

**Oregon State Bar**  
**Meeting of the Board of Governors**  
June 11-12, 2004  
**Open Session Minutes**

*For ease of future research efforts for the minutes, the minutes are written to reflect information as it appears on the agenda. Items in the minutes were not necessarily considered by the Board in the order in which they appear below.*

The meeting of the Oregon State Bar Board of Governors was called to order Friday, June 11, 2004, at 1:00 p.m. by President William Carter, adjourned at 3:00 p.m., reconvened at 3:30 p.m., and adjourned for the day at 5:10 p.m. Board members present were Lisa LeSage, Albert Menashe, John Enbom, Mark Comstock, Frank Hilton, Bette Worcester, Linda Eyerman, Gerry Gaydos, Lauren Paulson, Phyllis Edmundson (1:00 p.m. – 2:30 p.m.), Jon Hill, Dennis Rawlinson, Ronald Bryant, Nena Cook, and William Carter. Present from the OSB staff were Karen Garst, George Riemer, Susan Grabe, Rod Wegener, Jeff Sapiro (3:30 p.m. – 5:10 p.m.), and Teresa Wenzel. Present from the OSB staff from 3:30 p.m. – 4:00 p.m. were Margaret Robinson, Donna Richardson, Jane Gillespie, and Sarah Hackbart. Present from the PLF from 1:00 p.m. – 3:00 p.m. were Lisa Miller, Jeff Crawford, Amanda Walkup, Cindy Hill, Louis Santiago, Bruce Schaffer, Robert Cannon, Robert Nunn, and Tim Martinez. Present from the OAAP from 1:00 p.m. – 3:00 p.m. were Michael Sweeney, Meloney Crawford Chadwick, Shari Gregory, and Mike Long. Present from the PLF from 1:00 p.m. – 5:10 p.m. was Ira Zarov.

The meeting of the Oregon State Bar Board of Governors was reconvened Saturday, June 12, 2004, at 8:30 a.m. by President William Carter and adjourned at 11:35 a.m. Board members present were Lisa LeSage, Albert Menashe, John Enbom, Frank Hilton, Jon Hill, Dennis Rawlinson, Ronald Bryant, William Carter, Bette Worcester, Mark Comstock, Linda Eyerman, Phyllis Edmundson (9:00 a.m. – 11:35 a.m.), Nena Cook, and Gerry Gaydos. Staff members present were Karen Garst, George Riemer, Susan Grabe, Rod Wegener, and Teresa Wenzel. Special guests present from the OSB Legal Services Task Force from 9:00 a.m. – 9:25 a.m. were Tom Matsuda, Steve Walters, David Thornburgh, and Michael Keeney. Special guests present from the ABA HOD from 10:35 a.m. – 10:55 a.m. were Adrienne Nelson and Marilyn Harbur.

**Friday, June 11, 2004**

**1. Joint Luncheon - Oregon State Bar Board of Governors and Professional Liability Fund Board of Directors**

A. Introductory Presentation by the PLF

During the joint luncheon of the OSB Board of Governors and the PLF Board of Directors, Bob Nunn, chair of the PLF Board of Directors, stated the PLF is very proud of the Oregon Attorney Assistance Program that helps lawyers with drug and alcohol abuse problems as well as other personal issues. It is the leading loss

prevention program of its kind in the United States and assures confidentiality to lawyers. Mr. Nunn stated in handling claims, the PLF puts the interests of its covered parties first. This is different from the public protection focus of the bar's regulatory programs. He briefly discussed the concerns raised several years ago about a particular claim defense strategy and explained the changes made subsequent to that time to improve the process, including the creation of a joint BOG/PLF liaison system; instituting a special committee to look at unique claims handling methods; and cooperation between the two staffs.

Nena Cook, OSB president-elect, thanked staff and the two boards for the cooperative work they have been doing. She stated the systems in place should keep us from making mistakes in the future. She pledged to work cooperatively with the PLF, stating the relationship is a very important one. Lauren Paulson acknowledged Bruce Schafer and the claims staff for the assistance they provide to Oregon's lawyers.

