

Oregon State Bar
2019 House of Delegates Meeting
Friday, November 1, 2019
10:00 a.m. at the OSB Center in Tigard, OR

Oregon State Bar

October 11, 2019

Dear Oregon State Bar Member:

I am pleased to invite you to the 2019 OSB House of Delegates meeting, which will begin at **10 a.m. on Friday, November 1**, at the Oregon State Bar Center.

The preliminary agenda for the HOD meeting includes, among other things, resolutions to establish a new fee structure with discounts based on income, rather than years of practice; to amend Oregon Rule of Professional Conduct 7.2 to specifically allow for the exchange of nominal gifts; to relocate the Oregon State Bar to Salem; to study the risk of machine-manipulated media on litigation and other judicial proceedings in Oregon; and to support adequate funding for the courts and for civil and criminal legal services for low-income Oregonians.

I am happy to report that the Board of Governors is not requesting an increase in the annual license fee for 2020. As will be explained in the financial report, however, the annual Client Security Fund assessment is being increased to \$50.00. The bad news is that there are some bar members who have betrayed their oath of office and stolen from their clients; the good news is that Oregon lawyers remain committed to protecting the public from these bad actors by showing strong support for the Client Security Fund.

All bar members are welcome and encouraged to participate in the discussion and debate of HOD agenda items, but only delegates may vote on resolutions. If you are unable to attend, please contact one of your delegates to express your views on the matters to be considered. Delegates are listed on the bar's website at www.osbar.org/docs/leadership/hod/hodroster.pdf.

If you have questions concerning the meeting, contact Cassandra Dyke, executive assistant, by email at cdyke@osbar.org or by phone at (503) 431-6386 or (800) 452-8260 ext. 386. Remember that delegates are eligible for reimbursement of round-trip mileage to and from the meeting. Reimbursement is limited to 400 miles, and expense reimbursement forms must be submitted within 30 days after the meeting.

I look forward to seeing you at the HOD meeting on Friday, November 1, and I thank you in advance for your thoughtful consideration and debate of these items.



Christine R. Costantino
OSB President

OREGON STATE BAR
2019 House of Delegates Meeting AGENDA

Oregon State Bar Center, 16037 SW Upper Boones Ferry Road, Tigard, Oregon 97281

10:00 a.m., Friday, November 1, 2019

Presiding Officer: Christine Costantino, OSB President

Reports

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| <p>1. Call to Order
<i>Christine R. Costantino,
OSB President</i></p> <p>2. Adoption of Final Meeting Agenda
<i>Christine R. Costantino,
OSB President</i></p> <p>3. Report of the President
<i>Christine R. Costantino,
OSB President</i></p> | <p>4. Report from the Court
<i>Chief Judge James C. Egan,
Oregon Court of Appeals</i></p> <p>5. Report of the Board of Governors
Budget & Finance Committee and
Notice of 2020 Annual Fees
<i>David Wade, Chair
BOG Budget & Finance Committee</i></p> <p>6. Overview of Parliamentary Procedure
<i>Lori L. Brocker,
Parliamentarian</i></p> |
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Resolutions

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| <p>7. Amendment to Oregon RPC 7.2
Regarding Nominal Gifts
(Board of Governors Resolution No. 1)
<i>Amber A. Hollister, OSB General Counsel</i></p> <p>8. New Fee Structure with Discounts Based
on Income Rather Than Years of
Practice
(Board of Governors Resolution No. 2)
<i>David Wade, BOG, Region 2</i></p> <p>9. Support for Adequate Funding for Legal
Services to Low-Income Oregonians
(Delegate Resolution No. 1)
<i>Vanessa A. Nordyke, HOD, Region 6
Edwin A. Harnden, HOD, Region 5
Ross M. Williamson, HOD, Region 2</i></p> <p>10. Support for Adequate Funding of the
Judicial Branch
(Delegate Resolution No. 2)
<i>Danny Lang, HOD, Region 3</i></p> <p>11. Relocation of Oregon State Bar to Salem
(Delegate Resolution No. 3)
<i>Danny Lang, HOD, Region 3</i></p> | <p>12. Assessing Risk of Machine-Manipulated
Media on Litigation and Other Judicial
Proceedings in Oregon
(Delegate Resolution No. 4)
<i>David Dorfman, HOD, Region 8
Jake A. Klonoski, HOD, Region 8
Evan J. Gautier, HOD, Region 8</i></p> <p>13. Support for Public Defense Providers
(Delegate Resolution No. 5)
<i>Shannon L. Flowers, HOD, Region 6
Ryan J. Anfuso, HOD, Region 5</i></p> <p>14. In Memoriam
(Board of Governors Resolution No. 3)
<i>Liani JH. Reeves, BOG, Region 5
John E. Grant, BOG, Region 5
Robert J. Gratchner, BOG, Public Member</i></p> <p>15. Veterans Day Remembrance
(Board of Governors Resolution No. 4)
<i>John E. Grant, BOG, Region 5</i></p> |
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5. Report to House of Delegates—2020 OSB Membership Fee

