

**Oregon State Bar**  
**Meeting of the Board of Governors**  
September 22, 2023  
Oregon State Bar Center, Tigard, OR  
**Open Session Minutes**

President Lee Ann Donaldson called the open session meeting to order at 12:31 p.m. on September 22, 2023. The meeting adjourned at 4:51 p.m. Members present in-person and by videoconference or teleconference from the Board of Governors were Chris Cauble, Gabe Chase, Candace Clarke, Lee Ann Donaldson, Kellie Furr, Kamron Graham, Tomás Hernandez, Elizabeth Inayoshi, Myah Kehoe, John Marandas, Rob Milesnick, Curtis Peterson, David Rosen, and Tasha Winkler. Not present were Stephanie Engelsman, Joseph Hesbrook, Ryan Hunt, Matt McKean, Apolinar Montero-Sánchez, and Joe Piucci. Staff present in-person or by videoconference or teleconference were Nik Chourey, Cassandra Dyke, Ankur Doshi, Keren Farkas, Helen Hirschbiel, Dani Huck, Karen Lee, Catherine Petrecca, Kateri Walsh, Joanna Knee, and Amy Zubko. Members from Professional Liabilities Fund were Megan Livermore, Tanya Hansen, Michelle Johansen, and Heather Bowman. Members of the public present were Sean Pank, ONLD Chair, Stephanie Volin and Alex Smith.

[BOG Meeting Norms](#)

**Friday, September 22, 2023, 12:30 p.m.**

**1. Call to Order**

**2. 2024 President-elect candidate statements**

- A. Myah Kehoe Inform **Exhibit**

Lee Ann Donaldson noted that Myah Kehoe is the sole BOG member to submit a letter of interest in the 2024 President-elect position. Myah Kehoe declined to address the board at this time.

**3. 2023 Strategic Areas of Focus**

- A. Diversity Action Plan Implementation Report 2021-2023 [Karen Lee] Inform **Exhibit**

Karen Lee presented the information from the Diversity Action Plan. She gave updates about where they are and when they would be starting the next plan.

- B. Rural Practice Report [Sean Pank and Cathy Petrecca] Inform **Exhibit**

Sean Pank and Cathy Petrecca gave a summary of the Rural Practice Insights and Recommendations.

**4. Approve HOD Agenda [Lee Ann Donaldson]**

- A. Approval of BOG Resolution on Well-Being [Dave Rosen] Action **Exhibit**

David Rosen presented information regarding the Well-Being Report. The proposed HOD resolution on Well-Being will present the Report and ask the HOD to accept the Report, read it, and reaffirm their commitment to well-being in the legal profession.

Professionalism has gone down in the past couple of years. There needs to be an emphasis on professionalism again.

Well-Being is tied to professionalism. When lawyers do not take care of themselves it can lead to poor behavior.

**MOTION: to approve BOG Resolution on Well-Being. Committee Motion; No second needed.** Those in favor were Chris Cauble, Gabe Chase, Candace Clarke, Lee Ann Donaldson, Kellie Furr, Tomas Hernandez, Elizabeth Inayoshi, Myah Kehoe, John Marandas, Rob Milesnick, Curtis Peterson, and Tasha Winkler. None opposed. No abstentions. The motion passes.

**B. Consider whether to exclude HOD Delegate Resolutions**

Pursuant to Section 4.3 of the Bar's Bylaws, and Rule 5.5 of the House of Delegates Rules of Procedures, resolutions submitted by delegates and members are reviewed for conformity with law, the mission of the Oregon State Bar, and compliance with *Keller v. State Bar of California*. Board members raised concerns about the potential for Delegate Resolution #1 creating a moratorium on annual membership fees for the next three years to be in violation of their fiduciary duties to the bar.

**MOTION: to exclude resolution 1 agenda items 12. Chris Cauble moved, and Curtis Peterson seconded.** Those in favor were Chris Cauble, Gabe Chase, Candace Clarke, Lee Ann Donaldson, Kellie Furr, Tomas Hernandez, Elizabeth Inayoshi, Myah Kehoe, John Marandas, Rob Milesnick, Curtis Peterson, and Tasha Winkler. None opposed. No abstentions. The motion passes.