B. Presentation by Oregon Attorney Assistance Program

Four of the OAAP staff, Michael Sweeney, Mike Long, Shari Gregory, and Melody Crawford Chadwick made presentations to the board regarding the processes and programs of the OAAP. Ira Zarov stated that the PLF's OAAP is the gold standard in the country for lawyer malpractice loss prevention programs. This is a function of having mandatory malpractice coverage through PLF. Oregon spends the same dollar amount for OAAP for its 14,000 members as California spends for its membership, which is over ten times as large. Studies have shown that OAAP does reduce future malpractice occurrences. In addition, the OAAP has an impact on reducing disciplinary violations. The program was started by Don Muccigrosso who first worked as a volunteer bringing lawyers with substance abuse together. The program was later incorporated into the PLF. Since its inception, the program has added programs dealing with stress, burnout, and lawyers in transition to new careers and activities. Forty-five other states have a lawyers assistance program with staff, five run volunteer programs.

Mr. Carter asked if the OAAP could intervene in cases where lawyers have a very large number of disciplinary complaints most of which were dismissed. Mr. Sweeney indicated they would be happy to call these people; however, sometimes people refuse to meet with the OAAP staff.

Mr. Long stated because lawyer participation in the OAAP is voluntary and confidential, staff does not want to be involved with the issue of monitoring lawyers under a diversion or probationary program. The State Lawyers Assistance Committee is similar to OAAP, but lawyers can be disciplined for not cooperating with the SLAC.

Ms. Gregory indicated access to the OAAP comes mainly through judges, other lawyers, opposing counsel, the lawyer's family, or the lawyer him/herself. The trends

indicate problems of more than one addiction for the participant; more usage of the internet, for example, by those who are sexually addicted to pornography; and an increasing complexity in cases brought to the OAAP.

Ms. Chadwick offered examples of the types of cases seen and how the OAAP works individually with lawyers to deal with their issues. When asked about seeing people other than lawyers, she responded they would meet once or twice with someone close to a lawyer. They also make referrals for others to resources outside the program.

## **2. Member Services Department Presentation**

Margaret Robinson and her staff – Donna Richardson, Peggy Miller, Sarah Hackbart, and Jane Gillespie - gave an overview of the work done in the department. The department deals with bar sections, bar committees, local bar associations, and the Oregon New Lawyers Division. The ONLD has several committees doing outreach to the public, law-related education, and leadership training. The department also puts on the annual Bar Leadership Conference and conducts judicial polls and bar elections for the Board of Governors, the House of Delegates, and the bar's delegates to the ABA House of Delegates. The bar allocates \$20,000 and department staff support for the Classroom Law Project, particularly involving the mock trial program. The trend is to use more and more electronic means to distribute material to these bar entities and groups and for the use of list serves for electronic communications among their members.

## **3. Report of Officers**

### **A. Report of the President**

#### **1. Meeting with Chief Justice Carson**

Mr. Carter reported on a recent meeting with Chief Justice Wallace Carson. Topics discussed included the Oregon Judicial Department budget. Indigent defense is underfunded for the current biennium and the Department of Administrative Services is working from an "essential budget level" for the 2003-2005 budget. The Lindauer Group will not be able to secure general fund dollars in the Governor's budget. The Chief Justice indicated the judges would be upset if the bar were to conduct judicial evaluations. Nancy Miller, new Deputy State Court Administrator for Program Operations, will work with bar staff regarding the disability survey and study. Tim Willis will be the new chair of the Gleaves Committee.

#### **2. Local Bar Visits**

Bill Carter, Karen Garst and regional board members attended recent county bar association meetings of the Yamhill (Mark Comstock), Deschutes (Ron Bryant), Clackamas (Marva Fabien), and Washington (Lauren Paulson) County Bars.

3. USA Patriot Act Forum

Mr. Carter introduced the keynote speaker at the Civil Rights Section Forum on the Patriot Act on April 15, 2004.

4. ABA Lobby Day

Mr. Carter attended the ABA Lobby Day on May 4, 2004, along with David Thornburgh, Ed Harnden, and Susan Grabe. The group saw all five of Oregon's U.S. Representatives, but not the two senators who were in session. All of Oregon's congressional delegation has now signed on to support LSC funding at \$361 million.

