it could expose her to deportation because she would probably need to appear in court as a witness.

9. The loss did arise from the lawyer’s practice of law in Oregon.

10. Ultimately, Mr. Roller’s work on Claimant’s case amounted to nothing. Whether because he acted negligently or intentionally, according to Claimant and Ms. Wright the application for lawful status was an exercise in futility. While the quality of Mr. Roller’s work was minimal or insignificant, the quantity was not. Typically, the CSF does not judge the quality of a lawyer’s work.

11. The Claimant did not receive equivalent legal services by another attorney without cost to the Claimant.
January 17, 2020

Re: Appeal of CSF Claim 2018-39

Attorney: Dale Maximiliano Roller

Claimant: Teodora I. Guzman Fernandez

Dear Board of Governors:

I represent the Claimant in the above-referenced CSF case. This is our appeal of the Client Security Fund’s denial of the above-referenced CSF claim.

I have reviewed the report filed with and voted on by the Client Security Fund, and essentially agree with the findings contained therein. We disagree with the conclusion that the claim should be denied finding that Ms. Guzman Fernandez received something of value for the money she paid Mr. Roller. She did not. There are a couple of facts I would like to add to those presented which we believe support our position.

By way of history, Ms. Guzman Fernandez’s husband, Abel Guzman¹, who is a naturalized US Citizen and semi-skilled laborer, has been the family’s sole

¹ Although this claim is technically Ms. Guzman Fernandez is the Claimant, her husband paid Mr. Roller’s fees. Additionally, due to Ms. Guzman Fernandez’s lack of status in the U.S. and her not speaking English, almost all contact the Bar and I have had with this couple is through Mr. Guzman.
support for at least most of the time Ms. Guzman Fernandez has been in this country. He gained his status with the assistance of Barbara Ghio, an immigration lawyer in Salem. The Guzmans have children who the father supports. Ms. Guzman Fernandez is undocumented but has lived in this country for many years. She twice entered this country illegally from Mexico, of which the U.S. Government is aware. To my knowledge, she has not worked outside the home.

When Ms. Guzman Fernandez decided to apply for legal status, Mr. Guzman was referred to Mr. Roller by someone with whom he worked. The Guzmans met with Mr. Roller, telling him immediately that she had entered this country illegally twice. Mr. Roller assured them that would be no impediment to her obtaining status, and the couple paid him the requested money. Mr. Roller proceeded with representation, completing and filing forms with the USCIS. When Ms. Guzman Fernandez received an interview date at the U.S. Consulate in Ciudad Juarez, she learned that if she appeared she would be denied status and would have to remain in Mexico for ten years before she could re-enter this country. When she and Mr. Roller discussed this, Mr. Roller recommended that she simply sneak back across the border illegally (something she had already done twice). He then told her he had had other clients in the same situation in the past, and told her this was the advice he was giving others finding themselves in the same position. As a result, Ms. Guzman Fernandez concluded that Mr. Roller in fact knew there was nothing he could do to assist her when he took her family’s money, and was simply attempting to reap in more profit for himself. She asked for her money back, which Mr. Roller refused to do.

When the Guzmans learned that Mr. Roller would not return their money, would not apologize for leading them astray, and that he was under investigation by the DCO office, Mr. Guzman contacted Dawn Evans, who, from what I can tell, was handling the Roller claims. Mr. Guzman developed a trusting relationship with Ms. Evans, from whom he sought advice. She encouraged him to file a claim with the Client Security Fund, which he decided to do. I agreed to represent the Guzmans on a pro bono basis in filing such a claim. Ms. Evans felt that the

2 I have not been able to determine if this contact was actually a “runner” for Mr. Roller, although it is my understanding he referred several other individuals to Mr. Roller as well.
Guzmans were quite vulnerable and the Mr. Roller had taken advantage of that vulnerability. In addition, because of Ms. Guzman Fernandez’s lack of legal status, Ms. Evans thought that recovery through the CSF was the only viable alternative for this family.

I initially filed this claim in Mr. Guzman’s name on February 19, 2018, not realizing that the claim had to be in the name of the actual client, and not the person making the payment. I refiled the claim in Ms. Fernandez Guzman’s name on April 12, 2018. The Committee did not consider the claim until November, 2019, more than eighteen months after the claim was filed. At that time, the Committee denied the claim.

As noted above, we are appealing the Committee’s denial. First, while it is true that Mr. Roller completed and filed forms with USCIS, they were worthless and never should have been filed. We believe that Roller intentionally took the retainer money, knowing full well Ms. Guzman Fernandez did not have a claim for relief. As noted above, Ms. Guzman Fernandez had the distinct impression that Mr. Roller knew he was not able to provide any useful assistance but that he was simply taking her money. Of particular relevance is this quote from the end of the trial panel opinion disbarring Mr. Roller:

“At time, Roller’s conduct was selfish. He took money from clients and immediately converted it to his own use . . . These acts show that Roller was more interested in collecting and using the money for his own purposes . . .“. We believe this is one of those cases.

Second, the CSF Committee found that this might be more of a malpractice case than a CSF. Due to Ms. Guzman Fernandez’s lack of legal status and the current state of immigration law in this country, it is not reasonable to expect her to file suit against Roller, even assuming this is malpractice, which we do not believe it is. Additionally, given the amount of time it took the Committee to render its decision, any potential malpractice claim is probably stale, thereby locking Ms. Guzman Fernandez out of the opportunity to find redress.

This is not a large CSF claim relative to others the Committee and the BOG sees; however, to the Guzmans, this is a large amount of money. The family is

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3 While these clients were not a part of the disbarment hearing, it is my understanding their situation was also under consideration by the DCO.
living on the limited wages made by Mr. Guzman, so hiring another lawyer to
determine if there is more than can be done for Ms. Guzman Fernandez⁴.

Thank you for your review of this claim. If I can be of further assistance,
please do not hesitate to contact me.

Sincerely,

/s/ Terry Wright

Theresa L. (Terry) Wright
Attorney at Law

Pro Bono Counsel for Claimant

⁴ Two immigration lawyers who have reviewed the facts of this case do not believe
Ms. Guzman Fernandez has a remedy, but the couple would like to take one more
look at this.
1. Decisions Received.
   
   a. Supreme Court

   Since the Board of Governors met in November 2019, the Supreme Court took the following action in disciplinary matters:

   - Accepted the Form B resignation from Green Valley, Arizona lawyer Leslie Martinez.
   - Issued an opinion in *In re Eric J. Nisley*, suspending this The Dalles lawyer for 60 days, finding a violation of RPC 8.1(a)(1).
   - Issued an order in *In re Andrew Long*, suspending this Portland lawyer during the pendency of his disciplinary proceedings pursuant to BR 3.1.
   - Issued an order in *In re Erika Huebschman*, accepting this Jacksonville lawyer’s stipulation to a 12-month suspension, 6 months stayed, 3-year probation.
   - Issued an order in *In re Clayton J. Lance*, accepting this St. Helens lawyer’s stipulation to a 28-month suspension, 26 months stayed, 3-year probation.

   b. Disciplinary Board

   One Disciplinary Board trial panel opinion has been issued since November 2019.

   - *In re Brian Conry* of Portland (30-day suspension).

   No appeal was filed in one case and the trial panel opinion is now final:

   - *In re Timothy MPM Pizzo* of St. Helens (2-year suspension).

   Since the Board of Governors met in November 2019, the Adjudicator took the following action in disciplinary matters:

   - The Adjudicator issued an order in *In re Craig Wymetalek*, suspending this Hillsboro lawyer under BR 3.1.
In addition to these trial panel opinions, the Adjudicator approved stipulations for discipline in: In re Angela Therese Lee-Mandlin of Bend (30-day suspension, all stayed, 2-year probation), In re Nicole E. Schaefer of Portland (90-day suspension, all but 30 days stayed, 3-year probation), In re Carol J. Fredrick of McMinnville (reprimand), In re Roger F. Anderson of Tigard (reprimand), In re Keith Y. Boyd of Medford (6-month suspension, all stayed, 3-year probation), In re Theodore C. Coran of McMinnville (30-day suspension), In re Mark John Holady of Beaverton (60-day suspension), In re Shannon M. Kmetic of Oregon City (reprimand), In re Daniel F. Kellington of Medford (reprimand), In re Michael S. Sterner of Portland (30-day suspension), In re Todd Stephen Hammond of Salem (60-day suspension, all stayed, 2-year probation), and a no contest plea in In re Kelly Grant of Houston, Texas (reprimand).

