

Oregon State Bar
Meeting of the Board of Governors
February 27, 2003
Special Meeting Minutes

The Board meeting was called to order Thursday, February 27, 2003 at 7:35 a.m. by President Charles Williamson and adjourned at 7:44 a.m. Members of the Board of Governors participating were Mary McCauley Burrows, David Hytowitz, Charles Williamson, William Carter, Lisa LeSage, Bette Worcester, Jon Hill, Nena Cook, Gerry Gaydos, Frank Hilton, Dennis Rawlinson, Mark Comstock and John Enbom. Staff participating was Karen Garst and Teresa Wenzel. Also present from the PLF were Ira Zarov, Jeff Crawford and Bob Nunn.

1. Professional Liability Fund

A. Retroactive Date for Inclusion of Patent Lawyers

Ira Zarov presented an overview of the proposed PLF Policy 3.100 change. The additional policy would allow the PLF to assign an earlier Retroactive Date than 3.100 (A)-(C) allows. He also advised the Board of a proposed change in the wording in Exclusion s, which was different from the wording it approved at its board meeting in February, 2003. The change was recommended by Chuck McClung, of Chernoff, Vilhauer, McClung and Stenzel to make the language more consistent with the definition used by the U.S. Patent & Trademark Office.

Action: Ms. Burrows moved and Mr. Carter seconded a motion to approve the new language for Exclusion s and to approve the change to PLF Policy 3.100 by adding section (D), allowing the PLF to assign an earlier Retroactive Date than 3.100 (A)-(C) allows (both appear below). The motion passed unanimously.

Exclusion s

s. [PATENT EXCLUSION] This Plan does not apply to any CLAIM based upon or arising out of professional services rendered or any act, error, or omission committed in relation to the prosecution of a patent for a lawyer not registered with the U.S. Patent & Trademark Office.

PLF Policy 3.100(D) Any attorney formerly exempt from PLF participation under Policy 3.150(C) who applies for PLF coverage during 2003 or 2004, shall receive a Retroactive Date which shall be the date on which the attorney's PLF coverage first commenced; or, upon provision of satisfactory information to the PLF, the attorney shall receive an earlier Retroactive Date which shall be the date beginning the continuous period in which the attorney met the coverage criteria under PLF Policy 3.100 prior to applying for PLF coverage. Any attorney to whom this subsection applies shall be assessed under PLF Policies 3.200 and 3.250 as if that attorney had had PLF coverage continuously from the date of the attorney's Retroactive Date.