5. Legislator Contacts

Mr. Carter met with Representative Wayne Krieger who currently co-chairs the Joint Interim Judiciary Committee of the state legislature. He also met with Representative Susan Morgan with board member Jon Hill.

6. Assignment of Facilities Planning Effort to the Budget and Finance Committee

Mr. Carter assigned the future facilities study to the Budget and Finance Committee.

7. Board Member/Bar Members/Staff Communications

The board discussed legal issues surrounding a request by two Disciplinary Board members for defense and indemnity concerning a board member's ethics complaint against them in executive session. Mr. Paulson abstained from this discussion and left the room during the executive session.

**Action:** In open session, Ms. Cook moved and Mr. Gaydos seconded a motion to authorize the president to authorize the payment of the volunteers' attorney fees in defense of Mr. Paulson's complaint to a maximum of \$5,000. The motion passed (yes, 12; no, 1 [Ms. Eyerma]; abstained, 1 [Mr. Paulson])

In open session, Mr. Riemer made a disclosure to the board of a personal interest conflict under DR 5-101(A) and recommended the board seek independent legal advice to determine if it should consent to his continued representation of the bar on the issue of defense and indemnification of bar volunteers and staff. Mr. Riemer explained the conflict issue in a memo to the board dated June 2, 2004. Mr. Zarov asked to be included in this disclosure.

**Action:** In open session, Mr. Bryant moved and Ms. LeSage seconded a motion to allow Mr. Riemer and Mr. Zarov to participate in the board's further consideration of this topic. The motion passed (yes, 13; abstain, 1 [Mr. Paulson])

**Action:** In open session, Ms. LeSage moved and Mr. Enbom seconded a motion to authorize Mr. Carter to appoint a study group to review Bar Bylaw 2.106. The motion passed (yes, 12; no, 1 [Ms. Eyerma]; abstain, 1 [Mr. Paulson]).

Mr. Carter appointed the following individuals to the study group:

Dennis Rawlinson	Board of Governors
Gerry Gaydos	Board of Governors
Frank Hilton	Board of Governors
George Riemer	OSB Staff
Tim Martinez	PLF Board of Directors
Stephen Bloom	PLF Board of Directors
Ira Zarov	PLF Staff

## 8. Miscellaneous

Mr. Carter attended the luncheon of the Supreme Court and the Board of Bar Examiners prior to the recent swearing-in ceremony for new admittees. He participated in a review of the video conferencing equipment owned by various educational service districts.

Mr. Carter asked Mark Comstock to report on progress on establishing a task force on electronic filing. Mr. Comstock stated he had met with Chief Justice Carson and there will be cooperation between the bar's task force and the thirty-member Technology Task Force the Chief Justice has established. Mr. Comstock has identified some potential task force members and is looking for members from Eastern Oregon. He also met with Richard Vandiver, the consultant who is going to work with the task force. In July, Mr. Comstock said he would have a budget proposal ready for the board to review. He anticipated his group would have a report back on its findings and recommendations in 2005. He also remarked there is a great deal of information available from other states that have undertaken similar studies.

## B. Report of the President-elect

### 1. Eastern Oregon Trip

Ms. Cook recounted the visits made a few weeks ago in Eastern Oregon with Ron Bryant, Karen Garst, and Susan Grabe. She stated, for the most part, members really appreciated Casemaker™ and supported the proposal for online CLE publications as well as electronic case filing and video or web conferencing. Ms. Grabe discussed legislative priorities.

2. Other Recent Activities

Ms. Cook reported on her recent speaking engagement at the Queen's Bench urging members to get involved in the bar with the goal of raising the percentage of women attorney speakers, authors, and House of Delegates and Board of Governors members to 50% of the total. She is working with CLE Seminars Manager Karen Lee to develop a list of qualified women speakers for seminars.

C. Report of the Executive Director

1. New Organizational Chart

Ms. Garst pointed out a new organizational chart that attempts to explain how various rules are made and the entities involved with the Oregon State Bar.

2. Event Dinner Tables

Ms. Garst discussed the problem of not having enough board members who can attend Portland dinners with various other bar organizations. The board made the suggestion of inviting House of Delegates members from the tri-county area if board members could not participate and then moving to other counties if the tables were not yet filled at that point.