The Adjudicator approved BR 7.1 suspensions in: None.

2. Decisions Pending.

The following matters are pending before the Supreme Court:

In re Andrew Long I – disbarment; respondent appealed; oral argument November 1, 2019; under advisement
In re James D. Harris – dismissed; OSB appealed; oral argument March 9, 2020
In re Christopher K. Skagen – (reciprocal discipline matter) disbarment; respondent appealed; oral argument March 10, 2020
In re Andrew Long 2 – disbarment; respondent appealed; awaiting briefs
In re Craig Wymetalek – Form B pending

The following matters are under advisement before the Adjudicator of the Disciplinary Board:

None.

The following matters are under advisement before a trial panel of the Disciplinary Board:

In re Erik Graeff – January 16, 2020

3. Trials.

The following matters are on our trial docket in coming weeks/months:

In re Steven J. Joseph – March 3-5, 2020
In re Donald R. Slayton – April 14-17, 2020
In re Franklin G. Patrick – April 21-23, 2020
In re Gregory P. Oliveros – April 28-20, 2020
4. **Diversions.**

The following diversion agreements have been entered into since November 2019:

- *In re Erin C. Walters* – May 5-8, 2020
- *In re Rachel Frances O’Neal* – May 18-19, 2020

5. **Admonitions.**

The SPRB issued 7 letters of admonitions since November 2019. The outcome in these matters is as follows:

- 7 lawyers have accepted their admonitions;
- 0 lawyers have rejected their admonition;
- 0 lawyers have asked for reconsiderations;
- 0 lawyers have time in which to accept or reject their admonition.

6. **New Matters.**

Below is a table of complaint numbers in 2020, compared to prior years, showing both complaints (first #) and the number of lawyers named in those complaints (second #):

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<tr>
<th>MONTH</th>
<th>2016</th>
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<tr>
<td><strong>TOTALS</strong></td>
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<td>344/357</td>
<td>343/349</td>
<td>317/327</td>
<td>23/24</td>
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</tbody>
</table>
As of February 1, 2020, there were 198 new matters awaiting disposition by Disciplinary Counsel staff or the SPRB. Of these matters, 26% are less than three months old, 37% are three to six months old, and 37% are more than six months old. Thirteen of these matters were on the January SPRB agenda.

CCD/rlh
President Liani Reeves called the meeting to order at 11:30 a.m. on January 10, 2020. The meeting adjourned at 11:57 a.m. Members present from the Board of Governors were Colin Andries Adrian Brown, Kate Denning, Eric Foster, Anne Graham, Kamron Graham, John Grant, Bik-Na Han, Joseph Hesbrook, Eddie Medina, Rob Milesnick, Joe Piucci, Kyra Rohner, Michael Rondeau, and David Wade, Present by phone were Traci Rossi. Not present were Jenny Cooke and Ryan Hunt. Staff present were Helen Hierschbiel, Amber Hollister, Cassandra Dyke, Danielle Edwards, Susan Grabe, and Keith Palevsky.

1. Call to Order

2. Swearing In

Liani Reeves swore in new board members Adrian Brown, Anne Graham, Rob Milesnick, and Joe Piucci.

3. Adopt BOG Areas of Focus for 2020

Ms. Reeves presented the proposed Areas of Focus for the BOG for 2020. [Exhibit A]

Motion: Mr. Andries moved Mr. Foster and seconded to adopt the BOG Areas of Focus for 2020. The board voted unanimously in favor.

4. ABA HOD Resolution re: Cannabis Attorneys

Ms. Reeves explained the ABA HOD Resolution. The delegates can take a position or not take a position. Do we give them a direction to vote and if the bar would like to cosponsor the resolution. The WA Bar agreed to co-sponsor.

Mr. Foster presented the Public Affairs Committee recommendation that due to the criminal nature of this the committee recommends to the board to take no position on this resolution.

Moved to Closed Session to seek advice from legal counsel.

Executive Session (pursuant to ORS 192.660(2)(f) and (h) and ORS 192.690(1))

Moved back to Open Session.

5. Approve Minutes of Prior BOG Meeting

a. Open Session November 23, 2019

Motion: Michael moved and Colin seconded to approve the open session minutes with corrections to add Kyra Rohner to motions. [Exhibit C] Rob Milesnick and Joe Piucci abstained from the vote. The remaining board members voted in favor. The motion passed.
Action Requested

Consider an appeal of the Client Security Fund Committee’s denial of Teodora Guzman Fernandez’s claim of $3,876 in the matter of CSF Claim No. 2018-39 Roller (Guzman Fernandez).

Discussion

Ms. Guzman Fernandez hired Dale Roller in 2013 in applying for legal status in the United States. She agreed to pay a $1,500 flat fee plus costs related to the application process which she claimed totaled $2,376. Ms. Guzman Fernandez is represented by pro bono counsel Terry Wright.

Ms. Guzman provided proof of payment for $921 for the filing fee and medical exam, but was unable to provide additional receipts.

At the time Mr. Roller was retained, the claimant told Mr. Roller that she had twice entered the United States illegally and that the U.S. government was aware of both illegal entries. He apparently told her that this would not create a problem, and took her money. Mr. Roller then filed her application for immigration status.

When claimant received an interview date at the U.S. Consulate in Mexico (around June 2016), she learned if she appeared at the Consulate she would be denied status because she had entered the United States illegally more than once. In fact, she would be forced to remain in Mexico for ten years before she could seek to legally re-enter the United States. When she contacted Mr. Roller with this information, Claimant said Mr. Roller simply suggested she illegally reenter the country once again to avoid the ten-year bar on reentry. She then consulted with another attorney, who told her that her application should never have been filed in the first place because she was automatically ineligible for legal status based on her two prior illegal entries into the United States. The claimant requested a refund, and Mr. Roller refused to provide one.

The investigator concluded, “Although Claimant is understandably frustrated that she received useless advice for her money, it is difficult to believe that Mr. Roller would have done the work he did if his intent at the outset was to act dishonestly. In my view, this appears to be more of an issue of malpractice than dishonest conduct.”
Mr. Roller was disbarred on August 30, 2017. The disbarment was not a result of this representation, although a related disciplinary complaint was pending at the time of disbarment.

At its December 12, 2019 meeting, the Client Security Fund Committee reviewed Ms. Guzman Fernandez’s claim and unanimously voted to recommend that the Board deny the claim as it did not find evidence of dishonesty pursuant to CSF Rule 2.2.

Counsel for claimant asserts that because Mr. Roller knew his client would never be eligible for status based on her marriage to a naturalized United States citizen at the time he accepted her money, he acted dishonestly from the beginning of the representation by accepting a retainer. She further asserts that due to the claimants “lack of legal status and the current state of immigration law in this country, it is not reasonable to expect her to file suit against Roller, even assuming this is malpractice, which we do not believe it is.” Any existing malpractice claim is likely stale.

While this is an admittedly difficult case, staff concurs with the Committee’s recommendation for denial based on insufficient evidence of dishonesty, and recommends that the board deny the appeal.
OREGON STATE BAR
Board of Governors Agenda

Meeting Date: February 7, 2020
From: Amber Hollister, General Counsel
Re: Appeal of CSF Claim No. 2019-34 CREIGHTON (Moye)

Action Requested

Consider an appeal of the Client Security Fund Committee’s denial of Brandon Moye Sr.’s claim of $50,000 in the matter of CSF Claim No. 2019-34 Creighton (Moye).

