

Seeking Comment on Changes to HOD Rules

The Oregon State Bar Board of Governors (BOG) expects to present changes to the House of Delegates (HOD) Rules of Procedure at this year's fall meeting. The board invites member and public comment on the draft amendments by June 21, 2023, to inform their discussion of the rules at its June 23 BOG meeting.

The HOD Rules of Procedure govern debate and procedure within the House. Pursuant to ORS 9.142, the BOG formulates the rules for the HOD, and then the HOD must vote to adopt any changes. Since the last amendments in 2010, there have been substantial changes to how the HOD operates.

Most notably, the House has been operating with remote appearances, a prospect the original rules never envisioned. In addition, the HOD now relies on electronic software for debate as well as voting, which requires different rules to orderly manage debate.

The proposed changes add a number of new features based on lessons from the past two HOD meetings, including:

- 1.1 to 1.3 – Allowance of meeting electronically, in-person, or hybrid.
- 3.1 to 3.4 – Decorum instructions for delegates appearing electronically.
- 5.4 – A change to allow delegates to submit matters for the agenda after the election of new members to the House of Delegates.
- 6.2 – Members appearing electronically are counted towards quorum.
- 7.3 to 7.8 – New rules regarding debate using an electronic queue system.
- 8.4 to 8.5 – Rules related to electronic voting.
- 9.1 to 9.4 – New Rules related to the proposal of amendments.

Comments are invited **by June 21, 2023** to feedback@osbar.org.

Style Definition: Text 1: Justified

**Oregon State Bar House of Delegates
Rules of Procedure**

(As amended October 29, 2010)

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Rule 1-Meetings of the House

1.1 The House of Delegates shall meet at least annually at a time ~~and place~~ set by the Board of Governors. ~~The Board of Governors may establish the House of Delegates to meet at a place in-person, electronically, or a combination thereof.~~ The President of the Oregon State Bar may call special meetings of the House, and shall call a special meeting of the House if requested to do so in writing by twenty-five (25) or more delegates. See ORS 9.142(1) and (2).

1.2 Notice of meetings of the House shall be given as required in the Bar Act and in the bar bylaws and policies ~~of the State Bar.~~

1.3 ~~The House of Delegates may meet in-person, electronically, or a combination thereof through the use of electronic software platforms selected by the bar that allows for recognition of delegates, debate, and the recording and tallying of delegate votes.~~

Rule 2-Presiding Officer

2.1 The President of the Oregon State Bar shall preside over meetings of the House of Delegates. In the President's absence or inability to act, the President shall designate another officer to preside. See ORS 9.070(1).

2.2 The presiding officer shall preserve order, require observance of the rules of procedure and decide all questions of order and procedure.

2.3 Proceedings of the House of Delegates shall be governed, in the following precedential order, by the Bar Act, the bylaws and policies of the State Bar, these ~~R~~Rules, and the current edition of Robert's Rules of Order Newly Revised.

Rule 3-Delegates and Delegations

3.1 Delegates shall be selected as provided in the Bar Act and by the bar bylaws and policies ~~of the State Bar.~~ ~~Delegates may not designate an alternate delegate. There shall be no alternate delegates, except that with the exception that only bar sections or local bar associations may designate an alternate delegate, provided the alternate delegate is a person duly authorized in the organization's bylaws or otherwise other authority to act in the stead of in the section's chair's or local bar association's president's stead.~~

3.2 Delegates must register ~~in-person for~~ House meetings either in-person or through the electronic platform. Delegates will be provided with special ~~identification credentials~~ for registration and voting.

3.3 ~~Delegates will be provided login credentials to the electronic platform. Delegates attending electronically are responsible to provide equipment to allow for participation electronically, including an Internet connected device, camera and microphone, and a stable internet connection.~~

3.4 ~~Delegates attending electronically should have their camera turned off, and microphone muted until the delegate is recognized by the presiding officer.~~

Rule 4-Record of Proceedings

4.1 Proceedings of the House of Delegates shall be recorded stenographically. Meeting transcripts shall be maintained ~~at the OSB Center~~ by the Oregon State Bar.

4.2 As soon as practicable after each meeting of the House of Delegates, the ~~Chief Executive Officer~~ Executive Director shall prepare and publish to the Oregon State Bar membership a summary of the actions of the House.

Rule 5-Agenda and Order of Business

5.1 Members of the Oregon State Bar, ~~members-delegates~~ of the House of Delegates, and the Board of Governors may submit questions or measures for placement on the agenda of House meetings as set forth in Rules 5.2 through 5.4.

5.2 At meetings of the House of Delegates, the Board of Governors shall submit to the House reports of the proceedings by the Board since the last meeting of the House, reports of the officers and committees of the State Bar, and recommendations of the Board. See ORS 9.142(2).

5.3 Any active member of the Oregon State Bar, by petition signed by at least two percent (2%) of all active members of the State Bar, may submit a question or measure for the agenda of any House of Delegates meeting as provided in the Bar Act. See ORS 9.148(3). The petition must be filed with the Chief Executive Officer~~Executive Director~~ at least forty-five (45) days before the meeting at which it is to be presented.

5.4 A ~~member-delegate~~ of the House of Delegates may submit a question or measure for the agenda of any House of Delegates meeting by delivering a copy of the full text of the item to be presented, including a description of any financial impact, to the ~~Executive Director~~Chief Executive Officer ~~at most one-hundred eighty (180) and~~ at least forty-five (45) days in advance of the meeting at which it is to be presented. If a delegate presenting a question or measure is no longer a delegate at the date of the meeting, the question or measure shall be removed from the agenda.