D. Oregon New Lawyers Division

1. ONLD Report

Christine Meadows appeared on behalf of the ONLD. The division is in the process of preparing a series of CLE brown bag seminars as well as their Super Saturday CLE to be held in conjunction with the bar's annual meeting in October. They signed up volunteers for their committees at the recent swearing-in ceremony. On June 25, 2004, the ABA is sending a group to conduct a site visit of Portland. It will then make a final decision regarding holding the ABA's Young Lawyers Division Conference in Portland in July, 2005. The ABA is also considering holding a mid-year meeting in Portland at some future date.

**4. Professional Liability Fund**

A. Approval of Policy Changes

1. PLF Policy 2.300(3) and PLF Policy 5.250

The changes clarify the duties of the Finance Committee and specify the procedure for the appointment of the PLF's auditor and the receipt of its report.

**Action:** Mr. Enbom moved, Mr. Bryant seconded, and the board unanimously passed a motion to approve changes to PLF Policy 2.300(A) (3) and 5.250 as outlined in the exhibit.

2. PLF Policy 5.350

The changes are to the PLF budget policy to provide a budget for both the Primary and Excess Programs, which will be approved by the PLF Board of Directors and BOG and to allocate a portion of all common costs based upon the benefits received from PLF departments and programs to the Excess Program.

**Action:** Mr. Rawlinson moved, Mr. Comstock seconded, and the board unanimously passed a motion to approve changes to PLF Policy 5.350 as outlined in the exhibit.

3. PLF Policy 7.100

These changes clarify the Excess Program may maintain retained earnings and use those retained earnings for specified purposes.

**Action:** Mr. Rawlinson moved, Mr. Enbom seconded, and the board unanimously passed a motion to approve changes to PLF Policy 7.100 as outlined in the exhibit.

4. PLF Bylaws Goal No. 2

The PLF Board of Directors has proposed minor changes to the PLF Bylaws to state the goal of maintaining full funding of claims liabilities net of reinsurance.

**Action:** Ms. LeSage moved, Mr. Bryant seconded, and the board unanimously passed a motion to approve the PLF Bylaws changes as outlined in the exhibit.

5. PLF Policy 5.200

Louis Santiago introduced the proposed changes to PLF Policy 5.200. The PLF Board of Directors recently reviewed its asset allocation guidelines with its investment advisor, R. V. Kuhns. In accordance with the investment advisor's advice, the board has recommended several changes to the percentage (minimum and maximum) to be invested in each asset category. The criteria used were: Advice from its consultant; risk profiles of investment categories; and the correlation of one category to another.

**Action:** Mr. Bryant moved, Ms. LeSage seconded, and the board unanimously approved a motion to amend PLF Policy 5.200 as outlined in the exhibit.

5. ***In re Leisure*, 336 Or. 244, 82 P.3d 144 (2003)**

Because of the Supreme Court's decision in *In re Leisure*, the board must consider what to do regarding other bar members who were similarly suspended. This case involved the court's declaring "void" suspensions of bar members who missed one of their quarterly payments to the PLF. The bar charged Ms. Leisure with practicing law while she was suspended, but the court dismissed the charge. A board/staff committee looked at the various categories of other bar members who were similarly affected. The board discussed what its obligations were to bar members in terms of refunded reinstatement fees, which were collected; the record of the action itself; and notice to not only affected lawyers, but other entities receiving the initial suspension notice. Some actions may require review by the State Professional Responsibility Board, the Disciplinary Board, and the Supreme Court. The board wanted additional research done regarding the option of expunging these suspensions from the bar records of affected members even if the court retains similar records. The decision was made to have the subcommittee continue to work on the issue and to advise the Chief Justice of the bar's work on this topic.

**Action:** Ms. Cook moved and Mr. Rawlinson seconded a motion to correct the records of affected lawyers who were now active or inactive in conformance with *In re Leisure*; refund the reinstatement fees that were paid; and notify the individual lawyers and those initially notified.

**Action:** Mr. Comstock moved, Mr. Bryant seconded, and the board unanimously passed a motion to postpone the motion indefinitely.

It is anticipated the board will consider a further report from the special committee at its August 2004 meeting.