Discussion

Mr. Moye hired Beth Creighton in 2013 in a discrimination lawsuit against his former employer, Give Us This Day (GUTD), a nonprofit social service and foster care agency. He agreed to a contingent fee agreement, in which Ms. Creighton was to receive 35% after filing suit and 40% if settled within 30 days of filing pretrial order in federal court or trial or arbitration of the matter. GUTD offered to confess judgment for $150,000 as it was considering bankruptcy. Ms. Creighton settled the claim for $150,000 on May 5, 2014 (two days after trial was set), via confession of judgment. Mr. Moye gave agreed to the settlement in writing.

In order to collect the funds from GUTD, Ms. Creighton filed a writ of garnishment with DHS. Beginning in September 2014, she received regular checks from DHS, which she placed in her trust account. Each time Ms. Creighton distributed garnished funds, Mr. Moye signed statement indicating he read and agreed with the disbursements and balance he received (60% to Mr. Moye and 40% to Ms. Creighton). Ms. Creighton provided a payment register reflecting all garnishment payments to Mr. Moye, including interest on the judgment. Ms. Creighton warned Mr. Moye that if GUTD filed bankruptcy, the payments he received would be subject to claw back.

Mr. Creighton also filed a lien on property GUTD was attempting to sell to a contractor to collect on the judgment. Mr. Moye agreed in writing to release his lien to avoid an impending IRS lien foreclosure on the property for $10,000 plus $75 per day interest from the contractor once the property was renovated and sold.

After inquiries from Ms. Creighton, DHS made a lump sum payment to satisfy the confession of judgment. About the same time, the GUTD property sold. Ms. Creighton advised Mr. Moye prior to the house sale that any lump sum received on the garnishment wiped out the lien on the property, but he continued to insist that he was still entitled to the $10,000 payment plus $75 per day interest.

Mr. Moye disagreed that there was no longer a claim on the house and Ms. Creighton advised him that it was unethical to assert an improper lien. Further Ms. Creighton advised a
satisfaction of judgment needed to be filed releasing any lien since the judgment had been paid in full.

Mr. Moye refused to release the lien and refused to allow a satisfaction of judgment to be filed. Ms. Creighton resigned, sent the satisfaction of judgment to Mr. Moye for signature and filing, and requested that the title company, Give Us This Day and the contractor contact Mr. Moye directly. Ms. Creighton’s firm absorbed $5,000 in costs they had advanced on Mr. Moye’s case. The house flipper paid Mr. Moye $4,000 to release the lien and file the satisfaction of judgment so the house sale could close.

Mr. Moye then filed a lawsuit against Ms. Creighton claiming she received $10,000 from the title company and that she had falsely asserted she was entitled to a 33% fee instead of a 40% fee. The title company filed a declaration in support of Ms. Creighton’s summary judgment motion stating Mr. Moye’s allegations were false regarding the lien payment. The court granted summary judgment in favor of Ms. Creighton and dismissed the case entirely.

Ms. Creighton is an active member of the Oregon State Bar and has no disciplinary history. Mr. Moye filed a bar complaint against Ms. Creighton related to the conduct alleged and it was dismissed for lack of sufficient evidence.

At its November 9, 2019 meeting, the Client Security Fund Committee reviewed Mr. Moye’s claim and unanimously voted to recommend that the Board deny the claim as it did not find evidence of dishonesty, the claim was not timely filed, and in any event, payment of the claim would be prohibited by CSF Rule 2.2 and 2.8.

Mr. Moye appeals the denial, but does not provide any additional evidence for his claim.

Staff concurs with the Committee’s recommendation for denial, and recommends that the board deny the appeal.
Claimant: Brandon Moye Sr.
Lawyer: Beth Creighton
Investigator: David A. Hytowitz
Date: November 4, 2019

RECOMMENDATION

I recommend denial of the claims of Mr. Moye

CLAIM INVESTIGATION SUMMARY

Beth Creighton (OSB #972440) was retained to represent Brandon Moye Sr. (Moye) in a discrimination lawsuit against his former employer, Give Us This Day, a nonprofit social service and foster care agency, which received most if not all funding from Oregon DHS. Mr. Moye’s claim had been rejected by BOLI after their investigation. Ms. Creighton’s firm agreed to represent him in a problematic case. A retainer agreement signed March 326, 2013 provided for fees of 35% after filing suit and 40% if settled with in 30 days of filing pretrial order in federal court or trial or arbitration of the matter.

With trial set for May 2, 2014 after discovery and motions, Give Us This Day (GUTD) offered to settle the case offering to confess judgment for $150,000 as it was considering bankruptcy. Ms. Creighton discussed the offer and consequences with Moye and after GUTD refused to increase the amount, Moye authorized accepting the Confession of Judgment. The document was executed and filed on May 5, 2014.

Thereafter, Creighton and Moye discussed collecting on the judgment given the poor financial condition of GUTD and other liens including IRS lien against it. They discussed using a collection firm and that both Moye and Creighton would end up with less money from the judgment once the collection firm took its cut. That firm and another firm decided not to take on the collection, but the second firm advised Ms. Creighton how to garnish the DHS for funds owed Moye. Ms.
Creighton filed a Writ of Garnishment on or about August 29, 2014. Beginning in September 2014, Ms. Creighton received regular garnishment checks from DHS. Subsequently to the clearing of the checks in her trust account, the proceeds were split 60% to Moye and 40% to Creighton and Rose LLP, her firm. Moye signed a statement with each statement of account that he read the statement and agreed with the disbursements and the balance he received each date.

In addition to the garnishment, Ms. Creighton filed a lien on a house GUTD was in the process of trying to sell to a house remodeler/contractor who also “flipped houses.” In trying to speed up the closure of the sale before any IRS lien foreclosure, which likely would have left nothing for Moye, the “Flipper” offered to pay Moye to release the lien the sum of $10,000 plus $75 per day interest. Ms. Creighton with Moye’s approval, all initialed by Moye, agreed to the offer and signed escrow instructions for it with the title company closing the sale. The sale did not initially go through and nothing was heard for several months. In the interim DHS was making payment on the judgment garnishment, which Ms. Creighton warned Moye would be subject to claw back if GUTD filed bankruptcy. When the payments slowed, Creighton called DHS and the Oregon Dept of Justice attorney. They indicated with the IRS lien they were trying to figure out priorities and proper payments. Shortly thereafter, DHS paid off the balance of the judgment in one large lump sum. In fact, the amount paid was an overpayment so that Ms. Creighton sent back the over payment to DHS. She then split the amount in the 60/40 split paying it to Moye.

About the same time as the lump sum payment the title company contacted Creighton to advise the sale file they had closed was now reopened between the Flipper and GUTD and wanted updated escrow instructions. Ms. Creighton advised Moye, even before receiving the lump payment that lump payment occurring before the sale was complete would wipe out the lien and any claim against the house.

Mr. Moye over time had become very vocal in emails and calls to Creighton objecting to the fees and cost to collect by the other attorneys let alone that he felt he was owed the money from the Flipper. Creighton advised him it was not ethical for her to assert a lien that no longer was proper, and that the satisfaction of judgment needed to be filed which releases any lien since the judgment had been paid in full. By then Moye was asserting that Creighton over charged him alleging
an oral change in the fee agreement with Creighton and other issues including claiming she had received money from the title company etc. Eventually when he would not allow the satisfaction of judgment to be filed or the lien release, Ms. Creighton resigned and sent the Satisfaction of Judgment to Moye to sign and file and told the title company, GUTD and Flipper’s attorneys to deal with Moye directly. Ms. Creighton’s firm also had absorbed in their fees some $5,000.00 in costs they had advanced. Ms. Creighton even secured a payment register from DHS showing all payments made on the judgment which she provided to Moye, including interest on the judgment.

The Flipper finally paid Moye $4000.00 to release the lien and file the satisfaction of judgment so they could close the sale as it appeared to be below market sale per investigation Ms. Creighton had made when it first came up.