**C. Approve HOD Agenda**

Action

Exhibit

**MOTION: to approve the 2023 HOD Agenda as amended (with removal of HOD Resolution 1 Agenda Item number 12). David Rosen moved, and Curtis Peterson seconded.** Those in favor were Chris Cauble, Gabe Chase, Candace Clarke, Lee Ann Donaldson, Kellie Furr, Tomas Hernandez, Elizabeth Inayoshi, Myah Kehoe, John Marandas, Rob Milesnick, Curtis Peterson, and Tasha Winkler. None opposed. No abstentions. The motion passes.

**D. Determine BOG Position on Delegate Resolutions**

Lee Ann Donaldson asked the board if they support or take no position on each resolution. The board took no position on any of the HOD Delegate Resolutions.

**E. Identify Speakers**

BOG members were identified for each of the BOG Resolutions.

**5. BOG Committees**

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

**1. Program Review Policy Amendments**

Action

Exhibit

David Rosen presented the Program Review Policy Amendments.

**MOTION: to approve amendment to OSB Policy 2.101 to include the program review policy. Policy and Governance Committee motion; No second needed.** Those in favor were Chris Cauble, Gabe

Chase, Candace Clarke, Lee Ann Donaldson, Kellie Furr, Tomas Hernandez, Elizabeth Inayoshi, Myah Kehoe, John Marandas, Rob Milesnick, Curtis Peterson, and Tasha Winkler. None opposed. No abstentions. The motion passes.

2. ABA HOD Delegate Proxy

Action

Exhibit

David Rosen presented an amendment to OSB Bylaws and Policies regarding OSB Delegates to the American Bar Association House of Delegates. The changes would create a mechanism for selection of an alternate for ABA HOD Delegate. The changes also clarify the current Bylaw to eliminate confusion.

**MOTION: to approve the changes to Policy 5.101 provides that the BOG may appoint as the ABA Delegate, Policy, and Governance committee motion; No second needed.** Those in favor were Chris Cauble, Gabe Chase, Candace Clarke, Lee Ann Donaldson, Kellie Furr, Tomas Hernandez, Elizabeth Inayoshi, Myah Kehoe, John Marandas, Curtis Peterson, and Tasha Winkler. None opposed. Rob Milesnick abstained. The motion passes.

3. Appellate Practice Final Report

Action

Exhibit

David Rosen presented the Appellate Access to Justice Committee report.

It was not made a HOD Resolution because the committee provided an initial report and this was final report. There was no more information that warranted coming back to the HOD for more action.

We are working on better communication with the HOD about the studies asked for by the HOD and the outcomes of those studies.

**MOTION: to accept the report and provide a verbal report and recommendations from the Appellate Access to Justice Committee at the 2023 House of Delegates meeting. Policy and Governance Committee motion; No second needed.** Those in favor were Chris Cauble, Gabe Chase, Candace Clarke, Lee Ann Donaldson, Kellie Furr, Tomas Hernandez, Elizabeth Inayoshi, Myah Kehoe, John Marandas, Curtis Peterson, and Tasha Winkler. None opposed. Rob Milesnick abstention. The motion passes.

4. Amendment to Bar Bylaw 2.11 and 2.13

Inform

Exhibit

Curtis Peterson presented amendments to OSB Bylaw 2.11 and 2.13 to allow public members to run for president-elect and president starting January 1, 2024. These will be voted on at the November meeting.

B. Budget and Finance Committee [Chris Cauble]

1. 2022 Audited Financial Statements Approval

Action

Exhibit

Chris Cauble and Mike Williams presented the 2022 Audited Financials.

**MOTION: to approve the 2022 Audited Financials. Budget and Finance Committee motion; No second needed.** Those in favor were Chris Cauble, Gabe Chase, Candace Clarke, Lee Ann Donaldson, Kellie Furr, Tomas Hernandez, Elizabeth Inayoshi, Myah Kehoe, John Marandas, Rob Milesnick, Curtis Peterson, and Tasha Winkler. None opposed. No abstentions. The motion passes.

2. 2023 July Financial Statements Inform Exhibit

Chris Cauble presented the 2023 July Financial Statements

3. CSF Assessment Inform Exhibit

Chris Cauble presented that the CSF Assessment for 2024 will remain at \$20.

