

Oregon State Bar  
2024 House of Delegates Meeting  
Friday, November 1, 2024  
9:00 a.m. in person at the OSB Center  
Remote attendance option available



---

October 11, 2024

Dear Oregon State Bar Member:

I am pleased to invite you to the 2024 OSB House of Delegates meeting, which will begin at **9:00 a.m.** on **Friday, November 1, at the Oregon State Bar Center in Tigard, Oregon.** The agenda follows this letter.

We are excited to be back in person and to offer the option of remote attendance at the HOD meeting as well. We are happy that we can continue to provide a hybrid HOD meeting experience, which better accommodates a wide variety of participant needs.

We encourage you to attend in person if you are able to do so, particularly if you would like to speak on any of the resolutions. We know from last year's meeting that the HOD is concerned about dwindling engagement from delegates. Providing opportunities to connect with your fellow delegates in person was one recommendation from the HOD Engagement Committee, the HOD meeting itself is one such opportunity! And, given the length of this year's agenda, we will have snacks and lunch available to keep you fueled throughout our discussions.

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](http://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](mailto: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.

David Rosen  
OSB President

**OREGON STATE BAR**  
**2024 House of Delegates Meeting AGENDA**  
November 1, 2024, at 9:00 a.m.  
OSB Center  
16037 SW Upper Boones Ferry Road, Tigard, OR

---

---

**Reports**

---

- |  |   |
|--|---|
| <p><b>1. Call to Order</b><br/><i>David Rosen, OSB President</i></p> <p><b>2. Adoption of Final Meeting Agenda</b><br/><i>David Rosen, OSB President</i></p> <p><b>3. Report of the President</b><br/><i>David Rosen, OSB President</i></p> <p><b>4. <u>Notice of Actions on Past HOD Resolutions</u></b><br/><i>David Rosen, OSB President</i></p> <p><b>5. Report from the Court</b><br/><i>Chief Justice Meagan Flynn, Oregon Supreme Court</i></p> | <p><b>6. Report of the Board of Governors Budget &amp; Finance Committee and <u>Notice of 2025 License Fees</u></b><br/><i>Matthew McKean, Chair, BOG Budget &amp; Finance Committee</i></p> <p><b>7. <u>Overview of Parliamentary Procedure</u></b><br/><i>Jim Westwood, Parliamentarian</i></p> |
|--|---|
- 

**Resolutions**

---

- 8. Amend HOD Rules of Procedure**  
(BOG Resolution No. 1)  
*Ankur Doshi, OSB General Counsel*
- 9. Amend Rules of Professional Conduct 1.16**  
(BOG Resolution No. 2)  
*Ankur Doshi, OSB General Counsel*
- 10. Support Adequate Funding for Public Defense Providers**  
(HOD Delegate Resolution No. 1)
- |  |                                      |
|--|--------------------------------------|
| <i>Amy Bingham, HOD Region 6</i>       | <i>Keiler Beers, HOD Region 5</i>    |
| <i>Janae Bly, HOD Region 3</i>         | <i>Laura Coffin, HOD Region 2</i>    |
| <i>Kristen Farnworth, HOD Region 6</i> | <i>Shannon Flowers, HOD Region 6</i> |
| <i>Joshua Gums, HOD Region 1</i>       | <i>Jennifer Kinzey, HOD Region 4</i> |
| <i>Adam LeBrun, HOD Region 4</i>       | <i>Kyra Rohner</i>                   |
| <i>John Schlosser, HOD Region 5</i>    |                                      |
- 11. Expand Licensed Paralegal Services**  
(HOD Delegate Resolution No. 2)  
*Danny Lang, Ex-Officio Delegate, Region 3*
- 12. Oregon State Bar Accredited Law Schools**  
(HOD Delegate Resolution No. 4)  
*Danny Lang, Ex-Officio Delegate, Region 3*

**13. Support for Adequate Funding for Legal Services to Low-Income Oregonians**

(HOD Delegate Resolution No. 5)

*Peter A. Werner, HOD Region 1    Kristie Gibson, HOD Region 2*  
*Maureen McGee, HOD Region 5    Vanessa Nordyke, HOD Region 6*  
*Heather Decker, HOD Region 7    Victory Walker, HOD Region 3*

**14. Support Adequate Funding for the Oregon Judicial Branch**

(HOD Delegate Resolution No. 6)

*Vanessa Nordyke, HOD Region 6*  
*David Wade, HOD Region 2*  
*Brent Barton, HOD Region 4*

**15. Establish a Committee to Investigate and Propose Solutions for Reducing OSB Dues**

(HOD Delegate Resolution No. 7)

*Mario Musil, HOD Region 7*

**16. Establish a Committee to Study Allowing OSB Members to Obtain Primary Malpractice Coverage from Private Insurance**

(HOD Delegate Resolution No. 8)

*Mario Musil, HOD Region 7*

**17. Veterans Day Remembrance**

(BOG Resolution No. 3)

*Myah Kehoe, BOG, Region 5*

**18. In Memoriam**

(BOG Resolution No. 4)

*Kyle Sciuchetti, BOG Region 8*  
*John Marandas, BOG Region 7*  
*Kellie Furr, BOG Region 5*

**Resolution Excluded from Preliminary Agenda**

**Support Adequate Funding for Oregon CASA Network**

(HOD Delegate Resolution No. 3)

## **\*\*2024 Notice of Action on Past HOD Resolutions\*\***

Following is a summary of actions taken and/or status reports on past HOD Resolutions.