Based on a recommendation from the Client Security Fund (CSF) Committee, the Board of Governors resolved to increase the CSF assessment for 2020 from \$15 to \$50. The new assessment applies to all active Oregon State Bar members.

As of September 20, 2019, the fund balance was \$758,769, well below the \$1 million reserve level required. The rapid and dramatic decrease in the fund balance is the result of a significant increase in the number and dollar amount of claims in late 2018 and 2019. In addition, there are outstanding CSF claims (capped at \$50,000) of approximately \$1,157,184 that threaten to further deplete the fund balance. While a \$5 increase in the assessment was implemented in 2019, that increase will not be sufficient to replenish and maintain an adequate total reserve. Therefore, this additional increase is necessary. All other fees remain unchanged.

This chart shows the Fee Schedule for the 2020 Membership Fees. The due date for the 2020 membership fee is Friday, January 31, 2020.

Membership Fee Status	Fee Through January 31, 2020	Fee Effective February 1, 2020
Active Over Two Years	\$ 592	\$ 692
Active Under Two Years**	\$ 505	\$ 605
Active Pro Bono	\$ 125	\$ 175
Inactive	\$ 125	\$ 175
Retired	\$ 125	\$ 175
**Based on admission date to ANY jurisdiction, not admission to Oregon		

Members will have an additional 60 days after the January 31 due date to pay the fees owed before being administratively suspended. In 2020, suspensions for nonpayment of fees will occur effective April 2, 2020.

7. Amendment to Oregon RPC 7.2 Regarding Nominal Gifts (Board of Governors Resolution No. 1)

Whereas, the Board of Governors has formulated the following amendment to the Oregon Rules of Professional Conduct pursuant to ORS 9.490(1); and

Whereas, the Oregon State Bar House of Delegates must approve any changes in the rules of professional conduct before they are presented to the Oregon Supreme Court for adoption pursuant to ORS 9.490(1); now, therefore, be it

Resolved, that the amendment of Oregon Rule of Professional Conduct 7.2(b) as set forth below is approved and shall be submitted to the Oregon Supreme Court for adoption:

RULE 7.2 ADVERTISING

(a) Subject to the requirements of Rules 7.1 and 7.3, a lawyer may advertise services through written, recorded or electronic communication, including public media.

(b) A lawyer shall not give anything of value to a person for recommending the lawyer's services except that a lawyer may

(1) pay the reasonable costs of advertisements or communications permitted by this Rule;

(2) pay the usual charges of a legal service plan or a lawyer referral service;
[and]

(3) pay for a law practice in accordance with Rule 1.17[.]; **and**

(4) give nominal gifts as an expression of appreciation that are neither intended nor reasonably expected to be a form of compensation for recommending a lawyer's services.

(c) Any communication made pursuant to this rule shall include the name and contact information of at least one lawyer or law firm responsible for its content.

Background

The proposed amendment to Oregon Rule of Professional Conduct 7.2(b) would clarify that lawyers are allowed to give nominal gifts as an expression of appreciation to referral sources, as long as those gifts are neither intended nor reasonably expected to be a form of compensation for recommending the lawyer's services.

