

**Oregon State Bar
Meeting of the Board of Governors
Oregon State Bar
Open Session Agenda**

President David Rosen called the open session meeting to order at 12:30 p.m. on April 19, 2024. The meeting adjourned at 4:58 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, Joseph Hesbrook, Megan Houlihan, Elizabeth Inayoshi, Myah Kehoe, Matt McKean, John Marandas, Apolinar Montero-Sánchez, Eddie Passadoré, Curtis Peterson, Dave Rosen, Kyle Sciuchetti, Rob Welsh, and Nik Yanchar. Not present were Tomás Hernandez and Stephanie Engelsman. PLF Staff present for the Joint Meeting were Megan Livermore, Heather Bowman, Emilee Preble, Maureen DeFrank, Tanya Hanson, Kalia Walker, Matt Borrillo, Betty Lou Morrow, Hong Dao, Ann Ledgerwood, Amy Hoven, Kyra Hazilla, Heather Davis-Warren, Harshi Patel, Rachel Edwards, and John Bachofner. PLF Present for the Board of Governors Meeting were Megan Livermore, Heather Bowman, and John Bachofner. ONLD President-Elect Carlotta Alverson was present by videoconference. Staff present in-person or by videoconference or teleconference were Richard Appleyard, Cassandra Dyke, Ankur Doshi, Danielle Edwards, Keren Farkas, Susan Grabe, Helen Hirschbiel, David Johnson, Cathy Petrecca, Mike Williams, and Troy Wood.

[BOG Meeting Rules](#)

[Full April Agenda with Exhibits for minutes](#)

Friday, April 19, 2024 12:30 p.m.

1. Call to Order

2. BOG/PLF BOD Joint Meeting

Megan Livermore and Helen Hirschbiel shared a PowerPoint presentation. The group discussed understanding generative AI and the impact it will have on the legal profession and explored the OSB and PLF roles in responding to those impacts.

3. 2024 Strategic Areas of Focus

A. Measuring Impact Report Draft Inform

There will be something for the board to look at and review in June.

4. BOG Committees

A. Policy and Governance Committee [Myah Kehoe]

1. Fee Arbitration Program Action **Exhibit**

Myah Kehoe presented information regarding the current Fee Arbitration Program and gave options on what to do.

Concerned about the declining use of the program and the cost of continuing it in light of other existing options available for resolving fee disputes.

MOTION: to Sunset the current Fee Dispute Resolution Program and instruct staff to establish a partnership with an arbitration company to form a new joint program for fee resolution, Committee Motion; No second needed. Those in favor were Chris Cauble, Gabe Chase, Candace Clarke, Lee Ann Donaldson, Kellie Furr, Joseph Hesbrook, Megan Houlihan, Elizabeth Inayoshi, Myah Kehoe, Matt McKean, John Marandas, Apolinar Montero-Sánchez, Eddie Passadoré, Curtis Peterson, Dave Rosen, Kyle Sciuchetti, Rob Welsh, and Nik Yanchar. None opposed. No abstentions. The motion passes.

2. Approve Rules of Licensure

Action

Exhibit

Myah Kehoe presented information regarding the changes that were made to consolidate rules that existed but didn't fit in the Rules of Procedure or the Rules of Professional Conduct.

Is it even viable to cover out-of-state attorneys. There could be a discussion, but it would be really hard to not run a fowl in other states.

The rules have substantially equivalent malpractice coverage for out-of-state lawyers who are licensed in Oregon and may have an office in another state. If you take the bar exam then no requirement for substantially equivalent malpractice coverage, if licensed through reciprocity then attorneys have the requirement of substantially equivalent malpractice coverage.

Heather said this is oriented to those who are practicing in Oregon.

MOTION: to approve the Rules of Licensure and submit them to the Supreme Court for adoption. Committee Motion; No second needed. Those in favor were Chris Cauble, Gabe Chase, Candace Clarke, Lee Ann Donaldson, Kellie Furr, Joseph Hesbrook, Megan Houlihan, Elizabeth Inayoshi, Myah Kehoe, Matt McKean, John Marandas, Apolinar Montero-Sánchez, Eddie Passadoré, Curtis Peterson, Dave Rosen, Kyle Sciuchetti, Rob Welsh, and Nik Yanchar. None opposed. No abstentions. The motion passes.

3. Legal Research Tool

Action

Exhibit

Myah Kehoe presented information regarding a possible new Online Research Library.