In the interim, Moye has participated in a fee arbitration through the bar which was found against him. He then filed a lawsuit against Creighton claiming negligence and that Creighton had been paid the $10,000 etc. by the title company and asserting the fee dispute on the 33% vs 40% contingency fee. The Title company filed a Declaration in support of a Motion for Summary Judgment filed by Ms. Creighton’s attorneys stating that Mr. Moye’s allegations against Ms. Creighton were false vis a vis the lien payment issue. The court granted summary judgment for Ms. Creighton, dismissing the case in full.

Moye then filed an ethics complaint with the OSB. Ms. Creighton provided the Bar with her file and numerous emails from and to Moye. After thorough review the Bar rejected Moye’s complaint and noted how he had changed his claim and arguments over time. The bar and the fee arbitration hearing board found that Ms. Creighton paid Moye what he was owed from the judgment less the fees per the Retainer agreement as well as the fact she had absorbed the costs.

Failing the ethics complaint, Moye then filed this CSF claim again asserting the 33% fee issue and that Creighton received $60,000 or more that should have been paid to him. Upon being notified of the assignment of the file by the CSF, Mrs. Creighton provided extensive paperwork on the matter to me (after sending it electronically and then in paper per my request). Shortly thereafter, Disciplinary Counsel of the Bar emailed an extensive file, which generally matched what Ms.
Creighton had sent plus their analysis and rejection letter to Moye as well as the detailed response of Ms. Creighton with citation to documents included.

FINDINGS AND CONCLUSIONS

1. The claim is not timely. See CSF Rule 2.8. Services were terminated as of May 5, 2015 and this claim was filed October 11, 2019.
2. Claimant asserts he is an injured client. See CSF Rules 1.6, 1.7 and 2.1.
3. The loss asserted was not caused by the lawyer’s dishonest conduct. See CSF Rule 2.2.
4. The loss alleged is not covered by a similar fund in another state. See CSF Rule 2.3.
5. The loss alleged was not incurred by a financial institution covered by a “banker’s blanket bond” or similar insurance or surety contract. See CSF Rule 2.4.
6. The loss alleged claimed arose from and was because of an established lawyer-client relationship. See CSF Rule 2.5.
7. In this case, the claimant had many emails and explanations provided to him, appeared in court, fee arbitration and Bar Ethics complaint filed against Creighton. All documents and venues found that Ms. Creighton handled the fees and disputes raised by Moye appropriately.
8. Claimant does not have a current attorney.
9. The loss alleged arose from the lawyer’s practice of law in Oregon. See CSF Rule 2.9.
10. The loss asserted does not appear to be a loss as the claimant received all he was entitled to from the Confession of Judgment by GUTD. Also after Ms. Creighton resigned and advised him he needed to sign and file the Satisfaction of Judgment and release the lien on the house since the Judgment had been paid, he managed to get the Flipper to pay him an additional $4000 which Ms. Creighton did not get any payment on nor assert an attorney fee lien on as she specifically told him getting paid off in full was a good result (especially where no bankruptcy had been filed within 90 days of such payment) and that she could not ethically assert an invalid lien. There is no loss to reimburse here.
11. For purposes of the claim asserted, Moye has not received equivalent legal services by another attorney without cost to Claimant. See CSF Rule 2.2.4.
This claim does NOT satisfy the requirements of a loss covered by the CSF. It appears to be a fee dispute arising out of Creighton’s representation of Moye in a hard discrimination case in Multnomah County. BOLI had rejected the claim and Creighton took it on in the face of an institution that at the time was under water with other liens and IRS liens. She eventually collected all of the confessed judgment and was able to provide payment to Moye as collections were received. And Moye eventually squeezed the Flipper to pay him an additional $4000 to sign the lien release and filed the satisfaction of Judgment (which Moye could have been sued for failing to timely file once paid off as threatened at one time or more just before and after Creighton resigned).

GUTD eventually closed up shop in 2015. It was still represented by an attorney and may still be a registered corporation. Its former executive director and founder was eventually charged and convicted in federal court of theft approximately $1 million dollars of funds meant for foster kids in the organization’s care. She was sentenced to 33 months in federal prison in 2019 by Judge Marco Hernandez including payment or forfeiture of close to $2 million of funds and assets.

In investigating this case we reviewed the file provided by CSF, the extensive materials, emails, ledgers, Bar Fee Arbitration Decision, etc. provided by Ms. Creighton and the extensive file provided by OSB Disciplinary Counsel including their opinion letter and the point by point response to all of Mr. Moya’s claims by Ms. Creighton. Failure to timely file the claim was not taken into account in deciding this claim. It is not a valid claim and should be denied. No money or fees were taken inappropriately or otherwise qualifying for reimbursement by the CSF.
I would like to appeal this Decision Jerry Shay, I just talked to u on the phone, and u clarified the Oregon State Bar has the authority to impound Beth Creighton OSB # 972440 bank records, which u will clearly see Beth Creighton received this money and lied and said she didn’t, are you people interested in the truth and justice or just trying to cover for this theft by Beth Creighton OSB # 972440, I’m in search of justice!! Brandon Moye Sr.

Sent from my iPhone

On Nov 15, 2019, at 8:23 AM, Jerri Shay <jshay@osbar.org> wrote:

Dear Mr. Moye,

Attached please find correspondence regarding the above-referenced CSF claim.

Please note this is also being sent by first class mail.

Thank you,

<!--[if !vml]-->
<image001.gif>
<!--[endif]-->Jerri Shay

General Counsel Program Coordinator
503-431-6334
jshay@osbar.org  pronouns: she/her

Oregon State Bar • 16037 SW Upper Boones Ferry Road • PO Box 231935 • Tigard, OR 97281-1935 •
www.osbar.org

Please note: Your email communication may be subject to public disclosure. Written communications to or from the Oregon State Bar are public records that, with limited exceptions, must be made available to anyone upon request in accordance with Oregon’s public records laws.

<2019 1115 CSF deny claim.pdf>
Action Requested

Consider Client Security Fund Committee’s recommendation that the board award $33,350 of claimant Jessie Hegwood’s claim in the matter of CSF Claim No. 2018-73 Deveny (Hegwood).

Discussion

Claimant Hegwood hired Ms. Deveny in October 2015 to represent her in obtaining damages for injuries sustained in a motor vehicle accident, including traumatic brain injury, which occurred in May 2015. She agreed to a contingent fee agreement, in which Ms. Deveny was to receive one-third of settlement. Ms. Hegwood is represented by attorney Carl Clyde. She requests that the fund reimburse her for the entire $50,000 loss, as she believes Ms. Deveny should not have been entitled to an attorney fee in her case.

Ms. Deveny settled the claim with Geico for $50,000 and deposited the check into her trust account in February 2017. Ms. Hegwood called Ms. Deveny in December 2017 for an update on her case and was told she should have her settlement in two months. Ms Hegwood called Ms. Deveny again in August 2018 by googling her phone number since she forgot it. This is when Ms. Hegwood discovered information on Ms. Deveny’s deception of other clients. Ms. Hegwood then contacted her insurance company who indicated they waived the subrogation claims and provided Geico’s number to her. Ms. Hegwood contacted Geico and learned that they settled her case 18 months earlier.

Ms. Deveny resigned Form B, effective July 26, 2018, while numerous disciplinary cases were pending; at this time, charges against her are pending in state and federal court alleging theft, criminal mistreatment, wire fraud and tax evasion.

At its January 11, 2020 meeting, the Client Security Fund Committee reviewed Ms. Hegwood’s claim and unanimously voted to recommend that the Board reimburse her for $33,350 of her loss. The Committee calculated Ms. Hegwood’s loss based on the settlement amount of $50,000 minus the agreed upon attorney fee of $16,666.66.

The Committee declined to reimburse Ms. Hegwood for the amount Ms. Deveny took as attorney fees, pursuant to CSF Rule 2.4, which prohibits awarding attorney fees as part of a claim.
Ms. Hegwood’s claim would not ordinarily be eligible for reimbursement at this time, pursuant CSF Rule 2.1.6, because Ms. Deveny has not been found guilty of a crime and Ms. Hegwood has not obtained a civil judgment against her. The Committee, however, voted to waive the requirement of CSF Rule 2.1.6 based on extreme hardship. CSF Rule 2.6.