### **Amend several Rules of Professional Conduct (BOG Resolutions No. 2, 3 and 4).**

At the [2023 House of Delegates meeting](#), the Board of Governors (BOG) proposed amendments to three Oregon Rules of Professional Conduct:

- **Amendments to Oregon RPC1.2(d)** - scope of representation and allocation of authority between client and lawyer. (BOG Resolution No. 2)
- **Amendments to Oregon RPC 1.8(e)(3)** - conflict of interest: current clients (BOG Resolutions No. 3)
- **Amendments to Oregon RPC 8.4(a)(7)** - misconduct - intimidation or harassment (BOG Resolution No. 4)

All proposed amendments were adopted by the Oregon Supreme Court, effective January 1, 2024.

### **Support Well-Being in the Legal Profession (BOG Resolution No. 5)**

In January 2024, the BOG included well-being in the legal profession among its priority areas of focus for the year. In 2024 thus far, the OSB:

- Significantly increased messaging on lawyer well-being throughout the year. In the first seven editions of the Bulletin in 2024, the bar published 14 pieces focusing on lawyer-well-being, including numerous cover and/or feature stories. We similarly elevated the issue in the OSB's other communications platforms, with regular website postings, Bar News emails, President's Messages and social media postings amplifying our messaging around well-being.
- Collaborated closely with the OAAP around both messaging and education on well-being. This included a series of CLEs during Well-Being in the Law Awareness Month, and support of additional content in the PLF's publications.
- Publicized the January 2024 conference hosted by the Institute for Well-Being the Law, including provision of free advertising space in the Bulletin, as well as promotion in other bar communications.
- Initiated strategic planning process that will include how to incorporate well-being throughout the work of the OSB.

### **Increase HOD Delegate Engagement (HOD Delegate Resolution No. 2)**

In April 2024, the BOG established the HOD Engagement Committee to explore this issue. At its September meeting, the board accepted a comprehensive report from the committee and agreed to pursue the committee recommendations relating to improvements in the HOD

orientation, increased communications, and increased opportunities for networking that would not create a significant financial impact for the bar. The full committee report can be found [here](#).

### **Require OSB Membership for Administrative Law Judges (BOG Resolution No. 3)**

The BOG appointed a 10-person workgroup to review a proposal to require all administrative law judges in Oregon to be members of the Oregon State Bar. In June 2024, the BOG accepted the comprehensive report of the workgroup, which identified several separate but related policy questions, and lays out a framework for any future discussion. The full workgroup report can be found [here](#).

### **Provide Support for Adequate Funding for Public Defense Providers, the Oregon Judicial Branch, and Legal Services to Low-income Oregonians (HOD Resolutions Nos. 4, 5 and 6)**

The Board of Governors made support for these three areas a priority for the 2024 short legislative session. Bar staff provided support and technical assistance to legislators and legislative staff throughout the session. Following is a brief recap of outcomes.

- **Public Defense.** The Oregon Public Defense Commission will transition from the judicial to the executive branch in 2025, and the OSB has participated in the transition discussions throughout 2023-24. The OSB also continues to seek ways to bring additional lawyers to Oregon, including support for adoption of a comity rule, streamlining rules for reinstatement, and support for the Supervised Practice Portfolio Examination.
- **Legal Services to Low-Income Oregonians.** Together with the Campaign for Equal Justice and the Oregon Law Center, the OSB participated in ABA Lobby Day in Washington DC, primarily in support of federal funding for the Legal Services Corporation, which is a funder for legal services in Oregon. The bar also launched Oregon Law Help, an interactive website supported by six partners across Oregon, offering a single site for access to legal help and information. Finally, it set its legislative priorities for 2025, to include legal services as a priority.
- **The Oregon Judicial Branch.** The Board of Governors made support for Oregon's court system one of its legislative priorities for the 2024 short legislative session. Bar staff provided support and technical assistance to legislators and legislative staff, largely in support of the requests put forth by the Oregon Judicial Department. The legislature approved three new judgeships, and funding and authorization for courthouse replacement projects in Clackamas, Benton and Crook counties.

*For more information, see the May and September editions of the [Capital Insider](#)*

## Notice of 2025 Oregon State Bar Member Fee

The first chart below shows the Fee Schedule for the 2025 Annual Member Fees for lawyers. The fee below includes the 2025 assessments for the Client Security Fund (CSF) and the Loan Repayment Assistance Program (LRAP) for active members. The base fee of \$658 remains unchanged, as does the Loan Repayment Assistance Assessment of \$10.00.

The Board of Governors has decided to reduce the CSF assessment for 2025 from \$20.00 to \$15.00. As of August 31, 2024, the CSF fund balance was \$1.74 million. Throughout 2024, there has been a significant decrease in the number and dollar amount of claims, which is forecasted to allow the balance to remain above the \$1.25 million reserve level through 2025.

The second chart shows the 2025 Fee Schedule for Licensed Paralegals (LPs). The LP license fee shown below includes the reduced \$15 CSF assessment, but no LRAP assessment, as LPs are not currently eligible for loan repayment assistance through the bar's program.

The due date for all 2025 member fees is Friday, January 31, 2025.

