

**Oregon State Bar**  
**Meeting of the Board of Governors**  
October 13-14, 2004  
**Open Session Minutes**  
**Revised**

*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 Wednesday, October 13, 2004, at 1:00 p.m. by President William Carter and adjourned at 4:20 p.m. Board members present were William Carter, Marva Fabien, Linda Eyerman, Phyllis Edmundson, Nena Cook, Albert Menashe, Bette Worcester, Lauren Paulson, Mark Comstock, Frank Hilton, Gerry Gaydos, Jon Hill, Dennis Rawlinson, Ronald Bryant, John Enbom, and Lisa LeSage (1:45 p.m. – 4:20 p.m.). Staff present was Karen Garst, George Riemer, Susan Grabe, Jeff Sapiro (1:00 p.m. – 2:30 p.m.), Charles Schulz (1:00 p.m. – 2:30 p.m.), and Teresa Wenzel. Others present were Ira Zarov, PLF; Tom Cave (1:15 p.m. – 2:30 p.m.), PLF; Christine Meadows (1:25 p.m. – 2:30 p.m.), ONLD; and Noella Wilson (2:15 p.m. – 2:30 p.m.).

The meeting of the Oregon State Bar Board of Governors was reconvened Thursday, October 14, 2004, at 8:40 a.m. by President William Carter and adjourned at 11:10 a.m. Board members present were William Carter, Phyllis Edmundson, Nena Cook, Albert Menashe, Bette Worcester, Mark Comstock, Linda Eyerman, Frank Hilton, Lauren Paulson (8:50 a.m. – 11:00 a.m.), Gerry Gaydos, Jon Hill, Dennis Rawlinson, Ronald Bryant, John Enbom, Phyllis Edmundson, and Marva Fabien. Staff present was Karen Garst, George Riemer, Susan Grabe, and Teresa Wenzel. Also present was Tim Gerking (9:45 a.m. – 10:15 a.m.), 2005 Board of Governors member.

**1. Work Session**

Jeff Sapiro and Charles Schultz gave a presentation on the Board of Bar Examiners (BBX) and the admissions process. The BBX is appointed by the Supreme Court and contracts with the OSB for staff support. The BBX drafts components of the bar exam, administers the exam, and grades it. It also conducts character and fitness evaluations and finally recommends admission to the court. There are two exams per year as well as reciprocal and house counsel admissions on an on-going basis. Special accommodations are dealt with on a case-by-case basis. Issues discussed included passage rates, test taking bias, the role of law schools in training students to pass the bar exam, and the number of subjects on the exam.

The board approved, by consent, a proposal by Karen Garst to conduct a longitudinal study of 2004 admittees.

## 2. Report of Officers

### A. Report of the President

1. Meeting with Chief Justice Carson on August 11, 2004

Mr. Carter reported on a recent meeting with the Chief Justice.

2. Liaison with the District Attorneys - Letter from Brad C. Berry

At the Oregon District Attorneys Association, Mr. Carter heard concerns about the connections between government lawyers and the bar. District Attorneys cannot serve on the Board of Governors because of a constitutional restriction. Mr. Carter will proceed with discussions to establish a regular liaison relationship with the public attorneys similar to the relationship currently shared between the board and the ONLD.

3. Committee on Professionalism at Lewis & Clark Law School on September 10, 2004

Mr. Carter discussed an issue that arose during the discussion of the Professionalism Commission concerning lawyers with multiple complaints. One of the members of the commission happened to be on the trial panel of a member whose name was mentioned at a commission meeting. The discussion stopped immediately but it did cause the member's disciplinary hearing to be postponed the following week. Unfortunately, staff was erroneously accused of improperly talking about the member's case when the topic had not been raised by staff.

4. Marion County Bar Association Executive Committee in Salem with Karen Garst on September 16, 2004

Mr. Carter reported on a meeting with the Marion County Bar Association Board of Directors.

### B. Report of the President-elect

1. November 18-20, 2004 Board of Governors Retreat

President-elect Nena Cook discussed the November 18-20, 2004, BOG retreat that will be facilitated by Ron Sarazin. Three new lawyer members will attend along with Bette Worcester who will continue her service as Public Member for another term. There will be a new BOG Orientation from 2:00 p.m. to 4:30 p.m. on Thursday, November 18, 2004, and all board members are invited to attend.