MOTION: to authorize staff to decide whether to continue its contract with Fastcase for another year or to give Fastcase notice of nonrenewal and contract with Decisis for the Bar's legal research member benefit. Committee Motion; No second needed. Those in favor were Chris Cauble, Gabe Chase, Candace Clarke, Lee Ann Donaldson, Kellie Furr, Joseph Hesbrook, Megan Houlihan, Elizabeth Inayoshi, Myah Kehoe, Matt McKean, John Marandas, Apolinar Montero-Sánchez, Eddie Passadoré, Curtis Peterson, Dave Rosen, Kyle Sciuchetti, Rob Welsh, and Nik Yanchar. None opposed. No abstentions. The motion passes.

B. Board Development Committee [Chris Cauble]

1. Update on Committee Activities

Inform

Chris Cauble presented information regarding the Board Development Committee activities.

C. Budget & Finance Committee [Matt McKean]

1. Financial Update

Inform

Exhibit

Matt McKean presented the current financial update.

D. Public Affairs Committee [Curtis Peterson]

1. 2024 Legislative Session Review Inform **Exhibit**

Curtis Peterson presented information regarding the 2024 Short Session.

2. 2025 Law Improvement Package and Legislative Proposals Update Inform **Exhibit**

Curtis Peterson presented information regarding the 2025 Legislative Session. June meeting will have the proposals.

5. Professional Liability Fund [Megan Livermore]

- A. PLF Financial Statement Inform **Exhibit**

Megan Livermore/Heather Bowman gave an update on the current financials at the PLF.

- B. Excess Enrollment Renewal Report Inform **Exhibit**

Megan Livermore presented information regarding the Excell Enrollment Renewal Report.

- C. Malpractice Statistics Inform

Megan Livermore presented information regarding malpractice statistics that the board asked for at the last meeting. The PLF Annual Report will be published soon with more information.

- D. PLF Program Usage Data Inform

Megan Livermore presented information regarding Practice Management and OAAP statistics that the board asked for at the last meeting. The PLF Annual Report will be published soon with more information.

6. Executive Session pursuant to ORS 192.660(2)(p)

DAVID ROSEN ANNOUNCED AT 4:06 PM

The Board of Governors will now meet in executive session pursuant to ORS 192.660(2)(p), to consider matters relating to cyber security infrastructure and responses to cyber security threats.

Representatives of the news media and designated staff are allowed to attend the executive session. All other members of the audience must 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 the executive session, we will return to open session and welcome the audience back into the room.

Back to Open Session at 4:18 PM

7. OSB Committees, Sections, Councils and Divisions

- A. ONLD Report [Carlotta Alverson] Inform Exhibit

Carlotta Alverson, ONLD Chair Elect, presented information regarding the good works of the ONLD throughout the state.

- B. MCLE Committee [Troy Wood]
1. MCLE Regulation 4.300(e)(4) Action Exhibit

Troy Wood presented information regarding the changes to the Oregon State Bar Minimum Continuing Legal Education Rules and Regulations. These changes will provide clarity in the rules.

MOTION: to approve the proposed amendment to the MCLE Regulation 4.300(e)(4). Gabe Chase moved, and Myah Kehoe seconded. All those in favor were Chris Cauble, Gabe Chase, Candace Clarke, Lee Ann Donaldson, Kellie Furr, Joseph Hesbrook, Megan Houlihan, Elizabeth Inayoshi, Myah Kehoe, Matt McKean, John Marandas, Apolinar Montero-Sánchez, Curtis Peterson, Dave Rosen, Kyle Sciuchetti, Rob Welsh, and Nik Yanchar. None opposed. No abstentions. The motion passes.

2. MCLE Regulation 5.100 (b) Action Exhibit
a) Comments on MCLE Regulation Inform Exhibit

Troy Wood presented information regarding the Oregon State Bar Continued Legal Education Rules and Regulations to clearly define what a New Lawyer Mentoring Program mentor may claim MCLE Credie for participation in the program.

MOTION: to approve the proposed amendment to the MCLE Regulation 5.100(b). Gabe Chase moved, and Myah Kehoe seconded. Those in favor were Chris Cauble, Gabe Chase, Lee Ann Donaldson, Kellie Furr, Joseph Hesbrook, Megan Houlihan, Elizabeth Inayoshi, Myah Kehoe, Matt McKean, John Marandas, Apolinar Montero-Sánchez, Curtis Peterson, Dave Rosen, Kyle Sciuchetti, Rob Welsh, and Nik Yanchar. Candace Clarke abstained. None opposed. The motion passes.

- C. Awards Committee Appointment [Cathy Petrecca] Inform Exhibit

Cathy Petrecca presented information regarding the Ad Hoc Awards Committee chaired by the OSB President, David Rosen, to review nominations for the bar's annual awards and develop recommendations for the full board. June 17th will be the week of the meeting.

Chris Cauble, Curtis Peterson, Kyle Sciuchetti, Nik Yanchar and Myah Kehoe volunteered for the committee.