Regular Member Fee/Status	Fee Through January 31, 2025	Fee Effective February 1, 2025
<b>Active</b>	<b>\$ 683</b>	<b>\$ 783</b>
<b>Active Under \$47.5k AGI **</b>	<b>\$ 552</b>	<b>\$ 652</b>
<b>Active Pro Bono</b>	<b>\$ 150</b>	<b>\$ 200</b>
<b>Inactive</b>	<b>\$ 150</b>	<b>\$ 200</b>
<b>Retired</b>	<b>\$ 150</b>	<b>\$ 200</b>
<b>** Based on 2024 annual gross income</b>		

Licensed Paralegal Fee/Status	Fee Through January 31, 2025	Fee Effective February 1, 2025
<b>Active</b>	<b>\$ 345</b>	<b>\$ 445</b>
<b>Inactive</b>	<b>\$ 150</b>	<b>\$ 200</b>
<b>Retired</b>	<b>\$ 150</b>	<b>\$ 200</b>

## OVERVIEW OF PROCEDURE FOR OSB HOUSE OF DELEGATES MEETING

---

- The HOD will consider items on the agenda in the order as finally approved by the HOD pursuant to HOD Rule 5.6.
- The presenter of each resolution will have five minutes to explain the item, and then move its adoption (or ask a delegate to do so). If the motion is seconded, the resolution will be open to debate.
- All bar members attending (in-person or virtually) may participate in the debate.
- Debate will alternate between the “pro,” “con,” and “other” speakers. The “other” speaker may submit motions, raise procedural issues, or provide comments neither supporting nor opposing the resolution.
- Members wishing to speak must place themselves in virtual line on the online voting platform. The chair will call on a speaker in the virtual line in each category.
- Speakers in-person will move to a microphone in the room to speak. Speakers virtually will be promoted in ZOOM to allow them to be visible on video and speak to the HOD.
- Each speaker must give their names, the city in which they practice and, if they are delegates, the constituency they represent.
- Each speaker has three minutes to speak.
- No one may speak a second time until all those who wish to speak on the resolution have had the opportunity to do so.
- Delegates seeking to make a motion (motion to end debate, amend, etc.) during debate must line up as an “other” speaker. They may present the motion once recognized by the chair.
- Robert’s Rules of Order governs debate at HOD meetings. When a main motion is under consideration, secondary (subsidiary, privileged and incidental) motions may arise. When a secondary motion is placed before the HOD, it becomes the immediately pending question; the main motion remains pending while the secondary motion is addressed.
- The chart on the reverse side lists common motions in order of precedence. No motion can be made when any higher ranking motion is pending. A motion that is of a lower precedence than a pending motion will be declared out of order.
  - For instance, a motion to adjourn (#11) may be made when any motion 1-10 is pending, but not if motion 12 is pending. A motion to amend (#2) cannot be made when a motion to limit debate (#5) is pending. A higher ranking motion can be made even when other, lower ranking motions are pending.

Parliamentary Procedure  
Precedence of Common Motions

	Rank	Name of Motion	Second Required	Debatable	Amendable	Vote	In order when another has the floor	Can be Reconsidered
Privileged	12	Fix Time to Which to Adjourn	Yes	No	Yes	Majority	No	Yes
	11	Adjourn	Yes	No	No	Majority	No	No
	10	Recess	Yes	No	Yes	Majority	No	No
	9	Question of Privilege	No	No	No	Chair Grants	Yes	Yes
	8	Orders of the Day	No	No	No	Demand of Delegate	Yes	No
Subsidiary	7	(Lay on the) Table	Yes	No	No	Majority	No	Negative vote only
	6	End Debate	Yes	No	No	2/3	No	Yes, before vote on the question
	5	Limit or Extend Debate	Yes	No	Yes	2/3	No	Yes
	4	Postpone to Time Certain	Yes	Yes	Yes	Majority	No	Yes
	3	Refer to Committee	Yes	Yes	Yes	Majority	No	Yes if committee hasn't begun consideration
	2	Amend	Yes	Yes	Yes	Majority	No	Yes
	1	Postpone Indefinitely	Yes	Yes	No	Majority	No	Affirmative vote only
		<b>Main Motion</b>	Yes	Yes	Yes	Majority	No	Yes



# BOG Resolution No. 1

## Agenda Item No. 8

### Amend HOD Rules of Procedure

**Whereas**, the Board of Governors has proposed the following amendment to the Oregon State Bar House of Delegates pursuant to ORS 9.142;

**Whereas**, the House of Delegates must adopt any changes in the House of Delegates Rules of Procedure pursuant to ORS 9.142; now, therefore, be it

**Resolved**, that the following amendment to the House of Delegates Rule of Procedure 8.5 as set forth below is approved and shall go into effect immediately upon adoption:

8.5 If delegates are required to vote via electronic ballot, the presiding officer shall announce a vote and the time for delegates to submit their votes on the electronic ballot. The presiding officer will provide delegates at least ~~two (2)~~ one (1) minutes to record their vote via electronic ballot. Upon completion of the vote, the results may be displayed to all delegates via the voting platform, and the official vote shall be stated by the presiding officer and recorded in the minutes.

---

#### Background

In 2023, the House of Delegates adopted a substantial rewrite of the House of Delegates Rules of Procedure. These new rules addressed many of the evolving issues that had arisen over the ten years since the last review of the HOD Rules, including the change to hybrid meetings, limitations on amendments to address technical limitations, and other technical changes.