2. Recent Activities

Ms. Cook will speak at the 50-year member luncheon on October 14, 2004; the Mary Leonard Society on October 19, 2004; the Oregon New Lawyer Division Leadership Development group on November 10, 2004; and the Oregon Minority Lawyer Association in February of 2005. She continues to work on securing new CLE speakers from minority and women's groups. Fifty responses have been received to date.

C. Report of the Executive Director

1. ACLU and the Prayer Breakfast

Executive Director Karen Garst indicated an issue raised by the ACLU regarding the Prayer Breakfast to be held on October 15, 2004, had been resolved with a disclaimer in the Annual Meeting program stating the bar was not sponsoring the event.

2. Annual Meeting Registration Update

3. Miscellaneous

Ms. Garst asked if board members would be interested in exploring five meetings rather than six throughout the year and they indicated yes.

D. Oregon New Lawyers Division

Christine Meadows reported on recent activities of the ONLD, which included the following: Recent reception for swearing-in ceremony; recruiting new volunteers; October 14, 2004, ONLD Awards Reception; county fair booths; leadership development series; and approval of the ABA to have Oregon host the ABA Conference of Young Lawyers in 2005.

3. **Professional Liability Fund**

A. PLF Update

CEO Ira Zarov gave an update on PLF issues. The recent meeting with the London re-insurers went well. The PLF has had only sixteen claims involving the re-insurer. They reviewed with them the proposed changes to the coverage plan, changes to the excess plan, and any pending significant claims. The PLF does not know yet whether there will be a proposal to increase the cost of the excess coverage offered by the PLF. Mr. Zarov will be discussing issues of lawyers with multiple complaints with Larry Baker who works with the Oregon Medical Association on similar issues for doctors. PLF nominees for new board members will be before the BOG's Appointments Committee on October 29, 2004. The PLF studied demographics of lawyers with malpractice claims and noted women lawyers had less severe and less

frequent claims. A study of lawyers ten years after their bar exam showed that 68% of males and 50% of females were still in private practice.

B. Approval of Changes to PLF Primary Claims Made Plan

The PLF Board of Directors is recommending several changes to the coverage plan. First, there is a clarification in the definition of same or related cases. With the new language, each firm will have their own expense allowance if they are representing different clients in the same case. Second, the allowance for defense costs has been increased from \$25,000 to \$50,000. Third, coverage disputes will not use arbitration, but be resolved by the courts. Other minor changes were made and the plan was reorganized.

**Motion:** Mr. Rawlinson moved, Mr. Bryant seconded, and the board unanimously approved changes to the coverage plan as presented.

C. Approval of PLF Budget and Assessment

CFO Tom Cave stated the PLF Board of Directors, after much study, is recommending an increase in the primary program from \$2,600 to \$3,000 beginning January 1, 2005. About \$2,500 of the \$3,000 goes to cover claims and the rest is for administrative costs. The BOD also is proposing raising the claims expense allowance from \$25,000 to \$50,000. The PLF budget has suffered three years of losses. In addition, the PLF believes there has been an increase of claims due to the creation of the Client Assistance Office. There were questions regarding whether PLF had explored all other options to raising the assessment. Ira Zarov explained the PLF BOD has discussed at various times deductibles, rating, program reductions, and other issues, but felt none of them were consistent with the PLF mission and the PLF's role in making certain lawyers had minimum financial responsibility. A question was raised regarding the OAAP and Mr. Zarov indicated statistics show the program reduces malpractice and disciplinary complaints for those who have completed their programs.

**Motion:** Mr. Bryant moved, Mr. Rawlinson seconded, and the board unanimously approved the 2005 PLF budget, which includes an assessment for 2005 of \$3,000.

D. Changes to PLF Policy Manual Involving Personal and Practice Management Assistance

Mr. Zarov presented proposed changes to the PLF Policy Manual. The changes track the language in ORS 9.568 to describe the services provided to lawyers, which uses the term "personal and practice management assistance," not "loss prevention," the term that appears in Policy Manual. Another change incorporates the Mission Statement, updates text with respect to the OAAP location, and updates the qualifications for attorney counselors.

