

**Oregon State Bar**  
**Meeting of the Board of Governors**  
February 17, 2023  
Salem Convention Center  
200 Commercial Street SE  
Salem, OR 97301  
**Open Session Minutes**

President Lee Ann Donaldson called the open session meeting to order at 9:00 a.m. on February 17, 2023. The meeting adjourned at 11:48 a.m. Members present in-person and by videoconference or teleconference from the Board of Governors were Chris Cauble, Gabe Chase, Candace Clarke, Kellie Furr, Kamron Graham, Joseph Hesbrook, Ryan Hunt, Elizabeth Inayoshi, Myah Kehoe, John Marandas, Matthew McKean, Apolinar Montero-Sanchez, Curtis Peterson, Joe Piucci, David Rosen, and Tasha Winkler. Rob Milesnick and Stephanie Engelsman were not present. Staff present in-person or by videoconference or teleconference were Kellie Baumann, Cassandra Dyke, Ankur Doshi, Danielle Edwards, Keren Farkas, Susan Grabe, Helen Hirschbiel, Karen Lee, Sam Palmer-Simon, Matt Shields, Mike Williams, Troy Woods, and Amy Zubko. Debi Elliott, Portland State University presented the Economic Survey.

**[BOG Meeting Rules](#)**

**Friday, February 17, 2023 9:00 a.m.**

**1. Call to Order**

**2. 2022 Economic Survey** Inform      Exhibit

Debi Elliott, from Portland State University, presented the 2022 Economic Survey.

David Rosen said he what surprised him was the pay gap between gender and non-binary and it is clear that is an issue that needs to be fixed. If you have an Executive Summary would be great.

Candace Clarke was surprised about was the amount of debt that lawyers had by race the gap seemed so much bigger. How do we address that and fix that?

**3. 2023 Strategic Areas of Focus** Inform      Exhibit

**A. Rural Lawyer Practice** Inform      Exhibit

Sean Pank, ONLD Chair, gave an update from ONLD on recommendations for stakeholder engagement to develop plan for supporting and encouraging lawyer practice in rural Oregon.

Putting together survey on what challenges and issues are out there. The survey has two focuses rural practitioners, and to collect data to help resolve the issue. Getting lawyers to rural areas or just access to justice in general. If we are going to have a summit we are shooting for October or November next year

Helen thanked them and then said her observation is that when talking about access to justice is what to focus on and the conversation was about how to get people to rural Oregon and then it would be a focus of this board to give them some direction on which way to go.

Policy and Governance Committee is looking at the HOD Resolution #2 that relates to BAR expand its focus around access to justice. Looking at those broader issues ONLD would support rural practitioners and helping them. What can the bar do to help rural practitioners?

Sean said that makes sense that we don't want to redo efforts and we look forward to the collaboration with the BOG. Narrow scope so that we can get a go on it. Not just new lawyers but maybe lawyers who are mid-way in their career and what a change of scenery.

Elizabeth Inayoshi asked are there scholarships from Law Schools or anything like that?

Sean Pank said that it would be hard for the local bars or firms in rural Oregon to fund a scholarship.

Helen Hirschbiel said that the Bar has Justice across Oregon Stipend. How do we get the word out there so that it can be used? It is not used every year.

#### 4. BOG Committees

##### A. Policy and Governance Committee [David Rosen]

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|-----------------------|--------|---------|
| 1. 2023 PGC Work Plan | Inform | Exhibit |
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David Rosen shared the Policy and Governance Work plan for 2023

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|---------------------------------|--------|---------|
| 2. Practice Area Specialization | Inform | Exhibit |
|---------------------------------|--------|---------|

David Rosen provided feedback on a possible practice area recognition or specialization program design to educate legal consumers about lawyer background and experience in the stated legal field. There was not much of a consensus to move forward with this in the November Policy and Governance Committee meeting. Before it died in committee it was moved to the BOG as a whole to see what they wanted to do.

Lee Ann, this went out to Budget and Finance Committee to see if it would supplement income and it would not supplement, it would pay for itself but not gain any other money.

**Motion: To cease exploring the Practice Area Specialization and Recognition program. Joe Piucci moved and Matt McKean seconded.** All those in favor were Chris Cauble, Gabe Chase, Kellie Furr, Joseph Hesbrook, Ryan Hunt, Tomás Hernandez, Elizabeth Inayoshi, Mya Kehoe, John Marandas, Matt McKean, Apolinar Montero-Sánchez, Joe Piucci, David Rosen, and Tasha Winkler. Curtis Peterson and Candace Clarke abstained. Motion passed

##### B. Board Development Committee [Joseph Hesbrook]

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|-----------------------|--------|---------|
| 1. 2023 BDC Work Plan | Inform | Exhibit |
|-----------------------|--------|---------|

Joseph Hesbrook shared the Board Development Work Plan.