6. **Closed Session Agenda**

- A. Reinstatements (Judicial proceeding pursuant to ORS 192.690(1) – separate packet)
- B. Litigation and Advice of Counsel (Executive Session pursuant to ORS 192.660(1)(f) and (h) - separate packet)

**Saturday, June 12, 2004**

7. **OSB Committees, Sections, Councils, Divisions and Task Forces**

A. MCLE Committee

1. Request for Review of MCLE Accreditation

The board discussed the appeal of Pamela Holsinger of a denial of MCLE credit for a USDOJ in-house training program. Ms. LeSage stated if the MCLE Department had accredited the Laramie play, this program should also be accredited. She emphasized the need to give bar members plenty of options

regarding the elimination of bias mandatory credits. Mr. Gaydos, board contact with the MCLE Committee, stated it had made a distinction between substantive legal education and diversity education. Denny Rawlinson agreed the Laramie play approval had blurred the lines. The board asked it be communicated to the MCLE Committee and staff to interpret the requirement more broadly.

**Action:** Ms. LeSage moved, Mr. Rawlinson seconded, and the board unanimously passed a motion to approve the course for elimination of bias credit.

## **8. BOG Committees, Special Committees, Task Forces and Study Groups**

### **A. Access to Justice Committee**

#### **1. OSB Legal Services Task Force Recommendation**

Stephen Walters, chair of the OSB Legal Services Task Force commonly referred to as Walters II, introduced the other guests: Michael Keeney, David Thornburgh, and Tom Matsuda, each legal service provider directors. Mr. Walters stated the board had formed the task force in order to respond to a request from the Legal Services Corporation to recommend the best configuration of programs in Oregon, with a strong indication LSC will require consolidation of all Oregon legal service providers receiving LSC funds into one entity. The current task force examined several models of consolidation and is recommending a shared governance model be recommended by the Board of Governors to the LSC. This model will allow statewide coordination of resource allocation, needs assessment, and fundraising based on client needs. It will not require administrative consolidation of the programs, which will bear a significant cost that must come out of direct program services if such consolidation were to occur. If LSC does not accept this, the task force would like to recommend a merger option that would be phased in during the next three years. The board's charge to the Task Force also included evaluating the configuration of the non-LSC programs. The executive directors of the six service providers had reached consensus recommending a process to determine the configuration of non-LSC programs in Oregon, but the Marion-Polk Legal Aid Services Board recently decided against supporting that recommendation. The staff and boards are continuing to meet to try to reach agreement. If they cannot reach an agreement by September 1, 2004, the report calls for the Task Force to make the recommendation on configuration of the non-LSC programs. The task force would like its life extended for at least six months in order to complete its work, depending on the LSC's decision, and because it may need to respond to LSC, make a recommendation concerning the non-LSC configuration, and take other action before the new planning commission has been formed.

Mr. Comstock declared he had a potential conflict as he sits on the Board of Directors of Marion-Polk Legal Aid Service, Inc. and Ms. LeSage also declared a potential conflict of interest as she is on the Legal Aid Services of Oregon board.

**Action:** The board passed (yes, 12; abstained, 2 [Comstock, LeSage]) a motion of the committee to approve the task force report with the preference for the shared governance model to be made to the Legal Services Corporation with the alternative merger option second and to extend the life of the task force for at least six months in order to resolve the issue of non-LSC funded programs and to get the shared governance commission launched.

2. Volunteer Pro Bono Hour Reporting

The committee recommended voluntary pro bono reporting not be made through the membership fee statement but rather through the *Bulletin* or the bar's website because bar members do not always see the fee statements in larger firms and many do not like it on an otherwise mandatory fee form. The committee is working on clarifying and expanding the categories of pro bono to include 1) direct legal services to the poor, 2) law-related service, and 3) public or community service that is not law-related.

**Action:** The board unanimously approved the committee motion.

B. Budget and Finance Committee

1. Update on PERS Issues

Mr. Hilton reported on recent discussions of the committee. The committee is undertaking a study of the current PERS retirement system in place at the bar and its increasing costs to the bar as an employer. Prior to the 2003 legislative session, the bar was informed its employer contribution rate would be 17.07%. After legislative changes were made in 2003, the rate was 9.61%. However, since that time, the Department of Administrative Services has increased that rate to 12.1% to include bonding costs for the bar in reducing its PERS unfunded actuarial liability. This rate may also increase in the fall to 14.5%. The committee is exploring whether there are alternatives to the current plan for new hires. Mr. Hilton indicated there were no specific recommendations at this time and a subcommittee had been formed including committee members and representatives from the PLF. The board voiced its support for the committee to continue its work on this issue.