**Motion:** Mr. Rawlinson moved, Mr. Gaydos seconded, and the board unanimously passed the motion to make presented changes to the PLF Policy Manual.

**4. 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)

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

- A. Client Security Fund
  - 1. *Gordon v. Anunsen*

**Motion:** Mr. Comstock moved, Ms. Worcester seconded, and the board unanimously approved payment of the CSF claim in *Gordon v. Anunsen* in the amount of \$5,000.

- 2. *Trulson v. McNannay*

**Motion:** Mr. Comstock moved, Ms. Fabien seconded, and the board unanimously approve the motion to set aside the findings in *Trulson v. McNannay*. When the CSF Committee first considered the claim, it was unable to find Mr. McNannay. He did appear later and disputed the findings. The motion will set aside the findings, state that they were in error, but the bar will not seek recovery of the claim paid.

- 3. *Wilson v. Cederwall* and *Wilson v. Torres*

A request has been made by Ms. Wilson to set aside the findings in these two matters. Ms. Wilson appeared before the board. When the CSF Committee rendered its findings, Ms. Wilson did not respond. She stated she had left Oregon based on family safety concerns. She repaid one client \$750, but felt she had earned the fee paid by Torres. She asked the board to set aside the findings in the two cases.

**Motion:** Mr. Comstock moved, Ms. LeSage seconded, and the board unanimously approved the recommendation of the CSF Committee not to set aside the findings.

**Motion:** Mr. Bryant moved, Mr. Enbom seconded, and the board unanimously approved the motion to table the matter until Ms. Wilson’s pending disciplinary proceeding is finally resolved. The matter will be brought back to the board for further consideration once that matter is concluded.

- B. MCLE Committee
  - 1. BOG Review of MCLE Committee Denial of Credit

- a. J. Michael Gleeson and Harry Jones

The J. Michael Gleeson matter and the Harry Jones matter were postponed until the November board meeting.

C. Elder Law Section

1. Request to File *Amicus Curiae* Brief

Leslie Kay from the Legal Aid Society of Oregon and Mark Williams from the Elder Law Section appeared before the Policy and Governance Committee to ask the board to approve allowing the section to sign on to an *amicus curiae* brief in the U.S. Ninth Circuit Court of Appeals. The issue before the court is whether there is a private right of action under 42 USC Section 1983 to enforce provisions of the Medicaid Act. The Policy and Governance Committee reviewed the request prior to the board meeting and recommended its approval. General Counsel George Riemer indicated he had told the committee he did not feel the request should be approved, as it did not meet the requirements of Bar Bylaw 2.105. He felt the bar should not become involved in substantive law issues unrelated to the bar. The committee had considered Mr. Riemer's comments, but voted to approve the request essentially because the section had made the case that the question before the court would have a substantial impact on Oregonians and Oregon law.

**Motion:** The Policy and Governance Committee's recommendation to approve the request was passed by the board (yes, 14; no, 2 [Comstock, Carter]).

6. **BOG Committees, Special Committees, Task Forces and Study Groups**

A. Budget and Finance Committee

1. Annexation of Bar Center to City of Lake Oswego

Mr. Hilton discussed the request of the City of Lake Oswego that the Oregon State Bar approve annexation of its property to the city. The committee had briefly reviewed the issue and was trying to ascertain whether there would be any advantages to the annexation and whether the additional \$2,500 in water and sewer fees was worth the annexation. The decision was made to seek the advice of an expert in annexation and defer the decision to the November board meeting.

B. Member Services Committee

1. Web Conferencing

The committee recommended the board undertake a two-year pilot to offer web conferencing capabilities to the bar's committees and sections. Mr. Carter

indicated that because the Volunteer Opportunities Guide had already gone out, it would be helpful to have a two-year pilot to see the impact on out-of-metro participation once bar members knew about the web conferencing system.

**Motion:** The committee's motion to undertake a two-year pilot to offer web conferencing with a limit of \$10,000 per year passed unanimously.

C. Policy and Governance Committee

1. MCLE Rule Amendments

The committee reviewed proposed changes to the MCLE Rules and made a recommendation to the full board to approve the proposed changes. The changes involve a limitation on teaching credit, a change to clarify there is no credit for law school teachers, and a change to clarify there is no further charge for video replays.