Pursuant to Rule 2.5, the Committee determined that Mr. Clyde’s $2,345.60 attorney fee to represent Ms. Hegwood in her CSF claim was reasonable.

Staff recommends that the board approve the claim, consistent with the CSF Committee’s recommendation.
Client Security Fund
Investigative Report

Re: 2018-73
Claimant: Jessie Hegwood
Lawyer: Lori Deveny
Investigator: Raymond Young

RECOMMENDATION

I recommended approval of the claim in the amount of $33,350.

CLAIM INVESTIGATION SUMMARY

Hegwood was involved in an auto accident on May 25th, 2015. The other driver was at fault and Hegwood suffered serious injuries, including a traumatic brain injury. She retained Deveny to represent her on October 10th, 2015. The fee agreement was contingent and provided that Deveny be paid 33 1/3% if it settled up the day before trial, and 40% thereafter. (Attached as Exhibit A)

The case was settled in February of 2017 without litigation. Geico Insurance Company sent to Deveny a check and release for $50,000 on February 21st, 2017. (Attached as Exhibit B) Deveny deposited the check into her trust account at Wells Fargo on February 24th, 2017. Deveny’s trust account bank statement for February shows the deposit. Before the deposit the trust account had $330 in it. In further review of Deveny’s Wells Fargo trust account for February and March all of the $50,000 was paid out to her personal account, her business account and $18,000 was taken out in cash. (Attached as Exhibit C) However, no monies were paid to Hegwood.

In December of 2017 Hegwood recalls calling Deveny to find out what was going on with her case. Hegwood said “...she (Deveny) told me that she needed info from my dad about my insurance coverage at the time of the accident...I asked why she hadn’t called him when she had said a year prior that she needed that info and she told me a story about how she got sick and was in the hospital, how she needed info, how her husband needed surgery, and then that her husband passed away. I felt sorry for her, so I accepted this and wished her well. She told me that I should have my settlement within 2 months.” This was “classic” Deveny lying to, and manipulation of, a vulnerable client, and is consistent with what I have seen on other cases I have investigated against Deveny and what other investigators have seen on Deveny’s other claims.

Hegwood decided in August 2018 to call Deveny again to see what was going on with her settlement. Because she suffers from cognitive problems due to the accident, and doesn’t organize information well, she decided to just “Google” Deveny’s phone number. It was at that point she saw lots of information come up on the search regarding Deveny’s deception of other clients. She then called her insurance carrier, State Farm to find out what had happened with her case, if anything. They said they had waived their subrogation claims against the other carrier, and gave her the claim number at Geico. Hegwood was then able to contact Geico and find out they had settled her case with Deveny 18 months earlier. Hegwood retained attorney Carl Clyde to represent her, and this claim was filed with the OSB in October of 2018.
Deveny license to practice law was suspended on April 30th, 2018 and she resigned under "Form B" on July 26th, 2018. Deveny is also under criminal indictment for not only this potential theft, but many others in both Federal and State courts. Detective Sitton of the Portland Police Department is the lead investigator.

FINDINGS AND CONCLUSIONS

1. The claim was timely under CSF Rule 2.1.8. The loss occurred less than 2 years prior to the claim being made.

2. Claimant is the injured client.

3. The loss was caused by the lawyer’s dishonest conduct.

4. The loss is not covered by any similar fund in another state.

5. The loss was not incurred by a financial institution covered by a “banker’s blanket bond” or similar insurance or surety contract.

6. The loss did arise from, and occurred because of, an established lawyer-client relationship.

7. In this case, the lawyer has several pending and previously paid CSF claims, has resigned rather than face discipline, and has a criminal matter under indictment against her regarding her theft of client funds. It is highly likely she will be convicted and serve significant jail time.

8. Claimant has made a good-faith effort to collect the amount claimed. Ms. Deveny has no remaining assets that anyone is aware of, and it is unlikely that Hegwood will be made whole.

9. The loss arose from the lawyer’s practice of law in Oregon. See CSF Rule 2.1.9.

10. The Claimant’s loss is at least $33,350.

Analysis

This matter seems fairly straightforward. From the other claims made against Deveny, it seems absconding with client funds was an ongoing pattern for her for over a decade. Such theft continued up until she resigned from the Bar. It is clear that Deveny did receive $50,000 on behalf of Hegwood and placed it in her trust account. Deveny’s bank records confirm she got the money and did not pay Hegwood the money she was owed.
The Claimant would like us to consider awarding her the full $50,000 since she believes her damages were greater than that, and her recovery should have been also, but for Deveny’s deception and theft.

The Claimant’s attorney argues on her behalf:

"I understand it is presently CSF’s position that claimants should not be entitled to credit for the typical 1/3 contingency fee “earned” by the offending attorney. This substantially reduces the payout to the persons who were first injured, then victimized by their attorney.

I understand that this policy is outside of your (investigators) control. Respectfully, I would simply note that from my perspective a reduction in that manner is not ethical, as the “earned” fee was earned without the consent of my client and procured through fraud, deceit and conversion of funds. Lawyers owe a duty to their clients to not injure them, and the State Bar owes a duty to make persons injured by attorneys within our Bar whole. I realize that there are pragmatic and financial limitations imposed in these scenarios, and that attorneys such as myself are assessed fees yearly to pay for funds like CSF. That said, accounting for the attorney fee in a case like this doesn’t seem right or fair, and I think it will further injure the reputation of attorneys with the public."

Mr. Clyde makes an excellent point, and I am sure the Committee has a great deal of sympathy for Ms. Hegwood. However, considering that such a higher award would involve speculation, and the $50,000 may have been the policy/recovery limits anyway, it would seem hard to justify from a policy perspective. We can only conclusively determine that Ms. Hegwood had $33,350 stolen from her by Ms. Deveny.

I recommend we approve the payment of $33,350.

Respectfully Submitted,

Raymond P. Young
Dated 1·3·20
Action Requested

Consider Client Security Fund Committee’s recommendation that the board grant claimant Adelaida Macario’s claim of $50,000 in the matter of CSF Claim No. 2019-10 Glaeser (Macario).

Discussion

Claimant Adelaida Macario hired Jess Glaeser in June 2015 to represent her in obtaining damages for injuries sustained in a motor vehicle accident, which occurred in December 2014. She agreed in a written fee agreement to pay him 33 1/3%, if the case settled less than two weeks before trial, and 40% if the case settled after that date.

The case settled in July 2018, more than two weeks before trial; Sublimity Insurance sent Mr. Glaeser a check for $74,000. He deposited the check into his trust account. On September 27, 2018, Mr. Glaeser sent an email to Ms. Macario indicating the amount of the settlement and stating her net recovery amount would be $50,000. Mr. Glaeser offered to wire the money to Ms. Macario’s bank account. Ms. Macario states she never received anything from Mr. Glaeser.

Mr. Glaeser resigned Form B, effective October 25, 2018, while one disciplinary case and numerous investigations were pending involving alleged conversion of client funds. A review of his trust account bank statement from June 30, 2018 through July 31, 2018 reflects that he received the $74,000 payment and withdrew the entire amount the same month. While two wire transfers were made and several checks cleared, none of them appear to be to Ms. Macario. There are currently no funds in Mr. Glaeser’s lawyer trust account.

Mr. Glaeser’s bankruptcy counsel, Clarke Balcom did not respond to the CSF investigator’s inquiries regarding whether Ms. Macario was paid. Mr. Balcom indicated he would ask Mr. Glaeser, but the investigator did not receive a response.

At its January 11, 2020 meeting, the Client Security Fund Committee reviewed Ms. Macario’s claim and unanimously voted to recommend that the board reimburse her for $50,000 of her outstanding loss.

Ms. Macario’s claim would not ordinarily be eligible for reimbursement at this time, pursuant CSF Rule 2.1.6, because Mr. Glaeser has not been convicted of a crime and Ms.
Macario has not obtained a civil judgment against him. The Committee, however, voted to waive the requirement of CSF Rule 2.1.6 based on extreme hardship under CSF Rule 2.6, based upon Ms. Macario’s circumstances and the available evidence.