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|-------------------------------------|--------|
| 2. BOG and HOD Election Recruitment | Inform |
|-------------------------------------|--------|

Joseph Hesbrook asked for the BOG help in recruiting new members. There is personal outreach that seems to do the best. Encourage you to help find

HOD March 17, 2023 to submit statement to become HOD member—all region open

BOG May 9, 2023 to submit statement to become a member. - 2 in Region 5. 1 in Region 6, and 1 out-of-state.

3. Comments to BBX regarding co-grader appointments Action Exhibit

Joseph Hesbrook presented the names of the people that the Board of Bar Examiners wishes to consider the candidates named in the exhibit to go to the Supreme Court for appointment. The BBX is asking for BOG input on candidates.

**Motion: to send the list of candidates to the Supreme Court for appointment. Board Development Committee motion no second needed.** All those in favor were Chris Cauble, Gabe Chase, Candace Clarke, Kellie Furr, Tomás Hernandez, Elizabeth Inayoshi, Myah Kehoe, John Marandas, Matthew McKean, Rob Milesnick, Apolinar Montero-Sánchez, Curtis Peterson, Joe Piucci, David Rosen, and Tasha Winkler. None opposed none abstained. Motion passed.

C. Budget & Finance Committee [Chris Cauble]

1. 2023 BFC Work Plan Inform Exhibit

Chris Cauble shared the Budget & Finance Committee Work plan for 2023

2. Financial Update Inform Exhibit

Chris Cauble and Mike Williams gave an update on the Oregon State Bar financials. Moss Adams was selected to the 2022 Audit. They do the best job most efficiently. The Committee made this decision.

3. Tax Law Section Waiver Inform Exhibit

Chris Cauble presented the Tax Law Section Waiver.

**Motion: to approve the Budget and Finance Committee's recommendation to grant the Tax Law Section fund balance a late waiver for exceeding the two-year carryover limit referenced in OSB Policy 14.400(a) and (b). Budget and Finance motion no second needed.** All those in favor were Chris Cauble, Gabe Chase, Kellie Furr, Tomás Hernandez, Myah Kehoe, John Marandas, Matthew McKean, Rob Milesnick, Apolinar Montero-Sánchez, Curtis Peterson, Joe Piucci, David Rosen, and Tasha Winkler. Elizabeth Inayoshi and Candace Clarke opposed. Motion passed.

4. Approve adding David Rosen to the Columbia Bank signature list and removing Kamron Graham. Action Exhibit

Chris Cauble presented information regarding needing to change the signature cards with Columbia Bank.

**Motion: to approve the Budget and Finance Committee's recommendation to remove Kamron Graham's name from the authorized list of signatories on the Columbia Bank Account**

**and add David Rosen's as President-Elect. Budget and Finance motion no second needed.** All those in favor were Chris Cauble, Gabe Chase, Candace Clarke, Kellie Furr, Tomás Hernandez, Elizabeth Inayoshi, Myah Kehoe, John Marandas, Matthew McKean, Rob Milesnick, Apolinar Montero-Sánchez, Curtis Peterson, Joe Piucci, and Tasha Winkler. David Rosen abstained. Motion passed.

**D. Public Affairs Committee [Gabe Chase]**

- 1. 2023 PAC Work Plan** Inform Exhibit

Gabe Chase shared the Public Affairs Committee Work plan for 2023.

- 2. 2023 Legislative Session Update** Inform

Gabe Chase and Susan Grabe gave an update. All eight of the Law Improvement bills have passed the first chamber and are awaiting hearings in the second chamber. Hearings for bills in the Second Chamber will begin next week. Legislative leadership approached the bar with questions about how the bar's Loan Repayment Assistance Program (LRAP) works and whether it might be possible to expand the bar's program to focus more on lawyers who do indigent defense work. The OSB LRAP program is viewed as a small successful model that could be possibly replicated and/or expanded. Legislators also find the existing fiscal and regulatory oversight of the legal services program structure appealing and were interested in whether it might lend itself to other program areas.