In February 2024, the Board of Governors discussed the 2023 HOD meeting and its operation under the new Rules of Procedure. One issue identified was that the minimum time required under the new rules to allow delegates to submit votes electronically—two minutes—was too long. Board members noted that there was a substantial time after which all delegates had completed voting but were still waiting for the required two minutes to pass to see the results.

This amendment would shorten the minimum time required to one minute. Based on the experience at the 2023 HOD annual meeting, one minute should be sufficient time to submit a vote electronically under the vast majority of circumstances. The rule retains the president's discretion to provide additional time to vote if needed.

#### Financial Impact

None.

# BOG Resolution No. 2

## Agenda Item No. 9

### Amend Oregon RPC 1.16(a) to address suspected usage of the lawyer's services for crime, fraud, or money laundering.

*Whereas*, the Legal Ethics Committee and the Board of Governors formulated the following amendment to the Oregon Rule of Professional Conduct 1.16(a);

*Whereas*, the 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 1.16(a) as set forth below is approved and shall be submitted to the Oregon Supreme Court for adoption:

#### Rule 1.16: Declining or Terminating Representation

(a) A lawyer shall reasonably inquire into and assess the facts and circumstances of each representation to determine whether the lawyer may accept or continue the representation. Except as stated in paragraph (c), a lawyer shall not represent a client or, where representation has commenced, shall withdraw from the representation of a client if:

(1) the representation will result in violation of the Rules of Professional Conduct or other law;

(2) the lawyer's physical or mental condition materially impairs the lawyer's ability to represent the client; ~~or~~

(3) the lawyer is discharged; ~~or~~ or

(4) the client or prospective client seeks to use or persists in using the lawyer's services to commit or further a crime or fraud, despite the lawyer's discussion pursuant to Rules 1.2(c) regarding the limitations on the lawyer assisting with the proposed conduct.

---

#### Background

In August 2023, the American Bar Association (ABA) adopted changes to the ABA Model Rule of Professional Conduct (MR) 1.16 regarding withdrawal. The amendments require an attorney to determine whether the lawyer's legal services would be used to commit a crime or fraud. Specifically, the ABA changes focus on withdrawal based on suspected usage of the lawyer's

services for crime, fraud, or money laundering. The ABA amended Model Rule 1.16 as a response to growing concerns about the use of lawyer services for money laundering and other criminal activity. The 2016 Financial Action Task Force Report on United States' Measures to Combat Money Laundering and Terrorist Financing urged that additional guidance was needed to curb the substantial risks within several professions, including the legal profession, for money laundering to occur. The confidentiality in client relations and virtual universality of attorney-client privilege makes attorneys an attractive target for money laundering operations.

The amendment to ABA MR 1.16 clarifies a lawyer's responsibility to inquire into and assess the facts and circumstances of a matter before accepting a new representation, and, under some circumstances, before continuing the representation. This is not a new obligation; the amended rule provides more guidance on obligations already entwined within the Rules of Professional Conduct. For example, lawyers are required to develop sufficient knowledge of the facts and the law to understand the client's objectives and the means to pursue them under ABA MR 1.2(a), and ABA MR 1.2(d) requires that lawyers "not counsel a client to engage, or assist a client, in conduct that the lawyer knows is criminal or fraudulent[.]"

The new ABA Model Rule language helps to educate lawyers to be vigilant about potential misuse of their services, protecting both the integrity of the legal profession and public trust. Lawyers must inquire about the facts and circumstances at the outset and throughout the representation. They should identify any red flags or changes in the client's behavior that may indicate misuse of legal services. The focus of these proposed amendments utilizes a risk-based approach, where the level of inquiry and assessment depends on various reasonable factors, such as the nature of the client's business, the jurisdictions involved and the lawyer's familiarity with the client. For instance, a lawyer's obligations to inquire about a longtime client would not be as extensive as the lawyer's duty to inquire about a new client who is an international holding corporation with whom the lawyer has never interacted.

The Legal Ethics Committee (LEC) reviewed the new ABA Model Rule 1.16 language and recommends the following amendments to Oregon's RPC 1.16(a) to mirror the ABA's changes. The LEC adjusted the language to add "reasonably" to clarify the risk-based approach at the level of inquiry undertaken by an attorney. As Oregon does not have comments, lawyers may not immediately understand that they are not required to undertake a complex scope of inquiry for all clients, but that the inquiry is dependent on the representation. The addition of "reasonably" helps to clarify the level of inquiry required.

### **Financial Impact**

None stated.

# HOD Delegate Resolution No. 1

## Agenda Item No. 10

### Proposed Resolution for Support for Public Defense Providers

**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 public 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**, the American Bar Association published in January 2022 its report on its calculations of the amount of time public defense providers should spend on average on the various types of public defense cases and concluded that Oregon had one-third the number of public defense attorneys needed to ensure that indigent clients receive constitutionally competent representation;

**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**, 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 Public Defense Services Commission, 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.

**Submitted by:**

Amy Bingham, OSB #210702

Janae Bly, OSB #142820

Kristen Farnworth, OSB #003441

Joshua Gums, OSB #173623

Adam LeBrun, OSB #170712

John Schlosser, OSB #104959

Keiler Beers, OSB #203444

Laura Coffin, OSB #075825

Shannon Flowers, OSB #073898

Jennifer Kinzey, OSB #171324

Kyra Rohner, OSB #090390

**Financial Impact**

None stated.