Staff recommends that the board approve the claim, consistent with the CSF Committee’s recommendation.
Client Security Fund
Investigative Report

Re: 2019-10
Claimant: Adelaida Macario
Lawyer: Jess Glaeser
Investigator: Raymond Young

RECOMMENDATION

I recommended approval of the claim in the amount of $50,000, the maximum amount payable by the Fund.

CLAIM INVESTIGATION SUMMARY

Macario was involved in an auto accident on December 26th, 2014. The other driver was at fault and Macario suffered serious injuries. She retained Glaeser to represent her on June 26th, 2015. The fee agreement was contingent and provided Glaeser 33 1/3% if it settled up to two weeks before trial, and 40% thereafter. (Attached as Exhibit A)

Glaeser filed a legal action against the other driver in Yamhill County in 2016. The case was settled in July of 2018. The case was dismissed, and Sublimity Insurance Company sent to Glaeser a check for $74,000 on July 9th, 2018. (Attached as Exhibit B) Glaeser deposited the check into his trust account. On September 27th, 2018 Glaeser sent Macario an email (attached as exhibit C) memorializing the gross amount paid and the net recovery of $50,000 to Macario. Because Macario does not speak English, her daughter, Brenda Garcia, was the “go between” and interpreter. The email states that Glaeser would wire the money to the client’s account at OnPoint Credit Union. Macario states that she never got her money.

Glaeser resigned under “Form B” less than a month after sending the email to Macario promising to make the deposit. Glaeser is also under investigation by the Portland Police Department for not only this potential theft, but 3 others. Detective Sitton of the PPD is the lead investigator. He was also the lead investigator on the Lori Deveny matters. Since it is currently in the “investigation” stage Sitton didn’t release to me Glaeser’s financial records, but he did orally inform me of what he found in Glaeser’s general account and trust account during the relevant time period.

In July of 2018, right before the $74,000 check hit the trust account, the Trust account had approximately $1000 in it. Over the next several months Glaeser paid out all of the money in the trust account in various amounts, to various people, bank accounts and other clients. He would pay himself substantial sums, paid a PIP lien for another client, and paid almost $35,000 to other clients. Glaeser spent tens of thousands of dollars during this time at “Mary’s Club” and ‘Mary’s Fine Foods”. Mary’s is infamous/famous as the oldest “strip club” in Portland, and also has video poker machines. Even though Glaeser hasn’t said, it seems likely where the money was going. Sitton said that no monies were paid to Macario from the trust or general account during the relevant time period.
I have received from Macario her bank statements from July through December of 2018 at OnPoint Credit Union. Her records confirm she did not receive the $50,000 from Glaeser. I have asked Glaeser several times over the last 4 months, through his attorney Clark Balcom, to confirm or deny that Macario was never paid, and I have gotten no response to the question. Balcom’s office does respond, but only to say they will ask Glaeser.

**FINDINGS AND CONCLUSIONS**

1. The claim was timely under CSF Rule 2.1.8. The loss occurred less than 2 years prior to the claim being made.

2. Claimant is the injured client.

3. The loss was caused by the lawyer’s dishonest conduct.

4. The loss is not covered by any similar fund in another state.

5. The loss was not incurred by a financial institution covered by a “banker’s blanket bond” or similar insurance or surety contract.

6. The loss did arise from, and occurred because of, an established lawyer-client relationship.

7. In this case, the lawyer has several pending and previously paid CSF claims, has resigned rather than face discipline, and has a criminal matter under investigation against him regarding his theft of client funds. It is highly likely he will be charged with criminal conduct.

8. Claimant has made a good-faith effort to collect the amount claimed. Mr. Glaeser has no remaining assets that anyone is aware of, and it is unlikely that Macario will be made whole.

9. The loss arose from the lawyer’s practice of law in Oregon. See CSF Rule 2.1.9.

10. The Claimant’s loss is $50,000.

**Analysis**

This matter seems fairly straight forward. From the other claims made against Glaeser, it seems absconding with client funds was a growing problem for him up until he resigned from the Bar. It is clear that Glaeser did receive $74,000 on behalf of Macario and placed it in his trust account. Glaeser’s written communication with Macario confirmed she was to receive $50,000 as her share, and the fee agreement is consistent with that.
From a review, via Detective Sitton, of Glaeser’s financial records, and of Macario’s bank records, no funds were paid to her. Based upon his resignation and the looming criminal indictments, it is unlikely any civil collection efforts would be successful.

I recommend we approve the payment of $50,000.

Respectfully Submitted,

Raymond P. Young
Dated 1-3-20
As an addendum to the Glaeser/Macario report, I finally got a call today from Glaeser’s attorney. Considering it is a criminal matter he would not confirm or deny Macario was not paid. He said, however, they would not offer any evidence to the CSF that she had been paid.

Ray Young
OREGON STATE BAR
Board of Governors Agenda

Meeting Date: February 7, 2020
From: Amber Hollister, General Counsel
Re: CSF Claim No. 2019-18 Bertoni (Olmos)

Action Requested

Consider Client Security Fund Committee’s recommendation that the board grant claimant Martin Olmos’s claim of $5,000 in the matter of CSF Claim No. 2019-18 Bertoni (Olmos).

Discussion

Claimant Martin Olmos hired Gary Bertoni in January 2018 to represent him in a criminal case. He paid Mr. Bertoni $12,500 and understood that $7,500 was a retainer for pre-trial services and a $5,000 trial fee. Mr. Olmos seeks reimbursement of the entire $12,500 fee.

Invoices from Mr. Bertoni for January 2018 through November 2018 reflect $7,500 in charges for jail visits, court appearances and visit to the crime scene. The investigator concluded Mr. Bertoni provided services in return for the $7,500 in charges.

In July 2018, Mr. Bertoni billed Mr. Olmos an additional $5,000 as a “trial flat fee.” Trial was scheduled for August 2018. It was later continued to November 28, 2018. Mr. Olmos paid the trial fee in cash on November 9, 2018, as shown on the receipt. Mr. Bertoni moved to withdraw as counsel on November 10, 2018 based on his approaching disciplinary suspension, and his motion was granted on November 14, 2018. Mr. Bertoni entered into a stipulation for discipline on September 13, 2018, whereby he would be suspended from the practice of law for 18 months, effective November 12, 2018.

After Mr. Berton’s withdrawal, Mr. Olmos was represented by a court-appointed attorney. In December 2018, Mr. Olmos requested his file and a refund of the $5,000 fee. Mr. Bertoni sent Mr. Olmos text messages in January and February 2019 promising to send a check but has failed to do so.

Mr. Bertoni is currently suspended. There are also seven pending disciplinary prosecutions against Mr. Bertoni, including for conduct related to Mr. Olmos’s loss.

At its January 11, 2020 meeting, the Client Security Fund Committee reviewed Mr. Olmos’s claim and unanimously voted to recommend that the board reimburse him for $5,000 of his outstanding loss. The Committee acknowledged that the claimant did receive services that were more than minimal or insignificant in return for his fee, and he received legal services by another, court-appointed attorney without cost to the him. See CSF Rules 2.2 and...
2.3. The Committee, however, voted to apply CSF Rule 2.1.6 and grant $5,000 of his claim based on the existence of “extreme hardship or special and unusual circumstances.” Fundamentally, the Committee was concerned that Mr. Bertoni accepted the additional trial fee of $5,000 at a time he had stipulated to an 18 month suspension that would begin in a matter of days.

   Staff recommends that the board approve the claim, consistent with the CSF Committee’s recommendation.
Client Security Fund
Investigative Report

Re: 2019-18
Claimant: Martin Ray Olmos
Lawyer: Gary B. Bertoni
Investigator: Melissa May

RECOMMENDATION

I recommended approval of the claim in the amount of $5,000.

CLAIM INVESTIGATION SUMMARY

Claim

Mr. Olmos requests reimbursement of $12,500 in fees paid to Gary Bertoni. This amount consists of a $7,500 “retainer fee” which apparently was meant to cover pre-trial services, and a $5,000 trial fee.

