

**Oregon State Bar**  
**Meeting of the Board of Governors**  
August 27, 2002  
**Open Session Minutes**  
**Conference Call**

The Special Board meeting, which was held by conference call, was called to order Tuesday, August 27, 2002, at 12:15 p.m. by President Angel Lopez and adjourned at 12:40 p.m. Members of the Board of Governors participating were Bruce Anderson, Ronald Bryant, Mary McCauley Burrows, William Carter, Gerry Gaydos, Frank Hilton, David Hytowitz, Lisa LeSage, Angel Lopez, Sarah Rinehart, John Tyner, and Bette Worcester. Staff participating was Karen Garst, George Riemer, Bob Oleson, Susan Grabe, and Teresa Bowen.

**1. Recommendation for the Cost of Consumer Assistance**

**Action:** Ms. Burrows moved, Mr. Carter seconded, and the board unanimously approved adjusting the fee required from \$11 to \$5 for the Majority Report of the Discipline System Task Force and adjusting the financial cost of the Minority Report from \$17 to \$11.

**2. Revision to Language for Fee Resolution**

**Action:** Ms. Burrows moved, Mr. Carter seconded, and the board approved the following new language for the Fee Resolution:

*Whereas, the Board of Governors of the Oregon State Bar recommends that the Oregon State Bar make available to all active members an online legal research library (Casemaker ); and*

*Whereas, the Board of Governors of the Oregon State recommends the implementation of most of the recommendations of the Disciplinary System Task Force, including the establishment of a Consumer Assistance Program; and*

*Whereas, the Board of Governors believes both the Casemaker , legal research library, and the recommendations of the Disciplinary System Task Force can be implemented at an annual cost of \$20 per active member; and*

*Whereas, the Board of Governors has determined that the Client Security Fund assessment will be \$5 for active members in 2003 (a \$10 reduction from 2002); now, therefore, be it*

Resolved, that the 2003 annual membership fees for members of the Oregon State Bar shall be as follows:

1. *Active Members.*
  - A. *For members admitted in any jurisdiction before January 1, 2001, \$391.00 for the basic membership fee; \$30 for the Affirmative Action Program fee; and \$5.00 for the Client Security Fund assessment for a total of \$426.00.*
  - B. *For members admitted in any jurisdiction before January 1, 2001, who fail to pay their active fees and assessments of \$426.00 by the due date: \$476.00.*
  - C. *For members admitted in any jurisdiction on or after January 1, 2001: \$334.00 for the basic membership fee; \$15.00 for the Affirmative Action Program fee; and \$5.00 for the Client Security Fund assessment for a total of \$354.00.*
  - D. *For members admitted in any jurisdiction on or after January 1, 2001, who fail to pay their active fees and assessments of \$354.00 by the due date: \$396.00.*
  - E. *For those members admitted in Oregon in 2003, the fees shall be apportioned.*
  - F. *For those members who pass away in 2003, reimbursement of fees paid shall be apportioned upon request of appropriate representatives, except that the increase of fees due to payment made after the due date shall not be included in the apportioned refund.*
  - G. *Exemptions to active membership fees:*
    - (1) *Members who were admitted to practice law in Oregon prior to January 1, 1953, are exempt from the basic membership fee and the Affirmative Action Program fee.*
    - (2) *Members who are on active military duty in compliance with the terms of ORS 408.450 are exempt from the payment of all active membership fees and assessments. Members who are in the VISTA or Peace Corps programs in compliance with Board of Governors Policy 10.302 are exempt from the payment of all active membership fees and assessments. The payment of active membership fees may also be waived if members satisfy the requirements of Board of Governors Policy 10.301 on hardship exemptions.*
2. *Active Pro Bono and Active Emeritus Members.*
  - A. *For members who qualify under BOG Policy 15.700 for Active Pro Bono or Active Emeritus membership: \$110.00 for the basic membership fee and \$5 for the Client Security Fund assessment, for a total of \$115.00.*

B. *For Active Pro Bono or Active Emeritus members who fail to pay their fees and assessments of \$115.00 by the due date: \$140.00.*