2. Write Off Uncollectible Receivables

Mr. Hilton explained his committee did not feel it was appropriate to write off these debts unless the debt was discharged in bankruptcy. The board did not

feel it had authority to include the debt on the membership fee statement or otherwise affect the licensure of the bar member.

**Action:** The board unanimously approved the committee motion to change Bylaw 7.104 - Credit Policy - to allow the bar to pursue active bar members who have debts owing to the bar.

3. Future Facilities Planning

Mr. Hilton reported the committee had formed a subcommittee composed of Bette Worcester, Lauren Paulson, Ron Bryant, and himself from the board and Ira Zarov, Bob Cannon, and Jeff Crawford from the PLF to study the current and future facility requirements of the bar and the PLF and to develop criteria and a workplan to provide for future needs. Kevin Vandenbrink from Macadam Forbes, a real estate firm the bar has worked with in the past, made a presentation to the committee that included a draft estimate of the current worth of the bar center at \$8,250,000. Mr. Hilton discussed the committee's interest in the former property of the Living Enrichment Center in Wilsonville. However, it appears a buyer for that property is already exploring a purchase option. If they do not buy it, the committee will investigate the property further. Mr. Vandenbrink discussed a dearth of currently available land for commercial use in the vicinity of Lake Oswego.

C. Committee on the Judiciary

1. Multnomah Bar Association

Ron Bryant reported on a concern expressed by the Multnomah Bar Association that it was not included in the discussions between the bar and the Governor's office regarding the Governor's new process to make appointments to circuit court vacancies. The MBA adopted a resolution that stated it would follow the process for the current circuit court vacancy but preferred its current process of providing the Governor with a list of "highly qualified" individuals. In addition, Mr. Bryant and others met with the Governor's staff on June 10, 2004. MardiLyn Saathoff expressed her regret the MBA had written to the state bar because she had informed the MBA of the process the Governor wanted to use a year ago. Ms. Cook will speak with Sylvia Stevens, the current MBA president, regarding these discussions.

2. Judicial Appointment Process for Circuit Court Vacancies

Mr. Bryant reported the process for appellate vacancies had been modified to address the Governor's concerns in this area. The Governor wants a list of "eligible" candidates submitted to him. The problem with that, Mr. Bryant explained, was the statutory qualifications for judges are few. Mr. Bryant will talk to the Governor's staff about this further though the committee was

satisfied with the use of the word “eligible” as the criteria for referring names to the Governor. In addition, staff would like to ensure the public is still informed about the credentials of the candidates even if bar representatives will meet with the Governor or his staff in-person to discuss the candidates. The committee will continue to discuss this issue.

**Action:** The board unanimously passed the committee motion to approve the revised screening process and to have the committee return to the board with necessary bylaw changes.

3. Request for Direction on Issue of Creating Judicial Evaluation Process

Mr. Bryant indicated the Chief Justice does not support a judicial evaluation process because of the problems caused when it was done twenty years ago. Thus, the committee will take a second look at the idea. Jon Hill expressed his view that a judicial evaluation instrument would be very valuable to the public who currently have a dearth of information about candidates seeking election as judges.

Mr. Hill asked to be added to the Committee on the Judiciary. His request was granted.

D. Member Services Committee

1. Annual Meeting Tent Show/Dinner

Denny Rawlinson gave an update on the work his subcommittee is doing for the annual meeting to be held October 14-16 at the Convention Center in Portland. There will be a Tent Show production featuring several acts including a rendition of Swan Lake by past bar presidents. There may be a reprise of an old Tent Show act as well. Bette Worcester and Charlie Williamson are also working on the talent show. They are in the process of recruiting large firms to buy dinner tables for the event and Mr. Rawlinson was able to obtain a sponsorship commitment from Wells Fargo Bank after U. S. Bank decided not to sponsor its traditional Mexicana Night.