Investigation

I contacted Bertoni several times but did not receive a substantive response. I also spoke with Mr. Olmos and reviewed the invoices he provided and the electronic docket for his criminal case. Finally, I reviewed the Bar’s Third Amended Formal Complaint (the “Complaint”) seeking Bertoni’s disbarment for this and other matters, and Bertoni’s response to the Complaint.

Background and Results of Investigation

Mr. Olmos was indicted in January 2018, and retained Bertoni as defense counsel. Mr. Olmos paid a total of $7,500 in attorney fees in installments in January and February 2018. He signed a fee agreement while in jail and says that he never received a copy of the agreement. His understanding was that the $7,500 was a retainer and payment for pre-trial services, including the services of a private investigator.1

Invoices from Bertoni for January 2018 through November 2018 reflect the $7,500 in charges and payments, as well as additional charges and payments for mileage and parking expenses related to Bertoni’s visits to Mr. Olmos in jail, court appearances, and a visit to the crime scene in Rhododendron.

1 Mr. Olmos also stated that Bertoni collected funds from the state for private investigation services, and did not provide any reports or other information from an investigator. Consequently, when his court-appointed counsel took over the case after Bertoni’s suspension, he was unable to provide evidence from an investigator or obtain additional funds to hire a new investigator. Mr. Olmos believes that he would have avoided jail time if he had access to an investigator’s services and report.
In July 2018, Bertoni billed Mr. Olmos $5,000 as a “Trial Flat Fee.” At that time, trial was scheduled for August but later it was continued to November 28, 2018. Mr. Olmos paid the trial fee in cash in November 2018. The receipt is dated 11/9/2018. Mr. Olmos recalls that he noticed at the time that Bertoni “backdated” the receipt by a day or two, which would mean that he paid the fee on November 10th or 11th.

Bertoni filed his motion to withdraw as counsel on November 10, 2018, and it was granted on November 14, 2018. Bertoni’s suspension from the practice of law became effective November 12, 2018.

Timeline Summary

6/23/17 Assault by Claimant
1/2/18 Indictment of Claimant
1/22/18 Bertoni appeared on behalf of Mr. Olmos
1/26/18 Bertoni filed a pre-trial release memorandum
2/16/18 Mr. Olmos paid final installment of $7,500 retainer
2/18 - 11/18 Various status hearings held and continuances granted
7/31/18 Bertoni billed Mr. Olmos $5,000 “Trial Flat Fee”
9/13/18 Bertoni was notified of his 18 month suspension, effective 11/12/18
11/9/18 Date on Bertoni’s receipt for Mr. Olmos’ payment of $5,000 trial fee
11/10/18 or 11/11/18 Actual date of Mr. Olmos’ payment of $5,000 to Bertoni
11/10/18 Bertoni’s motion to withdraw as attorney
11/12/18 Effective date of Bertoni’s suspension
12/7/18 Mr. Olmos terminated Bertoni’s services and requested his file, a refund of the $5,000 fee, and an accounting
12/18/18 Bertoni emailed Mr. Olmos, promising to “immediately arrange for the return of your $5000.”
1/18/19 and 2/12/19 Bertoni sent text messages promising to send a check.
2/20/19 Mr. Olmos sent another message to Bertoni requesting a refund and the other materials he requested on 12/7/18. He has not received a response.
9/18/19 Mr. Olmos pleaded guilty to an assault charge and was sentenced to 60 days in jail and 3 years’ probation.

FINDINGS AND CONCLUSIONS

1. The claim is timely. See CSF Rule 2.1.8.

2. Claimant is the injured client. See CSF Rules 1.4 and 2.1.1.

3. The loss was caused by the lawyer’s dishonest conduct. See CSF Rule 2.1.2.

4. The loss is not covered by any similar fund in another state. See CSF Rule 2.1.3.
5. The loss was not incurred by a financial institution covered by a “banker’s blanket bond” or similar insurance or surety contract. *See CSF Rule 2.1.4.*

6. The loss arose from, and was because of, an established lawyer-client relationship.

7. CSF Rule 2.1.6 technically is not satisfied because Bertoni has not been found guilty of a crime in connection with his dishonest conduct and no civil judgment has been entered against him, etc. Bertoni has been suspended but not as a result of the dishonest conduct at issue here. (The dishonest conduct at issue here is the subject of a disbarment proceeding, however.) Please see item 12, below.

8. Claimant has made a good-faith effort to collect the amount claimed. *See CSF Rule 2.1.7.*

9. The loss arose from the lawyer’s practice of law in Oregon. *See CSF Rule 2.1.9.*

10. CSF Rule 2.2 is not satisfied as to the $7,500 retainer because Bertoni appears to have provided services that were more than minimal or insignificant. I ask the committee to find that CSF Rule 2.2 is satisfied as to the $5,000 “trial flat fee” that Bertoni collected within days of his suspension, based on “other evidence acceptable to the Committee that establishes that the client is owed a refund of a legal fee.” Here, Bertoni collected the $5,000 fee knowing that he would be unable to represent Mr. Olmos at trial.

11. The Claimant received legal services by another, court-appointed attorney without cost to the Claimant. *See CSF Rule 2.3.* However, I ask the Committee to find “extraordinary circumstances” here, due to the timing of the payment of the $5,000 trial fee and the fact that the Claimant did not have the benefit of an investigator’s report or other evidence that might have improved his results in the case.

12. Although the claim should be denied because Rule 2.1.6 is not satisfied, approval of the claim in the amount of $5,000 is appropriate because extreme hardship or special and unusual circumstances exist. Mr. Bertoni has agreed that he owes a refund of $5,000 but has not sent those funds to the Claimant, currently is suspended from the practice of law, and has not responded to the Claimant since 2018. *See CSF Rule 2.6.*
Action Requested

Consider Client Security Fund Committee’s recommendation that the board grant claimant Nancy Freyer’s claim of $6,160.50 in the matter of CSF Claim No. 2019-29 Deveny (Freyer).

Discussion

Claimant Freyer hired Ms. Deveny in July 2012 to represent her in a medical malpractice lawsuit. Although a fee agreement cannot be located, Ms. Freyer recalls agreeing to a contingent fee agreement, in which Ms. Deveny was to receive one-third of settlement. Just prior to mediation, Ms. Deveny contacted Ms. Freyer to inform her that the insurance company was offering to settle for $27,000 and that she should accept the offer. Ms. Freyer agreed and signed a settlement agreement and release in June 2016, acknowledging that $4,000 would be withheld to determine any demand from Medicare Secondary Payer Recovery Contractor. The release and settlement agreement state that “Medicare has been paid at least $3,002.93” for Ms. Freyer’s medical costs. Ms. Deveny issued a Settlement Statement providing that Ms. Freyer was entitled to a net recovery of $10,245.10.

Ms. Deveny resigned Form B, effective July 26, 2018, while numerous disciplinary cases were pending; at this time, charges against her are pending in state and federal court alleging theft, criminal mistreatment, wire fraud and tax evasion.

At its January 11, 2020 meeting, the Client Security Fund Committee reviewed Ms. Freyer’s claim and unanimously voted to recommend that the Board reimburse her for $6,160.50 in loss. The Committee determined Ms. Deveny’s Settlement Statement was inaccurate. Instead, the Committee determined Ms. Freyer was entitled to recover $1550.48 for an overpayment of CMS lien and $4610.12 for case costs deducted from her settlement without proof.

While Ms. Freyer sought additional recovery of $5,500 in attorney fees incurred when hiring subsequent counsel, the Committee denied that portion of the claim pursuant to CSF Rule 2.4, which provides “[a] claim approved by the Committee may not include attorney’s fees”.

Ms. Freyer’s claim would not ordinarily be eligible for reimbursement at this time, pursuant CSF Rule 2.1.6, because Ms. Deveny has not been found guilty of a crime and
Ms. Freyer has not obtained a civil judgment against her. The Committee, however, voted to waive the requirement of CSF Rule 2.1.6 based on extreme hardship. CSF Rule 2.6.