**Motion:** The motion of committee passed unanimously.

2. OSB/OLF Agreement

Ms. Cook reported Mark Wada, a member of the board of the Oregon Law Foundation, appeared before the committee to present proposed changes to the agreement for the OSB to provide staff support to the OLF. The changes continue the relationship but clarify the role of the OLF Board of Directors in the evaluation of the person occupying the position of OLF Executive Director. The committee discussed the changes and recommended approval by the full board.

**Motion:** The committee motion passed unanimously.

D. Public Affairs Committee

1. General political update

Mr. Gaydos, chair, reported on the projected revenue shortfall of \$800 million to one billion in the 2005-2007 State General Fund budget. For the bar, both funding for the court system and for indigent defense are two top priorities.

2. Update on Joint Interim Judiciary Committee and 2005 OSB Law Improvement Package

The committee is also going to study further the report on the appellate court system and bring back recommendations to the full board. In addition, the committee continues to work on ways to provide funding for court facilities.

Mr. Gaydos also stated there was some concern about competing priorities for the Alternate Dispute Resolution budget and the Judicial Department budget. The committee's priority is adequate funding of the Judicial Department budget. The board is invited to the luncheon on Friday with the Joint Interim Judiciary Committee. Each board member has been assigned to one of the committee members.

E. Committee on the Judiciary

Mr. Bryant reported the committee had a long meeting on Wednesday with the Judicial Administration Committee regarding the evaluation of judges. At the next meeting, the committee will bring a recommendation to the full board on whether the board should form a task force or committee to consider alternative ways of improving the effectiveness of the court system, including the possible evaluation of judges. This could be done jointly with the Oregon Judicial Department. The size and make-up of the task force will be proposed at the board's November meeting. He stated the committee felt it was important to consider judicial evaluations not just by lawyers, but by jurors, litigants, and other judges as well. One of the sources should be the ABA guidelines. He stated it would be important to take into consideration the concerns expressed by the Chief Justice that the purpose and objectives of such evaluations be clearly thought out.

F. Special Committee on Board Relations

1. Report and Recommendation of the Committee

As Mr. Rawlinson began to report on the committee's recommendations, Mr. Paulson requested staff, except Ms. Wenzel, be excluded from the meeting. He also asked that the board go into executive session to discuss the matter. Mr. Carter asked for board input and Mr. Paulson's requests were discussed. Comments received included: The issues before the board were policy issues that were required to be decided in a public meeting and no executive session provision was applicable to this situation. Mr. Carter indicated the meeting would proceed with staff present.

Mr. Rawlinson summarized the report of the committee, which had met five times. Mr. Paulson was present at each meeting, all committee members were in attendance, and Lisa LeSage attended one meeting. Mr. Riemer also attended all committee meetings. Mr. Rawlinson indicated the committee did not want to impact disciplinary proceedings and stayed entirely away from the substance of any disciplinary proceeding. Mr. Rawlinson indicated the committee considered a number of policy issues relating to the duties and responsibilities of board members to the board and bar organization as a whole.

The report covered four areas: (1) a recommendation of a new bylaw dealing with suspension from service on the Board of Governors and several other boards and committees during the pendency of a formal disciplinary complaint; (2) possible statutory changes to the board member recall statute; (3) a recommendation of a new bylaw and bylaw changes dealing with communications between board members, their constituencies, and bar staff; and (4) a new bylaw on how the bar handles public record requests. The committee recommended waiving the one meeting notice requirement so that final adoption of the bylaw changes could occur at the meeting.

a. Public Records Issue

Mr. Rawlinson presented the committee's recommendation to adopt a new bylaw for the bar's handling of public record requests. ORS 192.440(3) provides for a public body to recoup its "actual costs" in responding to public record requests. Proposed new Bar Bylaw 8.101 provides for the Executive Director to review and respond to requests and to bring a fee schedule to the board for approval that addresses actual costs. The process should include the provision to require someone to pay for record searches up front. After the fee schedule is set, it will be an administrative matter to adjust the fees as needed.

**Motion:** Mr. Rawlinson moved, Mr. Gaydos seconded, and the board passed the motion to waive one meeting notice requirement pursuant to Bar Bylaw 26. [yes, 15; abstained, 1 [Paulson]].