2. Regional Communications

Mr. Carter stated the committee had discussed concerns about the accuracy and tone of regional communications to bar members from board members regarding what happens at board meetings.

**Action:** Ms. LeSage moved, Mr. Enbom seconded, and the board unanimously approved a motion to have the president-elect be responsible for reviewing regional communications for accuracy before they are disseminated.

E. Policy and Governance

1. Bylaw 2.300 Change Regarding Public Member

Ms. Cook reported on the recommendation of the committee to approve a change to Bylaw 2.300 to allow a public member to serve more than one term.

**Action:** The board unanimously approved the committee motion to waive the one meeting notice requirement.

**Action:** The board unanimously approved the committee motion to approve the changes to Bylaw 2.300 to allow a public member to serve more than one term.

**Action:** Mr. Hilton moved, Mr. Gaydos seconded, and the board unanimously approved, nunc pro tunc, a motion to waive the one meeting notice requirement for the adoption of the amendment to Bar Bylaw 7.104, which the board had earlier approved.

George Riemer offered to draft a change to the bylaws to allow routine matters to be considered by the board with advance notice on the BOG agenda, but without the need to have an issue considered at two meetings. The Policy and Governance Committee will review his recommendation in due course.

2. Appointment of Bette Worcester to Second Term on the Board of Governors

**Action:** The board unanimously approved the committee motion to reappoint Ms. Worcester to a second term on the Board of Governors.

F. Public Affairs Committee

1. Candidate Filings and Judicial Races

Mr. Gaydos referred board members to the exhibit that outlined the results of the primary election and the races that would occur in the general election. He noted several lawyer legislators are not running for re-election.

2. Appellate Structure Review Committee Report

Mr. Gaydos referred to the handout of the report of the Appellate Structure Review Committee and asked members to read it prior to the next meeting. The Public Affairs Committee will review it on July 9 and make a recommendation to the full board at its August meeting. In response to a question, he stated the legislative hearings have already occurred regarding this issue, but there will be a presentation at the Annual Meeting if the Joint Interim Judiciary Committee of the legislature agrees to hold a public meeting at that time.

3. 2005 OSB Law Improvement Package of Legislation

The committee has reviewed all section and committee proposals.

**Action:** The board unanimously approved the committee motion to approve the bar's legislative package.

G. Appointment Committee

The committee is in the process of sending out volunteer opportunities forms for bar committees. The committee asked whether this form should be sent to out-of-state members. A suggestion was made to do so, but to indicate on the form which committees require a bar member to be a resident such as the Disciplinary Board. The board agreed. No formal motion was made.

**9. Special Appearances**

A. Oregon State Bar Delegates to the ABA House of Delegates

Adrienne Nelson and Marilyn Harbur appeared on behalf of the OSB delegates to the ABA House of Delegates. Ms. Nelson stated Mark Johnson is running for a delegate-at-large position in the ABA House of Delegates and Bill Barton was recently elected to be the other OSB ABA HOD delegate in addition to Ms. Harbur and herself. Sharon Stevens from Keiser, Oregon has been appointed to the ABA Board of Governors.

1. Update from the ABA House of Delegates Members Regarding 2004 Midyear Meeting

Ms. Harbur stated Oregon was out in front of many of the issues being considered or recently passed by the ABA such as a sample standard for attorney assistance programs and diversity. There is also an ABA standard on electronic filing that might be of use to the Oregon State Bar. At the mid-year meeting, a resolution was passed to require campaign contributions to be fully disclosed for judicial campaigns.

2. Sneak Preview of 2004 Annual Meeting

The ABA Annual Meeting in August will address additional client protections regarding disclosure of the lack of malpractice insurance and repealing the Alternative Minimum Tax. Mr. Carter and Ms. LeSage will attend the National Conference of Bar Presidents meeting to be held in conjunction with the ABA Annual Meeting.

**10. Consent Agenda**

**Action:** Ms. Edmundson moved, Mr. Menashe seconded, and the board unanimously approved a motion to approve the consent agenda.

**11. Good of the Order (Non-action comments, information and notice of need for possible future board action)**

**Action:** Ms. LeSage moved, Mr. Gaydos seconded, and the board unanimously passed a motion to adjourn.