## **HOD Delegate Resolution No. 2**

**Agenda Item No. 11**

### **Expansion of Licensed Paralegal Services**

**Whereas**, the Oregon Supreme Court has approved Paralegal Licensing that limits Paralegals to practice only within certain areas of Family Law and Landlord-Tenant Law;

**Whereas**, Expansion of Licensed Paralegal Services will further address a long-standing need for improved Access to Justice for the 80% of Oregonians unable to afford traditional Legal Services;

**Whereas**, to further serve the needs of the unserved 80% of Oregonians; and, in particular to serve their needs in areas of Law such as Traffic Violations, Unemployment Hearings, Fish and Game Violation Cases, Local Planning Hearings, Land Use Advisory Commissions, School Suspension of Students, and other areas of Law where there remains a lack of affordable Legal Services; now,

**Resolved**, that the House of Delegates recommends that the Board of Governors appoint a Volunteer Committee [Workgroup] to study Expansion of Licensed Paralegal Services, so as to encourage Licensees to become better qualified in additional areas of Law; and, become authorized to practice in underserved areas of Law toward the goal of greater Access to Justice for the 80% of Oregonians with unmet needs for Legal Services.

**Presenter:**

Danny Lang, OSB #790078, Ex-Officio Delegate, Region 3

**Financial Impact**

The Board of Governors anticipates there will be a budgetary impact based on additional staff time needed to support the volunteer workgroup.

**HOD Delegate Resolution No. 4**  
**Agenda Item No. 11**  
**Oregon State Bar Accredited Law Schools**

**Whereas**, the Oregon State Bar supports enhanced Access to Justice;

**Whereas**, Access to Justice depends upon the availability of an adequate number of Oregon State Bar Member Lawyers to serve the needs of the unserved **80%** of Oregonians;

**Whereas**, the number of OSB Lawyers has failed to keep pace with the population growth of Oregon, resulting in underserved Communities being denied Access to Justice in Civil and Criminal cases;

**Whereas**, the ongoing shortage of Oregon Lawyers has become more critical in rural Counties; OSB Accredited Law Schools will inspire rural Law Students to represent local Clients by residing and practicing in rural Counties;

**Whereas**, the shortage of Public Defender Lawyers has also become an acute problem implicating deprivation of Constitutional Rights to Legal Defense Services;

**Whereas**, the ABA Law School Tuition, and the accompanying burden of Student Loan Debt, has negatively impacted the present and future supply of potential OSB Lawyers;

**Whereas**, State of Oregon Accredited Law Schools will open more Legal Career Opportunities for students from diverse communities, by making a Law School Education affordable;

**Whereas**, State of Oregon Accredited Law Schools could provide certain online classes, along with internships and periodic in-person seminars offering flexible scheduling of courses, without the expense of student housing;

**Whereas**, State of Oregon Accredited Law Schools could feature local practicing Adjunct Faculty Members, with practical experience in representing Clients within their County and community;

**Whereas**, State of Oregon Accredited Law Schools could qualify for voluntary financial support by OSB Law Firms and Community Non-profits via Endowments and Scholarships; and,

**Whereas**, State of Oregon Accredited Law Schools could participate in affordable Alternative Pathways to the Bar; now,

**Resolved**, that the House of Delegates recommends that the Board of Governors appoint a Voluntary Workgroup to study the feasibility of Oregon State Bar Accredited Law Schools.

**Presenter:**

Danny Lang, OSB #790078, Ex-Officio Delegate, Region 3

**Financial Impact**

The Board of Governors anticipates there will be a budgetary impact based on additional staff time needed to support the volunteer workgroup.

# HOD Delegate Resolution No. 5

## Agenda Item No. 13

### Support of Adequate Funding for Legal Services to Low-Income Oregonians

**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**, 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.

**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 Lawyers Trust Accounts (IOLTA) program, and encourage Oregon lawyers to bank with financial institutions that are OLF Leadership Banks, meaning that they 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) Ensure continued funding for critical immigration legal services so that the most vulnerable Oregonians are provided legal representation.

**Submitted By:**

Peter A. Werner, OSB #091722  
House of Delegates, Region 1

Maureen McGee, OSB #120215 House of Delegates,  
Region 5

Kristie Gibson, OSB #990528  
House of Delegates, Region 2

Vanessa Nordyke, OSB #084339 House of Delegates,  
Region 6, OSB Past President 2018

Victory Walker, OSB #014483  
House of Delegates, Region 3

Heather Decker, OSB #962589  
House of Delegates, Region 7

### **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. One of the three main functions of the bar is to advance a fair, inclusive, and accessible justice system.

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, 2005–2023). This resolution is similar to the resolution passed in 2023.

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 18 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.

In 2023, about 23% of legal aid's cases were family law cases, usually helping victims of domestic violence. Another 43% of cases were related to maintaining housing. All of these programs work to stretch limited resources through pro bono programs and self-help materials. Legal aid directly served more than 27,000 clients in 2023, a 17% increase over the prior year. Recently, legal aid and the Oregon State Bar worked together to reformulate and relaunch the website [www.oregonlawhelp.com](http://www.oregonlawhelp.com). The rethought and redesigned website provides better resources to Oregonians in need, and provides easier access to legal aid referrals and self-help materials. In 2023, the Oregon Law Help website received over 381,000 unique visitors. Additionally, Oregonians who were victims of wildfires received vital self-help information and referrals through legal aid's disaster service website, <https://oregondisasterlegalservices.org>.