Further, the proposed amendment would keep Oregon in line with the majority rule on this issue and reduce potential confusion among lawyers. See ABA Model Rule 7.2(b)(5) (providing identical exception). The intent of the exception is to

permit[] lawyers to give nominal gifts as an expression of appreciation to a person for recommending the lawyer's services or referring a prospective client. The gift may not be more than a token item as might be given for holidays, or other ordinary social hospitality. A gift is prohibited if offered or given in consideration of any promise, agreement or understanding that such a gift would be forthcoming or that referrals would be made or encouraged in the future.

Comment [4] to ABA Model Rule 7.2.

Adoption of the proposed amendment would place current advice on the de minimus gift issue in the text of the rule itself. As current OSB Formal Ethics Op No 2005-73 (Revised 2018) explains:

Lawyer also may provide de minimis gifts in the ordinary course of social or business hospitality as long as the proposed gifts are not payments in exchange for X, Y, or Z recommending the Lawyer's services. Lawyer should therefore be careful to not run afoul of the rule by providing something of value *in exchange for* the referral. When the intent is not compensation for the referral, it does not violate the rule.

(Footnote omitted).

The Legal Ethics Committee recommended adoption of the proposed amendment to provide Oregon practitioners with advertising guidelines that are clear, simple, and consistent with other jurisdictions. The Board of Governors agrees with that recommendation.

Financial Impact

None.

Presenter:
Amber A. Hollister, OSB General Counsel

8. New Fee Structure with Discounts Based on Income Rather Than Years of Practice (Board of Governors Resolution No. 2)

Whereas, the House of Delegates directed at its November 2018 meeting that the Board of Governors consider the following with respect to member fees:

1. the creation of a separate tier of membership fees for Oregon State Bar members active in any jurisdiction under five years or for a similar duration of time; and
2. an equitable assignment of fees to this new tier of active Bar members, as well as equitable changes to fees assigned to existing tiers, reflecting the economic realities of experienced and newer legal professionals; and
3. other appropriate issues of equity permissible under Oregon statute during the creation of a separate tier of membership fees for Oregon State Bar members active in any jurisdiction under five years or for a similar duration of time; and

Whereas, the House of Delegates further requested that the Board of Governors present the results of its deliberation to the House of Delegates at the 2019 HOD meeting, and;

Whereas, the Board of Governors has completed its study of alternative fee structures; now, therefore, be it

Resolved, that the House of Delegates approve the Board of Governors taking the steps necessary to move from a system of discounts on fees based on years of membership in the bar to a system of discounts based on income and ability to pay; in the event of any increase in fees based on such a structure, the Board of Governors will bring a resolution to the 2020 HOD meeting pursuant to ORS 9.191.

Background

At present, there are three tiers of licensing fees for active lawyers in Oregon, each of which is defined by the number of years a lawyer has practiced law. The standard active fee applies to lawyers who have been active in any jurisdiction for more than 2 years, but have been active members of the Oregon State Bar for no more than 49 years. Lawyers with less than two years of membership in any jurisdiction pay a discounted rate. Lawyers who have been members of the Oregon State Bar for 50 years or more pay nothing.

At its 2018 meeting, the HOD asked the Board to evaluate the merits of creating an additional tier of discounted fees for third and fourth year bar members, in light of the economic realities faced by many newer lawyers. At the same time, the HOD asked the Board to evaluate equity issues raised by the current fee structure. After the HOD meeting, the Board assigned this review to its Budget and Finance Committee, which met and discussed the matter over approximately nine months.

At the outset, the committee calculated the loss of revenue that would result if a discount were afforded to the approximately 1,250 lawyers in Oregon who are third and fourth year bar members. Every \$10 reduction in the fee for these individuals translates to a \$12,500 reduction in annual revenue to the bar. The committee was concerned about the equity of shifting costs from one subset of members to the others. In order to avoid an overall licensing fee increase to accommodate this loss of revenue, the committee considered how to recapture that loss through other adjustments to the fee structure.

In discussions of equity, two key issues arose regarding the current tiered structure. First, it was noted that the pool of 50-year members who continue to actively practice law has been growing significantly over the last five years. Moreover, these lawyers often have a higher earning capacity than newer lawyers, carry less debt, and are better able to afford to pay the full license fee. Second, it was noted that employers often pay the annual license fees for their lawyers, which means the discounts provided to newer lawyers may not benefit them directly.