SB 306, the Licensed Paralegal Bill, had its first hearing on January 17<sup>th</sup>. The Oregon Trial Lawyers Association opposed the bill and requested an amendment regarding insurance coverage for LPs. The bar coordinated with Professional Liability Fund, the Oregon Judicial Department and the Oregon Trial Lawyers Association to craft language to ensure that would be substantially equivalent insurance coverage for licensed paralegal members as there is for attorney members (the same premium amount and coverage amount). The amendment also included a requirement that the bar report back annually on the Professional Liability Claims amounts for licensed paralegals through 2027.

- 3. Ratify 2023 Legislative Tracking Sheet** Action Exhibit

Gabe Chase and Susan Grabe presented the OSB Positions on Legislation.

**Motion: to ratify previously taken positions by Public Affairs Committee on 2023 Legislative Proposals. Public Affairs Committee motion no second needed.** All those in favor were Chris Cauble, Gabe Chase, Candace Clarke, Kellie Furr, Tomás Hernandez, Elizabeth Inayoshi, Myah Kehoe, John Marandas, Matthew McKean, Rob Milesnick, Apolinar Montero-Sánchez, Curtis Peterson, Joe Piucci, David Rosen, and Tasha Winkler. None opposed none abstained. Motion passed.

**5. Professional Liability Fund [Megan Livermore]**

- A. PLF Financial Statements-November 30, 2022** Inform Exhibit

Megan Livermore presented the PLF Financials for November 30, 2022. Had a big loss, but has since gone up. It may be another volatile year.

**B. 2022 Claims Attorney and Defense Counsel Evaluations w/sample form      Inform      Exhibit**

Megan Livermore presented information about the 2022 Claims Attorney and Defense Counsel Evaluations. Actuaries set an average amount of claims. That was set by the Professional Liabilities Fund, Board of Directors. All the responses have been good or very good in working with the PLF.

**C. PLF Licensed Paralegal (LP) Coverage Plan      Inform**

Megan Livermore and Heather Bowman presented information about PLF coverage plan for Licensed Paralegals. As with licensed attorneys, LP's in private practice whose primary office is in Oregon will participate in and be covered by the fund once licensed. Assuming no further changes to the new legislation mandating LP coverage by the PLF, the coverage amounts and assessment for LPs will start at the same rate as attorneys pay. The PLF offers assessment discounts to attorneys in the first three years of coverage and will do the same for LPs. The discounts are currently 40% for Year 1, 20% for Year 2, and 20% for Year 3. The current version of the legislation provides for some flexibility in setting coverage limits for LPs going forward based on LP claims experience and includes a reporting requirement for the first few years of the program. The PLF will provide aggregate claims data and some parameters for consideration so the amount of coverage and corresponding assessment can be evaluated to determine if they could be reduced going forward.

Elizabeth Inayoshi asked whether LP claims experience could affect the assessment paid by all the lawyers and LPs who participate in the fund?

Heather Bowman mentioned that the legislature requires that LPs have substantially equivalent coverage. It is unlikely that the small pool of LPs joining the fund, regardless of their claims experience, will have any significant effect on the cost of the assessment.

Megan Livermore added that LPs have less exposure to risk due to their limited scope of practice. If the cost of claims against LPs is higher than the current average cost of claims incurred by our covered attorneys, then we would likely also see an increase in the cost of claims against Lawyer members who practice in the same areas of law. The increase would most likely be the result of outside, upward pressures on malpractice claims and other financial pressures, like losses from stock market volatility, rather than being specific to LPs.

**6. OSB Committees, Sections, Councils and Divisions**

**A. ONLD Report [Sean Pank]      Inform      Exhibit**

Sean Pank updated the board on the Oregon New Lawyers Division activities and events. Rural Practice is a big focus this year. Trying to get back to normal after the pandemic. Started to redo those in-person events. Number of events planned around the state for CEL and Network events.

**B. Legal Services Program [Keren Farkas]**

- 1. Approval of Legal Services Program Standards and Guideline and Immigration Practice Standards and Guidelines** Action Exhibit

Keren Farkas presented information about revisions to the Legal Services Program Standards and Guideline and incorporation of the Immigration Practice and Performance Standards and Guidelines. Revisions to ABA Standards and legal funding were updates and incorporated. Expanding the program to directly contract for Immigration Legal Services to low income persons.

Sam Palmer-Simon discussed the additional part of Immigration Legal Services. John Marandas said thank you, attests to the fact that went through the bold issues. He said it was very thorough.