# HOD Delegate Resolution No. 6

Agenda Item No. 14

## Support Adequate Funding for the Judicial Branch

**Whereas**, the mission of the Oregon State Bar is to serve justice and the public interest by promoting respect for the rule of law, by improving the quality of legal services, and by increasing access to justice; and,

**Whereas**, the Oregon Judicial Branch has adopted a Justice Campaign for 2024-2027 continuing four commitments to the people of Oregon: (1) to improve services and outcomes of people who are underserved or vulnerable; (2) to improve access to justice by eliminating barriers and continuing to leverage technology; (3) to enhance the public's trust and confidence in Oregon's state government and the Judicial Branch; and (4) to create a workplace and courthouse culture that is welcoming and inclusive where all people are treated with respect and dignity; and,

**Whereas**, the Chief Justice has based her budget requests for the Oregon Judicial Department on needs and services identified through that strategic planning process, and the Oregon Legislative Assembly has based many of its funding decisions on the priorities established in the Strategic Campaign; and,

**Whereas**, the Justice Campaign will need adequate resources for courts to respond to court users who have mental and behavioral health challenges, continue collaborative initiatives to better serve self-represented litigants, expand outreach and transparency efforts, continue using data-driven performance measures, continue to assist in finding solutions to the unrepresented persons crisis in Oregon, and ensure that judges and court staff have the training and education needed to address the needs of the people they serve, now, therefore, be it

**Resolved**, that we applaud the Legislative Assembly for its support of the Oregon Judicial Department's strategic priorities; we request that the Assembly continue to improve funding to provide necessary court services, improve compensation to attract and retain highly qualified judges, provide safe and secure court facilities, and otherwise support the goals of the Justice Campaign; and we further encourage all members of the Oregon State Bar to thank legislators for funding the Judicial Branch and continue to urge their support for the Chief Justice's Recommended Budget for the Oregon Judicial Department.

**Submitted By:**

Vanessa Nordyke OSB#084339  
House of Delegates, Region 6  
OSB Past President 2018

David Wade OSB#931217  
House of Delegates, Region 2  
OSB Past President 2021

Brent Barton OSB#062698  
House of Delegates, Region 4

# HOD Resolution No. 7

Agenda Item No. 15

## Establish a Committee to Investigate and Propose Solutions for Reducing Oregon State Bar Dues

**Whereas,** The Oregon State Bar currently has the highest bar dues in the country, which imposes a significant financial burden on its members; and

**Whereas,** High bar dues disproportionately affect solo practitioners and small law firms, who often have limited financial resources compared to larger firms; and

**Whereas,** These increased financial pressures can lead to a decrease in the number of solo and small law firms, which in turn can reduce access to legal services in rural and underserved areas; and

**Whereas,** Solo and small firm practitioners play a critical role in serving diverse and marginalized communities and providing affordable legal representation to individuals and businesses across Oregon; therefore, be it

**Resolved,** That the Oregon State Bar shall establish a committee to investigate why Oregon has the highest bar dues in the country, explore the impacts of high bar dues on solo practitioners and small firms, and propose actionable solutions to reduce the cost of bar dues while maintaining the Bar's essential functions and services.

---

### Submitted by:

Mario Musil, OSB# 206766, HOD Region 7

### Background

Oregon's high bar dues place an undue financial burden on its members, especially solo practitioners and small law firms, who typically operate on tighter margins than larger firms. These practitioners are essential to ensuring access to justice for individuals and small businesses, particularly in rural, underserved areas and in marginalized communities. High bar dues can exacerbate financial strain on these firms, potentially leading to fewer solo and small firm attorneys, reduced access to legal services, and less affordable legal representation.

This resolution proposes the formation of a committee tasked with investigating the reasons behind Oregon's elevated bar dues, understanding the specific financial challenges faced by solo practitioners and small firms, and developing concrete recommendations to lower dues without compromising the Bar's core responsibilities. By addressing this issue, the Oregon State Bar can better support the diversity of its members and promote broader access to legal services.

---

### Financial Impact

This committee should be staffed with volunteers so as to minimize additional costs to the Bar.

## HOD Resolution No. 8

Agenda Item No. 16

### Establish a Committee to Study Allowing Oregon State Bar Members to Obtain Primary Malpractice Coverage from Private Insurers

**Whereas,** The Oregon State Bar Professional Liability Fund (PLF) currently holds a mandated statewide monopoly on primary malpractice insurance for all bar members; and

**Whereas,** Oregon is the only state in the entire country that requires attorneys to carry malpractice insurance as a condition of practicing law and it is also the only state in the country with a mandated monopoly insurance carrier; and

**Whereas,** This lack of competition allows a single entity to control prices and the terms of coverage, limiting options for Oregon attorneys; and

**Whereas,** PLF premiums are significantly higher, and the policy provisions are less comprehensive compared to what is available through private insurance markets; and

**Whereas,** Many attorneys, particularly solo practitioners and small law firms, are financially burdened by the high cost of PLF coverage, which may also limit their ability to grow their practices, serve their communities, and provide legal services to marginalized and underserved populations; and

**Whereas,** Allowing bar members to obtain malpractice insurance from private insurers—so long as the coverage is equal to or exceeds that provided by the PLF—will promote competition, potentially lowering premiums and improving the terms of coverage; therefore, be it

**Resolved,** that the Oregon State Bar shall establish a committee to explore and propose the feasibility of allowing bar members to obtain primary malpractice insurance from private insurers, provided that the coverage meets or exceeds the protections currently offered by the Oregon State Bar Professional Liability Fund (PLF).