The committee also looked to other mandatory state bars for alternative fee structures. While most follow Oregon's model of offering discounts based on years of practice, the California State Bar provides discounts based on income. California offers a 25% fee reduction for lawyers whose

individual annual income is \$40,000 or less, and a 50% reduction for lawyers whose household income is \$20,000 or less.

The committee felt strongly that an income-based structure was more equitable than one based on years of practice. Income-based discounts provide relief to lawyers who may be starting a new practice, who work part-time to accommodate family or caretaking responsibilities, who devote significant time to pro bono service, or who provide discounted rates to clients. By supporting lawyers in those situations, the committee reasoned, a fee reduction would also support the bar's goals of increasing access to justice. The Board agreed.

If the HOD approves this resolution, the Board will develop a new income-based fee structure in detail, including an implementation plan. If the new structure would result in any increase in fees, the Board will bring a resolution to the 2020 HOD meeting pursuant to ORS 9.191.

Financial Impact

None anticipated.

Presenter:
David Wade, BOG, Region 2

9. Support of Adequate Funding for Legal Services to Low-Income Oregonians (Delegate Resolution No. 1)

Whereas, providing equal access to justice and high quality legal representation to all Oregonians is central to the mission of the Oregon State Bar;

Whereas, equal access to justice plays an important role in the perception of fairness of the justice system;

Whereas, programs providing civil legal services to low-income Oregonians are a fundamental component of the Bar's effort to provide such access;

Whereas, since 1998, pursuant to ORS 9.572, the Oregon State Bar has operated the Legal Services Program to manage and provide oversight of funds allocated by the State of Oregon for legal aid. This is done in accordance with the Bar's Standards and Guidelines, which incorporate national standards for operating a statewide legal aid program;

Whereas, Oregon's legal aid programs do not have sufficient resources to meet the civil legal needs of Oregon's poor;

Whereas, Oregon currently has 2 legal aid lawyers for every 14,400 low-income Oregonians, but the national standard for a minimally adequately funded legal aid program is 2 legal aid lawyers for every 10,000 low-income Oregonians;

Whereas, assistance from the Oregon State Bar and the legal community is critical to maintaining and developing resources that will provide low-income Oregonians meaningful access to the justice system; now, therefore, be it

Resolved, that the Oregon State Bar

(1) Strengthen its commitment and ongoing efforts to improve the availability of a full range of legal services to all citizens of our state, through the development and maintenance of adequate support and funding for Oregon’s legal aid programs and through support for the Campaign for Equal Justice.

(2) Request that Congress and the President of the United States make a genuine commitment to equal justice by adequately funding the Legal Services Corporation, which provides federal support for legal aid.

(3) Work with Oregon’s legal aid programs and the Campaign for Equal Justice to preserve and increase state funding for legal aid and explore other sources of new funding.

(4) Actively participate in the efforts of the Campaign for Equal Justice to increase contributions by the Oregon legal community, by establishing goals of a 100% participation rate by members of the House of Delegates, 75% of Oregon State Bar Sections contributing, and a 50% contribution rate by all lawyers.

(5) Support the Oregon Law Foundation and its efforts to increase resources through the Interest on Lawyer Trust Accounts (IOLTA) program, and encourage Oregon lawyers to bank with financial institutions that are OLF Leadership Banks, meaning that pay the highest IOLTA rates.

(6) Support the Campaign for Equal Justice in efforts to educate lawyers and the community about the legal needs of the poor, legal services delivery and access to justice for low-income and vulnerable Oregonians.

(7) Encourage Oregon lawyers to support civil legal services programs through enhanced pro bono work.

(8) Support the fundraising efforts of those nonprofit organizations that provide civil legal services to low-income Oregonians that do not receive funding from the Campaign for Equal Justice.

Background

“The mission of the Oregon State Bar is to serve justice by promoting respect for the rule of law, by improving the quality of legal services and by increasing access to justice.” OSB Bylaw 1.2. One of the three main functions of the bar is to “advance a fair, inclusive, and accessible justice system.” *Id.*

The Board of Governors and the House of Delegates have adopted a series of resolutions supporting adequate funding for civil legal services in Oregon (Delegate Resolutions in 1996, 1997, 2002, 2005–2018). This resolution is similar to the resolution passed in 2018, but provides updates on the ratio of legal aid lawyers to Oregonians eligible for legal aid services.