3. *Inactive Members.*

A. *The 2003 membership fee for inactive members shall be \$110.00.*

B. *For those inactive members who fail to pay their fees of \$110.00 by the due date: \$135.00.*

C. *Exemptions to inactive membership fees:*

*(1) Members who were admitted in Oregon prior to January 1, 1953.*

*(2) Members in active military duty in compliance with the terms of ORS 408.450 are exempt from the payment of inactive membership fees.*

*(3) Members who are in the VISTA, Peace Corps, or other programs authorized by Board of Governors Policy 10.302 are exempt from the payment of inactive membership fees.*

*(4) Members who are granted a hardship exemption under Board of Governors Policy 10.301.*

4. *Payment Date: All fees and assessments shall be paid simultaneously, in one remittance, not later than the due date, or within 60 days of the date of admission to the Oregon State Bar, whichever occurs later.*

5. *Definitions: Apportioned fees pertain only to those members admitted in Oregon or who passed away during calendar year 2003. If the member is admitted or passes away in January, the apportioned fee or refund, as the case may be, shall be 12/12; February shall be 11/12; ...; December shall be 1/12. The calculation shall be rounded up to the nearest dollar for each fee allocation.*

**3. Approve language for Resolution No. 9, which requests the BOG to seek legislative amendment making child abuse reporting a one-time Mandatory Continuing Legal Education (MCLE) requirement for out-of-state members.**

**Action:** Mr. Hilton moved, Ms. LeSage seconded, and the board unanimously approved the new language for Resolution No. 9, submitted by Russell B. Hale, who originally submitted the resolution. This new language will not substantially change the original resolution language.

**4. Proposed change to Resolution No. 12, which opposes Initiative Measure 21 regarding new procedure for appointing and electing judges**

**Action:** Mr. Lopez proposed changes to paragraph #5 of BOG Resolution No. 12, Ms. LeSage moved, Mr. Bryant seconded, and the board approved the following changes:

Whereas, *this election requirement could cause delay in filling vacant judicial positions thereby diminishing judicial efficiency, delaying resolution of pending litigation to the detriment of litigants in the system, and increasing costs to ~~both~~ all parties and the lawyers in the process; and*

**5. Identify Presenters for Items No. 7, No. 11, No. 12, and No. 13**

**Action:** The board agreed by consensus to have the following individuals appear on the 2002 HOD Agenda as presenters at the HOD annual meeting:

Resolution No. 7	Dennis Karnopp, Chair, Disciplinary System Task Force
Resolution No. 11	James M. Brown
Resolution No. 12	Gerry Gaydos
Resolution No. 13	William Carter

**6. Adopt Resolution No. 14, which Supports Adequate Funding for the Judicial Department, as a BOG Resolution.**

**Action:** Mr. Hytowitz moved, Mr. Bryant seconded, and the board unanimously approved submitting Delegate Resolution No. 1 (originally submitted as a Delegate Resolution by Board of Governors member Charles Williamson) to the HOD as a BOG resolution.

**7. Change language in BOG Resolution No. 4, which supports Indigent Defense funding.**

**Action:** Ms. Burrows moved, Mr. Carter seconded, and the board unanimously approved changing the language in paragraph three as follows:

*Whereas, the Oregon State Bar finds that a ~~disparity exists in the level of compensation between prosecutors and indigent defense providers that~~ the current level of compensation for Indigent Defense diminishes the quality of legal representation and discourages lawyers from choosing the provision of indigent defense services as a professional career choice.*

**8. Approve House of Delegates Agenda for the October 5, 2002 Annual Meeting**

**Action:** Ms. Burrows moved, Ms. LeSage seconded, and the board unanimously approved the 2002 House of Delegates Agenda with the changes noted above.

**9. Good of the Order**

Mr. Carter informed the board of discussions he and Mr. Oleson had concerning groups that will be opposed to the BOG's position on Initiative Measures 21 and 22.

**Action:** Mr. Hytowitz moved, Ms. LeSage seconded, and the board approved having Ms. Garst draft a letter under Mr. Lopez' signature inviting the groups sponsoring these initiatives to present their positions to the HOD.