**Submitted by:**

Mario Musil, OSB# 206766, HOD Region 7

---

#### Background

The Oregon State Bar Professional Liability Fund (PLF) is the sole provider of primary malpractice insurance for Oregon attorneys, making Oregon the only state in the nation with a mandated monopoly provider. Furthermore, Oregon is the only state that requires all attorneys to carry malpractice insurance as a condition of practicing law. As a result, attorneys face higher

premiums and fewer policy options compared to what is available through private insurers in other states. This lack of choice places a disproportionate financial burden on solo practitioners and small law firms, who typically have fewer resources to absorb these costs.

In all other aspects of their lives, Oregon lawyers benefit from having the ability to choose their insurance providers, whether for general business insurance, home insurance, car insurance, or even health insurance. This choice fosters competition, leading to better pricing and tailored policy options. By allowing Oregon attorneys to obtain malpractice insurance from private insurers—so long as it meets or exceeds the PLF’s coverage standards—competition can drive down prices and improve the terms of coverage, benefiting both attorneys and the clients they serve.

This resolution seeks the formation of a committee to study and propose the implementation of allowing bar members to obtain primary malpractice coverage from private insurers. Addressing this issue would enable the Oregon State Bar to reduce the financial burdens on Oregon attorneys, empowering them to better serve clients who face barriers to justice due to the high costs of legal services.

---

### **Financial Impact**

This committee should be staffed with volunteers to minimize additional costs to the Bar. The Board of Governors anticipates there will be a budgetary impact based on additional staff time needed to support the volunteer workgroup.

**BOG Resolutions No. 3**  
**Agenda Item No. 17**  
**Veterans Day Remembrance**

**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 sincerest condolences to the families and loved ones of those who have died serving their country.

**Presenter:**

Myah Kehoe, OSB# 084378, 2024 OSB President-Elect

# BOG Resolution No. 4

## Agenda Item No. 18

### In Memoriam

**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 2023 House of Delegates Meeting.

Colin G. Andries	Michael J. Heher	Paul B Osterlund
Wayne R. Appleman	Eldon R. Hugie	Hon. Edwin J. Peterson
Alice M. Bartelt	John S. Irvin	Terry L. Rahmsdorff
Patrick M. Bible	Westbrook Johnson	Robert P. Ritter
Pamela Bond	Mary W. Johnson	Linda R. Rodgers
Robert Brazeau	Bernard Jolles	Eric R. Schelin
Scott A. Brooksby	James M. Kearney	Douglas Schoen
James M. Brown	Wayne W. Killion III	Amy Segel
Bergen Bull	Russell Lipetzky	Leon Simson
Jesse Coggins	Terence P. Lukens	Cara J. Smith
Peter M. C. Courtney	Elisabeth Mason	Robert F. Suchy
Lt. Col. David C. Davies	Gregory McMurdo	Richard Van Hoomissen
Samuel W. Eastman	Hon. Joseph M. Meier	Mark E. Vovos
Richard A. Finnigan	Hon. Maurice K. Merten	Jeffrey D. Waarvick
Elizabeth Fithian-Barrett	Stephen H. Miller	David E. Wattel
Nathan L. Garcia	Douglas E. Minger	Jacob Wieselmann
John M. Gray Jr.	Patrick J. Mosey	Robert L. Wolf
Harold M. Gross	Daniel E. O'Leary	Karen J. Zorn
Terrance A. Hall		

#### Presenters:

Kyle Sciuchetti, BOG Region 8

John Marandas, BOG Region 7

Kellie Furr, BOG Region 5



## HOD Delegate Resolution No. 3

Excluded from preliminary agenda

### Support of Adequate Funding for Oregon CASA Network

**Whereas**, Oregon children have statutory rights to: (A) Permanency with a safe family; (B) Freedom from physical, sexual or emotional abuse or exploitation; and (C) Freedom from substantial neglect of basic needs. ORS 419B.090(2)(a).

**Whereas**, “In every case under ORS chapter 419B, the court shall appoint a court appointed special advocate.” ORS 419B.112(1). This means that Court Appointed Special Advocates (CASAs) must be appointed to every foster care case statewide.

**Whereas**, ORS 419B.112(2) identifies the duties of the CASA to:

- “(a) Investigate all relevant information about the case;
- (b) Advocate for the child or ward, ensuring that all relevant facts are brought before the court;
- (c) Facilitate and negotiate to ensure that the court, the Department of Human Services, if applicable, and the child or ward’s attorney, if any, fulfill their obligations to the child or ward in a timely fashion; and
- (d) Monitor all court orders to ensure compliance and to bring to the court’s attention any change in circumstances that may require a modification of an order of the court.”