The legal services organizations in Oregon were established by the state and local bar associations to increase access for low-income clients. The majority of the boards of the legal aid programs are appointed by state and local bar associations. The Oregon State Bar operates the Legal Services Program pursuant to ORS 9.572 to distribute the state statutory allocation for civil legal services and provide methods for evaluating the legal services programs. The Campaign for Equal Justice works collaboratively with the Oregon Law Foundation and the Oregon State Bar to support Oregon's legal aid programs. The Bar and the Oregon Law Foundation each appoint a member to serve on the board of the Campaign for Equal Justice.

Oregon's legal aid program consists of three separate non-profits that work together as part of an integrated service delivery system designed to provide high priority free civil legal services to low-income Oregonians in all 36 Oregon counties through offices in 17 communities. There are two statewide programs, Legal Aid Services of Oregon (LASO) and the Oregon Law Center (OLC); and one county wide program, the Center for Non Profit Legal Services (Jackson County). Because the need is great and resources are limited, legal aid offices address high priority civil legal issues such as safety from domestic violence, housing, consumer law, income maintenance (social security, unemployment insurance, and other self-sufficiency benefits), health, employment and individual rights. About 33% of legal aid's cases are family law cases, usually helping victims of domestic violence. All of these programs work to stretch limited resources through pro bono programs and self-help materials. Legal aid's website, www.oregonlawhelp.org receives about 285,000 unique visitors a year.

Providing access to justice and high quality legal representation to all Oregonians is a central and important mission of the Oregon State Bar. The 2018 Barriers to Justice, Civil Legal Needs Study found that we are meeting only 15% of the civil legal needs of low-income Oregonians (<https://olf.osbar.org/lms/>). The 2014 Task Force on Legal Aid Funding, which included representatives of the bar, the Law Foundation, the judiciary, the legislature and private practice concluded that legal aid funding should be doubled over the next 10 years. Because funding for legal aid is a state, federal and private partnership, with about 80 different sources of funding, increases in funding must be made across the board to address barriers to justice.

Currently, around 20% of lawyers contribute to the Campaign for Equal Justice, but in some Oregon regions (Jackson County and Lane County, for example), participation is as high as 40%.

Financial Impact

None stated.

Presenters:

*Vanessa A. Nordyke, HOD, Region 6
OSB Immediate Past President*

*Edwin A. Harnden, HOD, Region 5
OSB Past President 2001*

Ross Williamson, HOD, Region 2

**10. Support for Adequate Funding of the Judicial Branch needed to support the Justice System
(Delegate Resolution No. 2)**

Whereas, The Mission of the Oregon State Bar is to serve Justice by promoting respect for the rule of law, by improving the quality of legal services and by increasing Access to Justice. OSB Bylaw 1.2;

Whereas, Access to Justice plays an important role in the perception of fairness of the Justice System; and,

Whereas, the Judicial Branch of the State of Oregon requires adequate financial support by the Oregon Legislature in order to provide Access to Justice; now, therefore, be it

Resolved, that the Oregon State Bar request that the Legislature of the State of Oregon make a commitment to Access to Justice for all Oregonians by adequately funding the Judicial Branch of the State of Oregon; to fund adequate Court House structures, adequate Judicial Salaries to continue to attract and retain high quality Judges, and to adequately fund Court Staffing needed to ensure the availability of a full range of legal services to all citizens of Oregon; and,

Encourage all Members of the Oregon State Bar to apprise Members of the House of Representatives and Oregon Senate of the importance to the State of Oregon of adequate funding of the Judicial Branch needed to support the Justice System.

Financial Impact

None stated.