5.5 In advance of any meeting of the House of Delegates, the Board of Governors of the Oregon State Bar shall review proposed agenda items for conformity with applicable law and bar policy and propose a preliminary agenda for the meeting. The preliminary agenda, along with notice of the questions or measures the Board determined should not be placed on the agenda, shall be published, with notice thereof, to the membership of the Oregon State Bar at least twenty (20) days prior to the meeting.

5.6 An agenda shall be adopted by the House of Delegates at the commencement of each meeting. Upon motion of a delegate, the House may add to the agenda, prior to its final adoption, any question or measure submitted pursuant to Rules 5.2 to 5.4 above and excluded from the agenda by the Board. The order of business at meetings of the House shall be as set forth in the agenda adopted by the House.

5.7 If the presenter of an agenda item is not available when the meeting has reached that point on the agenda, the item will be moved to the end of the agenda. If the presenter is unavailable when the item is subsequently called, it will be considered withdrawn.

Rule 6-Quorum

6.1 A majority of the total number of delegates shall constitute a quorum for the transaction of business by the House of Delegates. See ORS 9.142(1).

6.2 Delegates appearing electronically who indicate their presence via electronic ballot during a call for quorum shall be counted towards quorum.

Rule 7-Debate

7.1 ~~All a~~Active members of the ~~bState Bar~~ may participate in the discussion of matters before the House. See ORS 9.148(1). Only delegates may invoke the House rules and parliamentary procedure during meetings of the House.

7.2 The presenter of an item on the agenda shall have five (5) minutes to open and one (1) minute to close. All other speakers shall have a maximum of three (3) minutes for their presentations. The presiding officer may, with the consent of the House, lengthen the time for a speaker's presentation.

7.3 Speakers who would like to speak on a matter shall queue electronically in the "pro," "con," or "motions/questions" queues to be recognized to speak. The presiding officer will recognize "pro," and "con," and "motions/questions" speakers alternately in turn. Speakers voicing support for a matter should speak within the "pro" queue, speakers opposing a matter should speak from the "con" queue, and speakers with questions or

~~motions should speak from the “motion/questions” queue. Those persons wishing to speak to “other” aspects of an issue will be recognized alternately with the “pro” and “con” speakers.~~

~~7.4 All speakers, when recognized by the presiding officer, from the floor must state their full names and indicate whether they are delegates, their elected region or ex-officio status, and must state whether they are speaking “pro,” “con,” or to a privileged motion or inquiry/question, or otherwise. Speakers appearing electronically must activate their camera and unmute their microphone to be seen and heard by the House.~~

~~7.5 No person who has spoken “pro” or “con” on an issue will be recognized again until all other persons who wish to speak on that issue have been given the opportunity.~~

~~7.6 Debate on a pending matter is limited to that specific matter, and not the general subject. Speakers must also speak from the proper queue. The presiding officer has discretion to withdraw recognition from a speaker who does not speak from the proper queue or does not limit debate to the specific matter.~~

~~7.7 All motions, including a motion to end debate, during debate on a matter shall only be made from the “motions/questions” queue. Motions from the floor or from the “pro” or “con” queues are out of order and will not be recognized.~~

~~7.8 If there are no members in queue to debate on a matter, the presiding officer may direct the House to vote on the matter.~~

Rule 8-Voting

~~8.1 Only delegates may vote. Each delegate has only one vote. Cumulative voting and voting by proxy are not permitted. A delegate’s vote will be counted only if the delegate is within the delegate voting area, or, if voting electronically, the delegate submits an electronic ballot.~~

~~8.2 Votes shall be taken as determined by the presiding officer.~~

~~8.3 The presiding officer shall not vote except in the event of a tie.~~

~~8.4 All delegates (whether in-person or appearing electronically) may be required to vote via electronic ballot (ORS 9.142(3)). The Oregon State Bar will inform delegates of this requirement prior to the meeting and provide login credentials for delegates to vote via electronic ballot. Delegates, including those appearing in-person, will be responsible to provide an Internet connected device that will allow for voting via electronic ballot during the meeting.~~

~~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) 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.~~

Rule 9- Amendments

~~9.1 If a delegate seeks to amend a matter on the floor, the delegate must submit an amendment in writing prior to moving to amend a matter on the floor. Members appearing electronically will be provided an email address to submit amendments.~~

~~9.2 Amendments must be germane to the subject of a matter the amendment seeks to amend and further comply with the Bar Act, bylaws and policies of the bar. The presiding officer shall decide on whether an amendment is germane to the matter and complies with the Bar Act, bylaws, and policies of the bar.~~

~~9.3 Once a motion to amend is seconded, the House may not further amend the proposed amendment, except via friendly amendment, until a vote is taken to approve the amendment.~~

9.4 Delegates may offer a friendly amendment to the original movant of a matter. The amendment is adopted to the matter without a vote of the House if the movant and the delegate seconding the motion accept the friendly amendment. If the friendly amendment is not accepted, the delegate must move to amend under Rule 9.1.

Rule ~~109-Attendance~~ Public Meetings Law

109.1 Meetings of the House of Delegates are open to all members of the Oregon State Bar, the media and the public, except as provided otherwise by the Public Meetings Law (ORS 192.610 et seq.).

Rule ~~110~~-Amendment of Rules

~~11.140.1~~ These rules may be amended by a vote of a majority of the delegates present and voting. Only delegates may propose amendments to these rules. Proposals for amending the rules must be submitted to the ~~Executive director~~ Chief Executive Officer at least forty-five (45) days in advance of the meeting of the House at which the amendment is to be considered.