**Whereas**, CASAs are supervised by CASA programs statewide. There is a CASA program in every Oregon County; together, these CASA programs comprise the Oregon CASA Network. Each CASA program is responsible for the recruitment, training, and supervision of CASAs for the county or counties they serve. CASAs advocate for the best interests of children in foster care, including their physical safety, health, emotional well-being, education, and culturally-specific needs.

**Whereas**, despite establishing a statewide CASA Fund under ORS 184.498, the State of Oregon never appropriated the \$20 million dollars per biennium needed to fulfill the statutory mandate of providing a CASA to the thousands of Oregon children living in foster care. Oregon has over 5,000 children and young adults in foster care according to the Oregon Department of Human Services Data Book.

**Whereas**, foster youth are a marginalized and vulnerable community, having undergone the traumatic experience of removal from home and being disproportionately comprised of Black and Indigenous youth. Inadequate funding for CASA undermines access to justice for abused and neglected foster youth.

**Whereas**, foster youth face heightened risks of homelessness and incarceration. Less than half of all Oregon foster youth have graduated from high school or earned a GED by age 21, according to the Annie E. Casey Foundation (2023). Failure to earn a diploma or GED results in a lifetime of lost earning potential.

**Resolved**, that the Oregon State Bar;

- (1) Make a commitment to raise awareness of and advocate for state funding for the Oregon CASA Network.
- (2) Request that Congress and the President of the United States make a genuine commitment to foster children by bringing back lost federal funding to the Oregon CASA Network and the local CASA programs that make up OCN.
- (3) Work with Oregon's juvenile judges and the Oregon CASA Network to appropriate additional funds to the CASA Fund under ORS 184.498.
- (4) Actively participate in the efforts of the Oregon CASA Network to encourage the participation of OSB members in their local CASA program, either by becoming a CASA or by offering pro bono services and support of local CASA programmatic needs.
- (5) Raise awareness of local CASA programs within every HOD region by each region's members of the House of Delegates.
- (6) Support the Oregon CASA Network in efforts to educate lawyers and the community about the legal needs of foster youth.
- (8) Support the fundraising efforts of Oregon CASA Network and local CASA programs.

**Submitted by:**

Brent Smith, OSB #065971, HOD, Region 1

Timothy Williams, OSB # 034940, HOD, Region 1

David Wade, OSB #931217, HOD, Region 2 & OSB Past President 2021

Brent Barton, OSB # 062698, HOD, Region 4

John Grant, OSB #112052, HOD, Region 5

Kamron Graham, OSB #131874, HOD, Region 5 & OSB Past President 2022

Vanessa Nordyke, OSB #084339, HOD, Region 6 & OSB Past President 2018

James Klonoski, OSB # 145408, Out-of-State Elected Delegate

## **Background**

The mission of the Oregon State Bar is to serve justice and the public interest by promoting respect for the rule of law, by improving the quality of legal services, and by increasing access to justice. Courts are mandated to appoint a CASA to every child in the foster care system under ORS chapter 419B. CASAs improve the quality of legal services by fulfilling their statutory duties to investigate each foster care case, to monitor compliance with court orders, and to bring to the court's attention any change in circumstances that may require a modification of a court order.

CASAs increase access to justice by advocating for an extremely vulnerable population of all Oregon youth in foster care. Foster youth are disproportionately youth of color and most commonly hail from families living in poverty.

The State of Oregon has never appropriated the funding necessary to fulfill the statutory mandate of a CASA for every child in foster care. The Oregon CASA Network (OCN) estimates that \$20,000,000 (twenty million) dollars is needed per biennium to meet the statutory mandate under ORS 419B.112 in all 36 Oregon counties. For the 2023-2025 biennium, the Oregon CASA Network received \$5,908,140 in state funds to be divided up amongst all 36 counties.

Historically, the Oregon State Bar has not partnered with the Oregon CASA Network. It is high time the Bar get involved. Protection of the public is precisely what CASAs do. CASAs advocate for abused and neglected children. CASAs' eyes on kids reduce the risk of more abuse after children enter the foster care system. CASAs ensure that court orders are followed.

The vulnerability of abused and neglected youth in foster care is not in dispute. According to research completed by the Annie E. Casey Foundation in 2023, just 49% of all Oregon foster youth have a high school diploma or a GED by age 21. The graduation rate for foster youth assigned to a CASA is dramatically higher. In 2024, 87% of foster teens assigned to a CASA in Marion County graduated on time. While caseworkers, judges, and juvenile attorneys may change throughout the life of a case, the CASA is the one constant in the child's life. OCN's trauma-informed approach helps foster youth heal physically and emotionally.

This resolution is intended to raise awareness of and financial support for OCN's work each day with some of Oregon's most traumatized children and young adults. The Oregon State Bar is uniquely positioned to support OCN's efforts to increase state funding and to regain federal funding. The State of Oregon has ceased sending pass-through federal dollars to Oregon CASA Network. OCN and the local CASA programs have painfully felt this loss of funding. Without funding, CASA programs cannot recruit, train, and supervise enough CASAs to represent the thousands of babies, children, and young adults in Oregon's foster care system. As a result, many foster youth go without a CASA.

Lawyers, paralegals, and other legal professionals make outstanding CASAs. CASAs are required to review discovery, prepare court reports, examine witnesses, and advocate for children in juvenile court. The Oregon CASA Network stands ready to work with OSB and legal professionals to increase access to justice for some of our state's most vulnerable.