Presenter:
Danny Lang, HOD, Region 3

**11. Relocation of the Oregon State Bar to Salem
(Delegate Resolution No. 3)**

Whereas, “The mission of the Oregon State Bar is to serve Justice by promoting respect for the rule of law, by improving the quality of legal services, and by increasing access to justice.”;

Whereas, the Judicial Branch of the State of Oregon and the Office of the Chief Justice of the State of Oregon is located in Salem;

Whereas, the Oregon Court of Appeals and the Oregon Supreme Court are also located in Salem;

Whereas, the Judicial Branch of the State of Oregon relies upon funding by the Oregon Legislature;

Whereas, the Oregon Senate and Oregon House of Representatives convene at the State Capital Building in Salem;

Whereas, the Office of the Governor of the State of Oregon is also located in Salem;

Whereas, the majority of Oregon Administrative Agencies have Offices located in Salem; and

Whereas, Members of the Oregon State Bar interact with one or more of the foregoing Branches of State Government and related Government Agencies; now,

Therefore, the House of Delegates recommends that the Board of Governors study the advantages of relocating the Oregon State Bar Offices to Salem.

Presenter:
Danny Lang, HOD, Region 3

Financial Impact

None stated by the delegate.

Pursuant to OSB Bylaw Section 3.3, the Board of Governors submits that there likely would be a significant financial impact on the Oregon State Bar if the bar were to move its offices from Tigard to Salem. While a complete analysis has not been performed, financial considerations would include: relocation expenses (physical transport of equipment and assets as well as staff time to pack and move); staff, vendor and other costs associated with the sale or rental of the OSB Center in Tigard; staff, vendor and other costs associated with the purchase or rental of property in Salem; recruiting and other human resources costs arising out of the likely loss of employees; increased Board travel or meeting expenses; and increased staff travel expenses.

12. Assessing the risks of machine-manipulated media, including deepfake videos and recordings on litigation and other judicial proceedings in Oregon (Delegate Resolution No. 4)

Whereas, the Mission, Functions, and Values Statement of the Oregon State Bar commits our institution to “protect[ing] and advanc[ing] the quality, integrity, and impartiality of the judicial system” and “foster[ing] trust in, respect for, understanding of, and access to the justice system;”

Whereas, in order to uphold these goals and ensure continued trust in legal proceedings, the Oregon State Bar must acknowledge the risks posed by new artificial intelligence technologies which enable litigants to undetectably alter or falsify electronic evidence, including video and audio recordings;

Whereas, advances in generative adversarial network technology have resulted in the proliferation of deepfakes, which allow anyone with access to widely-available software to create fake videos or audio recordings that appear to be real;

Whereas, deepfakes have already been used to interfere in global elections by making candidates appear to say things they did not actually say, convince business executives to wire funds to scammers impersonating transaction counterparties, and humiliate or defame individuals by falsely depicting them as engaging in explicit, unethical, or controversial conduct;

Whereas, as deepfakes become more commonplace, litigants may seek to offer them as falsified video or audio evidence, leaving judges, juries, and counsel to grapple with complex technical questions of whether video or audio recordings depict actual events or are the product of machine manipulation;

Whereas, the Oregon State Bar should formulate a strategy to combat the threat of deepfakes, including an educational element to ensure legal professionals are aware of the possibility that video or audio evidence may be altered or falsified using artificial intelligence technology; now, therefore be it;

Resolved, that the Board of Governors shall;

(1) Establish a working group, or require an existing committee or task force, to conduct analysis regarding the implications of machine-manipulated media, including deepfake videos and recordings, on litigation and other judicial proceedings within Oregon; and

(2) Instruct such working group, committee, or task force to provide recommendations to the Board of Governors and House of Delegates regarding how the Oregon State Bar and attorneys within our state can address the risks of machine-manipulated media, including deepfake videos and recordings.

Financial Impact

None stated.

Presenters:

David Dorfman, HOD, Region 8

Jake A. Klonoski, HOD, Region 8

Evan J. Gautier, HOD, Region 8

13. Support for Public Defense Providers (Delegate Resolution No. 5)

Whereas, the Constitutions of both Oregon and the United States require that all people facing a possible deprivation of their physical liberty in court proceedings, such as those accused of criminal offenses, juveniles accused of conduct that would constitute crimes if committed by an

adult, and those who are subjects of civil commitment proceedings, have the right to assistance by ethical and competent legal counsel;

Whereas, Oregon statutes guarantee a right to counsel for parents defending against a petition to terminate their parental rights, for parents in juvenile dependency proceedings in which parents may lose custody of their children whenever the nature of the proceedings and due process so require, and for children in juvenile dependency proceedings when requested;

Whereas, those same constitutions and statutes require that the counsel provided the person be paid for by the government, if the person is indigent and cannot afford their own legal counsel;