C. Board Development Committee [Chris Cauble]

1. BOG Public Member Appointment (page 5 of the exhibit) Action Exhibit

Chris Cauble presented the candidate for the public member of the board for 2024.

**MOTION: to approve the Public Member appointment of Mr. Passadoré to the BOG. Board Development Committee motion; No second needed.** Those in favor were Chris Cauble, Gabe Chase, Candace Clarke, Lee Ann Donaldson, Kellie Furr, Tomas Hernandez, Elizabeth Inayoshi, Myah Kehoe, John Marandas, Curtis Peterson, and Tasha Winkler. None opposed. The motion passes. Rob Milesnick abstained.

Moved off the Consent Agenda to discuss:

**HOD members appointment**

The committee approved David Wu to the HOD and wanted to bring it to the BOG for discussion because of his resignation from the Oregon Congress.

There was no discussion.

**MOTION: to approve slate of HOD members for appointment. Board Development Committee motion no seconded needed.** Those in favor were Chris Cauble, Gabe Chase, Candace Clarke, Lee Ann Donaldson, Kellie Furr, Tomas Hernandez, Elizabeth Inayoshi, Myah Kehoe, John Marandas, Rob Milesnick, Curtis Peterson, and Tasha Winkler. None opposed. No abstentions. The motion passes.

D. Public Affairs Committee [Gabe Chase]

1. Legislative Update Inform

Gabe Chase presented the Legislative Update to the board.

6. Professional Liability Fund [Megan Livermore]

A. Audit 2022 Management Letter Inform Exhibit

Megan Livermore presented the 2022 Audit Management Letter

B. 2022 Audit Governance Letter Inform Exhibit

Megan Livermore presented the 2022 Audit Governance Letter

- C. December 31, 2022 Audited Financial Statements Action Exhibit

Megan Livermore presented the December 2022 Audited Financial Statements

**MOTION: to approve the December 31, 2022, Audited PLF Financial Statement. John Marandas moved, and Curtis Peterson seconded.** Those in favor were Chris Cauble, Gabe Chase, Candace Clarke, Lee Ann Donaldson, Kellie Furr, Tomas Hernandez, Elizabeth Inayoshi, Myah Kehoe, John Marandas, Rob Milesnick, Curtis Peterson, and Tasha Winkler. None opposed. No abstentions. The motion passes.

- D. June 30, 2023 Actuarial Memo  
1. Approval of 2024 Assessment Action Exhibit

**MOTION: to approve the 2024 Assessment. Curtis Peterson moved, and Elizabeth Inayoshi seconded needed.** Those in favor were Chris Cauble, Gabe Chase, Candace Clarke, Lee Ann Donaldson, Kellie Furr, Tomas Hernandez, Elizabeth Inayoshi, Myah Kehoe, John Marandas, Rob Milesnick, Curtis Peterson, and Tasha Winkler. None opposed. No abstentions. The motion passes.

- E. June 30, 2023 Rudd and Wisdom Determination of Reserve Inform Exhibit

Megan Livermore presented the Rudd and Wisdom Determination of Reserve

- F. June 30, 2023 Rudd and Wisdom Calendar Year 2024 Assessment Inform Exhibit

Megan Livermore presented the Rudd and Wisdom Calendar Year 2024 Assessment

- G. 2024 Net Position Inform Exhibit

Megan Livermore presented 2024 Net Position for the PLF.

- H. 2024 Annual Budget Action Exhibit

Megan Livermore presented the PLF's 2024 Annual Budget.

**MOTION: to approve the 2024 Professional Liabilities Fund Budget. Chris Cauble moved, and Kellie Furr seconded.** Those in favor were Chris Cauble, Gabe Chase, Candace Clarke, Lee Ann Donaldson, Kellie Furr, Tomas Hernandez, Elizabeth Inayoshi, Myah Kehoe, John Marandas, Rob Milesnick, Curtis Peterson, and Tasha Winkler. None opposed. No abstentions. The motion passes.

- I. June 30, 2023 Draft Financial Statements Inform Exhibit

Megan Livermore presented the June 30, 2023 Draft Financial Statements

J. 2022 Annual Report Inform Exhibit

Megan Livermore presented the 2022 Annual Report

## 7. OSB Committees, Sections, Councils and Divisions

A. ONLD Report [Sean Pank] Inform Exhibit

Sean Pank gave an update on all the wonderful things that the ONLD is doing throughout Oregon.