**Motion:** Mr. Rawlinson moved and Mr. Hill seconded adoption of new Bar Bylaw 8.101 as proposed.

Mr. Paulson stated he still had not received any e-mails from Ms. Garst from May or June. Ms. Garst responded she had provided Mr. Paulson with the cost of retrieving and reviewing the requested e-mails and once the cost had been paid, she would provide them.

Mr. Paulson requested these matters be tabled until Mr. Carter is no longer president of the bar because Mr. Carter has personal issues with him. Mr. Bryant stated Mr. Paulson's request did not address the merits of the pending motion. Mr. Hill called for the question.

**Motion:** The motion made by Mr. Rawlinson regarding new Bar Bylaw 8.101 was passed by the board (yes, 15; abstained, 1 [Paulson]).

b. Communications with Staff

Mr. Rawlinson addressed the proposed bylaw on board requests of staff. The proposed bylaw essentially tracks current practice. Mr.

Bryant offered a friendly amendment, which was accepted by the group to state “the Executive Director or the Executive Director’s designee” to cover instances where the Executive Director has clearly designated particular staff for board members to contact on specific matters.

**Motion:** Mr. Rawlinson moved, Mr. Hill seconded, and the board passed the motion to waive the one meeting notice requirement pursuant to Bar Bylaw 26 (yes, 15, abstained, 1 [Paulson]).

**Motion:** Mr. Rawlinson moved, Mr. Hill seconded, and the board passed the motion to adopt Bar Bylaw 2.803 as amended (yes, 15; abstained, 1 [Paulson]).

c. Communications with Constituents

Mr. Rawlinson introduced the proposed amendment to Bar Bylaw 2.100(D) that outlined a process to review proposed communications by board members to constituents. Mr. Bryant expressed his concern this would be too much like censorship. He stated “accuracy” is in the eyes of the beholder. Ms. LeSage stated adoption of this proposal would be a slippery slope and there would not be a way to resolve differences of opinion. Mr. Hilton proposed a middle ground where the president-elect would be consulted first but would not have veto power over any board member to constituent communication. Mr. Comstock stated the committee explored a middle ground but found it difficult to get around trying to undo inaccuracies that were already communicated. Alternatives of sending copies to the president; having each board member pledge to achieve accuracy in their communications; assure rapid turn-around of review; or a statement that the views do not necessarily reflect those of the board as a whole were discussed. Mr. Hill made the suggestion to refer the issue back to the committee for further consideration. A straw poll showed three board members did not want any policy on the topic and seven wanted to review a redrafted bylaw that would create an aspirational standard with copies of all communication provided to the bar.

The board discussed briefly the issue of a board member voting to approve something for submission to the House of Delegates and then opposing the board’s recommendation at the house meeting. Mr. Carter suggested the committee look at a minority report process where a board member who dissents on a matter before the board could formally present a minority report on the issue to the HOD. The committee agreed to consider the proposed revisions to Bar Bylaw 2.100(C) further.

d. Suspension of Service on Certain Boards and Committees

Mr. Rawlinson introduced the proposal of the committee to adopt a bylaw that suspended the service of the listed board and committee members upon the State Professional Responsibility Board's approval of the filing of a formal disciplinary complaint against any such member. He stated the committee is not addressing a conflict of interest issue wherein members must recuse themselves from voting in a particular matter. Rather, this is a policy issue on whether the appearance of conflict, impropriety, and favoritism are sufficiently great when a member of one of the listed boards and committees is formally charged with unethical conduct by the bar that the service of the affected member should be suspended until the matter is resolved to protect the integrity of the disciplinary and governance processes of the bar. The committee recommended the adoption of the proposed bylaw to protect the bar and to avoid the serious adverse appearances when such a situation arose. Mr. Rawlinson added that ORS 9.080(1) and 9.110 gave the board the authority to adopt such a bylaw. Mr. Rawlinson noted the committee's report pointed out certain potential problems associated with the adoption of the bylaw. Mr. Bryant expressed a concern there is a constitutional issue of convicting someone before they are found guilty and board members are elected by their regions. He expressed his support for creating a provision, however, for the board to institute a recall vote for a board member and reducing the current signature requirement for a member initiated recall vote of a board member.