Whereas, the Sixth Amendment Center published in January 2019 a comprehensive study of Oregon's indigent defense system and determined that Oregon's fixed-fee contract system pits appointed counsels' financial self-interest against the due process rights of their clients and is prohibited by national public defense standards;

Whereas, there is a salary and resource disparity between trial level legal counsel for the person and legal counsel for the State;

Whereas, trial level legal counsel for the person are government contractors and legal counsel for the State are government employees funded through direct appropriations;

Whereas, court-appointed appellate counsel and appellate counsel representing the State are both employees of the State yet a significant salary disparity exists between those attorneys;

Whereas, legal counsel for the person has an ethical and professional obligation pursuant to the state and federal constitutions, as well as Oregon Rules of Professional Conduct 1.1 ("A lawyer shall provide competent representation to a client"), 1.3 ("A lawyer shall not neglect a legal matter entrusted to the lawyer") and 1.7 ("A lawyer shall not represent a client if the representation involves a current conflict of interest") to provide adequate and conflict-free representation;

Whereas, the American Bar Association has acknowledged for over a decade that resource parity, salary parity, and caseload standards are essential to its "Ten Principles of Public Defense";

Whereas, the House of Delegates has long supported a strong public defense system and increased financial resources for public defense providers; now, therefore, be it

Resolved, that the Oregon State Bar, through its Board of Governors and staff, continue to participate actively with courts, prosecutors, the Oregon Department of Justice, the Legislative Assembly, the Office of Public Defense Services, the Oregon Criminal Defense Lawyers Association, and other public safety and child welfare stakeholders, to obtain equal resources and commensurate compensation for public defense providers, and work toward developing

caseload standards that ensure those public defense providers can meet their constitutional and ethical obligations.

Financial Impact

None stated.

Presenters:
Shannon L. Flowers, HOD, Region 6
Ryan J. Anfuso, HOD, Region 5

14. In Memoriam (Board of Governors Resolution No. 3)

Resolved, that the OSB House of Delegates and members assembled stand for a moment of silence in honor of the members of the Oregon State Bar who have died since the 2018 House of Delegates Meeting.

Barbara J. Bagg
Emilio F. Bandiero
Robert R. Carney
Lemarr E. Carver
Jay R. Chock
Robert M. Christ
Charles E. Corrigan
Kevin P. Donnelly
Harry F. Elliott
Hubert V. Garrabrant
Allan H. Gifford
David W. Green
Victor C. Hefferin
Hon. Dennis J. Hubel
Brett C. Jaspers
Carl F. Jepsen
Norman F. Kelley
Michael D. Kennedy
Dennis Koho
Kevin P. Kress

Thomas M. Landye
Dennis B. Liggett
Robert E. Lowe
James C. Lynch
Scott R. Marchand
Don Marmaduke
William D. McDonald
Timothy E. Miller
Bryan P. Murphy
Dwayne R. Murray
Marsha Murray-Lusby
Donald F. Myrick
Jarrod Nickoloff
Anne E. O'Malley
Kevin D. Padrick
Martha O. Pagel
Roderick D. Peters
Shereen P. Ricoy
Phil H. Ringle

Jim. G. Russell
David Schermer
Hon. David Schuman
John C. Sihler
Sara Snyder
Donald R. Stark
Edward P. Thompson
Bob Turner
Craig Urness
Debbe von Blumenstein
William Warnisher
Charles J. Wiseman
Hon. Robert Wollheim
Larry Wright
Robert S. Wrinkle
Teunis J. Wyers

Presenters:
Liani JH. Reeves, BOG, Region 5
John E. Grant, BOG, Region 5

Robert J. Gratchner, BOG, Public Member

15. Veterans Day Remembrance
(Board of Governors Resolution No. 4)

Whereas, military service is vital to the perpetuation of freedom and the rule of law; and

Whereas, thousands of Oregonians have served in the military, and many have given their lives; now, therefore, be it

Resolved, that the Oregon State Bar hereby extends its gratitude to all those who have served and are serving in the military, and further offers the most sincere condolences to the families and loved ones of those who have died serving their country.

Presenter:
John E. Grant, BOG, Region 5