Staff recommends that the board approve the claim, consistent with the CSF Committee’s recommendation.
CLIENT SECURITY FUND INVESTIGATIVE REPORT

Report Submitted January 7, 2020

CLAIM: #2019-29
CLAIMANT: Nancy Freyer
LAWYER: Lori Deveny
INVESTIGATOR: Valerie Wright

RECOMMENDATION

I recommend approval of a claim in the amount of $8,788.85.

CLAIM INVESTIGATION AND SUMMARY

Background Facts

On July 6, 2012 Nancy Freyer hired Lori Deveny to represent her in a medical malpractice lawsuit against a doctor who performed questionable surgery on Ms. Freyer’s foot which resulted in Ms. Freyer being confined to a wheelchair without the ability to walk. The original lawsuit set forth $500,000 in damages.

Ms. Freyer’s understanding was that Ms. Deveny was to keep 1/3 of the gross recovery although there is no written fee agreement which can be located. Just prior to a scheduled mediation, Ms. Deveny contacted Ms. Freyer to tell her that the insurance company was offering to settle the case for $27,000 and that Ms. Deveny recommended the client take that amount. Deveny also told her client that a decision would need to be made quickly.

Ms. Freyer reports that she was stunned but ultimately agreed to settle the case for that amount because her lawyer was urging her to do so. Ms. Freyer signed a Release and Confidentiality Agreement on June 14, 2016 acknowledging that $4,000 would be withheld from her portion of the settlement amount so that Ms. Deveny could notify Medicare Secondary Payer Recovery Contractor (MSPRC) about the settlement and obtain the MSPRC Final Payment Demand. The Release set forth that “Medicare has paid at least $3,002.93” for Ms. Freyer’s medical costs, expenses or fees.
A year came and went and Ms. Freyer’s settlement money was not forthcoming. She tried to get Ms. Deveny to pay her to no avail. Then Ms. Freyer was notified that her Medicare lien was in default and that she was being charged 9% interest and was about to have her social security garnished.

Ms. Freyer hired attorney Tim Nay and, after another six months, he was able to get Ms. Deveny to produce a “Settlement Statement” and a check in the amount of $10,245.20 as Ms. Freyer’s portion of the recovery. (See Attachment 1)

Ms. Freyer requested that the CSF investigate and pay Ms. Freyer $18,360.12. Although the math is off a bit, it appears to be:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>The attorney’s 1/3</td>
<td>$9,000.00</td>
</tr>
<tr>
<td>The case costs</td>
<td>$4,610.12</td>
</tr>
<tr>
<td>Plus Mr. Nay’s total cost</td>
<td>$5,500.00</td>
</tr>
<tr>
<td>Minus the CMS rebate and interest rebate</td>
<td>-855.32</td>
</tr>
</tbody>
</table>

**INVESTIGATOR’S WORK**

I was assigned the case on July 8, 2019.

After reading the material, I called Nay and Friedenberg, LLC to speak with Mr. Nay, if possible, and get permission to speak directly with his client, Nancy Freyer. I received a phone call back from Sandy Conley, who gave me permission to speak with Ms. Freyer and who also sent me an email regarding a number of issues. Breakdown of issues from Ms. Conley at Nay and Friedenberg:

1. Although Nancy Freyer’s bill with them was $5,500, the amount incurred due to Ms. Deveny’s dishonest conduct (in keeping Ms. Freyer’s settlement proceeds for 18 months and failure to get the Medicare lien correctly reduced and paid) was only $2,628.25 (which Ms. Freyer paid to Nay and Friedenberg). The balance of the Nay and Friedenberg bill was the cost for them preparing a trust for Ms. Freyer.

2. Although Ms. Deveny claimed to have case costs of $4,610.12, Nay’s office repeatedly requested a breakdown from Ms. Deveny and never received one. Given the size of the settlement, their office finds it unlikely that Ms. Deveny incurred that amount in costs.

3. Nay’s office contacted CMS (the Center for Medicaid and Medicare Services) and discovered that the total amount of the original claim was $3,214.11 (not $3,194.68 as the math in the settlement statement suggests).

Within their office, Nay and Friedenberg had someone run through the formula that CMS uses to determine reduction of Medicare recovery.
The formula begins with **Procurement Costs**. One takes the total settlement amount, $27,000, reduces it by the attorney fees $9,000 and by the costs, $4,610.12 and the total procurement costs are $13,610.12.

The **procurement ratio** is $13,610.12 divided by $27,000.00 which equals .504.

**Medicare's share of the procurement costs**, when the original claim was $3,214.11 is that figure multiplied by .504, equaling $1,619.91.

Then one takes the original claim, $3,214.11 and subtracts Medicare's share of the procurement costs -$1,619.91 and the result is the **Total recovery to be paid to Medicare**: $1,594.20

This Medicare Recovery Calculation is what should have happened if Ms. Deveny was doing her job in a timely fashion. By the time Nay and Friedenberg got involved, the claim was aging and Ms. Freyer was being charged interest – all because Lori Deveny was not getting the issue resolved for Nancy Freyer.

We have no reason to doubt that, in the end, CMS or MSPRC was actually paid. Attachment 1 indicates that CMS was paid $4,000.00 minus a “rebate” of $605.32. If Attachment 1 is correct (it was prepared by Lori Deveny and provided to May’s office) Medicare was paid $3,394.68 of Nany Freyer’s settlement money when Medicare only should have been paid $1,594.30. The difference is $1800.48. However, Nancy Freyer was credited $250. Therefore her total loss regarding excess payment of the Medicare lien was $1550.48

Next, I endeavored to find out where Ms. Deveny’s client file was. Nay’s office did not have it. The Bar informed me that Ms. Freyer had requested a copy of the file and it had been sent to her.

I then reached out to Nancy Freyer who confirmed that she had received a box containing her client file. I asked her if we could meet so that I might review the attorney’s file and she readily agreed. Since Ms. Freyer is wheelchair bound, I made arrangements to travel to Portland and visit her in her apartment, which I did on December 8th, 2019.

The box contained a file that related to Ms. Deveny’s representation of Nancy Freyer years prior. There was no file that related to the issue before the CSF.

Nancy Freyer presents as a person who was completely taken advantage of, first by a doctor who performed a questionable surgery which left her in worse condition than prior to the surgery. After that, Ms. Freyer reached out to Lori Deveny to be her advocate in a $500,000 lawsuit which settled for $27,000. After waiting more than a year for her portion of the settlement, Ms. Freyer turned to another attorney to put pressure on Lori
Deveny to 1) authorize payment of the delinquent Medicare lien; and 2) release Ms. Freyer’s settlement.

I believe that Ms. Freyer should receive the following amount:

- $1,550.48 for overpayment of CMS lien (ostensibly done by Ms. Deveny)
- $2,628.25 for having to hire an attorney in order to receive her settlement
- $4,610.12 for case costs deducted from her settlement without proof

Total: $8,788.85

FINDINGS AND CONCLUSIONS

1. The claim is timely – having been filed with the Bar within two years of the date the claimant knew or should have known, in the exercise of due diligence, of the loss. 2.8
2. Claimant is the injured client. 2.1
3. The loss was caused by the lawyer’s dishonest conduct. 2.2
4. The loss is not covered by any similar fund in another state. 2.3
5. The loss was not to a financial institution covered by a “banker’s blanket bond” or similar insurance or surety contract. 2.1.4
6. The loss did arise from and was because of the failure to account for money or property entrusted to the lawyer in connection with the lawyer’s practice of law or while acting as a fiduciary in a matter related to the lawyer’s practice of law. 2.5.2
7. The loss also arose from the lawyer’s dishonesty and the lawyer has resigned from the Bar. 2.6.3
8. A good faith effort has been made by the claimant to collect the amount claimed, to no avail. 2.7
9. The loss did arise from the lawyer’s practice of law in Oregon. 2.1.9
10. The Claimant did not receive equivalent legal services by another attorney without cost to the Claimant. 2.3

I recommend payment to Claimant of $8,788.85.