Mr. Carter indicated this is a bigger issue where a member of the governing board is attacking the organization. The staff has been accused of wrongdoing and disciplinary complaints have been filed against staff. This has had an impact on Ms. Garst. She could accuse the board of tolerating a hostile work environment. If she quit, it could be construed as a constructive discharge.

Ms. LeSage commented every board member should put the bar ahead of other considerations. She would add to the current proposal "where that complaint interferes with a board member's responsibility."

Mr. Bryant added the board should be able to call for a recall vote of a board member, perhaps with a 2/3 vote required, and perhaps the affected member could be suspended from service at that point. This was not addressed in the committee's proposal. Mr. Riemer pointed out recall was essentially a vote of no confidence so a suspension process would not be appropriate in that context. Mr. Rawlinson

commented additional items could be considered after the vote on the suspension bylaw.

Discussion ensued on whether there should be a “nexus” between the accused’s alleged unethical conduct or defense and the bar to trigger a suspension or whether the approval for filing of any disciplinary charges should be the basis for a suspension. Mr. Carter suggested it would be too difficult to define what a nexus really was in an individual case. Mr. Menashe indicated a member could have a complaint and the board would never know about it because the board member kept it entirely separate from his/her board work. We need to address behavior that is harming the organization, he added.

Mr. Hilton suggested a process similar to “progressive discipline” where actions were taken in sequence if a problem arose with a board member. The board could adopt a censure resolution with a bill of particulars as the grounds for the censure. Others expressed the need to have a suspension rule to protect the integrity of the bar’s processes. Ms. Edmundson suggested perhaps it was a question of language and a “leave of absence” might be more appropriate where tensions have arisen between self-interest and duties to the bar that affect the ability of a board member to function as a proper fiduciary to the organization as a whole.

**Motion:** Mr. Rawlinson moved, Mr. Comstock seconded, and the board passed a motion to waive one meeting notice requirement pursuant to Bar Bylaw 26 with the stipulation that if proposed Bar Bylaw 18.6 is defeated, the issue of a nexus could be explored as well as a change to the recall procedure (yes, 13, no, 2 [Bryant, Eyerma]) abstained, 1 [Paulson]).

**Motion:** Mr. Rawlinson moved, Mr. Comstock seconded, and the board passed a motion to adopt of new Bar Bylaw 18.6 (yes, 10; no, 5 [Bryant, Eyerma, Gaydos, Hill, Hilton], abstained 1 [Paulson])

Mr. Paulson said Mr. Rawlinson had advised him not to make his presentation prior to the vote on suspension and he wished to speak. Mr. Carter responded there had been ample opportunity for Mr. Paulson to have asked to speak during the debate of the proposed bylaw. Mr. Rawlinson expressed his concern Mr. Paulson be given an opportunity to make his presentation.

**Motion:** Mr. Rawlinson moved, Ms. LeSage seconded, and the board passed the motion to allow Mr. Paulson to make a statement (yes, 15; abstained, 1 [Paulson]).

Mr. Paulson stated he would not go into everything contained in the material he had previously supplied to the board. In the end, he had hoped this negative matter could

have been turned into a positive and the board would become a kinder and gentler body because of this experience. He stated constitutional issues of *ex post facto* laws, bills of attainder, and retroactive legislation applied to this bylaw. The bar cannot legislate to take away vested rights. He stated he had had a great experience and reason could still win out. He said he appreciated the board's patience.

Mr. Carter thanked the committee members (Mr. Rawlinson, Mr. Comstock, and Mr. Gaydos) and staff (George Riemer) for their work on this difficult subject.

Mr. Paulson left the meeting immediately after his presentation.

## 7. Consent Agenda

**Motion:** Ms. Edmundson moved, Mr. Gaydos seconded, and the board unanimously passed the approval of the consent agenda. Mr. Paulson was not present during this vote.

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

Ms. Eyerman raised the issue of how Region 4 members should be notified of the board's action and its impact on Region 4. Mr. Carter stated his summary to the HOD would state the action the board took. Mr. Rawlinson cautioned the board not to digress from the discussion and debate of policy issues. Ms. Garst was directed to run the text for the Bar Leader Communicator on this issue not only through the president, but through the Special Committee on Board Relations as well.

**Motion:** Ms. Edmundson moved, Mr. Enbom, seconded, and the board unanimously passed a motion to adjourn. Mr. Paulson was not present during this vote.