8. **President's Report** [Lee Ann Donaldson] Inform

The most constant thing this year LPDC is every two weeks. They presented the rules for the Supervised Pathway to the Supreme Court at the end of August. October/November is when the Supreme Court may approve the rules for the pathway.

OLIO was really nice and well attended. The theme was Alice and Wonderland. Who are you and finding your people. She really loves the student interaction and connecting with them.

Professionalism week at Lewis and Clark and Willamette. She gave a speech about self-care and surviving law school.

Met with Oregon Chapter of the American Bar Association. Their concern has been in membership numbers.

Decline in volunteerism in the bar and with bar association all over.

9. **CEO Report** [Helen Hierschbiel] Inform

OregonLawHelp. There are delays, but we expect a soft launch later this fall. Working on communications for marketing. Oregon Consumer Justice decided to sign on as a stake holder, which is excellent news.

David Rosen talked about the Policy and Governance Committee doing a deep dive into access to justice. The Committee approved engaging Dr. Kelly Jarvis, who will be identifying gaps that the bar may be able to address, influence, or collaborate with others on. From there, the bar will be able to develop a strategic plan much like DAP.

Licensed Paralegal Program. The Court adopted the revised rules and approved the Legal Assessors Committee. The exam is in process and will focus on scope of work allowed under the rules, as well as ethics. We expect to administer the exam in the fourth quarter of the year.

Legal Publications is evaluating a new legal research tool as a possible replacement for FastCase. We plan to engage with members to help evaluate the product and bring it back to the BOG for its comments before making the decision.

Celebrate Oregon Lawyers Event. Wednesday October 25<sup>th</sup>.

In person disciplinary hearings are ramping up. Mr. Carl was suspended, and we are fielding calls for that.

Regulatory Office only has seven character and fitness holds thanks to new software.

## 10. Closed Sessions – CLOSED Agenda

**Lee Ann Donaldson announced going into Closed session at: 3:36 PM**

The Board of Governors will now 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).

The Board of Governors will also meet in executive session pursuant to ORS 192.660(2)(h), to consult with its General Counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

Representatives of the news media and designated staff shall be allowed to attend the executive session, with the exception of any representatives of the news media involved in pending or potential litigation per ORS 192.660(5). All other members of the audience 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. No decision may be made in executive session.

**At the end of executive session, we will adjourn.**

- A. Executive Session 1 (pursuant to ORS 192.660(2)(f) and (h))
- B. Executive Session 2 (pursuant to ORS 192.660(2)(f) and (h))

**Lee Ann Donaldson announced going back to Open Session at: 4:51 PM**

## 11. Consent Agenda

- |   |  |        |                       |
|---|--|--------|-----------------------|
| A.  | Comments regarding CSF Claim Deveny (Smith) 2020-3       | Action | <u><b>Exhibit</b></u> |
| <p>Alex Smith shared his concerns with the CSF Committee and the Board’s decision to deny approval of his claim against attorney Lori Deveny.</p> |  |        |                       |
| B.  | LEC Amendment to 2018-194                                | Action | <u><b>Exhibit</b></u> |
| C.  | Investment Committee Bylaw and Policy Change             | Action | <u><b>Exhibit</b></u> |
| D.  | Appointments to various Committees, Councils, and Boards | Action | <u><b>Exhibit</b></u> |
| E.  | DCO Status Report  | Inform | <u><b>Exhibit</b></u> |
| F.  | Approval of Meeting Minutes (Open and Closed)            |        |                       |
|   | 1. June 23, 2023 Minutes                                 | Action | <u><b>Exhibit</b></u> |
|   | 2. July 28, 2023 Closed Minutes                          | Action |                       |

**MOTION: to approve the consent agenda. Curtis Peterson moved, and David Rosen seconded.** Those in favor were Chris Cauble, Gabe Chase, Candace Clarke, Lee Ann Donaldson, Kellie Furr, Tomas Hernandez, Elizabeth Inayoshi, Myah Kehoe, John Marandas, Rob Milesnick, Curtis Peterson, and Tasha Winkler. None opposed. No abstentions. The motion passes.