**Motion: approve revisions to the LSP Standards and Guidelines, including the addition and incorporation of the Immigration Practice and Performance Standards and Guidelines.**

**David Rosen moved and Chris Cauble seconded.** All those in favor were Chris Cauble, Gabe Chase, Candace Clarke, Kellie Furr, Tomás Hernandez, Elizabeth Inayoshi, Myah Kehoe, John Marandas, Matthew McKean, Rob Milesnick, Apolinar Montero-Sánchez, Curtis Peterson, Joe Piucci, David Rosen, and Tasha Winkler. None opposed none abstained. Motion passed.

**7. President's Report [Lee Ann Donaldson]**

Inform

Lee Ann Donaldson she went to NOBC in New Orleans. Emergency Preparedness Plan, helping getting a plan for the members. It is a great way to support members.

OTLA, ODAC, and setting up other outreach opportunities.

BBX opportunity's for alterative admissions. They are working so hard and hoping to have a final rules vote on March 1. Joanna Perini-Abbot will be at the WSBC.

**8. CEO Update [Helen Hirschbiel]**

Inform

Helen Hirschbiel thank you David and Lee Ann who supported her in taking time off. Thank you to Mike and Ankur for stepping up taking on things that she would normally do.

Outreach, social networking events that will be happening.

Working to develop some leadership development opportunities, Judge Kasubhai has agreed to come talk to use about gender inclusivity.

Staff follow up LP's work done in legislature, number of things internal. Assessment tools the exam and portfolio to test LP's also working on the marketing piece. Measurement project looking at program review policy, show impact of all the work that the bar does. Hoping to have something at April meeting or June meeting.

Conference is in San Diego for the Western States Bar conference. .

## 9. Closed Sessions – CLOSED Agenda

- A. Executive Session  
(pursuant to ORS 192.660(2)(f) and (h))

**Lee Ann Donaldson:** At 11:22 a.m. announced an **Executive Session**, as follows:

The Board of Governors will now meet in executive session pursuant to ORS 192.660(2)(h), to consult with its outside counsel, Amy Robinson, and general counsel, Ankur Doshi, concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

The Board of Governors will also meet in executive session pursuant to ORS 192.660(2)(f), which allows the Board to meet in executive session to consider information or records that are exempted by law from public inspection. The Board of Governors will consider a written attorney-client communication that is exempted from public inspection by ORS 192.355(9)(a).

Representatives of the news media may attend this executive session. All other members of the audience, including all bar staff, are asked to leave the room. Representatives of the news media are specifically directed not to report on or otherwise disclose any of the deliberations or anything said about these subjects during the executive session, except to state the general subject of the session as previously announced. At the end of the executive session, we will return to open session and welcome the audience back into the room.

**Lee Ann Donaldson:** At 11:48 a.m. announced return to **Open Session**.

**Motion: to approve the purse or initiation of a lawsuit seeking to enjoin Anna Lee from the unlawful practice of law pursuant to ORS 9.166. Chris Cauble and none seconded.** All those in favor were Chris Cauble, Gabe Chase, Candace Clarke, Kellie Furr, Tomás Hernandez, Elizabeth Inayoshi, Myah Kehoe, John Marandas, Matthew McKean, Rob Milesnick, Apolinar Montero-Sánchez, Curtis Peterson, Joe Piucci, David Rosen, and Tasha Winkler. None opposed none abstained. The motion did not pass due to lack of a second.

## 10. Consent Agenda

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|----|---|--------|----------------|
| A. | Appointment of various Committees, Councils, and Boards             | Action | Handout        |
| B. | Approve CSF Reserve Increase to \$1.25 million                      | Action | <u>Exhibit</u> |
| C. | Approve ACH limit to be increased from \$1 million to \$1.4 million | Action | <u>Exhibit</u> |
| D. | Approval of Meeting Minutes   |        |                |
|    | 1. November 19, 2022 open and Closed minutes                        |        | <u>Exhibit</u> |
|    | 2. January 13, 2023 open minutes                                    |        | <u>Exhibit</u> |

**Motion: to approve the consent agenda. Candace Clarke moved and Elizabeth Inayoshi seconded.** All those in favor were Chris Cauble, Gabe Chase, Candace Clarke, Kellie Furr, Tomás Hernandez, Elizabeth Inayoshi, Myah Kehoe, John Marandas, Matthew McKean, Rob Milesnick, Apolinar Montero-Sánchez, Curtis Peterson, Joe Piucci, David Rosen, and Tasha Winkler. None opposed none abstained. Motion passed.