D. Legal Services Program [Keren Farkas]

1. Disbursement of Unclaimed Lawyer Trust Account Funds

Action

Exhibit

Keren Farkas presented information regarding disbursement of Unclaimed Lawyer Trust Funds to be provided to the legal aid providers in the amount of \$193,500.00.

MOTION: to approve the Legal Services Program Committee recommendation to disburse \$193,500.00 from ULTA funds to legal aid providers. Nik Yanchar moved, and Kyle Sciuchetti seconded. Those in favor were Chris Cauble, Gabe Chase, Lee Ann Donaldson, Kellie Furr, Joseph Hesbrook, Megan Houlihan, Elizabeth Inayoshi, Myah Kehoe, Matt McKean, John Marandas, Apolinar Montero-Sánchez, Curtis Peterson, Dave Rosen, Kyle Sciuchetti, Rob Welsh, and Nik Yanchar. Candace Clarke abstained. None opposed. The motion passes.

8. President's Report [David Rosen]

Inform

Dave and Helen had a nice meeting with the Oregon Association of Defense Counsel. The Western States Bar Conference was a great experience. Two big takes away from the WSBC were they have Aloha spirit written in their statutes. It is a method of practice in law in Hawaii. The other was how fortunate we are in Oregon. A lot of bars are experiencing a lot of difficulties and are under fire. We have a longstanding and great relationship with our court and legislature.

Dave also reported on the presentation he gave on mindfulness at the Judicial Conference.

9. CEO Update [Helen Hierschbiel]

Inform

As written.

In addition, one of the lawyer board members of the Bhutan Cultural Exchange, a small non-profit in Baker City, Oregon, arranged a meeting between the Vice Chair of the Bar Council of Bhutan (also the former Chief Justice of Bhutan) and Helen. They are interested in exploring an exchange of information around our respective legal systems and legal professionals. They have sent a letter of invitation and are looking for additional connections with Oregon lawyers and opportunities to seek financial support.

10. Closed Sessions – [CLOSED Agenda](#)

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

DAVID ROSEN ANNOUNCED AT 4:19

The Board of Governors will now meet in executive session pursuant to ORS 192.660(2)(f), ORS 192.355(9)(a), and ORS 40.225 to consider a privileged record that is exempt by law from public inspection.

The Board of Governors will also meet in executive session pursuant to ORS 192.660(2)(h), to consult with its General Counsel [OR outside 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 are allowed to attend the executive session. All other members of the audience must 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.

Back to Open Agenda at 4:33 pm

MOTION: to approve the Memorandum of Understanding between the OSB and OLF as provided, with authority for staff to amend the Memorandum of Understanding for corrections and nonsubstantive edits. John Marandas moved, and Nik Yanchar seconded. Those in favor were Chris Cauble, Gabe Chase, Candace Clarke, Lee Ann Donaldson, Kellie Furr, Joseph Hesbrook, Megan Houlihan, Elizabeth Inayoshi, Myah Kehoe, Matt McKean, John Marandas, Apolinar Montero-Sánchez, Eddie Passadoré, Curtis Peterson, Dave Rosen, Kyle Sciuchetti, Rob Welsh, and Nik Yanchar. None opposed. No abstentions. The motion passes.

11. Consent Agenda

A.	Appointment of various Committees, Councils, and Boards	Action	Handout
B.	DCO 2023 Annual Report	Inform	<u>Exhibit</u>
C.	DCO Status Report	Inform	<u>Exhibit</u>
D.	CAO 2023 Annual Report	Inform	<u>Exhibit</u>
E.	Disciplinary Board Annual Report	Inform	<u>Exhibit</u>
F.	OSB Formal Op. 2005-10 and OSB Formal Op. 2005-70	Action	<u>Exhibit</u>
G.	Approval of Meeting Minutes		
1.	February 23 open and Closed minutes	Action	<u>Exhibit</u>
H.	Articles of Interest		
1.	9 th Circuit considers reviving First Amendment Claims against OSB	Inform	<u>Exhibit</u>
2.	State Bar Attorney Well-Being Initiatives	Inform	<u>Exhibit</u>
3.	ABA proposal to accredit online law schools faces opposition	Inform	<u>Exhibit</u>

MOTION: to approve the consent agenda. Myah Kehoe moved, and Kellie Furr seconded. Those in favor were Chris Cauble, Gabe Chase, Candace Clarke, Lee Ann Donaldson, Kellie Furr, Joseph Hesbrook, Megan Houlihan, Elizabeth Inayoshi, Myah Kehoe, Matt McKean, John Marandas, Apolinar Montero-Sánchez, Eddie Passadoré, Curtis Peterson, Dave Rosen, Kyle Sciuchetti, Rob Welsh, and Nik Yanchar. None opposed. No abstentions. The motion passes.